

BZA 1-62 - FIRST FREE WILL BAPTIST  
CHURCH REQUEST VARIANCE FROM REAR  
YARD REQUIREMENTS - SW CORNER OF  
SEDGWICK AND MERTON

ACTION

	DATE
BZA COMMITTEE	<u>Sept 2-22-62</u>
<u>M.P.R.</u>	<u>Deny 3-6-62</u>
B.C.C./B. CO. C.	<u>No Appeal filed</u>

RESOLUTION NO. 1-62

WHEREAS, THE FIRST FREE WILL BAPTIST CHURCH, 1701 SOUTH SEDGWICK, WICHITA, KANSAS, BY LAWRENCE E. WELLS, 1810 EAST 13TH STREET, WICHITA, KANSAS, AGENT, HAS FILED AN APPLICATION FOR VARIANCE OF THE REAR YARD SETBACK REQUIREMENTS FROM 20 FEET AS REQUIRED IN THE ZONING ORDINANCE TO 10 FEET, FOR PROPERTY LOCATED AT 1701 SOUTH SEDGWICK, AND BEING LEGALLY DESCRIBED AS:

LOTS 2, 4, 6, AND 8, BLOCK H, SOUTH UNIVERSITY PLACE ADDITION, CITY OF WICHITA, SEDGWICK COUNTY, KANSAS, AND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF SEDGWICK AND MERTON, 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 MEETING OF FEBRUARY 27, 1962 WAS RECESSED AND CONTINUED TO MARCH 6, 1962 DUE TO A LACK OF QUORUM AND THE BOARD OF ZONING APPEALS DID THEN IN REGULAR MEETING CONSIDER SAID APPLICATION FOR APPEAL, ON MARCH 6, 1962; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS DETERMINED THAT IT HAS JURISDICTION TO CONSIDER SAID REQUEST FOR A VARIANCE UNDER THE PROVISIONS OF SECTION 2.12.590 (2), CODE OF THE CITY OF WICHITA; AND

WHEREAS, THE PROPERTY IS ZONED "A" AND REQUIRES A REAR YARD SETBACK OF 20 FEET; AND

WHEREAS, THE BOARD HAS FOUND THAT THE ACTION OF THE CONSTRUCTION SUPERVISOR OF THE CENTRAL INSPECTION DIVISION, IN REFUSING TO ISSUE A PERMIT FOR CONSTRUCTION TO WITHIN 10 FEET OF CENTER LINE OF THE ALLEY ADJACENT TO THE REAR OF THE SUBJECT PROPERTY IS IN ACCORDANCE WITH THE ZONING ORDINANCE AND WAS A PROPER INTERPRETATION OF THE ZONING ORDINANCE; AND

WHEREAS, ARGUMENTS WERE HEARD BOTH FROM THE AGENT FOR THE APPLICANT, AND FROM AN ADJOINING PROPERTY OWNER WHO APPEARED TO PROTEST THE APPLICATION; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS NOT FOUND THAT THE REQUEST FOR VARIANCE ARISES FROM A CONDITION WHICH IS UNIQUE AND NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT IN THAT THERE IS NO PHYSICAL FEATURE OF THE LOTS IN QUESTION WHICH DISTINGUISHES THESE LOTS FROM OTHERS IN THE SAME ZONING DISTRICT CLASSIFICATION AND WHICH ARE LOCATED IN THE SAME GENERAL VICINITY; AND

WHEREAS, THE REASONS SUBMITTED BY THE AGENT FOR THE APPLICANT IN SUPPORT OF THE REQUEST FOR VARIANCE ARE NOT SUFFICIENT TO CAUSE THE BOARD TO DETERMINE THAT UNIQUENESS IS PRESENT AS APPLIED TO THESE LOTS IN THAT THE MATTER OF THE CHANGE IN ZONING IN METROPOLITAN AREA PLANNING COMMISSION CASE Z-0338 AFFECTED MANY OTHER LOTS IN THE SAME GENERAL LOCATION AND IN THE SAME ZONING CATEGORY; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE VARIANCE DESIRED WILL NOT ADVERSELY AFFECT RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS INASMUCH AS TO GRANT THE APPLICATION WOULD STILL PERMIT FULL UTILIZATION OF THE ALLEY AT THE REAR OF SUBJECT PROPERTY NOR WOULD IT AFFECT OR HARM ANY PROPOSED USE OF PROPERTY TO THE WEST FOR COMMERCIAL PURPOSES (IF SO ZONED) AS CONTENDED BY THE OWNER OF SUCH PROPERTY APPEARING IN PROTEST TO THE CHANGE; AND

WHEREAS, THE BOARD OF ZONING APPEALS HAS FOUND THAT THE STRICT APPLICATION OF ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL NOT CONSTITUTE UNNECESSARY HARDSHIP UPON THE PROPERTY OWNERS, INASMUCH AS THE APPLICANT IS THE OWNER OF CONSIDERABLE PROPERTY ADJOINING SUBJECT PROPERTY ON THE SOUTH AND THE ADDITION TO THE MAIN STRUCTURE OF THE CHURCH FACILITY COULD BE REDESIGNED TO SERVE THE SAME PURPOSE AND ALSO COMPLY WITH ZONING AND SETBACK REQUIREMENTS; 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; AND

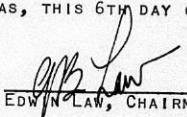
WHEREAS, AS SHOWN ABOVE, EACH OF THE FOUR CONDITIONS REQUIRED BY SECTION 2.12.590.2 OF THE CITY CODE OF WICHITA, TO BE PRESENT BEFORE A VARIANCE CAN BE GRANTED, HAVE NOT BEEN FOUND TO EXIST;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA, KANSAS THAT THIS REQUEST FOR A VARIANCE FROM THE STRICT ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE TO PERMIT THE CONSTRUCTION OF AN ADDITION TO THE CHURCH FACILITIES AT THE SOUTHWEST CORNER OF SEDGWICK AND MERTON, AND LEGALLY DESCRIBED AS:


LOTS 2, 4, 6, AND 8, BLOCK H, SOUTH UNIVERSITY PLACE ADDITION, CITY OF WICHITA, SEDGWICK COUNTY, KANSAS,

BE AND THE SAME IS HEREBY DENIED.

