

BZA 11-61 - NORTH SIDE CHURCH OF
CHRIST REQUESTS VARIANCE FROM PARKING
REGULATIONS AT SW CORNER OF 20TH ST.
AND JACKSON

10-24-61

RESOLUTION NO. 11-61

WHEREAS, NORTH SIDE CHURCH OF CHRIST, 2101 JACKSON, WICHITA, KANSAS, BY E. LAEL ALKIRE, ATTORNEY, 724 FOURTH NATIONAL BANK BUILDING, WICHITA, KANSAS, HAS REQUESTED A VARIANCE OF SETBACK REQUIREMENTS TO PERMIT THE USE OF PROPERTY AT THE SOUTHWEST CORNER OF 20TH STREET AND JACKSON, LEGALLY DESCRIBED AS:

LOTS 55, 57, 59 AND THE SOUTH 11.84 FEET OF LOT 53, ON JACKSON AVENUE, BROOKS AND OLDHAM'S ADDITION, TO THE CITY OF WICHITA, KANSAS,

AS A PARKING LOT IN CONJUNCTION WITH THE NORTH SIDE CHURCH OF GOD.

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 FOR VARIANCE ON OCTOBER 24, 1961; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS DETERMINED THAT IT HAS JURISDICTION TO CONSIDER SAID REQUEST FOR VARIANCE UNDER THE PROVISIONS OF SECTION 2.12.590, CODE OF THE CITY OF WICHITA; AND

WHEREAS, THE PROPERTY IS ZONED "AA" AND REQUIRES A FRONT YARD SETBACK OF 25 FEET; AND

WHEREAS, AFTER DUE CONSIDERATION AND AFTER HEARING ARGUMENTS FROM THE ATTORNEY FOR THE APPLICANT; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE INASMUCH AS THE CHURCH WAS ESTABLISHED AT ITS LOCATION PRIOR TO THE PASSAGE OF AN ORDINANCE REQUIRING OFF-STREET PARKING IN CONNECTION THEREWITH; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE GRANTING OF THE VARIANCE REQUESTED WOULD NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS INASMUCH AS IT WOULD PROVIDE RELIEF OF CONGESTION OF ON-STREET PARKING AS A RESULT OF ACTIVITIES AT THE CHURCH; 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 SINCE THE CHURCH MUST HAVE ADEQUATE OFF-STREET PARKING BEFORE THE BUILDING INSPECTION SUPERINTENDENT WILL ISSUE A PERMIT AUTHORIZING THE CONSTRUCTION OF A NEW SANCTUARY.

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THIS VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE, SINCE THERE WILL BE NO OBSTRUCTION IN RELATION TO TRAFFIC MOVEMENT AND WILL LESSEN TRAFFIC CONGESTION IN THE AREA; AND

WHEREAS, AS SHOWN ABOVE, EACH OF THE FOUR CONDITIONS REQUIRED BY SECTION 2.12.590.2 OF THE CITY CODE 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 THIS REQUEST FOR A VARIANCE FROM THE STRICT ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE BE APPROVED FOR PROPERTY LEGALLY DESCRIBED AS:

LOTS 55, 57, AND 59 AND THE SOUTH 11.84 FEET OF LOT 53, ON JACKSON AVENUE, BROOKS AND OLDHAM'S ADDITION TO THE CITY OF WICHITA, KANSAS,

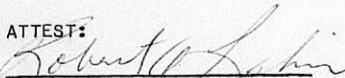
AND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 20TH STREET AND JACKSON, BE AND THE SAME IS HEREBY APPROVED, AND THE SUPERINTENDENT OF BUILDING INSPECTION IS AUTHORIZED TO ISSUE A PERMIT FOR THE CONSTRUCTION OF A PARKING LOT ON THE ABOVE DESCRIBED PROPERTY SUBJECT TO THE FOLLOWING:

1. THE PARKING AREA SHALL BE USED FOR PASSENGER CARS ONLY, AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.
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. THE PARKING AREA SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE, OR ASPHALT. IT SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH AND OTHER DEBRIS.
5. THE LOCATION OF ENTRANCES AND EXITS SHALL BE IN COMPLIANCE WITH CHAPTER 10-16 OF THE CODE OF THE CITY OF WICHITA, KANSAS.
6. THE PARKING AREAS SHALL HAVE BUMPER GUARDS WHERE NEEDED. THE BUMPER GUARDS SHOULD BE LOCATED TO PREVENT CARS FROM PARKING INTO OR TOUCHING FENCES AND TO PREVENT VEHICLES FROM EXTENDING OVER PROPERTY LINES AND OVER SIDEWALK AREAS.
7. THE PARKING AREA SHALL BE PAVED IN SUCH A MANNER AS TO PREVENT SURFACE DRAINAGE FROM RUNNING ONTO ADJACENT PRIVATE PROPERTY.
8. THE APPLICANT SHALL CONSTRUCT A FENCE THE EQUIVALENT TO A REDWOOD LOUVERED FENCE ON THE SOUTH PROPERTY LINE AND ON THE EAST (FRONT YARD SETBACK LINE). ON THE EAST, THE FENCE SHALL NOT BE HIGHER THAN 4 FEET NOR LOWER THAN 3 FEET.
9. A SETBACK OF 15 FEET FROM THE EAST PROPERTY LINE SHALL BE MAINTAINED AND THIS 15 FOOT FRONT YARD SETBACK SHALL NOT BE USED FOR PARKING.

