

BEA 7-65 - First Church of God re-
quests exception to permit parking
lot on E side of Main between Lincoln
and Bayview

6-f

Record
3-9-65

ACTION

DATE

Bya COMMITTEE Approved 5-23-65

M.A.P.C.

B.C.C./B. CO. C.

April 5, 1965

First Church of God of Wichita
1201 South Market Street
Wichita, Kansas

Gentlemen:

Re: BZA 7-65

On March 26, 1965, we advised you that the Board of Zoning Appeals had approved your application for an Exception in conjunction with the parking lot for the church on the east side of Main Street in an area between Lincoln and Bayley.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before April 2, 1965. The City Clerk has advised that no appeal was filed on or before that date, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the Resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: James T. Sanders, Chairman of Board of Trustees
First Church of God
1821 South Chautauqua

Glen Lytle, Superintendent of
Central Inspection

R E S O L U T I O N N O . B Z A 7 - 6 5

WHEREAS, First Church of God of Wichita, Kansas, Inc., 1201 South Market, Wichita, Kansas, by James T. Sanders, Chairman of Board of Trustees, 1821 South Chautauqua, Wichita, Kansas, has requested the granting of an Exception, pursuant to Section 28.04.140.B.2, Code of the City of Wichita, Kansas, to permit the installation or construction of a parking lot for the church, on the east side of Main Street, on property zoned "RB" Four Family Dwelling District, and legally described as follows:

The South half of Lot 12, all of Lots 14, 16, and 18, and North 3½ feet of Lot 20 on Main Street, in Fitzgerald's Addition, in the City of Wichita, Sedgwick County, Kansas; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, in regular meeting consider said application on March 23, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an Exception under provisions of Section 2.12.590, Code of the City of Wichita, Kansas.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the Exception requested be approved for the installation and construction of an off-street parking facility on property zoned "RB" Four Family Dwelling District and generally located on the east side of Main Street in an area south of Lincoln, and legally described as follows:

The South half of Lot 12, all of Lots 14, 16, and 18, and North 3½ feet of Lot 20 on Main Street, in Fitzgerald's Addition, in the City of Wichita, Sedgwick County, Kansas;

subject to the following:

1. Condition No. 13 of BZA Resolution No. 11-64(B) and Condition No. 13 of BZA Resolution No. 11-64(C), be amended to read as follows:

Direct vehicular access from the parking areas to the north-south alley between Market and Main shall be denied unless said alley is vacated or paved. Permanent physical barriers shall be provided, such as concrete rail or curb, fencing or chain; provided, however, that vehicular access shall be permitted to the alley from the parking area located on the south 20 feet of Lot 17 and the north half of Lot 19 on Market Street in Fitzgerald's Addition. Access to the alley shall also be permitted on the south half of Lot 12, all of Lots 14, 16, and 18, and the north 3½ feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas.

2. Condition No. 9 of BZA Resolution No. 41-64, be amended to read as follows:

Condition No. 8 as originally established in BZA Resolution No. 11-64(B), and Condition No. 8 as originally established in BZA Resolution No. 11-64(C),

and Condition No. 9 of BZA Resolution No. 41-64, are hereby superseded by the following requirement:

A five-foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the south line of the following described property: The south half of Lot 12, all of Lots 14, 16, and 18 and north 3½ feet of Lot 20 on Main Street in Fitzgerald's Addition in the City of Wichita, Sedgwick County, Kansas.

A five-foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the north and south lines of the following described property: Lots 23, 25, 27, 29, and 31 on Market Street, in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas.

Said fence shall also be provided along the south line of the following described tract:

The south 20 feet of Lot 17 and the north half of Lot 19 on Market Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas, except that in the front yard setback area of the above described lots, the fence shall be reduced from 5 to 3 feet in height.

ADOPTED AT WICHITA, KANSAS, this 23rd day of March, 1965.

Harold Bauer

Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith

Jack H. Galbraith, Secretary

March 26, 1965

First Church of God of Wichita
1201 South Market Street
Wichita, Kansas

Gentlemen:

Re: BZA 7-65

This is to advise you that at its regular meeting of March 23, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for an Exception in connection with the parking lot for the church on the east side of Main Street in an area between Lincoln and Bayley.

