

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

MAPL

C.I. ✓

11-28-68

BZA 31-68 - Dellrose Methodist Church requests variance to reduce front and side yard setbacks & to reduce required off street parking spaces on property located on the N. side of 14th St. between Dellrose & Oliver.

POSTED
11-14-68

ACTION

	DATE
BZA COMMITTEE	<u>deferred</u> 11-26-68
	<u>approved</u> 12-17-68

M.A.P.C. _____

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

MAPL ✓
C.I ✓
11-28-68

BZA 31-68 - Dellrose Methodist Church requests variance to reduce front and side yard setbacks & to reduce required off street parking spaces on property located on the N. side of 14th St. between Dellrose & Oliver.

R E S O L U T I O N N O . B Z A 31-68

WHEREAS, Dellrose Methodist Church, 1502 North Dellrose, by Eugene G. Coombs, 725 Sutton Place, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 15 feet; reduce the required side yard setback on the north from 25 feet to 6 feet and reduce the required number of off-street parking spaces from 97 to 7, on property zoned "AA" Single Family and legally described as follows:

Lots 8, 9, 10, 11, 12, 13, and 14, Block 8, in Ken Mar Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 14th Street between Dellrose and Oliver.

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 November 26, 1968, defer further consideration of said application; and

WHEREAS, the applicant did withdraw his request for a variance of the required 25 foot side yard setback to six feet; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of December 17, 1968, consider said application; and

WHEREAS, the applicant did amend his request to reduce the required number of off-street parking spaces from 97 to 23 (instead of seven, as originally stated; 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 desires to expand at their present location where available vacant land does not now exist; and due to the fact that the church has stated intentions to purchase additional land to be used for off-street parking; 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 church will be utilizing the area north of the church for a parking lot complying with the 25 foot setback; and due to the fact that Ken-Mar Development, Inc. has made available 100 parking spaces to the south on Sundays and evenings; 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 not be able to expand and provide the community services expected of them; 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 as long as the church is conscious of their obligations to provide their own parking in the future; 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 adequate temporary parking will exist and inasmuch as the requests do meet the four previous requirements; and

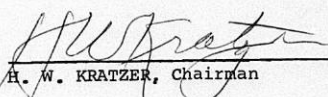
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance to reduce the front yard setback on Oliver from 25 feet to 15 feet for Lots 9, 10, and 11 only and a variance request to reduce the required number of off-street parking spaces from 97 to 23 on property zoned "AA" Single Family and legally described as:

Lots 8, 9, 10, 11, 12, 13, and 14, Block 8, in Ken Mar Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 14th Street between Dellrose and Oliver.

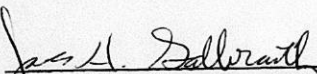
be approved subject to the following conditions:

1. The applicant submitting revised copies of the development plan with property dimensioned parking spaces and aisles to the Office of Central Inspection and the Traffic Engineer for their review and approval. Two copies of the approved plan shall be submitted to the Secretary of the Board prior to the Resolution of approval being forwarded to the Superintendent of Central Inspection and the applicant.
2. Lot 8 of the application area shall be utilized for off-street parking purposes only and no permanent structures shall be erected thereon until such time as the applicant provides the necessary number of off-street parking spaces as required by ordinance.
3. Submission of a letter that the Church will not request on-street parking on Oliver.

ADOPTED AT WICHITA, KANSAS, this 17th day of December, 1968.


H. W. KRATZER, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

August 15, 1969

Mr. Eugene G. Coombs
725 Sutton Place
Wichita, Kansas 67202

Dear Mr. Coombs:

Subject: BZA 31-68
Request for Variance

This is to advise you that Conditions 1 and 3 associated with the above captioned case have now been complied with; and we, therefore, are forwarding copies of the Resolution to the appropriate people. This case is now considered closed and the church may now proceed to obtain the appropriate building permits in accordance with the three approved variances.

If we can be of further assistance, please call.

Sincerely,

Jack H. Galbraith
Secretary

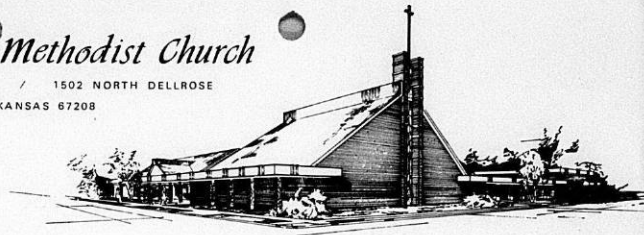
JHG:so
Enclosure

cc: Dellrose Methodist Church, 1502 North Dellrose, Wichita, Ks.
Griffith and Bonham, Architects, 314 Bitting Bldg., Wichita, Ks.
Ralph Eberly, City Clerk
Robert Feldner, Supt. of Central Inspection

Dellrose United Methodist Church

OFFICE PHONE MU 4-5182 / 1502 NORTH DELLROSE
WICHITA, KANSAS 67208

Ministers:
Mark D. Opliger
Clarence H. Hamm
Educational Assistant
June Lane



August 14, 1969

Re: BZA 3168
December 18, 1968

Mr. Jack Galbraith
Board of Zoning Appeals
104 South Main
Wichita, Kansas 67202

Dear Mr. Galbraith,

In relation to the building program of Dellrose United Methodist Church, at 14th and Oliver, the church waives any request for on street parking on Oliver Street.

