

BZA 24-87  
DATE

58MB

2004 Sec 7-23-87

Shoh 10-22

Record

Case No. BZA 24-87 - Catholic Diocese of  
Wichita (School of the Magdalen) requests a  
variance of the required front yard setback from  
25 feet to not less than 5 feet for off-street  
parking purposes only (for the north 375 feet  
of the west 75 feet), on property zoned the "AA"  
One-family Dwelling District. Generally Zoned

POSTED 4-28-87  
S.E.L.

ACTION

BZA. 24-87 Approved 5/6/87  
DATE

5847B

200'4Sec 9-23-87

Slot 10-27

Record       

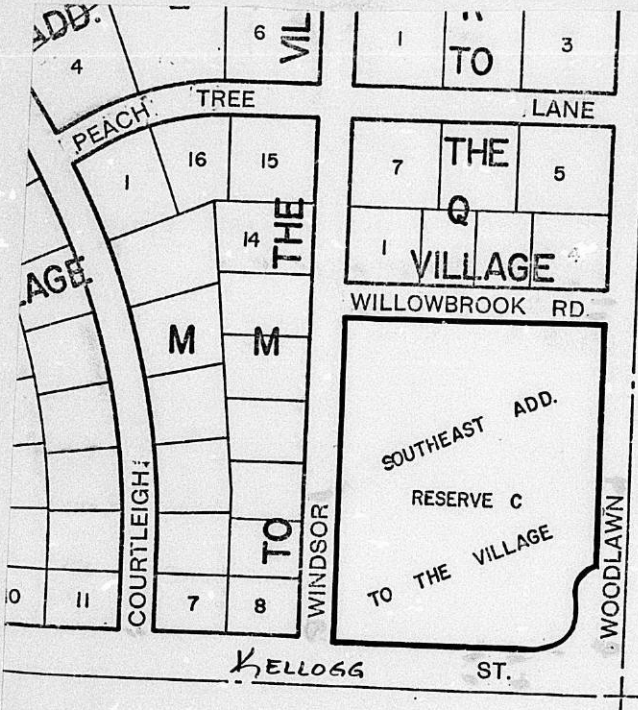
Case No. BZA 24-87 - Catholic Diocese of  
Michigan (School of the Madonna) requests a  
variance of the required front yard setback from  
25 feet to not less than 5 feet for off-street  
parking purposes only (for the north 3 1/2 feet  
of the west 75 feet), on property zoned the "M1"  
One-Family Dwelling District. A variance is requested.

Map No. 5847-B

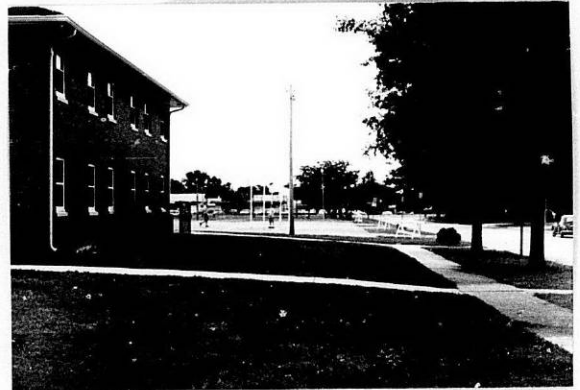
BZA 24-87  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E I-F S "LC" W "AA" N "AA"
3. Land Use: East Lake South Comm  
West I-F North I-F
4. Area (is) (~~not~~) platted.



**Shel.**  
No. 2153C  
HASTINGS, ILL.  
LOS ANGELES-CHICAGO-LOSAN, OH.  
HOORNBORN, TX-LOCUST GROVE, GA.  
U.S.A.



September 14, 1987

Forrest Lynn Walker  
Law/Kingdon, Inc.  
P. O. Box 1094  
Wichita, Kansas 67201-1094

RE: Resolution for BZA 24-87. Front yard variance for parking purposes  
only (457 S. Woodlawn)

Dear Mr. Walker:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on May 26, 1987. This Resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files now that the landscape plan, as required by condition #3, has been submitted and approved.