It was the action of the Board of Zoning Appeals to approve the request for access to the alley from the Main Street parking lot, and to also approve the elimination of a previous requirement for a fence along the north side of this parking lot, subject to the following conditions:

1. Condition No. 13 of BZA Resolution No. 11-64(B) and Condition No. 13 of BZA Resolution No. 11-64(C), be amended to read as follows:

Direct vehicular access from the parking areas to the north-south alley between Market and Main shall be denied unless said alley is vacated or paved. Permanent physical barriers shall be provided, such as concrete rail or curb, fencing or chain, provided, however, that vehicular access shall be permitted to the alley from the parking area located on the south 20 feet of Lot 17 and the north half of Lot 19 on Market Street in Fitzgerald's Addition. Access to the alley shall also be permitted on the south half of Lot 12, all of Lots 14, 16, and 18, and the north 3½ feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas.

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March 26, 1965

2. Condition No. 9 of BZA Resolution No. 41-64, to be amended to read as follows:

Condition No. 8 as originally established in BZA Resolution No. 11-64(B), and Condition No. 8 as originally established in BZA Resolution No. 11-64(C) and Condition No. 9 of BZA Resolution No. 41-64, are hereby superseded by the following requirement:

A five foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the south line of the following described property: The south half of Lot 12, all of Lots 14, 16, and 18 and north 3/4 feet of Lot 20 on Main Street in Fitzgerald's Addition in the City of Wichita, Sedgwick County, Kansas.

A five foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the north and south lines of the following described property: Lots 23, 25, 27, 29, and 31 on Market Street, in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas.

Said fence shall also be provided along the south line of the following described tract:

The south 20 feet of Lot 17 and the north half of Lot 19 on Market Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas, except that in the front yard setback area of the above described lots, the fence shall be reduced from 5 to 3 feet in height.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before April 2, 1965.

Subsequent to the expiration of the appeal period, you will be notified whether or not an appeal has been filed. If no appeal has been filed on or before April 2, 1965, the decision of the

Page 3 - First Church of God of Wichita
March 26, 1965

Board will be final and the Superintendent of Central Inspection
will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: James T. Sanders, Chairman of
Board of Trustees
First Church of God
1821 South Chautauqua

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 7-65

On February 25, 1964, The Board of Zoning Appeals approved a request (BZA 11-64), on behalf of the First Church of God, 1201 South Market, for an off-street parking lot located on the south side of Lincoln between Market and Main Streets.

On October 27, 1964, the Board of Zoning Appeals approved another request (BZA 41-64), for additional off-street parking, which was needed in conjunction with expansion of the church facilities.

In the approval of both of these applications, the Board required a fence along both the north and south sides of the Main Street parking lot located west of the church, and also denied all access to the north-south alley (except for the lot immediately south of the church and north of the Lucas property), from the parking lots due to the protests of adjoining property owners in the area.

Last month the First Church of God requested that BZA Resolution No. 41-64, be amended to read, in part, "that

"Access to said alley will be denied unless said alley is vacated or paved."

At that same meeting, the property owners adjacent to the north side of the Main Street parking lot, also requested that the screening fence (required in BZA Resolution No. 11-64), along the north side of the Main Street parking lot, be deleted.

The request of the church and the property owner to the north of the Main Street parking lot, was not considered at last month's meeting due to the fact that it was the opinion of legal counsel for the Board that the Board did not have jurisdiction to amend conditions established by a previous Board unless a new application was submitted with the required filing fee. The church has now filed a new application requesting an exception to the ordinance for reapproval of the Main Street parking lot, with a special request that a fence not be provided along the north line of the parking lot and that the church be given access to the alley adjacent to the lot.

At the present time, the church is in the process of paving the north half of the north-south alley lying between Market and Main Street and south of Lincoln. If the request of the church is approved (that access to said alley will be denied unless said alley is vacated or paved), this would give access to the alley from the Main Street parking lot. It is the understanding of the Secretary that there will be no access to the parking lot from the alley on the Market Street parking lot since the alley next adjacent to these lots will not be paved. From viewing the Market Street parking lot in the

field, it can be seen that bumper guards have been installed adjacent to the alley so that there cannot possibly be any access to the alley from the Market Street parking lot.

The property owners to the north of the Main Street parking lot have requested that the fence along the north side of the lot not be required, inasmuch as if it is required and constructed, they will be denied access to their parking area.

