

Case No. BZA 60-79 - Madison Ave.  
Church of Christ requests  
variance to reduce required side  
yard setback from 25' to 5'  
on prop. zoned "A" & gen. loc. on  
on the east side of Madison  
Ave.

POSTED  
10-4-79  
2"

**ACTION**

DATE 10-23-79

COMMITTEE APPROVED

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

BZA  
60-79

Recorder  
S. J. [unclear]  
10/1/79  
181318  
10/2/79  
8-22-79



August 14, 1980

Madison Avenue Church of Christ  
1740 North Madison  
Wichita, Kansas 67214

Re: Case No. BZA 60-79  
Request for Variance

Gentlemen:

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 side yard setback from 25 feet to 5 feet on property zoned the "A" Two Family Dwelling District and generally located on the east side of Madison Avenue between 16th and 17th Streets.

This Resolution reflects the official action of the Board to approve your requests, 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:sad  
Enclosure

cc: Thomas H. Johnson, 2302 Gentry Drive, Wichita, Ks. 67220  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 60-79

WHEREAS, the Madison Avenue Church of Christ, 1740 N. Madison, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to vary the side yard setback from 25 feet to 5 feet on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 10, 12, 14, 16, 18, 20, 22, and 24, on Madison Avenue, Logan Addition, Sedgwick County, Kansas. Generally located on the east side of Madison Avenue between 16th and 17th Streets.

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 property to the north is adjacent to a major street and in all probability develop as a use other than residential; 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 existing parking and circulation drive on the north would be eliminated; 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 forced to attempt to purchase additional property to the north or revise their building plans.

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 this request is interiorly located.

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 Board determined that the four previous conditions can be found to exist, therefore the granting of the variance would not be opposed to the spirit and intent of the zoning ordinance.

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.

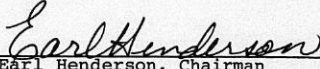
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the sideyard on the north from 25 feet to 5 feet on property zoned "A" Two-family Dwelling District and legally described as:

Lots 10, 12, 14, 16, 18, 20, 22, and 24, on  
Madison Avenue, Logan Addition, Sedgwick  
County, Kansas. Generally located on the  
east side of Madison Avenue between 16th  
and 17th Streets

be approved subject to the following conditions:

1. Approval shall be for only that area indicated for proposed expansion as indicated on the submitted plot plan.
2. Two copies of a revised plot plan approved by the Superintendent of Central Inspection that the required number of off-street parking spaces to accommodate the existing sanctuary and the addition can be provided on the applicant's property, and provided further, the parking spaces shall not occupy any part of the front yard setback. This shall be furnished prior to the release of the resolution.

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

  
Earl Henderson, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

October 24, 1979

Madison Avenue Church of Christ  
1740 N. Madison  
Wichita, Kansas 67214

Re: Case No. BZA 60-79  
Request for Variance

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on Tuesday, October 23, 1979, your request for a variance to reduce the required side yard setback from 25 feet to 5 feet on property zoned the "A" Two Family Dwelling District, and generally located on the east side of Madison Avenue between 16th and 17th Streets was considered.

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

1. Approval shall be for only that area indicated for proposed expansion as indicated on the submitted plot plan.
2. Two copies of a revised plot plan approved by the Superintendent of Central Inspection that the required number of off-street parking spaces to accommodate the existing sanctuary and the addition can be provided on the applicant's property, and provided further, the parking spaces shall not occupy any part of the front yard setback. This shall be furnished prior to the release of the resolution.

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.

Page 2  
October 24, 1979  
BEA 60-79

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:bbs

cc: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk  
Thomas H. Johnson, 2302 Gentry Drive, Wichita, Ks. 67220

**THE CITY OF WICHITA**

**OFFICE OF CITIZEN PARTICIPATION**

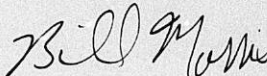
**DATE** October 19, 1979

**TO** Jack Galbraith, Chief Planner, Current Plans

**FROM** Bill Morris, CPO Administrative Aide

**SUBJECT** BZA 60-79 (East side of Madison,  
between 16th and 17th)


On October 16, 1979, CPO Council "K" voted 4-0 to recommend approval of the captioned case. It was the Council's opinion that the proposed expansion to the north would not adversely effect the surrounding neighborhood. No one was present to protest the variance.



