

12-65 - Riverlawn Christian Church requests variance to permit reduction of sideyard setback on N side of Manhattan, west of Amidon.

POSTED
4-2-65

C-3

ACTION

DATE
4-27-65
5-25-65

Bya COMMITTEE Appr
Appr

M.A.P.C.

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

Riverlawn Christian Church
2535 Amidon
Wichita, Kansas

June 8, 1965

Board of Zoning Appeals
Room 402 City Building Annex
104 South Main
Wichita, Kansas

ATTENTION: Jack H. Gabraith

Dear Sirs:

Enclosed please find plot plan of lots 9, 10, 11,
12, 13, 14, 15, and 16 of Block 4 Riverlawn Heights.
This plan shows offstreet parking as requested in
Item 1 of your letter of May 26, 1965.

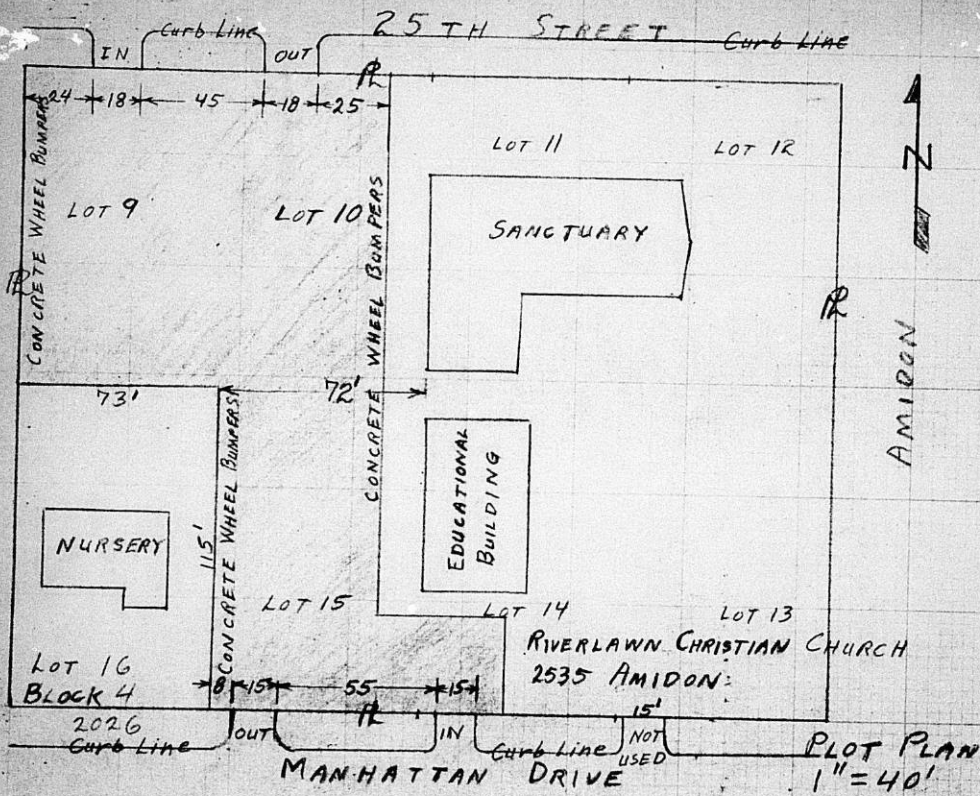
We trust this complies adequately with your request.

Sincerely,

Robert Brunton
Robert Brunton



SHADED AREA IS OFF STREET PARKING



PLOT PLAN
1" = 40'

REB

June 7, 1965

Riverlawn Christian Church
2535 North Amidon
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 12-65

On May 26, 1965, we advised you that the Board of Zoning Appeals had approved your application for a variance of the front yard setback on property located generally on the west side of Amidon and in the area between Manhattan Drive and 25th Street North.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before June 4, 1965. The City Clerk has advised that there was no appeal filed on or before that date, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the Resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:JWH:ber
Attachment

cc: Robert Brunton
4001 North Charles

Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O . B Z A 1 2 - 6 5 (B)

One of Two Resolutions Associated with Case No. BZA 12-65

WHEREAS, Riverlawn Christian Church, 2535 North Amidon, Wichita, Kansas, by Robert Brunton, 4001 North Charles, Wichita, Kansas, has requested a variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow the front yard setback area of 25 feet to be utilized for off-street parking on the following described property:

Lots 9, 10, 11, 12, 13, 14, and 15, Block 4,
Riverlawn Heights, an Addition to Wichita,
Sedgwick County, Kansas,

and generally located on the west side of Amidon in the area between Manhattan Drive and 25th Street North; and

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, in regular meeting consider said application on May 25, 1965; and

WHEREAS, the Riverlawn Christian Church has been using the 25-foot front yard setback area on Lots 9, 10 and 15, Block 4, Riverlawn Heights Addition, for off-street parking area in violation of the zoning ordinance and now desires to have such use made legal; and

WHEREAS, the Riverlawn Christian Church has also requested the waiver of the 25-foot front yard setback area on Lots 11, 12, 13 and 14, Block 4 Riverlawn Heights Addition, so that such area might be utilized for off-street parking facilities sometime in the future, although at this time it is an open landscaped area; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variance under provisions of Section 2.12.590.2, Code of the City of Wichita, Kansas; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district in that the only portion of the front yard setback which is now utilized for off-street parking lies to the rear of the church and the front yard setback to the north, east and south of the church building is landscaped and is not being utilized for off-street parking and, further, it is only to the rear of the church that the present off-street parking lot is in violation and such parking area is paved and bumper guards have been provided adjacent to the property lines; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, would not adversely affect adjacent property owners or residents inasmuch as there was no opposition from adjacent owners, and the off-street parking facilities have been provided for sometime, although in violation of the zoning ordinance, with apparently no objection from residents in the area; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented inasmuch as the parking lot has already been constructed and bumper guards installed in the front yard setback areas on Manhattan Drive and 25th Street North to the rear of the church building and educational building (on Lots 9, 10 and 15, Block 4, Riverlawn Heights Addition); and

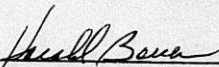
WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

WHEREAS, each of the four 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.

