

CASE NO. BZA 41-86 Eastridge Church of the Nazarene requests a variance to reduce the required number of off-street parking spaces from 53 spaces to not less than 26 spaces on property zoned "L3" Light Commercial and generally

*POSTED
9-21-86
502*

ACTION

B.Z.A. 41-86 _____
DATE 10/28/86

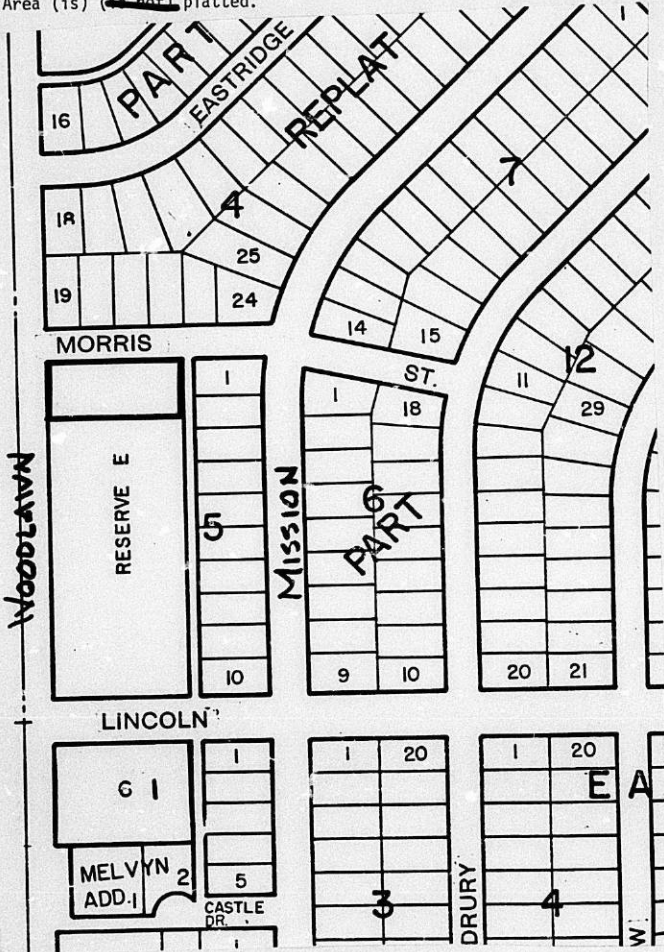
*200 1/4 Sec. 11-3-86
Shot 11-18
Record ✓*

Map No. **5946 D**

BZA **41-86**
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "**RB**" S "**LC**" W "**LC**" N "**AA**"
3. Land Use: East **2-F** South **Comm**
West **Comm** North **1-F**
4. Area (is) (~~not~~) platted.



Standard
No. 2-153C
HASTINGS, MN
LOS ANGELES-CINCINNATI-DOLOAN, OH
MEMPHIS, TN
MILWAUKEE, WI
MINNEAPOLIS, MN
NEW YORK, NY
PHOENIX, AZ
SAN FRANCISCO, CA
ST. LOUIS, MO
TAMPA, FL
WASHINGTON, DC
WICHITA, KS
WISCONSIN, WI
USA

October 31, 1986

Edward A. Marabito
551 South Belmont
Wichita, Kansas 67218

Re: BZA 41-86 - Request for Variance

Dear Mr. Marabito:

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: Eastridge Church of The Nazarene, 6403 E. Morris, Wichita, KS 67207
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 41-86

WHEREAS, Eastridge Church of The Nazarene, 6403 East Morris, 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 53 spaces to not less than 26 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

The north 100 feet of Reserve E Replat of part of Eastridge, an addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Woodlawn and Morris (6403 East Morris).

