

5-17-83
R 105783

Case No. BZA 24-83 - Anchor Baptist Church, P. O. Box 13034, Wichita, Kansas requests a variance to reduce the required number of off-street parking spaces from 40 spaces to 10 spaces on property zoned the "AA" One-family Dwelling District and generally

ACTION

B.Z.A. 2483 APPROVED 5-31-83
DATE

6247C

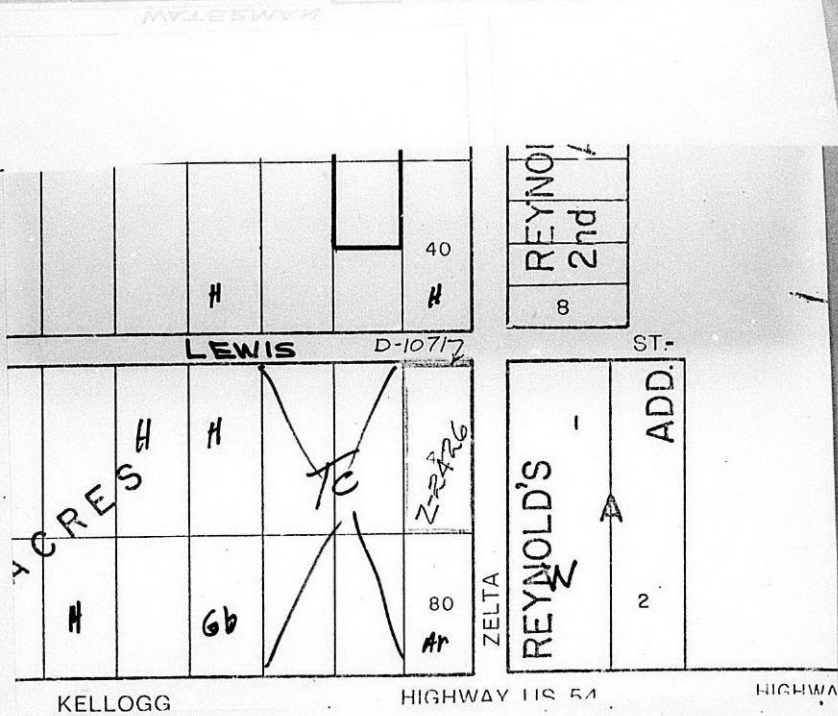
200 1/2 Sec. 6-8-83
Checked 6-8-83
Shot 6-8-83
Recorded 6-16-83

Map No. 6247
 Sec. 22
 Twp. 27
 Range 2E

BZA- 24-83
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
1. Acres: _____ (_____ ft. by _____ ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South UNDEVELOPE
 West UNDEVELOPED North UNDEVELOPE
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: SINGLE FAM.
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____

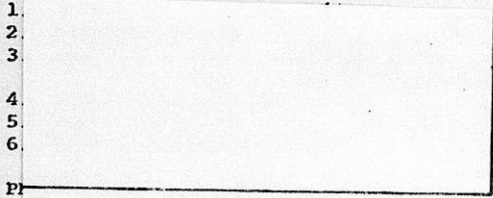


Map No. 6247
 Sec. 22
 Twp. 27
 Range 2E

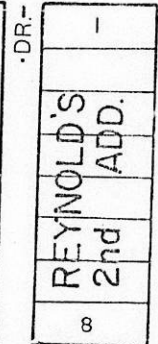
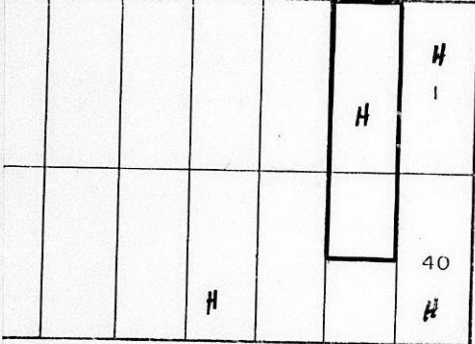
BZA- 24-83
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

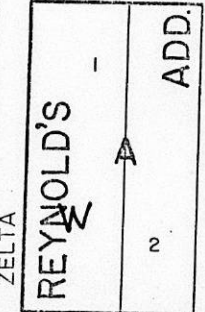
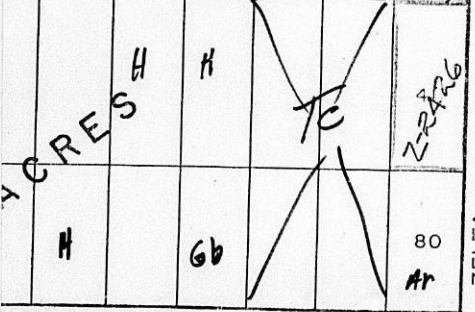
- 1.
- 2.
- 3.
- 4.
- 5.
- 6.



