

BZA-1-68 Beth-Eden Baptist Church
requests variance of off-street
parking at SE corner Market & Harry

POSTED
1-15-68

ACTION

BZA COMMITTEE DATE Approved 2-27-68

M.A.P.C. _____

B.C.C./B. CO. C. _____

6/1/65

March 15, 1968

Mr. Woodrow O. Davis
2011 McLean Blvd. NW
Wichita, Kansas 67203

Dear Mr. Davis;

Subject: Case No. BZA 1-68
Request for Variance.

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 27, 1968, in connection with your request for a variance to reduce the required number of off-street parking spaces from 72 to 0, on property zoned "A" Two Family Dwelling and "LC" Light Commercial, and generally located at the southeast corner of Market and Harry Streets.

This Resolution reflects the official action of the Board and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith
Senior Planner

JHG:skb
Attachment

cc: Beth-Eden Baptist Church, 1600 S. Market 67211
Glen Lytle, Superintendent of Central Inspection
Ralph Eberly, City Clerk

R E S O L U T I O N NO. BZA 1-68

WHEREAS, Beth-Eden Baptist Church, 1600 South Market, Wichita, Kansas, by Woodrow O. Davis, Chairman, Board of Trustees, 2011 McLean Boulevard, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required number of off-street parking spaces from 72 to 0, on property zoned "A" Two-family Dwelling and "LC" Light Commercial, and legally described as follows:

Lots 1, 3, 5, 7, 9 and 11, on Market Street, in English's Sixth Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Market and Harry Streets.

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 its meeting on February 27, 1968, consider said application; and

WHEREAS, the Board of Zoning Appeals has 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 property is zoned "A" Two Family Dwelling and "LC" Light Commercial; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique to the property in question inasmuch as the church was built prior to the off-street parking provisions being placed in the ordinance and that the remodeling of the entranceway to the sanctuary of the church will not increase the seating capacity; 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 would be substantially no change in the church attendance that now exists as seating capacity is not being changed; and

WHEREAS, the Board of Zoning Appeals has found 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 inasmuch as the church would be unable to modernize the entranceway to the sanctuary which will provide a foyer for those persons attending church; and

WHEREAS, the Board of Zoning Appeals found the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the church is not increasing the required number of off-street parking spaces; and

WHEREAS, the Board of Zoning Appeals found that the granting of the variance, as approved, will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the application does meet the four previous requirements; 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 that this request for a variance of the off-street parking requirements be approved for a reduction from the required 72 off-street parking spaces to 0 off-street parking spaces, on property zoned "A" Two Family Dwelling and "LC" Light Commercial, and legally described as follows:

Lots 1, 3, 5, 7, 9 and 11, on Market Street, in English's Sixth Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the Southeast corner of Market and Harry Streets.

ADOPTED AT WICHITA, KANSAS, this 27th day of February, 1968.


H. W. Kratzer, Chairman

ATTEST:


Jack H. Galbraith
Secretary

March 4, 1968

Mr. Woodrow O. Davis
2011 McLean Blvd. NW
Wichita, Kansas 67203

Dear Mr. Davis;

Subject: BZA 1-68 - Request
for Variance.

At the regular meeting of the Board of Zoning Appeals on February 27, 1968, your request for a variance to reduce the required number of off-street parking spaces from 72 to 0, on property zoned "A" Two Family Dwelling and "LC" Light Commercial, and generally located at the south-east corner of Market and Harry Streets, was considered. The action of the Board was to approve the variance as requested.

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

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG: skb

cc: Beth-Eden Baptist Church, 1600 S. Market 67211
Glen Lytle, Superintendent, Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BWA 1-68

APPLICANT: Beth-Eden Baptist Church, 1600 S. Market, Wichita, Kansas.

AGENT: Woodrow O. Davis, Chairman, Board of Trustees, 2011 McLean Blvd. NW, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 72 to 0.

GENERAL LOCATION: Southeast corner of Market and Harry Streets.

ZONING: "A" Two Family Dwelling and "LC" Light Commercial as is the property to the west; to the north is "LC", to the east "LC" and "C"; and to the south is "A" Two Family.

LAND USE: Subject property is developed for a church complex, to the south is single family, to the west is an elementary school with commercial development to the north and east.

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 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; and

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 is requesting a variance of the required off-street parking spaces from 72 to 0.

