

2-57 WELLINGTON PLACE BAPTIST CHURCH

STATEMENT IN SUPPORT OF APPEAL OF WELLINGTON
PLACE BAPTIST CHURCH TO BOARD OF ZONING
APPEALS FROM DECISION OF BUILDING INSPECTOR
REFUSING BUILDING PERMIT FOR 2149 WELLINGTON
PLACE.

Appellant applied to Building Inspection Division for a permit to erect a church building at 2149 Wellington Place. The plot plan of the church site showing the proposed location of the new church building, its size and the approximate shape it is to take, is attached to this appeal. The application was filed and refused on October 31, 1956, under Sec. 21-12(c), 1.2 of the Zoning Ordinance. The Building Inspector assigned as his reason for such refusal that the required front setback will not be maintained. The property covered by the application is now being used as a temporary educational facility, it being an old house on the approximate south 50 feet of the area identified in the plot plan. Applicant intends to remove this old house if it is issued a building permit.

The property involved has a frontage of 194.01 feet on the south side of 21st Street, and a frontage of 150.68 feet on the west side of Wellington Place Street. There are two existing church buildings on this tract, both fronting 21st street. By adding the proposed new sanctuary, appellant will have complete church facilities for its membership and for the surrounding community.

The property involved is in a light commercial zone adjacent to an R.B. District to the south. Assuming, as the Building Inspector did, that this property fronts on Wellington Place, then the proposed new construction is in violation of the setback ordinance; however, the two church buildings on this tract actually front 21st Street as do all other buildings on both sides of 21st Street from the Oliver intersection to the Arkansas intersection.

While it is true the residential development in this vicinity has been with east-west frontage, still all the development on 21st Street has been in actuality north and south fronting 21st Street. Assuming the actualities of the case that the frontage of this property is on 21st Street, then because of the light commercial zoning, there are no setback requirements and the proposed construction would be in violation of no zoning ordinance. It can thus be readily seen that the reason assigned by the Building Inspector for his refusal of appellant's application was based on technical grounds only. The proposed construction will in no way impede either pedestrian or vehicular traffic. There will be no encroachment of the existing sidewalk servicing this block.

The distance between the proposed new sanctuary and the west edge of Wellington Place is in excess of 18 feet. If appellant is required to observe the setback line suggested by the Building Inspector, it will cause a loss to appellant of approximately eight parking stalls.

Appellant contends that it should be issued a permit under Sec. 21-27, F-2. The exception appellant desires arises from a condition which is not ordinarily found in the same zoning district. The district is already fully developed for commercial use, and there is only one other church in the area fronting 21st Street which quite apparently does not have the same building problems of appellant. It is extremely unlikely that there will ever be any further church development or building in appellant's zoning district. The other church in the zoning district is of new construction and its facilities are complete for the foreseeable future.

The granting of the permit for the variance will not adversely affect the rights of adjacent property owners, or residents. The owner of the property adjacent to appellant's

property on the south has signed a waiver of setback line. This waiver of setback line executed by property owners and tenants within a two hundred foot radius of the property here involved is complete except for a few properties, the owners of which are deceased, incompetent or can't be found after a diligent search. Said waivers are attached hereto.

Pedestrian traffic flowing to and from the church will not adversely affect adjacent property owners or residents for the reason that the principal entrances and exits to the new sanctuary will be on the north and west side. The presence of the new church building will have the effect of appreciating the value of nearby properties.

A strict application of the terms of the ordinance will constitute an unnecessary hardship on appellant because if the setback lines designated by the Building Inspector are required, appellant will lose approximately eight parking stalls as aforesaid, and the approximate eastern twenty feet of the tract involved will be wasted so far as the church's purposes are served.

The prohibition of the requested use of the property would constitute a wasteful and unreasonable denial of the valuable use of these premises. The exception here requested is not against public interest, but on the contrary is in the public interest. This new building will offer increased religious facilities and services in the nearby community. The activities sought to be enlarged will not be injurious to the health or morals of the community as might some other lawful enterprise. This is an old part of town and the presence of this new building will enhance the beauty of the neighborhood and as a consequence add to the value of the properties. The proposed new sanctuary will adequately provide for the maximum growth of the appellant's church.

