

BZA-10-68 - Faith Chapel requests
variance to reduce setback for prop-
erty on north side of Harry between
Gouverneur and Barlow.

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

Postup

3-28-68

POSTED MADE
CENT. INSP
3-19-69

ACTION

W E

BZA COMMITTEE Deferred 4-23-68
approve amended request 5-28-68

M.A.P.C. _____

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

BZA-10-68 - Faith Chapel requests
variance to reduce setback for prop-
erty on north side of Harry between
Governour and Barlow.

RESOLUTION NO. BZA 10-68

WHEREAS, Faith Chapel, 209 New York, Wichita, Kansas, by Reverend Kenneth L. Flora, 717 Lexington, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required 25 foot setback, on all four sides, to ten feet, on property zoned "AA" Single Family Residential and legally described as follows:

Lots 1, 2, 3, 4, and 5, in Block 5, in Eastlink Village 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Harry between Gouverneur and Barlow.

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 May 28, 1968, consider said application as orally amended by the applicant to reduce the required setback from 25 feet down to 10 feet adjacent to Harry Street, and for Lots 2, 3, 4 and 5 for off-street parking purposes only; 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 entire ownership of the church is bounded on all four sides by public streets; 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 property to the south is zoned "C" Commercial; and

WHEREAS, the Board of Zoning Appeals has found 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 inasmuch as an area which is of no practical use would have to be retained and could not be utilized for 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 inasmuch as the property is adjacent to a major street and adequate area will remain for landscaping; 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 have been 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, have been found to exist.

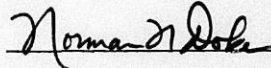
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance of the required 25 foot setback to ten feet, adjacent to Harry Street for off street parking only, on property zoned "AA" Single Family Residential and legally described as:

Lots 2, 3, 4, and 5, in Block 5, in Eastlink Village 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Harry between Gouverneur and Barlow.

be approved subject to the following condition:

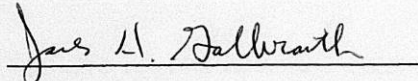
1. The area shall be utilized for off-street parking purposes only and no permanent structures shall be constructed thereon.

ADOPTED AT WICHITA, KANSAS, this 28th day of May, 1968.



NORMAN N. DOKE, Vice-Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

June 3, 1968

Reverend Kenneth L. Flora
717 Lexington
Wichita, Kansas 67218

Subject: Case No. BZA 10-68
Request for Variance

Dear Reverend Flora:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 28, 1968, in connection with your request for a variance of the required setback for off-street parking only on property zoned "AA" Single Family Residential and generally located on the north side of Harry between Gouverneur and Barlow.

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

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:js
Attachment

cc: Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly,
City Clerk

Faith Chapel
209 New York
Wichita, Kansas 67214

May 29, 1968

Reverend Kenneth L. Flora
717 Lexington
Wichita, Kansas 67218

Subject: Case No. BZA 10-68
Request for Variance

Dear Reverend Flora:

At the regular meeting of the Board of Zoning Appeals on May 28, 1968, ~~your~~ orally amended request for a variance of the required setback adjacent to Harry from 25 feet to 10 feet for Lots 2, 3, 4 and 5 of Eastlink Village 2nd Addition, and generally located on the north side of Harry between Gouverneur and Barlow, was considered.

The action of the Board was to approve this amended request for off-street parking purposes only.

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,

Jack H. Galbraith
Secretary

JHG:js

cc: Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly,
City Clerk

SECRETARY'S REPORT
CASE NO. BZA 10-68

- APPLICANT: Faith Chapel, 209 New York, Wichita, Kansas.
- AGENT: Rev. Kenneth L. Flora, 717 Lexington, Wichita, Kans.
- REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required 25 foot setback, on all four sides, to ten feet.
- GENERAL LOCATION: On the north side of Harry between Gouverneur and Barlow.
- ZONING: Subject property is zoned "AA" Single Family Residential as is that to the north and east; to the west is "B" Multi-family zoning and to the south "C" Commercial.
- LAND USE: Subject property is vacant as is that to the south, west and east. Land to the north is developed with single family residences and vacant property.

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).

