

2-59 - Appellant - Immanuel Baptist Church

re: parking lot 1408-14-20-24 S. Topeka  
also 1415 abuts church property

*File*

FEBRUARY 9, 1960

REV. FORREST H. SILER  
IMMANUEL BAPTIST CHURCH  
1400 SOUTH BROADWAY  
WICHITA 11, KANSAS

RE: BZA 2-59

DEAR SIR:

THIS IS TO ADVISE YOU THAT WE HAVE CONTACTED THE OFFICE OF THE CITY CLERK, AND HAVE DETERMINED THAT NO APPEAL HAS BEEN TAKEN IN THE DECISION RENDERED BY THE BOARD OF ZONING APPEALS RELATIVE TO SUBJECT CASE. ACCORDINGLY, THE DECISION RENDERED BY THE BOARD ON JANUARY 26, 1960, IS FINAL, AND YOU ARE ACCORDINGLY GRANTED PERMISSION BY THAT BOARD TO CONTINUE WITH THE CONSTRUCTION OF THE OFF-STREET PARKING FACILITIES AS PREVIOUSLY APPROVED IN SUBJECT CASE.

ATTACHED IS ONE COPY OF THE RESOLUTION ADOPTED BY THE BOARD OF ZONING APPEALS, SIGNED BY THE CHAIRMAN AND SECRETARY.

THIS RESOLUTION STATES THE CONDITIONS UNDER WHICH YOUR REQUEST WAS APPROVED BY THE BOARD.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS MATTER, PLEASE DO NOT HESITATE TO CALL ON US.

VERY TRULY YOURS,

*me*  
LELAND R. EDMONDS  
SECRETARY

CC: S.B. MAPLE  
SUPERINTENDENT OF BUILDING INSPECTION

090.2067

March 16, 1959

F. H. Siler, Pastor  
Emmanuel Baptist Church  
Wichita, Kansas

Dear Reverend Silers:

We have received your letter of March 11, 1959. In this letter you indicate that the church is planning a purchase of four houses designated as 1408 through 1424 South Topoka, to be used as sites for parking and Sunday School facilities.

An examination of the zoning maps for this area indicates that all of these lots are presently zoned "RB", four-family dwelling district. Under this zoning, off-street parking is not a permitted use. In the "RB" zoning district, the Sunday School facilities would be a permitted use.

It would appear that the zoning ordinances provides for a method by which you may be able to gain approval for the use of the two northerly lots (1408 and 1414 South Topoka) for parking purposes. This is to be found in Section 21-19-B-2 of the Code of the City of Wichita, which provides that the Board of Zoning Appeals may, after public and notice hearing, grant a special permit for parking areas in an "RB" district, provided that the following conditions, among others, are found to be present:

1. The parking area must be within two hundred feet of the boundary of a "LC", "CJ", "M", "E", OR "F" district.
2. The parking area must be located on the same side of the street and adjoining or across an alley from the property it is to serve.
3. The parking area must be contiguous to the property it is to serve.
4. In unusual situations the parking area may be across the street, or around the corner from the property it is to serve.

It appears that Condition 1 is fully met. Condition 2 is met, if it is interpreted that this property would so, at least in major part, adjoin the Sunday School facilities which you contemplate constructing on the southerly two lots (1420 and 1424 South Topoka). Condition 3 appears to be met in that the two lots are contiguous with the two lots which will be used for Sunday School facilities. Condition 4, if liberally interpreted, would permit this request to be an "unusual situation."

If the church does not desire to go before the Board of Zoning Appeal to request this exception, the other alternative is that it goes before the Planning Commission and, ultimately, the City Commission to request a change in zoning. A "B" zoning district would permit off-street parking as a use by right.

The Planning Department would suggest that you carefully consider the two alternative routes which might be taken to obtain approval of the use of the land which you desire. If the Planning Department may be of further assistance to you in reaching a decision on this matter, please do not hesitate to call us.

Very truly yours,

Leland R. Edmonds  
Senior Planner

LEE:V

*Immanuel Baptist Church* .. Wichita, Kansas

*F. H. Siler, Pastor*

*J. R. Wilcox*  
ASSISTANT PASTOR

*Royce Dowell*  
MINISTER of MUSIC and EDUCATION

March 11, 1959

Date \_\_\_\_\_ By \_\_\_\_\_  
Answered 3/13/59 WCS  
Filed \_\_\_\_\_

City Planning Commission  
City Building Annex  
Attention: Mr. Edmonson  
Wichita, Kansas

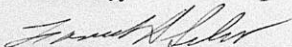
Dear Sir:

Immanuel Baptist Church, 1400 South Broadway, is badly in need of additional property for parking facilities. We are contemplating purchase of four houses across Topeka from our church location. These are indicated on enclosed plat plan. These include 1408 through 1424.

We intend to use two of the houses for church activities and clear out two for parking area. The two which would be used strictly for parking are 1408-1414, while 1420 and 1424 would be used for additional Sunday School facilities.

Since these people are anxious to sell it would be greatly appreciated if some immediate action could be taken to assure our church this use of these lots. Of course, as you readily see, they would be of no value to us otherwise.

Sincerely,



Forrest H. Siler, Pastor

FHS:hjj



1400 South Broadway on Highway 81

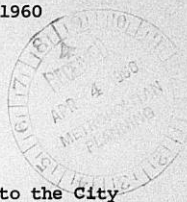
**THE CITY OF WICHITA**

**OFFICE OF** Assistant City Attorney      **DATE** April 2, 1960

**TO** Board of Zoning Appeals, Att. Leland R. Edmonds

**FROM** Eugene L. Pirtle

**SUBJECT** BZA 2-59



Relative to your letter of March 28, 1960, directed to the City Attorney in the above matter, this is to suggest the following:

1. Section 21-27-E read literally would barr the reopening of the Board's ruling on the Immanuel Baptist Church application for off-street parking. The ordinance does not state who shall determine "an error" in the proceeding as a condition precedent to the reopening of a prior ruling by the Board of Zoning Appeals.

