

CASE No. 8-51

1951  
E. E. G.

## STATEMENT OF TITLE

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 lying within a 200 foot radius of Lots 128, 130 and 132 on Maple Street, in Smithson's Subdivision of Smithson's Addition to the City of Wichita, Kansas;

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

LOTS		ADDITION	OWNER
Lots 128, 130 & 132,	Maple St.	Smithson's Sub. of Smithson's Add.	The Trustees of The Bethel Baptist Church.
S 50' of E $\frac{1}{2}$ of Lot 21,		Smithson's Add.	Harold E. Hunt — Dores C. Hunt
Lots 62 & 64,	Edwards Ave.	Smithson's Sub. of Smithson's Add.	Harry C. Suddarth — Eva P. Suddarth
Lots 66, 68 & 70,	"	"	Edward O. Bieghler Agnes M. Bieghler
Lots 116 & 118,	Maple St.	"	Ida May Wilson T. A. Wilson
Lots 120 & 122,	"	"	Fred B. Burns Anna F. Burns
Lots 124 & 126,	"	"	Harley S. Riggs Mildred Riggs
S 8' Lot 4, all of Lot 6 & N 8' of Lot 8,	Edwards Ave.	Du Bois Addition	Helen Webster Robinett Robinett
S 17' Lot 8 and all of Lot 10,	"	"	William J. Goll — Viola L. Goll
S 17' Lot 7, and all of Lot 9,	Richmond Ave.	"	Laura Rayl Rea
Lots 61 & 63,	Edwards Ave.	Smithson's Sub. of Smithson's Add.	Chester R. Roskam Lucille I. Roskam
Lots 65, 67 & 69,	"	"	Margaret E. Douthitt Claire Douthitt
Lots 62 & 64,	Richmond Ave.	"	Charles Keith Helen Jean Keith
Lot 66 & N $\frac{1}{2}$ of Lot 68,	"	"	B. D. Brown Gladys G. Brown

