

Case No. BZA 7-76 - Wichita Baptist
Tabernacle requests exception to permit
expansion of a non-conforming church
facility to include parking, gymnasium
and fellowship center on property gener-
ally located at the northwest corner
of Third & Cleveland.

*Posted
4-8-76
C.S.
M.A.P.C.
5-6-76*

ACTION

BZA 7-76 COMMITTEE Approved DATE 4-29-76
M.A.P.C. 4/27/76
B.C.C./B. CO. C. _____

RESOLUTION NO. BZA 7-76

WHEREAS, Wichita Baptist Tabernacle, 405 Cleveland, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita to permit the enlargement of a non-conforming religious institution on property zoned the "E" Light Industrial District, and legally described as follows:

Even numbered Lots 8 through 24 on Cleveland and Lots 19, 21, and 23 on Indiana, Mathewson Manor, Sedgwick County, Kansas. Generally located north of Third Street, between Cleveland and Indiana.

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 April 27, 1976, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit the enlargement of a nonconforming religious institution on property zoned the "E" Light Industrial District subject to the conditions outlined in Section 28.04.170.(A)(3), Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that failure to grant this exception would create an undue hardship upon the applicants.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the enlargement of a nonconforming religious institution on property zoned the "E" Light Industrial District, and legally described as follows:

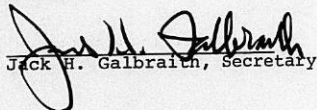
Even numbered Lots 8 through 24 on Cleveland and Lots 19, 21, and 23 on Indiana, Mathewson Manor, Sedgwick County, Kansas. Generally located north of Third Street, between Cleveland and Indiana,

be approved.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1976.


Marjorie L. Taylor

ATTEST:


Jack H. Galbraith, Secretary

~~XXXXXXXXXXXX~~
Tenth Floor, City Hall

May 10, 1976

Mr. Marvin E. Latimer
418 East 14th Street
Augusta, Kansas 67010

Subject: Case No. BZA 7-76
Request for Exception
and
Case No. BZA 8-76
Request for Variance

Dear Mr. Latimer:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on April 27, 1976, in connection with your request for an exception to permit the enlargement of a nonconforming religious institution and your request for a variance to reduce the required number of off-street parking spaces on site from 90 to 80 spaces and the total number required from 181 to 171 spaces on property zoned the "E" Light Industrial District, and generally located on the west side of Cleveland in an area north of Third Street.

These Resolutions reflect the official action of the Board to approve these requests.

If you have any questions concerning these matters, please call our office.

Yours very truly,

Jack H. Galbraith
Secretary

JHG:LD:bh
Attach.

cc: Wichita Baptist Tabernacle, 405 Cleveland, 67214
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

April 28, 1976

Mr. Marvin E. Latimer
418 East 14th Street
Augusta, Kansas 67010

Subject: Case No. BZA 7-76
Request for Exception
and
Case No. BZA 8-76
Request for Variance

Dear Mr. Latimer:

At the regular meeting of the Board of Zoning Appeals on April 27, 1976, your request for an exception to permit the enlargement of a nonconforming religious institution and your request for a variance to reduce the required number of off-street parking spaces on site from 90 to 80 spaces and the total number required from 181 to 171 spaces on property zoned the "E" Light Industrial District, and generally located on the west side of Cleveland in an area north of Third Street were considered.

It was the action of the Board to approve these requests.

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

If you have any questions, please call our office.

Yours very truly,

Jack H. Galbraith
Secretary

JHG:LD:bh

cc: Wichita Baptist Tabernacle, 405 Cleveland, 67214
Don Gisick, City Clerk
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Central Inspection

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE April 22, 1976



TO Metropolitan Area Planning Commission

FROM David Furnas, Citizen Participation Coordinator

SUBJECT Zone Cases BZA 7-76 and BZA 8-76

On April 20, 1976, it was the general consensus of Area Council "K" to approve Zone Cases BZA 7-76 and BZA 8-76 as recommended by the MAPC.

David L. Furnas
David Furnas
Citizen Participation Coordinator

DF:DB:rh



SECRETARY'S REPORT
CASE NO. BZA 7-76

APPLICANT: Wichita Baptist Tabernacle, 405
Cleveland, Wichita, Kansas.

AGENT: Marvin E. Latimer, 418 E. 14th,
Augusta, Kansas.

REQUEST: Exception pursuant to Section
2.12.590.C, Code of the City of
Wichita to permit the enlargement
of a nonconforming religious in-
stitution on property zoned the
"E" Light Industrial District.

GENERAL LOCATION: West side of Cleveland in the area
north of Third Street.

LAND USE: Subject property is occupied by a
church and 3 fourplexes. Properties
to the east and west are developed
with fourplexes. North is a tavern.
South is a duplex, single family
residence, and vacant grocery
store.

