

BZA 39-88 - 1st Evangelical Church req. variance to permit off-st. parking sp. & circ. aisle to occupy part of req. front yd on "B" prop, east side of Bluffview. between Lincoln and Pauley.

39-88-1198 KE

action

57AGB

ACTION

BZA. 39-88 Approved 8/23
DATE

200 '4 Sec 11-17-88
Checked SO
Shot 1-10-89
Record

DATA SHEET

MAP NO.: 5746B

CASE NO. BZA 39-88

(CPO 3B, 8/18/88)

REQUEST: Variance to permit off-street parking spaces and circulation aisle to occupy part of the required front yard.

EXISTING ZONING: "B" Multiple-Family Dwelling District

GENERAL LOCATION: East side of Bluffview between Lincoln and Bayley

APPLICANT: Hilltop Evangelical Fellowship, Attn: Dennis L. Hesselbarth
 ADDRESS: 911 S. Bluffview WICHITA, KS 67208
 PHONE: 686-7115

APPLICANT: First Evangelical Free Church
 ADDRESS: 1825 N. Woodlawn WICHITA, KS 67208
 PHONE: 681-0664

AGENT: Wilson-Darnell-Associates, P.A.
 ADDRESS: 128 N. Oliver 67208
 PHONE: 681-2099

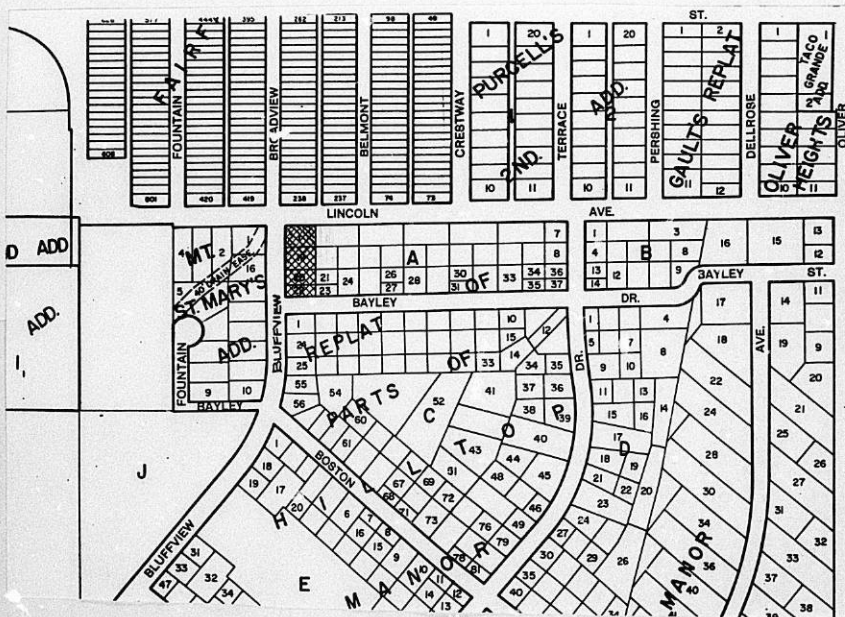
AREA DATA

Acres: .70 acres (112 ft. by 270 ft.)

Adjacent Zoning and Land Use:

North "A" _____
 South "B" _____
 East "B" _____
 West "B" _____

*see V-1554
 (5/5/88-11/88)*



LOG ANGLE, HATCHES, AND
 MCGREGOR 77 LOCUST GROVE, GA
 U.S.A.
 No. 2153C
 Sill
 HATTINGS INC.

BZA INSPECTION SHEET

MAP NO.: 5746B

CASE NO. BZA 39-88

REQUEST: Variance to reduce front yard setback for parking purposes only.

EXISTING ZONING: "B" Multiple-Family Dwelling District

GENERAL LOCATION: East side of Bluffview between Lincoln & Bayley

APPLICANT: Hilltop Evangelical Fellowship, Attn: Dennis L. Hesselbarth
ADDRESS: 911 S. Bluffview PHONE: 686-7115
Wichita, KS 67208

APPLICANT: First Evangelical Free Church
ADDRESS: 1825 N. Woodlawn PHONE: 681-0664
Wichita, KS 67208

AGENT: Wilson-Darnell-Associates, P.A.
ADDRESS: 128 N. Oliver PHONE: 681-2099
Wichita, KS 67208

HEARING DATE: 8/23/88

BZA ACTION: Approve subject to conditions

FOLLOW-UP DATES: November 23, 1988 (10 ft. dedication and landscape plan) - MAPD

RESPONSE BY MAPD: *Dedication received 10-5-88 (with verification
of signatures received 10-12-88).
Landscape plan received and approved
10-27-88.*

RESPONSE BY CID:



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL - TENTH FLOOR
435 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

November 2, 1988

Wilson-Darnell-Associates, P.A.
128 N. Oliver
Wichita, KS 67208


Re: BZA 39-88 - Variance to permit off-street parking spaces &
circulation aisle to occupy part of the required front yard
- east side of Bluffview between Lincoln & Bayley.

Gentlemen:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on August 23, 1988. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files now that conditions 1 and 4 have been completed.