ADOPTED AT WICHITA, KANSAS, THIS 24TH DAY OF OCTOBER, 1961.


KENNETH BECK, CHAIRMAN

ATTEST:


ROBERT A. LAKIN, SECRETARY

NOVEMBER 8, 1961

NORTH SIDE CHURCH OF CHRIST
2101 JACKSON
WICHITA, KANSAS

GENTLEMEN:

RE: BZA 11-61

ON OCTOBER 26, 1961, WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD APPROVED YOUR APPLICATION FOR USE OF LOTS 55, 57, 59 AND THE SOUTH 11.84 FEET OF LOT 53 ON JACKSON AVENUE, BROOKS AND OLDHAM'S ADDITION, AS PARKING FACILITIES, SUBJECT TO CERTAIN CONDITIONS.

WE ALSO ADVISED YOU THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE NOVEMBER 3, 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

RALISER

ATTACHMENT

CC: E. LAEL ALKIRE
4TH NATIONAL BANK BUILDING

C. L. McCaig, ACTING
BUILDING INSPECTION SUPERINTENDENT

BOARD OF ZONING APPEALS

OCTOBER 30, 1961

C. H. FUNK, CITY CLERK

ROBERT A. LAKIN, SECRETARY

BZA 11-61

ATTACHED IS ONE COPY OF THE RESOLUTION RELATED TO THE ABOVE NUMBERED BOARD OF ZONING APPEALS CASE.

THE BOARD OF ZONING APPEALS APPROVED THE APPLICATION AT ITS REGULAR MEETING ON OCTOBER 24, 1961. THE DECISION OF THE BOARD CAN BE APPEALED TO THE CITY COMMISSION ON OR BEFORE NOVEMBER 3, 1961.

ROBERT A. LAKIN
SECRETARY

RAL:BER

ATTACHMENT

OCTOBER 26, 1961

NORTH SIDE CHURCH OF CHRIST
2101 JACKSON
WICHITA, KANSAS

GENTLEMEN:

THIS IS TO ADVISE YOU THAT AT ITS REGULAR MEETING OF OCTOBER 24, 1961, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, CONSIDERED YOUR REQUEST FOR A VARIANCE TO PERMIT ESTABLISHMENT OF A PARKING LOT ON LOTS 55, 57, 59 AND THE SOUTH 11.84 FEET OF LOT 53 ON JACKSON AVENUE, BOOKS AND OLDHAM'S ADDITION, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 20TH AND JACKSON. THE BOARD HAS APPROVED YOUR APPLICATION SUBJECT TO THE FOLLOWING GENERAL CONDITIONS:

1. THE PARKING AREA SHALL BE USED FOR PASSENGER CARS ONLY AND IN NO CASE SHALL IT BE USED FOR SALES, REPAIR WORK, STORAGE, DISMANTLING OR SERVICING OF ANY VEHICLES, EQUIPMENT, MATERIALS OR SUPPLIES.
2. ONLY SUCH SIGNS SHALL BE PERMITTED AS ARE NECESSARY FOR THE PROPER OPERATION OF THE LOT.
3. IN NO CASE SHALL A FEE BE CHARGED FOR PARKING FACILITIES.
4. THE PARKING AREA SHALL BE SURFACED WITH CONCRETE, ASPHALTIC CONCRETE OR ASPHALT. IT SHALL BE MAINTAINED IN GOOD CONDITION AND FREE OF ALL WEEDS, DUST, TRASH OR OTHER DEBRIS.
5. THE LOCATION OF ENTRANCES AND EXITS SHALL BE IN COMPLIANCE WITH CHAPTER 10-16, CODE OF THE CITY OF WICHITA.
6. THE PARKING AREA SHALL HAVE ADEQUATE BUMPER GUARDS WHERE NEEDED. THE BUMPER GUARDS SHOULD BE LOCATED TO PREVENT CARS FROM PARKING INTO OR TOUCHING FENCES AND TO PREVENT VEHICLES FROM EXTENDING OVER PROPERTY LINES AND OVER SIDEWALK AREAS.

