

Case No. BZA 68-84 - Messiah Baptist Church - requests a variance to reduce the required side yard setback from 25' to 10' for the construction of classroom buildings on property located in the "AA" One-family Dwelling District

20780
9-26-84

ACTION

BZA ~~68-84~~ Deferral / mo. 10-23-84
DATE

BZA APPROVED / 11-27-84
DATE

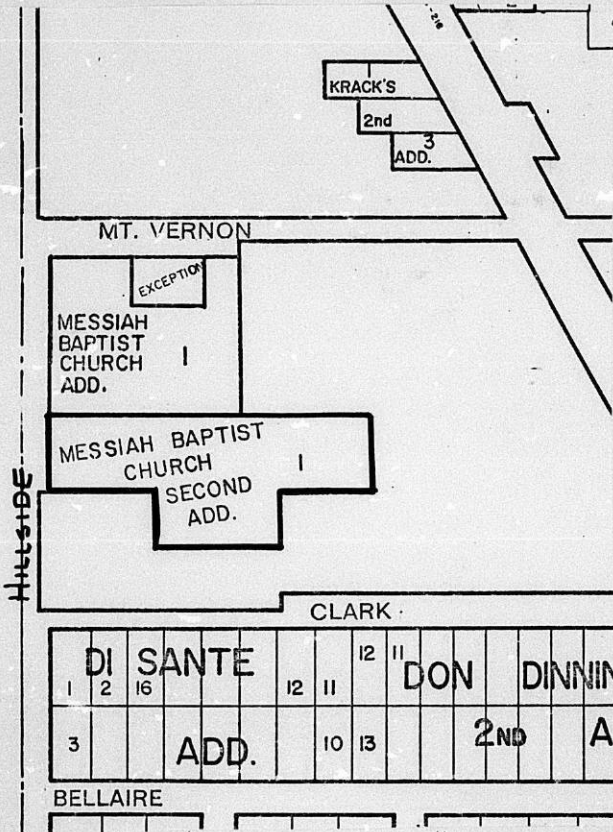
200' Sec 3-5-85
Shot ✓
Record 3-19-85

Map No. 5745 C

BZA 68-84
Filed _____

AREA DATA:

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



Surveyors
HASTINGS, INC.
No. 2153C
LOS ANGELES, CHICAGO, LOS AN, CH
MEMPHIS, TULACREST GROVE, CA
USA

February 5, 1985

Rev. Roy Johnson
Messiah Baptist Church
2000 South Hillside
Wichita, Kansas 67211

RE: BZA 68-84 and BZA 80-84 - Requests for Variance

Dear Rev. Johnson:

Enclosed herewith are resolutions BZA 68-84 and BZA 80-84 reflecting the official action of the Board of Zoning Appeals on the variances requested on the church property at the southeast corner of Hillside and Mt. Vernon. As you will note, these variances are subject to a number of conditions including the providing of surfaced off-street parking in compliance with the site plan approval by Central Inspection. It should be noted that the area within the platted setbacks adjacent to Hillside and Mt. Vernon are now permitted to be used for off-street parking.

Should you have any questions on this matter, please give me a call.

Sincerely,

Glen E. Lytle
Special Assistant for Zoning

GEL/lw Enclosure

cc: Jim Jorgensen, Acting Superintendent of Central Inspections
Don Gisick, City Clerk

RESOLUTION NO. BZA 68-84

WHEREAS, Messiah Baptist Church, 2000 South Hillside, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 25 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Messiah Baptist Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside and south of Mt. Vernon (2000 South Hillside).

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 27, 1984, 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 it is irregular in shape and the yard areas to be varied are adjacent to the open area of the rear yard of an existing residence which is not a building site due to the utility easement that runs thru the 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 buildings will be located adjacent to the area along the north and east of an existing residential property that the applicant has indicated the owner has no problem with the location of the buildings. No other adjacent property owner could in any way be affected by this variance; 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 utilization of the irregular shape of the building site imposes a considerable amount of setbacks due to the inability of the applicant to acquire the one remaining residence at this time; 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 buildings will not interfere with any needed right-of-way or easements if the buildings adjacent to the existing easement maintain a distance of not less than 10 feet to the centerline of the easement; 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 adequate open space will still be maintained to provide light and air to both properties; 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.