Comments by the Secretary

Reverend Kenneth L. Flora on behalf of Faith Chapel is requesting a variance to reduce the required 25 foot setback, on all sides to 10 feet, on property zoned "AA" Single Family Residential. It is the understanding of the Secretary that a church is proposed for construction on Lot 5 and a parsonage on Lot 1. The applicant points out in his statement of justification that the reductions are necessary for the development proposed inasmuch as there are two sewer easements, running north and south, 8 feet on either side of the lot lines common to Lots 1-2 and 4-5, in which the sewer has previously been constructed.

A small scale drawing submitted with the application does not reveal the proposed seating capacity of the sanctuary and it does not reflect the proposed location of parking lots, circulation, etc. It is, therefore, impossible to determine a justification for any reduction of required setbacks until more detailed plans are submitted. (Note: As of the writing of this report, Rev. Flora advises that detailed plans will be submitted at the meeting.)

Based on the dimensions shown on the existing drawing, no reduction in setback is necessary for any proposed building except on the east side which indicates a setback of 22 feet. Since the number of parking spaces required is not indicated nor is any circulation pattern shown, it is impossible to state a logical reason why any reduction of setback for parking is necessary. It may be possible, based upon more detailed plans, to determine that a reduction of the setback adjacent to Harry is reasonable. However, in view of the high quality homes to the north, the 25 foot setback should be maintained.

UNIQUENESS

It is the opinion of the Secretary that these lots, which were platted for residences, are unique when proposed to be developed by a church. The existing sewers nearly make it impossible to construct a church and allow for future expansion unless the church is built on Lots 2, 3, & 4.

ADJACENT PROPERTY

It is the opinion of the Secretary that any reduction of the north, east or west setbacks would have an adverse effect on adjacent properties inasmuch as these properties are maintaining appropriate setbacks. The reduction of the setback for parking only adjacent to Harry would not be objectionable as the property to the south is zoned "C" Commercial.

HARDSHIP

It is the opinion of the Secretary that if this variance is not granted it would not create a hardship for the applicant inasmuch as the building proposed for the church could be located on Lots 2, 3 or 4 and not be in conflict with the existing 16 foot easements. Lot 1 could then be utilized for off-street parking.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would affect the public interest, inasmuch as the church could present a sight-conflict at the intersection of Grand and Gouverneur Road. Parking encroaching into the setbacks normally maintained as a landscaped yard would also not be in the public interest.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance would be opposed to the spirit and intent of the Ordinance inasmuch as the church could be located in the center of the block.

Page 4 - Secretary's Report
Case No. BZA 10-68

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance cannot be found to exist and, therefore, it is recommended that the request not be approved.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

May 8, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 10-68

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This application has been assigned Case No. BZA 10-68, and will be considered by the Board of Zoning Appeals at its meeting of Tuesday, May 28, 1968, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

*PON's
mailed 5-8-68*

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JACK H. GALBRAITH
Secretary

April 10, 1968

Board of Zoning Appeals
City Building-204 S. Main
Wichita, Kansas

Attn: Mr. Jack Galbraith

Gentlemen:

Due to the time element and the delay in getting an architect's plan for our church building, we would like to defer our application for variance on Lots 1, 2, 3, 4 and 5 of Block 5 in Eastlink Second Addition until May 28, 1968.

Thank you.

FAITH CHAPEL
Applicant

Kenneth L. Flora

Kenneth L. Flora
Agent

KLF/hf



BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 10-68
FILED 3-26-68

APPLICATION FOR VARIANCE

I. Name of Applicant Faith Chapel
Mailing Address 209 New York 14 Phone AM 4-1465
Name of Authorized Agent Rev. Kenneth L. Flors
Mailing Address 717 Lexington 18 Phone WU 3-0146
Relationship of applicant to property is that of Purchasing under
(owner, tenant, lessee, other) contract

II. The variance requested is to reduce ^{existing} present twenty-five foot (25)
SETback which is on all four sides to ten feet (10') on all
four sides.

for property located at Barlow and East Harry

and legally described as: Lots 1-2-3-4-5 block 5 of the Eastlink
second Addition

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.

Faith Chapel
Applicant
Rev. Kenneth L. Flors
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
11:05 (a.m. - p.m.) March 26, 1968, together with
appropriate fee of \$50.00.

