

CASE NO. 8-53

BOARD OF ZONING APPEALS  
Room 303, City Hall  
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

May 26, 1953

An appeal has been filed by Wichita Unity Center  
(Address) 3241 Victor Place on behalf of \_\_\_\_\_  
\_\_\_\_\_  
(Address) \_\_\_\_\_

as provided by Section 33 of the Zoning Ordinance. The appel-  
lant desires to erect a church but cannot provide the  
required amount of off-street parking on the premises  
located at 102 S. Parkwood

This appeal has been given Case No. 8-53  
and a hearing will be held by the Board of Zoning Appeals on  
June 2, 1953 at 1:30 p.m.

at which time you may appear, if you so desire, either in  
person or by agent or attorney. Room 201, City Building

By order of the Board of Zoning Appeals.

George J. Fisher  
Secretary

*Board of Zoning Appeals*

ZONING PETITION

ACCEPTED AS TO FORM

Date 5-2-58

WICHITA CITY PLANNING COMMISSION

By

*M. Younger*

*E. L. Riggs*  
#8058

BOARD OF ZONING APPEALS

Case No. 8-53

Filed 4-5-2 19 53

APPEAL UNDER THE ZONING ORDINANCE

To: The Board of Zoning Appeals  
Room 804, City Building  
Wichita, Kansas

The undersigned, WICHITA UNITY CENTER hereby appeals  
from the decision of the Building Inspector wherein a Building  
Permit is Refused for erection of a Church

OR

Order or Decision Rendered Because \_\_\_\_\_

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

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

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

WICHITA UNITY CENTER

BY Robt. L. Brown Trustee  
Appellant

NAMES AND ADDRESSES

Appellant Wichita Unity Center Address 3241 Victor Place, Wichita, Kans.

Owner Same Address Same

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 Build-  
ing 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

Case No. 8-53

Filed 5-2 19 53

APPEAL UNDER THE ZONING ORDINANCE

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

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WICHITA UNITY CENTER

BY Robert C. Baum Trustee  
Appellant

NAMES AND ADDRESSES

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Owner Same Address Same

Lessee \_\_\_\_\_ Address \_\_\_\_\_

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  - b. A clear and accurate description of proposed work or use.

**Wichita Unity Center**

3241 VICTOR PLACE



WICHITA 8, KANSAS

April 27, 1953

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

Gentlemen:

In accordance with the instructions to Appellants who are appealing under the Zoning Ordinance for the issuance of a Building Permit we wish to hereby submit the within and following statement in support of our appeal:

- (a) On April 20, 1953, we applied for a Building Permit for the erection of a Church on a lot which we own at 102 South Parkwood, further identified as Lots 1 and 2, Block A, Bellair Addition to the City of Wichita, Kansas.
- (b) The Building Permit for this church was refused under Section 28 of Ord. 18-500, of the Zoning Ordinance for the reason that insufficient off-street parking will be provided.

We wish to appeal the decision of the Building Inspector in refusing a Building Permit on the following grounds:

- (1) Other Churches in this same zoning district have been issued Building Permits with even less off-street parking than we propose.
- (2) We plan to build a structure of the type that will blend well with the prevailing type of architecture in this area. We believe that the off-street parking which we have planned will take care of all parking requirements during the week, in fact at all times except during the Sunday Morning services. During Sunday Morning services every church in Wichita is faced with a parking problem.
- (3) The refusal of a Building Permit for this church will work an unnecessary financial hardship upon us because we purchased this site before Section 28 of Ord. 18-500 was passed, and at that time paid a substantial premium for what we considered a choice location.
- (4) Obviously the construction of a church is not against the public interest.

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Wichita Unity Center Owner Address 3241 Victor Place

To Same Applicant Address \_\_\_\_\_

Dear Sir:

Your application Dated Apr. 20, 1953

For a Permit for the erection of a Church

\_\_\_\_\_ at the premises designated as

102 South Parkwood, southeast corner

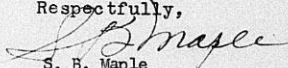
Is hereby refused on this 20th day of April, 1953,

Under Section 28 of Ord. 18-500, of the Zoning Ordinance.

