

SZA 10-61 - NORTHSIDE CHURCH OF CHRIST
REQUESTS RELEASE FROM ORDER OF B.I.S.
(PARKING LOT)

ACTION

DATE

SZA COMMITTEE _____

12-24-61 9-28-61

M.A.P.C. _____

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

RESOLUTION No. 10-61

WHEREAS THE NORTHSIDE CHURCH OF CHRIST, 2101 JACKSON, WICHITA, KANSAS, HAS APPEALED A DECISION OF THE BUILDING INSPECTION SUPERINTENDENT DENYING A PERMIT FOR THE USE OF

LOTS 53, 55, 57, AND 59, JACKSON AVENUE,
BROOKS AND OLDHAM'S ADDITION IN THE CITY OF
WICHITA,

AS A PARKING FACILITY FOR THE REASON THAT SAID LOTS ARE LOCATED IN AN AREA ZONED "A" AND ACCORDING TO THE SUPERINTENDENT'S INTERPRETATION OF THE PROVISIONS OF THE ZONING ORDINANCE THAT THE AREA MAY NOT BE USED FOR PARKING UNLESS AS AN ACCESSORY USE AND ON THE SAME TRACT AS THE MAIN USE; AND

WHEREAS, THE BOARD HAS DETERMINED IT HAS JURISDICTION TO HEAR SUCH AN APPEAL UNDER THE PROVISIONS OF SECTION 2.12.590 (1) OF THE CODE OF THE CITY OF WICHITA; AND

WHEREAS PROPER NOTICES HAVE BEEN GIVEN TO ADJOINING PROPERTY OWNERS AS REQUIRED BY ORDINANCE; AND

WHEREAS OFFICIAL NOTICE HAS BEEN GIVEN BY PUBLICATION IN THE OFFICIAL CITY PAPER AS REQUIRED BY ORDINANCE; AND

WHEREAS THE ZONING ORDINANCE FIRST PROVIDES FOR PARKING LOTS IN THE "B" MULTIPLE FAMILY DISTRICT; AND

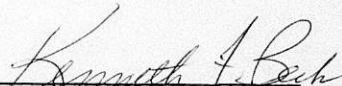
WHEREAS THE PROPERTY IN QUESTION IS SEPARATED FROM THE CHURCH WHICH IT IS INTENDED TO SERVE BY A PUBLIC STREET (20TH STREET); AND

WHEREAS SUCH USE FOR PARKING PURPOSES IS NOT LOCATED ON THE SAME LOT OR TRACT OF GROUND AS THE MAIN USE FOR WHICH IT IS TO SERVE AND, THEREFORE, CANNOT BE USED AS AN ACCESSORY USE BUT MUST BE CONSIDERED AS A MAIN USE IN AND BY ITSELF.

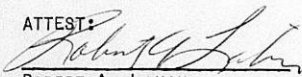
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS THAT THE APPEAL BY SAID NORTHSIDE CHURCH OF CHRIST IS HEREBY DENIED AND THAT THE BUILDING INSPECTION SUPERINTENDENT BE INSTRUCTED TO NOT ISSUE A PERMIT FOR THE CONSTRUCTION OF A PARKING FACILITY ON LOTS LEGALLY DESCRIBED AS

LOTS 53, 55, 57, AND 59, JACKSON AVENUE,
BROOKS AND OLDHAM'S ADDITION IN THE CITY OF
WICHITA.

ADOPTED AT WICHITA, KANSAS THIS 26TH DAY OF SEPTEMBER,
1961.


KENNETH BECK, VICE CHAIRMAN
BOARD OF ZONING APPEALS

ATTEST:


ROBERT A. LAKIN
SECRETARY

OCTOBER 9, 1961

MR. LAEL ALKIRE
FOURTH NATIONAL BANK BUILDING
WICHITA, KANSAS

DEAR MR. ALKIRE:

RE: BZA 10-61

ON SEPTEMBER 27, 1961, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD DENIED YOUR APPLICATION FOR ESTABLISHING PARKING FACILITIES ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 20TH STREET AND JACKSON.

WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE OCTOBER 6, 1961.

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,

ROBERT A. LAKIN
SECRETARY

RAL:BER

CC: DEAN HANCOCK, SENIOR
1914 ARKANSAS

NORTH SIDE CHURCH OF CHRIST
2101 JACKSON

C. H. FUNK
CITY CLERK

BOARD OF ZONING APPEALS

OCTOBER 9, 1961

C. L. McCAIG, Ass't BUILDING INSPECTION SUPERINTENDENT

ROBERT A. LAKIN, SECRETARY

BZA 10-61

ATTACHED IS A CARBON COPY OF RESOLUTION No. 10-61
ADOPTED BY THE BOARD OF ZONING APPEALS ON SEPTEMBER
24, 1961. THE APPEAL PERIOD FOR THIS PARTICULAR
CASE ENDED ON OCTOBER 6, 1961, AND INASMUCH AS NO
APPEAL WAS FILED WITH THE CITY CLERK ON OR BEFORE
THAT DATE, THE BOARD'S DECISION IS FINAL.

