

M.A.P.C.

Walter Hanks 9-15-64

~~B.C.C.T.B.~~

Approved & returned 10-13-64

*Grates for off-street parking & app. taken
No appeal filed*

ZA 11-64 - First Church of God of
Wichita, Kansas, Inc. requests excep-
tion to permit off-street parking &
variance from off-street parking re-
quirements for area bet. Market &
Main and S of Lincoln.

ACTION

DATE

By COMMITTEE _____ *2-25-64*

M.A.P.C.

Defer 4 wks 9-15-64

B.C.C.7B ~~C.C.C.~~ *Denied variance 10-13-64*

*of ratio for off-street parking & app balance
no appeal filed*

72A 11-64 - First Church of God of
Wichita, Kansas, Inc. requests excep-
tion to permit off-street parking &
variance from off-street parking re-
quirements for area bet. Market &
Main and S of Lincoln.

March 9, 1964

Mr. Charles C. McCarter, Attorney
701 Petroleum Building
Wichita, Kansas

Dear Mr. McCarter:

Re: Case No. BZA 11-64

On February 27, 1964, we advised you that the Board of Zoning Appeals had denied your request for a variance of ratio of off-street parking stalls to seating capacity of the church property located generally between Market and Main and in an area south of Lincoln, and had approved your request for a variance to permit parking in the front and side yard setback areas, and had also approved your request for an exception to allow off-street parking in an "RB" zoning district, subject to certain conditions.

We also advised that the Board's decision might be appealed to the City Commission provided such appeal was filed on or before March 6, 1964. 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,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: First Church of God of Wichita, Kansas, Inc.
1201 South Market

Glen Lytle, Superintendent of Central
Inspection
Ruby Herder, 810 South Emporia

R E S O L U T I O N N O . B Z A 1 1 - 6 4 (A)

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

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

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

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

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

The South 5 feet of Lot 14 and all of Lot 16 on Market Street in Parkhurst's Addition to Wichita, Sedgwick County, Kansas; also a tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet South and 190 feet West of the Northeast Corner of the Southeast Quarter, thence South 12 feet, thence West 140 feet, thence North 12 feet, thence East to beginning,

generally located between Market and Main and south of Lincoln; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, in regular meeting consider said application on the 25th day of February, 1964; and

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

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

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

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

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

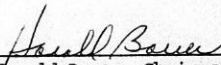
represented in the appeal, in that the applicant, through arrangements with Broadway Mortuary and in line with conditions contained in Section 28.04.140.A.2,3, Code of the City of Wichita, has indicated that the church will be able to provide the required parking spaces without the granting of this variance;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

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

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

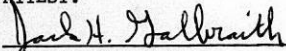
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the variance requested be denied, and the applicant, as required in Section 28.04.140 of the ordinance, be required to provide one off-street parking stall for every five seats in the church sanctuary.

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



Harold Bauer, Chairman

ATTEST:



Jack H. Galbraith
Secretary

R E S O L U T I O N N O . B Z A 1 1 - 6 4 (B)

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

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

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

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

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

The South 5 feet of Lot 14 and all of Lot 16 on Market Street in Parkhurst's Addition to Wichita, Sedgwick County, Kansas; also a tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet South and 190 feet West of the Northeast Corner of the Southeast Quarter, thence South 12 feet, thence West 140 feet, thence North 12 feet, thence East to beginning,

generally located between Market and Main and south of Lincoln; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, in regular meeting consider said application on the 25th day of February, 1964; and

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

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

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

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

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

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

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

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

1. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. No trailers shall be allowed.
2. Only such signs as are necessary for the proper operation of the lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. Parking lots and driveways providing ingress and egress to the lot shall be surfaced with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, trash and other debris.
5. All parking spaces which abut a property line shall have adequate concrete bar wheel or bumper guards to prevent overhanging or extension of vehicles beyond property lines or parking spaces.
6. The parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lots having a height greater than six feet above ground level and the beam of light shall be directed downward.
8. A five-foot high solid wall masonry, brick, or louvered redwood fence shall be erected along the north and south lines of the following described property:

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

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

The east 65 feet of the following described tract: The South 5 feet of Lot 14 and all of Lot 16 on Market Street in Parkhurst's Addition to Wichita, Sedgwick County, Kansas; also a tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet South and 190 feet West of the Northeast Corner of the Southeast Quarter, thence South 12 feet, thence West 140 feet, thence North 12 feet, thence East to beginning.

Said fence shall also be provided along the south line of the following described tract:

The south 20 feet of Lot 17 and the North 1/2 of Lot 19 on Market Street, in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas,

except that in the front yard setback areas of the lots the fence shall be reduced from five to three feet in height.

9. A performance bond, or othersimilar security, in the amount of \$7,500 shall be submitted to the Secretary of the Board to guarantee the installation of the paving of the parking lot areas and construction of the fencing as required by the Board.
10. The lot shall be constructed in accordance with the conditions and requirements as outlined above, within 24 months from the effective date of the approval of this application or the permit shall be null and void.
11. A plot plan containing the parking layout of all lots concerned shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for construction of the lot.
12. Low type of landscaping (hedges or plantings) shall be provided along the parking lots where they face or side into Market or Main, except on areas of ingress and egress. No parking stall shall be located nearer than 4 feet to the sidewalk, and physical barriers, such as the plantings or concrete curb, shall be used to maintain this distance.
13. Direct vehicular access from parking areas to the north-south alley between Market and Main shall be denied unless said alley is vacated; permanent physical barriers shall be provided, such as concrete rail or curb, fencing or chain, provided, however, that vehicular access shall be permitted to the alley from the parking area located on the south 20 feet of Lot 17 and north half of Lot 19 on Market Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas (parking lot immediately south of proposed sanctuary).

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

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

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

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

WHEREAS, First Church of God of Wichita, Kansas, Inc., 1201 South Market, Wichita, Kansas, by Charles C. McCarter, attorney, 701 Petroleum Building, Wichita, Kansas, has requested the granting of an exception, pursuant to Section 28.04.140.B, Code of the City of Wichita, to permit the installation and construction of off-street parking lots in an "RB" Four Family dwelling district; and

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

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

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

The South 5 feet of Lot 14 and all of Lot 16 on Market Street in Parkhurst's Addition to Wichita, Sedgwick County, Kansas; also a tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet South and 190 feet West of the Northeast Corner of the Southeast Quarter, thence South 12 feet, thence West 140 feet, thence North 12 feet, thence East to beginning,

generally located between Market and Main and south of Lincoln; and

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, in regular meeting consider said application on the 25th day of February, 1964; and

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

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

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

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

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

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

1. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. No trailers shall be allowed.
2. Only such signs as are necessary for the proper operation of the lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. Parking lots and driveways providing ingress and egress to the lot shall be surfaced with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, trash and other debris.
5. All parking spaces which abut a property line shall have adequate concrete bar wheel or bumper guards to prevent overhanging or extension of vehicles beyond property lines or parking spaces.
6. The parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lots having a height greater than six feet above ground level and the beam of light shall be directed downward.
8. A five-foot high solid wall masonry, brick, or louvered redwood fence shall be erected along the north and south lines of the following described property:

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

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

The east 65 feet of the following described tract: The South 5 feet of Lot 14 and all of Lot 16 on Market Street in Parkhurst's Addition to Wichita, Sedgwick County, Kansas; also a tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 feet South and 190 feet West of the Northeast Corner of the Southeast Quarter, thence South 12 feet, thence West 140 feet, thence North 12 feet, thence East to beginning.

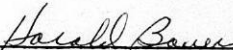
Said fence shall also be provided along the south line of the following described tract:

The south 20 feet of Lot 17 and the North 1/2 of Lot 19 on Market Street, in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas,

except that in the front yard setback areas of the lots, the fence shall be reduced from five to three feet in height.

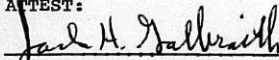
9. A performance bond, or other similar security, in the amount of \$7,500 shall be submitted to the Secretary of the Board to guarantee the installation of the paving of the parking lot areas and construction of the fencing as required by the Board.
10. The lot shall be constructed in accordance with the conditions and requirements as outlined above, within 24 months from the effective date of the approval of this application or the permit shall be null and void.
11. A plot plan containing the parking layout of all lots concerned shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for construction of the lot.
12. Low type of landscaping (hedges or plantings) shall be provided along the parking lots where they face or side into Market or Main, except on areas of ingress and egress. No parking stall shall be located nearer than 4 feet to the sidewalk, and physical barriers, such as the plantings or concrete curb, shall be used to maintain this distance.
13. Direct vehicular access from parking areas to the north-south alley between Market and Main shall be denied unless said alley is vacated; permanent physical barriers shall be provided, such as concrete rail or curb, fencing or chain, provided, however, that vehicular access shall be permitted to the alley from the parking area located on the south 20 feet of Lot 17 and north half of Lot 19 on Market Street in Fitzgerald's Addition to the City of Wichita, Sedgwick County, Kansas (parking lot immediately south of proposed sanctuary).

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



Harold Bauer, Chairman

ATTEST:



Jack H. Galbraith, Secretary

*Stellawalding
1235 S. Main*

*Jo Bonfield
1211 S. Main*

*810
S. Emporia*

Lucas

*Carl Manning
1247 S. Main*

SECRETARY'S REPORT

CASE NO. BZA 11-64

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

AGENT: Charles C. McCarter, 701 Petroleum Building

REQUIREMENT: (A) Variance (pursuant to Section 2.12.590.2, Code of the City of Wichita) from the requirement that there be one off-street parking space for every five seats in the church to one off-street parking space for every seven seats in the church.

(B) Variance (pursuant to Section 2.12.590.2, Code of the City of Wichita), from the requirement that off-street parking may not occupy any part of any required front yard setback in a dwelling district and from the requirement that off-street parking may not occupy any more than one-half of the required side yard setback.

(C) Exception (pursuant to Section 28.04.140.B, Code of the City of Wichita), to permit the installation and construction of off-street parking lots in a residential ("RB" Four Family) zoning district.

ZONING: The property in question is zoned "RB" Four Family and "B" Multiple Family. The existing zoning to the north and east is "B" Multiple Family and west and south is "RB" Four Family.

LAND USE: Part of the properties in question are currently vacant and are being utilized for off-street parking by the church. The others are either back yards of residences or sites where houses have recently been cleared. The existing land use to the north is church, single family and duplex; east is single family and duplexes; south is single family; and west is duplexes and single family.

VARIANCE OF NUMBER OF OFF-STREET PARKING SPACES REQUIRED:

The existing ordinance provides that churches must have one off-street parking space for every five seats in the church. The request being made in this instance is that the church be required to have one off-street parking space for every seven seats in the church. In other words, the church is requesting that the requirement be lowered approximately one-third.

The attorney for the applicant has also stated that the church has a tentative agreement with the Broadway Mortuary (1/2 block east of the church) to use 35 parking spaces in the mortuary parking lot.

These spaces (if all others are subsequently allowed) would bring the church up to the required ratio of 1 to 5. To accomplish this, the ordinance requires that an agreement must be entered into in writing by the owner or owners of such parking lot. The agreement is to be binding upon the owners of the land and must be filed with the Register of Deeds, after having been first approved by the Department of Law. Apparently approval is available by Broadway Mortuary as indicated in a letter submitted with the application.

The attorney for the applicant has indicated that a variance of the parking ratio would not be necessary if such approval is given by Broadway Mortuary.

UNIQUENESS: The attorney for the applicant has suggested that the variance desired is unique and not ordinarily found because of the location of the church property. The Secretary is of the opinion that there is nothing which is unique about the properties concerned from a physical standpoint. Nearly every church in town is located on a corner similar to this. Most of them are in residential districts. On several occasions in the past few months the Board has considered uniqueness as to the use of the property concerned. However, there are many churches throughout the city of Wichita who are experiencing the same problems as far as off-street parking and land acquisition is concerned. Consequently, if uniqueness is to be considered as to the use of the property, almost every church throughout the city could be considered unique as far as parking is concerned.

ADJACENT PROPERTY: The Secretary is of the opinion that the granting of the variance of lowering the ratio to 1 to 7 would have an adverse affect on adjacent property inasmuch as it would actually produce more on-street parking and thereby aggravate traffic congestion, especially on Sundays.

HARDSHIP: The Secretary is of the opinion that the granting of the variance as to parking ratios will not constitute an unnecessary hardship upon the church if the church can obtain a written agreement to use part of the parking being provided at the Broadway Mortuary. The attorney for the applicant has pointed out that the variance from 1:5 to 1:7 will not be needed if an agreement can be worked out with the mortuary.

PUBLIC INTEREST: The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest unless by providing less parking than required by the Code there could be a perpetuation of on-street parking and traffic congestion in the area.

RECOMMENDATION: Based upon the foregoing comments, it is the opinion of the Secretary that it is very doubtful if the requirements of uniqueness has been sufficiently justified so consequently it is recommended that the variance be denied. If the Board finds all conditions to be present, then approval should be made on the basis of providing 127 spaces (35 of which are to be provided on the Broadway Mortuary site) instead of the 130 spaces required. Spaces marked out on the preliminary site plan are not to be included in accounting for the required number of spaces. This approval includes spaces shown in side yard and front yard setback areas.

VARIANCE OF FRONT AND SIDE YARD SETBACKS - PART II

UNIQUENESS: The attorney for the applicant has offered no reasons or evidence as to why the request for a variance is unique. However, the Secretary is of the opinion that the variance desired may be somewhat unique inasmuch as requiring off-street parking lots in residential districts to set back from the side property line a distance of one-half the required side yard setback (2½ feet in this instance) is a requirement that is rather difficult to enforce. If required to set back 2½ feet from the side property line and if bumper guards were placed at this point, any automobile would almost certainly overhang right up to the property line. Consequently, in this instance, it appears that requiring the church to abide by this requirement might be a rather unique condition.

The applicant has also applied for a variance of the front yard setback since the ordinance stipulates that no off-street parking stall shall occupy any part of any required front yard setback in a residential zoning district (20 feet in this instance). From viewing the plot plan submitted by the applicant, one can readily see that there are actually three different parking lots on which the applicants are requesting that the front yard setback of 20 feet be waived so that these areas might be utilized for parking. If all of these lots were combined into one lot, rather than the three lots as shown on the plot plan, it might seem a little out of the ordinary or unique if the church was required to maintain the setback requirement. However, since there are three lots, each of which is separated from the other by dwelling units, it appears at least to the Secretary, that it would be very difficult to find anything unique about the variance of the front yard setback as requested.

ADJACENT PROPERTY: The Secretary is of the opinion that the granting of the variance may have some adverse affects on adjacent property owners inasmuch as allowing automobiles to be parked right

up to the property line would certainly hamper the view of those residents living next adjacent to the parking area. However, a fence along the sides of the lot might alleviate this condition relating to light and blowing debris.

HARDSHIP: The attorney for the applicant has suggested that the church would be burdened with an undue hardship if the variance as requested is not granted; however, no reasons or facts have been offered as to why an undue hardship would exist.

In some instances where churches and various other public institutions have filed applications for variances, the Board has taken a liberal interpretation of "hardship". Specifically, almost all churches have a limited amount of finances with which to operate and this is most likely the case in this instance. If the Board accepts this reasoning as sufficient justification for hardship, every precaution should be taken in establishing as a sole precedent, financial hardship in meeting this requirement.

PUBLIC INTEREST: The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest.

RECOMMENDATION: The Secretary is of the opinion that from the justification submitted, that it is very doubtful if the requirements of uniqueness, adverse affects on adjacent property, and possibly hardship, have been sufficiently justified in this instance; therefore, it is recommended that the variance be denied.

CONSIDERATION OF EXCEPTION FOR OFF-STREET PARKING LOT - PART III

The Board has jurisdiction to consider the exception being requested under Section 28.04.140.B of the Code of the City of Wichita. From viewing the area involved in this case, it is readily apparent that if the properties up for consideration are to be used for off-street parking and are approved, subject to the conditions outlined in the ordinance, i.e., fencing, hard surfacing the lot, providing bumper guards, etc., then it would be a substantial improvement over and above the existing situation.

The Secretary is of the opinion that it is doubtful if the Traffic Engineering Division will approve the parking layout in its present form. This is due to the fact that there are several parking spaces which appear to be unacceptable due to their location and layout. The parking lots would also seem to help alleviate substantially the on-street parking situation in the immediate vicinity of the church.

