

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 structure at 6340 Eastwood may be used for Sunday school classrooms, Sunday nursery school facilities, or offices directly related to the church located at the southwest corner of Eastwood and Woodlawn. If reconverted to a residential dwelling in the future, this resolution shall become null and void.
2. Any exterior additions to 6340 Eastwood for church-related uses shall observe all setbacks required for churches in the "AA" district.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2

June 27, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 19-89

OWNER/APPLICANT/AGENT: Wichita Bible Church (applicant)
Kenneth F. Beck (agent)

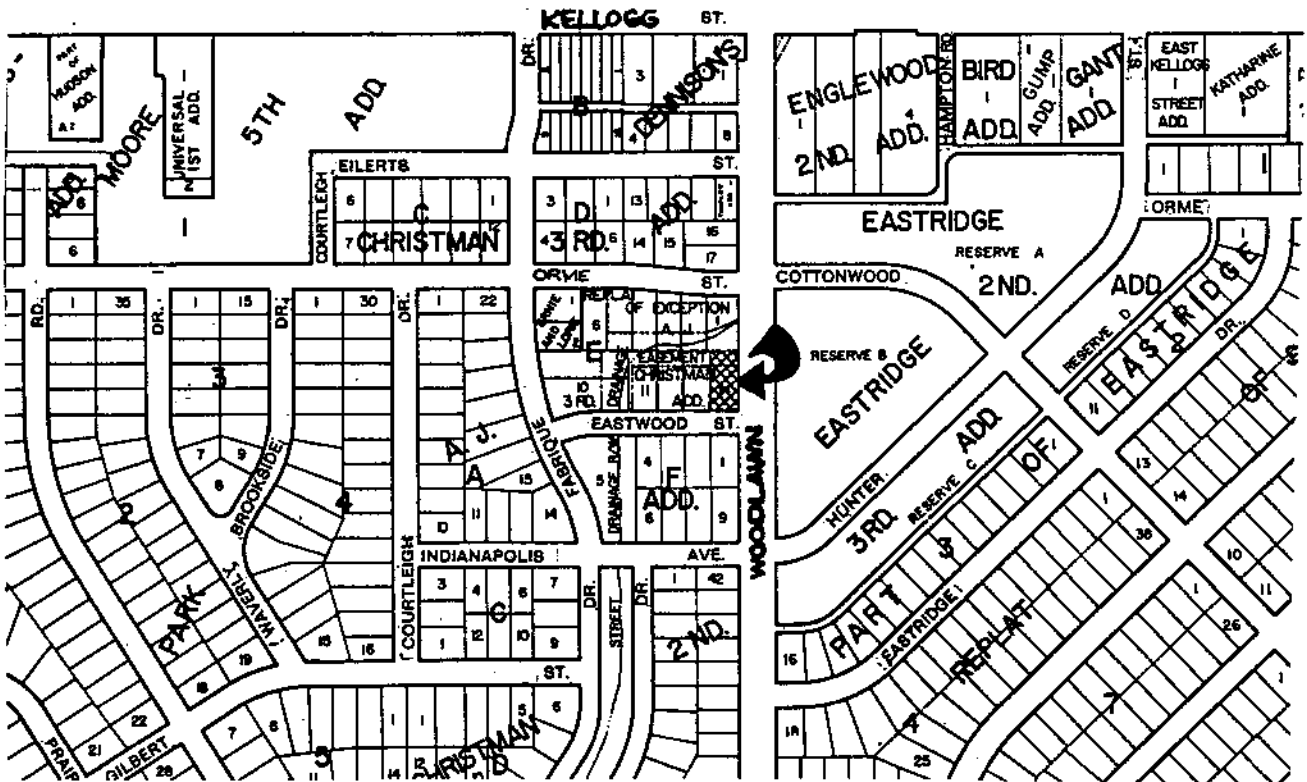
REQUEST: Variance to reduce the west side yard setback from 25 ft. to 6 ft. for an existing structure to be used for Sunday school classrooms.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 70 ft. x 140 ft.

LOCATION: Northwest corner of Woodlawn and Eastwood.