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 proposed expansion will not increase the seating capacity of the church and the original permit was apparently based on the availability of the joint use of adjacent commercial property even though a binding agreement has not been recorded, but the applicant has a verbal commitment for the use of adjacent 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 proposed addition will not increase the demand for parking and the continued use of adjacent property on a verbal commitment should not make a significant change to the area; 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 applicants would be unable to expand their facility without acquiring additional property for parking which in a developed area is difficult; 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 number of off-street parking spaces should not interfere with the need for any public 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 joint use of parking by the church and adjacent commercial development to satisfy 50 percent of the parking is in general conformance with the ordinance so long as it is available for use by the church on Sundays between 6:00 a.m. 10:00 p.m.; 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 53 spaces

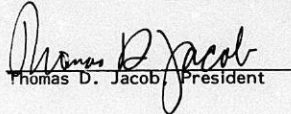
to not less than 26 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

The north 100 feet of Reserve E Replat of part of Eastridge, an addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Woodlawn and Morris (6403 East Morris).

be approved subject to the following conditions:

1. The number of off-street parking spaces provided on site shall not be reduced below 26 spaces.
2. Any increase in the seating capacity of the church above 262 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.
3. If at anytime the church does not retain the usage of the adjacent commercial property as off-street parking, then the conditions of this resolution shall become null and void; and, therefore, the applicant will be required to acquire and provide the number of spaces in conformance with the zoning ordinance.

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


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

SECRETARY'S REPORT
CASE NO. BZA 41-86

APPLICANT: Eastridge Church of the Nazarene, 6403 E. Morris, Wichita, KS

AGENT: Edward A. Marabito, 551 S. Belmont, 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 53 spaces to 26 spaces.

GENERAL LOCATION: On the southeast corner of Morris and Woodlawn.

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the south and west. To the north is "AA" One-family and to the east is "RB" Four-family Dwelling Districts.

LAND USE: Subject property is occupied by the existing church and off-street parking. To the south and west is commercial development. To the north are one-family dwellings and to the east are multiple-family dwellings.

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 construct a new foyer and office area between the existing church and the fellowship hall. This proposed addition will not increase the seating capacity of the existing sanctuary. The requested variance is to reduce the required number of off-street parking spaces from 53 spaces to 26 spaces.

The ordinance requires that when a facility is being expanded by floor area or capacity, off-street parking should be provided. In this case the church was constructed without all the required off-street parking being on site. As near as can be determined, no binding agreement for joint usage of adjacent commercial property was ever recorded, but was apparently considered as a basis for the issuance of the building permit for the sanctuary in the 50's.

The applicant indicates that the adjacent property owners verbally consent to the use of the parking, which has proven satisfactory over the years. Unfortunately, the adjacent property has lost many tenants over the past several years and the availability of parking could possibly change with new tenants involved.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the proposed expansion will not increase the seating capacity of the church and the original permit was apparently based on the availability of the joint use of adjacent commercial property even though a binding agreement has not been recorded, but the applicant has a verbal commitment for the use of adjacent 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 proposed addition will not increase the demand for parking and the continued use of adjacent property on a verbal commitment should not make a significant change to the area.

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 applicants would be unable to expand their facility without acquiring additional property for parking which in a developed area is difficult.

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 number of off-street parking spaces should not interfere with the need for any public 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 joint use of parking by the church and adjacent commercial development to satisfy 50 percent of the parking is in general conformance with the ordinance so long as it is available for use by the church on Sundays between 6:00 a.m. 10:00 p.m.

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 provided on site shall not be reduced below 26 spaces.
2. Any increase in the seating capacity of the church above 262 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.
3. If at anytime the church does not retain the usage of the adjacent commercial property as off-street parking, then the conditions of this resolution shall become null and void; and, therefore, the applicant will be required to acquire and provide the number of spaces in conformance with the zoning ordinance.

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE October 28, 1986

TO Glen Lytle, Special Assistant for Zoning

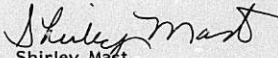
FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 41-86: Southeast corner of
Woodlawn and Morris - 6403
East Morris


CPO Council "G" considered the captioned case at its October 27th meeting and voted 7-0 to recommend that the five conditions necessary to the granting of a variance were found to exist and that the variance to reduce the required off-street parking from 53 spaces to 26 spaces be approved subject to the conditions recommended in the MAPD Secretary's report.