T9-402

Lynn Skis Skis
Signed Planned III

A request for this variance is submitted because of the following reasons:

- (a) The property in question is paralleled on all four sides by paved streets, two which already exist and two which will be constructed within the year. We feel this is a unique condition because it 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.
- (b) The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents because it is separated from all other properties by four streets.
- (c) The failure of granting the requested variance will constitute a hardship on the applicant because:
 - (1) there are two sewer easements with the sewers already laid on the backside of lots 1 and 5 and without this variance there will not be enough room for the applicant to build the church which they need.
 - (2) this variance is needed to provide space for proper amount of off street parking.
- (d) The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare to the surrounding property owners because the applicant's property is not connected with any other property.
- (e) The granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance)

A building permit has not been obtained as of yet because Central Inspection advised the applicant to submit the variance application first.

LIST OF PROPERTY OWNERS

<u>LOT</u>	<u>BLK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
1	2	Grillot	✓ Floyd B. Grillot 814 S. Woodlawn 18
2	2	"	Same
3	2	"	Same
4	2	"	Same
1		Grillot 2nd	Same
1		Matteson	George F. Matteson and Betty F. Matteson ✓ 1135 S. Woodlawn 18
11	1	Eastlink Village Second	Mid America Construction Co. <i>No address found</i>
12	1	"	L. E. Forsse, Inc. ✓ 4601 E. Douglas 18
13	1	"	Bruce Homes, Inc. <u>Address Unknown</u>
14	1	"	<i>no address found</i> Thompson Development Co. Inc. <u>Address Unknown</u>
14	2	"	<i>no address found</i> D L. E. Forsse, Inc. 4601 E. Douglas ‡
15	2	"	Peter Salmerson and Elena Salmerson <u>Address Unknown</u>
16	2	"	<i>no address found</i> Charles L. Morley ✓ Cletus J. Morley 1064 S. Woodlawn 18 John F. Morley 6432 E. Harry 07 ✓ Lucille S. Morley " " Anna E. Morley "
17	2	"	Same
18	4	"	Same
19	4	"	Same
20	4	"	Same
21	4	"	Same
22	4	"	Same

- continued - 2

<u>LOT</u>	<u>BLK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
1	5	Eastlink Village Second	Charles L. Morley Cletus J. Morley John F. Morley Lucille S. Morley Anna E. Morley
2	5	"	Same
3	5	"	Same
4	5	"	Same
5	5	"	Same
	3	Eastlink Village	Board of Park Commissioners

Beg. 550 ft. E. of NW cor. NW $\frac{1}{4}$
Sec. 31-27-2 E., th S. 1550 ft;
W. 160 ft; S. to center line of
Gypsum Creek; th NE-ly along
Creek to intersection of East
line of W $\frac{1}{2}$ NW $\frac{1}{4}$; th N. to NE cor.
W $\frac{1}{2}$ NW $\frac{1}{4}$; th. W. to beg.

Jesse L. Graham 08
✓ 403 Harding
Luis A. Casado
✓ 302 N. Main 02

We hereby certify the foregoing to be a correct list of property owners within a radius of 200 feet of Lots 1, 2, 3, 4, and 5, in Block 5, in Eastlink Village 2nd Addition, Wichita, Sedgwick County, Kansas, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 21st day of March, A. D. 1968 at 7 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Kenneth P. Brown*
Vice President.

Order No. 152302
(KPB)

SCALE 1 CM. = 1'

120'

101' GRAND AVE 100'

100'

120'

PAVED
PARKING
FOR 80 AUTO

55X90

40X60

25X60

10'

