

POSTED
3-28-65
F-5

ACTION

DATE
4-27-65
Sya COMMITTEE

M.A.P.C.

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

SEA 10-65 - Hyde Park Church request
exception to permit addition to the
church on the east side of Ellis be-
tween Douglas and Waterman

May 10, 1965

Hyde Park Evangelical United
Brethern Church
228 Ellis
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 10-65

On April 29, 1965, we advised you that the Board of Zoning Appeals had approved subject application for an exception to permit expansion of church facilities in the "E" Light Industrial District, on property located generally on the east side of Ellis between Douglas and Waterman.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before May 7, 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,

James W. Howe
Assistant Secretary

JWH:ber
Attachment

cc: March Berger
2961 Coolidge

Glen Lytle, Superintendent
of Central Inspection

RESOLUTION NO. BZA 10-65

WHEREAS, Hyde Park Evangelical United Brethren Church, 220 Ellis, Wichita, Kansas, by March Berger, 2961 Coolidge, Wichita, Kansas, has filed an application for an Exception to permit the expansion of church facilities, as provided in Section 28.04.170.A.3, Code of the City of Wichita, which allows expansion of nonconforming religious institutions up to a maximum of 100% of the floor area of the existing building; and

WHEREAS, this application relates to property legally described as:

Lots 2, 4, 6, 8, 10, and 12, on South Hyde Park Place, Hyde's Addition, in the City of Wichita, Sedgwick County, Kansas.

Generally located on the east side of Ellis between Douglas and Waterman; 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 April 27, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for an Exception under the provisions of Section 2.12.590.3, Code of the City of Wichita; and

WHEREAS, the property is located in an area zoned "E" Light Industrial; and

WHEREAS, the Board of Zoning Appeals has authority to permit expansion of a nonconforming religious institution in the "E" Light Industrial Zoning District, up to 100% of the floor area of the existing structure, when it is determined that a hardship exists; and

WHEREAS, the Board has determined that a hardship exists in view of the fact that it is desired to replace the old entrance to the church with a new entranceway, which should enhance the appearance of the building and should in no way adversely affect the rights of any adjacent residential properties; further, the church would be burdened with unnecessary hardship if this exception is not granted inasmuch as the old porch has already been removed and plans have been drawn for construction of the new entrance to the church.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the applicant be allowed to expand the church facilities by construction of a 9 foot by 12 foot addition onto the west side of the church, which addition contains a total area of 108 square feet, on property legally described as follows:

Lots 2, 4, 6, 8, 10, and 12, on South Hyde Park Place, Hyde's Addition, in the City of Wichita, Sedgwick County, Kansas.

Generally located on the east side of Ellis between Douglas and Waterman.

ADOPTED AT WICHITA, KANSAS, this 27th day of April,
1965.

Harold Bauer
Harold Bauer, Chairman

ATTEST:

James W. Howe
James W. Howe
Assistant Secretary

April 29, 1965

Hyde Park Evangelical United
Brethern Church
228 Ellis
Wichita, Kansas

Gentlemen:

Re: Case No. BEA 10-65

This is to advise you that at its regular meeting of April 27, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for an exception to permit expansion of church facilities in the "E" Light Industrial District, on property located generally on the east side of Ellis between Douglas and Waterman.

It was the action of the Board to approve this request as follows:

An exception was granted to allow the church to construct an addition 9 feet by 12 feet, on the west side of the existing church, which addition would contain a total area of 108 square feet.

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 May 7, 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 May 7, 1965, the decision of the Board

Page 2 - Hyde Park Evangelical United
Brethern Church
April 29, 1965

will be final and the Superintendent of Central Inspection will
be in a position to issue the appropriate permit.

Very truly yours,

James W. Howe
Assistant Secretary

JWH:ber

cc: March Berger
2961 Coolidge

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 10-65

APPLICANT: Hyde Park Evangelical United Brethern Church,
220 Ellis

AGENT: March Berger, 2961 Coolidge

LOCATION: East side of Ellis between Douglas and Waterman

REQUEST: Exception as provided in Section 28.04.170.3, Code of the City of Wichita, in order to allow a 9 x 12 addition to be constructed on the Hyde Park Evangelical United Brethern Church which is located in an "E" Light Industrial District.

