

5646 A

2004 Sec 2-1-84
Checked
Gov 2-2-84
Record

Case No. BZA 58-83 - Epworth United Methodist Church - Requests a variance to reduce the required front yard setback from 25' to 0' for off-street parking purposes only on property zoned the "A" Two-family Dwelling

Post
10-25-83

ACTION

B.Z.A. 58-83 APPROVED 11-22-83
DATE

5646 A

204 Sec 2-1-84
Checked
Shot 2-2-84
Record

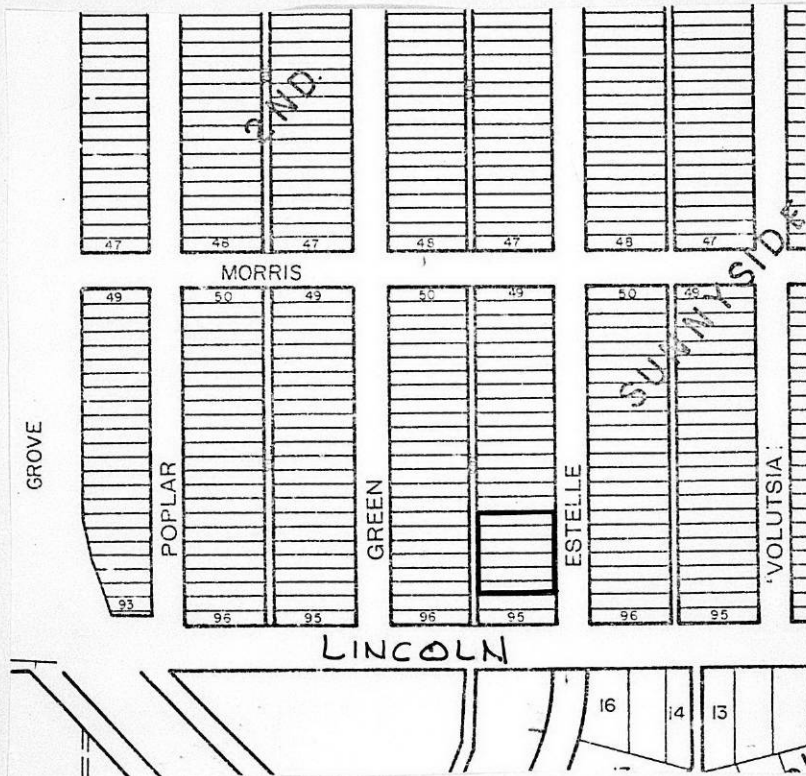
Case No. BZA 58-83 - Epworth United Methodist Church - Requests a variance to reduce the required front yard setback from 25' to 0' for off-street parking purposes only on property zoned the "A" two-family Dwelling

Map No. 5646

BZA 58-83
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E A S A W A N A
3. Land Use: East Res South Res
West Church North Res.
4. Area (is) (~~is not~~) platted.



January 13, 1984

Epworth United Methodist Church
856 South Clifton
Wichita, Ks.

Re: BZA 58-83 - Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 22, 1983.

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
Encl.

cc: Mid-Kansas Engineering Consultants, 240 N. Rock Road, #130, Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
Earl Haskins, 348 North Ash, Wichita

RESOLUTION NO. BZA 58-83

WHEREAS, Epworth United Methodist Church, 856 South Green, Wichita, Kansas, requests a variance 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 for off-street parking purposes only on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 81, 83, 85, 87, 89 and 91, Second Sunnyside Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Estelle Street and north of Lincoln.