ADOPTED AT WICHITA, KANSAS, THIS 6TH DAY OF MARCH, 1962.

  
EDWIN LAW, CHAIRMAN

ATTEST:

  
ROBERT A. LAKIN, SECRETARY

MARCH 19, 1962

MR. LAWRENCE WELLS  
1810 E. 13TH STREET  
WICHITA, KANSAS

DEAR MR. WELLS:

SUBJECT BZA 1-62

ON MARCH 7 WE ADVISED YOU THAT THE BOARD OF ZONING APPEALS HAD DISAPPROVED SUBJECT APPLICATION FOR VARIANCE OF REAR YARD SETBACK REQUIREMENTS CONCERNING LOTS 2, 4, 6, AND 8, BLOCK H, SOUTH UNIVERSITY PLACE ADDITION LOCATED ON THE SOUTHWEST CORNER OF SEDGWICK AND MERTON.

WE ALSO ADVISED THAT THE BOARD'S DECISION MIGHT BE APPEALED TO THE CITY COMMISSION PROVIDED THAT SUCH APPEAL WAS FILED ON OR BEFORE MARCH 16.

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.

A COPY OF THE RESOLUTION SETTING FORTH THE ACTION OF THE BOARD IS ATTACHED FOR YOUR INFORMATION AND FILES.

VERY TRULY YOURS,

ROBERT A. LAKIN  
SECRETARY

RALS:DR  
ATTACHMENT  
C.C. GLEN LYTTLE, SUPERINTENDENT CENTRAL  
INSPECTION

MARCH 19, 1962

GLEN LYTLE, SUPERINTENDENT CENTRAL INSPECTION

ROBERT A. LAKIN, SECRETARY

BZA 1-62

ATTACHED IS A CARBON COPY OF RESOLUTION No. 1-62 ADOPTED BY THE BOARD OF ZONING APPEALS ON MARCH 7, 1962.

THE APPEAL PERIOD FOR THIS PARTICULAR CASE ENDED ON MARCH 16, 1962, AND INASMUCH AS NO APPEAL WAS FILED WITH THE CITY CLERK ON OR BEFORE THAT DATE, THE BOARD'S DECISION IS FINAL.

ROBERT A. LAKIN  
SECRETARY

RAL:DR  
ATTACHMENT

BOARD OF ZONING APPEALS

MARCH 9, 1962

C.H. FUNK, CITY CLERK

ROBERT A. LAKIN, SECRETARY

BZA 1-62

ATTACHED IS COPY OF THE RESOLUTION RELATING TO THE ABOVE CASE.

THE BOARD OF ZONING APPEALS DENIED THE APPLICATION AT ITS MEETING ON MARCH 6, 1962. THE DECISION OF THE BOARD CAN BE APPEALED TO THE CITY COMMISSION ON OR BEFORE MARCH 16, 1962.

ROBERT A. LAKIN  
SECRETARY

RAL:DR  
ATTACHMENT

MARCH 7, 1962

MR. LAWRENCE E. WELLS  
1810 EAST THIRTEENTH STREET  
WICHITA 14, KANSAS

DEAR MR. WELLS:

RE: CASE No. BZA 1-62

AT ITS REGULAR MEETING OF TUESDAY, MARCH 6, 1962, THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA CONSIDERED THE REQUEST FOR A VARIANCE FILED BY FIRST FREWILL BAPTIST CHURCH, 1701 SOUTH SEDGWICK, WICHITA, KANSAS AS PROVIDED BY SECTION 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA. THE REQUEST FOR A VARIANCE IN THE SETBACK REQUIREMENTS TO ALLOW A STRUCTURE TO BE BUILT WITH A 10 FOOT INSTEAD OF A REQUIRED 20 FOOT REAR YARD WAS DENIED.

SECTION 2.12.610 OF THE CODE OF THE CITY OF WICHITA PROVIDES THAT THE DECISION OF THE BOARD OF ZONING APPEALS SHALL BE FINAL UNLESS IT IS APPEALED TO THE BOARD OF CITY COMMISSIONERS WITHIN TEN DAYS OF THE DATE OF THE BOARD'S ACTION. ACCORDINGLY AN APPEAL COULD BE FILED IN THIS CASE ON OR BEFORE MARCH 16, 1962.

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 MARCH 16, 1962, THE DECISION OF THE BOARD WILL BE FINAL.

VERY TRULY YOURS,

ROBERT A. LAKIN  
SECRETARY

RAL:DR  
C.C. FREWILL BAPTIST CHURCH, 1701 SOUTH SEDGWICK  
MRG. ALLEN, 1702 SOUTH MERIDIAN  
C.H. FUNK, CITY CLERK  
GLEN LYTLE, SUPERINTENDENT OF CENTRAL  
INSPECTION DIVISION

THIS NOTICE SENT TO THE FOLLOWING:

MR. LAWRENCE E. WELLS AGENT  
1810 EAST THIRTEENTH ST.