ZONING: Subject property and those to the
north, south and west are all zoned
the "E" Light Industrial District.
East is the "B" Multiple Family
Dwelling District.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.170(A)(3) can be complied with.

COMMENTS BY THE SECRETARY:

The applicants are requesting an exception to permit the enlargement of a non-conforming church facility in the "E" Light Industrial District. Section 28.04.170.(A)(3) of the Zoning Ordinance states in part that the Board of Zoning Appeals may allow as an exception any non-conforming

Secretary's Report
BZA 7-76
Page 2

religious institution in the "E" or "F" districts to be enlarged, extended or reconstructed up to 100% of the floor area of the original non-conforming use building, provided that the Board finds that failure to grant the exception will create an undue hardship on the applicants. The plot plan submitted with the application indicates that the proposed expansion would constitute approximately 20% of the existing floor area of the church,

The proposed enlargement is for a gymnasium and fellowship center. The applicants in their statement of justification say that the addition is necessary to augment the church program by providing a place for physical exercise, recreation, morals improvement, and Christian fellowship.

RECOMMENDATION:

It is the opinion of the Secretary that if you determine that a failure to grant this exception would create an undue hardship on the applicants, the request should be approved.

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

DATE

April 8, 1976

TO David Furnas, CPO Coordinator

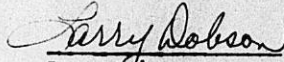
FROM Larry Dobson, Assistant Secretary, Board of Zoning Appeals

SUBJECT Notice of Board of Zoning Appeals Cases
(Case Numbers BZA 7-76; BZA 8-76; BZA 9-76; and
BZA 10-76)

Attached are notices of four new cases to be considered
by the Board of Zoning Appeals at its meeting of April 27,
1976. Also attached are sketch maps of the area involved
in each case. *maps*

If you have any questions, please call.

Sincerely,


Larry Dobson
Assistant Secretary

LD:bh
Attach.

11-76 — 17-76

21 notices sent to adjoining property owners

10 notices sent to members of MAPC

April 2, 1976 BZA 7-~~6~~

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

April 2, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 7-76

An application has been filed by Wichita Baptist Tabernacle, 405 Cleveland, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the enlargement of a nonconforming religious institution on property zoned the "E" Light Industrial District, and legally described as follows:

Even numbered Lots 8 through 24 on Cleveland and Lots 19, 21, and 23 on Indiana, Mathewson Manor, Sedgwick County, Kansas. Generally located north of Third Street, between Cleveland and Indiana.

This application has been assigned Case No. BZA 7-76, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 27, 1976, at 1:30 p.m., in the City Commission Chambers, City Hall, 455 North 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

7-76

Map 5547-

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Wichita Baptist Tabernacle-Ray Melugin Pastor

Mailing Address 405 Cleveland Wichita Ks Phone 263-0269

Name of Authorized Agent Marvin F. Latimer Architect

Mailing Address 418 E. 14th. Augusta Ks. Phone 775-5943

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section

2.12.590.C, Code of the City of Wichita, Kansas, to permit

the ~~establishment of~~ expansion of a church facility to include
parking, gymnasium and fellowship center on property zoned

"E" Light Ind., located at Northwest corner Third St. & Cleveland
Avenue Wichita, Ks. and legally described as: Lots 8, 10, 12,
14, on Cleveland Avenue in Matthewson Manor Addition to Wichita
Sedgewick, County, Kansas (note the applicant also owns Lots
16 thru 24 Cleveland & 19 thru 23 Indian in the City of Wichita.

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. 24-606); and that the appropriate fee is herewith tendered;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
- d. That he has been advised of his right to bring action in the District Court of Sedgewick County to appeal the decision of the Board.

Applicant Ray Melugin

Authorized Agent Marvin F. Latimer

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 4:00 (a.m. ~~or~~ p.m.), 3-29, 1976, together with appropriate fee of \$50.00

Signed Larry Dobson

T9-403

subj to abstract list by 4-1-76 rec'd 3/31/76
ownership list

BOARD OF ZONING APPEALS

STATEMENT OF JUSTIFICATION - EXCEPTION

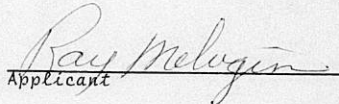
CITY OF WICHITA, KANSAS

The Wichita Baptist Tabernacle establishe many years befor current land use and zoning ordinance was in effect has need for a gymnasium and fellowship center, and additional parking.

The gymnasium will augment the present church program by providing a place for physical exercise, recreation, morals improvement and christion fellowship.

This proposition was foreseen and provided for in our ordinance by the stipulation that such applicants may expand to the extent of 100% of their existing space. The existing space is 20,000 sq. ft. on each of 2 floors 40,000 sq. ft.

Gymnasium area will be approximatly 8,000 sq. ft. An added benifit will be 50 parking spaces on the property.