Bill Morris  
CPO Administrative Aide

BM:ml

Noted:



Sarah Gilbert  
Assistant CP Coordinator

**RECEIVED**

OCT 22 1979

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. BZA 60-79

APPLICANT: Madison Avenue Church of Christ,  
1740 N. Madison, Wichita, Kansas

AGENT: Thomas H. Johnson, 2302 Gentry Drive,  
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B,  
Code of the City of Wichita, to reduce  
the required side yard setback from 25  
feet to 5 feet.

GENERAL LOCATION: East side of Madison between 16th and  
17th Streets.

ZONING: Subject property is zoned "A" Two-Family  
as are those properties to the north,  
south and west. East is zoned "A" Two-  
Family, "B" Multi-family and "LC" Light  
Commercial.

LAND USE: Subject property is occupied by a church;  
north is undeveloped; south and west are  
single-family homes; east are single-  
family homes and private club.

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.

Case No. BZA 60-79  
BZA AGENDA  
10-23-79  
Page 2

4. That the variance desired will not adversely affect the 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 Madison Avenue Church of Christ is requesting a variance of the required side yard setback adjacent to the north property line from 25 feet to 5 feet for the purpose of constructing an addition to their existing church building.

Although there is sufficient lot area to expand the church to the south of the existing building, the applicant states this would require moving of the main entrance as well as the church office and that one room would have to be completely eliminated.

UNIQUENESS:

It is the opinion of the Secretary that there is nothing unique to the property in question and which is not ordinarily found in the same zone or district inasmuch as the church has adequate land area on the south for the proposed expansion without a variance.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of this variance may not adversely affect the rights of adjacent property owners inasmuch as the existing parking and circulation drive on the north would be eliminated.

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 they would be forced to attempt to purchase additional property to the north or revise their building plans.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as this request is interiorly located.

Case No. BZA 60-79  
BZA AGENDA  
10-23-79  
Page 3

SPIRIT AND INTENT

It is the opinion of the Secretary that if the Board can determine that 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:

If the Board finds all five of the conditions necessary for the granting of a variance to exist, it is the recommendation of the Secretary that the variance be approved subject to the following conditions:

1. Approval shall be for only that area indicated for proposed expansion as indicated on the submitted plot plan.
2. Two copies of a revised plot plan approved by the Superintendent of Central Inspection that the required number of off-street parking spaces to accommodate the existing sanctuary and the addition can be provided on the applicant's property, and provided further, the parking spaces shall not occupy any part of the front yard setback. This shall be furnished prior to the release of the resolution.

BZA CASE NO.

60-79

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>23</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>36</u>	TOTAL NOTICES SENT <u>10-3-79</u>

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 60-79

An application has been filed by Madison Avenue Church of Christ, 1740 N. Madison Avenue, Wichita, Kansas, pursuant to Section 2.12.500.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback from 25 feet to 5 feet on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 10, 12, 14, 16, 18, 20, 22, and 24, on Madison Avenue, Logan Addition, Sedgwick County, Kansas. Generally located on the east side of Madison Ave. between 16th and 17th Sts.

This application has been assigned case No. BZA 60-79, 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. 60-79

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. ✓ Name of Applicant Madison Avenue Church of Christ

Mailing Address 1740 North Madison Avenue <sup>14</sup> Phone 265-0583

✓ Name of Authorized Agent Thomas H. Johnson, Minister

Mailing Address 2302 Gentry Drive Zip: 67220 Phone 684-1982

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

II. The variance requested is A set-back on the north side to  
✓ sideyard setback from 25' to 5'  
reduce the 25' yard set-back down to 5' yard on the north side.

✓ for property located on the east side of Madison Ave. between 16th & 17th Sts.  
(1740 North Madison Avenue) Wichita, Kansas

✓ and legally described as: Logan Addition -- Lots 10, 12, 14, 16,  
18, 20, 22, and 24, on Madison Avenue of Logan Addition  
to Sedgwick County, Kansas

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

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 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); 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.

MADISON AVENUE CHURCH OF CHRIST

Applicant

Thomas H. Johnson  
Authorized Agent/Thomas H. Johnson

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 5:00 ~~5:00~~ - p.m.), SEPT. 24 1979 together with appropriate fee of \$50.00.

