

By COMMITTEE *Approved* *11-28-67*

M.A.P.C. _____

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

BZA 43-67 - Trinity Pilgrim Church
requests Variance to reduce required
front yard setback at the northwest
corner of Kinkaid and Market

5745

POSTED
12-28-67

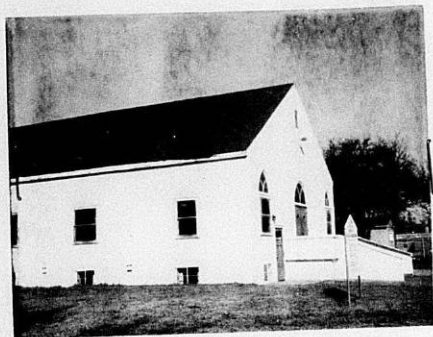
ACTION

By COMMITTEE approved ^{DATE} 11-28-67

M.A.P.C. _____

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

BZA 43-67 - Trinity Pilgrim Church
Requests Variance to reduce required
front yard setback at the northwest
corner of Kinkaid and Market



Map No. 5445
 Sec. 32
 Twp. 27
 Range R1E

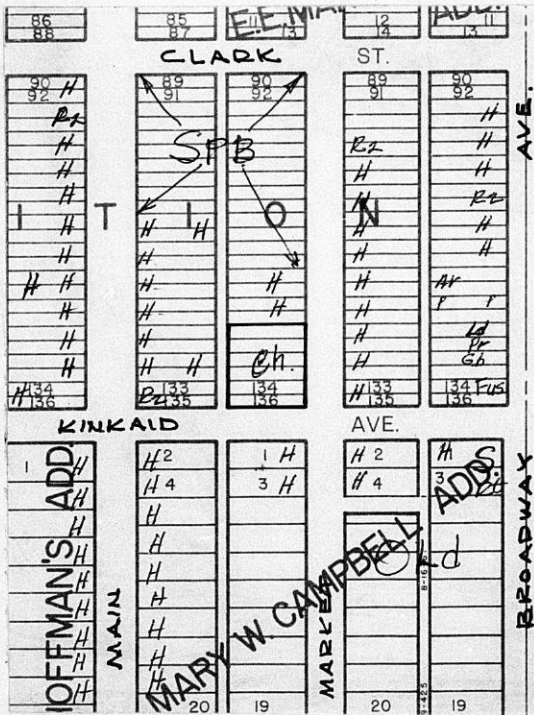
BZA H3-67
 SCZ-
 CU-
 Filed

AREA DATA:

1. Acres: 0.48 (140 ft. by 150 ft.)
2. Adjoining Zoning: E A S A W A N A
3. Land Use: East SINGLE FAM. South SINGLE FAM.
 West SINGLE FAM. North SINGLE FAM.
4. Sketch Plan Land Use is for: RESIDENTIAL
5. Present Land Use is for: CHURCH
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



R E S O L U T I O N N O . B Z A 43-67

WHEREAS, Trinity Pilgrim Church, 2146 S. Market, Wichita, Kansas 67211, by Forrest Woodward, 411 S. Westfield, Wichita, Kansas 67209, pursuant to Section 2.12.590.2, Code of the City of Wichita, requests a variance of the required front yard setback from 25 feet to 10 feet 6 inches, on property zoned "A" Two Family Dwelling and legally described as follows:

Lots 126, 128, 130, 134, 136 on Market Street in English's Ninth Addition to Wichita, Sedgwick County, Kansas. Generally located at the North-west corner of Kinkaid and Market.

