

Postcard  
8-12-80

→ 200 CI 3-12-80  
→ 200 MAP 3-12-80  
→ 200 in Sec  
→ 200 Record

# ACTION

BZA 80  
3

DATE 2-26-80

COMMITTEE APPROVED

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

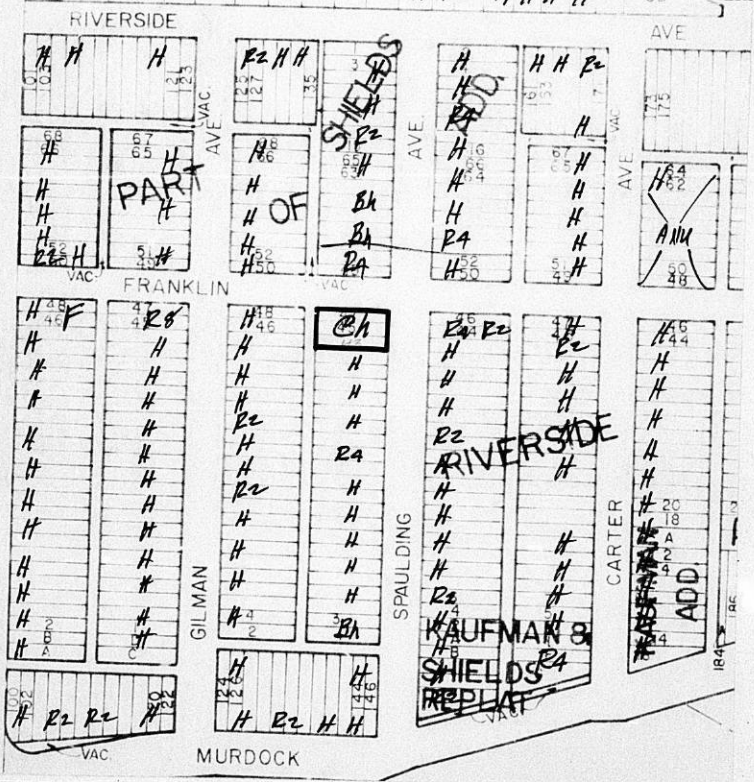
Case No. BZA 3-80 - Church of the Savior - requests a variance to reduce the required off-street parking and loading spaces from 11 to 7 on property zoned "B" Multiple family dwelling district

