

Poster
11-6-81

Case No. BZA 52-81 - St. Andrew Baptist Church - request a variance to reduce the front yard setback from 25' to 0' and to reduce the side yard setback from 6' to 0'; both for off-street parking purposes

ACTION

64' 8" 50' 8" COMMITTEE APPROVED DATE 11-24-81

M.A.P.C. _____

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

5650A

200' 4 Sec 12-7-81
Checked 12-7-81
Shot 1-4-82
Recorded 1-5-82

Map No. 5650
 Sec. 3
 Twp. 27
 Range 1E

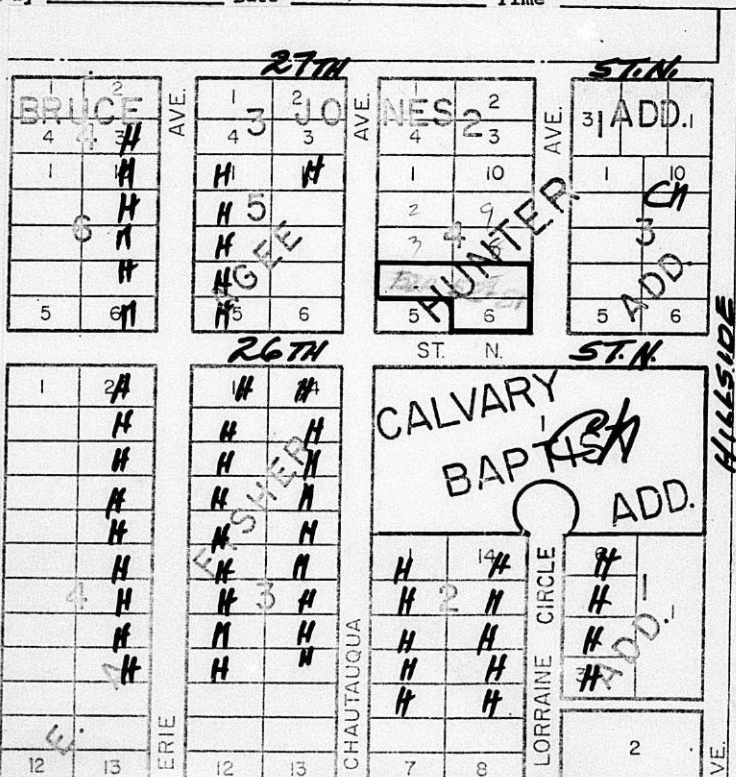
BZA- 52-81
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.55 (135 ft. by 180 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East UNDEVELOPED South CHURCH
 West UNDEVELOPED North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: CHURCH
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



LOS ANGELES-CHICAGO-LOS AN.
 HASTING, MN.
 No. 2-153C
 REGOR, TX-LOCUST GROVE, GA.
 U.S.A.

Standard
 No. 2-153C

December 1, 1981

Rev. A. L. Washington & Sons Construction
5541 North Gow
Wichita, Kansas 67203

Re: Case EZA 52-81
Request for Variance

Dear Rev. Washington:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 24, 1981.

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,

Jack H. Galbraith
Chief Planner

GEL:sad
Enclosure

cc: St. Andrew Baptist Church, 2144 North Minneapolis, Wichita 67214
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 52-81

WHEREAS, the St. Andrew Baptist Church, 2144 North Minneapolis, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the front yard setback from 25' to 0' for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 4, 6 and 7, Block 4, Agee-Hunter Addition, to
Wichita, Sedgwick County, Kansas. Generally located
at the northwest corner of Lorraine & 26th Street North.

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 November 24, 1981, 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 adjacent properties are not developed and should not develop as one-family dwellings; 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 applicant will be required to provide screening adjacent to residentially zoned property; 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 applicant would be required to provide additional parking on other land to construct the proposed church; 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 use of the property for parking will not interfere with any easements or public 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 landscaping will be provided in the sidewalk areas adjacent to Chautauqua, Lorraine and 26th Street North; 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.

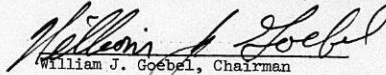
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the front yard setback from 25' to 0' for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and legally described as:

Lots 4, 6 and 7, Block 4, Agee-Hunter Addition, to
Wichita, Sedgwick County, Kansas. Generally located
at the northwest corner of Lorraine & 26th Street North.

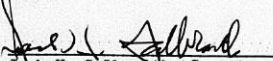
be approved subject to the following conditions:

1. All parking areas, driveways and circulation areas shall be improved as required by Section 28.04.143 of the Zoning Ordinance.
2. The parking lot shall be striped and provided with parking barriers adjacent to public right-of-way.
3. The sidewalk areas adjacent to Chautauqua, Lorraine and 26th Street North shall be landscaped with grass and street trees as shown by the applicant's drawing dated June 23, 1981.
4. Screening shall be provided in accordance with Section 28.04.160K of the Zoning Ordinance.