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

Sincerely,

Louise Olivarez  
Assistant Secretary

LO/lw

Enclosure

cc: Catholic Diocese of Wichita (School of the Magdalen), 457 S. Woodlawn,  
Wichita, KS 67218  
Monty Robson, Superintendent of Central Inspection (2 w/landscape  
plans)  
Dale Rea, Deputy City Clerk

PL1/0259/1

RESOLUTION CASE NO. 24-87

WHEREAS, Catholic Diocese of Wichita (School of the Magdalen), 457 South Woodlawn, Wichita, Kansas 67218, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the required front yard setback from 25 feet to not less than 5 feet for off-street parking purposes only (for the north 375 feet of the west 75 feet), on property zoned the "AA" One-family Dwelling District and legally described as follows:

Reserve "C", Southeast Addition to The Village, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Woodlawn and Kellogg and bounded on the north by Willowbrook and on the west by Windsor 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 26, 1987, 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 it is an entire city block surrounded by streets, of which two are arterial streets, and a large portion of the front yard setbacks have been utilized for parking without any great problem to the residences on the west; 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 parking lot will be effectively screened and landscaped, and the redesign and circulation of traffic in the neighborhood at peak usage times will greatly reduce the on-street congestion; 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 there is no additional land available to utilize as parking for the church and school in the area without interfering with the existing improvements, and the proposed additions will replace other structures on the existing site as well as some of the existing parking area; 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 reduction of the setbacks for off-street parking purposes only will not interfere with any needed right-of-way or easements; 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 only a small percentage of the total setback area on the property will be utilized for off-street parking purposes and will be screened and landscaped to make it compatible with the residential neighborhood; 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 of the required front yard setback from 25 feet to not less than 5 feet for


off-street parking purposes only (for the north 375 feet of the west 75 feet), on property zoned the "AA" One-family Dwelling District and legally described as follows:

Reserve "C", Southeast Addition to The Village, an Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Woodlawn and Kellogg and bounded on the north by Willowbrook and on the west by Windsor Road.

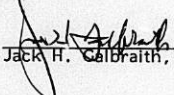
be approved subject to the following conditions:

1. Only the front yard setbacks in the west 75 feet of the north 375 feet of the property will be reduced from 25 feet to 5 feet for off-street parking purposes only.
2. Street trees shall be provided in the street right-of-way along Windsor Road and Willowbrook wherever the front yard setback is reduced.
3. Prior to the release of the resolution authorizing the variance, three copies of a landscape plan shall be submitted to the Secretary for approval. This plan shall show the height and design of the screening wall and the size, species and location of plant materials to be located in the five-foot setback area and the trees to be located in the public right-of-way on Windsor Road and Willowbrook.

ADOPTED AT WICHITA, KANSAS, this 26th day of May, 1987.

  
Thomas D. Jacob, President

ATTEST:

  
Jack H. Calbraith, Secretary



**LAW/KINGDON, INC.**  
Architects • Engineers • Planners

345 Riverview P.O. Box 1094  
Wichita, KS 67201-1094 Phone 316-268-0230

TO: The City of Wichita  
Board of Zoning Appeals  
455 North Main Street  
Wichita, Kansas 67202

**PROJECT** Renovation and Addition  
The Church of the Magdalen  
School Facility  
**LOCATION** Wichita, Kansas  
**JOB NO.** 7619

ATTN: Ms. Louise Olivarez TENANT SPACE \_\_\_\_\_

WE SEND YOU HEREWITH  UNDER SEPARATE COVER

Three (3) copies of the revised Landscape Plan per your letter of August 12, 1987.

THESE ARE:

- For your review and approval. Please return \_\_\_\_\_ copies with approval or corrections noted.
- For your information.  For your files.
- Reviewed for compliance with Contract Documents.
- Reviewed and required corrections noted.
- Revise and resubmit per required corrections.
- Per your request.
- Rejected.  See Contract Documents.  Need Submittal Data.

Remarks: This plan has been prepared by Borst Nursery. If there are any additional  
questions you may contact me by phone if you wish. Thank you for your help.

By Forrest L. Walker Copies To:  
Forrest L. Walker, Project Architect

- Architects Preliminary Drawings
- Architects Drawings for Pricing
- Architects Drawings for Construction
- Tenant Drawings
- Shop Drawings
- Submittal Data
- Samples
- Revised Landscape Plan

Date: September 1, 1987

TRANSMITTAL REPORT **TR**

August 12, 1987

Forrest L. Walker  
Law/Kingdon, Inc.  
P. O. Box 1094  
Wichita, Kansas 67201-1094

RE: BZA 24-87 Landscape Plan

Dear Mr. Walker:

We have reviewed the landscape plan for The Church of the Magdalen submitted by you last week. Although pin oak trees are existing on this site in some of the parking areas, they are not recommended by the city forester as street trees due mainly to their low branching habit. We require any new street trees to be some other species. I have enclosed a copy of the list of recommended trees for Wichita which includes a column denoting acceptable street trees. New street trees also need to be planted along Windsor Road south of the existing oaks.

