

Case No. BZA 18-76 - CALVARY
WESLEYAN CHURCH requests a vari-
ance for a reduction of the
required parking spaces from 43
to 35, and to reduce the re-
quired setback from 6' to 3'

ACTION

BZA/18-76 COMMITTEE

Approved

DATE
6-22-76

M.A.P.C. _____

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

*Posted
6-8-76
CIV
MAD
7-28-76
CIV*

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WESLEYAN CHURCH requests a vari-
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Map No. 5246
 Sec. 25
 Twp. 27
 Range 1W

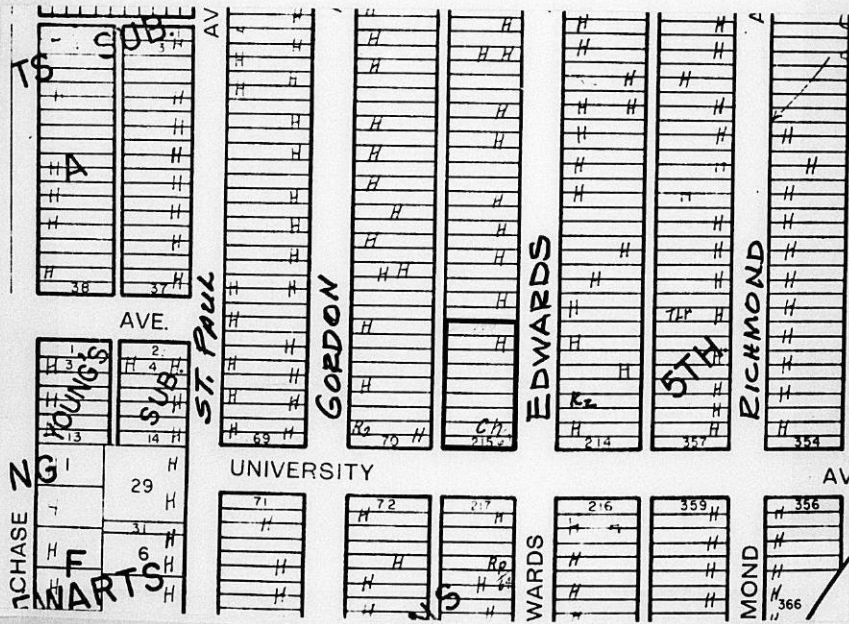
BZA- 1B-76
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.72 (140 ft. by 225 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: SINGLE FAM & CHURCH
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 18-76

WHEREAS, Calvary Wesleyan Church, 537 South Edwards, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 43 to 35 spaces; and to reduce the required side yard setback adjacent to the south property line from 6 feet to 3 feet for off-street parking purposes only on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 199, 201, 203, 205, 207, 209, 211, 213, and 215 on Edwards Street, Martinson's Fifth Addition, Sedgwick County, Kansas. Generally located at the northwest corner of University and Edwards.

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 June 22, 1976, 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 the existing church has been located on this site with no parking for many years. Concerning the side yard reduction, it may be unique that based on approved plans, and the issuance of permits, the applicants have proceeded with construction to the point where there would not be sufficient width for the parking area if they are required to maintain a 6 foot side yard; 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 applicants are greatly improving the parking situation that presently exists; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as they have proceeded to a stage of construction nearing completion, and to now comply with the regulations they would have to relocate most of their off-street parking by removing the parsonage and converting that space to 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 due to the fact that sufficient parking is being provided to meet the present and foreseeable needs of this congregation, with available property to convert to parking if and when the need arises; 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) provided additional parking is voluntarily provided by the church when the average attendance reaches 175 people and provided there is no extension or overhanging of vehicles beyond the south property

line; 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.

