

BZA 1-66 - Berean Bible Church re-  
quests variance of sideyard setback  
on the east side of Oliver in an  
area north of 10th Street

*cloud*

B.C. 7/B. CO. C.

*Resol*

*v*  
*5848*

**ACTION**

*Bza* COMMITTEE       *App*       DATE       *2-23-66*      

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

*Closed*

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quests variance of sidewalk setback  
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R E S O L U T I O N N O . B Z A 1 - 6 6

WHEREAS, Berean Bible Church, 1108 North Oliver, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, requests a variance of the side yard setback of 6 feet as required in Section 28.04.050 ("A" two-family dwelling district), Code of the City of Wichita, to 5 feet, so that an addition can be constructed on an existing building, which is only 5 feet from the north property line, all related to property zoned "A" two-family dwelling district, generally located on the east side of Oliver in an area north of 10th Street, and legally described as follows:

Lot 4, Lloyd Brown Addition, in the City of Wichita, Sedgwick County, Kansas; and

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, in regular meeting, consider said application on February 23, 1965; and

WHEREAS, the Board of Zoning Appeals determined that it had proper jurisdiction to consider said request for variance under provisions of Section 2.12.590.2, Code of the City of Wichita, Kansas; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and not ordinarily found in the same zoning district, and is not created by an action or actions of the property owner or the applicant in that a structure has existed on this property in violation of the required side yard setback for a considerable period of time, and the violation is of such a minor degree that it would not have an adverse effect on adjacent property; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance, as approved, would not adversely effect adjacent property owners or residents inasmuch as an adequate side yard setback would still remain; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner represented inasmuch as the new addition would be required to jog from the existing building alignment, possibly creating architectural problems concerning the roof line and also dictating a building which might not be as aesthetically pleasing as could be by following the existing building line; 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; and

WHEREAS, the Board of Zoning Appeals has determined that the variance desired will not be opposed to the general spirit and intent of Title 28, Code of the City of Wichita; and

WHEREAS, each of the five conditions required by Section 2.12.590.2, 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 the request for a variance of one foot (from the required 6 feet to 5 feet) along the north property line of the following described property, be approved:

Lot 4, Lloyd Brown Addition, in the City of Wichita, Sedgwick County, Kansas.

DATED AT WICHITA, KANSAS, this 23rd day of February, 1966.

Harold Bauer  
Harold Bauer, Chairman

ATTEST:

Jack H. Galbraith  
Jack H. Galbraith, Secretary

March 23, 1966

Berean Bible Church  
1108 North Oliver  
Wichita, Kansas

Gentlemen:

Re: BZA 1-66 - Request for Variance

We have completed the preparation of the Resolution adopted by the Board of Zoning Appeals in connection with the abovenumbered case, which was heard by the Board on February 23, 1966, which Resolution has been signed by the Chairman and Secretary.

As indicated in our letter of February 2, 1966, we are enclosing a copy of this Resolution for your information and files. A copy has also been provided the Central Inspection Division, and you may now obtain the appropriate permit from that Division with respect to your construction plans.

If you have any questions concerning this case, please call.

Very truly yours,

Jack H. Galbraith  
Secretary

JMG:ber

cc: Bill Wiebe  
Peabody, Kansas

Glen Lytle, Superintendent  
of Central Inspection

Rolph Eberly  
City Clerk

February 28, 1966

Berean Bible Church  
1108 North Oliver  
Wichita, Kansas

Gentlemen:

Re: BZA 1-66 - Request for Variance

This is to advise you that at its regular meeting of February 23, 1966, the Board of Zoning Appeals of the City of Wichita considered your request for a variance of the side yard setback requirement from 6 feet to 5 feet on property generally located on the east side of Oliver in an area north of 10th Street.

It was the action of the Board to approve this request. A Resolution setting forth the official action of the Board will be prepared and forwarded to you as soon as possible.

If you have any questions concerning this matter, please let us hear from you.

