

BZA 20-64 - Committee of the St.
Mary's Orthodox Church requests
variances & exceptions re parking
NE Cor Martinson & Maple

by 4-28-64

App.

May 11, 1964

Mr. H. R. Kuhn, Attorney
201-211 Beacon Building
Wichita, Kansas

Dear Mr. Kuhn:

Re: Case No. BZA 20-64

On April 30, 1964, we advised you that the Board of Zoning Appeals had approved your request for a variance of the rear and side yard setback requirements in connection with expansion of the church facilities located generally at the northeast corner of Martinson and Maple. 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 8, 1964.

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,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: Walter E. Taylor
320 South Martinson

Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 20-64

WHEREAS, the Committee of the St. Mary's Orthodox Church, 1318 West Maple Street, Wichita, Kansas, by H. R. Kuhn, attorney, 201-11 Beacon Building, Wichita, Kansas, requests variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a waiver of the required side yard setback of 25 feet and a waiver of the required rear yard setback of 20 feet, and also request a variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to provide only 12 off-street parking spaces rather than 95 spaces as required by Section 28.04.140.B.1, Code of the City of Wichita, to allow installation and construction of an off-street parking lot, all on property zoned "B" Multiple Family and "RB" Four family residential, and legally described as follows:

Lots 2, 4, 6, 8 and Lots 1 and 3 all on Martinson Avenue, and Lots 5 and 7, Exposition Avenue, all in Lawrence 4th Addition, in the City of Wichita, Sedgwick County, Kansas,

generally located in an area north of Maple and between Elizabeth and Exposition; 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 the 28th day of April, 1964; and

WHEREAS, the Board of Zoning Appeals has determined that the request for variance with respect to off-street parking is not applicable inasmuch as upon further review of the circumstances, the Superintendent of Central Inspection has determined that off-street parking was not a requirement of the zoning ordinance at the time the church sanctuary was constructed, and the proposed expansion of church facilities does not include the enlargement of the seating capacity of the sanctuary; and

WHEREAS, the Board of Zoning Appeals has determined that the request for exception with respect to the use of "B" zoning for off-street parking is not applicable, inasmuch as off-street parking is a permitted use in a "B" zoned area; and

WHEREAS, the Board of Zoning Appeals has found that the request for a variance of setback requirements in conjunction with construction of a new building, arises from a condition which is found to be unique and not ordinarily found in the same zoning district inasmuch as the variance is occasioned by the unique nature and character of the church proper, its expanding congregation and its limited building facilities; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, would not adversely affect the rights of adjacent property owners inasmuch as the church will provide a five foot side yard setback which is the same side yard setback which is required for the single family dwelling immediately to the north of the church; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant inasmuch as the contemplated structure is sorely needed by the church to properly service the needs of the community, and further, the church as a matter of equity would also be burdened with an unnecessary hardship if not allowed to obtain the fullest utilization of their property; and

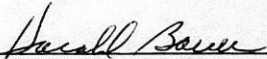
WHEREAS, the Board of Zoning Appeals has found that the variance, as approved, will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted, has been found to exist.

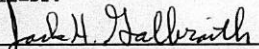
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the variance requested be approved and the Superintendent of Central Inspection be authorized to issue the appropriate permit, subject to the following:

1. No building or structure shall be constructed or located closer than 5 feet to the north line of Lot 8 or closer than 3 feet to the east line of Lots 2, 4, 6 and 8.
2. This resolution shall supersede those conditions which were established in BZA Case No. 22-63.
3. It was suggested that the attorney advise the church on the urgency of submitting another application for a variance of setback requirements on the lots which are to be utilized for off-street parking.

ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1964.


Harold Bauer, Chairman

ATTEST:


Jack H. Galbraith, Secretary

Board of Zoning Appeals

May 7, 1964

Robert G. Finch, City Clerk

Jack H. Galbraith, Secretary

Case No. BZA 20-64

Attached is a copy of Resolution No. BZA 20-64, covering action taken by the Board of Zoning Appeals in connection with the above-numbered case, which case was heard by the Board on April 28, 1964. An appeal may be filed in your office on or before May 8, 1964. If an appeal is filed, please advise.

