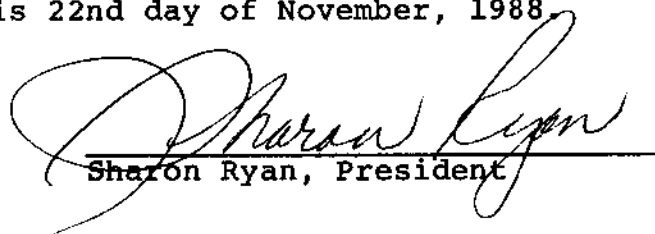


subject to the following conditions:

1. The proposed new metal building shall be no taller than one story.
2. There shall be no encroachments of foundations, roof overhangs or any other structure within the existing 8-foot utility easement located along the south property line.
3. The variance shall apply to only a 40-foot length of the rear yard as depicted on the site plan by the designation "new metal building".
4. The property shall be developed substantially in compliance with the site plan as submitted to the Board.

ADOPTED AT WICHITA, KANSAS, this 22nd day of November, 1988.

  
\_\_\_\_\_  
Sharon Ryan, President

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 51-88

WHEREAS, Cornerstone Church of God, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to not less than 8 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 1 and 2, Block A, Replat of Sowers Gardens, Sedgwick County, Kansas. Generally located at the southeast corner of Glenn and Crawford (2706 S. Glenn).

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 22, 1988, 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 sanctuary is located well back from both streets and the parking and playground requirements further restrict the location of additional structures; 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 structure is limited to one story in height and will be separated from the rear yard of the adjacent single-family home by a solid 6-foot-tall wooden fence; 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 proposed building would have to be reduced in size by approximately 480 square feet which, according to the applicant, would make it economically infeasible to construct; 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 no existing or needed street right-of-way or utility easements will be encroached upon by the proposed structure; and

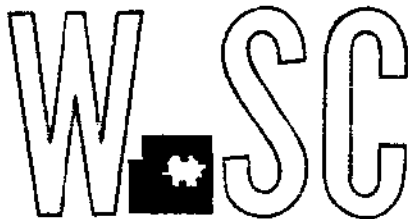
WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as there will still be adequate space between the building and south property line to provide for light, air and pedestrian circulation; 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 be approved for a variance to reduce the rear yard setback from 20 feet to not less than 8 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lots 1 and 2, Block A, Replat of Sowers Gardens, Sedgwick County, Kansas. Generally located at the southeast corner of Glenn and Crawford (2706 S. Glenn).

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1668  
(316) 268-4561

November 23, 1988

Pastor Wade S. Kerns  
3042 Exchange  
Wichita, KS 67217


Re: BZA 51-88 - Variance to reduce rear yard setback from 20 ft.  
to 8 ft. at 2706 S. Glenn.

Dear Pastor Kerns:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on November 22, 1988. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

  
Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO:jcm  
Enclosure

cc: Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Zoning Administrator, CID  
Dale Rea, Deputy City Clerk

FILE COPY

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 proposed new metal building shall be no taller than one story.
2. There shall be no encroachments of foundations, roof overhangs or any other structure within the existing 8-foot utility easement located along the south property line.
3. The variance shall apply to only a 40-foot length of the rear yard as depicted on the site plan by the designation "new metal building".
4. The property shall be developed substantially in compliance with the site plan as submitted to the Board.

November 22, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 51-88

OWNER/APPLICANT/AGENT: Cornerstone Church of God (owner/applicant)  
Pastor Wade Kerns (agent)

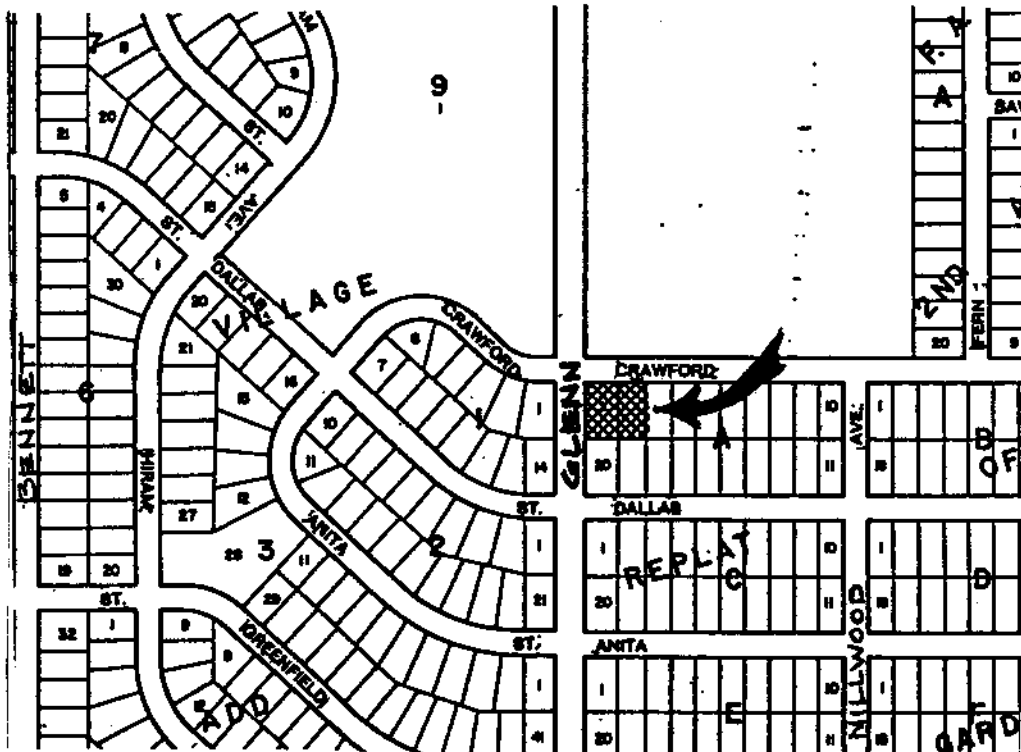
REQUEST: Variance to reduce the rear yard setback from  
20 feet to not less than 8 feet.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 148.5 ft. x 135 ft.

LOCATION: Southeast corner of Glenn & Crawford  
(2706 S. Glenn)

PROPOSED USE: Child daycare center operated in conjunction  
with the Cornerstone Church of God.



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.

BACKGROUND: The applicant is requesting a reduction of the required rear yard setback from 20 feet to not less than 8 feet. There is an 8-foot-wide utility easement along the south property line which would prohibit any encroachments, including foundations and roof overhangs. The need for this variance is brought about by the desire to construct a new building to house a child daycare center and to place the required playground at some location other than along the south property line. Due to the location of the existing sanctuary and the economic need to construct a building large enough to accommodate approximately 60 children, the resultant site plan cannot maintain a 20-foot yard on the south.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	Public junior high school
SOUTH	"AA"	One-family dwellings
EAST	"AA"	One-family dwellings
WEST	"AA"	One-family dwellings

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the existing sanctuary is located well back from both streets and the parking and playground requirements further restrict the location of additional structures.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the structure is limited to one story in height and will be separated from the rear yard of the adjacent single-family home by a solid 6-foot-tall wooden fence.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the proposed building would have to be reduced in size by approximately 480 square feet which, according to the applicant, would make it economically infeasible to construct.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no existing or needed street right-of-way or utility easements will be encroached upon by the proposed structure.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as there will still be adequate space between the building and south property line to provide for light, air, and pedestrian circulation.