

CASE NO. BZA 40-86 Gloria Dei Lutheran Church requests a variance to reduce the required number of off-street parking spaces from 91 spaces to 73 spaces on property zoned "A" Two-family Dwelling District and generally located on the northwest corner of North River Road

Posted
9-30-86 GFL

ACTION

BZA 40-86 Approved 10/21/86
DATE

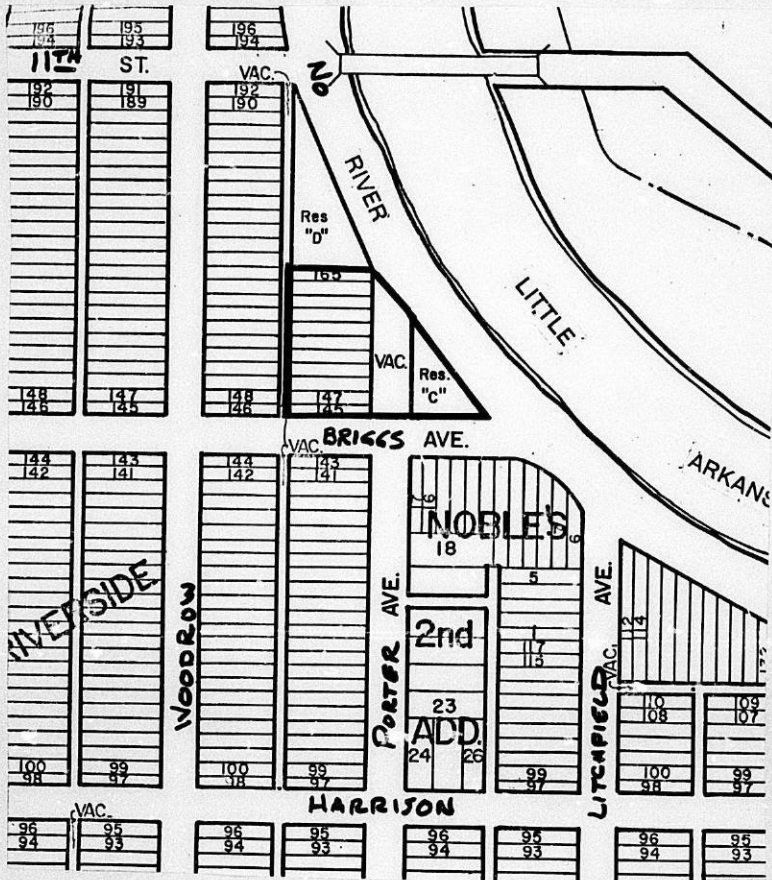
200' 4 Sec. 11-3-86
Slot 11-18-86
Record ✓

Map No. **5348 A**

BZA **40-86**
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "**A**" S "**LC**" W "**A**" N "**A**"
3. Land Use: East **Park** South **Comm**
West **I-F** North **I-F**
4. Area (is) (~~is~~) platted.



Standard
No. 2-153C
HASTING, VAN
LOS ANGELES, CHICAGO, LOGAN, OH
MEMPHIS, TX, LOCUST GROVE, GA
U.S.A.

October 31, 1986

Bob Schaefer
220 South Hillside
Wichita, Kansas 67211

Re: BZA 40-86 - Request for Variance

Dear Mr. Schaefer:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 28, 1986.

This Resolution reflects the official action of the Board to grant 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/lw

Enclosure

cc: Gloria Dei Lutheran Church, 1101 N. River Blvd., Wichita, KS 67203
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 40-86

WHEREAS, Gloria Dei Lutheran Church, 1101 North River Boulevard, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required number of off-street parking spaces from 91 spaces to 73 spaces on property zoned the "A" Two-family Dwelling District and legally described as follows:

Odd lots 145 through 165 inclusive and $\frac{1}{2}$ vacated alley on the west; together with vacated Porter on the east and Reserve "C". Generally located on the northwest corner of North River Boulevard and Briggs Avenue (1101 N. River Boulevard).