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 consider said application on November 28, 1967; and

WHEREAS, the Board of Zoning Appeals has jurisdiction to consider said request for variance under the provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the property is zoned "A" Two Family Dwelling; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question in that the Longfellow School to the north occupies approximately half of the entire block, and said school has already been granted a variance which has permitted them to build to within 14 feet of their east property line. There is only one residence between the school and the church and the church itself is located on the corner; therefore, the principle of setbacks for the protection of adjacent residences becomes less severe in this particular instance that is normally found in most applications.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance as requested will not adversely affect the rights of adjacent property owners or residents inasmuch as the proposed addition would not extend closer to the east property line than the existing concrete steps do at the present time. The applicants plan also indicates that the new entrance will be on the south away from the residence next adjacent to the north.

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 inasmuch as any redesign oriented within the vacant area to the south rather than as proposed, would utilize property vital to the needs of satisfying off-street parking requirements.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not adversely affect the public welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance); and

WHEREAS, each of the five conditions required by Section 2.12.590.2, 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 that the request for a variance of the front yard setback from the required 25 feet, to 10 feet 6 inches on property zoned "A" Two Family Dwelling and legally described as follows:

Lots 126, 128, 130, 134 and 136 on Market Street in English's Ninth Addition to Wichita, Sedgwick County, Kansas. Generally located at the Northwest corner of Kinkaid and Market.


subject to the following:

1. The variance be approved only for the remodeling of the existing front of the church and 12 foot extension to the south to within 10 feet 6 inches of the front property line, and not for the entire frontage adjacent to Market. If the existing church is ever removed from the property and a new church is constructed, it shall comply with the normal required front yard setback which is 25 feet.

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1967.


Kenneth Hartstein, Chairman

ATTEST:


Jack H. Galbraith, Secretary

December 14, 1967

Mr. Forrest Woodward
411 S. Westfield
Wichita, Kansas 67209

Dear Mr. Woodward;

Re: Case No. BZA 43-67 - Request
for Variance.

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 28, 1967, in connection with your request for a variance of the required setback on South Market be reduced from 25 feet, to 10 feet 6 inches to close in, and eliminate existing concrete steps with new entrance, on property zoned "A" Two Family, and generally located at the Northwest corner of Kinkaid and Market.

This Resolution reflects the official action of the Board of Zoning Appeals and indicates the reasons for approval. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:

CC: Trinity Pilgrim Church
2146 South Market 67211

Glen Lytle, Superintendent
Central Inspection

Ralph Eberly
City Clerk

R E S O L U T I O N N O . B Z A 4 3 - 6 7

WHEREAS, Trinity Pilgrim Church, 2146 S. Market, Wichita, Kansas 67211, by Forrest Woodward, 411 S. Westfield, Wichita, Kansas 67209, pursuant to Section 2.12.590.2, Code of the City of Wichita, requests a variance of the required front yard setback from 25 feet to 10 feet 6 inches, on property zoned "A" Two Family Dwelling and legally described as follows:

Lots 126, 128, 130, 134, 136 on Market Street in English's Ninth Addition to Wichita, Sedgwick County, Kansas. Generally located at the North-west corner of Kinkaid and Market.

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 consider said application on November 28, 1967; and

WHEREAS, the Board of Zoning Appeals has jurisdiction to consider said request for variance under the provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the property is zoned "A" Two Family Dwelling; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question in that the Longfellow School to the north occupies approximately half of the entire block, and said school has already been granted a variance which has permitted them to build to within 14 feet of their east property line. There is only one residence between the school and the church and the church itself is located on the corner; therefore, the principle of setbacks for the protection of adjacent residences becomes less severe in this particular instance that is normally found in most applications.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance as requested will not adversely affect the rights of adjacent property owners or residents inasmuch as the proposed addition would not extend closer to the east property line than the existing concrete steps do at the present time. The applicants plan also indicates that the new entrance will be on the south away from the residence next adjacent to the north.

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 inasmuch as any redesign oriented within the vacant area to the south rather than as proposed, would utilize property vital to the needs of satisfying off-street parking requirements.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not adversely affect the public welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance); and

WHEREAS, each of the five conditions required by Section 2.12.590.2, 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 that the request for a variance of the front yard setback from the required 25 feet, to 10 feet 6 inches on property zoned "A" Two Family Dwelling and legally described as follows:

Lots 126, 128, 130, 134 and 136 on Market Street in English's Ninth Addition to Wichita, Sedgwick County, Kansas. Generally located at the Northwest corner of Kinkaid and Market.