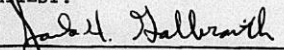
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the application be denied with respect to Lots 11, 12, 13 and 14, Block 4, Riverlawn Heights Addition, and that the request as it relates to the balance of the property included in the application be approved, subject to the following conditions:

1. A plot plan drawn to scale and showing the existing off-street parking lot and all points of ingress and egress and all improvements existing thereon, such as bumper guards, etc., shall be submitted to the Secretary of the Board and Superintendent of Central Inspection within 30 days after the effective date of the approval of this application or the permit shall be null and void.
2. In no event shall any permanent structures be constructed within the setback area which has been waived by the Board of Zoning Appeals for off-street parking.
3. The required front yard setback requirement of 25 feet is hereby waived on Lots 9, 10 and 15, Block 4, Riverlawn Heights Addition, for only that portion of the off-street parking lot now in violation of the zoning ordinance and in no event shall it be so construed that off-street parking will be permitted in any other portion of the front yard setback requirement on the church property.

ADOPTED AT WICHITA, KANSAS, this 25th day of May, 1965.


Harold Bauer, Chairman

ATTEST:


Jack H. Galbraith
Secretary

May 26, 1965

Riverlawn Christian Church
2535 North Amidon
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 12-65

This is to advise you that at its regular meeting on May 25, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for a variance of the front yard setback on property located generally on the west side of Amidon and in the area between Manhattan Drive and 25th Street North.

It was the decision of the Board to deny the request for variance of the front yard setback area on Lots 11, 12, 13 and 14, Block 4, Riverlawn Heights Addition, and to approve the request as it related to Lots 9, 10 and 15, Block 4, Riverlawn Heights Addition, subject to the following conditions:

1. A plot plan drawn to scale and showing the existing off-street parking lot and all points of ingress and egress and all improvements existing thereon, such as bumper guards, etc., shall be submitted to the Secretary of the Board and Superintendent of Central Inspection within 30 days after the effective date of the approval of this application or the permit shall be null and void.
2. In no event shall any permanent structures be constructed within the setback area which has been waived by the Board of Zoning Appeals for off-street parking.
3. The required front yard setback requirement of 25 feet is hereby waived on Lots 9, 10 and 15, Block 4, Riverlawn Heights Addition, for only that portion of the off-street parking lot now in violation of the zoning ordinance and in no event shall it be so construed that off-street parking will be permitted in any other portion of the front yard setback requirement on the church property.

Page 2 - Riverlawn Christian Church
May 26, 1965

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before June 4, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before June 4, 1965, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,

Jack H. Galbraith
Secretary

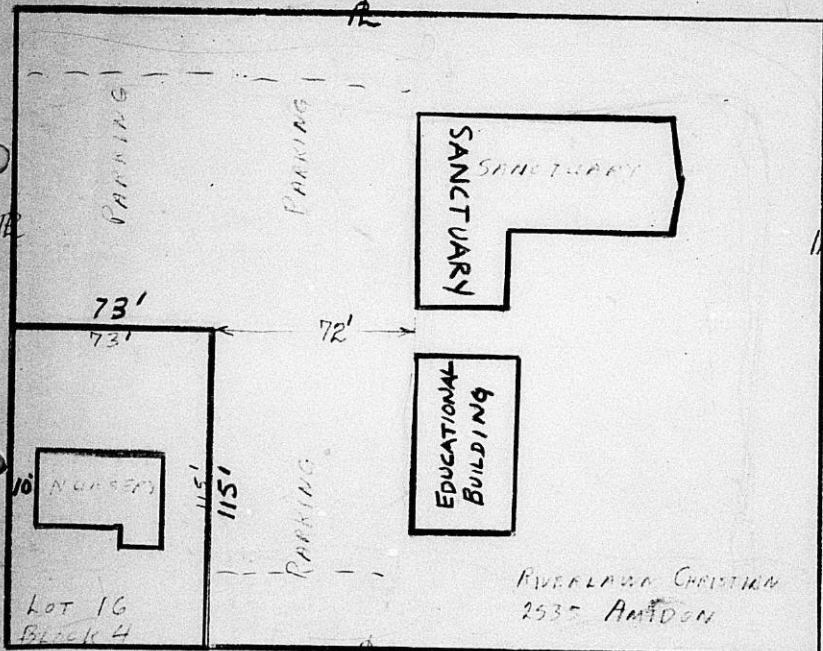
JHG:JWH:ber

cc: Robert Brunton
4001 North Charles

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

25TH STREET



AMIDON

10 NURSERY

SANCTUARY

EDUCATIONAL BUILDING

LOT 16
BLOCK 4
2026

RIVERLAND CHURCH
2535 AMIDON

MANHATTAN DRIVE

PLOT PLAN
1" = 40'

RHB



SECRETARY'S REPORT

CASE NO. BZA 12-65

APPLICANT: Riverlawn Christian Church, 2535 North Amidon

AGENT: Robert Brunton, 4001 North Charles

LOCATION: North side of Manhattan Avenue in an area west of Amidon

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow the front yard setback of 25 feet to be utilized for off-street parking.

ZONING: Property in question and all surrounding property is zoned "AA" Single family.

LAND USE: Property in question is occupied by a church and single family dwelling. The property in the surrounding area is all developed for single family residential use.

JURISDICTION

The Board has jurisdiction to consider this request under provisions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the variance request when all four of the following conditions can be found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
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 enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

The Board will recall that the Riverlawn Christian Church was before the Board at its meeting on April 27, 1965, and requested that the side yard setback for the single family dwelling located

on the southwest corner of the church property be reduced from 25 to 10 feet. This single family dwelling was to be utilized for a nursery in conjunction with the church. In view of the fact that there would be no exterior changes to the single family dwelling which would be utilized as a nursery, the Board approved the reduction of the side yard from 25 to 10 feet. The church did not require that the front yard setback of this single family dwelling be utilized for off-street parking.

