

1911
Cable News Service

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135 North Battin
Wichita, Kansas
January 10, 1955

Mr. George Fisher, Secretary
Board of Zoning Appeals
City Building
Wichita, Kansas

Dear Mr. Fisher:

We are writing you in regard to Case No. 12-54 involving Grace Presbyterian Church, 5202 East Douglas. This case was discussed at the Appeals Board meeting of December 17, 1954.

We regret that we were unable to be present at this meeting to add our protest to that of our neighbors with regard to the granting of a variance to the ordinance requiring 25 ft. side yard set-back on the north line of the church property.

It was unfortunate that this church was granted permission initially to build a church on such limited space in a high class residential area that was already built up with nice homes. In addition to damage to residential property values already sustained, further damage is bound to result from expansion of the church facilities, even if such expansion is accomplished within the requirements of the ordinance. Even greater damage to residential values will result if the Board of Zoning Appeals grants the church's request for permission to build closer to the property lines than permitted by the ordinance.

There would seem to be no justification for deviating from an ordinance established to protect property values and cause a loss to adjacent property owners in order to make it easier for the church to expand a facility that should never have been built on this site in the first place. If anyone should take a loss for lack of foresight, it should be the church itself. We, as adjacent property owners, strongly urge the board to deny the church's request for any set-back not provided for by the ordinance.

Very truly yours,

George H. Weckel
Alice Weckel

Owners of property at
135 N. Battin, Wichita



GHW:va

*Shirley -
Please file with
Case 12-54.*

[Handwritten initials]

732 East Stroop
Dayton, Ohio

Board of Zoning Appeals
Room 302, City Hall
Wichita, Kansas

Subject: Case No. 12-54 scheduled December 17, 1954

Gentlemen:

One of the basic reasons for the existence of zoning laws is to protect the property values of individual owners. This is one of the concepts which has encouraged the growth of Wichita to the beautiful city of today.

In fairness to all taxpaying property owners in Wichita, we feel that the proposed appeal must be disapproved in order to protect the availability and free use of sunshine and pleasant breezes on the adjoining property.

We would like to make our home at 126 North Bleckley when we return to Wichita.

Very truly yours,

Margaret E. McCleery
Margaret E. McCleery

BOARD OF ZONING APPEALS
Room 302, City Hall
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

December 10, 19 54

An appeal has been filed by Grace Presbyterian Church
(Address) 5202 East Douglas on behalf of
same (Address)
as provided by Section 33 of the Zoning
Ordinance. The appellant desires to
make an addition to a church
on the premises located at 5202 East Douglas.

This appeal has been given Case No. 12-54, and a hearing
will be held by the Board of Zoning Appeals on Friday
December 17, 1954 at 1:30 p.m. in Room 201 of the City Building
at which time you may appear, if you so desire, either in person
or by agent or attorney.

By order of the Board of Zoning Appeals.

George Fisher
Secretary, Board of Zoning Appeals

NOTICES SENT TO APPELLANT AND:

James Coffman
107 S. Bleckley

Mrs. Lillian Finkstein
4919 E. Douglas

Mary E. Lassen
101 S. Battin

Charles Slawson
105 S. Battin

G. Lawrence Keller
104 S. Bleckley Dr.

Carl Hurty
141 N. Bleckley Dr.

W. H. Beach
137 N. Bleckley

C. Ryan
130 N. Glendale

O. F. Eckleman
127 N. Bleckley

Harold Foraker
123 N. Bleckley

J. F. Gsell
143 N. Battin
Edgar Karsten
137 N. Battin

G. H. Weckel
135 N. Battin

H. H. Oothoudt
125 N. Battin

Walter Balzerick
119 N. Battin

John Ferguson
7014 E. Gilbert

Jacob Davis
140 N. Bleckley

John Monroe
132 N. Bleckley

Margaret E. McCleery
732 E. Stroop (Divorsee)
Dayton, Ohio

Capt. Kenneth Stewart
126 N. Bleckley
(Resident)

BOARD OF ZONING APPEALS

Case No. 12-54

Filed Dec 10 19 54

APPEAL UNDER THE ZONING ORDINANCE

To: The Board of Zoning Appeals
Room 304, City Building
Wichita, Kansas

The undersigned, Grace Presbyterian Church, hereby appeals from the decision of the Building Inspector wherein a Building Permit is Refused for the reason that the building as planned would provide only a 15-ft side yard on the North, whereas Sec. 5 (c) 2.3 requires a side yard setback of 25 feet.

OR

Order or Decision Rendered Because _____

The Plans, application, and all data heretofore filed with said Building Inspector are attached hereto and made a part of this appeal.

I have not made a previous application or appeal under the Zoning Ordinance affecting these premises.

I hereby declare that all the statements contained in all of the information transmitted herewith are true.

GRACE PRESBYTERIAN CHURCH

By E. H. Eudaley
Appellant Chairman, Board of Trustees

NAMES AND ADDRESSES

Appellant Grace Presbyterian Church Address 5002 East Douglas, Wichita, Kans.

Owner Grace Presbyterian Church Address 5002 East Douglas, Wichita, Kans.

Lessee None Address _____

INSTRUCTIONS

1. This appeal must be typewritten and filed within ninety (90) days after the date of the decision of the Building Inspector from which this appeal is taken.
2. The appellant must file an explicit typewritten statement setting forth:
 - a. The principal points on which this appeal is made. These points shall be the same as those under which the Building Inspector issued a refusal, order, or decision.
 - b. A clear and accurate description of proposed work or use.
 - c. Specific reference to that section of the Zoning Ordinance under which it is claimed permit should be issued.
 - d. Names and addresses of all owners and residents within a distance of 200 feet of the property concerned.