All parking needs are met by parking on 14th Street and in the Ken Mar Parking Lot, written permission for which is on record.

Yours truly,

C. H. Hamm
Associate Minister

CHH/dsh



12-16-68

Jim Smith, Traffic Eng.

Called this date RE:

BZA 31-68. He indicated
their definite unwillingness
to open up Oliver for
parking. He also
indicated that he, nor
any of his staff have
seen a development
plan for review or
approval as of this
date.



LAW OFFICES OF
COOMBS, BRICK, DYE & REIFF
SUITE 725 SUTTON PLACE
WICHITA, KANSAS 67202
316 FOREST 3-2261

EUGENE G. COOMBS
SIDNEY J. BRICK
WILLIAM H. DYE
JOHN M. REIFF
DAVID EGAN

December 23, 1968

Jack H. Galbraith
Secretary
Board of Zoning Appeals
City Building Annex
104 S. Main St.
Wichita, Kansas 67202

Re: BZA 31-68 -Request for Variance

Dear Mr. Galbraith:

This will acknowledge the receipt of your letter of December 18, 1968, and I want to thank you and the members of your staff and the members of the Board of Zoning Appeals for the consideration and assistance rendered to my client, Dellrose Methodist Church in granting the amended request for variances which will enable them to build their new sanctuary.

I wish you a most Merry Christmas and a Happy and successful New Year.

Very truly yours,

COOMBS, BRICK, DYE & REIFF

By *Eugene G. Coombs*
Eugene G. Coombs

EGC/cr



LAW OFFICES OF
COOMBS, BRICK, DYE & REIFF

SUITE 725 BUTTON PLACE
WICHITA, KANSAS, 67202
316 FOREST 3-2261

EUGENE S. COOMBS
SIDNEY J. BRICK
WILLIAM H. DYE
JOHN M. REIFF
—
DAVID EGAN

December 23, 1968

Rev. Mark Opliger
Dellrose Methodist Church
1502 N. Dellrose
Wichita, Kansas 67208

Re: BZA 31-68 - Request for Variance

Dear Mark:

I received the letter from Jack H. Galbraith, Secretary of the Board of Zoning Appeals dated December 18, 1968, advising me that the amended request of the Dellrose Methodist Church for the front yard setback and parking requirement variances had been approved subject to conditions as set forth in the letter. The letter indicates that a copy of it was designated for you, thus I am sure you are familiar with the contents of it. I merely want to point out that the approval is subject to the conditions set forth in Mr. Galbraith's letter; therefore, you and your architects must comply with the conditions, as set forth in the letter, accurately and meticulously.

If I can be of assistance in doing so, please let me know.

Best regards and wishes for a Merry Christmas and a very Happy New Year.

Sincerely,

Eugene G. Coombs

EGC/cr

cc- Griffith and Bonham
Jack H. Galbraith ✓

December 18, 1968

Mr. Eugene G. Coombs
725 Sutton Place
Wichita, Kansas 67202

Subject: BZA 31-68 - Request
for Variance

Dear Mr. Coombs:

At the regular meeting on December 17, 1968, the Board of Zoning Appeals considered the above captioned case requesting a variance of the front yard setback on Oliver from 25 feet to 15 feet and the amended request reducing the required number of parking spaces from 97 to 23. The Board did not consider the request for a variance of the side yard setback since you had previously amended the application to delete this request.

The action of the Board was to approve the variance to reduce the front yard setback on Oliver from 25 feet to 15 feet for Lots 9, 10, and 11 only; and to approve the variance request to reduce the required number of off street parking spaces from 97 to 23 subject to the following conditions:

1. The applicant submitting revised copies of the development plan with property dimensioned parking spaces and aisles to the Office of Central Inspection and the Traffic Engineer for their review and approval. Two copies of the approved plan shall be submitted to the Secretary of the Board prior to the Resolution of approval being forwarded to the Superintendent of Central Inspection and the applicant.
2. Lot 8 of the application area shall be utilized for off-street parking purposes only and no permanent structures shall be erected thereon until such time as the applicant provides the necessary number of off-street parking spaces as required by ordinance.