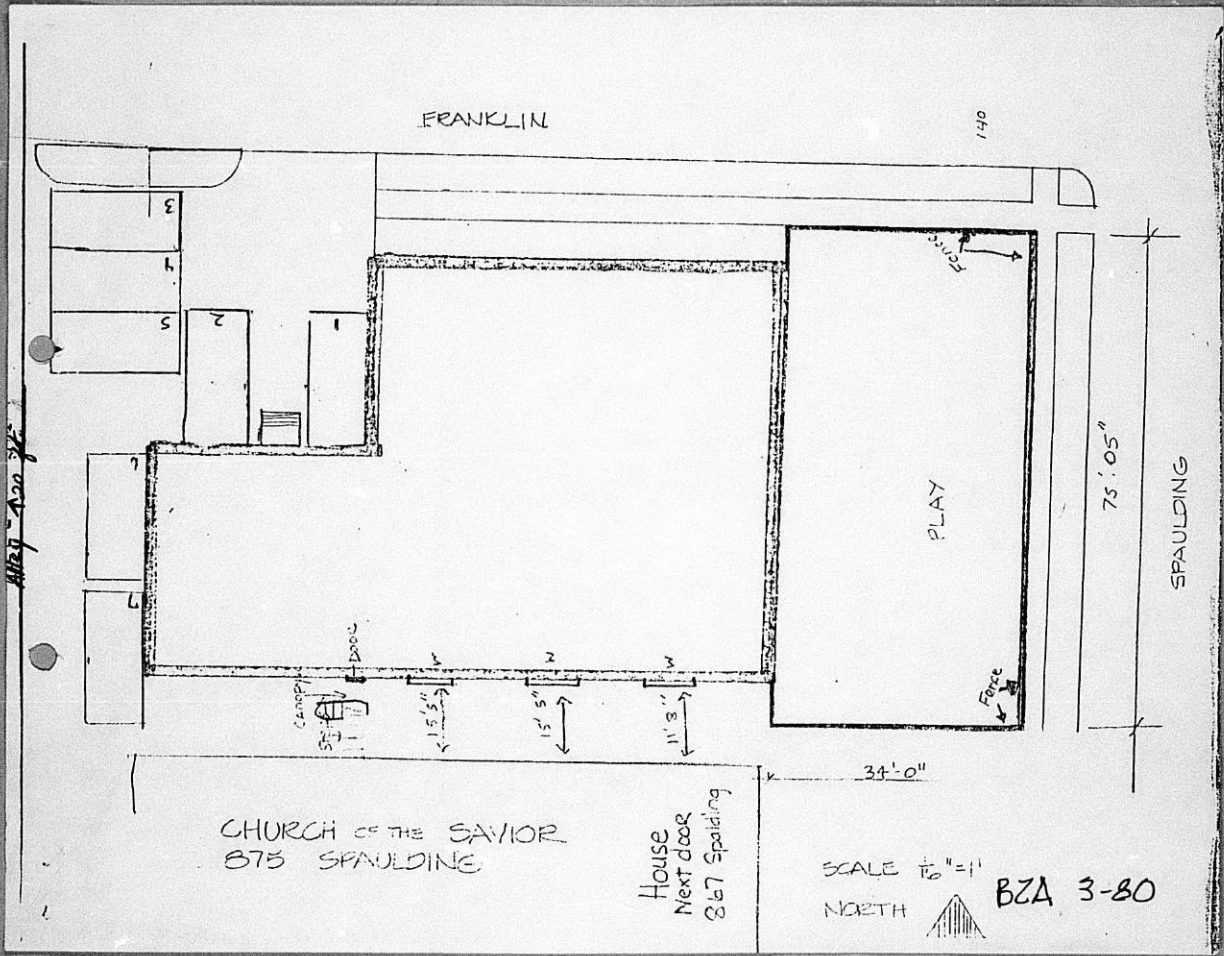
#2  
 Map No. 5448  
 Sec. 17  
 Twp. 27  
 Range 1E

BZA- 3-80  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: 0.23 ( 75 ft. by 135 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East MULTI & SINGLE FAM South SINGLE FAM  
 West SINGLE FAM North FOUR FAM  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: CHURCH  
 6. Area (is) (is not) platted.

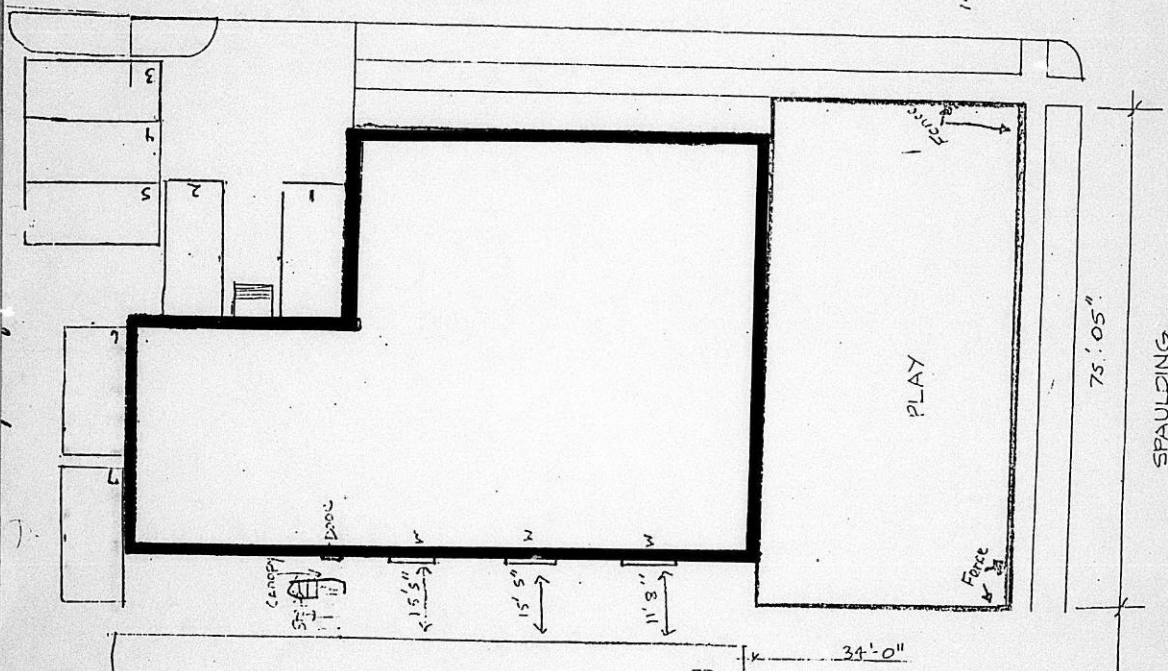
PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_