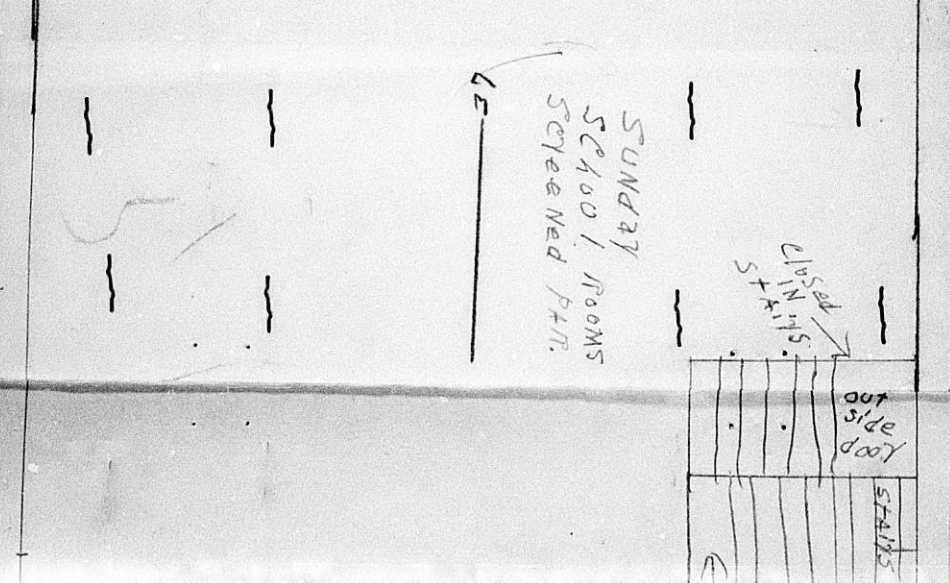
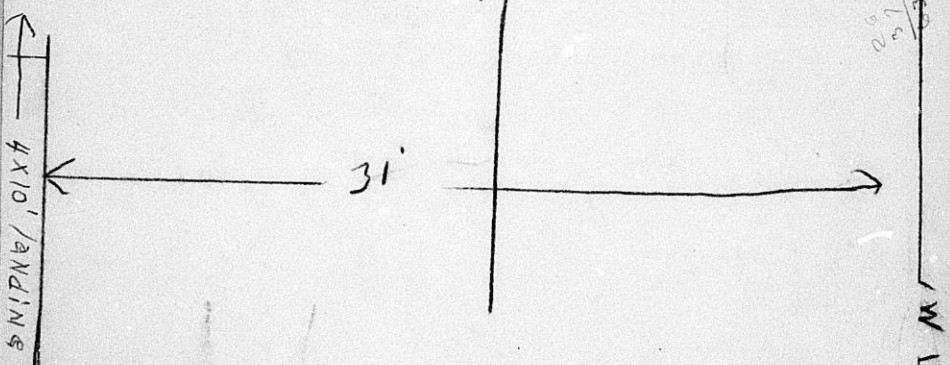
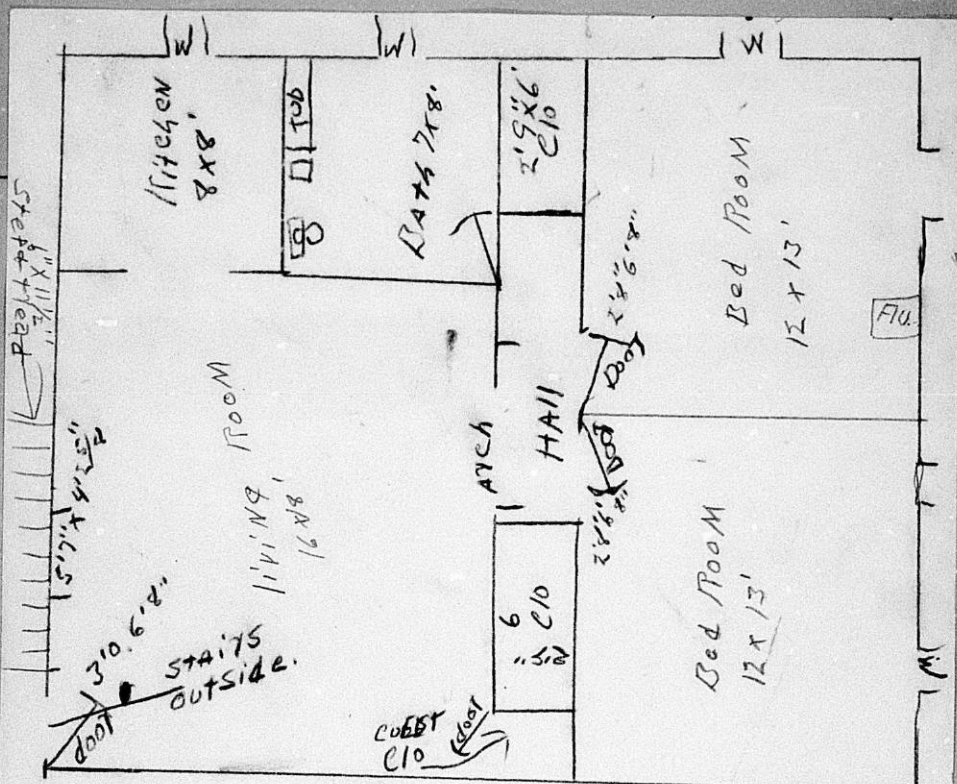
Statement of Title (con't.)