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

Sincerely,


Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: Hilltop Evangelical Fellowship, ATTN: Dennis Hesselbarth,
911 S. Bluffview, Wichita, KS, 67208
First Evangelical Free Church, 1825 N. Woodlawn, Wichita,
KS, 67208
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

BZA RESOLUTION NO. 39-88

WHEREAS, Hilltop Evangelical Fellowship, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 20 feet to not less than 2 feet for off-street parking purposes only on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

Lots 1, 19, 20 and 22, Block A, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bluffview between Lincoln and Bayley.

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 August 23, 1988, 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 lots are shallow and there is also more space between curb and property line than usual; 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 applicant owns all the frontage on Bluffview between Lincoln and Bayley and therefore, no other properties will be immediately adjacent to either side of the proposed parking lot; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as additional land would have to be acquired to provide the necessary parking or the size of the church would have to be reduced to that for which on-site parking could be provided within the setback lines; 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 no existing or needed street right-of-way would be utilized by the parking which would be accommodated within the 20-foot setback area and, in fact, providing as much on-site parking as possible would reduce the amount of on-street parking which would be needed; 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 setback will still exist between curb and property line so that landscaping can be provided as for a front yard; 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.

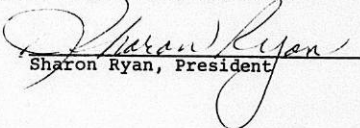
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the front yard setback from 20 feet to not less than 2 feet for off-street parking purposes only on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

Lots 1, 19, 20 and 22, Block A, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bluffview between Lincoln and Bayley.

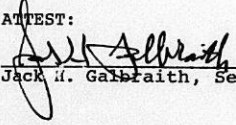
subject to the following conditions:

1. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the applicant shall submit a landscape plan to the Secretary for review and approval for the west side of the parking lot which utilizes, in addition to private property, some of the public street right-of-way between curb and property line for appropriate street trees. The plan shall indicate names, quantities and sizes of all plant materials, as well as the method of providing water to the plant materials.
2. The plant materials designated on the approved landscape plan shall be installed adjacent to any new phase of the parking lot prior to occupancy of the church or any future addition thereto or, if the weather prohibits planting at that time, a financial guarantee shall be submitted to Central Inspection providing for installation during the next planting season.
3. All improvements of the parking lot shall be in accordance with the requirements of the City's parking standards and zoning ordinance, except that parking and circulation aisle, as generally depicted on the site plan submitted with this application, may be permitted to within 2 feet of the west property line.
4. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the property owner shall dedicate ten feet of right-of-way for Lincoln Street from Lot 1.

ADOPTED AT WICHITA, KANSAS, this 23rd day of August, 1988.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

LETTER OF TRANSMITTAL

TO: CITY OF WICHITA PROJECT: HILLTOP EVANGELICAL
455 N. MAIN FELLOWSHIP CHURCH
WICHITA, KS 67202
ATTN: LOUISE OLIVEREZ DATE: 10/26/88

WE SEND YOU HEREWITH:

(3) Landscape Plans - revised dated 10/26/88

RECEIVED

OCT 27 1988

METROPOLITAN PLANNING

ROUTE

THESE ARE TRANSMITTED:

- | | |
|---|--|
| <input checked="" type="checkbox"/> For your use and information. | <input type="checkbox"/> Revise and resubmit per required corrections. |
| <input type="checkbox"/> For your review and approval. | <input type="checkbox"/> Rejected. |
| <input type="checkbox"/> Reviewed for compliance with contract documents. | <input type="checkbox"/> Return <input type="checkbox"/> copy(s). |
| <input type="checkbox"/> Other _____ | |

REMARKS: _____

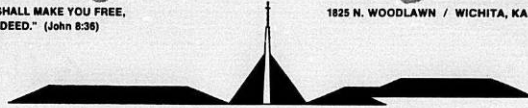
SIGNED *Corey Schultz* COPY TO: _____
COREY SCHULTZ, AIA



Wilson · Darnell · Associates, P.A.
architects & planners
128 North Oliver • Wichita, KS 67208 • (316)681-2099

"IF THE SON THEREFORE SHALL MAKE YOU FREE,
YOU SHALL BE FREE INDEED." (John 8:36)

1825 N. WOODLAWN / WICHITA, KANSAS 67208 / (316) 681-0684



FIRST EVANGELICAL FREE CHURCH

October 11, 1988

City of Wichita
City Hall
455 N. Main
Wichita, KS 67202

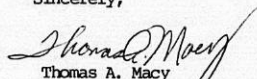
To Whom It May Concern,

This is to verify that the following gentlemen are duly elected officers of First Evangelical Free Church, 1825 North Woodlawn, Wichita, KS 67208; with the authority to act in behalf of the church.

Don Hill, Church Chairman
Henry Hyndman, Trustee
Larry Kejr, Trustee
Steve Olsen, Trustee

Thank you for your consideration.

