

Case No. BZA 71-83 - Country Acres Baptist Church - requests a variance to reduce the front yard setback from 25' to 0' adjacent to Morgantown Avenue for off-street parking purposes only, on property zoned the "AA" One-family Dwelling District and the "LC" Light Commercial District and generally

POSTED
12-28-83
6.6.L.

ACTION
BZA 71-83 **APPROVED**

1-24-84
DATE

POSTED 5.11.84

✓

1978 A

Dist 5-11-84
Setback 5-22
Revised ✓

49 49 SE 5049 SW

Map No. 4948 NE D48M

BZA 71-83
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E LC S AA W AA N LC
3. Land Use: East _____ South _____
West _____ North _____
4. Area (is) (~~is not~~) platted.



HASTINGS, MN
LOS ANGELES-CHICAGO-LODON, OH
MEMPHIS, TX-LOUCIS, DROYA, GA
U.S.A.

Shepard
No. 2-153C

April 23, 1984

Rev. David Cone
Country Acres Baptist Church
7315 West 13th Street
Wichita, Kansas

Re: BZA 71-83 - Request for Variance

Dear Rev. Cone:

Attached hereto is a copy of the Landscape Plan approved on April 20, 1984 for the areas on which the front yard setback has been reduced for off-street parking purposes only.

This should allow you ample time to get these trees planted this spring and the completion of your parking lot. Please advise if we can be of further assistance.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL:sad

Attachment

cc: Robert Feldner, Superintendent of Central Inspection

February 14, 1984

Rev. David Cone
Country Acres Baptist Church
7315 West 13th Street
Wichita, Kansas

Re: BZA 71-83 - Request for Variance

Dear Rev. Cone:

Attached hereto is a copy of the resolution authorizing the variance to reduce the required front yard setbacks adjacent to Morgantown from 30' to 0' and 5' for off-street parking purposes only. In accordance with my telephone conversation with you this date, it is still subject to you submitting a landscape plan of the reduced setback areas that is satisfactory to the Secretary.

I would hope that this can be accomplished in the next few days, in the meantime this will let you complete the paving during the good weather.

Please give me a call if you have any questions.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

Attachment

cc: Robert Feldner, Superintendent of Central Inspection
Don Gisick, City Clerk

RESOLUTION NO. BZA 71-83

WHEREAS, Country Acres Baptist, 7315 W. 13th, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 30 feet to 0 feet for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and the "LC" Light Commercial District and legally described as follows:

Lots 6 thru 14, Block C, Country Acres Third
Addition to Wichita, Sedgwick County, Kansas.
Generally located on the south side of 13th
Street between Morgantown Avenue and Brunswick
Lane (7315 West 13th).

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 January 24, 1984, 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 on an arterial street with the major frontages of the property facing residential streets. The property is a combination of "AA" One-family zoning and "LC" Light Commercial zoning that places a different requirement on the front yard on Morgantown Avenue than the front yard of Brunswick Lane; 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 will provide a landscaped yard adjacent to the front yards of the residential properties to the south and will provide some landscaping in the area adjacent to Morgantown Avenue on the west. Also the yard between the main structure and the street adjacent to Morgantown will also be landscaped; 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 the applicant would be required to remove the surfacing in the front yard setback in order to bring the property into compliance with the regulations that were in effect at the time the structure was built; 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 the reduction of the front yard setback for off-street parking purposes only will not interfere with the use of public right-of-way as long as the property is developed in conformance to the plans submitted; 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 applicant will be providing certain amenities that will compensate for any adjustment in the setback for off-street parking only; 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.