However, the utilization of spaces on the back of 1216 South Market does not seem justified, or it would appear to overcrowd the lot, reducing lot space and open area beyond minimum standards and would require church members to either cut through yards and jaywalk or walk in such an indirect line as to make the parking areas undesirable and hence unused.

OVER ALL RECOMMENDATION: The Secretary is of the opinion that it is very doubtful if all the requirements necessary to be found to exist before a variance can be approved have been sufficiently justified as far as the two variance requests are concerned. On the other hand, the Secretary is of the opinion that the exception should be approved. In any event, if the Board decides to approve the ~~two~~ ^{one} variances requested and the exception, or just the exception, ~~it is the recommendation of the Secretary that the 5 car lot on the back of 1216 South Market shall not be approved, and that a reduction from 130 spaces to 127 spaces shall be approved, and that off-street parking shall be permitted in side yard and front yard setbacks, subject to:~~

1. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. *No trailers, shall be allowed*
2. Only such signs as are necessary for the proper operation of the lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. Parking lots and driveways providing ingress and egress *concrete* to the lot shall be surfaced with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, trash and other debris.
5. *concrete* All parking spaces which abut a property line shall have adequate wheel or bumper guards to prevent overhanging or extension of vehicles beyond property lines or parking spaces.
6. The parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lots having a height greater than six feet above ground level and the beam of light shall be directed downward.

8. A five foot high solid wall masonry, brick, or louvered redwood fence shall be erected along the north and south property lines of the lot to the west of the church (on Market Street); the south line of the lot immediately south of the proposed sanctuary; and the north and south lot lines of the lot located between the properties which are commonly known as 1245 and 1237 South Market; except that in the front yard setback areas of the lots the fence shall be reduced from 5 feet to 36 inches in height.

~~13.~~ ^{shall} Some consideration should be given to some low type plantings or greenery along the front property line of each lot which would make the lots more compatible with the surrounding area.

9. A performance bond, or other similar security, in the amount of \$ ~~500~~ ⁷⁵⁰⁰ shall be submitted to the Secretary of the Board to guarantee the installation of the paving of the parking lot areas and construction of the fencing as required by the Board.

10. The lot shall be constructed in accordance with the conditions and requirements as outlined above, within 24 months from the effective date of the approval of this application or the permit shall be null and void.

11. A plot plan containing the parking layout of all lots concerned shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for construction of the lot.

~~12.~~ ^{12.} Fencing along side of Lot 3.

13. Lots shall be closed to vehicular access, Permanent, (on MKT - main lots)

Add to 3 Lot?

Concrete or masonry
setback or planting
4 feet wide.

@

Board of Zoning Appeals
City of Wichita, Kansas

Case No. _____
Attachment to
Application for Exception

S T A T E M E N T

Attached hereto is Application for Exception authorizing the First Church of God of Wichita, Kansas, Inc., to construct off-street parking lots to facilitate traffic movements in and around the church properties located at 1201 South Market and to provide parking for the church members. The Board of Zoning Appeals has jurisdiction to grant this exception under the provisions of Ordinance Sections 2.12.590.3, 28.04.140.B et seq. and Article III, Sections A-3a and 3b and Article III B, 3 a-aa-bb, and 3 b-aa-bb. In accordance with the latter rules, there is attached hereto a certified listing of the names and current mailing addresses of owners of property within 200 ft. of the property included in the application, which certificate also certifies that said church is the owner of the property upon which said off-street parking is to be located, and a plot plan showing the proposed improvements.

The First Church of God of Wichita, Kansas, Inc., presently owns a church sanctuary and educational building at 1201 South Market, which church seats presently about 400 persons. The church proposes to build a new, modern sanctuary immediately to the south of the present education building which will seat approximately 650 persons. This new sanctuary will greatly beautify the area and generally improve the area from every point of view. The present sanctuary will, after completion of the new sanctuary, be converted to a youth center thereby providing facilities for helping the youth of our community.

The church will need, for its new sanctuary, additional parking facilities, as is proposed in the attached application. The proposed off-street parking lots will park approximately 97 vehicles, thereby providing one (1) parking space for approximately every 6 1/2 persons who could be seated in the new sanctuary. In view of the fact that such ratio is slightly less than the 1 to 5 ratio required by the Zoning Board Ordinances, a request for variance from such zoning ordinance is attached hereto.

However, besides the aforesaid 97 parking stalls available on parking lots owned by the church, the church will have available for parking on Sundays and evenings, the parking lot owned by The Broadway Mortuary, located less than 1/2 block from the church. This parking area will provide additional parking for 35 vehicles and will increase the off-street parking facilities available to the church to 132 parking stalls. This additional parking, if recognized by the City, would meet the requirements

of the zoning ordinance that there be one (1) parking stall for every five (5) seats in the new church sanctuary. (See attached letter from Broadway Mortuary). Nevertheless, in order to technically meet the requirements of the zoning ordinances, the variance from the said 1 to 5 ratio requirements is requested.

The parking areas proposed will be located within 600 ft. from the boundary of the church sanctuary and educational building and will be used for the parking of passenger vehicles only. In no case will the parking lots be used for the sale, repair, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. Only such signs as are necessary for the proper operation of the parking lot will be installed and in no case will a fee be charged for use of the parking facilities.

Some of the parking areas and driveways, which provide necessary ingress and egress, will be surfaced with concrete. The balance of the parking areas and driveways will be surfaced with asphalt. The parking areas will be kept free from weeds, dust, trash and other debris.

The parking areas will have adequate guards to prevent extension or overhanging of vehicles beyond the property lines of the parking lots and the parking areas will be adequately marked for channelling and moving vehicles. Such lighting as is provided will be so arranged as to deflect light away from adjacent dwellings.

A fence of a solid material approximately four feet high will be erected along any property line adjacent to or adjoining any dwelling district, all as indicated on the attached plot, so as to eliminate the passage of light from vehicles and to prevent the blowing of debris.

In order to provide adequate parking spaces it will be necessary to provide for parking on areas otherwise identified as front and side yards. An appropriate request for a variance to so authorize parking in said front yards and side yards is attached hereto.

Also attached hereto is a check in the amount of \$50.00 covering the fee prescribed by Section 2.12.580.2 of the Code of the City of Wichita, which check is made payable to the City of Wichita.

It is submitted that the attached applications for exception and variances should be granted for the reasons above set out and that the granting of such exceptions and variances will be in the public interest.

Respectfully submitted,

S/ Charles C. McCarter
Charles C. McCarter of
McCarter Frizzell & Wettig

Board of Zoning Appeals
City of Wichita, Kansas

Case No. _____
Attachment to
Application for Variance

STATEMENT

The First Church of God of Wichita, Kansas, Inc., hereby applies for two (2) variances. The Board of Zoning Appeals has jurisdiction to grant the same under Section 2.12.390 of the Code of Ordinances of the City of Wichita, and under Article III, Section A-2 and Article III, Section B-2 of the rules and regulations of the Board of Zoning Appeals. The variances requested are a variance from the set-back requirements of Zoning Ordinance Section 212590.2 and from the requirements of Zoning Ordinance Section 212590.2, which requires that there be one (1) off-street parking stall for every five (5) seats in any new church built in the city.

Attached to this application for variance is an application for exception authorizing the First Church of God of Wichita, Kansas, Inc., to build off-street parking facilities to park some 97 vehicles. These parking facilities will greatly aid the flow of traffic in and around the church buildings and will provide suitable parking for church members. However, the church is hindered in its ability to procure extensive parking lots by reason of its economic position and by reason of the lack of willingness of certain adjoining property owners to sell their land to the church. Accordingly, the church has only been able to secure land to provide off-street parking for 97 vehicles. Its new church sanctuary, which it proposes to build immediately to the south of its existing sanctuary at 1201 South Market, will seat approximately 650 persons. Accordingly, a ratio of one (1) parking stall to every 6 1/2 seats in the new church will be provided if the proposed off-street parking exception is granted. Since the Zoning Ordinance requires a ratio of 1 to 5, a variance is requested. The granting of this variance will allow

the church to provide for considerable off-street parking and will allow the church to build its new sanctuary thereby improving the beauty and general appearance of the area at 1201 South Market.

However, besides the aforesaid 97 parking stalls available on parking lots owned by the church, the church will have available for parking on Sundays and evenings, the parking lot owned by The Broadway Mortuary, located less than 1/2 block from the church. This parking area will provide additional parking for 35 vehicles and will increase the off-street parking facilities available to the church to 132 parking stalls. This additional parking, if recognized by the City, would meet the requirements of the zoning ordinance that there be one (1) parking stall for every five (5) seats in the new church sanctuary. (See attached letter from Broadway Mortuary). Nevertheless, in order to technically meet the requirements of the zoning ordinances, the variance from the said 1 to 5 ratio requirements is requested.

In addition, a variance is requested to allow parking on front and side yards which under zoning ordinances would otherwise not be allowed. This is necessary in order to provide even the 97 parking spaces mentioned above.

These variances arise from conditions which are unique and not ordinarily found in the zoning districts where the church property is located, and the granting of a variance will not adversely affect the rights of adjacent property owners or residents. On the other hand, the strict application of the enforcement provisions of the zoning ordinances requiring a 1 to 5 ratio of parking to seats and disallowing parking on front and side yards would constitute an unnecessary hardship upon the church and its members. The variance desired will certainly not adversely affect the public health, safety, morals, order, convenience, property or general welfare; but will, on the contrary, promote these interests.

Respectfully submitted,

Charles C. McCarter
McCarter, Prizzelli & Wettig
Suite 101 Petroleum Building

LIST OF PROPERTY OWNERS

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|------------------------|---------------|-----------------|--|
| 1 | Main | Fitzgerald's | Mery Ellingham 1203 S. Main |
| 3 | " | " | Same |
| 5 | " | " | Same |
| 7 | " | " | Grace A. Brumfield 1211 S. Main |
| 9 | " | " | Same |
| 11 | " | " | John F. Hollinger Mary O. Hollinger 1304 S. Main |
| 13 | " | " | Same |
| 15 | " | " | Deloris Maurer |
| 17 (N.20') | " | " | Same |
| 17 (S.10') | " | " | Remona Mae Murray |
| 19 | " | " | Same |
| 21 | " | " | Helen Maurer & Chas. A. Maurer 1489 Coolidge |
| 23 (N½) | " | " | Same |
| 23 (S½) | " | " | Edwina Brenneisen & Stells Brenneisen 1235 S. Main |
| 25 | " | " | Same |
| 27 | " | " | Marjorie K. Hamlin 1239 S. Main |
| 29 (N½) | " | " | Same |
| 29 (S½) | " | " | Myrtle Munns Cerothers |
| 31 | " | " | Same |
| 2 | " | " | Vernon C. Axley & Dorothy S. Axley 1200 S. Main |
| 4 (N. 23') | " | " | Same |
| 4 (E. 40' of S. 7') | " | " | Same |
| 6 (E.40') | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|---------------------------|---------------|-----------------|--|
| 4 (S.7' of W. 100') | Main | Fitzgerald's | Dorothea M. Porter |
| 6 (W.100') | " | " | Same |
| 8 | " | " | Same |
| 10 | " | " | Same |
| N $\frac{1}{2}$ 12 | " | " | Same |
| S $\frac{1}{2}$ 12 | " | " | First Church of God of Wichita, Kansas 1201 S. Market St. |
| 14 | " | " | Same |
| 16 | " | " | Same |
| 18 | " | " | Same |
| 20 (N 3 $\frac{1}{2}$ ') | " | " | Same |
| 20 (S.26 $\frac{1}{2}$ ') | " | " | Ada Dearsmit 1220 S. Main |
| 22 (N $\frac{1}{2}$) | " | " | Same |
| 22 (S $\frac{1}{2}$) | " | " | Ivan J. Beery & Nola I. Beery 1224 S. Main |
| 24 | " | " | Same |
| 26(N 10') | " | " | Same |
| 26 (Exc. N.10') | " | " | Charles A. Bourman and Mertha J. Bourman |
| 28 | " | " | Same |
| 30 | " | " | Harry E. Weaver and Colene P. Weaver 1230 S. Main |
| 32 (N.20') | " | " | Same |
| 32 (S.10') | " | " | Ralph J. Miner and Vera Miner |
| 34 | " | " | Same |
| 36 | " | " | Delphia E. Stowell 1250 S. Main |
| 38 (N.20') | " | " | Same |
| 38 (S.10') | " | " | Judge C. Porter, Jr. & Clare Porter |
| 40 | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|------------|---------------|--------------------------------------|---|
| 46 (W.90') | Main | Bayley's 2nd Sub. in Fitzgerald's | Walter T. Mannings and Blanche Mannings |
| 46 (E.50') | " | " | First Church of God of Wichita 1201 S. Market |
| 1 | Market | Fitzgerald's | Same |
| 3 | " | " | Same |
| 5 | " | " | Same |
| 7 | " | " | Same |
| 9 | " | " | Same |
| 11 | " | " | Same |
| 13 | " | " | Same |
| 15 | " | " | Same |
| 17 | " | " | Same |
| 19 (N½) | " | " | Same |
| 19 S.15') | " | " | Mary Alice Whitton Lucas 1221 S. Market |
| 21 | " | " | Same |
| 23 | " | " | Ruby Herder 310 S. Emporia |
| 25 | " | " | Same |
| 27 | " | " | First Church of God, Inc. 1201 S. Market |
| 29 | " | " | Same |
| 31 | " | " | Same |
| 33 | " | " | Dorothy Bardwell |
| 35 | " | " | Same |
| 37 | " | " | Clarence D. Songer and Fern E. Songer 118 E. Bayley |
| 39 | " | " | Same |
| 45 | " | Bayleys Sub. in Fitzgerald's | First Church of God in Wichita 1201 S. Market St. |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|--------------|---------------|-----------------|---|
| 2 | Market | Parkhurst's | John E. Brane, Jr. 612 S. Ash Eugene P. Brane 732 S. Spruce Eva L. Cotter Georgia M. Burge |
| 4 | " | " | Same |
| 6 | " | " | Same |
| 8 | " | " | Same |
| 10 | " | " | Robert E. Burns & Virginia Mae Burns 1210 S. Market St. |
| 12 (N½) | " | " | Same |
| 12 (S½) | " | " | Vinnie McLoud 1212 S. Market |
| 14 (N.20') | " | " | Same |
| 14 (S.5') | " | " | First Church of God, Inc. 1201 S. Market |
| 16 | " | " | Same |
| 22 | " | " | Virgil Russell & Edith Russell 7101 Cestle Drive. |
| 24 | " | " | Same |
| 26 | " | " | J. C. Lewis & Arva M. Lewis 1230 S. Market |
| 28 (N.24.6') | " | " | Same |
| 42 | " | " | Glen W. Ryel and Emma M. Ryel 1250 S. Market |
| 44 | " | " | Same |
| 46 | " | " | Roger Clifton Thomason and Fern Irene Thomason 1254 S. Market |
| 48 | " | " | Claude Dalbon |
| 1 | Broadway | " | Albert Butters & Regina T. Butters 1524 S. Main |
| 3 | " | " | Same |
| 5 | " | " | John E. Brane, Jr. 612 S. Ash Eugene P. Brane 732 S. Spruce Eva L. Cotter Georgia M. Burge |
| 7 (N.16'9") | " | " | Same |
| 9 (S.5') | " | " | Same |
| 11 | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|------------|---------------|-----------------|--|
| 7 (S.8'3") | Broadway | Parkhurst's | Roy S. McDaniel Earl C. McDaniel 619 N. Broadway Harold B. McDaniel 2022 Payne |
| 9 (N.25') | " | " | Same |
| 13 | " | " | Virgil L. Teague and Rosella M. Teague |
| 15 | " | " | Same |
| 17 | " | " | Helen Allen 1201 N. Emporia |
| 19 | " | " | Same |
| 21 | " | " | E. R. Houk 3219 S. 71st St. West |
| 23 | " | " | Same |
| 25 | " | " | F. J. Clark & Elsie Clark 1900 S. Broadway |
| 27 | " | " | Same |
| 29 | " | " | Alfred E. Arnett & Eva Arnett 7600 N. Broadway |

Beginning 220.4 ft. S. & 190 ft. S.
of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th.
S. 12 ft; th W. 140 ft; th N. 12 ft.
th E. 140 ft. to beg.