The size of all plant materials needs to be specified. Usually a plant list accompanies the plan and gives the totals for each type of plant as well as their sizes.

The last additional item needed is an elevation drawing showing the type of material and design of the screening wall.

Please submit revised drawings of the landscape plan once the above-noted changes have been made. If you have any questions regarding this matter, feel free to call.

Sincerely,

Louise Olivarez  
Principal Planner

LO/lw

Enclosure



**LAW/KINGDON, INC.**  
Architects • Engineers • Planners

345 Riverview P.O. Box 1094  
Wichita, KS 67201-1094 Phone 316-268-0230

TO: Board of Zoning Appeals  
City Hall--Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202

**PROJECT** Addition and Renovation  
The Church of the Magdalen  
School Facility  
**LOCATION** Wichita, Kansas  
**JOB NO.** 7619

ATTN: Mr. Jack H. Galbraith **TENANT SPACE** \_\_\_\_\_

- WE SEND YOU HEREWITH**  **UNDER SEPARATE COVER**  
Three (3) copies of the Landscape Plan for BZA 24-87---Request for Variance.

**THESE ARE:**

- For your review and approval. Please return \_\_\_\_\_ copies with approval or corrections noted.  
 For your information.  For your files.  
 Reviewed for compliance with Contract Documents.  
 Reviewed and required corrections noted.  
 Revise and resubmit per required corrections.  
 Per your request.  
 Rejected.  See Contract Documents.  Need Submittal Data .

Remarks: Jack, this landscape plan was prepared by Leo Borst of Borst Nursery and according to him in the same manner that he has done for some of these before. I have transferred it to one of our sheets and cleared it up a bit. If you need additional information please give me a call. Thankyou.

By Forrest L. Walker Copies To:  
Forrest L. Walker, Project Architect

- Architects Preliminary Drawings  
 Architects Drawings for Pricing  
 Architects Drawings for Construction  
 Tenant Drawings  
 Shop Drawings  
 Submittal Data  
 Samples  
 Landscape Plan \_\_\_\_\_

Date: August 6, 1987

**RECEIVED**

AUG 07 1987

METROPOLITAN PLANNING  
ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

**TRANSMITTAL REPORT**

**TR**

Landscape plan:

BZA 24-87

- ① Needs street trees in st. row along Windsor.  
② Needs to have a plant list with size & species.

- ③ Need to show height and design of screening wall  
? are pin oaks OK as street trees?

May 28, 1987

Lynn Walker  
Law/Kingdon, Inc.  
345 Riverview  
Wichita, Kansas 67202

Re: BZA 24-87 - Request for Variance (On the northwest corner of Woodlawn and Kellogg and bounded on the north by Willowbrook and on the west by Windsor Road)

Dear Mr. Walker:

At the regular meeting of the Board of Zoning Appeals on May 26, 1987, your request for a variance to reduce the front yard setback from 25 feet to not less than five feet for off-street parking purposes only was considered. It was the action of the Board to approve the variance subject to the following conditions:

1. Only the front yard setbacks in the west 75 feet of the north 375 feet of the property will be reduced from 25 feet to 5 feet for off-street parking purposes only.
2. Street trees shall be provided in the street right-of-way along Windsor Road and Willowbrook wherever the front yard setback is reduced.
3. Prior to the release of the resolution authorizing the variance, three copies of a landscape plan shall be submitted to the Secretary for approval. This plan shall show the height and design of the screening wall and the size, species and location of plant materials to be located in the five-foot setback area and the trees to be located in the public right-of-way on Windsor Road and Willowbrook.

Release of the resolution granting this variance is pending compliance with condition number 3. Please submit these plans at your earliest convenience.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith  
Secretary

cc: Catholic Diocese of Wichita, 457 S. Woodlawn, Wichita, KS 67218  
Monty Robson, Superintendent of Central Inspection (2)  
Dale Rea, Deputy City Clerk

WICHITA-SEDGWICK COUNTY  
METROPOLITAN AREA PLANNING DEPARTMENT

BOARD OF ZONING APPEALS  
CASE NUMBER BZA 24-87

STATEMENT BY FLOYD PALMER  
6330 WILLOWBROOK  
WICHITA, KANSAS

MAY 26, 1987

22 May 1987

My name is Floyd Palmer, owner-resident of residential property located at 6330 Willowbrook, which is across the street from the property requesting the variance. I recommend disapproval of this requested variance.