ROBERT A. LAKIN
SECRETARY

RAL:BER

ATTACHMENT - 1

BOARD OF ZONING APPEALS

OCTOBER 2, 1961

C. H. FUNK, CITY CLERK

ROBERT A. LAKIN, SECRETARY, BOARD OF ZONING APPEALS
BZA 10-61

ATTACHED IS RESOLUTION No. 10-61 ADOPTED BY THE
BOARD OF ZONING APPEALS ON SEPTEMBER 26, 1961.

THE BOARD UPHELD THE INTERPRETATION OF THE
BUILDING INSPECTION SUPERINTENDENT IN THIS
CASE. THE DECISION OF THE BOARD CAN BE
APPEALED TO THE CITY COMMISSION ON OR BEFORE
OCTOBER 6, 1961.

ROBERT A. LAKIN
SECRETARY

RAL:BER

ATTACHMENT

SEPTEMBER 27, 1961

MR. LAEL ALKIRE
FOURTH NATIONAL BANK BUILDING
WICHITA, KANSAS

SUBJECT: BZA 10-61


DEAR SIR:

THIS IS TO ADVISE YOU THAT AT THE REGULAR MEETING OF THE BOARD OF ZONING APPEALS HELD ON SEPTEMBER 26, 1961, YOUR APPEAL FROM THE ORDER OF THE BUILDING INSPECTION SUPERINTENDENT RELATIVE TO OFF-STREET PARKING WAS CONSIDERED AND DENIED.

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 10 DAYS OF THE DATE OF THE BOARD'S ACTION. ACCORDINGLY, AN APPEAL COULD BE FILED ON OR BEFORE OCTOBER 6, 1961. IF YOU WISH TO APPEAL THIS CASE, FORMS MAY BE OBTAINED IN THE OFFICE OF THE CITY CLERK. ALSO, ANY APPEAL SHOULD BE FILED WITH THE CITY CLERK WITHIN THE TIME PROVIDED BY ORDINANCE.

IN ACCORDANCE WITH THE BOARD OF ZONING APPEALS DIRECTION, THE PLANNING STAFF WILL PREPARE AT THE EARLIEST POSSIBLE TIME, A PROPOSED REVISION TO THE ZONING ORDINANCE WHICH WOULD ALLOW THE CHURCH TO PROVIDE OFF-STREET PARKING OTHER THAN ON THE SAME TRACT ON WHICH THE CHURCH IS LOCATED. AS SOON AS THIS REVISION IS PREPARED, WE WILL FORWARD A COPY TO YOU FOR YOUR INFORMATION AND FOR YOUR COMMENTS. IF YOU HAVE ANY QUESTIONS ON THIS MATTER, PLEASE CALL.

SINCERELY YOURS,


ROBERT A. LAKIN
SECRETARY

RAL:MM

CC: DEAN HANCOCK, SENIOR
1914 ARKANSAS

NORTHSIDE CHURCH OF CHRIST C. H. FUNK
2101 JACKSON CITY CLERK

CASE BZA 10-61

GENERAL DESCRIPTION

THE AREA INVOLVED IN THIS CASE IS LOCATED AT THE INTERSECTION OF 20TH STREET NORTH AND JACKSON AVENUE. THE AREA IS DEVELOPED IN THE GRIDIRON TYPE OF PATTERN WITH A LARGE PERCENTAGE OF SINGLE FAMILY HOMES. THE PROPERTY IN QUESTION NOW HAS TWO SINGLE FAMILY RESIDENCES LOCATED ON IT. TO THE NORTH IS THE CHURCH (WHO IS MAKING THE APPEAL), TO THE NORTHEAST AND SOUTHEAST ARE SINGLE FAMILY HOMES. TO THE SOUTH AND WEST ARE SINGLE FAMILY HOMES. THE ENTIRE AREA IN QUESTION IS ZONED "A", TWO FAMILY RESIDENTIAL.

PROBLEM

THE CHURCH LOCATED ON THE NORTHWEST CORNER OF 20TH AND JACKSON DESIRES TO EXPAND ITS EXISTING FACILITIES. IT PROPOSES TO DO THIS ON THE PROPERTY AT THE NORTHWEST CORNER OF 20TH AND JACKSON. IN ORDER TO EXPAND THE PROPERTY THE CHURCH WILL HAVE TO PROVIDE A CERTAIN AMOUNT OF OFF-STREET PARKING. THE CHURCH HAS BEEN UNABLE, ACCORDING TO THEIR AGENTS, TO ACQUIRE ADDITIONAL PROPERTY TO THE NORTH WHICH WOULD ALLOW THEM TO HAVE A SINGLE TRACT FOR THE CHURCH BUILDINGS AND ANY ACCESSORY USE, SUCH AS OFF-STREET PARKING LOT. THE CHURCH HAS ACQUIRED PROPERTY ON THE SOUTH SIDE OF 20TH STREET AT THE SOUTHWEST CORNER OF 20TH AND JACKSON, THUS 20TH STREET SEPARATES THE CHURCH FROM ITS PROPOSED PARKING AREA.