2. Liberally construed, the Board of Zoning Appeals could itself determine that it had committed error in omitting the tenth condition relative to the establishment of a retaining wall along Mr. Hobson's property line.

3. If the church were to consent to a revision of Resolution No. 2-59 to include the tenth condition mentioned above, the solution of the problem would be simplified.

At the time of the hearing upon the church's application, it was suggested to the Board that its jurisdiction was questionable inasmuch as the property involved was not contiguous and continuous to the church property. At that time the landowner, Mr. Hobson, was reluctant to resist the application of the church although he did not personally agree with it, and the church indicated that its application was on a "good neighbor" basis and that it desired to comply with any reasonable requirements that the Board of Zoning Appeals might make.

At the time of the ruling by the Board of Zoning Appeals, we were of the opinion that the landowner could have sought an injunction restraining the action of the Board of Zoning Appeals due to its questionable jurisdiction. The landowners did not appeal this ruling.

If the Board is to re-open the matter, the church would likewise be in a position to obtain a judicial construction of the meaning of the terms of the ordinance "unless an error in the proceeding has

**THE CITY OF WICHITA**

**OFFICE OF**

**DATE**

Page 2

**TO** Board of Zoning Appeals, Att. Leland R. Edmonds

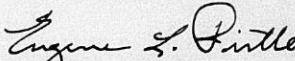
**FROM**

**SUBJECT**

been found."

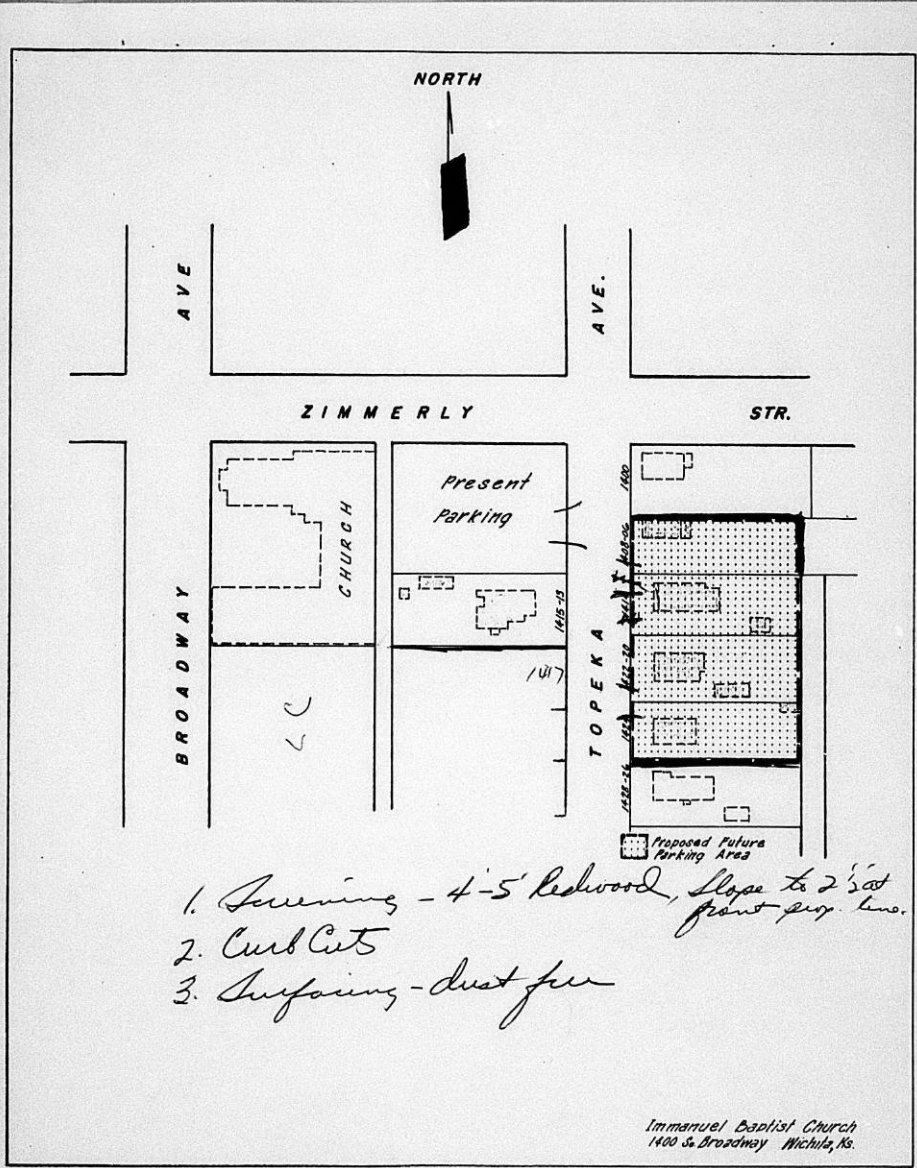
4. We suggest a practical initial solution is to re-submit the matter to the Board of Zoning Appeals informally and ask for the Board's permission to contact the representatives of the church directly in order to determine whether or not the church would consent to a re-opening and the establishment of an additional condition pertaining to the retaining wall. In the absence of voluntary consent by the church, it would be up to the Board as to whether it wished to determine that it had committed error in omitting the retaining wall condition in its ruling of April 28, 1959.

Very truly yours,



EUGENE L. PIRTLE  
Assistant City Attorney

ELP/wcb



RECEIPT FOR CERTIFIED MAIL—15¢

No. 6386314

SENT TO <i>Immanuel Baptist Church</i>		POSTMARK OR DATE <i>4-20-59</i>
STREET AND NO. <i>1400 So. Bwy.</i>		
CITY AND STATE <i>Wichita, Kansas</i>		
If you want a return receipt, check which <input checked="" type="checkbox"/> It shows to whom and when delivered <input type="checkbox"/> It shows to whom, when, and address where delivered		If you want restricted delivery, check here <input type="checkbox"/> 20¢ fee

POD Form 3800 July 1955 Replaces previous editions of this form which MAY be used.