For the reason that insufficient off-street parking will be provided.

It is planned to have an auditorium seating approximately 500, which would require off-street parking for 100 cars. The plot plan submitted shows that there is only 15 available spaces.

Respectfully,

  
S. B. Maple

Chief Building Inspector

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

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BUILDING INSPECTION DIVISION

To Wichita Unity Center Owner Address 3241 Vistor Place  
To Same Applicant Address \_\_\_\_\_

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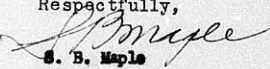
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**It is planned to have an auditorium seating approximately 500, which would require off-street parking for 100 cars. The plot plan submitted shows that there is only 15 available spaces.**

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Chief Building Inspector

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## MAILING LIST - PROPERTY OWNERS

<u>NAME</u>	<u>ADDRESS</u>
Mrs. Rosalie B Phares	103 S. Parkwood Lane, Wichita, Kansas
R A Bothwell ✓ Alta Mae Bothwell	109 S. Parkwood Lane, Wichita, Kansas
Ruth McGuire Mattingly ✓	116 S. Pinecrest, Wichita, Kansas
Richard S Davis Valerie B Davis	125 S. Parkwood Lane, Wichita, Kansas
Irene E Everitt	133 S. Parkwood Lane, Wichita, Kansas
H W Shields Lorraine H. Shields	139 S. Parkwood Lane, Wichita, Kansas
Lisle L. Doughman	102 S. Old Manor Road, Wichita, Kansas
Arthur W. Gill Alpha W. Gill	108 S. Old Manor Road, Wichita, Kansas
John D. Harness Marcella Harness	116 S. Old Manor Road, Wichita, Kansas
Elliott A. Levand Eloise M Levand	124 S. Old Manor Road, Wichita, Kansas
Jay Kornfeld ✓ Lillian G Kornfeld	120 S. Parkwood Lane, Wichita, Kansas
L A Deck Frances Deck	128 S. Parkwood Lane, Wichita, Kansas

## MAILING LIST - CONT'D

<u>NAME</u>	<u>ADDRESS</u>
P. M. Morton	138 S. Parkwood Lane, Wichita, Kansas
Jay Bergman Sarah Bergman	105 S. Ridgewood, Wichita, Kansas
Stella Shawver	115 S. Ridgewood, Wichita, Kansas
Martin C. Dondlinger Catherine Dondlinger	135 S. Ridgewood, Wichita, Kansas
Arthur H. Sheldon Mary Sheldon	124 S. Ridgewood, Wichita, Kansas
Elizabeth A. Costin Anna Belle Costin	116 S. Ridgewood, Wichita, Kansas
Milton Glickman Gladys A. Glickman	106 S. Ridgewood, Wichita, Kansas
Albert M. Austin	101 N. Parkwood Lane, Wichita, Kansas
Edward A. Natanson	109 N. Parkwood Lane, Wichita, Kansas
Lillian R. McCalla	102 N. Parkwood Lane, Wichita, Kansas
Zada M. Heisler	108 N. Parkwood Lane, Wichita, Kansas
Leland E. Brack Anna E. Brack	101 N. Ridgewood, Wichita, Kansas
Mrs. Charles E. Heite, Jr.	109 N. Ridgewood, Wichita, Kansas
V. A. Tuttle Ruth Tuttle	102 N. Ridgewood, Wichita, Kansas
Frank W. Long Leah E. Long	110 N. Ridgewood, Wichita, Kansas
<i>Robert W. Drown - 308 Central Bldg.</i>	