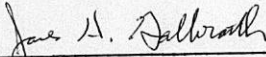
subject to the following:

1. The variance be approved only for the remodeling of the existing front of the church and 12 foot extension to the south to within 10 feet 6 inches of the front property line, and not for the entire frontage adjacent to Market. If the existing church is ever removed from the property and a new church is constructed, it shall comply with the normal required front yard setback which is 25 feet.

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1967.


Kenneth Hartstein, Chairman

ATTEST:


Jack H. Galbraith, Secretary

November 30, 1967

Mr. Forrest Woodward,
411 S. Westfield
Wichita, Kansas 67209

Dear Mr. Woodward;

Re: BZA 43-67 - Request
for Variance.

At the regular meeting of the Board of Zoning Appeals on November 28, 1967, your request for a variance of the required setback on South Market be reduced from 25 feet, to 10 feet 6 inches to close in, and eliminate existing concrete steps with new entrance, on property zoned "A" Two Family, and generally located at the Northwest corner of Kinkaid and Market, ~~was considered.~~

It was the action of the Board to approve the variance as requested, subject to the following condition:

1. The variance be approved only for the remodeling of the existing front of the church and 12 foot extension to the south to within 10 feet 6 inches of the front property line, and not for the entire frontage adjacent to Market. If the existing church is ever removed from the property and a new church constructed, it shall comply with the normal required front yard setback which is 25 feet.

A Resolution setting forth the official action of the Board is being prepared and a copy will be

Page 2
Mr. Forrest Woodward
November 30, 1967

mailed to you as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:skb

cc: Trinity Pilgrim Church
2146 South Market 67211

Glen Lytle, Superintendent
Central Inspection

Ralph Eberly
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 43-67

APPLICANT: Trinity Pilgrim Church, 2146 S. Market, Wichita, Kansas

AGENT: Forrest Woodward, 411 S. Westfield, 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 down to 10 feet 6 inches for an existing church which has plans to remodel.

GENERAL LOCATION: Northwest corner of Kinkaid and Market

ZONING: Subject property as well as all surrounding property is zoned "A" Two-family

LAND USE: Subject property is occupied by a church while that to the north, south, east and west is developed for single-family

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.
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 Trinity Pilgrim Church is requesting a variance to reduce the front yard setback from 25 feet down to 10 feet 6 inches, in order to construct a new entrance associated with the remodeling of their existing structure. It should be pointed out that although the land use noted above indicates single-family to the north, there is only one house, while the remainder of the east-half of the block is utilized as a school site.

UNIQUENESS

It is the opinion of the Secretary that this is a unique situation inasmuch as the Longfellow School to the north occupies approximately half of the entire block, and said school has already been granted a variance which has permitted them to build to within 14 feet of their east property line. There is only one residence between the school and the church and the church itself is located on the corner; therefore, the principle of setbacks for the protection of adjacent residences becomes less severe in this particular instance than is normally found in most applications.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect the rights of adjacent property owners inasmuch as the proposed addition would not extend closer to the east property line than the existing concrete steps do at the present time. The applicants plan also indicate that the new entrance will be on the south away from the residence next adjacent to the north.

HARDSHIP

It is the opinion of the Secretary that if the variance were not granted it would constitute an unnecessary hardship upon the applicant, inasmuch as any redesign oriented within the vacant area to the south rather than as proposed, would utilize property vital to the needs of satisfying off-street parking requirements.

PUBLIC INTEREST

It is the opinion of the Secretary that inasmuch as a setback of 10-1/2 feet would still exist, and as the overall appearance of the church will be greatly improved, and as the school to the north has previously been granted a variance, the granting of this variance would have no affect on the public interest.

