

Case No. BZA 18-84 - Evangel Assembly of God, 1620 West 21st Street - requests a variance to reduce the front yard setback from 25' to 20' for building purposes and from 25' to 0' for off-street parking purposes only adjacent to 22nd Street

5350 B

POSTED 5-9-84
Shot 5-22
Record ✓

Posted
3-17-84
C.B.L.

ACTION

B.Z.A. ~~18-84~~ APPROVED 4-24-84
DATE

5350B

Posted 5-9-84
Shot 5-22
Record ✓

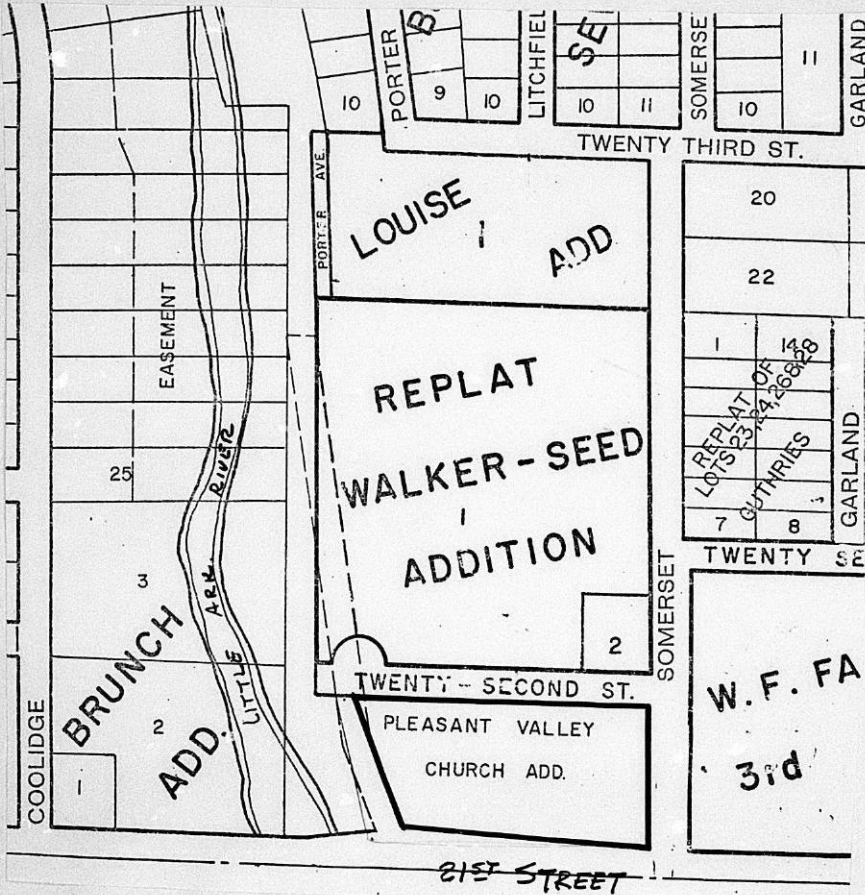
Case No. BZA 18-84 - Evangel Assembly
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back from 25' to 20' for building pur-
poses and from 25' to 0' for off-street
parking purposes only adjacent to 22nd

Map No. 5350 B

BZA 18-84
Filed _____

AREA DATA:

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



LOS ANGELES REGISTERED PROFESSIONAL SURVEYOR
No. 2153C
HASTINGS, PA.
No. 2153C
Sprengle
USA

April 25, 1984

Rev. Vance Cauthon
Evangel Assembly of God
1620 West 21st Street
Wichita, Kansas

Re: BZA 18-84 - Request for Variance

Dear Rev. Cauthon:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 24, 1984.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions 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
Encl.

