

Posted
10-11-79

BZA
56-79 COMMITTEE APPROVED ACTION DATE 10-23-79

M.A.P.C. _____
B.C.C./B. CO. C. _____

10-31-79
200 MAPD
10-31-79
200' CI
RECORDED

Case No. BZA 56-79 - Janice G. Claassen request variance to reduce the off-street parking & loading requirements to 0, on prop. zoned "A" & gen. loc. at _____

Map No. 5746
 Sec. 26
 Twp. 27
 Range 1E

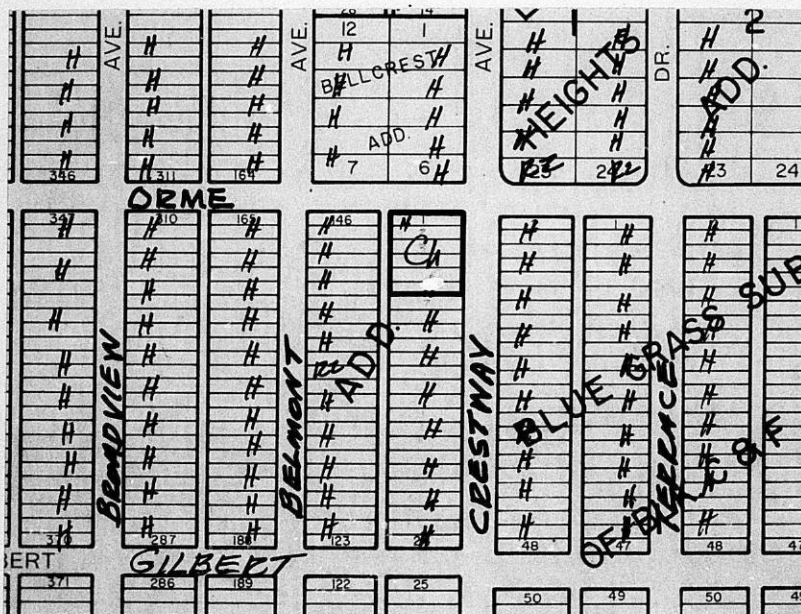
BZA- 56-79
 SCZ- _____
 CU- _____
 Filed _____

REA DATA:

Acres: 0.4 (130 ft. by 150 ft.)
 Adjoining Zoning: E A S A W A N A
 Land Use: East SINGLE FAM South _____
 West SINGLE FAM North SINGLE FAM
 Sketch Plan Land Use is for: _____
 Present Land Use if for: CHURCH - SINGLE FAM
 Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



LOS ANGELES COUNTY
 REGISTERED
 MCGREGOR, TX - LOCUST GROVE, GA
 U.S.A.

Standard
 No. 2153C

November 6, 1979

Janice G. Claassen
2727 S. Washington
Wichita, Kansas

Re: Case No. BZA 56-79
Request for Variance

Dear Ms. Claassen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1979, in connection with your request for a variance to reduce the required off-street parking and loading requirements to zero on property zoned "A" Two Family Dwelling and generally located at the southwest corner of Orma and Crestway.

This Resolution reflects the official action of the Board to approve this 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:bbc
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
Rev. Robert R. Keller, 556 S. Belmont, Wichita, Ks.

RESOLUTION NO. BZA 56-79

WHEREAS, Janice G. Claassen, 2727 S. Washington, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the off-street parking and loading requirements for a child care center to zero on property zoned the "A" Two Family Dwelling District and legally described as follows:

Lots 1, 2, 3, 4, 5, and 6 on East now
Crestway, Fairfax Addition to Wichita,
Kansas. Generally located at the
southwest corner of Orme and Crestway
(601 S. Crestway).

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 October 23, 1979, 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 existing church was built prior to the off-street parking and loading provisions and has operated over the years without off-street parking; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as there would be no substantial change to the parking and loading/unloading conditions that now exist or have existed for many years; 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 this use would not generate as much traffic as other church related activities that are now permitted without off-street parking; 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 inasmuch as the on-street parking situation will be substantially no different than it would be without the granting of this variance; 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 four previous conditions can be found to exist; and

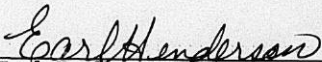
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 off-street parking and loading spaces for a child care center to zero on property zoned the "A" Two Family Dwelling District and legally described as:

Lots 1, 2, 3, 4, 5, and 6 on East now
Crestway, Fairfax Addition to Wichita,
Kansas. Generally located at the south-
west corner of Orme and Crestway (601 S.
Crestway)

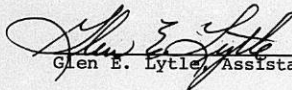
be approved.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October,
1979.



Earl Henderson, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

October 24, 1979

Janice G. Claassen
2727 S. Washington
Wichita, Kansas

Re: Case No. B2A 56-79
Request for Variance

Dear Ms. Claassen:

At the regular meeting of the Board of Zoning Appeals on Tuesday, October 23, 1979, your request for a variance to reduce the required off-street parking and loading requirements to zero on property zoned the "A" Two Family Dwelling District, and generally located at the southwest corner of Orme and Crestway was considered.