It should be pointed out that on several occasions, the adjoining property owners have appeared before the Board of Zoning Appeals and have protested the church having access to the alley; however, at the last meeting, it was the opinion of the legal counsel for the Board that it is doubtful that the Board can deny the church access to a dedicated public alley. Consequently, it is the recommendation of the Secretary that the church be given access to the alley from the Main Street parking lot and that the fence along the north side of the Main Street parking lot not be required. If the Board approves access to the alley from the Main Street parking lot, Condition No. 14 of BZA Resolution No. 11-64 should be amended to read as follows:

Direct vehicular access from the parking areas to the north-south alley between Market and Main shall be denied unless said alley is vacated or paved. Permanent physical barriers shall be provided, such as concrete rail or curb, fencing or chain; provided, however, that vehicular access shall be permitted to the alley from the parking area located on the south 20 feet of Lot 17 and the north half of Lot 19 on Market Street in Fitzgerald's Addition. Access to the alley shall also be permitted on the south half of Lot 12, all of Lots 14, 16, and 18, and the north 3½ feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas.

If the fence along the north side of the Main Street parking lot is waived, Condition No. 9 of BZA Resolution No. 41-64, should be amended to read as follows:

Condition No. 8 as originally established in BZA Resolution No. 11-64(B), and Condition No. 8 as originally established in BZA Resolution No. 11-64(C), and Condition No. 9 of BZA Resolution No. 41-64, are hereby superseded by the following requirement:

A five foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the south line of the following described property: The south half of Lot 12, all of Lots 14, 16, and 18 and north 3½ feet of Lot 20 on Main Street in Fitzgerald's Addition in the City of Wichita, Sedgwick County, Kansas.

A five foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the north and south lines of the following described property: Lots 23, 25, 27, 29, and 31 on Market Street, in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas.

Said fence shall also be provided along the south line of the following described tract:

The south 20 feet of Lot 17 and the north half of Lot 19 on Market Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas, except that in the front yard setback area of the above described lots, the fence shall be reduced from 5 to 3 feet in height.

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In the approval of both of these applications, the Board required a fence along both the north and south sides of the Main Street parking lot located west of the church, and also denied all access to the north-south alley (except for the lot immediately south of the church and north of the Lucas property), from the parking lots due to the protests of adjoining property owners in the area.

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At that same meeting, the property owners adjacent to the north side of the Main Street parking lot, also requested that the screening fence (required in BZA Resolution No. 11-64), along the north side of the Main Street parking lot, be deleted.

The request of the church and the property owner to the north of the Main Street parking lot, was not considered at last month's meeting due to the fact that it was the opinion of legal counsel for the Board that the Board did not have jurisdiction to amend conditions established by a previous Board unless a new application was submitted with the required filing fee. The church has now filed a new application requesting an exception to the ordinance for reapproval of the Main Street parking lot, with a special request that a fence not be provided along the north line of the parking lot and that the church be given access to the alley adjacent to the lot.

At the present time, the church is in the process of paving the north half of the north-south alley lying between Market and Main Street and south of Lincoln. If the request of the church is approved (that access to said alley will be denied unless said alley is vacated or paved), this would give access to the alley from the Main Street parking lot. It is the understanding of the Secretary that there will be no access to the parking lot from the alley on the Market Street parking lot since the alley next adjacent to these lots will not be paved. From viewing the Market Street parking lot in the

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Case No. BZA 7-65

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The property owners to the north of the Main Street parking lot have requested that the fence along the north side of the lot not be required, inasmuch as if it is required and constructed, they will be denied access to their parking area.

It should be pointed out that on several occasions, the adjoining property owners have appeared before the Board of Zoning Appeals and have protested the church having access to the alley; however, at the last meeting, it was the opinion of the legal counsel for the Board that it is doubtful that the Board can deny the church access to a dedicated public alley. Consequently, it is the recommendation of the Secretary that the church be given access to the alley from the Main Street parking lot and that the fence along the north side of the Main Street parking lot not be required. If the Board approves access to the alley from the Main Street parking lot, Condition No. 14 of BZA Resolution No. 11-64 should be amended to read as follows:

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Case No. BZA 7-65

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A five foot high solid wall, masonry, brick or louvered redwood fence shall be erected along the north and south lines of the following described property: Lots 23, 25, 27, 29, and 31 on Market Street, in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas.

Said fence shall also be provided along the south line of the following described tract:

The south 20 feet of Lot 17 and the north half of Lot 19 on Market Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas, except that in the front yard setback area of the above described lots, the fence shall be reduced from 5 to 3 feet in height.

SECRETARY'S REPORT

CASE NO. BZA 41-64

APPLICANT: First Church of God of Wichita, Kansas, 1201 South Market.