First Church of God, Inc.
1201 S. Market

S. 38 ft. of tract, Beg. 220.4 ft. S.
& 190 ft. W. of NE cor. SE $\frac{1}{4}$ Sec.
29-27-1 E., th S. 50 ft; th W. 140 ft;
th N. 50 ft.; th E. 140 ft. to beg.

George G. Jurgens and
Stina Jurgens

Beginning 330 ft. W. & 370 ft. S. of
NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th S.
140 ft; th E. 150 ft; th N. 140 ft.
th S. 150 ft. to beg., exc. E. 10 ft.

J. A. Hendrickson Investment Co. Inc
204 N. Market St.

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 ft. of $\frac{1}{2}$ of Lot 12, all Lots 14, 16, and 18 on Main St., and Lots 27, 29, and 31, on Market St., in Fitzgerald's Add., and S. 5 ft. of Lot 14, all Lot 16, and strip of land 12 ft. wide adjoining Lot 16, on the South, all on Market Street, in Parkhurst's Addition to the City of Wichita, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 4th day of Feb. A. D. 1964 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Order No. 110799.

By *L. Kenneth J. Brown*
Vice President.

Board of Zoning Appeals

March 5, 1964

Robert G. Finch, City Clerk

Jack H. Galbraith, Secretary

Case No. BZA 11-64

Attached are copies of three Resolutions (A, B and C) covering action taken by the Board of Zoning Appeals in connection with Case No. BZA 11-64.

This case was heard February 26, 1964, and an appeal may be filed in your office on or before March 6, 1964.

If an appeal is filed, please advise.

Jack H. Galbraith
Secretary

JHG:JWH:ber

Attachment

h

J. A. HENDRICKSON REALTY COMPANY
204 NORTH MARKET • WICHITA 2, KANSAS • FO 3-6228

February 24, 1964.

Mr. Robert A. Lakin
Secretary, Board of Zoning Appeals
104 South Main
Wichita 2, Kansas

Dear Mr. Lakin:

With reference to your notice of Hearing by the Board of Zoning Appeals, Case No. BZA 11-64, Tuesday, February 25, at 2 Pm.

Due to a previous commitment at the time set, I will be unable to attend this Hearing.

I am owner of the property at 1240 S. Market, Marjory Apartments, having 140 feet frontage on Market, directly across the Street from Lots 27, 29 and 31, on Market St. in Fitzgerald Addition.

I wish to go on record as being in favor of granting the variance from regulations as requested.

Yours very truly,
J.A. Hendrickson Realty Co.


J. A. Hendrickson
JAH/mb



REAL ESTATE • PROPERTY MANAGEMENT • INSURANCE • SUBDIVIDERS • HOME BUILDERS • RENTALS

AMENDED EXHIBIT A

| <u>LEGAL DESCRIPTION</u> | <u>COMMON ADDRESS</u> | <u>ZONE</u> |
|---|---------------------------------------|-------------|
| The S 1/2 of Lot 12, all of lots 14, 16 and 18 and the North 3 1/2 feet of lot 20 on Main Street in FITZGERALD'S ADDITION to the City of Wichita, Sedgwick County, Kansas | 1214, 1216 and 1218 South Main Street | RB |
| Lots 27, 29 and 31 on Market Street in FITZGERALD'S ADDITION to the City of Wichita in Sedgwick County, Kansas | 1241 and 1245 South Market | RB |
| The South 5 feet of Lot 14 and all of Lot 16 on Market Street in PARKHURST'S ADDITION to Wichita, Sedgwick County, Kansas; also a tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as beginning 220.4 feet South and 190 feet West of the Northeast Corner of the Southeast Quarter, thence South 12 feet, thence West 140 feet, thence North 12 feet, thence East to Beginning. | 1216 South Market | B |



February 27, 1964

Mr. Charles C. McCarter, Attorney
701 Petroleum Building
Wichita, Kansas

Dear Mr. McCarter:

Re: Case No. BSA 11-64

This is to advise you that at its regular meeting on February 25, 1964, the Board of Zoning Appeals of the City of Wichita, considered your application for variances to permit parking in the front and side yard setback area, and for a reduction of the parking ratio, and the request for an exception to allow off-street parking in an "SB" zoning district, all on property generally located between Market and Main and in an area south of Lincoln.

After discussion and consideration, it was the action of the Board to deny the request for a variance of ratio of off-street parking stalls to seating capacity of the church sanctuary.

It was also the action of the Board to approve the request for a variance to permit parking in the front and side yard setback areas as requested, and to approve the exception to the ordinance to allow off-street parking in an "SB" zoning district, all being subject to the following conditions:

1. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. No trailers shall be allowed.
2. Only such signs as are necessary for the proper operation of the lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.

Page 2 - Charles C. McCarter
February 27, 1964

4. Parking lots and driveways providing ingress and egress to the lot shall be surfaced with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, trash and other debris.
5. All parking spaces which abut a property line shall have adequate concrete bar wheel or bumper guards to prevent overhanging or extension of vehicles beyond property lines or parking spaces.
6. The parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lots having a height greater than six feet above ground level and the beam of light shall be directed downward.
8. A five-foot high solid well masonry, brick, or louvered redwood fence shall be erected along the north and south property lines of the lot to the west of the church (on Main Street); and along the south line of the lot immediately south of the proposed sanctuary; and the north and south lot lines of the lot located between the properties which are commonly known as 1245 and 1237 South Market; and along that portion of the north and south property lines abutting the parking area in the rear of property at 1216 South Market; except that in the front yard setback areas of the lots the fence shall be reduced from 5 feet to 3 feet in height.
9. A performance bond, or other similar security, in the amount of \$7,500 shall be submitted to the Secretary of the Board to guarantee the installation of the paving of the parking lot areas and construction of the fencing as required by the Board.
10. The lot shall be constructed in accordance with the conditions and requirements as outlined above, within 24 months from the effective date of the approval of this application or the permit shall be null and void.
11. A plot plan containing the parking layout of all lots concerned shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for construction of the lot.

Page 3 - Charles C. McCarter
February 27, 1964

12. Low type of landscaping (hedges or plantings) shall be provided along the parking lots where they face or side into Market or Main. No parking stall shall be located nearer than 4 feet to the sidewalk, and physical barriers, such as the plantings or concrete curb, shall be used to maintain this distance.
13. Direct vehicular access from parking areas to the north-south alley between Market and Main shall be denied, and permanent physical barriers shall be provided, such as concrete rail or curb, fencing or chain.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board 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 March 6, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If none has been filed on or before March 6, 1964, 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,

Robert A. Lakin
Secretary

RAL:ber

cc: First Church of God of Wichita, Kansas, Inc.
1201 South Market

Ruby Herder, 810 South Emporia
Mrs. Joe Brunfield, 1211 South Main
Stella Weathers, 1235 South Main
Mary Alice Lucas, 1221 South Market
Carl Manning, 1247 South Market

Glen Lytle, Superintendent of Central Inspection
Robert Finch, City Clerk

February 24, 1964

Mr. Robert A. Lakin
Secretary, Board of Zoning Appeals
104 South Main
Wichita 2, Kansas

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With reference to your notice of Hearing by the Board of Zoning Appeals, Case No. BZA 11-64, Tuesday, February 25, at 2 Pm.

Due to a previous commitment at the time set, I will be unable to attend this Hearing.

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I wish to go on record as being in favor of granting the variance from regulations as requested.

Yours very truly,
J.A. Hendrickson Realty Co.

J. A. Hendrickson
JAH/mb

National-BenFranklin
Insurance Company
of Pittsburgh, Pa.
ORGANIZED 1866

*Rec + File
B2A
2-25-64*

**America Fore
Loyalty Group**

HERBERT E. MARSHALL AGENCY
TELEPHONE: AM 7-4187
215 EAST LINCOLN STREET
WICHITA 11, KANSAS
February 26, 1964

To the Members of the City Planning Commission
Wichita, Kansas

Gentlemen:

Due to the duplication of engagements I am unable to appear before your body in person today, but wish to make the following statement.

First Church of God, 1201 S. Market Street, who has pending before you an application for variance is located one-half block from my present office which I have occupied for the past twenty-five years. During this time I have made a number of loans to the church and any project which they undertake has been of great improvement to the neighborhood.

At the present time we hold 2 loans on properties in the 12 hundred block on S. Market and feel should the church be allowed to proceed with their present plans that our security, the two houses located in the above block, would be greatly strengthened. I feel their new church building would certainly enhance the value and attractiveness of any property in this block.

Your careful consideration of their request will be greatly appreciated.

Yours very truly
Herbert E. Marshall
Herbert E. Marshall

HEM:m

SECRETARY'S REPORT

CASE NO. BZA 11-64

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

AGENT: Charles C. McCarter, 701 Petroleum Building

REQUEST: (A) Variance (pursuant to Section 2.12.590.2, Code of the City of Wichita) from the requirement that there be one off-street parking space for every five seats in the church to one off-street parking space for every seven seats in the church.

(B) Variance (pursuant to Section 2.12.590.2, Code of the City of Wichita), from the requirement that off-street parking may not occupy any part of any required front yard setback in a dwelling district and from the requirement that off-street parking may not occupy any more than one-half of the required side yard setback.

(C) Exception (pursuant to Section 28.04.140.B, Code of the City of Wichita), to permit the installation and construction of off-street parking lots in a residential ("RB" Four Family) zoning district.

ZONING: The property in question is zoned "RB" Four Family and "B" Multiple Family. The existing zoning to the north and east is "B" Multiple Family and west and south is "RB" Four Family.

LAND USE: Part of the properties in question are currently vacant and are being utilized for off-street parking by the church. The others are either back yards of residences or sites where houses have recently been cleared. The existing land use to the north is church, single family and duplex; east is single family and duplexes; south is single family; and west is duplexes and single family.

VARIANCE OF NUMBER OF OFF-STREET PARKING SPACES REQUIRED:

The existing ordinance provides that churches must have one off-street parking space for every five seats in the church. The request being made in this instance is that the church be required to have one off-street parking space for every seven seats in the church. In other words, the church is requesting that the requirement be lowered approximately one-third.

The attorney for the applicant has also stated that the church has a tentative agreement with the Broadway Mortuary (1/2 block east of the church) to use 35 parking spaces in the mortuary parking lot.

These spaces (if all others are subsequently allowed) would bring the church up to the required ratio of 1 to 5. To accomplish this, the ordinance requires that an agreement must be entered into in writing by the owner or owners of such parking lot. The agreement is to be binding upon the owners of the land and must be filed with the Register of Deeds, after having been first approved by the Department of Law. Apparently approval is available by Broadway Mortuary as indicated in a letter submitted with the application.

The attorney for the applicant has indicated that a variance of the parking ratio would not be necessary if such approval is given by Broadway Mortuary.

UNIQUENESS: The attorney for the applicant has suggested that the variance desired is unique and not ordinarily found because of the location of the church property. The Secretary is of the opinion that there is nothing which is unique about the properties concerned from a physical standpoint. Nearly every church in town is located on a corner similar to this. Most of them are in residential districts. On several occasions in the past few months the Board has considered uniqueness as to the use of the property concerned. However, there are many churches throughout the city of Wichita who are experiencing the same problems as far as off-street parking and land acquisition is concerned. Consequently, if uniqueness is to be considered as to the use of the property, almost every church throughout the city could be considered unique as far as parking is concerned.

ADJACENT PROPERTY: The Secretary is of the opinion that the granting of the variance of lowering the ratio to 1 to 7 would have an adverse affect on adjacent property inasmuch as it would actually produce more on-street parking and thereby aggravate traffic congestion, especially on Sundays.

HARDSHIP: The Secretary is of the opinion that the granting of the variance as to parking ratios will not constitute an unnecessary hardship upon the church if the church can obtain a written agreement to use part of the parking being provided at the Broadway Mortuary. The attorney for the applicant has pointed out that the variance from 1:5 to 1:7 will not be needed if an agreement can be worked out with the mortuary.

PUBLIC INTEREST: The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest unless by providing less parking than required by the Code there could be a perpetuation of on-street parking and traffic congestion in the area.

RECOMMENDATION: Based upon the foregoing comments, it is the opinion of the Secretary that it is very doubtful if the requirements of uniqueness has been sufficiently justified so consequently it is recommended that the variance be denied. If the Board finds all conditions to be present, then approval should be made on the basis of providing 127 spaces (35 of which are to be provided on the Broadway Mortuary site) instead of the 130 spaces required. Spaces marked out on the preliminary site plan are not to be included in accounting for the required number of spaces. This approval includes spaces shown in side yard and front yard setback areas.

VARIANCE OF FRONT AND SIDE YARD SETBACKS - PART II

UNIQUENESS: The attorney for the applicant has offered no reasons or evidence as to why the request for a variance is unique. However, the Secretary is of the opinion that the variance desired may be somewhat unique inasmuch as requiring off-street parking lots in residential districts to set back from the side property line a distance of one-half the required side yard setback (2½ feet in this instance) is a requirement that is rather difficult to enforce. If required to set back 2½ feet from the side property line and if bumper guards were placed at this point, any automobile would almost certainly overhang right up to the property line. Consequently, in this instance, it appears that requiring the church to abide by this requirement might be a rather unique condition.

The applicant has also applied for a variance of the front yard setback since the ordinance stipulates that no off-street parking stall shall occupy any part of any required front yard setback in a residential zoning district (20 feet in this instance). From viewing the plot plan submitted by the applicant, one can readily see that there are actually three different parking lots on which the applicants are requesting that the front yard setback of 20 feet be waived so that these areas might be utilized for parking. If all of these lots were combined into one lot, rather than the three lots as shown on the plot plan, it might seem a little out of the ordinary or unique if the church was required to maintain the setback requirement. However, since there are three lots, each of which is separated from the other by dwelling units, it appears at least to the Secretary, that it would be very difficult to find anything unique about the variance of the front yard setback as requested.

ADJACENT PROPERTY: The Secretary is of the opinion that the granting of the variance may have some adverse affects on adjacent property owners inasmuch as allowing automobiles to be parked right

up to the property line would certainly hamper the view of those residents living next adjacent to the parking area. However, a fence along the sides of the lot might alleviate this condition relating to light and blowing debris.

HARDSHIP: The attorney for the applicant has suggested that the church would be burdened with an undue hardship if the variance as requested is not granted; however, no reasons or facts have been offered as to why an undue hardship would exist.

In some instances where churches and various other public institutions have filed applications for variances, the Board has taken a liberal interpretation of "hardship". Specifically, almost all churches have a limited amount of finances with which to operate and this is most likely the case in this instance. If the Board accepts this reasoning as sufficient justification for hardship, every precaution should be taken in establishing as a sole precedent, financial hardship in meeting this requirement.

PUBLIC INTEREST: The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest.

RECOMMENDATION: The Secretary is of the opinion that from the justification submitted, that it is very doubtful if the requirements of uniqueness, adverse affects on adjacent property, and possibly hardship, have been sufficiently justified in this instance; therefore, it is recommended that the variance be denied.

CONSIDERATION OF EXCEPTION FOR OFF-STREET PARKING LOT -- PART III

The Board has jurisdiction to consider the exception being requested under Section 28.04.140.B of the Code of the City of Wichita. From viewing the area involved in this case, it is readily apparent that if the properties up for consideration are to be used for off-street parking and are approved, subject to the conditions outlined in the ordinance, i.e., fencing, hard surfacing the lot, providing bumper guards, etc., then it would be a substantial improvement over and above the existing situation.

The Secretary is of the opinion that it is doubtful if the Traffic Engineering Division will approve the parking layout in its present form. This is due to the fact that there are several parking spaces which appear to be unacceptable due to their location and layout. The parking lots would also seem to help alleviate substantially the on-street parking situation in the immediate vicinity of the church.

However, the utilization of spaces on the back of 1216 South Market does not seem justified, or it would appear to overcrowd the lot, reducing lot space and open area beyond minimum standards and would require church members to either cut through yards and jaywalk or walk in such an indirect line as to make the parking areas undesirable and hence unused.