T9-402

Glen E. Lytle  
Signed

1. The variance requested arises from a condition unique to the property in question not ordinarily found in the same zone. Adjacent property is vacant. We have adequate property to the south side of the property in question for extra parking. We need to expand, and the logical way to go is 20 feet to the north and 77 feet back to the east.
2. Adjacent property has been vacant (four lots) for over 21 years. There is sufficient light and air.
3. The addition on the north side would greatly benefit the church. We have four adjacent lots south for ample parking (Lots 26, 28, 30, and 32). It would cause undue hardship if the church were to try to build on the south side. The main entrance would have to be moved as well as the church office; one room would have to be completely eliminated. In obtaining the variance, only one wall would require removal.
4. It is internally located and will not affect the adjacent property. There would be ample space for sufficient lighting, and air.

Thomas H. Johnson  
Madison Ave  
Church of Christ  
1740 N. Madison  
9/24/79

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC. hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of the following described property, viz:

Lots Ten (10), Twelve (12), Fourteen (14), Sixteen (16), Eighteen (18), Twenty (20), Twenty-two (22), and Twenty-four (24), on Madison Avenue, LOGAN ADDITION, Sedgwick County, Kansas.

Note: Addresses are furnished as a service only and are not certified.

<u>DESCRIPTION</u>	<u>OWNER/ADDRESS</u>	<u>ZIP CODE</u>
<u>LOGAN ADDITION</u>		
<u>Madison Avenue</u>		
Lots 1, 3 and 5	✓ William W. Burney and Anita F. 1755 N. Madison Wichita, Kansas	67214
Lots 7 and 9	✓ Milton S. Jackson 1747 N. Madison Wichita, Kansas	67214
Lots 11 and 13	✓ Milton S. Jackson and Marie L. 1747 N. Madison Wichita, Kansas	67214
Lots 15 and 17	✓ The Administrator of Veterans Affairs 901 N. George Washington Blvd. Wichita, Kansas	67211
Lots 19 and 21	✓ Earl L. Franklin and Barbara 1735 N. Madison Wichita, Kansas	67214
Lots 23 and 25	✓ E. Cearus Tyree and Zenobia 1751 N. Lorraine Wichita, Kansas	67214
Lots 27, 29, 31 and 33	✓ Willie Bennett and Lucille 1737 N. Madison Wichita, Kansas	67214
Lots 35 and 37	✓ John Berry and Callie 1711 N. Madison Wichita, Kansas	67214
Lots 39 and 41	✓ Donald D. Hollar 1309 Charlotte Wichita, Kansas	67208
Lots 2, 4, 6 and 8	✓ Jesse Edwards 645 N. Belmont Wichita, Kansas	67208
Lots 10, 12, 14, 16, 18 and 20	✓ Trustees of Madison Avenue Church of Christ 1740 N. Madison Wichita, Kansas	67214

Lots 22 and 24	D Trustees of Madison Avenue Church of Christ 1740 N. Madison Wichita, Kansas	67214
Lots 26, 28, 30 and 32	✓ Martin H. Tutt and Velma H. 3104 E. 13th Street Wichita, Kansas	67214
Lot 34	✓ Shelbia I. Chatman 606 N. Estelle Wichita, Kansas	67214
Lots 36 and 38	✓ Calvin Coolidge Whitney and Gladys G. 1726 N. Madison Wichita, Kansas	67214
Lots 40 and 42	✓ Leo Davis and Willie Mae 1702 N. Madison Wichita, Kansas	67214