- 2 -

7. THE PARKING AREA SHALL BE PAVED IN SUCH A MANNER AS TO PREVENT SURFACE DRAINAGE FROM RUNNING ON TO ADJACENT PRIVATE PROPERTY.
8. THE APPLICANT SHALL CONSTRUCT A FENCE THE EQUIVALENT TO A REDWOOD LOUVERED FENCE ON THE SOUTH PROPERTY LINE AND ON THE EAST (FRONT YARD SETBACK LINE). ON THE EAST, THE FENCE SHALL NOT BE HIGHER THAN 4 FEET NOR LOWER THAN 3 FEET.

IF YOU HAVE ANY QUESTIONS ON THESE CONDITIONS OR WISH TO REPHRASE ANY OF THE WORDING IN THEM, PLEASE CALL SO THAT WE MAY ADJUST THESE CONDITIONS IN THE FINAL RESOLUTION AS ADOPTED AND FILED.

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 NOVEMBER 3, 1961.

SUBSEQUENT TO THE EXPIRATION OF THE APPEAL PERIOD, YOU WILL BE ADVISED WHETHER OR NOT AN APPEAL HAS BEEN FILED. IF NO APPEAL HAS BEEN FILED ON OR BEFORE NOVEMBER 3, 1961, THE DECISION OF THE BOARD WILL BE FINAL AND THE SUPERINTENDENT OF BUILDING INSPECTION WILL BE IN A POSITION TO ISSUE THE APPROPRIATE PERMIT.

SINCERELY YOURS,

ROBERT A. LAKIN
SECRETARY

RAL:MM

CC: E. LAEL ALKIRE C. H. FUNK, CITY CLERK
4TH NATIONAL BANK BUILDING CITY BUILDING

SECRETARY'S REPORT TO THE BOARD

CASE NO. BZA 11-61

File

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 THE APPLICANT). 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 DWELLING DISTRICT.

PROBLEM

THIS REQUEST FOR A VARIANCE COVERS THE SAME AREA AS WAS INCLUDED IN BZA CASE NO. 10-61. THE CHURCH LOCATED ON THE NORTHWEST CORNER OF 20TH AND JACKSON STREETS DESIRES TO EXPAND THEIR EXISTING FACILITIES. THE CHURCH PROPOSES TO BUILD THEIR NEW STRUCTURE ON THE NORTHWEST CORNER OF 20TH AND JACKSON. THE NEW STRUCTURE WILL UTILIZE MOST OF THE EXISTING PROPERTY ON THIS CORNER AND PREVENT ANY OFF STREET PARKING FROM BEING PROVIDED ON THE NORTHWEST CORNER. (NOTE - NO OFF STREET PARKING IS NOW PROVIDED. THE EXISTING CHURCH MAY BE CLASSIFIED AS NON-STANDARD IN THIS RESPECT).

TO PROVIDE FOR OFF-STREET PARKING (AS REQUIRED BY THE ORDINANCE), ADDITIONAL AREA MUST BE FOUND AND UTILIZED. THE CHURCH NOW OWNS AND PROPOSES TO USE THE SOUTHWEST CORNER OF 20TH AND JACKSON FOR OFF STREET PARKING. THE APPLICANTS, THROUGH THEIR ATTORNEY, REQUESTS THAT THE BOARD GRANT A "VARIANCE AND/OR EXCEPTION" TO THE ZONING ORDINANCE TO USE THE AREA IN QUESTION (SOUTHWEST CORNER) FOR OFF-STREET PARKING. THE FORM WHICH THE APPLICANT SUBMITTED AS THE REQUEST IS FOR A VARIANCE.

JURISDICTION

THE ORDINANCE CREATING THE BOARD OF ZONING APPEALS AND GRANTING THEM JURISDICTION TO ACT PROVIDES THAT JURISDICTION SHALL BE WITHIN THREE MAIN AREAS: (A) APPEALS FROM DECISIONS OF THE BUILDING INSPECTION SUPERINTENDENT, (B) VARIANCES FROM THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE, AND (C) EXCEPTIONS TO THE USE PROVISIONS OF THE ZONING ORDINANCE.

