

BZA 27-72 Seventh-Day Adventist
Church-South requests variance
to reduce required setback at the
NW corner of 27th St S & Osage

POSTED
9-29-72
M.P.V.
C.F.V.
11-13-72

ACTION

BZA COMMITTEE Approved DATE 10-24-72

M.A.P.C. _____

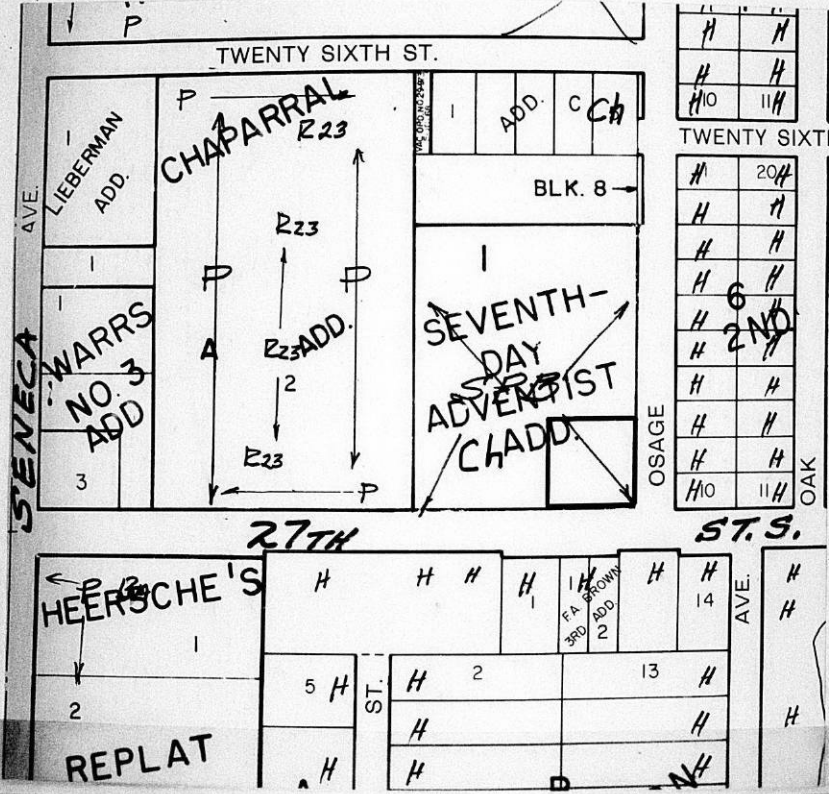
B.C.C./B. CO. C. _____

Map No. 5444
 Sec. 5
 Twp. 28
 Range 1E

BZA- 27-72
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
1. Acres: 0.51 (150 ft. by 150 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South SINGLE FAM
 West UNDEVELOPED North EXISTING CHURCH
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: UNDEVELOPED
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



*Traces created
 at 11' lines on east, south*

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

October 21, 1974

TO The Files

FROM Jack H. Galbraith, Secretary to the Board of Zoning Appeals *JHG*

SUBJECT BZA Case No. 27-72

On this date Mr. A. A. Reddy called and advised me of all the various reasons why they had not complied with the conditions of approval associated with this case. It seems that construction plans were changed between the time of approval by the Board of Zoning Appeals and when Mid-Kansas obtained permits to surface the lot. Apparently Central Inspection approved revised parking plans that would not comply with the setbacks for landscaping as required by the Board of Zoning Appeals. He advised, however, that landscaping would soon be provided along the south side of the south fence and that he was still investigating what it would take to drill holes for fence posts so that the required fence could be installed along the east side. His concern was that he had been advised, that in places, there was 18" of asphalt along the east side.

I advised Mr. Reddy that we were still anxious to have the fence and landscaping provided and that we would keep subject case open until the conditions were met.