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 October 28, 1986, 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 originally established in 1946 prior to off-street parking requirements and that the 73 off-street parking spaces constructed in 1957 more than exceeded the number required by ordinance for the increase in the maximum seating capacity over the original church's seating capacity; 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 church has existed at this location for over 40 years and the expansion of the building proposed does not increase the seating capacity of the church; 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 requirement for off-street parking would prevent any expansion at this location until additional land would become available 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 due to the fact that the reduction of the off-street parking should not in anyway interfere with any needed street right-of-way or 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 proposed expansion should not increase the demand for parking at peak attendance, but will only provide for better utilization of the existing facilities; 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.

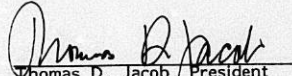
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 91 spaces to 73 spaces on property zoned the "A" Two-family Dwelling District and legally described as follows:

Odd lots 145 through 165 inclusive and $\frac{1}{2}$ vacated alley on the west; together with vacated Porter on the east and Reserve "C". Generally located on the northwest corner of North River Boulevard and Briggs Avenue (1101 N. River Boulevard).


be approved subject to the following conditions:

1. The number of off-street parking spaces on the property shall not be reduced below 73 spaces.
2. Any increase in the seating capacity of the church above 455 shall be subject to the providing of off-street parking based on the requirements of the zoning ordinance based on the total capacity of the facility.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1986.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE October 17, 1986

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 40-86: Northwest corner of
North River Boulevard and Briggs
Avenue

Due to the lack of a quorum at its October 15th meeting, CPO Neighborhood Council "N" will be unable to provide a recommendation to the Board of Zoning Appeals for the captioned case.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

SECRETARY'S REPORT
CASE NO. BZA 40-86

APPLICANT: Gloria Dei Lutheran Church, 1101 N. River Blvd.,
Wichita, KS

AGENT: Bob Schaefer, 220 S. Hillside, Wichita, KS

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the
City of Wichita, to reduce the required off-street
parking from 91 spaces to 73 spaces.

GENERAL LOCATION: On the northwest corner of Briggs and North River
Boulevard.

ZONING: Subject property is zoned the "A" Two-family
Dwelling District as are the properties to the north,
west and east. To the south is the "LC" Light
Commercial District.

LAND USE: Subject property is occupied by a church facility and
off-street parking. Properties to the north and west
are residential. To the east is the river and to the
south is commercial development.

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 applicants are requesting a variance from the strict application of the off-street parking requirements of the zoning ordinance in order to enlarge the floor area of the church buildings. The enlargement of the facility will not increase the seating capacity of the existing sanctuary which is the determining factor in calculating the off-street parking requirements for a church. The building expansion is primarily related to the remodeling and expansion of the fellowship hall and some additional classrooms.

The ordinance requires that when such an expansion occurs, that the building be brought into compliance with the parking requirements of the zoning ordinance. In this case, the existing church has a maximum capacity of 455 persons. Based on the requirements of the ordinance of one parking space for each five persons, the requirement would be 91 spaces. The existing property now provides 73 parking spaces.

It should be noted that the original church was constructed on the property in 1946 prior to requirements for off-street parking being adopted. The building that presently exists on the property was constructed in 1957 and included the construction of the off-street parking lot. The applicants' have indicated that the number of off-street parking spaces presently existing have adequately served the church over the years. The Secretary has had several calls from neighbors since the notices were mailed that indicate that parking in the neighborhood on the streets has created some problems.

The applicants have indicated that there are no commercial properties in the general area that can be utilized for parking as the commercial development to the south does not have parking. They have also indicated that land for additional parking in the area is not available at the present time. In order to accommodate their recent growth, they have been holding a second service on Sunday morning and at the present time neither service has reached the maximum capacity.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the existing church was originally established in 1946 prior to off-street parking requirements and that the 73 off-street parking spaces constructed in

1957 more than exceeded the number required by ordinance for the increase in the maximum seating capacity over the original church's seating capacity.

