

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 only the educational building and not the sanctuary which seats approximately 400 will be located closer than 25 feet to the south side property line and most uses in the "B" district require only a five-foot side yard setback.

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

1. Within two years, and prior to construction of the proposed church educational building, the applicant shall obtain a building permit and shall comply with all applicable codes.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
November 23, 1993

SECRETARY'S REPORT

CASE NUMBER: BZA 29-93

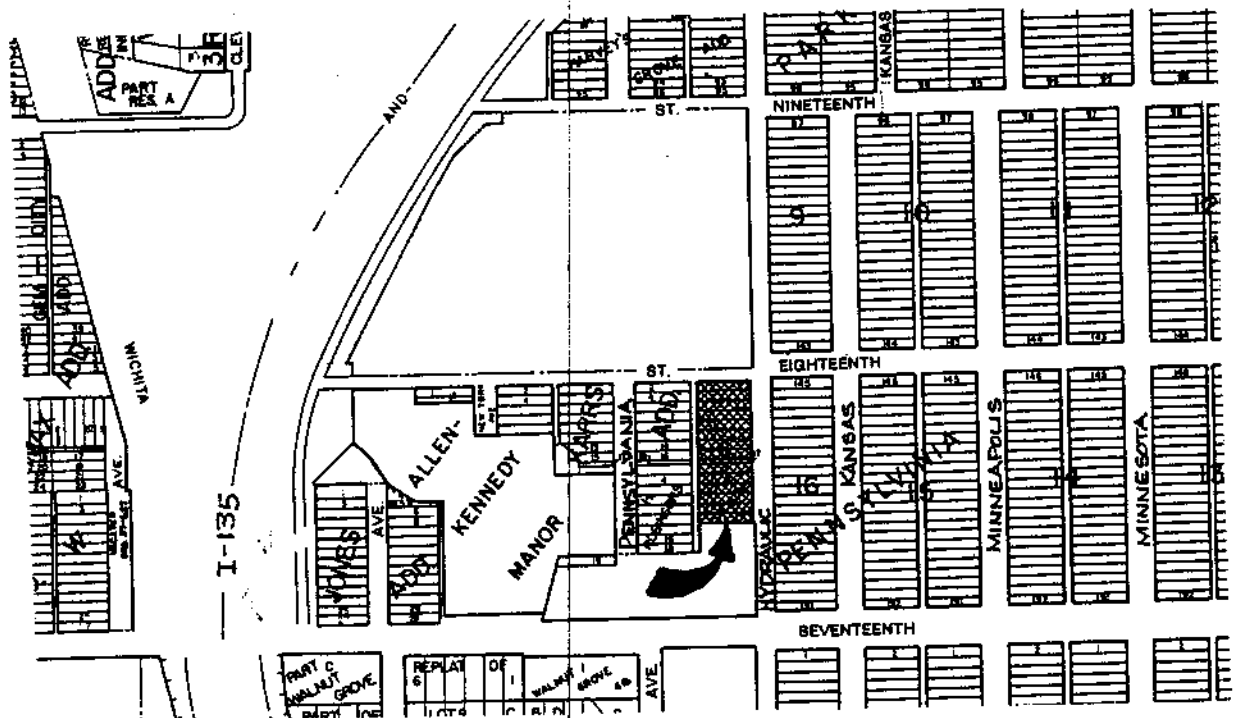
OWNER/APPLICANT: Greater New Testament Missionary Baptist Church
AGENT: Lawrence E. Wells, Architect

REQUEST: Variance to reduce the south side yard setback from 25' to 10' to allow for an addition to the building.

CURRENT ZONING: "B" Multiple Family Dwelling District.

SITE SIZE: 140' x 311'

LOCATION: South of 18th Street on the West side of Hydraulic
(1833 N. Hydraulic).



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 State Statutes, are found to exist.

BACKGROUND: The applicant, Greater New Testament Missionary Baptist Church, has an existing church facility at the southwest corner of Hydraulic and 18th Street which includes a sanctuary seating approximately 400. They wish to construct an educational building connected to the south end of the sanctuary and wrapping around east and south of the original church building (see site plan). In order to be able to have classrooms on both sides of the corridor in the new building, they need to be able to build closer to the south side property line than 25 feet as currently required by code for churches in the "B" district (see Sec. 28.04.070 [C.2.3] of the Zoning Ordinance). Another church exists to the south and that church's parking area is adjacent to this applicant's proposed building expansion. Most uses in the "B" district require only a 5-foot side-yard building setback but churches seating 250 persons or more and public and semi-public buildings are required to observe a 25-foot setback, unless varied by the Board. A variance granted in 1980 reduced the north and east setbacks to zero feet for parking purposes only.