Spruce Avenue

Lots 1, 3, 5 and 7	✓ S P & B, Inc. 1104 N. Poplar Wichita, Kansas	67214
Lots 9 and 11	✓ Ivan K. Morfitt and Goldie Lorildia 1700 N. Spruce Wichita, Kansas	67214
Lots 13, 15, 17, 19, 21 and the North 10' of Lot 23	✓ City Association of Colored Womens Clubs of Wichita 1745 N. Spruce Wichita, Kansas	67214
South 15' of Lot 23 and all of Lot 25	✓ Methro Chapman 1727 N. Spruce Wichita, Kansas	67214
Lots 27 and 29	✓ Donald L. Anderson 4820 N. Harding Wichita, Kansas	67208
Lots 31 and 33	✓ Giles Burkhalter and Julia 1717 N. Spruce Wichita, Kansas	67214
Lots 35 and 37	✓ Arbella Dates and Barbara Sutton 1711 N. Spruce Wichita, Kansas	67214
Lots 39 and 41	✓ Martha Smith, Clyde Samilton, Otis Samilton, Roosevelt Samilton, Dave Samilton, Willie Williams, Ezil Williams, and Tamra Loudermilk all c/o 1707 N. Spruce Wichita, Kansas	67214

STOUTS ADDITION

Madison Avenue

Lots 91 and 93	✓ Mid Kansas Federal Savings & Loan Association 230 South Market Wichita, Kansas	67202
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Spruce Avenue

Lots 92 and 94

✓ Joseph E. Mason and Pina R.  
1802 Piatt  
Wichita, Kansas

67214

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Dated this 17th day of September, 1979.

GUARANTEE TITLE CO., INC.

By:

*Lorraine L. Douthett*  
Vice-President

No. 5122

FORM 9-021

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.

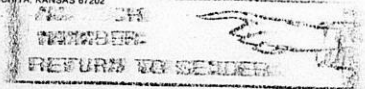
Planning

DESCRIPTION	AMOUNT
City BZA Var	\$ 50.00

NAME MAD. AVE CH OF CHRIST  
 ADDRESS 1740 N. MADISON  
 FUND 110-00-000-00071-003-0000-0000 DUE DATE \_\_\_\_\_  
 COMMENTS \_\_\_\_\_  
 DATE 9/25/79 BY [Signature]

WICHITA - SEDGWICK COUNTY  
**W.S.C.**

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



RETURN TO SENDER

BZA 60-79



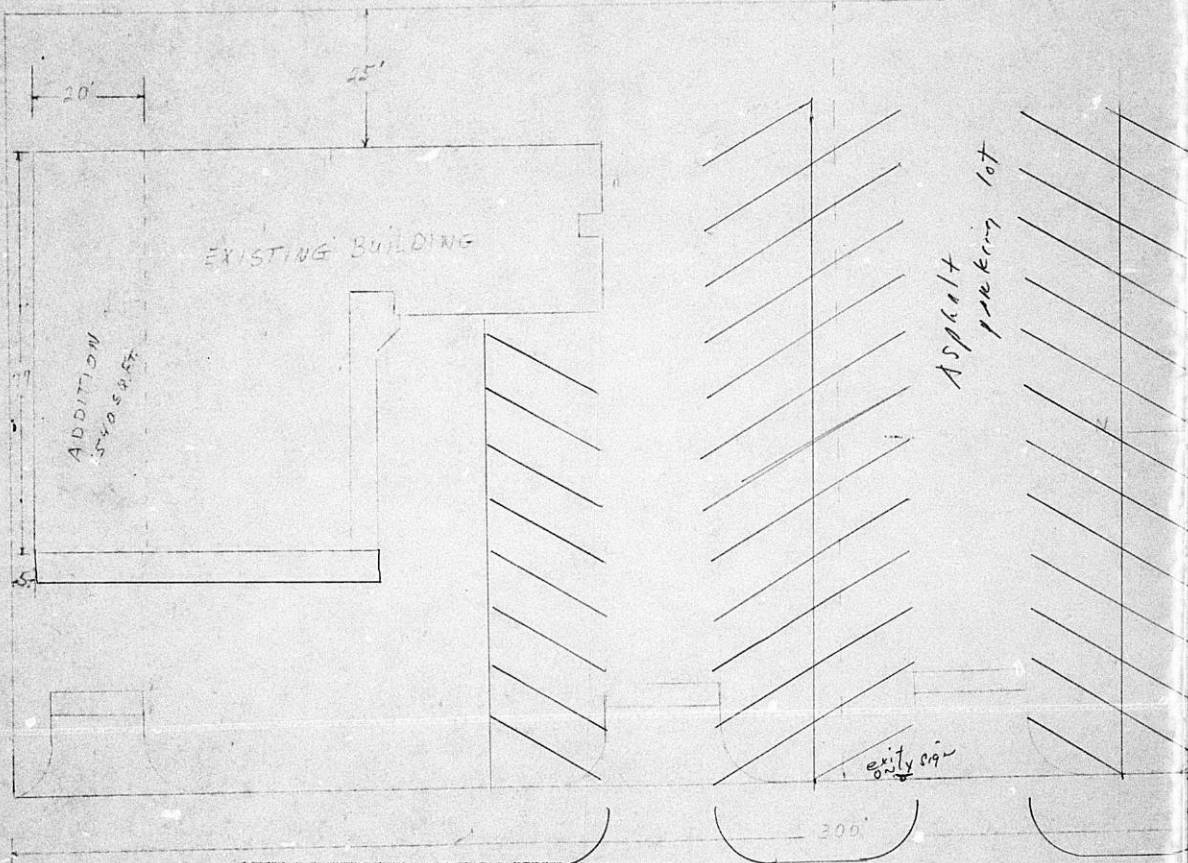
Calvin Coolidge Whitney and Gladys G.  
 1726 N. Madison  
 Wichita KS 67214

