

BZA 46-64 - Emporia Ave. Church of
Christ requests variance of off-
street parking at 1144 S. Emporia-E
side of Emporia bet. Lincoln & Morris

POSTED
10-9-64
6-5

ACTION

DATE 10-27-64
COMMITTEE App
Bya no appeal filed

MAPC. _____

BCC/CO.C _____

November 9, 1964

Emporia Avenue Church of Christ
1144 South Emporia
Wichita, Kansas

Gentlemen:

Re: Case No. BEA 46-64

On October 30, 1964, we advised you that the Board of Zoning Appeals had approved the above application for a variance to allow 74 off-street parking spaces rather than 95 as required under the zoning ordinance, in connection with construction of new church facilities generally located on the east side of Emporia and west side of St. Francis in an area between Morris and Lincoln.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before November 6, 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: Goodwin Church Builder Service, Inc.
P. O. Box 1819

Harry Saums, Attorney
Fourth National Bank Building

Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 4 6 - 6 4

WHEREAS, Emporia Avenue Church of Christ, 1144 South Emporia, Wichita, Kansas, by Goodvin Church Builder Service, Inc., P. O. Box 1819, Wichita, Kansas, requests a Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, Kansas, from the requirement of 95 off-street parking spaces under Section 28.04.140, Code of the City of Wichita, Kansas, to 72 off-street parking spaces, in connection with construction of a church building on property legally described as follows:

Lots 168, 170, 172, 174, 176, 178, 180 and 182,
on Emporia Avenue and Lots 179 and 181 on St.
Francis Avenue, all in Block 15, Orme and Phillips
Addition to the City of Wichita, Sedgwick County,
Kansas,

generally located on the east side of Emporia between Morris and Lincoln and on the west side of St. Francis between Morris and Lincoln; 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 27th day of October, 1964; and

WHEREAS, the Board of Zoning Appeals has found that the request for a variance arises from a condition which is found to be unique and not ordinarily found in the same zoning district inasmuch as the applicant has the consent of two nearby property owners (Instant Auto Glass and the Lincoln Elementary School), although the City Department of Law has ruled that the agreement which was drawn up relative to the use of these two lots was invalid, thus the result is that the necessary off-street parking can be provided as a practical matter, but not legally through written agreement; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, will not adversely affect the rights of adjacent property owners inasmuch as the variance requested is not so serious as to cause a hindrance to traffic circulation in the area, and further, no adjoining property owner or tenant appeared in opposition; and

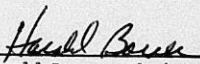
WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the applicant in view of the fact that the church will provide approximately 80% of the required off-street parking on its own property, and as a practical matter the other 20% will be met through the use of parking lots of Instant Auto Glass and the Lincoln Elementary School; 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

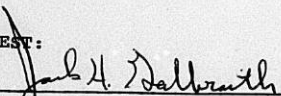
WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita to be present before a variance can be granted, has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the variance from 95 to 72 off-street parking spaces be granted, and that the Superintendent of Central Inspection be authorized to issue the appropriate permit.

ADOPTED AT WICHITA, KANSAS, this 27th day of October, 1964.



Harold Bauer, Chairman

ATTEST:


Jack H. Galbraith, Secretary

Board of Zoning Appeals

November 5, 1964

Robert G. Finch, City Clerk
Jack H. Galbraith, Secretary

Case No. BZA 46-64

Attached is a copy of Resolution No. BZA 46-64,
covering action taken by the Board of Zoning Appeals
in connection with the above numbered case, which
case was heard by the Board on October 27, 1964.
An appeal may be filed in your office on or before
November 6, 1964. If an appeal is filed, please
advise.

JHG:JWH:ber

Attachment

SECRETARY'S REPORT

CASE NO. BZA 46-64

APPLICANT: Emporia Avenue Church of Christ, 1144 South Emporia

AGENT: Goodvin Church Builders Service, Inc., P.O.Box 1819, and
Harry W. Saums, Attorney, 4th National Bank Building

REQUEST: Variance pursuant to Section 2.12.590, Code of the
City of Wichita, to provide only 74 approved off-street parking
spaces rather than 95 spaces as required by Section 28.04.140,
2.4 of the Code.