Mr. Eugene G. Coombs
December 18, 1968
Page 2

3. Submission of a letter that the Church will not request on-street parking on Oliver.

It is now necessary that the two copies of the revised plan and the letter concerning the parking on Oliver be submitted to our office prior to the forwarding of the Resolution of the Board's action. If you have any questions concerning the conditions of approval of the variance request, please contact our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Dellrose Methodist Church
1502 North Dellrose
Wichita, Kansas 67208

Griffith and Bonham, Architects
314 Bitting Bldg.
Wichita, Kansas 67202

Ralph Eberly,
City Clerk

Robert Feldner,
Supt. of Central Inspection

Jim Smith,
~~Assistant Traffic Engineer~~

December 5, 1968

Wichita Building Inspection Department
and
The Board of Zoning Appeals
City Building Annex
104 South Main
Wichita, Kansas

Re: Case No. BZA 31-68-
Dellrose Methodist Church
Request for variance

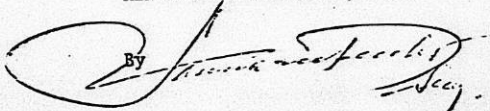
Gentlemen:

Reference is made to the letter of Ken-Mar Development, Inc., dated April 9, 1968, addressed to the Wichita Building Inspection Department authorizing Dellrose Methodist Church to use a maximum of 100 parking spaces on Sundays and evenings on the Ken-Mar Shopping Center property located South and across the street from the Dellrose Methodist Church.

Please be advised that the principals of the Ken-Mar Development, Inc., have reviewed the proposed stages of development, and off street parking lot layout for the Dellrose Methodist Church's property and based on the anticipated development and the possible utilization of the property owned by the church, we reconfirm our authorization to the Dellrose Methodist Church to use a maximum of 100 parking spaces on our parking lot until the proposed development stages of the Dellrose Methodist Church have been completed, provided said completion of said development stages do not exceed five (5) years.

Very truly yours,

KEN-MAR DEVELOPMENT, INC.

By 
Secretary

SECRETARY'S REPORT
CASE NO. BZA 31-68

December 17, 1968

APPLICANT: Dellrose Methodist Church, 1502 North Dellrose, Wichita, Kansas.

AGENT: Eugene G. Coombs, 725 Sutton Place, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 15 feet; reduce the required side yard setback on the north from 25 feet to 6 feet and reduce the required number of off-street parking spaces from 97 to 7.

GENERAL LOCATION: North side of 14th Street between Dellrose and Oliver.

ZONING: Subject property is zoned "AA" single family as is that to the north, east and west with "B" multi-family zoning to the south.

LAND USE: Subject property is occupied by a church and off-street parking facilities, to the north, east and west is single family with general commercial and off-street parking to the south.

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.

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Secretary's Report
Case No. BZA 31-68

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 Dellrose Methodist Church is requesting a variance of the required front yard setback on Oliver from 25 feet to 15 feet and the required 25 foot side yard setback on the north to 6 feet, and a variance of the off-street parking requirements from 97 spaces to 7 spaces in order to expand their existing facilities into an area presently being used as a parking lot to meet off-street parking requirements of the Zoning Ordinance.

The Board of Zoning Appeals at their meeting of November 26, 1968, after considerable discussion concerning the stages of development, the various lots to the north that the church anticipated purchasing in the future, and Section 28.04.141.2.3 and 2.4 of the Zoning Ordinance, moved to defer further consideration of this matter to their next regular meeting on December 17, 1968. The Board in deferring this matter, specifically requested that the applicant's architect provide information as to the proposed stages of development and that he submit an off-street parking lot layout for that area to the north where the single family dwelling exists. In addition, upon advise by legal counsel, the Board requested that the applicant try and secure a letter binding and guaranteeing a certain amount of off-street parking to the south for a specific given time.

In the discussion of the three variances, the attorney for the applicant orally amended their request to delete the request for the variance of the north side yard from 25 feet to 6 feet.

Since the deferral of this case, the applicant has submitted a letter to the Board of Zoning Appeals from the Ken-Mar Development, Inc., owners of the land to the south, reconfirming their authorization for the church to utilize 100 parking spaces of their off-street parking facilities on Sunday and evenings until the proposed

Page 3 - Secretary's Report
Case No. BZA 31-68

development stages of the church have been completed, provided said completion of the development does not exceed five years. It should be pointed out, however, that such a letter is not binding and does not authorize the utilization of the commercial lot facilities during the afternoons when churches have weddings, funerals, meetings and conduct the church functions.

The revised plot plan submitted by the applicant proposes that construction will occur in two phases and that the area in phase 2, the north 74 feet, will be utilized for off-street parking facilities and provide approximately 18 parking spaces in addition to the five spaces in the phase 1 area or a total of 23 spaces.

Based on the church's ability to provide 23 of the required 97 off-street parking spaces, the Secretary assumes that the parking variance request should be considered as a variance request to 23 spaces.

