

Posted  
4-8-76  
E.I.V.  
M.P.V.  
5-9-76  
E.W.

ACTION

DATE 4-27-76

COMMITTEE Approved

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

4/27/76

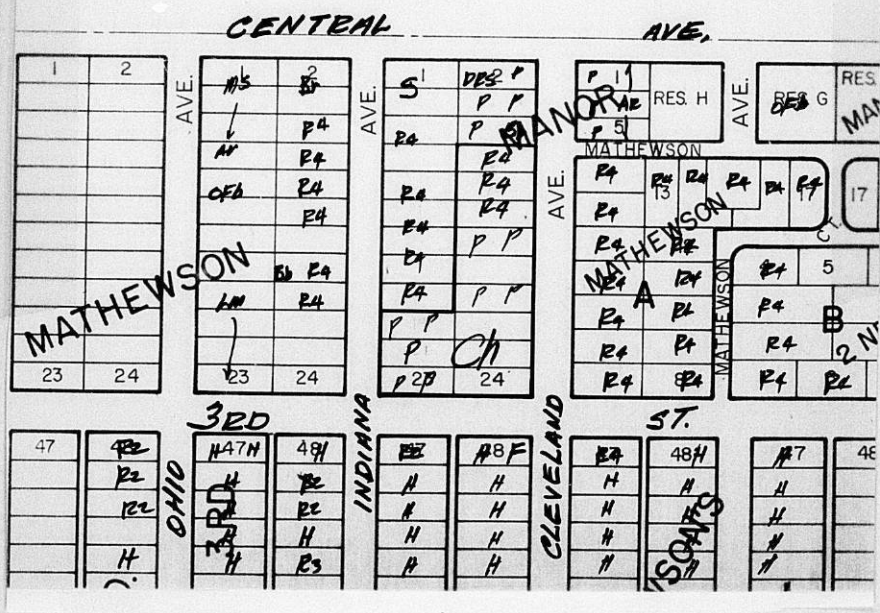
Case No. BZA 8-76 - Wichita Baptist  
Tabernacle requests a variance to re-  
duce the required number of off-street  
parking spaces from 181 down to 171  
on property generally located at the  
northwest corner of Third and Cleveland

Map No. 5547  
 Sec. 21  
 Twp. 27  
 Range 1E

BZA- 8-76  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 1.95 (270 ft. by 450 ft.) *IRREGULAR*  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East MULTI FAM South TWO FAM Food STORE  
 West MULTI FAM North TAVERN & PARKING LOT  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: MULTI FAM & CHURCH  
 6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



HASTINGS, MN - LOS ANGELES  
 LOAN OR - McCREED, TX U. S. A.  
**No. 2-153C**  
**Smeal**

RESOLUTION NO. BZA 8-76

WHEREAS, Wichita Baptist Tabernacle, 405 Cleveland, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces on site from 90 to 80 spaces and the total number required from 181 to 171 spaces on property zoned the "E" Light Industrial District, and legally described as follows:

Even numbered Lots 8 through 24 on Cleveland and Lots 19, 21 and 23 on Indiana, Mathewson Manor, Sedgwick County, Kansas. Generally located north of Third Street, between Cleveland and Indiana.

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 April 27, 1976, 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 this existing church has been located on subject property for many years with an insufficient, non-conforming parking situation; 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 50 additional off-street parking spaces will be provided over what presently exists; 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 owner represented in the application inasmuch as they would either not be permitted to build the needed addition to their church complex or they would have to convert a playground area into a paved parking lot; 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 on-street parking in the area will be reduced with the completion of the parking area for 50 additional cars; 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 the church is proposing to enlarge the floor area of the church complex by constructing a gymnasium/fellowship center, but is not increasing the seating capacity of the auditorium. Therefore, the additional 50 parking spaces will help to alleviate the present parking needs; and

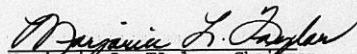
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 number of off-street parking spaces on site from 90 to 80 spaces and the total number required from 181 to 171 spaces on property zoned the "E" Light Industrial District, and legally described as follows:

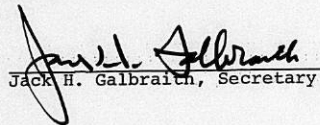
Even numbered Lots 8 through 24 on Cleveland and Lots 19, 21, and 23 on Indiana, Mathewson Manor, Sedgwick County, Kansas. Generally located north of Third Street between Cleveland and Indiana

be approved.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1976.