It would obviously be impractical for the church to move its buildings and facilities to a new location. That the presence of the appellant's church serving its community is keenly appreciated is evidenced by the many signatures attached to the waivers.

Respectfully submitted,

WELLINGTON PLACE BAPTIST CHURCH

By Ray Alway
Chairman of Building Committee







CITY OF WICHITA
BUILDING INSPECTION DIVISION

To Wellington Place Baptist Church Address 2159 Wellington Place
To Same Applicant Address _____

Dear Sir:

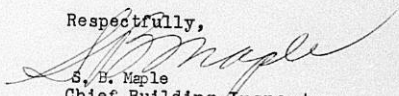
Your application Dated Oct. 31, 1956
For a Permit for the erection of a church
_____ at the premises designated as
2149 Wellington Place

Is hereby refused on this 31st day of October, 1956,
Under Section 21-12 C, 1.2 of the Zoning Ordinance.

For the reason that the required front setback will not be maintained.

This property is in the Light Commercial zone adjacent to the "RB" district.
In this instance the setback would be established by a line drawn from the
near corner of the building on the north and the building on the south, which
would be approximately 20 feet from the front line of the lot. In building to
the front line as desired, it would also violate the requirements that the
minimum front yard in any case shall be not less than 15 feet.

Respectfully,


S. H. Maple
Chief Building Inspector

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

Case No. 2-57

Filed January 28 19 57

APPEAL FOR VARIANCE OR EXCEPTION

TO: The Board of Zoning Appeals
Room 205, City Building
Wichita, Kansas

The undersigned Wellington Place Baptist Church hereby appeals from the decision of the Building Inspection Superintendent wherein a Building Permit is refused under Section 21-12C, 1.2 to Wellington Place Baptist Church at the premises located at 2149 Wellington Place. This permit was denied for the reason that "The required front setback will not be maintained!"

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

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

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

WELLINGTON PLACE BAPTIST CHURCH
Appellant By Ray Alway
Chairman of Building Committee

Appellant Wellington Place Baptist Church Address 2149 Wellington Place
Owner same Address _____
Lessee same Address _____

(This appeal shall be filed with a ~~57.00~~^{32.00} fee within ninety days after the date of the decision of the Building Inspector.)

*John Callahan, - attorney
305 Beacon Bldg*

No. 730770

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO	Mr. Ray Alway, Chgo. Bldg.	POSTMARK OR DATE
STREET AND NO.	Wellington Place Baptist Church	
CITY AND STATE	2149 Wellington Place Wichita, Kansas	
If you want a return receipt, check which it shows to whom and when delivered		If you want restricted delivery, check here <input type="checkbox"/> 20¢ fee

POD Form 3800 July 1955 Replaces previous editions of this form which MAY be used.

DELIVERING EMPLOYEE Deliver ONLY to addressee. (Does not apply to Certified mail.)
 Show address where delivered.

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. Ray Alway
(Signature of name of addressee)

2. Ray V. M. Johnson
(Signature of addressee's agent—Agent should prefix addressee's name on line ONE above)

Date of Delivery 3-20, 1957


No 730770

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO	Mr. Ray Alway, Chm. Bldg.	POSTMARK OR DATE
STREET AND NO.	Wellington Place Baptist Church	
CITY AND STATE	2149 Wellington Place Wichita, Kansas	
If you want a return receipt, check which <input type="checkbox"/> 7c shows to whom and when delivered <input type="checkbox"/> 1c shows to whom, when, and address where delivered		If you want restricted delivery, check here <input type="checkbox"/> 20¢ fee
POD Form 3800 July 1955 Replaces previous editions of this form which MAY be used.		