SPIRIT AND INTENT

It is the opinion of the Secretary that inasmuch as the first four conditions can be found to exist, the request is not opposed to the general spirit and intent of Title 28.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance from 25 feet to 10-1/2 feet can be found to exist, and therefore, it is recommended that the variance be approved subject to the following:

1. The variance be approved only for the remodeling of the existing front of the church to within 10 feet 6 inches of the front property line, and not for the entire frontage adjacent to Market. If the existing church is ever removed from the property and a new church constructed, it shall comply with the normal required front yard setback which is 25 feet.

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

November 8, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 43-67

An application has been filed by Forrest Woodward, 411 S. Westfield, Wichita, Kansas, in behalf of Trinity Pilgrim Church, 2146 S. Market (Parsonage), Wichita, Kansas, pursuant to Section 2.12.590, Code of the City of Wichita, requesting a variance to reduce the required front yard setback from 25 feet down to 10 feet 6 inches on property zoned "A" Two Family Dwelling and legally described as follows:

Lots 126, 128, 130, 132, 134 and 136 on Market Street in English's Ninth Addition to Wichita, Sedgwick County, Kansas. Generally located at the NW corner of Kinkaid and Market.

This application has been assigned Case No. BZA 43-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 28, 1967, in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 43-67

CITY OF WICHITA, KANSAS

FILED 10-31-67

APPLICATION FOR VARIANCE

- I. Name of Applicant TRINITY PILGRIM CHURCH
Mailing Address 2146 S. MARKET (Parsonage) Phone AM 23909
Name of Authorized Agent FORREST WOODWARD
Mailing Address 411 S. Westfield 89 Phone PA. 22782
Relationship of applicant to property is that of OWNER
(owner, tenant, lessee, other)
- II. The variance requested is SET BACK REQUIREMENT ON S. MARKET
BE REDUCED TO 10' 6" FROM PROPERTY LINE TO CLOSE IN,
and eliminate existing concrete steps with new entrance.
for property located 2153 S. MARKET, at the NW
corner of Linbaid & Market
and legally described as: Lots 126, 128, 130, 132, 134, 136
ON MARKET English 9th Addn.
in the City of Wichita; and which is presently zoned 'A'.

(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.

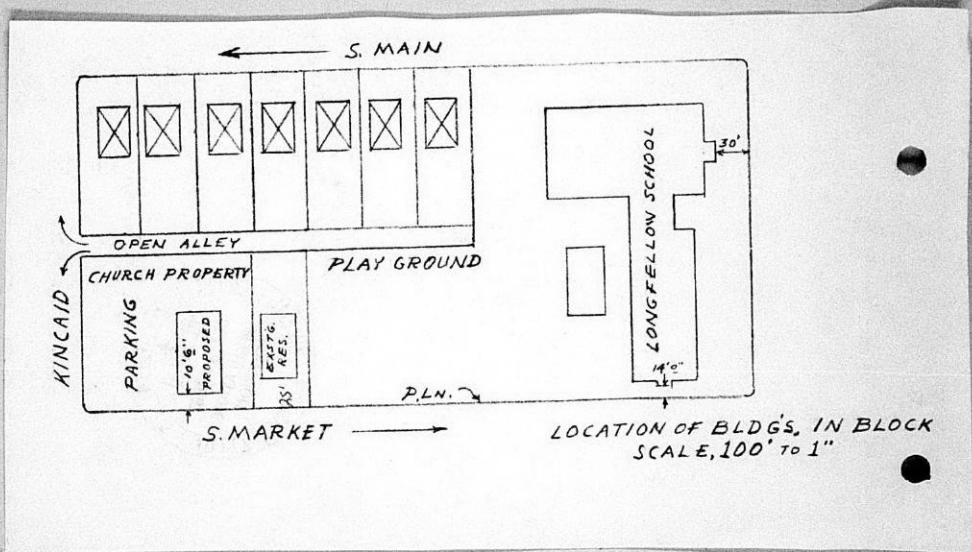
Trinity Pilgrim Church,
Dean Mithener, pastor
Applicant

Forrest Woodward
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
10:25 (a.m. - p.m.), Oct 31, 1967, together with
appropriate fee of \$50.00.

