

Case No. BZA 46-80 - First Church of God, requests a variance to reduce the front yard setback from 20 feet to 0 feet adjacent to Main & Market and to reduce the side yard setback from 6 feet to 0 feet adjacent to Bayley for

POSTED
10-8-80
Call

ACTION

BZA
46-80

COMMITTEE APPROVED DATE 10-28-80

M.A.P.C. _____

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

SAG B

185-1-10-10-28-80
18-9-17-80
13-02-80
Record Book
Church
OK



**Central
Community Church**

1201 South Market Street • Wichita, Kansas 67211

September 21, 1981

Mr. Glen E. Lytle
Assistant Secretary
Board of Zoning Appeals
455 N. Main
Wichita, KS 67202

Re: Case No. BZA 46-80/Request for Variance/First Church of God

Dear Mr. Lytle:

Schedule for compliance

Items Completed:

1. Surface requirements for drives and parking areas completed
5. Maintenance of existing trees
6. Alley is in process with City for paving
7. Landscape plan submitted as of today
8. Parking plan submitted as stated in Item #8.

To be Completed:

2. Parking barriers to be installed by October 15, 1981
4. The 13 foot sidewalk area adjacent to Bayley will have trees planted by October 31, 1981
3. New driveway approaches to be completed by May 31, 1982

(Note on Item 3: We are requesting additional time on this project because of the expense involved. When we were required to pave unsurfaced areas, we raised over \$50,000 in cash to complete this part of the project, in addition to \$50,000 that was raised to update the building that year. The entrance on Main Street that was only 10 feet wide has been widened to 24 feet, which was the real problem area. With the proposed date we can pay for the other items in cash now and have the cash raised by spring to widen driveways and not have to borrow at such high interest rates.)

Sincerely,

Ray Cotton
Pastor

RC:jp

BZA 46-80

First Co. of God -

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

OCTOBER 8, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 46-80

An application has been filed by First Church of God, 1201 South Market, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the front yard setback from 20 feet to 0 feet adjacent to Main and Market and to reduce the side yard setback from 6 feet to 0 feet adjacent to Bayley for off-street parking purposes only; and to waive the screening fence requirement adjacent to the alley and the north and south property lines of the lots on Main Street on property zoned the "RB" Four-family Dwelling District and legally described as follows:

North 18' Lot 12, South 12' of Lot 12, All of Lots 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, & 34 all on Main Street Fitzgerald's Addition and the South 15' on Lot 19 and all of Lots 21, 23, 25, 27, 29, 31, 33, 35, 37 & 39 on Market Street Fitzgerald's Addition to Wichita, Sedgwick County, Kansas. Generally located between Main, Market, Lincoln and Bayley.

This application has been assigned case No. BZA 46-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 28, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

MOTION: HARTSTEIN moved, MOORE seconded and it carried unanimously that the Board assume jurisdiction with respect to the request for variance.

MOTION: IRWIN moved, MOORE seconded and it carried unanimously that the request for a variance with respect to allowing off-street parking in the front and side yard setback area, in conjunction with the construction of church facilities, arises from conditions which are found to be unique and not ordinarily found in the same zoning district as shown in the following adopted resolution.

MOTION: IRWIN moved, MOORE seconded and it carried unanimously that the granting of the variance, as approved, would not adversely affect the rights of adjacent property owners.

MOTION: IRWIN moved, MOORE seconded and it carried unanimously that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant as shown in the following adopted resolution.

MOTION: IRWIN moved, MOORE seconded and it carried unanimously that the variance, as approved, will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

MOTION: MOORE moved, HARTSTEIN seconded and it carried unanimously that inasmuch as the four conditions required to be found before a variance can be granted, have been found to exist, that this application be approved subject to certain conditions as shown in the following adopted resolution.

R E S O L U T I O N N O . B Z A 41-64

WHEREAS, First Church of God, 1201 South Market, Wichita, Kansas, by Charles C. McCarter, Attorney, Suite 701 Petroleum Building, Wichita, Kansas, requests Variance pursuant to Section 2.12. 590.2, Code of the City of Wichita, to allow waiver of a requirement that off-street parking may not occupy any part of a required front

yard setback in a dwelling district, and also waiver of the requirement that off-street parking may not occupy any more than one-half the required side yard setback; and further requests 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 zoning district, all related to property legally described as follows:

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

generally located on the west side of Market in an area between Lincoln and Bayley; 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 the 27th day of October, 1964; and

WHEREAS, the Board of Zoning Appeals has found that the request for a variance with respect to allowing off-street parking in the front and side yard setback areas, in conjunction with the construction of church facilities, arises from conditions which are found to be unique and not ordinarily found in the same zoning district inasmuch as the Board of Zoning Appeals has previously 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 in question and, consequently, it would seem somewhat unreasonable to not allow the setback areas to be used for parking on subject property; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, would not adversely affect the rights of adjacent property owners; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the Zoning Ordinance will constitute unnecessary hardship upon the applicant inasmuch as the Board has previously waived the setback requirements on the parking lot to the south of subject area, and further, because of limited finances, the church must gain the maximum utilization of its property; and

WHEREAS, the Board of Zoning Appeals has found that the variance, as approved, will not adversely affect the public

health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted, have been found to exist; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider the request for an Exception, under the provisions of Section 28.04.140.B, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that an Exception be granted to allow construction of an off-street parking lot, and that variances be granted to permit off-street parking in the front and side yard setback areas, subject to the following conditions:

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 overhanging 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 No. 8 as originally established in BZA Resolution 11-64(B), and Condition No. 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 the north 3½ feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas; and

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 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."

If said performance bond has been filed with the City Clerk, it shall be amended to include the above requirement.

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.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1964.

S/ Harold Bauer
Harold Bauer, Chairman

ATTEST:

S/ Jack H. Galbraith
Jack H. Galbraith, Secretary

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5. Case No. BZA 42-64 - Chester F. Farrow and Maryrose N. Bauslaugh request an exception to permit the installation of a new and used car lot on Lots 1, 2 and 3, Block A, except the

MOTION: IRWIN moved, MOORE seconded and it carried unanimously that the variance arises from such condition which is unique and not ordinarily found in the same zoning district in that the church is located in a residential area where there is not sufficient property properly zoned for off-street parking.

MOTION: IRWIN moved, MOORE seconded and it carried unanimously that the granting of the variance would not adversely affect adjacent property owners or residents, inasmuch as there has been no definite evidence submitted to show any adverse affects upon the property.

MOTION: MOORE moved, HARTSTEIN seconded and it carried by a vote of 3 in favor (MOORE, HARTSTEIN AND ANDERSON) and 1 opposed (IRWIN), that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as there has been no presentation to the contrary.

MOTION: ANDERSON moved, MOORE seconded and it carried unanimously that this request be denied inasmuch as only three of the four conditions required to be found to exist before a variance can be granted by the Board of Zoning Appeals, have been found to exist.

The following resolutions were adopted as a result of the above actions:

R E S O L U T I O N N O . B Z A 11-64(A)

(One of Three Resolutions Pertaining to BZA 11-64)

WHEREAS, First Church of God of Wichita, Kansas, Inc., 1201 South Market, Wichita, Kansas, by Charles C. McCarter, Attorney, 701 Petroleum Building, Wichita, Kansas, has requested the granting of a Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, from the requirement that there be one off-street parking space for every five seats in the church, as required in Section 28.04.140.A.2.4, to one off-street parking space for every seven seats in the church; and

WHEREAS, the above request applies to the following described property:

The S $\frac{1}{2}$ of Lot 12, all of Lots 14, 16 and 18 and the N 3 $\frac{1}{2}$ feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas;

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

The S 5 feet of Lot 14 and all of Lot 16 on Market Street in Parkhurst's Addition to 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 P.M., Sedgwick County, Kansas, described as beginning 220.4 feet south and 190 feet west of the northeast corner of the SE $\frac{1}{4}$; thence south 12 feet; thence west 140 feet; thence north 12 feet; thence east to beginning,

generally located between Market and Main and south of Lincoln; 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 the 25th day of February, 1964; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variance under provisions of Section 2.12.590.2, Code of the City of Wichita, Kansas; and

WHEREAS, the property is zoned "RB" Four Family Dwelling District; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique and not ordinarily found in the same zoning district in that the church is located in a residential area where there is not sufficient property properly zoned for off-street parking; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not adversely affect adjacent property owners or residents, as there has been no definite evidence submitted to show any adverse affects upon the property; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will not constitute unnecessary hardship upon the

property owner represented in the appeal, in that the applicant, through arrangements with Broadway Mortuary and in line with conditions contained in Section 28.04.140.A.2,3, Code of the City of Wichita, has indicated that the church will be able to provide the required parking spaces without the granting of this variance; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as there has been no presentation to the contrary; and

WHEREAS, only three of the four conditions required to be found to exist before a variance can be granted by the Board of Zoning Appeals, have been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the variance requested be denied, and the applicant, as required in Section 28.04.140 of the ordinance, be required to provide one off-street parking stall for every five seats in the church sanctuary.

