

Case No. BZA 4-83 - Antioch Missionary Baptist Church - requests a variance to reduce the required rear yard from 15' to 10' on property zoned the "B" Multiple Family Dwelling District and generally located on the east side of Mathewson in an area south of 16th Street (1654

WASHINGTON
JW WITH/ADDN
POST 5549B

200 4 Sec 8-24-83 ✓
Checked 9-28-83
Shot ✓
Record ✓

ACTION

B.Z.A. 4-83 APPROVED 2-22-83
DATE

POSTED
2-14-83
[Signature]

200 4th Sec 8-24-83
Checked ✓
Shot 9-28-83
Record ✓

JW WASHINGTON
POST WITH/ADDN
5549B

Case No. BZA 4-83 - Antioch Missionary Baptist Church - requests a variance to reduce the required rear yard from 15' to 10' on property zoned the "B" Multiple Family Dwelling District and generally located on the east side of Mathewson in an area south of 16th Street (1654 Mathewson)

July 20, 1983

Rev. Amos Sanders
Antioch Missionary Baptist Church
1654 Mathewson
Wichita, Ks. 67214

Re: BZA 4-83 - Request for Variance

Dear Rev. Sanders:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 22, 1983.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. EZA 4-83

WHEREAS, Antioch Missionary Baptist Church, 1654 North Mathewson, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the rear yard setback from 15' to 10' on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 1, 2, 3, 4, and the south 57.32' of Lot 5 and Lot 6, except the south 24.1', Lot 8, except the north 8.22', all Lots 9, 10, Lymans Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Mathewson in an area south of 16th Street (1654 Mathewson).

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, at the meeting of February 22, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the property is located adjacent to the canal route and other large tracts of land that are essentially unoccupied by any use, and the original building is located at the 10 foot distance from the east property line; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the facility will be separated by a screening fence along the east property line which is adjacent to the yard being reduced, and the improvements should be completed prior to development to the east; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the existing building is located at the line of ten feet, and to offset the new building an additional 10 feet, the owners would not have sufficient space to construct the new sanctuary; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the reduction of the rear yard from 15' to 10' would not interfere with any easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as a proper replat of the property could effectively convert the rear yard to a side yard along the east property line; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, 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 this request for a variance to reduce the required rear yard from 15' to 10' on property zoned the "B" Multiple family Dwelling District and legally described as:

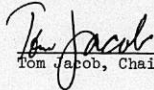
Lots 1, 2, 3, 4, and the south 57.32' of Lot 5 and Lot 6, except the south 24.1', Lot 8, except the north 8.22', all Lots 9, 10, Lymans Addition to the

City of Wichita, Sedgwick County, Kansas and being replatted as J. W. Washington Addition, Generally located at the southeast corner of 16th and Matheuson.

be approved subject to the following conditions:

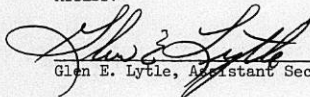
1. The reduction of the rear yard from 15' to 10' shall only apply to the east property line of the application area, and when replatted will become a side yard of not less than 10 feet.
2. The applicant shall complete the plat of J. W. Washington Addition and guarantee the improvement of the intersection prior to the release of the Resolution effectuating the rear yard variance and the issuance of any building permits.
3. The applicant shall complete all on site improvements, including the required off-street parking, prior to any occupancy of the new building.
4. No portion of the building shall extend into or project over any portion of the utility easement.

ADOPTED AT WICHITA, KANSAS, this 22nd day of February, 1983.



Tom Jacob, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

February 23, 1983

Rev. Amos Sanders
Antioch Missionary Baptist Church
1654 Mathewson
Wichita, Kansas 67214

Re: Case No. BEA 4-83
Request for Variance

Dear Rev. Sanders:

At the regular meeting of the Board of Zoning Appeals on February 22, 1983, your request for a variance was considered.