THE BUILDING INSPECTION SUPERINTENDENT HAS MADE A RULING THAT WHEN PARKING IS AN ACCESSORY USE IT MUST BE ON THE SAME TRACT OR PARCEL OF GROUND AS THE MAIN USE FOR WHICH THE PARKING IS PROVIDED. (NOTE THERE ARE CERTAIN EXCEPTIONS TO THIS, SUCH AS A CHURCH PROVIDING 50% OF ITS OFF-STREET PARKING IN A NEARBY COMMERCIAL AREA. HOWEVER, THIS DOES NOT APPLY TO THIS SPECIFIC CASE AS THERE ARE NO OTHER SUCH USES TO SHARE PARKING AREAS WITH).

THE CHURCH CONTENDS THAT THE BUILDING INSPECTION SUPERINTENDENT WAS IN ERROR IN MAKING THIS RULING AND INTERPRETATION OF THE ORDINANCE. THEY CONTEND THAT THEY SHOULD BE ALLOWED TO ESTABLISH THE PARKING LOT AT THE SOUTHWEST CORNER TO MEET THE OFF-STREET PARKING REQUIREMENT FOR THE PROPOSED CHURCH EXPANSION.

EXCERPT FROM ZONING ORDINANCE

SECTION 28.04.140 - OFF STREET PARKING REGULATIONS:

A. OFF STREET PARKING

- 1.1 FOR THE PURPOSE OF THIS SECTION, PARKING SPACE SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONT YARD IN THE "AA", "A", AND "RB" DISTRICTS (EXCEPT AS IN PARAGRAPH 1.2 OF THIS SECTION), AND SHALL NOT OCCUPY MORE THAN ONE-HALF OF ANY REQUIRED FRONT YARD SET-BACK IN THE "B" DISTRICT (EXCEPT THAT IN CONVERSIONS WITHIN THE ABOVE MENTIONED DISTRICTS, THE PARKING

SPACE MAY OCCUPY THE EXISTING CONCRETE OR ASPHALTIC DRIVES WHEN LOCATED WITHIN THE REQUIRED FRONT YARD. SUCH PARKING SPACE, WHEN OPEN, MAY BE INCLUDED AS A PART OF A REQUIRED OPEN SPACE FOR A SIDE OR REAR YARD. PARKING SPACES SHALL BE RESERVED FOR THE SOLE USE OF THE OCCUPANTS OF THE BUILDING OR LOT, AND THE VISITORS THERETO. HOWEVER, CHURCHES, THEATERS, STADIUMS, AUDITORIUMS AND OTHER SIMILAR PLACES OF ASSEMBLY MAY MAKE ARRANGEMENTS FOR JOINT USE OF PARKING SPACE WITH OTHER USES AS HEREIN SPECIFIED.

- 1.2 OFF-STREET PARKING SPACE AS REQUIRED IN THIS SECTION SHALL BE PROVIDED FOR ALL NEW BUILDINGS AND STRUCTURES AND FOR ADDITIONS TO EXISTING BUILDINGS OR STRUCTURES. THE WORD "ADDITION" AS USED ABOVE SHALL INCLUDE ANY ALTERATION INTENDED TO ENLARGE OR INCREASE CAPACITY BY ADDING OR CREATING DWELLING UNITS, QUEST ROOMS, FLOOR AREA, OR SEATS. REQUIRED PARKING SPACE SHALL NOT INCLUDE EXISTING PARKING SPACE AND SUCH SPACE SHALL BE MAINTAINED AND SHALL NOT BE ENCRoACHED UPON SO LONG AS MAIN BUILDING OR STRUCTURES REMAIN, UNLESS AN EQUIVALENT NUMBER OF SUCH SPACES ARE PROVIDED ELSEWHERE IN CONFORMANCE WITH THIS CHAPTER. THE PARKING SPACES REQUIRED FOR DWELLINGS SHALL BE LOCATED ON THE SAME LOT OR SITE AS THE MAIN BUILDING AND THE PARKING SPACE REQUIRED FOR OTHER USES SHALL BE LOCATED WITHIN SIX HUNDRED AND SIXTY FEET OF SUCH USE, THE DISTANCE TO BE MEASURED ALONG LINES OF PUBLIC ACCESS.