C
O
P
Y

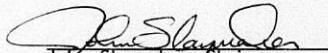
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the front yard setback from 30 feet to 0 feet for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and legally described as:

Lots 6 thru 14, Block C, Country Acres Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street between Morgantown Avenue and Brunswick Lane (7315 West 13th).

be approved subject to the following conditions:

1. The reduction of the front yard setback from 30' to 0' shall only apply to the existing parking lot that is constructed within the front yard setback on Morgantown and within 80' of the 13th Street right-of-way line.
2. The reduction of the front yard for additional parking adjacent to Morgantown shall not be located closer than 5' to the street right-of-way line.
3. Reduction of the front yard setback shall only apply to the off-street parking area. All structures shall comply with the 30 foot platted setback.
4. The installation of the parking area shall comply with the surfacing, marking, barriers and adequate circulation aisles in conformance with Section 28.04.140, 28.04.141 and 28.04.143 of the zoning ordinance.
5. Prior to the release of resolution authorizing the installation of the parking within the setbacks, the applicant shall submit a detailed landscape plan to the Secretary for approval of the remaining front yard setbacks and the public right-of-way adjacent to Morgantown Avenue. This shall include the use of street trees and other plant material to soften the affect of the parking areas.

ADOPTED AT WICHITA, KANSAS, this 24th day of January, 1984.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

January 30, 1984

Mr. Richard A. Shull, Attorney
1014 Century Plaza Building
111 West Douglas
Wichita, Ks. 67202

Re: BZA 71-83 - Request for Variance

Dear Mr. Shull:

Your letter of January 20, 1984, was furnished to the Board of Zoning Appeals for their review when they considered the above captioned BZA request. Their action, in approving the request, was subject to the conditions as outlined in the enclosed letter.

The facts as we understand them are that the original church was constructed in 1959 or 1960 prior to the property being annexed to the City. Parking to a "O" setback was installed at that time. We are advised that a contractor, in recently pouring an additional parking lot, did so without a permit at a 5 foot setback. When he tried to obtain a permit for the approaches (curb openings) to the public street; he was advised of the violation of the setback. The last addition to the church was about 3½ years ago, and no additional parking was required at that time.

When our office was contacted concerning the possible filing for a variance, we suggested that as long as they were requesting a variance for the new parking lot, that perhaps they should request a variance on the old parking lot as well so as to clear up any potential problem that might in the future cause a delay in obtaining a permit. Please note that condition number five requires the submission of a landscape plan which will provide for landscaping in the reduced setback area which will somewhat compensate for the reduced setback area. Incidentally, there was no one in attendance that was in opposition to this request.

As to the remaining comments in your letter, they seemed to be directed to areas not related to this case and to properties that the Board of Zoning Appeals have had no involvement. I've not attempted to run down the grading problem you refer to at Maize Road and Central. That area was a recent zone case and associated C.U.P. and is in process of platting. At any time you have questions as to whether or not some work is being conducted without the benefit of a permit, those questions should be directed to the Office of Central Inspection.

If you have any additional questions on this particular church parking variance request, please give me a call at 268-4404.

Sincerely,

Jack H. Galbraith
Chief Planner

JHG:sad

Encl.

BCC: Mayor Margalee Wright

January 25, 1984

Rev. David Cone
Country Acres Baptist Church
7315 West 13th Street
Wichita, Kansas

Re: BZA 71-83 - Request for Variance

Dear Rev. Cone:

At the regular meeting of the Board of Zoning Appeals on January 24, 1984, your request for a variance to reduce the front yard setback from 30' to 0' for off-street parking purposes only was considered. It was the action of the Board to approve your request subject to the following conditions:

1. The reduction of the front yard setback from 30' to 0' shall only apply to the existing parking lot that is constructed within the front yard setback on Morgantown and within 80' of the 13th Street right-of-way line.
2. The reduction of the front yard for additional parking adjacent to Morgantown shall not be located closer than 5' to the street right-of-way line.
3. Reduction of the front yard setback shall only apply to the off-street parking area. All structures shall comply with the 30 foot platted setback.
4. The installation of the parking area shall comply with the surfacing, marking, barriers and adequate circulation aisles in conformance with Section 28.04.140, 28.04.141 and 28.04.143 of the zoning ordinance.
5. Prior to the release of resolution authorizing the installation of the parking within the setbacks, the applicant shall submit a detailed landscape plan to the Secretary for approval of the remaining front yard setbacks and the public right-of-way adjacent to Morgantown Avenue. This shall include the use of street trees and other plant material to soften the affect of the parking areas.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as you have complied with condition number five above.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad
cc Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

Law Offices
Moore & Shull

Warner Moore
Richard A. Shull

1014 Century Plaza Building
111 West Douglas
Wichita, Kansas 67202

Telephone 316 263 2201

January 20, 1984

Mr. Jack H. Galbraith
Metropolitan Planning Dept.
Tenth Floor - City
455 North Main
Wichita, KS 67202

Re: BZA-71-83

Dear Jack:

I received the enclosed Notice to Adjoining Property Owners. This appears to be another case where the applicant is so sure the requested change will be granted that the work has already begun as though the request had been granted. In this instance the applicant is only seeking a variance to a required set-back, but they have set forms and poured concrete.