It was the action of the Board to approve your request subject to the following conditions:

1. The reduction of the rear yard from 15 feet to 10 feet shall only apply to the east property line of the application area, and when replatted will become a side yard of not less than 10 feet.
2. The applicant shall complete the plat of J.W. Washington Addition and guarantee the improvement of the intersection prior to the release of the Resolution effectuating the rear yard variance and the issuance of any building permits.
3. The applicant shall complete all on site improvements, including the required off-street parking, prior to the occupancy of the new building.
4. No portion of the building shall extend into or project over any portion of the utility easement.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy upon completion of the plat.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:aad

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE February 18, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 4-83: East Side of Mathewson,
South of 16th (1654 Mathewson)

On Monday, February 14th, CP0 Neighborhood Council Area "L" considered a request for a zoning variance to reduce the required rear yard from 15 feet to 10 feet on property zoned "B" Multiple Family Dwelling District. The Council voted 6-0 to recommend approval of the requested variance.

Rev. Amos A. Sanders, representing the Antioch Missionary Baptist Church, was present to describe the request and respond to questions from the Council. Rev. Sanders stated that he had discussed the variance with area residents and indicated that there was no opposition. No area residents or property owners were present. Council members were provided the notice to adjoining property owners and a map of the area.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 4-83 is considered on Tuesday, February 22nd.



Stan Scott
Administrative Aide III

RECEIVED

FEB 17 1983

METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 4-83

APPLICANT: Antioch Missionary Baptist Church, 1654 Mathewson, Wichita, Kansas.

AGENT: Rev. Amos Sanders, 1654 Mathewson, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required rear yard from 15 feet to 10 feet.

GENERAL LOCATION: On the southeast corner of Mathewson and 16th Street (1654 Mathewson).

ZONING: Subject property is zoned the "B" Multiple-family Dwelling District as are all adjacent properties.

LAND USE: Subject property is occupied by an existing church. Adjacent property is residential or vacant. The canal route is to the west.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita and the Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required rear yard setback from 15 feet to 10 feet in order to construct an addition to the existing church that was constructed in 1968 that is located 10 feet from the rear property line. After reviewing the records in Central Inspection, it is apparent that an error was made at that time in the issuance of the permit. The property consists of a number of platted residential lots that have frontage on Mathewson with the rear of the lots to the east. Along the east property line is a ten foot utility easement which is adjacent to vacant property to the east. Mathewson Street dead ends at the south property line and most of the property abuts the canal route on the west.

It should be noted that the required off-street parking for the new facility is located on the west side of Mathewson and on both sides of a property occupied as a one-family dwelling. This one dwelling is the only property in the 1600 block of Mathewson that is not owned by the Church. Files in the Planning Department Office indicate that a replat of the area has been submitted and approved by the Planning Commission in 1981 but has not been completed thru the Governing Body. Any action by this Board should be subject to the completion of this plat and the submission of a guarantee for the improvement of Mathewson Circle as indicated on the plat of J.W. Washington Addition. This would provide better utilization of the south part of the property and should reduce the cost of the parking lot installation.

In review of the plans of the church built in 1968, the required off-street parking was never installed in conformance with the approved plans. It might be well to include a requirement for the completion of all improvements prior to any occupancy of the new structure.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is located adjacent to the canal route and other large tracts of land that are essentially unoccupied by any use, and the original building is located at the 10 foot distance from the east property line.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the facility will be separated by a screening fence along the east property line which is adjacent to the yard being reduced, and the improvements should be completed prior to development to the east.

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the existing building is located at the line of ten feet, and to offset the new building an additional 10 feet, the owners would not have sufficient space to construct the new sanctuary.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the rear yard from 20 feet to 10 feet would not interfere with any easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as a proper replat of the property could effectively convert the rear yard to a side yard along the east property line.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The reduction of the rear yard from 20 feet to 10 feet shall only apply to the east property line of the application area.
2. The applicant shall complete the plat of J. W. Washington Addition and guarantee the improvement of Mathewson Circle as shown by the plat prior to the release of the Resolution effectuating the rear yard variance and the issuance of any building permits.
3. The applicant shall complete all on site improvements, including the required off-street parking, prior to any occupancy of the new building.
4. No portion of the building shall extend into or project over any portion of the utility easement.