Very sincerely yours,

Jack H. Galbraith  
Secretary

JHG:HW:ber

cc: Bill Wiebe  
Peabody, Kansas

Glen Lytle, Superintendent  
of Central Inspection

Ralph Eberly  
City Clerk

SECRETARY'S REPORT

CASE NO. 67A 1-66

**APPLICANT:** Berean Bible Church, 1108 N. Oliver

**AGENT:** Bill Wiebe, Peabody, Kansas

**REQUEST:** Variance pursuant to Section 2.12.590.2, Code of the City of Wichita, to reduce the side yard setback along the north property line of property in the "A" Two family dwelling district from 6 feet to 5 feet.

**ZONING:** Existing zoning on subject property and all surrounding property is "A"

**LAND USE:** Existing on subject property, north, west and east is single family; south is a church.

JURISDICTION

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.2, Code of the City of Wichita, and may grant the request when all five of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28, of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).

COMMENTS BY THE SECRETARY

The applicant states that he desires to construct a new addition to the rear of the existing residence. The existing structure is approximately one foot in violation of the required 6-foot side yard setback and, therefore, the applicant has applied for the variance so that the new addition can be constructed in line with the existing structure.

UNIQUENESS

It is the opinion of the Secretary that this is a unique situation in that a structure has existed on this property in violation of the required side yard setback for a considerable period of time and that the violation is of such a minor degree that it would not have an adverse effect on adjacent property.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of this variance would not adversely affect the adjacent property inasmuch as an adequate side yard setback would still remain.

HARDSHIP

It is the opinion of the Secretary that it would create an undue hardship on the applicant by not granting the variance inasmuch as the new addition would be required to jog from the existing building alignment, possibly creating architectural problems concerning the roof line and also dictating a building which might not be as aesthetically pleasing as could be by following the existing building line.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not have an adverse effect on the public interest.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance is within the general spirit and intent of the zoning ordinance.

RECOMMENDATION

In view of the foregoing comments, it is the opinion of the Secretary that all five conditions necessary to the granting of the variance of the 6-foot side yard setback have been found to exist and, therefore, it is recommended that the side yard variance from 6 feet to 5 feet along the north property line be granted.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

February 1, 1966

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 1-66

An application has been filed by Berean Bible Church, 1108 North Oliver, Wichita, Kansas, pursuant to Section ;2.12.590, Code of the City of Wichita, requesting a variance of the side yard setback requirements of Section 28.04.050, "A" Two family dwelling district, from 6 feet to 5 feet, on property legally described as:

Lot 4, Lloyd Brown Addition, in the City of Wichita Sedgwick County, Kansas, generally located on the east side of Oliver in an area north of 10th Street.

This application has been assigned Case No. BZA 1-66, and will be considered by the Board of Zoning Appeals at its meeting on Wednesday, February 23, 1966, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

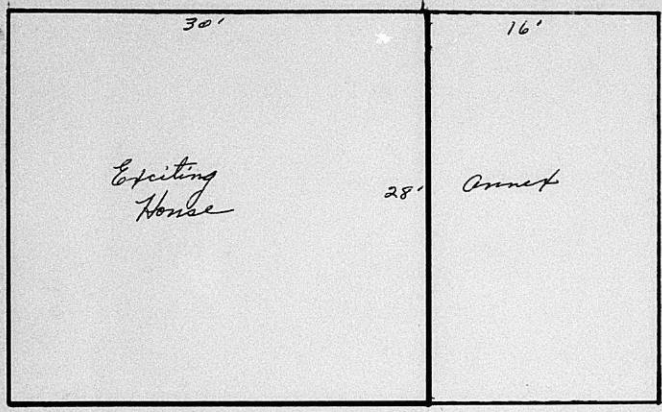
Jack E. Galbraith  
Secretary

22 Notices Mailed 2-1-66 + 7 to P.C.

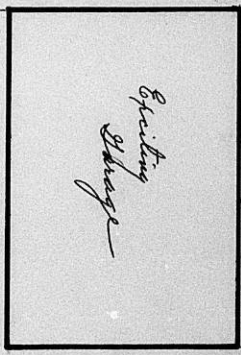
Oliver St.

