

Case No. EZA 54-81 - Mt. Vernon  
United Methodist Church - requests  
a variance to reduce the front yard  
setback from 20' to 0' for off-street  
parking purposes only, on property  
zoned the "RB" Four-family Dwelling D

*Posted  
11-6-81*

**ACTION**

*EZA  
54-81  
A*

COMMITTEE Approved DATE 11-24-81  
M.A.P.C. \_\_\_\_\_  
B.C.C./B. CO. C. \_\_\_\_\_

*5485*

*200' 4 Sec 10-29-81  
Checked 11-8-82-ant  
Shot 11-10  
Recorded 11-17-82*

Map No. 5845  
 Sec. 36  
 Twp. 27  
 Range 1E

BZA- 54-81  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:  
 1. Acres: \_\_\_\_\_ ( 120 ft. by 210 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East GYPSUM CREEK South UNDEVELOPED  
 West CHURCH North SINGLE FAM  
 4. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: CHURCH PARKING LOT  
 6. Area (is) (is not) platted.

PHOTO DATA:



Shiloh  
 No. 2153C  
 HASTINGS MN  
 LOS ANGELES, CHICAGO, LOGAN, OH  
 McREGOR, TX, LOCUST GROVE, GA  
 U.S.A.

October 12, 1982

Dennis Phelps, Attorney  
1333 North Broadway, Suite C  
Wichita, Ks. 67214

Re: Case No. BEA 54-81  
Request for Variance

Dear Mr. Phelps:

We are in receipt of the landscape plan regarding the above-captioned case. We are forwarding two copies by copy of this letter to Robert Feldner, Superintendent of Central Inspection for his files.

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

If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith  
Chief Planner

/sad

Enclosure

cc: Mt. Vernon United Methodist Church, 5701 East Mt. Vernon, Wichita,  
Kansas 67218  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 54-81

WHEREAS, the Mt. Vernon United Methodist Church, 5701 East Mt. Vernon, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 20' to 0' for off-street parking purposes only on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lots 2 and 3 in Block A of the Reserve Addition to Wichita, Sedgwick County, Kansas, which will be the north 120' (except the west 390' thereof) of that area being platted as Lot 1, Mt. Vernon United Methodist Subdivision. Generally located on the south side of Mt. Vernon and east of Edgemoor (5701 East Mt. Vernon).

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 property in question is located between the applicant's main use (church) and a drainageway on the east; 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 nearest property to the east is nearly 200' away; 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 unable to provide nine off-street parking spaces on the property; 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 location of the parking will 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 setbacks in the residential area are to maintain the residential character; however this location is adjacent to an arterial street without residences immediately adjacent; 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.

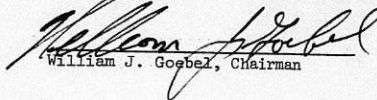
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the front yard setback from 20' to 0' for off-street parking purposes only on property zoned the "RB" Four-family Dwelling District and legally described as:

Lots 2 and 3 in Block A of the Reserve Addition to Wichita, Sedgwick County, Kansas, which will be the north 120' (except the west 390' thereof) of that area being platted as Lot 1, Mt. Vernon United Methodist Subdivision. Generally located on the south side of Mt. Vernon and east of Edgemoor (5701 East Mt. Vernon).

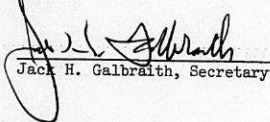
be approved subject to the following conditions:

1. All improvements shall be in conformance to Section 28.04.143 of the Zoning Ordinance.
2. A landscape plan providing for street trees for the area adjacent to Mt. Vernon shall be submitted to the Secretary for approval prior to the release of the resolution. Planting shall be installed and maintained in accordance with the approved plan.

