

BEA 9-65 - Church of God requests  
variance to permit change in setback  
requirements at the SE corner of  
St. Clair and McCormick

6-3  
Pasted 8-9-65

ACTION:

DATE 5-23-65  
4-27-65  
Bya COMMITTEE St  
app  
M.A.P.C. \_\_\_\_\_  
B.C.C./B. CO. C. \_\_\_\_\_

22

May 10, 1965

Church of God  
2223 McCormick Street  
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 9-65

On April 29, 1965, we advised you that the Board of Zoning Appeals had approved subject application for a variance of the front and side yard setbacks for church property located at the southeast corner of McCormick and St. Clair.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before May 7, 1965.

The City Clerk has advised that no appeal was filed on or before that date, and the decision of the Board of Zoning Appeals is, therefore, final.

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

Very truly yours,

James W. Howe  
Assistant Secretary

JWH:ber  
Attachment

cc: Merle E. Baker  
2223 McCormick

Glen Lytle, Superintendent  
of Central Inspection

R E S O L U T I O N    N O .    B Z A    9 - 6 5

WHEREAS, Church of God, 2223 McCormick Street, Wichita, Kansas, by Merle E. Baker, 2223 McCormick, Wichita, Kansas, has requested a Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a reduction of a required 25 foot side yard setback to 10 feet, and has also requested a reduction of a required 25 foot front yard setback to 22 feet, on property zoned "A" Two Family, and legally described as follows:

Lots 45 and 47, McCormick Avenue, Garfield Addition, in the City of Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of St. Clair and McCormick; 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 April 27, 1965; 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 Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district in that the church owns the adjoining property to the east on which the parsonage is located, and representatives of the church have indicated a desire to cooperate with the Board in efforts to accomplish the desired church expansion; further, the church is located in an older residential area where many of the structures do not comply with setback requirements as now contained in the zoning ordinance inasmuch as many of the structures in the general area were constructed prior to the time that many of the existing setback provisions were included in the zoning ordinance; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not adversely affect adjacent property owners or residents inasmuch as the church owns the adjacent property to the east; 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 that the existing rest room facilities in the church (both men's and women's), are located outside of the church structure, and the Health Department has required that the church provide these facilities within the church structure; and further, the church is in dire need of such rest room facilities, nursery and lounge, inasmuch as the lack of these facilities has caused people to seek other places of worship; 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.

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 variances be granted as follows:

The side yard setback along the east line of Lot 47, on McCormick Avenue, in Garfield Addition, in the City of Wichita, is hereby reduced from 25 feet to 10 feet, and further, the front yard setback requirement on McCormick Avenue on Lots 45 and 47, on McCormick Avenue, in Garfield Addition, in the City of Wichita, is hereby reduced from 25 to 22 feet, said property being located generally at the southeast corner of St. Clair and McCormick.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1965.

Harold Bauer  
Harold Bauer, Chairman

ATTEST

James W. Howe  
James W. Howe  
Assistant Secretary

April 29, 1965

Church of God  
2223 McCormick Street  
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 9-65

This is to advise you that at its regular meeting of April 27, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for a variance of the front and side yard setbacks for church property located at the southeast corner of McCormick and St. Clair.

It was the decision of the Board to approve this request as follows:

The side yard setback along the east line of Lot 47, McCormick Avenue, in Garfield Addition, in the City of Wichita, is hereby reduced from 25 feet to 10 feet, and the front yard setback on McCormick Avenue on Lots 45 and 47, McCormick Avenue, in Garfield Addition, in the City of Wichita, is hereby reduced from 25 feet to 22 feet.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before May 7, 1965.

Page 2 - Church of God  
April 29, 1965

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If an appeal has not been filed on or before May 7, 1965, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

James W. Howe  
Assistant Secretary

JWH:ber

cc: Merle E. Baker  
2223 McCormick

Glen Lytle, Superintendent  
of Central Inspection

Robert G. Finch  
City Clerk

M E M O R A N D U M

April 21, 1965

TO: Members of the Board of Zoning Appeals

FROM: James W. Howe, Assistant Secretary

SUBJECT: Case No. BZA 9-65  
Church of God, 2223 McCormick

The Board will recall that the Church of God located at the south-east corner of St. Clair and McCormick requested at the meeting of March 23, 1965, that they be allowed to construct an addition on the front of their church which would encroach to within 7 feet of the front property line. For all practical purposes, this meant they were requesting a variance from 25 feet down to 7 feet, which would enable them to build the proposed addition.

At the last meeting, the members of the Board indicated their unwillingness to approve the variance request and suggested that the representatives of the Church work with the staff in order to consider the possibility of locating the addition to the east side of the church rather than in front of the church.

The church has now submitted a new plot plan which indicates they are now proposing to construct the addition, which includes facilities for class room, women's rest room, foyer and stairway, on the east side of the church. In order to construct the addition as now proposed, the church has requested that the required side yard setback of 25 feet be reduced to 10 feet, and has also requested that the required front yard setback of 25 feet be reduced to 22 feet, which will give them sufficient room to construct a new facade on the front of the existing church.

JURISDICTION

The Board has jurisdiction to consider this variance under provisions as outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the request when all four of the following conditions are found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

3. That the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public interest, health, safety, morals, order, convenience, prosperity or general welfare.

UNIQUENESS

It is the opinion of the Secretary that the request is somewhat unique inasmuch as the church owns the adjoining property to the east on which the church parsonage is now located and, further, the representatives of the church have indicated a willingness to go along with the desires of the Board in trying to work out a solution in order to provide for the addition on the east side of the church.