FIRST FREWILL BAPTIST CHURCH  
1701 S. SEDGWICK

SAM B. & ILMA I. ODENBAUGH  
130 S. KESSLER

FREEMAN & INA MARIE DUNCAN  
1505 N. SHERIDAN

RUFUS AND FLORENCE GAHMAN  
1720 S. MERIDIAN

J.E. & CECIL ALLEN  
1722 S. MERIDIAN  
WICHITA, KANSAS

LEROY & CELIA JIMERSON  
1041 S. MILLWOOD

EVA J. KING  
336 S. WATER

JIMMIE DUANE & ARLENE E. HADLEY  
1127 S. HANDLEY

THEOBRE E. AND OLETA J. STOOBS  
1718 S. SEDGWICK

TOFEY & MARY STEVEN  
1324 UNIVERSITY

F.D. WAWAK  
2301 S. ST. FRANCIS

TONY & VADA L. KINGERY  
1637 S. SEDGWICK

LEE A. MOWERY  
1403-A S. HYDRAULIC

ELMER A. & ELSIE E. SHUMATE  
1646 S. MERIDIAN

FLOYD D. & MARIE J. DEWITT  
1107 BERKELEY

  
SECRETARY

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

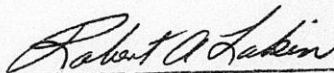
FEBRUARY 28, 1962

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY FIRST  
FREWILL BAPTIST CHURCH, 1701 SOUTH SEDGWICK, WICHITA, KANSAS,  
BY LAWRENCE WELLS, AGENT, AS PROVIDED BY SECTION 2.12.590.2  
OF THE CODE OF THE CITY OF WICHITA. THE APPLICANT DESIRES A  
VARIANCE IN THE SETBACK REQUIREMENTS TO ALLOW A STRUCTURE TO  
BE BUILT WITHIN 10 FEET OF INSTEAD OF THE 20 FEET OF THE  
REAR YARD LINE AS REQUIRED BY ORDINANCE, FOR PROPERTY LOCATED  
AT 1701 SOUTH SEDGWICK, WICHITA, KANSAS, LEGALLY DESCRIBED AS:

LOTS 2, 4, 6, AND 8, BLOCK H, SOUTH UNIVERSITY PLACE  
ADDITION AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF  
SEDGWICK AND MERTON. THIS APPLICATION HAS BEEN ASSIGNED  
CASE No. BZA 1-62.

A QUORUM OF THE BOARD OF ZONING APPEALS WAS NOT PRESENT  
ON FEBRUARY 27. THEREFORE, THIS CASE HAS BEEN CONTINUED TO  
TUESDAY, MARCH 6, 1962, AT 1:30 P.M. IN ROOM 401 CITY BUILDING  
ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS AT WHICH TIME YOU MAY  
APPEAR, IF YOU SO DESIRE, EITHER IN PERSON OR BY AGENT OR  
ATTORNEY.



ROBERT A. LAKIN  
SECRETARY

SECRETARY'S REPORT TO THE BOARD

CASE NO. BZA 1-62

*Dorothy  
Lile*

CASE SUMMARY

THE APPLICANT IN THIS CASE IS THE FIRST FREEWILL BAPTIST CHURCH. THEY REQUEST A VARIANCE WHICH WOULD ALLOW THEM TO BUILD CLOSER TO THEIR REAR PROPERTY LINE THAN IS ALLOWABLE BY THE ZONING ORDINANCE. THE ARCHITECT FOR THE CHURCH IN PREPARING HIS PLAN FOR AN ADDITION TO THE EXISTING CHURCH STATES THAT HE CONTACTED THE PLANNING DEPARTMENT AND WAS TOLD THAT THE REAR YARD SETBACK WAS ONLY 10 FEET AS MEASURED FROM THE CENTER LINE OF THE ALLEY. THE CORRECT SETBACK WAS 15 FEET MEASURED FROM THE CENTER LINE. IN THE MEANTIME, A CHANGE OF ZONING FOR THE ENTIRE AREA, (PAYNE NEIGHBORHOOD) WAS BEING CONSIDERED BY THE CITY. ON THE DAY WHICH THE ARCHITECT CHECKED HIS PLANS WITH THE CENTRAL INSPECTION AGENCY, HE WAS INFORMED THAT ON THAT SAME DAY, THE ZONING HAD BEEN IN FACT CHANGED FROM "RB, FOUR FAMILY" TO "A, TWO FAMILY". THE NEW ZONING CLASSIFICATION PROVIDES FOR A 20 FOOT REAR YARD SETBACK. THE ARCHITECT STATES THAT HE HAD NO KNOWLEDGE OF THE PENDING ZONE CHANGE. THE SPECIFIC REQUEST NOW BEFORE THE BOARD IS TO ALLOW THE CONSTRUCTION OF THE NEW ADDITION WITHIN 10 FEET OF THE CENTER LINE OF THE ALLEY.

ZONING AND LAND USE

THE PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF MERTON AND SEDGWICK. PROPERTY TO THE SOUTH, EAST AND NORTH IS ALL ZONED "A, TWO FAMILY". THIS WAS ACCOMPLISHED IN THE RECENT CHANGE OF ZONING. TO THE WEST IS "RB, FOUR FAMILY DWELLING". THIS WAS LEFT UNCHANGED IN THE RECENT REZONING.