OVER ALL RECOMMENDATION: The Secretary is of the opinion that it is very doubtful if all the requirements necessary to be found to exist before a variance can be approved have been sufficiently justified, as far as the two variance requests are concerned. On the other hand, the Secretary is of the opinion that the exception should be approved. In any event, if the Board decides to approve the two variances requested and the exception, or just the exception, it is the recommendation of the Secretary that the 5 car lot on the back of 1216 South Market shall not be approved, and that a reduction from 130 spaces to 127 spaces shall be approved, and that off-street parking shall be permitted in side yard and front yard setbacks, subject to:

1. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. Parking lots and driveways providing ingress and egress to the lot shall be surfaced with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, trash and other debris.
5. All parking spaces which abut a property line shall have adequate wheel or bumper guards to prevent overhanging or extension of vehicles beyond property lines or parking spaces.
6. The parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lots having a height greater than six feet above ground level and the beam of light shall be directed downward.

8. A five foot high solid wall masonry, brick, or louvered redwood fence shall be erected along the north and south property lines of the lot to the west of the church (on Market Street); the south line of the lot immediately south of the proposed sanctuary; and the north and south lot lines of the lot located between the properties which are commonly known as 1245 and 1237 South Market; except that in the front yard setback areas of the lots the fence shall be reduced from 5 feet to 36 inches in height.

NOTE: Some consideration should be given to some low type plantings or greenery along the front property line of each lot which would make the lots more compatible with the surrounding area.

9. A performance bond, or other similar security, in the amount of \$_____ shall be submitted to the Secretary of the Board to guarantee the installation of the paving of the parking lot areas and construction of the fencing as required by the Board.
10. The lot shall be constructed in accordance with the conditions and requirements as outlined above, within 24 months from the effective date of the approval of this application or the permit shall be null and void.
11. A plot plan containing the parking layout of all lots concerned shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for construction of the lot.

Board of Zoning Appeals
City of Wichita, Kansas

Case No. _____
Attachment to
Application for Exception

S T A T E M E N T

Attached hereto is Application for Exception authorizing the First Church of God of Wichita, Kansas, Inc., to construct off-street parking lots to facilitate traffic movements in and around the church properties located at 1201 South Market and to provide parking for the church members. The Board of Zoning Appeals has jurisdiction to grant this exception under the provisions of Ordinance Sections 2.12.590.3, 28.04.140.B et seq. and Article III, Sections A-3a and 3b and Article III B, 3 a-aa-bb, and 3 b-aa-bb. In accordance with the latter rules, there is attached hereto a certified listing of the names and current mailing addresses of owners of property within 200 ft. of the property included in the application, which certificate also certifies that said church is the owner of the property upon which said off-street parking is to be located, and a plot plan showing the proposed improvements.

The First Church of God of Wichita, Kansas, Inc., presently owns a church sanctuary and educational building at 1201 South Market, which church seats presently about 400 persons. The church proposes to build a new, modern sanctuary immediately to the south of the present education building which will seat approximately 650 persons. This new sanctuary will greatly beautify the area and generally improve the area from every point of view. The present sanctuary will, after completion of the new sanctuary, be converted to a youth center thereby providing facilities for helping the youth of our community.

The church will need, for its new sanctuary, additional parking facilities, as is proposed in the attached application. The proposed off-street parking lots will park approximately 97 vehicles, thereby providing one (1) parking space for approximately every 6 1/2 persons who could be seated in the new sanctuary. In view of the fact that such ratio is slightly less than the 1 to 5 ratio required by the Zoning Board Ordinances, a request for variance from such zoning ordinance is attached hereto.

However, besides the aforesaid 97 parking stalls available on parking lots owned by the church, the church will have available for parking on Sundays and evenings, the parking lot owned by The Broadway Mortuary, located less than 1/2 block from the church. This parking area will provide additional parking for 35 vehicles and will increase the off-street parking facilities available to the church to 132 parking stalls. This additional parking, if recognized by the City, would meet the requirements

of the zoning ordinance that there be one (1) parking stall for every five (5) seats in the new church sanctuary. (See attached letter from Broadway Mortuary). Nevertheless, in order to technically meet the requirements of the zoning ordinances, the variance from the said 1 to 5 ratio requirements is requested.

The parking areas proposed will be located within 600 ft. from the boundary of the church sanctuary and educational building and will be used for the parking of passenger vehicles only. In no case will the parking lots be used for the sale, repair, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. Only such signs as are necessary for the proper operation of the parking lot will be installed and in no case will a fee be charged for use of the parking facilities.

Some of the parking areas and driveways, which provide necessary ingress and egress, will be surfaced with concrete. The balance of the parking areas and driveways will be surfaced with asphalt. The parking areas will be kept free from weeds, dust, trash and other debris.

The parking areas will have adequate guards to prevent extension or overhanging of vehicles beyond the property lines of the parking lots and the parking areas will be adequately marked for channelling and moving vehicles. Such lighting as is provided will be so arranged as to deflect light away from adjacent dwellings.

A fence of a solid material approximately four feet high will be erected along any property line adjacent to or adjoining any dwelling district, all as indicated on the attached plot, so as to eliminate the passage of light from vehicles and to prevent the blowing of debris.

In order to provide adequate parking spaces it will be necessary to provide for parking on areas otherwise identified as front and side yards. An appropriate request for a variance to so authorize parking in said front yards and side yards is attached hereto.

Also attached hereto is a check in the amount of \$50.00 covering the fee prescribed by Section 2.12.580.2 of the Code of the City of Wichita, which check is made payable to the City of Wichita.

It is submitted that the attached applications for exception and variances should be granted for the reasons above set out and that the granting of such exceptions and variances will be in the public interest.

Respectfully submitted,

S/ Charles C. McCarter
Charles C. McCarter of
McCarter Frizzell & Wettig

Board of Zoning Appeals
City of Wichita, Kansas

Case No. _____
Attachment to
Application for Variance

STATEMENT

The First Church of God at Wichita, Kansas, Inc., hereby applies for two (2) variances. The Board of Zoning Appeals has jurisdiction to grant the same under Section 2.12.590 of the Code of Ordinances of the City of Wichita, and under Article III, Section A-2 and Article III, Section B-2 of the rules and regulations of the Board of Zoning Appeals. The variances requested are a variance from the set-back requirements of Zoning Ordinance Section 212590.2 and from the requirements of Zoning Ordinance Section 212590.2 which requires that there be one (1) off-street parking stall for every five (5) seats in any new church built in the city.

Attached to this application for variance is an application for exception authorizing the First Church of God at Wichita, Kansas, Inc. to build off-street parking facilities to park some 97 vehicles. These parking facilities will greatly aid the flow of traffic in and around the church buildings and will provide suitable parking for church members. However, the church is limited in its ability to procure extensive parking lots by reason of its economic position and by reason of the lack of willingness of certain adjoining property owners to sell their land to the church. Accordingly, the church has only been able to secure land to provide off-street parking for 97 vehicles. Its new church sanctuary, which it proposes to build immediately to the south of its existing sanctuary at 1201 South Market, will seat approximately 650 persons. Accordingly a ratio of one (1) parking stall to every 6 1/2 seats in the new church will be provided if the proposed off-street parking exception is granted. Since the Zoning Ordinance requires a ratio of 1 to 5, a variance is requested. The granting of this variance will allow

the church to provide for considerable off-street parking and will allow the church to build its new sanctuary thereby improving the beauty and general appearance of the area at 1201 South Market.

However, besides the aforesaid 97 parking stalls available on parking lots owned by the church, the church will have available for parking on Sundays and evenings, the parking lot owned by The Broadway Mortuary, located less than 1/2 block from the church. This parking area will provide additional parking for 35 vehicles and will increase the off-street parking facilities available to the church to 132 parking stalls. This additional parking, if recognized by the City, would meet the requirements of the zoning ordinance that there be one (1) parking stall for every five (5) seats in the new church sanctuary. (See attached letter from Broadway Mortuary). Nevertheless, in order to technically meet the requirements of the zoning ordinances, the variance from the said 1 to 5 ratio requirements is requested.

In addition, a variance is requested to allow parking on front and side yards which under zoning ordinances would otherwise not be allowed. This is necessary in order to provide even the 97 parking spaces mentioned above.

These variances arise from conditions which are unique and not ordinarily found in the zoning districts where the church property is located, and the granting of a variance will not adversely affect the rights of adjacent property owners or residents. On the other hand, the strict application of the enforcement provisions of the zoning ordinances requiring a 1 to 5 ratio of parking to seats and disallowing parking on front and side yards would constitute an unnecessary hardship upon the church and its members. The variance desired will certainly not adversely affect the public health, safety, morals, order, convenience, property or general welfare; but will, on the contrary, promote these interests.

Respectfully submitted,

Charles C. McCarter
McCarter Frizzell & Wettig
Suite 701 Petroleum Building

SECRETARY'S REPORT

CASE NO. BZA 11-64

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

AGENT: Charles C. McCarter, 701 Petroleum Building

REQUEST: (A) Variance (pursuant to Section 2.12.590.2, Code of the City of Wichita) from the requirement that there be one off-street parking space for every five seats in the church to one off-street parking space for every seven seats in the church.

(B) Variance (pursuant to Section 2.12.590.2, Code of the City of Wichita), from the requirement that off-street parking may not occupy any part of any required front yard setback in a dwelling district and from the requirement that off-street parking may not occupy any more than one-half of the required side yard setback.

(C) Exception (pursuant to Section 28.04.140.B, Code of the City of Wichita), to permit the installation and construction of off-street parking lots in a residential ("RB" Four Family) zoning district.

ZONING: The property in question is zoned "RB" Four Family and "B" Multiple Family. The existing zoning to the north and east is "B" Multiple Family and west and south is "RB" Four Family.

LAND USE: Part of the properties in question are currently vacant and are being utilized for off-street parking by the church. The others are either back yards of residences or sites where houses have recently been cleared. The existing land use to the north is church, single family and duplex; east is single family and duplexes; south is single family; and west is duplexes and single family.

VARIANCE OF NUMBER OF OFF-STREET PARKING SPACES REQUIRED:

The existing ordinance provides that churches must have one off-street parking space for every five seats in the church. The request being made in this instance is that the church be required to have one off-street parking space for every seven seats in the church. In other words, the church is requesting that the requirement be lowered approximately one-third.

The attorney for the applicant has also stated that the church has a tentative agreement with the Broadway Mortuary (1/2 block east of the church) to use 35 parking spaces in the mortuary parking lot.

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Case No. BZA 11-64

These spaces (if all others are subsequently allowed) would bring the church up to the required ratio of 1 to 5. To accomplish this, the ordinance requires that an agreement must be entered into in writing by the owner or owners of such parking lot. The agreement is to be binding upon the owners of the land and must be filed with the Register of Deeds, after having been first approved by the Department of Law. Apparently approval is available by Broadway Mortuary as indicated in a letter submitted with the application.

The attorney for the applicant has indicated that a variance of the parking ratio would not be necessary if such approval is given by Broadway Mortuary.

UNIQUENESS: The attorney for the applicant has suggested that the variance desired is unique and not ordinarily found because of the location of the church property. The Secretary is of the opinion that there is nothing which is unique about the properties concerned from a physical standpoint. Nearly every church in town is located on a corner similar to this. Most of them are in residential districts. On several occasions in the past few months the Board has considered uniqueness as to the use of the property concerned. However, there are many churches throughout the city of Wichita who are experiencing the same problems as far as off-street parking and land acquisition is concerned. Consequently, if uniqueness is to be considered as to the use of the property, almost every church throughout the city could be considered unique as far as parking is concerned.

ADJACENT PROPERTY: The Secretary is of the opinion that the granting of the variance of lowering the ratio to 1 to 7 would have an adverse affect on adjacent property inasmuch as it would actually produce more on-street parking and thereby aggravate traffic congestion, especially on Sundays.

HARDSHIP: The Secretary is of the opinion that the granting of the variance as to parking ratios will not constitute an unnecessary hardship upon the church if the church can obtain a written agreement to use part of the parking being provided at the Broadway Mortuary. The attorney for the applicant has pointed out that the variance from 1:5 to 1:7 will not be needed if an agreement can be worked out with the mortuary.

PUBLIC INTEREST: The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest unless by providing less parking than required by the Code there could be a perpetuation of on-street parking and traffic congestion in the area.

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Case No. BZA 11-64

[REDACTED] Based upon the foregoing comments, it is the opinion of the Secretary that it is very doubtful if the requirements of uniqueness has been sufficiently justified so consequently it is recommended that the variance be denied. If the Board finds all conditions to be present, then approval should be made on the basis of providing 127 spaces (35 of which are to be provided on the Broadway Mortuary site) instead of the 130 spaces required. Spaces marked out on the preliminary site plan are not to be included in accounting for the required number of spaces. This approval includes spaces shown in side yard and front yard setback areas.

VARIANCE ON FRONT AND SIDE YARD SETBACKS - PART II

[REDACTED] The attorney for the applicant has offered no reasons or evidence as to why the request for a variance is unique. However, the Secretary is of the opinion that the variance desired may be somewhat unique inasmuch as requiring off-street parking lots in residential districts to set back from the side property line a distance of one-half the required side yard setback (2½ feet in this instance) is a requirement that is rather difficult to enforce. If required to set back 2½ feet from the side property line and if bumper guards were placed at this point, any automobile would almost certainly overhang right up to the property line. Consequently, in this instance, it appears that requiring the church to abide by this requirement might be a rather unique condition.

The applicant has also applied for a variance of the front yard setback since the ordinance stipulates that no off-street parking stall shall occupy any part of any required front yard setback in a residential zoning district (20 feet in this instance). From viewing the plot plan submitted by the applicant, one can readily see that there are actually three different parking lots on which the applicants are requesting that the front yard setback of 20 feet be waived so that these areas might be utilized for parking. If all of these lots were combined into one lot, rather than the three lots as shown on the plot plan, it might seem a little out of the ordinary or unique if the church was required to maintain the setback requirement. However, since there are three lots, each of which is separated from the other by dwelling units, it appears at least to the Secretary, that it would be very difficult to find anything unique about the variance of the front yard setback as requested.

ADJACENT PROPERTY: The Secretary is of the opinion that the granting of the variance may have some adverse affects on adjacent property owners inasmuch as allowing automobiles to be parked right

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Case No. BZA 11-64

up to the property line would certainly hamper the view of those residents living next adjacent to the parking area. However, a fence along the sides of the lots might alleviate this condition relating to light and blowing debris.

REASON: The attorney for the applicant has suggested that the church would be burdened with an undue hardship if the variance as requested is not granted; however, no reasons or facts have been offered as to why an undue hardship would exist.

In some instances where churches and various other public institutions have filed applications for variances, the Board has taken a liberal interpretation of "hardship". Specifically, almost all churches have a limited amount of finances with which to operate and this is most likely the case in this instance. If the Board accepts this reasoning as sufficient justification for hardship, every precaution should be taken in establishing as a sole precedent, financial hardship in meeting this requirement.

PUBLIC INTEREST: The Secretary is of the opinion that the granting of the variance should in no way adversely affect the public interest.

RECOMMENDATION: The Secretary is of the opinion that from the justification submitted, that it is very doubtful if the requirements of uniqueness, adverse affects on adjacent property, and possibly hardship, have been sufficiently justified in this instance; therefore, it is recommended that the variance be denied.

CONSIDERATION OF EXCEPTION FOR OFF-STREET PARKING LOT - PART III

The Board has jurisdiction to consider the exception being requested under Section 28.04.140.B of the Code of the City of Wichita. From reviewing the area involved in this case, it is readily apparent that if the properties up for consideration are to be used for off-street parking and are approved, subject to the conditions outlined in the ordinance, i.e. fencing, hardsurfacing the lot, providing bumper guards, etc., then it would be a substantial improvement over and above the existing situation.

The Secretary is of the opinion that it is doubtful if the Traffic Engineering Division will approve the parking layout in its present form. This is due to the fact that there are several parking spaces which appear to be unacceptable due to their location and layout. The parking lots would also seem to help alleviate substantially the on-street parking situation in the immediate vicinity of the church.

