

POSTED
12-3-82

ACTION

BZA 55-82 APPROVED 12-28-82
DATE

5585A
Same map as
5482

200' 14 Sec 1-4-83
Checked 1-5-83
Shot 1-27-83
Recorded 1-31-83

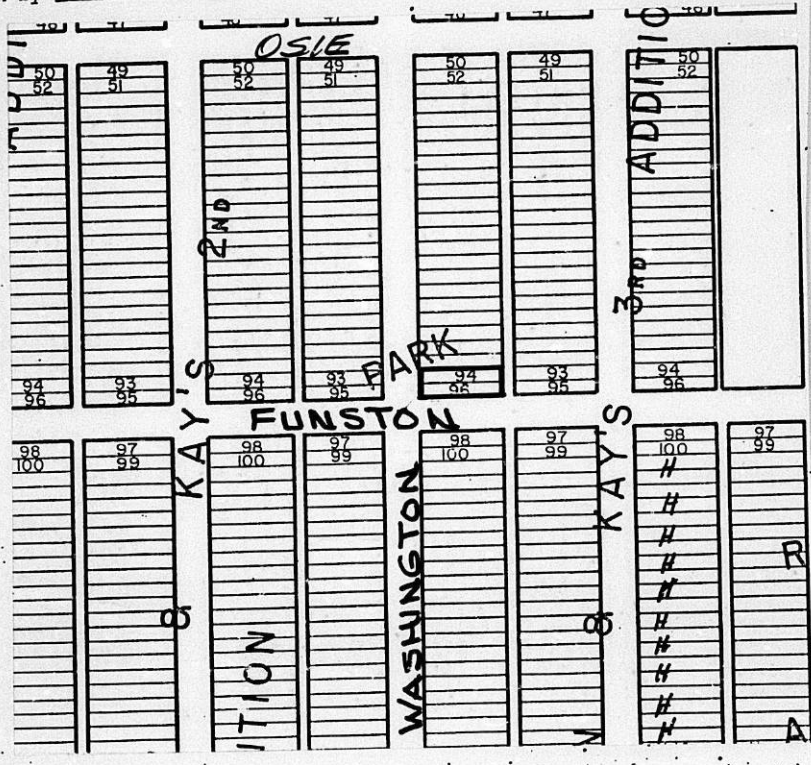
Case No. BZA 55-82 - St. Luke
Presbyterian Church - requests
variances to reduce the required front
yard setback from 25' to 0' and to
reduce the required side yard setback
from 6' to 0', both for off-street

Map No. 5545
 Sec. 33
 Twp. 27
 Range 1E

BZA- 55-82
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA: _____
1. Acres: 0.17 (50 ft. by 150 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM. South CHURCH
 West SINGLE FAM. North SINGLE FAM.
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: SINGLE FAM
 6. Area (is) (is not) platted.

PHOTO DATA: _____
 Taken by _____ Date _____ Time _____



STANDARD
 No. 2-153C
 HASTINGS, MN
 LOS ANGELES, CHICAGO, OGDEN, OH
 REGOR, TX, LOCUST GROVE, GA
 U.S.A.

December 29, 1982

St. Luke Presbyterian Church
1800 South Washington
Wichita, Ks. 67211

Re: BEA 54-82 - Request for Exception
BEA 55-82 - Request for Variance

Gentlemen:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on December 28, 1982.

These Resolutions reflect the official action of the Board to approve the requests and set out the conditions of approval. These are 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:ead
Enclosures

cc: Robert L. Nicholas, Chairman of Property Committee, 1800 South
Washington, Wichita 67211
Robert Feldner, Superintendent of Central Inspection (2)
Don Gsieck, City Clerk

RESOLUTION NO. EZA 55-82

WHEREAS, the St. Luke Presbyterian Church, 1800 South Washington, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 0 feet and to reduce the required side yard setback from 6 feet to 0 feet, both for off-street parking purposes only on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 94 and 96, on Washington Avenue, Forest Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Washington and Funston.

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 December 28, 1982, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for the variances 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 variances arise 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 adjacent to a collector street and is immediately across the street from the use that the parking will serve; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents inasmuch as the property will be screened along the north property line which is the only property located immediately adjacent to the area on which a variance is requested; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variances are requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the granting of the variances can nearly double the number of off-street parking spaces on the property, yet the additional cost of improvements for the setback area is minimal; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the additional use of the property will not interfere with any utility easement or needed street right-of-way; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the property is located directly across the street from the use it serves and the screening should provide any needed protection to residential property in the neighborhood; 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.

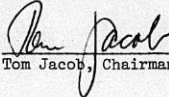
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for the variances to reduce the required front yard setback from 25 feet to 0 feet and to reduce the required side yard setback from 6 feet to 0 feet, both for off-street parking purposes only on property zoned the "A" Two-family Dwelling District and legally described as:

Lots 94 and 96, on Washington Avenue, Forest
Park Addition to Wichita, Sedgwick County,
Kansas. Generally located on the northeast
corner of Washington and Funston.

be approved subject to the following conditions:

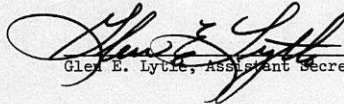
1. The reduction of the required front yard from 25 feet to 0 feet, and the reduction of the required side yard from 6 feet to 0 feet shall be for off-street parking purposes only.
2. Adequate barriers shall be provided to prevent the extension of vehicles over public right-of-way.
3. All improvements shall be installed and maintained in accordance with Resolution EZA 54-82.