THE AREA IS BASICALLY RESIDENTIAL WITH SCATTERED MOBILE HOME UNITS NEARBY. ONE BLOCK TO THE EAST IS THE ORIENT SHOPS INDUSTRIAL AREA AND SOUTH ONE BLOCK IS THE SANTA FE RAILROAD. THE PROPERTY OF THE CHURCH IS OCCUPIED WITH A BUILDING ON THE NORTH. GRAVEL PARKING AND VACANT AREA IS DIRECTLY SOUTH UNDER THE OWNERSHIP OF THE CHURCH.

CONDITIONS NECESSARY TO BE PRESENT PRIOR TO APPROVAL

UNDER THE CITY ORDINANCE ESTABLISHING THE BOARD OF ZONING APPEALS AND GIVING ITS AUTHORITY, BEFORE APPROVAL CAN BE GIVEN, THE BOARD MUST FIND THAT ALL OF THE FOLLOWING CONDITIONS ARE PRESENT:

- A) THAT THE VARIANCE DESIRED ARISES FROM SUCH CONDITION WHICH IS UNIQUE AND WHICH IS NOT ORDINARILY FOUND IN THE SAME ZONING DISTRICT.

- b) THAT THE GRANTING OF THE PERMIT FOR THE VARIANCE WILL NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS.
- c) THAT THE STRICT APPLICATION OF THE ENFORCEMENT PROVISIONS OF THE ZONING ORDINANCE WILL CONSTITUTE UNNECESSARY HARDSHIP UPON THE PROPERTY OWNER REPRESENTED IN THE APPEAL.
- d) THAT THE VARIANCE DESIRED WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.

THE APPLICANT HAS SUBMITTED A LETTER (SEE ATTACHED COPY) STATING IN WHAT MANNER, THEY FEEL THE CONDITIONS HAVE BEEN MET IN THIS CASE.

SECRETARY'S OPINION AND RECOMMENDATION

JURISDICTION - IT IS THE OPINION OF THE SECRETARY THAT THE BOARD DOES HAVE JURISDICTION TO HEAR AND DETERMINE THIS REQUEST FOR A VARIANCE UNDER THE PROVISIONS OF SECTION 2.12.590 (2), TITLE 2, CODE OF THE CITY OF WICHITA, KANSAS.

CONDITIONS NECESSARY FOR APPROVAL AS REQUIRED BY ORDINANCE

- a) THE APPLICANT SUBMITS AS PROOF OF UNIQUENESS AND AS A CONDITION NOT NORMALLY FOUND IN THE SAME DWELLING DISTRICT, THE STATEMENT THAT HE WAS MISINFORMED AS TO THE REQUIREMENTS; AND THAT THE ZONING WAS CHANGED WITHOUT HIS KNOWLEDGE DURING THE PREPARATION OF PLANS.

IT IS GENERALLY HELD BY PLANNERS AND BY THE COUNSEL FOR THIS BOARD THAT THE CONDITION RELATING TO UNIQUENESS IS RELATED TO THE PHYSICAL CHARACTERISTICS OF THE PROPERTY. EXAMPLES OF THIS WOULD BE WHERE A DRAINAGE AREA CUT THROUGH THE PROPERTY, OR THE SITE IS LOCATED ON AN EXTREME GRADE, ETC. THESE LOTS, OR GROUPS OF LOTS ARE THE SAME AS HUNDREDS OF OTHERS IN THIS SAME GENERAL AREA AND IN THIS SAME ZONING CLASSIFICATION.

IT IS THE OPINION OF THE SECRETARY THAT THIS CONDITION HAS NOT BEEN MET.

- b) EXAMINATION OF THE AREA, LOCATION AND TYPES OF ADJOINING LAND USES INDICATE THAT THE APPLICANTS STATEMENT AND OPINION THAT ADJACENT PROPERTY OWNERS AND RESIDENTS WILL NOT BE ADVERSELY AFFECTED IS CORRECT.

IT IS THE OPINION OF THE SECRETARY THAT THIS CONDITION HAS BEEN MET.

- c) THE APPLICANTS STATE THAT IF THE 20 FOOT SETBACK IS REQUIRED, A COMPLETE RESTUDY OF FUTURE PLANNING FOR THE CHURCH WOULD BE REQUIRED. NO EVIDENCE OF SUCH FUTURE PLANNING HAS BEEN SUBMITTED. THE STATEMENT INDICATES THAT SUCH A RESTUDY WILL BE A HARDSHIP.

THE "HARDSHIP REQUIREMENT" MAY BE MET IN SEVERAL WAYS. HOWEVER, DIRECT DOLLAR LOSS IS NOT ALWAYS SUFFICIENT. THE CRITERIA GENERALLY ACCEPTED BY PLANNERS AND ENDORSED BY THE BOARD'S COUNSEL IS THAT HARDSHIP IS INCURRED WHEN THE APPLICANT CAN NO LONGER USE THE PROPERTY FOR THE PURPOSE FOR WHICH IT IS ZONED.

THIS PROPERTY CAN, IN THE OPINION OF THE SECRETARY, BE UTILIZED FOR A STRUCTURE OF THE SIZE PROPOSED SINCE THE CHURCH OWNS APPROXIMATELY 150 FEET OF VACANT LAND TO THE SOUTH OF THE EXISTING STRUCTURE. IT IS RECOGNIZED THAT IF THIS AREA IS TO BE UTILIZED, EXISTING PLANS MUST BE MODIFIED OR NEW PLANS PREPARED.

IT IS THE OPINION OF THE SECRETARY THAT THIS CONDITION HAS NOT BEEN MET.

- d) EXAMINATION OF THE AREA INDICATES THAT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE WILL NOT BE ADVERSELY AFFECTED.

