

Case No. BZA 36-81 - Sharon Baptist Church - requests a variance to reduce the side yard setback from 6' to 0' and the front yard setback on Dellrose from 25' to 0' for off-street parking purposes only on property zoned "AA"

*POSTED
8-5-81*

ACTION

DATE 8-25-81

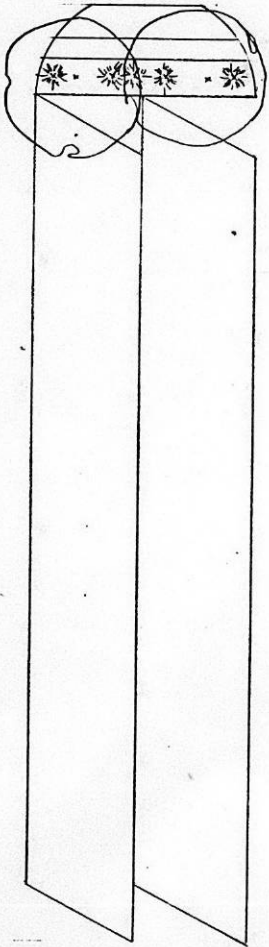
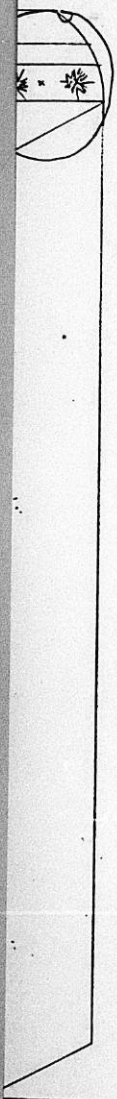
COMMITTEE APPROVED