ADOPTED AT WICHITA, KANSAS, this 25th day of February, 1964.

S/ Harold Bauer
Harold Bauer, Chairman

ATTEST:

S/ Jack H. Galbraith
Jack H. Galbraith
Secretary

R E S O L U T I O N NO. BZA 11-64(B)

(One of Three Resolutions Pertaining to BZA 11-64)

WHEREAS, First Church of God of Wichita, Kansas, Inc., 1201 South Market, Wichita, Kansas, by Charles C. McCarter, Attorney, 701 Petroleum Building, Wichita, Kansas, has requested the granting of a variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, from the requirement that off-street parking may not occupy any part of any required front yard setback in a dwelling district and from the requirement that off-street parking may not occupy any more than one-half of the required side yard setback; and

WHEREAS, the above request applies to the following described property:

The S 1/2 of Lot 12, all of Lots 14, 16 and 18 and the North 3 1/2 feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas

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

The South 5 feet of Lot 14 and all of Lot 16 on Market Street in Parkhurst's Addition to Wichita, Sedgwick County, Kansas; also a tract in the northeast quarter of the southeast quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet south and 190 feet west of the northeast corner of the southeast quarter, thence south 12 feet, thence west 140 feet, thence north 12 feet, thence east to beginning,

generally located between Market and Main and south of Lincoln; 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 the 25th day of February, 1964; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variance under provisions of Section 2.12.590.2, Code of the City of Wichita, Kansas; and

WHEREAS, the property is zoned "RB" Four Family Dwelling District; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique and not ordinarily found in the same zoning district in that the church is located in a residential area where there is not sufficient property properly zoned for off-street parking; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not affect adjacent property owners or residents adversely because there has not been any evidence presented that would tend to indicate any adverse affect; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal in that if the variance was not granted, the church would be unable to use the property in the manner (off-street parking) for which it was purchased, and consequently would not allow the church to enjoy the full economic advantage of its property; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, in view of the conditions which will be imposed; and

WHEREAS, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the variance be granted to permit off-street parking in the front and side yard setback areas of property involved in this application, subject to the following conditions:

1. The parking area 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. No trailers shall be allowed.
2. Only such signs as are necessary for the proper operation of the lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. 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.
5. All parking spaces which abut a property line shall have adequate concrete bar wheel or bumper guards to prevent overhanging or extension of vehicles beyond property lines or parking spaces.
6. The parking areas shall have proper markings for channelization and movement of vehicles.

7. No lights shall be installed on said parking lots having a height greater than six feet above ground level and the beam of light shall be directed downward.
8. 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 S 1/2 of Lot 12, all of Lots 14, 16 and 18 and the north 3 1/2 feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas

Lots 27, 29 and 31 on Market Street in Fitzgerald's Addition to the City of Wichita in 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's Addition to Wichita, Sedgwick County, Kansas; also a tract in the northeast quarter of the southeast quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet south and 190 feet west of the northeast corner of the southeast quarter, 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 1/2 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 lots the fence shall be reduced from five to three feet in height.

9. 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 the paving of the parking lot areas and construction of the fencing as required by the Board.

10. The lot shall be constructed in accordance with the conditions and requirements as outlined above, within 24 months from the effective date of the approval of this application or the permit shall be null and void.
11. 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 construction of the lot.
12. Low type of landscaping (hedges or plantings) shall be provided along the parking lots where they face or side into Market or Main, except on areas of ingress and egress. No parking stall shall be located nearer than 4 feet to the sidewalk, and physical barriers, such as the plantings or concrete curb, shall be used to maintain this distance.
13. Direct vehicular access from parking areas to 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 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 north half of Lot 19 on Market Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas (parking lot immediately south of proposed sanctuary.)

ADOPTED AT WICHITA, KANSAS, this 25th day of February, 1964.

S/ Harold Bauer
Harold Bauer, Chairman

ATTEST:

S/ Jack H. Galbraith
Jack H. Galbraith, Secretary

R E S O L U T I O N N O . B Z A 11-64(C)

(One of Three Resolutions Pertaining to BZA 11-64)

WHEREAS, First Church of God of Wichita, Kansas, Inc., 1201 South Market, Wichita, Kansas, by Charles C. McCarter, Attorney, 701 Petroleum Building, Wichita, Kansas, has requested the granting of 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 lots in an "RB" Four Family dwelling district; and

WHEREAS, the above request applies to the following described property:

The S 1/2 of Lot 12, all of Lots 14, 16 and 18 and the North 3 1/2 feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas

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

The South 5 feet of Lot 14 and all of Lot 16 on Market Street in Parkhurst's Addition to Wichita, Sedgwick County, Kansas; also a tract in the northeast quarter of the southeast quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet south and 190 feet west of the northeast corner of the southeast quarter, thence south 12 feet, thence west 140 feet, thence north 12 feet, thence east to beginning,

generally located between Market and Main and south of Lincoln; 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 the 25th day of February, 1964; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for exception under provisions of Section 28.04.140.B, Code of the City of Wichita, Kansas; and

WHEREAS, the property is zoned "RB" Four Family Dwelling district.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the exception requested be approved for establishing of off-street parking lots in areas zoned "RB" on the following properties and subject to the following conditions:

The S 1/2 of Lot 12, all of Lots 14, 16 and 18 and the North 3 1/2 feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas

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

The South 5 feet of Lot 14 and all of Lot 16 on Market Street in Parkhurst's Addition to Wichita, Sedgwick County, Kansas; also a tract in the northeast quarter of the southeast quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet south and 190 feet west of the northeast corner of the southeast quarter, thence south 12 feet, thence west 140 feet, thence north 12 feet, thence east to beginning, generally located between Market and Main and south of Lincoln.

1. The parking area 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. No trailers shall be allowed.
2. Only such signs as are necessary for the proper operation of the lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. 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.
5. All parking spaces which abut a property line shall have adequate concrete bar wheel or bumper guards to prevent overhanging or extension of vehicles beyond property lines or parking spaces.
6. The parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lots having a height greater than six feet above ground level and the beam of light shall be directed downward.

8. 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 S 1/2 of Lot 12, all of Lots 14, 16 and 18 and the North 3 1/2 feet of Lot 20 on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas

Lots 27, 29 and 31 on Market Street in Fitzgerald's Addition to the City of Wichita in 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's Addition to Wichita, Sedgwick County, Kansas; also a tract in the Northeast quarter of the southeast quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet South and 190 feet West of the northeast corner of the southeast quarter, 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 1/2 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 lots, the fence shall be reduced from five to three feet in height.

9. 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 the paving of the parking lot areas and construction of the fencing as required by the Board.
10. The lot shall be constructed in accordance with the conditions and requirements as outlined above, within 24 months from the effective date of the approval of this application or the permit shall be null and void.

11. 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 construction of the lot.
12. Low type of landscaping (hedges or plantings) shall be provided along the parking lots where they face or side into Market or Main, except on areas of ingress and egress. No parking stall shall be located nearer than 4 feet to the sidewalk, and physical barriers, such as the plantings or concrete curb, shall be used to maintain this distance.
13. Direct vehicular access from parking areas to 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 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 north half of Lot 19 on Market Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas (parking lot immediately south of proposed sanctuary.)

ADOPTED AT WICHITA, KANSAS, this 25th day of February,
1964.

S/ Harold Bauer
Harold Bauer, Chairman

ATTEST:

S/ Jack H. Galbraith
Jack H. Galbraith, Secretary

-
12. Case No. BZA 14-64 - Mrs. Hazel Fallon McClelland requests a variance to allow a self-service car wash operation on the north 100 feet of the south 200 feet of Reserve "A", in Replat of Trollope Fallon Addition. Generally located on the southwest corner of Lincoln and Woodlawn.

