

200' 4 Sec 5-185
shot 5-2
Record -

Case No. BZA 75-84 - Olivet Southern Baptist Church - requests a variance to reduce the required side yard set back from 15' to 0' for off-street parking purposes only on property zoned the "AA" One-family Dwelling

POSTED
10-29-84 CLK

ACTION

B.Z.A. 75-84 APPROVED 11-27-84
DATE

200' 1/4 Sec 5-185
Shot 5-2
Record ✓

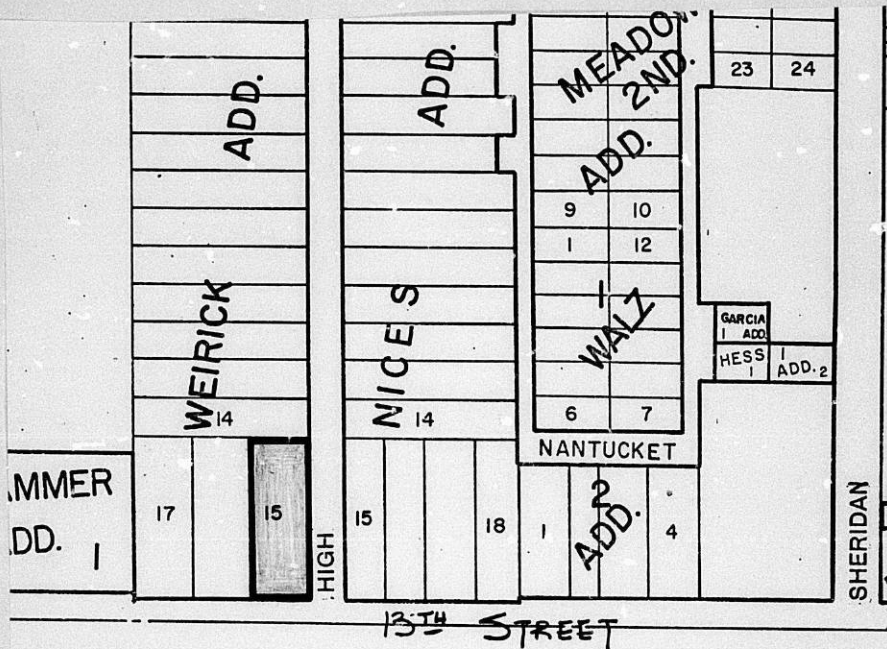
Case No. BZA 75-84 - Olivet Southern Baptist Church - requests a variance to reduce the required side yard setback from 15' to 0' for off-street parking purposes only on property zoned the "Aa" One-family Dwelling.

Map No. 5249C

BZA 75-84
Filed _____

AREA DATA:

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



LOS ANGELES CHICAGO LOGAN O'CONNORSON TX LOCUST DRIVE CA U.S.A.

Standard
No. 2153C



WAYNE HEORMAN (316) 838-9301
1900 AMIDON / P. O. BOX 4048 / WICHITA, KANSAS 67204

April 30, 1985

Olivet Southern Baptist Church
3430 West 13th Street
Wichita, Ks. 67203

Re: BZA 75-84 - Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 27, 1984.

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:sad
Encl.

cc: Jeffrey C. Sturm, Attorney, 830 North Waco, Wichita
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 75-84

WHEREAS, Olivet Southern Baptist Church, 3430 West 13th Street, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback from 15 feet to 0 feet for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 15 Weirick Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of 13th Street and High.

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 27, 1984, 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 a large lot that is adjacent to "BB" Office zoning on the west and is immediately across the street from the church that would use the parking, which is permitted by the conditions of the zoning ordinance; 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 that the driveway is located at least 10 feet from the north property line and the 15 foot setback north of the driveway will be maintained as a landscaped area; 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 side of the property is not easily adapted to off-street parking unless a variance of the setback is granted; 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 reduction of the setback for off-street parking purposes only 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 adequate provisions for landscaping and screening can be provided to protect the adjacent residential structures from the intrusion of the parking lot; 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.