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Cisick, City Clerk

RESOLUTION NO. BZA 18-84

WHEREAS, Evangel Assembly of God, 1620 West 21st Street, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 25 feet to 20 feet for the building and from 25 feet to 0 feet for off-street parking purposes only for the front yard adjacent to 22nd Street on property zoned the "AA" One-family Dwelling District and legally described as follows:

Pleasant Valley Church Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Somerset between 21st Street and 22nd Street (1620 West 21st Street).

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 April 24, 1984, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the property is surrounded by property on all four sides that requires less front yard setbacks than does the applicant's property; 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 north that would be most likely to be affected by the variance requested generally observes the same conditions on their property; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the property is a large one lot plat in the "AA" One-family Dwelling District that reduces the effective development of the lot, and being surrounded by commercial and multiple-family development would only place an undue restriction on this property; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the reduction of the setback adjacent to 22nd Street will not interfere with any right-of-way of utility easements; 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 required setback is to provide protection to adjacent properties from the intrusion of large areas of parking lots and buildings within the front yards in residential areas, which in this case the only adjacent residential property has off-street parking on the side that is required to be protected; 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 front yard setback from 25 feet to 20 feet for the building and from 25 feet to 0 feet for off-street parking purposes only for the front yard adjacent to 22nd Street on property zoned the "AA" One-family Dwelling District and legally described as follows:

Pleasant Valley Church Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Somerset between 21st Street and 22nd Street (1620 West 21st Street).

be approved subject to the following conditions:

1. The reduction of the front yard setback adjacent to 22nd Street shall be reduced from 25 feet to 20 feet for building purposes, and shall be reduced to 0 feet for off-street parking purposes only.
2. The off-street parking shall not occupy any part of the east 145 feet of the lot adjacent to 22nd Street.
3. The applicant shall provide street trees, of a variety satisfactory to the Superintendent of Landscape and Forestry Division of the Park Department, along the north side of the property where a parking lot is installed closer than 20 feet to the right-of-way line of 22nd Street.

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


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN RIGHTS & SERVICES DATE April 23, 1984

TO Glen Lytle, Special Assistant on Zoning

FROM Cindy Entriken, Administrative Aide III

SUBJECT BZA 18-84 Generally Located on
the West Side of Somerset Between
21st Street and 22nd Street
(1620 West 21st Street)

On Thursday, April 19, CPO Council J considered the above-captioned case requesting a variance to reduce the front yard setback from 25 feet to 0 feet for off-street parking purposes only adjacent to 22nd Street North, on property zoned "AA" One-Family Dwelling. Neither the applicant nor area residents were present.

The Council voted 7-0 to recommend approval of this request, subject to the conditions listed in the Secretary's report.

Please provide the Council's comments to the BZA when it considers the case.

Cindy Entriken

Cindy Entriken
Administrative Aide III

CE/lw

NOTED:

Annie Montgomery
Annie Montgomery, CRS Director

SECRETARY'S REPORT
CASE NO. BZA 18-84

APPLICANT: Evangel Assembly of God, 1620 West 21st Street, Wichita, Kansas.

AGENT: Rev. Vance Cauthon, Evangel Assembly of God, 1620 West 21st Street, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 25 feet to 20 feet for the building, and from 25 feet to 0 feet for off-street parking purposes only for the yard adjacent to 22nd Street.

GENERAL LOCATION: On the west side of Somerset between 21st Street and 22nd Street (1620 West 21st Street).

ZONING: Subject property is zoned the "AA" One-family Dwelling District. Properties to east and west are "LC" Light Commercial. Property to the south is "BB" Office and to the north is "B" Multiple-family Dwelling District.

LAND USE: Subject property is occupied by a church. To the east and west is commercial development. Property to the south is vacant and the property to the north is an apartment complex.