LOTS	ADDITION	OWNER
S $\frac{1}{2}$ of Lot 68 & all of Lot 70,	Richmond Ave., Smithson's Sub of Smithson's Add.	B. D. Brown —
Lots 134 & 136,	Maple St. "	John F. Mardock Ruth Mash Mardock —
Lots 138 & 140,	" "	Harry L. Thomas — Louise Tomas
Lots 142 & 144,	" "	Edward A. Robinson —
N 60' of Lots 146, 148 & 150,	" "	Robert W. Sisson ✓ Marjorie E. Sisson
Lots 146, 148 & 150, exc. N 60' thereof,	" "	John J. Elevins ✓ Julia B. Elevins
Lots 147, 149, 151 & 153, exc. E 85'	Edwards Ave. Martinson's 5th Add.	S. D. Sanders ✓ Maude Belle Sanders
E 85' Lots 147, 149 151 & 153,	" "	Sam E. Laham — Delia May Laham
Lots 155 & 157,	" "	Mervyn E. Spencer —
Lots 146 & 148,	" "	R. J. Heppler —
Lots 150 & 152,	" "	R. J. Heppler —
Lots 154 & 156,	" "	Anna Collin Heigl —
Lots 289 & 291,	Richmond Ave. "	Goldie L. Hardin ✓
Lots 293 & 295,	" "	Carl Fritchett ✓ Juanita Fritchett
Lots 297 & 299,	" "	Herald Burke Juanita Burke

Dated at Wichita, Kansas, this 19th day of March, 1951, 7 A.M.

THE FIDELITY TITLE COMPANY, INC.,

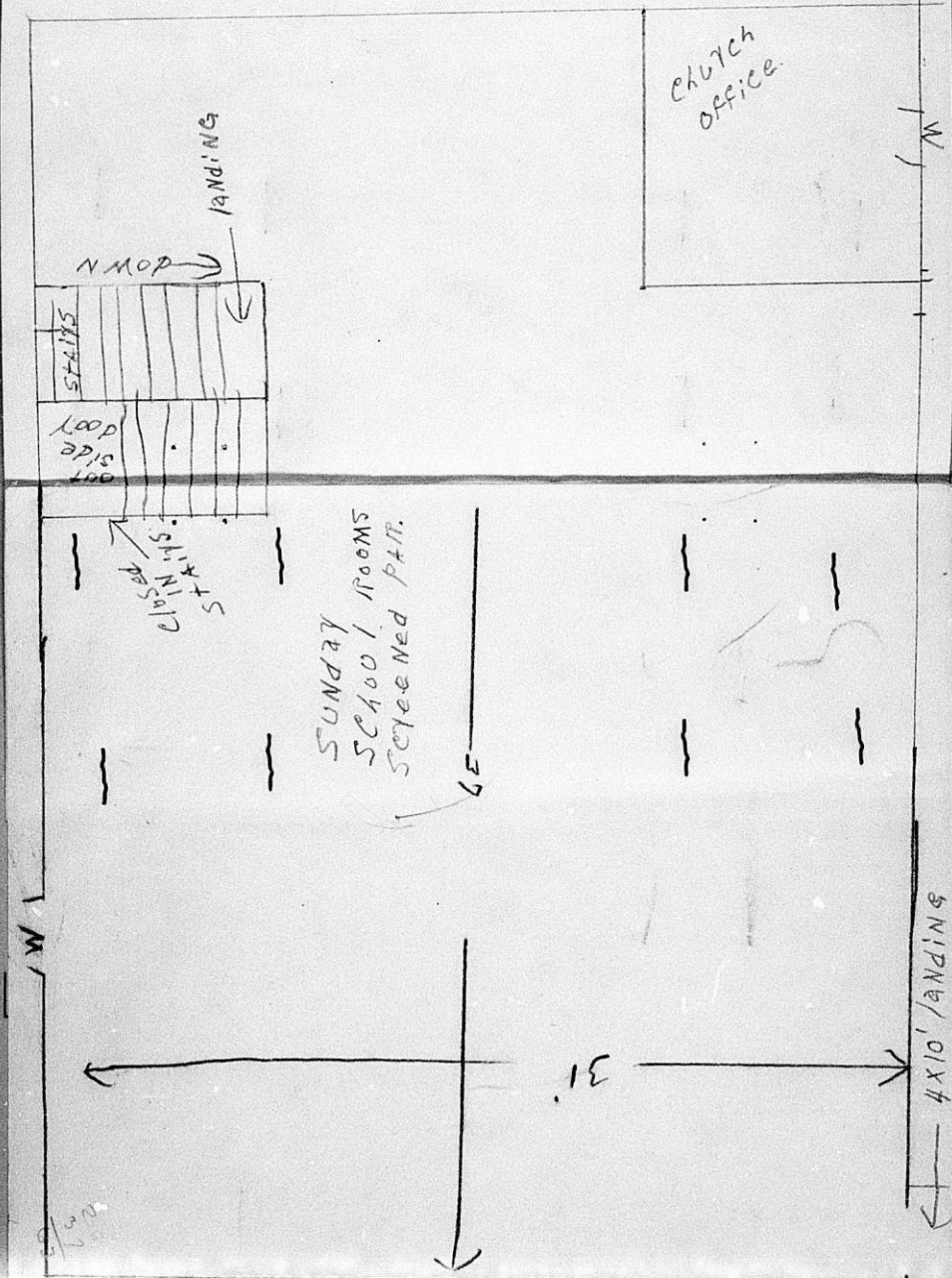
by Lawrence E. Webb  
Ass't. Treas.