AGENT: Charles C. McCarter, Attorney, 701 Petroleum Building

REQUEST:

Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, from a requirement that off-street parking may not occupy any part of a required front yard setback in a dwelling district, and the requirement that off-street parking may not occupy any more than one-half the required side yard setback, and an exception pursuant to Section 28.04.140.B, Code of the City of Wichita, to permit the installation and construction of off-street parking lot in residential "RB" Four family zone.

ZONING: Property in question - "RB" Four family

North - "RB" Four family
East - "B" Multiple family
South - "RB" Four family
West - "RB" Four family

LAND USE: Existing land use to the north is a church and single family. East is single family and duplex. South is single family and west is single family.

JURISDICTION

The Board has jurisdiction to consider the variance under provisions outlined in Section 2.12.590 of the Code of the City of Wichita, and also has jurisdiction to consider the exception request under the provisions of Section 28.04.140 of the Code.

COMMENTS BY THE SECRETARY

As the Board will recall, the First Church of God, generally located on the south side of Lincoln between Market and Main, earlier this year in BZA Case No. 11-64, obtained permission from the Board to construct several off-street parking lots for a new expansion to the church. At that time the Board waived all side yard setback requirements and front yard setback requirements so that these areas could be utilized for off-street parking. At the time these permits were approved, the Board encouraged the church to acquire additional properties in this particular block which could be utilized for off-street parking. In accordance with this suggestion, the church has now acquired two additional lots which they would like to have approved for off-street parking.

VARIANCE - PART I

The Board may grant the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

UNIQUENESS

The Secretary is of the opinion that this request is somewhat unique in that the Board has already granted a waiver of the side and front yard setback requirements so that they may be utilized for off-street parking on the lots just to the south of the area represented in this application. Consequently, it seems somewhat unreasonable to not allow the church to use the setback areas on these two lots for off-street parking. These lots have now been compiled into one large area and it appears that nothing would be gained by not allowing the church to utilize the setback areas for parking.

ADJACENT PROPERTY

The Secretary is of the opinion that the granting of the variance to allow parking in the required front and side yard setback area should not have any adverse affect on adjacent properties.

HARDSHIP

The Secretary is of the opinion that the church would be burdened with an unnecessary hardship if the variance is not granted inasmuch as the Board has already waived the setback requirements on the off-street parking lot to the south of the area represented in this application. It is further the opinion of the Secretary that almost all churches have a limited amount of finances on which to operate, so consequently, must gain the maximum utilization of their property.

PUBLIC INTEREST

The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest.

RECOMMENDATION

The Secretary is of the opinion that all four conditions necessary to the granting of a variance can be found to exist; therefore, it is recommended that the front and side yard setback requirements on Lots 23 and 25, on Market Street, Fitzgerald's Addition, be waived, in order that these areas might be utilized for off-street parking.

EXCEPTION - PART II

In order that the church may utilize the two lots for off-street parking, it has become necessary that they request an exception to the ordinance since off-street parking is not permitted as a use by right in a four family dwelling district.

The church has submitted a plan of the off-street parking layout which has been approved by the Traffic Engineer.

RECOMMENDATION OF THE SECRETARY

It is the recommendation of the Secretary that the variance and Exception be approved subject to the following conditions and requirements:

1. The front yard setback requirement and the side yard setback requirements on Lots 23 and 25, on Market Street, in Fitzgerald's Addition, in the City of Wichita, Sedgwick County, Kansas, are hereby waived so that these areas might be utilized for off-street parking.
2. The parking areas shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Only such signs as are necessary for the proper operation of the lot shall be permitted.
4. In no case shall a fee be charged for parking facilities provided hereunder.

5. Parking lots and driveways providing ingress and egress to the lot shall be surfaced with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of all weeds, trash and other debris.
6. All parking spaces which abut property lines shall have adequate concrete, bar wheel or bumper guards to prevent overhauling or extension of vehicles beyond property lines or parking spaces.
7. The parking area shall have proper marking for channelization and movement of vehicles.
8. No lights shall be installed on said parking lot having a height greater than 6 feet above ground level, and the beam of light shall be directed downward.
9. Condition #8 as originally established in BZA Resolution 11-64(B), and condition #8 as originally established in BZA Resolution 11-64(C), are hereby superseded by the following requirement:

A five foot high solid wall masonry brick or louvered redwood fence shall be erected along the north and south lines of the following described property: The south half of Lot 12, all of Lots 14, 16 and 18 and north $3\frac{1}{2}$ feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas.

Lots 23, 25, 27, 29 and 31 on Market Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas.