Waterman ST.



Lewis D-10717



Kellogg Highway 118 54 Highway

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

May 11, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 24-83

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Anchor Baptist Church, P. O. Box 13034, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces from 40 spaces to 10 spaces on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 2, and the north 151.5' of Lot 39 of Linwood Acres Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Waterman and west of Zelta (11921 East Waterman).

This application has been assigned Case BZA 24-83. It will be considered by the Board of Zoning Appeals on May 31, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

June 3, 1983

Anchor Baptist Church
P. O. Box 13034
Wichita, Ks.

Re: BZA 24-83 - Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 31, 1983.

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,

Glen E. Lytle
Assistant Secretary

GEL:sad

Encl.

cc: David Lowe, 226 Delos, Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 24-83

WHEREAS, Anchor Baptist Church, P. O. Box 13034, 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 40 spaces to 10 spaces on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 2, and the north 151.5' of Lot 39 of Linwood Acres Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Waterman and west of Zelta (11921 East Waterman).

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 31, 1983, 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 church is just beginning and the anticipated growth should not overload the parking lot for several years, at which time it would be contemplated to add to the structure and provide additional parking; 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 site is of sufficient size to accommodate additional parking at some future date as growth of the church occurs; 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 owners represented in the application inasmuch as the requirement for more parking than is necessary to accommodate their present membership would cause an undue expense at this time; 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 the proposed building is to be located on the property to allow expansion of the parking lot as necessary and not interfere with any easements or right-of-way; 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 intent of the ordinance is to provide parking on-site to eliminate the need for excessive on-street congestion which can be eliminated at any time growth of the church occurs; 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 14 spaces to 10 spaces on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 2, and the north 151.5' of Lot 39 of Linwood Acres Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Waterman and west of Zelta (11921 East Waterman).

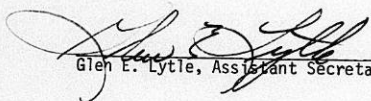
be approved subject to the following conditions:

1. The variance shall be to reduce the required number of off-street parking spaces from 14 spaces to 10 spaces based on an actual seating arrangement approved by Central Inspection not to exceed 56 persons.
2. This facility shall be subject to annual review as to the parking needs. Central Inspection may, by reason of complaints or on-site inspections, determine that additional parking is necessary to alleviate congestion due to lack of parking and shall refer the matter to the Board for review.
3. This variance shall not apply to the property once an addition to the facility is added, and at such time this resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 31st day of May, 1983.


Tom Jacob, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE May 24, 1983

RECEIVED

TO Glen Lytle, Special Assistant for Zoning

MAY 25 1983

FROM Clemencia L. Prieto, Administrative Aide III

METROPOLITAN PLANNING

ROUTE

SUBJECT BZA 24-83 South side of
Waterman and West of Zelta

At its Monday, May 16th meeting CPO Council Area "H" voted 6-0 not to recommend approval of the requested variance. In doing so, the Council noted that 10 spaces will not be enough parking for the projected growth of the church and there would be a built in problem as times goes on.

No one was present to speak in behalf or in opposition to the request. Please provide the Council's recommendation to the Board of Zoning Appeals when it considers the case on May 31st.

Clemencia L. Prieto

Clemencia L. Prieto
Administrative Aide III

CLP:dm

SECRETARY'S REPORT
CASE NO. BZA 24-83

APPLICANT: Anchor Baptist Church, P. O. Box 13034, Wichita, Kansas.

AGENT: David Lowe, 226 Delos, 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 40 spaces to 10 spaces.

GENERAL LOCATION: On the south side of Waterman and west of Zelta (11921 East Waterman).

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are all adjacent properties except that to the north which is zoned the "G" Mobile Home District.

LAND USE: Subject property is vacant. Properties to the west, south and east are residential. Property to the north is a mobile home park.

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 conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required number of off-street parking spaces for a church to be constructed on the property. Any assembly building requires that one off-street parking space be provided for each 5 seats based on the maximum capacity of the facility. In this case, 40 spaces are required for a seating capacity of 200.

The applicant states that the church will only seat 47 people based on the seating arrangement, however with the building being designed as a single purpose area and the application of the building code requirements, the capacity is determined to be 200. The applicant states that the membership of the church is now only 35 members with a projected growth to 60 in 1986.