UNIQUENESS

It is the opinion of the Secretary that it is difficult to find uniqueness in this instance as it appears that the church has a limited site and simply is overdeveloping their present land area. However, the Secretary recognizes the uniqueness of the church position of desiring to expand at their present location where available vacant land does not exist. Assuming then that the church as stated in the Board of Zoning Appeals meeting of November 26, 1968, has intentions of purchasing additional lands to be used for off-street parking, the Secretary is of the opinion that uniqueness, for a temporary period, can be found to exist only for the development of Phase 1. This will permit the area proposed for Phase 2 to be utilized for some of the required church parking. As for the variance of the front setback from Oliver from 25 to 15 feet, it should be pointed out that Ken-Mar Shopping Center has no setback from Oliver and based on the area in Phase 2 being utilized for parking and complying with the required 25 ft. setbacks, the Secretary is also of the opinion that uniqueness can be found to exist.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the front setback variance request will not have an adverse effect on the rights of adjacent property owners since the church will be

utilizing the Phase 2 area for a parking lot complying with the 25 foot setback. As for the off-street parking variance, there will be an adverse effect on the entire residential area, except on Oliver, if the church does not continue to purchase land for additional parking lots. The congestion of on-street parking will only be alleviated by the use of the Ken Mar area which is only for a limited number of years.

HARDSHIP

It is the opinion of the Secretary that if these two variances are not granted that a hardship will exist in that the church will not be able to expand and provide the community services expected of them.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of either variance would not be opposed to the public interest as long as the church is conscious of their obligation to provide their own parking in the future.

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 inasmuch as adequate temporary parking will exist and inasmuch as the requests do meet the four previous requirements.

RECOMMENDATION

It is the opinion of the Secretary that all five of the conditions necessary to the granting of the variance request can be found to exist and it is, therefore, recommended that the front yard setback on Oliver be reduced from 25 to 15 feet for Lots 9, 10 and 11 only which will permit the construction of Phase 1. It is further recommended that the required number of off-street parking spaces be reduced from 97 to 23, subject to:

1. The applicant submitting revised copies of the development plan with properly dimensioned parking spaces and aisles to the Office of Central Inspection and the Traffic Engineer for their review and approval. Said

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Case No. BZA 31-68

plan shall clearly indicate Phase 1 and 2 and two copies of the approved plan shall be submitted to the Secretary of the Board prior to the Resolution of approval being forwarded to the Superintendent of Central Inspection and the applicant.

2. Lot 8 of the application area shall be utilized for off-street parking purposes only and no permanent structures shall be erected thereon until such time as the applicant provides the necessary number of off-street parking spaces as required by ordinance.

NOTE: The applicant should also be aware that, based on the plans submitted with the application, there appears to be two other conflicts with the Ordinance. Although only a 6 ft. side yard setback is required adjacent to 14th St., there appears to be a canopy extending to the property line. The Ordinance only permits canopies to extend 2 feet into sideyard requirements. The Plans also indicate that a structure is proposed across a 16 foot utility easement in two places. This proposal would require a vacation of the easement and possible re-routing of utilities.

4

GRIFFITH AND BONHAM
ARCHITECTS

314 BITTING BUILDING

WICHITA, KANSAS 67202

November 27, 1968

Mr. Eugene Coombs
Attorney At Law
725 Sutton Place Building
Wichita, Kansas 67202

RE: DELLROSE METHODIST CHURCH

Dear Mr. Coombs:

Enclosed are prints showing construction phases as discussed at the BZA hearing. You will note the parking area (interim) at the north will accommodate eighteen parking stalls.

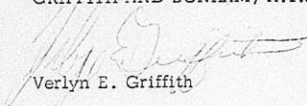
Acquisition of property north of existing property on Oliver would then allow us to abandon the interim parking area and construct Phase 2 of the project.

I would like to point out that acquisition of additional property for parking in AA zoning does not provide parking from property line to property line because setback requirements must be maintained except side yards may be reduced one-half. I refer you to Zoning Ordinance, Chapter 28-04 of Title 28.

I don't know for sure if the drawings enclosed are completely adequate or not. If they are not, please let me know.

Yours very truly,

GRIFFITH AND BONHAM, A.I.A. ARCHITECTS



Verlyn E. Griffith

VEG:sg

enclosures

LAW OFFICES OF
COOMBS, BRICK, DYE & REIFF
SUITE 725 SUTTON PLACE
WICHITA, KANSAS 67202
316 FOREST 3-2261

December 9, 1968

EUGENE G. COOMBS
SIDNEY J. BRICK
WILLIAM H. DYE
JOHN M. REIFF
DAVID EGAN

Jack H. Galbraith
Secretary
Board of Zoning Appeals
City Annex Building
Wichita, Kansas

Re: BZA 31-68-
Request for Variance
Dellrose Methodist Church

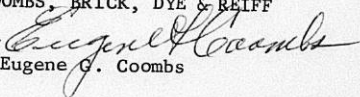
Dear Mr. Galbraith:

Reference is made to your letter of November 29, 1968. I am transmitting herewith a copy of a letter from Griffith and Bonham, Architects, showing the construction phases of the buildings to be construction by Dellrose Methodist Church at 14th and Oliver, Wichita, Kansas. I am also enclosing a copy of a letter from Ken-Mar Development, Inc., signed by Mr. Frank M. Kessler which I believe is in keeping with the discussion of the matter which took place at the meeting of the Board of Zoning Appeals where the matter was first presented.