  
Marjorie L. Taylor, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

XXXXXXXXXXXX

Fourth Floor, City Hall

MAY 10, 1916

Mr. Marvin E. Lattimer  
418 East 14th Street  
Topeka, Kansas 67101

RECORDED COPY FILED IN  
MAY 10 1916  
MAY 10 1916  
MAY 10 1916

TOPEKA, KANSAS, MAY 10, 1916  
Dear Sir:  
I have the honor to acknowledge the receipt of your letter of the 9th inst. in relation to the matter of the proposed amendment to the charter of the City of Topeka, Kansas, which was adopted by the City Council on the 2nd day of May, 1916, and which is now pending before the Board of Public Safety for their consideration and report to the City Council.  
I am sorry to hear that you are dissatisfied with the action of the Board of Public Safety in this matter, and I am sure that you will be satisfied with the result of the action of the City Council on this matter.  
Very respectfully,  
City Clerk

~~XXXXXXXXXXXX~~  
Tenth Floor, City Hall

May 10, 1976

Mr. Marvin E. Latimer  
418 East 14th Street  
Augusta, Kansas 67010

Subject: Case No. BZA 7-76  
Request for Exception  
and  
Case No. BZA 8-76  
Request for Variance

Dear Mr. Latimer:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on April 27, 1976, in connection with your request for an exception to permit the enlargement of a nonconforming religious institution and your request for a variance to reduce the required number of off-street parking spaces on site from 90 to 80 spaces and the total number required from 181 to 171 spaces on property zoned the "E" Light Industrial District, and generally located on the west side of Cleveland in an area north of Third Street.

These Resolutions reflect the official action of the Board to approve these requests.

If you have any questions concerning these matters, please call our office.

Yours very truly,

Jack H. Galbraith  
Secretary

JHG:LD:bh  
Attach.

cc: Wichita Baptist Tabernacle, 405 Cleveland, 67214  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Central Inspection

April 28, 1976

Mr. Marvin E. Latimer  
418 East 14th Street  
Augusta, Kansas 67010

Subject: Case No. BZA 7-76  
Request for Exception  
and  
Case No. BZA 8-76  
Request for Variance

Dear Mr. Latimer:

At the regular meeting of the Board of Zoning Appeals on April 27, 1976, your request for an exception to permit the enlargement of a nonconforming religious institution and your request for a variance to reduce the required number of off-street parking spaces on site from 90 to 80 spaces and the total number required from 181 to 171 spaces on property zoned the "E" Light Industrial District, and generally located on the west side of Cleveland in an area north of Third Street were considered.

It was the action of the Board to approve these requests.

A resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Yours very truly,

Jack H. Galbraith  
Secretary

JHG:LD:bh

cc: Wichita Baptist Tabernacle, 405 Cleveland, 67214  
Don Gisick, City Clerk  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Central Inspection

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

*DF*  
**DATE** April 22, 1976



**TO** Metropolitan Area Planning Commission

**FROM** David Furnas, Citizen Participation Coordinator

**SUBJECT** Zone Cases BZA 7-76 and BZA 8-76

On April 20, 1976, it was the general consensus of Area Council "K" to approve Zone Cases BZA 7-76 and BZA 8-76 as recommended by the MAPC.

*David L. Furnas*  
David Furnas  
Citizen Participation Coordinator

DF:DB:rh



SECRETARY'S REPORT  
CASE No. BZA 8-76

APPLICANT: Wichita Baptist Tabernacle, 405 Cleveland,  
Wichita, Kansas.

AGENT: Marvin E. Latimer, 413 East 14th, Augusta,  
Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B,  
Code of the City of Wichita, to reduce  
the required number of off-street parking  
spaces on site from 90 to 80 spaces and  
the total number required from 181 to  
171 spaces.

GENERAL LOCATION: West side of Cleveland in an area North  
of Third Street.

ZONING: Subject property and those to the north,  
south, and west are all zoned the "E"  
Light Industrial District. East is the  
"B" Multiple Family Dwelling District.

LAND USE: Subject property is occupied by a church  
and 3 fourplexes. Properties to the  
east and west are developed with fourplexes.  
North is a tavern. South is a duplex,  
single family residence, and vacant  
grocery store.

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. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested 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.
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 provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicants are requesting a reduction of the required number of off-street parking spaces on site from 90 to 80 spaces and the total number required from 181 to 171 spaces in connection with the proposed expansion of their church facilities, as outlined in the previous case (BZA 7-76).

The addition to the church complex requires that the church meet all the requirements of the zoning ordinance. At the time the church was built there were no off-street parking requirements in the ordinance; and parking was not provided as now required. Off-street parking for churches is computed on the basis of one parking space for every five seats of maximum seating capacity. The applicants state that their church has a seating capacity of 905 persons, which would by the ordinance require 181 off-street parking spaces. The ordinance further provides that up to 50% of the required parking may be provided, within six hundred sixty feet of the church, on other approved parking areas not in use between the hours of six a.m. and ten p.m. on Sundays. The applicants contend that they are able to identify 50% of the required 181 spaces as off-site parking, but that they are unable to provide the 90 spaces required on-site. An additional 50 parking spaces are proposed to be provided along with the construction of the church addition. This would bring the total number of parking spaces on subject property to 80 spaces, ten short of the required number.

It should also be noted that an existing sand lot west of the church, although not approved parking, does provide additional space for vehicular parking. The church desires to retain this unpaved area as a playground.

UNIQUENESS:

It is the opinion of the Secretary that this is some-

what of a unique situation inasmuch as this existing church has been located on subject property for many years with an insufficient, non-conforming parking situation.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of this variance would not have an adverse affect on adjacent property owners inasmuch as 50 additional off-street parking spaces will be provided over what presently exists.