104

# 1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver ONLY to addressee  Show address where delivered *Not Del for. 37*

(Additional charges required for these services)

RETURN RECEIPT

Received the numbered article described on other *South Wichita St.*

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)  
*Jessie H. Siler, Pastor*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY  
*Harold Jewell, Secretary*

DATE DELIVERED *4/21/59* ADDRESS WHERE DELIVERED *South Wichita St.*

CS-14-7182

**RECEIPT FOR CERTIFIED MAIL—15¢**

No. 6386314

SENT TO <i>Immanuel Baptist Church</i>	POSTMARK OR DATE  <i>4-20-59</i>
STREET AND NO. <i>1400 So. Blwy.</i>	
CITY AND STATE <i>Wichita, Kansas</i>	
<input checked="" type="checkbox"/> If you want a return receipt, check which 7c shows to whom and when delivered	<input type="checkbox"/> If it shows to whom, when, and address where delivered  <input type="checkbox"/> If you want restricted delivery, check here 20c fee

POD Form 3900 July 1955 Replaces previous editions of this form which MAY be used.

POST OFFICE DEPARTMENT OFFICIAL BUSINESS

APR 21 6 PM 1959  
 KANS.

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO.	NAME OF SENDER <i>Metropolitan Planning</i>
CERTIFIED NO. <i>6386314</i>	STREET AND NO. OR P. O. BOX <i>104 So. Main</i>
INSURED NO.	CITY, ZONE AND STATE <i>Wichita 2, Kans.</i>

RETURN TO

PENALTY FOR PRIVATE USE IF POSTAGE IS PAID BY ADDRESSEE

POSTAGE WILL BE PAID BY ADDRESSEE

DELIVERING OFFICE

CBS-18-71849-4



THE CITY OF WICHITA, KANSAS

BOARD OF ZONING APPEALS - 104 S. MAIN - WICHITA 2, KANSAS

April 20, 1959

NOTICE OF HEARING OF APPEAL

CERTIFIED MAIL

Forrest H. Siler, Pastor  
Immanuel Baptist Church  
1400 South Broadway  
Wichita, Kansas

Dear Pastor Siler:

Your appeal, under the Zoning Ordinance, relative to premises  
at:

1408-14-20-24 South Topeka, also 1415 South  
Topeka, which joins your property

has been given Board of Zoning Appeals Case No. 2-59.

All inquiries and references should always be made to that Case  
Number when you seek information from the Secretary.

Further, you are notified to appear before the Board of Zoning  
Appeals either in person, or by agent or attorney, for a hearing of  
this case on Tuesday, April 28, 1959, at 1:30 P.M. in Room 401,  
City Building Annex, 104 South Main, Wichita, Kansas.

Respectfully,

Secretary,  
Board of Zoning Appeals

LRE:njj

JANUARY 8, 1960

REV. FORREST H. SILER  
PASTOR, IMMANUAL BAPTIST CHURCH  
1400 SOUTH BROADWAY  
WICHITA, KANSAS

RE: BZA-2-59

DEAR REV. SILER:

I HAVE RECEIVED A COPY OF A LETTER DATED JANUARY 6, 1960, SENT TO YOU BY MR. S. B. MAPLE, SUPERINTENDENT OF BUILDING INSPECTION. IN THE LETTER, MR. MAPLE ADVISED THAT CONDITION No. 9 OF SUBJECT BOARD RESOLUTION HAS NOT BEEN MET IN AS MUCH AS THE CONSTRUCTION OF THE LOT WAS NOT COMPLETED BY JANUARY 1, 1960.

YOU ARE HEREBY ADVISED THAT THIS MATTER WILL BE PRESENTED TO THE BOARD OF ZONING APPEALS FOR ITS CONSIDERATION ON JANUARY 26, 1960. AT THIS TIME THE BOARD WILL HAVE THE OPPORTUNITY TO EXTEND THE TIME FOR COMPLETION OF THE PARKING LOT OR TOTAKE SUCH ACTION AS IT DEEMS APPROPRIATE.

OUR LEGAL COUNSEL HAS ADVISED THAT ADVERTISING, PUBLIC NOTICE, AND INDIVIDUAL NOTICE WILL NOT BE REQUIRED IN THIS CASE.

YOURS VERY TRULY,

LELAND R. EDMONDS,  
SECRETARY

c.c. S. B. MAPLE

Planning

BZA 2-59

January 6, 1960

Re: Board of Zoning Appeals Resolution No. 2-59  
1408-24 South Topeka

Rev. Forrest H. Siler  
Pastor, Immanuel Baptist Church  
1400 South Broadway  
Wichita, Kansas

Dear Sir:

Condition No. 9 relative to the permission to install and operate a parking lot at this place states:

"That construction of the lot be completed by January 1, 1960 or this permit shall be subject to re-examination revocation by the Board of Zoning Appeals."

Inasmuch as this condition has not been met, and in accordance with this said condition, I am informing the Secretary of the Board of Zoning Appeals of this fact, by means of a copy of this letter.

This Board has its regular monthly meeting on January 26, 1960, and no doubt they will give this matter consideration at that time.

It is suggested that you contact the Secretary, Mr. Leland R. Edmonds, and he will be glad to give you any instructions relative to your reappealing this matter to the Board.