FRYLOW

GOVERNEDOR

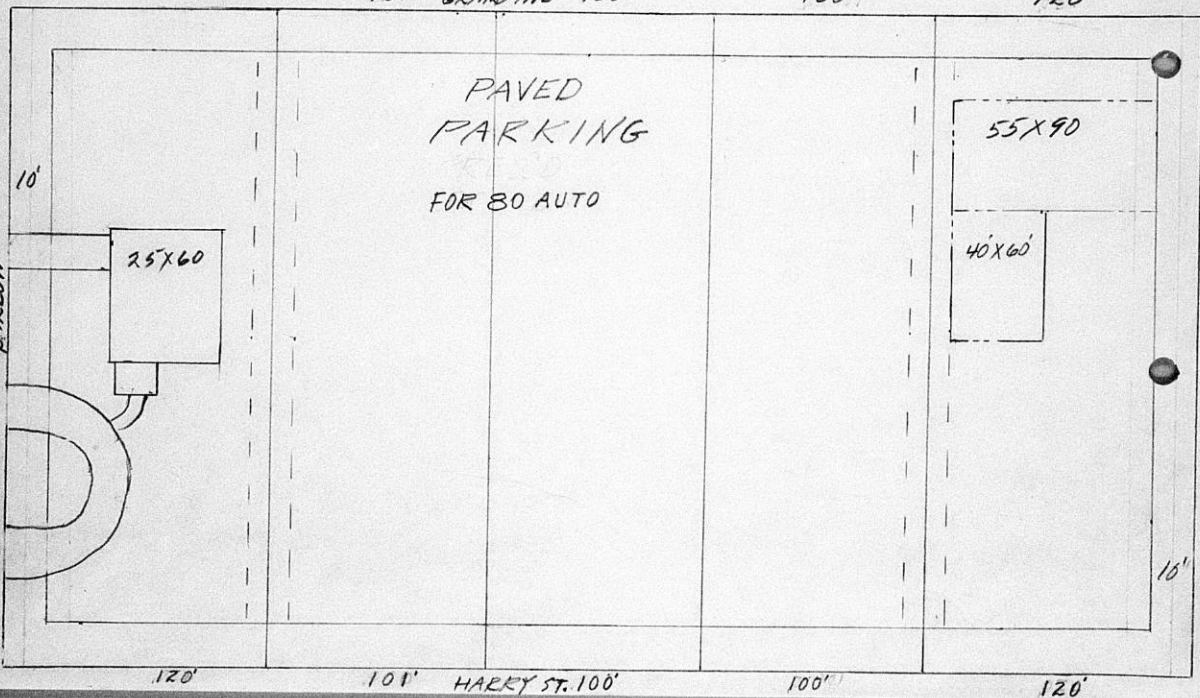
16'

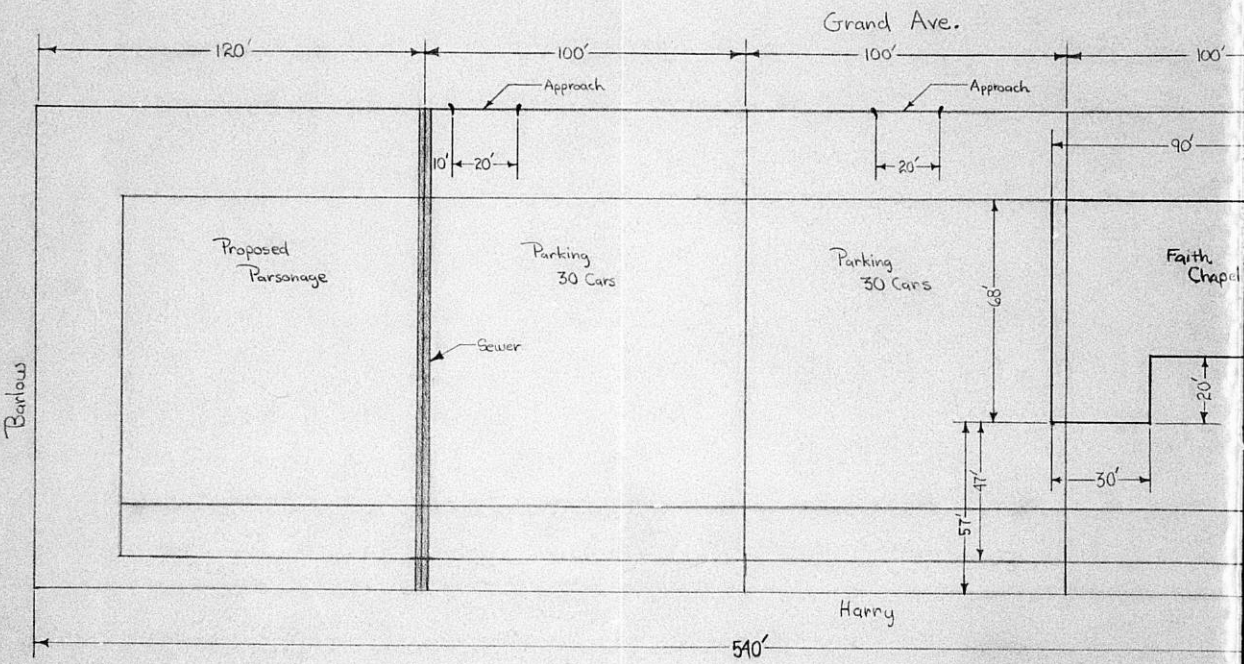
120'

101' HARRY ST. 100'

