

Case No. BZA 50-85 - West Side Church of Nazarene - requests a variance to reduce the required setbacks adjacent to Seneca & Walnut Sts. from 25' to 0' on property zoned the "AA" One-family Dwelling District & generally located on the southeast corner of

Posted
8-22-85 GEL

ACTION

B.Z.A. 50-85 Approved 9-24-85
DATE

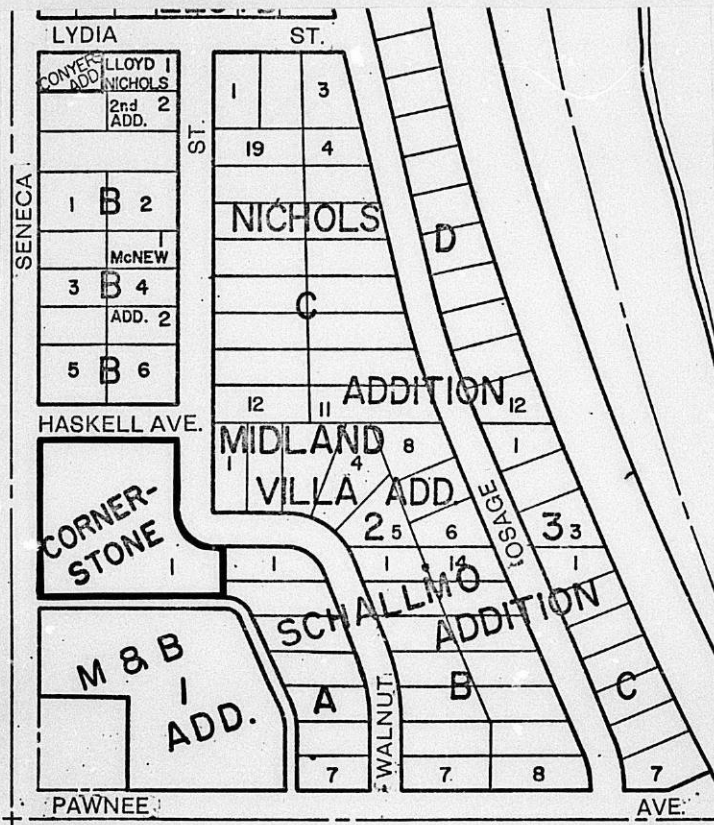
200' 1/4 Sec 10-10-85
Shot 10-2-85
Record ✓

Map No. 5445 C

BZA 50-85
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S LC W LC N AA
3. Land Use: East Res South Comm
West Comm North Res
4. Area (is) (~~do-not~~) platted.



LOS ANGELES - CHICAGO - LOHMAN, OH
MCKENSON, THE COLLETT GROUP, GA
U.S.A.

Shaw
No. 2153C

September 27, 1985

Edward A. Marabito
531 South Belmont
Wichita, Kansas 67218

Re: BZA 50-85 - Request for Variance

Dear Mr. Marabito:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 24, 1985.

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:lw
Encl.

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
West Side Church of the Nazarene, Rev. Vernon Corzine, 2300 S.
Seneca, Wichita, KS 67213

RESOLUTION NO. BZA 50-85

WHEREAS, West Side Church of the Nazarene, 2300 South Seneca, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required setbacks adjacent to Seneca and Walnut Streets from 25 feet to 0 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Cornerstone Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Haskell and Pawnee (2300 South Seneca).

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 September 24, 1985, 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 located across the street and adjacent to commercial development; and on the east where a reduction of the front yard is requested the property across the street is owned by the church and used as a parsonage; 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 reduction of the front yard setback adjacent to Seneca, an arterial street, is effectively an extension of the permitted use of commercial property to the south; and on the east, the reduction of the front yard setback would only affect the one property used as a parsonage as the major portion of the reduction is adjacent to the corner of the street right-of-way of Walnut; 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 applicant would be unable to provide the required off-street parking for the new sanctuary without the paving and surfacing of the yard areas of the two parsonage properties which would probably have an adverse affect on the neighborhood properties; 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 front yard setbacks 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 the areas where the front yards will be reduced will not effectively change the general character of the residential properties to the east and the reduction on Seneca is essentially in a commercial neighborhood that is not intended to be protected by the regulation; 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 setbacks adjacent to Seneca and Walnut Streets from 25 feet