Oliver

North



9'



1/8" = 1'

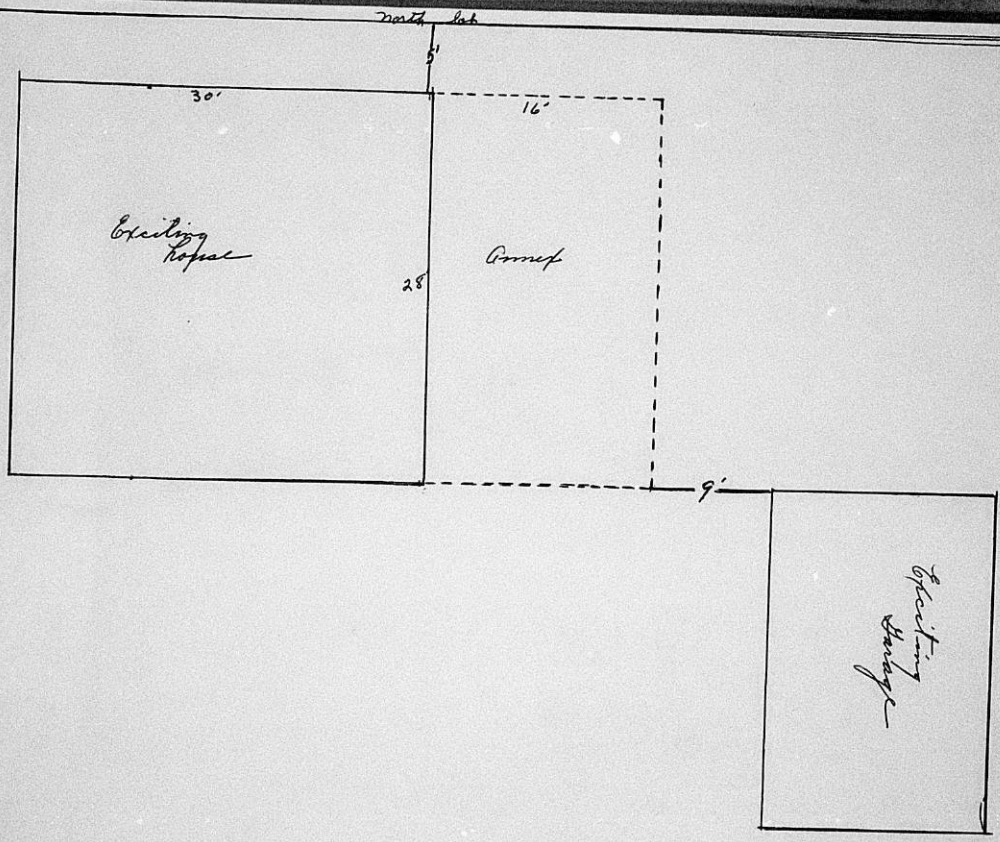
Requesting the Variance

The existing house sets 5 feet from the adjoining lot. Thus we are requesting that we be allowed to build the annex to the old house 5 feet from the lot. Else we would need to ~~put~~ <sup>make</sup> an off-set in order to stay a minimum of 6 feet from the lot. This would create a hard step - building as well as reduce our floor area.

Granting of this request would be greatly appreciated.  
Thank you.

Berean Bible Church  
Bill Shibe, Authorized Agent.  
1108 N. Oliver  
Richie, Mo.

Plumber



1/8" = 1'

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. \_\_\_\_\_  
FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant Berean Bible Church ✓  
Mailing Address 1108 No. Oliver Phone None  
Name of Authorized Agent Bill Hicke ✓  
Mailing Address Peabody, Kansas Phone 711-3-2372  
Relationship of applicant to property is that of owner  
(owner, tenant, lessee, other)

II. The variance requested is The present house is 5 feet from  
adjoining lot boundary. He wish to build an annex to  
this house. This would extend a one foot setback to stay with  
the 6 foot minimum thus we would like the permission to remain  
for property located 1116 No. Oliver in line with old house  
on the east side of Oliver in an area north of  
10th Street.  
and legally described as: Lot 4, Lloyd Brown Addition

in the City of Wichita; and which is presently zoned \_\_\_\_\_.  
(Give metes and bounds description below if appropriate).

