

BZA 51-88 - CORNERSTONE CHURCH OF GOD
requests a variance to reduce the rear
yard setback from 20 to 8 ft. on prop.
zoned the "AA" One-Family Dwelling Dist

POSTED 2-2-89 KK
OK

ACTION

BZA 51-88 *By* 11-30-88
D.I.

6344A

200'4 Sec 11-30-88

Checked *JK*

Shot 1-10-89

DSTE02-2-89 KC
o.k

BZA 51-88 - CORNERSTONE CHURCH OF GOD
requests a variance to reduce the rear
yard setback from 20 to 8 ft. on prop.
zoned the "A-1 One-Family Dwelling Dist

ACTION

B.Z.A. 51-88

Approve

11-22-88
DATE

5344A

200'45sec 11-30-88

Checked fe ✓

Shot 1-10-89

Record ✓

DATA SHEET

MAP NO.: 5344A

CASE NO. BZA 51-88

(CPO 4B, 11-15-88)

REQUEST: Variance to reduce the rear yard setback from 20 feet to 8 feet.

EXISTING ZONING: "AA" One-Family Dwelling District

GENERAL LOCATION: Southeast corner of Glenn & Crawford (2706 S. Glenn).

APPLICANT: Cornerstone Church of God
 ADDRESS: 2706 S. Glenn
 Wichita, KS 67217

PHONE: 265-4904

AGENT: Pastor Wade S. Kerns
 ADDRESS: 3042 Exchange
 Wichita, KS 67217

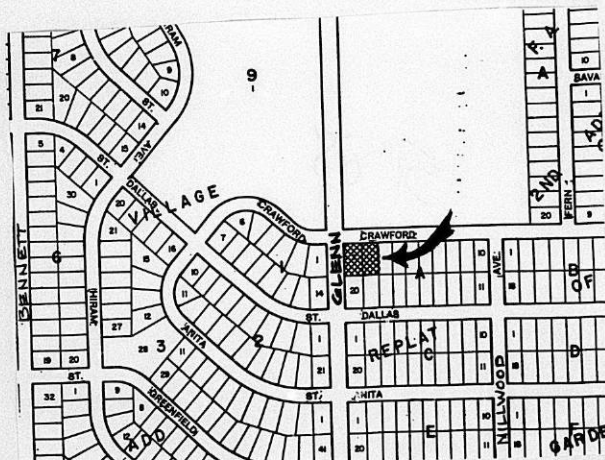
PHONE: 524-6955

AREA DATA

Acres: 148.5 ft. by 135 ft.

Adjacent Zoning and Land Use:

North	"AA"	<i>public junior high school</i>
South	"AA"	<i>one-family dwelling</i>
East	"AA"	"
West	"AA"	"



BZA INSPECTION SHEET

MAP NO.: 5344A

CASE NO. BZA 51-88

REQUEST: Variance to reduce the rear yard setback from 20 feet to 8 feet.

EXISTING ZONING: "AA" One-Family Dwelling District

GENERAL LOCATION: Southeast corner of Glenn & Crawford (2706 S. Glenn).

APPLICANT: Cornerstone Church of God
ADDRESS: 2706 S. Glenn
Wichita, KS 67217

PHONE: 265-4904

AGENT: Pastor Wade S. Kerns
ADDRESS: 3042 Exchange
Wichita, KS 67217

PHONE: 524-6955

HEARING DATE: 11/22/88

BZA ACTION: *Approved subject to conditions*

FOLLOW-UP DATES: *At time of plan review and site inspections.*

RESPONSE BY MAPD:

RESPONSE BY CID:

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 288-4561

November 23, 1988

Pastor Wade S. Kerns
3042 Exchange
Wichita, KS 67217

Re: BZA 51-88 - Variance to reduce rear yard setback from 20 ft.
to 8 ft. at 2706 S. Glenn.

Dear Pastor Kerns:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on November 22, 1988. 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

BZA RESOLUTION NO. 51-88

WHEREAS, Cornerstone Church of God, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to not less than 8 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 1 and 2, Block A, Replat of Sowers Gardens, Sedgwick County, Kansas. Generally located at the southeast corner of Glenn and Crawford (2706 S. Glenn).

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 November 22, 1988, 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 sanctuary is located well back from both streets and the parking and playground requirements further restrict the location of additional structures; 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 structure is limited to one story in height and will be separated from the rear yard of the adjacent single-family home by a solid 6-foot-tall wooden fence; 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 proposed building would have to be reduced in size by approximately 480 square feet which, according to the applicant, would make it economically infeasible to construct; 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 no existing or needed street right-of-way or utility easements will be encroached upon by the proposed structure; 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 there will still be adequate space between the building and south property line to provide for light, air and pedestrian circulation; 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.