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Case No. BZA 11-64

However, the utilization of spaces on the back of 1216 South Market does not seem justified, or it would appear to overcrowd the lot, reducing lot space and open area beyond minimum standards and would require church members to either cut through yards and jaywalk or walk in such an indirect line as to

[REDACTED] OF the opinion that it is very doubtful if all the requirements necessary to be found to exist before a variance can be approved have been sufficiently justified as far as the two variance requests are concerned. On the other hand, the Secretary is of the opinion that the exception should be approved. In any event, if the Board decides to approve the two variances requested and the exception, or just the exception, it is the recommendation of the Secretary that the 5 car lot on the back of 1216 South Market shall not be approved, and that a reduction from 130 spaces to 127 spaces shall be approved, and that off-street parking shall be permitted in side yard and front yard setbacks, subject to:

1. The parking area shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
2. Only such signs as are necessary for the proper operation of the lot shall be permitted.
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5. All parking spaces which abut a property line shall have adequate wheel or bumper guards to prevent overhanging or extension of vehicles beyond property lines or parking spaces.
6. The parking areas shall have proper markings for channelization and movement of vehicles.
7. No lights shall be installed on said parking lots having a height greater than six feet above ground level and the beam of light shall be directed downward.

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Case No. BZ 1244

redwood fence shall be erected along the north and south property lines of the lot to the west of the church (on Market Street); the south line of the lot immediately south of the proposed sanctuary; and the north and south lot lines of the lot located between the properties which are commonly known as 1245 and 1237 South Market; except that in the front yard setback areas of the lots the fence shall be reduced from 5 feet to 36 inches in height.

NOTE: Some consideration should be given to some low type plantings or greenery along the front property line of each lot which would make the lots more compatible with the surrounding area.

9. A performance bond, or other similar security, in the amount of \$ _____ shall be submitted to the Secretary of the Board to guarantee the installation of the paving of the parking lot areas and construction of the fencing as required by the Board.
10. The lot shall be constructed in accordance with the conditions and requirements as outlined above, within 24 months from the effective date of the approval of this application or the permit shall be null and void.
11. A plot plan containing the parking layout of all lots concerned shall be submitted to the Traffic Engineer for his approval prior to the time a permit is issued for construction of the lot.

12.

Board of Zoning Appeals
City of Wichita, Kansas

Case No. _____
Attachment to
Application for Exception

S T A T E M E N T

Attached hereto is Application for Exception authorizing the First Church of God of Wichita, Kansas, Inc., to construct off-street parking lots to facilitate traffic movements in and around the church properties located at 1201 South Market and to provide parking for the church members. The Board of Zoning Appeals has jurisdiction to grant this exception under the provisions of Ordinance Sections 2.12.590.3, 28.04.140.B et seq. and Article III, Sections A-3a and 3b and Article III B, 3 a-aa-bb, and 3 b-aa-bb. In accordance with the latter rules, there is attached hereto a certified listing of the names and current mailing addresses of owners of property within 200 ft. of the property included in the application, which certificate also certifies that said church is the owner of the property upon which said off-street parking is to be located, and a plot plan showing the proposed improvements.

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The church will need, for its new sanctuary, additional parking facilities, as is proposed in the attached application. The proposed off-street parking lots will park approximately 97 vehicles, thereby providing one (1) parking space for approximately every 6 1/2 persons who could be seated in the new sanctuary. In view of the fact that such ratio is slightly less than the 1 to 5 ratio required by the Zoning Board Ordinances, a request for variance from such zoning ordinance is attached hereto.

However, besides the aforesaid 97 parking stalls available on parking lots owned by the church, the church will have available for parking on Sundays and evenings, the parking lot owned by The Broadway Mortuary, located less than 1/2 block from the church. This parking area will provide additional parking for 35 vehicles and will increase the off-street parking facilities available to the church to 132 parking stalls. This additional parking, if recognized by the City, would meet the requirements

of the zoning ordinance that there be one (1) parking stall for every five (5) seats in the new church sanctuary. (See attached letter from Broadway Mortuary). Nevertheless, in order to technically meet the requirements of the zoning ordinances, the variance from the said 1 to 5 ratio requirements is requested.

The parking areas proposed will be located within 600 ft. from the boundary of the church sanctuary and educational building and will be used for the parking of passenger vehicles only. In no case will the parking lots be used for the sale, repair, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. Only such signs as are necessary for the proper operation of the parking lot will be installed and in no case will a fee be charged for use of the parking facilities.

Some of the parking areas and driveways, which provide necessary ingress and egress, will be surfaced with concrete. The balance of the parking areas and driveways will be surfaced with asphalt. The parking areas will be kept free from weeds, dust, trash and other debris.

The parking areas will have adequate guards to prevent extension or overhanging of vehicles beyond the property lines of the parking lots and the parking areas will be adequately marked for channelling and moving vehicles. Such lighting as is provided will be so arranged as to deflect light away from adjacent dwellings.

A fence of a solid material approximately four feet high will be erected along any property line adjacent to or adjoining any dwelling district, all as indicated on the attached plot, so as to eliminate the passage of light from vehicles and to prevent the blowing of debris.

In order to provide adequate parking spaces it will be necessary to provide for parking on areas otherwise identified as front and side yards. An appropriate request for a variance to so authorize parking in said front yards and side yards is attached hereto.

Also attached hereto is a check in the amount of \$50.00 covering the fee prescribed by Section 2.12.580.2 of the Code of the City of Wichita, which check is made payable to the City of Wichita.

It is submitted that the attached applications for exceptions and variances should be granted for the reasons above set out and that the granting of such exceptions and variances will be in the public interest.

Respectfully submitted,

S/ Charles C. McCarter
Charles C. McCarter of
McCarter Frizzell & Wettig

AMENDED EXHIBIT A

| <u>LEGAL DESCRIPTION</u> | <u>COMMON ADDRESS</u> | <u>ZONE</u> |
|---|---------------------------------------|-------------|
| The S 1/2 of Lot 12, all of lots 14, 16 and 18 and the North 3 1/2 feet of lot 20 on Main Street in FITZGERALD'S ADDITION to the City of Wichita, Sedgwick County, Kansas | 1214, 1216 and 1218 South Main Street | RB |
| Lots 27, 29 and 31 on Market Street in FITZGERALD'S ADDITION to the City of Wichita in Sedgwick County, Kansas | 1241 and 1245 South Market | RB |
| The South 5 feet of Lot 14 and all of Lot 16 on Market Street in PARKHURST'S ADDITION to Wichita, Sedgwick County, Kansas; also a tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as beginning 220.4 feet South and 190 feet West of the Northeast Corner of the Southeast Quarter, thence South 12 feet, thence West 140 feet, thence North 12 feet, thence East to Beginning. | 1216 South Market | B |

AMENDED EXHIBIT A

| <u>LEGAL DESCRIPTION</u> | <u>COMMON ADDRESS</u> | <u>ZONE</u> |
|---|---------------------------------------|-------------|
| The S 1/2 of Lot 12, all of lots 14, 16 and 18 and the North 3 1/2 feet of lot 20 on Main Street in FITZGERALD'S ADDITION to the City of Wichita, Sedgwick County, Kansas | 1214, 1216 and 1218 South Main Street | RB |
| Lots 27, 29 and 31 on Market Street in FITZGERALD'S ADDITION to the City of Wichita in Sedgwick County, Kansas | 1241 and 1245 South Market | RB |
| The South 5 feet of Lot 14 and all of Lot 16 on Market Street in PARKHURST'S ADDITION to Wichita, Sedgwick County, Kansas; also a tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as beginning 220.4 feet South and 190 feet West of the Northeast Corner of the Southeast Quarter, thence South 12 feet, thence West 140 feet, thence North 12 feet, thence East to Beginning. | 1216 South Market | B |

AMENDED EXHIBIT A

| <u>LEGAL DESCRIPTION</u> | <u>COMMON ADDRESS</u> | <u>ZONE</u> |
|---|---------------------------------------|-------------|
| The S 1/2 of Lot 12, all of lots 14, 16 and 18 and the North 3 1/2 feet of lot 20 on Main Street in FITZGERALD'S ADDITION to the City of Wichita, Sedgwick County, Kansas | 1214, 1216 and 1218 South Main Street | RB |
| Lots 27, 29 and 31 on Market Street in FITZGERALD'S ADDITION to the City of Wichita in Sedgwick County, Kansas | 1241 and 1245 South Market | RB |
| The South 5 feet of Lot 14 and all of Lot 16 on Market Street in PARKHURST'S ADDITION to Wichita, Sedgwick County, Kansas; also a tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas described as beginning 220.4 feet South and 190 feet West of the Northeast Corner of the Southeast Quarter, thence South 12 feet, thence West 140 feet, thence North 12 feet, thence East to Beginning. | 1216 South Market | B |

BZA CASE NO. 11-64

NOTICES MAILED FEBRUARY 6, 1964 FOR HEARING FEBRUARY 25, 1964

| | | |
|---|--|---|
| First Church of God of Wichita, Kansas, Inc. 1201 South Market | Ruby Herder 810 South Emporia | |
| Charles C. McCarter 701 Petroleum Building | Clarence D. & Fern E. Songer 118 East Bayley | |
| Mary Ellingham 1203 South Main | John E. Brane, Jr. 612 South Ash | J.A.Henrickson Inv. Co. Inc. 204 North Market |
| Grace A. Brumfield 1211 South Main | Eugene P. Brane 732 South Spruce | Alfred E. & Eva Arnett 7600 North Broadway |
| John F. & Mary O. Hollinger 1804 South Main | Robert E. & Virginia Mae Burns 1210 South Market | |
| Helen Maurer & Chas. A. Maurer 1489 Coolidge | Vinnie McLoud 1212 South Market | |
| Edwina & Stella Brenneisen 1235 South Main | Virgil & Edith Russell 7101 Castle Drive | |
| Marjorie K. Hamlin 1239 South Main | J.C. & Arva M. Lewis 1230 South Market | |
| Vernon C. & Dorothy S. Axley 1200 South Main | Glen W. & Emma M. Ryel 1250 South Market | |
| Ada Dearsmith 1220 South Main | Roger Clifton & Fern Irene Thomason 1254 South Market | |
| Ivan J. and Nola I. Beery 1224 South Main | Albert & Regina T. Butters 1534 South Main | |
| Charles A. Bourman 1240 South Minnesota | Roy S. & Earl C. McDaniel 619 North Broadway | |
| Harry E. & Colene P. Weaver 1230 South Main | Harold B. McDaniel 2022 Payne | |
| Delphia E. Stowell 1250 South Main | Helen Allen 1201 North Emporia | |
| Judge C. & Clara Porter 1252 South Main | E. R. Houk 3219 South 71st St. West | |
| Mary Alice Whitton Lucas 1221 South Market | F.J. & Elsie Clark 1900 South Broadway | |

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

February 6, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 11-64

An application has been filed by Charles C. McCarter, attorney, Suite 701 Petroleum Building, Wichita, Kansas, on behalf of The First Church of God of Wichita, Kansas, Inc., 1201 South Market, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, requesting a Variance from the front and side yard setback requirements to permit parking of cars in the setback area, and also requesting a variance from the requirement of one parking space for every 5 seats in the church building to one parking space for every 7 seats in the church building, and also requesting an Exception as provided in Section 28.04.140.B.1, to allow the installation and construction of off-street parking lots, all on property zoned "RB" Four Family and legally described as follows:

South half of Lot 12, all Lots 14, 16 and 18, on Main Street, and Lots 27, 29 and 31 on Market Street, in Fitzgerald's Addition, and south 5 feet of Lot 14, all Lot 16, and strip of land 12 feet wide adjoining Lot 16, on the south, all on Market Street, in Parkhurst's Addition, Generally located between Market and Main and south of Lincoln.

This application has been assigned Case No. BZA 11-64, and will be heard by the Board of Zoning Appeals at its meeting on Tuesday, February 27, 1964, 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.

Robert A. Lakin
Secretary

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

February 6, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 11-64

An application has been filed by Charles C. McCarter, attorney, Suite 701 Petroleum Building, Wichita, Kansas, on behalf of The First Church of God of Wichita, Kansas, Inc., 1201 South Market, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, requesting a Variance from the front and side yard setback requirements to permit parking of cars in the setback area, and also requesting a variance from the requirement of one parking space for every 5 seats in the church building to one parking space for every 7 seats in the church building, and also requesting an Exception as provided in Section 28.04.140.B.1, to allow the installation and construction of off-street parking lots, all on property zoned "RB" Four Family and legally described as follows:

South half of Lot 12, all Lots 14, 16 and 18, on Main Street, and Lots 27, 29 and 31 on Market Street, in Fitzgerald's Addition, and south 5 feet of Lot 14, all Lot 16, and strip of land 12 feet wide adjoining Lot 16, on the south, all on Market Street, in Parkhurst's Addition, Generally located between Market and Main and south of Lincoln.

This application has been assigned Case No. BZA 11-64, and will be heard by the Board of Zoning Appeals at its meeting on Tuesday, February 25, 1964, 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.

Robert A. Lakin
Secretary

45

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant The First Church of God of Wichita, Kansas, Inc.
Mailing Address 1201 South Market Phone FO 3-1845
Name of Authorized Agent Charles C. McCarter
Mailing Address Suite 701 Petroleum Building Phone AM 7-2871
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is twofold. One, a variance from the set-back requirements is requested, so cars may be parked on all parts of the property hereinafter described without limitations. Two,

~~tax property located~~ a variance from the requirement that there be one parking stall for every 5 seats in the church is requested. Instead, a parking stall for every 7 seats in the church will be provided if the variance is granted.

~~and legally described as~~

The above variances are requested for the property described in Exhibit A attached hereto, which property is zoned as indicated on said exhibit.

~~in the City of Wichita and which is presently zoned~~ _____

(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.

The First Church of God of Wichita, Kansas Inc.

By Rev. E. E. Kardos
Applicant

Charles C. McCarter
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. - p.m.), _____, 19____, together with appropriate fee of \$50.00.

Board of Zoning Appeals
City of Wichita, Kansas

Case No. _____
Attachment to
Application for Variance

S T A T E M E N T

The First Church of God of Wichita, Kansas, Inc., hereby applies for two (2) variances. The Board of Zoning Appeals has jurisdiction to grant the same under Section 2.12.590 of the Code of Ordinances of the City of Wichita, and under Article III, Section A-2 and Article III, Section B-2 of the rules and regulations of the Board of Zoning Appeals. The variances requested are a variance from the set-back requirements of Zoning Ordinance Section 212590.2 and from the requirements of Zoning Ordinance Section 212590.2, which requires that there be one (1) off-street parking stall for every five (5) seats in any new church built in the city.

Attached to this application for variance is an application for exception authorizing the First Church of God of Wichita, Kansas, Inc., to build off-street parking facilities to park some 97 vehicles. These parking facilities will greatly aid the flow of traffic in and around the church buildings and will provide suitable parking for church members. However, the church is limited in its ability to procure extensive parking lots by reason of its economic position and by reason of the lack of willingness of certain adjoining property owners to sell their land to the church. Accordingly, the church has only been able to secure land to provide off-street parking for 97 vehicles. Its new church sanctuary, which it proposes to build immediately to the south of its existing sanctuary at 1201 South Market, will seat approximately 650 persons. Accordingly, a ratio of one (1) parking stall to every 6 1/2 seats in the new church will be provided if the proposed off-street parking exception is granted. Since the Zoning Ordinance requires a ratio of 1 to 5, a variance is requested. The granting of this variance will allow

the church to provide for considerable off-street parking and will allow the church to build its new sanctuary thereby improving the beauty and general appearance of the area at 1201 South Market.

However, besides the aforesaid 97 parking stalls available on parking lots owned by the church, the church will have available for parking on Sundays and evenings, the parking lot owned by The Broadway Mortuary, located less than 1/2 block from the church. This parking area will provide additional parking for 35 vehicles and will increase the off-street parking facilities available to the church to 132 parking stalls. This additional parking, if recognized by the City, would meet the requirements of the zoning ordinance that there be one (1) parking stall for every five (5) seats in the new church sanctuary. (See attached letter from Broadway Mortuary). Nevertheless, in order to technically meet the requirements of the zoning ordinances, the variance from the said 1 to 5 ratio requirements is requested.

In addition, a variance is requested to allow parking on front and side yards which under zoning ordinances would otherwise not be allowed. This is necessary in order to provide even the 97 parking spaces mentioned above.