The east 65 feet of the following described tract: The south 5 feet of Lot 14 and all of Lot 16 on Market Street in Parkhurst Addition to the City of Wichita, Sedgwick County, Kansas.

Also a tract in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 29, Township 27 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet south and 190 feet west of the NE corner of the SE $\frac{1}{4}$, thence south 12 feet, thence west 140 feet, thence north 12 feet, thence east to beginning.

Said fence shall also be provided along the south line of the following described tract:

The south 20 feet of Lot 17 and the north half of Lot 19 on Market Street in Fitzgerald's Addition to the City of

Wichita, Sedgwick County, Kansas, except that in the front yard setback areas of the above described lots the fence shall be reduced from 5 to 3 feet in height.

10. The condition that a performance bond, or other similar security, in the amount of \$7,500 shall be submitted to the Secretary of the Board to guarantee the installation of paving of parking lot areas required by the Board, which condition was originally established in Resolution BZA 11-64(B) and BZA Resolution 11-64(C), is hereby amended to read as follows:

Said performance bond shall also relate to and guarantee the installation of the paving of the parking lot areas and construction of the fencing as required by the Board on Lots 23 and 25 on Market Street, in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas.

11. The lot shall be constructed in accordance with the conditions and requirements outlined above within 24 months of the effective date of the approval of this application or the permit shall be null and void, except that the fence as required along the north line of Lot 23 shall be constructed within 6 weeks from the effective date of the approval of this application.
12. A plot plan containing the parking layout of all lots concerned shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for the construction of the lot.
13. A low type of landscaping (hedges or planting) shall be provided along the parking lots when they face or side into Market Street. No parking stall shall be located nearer than 4 feet of the sidewalk and physical barriers, such as plantings or concrete curbs shall be used to maintain this distance.
14. Direct access to the parking area from the north-south alley between Market and Main shall be denied unless said alley is vacated. Permanent physical barriers shall be provided, such as concrete railing or curb, fencing or chain to assure that there will be no access to the alley.

CASE NO. BZA 7-65

36 NOTICES MAILED MARCH 4, 1965

MEETING MARCH 23, 1965

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main
Wichita, Kansas

March 4, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 7-65

An application has been filed by First Church of God of Wichita, Kansas, Inc., 1201 South Market Street, Wichita, Kansas, by James T. Sanders, Chairman of Board of Trustees, 1821 South Chautauqua, Wichita, Kansas, pursuant to Section 28.04.140, Code of the City of Wichita, requesting an Exception to permit the installation and construction of an off-street parking lot, as provided in Section 28.04.140, Code of the City of Wichita, on property zoned "RB" Four Family Dwelling District, and legally described as follows:

The South half of Lot 12, all of Lots 14, 16 and 18, and North 3½ feet of Lot 20 on Main Street, in Fitzgerald's Addition, in the City of Wichita, Sedgwick County, Kansas.

Generally located on the east side of Main in an area between Lincoln and Bayley.

This application has been assigned Case No. BZA 7-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 23, 1965, at 2 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main
Wichita, Kansas

40

March 4, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

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Generally located on the east side of Main in an area between Lincoln and Bayley.

This application has been assigned Case No. BZA 7-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 23, 1965, at 2 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. Bza. 7-65
FILED 2-26-65

APPLICATION FOR EXCEPTION ✓

I. Name of Applicant First Church of God of Wichita, Kansas, Inc.
Mailing Address 1201 South Market St. Phone FO 3-8468
Name of Authorized Agent James T. Sanders - Board of Trustees
Chairman of
Mailing Address 1821 South Chautauqua Phone MU 3-2403
Relationship of applicant to property is that of member
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04. 140. B.2, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of parking lot for the church, on the east side of Main Street
on property zoned
RB, located in the 1200 block on South Main Street
and legally described as: The South
half of Lot 12, all of Lots 14, 16, and 18 and north 3½ feet of Lot 20
on Main Street in Fitzgerald's Addition, in the City of Wichita,
Sedgwick County, Kansas.
(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.



Applicant First Church of God
Authorized Agent James Sanders

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 8:15 (a.m.) - p.m.), 2-26, 1965, together with appropriate fee of \$50.00.