Jack H. Galbraith
Secretary

JHG:ber

Attachment

April 30, 1964

Mr. H. R. Kuhn, Attorney
201-211 Beacon Building
Wichita, Kansas

Dear Mr. Kuhn:

Re: Case No. BZA 20-64

This is to advise you that at its regular meeting of April 28, 1964, the Board of Zoning Appeals of the City of Wichita, considered your request for a variance of the side and rear yard setback requirements for the new addition to the church which is to be constructed on said property.

The action of the Board was to approve a variance of the side and rear yard setback requirements in conjunction with the construction of the additional church facility to the north of the present sanctuary subject to the following conditions:

1. No building or structure shall be constructed or located closer than 5 feet to the north line of Lot 8 or closer than 3 feet to the east line of Lots 2, 4, 6 and 8.
2. This resolution shall supersede those conditions which were established in BZA Case No. 22-63.
3. It was suggested that the attorney advise the church of the urgency of submitting another application for a variance of setback requirements on the lots which are to be utilized for off-street parking.

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 8, 1964.

Page 2 - H. R. Kuhn
April 30, 1964

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 8, 1964, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber

cc: Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

Walter E. Taylor
320 South Martinson

SECRETARY'S REPORT

CASE NO. BZA 20-64

APPLICANT: Committee of the St. Mary's Orthodox Church

AGENT: H. R. Kuhn, attorney, 201-11 Beacon Building

REQUEST: The request is for a variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow the church to expand its facilities. In order to construct the proposed addition, the church is requesting a variance to allow the new addition to be constructed to within 5 feet of the side property line and to within 3 feet of the rear property line. The ordinance requires a 25 foot side yard setback and 15 foot rear yard setback.

GENERAL LOCATION: The property in question is generally located on the northeast corner of Martinson and Maple.

ZONING: The existing zoning to the north, east and south is "B" Multiple Family; to the west is "RB" Four Family.

LAND USE: The property in question is occupied by a church. The existing land use to the north is single family; east is single family and a duplex; south is a church and the Masonic Old Age Home; and to the west is single family and a duplex.

JURISDICTION: The Board has jurisdiction under Section 2.12.590.2 to consider the variance request and also has the authority to grant the variance when all four of the following conditions are found to exist:

1. Uniqueness
2. Adjacent Property
3. Hardship
4. Public interest

The applicant has submitted a statement of justification and plot plan which are included as Attachments #1 and #2 to this report.

COMMENTS BY THE SECRETARY

The existing ordinance requires that all churches when located in a residential zoning district must provide a 25 foot required side yard setback. The ordinance also requires a 15 foot rear yard setback. However, in this instance a variance of the required setbacks is needed so that the church can build the proposed addition.

In July of last year this same church was granted a variance to allow them to build an addition onto the rear of the church. (This addition has not been constructed as of the present time). At that

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Case No. BZA 20-64

time it was suggested by the staff that there was adequate area to the north of the church to build the proposed structure. However, it was pointed out by the church that this particular area could not be utilized for building purposes since it was being used for off-street parking. Evidently the church Board has changed its attitude since last year because in this application they are requesting variances of the required side and rear yard setback requirements so that they will be allowed to utilize the area to the north of the church (currently being used for off-street parking) to build a new community hall.

After several conversations with the Superintendent of Central Inspection, it was determined that if the variance is granted the church will not have to provide any off-street parking for the new addition since there will not be an increase in the seating capacity of the church sanctuary. It should also be pointed out that the church is not required to provide off-street parking for the existing church sanctuary since the sanctuary was in existence prior to the time the off-street parking section of the ordinance was adopted.

UNIQUENESS

The attorney for the applicant suggests that "the variance is occasioned by the unique nature and character of the church proper, its expanding congregation and its extreme limited building facilities. The church has attempted to expand its physical plant but has only been partially successful."