It is further the opinion of the Secretary that this request is somewhat unique inasmuch as the church is located in an older residential area where many of the structures cannot comply with the setbacks as now contained in the zoning ordinance. Many of the homes and existing structures in this particular area were constructed prior to the time that many of the existing setback provisions were incorporated in the zoning ordinance.

The church is also trying to preserve as much of the required front yard setback as possible.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance will in no way adversely affect the rights of any adjacent residential property owners inasmuch as the church owns the adjacent property to the east.

HARDSHIP

It is the opinion of the Secretary that the church will be burdened with an unnecessary hardship if the variance is not granted, inasmuch as the existing rest room facilities (both men's and women's), are located outside of the church structure, and the Health Department has required that the church now locate these facilities within the church proper.

It appears that the church will be burdened with a further hardship if the variance is not granted inasmuch as they are in dire need of providing rest room facilities, nursery and a ladies's lounge inasmuch as the lack of these facilities (according to the applicant), have caused people to seek other places of worship.

PUBLIC INTEREST

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

RECOMMENDATION

In view of the foregoing comments, it is the opinion of the Secretary that all four conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance be granted, subject to the following conditions and requirements:

1. Side yard setback along the east line of Lots 45 and 47, McCormick Avenue, in Garfield Addition, in the City of Wichita, is hereby reduced from 25 to 10 feet, and the front yard setback on McCormick Avenue on these same two lots is hereby reduced from 25 to 22 feet.

**MEMORANDUM**

April 21, 1965

**TO:** Members of the Board of Zoning Appeals  
**FROM:** James W. Howe, Assistant Secretary  
**SUBJECT:** Case No. BZA 9-65  
Church of God, 2223 McCormick

The Board will recall that the Church of God located at the south-east corner of St. Clair and McCormick requested at the meeting of March 23, 1965, that they be allowed to construct an addition on the front of their church which would encroach to within 7 feet of the front property line. For all practical purposes, this meant they were requesting a variance from 25 feet down to 7 feet, which would enable them to build the proposed addition.

At the last meeting, the members of the Board ~~discussed the~~ unwillingness to approve the variance request and suggested that the representatives of the Church work with the staff in order to consider the possibility of locating the addition to the east side of the church rather than in front of the church.

The church has now submitted a new plot plan which indicates they are now proposing to construct the addition, which includes facilities for class room, women's rest room, foyer and stairway, on the east side of the church. In order to construct the addition as now proposed, the church has requested that the required side yard setback of 25 feet be reduced to 10 feet, and has also requested that the required front yard setback of 25 feet be reduced to 22 feet, which will give them sufficient room to construct a new facade on the front of the existing church.

**JURISDICTION**

The Board has jurisdiction to consider this variance under provisions as outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the request when all four of the following conditions are found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

Page 2 - Members of the Board of Zoning Appeals  
Case No. BZA 9-65

- 3. That the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
- 4. That the variance desired will not adversely affect the public interest, health, safety, morals, order, convenience, prosperity or general welfare.

UNIQUENESS

It is the opinion of the Secretary that the request is somewhat unique inasmuch as the church owns the adjoining property to the east on which the church parsonage is now located and, further, the representatives of the church have indicated a willingness to go along with the desires of the Board in trying to work out a solution in order to provide for the addition on the east side of the church.

It is further the opinion of the Secretary that this request is somewhat unique inasmuch as the church is located in an older residential area where many of the structures cannot comply with the setbacks as now contained in the zoning ordinance. Many of the homes and existing structures in this particular area were constructed prior to the time that many of the existing setback provisions were incorporated in the zoning ordinance.

The church is also trying to preserve as much of the required front yard setback as possible.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance will in no way adversely affect the rights of any adjacent residential property owners inasmuch as the church owns the adjacent property to the east.

HARDSHIP

It is the opinion of the Secretary that the church will be burdened with an unnecessary hardship if the variance is not granted, inasmuch as the existing rest room facilities (both men's and women's), are located outside of the church structure, and the Health Department has required that the church now locate these facilities within the church proper.

It appears that the church will be burdened with a further hardship if the variance is not granted inasmuch as they are in dire need of providing rest room facilities, a nursery and a ladies lounge inasmuch as the lack of these facilities (according to the applicant), have caused people to seek other places of worship.

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Case No. BZA 9-65

PUBLIC INTEREST

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

RECOMMENDATION

In view of the foregoing comments, it is the opinion of the Secretary that all four conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance be granted, subject to the following conditions and requirements:

1. Side yard setback along the east line of Lots 45 and 47, McCormick Avenue, in Garfield Addition, in the City of Wichita, is hereby reduced from 25 to 10 feet, and the front yard setback on McCormick Avenue on these same two lots is hereby reduced from 25 to 22 feet.

CASE NO. BZA 9-65

30 NOTICES MAILED APRIL 8, 1965

MEETING APRIL 27, 1965

CARD OF  
BOARD OF ZONING APPEALS  
Room 401 City Building Annex  
104 South Main  
Wichita, Kansas

April 9, 1965

**NOTICE TO ABJOINING PROPERTY OWNERS**

Case No. BZA 9-65

An application has been filed by Church of God, 2223 McCormick, Wichita, Kansas, by Merle E. Baker, 2223 McCormick, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance of Section 28.04.050, Code of the City of Wichita, to reduce the front yard setback from the required 25 feet to 22 feet, and the side yard setback from 25 feet to 10 feet, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lots 45 and 47, McCormick Avenue, Garfield Addition, in the City of Wichita, Sedgwick County, Kansas.