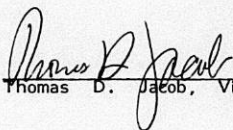
to 0 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Cornerstone Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Haskell and Pawnee (2300 South Seneca).

be approved subject to the following conditions:

1. All parking and circulation drives shall be surfaced in conformance with the requirements of the zoning ordinance and curbs or parking barriers shall be provided to prevent the vehicles from the overhanging of public right-of-way.
2. The reduction of the 25 foot setback adjacent to Seneca may be reduced to 0 feet only for the south 90 feet of the property.
3. The reduction of the 25 foot setback adjacent to Walnut Street may be reduced to 0 feet only for a portion of the property, and shall be in general conformance of the site plan submitted with the application. This shall exclude the north 60 feet of the lot and the east 18 feet of the lot by a depth of 20 feet from the right-of-way line of Walnut Street. Also a landscaped area, triangular in shape and approximately 50 feet by 30 feet, at the curve of Walnut Street between the two driveway approaches shall be provided.
4. The front yard setbacks adjacent to the street shall be landscaped and maintained with grass and trees as shown by the architect's site plan submitted with the application.

ADOPTED AT WICHITA, KANSAS, this 24th day of September, 1985.


Thomas D. Jacob, Vice-President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE September 18, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 50-85: 2300 South Seneca

CPO Council "B" considered the captioned case at its September 17 meeting and voted 8-0 to recommend that the variance to reduce the required front yard setback from 25 feet to 0 feet for off-street parking purposes be approved.


Ed Trusty, Minister at the West Side Church of the Nazarene and Edward A. Murabito, agent were present to explain the request and respond to questions. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the September 24th meeting.


Shirley Mast
Administrative Aide III

SM:dm

Noted:


Annie K. Montgomery
CRS Director

RE: AGENDA ITEM NO. 2

SECRETARY'S REPORT CASE NO. BZA 50-85

APPLICANT: West Side Church of the Nazarene, 2300 South Seneca, Wichita, Kansas.

AGENT: Edward A. Marabito, 531 South Belmont, Wichita, Kansas.

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

GENERAL LOCATION: On the southeast corner of Haskell and Seneca (2300 South Seneca).

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

LAND USE: Subject property is developed with a church and associated off-street parking. To the west and south commercial development. To the east and north are one-family dwellings.

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 a portion of the front yard setbacks adjacent to both Seneca and Walnut from 25 feet to 0 feet for off-street parking purposes only in order to provide the number of off-street parking spaces for the construction of a new sanctuary. It should be noted that the property has recently been platted with 25 foot setbacks adjacent to both Seneca and Walnut and a 10 foot setback adjacent to Haskell. The site plan indicates that only a small portion of the 25 foot setback adjacent to Seneca will be surfaced and that would be adjacent to "LC" Light Commercial zoning that is not required to maintain any setback for parking purposes. None of the 10 foot setback adjacent to Haskell is being utilized for parking and about 75% of the 25 foot setback adjacent to Walnut is occupied by surfaced parking and circulation drive area. The area adjacent to a residence on the east would be maintained as a landscaped area.

It should be noted that the church uses the two properties for parsonages that are across Haskell and Walnut that would be affected by the reduction of the setback on Walnut. Also the reduction of the setback on Seneca is across the street from, and adjacent to commercial development.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located across the street and adjacent to commercial development; and on the east where a reduction of the front yard is requested the property across the street is owned by the church and used as a parsonage.

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 reduction of the front yard setback adjacent to Seneca, an arterial street, is effectively an extension of the permitted use of commercial property to the south; and on the east, the reduction of the front yard setback would only affect the one property used as a parsonage as the major portion of the reduction is adjacent to the corner of the street right-of-way of Walnut.

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 applicant would be unable to provide the required off-street parking for the new sanctuary without the paving and surfacing of the yard areas of the two parsonage properties which would probably have an adverse affect on the neighborhood properties.

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 front yard setbacks 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 the areas where the front yards will be reduced will not effectively change the general character of the residential properties to the east and the reduction on Seneca is essentially in a commercial neighborhood that is not intended to be protected by the regulation.

