

CASE 5-56 BROTHERHOOD PRESBYTERIAN
CHURCH - C. Donald Close,
Pastor



BEFORE THE BOARD OF ZONING APPEALS OF
THE CITY OF WICHITA

IN THE MATTER OF THE APPEAL OF)
C. DONALD CLOSE, ON BEHALF OF THE)
BROTHERHOOD PRESBYTERIAN CHURCH,) No. 5-56
FROM DECISION OF THE BUILDING)
INSPECTION SUPERINTENDENT.)

TRANSCRIPT OF
PROCEEDINGS

Hearing held August 24, 1956.

COURT REPORTING SERVICE
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BEFORE THE BOARD OF ZONING APPEALS OF
THE CITY OF WICHITA

IN THE MATTER OF THE APPEAL)
OF C. DONALD CLOSE ON BEHALF OF)
THE BROTHERHOOD PRESBYTERIAN CHURCH) No. 5-56
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TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED, that on the 24th day of August,
1956, the above entitled matter came on for public hearing
before the following:

Robert Moore, Sr., Chairman
L. A. Casado
Claude M. De Vorss

who are members of the Board of Zoning Appeals of the City
of Wichita.

Also in attendance at the meeting was Mr. S. B.
Maple, Superintendent of Building Inspection Department of
the City of Wichita.

MR. MOORE: First thing, we have the minutes of the June 29th meeting to be approved.

MR. DE VORSS: I move for approval.

MR. CASADO: Second.

MR. MOORE: It has been moved and seconded they be approved. All in favor say "aye". (All members vote "aye".)

Now, the first item on the agenda, Mr. Fisher, will you read it?

MR. FISHER: The first item on the agenda is Case No. 5-56. Mr. C. Donald Close, on behalf of the Brotherhood Presbyterian Church, appeals from the decision of the building inspection superintendent who has formally denied issuance of a permit to place a new building on the present foundation at the premises located at 2330 East Thirteenth Street, under Section 21-22 and 21-11 of the Wichita City Code, for the reason that this building is non-conforming as to area requirements.

Since all that would be left of the existing building would be the foundation, it would not be permissible to build a new upper structure on the same--using the same foundation. The set backs are five feet four inches on the north and 18 feet on the east, whereas the ordinance requires 25 and 18 feet, respectively.

The application for a building permit was denied on July 20, 1956. The appeal was filed on August 7, which was

well within the time required for the appeal. All people were notified within 200 feet. We had one returned envelope that the person had gone over two years, but we have received no comments either for or against this appeal.

Now, I didn't send the appeal statement out to you in the minutes. We slipped a little on that. I wonder, Mr. Chairman, do you want me to read the appeal statement or each of you have copies--

MR. MOORE: We have a copy. We have all seen the property. I don't think it will be necessary.

Before going ahead, I might state for the benefit of the people in the room, this is Mr. Luis Casado, and Claude De Vorss, a member of this board and also a city commissioner, and I am Robert M. Moore, so you will know who we are.

Now, on this Brotherhood Presbyterian Church, who wants to present that? Just step over here.

MR. CASADO: Could I ask a question first? This building, is it on Thirteenth Street or Grove? Is this the one that faces on Grove?

MR. MOOD: Yes, sir.

MR. MOORE: State your name.

MR. MOOD: I am E. F. Mood, 1518 Garland. I am treasurer and a member of the Board of Trustees of the Brotherhood Presbyterian Church, and I am representing the

church and Rev. Close in this matter.

I believe in our letter of appeal we have covered most of the points. I might add, if it is not in there, that the nearest affected neighbor would be a Mrs. Brookings who lives the first door north of the proposed structure. Mrs. Brookings owns her home, is a member of our church, and as such is very anxious that we do erect this building.

MR. MOORE: Now, Mr. Mood, I'd like to ask you: The building which you have on this drawing would cover the same area that the present building does?

MR. MOOD: It uses the same foundation. I might state that in 1950 we renovated the foundation; the foundation is reinforced with steel, has good floor, all the facilities, the furnace, the rest rooms, scouts' rooms, and so forth. It would be a serious financial loss to us--who I might add are struggling manfully to survive in this fringe area. This church has been there since 1920. We have seen it gradually change from an all-white area to a fringe area. We are doing literally what other people are giving lip service to, and that is opening our doors to any race.

