

BZA-15-68 - Lutheran Church requests variance to reduce set-back for parking purposes on southeast corner of Kellogg and Mission Road.

ACTION

POSTED
5-2-68

DATE

Approved for
Lot B only.
5-28-68

BZA COMMITTEE

M.A.P.C.

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

MZM ✓
CZM ✓

10-11-69

RESOLUTION NO. BZA 15-68

WHEREAS, The Evangelical Lutheran Church of the Reformation, 6909 E. Kellogg, Wichita, Kansas, by Benjamin C. Langel, 600 Fourth National Bank Building, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required setback from 25 feet to 0 feet on property zoned "A" Two Family Residential, and legally described as follows:

Lots 1, 2, and 3, East Mission Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg and Mission Road.

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 May 28, 1968, 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 if the property were zoned "LC" Light Commercial as is most of the property along Kellogg, the applicant would be allowed, by ordinance to park adjacent to the property line; 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 residential properties to the south are screened by an existing redwood fence; 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 an area which is of no practical use would have to be retained and could not be utilized for off-street parking; 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 it would tend to eliminate possible on-street parking; 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 area is adjacent to light commercial zoning and is effectively screened from adjacent residences; 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, have been found to exist.

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Resolution No. BZA 15-68


NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance of the required setback from 25 feet to 0 feet on property zoned "A" Two Family Residential and legally described as:

Lots 1, 2, and 3, East Mission Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg and Mission Road.

be approved for the south 66 feet of Lot 3 only, subject to the following conditions:

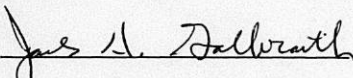
1. The area shall be utilized for parking purposes only and no permanent structures shall be erected thereon.
2. The applicant shall install concrete bumper guards along the west property line.

ADOPTED AT WICHITA, KANSAS, this 28th day of May, 1968.



NORMAN N. DOKE, Vice-Chairman

ATTEST:



JACK H. GALBRAITH, Secretary

June 3, 1968

Mr. Benjamin C. Langel
600 Fourth National Bank Bldg.
Wichita, Kansas 67202

Subject: Case No. BZA 15-68
Request for Variance

Dear Mr. Langel:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 28, 1968, in connection with your request for a variance to reduce the required setback for parking purposes only on property zoned "A" Two Family Residential and generally located on the southeast corner of Kellogg and Mission Road.

This Resolution reflects the official action of the Board and indicates 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
Secretary

JHG:js
Attachment

cc: Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly,
City Clerk

Evangelical Lutheran Church
of the Reformation
6909 E. Kellogg
Wichita, Kansas 67207

May 29, 1968

Mr. Benjamin C. Langel
600 Fourth National Bank Bldg.
Wichita, Kansas 67202

Subject: Case No. BZA 15-68
Request for Variance

Dear Mr. Langel:

At the regular meeting of the Board of Zoning Appeals on May 28, 1968, your request for a variance to reduce the required setback from 25 feet to 0 feet for parking purposes only on property zoned "A", and generally located on the southeast corner of Kellogg and Mission Road, was considered.

It was the action of the Board to grant the variance to reduce the required setback from 25 feet to 0 feet for off-street parking only for the south 66 feet of Lot 3, subject to the following conditions:

1. The area shall be utilized for parking purposes only and no permanent structures shall be erected thereon.
2. The applicant shall install concrete bumper guards along the west property line.

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.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

Mr. Benjamin C. Langel
May 29, 1968
Page 2

cc: Evangelical Lutheran Church
of the Reformation
6909 E. Kellogg
Wichita, Kansas 67207

Robert Feldner, Superintendent
of Central Inspection

Ralph Eberly
City Clerk

SECRETARY'S REPORT
CASE NO. BZA 15-68

APPLICANT: The Evangelical Lutheran Church of the Reformation,
6909 E. Kellogg, Wichita, Kansas

AGENT: Benjamin C. Langel, 600 Fourth National Bank Bldg.
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of
the City of Wichita, to reduce the required setback
from 25 feet to 0 feet for parking purposes only.