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. All parking and circulation drives shall be surfaced in conformance with the requirements of the zoning ordinance and curbs or parking barriers shall be provided to prevent the vehicles from the overhanging of public right-of-way.
2. The reduction of the 25 foot setback adjacent to Seneca may be reduced to 0 feet only for the south 90 feet of the property.
3. The reduction of the 25 foot setback adjacent to Walnut Street may be reduced to 0 feet only for a portion of the property, and shall be in general conformance of the site plan submitted with the application. This shall exclude the north 60 feet of the lot and the east 18 feet of the lot by a depth of 20 feet from the right-of-way line of Walnut Street. Also a landscaped area, triangular in shape and approximately 50 feet by 30 feet, at the curve of Walnut Street between the two driveway approaches shall be provided.
4. The front yard setbacks adjacent to the street shall be landscaped and maintained with grass and trees as shown by the architect's site plan submitted with the application.

BZA CASE NO. 50-85

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>16</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>19</u>	TOTAL NOTICES SENT <u>9-4-85</u>

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

September 4, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 50-85

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 West Side Church of the Nazarene, 2300 South Seneca, 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 setbacks adjacent to Seneca and Walnut Streets from 25 feet to 0 feet on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Cornerstone Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Haskell and Pawnee (2300 South Seneca).

This application has been assigned Case BZA 50-85. It will be considered by the Board of Zoning Appeals on September 24, 1985 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.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 50-85

CITY OF WICHITA, KANSAS

FILED 8-21-85

APPLICATION FOR VARIANCE

I. Name of Applicant West Side Nazarene
 Mailing Address 2300 S. Seneca Phone 264-9158
 Name of Authorized Agent Edward A. Marabito, Architect
 Mailing Address 531 S. Belmont Wichita, Ks. Phone 686-9516
 Relationship of applicant to property is that of _____
 (Owner, Tenant, Lessee, Other)

II. The variance requested is for parking within setback along east
and west property line.

for property located west side of Seneca south of Haskell St.
near intersection of Pawnee and Seneca
 and legally described as: Lot 1 Cornerstone Addition

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 Vernon Corzine
 Rev. Vernon Corzine, Pastor
 West Side Nazarene
 Authorized Agent Edward A. Marabito
 Architect

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
2:45 (a.m./p.m.), Aug. 21, 1985, together with
 appropriate fee of 150.00.

Signed [Signature]



Edward A. Murabito \ Architect \ 531 S. Belmont \ Wichita, Kansas \ 67218

August 21, 1985

Board of Zoning Appeals
City of Wichita
Wichita, Kansas

Dear Members of the Board:

The property being reviewed, Lot 1 of Cornerstone Addition is owned by West Side Church of the Nazarene. The present building configuration is "U" shaped. The church wishes to fill in the space between the existing buildings to expand the seating capacity for Sunday services.

A 25' setback from the property line exists along Seneca. The adjacent properties to the west and south are shopping centers. The northern boundary along Haskell has a 9' setback and is adjacent to a residential area. Half of this adjacent property is occupied by the home of the Assistant Pastor. The east boundary has a 25' setback and is bounded by residential property, more than half of which is comprised of the Pastor's home.

To achieve the required parking we would need to encroach upon this easement at the southwest corner of the property and also along a portion of the east boundary. The proposal would include replacing a chainlink fence along the east boundary with a 6' high redwood screen. It would also include saw-cutting and removing existing asphalt along the east property line and planting a screen of pine trees as shown on the site plan.

After exhausting all possible parking configurations and alignments, it appears that this proposal meets the number of spaces required with the least infringement on setback areas. The existing setback areas adjacent to residential property will be enhanced by the removal of old asphalt pavement, and the existing remaining parking lot will, for the first time, be effectively screened with the greenbelt planting.

We dutifully request that the Board view our proposal as an improvement to the site, respectful of adjacent property owners and thus grant a variance to the zoning ordinance.