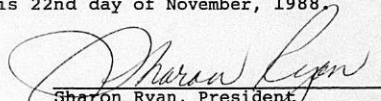
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the rear yard setback from 20 feet to not less than 8 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 1 and 2, Block A, Replat of Sowers Gardens, Sedgwick County, Kansas. Generally located at the southeast corner of Glenn and Crawford (2706 S. Glenn).

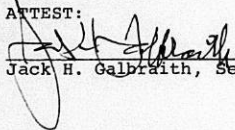
subject to the following conditions:

1. The proposed new metal building shall be no taller than one story.
2. There shall be no encroachments of foundations, roof overhangs or any other structure within the existing 8-foot utility easement located along the south property line.
3. The variance shall apply to only a 40-foot length of the rear yard as depicted on the site plan by the designation "new metal building".
4. The property shall be developed substantially in compliance with the site plan as submitted to the Board.

ADOPTED AT WICHITA, KANSAS, this 22nd day of November, 1988.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

THE CITY OF WICHITA

TO: Louise Olivarez, Principal Planner

DATE: November 16, 1988

FROM: Stanley J. Scott, CP Coordinator *Stanley J. Scott*

SUBJECT: BZA 51-88: Southeast Corner of Glenn
and Crawford (2706 S. Glenn)

(BZA 42-88: Associated Case)

On Tuesday, November 15, 1988, CPO North Central Neighborhood Council 4B considered the captioned case, a request for a zoning variance to reduce the rear yard setback from 20 feet to 8 on property zoned the "AA" One-Family Dwelling District. Following discussion, the Council voted 7-1 to recommend approval of the requested variance, subject to MAPD staff comments.

Pastor Wade S. Kerns, representing the Cornerstone Church of God, was present to describe the request and respond to questions from the Council. Pastor Kerns explained that the variance is requested to allow the construction of a child day care center at the church. He noted that the request was filed in response to a recommendation by the Board of Zoning Appeals to change the location of the day care building to reduce the impact of noise upon the adjacent neighborhood.

Robert W. Dick, 1826 Dallas, appeared before the Council to express his opposition to the zoning variance and BZA 42-88 (the zoning exception case to allow a child day care center at the location). Mr. Dick stated that he felt the revised location of the day care building would increase noise, rather than reduce it. Mr. Dick suggested that a parking lot be placed on the site and recommended that the day care building and playground be relocated.

In voting to recommend approval of the requested zoning variance, the Council noted its previous support of BZA 42-88.

Please provide the Council's recommendation and comments to the Board of Zoning Appeals when BZA 51-88 (and BZA 42-88) are considered on Tuesday, November 22, 1988.

SJS

**BOARD OF ZONING APPEALS
WICHITA, KANSAS**

AGENDA ITEM NO. 3

November 22, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 51-88

OWNER/APPLICANT/AGENT: Cornerstone Church of God (owner/applicant)
Pastor Wade Kerns (agent)

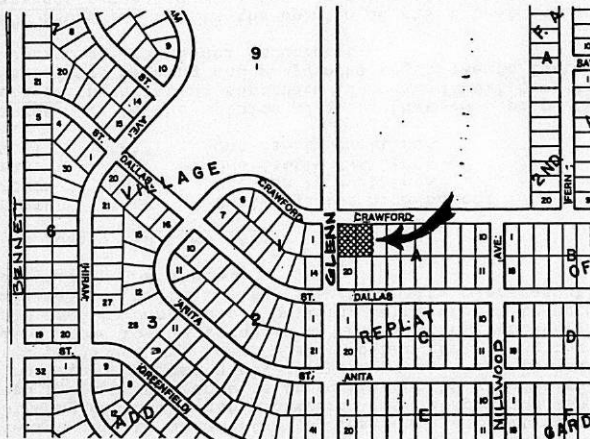
REQUEST: Variance to reduce the rear yard setback from
20 feet to not less than 8 feet.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 148.5 ft. x 135 ft.

LOCATION: Southeast corner of Glenn & Crawford
(2706 S. Glenn)

PROPOSED USE: Child daycare center operated in conjunction
with the Cornerstone Church of God.



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.

BACKGROUND: The applicant is requesting a reduction of the required rear yard setback from 20 feet to not less than 8 feet. There is an 8-foot-wide utility easement along the south property line which would prohibit any encroachments, including foundations and roof overhangs. The need for this variance is brought about by the desire to construct a new building to house a child daycare center and to place the required playground at some location other than along the south property line. Due to the location of the existing sanctuary and the economic need to construct a building large enough to accommodate approximately 60 children, the resultant site plan cannot maintain a 20-foot yard on the south.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	Public junior high school
SOUTH	"AA"	One-family dwellings
EAST	"AA"	One-family dwellings
WEST	"AA"	One-family dwellings

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the existing sanctuary is located well back from both streets and the parking and playground requirements further restrict the location of additional structures.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the structure is limited to one story in height and will be separated from the rear yard of the adjacent single-family home by a solid 6-foot-tall wooden fence.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the proposed building would have to be reduced in size by approximately 480 square feet which, according to the applicant, would make it economically infeasible to construct.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no existing or needed street right-of-way or utility easements will be encroached upon by the proposed structure.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as there will still be adequate space between the building and south property line to provide for light, air, and pedestrian circulation.