THE SECRETARY FEELS THAT THE INTENT OF THE ORDINANCE INsofar AS IT RELATES TO VARIANCES WAS TO ALLOW THE BOARD TO MODIFY SUCH REQUIREMENTS AS HEIGHT, SETBACK, LOT AREAS, LOT WIDTH AND SIMILAR REQUIREMENTS OF THE ZONING ORDINANCE AND NOT TO ALLOW THE GRANTING OF PERMISSION TO USE PROPERTY IN A DIFFERENT MANNER OR FOR DIFFERENT USE THAN PERMITTED BY THE ZONING ORDINANCE. TO ALLOW A DIFFERENT

USE THAN PERMITTED BY THE ZONING ORDINANCE WOULD BE, IN EFFECT, THE AMENDING OF THE ZONING ORDINANCE BY A QUASI-JUDICIAL BODY (BOARD OF ZONING APPEALS), RATHER THAN BY A PROPERLY CONSTITUTED AND ELECTED LEGISLATIVE BODY (CITY COMMISSION). THE CITY COMMISSION HAS PROVIDED IN THE ZONING ORDINANCE FOR CERTAIN SPECIAL USES TO BE ALLOWED IN OTHER ZONING DISTRICTS; AND HAS PROVIDED THE JURISDICTION FOR THE BOARD OF ZONING APPEALS TO ALLOW THESE USES NOT NORMALLY PERMITTED ON A DISTRICT TO BE PERMITTED WITH BOARD OF ZONING APPEAL'S APPROVAL. THESE ARE KNOWN AS "EXCEPTIONS". SUCH A PROVISION IS NOW IN THE ORDINANCE TO ALLOW THE BOARD OF ZONING APPEALS TO GRANT EXCEPTIONS FOR OFF-STREET PARKING PERMITS.

AS DIRECTED BY THE BOARD OF ZONING APPEALS, THE PROVISION TO AMEND THE ZONING ORDINANCE IS IN PROCESS SO THAT APPLICANTS SUCH AS THE NORTH SIDE CHURCH OF CHRIST CAN PROPERLY AND LEGALLY UTILIZE ADEQUATE OFF-STREET PARKING AREAS NOT LOCATED ON THE MAIN TRACT AS THE CHURCH. THE BOARD OF CITY COMMISSIONERS HAS, IN BOTH THE CONSTRUCTION OF THE ZONING ORDINANCE (BY PROVIDING FOR OFF-STREET PARKING EXCEPTIONS, ETC.), AND BY SETTING OUT THE AREAS OF JURISDICTION FOR THE BOARD OF ZONING APPEALS, DETERMINED THAT THE ZONING ORDINANCE SHOULD NOT BE AMENDED THROUGH THE GRANTING OF "USE VARIANCE". IT IS THE SECRETARY'S OPINION AND RECOMMENDATION THAT THE BOARD OF ZONING APPEALS SHOULD NOT TAKE JURISDICTION IN THIS CASE.

IT IS SUGGESTED THAT THE BOARD OF ZONING APPEALS ASK THE MEMBER OF THE LEGAL DEPARTMENT, MR. DEKKER, AS TO HIS OPINION AS TO WHETHER THE BOARD HAS JURISDICTION IN THIS CASE.

ADDITIONAL COMMENTS BY THE SECRETARY

IN THE EVENT THE BOARD DECIDES TO TAKE JURISDICTION OF THIS CASE THE BOARD MUST FIND ALL FOUR OF THE FOLLOWING CONDITIONS PRESENT BEFORE GRANTING THE REQUEST OF THE APPLICANT. THESE CONDITIONS ARE AS FOLLOWS:

- A. THAT THE VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND WHICH IS NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT;
- B. THAT THE GRANTING OF THE PERMIT FOR THE VARIANCE WILL NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS;
- C. THAT THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP UPON THE PROPERTY OWNER REPRESENTED IN THE APPEAL;
- D. THAT THE VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.

THE APPLICANT HAS SUBMITTED A STATEMENT TO JUSTIFY HIS REQUEST FOR A VARIANCE AND IS ATTACHED TO THIS REPORT, AND NO SPECIFIC SUBSTANTIATION HAS BEEN MADE BY THE APPLICANT TO SHOW

THAT THE PRECEDING FOUR CONDITIONS ARE PRESENT AND APPLICABLE IN THIS CASE. BOTH THE RULES AND REGULATIONS OF THE BOARD OF ZONING APPEALS AND THE INSTRUCTION SHEET ATTACHED TO THE APPLICATION REQUIRE THAT A DETAILED STATEMENT BE SUBMITTED JUSTIFYING THE FOUR POINTS LISTED ABOVE.

THE APPLICANT DOES NOT STATE IN WHAT MANNER THIS PROPERTY IS UNIQUE. THE AREA IS NOT UNIQUE IN THAT IT IS PLATTED THE SAME AS ALL OTHER AREAS IN THIS SAME VICINITY. THIS LAND HAS NO UNUSUAL TOPOGRAPHICAL FEATURES EITHER AS TO DRAINAGE, LOCATION, GRADE, ELEVATION OR SHAPE.