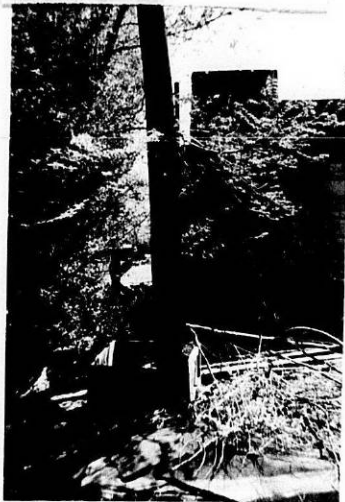
N ↑

37  
178  
8  
63

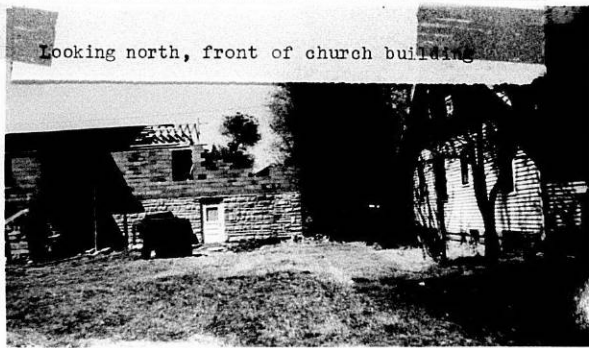
SECOND FLOOR



Looking south at  
northeast corner of building



Looking north, front of church building



Bethel Missionary Baptist Church  
2626 Maple  
Wichita, Kansas

Board of Zoning Appeals  
Room 304, City Building  
Wichita, Kansas

Dear Sirs:

We are enclosing abstract company's affidavit as per requirements of your office. Also the names and addresses of residents within said area. An accurate description of the proposed work is also enclosed.

Under Section 16, Par. 5 (b) of the Zoning Ordinance for the reason that there is not being maintained a 25 foot side yard on the side of the lot adjoining the property to the East. The ordinance requires that there be a 25 foot side yard provided for buildings used, constructed or enlarged for church purposes.

The four conditions for assumed jurisdiction are on the adjoining page.

Yours Truly,

*M. G. Simmons* Pastor

*Mary Murray* Church  
Clerk

The four conditions for assumed jurisdiction:

1. That the exception or variance desired arises from some condition which is not ordinarily found in the same zoning district.

Because the original plan called for two-story structure. The original permit for present structure was issued in February, 1946 before zoning ordinance. To comply with ~~new~~ the new ordinance would leave the bearer nineteen feet of present roof.

2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents because no more footage on ground is being used.

3. That the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.

This ordinance will constitute unnecessary hardship upon the property owner because of lack of space for Sunday School class rooms and new office for the church.

4. That the exception or variance desired is not against the public interest.

We have contacted nearby residents and same is being used by community for P.T.A. We are sure the majority of the community appreciates the use of same.

CASE NO. 8-51

Secretary Smith reviewed Case No. 8-51, an appeal by the Bethel Missionary Baptist Church to add a second floor to the existing building without maintaining the required side yard setback of 25-feet at 2626 Maple. The appeal stated that the existing building was built prior to the requirement of the 25-foot side yard and maintains only a 6-foot side yard; that the building permit for the second story had been granted and then rescinded; that no more footage on the ground is being used and the space is needed for classrooms and offices.