Se have some seven or eight hundred children who use this building every week, about 60-40 divided, and we are proud to say so. But if we were not allowed to use the present foundation and other features, we do not have enough money. The old building will just have to stay there.

That is our case.

MR. MOORE: Well, thank you, Mr. Mood. Is there anybody in the room to file an objection to this petition? If not, Mr. Fisher, will you advise us as to our jurisdiction?

MR. FISHER: As in the appeal statement, I think it states the four conditions very well, and I would say that you have jurisdiction in the case.

MR. MOORE: I just wanted that for the record. I agree we have jurisdiction of the case.

Now, what is the pleasure of the board?

MR. CASADO: I move that we take jurisdiction, Mr. Chairman.

MR. DE VORSS: I second it.

MR. MOORE: It has been moved and seconded that this board take jurisdiction. All in favor, signify by saying "aye." Carried.

MR. FISHER: Pardon me, Mr. Chairman, I might suggest that Mr. Maple may have some statements to say regarding this. I don't know--how he feels concerning the granting of the variance.

MR. MOORE: Do you have anything?

MR. MAPLE: No, I'll concur with Mr. Fisher.

MR. MOORE: As I understand in checking up there in the neighborhood yesterday, that the building is to be sold and hauled away, moved away, and you are not going to use any

of the old material in the new building?

MR. MOOD: That is correct.

MR. MOORE: All right. We have had a motion and carried that we have jurisdiction. Now, do I hear a motion about the request?

MR. CASADO: Mr. Chairman, I so move that we grant the request.

MR. DE VORSS: Second the motion.

MR. MOORE: It's been moved and seconded that we grant the request for case No. 5-56 relative to the Brotherhood Presbyterian Church. You have heard the motion. All in favor signify by saying "aye". Contrary. The "ayes" have it. So ordered, unanimous.

MR. FISHER: Wait just a minute; Mr. Maple just brings up the point in our ordinance there is nothing relative to time limit. As when they should take out their building permit. Or when they should get started on the job. Now, at one meeting of the board, they passed a motion that if the building permit had not been taken out within a year, that it would be brought before the board again to determine whether or not to extend the permit or whether to cancel it.

Now, does the board desire now to put any kind of a time limit on this one so that it could be canceled or something if they don't take advantage of it?

MR. MOORE: What are your plans?

MR. MOOD: Our contractor is chosen; our preliminary plans are finished. In my opinion, it will be less than three months before we will be underway. As a matter of fact, the people who are buying the old structure are sitting right on our coattails trying to get it and that is the only obstacle at the moment.

MR. MOORE: Then if we make an amendment to our motion that a permit may be taken out within a year from this date, it is perfectly agreeable with you?

MR. MOOD: It will not bother us in the least.

MR. DE VORSS: I so move.

MR. CASADO: Second.

MR. MOORE: It has been moved and seconded to limit the time within which a permit may be taken out to one year. All in favor signify by saying "aye". Contrary. Carried and so ordered.

CERTIFICATE

I, Jean Wren, a Certified Shorthand Reporter of the State of Kansas, do hereby certify that the foregoing is a full and correct transcript of all the oral evidence and oral proceedings had in the matter of the appeal of Brotherhood Presbyterian Church, No. 5-56 before the Board of Zoning Appeals of the City of Wichita.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this 27th day of August, 1956.

Jean Wren
Jean Wren, C.S.R.
Box 364, Wichita, Kansas

Wichita, Kansas

July 30, 1956

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

Gentlemen:

My name is Mrs. Clintie Brookings and I live at 1421 N. Grove Street, Wichita, Kansas, which property I own. My property adjoins lots owned by the Brotherhood Presbyterian Church on the south. They have stated to me their desire to replace the present building on their property with a new, modern educational unit. I do not feel that such a building would be a detriment to my property. It would be far more attractive than the present building, and I am willing for the Church to build on the same site that is occupied at the present time.

Yours truly,

Mrs Clintie Brookings

SENT BY CHECK THROUGH MAIL

CASE NO. 5-56

Date August 7, 1956

ZONING APPEALS PETITION

ACCEPTED AS TO FORM by the WICHITA BOARD OF ZONING APPEALS

Receipt No. 45552
(Purchasing Department)

by Rose Gallemore

**BROTHERHOOD
PRESBYTERIAN CHURCH**

In the Heart of Northeast Wichita

THIRTEENTH AND GROVE WICHITA 14, KANSAS

OFFICE PHONE FO 3-5360

C. DONALD CLOSE, PASTOR
RES. PHONE MU 4-7571

August 6, 1956



City of Wichita
Zoning Appeal Board
City Building
Wichita, Kansas

Gentlemen:

Enclosed check in the sum of \$15.00, is payment of
fee for the zoning appeal filed by the Brotherhood Presbyter-
ian Church on their property at 13th & Grove.