FRANKLIN

140



CHURCH OF THE SAVIOR  
875 SPAULDING

House  
Next door  
867 Spaulding

SCALE  $\frac{1}{16}'' = 1'$   
NORTH



BZA-3-80

March 10, 1980

Ms. Debbie Trimmell  
844 Coolidge  
Wichita, Kansas

Re: Case No. BZA 3-80  
Request for Variance

Dear Ms. Trimmell:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 26, 1980, in connection with your request for a variance to reduce the required off-street parking and loading spaces from 11 to 7 on property zoned the "B" Multiple-family Dwelling District and generally located at the southwest corner of Spaulding and Franklin (875 Spaulding).

This Resolution reflects the official action of the Board to approve your request, and sets out the condition of approval. It is forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Enclosure

cc: Church of the Savior, 875 Spaulding, Wichita  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

RESOLUTION NO. BZA 3-80

WHEREAS, Church of the Savior, 875 Spaulding, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking and loading spaces from 11 to 7 on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 43, 45 and 47 on Spaulding, Riverside Addition, Sedgwick County, Kansas. Generally located at the southwest corner of Spaulding and Franklin (875 Spaulding).

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 February 26, 1980, 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 existing church was built prior to the off-street parking and loading provisions and has operated over the years with limited off-street parking; 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 there would be no substantial change to the parking and loading/unloading conditions that now exist or have existed for many years; 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 this use would not generate as much traffic as other church related activities that are now permitted with limited off-street parking; 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 on-street parking situation will be substantially no different than it would be without 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 Title 28 (Zoning Ordinance) inasmuch as the four previous conditions can be found to exist; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

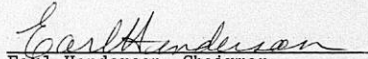
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required off-street parking and loading spaces from 11 to 7 on property zoned the "B" Multiple-family Dwelling District and legally described as:

Lots 43, 45 and 47 on Spaulding, Riverside  
Addition, Sedgwick County, Kansas. Generally  
located at the southwest corner of Spaulding  
and Franklin (875 Spaulding).


be approved subject to the following condition:

1. All parking areas and driveways shall be surfaced in accordance with 28.04.143 of the code of the City of Wichita, Kansas.

ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1980.

  
Earl Henderson, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

February 28, 1980

Debbie Trimmell  
944 Coolidge  
Wichita, Kansas

Re: Case No. BEA 3-80  
Request for Variance

Dear Ms. Trimmell:

At the regular meeting of the Board of Zoning Appeals on February 28, 1980, your request for a variance to reduce the required off-street parking and loading spaces from 11 to 7 on property zoned "B" Multiple-family and generally located on the southwest corner of Spaulding and Franklin (875 Spaulding) was considered.

It was the action of the Board to approve your request subject to the following condition:

1. All parking areas and driveways shall be surfaced in accordance with 28.04.143 of the code of the City of Wichita, Kansas.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

cc: Church of the Savior, 875 Spaulding, Wichita, Kansas  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gimick, City Clerk

PETITION

WE, THE UNDERSIGNED, RESPECTFULLY REQUEST THE DEFERRAL OF ANY ACTION ON BZA-3-80 UNTIL SUCH TIME AS A DISCUSSION OF FURTHER INTENT OF PURPOSE FOR A ZONING VARIANCE CAN BE DISCUSSED BY THE "RIVERSIDE CITIZENS ASSOCIATION" MEMBERS, AND OFFICERS OR REPRESENTATIVES OF THE "CHURCH OF THE SAVIOR".