The church is now requesting that the front yard setback on Manhattan Avenue and 25th Street be waived so that this area can legally be utilized for off-street parking. It should be pointed out that a portion of these front yard setback areas are paved and are presently being utilized for off-street parking in violation of the zoning ordinance. A building permit for the original construction of the church was taken out on February 16, 1959, and it is assumed that the church has been violating the front yard setback as far as off-street parking is concerned since that time.

UNIQUENESS

It is the opinion of the Secretary that this request is somewhat unique in that the only portion of the front yard setback which is now utilized for off-street parking lies to the rear of the church. The front yard setback to the north, east and south of the church is landscaped and is not being utilized for off-street parking. It is only to the rear of the church that the present off-street parking lot is in violation of the front yard setback requirement. The off-street parking lot is paved and bumper guards have been provided adjacent to the property lines.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect adjacent property owners.

HARDSHIP

It is the opinion of the Secretary that the church would be burdened with unnecessary hardship if the variance is not granted inasmuch as the parking lot has already been constructed and bumper guards have been installed in the front yard setback area adjacent to 25th Street and adjacent to Manhattan Drive which is located to the rear of the church sanctuary and educational building.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of variance should in no way adversely affect the public interest.

RECOMMENDATION

In view of the foregoing comments, it is the opinion of the Secretary that all four conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance be granted, subject to the following conditions:

1. A plot plan drawn to scale and showing the existing off-street parking lot and all points of ingress and egress and all improvements existing thereon, such as bumper guards, etc., shall be submitted to the Secretary of the Board and Superintendent of Central Inspection within 30 days after the effective date of the approval of this application or the permit shall be null and void.
2. In no event shall any permanent structures be constructed within the setback area which has been waived by the Board of Zoning Appeals for off-street parking.
3. The required front yard setback requirement of 25 feet is hereby waived on Lots 9, 10 and 15, Block 4, Riverlawn Heights Addition, for only that portion of the off-street parking lot now in violation of the zoning ordinance and in no event shall it be so construed that off-street parking will be permitted in any other portion of the front yard setback requirement on the church property.

SECRETARY'S REPORT

CASE NO. BZA 12-65

APPLICANT: Riverlawn Christian Church, 2535 North Amidon

AGENT: Robert Brunton, 4001 North Charles

LOCATION: North side of Manhattan Avenue in an area west of Amidon

REQUEST: Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow the front yard setback of 25 feet to be utilized for off-street parking.

ZONING: Property in question and all surrounding property is zoned "AA" Single family.

LAND USE: Property in question is occupied by a church and single family dwelling. The property in the surrounding area is all developed for single family residential use.

JURISDICTION

The Board has jurisdiction to consider this request under provisions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the variance request when all four of the following conditions can be found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
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 enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

The Board will recall that the Riverlawn Christian Church was before the Board at its meeting on April 27, 1965, and requested that the side yard setback for the single family dwelling located

Page 2 - Secretary's Report
Case No. BZA 12-65

on the southwest corner of the church property be reduced from 25 to 10 feet. This single family dwelling was to be utilized for a nursery in conjunction with the church. In view of the fact that there would be no exterior changes to the single family dwelling which would be utilized as a nursery, the Board approved the reduction of the side yard from 25 to 10 feet. The church did not require that the front yard setback of this single family dwelling be utilized for off-street parking.

The church is now requesting that the front yard setback on Manhattan Avenue and 25th Street be waived so that this area can legally be utilized for off-street parking. It should be pointed out that a portion of these front yard setback areas are paved and are presently being utilized for off-street parking in violation of the zoning ordinance. A building permit for the original construction of the church was taken out on February 16, 1959, and it is assumed that the church has been violating the front yard setback as far as off-street parking is concerned since that time.

UNIQUENESS

It is the opinion of the Secretary that this request is somewhat unique in that the only portion of the front yard setback which is now utilized for off-street parking lies to the rear of the church. The front yard setback to the north, east and south of the church is landscaped and is not being utilized for off-street parking. It is only to the rear of the church that the present off-street parking lot is in violation of the front yard setback requirement. The off-street parking lot is paved and bumper guards have been provided adjacent to the property lines.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance should in no way adversely affect adjacent property owners.

HARDSHIP

It is the opinion of the Secretary that the church would be burdened with unnecessary hardship if the variance is not granted inasmuch as the parking lot has already been constructed and bumper guards have been installed in the front yard setback area adjacent to 25th Street and adjacent to Manhattan Drive which is located to the rear of the church sanctuary and educational building.

Page 3 - Secretary's Report
Case No. BZA 12-65

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of variance should in no way adversely affect the public interest.

RECOMMENDATION

In view of the foregoing comments, it is the opinion of the Secretary that all four conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance be granted, subject to the following conditions:

1. A plot plan drawn to scale and showing the existing off-street parking lot and all points of ingress and egress and all improvements existing thereon, such as bumper guards, etc., shall be submitted to the Secretary of the Board and Superintendent of Central Inspection within 30 days after the effective date of the approval of this application or the permit shall be null and void.
2. In no event shall any permanent structures be constructed within the setback area which has been waived by the Board of Zoning Appeals for off-street parking.
3. The required front yard setback requirement of 25 feet is hereby waived on Lots 9, 10 and 15, Block 4, Riverlawn Heights Addition, for only that portion of the off-street parking lot now in violation of the zoning ordinance and in no event shall it be so construed that off-street parking will be permitted in any other portion of the front yard setback requirement on the church property.

May 10, 1965

Riverlawn Christian Church
2535 North Amidon
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 12-65

On April 29, 1965, we advised you that the Board of Zoning Appeals had approved subject application for a variance of the side yard setback on property located generally on the north side of Manhattan and in an area west of Amidon.