#### GENERAL RECOMMENDATION

IT IS THE RECOMMENDATION OF THE SECRETARY THAT ALL CONDITIONS REQUIRED BY ORDINANCE ARE NOT PRESENT AND FOR THIS REASON, THE APPLICATION SHOULD BE DENIED.

ATTACHMENT "A"

LAWRENCE E. WELLS  
ARCHITECT  
1810 EAST THIRTEENTH ST.  
PHONE FO 3-7162  
WICHITA 14, KANSAS

COPY

FEB. 6, 1962

MR. BOB LAKIN, SECRETARY  
BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX, 104 S. MAIN  
WICHITA, KANSAS

DEAR MR. LAKIN:

THIS LETTER IS DIRECTED TO YOUR ATTENTION TO HAVE BROUGHT BEFORE THE BOARD OF ZONING APPEALS A REQUEST FOR VARIANCE IN SETBACK FROM THE CENTER LINE OF THE ALLEY TO A PROPOSED ADDITION TO A CHURCH BUILDING AT 1701 S. SEDGWICK.

TWO COPIES OF OUR PLOT PLAN SHOWING VARIANCE REQUESTED IS ATTACHED FOR YOUR CONVENIENCE. ALSO THE REJECTION REPORT RECEIVED FROM THE BUILDING INSPECTION DIVISION.

AT THE OUTSET OF THE DESIGN OF THIS ADDITION, THIS OFFICE CONTACTED THE METROPOLITAN PLANNING OFFICE TO OBTAIN INFORMATION RELATIVE TO SETBACK REQUIRED. WE DESIGNED TO A 10' FROM CENTERLINE OF ALLEY, WHICH WE INADVERTENTLY ASSUMED TO BE CORRECT. THEN DURING PROCESS OF COMPLETION OF PLANS, THE ZONING WAS CHANGED FROM "RB" TO "A". THIS FURTHER COMPLICATED THE SITUATION. THIS OFFICE HAD NO KNOWLEDGE OF ZONE CHANGE UNTIL PLANS WERE TAKEN TO MR. MCCAIG'S OFFICE FOR PRELIMINARY CHECK. WE WERE INFORMED THAT THE CITY COMMISSION HAD JUST THAT DAY PASSED THE ORDINANCE CHANGING THE ZONING.

WE DO NOT FEEL THAT THIS VARIANCE WILL ADVERSELY EFFECT THE RIGHTS OF THE ADJACENT PROPERTY OWNERS. A LISTING OF THESE OWNERS IS ATTACHED HERETO.

IF SETBACKS AS REQUIRED BY THE NEW "A" ZONING ARE NOT WAIVED IN THIS INSTANCE, IT WILL CREATE A HARDSHIP ON THE OWNERS, THE FIRST FREEWILL BAPTIST CHURCH. THEY HAVE IN THEIR FUTURE PLANNING A NEW AND ENLARGED SANCTUARY TO REPLACE THE ONE TO WHICH THE PROPOSED ADDITION IS TO BE ATTACHED. THEY CURRENTLY OWN 200' ALONG SEDGWICK AND WILL PURCHASE ADDITIONAL GROUND AS NEEDED. THE SETBACK REQUIRED BY THE NEW ZONING WOULD REQUIRE A COMPLETE RESTUDY OF FUTURE PLANNING, AND WOULD NOT BE COMPATIBLE WITH EXISTING

ATTACHMENT "A"