M.A.P.C. _____

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

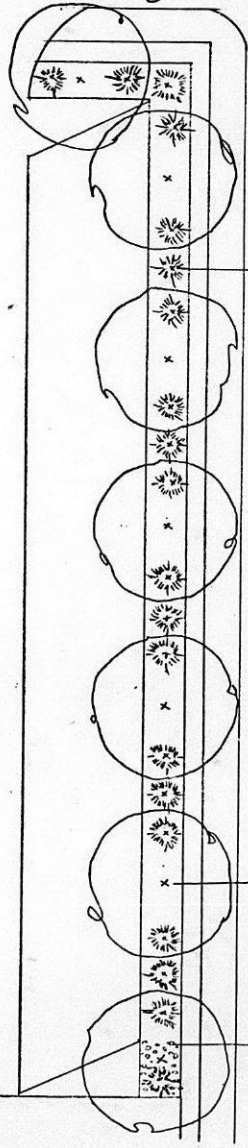
*BZA
36-81*

*Rec'd Sec 215
181
Checked 9/21/81
9/22/81
Recorded 9/22/81*



KINCAID

Approved Exchange Plan
BEA 36-81(9-8-81)
YLD



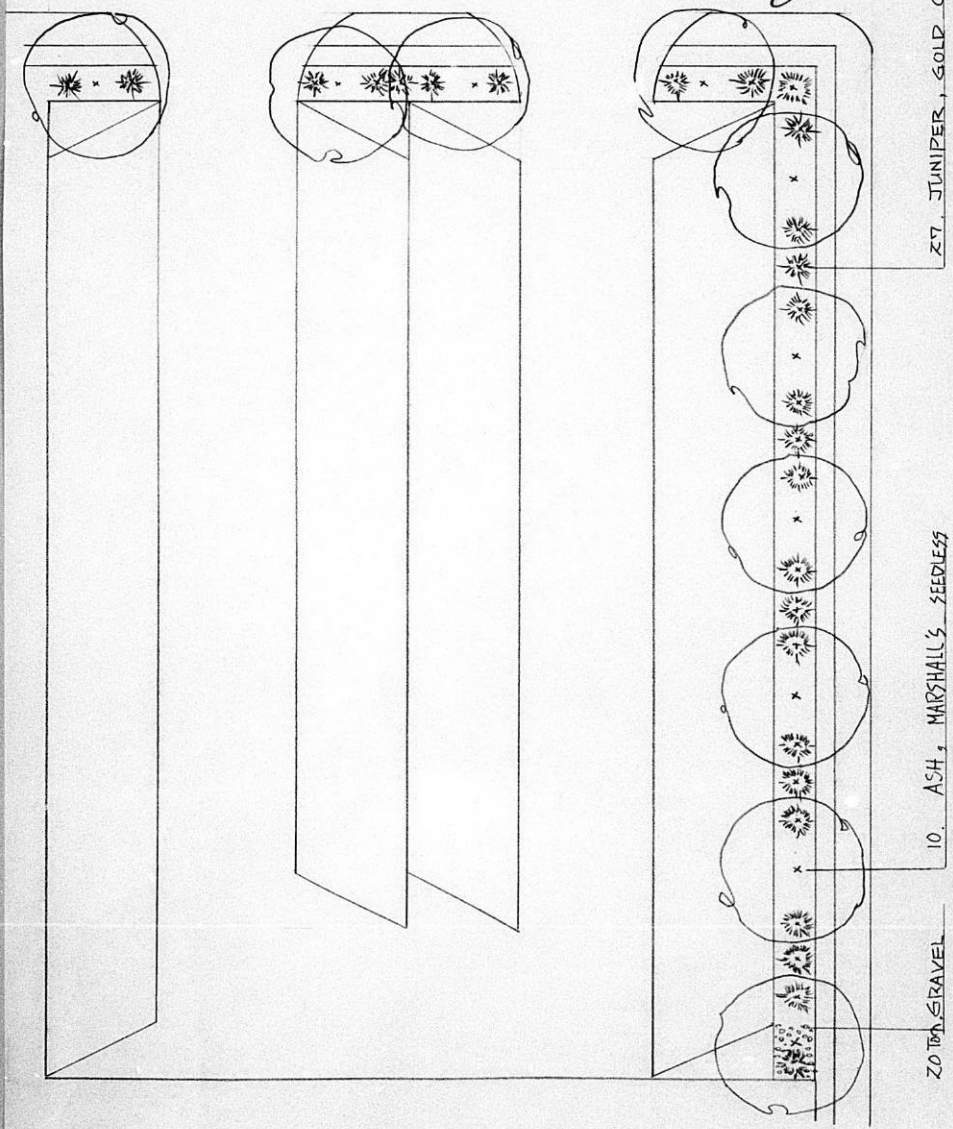
20 TO STRAWEL

10. ASH, MARSHALL'S SEEDLESS

27. JUNIPER, GOLD COAST

KINCAID

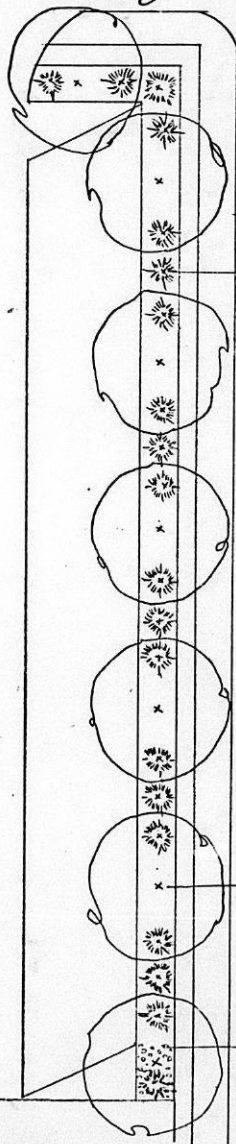
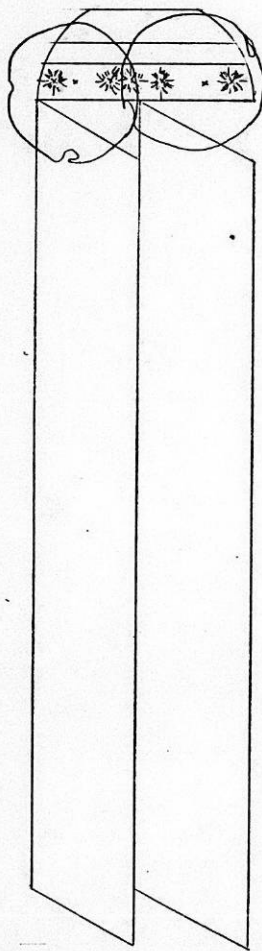
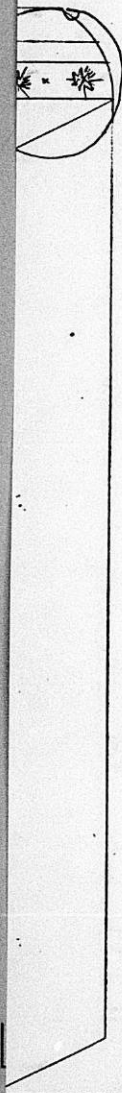
Approved for design Plan
BZA 36-81(9-8-81)
JLD



27. JUNIPER, GOLD COAST

10. ASH, MARSHALL'S SEEDLESS

20. SIRAVEL



20 TOP STRAWEL

10. ASH, MARSHALL'S SEEDLESS

27. JUNIPER, GOLD COAST

KINCAID

Approved Landscape Plan
 BZA 36-81 (9-8-81)

JLD

September 10, 1981

Rev. Ken Emerson
Sharon Baptist Church, Inc.
2221 South Oliver
Wichita, Kansas 67218

Re: Case No. BZA 36-81
Request for Variance

Dear Rev. Emerson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 25, 1981. Also returned herewith is a copy of the approved landscape plan for your files.

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
Enclosure

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

RESOLUTION NO. BZA 36-81

WHEREAS, Sharon Baptist Church, Inc., 2221 South Oliver, 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 on Dellrose from 25' to 0' and the side yard setback on Kinkaid from 6' to 0' for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 1, 2 & 3, in Pershing Heights, an addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Kinkaid and Dellrose.

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 August 25, 1981, 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 across the street from the main use; 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 screening will be provided on the south and west to protect the immediate adjacent properties, 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 church needs to provide additional parking for its parishoners; 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 additional parking would relieve the on-street parking congestion; 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 applicant will maintain a portion of the required yards and landscape same; 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.

