

The west 100 feet of Lot 1, Block A, St. Jude Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Amidon, south of 31st St. North (3130 Amidon).

subject to the following conditions:

1. The applicant shall obtain a permit from Central Inspection and shall construct the proposed education building within two years following approval by the Board of Zoning Appeals.
2. The building shall be located generally as shown on the site plan submitted with this application.
3. The front yard setback variance shall apply only to that portion of the lot immediately in front of the proposed education building.

ADOPTED AT WICHITA, KANSAS, this 26th day of January, 1993.

  
\_\_\_\_\_  
Mitchell Faroh, President

ATTEST:

  
\_\_\_\_\_  
Louise Olivarez, Secretary

BZA RESOLUTION NO. 26-92

WHEREAS, St. Jude Church, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front 25-foot building setback along Amidon Avenue to 15 ft. from the south edge of the existing drive, between the convent and parish hall, south 150 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:

The west 100 feet of Lot 1, Block A, St. Jude Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Amidon, south of 31st St. North (3130 Amidon).

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 January 26, 1993, 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 25-foot building setback has already been substantially encroached upon by a preexisting building on the site and this will be only a 10-foot encroachment. It will provide school children in the school building with indoor accessibility to the cafeteria in the parish hall, rather than making them cross a small outside courtyard as is presently done. It also serves as a community educational and spiritual center for many in the vicinity; 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 proposed educational building will be located between and connected to existing church buildings and is separated from nearby homes by a parking lot and playground and Amidon's four lanes of pavement; and

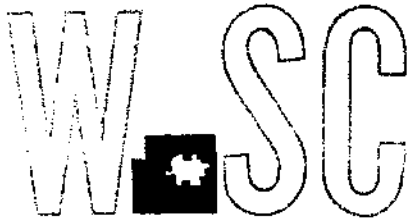
WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as there is no interior connection between the school and the cafeteria in the parish hall or handicap accessibility to the parish hall, and the only other option would involve expanding behind the parish hall to the east, which would result in reduced parking capacity and playground area and would interrupt circulation patterns in the parking lot and drive; 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 proposed educational building will not be located any closer to the street right-of-way than an existing building across the drive and should not affect visibility from the drive, provided that shrubbery and (existing) signage do not interfere; 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 general appearance along the street will not be substantially changed; 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 front 25-foot building setback along Amidon Avenue to 15 ft. from the south edge of the existing drive, between the convent and parish hall, south 150 feet on property zoned the "AA" One-Family Dwelling District and legally described as follows:



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421

January 26, 1993

Father Tom Scaletty  
St. Jude Church  
3130 Amidon  
Wichita, KS 67204


Re: BZA 26-92 - Variance to reduce the front 25-foot building setback along Amidon Avenue to 15 ft. from the south edge of the existing drive, between the convent and parish hall, south 150 feet, on property zoned the "AA" One-Family Dwelling District, located on the east side of Amidon in an area south of 31st Street North (3130 Amidon).

Dear Father Scaletty:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on January 26, 1993. 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. A copy of the site plan as submitted to the Board is also enclosed for your reference.

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, Secretary  
Board of Zoning Appeals

LO:jcm  
Enclosures

cc: Phil Meyer, Baughman Co., 315 Ellis, 67211  
Dwayne Rumsey, 322 Laura, 67211  
Paul Hays, OCI  
J.R. Cox, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk

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 proposed educational building will be located between and connected to existing church buildings and is separated from nearby homes by a parking lot and playground and Amidon's four lanes of pavement.

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 there is no interior connection between the school and the cafeteria in the parish hall or handicap accessibility to the parish hall, and the only other option would involve expanding behind the parish hall to the east, which would result in reduced parking capacity and playground area and would interrupt circulation patterns in the parking lot and drive.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the proposed educational building will not be located any closer to the street right-of-way than an existing building across the drive and should not affect visibility from the drive, provided that shrubbery and (existing) signage do not interfere.

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 the general appearance along the street will not be substantially changed.

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 applicant shall obtain a permit from Central Inspection and shall construct the proposed education building within one year following approval by the Board of Zoning Appeals.
2. The building shall be located generally as shown on the site plan submitted with this application.
3. The front yard setback variance shall apply only to that portion of the lot immediately in front of the proposed education building.

January 26, 1993

SECRETARY'S REPORT

CASE NUMBER:

BZA 26-92

OWNER/APPLICANT:

St. Jude Church, c/o Father Tom Scaletty

AGENT:

1) Baughman Company; 2) Dwayne Rumsey

REQUEST:

Variance to reduce the front 25-foot building setback along Amidon Avenue to 15 ft. from the south edge of the existing drive, between the convent and parish hall, south 150 feet.