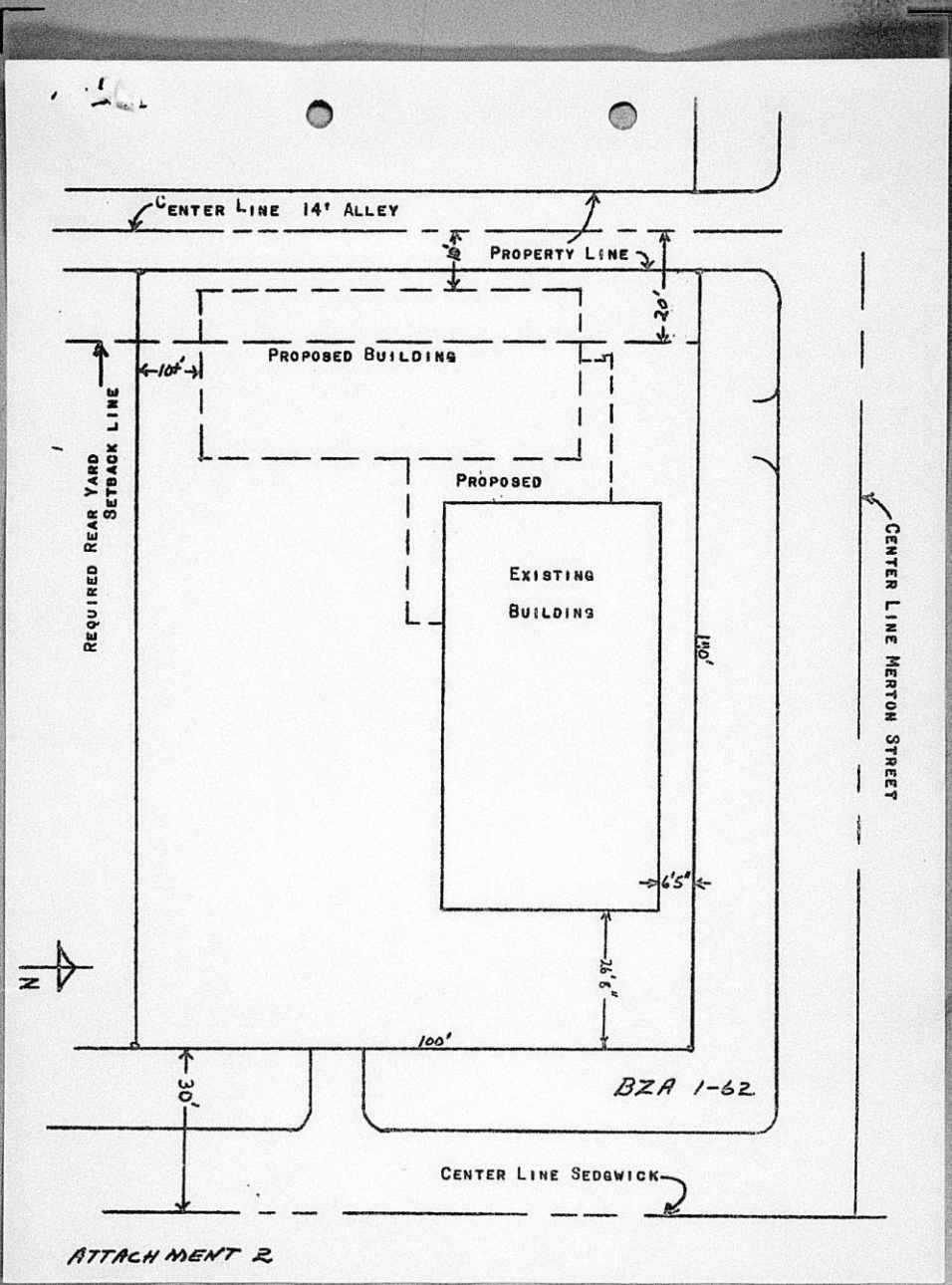
COPY  
PAGE 2

FACILITIES. I DO NOT BELIEVE THAT THIS VARIANCE WOULD AFFECT HEALTH AND SAFETY OF THE AREA OR THE CITY.

I SINCERELY BELIEVE THAT THE COMMENTS ABOVE LISTED ARE CONSISTANT WITH SECTION 2.12.590.2 OF THE CODE OF THE CITY OF WICHITA. THE \$30.00 FEE REQUIRED FOR THIS REQUEST IS ATTACHED ALSO. THE BOARD OF THE FIRST FREEWILL BAPTIST CHURCH HAS AUTHORIZED ME TO ACT IN THEIR BEHALF.

YOURS VERY TRULY,

LAWRENCE E. WELLS, ARCHITECT



ATTACHMENT 2

( ) PUBLISHED IN THE WICHITA EVENING EAGLE AND BEACON ON  
FEBRUARY 9, 1962

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN THAT ON THE 27TH DAY OF  
FEBRUARY, 1962, THE BOARD OF ZONING APPEALS, IN ROOM 471  
CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS AT 1:30 P.M.  
WILL CONSIDER AS PROVIDED IN SECTION 2.12.560, ET. SEQ. OF  
THE CODE OF THE CITY OF WICHITA, KANSAS, THE FOLLOWING  
APPLICATION:

BZA 1-62--FIRST FREEWILL BAPTIST CHURCH, 1701  
SOUTH SEDGWICK, WICHITA, KANSAS REQUESTS VARIANCE  
OF REAR YARD SETBACK REQUIREMENTS AS ESTABLISHED  
IN SECTION 28.04.040.C OF THE CODE OF THE CITY  
OF WICHITA, KANSAS ON PROPERTY LEGALLY DESCRIBED  
AS LOTS 2,4,6 AND 8, BLOCK H, SOUTH UNIVERSITY  
PLACE ADDITION--GENERALLY LOCATED ON THE SOUTHWEST  
CORNER OF SEDGWICK AND MERTON. THE APPLICANT  
DESIRES TO BUILD A STRUCTURE WITHIN 10 FEET  
RATHER THAN 20 FEET FROM THE REAR YARD LINE AS  
REQUIRED BY LAW.

THE SAME WILL THERE BE DISCUSSED AND CONSIDERED BY THE  
SAID BOARD OF ZONING APPEALS, AND ALL PERSONS INTERESTED IN  
SAID MATTER WILL BE HEARD AT THIS TIME CONCERNING THEIR VIEWS  
AND WISHES IN THE PREMISES, AND ANY PROTEST AGAINST ANY OF  
THE PROVISIONS OF THE PROPOSED VARIANCE, WILL BE CONSIDERED  
BY THE BOARD AS PROVIDED BY LAW.

WITNESS MY HAND AND SEAL ON THIS 8TH DAY OF FEBRUARY, 1962.

ATTEST:

KENNETH F. BECK, CHAIRMAN  
BOARD OF ZONING APPEALS  
ROBERT A. LAKIN  
SECRETARY



THIS NOTICE SENT ON FEB. 9 TO THE FOLLOWING:

LAWRENCE E. WELLS (ARCHITECT)  
1810 EAST THIRTEENTH ST.