What concerns me is the attitude of developers and contractors that such requests will almost always be granted and there is little or no risk in making large investments prior to seeking a needed change of a set-back, variance, or in zoning. The only neighborhood which appears to be safe is Mid-town.

A glaring example is occurring at the northwest corner of Central and Maize Road. The area is and has been zoned "single family". The developer is seeking "light commercial" or "commercial". Before any application was filed, and certainly before any zoning change, the developer has expended large sums of money for engineering and earth work. He obviously assumed his request would be granted. The area is now flat, to accommodate the anticipated parking lot for a large shopping center. The property had more value for a single family development in its previous state.

RECEIVED

JAN 23 1984

METROPOLITAN PLANNING

ROUTE

Mr. Jack H. Galbraith
January 20, 1984
Page 2

Homeowners consider zoning, schools, etc. when investing their life savings. They assume the surrounding area will be developed in accordance with the current zoning. They detrimentally rely upon the city maintaining established zoning when making that investment.

The homes along Maize Road are \$100,000.00 to \$130,000.00 homes, purchased with the assumption that the area west of Maize Road would develop into comparable houses. The value of those houses as homes will be destroyed when the shopping center is built. The only way the owners can recover their investment is to also seek "commercial" zoning.

That would in turn destroy the value of the residences to the east. Those homes are not desirable for commercial development because they do not front on Maize. Their loss in value would appear to constitute an inverse condemnation to the extent of such loss.

The value of the houses facing Maize Road could only retain their current value, or even increase in value, by relying on the current assumption that any request for commercial zoning will automatically be granted. The city would, in fact, be hard pressed not to grant such a request for one of the homeowners, lest it be subject to the same inverse condemnation argument. The house would obviously be worth less as a residence, without the right to rezone, but the house values would have remained constant had the zoning west of Maize Road remained "single family".

The effect is that there is no zoning in Wichita (except in Mid-town). The City Commission allows changes to be so regularly made that restrictive zoning has no detrimental effect on developers anticipated use of land. Likewise, it does not in any way guarantee the residential value of any land.

The fact that the City Commission has so protected Mid-town, might subject the city to an argument that other homeowners' constitutional rights have been violated because they have not been afforded the same protection. There is also the argument that their property has been taken without due process of law. Especially since the public hearing is held before the Planning Commission whose decisions

Mr. Jack H. Galbraith
January 20, 1984
Page 3

are not final. There are cases holding the ultimate City Commission decision unconstitutional where the City Commission did not hold the public hearing when it finally made its decision. Under Wichita's procedure, the public is not allowed to speak when the City Commission hears the matter and takes action.

The City Commission cannot continue to allow constant wholesale amendment of existing zoning. The present situation makes a mockery of the zoning process and renders the efforts of your professional staff ineffective.

Very truly yours,

Richard A. Shull
Richard A. Shull

RAS:rs

cc: Mayor Margalee Wright
Mr. Robert Knight
Mr. Robert Brown
Mr. Tony Casado
Mr. Albert Kirk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE January 20, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruithof, Administrative Aide III

SUBJECT BZA 71-83, 7315 West 13th
Street

At its January 18th meeting, CPO Council "A" considered the captioned application for a variance to reduce the front yard setback from 25' to 0' adjacent to Morgantown Avenue for off-street parking on property zoned "AA" One-Family and "LC" Light Commercial. The agent for the request was invited to attend the meeting but was not present. No area property owners or residents were present concerning the case.

The Council voted unanimously, 7-0, to recommend that the variance be approved.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on January 24th.