We also advised that the Board's decision might be appealed to the City Commission provided that such appeal was filed on or before May 7, 1965. The City Clerk has advised that no appeal was filed, and the decision of the Board is, therefore, final.

A copy of the Resolution setting forth the action of the Board is attached for your information and files.

Very truly yours,

James W. Howe
Assistant Secretary

JWH:ber
Attachment

cc: Robert Brunton
4001 North Charles

Glen Lytle, Superintendent
of Central Inspection

R E S O L U T I O N N O. B Z A 1 2 - 6 5 (A)

One of Two Resolutions Associated with Case No. BZA 12-65

WHEREAS, Riverlawn Christian Church, 2535 North Amidon, Wichita, Kansas, by Robert Brunton, 4001 North Charles, Wichita, Kansas, has requested a Variance, pursuant to Section 2.12.590.2, Code of the City of Wichita, to allow a reduction of a required 25 foot side yard setback to 10 feet, on property zoned "AA" Single Family, and legally described as follows:

Lot 16, Block 4, Riverlawn Heights, in the City of Wichita, Sedgwick County, Kansas.

Generally located on the north side of Manhattan Drive and in an area just west of Amidon; and

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, in regular meeting consider said application on April 27, 1965; and

WHEREAS, the Riverlawn Christian Church desires to use the single family dwelling presently located on the above property, for nursery school and associated class room facilities; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variance under provisions of Section 2.12.590.2, Code of the City of Wichita, Kansas; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district in that the exterior of the single family dwelling now located on subject property will not be changed in order to accommodate the nursery school facilities nor will the front yard setback of 25 feet be utilized for off-street parking, and thus the structure will remain compatible with existing homes to the west; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the Variance would not adversely affect adjacent property owners or residents inasmuch as the exterior appearance of the structure will remain the same as if utilized as a single family residence; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the Zoning Ordinance will constitute unnecessary hardship upon the property owner represented inasmuch as there is not any available room within the church for expansion of church facilities as proposed in this case; and

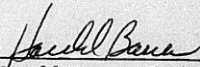
WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

WHEREAS, each of the four 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 of the City of Wichita, that

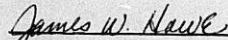
the setback along the west line of Lot 16, Block 4, Riverlawn Heights Addition, in the City of Wichita, Sedgwick County, Kansas, be reduced from 25 feet to 10 feet for the existing structure and that if the existing structure is removed, then the variance to 10 feet shall not apply and the required setback for the church and associated uses shall be 25 feet.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1965.



Harold Bauer, Chairman

ATTEST:



James W. Howe
Assistant Secretary

CASE NO. BZA 12-65

35 NOTICES MAILED MAY 6, 1965

MEETING MAY 25, 1965

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

May 6, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-65

An application has been filed by Riverlawn Christian Church, 2535 North Amidon, Wichita, Kansas, by Robert Brunton, 4001 North Charles, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance of Section 28.04.040, Code of the City of Wichita, to allow complete waiver of the front yard setback of 25 feet, to permit off-street parking in conjunction with church facilities, on property zoned "AA" Single Family, and legally described as follows:

Lots 9, 10, 11, 12, 13, 14, and 15, Block 4, Riverlawn Heights, in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Amidon and lying between 25th Street and Manhattan.

This application has been assigned Case No. BZA 12-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 25, 1965, at 2 p.m. 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
Room 402 City Building Annex
104 South Main
Wichita, Kansas

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May 6, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

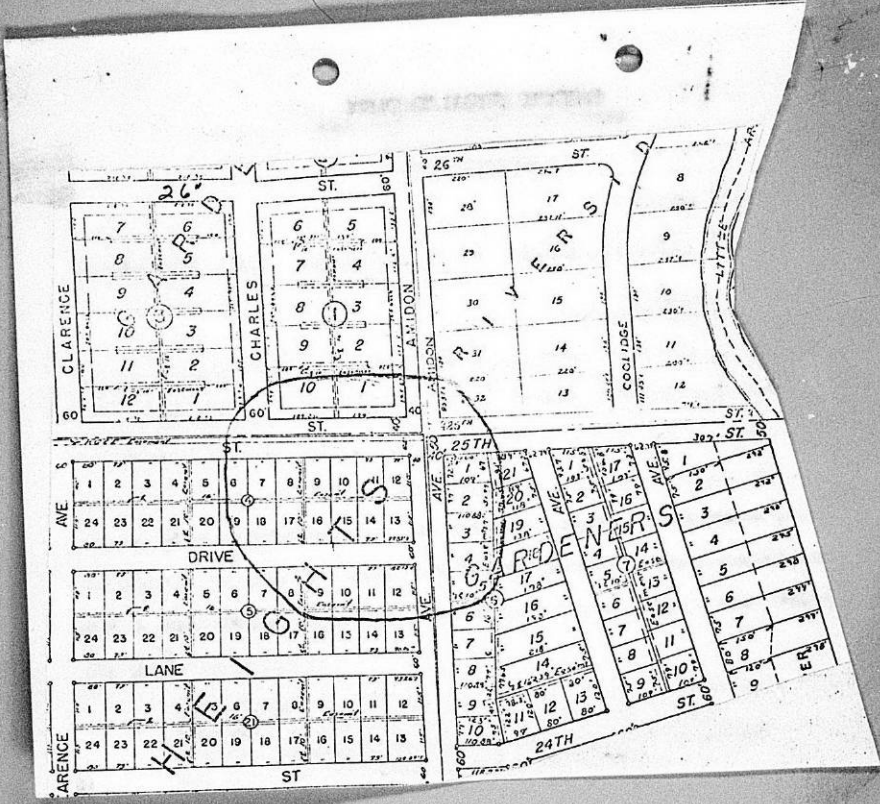
Case No. BZA 12-65

An application has been filed by Riverlawn Christian Church, 2535 North Amidon, Wichita, Kansas, by Robert Brunton, 4001 North Charles, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance of Section 28.04.040, Code of the City of Wichita, to allow complete waiver of the front yard setback of 25 feet, to permit off-street parking in conjunction with church facilities, on property zoned "AA" Single Family, and legally described as follows:

Lots 9, 10, 11, 12, 13, 14, and 15, Block 4, Riverlawn Heights, in the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Amidon and lying between 25th Street and Manhattan.