The reason that the church is requesting the variance of the off-street parking is that they desire to make improvements to their existing facility. The addition of the improvement to the church complex requires that the church meet all the requirements of the ordinance. At the time the church was built there were no off-street parking requirements in the ordinance, and parking was not provided as now required, therefore the church is non-conforming. Off-street parking for churches is computed on the basis of one parking space for every five seats of maximum seating capacity. The church now seats 360 people and therefore 72 off-street parking spaces are required.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the church was built prior to the off-street parking provisions being placed in the ordinance and that the remodeling of the entranceway to the sanctuary of the church will not increase the seating capacity. It should also be pointed out that the applicant states that the church has a verbal agreement with several property owners in the area to utilize their off-street parking facilities.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect the rights of adjacent property owners or residents inasmuch as there would be substantially no change in the church attendance that now exists. Again it should be noted that the maximum seating capacity of the sanctuary determines the required number of off-street parking spaces and that the approval of this request would not increase the sanctuary capacity.

HARDSHIP

It is the opinion of the Secretary that if the variance were not granted it would constitute an unnecessary hardship upon the property owner inasmuch as the church would be unable to modernize the

Page 3 - Secretary's Report
Case No. BZA 1-68

entranceway to their sanctuary which will provide a foyer for those persons attending church.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not be opposed to the public interest inasmuch as the church is not increasing the required number of off-street parking spaces.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance would not be opposed to the spirit and intent of Title 28 (zoning ordinance) inasmuch as the application does meet the four previous requirements.

RECOMMENDATION

It is the recommendation of the Secretary that all of the conditions can be found to exist and it is, therefore, recommended that the variance be approved to reduce the required number of off-street parking spaces from 72 to 0.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

February 15, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 1-68

An application has been filed by Beth-Eden Baptist Church, 1600 S. Market, Wichita, Kansas 67211, by agent Woodrow O. Davis, Chairman, Board of Trustees, 2011 McLean Blvd. NW, Wichita, Kansas 67203, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting permission to reduce the required number of off-street parking spaces from 72 to 0, on property zoned "A" Two Family Dwelling and "LC" Light Commercial, and legally described as follows:

Lots 1, 3, 5, 7, 9, and 11, on Market Street, in ENGLISH'S SIXTH ADDITION TO THE CITY OF WICHITA, SEDGWICK COUNTY, KANSAS. Generally located at the Southeast corner of Market and Harry Streets.

This application has been assigned Case No. BZA 1-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 27, 1968 at 1:30 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 H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 1-68
FILED 1-3-68

APPLICATION FOR VARIANCE

I. Name of Applicant Beth-Eden Baptist Church
Mailing Address 1600 South Market 67211 Phone AM 2 3322
Name of Authorized Agent Woodrow O. Davis, Chairman, Board of Trustees
Mailing Address 2011 McLean Blvd. NW 67203 Phone WH 3 8664
Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is a wavier of all off street parking. 72 parking
spaces required to 0.

SE corner of Market & Harry
for property located 1600 South Market Street, Wichita, Kansas 67211

and legally described as: Lots 1-3-5-7-9-11 on Market Street, English
6th Addition to Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned "LC" & "A"

(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.

BETH-EDEN BAPTIST CHURCH

Applicant FOR BETH-EDEN BAPTIST CHURCH

Woodrow O. Davis

Authorized Agent WOODROW O. DAVIS

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals,
1:15 (a.m. - p.m.), January 3, 19 68, together with
appropriate fee of \$50.00.

T9-402

Lynn Skirby
Signed (skb)

VARIANCE REQUEST

The variance requested in this application is for a wavier of all off street parking, as required in 28.04.140 and 28.04.141 of the Zoning Ordinance.

The Church is in the process of improving thier exit facilities and making improvments to the existing building. The seating capacity of the Church is 360 and the off street parking required is 72 cars.

The Church is an old established church in this area and does not have the space for the required off street parking on thier property. The Church is unable to acquire land to meet the requirements under the Zoning Ordinance.

The Church does have a verbal agreement to use the parking facilities of Storer's Sign Company, Joy's Cafe, Harry Street Elementry School and the west half of the Safeway Store parking lot, all within 600 feet of the Church. This does give them adequate off street parking. The Owners can not give the Church written consent to make it binding, as required in 28.04.141.2.3 . The above mentioned parking facilities are being used by the Church at the present time.

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	<u>Ann.</u>	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
<i>Christmas</i>	<i>50.00</i>

Name *Lawrence E. Wallis*
 Address *10715 W. 44th*
 Type _____ Date _____

Comments: *R-71-C*

Date *Jan. 3, 1968* By *Sharon Brewer*

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
)
Sedgwick County,)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

All property within a radius of 200 feet of
Lots 1, 3, 5, 7, 9 and 11, on Market Street, in ENGLISHES
(English's) SIXTH ADDITION TO THE CITY OF WICHITA, SEDGWICK
COUNTY, KANSAS.