GENERAL LOCATION: Southeast corner of Kellogg and Mission Road.

ZONING: Subject property is zoned "A" Two Family Residential
as is that to the west and south, to the east is
"LC" Light Commercial, property to the north is
unzoned (City of Eastborough).

LAND USE: Subject property is occupied by a church and off-
street parking lot, to the north and south are single
family residences, to the east is a restaurant with
a music store and company garage to the west.

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 un-
necessary 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

This application for a variance to reduce the required setback from 25 feet to 0 feet on property zoned "A" Two-Family residential has been submitted simultaneously with an application (Case No. BZA 16-68) requesting a variance of the required number of off-street parking spaces from 57 to 33. The existing parking lot of the church now accommodates 27 automobiles and the granting of this request would provide space for an additional 6 off-street parking spaces.

It is the opinion of the Secretary that the major problem involved with parking in the required setback is that the parking pavement runs clear up to the property line leaving no area for landscaping to break up and partially screen the parking area. In this instance however, the applicant has previously constructed a redwood fence along the south edge of the property which extends to the west property line and thus completely screens the parking area from the residences to the south.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation in that if subject property were zoned "LC" Light Commercial as is most of the property along Kellogg in this general area, and to approximately the same depth, the applicant would be allowed, by ordinance, to park adjacent to the property line.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect the adjacent property owners

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Case No. BZA 15-68

or residents inasmuch as the church owns the land to the north of the parking lot and the properties to the south are screened by an existing redwood fence.

HARDSHIP

It is the opinion of the Secretary that if this variance is not granted it would create a hardship for the church inasmuch as an area which is of no practical use would have to be retained and could not be utilized for off-street parking.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as it would tend to eliminate possible on-street parking.

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 inasmuch as a variance can be justified in circumstances such as this when the area is adjacent to light commercial zoning and is effectively screened from adjacent residences.

RECOMMENDATION

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found and, therefore, it is recommended that the variance request be granted to reduce the required setback from 25 feet to 0 feet for off-street parking only for the south 66 feet of Lot 3 only, subject to the following conditions:

1. The area shall be utilized for parking purposes only and no permanent structures shall be erected thereon.
2. The applicant shall install concrete bumper guards along the west property line.

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

May 8, 1968

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 15-68

An application has been filed by the Evangelical Lutheran Church of the Reformation, 6909 E. Kellogg, Wichita, Kansas, by Benjamin C. Langel, 600 Fourth National Bank Building, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required setback for parking purposes only, from 25 feet to 0 feet, on property zoned "A" Two Family Residential, and legally described as follows:

Lots 1, 2, and 3, East Mission Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg and Mission Road.

This application has been assigned Case No. BZA 15-68, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 28, 1968, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

*PON's
mailed 5-8-68*

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 15-68
FILED 4-30-68

APPLICATION FOR VARIANCE

1. Name of Applicant The Evangelical Lutheran Church of the Reformation, Inc.

Mailing Address 6909 E. Kellogg, Wichita 07 Phone MU 28021

Name of Authorized Agent Benjamin C. Langel

Mailing Address 600 Fourth Nat'l Bank Bldg. 02 Phone AM 40372

Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is reduction of ^{required} ~~request~~ set-back for parking
purposes on West side of property be reduced from 25 feet from the
property line to zero feet from the property line or 19.5 feet from
the curb line.

for property located 6909 E. Kellogg

and legally described as all of East Mission Addition to the City
of Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned A.

(Give metes and bounds description below if appropriate):

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 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;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

THE EVANGELICAL LUTHERAN CHURCH OF THE
Applicant REFORMATION, INC.

Benjamin C. Langel
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals
4:00 (a.m. - p.m.), April 30, 1968, together with
appropriate fee of \$50.00.