The Secretary is of the opinion that there is nothing which is unique about the property from a physical standpoint. As the Board is well aware, it is an accepted fact, at least in this community, that churches themselves are in somewhat of a unique situation. Most churches, since they are hard pressed for finances, attempt to obtain the fullest utilization of their property. Consequently, a closely associated problem is one of trying to obtain additional property in order to meet the off-street parking requirements so that the necessary permit can be obtained in order to proceed with construction. However, in this particular instance no off-street parking is required since the church was in existence prior to the time the off-street parking ordinance was adopted.

On most occasions the Board has ~~taken~~ a more liberal interpretation of what uniqueness should be construed to mean as far as churches, public or quasi-public institutions are concerned. The Secretary is of the opinion that extreme caution should be used in considering uniqueness as to the use of the property concerned, since almost any property could be considered unique from this standpoint.

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Case No. BZA 20-64

In view of the above mentioned consideration, it is the opinion of the Secretary that uniqueness can probably be found to exist; however, the justification being used is not on sound grounds.

ADJACENT PROPERTY

The applicant has requested a complete waiver of the side and rear yard setback requirements. However, according to the plot plan it is proposed that the structure be built to within 5 feet of the north property line and to within 3 feet of the east property line. Consequently, a complete waiver of the required setbacks will not be necessary. If a 5 foot side yard setback can be provided, there should not be any adverse affects on adjacent property owners since this is the same setback that is required for homes in the "B" Multiple Family zoning district.

HARDSHIP

The attorney for the applicant is of the opinion that hardship exists since "the contemplated structure is sorely needed by the church to properly service the needs of the community."

The Secretary is of the opinion in this instance that the structure could be constructed without the variances requested; however, the addition could not be as large as the one being proposed. The problem seems to center around the fact that the church is trying to get the fullest utilization of its property by over-building the lot. This certainly isn't desirable from a good planning standpoint however, as a matter of equity, it would appear that the church is burdened with a hardship. Again, as was the case with uniqueness, the justification being used for hardship stands on very shakey grounds since the hardship involved is most likely one that has been self-created.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of this variance should in no way adversely affect the public interest.

RECOMMENDATION:

Based on the foregoing comments, it is the recommendation of the Secretary that the variance be approved, subject to the following conditions:

1. No building or structure shall be constructed or located closer than 5 feet to the north line of Lot 8 or closer than 3 feet to the east line of Lots 2, 4, 6 and 8.

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Case No. BZA 20-64

2. This resolution shall supersede those conditions which BZA Case No. 22-63 was approved subject to.

Attachments

- #1 - Statement of Justification
- #2 - Plot Plan

SECRETARY'S REPORT

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PUBLIC INTEREST

It is the opinion of the Secretary that the granting of this variance should in no way adversely affect the public interest.

RECOMMENDATION:

Based on the foregoing comments, it is the recommendation of the Secretary that the variance be approved, subject to the following conditions:

1. No building or structure shall be constructed or located closer than 5 feet to the north line of Lot 8 or closer than 3 feet to the east line of Lots 2, 4, 6 and 8.

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Case No. BZA 20-64

2. This resolution shall supersede those conditions which BZA Case No. 22-63 was approved subject to.

Attachments

- #1 - Statement of Justification
- #2 - Plot Plan

CASE NO. BZA 20-64

9 NOTICES MAILED APRIL 14, 1964 FOR MEETING OF APRIL 28, 1964

Dorothy Lewis & Clay Lewis
545½ North Lorraine

Maude G. Fields
408 South Elizabeth

Floyd E. & Hattie Putney
207 South Millwood

Charles A. & Lucy B. Simpson
1415 Maple

Adolphine & Elsie Tajchman
220 North Roosevelt

Everett C. & Audrey Norton
342 South Elizabeth

Freida Kallail
334 South Elizabeth

Ruth Marie or Bernard F. Clark
601 South Roosevelt

Mable M. Sites
2627 East Funston

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

35

April 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 20-64

An application has been filed by the Committee of the St. Mary's Orthodox Church, 1318 West Maple Street, Wichita, Kansas, by H. R. Kuhn, attorney, 201-11 Beacon Building, Wichita, Kansas, requesting variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a waiver of the required side yard setback of 25 feet and a waiver of the required rear yard setback of 20 feet, and also request a Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to provide only 12 off-street parking spaces rather than 95 spaces as required by Section 28.04.140.A.2.4, and further requesting an exception as provided in Section 28.04.140.B.1, Code of the City of Wichita, to allow installation and construction of an off-street parking lot, all on property zoned "B" Multiple Family and "RB" Four Family Residential, and legally described as follows:

Lots 2, 4, 6, and 8, and Lots 1 and 3, all on
Martinson Avenue, and Lots 5 and 7, Exposition
Avenue, all in Lawrence 4th Addition, in the City
of Wichita, Sedgwick County, Kansas. Generally
located in an area north of Maple and between
Elizabeth and Exposition.