CURRENT ZONING:

"AA" One-Family Dwelling District

SITE SIZE:

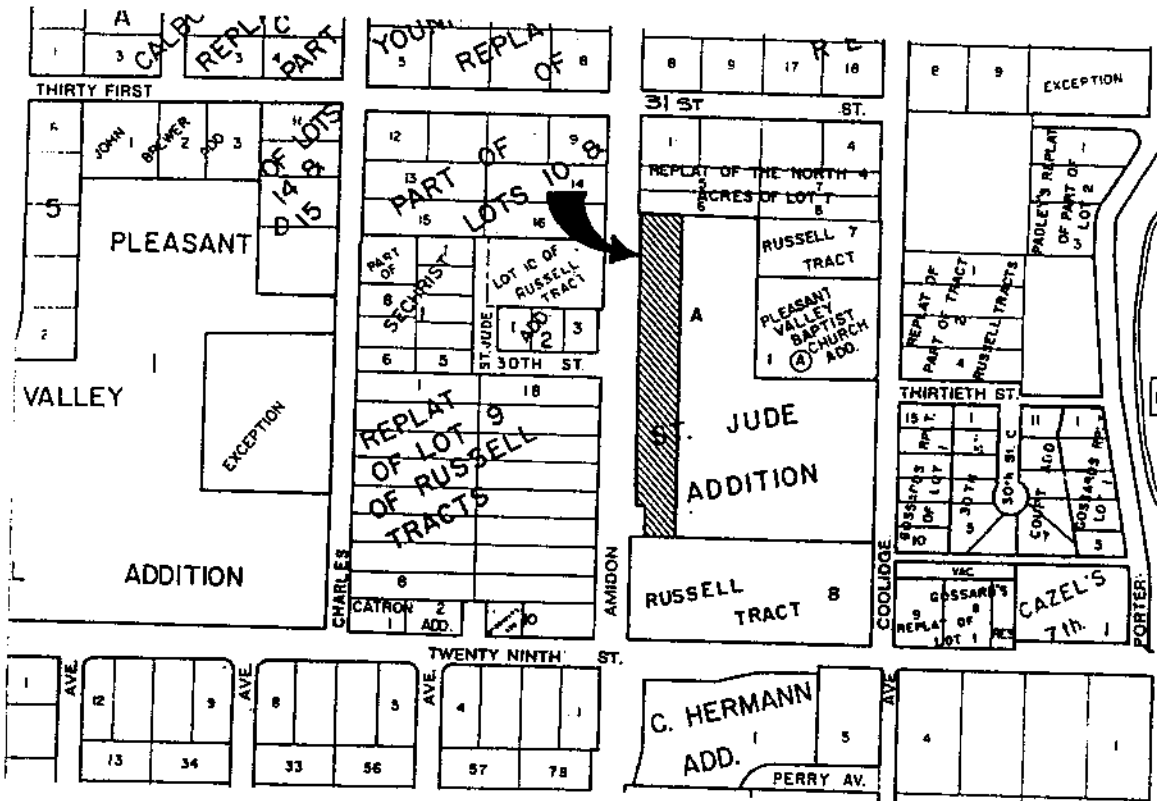
1.8 acres

LOCATION:

East side of Amidon in an area south of 31st Street North (3130 Amidon)

PROPOSED USE:

Education building



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:** St. Jude Church and the Catholic Diocese of Wichita are the property owners requesting a variance to reduce a portion of the front 25-foot building setback along applicant's 785-foot frontage on Amidon Avenue to 15 feet so that an education building may be constructed to connect the parish hall to the school. This proposed addition, to be built over a courtyard between the parish hall and school, will 1) provide an interior corridor to connect the lunch room in the basement of the parish hall to the classrooms in the school; 2) meet the church school's demand for additional classroom space; and 3) provide handicap accessibility between the school and the parish hall, satisfying the Americans with Disabilities Act (ADA) requirements.

On the application property there is a church, convent, parish hall and school. Behind these structures to the east there is also off-street parking, playing fields and playground areas. The convent presently encroaches on the existing 25-foot setback requirement by more than 20 feet which, in addition to tree and utility pole placement, reduces the ability to view southbound traffic when exiting the church property from the existing south drive. The church also has erected a portable (message) sign that may have the potential, when combined with a reduced southward view from the proposed addition, to obstruct northbound traffic from the drive by reducing the window of visibility of the northbound lanes. However, Traffic Engineering has stated that there should be no visibility problems as long as the sign satisfies placement requirements, per the sign code.

Though the church/school property is surrounded by single-family dwellings, any potential negative impacts should be minimal, due to the large amount of open space on the property that will buffer the effect of the 10-foot encroachment, as well as its location on a four-lane arterial. Shrubbery and landscaping should be considered to visually minimize the effect of the proposed addition resulting from the loss of the courtyard and open space, bearing in mind the need to maintain adequate traffic visibility from the drive.

**ADJACENT ZONING AND LAND USE:**

NORTH	"AA"	Single-family dwellings
SOUTH	"AA"	Single-family dwellings
EAST	"AA"	Additional school and church facilities
WEST	"AA"	Single-family dwellings

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the 25-foot building setback has already been substantially encroached upon by a preexisting building on the site and this will be only a 10-foot encroachment. It will provide school children in the school building with indoor accessibility to the cafeteria in the parish hall, rather than making them cross a small outside courtyard as is presently done. It also serves as a community educational and spiritual center for many in the vicinity.