THERE IS NO STATEMENT AS TO THE MANNER IN WHICH THE RIGHTS OF THE ADJACENT PROPERTY OWNERS WILL NOT BE ADVERSELY AFFECTED. THERE IS NO SPECIFIC STATEMENT AS TO THE MANNER IN WHICH DENIAL OF THE APPLICATION WILL CONSTITUTE AN UNNECESSARY HARDSHIP ON THE PROPERTY OWNER. BASED ON EVIDENCE SUBMITTED WITH THE APPLICATION, NO HARDSHIP WOULD BE INCURRED BY THE CHURCH IN THAT THE NECESSARY AMENDMENTS TO ALLOW THEM TO OBTAIN OFF-STREET PARKING UNDER THE OFF-STREET PARKING EXCEPTION PROVISIONS OF THE ORDINANCE HAVE BEEN INITIATED BY THE STAFF AND A PUBLIC HEARING HAS BEEN ORDERED ON THESE AMENDMENTS BY THE PLANNING COMMISSION.

THE APPLICANT HAS MADE NO DETAILED EXPLANATION ANSWERING THE QUESTION AS TO WHETHER THE PUBLIC HEALTH, SAFETY, MORALS, ORDERS, CONVENIENCE, PROSPERITY OR GENERAL WELFARE WILL BE ADVERSELY AFFECTED. BASED ON THE PLOT PLAN SUBMITTED IN BZA CASE No. 10-61, THE PUBLIC SAFETY AND WELFARE MAY BE ADVERSELY AFFECTED IN THAT:

- A. PARKING IS PROPOSED TO BE PERMITTED IN THE FRONT YARD AREA OF THE LOTS IN QUESTION. THIS IS IN VIOLATION OF THE CITY ZONING ORDINANCE WHICH PROVIDES FOR NO OFF-STREET PARKING IN THE FRONT YARD OF LOTS LOCATED IN THE "AA", "A" AND "RB" DISTRICTS. PARKING IN THIS AREA WOULD BE A HAZARD TO MOVEMENT OF TRAFFIC IN THAT THE SIGHT DISTANCE WOULD BE SUBSTANTIALLY REDUCED IF CARS WERE TO BE PARKED AT THIS FRONT YARD AREA.
- B. THE AMOUNT OF OFF-STREET PARKING PROPOSED FOR THE NEW SANCTUARY IS INADEQUATE UNDER EXISTING CITY STANDARDS. THIS WOULD RESULT IN AN EXCESSIVE NUMBER OF CARS BEING LEFT ON THE STREETS TO THE HAZARD OF TRAFFIC MOVEMENT AND THE RESIDENTS IN THE AREA. IT WOULD NOT BE IN THE PUBLIC WELFARE TO ALLOW THE NEW CONSTRUCTION OF SUCH A SIZE AS PROPOSED WITHOUT PROVIDING AN ADEQUATE AMOUNT OF OFF-STREET PARKING AS REQUIRED BY ORDINANCE.

BASED ON THE FOREGOING REVIEW OF THE FOUR CONDITIONS NECESSARY TO BE PRESENT BEFORE APPROVAL MAY BE MADE, IT IS THE RECOMMENDATION AND OPINION OF THE SECRETARY THAT THESE FOUR POINTS DO NOT ALL EXIST AND, THEREFORE, THE APPLICATION SHOULD BE DENIED.

STATEMENT SUBMITTED IN SUPPORT OF REQUEST FOR VARIANCE

APPLICANT OWNS A CHURCH AND THE SURROUNDING REAL PROPERTY LOCATED ON THE NORTHWEST CORNER OF 20TH STREET AND JACKSON AVENUE IN WICHITA, KANSAS. APPLICANT, IN CONTEMPLATION OF BUILDING A NEW SANCTUARY, ACQUIRED THE PROPERTY FOR WHICH THE VARIANCE IS REQUESTED. THIS PROPERTY IS SITUATED ON THE SOUTHWEST CORNER OF 20TH STREET AND JACKSON AVENUE AND IS ADJACENT TO THE CHURCH PROPERTIES THERETOFORE OWNED BY APPLICANT EXCEPT FOR THE INTERVENTION OF 20TH STREET. APPLICANT HERETOFORE IN DOCKET BZA-10-61 APPEALED FROM THE RULING OF THE BUILDING INSPECTOR DENYING APPLICANT'S ENDEAVORS TO OBTAIN A BUILDING PERMIT. THE REASON FOR THE BUILDING INSPECTOR'S DENIAL WAS THAT THE PROPERTY TO BE USED FOR OFF STREET PARKING WAS NOT SITUATED ADJACENT TO THE CHURCH PROPERTY IN THAT THERE WAS A PUBLIC WAY DIVIDING APPLICANT'S PROPERTIES. THE BOARD OF ZONING APPEALS, FOR REASONS NOT QUITE CLEAR TO APPLICANT'S ATTORNEY, UPHELD THE BUILDING INSPECTOR AND THIS APPLICATION FOLLOWS.