T9-402

Lynn M. Hickey-Plummer T 9
Signed

STATEMENT IN JUSTIFICATION OF REQUESTED VARIANCE

This application for a variance is being submitted simultaneously with an application for a variance in the number of off-street parking spaces required as the result of an addition now being built onto applicant's church building. We refer the Board to the Statement filed with that application for a summary of the factual situation involved herein.

Applicant's property is zoned "A" and faces Mission Road. Accordingly, the parking lot on the South side of applicant's property is required by section 28.04.050 to be set back a minimum of twenty-five feet from the West property line or 44.5 feet from Mission Road. Applicant is requesting that this requirement be eliminated so that applicant may provide off-street parking for an additional six automobiles.

As will be noted in the Statement accompanying the companion application filed by applicant, the addition to applicant's present church building has created a problem for applicant in that applicant is unable to build the necessary facilities on its property and still provide the number of parking spaces required by the Code of the City of Wichita in the space permitted by such Code.

One way applicant proposes to minimize the number of parking spaces it is asking the Board to permit it not to furnish is by providing six additional parking spaces on the existing parking lot.

- I. THE VARIANCE REQUESTED ARISES FROM A CONDITION WHICH IS UNIQUE TO THE PROPERTY IN QUESTION AND WHICH IS NOT ORDINARILY FOUND IN THE SAME ZONE OR DISTRICT. SUCH CONDITION WAS NOT CREATED BY AN ACTION OR ACTIONS OF APPLICANT.

Although applicant's property appears to face the access road parallel to Highway 54, the property was platted so that it faces on Mission Road. Because of this, applicant must comply with

a set-back requirement that would not otherwise be applicable.

Moreover, the combination of applicant's need for additional space, financial resources, and the unique situations involving the adjacent commercial establishments could not possibly exist anywhere else in the City.

II. THE GRANTING OF THE PERMIT FOR THE VARIANCE WILL NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS.

There is already in place a solid redwood fence along the South edge of the property line between applicant's property and the adjacent residence on the South. The fence extends to the West property line and would thus completely screen the additional parking spaces.

No other property owner or resident can conceivably be materially affected by the requested variance.

III. 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.

The strict application of the set-back ordinance would result in applicant being able to park only some 27 cars in its parking lot--or less than half the required number of parking spaces. Since we are concurrently requesting the number of off-street parking spaces that are required be reduced, we are trying to increase the number of spaces we can provide so as to only have to ask for as little relief as possible. Inasmuch as the rights of the adjacent landowner are already fully protected, there is no necessity of a strict enforcement of the set-back rule. The loss of the requested six parking spaces would cause substantial inconvenience to applicant and its members.

IV. THE REQUESTED VARIANCE WILL NOT ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY, OR GENERAL WELFARE.

Merely to state the nature of the requested variance is to show that none of the foregoing statutory considerations would

in anyway be impaired by the permitting of applicant to extend its parking lot a short distance past the required set-back lines. To the contrary, such a variance would improve safety and convenience by providing convenient off-street parking for six automobiles.

V. THE GRANTING OF THE VARIANCE DESIRED WILL NOT BE OPPOSED TO THE GENERAL SPIRIT AND INTENT OF TITLE 28.

The elimination of the set-back requirements will not in anyway oppose the general intent of Title 28. Set-back requirements are primarily intended to preserve some landscaping between the streets and buildings in areas that were not primarily commercial in nature as well as to keep buildings reasonably in line so that no one may block the view of and from neighboring buildings by building on or near the street line.

The requested variance will not in any way interfere with such goals as the temporary parking of a few automobiles for a few hours during the week, will not obstruct vision or lower the value or enjoyment of other buildings in the neighborhood.

At the same time, by providing additional off-street parking, the requested variance will contribute to the spirit and intent of the off-street parking provisions of Title 28. On balance, therefore, the slight--nearly negligible--departure from the set-back rules is far overbalanced by the advantages to be derived by providing off-street parking spaces.