ALTHOUGH IT IS NOT AN ISSUE IN QUESTION IN THESE PROCEEDINGS, IT SHOULD BE POINTED OUT TO THE APPLICANTS THAT IN THE OPINION OF THE LEGAL DEPARTMENT OF THE CITY AND IN THE OPINION OF THE SECRETARY OF THE BOARD OF ZONING APPEALS, THERE IS INSUFFICIENT PARKING PROPOSED ACROSS THE STREET FOR THE SIZE AND TYPE OF STRUCTURE PROPOSED. THE STRUCTURE PROPOSED HAS SEATS FOR 405 PERSONS. PARKING IS PROPOSED FOR ONLY 42 VEHICLES WITH EXPANSION PROVISIONS FOR AN ADDITIONAL 21 SPACES. IT IS THE GENERAL CONSENSUS OF THE SECRETARY AND LEGAL DEPARTMENT THAT PARKING MUST BE PROVIDED FOR 81 VEHICLES IN ORDER TO MEET THE REQUIREMENTS OF THE ZONING ORDINANCE. THE APPLICANTS IN THEIR SITE PLAN INDICATE THAT THE FRONT YARD AREA OF THE LOTS PROPOSED TO BE USED FOR PARKING HAVE PARKING SPACES ALLOCATED TO THAT AREA. AGAIN, THE APPLICANTS SHOULD BE ADVISED THAT THE CODE PROVIDES THAT "PARKING SPACES SHALL NOT OCCUPY ANY PART OF ANY REQUIRED FRONTYARD IN THE "AA", "A", AND "RB" DISTRICTS", AND THAT THE ACTING BUILDING INSPECTION SUPERINTENDENT FEELS THAT A FRONT YARD WOULD BE REQUIRED IN THIS SITUATION.

SECRETARY'S RECOMMENDATION

A. JURISDICTION. IT IS THE RECOMMENDATION OF THE SECRETARY THAT THE BOARD ACCEPT JURISDICTION IN THIS CASE TO CONSIDER AN APPEAL OF THE DECISION OF THE BUILDING INSPECTION SUPERINTENDENT.

B. THE APPEAL. THE BUILDING INSPECTION SUPERINTENDENT'S DECISION IS BASED ON THE FACT THAT THE "A" DISTRICT DOES NOT ALLOW PARKING LOTS OR STORAGE AREAS FOR VEHICLES AS A "USE BY RIGHT". IT IS HIS INTERPRETATION THAT THE PARKING AREA FOR A CHURCH IN A "A" TWO FAMILY DWELLING DISTRICT MUST BE PROVIDED EITHER AS AN ACCESSORY USE OR IN A "B" MULTIPLE FAMILY* OR LESS RESTRICTIVE DISTRICT WHICH IS NOT MORE THAN 660 FEET FROM THE CHURCH. ACCESSORY USES (WHICH PARKING MAY BE CONSIDERED AS SUCH) MUST BY COMMON USAGE AND DEFINITION BE ON THE SAME TRACT OF GROUND AS THE MAIN USE.

IT IS THE SECRETARY'S FEELING THAT THE USE PROVISIONS WHICH ARE SET FORTH IN EACH ZONING DISTRICT CLASSIFICATION ARE THE HARD CORE OF THE ORDINANCE AND CONTROL OVER OTHER PROVISIONS WHICH ARE SUPPLEMENTARY AND CONDITIONAL, SUCH AS THE OFF-STREET PARKING REQUIREMENTS. THE INTENT OF OFF-STREET PARKING PROVISIONS WHICH ALLOW REQUIRED PARKING TO BE LOCATED WITHIN 660 FEET OF ANY USE OTHER THAN A DWELLING, WAS INTENDED TO PREVENT A COMMERCIAL OR OTHER STRUCTURE FROM BUILDING THEIR BUILDING IN ONE BLOCK AND THEIR PARKING LOT 10 BLOCKS AWAY OR EVEN ACROSS TOWN AND STILL BE ABLE TO MEET A TECHNICAL REQUIREMENT OF THE ORDINANCE THAT OFF-STREET PARKING BE PROVIDED.

IT IS THE FEELING OF THE SECRETARY THAT THE INTERPRETATION OF THE BUILDING INSPECTION SUPERINTENDENT IS QUITE REASONABLE. OTHERWISE THERE WOULD BE NO CONTROL OF PARKING AREAS WITHIN THE CITY OF WICHITA IN THAT ANY COMMERCIAL STRUCTURE COULD PUT A PARKING LOT WITHIN A "AA", "A" OR "RB" CLASSIFICATION WITHOUT RESTRICTION AS LONG AS IT WAS WITHIN 660 FEET OF THE MAIN USE. FURTHER EVIDENCE IS OFFERED IN THAT THE SECTION OF THE CODE PROVIDING FOR OFF-STREET PARKING EXCEPTIONS (28.04.140.B), SPECIFICALLY SETS FORTH ADDITIONAL RULES FOR COMMERCIAL AND INDUSTRIAL AREAS IF THEY ARE TO PROVIDE PARKING IN ANYTHING OTHER THAN AN "LC", "C", "D", "E", OR "F" DISTRICT. IF THE RECOMMENDATION OF THE BUILDING INSPECTION SUPERINTENDENT IS OVERRULED THEN IT IS THE SECRETARY'S OPINION THAT PARKING AREAS MAY BE ESTABLISHED ANYPLACE WITHIN THE CITY REGARDLESS OF ZONING AS LONG AS THERE IS NO MORE THAN 660 FEET INTERVENING FROM THE MAIN USE. THIS WOULD THEN SUPERCEDE AND OVERRULE THE PROVISIONS OF THE ZONING ORDINANCE WHICH FIRST PROVIDES FOR PARKING THE "B" DISTRICT.

