

BZA 40-64 - First Wesleyan Methodist Church requests variance & exception for property located at the SE corner of Market & Osie

Posted
9-8-69
H-4

ACTION

DATE
10-27-69
~~10-27-69~~

Appears in part

Bya COMMITTEE

M.A.P.C. _____

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

March 21, 1985

TO: FILE
FROM: Glen E. Lytle, Special Assistant for Zoning
SUBJECT: BZA 40-64

In receipt of the cancelation of the performance bond on Case No. BZA 40-64, there was a review made of the site. The parking on the southwest corner of Osie and Market has not been installed, and it appears that the majority of parking for the church is located on property to the east that is owned by the Boulevard State Bank.

It would appear that the improvements required by Resolutions BZA 40-64 A thru D have never been complied with and are thus determined to be null and void for the following reasons:

- a. The parking lot permitted by Resolution BZA 40-64(A) as an exception was not completed within 12 months as required by ordinance.
- b. Failing to complete the parking on that parcel therefore voided parcel BZA 40-64(B) the side yard variance.

A copy of this memo is being forwarded to Central Inspection to attach to the Resolutions BZA 40-64 A thru D, so that any future permits for the church property shall be reviewed for compliance with all applicable regulations.

Glen E. Lytle

GEL:sad

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: -A -06858- - RE 17 JLL

BOULEVARD STATE BANK

P O BOX 1441

PROPERTY ADDRESS
1701 S BROADWAY

WICHITA KS 67201 6702
LOTS 50-52-54-56-58-60
LAWRENCE AVE.
ENGLISH'S 6TH. ADD.

PF-KEYS, 1-MENU,2-BACK,3-FWD,4-NEW ID,5-DEED,6-SPEEDX, 7-CURR SP, 8-LAND TYPE
KEY: -A -06873- - RE 17 JLL

KAN-CONF WESLEYAN CHURCH

PROPERTY ADDRESS
1704 S MARKET

1700 S. MARKET
WICHITA KS 67211 6702
LOTS 49-51-53 & N 15 FT LOT 55
MARKET ST.
ENGLISH 6TH. ADD.
EXEMPT 4263-0



NOTICE OF CANCELLATION OR TERMINATION

City Engineer
City of Wichita, Kansas
455 North Main
Wichita, Kansas 67202

DATE: February 22, 1985

Permit Bond for the construction of an
Fireman's Fund Insurance Company Surety upon a certain off street parking lot
Bond No. 3199328, dated on or about January 25, 19 65
in your favor, in the amount of Five Hundred & NO/100 Dollars (\$500.00),
covering First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas
hereby notifies you that it has elected to cancel/terminate said bond in its entirety

cancellation/termination to become effective 30 days upon receipt of this notice.

This notice is given to you in accordance with the cancellation/termination provision in said bond contained.

RECEIVED
OFFICE OF CITY CLERK
MAR 18 1985
 DG DR
 Agenda JE
 File

Fireman's Fund Insurance Company SURETY

BY Barbara J. Hall
Barbara J. Hall ATTORNEY IN FACT

REPLY TO: FIREMAN'S FUND INSURANCE COMPANIES

P. O. Box 13206
ADDRESS

Kansas City, Missouri 64199
CITY STATE ZIP

RECEIVED

MAR 20 1985

METROPOLITAN PLANNING
HJUTE 1/16

MAR 1 1985

PERFORMANCE BOND

Amount
\$500.00

KNOW ALL MEN BY THESE PRESENTS: That we, First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, as Principal and FIREMAN'S FUND INSURANCE COMPANY OF SAN FRANCISCO, as Surety, are held and firmly bound unto the CITY OF WICHITA, KANSAS, in the penal sum of Five Hundred Dollars, (\$500.00), lawful money of the United States of America, for the payment of which is to be well and truly made, we and each of us jointly and severally bind ourselves. The conditions of this obligation are such that

WHEREAS, the said First Wesleyan Methodist Church, herein, has made application for a Permit for the construction of an off street parking lot at the southwest corner of Osie and Market.

WHEREAS, the Board of Zoning Appeals has approved the request of the Principal subject to a guaranteeing that a fence will be constructed as required, and off-street parking shall be surfaced with either concrete or asphalt.

NOW, THEREFORE, if the said First Wesleyan Methodist Church, Principal herein, shall well and truly perform these guarantees as outlined in Resolution No. BZA40-64 of the Board of Zoning Appeals, then this obligation shall be null and void; otherwise to be in full force and effect.

IN WITNESS WHEREOF, the said Parties hereto have hereunto set their hands and seals this 25th day of January, 1965.

First Wesleyan Methodist Church

Principal

By:

Rev. Ronald R. Brennan
Rev. Ronald R. Brennan

FIREMAN'S FUND INSURANCE COMPANY

By:

D. G. Spencer
D. G. Spencer - Attorney-in-Fact

THE CITY OF WICHITA

OFFICE OF Secretary, Board of
Zoning Appeals

DATE July 13, 1965

TO Files - Re BZA 40-64

FROM Jack H. Galbraith, Secretary, Board of Zoning Appeals

SUBJECT BZA 40-64

J.H.G.

On July 13, 1965, an error was found in the legal description of Resolution No. BZA 40-64(D). The second paragraph of the legal description should read

Lots 49 (instead of 40), 51, 53 and north 15 feet of Lot 55, English's 6th Addition, in the City of Wichita, Sedgwick County, Kansas.

JHG:ber

Board of Zoning Appeals

February 1, 1965

Robert G. Finch, City Clerk

James W. Howe, Assistant Secretary

Case No. BZA 64-40

Attached is a copy of a performance bond submitted in conjunction with Case No. BZA No. 40-64. This bond is to guarantee that a fence will be constructed and that the off-street parking lot will be paved. This performance bond should remain on file in your office until such time as we notify you that these conditions have been complied with.

If you have any questions, please call.

JWH:ber

Attachment

PERFORMANCE BOND

Amount
\$500.00

KNOW ALL MEN BY THESE PRESENTS: That we, First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, as Principal and FIREMAN'S FLUID INSURANCE COMPANY OF SAN FRANCISCO, as Surety, are held and firmly bound unto the CITY OF WICHITA, KANSAS, in the penal sum of Five Hundred Dollars, (\$500.00), lawful money of the United States of America, for the payment of which is to be well and truly made, we and each of us jointly and severally bind ourselves. The conditions of this obligation are such that

WHEREAS, the said First Wesleyan Methodist Church, herein, has made application for a Permit for the construction of an off street parking lot at the southwest corner of Oate and Market.

WHEREAS, the Board of Zoning Appeals has approved the request of the Principal subject to a guaranteeing that a fence will be constructed as required, and off-street parking shall be surfaced with either concrete or asphalt.

NOW, THEREFORE, if the said First Wesleyan Methodist Church, Principal herein, shall well and truly perform these guarantees as outlined in Resolution No. 82A40-64 of the Board of Zoning Appeals, then this obligation shall be null and void; otherwise to be in full force and effect.

IN WITNESS WHEREOF, the said Parties hereto have hereunto set their hands and seals this 29th day of January, 1963.

First Wesleyan Methodist Church
Principal

By: 
Rev. Ronald E. Brannen

FIREMAN'S FLUID INSURANCE COMPANY

By: 
D. G. Spencer - Attorney-in-Fact

FIREMAN'S FUND INSURANCE COMPANY
GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that FIREMAN'S FUND INSURANCE COMPANY, a Corporation duly organized and existing under the laws of the State of California, and having its principal office in the City and County of San Francisco, California (hereinafter called the Corporation), hath made, constituted and appointed, and does by these presents make, constitute and appoint

D. G. Spencer and Kenneth C. Kimmel
Jointly and Severally

of Wichita and State of Kansas
its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, seal, acknowledge and deliver any and all bonds, recognizances, contracts, agreements of indemnity and other conditional or obligatory undertakings; provided, however, that the penal sum of any one such instrument executed hereunder shall not exceed Two Hundred Fifty Thousand (\$250,000.00) Dollars

and to bind the Corporation thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Corporation and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do in the premises.

IN WITNESS WHEREOF, FIREMAN'S FUND INSURANCE COMPANY has caused these presents to be signed by its Resident Vice President, attested by its Assistant Secretary, and its corporate seal to be hereto affixed this 26th day of December, A.D., 1961

FIREMAN'S FUND INSURANCE COMPANY

(Seal) By C. A. Keppler Resident Vice President
ATTEST: H. L. Johnson Assistant Secretary

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:
On this 26th day of December, A.D., 19 61, before me personally came C. A. Keppler to me known, who, being by me duly sworn, did depose and say, that he is Resident Vice President of FIREMAN'S FUND INSURANCE COMPANY, the Corporation described in and which executed the above instrument; that he knows the seal of said Corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said Corporation and that he signed his name thereto by like order. And said C. A. Keppler further said that he is acquainted with H. L. Johnson and knows him to be an Assistant Secretary of said Corporation; and that he executed the above instrument.

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:
I, H. L. Johnson, Assistant Secretary of FIREMAN'S FUND INSURANCE COMPANY, do hereby certify that the following is a full, true and correct copy of Article VIII of the By-laws of the FIREMAN'S FUND INSURANCE COMPANY adopted on the 18th day of February, 1955, and now in full force and effect, to wit:

ARTICLE VIII
Appointment and Authority of Resident Assistant Secretaries, and Attorneys-in-Fact and Agents to Accept Legal Process and Make Appearances.

SECTION 80. APPOINTMENT. The President, any Vice President or any other person authorized by the Board of Directors, the President or any Vice President, may, from time to time, appoint Resident Assistant Secretaries and Attorneys-in-Fact to represent and act for and on behalf of the Corporation and Agents to accept legal process and make appearances for and on behalf of the Corporation.

SECTION 81. AUTHORITY. The authority of such Resident Assistant Secretaries, Attorneys-in-Fact, and Agents shall be as prescribed in the instrument evidencing their appointment, and any such appointment and all authority granted thereby may be revoked at any time by the Board of Directors or by any person empowered to make such appointment.

And I do hereby further certify that the following is a full, true and correct copy of an Instrument of Authority executed on the 13th day of June, 1957, pursuant to Article VIII, of the By-laws of FIREMAN'S FUND INSURANCE COMPANY, and that said Instrument of Authority is now in full force and effect, to wit:

INSTRUMENT OF AUTHORITY. KNOW ALL MEN BY THESE PRESENTS: That C. E. Deming, S. G. Drake and C. A. Keppler, Resident Vice Presidents of this Corporation, or either of them, are hereby vested with full power and authority to appoint Resident Assistant Secretaries or Attorneys-in-Fact of this Corporation or Agents to accept legal process and make appearances, under and pursuant to Article VIII, of the By-laws of this Corporation and to revoke such appointments.

FIREMAN'S FUND INSURANCE COMPANY

By JOHN H. DILLARD Vice President
And I do hereby further certify that John H. Dillard is, and at the time of the execution thereof was a Vice President and duly authorized to so act on behalf of said Fireman's Fund Insurance Company, and that C. E. Deming, S. G. Drake and C. A. Keppler are and at the time of the execution thereof were Resident Vice Presidents and duly authorized to so act on behalf of said Fireman's Fund Insurance Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of FIREMAN'S FUND INSURANCE COMPANY, this 26th day of December, 19 61.