Dean Kruithof
Dean Kruithof
Administrative Aide III

DK: sm

RECEIVED

JAN 20 1984

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BZA 71-83

APPLICANT: Country Acres Baptist Church, 7315 West 13th Street, Wichita, Kansas.

AGENT: Rev. David Cone, Country Acres Baptist Church, 7315 West 13th Street, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 30' to 0' for off-street parking purposes only.

GENERAL LOCATION: On the south side of 13th Street and between Morgantown Avenue and Brunswick Lane.

ZONING: Subject property is zoned the "AA" One-family Dwelling District and the "LC" Light Commercial District. Property to the east is "LC" Light Commercial District. Property to the east is "LC" Light Commercial and other adjoining properties are "AA" One-family Dwelling District.

LAND USE: Subject property is a church and accessory parking. Adjacent properties are one-family dwellings.

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 that the required front yard setback of 30' be reduced to 0' so that off-street parking may be provided within the setback adjacent to Morgantown Avenue for an existing church. The church has been growing and additional parking is being developed.

It should be noted that the parking proposed is located within the 30' platted setback, but to be located 5' from the right-of-way line of Morgantown Avenue. The original parking lot adjacent to 13th Street that has been in existence for a number of years is located at 0' from the street right-of-way lines of both Morgantown Avenue and Brunswick Lane. The setback adjacent to Brunswick Lane is located in the "LC" Light Commercial District and therefore is permitted to be surfaced for off-street on the same basis as commercial development even though being across the street from residences. The "LC" Light Commercial zoning is a part of the original zoning that was established in 1958 when the 3-mile ring around Wichita was first adopted.

The site plan submitted with the application indicates that a landscaped yard of not less than 25' by 15' will be provided adjacent to the residential properties to the south. This should provide adequate protection to the residential properties on the same side of the street. The inclusion of street trees along the west should also provide some protection to the residences to the west.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is located on an arterial street with the major frontages of the property facing residential streets. The property is a combination of "AA" One-family zoning and "LC" Light Commercial zoning that places a different requirement on the front yard on Morgantown Avenue than the front yard of Brunswick Lane.

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 applicant will provide a landscaped yard adjacent to the front yards of the residential properties to the south and will provide some landscaping in the area adjacent to Morgantown Avenue on the west. Also the yard between the main structure and the street adjacent to Morgantown will also be landscaped.

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 the surfacing in the front yard setback in order to bring the property into compliance with the regulations that were in effect at the time the structure was built.

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 for off-street parking purposes only will not interfere with the use of public right-of-way as long as the property is developed in conformance to the plans submitted.

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 applicant will be providing certain amenities that will compensate for any adjustment in the setback for off-street parking only.

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 30' to 0' shall only apply to the existing parking lot that is constructed within the front yard setback on Morgantown and within 80' of the 13th Street right-of-way line.
 2. The reduction of the front yard for additional parking adjacent to Morgantown shall not be located closer than 5' to the street right-of-way line.
 3. Reduction of the front yard setback shall only apply to the off-street parking area. All structures shall comply with the 30 foot platted setback.
 4. The installation of the parking area shall comply with the surfacing, marking, barriers and adequate circulation aisles in conformance with Section 28.04.140, 28.04.141 and 28.04.143 of the zoning ordinance.
 5. Prior to the release of resolution authorizing the installation of the parking within the setbacks, the applicant shall submit a detailed landscape plan to the Secretary for approval of the remaining front yard setbacks and the public right-of-way adjacent to Morgantown Avenue. This shall include the use of street trees and other plant material to soften the affect of the parking areas.
-

BZA CASE NO. 71-83

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
	LEGAL ADVERTISEMENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>36</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>38</u>	TOTAL NOTICES SENT <u>1-4-84</u>

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

January 4, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 71-83

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 Country Acres Baptist Church, 7315 West 13th Street, 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 front yard setback from 25 feet to 0 feet adjacent to Morgantown Avenue for off-street parking purposes only, on property zoned the "AA" One-family Dwelling District and the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lots 6 thru 14, Block C, Country Acres Third
Addition to Wichita, Sedgwick County, Kansas.
Generally located on the south side of 13th
Street between Morgantown Avenue and Brunswick
Lane (7315 West 13th).