Yours very truly,

S. B. Maple  
Superintendent of Building Inspection

SBM MG

Cc Mr. Leland R. Edmonds ←



# Immanuel Baptist Church

1400 South Broadway  
Wichita 11, Kansas

FORREST H. SILER  
Pastor  
T. R. WILCOX  
Associate  
ROYCE DOWELL  
Minister of Music  
and Education

January 8, 1960

Date By  
Answered 1-11-60 HSE  
Filed 1-11-60

Mr. Leland R. Edmonds, Secretary  
Board of Zoning Appeals  
City Building Annex  
104 South Main  
Wichita, Kansas

BZA 2-59

Dear Sir:

Mr. Maples has notified Immanuel Baptist Church that condition #9 relative to permission to install and operate a parking lot at 1408-24 South Topeka has not been met. This condition concerns a completion date which was set as January 1, 1960.

I'm sure you realize some of the delays which have ensued from moving tenants, removing the houses and etc.

The total contract is functioning, the lot has been brought to grade, a four inch base installed. The new walks and curbing are complete. Wet weather and frequent freezes brought this work to a standstill about the middle of December. The lots will be completed according to Committee specifications as soon as possible. It is not being used and will not be until complete.

We earnestly request a reasonable extension upon completion date.

Our architect is Mr. Garrold Griffin.

Our contractor is Peter Kiewit and Sons Co.

Please inform me if any further action should be taken on our part. Our church has gone to tremendous expense to comply in every way. We are most grateful for your cooperation in the past. The delays have been absolutely unavoidable we feel.

Sincerely,

*Forrest H. Siler*  
Forrest H. Siler, Pastor

FHS:hjj  
cc Mr. S. B. Maples

The Church with the

**FORWARD LOOK**

AMherst 2-1452



BZA 2-59

JANUARY 12, 1960

REV. FOREST H. SILER  
IMMANUEL BAPTIST CHURCH  
1400 SOUTH BROADWAY  
WICHITA 11, KANSAS

DEAR SIR:

Re: BZA 2-59

THIS WILL ACKNOWLEDGE RECEIPT OF YOUR LETTER OF JANUARY 8, 1960, CONCERNING SUBJECT BOARD OF ZONING APPEALS ACTION. WE HAVE PREVIOUSLY WRITTEN YOU RELATIVE TO THE SAME PROBLEM OF YOUR FAILURE TO COMPLETE THE WORK ON THE PARKING LOT BY JANUARY 1, 1960, AS PRESCRIBED BY THE BOARD OF ZONING APPEALS.

YOUR LETTER EXPLAINING THE EXTENT TO WHICH THE PROJECT HAS PROGRESSED AND THE REASON FOR THE DELAYS, WILL BE PRESENTED TO THE BOARD OF ZONING APPEALS ON JANUARY 26, AS WE HAD PREVIOUSLY INDICATED. WE WOULD SUGGEST THAT YOU ALSO BE PRESENT TO ANSWER ANY QUESTIONS WHICH THE BOARD MAY HAVE CONCERNING YOUR FUTURE ACTIVITIES ON THIS PARTICULAR PROJECT.

VERY TRULY YOURS,

LELAND R. EDMONDS  
SECRETARY

LRE:BER

JANUARY 27, 1960

REV. FORREST H. SILER  
IMMANUEL BAPTIST CHURCH  
1400 SOUTH BROADWAY  
WICHITA II, KANSAS

RE: BZA 2-59

DEAR SIR:

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF JANUARY 26, 1960, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED YOUR REQUEST FOR A TIME EXTENSION TO COMPLETE THE PARKING LOT TO BE LOCATED AT 1408, 1414, 1420, 1424 SOUTH TOPEKA, WICHITA, KANSAS. THE BOARD OF ZONING APPEALS HAS ADOPTED A RESOLUTION PROVIDING FOR A TIME EXTENSION OF 90 DAYS (UNTIL APRIL 1, 1960) AND FURTHER PROVIDING THAT THE BUILDING INSPECTION SUPERINTENDENT MAY AUTHORIZE AN ADDITIONAL EXTENSION OF 30 DAYS IF, IN HIS OPINION, SUCH EXTENSION IS WARRANTED AND NECESSARY.

UNDER THE PROVISIONS OF SECTION 21-27-F OF THE CODE OF THE CITY OF WICHITA, ALL DECISIONS OF THE BOARD OF ZONING APPEALS ARE SUBJECT TO APPEAL TO THE BOARD OF CITY COMMISSIONERS WITHIN A PERIOD OF TEN DAYS FROM THE TIME OF ADOPTION BY THE BOARD OF ZONING APPEALS. ACCORDINGLY, THE ACTION OF THE BOARD GRANTING THE EXTENSION WILL BECOME FINAL ON FEBRUARY 5, 1960 PROVIDED THAT NO AGGRIEVED PROPERTY OWNER APPEALS THE DECISION TO THE CITY COMMISSION ON OR BEFORE THAT DATE.

YOU WILL BE ADVISED BY THIS OFFICE SUBSEQUENT TO FEBRUARY 5 WHETHER OR NOT AN APPEAL HAS BEEN FILED. YOU WILL ALSO BE PROVIDED, SUBSEQUENT TO THAT DATE, WITH A COPY OF THE OFFICIAL RESOLUTION ADOPTED BY THE BOARD OF ZONING APPEALS.

VERY TRULY YOURS,

LELAND R. EDMONDS,  
SECRETARY

LRE:sdh

C.C. S. B. MAPLE

BOARD OF ZONING APPEALS  
FOURTH FLOOR, CITY BUILDING ANNEX  
104 South Main  
Wichita, Kansas

April 14, 1959

NOTICE TO ADJOINING PROPERTY OWNERS

An appeal has been filed by Immanuel Baptist Church

1400 South Broadway, Wichita, Kansas

Address:

as provided in Section 21-19, Volume I, Wichita City Code, 1955. The appellants desire to construct and maintain a parking area on the premises known as 1408, 1414, 1420, 1424 South Topeka, Wichita, Kansas, and described as:

South 64 feet of West half of Lot 21  
North 50 feet of West half of Lot 21  
South 50 feet of West half of Lot 22  
North 50 feet of West half of Lot 20  
All in ZIEBERLY'S ADDITION

This appeal has been given Case No. 2-59 and a hearing will be held by the Board of Zoning Appeals on Tuesday, April 28, 1959 at 1:30 P.M. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

By order of the Board of Zoning Appeals.