[Corporate Seal] Assistant Secretary of
FIREMAN'S FUND INSURANCE COMPANY

STATE OF Missouri)
COUNTY OF Jackson) ss.:
I, Vera Dull, Resident Assistant Secretary of FIREMAN'S FUND INSURANCE COMPANY, a corporation of the State of California, do hereby certify that the above and foregoing is a full, true and correct copy of the original power of attorney issued by said Corporation and that I have compared same with the original and that it is a correct transcript therefrom and of the whole of the original. Said power of attorney is in full force and effect and has not been revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Corporation, at the City of Kansas City, this 25 day of December, 19 61.

January 5, 1965

Rev. Ronald R. Brannon
2052 South Market
Wichita, Kansas

Dear Reverend Brannon:

Re: Case BZA 40-64

I received your letter dated January 4, 1965, in which you requested that this office furnish you with a bond form so that it could be filled out in order to comply with Condition #7 of BZA Resolution No. 40-64(A).

Although the Board of Zoning Appeals, on several occasions, has made a performance bond a condition of approval on applications similar to yours, we do not have a form available which we can furnish to the applicants. However, I am sure there are several bonds on file with the City Clerk which guarantee the same type of requirements as contained in BZA Resolution No. 40-64. I would suggest that you have your legal counsel contact the City Clerk and obtain a copy of one of the bonds so that he can utilize the form in drawing up the performance bond required in this case. In any event, the bond should contain a provision which states why the bond is to be filed and what performance is to be guaranteed. In this instance, the bond is to guarantee the paving of the off-street parking lot and the construction of the fence. I would also suggest that after this bond has been drawn up that your counsel contact Mr. Art Johnson, who is legal counsel for the Board of Zoning Appeals, and have him approve the bond as to content and form.

Again, I am sorry we do not have forms available, but we will be glad to help you in any way we can as far as drawing up a bond is concerned. If you have any questions, please feel free to call.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

The First

Wesleyan Methodist Church Wichita 11, Kansas

Church: 1700 South Market - Phone AM 5-8500

Parsonage: 2052 South Market - Phone AM 2-0553

REV. RONALD R. BRANNON - Minister

January 4, 1965

The Metropolitan Area Planning Commission
City Building Annex
104 So. Main St.
Wichita, Kansas 67202

Attention: Mr. Jack H. Galbraith, Secretary

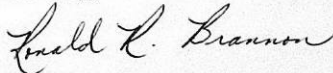
Dear Mr. Galbraith,

During recent weeks, the request of Wichita First Wesleyan Methodist Church was heard by the Board of Zoning Appeals. This was recognized as Case No. BZA40-64. We have noted the conditions and requirements outlined by the Secretary and understood by both ourselves and the members of the Board. I make particular reference to Requirement No. 7: "A corporate performance bond in the amount of \$500 shall be submitted to the City Clerk to guarantee that the fence will be constructed, and that the parking lot will be hard-surfaced."

The purpose of this writing is to request that the proper bond form be made available to us, that we in turn might transact this business with our security company. Any assistance you might give in this regard will be appreciated.

It is our desire to be cooperative with the planning groups of the city, and thus desire to fulfill our obligations in a proper manner.

Sincerely,



Ronald R. Brannon

RRB/rf



"An open door . . . to the message of life."

January 5, 1965

First Wesleyan Methodist Church
1712 South Market
Wichita, Kansas

Gentlemen:

Re: Case No. BEA 40-64

On December 24, 1964, we advised you that the Board of Zoning Appeals had approved subject application for a variance of the front yard setback on property located at the southwest and southeast corners of Market and Osie, and also a variance of the parking ratio on the same property.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before January 4, 1965. The City Clerk has advised that no appeal was filed on or before that date and the decision of the Board of Zoning Appeals is, therefore, final.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: Walter Sawhill, Attorney
Beacon Building

Rev. Ronald R. Brannon
2052 South Market

Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 4 0 - 6 4 (D)

One of Four Resolutions Pertaining to BZA 40-64

WHEREAS, the First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon Building, Wichita, Kansas, has requested the granting of variances as follows, pursuant to Section 2.12.590.2, Code of the City of Wichita:

Variance of the required front yard setback of 25 feet on property located at the southwest and southeast corners of Market and Osie so that these areas can be used for off-street parking; and

Variance to permit only 35 off-street parking spaces rather than 60 as required by the Code,

all on property legally described as:

Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas; and

JH 6/7/12/65
Lots ~~40~~⁴⁸, 51, 53 and north 15 feet of Lot 55, English's 6th Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located at the southwest and southeast corners of Market and Osie; 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 22nd day of December, 1964; and

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

WHEREAS, the Board of Zoning Appeals has found that the variances requested arise from such condition which is unique and not ordinarily found in the same zoning district inasmuch as the church is almost like any other church throughout the City in that at the time expansion occurs it is very difficult to provide the necessary off-street parking, so consequently they must gain the maximum utilization of their property as far as off-street parking is concerned; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances would not adversely affect adjacent property owners or residents inasmuch as no one appeared in opposition; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in that there is no available property in the area which can be acquired for off-street parking, so consequently the church has to gain maximum utilization of the property they now own which can be used for off-street parking; and

WHEREAS, the Board of Zoning Appeals has found that the variances 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 above variances relating to property legally described as:

Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas, and

Lots 40, 51, 53 and north 15 feet of Lot 55, English's 6th Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located at the southwest and southeast corners of Market and Osie, be approved, subject to the following:

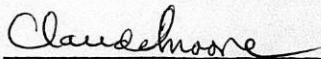
1. The front yard setback requirement of 25 feet is hereby waived so that these areas may be utilized for off-street parking. The front yard setbacks are hereby waived for the following described properties:

Lot 50 and North 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, and

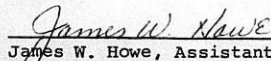
Lots 40, 51, 53 and North 15 feet of Lot 55, English's 6th Addition, in the City of Wichita, Sedgwick County, Kansas.

2. Condition No. 9 of Board of Zoning Appeals Resolution No. 40-64(A) is hereby deleted.
3. In no event shall any permanent structure be built in the front yard setback areas of the properties described in Condition #1, except as provided in BZA Resolution No. 40-64(C).

ADOPTED AT WICHITA, KANSAS, this 22nd day of December, 1964.


Claude Moore, Vice Chairman

ATTEST:


James W. Howe, Assistant Secretary

December 24, 1964

First Wesleyan Methodist Church
1712 South Market
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 40-64

This is to advise you that at its regular meeting of December 22, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for variances as follows:

Variance of the required front yard setback of 25 feet on property located at the southwest and southeast corners of Market and Osie, so that these areas can be used for off-street parking;

Variance to permit only 35 off-street parking spaces rather than 60 as required by the Code;

all being in conjunction with expansion of the church facilities generally located on both sides of Market in an area south of Osie.

It was the decision of the Board to approve the above requests subject to the following:

1. The front yard setback requirement of 25 feet is hereby waived so that these areas may be utilized for off-street parking. The front yard setbacks are hereby waived for the following described properties:

Lot 50 and north 17 feet of Lot 52 on
South Market Street in the City of
Wichita, Sedgwick County, Kansas, AND

Lots 40, 51, 53 and north 15 feet of Lot
55, English's 6th Addition in the City
of Wichita, Sedgwick County, Kansas.

2. Condition No. 9 of Board of Zoning Appeals Resolution No. 40-64(A) is hereby deleted.
3. In no event shall any permanent structures be built in the front yard setback areas of the properties described in condition #1, except as provided in BZA Resolution No. 40-64(C)

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before January 4, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before January 4, 1965, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:jma

cc: Walter Sawhill, Attorney
Beacon Building

Rev. Ronald R. Brannon
2082 South Market

Robert G. Finch
City Clerk

Glen Lytle, Superintendent
of Central Inspection

SECRETARY'S REPORT

CASE NO. BEA 40-64

APPLICANT: First Wesleyan Methodist Church, 1712 South Market

AGENT: Walter Sawhill, Attorney, Beacon Building, and
Rev. Ronald R. Brannon, 2502 South Market

REQUESTS: Variance of the required front yard setback of 25 feet on property located at the southwest and southeast corners of Market and Osie so that these areas can be used for off-street parking.

Variance to permit only 35 off-street parking spaces rather than 60 as required by the Code.

LOCATION: Both sides of Market in an area south of Osie.

ZONING: Property in question - "A" Two family
North - "A" Two family
East - "A" Two family
South - "LC" Light Commercial
West - "A" Two family

LAND USE: Property in question - Church
North - Single family
East - Single family
South - Single family
West - Single family

JURISDICTION:

The Board has jurisdiction to consider the variances pursuant to Section 2.12.590 of the Code of the City of Wichita. The Board may grant the variance request when all four of the following conditions are found to exist:

1. The variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. The strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.

4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

At the regular meeting of the Board of Zoning Appeals in October this year, the Board granted the First Wesleyan Methodist Church an exception for an off-street parking lot located at the southwest corner of Market and Osie and also granted the church a variance of the side yard setback requirements so this area could be utilized for off-street parking. The Board also granted the church a variance of the required front yard setback of the property located at the southeast corner of Market and Osie so that the proposed sanctuary could extend 3 feet into the required front yard setback of 25 feet.

At that same meeting, the Board deferred a request of the church for a variance to reduce the required off-street parking of 60 spaces down to 26 spaces. The church is now requesting a variance of the required front yard setback requirements at the southeast and southwest corners of Market and Osie so that these areas can be utilized for off-street parking. By utilizing the front yard setback areas the church can now provide 35 off-street parking spaces rather than 26 spaces which was shown on their original plot plan, so they have now requested a variance from 60 to 35 spaces.

UNIQUENESS

There is nothing exceptionally unique about the variance request except that this church is like almost every other church throughout the community in that at the time expansion is proposed almost every church has a difficult time in providing the necessary parking requirements. In this particular instance, it appears that the character of the church property itself will be destroyed by permitting parking in the front yard setback and also by permitting off-street parking in the northwest corner of the church property as shown on the plot plan. However, in this particular instance, it is the opinion of the Secretary that the request for a variance of the front yard setback requirement and for the variance to reduce the parking ratio from 60 spaces to 35 spaces is somewhat unique in that it is very difficult for the church to acquire additional land which is occupied by single family homes and clear the property for a parking lot. In most every instance, the adjacent residents want more for their property than it is worth and consequently the church must wait until the price becomes reasonable before the property can be acquired.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance of the front yard setback requirement so these areas may be utilized for off-street parking could destroy the view of adjacent property owners, particularly on the lot at the southwest corner of Market and Osie. It is also the opinion of the Secretary that to grant a variance reducing the parking ratio to this extent would produce adverse affects on adjacent property owners.