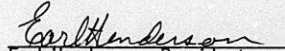
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required side yard setback from 25 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Messiah Baptist Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside and south of Mt. Vernon (2000 South Hillside).

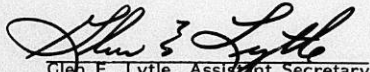
be approved subject to the following conditions:

1. The variance to reduce the side yard setback from 25 feet to 10 feet shall only apply to the yards adjacent to the south and west property lines of Lot 1, Messiah Baptist Second Addition that are adjacent to a residential property that is adjacent to Hillside on the south.
2. The applicant shall not locate any buildings on the property so that any portion of the buildings are closer than 10 feet to the center-line of the existing easements on Lot 1, Messiah Baptist Second Addition.
3. Prior to the use in any way of the unplatted tracts acquired to the south of Lot 1, Messiah Baptist Addition, such property shall be platted.
4. Prior to release of the resolution authorizing the issuance of any building permits, 3 copies of a site plan reviewed and approved by Central Inspection shall be furnished to the Secretary. Such plan shall show all areas used for off-street parking, drives and circulation to be in compliance with the provisions of the zoning ordinance.

ADOPTED AT WICHITA, KANSAS, this 27th day of November, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

November 29, 1984

Rev. Roy Johnson
2000 South Hillside
Wichita, Ks. 67211

Re: BZA 68-84 - Request for Variance

Dear Mr. Johnson:

At the regular meeting of the Board of Zoning Appeals on November 27, 1984, your request for a variance was considered. It was the action of the Board to approve your request subject to the following conditions:

1. The variance to reduce the side yard setback from 25 feet to 10 feet shall only apply to the yards adjacent to the south and west property lines of Lot 1, Messiah Baptist Second Addition that are adjacent to a residential property that is adjacent to Hillside on the south.
2. The applicant shall not locate any buildings on the property so that any portion of the buildings are closer than 10 feet to the centerline of the existing easements on Lot 1, Messiah Baptist Second Addition.
3. Prior to the use in any way of the unplatted tracts acquired to the south of Lot 1, Messiah Baptist Addition, such property shall be platted.
4. Prior to release of the resolution authorizing the issuance of any building permits, 3 copies of a site plan reviewed and approved by Central Inspection shall be furnished to the Secretary. Such plan shall show all areas used for off-street parking, drives and circulation to be in compliance with the provisions of the zoning ordinance.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as you have complied with condition number 4 above.

If you have any questions, please call our office.

Sincerely yours,

Glen L. Lytle
Assistant Secretary

GEL:sad

cc Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

October 24, 1984

Rev. Roy Johnson
2000 South Hillside
Wichita, Ks. 67211

Re: BZA 68-84 - Request for Variance

Dear Rev. Johnson:

It was the action of the Board of Zoning Appeals on October 23, 1984 to defer any action on the requested variance until the meeting of November 27, 1984. This action was taken because there was no one representing the church and the Board felt that some clarification of the concerns expressed by the CPO and the neighbors should be made.

The Board has asked that you be notified of their decision to have a representative at the next meeting to respond to the following:

1. How does the church intend to correct the current violations on the property, such as; (a) the off-street parking that is surfaced and located in the 25 foot platted setback adjacent to Hillside and Mt. Vernon; and (b) the paving of the gravel lot on the property and the driveway to the lot from the south?
2. How can the church eliminate the drainage problems created by the development for the properties to the east?

I would appreciate you contacting this office at the earliest convenience so that these matters may be discussed and possibly resolved before the next meeting. Please give me a call at 268-4421 any time.

Sincerely yours,

Glen E. Lytle
Special Assistant for Zoning

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection (2)

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE November 21, 1984

TO Glen Ltyle Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 68-84 East side of Hillside
and south of Mt. Vernon -2000 South
Hillside

At the request of the applicant, Roy Johnson, Pastor of Messiah Baptist Church, CPO Council "E" reconsidered the captioned case at its November 14th meeting and voted 7-1 to rescind its position of October 10th.

The Council originally considered the case on October 10th and voted 7-1 to recommend that the variance to reduce the side yard setback from 25 feet to 10 feet in order to construct classroom buildings be denied.