Leland R. Edmonds, Secretary  
Board of Zoning Appeals

BOARD OF ZONING APPEALS  
FOURTH FLOOR, CITY BUILDING ANNEX  
104 South Main  
Wichita, Kansas

April 14, 1959

NOTICE TO ADJOINING PROPERTY OWNERS

An appeal has been filed by Immanuel Baptist Church

1400 South Broadway, Wichita, Kansas  
Address:

as provided in Section 21-19, Volume 1, Wichita City Code, 1956. The appellants desire to construct and maintain a parking area on the premises known as 1402, 1414, 1420, 1424 South Topoka, Wichita, Kansas, and described as:

South 64 feet of West half of Lot 21  
North 50 feet of West half of Lot 21  
South 50 feet of West half of Lot 22  
North 50 feet of West half of Lot 20  
All in ZIMMERLY'S ADDITION

This appeal has been given Case No. 2-39 and a hearing will be held by the Board of Zoning Appeals on Tuesday, April 28, 1959 at 1:30 P.M. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

By order of the Board of Zoning Appeals.

Leland B. Edwards, Secretary  
Board of Zoning Appeals

Susan Isabelle Rodenbeck  
Wilma J. Scott  
1350 S. Topeka  
Wichita, Kansas

Estate of: W. H. & Minnie Drinnen,  
4669 Meadowland  
Wichita, Kansas

Wing Suey Wong  
Bak Nguay Wong  
Bok So Wong  
934 S. Wichita  
Wichita, Kansas

*Called 7-25-59  
got the right  
person*

Verma Elwood  
7603 E. Morris  
Wichita, Kansas

C. C. Scott  
Frona B. Scott  
1353 S. Topeka  
Wichita, Kansas

Wilbur Comstock  
Elsia M. Comstock  
1355 S. Topeka  
Wichita, Kansas

*Ret. unclaimed*

Estate of: Hattie M. Shore  
1447 S. Pinecrest  
Wichita, Kansas

Summer G. Whittier, Adm.  
Vet. Aff.  
Veterans Administration  
Wichita, Kansas

Immanuel Baptist Church  
1400 S. Broadway  
Wichita, Kansas

Myra E. Wineinger  
A. R. Wineinger  
1413 S. Topeka  
Wichita, Kansas

Ralph E. Haun  
Audrey A. Haun  
2540 S. Washington  
Wichita, Kansas

Claud H. Naylor  
Bertha E. Naylor  
605 W. Blake  
Wichita, Kansas

Melvin J. C. Wall  
Merline Wall  
4320 E. Lincoln  
Wichita, Kansas

Grace K. Hamilton  
1425 S. Topeka  
Wichita, Kansas

Elsie V. DeWater  
John W. DeWater  
1437 S. Topeka  
Wichita, Kansas

John C. Kujath  
Alfred C. Kujath  
1439 S. Topeka  
Wichita, Kansas

Glenn H. Haley  
Florence C. Haley  
1441 S. Topeka  
Wichita, Kansas

Aldrich Alter  
Waldena Alter  
925 Perry  
Wichita, Kansas

Lewis Clevenger  
Lilly May Clevenger  
1441 S. Emporia  
Wichita, Kansas

Earl Milligan  
Jessie R. Milligan  
1106 Schweiter Dr.  
Wichita, Kansas

BOARD OF ZONING APPEALS  
FOURTH FLOOR, CITY BUILDING ANNEX  
104 South Main  
Wichita, Kansas

April 14, 1959

NOTICE TO ADJOINING PROPERTY OWNERS

An appeal has been filed by Immanuel Baptist Church

1400 South Broadway, Wichita, Kansas

Address:

as provided in Section 21-19, Volume I, Wichita City Code, 1955. The appellants desire to construct and maintain a parking area on the premises known as 1408, 1414, 1420, 1424 South Topeka, Wichita, Kansas, and described as:

South 64 feet of West half of Lot 21  
North 50 feet of West half of Lot 21  
South 50 feet of West half of Lot 22  
North 50 feet of West half of Lot 20  
All in ZIMMERLY'S ADDITION

This appeal has been given Case No. 2-59 and a hearing will be held by the Board of Zoning Appeals on Tuesday, April 28, 1959 at 1:30 P.M. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

By order of the Board of Zoning Appeals.

Leland R. Edmonds, Secretary  
Board of Zoning Appeals

Ethel Rynders  
1302 N. Market  
Wichita, Kansas

Roy Winstead  
Sybil Winstead  
802 S. Poplar  
Wichita, Kansas

Mae Barnett  
1441 S. Market  
Wichita, Kansas

Elmer B. Hobson  
1400 S. Topeka  
Wichita, Kansas

Kenneth C. Bidwell  
Hattie E. Bidwell  
421 E. Zimmerly  
Wichita, Kansas

Clarence P. Potter  
1403 S. Emporia  
Wichita, Kansas

George D. Burk  
Gladys G. Burk  
1415 S. Emporia  
Wichita, Kansas

Kenneth O. Jones  
Ellen E. Jones  
1407 S. Emporia  
Wichita, Kansas

BOARD OF ZONING APPEALS

MARCH 28, 1960

FRED ALEY, CITY ATTORNEY

LELAND R. EDMONDS, SECRETARY, BOARD OF ZONING APPEALS  
BZA 2-59

ON APRIL 28, 1959, THE BOARD OF ZONING APPEALS ADOPTED A RESOLUTION PERMITTING THE PROPERTY AT 1408, 1414, 1420, AND 1424 SOUTH TOPEKA TO BE USED AS OFF STREET PARKING IN ASSOCIATION WITH THE EMANUEL BAPTIST CHURCH AT 1400 SOUTH BROADWAY. NINE CONDITIONS WERE ATTACHED TO THAT APPROVAL AS INDICATED ON THE COPY OF THE RESOLUTION ATTACHED.