This application has been assigned Case BZA 71-83. It will be considered by the Board of Zoning Appeals on January 24, 1984 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 71-83
FILED 12-27-83

APPLICATION FOR VARIANCE

I. Name of Applicant COUNTRY ACRES BAPTIST CHURCH
Mailing Address 7315 W. 13TH Phone 722-1239
Name of Authorized Agent Rev. David Lane
Mailing Address 7315 W. 13TH Phone 722-1239
Relationship of applicant to property is that of DWNER
(Owner, Tenant, Lessee, Other)

II. The variance requested is TO REDUCE THE FRONT YARD
SETBACK FROM 25 FEET TO OFFSET FOR
OFF-STREET PARKING PURPOSES ONLY
for property located between MORANTOWN AVE. AND
BRUNSWICK LANE AND SOUTH OF 13TH STREET
and legally described as: LOTS 6 thru 14, BLOCK C,
COUNTRY ACRES THIRD ADDITION TO
WICHITA, SEDGWICK COUNTY, KANSAS

in the City of Wichita; and which is presently zoned "AA-3-LC".

- 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. 36-596); and that the appropriate fee is herewith tendered;
 - 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.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Country Acres Baptist Church

Authorized Agent Rev. David Lane
by Russell Garrison

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:30 (~~11~~-p.m.), Dec 27, 1983, together with appropriate fee of 150.00

Signed L. Lytle

dr

DWAYNE RUMSEY A.I.A. ARCHITECT

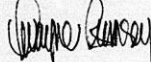
19 December 83

David Cone, Pastor
Country Acres Baptist Church
7315 W. 13th St.
Wichita, Kansas 67212

Pastor Cone,

Under separate cover, you will find the revised site plan drawings required for the variance. I spoke with Glen Lytle of the City Zoning office and have incorporated the changes he asked for into the drawings. He also said that the application must be submitted by the 27th of December for it to be heard in January.

Sincerely,



Dwayne Rumsey

DR:cc

322 LAURA · WICHITA,KS 67211 · 316-262-0011

Country Acres Baptist Church

7315 W. 13th
Wichita, Kansas 67212

The reason our church requests a variance on our property is due to the fact that our lot is ^{small} compared to our needs, therefore we are requesting a variance to provide parking spaces for our members. This concrete parking lot should enhance property value because we will now have uniform drainage of the lot. Previously it has been an eyesore due to standing water. The property included in the variance will be landscaped and maintained to meet neighborhood standards.

Thank you,



Russell Harrison



A Family Centered Congregation
Malachi 4:6

DAVID LOVE - PLANNING COM. R.
945-5670

GREEN LITTLE 2684421
20-25' SETBACKS.

VARIANCES

The Board may authorize in specific cases a variance from the specific terms of Title 28 which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of Title 28 will, in an individual case, result in unnecessary hardship, and provided that the spirit of Title 28 shall be observed, public safety and welfare secured and substantial justice done. Such variance shall not permit any use not permitted by Title 28 (zoning ordinance) in such zoning district. A request for a variance may be granted upon a finding by the Board that all of the following conditions as set forth in Section 2.12.590.B have been met:

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).

Doc 27

Henry Jan 24

BOARD OF ZONING APPEALS

APPLICATION FOR VARIANCE

CITY OF WICHITA, KANSAS

INSTRUCTIONS TO APPLICANT

1. Applicant must complete attached application form. All blanks should be filled in and those not applicable should be noted as N/A.
2. Applicant must submit a certified listing from an abstract company of the names and current mailing addresses of owners of all property within a distance of two-hundred (200) feet of property involved in the application. Mailing addresses submitted without ZIP CODES will be returned to the applicant.
3. The applicant must submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning ordinance from which variance is requested; and outlining in detail the manner in which it is believed that this application will meet the requirements of Section 2.12.590.B, Code of the City of Wichita.
4. The applicant must submit a sketch in duplicate, drawn to scale and showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information which would be helpful to the Board of Zoning Appeals in consideration of the application.
5. The above noted forms and documents shall be submitted, together with the fee established by Section 2.12.580.2, Code of the City of Wichita and set forth herein. In the event the request contains more than one variance request, an additional filing fee shall be required. The fee should be made by check, payable to the City of Wichita.