This application has been assigned Case No. BZA 20-64, and will be considered by the Board of Zoning Appeals on Tuesday, April 28, 1964, 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 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 20-64

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Jack H. Galbraith
Secretary

Date 4-13-64 Hour 3 P.M.

RUSH

DELIVERY INSTRUCTIONS REGULAR

Deliver To: Jim Howe at

Address: City Bldg. - Annex 4th Floor

Get Receipt - YES NO

Remarks: _____

In Re: St. Mary's Orthodox Church

FIDELITY TITLE COMPANY, INC.

By _____

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 lying within a radius of 200 ft of: Lots 1-3-2-4-6-8, Martinson Avenue & Lots 5-7, Exposition Avenue, in Lawrence's 4th 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	STREET	ADDITION	OWNER
1 & 3	Martinson	Lawrence 4th	St. Mary Syrian Orthodox Church, 1318 Maple St.
5-7-9	"	" "	John E. & Hazel R. Cousins, ux No address available
11 & 13	"	" "	Mary Lena & A.V. Jones, vir 325 S. Martinson
15 & 17	"	" "	Ray & Bertis Megredy, ux 321 S. Martinson
19-21-23	"	" "	Kent & Shirley E. Frizzell, ux 319 S. Martinson



LOT	STREET	ADDITION	OWNER
2 & 4	Martinson	Lawrence 4th	The Society of St. Mary's American-Syrian Church of Wichita, Ks. 1318 Maple St.
6 & 8	"	" "	St. Mary's Syrian Orthodox Church 1318 Maple St.
10 & 12	"	" "	Hattie M. Ferris, sgle 332 S. Martinson
14 & 16	"	" "	Ruth B. Anderson 324 S. Martinson
18 & 20	"	" "	Bianche B. & Lee J. Fitz- simmons, ux 316 S. Martinson
1 & 3	Exposition	" "	Leonard R. & Veva Adams, ux. Samuel B. & Howard L. Adams 1203 Lewellen
5 & 7	"	" "	St. Marys Orthodox Church 1318 Maple St.
9 & 11	"	" "	Mrs. Emma Jackson <i>no add</i> no address available
13 & 15	"	" "	Homer & Esther E. Steely, ux 415 Stephens
17 & 19	"	" "	Roy E. Carlson 312 S. Dodge
21 & 23	"	" "	Arthur W. & Floy K. Hartley, ux 729 N. Market
2 & 4	Elizabeth	" "	✓ Adolphine Tajchman & Elsie Tajchman, ux 220 N. Roosevelt
6 & S $\frac{1}{2}$ of 8	"	" "	✓ Everette C. Norton & Audrey M. Norton, wife 342 S. Elizabeth


**Fidelity
Title
Company
inc.**



LOT	STREET	ADDITION	OWNER
10 & N $\frac{1}{2}$ 8	Elizabeth	Lawrence 4th	✓ Everett C. Norton & Audrey M. Norton, wife 342 S. Elizabeth
12-14	"	" "	✓ Freida Kallail 334 S. Elizabeth
16-18	"	" "	✓ Ruth Marie Clark or Bernard F. Clark 601 S. Roosevelt
20-22	"	" "	✓ Mabel M. Sites, widow 2627 E. Funston
14-16	Exposition	Lawrence 2nd	Czeslaw Rosemarionowski Thelma R. Rosemarionowski ux 324 S. Exposition
18 & 20	"	" "	J. C. & Ollie Mae Winfrey ux 320 S. Exposition
22 & 24	"	" "	Bonnie Kirk Ramsey Gwendolyn Kirk Gray 316 S. Exposition
N 50' of W $\frac{1}{2}$ Reserve F	"	" "	Carrie Ada Waddell, sgl Freddie Joe Waddell no address available <i>no address</i>
S 55' of N 105' of W $\frac{1}{2}$ Res. F	"	" "	E. H. & Mildred Dixon, ux 330 S. Exposition
S 55' of W $\frac{1}{2}$ Res. F	"	" "	F. J. & Josephine Hagan, ux 1250 Maple St.
2-4, exc. S 55' Maple St.	Coops Grove	✓ Add.	Clay Lewis & Dorothy Lewis, wife No address available <i>545' 27' Lorraine</i>
S 55' of 2-4 & W 8" of S 55' of 6	"	" " " "	✓ Maude G. Fields 408 S. Elizabeth