T9-402

James W. Howe P111
Signed



Oct. 31 1967

To the Board of Zoning Appeals,
City of Wichita.

We herewith submit our application for a variance of set-back requirements on our church property located at 2153 S. Market in the City of Wichita. We include such information and documents as required by the board for consideration of said application for variance.

As requested, the following statements are made to comply with rules and regulations code booklet, section 2.12.590 and Title 28 under No.2 heading, "VARIANCE":

- (a) The unique condition of said location is that the Longfellow school, which occupies nearly $\frac{1}{2}$ of the entire block has already been granted this variance and on the East end is within 14 feet of it's East boundary. Only one residence exists between the school and the church which makes this application.
- (b). We cannot see where the granting of our request will adversely affect the adjacent property owners, but will ADD VALUE to their property by the improving of our own entire exterior.
- (c). The strict application of the provisions of Title 28 WOULD constitute and unnecessary hardship on the applicant because such strict application of the provisions would not permit the applicant to do the necessary improvements to the existing building.
- (d). The Variance will NOT adversely affect the public health, safety, etc., but would enhance it's value in this respect; pointed out as follows:
1. Existing concrete steps will be removed which has been a safety hazzard at all times, especially in the winter. It is proposed to rebuild the front and enter at ground level with all steps in the interior.
 2. The proposed new front will set back 6 inches farther from the East boundary of property line than the EXISTING CONCRETE STEPS.
 3. The added beauty proposed will FAVORABLY affect the morals, order, convenience, and general welfare of the public in the community as well as the public who uses the said building, including "Scout" activities.
- (e). In view of the foregoing statements the granting of this variance will NOT oppose the general spirit and intent of Title 28.

RESPECTFULLY SUBMITTED,

Forest Woodward
(for, PILGRIM CHURCH)



Oct. 31 1967

To the Board of Zoning Appeals,
City of Wichita.

We herewith submit our application for a variance of set-back requirements on our church property located at 2153 S. Market in the City of Wichita. We include such information and documents as required by the board for consideration of said application for variance.

As requested, the following statements are made to comply with rules and regulations code booklet, section 2.12.590 and Title 28 under No. 2 heading, "VARIANCE":

(a) The unique condition of said location is that the Longfellow school, which occupies nearly $\frac{1}{2}$ of the entire block has already been granted this variance and on the East end is within 14 feet of it's East boundary. Only one residence exists between the school and the church which makes this application.

(b). We cannot see where the granting of our request will adversely affect the adjacent property owners, but will ADD VALUE to their property by the improving of our own entire exterior.

(c). The strict application of the provisions of Title 28 WOULD constitute and unnecessary hardship on the applicant because such strict application of the provisions would not permit the applicant to do the necessary improvements to the existing building.

(d). The Variance will NOT adversely affect the public health, safety, etc., but would enhance it's value in this respect; pointed out as follows:

1. Existing concrete steps will be removed which has been a safety hazard at all times, especially in the winter. It is proposed to rebuild the front and enter at ground level with all steps in the interior.
2. The proposed new front will set back 6 inches farther from the East boundary of property line than the EXISTING CONCRETE STEPS.
3. The added beauty proposed will FAVORABLY affect the morals, order, convenience, and general welfare of the public in the community as well as the public who uses the said building, including "Scout" activities.

(e). In view of the foregoing statements the granting of this variance will NOT oppose the general spirit and intent of Title 28.