The Secretary reported that this application had been withdrawn by the applicant. No action was taken by the Board other than to consider the case closed.

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.

The possibility of the applicant desiring access to the alley from the Market Street lot was raised, and REV. KARDATZKE said that as far as they can foresee at this time they are not apt to make such a request, inasmuch as they feel they are protected by the words "or paved" (in the condition as amended) because they do not want people driving up a muddy alley and then parking on their paved parking area. He commented that if they acquire property adjacent to the alley to the south of that portion now paved, and paved the new portion at their own expense, then they would expect to have access to the alley.

HOWE suggested that if any further requests are made with respect to development of church facilities at this location, then the Resolutions now in affect related to this property should be consolidated into one resolution.

No one appeared in opposition.

MOTION: MOORE moved, IRWIN seconded and it carried unanimously that the exception requested be approved as shown by the adoption of the following Resolution.

RESOLUTION NO. BZA 7-65

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.

S/ Harold Bauer

Harold Bauer, Chairman

ATTEST:

S/ Jack H. Galbraith

Jack H. Galbraith, Secretary

-
3. Case No. BZA 8-65 - Norbett F. Reischmann requests a variance to reduce the side yard setback from 6 feet to one foot, on property legally described as Lots 41 and 43, Ida Avenue, Wabash Avenue Subdivision, Beals Addition. Generally located on the west side of Ida in an area between Pawnee and Scott.

GALBRAITH pointed out the area on the map and reviewed the following report of the Secretary.

JURISDICTION

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590, Code of the City of Wichita and may grant the variance request when all four of the following conditions are found to exist:

APPROVED By Central Inspection
City of Wichita

CENTRAL Community Church
1201 S. MARKET
WICHITA, KS. 67211

Drainage

ok'd

Sanitary Sewers

EXISTING

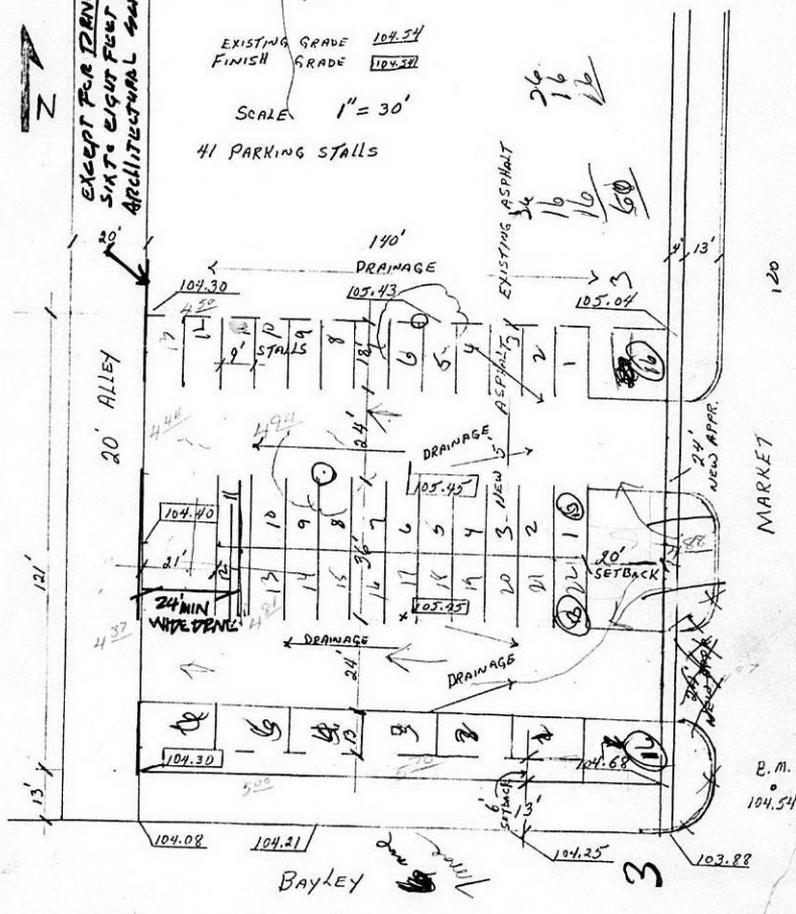
Curb Cuts & Sidings

EXISTING

RB"

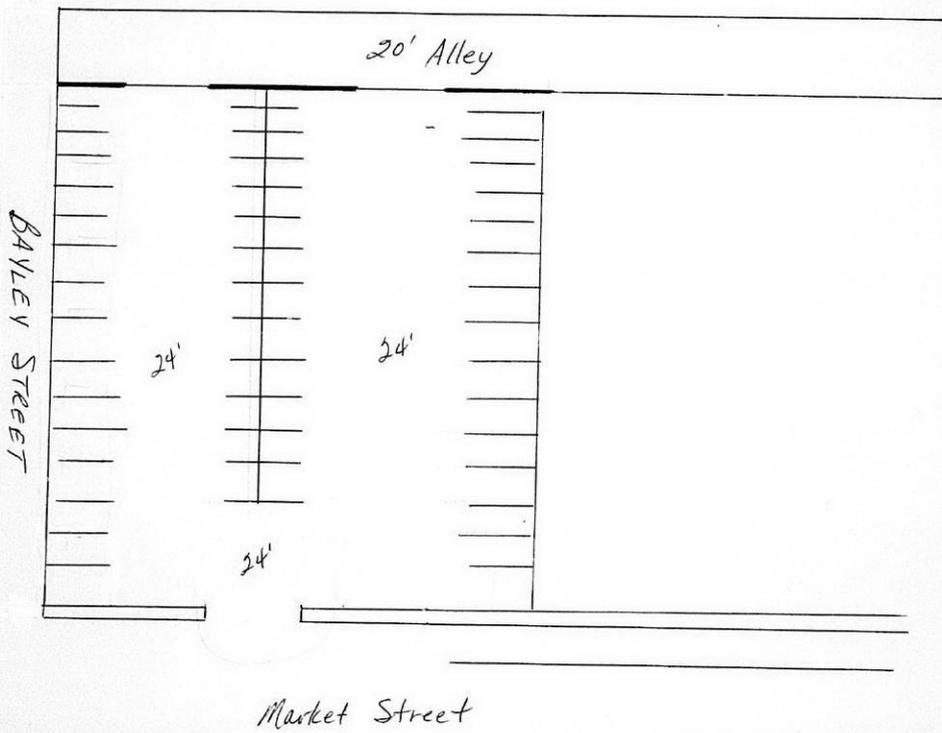
FITZGERALD'S ADD. LOTS # 33, 35,
37, 39, ON MARKET

41 SPACES.



BAYLEY

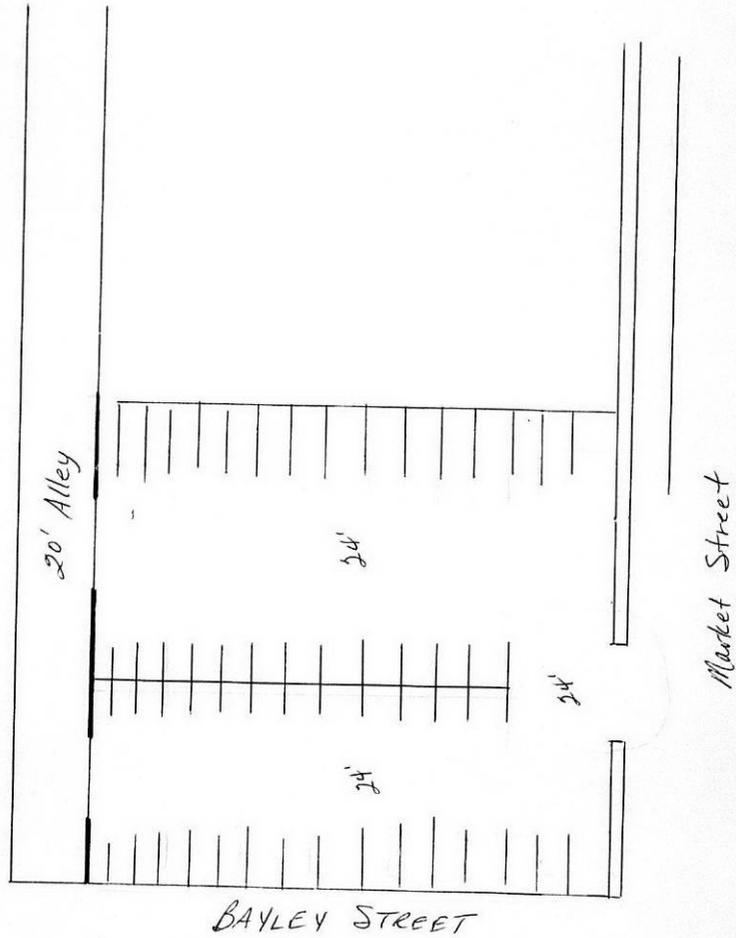
B.M.
104.54



Fitzgerald's Add. Lots # 33, 35, 37, 39
 on Market
 41 Spaces

Fitzgerald's Add. Lots # 33, 35, 37 & 39
on Market

41 Spaces



October 21, 1981

Rev. Raymond Cotton
First Church of God
1201 South Market
Wichita, Kansas 67211

Re: Case No. BZA 46-80
Request for Variance

Dear Rev. Cotton:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 28, 1980.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 46-80