Fidelity Title Company, inc.



Page 4

LOT	STREET	ADDITION	OWNER
6, exc. S 55' of W 8' & all Lot 8	Maple St.	Coops Grove	✓ Floyd E. & Hattie Putney, ux 207 S. Millwood
10-12	" "	" "	✓ Charles A. Simpson & Lucy B. Simpson, wife 1415 Maple
14-16-18-20- 22-24	" "	" "	Trinity Methodist Church of Wichita, 411 S. Martinson

Beg. 40' South & 35' West of
NE cor. of NE $\frac{1}{4}$ Sec. 30-27-1 E,
th South 690'; West 878 ft.;
North 690 ft.; East to point
of beginning

Kansas Masonic Home
401 S. Seneca


**Fidelity
Title
Company,
Inc.**

Dated at Wichita, Kansas, this 10th day of April, 1964.

No. 59847

FIDELITY TITLE COMPANY, INC.
By *Edie M Farrell*
Sec.





Fidelity Title Company, inc.

No. 59847

221 NORTH MARKET • WICHITA 2, KANSAS
PHONE AM-2-8261 AREA CODE 316

DATE: **Apr. 7, 1964**

ORDERED BY: **Kuhn**

CHARGE TO: **St. Mary's Orthodox Church
c/o Arn & Mullins
Beacon Bldg.
Wichita, Kansas**

DELIVERED TO: **Jim Howe at City Bldg.**

KEY:
OWNER:

ACCOUNTS DUE FIRST OF MONTH FOLLOWING INVOICE

DESCRIPTION: **Prop. within 200' radius of Lots 2-4-6-8, Martinson Ave. & Lots 5-7,
Exposition Ave., Lawrence 4th Add.**

Received of **Fidelity Title Company, Inc.,** as described above:

Date: _____

DELIVERY INVOICE

B3A 20-64

*Delivered by lot was amended to include 200' radius
within 200 feet of lot 5-7, or 200' radius
within 200 feet of lot 5-7, or 200' radius
within 200 feet of lot 5-7, or 200' radius*

CASE NO. BZA 20-64

23 NOTICES MAILED APRIL 9, 1964 FOR MEETING OF APRIL 28, 1964

Committee of the St. Mary's Orthodox Church 1318 Maple	Arthur W. & Floy K. Hartley ✓ 729 North Market
H. R. Kuhn 201-11 Beacon Building	Trinity Methodist Church ✓ 411 South Martinson
St. Mary Syrian OrthoroX Church 1318 Maple	Kansas Masonic Home 401 South Seneca
John E. and Hazel R. Cousins 345 North Fern	Czeslaw Rosemarionowski ✓ Thelma R. Rosemarionowski ✓ 324 South Exposition
Mary Lena & A. V. Jones 325 South Martinson	J. C. & Ollie Mae Winfrey ✓ 320 South Exposition
Ray & Bertis Megredy 321 South Martinson	Bennie Kirk Ramsey ✓ Gwendolyn Kirk Gray ✓ 316 South Exposition
Kent & Shirley E. Frizzell 319 South Martinson	E. H. & Mildred Dixon ✓ 330 South Exposition
Hattie M. Ferris 332 South Martinson	F. J. & Josephine Hagan ✓ 1250 Maple
Ruth B. Anderson 324 South Martinson	
Walter E. Taylor 320 South Martinson	
Blanche B. & Lee J. Fitzsimmons 316 South Martinson	
Leonard R. & Veva Adams 1203 Lewellen	
Samuel B. & Howard L. Adams 1203 Lewellen	
Homer & Esther E. Steely 415 Stephens	
Roy E. Carlson 312 South Dodge	