1424



LOTS 10-12-14-16-18-20  
MADISON

SEWER - ELECTRIC ALLEY



Remove existing Drive

TRAFFIC ENGINEERING DIVISION APPROVED  
*Tim Lee B2A*  
 Date *Sept 25, 1979*

(A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 5 feet and a minimum cross section of 4" x 4".

(B) Stall lines shall be painted and 4" or greater in width.

(C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the building facility.

FRONT ON MADISON

existing Drive

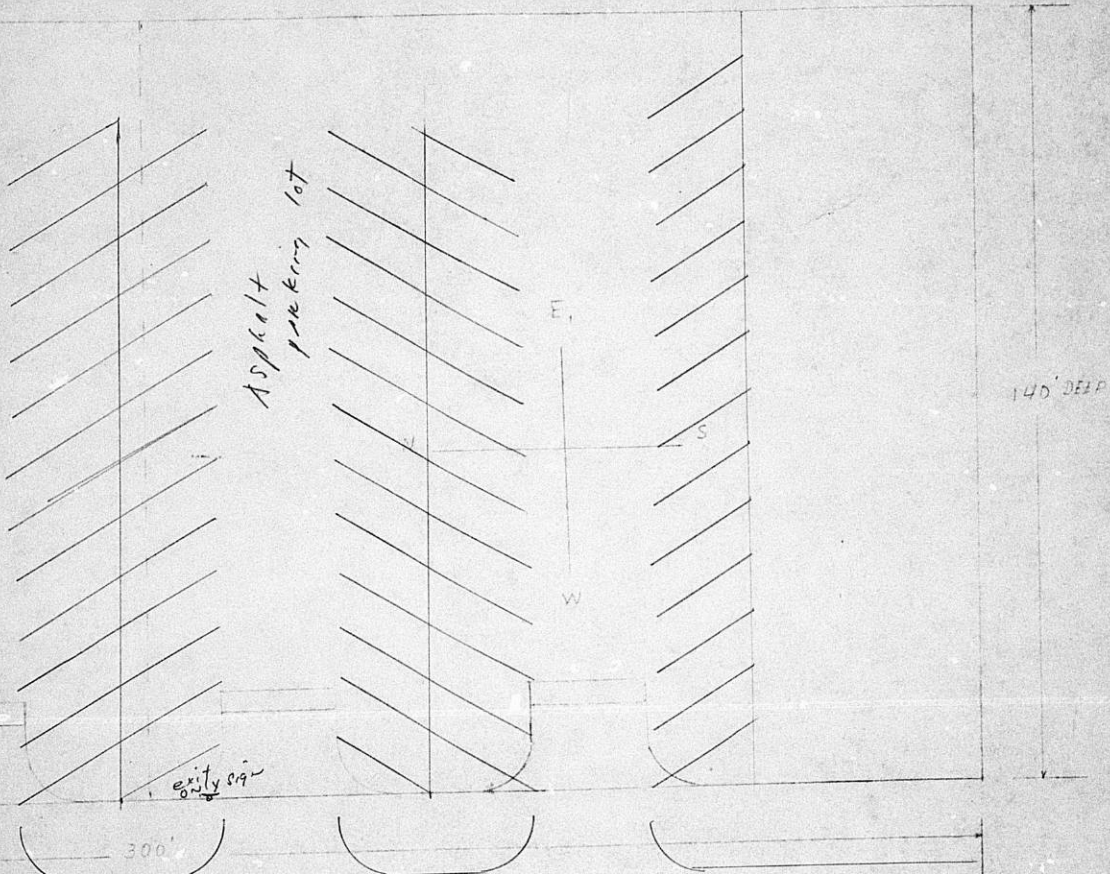
PLOT PLAN

LOTS 10-12-14-16-18-20-22-24 (26-28-30-32)