These variances arise from conditions which are unique and not ordinarily found in the zoning districts where the church property is located, and the granting of a variance will not adversely affect the rights of adjacent property owners or residents. On the other hand, the strict application of the enforcement provisions of the zoning ordinances requiring a 1 to 5 ratio of parking to seats and disallowing parking on front and side yards would constitute an unnecessary hardship upon the church and its members. The variance desired will certainly not adversely affect the public health, safety, morals, order, convenience, property or general welfare; but will, on the contrary, promote these interests.

Respectfully submitted,



Charles C. McCarter
McCarter Frizzell & Wettig
Suite 701 Petroleum Building

DICK A. MORRIS

AMHERST 2-3428

JACK H. COZINE



The Broadway Mortuary

1147 SOUTH BROADWAY

Wichita, Kansas

January 28, 1964

Rev. Mr. E. E. Kardatzke
First Church of God
So. Market St. at Lincoln
Wichita, Kansas

Dear Reverend Kardatzke:

Per our conversation, I wish to confirm my offer to you for parking privileges of up to 35 automobiles in our off-street parking area on the north of our Broadway Mortuary premises located at 1147 South Broadway.

These parking privileges are extended you and your church members during the hours of Sunday worship and such evenings as you have church activities. I do request that you instruct your people to observe any mortuary reserved areas adjacent to the building, which are needed in the conduct of our services and business.

Sincerely yours,

A handwritten signature in cursive script that reads "Jack H. Cozine".

Jac k H. Cozine
jhc/bk

EXHIBIT A

| <u>Legal Description</u> | <u>Common Address</u> | <u>Zone</u> |
|---|-----------------------|-------------|
| Lot 31 on Market Street in Fitzgerald's Addition to the City of Wichita in Sedgwick County, Kansas. | 1245 South Market | RB |
| The South 5 Feet of Lot 14, and All of Lot 16, on Market Street, in Parkhurst's Addition to Wichita, Sedgwick County, Kansas, Also a Tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 Feet South and 190 Feet West of the Northeast Corner of the Southeast Quarter, thence South 12 Feet, thence West 146 Feet, thence North 12 Feet, thence east to beginning. | 1216 South Market | B |
| The S 1/2 of Lot 12, all of Lots 14 and 16 and the North 7 feet of Lot 18, on Main Street, in FITZGERALDS ADDITION to Wichita, Kansas. | 1214 South Main | RB |
| Lots 27 and 29, on Market Street, in FITZGERALD'S ADDITION to Wichita, Kansas. | 1241 South Market | RB |
| Lot 16, and the North 7 Feet of Lot 18, Main Street, in FITZGERALD'S ADDITION, to the City of Wichita, Sedgwick County, Kansas. | 1216 S. Main | RB |
| Lot 18 on Main Street in FITZGERALD'S ADDITION to the City of Wichita, Sedgwick County, Kansas. | 1218 South Main | RB |

LIST OF PROPERTY OWNERS

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|------------------------|---------------|-----------------|--|
| 1 | Main | Fitzgerald's | Mary Ellingham 1205 S. Main |
| 3 | " | " | Same |
| 5 | " | " | Same |
| 7 | " | " | Grace A. Brumfield 1211 S. Main |
| 9 | " | " | Same |
| 11 | " | " | John F. Hollinger Mary O. Hollinger 1304 S. Main |
| 13 | " | " | Same |
| 15 | " | " | + Deloris Maurer <i>no add</i> |
| 17 (N.20') | " | " | Same |
| 17 (S.10') | " | " | + Ramona Mae Murray <i>no add</i> |
| 19 | " | " | Same |
| 21 | " | " | Helen Maurer & Chas. A. Maurer 1489 Coolidge |
| 23 (N½) | " | " | Same |
| 23 (S½) | " | " | Edwina Brenneisen & Stella Brenneisen 1235 S. Main |
| 25 | " | " | Same |
| 27 | " | " | Marjorie K. Hamlin 1239 S. Main |
| 29 (N½) | " | " | Same |
| 29 (S½) | " | " | X Myrtle Munns Carothers <i>no add</i> |
| 31 | " | " | Same |
| 2 | " | " | Vernon C. Axley & Dorothy S. Axley 1200 S. Main |
| 4 (N. 23') | " | " | Same |
| 4 (E. 40' of S. 7') | " | " | Same |
| 6 (E.40') | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|---------------------|---------------|-----------------|---|
| 4 (S.7' of W. 100') | Main | Fitzgerald's | X Dorotha M. Porter <i>no add</i> |
| 6 (W.100') | " | " | Same |
| 8 | " | " | Same |
| 10 | " | " | Same |
| N½ 12 | " | " | Same |
| S½ 12 | " | " | <i>dup</i> First Church of God of Wichita, Kansas 1201 S. Market St. |
| 14 | " | " | Same |
| 16 | " | " | Same |
| 18 | " | " | Same |
| 20 (N 3½') | " | " | Same |
| 20 (S.26½') | " | " | Ada Dearsmith 1220 S. Main |
| 22 (N½) | " | " | Same |
| 22 (S½) | " | " | Ivan J. Beery & Nola I. Beery 1224 S. Main |
| 24 | " | " | Same |
| 26(N 10') | " | " | Same |
| 26 (Exc. N.10') | " | " | Charles A. Bourman and Martha J. Bourman <i>1240 So Minnesota</i> |
| 28 | " | " | Same |
| 30 | " | " | Harry E. Weaver and Colene P. Weaver 1230 S. Main |
| 32 (N.20') | " | " | Same |
| 32 (S.10') | " | " | X Ralph J. Miner and Vera Miner <i>no add</i> |
| 34 | " | " | Same |
| 36 | " | " | Delphis E. Stowell 1250 S. Main |
| 38 (N.20') | " | " | Same |
| 38 (S.10') | " | " | Judge C. Porter, Jr. & Clara Porter |
| 40 | " | " | Same <i>1252 So Main</i> |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|------------|---------------|--------------------------------------|---|
| 46 (W.90') | Main | Bayley's 2nd Sub. in Fitzgerald's | X Walter T. Menninga and Blanche Menninga <i>no add</i> |
| 46 (E.50') | " | " | <i>dup</i> First Church of God of Wichita 1201 S. Market |
| 1 | Market | Fitzgerald's | Same |
| 3 | " | " | Same |
| 5 | " | " | Same |
| 7 | " | " | Same |
| 9 | " | " | Same |
| 11 | " | " | Same |
| 13 | " | " | Same |
| 15 | " | " | Same |
| 17 | " | " | Same |
| 19 (N½) | " | " | Same |
| 19 S.15' | " | " | Mary Alice Whitton Lucas 1221 S. Market |
| 21 | " | " | Same |
| 23 | " | " | Ruby Herder 310 S. Emporia |
| 25 | " | " | Same |
| 27 | " | " | <i>dup</i> First Church of God, Inc. 1201 S. Market |
| 29 | " | " | Same |
| 31 | " | " | Same |
| 33 | " | " | X Dorothy Bardwell |
| 35 | " | " | Same <i>no add</i> |
| 37 | " | " | Clarence D. Songer and Fern E. Songer 113 E. Bayley |
| 39 | " | " | Same |
| 45 | " | Bayleys Sub. in Fitzgerald's | <i>dup</i> First Church of God in Wichita 1201 S. Market St. |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|--------------|---------------|-----------------|---|
| 2 | Market | Parkhurst's | John E. Brene, Jr. 612 S. Ash Eugene P. Brene 732 S. Spruce X Eva L. Cotter <i>no add</i> X Georgia M. Burge <i>no add</i> |
| 4 | " | " | Same |
| 6 | " | " | Same |
| 8 | " | " | Same |
| 10 | " | " | Robert E. Burns & Virginia Mae Burns 1210 S. Market St. |
| 12 (N½) | " | " | Same |
| 12 (S½) | " | " | Vinnie McLoud 1212 S. Market |
| 14 (N.20') | " | " | Same |
| 14 (S.5') | " | " | <i>dup</i> First Church of God, Inc. 1201 S. Market |
| 16 | " | " | Same |
| 22 | " | " | Virgil Russell & Edith Russell 7101 Castle Drive. |
| 24 | " | " | Same |
| 26 | " | " | J. C. Lewis & Arva M. Lewis 1230 S. Market |
| 28 (N.24.6') | " | " | Same |
| 42 | " | " | Glen W. Ryel and Emma M. Ryel 1250 S. Market |
| 44 | " | " | Same |
| 46 | " | " | Roger Clifton Thomason and Fern Irene Thomason 1254 S. Market |
| 48 | " | " | X Claude Dalbon <i>no add</i> |
| 1 | Broedway | " | Albert Butters & Regina T. Butters 1534 S. Mein |
| 3 | " | " | Same |
| 5 | " | " | <i>dup</i> John E. Brene, Jr. 612 S. Ash Eugene P. Brene 732 S. Spruce <i>dup</i> Eva L. Cotter X Georgia M. Burge X |
| 7 (N.16'9") | " | " | Same |
| 9 (S.5') | " | " | Same |
| 11 | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|-------------|---------------|-----------------|--|
| 7 (S. 8'3") | Broadway | Parkhurst's | Roy S. McDaniel Earl C. McDaniel 619 N. Broadway Harold B. McDaniel 2022 Payne |
| 9 (N. 25') | " | " | Same |
| 13 | " | " | X Virgil L. Teague and Rosella M. Teague <i>no add</i> |
| 15 | " | " | Same |
| 17 | " | " | Helen Allen 1201 N. Emporia |
| 19 | " | " | Same |
| 21 | " | " | E. R. Houk 3219 S. 71st St. West |
| 23 | " | " | Same |
| 25 | " | " | F. J. Clark & Elsie Clark 1900 S. Broadway |
| 27 | " | " | Same |
| 29 | " | " | Alfred E. Arnett & Eva Arnett 7600 N. Broadway |

Beginning 220.4 ft. S. & 190 ft. S. of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th. S. 12 ft.; th W. 140 ft.; th N. 12 ft. th. E. 140 ft. to beg.

dup First Church of God, Inc.
1201 S. Market

S. 38 ft. of tract, Beg. 220.4 ft. S. & 190 ft. W. of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th S. 50 ft.; th W. 140 ft.; th. N. 50 ft.; th E. 140 ft. to beg.

X George G. Jurgens and
Stina Jurgens
no add

Beginning 330 ft. W. & 370 ft. S. of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th S. 140 ft.; th E. 150 ft.; th N. 140 ft. th S. 150 ft. to beg., exc. E. 10 ft.

J. A. Hendrickson Investment Co. Inc.
204 N. Market St.

----- 27

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 ft. of S $\frac{1}{2}$ of Lot 12, all Lots 14, 16, and 18 on Main St., and Lots 27, 29, and 31, on Market St., in Fitzgerald's Add., and S. 5 ft. of Lot 14, all Lot 16, and strip of land 12 ft. wide adjoining Lot 16, on the South, all on Market Street, in Parkhurst's Addition to the City of Wichita, as shown by the records in the office of the Register of Deeds of Sedgewick County, Kansas, this 4th day of Feb. A. D. 1964 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Order No. 110799.

By *E. Kenneth P. Brown*
Vice President.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant The First Church of God of Wichita, Kansas, Inc.
Mailing Address 1201 South Market Phone FO 3-1845
Name of Authorized Agent Charles C. McCarter
Mailing Address Suite 701 Petroleum Building Phone AM 7-2871
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is twofold. One, a variance from the set-back requirements is requested, so cars may be parked on all parts of the property hereinafter described without limitations. Two,

~~for property located a variance from the requirement that there be one parking stall for every 5 seats in the church is requested. Instead, a parking stall for every 7 seats in the church will be provided if the variance is granted.~~
~~and legally described as:~~

The above variances are requested for the property described in Exhibit A attached hereto, which property is zoned as indicated on said exhibit.
~~in the City of Wichita, and which is presently zoned _____.~~

(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.

The First Church of God of Wichita, Kansas, Inc.

by Rev. E. E. Kautz
Applicant

Charles C. McCarter
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
_____ (a.m. - p.m.), _____, 19____, together with
appropriate fee of \$50.00.

Board of Zoning Appeals
City of Wichita, Kansas

Case No. _____
Attachment to
Application for Variance

STATEMENT

The First Church of God of Wichita, Kansas, Inc., hereby applies for two (2) variances. The Board of Zoning Appeals has jurisdiction to grant the same under Section 2.12.590 of the Code of Ordinances of the City of Wichita, and under Article III, Section A-2 and Article III, Section B-2 of the rules and regulations of the Board of Zoning Appeals. The variances requested are a variance from the set-back requirements of Zoning Ordinance Section 212590.2 and from the requirements of Zoning Ordinance Section 212590.2, which requires that there be one (1) off-street parking stall for every five (5) seats in any new church built in the city.

Attached to this application for variance is an application for exception authorizing the First Church of God of Wichita, Kansas, Inc., to build off-street parking facilities to park some 97 vehicles. These parking facilities will greatly aid the flow of traffic in and around the church buildings and will provide suitable parking for church members. However, the church is limited in its ability to procure extensive parking lots by reason of its economic position and by reason of the lack of willingness of certain adjoining property owners to sell their land to the church. Accordingly, the church has only been able to secure land to provide off-street parking for 97 vehicles. Its new church sanctuary, which it proposes to build immediately to the south of its existing sanctuary at 1201 South Market, will seat approximately 650 persons. Accordingly, a ratio of one (1) parking stall to every 6 1/2 seats in the new church will be provided if the proposed off-street parking exception is granted. Since the Zoning Ordinance requires a ratio of 1 to 5, a variance is requested. The granting of this variance will allow

the church to provide for considerable off-street parking and will allow the church to build its new sanctuary thereby improving the beauty and general appearance of the area at 1201 South Market.

However, besides the aforesaid 97 parking stalls available on parking lots owned by the church, the church will have available for parking on Sundays and evenings, the parking lot owned by The Broadway Mortuary, located less than 1/2 block from the church. This parking area will provide additional parking for 35 vehicles and will increase the off-street parking facilities available to the church to 132 parking stalls. This additional parking, if recognized by the City, would meet the requirements of the zoning ordinance that there be one (1) parking stall for every five (5) seats in the new church sanctuary. (See attached letter from Broadway Mortuary). Nevertheless, in order to technically meet the requirements of the zoning ordinances, the variance from the said 1 to 5 ratio requirements is requested.

In addition, a variance is requested to allow parking on front and side yards which under zoning ordinances would otherwise not be allowed. This is necessary in order to provide even the 97 parking spaces mentioned above.

These variances arise from conditions which are unique and not ordinarily found in the zoning districts where the church property is located, and the granting of a variance will not adversely affect the rights of adjacent property owners or residents. On the other hand, the strict application of the enforcement provisions of the zoning ordinances requiring a 1 to 5 ratio of parking to seats and disallowing parking on front and side yards would constitute an unnecessary hardship upon the church and its members. The variance desired will certainly not adversely affect the public health, safety, morals, order, convenience, property or general welfare; but will, on the contrary, promote these interests.

Respectfully submitted,

Charles C. McCarter
Charles C. McCarter
McCarter Frizzell & Wettig
Suite 701 Petroleum Building

DICK A. MORRIS

AMHERST 2-3435

JACK H. COZINE



The Broadway Mortuary
1147 SOUTH BROADWAY
Wichita, Kansas

January 28, 1964

Rev. Mr. E. E. Kardatzke
First Church of God
So. Market St. at Lincoln
Wichita, Kansas

Dear Reverend Kardatzke:

Per our conversation, I wish to confirm my offer to you for parking privileges of up to 35 automobiles in our off-street parking area on the north of our Broadway Mortuary premises located at 1147 South Broadway.

These parking privileges are extended you and your church members during the hours of Sunday worship and such evenings as you have church activities. I do request that you instruct your people to observe any mortuary reserved areas adjacent to the building, which are needed in the conduct of our services and business.

Sincerely yours,

A handwritten signature in cursive script that reads "Jack H. Cozine".