JHG:js

*Fences erected &
space landscaping provided -
12-3-76
ld
close case*

September 23, 1974

Robert Feldner, Superintendent of Central Inspection

Jack H. Galbraith, Chief Planner

BZA Case No. 27-72

On October 24, 1972, the Board of Zoning Appeals approved a variance permitting the Seventh Day Adventist Church-South, 820 West 27th Street South, to reduce the required front yard setback adjacent to the south property line from 25 feet to 10 feet and to reduce the required front yard setback adjacent to the east property line from 25 feet to 3 feet for off-street parking purposes only. Approval was subject to certain conditions, two of which are as follows:

1. A three foot solid fence constructed of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be constructed along the south 10 foot setback line and the east three foot setback line except for points of ingress and egress.
2. The remaining front yard setback areas on Osage and 27th Street South, except for points of ingress and egress, shall remain unpaved and shall be landscaped with trees, grass and shrubs, and shall be maintained compatible with the residential area.

In a memo to you on October 29, 1973 I related to you the facts that the fencing and landscaping provisions had not been complied with, and in addition, the asphalted paving area and bumper guards appeared to violate the 10 foot south front yard and the 3 foot east front yard setbacks. The three foot area on the east was completely asphalted and the ten foot area on the south had only 3 to 5 feet of area that was not paved.

After that memo, I believe I remember talking to Joe Donnelly about the matter and we generally agreed to try and get them to comply with the construction of fences, and not require them to remove any asphalt, and also that they would landscape the area on the south side of the required south fence that had not been covered with asphalt.

Memo to Robert Feldner
September 23, 1974
Page Two

A recent check of this property revealed that a three foot wood fence has been constructed along the south line; however, it was placed in the center of the 3-5 foot area that was not paved, instead of along the edge of the asphalt. No landscaping had been done and weeds were growing up on both sides of the fence and a fence had not been constructed along the east side as required by the resolution.

I would appreciate you reviewing this matter again, also any ideas you might have in trying to see that the church complies with the conditions of the resolution.

JHG:js

cc: Joe Donnelly, Central Inspection Division
Robert Lakin, Director of Planning

October 29,
1973

Robert Feldner, Superintendent of Central Inspection
Jack H. Galbraith, Chief Planner

BZA Case No. 27-72

On October 24, 1972, the Board of Zoning Appeals approved a variance permitting the Seventh-Day Adventist Church-South, 820 West 27th Street South, to reduce the required front yard setback adjacent to the South property line from 25 feet to 10 feet and to reduce the required front yard setback adjacent to the east property line from 25 feet to 3 feet for off-street parking purposes only. Approval was subject to utilization of the area for off-street parking purposes only and subject to conditions, two of which are as follows:

2. A three foot solid fence constructed of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be constructed along the south 10 foot setback line and the east 3 foot setback line except for points of ingress and egress.
3. The remaining front yard setback areas on Osage and 27th Street South, except for points of ingress and egress, shall remain unpaved and shall be landscaped with trees, grass and shrubs, and shall be maintained compatible with the residential area.

I recently had occasion to observe this property in the field, and noted that the fencing and landscaping provisions have never been complied with. In addition, the asphalted parking area and bumper guards appear to violate the 10 foot South front yard and the 3 foot east front yard setbacks. The 3 foot area on the east is completely asphalted and the 10 foot area on the south has only 3-5 feet of area that is not paved.

This is provided for your information so that appropriate action can be taken to notify the applicant and obtain compliance with the provisions of the Resolution.

JHG:rw
cc: Joe Bogle, BZA Legal Counsel

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
ANNEX 2-B211 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202

November 29, 1972

Mr. A. A. Reddy
555 South Woodchuck Lane
Wichita, Kansas 67209

Subject: Case No. BZA 27-72
Request for Variance

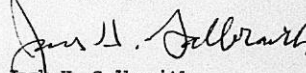
Dear Mr. Reddy:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 24, 1972, in connection with your request to reduce the required frontyard setback adjacent to the South property line from 25 feet to 10 feet and to reduce the required frontyard setback adjacent to the East property line from 25 feet to 3 feet for off-street parking only, on property zoned "AA" Single Family, and generally located at the Northwest corner of 27th Street South and Osage.

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 any questions concerning this matter, please call our office.