IT IS THE SECRETARY'S RECOMMENDATION THAT THIS APPEAL BE DENIED AND THAT THE DECISION OF THE BUILDING INSPECTION SUPERINTENDENT BE UPHELD.

ADDITIONAL COMMENTS BY SECRETARY

IT IS THE BELIEF OF THE SECRETARY THAT IF THE ORDINANCE IS SO WRITTEN AS TO PRECLUDE THE USE OF THE PROPERTY TO THE SOUTH BY THE CHURCH THAT ADDITIONAL ELASTICITY SHOULD BE PROVIDED IN THE ORDINANCE TO PREVENT CHURCHES FROM BEING STIFFLED IN THEIR EXPANSION PROGRAMS. SUCH A SITUATION OCCURS WHEN THEY CANNOT ACQUIRE PROPERTY IN ORDER TO CREATE A SINGLE TRACT FOR THE OVERALL DEVELOPMENT. IT IS THE SECRETARY'S RECOMMENDATION THAT THE BOARD RECOMMEND TO THE PLANNING COMMISSION THAT THE OFF-STREET PARKING EXCEPTIONS BE

*NOTE: PARKING IS FIRST PERMITTED AS A "USE BY RIGHT" IN THE "B" MULTIPLE FAMILY DISTRICT.

PAGE 4 - CASE BZA 10-61

EXPANDED TO PROVIDE FOR OFF-STREET PARKING AREAS FOR CHURCHES WHEN SUCH PARKING IS WITHIN SOME SPECIFIED DISTANCE OF THE MAIN USE AND WITH THE CONDITIONS NORMALLY ATTACHED BY THE BOARD OF ZONING APPEALS IN SUCH APPROVAL. IT WOULD BE FURTHER RECOMMENDED THAT IF AMENDED, THE OFF-STREET PARKING EXCEPTIONS PROVIDE FOR A MANDATORY SCREENING BETWEEN ANY SUCH PARKING AREA AND ANY RESIDENTIAL DEVELOPMENT WHETHER ADJACENT OR ACROSS A PUBLIC STREET OR WAY. THE DETAILS OF THESE PROVISIONS SHOULD BE DEVELOPED BY THE PLANNING STAFF FOR CONSIDERATION OF THE PLANNING COMMISSION.

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
MAILING OFFICE

WICHITA
SEP 4
7 30PM
1961

INSTRUCTIONS: Put the items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO. _____ NAME OF SENDER *Board of Young Appeals, 402 City Bldg Bldg*

CERTIFIED NO. *731392* STREET AND NO. OR P. O. BOX *104 So. Main*

INSURED NO. _____ CITY, ZONE AND STATE *Wichita, Kansas*

POD Form 3811 Jan. 1958 CSB-16-71548-4

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO
Gene Hancock

STREET AND NO.
3101 Jackson

CITY AND STATE
Wichita Kansas

If you want a return receipt, check which:
 10¢ shows to whom delivered
 25¢ shows to whom, when, and address where delivered
 50¢ fee

If you want restricted delivery, check here

FEE ADDITIONAL TO 20¢ FEE

POD Form 3800 Jul 1957 SEE OTHER SIDE

No. 731392

POSTMARK OR DATE

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, \$300

POSTMARK OF
MAILING OFFICE

WICHITA
SEP 19 1961

INSTRUCTIONS: Put the items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUESTED.

REGISTERED NO. _____ NAME OF SENDER *Board of Young Appeals, 402 City Bldg Bldg*

CERTIFIED NO. *731378* STREET AND NO. OR P. O. BOX *104 So. Main*

INSURED NO. _____ CITY, ZONE AND STATE *Wichita, Kansas*

POD Form 3811 Jan. 1958 CSB-16-71548-4

RETURN TO

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO
North Side Church of Christ

STREET AND NO.
3101 Jackson

CITY AND STATE
Wichita Kansas

If you want a return receipt, check which:
 10¢ shows to whom delivered
 25¢ shows to whom, when, and address where delivered
 50¢ fee

If you want restricted delivery, check here

FEE ADDITIONAL TO 20¢ FEE

POD Form 3800 Jul 1957 SEE OTHER SIDE

No. 731378

POSTMARK OR DATE

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver **ONLY** to addressee Show address where delivered
 (Additional charges required for these services)

RETURN RECEIPT
 Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)
Mr Gene Hancock

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
[Signature]

DATE DELIVERED *9-9-61* ADDRESS WHERE DELIVERED (only if requested in item #1)
 SEP 11 1961
 METROPOLITAN PLANNING

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO *Gene Hancock* POSTMARK OR DATE

STREET AND NO. *2101 Jackson*

CITY AND STATE *Wichita Kansas*

If you want a return receipt, check which:
 10¢ shows to whom and when delivered 35¢ shows to whom, when, and address where delivered If you want restricted delivery, check here 50¢ fee

