

9-58 - Grace Baptist Church,
appellant. Premises at 1414 West
Pawnee





BOARD OF ZONING APPEALS
FOURTH FLOOR, CITY BUILDING ANNEX

104 South Main
Wichita, Kansas

May 19, 1958

NOTICE TO ADJOINING PROPERTY OWNERS

An appeal has been filed by Grace Baptist Church, by
Michael S. Schepis, Pastor, 1414 West Pawnee, Wichita, Kansas.
as provided by Section 21-27, Volume I of the City Code. The
appellant desires to build an addition to the existing
church building
located at 1414 West Pawnee, Wichita, Kansas.

This appeal has been given Case No. 9-58, and a hearing
will be held by the Board of Zoning Appeals on Tuesday,
May 27, 1958, at 1:30 p.m. on the 4th Floor of the 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
Leland R. Edmonds, Secretary
Board of Zoning Appeals

NOTICES MAILED MAY 19, 1958

Melvin Theodore and Evelyn Melton
1105 South Water

The Board of Trustees of
The Grace Baptist Church
1414 West Pawnee

George F. & Leota I. Jackson
1326 West Pawnee

C. E. & Maudie V. Alford
1418 West Pawnee

Edith Garlock
1135 West Pawnee

Westway, Inc.
1135 West Pawnee

APPEAL STATEMENT

(a) An accurate description of the proposed work or use:

To construct an addition or annex to the existing church structure, the same to be used for purposes of religious education and worship.

(b) The principle points under which the Building Inspector issued a refusal, and the specific reference to the section of the Zoning Ordinance under which it is claimed the permit should be issued:

"For the reason that as planned, there would be a side yard set back of only ten feet on the west, whereas a side yard ~~set yard~~ set back of at least twenty-five feet is required for such building in an "AA" zone.

The Zoning Ordinance under which the permit should be issued is Section 21-10, C. 2, 2.3.

(c) Jurisdiction by the Board of Zoning Appeals should be assumed inasmuch as all four conditions required are present:

1. The exception or variance requested is due to a condition which is not ordinarily found in a like zoning district. The reason for this is the fact that a church necessarily presents a unique condition insofar as a zoning district is concerned because a church must locate where needed even though building restrictions years later would restrict or prohibit the necessary and inevitable expansion. Further, the cost would be prohibitive if a church were to always obtain the absolute ultimate in a desirable location and still fulfill its proper function and obligation in the community.

2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents due to the very non-existence of any adjacent structures or buildings located in the proximity of the proposed church addition, all as is visibly recognizable on the attached drawings. In addition, the type of construction contemplated and planned for the church addition would be far above standard in comparison to the general existing structures adjacent thereto, here again, indicating that no adverse rights of adjacent property owners would result.

3. Strict application of the terms of this ordinance obviously would result in a denial of this appeal. Such a denial would constitute an unnecessary hardship upon the property owner represented in this appeal inasmuch as the present and future needs of the church and this particular community could never be fulfilled. At the present time the church finds it necessary to rent outside school facilities to accommodate the size of the congregation, which in turn, necessitates bus transportation for over 50 junior and intermediate children in those departments.

4. The exception or variance requested is not against the public interest as is clearly indicated from the very nature of the request. In other words, making available necessary and adequate church facilities certainly would result in a benefit, not a detriment to the community.

Respectfully submitted,
Grace Baptist Church
By Michael S. Lewis, Pres.
Grace Baptist Church, Appellant

May 23, 1958

Mr. Robt. M. Moore
4740 East Mt. Vernon Road
Wichita, Kansas

Dear Mr. Moore:

Re: Case No. 9-58

Your letter relative to subject Board of Zoning Appeals application made by the Grace Baptist Church has been received and placed in the file. It will be called to the attention of the presiding officer at the hearing on this matter.

Very truly yours,

Leland R. Edmonds
Secretary

LRE:br

REAL ESTATE

PROPERTY MANAGEMENT

INSURANCE



Robt. M. Moore & Son
REALTORS

4740 MT. VERNON ROAD WICHITA 17, KANSAS

TELEPHONE MU 3-8803

May 21, 1958.

Board of Zoning Appeals,
City of Wichita,
City.

Attention: Mr. Leland R. Edmonds, Sec.

Gentlemen:

RE: Case No. 9-58
Grace Baptist Church,
1414 W. Pawnee, City.

Relative to the above captioned case, it is the writer's opinion that this petition should be denied, unless the Church is able to purchase some of the ground north of the second telephone pole from the street and to the west. The same is now being used as a garden tract.

Now is the time that the Church should either buy outright or purchase on contract additional ground as they will be needing it shortly for off-street parking.

Sorry that I will not be able to attend the May 27th meeting, due to absence from the city.

Yours very truly,

Robt. M. Moore
Robt. M. Moore.



CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Grace Baptist Church Owner Address 1414 West Pawnee

To Same Applicant Address _____

Dear Sir:

Your application Dated May 7, 1958

For a Permit for the addition to the existing Church

_____ at the premises designated as
1414 West Pawnee

Is hereby refused on this 7th day of May, 1958.

Under Section 21-10, C. 2, 2.3 of the Zoning Ordinance.

For the reason that as planned, there would be a side yard setback of only
10' on the west, whereas a side yard setback of at least 25' is required
for such building in an "AA" zone.

Respectfully,

S. B. Maple
S. B. Maple

Chief Building Inspector

CLM MG

NOTE: Any appeal from this refusal must be filed with the Board of Zoning Appeals (Room 304, City Hall) within ninety (90) days after the date of this refusal. For further information, take this notice to the Planning Department, Room 304, City Hall.