It was the action of the Board to approve this request.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:bbc

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
Rev. Robert R. Keller, 556 S. Belmont, Wichita, Ks.

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE October 17, 1979

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, CPO Administrative Aide

SUBJECT BZA 55-79 (Southwest corner of Orme
and Crestway - 601 S. Crestway)
BZA 56-79 (Southwest corner of Orme
and Crestway - 601 S. Crestway)

At their meeting of October 15, CPO Council "C" considered the captioned cases. After discussing the cases with the applicant and finding nothing objectionable in the requests, the Council voted 7-0 to recommend approval of the exception request to permit the establishment of a child care center and the variance to reduce the off-street parking and loading requirements to zero at the aforementioned location.

There were no adjoining property owners present to speak against the application.

Please provide the Council's recommendation to the Board of Zoning Appeals when these cases are considered at the October 23 meeting.

Shirley Mast
Shirley Mast
CPO Administrative Aide

SM:ml

Noted:

Sarah Gilbertson
Sarah Gilbert
Assistant CP Coordinator

RECEIVED

OCT 19 1979

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 56-79

APPLICANT: Janice G. Claassen, 2727 S. Washington,
Wichita, Kansas

AGENT: Rev. Robert R. Keller, 556 S. Belmont,
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to reduce
the off-street parking and loading require-
ments to zero.

GENERAL LOCATION: Southwest corner of Orme and Crestway
(601 S. Crestway).

ZONING: Subject property is zoned "A" Two Family
as are those properties to the north,
south, east and west.

LAND USE: Subject property is occupied by a single
family residence and church. North,
south, east and west are single family
residences.

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 of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the

Case No. BZA 56-79
BZA AGENDA
10-23-79
Page 2

public health, safety, morals, order, convenience, prosperity, or general welfare; and

5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the off-street parking and loading requirements to zero in conjunction with a request for an exception to establish a child care center operation (BZA 55-79) at the southwest corner of Orme and Crestway.

In her statement of justification the applicant points out that the existing house and church on subject property were constructed prior to off-street parking requirements being a part of the zoning ordinance. She also points out that she is unable to secure land to comply with the existing regulations.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as the existing church was built prior to the off-street parking and loading provisions and has operated over the years without off-street parking.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the rights of adjacent property owners or residents inasmuch as there would be no substantial change to the parking and loading/unloading conditions that now exist or have existed for many years.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the Zoning Ordinance may constitute unnecessary hardship upon the applicant inasmuch as this use would not generate as much traffic as other church related activities that are now permitted without off-street parking.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance may not be opposed to the public interest

Case No. BZA 56-79
BZA AGENDA
10-23-79
Page 3

inasmuch as the on-street parking situation will be substantially no different than it would be without the granting of this variance.

SPIRIT AND INTENT:

It is the opinion of the Secretary that if the four previous conditions can be found to exist, the granting of the variance would not be opposed to the spirit and intent of the Zoning Ordinance.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist and, therefore, it is recommended that the variance to reduce the required number of off-street parking and loading spaces for a child care center to zero, be approved.

BZA CASE NO. 56-79

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

~~27~~ NOTICES SENT TO ADJOINING PROPERTY OWNERS

40 TOTAL NOTICES SENT 10-3-79

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

October 3, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 56-70

An application has been filed by Janice G. Claassen, 2727 S. Washington, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required off-street parking and loading requirements to zero on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 1, 2, 3, 4, 5 and 6 on East now Crestway, Fairfax Addition to Wichita, Kansas. Generally located at the southwest corner of Orme and Crestway (601 S. Crestway).

This application has been assigned case No. BZA 56-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 23, 1979, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO.

SB-79

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

682-5172

I. Name of Applicant Janice G. Claassen

Mailing Address 2727 S. Washington Phone 265-3674

Name of Authorized Agent Rev. Robert P. Keller

Mailing Address 556 S. Belmont phone 686-9465

Relationship of applicant to property is that of _____
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the off-street parking and loading requirements to none.

for property located at the southwest corner of Orme and Crestway (601 So. Crestway)

x and legally described as: a church

lots 1, 2, 3, 4, 5 & 6 c of
subdivision of 2 1/2 ac. 2 1/2 1/2

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

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. 24-606); 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.

Janice G. Claassen
Applicant

Rev. Robert P. Keller
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:10 (a.m. - (p.m)), September 21 1979 together with appropriate fee of \$50.00.

G. Lynn Shirley
Signed

RECEIVED

SEP 28 1979

METROPOLITAN PLANNING
ROUTE _____

BZA
56-79

2727 South Washington
Wichita, Kansas
September 24, 1979

Dear Sirs:

I am applying for a parking variance for the Crestway Free Methodist Church, 601 South Crestway. This property is going to be used as a Day Care Center, enrolling 20 children with two (2) adult workers.