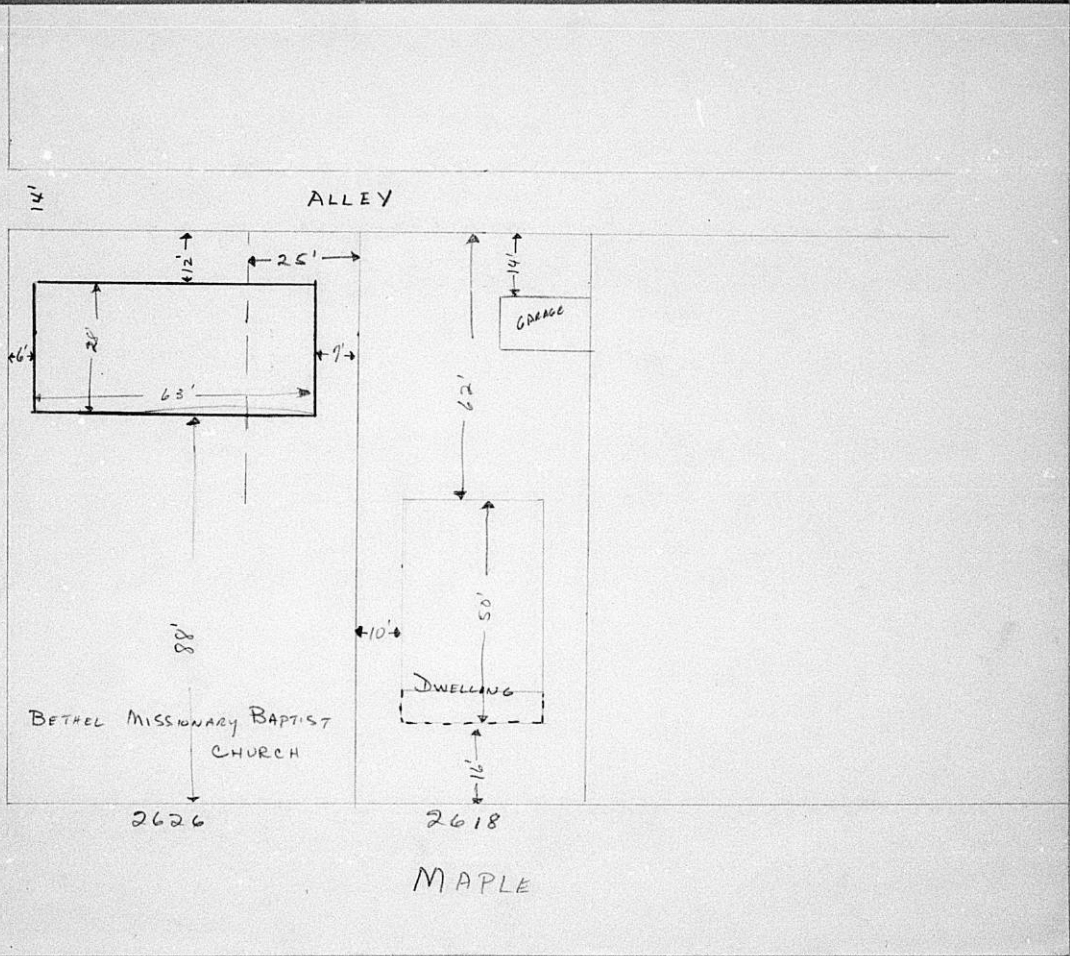
David L. Whitley, pastor of the church, stated that part of the roof had been removed before the permit was rescinded; that it is not against the public interest; that they have no plans for the lot area in front of the building.

Mr. Douthitt stated that he is opposed to the granting of the variance as he does not feel they need the extra space; that the church had not cleaned up the debris resulting from a storm which tore off part of the roof several months ago.

Mr. Hardock stated that she lives next door to the church and is very opposed to the addition; that this is a family church and is not serving the neighborhood in any way.