JURISDICTION:

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

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required front yard setback adjacent to 22nd Street in order to accommodate the expansion to the existing use. The proposed addition to the church is to be located within 20 feet of the 22nd Street right-of-way line, and the off-street parking will be located adjacent to the right-of-way line of 22nd Street. The setback by ordinance is required to be 25 feet and be maintained as a landscaped yard for both the building and the off-street parking lot. The off-street parking is presently installed adjacent to the right-of-way of 22nd street as is the parking on the apartment project to the north, both in violation of the ordinance.

The applicant has designed the addition to the church to observe the same setback as the existing building which is approximately 45 feet from the right-of-way on Somerset. The setback from 22nd Street for the building will be 20 feet, which is what is required for the property to the north.

Based on 22nd Street being a dead end street terminating in a cul-de-sac near the river, it would appear that the property does have some uniqueness. Also, the reduction of the setback to that required by the property to the north would not be inappropriate.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is surrounded by property on all four sides that requires less front yard setbacks than does the applicant's property.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the property to the north that would be most likely to be affected by the variance requested generally observes the same conditions on their property.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the property is a large one lot plat in the "AA" One-family Dwelling District that reduces the effective development of the lot, and being surrounded by commercial and multiple-family development would only place an undue restriction on this property.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the setback adjacent to 22nd Street will not interfere with any right-of-way of utility easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the required setback is to provide protection to adjacent properties from the intrusion of large areas of parking lots and buildings within the front yards in residential areas, which in this case the only adjacent residential property has off-street parking on the side that is required to be protected.

RECOMMENDATION:

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

1. The reduction of the front yard setback adjacent to 22nd Street shall be reduced from 25 feet to 20 feet for building purposes, and shall be reduced to 0 feet for off-street parking purposes only.
2. The off-street parking shall not occupy any part of the east 145 feet of the lot adjacent to 22nd Street.
3. The applicant shall provide street trees, of a variety satisfactory to the Superintendent of Landscape and Forestry Division of the Park Department, along the north side of the property where a parking lot is installed closer than 20 feet to the right-of-way line of 22nd Street.

BZA CASE NO. 18-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>7</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>9</u>	TOTAL NOTICES SENT <u>4-4-84</u>

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

April 4, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 18-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Evangel Assembly of God, 1620 West 21st Street, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the front yard setback from 25 feet to 0 feet for off-street parking purposes only adjacent to 22nd Street North, on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Pleasant Valley Church Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Somerset between 21st Street and 22nd Street (1620 West 21st Street).

This application has been assigned Case BZA 18-84. It will be considered by the Board of Zoning Appeals on April 24, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 18-84

CITY OF WICHITA, KANSAS

FILED 3-9-84

APPLICATION FOR VARIANCE

I. Name of Applicant Evangel Assembly of God

Mailing Address 1620 W. 21st Phone 838-0531

Name of Authorized Agent Rev. Vance Cauthon

Mailing Address 1620 W. 21st Phone 838-0531

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

II. The variance requested is to reduce the front yard setback from
25' to 20' for building, and to 0' for off street parking (within the
purposes only adjacent to parking lot area) along 22nd street.

for property located at the northwest corner of 21st street and
21st Street and 22nd Street (1620 W. 21st Street)
Somer set.

and legally described as: Pleasant Valley Church Addition

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

- 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. 36-596); 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.

Applicant Evangel Assembly of God

Authorized Agent Rev. Vance A. Cauthon

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
10:00 (a.m.p.m.), MAR. 9, 1984, together with
appropriate fee of 150.00.

Signed [Signature]

STATEMENT

The property in question lies on an isolated block of land with "B" multifamily across the street to the north; "LC" light commercial zoning to the east; a heavily wooded deep creek to the west, and 21st street to the south. 22nd street to the north is not a through street as it ends at the creek and empties into the multifamily area.