1st FREEWILL BAPTIST CHURCH  
1701 S. SEDGWICK  
WICHITA, KANSAS

2nd SAM. B. & ILMA I. ODENBAUGH

130 S. KESSLER

FREEMAN & INA MARIE DUNCAN  
1505 N. SHERIDAN  
WICHITA, KANSAS

RUFUS & FLORENCE GAHMAN  
1720 S. MERIDIAN

J.E. & CECIL ALLEN  
1722 S. MERIDIAN

LEROY AND CELIA JIMERSON  
1041 S. MILLWOOD  
WICHITA, KANSAS

EVA I. KING  
336 S. WATER

JIMMIE DUANE & ARLENE E. HADLEY  
1127 S. HANDLEY

THEODORE E. AND OLETA J. STOOPS  
1718 S. SEDGWICK

TOFEY & MARY STEVEN  
1324 UNIVERSITY

F.D. WAWAK  
2301 S. ST. FRANCIS

TONY & VADA L. KINGERY  
1637 S. SEDGWICK

LEE A. MOWERY  
1403 A S. HYDRAULIC

ELMER A. & ELSIE E. SHUMATE  
1646 S. MERIDIAN

FLOYD D. & MARIE J. DEWITT  
1107 BERKELEY

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

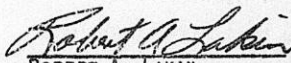
FEBRUARY 9, 1962

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION FOR A VARIANCE HAS BEEN FILED BY FIRST  
FREWILL BAPTIST CHURCH, 1701 SOUTH SEDGWICK, WICHITA, KANSAS,  
BY LAWRENCE WELLS, AGENT, AS PROVIDED BY SECTION 2.12.590.2  
OF THE CODE OF THE CITY OF WICHITA. THE APPLICANT DESIRES A  
VARIANCE IN THE SETBACK REQUIREMENTS TO ALLOW A STRUCTURE TO  
BE BUILT WITHIN 10 FEET OF INSTEAD OF THE 20 FEET OF THE  
REAR YARD LINE AS REQUIRED BY ORDINANCE, FOR PROPERTY LOCATED  
AT 1701 SOUTH SEDGWICK, WICHITA, KANSAS, LEGALLY DESCRIBED AS:

LOTS 2, 4, 6, AND 8, BLOCK H, SOUTH UNIVERSITY PLACE  
ADDITION AND GENERALLY LOCATED ON THE SOUTHWEST CORNER OF  
SEDGWICK AND MERTON.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. BZA 1-62.  
A HEARING WILL BE HELD BY THE BOARD OF ZONING APPEALS ON  
TUESDAY, FEBRUARY 27, 1962, AT 1:30 P.M. IN ROOM 401 CITY  
BUILDING ANNEX, 104 SOUTH MAIN, WICHITA, KANSAS AT WHICH TIME  
YOU MAY APPEAR, IF YOU SO DESIRE, EITHER IN PERSON OR BY  
AGENT OR ATTORNEY.

  
ROBERT A. LAKIN  
SECRETARY

*Ever*

*File*

(64) Published in The Wichita Evening Eagle & Beacon on February 8, 1927  
TO ALL PERSONS INTERESTED:  
NOTICE IS HEREBY GIVEN that on the 7th day of February, 1927, the Board of Zoning Appeals in Room 401 City Building Annex, 174 South Main, Wichita, Kansas, at 1:30 P. M. will consider as provided in Section 111.060 et. seq. of the Code of the City of Wichita, Kansas, the following application:  
SEA 1-25 - Frank Preswill Baptist Church, 1741 South Sedwick, Wichita, Kansas, requests: Variance of rear yard setback requirements as established in Section 111.060 of the Code of the City of Wichita, Kansas, on property legally described as Lots 2, 4, 6 and 8 Block 12, South University Place Addition—generally located on the southwest corner of Sedwick and Merion. The applicant desires to build a structure, within 16 feet rather than 20 feet from the rear yard line as required by law.  
The same will there be discussed and considered by the said Board of Zoning Appeals, and all persons interested in said matter will be heard at this time concerning their views and wishes in the premises and any protest against any of the provisions of the proposed variance, will be considered by the Board as provided by law.  
WITNESS my hand and seal on the 6th day of February, 1927.  
Attest:  
KENNETH F. BECK, Chairman  
Board of Zoning Appeals.  
(1-1) Robert A. Lakin, Secretary

**LAWRENCE E. WELLS**

*Architect*

1810 EAST THIRTEENTH ST.  
PHONE FD 3-7162  
WICHITA 14, KANSAS

Feb. 6, 1962

Mr. Bob Lakin, Secretary  
Board of Zoning Appeals  
City Building Annex, 104 S. Main  
Wichita, Kansas

Dear Mr. Lakin:

This letter is directed to your attention to have brought before the Board of Zoning Appeals a request for variance in setback from the center line of the alley to a proposed addition to a church building at 1701 S. Sedgwick.

Two copies of our plot plan showing variance requested is attached for your convenience. Also the rejection report received from the Building Inspection Division.

At the outset of the design of this addition, this office contacted the Metropolitan Planning Office to obtain information relative to setback required. We designed to a 10' from centerline of alley, which we inadvertently assumed to be correct. Then during process of completion of plans, the zoning was changed from "RB" to "A". This further complicated the situation. This office had no knowledge of zone change until plans were taken to Mr. McCaig's office for preliminary check. We were informed that the City Commission had just that day passed the ordinance changing the zoning.

We do not feel that this variance will adversely effect the rights of the adjacent property owners. A listing of these owners is attached hereto.



**LAWRENCE E. WELLS**

*Architect*

1810 EAST THIRTEENTH ST.  
PHONE FO 3-7162  
WICHITA 14, KANSAS

If setbacks as required by the new "A" zoning are not waived in this instance, it will create a hardship on the owners, the First Freewill Baptist Church. They have in their future planning a new and enlarged sanctuary to replace the one to which the proposed addition is to be attached. They currently own 200' along Sedgwick and will purchase additional ground as needed. The setback required by the new zoning would require a complete restudy of future planning, and would not be compatible with existing facilities. I do not believe that this variance would affect health and safety of the area or the City.

I sincerely believe that the comments above listed are consistent with Section 2.12.590.2 of the Code of the City of Wichita. The \$30.00 fee required for this request is attached also. The Board of the First Freewill Baptist Church has authorized me to act in their behalf.