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - 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. 24-606); and that the appropriate fee is herewith tendered;
  - That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
  - That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Berean Bible Church  
Applicant

Bill Hicke  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,  
3:35 (a.m. - (p.m.)), 1-25, 1966, together with  
appropriate fee of \$50.00.

B. Rathke  
Signed

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
N 55' of 1		Lloyd Brown Add.	✓ James F. Gates, Sr. Dorothy E. Gates 1136 N. Oliver
1 exc. N 55'		"	✓ Earl H. Brown Irene Brown 16084 E. Harry
N 51' of 2		"	✗ Earl H. Brown Irene Brown 16084 E. Harry
S 10' of 2		"	✓ G. U. Combs 1130 N. Oliver
3		"	"
4		"	<i>no address found</i> Evangelical Mennonite Bretheran Conference Address unknown
5		"	"
6		"	"
7		"	✓ James O. Sawyer Jean M. Sawyer 1133 N. Glendale
8		"	✓ Harold F. Hauck Marciel L. Hauck 1127 N. Glendale
9		"	✓ Alfred L. Steiner Geraldine M. Steiner 1121 N. Glendale
10		"	<i>no address found</i> Robert W. Wilson Helen C. Wilson address unknown
11		"	<i>no address found</i> Donald L. Jones Vera F. Jones address unknown
12		"	✓ Central Assembly of God, Inc. 2225 E. Central
N 10' of 15		"	✓ Dewane C. Carter Eula G. Carter 1128 N. Glendale
S 51' of 15		"	✓ Baitzley Building, Inc. 511½ N. Hillside
16		"	✓ William L. Cain Thelma Cain 1114 N. Glendale
17		"	✓ WILLIAM W. Watkins Joanne Watkins 1491 Coolidge

Lot	Block	Addition	Property owner
9	9	Country Club Heights	✓ Gladys E. Cooper Wayne Cooper 1139 N. Oliver
10	"	"	"
11	"	"	✓ Wendell R. Prather 1133 N. Oliver
12	"	"	"
13	"	"	✓ Ted S. Mueller Burnadine Cleo Mueller 813 N. Hillside
14	"	"	"
15	"	"	<i>no address found</i> Arthur B. Jones Leah A. Jones Address unknown
16	"	"	"
17	"	"	✓ Robert E. Chapman Hazel C. Chapman 1117 N. Oliver
18	"	"	"
19	"	"	✓ Bill Cottingham Helen Cottingham 2608 N. Volutsia
20	"	"	"
21	"	"	✓ James L. Wright Carolyn E. Wright 1142½ Gentry Drive
22	"	"	"
23	"	"	<i>no address found</i> Clail Jake Stevens Marjorie Marie Stevens Address unknown
24	"	"	"
1	"	"	✓ Donald Whitley Harrison Victor L. Harrison Nickolas L. Harrison Address unknown <i>5360 E. Kellogg</i>
Beginning 80 rods S. of the NW corner of Sec. 13-27-1E, thence S. 16 rods, thence E. 40 rods, thence N. 16 rods, thence W. to beginning			✓ First Bible Baptist Church 1156 N. Oliver
Beg. 30' E. of the SW corner of the NW¼ of Sec. 13-27-1E, thence E. 363', thence N. 630', thence W. 363', thence S. 630' to beginning			✓ Wichita Board of Education 428 S. Broadway

We, The Security Abstract and Title Company, Inc.,  
hereby certify the foregoing to be a true and correct list of property  
owners within a 200 foot radius of Lot 4, Lloyd Brown Addition to Wichita,  
Sedgwick County, Kansas, as shown by the deeds on file in the Office of  
the Register of Deeds of Sedgwick County, Kansas, on this 25th day of  
January, 1966 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

*Lucille Schmidt*

Vice-President

Order No. 132463

FORM 223-021

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hee. Mvr.	Hee. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
200 application	50.00

Name \_\_\_\_\_

Address \_\_\_\_\_

Type \_\_\_\_\_ Due Date \_\_\_\_\_

Comments: \_\_\_\_\_

TR-7122

Date 1-25-66 By B. T. ...