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, 500

RETURN TO		
REGISTERED NO.	NAME OF SENDER	
CERTIFIED NO.	Geo. J. Fisher	
INSURED NO.	STREET AND NO. OR P. O. BOX	
	205 City Building	
	POST OFFICE	
	Wichita	
	STATE	
	Kansas	

POD Form 3811
July 1955

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

March 19, , 19 57

Mr. Ray Alway
Chairman, Building Committee
Wellington Place Baptist Church
2149 Wellington Place
Wichita, Kansas

Dear Mr. Alway _____ :

Your appeal, under the Zoning Ordinance, relative to premises at
2149 Wellington Place .

has been given Board of Zoning Appeals Case No. 2-57 .

All inquiries and references should always be made to that Case
Number when you seek information from the Secretary.

Further, you are notified to appear before the Board of Zoning
Appeals either in person, or by agent or attorney, for a hearing of
your case on Friday, March 29, , 19 57 , at 1:30 p.m.
in Room 201 of City Building.

_____ .

Respectfully,

Geo. J. Fisher
Secretary, Board of Zoning Appeals

cc? John Callahan, Attorney
305 Beacon Building
Wichita, Kansas

BOARD OF ZONING APPEALS

Room 205, City Building
Wichita 2 Kansas

NOTICE TO PROPERTY OWNERS

March 19, , 19 57

An appeal has been filed by John Callahan, Attorney
(address) 305 Beacon Bldg. on behalf of
Wellington Place Baptist Church (address) 2149 Wellington Place
as provided by Section 21-12 ^{6-1.2} Vol. I of the City Code. The
appellant desires to erect a church

on the premises located at 2149 Wellington Place.

This appeal has been given Case No. 2-57 and a hearing will be held by the Board of Zoning Appeals on Friday
March 29, 1957, at 1:30 p.m. in Room 201 of the City Building, at which time you may appear, if you so desire, either in person or by agent or attorney.

By order of the Board of Zoning Appeals.

Geo. J. Fisher
Secretary, Board of Zoning Appeals

ct

CASE NO. 2-57

Date January 28, 1957

ZONING APPEALS PETITION

ACCEPTED AS TO FORM by the WICHITA BOARD OF ZONING APPEALS

Receipt No. 5112
(Purchasing Department)

by Catherine Tompkins

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS:
 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 within a 200 foot radius of Lots 1,3,5, 7 and 9 Except the West 37.5 feet thereof and Lot 11 except the West 37.5 feet and Except the South 10 feet of the West 75 feet thereof all on Water Street now Wellington Place in Gossard's Sub in the City of Wichita.

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


**Fidelity
 Title
 Company,
 inc.**

LOTS	BLOCKS OR STREET	ADDITION	OWNER
1-3-5-7-9 exc the W 37.5'	Water now Wellington Place	Gossard's Sub	Wellington Place Baptist Church 2159 Wellington Place
11 exc the W 37.5' and exc the S 10' of the W 75'.	"	"	"
Lots 13 & 15	"	"	Jerome E. Barbeau Serena J. Barbeau 2147 Wellington Place
Lots 17 & 19	"	"	W. McLain 2145 Wellington Place
Lots 21 & 23	"	"	Alice Scobee 2143 Wellington Place
Lots 25 & 27	"	"	Inez Clark Stephens 2137 Wellington Place
Lots 6	"	"	Harold L. Pruitt Juanita Pruitt Helen J. Pruitt
Lot 8	"	"	Fred P. Christiansen 2148 Wellington Place
Lot 2 & 4	"	"	<i>Owner at 105 J. S. Smithson</i> J. S. Smithson 3021 Oakland
Lots 10 & 12	"	"	Mildred Naomi Walker 2148 Wellington Place