~~\_\_\_\_\_~~ on the southeast corner of St. Clair

This application has been assigned Case No. BZA 9-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1965, at 2 P.M. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

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

April 8, 1965

**NOTICE TO ADJOINING PROPERTY OWNERS**

**Case No. BZA 9-65**

An application has been filed by Church of God, 2223 McCormick, Wichita, Kansas, by Merle E. Baker, 2223 McCormick, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance of Section 28.04.050, Code of the City of Wichita, to reduce the front yard setback from the required 25 feet to 22 feet, and the side yard setback from 25 feet to 10 feet, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lots 45 and 47, McCormick Avenue, Garfield Addition,  
in the City of Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of St. Clair  
and McCormick.

This application has been assigned Case No. BZA 9-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

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

April 8, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 9-65

An application has been filed by Church of God, 2223 McCormick, Wichita, Kansas, by Merle S. Baker, 2223 McCormick, Wichita, Kansas, pursuant to Section 2.12.590.2, code of the City of Wichita, requesting a Variance of Section 28.04.050, Code of the City of Wichita, to reduce the front yard setback from the required 25 feet to 22 feet, and the side yard setback from 25 feet to 10 feet, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lots 45 and 47, McCormick Avenue, Garfield Addition,  
in the City of Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of St. Clair  
and McCormick.

This application has been assigned Case No. BZA 9-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1965, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

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

April 8, 1965

**NOTICE TO ADJOINING PROPERTY OWNERS**

Case No. BZA 9-65

An application has been filed by Church of God, 2223 McCormick, Wichita, Kansas, by Merle E. Baker, 2223 McCormick, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance of Section 28.04.050, Code of the City of Wichita, to reduce the front yard setback from the required 25 feet to 22 feet, and the side yard setback from 25 feet to 10 feet, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lots 45 and 47, McCormick Avenue, Garfield Addition,  
in the City of Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of St. Clair  
and McCormick.

This application has been assigned Case No. BZA 9-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1965, at 2 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

March 26, 1965

Church of God  
2223 McCormick Street  
Wichita, Kansas

Gentlemen:

Re: BZA 9-65

This is to advise you that at its regular meeting of March 23, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for a Variance of the front yard setback requirements to permit the extension of the existing church closer to the property line, on property generally located at the southeast corner of St. Clair and McCormick.

After full discussion, it was the opinion of the Board members that a more logical extension of church facilities could be accommodated at the side of the church rather than to the front and, in view of this consensus of opinion, it was the action of the Board to request the applicant to confer with the architect and develop a plan which would relocate the proposed facilities on the east side of the church structure, and submit such information to the Secretary for advertising for a public hearing at the next meeting of the Board (April 27, 1965.) The amended request for a variance of the side yard setback should be in our office by Tuesday, April 6. The Board indicated that the amended request be advertised and scheduled for hearing by the Secretary at no cost to the applicant.

Very truly yours,

*Jack H. Galbraith*  
Jack H. Galbraith  
Secretary

JHG:JWE:ber

cc: Rev. O. J. Cloninger  
1704 South Santa Fe

Rev. Merle E. Baker  
2223 McCormick

Glen Lytle, Superintendent  
of Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 9-65

APPLICANT: Church of God, 2223 McCormick Street

AGENT: Merle E. Baker

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow an addition to the church to be constructed to within 7 feet of the front property line rather than 25 feet as required under Section 28.04.050, Code of the City of Wichita.

LAND USE: The property in question is occupied by a church. To the north, east, south and west are single family dwellings.

EXISTING ZONING: The property in question and all surrounding property is zoned "A" Two Family.

JURISDICTION:

The Board of Zoning Appeals has jurisdiction to consider this request under conditions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

It is pointed out in the statement of justification that the church is proposing to add on an addition to the front of the church in order to make provisions for a class room, a foyer, an office and men's and women's rest rooms. At the present time the church's rest room facilities are located outside of the church; however, the church has

indicated that the Health Department has advised them on several occasions to dispose of the outside rest room facilities and to move these facilities inside of the building.

It should be pointed out that the front of the existing church building is located 23 feet back of the front property line, which means that the present building is projecting 2 feet into the required front yard setback of 25 feet.

The minister of the church has indicated that it would be very difficult to construct the proposed addition on the rear of the church inasmuch as the pulpit and choir area is located in the south end of the church and all pews in the church face the south.

#### UNIQUENESS

It is the opinion of the Secretary that there is nothing which is physically unique about the property included in this application. It would appear from viewing this property that there is sufficient area to the rear of the church for the facilities which the church proposes to construct. If this variance is granted and the church is allowed to construct the proposed addition onto the north side of the church, a 7 foot building setback line is all that would be provided. In viewing this area, it would appear that if the church is allowed to construct a new addition to within 7 feet of the front property line, it would certainly hamper the site distance of traffic on McCormick and St. Clair Streets.

#### ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way have an adverse affect on adjacent property since the church also owns the two lots to the east of the area included in this application on which the church parsonage is located. However, it should be pointed out that whenever any building in a block is allowed to project 18 feet into the required front yard setback of 25 feet that it does hamper the view of other residents living in that block.