Sincerely,


Thomas A. Macy
Senior Pastor

TAM:gb

RECEIVED

OCT 12 1988

METROPOLITAN PLANNING

ROUTE _____

PASTORS: Thomas A. Macy • Steve LoVelle • Anol W. Beahm • David Lee • Brian Pantle • Dennis Hesselbarth

Corey Scholtz

10-19

Sugar maple

Manhattan cory

golden cory

emerald + gold cory
in front of Manhattan

fescue seed

OK
Since S. maple also get 30' to 40' tall,
I called Tim Marty to ask him to go
out on site to determine what height tree
would be acceptable. If message, plz. for
him to call me 10-20 when he returns to office →

10-21 Marty suggested
Amer maple
Crab
or redbud

10-10-88

Called Tim Marty re Jewel
evonymous. He said it was
a dense, matting groundcover
18"-24" tall. (Schultz thought 3'-4')

Suggested Manhattan evonymous
instead (E. kiautschovicis 'Manhattan'
former, E. patens 'Manhattan').

Marty advised applicant to call Park
Dept re street trees before planting
so Parks could check site and make
sure no problem with overhead
wires, etc.

Called C. Schultz. Asked him for
proof that the 4 signers of the dedication
are authorized to sign and what group
they are trustees of (hopefully, the one
shown as owner.)

Told him about Jewel evonymous
and suggested Manhattan plus some
variety of materials. Need to

know size when planted.
Suggested 2 gal. minimum
Told him of concern with
overhead wires. Said I
would ask Parks to review
or site & advise if honeyloasts
would get too tall. I will call
Schultz next week after Jack reviews
this plan.

Things not mentioned but which need
to be mentioned next week:

Add note re grass;

Show 10' row being
dedicated and 5' sb. from
new row.

Called Corey 10-18. Asked him to list an
alternate tree for under the wires (he said they
may be able to remove the wires). Choose a different
shrub and have some variety; add note on
grass; show 10' row & new sb on Lincoln



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architects & planners
128 North Oliver • Wichita, KS 67208 • (316)681-2099

October 4, 1988

RECEIVED

OCT 05 1988

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals
City Hall-Tenth Floor
455 N. Main Street
Wichita, Ks 67202-1688

METROPOLITAN PLANNING
ROUTE _____

Re: BZA 39-88 Hilltop Evangelical Fellowship
Parking Lot Variance

Dear Louise:

Please find enclosed two copies of the landscaping plan and right-of-way dedication in response to items one and four of your August 24, 1988 letter.

I hope you will find everything in order. If you have any questions or need more information, please call.

Sincerely,

Corey Schultz

cc: Dennis L. Hesselbarth, Pastor
Hilltop Evangelical Fellowship
922 S. Bluffview
Wichita, Ks 67208

CS:kag



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 258-4561

August 24, 1988

Dan E. Wilson
Wilson-Darnell Associates
128 N. Oliver
Wichita, KS 67208

Re: BZA 39-88 - Variance to reduce front yard setback for
parking purposes only on east side of Bluffview between
Lincoln and Bayley

Dear Mr. Wilson:

At the regular meeting of the Board of Zoning Appeals on
August 23, 1988, your request for a variance was considered. It
was the action of the Board to grant the request, subject to the
following conditions:

1. Within 90 days following approval of this variance by the
Board, and prior to release of the resolution, the applicant
shall submit a landscape plan to the Secretary for review
and approval for the west side of the parking lot which
utilizes, in addition to private property, some of the
public street right-of-way between curb and property line
for appropriate street trees. The plan shall indicate
names, quantities and sizes of all plant materials, as well
as the method of providing water to the plant materials.
2. The plant materials designated on the approved landscape
plan shall be installed adjacent to any new phase of the
parking lot prior to occupancy of the church or any future
addition thereto or, if the weather prohibits planting at
that time, a financial guarantee shall be submitted to
Central Inspection providing for installation during the
next planting season.
3. All improvements of the parking lot shall be in accordance
with the requirements of the City's parking standards and
zoning ordinance, except that parking and circulation aisle,
as generally depicted on the site plan submitted with this
application, may be permitted to within 2 feet of the west
property line.

Dan E. Wilson
August 24, 1988
Page 2

4. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the property owner shall dedicate ten feet of right-of-way for Lincoln Street from Lot 1.

The resolution setting forth the official action of the Board will be released upon compliance with conditions 1 and 4. I have prepared the dedication document which is enclosed. It needs to be signed by an authorized representative of the owner which, according to the certified ownership list, is First Evangelical Free Church. The notary's acknowledgement must state the title of the person signing the document and that he executed the document on behalf of the Church.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions, please call our office.

Sincerely yours,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: First Evangelical Free Church, 1825 N. Woodlawn, Wichita,
KS, 67208
Hilltop Evangelical Fellowship, ATTN: Dennis L.
Hesselbarth, 922 S. Bluffview, Wichita, KS, 67208
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

THE CITY OF WICHITA

DATE: August 16, 1988

TO: Louise Oliverez, Principal Planner

FROM: Barry L. Carroll, Administrative Aide III ^{BLC}

SUBJECT: BZA 39-88 - East side of Bluffview
between Lincoln and Bayley.

On Thursday, August 18, 1988, CPO Southeast Neighborhood Council 3B considered the captioned request for a variance to permit off-street parking spaces and circulation aisle to occupy part of the required front yard.

Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After extensive discussion, the Council voted 7-0 to recommend approval of the request but added that no parking signs should be erected on the east side of Bluffview from Lincoln to Bayley in conjunction with approval of the request.

The applicant, Dennis Hesselbarth, 911 S. Bluffview, and agent, Dan Wilson, were present to explain the specifics of the request and respond to questions from the Council. Mr. Wilson displayed a site plan and answered specific questions from the members. According to Mr. Wilson, the area in question is rather small and a variance is needed in order to accommodate the proposed parking lot.

Council members stated that the area was in need of improvement and the proposed development should be an asset to the neighborhood. Additionally, members suggested that the Traffic Engineering Division complete a traffic study for Bluffview from Lincoln to Boston paying particular attention to the feasibility of limiting on-street parking.

Please provide the CPO Council's recommendation to the Board of Zoning Appeals when case BZA 39-88 is considered.

BLC:blc

**BOARD OF ZONING APPEALS
WICHITA, KANSAS**

AGENDA ITEM NO. 5
August 23, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 39-88

OWNER/APPLICANT/AGENT: First Evangelical Free Church (owner)
Hilltop Evangelical Fellowship (applicant)
Wilson-Darnell Associates (agent)

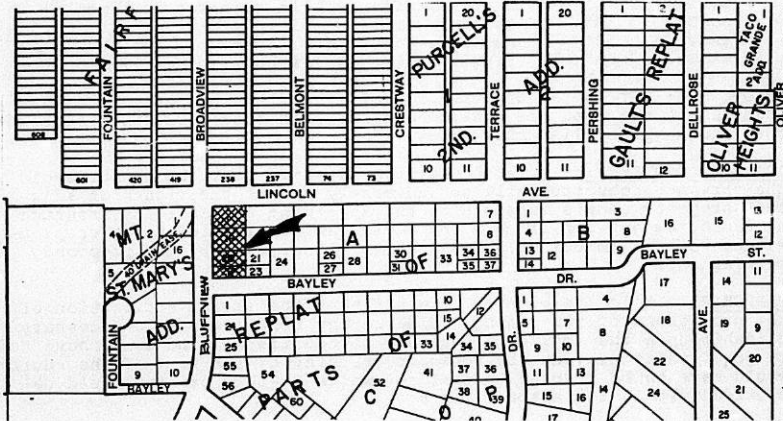
REQUEST: Variance to reduce the front yard setback from 20 feet to not less than 2 feet for off-street parking purposes only.

CURRENT ZONING: "B" Multiple-Family Dwelling

SITE SIZE: 111 ft. m/l x 269 ft. (0.7 acre)

LOCATION: East side of Bluffview between Lincoln and Bayley

PROPOSED USE: Church parking lot



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 conditions, as required by the State Statutes, are found to exist.

BACKGROUND: The applicant is requesting a reduction of the front yard setback from 20 feet to not less than 2 feet for parking purposes only on several platted lots on the east side of Bluffview between Lincoln and Bayley. A new church is proposed on the north portion of the site with the parking to the south. Although adequate parking for the first phase of development can be provided behind the setback lines, future parking for an expanded church would require use of some of the front setback area in order to provide the required number of parking spaces (Forty-two spaces needed for a future church capacity of 210 persons). The lots are shallow, being only 108 to 114 feet deep. Right-of-way for Bluffview is 70 feet, because it is a collector; however, the paving width is only 30 feet, leaving 20 feet of "parking" area between the curb and property line, rather than the normal 15 feet. As the church owns the entire frontage on Bluffview between Lincoln and Bayley, the parking of cars to within 22 feet of the east curb line of Bluffview should have no adverse effect on any other property. Lincoln is an arterial street with only 40 feet of half-street right-of-way, whereas 50 feet is the standard. The applicant should be required to dedicate 10 feet for Lincoln right-of-way.

ADJACENT ZONING AND LAND USE:

NORTH	"A"	Single-family dwellings (north of Lincoln)
SOUTH	"B"	Multiple-family dwellings
EAST	"B"	Multiple-family dwellings
WEST	"B"	Single-family dwellings

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the lots are shallow and there is also more space between curb and property line than usual.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the applicant owns all the frontage on Bluffview between Lincoln and Bayley and therefore, no other properties will be immediately adjacent to either side of the proposed parking lot.

