

200'4" Sec 12-23-86
Shot 1-30
Record ✓

Case No. EZA 48-86 - West Towne Baptist Church requests a variance to reduce the required front yard setback from 25' to 15' for off-street parking purposes only on property zoned "AA" One-family & general, located on the E side of

POSTED
10-28-86
65L

ACTION

B.Z.A. 48-86 APPROVED 11/23/86
DATE

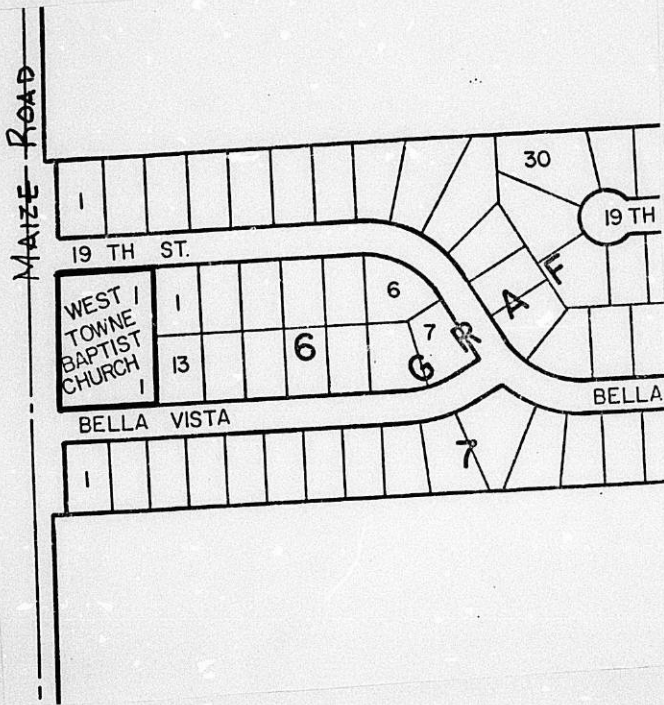
200'4 Sec 12-23-86
Shot 1-30
Record

Case No. BZA 48-86 - West Towne Baptist Church requests a variance to reduce the required front yard setback from 25' to 15' for off-street parking purposes only on property zoned "AA" One-family & detached garage located on the E side of

Map No. 4849 D

BZA 48-86
Filed _____

- AREA DATA: _____ (_____ ft. by _____ ft.)
- 1.. Acres: _____
2. Adjoining Zoning: E "AA" S "AA" W "R-1" N "AA"
3. Land Use: East Undev. South AGRIC.
West AGRIC. North AGRIC.
4. Area (is) (~~is not~~) platted.



Shoemaker
No. 2-153C
MARTINGUE, IN.
LOS ANGELES, CHICAGO, LEGAN, OH.
MORNINGTON, TX, OLCREST GROVE, GA.
U.S.A.

December 2, 1986

Rev. Hal Hale
West Towne Baptist Church
105 Vantage View Circle
Wichita, Kansas 67212

Re: BZA 48-86 - Request for Variance (On the east side of Maize
Road between 19th Street and Bella Vista (2000 N. Maize Road)

Dear Rev. Hale:

Enclosed is a signed copy of the Resolution adopted by the Board of
Zoning Appeals on November 25, 1986.

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.

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

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:lw

cc: Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 48-86

WHEREAS, West Towne Baptist Church, 2000 North Maize Road, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required front yard setback from 25 feet to 15 feet for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Block 1, West Towne Baptist Church Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Maize Road between 19th Street and Bella Vista (2000 N. Maize Road).

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 25, 1986, 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 property is located adjacent to an arterial street and the parking will not be located in the front yard setback of a block that contains residential properties; 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 parking that is located in the front yard setback will not be within 100 feet of any adjacent property owner; 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 applicant would be required to remove a portion of the parking lot that has been in use for several years that occurred, unbeknownst, as a violation of the zoning regulations as the owner relied on the contractor for the original installation; 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 reduction of the front yard setback adjacent to Maize Road for off-street parking purposes only will not interfere with any needed right-of-way or easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the location of the parking in the front yard setback will not be in a location that would, in any way, affect residential properties which is the intent of maintaining landscaped front yards; 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.

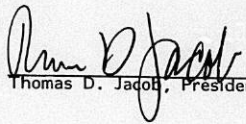
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 25 feet to 15 feet for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Block 1, West Towne Baptist Church Addition to
Wichita, Sedgwick County, Kansas. Generally located
on the east side of Maize Road between 19th Street and
Bella Vista (2000 N. Maize Road).

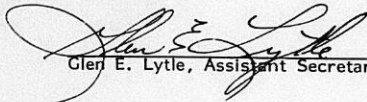
be approved subject to the following conditions:

1. The reduction of the front yard setback from 25 feet to 15 feet shall only apply to the general area presently occupied by off-street parking, and shall not reduce the setback for any building.
2. Whenever the public improvements for Bella Vista are made, the applicant shall remove the driveway approach to Maize Road and reconstruct the curb within six months.