THE BOARD'S ATTENTION IS DIRECTED TO 28.04.050 OF THE ORDINANCES OF THE CITY OF WICHITA WHICH COVERS "A" RESIDENTIAL AREAS. PERMITTED IN THIS CLASSIFICATION ARE CHURCH BUILDINGS. OTHER REQUIREMENTS OF THE CITY ORDINANCE REQUIRE OFF STREET PARKING WHEN NEW CHURCH BUILDINGS ARE TO BE CONSTRUCTED. THE BUILDING OF CHURCHES IS NOT APPARENTLY A PROHIBITED TYPE CONSTRUCTION AND IS SPECIFICALLY PERMITTED. THEREFORE, APPLICANT REQUESTS, INASMUCH AS CHURCHES ARE TO BE TOLERATED, THAT THIS BOARD, UNDER THE AUTHORITY OF 2.12.590 ALLOW APPLICANT'S VARIANCE AND/OR EXCEPTIONS AS PROVIDED FOR IN SAID SECTION, AND GRANT APPLICANT PERMISSION AND AUTHORITY TO USE FOR PARKING PURPOSES THE ENTIRE VACANT PARCEL OF GROUND WHICH APPLICANT OWNS ON THE SOUTHWEST CORNER OF 20TH STREET AND JACKSON AVENUE, WICHITA, KANSAS. APPLICANT HEREWITH STATES THAT ALL OF THE FOUR REQUIREMENTS SET FORTH AT 2.12.590, 2(A) THROUGH (D) EXIST AND THAT ITS APPLICATION SHOULD BE ALLOWED AND THAT THE ZONING REGULATIONS CONCERNING FRONT YARDS, SIDE YARDS, BACK YARDS, BUILDING REQUIREMENTS, ETC. ETC. ETC. BE WAIVED AND THAT APPLICANT BE PERMITTED TO USE THE ENTIRE LOT FOR OFF STREET PARKING FOR CHURCH PURPOSES ONLY.

APPLICANT HEREWITH ADVISES THE BOARD THAT APPLICANT INTENDS TO SURFACE THE ENTIRE PARKING LOT AREA AND WILL, IF THE BOARD THINKS IT ESTHETICALLY ADVISABLE, SCREEN, IN SOME MANNER, THE LOT FROM THE VIEW OF THE NEIGHBORS AND GENERAL PUBLIC.

BZA 11-61 NOTICES MAILED OCTOBER 6, 1961 HEARING OCTOBER 24, 1961

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
2039 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 E. GOODWIN
1617 WOODLAND

HOMER W. POPKINS & CHARLOTTE POPKINS
2748 RIVERA

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

GENE HANCOCK
1914 ARKANSAS

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BZA-11-61

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LEGAL PUBLICATIONS

(172) Published in The Wichita Evening Eagle and Beacon, on Oct. 11, 1961.

SPECIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED: A NOTICE IS HEREBY GIVEN that on the 5th day of October, 1961, the Board of Zoning Appeals, in Room 101, City Building Annex, 124 South Main, Wichita, Kansas, at 1:30 p. m. will consider the following applica- tion:

BZA 11-61—North side Church of Christ, Wichita, Kansas, by E. Lee Akire, attorney, 724 Fourth National Bank Building, Wichita, Kansas, requests variance to use property across 20th Street south of the applicant's church building and proposed new church building, for off street parking by those persons attending services in applicant's build- ings, said property being located generally at the southwest corner of 20th Street and Jackson, and lo- cally described as Lots 55, 57, 59 and the south 11.84 feet of Lot 51 on Jackson Avenue, Brooks and Old- time's Addition to the City of Wich- ita, Kansas.

As provided in Section 21250c, et seq. of the Code of the City of Wich- ita, Kansas, and the same will there- in be discussed and considered by the said Board of Zoning Appeals, and all persons interested in said matter will be heard at this time concern- ing their views and wishes in the premises and any protest against any of the provisions of the proposed variance, Com- mitted will be considered by the Board as did provided by law.

WITNESS my hand and seal on this 6th day of October, 1961.