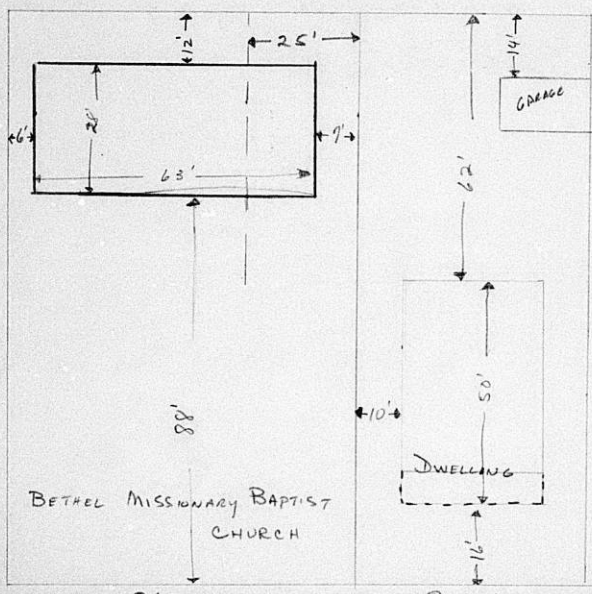
G. Smith pointed out that the floor plans indicate living quarters in one section and classrooms in the other; that all of the second floor could be built except the east 25 feet, as planned, and used either for classrooms or living quarters; that there is considerable area to the front of the building where an addition could be made.

In executive session, after considerable discussion, Smith moved and Keelarn seconded that the Board not take jurisdiction as the first and third conditions of the ordinance have not been met as the condition is not unusual and the requirements of the ordinance will not cause unnecessary hardship on the property owners. The motion carried unanimously.



14'

ALLEY



EDWARDS

BETHEL MISSIONARY BAPTIST CHURCH

DWELLING

GARAGE

2626

2618

MAPLE

STATUS SHEET

Board of Appeals Case No. 8-51

2626 Maple Premises in Question  
Roy Simmons Appellant's Name  
2020 S. Ash Appellant's Address  
Bethel Missionary Baptist Church Owner's Name  
2626 Maple Owner's Address

3-9-51 Building or Zoning Application Received by Building Inspector  
permit rescinded 3-12-51

3-12-51 Decision of Building Inspector will not maintain 25-foot  
side yard

3-16-51 Appeal filed with Bond of Zoning Appeals

5-2-51 Hearing notice and receipt

The variance or exception desired arises from some condition  
which is not uniform in similiar districts

The granting of the permit for the variance will not prejudice  
the rights of adjacent property owners or residents

5-1-51 Adjoining Property Owners Notified

Protests Received

Consents Received

Prior Cases on These Premises

5-7-51 Case Hearings

Case Decided Action of Board

Notice of Decision Sent

Court Cases

Form 3806-S (Rev. 3-40)

Receipt for Registered Article No. \_\_\_\_\_ Postmaster paid \_\_\_\_\_

Fee paid 35 cents. Class postage 10c

Declared value Nil Surchage paid, \$ \_\_\_\_\_

Return Receipt fee 25 Spl. Del'y fee \_\_\_\_\_

Delivery restricted to addressee: \_\_\_\_\_

In person \_\_\_\_\_ or order \_\_\_\_\_ Fee paid \_\_\_\_\_

Accepting employees will place his initials in space indicating restricted delivery.

NOTICE TO SENDERS—Enter below name and address of addressee as an identification. Preserve and submit this receipt in case of inquiry or application for indemnity.