PROPOSED USE: Sunday school classrooms



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 Wichita Bible Church, located at the southwest corner of Woodlawn and Eastwood, is in the process of purchasing the application property at the northwest corner of this intersection. A one-family dwelling now exists on the lot and is proposed to be used for Sunday school classrooms. The structure observes only a 6-foot west side yard, whereas a 25-foot side yard is required on the side of the lot adjoining another building site when the lot is used for public and semi-public buildings such as churches, schools, libraries, etc.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"AA"	Church
EAST	"B"	Multi-family dwellings
WEST	"AA"	One-family dwelling

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the lot is a standard size single-family lot with an existing dwelling which observes the necessary side yard setback for its use as a one-family dwelling, but if converted to Sunday school classrooms for a church, which is also a use permitted in this "AA" district, the side yard requirement is 25 feet.

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 existing at the 6-foot setback from the adjacent property to the west and no additions or extensions to the structure are proposed which would further decrease this separation or extend the west face of the building to the north or south.

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 existing structure could not be used for much needed classrooms and would have to be demolished and a new structure built which observes the 25-foot setback, all at great expense, or a different, less convenient location would have to be sought.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the existing structure does not encroach any existing or needed easements or street right-of-way.

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 the intent of the 25-foot setback provision is to provide separation between residences and church facilities which accommodate large gatherings of people at one time, but this existing structure cannot accommodate a large number of people at one time, due to its design as a single-family dwelling.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

June 28, 1989

Kenneth F. Beck
333 E. English
Wichita, KS 67202

Re: BZA 19-89 - Variance to reduce the side yard setback from 25 ft. to 6 ft. for an existing structure to be used for Sunday school classrooms, located at the northwest corner of Woodlawn and Eastwood (6340 Eastwood).

Dear Mr. Beck:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on June 27, 1989. 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, please call our office.

Sincerely yours,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm

cc: Wichita Bible Church, 633 S. Woodlawn, Wichita, KS 67218
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

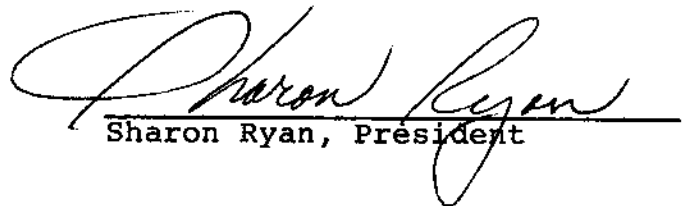
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the west side yard setback from 25 ft. to 6 ft. for an existing structure to be used for Sunday school classrooms on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 14, Replat of Exception in A.J. Christman Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Woodlawn and Eastwood (6340 Eastwood).

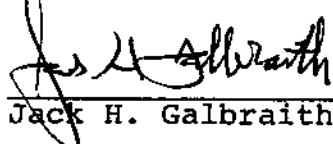
subject to the following conditions:

1. The structure at 6340 Eastwood may be used for Sunday school classrooms, Sunday nursery school facilities, or offices directly related to the church located at the southwest corner of Eastwood and Woodlawn. If reconverted to a residential dwelling in the future, this resolution shall become null and void.
2. Any exterior additions to 6340 Eastwood for church-related uses shall observe all setbacks required for churches in the "AA" district.
3. A six-foot privacy fence shall be installed along the west property line from the drainage easement to the front setback line prior to use of this property for church-related activities.

ADOPTED AT WICHITA, KANSAS, this 27th day of June, 1989.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 19-89

WHEREAS, Wichita Bible Church, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the west side yard setback from 25 ft. to 6 ft. for an existing structure to be used for Sunday School classrooms on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 14, Replat of Exception in A.J. Christman Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Woodlawn and Eastwood (6340 Eastwood).

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 June 27, 1989, 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 lot is a standard size single-family lot with an existing dwelling which observes the necessary side yard setback for its use as a one-family dwelling, but if converted to Sunday school classrooms for a church, which is also a used permitted in this "AA" district, the side yard requirement is 25 feet; 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 existing at the 6-foot setback from the adjacent property to the west and no additions or extensions to the structure are proposed which would further decrease this separation or extend the west face of the building to the north or south; 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 existing structure could not be used for much needed classrooms and would have to be demolished and a new structure built which observes the 25-foot setback, all at great expense, or a different, less convenient location would have to be sought; 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 existing structure does not encroach any existing or needed easements or street right of-way; 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 intent of the 25-foot setback provision is to provide separation between residences and church facilities which accommodate large gatherings of people at one time, but this existing structure cannot accommodate a large number of people at one time, due to its design as a single-family dwelling; 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.