WHEREAS, the First Church of God, 1201 South Market, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 20 feet to 0 feet adjacent to Main and Market Streets and to reduce the side yard setback adjacent to Bayley Street from 6 feet to 0 feet for off-street parking purposes only; and to waive the screening fences adjacent to the alley and adjacent residential zoning on property zoned the "RB" Four-family Dwelling District and legally described as follows:

North 18' Lot 12, South 12' of Lot 12, all of Lots 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, & 34 all on Main Street Fitzgerald's Addition and the South 15' on Lot 19 and all of Lots 21, 23, 25, 27, 29, 31, 33, 35, 37 & 39 on Market Street Fitzgerald's Addition to Wichita, Sedgwick County, Kansas. Generally located between Main, Market, Lincoln and Bayley.

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, at the meeting of October 28, 1980, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the entire block on Market is owned by the church, and the property to the north of the application area is presently using the church property for circulation to their parking spaces; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the neighbors to the north are a part of the application and there was no objection by the owners to the south; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the majority of the setbacks and screening will serve no useful purpose; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the applicant would be eliminating on-street parking in the area; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the intent of the regulations is to provide protection to residential properties from the adverse affects of noncompatible uses; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance

to reduce the front yard setback from 20 feet to 0 feet adjacent to Main and Market Streets and to reduce the side yard setback adjacent to Bayley from 6 feet to 0 feet for off-street parking purposes only; and to waive the screening fences adjacent to the alley and the north and south property lines on property zoned the "RB" Four-family Dwelling District and legally described as:

North 18' Lot 12, South 12' of Lot 12, all of Lots 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, & 34 all on Main Street Fitzgerald's Addition and the South 15' on Lot 19 and all of Lots 21, 23, 25, 27, 29, 31, 33, 35, 37 & 39 on Market Street Fitzgerald's Addition to Wichita, Sedgwick County, Kansas. Generally located between Main, Market, Lincoln and Bayley.

be approved subject to the following conditions:

1. All parking areas, driveways and circulations areas shall be surfaced in accordance with Section 28.04.143 of the code.
2. The parking lot shall be striped and provided with parking barriers as shown by the plan approved by the office of the Traffic Engineer.
3. All driveway approaches shall be constructed, improved or closed in accordance with the plan approved by the office of the Traffic Engineer.
4. The 13 foot sidewalk area adjacent to Bayley Street shall be landscaped with grass and street trees.
5. The applicant shall maintain the existing trees in the sidewalk area adjacent to Main and Market Streets and when loss occurs said trees shall be replaced.
6. The applicant shall guarantee the paving of the alley prior to the release of the resolution.
7. The applicant shall submit a landscape plan of the sidewalk area adjacent to Market, Main and Bayley which shall indicate the existing trees and the new landscaping adjacent to Bayley. This shall be submitted prior to the release of the resolution.
8. Prior to the occupancy of the properties adjacent to Main Street shown by the applicant's plan as 3 residential structures and located on Lots 24 to 34, Fitzgerald's Addition on Main Street, the applicant shall submit a parking plan to the Secretary of the Board for approval by the Traffic Engineer.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

September 24, 1981

Rev. Raymond Cotton
First Church of God
1201 South Market
Wichita, Kansas 67211

Re: Case No. EZA 46-80
Request for Variance

Dear Rev. Cotton:

Enclosed herewith is a copy of the resolution approving the variance requests included in Case No. EZA 46-80. This will permit the use of the property for parking and circulation to the property lines and eliminates the requirement for screening fences. It should be noted, however, that several conditions as set forth by the Board are not completed.

As you will note the Traffic Engineer has approved your parking plan this date and you will be expected to maintain your lot in accordance with this plan. Also the new landscaping adjacent to Bayley has been approved by Jack Galbraith. We are into the fall planting season and you should be able to complete the new planting in the near future.

You should note that the application area includes areas previously included in Cases No. 41-64, 11-64 and 7-65. This resolution will supersede the conditions of those resolutions for the area included in this resolution. It should also be noted that an area presently occupied by houses shall not be used for parking until such time a layout is submitted and approved by the Secretary.

If we can be of further assistance, please give me a call.

Sincerely,

Glen E. Lytle
Assistant Secretary

cc: Robert B. Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

Enclosure

IMPORTANT MESSAGE

FOR Lytle
DATE 6-81 TIME 3:22 ^{AM} P.M.

WHILE YOU WERE AWAY

Max Overholt
OF Central Community
PHONE No. 263-8468 church

TELEPHONED	PLEASE CALL	<input checked="" type="checkbox"/>
CALLED TO SEE YOU	WILL CALL AGAIN	<input type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL	<input type="checkbox"/>

MESSAGE

Re: said they are starting to work on completion in accord w/ D.A. Case

SIGNED E.

FORM 000-017

May 18, 1981

Robert B. Feldner, Superintendent of Central Inspection

Glen E. Lytle, Special Assistant for Zoning

BZA 46-80

By memo on March 30, 1981, I notified you that the Resolution authorizing a variance of the front and side yard setbacks for the parking lot of the First Church of God at Lincoln and Market has not been released. To this date this office has not received the necessary landscape plan for the public areas adjacent to Main, Market and Bayley for the release of the Resolution.

You will also note the driveway approaches have not been constructed in accordance with the approved site plan that was furnished to your office, nor have the required parking barriers been installed. I would appreciate if one of your inspectors would contact the church and advise them of the requirements and advise me of the schedule for compliance with the conditions established by the Board of Zoning Appeals.

Glen E. Lytle

GEL:sad

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

March 30, 1981

TO Robert Feldner, Superintendent of Central Inspection
FROM Glen E. Lytle, Special Assistant for Zoning
SUBJECT BZA 46-80

On October 28, 1980, the Board of Zoning Appeals granted variances of the front and side yard setbacks for off-street parking purposes. The Resolution authorizing the variances have not been released as the applicant has not furnished a landscape plan of the public areas adjacent to Main, Market and Bayley.

It was noted yesterday that the applicant has surfaced and striped these yard areas but to this date has not furnished the necessary information to this office to authorize the release of the resolution. It is also noted that no barriers adjacent to the public right-of-way have been provided. A copy of the site plan approved by the Board of Zoning Appeals is attached for your information.

Glen E. Lytle

GEL:sad

Attachment

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE October 16, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, CPO Administrative Aide

SUBJECT BZA 46-80 (Between Main, Market,
Lincoln and Bayley)

CPO Council "E" considered the captioned case at their October 15 meeting and voted 5-0 to recommend approval of the variance request to reduce the front yard setback from 20 feet to 0 feet adjacent to Main and Market and to reduce the side yard setback from 6 feet to 0 feet adjacent to Bayley for off-street parking purposes only; and to waive the screening fence requirement adjacent to the alley and the north and south property lines of the lots on Main street.

Max Overholt, head maintenance man for the applicant (First Church of God) was present to explain the case to the Council. No one was present to speak in opposition to the case.

Please advise the Board of Zoning Appeals of the Council's recommendation when the case is considered at the October 28 meeting.

Shirley Mast
Shirley Mast
CPO Administrative Aide

SM:rs

Noted

Sarah Gilbert
Sarah Gilbert
Assistant CP Coordinator

October 29, 1980

First Church of God
1201 South Market
Wichita, Kansas

Re: Case No. BZA 46-80
Request for Variance

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on Tuesday, October 28, 1980, your request for variances of the required set-backs adjacent to Main, Market and Bayley for off-street parking purposes only, and the variance of the screening requirement were considered.