LIST OF PROPERTY OWNERS

LOT	BLOCK	ADDITION	OWNER
N 70' of lot 1	B	ElRancho	Rasline B. Pahres
S 30' of lot 1	B	"	L. A. Bathwell Alta Mae Bathwell
N 35' lot 2	B	"	"
S 45' lot 2	B	"	Ruth McGuire Mattingly
N 20' lot 3	B	"	"
S 60' lot 3	B	"	Richard S. Davis Valerie B. Davis
N 5' lot 4	B	"	"
Lot 4 except N 5' and except S 10'	B	"	Irene E. Everett
S 10' of 4	B	"	H. W. Shields Lorraine H. Shields
N 55' lot 5	B	"	"
N 60' of lot 8	B	"	Lisle Doughman
S 40' lot 8	B	"	Arthur W. Gell Alpha W. Gell
N 20' lot 9	B	"	"
S 60' of 9	B	"	John D. Harness Marcella Harness
N 40' of 10	B	"	"
S 40' of 10	B	"	Elliott A. Levand Eloise M. Levand
N 68' of lot 11	B	"	"
1	A	Bellair	V. D. Brown et al Trustees Wichita Unity Center
2	A	"	"
3	A	"	Jay Kornfield Lillian G. Kornfield
N 15' of lot 4	A	"	"
Lot 4 except N 15'	A	"	L. A. Deck Frances Deck
N 30' of lot 5	A	"	"

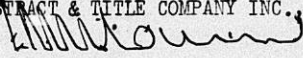
Continued Page 2

LOT	BLOCK	ADDITION	OWNER
S 45' of lot5	A	Bellair	P. M. Morton
9	A	"	Jay Bergman Sarah Bergman
10	A	"	"
11	A	"	Stella Shawner
N 25' of 12	A	"	"
s 50' of lot 12	A	"	"
13	A	"	Martin C. Dandlinger Catherine Dandlinger
S 40' of 17		Second Bellair Add.	Arthur H. Sheldon Mary Sheldon
No 20' of 17		"	Elizabeth A. Costin Anna Belle Costin
18		"	"
S 20' of 19		"	"
N 40' of 19		"	Milton Glickman Gladys A. Glickman
20		"	"
2	1	Crown Heights	Albert M. Austin
4	1	"	Edward A. Natanson Irma Lillian Natanson
1	2	"	Lillian R. McCalla
3	2	"	Zada M. Heisler
2	"	"	Leland E. Brack Anna E. Brack
4	2	"	Charles E. Heite Jr.
1	3	"	V. A. Tuttle Ruth Tuttle
3	3	"	Frank W. Long Leah E. Long

We hereby certify the foregoing to be a true and correct List of Property Owners as of above described , as shown by the records in the Office of the Register of Deeds of Sedgwick County, Kansas this 23rd day of April, 1953.

THE SECURITY ABSTRACT & TITLE COMPANY INC.

By:

  
Vice President

BOARD OF ZONING APPEALS  
Room 303, City Hall  
Wichita, Kansas

NOTICE TO PROPERTY OWNERS

May 26, 19 53

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(Address) 3241 Victor Place on behalf of \_\_\_\_\_  
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(Address) \_\_\_\_\_

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June 2, 1953 at 1:30 p.m.

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George J. Fisher  
Secretary

Notice sent to property owners on May 26, 1953

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R. A. & Alta Mae Bothwell, 109 S. Parkwood Lane, City  
Ruth McGuire Mattingly, 116 S. Pinecrest, City  
Richard S. & Valerie B. Davis, 125 S. Parkwood Lane, City  
Irene E. Everitt, 133 S. Parkwood Lane, City  
H. W. & Lorraine H. Shields, 139 S. Parkwood Lane, City  
Lisle L. Doughman, 102 S. Old Manor Rd., City  
Arthur W. & Alpha W. Gill, 108 S. Old Manor Road, City  
John D. & Marcella Harness, 116 S. Old Manor Road, City  
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L. W. & Frances Deck, 128 S. Parkwood Lane, City  
P. M. Morton, 138 S. Parkwood Lane, city  
Jay & Sarah Bergman, 105 S. Ridgewood, Wichita, Ks.  
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Frank W. & Leah E. Long, 110 N. Ridgewood, City  
Robert W. Brown, 308 Central Bldg., City