Jack H. Cozine
jhc/bk

EXHIBIT A

| <u>Legal Description</u> | <u>Common Address</u> | <u>Zone</u> |
|---|-----------------------|-------------|
| Lot 31 on Market Street in Fitzgerald's Addition to the City of Wichita in Sedgwick County, Kansas. | 1245 South Market | RB |
| The South 5 Feet of Lot 14, and All of Lot 16, on Market Street, in Parkhurst's Addition to Wichita, Sedgwick County, Kansas, Also a Tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 Feet South and 190 Feet West of the Northeast Corner of the Southeast Quarter, thence South 12 Feet, thence West 140 Feet, thence North 12 Feet, thence east to beginning. | 1216 South Market | B |
| The S 1/2 of Lot 12, all of Lots 14 and 16 and the North 7 feet of Lot 18, on Main Street, in FITZGERALDS ADDITION to Wichita, Kansas. | 1214 South Main | RB |
| Lots 27 and 29, on Market Street, in FITZGERALD'S ADDITION to Wichita, Kansas. | 1241 South Market | RB |
| Lot 16, and the North 7 Feet of Lot 18, Main Street, in FITZGERALD'S ADDITION, to the City of Wichita, Sedgwick County, Kansas. | 1216 S. Main | RB |
| Lot 18 on Main Street in FITZGERALD'S ADDITION to the City of Wichita, Sedgwick County, Kansas. | 1218 South Main | RB |

LIST OF PROPERTY OWNERS

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|----------------------|---------------|-----------------|--|
| 1 | Main | Pittsford's | Mary Ellingham 1802 S. Main |
| 3 | " | " | Same |
| 5 | " | " | Same |
| 7 | " | " | Orred C. Farnfield 1811 S. Main |
| 9 | " | " | Same |
| 11 | " | " | John T. Hollinger Mary O. Hollinger 1804 S. Main |
| 13 | " | " | Same |
| 15 | " | " | Deloris Maurer |
| 17 (N. 20') | " | " | Same |
| 17 (S. 10') | " | " | Remona Mae Murray |
| 19 | " | " | Same |
| 21 | " | " | Helen Maurer & Chas. A. Maurer 1489 Coolidge |
| 23 (N) | " | " | Same |
| 23 (S) | " | " | Edvine Brenneisen & Stelle Brenneisen 1835 S. Main |
| 25 | " | " | Same |
| 27 | " | " | Marjorie K. Healin 1239 S. Main |
| 29 (N) | " | " | Same |
| 29 (S) | " | " | Myrtle Munnis Carothers |
| 31 | " | " | Same |
| 33 | " | " | Vernon C. Axley & Dorothy C. Axley 1200 S. Main |
| 35 (S. 23') | " | " | Same |
| 37 (S. 10' of 37) | " | " | Same |
| 39 (S. 40') | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|-----------------------------|---------------|-----------------|--|
| 4 (S. 7' of E. 100') | Main | Fitzgerald's | Dorothe M. Porter |
| 6 (W. 100') | " | " | Same |
| 8 | " | " | Same |
| 10 | " | " | Same |
| N $\frac{1}{2}$ 12 | " | " | Same |
| S $\frac{1}{2}$ 12 | " | " | First Church of God of Wichita, Kansas 1931 S. Market St. |
| 14 | " | " | Same |
| 16 | " | " | Same |
| 18 | " | " | Same |
| 20 (N 3 $\frac{1}{2}$ ') | " | " | Same |
| 20 (S. 26 $\frac{1}{2}$ ') | " | " | Ada Barsaith 1930 S. Main |
| 22 (N $\frac{1}{2}$) | " | " | Same |
| 22 (S $\frac{1}{2}$) | " | " | Ivan J. Beery & Nola I. Beery 1924 S. Main |
| 24 | " | " | Same |
| 26(N 10') | " | " | Same |
| 26 (Exc. N. 10') | " | " | Charles A. Bourman and Martha J. Bourman |
| 28 | " | " | Same |
| 30 | " | " | Harry W. Weaver and Colene P. Weaver 1930 S. Main |
| 32 (N. 20') | " | " | Same |
| 32 (S. 10') | " | " | Ralph J. Miner and Vera Miner |
| 34 | " | " | Same |
| 36 | " | " | Delphis E. Stowell 1950 S. Main |
| 38 (N. 20') | " | " | Same |
| 23 (S. 10') | " | " | Judro C. Porter, Jr. & Clara Porter |
| 40 | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|-----------------------|---------------|--------------------------------------|---|
| 46 (W.90') | Main | Bayley's 2nd Sub. in Fitzgerald's | Walter T. Manninga and Blanche Manninga |
| 46 (E.50') | " | " | First Church of God of Wichita 1201 S. Market |
| 1 | Market | Fitzgerald's | Same |
| 3 | " | " | Same |
| 5 | " | " | Same |
| 7 | " | " | Same |
| 9 | " | " | Same |
| 11 | " | " | Same |
| 13 | " | " | Same |
| 15 | " | " | Same |
| 17 | " | " | Same |
| 19 (N $\frac{1}{2}$) | " | " | Same |
| 19 S.15' | " | " | Mary Alice Whitton Lucas 1201 S. Market |
| 21 | " | " | Same |
| 23 | " | " | Ruby Herder 310 S. Emporia |
| 25 | " | " | Same |
| 27 | " | " | First Church of God, Inc. 1201 S. Market |
| 29 | " | " | Same |
| 31 | " | " | Same |
| 33 | " | " | Dorothy Berdwell |
| 35 | " | " | Same |
| 37 | " | " | Clarence D. Songer and Fern E. Songer 118 E. Bayley |
| 39 | " | " | Same |
| 45 | " | Bayleys Sub. in Fitzgerald's | First Church of God in Wichita 1201 S. Market St. |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|--------------|---------------|-----------------|---|
| 2 | Market | Parkhurst's | John E. Brane, Jr. 612 S. Ash Eugene P. Brane 732 S. Spruce Eva L. Cotter Georgia M. Burge |
| 4 | " | " | Same |
| 6 | " | " | Same |
| 8 | " | " | Same |
| 10 | " | " | Robert T. Burns, Virginia Mae Burns 1210 S. Market St. |
| 12 (N½) | " | " | Same |
| 12 (S½) | " | " | Vinnie McLeod 1212 S. Market |
| 14 (N.20') | " | " | Same |
| 14 (S.5') | " | " | First Church of God, Inc. 1201 S. Market |
| 16 | " | " | Same |
| 22 | " | " | Virgil Russell & Edith Russell 7101 Castle Drive. |
| 24 | " | " | Same |
| 26 | " | " | J. C. Lewis & Arva M. Lewis 1230 S. Market |
| 28 (N.24.6') | " | " | Same |
| 42 | " | " | Glen W. Ryel and Emma M. Ryel 1250 S. Market |
| 44 | " | " | Same |
| 46 | " | " | Roger Clifton Thomason and Fern Irene Thomason 1254 S. Market |
| 48 | " | " | Claude Dalbon |
| 1 | Broadway | " | Albert Butters & Regina T. Butters 1574 S. Main |
| 3 | " | " | Same |
| 5 | " | " | John E. Brane, Jr. 612 S. Ash Eugene P. Brane 732 S. Spruce Eva L. Cotter Georgia M. Burge |
| 7 (N.16'9") | " | " | Same |
| 9 (S.5') | " | " | Same |
| 11 | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|-------------|---------------|-----------------|--|
| 7 (S. 8'3") | Broadway | Parkhurst's | Roy S. McDaniel Earl C. McDaniel 619 N. Broadway Herold B. McDaniel 2022 Payne |
| 9 (N. 25') | " | " | Same |
| 13 | " | " | Virgil L. Teague and Roselle M. Teague |
| 15 | " | " | Same |
| 17 | " | " | Helen Allen 1201 N. Emboria |
| 19 | " | " | Same |
| 21 | " | " | E. R. Houk 3219 S. 71st St. West |
| 23 | " | " | Same |
| 25 | " | " | F. J. Clark & Elsie Clark 1900 S. Broadway |
| 27 | " | " | Same |
| 29 | " | " | Alfred E. Arnett & Eva Arnett 7600 N. Broadway |

Beginning 220.4 ft. S. & 190 ft. S. of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th. S. 12 ft; th W. 140 ft; th N. 12 ft. th. E. 140 ft. to beg.

First Church of God, Inc.
1201 S. Market

S. 33 ft. of tract, Beg. 220.4 ft. S. & 190 ft. W. of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th S. 50 ft; th W. 140 ft; th. N. 50 ft.; th E. 140 ft. to beg.

George G. Jurgens and
Stina Jurgens

Beginning 330 ft. W. & 370 ft. S. of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th S. 140 ft; th E. 150 ft; th N. 140 ft. th S. 150 ft. to beg., exc. E. 10 ft.

J. A. Hendrickson Investment Co. Inc.
204 N. Market St.

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 ft. of S $\frac{1}{2}$ of Lot 12, all Lots 14, 16, and 18 on Main St., and Lots 27, 29, and 31, on Market St., in Fitzgerald's Add., and S. 5 ft. of Lot 14, all Lot 16, and strip of land 12 ft. wide adjoining Lot 16, on the South, all on Market Street, in Parkhurst's Addition to the City of Wichita, as shown by the records in the office of the Register of Deeds of Sedgewick County, Kansas, this 4th day of Feb. A. D. 1964 at 7 o'clock A. M.

Order No. 110799.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Donald P. Brown*
Vice President.

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant The First Church of God of Wichita, Kansas, Inc.

Mailing Address 1201 South Market Phone FO 3-1845

Name of Authorized Agent Charles C. McCarter

Mailing Address Suite 701 Petroleum Building Phone AM 7-2871

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

II. Application is made for an exception as provided in Section
28.04.140 B, Code of the City of Wichita, Kansas

(Zoning Ordinance); to permit the installation or construction
of off street parking lots

_____ on property zoned
as indicated ~~located~~ after each property description set
out in Exhibit A attached and ~~legally described as~~ hereto
and made a part hereof

_____, in the City of ~~Wichita~~
(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

The First Church of God of Wichita, Kans.
 Applicant Rev. E. E. ... INC.
 Authorized Agent Charles C. McCarter

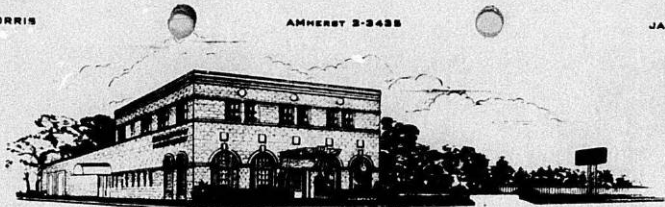
OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. - p.m.), _____, 19____, together with appropriate fee of \$50.00.

Signed _____

DICK A. MORRIS

AMHERST 2-3425

JACK H. COZINE



The Broadway Mortuary

1147 SOUTH BROADWAY

Wichita, Kansas

January 28, 1964

Rev. Mr. E. E. Kardatzke
First Church of God
So. Market St. at Lincoln
Wichita, Kansas

Dear Reverend Kardatzke:

Per our conversation, I wish to confirm my offer to you for parking privileges of up to 35 automobiles in our off-street parking area on the north of our Broadway Mortuary premises located at 1147 South Broadway.

These parking privileges are extended you and your church members during the hours of Sunday worship and such evenings as you have church activities. I do request that you instruct your people to observe any mortuary reserved areas adjacent to the building, which are needed in the conduct of our services and business.

Sincerely yours,

A handwritten signature in cursive script that reads "Jack H. Cozine".

Jac k H. Cozine
jhc/bk

EXHIBIT A

| <u>Legal Description</u> | <u>Common Address</u> | <u>Zone</u> |
|---|-----------------------|-------------|
| Lot 31 on Market Street in Fitzgerald's Addition to the City of Wichita in Sedgwick County, Kansas. | 1245 South Market | RB |
| The South 5 Feet of Lot 14, and All of Lot 16, on Market Street, in Parkhurst's Addition to Wichita, Sedgwick County, Kansas. Also a Tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 Feet South and 190 Feet West of the Northeast Corner of the Southeast Quarter, thence South 12 Feet, thence West 140 Feet, thence North 12 Feet, thence east to beginning. | 1216 South Market | B |
| The S 1/2 of Lot 12, all of Lots 14 and 16 and the North 7 feet of Lot 18, on Main Street, in FITZGERALDS ADDITION to Wichita, Kansas. | 1214 South Main | RB |
| Lots 27 and 29, on Market Street, in FITZGERALD'S ADDITION to Wichita, Kansas. | 1241 South Market | RB |
| Lot 16, and the North 7 Feet of Lot 18, Main Street, in FITZGERALD'S ADDITION, to the City of Wichita, Sedgwick County, Kansas. | 1216 S. Main | RB |
| Lot 18 on Main Street in FITZGERALD'S ADDITION to the City of Wichita, Sedgwick County, Kansas. | 1218 South Main | RB |

Board of Zoning Appeals
City of Wichita, Kansas

Case No. _____
Attachment to
Application for Exception

S T A T E M E N T

Attached hereto is Application for Exception authorizing The First Church of God of Wichita, Kansas, Inc., to construct off-street parking lots to facilitate traffic movements in and around the church properties located at 1201 South Market and to provide parking for the church members. The Board of Zoning Appeals has jurisdiction to grant this exception under the provisions of Ordinance Sections 2.12.590.3, 28.04.140.B et seq. and Article III, Sections A-3a and 3b and Article III B, 3 a-aa-bb, and 3 b-aa-bb. In accordance with the latter rules, there is attached hereto a certified listing of the names and current mailing addresses of owners of property within 200 ft. of the property included in the application, which certificate also certifies that said church is the owner of the property upon which said off-street parking is to be located, and a plot plan showing the proposed improvements.

The First Church of God of Wichita, Kansas, Inc., presently owns a church sanctuary and educational building at 1201 South Market, which church seats presently about 400 persons. The church proposes to build a new, modern sanctuary immediately to the south of the present education building which will seat approximately 650 persons. This new sanctuary will greatly beautify the area and generally improve the area from every point of view. The present sanctuary will, after completion of the new sanctuary, be converted to a youth center thereby providing facilities for helping the youth of our community.

The church will need, for its new sanctuary, additional parking facilities, as is proposed in the attached application. The proposed off-street parking lots will park approximately 97

vehicles, thereby providing one (1) parking space for approximately every 6 1/2 persons who could be seated in the new sanctuary. In view of the fact that such ratio is slightly less than the 1 to 5 ratio required by the Zoning Board Ordinances, a request for variance from such zoning ordinance is attached hereto.

However, besides the aforesaid 97 parking stalls available on parking lots owned by the church, the church will have available for parking on Sundays and evenings, the parking lot owned by The Broadway Mortuary, located less than 1/2 block from the church. This parking area will provide additional parking for 35 vehicles and will increase the off-street parking facilities available to the church to 132 parking stalls. This additional parking, if recognized by the City, would meet the requirements of the zoning ordinance that there be one (1) parking stall for every five (5) seats in the new church sanctuary. (See attached letter from Broadway Mortuary). Nevertheless, in order to technically meet the requirements of the zoning ordinances, the variance from the said 1 to 5 ratio requirements is requested.

The parking areas proposed will be located within 600 ft. from the boundary of the church sanctuary and educational building and will be used for the parking of passenger vehicles only. In no case will the parking lots be used for the sale, repair, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. Only such signs as are necessary for the proper operation of the parking lot will be installed and in no case will a fee be charged for use of the parking facilities.

Some of the parking areas and driveways, which provide necessary ingress and egress, will be surfaced with concrete. The balance of the parking areas and driveways will be surfaced with asphalt. The parking areas will be kept free from weeds, dust, trash and other debris.

The parking areas will have adequate guards to prevent extension or overhanging of vehicles beyond the property lines of the parking lots and the parking areas will be adequately marked for channelling and moving vehicles. Such lighting as is provided will be so arranged as to deflect light away from adjacent dwellings.

A fence of a solid material approximately four feet high will be erected along any property line adjacent to or adjoining any dwelling district, all as indicated on the attached plot, so as to eliminate the passage of light from vehicles and to prevent the blowing of debris.

In order to provide adequate parking spaces it will be necessary to provide for parking on areas otherwise identified as front and side yards. An appropriate request for a variance to so authorize parking in said front yards and side yards is attached hereto.

Also attached hereto is a check in the amount of \$50.00 covering the fee prescribed by Section 2.12.580.2 of the Code of the City of Wichita, which check is made payable to the City of Wichita.