2146



Continued

LOTS	BLOCK OR STREET	ADDITION	OWNER
Lots 14 & 16	on Water now Wellington Place	Gossard's Sub	Martha A. Anderson 2144 Wellington Place
Lots 18 & 20	"	"	Oscar Rich 2140 Wellington Place
Lots 22 & 24	"	"	Delbert Bobbitt 2136 Wellington Place
Lots 26 & 28	"	"	John W. Brooks Francis R. Brooks 2114 N. Market
Lot 2 & the N 20' of Lot 4	on Wichita now Fairview	Brooks & Oldham's Addition	Iva Haywood 2158 Fairview <i>Owner at 1215 S. Water</i>
S 5' lot 4 all Lot 6 and N 10' lot 8	"	"	D.A. Jones 2156 Fairview
Lot 10 and N 15' lot 8	"	"	Anna Jane Ellington 2150 Fairview
Lot 12	"	"	James E. McCorkle Hazel McCorkle 2148 Fairview
Lots 14-16-18	"	"	Helen M. Brown 2144 Fairview
Lots 20 & 22	"	"	Orville J. Petterson 2136 Fairview
Lots 24 & 26	"	"	Elmer G. Bechtel Margaret Bechtel 2134 Fairview
Lots 28 & 30	"	"	Wade Ray <i>2132 Fairview Ave.</i> 2118 S. Willwood
Lots 41 & 43	Blk 3	Highland Add	C.E. Harris 2203 Park Place
Lots 45 & 47	"	"	Jack H. Rathbone 1537 N. Emporia
S 1/2 Lot 38 All Lot 40	"	"	Katie Graham 2212 Wellington Place
Lots 42-44-46 and 48	"	"	Roy C. Russell <i>1215 N. B. Bldg.</i>
S 16 2/3' lot 35 and N 16 2/3' Lot 37	Blk 4	"	Joe Werner <i>2215 Wellington Pl.</i>


Fidelity
Title
Company,
inc.



Continued

LOTS	BLOCK AND STREET	ADDITION	OWNER
S 8 1/3' Lot 37 all Lot 39	Blk 4	Highland Add	Roy A. St. Clair Mabel St. Clair <i>Unknown</i>
Lots 41 & 43	"	"	Ray L. Corzine Minnie Corzine <i>2207 Wellington St.</i>
Lots 45 & 47	"	"	Raymond E. Landford 204 West 21st St.
Lots 14 & 15	on Fairview	Judson Add.	Harry R. Doles Goldie Doles 2215 Fairview
W 29 1/2 ft of E 69 1/2 ft lots 18-20-22-24	"	"	Don York Frances S. York <i>5225 Sullivan</i>
East 40 ft of 18-20-22-24	"	"	Arthur Hawton 300 West 21st
East 29 ft of " W 61.5' of Lots 18-20-22- 24	"	"	May Liming 308 West 21st St.
West 32 1/2 ft of " 18-20-22-24	"	"	Fred Beal 2139 Salina


**Fidelity
Title
Company,
inc.**

Dated this 7th day of November
1956 at 7:00 A.M.

THE FIDELITY TITLE COMPANY

By *Elmer M. Jarek*
Sec.

No. 6313 SP

ABSTRACTERS NOTE: The Addresses as shown are taken from the
Tax Notice Mailing List and are not
certified correct.



Each of the undersigned tenants of property located within a two hundred foot radius of Wellington Place Baptist Church located at 2159 Wellington Place, Wichita, Kansas, hereby consent to an exception or variance of the set-back requirements of the City of Wichita, Kansas, in connection with the proposed new church construction of the Wellington Place Baptist Church as shown by its proposed plot plan attached hereto.

(23)