If the variance of 25 spaces is granted, it appears that the only place these cars would have to park is on the street. Consequently, it is the Secretary's opinion that the rights of adjacent property owners would be adversely affected since the granting of the variance could perpetuate the off-street parking problem in the area and would thereby hinder the circulation of traffic in this vicinity, especially on Sundays.

HARDSHIP

The Secretary agrees with the applicant in that if the variance is not granted, the church will be burdened with a hardship in that they would not be able to build the addition to the church to accommodate the expanding congregation.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance of the front and side yard setback requirements would in no way adversely affect the public interest. However, it would appear that to grant a variance of the parking requirements of this magnitude would adversely affect the public interest in that if a precedent of this type is set, there is no need to have the off-street parking requirements in the ordinance. Almost any church could then request that the parking requirements be lowered by 40 to 50 percent.

RECOMMENDATION

It is the opinion of the Secretary that all four conditions necessary to the granting of a variance for complete waiver of front yard setback requirements cannot be found to exist. It is also the Secretary's opinion that the four conditions necessary to the granting of a variance of the parking ratio from 60 to 35 spaces cannot be found to exist. Therefore, it is recommended that the variance for complete waiver of the front yard setback requirements, and the reduction of required amount of off-street parking from 60 to 35 spaces be denied.

In the event the Board should find that the waiver of the front yard setback requirements will not adversely affect any adjacent property owners, and the Board should also find that the granting of the variance of the parking ratio would not adversely affect the adjacent property owners or the public welfare, and should desire to grant the requested variances, it is recommended that the following conditions be attached:

1. The front yard setback requirement of 25 feet is hereby waived so that these areas may be utilized for off-street parking. The front yard setbacks are hereby waived for the following described properties:

Lot 50 and north 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, and

Lots 40, 51, 53 and north 15 feet of Lot 55, English's 6th Addition in the City of Wichita, Sedgwick County, Kansas.

2. Condition No. 9 of Board of Zoning Appeals Resolution No. 40-64(A), is hereby deleted.
3. In no event shall any permanent structures be built in the front yard setback areas of the properties described in Condition #1, except as provided in BZA Resolution No. 40-64(C).

SECRETARY'S REPORT

CASE NO. BZA 40-64

APPLICANT: First Wesleyan Methodist Church, 1712 South Market

AGENT: Walter Sawhill, Attorney, Beacon Building, and
Rev. Ronald R. Brannon, 2502 South Market

REQUESTS: Variance of the required front yard setback of 25 feet on property located at the southwest and southeast corners of Market and Osie so that these areas can be used for off-street parking.

Variance to permit only 35 off-street parking spaces rather than 60 as required by the Code.

LOCATION: Both sides of Market in an area south of Osie.

ZONING: Property in question - "A" Two family
North - "A" Two family
East - "A" Two family
South - "LC" Light Commercial
West - "A" Two family

LAND USE: Property in question - Church
North - Single family
East - Single family
South - Single family
West - Single family

JURISDICTION:

The Board has jurisdiction to consider the variances pursuant to Section 2.12.590 of the Code of the City of Wichita. The Board may grant the variance request when all four of the following conditions are found to exist:

1. The variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. The strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.

Page 2 - Case No. BZA 40-64
December 22, 1964

4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

At the regular meeting of the Board of Zoning Appeals in October this year, the Board granted the First Wesleyan Methodist Church an exception for an off-street parking lot located at the southwest corner of Market and Osie and also granted the church a variance of the side yard setback requirements so this area could be utilized for off-street parking. The Board also granted the church a variance of the required front yard setback of the property located at the southeast corner of Market and Osie so that the proposed sanctuary could extend 3 feet into the required front yard setback of 25 feet.

At that same meeting, the Board deferred a request of the church for a variance to reduce the required off-street parking of 60 spaces down to 26 spaces. The church is now requesting a variance of the required front yard setback requirements at the southeast and southwest corners of Market and Osie so that these areas can be utilized for off-street parking. By utilizing the front yard setback areas the church can now provide 35 off-street parking spaces rather than 26 spaces which was shown on their original plot plan, so they have now requested a variance from 60 to 35 spaces.

UNIQUENESS

There is nothing exceptionally unique about the variance request except that this church is like almost every other church throughout the community in that at the time expansion is proposed almost every church has a difficult time in providing the necessary parking requirements. In this particular instance, it appears that the character of the church property itself will be destroyed by permitting parking in the front yard setback and also by permitting off-street parking in the northwest corner of the church property as shown on the plot plan. However, in this particular instance, it is the opinion of the Secretary that the request for a variance of the front yard setback requirement and for the variance to reduce the parking ratio from 60 spaces to 35 spaces is somewhat unique in that it is very difficult for the church to acquire additional land which is occupied by single family homes and clear the property for a parking lot. In most every instance, the adjacent residents want more for their property than it is worth and consequently the church must wait until the price becomes reasonable before the property can be acquired.

Page 3 - Case No. BZA 40-64
December 22, 1964

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance of the front yard setback requirement so these areas may be utilized for off-street parking could destroy the view of adjacent property owners, particularly on the lot at the southwest corner of Market and Osie. It is also the opinion of the Secretary that to grant a variance reducing the parking ratio to this extent would produce adverse affects on adjacent property owners.

If the variance of 25 spaces is granted, it appears that the only place these cars would have to park is on the street. Consequently, it is the Secretary's opinion that the rights of adjacent property owners would be adversely affected since the granting of the variance could perpetuate the off-street parking problem in the area and would thereby hinder the circulation of traffic in this vicinity, especially on Sundays.

HARDSHIP

The Secretary agrees with the applicant in that if the variance is not granted, the church will be burdened with a hardship in that they would not be able to build the addition to the church to accommodate the expanding congregation.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance of the front and side yard setback requirements would in no way adversely affect the public interest. However, it would appear that to grant a variance of the parking requirements of this magnitude would adversely affect the public interest in that if a precedent of this type is set, there is no need to have the off-street parking requirements in the ordinance. Almost any church could then request that the parking requirements be lowered by 40 to 50 percent.

RECOMMENDATION

It is the opinion of the Secretary that all four conditions necessary to the granting of a variance for complete waiver of front yard setback requirements cannot be found to exist. It is also the Secretary's opinion that the four conditions necessary to the granting of a variance of the parking ratio from 60 to 35 spaces cannot be found to exist. Therefore, it is recommended that the variance for complete waiver of the front yard setback requirements, and the reduction of required amount of off-street parking from 60 to 35 spaces be denied.

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December 22, 1964

In the event the Board should find that the waiver of the front yard setback requirements will not adversely affect any adjacent property owners, and the Board should also find that the granting of the variance of the parking ratio would not adversely affect the adjacent property owners or the public welfare, and should desire to grant the requested variances, it is recommended that the following conditions be attached:

1. The front yard setback requirement of 25 feet is hereby waived so that these areas may be utilized for off-street parking. The front yard setbacks are hereby waived for the following described properties:

Lot 50 and north 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, and

Lots 40, 51, 53 and north 15 feet of Lot 55, English's 6th Addition in the City of Wichita, Sedgwick County, Kansas.

2. Condition No. 9 of Board of Zoning Appeals Resolution No. 40-64(A), is hereby deleted.
3. In no event shall any permanent structures be built in the front yard setback areas of the properties described in Condition #1, except as provided in BZA Resolution No. 40-64(C).

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

December 3, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 40-64

An application has been filed by First Wesleyan Methodist Church, 1712 South Market, Wichita, KANSAS, BY Walter Sawhill, Attorney, Beacon Building, Wichita, Kansas, and Ronald R. Brannon, Agent, 2052 South Market, Wichita, Kansas, requesting the following:

A variance as provided in Section 2.12.590, Code of the City of Wichita, to permit only 35 off-street parking spaces rather than 60 spaces as required by the Code, and

A variance for complete waiver of the required front yard setback of 25 feet, so that these areas might be utilized for off-street parking, pursuant to Section 2.12.590, Code of the City of Wichita, both requests being related to property ~~legally~~ described as follows:

Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas, and

Lots 40, 51, 53 and north 15 feet of Lot 55, English's 6th Addition, in the City of Wichita, Sedgwick County, Kansas, generally located on both sides of Market Street in an area south of Osie.

This application has been assigned Case No BZA 40-64, and will be reconsidered by the Board of Zoning Appeals on Tuesday, December 22, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

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

December 3, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 40-64

An application has been filed by First Wesleyan Methodist Church, 1712 South Market, Wichita, KANSAS, BY Walter Sawhill, Attorney, Beacon Building, Wichita, Kansas, and Ronald R. Brannon, Agent, 2052 South Market, Wichita, Kansas, requesting the following:

A variance as provided in Section 2.12.590, Code of the City of Wichita, to permit only 35 off-street parking spaces rather than 60 spaces as required by the Code, and

A variance for complete waiver of the required front yard setback of 25 feet, so that these areas might be utilized for off-street parking, pursuant to Section 2.12.590, Code of the City of Wichita, both requests being related to property legally described as follows:

Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas, and

Lots 40, 51, 53 and north 15 feet of Lot 55, English's 6th Addition, in the City of Wichita, Sedgwick County, Kansas, generally located on both sides of Market Street in an area south of Osie.

This application has been assigned Case No BZA 40-64, and will be reconsidered by the Board of Zoning Appeals on Tuesday, December 22, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

38 NOTICES MAILED DECEMBER 4, 1964 FOR HEARING ON DECEMBER 4, 1964

November 25, 1964

First Wesleyan Methodist Church
1712 South Market
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 40-64

This is to advise you that the Board of Zoning Appeals, at its regular meeting on November 24, 1964, considered your request that a variance be granted to reduce the off-street parking ratio for the church property from 60 off-street parking spaces to 35 off-street parking spaces.

Due to the fact that this will necessitate the waiving of some additional front yard setback requirements so that these areas can be utilized for off-street parking, it will be necessary that we re-advertise this case for official public hearing to include the additional request.

This matter will be rescheduled for the Board of Zoning Appeals meeting on December 22, 1964. You will be sent a Secretary's report containing the recommendation on the variance for the reduction of of the off-street parking ratio approximately one week prior to the December 22, 1964 meeting.

If you have any questions, please feel free to call.

Very truly yours,

Jack H. Galbraith
Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Walter Sawhill, Attorney
Beacon Building

Rev. Ronald R. Brannon
2052 South Market

Glen Lytle, Superintendent
of Central Inspection

Wichita
Kansas

Board of zoning appeals

Dear Sir

I rec'd this notice in the mail this morning
I talked to Reverend Brannon when I rec'd
the other notice and I told him what
ever the church did was all right with
me as I know they will do what ever
is Right. I will not appear up there

Sylvia
Mrs Shelton

1717 S market
Wichita

I think that the church ^{Kansas} should have
as many parking spaces as they need
as they are not there over 2 hrs Sunday
morning and about 1 hrs in Evening
and on Wed Evening about 2 hrs



SECRETARY'S REPORT

35

CASE NO. BZA 40-64

APPLICANT: First Wesleyan Methodist Church, 1712 South Market

AGENTS: Walter Sawhill, Attorney, Beacon Building, and
R. Harold R. Brambo, 2502 South Market

REQUEST: Exception to permit the installation and construction
of off street parking lot at the southwest corner of Osie and
Market

Variance 1: for the complete waiver of the side yard setback require-
ment so that this area can be utilized for off-street parking.