<u>NAME</u>	<u>ADDRESS</u>	<u>TELEPHONE NO.</u>
Mae Murphy	863 Spaulding	265-5380
Agnes Murphy	863 Spaulding	265-5380
Marguerite E. Nease	867 Spaulding	2627140
Lewis E. Nease	867 Spaulding	2627140
Roger <sup>Oliver</sup>	862 Spaulding	265-9035
Louise Cully	918 Spaulding	262-1058
Sally Steady	912 Spaulding	262-7164
Jan Stubby	912 Spaulding	262-7184
Anna Laine	914 Spaulding	262-8930
Shuttle Laine	914 Spaulding	262-8930
Jim Currier	908 Spaulding	
Gene J. Ott	902 Spaulding	264-6806
Bob Crabbwell	906 Spaulding	2634592
Regina Hatt	1102 Franklin	262-3667
Clarence Hatt	1104 Franklin	263 6753
Mary Knapp	1108 Franklin	263-9729
Ethelbeth	870 Selman	2655549
Greg Fisher	836 Spaulding	2641447
Wanda Papp	856 Spaulding	262-2580
James C. Pharr	"	"
Connie R. Lunn	868 Spaulding	264-5957
DAN DUNN	868 SPAULDING	11
Peg Vines	835 Spaulding	264-1409
Melby Brown	1124 Franklin	2646564



**THE CITY OF WICHITA**  
OFFICE OF CITIZEN PARTICIPATION

DATE February 26, 1980

TO Glen Lytle, Special Assistant for Zoning


FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA Case 3-80 (875 Spaulding)

On February 21, 1980, CPO Council "N" considered the captioned BZA Case. The Council voted 8-1 to recommend approval of the requested variance.

The majority of the Council members felt that the reduction in parking spaces from 11 to 7 was appropriate in light of the proposed use (child day care center). However, two residents of the notification district were present in opposition to the case.


The Council member opposed to the variance felt that the property was not suitable for a child day care center.



Bill Morris  
CPO Administrative Aide

BM:ml

Noted:



Sarah Gilbert  
Assistant CP Coordinator

**RECEIVED**  
FEB 26 1980  
METROPOLITAN PLANNING  
ROUTE  Lytle  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. FZA 3-80

APPLICANT: Church of the Savior, 875 Spaulding, Wichita, Kansas.

AGENT: Debbie Trimmell, 944 Coolidge, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking and loading spaces from 11 to 7.

GENERAL LOCATION: Southwest corner of Spaulding and Franklin (875 Spaulding).

ZONING: Subject property is zoned "B" Multiple-family as are all surrounding properties.

LAND USE: Subject property is occupied by a church. South and west is single-family, north and east is four-family.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

Page 2  
BZA 3-30  
BZA AGENDA  
2-26-80

COMMENTS BY THE SECRETARY:

The applicant, Church of the Savior, is requesting a variance to reduce the required off-street parking and loading spaces from 11 to 7 in conjunction with a child care center operation in a church at the southwest corner of Spaulding and Franklin.

In the statement of justification the applicant points out that the church has been there for many years and there has never been a problem with on-street parking in that both Spaulding and Franklin are wide streets. The applicant also points out that two of the six employees will live within walking distance of the center and the remaining staff will be committed to car pooling.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the existing church was built prior to the off-street parking and loading provisions and has operated over the years with limited off-street parking.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the rights of adjacent property owners or residents inasmuch as there would be no substantial change to the parking and loading/unloading conditions that now exist or have existed for many years.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the Zoning Ordinance may constitute unnecessary hardship upon the applicant inasmuch as this use would not generate as much traffic as other church related activities that are now permitted with limited off-street parking.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance may not be opposed to the public interest inasmuch as the on-street parking situation will be substantially no different than it would be without the granting of this variance.

