

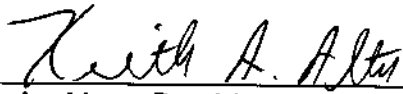
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce parking requirement from 30 spaces to 16 spaces on property zoned "SF-6" Single Family Residential and legally described as follows:

Lots 37, 39, 41, 43 & 45, Block 2, Kansas City Addition to
Wichita, Sedgwick County, Kansas. (2390 N. Burns)

subject to the following conditions:

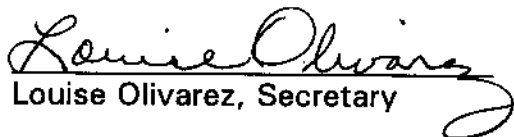
1. The parking area shall be paved, striped and maintained in accordance with the site plan submitted with the application (which shows no parking spaces within the front 25-foot setback) **OR** in accordance with a site plan approved as part of an administrative adjustment request to reduce the front setback from 25 feet to 8 feet for parking purposes only. If the applicant chooses to request an adjustment, the application shall be filed within 60 days (by January 18, 1997).
2. The applicant shall provide and maintain landscaping on the site as required by the landscape code. A landscape plan, prepared in accordance with the landscape code, shall be submitted to the Secretary for review and approval within 60 days (by January 18, 1997).
3. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 19th day of November, 1996.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 36-96A

WHEREAS, Bethany Missionary Baptist Church pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 7 feet on property zoned "SF-6" Single Family Residential and legally described as follows:

Lots 37, 39, 41, 43 & 45, Block 2, Kansas City Addition to Wichita, Sedgwick County, Kansas (2340 N. Burns).

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 19, 1996, 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 owners or the applicant inasmuch as the interior design of the existing development on the site limits the location of a kitchen addition to the rear of the structure; 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 there will remain 18.4 feet of separation between the building addition and the property line of the affected adjacent property owner. Additionally, residents of the adjoining property have no objections to the proposed construction; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as there is no other suitable location to add the needed kitchen area to the church; 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, inasmuch as there will be no encroachments into public utility easements of street right-of-way as a result of this rear yard adjustment and therefore, there will be no effect on the general public; 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 the zoning ordinance inasmuch as a reduced rear yard setback will continue to provide for fire protection, separation, light and air circulation as well as providing pedestrian access for maintenance; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the rear yard setback from 20 feet to 7 feet on property zoned the "SF-6" Single Family Residential and legally described as follows:

Lots 37, 39, 41, 43 & 45, Block 2, Kansas City Addition to
Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. The setback variance shall apply to only the existing building and the kitchen addition, per the approved site plan.
2. The applicant shall obtain all permits necessary to construct the kitchen addition, and all improvements shall be completed within one year following BZA approval of the variance.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 19th day of November, 1996.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 36-96B

WHEREAS, Bethany Missionary Baptist Church pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce parking requirement from 30 spaces to 16 spaces on property zoned "SF-6" Single Family Residential and legally described as follows:

Lots 37, 39, 41, 43 & 45, Block 2, Kansas City Addition to Wichita,
Sedgwick County, Kansas. (2340 N. Burns)

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 19, 1996, 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 owners or the applicant inasmuch as the existing development on the site is a place of worship within an "SF-6" Single Family Residential zoning district, and the existing parking has been meeting the needs of the church because many members live in the area and walk to services; 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 parking made available should be adequate to serve the church's parking needs; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as there is no place on this lot to construct additional parking spaces, and requiring the property owners to adhere to current parking regulations would prohibit them from constructing a needed addition to the church; 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, inasmuch as the amount and location of the parking currently available should be adequate to meet the needs of church. Therefore, there should be no need for churchgoers to seek parking spaces on any public street at a rate greater than they currently do; 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 the zoning ordinance inasmuch as a the intent of the parking code is to provide adequate parking for the need of specific types of uses and the reduced parking requirements for this site should be adequate for this specific 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.



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

November 20, 1996

Rev. Michael Williams
1221 N. St. Paul
Wichita, Kansas 67203

**RE: BZA 36-96 - 1) Variance to reduce the rear yard setback from 20 feet to 7 feet;
and 2) Variance to reduce parking the requirement from 30 spaces to 16 spaces
and generally located north of 21st Street North on the east side of Burns (2340
N. Burns)**

Dear Rev. Williams:

Enclosed are signed copies of the above-referenced BZA Resolutions approved by the Board of Zoning Appeals on November 19, 1996. These resolutions reflect the official action of the Board to grant your requests and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure

LPM/sah

cc: J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

PROVIDE HYDRANT
EXISTING
WATER SERV.

6057100
UN5 350NICE

EXISTING PARKING- ASPHALT PAVED

EXTEND WATER
SERVICE FROM
EXISTING

Van Accessible.
HARDWARE
SILVER-CLAY

EXISTING
SOUTHERN
IND. TR.
THE CO.
NEW
SERVICE

ELECT SEIZY

£10035

B2A 36-96

Q130 B E
SACU Inc.

ALLEY,
(NOT OPEN)

NORTH.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as there is no place on this lot to construct additional parking spaces, and requiring the property owners to adhere to current parking regulations would prohibit them from constructing a needed addition to the church.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the amount and location of the parking currently available should be adequate to meet the needs of church. Therefore, there should be no need for churchgoers to seek parking spaces on any public street at a rate greater than they currently do.