Variance 2: to permit only 26 off-street parking spaces rather than
60 spaces as required by the code.

Variance 3: to permit only a 22 foot front yard setback rather than
25 feet as required by the Code.

GENERAL LOCATION: Generally located on both sides of Market in an
area south of Osie.

ZONING: The property in question - "A" Two family
South - "A" Two family
North - "A" Two family
West - "A" Two family
East - "LC" Light Commercial

ADJACENT PROPERTIES: The property in question - church
South - Single family
East - Vacant
North - Single family
West - Single family

RECOMMENDATION:

The Board has jurisdiction to consider the variances pursuant
to Section 12.590, Code of the City of Wichita, and also has
jurisdiction as provided in Section 28.04.140.B., of the Code, to
consider this exception.

COMMENTS BY SECRETARY:

The First Wesleyan Methodist Church is proposing to add to
their existing church by constructing a new sanctuary. However, in
order to obtain a permit for the proposed addition, the church has
to provide 60 off-street parking spaces. Since the church cannot
provide that, the requirement of 60 spaces be lowered to 26 spaces.

Page 2 - Secretary's Report
Case No. BZA 40-64

Since a small portion of the new addition to the church will project 3 feet into the required front yard setback of 25 feet, they have requested that the front yard setback be lowered from 25 to 22 feet.

In order to provide the 26 off-street parking spaces, the church has acquired a 42 by 140 foot lot at the southwest corner of Market and Osie. In order to utilize this lot for off-street parking, the church has requested that an exception to the ordinance be granted to allow them to utilize the lot for parking. They have also requested that the side yard setback of 3 feet be waived so that this can be utilized for parallel parking.

VARIANCE - PART I

In order to grant the variance request, the Board must find all four of the following conditions to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provisions of the zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

So that there is no misunderstanding, the variances requested are as follows:

1. Variance to lower required parking spaces from 60 to 26
2. Variance to reduce front yard setback from 25 to 22 feet
3. Variance for complete waiver of the side yard setback on lot located at southwest corner of Market and Osie.

UNIQUENESS

There is nothing which is exceptionally unique about the variance request except that this church is like almost every other church in the city in that at the time expansion is proposed, almost every church has a very difficult time in providing the necessary parking requirements.

Page 3 - Secretary's Report
Case No. BZA 40-64

It is the Secretary's opinion that the request for a variance of the front yard setback requirement and the side yard requirement is somewhat unique in that only a very small portion of the proposed addition will extend into the front yard setback, and there appears to be no reason why the side yard setback of 3 feet should be maintained at the southeast corner of Osie and Market.

It is also the opinion of the Secretary that the request for a variance of the parking requirement from 60 spaces to 26 spaces is somewhat unique in that it is very difficult for churches to acquire additional land which is occupied by single family homes and clear the property for a parking lot. In most every instance, the adjacent residents want more for their property than it is worth, and consequently the church must wait until the price becomes reasonable before the property can be acquired.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variances of the side and front yard setback requirements should in no way adversely affect the rights of adjacent property owners. However, it is also the opinion of the Secretary that to grant a variance by lowering the parking requirements by more than 50% could have some adverse affect upon adjacent property owners. If a variance of 34 spaces is granted, it appears from viewing this area, that the only place these cars would have to park is on the street. Consequently, it is the Secretary's opinion that the rights of adjacent property owners could be adversely affected since the granting of the variance could perpetuate the on-street parking problem in the area and could thereby hinder the circulation of traffic in this vicinity, especially on Sundays.

HARDSHIP

The Secretary agrees with the applicant that if the variance is not granted the church would be burdened with unnecessary hardship in that they would not be able to build the addition to the church to accommodate the increasing needs of their expanding congregation.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of a variance of the front and side yard setback requirements should in no way adversely affect the public interest. However, it would appear that to grant a variance of the parking requirements by more than 50%, would, to some extent, adversely affect the public interest in that if a precedent of this type is set, there is really no need

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Case No. BZA 40-64

to have the off-street parking requirements for churches which are now contained in the ordinance. Almost any church could then request that the parking requirements be lowered by more than 50%.

RECOMM [REDACTED] SECRETARY

It is the opinion of the Secretary that all four conditions necessary to the granting of the variance for complete waiver of the side yard setback and for variance of the front yard setback from 25 down to 22 feet can be found to exist. Consequently, it is recommended that these two variances be granted. However, it is also the opinion of the Secretary that the granting of the variance to lower the parking requirement from 60 spaces down to 26 spaces could adversely affect adjacent property owners and to some extent adversely affect the public interest. Therefore, it is recommended that the variance of the parking requirements be denied.

[REDACTED]

It appears from viewing the plot plan that the parking lot which the church is proposing to construct at the southwest corner of Osie and Market does meet the recommended standards of the Traffic Engineer so far as the parking layout and traffic circulation is concerned. Therefore, it is recommended that an exception be granted for the construction and installation of an off-street parking lot at the southwest corner of Market and Osie, subject to the following conditions and requirements:

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 parking lot shall be permitted.
3. Parking areas and driveways providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt. It shall be maintained in good condition and free of all weeds, dust, trash and other debris.
4. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
5. If lighting facilities are provided, it shall be the low pedestal type lights at a height of not greater than six feet and shall be hooded so as to project the light downward.

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Case No. BZA 40-64

6. A five foot high solid wood, masonry, louvered reduced or woven chain link fence shall be erected along the south property line of the following described tract: Lot 50 and the north 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, except that the fence shall be reduced from 5 feet to 3 feet in height in the front yard setback area.
7. A corporate performance bond in the amount of \$500 shall be submitted to the City Clerk to guarantee that the fence will be constructed and that the parking lot will be hard-surfaced. This performance bond shall be submitted to the City Clerk within 60 days from the effective date of the approval of this resolution.
8. The parking lot shall be constructed in accordance with the conditions as outlined in this resolution within 24 months from the effective date of the approval of this resolution, or the permit shall be null and void.

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

November 18, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 40-64

An application has been filed by First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon Building, Wichita, KANSAS, AND Ronald R. Brannon, Agent, 2052 South Market, Wichita, Kansas, requesting the following:

A Variance as provided in Section 2,12,590, Code of the City of Wichita, to permit only 26 off-street parking spaces rather than 60 spaces as required by the Code, on property legally described as follows:

Lots 49, 51, 53 and north 15 feet of Lot 55,
English's 6th Addition, in the City of Wichita,
Sedgwick County, Kansas.

generally located on the southeast corner of Market and Osie.

This application has been assigned Case No. BZA 40-64, and will be reconsidered by the Board of Zoning Appeals on Tuesday, November 24, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by agent or attorney.

This same application was considered by the Board of Zoning Appeals at its meeting on October 27, 1964, at which time other requests relating to parking facilities were considered and approved, but the request as it related to a variance of the parking ratio was deferred until November 24, 1964.

Jack H. Galbraith
Secretary

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

45

November 18, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 40-64

An application has been filed by First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon Building, Wichita, KANSAS, AND Ronald R. Brannon, Agent, 2052 South Market, Wichita, Kansas, requesting the following:

A Variance as provided in Section 2.12.590, Code of the City of Wichita, to permit only 26 off-street parking spaces rather than 60 spaces as required by the Code, on property legally described as follows:

Lots 49, 51, 53 and north 15 feet of Lot 55,
English's 6th Addition, in the City of Wichita,
Sedgwick County, Kansas,

generally located on the southeast corner of Market and Osie.

This application has been assigned Case No. BZA 40-64, and will be reconsidered by the Board of Zoning Appeals on Tuesday, November 24, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by agent or attorney.

This same application was considered by the Board of Zoning Appeals at its meeting on October 27, 1964, at which time other requests relating to parking facilities were considered and approved, but the request as it related to a variance of the parking ratio was deferred until November 24, 1964.

Jack H. Galbraith
Jack H. Galbraith
Secretary

CASE NO. BZA 40-64 - 38 NOTICES MAILED NOVEMBER 19 FOR RECONSIDERATION
OF REQUEST FOR VARIANCE OF PARKING RATIO ON
NOVEMBER 24, 1964

*notice To Louis C
Mathias Sabato
returned 11-30-64*

November 9, 1964

First Wesleyan Methodist Church
1712 South Market
Wichita, Kansas

Gentlemen:

Re: Case No. BEA 40-64

On October 30, 1964, we advised you that the Board of Zoning Appeals had approved the above application insofar as it related to requests for an exception to permit off-street parking on property zoned "A", and variance of the front and side yard setback requirements, such approval being subject to conditions as specified in that letter, and all being related to property generally located on both sides of Market in an area south of Osie.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before November 6, 1964. The City Clerk has advised that no appeal was filed on or before the date indicated and the decision of the Board of Zoning Appeals is, therefore, final.

Copies of the three resolutions adopted in this case on October 27, 1964, are enclosed herewith for your information and files.

Your request for a variance relating to ratio of off-street parking spaces to be provided will be scheduled for reconsideration by the Board of Zoning Appeals on November 24, 1964.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Rev. Ronald R. Brannon
2052 South Market

Walter Sawhill, Attorney
Beacon Building

Glen Lytle, Superintendent of Central Inspection

WICHITA—SEDCWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

AMHERST 2-8211—AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.

First ~~Wesleyan~~ Methodist Church
1712 South Market
Wichita, Kansas

November 9, 1964

Gentlemen:

Re: Case No. BZA 40-64

On October 30, 1964, we advised you that the Board of Zoning Appeals had approved the above application insofar as it related to requests for an exception to permit off-street parking on property zoned "A", and variance of the front and side yard setback requirements, such approval being subject to conditions as specified in that letter, and all being related to property generally located on both sides of Market in an area south of Osie.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before November 6, 1964. The City Clerk has advised that no appeal was filed on or before the date indicated and the decision of the Board of Zoning Appeals is, therefore, final.

Copies of the three resolutions adopted in this case on October 27, 1964, are enclosed herewith for your information and files.

Your request for a variance relating to ratio of off-street parking spaces to be provided will be scheduled for reconsideration by the Board of Zoning Appeals on November 24, 1964.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:bx

cc: Rev. Ronald R. Brannon
2052 South Market
ALL-AMERICA CITY
Walter Sawhill, Attorney
Paccon Building

Glen Lytle, Superintendent of Central Inspection

RESOLUTION NO. BZA 40-64(A)

One of Four Resolutions Pertaining to BZA 40-64

WHEREAS, the First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon 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 facilities in an "A" Two Family Dwelling District; and

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

Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas,

generally located at the southwest corner of Market and Osie; 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 27th day of October, 1964; and

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

WHEREAS, the property is zoned "A" Two Family Dwelling District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the Exception requested be approved for the installation and construction of off-street parking facilities on property zoned "A", and legally described as follows:

Lot 50 and the North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas,

generally located at the southwest corner of Market and Osie, subject to the following:

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 parking lot shall be permitted.
3. Parking areas and driveways providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt. It shall be maintained in good condition and free of all weeds, dust, trash and other debris.
4. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

5. If lighting facilities are provided, it shall be the low pedestal type lights at a height of not greater than six feet and shall be hooded so as to project the light downward.
6. A five foot high solid wood, masonry, louvered redwood or woven chainlink fence shall be erected along the south property line of the following described tract: Lot 50 and the north 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, except that the fence shall be reduced from 5 feet to 3 feet in height in the front yard setback area.
7. A corporate performance bond in the amount of \$500 shall be submitted to the City Clerk to guarantee that the fence will be constructed and that the parking lot will be hard-surfaced. This performance bond shall be submitted to the City Clerk within 60 days from the effective date of the approval of this resolution.
8. The parking lot shall be constructed in accordance with the conditions as outlined in this resolution within 24 months from the effective date of the approval of this resolution, or the permit shall be null and void.
9. Off-street parking shall not occupy any part of the front yard setback.