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

  
William J. Goebel, Chairman

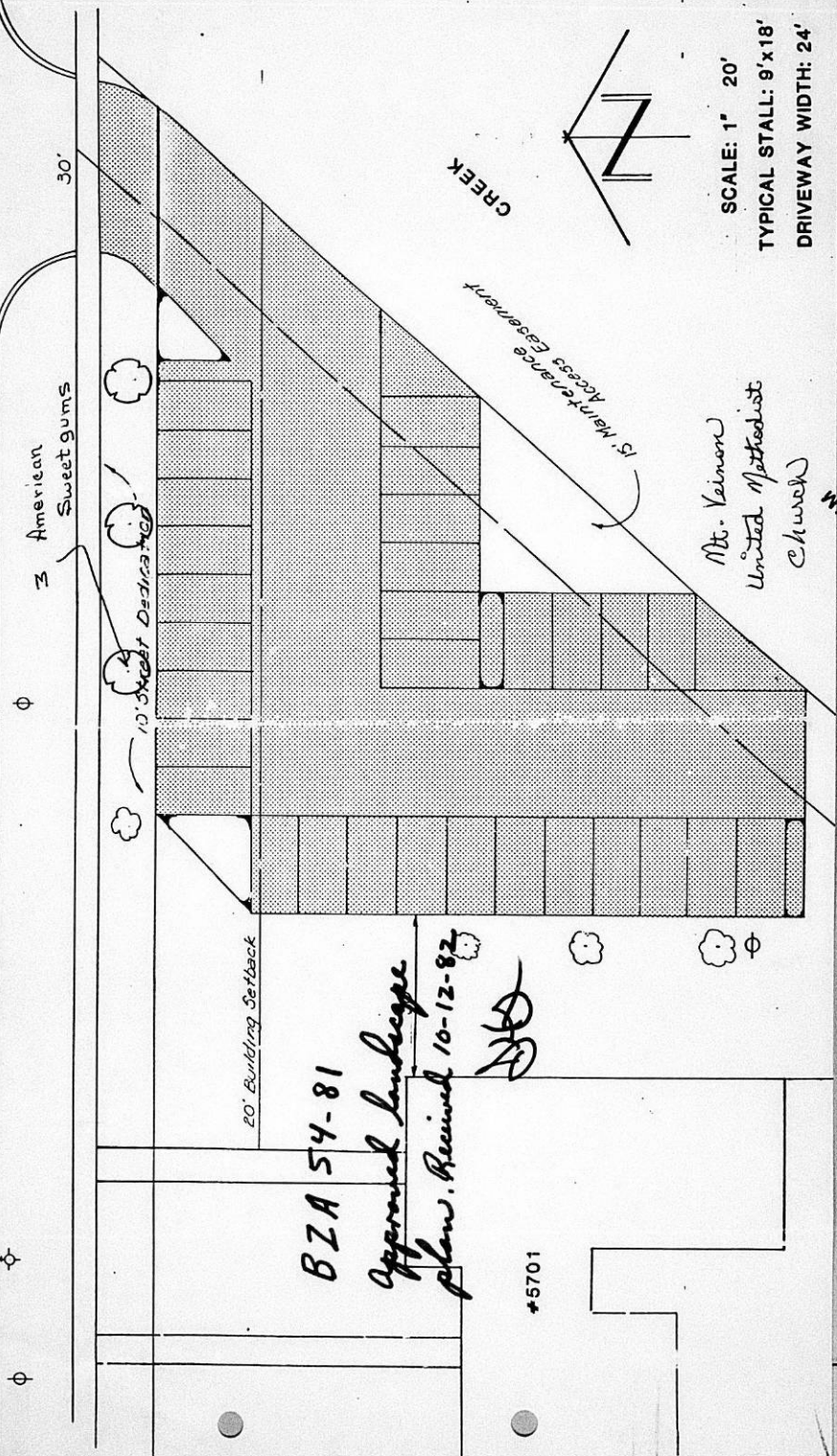
ATTEST:

  
Jack H. Galbraith, Secretary

I. L. DANIEL LAND SURVEYOR

MOUNT VERNON

1911 EAST CENTRAL, WICHITA, KANSAS  
TELEPHONE (316) 287-2341



SCALE: 1" = 20'  
 TYPICAL STALL: 9'x18'  
 DRIVEWAY WIDTH: 24'

Mt. Vernon  
 United Methodist  
 Church

BZA 54-81

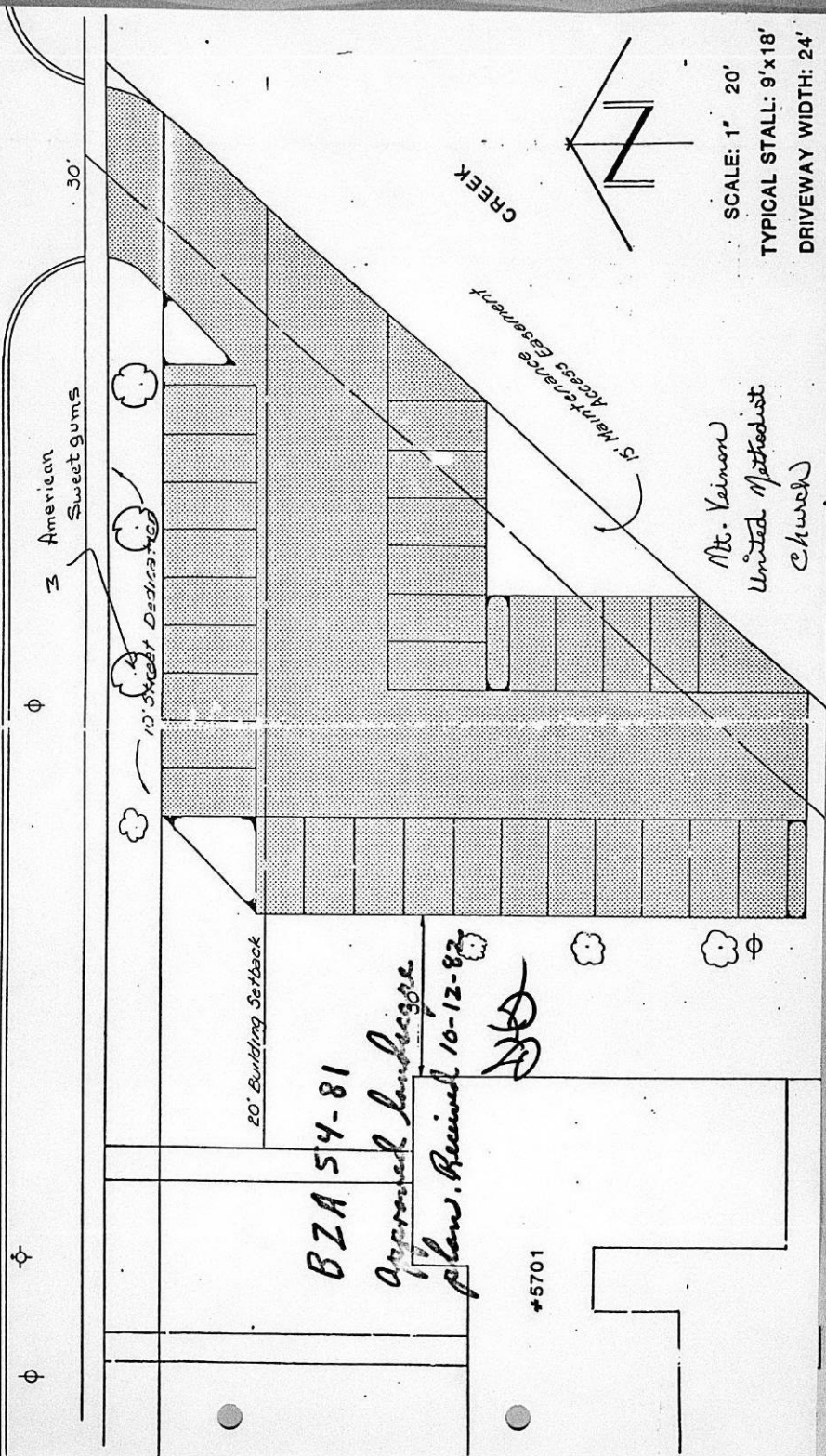
Approved landscape  
 plan. Received 10-12-82