Reithel Masonry Baptist Church  
 (Name of addressee) 2026 West \_\_\_\_\_  
 (P. O. and State of address)

07-10-1953-4 GPO

Post Office Department OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, 500 (GPO)

POSTMARK OF DELIVERING OFFICE

Return to City Planning Commission  
 (NAME OF BENEFICENT)  
 Street and Number, or Post Office Box, 324 City Bldg

REGISTERED ARTICLE No. 7271

INSURED PARCEL No. \_\_\_\_\_

**WICHITA, KANSAS.**

Form 3806-S (Rev. 3-40)

Receipt for Registered Article No. \_\_\_\_\_ Postmaster per. *1.00*

Fee paid *25* cents. Class postage *18*

Declared value *1.00* Surcharge paid, \$ \_\_\_\_\_

Return Receipt fee *25* Spl. Del'y fee \_\_\_\_\_

Delivery restricted to addressee: \_\_\_\_\_

In person \_\_\_\_\_ or order \_\_\_\_\_ Fee paid \_\_\_\_\_

Accepting employee will place his initials in space  
 indicating restricted delivery: *1.00*

NOTICE TO SENDER—Enter below name and address of addressee as an identification. Preserve and submit  
 this receipt in case of inquiry or application for indemnity.

*Bethel Missionary Baptist Church*  
 (Name of addressee) *2025 West*  
 (P. O. and State of address)

POSTMARK

Form 3811  
 Rev. 1-4-40

RETURN RECEIPT

Received from the Postmaster the Registered or Insured Article, the original  
 number of which appears on the face of this Card.

1 *Bethel Missionary Baptist Ch.*  
 (Signature or name of addressee)

2 *Mrs. David W. Whitley*  
 (Signature of addressee's agent—Agent should enter addressee's name on line ONE above)

Date of delivery MAY 5 1951 . 1951

U. S. GOVERNMENT PRINTING OFFICE 16-12421

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Bethel Missionary Baptist Chowner Address 2626 Maple

To Roy Simmons Applicant Address 2020 South Ash

Dear Sir:

Permit No. B 20227,  
Your ~~Application~~ dated March 9, 1951

For a Permit for the addition of a second story to the Church

at the premises designated as  
2626 Maple

Is hereby ~~refused~~ <sup>rescinded</sup> on this 12th day of March, 1951,

Under Section 16, Par. 5 (b) of the Zoning Ordinance.

For the reason that there is not being maintained a 25 foot side yard on the side of the lot adjoining the property to the East. The ordinance requires that there be a 25 foot side yard provided for buildings used, constructed or enlarged for Church purposes.

Respectfully,



S. G. 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.

BOARD OF ZONING APPEALS

Case No. 8-51

Filed 3-16-, 1951

A P P E A L   U N D E R   T H E   Z O N I N G   O R D I N A N C E

TO THE BOARD OF ZONING APPEALS  
Room 304, City Hall  
Wichita, Kansas

The undersigned, Bethel Missionary Baptist Church, hereby appeals  
from the decision of the Building Inspector wherein a Building Permit  
Is Refused For 2626 Maple addition to second story of  
Church

OR

Order Or Decision Rendered Because 25-foot side yard will not  
be maintained

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

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

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

Roy G. Simmons  
Appellant.

NAMES AND ADDRESSES

Appellant Roy Simmons Address 2020 South Ash  
Owner Bethel Missionary Baptist Church Address 2626 Maple  
Lessee \_\_\_\_\_ Address \_\_\_\_\_

INSTRUCTIONS

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

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

May 1, 1951, 19

**Bethel Missionary Baptist Church**  
**2626 Maple**  
**Wichita, Kansas**

**Gentlemen** \_\_\_\_\_ :

Your appeal, under the Zoning Ordinance, relative to premises at  
2626 Maple

has been given Board of Zoning Appeals Case No. 8-51.

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 Monday, May 7, 1951, 19\_\_\_\_, at \_\_\_\_\_

at 1:30 p.m., Room 201, City Building.

Respectfully,

**Eugene N. Smith**  
Secretary, Board of Zoning Appeals

BOARD OF ZONING APPEALS  
Room 304, City Hall  
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

May 1, 1951

An appeal has been filed by Roy Simmons  
(Address) 2020 South Ash on behalf of Bethel Missionary  
Baptist Church (Address) 2626 Maple  
as provided by Section 33 of the Zoning Ordinance. The appellant  
desires to make an addition to the second story of the Church  
without maintaining the 25-foot side yard on east on the premises  
located at 2626 Maple

This appeal has been given Case No. 8-51  
and a hearing will be held by the Board of Zoning Appeals on Monday, May 7, 1951  
at 1:30 p.m.  
at which time you may appear, if you so desire, either in person or  
by agent or attorney. Room 301, City Building

By order of the Board of Zoning Appeals.

