

BZA 31-70 - St Marks United Meth  
Chrch req Variance to red front  
yard setback 20' to 9' and  
variance of off-st parking from  
185 to 53 at NW corner of 11th  
and Mississippi

POSTED  
10/30/70

BZA 11-24-70 Withdrawn  
by applicant 11-30-70

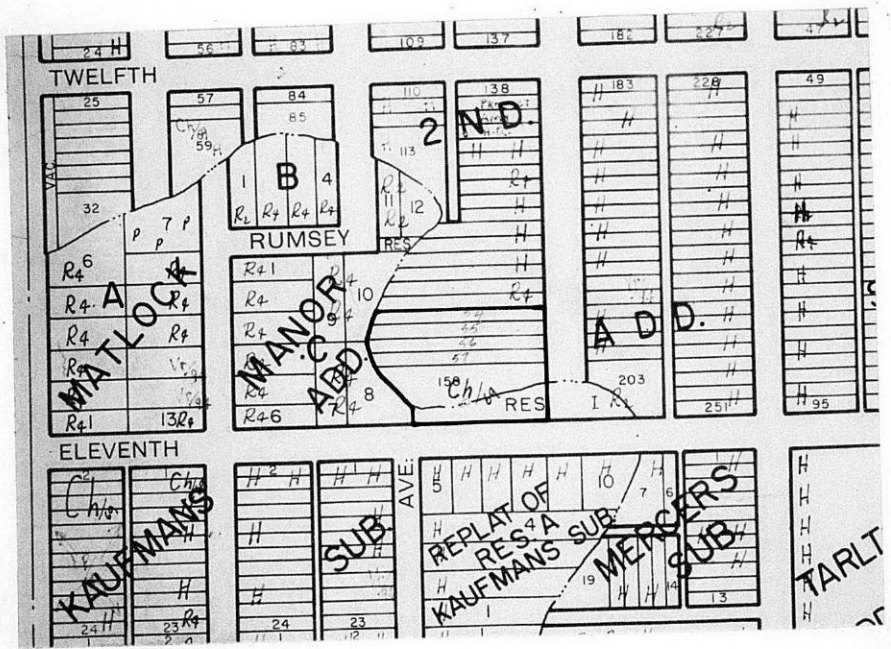
Closed

Map No. 5648  
 Sec. 15  
 Twp. 27  
 Range 1E

BZA 31-70  
 GCZ \_\_\_\_\_  
 CU \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 1.2 ( 1/2 REGULAR ft. by \_\_\_\_\_ ft.)  
 2. Adjoining Zoning: E. \_\_\_\_\_ S. \_\_\_\_\_ W. \_\_\_\_\_ N. \_\_\_\_\_  
 3. Land Use: East SINGLE FAM South SINGLE  
 West SINGLE FAM North SINGLE  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use is for: CHURCH  
 6. Area (is) (is not) platted.

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



TELEPHONE: 316/262-3581

PAUL L. GRAY  
ATTORNEY AT LAW

1010 UNION NATIONAL BLDG. - 104 SOUTH BROADWAY - WICHITA, KANSAS 67202

November 30, 1970

Mr. Jack H. Galbraith  
Chief Planner  
Metropolitan Area Planning Dept.  
City Building Annex  
Wichita, Kansas

Re: Case No. BZA 31-70 and  
Case No. Z-1225-at the Northwest corner  
of 11th and Minnesota Streets

Dear Sir:

This is to request that BZA case 31-70 and zoning case  
Z-1225 be withdrawn and closed at the request of the  
applicants.

Yours very truly,

*Paul L. Gray*

Paul L. Gray

PLG/cas

cc Rev. Everett S. Reynolds  
St. Marks United Methodist Church  
1914 East 11th Street.  
Wichita, Kansas



November 25, 1970

Mr. Paul Gray, Sr.  
Union National Building  
Wichita, Kansas 67202

Subject: Case No. BZA 31-70 and  
Case No. Z-1225 - At the  
northwest corner of 11th  
and Minnesota Streets

Dear Mr. Gray:

This is to advise you that the Board of Zoning Appeals at their meeting of November 24, 1970 considered the above captioned BZA Case. Since there was no one present and since I advised the Board that you had filed another BZA case for another location, the Board deferred consideration of this case to their next regular meeting of December 15, 1970.

This morning I was advised by Reverend Reynolds that there is no further interest in either the BZA case or the zoning case at 11th and Minnesota. Since the zoning case is scheduled for the Planning Commission meeting of Monday, November 30, 1970, we would appreciate a letter requesting that both the BZA case 31-70 and zoning case Z-1225 be withdrawn and closed.