#### HARDSHIP

It was pointed out in the statement of justification, that the strict application of the enforcement provisions of the zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal since this building is used for public worship and since there are no rest rooms, nursery or ladies lounge, these conditions have caused people to seek another place of worship. It is the opinion of the Secretary that the church would not be burdened with unnecessary hardship if this variance is not granted inasmuch

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Case No. BZA 9-65

as the proposed addition could be constructed along the south side of the existing church sanctuary and would not have to project into the required front yard setback area.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance could adversely affect the public interest inasmuch as if the church is allowed to construct the proposed addition to within 7 feet of the front property line, it would hamper the site distance of traffic on St. Clair and McCormick Streets and thereby create a hazard to the movement of traffic in the area.

RECOMMENDATION

Based upon the foregoing comments, it is the opinion of the Secretary that all four conditions necessary for the granting of the variance cannot be found to exist and, therefore, it is recommended that the variance be denied.

SECRETARY'S REPORT

CASE NO. BZA 9-65

APPLICANT: Church of God, 2223 McCormick Street

AGENT: Merle E. Baker

REQUEST: Variance pursuant to Section 2,12,590,2, Code of the City of Wichita, to allow an addition to the church to be constructed to within 7 feet of the front property line rather than 25 feet as required under Section 28.04.050, Code of the City of Wichita.

LAND USE: The property in question is occupied by a church. To the north, east, south and west are single family dwellings.

EXISTING ZONING: The property in question and all surrounding property is zoned "A" Two Family.

JURISDICTION:

The Board of Zoning Appeals has jurisdiction to consider this request under conditions outlined in Section 2,12,590,2, Code of the City of Wichita, and may grant the variance request when all four of the following conditions are found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

It is pointed out in the statement of justification that the church is proposing to add on an addition to the front of the church in order to make provisions for a class room, a foyer, an office and men's and women's rest rooms. At the present time the church's rest room facilities are located outside of the church; however, the church has

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**Case No. BZA 9-65**

indicated that the Health Department has advised them on several occasions to dispose of the outside rest room facilities and to move these facilities inside of the building.

It should be pointed out that the front of the existing church building is located 23 feet back of the front property line, which means that the present building is projecting 2 feet into the required front yard setback of 25 feet.

The minister of the church has indicated that it would be very difficult to construct the proposed addition on the rear of the church inasmuch as the pulpit and choir area is located in the south end of the church and all pews in the church face the south.

UNIQUENESS

It is the opinion of the Secretary that there is nothing which is physically unique about the property included in this application. It would appear from viewing this property that there is sufficient area to the rear of the church for the facilities which the church proposes to construct. If this variance is granted and the church is allowed to construct the proposed addition onto the north side of the church, a 7 foot building setback line is all that would be provided. In viewing this area, it would appear that if the church is allowed to construct a new addition to within 7 feet of the front property line, it would certainly hamper the site distance of traffic on McCormick and St. Clair Streets.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way have an adverse affect on adjacent property since the church also owns the two lots to the east of the area included in this application on which the church parsonage is located. However, it should be pointed out that whenever any building in a block is allowed to project 18 feet into the required front yard setback of 25 feet that it does hamper the view of other residents living in that block.

HARDSHIP

It was pointed out in the statement of justification, that the strict application of the enforcement provisions of the zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal since this building is used for public worship and since there are no rest rooms, nursery or ladies lounge, these conditions have caused people to seek another place of worship. It is the opinion of the Secretary that the church would not be burdened with unnecessary hardship if this variance is not granted inasmuch

**Page 3 - Secretary's Report**  
**Case No. BZA 9-65**

as the proposed addition could be constructed along the south side of the existing church sanctuary and would not have to project into the required front yard setback area.

**PUBLIC INTEREST**

It is the opinion of the Secretary that the granting of the variance could adversely affect the public interest inasmuch as if the church is allowed to construct the proposed addition to within 7 feet of the front property line, it would hamper the site distance of traffic on St. Clair and McCormick Streets and thereby create a hazard to the movement of traffic in the area.

**RECOMMENDATION**

Based upon the foregoing comments, it is the opinion of the Secretary that all four conditions necessary for the granting of the variance cannot be found to exist and, therefore, it is recommended that the variance be denied.

CASE NO. BZA 9-65

30 NOTICES MAILED MARCH 4, 1965

MEETING MARCH 23, 1965

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

March 4, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 9-65

An application has been filed by Church of God, 2223 McCormick, Wichita, Kansas, by Merle E. Baker, 2223 McCormick, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting a Variance to reduce the required front yard setback of 25 feet down to seven feet, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lots 45 and 47, McCormick Avenue, Garfield Addition,  
in the City of Wichita, Sedgwick County, Kansas.

Generally located on the southeast corner of St.  
Clair and McCormick.

This application has been assigned Case No. BZA 9-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 23, 1965, at 2 P.M. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

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

35

March 4, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 9-65

An application has been filed by Church of God, 2223 McCormick, Wichita, Kansas, by Merle E. Baker, 2223 McCormick, Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting a Variance to reduce the required front yard setback of 25 feet down to seven feet, on property zoned "A" Two Family Dwelling District, and legally described as follows:

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in the City of Wichita, Sedgwick County, Kansas.

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Jack H. Galbraith  
Secretary

CHURCH OF GOD  
2231 McCORMICK

Board Of Zoning Appeals  
Wichita, Kansas

Dear Sirs,

We wish to submit the following reasons for requesting variance of the zoning ordinance as related to our property at 2231 McCormick, Wichita, Kan.