Eugene H. Smith  
Secretary.

NAMEADDRESS

Edward O. Bieghler -- 217 E. Eleventh St.  
Agnes M. Bieghler

Ida Mae Wilson -- 2718 West Maple  
F.A. Wilson

Fred B. Burns --- 158 N. Roosevelt  
Anna F. Burns

Harley S. Riggs --- 2514 West Douglas  
Mildred Riggs

Helen Webster Robinett --- Address unknown

William J. Goll ---- 226 S. Edwards  
Viola L. Goll

Mervin E. Spencer --- 417 S. Edwards

Carl Pritchett ---- 407 S. Richmond  
Juanita Pritchett

Harold E. Hunt ----- 229 S. Edwards  
Doris C. Hunt

Harry C. Suddarth ----- 2355 Edwards  
Eva P. Suddarth

John F. Mardock ----- 2618 Maple  
Ruth Mardock

Harry L. Thomas ----- 2608 Maple  
Louise Thomas

Edward R. Robinson ----- 410 S. Custer

Robert W. Sisson ----- 253 S. Richmond  
Marjerie C. Sisson

Sam E. Laham ----- 1824 W. Douglas  
Dela M. Laham

R.J. Hepler --- 2617 Maple

Harold Burke ----- 411 S. Richmond  
Juanita Burke

E.D. Brown ----- 233 S. Richmond  
Gladys G. Brown

Charles Keith ----- 229 S. Richmond  
Helen Jean Keith

25

<u>NAME</u>	<u>ADDRESS</u>
Margaret Douthatt Claire Douthitt	242 S. Edwards
Chester Roskam Lucille I. Roskam	316 S. Belmont
Laura Rayl Rea	317 W. 6th St., Pratt, Kansas
John J. Blevins Julia B. Blevins	Address unknown
S. D. Sanders Manda Belle Sanders <small>Manda Belle Sanders</small>	252 S. Hillside
Anna Collin Heigl	622 S. Ash
Goldie L. Hardin	Address unknown

NAMEADDRESS

Edward C. Bieghler -- 217 E. Eleventh St.  
Agnes M. Bieghler

Ida Mae Wilson -- 2718 West Maple  
F.A. Wilson

Fred B. Burns --- 158 N. Roosevelt  
Anna F. Burns

Harley S. Riggs --- 2514 West Douglas  
Mildred Riggs

Helen Webster Robinett --- Address unknown

William J. Goll ---- 226 S. Edwards  
Viola L. Goll

Marvin E. Spencer --- 417 S. Edwards

Carl Pritchett ---- 407 S. Richmond  
Juanita Pritchett

Harold E. Hunt ----- 229 S. Edwards  
Doris C. Hunt

Harry C. Suddarth ----- 2355 Edwards  
Eva F. Suddarth

John F. Mardock ----- 2618 Maple  
Ruth Mardock

Harry L. Thomas ----- 2608 Maple  
Louise Thomas

Edward R. Robinson ----- 410 S. Custer

Robert W. Sisson ----- 253 S. Richmond  
Marjorie C. Sisson

Sam E. Laham ----- 1824 W. Douglas  
Dela M. Laham

R.J. Hepler --- 2617 Maple

Harold Burke ----- 411 S. Richmond  
Juanita Burke

B.D. Brown ----- 233 S. Richmond  
Gladys G. Brown

Charles Keith ----- 229 S. Richmond  
Helen Jean Keith

<u>NAME</u>	<u>ADDRESS</u>
Margaret Douthatt Claire Douthitt	242 S. Edwards
Chester Roskam Lucille I. Roskam	316 S. Belmont
Laura Rayl Rea	317 W. 6th St., Pratt, Kansas
John J. Blevins Julia B. Blevins	Address unknown
<del>Ed. Sanders</del> <del>Maude Belle Sanders</del>	2528 Hillside
Anna Collin Heigl	622 S. Ash
Goldie L. Hardin	Address unknown