ADOPTED AT WICHITA, KANSAS, this 27th day of October,
1964.

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

RESOLUTION NO. BZA 40-64(B)

One of Four Resolutions Pertaining to BZA 40-64(B)

WHEREAS, the First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon Building, Wichita, Kansas, has requested a Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a waiver of a requirement for a 3 foot side yard setback, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas,

generally located on the southwest corner of Market and Osie; 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 27th day of October, 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 Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district in that the church, like almost every other church in the city, is expanding and consequently must obtain the maximum utilization of its property; and further, it is unique in that there appears to be no reason why the side yard setback of 3 feet should be maintained at the southwest corner of Osie and Market; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not adversely affect adjacent property owners or residents inasmuch as controls will be exercised for proper operation of the lot, i.e., fencing, bumper guards for parking spaces, etc.; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in that if the variance is not granted, the church will not be able to build the additional facilities to accommodate the increasing needs of its expanding congregation; 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 a variance be granted waiving any requirement for a 3 foot side yard setback on the following described property:

1-5
Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas,

generally located on the southwest corner of Market and Osie, 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.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. Parking areas and driveways providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt. It shall be maintained in good condition and free of all weeds, dust, trash and other debris.
4. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
5. If lighting facilities are provided, it shall be the low pedestal type lights at a height of not greater than six feet and shall be hooded so as to project the light downward.
6. A five foot high solid wood, masonry, louvered redwood or woven chainlink fence shall be erected along the south property line of the following described tract: Lot 50 and the north 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, except that the fence shall be reduced from 5 feet to 3 feet in height in the front yard setback area.
7. A corporate performance bond in the amount of \$500 shall be submitted to the City Clerk to guarantee that the fence will be constructed and that the parking lot will be hard-surfaced. This performance bond shall be submitted to the City Clerk within 60 days after the effective date of the approval of this resolution.
8. The parking lot shall be constructed in accordance with the conditions as outlined in this resolution within 24 months from the effective date of the approval of this resolution, or the permit shall be null and void.
9. Off-street parking shall not occupy any part of the front yard setback.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1964.

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

Harold Bauer
Harold Bauer, Chairman

R E S O L U T I O N N O . B Z A 40-64(C)

One of Four Resolutions Pertaining to BZA 40-64

WHEREAS, the First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon Building, Wichita, Kansas, has requested a Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, to permit a 22 foot front yard setback rather than 25 feet as provided by the Code, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lots 49, 51, 53 and north 15 feet of Lot 55,
on Market Street, English's 6th Addition, in
the City of Wichita, Sedgwick County, Kansas,

generally located at the southeast corner of Market and Osie; 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 27th day of October, 1964; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district in that the church, like almost every other church in the city, is expanding and consequently must obtain the maximum utilization of its property and, further, it is unique in that only a small portion of the proposed addition will extend into the front yard setback; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not adversely affect adjacent property owners or residents; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in that if the variance is not granted, the church will not be able to build the additional facilities to accommodate the increasing needs of its expanding congregation; 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 a variance be granted to permit a 22 foot front yard setback rather than 25 feet as provided by the Code, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lots 49, 51, 53 and north 15 feet of Lot 55,
on Market Street, English's 6th Addition, in the
City of Wichita, Sedgwick County, Kansas,

generally located on the southeast corner of Market and Osie.

ADOPTED AT WICHITA, KANSAS, this 27th day of October,
1964.

Harold Bauer
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

Board of Zoning Appeals

November 5, 1964

Robert G. Finch, City Clerk
Jack H. Galbraith, Secretary

Case No. BZA 40-64

Attached are copies of resolutions No. BZA 40-64(A), BZA 40-64(B) and BZA 40-64(C), which were adopted by the Board of Zoning Appeals on October 27, 1964.

An appeal may be filed in your office on or before Friday, November 6, 1964. If an appeal is filed, please advise.

JHG:JWH:ber

Attachment

R E S O L U T I O N N O . B Z A 4 0 - 6 4 (A)

One of Four Resolutions Pertaining to BZA 40-64

WHEREAS, the First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon 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 facilities in an "A" Two Family Dwelling District; and

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

Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas,

generally located at the southwest corner of Market and Osie; 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 27th day of October, 1964; and

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

WHEREAS, the property is zoned "A" Two Family Dwelling District.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals that the Exception requested be approved for the installation and construction of off-street parking facilities on property zoned "A", and legally described as follows:

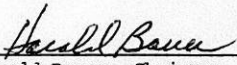
Lot 50 and the North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas,

generally located at the southwest corner of Market and Osie, subject to the following:

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 parking lot shall be permitted.
3. Parking areas and driveways providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt. It shall be maintained in good condition and free of all weeds, dust, trash and other debris.
4. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.

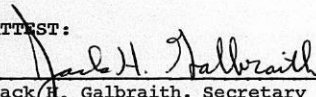
5. If lighting facilities are provided, it shall be the low pedestal type lights at a height of not greater than six feet and shall be hooded so as to project the light downward.
6. A five foot high solid wood, masonry, louvered redwood or woven chainlink fence shall be erected along the south property line of the following described tract: Lot 50 and the north 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, except that the fence shall be reduced from 5 feet to 3 feet in height in the front yard setback area.
7. A corporate performance bond in the amount of \$500 shall be submitted to the City Clerk to guarantee that the fence will be constructed and that the parking lot will be hard-surfaced. This performance bond shall be submitted to the City Clerk within 60 days from the effective date of the approval of this resolution.
8. The parking lot shall be constructed in accordance with the conditions as outlined in this resolution within 24 months from the effective date of the approval of this resolution, or the permit shall be null and void.
9. Off-street parking shall not occupy any part of the front yard setback.

ADOPTED AT WICHITA, KANSAS, this 27th day of October,
1964.



Harold Bauer, Chairman

ATTEST:



Jack H. Galbraith, Secretary

R E S O L U T I O N N O . B Z A 4 0 - 6 4 (B)

One of Four Resolutions Pertaining to BZA 40-64(B)

WHEREAS, the First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon Building, Wichita, Kansas, has requested a Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a waiver of a requirement for a 3 foot side yard setback, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas,

generally located on the southwest corner of Market and Osie; 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 27th day of October, 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 Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district in that the church, like almost every other church in the city, is expanding and consequently must obtain the maximum utilization of its property; and further, it is unique in that there appears to be no reason why the side yard setback of 3 feet should be maintained at the southwest corner of Osie and Market; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not adversely affect adjacent property owners or residents inasmuch as controls will be exercised for proper operation of the lot, i.e., fencing, bumper guards for parking spaces, etc.; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in that if the variance is not granted, the church will not be able to build the additional facilities to accommodate the increasing needs of its expanding congregation; 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 a variance be granted waiving any requirement for a 3 foot side yard setback on the following described property:

Lot 50 and North 17 feet of Lot 52 on South
Market Street, in the City of Wichita, Sedgwick
County, Kansas,

generally located on the southwest corner of Market and Osie,
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.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. Parking areas and driveways providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt. It shall be maintained in good condition and free of all weeds, dust, trash and other debris.
4. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
5. If lighting facilities are provided, it shall be the low pedestal type lights at a height of not greater than six feet and shall be hooded so as to project the light downward.
6. A five foot high solid wood, masonry, louvered redwood or woven chainlink fence shall be erected along the south property line of the following described tract: Lot 50 and the north 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, except that the fence shall be reduced from 5 feet to 3 feet in height in the front yard setback area.
7. A corporate performance bond in the amount of \$500 shall be submitted to the City Clerk to guarantee that the fence will be constructed and that the parking lot will be hard-surfaced. This performance bond shall be submitted to the City Clerk within 60 days after the effective date of the approval of this resolution.
8. The parking lot shall be constructed in accordance with the conditions as outlined in this resolution within 24 months from the effective date of the approval of this resolution, or the permit shall be null and void.
9. Off-street parking shall not occupy any part of the front yard setback.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1964.

ATTEST:

Jack H. Galbraith
Jack H. Galbraith, Secretary

Harold Bauer
Harold Bauer, Chairman

R E S O L U T I O N N O . B Z A 40-64(C)

One of Four Resolutions Pertaining to BZA 40-64

WHEREAS, the First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon Building, Wichita, Kansas, has requested a Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, to permit a 22 foot front yard setback rather than 25 feet as provided by the Code, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lots 49, 51, 53 and north 15 feet of Lot 55,
on Market Street, English's 6th Addition, in
the City of Wichita, Sedgwick County, Kansas,

generally located at the southeast corner of Market and Osie; 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 27th day of October, 1964; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district in that the church, like almost every other church in the city, is expanding and consequently must obtain the maximum utilization of its property and, further, it is unique in that only a small portion of the proposed addition will extend into the front yard setback; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not adversely affect adjacent property owners or residents; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in that if the variance is not granted, the church will not be able to build the additional facilities to accommodate the increasing needs of its expanding congregation; 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

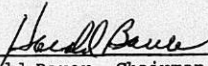
WHEREAS, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that a variance be granted to permit a 22 foot front yard setback rather than 25 feet as provided by the Code, on property zoned "A" Two Family Dwelling District, and legally described as follows:

Lots 49, 51, 53 and north 15 feet of Lot 55,
on Market Street, English's 6th Addition, in the
City of Wichita, Sedgwick County, Kansas,

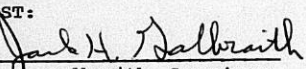
generally located on the southeast corner of Market and Osie.

ADOPTED AT WICHITA, KANSAS, this 27th day of October,
1964.



Harold Bauer, Chairman

ATTEST:



Jack H. Galbraith, Secretary

SECRETARY'S REPORT

CASE NO. BZA 40-64

APPLICANT: First Wesleyan Methodist Church, 1712 South Market

AGENT: Walter Sawhill, Attorney, Beacon Building, and
Rev. Ronald R. Brannon, 2502 South Market

REQUEST: Excavation to permit the installation and construction
of an off street parking lot at the southwest corner of Osie and
Market.

Variance for the complete waiver of the side yard setback require-
ments so that this area can be utilized for off-street parking.

Variance to permit only 26 off-street parking spaces rather than
60 spaces as required by the code.