A.

When this building was originally constructed, it was not required to have inside rest room facilities. Since there was no provisions made in the construction of this building for rest room areas, and since the Health Department has repeatedly advised us to dispose of the outside facilities and move the rest rooms inside, it is necessary to construct additional space. Since the arrangement of the present building has the pulpit and choir area in the south end of the building, we feel it would be necessary to extend the building on the north end.

B.

The granting of this permit will not adversely effect the rights of adjacent property owners or residents, since the Church is on the two corner lots, 45, 47 and the Church Parsonage is on the adjoining lots 49 and 51.

C.

The strict application of the enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal. Since this building is used for public worship and there are no rest rooms, nursery, or ladies lounge, these conditions have caused people to seek another place of worship.

D.

The variance desired would be in the public interest, since it would provide the much needed conveniences and would greatly improve the appearance of the overall structure.

Church Of God



Rev. Merle Baker; Pastor

*original*  
BOARD OF ZONING APPEALS

CASE NO. 9-65

CITY OF WICHITA, KANSAS

FILED 3-2-65

APPLICATION FOR VARIANCE

I. Name of Applicant Church Of God

Mailing Address 2223 McCormick St. Phone W.H. 35052

Name of Authorized Agent Merle E. Baker

Mailing Address 2223 McCormick Phone W.H. 35052

Relationship of applicant to property is that of owner  
(owner, tenant, lessee, other)

II. The variance requested is a change in the set back requirements  
to comply with the sketch attached to this application.

for property located 2231 McCormick

and legally described as: Lots 45 and 47 McCormick Ave.  
Garfield addition of the city of Wichita.

in the City of Wichita; and which is presently zoned residential.  
(Give metes and bounds description below if appropriate):

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

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. 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. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

CHURCH OF GOD

Applicant

Rev. Merle E. Baker  
Authorized Agent

-----  
**OFFICE USE ONLY:** Received in office of Secretary, Board of Zoning Appeals,  
12:00 (a.m. - (P.M.)), March 2, 1965, together with  
appropriate fee of \$50.00.

T21-402

J. Howe  
Signed



STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS )  
 )  
 SEDGWICK COUNTY )

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

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

Property lying within a radius of 200 ft  
 of: Lots 45 & 47, on McCormick Avenue, Garfield  
 Addition, Wichita, Kansas.

**3**  
 Fidelity  
 Title  
 Company.  
 inc.

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

Lot	Street	Addition	Owner
33 & 35	McCormick	Garfield	✓ Hubert L. & Josephine Selvage, ux 2311 McCormick Ave.
37 & 39	"	"	no address found ✓ George & Gertrude Lipke, ux No Address Available
41 & 43	"	"	✓ Emmett E. & Delcie M. Richardson, ux 2303 McCormick <i>notice returned</i>
45, 47, 49, & 51	"	"	✂ Church of God 2223 McCormick
53 & 55	"	"	✓ Alta Brim 2217 McCormick
57 & 59	"	"	✓ Orville Eugene & Olive M. Cook, ux 1246 N. High
61 & 63	"	"	✓ Marrion L. & Daye B. Fisher, ux 5762 Armstrong

Lot	Street	Addition	Owner
2 & 4	Sedgwick	Garfield	✓ Martin Luther & Ethel May Collins 908 S. Sedgwick ux
6 & 8	"	"	✓ Lyle H. & Wilma Smith, ux 918 S. Sedgwick
1 & 3	St. Clair	"	✓ J. W. Thomas <i>notice returned</i> % Helen Powell 1019 S. St. Clair
5 & 7	"	"	✓ Richard K. & Juliana Schmitt, ux 2324 Geo. Washington Dr.
9 & 11	"	"	✓ H. W. Glasscock, sgle. 1025 S. St. Clair
13 & 15	"	"	✓ William R. Atkison III & Lois Ann Atkison, ux 1031 S. St. Clair
2 & 4	"	"	✓ W. C. & Elva L. Crocker, ux 1018 S. St. Clair
6 & 8	"	"	✓ A. H. Seig 1022 S. St. Clair
10 & 12	"	"	✓ Irwin C. & Louise M. Ohmie, ux 1028 S. St. Clair
14 & 16	"	"	✓ Leon S. Eitel 1036 S. St. Clair
1 & 3	Everett	"	✓ Charles W. & Edna M. Gardner, ux 1015 Everett
5 & 7	"	"	✓ Wilson E. Davis & Lorraine Davis Pilkey Life Est: Mabel A. Davis, wdo. 1021 Everett
9 & 11	"	"	✓ Ernest E. & Ila V. Wornkey, ux 1027 Everett
13 & 15	"	"	✓ Morgan L. & Alice M. <i>notice returned</i> Kinney, ux 511 N. Walnut
N $\frac{1}{2}$ Lot 2	St. Clair	Lawnfield	✓ Dwight R. & Elnora L. Knight, ux 825 S. St. Clair
S $\frac{1}{2}$ Lot 2	"	"	✓ Walter M. & Anna Agnes Kolker, ux 827 S. St. Clair
S $\frac{1}{2}$ Lot 4	"	"	✓ R. H. & Maxine M. Briggs, ux 823 S. St. Clair