*[Handwritten signature]*

#5701

MOUNT VERNON

1811 EAST CENTRAL, WICHITA, K.A.  
TELEPHONE (316) 267-22



3 American Sweet gums

10' Street Dedication

20' Building Setback

15' Setback Easement

CREEK

#5701

BZA 54-81

Approved Landscaping

Plan. Received 10-12-87

*[Handwritten signature]*

Mt. Vernon  
United Methodist  
Church

SCALE: 1" = 20'

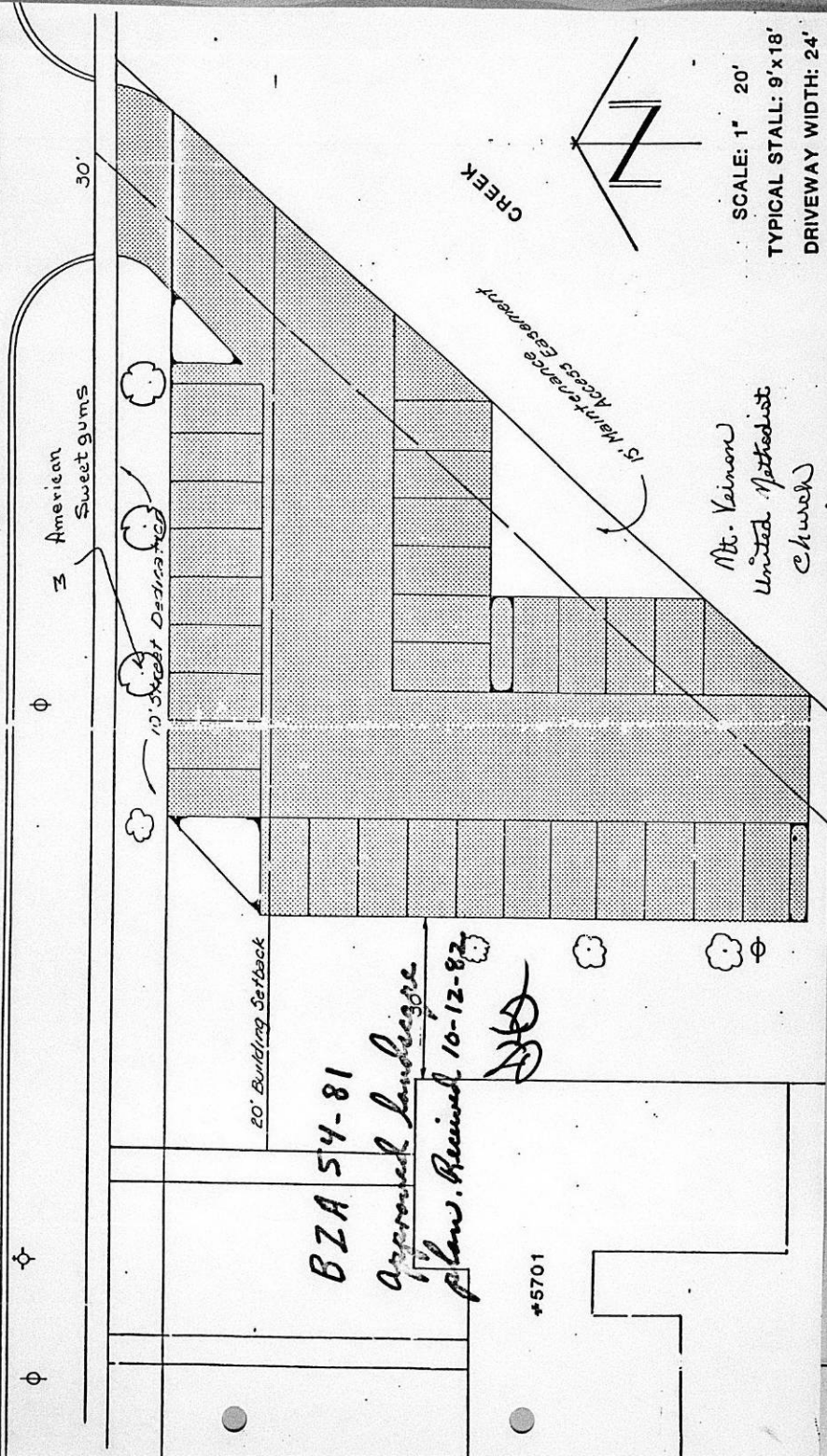
TYPICAL STALL: 9'x18'