I am uncertain regarding the charter for the Citizens Participation Organization Council assigned to this area. Perhaps naively, I assumed their charter was to act in the best interests of the neighborhood, projecting the expressed wishes of the citizens directly affected. For information to the Board and for the record, the CPO Council recommendation to approve the requested variance is diametrically opposed to the desires of this neighborhood.

The CPO Council meeting held on 18 May 1987, for which the requested variance was the sole agenda item, was attended by seven citizens owning property surrounding the property for which the variance is requested. Six of these citizens stated clearly, distinctly, articulately, and sometimes emotionally their objections to practices related to present utilization of this property, to planned construction for which this variance is intended to support, to proposed redirection of parking lot traffic to the residential street of Willowbrook, to present and projected inadequate parking accommodations, and to the requested variance. Only one affected property owner voiced approval. It is noted that this individual is a Contractor who may be a candidate for construction contracts related to the planned expansion. Even the CPO Council Chairman observed that the parking accommodations appeared woefully inadequate for the size of the congregation.

The President of the Parish School Board, not a resident of the affected neighborhood, spoke in favor of the planned expansion because of perceived benefit to the school's educational program. Those benefits are not readily apparent since the Pastor testified that the planned expansion would not add a single classroom or increase school enrollment. In fact, it should be noted that the planned activity includes demolition of a building originally constructed for the sole purpose of attracting and housing highly qualified Catholic educators. Also, the planned changes are unrelated to Church services. Thus, this Board is being asked to approve a variance detrimental to the Community that neither adds to the quality of Catholic education nor facilitates freedom for religious worship.

It was reported that the Magdalen Parish is supported by 1300 families. With five scheduled Saturday evening and Sunday masses, the off-street parking accommodates only half these families. The parking lot may be adequate for parents delivering and picking up school children, but many of these parents find it more convenient to let them off along Willowbrook, exposing them to traffic hazards and congesting the streets. Church and school officials do nothing to control this problem.

Even more serious community problems exist during special events where the entire congregation is invited to attend a single activity. For these

events, the off-street parking capacity accommodates only ten percent of the congregation. These events bear only marginal if any relationship either to education or to religion. Enclosed are photographs of one such event held earlier this month, with resultant street congestion along Willowbrook. These special events occur several times a month and generate conditions that can properly be described as a public nuisance. Furtherance of such events is the primary purpose of the planned expansion and the rights of surrounding property owners are being completely ignored.

The present off-street parking accommodates 146 cars. This area includes illegal use of approximately 5000 square feet of designated setback adjacent to Windsor street. Attached photographs illustrate this illegal parking area. The parking plan presented at the CPO Council meeting significantly reduces the total parking space allocation - even with the added space that might become available if the requested variance were approved. The architect's report of 13 additional spaces was based on reduced size of each stall. Advertisement of increased parking capacity obtained by drawing lines closer together on a piece of paper appears to be a deliberate blatant attempt to deceive the community and this board. I consider it an obvious violation of professional ethics.

It should be noted that the Church property in question includes approximately 40,000 square feet of space devoted to occasional use for football and softball practice. This space could be covered with astroturf and accomplish the dual function of retaining a playground while adding significantly to parking area conveniently located for access to both school and church. Another significant advantage to this space is that this alternative provides easy access to the main thoroughfare of Kellogg instead of directing parking lot traffic into the already congested neighborhood streets. Furthermore, there exists space between the Church and the Pastors quarters that could be used to open up parking lot access to the other main thoroughfare of Woodlawn. Removal of a tree to permit this drive should be no more difficult than was removal of the Pin Oaks that were on the Church side of Willowbrook.

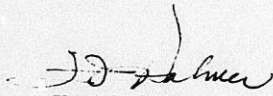
One member of the CPO Council observed that "this Methodist" believed, regardless of the objections voiced by the affected tax paying citizenry, neither the CPO nor the Zoning Board would vote to deny the Church's request. Later, this same gentleman moved to recommend approval of the variance.