ZONING: Property in question - "B" Multiple family
North - "B" Multiple family
East - "B" Multiple family
South - "RB" Four family
West - "B" Multiple family

LAND USE: Property in question - Church
North - Three family dwelling
East - Single family and vacant
South - School
West - Single family

GENERAL LOCATION: Generally on the east side of Emporia between
Lincoln and Morris.

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider this
request as provided in Section 2.12.590 of the Code of the City of
Wichita. The Board may grant the request when all four of the
following conditions are found to exist:

1. That the variance desired arises from some condition
which is not ordinarily found in the same zoning
district.
2. That the granting of the permit for the variance will
not adversely affect the rights of adjacent property
owners or residents.
3. That the strict application of the enforcement provisions
of this zoning ordinance would constitute an unnecessary
hardship upon the property owner represented in the
appeal.
4. That the variance desired is not against the public
interest.

COMMENTS BY THE SECRETARY

There is presently a church building located on the property in question and it is planned that this building will be removed and a new church built on the premises. The applicant has indicated that detailed plans and specifications for the new building have already been submitted to the Central Inspection Division. However, a permit for the new church cannot be issued until the required amount of off-street parking is provided, or until a variance is had to lower the requirements.

The attorney for the applicant has indicated in the statement of justification that Lincoln elementary school just to the south of the church, and Instant Auto Glass located approximately one block east of the church, have both granted the church the right to the use of their parking lots.

It is the understanding of the Secretary that if the church is allowed to utilize the off-street parking which has been offered by Instant Auto Glass and the Lincoln elementary school, they could meet the requirements of the Code. However, the city legal Department has ruled that the agreement which was drawn up relative to the use of these two lots was invalid. Consequently, it became necessary that the applicant request a variance from 96 to 74 off-street parking spaces. It is also pointed out in the statement of justification that although the Legal Department has ruled the contract between the church, Instant Auto Glass and Lincoln elementary school invalid as far as off-street parking is concerned, the church still has the consent of these two parties to use their parking. Consequently, as a practical matter, the church can provide the necessary off-street parking.

UNIQUENESS

The Secretary agrees with the applicant in that the number of approved off-street parking spaces which the church now has, plus the permissive use of parking spaces at the Lincoln elementary school and the Instant Auto Glass, it would be somewhat unreasonable not to grant this variance from the strict application of the enforcement provisions of the zoning ordinance. The Secretary is of the opinion that the variance requested is somewhat unique inasmuch as the applicant has tried to gain permission of two parties in order to provide the necessary off-street parking, and since they can practically, but not legally, use these parking lots, it seems this request is somewhat unique.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect the rights of adjacent property owners.

HARDSHIP

It is the opinion of the Secretary that the church would be burdened with unnecessary hardship if the variance is not granted inasmuch as the church is going to provide approximately 80% of the required off-street parking requirements and as a practical matter, the other 20% of the off-street parking requirements will be met through the use of the Instant Auto Glass parking lot and Lincoln elementary school parking lot. It is further the opinion of the Secretary that the variance requested is not so serious as to cause a hindrance to traffic circulation in the area.

ADJACENT PROPERTY

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

RECOMMENDATION OF THE SECRETARY

Based on the foregoing review of this application, it is the opinion of the Secretary that all four of the requirements necessary to the granting of the variance have been found to exist. Therefore, it is recommended that the variance be granted from 95 off-street parking spaces to 74 off-street parking spaces.

October 30, 1964

Emporia Avenue Church of Christ
1144 South Emporia
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 46-64

This is to advise you that at its regular meeting of October 27, 1964, the Board of Zoning Appeals of the City of Wichita considered your request for a variance to allow only 74 off-street parking spaces rather than 95 as required under the zoning ordinance, in connection with construction of new church facilities generally located on the east side of Emporia and west side of St. Francis in an area between Morris and Lincoln.

It was the decision of the Board to approve the variance to allow 72 off street parking spaces rather than 95 as required by the ordinance.

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 November 6, 1964.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If none has been filed on or before November 6, 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: Goodvin Church Builder Service, Inc.
P. O. Box 1819

Glen Lytle, Superintendent
of Central Inspection

Harry Saums, Attorney
Fourth National Bank Building

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 46-64

APPLICANT: Emporia Avenue Church of Christ, 1144 South Emporia

AGENT: Goodvin Church Builders Service, Inc., P.O.Box 1819, and
Harry W. Saums, Attorney, 4th National Bank Building

REQUEST: Variance pursuant to Section 2.12.590. Code of the
City of Wichita, to provide only 74 approved off-street parking
spaces rather than 95 spaces as required by Section 28.04.140.
2.4 of the Code.