Variance to permit only a 22 foot front yard setback rather than
25 feet as required by the Code.

GENERAL LOCATION: Generally located on both sides of Market in an
area south of Osie.

ZONING: The property in question - "A" Two family
South - "A" Two family
North - "A" Two family
West - "A" Two family
East - "LC" Light Commercial

LAND USE: The property in question - church
South - Single family
East - Vacant
North - Single family
West - Single family

JURISDICTION:

The Board has jurisdiction to consider the variances pursuant
to Section 2.12.590, Code of the City of Wichita, and also has
jurisdiction as provided in Section 28.04.140.B., of the Code, to
consider the exception.

COMMENTS BY THE SECRETARY

The First Wesleyan Methodist Church is proposing to add to
their existing church by constructing a new sanctuary. However, in
order to obtain a permit for the proposed addition, the church has
to provide 60 off-street parking spaces. Since the church cannot
provide that, the requirement of 60 spaces be lowered to 26 spaces.

Since a small portion of the new addition to the church will project 3 feet into the required front yard setback of 25 feet, they have requested that the front yard setback be lowered from 25 to 22 feet.

In order to provide the 26 off-street parking spaces, the church has acquired a 42 by 140 foot lot at the southwest corner of Market and Osie. In order to utilize this lot for off-street parking, the church has requested that an exception to the ordinance be granted to allow them to utilize the lot for parking. They have also requested that the side yard setback of 3 feet be waived so that this can be utilized for parallel parking.

VARIANCE - PART I

In order to grant the variance request, the Board must find all four of the following conditions to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provisions of the zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

So that there is no misunderstanding, the variances requested are as follows:

1. Variance to lower required parking spaces from 60 to 26
2. Variance to reduce front yard setback from 25 to 22 feet
3. Variance for complete waiver of the side yard setback on lot located at southwest corner of Market and Osie.

UNIQUENESS

There is nothing which is exceptionally unique about the variance request except that this church is like almost every other church in the city in that at the time expansion is proposed, almost every church has a very difficult time in providing the necessary parking requirements.

It is the Secretary's opinion that the request for a variance of the front yard setback requirement and the side yard requirement is somewhat unique in that only a very small portion of the proposed addition will extend into the front yard setback, and there appears to be no reason why the side yard setback of 3 feet should be maintained at the southeast corner of Osie and Market.

It is also the opinion of the Secretary that the request for a variance of the parking requirement from 60 spaces to 26 spaces is somewhat unique in that it is very difficult for churches to acquire additional land which is occupied by single family homes and clear the property for a parking lot. In most every instance, the adjacent residents want more for their property than it is worth, and consequently the church must wait until the price becomes reasonable before the property can be acquired.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variances of the side and front yard setback requirements should in no way adversely affect the rights of adjacent property owners. However, it is also the opinion of the Secretary that to grant a variance by lowering the parking requirements by more than 50% could have some adverse affect upon adjacent property owners. If a variance of 34 spaces is granted, it appears from viewing this area, that the only place these cars would have to park is on the street. Consequently, it is the Secretary's opinion that the rights of adjacent property owners could be adversely affected since the granting of the variance could perpetuate the on-street parking problem in the area and could thereby hinder the circulation of traffic in this vicinity, especially on Sundays.

HARDSHIP

The Secretary agrees with the applicant that if the variance is not granted the church would be burdened with unnecessary hardship in that they would not be able to build the addition to the church to accommodate the increasing needs of their expanding congregation.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of a variance of the front and side yard setback requirements should in no way adversely affect the public interest. However, it would appear that to grant a variance of the parking requirements by more than 50%, would, to some extent, adversely affect the public interest in that if a precedent of this type is set, there is really no need

to have the off-street parking requirements for churches which are now contained in the ordinance. Almost any church could then request that the parking requirements be lowered by more than 50%.

RECOMMENDATION OF THE SECRETARY

It is the opinion of the Secretary that all four conditions necessary to the granting of the variance for complete waiver of the side yard setback and for variance of the front yard setback from 25 down to 22 feet can be found to exist. Consequently, it is recommended that these two variances be granted. However, it is also the opinion of the Secretary that the granting of the variance to lower the parking requirement from 60 spaces down to 26 spaces could adversely affect adjacent property owners and to some extent adversely affect the public interest. Therefore, it is recommended that the variance of the parking requirements be denied.

EXCEPTION - PART II

It appears from viewing the plot plan that the parking lot which the church is proposing to construct at the southwest corner of Osie and Market does meet the recommended standards of the Traffic Engineer so far as the parking layout and traffic circulation is concerned. Therefore, it is recommended that an exception be granted for the construction and installation of an off-street parking lot at the southwest corner of Market and Osie, subject to the following conditions and requirements:

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 parking lot shall be permitted.
3. Parking areas and driveways providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt. It shall be maintained in good condition and free of all weeds, dust, trash and other debris.
4. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
5. If lighting facilities are provided, it shall be the low pedestal type lights at a height of not greater than six feet and shall be hooded so as to project the light downward.

6. A five foot high solid wood, masonry, louvered redwood or woven chain link fence shall be erected along the south property line of the following described tract: Lot 50 and the north 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, except that the fence shall be reduced from 5 feet to 3 feet in height in the front yard setback area.
7. A corporate performance bond in the amount of \$500 shall be submitted to the City Clerk to guarantee that the fence will be constructed and that the parking lot will be hard-surfaced. This performance bond shall be submitted to the City Clerk within 60 days from the effective date of the approval of this resolution.
8. The parking lot shall be constructed in accordance with the conditions as outlined in this resolution within 24 months from the effective date of the approval of this resolution, or the permit shall be null and void.

October 30, 1964

First Wesleyan Methodist Church
1712 South Market
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 40-64

This is to advise you that at its regular meeting of October 27, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for exception and variances as follows:

Exception to permit the installation or construction of an off-street parking lot on property zoned "A" Two Family Dwelling District;

Variance for complete waiver of the required 3 foot side yard setback;

Variance to permit only 26 off-street parking spaces rather than 60 spaces as required; and

Variance to permit a 22 foot front yard setback rather than 25 feet as required,

all being in conjunction with expansion of the church facilities generally located on both sides of Market in an area south of Osie.

It was the decision of the Board of Zoning Appeals to approve the Exception request and the variances pertaining to waiving of the 3 foot side yard and a setback of 22 feet rather than 25 for the front yard, such approval being subject to the following:

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.

**Page 2 - First Wesleyan Methodist Church
October 30, 1964**

2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. Parking areas and driveways providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt. It shall be maintained in good condition and free of all weeds, dust, trash and other debris.
4. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
5. If lighting facilities are provided, it shall be the low pedestal type lights at a height of not greater than six feet and shall be hooded so as to project the light downward.
6. A five foot high solid wood, masonry, louvered redwood or woven chain link fence shall be erected along the south property line of the following described tract: Lot 50 and the north 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, except that the fence shall be reduced from 5 feet to 3 feet in height in the front yard setback area.
7. A corporate performance bond in the amount of \$500 shall be submitted to the City Clerk to guarantee that the fence will be constructed and that the parking lot will be hardsurfaced. This performance bond shall be submitted to the City Clerk within 60 days from the effective date of the approval of this resolution.
8. The parking lot shall be constructed in accordance with the conditions as outlined in this resolution within 24 months from the effective date of the approval of this resolution, or the permit shall be null and void.
9. Off-street parking shall not occupy any part of the front yard setback.

It was further the action of the Board of Zoning Appeals to defer until November 24, 1964, your request for a variance related to the off-street parking spaces to be provided.

Page 3 - First Wesleyan Methodist Church
October 30, 1964

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

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Rev. Ronald R. Brannon
2052 South Market

Walter Sawhill, Attorney
Beacon Building

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 40-64

APPLICANT: First Wesleyan Methodist Church, 1712 South Market

AGENT: Walter Sawhill, Attorney, Beacon Building, and
Rev. Ronald R. Brannon, 2502 South Market

REQUEST: Exception to permit the installation and construction
of an off street parking lot at the southwest corner of Osie and
Market.

Variance for the complete waiver of the side yard setback require-
ments so that this area can be utilized for off-street parking.

Variance to permit only 26 off-street parking spaces rather than
60 spaces as required by the code.

Variance to permit only a 22 foot front yard setback rather than
25 feet as required by the Code.

GENERAL LOCATION: Generally located on both sides of Market in an
area south of Osie.

ZONING: The property in question - "A" Two family
South - "A" Two family
North - "A" Two family
West - "A" Two family
East - "LC" Light Commercial

LAND USE: The property in question - church
South - Single family
East - Vacant
North - Single family
West - Single family

JURISDICTION:

The Board has jurisdiction to consider the variances pursuant
to section 2.12.590, Code of the City of Wichita, and also has
jurisdiction as provided in Section 28.04.140.B., of the Code, to
consider the exception.

COMMENTS BY THE SECRETARY

The First Wesleyan Methodist Church is proposing to add to
their existing church by constructing a new sanctuary. However, in
order to obtain a permit for the proposed addition, the church has
to provide 60 off-street parking spaces. Since the church cannot
provide that, the requirement of 60 spaces be lowered to 26 spaces.

Since a small portion of the new addition to the church will project 3 feet into the required front yard setback of 25 feet, they have requested that the front yard setback be lowered from 25 to 22 feet.

In order to provide the 26 off-street parking spaces, the church has acquired a 42 by 140 foot lot at the southwest corner of Market and Osie. In order to utilize this lot for off-street parking, the church has requested that an exception to the ordinance be granted to allow them to utilize the lot for parking. They have also requested that the side yard setback of 3 feet be waived so that this can be utilized for parallel parking.

VARIANCE - PART I

In order to grant the variance request, the Board must find all four of the following conditions to exist:

1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provisions of the zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

So that there is no misunderstanding, the variances requested are as follows:

1. Variance to lower required parking spaces from 60 to 26
2. Variance to reduce front yard setback from 25 to 22 feet
3. Variance for complete waiver of the side yard setback on lot located at southwest corner of Market and Osie.

UNIQUENESS

There is nothing which is exceptionally unique about the variance request except that this church is like almost every other church in the city in that at the time expansion is proposed, almost every church has a very difficult time in providing the necessary parking requirements.

It is the Secretary's opinion that the request for a variance of the front yard setback requirement and the side yard requirement is somewhat unique in that only a very small portion of the proposed addition will extend into the front yard setback, and there appears to be no reason why the side yard setback of 3 feet should be maintained at the southeast corner of Osie and Market.

It is also the opinion of the Secretary that the request for a variance of the parking requirement from 60 spaces to 26 spaces is somewhat unique in that it is very difficult for churches to acquire additional land which is occupied by single family homes and clear the property for a parking lot. In most every instance, the adjacent residents want more for their property than it is worth, and consequently the church must wait until the price becomes reasonable before the property can be acquired.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variances of the side and front yard setback requirements should in no way adversely affect the rights of adjacent property owners. However, it is also the opinion of the Secretary that to grant a variance by lowering the parking requirements by more than 50% could have some adverse affect upon adjacent property owners. If a variance of 34 spaces is granted, it appears from viewing this area, that the only place these cars would have to park is on the street. Consequently, it is the Secretary's opinion that the rights of adjacent property owners could be adversely affected since the granting of the variance could perpetuate the on-street parking problem in the area and could thereby hinder the circulation of traffic in this vicinity, especially on Sundays.