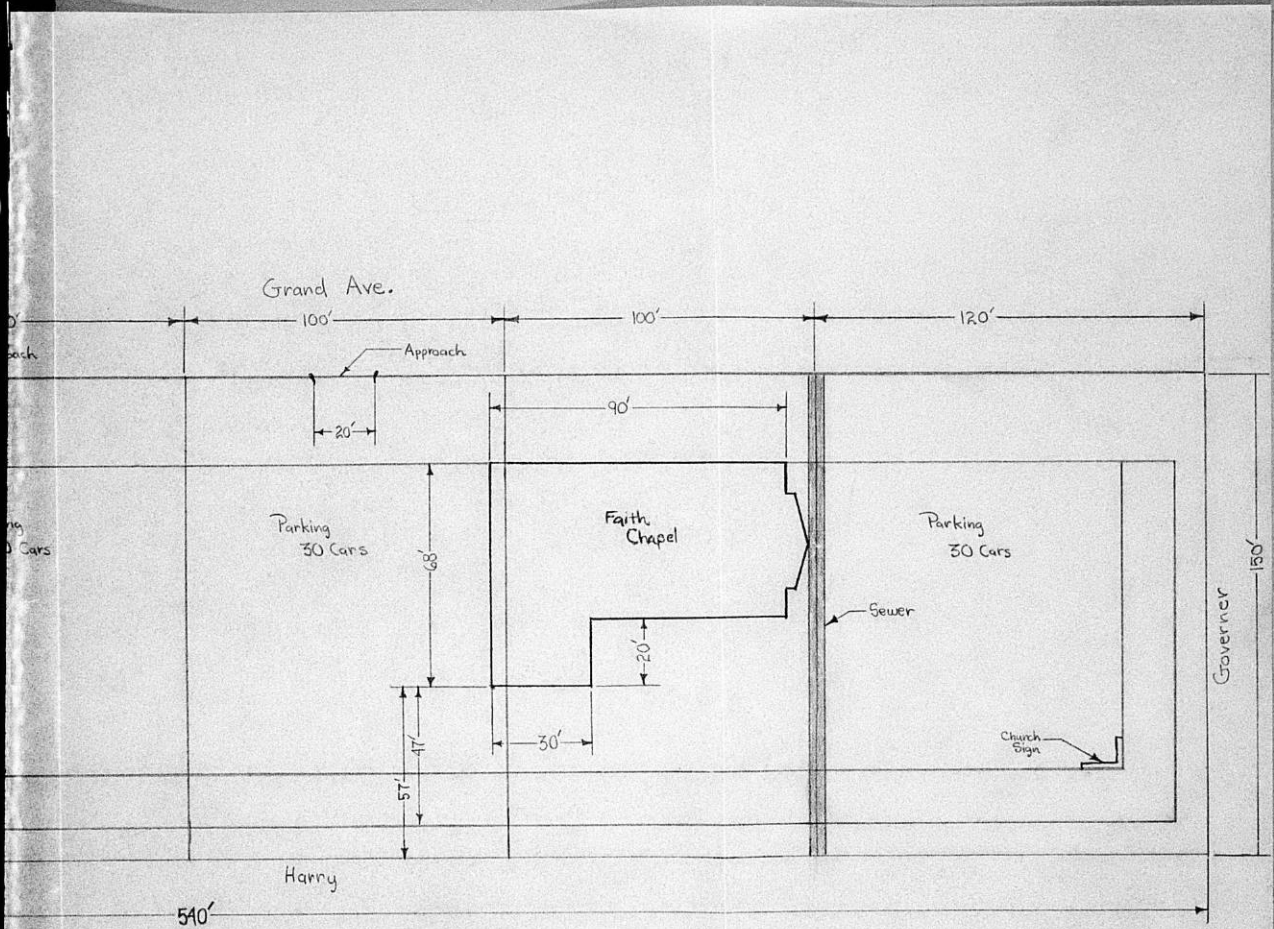
100'

120'





Faith Chapel
 SCALE 1"=35'-0"
 D.MAY



Faith Chapel
 SCALE 1" = 35'.0"
 D. MAY

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hee. Mvr.	Hee. Moving	Licenses	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
BZA Variance	\$50.00

Name Faith Chapel
 Address 209 N. J.
 Type _____ Due Date _____
 Comments: R-71-C

Date 3-26-68 By Harm Brewer