This application has been assigned Case No. BZA 12-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 25, 1965, at 2 p.m. 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



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Appeal

STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft
of: Lots 9, 10, 11, 12, 13, 14, 15, Block 4, Riverlawn Heights, an Addition to Wichita, Kansas.

new list

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

Lot 6, Blk 4, Riverlawn Heights Addition.

✓ Rolling "R", Inc.
Res. Agt: Richard H. Rumsey,
819 Beacon Bldg.

Lot 7, Blk 4, Riverlawn Heights Addition.

✓ Warren R. & Mildred I. Page, ux
2039 West 25th St. North

Lot 8, Blk 4, Riverlawn Heights Addition.

✓ Everett Eugene & Joan Evonne Milner, ux
2033 West 25th St. North

Lots 9, 10, 11, 12, 13, 14, & 15, & 16, Blk 4,
in Riverlawn Heights Addition.

✓ Riverlawn Christian Church
% F. A. Paulson
2720 Coolidge Ave.

F
Fidelity
Title
Company.
inc.



- Lot 17, Blk 4, Riverlawn Heights Addition.
✓ Donald I. & Eva Jean Lawless, ux
2034 Manhattan Drive.
- Lot 18, Blk 4, Riverlawn Heights Addition.
✓ Irene Waller, wdo.
2042 Manhattan Drive.
- Lot 19, Blk 4, Riverlawn Heights Addition.
✓ Halley H. & Anita J. Lockett, ux
2104 Manhattan Drive.
- Lot 7, Blk 5, Riverlawn Heights Addition.
✓ Algean C. & Bertha A. Woodard, ux
2041 Manhattan Drive.
- Lot 8, Blk 5, Riverlawn Heights Addition.
✓ James A. & K. Elaine Penn, ux
2033 Manhattan Drive.
- Lot 9, Blk 5, Riverlawn Heights Addition.
✓ Melvin G. & Gayle L. Smithen, ux
2027 Manhattan Drive.
- Lot 10, Blk 5, Riverlawn Heights Addition.
✓ David & Pauline B. Puhl, ux
2019 Manhattan Drive.
- Lot 11, Blk 5, Riverlawn Heights Addition.
✓ Jean M. Hite, sgle
2011 Manhattan Drive.
- Lot 12, Blk 5, Riverlawn Heights Addition.
✓ Paul R. & Hazel I. Fresch, ux
216 N. Grove St.
- Lot 13, Blk 5, Riverlawn Heights Addition.
✓ Paul E. & Mary E. Schwartz, ux
2004 Columbine Lane.
- Lot 14, Blk 5, Riverlawn Heights Addition.
✓ Richard M., Jr. & Anna M. Lamb, ux
2012 Columbine Lane.
- Lot 15, Blk 5, Riverlawn Heights Addition.
✓ Eldon L. & Doris A. Hinton, ux
2020 Columbine Lane.

Lot 16, Blk 5, Riverlawn Heights Addition.

✓ Leland D. & Norma J. Hoch, ux
2026 Columbine Lane.

Lot 17, Blk 5, Riverlawn Heights Addition.

✓ Sidney L. & Florence L. Boyd, ux
2034 Columbine Lane.

Lot 1, Blk 6, Gardner's Riverlawn Addition.

City of Wichita, Kansas.

Lot 2, Blk 6, Gardner's Riverlawn Addition.

✓ Clarence & Margaret E. Olson, ux
2550 Amidon Ave.

Lot 3, Blk 6, Gardner's Riverlawn Addition.

✓ Don H. & Esther J. LaFerney, ux
910 Rita

Lot 4, Blk 6, Gardner's Riverlawn Addition.

✓ Administrator of Veterans Affairs,
5500 E. Kellogg Ave.

Lot 5, Blk 6, Gardner's Riverlawn Addition.

✓ St. Clair E. & Vera Jane Fisher, ux
2532 Amidon Ave.

Lot 6, Blk 6, Gardner's Riverlawn Addition.

✓ Arthur H. & Beth Rains, ux
2526 Amidon Ave.

Lot 17, Blk 6, Gardner's Riverlawn Addition.

✓ Willard D. & Ethel A. Packard, ux
2533 Perry Ave.

Lot 18, Blk 6, Gardner's Riverlawn Addition.

✓ Kenneth H. & Lillian R. Spicher, ux
2539 Perry Ave.

Lot 19, Blk 6, Gardner's Riverlawn Addition.

✓ Thomas A. & Evelyn E. Bush, ux
2545 Perry Ave.

Lot 20, Blk 6, Gardner's Riverlawn Addition.

✓ Henry T. & La Wanda Maca, ux
2551 Perry Ave.

Lot 21, Blk 6, Gardner's Riverlawn Addition.

↓ Administrator of Veterans Affairs.
5500 E. Kellogg St.

Lot 31, in Gilder's Riverside Addition.

↓ Ellen M. & Edward B. York, vir
2616 Amidon Ave.

Lot 32, exc W 140 ft., in Gilder's Riverside Addition.

↓ S. S. S. Development Co.
1451 McLean Blvd.

W 140 ft of Lot 32, in Gilder's Riverside Addition.

↓ Mex W. Snodgrass, James L. Snodgrass,
Victor M. Schimming, Frank Victor
Sullivan, Olive K. Sullivan, Lucia H.
Goeldner, & Billie L. King.
1451 McLean Blvd.