HARDSHIP

The Secretary agrees with the applicant that if the variance is not granted the church would be burdened with unnecessary hardship in that they would not be able to build the addition to the church to accommodate the increasing needs of their expanding congregation.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of a variance of the front and side yard setback requirements should in no way adversely affect the public interest. However, it would appear that to grant a variance of the parking requirements by more than 50%, would, to some extent, adversely affect the public interest in that if a precedent of this type is set, there is really no need

to have the off-street parking requirements for churches which are now contained in the ordinance. Almost any church could then request that the parking requirements be lowered by more than 50%.

RECOMMENDATION OF THE SECRETARY

It is the opinion of the Secretary that all four conditions necessary to the granting of the variance for complete waiver of the side yard setback and for variance of the front yard setback from 25 down to 22 feet can be found to exist. Consequently, it is recommended that these two variances be granted. However, it is also the opinion of the Secretary that the granting of the variance to lower the parking requirement from 60 spaces down to 26 spaces could adversely affect adjacent property owners and to some extent adversely affect the public interest. Therefore, it is recommended that the variance of the parking requirements be denied.

EXCEPTION - PART II

It appears from viewing the plot plan that the parking lot which the church is proposing to construct at the southwest corner of Osie and Market does meet the recommended standards of the Traffic Engineer so far as the parking layout and traffic circulation is concerned. Therefore, it is recommended that an exception be granted for the construction and installation of an off-street parking lot at the southwest corner of Market and Osie, subject to the following conditions and requirements:

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 parking lot shall be permitted.
3. Parking areas and driveways providing ingress and egress to parking areas shall be surfaced with concrete, asphaltic concrete, or asphalt. It shall be maintained in good condition and free of all weeds, dust, trash and other debris.
4. The parking area shall have adequate guards to prevent extension or the overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
5. If lighting facilities are provided, it shall be the low pedestal type lights at a height of not greater than six feet and shall be hooded so as to project the light downward.

6. A five foot high solid wood, masonry, louvered redwood or woven chain link fence shall be erected along the south property line of the following described tract: Lot 50 and the north 17 feet of Lot 52 on South Market Street in the City of Wichita, Sedgwick County, Kansas, except that the fence shall be reduced from 5 feet to 3 feet in height in the front yard setback area.
7. A corporate performance bond in the amount of \$500 shall be submitted to the City Clerk to guarantee that the fence will be constructed and that the parking lot will be hard-surfaced. This performance bond shall be submitted to the City Clerk within 60 days from the effective date of the approval of this resolution.
8. The parking lot shall be constructed in accordance with the conditions as outlined in this resolution within 24 months from the effective date of the approval of this resolution, or the permit shall be null and void.

CASE NO. BZA 40-64

38 NOTICES MAILED OCTOBER 8, 1964 FOR MEETING OCTOBER 27, 1964

First Wesleyan Methodist Church 1712 South Market	J. F. Oliver 2156 South Market
Ronald R. Brannon 2052 South Market	T. B. & Mary E. Cline 1645 South Market
Walter Sawhill, Attorney Beacon Building	Maurice N. & christine A. Woodard 120 East Osie
Denys G. Frederickson 3923 East Funston	W. E. & Ruth Lamb 1655 South Market
Frank O. & Blanche F. Meisel Wellsford, Kansas	The Kansas Masonic Home 401 South Seneca
Dora Yockey 1650 South Main	B. F. & Ada Moore Sarah M. Swaney 1709 South Market
Kermith & Bessie E. Fitzpatrick 509 South Elizabeth	Verle D. Allred (Life Estate to Della B. Allred) 1711 South Market
Rudolph W. & Mavis W. Doze 1652 South Main	Beulah Shelton 1717 South Market
Ruth Samuels 1654 South Main	Iva Grace Washburn 1721 South Market
David G. & Mary E. Laird 1702 South Main	Louis C. & Mathilda Sabata 1423 South St. Francis
Harry W. & Nina R. Riley 109 East Osie	Walter O. & Lucille C. Stahl 1640 South Market
Hubert P. & Alva Arlethe Maack 1706 South Main	Elmer B. & Pansy D. Noble 1652 South Market
Earl J. & Genevieve E. Martindale 1710 South Main	Earl E. & Bessie L. Guthrie 1660 South Market
Clyde & Violet Dellenbaugh 1718 South Main	Trustees 1st Wesleyan Methodist Church 1700 South Market
W. B. & Dora Iris Simon 1722 South Main	Gene A. & Pauline Tomeo 1714 South Market
Eugene C. & Opal M. Case 501 McLean Boulevard	

Harry J. & Mabel Staib
1720 South Market

Florence Pulver
721 West 47th Street South

Karsting A. & Genevieve Whitlock
1724 South Market

J. W. & Maxine May Powell
2047 Laura

Zikey George Razook
1643 South Broadway

Paulina Wendel
2432 North Belmont

Inez K. Herndon
1733 south Broadway

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

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 40-64

An application has been filed by First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon Building, Wichita, Kansas, and Ronald R. Brannen, Agent, 2052 South Market, Wichita, Kansas, requesting the following:

AN EXCEPTION to permit the installation or construction of an off-street parking lot as provided in Section 28.04.140, Code of the City of Wichita;

A VARIANCE for complete waiver of the required three foot side yard setback as provided in Section 2.12.590, Code of the City of Wichita, all on property zoned "A" Two Family and legally described as follows:

Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas,

A VARIANCE as provided in Section 2.12.590, Code of the City of Wichita to permit only 26 off-street parking spaces rather than 60 spaces as required by the Code, and

A VARIANCE as provided in Section 2.12.590, Code of the City of Wichita, to permit a 22 foot front yard setback rather than 25 feet as provided by the code, all on property zoned "A" Two Family and legally described as follows:

Lots 49, 51, 53 and north 15 feet of Lot 55, English's 6th Addition, in the City of Wichita, Sedgwick County, Kansas,

All generally located on both sides of Market Street in an area south of Osie.

This application has been assigned Case No. BZA 40-64 and will be considered by the Board of Zoning Appeals on Tuesday, October 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 desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

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

45

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS
Case No. BZA 40-64

An application has been filed by First Wesleyan Methodist Church, 1712 South Market, Wichita, Kansas, by Walter Sawhill, Attorney, Beacon Building, Wichita, Kansas, and Ronald R. Brannon, Agent, 2052 South Market, Wichita, Kansas, requesting the following:

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Lot 50 and North 17 feet of Lot 52 on South Market Street, in the City of Wichita, Sedgwick County, Kansas,

A VARIANCE as provided in Section 2.12.590, Code of the City of Wichita to permit only 26 off-street parking spaces rather than 60 spaces as required by the code, and

A VARIANCE as provided in Section 2.12.590, Code of the City of Wichita, to permit a 22 foot front yard setback rather than 25 feet as provided by the code, all on property zoned "A" Two Family and legally described as follows:

Lots 49, 51, 53 and north 15 feet of Lot 55, English's 6th Addition, in the City of Wichita, Sedgwick County, Kansas,

All parcels located on both sides of Market Street in an area
South of Gate.

This application has been assigned Case No. BZA 40-64 and will be considered by the Board of Zoning Appeals on Tuesday, October 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 desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

September 15, 1964

First Wesleyan Methodist Church
c/o Rev. Ronald R. Brannon
2052 South Market
Wichita, Kansas

Dear Rev. Brannon:

Re: BZA 40-64 - Request for variance
and exception for property
generally located at the south-
east corner of Market and Osie

As you will remember, you came to our office last week to discuss the request for a variance and exception which had been filed on behalf of the church. You will remember at that time that I informed you that this case would be heard by the Board of Zoning Appeals on September 22, 1964. However, I think you will also remember that I told you I had not had a chance to review this application as of the time of our last conversation. Since that time, I have reviewed the application and find that it was filed in our office at 4:15 p.m. on September 3, 1964, which was two days past the closing date of September 1. Since this application was filed late, we did not have a chance to advertise it for an official public hearing, which must appear in the official city paper at least 15 days prior to the hearing before the Board. We cannot schedule this case for hearing until the meeting of the Board on October 27, 1964.

When I found that the application had been filed late and that we did not have time to prepare the appropriate legal publication, I called Mr. Denys G. Frederickson and related the problem to him. He stated that I had advised you that the closing date for filing was September 3; however, if my memory serves me correctly, I believe I informed you that the closing date was the first Tuesday in September and that the hearing would be on the fourth Tuesday of September.

I am sorry that this mix-up occurred. However, I know of no way that the matter can be rectified at this time, since we cannot get it advertised in time for our September 22 hearing. As stated above,

**Page 2 - First Wesleyan Methodist Church
September 15, 1964**

this matter is now scheduled for hearing before the Board of Zoning Appeals on October 27, 1964. If you have any questions, please feel free to call.

Very truly yours,

**James W. Howe
Assistant Secretary**

JWH:ber

**cc: Walter Sawhill, Attorney
Beacon Building**

**Denys G. Frederickson
3923 East Funston**

SAWHILL AND KIMMEL

ATTORNEYS

TELEPHONE AMHERST 7-7371
303-309 BEACON BUILDING
WICHITA, KANSAS 67202

WALTER A. SAWHILL
KENNETH C. KIMMEL

August 31, 1964

Board of Zoning Appeals
City Annex Building
104 South Main
Wichita, Kansas

Gentlemen:

Applications for variances and exception are enclosed herewith along with the fee of \$50.00 required. The variances requested arise from conditions which are unique to the construction of a sanctuary on the S. E. corner of 17th. and Ossie in the City of Wichita. The members of the church body are acquiring, in addition to the description contained in the variances and exception, a certain lot on the S. W. corner of the same intersection by approximately 42' X 140' in order to set the off-street parking regulations. To date sufficient land has not been acquired to set these off-street parking requirements.

The granting of permits for variances and exception will not adversely affect the rights of adjacent property owners' residences in any permanent way. Although, the granting of the parking exception will on Sunday mornings between the hours of 9:00 and 12:00 occasion an additional

Board of Zoning Appeals

-2-

August 31, 1964

amount of parking traffic around the sanctuary. To deny this request for an exception would require the church to restrict its building and development of its property which is asserted to be a benefit to this section of our city.

We respectfully request the variances and exception asked for herein.

Respectfully yours,


Walter A. Sawhill

WAS/jc

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

CASE NO. Case 40-64 (1)

FILED 9-3-64

APPLICATION FOR VARIANCE

I. Name of Applicant First Wesleyan Methodist Church ✓
 Mailing Address 1712 South Market-Wichita, Kansas Phone AM 58500
 Name of Authorized Agent Ronald R. Brannon ✓
Walter Sawhill, attorney ✓
 Mailing Address 2052 S. Market - Wichita, Kansas Phone AM 20553
 Relationship of applicant to property is that of Pastor
 (owner, tenant, lessee, other)

II. The variance requested isto permit a twenty-two foot (22') setback

 for property located 1712 South Market - Wichita, Kansas

 and legally described as: Lots 49, 51, 53 and the North 15 feet
of lot 55 - English's 6th. Addition to the City of Wichita
 in the City of Wichita; and which is presently zoned a 2-family.
 (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.