ADOPTED AT WICHITA, KANSAS, this 25th day of November,
1986.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE November 20, 1986

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 48-86: East side of Maize
Road between 19th and Bella
Vista (2000 North Maize Road)

On Wednesday, November 19, CPO Council Area "A" considered the above captioned case, a request for a variance to reduce the required front yard setback from 25 feet to 15 feet for off-street parking purposes only on property zoned the "AA" One-Family Dwelling District. Council members were provided the notice to adjoining property owners and a map of the area. After extensive discussion, the Council voted 8-0 to recommend approval of the request subject, to staff's comments.

The agent, Rev. Hal Hale, was present to describe the request and respond to questions from Council members and area residents. Rev. Hale explained that the parking lot was constructed prior to the area's annexation. Rev. Hale stated that granting of the variance would allow the church to retain two parking spaces and save approximately \$1,000 in associated costs. Rev. Hale explained that the plans provide for closing the Maize Road exit following construction in the area.

The Council was supportive of the request.

Please provide these comments to the Board of Zoning Appeals when case BZA 48-86 is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

NOV 21 1986

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 48-86

APPLICANT: West Towne Baptist Church, 2000 N. Maize Road, Wichita, KS

AGENT: Rev. Hal Hale, 105 Vantage View Circle, Wichita, KS

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 for off-street parking purposes only.

GENERAL LOCATION: On the east side of Maize Road between 19th Street and Bella Vista (2000 N. Maize Road).

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are the properties to the north, south and east. To the west is "R-1" Suburban Residential.

LAND USE: Subject property is occupied by a church. Adjacent properties are undeveloped.

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.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the 25-foot platted setback adjacent to Maize Road to permit the use of 10 feet of the setback to be used for off-street parking purposes only. It should be noted that this violation of the setback was discovered at the time of applying for a building permit to expand the church that was originally developed in the County. Although the regulations of the County are essentially the same as the city's in regard to observance of such setbacks, the original contractor was in error in the location of the parking lot improvements.

When the property was developed in the county, the location of the property lines were apparently not too well defined, as no public street or sidewalks were in place, other than the normal county road improvements for Maize Road. The applicants now desire to legalize the use of the improvements as were installed by the contractor in 1982. The applicants also indicate that once 19th Street is improved on the south, it is the intention to locate the driveways to the south and close the approach to Maize Road. This would then eliminate the potential problem of congestion due to the close proximity of parking to Maize Road.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is located adjacent to an arterial street and the parking will not be located in the front yard setback of a block that contains residential properties.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the parking that is located in the front yard setback will not be within 100 feet of any adjacent property owner.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship

upon the applicant inasmuch as the applicant would be required to remove a portion of the parking lot that has been in use for several years that occurred, unbeknownst, as a violation of the zoning regulations.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the front yard setback adjacent to Maize Road for off-street parking purposes only will not interfere with any needed right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the location of the parking in the front yard setback will not be in a location that would, in any way, affect residential properties which is the intent of of maintaining landscaped front yards.

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. The reduction of the front yard setback from 25 feet to 15 feet shall only apply to the general area presently occupied by off-street parking, and shall not reduce the setback for any building.
2. Whenever the public improvements for 19th Street North are made, the applicant shall remove the driveway approach to Maize Road and reconstruct the curb within six months.

BZA CASE NO. 48 86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>5</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>8</u>	TOTAL NOTICES SENT <u>11/4/86</u>

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

November 3, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 48-86

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 West Towne Baptist Church, 2000 North Maize Road, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required front yard setback from 25 feet to 15 feet for off-street parking purposes only on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Block 1, West Towne Baptist Church Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Maize Road between 19th Street and Bella Vista (2000 N. Maize Road).

This application has been assigned Case No. BZA 48-86. It will be considered by the Board of Zoning Appeals on November 25, 1986 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding 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.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Glen E. Lytle
Assistant Secretary



WEST TOWNE BAPTIST CHURCH

2000 N. MAIZE RD — WICHITA, KANSAS 67212

"Dedicated to the Word and Mission of Jesus Christ"

October 25, 1986

Mr. Glen Lytle
Engineer
City Planning Department
City of Wichita, Kansas
City Hall
Wichita, Kansas 67202

Dear Mr. Lytle:


It is the desire of West Towne Baptist Church that they be permitted to retain the two parking spaces located on the west end of their parking lot located adjacent to their church building and as shown in the drawings submitted with this request.

Even allowing that Maize Road classification to be that of "major artery" it would appear to us that these two parking spaces would not pose any traffic problem nor cause undue traffic congestion between the hours of 9:30 AM and 12:30 PM on any given Sunday.