The Council noted it based its November 14th position on the fact that the applicant provided additional information which answered many of their previous unanswered questions, the site plans showed the proposed classroom buildings would not be too close to adjoining property lines, and that the one adjoining property owner most likely to be affected as a result of the variance (Mr. Locke) was not opposed to the variance, according to Pastor Johnson.

Please advise the Board of Zoning Appeals of the Council's reconsideration of the case and its recommendation of support for the variance being granted when the case is considered on November 27th.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:dm

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE October 19, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 68-84 East side of Hillside
and south of Mt. Vernon - 2000
South Hillside

CPO Council "E" considered the captioned case at its October 10th meeting and voted 7-1 to recommend that the variance to reduce the required side yard setback from 25 feet to 10 feet be denied. The members voting in support of the motion indicated they were opposed to the variance because the proposed classroom buildings would be built too close to the sidewalk and adjacent property lines, and approval of such would set a precedent for all churches wishing to expand. Several members also expressed concern about existing zoning violations the church is guilty of (i.e., the gravel parking area to the east of the proposed buildings, and off-street parking is being provided in the front yard setback).

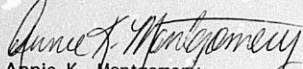
The applicant nor any adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at its October 24th meeting.


Shirley Mast
Administrative Aide III

SM:dm

Noted:


Annie K. Montgomery
CRS Director

RE: AGENDA ITEM NO.

SECRETARY'S REPORT CASE NO. BZA 68-84

APPLICANT: Messiah Baptist Church, 2000 South Hillside, Wichita, Kansas.

AGENT: Roy Johnson, Messiah Baptist Church, 2000 South Hillside, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 25 feet to not less than 10 feet.

GENERAL LOCATION: On the east side of Hillside and south of Mount Vernon.

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

LAND USE: Subject property is developed as a church and school. Properties to the north, east and south are residential. To the west is a church and a child day care center.

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 to reduce the side yard setback from 25 feet to 10 feet in order to construct classroom buildings adjacent to property lines in the interior of the block. This particular block is one that was developed in the past without benefit of being platted, except for the more recent plats and development by the church. Consequently there is a lot of irregularity in the size and shape of the ownership within the block.

The church has acquired all but one of the original residential properties that fronted on Hillside, and the variance requested is adjacent to that one remaining property. It should be noted that schools and churches located within most residential districts are required to maintain 25 foot side yards. In this case the location of the proposed structures is adjacent to the rear yard of the remaining residence on Hillside. This will still maintain a considerable distance from the residence to the proposed structures.

Some concern has been expressed by a few adjacent property owners over the development interfering with the drainage of surface water through the area. The site plan indicates that a drainage ditch does flow through the area from the properties to the east. It also denotes a gravel parking area to the east of the proposed buildings that is not in conformance with the standards of the ordinance. This parking area is apparently served by a driveway from Clark Street that is part of an unplatted tract that should be platted and improved in conformance with the regulations prior to becoming a part of the zoning lot of the development. There are also some violations of off-street parking being provided in the front yard setbacks not permitted in the residential zoning districts adjacent to Mt. Vernon and Hillside.

The applicant proposes to locate two of the buildings immediately adjacent to a sewer easement that is only 16 feet in width. The present standard for utility easements is 20 feet and it would appear that the applicant should not have any problem with a 20 foot separation between buildings rather than the width of the 16 foot easement.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is irregular in shape and the yard areas to be varied are adjacent to the open area of the rear yard of an existing residence which is not a building site due to the utility easement that runs thru the 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 buildings will be located adjacent to the area along the north and east of an existing residential property that the applicant has indicated the owner has no problem with the location of the buildings. No other adjacent property owner could in any way be affected by this variance.

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 utilization of the irregular shape of the building site imposes a considerable amount of setbacks due to the inability of the applicant to acquire the one remaining residence at this time.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the buildings will not interfere with any needed right-of-way or easements if the buildings adjacent to the existing easement maintain a distance of not less than 10 feet to the centerline of the easement.

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 adequate open space will still be maintained to provide light and air to both properties.