Very truly yours,


Jack H. Galbraith
Secretary

JHG:rw

enclosure

cc: Mrs. Jack Bush, 825 West 27th Street South, 67217
Seventh-Day Adventist Church-South, 820 West 27th Street South,
67217
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 27-72

WHEREAS, Seventh-Day Adventist Church-South, 820 West 27th Street, South, Wichita, Kansas, 67217, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required frontyard setback adjacent to the South property line from 25 feet to 10 feet and to reduce the required frontyard setback adjacent to the East property line from 25 feet to 3 feet for off-street parking only, on property zoned "AA" Single Family, and legally described as follows:

The South 150 feet of the East 150 feet of Lot 1, Seventh-Day Adventist Addition, Wichita, Kansas. Generally located at the Northwest corner of 27th Street South and Osage.

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 October 24, 1972, 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 church is located on the West and the school is to the North leaving a limited area for utilization by an off-street parking lot; 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 if adequate screening and landscaping are provided to screen the property to the East and South from the off-street parking area; and

WHEREAS, the Board of Zoning Appeals has found 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 inasmuch as the church will lose 21 off-street parking spaces if the request is not granted; 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 inasmuch as it would tend to eliminate some of the possible on-street parking which could occur as the church membership grows; 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 four previous conditions can be found to exist; 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, have been found to exist.

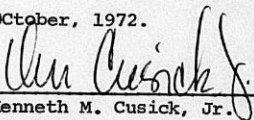
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance to reduce the required frontyard setback adjacent to the South property line from 25 feet to 10 feet, and to reduce the required frontyard setback adjacent to the East property line from 25 feet to 3 feet for off-street parking only, on property zoned "AA" Single Family and legally described as follows:

The South 150 feet of the East 150 feet of Lot 1, Seventh-Day Adventist Addition, Wichita, Sedgwick County, Kansas. Generally located at the Northwest corner of 27th Street South and Osage.

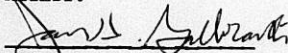
be approved subject to the following conditions:

1. The area shall be utilized for off-street parking purposes only and no permanent structures shall be erected thereon.
2. A three foot solid fence constructed of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be constructed along the South 10 foot setback line and the East 3 foot setback line except for points of ingress and egress.
3. The remaining frontyard setback areas on Osage and 27th Street South, except for points of ingress and egress shall remain unpaved and shall be landscaped with trees, grass, and shrubs, and shall be maintained compatible with the residential area.

ADOPTED AT WICHITA, KANSAS, this 24th day of October, 1972.


Kenneth M. Cusick, Jr.
Chairman

ATTEST:


Jack H. Galbraith
Secretary

November 2, 1972

Mr. A. A. Reddy
355 South Woodchuck Lane
Wichita, Kansas 67209

Subject: Case No. ZEA 27-72 - Request for Variance

At the regular meeting of the Board of Zoning Appeals on October 24, 1972, your request for a variance to reduce the required frontyard setback adjacent to the South property line from 25 feet to 10 feet, and to reduce the required frontyard setback adjacent to the East property line from 25 feet to 3 feet for off-street parking only, on property zoned "AA" Single Family and generally located at the Northwest corner of 27th St. South and Osage, was considered.

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

1. The area shall be utilized for off-street parking purposes only, and no permanent structures shall be erected thereon.
2. A three foot solid fence constructed of masonry, architectural tile, lowered or staggered redwood or rough sawed cedar shall be constructed along the South 10 foot setback line and the East 3 foot setback line except for points of ingress and egress.
3. The remaining frontyard setback areas on Osage and 27th Street south, except for points of ingress and egress shall remain unpaved and shall be landscaped with trees, grass, and shrubs, and shall be maintained compatible with the residential area.

Mr. A. A. Paddy
Page 2

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.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rw

cc: Mrs. Jack Bush, 625 West 27th Street South, 67217
Seventh-Day Adventist Church-South, 820 West 27th Street
South, 67217
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT

CASE NO. BZA 27-72

APPLICANT: Seventh-Day Adventist Church-South, 820 West 27th Street South, Wichita, Kansas 67217

AGENT: A. A. Reddy, 555 South Woodchuck Lane, Wichita, Kansas 67209

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required frontyard setback adjacent to the South property line from 25 feet to 10 feet, and to reduce the required frontyard setback adjacent to the East property line from 25 feet to 3 feet for off-street parking only.