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, 1983, 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 located contiguous to the main use and is only separated from an arterial street by one 50 foot parcel to the south; 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 lot will be screened from the adjoining residential properties on the north and south and the heavy use of the property for parking will be mainly on Sunday and occasional functions and services during the week; 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 full utilization of the property as a parking lot will help reduce the cost per parking space, and with additional street trees being planted in the street right-of-way adjacent to Estelle should compensate for the landscaped front yard that will be eliminated; 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 use of the required front yard for off-street parking will not interfere with any 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 applicant's use of the property is limited primarily to Sundays and special occasions during the week, and is not as intense as commercial parking lots that can be provided by exception in this same zoning district for a commercial use; 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 front yard setback from 25 feet to 0 feet for off-street parking purposes only on property zoned the "A" Two-family Dwelling District and legally described as:

Lots 81, 83, 85, 87, 89 and 91, Second Sunnyside Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Estelle Street and north of Lincoln.


be approved subject to the following conditions:

1. Prior to the release of the resolution authorizing any variance, the applicant shall submit a landscape plan of the sidewalk area adjacent to Estelle Street which shall indicate the existing trees and any new landscape material to be used.
2. All parking areas, driveways and circulation areas shall be surfaced in accordance with Section 28.04.143 of the code.
3. The parking lot shall be striped and provided with parking barriers as required by ordinance and approved by the office of the Traffic Engineer.
4. The applicant shall maintain all landscaping as set forth on the plan approved as condition number one and when any loss occurs said landscape material shall be replaced.
5. A 6 foot screening fence shall be installed at the north and south property lines. Such fence shall be reduced to 3 feet for the 25 feet adjacent to Estelle.

ADOPTED AT WICHITA, KANSAS, this 22nd day of November, 1983.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

November 23, 1983

Epworth United Methodist Church
856 South Green
Wichita, Ks.

Re: BZA 58-83 - Request for Variance

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on November 22, 1983, your request for a variance to reduce the required 25' front yard setback to 0' for off-street parking purposes only 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 authorizing any variance, the applicant shall submit a landscape plan of the sidewalk area adjacent to Estelle Street which shall indicate the existing trees and any new landscape material to be used.
2. All parking areas, driveways and circulation areas shall be surfaced in accordance with Section 28.04.143 of the code.
3. The parking lot shall be striped and provided with parking barriers as required by ordinance and approved by the office of the Traffic Engineer.
4. The applicant shall maintain all landscaping as set forth on the plan approved as condition number one and when any loss occurs said landscape material shall be replaced.

5. A 6 foot screening fence shall be installed at the north and south property lines. Such fence shall be reduced to 3 feet for the 25 feet adjacent to Estelle.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad
cc Mid-Kansas Engineering Consultants, 240 North Rock Road #130,
Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE November 22, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 58-83: West side of Estelle
and north of Lincoln

On Monday, November 21st, CPO Neighborhood Council "L" considered the captioned case, a request for a variance to reduce the front yard setback from 25' to 0' for off-street parking spaces only on property zoned "A" Two-Family Dwelling District. After discussion, the Council voted 4-2 to recommend denial of the requested variance.

Mike Harding and Don Mershon appeared before the Council to describe the requested variance and respond to questions. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments. No area residents or property owners were present.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 56-83 is considered on Tuesday, November 22nd.



Stan Scott
Administrative Aide III

SS:sm

RECEIVED

NOV 22 1983

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 58-83

APPLICANT: Epworth United Methodist Church, 856 South Green, Wichita, Kansas.

AGENT: Mid-Kansas Engineering Consultants, 240 North Rock Road #130, Wichita, Kansas.

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

GENERAL LOCATION: On the west side of Estelle and north of Lincoln.

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

LAND USE: Subject property is being developed as a church parking lot. To the north, east and west are one-family dwellings. To the west is the church and parking lot.

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 applicant is requesting a variance of the required front yard setback from 25 feet to 0 feet in order to fully utilize the property for an off-street parking lot for the church which is located to the west at the northwest corner of Lincoln and Green. The church has purchased 3 houses which are being removed from the property so that additional parking may be provided for the church.

The ordinance requires that the front yard setback on residential property be maintained as a landscaped yard unless a variance is obtained. The required driveway approaches are permitted to pass thru this required yard but the parking spaces and circulation drives must be located in back of this setback.