ZONING: Property in question - "B" Multiple family
North - "B" Multiple family
East - "B" Multiple family
South - "RB" Four family
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LAND USE: Property in question - Church
North - Three family dwelling
East - Single family and vacant
South - School
West - Single family

GENERAL LOCATION: Generally on the east side of Emporia between
Lincoln and Morris.

JURISDICTION

The Board of Zoning Appeals has jurisdiction to consider this
request as provided in Section 2.12.590 of the Code of the City of
Wichita. The Board may grant the request when all four of the
following conditions are found to exist:

1. That the variance desired arises from some condition
which is not ordinarily found in the same zoning
district.
2. That the granting of the permit for the variance will
not adversely affect the rights of adjacent property
owners or residents.
3. That the strict application of the enforcement provisions
of this zoning ordinance would constitute an unnecessary
hardship upon the property owner represented in the
appeal.
4. That the variance desired is not against the public
interest.

COMMENTS BY THE SECRETARY

There is presently a church building located on the property in question and it is planned that this building will be removed and a new church built on the premises. The applicant has indicated that detailed plans and specifications for the new building have already been submitted to the Central Inspection Division. However, a permit for the new church cannot be issued until the required amount of off-street parking is provided, or until a variance is had to lower the requirements.

The attorney for the applicant has indicated in the statement of justification that Lincoln elementary school just to the south of the church, and Instant Auto Glass located approximately one block east of the church, have both granted the church the right to the use of their parking lots.

It is the understanding of the Secretary that if the church is allowed to utilize the off-street parking which has been offered by Instant Auto Glass and the Lincoln elementary school, they could meet the requirements of the Code. However, the city legal Department has ruled that the agreement which was drawn up relative to the use of these two lots was invalid. Consequently, it became necessary that the applicant request a variance from 96 to 74 off-street parking spaces. It is also pointed out in the statement of justification that although the Legal Department has ruled the contract between the church, Instant Auto Glass and Lincoln elementary school invalid as far as off-street parking is concerned, the church still has the consent of these two parties to use their parking. Consequently, as a practical matter, the church can provide the necessary off-street parking.

UNIQUENESS

The Secretary agrees with the applicant in that the number of approved off-street parking spaces which the church now has, plus the permissive use of parking spaces at the Lincoln elementary school and the Instant Auto Glass, it would be somewhat unreasonable not to grant this variance from the strict application of the enforcement provisions of the zoning ordinance. The Secretary is of the opinion that the variance requested is somewhat unique inasmuch as the applicant has tried to gain permission of two parties in order to provide the necessary off-street parking, and since they can practically, but not legally, use these parking lots, it seems this request is somewhat unique.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect the rights of adjacent property owners.

HARDSHIP

It is the opinion of the Secretary that the church would be burdened with unnecessary hardship if the variance is not granted inasmuch as the church is going to provide approximately 80% of the required off-street parking requirements and as a practical matter, the other 20% of the off-street parking requirements will be met through the use of the Instant Auto Glass parking lot and Lincoln elementary school parking lot. It is further the opinion of the Secretary that the variance requested is not so serious as to cause a hindrance to traffic circulation in the area.

ADJACENT PROPERTY

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

RECOMMENDATION OF THE SECRETARY

Based on the foregoing review of this application, it is the opinion of the Secretary that all four of the requirements necessary to the granting of the variance have been found to exist. Therefore, it is recommended that the variance be granted from 95 off-street parking spaces to 74 off-street parking spaces.

SECRETARY'S REPORT

CASE NO. BZA 46-64

APPLICANT: Emporia Avenue Church of Christ, 1144 South Emporia

AGENT: Goodvin Church Builders Service, Inc., P.O.Box 1819, and Harry W. Saums, Attorney, 4th National Bank Building

REQUEST: Variance pursuant to Section 2.12.590. Code of the City of Wichita, to provide only 74 approved off-street parking spaces rather than 95 spaces as required by Section 28.04.140. 2.4 of the Code.

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1. That the variance desired arises from some condition which is not ordinarily found in the same zoning district.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired is not against the public interest.