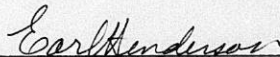
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required side yard setback from 15 feet to 0 feet for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 15 Weirick Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of 13th Street and High.

be approved subject to the following conditions:

1. The reduction of the platted 15 foot side yard setback to 0 feet shall be for off-street parking purposes only.
2. The applicant shall retain a 20 foot rear yard for the structure located on the south part of the lot only if it is maintained as a residence.
3. The driveway approach shall not be located closer than 10 feet to the north property line and the setback area north of the driveway approach shall be maintained as a landscaped yard.
4. The applicant shall not provide bus parking on the property.
5. Street trees shall be planted in the street right-of-way area wherever the side yard setback is reduced. Three copies of a landscape plan shall be submitted to the Secretary for approval. Such plan may be included as a part of the overall site plan required by condition number 6.
6. Prior to the release of the resolution authorizing the issuance of any permits to improve the parking lot, the applicant shall provide 3 copies of a site plan to the Secretary for approval showing compliance with all conditions as set forth above and the requirements of the zoning ordinance including screening, surfacing and parking barriers adjacent to the public right-of-way line to prevent encroachment of vehicles over public property.

ADOPTED AT WICHITA, KANSAS, this 27th day of November, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

April 10, 1985

Olivet Southern Baptist Church
3430 West 13th Street
Wichita, Ks. 67203

Re: BZA 75-84 - Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 27, 1984.

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.

In addition the street right-of-way adjacent to High Street shall be provided with street trees as indicated by the approved landscape plan.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Jeffrey C. Sturm, Attorney, 830 North Waco, Wichita
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

November 29, 1984

Olivet Southern Baptist Church
3430 West 13th Street
Wichita, Ks. 67203

Re: BZA 75-84 - Request for Variance

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on November 27, 1984, your request for a variance was considered. It was the action of the Board to approve your request subject to the following conditions:

1. The reduction of the platted 15 foot side yard setback to 0 feet shall be for off-street parking purposes only.
2. The applicant shall retain a 20 foot rear yard for the structure located on the south part of the lot only if it is maintained as a residence.
3. The driveway approach shall not be located closer than 10 feet to the north property line and the setback area north of the driveway approach shall be maintained as a landscaped yard.
4. The applicant shall not provide bus parking on the property.
5. Street trees shall be planted in the street right-of-way area wherever the side yard setback is reduced. Three copies of a landscape plan shall be submitted to the Secretary for approval. Such plan may be included as a part of the overall site plan required by condition number 6.
6. Prior to the release of the resolution authorizing the issuance of any permits to improve the parking lot, the applicant shall provide 3 copies of a site plan to the Secretary for approval showing compliance with all conditions as set forth above and the requirements of the zoning ordinance including screening, surfacing and parking barriers adjacent to the public right-of-way line to prevent encroachment of vehicles over public property.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as you have complied with condition number 6 above.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Jeffrey C. Sturm, Attorney, 830 N. Waco, Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 75-84

APPLICANT: Olivet Southern Baptist Church, 3430 West 13th Street.

AGENT: Jeffrey C. Sturm, Attorney. 830 North Waco, 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 15' to 0' for off-street parking purposes only.

GENERAL LOCATION: On the northwest corner of 13th Street and High.

ZONING: Subject property is zoned the "AA" One-family dwelling district as are the properties to the east and north. Properties to the west and south are zoned the "BB" Office District.

LAND USE: Subject property is presently occupied by a residence and an unimproved parking lot being used in violation of zoning requirements. Property to the north is a one-family dwelling. The church is to the east, and offices are located to the west.

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 of the required side yard setback adjacent to the street from 15 feet to 0 feet for off-street parking purposes only. This property is to be used for off-street parking for the church which is located across the street to the east. This would permit the improvement, of the present graveled area, into a parking lot for use by the church with adequate aisle space to comply with the off-street parking standards.

It is the Secretary's opinion that the request to reduce the platted side yard setback adjacent to the street from 15 feet to 0 feet for off-street parking purposes only is appropriate particularly when the applicant's main use is immediately across the street to the east. There are however, a couple of changes that should be made to the plan. One change in the plan is required by the ordinance and that is to maintain a 20 foot rear yard for the existing residence on the property. The second change would be to find a new location for the church bus storage that would not be in the normal setback on a residential street. In this particular case, the applicant shows the location at the north property line and adjacent to the street right-of-way line that would result in bus or buses to appear to be in the front yard of the neighbor on the north.

It is suggested that the driveway be located at least 25 feet to the south of the north property line and the buses be parked at the west side of the parking lot. This would permit the location of a landscaped area to remain north of the driveway which would provide some protection to the residential property to the north.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is a large lot that is adjacent to "BB" Office zoning on the west and is immediately across the street from the church that would use the parking, which is permitted by the conditions of the zoning ordinance.