DRIVEWAY WIDTH: 24'



MOUNT VERNON

1911 EAST CENTRAL WICHITA, KA  
TELEPHONE (316) 287-2000



3 American Sweetgums

10' Street Dedication

20' Building Setback

CREEK

15' Maintenance Easement

Mt. Vernon  
United Methodist  
Church

SCALE: 1" = 20'  
TYPICAL STALL: 9'x18'  
DRIVEWAY WIDTH: 24'

BZA 54-81

Approved Landscaping

Plan. Received 10-12-87

*[Signature]*

#5701

January 28, 1982

Dennis Phelps, Attorney  
1333 North Broadway, Suite C  
Wichita, Kansas 67214

Re: Case No. EZA 54-81  
Request for Variance

Dear Mr. Phelps:

On December 1, 1981, Jack Galbraith advised you of the action taken by the Board of Zoning Appeals for the approval of the variance request by the Mt. Vernon United Methodist Church. One of the conditions was the submission of a landscape plan for the area adjacent to Mt. Vernon. To date this has not been received.

It has been our experience that without a little bit of urging on our part, an applicant lets this slide by until planting time is here, then by the time a plan is submitted and approved, the ideal planting time has gone. Now is the time for the church to decide on what should be planted in order to get the nursery stock in the ground this spring.

Please see that this matter is taken care of soon, so that we can release the Resolution to allow the parking lot to be installed this summer.

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad

cc: Mt. Vernon United Methodist Church, 5701 East Mt. Vernon, Wichita,  
Kansas 67228

December 1, 1981

Dennis Phelps  
800 North Main  
Wichita, Kansas 67203

Re: Case No. REA 54-81  
Request for Variance

Dear Mr. Phelps:

At the regular meeting of the Board of Zoning Appeals on November 24, 1981, your request for a variance was considered.

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

1. All improvements shall be in conformance to Section 28.04.143 of the Zoning Ordinance.
2. A landscape plan providing for street trees for the area adjacent to Mt. Vernon shall be submitted to the Secretary for approval prior to the release of the resolution. Planting shall be installed and maintained in accordance with the approved plan.

A Resolution setting forth the official action of the Board is being prepared and will be released upon receipt of a landscape plan as set forth in Condition No. 2.

If you have any questions, please call our office.

Sincerely yours,

Jack E. Galbraith  
Secretary

GEL:rad

cc: Mt. Vernon United Methodist Church, 5701 East Mt. Vernon, Wichita,  
67218  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Giesick, City Clerk

**THE CITY OF WICHITA**

OFFICE OF CITIZEN PARTICIPATION

DATE November 17, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruthof, Administrative Aide III

SUBJECT BZA 54-81, South Side of  
Mt. Vernon and East of Edgemoor  
(5701 East Mt. Vernon)

At its November 16th meeting, CPO Neighborhood Council Area "F" considered the captioned request for a variance to reduce the front yard setback to 0' for off-street parking purposes on property zoned "RB", Four-Family Dwelling District. No area residents attended the meeting concerning this case.