The affected community represented at the CPO Council meeting individually and as a group professed no enmity toward the Church and at least toleration for legitimate activities related to those functions for which this institution has been granted tax-exempt status, i.e., children's education and religious worship. However, the problems in the community are primarily related to activities on this tax-exempt property that relate neither to church services nor to education. The rather cavalier attitude of church officials and the callous disregard for neighborhood impact makes these problems even less tolerable. I believe this Board will experience no difficulty seeing through the quite transparent facade being presented and will respect the rights of the affected citizenry.

I recommend disapproval of this and any other requests for variance to

property restrictions established to protect the neighborhood. Furthermore, I recommend that the existing violation to setback requirements be cited and that orders be issued to remove the existing parking lot encroachment into this setback area.

Let the Church utilize existing available space and exhaust other opportunities to resolve community problems before permitting further neighborhood degradation through granting variance to existing restrictions.

A handwritten signature in cursive script, appearing to read "F. I. Palmer".

Floyd I. Palmer

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE    May 19, 1987

TO      Glen Lytle, Special Assistant for Zoning

FROM    CPO Office <sup>BLC</sup>

SUBJECT    BZA 24-87: Northwest corner  
            of Woodlawn and Kellogg and  
            bounded on the north by  
            Willowbrook and on the west  
            by Windsor Road

On Monday, May 18, CPO Council 2A considered the above captioned case, a request for a variance of the required front yard setback from 25 feet to not less than 5 feet for off-street parking purposes only (for the north 375 feet of the west 75), on property zoned "AA" One-Family Dwelling District. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments. After extensive discussion, the Council voted 6-0 to recommend approval of the request.

The agent, Lynn Walker, was present to describe the request and respond to questions from Council members and area residents. Mr. Walker explained that approval of the variance would permit additional parking on school property and serve to reduce existing traffic congestion.

There were approximately ten area residents present who expressed concern about school-related problems in the neighborhood. However, many of their concerns were beyond the purview of this particular request. Council members suggested that these citizens address their specific problems directly with school officials.

Please provide these comments to the Board of Zoning Appeals when Case BZA 24-87 is considered.

BLC:dm

SECRETARY'S REPORT  
CASE NO. BZA 24-87

APPLICANT: Catholic Diocese of Wichita, 457 S. Woodlawn, Wichita, KS 67218

AGENT: Law/Kingdon, Inc., 345 Riverview, Wichita, KS 67202

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 25 feet to not less than five feet for off-street parking purposes only.

GENERAL LOCATION: On the northwest corner of Woodlawn and Kellogg and bounded on the north by Willowbrook and the west by Windsor Road.

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are the properties to the west, north and east. To the south is the "LC" Light Commercial District.

LAND USE: Subject property is occupied by a church and school. To the west and north are one-family dwellings. To the east a park and lake. To the south is commercial development.

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 to reduce the front yard setback adjacent to Windsor Road and Willowbrook from 25 feet to not less than five feet, but only for that portion of the property lying in the west 75 feet of the north 375 feet of the property. This request is for the reduction of the required setback for off-street parking purposes only so that adequate parking can be provided on site. This will also accommodate and legalize a portion of the parking lot that presently violates the front yard setback required in a residential district.

The applicant is in the process of adding new facilities for the school and will be utilizing a portion of the property that contains off-street parking. In order to replace and expand this parking, it is necessary to encroach into the required front yard setbacks of the "AA" One-family Dwelling District.

The applicant is proposing to provide a 3½-foot screening wall adjacent to Willowbrook and Windsor Road along the parking lot. In addition, a low landscaped area will also be provided in the five-foot setback area. It is hoped that this screening and landscaping will provide a pleasing effect and reduce the glare of headlights and improve the visual appearance of the parking lot. It is also hoped that the congestion now created by the vehicles lined up in the street at school dismissal time will be eliminated by the new parking lot design.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is an entire city block surrounded by streets, of which two are arterial streets, and a large portion of the front yard setbacks have been utilized for parking without any great problem to the residences on the west.

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 parking lot will be effectively screened and landscaped, and the redesign

and circulation of traffic in the neighborhood at peak usage times till greatly reduce the on-street congestion.

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 there is no additional land available to utilize as parking for the church and school in the area without interfering with the existing improvements, and the proposed additions will replace other structures on the existing site as well as some of the existing parking area.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the setbacks for off-street parking purposes only will not interfere with any needed right-of-way or easements.

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 only a small percentage of the total setback area on the property will be utilized for off-street parking purposes and will be screened and landscaped to make it compatible with the residential neighborhood.