ZONING: Property in question and all surrounding property is zoned "E" Light Industrial

LAND USE: The property in question is occupied by a church. To the north is Hyde Park; south is parking, heavy manufacturing and a metal shop. East is single family and west is parking, and a sign shop.

JURISDICTION:

The Board has jurisdiction to consider the variance request under provisions outlined in Section 28.04.170.3, Code of the City of Wichita, and may grant the variance request for a church to be enlarged, extended, or reconstructed up to a maximum of 100% of the floor area of the existing church, provided that the Board finds that failure to grant such exception will create an undue hardship on the church.

COMMENTS BY THE SECRETARY

The church is requesting that they be allowed to construct a 9 x 12 addition to the church. The proposed addition would provide for an entranceway into the church. The church has indicated that the proposed addition contains 108 square feet which is 6% of the total area of the existing church facility.

It should be pointed out that the church is located in the "E" Light Industrial district and is not permitted to expand as a "use by right" as churches and all residential buildings have become nonconforming uses since they are no longer a permitted use in either of the industrial districts. The existing ordinance only permits normal maintenance on any nonconforming use and does not permit the extension or enlargement of any of these structures without prior approval of the Board of Zoning Appeals. The Board must also find that hardship exists before the exception can be granted.

Since the church is removing the old entrance to the church and only proposing to construct a new entrance to the church, it is the opinion of the Secretary that this should enhance the appearance of the building and should in no way adversely affect the rights of any adjacent residential properties. It is further the opinion of the Secretary that the church would be burdened with unnecessary hardship if this exception is not granted inasmuch as the existing porch has already been removed and plans have been drawn for construction of the new entrance to the church.

RECOMMENDATION

Based upon the foregoing comments, it is the recommendation of the Secretary that an exception be granted to allow the church to construct a 9 x 12 addition onto the west side of the church, which addition contains a total area of 108 square feet.

SECRETARY'S REPORT

CASE NO. BZA 10-65

APPLICANT: Hyde Park Evangelical United Brethern Church,
220 Ellis

AGENT: March Berger, 2961 Coolidge

LOCATION: East side of Ellis between Douglas and Waterman

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It should be pointed out that the church is located in the "E" Light Industrial district and is not permitted to expand as a "use by right" as churches and all residential buildings have become nonconforming uses since they are no longer a permitted use in either of the industrial districts. The existing ordinance only permits normal maintenance on any nonconforming use and does not permit the extension or enlargement of any of these structures without prior approval of the Board of Zoning Appeals. The Board must take of heed that hardship exists before the exception can be granted.

Page 2 - Secretary's Report
Case No. BZA 10-65

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RECOMMENDATION

Based upon the foregoing comments, it is the recommendation of the Secretary that an exception be granted to allow the church to construct a 9 x 12 addition onto the west side of the church, which addition contains a total area of 108 square feet.

CASE NO. BZA 10-65

23 NOTICES MAILED APRIL 8, 1965

meeting APRIL 27, 1965

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

April 8, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 10-65

An application has been filed by Hyde Park Evangelical United Brethern Church, 228 Ellis, Wichita, Kansas, by March Berger, 2961 Coolidge, Wichita, Kansas, pursuant to Section 2.12.590.3, Code of the City of Wichita, requesting an Exception in accordance with Section 28.04.170, Code of the City of Wichita, to permit expansion of church facilities on property located in an "E" Light Industrial zoning district, and legally described as follows:

Lots 2, 4, 6, 8, 10, and 12, on South Hyde Park Place, Hyde's Addition, in the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Ellis between Douglas and Waterman.

This application has been assigned Case No. BZA 10-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1965, at 2 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.