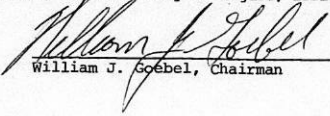
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the front yard setback on Dellrose from 25' to 0' and the side yard setback on Kinkaid from 6' to 0' for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and legally described as:

Lots 1, 2 & 3, in Pershing Heights, an addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Kinkaid and Dellrose.

be approved subject to the following conditions:

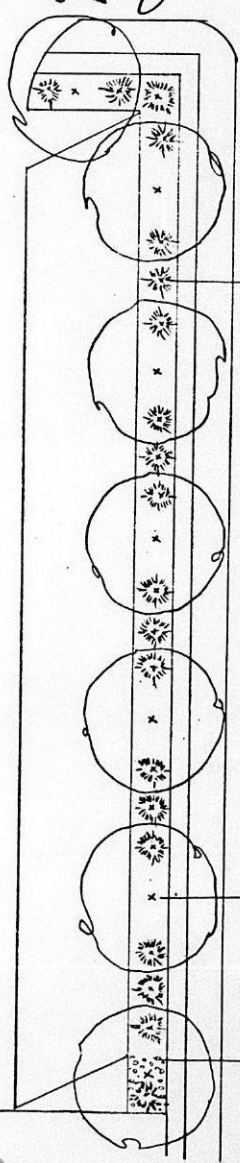
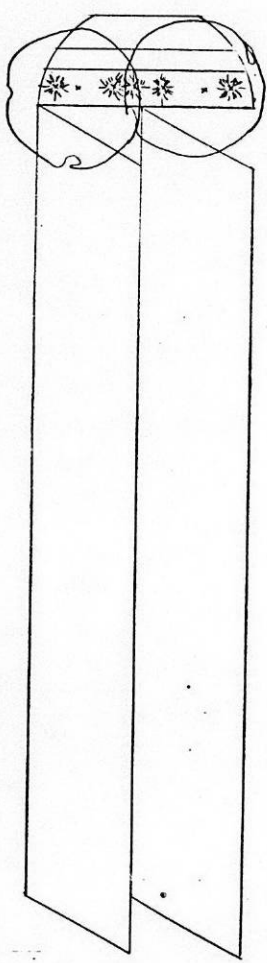
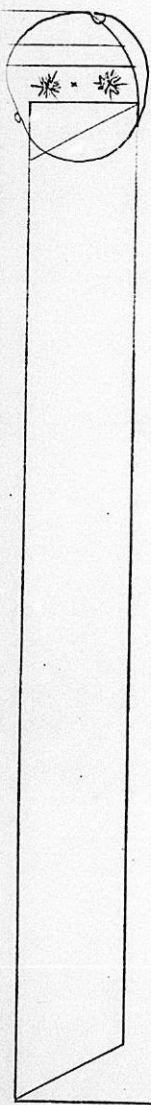
1. Prior to the release of the Resolution the applicant shall submit a landscape plan of the sidewalk areas and remaining 6' front and side yards adjacent to Dellrose and Kinkaid. This plan shall include a number of street trees along both streets to soften the affect of the parking lot.
2. The variance to reduce the front yard setback from 25 feet to 6 feet adjacent to Dellrose, shall be for off-street parking purposes only.
3. Surfacing of the parking lot shall be in conformance to Section 28.04.143.
4. Screening shall be provided on the south and west as is required by Section 28.04.160K.

ADOPTED AT WICHITA, KANSAS, this 25th day of August, 1981.


William J. Coebel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary



20 TOP GRAVEL
 10. ASH, MARSHALL'S SEEDLESS
 27. JUNIPER, GOLD COAST

KINCAID

Approved Landscape Plan
 BZA 36-81(9-8-81)
 JLD

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

August 27, 1981

Rev. Ken Emerson
Sharon Baptist Church, Inc.
2221 South Oliver
Wichita, Kansas 67218

Re: Case No. BZA 36-81
Request for Variance

Dear Rev. Emerson:

At the regular meeting of the Board of Zoning Appeals on August 25, 1981 your request for a variance was considered.

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

1. Prior to the release of the Resolution the applicant shall submit a landscape plan of the sidewalk areas and remaining 6' front and side yards adjacent to Dellrose and Kinkaid. This plan shall include a number of street trees along both streets to soften the affect of the parking lot.
2. The variance to reduce the front yard setback from 25 feet to 6 feet adjacent to Dellrose, shall be for off-street parking purposes only.
3. Surfacing of the parking lot shall be in conformance to Section 28.04.143.
4. Screening shall be provided on the south and west as is required by Section 28.04.160K.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as compliance of condition no. 1 has been met.

If you have any questions, please call our office.

Sincerely yours,


Glen E. Lytle

THE CITY OF WICHITA 2

GEL:sad

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

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 18, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruithof, Administrative Aide III

SUBJECT BZA 36-81: Southwest Corner of
Kinkaid and Dellrose

During its August 17th meeting, CPO Neighborhood Council Area "F" considered the captioned requested variance to reduce the side yard setback on Kinkaid from 6' to 0' and the front yard setback on Dellrose from 25' to 0' for off-street parking on property zoned "AA", One-family Dwelling District. No representatives of the applicant and no area residents attended the meeting concerning the case.

The Council voted unanimously, 8-0, to recommend approval of the requested variance with the understanding that the construction plan will meet all City standards and that the entire project will be privately funded. Please inform the Board of Zoning Appeals of the Council's recommendation when this case is considered by them on August 25th. Thank you.

Dean Kruithof

Dean Kruithof
Administrative Aide III

DK:dm

Noted:

Sarah Gilbert

Sarah Gilbert
CP Coordinator

RECEIVED

AUG 19 1981

METROPOLITAN PLANNING
ROUTE Lytle

SECRETARY'S REPORT
CASE NO. EZA 36-81

APPLICANT: Sharon Baptist Church, Inc., 2221 South Oliver,
Wichita, Kansas

AGENT: Rev. Ken Emerson, Sharon Baptist Church, 2221
South Oliver, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the side yard
setback on Kinkaid from 6' to 0' and the front
yard setback on Dellrose from 25' to 0' both for
off-street parking purposes only.