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

Sincerely yours,

Jack H. Galbraith  
Chief Planner

JHG:ls

cc Rev. Everett S. Reynolds, St. Marks United Methodist Church  
1914 East 11th Street 67214

SECRETARY'S REPORT  
CASE NO. BZA 31-70

**APPLICANT:** St. Marks United Methodist Church, 1914 East 11th Street, Wichita, Kansas  
Cleopatria Newsom, 229 South Hydraulic, Wichita, Kansas

**AGENT:** Paul L. Gray, Sr., Union National Building, 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 Minnesota from 20 feet to 9 feet and a variance of the number of required off-street parking spaces from 185 to 53 to be used jointly with the St. Mark's United Methodist Church

**GENERAL LOCATION:** At the northwest corner of 11th and Minnesota Streets

**ZONING:** Subject property is zoned "B" Multiple Family as are those properties to the north, south, east and west

**LAND USE:** Subject property is occupied by a church; west and north is multi-family; south is single family; east is single family and duplex

**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 applicant is requesting a variance of the required front yard setback on Minnesota from 20 feet to 9 feet and a reduction of the required off-street parking spaces from 185 to 53 on property zoned "B" Multiple Family. It should be pointed out that an application has been filed with the Planning Department requesting a change of zoning from "B" Multiple Family to "LC" Light Commercial for the property contained in this application. This matter has been assigned case No. Z-1225 and will be considered by the Planning Commission at their next regular meeting on November 30, 1970.

The applicant is requesting these variances and the zoning change to enable the construction of a recreational and multi-purpose facility proposed by a group of Model Neighborhood Area residents to be operated by MEFSEC, Inc. (Moving Effectively for Social Economic Change). This non-profit corporation proposes to conduct recreational, educational and cultural projects and activities within a two story structure plus a basement. The facility will house a roller skating rink, gym, shower and locker room, snack bar, meeting, conference and multi-purpose rooms and office facilities.

In his statement of justification, the applicant points out the request for a variance of the front yard setback is necessary because the physical size of the proposed structure is greater in width than that available on the property if the required front yard setback has to be maintained. It is further pointed out that the proposed structure is a neighborhood recreational center and is therefore geared to "walk-in" participation from the neighborhood and that the centers age-group appeal is, generally, an age-group below that allowed to operate automobiles.

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 locate the proposed recreation

center on their property inasmuch as they will have an active interest in its operation.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the front setback variance will not adversely affect adjacent property owners inasmuch as the facility proposed is located on a corner lot and the design of the building will leave adequate amounts of open space for light and air. As for the off-street parking variance, there could be an adverse effect on the surrounding residential area caused by the congestion of on-street parking in the event the recreation center is intensely patronized by the age-group allowed to operate automobiles.

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 construct the recreation center on their property which is vacant and of no practical use to the church.

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 additional off-street parking if it should become necessary.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances would not be opposed to the spirit and intent of Title 28 inasmuch as a variance can be justified in circumstances such as this when the contemplated use is to serve the public in general.

RECOMMENDATION:

It is the opinion of the Secretary that it is difficult to justify all the conditions, however, if the Board should determine that all five conditions necessary to the granting of the variances can be found to exist and recommends approval of the request, it should be approved subject to the following condition.

Approval of Zone Case No. Z-1225 by the Board of City Commissioners.

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

November 4, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 31-70

An application has been filed by St. Marks United Methodist Church, 1914 East 11th Street, Wichita, and Cleopatria Newsom, 229 South Hydraulic Street, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from Minnesota from 20 feet to 9 feet and a variance to reduce the number of required off-street parking spaces from 185 to 53, on property zoned "B" Multiple Family and on which an application for "LC" Light Commercial has been filed (Zone Case No. Z-1225), and legally described as follows:

Lots 154, 155, 156, 157, 158, Rosenthal's 2nd Addition, and all that part of Reserve I lying west of the west line of Minnesota Avenue, extended south to 11th Street, Swan's Addition, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 11th and Minnesota Streets.

This application has been assigned Case No. BZA 31-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 24, 1970, 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

*22 Notices Mailed 11-4-70*

BOARD OF ZONING APPEALS

CASE NO. 31-70

CITY OF WICHITA, KANSAS

FILED 10-29-70

APPLICATION FOR VARIANCE

ST. MARKS UNITED METHODIST CHURCH OF WICHITA AND

I. Name of Applicant CLEOPATRIA NEWSOM  
 Mailing Address 1914 E. 11TH STREET Phone 264-3881  
229 SOUTH HYDRAULIC Phone NONE  
 Name of Authorized Agent PAUL L. GRAY, SR.  
 Mailing Address UNION NATIONAL BUILDING WICHITA, KANS. Phone 262-3881  
 Relationship of applicant to property is that of OWNERS  
 (Owner, Tenant, Lessee, Other)

II. The variance requested is \_\_\_\_\_  
SEE ATTACHED SHEET "A" AND "B"

for property located THE NORTHWEST CORNER OF ELEVENTH STREET AND MINNESOTA AVENUE.