Applicant


Authorized Agent

Date March 19, 1976

OWNERSHIP LIST

Lot	Street or Block	Addition	Property owner
1, 3 & N 40' of 5	Cleveland	Mathewson Manor	Dave Bachus and Gary Bachus dba D & G Properties 6409 E. Elm St., Wichita, Kansas 67206
2 & 4	"	"	Jewel Joan Hurst 221 Hillsdale Wichita, Kansas, 67230
6	"	"	United Distributors, Inc. 420 S. Seneca, Wichita, Kans. 67213
8, 10, 12 & 14	"	"	<i>not in title</i> Leon M. Wallace and Rosalie G. Wallace, Address unknown <i>relief</i> <i>Wichita, Kan.</i>
16, 18, 20 & 22	"	"	Wichita Baptist Tabernacle, Inc. 405 Cleveland, Wichita, Kan. 67214
1, 3 & N 40' of 5	Indiana	"	Herman Oil Company, Inc. 1305 E. Central Wichita, Kan. 67214
S 10' of 5, all of 7 & 9 and N 20' of 11	"	"	Herbert Dodd and Alice L. Dodd 656 Courtleigh, Wichita, Kan. 67218
S 30' of 11 all of 13, 15 & 17	"	"	Graham Investment, Inc., 211 N. Broadway, Wichita, Kansas, 67202
19, 21 & 23	"	"	Wichita Baptist Tabernacle, Inc. 405 Cleveland, Wichita, Kan. 67214
4 & 6	"	"	Advance Products, Inc., 1101 E. Central, Wichita, Kansas, 67214
8, 10 & N 28.6' of 12	"	"	Sutherland Development Co., Inc. 9525 Lincoln Court Wichita, Kansas, 67207
S. 12.4' of 12 & N. 42.88' of 14	"	"	Frances Rector, 304 E. Indianapolis Apt. 2, Wichita, Kansas, 67211
S. 7.12' of 14 all of 16 & N 7.16' of 18	"	"	Charles Leo Burns, 425 Indiana Wichita, Kansas, 67214
S. 42.88' of 18	"	"	Dale Hughes and Dean Hughes, Address unknown/ <i>D - see next page</i>

Lot	Street	Addition	Property Owner
15	Ohio	Mathewson Manor	✓ Advance Products Co., Inc. 1101 East Central 67214
17	Ohio	Same	Same
19	Ohio	Same	Same
21	Ohio	Same	Same
23	Ohio	Same	Same
1	A	Mathewson Manor 2nd	✓ Graham Investment Co. 211 N. Broadway 67202
2	A	Same	Same
3	A	Same	Same
4	A	Same	Same
5	A	Same	Same
6	A	Same	Same
7	A	Same	Same
20	Indiana	Mathewson Manor	✓ Dale Hughes, Dean Hughes 1932 Roanoke Drive 67218
22	Same	Same	Same
24	Same	Same	Same
24	Cleveland	Same	✓ Wichita Baptist Tabernacle, Inc. 405 Cleveland 67214
44	Indiana	Mathewson 3rd	✓ George L. Winn & H. Louise Winn Alta I. Davis & Roscoe R. Davis 2909 Cornelison 67203
46	Same	Same	Same
48	Same	Same	Same
43	Same	Same	✓ Milton J. Fugate and Grace Irene Jerry H. Reed & Zelda Mae 350 N. Indiana 67214
45	Same	Same	✓ Julius H. Pinkerton & Emily 2248 Minneapolis Court 67211
47	Same	Same	✓ Catherine A. Moulos 356 Indiana 67214

Lot	Street	Addition	Property Owner
44 exc S 2'	Cleveland	Mathewson 3rd Addition	✓ Clayborn D. Mathews & Laura May 341 Cleveland 67214
46	Same	Same	✓ Pauline Roets & Philip, Cecelia A. 349 Cleveland 67214 Umdenstock
48	Same	Same	✓ Guthrie C. Davidson & Rose G. 6628 East 45th St. North 67226
43	Same	Mathewsons 4th Add.	✓ Charles O. Shoemaker & Helen M. 346 Cleveland 67214
45	Same	Same	Ivacolis Nease Address Unknown
47	Same	Same	Harvey L. Nease & Ivacolis Nease Address Unknown

*not in
Subd.
not in
City Dir*

*not in plat book
B*

The Security Abstract & Title Company, Inc.,
hereby certifies the foregoing to be a true and correct list of
property owners of:

A 200 foot radius of: Lots 8 thru 24
even inclusive on Cleveland and Lots
19, 21 and 23 on Indiana, Mathewson
Manor, Sedgwick County, Kansas

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on the 24th day of March, 1976
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 235158
235575

FORM 100-1001

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	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Traller		

DESCRIPTION AMOUNT

Name

Address

Type

Due Date

Comments:

Date

By

*

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