GENERAL LOCATION: On the southwest corner of Kinkaid & Dellrose.

ZONING: Subject property is zoned "AA" One-family Dwelling
District as are all adjacent properties.

LAND USE: Subject property is vacant. Properties to the
east is occupied by a church. Properties to the
north, west and south are residential.

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 and 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 variances of the front yard of 25 feet and the side yard adjacent to Kinkaid of 6 feet, both to be reduced to 0 feet for off-street parking purposes only. The subject property is vacant and the applicant plans to improve the property for off-street parking for the church which is located in the block to the east.

The front yard on Dellrose to be reduced to 0 feet is directly across the street from property owned by the church. the reduction of this front yard should only affect the residence immediately to the south. The reduction of the side yard from 6' to 0' adjacent to Kinkaid would only have an adverse affect on the residence on the north side of the street. It would be appropriate to provide street trees in the parking areas adjacent to Kinkaid and Dellrose to soften the appearance of the parking lot.

UNIQUENESS:

It is the opinion of the Secretary that this property is not unique inasmuch as the property is in strictly a residential neighborhood and not on a major street.

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 screening fence will be provided on the south and west property lines to protect the adjacent properties.

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 church needs to provide additional parking for the parishioners.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the additional

parking would relieve the on-street parking in the neighborhood created by the insufficient parking now provided.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the regulations is to provide landscaped front yard areas in residential areas.

RECOMMENDATION:

In the opinion of the Secretary the five conditions necessary to the granting of a variance do not exist, however, 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. Prior to the release of the Resolution the applicant shall submit a landscape plan of the sidewalk areas adjacent to Dellrose and Kinkaid. This plan shall include a number of street trees along both streets to soften the affect of the parking lot.
2. The variances to reduce the front yard setback from 25 feet to 0 feet adjacent to Dellrose, and to reduce the side yard setback from 6' to 0' adjacent to Kinkaid, shall be for off-street parking purposes only.
3. Surfacing of the parking lot shall be in conformance to Section 28.04.143.
4. Screening shall be provided on the south and west as is required by Section 28.04.160K.

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

AUGUST 5, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. EZA 36-81

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 Sharon Baptist Church, Inc., 2221 South Oliver, 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 side yard setback on Kinkaid from 6' to 0' and the front yard setback on Dellrose from 25' to 0' for off-street parking purposes only on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 1, 2 and 3, in Pershing Heights, an addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Kinkaid and Dellrose.

This application has been assigned Case No. EZA 36-81. It will be considered by the Board of Zoning Appeals on August 25, 1981, 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

BZA CASE NO. 36-81

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

26 NOTICES SENT TO ADJOINING PROPERTY OWNERS

38 TOTAL NOTICES SENT 8-5-81

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 36-81
FILED 7-22-81

APPLICATION FOR VARIANCE

I. Name of Applicant Sharon Baptist Church, Inc.
Mailing Address 2221 S. Oliver 67218 Phone 684-5150
Name of Authorized Agent Rev. Ken Emerson
Mailing Address Admc Phone _____
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)
II. The variance requested is ^{to reduce the sideyard setback} vary setback on Kinkaid from
^{horizontal setback} 6'0" and on Dellrose from 19'0" to allow parking for church
^{parking purposes only} on the southwest
for property located 2221 S. Oliver
corner of Kinkaid and Dellrose
and legally described as: _____
Lots 1, 2 and 3, in Pershing Heights,
an addition to Wichita, Sedgwick
County, Kansas.
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 SHARON BAPTIST CHURCH
Authorized Agent Rev. Kenneth D. Emerson
Kenneth D. Emerson
Rev. Kenneth D. Emerson

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, July 22, 1981 ^{9:45} (a.m.-p.m.), _____, 19____, together with appropriate fee of _____.

Signed G. Lynn Shirley

PLEASE MAIL COPIES OF ALL PLEADINGS AND NOTIFICATIONS OF
HEARINGS TO OUR OFFICE:

MALONE, DWIRE, JONES AND WILBERT
Attorneys at Law
305 W. Central, P.O. Box 2082
Wichita, Kansas 67201