ON MARCH 28, 1960, MR. ELMER B. HOBSON, 1400 SOUTH TOPEKA, ADVISED THIS OFFICE THAT EXCAVATION MADE NECESSARY BY ESTABLISHMENT OF NEW GRADES BY THE ENGINEERING DIVISION OF THE CITY OF WICHITA HAS RESULTED IN THE NEED FOR A SMALL RETAINING WALL 12 TO 18 INCHES IN HEIGHT ALONG THE PROPERTY LINE WHICH IS COMMON TO HIS PROPERTY AND TO THE PARKING LOT. HE HAS SUGGESTED, SPECIFICALLY, THAT THE BOARD OF ZONING APPEALS SHOULD ADD A TENTH CONDITION REQUIRING THE CONSTRUCTION OF THIS RETAINING WALL.

SECTION 21-27-E PROVIDES FOR THE AUTHORITY OF THE BOARD OF ZONING APPEALS TO RE-OPEN A CASE ONCE A DECISION HAS BECOME FINAL. THAT SECTION READS AS FOLLOWS:

"E. LIMITATION - THE BOARD OF ZONING APPEALS SHALL NOT HAVE THE AUTHORITY TO RE-OPEN A CASE ONCE A DECISION HAS BECOME FINAL UNLESS AN ERROR IN THE PROCEEDING HAS BEEN FOUND".

IT DOES NOT APPEAR TO ME THAT THIS SECTION WOULD GIVE THE BOARD OF ZONING APPEALS THE AUTHORITY TO RE-OPEN THIS PARTICULAR CASE AND ADD THIS ADDITIONAL CONDITION AS SUGGESTED.

MAY WE PLEASE HAVE THE COMMENTS OF THE DEPARTMENT OF LAW WITH RESPECT TO THE APPROPRIATE INTERPRETATION OF THIS SECTION OF THE ORDINANCE AND WITH RESPECT TO ANY POSSIBLE AUTHORITY WHICH THE BOARD OF ZONING APPEALS MIGHT HAVE BY WHICH IT COULD ASSIST MR. HOBSON IN HIS PROBLEM.

LELAND R. EDMONDS  
SECRETARY

LRE:BER  
ENCLOSURE  
CC: EUGENE PIRTLE

**THE CITY OF WICHITA**  
OFFICE OF City Attorney

**DATE** March 30, 1960

**TO** Eugene L. Pirtle, Assistant City Attorney  
**FROM** Fred W. Aley

**SUBJECT** BZA 2-59

Enclosed is letter dated March 28, 1960, from Leland R. Edmonds, Secretary Board of Zoning Appeals, with reference to the captioned matter. Attached to the letter is a photocopy of Resolution No. 2-59. Please reply to this letter, with a copy to this office.

Very truly yours,

Fred W. Aley  
City Attorney

FWA/f  
cc Leland R. Edmonds.



# Immanuel Baptist Church . . . Wichita, Kansas

F. H. Siler, Pastor

J. R. Wilcox  
ASSISTANT PASTOR

Royce Dowell  
MINISTER of MUSIC and EDUCATION

March 31, 1959

Board of Zoning Appeals  
Room 205  
City Building  
Wichita, Kansas

Gentlemen:

The following information is hereby submitted to your honorable body in connection with the appeal made by the Immanuel Baptist Church for off-street parking area indicated in the off-street parking appeal application form.

THE PRINCIPAL POINTS ON WHICH THIS APPEAL IS MADE ARE THE FOLLOWING:

1. Immanuel Baptist Church is growing in number of worshippers and members at a rapid rate. The necessity for two morning services has now been fulfilled and has become insufficient. We are having overflow crowds in both services. This necessitates considering a new and more adequate sanctuary. This, of course, necessitates additional property.
2. Our present parking lot is adjacent to our structure. This is the only logical place for the erection of our new building. Due to these circumstances we have bargained with the people owning residences which are indicated in the appeal application. We have come to terms with all of these people and have signed agreements with them which are dependent upon your board granting us parking permission.
3. You will readily see that we are acquiring a great deal more space for parking than we shall be using in our building program. This will add to the safety of our city in this particular area and the people who reside in our immediate vicinity. We feel that this additional parking area will relieve much of the congestion which we have here during our services.
4. South Broadway is a very busy thoroughfare and securing this property across Topeka will draw much of this congestion and traffic for our church away from Broadway. You will readily see that granting this appeal will be a great benefit to the people who own residences near here and to the multitudes of people who worship at Immanuel Baptist Church. We sincerely feel your granting this appeal is essential to our City's welfare.

Sincerely yours,

*Forrest H. Siler*

Forrest H. Siler, Pastor

FHS:hjj

1400 South Broadway on Highway 81

NORTH



AVE

AVE.

ZIMMERLY

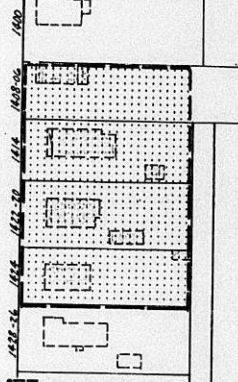
STR.

BROADWAY

CHURCH

Present  
Parking

TOPEKA



Proposed Future  
Parking Area

Immanuel Baptist Church  
1400 So. Broadway Wichita, Ks.