Lot 1, Blk 1, Northwest Gardens.

↓ Michael J. & Wiladean R. Savina, ux
2603 Amidon Ave.

Lot 10, Blk 1, Northwest Gardens.

↓ Clarence A. & Alice M. Mai, ux
2631 N. Richmond Ave.

Lot 1, Blk 3, Northwest Gardens.

↓ Pierce C. & Harriet G. Hauser, ux
2605 N. Charles St.

Dated at Wichita, Kansas this 21st day
of April, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elie M Farrell
Sec. OEM

Tracer # 67548

April 29, 1965

Riverlawn Christian Church
2535 North Amidon
Wichita, Kansas

Gentlemen:

Re: Case No. BZA 12-65

This is to advise you that at its regular meeting of April 27, 1965, the Board of Zoning Appeals of the City of Wichita considered your request for a variance of the side yard setback on property located generally on the north side of Manhattan and in an area west of Amidon.

It was the decision of the Board to approve the request as follows:

The setback along the west line of Lot 16, Block 4, Riverlawn Heights Addition, be reduced from 25 to 10 feet for only the existing structure. In the event that the existing structure is removed, then the variance to 10 feet shall not apply and the required setback for church and associated uses shall be 25 feet.

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before May 7, 1965.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before May 7, 1965, the decision of the Board will

Page 2 - Riverlawn Christian Church
April 29, 1965

be final and the Superintendent of Central Inspection will be in
a position to issue the appropriate permit.

Very truly yours,

James W. Howe
Assistant Secretary

JWH:ber

cc: Robert Brunton
4001 North Charles

Glen Lytle, Superintendent
of Central Inspection

Robert G. Finch
City Clerk

SECRETARY'S REPORT

CASE NO. BZA 12-65

APPLICANT: Riverlawn Christian Church, 2535 North Amidon

AGENT: Robert Brunton, 4001 North Charles

LOCATION: North side of Manhattan Avenue in an area west of Amidon

REQUEST: Variance to allow a 10-foot side yard setback rather than 25 feet as specified for churches in Section 28.04.040.2.3 of the Code of the City of Wichita

ZONING: The property in question and all surrounding property is zoned "AA" single family

LAND USE: The property in question is occupied by a church and a single family dwelling. The property in the surrounding area is all developed for single family residential use.

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the variance request when all four of the following conditions can be found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
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 enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public interest, health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

The Riverlawn Christian Church has acquired the single family dwelling immediately to the west of the existing church on the north side of Manhattan Drive, which they intend to utilize for a nursery school and associated class room facilities. The church has indicated that the exterior of the single family dwelling will not be changed; however, the interior of the dwelling will have to be changed in order

to meet the building code requirements for a place of public assembly. The church had originally requested that the front yard setback of 25 feet along the front of the single family dwelling be waived so that this area could be utilized for off-street parking. However, since some of the residents in the area have objected to this request, the church has submitted a letter formally requesting that their original request that the front yard setback be waived for parking be deleted from the application. The only request now before the Board is that the side yard setback of 25 feet be reduced to 10 feet for the single family dwelling which they intend to utilize for the nursery school.

UNIQUENESS

It is the opinion of the Secretary that the request is somewhat unique inasmuch as the exterior of this existing single family dwelling will not be changed in order to accommodate the nursery school facility nor will the front yard setback of 25 feet be utilized for any required off-street parking. Since the exterior of this single family dwelling will not be changed, the dwelling will remain compatible with existing homes to the west. Consequently, it would not appear unreasonable that the side yard setback of 25 feet be reduced to 10 feet.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of this variance should in no way adversely affect the adjacent property owners inasmuch as the church is not intending to utilize the required front yard setback for off-street parking for the nursery school facility.

NEIGHBORHOOD

It is the opinion of the Secretary that if the church is denied the use of this single family dwelling for the intended nursery school facility, it will result in unnecessary hardship on the church, inasmuch as there is not any available room in the existing church for this type of facility.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of this request should in no way adversely affect the public interest.

RECOMMENDATION

It is the opinion of the Secretary that all four conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the setback along the west line of Lot 16, Block 4, Riverlawn Heights Addition, be reduced from 25 to 10 feet for only the existing structure. In the event that the existing structure is removed, then the variance to 10 feet shall not apply and the required setback for church and associated uses shall be 25 feet.

SECRETARY'S REPORT

CASE NO. BZA 12-65

APPLICANT: Riverlawn Christian Church, 2535 North Amidon

AGENT: Robert Brunton, 4001 North Charles

LOCATION: North side of Manhattan Avenue in an area west of Amidon

REQUEST: Variance to allow a 10-foot side yard setback rather than 25 feet as specified for churches in Section 28.04.040.2.3 of the Code of the City of Wichita

ZONING: The property in question and all surrounding property is zoned "AA" Single family

LAND USE: The property in question is occupied by a church and a single family dwelling. The property in the surrounding area is all developed for single family residential use.

JURISDICTION

The Board has jurisdiction to consider this request under the provisions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the variance request when all four of the following conditions can be found to exist:

1. That the variance desired arises from such condition which is unique and which is not ordinarily found in the same zoning district.
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 enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.
4. That the variance desired will not adversely affect the public interest, health, safety, morals, order, convenience, prosperity or general welfare.

COMMENTS BY THE SECRETARY

The Riverlawn Christian Church has acquired the single family dwelling immediately to the west of the existing church on the north side of Manhattan Drive, which they intend to utilize for a nursery school and associated class room facilities. The church has indicated that the exterior of the single family dwelling will not be changed; however, the interior of the dwelling will have to be changed in order

Page 2 - Secretary's Report
Case No. BZA 12-65

to meet the building code requirements for a place of public assembly. The church had originally requested that the front yard setback of 25 feet along the front of the single family dwelling be waived so that this area could be utilized for off-street parking. However, since some of the residents in the area have objected to this request, the church has submitted a letter formally requesting that their original request that the front yard setback be waived for parking be deleted from the application. The only request now before the Board is that the side yard setback of 25 feet be reduced to 10 feet for the single family dwelling which they intend to utilize for the nursery school.