Jack H. Galbraith
Secretary

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

April 8, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

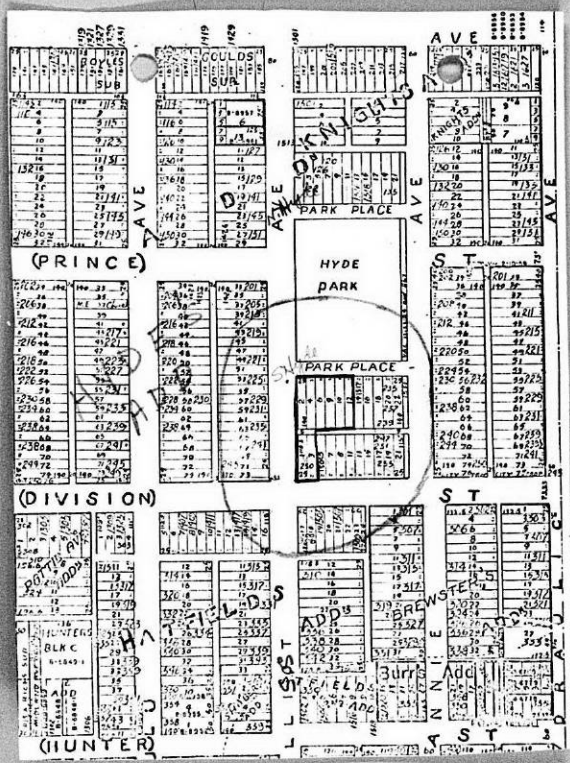
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Jack H. Galbraith
Secretary



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21
27

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. Bza 10-65
FILED 3-24-65

APPLICATION FOR EXCEPTION

I. Name of Applicant Hyde Park Evangelical United Brethren Church
Mailing Address 228 Ellis, Wichita, Kansas Phone AM 5 8322
Name of Authorized Agent March Berger
Mailing Address 2961 Coolidge, Wichita, Kansas Phone TE 8 3940
Relationship of applicant to property is that of Agent
(owner, tenant, lessee, other).

II. Application is made for an exception as provided in Section
2804170.3, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of An addition to Hyde Park E.U.B. Church. The addition will be 9x12'
entry on the west side and complete driveway on property zoned
Light Industrial, located at 228 Ellis, Wichita, Kansas
and legally described as: Lots 2,4,6,
8,10, & 12, on South Hyde Park Place, Hyde's Addition 2, Wichita, Kansas
in the City of Wichita.
(Give metes and bounds description below if appropriate).

NA

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 Joseph Berger
Authorized Agent March Berger

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:45 (a.m. - p.m.), March 24, 1965, together with appropriate fee of \$50.00.

Signed J. Hallworth

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 2, 4, 6, 8, 10 & 12, on South Hyde Park
Place, Hyde's Addition & Lots 1 & 3, exc prt taken
for Street, on Waterman Ave., Hyde's Addition, in
Wichita, Kansas.


Fidelity
Title
Company,
inc.

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

Lots 2, 4, 6, 8, 10 & 12, on S. Hyde Park Place,
in Hyde's Addition.

↳ The First United Brethern Church in Christ,
of Wichita, Kansas.
228 Ellis Ave.

Lots 14 & 16, S. Hyde Park Place, Hyde's Addition.

✓ Maude C. Davis
1517 S. Hyde Park

S 45 ft of N 95 ft of Lots 18, 20 & 22, on
Hyde Park Ave., Hyde's Addition.

↳ The Board of Trustees of the Hyde Park
Church of the Evangelical Brethern Church,
228 Ellis Ave.

North 50 ft of Lots 18, 20 & 22, on
Park Place St., Hyde's Addition.

✓ W. H. & Cottle Lee Davidson, ux
235 Greenwood St.



South 45 ft of Lots 18, 20, 22, Hyde Park Ave., Hyde's Add.

✓ H. C. Richardson,
% Glenn A. Hardesty,
416 N. Ash St.

Lots 1 & 3, Waterman St., Hyde's Addition.