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 provided that the driveway is located at least 25 feet from the north property line and the 15 foot setback north of the driveway is maintained as a landscaped area.

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 size of the property is not easily adapted to off-street parking unless a variance of the setback is granted.

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 setback for off-street parking purposes only 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 adequate provisions for landscaping and screening can be provided to protect the adjacent residential structures from the intrusion of the parking lot.

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. The reduction of the platted 15 foot side yard setback to 0 feet shall be for off-street parking purposes only.
 2. The applicant shall retain a 20 foot rear yard for the residence located on the south part of the lot.
 3. The driveway approach shall not be located closer than 25 feet to the north property line and the setback area north of the driveway approach shall be maintained as a landscaped yard.
 4. The applicant shall provide for bus parking toward the west side of the property.
 5. Street trees shall be planted in the street right-of-way area wherever the side yard setback is reduced. Three copies of a landscape plan shall be submitted to the Secretary for approval. Such plan may be included as a part of the overall site plan required by condition number 6.
 6. Prior to the release of the resolution authorizing the issuance of any permits to improve the parking lot, the applicant shall provide 3 copies of a site plan to the Secretary for approval showing compliance with all conditions as set forth above and the requirements of the zoning ordinance including screening, surfacing and parking barriers adjacent to the public right-of-way line to prevent encroachment of vehicles over public property.
-

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE November 19, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Stanley J. Scott, CP Coordinator

SUBJECT BZA 75-84: Northwest Corner of
13th Street and High

On Wednesday, November 14, CPO Neighborhood Council "M" considered the captioned case, a request for a zoning variance to reduce the required side yard setback from 15 feet to 0 feet for off-street parking purposes only on property zoned "AA" One-Family Dwelling District. The Council voted 7-0 to recommend approval of the requested variance.

Council members were provided the notice to adjoining property owner, a map of the area and MAPD staff comments. A representative for the applicant, Olivet Southern Baptist Church, was not present. No area residents or property owners were in attendance.

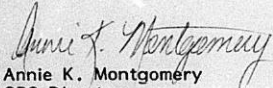
Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 75-84 is considered, November 27.



Stanley J. Scott
CP Coordinator

SJS:dm

Noted:



Annie K. Montgomery
CRS Director

BZA CASE NO. 75-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPD
<u>11</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>14</u>	TOTAL NOTICES SENT <u>11-7-84</u>

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

November 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 75-84

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 Olivet Southern Baptist Church, 3440 West 13th Street, 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 side yard setback from 15 feet to 0 feet for off-street parking purposes only on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 15 Weirick Addition to Wichita, Sedgwick County, Kansas.
Generally located on the northwest corner of 13th Street and
High.

This application has been assigned Case BZA 75-84. It will be considered by the Board of Zoning Appeals on November 27, 1984 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

CASE NO. 75-84

CITY OF WICHITA, KANSAS

FILED 10-26-84

APPLICATION FOR VARIANCE

I. Name of Applicant Olivet Southern Baptist Church

Mailing Address 3440 W. 13th St. Phone 942-2246

Name of Authorized Agent Jeffrey C. Sturm, Attorney at Law

Mailing Address 833 N. Waco Phone 263-9323

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

II. The variance requested is to reduce side yard from twenty-five (25)¹⁵
feet to zero (0) feet for the purpose of off-street parking only.

for property located at the southern corner of 13th Street and High
3580 W. 13th Wichita, Kansas

Handwritten initials

and legally described as: Lot 15, Weirick Addition, Wichita,
Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned AA Single Family

- 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 Olivet Southern Baptist Church

Authorized Agent Jeffrey C. Sturm

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
1:30 (p.m.), OCT 26 1984 together with
appropriate fee of 100.

Signed A. Lytle

REALS AND STURM

ATTORNEYS AT LAW
RIVERFRONT PLACE - 833 N. WACO
P. O. BOX 1798
WICHITA, KANSAS 67201

JOHN F. REALS
JEFFREY C. STURM

(316) 263-9323

October 25, 1984

RECEIVED

OCT 26 1984

METROPOLITAN PLANNING
ROUTE _____

Board of Zoning Appeals
City of Wichita
Wichita, Kansas

Dear Zoning Board:

Please be advised that I am the attorney who represents Olivet Baptist Church, located at 3440 W. 13th Street, Wichita, Kansas.