Fees shall be as follows:

Variations for residential uses	\$ 75.00
All other variances	<u>\$150.00</u>

6. All documents and fees shall be submitted to the Office of the Secretary, Board of Zoning Appeals, Tenth Floor, City Hall, 455 N. Main, Wichita, Kansas 67202, by 5:00 p.m., on the designated closing date as established by the Board. Incomplete applications will be returned to the applicant.

The Board of Zoning Appeals meets on the fourth Tuesday of each month at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas.

Country Acres Baptist Church

7315 W. 13th
Wichita, Kansas 67212



A Family Centered Congregation
Malachi 4:6

O W N E R S H I P L I S T

Property Description

Property Owner

Lots 6 through 14, odd & even, inclusive,
Block C, Country Acres Third Addition

Country Acres Baptist
Church
7315 W. 13th
67212

Lot 12, Block B, Country Acres Third
Addition

Jerold G. Cauthon
Willena Kay Cauthon
1367 Morgantown
67212

Lot 13, Block B, Country Acres Third
Addition

Clarence L. Munden
Doris M. Munden
1361 Morgantown
67212

Lot 14, Block B, Country Acres Third
Addition

John Phillip Stinson
Beverly Stinson
1355 Morgantown
67212

Lot 15, Block B, Country Acres Third
Addition

Michael C. Clynych
Tanya R. Clynych
1349 Morgantown
67212

Lot 16, Block B, Country Acres Third
Addition

Rickie D. Haywood
Donna J. Haywood
1343 Morgantown
67212

Lot 17, Block B, Country Acres Third
Addition

~~James B. Phillips (dec.)~~
Janice G. Phillips
1337 Morgantown
67212

Lot 18, Block B, Country Acres Third
Addition

Margaret I. Dickmeyer
Cheryl A. Dickmeyer
Teresa M. Dickmeyer
1331 Morgantown
67212