Lot	Street	Addition	Owner
3 (S 50')	St. Clair	Lawnfield	✓ Jessie A. Oliver 818 S. St. Clair
1 (W 70')	" "	"	✓ G. H. & Alta Lee Stevens, ux 2230 McCormick
1 (E 80')	" "	"	✓ James C. & Doris E. Wiley, ux 2222 McCormick
2 (W 1/2)	Everett	"	✓ David G. & Katie John, ux 2210 McCormick
2 (E 1/2)	"	"	✓ Wilbur H. & Florence E. Laflin, ux 3233 Porter
4 (S 1/2)	"	"	✓ Raymond C. & LaVonna J. Head, ux 4375 Wilma

Dated at Wichita, Kansas, this 24th  
day of February, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Edwin M. Farrell  
Sec. OEM

Tracer # 66450

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
BZA application	50.00

Name *Client of Mr. E. Baker*

Address *2223 McPherson*

Type *K-712* Due Date

Comments:

Date *3-2-65* By *John Howe*

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

9-65

3



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

1348

J. W. Thomas  
% Helen Powell  
1019 South St. Clair  
Wichita, Kansas

RETURN  
TO  
WRITER



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

9-65



*Resent to  
Helen G. Powell  
3114 Range*



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- Moved, not forwardable
- Addressee unknown

1348

J. W. Thomas  
% Helen Powell  
1019 South St. Clair  
Wichita, Kansas

RETURN  
TO  
WRITER

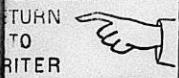


THE CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
WICHITA, KANSAS 67202

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Morgan L. & Alice M. Kinney



511 North Walnut  
Wichita, Kansas

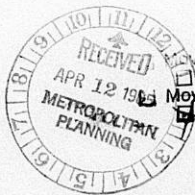
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THE CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
WICHITA, KANSAS 67202

*9-65*

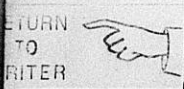
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*1309*



Emmett E. & Delcie M. Richardson

2303 McCormick  
Wichita, Kansas

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

March 4, 1965

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Secretary

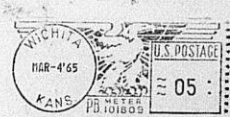
THE CITY OF WICHITA, KANSAS  
BOARD OF ZONING APPEALS  
104 SOUTH MAIN  
WICHITA, KANSAS  
ZIP CODE 67202

9-65



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- Addressee unknown



1319/B

Emmett E. & Delcie M. Richardson

2303 McCormick

Wichita, Kansas

**NOT AT THIS ADDRESS**

TURN TO WRITER



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

March 4, 1965

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

9-65

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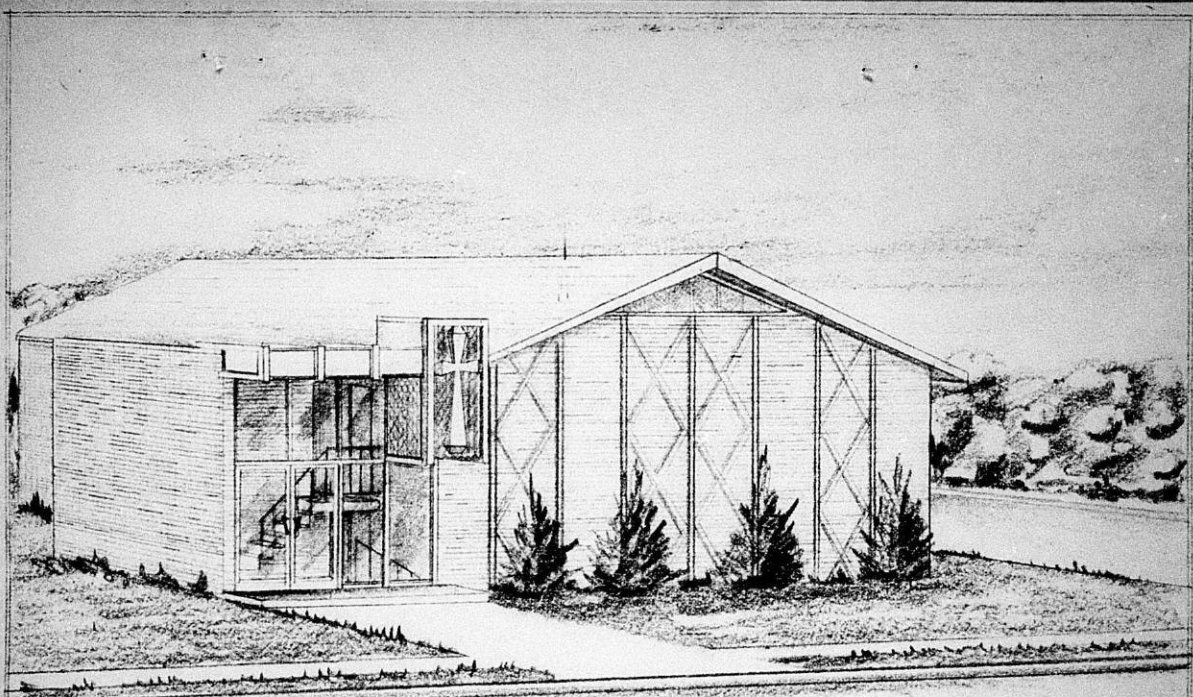
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Morgan L. & Alice M. Kinney