GENERAL LOCATION: At the Northwest corner of 27th Street South and Osage.

ZONING: Subject property is zoned "AA" Single Family as are all surrounding properties.

LAND USE: Subject property is undeveloped; to the West is a church; to the South and East are Single Family homes; to the North is a church school.

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 23 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 Seventh-Day Adventist Church-South is requesting a variance of the required frontyard setback adjacent to the South property line from 25 feet to 10 feet and a variance of the required frontyard setback adjacent to the East property line from 25 feet to 3 feet in order to utilize the area for off-street parking for members of their church. It is the opinion of the Secretary that the parking pavement often runs clear to the property line leaving no area for landscaping to partially screen the parking area. In this instance there will remain a 3 foot planting area on the East and a 10 foot planting area on the South. Inasmuch as the church does own the property to the North and West, the only other properties that may be affected are those residences existing to the South and East.

Uniqueness:

It is the opinion of the Secretary that uniqueness is difficult to justify; however, the situation may be somewhat unique inasmuch as the church is located on the West and the school is to the North leaving a limited area for utilization by an off-street parking lot.

Adjacent Property:

It is the opinion of the Secretary that the granting of the variance will not adversely affect adjacent properties only if adequate screening and landscaping are provided to screen the property to the East and South from the off-street parking area.

Hardship:

It is the opinion of the Secretary that a hardship may exist if the variance is not granted inasmuch as the church may not have additional areas available for off-street parking and they will lose 21 off-street parking spaces if the request is not granted.

Public Interest:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as it would tend to eliminate some of the possible on-street parking which could occur as the church membership grows.

BZA 27-72
Secretary's Report
Page 3

Spirit and Intent:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28, provided that the four previous conditions can be found to exist.

Recommendation:

Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, it is recommended that the application be approved subject to the following conditions:

1. The area shall be utilized for off-street parking purpose only, and no permanent structures shall be erected thereon
2. A three foot solid fence constructed of masonry, architectural tile, louvered or staggered redwood or rough sawed cedar shall be constructed along the South 10 foot setback line and the East 3 foot setback line except for points of ingress and egress.
3. The remaining frontyard setback areas on Osage and 27th Street South, except for points of ingress and egress shall remain unpaved and shall be landscaped with trees, grass, and shrubs, and shall be maintained compatible with the residential area.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

October 4, 1972

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 27-72

An application has been filed by the Seventh-Day Adventist Church-South, 820 West 27th Street South, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required frontyard setback adjacent to the south property line from 25 feet to 10 feet, and to reduce the required frontyard setback adjacent to the east property line from 25 feet to 3 feet for off-street parking only, on property zoned "AA" One Family Dwelling, and legally described as follows:

The South 150 feet of the East 150 feet of Lot 1, Seventh-Day Adventist Addition, Wichita, Kansas. Generally located at the Northwest corner of 27th Street South and Osage.

This application has been assigned Case No. BZA 27-72, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 24, 1972, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

16 notices sent 10.4.72
8 " " " to Planning Commission

Wichita, Kansas
September 22, 1972

Board of Zoning Appeals
Wichita, Kansas

Gentlemen:

In answer to the five questions on VARIANCES on page three of Rules and Regulations of the Board of Zoning Appeals I submit the following:

1. The variance requested is unique to the property in question because the property is church property and in need of required parking space.
2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners. To the contrary, the granting of this variance would benefit the property owners by our off-street parking thus allowing for the free flow of traffic and reducing the possibility of accidents.
3. Without this variance we will forfeit twenty-three (23) parking spaces, which are needed to help fulfill the parking space requirement for the church.
4. It is to the benefit of all property owners that the church have off-street parking for its membership.
5. In all sincerity, I cannot see where granting this variance would oppose the spirit and intent of Title 28 (zoning ordinance.)

I thank you for your consideration.