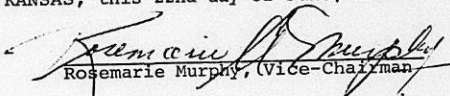
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 43 to 35 spaces; and to reduce the required side yard setback adjacent to the south property line from 6 feet to 3 feet for off-street parking purposes only on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 199, 201, 203, 205, 207, 209, 211, 213, and 215, on Edwards Street, Martinson's Fifth Addition, Sedgwick County, Kansas. Generally located at the northwest corner of University and Edwards,


be approved, subject to the following conditions:

1. Parking areas shall have adequate guards to prevent extension or overhanging of vehicles beyond property lines or parking spaces; and parking areas shall have adequate markings for channelization and movement of vehicles.
2. The 3 foot side yard remaining adjacent to the south property line shall be landscaped and maintained in a manner compatible with surrounding residential development.

ADOPTED AT WICHITA, KANSAS, this 22nd day of June, 1976.


Rosemarie Murphy, (Vice-Chairman)

ATTEST:


Jack H. Galbraith, Secretary

July 13, 1976

Mr. Virgil Hogarth
537 South Edwards
Wichita, Kansas 67213

Subject: Case No. BZA 18-76
Request for Variance

Dear Mr. Hogarth:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 22, 1976, in connection with your request for a variance to reduce the required number of off-street parking spaces from 43 spaces to 35 spaces; and to reduce the required side yard adjacent to the south property line from 6 feet to 3 feet for off-street parking purposes only on property zoned the "A" Two Family Dwelling District, and generally located on the northwest corner of University and Edwards.

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

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

Sincerely,

Larry Dobson
Assistant Secretary

LD:bh
Encl.

cc: Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection
Don Gisick, City Clerk
Calvary Wesleyan Church, 537 S. Edwards

June 23, 1976

Mr. Virgil Hogarth
537 South Edwards
Wichita, Kansas 67213

Subject: Case No. BZA 18-76
Request for Variance

Dear Mr. Hogarth:

At the regular meeting of the Board of Zoning Appeals on June 22, 1976, your request for a variance to reduce the required number of off-street parking spaces from 43 spaces to 35 spaces; and to reduce the required side yard adjacent to the south property line from 6 feet to 3 feet for off-street parking purposes only on property zoned the "A" Two Family Dwelling District, and generally located on the northwest corner of University and Edwards was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. Parking areas shall have adequate guards to prevent extension or overhanging of vehicles beyond property lines or parking spaces; and parking areas shall have adequate markings for channelization and movement of vehicles.
2. The 3 foot side yard remaining adjacent to the south property line shall be landscaped and maintained in a manner compatible with surrounding residential development.

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.

Mr. Virgil Hogarth
June 23, 1976

If you have any questions, please call our office.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bh

cc: Calvary Wesleyan Church, 537 S. Edwards, 67213
Don Gisick, City Clerk
Joe Donnelly, Central Inspection
Robert Feldner, Supt., Central Inspection

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE June 18, 1976



TO Larry Dobson, MAPD

FROM David Furnas, Citizen Participation Coordinator

SUBJECT Cases No. BZA 18-76, 19-76, and
20-76

On June 17, 1976, CPO Neighborhood Council Area J discussed Case No. BZA 20-76, a variance requested by the Northside Church of Christ, 2105 Jackson. The Council approved the request by a unanimous vote.

On June 17, 1976, Area "O" CPO Council voted unanimously to recommend to the Board of Zoning Appeals that the variance and exception in BZA Cases 18-76 and 19-76 be granted.

A handwritten signature in cursive script that reads "David L. Furnas".

David Furnas
Citizen Participation Coordinator

DF:EP:CB:rh



SECRETARY'S REPORT
CASE NO. BZA 18-76

APPLICANT: Calvary Wesleyan Church, 537 South Edwards, Wichita, Kansas

AGENT: Virgil Hogarth, 537 South Edwards, 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 43 spaces to 35 spaces; and to reduce the required side yard adjacent to the south property line from 6 feet to 3 feet for off-street parking purposes only.