Case NO. 9-58

Filed 5-16-58 10 a.m.

APPEAL FOR VARIANCE OR EXCEPTION

TO: The Board of Zoning Appeals
Fourth Floor, City Building Annex
Wichita, Kansas

The undersigned Grace Baptist Church hereby appeals from the decision of the Building Inspection Superintendent wherein a Building Permit is refused under Section 21-10, C. 2, 2.3 to build addition to the existing church at the premises located at 1414 West Pawnee, Wichita, Kansas. This permit was denied for the reason that as planned, there would be a side yard set back of only 10 feet on the West, whereas a side yard set back of at least 25 feet is required for such building in an "AA".

The plans, application, and all data heretofore filed with said Building Inspection Superintendent are attached hereto and made a part of this appeal.

I have not made a previous application or appeal under the Zoning Ordinance affecting these premises.

I hereby declare that all the statements contained in all of the information transmitted herewith are true.

Ho-46644

Appellant GRACE BAPTIST CHURCH
BY: Michael S. Schepis, Pastor

Appellant Grace Baptist Church Address 1414 W. Pawnee
Owner Same Address Same
Lessee Same Address Same

(This appeal shall be filed in duplicate, with a \$30.00 filing fee within ninety days after the date of the decision of the Building Inspector.)

Paid PAY AT CITY TREASURER'S OFFICE — FIRST FLOOR

TO: RALPH EBERLY, City Treasurer
FROM: LEROY L. LITTLE, Director of Planning

ITEM NO. 9-58

Please collect from Mr(s) Michael S. Schepis
whose mailing address is 1414 W. Monroe
the sum of \$ 32 which is the fee required for BZA Appeal

Please retain this memorandum for your records.

NOTICE TO PATRONS: No Petition associated with this memorandum will be processed until the fee is paid.

PLANNING DEPARTMENT
By [Signature]
Title [Signature]

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

May 19 _____, 19 58

CERTIFIED MAIL

Mr. Michael S. Schepis, Pastor
Grace Baptist Church
1414 West Pawnee
Wichita, Kansas

Dear Mr. Schepis _____:

Your appeal, under the Zoning Ordinance, relative to premises at
1414 West Pawnee, Wichita, Kansas

has been given Board of Zoning Appeals Case No. 9-58.

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
your case on Tuesday, May 27th, 19 58, at 1:30 P.M.
at the meeting room on the 4th Floor of the City Building Annex, 104
South Main, Wichita, Kansas.

Respectfully,

Leavel R. Edmunds
Secretary, Board of Zoning Appeals

No. 6386297

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO Michael S. Schepis, Pastor Grace Baptist Church		POSTMARK OR DATE
STREET AND NO. 1414 West Pawnee		
CITY AND STATE Wichita, Kansas		
If you want a return receipt, check which		
<input checked="" type="checkbox"/> 7c shows to whom and when delivered	<input type="checkbox"/> 31c shows to whom, when, and address where delivered	If you want restricted delivery, check here
		<input type="checkbox"/> 30c fee

POD Form 3800 July 1953 Replaces previous editions of this form which MAY be used.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS.
 SEDGWICK COUNTY)

The undersigned, duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the Office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property within a radius of 200 feet of a tract beginning 396 ft. West of the SE corner of $W\frac{1}{2}$ of $S\frac{1}{2}$ of the $S\frac{1}{2}$ of the $SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Section 31, Twp. 27- Range 1 East; thence West 130 ft; th. North 330 ft; th. East 130 ft; th South 330 ft. to beg., except the South 50 ft. for Pawnee Avenue, in the City of Wichita, Kansas.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

LOT	BLOCK	ADDITION	OWNER
1	1	Westway Park	Westway, Inc. <i>1135 W. Pawnee, Wichita</i>
2	1	" "	" "
1	2	" "	Edith Garlock, wdo. "
27	2	" "	Westway, Inc. "
28	2	" "	" "
		The West 134' of the S. 330' of $S\frac{1}{2}$ $S\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Sec. 31- Twp. 31- Range 1 East	C. E. & Maudie V. Alford, ux <i>1418 W. Pawnee, Wichita</i>
		Tract in $SE\frac{1}{4}$ Sec. 31- Twp. 27- R. 1E desc. as beg. at a pt. 132' W. of SE cor. of $W\frac{1}{2}$ of $S\frac{1}{2}$ of $S\frac{1}{2}$ of $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Sec; th N 330'; th. W 264'; th S 330'; th E 264' to beg.	George F. & Leota I. Jackson, ux <i>1326 W. Pawnee, Wichita</i>
		A tr. beg. at a pt. 396' W of SE cor. of $W\frac{1}{2}$ $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Sec. 31- Twp. 27- R 1E; th W 130' m/1 to a pt. 135.92' E of W line of sd. $W\frac{1}{2}$; th N along sd W line 330'; th E. 130' m/1 to a pt. 396' W of E. line of sd $W\frac{1}{2}$; th S 330' to pt. of beg.	The Board of Trustees of The Grace Baptist Church <i>1414 W. Pawnee, Wichita</i>

- 2 -

OWNER

A tract beg. at SE cor. of SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 31- Twp. 27- R. 1 E, th N. par. with E. line of sd. Sec. 330'; th W 132'; th S 170'; th E 50'; th S 160' to S. line of sd. Sec; th E. 82' to beg., exc. 30' off S. side for road

Melvin Theodore and
Evelyn Melton, ux.

1105 S. Water, Wichita

Dated at Wichita, Kansas, this
12th day of March, 1958, at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Clair M Farrell*
Sec. BB

NO. 3403