ADJACENT ZONING AND LAND USE:

NORTH:	"B"	Undeveloped and radio transmitter tower
SOUTH:	"B"	Church
EAST:	"B"	Low-density residential
WEST:	"B"	One-family dwellings

UNIQUENESS: It is the opinion of staff that the application property is unique inasmuch as the location and layout of the existing church structure on the site limit the possible locations of an educational wing and in order to efficiently and economically provide the amount of space needed, an addition with classrooms on both sides of a corridor is proposed.

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 only property affected is the one to the south which is also developed with a church and its parking lot adjoins the common property line between the two sites.

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 the applicant would not be able to construct an educational wing of sufficient size or economy of layout to meet the church's needs.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no public easements or rights-of-way are being altered in any way but, in fact, the segment of the general population served by this church will benefit from the new facility allowed to be constructed by the granting of this variance.



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

November 24, 1993

Lawrence E. Wells
Architect
254 Laura, Suite 205
Wichita, KS 67211

Re: BZA 29-93 - Variance to reduce the south side yard setback from 25' to 10'
on property located at 1833 N. Hydraulic.

Dear Mr. Wells:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 23, 1993. 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.

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

Sincerely yours,


Louise Olivarez, Secretary
Board of Zoning Appeals

Enclosure
LO/prf

cc: Greater New Testament Missionary Baptist Church, 1833 N. Hydraulic 67214
Rev. Keith E. Cullors, 347 W. 34th St. South, 67217
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

subject to the following conditions:

1. Within two years, and prior to construction of the proposed church educational building, the applicant shall obtain a building permit and shall comply with all applicable codes.
2. Prior to obtaining an occupancy permit for the proposed educational building, the applicant shall plant street trees as designated on the approved landscape plan for BZA 53-80 (which reduced the setbacks from Hydraulic and from 18th Street to allow for paved parking up to this site's north and east property lines). Compliance with the current landscape ordinance will also be required.
3. Prior to obtaining an occupancy permit for the proposed educational building, the applicant shall comply with the parking code which requires one paved parking space for every four seats based on the room or space with the maximum seating capacity. If the parking lot layout and driveway locations are to differ from the site plan approved for BZA 53-80, a new site plan shall be submitted to the Traffic Engineer and the BZA Secretary for review and approval.
4. This BZA resolution may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 23rd day of November, 1993.

ATTEST:


Louise Olivarez, Secretary


Susan Osborne-Howes, Vice-President

BZA RESOLUTION NO. 29-93

WHEREAS, Greater New Testament Missionary Baptist Church, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the south side yard setback from 25' to 10' on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 1, 3, 5 and 7 on Hydraulic Avenue in H. Robinson's Addition and Lots 1, 3, 5, 7, 9, 11, 13, 15 and 17 on Hydraulic Avenue in Karr's Addition to Wichita, Sedgwick County, Kansas. Generally located South of 18th St. on the West side of Hydraulic.

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 23, 1993, 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 owners or the applicant inasmuch as the location and layout of the existing church structure on the site limit the possible locations of an educational wing and in order to efficiently and economically provide the amount of space needed, an addition with classrooms on both sides of a corridor is proposed; 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 only property affected is the one to the south which is also developed with a church and its parking lot adjoins the common property line between the two sites; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would not be able to construct an educational wing of sufficient size or economy of layout to meet the church's needs; 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, inasmuch as no public easements or rights-of-way are being altered in any way but, in fact, the segment of the general population served by this church will benefit from the new facility allowed to be constructed by the granting of this variance; 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 the zoning ordinance inasmuch as only the educational building and not the sanctuary which seats approximately 400 will be located closer than 25 feet to the south side property line and most uses in the "B" district require only a five-foot side yard setback; 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 south side yard setback from 25' to 10' on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 1, 3, 5 and 7 on Hydraulic Avenue in H. Robinson's Addition and Lots 1, 3, 5, 7, 9, 11, 13, 15 and 17 on Hydraulic Avenue in Karr's Addition to Wichita, Sedgwick County, Kansas. Generally located South of 18th St. on the West side of Hydraulic.