It is difficult to justify any uniqueness of the property, when it is primarily a situation where the applicant disagrees with the application of the building code in the determination of the capacity of the building. This in turn establishes an off-street parking requirement the applicant feels is excessive for the proposed building.

It would appear that the capacity is not realistic and should be reviewed on a detailed seating arrangement by Central Inspection to determine the maximum number of permitted occupants. On a small building, it is somewhat difficult to provide the amount of seating capacity that is based on a single formula per square feet of building area.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to find any uniqueness to this property, however, if it does exist it is due to the fact that the proposed building does not have the occupancy capacity that has been applied by the use of the building code to determine the exit requirements.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the site is of sufficient size to accommodate additional parking at some future date as growth of the church occurs.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the requirement for parking is based on the actual capacity of an assembly building which is generally based on the maximum number of seats.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the proposed building is to be located on the property to allow expansion of the parking lot as necessary and not interfere with any easements or right-of-way.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the ordinance is to provide parking on-site to eliminate the need for excessive on-street congestion which can be eliminated at any time growth of the church occurs.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. Prior to the release of the resolution, Central Inspection shall determine the actual seating capacity based on a seating plan submitted by the applicant. Once that is determined, a variance may be granted to reduce the number of parking spaces from one per each five seats to not less than ten spaces.
2. This facility shall be subject to annual review as to the parking needs. Central Inspection may, by reason of complaints or on-site inspections, determine that additional parking is necessary to alleviate congestion due to lack of parking and shall refer the matter to the Board for review.
3. This variance shall not apply to the property once an addition to the facility is added, and at such time this resolution shall become null and void.

BZA CASE NO. 24-83

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

10 NOTICES SENT TO ADJOINING PROPERTY OWNERS

22 TOTAL NOTICES SENT 5-11-83

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

May 11, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 24-83

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Pursuant to Section 2.12.590.B. of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces from 40 spaces to 10 spaces on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 2, and the north 151.5' of Lot 39 of Linwood Acres Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Waterman and west of Zelta (T1921 East Waterman).

This application has been assigned Case BZA 24-83. It will be considered by the Board of Zoning Appeals on May 31, 1983 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

KEN PERRY

686-6042

BOARD OF ZONING APPEALS

CASE NO. 24-83

CITY OF WICHITA, KANSAS

FILED 5-2-83

APPLICATION FOR VARIANCE

I. Name of Applicant Anchor Baptist Church
 Mailing Address P. O. Box 13034 Phone 522-8143
 Name of Authorized Agent David Lowe
 Mailing Address 226 N. Delos Phone 522-8143
 Relationship of applicant to property is that of owner
 (Owner, Tenant, Lessee, Other)

II. The variance requested is Zoning Ordinance 28.04.141 of
the City of Wichita to reduce the required off-street
parking spaces from 40 to 10 spaces.
on the south side of Waterman and west of Zetta
 for property located (11921 E. Waterman) Wichita, KS

and legally described as: Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100 of Linwood Acres Addition
and the north except 151.5' of Lot 39 to Wichita, Sedg. Co., Ks.

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

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 2.12.530 of the Code of the City of Wichita (Ordinance No. 36-596); 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.

Applicant Anchor Baptist Church

Authorized Agent David Lowe

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 5:00 (a.m./p.m.), May 2, 1983
 together with appropriate fee of 150.00

Signed D. Lytle

VILLA III

319 SANDELWOOD - HAYSVILLE, KANSAS 67060 - 686-6042

According to the Uniform Building Code with reference to Table 33A, 1 seating space is required per every 7 sq. ft. This sanctuary is 35 X 40 which would put the capacity at 200. However, the seating arrangement of the sanctuary will accomodate only 47 people. The members now only total 35 with a projected growth of only 20% per year totalling 42 members in 1984, 50 members in 1985, and 60 members in 1986.

According to Zoning Ordinance 28.04.141, paragraph 3-3 of the City of Wichita, 1 parking space is required for every 5 seats. We are asking for a waiver of this ordinance to a reduction from 40 parking spaces to 10 parking spaces due to the fact previously explained, that we have only 35 members and a seating capacity for only 47. In compliance with this ordinance a 10 space parking lot would accomodate 50 people, and again our seating arrangement is only for 47. Any larger parking lot would create an unnecessary burden and expense for this small church and would deny their building of same.