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 variance to reduce the side yard setback from 25 feet to 10 feet shall only apply to the yards adjacent to the south and west property lines of Lot 1, Messiah Baptist Second Addition that are adjacent to a residential property that is adjacent to Hillside on the south.
 2. The applicant shall not locate any buildings on the property so that any portion of the buildings are closer than 10 feet to the centerline of the existing easements on Lot 1, Messiah Baptist Second Addition.
 3. Prior to the use in any way of the unplatted tracts acquired to the south of Lot 1, Messiah Baptist Addition, such property shall be platted.
 4. Prior to release of the resolution authorizing the issuance of any building permits, 3 copies of a site plan reviewed and approved by Central Inspection shall be furnished to the Secretary. Such plan shall show all areas used for off-street parking, drives and circulation to be in compliance with the provisions of the zoning ordinance.
-

BZA CASE NO. 68-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>27</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>29</u>	TOTAL NOTICES SENT <u>10-3-84</u>

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

October 3, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 68-84

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 Messiah Baptist Church, 2000 South Hillside, 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 side yard setback from 25 feet to 10 feet for the construction of classroom buildings on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Messiah Baptist Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside and south of Mt. Vernon (2000 South Hillside).

This application has been assigned Case BZA 68-84. It will be considered by the Board of Zoning Appeals on October 23, 1984 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

CASE NO. 68-84

CITY OF WICHITA, KANSAS

FILED 9-18-84

APPLICATION FOR VARIANCE

I. Name of Applicant Messiah Baptist Church
 Mailing Address 2000 S. Hillside Phone 682-9445
 Name of Authorized Agent Roy Johnson
 Mailing Address 2000 S. Hillside Phone 682-9445
 Relationship of applicant to property is that of Pastor
 (Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required side yard setback from 25 feet to 10 feet.
~~Request 10 ft. from property line instead of 25 ft.~~

for property located on the east side of Hillside and south of Mount Vernon.

and legally described as: Lot 1, Messiah Baptist Second Addition to Wichita, Sedgwick County, Kansas
~~2020 S. Hillside BEG 370 FT S. NW COR. SW 1/4 E 616.4 FT S 130 FT W 616.4 FT N TO BEG ENC E 161 FT W 246 FT CCA~~

~~44086 SEC 35-27-1E --- also: 2040 S. Hillside From the back lot line 214.50 ft. of a tract in the S.W. 1/4, Sec. 35, TWP 27S., R1E of Six P.M. described as follows: Beginning 460 ft. S of N.W. corner of said southwest Quarter; thence S. 101.5 ft to a point 101.5 ft N. of S.W. corner, the N. 1/2 of the N.W. 1/4 of said S.W. 1/4; thence E. 455.5 ft. to a point 101.38 ft N. of S. line of said N. 1/2; thence N. 101.38 ft. to a point 460 ft. S. of N. line of said S.W. 1/4; thence W. 455.5 ft. to a point of beginning "AA"~~
 in the City of Wichita; and which is presently zoned "AA".

- 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 Messiah Baptist Church
 Authorized Agent Roy Johnson, pastor

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:00 (a.m.p.m.), SEPT 18, 1984, together with appropriate fee of 150.00.

Signed [Signature]

Roy L. Johnson, Pastor



RE: Letter of Justification for Variance

Gentlemen:

Our request for variance is based upon three facts very vital to our operation as a growing church.

1. To preserve our parking area. A large congregation requires much off-street parking.
2. To place the buildings where rest room facilities will be easily accessible. Our present Sunday school annex, with large restrooms, is just a few feet away.
3. To preserve the rest of our property for a future sanctuary. It is projected that in the not-to-distant future, a larger sanctuary will be required.

Thank you very much for every consideration given us relative to our Sunday school expansion.