S T A T E M E N T

2. (a) The Church is planning an addition to its present church structure, this addition to be used primarily for a Christian Education Unit. The proposed plan is that the new structure would consist of a basement floor, a first floor and a second floor, all in accordance with the plot plan and the floor plans attached to this application. The building which is now located upon the North 68 feet of the property presently owned by the Church will be removed prior to the time that construction commences, and the said North 68 feet will, to a great extent, be the area upon which the proposed addition will be located. OK

(b) The Building Inspector refused the granting of the permit for the addition to the church for the reason that the building as planned would provide only a 15-foot side yard on the North, whereas Sec. 5 (c) 2.3 of the Zoning Ordinance requires a side yard setback of 25 feet.

(c) 1. The variance desired does not ordinarily arise in the same zoning district for the reason that the particular plan here proposed is the minimum space addition which will be required for the accommodation of the increased membership of the Grace Presbyterian Church. The Church has already purchased additional property North of the present building to allow the additional building, but is unable at the present time to acquire additional property to the North of its presently owned real estate so as to conform to the specific letter of the ordinance above referred to. The Church is unique in its position in that it is greatly limited as to space for expansion, the expansion obviously being for the public good and welfare of the city of Wichita. If the required 25-foot setback were enforced literally in this situation, the proposed expansion would, to a tremendous degree, be defeated.

2. The residence located upon the property immediately North of the North line of the church property is located 18 feet North of the North property line of the real estate now owned by the Church. If the Board of Zoning Appeals grants the variance here requested, there will still be a space of some 33 feet between the North edge of the proposed addition to the church and the South side of the residence located upon the property immediately to the North of the church property, leaving, in the opinion of the church, a sufficient space between the proposed addition and the residence on the North so as not to adversely affect the owners or residents of the property to the North. It would not appear that an extension of 10 feet in this particular instance would create an undue hardship upon the adjacent property owners or residents. It further does not appear that this requested variance would affect in any manner the owners or residents of the property to the East of the present church building.

3. The strict application of the ordinance heretofore mentioned will, as above indicated, for all practical purposes defeat the general plan of expansion which is contemplated and which is desperately needed by the church. The strict application of the terms of the ordinance would necessitate a complete revision of all expansion plans, would necessitate the preparation of new architect's plans, and a general revision of the plans of the addition. Further attempt to acquire additional property to the North would involve a great delay in construction plans and would force the church into additional expense which appears at the present time to be unwarranted.

4. The exception and variance which is desired is, as above indicated, for the general expansion of Grace Presbyterian Church for the purpose of accommodating its greatly increased membership and attendance. The expansion is of utmost necessity for this purpose. It

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would appear to be needless to say that any expansion which will allow a church to more adequately fulfill its community duties and obligations and to allow it to provide for a place of common worship to the citizens of a community is not against public interest but, to the contrary, is for the betterment of the community involved.

STATE OF KANSAS)
) SS CERTIFICATE OF OWNERSHIP
 SEDGWICK COUNTY)

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

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

Property within a 200 foot radius of: The South 18 feet of Lot 7, All of Lots 8, 9, 10 and 11, in Block 2, in Strieff Place, Sedgwick County, Kansas.

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

LOTS	BLOCK OR STREET	ADDITION	OWNER
23	Hleckley Drive	Hleckley Terrace Add.	James Earl & Venita C. Coffman
24	" "	" " "	Mrs. Lillian Finkstein
1 (N 70')	2	Rosecrest Add	Mary E. Lassen
2 (N 70')	2	" "	Mary E. Lassen
1 (S 55')	2	" "	Charles J. Slawson
2 (S 55')	2	" "	Charles J. Slawson
3 & 4 (S60')	2	" "	G. Lawrence & Ann B. Keller
3 & 4 (N65')	2	" "	W. L. & Bess B. Lewis
8	9	East Boulevard Add	Carl & Lila Hurty
10	"	" " "	W. H. & Lucille K. Beach
12	"	" " "	C. A. & Dorothy Ryan
14	"	" " "	C. F. & Julia B. Eckleman
16	"	" " "	Harold & Florence Foraker
18	"	" " "	Jennie B. Glenn ✓ Louise Glenn Kirk ✓ Donald E. Glenn ✓
Lot 3 and N 9' of Lot 4	1	Strieff Place	J. F. & Ellen Bell Gsell
S 41' of Lot 4 & N 18' of Lot 5 "		" "	Edgar J. & Annette W. Karsten


Fidelity
Title
Company,
inc.



Address
ZONING PETITION

25883

ACCEPTED AS TO FORM

Date 12-10-54

WICHITA CITY PLANNING COMMISSION

By B. Rathke

Richard Mulline

CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Grace Presbyterian Church Owner Address 5202 East Douglas
To Same Applicant Address _____

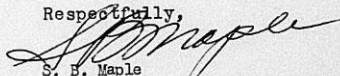
Dear Sir:

Your application Dated October 29, 1954
For a Permit for the addition to a Church
_____ at the premises designated as
5202 East Douglas

Is hereby refused on this 29th day of October, 1954,
Under Section 5 (c) 2.3 of the Zoning Ordinance.

For the reason that the building as planned would provide only a 15' side
yard on the north, whereas the ordinance in the above mentioned section requires
a side yard setback of 25'.

Respectfully,


S. B. Maple
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of
Zoning Appeals (Room 304, City Hall) within ninety (90) days after
the date of this refusal. For further information, take this notice
to the Planning Department, Room 304, City Hall.

*

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