The Council voted unanimously, 7-0, to recommend approval of the variance request.

Please inform the members of the Board of Zoning Appeals of the Council's recommendation when this case is considered by them on November 24th. Thank you.

*Dean Kruthof*  
Dean Kruthof  
Administrative Aide III

DK:dm

Noted:

*Sarah Gilbert*

Sarah Gilbert  
CP Coordinator

**RECEIVED**

NOV 19 1981

METROPOLITAN PLANNING  
ROUTE  Lytle

SECRETARY'S REPORT  
CASE NO. BZA 54-61

APPLICANT: Mt. Vernon United Methodist Church, 5701 East  
Mt. Vernon, Wichita, Kansas

AGENT: Dennis Phelps, 800 North Main, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of  
the City of Wichita, to reduce the front yard set-  
back from 20' to 0' for off-street parking  
purposes only.

GENERAL LOCATION: On the south side of Mt. Vernon and east of Edgemoor.

ZONING: Subject property is zoned "RB" Four-family Dwelling  
District as is the property immediately west. All  
other adjacent property is "AA" One-family.

LAND USE: Subject property is a gravel parking lot on the  
east side of the church. Gypsum Creek is to the  
east and single-family dwellings to the north.

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 applicants are requesting a variance of the required front yard setback in the "RB" Four-family Dwelling District from 20' to 0' for off-street parking purposes only. The applicant is improving the parking and in the process finds that it is necessary to seek a variance of the front yard setback. The applicant is also in the process of replatting their land and there is a need for dedication of an additional 10' of right-of-way along Mt. Vernon.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the parcel being used for parking is located between the applicant's main church building and a drainageway (Gypsum Creek) on the east.

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 property on which the variance is requested is approximately 200' from the nearest property owner on the same side of the street.

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 will be unable to provide nine off-street parking spaces that could not otherwise be provided without the variance.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the location of the parking will not interfere with any easements or right-of-way, and the applicant will be providing surfacing to parking heretofore not in conformance with the regulations.

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 setbacks in the residential area are

to maintain the residential character, however this location is adjacent to an arterial street without residences immediately adjacent.

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 improvements shall be in conformance to Section 28.04.143 of the Zoning Ordinance.
2. A landscape plan providing for street trees for the area adjacent to Mt. Vernon shall be submitted to the Secretary for approval prior to the release of the resolution. Planting shall be installed and maintained in accordance with the approved plan.

BZA CASE NO. 54-81

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

11 NOTICES SENT TO ADJOINING PROPERTY OWNERS

24 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 54-81

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 Mt. Vernon United Methodist Church, 5701 East Mt. Vernon, 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 20' to 0' for off-street parking purposes only, on property zoned the "RB" Four-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 2 and 3 in Block A of the Reserve Addition to Wichita, Sedgwick County, Kansas, which will be the north 120 feet (except the west 390 Feet thereof) of that area being platted as Lot 1, Mt. Vernon United Methodist Subdivision. Generally located on the south side of Mt. Vernon and east of Edgemoor (5701 East Mt. Vernon).