My client, the Olivet Southern Baptist Church, would like to have permission and request this Board for a variance, which would allow them to pave Lot 15, Weirick Addition, for the purpose of additional offstreet parking for the church. Said paving would cover the North one-half of said lot and also at least one-half of the South one-half of Lot 15, except where the church owned house is presently situated.

This request for said variance is being made pursuant to Title 28, and said request is not contrary to the public interest and a literal enforcement of Title 28 would result in unnecessary hardship to my client, if literal enforcement was mandated. Further, this variance request arises from a condition that is unique to the property in question and which is not ordinarily found in this same zone or district; and is not created by an action or actions of the property owner or the applicant, inasmuch as the property is located in an area that the City Commission has determined is appropriate for this type of request; and the granting of this requested permit for the variance will not adversely affect the rights of adjacent property owners or residents; and that the strict application of the provisions of Title 28, of

which this variance is requested will constitute an unnecessary hardship upon the property owner represented in this application; and that this requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and the granting of the requested variance will not be opposed to the general spirit and intent of Title 28.

Pursuant to the Code of the City of Wichita in regard to the items required to be submitted, please find enclosed a formal application for variance, executed by the undersigned as authorized agent for the applicant, Olivet Southern Baptist Church; a Certificate of Ownership, executed by Realty Title Company, Inc., which sets forth the names and current mailing addresses of the owners of all property located within 200 feet of the property involved in the application; the applicant's sketch or plot plan prepared by an architect, which is drawn to scale and shows the lot or lots included in the application, the structures existing thereon and the structures contemplated necessitating the variance requested; and finally, a check in the amount of \$150.00, representing the fee required for this application. If you have any questions or comments, please feel free to contact me at any time.

Very truly yours,


Jeffrey C. Stura
JCS/mc
enc.

CERTIFICATE OF OWNERSHIP

REALTY TITLE CO., INC., hereby certifies the following to be the true and correct property owners as shown by the last deeds of record in the Office of the Register of Deeds, Sedgwick County, Kansas, at 200 foot radius of Lot 15, Weirick Addition, Sedgwick County, Kansas.

<u>DESCRIPTION</u>	<u>OWNERS AND ADDRESSES</u>
<u>Weirick Addition</u>	
Lot 12	✓ Don W. Wilson and Nora O. Wilson Rt. 3, Box 650 Conway, AR 72032
Lot 13	✓ Dorothy L. Wagner and Theresa Ann Smith 1423 N. High Wichita, KS 67203
Lot 14	✓ Roger M. Hubble and Roberta J. Hubble 1417 N. High Wichita, KS 67203
Lot 15 (S½)	✓ Madge Sherwood c/o Olivet Southern Baptist Church 3500 W. 13th Wichita, KS 67203
Lot 15 (N½)	✓ Olivet Southern Baptist Church 3440 W. 13th St. North Wichita, KS 67203
Lots 16 and 17	✓ K M & M Properties, a Kansas partnership 3580 W. 13th Street Wichita, KS 67203
<u>Nice's Addition</u>	
Lot 12 (W½)	✓ Clifford E. Wade and Patricia J. Wade 1432 High Wichita, KS 67203
Lots 13, 14, 15, and 16	✓ The Fourth National Bank and Trust Company, Wichita, Kansas, as Trustee 3440 W. 13th St. North Wichita, KS 67203
<u>Esterline Addition</u>	
Lot 2	✓ Wilbur L. Smith and Maxine E. Smith 3445 W. 13th Wichita, KS 67203
<u>Darge Addition</u>	
Lot 1	✓ Knudtson, Orth and Brooks, a partnership 3455 W. 13th Wichita, KS 67203
<u>H.F. Johnston Addition</u>	
Lots 1, 2, and 3	✓ Betty L. Stautter 3535 W. 13th Wichita, KS 67203

DESCRIPTION

OWNERS AND ADDRESSES

Frenchvilla Addition

Lot 1

✓ Monarch Normandy Square Partners, a
California Limited Partnership
1000 Quail Street, Suite 260
Newport Beach, CA 92660

DATED at Wichita, Kansas, this August 27, 1984.

REALTY TITLE CO., INC.

Judy Cachard

NAME Olivet South Bay Church
 FOR City BZA Var.