Signed J. Howe

LIST OF PROPERTY OWNERS

LOT	STREET	ADDITION	PROPERTY OWNER
1	Main	Fitzgerald's	X Mary Ellingham 1203 S. Main ✓
3	"	"	Same
5	"	"	Same
7	"	"	X Grace A. Brumfield ✓ 1211 S. Main
9	"	"	Same
11	"	"	X John F. Hollinger ✓ Mary O. Hollinger 1304 S. Main
13	"	"	Same
15	"	"	<i>No address</i> Deloris Maurer
17 (N.20')	"	"	Same
17 (S.10')	"	"	<i>No address</i> Remona Mae Murray
19	"	"	Same
21	"	"	X Helen Maurer & Chas. A. Maurer ✓ 1489 Coolidge
23 (N½)	"	"	Same
23 (S½)	"	"	X Edwina Brenneisen & Stella Brenneisen ✓ 1235 S. Main
25	"	"	Same
27	"	"	X Marjorie K. Hamlin ✓ 1239 S. Main
29 (N½)	"	"	Same
29 (S½)	"	"	<i>No address</i> Myrtle Munns Carothers
31	"	"	Same
2	"	"	X Vernon C. Axley & Dorothy S. Axley ✓ 1200 S. Main
3. 23'	"	"	Same
3. 40' of "	"	"	Same
3. 40'	"	"	Same

LOT	STREET	ADDITION	PROPERTY OWNER
4 (S. 7' of W. 100')	Main	Fitzgerald's	^{no} _{address} Dorotha M. Porter
6 (W. 100')	"	"	Same
8	"	"	Same
10	"	"	Same
N $\frac{1}{2}$ 12	"	"	Same
S $\frac{1}{2}$ 12	"	"	First Church of God of Wichita, Kansas 1201 S. Market St.
14	"	"	Same
16	"	"	Same
18	"	"	Same
20 (N 3 $\frac{1}{2}$ ')	"	"	Same
20 (S. 26 $\frac{1}{2}$ ')	"	"	X Ada Deersmith ✓ 1220 S. Main
22 (N $\frac{1}{2}$)	"	"	Same
22 (S $\frac{1}{2}$)	"	"	X Ivan J. Beery & Nola I. Beery ✓ 1224 S. Main
24	"	"	Same
26 (N 10')	"	"	Same
26 (Exo. N. 10')	"	"	X Charles A. Bourman and Martha J. Bourman ✓ ^{1240. 2} <i>Minnesota</i>
28	"	"	Same
30	"	"	X Harry E. Weaver and Colene P. Weaver ✓ 1230 S. Main
32 (N. 20')	"	"	Same
32 (S. 10')	"	"	^{no} _{address} Ralph J. Miner and Vera Miner
34	"	"	Same
36	"	"	X Delphia E. Stowell ✓ 1250 S. Main
38 (N. 20')	"	"	Same
38 (S. 10')	"	"	X Judge C. Porter, Jr. & Clara Porter.
40	"	"	Same ¹²⁵² <i>to Main</i> ✓

LOT	STREET	ADDITION	PROPERTY OWNER
46 (W.90')	Main	Bayley's 2nd Sub. in Fitzgerald's	X Walter T. Menninga and Blenche Menninga <i>1247 So Market</i>
46 (E.50')	"	"	⊕ First Church of God of Wichita 1201 S. Market
1	Market	Fitzgerald's	Same
3	"	"	Same
5	"	"	Same
7	"	"	Same
9	"	"	Same
11	"	"	Same
13	"	"	Same
15	"	"	Same
17	"	"	Same
19 (N½)	"	"	Same
19 S.15'	"	"	X Mary Alice Whitton Lucas 1221 S. Market ✓
21	"	"	Same
23	"	"	X Ruby Herder 810 S. Emporia ✓
25	"	"	Same
27	"	"	⊕ First Church of God, Inc. 1201 S. Market
29	"	"	Same
31	"	"	Same
33	"	"	<i>no add</i> Dorothy Bardwell
35	"	"	Same
37	"	"	X Clarence D. Songer and Fern E. Songer 118 E. Bayley ✓
39	"	"	Same
45	"	Bayleys Sub. in Fitzgerald's	⊕ First Church of God in Wichita 1201 S. Market St.