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 proposed new metal building shall be no taller than one story.
2. There shall be no encroachments of foundations, roof overhangs or any other structure within the existing 8-foot utility easement located along the south property line.
3. The variance shall apply to only a 40-foot length of the rear yard as depicted on the site plan by the designation "new metal building".
4. The property shall be developed substantially in compliance with the site plan as submitted to the Board.

Crawford Street

New 25'-7" Wide
Cone Approach

30'-0" High Fences

30' Fence

Vestibule
Addition
30'-17" x 10'-0"

Existing Building

65'-0"

15'-0"

5' Reinf. Conc.
Parking & Drive

15'-0"

New Metal Building
40'-0" x 65' = 2600 sq. ft.

Fenced Playground
2233 sq. ft. total

5' Reinf. Conc.
(Wide Surface Pkwy.)

Chain-link Fence

2'-0" Basement

of Glenn Ave.

70'-0" Fence

Lot 1

70'-0"

15'-0"

John R. Schick
John R. Schick

BZA 51-80

BZA CASE NO. 51-88

15 LEGAL ADVERTISEMENTS SENT TO MAPC & BZA
2 NOTICES SENT TO APPLICANT/AGENT
18 NOTICES SENT TO ADJOINING PROPERTY OWNERS
5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 10/28/88

1 NOTICE SENT TO CPO
2 NOTICES SENT TO CITY MANAGER & CITY
COUNCIL REPRESENTATIVE TO DISTRICT
5 NOTICES TO MAPD STAFF -

Jack Galbraith
Louise Olivarez
Bob Young
Forrest Nagley
Karen Crook

(_____) Published in The Daily Reporter, 10/28/88

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 22nd day of November, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 N. Main, Wichita, Kansas, will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 51-88 - Cornerstone Church of God, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 8 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 1 and 2, Block A, Replat of Sowers Gardens, Sedgwick County, Kansas. Generally located at the southeast corner of Glenn and Crawford (2706 S. Glenn).

2. Case No. BZA 52-88 - Security Storage Properties, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the expansion of self-service storage facilities on property zoned or approved for the "BB" Office and "LC" Light Commercial Districts and legally described as follows:

Lot 1, Security Storage Properties 2nd Addition, Wichita, Kansas, except the south 15 ft. of the west 250 ft. thereof; AND beginning at a point on the west line of Lot 7 in the SW 1/4 of Section 32, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, and 268.77 ft. south of the northwest corner of said Lot 7; south along the west line of said Lot 7 a distance of 76.08 ft.; thence east parallel with the north line of said Lot 7 a distance of 601.79 ft. more or less to the west line of the Midland Valley Railroad right-of-way; thence in a northwesterly direction along west line of said right-of-way to a point 268.77 ft. south of the north line of said Lot 7; thence west 597.23 ft. more or less to the point of beginning, except the west 300 ft. thereof; being platted as Lot 1, Security Storage Properties 3rd Addition. Generally located on the east side of Seneca in an area between Jewell and May.

Official Notice
Page 2

3. Case No. BZA 53-88 - Smith & Company, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the side yard setback from 6 feet to 4 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 48, Block 1, Smithmoor 1st Addition,
except the westerly 1 foot thereof.
Generally located at the southwest corner of
Countryside and Smithmoor (10715 E.
Countryside).

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 28th day of October, 1988.

Jack Galbraith, Secretary
Board of Zoning Appeals

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

October 31, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 51-88

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 Cornerstone Church of God, requesting a variance.

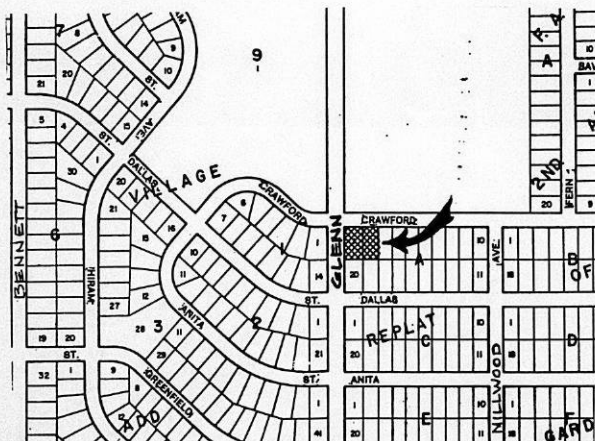
Pursuant to Section 2.12.590.B, Code of the City of Wichita, the applicant is requesting a variance to reduce the rear yard setback from 20 feet to 8 feet on property zoned the "AA" One-Family Dwelling District. A legal description of the applicant's property is as follows:

Lots 1 and 2, Block A, Replat of Sowers Gardens, Sedgwick County, Kansas. Generally located at the southeast corner of Glenn and Crawford (2706 S. Glenn).