Yours truly,

*Gladye Balay
Seig*

gd
1 enc.

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Brotherhood Presbyterian Church Owner Address 2330 E. 13th

To C. Donald Close Applicant Address 2330 E. 13th

Dear Sir:

Your application Dated July 20, 1956

For a Permit for the church school

at the premises designated as

2330 E. 13th

Is hereby refused on this twentieth day of July, 1956,

Under Section 21-22 and 21-11 of the Zoning Ordinance.

For the reason that this building is non-conforming as to area requirements. Since all that would be left of the existing building would be the foundation it would not be permissible to build a new upper structure on the same, using the same foundation. Your setbacks are five feet, four inches on the north and eighteen feet on the east, whereas the ordinance requires twenty five feet and eighteen feet respectively.

Respectfully,


Chief Building Inspector

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.

DELIVERING EMPLOYEE Deliver ONLY to addressee. (Does not apply to Certified mail.)
 Show address where delivered.

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. Rev. C. Donald Close
(Signature or name of addressee)

2. Gladys Belay
(Signature of addressee's agent—Agent should enter addressee's name on line ONE above)


Date of Delivery 8-17-57, 1957

RECEIPT FOR CERTIFIED MAIL—15¢

No. 727322

SENT TO	POSTMARK OR DATE
<u>Reverend C. Donald Close</u>	
<u>Brotherhood Presbyterian Church</u>	
<u>2330 East 13th Street</u>	
CITY AND STATE	
<u>Wichita, Kansas</u>	
If you want a return receipt, check which <input type="checkbox"/> It shows to whom and when delivered <input type="checkbox"/> It shows to whom, when, and address where delivered	

POD Form 3800
Apr. 1955

POST OFFICE DEPARTMENT OFFICIAL BUSINESS		PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, \$300	
RETURN TO			
REGISTERED NO.	NAME OF SENDER		
	Geo. J. Fisher, Dir. of		
CERTIFIED NO. 727322	STREET AND NO. OR P. O. BOX		Service
INSURED NO.	205 City Building		
	POST OFFICE		
	Wichita,		
	STATE		
	Kansas		
POD Form 3811 July 1955		★ U. S. GOVERNMENT PRINTING OFFICE: 1955 350306-10	

No. 727322	RECEIPT FOR CERTIFIED MAIL—15¢	
	SENT TO	POSTMARK OR DATE
	Reverend C. Donald Close Third Ward Presbyterian Church 2330 East 13th Street CITY AND STATE Wichita, Kansas	
	If you want a return receipt, check which <input type="checkbox"/> It shows to whom and when delivered <input type="checkbox"/> It shows to whom, when, and address where delivered	
POD Form 3800 Apr. 1955		

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

August 15, 1956

Reverend C. Donald Close
Brotherhood Presbyterian Church
2330 East 13th Street
Wichita, Kansas

Dear Rev. Close :

Your appeal, under the Zoning Ordinance, relative to premises at
2330 East 13th Street, Wichita, Kansas

has been given Board of Zoning Appeals Case No. 5-56.

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 Friday, August 24, 1956, at 1:30 p.m.
in Room 201, City Commission Room, City Building

Respectfully,

Geo. J. Fisher
Secretary, Board of Zoning Appeals

BOARD OF ZONING APPEALS

Room 205, City Building
Wichita 2 Kansas

NOTICE TO PROPERTY OWNERS

August 15, 19 56

An appeal has been filed by C. Donald Close, Pastor
(address) 2330 East 13th Street on behalf of
Brotherhood Presbyterian Church(address)2330 East 13th Street
as provided by Section 21-27 Vol. I of the City Code. The
appellant desires to place a new building on the present
foundation.

on the premises located at 2330 East 13th Street.

This appeal has been given Case No. 5-56 and a hear-
ing will be held by the Board of Zoning Appeals on Friday
August 24, 1956, at 1:30 p.m. in Room 201 of the City
Building, 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.

Geo. J. Fisher
Secretary, Board of Zoning Appeals

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