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. Only the front yard setbacks in the west 75 feet of the north 375 feet of the property will be reduced from 25 feet to 5 feet for off-street parking purposes only.
2. Street trees shall be provided in the street right-of-way along Windsor Road and Willowbrook wherever the front yard setback is reduced.
3. Prior to the release of the resolution authorizing the variance, three copies of a landscape plan shall be submitted to the Secretary for approval. This plan shall show the height and design of the screening wall and the size, species and location of plant materials to be located in the five-foot setback area and the trees to be located in the public right-of-way on Windsor Road and Willowbrook.

BZA CASE NO. 24-87

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>23</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>26</u>	TOTAL NOTICES SENT <u>5/6/87</u>

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

May 1, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 24-87

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 Catholic Diocese of Wichita (School of the Magdalen), 457 South Woodlawn, Wichita, Kansas 67218, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance of the required front yard setback from 25 feet to not less than 5 feet for off-street parking purposes only (for the north 375 feet of the west 75 feet), on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Reserve "C", Southeast Addition to the Village, an addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Woodlawn and Kellogg and bounded on the north by Willowbrook and on the west by Windsor Road.

This application has been assigned Case No. BZA 24-87. It will be considered by the Board of Zoning Appeals on May 26, 1987 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "2A" will consider this case at their meeting to be held on Monday, May 18, 1987, at 7 p.m., at the Rockwell Branch Library, 5939 East 9th Street. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle  
Assistant Secretary

APPLICATION FOR VARIANCE

I. Name of Applicant Catholic Diocese of Wichita (School of the Magdalen)  
Mailing Address 457 S. Woodlawn, Wichita, KS 67218 Phone 683-6516  
Name of Authorized Agent Law/Kingdon, Inc.  
Mailing Address 345 Riverview, Wichita, KS Phone 268-0230  
Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the front yard setback from 25 feet to not less than 5 feet for off-street parking purposes only for the north 375 feet of the west 75 feet of the property.

for property located between Willowbrook and Kellogg Drive and between Woodlawn and Windsor Road.

and legally described as: Reserve "C", Southeast Addition to the Village

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 2.12.580 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 Ronald M. Giduse

Authorized Agent James Kingdon

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:20 (~~am~~ /p.m.), Apr 27, 1987, together with appropriate fee of 300.00.

Signed [Signature]

JUSTIFICATION OF VARIANCE

The Zoning Ordinance for the City of Wichita (Chapter 28.04 of Title 28) states in Section 28.04.140 the following:

28.04.140 Off-street parking regulations.

1. For purpose of this chapter, off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard, or any part of a required side yard adjacent to a street, except for the following:

- a. N/A
- b. Ingress and egress drives providing access to required off-street parking and loading spaces.

28.04.040 "AA" one-family dwelling district regulations.

C. AREA REGULATIONS

1. Front Yard:

- 1.2 ----- the minimum front yard set back shall be 25 feet;

The present off-street parking provides 146 spaces in the main lot with approximately 16 other spaces around the complex. If this variance cannot be obtained, the addition would eliminate approximately 36 of these spaces. The addition is needed to improve the church program and will not increase the parking requirements as the sanctuary will still determine that load. If the variance is granted, the off-street parking will increase to 159 spaces.

The proposal for this variance would also provide a 3'-6" high fence with landscape screening on the street side between the parking surface and Windsor Road and Willowbrook. This would provide a natural screen which would fit into the residential nature of the area. The screen would partially hide the vehicles effectively blocking headlight glare for evening events. The landscaped screen would provide a more appealing view than looking at the large paving surface.

The new layout would greatly improve the traffic flow for drop-off and pick-up of the school children. Presently, the streets are quite congested at these times. The new layout would allow more vehicles to pull off the street for loading and would keep the entry and exit on different streets, where presently they both enter and exit on Windsor Road.

In general, the variance would improve on-site parking while enhancing the view of the residential properties. Any increase of on-site parking will decrease the on-street parking which can be quite congested during church services.

## OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Reserve "C", The Village		Southeast Addition to	✓ Catholic Diocese of Wichita 424 N. Broadway Wichita, KS 67202
Lot 8	Block M	Fourth Addition to The Village	✓ John J. O'Neill Dorothy M. O'Neill 463 Windsor Rd. Wichita, KS 67218
Lot 9	Block M	"	✓ Donald R. Wineke Cynthia L. Wineke 455 Windsor Rd. Wichita, KS 67218
Lot 10	Block M	"	✓ Theodore W. Maisch Marjorie R. Maisch 447 Windsor Rd. Wichita, KS 67218
Lot 11	Block M	"	✓ Leo F. Sander Mary Dean Sander 322 S. Vassar Wichita, KS 67218
Lot 12	Block M	"	✓ Michael Caro Nancy J. Caro 431 Windsor Wichita, KS 67218
Lot 13	Block M	"	✓ John J. O'Neill Dorothy M. O'Neill 463 Windsor Rd. Wichita, KS 67218
Lot 14	Block M	"	✓ Vera D. Larson 413 Windsor Wichita, KS 67218
Lot 1, exc. that part owned by city	Block Q	Fifth Addition to The Village	✓ J. E. Ahlf Louise M. Ahlf 6306 Willowbrook Rd. Wichita, KS 67218
Lot 2	Block Q	"	✓ Charles L. Ryan Eileen M. Ryan 6318 Willowbrook Rd. Wichita, KS 67218
Lot 3	Block Q	"	✓ Floyd I. Palmer Virginia M. Palmer 6330 Willowbrook Rd. Wichita, KS 67218
Lot 4		"	✓ Clyde L. Williams Savilla B. Williams 6342 Willowbrook Rd. Wichita, KS 67218
Lot 5		"	✓ Jimmie J. Ellis Norma Lee Ellis 6341 Peach Tree Lane Wichita, KS 67218

Lot	Block	Addition	Property Owner
Lot 6	Block Q	Fifth Addition to The Village	Clarence A. Evans C. Gracene Evans Trustees of Clarence A. Evans & C. Gracene Evans 6321 Peach Tree Lane Wichita, KS 67218
Lot 7, Block Q, except a strip beginning at the NW/c of Lot 7; th. East a distance of .7 feet; th. South to the South line of Lot 7, a distance of 150 feet to a point in the South line of Lot 7, which point is .59 of a foot East of the SW/c of Lot 7; th. West to the SW/c of Lot 7; th. North 150 feet to the p.o.b.		"	James M. Boyd Loralee A. Boyd 6301 Peach Tree Lane Wichita, KS 67218
Lot 3	Block M	Second Addition to The Village	George D. Devins Judith J. Devins 426 Courtleigh Dr. Wichita, KS 67218
Lot 4	Block M	"	Patricia A. Corham Jeffrey L. Kennedy 436 Courtleigh Dr. Wichita, KS 67218
Lot 5	Block M	"	First National Bank in Wichita, as Trustee of the Irene D. Chester Revocable Trust 105 N. Main Wichita, KS 67202
Lot 6	Block M	"	Veterans Administration 901 George Washington Blvd. Wichita, KS 67211
Lot 7	Block M	"	Loren W. Johnson 908 Armour Dr. Wichita, KS 67207
Lot 4	Block V	Eastborough 3rd Addition	Kenneth D. Razook Beverly J. Razook 24 Woodlawn Wichita, KS 67218
Block BZ		"	Fran D. Jabara 35 Hampton Rd. Wichita, KS 67207
All of Lot 1, & Lot 2, except the West 88 feet & the N $\frac{1}{2}$ of vacated alley on the South		Dennison Addition	Gerrupe Properties, a partnership c/o Omega Management 349 S. Hydraulic Wichita, KS 67211
The West 88 feet of Lot 2 & all of Lot 3 & 1/2 vacated alley adjacent on South		"	Ronald A. Halpern Audrey June Halpern 15629 E. 63rd St. South Derby, KS 67037

Lot	Block	Addition	Property Owner
Lot 1		Englewood 2nd Addition	First National Bank in Wichita, Trustee 105 N. Main Wichita, KS 67202
Lots 1-8, inclusive	Block B	A. J. Christman Third Addition	D & M Investments, a Kansas partnership 6215 E. Kellogg Wichita, KS 67211
Lot 1		Davis-Moore 2nd Addition	D & M Investments, a Kansas partnership 6215 E. Kellogg Wichita, KS 67211 AND Marvin J. Gordon Evelyn L. Gordon (Dec'd) 8001 Tipperary Wichita, KS 67206

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

Reserve "C", Southeast Addition to The Village,  
an Addition to Wichita, 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 14th day of April, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

*Mary Gable*

By  
Sr. Vice-President

Order No.: 378346  
nj



\*

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

Roll # 3