This application has been assigned Case No. BZA 54-81. 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. 54-81  
FILED 10-26-81

APPLICATION FOR VARIANCE

I. Name of Applicant  Mt. Vernon United Methodist Church  
Mailing Address 5701 E. Mt. Vernon 67218 Phone 684-6141

Name of Authorized Agent  Dennis L. Phelps  
Mailing Address 1333 N. Edwy. 67214 Phone 267-5309  
800 N. Main, Wichita, Kansas 67203 Phone 868-2204

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 20 feet to 0 feet to permit parking in an area of set back in  
portion of property RB zoned for off-street parking purposes  
only.

for property located on the south side of Mt. Vernon and east  
of Edgemere  
1 (5701 E. Mt. Vernon)

and legally described as: Lots 2 & 3 in Block A of the Reserve Addition,  
to Wichita, Sedgwick County, Kansas which will be the north 120 feet (except  
the west 390 feet thereof) of Lot 1 of Mt. Vernon United Methodist Subdivision.  
of Reserve Addition

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

- 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 2.12.500 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 Mt. Vernon United Methodist Church  
Authorized Agent Dennis L. Phelps  
Dennis L. Phelps, Attorney

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:00 p.m., Oct. 26, 1981, together with appropriate fee of 150.00.

Signed [Signature]

## OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
1 & ½ of vacated Roanoke Dr. adjacent	A	Reserve Addition	<i>Duf.</i> Mt. Vernon Methodist Church, 5701 E. Mt. Vernon, 67218
2 & 3	A	"	"
4 & ½ of vacated Roanoke Dr. adjacent	A	"	"
1 & ½ of vacated Roanoke Dr. adjacent	B	"	"
9	B	"	<i>Duf.</i> Board of Trustees of Mt. Vernon Methodist Church, 5701 E. Mt. Vernon, 67218
4 exc. the east 19 ft.	J	"	✓ Carl G. Mellard & Marie L. Mellard, 5803 E. Mt. Vernon, 67218
5 exc. the east 59 ft.	J	"	✓ Julie DeGruson & Minnie De- Gruson, 5802 Wallace, 67218 AND ✓ Donald E. DeGruson, 2214 Charleston, 67219
East 59 ft. of 5	J	"	✓ John Cedric Moxley & Phyllis M. Moxley, 5808 Wallace, 67218
10	L	Greendale Addition	✓ Elmer C. Miller & Priscilla L. Miller, 1953 Roanoke, 67218
11	L	"	✓ Ingrid T. Tomisin, 1959 Roanoke, 67218
28	M	"	✓ Marvin E. Mude & Pamela S. Mude, 1954 Roanoke, 67218
29	M	"	✓ James S. Ellsbury & Deborah J. Ellsbury, 1960 Roanoke, 67218
30	M	"	✓ Jack E. Middleton & Donna Middleton, 5714 E. Mt. Vernon, 67218

page 2

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
31	M	Greendale Addition	Robert Thomas Lyman a/k/a Robert Thomas Lyman and Lucille L. Lyman a/k/a Lucille L. Lyman, 5718 E. Mt. Vernon, 67218
32	M	"	<i>Dick</i> <i>Ship</i> City of Wichita, A Municipal Corporation, 455 N. Main, 67202

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

Lots 2 and 3, Block A, Reserve Addition to  
Wichita, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register  
of Deeds of Sedgwick County, Kansas, on the 26th day of October, 1981,  
at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Gable*  
Vice-President

Order No. 304083  
GE

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 29-21

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
<i>112/102</i>	<i>150<sup>00</sup></i>