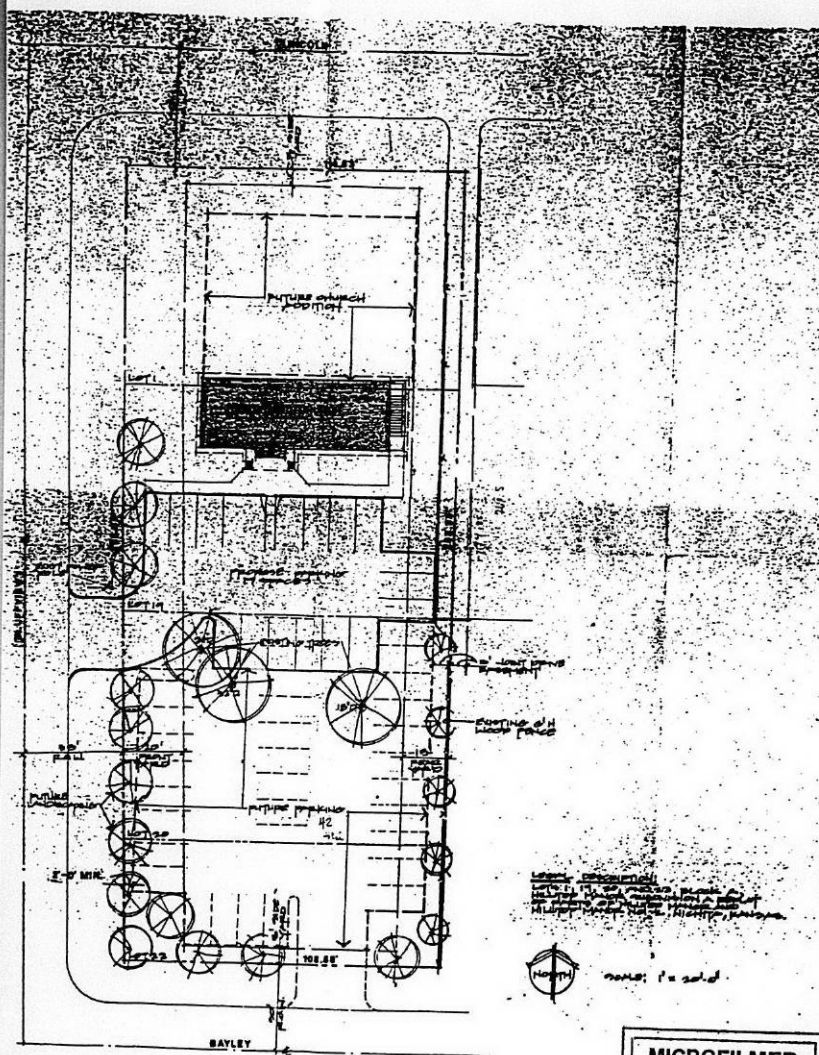
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as additional land would have to be acquired to provide the necessary parking or the size of the church would have to be reduced to that for which on-site parking could be provided within the setback lines.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no existing or needed street right-of-way would be utilized by the parking which would be accommodated within the 20-foot setback area and, in fact, providing as much on-site parking as possible would reduce the amount of on-street parking which would be needed.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as adequate setback will still exist between curb and property line so that landscaping can be provided as for a front yard.

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

1. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the applicant shall submit a landscape plan to the Secretary for review and approval for the west side of the parking lot which utilizes, in addition to private property, some of the public street right-of-way between curb and property line for appropriate street trees. The plan shall indicate names, quantities and sizes of all plant materials, as well as the method of providing water to the plant materials.
2. The plant materials designated on the approved landscape plan shall be installed adjacent to any new phase of the parking lot prior to occupancy of the church or any future addition thereto or, if the weather prohibits planting at that time, a financial guarantee shall be submitted to Central Inspection providing for installation during the next planting season.
3. All improvements of the parking lot shall be in accordance with the requirements of the City's parking standards and zoning ordinance, except that parking and circulation aisle, as generally depicted on the site plan submitted with this application, may be permitted to within 2 feet of the west property line.
4. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the property owner shall dedicate ten feet of right-of-way for Lincoln Street from Lot 1.



ALL RIGHTS RESERVED
 THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

NORTH

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

WDA #
 HELIOS ARCHITECTURAL FELLOWSHIP
 Form #
 COP
 VARIANCE APPLICATION
 sheet no.
 1



Wilson · Darnell · Associates, P.A.
architects & planners
128 North Oliver • Wichita, KS 67208 • (316)681-2099

August 2, 1988

Louise Olivarez
City of Wichita
Zoning Department
455 N. Main Street
Wichita, KS 67202

RECEIVED

AUG 04 1988

METROPOLITAN PLANNING
ROUTE _____

RE: Hilltop Evangelical Fellowship

Dear Ms. Olivarez:

Please find enclosed a sketch of an alternate parking layout per our phone conversation for the above referenced project.

Please note that this layout will allow a total of 36 parking spaces. The church has estimated a total congregation of 210 people. This figure will require a total of 42 parking spaces (210 divided by 5 persons per stall).

If you have any further questions, please do not hesitate to call.