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, Martinson Avenue,
 Lawrence 4th Addition to 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:

Lot	Street	Addition	Owner
1 & 3	Martinson	Lawrence 4th.	St. Mary Syrian Orthodox Church 1318 Maple St.
5 & 7, 9	"	" "	John E. & Hazel R. Cousins, ux No Address Available 3457. <i>Fern</i>
11 & 13	"	" "	Mary Lena & A. V. Jones, vir 325 S. Martinson
15 & 17	"	" "	Ray & Bertis Megredy, ux 321 S. Martinson
19, 21, 23	"	" "	Kent & Shirley E. Frizzell, ux 319 S. Martinson
2 & 4	"	" "	The Society of St. Mary's American-Syrian Church of Wichita, Ks. 1318 Maple St.
6 & 8	"	" "	St. Mary's Syrian Orthodox Church 1318 Maple St.

Lot	Street	Addition	Owner
10 & 12	Martinson	Lawrence 4th.	Hattie M. Ferris, sgle. 332 S. Martinson
14 & 16	"	" "	Ruth B. Anderson 324 S. Martinson
18 & 20	"	" "	Walter E. Taylor 320 S. Martinson
22 & 24	"	" "	Blanche B. & Lee J. Fitzsimmons, 316 S. Martinson ux
1 & 3	Exposition	" "	Leonard R. & Veva Adams, ux ^{1203 Lewellen} Samuel B. Adams & Howard L. Adams 1203 Lewellen
5 & 7	"	" "	St. Marys Orthodox Church 1318 Maple St.
9 & 11	"	" "	Mrs. Emma Jackson No Address Available <i>no address</i>
13 & 15	"	" "	Homer & Esther E. Steely, ux 415 Stephens
17 & 19	"	" "	Roy E. Carlson 312 S. Dodge
21 & 23	"	" "	Arthur W. & Floy K. Hartley, ux 729 N. Market

Lots 14, 16, 18, 20, 22, 24, on Maple St., Trinity Methodist Church, Wichita
Coops Grove Addition. 411 S. Martinson

Beg 40 ft South & 35 ft West of NE cor
NE 1/4 Sec 30, Twp 27, R 1 E; th South 690
ft; West 878 ft; North 690 ft; East to
pt of beg. Kansas Masonic Home
401 S. Seneca

Dated at Wichita, Kansas this 31st
day of March, 1964 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elin M. Farrell
Sec. OEM

59716

Lot	Street	Addition	Owner
10 & 12	Martinson	Lawrence 4th.	B Hattie M. Ferris, sgle. 332 S. Martinson
14 & 16	"	" "	B Ruth B. Anderson 324 S. Martinson
18 & 20	"	" "	B Walter E. Taylor 320 S. Martinson
22 & 24	"	" "	B Blanche B. & Lee J. Fitzsimmons, ux 316 S. Martinson
1 & 3	Exposition	" "	B Leonard R. & Veva Adams, ux B Samuel B. Adams & Howard L. Adams 1203 Lewellen
5 & 7	"	" "	B St. Marys Orthodox Church 1318 Maple St.
9 & 11	"	" "	Mrs. Emma Jackson <i>no address</i> No Address Available
13 & 15	"	" "	B Homer & Esther E. Steely, ux 415 Stephens
17 & 19	"	" "	B Roy E. Carlson 312 S. Dodge
21 & 23	"	" "	B Arthur W. & Floy K. Hartley, ux 729 N. Market
14 & 16	"	Lawrence 2nd.	Czeslaw Rosemarionowski Thelma R. Rosemarionowski, ux 324 S. Exposition
18 & 20	"	" "	J. C. & Ollie Mae Winfrey, ux 320 S. Exposition
22 & 24	"	" "	Bonnie Kirk Ramsey Gwendolyn Kirk Gray 316 S. Exposition
The North 50 ft of W $\frac{1}{2}$ of Reserve F, in Lawrence 2nd Add. to West Wichita			Carrie Ada Waddell, sgle <i>no address</i> Freddie Joe Waddell No Address Available
The South 55 ft of the North 105 ft of W $\frac{1}{2}$ Res F, Lawrence 2nd Add. to West Wichita			E. H. & Mildred Dixon, ux 330 S. Exposition
The South 55 ft of W $\frac{1}{2}$ Res F, in Law- rence 2nd Add. to West Wichita.			F. J. & Josephine Hagan, ux 1250 Maple St.