Lot 19, Block B, Country Acres Third
Addition

G. Allen Fitzner
1325 Morgantown
67212

Lot 20, Block B, Country Acres Third
Addition

Howard L. Farver
1319 Morgantown
67212

Lot 21, Block B, Country Acres Third
Addition

Ruth Engle Brees
1313 Morgantown
67212

Property Description

Property Owner

Lot 2, Block C, Country Acres Third Addition

✓ Cranford Riddell Bennett
1306 Morgantown
67212

Lot 3, Block C, Country Acres Third

✓ Wilda R. Conner
1312 Morgantown
67212

Lot 4, Block C, Country Acres Third Addition

✓ James Timothy Harshbarger
Beverly J. Harshbarger
1322 Morgantown
67212

Lot 5, Block C, Country Acres Third Addition

✓ James T. Harshbarger
Beverly Harshbarger
1322 Morgantown
67212

Lot 15, Block C, Country Acres Third Addition

✓ Henry Joseph Rupp
Betty Bee Rupp
1341 Brunswick Lane
67212

Lot 16, Block C, Country Acres Third Addition

✓ Forrest W. Burger
Karen Burger
1333 Brunswick Lane
67212

Lot 17, Block C, Country Acres Third Addition

✓ S. Sue Creek
1325 Brunswick Lane
67212

Lot 13, Block D, Country Acres Third Addition

✓ Alvin H. Youngers
Margaret Ann Youngers
1332 Brunswick Ct.
67212

Lot 14, Block D, Country Acres Third Addition

✓ Carla S. Gagne
1336 Brunswick Ct.
67212

Lot 15, Block D, Country Acres Third Addition

✓ Kenneth R. Bundy
Rhonda L. Bundy
1350 Brunswick Lane
67212

Lot 16, Block D, Country Acres Third Addition

✓ Harmon C. Gilbow III
Linda M. Gilbow
1360 Brunswick Lane
67212

Lot 17, Block D, Country Acres Third Addition

✓ Earl Beckham
Maxine Beckham
1366 Brunswick Lane
67212

<u>Property Description</u>	<u>Property Owner</u>
Lot 10, Block B, Country Acres Third Addition	Arvel J. Rutledge Mildred M. Rutledge - 1260 Cramer 67212
Lot 11, Block B, Country Acres Third Addition	Douglas Elwood Lightcap Barbara L. Lightcap - 1266 Cramer St. 67212
Lot 1, Block 3, Sunset Manor West	Warren E. Alford Ona N. Alford - 1334 Dunsworth St. 67212
Lot 2, Block 3, Sunset Manor West	William P. Skebeck Deanna L. Skebeck - 1330 Dunsworth St. 67212
Lot 3, Block 3, Sunset Manor West	Mark A. Hill - Deborah K. Hill 1326 N. Dunsworth St. 67212
Lot 4, Block 3, Sunset Manor West	Orville K. Clevenger - Velma M. Clevenger 1322 Dunsworth St. 67212
Lot 5, Block 3, Sunset Manor West	- Floyd O. Gruver, Jr. Kaye L. Gruver 1318 Dunsworth St. 67212
Lots 3 & 4, Block W, Westridge Village	Nicholas M. Mohr - Nancy A. Mohr 12501 W. 29th St. N. 67223
Lot 5, Block W, Westridge Village	Carmelita M. Saylor - Earl M. Saylor, co-trustees of the Carmelita M. Saylor Trust 447 Westfield Ct. 67212
Lot 17, Block W, Westridge Village	Nabil I. Sood - Linda Sue Sood 1409 Northwest Parkway 67212 <i>Returned 1-10-84</i>
Lot 18, Block W, Westridge Village	- Glenn A. Masoner Penny E. Masoner 1401 Northwest Parkway 67212

Property Description

Property Owner

Part of lot 12 described as beginning 296 feet west & 50 feet north of the southeast corner of the Southeast Quarter Section 9-27-1W, being the southeast corner of lot 12; thence west on the south line of lot 12, 80 feet; thence north parallel with the east line of lot 12, 246 feet; thence east parallel with the south line of lot 12, 80 feet; thence south 246 feet to the point of beginning, Block X, Westridge Village.

George H. Tittsworth
Wanda L. Tittsworth
7230 W. 13th
67212

Lot 12, except that part described immediately above, Block X, Westridge Village.

Paul W. Brock, trustee
of the Paul W. Brock
Trust
P. O. Box 1623
Mesa, Arizona
85201

Lot 8, Block D, Country Acres Third Addition

Lawrence J. Walton
Janice D. Walton
1316 Brunswick Ct.
67212

Lot 18, Block C, Country Acres Third Addition

Benjamin F. Epperson
Evelyn G. Epperson
1317 N. Brunswick
67212

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

Lots 6 through 14, odd and even, inclusive,
Block C, Country Acres Third Addition, an
Addition in 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 29th day of December, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Cable
Vice President

Order No: 328793
cf

**MICROFILMED
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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.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
<i>Planning</i>	<i>\$150.00</i>

NAME: _____
 ADDRESS: _____
 FUND: _____ DUE DATE: _____
 COMMENTS: _____
 DATE: *100 22 1983* BY: *H. J. [Signature]*

WICHITA - SEDGWICK COUNTY **RECEIVED**

W S C JAN 10 1984 500 09 170630N1 01/06/84

BOARD OF ZONING APPEALS METROPOLITAN PLANNING RETURN TO SENDER
 CITY HALL - TENTH FLOOR ROUTE _____ NOT DELIVERABLE AS ADDRESSED
 455 NORTH MAIN STREET UNABLE TO FORWARD
 WICHITA, KANSAS 67202

71-83 Nabil I. & Linda S. Sood
 1409 Northwest Parkway
 Wichita, Ks. 67212

ATTENTION NOT KNOWN RETURN TO SENDER

WICHITA KANSAS 67202
 JAN 10 1984

WICHITA KANSAS 67202
 JAN 5 1984

U.S. POSTAGE 20

*

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

Roll # 2