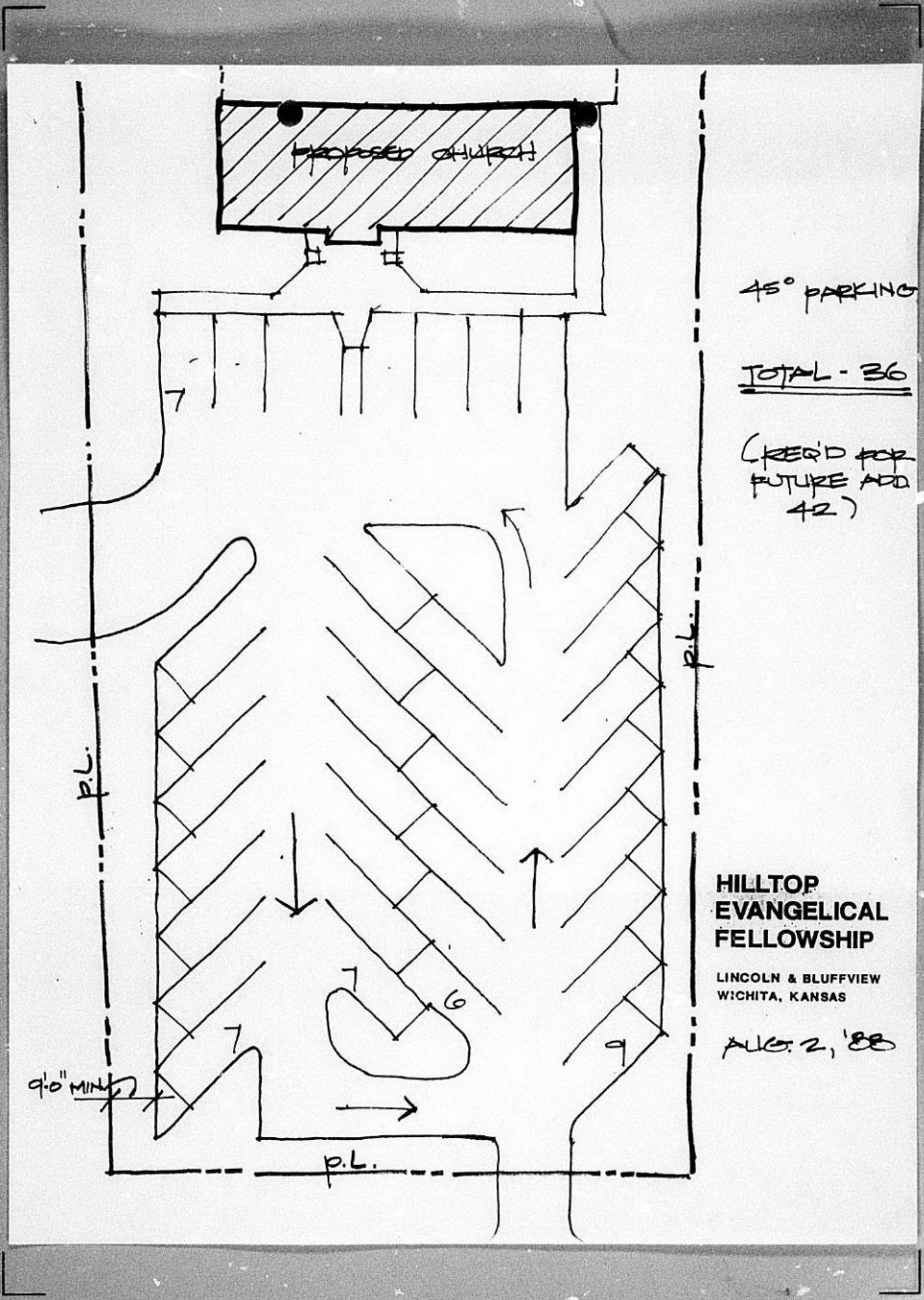
Sincerely,

COREY SCHULTZ

CS:lkd

enclosure

shows that even fewer spaces could be provided with angle parking



45° PARKING

TOTAL - 36

(REQ'D FOR FUTURE ADD 42)

**HILLTOP
EVANGELICAL
FELLOWSHIP**

LINCOLN & BLUFFVIEW
WICHITA, KANSAS

AUG. 2, '88

BZA CASE NO. 39-88

15 LEGAL ADVERTISEMENT SENT TO MAPC & BZA

3 NOTICES SENT TO APPLICANT/AGENT

27 NOTICES SENT TO ADJOINING PROPERTY OWNERS

5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 7/29/88

1 NOTICE SENT TO CPO

2 NOTICES SENT TO CITY MANAGER & CITY
COUNCIL REPRESENTATIVE TO DISTRICT

4 NOTICES TO MAPD STAFF

Jack Galbraith
Louise Olivarez
Bob Young
Karen Crook

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

July 29, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 39-88

As required by law, all property owners of record within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals are to be notified of the public hearing. An application has been filed by Hilltop Evangelical Fellowship requesting a variance.

Pursuant to Section 2.12.590.B, Code of the City of Wichita, the applicant is requesting a variance to permit off-street parking spaces and circulation aisle to occupy part of the required front yard on property zoned the "B" Multiple-Family Dwelling District. A legal description of the applicant's property is as follows:

Lots 19, 20 and 22, Block A, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bluffview between Lincoln and Bayley.

This application has been assigned Case No. BZA 39-88. It will be considered by the Board of Zoning Appeals on Tuesday, August 23, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main, Wichita, Kansas. If you have no interest in or objections to the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so either in person or by agent or attorney.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council 3B will consider this case at their meeting to be held on August 18, 1988, at 7:00 p.m. at Mt. Vernon Presbyterian Church, 3700 E. Mt. Vernon. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



4. Case No. BZA 39-88 - Hilltop Evangelical Fellowship, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to permit off-street parking spaces and circulation aisle to occupy part of the required front yard on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 19, 20 and 22, Block A, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bluffview between Lincoln and Bayley.