KENNETH P. BECK, chairman
Board of Zoning Appeals

ATTEST:
Robert A. Lakin, Secretary (1-1)

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

OCTOBER 6, 1961

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY THE NORTH SIDE CHURCH OF CHRIST, 2101 JACKSON, WICHITA, KANSAS, BY E. LAEL ALKIRE, ATTORNEY, 724 FOURTH NATIONAL BANK BUILDING, AS PROVIDED IN SECTION 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA. THE APPLICANT DESIRES A VARIANCE TO ALLOW THE USE OF PROPERTY AT THE SOUTHWEST CORNER OF 20TH STREET AND JACKSON, LEGALLY DESCRIBED AS LOTS 55, 57, 59, AND THE SOUTH 11.84 FEET OF LOT 53, ON JACKSON AVENUE, BROOKS AND OLDHAM'S ADDITION TO THE CITY OF WICHITA, KANSAS, AS A PARKING LOT BY THOSE PERSONS ATTENDING SERVICES IN APPLICANT'S BUILDINGS.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 11-61. A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, OCTOBER 24, 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, SECRETARY
BOARD OF ZONING APPEALS

RAL:BER

No. 190770.

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>North Side Churchy Chest</i>		POSTMARK OR DATE
STREET AND NO. <i>3101 Jackson</i>		
CITY AND STATE <i>Wichita Kansas</i>		
If you want a return receipt, check which <input checked="" type="checkbox"/> 10¢ shows to whom and when delivered <input type="checkbox"/> 35¢ shows to whom, when, and address where delivered If you want restricted delivery, check here <input type="checkbox"/> 50¢ fee		
FEES ADDITIONAL TO 20¢ FEE POD Form 3800 SEE OTHER SIDE Apr 1959		

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

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

WICHITA
OCT 9
7:00PM
1961
KANS.

GIVE
THE UNITED STATES
RETURN TO

INSTRUCTIONS: Fill in 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 <i>Board of Zoning Appeals</i>
CERTIFIED NO. <i>190770</i>	STREET AND NO. OR P. O. BOX <i>402 City Bldg Annex</i>
INSURED NO.	CITY, ZONE AND STATE <i>Wichita Kansas</i>

POD Form 3811 Jan 1958 65-16-71948-4

No. 190771.

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>E. Lael Aikine</i>		POSTMARK OR DATE
STREET AND NO. <i>724 4th Nat Bk Bldg</i>		
CITY AND STATE <i>Wichita Kansas</i>		
If you want a return receipt, check which <input checked="" type="checkbox"/> 10¢ shows to whom and when delivered <input type="checkbox"/> 35¢ shows to whom, when, and address where delivered If you want restricted delivery, check here <input type="checkbox"/> 50¢ fee		
FEES ADDITIONAL TO 20¢ FEE POD Form 3800 SEE OTHER SIDE Apr 1959		

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INSURED NO.	CITY, ZONE AND STATE <i>Wichita Kansas</i>

POD Form 3811 Jan 1958 65-16-71948-4

No. 190770.

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>North Side Churchy Christ</i>	POSTMARK OR DATE
STREET AND NO. <i>3101 Jackson</i>	
CITY AND STATE <i>Wichita Kansas</i>	
If you want a return receipt, check which <input checked="" type="checkbox"/> 10¢ shows to whom and when delivered <input type="checkbox"/> 35¢ shows to whom, when, and address where delivered <input type="checkbox"/> 50¢ fee	
If you want restricted delivery, check here <input type="checkbox"/> 50¢ fee	
FEES ADDITIONAL TO 20¢ FEE PD Form 3800 Apr 1960	

SEE OTHER SIDE

#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)
Church of Christ

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Gene Harris

DATE DELIVERED
 OCT 9 1961

ADDRESS WHERE DELIVERED (only if requested in item #1)
 METROPOLITAN PLANNING

No. 190771.

RECEIPT FOR CERTIFIED MAIL—20¢

SENT TO <i>E. Lael Alkire</i>	POSTMARK OR DATE
STREET AND NO. <i>724 4th Nat Bldg</i>	
CITY AND STATE <i>Wichita Kansas</i>	
If you want a return receipt, check which <input checked="" type="checkbox"/> 10¢ shows to whom and when delivered <input type="checkbox"/> 35¢ shows to whom, when, and address where delivered <input type="checkbox"/> 50¢ fee	
If you want restricted delivery, check here <input type="checkbox"/> 50¢ fee	
FEES ADDITIONAL TO 20¢ FEE PD Form 3800 Apr 1960	

SEE OTHER SIDE

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 (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)
E. Lael Alkire

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Marita Jo Jan

DATE DELIVERED
 10-9-61

ADDRESS WHERE DELIVERED (only if requested in item #1)
 METROPOLITAN PLANNING

OCTOBER 6, 1961

CERTIFIED MAIL

NORTH SIDE CHURCH OF CHRIST
2101 JACKSON
WICHITA, KANSAS

GENTLEMEN:

RE: BZA 11-61

YOUR APPLICATION FOR A VARIANCE TO PERMIT ESTABLISHMENT OF A PARKING LOT ON LOTS 55, 57, AND 59 AND THE SOUTH 11.84 FEET OF LOT 53, ON JACKSON AVENUE, BROOKS AND OLDHAM'S ADDITION TO THE CITY OF WICHITA, KANSAS, GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 20TH STREET AND JACKSON, HAS BEEN ASSIGNED CASE No. BZA 11-61.