The Owner requests that a variance be granted for reducing the required front yard setback on 22nd street from 25' to 20'. This will allow him to construct a multipurpose room containing a basketball court along with classrooms and other accessory areas which he could not otherwise do without considerable difficulty and expense on his site. Reference is made to Section 28.04.040 C 1.1 which restricts the setback to 25' except in certain instances where it will allow a setback of 20'. The new building will have a width of 95' along 22nd street and will project into the 25' front yard setback by some 2'. Since there are no other buildings on this site and it is all owned by the Church, there would appear to be no conflict with the spirit and intent of Section 2.12.590.B Code of the City of Wichita, and Title 28 of the Zoning Ordinance, to grant this variance.

The Owner also requests a variance for eliminating the requirement for not parking in the required front yard setback along 22nd street. The parking lot was extended to the sidewalk when it was first constructed in 1962. With the addition, the new requirements must be met (Reference 28.04.145, 3.5) or a variance must be granted to allow the use to continue. Maintaining the parking in the front yard setback will not change anything that the neighbors are not already used to and it will allow the Owner to use his limited resources to fund additional parking areas and improvements. The granting of the variance will provide the legal basis for correcting an existing nonconforming use. The parking lot is heavily used on Wednesday night and Sunday mornings, otherwise very rarely does any parking occur in this area along the sidewalk. The Owner is planning on adding some trees and shrubs in front of this area, between the sidewalk and the curb.

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE COMPANY, INC. has searched the public records and finds the following to be a true and correct list of the property owners as evidenced by the last deed of record within a 200 foot radius of and including the following described property, viz:

Lot One (1), PLEASANT VALLEY CHURCH ADDITION to Wichita,
Sedgwick County, Kansas.

NOTE: Addresses are furnished as a courtesy only and are not certified.

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
<u>BRUNCH ADD.</u>		
Lot 1	✓ A. R. Brunch c/o Centers West P. O. Box 4013 Wichita, Ks.	67204
Lots 2 & 3	✓ Hale Dean Ritchie, Evan Davis Ritchie & John Proctor Ritchie 1900 N. Amidon Wichita, Ks.	67203
<u>W. F. FARHA 3RD ADD.</u>		
That part of Block 1, described as: Beg. at SW/cor of Blk. 1, th. No. 150'; th. E. 150'; th. S. to South line; th. West to POB.	✓ The Security Oil Company P. O. Box 18183 Wichita, Ks.	67218
All of Block 1, exc. that part desc. as Beg. at the SW/cor of sd. Blk. 1; th. No. 150'; th. E. 150'; th. So. to South line; th. West 150' to POB.	✓ William F. Farha 2220 Somerset Wichita, Ks.	67204
<u>PLEASANT VALLEY CHURCH ADD.</u>		
Block 1	D Evangel Assembly of God, Wichita, Kansas 1620 W. 21st Street Wichita, Ks.	67203
<u>REPEAT OF WALKER-SEED ADD.</u>		
Lots 1 & 2	✓ Twin Rivers Apartments, a Kansas Partnership c/o H. Dean Ritchie 1900 N. Amidon Wichita, Ks.	67203
<u>JOHN M. WEST ADD.</u>		
Lot 2	✓ City of Wichita 455 N. Main Wichita, Ks.	67202

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
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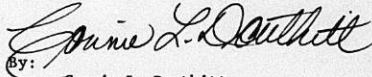
WILLOW PARK ESTATES

Lot 1	✓ Universal Motor Fuels, Inc. 2824 N. Ohio Wichita, Ks.	67219
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Dated this 22nd day of February, 1984 at 7:00 A.M.

No. 5408

GUARANTEE TITLE CO., INC.

By: 

Connie L. Douthitt
Vice-President

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

April 4, 1984

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It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 2021

PAYMENT NOTICE
City of Wichita

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

Planning

DESCRIPTION	AMOUNT
CITY DTR VAR.	150 ⁰⁰

NAME FRANCIS PEARM CO BLDG

ADDRESS 1620 W. 21

FUND 155-40071-013 DUE DATE

COMMENTS

DATE MAR 9, 1984 BY [Signature]

*

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

Roll # 2