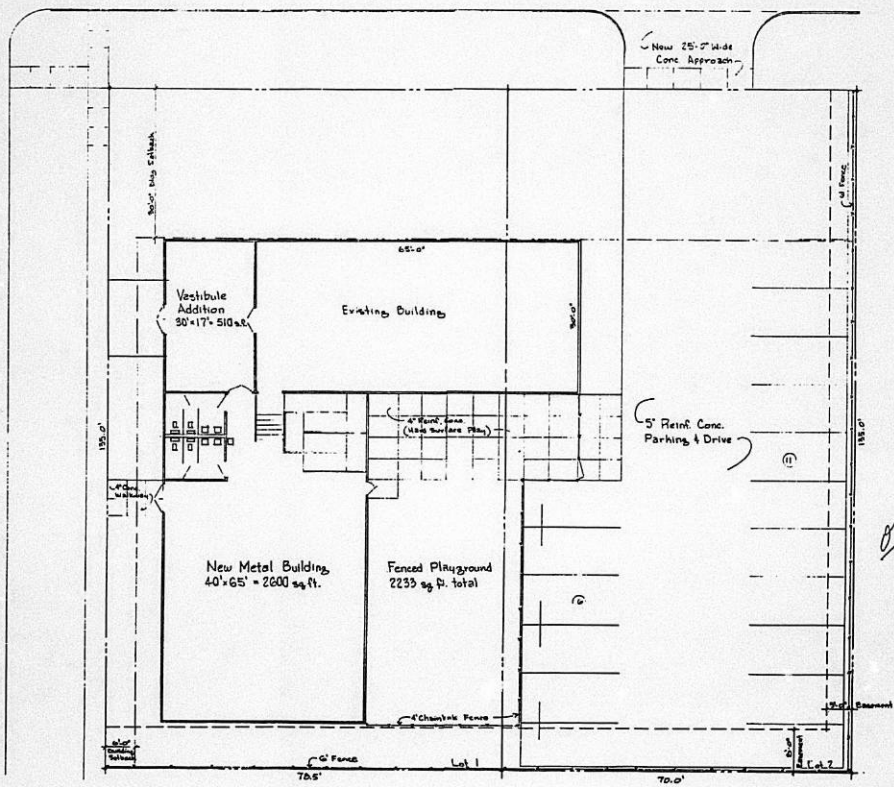
This application has been assigned Case No. BZA 51-88. It will be considered by the Board of Zoning Appeals on Tuesday, November 22, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main, Wichita, Kansas. If you have no interest in or objections to the requested variance, you 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO South Neighborhood Council "4B" will consider this case at their meeting to be held on Tuesday, November 15, 1988, at 7:00 p.m. at the National Guard Armory, 3617 South Seneca. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



Crawford Street



Handwritten signature:
 J. R. ...
 Jackson, Mo.

BZA 51-80

(same ownership list as
for BZA 42-88)

APPLICATION FOR VARIANCE

I. Applicant Cornerstone Church of God
Address 2706 S Glenn Zip Code 67217 Phone 265-4904
Agent Pastor WADE S. KERNS
Address 3042 Exchange Zip Code 67217 Phone 524-6955
Relationship of applicant to property is that of Pastor
(Owner, Tenant, Lessee, Other)

II. The variance requested is on the 25 ft. setback on
South property lines, a reduction of the rear yard setback
from 20 feet to 8 feet
on property zoned 'AA' Single Family dwelling district which is
146.5 ft by 135 ft (or _____ acres) in size, legally described as: LOTS 1 and 2
BIKA Replat of Sewers Gardens, Sedg. Co. Ks.
southeast corner of Glenn and Crawford
and located 2706 S Glenn

in the City of Wichita.

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 Cornerstone Church of God

Authorized Agent Rev. Wade S. Kerns

OFFICE USE ONLY:

Map No. 5344A Zoning: (N) AA (S) AA (E) AA (W) AA CPO 4B 11-15

Received in Office of Secretary, Board of Zoning Appeals, 11 (a.m./p.m.),
10-20, 1988, together with appropriate fee of 150⁰⁰ + 6⁰⁰.

Signed Janice Oliver

Nº 00419

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA Variance (additional) & Signs

Name Cornerstone Church of God

Address 2706 S. Glenn

Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)

Amount 4156.⁰⁰

Date 10-30-88 Due Date 10-30-88 By LL.

Form 00-000

*

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

Roll # 3