GENERAL LOCATION: Northwest corner of University and Edwards.

ZONING: Subject property is zoned the "A" Two Family Dwelling District as are properties to the south, east and north. Property to the west is zoned the "AA" Single Family Dwelling District.

LAND USE: Subject property contains a church, a single family residence and a new church under construction. Properties to the north, south and west are developed as single family residential. East is single family and the two family residential.

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 applicants are requesting a variance to reduce the required number of off-street parking spaces from 43 spaces to 35 spaces; and to reduce the side yard adjacent to the south property line from 6 feet to 3 feet for off-street parking purposes only. This request is in connection with the construction of a new church and associated off-street parking.

Subject property is 140 feet deep by 225 feet wide located at the northwest corner of Edwards and University streets. The old church building is located at the south end of the property and a single family residence, used as the parsonage, is situated at the north end of the property. The new church facility is being constructed between the two structures. The area now occupied by the old church building will be utilized as off-street parking upon completion of the new facility. This proposed parking area, as shown on the applicant's site plan, utilizes the 25 foot front yard setback area adjacent to Edwards and also encroaches 3 feet into the required 6 foot sideyard setback adjacent to University. On the basis of this plan, the applicants were mistakenly issued building permits for construction of the church. Subsequently, the applicants contacted this office relative to seeking an exception for a child care center (next item on agenda - BZA 19-76) and were advised of the need to comply with the setback requirements or obtain a variance from those requirements. After discussion of their situation, the applicants decided to remove any parking from the front yard area and request a reduction in the number of off-street parking spaces required as well as a three foot reduction of the side yard for off-street parking purposes only.

The existing church has been on this site for many years with no approved off-street parking. In their letter of justification, the applicants state that the average attendance so far this year has been 63 people. The new church is designed to seat approximately 215 people. Required off-street parking by the zoning ordinance is 1 space for every 5 seats at capacity. They also state that the property presently occupied by the sanctuary was purchased with future growth in mind and that when needed, this house would be removed and additional parking space provided.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the existing church has been located

on this site with no parking for many years. Concerning the side yard reduction, it may be unique that based on approved plans, and the issuance of permits, the applicants have proceeded with construction to the point where there would not be sufficient width for the parking area if they are required to maintain a 6 foot side yard.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of this variance would not adversely affect the rights of adjacent property owners inasmuch as the applicants are greatly improving the parking situation that presently exists, but as the congregation grows, and unless the church voluntarily furnishes the additional parking needs of a growing congregation, the on-street parking by church members could again become a problem.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the zoning ordinance would constitute an unnecessary hardship upon the applicants inasmuch as they have proceeded to a stage of construction nearing completion, and to now comply with the regulations they would have to relocate most of their off-street parking by removing the parsonage and converting that space to off-street parking.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the desired variance would not have an adverse affect on the public interest inasmuch as sufficient parking is being provided to meet the present and foreseeable needs of this congregation, with available property to convert to parking if and when the need arises.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the requested variance may not be opposed to the general spirit and intent of the zoning ordinance provided additional parking is voluntarily provided by the church when the average attendance reaches 175 people and provided there is no extension or overhanging of vehicles beyond the south property line.

RECOMMENDATION:

If the above five conditions are found to exist, it is recommended that the variance be approved to reduce the required off-street parking spaces from 43 to 35 and to reduce the south side yard setback from 6 feet to 3 feet for off-street parking purposes only subject to the following conditions:

Secretary's Report
Case No. BZA 18-76
Page 4

1. Parking areas shall have adequate guards to prevent extension or overhanging of vehicles beyond property lines or parking spaces; and parking areas shall have adequate markings for channelization and movement of vehicles.
 2. The 3 foot side yard remaining adjacent to the south property line shall be landscaped and maintained in a manner compatible with surrounding residential development.
-

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

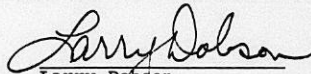
June 9, 1976

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 18-76; BZA 19-76; and
BZA 20-76).