Very truly yours,


Edward A. Murabito

EAM:lf

1-316 686-9516

OWNERSHIP LIST

Lot	Addition	Property Owner
Lot 1	Cornerstone Addition	West Side Church of the Nazarene 2300 S. Seneca Wichita, KS 67213
Lot 1	M. & B. Addition	Columbian Realty Fund Ltd. #13 by Columbian Properties Coporation, General Partner 4018 Huntoon Topeka, KS 66604
Block A	Kerr McGee Oil & Industries Addition	Gaudreau Real Estate Limited Partnership 1981-II 1861 N. Rock Rd. Ct. Wichita, KS 67206
Lots 1, 2 & 3	Meyers Gardens	Mark Y. Blum, Jr. 521 Stratford Rd. Wichita, KS 67206
Lot 4 exc. the East 20' for street.	"	Gaudreau Real Estate Limited Partnership 1981-II 1861 N. Rock Rd. Ct. Wichita, KS 67206
Lot 1 exc. the West 99'	Hugh Spencer Addition	Hugh S. Stevens Margaret E. Stevens 417 Lexington Wichita, KS 67218
Lot 1	Renollet Seventh Addition	John G. Wylie AND Charles R. McLochlin 2119 W. 21st Wichita, KS 67203
Lot 5	Block B Lloyd E. Nichols Addition	B. F. McAlester Imogene B. McAlester 2256 S. Seneca Wichita, KS 67213
Lot 6	"	West Side Church of the Nazarene 2300 S. Seneca Wichita, KS 67213
Lot 12	Block C	Clarence O. McGregor Wilma E. McGregor 2254 S. Walnut Wichita, KS 67213
Lot 13	"	Emel F. Baker Phyllis L. Baker 2248 S. Walnut Wichita, KS 67213
Lot 14	"	Janet K. Thomas 2244 S. Walnut Wichita, KS 67213

Lot	Block	Addition	Property Owner
Lot 2		McNew Addition	James C. Hauetter Catharine M. Hauetter 2251 S. Walnut Wichita, KS 67213
Lot 1	Block A	Schallmo Addition	Terry L. Swartz Mona M. Swartz Address Unknown
Lot 2	"	"	James F. Gaston Carolyn C. Gaston 2331 S. Walnut Wichita, KS 67213
Lot 3	"	"	Bobby C. Anderson Virginia M. Anderson Address Unknown
Lot 4	"	"	Charles A. Gray Clara J. Gray Address Unknown
Lot 5	"	"	Robert E. Martin Retha F. Martin 2351 S. Walnut Wichita, KS 67213
The South 165' of the West 165' of Lot 8	"	"	Wayne E. McKay, trustee 369 McLean Blvd. NW Wichita, KS 67203
Lots 1 & 2	Block 2	Midland Villa	West Side Church of the Nazarene 2300 S. Seneca Wichita, KS 67213
Lot 3	"	"	Billy Orcimus Evans Juanita P. Evans 2310 S. Walnut Wichita, KS 67213
Lot 4	"	"	Jennie Lou Koehler Address Unknown
Lot 5	"	"	Melvin A. Powell Eugene Faye Powell 2318 S. Walnut Wichita, KS 67213

Tract Description

A tract in Lot 8 Sec. 32, Twp. 27, Rge. 1 East, Beg. at a point on the West line of Sec. 32, 819.32' North of the SW/c of Sec. 32'; th. North 67'; th. E'y and parallel with the South line of Lot 7 in Sec. 32, 300'; th. South 67'; th. West 300' to p.o.b., exc. the East 125' and exc. the West 50' as condemned in A-72906 for Seneca Street.

Charles W. Stoops
8639 S. Water
Wichita, KS 67233

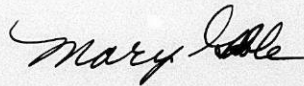
Page 3

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

Lot 1, Cornerstone Addition, Wichita, Kansas,
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 21st day of August, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.



By
Sr. Vice-President

Order No: 350123
nj

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-1 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
CITY BZA VAR	\$ 150.00

NAME: WEST SIDE CH OF THE NAZARENE
ADDRESS: 2300 SW SENECA
FUND: 755-40710-00 DUE DATE: [blank]
COMMENTS: [blank]

DATE: Aug 21 1985 BY: [Signature]

FORM 29-1 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
CITY BZA VAR	\$ 150.00

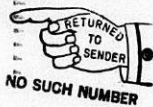
NAME: WEST SIDE CH OF THE NAZARENE
ADDRESS: 2300 SW SENECA
FUND: 755-40710-00 DUE DATE: [blank]
COMMENTS: [blank]

DATE: Aug 21 1985 BY: [Signature]

WICHITA - SEDGWICK COUNTY



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



BZA 5085

Columbian Realty Fund Ltd. #13
Columbian Properties Corporation
4018 Huntoon
Topeka, Ks. 66604

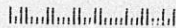


RECEIVED

SEP 09 1985

METROPOLITAN PLANNING

ROUTE



*

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

Roll # 2