MADISON AVE.

LOGAN ADD.

ELECTRIC VALLEY



FRONT ON MADISON

PLOT PLAN

existing Drive

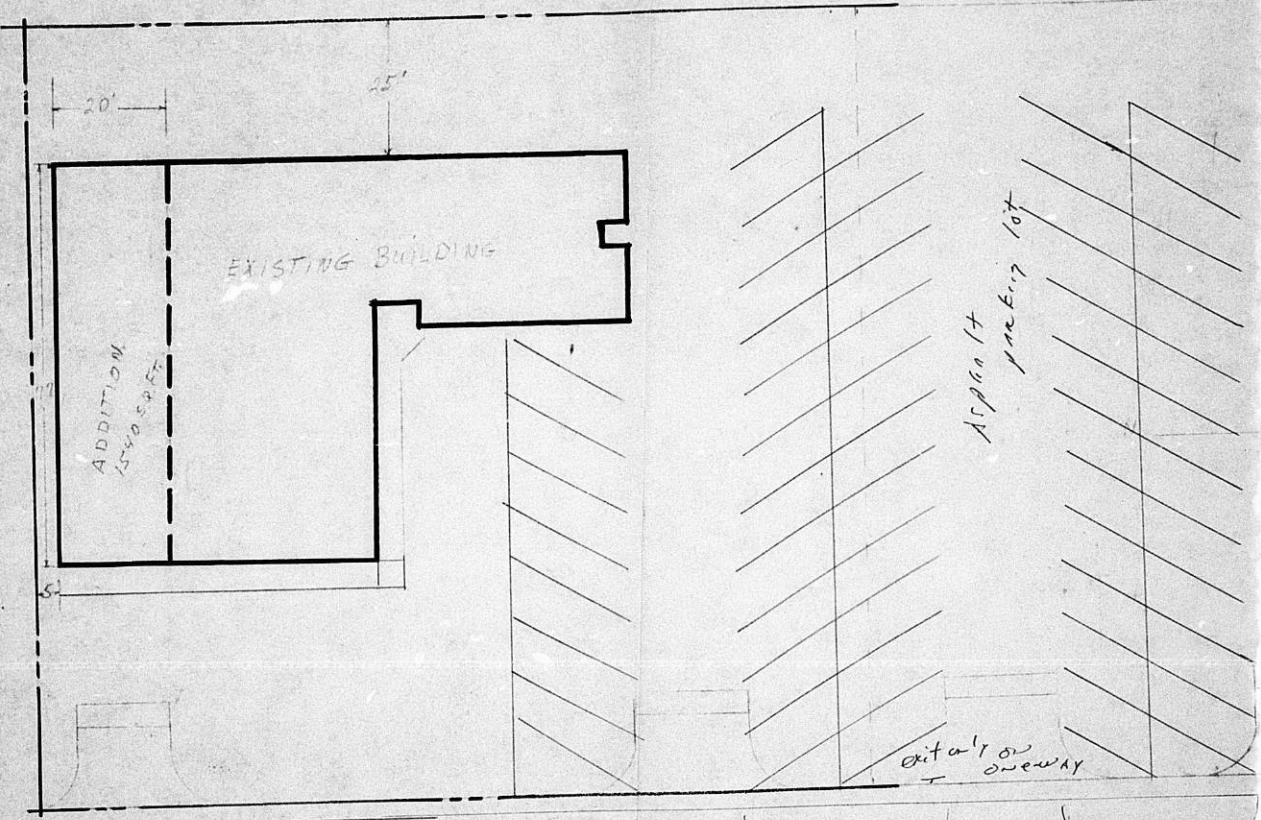
SCALE 1" = 20'