If there are any other suggestions or requirements that you would like us to comply with prior to the meeting on December 17, 1968, let me know. I am impressed by the splendid courtesies and intelligent approach that are displayed by the planning staff. I wish to thank you for this fine treatment.

Very truly yours,

COOMBS, BRICK, DYE & REIFF

By 
Eugene G. Coombs

EGC/cr
Enclosures
cc - Rev. Mark Opliger

LAW OFFICES OF
COOMBS, BRICK, DYE & REIFF
SUITE 725 SUTTON PLACE
WICHITA, KANSAS 67202
316 FOREST 3-2261

EUGENE G. COOMBS
SIDNEY J. BRICK
WILLIAM H. DYE
JOHN M. REIFF
DAVID EGAN

December 3, 1968

Mr. Jack H. Galbraith
Secretary
Board of Zoning Appeals
City Annex Building
Wichita, Kansas

Re: BZA 31-68-
Request for Variance

Dear Mr. Galbraith:

Thank you for your letter of November 29, 1968,
pertaining to this matter. I will obtain the information
and submit it to you by December 9, 1968. Thank you for
calling this matter to my attention.

Very truly yours,

COOMBS, BRICK, DYE & REIFF

By *Eugene G. Coombs*
Eugene G. Coombs

EGC/cr



November 29, 1968

Mr. Eugene G. Coombs
725 Sutton Place
Wichita, Kansas 67202

Subject: Case No. BZA 31-68 -
Request for Variance

Dear Mr. Coombs:

At its regular meeting on November 26, 1968, the Board of Zoning Appeals considered your variance request to reduce the front yard setback from 25 feet to 15 feet and to reduce the number of off-street parking spaces from 97 to 7, and your oral amendment to delete the request for the variance of the north side yard setback from 25 feet to 6 feet.

After considerable discussion concerning the stages of development, the various lots to the north that the church anticipated purchasing in the future, and Section 28.04.142.3 of the Zoning Ordinance requiring that a letter authorizing parking on another owner's property be made binding on the owners of such land and be recorded with the Register of Deeds after having first been approved by the Department of Law, the action of the Board was to defer further consideration of this matter to their next regular meeting on December 17, 1968. The Board specifically requested that the applicant's architect provide information as to the proposed stages of development and that he submit an off-street parking lot layout for that area to the north where the single family dwelling exists. In addition, upon advice by legal counsel, the Board requested that you try and secure a letter binding and guaranteeing a certain amount of parking to the south for a specific given time. Based on the anticipated development and the possible utilization of the lot with the single family

Mr. Eugene G. Coombs
November 29, 1968

home being utilized for off street parking, it was thought that the off street parking variance could be amended from 97 to the amount that the church could provide on their land.

We would appreciate this information being submitted to us by December 9, 1968, and, if possible, we might amend our recommendation to the Board of Zoning Appeals. If you have any questions concerning the action by the Board or the information they requested, please contact our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: Dellrose Methodist Church
1502 North Dellrose
Wichita, Kansas 67208

Griffith and Bonham, Architects
314 Bitting Building
Wichita, Kansas 67202

Ralph Eberly,
City Clerk

Robert Feldner,
Supt. of Central Inspection

SECRETARY'S REPORT
CASE NO. BZA 31-68

APPLICANT: Dellrose Methodist Church, 1502 North Dellrose, Wichita, Kansas.

AGENT: Eugene G. Coombs, 725 Sutton Place, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 15 feet; reduce the required side yard setback on the north from 25 feet to 6 feet and reduce the required number of off-street parking spaces from 97 to 7.

GENERAL LOCATION: North side of 14th Street between Dellrose and Oliver.

ZONING: Subject property is zoned "AA" single family as is that to the north, east and west with "B" multi-family zoning to the south.

LAND USE: Subject property is occupied by a church and off-street parking facilities, to the north, east and west is single family with general commercial and off-street parking to the south.

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 Dellrose Methodist Church is requesting a variance of the required front yard setback on Oliver from 25 feet to 15 feet and the required 25 foot sideyard setback on the north to 6 feet, and a variance of the off-street parking requirements from 97 spaces to 7 spaces in order to expand their existing facilities into an area presently being used as a parking lot to meet off-street parking requirements of the Zoning Ordinance.

The applicants have submitted a letter to the Central Inspection Division from Ken-Mar Development, Inc., owners of the land to the south, granting authorization for the church to utilize 100 parking spaces of their off-street parking facility on Sundays and evenings in which they state that they are not aware of any reason why this use would be revoked at any time in the reasonable foreseeable future.