ADOPTED AT WICHITA, KANSAS, this 24th day of November, 1981.


William J. Goebel, Chairman

ATTEST:


Jack H. Galbraith, Secretary

ST. ANDREWS MISSIONARY BAPTIST CHURCH

2144 N. Minneapolis
Wichita, KS. 67214

November 5, 1981

Board of Zoning Appeals
Wichita & Sedgwick County
Metropolitan Area Planning Dept.
10th Floor, City Hall
455 N. Main
Wichita, KS. 67202

Case # BZA 52-81

We the Pastor, Board of Trustees and Members of the St. Andrews Missionary Baptist Church have selected to appeal or request a Variance as set forth in Section 2. 12. 590. B, of the code of the City of Wichita.

Our purpose for this request to be granted is for the convience of the members of our church, in order that we may accommodate them with some convience and eliminate them from having to park so far away and walk from a varied distance.

Therefore, we would appreciate your consideration in granting us the Variance to reduce the front yard set back from 25' ft., to 0' ft., and to reduce the side yard set back from 6' ft. to 0' ft. In both cases for our free parking only, said property involved as a legal description which would be lots 4, 6, & 7., Block 4 Agee-Hunter addition Northwest Corner of 26th Street North & Lorraine.

Again your consideration & Cooperation will be deeply appreciated.

Thanking you in advance,

Rev. Charles Moore, Chairman of Trustees
Gregory Chaney, Secretary
Rev. David Chaney, Pastor

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE November 24, 1981



TO Glen Lytle, Special Assistant for Zoning

FROM Clemencia L. Prieto, Administrative Aide III

SUBJECT BZA 52-81: Northwest corner
of Lorraine and 26th Street
North

On Thursday, November 19th, CPO Neighborhood Council "J" considered the captioned case, a request for a variance to reduce the front yard setback from 25' to 0'; and to reduce the side yard setback from 6' to 0'; both for off-street parking purposes only, on property zoned the "AA", One-Family Dwelling District. The Council voted 8-0, to recommend approval. No area residents were present.

Please provide the Council's recommendation and comments to the Board of Zoning Appeals when BZA 52-81 is considered on Tuesday, November 24, 1981.

Clemencia L. Prieto
Clemencia L. Prieto
Administrative Aide III

CLP:mv

Noted:

Sarah Gilbert
Sarah Gilbert
CP Coordinator

SECRETARY'S REPORT
CASE NO. BZA 52-01

APPLICANT: St. Andrew Baptist Church, 2144 North Minneapolis, Wichita, Kansas.

AGENT: Rev. A. L. Washington & Sons Construction, 5541 North Gow, Wichita, Kansas.

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

GENERAL LOCATION: On the northwest corner of Lorraine & 26th St. North.

ZONING: Subject property is zoned "AA" One-family Dwelling District as are the properties to the east, north and west. The property to the south is "B" Multiple-family.

LAND USE: Subject property is being developed as a church and associated parking. To the east and west, the property is vacant. The property to the south is developed as a church.

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 and 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 front yard setback adjacent to Chautauqua and Lorraine from 25' to 0' and to reduce the side yard setback from 25' to 0' adjacent to 26th Street North. Both variances will be for off-street parking purposes only.

The applicant is in the process of constructing a new church facility on the property and wishes to utilize as much of the property for parking as possible in order to provide the required parking for the church. The applicant has indicated the planting of street trees in the area in which the variances are requested in order to provide a reasonable amount of landscaping in the area.

In most other instances where such variances have been granted, it has been along major streets where housing has been removed to provide parking. In this instance, the general area is just now in the development stages and is not that confined that the applicant could acquire additional land for parking.

UNIQUENESS:

It is the opinion of the Secretary, that it is difficult to justify uniqueness inasmuch as the applicant has sufficient property in the area to provide the required parking without the need for parking in the front yard setbacks.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will adversely affect the rights of adjacent property owners inasmuch as one of the lots is between two residential lots and will be a main ingress and egress point which would not be desirable.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance will not constitute an unnecessary hardship upon the applicant inasmuch as the applicant can provide the required parking for the proposed church on land already owned in the area.

PUBLIC INTEREST:

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

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the setbacks are to provide landscaped yards in residential neighborhoods.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of a variance cannot be found to exist and the variance should be denied. However, 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 areas, driveways and circulation areas shall be improved as required by Section 28.04.143 of the Zoning Ordinance.
2. The parking lot shall be striped and provided with parking barriers adjacent to public right-of-way.
3. The sidewalk areas adjacent to Chautauqua, Lorraine and 26th Street North shall be landscaped with grass and street trees as shown by the applicant's drawing dated June 23, 1981.
4. Screening shall be provided in accordance with Section 28.04.160K of the Zoning Ordinance.