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the four previous conditions can be found to exist, the granting of the variance would not be opposed to the spirit and intent of the Zoning Ordinance.

Page 3  
BZA 3-80  
BZA AGENDA  
2-26-80

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance to reduce the required number of off-street parking and loading spaces for a child care center from 11 to 7, be approved subject to the following:

1. All parking areas and driveways shall be surfaced

BZA CASE NO. 3-80

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

22 NOTICES SENT TO ADJOINING PROPERTY OWNERS

34 TOTAL NOTICES SENT 2-6-80

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

February 6, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 3-80

An application has been filed by Church of the Savior, 875 Spaulding, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required off-street parking and loading spaces from 11 to 7 on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 43, 45 and 47 on Spaulding, Riverside Addition, Sedgwick County, Kansas. Generally located at 875 Spaulding.

This application has been assigned case No. BZA 3-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 26, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

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.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. 3-80

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant CHURCH OF THE SAVIOR

Mailing Address 875 Spaulding, Wichita, KS. 67203 Phone 263-2391

Name of Authorized Agent Debbie Trimmell

Mailing Address 944 Coolidge, Wichita, KS. 67203 Phone 267-4938

Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is Please see attached sheet to reduce the required off-street parking and loading spaces from 11 to 7.

for property located 875 Spaulding, Wichita, Kansas 67203

and legally described as: Lot #43, 45 & 47 Riverside Addition, Wichita, Kansas (Key # 3051) also legal from ownership list

in the City of Wichita; and which is presently zoned B.

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 bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Church of the Savior  
Applicant

Debbie Trimmell  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:00 (a.m.) - p.m.), January 28, 1980 19\_\_\_\_ together with appropriate fee of \$50.00.

T9-402

G. Lynn Shirley  
Signed

The variance requested is:

Exemption from Child Care Center Ordinance # , requiring one (1) standard parking space per employee, plus one (1) loading space per ten (10) children; based on forty eight (48) children we would need five (5) for loading and six (6) for employees, for a total of eleven (11) spaces. We have seven parking spaces and ask for an exemption of four (4).

REASONS

1. There is public transportation, with a stop at the corner of our property, which would allow our staff to arrive by bus.
2. Two of the employees will live within walking distance of the center. The remaining staff will be committed to car pooling.
3. Franklin & Spaulding Streets, which are adjacent to our property are wide streets, allowing "on street" parking.
4. This church building has been in this neighborhood for many years and there has never been a problem with "on street" parking.

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 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:

200 Foot Ownership List of

*Use for legal*

[ Lots 43, 45 and 47 on Spaulding, RIVERSIDE ADDITION, Sedgwick County, Kansas. ]



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lots 43, 45 and 47, on Spaulding,	RIVERSIDE ADDITION	Riverside Church of Christ 875 Spaulding Wichita, Kansas 67203
Lots 27 and 29 on Spaulding,	RIVERSIDE ADDITION	✓ X Robert E. & Twila N. Smith <i>3615 Zoo Blvd.</i> ADDRESS UNKNOWN
Lots 31 and 33, on Spaulding,	RIVERSIDE ADDITION	✓ Raymond S. & Margaret Y. Vines 835 Spaulding Wichita, Kansas 67203
Lots 35 and 37 on Spaulding,	RIVERSIDE ADDITION	✓ Agnes C. & Marie C. Murphy 863 Spaulding Wichita, Kansas 67203
Lots 39 and 41 on Spaulding,	RIVERSIDE ADDITION	✓ Lewis E. & Margarette E. Nease 867 Spaulding Wichita, Kansas 67203