Yours very truly,

*Lawrence E. Wells*

Lawrence E. Wells, Architect

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. \_\_\_\_\_  
FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. NAME OF APPLICANT First Free Will Baptist Church  
MAILING ADDRESS 1701 S. Sedgwick PHONE AM 73837  
NAME OF AUTHORIZED AGENT Lawrence E. Wells  
MAILING ADDRESS 1810 E. 13th. PHONE FO 3-7162  
(RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Architect  
(OWNER, TENANT, LESSEE, OTHER))

II. THE VARIANCE REQUESTED IS A 10' side yard as shown on plot plan,  
in lieu of 20' as required by new zoning ordinance.

FOR PROPERTY LOCATED AT 1701 S. Sedgwick  
AND LEGALLY DESCRIBED AS LOT(3) 2,4,6,8  
BLOCK(S) H of South University Place Addition  
ADDITION TO THE CITY OF WICHITA; AND WHICH IS PRESENTLY ZONED  
A.

(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

III. THE APPLICANT HEREIN, OR HIS AUTHORIZED AGENT, HEREBY ACKNOWLEDGES:

- A. THAT HE HAS RECEIVED AN INSTRUCTION SHEET CONCERNING THE FILING AND HEARING OF THIS MATTER;
- B. THAT HE HAS BEEN ADVISED OF THE FEE REQUIREMENTS ESTABLISHED BY SECTION 2.12.580 OF THE CODE OF THE CITY OF WICHITA (ORDINANCE 24-606); AND THAT THE APPROPRIATE FEE IS HEREWITH TENDERED;
- C. THAT HE HAS BEEN ADVISED OF HIS RIGHT OF APPEAL OF THE DECISION OF THE BOARD OF CITY COMMISSIONERS WITHIN TEN (10) DAYS OF THAT DECISION;
- D. THAT ALL DOCUMENTS ARE ATTACHED HERETO AS NOTED IN PARAGRAPHS 3 AND 4 OF THE INSTRUCTIONS.

First Free Will Baptist Church

APPLICANT

L. E. Wells

Lawrence E. Wells

AUTHORIZED AGENT

OFFICE USE ONLY

RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, CITY OF WICHITA, KANSAS, ON \_\_\_\_\_, 19\_\_\_\_, TOGETHER WITH APPROPRIATE FEE OF \$30.00

SIGNED \_\_\_\_\_





STATEMENT OF 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 located within a radius of  
200 ft of: Lots 2, 4, 6, 8, Block H,  
South University Place Addition to  
Wichita, Kansas.

  
**Fidelity**  
**Title**  
**Company,**  
**inc.**

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

Lot	Blk	Addition	Owner
2	H	South University Place	First Free Will Baptist Church
4	H	" "	" " " "
6	H	" "	" " " "
8	H	" "	" " " "
10	H	" "	" " " "
12	H	" "	" " " "
14	H	" "	" " " "
16	H	" "	" " " "
18	H	" "	Sam B. & Ilma I. Odenbaugh, ux
20	H	" "	" " " " " "
22	H	" "	" " " " " "
24	H	" "	" " " " " "



Lot	Blk	Addition	Owner
1	H	South University Place	Freeman & Ina Marie Duncan, ux <i>1505 W. 4th St. Meridian</i>
3	H	" " "	" " " "
5	H	" " "	George A. King, sgle. <i>no add.</i>
7	H	" " "	" " " "
9	H	" " "	Rufus & Florence Gahman, ux <i>1720 S. Meridian</i>
11	H	" " "	" " " "
13	H	" " "	" " " "
15	H	" " "	" " " "
17	H	" " "	" " " "
19	H	" " "	J. E. & Cecil Allen, ux <i>1722 S. Meridian</i>
21	H	" " "	" " " "
23	H	" " "	" " " "
1	G	" " "	Leroy & Celia Jimerson, ux <i>1041 S. Millwood</i> <i>no address</i> Rex R. & Sonia Sue McDonald, ux
3	G	" " "	" " " "
5	G	" " "	Eve I. King <i>336 S. Water</i>
7	G	" " "	" " " "
9	G	" " "	Jimmie Duene & Arlene E. Hadley, ux <i>1127 S. Handley</i>
11	G	" " "	" " " "
13	G	" " "	Theodore E. & Olga J. Stoops, ux <i>1718 S. Sedgwick</i>
15	G	" " "	" " " "
17	G	" " "	Tofey & Mary Steven, ux <i>1324 University</i>
19	G	" " "	" " " "
21	G	" " "	F. D. Wawak <i>2301 S. St Francis</i>
23	G	" " "	" " " "
38	A	" " "	Tony & Vada L. Kingery, ux <i>1637 S. Sedgwick</i>
40	A	" " "	" " " "
42	A	" " "	Lee A. Mowery <i>1463-A S. Hydraulic</i>
44	A	" " "	" " " "
46	A	" " "	" " " "
48	A	" " "	" " " "
37	A	" " "	Elmer A. & Elsie E. Shumate, ux <i>1646 S. Meridian</i>
39	A	" " "	Floyd D. & Marie J. DeWitt, ux
41	A	" " "	" " " " <i>1167 Berkeley</i>

Lot	Blk	Addition	Owner
43	A	South University Place	Floyd D. & Marie J. DeWitt, ux
45	A	" " "	" " " " "
47	A	" " "	" " " " "

Dated at Wichita, Kansas, this 5th  
day of February, 1962 at 7:00 A. M.

FIDELITY TITLE CO., INC.

By Elvie M Farrell  
Sec. OEM

Tracer # 43744

\*

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