OWNERSHIP LIST

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	Linwood Acres	✓ Marie L. Reed (Evans) 303 South Zelta 67207
Lot 2	"	D Anchor Baptist Church Inc. 11921 East Watermen 67207
Lot 3	"	✓ Lawrence Spear Loona Spear (dec.) 5901 Bunting 67218
Lot 4	"	✓ Adnan T. Timsah Amal Z. Timsah 11816 East Lewis 67207
Lot 37	"	✓ Alfred M. Tocker Lilia R. Tocker 1111 N. St. Francis
Lot 38	"	D A. J. Timsah Amal Z. Timsah 11816 East Lewis 67207
South 151.5 feet of Lot 39	"	<i>returned 6-3-83</i> Dennis L. Simmons ✓ Kristee S. Simmons 11920 E. Lewis <i>Revert to 11700 E. Waterman</i> 67207
Lot 39 except the South 151.5 feet	"	D Anchor Baptist Church Inc. 11921 East Waterman 67207
South half of Lot 40	"	✓ Nina Hurd 11924 East Lewis 67207
Lot 40 except the South half	"	✓ Greg A. Gilpin Shelly A. Gilpin 333 Zelta 67207

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	Reynold's 2nd Addition	Virginia G. Reynolds, executor of the estate of Ethel B. Dawson # 13 Cypress Drive 67206
Lot 2		
Lot 3		
Lot 4		
Lot 5		
Lot 6		
Lot 7		

All that portion of Block 1,
Park Village, described as:

Lifestyle Mobile
Home Park, Inc.
11129 East Kellogg
67207

Beginning at the NE corner of said Block 1, thence South $89^{\circ}55'20''$ West on the North line of said Block 1, 1102.25 feet to a point 1438 feet East of the NW corner of said Block 1; thence SEly on a curve to the left having a radius of 190 feet and a deflection angle of 63 degrees 18'39", (the tangents of said curve having the following bearings and distances; First Tangent South $0^{\circ}04'40''$ East, 117.14 feet; Second Tangent South $63^{\circ}23'19''$ East, 117.14 feet) a distance of 209.95 feet; thence South $15^{\circ}04'40''$ East, 220.85 feet to the P.C. of a curve; thence Southerly on a curve to the right having a radius of 230 feet and a deflection angle of $15^{\circ}04'40''$, a distance of 60.53 feet to the P.T. of said curve; thence South $0^{\circ}00''$ West, 380.99 feet to the P.C. of a curve; thence SWly on a curve to the right having a radius of 230 feet and a deflection angle of $15^{\circ}00'$ a distance of 60.21 feet to the P.T. of said curve; thence South $15^{\circ}99'$ West, 303.65 feet to the P.C. of a curve; thence Southerly on a curve to the left having a radius of 200 feet and a deflection angle of $14^{\circ}58'$, a distance of 52.24 feet to the P.T. of said curve; thence South $0^{\circ}02'$ West, 32.17 feet to a point on the South line of said Block 1, said point being 1515 feet East of the SW corner of said Block 1; thence South $89^{\circ}58'$ East on the South line of said Block 1, 1045 feet to the SE corner of said Block, thence North $0^{\circ}00'40''$ East on the East line of said Block 1, 775 feet; thence North $5^{\circ}40'10''$ West on East line of Block 1, 198.55 feet; thence North $0^{\circ}00'40''$ East on East line of Block 1, 290 feet to the point of beginning.

Tract Description

The Southeast $\frac{1}{4}$ of Section 22, Township 27 South, Range 2 East of the 6th P.M., except a tract beginning at the Southwest corner of the Southeast $\frac{1}{4}$, thence East 726 feet, thence North 1320 feet, thence West 726 feet, thence South 1320 feet to the point of beginning, except that part taken for highway.

Property Owner

F. C. McMaster
105 S. Broadway

67202

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

Lot 2, and Lot 39, except the South 151.5 feet, Linwood Acres, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas on the 2nd day of May, 1983 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Vice-President

Order No: 319529

ap

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 021 PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

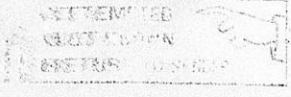
DESCRIPTION	AMOUNT
Planning	415.72

NAME: _____
ADDRESS: _____
FUND: _____ DUE DATE: _____
COMMENTS: _____
DATE: 7/1/83 BY: _____

WICHITA - SEDGWICK COUNTY

W.S.C.

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



SIM 20 090323N1 06/03/83

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Dennis L. & Kristee S. Simmons
11920 East Lewis
Wichita, Ks. 67207



RECEIVED

JUN 9 1983
METROPOLITAN PLANNING
ROUTE 41700 E. Waterman
 67207



11700 E. Waterman
67207

*

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

Roll # 2