HARDSHIP:

It is the opinion of the Secretary that if the variance were not granted it would constitute an unnecessary hardship upon the applicants inasmuch as they would either not be permitted to build the needed addition to their church complex or they would have to convert a playground area into a paved parking lot.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance will not adversely affect the public health, safety, morals, order, convenience, or prosperity inasmuch as on-street parking in the area will be reduced with the completion of the parking area for 50 additional cars.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the church is proposing to enlarge the floor area of the church complex by constructing a gymnasium/fellowship center but is not increasing the seating capacity of the auditorium. Therefore, the additional 50 parking spaces will help to alleviate the present parking needs.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance can be found to exist and, therefore, it is recommended that the variance, to reduce the required number of off-street parking spaces on site from 90 to 80 spaces and the total number required from 181 to 171 spaces be approved.

WICHITA-SEDGWICK COUNTY

**METROPOLITAN AREA PLANNING DEPARTMENT**

DATE

April 8, 1976

TO David Furnas, CPO Coordinator

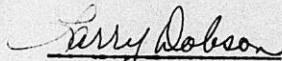
FROM Larry Dobson, Assistant Secretary, Board of Zoning Appeals

SUBJECT Notice of Board of Zoning Appeals Cases  
(Case Numbers BZA 7-76; BZA 8-76; BZA 9-76; and  
BZA 10-76)

Attached are notices of four new cases to be considered by the Board of Zoning Appeals at its meeting of April 27, 1976. Also attached are sketch maps of the area involved in each case.

If you have any questions, please call.

Sincerely,



Larry Dobson  
Assistant Secretary

LD:bh  
Attach.

21 notices sent to adjoining property owners

10 notices sent to members of MAPC

April 2, 1976

BZA 8-76

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

April 2, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 8-76

An application has been filed by Wichita Baptist Tabernacle, 405 Cleveland, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required number of off-street parking spaces on site from 90 to 80 spaces and the total number required from 181 to 171 spaces on property zoned the "E" Light Industrial District, and legally described as follows:

Even numbered Lots 8 through 24 on Cleveland and  
Lots 19, 21, and 23 on Indiana, Mathewson Manor,  
Sedgwick County, Kansas. Generally located north  
of Third Street, between Cleveland and Indiana.

This application has been assigned Case No. BZA 8-76, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1976, in the City Commission Chambers, City Hall, 455 North 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

8-76 5547 2

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. \_\_\_\_\_  
FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant Wichita Baptist Tabernacle - Ray Melugin Pastor

Mailing Address 405 Cleveland Wichita, Kansas Phone 263-0269

Name of Authorized Agent Marvin E. Latimer - Architect

Mailing Address 418 East 14th. St. Augusta, Kans. Phone 775-5943

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

II. The variance requested is to waive (9) nine off street parking  
spaces as required by existing auditorium seating. Seating is  
905 requiring 181 parking spaces ( 90 ) of these should be on  
site owner can provide only ( 81 ) including ( 50 ) on new land.  
for property located 405 Cleveland Wichita, Kansas

\_\_\_\_\_ ( newly acquired )  
and legally described as: Lots 8, 10, 12, 14, on Cleveland Avenue  
in Matthewson Manor Addition to Wichita, Sedgewick County, Kansas.  
Previously owned Lots 16 thru 24 on Cleveland 19 thru 23 on Indiana

in the City of Wichita; and which is presently zoned Light Industrial

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 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.

Ray Melugin  
Applicant  
Marvin E. Latimer  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:00 (a.m. - p.m.), 3-29 1976  
together with appropriate fee of \$50.00.

T9-402

Larry Dolson  
Signed \_\_\_\_\_  
Subj. to revised abstract use ownership list in Case B24 7-76  
last by 4-1-76

BOARD OF ZONING APPEALS

STATEMENT OF JUSTIFICATION - VARIANCE

CITY OF WICHITA, KANSAS

Wichita Baptist Tabernacle consisting of <sup>40,000 sq. ft.</sup> ~~20,000~~ sq. ft. of worship and educational area built before 1953 became non-conforming after the passage of off street parking and use zoning ordinances. Since 1953 due to 905 seating in auditorium a shortage of 65 off-street parking spaces has existed recent acquisition of four lots will reduce this shortage to 9 parking spaces while allowing the construction of a gymnasium. Gymnasium parking will not create an added problem because its use will not coincide with auditorium use and because the auditorium requires so much off street parking.

The granting of this variance should benefit adjacent property owners to the extent that it will provide 50 additional off-street parking spaces.

The property owner represented by this application will benefit by this variance by being able to provide a more complete church program and more adequate parking.

The variance will improve public health, safety, morals etc. by providing a place for physical exercise and christian fellowship.

This variance was anticipated by the authors of the zoning ordinance and complies with the general intent of the ordinance.

Adjacent businesses have generously agreed to provide parking for 90 additional cars, 50% of the total parking requirement. Signed statements of permission to park will be obtained and tendered with this document.

Ray McHugh  
Applicant

Walter C. Davis  
Authorized Agent

March 19, 1976

\*

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