FEE ADDITIONAL TO 20¢ FEE

POD Form 3800 SEE OTHER SIDE
 Jul 1957

No: 731392

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver **ONLY** to addressee Show address where delivered
 (Additional charges required for these services)

RETURN RECEIPT
 Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE (must always be filled in)
North Side Church of Christ

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Frank Laypool

DATE DELIVERED *9-18-61* ADDRESS WHERE DELIVERED (only if requested in item #1)

CRS-16-71848-4 GPO

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO *North Side Church of Christ* POSTMARK OR DATE

STREET AND NO. *2101 Jackson*

CITY AND STATE *Wichita Kansas*

If you want a return receipt, check which:
 10¢ shows to whom and when delivered 35¢ shows to whom, when, and address where delivered If you want restricted delivery, check here 50¢ fee

FEE ADDITIONAL TO 20¢ FEE

POD Form 3800 SEE OTHER SIDE
 Jul 1957

No: 731378

SEPTEMBER 8, 1961

CERTIFIED MAIL

NORTH SIDE CHURCH OF CHRIST
2101 JACKSON
WICHITA, KANSAS

GENTLEMEN:

RE: BZA 10-61

YOUR APPLICATION ON AN APPEAL OF AN ADMINISTRATIVE DECISION BY THE SUPERINTENDENT OF BUILDING INSPECTION CONCERNING ESTABLISHMENT OF A PARKING LOT IN CONJUNCTION WITH YOUR CHURCH FACILITIES AT 2101 JACKSON, UNDER PROVISIONS OF PARAGRAPH 28.04.050 OF THE CODE OF THE CITY OF WICHITA.

FURTHER, YOU ARE NOTIFIED THAT YOU MAY APPEAR BEFORE THE BOARD OF ZONING APPEALS FOR A HEARING OF THIS CASE ON TUESDAY, SEPTEMBER 26, 1961, AT 1:30 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS.

SINCERELY YOURS,

ROBERT A. LAKIN
SECRETARY

RALISER

CC: GENE HANCOCK
1914 ARKANSAS

BZA 10-61 - NOTICES MAILED SEPTEMBER 8, 1961 HEARING SEPTEMBER 26, 1961

25

VERTIE CRONELISON
2117 JACKSON

CHURCH OF CHRIST
2101 JACKSON

IDEAL HOMES OF WICHITA
GEO. T. CUBBON
1752 PARK PLACE

DONALD W. GLASS & BLANCHE GLASS
2112 JACKSON

CARL F. SNYDER AND MINNIE LEE SNYDER
2108 JACKSON

RUTH I. PYLES & VESTA E. BURNER
2007 GARLAND

HARRY A. CAMPBELL & CLAUDE M. CAMPBELL
2601 NORTH EDWARDS

NICHOLUS MEYER
C/O MRS. GEO. GIBBS
MILTONVALE, KANSAS

MARIE ROSE DOFFING
2112 ARKANSAS

FRED S. MADDOX & LUCILLE V. MADDOX
2106 ARKANSAS

HOWARD J. WISEMAN & LETHA M. WISEMAN
862 SPAULDING

MARIE E. CAMPBELL
1921 MARION

ALTA P. FERGUSON
2058 ARKANSAS

LAWRENCE W. REAVES & LOVILLA REAVES
2048 ARKANSAS

BEULAH GREIDER
2029 JACKSON

JENNIE B. BEURT
2210 NORTH MINNESOTA

JENNIE B. BEURT
2031 JACKSON

MARY E. LYDICK
C/O MARY E. BROWNING
2030 ARKANSAS

JACK LEE MATHEWS & JOYCE MINER
MATHEWS
2034 ARKANSAS

JOSEPH C. BEYRLER & HELEN D. BEYRLER
2042 ARKANSAS

JOHN CALVIN WILLHITE
2040 JACKSON

LLOYD E. GOODWIN &
JOSEPHINE F. GOODWIN
1617 WOODLAND

HOMER W. POPKINS & CHARLOTTE POPKINS
2748 RIVERIA

FRED J. UNRUH & ELIZABETH O. UNRUH
415 WEST 20TH

GENE HANCOCK
1914 ARKANSAS

J
BOARD OF ZONING APPEALS
ROOM 402 CITY BUILDING ANNEX
104 SOUTH MAIN
WICHITA, KANSAS

SEPTEMBER 8, 1961

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPEAL FROM A DECISION OF THE BUILDING INSPECTION SUPER-
INTENDENT IN ENFORCING SECTION 28.04.050 OF THE CODE OF THE CITY
OF WICHITA, AND REPLATING TO PREMISES OWNED BY THE NORTHSIDE CHURCH
OF CHRIST LOCATED AT 2045 JACKSON, AND LEGALLY DESCRIBED AS:

LOTS 53, 55, 57, AND 59, JACKSON AVENUE,
BROOKS & OLDHAM'S ADDITION,

HAS BEEN FILED BY GENE HANCOCK AS AGENT. THIS APPEAL HAS BEEN
ASSIGNED CASE No. 10-61.