5. Case No. EZA 40-88 - Lawrence E. Hack, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a mobile home on property zoned the "E" Light Industrial District and "AA" One-Family Dwelling District and legally described as follows:

The south three acres of the E 1/4 of the SW 1/4 of the SE 1/4 of Section 21, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the East 180.37 feet thereof. Generally located on the north side of 55th St. South, 1/3-mile west of Hydraulic.

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 29th day of July, 1988.

Jack H. Galbraith, Secretary
Board of Zoning Appeals

(_____) Published in The Daily Reporter, July 29, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 23rd day of August, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 N. Main, Wichita, Kansas, will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 36-88 - Mr. and Mrs. A. J. Grochowsky, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required lot area from 6,000 sq. ft. to 5,360 sq. ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 11, Block 13, FRUITVALE PARK, Wichita, Sedgwick County, Kansas, except the west 100 feet thereof. Generally located on the north side of Third Street in an area east of Flora (5406 W. Third Street).

2. Case No. BZA 37-88 - Central Christian Church, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted size of a bulletin board sign from 25 sq. ft. to 48 sq. ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot A, Central Christian Addition, an addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of 29th Street North and Rock Road (2900 N. Rock Road).

3. Case No. BZA 38-88 - Sand Castle Professional Child Care, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child care center on property zoned the "R-5" General Residence District and legally described as follows:

Lot 2, Block 1, Killarney Plaza Second Addition, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 36th Street North in an area west of Rock Road.

HILLTOP EVANGELICAL FELLOWSHIP
REQUEST FOR VARIANCE
JULY 22, 1988

The Hilltop Evangelical Fellowship requests a variance for Title 28, Chapter 28.04, Section 28.04.140 "Off-Street Parking Regulations," Item 1, which states "off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard..."

The Owner requests this requirement be waived in order to occupy part of the front yard with off-street parking.

Due to the number of parking spaces required for the future church addition and the "shallowness" of the lots (approximately 112.0' average), necessitate the request for variance. As shown on the drawings, a 2'-0" minimum of greenspace will be maintained between the west property line and the future parking area.

The Applicant believes this application will meet the requirements of Section 2.12.590.13, Code of the City of Wichita, for the following reasons:

1. This site is unique because of the shallowness of the lots; 114.83' at the north property line, 108.68' at the south property line;
2. The site is bound on three sides by street right-of-ways and a wood screen fence on the fourth side between adjacent property owners;
3. A minimum of 5' greenspace at the east and south property lines and a minimum of 2' greenspace at the west property line will be landscaped and maintained to help screen the parking lot and beautify the neighborhood.
4. Without the requested variance, the Applicant will be required to purchase additional land within the distance allowed by zoning to facilitate approximately ten parking spaces. This additional cost is far beyond the projected budget and could be detrimental to the future addition.

BZA 39-88

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 1	Block A	Hilltop Manor, a Replat of Parts of Hilltop Manor and Hilltop Manor 2nd Addition	First Evangelical Free Church 1825 N. Woodlawn Wichita, KS 67208
Lot 2	Block A	"	Otto L. Meyer Adele DeThampl Meyer 525 S. Woodchuck Wichita, KS 67209
Lot 3	Block A	"	Roberta Willene Davis Carpenter 979 Murray Wichita, KS 67212 Notice of Interest filed 1-2-86: David Brandel Address Unknown
Lot 16	Block A	"	Paul E. Records Rebecca L. Records 8034 Watson Wichita, KS 67207
Lot 17	Block A	"	W. E. Porter Enone Porter 2318 S. Crestway Wichita, KS 67218
Lots 18 and 21	Block A	"	Monica House, Inc. 4215 E. Lincoln Wichita, KS 67218
<i>application since</i> Lots 19, 20 and 22	Block A	"	First Evangelical Free Church 1825 Woodlawn Wichita, KS 67208
Lot 23	Block A	"	Delbert J. Criss Myrna J. Criss 4230 E. Bayley Wichita, KS 67218
Lot 24	Block A	"	Paul E. Records Rebecca L. Records 8034 Watson Wichita, KS 67207
Lot 25	Block A	"	Otto L. Meyer 525 S. Woodchuck Wichita, KS 67209
Lot 1	Block C	"	Earl D. Gibson Ursula E. M. Gibson, Co-Trustees 171 Sudbury Drive Milpitas, CA 95035 Notice of Interest filed 4-25-88: Elizabeth A. Chastain Address Unknown