The parking lot will be entered from Green Street adjacent to the church and will exit onto Estelle. The applicant will be required to surface and stripe the lot as well as provide a screening fence along both the north and south property lines. Adequate street trees should be maintained in the public right-of-way to soften the effect of the parking lot in the middle of the residential block.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is located contiguous to the main use and is only separated from an arterial street by one 50 foot parcel to the south.

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 lot will be screened from the adjoining residential properties on the north and south and the heavy use of the property for parking will be mainly on Sunday and occasional functions and services during the week.

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 full utilization of the property as a parking lot will help reduce the cost per parking space, and with additional street trees being planted in the street right-of-way adjacent to Estelle should compensate for the landscaped front yard that will be eliminated.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the use of the required front yard for off-street parking will not interfere with any 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 applicant's use of the property is limited primarily to Sundays and special occasions during the week, and is not as intense as commercial parking lots that can be provided by exception in this same zoning district for a commercial use.

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. Prior to the release of the resolution authorizing any variance, the applicant shall submit a landscape plan of the sidewalk area adjacent to Estelle Street which shall indicate the existing trees and any new landscape material to be used.
 2. All parking areas, driveways and circulation areas shall be surfaced in accordance with Section 28.04.143 of the code.
 3. The parking lot shall be striped and provided with parking barriers as required by ordinance and approved by the office of the Traffic Engineer.
 4. The applicant shall maintain all landscaping as set forth on the plan approved as condition number one and when any loss occurs said landscape material shall be replaced.
 5. A 6 foot screening fence shall be installed at the north and south property lines. Such fence shall be reduced to 3 feet for the 25 feet adjacent to Estelle.
-

BZA CASE NO. 58-83

2 NOTICES SENT TO APPLICANT/AGENT

10 *LEGAL ADV.*
NOTICES SENT TO MAPC

- 1 NOTICES SENT TO CPO

24 NOTICES SENT TO ADJOINING PROPERTY OWNERS

27 TOTAL NOTICES SENT 11-3-83

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

November 3, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 58-83

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 Epworth United Methodist Church, 856 South Green, 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 front yard setback from 25' to 0' for off-street parking purposes only, on property zoned "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 81, 83, 85, 87, 89 and 91, Second Sunnyside Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Estelle Street and north of Lincoln.

This application has been assigned Case BZA 58-83. It will be considered by the Board of Zoning Appeals on November 22, 1983 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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 58-83
FILED 10-24-83

APPLICATION FOR VARIANCE

I. Name of Applicant Epworth United Methodist Church - Max Clayton
Mailing Address 856 S. Green, Wichita, KS 67211 Phone 684-0114
Name of Authorized Agent Mid-Kansas Engineering Consultants
67206
Mailing Address 240 N. Rock Road, #130, Wichita, KS Phone 682-6561
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is To reduce the required front yard setback from 25 feet to 0 feet for off-street parking lot to be used by the Epworth United Methodist Church purposes only
To allow for the construction of a

for property located on along the west side of Estelle Street north of Lincoln

and legally described as: Lots 81, 83, 85, 87, 89 and 91, Second Sunnyside Addition to Wichita, Sedgewick County, Kansas

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

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 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 _____

Authorized Agent Michael D. Harding
Michael D. Harding, P.E.