ADOPTED AT WICHITA, KANSAS, this 28th day of December, 1982.



Tom Jacob, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE December 20, 1982

TO Glen Lytle, Special Assistant for Zoning

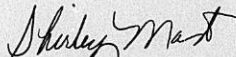
FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 55-82 (Northeast corner of
Washington and Funston)

CPO Council "E" considered the captioned case at their December 15th meeting and voted 5-0 to recommend approval of the variance to reduce the required front yard setback from 25 feet to 0 feet and to reduce the required side yard setback from 6 feet to 0 feet, both for off-street parking purposes only on property zoned the "A" Two-Family Dwelling District at the captioned location.

Three representatives from St. Luke Presbyterian Church were present and spoke in support of the application. Two adjoining property owners were present but only one spoke in opposition to the requested variances.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on December 28th.


Shirely Mast
Administrative Aide III

SM:dm

SECRETARY'S REPORT
CASE NO. BZA 55-82

APPLICANT: St. Luke Presbyterian Church, 1800 South Washington
Wichita, Kansas.

AGENT: Robert L. Nicholas, Chairman of Property Committee,
1800 South Washington, Wichita, Kansas.

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

GENERAL LOCATION: On the northeast corner of Washington and Funston.

ZONING: Subject property is zoned the "A" Two-family Dwelling
District as are all adjacent properties.

LAND USE: Subject property is occupied by a One-family
dwelling. Properties to the west, north and
east are residential. Property to the south
across Funston is the applicant's church.

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 a variance of the required front yard setback from 25 feet to 0 feet and the required side yard setback from 6 feet to 0 feet, both for off-street parking purposes only. This request is for off-street parking purposes only. This request is to fully utilize a 50 foot residential property across the street from the church for additional parking. Without the variance, only 12 spaces can be provided in accordance with the off-street parking standards, whereas with a variance of the setbacks, 21 spaces can be provided.

It should be noted that the side yard setback is across the street from the church on the south and that the rear yard of the residence to the east is adjacent to the rear yard of the application area and separated by an alley. The front yard setback is adjacent to the front yard of the residence to the north. By providing screening along the north property line and the location of the driveway approach closer to the south property, adequate protection should be provided to the adjacent property.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is adjacent to a collector street and is immediately across the street from the use that the parking will serve.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the property will be screened along the north property line which is the only property located immediately adjacent to the area on which a variance is requested.

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 granting of the variances can nearly double the number of off-street parking spaces on the property, yet the additional cost of improvements for the setback area is minimal.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variances would not adversely affect the public interest inasmuch as the additional use of the property will not interfere with any utility easements or needed street right-of-way.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as majority of the variances requested will be directly across the street from the use it serves and the screening should provide any needed protection to residential property in the neighborhood.

RECOMMENDATION:

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

1. The reduction of the required front yard from 25 feet to 0 feet, and the reduction of the required side yard from 6 feet to 0 feet shall be for off-street parking purposes only.
2. Adequate barriers shall be provided to prevent the extension of vehicles over public right-of-way.
3. All improvements shall be installed and maintained in accordance with Resolution BZA 54-82.

BZA CASE NO. 55-82

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

21 NOTICES SENT TO ADJOINING PROPERTY OWNERS

34 TOTAL NOTICES SENT 12-8-82

BOARD OF ZONING APPEALS

CASE NO. 55-82

CITY OF WICHITA, KANSAS

FILED 11-29-82

APPLICATION FOR VARIANCE

I. Name of Applicant St. Luke Presbyterian Church
Mailing Address 1800 S. Washington Phone 265-9803
Wichita, Kansas 67211
Name of Authorized Agent St. Luke Property Committee, Robert L. Nicholas,
Chairman; Walter R. Kelly, Co-Chairman
Mailing Address 1800 S. Washington Phone 265-9803
Wichita, Kansas 67211
Relationship of applicant to property is that of Purchaser
(Owner, Tenant, Lessee, Other)

II. The variance, requested ^{and} is to reduce the required front yard
setback from 25 feet to 0 feet and to reduce the side yard
setback from 6 feet to 0 feet, both for off-street parking
purposes only.
for property located at 1758 South Washington, Wichita, Kansas
on the northwest corner of Washington and Funston
and legally described as: Lots 94 and 96, Washington Avenue,
Forest Park Addition to Wichita, Kansas

in the City of Wichita; and which is presently zoned "A" two-
family dwelling district
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 ST. LUKE PRESBYTERIAN CHURCH

ST. LUKE PROPERTY COMMITTEE

Authorized Agent Robert L. Nicholas Chairman
Walter R. Kelly Co-Chairman

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:00 (a.m.), Nov 29, 1982
together with appropriate fee of 150.00.

Signed L. Lytle

Proposed Parking Lot for -
ST. LUKE Presby. Church

Existing buildings to be removed.
Ground leveled and covered with
crushed rock.



Scale 1" = 20'