Section 28.04.141.2.3 of the Zoning Ordinance provides that 50% of the required parking may be within 660 feet of the proposed development, provided such approval is made binding on the owners of such land and such approval is filed with the Register of Deeds after having first been approved by the Department of Law.

It should be pointed out that if the variances requested are granted and Ken-Mar Shopping Center is required to provide additional off-street parking facilities through expansion of their existing shopping center, that the church would have no off-street parking facilities available. It should also be pointed out that the letter authorizing the use of their off-street parking facilities is in no way binding upon the submitter.

UNIQUENESS

It is the opinion of the Secretary that there is nothing unique about this property and it appears that the church is simply over developing their site and are having to request setback variances complied with by other churches and which are being complied with by single family residences to the north.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variances of the setback requirements would have an adverse affect on the property owner to the north inasmuch as the proposed addition to the church would extend to within six feet of the residence and would project past their frontyard by ten feet. An addition by the church eliminating their present parking facilities, street congestion will occur resulting in adverse effects on the neighborhood.

HARDSHIP

It is the opinion of the Secretary that no hardship can be found to exist inasmuch as it is being created by the church itself by desiring to overdevelop their present site.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance reducing the number of off-street parking spaces would not be in the public interest in that public streets would have to be utilized for parking by members of the church in the event that parking in the Ken-Mar parking lot is no longer available, thereby creating traffic congestion.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the three variances desired would be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) in that none of the five conditions necessary for the granting of the variances can be found to exist.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of the variances cannot be found to exist and, therefore, it is recommended that the requests not be approved.

NOTE: The applicant should also be aware that, based on the plans submitted with the application, there appears to be two other conflicts with the Ordinance. Although only a 6 ft. side yard setback is required adjacent to 14th St., there appears to be a canopy extending to the property line. The Ordinance only permits canopies to extend 2 ft. into sideyard requirements. The Plans also indicate that a structure is proposed across a 16 ft. utility easement in two places. This proposal would require a vacation of the easement and possible re-routing of utilities.

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

November 6, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 31-68

An application has been filed by Dellrose Methodist Church, 1502 North Dellrose, by Eugene G. Coombs, 725 Sutton Place, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required 25 foot front yard setback from 25 feet to 15 feet; reduce the required 25 foot side yard setback on the north from 25 feet to 6 feet and reduce the required number of off-street parking spaces from 97 to 7, on property zoned "AA" Single Family District and legally described as follows:

Lots 8, 9, 10, 11, 12, 13, and 14, Block 8, in Ken Mar Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 14th Street between Dellrose and Oliver.

This application has been assigned Case No. BZA 31-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 26, 1968, 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

*410 Notice
mailed 11-6-68*

LAW OFFICES OF
COOMBS, BRICK, DYE & REIFF
SUITE 725 SUTTON PLACE
WICHITA, KANSAS 67202
316 FOREST 3-2261

October 25, 1968

EUGENE G. COOMBS
SIDNEY J. BRICK
WILLIAM H. DYE
JOHN M. REIFF
DAVID EGAN

Metropolitan Area Planning Commission
City Annex Building
4th Floor
Wichita, Kansas

Attention: Joyce Smith

Dear Joyce:

Enclosed herewith is a copy of a letter from Ken-Mar Development, Inc., signed by Frank M. Kessler, Secretary, to the Wichita Building Inspection Department, which I neglected to include with the exhibits with the application of Dellrose Methodist Church for variances, which I filed with you, Thursday, October 24, 1968. Will you be kind enough to include a copy of this letter with the application?

Very truly yours,

COOMBS, BRICK, DYE & REIFF

By *Eugene G. Coombs*
Eugene G. Coombs

EGC/cr
Enclosure



Ken-Mar Development, Inc.

1905 SOUTHWEST BOULEVARD
WICHITA 13, KANSAS
WH 3-4254

April 9, 1968

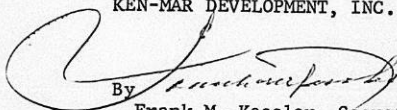
Wichita Building Inspection Department
City of Wichita
Wichita, Kansas

Gentlemen:

In accordance with the request of the Dellrose Methodist Church, Fourteenth and Oliver, Wichita, Kansas, we hereby authorize them to use a maximum of one hundred (100) parking spaces on Sundays and evenings on the Ken-Mar Shopping Center property located South and across the street from the Dellrose Methodist Church. We are pleased to grant this request of the Dellrose Methodist Church in order that they may enlarge their facilities and we are not aware of any reason why this use would be revoked at any time in the reasonable foreseeable future.

Very truly yours,

KEN-MAR DEVELOPMENT, INC.