NAME OF TENANT	ADDRESS	DATE OF SIGNATURE
<u>A. Hawton</u>	<u>300 W. 21st St.</u>	<u>Dec 2-1956</u>
<u>Michael M. Newlin</u>	<u>2158 N. Fairview</u>	<u>Dec 2 1956</u>
<u>Mrs L. A. Jones</u>	<u>2156 Fairview</u>	<u>Dec 2 1956</u>
<u>Arthur E. Luby</u>	<u>2150 Fairview</u>	<u>Dec 10 1956</u>
<u>Mrs. Corke - signed landowner</u>	<u>2148 Fairview</u>	
<u>Mrs A. Brammer</u>	<u>2144 Fairview</u>	<u>Dec 2, 1956</u>
<u>Max M. Patterson</u>	<u>2136 Fairview</u>	<u>Dec 2, 1956</u>
<u>Mrs. Bechtel</u>	<u>2134 Fairview</u>	<u>Dec 4-1956</u>
_____	2132 Wellington Pl.	
<u>Wade Ray</u>	<u>2132 Fairview</u>	<u>Dec 4-1956</u>
<u>Police Officer - Neutral</u>	<u>2136 Wellington Place</u>	
<u>Gar R. Rich</u>	<u>2140 Wellington Place</u>	<u>Dec 2nd 1956</u>
<u>Martha W. Anderson</u>	<u>2144 Wellington Place</u>	<u>Dec 1956</u>
<u>_____</u>	<u>2146 Wellington Place</u>	
<u>Fred Christensen</u>	<u>2148 Wellington Place</u>	<u>Nov 4-56</u>
<u>Helen J. Freund</u>	<u>2152 Wellington Place</u>	<u>Dec 4-56</u>
<u>_____</u>	<u>2147 Wellington Place</u>	
<u>Malcolm M. M. Lewis</u>	<u>2145 Wellington Place</u>	<u>Dec 2-1956</u>
<u>_____</u>	<u>2143 Wellington Place</u>	
<u>Geo. W. Jacobs</u>	<u>2137 Wellington Place</u>	<u>Dec 3-1956</u>
<u>Wm. J. Blue Hayward</u>	<u>2138 Fairview</u>	<u>Dec 4 1956</u>
<u>Margaret E. Bartley</u>	<u>308 West 21st St.</u>	<u>Dec 10-1956</u>

Roy Kinnard

15989 N. W.

NOV 17 1956

Name of Tenant.	Address.	Date of Signature
Joseph Werner	2215 Wellington Place	Dec. 11, 1956
Bob L. Ludwig	2211 Wellington Place	Dec. 11, 1956
Ross Bebout	2215 1/2 Ave	Dec 16 1956
Raymond Landford	204 W. 21st St	12/24/56

WAIVER OF SET-BACK LINE FOR
WELLINGTON PLACE BAPTIST CHURCH

Each of the undersigned being owners of real property located within a two hundred foot radius of the site on which the Wellington Place Baptist Church is located at 2159 Wellington Place, Wichita, Kansas, does hereby state that he (or she) has no objection to the said church constructing a sanctuary on its present tract as shown by its proposed plot plan attached hereto, and each of the undersigned hereby consents to an exception or variance of the set-back requirements by the City of Wichita in favor of said church.

3-29-56
 Appeared - Wants full City lot set back, 13 p. 18, 43 add. pgs.

<u>LEGAL DESCRIPTION</u>	<u>OWNER</u>	<u>DATE OF SIGNATURE</u>
Lots 13 and 15, Gossard's Sub	<u>deceased</u> Jerome B. Barbeau	_____
	<u>Serena Barbeau</u> Serena J. Barbeau	_____
Lots 17 and 19, Gossard's Sub	<u>Mrs Anna M McLain</u> W. McLain	<u>Dec. 2-1956</u>
Lots 21 and 23, Gossard's Sub	Alice Scobee	_____
Lots 25 and 27, Gossard's Sub	<u>Inez Clark Stephens</u> Inez Clark Stephens	<u>Dec. 3-1956</u>
Lot 6, Gossard's Sub	<u>Harold L. Pruitt</u> Harold L. Pruitt	<u>Dec. 23-1956</u>
	<u>Juanita Pruitt</u> Juanita Pruitt	<u>Dec 23-1956</u>
	<u>Helen J. Pruitt</u> Helen J. Pruitt	<u>Dec 4-1956</u>
✓ Lot 8, Gossard's Sub	<u>Fred P. Christiansen</u> Fred P. Christiansen	<u>Dec 4 1956</u>
Lot 2 and 4, Gossard's Sub	J. S. Smithson	_____