1:56 PM
 1:56 PM
 75540071003
 5640 1 1 10/26/84 CASH
 150.00 TOTL

FUND
 150.00 TR 1
 150.00 TOTL
 150.00 CHEK

FORM 021- PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Flbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
CITY BZA VAR.	150.00

NAME OLIVET SO. BAPT. CH.
 ADDRESS 3440 W. 13TH
 FUND 155-40071-003 DUE DATE
 COMMENTS
 DATE OCT. 26, 1984 BY [Signature]

15843
 150.00 CITY OF WICHITA
 CASH REGISTER RECEIPT

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 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 820 Val	\$150.00

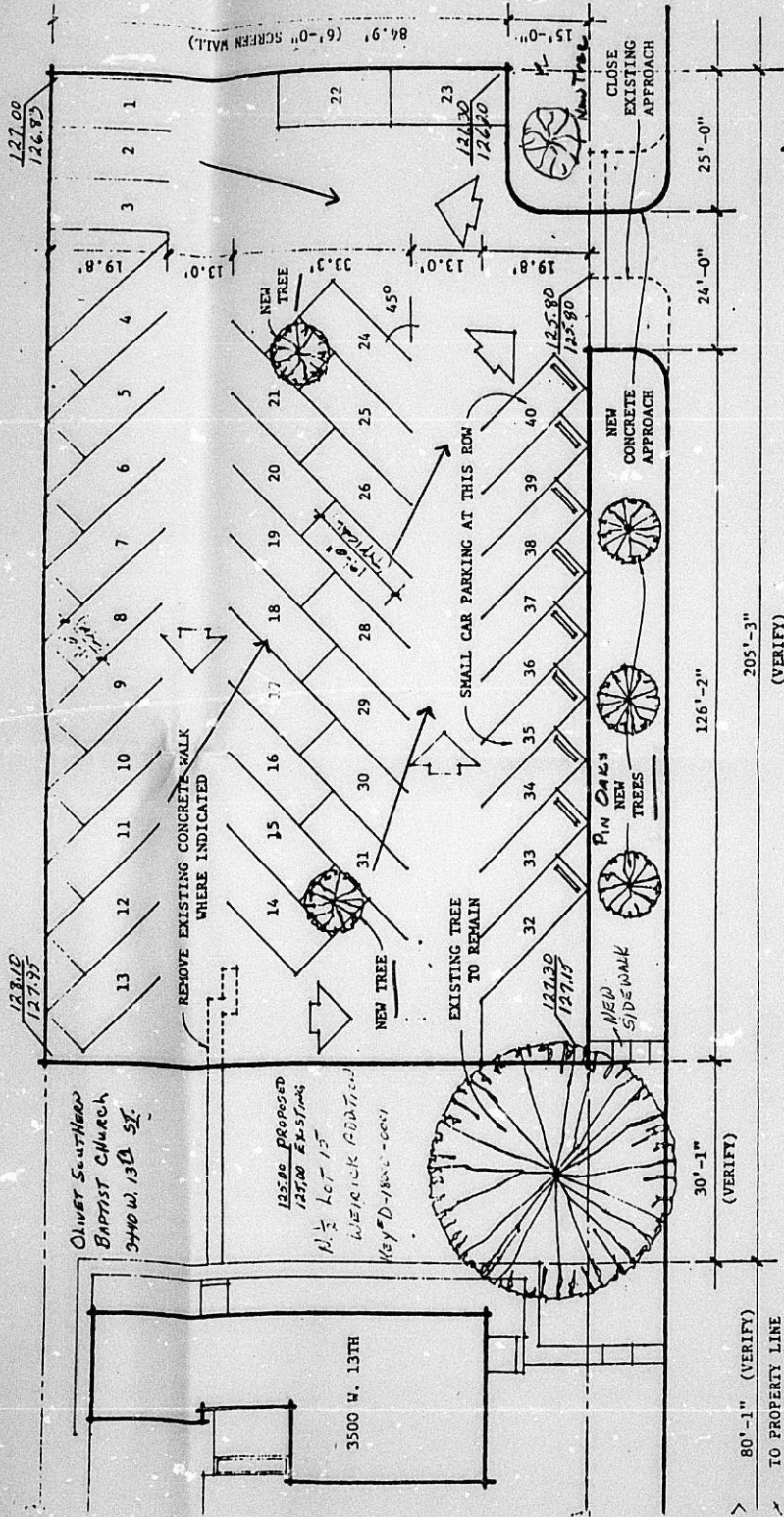
NAME *Don't See Root Co*

ADDRESS *3440 W 13th*

FUND *755-20091-0* DUE DATE

COMMENTS

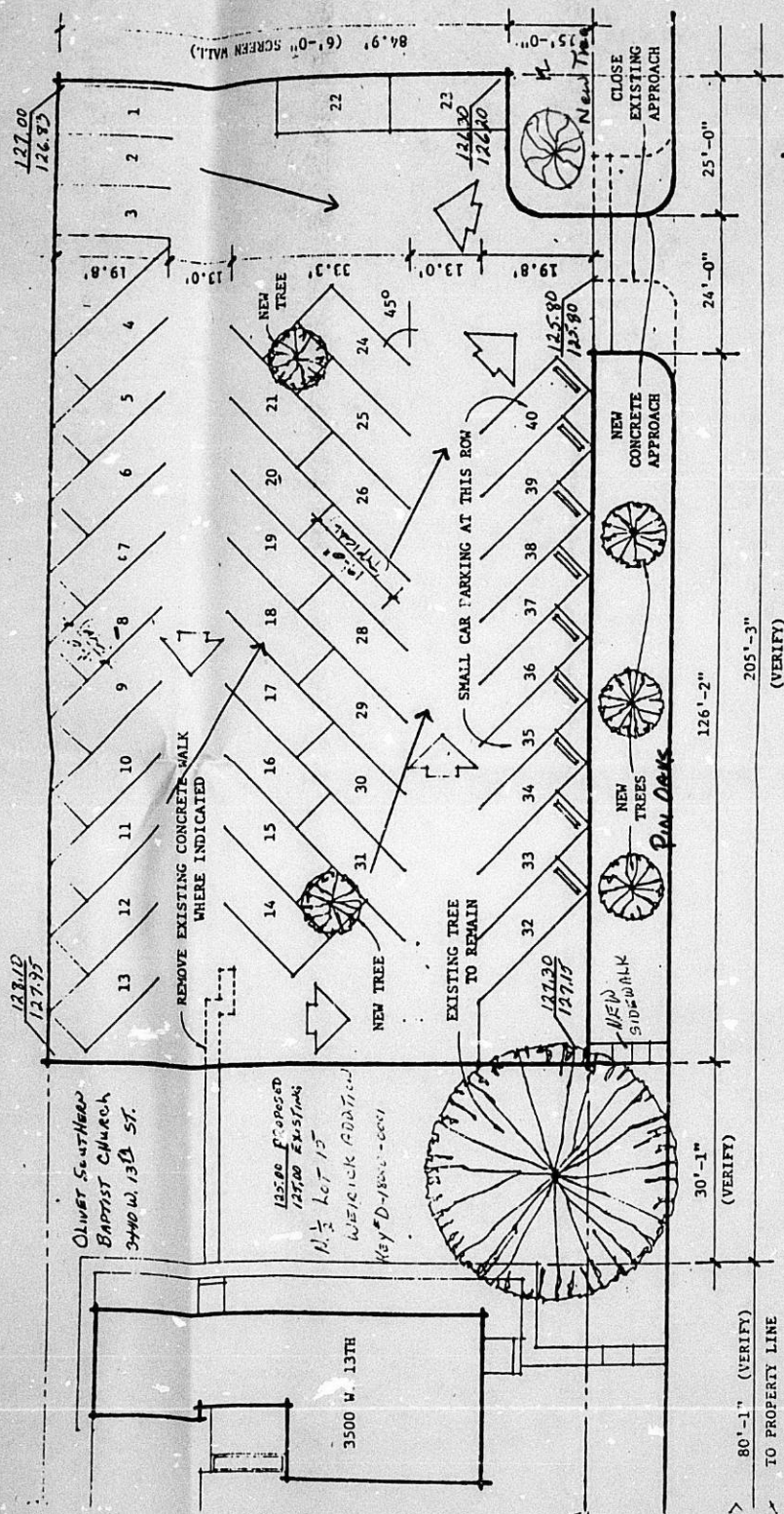
DATE *Oct 26 1954* BY *ST-576*



new parking lot

HIGH ST.
 B.M. 125.449 STANDARD NW COR 13TH + SHERIDAN

LANDSCAPE PLAN APPROVED
 4-30-85
[Signature]



OLIVET SEVENTH
BAPTIST CHURCH
3440 W. 13TH ST.

12500 PROPOSED
12500 EXISTING
A. 1/2 LOT 15
WESTERLY ADJUTED
KEY D-1800-0001

HIGH ST.

BM: 125749 STANDARD NW COR 13TH + SHERIDAN

new parking lot

LANDSCAPE PLAN APPROVED
4-30-85 *[Signature]*