*Use legal  
 from ~~Case~~  
 zone case  
 2-1225*

and legally described as: LOTS 154, 155, 156, 157 AND 158, IN ROSENTHAL'S  
2ND AND RESERVE I, EXCEPT STREET IN SWAN'S ADDITION.

in the City of Wichita; and which is presently zoned "B"  
 REQUEST FOR 'LC' ZONING PENDING, VARIANCE REQUEST IS BASED ON 'LC' ZONING.

- 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.

ST. MARK UNITED METHODIST CHURCH OF WICHITA,  
 CLEOPATRIA NEWSOM

Applicant  
 PAUL GRAY, Sr. *Paul L. Gray, Sr.*  
 Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:30 (a.m. - p.m.), October 29 1970 together with appropriate fee of \$50.00.

*D. Lynn Shirley*  
 Signed

'A'

**VARIANCES REQUESTED:**

1. VARIANCE IS REQUESTED FROM REQUIRED TWENTY FOOT (20') FRONT YARD SET BACK TO A NINE FOOT (9') FRONT YARD SET BACK.
  
2. VARIANCE IS ALSO REQUESTED FOR PROVIDING A MAXIMUM OF 53 OFF-STREET PARKING SPACES IN LIEU OF THE REQUIRED ONE HUNDRED EIGHTY FIVE ON ADJACENT PROPERTY TO THE WEST. LETTER OF AGREEMENT FROM ADJACENT PROPERTY OWNER IS ATTACHED HERETO.

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

November 4, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 31-70

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JACK H. GALBRAITH  
Secretary

'B'

ARTICLE 2.12.590

ITEM B- VARIANCES:

B1 THE VARIANCE GRANT FOR THE SET-BACK CHANGE IS REQUESTED BECAUSE THE PHYSICAL SIZE OF THE RECREATION CENTER IS GREATER IN WIDTH THAN THAT AVAILABLE ON THE PROPERTY IF THE REQUIRED SET BACKS HAVE TO BE MAINTAINED.

THE VARIANCE GRANT FOR THE OFF-STREET PARKING CHANGE IS REQUESTED BECAUSE THE PROPOSED STRUCTURE IS A NEIGHBORHOOD RECREATIONAL CENTER AND IS THEREFORE GEARED TO "WALK-IN" PARTICIPATION FROM THE NEIGHBORHOOD. IN ADDITION, THE CENTER'S AGE-GROUP APPEAL IS, GENERALLY, AN AGE-GROUP BELOW THAT ALLOWED TO OPERATE AUTOMOBILES. AT PEAK OPERATION, THE OFF-STREET PARKING PROVIDED WOULD BE ADEQUATE.

B2 GRANTING OF THESE VARIANCES WILL NOT AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS IN ANY WAY.

B3 THE STRICT APPLICATION OF TITLE 28 WILL CREATE A HARDSHIP ON THE PROPERTY OWNER BECAUSE THE PHYSICAL AREA REQUIRED BY THE RECREATIONAL FACILITIES (GYMNASIUM AND SKATING RINK) CANNOT FUNCTION PROPERLY IF REDUCED IN SIZE, THEREFORE THE PROPOSED STRUCTURE COULD NOT BE BUILT.

THE STRICT APPLICATION OF TITLE 28 WOULD NOT ALLOW THE PROPERTY OWNER TO CONSTRUCT THE PROPOSED STRUCTURE, BECAUSE THERE IS NOT ENOUGH PHYSICAL AREA AVAILABLE ON THE PROPERTY TO PROVIDE THE REQUIRED OFF-STREET PARKING SPACES. HARDSHIP WOULD OCCUR IF THE PROPERTY OWNER COULD NOT CONSTRUCT THE PROPOSED STRUCTURE.

B4 IN NO WAY WILL THE VARIANCES AFFECT PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.

B5 IN NO WAY WILL THE VARIANCES OPPOSE THE GENERAL SPIRIT OR INTENT OF TITLE 28 (ZONING ORDINANCE).

## St. Mark Methodist Church

1914 EAST 11<sup>TH</sup> STREET

WICHITA, KANSAS

DIAL AMHERST 4-3161



EVERETT S. REYNOLDS  
MINISTER

October 29, 1970

Board of Zoning Appeal  
City of Wichita  
Wichita, Kansas

On August 5, 1970 the St. Mark United Methodist Church, 1914 E. 11th did in official church conference, duly announced and authorized, did vote to reaffirm their earlier position, to sale the necessary land to MESFEC and authorize the use of thier parking facilities to said MESFEC Inc. to be used as their parking in the operation of thier program.

This information is being provided to assist in the development of the MESFEC Recreational activity building.

Respectfully submitted

Rev. Everett S. Reynolds



\*

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