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lot 49 and South 18.5 feet of Lots 51, on Spaulding,	RIVERSIDE	<del>X</del> Harold E. & Lorine M. Kaefer <del>X</del> ADDRESS UNKNOWN
North 65 feet of Lot 51 and all of Lots 53, 55 and 57 on Spaulding,	RIVERSIDE	✓ Earl C. & Cleatrice I. McDaniel West 117th Street North Sedgwick, Kansas 67135
Lots 59 and 61 on Spaulding,	RIVERSIDE	✓ Melvin T. & Marilyn Butterfield 905 Spaulding Wichita, Kansas 67203
Lots 26 and 28 on Gilman,	RIVERSIDE	✓ Melvyn E. Crowl 848 Gilman Wichita, Kansas 67203
Lots 30 and 32 on Gilman,	RIVERSIDE	✓ Bob Lee Co. P.O. Box 3153 Wichita, Kansas 67201
Lots 34 and 36 on Gilman	RIVERSIDE	✓ Margaret McKay Mitchell 856 Gilman Wichita, Kansas 67203
Lots 38 and 40 on Gilman	RIVERSIDE	✓ Fred W. & Martha M. Luedki 866 Gilman Wichita, Kansas 67203
West 100 feet of Lot 42 and West 100 feet of South 17 feet of Lot 44 on Gilman,	RIVERSIDE	✓ James W. & Dawn L. Johnson 868 Gilman Wichita, Kansas 67203
East 45 feet of Lots 46 and 48 and East 45 feet of North 8 feet of Lot 44 and East 40 feet of South 17 feet of Lot 44 and East 40 feet of Lot 42 on Gilman,	RIVERSIDE	<del>X</del> Dathéa R. Cone <del>X</del> ADDRESS UNKNOWN
West 95 feet of North 8 feet of Lot 44 and West 95 feet of Lots 46 and 48 on Gilman,	RIVERSIDE	✓ Elisabeth S. Guldner 870 Gilman Wichita, Kansas 67203
East 70 feet of Lots 50, 52 and 54 on Gilman,	RIVERSIDE	✓ August P. & Patricia C. Blanchat 1118 Franklin Wichita, Kansas 67203
West 70 feet of Lots 50, 52 and 54 on Gilman,	RIVERSIDE	<del>X</del> H. E. Cone <del>X</del> ADDRESS UNKNOWN
Lots 56 and 58 on Gilman	RIVERSIDE	✓ Jessie May Redfield 908 Gilman Wichita, Kansas 67203

  
Fidelity  
Title  
Company,  
inc.



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>OWNERS</u>
Lots 60 and 62 on Gilman	RIVERSIDE	✓ Randall K. & Judy Ort Whitcomb 1200 Masthead Oxnard, California 93030
Lots 24 and 26 on Spaulding	RIVERSIDE	✓ Gregory L. & Carol S. Flesher 836 Spaulding
Lots 28 and 30 on Spaulding	RIVERSIDE	✓ Geraldine A. Voth 201 South Westfield Wichita, Kansas 67209
Lots 32 and 34 on Spaulding	RIVERSIDE	✓ James C. & Wilma L. Pharr 856 Spaulding Wichita, Kansas 67203
Lots 36 and 38 on Spaulding	RIVERSIDE	✓ Peggy Lee Wiseman 862 Spaulding Wichita, Kansas 67203
Lots 40, 42, 44 and 46 on Spaulding,	RIVERSIDE	✓ Fern Elaine Ort 902 Spaulding Wichita, Kansas 67203
Lots 50 and 52 on Spaulding	RIVERSIDE	D Fern Elaine Ort 902 Spaulding Wichita, Kansas 67203
Lots 54 and 56 on Spaulding	RIVERSIDE	✓ Gerald & Marilyn J. Allgood 1145 Carlos Wichita, Kansas 67203
Lots 58, 60 and the South 10 feet of Lot 62 on Spaulding,	RIVERSIDE	✓ James D. & Sally C. Starkey 912 Spaulding Wichita, Kansas 67203

Dated at Wichita, Kansas, this 24th day of January, 1980 at  
7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *C. E. Ruddy*  
Vice President

Tracer No. 49646

  
Fidelity  
Title  
Company,  
inc.



**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 2 21 PAYMENT NOTICE  
 City of Wichita

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

DESCRIPTION		AMOUNT
<i>[Handwritten]</i>		<i>[Handwritten]</i>
<i>[Handwritten]</i>		
NAME		
ADDRESS		
FUND	DUE DATE	
COMMENTS		
DATE	BY	