*MO-74711
74712*
Demps B. Fredrickson ✓
3923 E. Junata
MO-68174

Applicant _____
Ronald L. Brannon
 Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
4:15 (a.m. - (p.m.)), Sept 3, 1964, together with
 appropriate fee of \$50.00.

S. Showers
 Signed

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

- I. Name of Applicant First Wesleyan Methodist Church
Mailing Address 1712 South Market-Wichita, Kansas Phone AM 58500
Name of Authorized Agent Ronald R. Brannon
Mailing Address 2052 S. Market - Wichita, Kansas Phone AM 20553
Relationship of applicant to property is that of Pastor
(owner, tenant, lessee, other)
- II. The variance requested is to permit a twenty-two foot (22') setback

for property located 1712 South Market - Wichita, Kansas

and legally described as: Lots 49, 51, 53 and the North 15 feet
of lot 55 - English's 6th. Addition to the City of Wichita

in the City of Wichita; and which is presently zoned a 2-family
(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.

Applicant

Ronald R. Brannon
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. By 40-6462

FILED 9-3-64

Exception
APPLICATION FOR VARIANCE

I. Name of Applicant First Wesleyan Methodist Church
Mailing Address 1712 South Market-Wichita, Kansas Phone AM 58500
Name of Authorized Agent Ronald R. Brannon
Mailing Address 2052 South Market-Wichita, Kansas Phone AM20553
Relationship of applicant to property is that of Pastor
(owner, tenant, lessee, other)

II. *exception* The variance requested is to permit the use of a parcel of land presently zoned as a two-family residential to be used for parking of vehicles and that a further variance be granted in permitting the side yard requirement of 3 feet to be waived in this instance, and a variance ~~for property located~~ permitting the parking of 16 automobiles on property owned by the applicant and separated from the sanctuary by a public street.

FOR PROPERTY LOCATED AT: 1712 S. Market-Wichita, Kansas
and legally described as: Lot 50 and the North 17 fee of Lot 52
on South Market Street

in the City of Wichita; and which is presently zoned a 2-family.
(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.

Applicant
Ronald R. Brannon
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
4:15 (a.m. p.m.), Sept 3, 1964, together with
appropriate fee of \$50.00.

T21-402

Redhovers
Signed

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

1. Name of Applicant First Wesleyan Methodist Church
Mailing Address 1712 South Market-Wichita, Kansas Phone AM 58500
Name of Authorized Agent Ronald R. Brannon
Mailing Address 2052 South Market-Wichita, Kansas Phone AM20553
Relationship of applicant to property is that of Pastor
(owner, tenant, lessee, other)

II. The variance requested is to permit the use of a parcel of land
presently zoned as a two-family residential to be used for parking of
vehicles and that a further variance be granted in permitting the side
yard requirement of 3 feet to be waived in this instance, and a variance
for property located permitting the parking of 16 automobiles on
property owned by the applicant and separated from the sanctuary by a
public street.

FOR PROPERTY LOCATED AT: 1712 S. Market-Wichita, Kansas
and legally described as: Lot 50 and the North 17 fee of Lot 52
on South Market Street

in the City of Wichita; and which is presently zoned a 2-family.

(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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;
 - 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;
 - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Applicant

Ronald R. Brannon
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. Bya 40-64(3)
FILED 7-3-64

APPLICATION FOR EXCEPTION

I. Name of Applicant First Wesleyan Methodist Church
Mailing Address 1712 South Market Phone AM 58500
Wichita, Kansas
Name of Authorized Agent Ronald R. Brannon
Mailing Address 2052 South Market-Wichita, Ks. Phone AM 20553
Relationship of applicant to property is that of Pastor
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.140, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of church sanctuary having off-street parking of 27 instead
of the required 60 vehicles. on property zoned
a 2-family, located At the S.E. corner of Market and Ossie.
and legally described as: Lots 49, 51
53 and the N 15 feet of lot 55, English's 6th. Addition to the City
of Wichita; Lot 50 and the N 17 feet of lot 52 on South Market
Street., 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.

Applicant _____

Authorized Agent Ronald R. Brannon

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 7-15 (a.m. ~~(p.m.)~~), Sept. 3, 1964, together with appropriate fee of \$50.00.

Signed Letty Showers

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant First Wesleyan Methodist Church
Mailing Address 1712 South Market Phone AM 58500
Wichita, Kansas
Name of Authorized Agent Ronald R. Brannon
Mailing Address 2052 South Market-Wichita, Ks. Phone AM 20553
Relationship of applicant to property is that of Pastor
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
28.04.140, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of church sanctuary having off-street parking of 27 instead
of the required 60 vehicles. At _____ on property zoned
a 2-family, located At the S.E. corner of Market and Ossie.
_____ and legally described as: Lots 49, 51
53 and the N 15 feet of lot 55, English's 6th. Addition to the City
of Wichita; Lot 50 and the N 17 feet of lot 52 on South Market
Street, _____, 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.

Applicant _____
Authorized Agent Ronald R. Brannon

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 _____

STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
 SEDGWICK COUNTY)

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

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

Property lying within a radius of 200 ft
 of: Lots 49, 51, 53 & N 15 ft of Lot 55, on Market
 Street & Lot 50 & N 17 ft of Lot 52, on Market Street,
 all in English 6th Addition to Wichita, Kansas.

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

Lot	Street	Addition	Owner
35	Main	English's 6th	Frank O. & Blanche F. Meisel, ux Wellsford, Kansas ✓
37 & 39	"	" "	Dora Yockey ✓ 1650 S. Main ✓
41, 43, 45 " & 47 (E 45')	"	" "	Kermith & Bessie E. Fitzpatrick, 509 S. Elizabeth ✓ ux
41 & 43 (W95') "	"	" "	Rudolph W. & Mavis W. Doze, ux 1652 S. Main ✓
45 & 47 (W 95') "	"	" "	Ruth Samuels ✓ 1654 S. Main ✓
49 & 51 (W100') & N 13' Lot 53 "	"	" "	David G. & Mary E. Laird, ux 1702 S. Main ✓
49 & 51 (E40') " & E40' N13' Lot 53	"	" "	Harry W. & Nina R. Riley, ux 109 E. Osie ✓

3
 Fidelity
 Title
 Company.
 inc.



Lot	Street	Addition	Owner
53 (S 12') All Lot 55	Main	English's 6th	Hubert P. & Alva Arletha Maack, 1706 S. Main ✓ ux
57 & 59	"	" "	Earl J. & Genevieve E., Martindale 1710 S. Main ✓ ux
61 & 63	"	" "	Clyde & Violet Dellenbaugh, ux 1718 S. Main ✓
65 & 67	"	" "	W. B. & Dora Iris Simon, ux 1722 S. Main ✓
34 & 36	Market	" "	Eugene C. & Opal M. Case, ux ✓ No Address Available 501 McKeon Blvd,
38 & 40	"	" "	J. F. Oliver 2156 S. Market ✓
42 & 44 (E 100') "	"	" "	T. B. & Mary E. Cline, ux 1645 S. Market ✓
42, 44, 46 & 48 (W 40')	"	" "	Maurice N. & Christine A. Woodard 120 E. Osie ✓ ux
46 & 48 (E 100') "	"	" "	W. E. & Ruth Lamb, ux 1655 S. Market ✓
* 52 (S 8') all Lot " " 54 & N 10' Lot 56	"	" "	The Kansas Masonic Home 401 S. Seneca ✓
56 (S 15') All Lot " " 58 & N 3' Lot 60	"	" "	B. F. & Ada Moore, ux Sarah M. Swaney, jt 1709 S. Market ✓
60 (S 22') & N 21' " " Lot 62	"	" "	Verle D. Allred (Life Estate to Della B. Allred) 1711 S. Market ✓
62 (S 4') All Lot 64 & N 14' Lot 66	Market	" "	Beulah Shelton 1717 S. Market ✓
66 (S 11') All Lot " " 68 & N 7' Lot 70	"	" "	Iva Grace Washburn 1721 S. Market ✓
70 (S 18') All Lot 72 "	"	" "	Louis C. & Mathilda Sabata, ux 1423 S. St. Francis ✓
31, 33, 35, 37 "	"	" "	Walter O. & Lucille C. Stahl, ux 1640 S. Market ✓
39, 41 & N 9' Lot 43 "	"	" "	Elmer B. & Pansy D. Noble, ux 1652 S. Market ✓
43 (S 16') All 45 & 47 "	"	" "	Earl E. & Bessie L. Guthrie, ux 1660 S. Market ✓
49, 51, 53, & N 15' of 55 " " * 50 & N 17' Lot 52 "	"	" "	Trustees 1st Wesleyan Methodist Church ✓ 1700 S. Market
55 (N 10') All Lot 57 & N 7.5' of Lot 59	Market	" "	Brd of Trs of Ks. Conf of Wesleyan Methodist Church

*noted
12-11-61*

NA

Lot	Street	Addition	Owner
59 (S 17½') All Lot 61	Market	English's 6th	Gene A. & Pauline Tomeo, ux 1714 S. Market ✓
63 & 65	"	"	Harry J. & Mabel Staib, ux 1720 S. Market ✓
67 & N½ Lot 69	"	"	Florence Pulver ✓ 721 W 47th St. So.
69 (S½) All Lot 71	"	"	Karsting A. & Genevieve Whitlock, ux 1724 S. Market ✓
73 & 75	"	"	J. W. & Maxine May Powell, ux 2047 Laura ✓
36 & 38	Broadway	"	Zikey George Razook ✓ 1643 S. Broadway
42, 44, 46, 48,	"	"	Leslie L. Close & ^{no} <i>aid</i> J. G. McClelland No Address Available
50, 52, 54, 56, 58, 60, 62, 64, 66, 68, 70, 72,	"	"	Paulina Wendel ✓ 2432 N. Belmont
74	"	"	Inez K. Herndon ✓ 1733 S. Broadway

Dated at Wichita, Kansas this 1st day
of September, 1964 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

BY Ekin M Farnese OEM
Sec.

Tracer # 62900

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



Ret 12-11-64

RETURN TO CARRIER
FOR DELIVERY

Bye 40-64

Not at this address

Eugene C. & Opal M. Case
501 McLean Boulevard

RETURN
TO
WRITER



UNKNOWN AT READER
90213

FORM 223-021

PAYMENT NOTICE
City of Wichita

AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION

AMOUNT

Bldg. Insp.	50.00
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Name

Address

Type

Due Date

Comments:

Date

By

1-14-64	L. Shawers
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FORM 223-021

PAYMENT NOTICE
City of Wichita

AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION

AMOUNT

Bldg. Insp.	50.00
-------------	-------

Name

Address

Type

Due Date

Comments:

Date

By

7-3-64	L. Shawers
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*

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