511 North Walnut

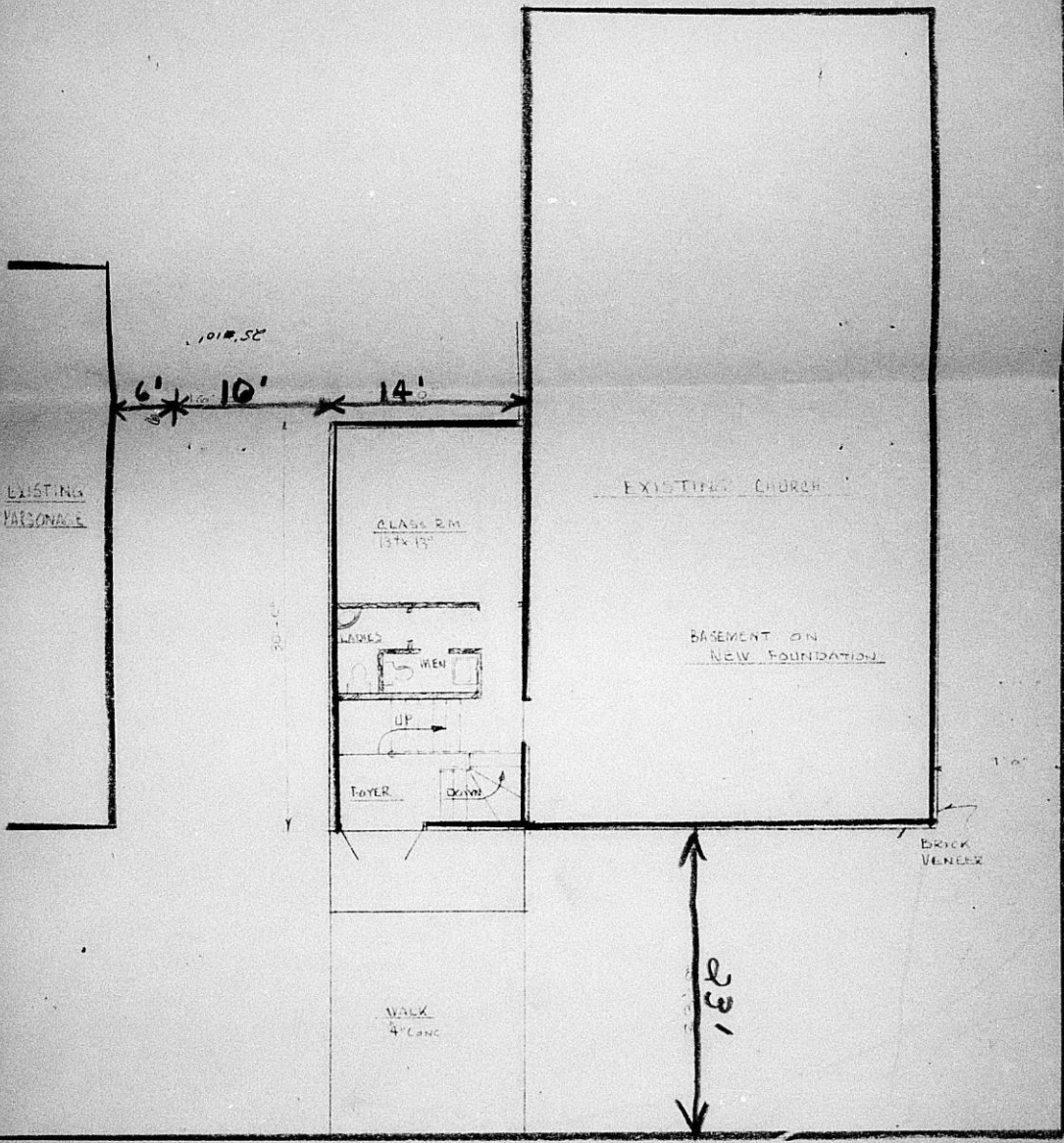
Wichita, Kansas





JOHN H. TASSET - ARCHITECTURAL DESIGNER - 207 N. PERSHING - WICHITA, KANSAS

ST. CLAIR

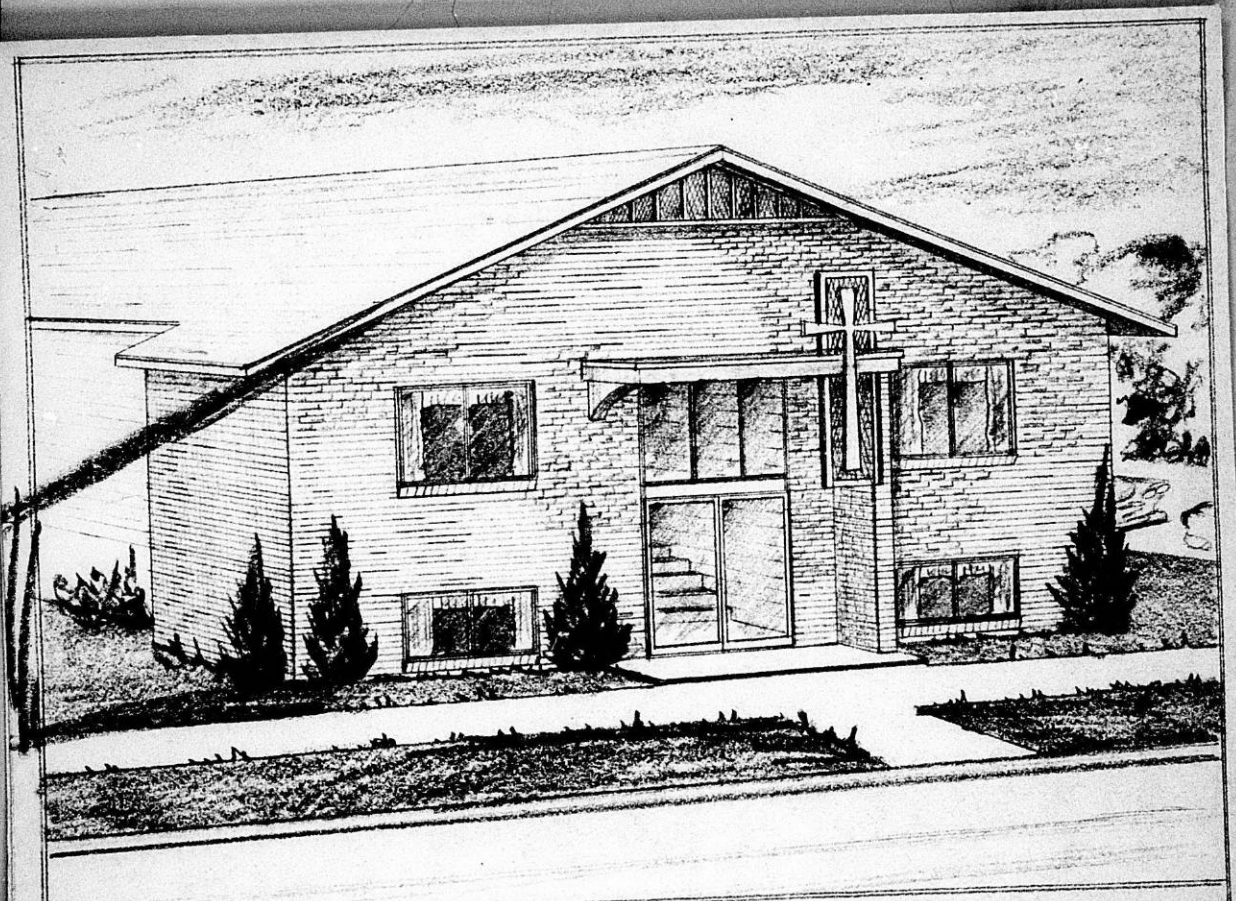


Volume 25-22'

Mc Cormick  
M. CORMICK

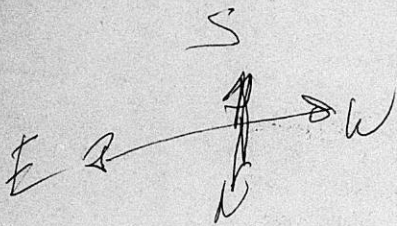