It was the action of the Board to approve the requested variances subject to compliance with the following conditions:

1. All parking areas, driveways and circulations areas shall be surfaced in accordance with Section 28.04.143 of the code.
2. The parking lot shall be striped and provided with parking barriers as shown by the plan approved by the office of the Traffic Engineer.
3. All driveway approaches shall be constructed, improved or closed in accordance with the plan approved by the office of the Traffic Engineer.
4. The 13 foot sidewalk area adjacent to Bayley Street shall be landscaped with grass and street trees.
5. The applicant shall maintain the existing trees in the sidewalk area adjacent to Main and Market Streets and when loss occurs said trees shall be replaced.
6. The applicant shall guarantee the paving of the alley prior to the release of the resolution.

7. The applicant shall submit a landscape plan of the sidewalk area adjacent to Market, Main and Bayley which shall indicate the existing trees and the new landscaping adjacent to Bayley. This shall be submitted prior to the release of the resolution.
8. Prior to occupancy of the properties adjacent to Main Street shown by the applicant's plan as 3 residential structures and located on lots 24 to 34, Fitzgerald's Addition on Main Street, the applicant shall submit a parking plan to the Secretary of the Board for approval by the Traffic Engineer.

As you will note, prior to the release of the resolution authorizing the variances, item 7 must be completed. If you have any questions on this matter, please call this office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 46-30

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

AGENT: Raymond E. Cotton, 1201 South Market,
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to reduce
the front yard setback from 20 feet to 0
feet adjacent to Main & Market; to reduce
the side yard setback from 6 feet to 0 feet
adjacent to Bayley; and to eliminate the
screening fences adjacent to the alley and
the north and south property lines.

GENERAL LOCATION: Subject property is bounded by Lincoln,
Main, Bayley and Market Streets.

ZONING: Subject property is zoned "RB" Four-family
dwelling District as are all adjacent
properties except the applicant's property
to the north on Market and the property to
the east which is "B" Multiple-family
dwelling District.

LAND USE: Subject property is now parking for the
church or is scheduled for use as parking.
A few residences still remain in the block
along Main Street at the north and south
ends.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita and the Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting variances of the setbacks adjacent to the street right-of-way lines so that the property may be surfaced and fully utilized for off-street parking purposes. This would be a reduction of the front yard setback adjacent to Main and Market Streets from 20 feet to 0 feet, and the side yard setback adjacent to Bayley Street from 6 feet to 0 feet. The applicant is also requesting that the requirement of the screening fences be waived along the alley property line and also at the north and south property lines in the west half of the block.

On certain portions of the application area, the applicant has previously requested variances of the front yard setbacks for parking purposes only. (BZA-11-64, BZA-41-64, and BZA-7-65) Each of these requests were approved subject to the 4 feet adjacent to the sidewalk be landscaped with a low type landscaping (hedges or planting) and provided with physical barriers to maintain this distance. To the Secretary's knowledge this was never complied with either adjacent to Main Street or Market Street. In discussing the application with the applicant it was suggested that the entire area projected to be used for parking be included in the application if it was desired that surfacing be permitted to the property lines. Another condition of the prior approvals was the requirement for screening adjacent to the north and south property lines and screening adjacent to the alley to prevent use of the unpaved alley as circulation. The applicant now wishes to use the alley as circulation and has petitioned for the paving of the remainder of the alley at the south end of the block.

It is the opinion of the Secretary that with the entire west side of Market and the majority of the east side of Main being owned by the applicant, the property is somewhat unique and the setback requirement may not be justified as is generally intended in the residential zoning districts. The property on the north of the parking area along Main Street actually uses a portion of the church parking lot for circulation to the parking spaces provided on their own property. The location of a fence along the north property line would prevent the reasonable use as parking.

UNIQUENESS:

It is the opinion of the Secretary that the property is somewhat unique inasmuch as the entire block on Market is now owned by the church, and the property to the north on Main Street is presently using the church property for circulation to their parking spaces.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the rights of adjacent property owners unless the property owner to the south would prefer the erection of a screening fence.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the majority of the setbacks and screening will serve no useful purpose.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variances will not adversely affect the public interest inasmuch as the applicant will be eliminating on-street parking in the neighborhood.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances would not be opposed to the spirit and intent of Title 28 (zoning ordinance) inasmuch as the intent of the regulations is to provide protection to residential properties from the adverse effects of noncompatible uses.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the variances can be found to exist, it is then the recommendation of the Secretary that the variances be granted subject to the following conditions:

1. All parking areas, driveways and circulation areas shall be surfaced in accordance with Section 28.04.143 of the code.
2. The parking lot shall be striped and provided with parking barriers as shown by the plan approved by the office of the Traffic Engineer.
3. All driveway approaches shall be constructed, improved or closed in accordance with the plan approved by the office of the Traffic Engineer.
4. The 13 foot sidewalk area adjacent to Bayley street shall be landscaped with grass and street trees.
5. The applicant shall maintain the existing trees in the sidewalk area adjacent to Main and Market Streets and when loss occurs said trees shall be replaced.
6. The applicant shall guarantee the paving of the alley prior to the release of the resolution.

Page 3
BZA 46-30

7. The applicant shall submit a landscape plan of the sidewalk area adjacent to Market, Main and Bayley which shall indicate the existing trees and the new landscaping adjacent to Bayley. This shall be submitted prior to the release of the resolution.

BZA CASE NO. 46-80

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

36 NOTICES SENT TO ADJOINING PROPERTY OWNERS

49 TOTAL NOTICES SENT 10-8-80

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 46-80
FILED 9-29-80

APPLICATION FOR VARIANCE

I. Name of Applicant First Church of God
Mailing Address 1201 South Market Phone 263-8468
Name of Authorized Agent Raymond Cotton
Mailing Address 1201 South Market Phone 263-8468
Relationship of applicant to property is that of owner & lessee
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the front yard set back from 20 ft. to 0 ft. adjacent to Main & Market and to reduce the sideyard set back from 6 ft. to 0 ft. adjacent to Bayley for off-street parking purposes only; and to waive the screening fence requirement adjacent to the alley and the north and south property lines of the lots on Main Street.

for property located between Main, Market, Lincoln and Bayley.

and legally described as: North 13' Lot 12, ^{South 12' of Lot 12,} ~~South 26-1/2' Lot 20,~~
lots 14, 16, 18, 20

All of 22, 24, 26, 28, 30, 32, & 34. All on Main St Fitzgerald's addition, and

the South 15' Lot 19 and all of lots 21, 23, 25, 27, 29, 31, 33, 35, 37 & 39.

on Market St. Fitzgerald's addition to Wichita, Sedgwick County, Kansas.

in the City of Wichita; and which is presently zoned RB.

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596) and that the appropriate fee is herewith tendered;
- That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant FIRST CHURCH OF GOD

Authorized Agent Raymond E. Cotton
Raymond E. Cotton

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:30 (am. p.m.), Sept 29, 1980, together with appropriate fee of 150.00

Signed H. Lytle



**Central
Community Church**

1201 South Market Street • Wichita, Kansas 67211

APPLICATION FOR VARIANCE

#3. We are requesting a variance to code _____ as the new parking lot is contiguous to our present parking lot. The present parking lot was granted an earlier variance and extends to the sidewalk. This is not a commercial lot, but for church use, and church facilities & parking have been compatible with residential zoning. The church presently owns all property on the 1200 block of South Market on the west side. The First Church of God property, lots, and landscaping are some of the best kept grounds in the local community and add to the dignity and also to the property value of nearby residents. In the last five years, the church has spent over \$200,000 to provide adequate parking as a service to the community. As we are paying a very high price per square foot for this land, the variance requested represents thousands of dollars we have paid to provide additional parking.



**Central
Community Church**

1201 South Market Street • Wichita, Kansas 67211

APPLICATION FOR VARIANCE

#3. We are requesting a variance to code _____ as the new parking lot is contiguous to our present parking lot. The present parking lot was granted an earlier variance and extends to the sidewalk. This is not a commercial lot, but for church use, and church facilities & parking have been compatible with residential zoning. The church presently owns the majority of property on the 1200 block of South Main on the east side. The First Church of God property, lots, and landscaping are some of the best kept grounds in the local community and add to the dignity and also to the property value of nearby residents. In the last five years, the church has spent over \$200,000 to provide adequate parking as a service to the community. As we are paying a very high price per square foot for this land, the variance requested represents thousands of dollars we have paid to provide additional parking.