Lots 14, 16, 18, 20, 22, 24, on Maple Street,
Coops Grove Addition.

Trinity Methodist Church of Wichita
411 S. Martinson

Beg 40 ft South & 35 ft West of the NE cor
of NE $\frac{1}{4}$ Sec 30, Twp 27, R 1 E; th South 690
ft; West 878 ft; North 690 ft; East to pt
of beg.

Kansas Masonic Home
401 S. Seneca

Dated at Wichita, Kansas this 7th day
of April, 1964 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elie M. Zarrell Sec. OEM

Tracer # 59847

CLYDE M. BAUGHMAN
FRED J. DOANE
JOHN T. (JACK) REEVES

OFFICE OF
CLYDE M. BAUGHMAN CO.

2522 EAST KELLOGG
WICHITA 11, KANSAS
DIAL MURRAY 3-7431

Civil Engineers & Surveyors
Registered Professional Engineers

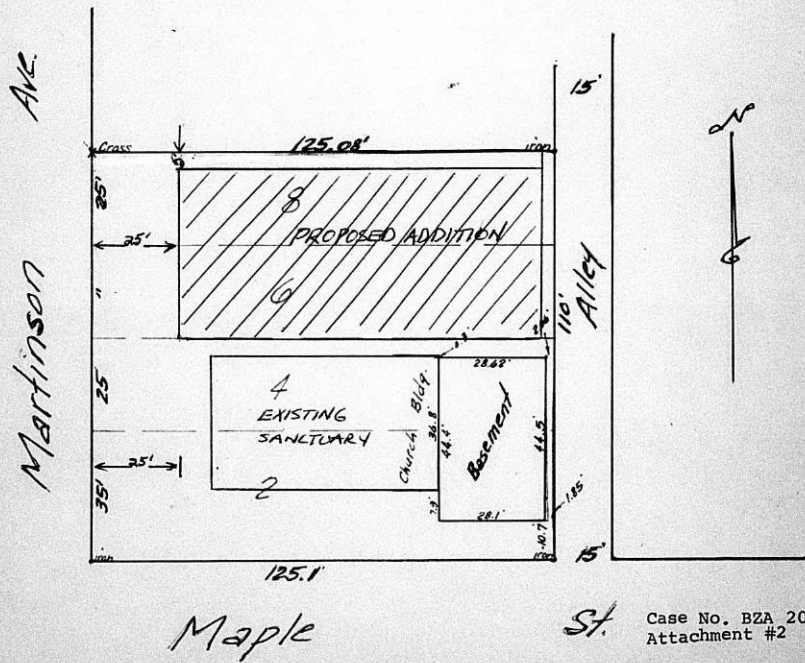
State of Kansas }
County of Sedgwick }

SS

July 8, 1963

I, Clyde M. Baughman, Surveyor in aforesaid county and state do hereby certify that I did on this 8th day of July, 1963, survey Lots 2-4-6-8 on Martinson, Lawrence 4th Addition to Wichita, Kansas. On said lots is a church building which is in the clear of all boundary lines. There are no encroachments on said lots by buildings on the adjacent lots. The accompanying plat is a true and correct exhibit of said survey.