THANK YOU

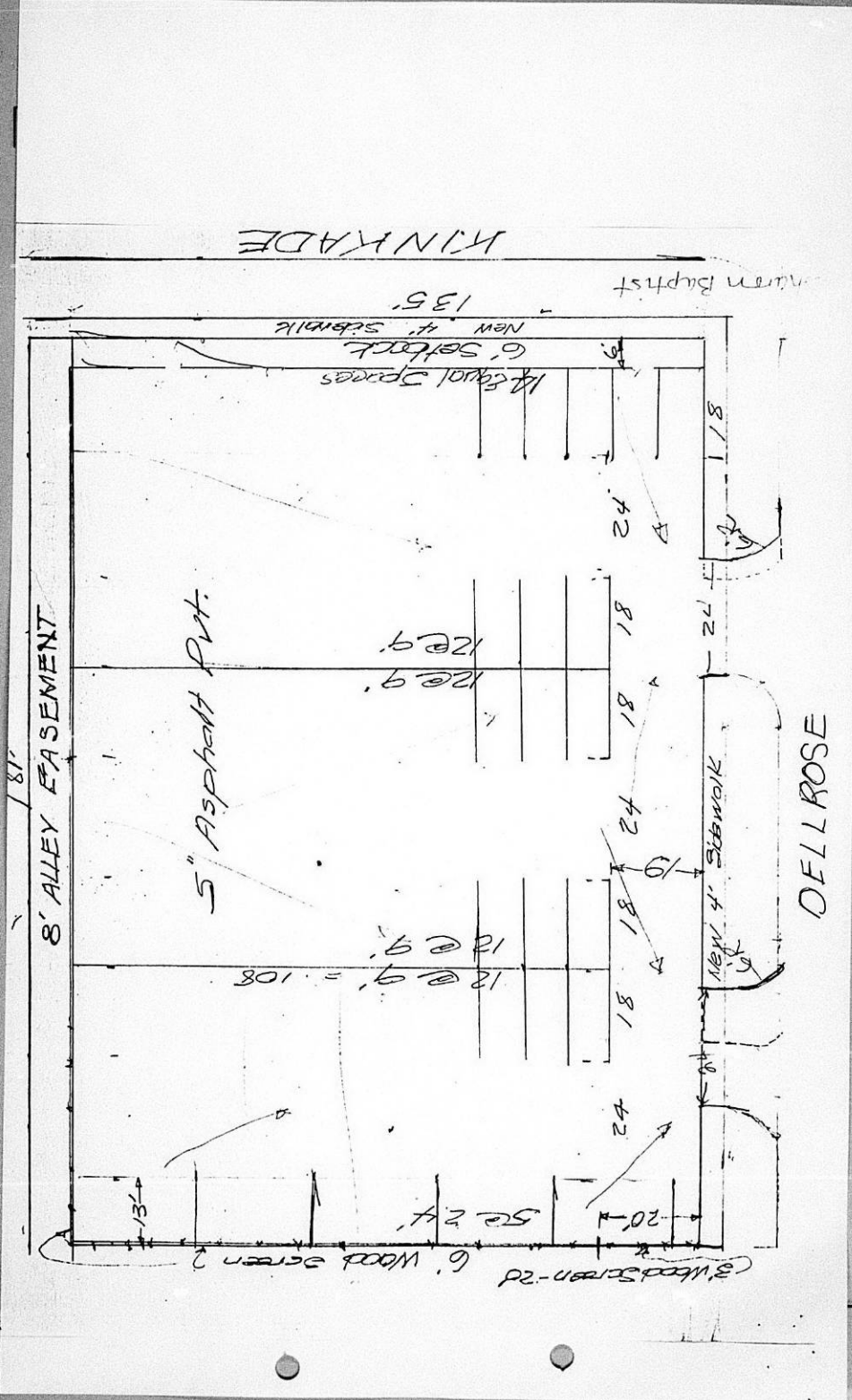
Warren G. Jones

The applicant is requesting the City grant a variance on the property located at the corner of Dellrose and Kinkaid and legally described in the application. The request for this variance is to allow the Sharon Baptist Church to pave the vacant lot to allow additional parking for its parishioners.

The property is presently zoned AA and thus the use intended, being a parking lot for the church, meets the requirements of the applicable zoning ordinances regarding AA zoning and churches.

The strict application of the setback requirements for a AA zoning would constitute an unnecessary hardship upon the Sharon Baptist Church in that it would only allow limited parking for its parishioners for the additional parking is sorely needed. It is the feeling of the applicant that the requested variance will be in the best interest of the public and will bide by the general spirit and intent of Title 28.

The ordinance specifically setting forth the AA one-family dwelling district regulations is found at 28.04.040.



MINNADE

Normen Baptist

135'

New 4' sidewalk

6' sidewalk

Asphalt Spaces

8' 1

42

81

81

42

81

81

42

New 4' Sidewalk

DELL ROSE

8' ALLEY EASEMENT

5" Asphalt Pnt.

12 @ 9'

12 @ 9'

12 @ 9'

12 @ 9' = 108'

5 @ 24'

3 Wood Screen - 24'

6' Wood Screen

81'

13'

20'

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter 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:

Record Owners within 200 feet of:
 Lots 1, 2 and 3, PERSHING HEIGHTS
 ADDITION, Wichita, Sedgwick County,
 Kansas.



And from such examination find that the owners thereof are as set opposi^t 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>RECORD OWNERS</u>
Lots 1, 2 and 3,	PERSHING HEIGHTS	<i>Duty</i> Sharon Baptist Church 2221 South Oliver Street Wichita, Kansas 67218
Lot 4,	PERSHING HEIGHTS	John G. Towner 2227 South Dellrose Wichita, Kansas 67218
Lot 5,	PERSHING HEIGHTS	Richard E. & Evelyn Mawdsley 2226 South Pershing Wichita, Kansas 67218
Lot 6,	PERSHING HEIGHTS	Norma E. Johnson 2218 South Pershing Wichita, Kansas 67218 and L. Katherine Klassen 2218 South Pershing Wichita, Kansas 67218