OWNERSHIP LIST

Lot	Addition	Property Owner
N $\frac{1}{2}$ lot 19 Market	Fitzgerald's Addition	D First Church of God 1201 South Market 67211
south 15 ft lot 19, all lot 21 Market	Same	D First Church of God of Wichita, Kansas, Inc. 1201 S. Market 67211
lots 23,25,27,29, 31, on Market	Same	D First Church of God 1201 South Market 67211
lots 33,35,37,39 Market	Same	D First Church of God Inc. 1201 South Market 67211
south 26 $\frac{1}{2}$ ft lot 20, N $\frac{1}{2}$ lot 22 Main	Same	D First Church of God of Wichita, Kansas, Inc. 1201 South Market 67211
S $\frac{1}{2}$ lot 22, all lot 24, north 10 ft lot 26, Main	Same	D Paul R. Ferril and Annalee Ferril 1742 S. Volutsia 67211
lot 26 except N 10 ft, all lot 28 Main	Same	D Ivan C. Maltbie Arlie B. Matbie 1226 S. Main 67211
lot 30, N 20 ft lot 32, Main	Same	D First Church of God Inc. 1201 South Market 67211
South 10 ft lot 32 all lot 34, Main	Same	D First Church of God 1201 South Market 67211
lot 36, N 20 ft lot 38, Main	Same	D <i>returned unable to forward</i> Alfred R. Crotts 1215 $\frac{1}{2}$ South Main 67211 ✓
South 10 ft lot 38 all lot 40, Main	Same	D Sybil L. Tandy and Fred Davis Tandy 1238 South Water 67211 ✓
East 50 ft of lots 46,48,50	Bayley's 2nd Addition	✓ Vincent Serrioz and Violet C. Serrioz ✓ 101 East Bayley 67211
West 90 ft lot 46 west 90 ft of north 20 ft lot 48	Same	✓ Jimm J. Johnson ✓ Velinda K. Johnson 1302 South Main 67213
South 5 ft of west 90 ft lot 48, west 90 ft lot 50, all lot 52, north 7 ft lot 54	Same	D Vincent F. Serrioz Violet C. Serrioz 101 East Bayley 67211

Lot	Addition	Property Owner
South 18 ft lot 54, all lot 56	Bayley's 2nd Sub.	✓ Marvin K. Thurman X Carolyn M. Thurman both deceased
lots 45 & 47 except W 50 ft, north 6 ft lot 49 except west 50 ft	Bayley's Sub.	✓ Dale V. Dresher 1505 South Market 67211 ✓
East 90 ft of south 19 ft lot 49 all lot 51	Same	✓ Thomas E. Naden Phyllis P. Naden 4480 South Meridian 67217 ✓
west 50 ft lots 45,47,49	Same	✓ Harold L. Nugen and Margaret E. Nugen 1433 S. Handley 67213 ✓
lot 53, north 8.5 ft lot 55	Same	✓ Jerry D. Forney and Patricia P. Forney 2534 Benjamin 67204 ✓
south 16.5 ft lot 55	Same	✓ Verle M. Patchett Linda J. Patchett 834 S. Richmond 67213 ✓
lots 22 & 23	Paulline's Addition	✓ Edmond C. Fiedler and Beverly Ann Fiedler 2309 George Washington Blvd. 67218
lot 24	Same	✓ Frank W. Avery and Pauline M. Avery 1308 South Market 67211 ✓
lot 26, north 24.6 ft lot 28 & 10 ft adj. on E	Parkhurst Addition	✓ Albert Vernon Wilcox Eugenia A. Wilcox 1230 South Market 67211 ✓
lots 42 & 44	Same	✓ Clinton L. Smith 1250 South Market 67211 ✓
lot 46	Same	✓ Roger Clifton Thomason Fern Irene Thomason 1254 South Market 67211 ✓
lot 48	Same	✓ Mark B. Gormley and Kay E. Gormley 1256 South Market 67211 ✓
Beginning 190 feet west and 690.8 feet south of the NE corner of the SE $\frac{1}{4}$ of Section 29-27-1E thence west 140 feet, south 60 feet, east 140 feet, north 60 feet to point of beginning		✓ Edmond C. Fiedler Beverly Ann Fiedler 2309 George Washington Blvd. 67218

Tract

Beginning 330 feet west and 370 feet south of the NE corner of the SE $\frac{1}{4}$ of Section 29-27-1E thence south 140 feet; thence east 150 feet; thence north 140 feet; thence west 150 feet to the point of beginning

Property Owner

✓ Graham-Hendrickson
Investment Co., Inc. ✓
1010 N. Main 67203

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of Lots 33, 35, 37 and 39, on Market, Fitzgerald's Addition to Wichita, Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 3rd day of September, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Hable

Vice President

Order No. 291271
wh

This ownership list is hereby enlarged to cover a 200 foot radius of Lots 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37 and 39 on Market Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas, with only the following additions thereto

Description		Owners
N 23' of Lot 4 E 60' of S 7' of Lot 4 & E 40' of Lot 6, Main St.	Fitzgerald Addition	D Vernon C. Axley & Ruth J. Axley 1200 S. Main 67211
W 100' of Lot 6, all Lot 8 & 10 & N½ of Lot 12, Main St.	" "	D Dorothy A. Bogue, Claudine M. Rogers & Leroy M. Porter 1204 S. Main 67211
S½ of Lot 12, all of Lots 14, 16 & 18, Main St.	" "	D First Church of God 1201 S. Market 67211
Lots 5, 7, 9, 11, 13, 15, 17 & S½ of 19, Market St.	" "	D First Church of God 1201 S. Market 67211
Lot 8, Market St.	Parkhurst Addition	✓ Eugene P. Brane, John E. Bradis, Jr. 3326 E. Clark 3521-E-Skinner 67218 67218 x Eva L. Cotter, unknown ✓ Georgia M. Burge 1342 S. Market 67211
Lot 10 & N½ Lot 12, Market St.	" "	✓ Larry Gilbert Houtz 1210 S. Market 67211 ✓
S½ of Lot 12 & N 20' of Lot 14, Market St.	" "	✓ Douglas D. Nulik & Judy F. Nulik 1212 S. Market 67211 ✓
S 5' of Lot 14 all of Lot 16, Market St.	" "	D First Church of God 1201 S. Market 67211
Lots 22 & 24, Market St.	" "	✓ <i>returned, unable to forward</i> A & E Properties, Inc. 843-Maple-67213
The S 38' of Beg 220.4' S & 190' W of NE/c of the SE¼ Sec. 29, 27, 1E, th S 50', th W 140', th N 50' th E 140' to beg.		x Bessie Cleo Stewart & Patricia A. Stewart unknown
Beg 220.4' S & 190' W of the NE/c of the SW¼ of Sec. 29, 27, 1E, th S 12', th E to beg.		D First Church of God 1201 S. Market 67211

Dated this 3rd day of September, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

BY

Mary Sable
Vice President

292396
Order No. 291271
fs

OWNERSHIP LIST

Lot	Addition	Property Owner
East 49 ft lot 6 on Main	Fitzgerald's Addition	✓ Vernon C. Axley and Billy J. Axley 1200 South Main 67211 ✓
West 100 ft lot 6, all lots 8 and 10, N½ lot 12 Main	Same	✓ Dorotha M. Bogue, Claudine M. Rogers Leroy M. Porter 1204 South Main 67211 ✓
S½ lot 12, all lot 14 & 16, N 7 ft lot 18 Main	Same	D First Church of God 1201 South Market 67211
lot 18 except N 7 ft, N 3½ ft lot 20, Main	Same	D Same
S 26½ ft lot 20 N½ lot 22, Main	Same	D First Church of God of Wichita, Kansas 1201 South Market 67211
S½ lot 22, all lot 24, N 10 ft lot 26, Main	Same	✓ Paul R. Ferril and Annalee Ferril 1742 S. Volutsia 67211 ✓
lot 26 except N 10 ft, all lot 28, Main	Same	✓ Ivan C. Maltbie and Arlie B. Maltbie 1226 South Main 67211 ✓
lot 30, N 20 ft lot 32, Main	Same	D First Church of God Inc. 1201 S. Market 67211
south 10 ft lot 32, all lot 34 Main	Same	D First Church of God 1201 S. Market 67211
lot 36, N 20 ft lot 38, Main	Same	✓ Alfred R. Crotts 1215½ S. Main 67211 10-24-50 <i>resent to 1330 S. Emporia (near) for C.R. Davis address</i>
S 10 ft lot 38 all lot 40, Main	Same	✓ Sybil L. Tandy and Fred Davis 1238 S. Water 67211 ✓