By 

Frank M. Kessler, Secretary

FMK/cr



BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 31-68
FILED 10-24-68

APPLICATION FOR VARIANCE

1. Name of Applicant Dellrose Methodist Church
Mailing Address 1502 N. Dellrose Phone Mu 4-5182
Name of Authorized Agent Eugene G. Coombs
Mailing Address 725 Sutton Place Phone FO 3-2261
Relationship of applicant to property is that of owner
(owner, tenant, lessee, other)

II. The variance requested is (1) A 15' front yard setback on Oliver instead of 25'; (2) A 6' side yard setback on the North instead of 25'; (3) Waiver of requirement for 100 parking spaces on property because of authority of Ken-Mar Development, Inc., for 100 parking spaces across 14th Street.

97 lot
for property located between Dellrose and Oliver running North
from 14th Street

and legally described as: Lots 8, 9, 10, 11, 12, 13 & 14 Block 8,
Ken-Mar Addition, Wichita, Sedgwick County, Kansas.

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

(Give metes and bounds description below if appropriate):

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

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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;
- 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;
- That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

DELLROSE METHODIST CHURCH

Applicant

Eugene G. Coombs, Attorney
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals
3:10 (a.m. - P.M.), 10-24, 1968, together with
appropriate fee of \$50.00.

Jay W. Smith
Signed

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
5	7	Ken-Mar Addition	✓ Hulda C. Miller 642 N. Pershing Wichita, Kansas, 67208
6	"	"	✓ Harold B. Helm, 1533 N. Dellrose Wichita, Kansas, 67208
7	"	"	✓ Vincent E. Driver & Carmen L. Driver, 1527 N. Dellrose Wichita, Kansas, 67208
8	"	"	✓ Harald A. Gates and Elizabeth Gates, 1521 N. Dellrose, Wichita, Kansas, and Harold P. Gates, 1765 N. Pinecrest Wichita, Kansas, 67208
9	"	"	✓ Richard L. Wasson and Herta L. Wasson, 1515 N. Dellrose Wichita, Kansas, 67208
10	"	"	✓ Bobby C. Long and Luella M. Long 1507 N. Dellrose, Wichita, Kansas 67208
11	"	"	✓ Wendell G. Valerius and Gertrude Valerius, 1501 N. Dellrose Wichita, Kansas, 67208
12	"	"	✓ Dwight E. Lowther and Kay Lowther 1502 N. Dellrose <i>Pershing</i> Wichita, Kansas, 67208
13	"	"	✓ Georgia Lee Gates, 1508 N. Pershing Wichita, Kansas, 67208
14	"	"	✓ George Neil Priceman 1514 N. Pershing, Wichita, Kansas 67208
15	"	"	✓ Ronald D. Crissman and Dolores H. Crissman, 1520 N. Pershing Wichita, Kansas, 67208
16	"	"	✓ Frank M. Durkin and Roberta K. Durkin, 1526 N. Pershing Wichita, Kansas, 67208
4	8	"	✓ Carl E. Wells and Dorothy J. Wells 1545 N. Oliver Wichita, Kansas, 67208
5	"	"	✓ Robert Frank Hays and Betty Jean Hays, 1539 N. Oliver Wichita, Kansas, 67208
6	"	"	✓ T. E. Kelsey and Ruby G. Kelsey 1533 N. Oliver Wichita, Kansas, 67208

Continued page 2

Lot	Block	Addition	Property Owner
7	8	Ken-Mar Addition	✓ Richard J. Vandermeer & Charline L. Vandermeer, 1527 N. Oliver Wichita, Kansas, 67208
8	"	"	✓ Trustees of Dellrose Methodist Church, 1502 N. Dellrose Wichita, Kansas, 67208
9, 10, 11, 12 13 & 14	"	"	✓ Dellrose Methodist Church 1502 N. Dellrose Wichita, Kansas, 67208
15	"	"	✓ Clifford W. Larson and Betty Larson, 1520 N. Dellrose Wichita, Kansas, 67208
16	"	"	✓ Administrator of Veterans Affairs 5501 E. Kellogg, Wichita, 67218
17	"	"	✓ Dellrose Methodist Church 1502 N. Dellrose Wichita, Kansas, 67208
18	"	"	✓ Mary A. Beesley, Address Unknown
19	"	"	✓ Louis E. Duggan and Bessie L. Duggan, Address unknown <i>1005 N. Market 67214</i>
Reserve C.		"	✓ Ken Mar Development Company, Inc. Address unknown
43, 44 & W 5' of 45	14	University Heights Addition	✓ Ronald R. Davis and M. Corrine Davis, 1440 N. Oliver Wichita, Kansas, 67208
45 exc W 5', all 46 & 47 exc E 10'	"	"	✓ Albert R. Parker and Mattie G. Parker, 1508 Floberta Wichita, Kansas, 67208
E 10' of 47 all 48 & 49	"	"	✓ Eugene Savaiano, 1514 Floberta Wichita, Kansas, 67208
12	15	"	✓ Hazel Shaleffer & Daisy S. Lamb 1535 Floberta, Wichita, Kansas 67208
13 & 14	"	"	✓ James D. Peoples and Anne L. Peoples, Address unknown
15, 16 & 17	"	"	✓ Joseph Pereira and Eva Ann Pereira, 1525 Floberta Wichita, Kansas, 67208
18, 19 & 20	"	"	✓ Allen M. Cress and Margaret Jean Cress, 1517 Floberta Wichita, Kansas, 67208
21, 22 & 23	"	"	✓ Garnett Building Co., Inc. Address unknown