LEGAL DESCRIPTION	OWNER	DATE OF SIGNATURE
Lots 10 and 12, Gossard's Sub	Mildred Naomi Walker	
Lots 14 and 16, Gossard's Sub	<i>Martha A. Anderson</i> Martha A. Anderson	<i>Dec 2 1956</i>
Lots 18 and 20, Gossard's Sub	<i>Oscar Rich</i> Oscar Rich	
Lots 22 and 24, Gossard's Sub	<i>Delbert Bobbitt</i> Delbert Bobbitt	
Lots 26 and 28, Gossard's Sub	John W. Brooks	
	Francis R. Brooks	
Lot 2 and the N 20' of Lot 4, Brooks & Oldham's Add.	<i>Iva Haywood</i> Iva Haywood	<i>Dec 7 56</i>
S 5' Lot 4 all Lot 6 and N 10' Lot 8, Brooks & Oldham's Addition	<i>Mrs D. A. Jones</i> D. A. Jones	<i>Dec 2 - 56</i>
Lot 10 and N 15' Lot 8, Brooks & Oldham's Addition	Anna Jane Ellington	
Lot 12, Brooks & Oldham's Add.	<i>James B. McCorkle</i> James B. McCorkle	<i>Dec. 9 - 56</i>
	<i>Hazel McCorkle</i> Hazel McCorkle	<i>Dec 9 - 56</i>
Lots 14-16-18 Brooks & Oldham's Addition	<i>Helen M. Brown</i> Helen M. Brown	<i>Dec 2, 1956</i>
Lots 20 and 22, Brooks & Oldham's Addition	<i>Orville J. Petterson</i> Orville J. Petterson	<i>Dec 2, 1956</i>
Lots 24 and 26, Brooks & Oldham's Addition	<i>Elmer G. Bechtel</i> Elmer G. Bechtel	
	<i>Margaret Bechtel</i> Margaret Bechtel	
Lots 28 and 30, Brooks & Oldham's Addition	<i>Wade Ray</i> Wade Ray	
Lots 41 and 43, Highland Add.	C. E. Harris	
Lots 45 and 47, Highland Add.	Jack H. Rathbone	

LEGAL DESCRIPTION

OWNER

DATE OF SIGNATURE

S 1/2 Lot 38 All Lot 40
Highland Add.

Katie Graham

Lots 42-44-46 and
48, Highland Add.

Roy C. Russell

Roy C. Russell

12/4/57

S 16 2/3' Lot 35
and N 16 2/3' Lot 37,
Highland Add.

Joe Werner

Joe Werner

Dec. 11, 1956

S 8 1/3' Lot 37
all Lot 39,
Highland Add.

Deceased

Roy A. St. Clair

Mabel St. Clair

Lots 41 and 43,
Highland Add.

Roy L. Corzine

Roy L. Corzine

Dec. 20-1956

Minnie Corzine

Minnie Corzine

Lots 45 and 47,
Highland Add.

Raymond E. Landford

Raymond E. Landford

Dec 24/56

Lots 14 and 16,
Judson Add.

Harry R. Doles

Goldie Doles

W 29 1/2' of E
69 1/2' Lots
18-20-22-24,
Judson Add.

Don York

Don York

Dec 31st 56

Frances S. York

Frances S. York

East 40' of
18-20-22-24,
Judson Add.

Arthur Hawton

Arthur Hawton

Dec. 2nd 1956

East 29' of
W 61.5' of
Lots 18-20-22-24,
Judson Add.

Margareh E. Bartley

May Laming

Dec. 10 1957

West 32 1/2' of
18-20-22-24,
Judson Add.

Deceased.

Fred Beal

28 15
15
43

HOUSE

PRESENT
RECTOR
EDUCATIONAL BLDG.

PRESENT
CHURCH

LIGHT COMMERCIAL
ZONE

PARKING AREA
30 CARS

NEW
SANCTUARY

L.C.
ZONE

57.5'

PROPERTY LINE

A
ZONE

R.D. ZONE

PLOT PLAN FOR
WELLINGTON PLACE BAPTIST CHURCH
FORSEY & PARTS ASSOC. 7-21-56

R.O.

1940

COMMERCIAL BLDG.

COMMERCIAL

AREA

R.O. ZONE
WELLINGTON PLACE BAPTIST CHURCH
ARCHTS 7-30-56