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 church has existed at this location for over 40 years and the expansion of the building proposed does not increase the seating capacity of the church.

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 requirement for off-street parking would prevent any expansion at this location until additional land would become available for off-street parking.

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 off-street parking should not in anyway interfere with any needed street right-of-way or 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 proposed expansion should not increase the demand for parking at peak attendance, but will only provide for better utilization of the existing facilities.

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 number of off-street parking spaces on the property shall not be reduced below 73 spaces.
2. Any increase in the seating capacity of the church above 455 shall be subject to the providing of off-street parking based on the requirements of the zoning ordinance based on the total capacity of the facility.

BZA CASE NO. 40-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>31</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>34</u>	TOTAL NOTICES SENT <u>10/6/86</u>

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

October 6, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 40-86

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 Gloria Dei Lutheran Church, 1101 North River Boulevard, 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 required number of off-street parking spaces from 91 spaces to 73 spaces on property zoned the "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Odd lots 145 through 165 inclusive and $\frac{1}{2}$ vacated alley on the west; together with vacated Porter on the east and Reserve "C". Generally located on the northwest corner of North River Boulevard and Briggs Avenue (1101 N. River Boulevard).

This application has been assigned Case No. BZA 40-86. It will be considered by the Board of Zoning Appeals on October 28, 1986 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.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 40-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Gloria Dei Lutheran Church
Mailing Address 1101 N. River Blvd., Wichita, KS Phone 263-0872
67203
Name of Authorized Agent Bob Schaefer
Mailing Address 220 S. Hillside, Wichita, KS Phone 684-0171
67211
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is a reduction in the number of required
offstreet parking spaces from 91 to 73. See attached.

_____ _____
for property located on the northwest corner of Briggs and North River
Blvd; 1101 North River Blvd., Wichita, Kansas
and legally described as: Odd lots 145-165 inclusive and 1/2 vacant
street adjacent on East Porter Avenue, Riverside Addition,
Exempt 3967-0. *see ownership list*

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

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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. 39-285); and that the appropriate fee is herewith tendered;
 - 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.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Gloria Dei Lutheran Church

Authorized Agent *Robert J. Schaefer*
Robert J. Schaefer

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 (a.m. p.m.), SEPT 29, 1986 together with appropriate fee of 300.00.

Signed *[Signature]*

JUSTIFICATION FOR VARIANCE REQUEST:

The existing Gloria Dei Lutheran Church brick building was constructed in 1957. Prior to that 1957 construction, a stone gothic church, office and kitchen building, constructed in 1946, was centered on the site. Today, the remodeled stone building is integrated with the brick building. The parking area (currently 73 spaces) was established at the 1957 period. There has been no expansion in the sanctuary area since 1957, and the number of parking spaces over the years has been adequate.

The building project will reconfigure the fellowship hall area and add classroom space in the basement. The project will not expand the maximum seating capacity in the sanctuary and will not increase the need for additional parking spaces.

Approximately two years ago, a second service was added on Sunday mornings. At this time, neither service is filled to maximum capacity. We are currently using all available land on site for parking. There are no commercial lots available for lease surrounding our property. The primary use of the building occurs on Sunday mornings from 8:00 to 12:00. There are small group meetings held at other times during the week.

Therefore, since the maximum seating capacity is not being increased and the ratio of seating capacity to parking spaces has been adequate for the last thirty years (with no additional parking area available on or near the property), we respectfully request that this variance be granted.