LOT	STREET	ADDITION	PROPERTY OWNER
2	Market	Parkhurst's	X John E. Brene, Jr. 612 S. Ash ✓ X Eugene P. Brene 732 S. Spruce ✓ <i>no add</i> Eva L. Cotter Georgia M. Burge
4	"	"	Same
6	"	"	Same
8	"	"	Same
10	"	"	X Robert F. Burns & Virginia Mae Burns 1210 S. Market St. ✓
12 (N½)	"	"	Same
12 (S½)	"	"	X Vinnie McLeod 1212 S. Market ✓
14 (N.20')	"	"	Same
14 (S.5')	"	"	Ⓞ First Church of God, Inc. 1901 S. Market
16	"	"	Same
22	"	"	X Virgil Russell & Edith Russell 7101 Castle Drive. ✓
24	"	"	Same
26	"	"	X J. C. Lewis & Arva M. Lewis 1230 S. Market ✓
28 (N.24.6')	"	"	Same
42	"	"	X Glen W. Ryel and Emma M. Ryel 1250 S. Market ✓
44	"	"	Same
46	"	"	X Roger Clifton Thomason and Fern Irene Thomason 1254 S. Market ✓
48	"	"	<i>no add</i> Claude Dalbon ✓
1	Broadway	"	X Albert Butters & Regina T. Butters 1534 S. Main ✓
3	"	"	Same
5	"	"	Ⓞ John E. Brene, Jr. 612 S. Ash Eugene P. Brene 732 S. Spruce Eva L. Cotter Ⓞ Georgia M. Burge
7 (N.16'9")	"	"	Same
9 (S.5')	"	"	Same
11	"	"	Same

LOT	STREET	ADDITION	PROPERTY OWNER
7 (S. 8'3")	Broadway	Parkhurst's	<input checked="" type="checkbox"/> Roy S. McDaniel <input checked="" type="checkbox"/> Earl C. McDaniel 619 N. Broadway <input checked="" type="checkbox"/> Harold B. McDaniel 2022 Payne
9 (N. 25')	"	"	Same
13	"	"	<i>no address</i> <input checked="" type="checkbox"/> Virgil L. Tearue and <input checked="" type="checkbox"/> Rosella M. Tearue
15	"	"	Same
17	"	"	<input checked="" type="checkbox"/> Helen Allen <input checked="" type="checkbox"/> 1201 N. Emporia
19	"	"	Same
21	"	"	<input checked="" type="checkbox"/> E. R. Houk <input checked="" type="checkbox"/> 3219 S. 71st St. West
23	"	"	Same
25	"	"	<input checked="" type="checkbox"/> F. J. Clerk & Elsie Clark <input checked="" type="checkbox"/> 1900 S. Broadway
27	"	"	Same
29	"	"	<input checked="" type="checkbox"/> Alfred E. Arnett & Eva Arnett <input checked="" type="checkbox"/> 7600 N. Broadway

Beginning 220.4 ft. S. & 190 ft. S. of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th. S. 12 ft. th W. 140 ft; th N. 12 ft. th E. 140 ft. to beg.

First Church of God, Inc.
 1201 S. Market

S. 38 ft. of tract, Beg. 220.4 ft. S. & 190 ft. W. of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th S. 50 ft; th W. 140 ft; th N. 50 ft.; th E. 140 ft. to beg.

no address
 George G. Jurgens and
 Stine Jurgens

Beginning 330 ft. W. & 370 ft. S. of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th S. 140 ft; th E. 150 ft; th N. 140 ft., th S. 150 ft. to beg., exc. E. 10 ft.

J. A. Hendrickson Investment Co. Inc.
 204 N. Market St.

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 ft. of S $\frac{1}{2}$ of Lot 12, all Lots 14, 16, and 18 on Main St., and Lots 27, 29, and 31, on Market St., in Fitzgerald's Add., and S. 5 ft. of Lot 14, all Lot 16, and strip of land 12 ft. wide adjoining Lot 16, on the South, all on Market Street, in Parkhurst's Addition to the City of Wichita, as shown by the records in the office of the Register of Deeds of Sedgewick County, Kansas, this 4th day of Feb. A. D. 1964 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Order No. 110799.

By *Lenneth P. Brown*
 Vice President.

Changes in ownership since the 4th day of February, 1964 at 7 o'clock A. M. to the date of this certificate on the land covered by the list certified under Order No. 110799

Lot	Street	Addition	Property Owner
W 45' of lot 45	Market	Bayley's Sub in Fitzgerald's Addition	Golda Elmore Address unknown
23	Market	Fitzgerald's Addition	First Church of God, Inc. 1261 S. Market
25	"	"	"

We hereby certify there have been no change of ownerships in the within ownership list except as set out above, from the 4th day of February, 1964 at 7 o'clock A. M. to this 16th day of September, 1964 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Vice-President