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 7,	PERSHING HEIGHTS	✓ Willis A. & Norma L. Ronsick 2210 South Pershing Wichita, Kansas 67218
Lot 8,	PERSHING HEIGHTS	✓ Larry R. & Mary Jane Beckley 2202 South Pershing Wichita, Kansas 67218
Lots 4, 5, 6 and 7,	PERSHING HEIGHTS SECOND	✓ Sharon Baptist Church 2221 South Oliver Street Wichita, Kansas 67218
South 15 feet of Lot 39 and all of Lot 41, on Pershing,	EDGETOWN PARK	✓ Leland K. & Lavina M. Randall 2153 South Pershing Wichita, Kansas 67218
Lot 38, on Pershing,	EDGETOWN PARK	✓ Carl W. & Lillian Bennett 2142 South Pershing Wichita, Kansas 67218
Lot 40, on Pershing,	EDGETOWN PARK	✓ Albert J. & Irene R. Engbrecht 2146 South Pershing Wichita, Kansas 67218
Lot 42, on Pershing,	EDGETOWN PARK	✓ Nathan R. & Janis L. Fuqua 2152 South Pershing Wichita, Kansas 67218
Lot 37, on Dellrose,	EDGETOWN PARK	✓ Thomas George Gonia 2143 South Dellrose Wichita, Kansas 67218
Lot 39, on Dellrose,	EDGETOWN PARK	✓ Lawrence O. Davidson 2153 South Dellrose Wichita, Kansas 67218
Lot 41, on Dellrose,	EDGETOWN PARK	✓ Lawrence O. & Mabel M. Davidson 2153 South Dellrose Wichita, Kansas 67218
Lot 38, on Dellrose,	EDGETOWN PARK	✓ Unity Baptist Church 2215 South Fountain Wichita, Kansas 67218
Lot 40, on Dellrose,	EDGETOWN PARK	✓ Harold & Maurine E. Phillips 2144 South Dellrose Wichita, Kansas 67218
Lot 42, on Dellrose,	EDGETOWN PARK	✓ Clarence E. & Merle J. Rhodes 2154 South Dellrose Wichita, Kansas 67218



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 1,	IVES 3RD	Robert Arthur & Belina Kromer 2203 South Pershing Wichita, Kansas 67218
Lot 2,	IVES 3RD	Cecil G. & Lillian M. Skoer 2211 South Pershing Wichita, Kansas 67218
Lot 3,	IVES 3RD	John R. & Mary Beth Sisk 2219 South Pershing Wichita, Kansas 67218
Lot 4,	IVES 3RD	Harold & Peggy A. Van Buren 2227 South Pershing Wichita, Kansas 67218
Lot 5,	IVES 3RD	John Lee & Joyce Roberts 2235 South Pershing Wichita, Kansas 67217
Lot 1, except the South 6 feet,	MEEKER	Al Gene & Ruth Ann Meyer 2232 South Pershing Wichita, Kansas 67218
South 6 feet of Lot 1 and the North 44 feet of Lot 2,	MEEKER	Charles A. Cloninger 22238 South Pershing Wichita, Kansas 67218
South 28 feet of Lot 2 and the North 22 feet of Lot 3,	MEEKER	Dewey E. Smith 2244 South Pershing Wichita, Kansas 67218
North 18 feet of Lot 4 and the South 36 feet of Lot 5,	MEEKER	John F. & V. Irene Brueggeman 2243 South Dellrose Wichita, Kansas 67218
North 36 feet of Lot 5 and the South 18 feet of Lot 6,	MEEKER	J. L. & Dora E. Bishop 2237 South Dellrose Wichita, Kansas 67218
Lot 6, except the South 18 feet,	MEEKER	Floyd Duane & Marjorie Sanburn 2231 South Dellrose Wichita, Kansas 67218
Lot 1,	SHARON	Sharon Baptist Church 2221 South Oliver Wichita, Kansas 67218