OWNERSHIP LIST

Lot	Addition	Property Owner
Lots 145, 147, 149 and 151, on Porter.	Riverside Addition	Gloria Dei Evangelical Lutheran Church 1011 N. River Blvd. Wichita, KS 67203
Lots 153, 155, 157 and 159; Lot 161, except the North 10 feet, on Porter; and $\frac{1}{2}$ of vacated Porter Ave. and $\frac{1}{2}$ vacated alley adjacent to said lots.	"	Same As Above
The North 10 feet of Lot 161, Lots 163 and 165 on Porter, and $\frac{1}{2}$ vacated Porter Ave. and $\frac{1}{2}$ vacated alley adjacent to said lots.	"	Same As Above
Lots 133 & 135, on Porter.	"	✓ Scott R. Pike 1047 Porter Ave. Wichita, KS 67203
Lots 137 and 139, on Porter.	"	✓ Ernest E. Ledbetter Eldora L. Ledbetter 1053 Porter Ave. Wichita, KS 67203 and Sharon Lee Overstreet (address unknown)
Lots 141 and 143, on Porter.	"	Josephine Webb Robert Webb Elizabeth Webb (address unknown)
Lots 134 and 136, on Dort, now Woodrow.	"	✓ Orville M. Walcher Ethel E. Roseberry 1048 Woodrow Ave. Wichita, KS 67203
The West 80 feet of Lots 138, 140, 142 and 144, on Dort, now Woodrow.	"	✓ Lora E. Collier Geraldine E. Collier 1625 Briggs Ave. Wichita, KS 67203
The East 60 feet of Lots 138, 140, 142 and 144, on Dort, now Woodrow.	"	✓ Howard S. Kline Lula E. Kline 1619 Briggs Ave. Wichita, KS 67203
Lots 146 and 148, on Dort, now Woodrow and $\frac{1}{2}$ vacated alley adjacent to said lots.	"	✓ Jennie Ruth Richardson c/o Jack A. Hopping 1237 Perry Ave. Wichita, KS 67203

Lot	Addition	Property Owner
Lots 150 and 152, on Dort, now Woodrow and $\frac{1}{2}$ vacated alley adjacent to said lots.	Riverside Addition	George Washington Coleman, Jr. Jennifer Marie Hollar Coleman 736 Crestline Ave. Wichita, KS 67212
Lots 154 and 156, on Dort, now Woodrow and $\frac{1}{2}$ vacated alley adjacent to said lots.	"	Thomas A. Martin Nancy J. Martin 8521 Killarney Pl. Wichita, KS 67206
Lot 158 and $\frac{1}{2}$ vacated alley adjacent to said lot.	"	Ronald Hopkins Betty D. Hopkins 1120 Woodrow Ave. Wichita, KS 67203
Lots 160 and 162, on Dort, now Woodrow.	"	Same As Above
Lots 164 and 166, on Dort, now Woodrow.	"	James L. Stanton Ahnika C. Carlgren 1126 Woodrow Ave. Wichita, KS 67203
Even numbered Lots 168 through 184, inclusive, on Dort, now Woodrow.	"	Carl W. Crumm Nelda Maye Crumm 1155 N. River Blvd. Wichita, KS 67203
Reserve C and $\frac{1}{2}$ vacated Porter Ave. adjacent to said reserve.	"	Gloria Dei Evangelical Lutheran Church 1011 N. River Blvd. Wichita, KS 67203
Reserve D	"	Carl W. Crumm Nelda Maye Crumm 1155 N. River Blvd. Wichita, KS 67203
Lots 12 & 13	Nobles Second Addition	Everett G. James Gladys L. James 1509 Briggs wichita, KS 67203
Lots 14 & 15	"	Mary Pfeiffer Helen M. Schmitt 1480 N. Clarence Wichita, KS 67203
Lots 16 and 17	"	Don D. Rutherford Loretta C. Rutherford 320 S. Socora Dr. Wichita, KS 67209
Lot 18, except the East 10 feet.	"	Joe A. Carrithers Penny L. Carrithers 1204 Riverside Ave. Wichita, KS 67203 and Ernestine A. Carrithers (address unknown)

Property DescriptionProperty Owner

Riverview Condominium, located on Lots 5, 6, 7, 8, 9, 10, 11, and the east 10 feet of Lot 18, Nobles Second Addition to Wichita, Sedgwick County, Kansas, together with an undivided interest in the common areas and facilities as established in the Declaration filed on Film 406, Page 1028 of the Records of the Register of Deeds of Sedgwick County, Kansas and any amendments filed thereto.