BZA CASE NO. 4-83

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

19 NOTICES SENT TO ADJOINING PROPERTY OWNERS

31 TOTAL NOTICES SENT 2-2-83

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

February 2, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 4-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Antioch Missionary Baptist Church, 1654 Mathewson, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required rear yard from 15 feet to 10 feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 1, 2, 3, 4, and the south 57.32 feet of Lot 5 and Lot 6, except the south 24.1 feet. Lot 8, except the north 8.22 feet, all Lots 9, 10, Lymans Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the east side of Mathewson in an area south of 16th Street (1654 Mathewson).

This application has been assigned Case No. BZA 4-83. It will be considered by the Board of Zoning Appeals on February 22, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 4-83

CITY OF WICHITA, KANSAS

FILED 1-24-83

APPLICATION FOR VARIANCE

I. Name of Applicant Antioch Missionary Baptist Church

Mailing Address 1654 Mathewson Phone 262-1374

Name of Authorized Agent Rev. Amos Sanders

Mailing Address 1654 Mathewson Phone 262-1374

Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the 15'-0" rear yard requirement setback to 10'-0" to allow alignment to their existing building.

in an area south of 16th Street
for property located (1654 Mathewson) Wichita, Kansas

and legally described as: Lots 1, 2, 3, 4, and the south 57.32 feet of lot 5 and lot 6, except the south 24.1 feet, lot 8, except the north 8.22 feet, all lots 9, 10,

Lymans Addition to the City of Wichita, Sedgwick County, Kansas. Being situated in the SE $\frac{1}{4}$ of Sec. 9, TWP. 27-S. R-1-E.

in the City of Wichita; and which is presently zoned B.

III. The applicant herein, or his authorized agent, acknowledges:

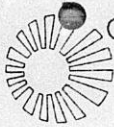
- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Rev. Amos Sanders

Authorized Agent Antioch M.B. Church

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3-00 (~~0.00~~-D.M.), JAN. 24, 1983, together with appropriate fee of \$150.00.

Signed H. Lytle



CABER ASSOCIATES INCORPORATED

3817 West 13th Street
Wichita, Kansas 67203
(316) 942-6740

January 17, 1983

Office of the Secretary
Board of Zoning Appeals
Tenth Floor, City Hall
455 North Main
Wichita, Kansas 67202

re: Variance request
Antioch Missionary Baptist Church

Dear Sirs:

Please utilize this letter as written confirmation and justification for a variance requested by the members of the Antioch Missionary Baptist Church located at 1654 Mathewson, Wichita, Kansas.

Zoning ordinance 28.04.070-C-3 stipulates a 15'-0" rear yard setback requirement. An existing building was constructed in the mid to late 60's and was located approximately 10'-0" from the east property line. The proposed building follows this same 10'-0" property line setback. Because of the physical dimensions of the property involved, it is necessary to remain along this same setback line as the opposite wall of the sanctuary is dictated by the west property line setback. Any further narrowing of the proposed building would create space layout problems for the Church. Any property improvements in this area would benefit both the local neighborhood and the City of Wichita.

Thanking you in advance for your cooperation.