Page 2 - Secretary's Report
Case No. BZA 46-64

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Case No. BZA 46-64

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RECOMMENDATION OF THE SECRETARY

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CASE NO. BZA 46-64

45

~~41~~ NOTICES MAILED OCTOBER 9, 1964 FOR MEETING OCTOBER 27, 1964

Emporia Avenue Church of Christ 1144 South Emporia	Carl V. Osborne & Fern E. c/o Roosevelt & Helen Storm 1118 South Emporia
Goodvin Church Builder Service, Inc. P. O. Box 1819	Otis Broadus, J. H. Hopkins, A. S. Parrish Trustees of the Emporia Avenue Church of Christ 1144 South Emporia
T. A. Davis and Gertrude 1226 South Water	Joseph Rohleder & Melesina 11-5 South St. Francis
Nettie Klish Apt. 1, 704 North Broadway	Delbert C. Scott & Rose C. 247 Cleveland
Josephine H. Brown 641 North Waco	Robert Leroy Forbeck 1117 South St. Francis
Henrietta Day 1908 South Broadway	Fred L. Roles & Ethel 1125 South St. Francis
Clark Orebaugh, Jr., & Nona H. 1117 South Emporia	Grace Louise Forster 120 Anderson Avenue Demarest, New Jersey
Harriett Morris <i>Ret 10-13-64</i> c/o Walter Morris <i>Resents is</i> Central Building <i>6310 Omeida</i>	Erma Grace Laffoon 1129 South St. Francis
Galbriell Gallegos & Christina 1135 South Emporia	Floyd E. Beyer and Eva Mae 1133 South St. Francis
Lola May Becker 1139 South Emporia	Wayne M. Smith & Berniece F 420 North Ash
Florence J. Rice & Fay L. c/o M. L. Ingold 422 East Lincoln	Goldie Jaynes 1141 South St. Francis
Ura M. Williamson 1141 South Emporia	Frank Shofler & Carrie L. 1136 South St. Francis
Dale & Lois C. McKee 1104 South Emporia	Harold L. Davis & Ethel 1138 South St. Francis
May B. Callahan 300 Mamie Lane	William H. Woods & Audrey G. 1140 South St. Francis
Willard Glasco One Twenty Building	Mr. and Mrs. William H. Woods 1140 South St. Francis

Frederick D. Heiman & Rachael A.
1309 North Market

C. O. Zimmerman & Nona
1150 South St. Francis

Josephine Baumgardner, Merle H. Bumgardner
and Charles A. Bumgardner
1200 South Emporia

Leona Gilbert Duncan
1216 South Emporia

W. G. Sims
c/o Maud Sims
~~111~~ 1134 South Washington

Rodney E. Clark & Irma M. Clark
8911 South Hydraulic

Robert Barron Trevino & Florence Miller Trevino
1213 South St. Francis

Yin H. Wong
1020 South Water

See Wing Jee and Sen Kell Jee
1206 South St. Francis

Effie May Vought
1212 South St. Francis

The Board of Education of the City of Wichita
428 South Broadway

*Harry Luums, Atty
4th Nat Bank Bldg.*

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

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BEA 46-64

An application has been filed by Emporia Avenue Church of Christ, 1144 South Emporia, Wichita, Kansas, by Goodvin Church Builder Service, Inc., P. O. Box 1819, Wichita, Kansas, requesting a VARIANCE, pursuant to Section 2.12.590, Code of the City of Wichita, Kansas, to permit building of a new church with only 74 approved off-street parking spaces instead of 95 as required by the ordinance, on property zoned "B" and legally described as follows:

Lots 168, 170, 172, 174, 176, 178, 180 and 182, on Emporia Avenue and Lots 179 and 181 on St. Francis Avenue, all in Block 15, Orme and Phillips Addition to the City of Wichita, Sedgwick County, Kansas, Generally located on the east side of Emporia between Morris and Lincoln and on the west side of St. Francis between Morris and Lincoln.

This application has been assigned Case No. BEA 46-64, and will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1964, at 2 P.M. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you 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

October 9, 1964

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 46-64

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Lots 168, 170, 172, 174, 176, 178, 180 and 182, on Emporia Avenue and Lots 179 and 181 on St. Francis Avenue, all in Block 15, Orme and Phillips Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Emporia between Morris and Lincoln and on the west side of St. Francis between Morris and Lincoln.