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 regulations inasmuch as a the intent of the parking code is to provide adequate parking for the need of specific types of uses and the reduced parking requirements for this site should be adequate for this specific use.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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 parking area shall be paved, striped and maintained in accordance with the approved site plan.
2. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

SECRETARY'S REPORT

CASE NUMBER: BZA 36-96

OWNER/APPLICANT: Bethany Missionary Baptist Church

AGENT: Rev. Michael Williams

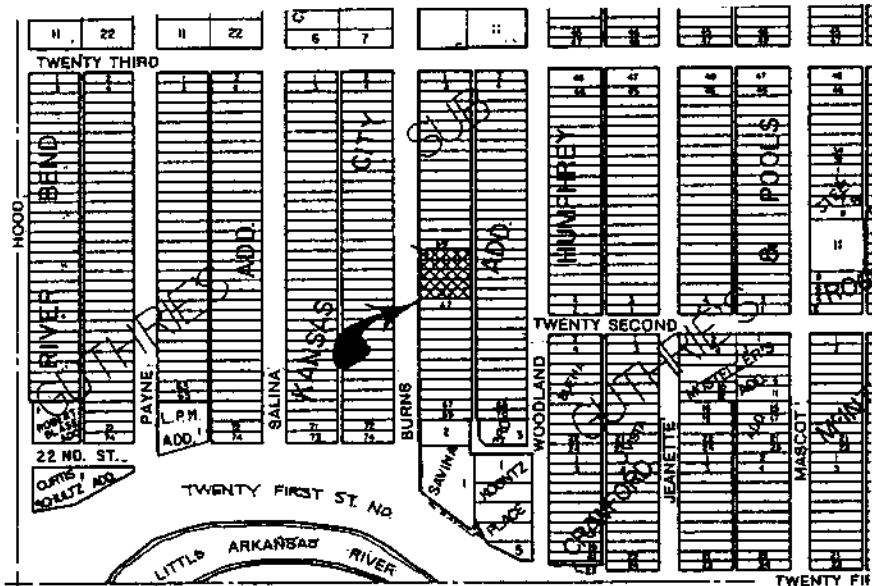
REQUEST: 1) Variance to reduce the rear yard setback from 20 feet to 7 feet; and

2) Variance to reduce parking requirement from 30 spaces to 16 spaces

CURRENT ZONING: "SF-6" Single Family Residential

SITE SIZE: 130' x 125'

LOCATION: North of 21st Street North on the east side of Burns (2340 N. Burns)



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 State Statutes, are found to exist.

BACKGROUND: The applicant is requesting to reduce the rear yard setback from 20 feet to 7 feet in order to add a kitchen to the existing church building. In addition, the applicant is requesting that parking requirements be reduced from 30 to 16 spaces. Due to the church being located within the SF-6 Single Family Residential District, a 20 foot rear yard setback is required. The building is currently observing a 34 foot setback, adjacent to an unopened alley 11.4 feet in width. This would provide 18.4 feet of separation between the church and the adjoining property line if the variance is granted and the kitchen is constructed. The applicant has indicated that due to the lot's configuration, the rear of the existing building is the only available location for an addition to the church. Because the kitchen is being attached to the principal building on the lot, a rear yard setback of 20 feet is required by the City Zoning Ordinance. Therefore the applicant is requesting a rear yard setback variance from 20 feet to 7 feet so that a building permit can be issued to construct the kitchen.

The applicant is also requesting a reduction in parking requirement from 30 to 16 spaces. The City Zoning Ordinance requires that parking spaces for places of worship be provided at the rate of 1 space per 4 seats, based on the room or space with the greatest seating capacity. The Office of Central Inspection has determined that the total parking space requirement for the site, based upon the specific use of the floor area with the addition is 30 spaces. The applicant has indicated that the building addition will not increase the need for parking spaces for the church above and beyond what is currently supplied because the new addition is a kitchen area and the seating capacity of the worship area is not being expanded.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6" Single Family Home
SOUTH	"SF-6" Duplex
EAST	"SF-6" Single Family Home
WEST	"SF-6" Single Family Home

Request No. 1 Variance to reduce the rear yard setback from 20 feet to 7 feet

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the interior design of the existing development on the site limits the location of a kitchen addition to the rear of the structure.

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 there will remain 18.4 feet of separation between the building addition and the property line of the affected adjacent property owner. Additionally, residents of the

adjoining property have no objections to the proposed construction.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as there is no other suitable location to add the needed kitchen area to the church.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as there will be no encroachments into public utility easements of street right-of-way as a result of this rear yard adjustment and therefore, there will be no effect on the general public.

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 regulations inasmuch as a reduced rear yard setback will continue to provide for fire protection, separation, light and air circulation as well as providing pedestrian access for maintenance.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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 setback variance shall apply to only the existing building and the kitchen addition, per the approved site plan.
2. The applicant shall obtain all permits necessary to construct the kitchen addition, and all improvements shall be completed within one year following BZA approval of the variance.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing conditions.

Request No. 2 Variance to reduce parking requirement from 30 spaces to 16 spaces

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the existing development on the site is a place of worship within an "SF-6" Single Family Residential zoning district, and the existing parking has been meeting the needs of the church because many members live in the area and walk to services.

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 parking made available should be adequate to serve the church's parking needs.