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:30 (a.m. - ~~p.m.~~), Oct. 24, 1983 together with appropriate fee of 150.00

Signed E. Lytle

O W N E R S H I P L I S T

<u>Property Description</u>	<u>Property Owner</u>
Lots 59, 61 & 63, Estelle, Second Sunnyside Addition	✓ James R. Overstake 415 St. James Wichita, Kansas 672 06
Lots 65 & 67, Estelle, Second Sunnyside Addition	✓ Luther I. Metzger Lora Pearl Metzger 823 S. Estelle Wichita, Kansas 67211
Lots 69 & 71, Estelle, Second Sunnyside Addition	✓ Gregory C. Hupp Catherine R. Hupp 827 S. Estelle Wichita, Kansas 67211
Lots 73 & 75, Estelle, Second Sunnyside Addition	✓ Charles W. Noble (dec.) Thelma Marie Noble 831 S. Estelle Wichita, Kansas 67211
Lots 77 & 79, Estelle, Second Sunnyside Addition	✓ Grant Simpson (dec.) Hazel L. Simpson 2350 N. Erie Wichita, Kansas 67219
Lots 81, 83, 85, 87, 89, & 91, Estelle, Second Sunnyside Addition	⤵ Epworth United Methodist Church 856 S. Green Wichita, Kansas 67211
Lots 93 & 95, except the west 4 feet, Estelle, Second Sunnyside Addition	✓ L. W. Cole Audra E. Cole 857 S. Estelle Wichita, Kansas 67211
The west 4 feet of lots 93 & 95, Estelle, Second Sunnyside Addition	⤵ Epworth Methodist Church 856 S. Green Wichita, Kansas 67211
Lots 62 & 64, Green, Second Sunnyside Addition	✓ Minnie Fling 816 S. Green Wichita, Kansas 67211
Lots 66 & 68, Green, Second Sunnyside Addition	✓ Lawrence E. Cornelius Doris F. Cornelius 822 S. Green Wichita, Kansas 67211

Property Description

Property Owner

Lots 70 & 72, Green, Second Sunnyside Addition

Jesse F. Davis
Thelma M. Davis
✓ Marian E. Arrington
3917 E. Funston
Wichita, Kansas
67218

(Affidavit of Interest)
Wayne E. Sams
✓ Vickey L. Sams
844 S. Fountain
Wichita, Kansas
67218

Lots 74 & 76, Green, Second Sunnyside Addition

James W. Shaw
Marvalee K. Shaw
✓ 315 West
Valley Center, Kansas
67147

Lots 78 & 80, Green, Second Sunnyside Addition

~~Charles F. Edds (dec.)~~
Larena Edds
838 S. Green
Wichita, Kansas
✓ 67211

Lots 82, 84, 86, 88, 90, 92, 94 & 96, Green, Second Sunnyside Addition

Epworth Methodist Church
D 856 S. Green
Wichita, Kansas
67211

Lots 68 & 66, Estelle, Second Sunnyside Addition

Ralph Raymond Camien
✓ 832 S. Estelle
Wichita, Kansas
67211

Lots 70 & 72, Estelle, Second Sunnyside Addition

Maxine E. Jerrick
F. E. Jerrick
✓ 2032 S. Terrace
Wichita, Kansas
67218

Lots 74 & 76, Estelle, Second Sunnyside Addition

Sherman L. Stuewe
Irma U. Stuewe
✓ 832 S. Estelle
Wichita, Kansas
67211

Lots 78 & 80, Estelle, Second Sunnyside Addition

✓ Kenneth L. Robison
~~Address unknown~~

Lots 82 & 84, Estelle, Second Sunnyside Addition

John Stephen Thompson
✓ Jean E. Thompson
842 S. Estelle
Wichita, Kansas
67211

Property DescriptionProperty Owner

Lots 86 & 88, Estelle, Second Sunnyside Addition

Windsor S. Vick
~~846 S. Estelle~~ 8513 E. Hurst
 Wichita, Kansas
 67210

Lots 90 & 92, Estelle, Second Sunnyside Addition

Jim Beck
~~852 S. Estelle~~
 Wichita, Kansas
 67211

The west 75 feet of lots 94 & 96, Estelle, Second Sunnyside Addition.