#### APPLICATION

WE, the undersigned, being all of us owners of residential properties in the immediate neighborhood of 102 South Parkwood Lane, Wichita, Kansas, do hereby respectfully petition the Board of Zoning Appeals of the City of Wichita, Sedgwick County, Kansas, to deny the application of Wichita Unity Center, 3241 Victor Place, for leave to erect a church with or without offset parking at the said address, 102 South Parkwood, Wichita, Kansas, or in any portion or part of the neighborhood of these petitioners for the following reasons:

1. Petitioners state that the erection of a church will constitute a public nuisance in that the curbs will be constantly jammed with parked cars; loud noises will result from congregated crowds and the peace and tranquility of these petitioners will be destroyed and the legitimate intentions and purposes of their residences will be materially damaged. Further, by the erection of such a building, the values of the residential properties of these petitioners will be materially reduced; that these petitioners had a right when they bought their residences, to rely upon said district as continuing as a residential district, which it now is, in accordance with the regulations and rules of this city at that time.

2. That the erection of such a church will be in direct violation of the restrictive covenants applying to lots in Bellair Addition to Wichita, Sedgwick County, Kansas, which restrictive covenants are recorded in Book 161 of Misc., at page 252, of the records in the office of the Register of Deeds in and for Sedgwick County, Kansas. A photostatic copy of said covenants is attached hereto as Exhibit "A" and is made a part hereof by this reference as fully as though incorporated herein at length in words and figures.

That such of these petitioners who are residents of Bellair Addition, purchased their homes in reliance upon said restrictive covenants and to take the rights from these petitioners after reliance thereon, would be a denial of their constitutional privileges and the taking of their property without due process of law.

That said restrictions in paragraph number One thereof specifically provides that only single-family residential dwellings can be built thereon, and sub-paragraph number two of paragraph number Ten thereof provides for the prosecution of proceedings in law or in equity either by way of damages or injunctive relief for the violation of such covenants.

That by reason of the foregoing, the granting of such application will incite litigation all to the further expense of these petitioners and contrary to law, equity, good government and good conscience.

This document is being executed in multiple copies and this Board is requested to consider each of said copies

a duplicate original thereof the same as though all signatures were contained upon one copy.

Dated at Wichita, County of Sedgwick, State of Kansas, this 1st day of June, 1953.

<u>NAME</u>	<u>ADDRESS</u>
<u>W. H. Hare</u>	<u>103 So Parkwood Lane</u>
<u>Herman Koster</u>	<u>115 N. Parkwood Lane</u>
<u>Vivian Rosette</u>	<u>121 N. Parkwood Lane</u>
<u>M. J. Mason</u>	<u>133 No Parkwood</u>
<u>Mrs. Kenneth Watson</u>	<u>139 N. Parkwood Lane</u>
<u>H. Kenneth Watson</u>	<u>139 N. Parkwood Lane</u>
<u>M. R. Neff</u>	<u>147 N. Parkwood Lane</u>
<u>Mrs. Paul E. Dye</u>	<u>153 N. Parkwood Lane</u>
<u>Mrs. Paul Jernigan</u>	<u>157 N. Parkwood Lane</u>
<u>Harry B. Mehl</u>	<u>160 No. Parkwood Lane</u>
<u>W. H. Neff</u>	<u>150 No. Parkwood Lane</u>
<u>Mrs. C. C. Brown</u>	<u>146 N. Parkwood Lane</u>
<u>H. B. Scott</u>	<u>132 N. Parkwood Lane</u>
<u>E. J. Stephens</u>	<u>122 N. Parkwood Lane</u>
<u>Blair Boyl</u>	<u>114 N. Parkwood Lane</u>
<u>Zada M. Heisler</u>	<u>108 N. Parkwood Lane</u>
<u>Mrs. G. E. Heite Jr.</u>	<u>109 N. Ridgewood Dr.</u>
<u>Dr. &amp; Mrs. V. A. Tuttle</u>	<u>102 N. Ridgewood Dr.</u>
<u>Mrs. Metta Hickman</u>	<u>106 So. Ridgewood Dr.</u>
<u>Jay S. Bergman</u>	<u>105 So. Ridgewood Dr.</u>

Notice sent to property owners on May 26, 1953

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Frank W. & Leah E. Long, 110 N. Ridgewood, City  
Robert W. Brown, 308 Central Bldg., City

APPLYING TO LOTS IN BELLAIR ADDITION TO WICHITA,  
SEDGWICK COUNTY, KANSAS, AS HEREINAFTER SPECIFIED  
AND SET FORTH.