Lot	Addition	Property Owner
lots 7 and 9 Main	Fitzgerald's Addition	Charles M. Brackeen X Elizabeth A. Brackeen Address Unknown
lots 11 and 13 Main	Same	✓ Alma L. Tucker 1239 South Main 67211 ✓
lot 15, N 20 ft lot 17, Main	Same	✓ Oscar Bailey 1219 South Main 67211 ✓
S 10 ft lot 17 all lot 19 Main	Same	Milzor E. Maninger ✓ 8641 Sharon Drive Derby, Ks. 67037 ✓
lot 21, N½ lot 23 Main	Same	✓ William C. Rowe Jr. 209 N. Battin 67208 ✓
S½ lot 23, all lot 25, Main	Same	✓ Edwina Brenneisen 1235 South Main 67211 ✓
lot 27, N½ lot 29, Main	Same	✓ Lois Marie Clark Alma L. Tucker 1239 South Main 67211 ✓
S½ lot 29, all lot 31, N 10 ft lot 33, Main	Same	Ernest J. Alcorn, Meda D. Alcorn ✓ Ernest J. Alcorn Jr. 1245 South Main 67211 ✓
south 20 ft lot 33, all lot 35 Main	Same	✓ Martin H. Wacker and Genevieve Wacker 1648 South Elizabeth ✓ 67213
lot 37, Main	Same	✓ Dale C. Fletcher & Betty C. 3941 N. Clarence 67204 ✓
odd lots 5 thru 21 on Market	Same	D First Church of God of Wichita, Ks. Inc. 1201 South Market 67211
odd lots 23 thru 31, Market	Same	D First Church of God 1201 South Market 67211
lots 33,35,37 Market	Same	D First Church of God Inc. 1201 South Market 67211

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: The south $26\frac{1}{2}$ feet of Lot 20, the North half of Lot 22, the South half of lot 22, all of lot 24, and the North 10 feet of lot 26, all in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 12th day of September, 1980 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Gable

Vice President

Order No. 291670
wh



SECURITY IS KNOWING
Title Insurance • Escrow Closings • Abstracts

BZA 46-80

This ownership list is hereby enlarged to cover a 200 foot radius of the South one-half of lot 12, all of lots 14, 16, 18, 20, 22, 24 and the North 10 feet of Lot 26, on Main Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas, with only the following additions thereto:

Description		Owner
Lots 1, 3 & 5, Main St.	Fitzgerald's Addition	D First Church of God, Inc. 1201 S. Market 67211
Lot 2, N 23' of Lot 4 & E 40' of 7' of Lot 4, Main St.	" "	D Vernon C. Axley & Billy J. Axley 1200 S. Main 67211
Lots 1 & 3, Market St.	" "	D First Church of God of Wichita 1201 S. Market 67211

Dated this 12th day of September, 1980 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Hable

Vice President

292397
Order No. 291670
fs

WICHITA - SEDGWICK COUNTY

W.S.C.

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

MOVED LEFT
NO ADDRESS
RETURN TO SENDER

WICHITA, KS
PM
OCT 11
1980

WICHITA, KS
OCT 11 1980
10
15

AEP 43 011105N1 10/11/80
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

A & E PROPERTIES, INC. ←
843 MAPLE
WICHITA KS 67213

Moved

WICHITA, KS
PM
OCT 11
1980

WICHITA - SEDGWICK COUNTY

W.S.C.

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

BRA 21X 22101771 10/10/80
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

JOHN E. BRANE, JR.
3521 E. SKINNER
WICHITA KS 67218

same div.

WICHITA, KS
OCT 10 1980
15

WICHITA - SEDGWICK COUNTY

W.S.C.

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

ATTEMPTED
NOT KNOWN
RETURN TO SENDER

CRO 15 130912N1 10/09/80
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

ALFRED R. CROTTS
1215 1/2 S. MAIN
WICHITA KS 67211

*1313
10-14
1330 S. Emporia*

WICHITA, KS
OCT 10 1980
15

WICHITA, KS
PM
OCT 11
1980

MICROFILMED
FROM THE BEST
AVAILABLE COPY

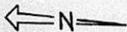
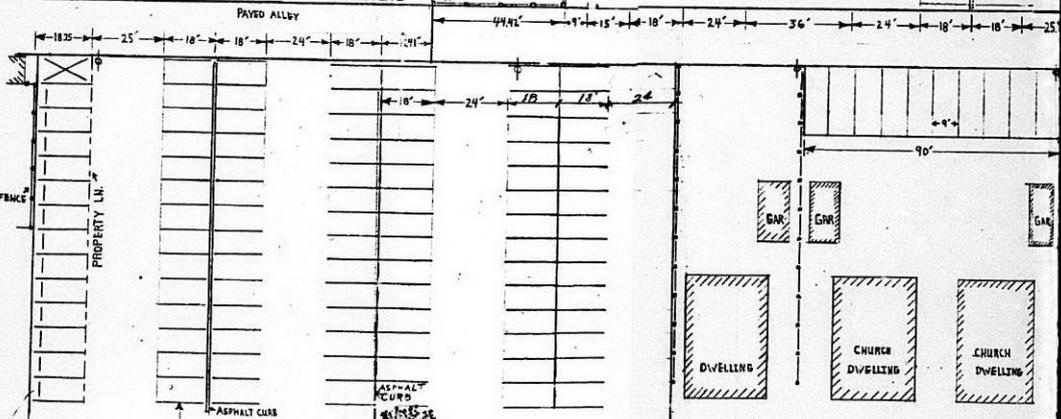
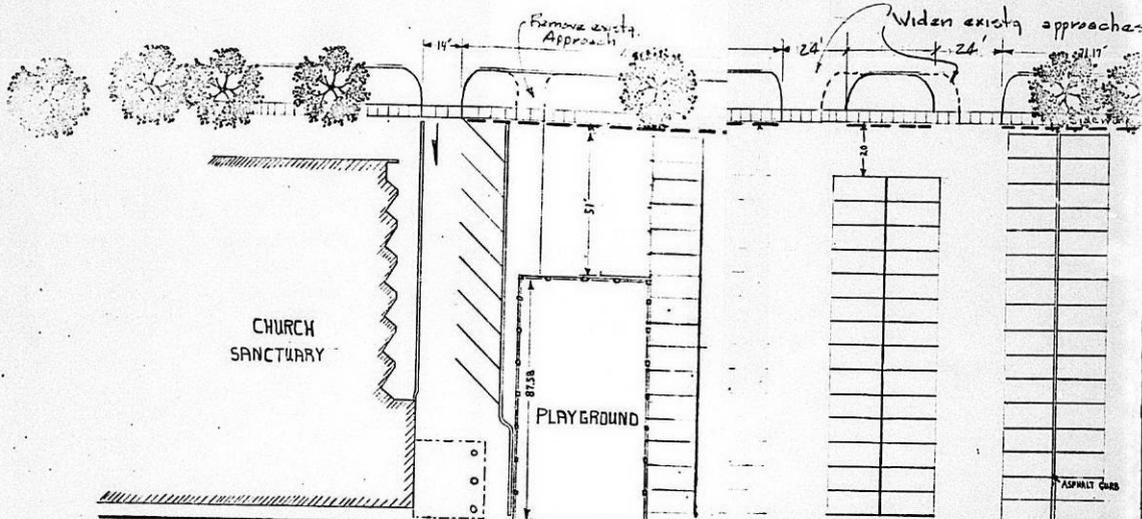
FORM 29-3 PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
City Bldg Lic	150.00

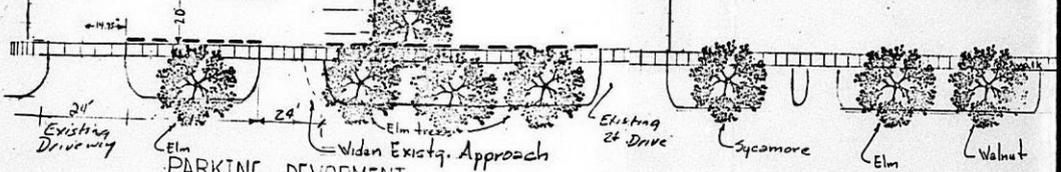
NAME: FIRST CH. OF GOD
 ADDRESS: 1201 So. Mkt.
 FUND: 110-4011-005-1 00-000 DUE DATE: _____
 COMMENTS: _____
 DATE: 4/27/50 BY: [Signature]