Gratefully,

Messiah Baptist Church
2000 S. Hillside
Wichita, Kansas 67211

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

Property Description	Property Owner
Lot 1, Messiah Baptist Church Addition	D Messiah Baptist Church Inc. 2000 South Hillside 67211
Lot 1, Messiah Baptist Second Addition	Same as above
A tract beginning 460 feet South of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South Range 1 East of the 6th P.M., thence South 101.5 feet to a point 101.5 feet North of the Southwest corner of the North half of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 35, thence East 455.5 feet to a point 101.38 feet north of the south line of the north half of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence North 101.38 feet to a point 460 feet South of the North line of said SW $\frac{1}{4}$, thence West 455.5 feet to the point of beginning, except that portion now platted as Messiah Baptist Second Addition.	✓ Donald Joseph Locke Jr. Helena J. Locke 2040 South Hillside 67211
A tract beginning 561.5 feet South of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East of the 6th P.M., thence South 101.5 feet to the Southwest corner of the North half of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of said section, thence East on the South line 455.5 feet, thence North parallel with the west line of said section, 101.38 feet to a point 561.38 feet south of the north line of said SW $\frac{1}{4}$, thence West 455.5 feet to beginning, except the south 20 feet of the east 49.5 feet, the south 16 feet of the west 42 feet of the east 91.5 feet and the south 20 feet of the west 334 feet of the east 425.5 feet, for street.	D Messiah Baptist Church Inc. 2000 South Hillside 67211
A tract beginning 460 feet south of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East of the 6th P.M., thence East 455.5 feet for a point of beginning, thence South 202.76 feet, thence East 53.625 feet, thence North 202.705 feet, thence West 53.625 feet to the point of beginning, except the South 30 feet for street.	✓ Richard E. Parsons Emma E. Parsons 3320 East Clark 67218

Property DescriptionProperty Owner

A tract beginning 460 feet South of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East of the 6th P.M., thence East 509.125 feet to the point of beginning, thence South 202.76 feet, thence East 53.625 feet, thence North 202.76 feet, thence West 53.625 feet to the place of beginning, except the South 30 feet for street.

✓ Venice E. Pennington
Edna J. Pennington
~~143 S. Minneapolis~~
Returned 10-15-57 211

A tract beginning 460 feet South and 562.7 feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South. Range 1 East of the 6th P.M., thence East 53.625 feet, thence South 202.675 feet, thence West 53.625 feet, thence North 202.705 feet to the point of beginning, except the south 30 feet for street.

Billie E. Kirkhart
Jane Ann Kirkhart
✓ 3324 East Clark
67218

A tract beginning 460 feet south and 670 feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East of the 6th P.M., thence South 202.65 feet to the South line of the North half of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence West 53.625 feet, thence North 202.67 feet to a point 460 feet South of the North line of the SW $\frac{1}{4}$, thence East 53.625 feet to beginning, except the South 30 feet for street.

Eugene P. Brane
Lois J. Brane
✓ 3326 East Clark
67218

A tract beginning at the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East of the 6th P.M., thence South along the West line of the SW $\frac{1}{4}$, 330 feet, thence East parallel to the North line of the SW $\frac{1}{4}$, 616.4 feet to the point of beginning, thence East 53.625 feet, thence South parallel with the West line of the SW $\frac{1}{4}$, 130 feet, thence West 53.625 feet, thence North 130 feet to the point of beginning.

Same as above

Property Description

A tract beginning 670 feet East and 330 feet South of the Northwest corner of the SW $\frac{1}{4}$ of Section 35 Township 27 South, Range 1 East of the 6th P.M., thence South, parallel with the West line of the SW $\frac{1}{4}$, 332.65 feet to the south line of the North half of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence East 66 feet, thence North parallel with the West line of the SW $\frac{1}{4}$, 332.61 feet to a point 330 feet South and 736 feet East of the Northwest corner of the SW $\frac{1}{4}$, thence West 66 feet to the point of beginning, except the South 30 feet for road.

Property Owner

Raymond Aguirre
Retha J. Aguirre
3400 East Clark
67218

A tract beginning 330 feet South and 802 feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East of the 6th P.M., thence South 332.57 feet to the South line of the North half of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, thence East 66 feet, thence North 332.53 feet to the North line of the South half of the North half of the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, thence West 66 feet to beginning, except the South 30 feet for street.

Allan K. Shorthill
Deborah S. Shorthill
3408 East Clark
67218

A tract beginning at a point 330 feet South and 736 feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East, thence South parallel to the West line of said SW $\frac{1}{4}$, 332.61 feet to the South line of the North half of the SW $\frac{1}{4}$, thence East on said line 66 feet, thence north parallel to the west line of said SW $\frac{1}{4}$, 332.57 feet to a point 330 feet south of the north line of SW $\frac{1}{4}$, thence West 66 feet to the point of beginning, except the south 30 feet for street.