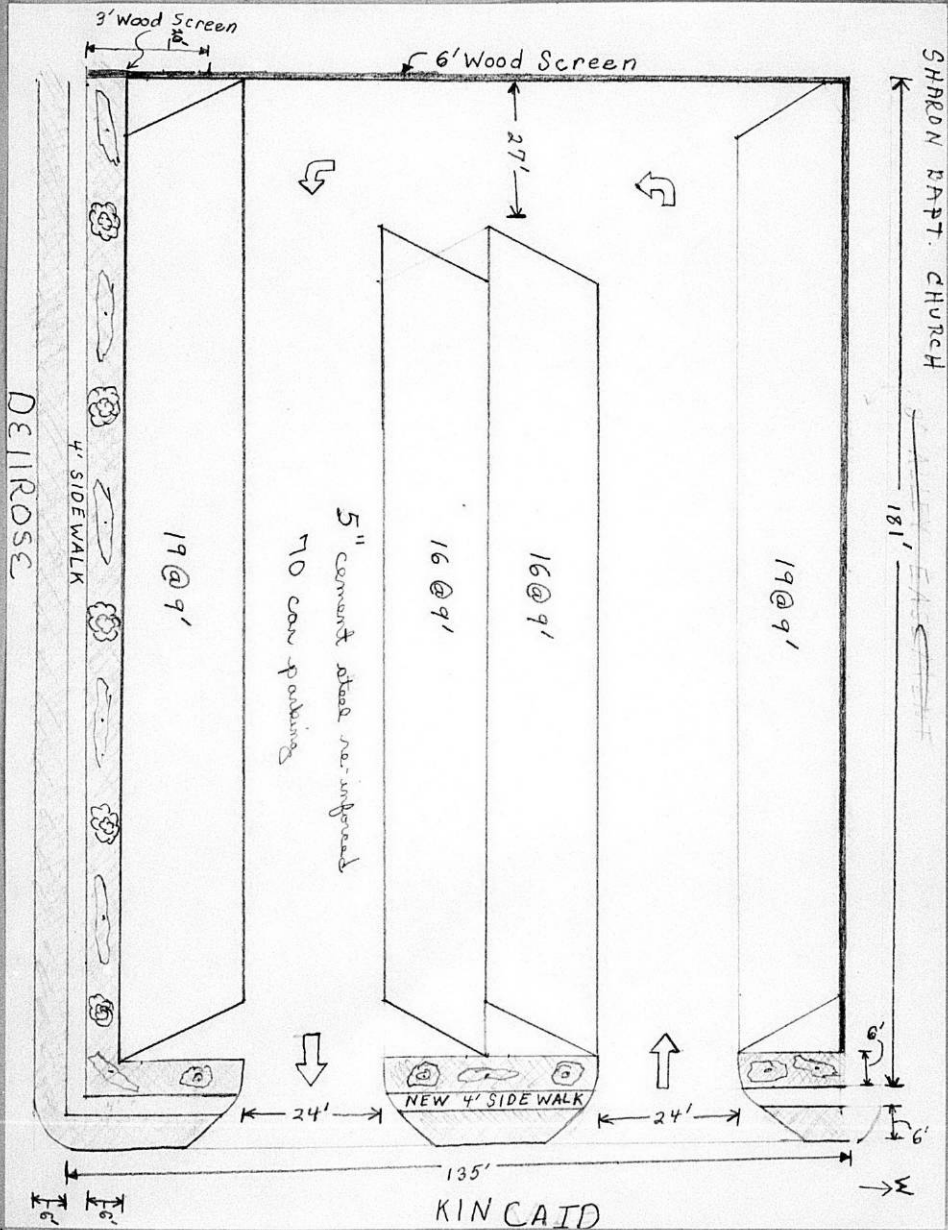


DATED at Wichita, Kansas, this 14th day of July, 1981 at 7:00 A.M.
FIDELITY TITLE CO., INC.

Tracer No.
54858

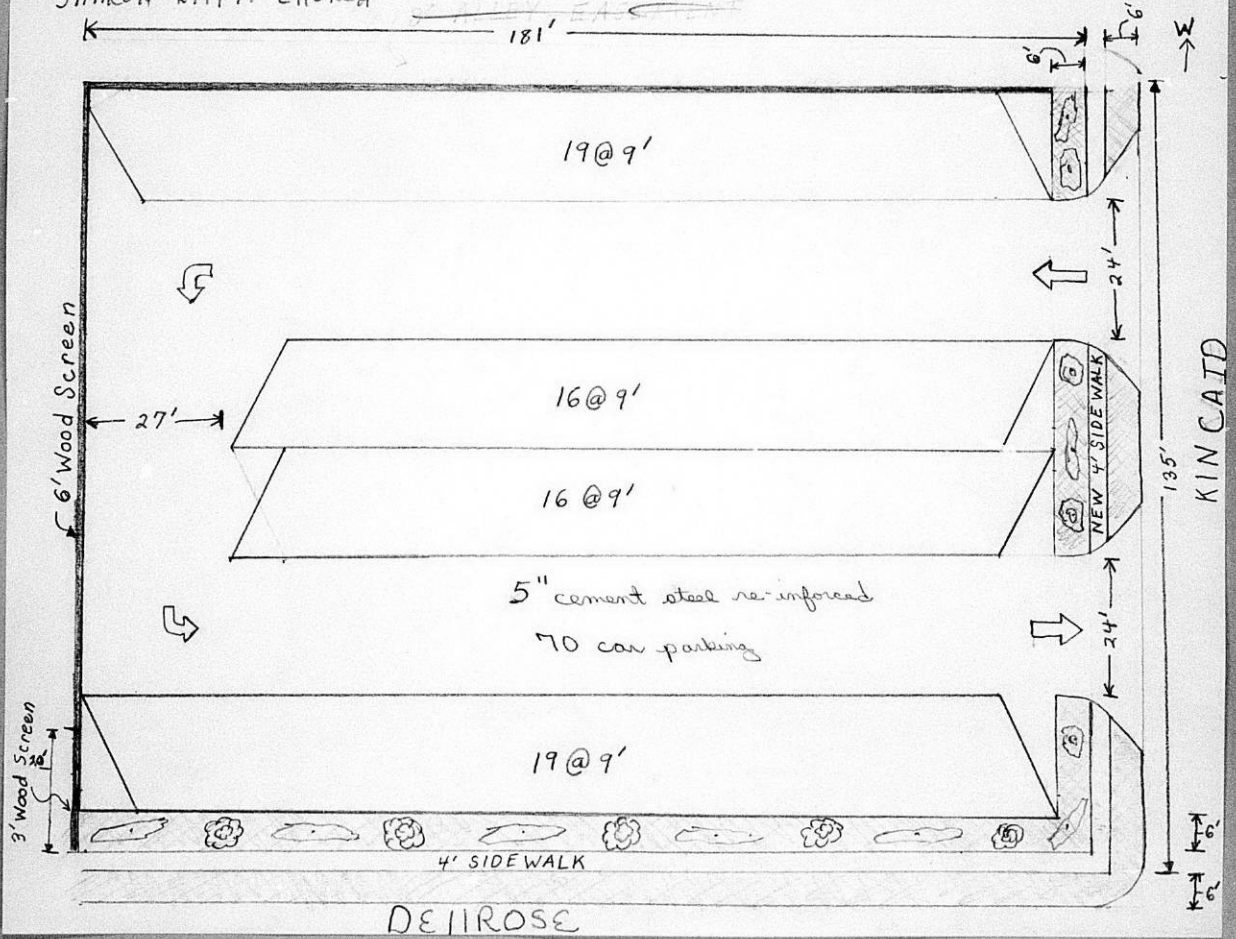
Fidelity  Title
COMPANY, INC.