Attached are notices of three new cases to be considered by the Board of Zoning Appeals at its meeting on June 22, 1976. Also attached are sketch maps of the area involved in each case.

If you have any questions, please call.

Sincerely,


Larry Dobson
Assistant Secretary

LD:bh
Attch.

28 notices sent to agent, applicant and adjoining property owners
10 notices sent to MAPC members
38 total notices sent on BZA 18-76

BOARD OF ZONING APPEALS

TENTH FLOOR, CITY HALL

455 North Main

Wichita, Kansas 67202

June 1, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 18-76

An application has been filed by Calvary Wesleyan Church, 537 South Edwards, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required number of off-street parking spaces from 43 to 35 spaces; and to reduce the required side yard setback adjacent to the south property line from 6 feet to 3 feet for off-street parking purposes only on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 199, 201, 203, 205, 207, 209, 211, 213, and 215, on Edwards Street, Martinson's Fifth Addition, Sedgwick County, Kansas. Generally located at the northwest corner of University and Edwards.

This application has been assigned Case No. BZA 18-76, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 22, 1976, at 1:30 p.m., in the City Commission Chambers, First Floor, 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 F. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Calvary Wesleyan Church

Mailing Address 537 South Edwards, Wichita, 67213 Phone 942-7332

Name of Authorized Agent Virgil Hogarth

Mailing Address 537 South Edwards, Wichita, 67213 Phone 942-7332

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

II. The variance requested is for a reduction of required parking
spaces from 43 to 35 and from the 6 foot setback along university
to a 3 foot setback.

for property located 54 South Edwards or the NorthWest Corner
of University and Edwards.

and legally described as: Lots 199, 201, 203, 205, 207, 209,
211, 213 and 215 on Edwards Street in Martinson's Fifth Addition
Sedgwick County, Wichita, Kansas

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

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 bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Calvary Wesleyan Church
Applicant

Virgil Hogarth
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:01 (a.m. - (p.m)), 5/21 1976 together with appropriate fee of \$50.00.

T9-402

Larry Dobson
Signed

use same abstract as Exception case 157A 14-76

May 21, 1976
537 South Edwards
Wichita, Kansas

Dear Sirs:

The Calvary Wesleyan Church which is building a new church at 545 South Edwards would request a variance in the required parking spaces from 43 to 35 and a variance in the required setback along University from 6 feet to 3 feet.

Our average attendance so far this year is 63 and although we are planning to grow at the present time we do not have that many cars in our congregation. Two years ago we purchased lots # 199, 201, and 203 with this growth in mind that when the additional parking was needed we would remove the house that at present is the parsonage and have this space for the additional parking.

This variance would also allow for the required 25 foot setback along Edwards street that the present plans do not allow for.

Thank you for your consideration in this matter for us.

Sincerely,



Virgil Hogarth
Pastor

FORM 223-021

PAYMENT NOT
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	Trailer		

DESCRIPTION	AMOUNT

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ BY _____

ALLEY

SEWER
ELECTRIC

Applied as to PARKING & DRIVES (NIC)

225'0"

9'0"

26'0"

1'0"

WALK (NIC)

46'0"

(VIC)

Shed
18'

Play Area

67'6"

WALK (NIC)

58'0"

20'0"

20'

30'6"

3'4'0"

40'0"

This is the
Parsonage
EXISTING

30'6"

3'4'0"

30'6"

13'0"

18'0"

59'0"

12'0"

#213

#211

#209

#207

#205

#203

#201

#199

25'0"

WATER
GAS

EDWARDS ST.



TRAFFIC ENGINEERING DIVISION APPROVED

John [Signature] (B20)

Date 5-21-76

- (A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".
- (B) Stop lines shall be painted and 4" or greater in width.
- (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

1" = 20'