Clyde M. Baughman
Surveyor



Case No. BZA 20-64
Attachment #2

LAW OFFICES OF
ARN, MULLINS, UNRUH, KUHN & CATES
SEACON BUILDING
WICHITA, KANSAS 67202
AMHERST 7-5267

EDWARD F. ARN
RICHARD F. MULLINS
MILD M. UNRUH
H. R. KUHN
LOUIS W. CATES
BERNICE BURKET

April 2, 1964

The Board of Zoning Appeals
Wichita, Kansas

Re: Application for Variance
Lots 2, 4, 6 and 8 on Martinson,
Lawrence's 4th Addition to
Wichita, Kansas

Gentlemen:

The owner of Lots 2, 4, 6 and 8 on Martinson, Lawrence's 4th Addition to Wichita, Kansas, is a religious society known as St. Mary's Orthodox Church. It has filed an application for a variance to permit it to construct an educational building to the rear and to the north of the church building presently located on Lots 2 and 4. The attached survey shows the lot dimensions, and the attached architect's drawings of the proposed educational building indicates what the church group has in mind.

The variance requested is occasioned by the unique nature and character of the church proper, its expanding congregation and its extremely limited building facilities. The church has attempted to acquire adjacent properties for the purpose of permitting it to expand its physical plant but has been only partially successful. The contemplated educational structure is sorely needed by the church to properly service the needs of the community.

It is the opinion of everyone connected with this proposed project that said project will in no way endanger or adversely affect private rights; further, that it will beautify the area and should act to enhance the over-all appearance of the area.

Respectfully submitted,

H. R. Kuhn
H. R. Kuhn, Agent

HRK/jw

Atchmnts.

Case No. BZA 20-64
Attachment #1

*NE Cor
Martinson
v Maple*

CORRECT WORDING FOR REQUEST

requesting a variance pursuant to Section 2.12.590.2 of the Code of the City of Wichita to allow a waiver of the required side yard setback of 25 feet and a waiver of the required rear yard setback of 20 feet and also requests a variance pursuant to Section 2.12.590.2, of the Code of the City of Wichita to provide only 20 off-street parking spaces rather than 100 spaces as required by Section 28.04.140.A.2.4 and further, requests an exception as provided in Section 28.04.140.B.1 of the Code of the City of Wichita to allow installation and construction of off-street parking lots, all on property zoned "B" Multiple Family and "RB" Four Family and legally described as follows:

requesting a variance pursuant to Section 2.12.590.2
of the Code of the City of Wichita to allow a waiver
of the required side yard setback of 25 feet and
a waiver of the required rear yard setback
of 20 feet and also request a variance
pursuant to Section 2.12.590.2 of the Code of
the City of Wichita to provide only 20 off-street
parking spaces rather than 100 spaces as required
by Section 28.04.140 A.2.4 and further, requests
an exception as provided in Section 28.04.140, B.1
of the Code of the City of Wichita to allow installation
and construction of off-street parking lots, all
on property zoned "B" Multiple Family and
"RB" Four Family and legally described as follows:

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 20
FILED 4-3-64

APPLICATION FOR VARIANCE

I. Name of Applicant Committee of the St. Mary's Orthodox Church
Mailing Address 1318 West Maple Street Phone AM 4-1576
Name of Authorized Agent H. R. Kuhn, Attorney
Mailing Address 201-11 Beacon Building Phone AM 7-5267
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other)

II. The variance requested is waiving side line setback on north side
of Lot 8, together with waiving rear setback line on Lots 6 and 8,
together with off street parking requirements, ~~for property located~~
for property located at 1318 West Maple Street,

and legally described as: Lots 2, 4, 6 and 8 on Martinson,
Lawrence's 4th Addition to Wichita, Kansas,
in the City of Wichita; and which is presently zoned "B".
(Give metes and bounds description below if appropriate):

- III. The applicant herein, or his authorized agent, 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 No. 24-606); and that the appropriate fee is herewith tendered;
 - c. That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
 - d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

The Committee of the St. Mary's
Orthodox Church

Applicant

By: H. R. Kuhn
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
9:20 (a.m. p.m.), 4-3, 1964, together with
appropriate fee of \$50.00.

T21-402

B. R. Rathke
Signed

FORM 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FL.

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

DESCRIPTION	AMOUNT
<i>H/A Application</i>	<i>7.29</i>

Name *the [unclear] trust*

Address *1 [unclear]*

Type _____ Due Date *4-14*

Comments: _____

15-712

Date _____ By *[unclear]*