RESPECTFULLY SUBMITTED,

Forrest Woodward
(for, PILGRIM CHURCH)

OWNERSHIP LIST

25 PON
mailed 11-8-67

Lot	Street	Addition	Property Owner
110, 112, 114, 116, 118 & 120	Market Street	English 9th Add.	✓ Board of Education 428 S. Broadway 02
122 & 124	"	"	✓ Dewey M. Doyle and Judith L. Doyle, 2143 S. Market 11
126, 128, 130, 132, 134 & 136	"	"	✓ Trustees of the Pilgrim Holiness Church 2153 S. Market 11
109 & 111	"	"	✓ Daniel F. Pogue and Arwilder, E. Pogue, 2128 S. Market 11
113 & 115	"	"	✓ Ivan L. Leonard and Marjorie D. Leonard, 2132 S. Market 11
117 & 119	"	"	✓ Carl C. Newton and Betty J. Newton, 2138 S. Market 11
121 & 123	"	"	✓ Sheldon L. Wulf and Mary Ann Wulf, 2142 S. Market 11
125 & 127	"	"	✓ Trustees of The Pilgrim Holiness Church 2153 S. Market 11
129 & 131	"	"	✓ Dorothy M. Sears Address unknown 2415 E. 25th N 19
133 & 135	"	"	✓ James T. Oliver and Catherine Oliver, 2156 S. Market 11
109 & 111	Main St.	"	✓ John J. Funk 2128 S. Main 13
113 & 115	"	"	✓ Jessie I. Palmer and Hazel F. Palmer, 2130 S. Main 13
117 & N $\frac{1}{2}$ of 119	"	"	✓ Arnold R. Albert and N. Darleen Albert, 2136 S. Main 13
S $\frac{1}{2}$ of 119 & all 121	"	"	✓ O. E. Walters and Media M. Walters, 2142 S. Main 13
123, 125 & N 10' of 127	"	"	✓ Wallace L. Blackmore and Marjorie E. Blackmore 1021 Denker 16
S 15' of 127 all 129 & 131	"	"	✓ P. C. Rice and Mary Frances Rice, 2152 S. Main 13
133 & 135	"	"	✓ Madge A. Turner 104 E. Kinkaid 11

Continued page 2

Lot	Street	Addition	Property Owner
2	Main St.	Mary W. Campbell Addition	Anton F. La Sota and Madge D. La Sota, 2002 Palisade 13
4	"	"	Robert E. Medley and Elsie H Medley, 2206 S. Main 13
6	"	"	Fred James and Gladys I. James 2212 S. Main St. 13
1	Market St.	"	Lindberg A. Kelly and Barbara Reid Kelly, 222 N. Lorraine 14
3	"	"	Cecile Faye Greer Address unknown' <i>no address</i>
5	"	"	Wichita Home for the Aged 2245 S. Broadway 18
2	"	"	William A. Smith and Velda Jean Smith, 2202 S. Market 11
4	"	"	Arthur Lewis Shepherd and Margaret O. Shepherd 2206 S. Market 11
6	"	"	Wichita Home for the Aged <i>del</i> 2245 S. Broadway 18

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 126, 128, 130, 132, 134 and 136
on Market Street in English's Ninth Addition to Wichita, Sedgwick County,
Kansas, as shown by the deeds on file in the Office of the Register of Deeds
of Sedgwick County, Kansas, on this 26th day of October, 1967 at 7:00 o'clock
A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.,

By *Curtis Simmons*
Asst Vice-President

Order No. 148378

43

GREER, Cecile Faye

~~city No~~

~~res No~~

~~tele No~~

43

SEARS, Dorothy M.

2415 E. 25th Street, North

~~67219~~

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	License	Mech.
Oil Well	Pav. Cuts	Plan	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer	\$ 20.00	

DESCRIPTION AMOUNT

37A Application

Name *Trinity Pilgrimage Church*
 Address *2146 S. Market*
 Dept *R-71-C* Due Date *10-31-67*

Comments:

Date *10-31-67* By *Shroyett*

*

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