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

FUND \_\_\_\_\_ DUE DATE \_\_\_\_\_

COMMENTS \_\_\_\_\_

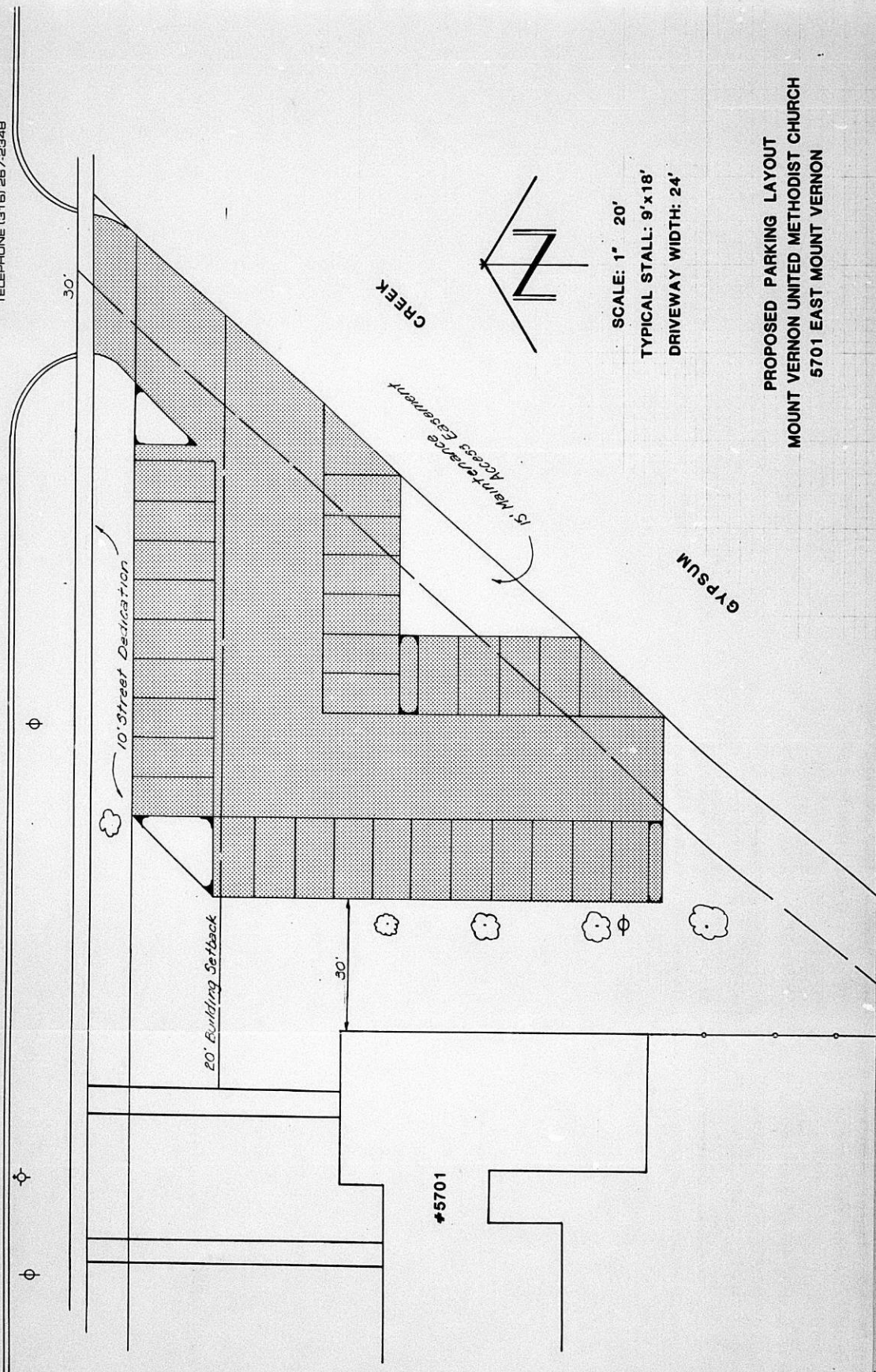
DATE \_\_\_\_\_ BY \_\_\_\_\_



T. L. DANIEL LAND SURVEYOR

MOUNT VERNON

1911 EAST CENTRAL, WICHITA, KANSAS 67214  
TELEPHONE (316) 267-2348



CREEK

15' Maint. Easement

10' Street Dedication

20' Building Setback

30'

30'

#5701

GYP SUM



SCALE: 1" = 20'  
TYPICAL STALL: 9' x 18'  
DRIVEWAY WIDTH: 24'

PROPOSED PARKING LAYOUT  
MOUNT VERNON UNITED METHODIST CHURCH  
5701 EAST MOUNT VERNON