Order No.
117862

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main
Wichita, Kansas

March 4, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 7-65

An application has been filed by First Church of God of Wichita, Kansas, Inc., 1201 South Market Street, Wichita, Kansas, by James T. Sanders, Chairman of Board of Trustees, 1821 South Chautauqua, Wichita, Kansas, pursuant to Section 28.04.140, Code of the City of Wichita, requesting an Exception to permit the installation and construction of an off-street parking lot, as provided in Section 28.04.140, Code of the City of Wichita, on property zoned "RB" Four Family Dwelling District, and legally described as follows:

The South half of Lot 12, all of Lots 14, 16 and 18, and North 3½ feet of Lot 20 on Main Street, in Fitzgerald's Addition, in the City of Wichita, Sedgwick County, Kansas.

Generally located on the east side of Main in an area between Lincoln and Bayley.

This application has been assigned Case No. BZA 7-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 23, 1965, at 2 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.

Jack H. Gulbraith
Secretary

THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS
ZIP CODE 67202

7-65

No other address found

Mary Ellingham
1203 South Main
Wichita, Kansas



- Moved, left no address
 No such address
 Moved, not permissible
 Addressee unknown



TURN TO WRITER

Form 223-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Rec. Mvr.	Rec. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Plan Application</i>	<i>50.00</i>

Name *First Church of God*

Address *1201 S. Market*

Type *R-712* Due Date _____

Comments: _____

Date *2-26-65* By *Showers*

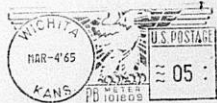
THE CITY OF WICHITA, KANSAS
BOARD OF ZONING APPEALS
104 SOUTH MAIN
WICHITA, KANSAS 67202

7-65

*Resent 3-9-65 to
Earl C. McDaniel
R.A.D. 1, Valley Center*

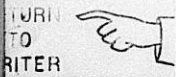
Roy S. McDaniel
Earl C. McDaniel
619 North Broadway

Wichita, Kansas



- Moved, left no address
- No such number
- Moved, not forwardable
- Addressee unknown

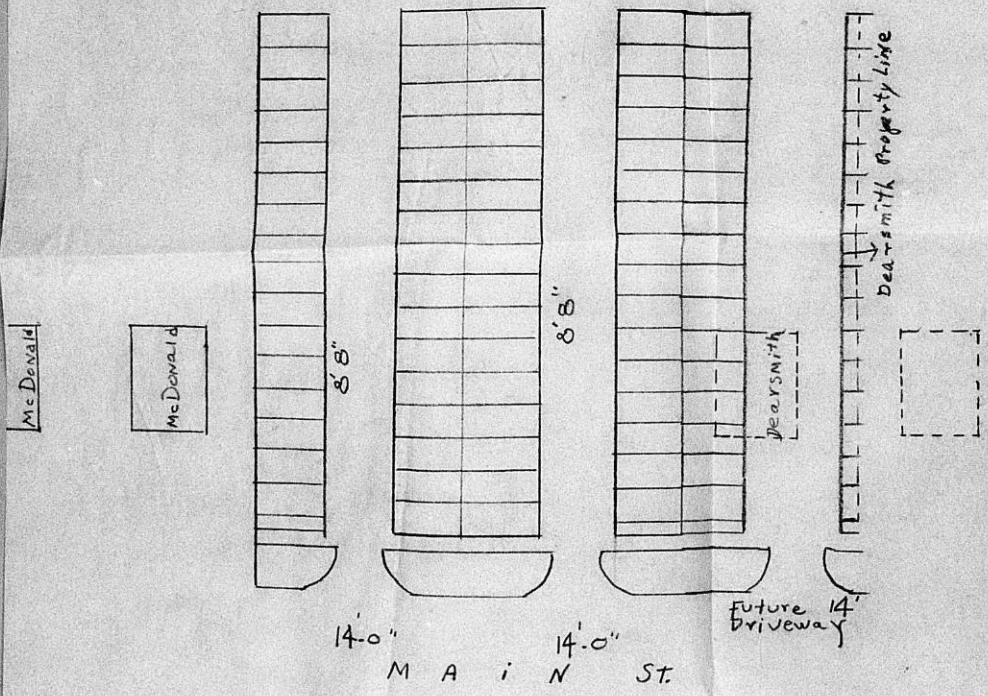
Holw



Future

This is our proposal for the future of our Main Street Parking Lot. We would like to leave the approaches as they are presently until we are able to acquire the Dearsmith property, to the immediate south, so that we can place the new approaches in the proper position at that time.

-- Alley --



*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1