It is submitted that the attached applications for exception and variances should be granted for the reasons above set out and that the granting of such exceptions and variances will be in the public interest.

Respectfully submitted,



Charles C. McCarter of
McCarter Frizzell & Wettig
701 Petroleum Building
Wichita, Kansas

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|------------|---------------|--------------------------------------|---|
| 46 (W.90') | Main | Bayley's 2nd Sub. in Fitzgerald's | Walter T. Menninga and Blanche Menninga |
| 46 (E.50') | " | " | First Church of God of Wichita 1201 S. Market |
| 1 | Market | Fitzgerald's | Same |
| 3 | " | " | Same |
| 5 | " | " | Same |
| 7 | " | " | Same |
| 9 | " | " | Same |
| 11 | " | " | Same |
| 13 | " | " | Same |
| 15 | " | " | Same |
| 17 | " | " | Same |
| 19 (N½) | " | " | Same |
| 19 S.15') | " | " | Mary Alice Whitton Lucas 1221 S. Market |
| 21 | " | " | Same |
| 23 | " | " | Ruby Herder. 810 S. Emporia |
| 25 | " | " | Same |
| 27 | " | " | First Church of God, Inc. 1201 S. Market |
| 29 | " | " | Same |
| 31 | " | " | Same |
| 33 | " | " | Dorothy Bardwell |
| 35 | " | " | Same |
| 37 | " | " | Clarence D. Songer and Fern T. Songer 118 E. Bayley |
| 39 | " | " | Same |
| 45 | " | Bayleys Sub. in Fitzgerald's | First Church of God in Wichita 1201 S. Market St. |

LIST OF PROPERTY OWNERS

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|------------------------|---------------|-----------------|--|
| 1 | Main | Fitzgerald's | Mary Ellingham 1203 S. Main |
| 3 | " | " | Same |
| 5 | " | " | Same |
| 7 | " | " | Grace A. Brumfield 1211 S. Main |
| 9 | " | " | Same |
| 11 | " | " | John F. Hollinger Mary O. Hollinger 1304 S. Main |
| 13 | " | " | Same |
| 15 | " | " | Deloris Maurer |
| 17 (N.20') | " | " | Same |
| 17 (S.10') | " | " | Ramona Mae Murray |
| 19 | " | " | Same |
| 21 | " | " | Helen Maurer & Chas. A. Maurer 1439 Coolidge |
| 23 (N½) | " | " | Same |
| 23 (S½) | " | " | Edwina Brenneisen & Stelle Brenneisen 1235 S. Main |
| 25 | " | " | Same |
| 27 | " | " | Marjorie K. Hamlin 1239 S. Main |
| 29 (N½) | " | " | Same |
| 29 (S½) | " | " | Myrtle Munns Carothers |
| 31 | " | " | Same |
| 2 | " | " | Vernon C. Axley & Dorothy S. Axley 1200 S. Main |
| 4 (N. 23') | " | " | Same |
| 4 (E. 40' of S. 7') | " | " | Same |
| 6 (E.40') | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|------------------------|---------------|-----------------|--|
| 4 (S.7' of W. 100') | Main | Fitzgerald's | Dorotha M. Porter |
| 6 (W.100') | " | " | Same |
| 8 | " | " | Same |
| 10 | " | " | Same |
| N½ 12 | " | " | Same |
| S½ 12 | " | " | First Church of God of Wichita, Kansas 1201 S. Market St. |
| 14 | " | " | Same |
| 16 | " | " | Same |
| 18 | " | " | Same |
| 20 (N 3½') | " | " | Same |
| 20 (S.26½') | " | " | Ada Dearsmit 1220 S. Main |
| 22 (N½) | " | " | Same |
| 22 (S½) | " | " | Ivan J. Beery & Nola I. Beery 1224 S. Main |
| 24 | " | " | Same |
| 26(N 10') | " | " | Same |
| 26 (Exc. N.10') | " | " | Charles A. Bourman and Martha J. Bourman |
| 28 | " | " | Same |
| 30 | " | " | Harry E. Weaver and Colene P. Weaver 1230 S. Main |
| 32 (N.20') | " | " | Same |
| 32 (S.10') | " | " | Ralph J. Miner and Vera Miner |
| 34 | " | " | Same |
| 36 | " | " | Delphia E. Stowell 1250 S. Main |
| 38 (N.20') | " | " | Same |
| 38 (S.10') | " | " | Judge C. Porter, Jr. & Clare Porter |
| 40 | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|--------------|---------------|-----------------|---|
| 2 | Market | Parkhurst's | John E. Brene, Jr. 612 S. Ash Eugene P. Brene 732 S. Spruce Eva L. Cotter Georgia M. Burge |
| 4 | " | " | Same |
| 6 | " | " | Same |
| 8 | " | " | Same |
| 10 | " | " | Robert E. Burns & Virginia Mae Burns 1210 S. Market St. |
| 12 (N½) | " | " | Same |
| 12 (S½) | " | " | Vinnie McCloud 1212 S. Market |
| 14 (N.20') | " | " | Same |
| 14 (S.5') | " | " | First Church of God, Inc. 1201 S. Market |
| 16 | " | " | Same |
| 22 | " | " | Virgil Russell & Edith Russell 7101 Castle Drive. |
| 24 | " | " | Same |
| 26 | " | " | J. C. Lewis & Arva M. Lewis 1230 S. Market |
| 28 (N.24.6') | " | " | Same |
| 42 | " | " | Glen W. Ryel and Emma M. Ryel 1250 S. Market |
| 44 | " | " | Same |
| 46 | " | " | Roger Clifton Thomason and Fern Irene Thomason 1254 S. Market |
| 48 | " | " | Claude Dalbon |
| 1 | Broadway | " | Albert Butters & Regina T. Butters 1534 S. Main |
| 3 | " | " | Same |
| 5 | " | " | John E. Brene, Jr. 612 S. Ash Eugene P. Brene 732 S. Spruce Eva L. Cotter Georgia M. Burge |
| 7 (N.16'9") | " | " | Same |
| 9 (S.5') | " | " | Same |
| 11 | " | " | Same |

| <u>LOT</u> | <u>STREET</u> | <u>ADDITION</u> | <u>PROPERTY OWNER</u> |
|------------|---------------|-----------------|--|
| 7 (S.8'3") | Broadway | Parkhurst's | Roy S. McDaniel Earl C. McDaniel 619 N. Broadway Herold B. McDaniel 2022 Payne |
| 9 (N.25') | " | " | Same |
| 13 | " | " | Virgil L. Teague and Rosella M. Teague |
| 15 | " | " | Same |
| 17 | " | " | Helen Allen 1201 N. Emporia |
| 19 | " | " | Same |
| 21 | " | " | E. R. Houk 3219 S. 71st St. West |
| 23 | " | " | Same |
| 25 | " | " | F. J. Clerk & Elsie Clerk 1900 S. Broadway |
| 27 | " | " | Same |
| 29 | " | " | Alfred E. Arnett & Eva Arnett 7600 N. Broadway |

Beginning 220.4 ft. S. & 190 ft. S.
of NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th.
S. 12 ft.; th W. 140 ft.; th N. 12 ft.
th E. 140 ft. to beg.

First Church of God, Inc.
1201 S. Market

S. 38 ft. of tract, Beg. 220.4 ft. S.
& 190 ft. W. of NE cor. SE $\frac{1}{4}$ Sec.
29-27-1 E., th S. 50 ft.; th W. 140 ft.;
th N. 50 ft.; th E. 140 ft. to beg.

George G. Jurgens and
Stine Jurgens

Beginning 330 ft. W. & 370 ft. S. of
NE cor. SE $\frac{1}{4}$ Sec. 29-27-1 E., th S.
140 ft.; th E. 150 ft.; th N. 140 ft.;
th S. 150 ft. to beg., exc. E. 10 ft.

J. A. Hendrickson Investment Co. Inc.
204 N. Market St.

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 ft. of S $\frac{1}{4}$ of Lot 12, all Lots 14, 16, and 18 on Main St., and Lots 27, 29, and 31, on Market St., in Fitzgerald's Add., and S. 5 ft. of Lot 14, all Lot 16, and strip of land 12 ft. wide adjoining Lot 16, on the South, all on Market Street, in Parkhurst's Addition to the City of Wichita, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 4th day of Feb. A. D. 1964 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Order No. 110799.

By *E. Kenneth P. Brown*
Vice President.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant The First Church of God of Wichita, Kansas, Inc.
Mailing Address 1201 South Market Phone FO 3-1845
Name of Authorized Agent Charles C. McCarter
Mailing Address Suite 701 Petroleum Building Phone AM 7-2871
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.140 B, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of off street parking lots
_____ on property zoned
as indicated ~~located~~ after each property description set
out in Exhibit A attached ~~and legally described as~~ hereto
and made a part hereof
_____, ~~in the City of Wichita~~
(Give metes and bounds description below if appropriate).

III. The applicant herein, or his authorized agent:

- A. Acknowledges receipt of an instruction sheet relating to this application for an exception.
- B. Agrees to conform to all requirements of the appropriate section of the Zoning Ordinance if this application is approved;
- C. Acknowledges that he has been advised of his right of appeal of the decision of the Board to the Board of City Commissioners within ten (10) days of the date of that decision.

The First Church of God of Wichita, Kansas, Inc.
Applicant by Rev. E. C. Kanda
Authorized Agent Charles C. McCarter

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. - p.m.), _____, 19____, together with appropriate fee of \$50.00.

Signed _____

Board of Zoning Appeals
City of Wichita, Kansas

Case No. _____
Attachment to
Application for Exception

STATEMENT

Attached hereto is Application for Exception authorizing The First Church of God of Wichita, Kansas, Inc., to construct off-street parking lots to facilitate traffic movements in and around the church properties located at 1201 South Market and to provide parking for the church members. The Board of Zoning Appeals has jurisdiction to grant this exception under the provisions of Ordinance Sections 2.12.590.3, 28.04.140.B et seq. and Article III, Sections A-3a and 3b and Article III B, 3 a-aa-bb, and 3 b-aa-bb. In accordance with the latter rules, there is attached hereto a certified listing of the names and current mailing addresses of owners of property within 200 ft. of the property included in the application, which certificate also certifies that said church is the owner of the property upon which said off-street parking is to be located, and a plot plan showing the proposed improvements.

The First Church of God of Wichita, Kansas, Inc., presently owns a church sanctuary and educational building at 1201 South Market, which church seats presently about 400 persons. The church proposes to build a new, modern sanctuary immediately to the south of the present education building which will seat approximately 650 persons. This new sanctuary will greatly beautify the area and generally improve the area from every point of view. The present sanctuary will, after completion of the new sanctuary, be converted to a youth center thereby providing facilities for helping the youth of our community.

The church will need, for its new sanctuary, additional parking facilities, as is proposed in the attached application. The proposed off-street parking lots will park approximately 97

vehicles, thereby providing one (1) parking space for approximately every 6 1/2 persons who could be seated in the new sanctuary. In view of the fact that such ratio is slightly less than the 1 to 5 ratio required by the Zoning Board Ordinances, a request for variance from such zoning ordinance is attached hereto.

However, besides the aforesaid 97 parking stalls available on parking lots owned by the church, the church will have available for parking on Sundays and evenings, the parking lot owned by The Broadway Mortuary, located less than 1/2 block from the church. This parking area will provide additional parking for 35 vehicles and will increase the off-street parking facilities available to the church to 132 parking stalls. This additional parking, if recognized by the City, would meet the requirements of the zoning ordinance that there be one (1) parking stall for every five (5) seats in the new church sanctuary. (See attached letter from Broadway Mortuary). Nevertheless, in order to technically meet the requirements of the zoning ordinances, the variance from the said 1 to 5 ratio requirements is requested.

The parking areas proposed will be located within 600 ft. from the boundary of the church sanctuary and educational building and will be used for the parking of passenger vehicles only. In no case will the parking lots be used for the sale, repair, storage, dismantling or servicing of any vehicles, equipment, materials or supplies. Only such signs as are necessary for the proper operation of the parking lot will be installed and in no case will a fee be charged for use of the parking facilities.

Some of the parking areas and driveways, which provide necessary ingress and egress, will be surfaced with concrete. The balance of the parking areas and driveways will be surfaced with asphalt. The parking areas will be kept free from weeds, dust, trash and other debris.

The parking areas will have adequate guards to prevent extension or overhanging of vehicles beyond the property lines of the parking lots and the parking areas will be adequately marked for channelling and moving vehicles. Such lighting as is provided will be so arranged as to deflect light away from adjacent dwellings.

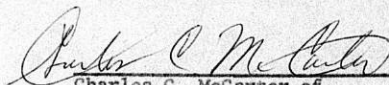
A fence of a solid material approximately four feet high will be erected along any property line adjacent to or adjoining any dwelling district, all as indicated on the attached plot, so as to facilitate the passage of light from vehicles and to prevent the blowing of debris.

In order to provide adequate parking spaces it will be necessary to provide for parking on areas otherwise identified as front and side yards. An appropriate request for a variance to so authorize parking in said front yards and side yards is attached hereto.

Also attached hereto is a check in the amount of \$50.00 covering the fee prescribed by Section 2.12.580.2 of the Code of the City of Wichita, which check is made payable to the City of Wichita.

It is submitted that the attached applications for exception and variances should be granted for the reasons above set out and that the granting of such exceptions and variances will be in the public interest.

Respectfully submitted,



Charles C. McCarter of
McCarter Frizzell & Wettig
701 Petroleum Building
Wichita, Kansas

DICK A. MORRIS

AMHERST 2-3435

JACK H. COZINE



The Broadway Mortuary

1147 SOUTH BROADWAY

Wichita, Kansas

January 28, 1964

Rev. Mr. E. E. Kardatzke
First Church of God
So. Market St. at Lincoln
Wichita, Kansas

Dear Reverend Kardatzke:

Per our conversation, I wish to confirm my offer to you for parking privileges of up to 35 automobiles in our off-street parking area on the north of our Broadway Mortuary premises located at 1147 South Broadway.

These parking privileges are extended you and your church members during the hours of Sunday worship and such evenings as you have church activities. I do request that you instruct your people to observe any mortuary reserved areas adjacent to the building, which are needed in the conduct of our services and business.

Sincerely yours,

A handwritten signature in cursive script that reads "Jack H. Cozine". The signature is written in dark ink and is positioned above the typed name and initials.

Jack H. Cozine
jhc/bk

EXHIBIT A

| <u>Legal Description</u> | <u>Common Address</u> | <u>Zone</u> |
|---|-----------------------|-------------|
| Lot 31 on Market Street in Fitzgerald's Addition to the City of Wichita in Sedgwick County, Kansas. | 1245 South Market | RB |
| The South 5 Feet of Lot 14, and All of Lot 16, on Market Street, in Parkhurst's Addition to Wichita, Sedgwick County, Kansas. Also a Tract in the Northeast Quarter of the Southeast Quarter of Section 29, Township 27 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, described as beginning 220.4 Feet South and 190 Feet West of the Northeast Corner of the Southeast Quarter, thence South 12 Feet, thence West 140 Feet, thence North 12 Feet, thence east to beginning. | 1216 South Market | B |
| The S 1/2 of Lot 12, all of Lots 14 and 16 and the North 7 feet of Lot 18, on Main Street, in FITZGERALDS ADDITION to Wichita, Kansas. | 1214 South Main | RB |
| Lots 27 and 29, on Market Street, in FITZGERALD'S ADDITION to Wichita, Kansas. | 1241 South Market | RB |
| Lot 16, and the North 7 Feet of Lot 18, Main Street, in FITZGERALD'S ADDITION, to the City of Wichita, Sedgwick County, Kansas. | 1216 S. Main | RB |
| Lot 18 on Main Street in FITZGERALD'S ADDITION to the City of Wichita, Sedgwick County, Kansas. | 1218 South Main | RB |

PAYMENT NOTICE

City of Wichita

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. X Plb'g. _____ Plb'g. Cert. _____
Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
Street _____ Trailers _____

| DESCRIPTION | AMOUNT |
|-------------------------|--------------|
| <u>Reg. Application</u> | <u>50.00</u> |
| <u>H. 112</u> | |

Name John L. ...

Address 1111 S. ...

Type _____ Due Date 2-4-64

Comments _____

Date 2-4-64 By [Signature]