✓ Brd of Tr. of Hyde Park Church of the
Evangelical United Brethern Church

Lots 5 & 7, Waterman St., Hyde's Addition.

✓ Bill J. Morris, Trustee
430 Cheryl

Lots 9 & 11, Waterman St., Hyde's Addition.

✓ LeRoy A. & Lola M. Behee, ux
1508 E. Waterman

S 40 ft of N 80 ft of Lots 13, 15, 17, 19
& 21, Waterman St., Hyde's Addition.

✓ Helen I. Corn & Dale F. Corn, vir.
1606 N. Gow

N 40 ft of Lots 13, 15, 17, 19 & 21,
Waterman St., Hyde's Addition.

✓ Clarence E. & Eurith M. Daniels, ux
247 Greenwood

N 35 ft of S 60 ft of Lots 15, 17, 19,
21 & N 35 $\frac{1}{2}$ ft of S 60 ft of Lot 13, on
Waterman St., Hyde's Add.

✓ Charles L. & Pearl E. Kelly, ux
255 Greenwood

S 24 $\frac{1}{2}$ ft of Lot 13, & S 25 ft of Lots
15, 17, 19 & 21, Waterman St., Hyde's Add.

City of Wichita

Lots 11 & 12, Waterman St., Hatfield Add.

✓ C. R. & Marie A. Sullivan, ux
% Mary Sullivan
315 N. Parkwood

Lots 13 & 14, Waterman St., Hatfield Add.

✓ Dalbert & Bertha M. Wineteer, ux
750 S. Pershing

Lots 15 & 16, Waterman St., Hatfield Add.

✓ Bertha Stackman Gouldner
1845 Wellington Place *notice returned*

Lots 17, 18, 19, Waterman St., Hatfield Add.

✓ Bruce J. & Loretta Watkins, ux
1013 S. Minnesota

Lots 20 & 21, Waterman St., Hatfield Addition.

✓ Bruce J. & Loretta Watkins, ux
1013 S. Minnesota

Lots 22, 23, 24, Waterman St., Hatfield Addition.

✓ E. A. Kelly & Margaret Kelly, ux
1509 E. Waterman

Lots 1, 3, 5, 7 & N 7 ft Lot 9, Greenwood Ave.,
Brewster's Addition.

✓ Robert R. & Pansy R. Gaulding, ux
324 N. Ash St.

Lots 37, 39 & 41, Ellis Ave., Hyde's Addition.

✓ Charlie Henry & Hattie Henry, ux
803 University

Lots 43 & 45, Ellis Ave., Hyde's Addition.

✓ Leo J. & Lucille Smith, ux
551 Ellis Ave.

Lots 47 & 49, Ellis Ave., Hyde's Addition.

✓ Ramona Williams
221 Ellis Ave.

Lots 51, 53, 55, 57, 59 & N 2 ft of Lot 61,
Ellis Ave., Hyde's Addition.

✓ The Wichita City Teachers Credit Union
229 Ellis Ave.

S 23 ft Lot 61, all Lots 63, 65, 67, Ellis
Ave., Hyde's Addition.

✓ Dale L. & Samuel E. Morris
1409 E. Douglas

Lots 69 & 71, Ellis Ave., Hyde's Addition.

✓ Kathryn Elouise Meisner Oldfield
245 Ellis Ave.

Lots 73 & 75, exc prt for Street, Ellis
Ave., Hyde's Addition.

✓ H. H. Hurst
1826 E. First St.

Hyde Park

City of Wichita

Dated at Wichita, Kansas this 19th day
of March, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

BY Edwin M. Farwell
Sec. OEM

Form 223-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
<i>Legal Applications</i>	<i>50.00</i>

Name *Harry L. Steger*

Address *56 Hickory St W*

Type *R-712* Due Date

Comments:

Date *5-24-65* By *H. Steger*

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

10-65

3

*received
4/11/65*



Bertha Stackman Gouldner

1845 Wellington Place

Wichita, Kansas

RETURN TO WRITER



*

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