UNIQUENESS

It is the opinion of the Secretary that the request is somewhat unique inasmuch as the exterior of this existing single family dwelling will not be changed in order to accommodate the nursery school facility nor will the front yard setback of 25 feet be utilized for any required off-street parking. Since the exterior of this single family dwelling will not be changed, the dwelling will remain compatible with existing homes to the west. Consequently, it would not appear unreasonable that the side yard setback of 25 feet be reduced to 10 feet.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of this variance should in no way adversely affect the adjacent property owners inasmuch as the church is not intending to utilize the required front yard setback for off-street parking for the nursery school facility.

HARDSHIP

It is the opinion of the Secretary that if the church is denied the use of this single family dwelling for the intended nursery school facility, it will result in unnecessary hardship on the church, inasmuch as there is not any available room in the existing church for this type of facility.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of this request should in no way adversely affect the public interest.

Page 3 - Secretary's Report
Case No. BZA 12-65

RECOMMENDATION

It is the opinion of the Secretary that all four conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the setback along the west line of Lot 16, Block 4, Riverlawn Heights Addition, be reduced from 25 to 10 feet for only the existing structure. In the event that the existing structure is removed, then the variance to 10 feet shall not apply and the required setback for church and associated uses shall be 25 feet.

April 13, 1965

Riverlawn Christian Church
2535 Amidon
Wichita, Kansas

Board of Zoning Appeals
Room 402 City Building Annex
104 South Main
Wichita, Kansas

Dear Sirs:

Please refer to Case No. BZA 12-65 filed by Riverlawn Christian Church for variance.

We wish to withdraw the portion of the application as applies to the waiver of front yard setback to allow offstreet parking for Lot 16, Block 4, Riverlawn Heights.

Sincerely,

Robert Brunton
Robert Brunton



CASE NO. BZA 12-65

19 NOTICES MAILED APRIL 8, 1965

MEETING APRIL 27, 1965

51

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

April 8, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-65

An application has been filed by Riverlawn Christian Church, 2535 North Amidon, Wichita, Kansas, by Robert Brunton, 4001 North Charles, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance of requirements of Section 28.04.040, Code of the City of Wichita, to allow a side yard setback of 10 feet instead of 25 feet as required, and also requests a Variance from Section 28.04.140, Code of the City of Wichita, as provided in Section 2.12.590.2, Code of the City of Wichita, for complete waiver of the front yard setback so that this area may be utilized for off-street parking, on property zoned "AA" Single Family, and legally described as follows:

Lots 9-16 inclusive
lot 16, Block 4, Riverlawn Heights, in the City of
Wichita, Sedgwick County, Kansas. Generally located
on the north side of Manhattan in an area west of
Amidon.

This application has been assigned Case No. BZA 12-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1965, at 2 p.m., 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
Room 402 City Building Annex
104 South Main
Wichita, Kansas

April 8, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-65

An application has been filed by Riverlawn Christian Church, 2535 North Amidon, Wichita, Kansas, by Robert Brunton, 4001 North Charles, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance of requirements of Section 28.04.040, Code of the City of Wichita, to allow a side yard setback of 10 feet instead of 25 feet as required, and also requests a Variance from Section 28.04.140, Code of the City of Wichita, as provided in Section 2.12.590.2, Code of the City of Wichita, for complete waiver of the front yard setback so that this area may be utilized for off-street parking, on property zoned "AA" Single Family, and legally described as follows:

Lot 16, Block 4, Riverlawn Heights, in the City of Wichita, Sedgwick County, Kansas. Generally located on the north side of Manhattan in an area west of Amidon.

This application has been assigned Case No. BZA 12-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1965, at 2 p.m., 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
Room 402 City Building Annex
104 South Main
Wichita, Kansas

April 8, 1965

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 12-65

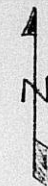
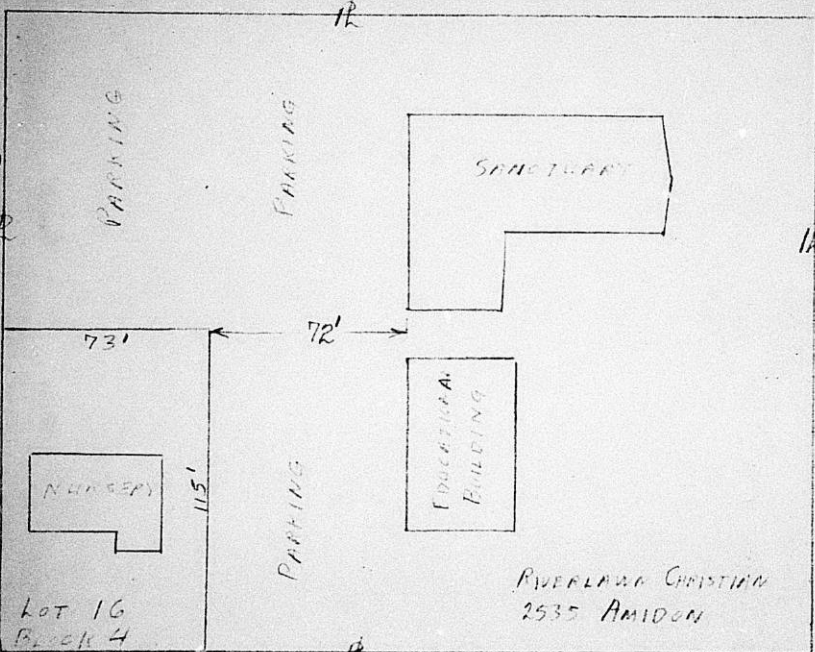
An application has been filed by Riverlawn Christian Church, 2535 North Amidon, Wichita, Kansas, by Robert Brunton, 4001 North Charles, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requesting a Variance of requirements of Section 28.04.040, Code of the City of Wichita, to allow a side yard setback of 10 feet instead of 25 feet as required, and also requests a Variance from Section 28.04.140, Code of the City of Wichita, as provided in Section 2.12.590.2, Code of the City of Wichita, for complete waiver of the front yard setback so that this area may be utilized for off-street parking, on property zoned "AA" Single Family, and legally described as follows:

Lot 16, Block 4, Riverlawn Heights, in the City of Wichita, Sedgwick County, Kansas. Generally located on the north side of Manhattan in an area west of Amidon.