James N. Marnell
 Rita J. Putnam
~~Teresa A. Marnell~~
 858 S. Estelle
 Wichita, Kansas
 67211

Lots 94 & 96, except the west 75 feet, Estelle, Second Sunnyside Addition

Leonard A. Ternes
~~2710 E. Lincoln~~
 Wichita, Kansas
 67211

Agnes L. Ternes
 2839 Mascot
~~Wichita, Kansas~~
 67204

Lots 14, 15, & 16, Block 1, Womer's Second Addition, & tract described: Beginning at a point 60 feet west of the north-west corner of lot 16, Block 1, Womer's Second Addition; thence south .26 feet to P.C. of a curve to the right with a radius of 410 feet and a delta angle of $45^{\circ}2'$, 322.01 feet to point of tangency of said curve; thence southwesterly direction along said tangent 189.78 feet more or less to the intersection of the east line of George Washington Dr. and the north line of Mesita Drive now Estelle Ave. as platted in said Womer's Second Addition; thence in a northwesterly direction along the easterly side of said George Washington Dr. 69 feet; thence with a deflection angle to the right of $81^{\circ}20'$ for a distance of 148 feet; thence with a deflection angle to the left of $15^{\circ}20'$ for a distance of 141 feet; thence with a deflection angle to the left of $19^{\circ}18'$ for a distance of 123.6 feet more or less to the south line of Lincoln Street; thence east along the south line of Lincoln Street 163 feet to place of beginning, together with west half of vacated Mesita Street abutting on the east, all in Section 27-27-1E.

W. A. Michaelis Jr.
~~211 N. Broadway~~
 Wichita, Kansas
 67202

H. R. Michaelis
~~620 Wetmore Dr.~~
 Wichita, Kansas
 67209

Property DescriptionProperty Owner

A tract beginning at a point 40 feet south and 168.8 feet east of the northwest corner of the southeast Quarter of Section 27-27-1E thence east and parallel with the north line of said Southeast Quarter, 678.89 feet to a point 1811.2 feet west- of the northeast corner of said Southeast Quarter; thence south .26 feet to an iron monument; thence southwesterly along a curve to the right having a radius of 410 feet and a central angle of $45^{\circ}2'$ a distance of 322.01 feet to an iron monument; thence southwesterly along the tangent to said curve a distance of 190.24 feet more or less to a point 41 feet northeast of the easterly boundary of a tract of land deeded to Sedgwick County, Kansas as shown by recorded Deed in Deed Book 437, Page 365 in the Register of Deeds Office, Sedgwick County, Kansas; thence northwesterly and parallel with the easterly boundary of said tract deeded to Sedg. Co., 598.11 feet more or less to the point of beginning, except beginning at a point 60 feet west of the northwest corner of lot 16, Block 1, Womer's Second Addition; thence south .26 feet to PC of curve to the right with a radius of 410 feet and a delta angle of $45^{\circ}2'$, 322.01 feet to point of tangency of said curve; thence southwesterly direction along said tangent 189.78 feet more or less to the intersection of the east line of George Washington Dr. and the north line of Mesita Drive now Estelle Ave., as platted in Womer's Second Addition; thence in a northwesterly direction along the easterly side of said George Washington Dr. 69 feet; thence with a deflection angle to the right $81^{\circ}20'$ for a distance of 148 feet; thence with a deflection angle to the left of $15^{\circ}20'$ for a distance of 141 feet; thence with a deflection angle to the left of $19^{\circ}18'$ for a distance of 123.6 feet more or less to the south line of Lincoln Street; thence east along the south line of Lincoln Street 163 feet to place of beginning.

MDH Theaters Inc.
5913 Woodson
Mission, Kansas
66202

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

Lots 81, 83, 85, 87, 89 & 91, on Avenue J now Estelle, Second Sunny-side Addition to the City of 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 3rd day of October, 1983, at 7:00 o'clock A.M.

SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Kable
Vice President

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 21

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
-------------	--------

NAME

ADDRESS

FUND

DUE DATE

COMMENTS

DATE

BY

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 2