Sincerely

Curtis E. McNay II
Curtis E. McNay II
Authorized agent

hk/CEM:II

cc: Bd. of Zoning Appeals,
Antioch Missionary Baptist Church
O'Neal Davis, Atty. at Law

OWNERSHIP LIST

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
1	Lyman's	D Antioch Baptist Church, 1503 E. 16th St., 67214
2, 3, 4 & the South 57.32 ft. of Lot 5	"	Same as above
5 except the South 57.32 ft.	"	A & E Properties, Inc. Address Unknown
South 24.1 ft. of Lot 6 & Lot 7 exc. the South 40.44 ft.	"	✓ Floyd L. Jameson and Velda N. Jameson, 1645 Mathewson, 67214
6, exc. the South 24.1 ft.	"	D Antioch Baptist Church, 1503 E. 16th St., 67214
South 40.44 ft. of Lot 7 & the North 8.22 ft of Lot 8	"	✓ Mathewson Homes, Inc., c/o L. E. Forsee, Pres., 98 St. Cloud, 67230
8 exc. the North 8.22 ft.	"	D Antioch Baptist Church, 1503 E. 16th, 67214
9 and 10	"	Same as above
8	Fox-Huey	✓ Eddie Griffin, 1608 E. 16th, 67214
9	"	✓ Administrator of Veteran's Affairs, 901 George Wash- ington Blvd., 67211
10	"	✓ Manard E. Neal and Ruby Jean Neal, 1516 E. 16th, 67214
11	"	Maxie D. Mullen and Cynthia Mullen, Address Unknown
12	"	✓ Timothy Ross and Carlene Ross, 1508 E. 16th, 67214
13	"	✓ Sam Huffman Jr. and Della M. Huffman, 1502 E. 16th, 67214

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
22		Replat of Part of Lots C & D of Walnut Grove Addition to Wichita	City of Wichita, 455 N. Main, 67202
27, 28 & 29		" "	Same as above
37		" "	N. B. Farha, 1409 Wassall, 67216; Ray R. Farha, 7315 Pagent Lane, 67206
41	New York	Spring Grove 2nd	Charles Doughty, Jr., 1511 Pennsylvania, 67214
43	" "	" "	Eugene Cooper, 1618 New York, 67214
45	" "	" "	Eugene Cooper and Theola Cooper, 1618 New York, 67214
47	" "	" "	Same as above
49	" "	" "	Tommy Morgan and Sylverta Morgan, 1642 New York, 67214
51	" "	" "	Tommy L. Morgan and Sylverta Morgan, 1642 New York, 67214
53	" "	" "	Luther Fitchpatrick, 1917 N. Chautauqua, 67214
West 65 ft. of 55 & 57	" "	" "	Harvie V. Gilkey and Atha Mae Gilkey, 1662 New York, 67214

Tracts

Tract in SE $\frac{1}{4}$ of Sec 9-27-1E, beg 830 ft. W & 1320 ft. N of the SE corner of sd SE $\frac{1}{4}$; th N 262 ft; th W to th canal; SEly along canal to 15th St; th E to beg.

Robert Lee Lewis and Arzana B. Lewis, 4480 S. Meridian, Lot 205, 67217

Tract in SE $\frac{1}{4}$ of Sec 9-27-1E beg 1320 ft. N & 640 ft. W of the SE corner of sd SE $\frac{1}{4}$; th W 190 ft; th N 262 ft; th E 190 ft; th S 262 ft. to beg.

Doff Townsend and Helen B. Townsend, 1601 New York, 67214

Page 3.

Tract

Tract in SE $\frac{1}{4}$ of Sec. 9-27-1E beg 640 ft W
& 1582 ft N of the SE corner of sd SE $\frac{1}{4}$; th
W 166.5 ft; then N 408 ft; then E 166.5 ft;
then S 408 ft to beg.

Property Owner

Charles J. Payne, 1625
New York, 67214

Page 4.

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of

Lots 1, 2, 3, 4, and the South 57.32 feet of Lot 5, Lot 6 except the South 24.1 feet, Lot 8 except the North 8.22 feet and all of Lots 9 and 10, in Lyman's Addition to the City of Wichita, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 17th day of January, 1983, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

Mary Gable

Vice-President

Order No. 316027
ge

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29 11 PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT

NAME _____

ADDRESS _____

FUND	DUE DATE
------	----------

COMMENTS _____

DATE	BY
------	----

*

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

Roll # 2