Wayne J. Wood
Fayrene P. Wood
3404 East Clark
67218

Property DescriptionProperty Owner

A tract beginning 792 feet east and 230 feet south of the northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East, thence South parallel with the West line of said SW $\frac{1}{4}$, 100 feet; thence East parallel with the North line of said SW $\frac{1}{4}$ 132 feet, thence North 100 feet, thence West 132 feet to the point of beginning.

Paul W. Dicks
 ✓ Hazel J. Dicks
 2021 George Washington Blvd.
 67218

A tract beginning 722 feet East of the Northwest corner of the SW $\frac{1}{4}$, of Section 35, Township 27 South Range 1 East, thence South 330 feet, thence East 70 feet, thence North 330 feet, thence West 70 feet to the point of beginning.

Virgil Enos Weaver
 ✓ Marian Audrey Weaver
 3407 East Mt. Vernon
 67218

A tract beginning 660 feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township South Range 1 East, thence South parallel with the West line of said SW $\frac{1}{4}$ 330 feet, thence East parallel with the section line 62 feet, thence north parallel with the SW $\frac{1}{4}$, 330 feet, thence West 62 feet to the point of beginning.

Robert L. Prather
 Elaine K. Prather
 ✓ 3401 East Mt. Vernon
 67218

A tract beginning 605 feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South Range 1 East, thence East 55 feet, thence South 330 feet, thence West 55 feet, thence North 330 feet to Beginning, except the North 22 feet, and except the east 3 feet.

D Renate Moffett
 3330 East Mt. Vernon
 67218

The East 3 feet of a tract beginning 605 Feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East, thence East 55 feet, thence South 330 feet, thence West 55 feet, thence North 330 feet to beginning except the North 22 feet for street.

D Robert L. Prather
 Elaine K. Prather
 3401 East Mt. Vernon
 67218

Property DescriptionProperty Owner

A tract beginning 550 feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35 Township 27 South, Range 1 East, thence East 55 feet, thence South 330 feet, thence West 55 feet, thence North 330 feet to the point of beginning.

✓ Thomas Edward Moffett
Renate Moffett
3330 East Mt. Vernon
67218

The East one-half of a tract beginning 440 feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South Range 1 East, thence East 110 feet, thence South 330 feet, thence west 110 feet, thence North 330 feet to the point of beginning, except the North 40 feet for street.

George R. Dean
Ethel L. Dean
✓ 1127 S. Main
67213

The West one-half of a tract beginning 440 feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East of the 6th P.M., thence East 110 feet, thence South 330 feet, thence West 110 feet, thence North 330 feet to the point of beginning, except the North 22 feet thereof.

✓ Edward M. Bender
Janice H. Bender
3315 South Hillside
returned 67211 *10-9-84*
revert to
3315 E. Mt. Vernon
67218

A tract beginning 460 feet East of the Northwest corner of the SW $\frac{1}{4}$ of Section 35 Township 27 South, Range 1 East, thence East 50 feet, thence South 330 feet, thence West 50 feet, thence North 330 feet to beginning, except the north 32 feet thereof for road.

✓ Frederick R. McKnight
Lois J. McKnight
3309 Mt. Vernon Road
67218

A tract beginning at the Northeast corner of the SE $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East, of the 6th P.M., thence West 412.5 feet, thence South 313 feet, thence East 412.5 feet, thence North 313 feet to the point of beginning subject to the north 40 feet and the east 30 feet for street.

✓ South Wichita Church of
God, Board of Trustees
2011 S. Hillside
67211

Property DescriptionProperty Owner

A tract beginning 313 feet South of the Northeast corner of the SE $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East, thence West 412.5 feet, thence South 160 feet, thence East 412.5 feet, thence North 160 feet to the point of beginning, except the east 30 feet for street.

Gary Lynn Lanning
 ✓ Linda Gail Lanning
 2021 S. Hillside
 67211

A tract beginning 30 feet west and 473 feet South of the Northeast corner of the SE $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East of the 6th P.M., thence West 182.5 feet, thence South 160 feet, thence East 182.5 feet, thence North 160 feet to the point of beginning.