Too, we want to point out that once the proposed street is installed south of the church site the Maize Road entrance would be closed and the parking lot entrance moved to this proposed street. The main entrance to the present church has been on the west side of the building; in the future the main entrance will be located on the south side of the building.

In view of the above stated information, Mr. Lytle, we do hereby respectfully request that our request for variance be approved. Thank you.

Sincerely yours,


Reverend H. Hale
Pastor

REV HAL HALE, Pastor
Church: 722-8947
Home: 945-0179

BOARD OF ZONING APPEALS

CASE NO. 48-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant West Towne Baptist Church
Mailing Address 2000 N. Maize Rd. Wichita Phone 722-8947
Name of Authorized Agent Rev. Hal Hale
Mailing Address 105 Vantage View Cir. Wichita Phone 945-0179
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to permit the retention of the
two parking spaces on the west end of the church parking lot
which are approximately 8' over the 25' set back line and
which have so been for the past 4 1/2 yrs.
for property located 2000 N. Maize Rd. Wichita, Ks. 67212

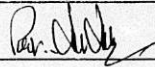
and legally described as: The south 240 feet of the west 210 feet
of the north 1169.22 feet of the northwest quarter (NW 1/4) of
Section 8, Township 27 South, Range 1 West of the 6th P.M.,
except the west 50 feet thereof for road purposes. (see below *)
in the City of Wichita; and which is presently zoned AA.

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

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); 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.

* Sedgwick County, Kansas, and also described as Lot 1, Block 1, West Towne Baptist Church Addition, Wichita, Sedgwick County, Kansas.

Applicant West Towne Baptist Church

Authorized Agent 

Reverend Hal Hale

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:30 (a.m.p.m.), Oct 27, 1986, together with appropriate fee of 300.00.

Signed 

OWNERSHIP LIST

LEGAL DESCRIPTION

OWNERS

Lot 1, Block 1,
West Towne Baptist Church Addition

West Towne Baptist
Church, Inc.
270 N. Maize
Wichita, KS 67212

Lots 1, 2, 3, 4 and 5, Block 5,
Lots 1, 2, 3, 4 and 5, Block 7,
Graf-Goldston Addition

Graf-Goldston
Development Corporation
40 Christopher O'Brien
331 E. Douglas
Wichita, KS 67202

Lots 1, 2, 3, 13, 12, 11,
Block 6,
Graf-Goldston Addition

West Towne Baptist
Church, Inc.
2000 N. Maize
Wichita, KS 67212

The South 60 Acres of the
Northwest Quarter, Section 8
Township 27 South, Range 1 West
of the 6th P.M.

Joseph M. Armour and
Evelyn C. Armour
RR #1
Viola, KS 67149

The Northwest Quarter, except
Graf-Goldston Addition and except
West Towne Baptist Church Addition
Section 8, Township 27 South,
Range 1 West of the 6th P.M.

Josephine Weber
10121 W. 21st ST.
Wichita, KS 67212

The South one-half of the
Southeast Quarter of the
Northeast Quarter, Section 7,
Township 27 South, Range 1 West
of the 6th P.M.

Joseph M. Armour and
Evelyn C. Armour
RR #1
Viola, KS 67149

The South one-half of the
Northeast Quarter of the
Northeast Quarter, Section 7,
Township 27 South, Range 1 West
of the 6th P.M.

Cranmer Grass Farms, Inc.
2501 N. Maize Road
Wichita, KS 67223

The North one-half of the
Southeast Quarter of the
Northeast Quarter of Section 7,
Township 27 South, Range 1 West of
the 6th P.M. EXCEPT the West 190.50
feet of the South 299.0 feet of the
East 437.06 feet of the North half of
the Southeast Quarter of the North-
east Quarter of Section 7, Township
27 South, Range 1 West of the 6th
P.M., Sedgwick County, Kansas.


Donald Harold Kirk and
Ethel Marie Kirk
1903 N. Maize,
Wichita, KS 67212

Columbian National Title Insurance of Wichita, Inc. hereby certifies
the foregoing to be a true and correct list of all property owners as
shown, according to the last deeds filed of record in the Register of
Deeds Office, Sedgwick County, Kansas within 200 feet of the
following described real property, to-wit:

Lot 1, Block 1,
West Towne Baptist Church Addition,
Sedgwick County, Kansas.

as October 22, 1986 at 7:00 A.M. Adresses as given are furnished as
a service and are not certified. Liability hereunder is limited to
the amount of the fee paid herefor.

COLUMBIAN NATIONAL TITLE
INSURANCE OF WICHITA, INC.

BY: 
Stephen D. Hall
Abstracter



**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29 1

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
CITY PEA VAC	2,100.00

NAME
Wichita Trust Company

ADDRESS
2000 N. Meade St

FUND
100-41911-00

DUE DATE

COMMENTS

DATE
Oct 29, 1986

BY
[Signature]

*

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

Roll # 3