YOU ARE NOTIFIED THAT YOU MAY APPEAR BEFORE THE BOARD OF ZONING APPEALS FOR A HEARING OF THIS CASE ON TUESDAY, OCTOBER 24, 1961, AT 1:30 P.M. IN ROOM 401 CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS.

SINCERELY YOURS,

ROBERT A. LAKIN
SECRETARY

RAL:BER

cc: E. LAEL ALKIRE
724 FOURTH NATIONAL BANK BLDG.
WICHITA, KANSAS

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 11-61
FILED 11-5-61

BZA 10-61
APPLICATION FOR VARIANCE

I. NAME OF APPLICANT North Side Church of Christ
MAILING ADDRESS 2101 Jackson, Wichita, Kansas PHONE N. A.
NAME OF AUTHORIZED AGENT E. Lael Alkire
MAILING ADDRESS 724 Fourth National Bank Building PHONE AM 2-0474
Wichita, Kansas
RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Owner
(OWNER, TENANT, LESSEE, OTHER).

II. THE VARIANCE REQUESTED IS that the vacant property across 20th Street
south of applicant's church building, and proposed new church building,
be used in its entirety for off street parking by those persons
attending services in applicant's buildings

FOR PROPERTY LOCATED AT 2045 Jackson, Wichita, Kansas

AND LEGALLY DESCRIBED AS Lot(s) 55, 57, 59 and the South 11.84 feet of
Lot 53

8466 1/2 S 11 on Jackson Avenue, Brooks and Oldham's

ADDITION TO THE CITY OF WICHITA; AND WHICH IS PRESENTLY ZONED "A".

(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

NOTE: Drawings, plats and abstracter's certificates have been hereto-
fore attached to BZA-10-61

III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT, HEREBY 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 24-606); AND THAT THE APPROPRIATE FEE IS HEREWITH TENDERED;
- C. THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THAT DECISION;
- D. THAT A STATEMENT IS ATTACHED HERETO JUSTIFYING THIS REQUEST AS NOTED IN PARAGRAPH 3 OF THE INSTRUCTIONS AND IN SECTION 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA.

North Side Church of Christ

APPLICANT

E. Lael Alkire

AUTHORIZED AGENT Their attorney at Law

OFFICE USE ONLY

RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 2:10
(A.M. - P.M.) Oct 5, 1961, TOGETHER WITH APPROPRIATE FEE OF
\$30.00.

Boyd Robert Stens II
SIGNED

In compliance with III D. of the Application for Variance and/or Exception, the following statement is made.

Applicant owns a church and the surrounding real property located on the Northwest corner of 20th Street and Jackson Avenue in Wichita, Kansas. Applicant, in contemplation of building a new sanctuary, acquired the property for which the variance is requested. This property is situated on the Southwest corner of 20th Street and Jackson Avenue and is adjacent to the church properties theretofore owned by applicant except for the intervention of 20th Street. Applicant heretofore in Docket BZA-10-61 appealed from the ruling of the building inspector denying applicant's endeavors to obtain a building permit. The reason for the building inspector's denial was that the property to be used for off street parking was not situated adjacent to the church property in that there was a public way dividing applicant's properties. The Board of Zoning Appeals, for reasons not quite clear to applicant's attorney, upheld the building inspector and this application follows.

The Board's attention is directed to 28.04.050 of the Ordinances of the City of Wichita which covers "A" residential areas. Permitted in this classification are church buildings. Other requirements of the city ordinance require off street parking when new church buildings are to be constructed. The building of churches is not apparently a prohibited type construction and is specifically permitted. Therefore, applicant requests, inasmuch as churches are to be tolerated, that this Board, under the authority of 2.12.590 allow applicant's variance and/or exceptions as provided for in said section, and grant applicant permission and authority to use for parking purposes the entire vacant parcel of ground which applicant owns on the Southwest corner of 20th Street and Jackson Avenue, Wichita, Kansas. Applicant herewith states that all of the four requirements set forth at 2.12.590, 2(a) through (d) exist and that its application should be allowed and that the zoning regulations concerning front yards, side yards, back yards, building requirements, etc. etc. etc. be waived and that applicant be permitted to use the entire lot for off street parking for church purposes only.

Applicant herewith advises the Board that applicant intends to surface the entire parking lot area and will, if the Board thinks it esthetically advisable, screen, in some manner, the lot from the view of the neighbors and general public.