The applicant's agent, Edward A. Marabito, was present to describe the request and respond to questions. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the October 28th meeting.


Shirley Mast
Administrative Aide III

SM:dm
Noted


Annie K. Montgomery
CRS Director

BZA CASE NO. 41-86

<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>23</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>26</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 41-86

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 Eastridge Church of The Nazarene, 6403 East Morris, 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 53 spaces to not less than 26 spaces on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

The north 100 feet of Reserve E Replat of part of Eastridge, an addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Woodlawn and Morris (6403 East Morris).

This application has been assigned Case No. BZA 41-86. 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. 41-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Eastridge Church of the Nazarene
 Mailing Address 6403 E. Morris Phone 682-1987
 Name of Authorized Agent Edward A. Marabito
 Mailing Address 531 S. Belmont, Wichita, Ks. Phone 686-9516
 Relationship of applicant to property is that of owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required parking based on parking requirements established by the traffic engineering division of Wichita, Ks. of one space per five seats for a total of 53 cars. The site currently supports 28 cars with the remainder using the adjacent shopping center lot. The new layout also accommodates 28 cars on site. (26)
at the southeast corner of Woodlawn and Morris
 for property located _____

and legally described as: north 100' of Reserve E of replat. A part of Eastridge addition.

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

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. 39-285); 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 Sedgewick 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 Mark Jone Pastor
Eastridge Church of the Nazarene

Authorized Agent Edward A. Marabito Architect

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:07 (~~4:00~~ p.m.), SEPT. 29, 1986
 together with appropriate fee of 300.00.

Signed [Signature]

September 19, 1986

Edward Murabita
531 South Belmont
Wichita, Kansas 67218

Dear Mr. Murabita:

I am enclosing an application for a variance of the required off-street parking for the Eastridge Nazarene Church and the check for \$300 that was left in my office yesterday. I am retaining the site plan here in the office until the completed application is returned.

As you will note, there must be a statement in writing justifying the five conditions necessary to the granting of the variance. If they have a written agreement with the adjoining property owner for permission to use the parking this should also be submitted. In addition, as is required for all BZA applications, a certified ownership list is required.

In order to have this case heard at the BZA meeting on October 28, the above shall be filed in this office by September 29, 1986. If you have any questions, please give me a call.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL/iw

Enclosures



Edward A. Murabito \ Architect \ 531 S. Belmont \ Wichita, Kansas \ 67218

September 26, 1986

Board of Zoning Appeals
City of Wichita
455 N. Main
Wichita, Ks. 67202

Dear Board Members:

Eustring Nazarene Church proposes relocating its church office from a building to the east of the church to the church itself. This would necessitate expanding onto the present foyer. This addition would also allow the church to accommodate the physically handicapped.

The church currently seats 240 people in the sanctuary and 22 people in the choir risers. This number would remain the same. The existing site parks 28 of the required 53 cars as per Ordinance 34-452(6/11/76); 35-382(1/13/78); and 28-04-141, with the remaining cars parking on the adjacent shopping center parking lot. The shopping center has given verbal approval to this arrangement since church hours do not coincide with business hours.

The new office/foyer would not reduce the current 28 cars provided on the site. The existing north approach to staff parking would need to be shifted to the east (ref: site plan).