This application has been assigned Case No. BZA 12-65, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1965, at 2 p.m., 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

25TH STREET



AMIDON

LOT 16
BLOCK 4
- 2026

RIVERLAND CHRISTIAN
2535 AMIDON

MANHATTAN DRIVE

PLOT PLAN
1" = 40'

RCS

March 29, 1965

Application for Variance

Riverlawn Christian Church
2535 Amidon
for Property at 2026 Manhattan Drive
Lot 16 Block 4 - Riverlawn Heights

It is believed that this request will meet the requirements of section 2. 12. 590. 2 Code of the City of Wichita as follows:

- a. The property in question is a reasonable part of the other church property by virtue of the fact that the balance of the property adjoins it on two sides. Riverlawn Christian Church has already purchased this property with the intention of using the existing building for a nursery facility and in order to provide more off street parking area when needed.

The existing building is ten feet from the West side property line. The code requires 25 feet in 28. 04. 040 2 . 3. for church buildings. The variance request is to allow ten feet in this case.

- b. It is not believed that granting of this permit will adversely affect the rights of adjacent property owners or residents due to the nature of its intended use.
- c. The strict application of the enforcement provision would constitute an unnecessary hardship on the church by denying it use of the building for a nursery that is needed.
- d. It is not believed that this variance would adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

1. Name of Applicant RIVERLAWN CHRISTIAN CHURCH

Mailing Address 2535 N. AMIDON ✓ Phone TE 8-4361

Name of Authorized Agent ROBERT BRUNTON ✓

Mailing Address 4001 N. CHARLES Phone FO 3-4231

Relationship of applicant to property is that of OWNER
(owner, tenant, lessee, other)

II. The variance requested is TO ALLOW 10' FT. FROM BUILDING TO SIDE
PROPERTY LINE INSTEAD OF 25 FT. AS SPECIFIED FOR CHURCH

BUILDINGS IN 28.04.040 2.3 OF CODE and also request variance
for complete waiver of the front yard setback of 25'
for property located 2026 MANHATTAN DRIVE put for off street parking

and legally described as: LOT 16 - BLOCK 41514 13 12
RIVERLAWN HEIGHTS

in the City of Wichita; and which is presently zoned AA

(Give metes and bounds description below if appropriate):

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. 24-606); and that the appropriate fee is herewith tendered;
- c. 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;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

RIVERLAWN CHRISTIAN CHURCH

Applicant

Robert J. Brunton

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
7:40 (a.m. - (p.m.)), Mar 31, 1965, together with
appropriate fee of \$50.00.

T21-402

JWA
Signed


STATEMENT OF RECORD OWNERSHIP

STATE OF KANSAS)
)
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft.
 of: Lot 16, Block 4, Riverlawn Heights Addition,
 Wichita, Kansas.


Fidelity
Title
Company.
 inc.

And from such examination find that the record owners thereof are as set opposite the description of the property below, viz:

Lot	Blk	Addition	Owner
6	4	Riverlawn Heights	Rolling "R", Inc. No Address Available
7	4	" "	✓ Warren R. & Mildred I. Page, ux 2039 W 25th St. North
8	4	" "	✓ Everett Eugene Miltner Joan Evonne Miltner, ux 2033 W 25th St. North
9, 10, 11, 4 12, 13, 14, 15		" "	Ⓟ Riverlawn Christian Church 2535 N. Amidon
16	4	" "	Ⓟ Riverlawn Christian Church
17	4	" "	✓ Donald I. & Eva Jean Lawless, ux 2034 Manhattan
18	4	" "	✓ Irene Waller, wdo. 2042 Manhattan

Lot	Blk	Addition		Owner
19	4	Riverlawn Heights		✓ Halley H. & Anita J. Lockett, ux 2104 Manhattan
6	5	"	"	✓ John Q. & Angela H. Stratton, ux 2103 Manhattan
7	5	"	"	✓ Algean C. & Bertha A. Woodard, ux 2041 Manhattan
8	5	"	"	✓ James A. & K. Elaine Penn, ux 2033 Manhattan
9	5	"	"	✓ Melvin G. & Gayle L. Smithen, ux 2027 Manhattan
10	5	"	"	✓ David & Pauline B. Puhl, ux 2019 Manhattan
11	5	"	"	✓ Jean M. Hite, sgle. 2011 Manhattan
12	5	"	"	✓ Paul R. & Hazel I. Fresch, ux 216 N. Grove
14	5	"	"	✓ Richard M. Lamb, Jr. Anna M. Lamb, ux 2012 Columbine
15	5	"	"	✓ Eldon L. & Doris A. Hinton, ux 2020 Columbine
16	5	"	"	✓ Leland D. & Norma J. Hoch, ux 2026 Columbine
17	5	"	"	✓ Sidney L. & Florence L. Boyd, ux 2034 Columbine
18	5	"	"	✓ Warren L. & Betty M. Tanner, ux 2042 Columbine

Dated at Wichita, Kansas, this 26th day
of March, 1965 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Elmer M. Farrell Sec. OEM

Tracer # 67109

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	Licse.	Mech.
Oil Well	Pav. Oils	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION

AMOUNT

Blk Repaintings 50.00

Name

Robert Benton

Address

7001 N. Charles

Type

R-712

Due Date

Comments:

Date

5-21-65

By

[Signature]