APPROVED  
224

Locations that  
notes will not  
in an length of  
7' 4".  
in width.  
installed on  
exits of the

LOTS 10-11-14-11-18-20-21  
MADISON A

SEWER - ELECTRIC VALLEY



Remove existing

TRAFFIC ENGINEERING DIVISION APPROVED  
**9th Feb - B2A**  
 Date: **Sept 25, 1979**

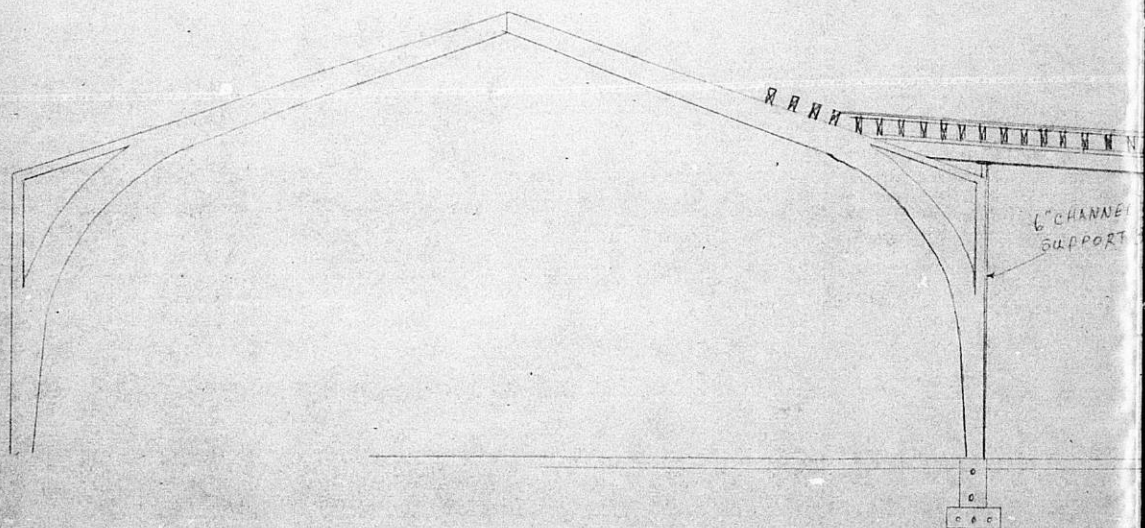
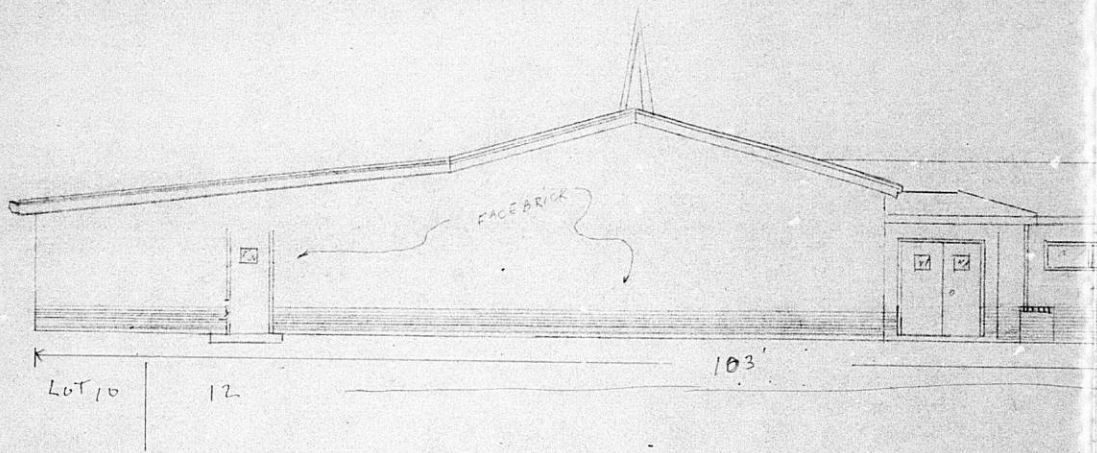
1. Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 3 feet and a minimum cross section of 4" x 4".
2. Stop lines shall be painted and 4" or greater in width.
3. Curb ramps and egress ramps shall be installed on private property at the entrances and exits of the proposed driveway.