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 2	Block C	Hilltop Manor, a Replat of Parts of Hilltop Manor and Hilltop Manor 2nd Addition	Burton S. Records Margaret C. Records 814 Eastmoor Wichita, KS 67207
Lot 3	Block C	"	Charley F. Hawkins Lucy I. Hawkins 4255 E. Bayley Wichita, KS 67218
Lot 4	Block C	"	Gordon S. Pappan Edna J. Pappan 4301 E. Bayley Wichita, KS 67218
Lot 21	Block C	"	Larry Lusk Jo Lusk 5001 E. 71st St. South Derby, KS 67037
Lot 22	Block C	"	Ralph H. Vanderspool Verna M. Vanderspool 4253 E. Bayley Wichita, KS 67218
Lot 23	Block C	"	James A. Klee Catherine Klee 838 S. Chautauqua Wichita, KS 67211
Lot 24	Block C	"	Marvin L. Small 2644 Wedgewood Wichita, KS 67204
Lots 1 and 2		Mt. St. Mary's Addition	Beverly-Enterprises- Kansas, Inc. c/o Strategis Suite 730 1560 Broadway Denver, CO 80202
Lot 5, except that part North of 40 foot drainage easement		"	Scott G. Gasche Scott H. Gasche Wilhelmina E. Gasche 920 S. Fountain Wichita, KS 67218
Lot 12, except the North 42 feet		"	Carl E. Smith Anna Smith 933 S. Bluffview Wichita, KS 67218
The North 42 feet of Lot 12 and the South 13 feet of Lot 13		"	Aaron R. Hastings Sharon A. Hastings 929 Bluffview Wichita, KS 67218

Lot	Block	Addition	Property Owner
Lot 13, except the South 13 feet		Mt. St. Mary's Addition	William N. Lies Patricia A. Lies 925 Bluffview Wichita, KS 67218
Lot 14		"	Rudolf Sauerwein Doris Sauerwein 921 S. Bluffview Wichita, KS 67218
Lot 15		"	Frank B. Allen Annice R. Allen Lola A. Richert 917 Bluffview Wichita, KS 67218
Lot 16		"	Dennis L. Hesselbarth Joy L. Hesselbarth 911 Bluffview Dr. Wichita, KS 67218
Lots 418 and 419, except the East 5 feet		Fairfax Addition	Edward E. Garner L. Gaile Garner 2535 Clover Lane Wichita, KS 67216
Lot 238		"	Roy B. Lambert Loretta H. Lambert 843 S. Belomont Wichita, KS 67218 Notice of Interest filed 7-8-88: Richard C. Wooley Address Unknown
Lot 239		"	Irene L. Austin 2891 Ridgeway Drive National City, CA 92050
Lots 236 and 237		"	Earl Raymond Bisbee Virginia L. Bisbee 1902 N. Farmstead Wichita, KS 67208

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

Lots 19, 20 and 22, Block A, Hilltop Manor, a Replat of Parts of Hilltop Manor and Hilltop Manor 2nd Addition, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 19th day of July, 1988, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Stabile

By

Sr. Vice-President

Order No. 397253
nj

BZA RESOLUTION NO. 39-88

WHEREAS, Hilltop Evangelical Fellowship, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 20 feet to not less than 2 feet for off-street parking purposes only on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

Lots 1, 19, 20 and 22, Block A, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bluffview between Lincoln and Bayley.

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 August 23, 1988, 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 lots are shallow and there is also more space between curb and property line than usual; 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 applicant owns all the frontage on Bluffview between Lincoln and Bayley and therefore, no other properties will be immediately adjacent to either side of the proposed parking lot; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as additional land would have to be acquired to provide the necessary parking or the size of the church would have to be reduced to that for which on-site parking could be provided within the setback lines; 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 no existing or needed street right-of-way would be utilized by the parking which would be accommodated within the 20-foot setback area and, in fact, providing as much on-site parking as possible would reduce the amount of on-street parking which would be needed; 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 setback will still exist between curb and property line so that landscaping can be provided as for a front yard; 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.

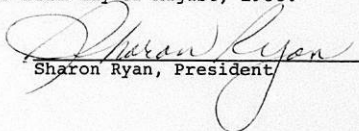
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the front yard setback from 20 feet to not less than 2 feet for off-street parking purposes only on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

Lots 1, 19, 20 and 22, Block A, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bluffview between Lincoln and Bayley.

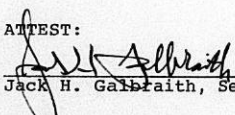
subject to the following conditions:

1. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the applicant shall submit a landscape plan to the Secretary for review and approval for the west side of the parking lot which utilizes, in addition to private property, some of the public street right-of-way between curb and property line for appropriate street trees. The plan shall indicate names, quantities and sizes of all plant materials, as well as the method of providing water to the plant materials.
2. The plant materials designated on the approved landscape plan shall be installed adjacent to any new phase of the parking lot prior to occupancy of the church or any future addition thereto or, if the weather prohibits planting at that time, a financial guarantee shall be submitted to Central Inspection providing for installation during the next planting season.
3. All improvements of the parking lot shall be in accordance with the requirements of the City's parking standards and zoning ordinance, except that parking and circulation aisle, as generally depicted on the site plan submitted with this application, may be permitted to within 2 feet of the west property line.
4. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the property owner shall dedicate ten feet of right-of-way for Lincoln Street from Lot 1.

ADOPTED AT WICHITA, KANSAS, this 23rd day of August, 1988.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

NY 00280

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA Variance (variance)
Name First Evangelical Free Church
Address 1825 N. Woodlawn 67208
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)
Amount 303⁰⁰
Date 7-22-88 Due Date 7-26-88 By A.L.

Form 00-000

*

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

Roll # 3