Unit 2A	✓ Evelyn Meckel 1401 W. River Blvd., Unit 2A Wichita, KS 67203
Unit 2B	✓ Ula Ann Dumont 1401 W. River Blvd., Unit 2B Wichita, KS 67203
Unit 2C	✓ Harriett Morris 1401 W. River Blvd., Unit 2C Wichita, KS 67203
Unit 2D	✓ Earl Bigbee Gwendolyn Bigbee 1401 W. River Blvd., Unit 2D Wichita, KS 67203
Unit 2E	✓ The Hutchinson National Bank and Trust Co., as trustee of Wesley E. Brown and Mary Brown Trust
Unit 3A	✓ Joyce C. Schrock 1401 W. River Blvd., Unit 3A Wichita, KS 67203
Unit 3B	✓ Laura W. Smith 1401 W. River Blvd., Unit 3B Wichita, KS 67203
Unit 3C	✓ Ernest Malbin Dorothy Malbin 1401 W. River Blvd., Unit 3C Wichita, KS 67203
Unit 3D	✓ Robert Gadberry Grace B. Gadberry 1401 W. River Blvd., Unit 3D Wichita, KS 67203
Unit 3E	✓ Donald D. Taylor Alma Skaer Taylor 1401 W. River Blvd., Unit 3E Wichita, KS 67203
Unit 4A and 4B	✓ Martin K. Eby, Jr. 1401 W. River Blvd., Unit 4A Wichita, KS 67203

<u>Property Description</u>	<u>Property Owner</u>
Riverview Condominium, located on Lots 5, 6, 7, 8, 9, 10, 11, and the east 10 feet of Lot 18, Nobles Second Addition to Wichita, Sedgwick County, Kansas, together with an undivided interest in the common areas and facilities as established in the Declaration filed on Film 406, Page 1028 of the Records of the Register of Deeds of Sedgwick County, Kansas and any amendments filed thereto.	
Unit 4C	✓ Lewis Dannar Alta Dannar 1401 W. River Blvd., Unit 4C Wichita, KS 67203
Unit 4D	✓ Max A. Noble 1401 W. River Blvd., Unit 4D Wichita, KS 67203
Unit 4E	✓ Jacqueline C. Oakes 1401 W. River Blvd., Unit 4E Wichita, KS 67203
Unit 5A	✓ Elinor B. Amstutz, trustee of the Elinor B. Amstutz Living Trust 1401 W. River Blvd., Unit 5A Wichita, KS 67203
Unit 5B	⊙ Earl Bigbee Gwendolyn Bigbee 1401 W. River Blvd., Unit 5B Wichita, KS 67203
Unit 5D	✓ Floyn J. Mayer Floy Raye Iron 1401 W. River Blvd., Unit 5D Wichita, KS 67203
Unit 5E	⊙ Robert Gadberry Grace B. Gadberry 1401 W. River Blvd., Unit 5E Wichita, KS 67203

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described Lots within a 200 foot radius of:

Odd numbered Lots 145 through 165, inclusive, and one half vacated alley and one half vacated Porter Avenue, adjacent to said Lots, on Porter Avenue AND Reserve C and one half vacated Porter Avenue adjacent to said Reserve, all in Riverside Addition to Wichita, Sedgwick County, Kansas,

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 29th day of September, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Deable
Sr. Vice President

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29-001

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
CITY DED VAC	\$ 300.00
NAME	Wichita Dev. Center, Inc.
ADDRESS	101 W. River Blvd.
FUND	75-4070-403
COMMENTS	
DATE	APR 23 1976
BY	[Signature]

*

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

Roll # 3