Sincerely,

Edward A. Murabito,
Architect

EAM:lf

1-316 686-9516

OWNERSHIP LIST

Lot	Block	Addition	Property Owners
The North 100 feet of Reserve E		Replat of Part of Eastridge Addition	Eastridge Church of the Nazarene of Wichita 6403 E. Morris St. Wichita, KS 67207
Reserve E, except the North 100 feet		"	Triple A. Properties, Inc., a Kansas Corp. 151 N. Main Wichita, KS 67202
Lot 15	Block 4	"	Harold I. Harp Dorothy Harp 22 Douglas Pkwy. Wichita, KS 67206
Lot 16	"	"	George S. Ernatt Clara I. Ernatt 1006 Eastmoor St. Wichita, KS 67207 and (affidavit of interest) Michael J. Ernatt 8541 Hurst St. Wichita, KS 67210
Lot 17	"	"	Glenn R. Humbolt Betty L. Humbolt 3141 Leonine Cir. Wichita, KS 67217 and (notice of interest) L.C. Gart Gartin 102 Lochinvor Dr. Wichita, KS 67207
Lot 18	"	"	Samuel R. Bruce Elizabeth Bruce 796 Eastridge Dr. Wichita, KS 67207
Lot 19	"	"	Howard V. Kuhl Bernita F. Kuhl 6404 E. Morris St. Wichita, KS 67207
Lot 20	"	"	Richard E. Spears Betty Spears 6410 E. Morris St. Wichita, KS 67207
Lot 21	"	"	Kendall Ray Valodine Janice A. Valodine 6416 E. Morris St. Wichita, KS 67207
Lot 22	"	"	Daryl G. Glamann Jr. Kathleen H. Glamann 1319 Carolyn Derby, KS 67037

Lot	Block	Addition	Property Owner
Lot 23	Block 4	Replat of Part of Eastridge Addition	Dudley L. Morris Teresa L. Morris 2059 Lori Ln. Wichita, KS 67207
Lot 24	"	"	✓ Frank M. Ward Janice K. Ward 2188 S. Glendale Ave. Wichita, KS 67218 and ✓ (notice of interest) Phyllis I. Redington 6434 E. Morris St. Wichita, KS 67207
Lot 25	"	"	✓ Marilyn Kay Knoffloch 115 S. Old Manor Wichita, KS 67218
Lot 1	Block 5	"	① Eastridge Church of the Nazarene 6403 E. Morris St. Wichita, KS 67207
The west 17 feet of the North 41 feet of Lot 2	"	"	✓ Garth M. Kennedy 7942 Dublin Ct. Wichita, KS 67206
Lot 2, except the West 17 feet of the North 41 feet and Lot 3, except the South 3 feet and except the West 17 feet of the North 40 feet of the South 43 feet	"	"	Garth M. Kennedy Carol A. Kennedy 7942 Dublin Ct. Wichita, KS 67206
The South 3 feet and the West 17 feet of the North 40 feet of the South 43 feet of Lot 3 and Lot 4, except the South 1 foot	"	"	Same As Above
The South 1 foot of Lot 4	"	"	Same As Above
Lot 5 and the North 2 feet and the West 17 feet of the South 40 feet of the North 42 feet of Lot 6	"	"	Same As Above
Lot 6, except the North 2 feet and except the West 17 feet of the South 40 feet of the North 42 feet	"	"	Same As Above

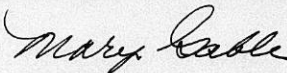
Lot	Block	Addition	Property Owner
Lot 31	Block F	A.J. Christman Second Addition	A.M. Stump Minnie Stump 1401 Stratford La. Wichita, KS 67206
Lot 32	"	"	Michael C. Von Hollen 901 S. Mission Wichita, KS 67207
Lot 33	"	"	Robert E. Welshimer 805 S. Hillcrest Wichita, KS 67208
Lot 34	"	"	Sanh Chi Chung Lang Kim Luong 749 S. Woodlawn Wichita, KS 67218
Lot 35	"	"	Edward N. Perry Helena E. Perry 743 S. Woodlawn Blvd. Wichita, KS 67218
The North 200 feet of Block G		"	Lodewyk F. Knetsch Hazel M. Knetsch 801 S. Woodlawn Blvd. Wichita, KS 67218
Block G, except the North 200 feet and except the South 250 feet		"	Raymond Shadid Mary L. Shadid 6320 E. 8th St. Wichita, KS 67208

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:

The North 100 feet of Reserve E, Replat of Part of Eastridge, an Addition to Wichita, Kansas, 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 25th day of September, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By 
Sr. Vice President

Order No: 368311
ns

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 20-021

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
City 572 V. 2	\$ 300.00
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY

*

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

Roll # 3