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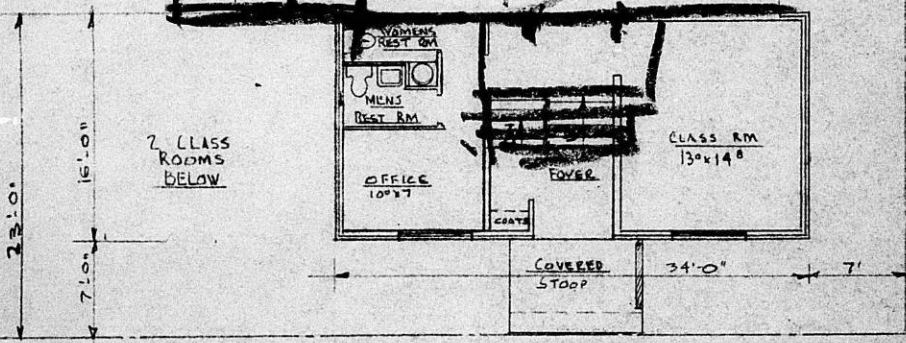
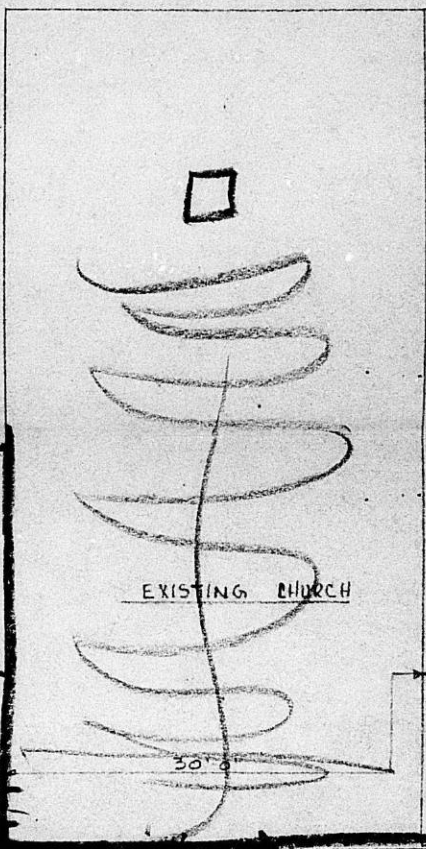
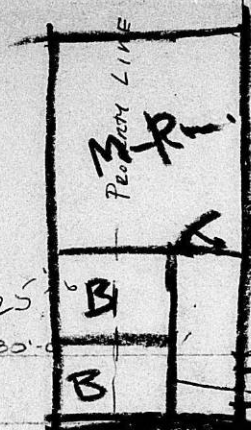
JOHN H. JASSET - ARCHITECTURAL DESIGNER - WENITA, KANSAS

50'



Exterior

EXISTING PARSONAGE



ST. CLAIR ST.

MCCORMICK ST.