Sincerely,

A. A. Reddy
A. A. Reddy

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant SEVENTH-DAY ADVENTIST CHURCH-SOUTH

Mailing Address 820 West 27th Street, South ⁶⁷²¹⁷ Phone 265-0431

Name of Authorized Agent A. A. REDDY

Mailing Address 555 So. Woodchuck Ln., Wichita, Kansas Phone 722-2736
67209

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

II. The variance requested is To reduce the required front yard setback adjacent to the south property line from 25' to 10' and to reduce the required front yard setback adjacent to the east property line from 25' to 3' for off-street parking only. for property located at the northwest corner of 27th Street South and Osage

OK for legal

and legally described as: The South 150' of the East 150' of Lot 1. Seventh-Day Adventist Addition, Wichita, Kansas.

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

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.

Seventh-Day Adventist Church-South
Applicant

A. A. Reddy
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:00 (a.m. - p.m.), September 25 19 72 together with appropriate fee of \$50.00.

T9-402

J. Lynn Shirley
Signed

O W N E R S H I P L I S T

Lot	Block	Addition	Property Owner
1		Seventh Day Adventist Addition	✓ First Seventh Day Adventist Church 2725 South Osage 67217
5	6	Francis Harvey 2nd Addition	✓ Donald Eugene Simonson and Katheryn G. Simonson Address Unknown
6	6	Same	Robert Paul Dickerson and Shirley Sue Dickerson Address Unknown
7	6	Same	✓ Bobby Ray Allen and Diana D. Allen 2640 South Osage 67217
8	6	Same	✓ Earl S. Edgett and Neva Mae Edgett 2746 South Osage 67217
9	6	Same	D Bobby R. Allen and Diana D. Allen 2640 South Osage 67217
10	6	Same	✓ Donald A. Janssen and Adela B. Janssen 67217 720 West 27th Street South
11	6	Same	✓ Francis J. Thimmesch and Shirley J. Thimmesch 702 West 27th Street South Wichita, Kansas 67217'
12	6	Same	✓ Everett L. Spangler and Helen R. Spangler 2751 South Oak Wichita, Kansas 67217
13	6	Same	✓ Administrator of Veterans Affairs Washington, D.C.
14	6	Same	✓ Raymond Baus and Dorothy L. Baus 529 Aspen Wichita, Kansas 67217
15	6	Same	✓ Vernon R. Miller and Mary Frances Miller 924 South Fountain 67218

Lot	Block	Addition	Property Owner
1	B	F. A. Brown Addition	✓ Secretary of Housing & Urban Development Washington, D.C.
14	B	Same	✓ Glenn Carr St. Vrain, Jr. Betty J. St. Vrain Address Unknown
1		F. A. Brown 3rd Addition	✓ Jack S. Busch and Lenore A. Busch 835 West 27th Street So. Wichita, Kansas 67217
2		Same	Same
		Beginning 1088.11 ft East of NW/corner of SW $\frac{1}{4}$ of Section 5-28-1E of 6th P.M. thence South 208.71 ft, East 104.71 ft, North 208.71 ft, West 104.71 ft to beg.	✓ Glenn J. Protheroe and Frances M. Protheroe 827 West 27th Street So. Wichita, Kansas 67217
		Beginning 675.4 ft. East of NW/corner of SW $\frac{1}{4}$ of Section 5-28-1E of 6th P.M., South 208.71 ft, East 85 ft, North 208.71 ft, West 85 ft to point of beginning	✓ Hiram A. Mesel and Neva L. Mesel 1915 West McArthur lot 217 Wichita Kansas 67217
		Beginning 760.4 ft East of NW/corner of SW $\frac{1}{4}$ of Section 5-28-1E of 6th P.M., thence East 123.71 ft, South 208.71 ft, West 123.71 ft, North 208.71 ft to point of beginning	✓ James Howard Tweed and Norma Jean Tweed 917 West 27th Street So. Wichita, Kansas 67217

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of:

A 200 foot radius of the South 150 feet of the East 150 feet of Lot 1, Seventh-Day Adventist Addition, Wichita, Kansas

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 19th day of September, 1972 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

Assistant Vice President

Order No. 194706
wh

Form 222-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

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

DESCRIPTION	AMOUNT
4220 Case	\$ 50.00

Name

W. J. ...

Address

...

Type

PA-467103

Due Date

Comments:

Date

9-28-72

By

KLW

*

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