SUBJECT PROPERTY IS PRESENTLY LOCATED IN AN "A" DISTRICT.

A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY,
SEPTEMBER 26, 1961, AT 1:30 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.

Robert A. Lakin
ROBERT A. LAKIN, SECRETARY
BOARD OF ZONING APPEALS

35 over

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Church of Christ Owner Address 2101 Jackson

To Gene Hancock Applicant Address 1914 Arkansas

Dear Sir:

Your application Dated 8-30-61

For a Permit for the installation of a parking lot
at the premises designated as
2045 Jackson

Is hereby refused on this 30th day of August, 1961,

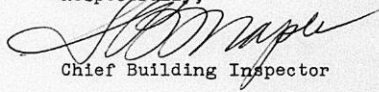
Under Section 28.04.050 of the Zoning Ordinance.

For the reason that parking lots, by right of use, are not permitted in the "A" district.

Section 28.04.140 requires off street parking for churches and provides that part of such may be within 660 feet of the church building. The property in question is directly across Twentieth Street from the proposed building. It is the interpretation of this office that in order for churches to have their off street parking in the "A" district, such facility must be located adjacent to the building and not have any intervening public or private property between.

When church is located in a district which does not permit parking lots and inasmuch as the ordinance in Sec. 28.04.140 requires off street parking for churches and states that part of which may be within 660 feet of the church and makes no statements as to which district in which this might be located; and that Sec. 28.04.050 covering uses in the "A" district does not provide for parking lots, it is recommended that this refusal be appealed to the Board of Zoning Appeals for its decision as to the correctness of the decision of this office.

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.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

APPEAL FROM ORDER OF THE BUILDING INSPECTION SUPERINTENDENT

I. Name of Appellant Northside Church of Christ
Mailing Address 2101 Jackson, Wichita Phone AM 2-3011
Name of Agent Gene Hancock, Sr.
Mailing Address 1914 Arkansas Phone FO 3-0197
Relationship of Appellant to property is that of Owner
(Owner, tenant, lessee, other).

II. The appellant herein appeals from a decision, determination, or an

order of the Building Inspection Superintendent, as follows: A permit for the installation of a parking lot at 2045 Jackson was refused by the Building Inspection Superintendent on August 30th, 1961, under section 28.04.050 of the Zoning Ordinance. For the reason that parking lots, by right of use, are not permitted in "A" districts.

The decision was rendered on Aug. 30, 1961(date) and refers to Section 28.04.050 of the Code of the City of Wichita (Zoning Ordinance).

III. The appellant hereby declares that he believes the order, decision or determination of the Building Inspection Superintendent in enforcing Section 28.04.050 of the Code of the City of Wichita (Zoning Ordinance) is incorrect for the following reasons: Section 28.04.140 requires off street parking for churches and provides that part of such may be within 660 feet of the church building. The property in question is directly across Twentieth Street from the proposed building.

IV. The appellant herein, or his authorized agent, hereby acknowledges:

- a. That he has received an instruction sheet pertaining to the filing of this appeal.
- b. That he has been advised of his rights of appeal of the decision of the Board of Zoning Appeals to the Board of City Commissioners within ten (10) days of the date of that decision.

Northside Church of Christ
Applicant

Gene Hancock Sr.
Authorized Agent

Lael Alkins - atty
an agent.

OFFICE USE ONLY

This appeal was received in the office of the Secretary, Board of Zoning Appeals, at 2:30 a.m., p.m. 9-6-61 (date).

B. Rothke
Signed

PAYMENT NOTICE
City of Wichita

1-1-61

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
Licse. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
Plan. P/b'g _____ P/b'g Cert. _____
Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
Street _____ Trailers _____

DESCRIPTION	AMOUNT

Name _____

Address _____

Type _____ Due Date 1-1-61

Comments: _____

Date 1-1-61 By _____

CERTIFICATE OF OWNERSHIP

GUARANTEE ABSTRACT COMPANY, INC., hereby certifies the owners as shown by the last deed of record filed in the office of the Register of Deeds, Sedgwick County, Kansas, of LOTS 53, 55, 57 and 59 on JACKSON AVENUE, in BROOKS AND OLDHAM'S ADDITION TO THE CITY OF WICHITA, Sedgwick County, Kansas, and of the Lots surrounding and within a radius of 200 Feet of the above-described Real Estate, are as follows:

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<u>Lot No.</u>	<u>BROOKS AND OLDHAM'S ADDITION</u>
<u>Jackson Avenue</u>	<u>Owner of Property</u>
Lot 37	Vertie Cornelison <i>2117 Jackson</i>
The S. 5.92' of Lot 41 & all of Lot 43 & the N. 13.16' of Lot 45	Church of Christ <i>210 Jackson</i>
Lot 39 & the N. 19.08' of Lot 41	Ideal Homes of Wichita <i>Geo. T. Cullison, 1752 Park Place</i>
The S. 11.84' of Lot 45, all of Lot 47, and the N. 13.16' of Lot 49	Church of Christ <i>2101 Jackson</i>
Lot 40, the N. 19.08' of Lot 42	Donald W. Glass & Blanche Glass <i>2112 Jackson</i>
The S. 5.92' of Lot 42, all of Lot 44, and the N. 13.16' of Lot 46	Carl F. Snyder & Minnie Lee Snyder <i>2108 Jackson</i>
The S. 11.84' of Lot 46, all of Lot 48, and the N. 13.16' of Lot 50	Ruth I. Pyles & Vesta E. Burner <i>2007 Arkana</i>
The S. 11.84' of Lot 53, all of Lots 55- 57 & 59	North Side Church of Christ <i>2101 Jackson</i>
Lots 61 & 63	Harry A. Campbell & Claude M. Campbell <i>2601 No. Edwards</i>
Lots 60- 62 & 64	Nicholus Meyer <i>76 11th St. Geo. Lotts Miltonvale Kan.</i>
<u>Arkansas Avenue</u>	
Lot 40 & the N. 16' of Lot 42	Marie Rose Doffing <i>2112 Arkansas</i>
The S. 9' of Lot 42, the W. 137' of Lot 44, and the W. 137' of the N. 9' of Lot 46	Fred S. Maddox & Lucille V. Maddox <i>2106 Arkansas</i>
The E. 36' of Lots 44, 46, & 48, the E. 36' of the N. 13' of Lot 50	Howard J. Wiseman & Letha M. Wiseman <i>862 Spaulding</i>

50
Ideal Home
Wichita
Mo 479-397

Les T. 7

Cubbon
1752 Park
Place

Frances M. 2
Guthrie

Marjorie S.
Lamar 1
2719 Col. Ave.

2- Certificate of ownership (continued)

G			
	<u>Arkansas Avenue</u>	<u>BROOKS AND OLDHAM'S ADDITION</u>	
U	The W. 137' of the S. 16' of		
A	Lot 46, all of Lot 48 & the		Marie E. Campbell <i>1921 Marion</i>
	N. 13' of Lot 50		
R	Lot 54, exc the N. 13.16' &		Alta P. Ferguson <i>2058 Arkansas</i>
	all of Lots 56, 58 & 60		
A	Lots 62 & 64		Lawrence W. Reaves & Lovilla Reaves <i>2048 Arkansas</i>
N	<u>Jackson Avenue</u>	<u>FOREST HOME ADDITION</u>	
T	The N. 5' of Lot 7, all of		Beulah Greider <i>2029 Jackson</i>
	Lot 9 & the S. 2' of Lot 11		
E	N. 23' Lot 11, all of Lot 13		Jennie B. Beurt <i>2210 N. Minnesota 2031 Jackson</i>
E	Lots 15 & 17		F.F. Beach & Sarah A. Beach <i>1927 W 23 Wood</i>
	<u>Arkansas Avenue</u>		
A	Lot 8		Mary E. Lydick <i>70 Mary E. Browning 2030 Arkansas</i>
B	Lots 10 & 12		Jack Lee Mathews & Joyce Miner Mathews <i>2034 Arkansas</i>
S	Lots 14 & 16		Joseph C. Beyrle & Helen D. Beyrle <i>2042 Arkansas</i>
T	Lot 18		Lawrence W. Reaves & Lovilla Reaves aka Reeves <i>2048 Arkansas</i>
	<u>Jackson Avenue</u>	<u>AVONDALE ADDITION</u>	
R	Lots 12 & 14		X Lewis B. Carter & Alma Jane Carter <i>no address</i>
A	Lots 16 & 18		John Calvin Willhite <i>2040 Jackson</i>
C	<u>Jackson Avenue</u>	<u>ZIMMERMAN'S ADDITION</u>	
T	The E. 5½' Lot 1 & Lot 2,		X <i>1617 Woodland</i>
	exc. the E. 5½'		Lloyd E. Goodwin & Josephine E. Goodwin
C	Lot 1, exc the E. 5½'		Homer W. Popkins & Charlotte Popkins <i>2748 Revere</i>
O.	The E. 5½' of Lot 2		X Irvan H. Blain & Melba J. Blair <i>no address</i>
	Lot 3		<i>2415 west 20th</i> Fred J. Unruh & Elizabeth O. Unruh <i>415 W. 20th.</i>
I	An unplatted strip of land		
N	on Arkansas Avenue lying		
	between Brooks and Oldham's		
C	Addition and Forest Home		
	Addition in NE¼ of 8-27-1 E.		L. W. Reeves - <i>2048 Arkansas</i>

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3- Certificate of ownership (continued)

An unplatted strip of land
on Jackson Avenue lying
between Brooks and Oldham's
Addition and Forest Home
Addition in NE $\frac{1}{4}$ of 8-27-1 E.

X F. F. Beach *no address*

WITNESS our Hand and Seal this the 5th day of September, 1961
at 7:00 o'clock A. M.

GUARANTEE ABSTRACT COMPANY, INC.,

By *Gladys N. Armstrong*
Vice-President

Order No. 51381/a

*

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