This application has been assigned Case No. BZA 46-64, and will be considered by the Board of Zoning Appeals on Tuesday, October 27, 1964, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

AUTO

COMMERCIAL

RESIDENTIAL



Instant Auto Glass

614 EAST LINCOLN • WICHITA, KANSAS

FOrest 3-7432
FOrest 3-8634

July 24, 1964

"A Written Guarantee With Every Installation"

Church of Christ,
1144 So. Emporia,
Wichita 67211, Kansas
Box 1819

Subject:

Parking Facilities for Patrons

Attention:

Mr. Wayne Goodwin

Dear Mr. Goodwin:

This is to advise that you may use this letter as our authorization to the use of our parking facilities on 614 East Lincoln St., Wichita, Kansas.

We grant permission to the Church of Christ and their congregation to use our parking area on Sundays, nights and at any other time when our company is not open for business.

It is our wish however, that the main door-way would not be blockaded, so in case of emergency our trucks could have access to the supply rooms.

With best personal regards, we remain

Cordially yours,

B. A. Fisher, President

BA7/jsh/j
File:

Approved as to form:

Asst. City Attorney

WICHITA PUBLIC SCHOOLS

LAWRENCE H. SHEPHERD, Superintendent
428 SOUTH BROADWAY
WICHITA, KANSAS 67202

June 19, 1964

MARTIN HARTLEY, Director
Procurement Department

ROBERT C. GRAHAM
Director of Purchasing
Educational Materials

C. L. BOWMAN
Director of Purchasing
Classified Materials

H. E. RANK, Director
Supply and Distribution Center

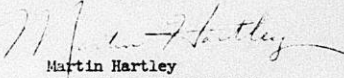
BETTY C. HILDRETH
Purchasing Clerk

Mr. Jim Tandy
Church of Christ
1144 South Emporia
Wichita 11, Kansas

Dear Mr. Tandy

This letter will grant permission for the Church of Christ to use the 17 parking spaces on the Lincoln Elementary School grounds for Sunday services. Should you have services during the week when school is in session or on evenings which might conflict with school events, then the school will have priority. Other than these restrictions, your church should feel free to use this parking area.

Sincerely yours


Martin Hartley
Director of Procurement

ME/s
c.c. Miss Lenore Scott
Mr. L. E. Wilbur
Mr. Gene Mood

Approved as to form:


Asst. City Attorney

BOARD OF ZONING APPEALS

CASE NO. Bya # 46-64

CITY OF WICHITA, KANSAS

FILED 10-7-64

APPLICATION FOR VARIANCE

1. Name of Applicant EMPORIA AVENUE CHURCH OF CHRIST, a non-profit
Kansas religious corporation, 1144 So. Emporia, Wichita
Mailing Address 1144 So. Emporia, Wichita, Kansas Phone AM 28045 ✓
Name of Authorized Agent GOODVIN CHURCH BUILDER SERVICE, INC.
Mailing Address P. O. Box 1819, Wichita, Kansas Phone MU 3-5646
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other)

II. The variance requested is A variance under Sec. 28.04.140. ¶ 2.4
and 2.12.590 for permission to build a new church with only 74
approved off-street parking spaces instead of 95 as required by
the ordinance.

for property located 1144 South Emporia, Wichita, Kansas On E
side of Emporia bet Harris & Lincoln & on W
side of St Francis bet Harris & Lincoln

and legally described as: Lots 168, 170, 172, 174, 176, 178, 180
and 182 on Emporia Avenue and Lots 179 and 181 on St. Francis
Avenue, all in Block 15, Orme and Phillips Addition to the
City of Wichita, "B"
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.

EMPORIA AVENUE CHURCH OF CHRIST

Applicant
GOODVIN CHURCH BUILDER SERVICE, INC.

[Signature]
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
4:50 (a.m. - P.M.), October 7, 1964, together with
appropriate fee of \$50.00.

T21-402

[Signature]
Signed

The applicant, Emporia Avenue Church of Christ, is the owner of all of the real property which is set forth in the attached form entitled "Application for Variance". There is presently a church building on this property and it is planned that this building will be removed and a new church built on the premises. The detailed plans and specifications of the new building have already been submitted to the Central Inspection Division of the City of Wichita, Kansas.