**Fidelity
Title
Company.
inc.**

And from such examination find that the owners there-
of are as set opposite the description of the property below, viz:

Lots 1, 3, 5, 7, 9 & 11,
Market Street, English's
Sixth Addition;

Duff BETH-EDEN BAPTIST CHURCH
of Wichita, Kansas.;

LOTS 13 & 15, on Market
Street, English's 6th Add.;

Duff DEWEY L. BUHRER & MARJORIE E.
BUHRER, husband & wife;
1618 S. Market 11

LOTS 17 and 19, on Market
Street, English's 6th Add.;

Duff DEWEY L. BUHRER & MARJORIE E.
BUHRER, husband & wife;

Lots 21 & 23, Market Street,
English's 6th Add.;

Duff JAMES R. SANDERS &
WILMA SANDERS, husband & wife;
1620 S. Market 11

Lot 25 & the North $\frac{1}{2}$ of Lot
27, on Market Street, in
English's 6th Add.;

Duff ORVILLE R. SPEER & VERNA SPEER,
husband and wife;
1632 S. Market 11

Lot 29 & the South $\frac{1}{2}$ of Lot
27 on Market Street, in
English's 6th Add.

Duff LOYD CARPENTER & MARGARET
CARPENTER, husband & wife;
1636 S. Market 11



STATEMENT OF OWNERSHIP - cont'd

-2-

Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 & 24, on Market Street, in English's 6th Add.,

Lots 26 & 28, on Market Street, in English's 6th Add.,

Lots 2 & 4; on Lawrence Avenue, now Broadway, in English's 6th Add.

Lots 6 & 8, on Lawrence now Broadway, English's 6th Add.,

Lots 10 & 12, on Broadway Ave., English's 6th Add.

Lots 14, 16, 18 & 20, on Broadway Ave., English's 6th Add.,

Lots 22 & 24, on Broadway Ave., English's 6th Add.,

Lots 26 & 28, on Broadway Ave., English's 6th Add.

Lots 1, 3, 5, 7, 9 & 11, on Broadway Ave., in Craven's Addition to the City of Wichita,

Lots 2 & 4, on Market Street, in Craven's Add. to City of Wichita,

Lots 6 & 8, on Market Street, in Craven's Add. to City of Wichita,

Lots 10 & 12, on Market Street, in Craven's Add. to City of Wichita,

Lot 79 and the North 18 feet of Lot 81, on Market Street, in Boston Avenue Addition to Wichita, Kansas.

The South 7 feet of Lot 81, all of Lot 83 and the West 50 feet of Lots 85 and 87, on Market Street, in Boston Avenue Add.

East 90 feet of Lots 85 & 87, on Market Street, in Boston Avenue Addition to Wichita,

THE BOARD OF EDUCATION OF WICHITA, Wichita, Kansas
728 S. Broadway 02

OTIS G. SLEDGE & LEILA L. SLEDGE, husb. & wife;
1629 S. Market 11

JOHN W. WITBECK, CARL C. WITBECK & ANNA WITBECK SIMPSON;

No address found in either city, phone, sub.

N. WYATT; 137 Street 07
1615 N. Estelle City directory 14

MARTIN K. WELCH & ETHEL D. WELCH, husb. & wife;
1209 Schuster Dr. 11

D. B. DINNING & MURIEL E. DINNING, husb. & wife;
627 N. Crestway 08

LEWIS J. BOOTHE & NELLIE M. BOOTHE, husb. & wife;
1629 S. Broadway 11

LEWIS J. BOOTHE & NELLIE M. BOOTHE, husb. & wife;

Fred C. Snavelly and Minnie V. Snavelly, Husb & Wife; 1557 S. Broadway 11

PAULINA WENDEL; 2432 N. Belmont 20


LEON STORER & JENEFE STORER, husb. & wife;
1558 S. Market 11

MAY AUDRA REED; 1556 S. Market 11

JEAN BACHELDER CROCKETT & MARSH W. BACHELDER; (with life estate in EDITH LEVERING BACHELDER, a widow) 1107 N. Pinecrest 08

FRANCES M. RICHARDSON; GLENN L. RICHARDSON; MARTHA L. RICHARDSON; (with life estate in ERMA L. RICHARDSON); 304 S. Brookside 18

PAULINA WENDEL.


Fidelity
Title
Company,
inc.



STATEMENT OF OWNERSHIP - Cont'd -3-

WITNESS our Hand and Seal this the 30th day of November, 1967.

FIDELITY TITLE COMPANY, INC.,

By

Arthur N. Howe
Arthur N. Howe, Vice Pres.

Tracer No. 85629


Fidelity
Title
Company,
inc.



*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1