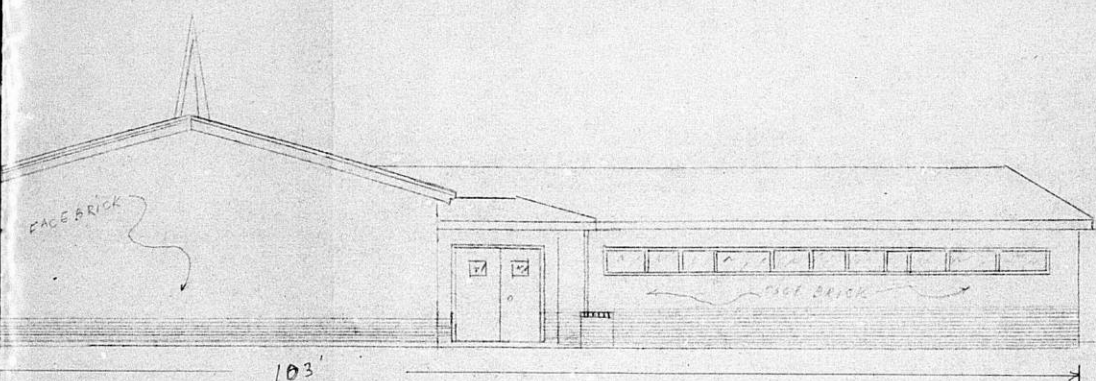
FRONT ON MADISON

PLOT PLAN

existing paving

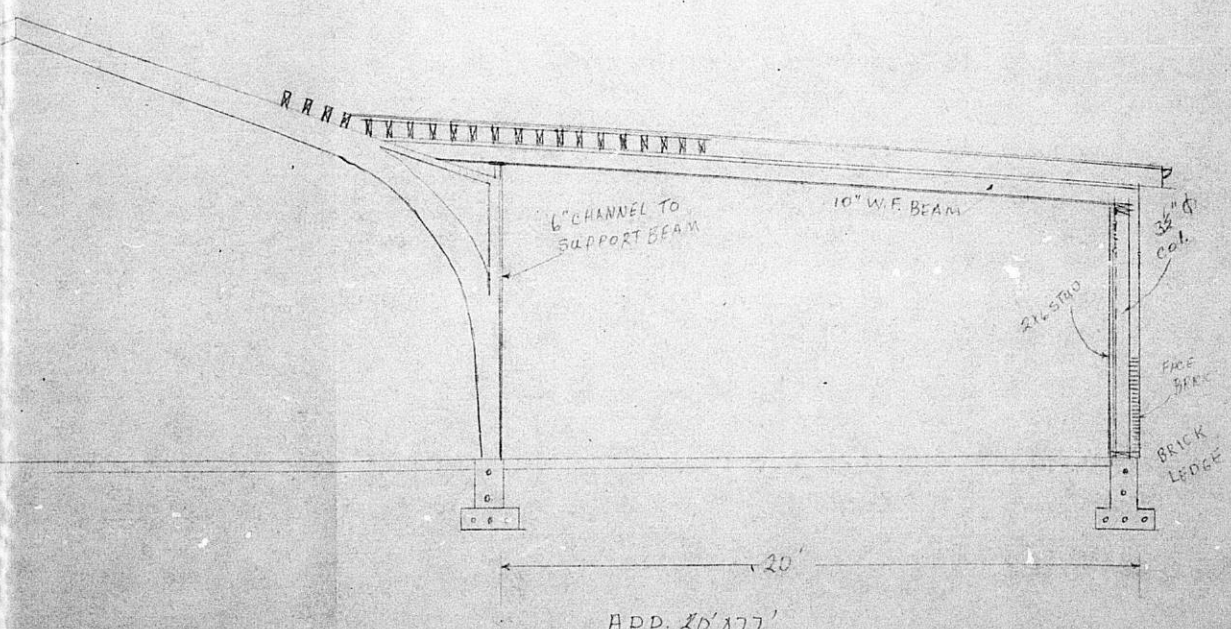






103'

24



ADD. 10' 1/2"

\*

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

Roll # 2