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		\$50.00

DESCRIPTION	AMOUNT
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R30 Application	
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Name *Reformation of the Church*

Address *6707 C. Kellogg*

Type *R71C*

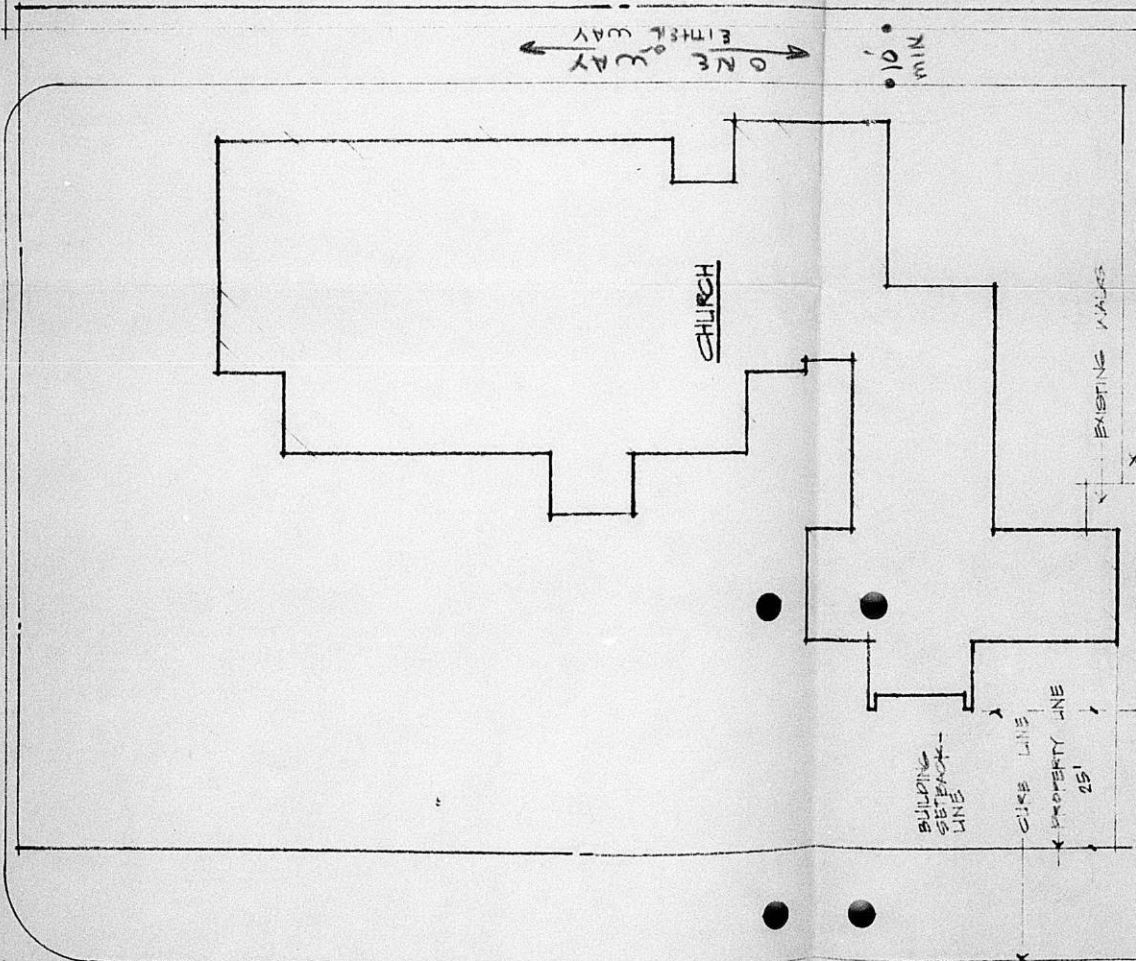
Due Date

Comments:

Date *4-30-68*

By *Joyce Smith*

001083



PARKING LAYOUT FOR
 LUTHERAN CHURCH OF THE REFORMATION
 MISSION ROAD & KELLOGG, WICHITA
 SCHAEFER SCHIRMER & BEJIN - ARCHITECTS

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 1
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 2
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19.45
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