Continued page 3

Lot	Block	Addition	Property owner
24, 25, 26 & 27	15	University Heights Addition	Floyd Witters and Sophia Witters 1501 Floberta, Wichita, 67208
28 29 & S½ of 30	"	"	Loren Wellman & Jetta Wellman 1518 N. Oliver, Wichita 67218
N½ of 30 all 31 & 32	"	"	Lodeska M. Pauley and Estella H. Smith, Addresses unknown
33, 34 & S½ of 35	"	"	Gerald Dean Dutton and Sue Ann Dutton, 1530 N. Oliver Wichita, Kansas, 67208
N½ of 35 all of 36 & 37	"	"	Donald O. Cowgill and Mary S. Cowgill, address unknown
38	"	"	Robert L. Wellman and Karen L. Wellman, 1542 N Oliver Wichita, Kansas.

We, The Security Abstract and Title Company, Inc., hereby certify the foregoing to be a true and correct list of property owners within a 200 foot radius of Lots 8, 9, 10, 11, 12, 13 & 14, Block 8, in Ken Mar Addition to Wichita, Kansas, as shown by the deeds on file in the office of the Register of Deeds of Sedgwick County, Kansas, on this 22nd Day of October, 1968 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Lucille Schneider

Vice-President

Order No. 158329

STATEMENT OF APPLICANT
JUSTIFYING THE VARIANCE REQUESTED

Applicant states that the variances requested, to-wit:

- (1) A 15 foot front yard setback on Oliver instead of 25 feet;
- (2) A 6 foot side yard setback on the North instead of 25 feet;
- (3) Waiver of requirement for 100 parking spaces on property because of authority of Ken-Mar Development, Inc., for 100 parking spaces across 14th street,

are justified and will meet requirements of Section 2.12.590.2 Code of the City of Wichita for the following reasons:

- (1) A 15 foot front yard setback on Oliver instead of the normal 25 foot front yard setback on Oliver because the property to the South is known as the Ken-Mar Shopping Center and this variance would not interfere with the Ken-Mar Development, Inc.'s use of its property. The building is of such a nature that it will not interfere with the uses and enjoyment of the property to the North.
- (2) A 6 foot side yard setback on the North instead of a 25 foot side yard setback as normally required is not contrary to public interest and a literal enforcement of the provisions of Title 28 to require 25 foot side yard setback on the North of applicants property results in an unnecessary hardship.
- (3) Requirement for 100 parking spaces on the property should be waived in light of the Ken-Mar Development, Inc.'s authorization and consent for applicant to use 100 parking spaces on the Ken-Mar Shopping Center located across 14th street and immediately South of applicat's property.

We understand that no variance is required in order to permit applicant to have a 6 foot side yard setback along the South line of applicant's property inasmuch as it is on the corner of 14th and Oliver streets.

For each of the requested variances, applicant respectfully submits that the request arises from the unique condition that the applicant is the owner of the real estate described in the application and that its present edifice is located on this property. If the variances are not approved, the applicants expansion and building program will be curtailed and new plans for the construction of its proposed buildings will have to be made at considerable cost to the congregation or it will be forced to abandon its present location and seek another, which in all probability could not be found in this general locality.

Applicant further submits that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents, but in fact will enhance the appearance of the neighborhood and the use of the property in the neighborhood.

The strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the Dellrose Methodist Church because there is not adequate room for its expansion program without granting the variances requested.

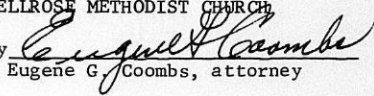
Applicant further states that the granting of the variances requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, but will in fact through the building of the attractive edifice and proposed buildings, improve the neighborhood and be an asset to the public health, safety, morals, order, convenience, prosperity, and general welfare of the people in the area.

Applicant states that the granting of the variances requested will not be opposed to the general spirit and intent of Title 28, the zoning ordinance.

Respectfully submitted,

DELLROSE METHODIST CHURCH

By


Eugene G. Coombs, attorney

FORM 20-01

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hsc. Mvr.	Hsc. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		50.00

DESCRIPTION	AMOUNT
<i>Board of Zoning Appeals Application</i>	
Name: <i>Ernest Coomb</i>	
Address: <i>725 Sutton Place</i>	
Type: <i>R71C</i>	Due Date
Comments:	

Date: *10-24-68* By: *Joyce Smith*

*

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