Case No. \_\_\_\_\_

Filed \_\_\_\_\_

OFF STREET PARKING APPEAL

To: The Board of Zoning Appeals  
Room 205, City Building  
Wichita, Kansas

The undersigned Immanuel Baptist Church hereby  
appeals to your Honorable Bodies for a special permit to  
construct and maintain a parking area on the premises known  
as 1408-14-20-24 S. Topika  
Also 1415 which joins our present property  
as provided in Section 21-19, Volume 1, Wichita City Code,  
1955.

I hereby declare that:

1. The proposed parking area will provide additional parking spaces not required in the Zoning Ordinance.
2. The proposed parking area is within 200' of the boundary line of an "LC", "C", "D", "E", or "F" District or may extend to the next intervening street which ever is the greater.
3. The parking area shall be used for passenger vehicles only, and in no case shall a fee be charged for parking facilities granted by this Board.
4. Improvement to the proposed parking area will be made in accordance with Section 21-19, Volume 1, Wichita City Code, 1955.

Appellant Immanuel Baptist Church, pastor

Address 1408 S. Bundy

(A \$30.00 fee shall accompany the filing of this appeal)

BOARD OF ZONING APPEALS  
RULES AND REGULATIONS  
FOR A PARKING PERMIT

The procedure of appeal for a parking permit:

- A. A written appeal shall be filed with the Secretary of the Board for an off-street parking permit.
- B. Notice shall be given prior to the hearing on this appeal to all owners and residents, within a distance of 200 feet of the property concerned, of the time, place, and character of the proposed hearing.
- C. The appeal shall be in writing on forms provided by the Secretary of the Board, which can be obtained from Room 205, City Building.
- D. The appellant must submit with the appeal form:
  - (1) Seven explicit typewritten statements setting forth the principal points on which the appeal is made.
  - (2) An attorney's opinion or other suitable evidence certifying as to the ownership of the property or the existence of a valid lease, by the applicant.
  - (3) A plot plan showing the proposed plan of the improvements, and any other information showing the applicant's intention to comply with the provisions of the Zoning Ordinance with respect to such permits.
  - (4) A certified list from an abstract company of the names and addresses of all owners of property within a 200-foot radius of the area proposed for this use.
  - (5) A fee of fifteen dollars (~~\$15.00~~<sup>30.00</sup>) must be submitted with the appeal at the time of the filing.
- E. The Board may grant a permit providing the following conditions are met:
  - (1) The parking spaces requested in the appeal must be in addition to those required in the Zoning Ordinance.
  - (2) The area to be used is within an "AA", "A", or "RB" District.

- (3) The parking area must be within 200 feet of the boundary of an "LC", "C", "D", "E", or "F" District or may extend to the next intervening Street whichever is the greater. The parking area must be located on the same side of the street and adjoining or across an alley from the property it is to serve. The parking area must be contiguous and continuous to the property it is to serve, with no intervening lots or parcels of land, except in unusual situations when the parking area may be across the street or around the corner from the property it is to serve, providing there are no intervening parcels of land.
  - (4) The parking area requested shall be used for passenger cars only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
  - (5) Only such signs as are necessary for the proper operation of the lot shall be permitted.
  - (6) In no case shall a fee be charged for parking facilities provided hereunder.
  - (7) The parking area shall be surfaced with concrete, asphaltic concrete, asphalt or any other comparable surfacing which meets the approval of the Board. It shall be maintained in good condition and free of all weeds, dust, trash and other debris.
  - (8) The location of entrances and exits shall be in compliance with the curb cut ordinance of the City of Wichita.
  - (9) The parking areas shall have adequate bumper guards where needed.
  - (10) If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from the adjacent residential district.
- F. The Board shall determine the necessary improvements in order to protect adjacent property owners in the public interest. Such improvements shall include but not be restricted to: proper set-backs, screening walls, grass, shrubs, trees and maintenance.

- G. The Board may revoke a permit for any of the following reasons:
- (1) Failure to develop or use the area within six (6) months after the passage of the resolution.
  - (2) Abandonment of the area for parking purposes for six (6) months.
  - (3) Failure to properly maintain the premises.
  - (4) Failure to comply with the requirements imposed by the Board.

Date 4-14-59 Hour \_\_\_\_\_

RUSH

### DELIVERY INSTRUCTIONS

REGULAR

Deliver To: Mr. Edmond, Zoning Committee

Address: 2nd Floor City Bldg. Annex

Get Receipt - YES  NO

Remarks: \_\_\_\_\_

(ordered by ~~Max~~ Rev. Siler, Immanuel Baptist Church)

**FIDELITY TITLE COMPANY, INC.**

By \_\_\_\_\_



A WORLD OF TITLE INFORMATION IN OUR DOWNTOWN OFFICE • BONDED AND LICENSED ABSTRACTOR FOR SEDGWICK COUNTY

**Fidelity Title Company, inc.**

No. 15319

221 NORTH MARKET • WICHITA • KANSAS  
PHONE AM-2-8261

DATE: **Apr. 14, 1959**

CHARGE TO: **Immanuel Baptist Church  
1400 S. Broadway  
Wichita, Kansas**

ORDERED BY: **Rev. Siler**

DELIVERED TO: **Mr. Edmons, City Bldg.**

KEY:  
OWNER:

ACCOUNTS DUE FIRST OF MONTH FOLLOWING INVOICE

DESCRIPTION:

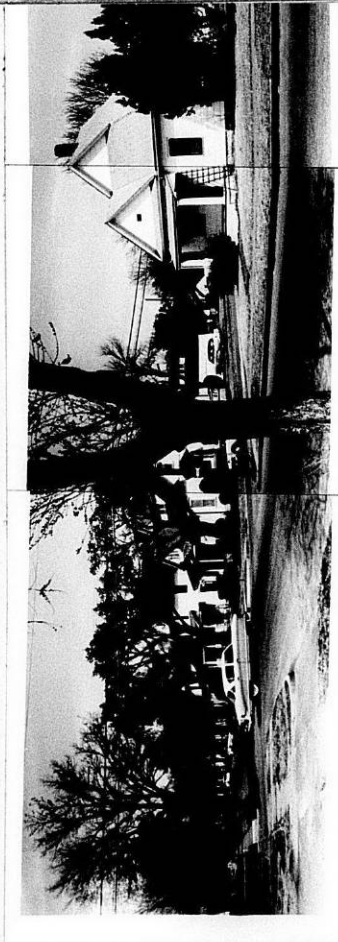
**Prop. in Zimmerly's Add.**

Received of *Fidelity Title Company, Inc.*, as described above:

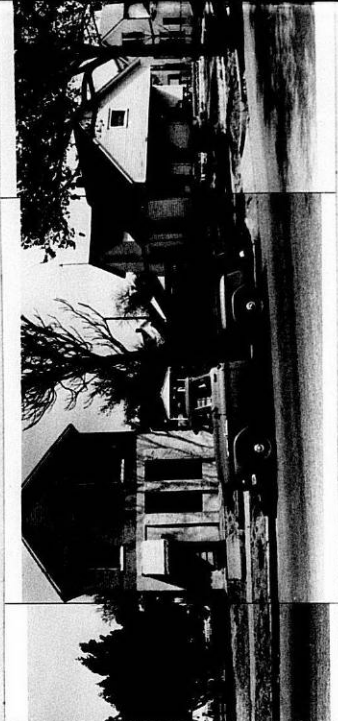
Date \_\_\_\_\_

DELIVERY INVOICE

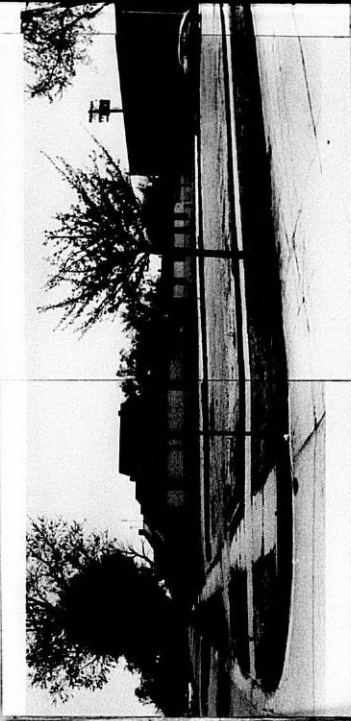
BZA 2-57



C



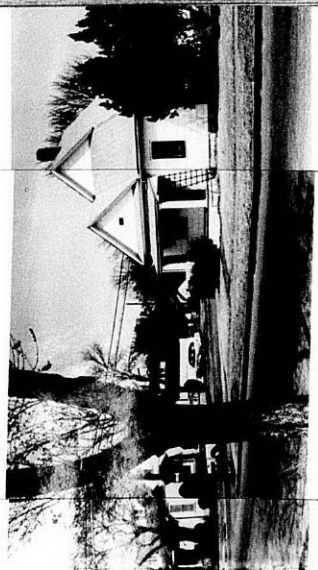
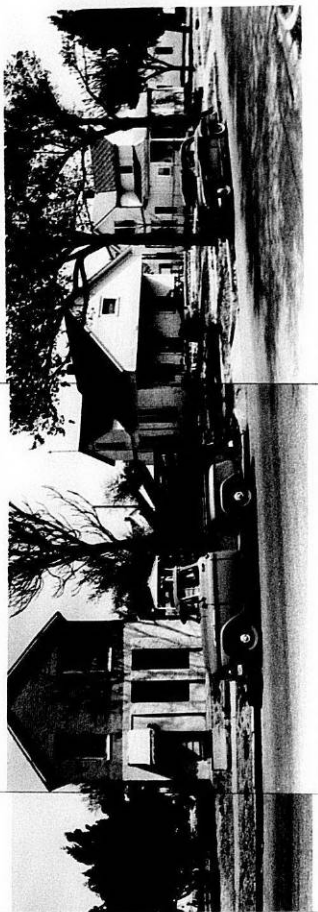
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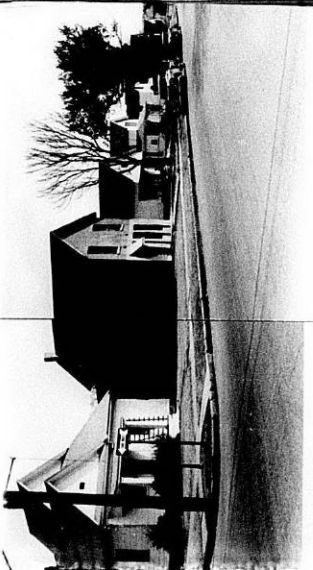
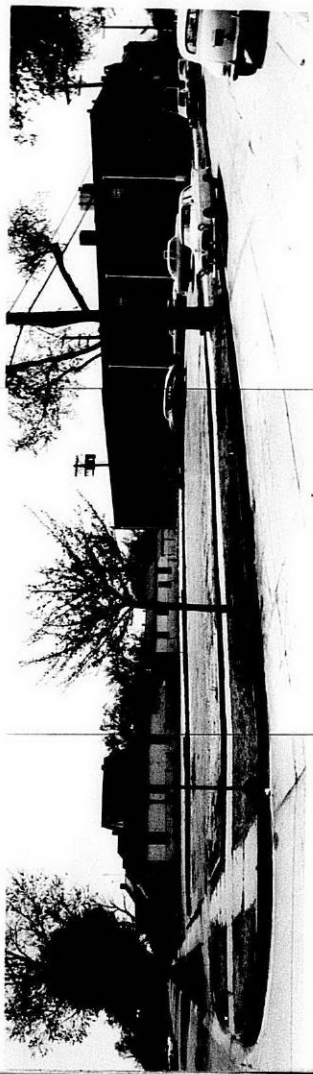
NORTH

BZA 2-57

C



D



NORTH