1. All lots in the tract shall be known and described as residential lots and no structure shall be erected, altered, placed or permitted to remain on any residential building plot other than one detached single family dwelling not to exceed two stories in height and a private garage for not more than three cars.

2. Before the erection of any building is commenced upon said land, or any lot in said addition, the plans, setback and elevations shall be approved by James Thomas and Agnes W. Thomas, his wife, or their heirs, successors or assigns, and any and all violations of any of the restrictions herein contained shall be enjoined, restrained and prevented by legal or equitable means available, and said James Thomas and Agnes W. Thomas, his wife, their heirs, successors or assigns shall also be entitled to recover any and all damages recoverable by law for any such violation of these restrictive covenants.

3. No building shall be erected on any residential building plot nearer to the front lot line or nearer to the side street line than the building set back lines shown on the recorded plat. In any event, no building shall be located on any residential building plot nearer than 30 feet to nor farther than 35 feet from the front lot line, nor nearer than 15 feet to any side street line, nor nearer than 6 feet to any side lot line, but the side line restriction shall not apply to a detached garage or other out building located 75 feet or more from the front lot line.

4. No residential structure shall be erected or placed on any building plot, which plot has an area of less than 8000 square feet or a width of less than 60 feet at the front building set back line.

5. No noxious or offensive trade or activity shall be carried on upon any lot nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood.

6. No trailer, basement, tent, shack, garage, barn, or other out-building erected in the tract shall at any time be used as a residence, temporary or permanently, nor shall any structure of a temporary character be used as a residence.

7. No person of any race other than the white race shall own, use or occupy any lot or building in this addition, except that this covenant shall not apply to nor prevent occupancy by domestic servants of a different race, domiciled with an owner or tenant.

8. No dwelling costing less than \$5000.00 shall be permitted on any lot in the tract. The ground floor area of the main structure, exclusive of one story open porches and

(continued)



garages, shall be not less than 1000 square feet in the case of a one story structure, nor less than 750 square feet in the case of a one and one half or two story structure.

9. An easement is reserved over the rear 7½ feet of each lot for utility installation and maintenance.

10. These Covenants are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 1967, at which time said Covenants shall be automatically extended for successive period of 10 years unless by vote of a majority of the then owners of the lots, it is agreed to change said Covenants in whole or in part.

If the parties hereto, or any of the , or their heirs, or assigns, shall violate or attempt to violate any of the Covenants herein, it shall be lawful for any other person or persons owning any real property situated in said development or subdivision to prosecute any proceedings at law or in equity against the person or persons violating or attempting to violate any such covenant and either to prevent him or them from so doing or to recover damages or other dues for such violation.

11. Invalidation of any one of these Covenants by judgment or court order shall in no wise affect any of the other provisions which shall remain in full force and effect.

IN WITNESS WHEREOF, We, James Thomas & Agnes W. Thomas, sole owners of all of the lot in said Belleir Addition to Sedgwick County, Kansas, have hereunto set our hands this 7th day of April 1942.

James Thomas  
Agnes W. Thomas

STATE OF KANSAS     )  
                          ) SS  
COUNTY OF SEDGWICK )

Subscribed and sworn to before me, a Notary Public this 7th day of April, 1942.

(Notarial Seal)                     S. W. Vaughn,  
   Notary Public

My commission expires Mar. 16, 1945.

FILED for record Apr. 10, 1942 at 2:25 P. M.

Arch E. McVicar, Register of Deeds.

---HX---



\*

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