By *Dwaine A. Schuller*
V. P.



SHARON RAPT. CHURCH

181'



19@9'

16@9'

16@9'

5" cement steel re-inforced
70 car parking

19@9'

4' SIDEWALK

DEIROSE

6' Wood Screen

3' Wood Screen

NEW 4' SIDE WALK

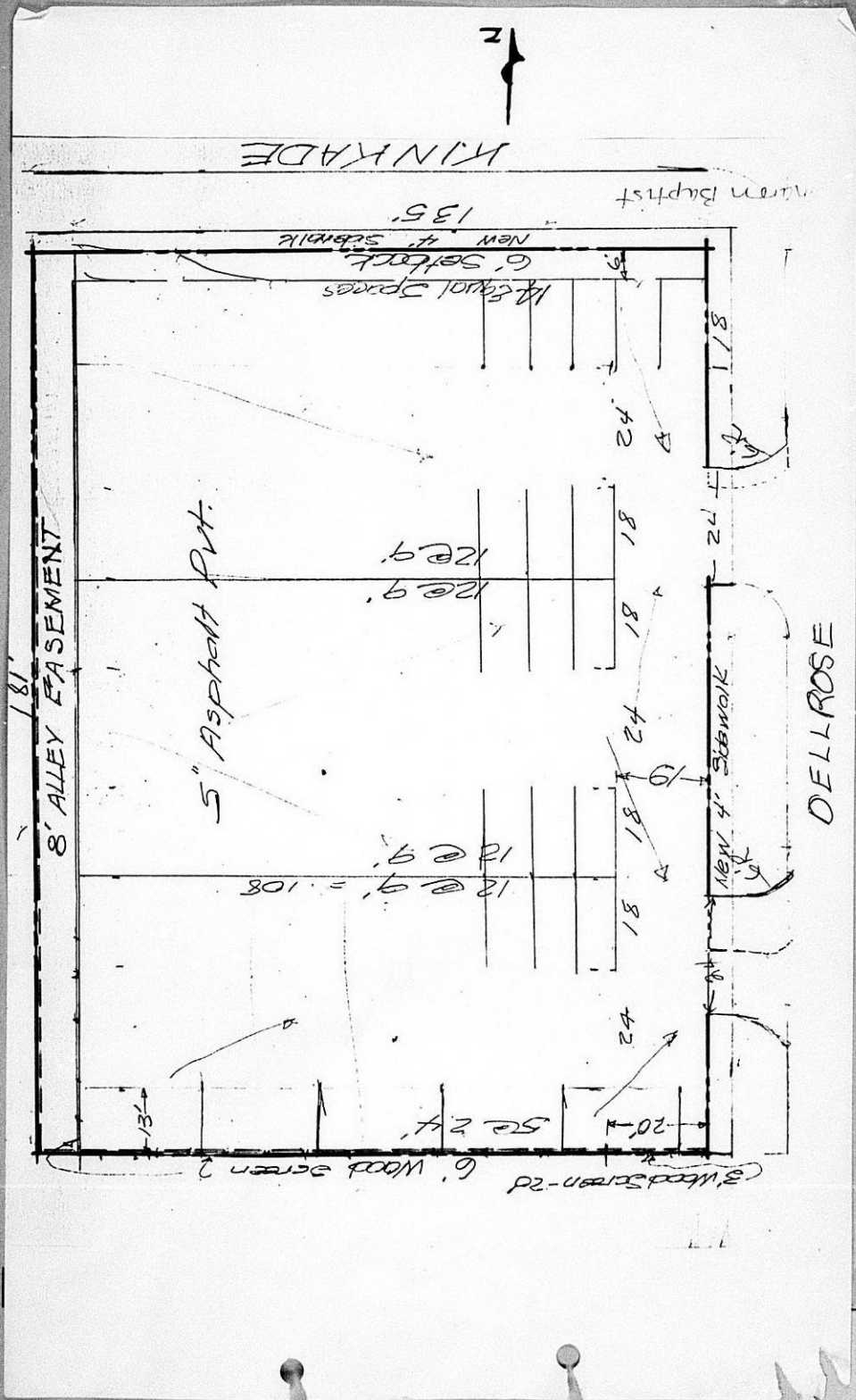
KIN CAID

135'

6'
6'

W





MINNADE

13.5'

New 4' Stenwalk
6' Setback
18' Equal Spaces

8' ALLEY EASEMENT

5" Asphalt Pvt.

12 @ 9'

12 @ 9' = 108'

New 4' Stenwalk

DELL ROSE



18'

13'

5 @ 24'

42'

42'

42'

6'

8' 1'

24'

19'

8'

20'

3' Wood Screen - 2 @ 6' Wood Screen 2

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 2-021 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>17-24</i>	<i>15-</i>

NAME *Wichita State University*

ADDRESS *17th and Santa Fe*

FUND *100-100-100* DUE DATE *1/15/61*

COMMENTS

DATE *1/15/61* BY *[Signature]*