In regard to the paper sent to me with the conditions for variance, below are the reasons I feel we comply with the five (5) conditions listed:

- Condition 1: The building was constructed prior to off-street parking requirements.
- 2: The Day Care Center will not increase off-street parking in excess of that which presently exist.
- 3: I, as applicant, am unable to secure land for off-street parking.
- 4: The Day Care Center will not increase off-street parking in excess of that which presently exist.
- 5: Title 28 will not be opposed, as variance can be justified where off-street parking was not required when building was constructed.

Thank you for your consideration.

Sincerely,

Janice G. Claassen

Janice G. Claassen
Applicant

OWNERSHIP LIST

Lot	Addition	Property Owner
4	Belcrest Addition	Richard N. Cooper and Eva C. Cooper, 547 S. Crestway, 67218
5	same	John R. Mason, Jr & Judy B. Mason 551 S. Crestway, 67218
6	Same	Henry Saed Farha, Jr & Joyce A. Farha, 555 S. Crestway, 67218
7 & S $\frac{1}{2}$ of 8	same	Crestway Free Methodist Church, Inc. 601 S. Crestway, 67218
N $\frac{1}{2}$ of 8 & S. 37.5' of 9	same	Harry E. McKnight & Willajene McKnight, 548 S. Belmont, 67218
N. 12.5' of 9	same	Dennis A. Bearden & Sara E. Bearden, 542 S. Belmont, 67218
2 & 4, Crestway	Blue Grass Subdivision	William P. Atkinson & Dorothy E. Atkinson, 602 S. Crestway, 67218
6 & 8, Crestway	same	Maria A. Aguila 608 S. Crestway, 67218
10 & 12, Crestway	same	Raymond L. Domey & Mildred L. Domey, Address unknown
14 & 16 Crestway	same	Michael Roye Linkous & Brenda R. Linkous, 616 S. Crestway, 67218
18 & 20, Crestway	same	Kenneth E. Banks, Address unknown
22 & 24, Crestway	same	Frank W. Jefferies & Marjery Jefferies, 624 S. Crestway, 67218
26 & 28, Crestway	same	Rebecca J. Stultz, Address unknown
1, 2, 3, 4, 5 & 6, Crestway	Fairfax Addition	Trustees of Crestway Free Methodist Church 601 S. Crestway, 67218
7, 8 & N 51 of 9, Crestway	same	Walter H. Asmann & Margie Asmann Address unknown
S 20' of 9, all of 10 and N. 15' of 11, Crestway	same	Robert J. Blackburn & Dorothy M. Blackburn, 623 S. Crestway, 67218
S 10' of 11 all of 12 & 13 Crestway	same	Reunie T. Hupp & Thelma Shepherd 627 S. Crestway, 67218
14, Crestway	same	Laverne E. Longacre, 635 S. Crestway, 67218
133 & 135, Belmont	same	Mary Jo Corbin, Address unknown
135 & 135, Belmont	same	Margaret E. Hale and Marilyn S. Hale, 7711 Huntington, 67206
137 & 138, Belmont	same	Fober U. Sjogren & Lorraine E. Sjogren, 622 S. Belmont, 67218
139 & 140, Belmont	same	Jacquette Harris 618 S. Belmont, 67218

Lot	Addition	Property owner
141 & 142, Belmont	Fairfax Addition	Jodell R. Dacus 616 S. Belmont, 67218
143 & 145, Belmont	Same	Opal Luce, 606 S. Belmont, 67218
145 & 146, Belmont	same	Loué E. Brown & C-rolyn J. Brown 600 S. Belmont, 67218
165 & 166, Belmont	same	Merlin L. Sunderman & Roberts L. Sunderman, 601 S. Belmont, 67218
167 & 168, Belmont	same	John Szentes & Anna Szentes 607 S. Belmont, 67218
169 & 170, Belmont	same	Ronald R. Ellsbury & Charice S. Ellsbury, 611 S. Belmont, 67218
171 & 172, Belmont	same	John C. Schumacher & Helen O. Schumacher, 617 S. Belmont, 67218
N 30' of 19, Blk 1	Lincoln Heights 2nd Addition	Gary L. Bohannon & Teresa B. Bohannon, 530 S. Crestway, 67218
S 17' of 19 & N. 43' of 21, Blk 1	same	Roslie A. Jordan, 540 S. Crestway 67218
S 4' of 21 & all of 23, Blk 1	Same	Thomas A. Martin & Nancy J. Martin 5628 Polo Drive, 67208
24, Blk 1	same	Stella D. Marks, Address unknown

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners within a 200 foot radius of:

Lots 1, 2, 3, 4, 5 and 6, on East now Crestway, Fairfax Addition to Wichita, Sedgwick County, Kansas,

as shown by the last deeds of record in the office of the Register of Deeds of Sedgwick County, Kansas, on this 27th day of September, 1979 at 7:00 o'clock A. M.

The Security Abstract and Title Company, Inc.

By

Mary Dale
Vice-President

Order No. 281452

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
52A Vienna	\$6.2

NAME *James H. Hansen*

ADDRESS *2707 S. Washington*

FUND *11-400 71-013* DUE DATE *11-1-77*

COMMENTS

DATE *4/21/77* BY *[Signature]*