There is attached hereto a drawing which shows the location of the proposed building and the location and number of parking spaces, the location of the Lincoln Elementary School which is very near, and the location of the Instant Auto Glass parking area which is located near the church property. The purpose in making reference to these two locations is to indicate to the Board that Instant Auto Glass and Wichita Public Schools have granted the Church the right to the use of their lots, and we attach hereto copies of letters granting this use.

If the variance as requested is approved, the Church will have 74 approved off street parking spaces. The school has approximately 14 spaces and Instant Auto Glass has approximately 8 spaces, and these 22 spaces added to the 74 would actually make 96 spaces.

When the church embarked on its building program, it purchased an additional 50 feet of ground with the thought that it would have sufficient space to fill approved off-street parking requirements. This did not prove to be the case and at this time it is not possible for the Church to purchase additional ground for parking at a price it can afford to pay.

Permission is sought for the variance from 95 to 74 approved off-street parking spaces, although we know as a practical matter that the space at the Auto Glass and Elementary School is available and will be used by the members of the church for parking. However, we cannot obtain any more firm commitments for use of parking space from the school and the auto glass company than those consents which we already have and which are attached.

The Board of Zoning Appeals has jurisdiction of this matter under Sec. 2.12.590 of the Code of the City of Wichita, and the off-street parking ordinance is cited as 28.04.150, ¶ 2.4 of the Zoning Ordinances.

It is felt that with the number of approved parking spaces which the Church now has plus the permissive use of parking spaces at the Lincoln Elementary School and the Instant Auto Glass, it would be reasonable to grant this variance from the strict application of the enforcement provision of the zoning ordinance cited above. It is felt that the variance desired arises from a unique condition which is not ordinarily found in this zoning district and that the granting of the variance will not adversely affect the rights of adjoining property owners and that strict application of the enforcement provisions of the zoning ordinance will

constitute unnecessary hardship upon the applicant property owner represented in this appeal by reason of the fact that plans and specifications for the building of the new church have already been drawn and approved, and a fund drive has been accomplished and delay at this time would mean a setback of several months or more due to inclement weather coming on, and it is felt that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

There is attached to the application City of Wichita, Building Inspection Division report and the filing fee of \$50 has been paid.

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CERTIFICATE OF OWNERSHIP

Callahan Guarantee Title Co., Inc., hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the office of the Register of Deeds, Sedgwick County, Kansas, of:

Lots 168, 170, 172, 174, 176, 178, 180, 182, 179, and 181, in Block 15, Orme and Phillips Addition to the City of Wichita, Sedgwick County, Kansas;

and the property within a 200 foot radius thereof.

Description	Owner
In Orme and Phillips Addition to Wichita	
Block 10:	
Lot 151	T. A. Davis and Gertrude 1226 South Water ✓
Lot 153, Lot 155, and the North 2 feet of Lot 157	Nettie Klisch 704 North Broadway Apt. 1 ✓
Lot 157, except the North 2 feet, and Lot 159	Josephine H. Brown 641 North Waco ✓
Lot 161 & 163	Clark Orebaugh, Jr., and Nona H. 1117 South Emporia ✓
Lots 165 & 167	Henrietta Day 1908 South Broadway ✓
Lots 169 & 171	Harriett Morris c/o Walter Morris Central Building ✓
Lots 173 & 175	Gabriell Gallegos and Christina 1135 South Emporia ✓
Lot 177 and the North 15 feet of Lot 179	Lola May Becker 1139 South Emporia ✓
The west 40 feet of the south 10 feet of Lot 179, and the west 40 feet of Lot 181	Florence J. Rice and Fay L. c/o M. L. Ingold 422 East Lincoln ✓
The east 100 feet of the south 10 feet of Lot 179, and the east 100 feet of Lot 181	Ura M. Williamson 1141 South Emporia ✓
Block 15:	
Lots 152 and 154	Dale and Lois C. McKee 1104 South Emporia ✓
Lots 156 & 158	May B. Callahan 300 Mamie Lane ✓