Market



ALL PARKING STALLS
ARE 8.5' WIDE UNLESS
OTHERWISE NOTED

parking barriers



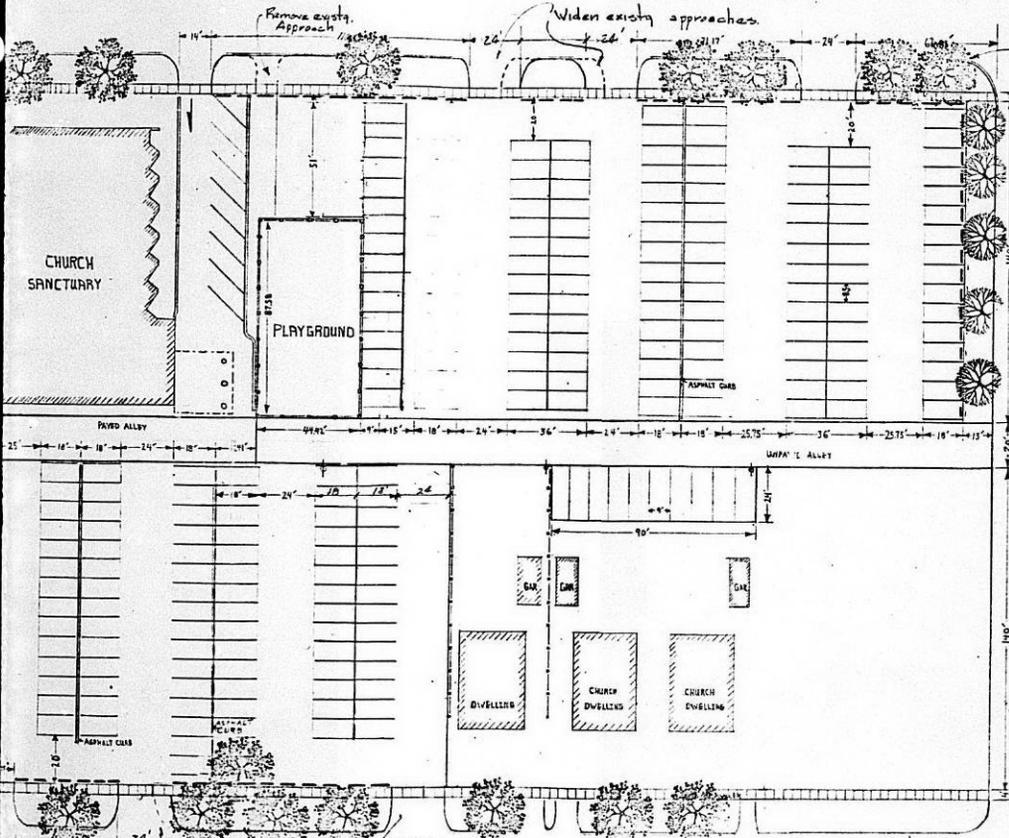
PARKING DEVOPMENT
FOR
CENTRAL COMMUNITY CHURCH

Main

1"=30'

LEGAL
 So. 26 1/2' Lot 20, LOT 22, LOT 24, No. 10'
 LOT 26, ALL ON MAIN
 LOTS 30, 32, & 34 ON MAIN
 LOTS 1 THROUGH 31 ON MARKET
 ALL IN FITZGERALD'S ADDITION

Market



Bayley

Landscape Plan
 J. S. [Signature]
 APPROVED JACK GALICHTAL
 9-23-80

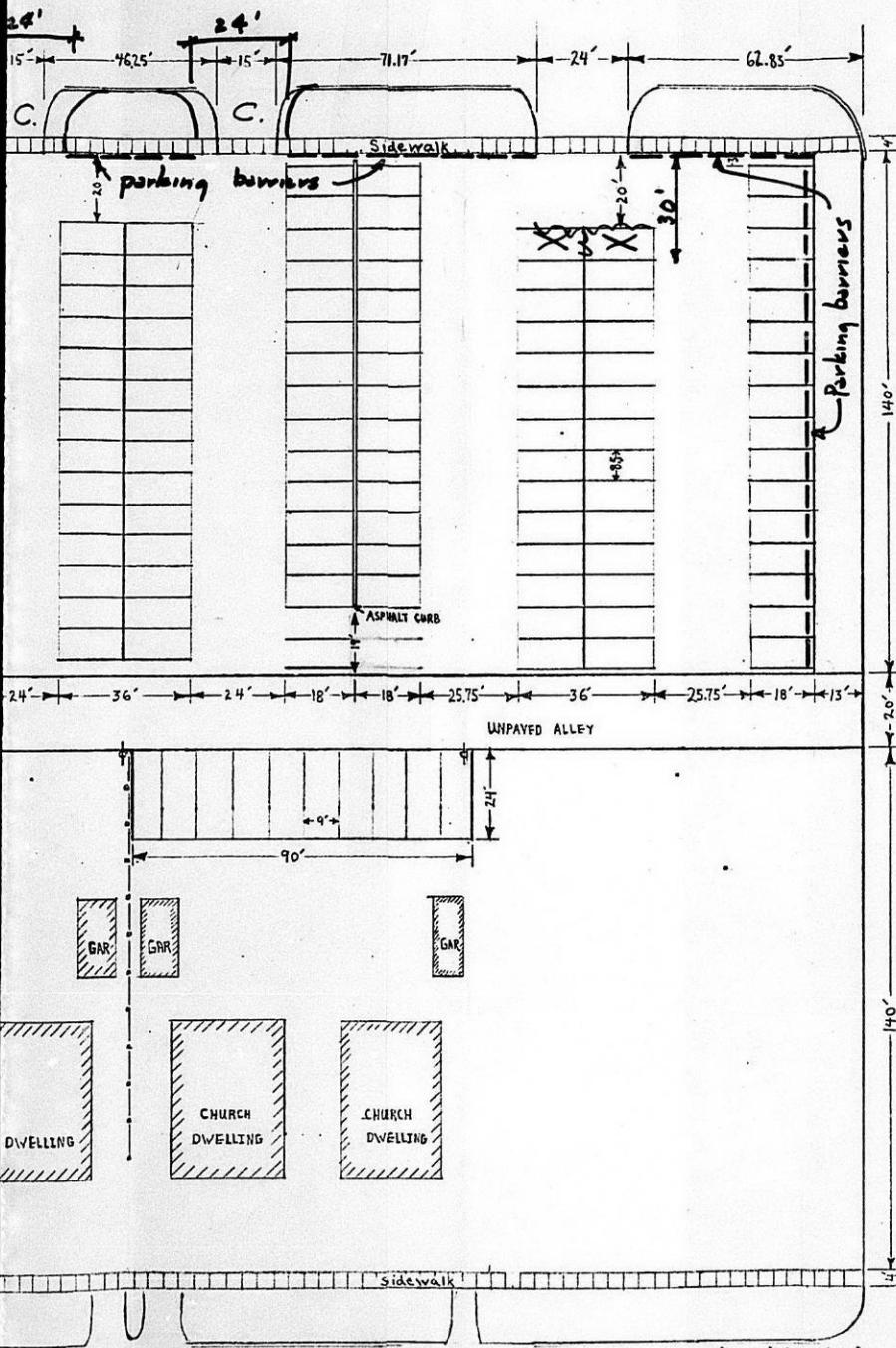
PARKING DEVOPMENT
 FOR
 CENTRAL COMMUNITY CHURCH

Main

- Parking barriers adjacent to all R of W. as indicated.
- EXISTING TREES TO BE MAINTAINED & REPLACED WHEN NECESSARY
- NEW TREES (4 1/2' Japanese Pagoda)

1"=30'

W. S. [Signature]
 [Signature]



Bayley

- Notes
- A. - Close existg. approach
 - B. - New 24' approach
 - C. - Rebuild existg. approach to 24' wide
 - D. - Relocate existg. approach to 24' wide

W.S. M. King
Traffic Engineer
10/22/80

BZA 46-80

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 2