Charles W. Murphy
 ✓ Roberta J. Murphy
 2045 S. Hillside
 67211

Lot	Addition	Property Owner
Lot 1	Di Sante Addition	Glenn W. Hull ✓ Lorna E. Hull 3301 E. Clark 67218
Lot 2	"	Ronald R. Palmer Lora M. Palmer ✓ 3307 East Clark 67218
Lot 11	"	George E. Benton ✓ Pamela Benton 3347 East Clark 67218
Lot 12	"	Richard C. Hershberger Norma J. Hershberger ✓ 3341 East Clark 67218
Lot 13	"	James C. Campbell ✓ Esther L. Campbell 3335 East Clark 67218
Lot 14	"	Brant A. Fisher Shirley A. Fisher ✓ 3325 E. Clark 67218
Lot 15	"	Robert A. Tanner ✓ Doris E. Tanner 3319 East Clark 67218

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<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 16	Di Sante Addition	✓ Earle R. Wright, Jr. Virginia Mae Wright 3311 East Clark 67218
Lot 12	Don Dining 2nd Addition	✓ Dale B. Dutcher Connie S. Dutcher 3401 East Clark 67218

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:

Lot 1, Messiah Baptist Church Second
Addition

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas on the 14th day of September, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

Mary Hable
Vice-President

Order No: 338618
ap

RESOLUTION NO. BZA 68-84

WHEREAS, Messiah Baptist Church, 2000 South Hillside, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 25 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Messiah Baptist Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside and south of Mt. Vernon (2000 South Hillside).

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 27, 1984, 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 it is irregular in shape and the yard areas to be varied are adjacent to the open area of the rear yard of an existing residence which is not a building site due to the utility easement that runs thru the 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 buildings will be located adjacent to the area along the north and east of an existing residential property that the applicant has indicated the owner has no problem with the location of the buildings. No other adjacent property owner could in any way be affected by this variance; 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 utilization of the irregular shape of the building site imposes a considerable amount of setbacks due to the inability of the applicant to acquire the one remaining residence at this time; 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 buildings will not interfere with any needed right-of-way or easements if the buildings adjacent to the existing easement maintain a distance of not less than 10 feet to the centerline of the easement; 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 adequate open space will still be maintained to provide light and air to both properties; 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.

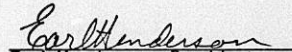
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required side yard setback from 25 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Messiah Baptist Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside and south of Mt. Vernon (2000 South Hillside).

be approved subject to the following conditions:

1. The variance to reduce the side yard setback from 25 feet to 10 feet shall only apply to the yards adjacent to the south and west property lines of Lot 1, Messiah Baptist Second Addition that are adjacent to a residential property that is adjacent to Hillside on the south.
2. The applicant shall not locate any buildings on the property so that any portion of the buildings are closer than 10 feet to the center-line of the existing easements on Lot 1, Messiah Baptist Second Addition.
3. Prior to the use in any way of the unplatted tracts acquired to the south of Lot 1, Messiah Baptist Addition, such property shall be platted.
4. Prior to release of the resolution authorizing the issuance of any building permits, 3 copies of a site plan reviewed and approved by Central Inspection shall be furnished to the Secretary. Such plan shall show all areas used for off-street parking, drives and circulation to be in compliance with the provisions of the zoning ordinance.

ADOPTED AT WICHITA, KANSAS, this 27th day of November, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

WICHITA - SEDGWICK COUNTY

W.S.C.

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

NOT KNOWN
RETURN TO SENDER

BZA 68-84
Return to Not here 1104

RECEIVED

OCT 15 1984

METROPOLITAN PLANNING
ROUTE



Vehnice E. & Edna J. Pennington
143 South Minneapolis
Wichita, Ks. 67211

PEN 43 090619N1 10/06/84

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

WICHITA - SEDGWICK COUNTY

W.S.C.

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

NO NUMBER
RETURN TO SENDER

RECEIVED

OCT 9 1984

METROPOLITAN PLANNING
ROUTE

BZA 68-84

Edward M. & Janice H. Bender
3315 South Hillside
Wichita, Ks. 67211

E. M. Vernon
67218



MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29-C 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.
	<u>Planning</u>		

DESCRIPTION	AMOUNT
CITY BTA VAC	150 ⁰⁰

NAME Method Baptist Church

ADDRESS 2000 So. Hill

FUND 155-4007-000 DUE DATE

COMMENTS

DATE Sept. 18, 1984 BY St. Lytle

*

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

Roll # 2