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Description	Owner
Block 15: (Continued)	
Lots 160 & 162	Willard Glasco ✓ One Twenty Building
Lots 164 & 166	Carl V. Osborne and Fern E. ✓ c/o Roosevelt and Helen Storm 1118 South Emporia
Lots 168 & 170	Ⓟ Emporia Avenue Church of Christ 1144 South Emporia
Lots 172 & 174	Ⓟ Emporia Avenue Church of Christ 1144 South Emporia
Lots 176 & 178, and the north 19 feet of Lot 180	Ⓟ Emporia Avenue Church of Christ 1144 South Emporia
The south six feet of Lot 180, and Lot 182	Otis Broadus, J. H. Hopkins, A. S. Parrish, ✓ Trustees of the Emporia Avenue Church of Christ 1144 South Emporia
The south half of Lot 151, and Lot 153	Joseph Rohleder and Melesina ✓ 1105 South St. Francis
Lots 155 & 157	Delbert C. Scott and Rose C. ✓ 247 Cleveland
Lots 159 & 161	Robert Leroy Forbeck ✓ 1117 South St. Francis
Lot 163, and the North 15 feet of Lot 165	Fred L. Roles and Ethel ✓ 1125 South St. Francis
The south 10 feet of Lot 165, Lot 167, and the north 5 feet of Lot 169	Grace Louise Forster & Erma Grace Laffoon ✓ 120 Anderson Avenue ✓ 1129 South St. Francis Demarest, New Jersey
The south 20 feet of Lot 169 and the north 20 feet of Lot 171	Floyd E. Beyer and Eva Mae ✓ 1133 South St. Francis
The south 5 feet of Lot 171, Lot 173, and the north 10 feet of Lot 175	Wayne M. Smith and Berniece F. ✓ 420 North Ash
The south 15 feet of Lot 175, and Lot 177	Goldie Jaynes ✓ 1141 South St. Francis
Lots 179 & 181	Ⓟ Trustees of Emporia Avenue Church of Christ 1144 South Emporia
Block 20:	
Lots 164 & 166	Frank Shofler and Carrie L. ✓ 1136 South St. Francis
Lots 168 & 170	Harold L. Davis and Ethel ✓ 1138 South St. Francis
Lots 172 & 174	William H. Woods and Audrey G. ✓ 1140 South St. Francis
Lot 176	Mr. and Mrs. William H. Woods ✓ 1140 South St. Francis
Lots 178 & 180	Frederick D. Heiman and Rachael A. ✓ 1309 North Market
Lot 182	C. O. Zimmerman and Nona ✓ 1150 South St. Francis

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Description	Owner
In Zimmerly's 2nd Addition to Wichita On Emporia Avenue:	
Lots 2, 4, & 6	Josephine Bumgardner, Merle H. Bumgardner, and Charles A. Bumgardner ✓ 1200 South Emporia
Lots 8 & 10	Sam T. Becker <i>no address</i>
Lot 12	Leona Gilbert Duncan ✓ 1216 South Emporia
On Fourth St., now St. Francis Avenue:	
Lots 1 & 3	W. G. Sims ✓ c/o Maud Sims 1134 South Washington
Lots 5 & 7	Rodney E. Clark and Irma M. Clark ✓ 8911 South Hydraulic
Lots 9 & 11	Robert Barron Trevino and Florence Miller Trevino ✓ 1213 South St. Francis
Lots 2 & 4	Yin H. Wong ✓ 1020 South Water
Lots 6 & 8	See Wing Jee and Sen Kell Jee ✓ 1206 South St. Francis
Lots 10 & 12	Effie May Vought ✓ 1212 South St. Francis
School Reserve	The Board of Education of the City of ✓ Wichita, Kansas

WITNESS our Hand and Seal at Wichita, Kansas, this 6th day of
October, 1964, at 7:00 o'clock A. M.

CALLAHAN GUARANTEE TITLE CO., INC.
By *Erica Jean Zinn*
Vice President

No. 2210

FORM 223-021

PAYMENT NOTICE
City of Wichita
PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Inop.	Exam. Fees
Has. Mvr.	Has. Moving	Licns.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Plan Application</i>	<i>50.00</i>

Name: *Lomaria Ave Church of Christ*

Address: *1144 So Lomaria*

Type: *R-712* Due Date: _____

Comments: _____

Date: *10-7-64* By: *B Showers*

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

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Moved, left no address
 No such number
 Moved, not forwardable
 Addressee unknown

RETURN TO
POSTER

WICHITA
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KANS.

Harriett Morris
c/o Walter Morris
Central Building
Wichita, Kansas

6310 Oneida

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