BZA CASE NO. 52-81

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

14 NOTICES SENT TO ADJOINING PROPERTY OWNERS

27 TOTAL NOTICES SENT 11-4-81

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

November 4, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 52-81

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 St. Andrew Baptist Church, 2144 North Minneapolis, 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 front yard setback from 25' to 0'; and to reduce the side yard setback from 6' to 0'; both for off-street parking purposes only, on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 4, 6 and 7, Block 4, Agce-Hunter Addition, to
Wichita, Sedgwick County, Kansas. Generally located
at the northwest corner of Lorraine & 26th St. North.

This application has been assigned Case No. BZA 52-81. It will be considered by the Board of Zoning Appeals on November 24, 1981 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

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 52-81
FILED 10-26-81

APPLICATION FOR VARIANCE

I. Name of Applicant St. Andrew Baptist Church
Mailing Address ⁶⁷²¹⁴ 2144 N. Minneapolis Phone 267-2008
Name of Authorized Agent Rev. Al Washington Sons Construction
Mailing Address ⁶⁷²⁰³ 5541 N. Cow Phone 838-5878
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is permission to locate parking
space within the 25 foot front yard on Lorraine
and within the required 25' side yard on 26th
for property located 2713 N. LORRAINE

and legally described as: Lot 6; Block 4; Agee - Hunter Add.
Lot 7; Block 4; Agee - Hunter Add.
Lot 4; Block 4; Agee - Hunter Add.

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

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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;
- 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.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant St. Andrew Baptist Church

Authorized Agent Rev. Al Washington Sons Construction Company

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:30 (a.m. - p.m.), Oct 26, 1981, together with appropriate fee of 150.00.

Signed J. Lytle

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE COMPANY, INC. has searched the public records and finds the following to be a true and correct list of the property owners as evidenced by the last deed of record within a 200 foot radius of and including the following described property, viz:

see as legal [Lots 4, 6, and 7, Block 4, Agee-Hunter Addition, ^{to Wichita,} Sedgwick County, Kansas.

NOTE: Addresses are furnished as a courtesy.

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
<u>AGEE-HUNTER ADDITION</u>		
<u>Block 3</u>		
Lots 1 thru 10, inclusive	✓ Church of the Living God 2723 N. Hillside Wichita, Kansas	67219
<u>Block 4</u>		
Lot 1	✓ Lynn Lowry and Myrtle 115 S. Rutan Avenue Wichita, Kansas	67218
Lot 2	<i>Deed</i> ✓ Lynn Lowry and Myrtle 115 S. Rutan Avenue Wichita, Kansas	67218
Lot 3	✓ Fred Billingsley and/or Marilyn 956 N. Grove Wichita, Kansas	67214
Lots 4, 6, 7, 8, 9 & 10	<i>Deed</i> ✓ The Trustees of the St. Andrews Baptist Church 2144 N. Minneapolis Wichita, Kansas	67214
Lot 5	✓ Lonnie H. Fields 2758 Fairmount Wichita, Kansas	67220
<u>Block 5</u>		
Lot 3	✓ The Administrator of Veterans Affairs 901 George Washington Blvd. Wichita, Kansas	67211
Lot 4	✓ Alex W. Newhouse and Carolyn 2708 N. Erie Wichita, Kansas	67219
Lot 5	✓ Osie Winn P. O. Box 463 Wichita, Kansas	67201

Seating capacity 500 - 750
all new ch. facility

DESCRIPTION	OWNER/ADDRESS	ZIP CODE
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Block 5 cont.

Lot 6	✓ Billy M. Washington 1511 N. Green Wichita, Kansas	67214
	✓ Marvin Washington 2737 N. Poplar Wichita, Kansas	67219
Lots 7 and 8	<i>Duf.</i> The Trustees of the St. Andrews Baptist Church 2144 N. Minneapolis Wichita, Kansas	67214
Lots 9 and 10	✓ Mt. Horeb Church of God in Christ 2121 Shadybrook Wichita, Kansas	67214

BRUCE JONES ADDITION

Block 1

Lot 3	✓ Cradle Rock Inc. 2739 N. Hillside Wichita, Kansas	67219
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Block 2

Lot 3	✓ Bruce W. Jones and Mary Jane R. R. #2 Elk City, Kansas	67344
Lot 4	<i>Duf.</i> Bruce W. Jones and Mary R. R. #2 Elk City, Kansas	67344

Block 3

Lot 3	<i>Duf.</i> Bruce W. Jones and Mary R. R. #2 Elk City, Kansas	67344
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CALVARY BAPTIST ADDITION

Lot 1	✓ Calvary Baptist Church 2653 N. Hillside Wichita, Kansas	67219
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E. A. FISHER'S ADDITION

Block 3

Lot 23	<i>Duf.</i> The Administrator of Veterans Affairs 901 George Washington Blvd. Wichita, Kansas	67211
Lot 24	✓ Morris E. Love and Harriet 2665 N. Chautauqua Wichita, Kansas	67219

Certified to August 23, 1981, at 7:00 a.m.

GUARANTEE TITLE COMPANY, INC.

Lennie L. Douthett
VICE-PRESIDENT

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.
Signa	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY

*

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

Roll # 2