WICHITA – SEDGWICK COUNTY

W.SC

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

FILE COPY

July 28, 1999

The Boyer Company
%Stephen L. Richards
127 South 500 East
Suite 100
Salt Lake City, Utah 84102-1906

RE: BZA 18-99 – Reduction in the compatibility setback requirements and compatibility site design requirements. On property generally located east of Hillside and south of Country Club Place.

Dear Ladies and Gentlemen:

At its regular meeting on July 27, 1999, the Board of Zoning Appeals considered the above-captioned request. The action of the BZA was to APPROVE the request.

The action of the BZA is FINAL. Enclosed is a signed copy of the above-referenced BZA Resolution No. 18-99. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Dale Miller
BZA Secretary

DM/rs

Cc: Baughman Company, %Russ Ewy, 315 Ellis, Wichita KS 67211
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection

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BZA RESOLUTION NO. 18-99

WHEREAS, Boyer Wichita Medical, L.C., c/o Lynn L. Summerhays (applicant/owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a reduction in the compatibility setback requirements and compatbility site design requirements on property zoned "GO" General Office and legally described as follows:

> Lot 1 and 2, Block 1, Lancaster Addition, Wichita, Sedgwick County, Kansas. Generally located east of Hillside and south of Country Club Place

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 July 27, 1999, 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 owners or the applicant. It is the opinion of staff that this property is unique inasmuch as it is an irregularly shaped ownership which previously had been developed with a number of single-family homes. The homes were purchased and the site rezoned to "GO". There are some utility easements with utilities that would be expensive to relocate if the building were to be located on the western portion of the site where it might be possible to meet the setback requirements. Such a site layout would place parking closer to the remaining residences.

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. 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 building will be one and one-half stories in height, approximately 14 feet in height. This height is much lower than the 35 feet permitted in residential zoning districts. The site layout has placed parking as far away from the residences as possible, thus minimizing parking lot activity from spilling over to adjacent homes. A screening fence 6-8 feet in height will be placed along the east and south property lines to minimize light and sight impacts created by a parking lot.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as moving of the utility easements would be an expensive and possibly project killing expense. The location proposed by the applicants is possibly the only way to locate a building of the size needed. The building is located as close as possible to Country Club Place. Staff considered the possibility of reducing the setback along Country Club Place to pick up additional space along the south property line, but decided it was not in favor of reducing that setback. Staff feels that it is more appropriate to reduce the setback along the rear than in the front. A reduction in building space would result in reduced health related service.

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. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as it is in the public s interest for medical services to be available.

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 the zoning ordinance. 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 regulations, inasmuch the provisions of the code are meant to provide a buffer to minimize noise, light, odor intrusion or the placement of buildings which are out of scale too close to residential uses. Given the fact this building is to be some 14 feet tall and the building will act as a buffer for parking lot activity and a screen fence is to be installed, the granting of this variance will be consistent with the spirit and intent of the 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 be approved for reduction in the compatbility setback requirements and compatibility site desgn requirements on property zoned "GO" General Office and legally described as follows:

> Lot 1 and 2, Block 1, Lancaster Addition, Wichita, Sedgwick County, Kansas. Generally located east of Hillside and south of Country Club Place

subject to the following conditions:

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance to reduce the compatibility setback from 25 feet to eight feet be granted, subject to the following conditions:

1. Maximum height of the proposed building shall be 11 feet at the subject setback line, and the site is to be developed in substantial conformance with the site plan submitted with this variance request.

2. The dumpster on the east property line shall be moved to comply with the 20 foot compatibility site design setback requirements for dumpsters.

3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any or the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 27th day of July, 1999.

C. Bickley Foster

C. Bickley Foster, President

ATTEST:

Dale Miller

Dale Miller, Secretary

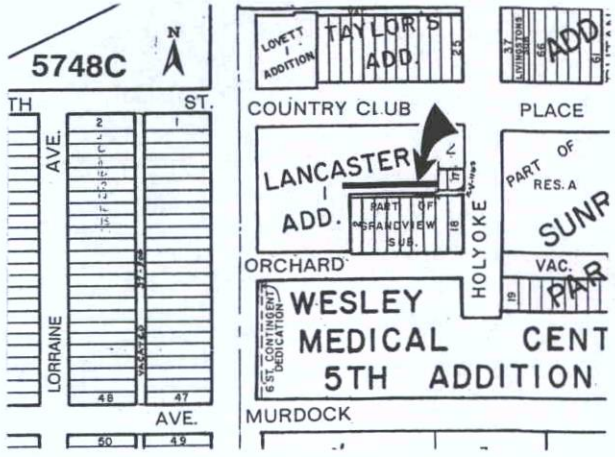
BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3

JULY 27, 1999

SECRETARY'S REPORT

CASE NUMBER:	BZA 18-99
OWNER/APPLICANT:	Boyer Wichita Medical, L.C.,c/o Lynn L. Summerhays (applicant / owner)
AGENT:	Baughman Company, P.A., c/o Russ Ewy
REQUEST:	Reduction in the compatibility setback requirements and compatibility site design requirements
CURRENT ZONING:	"GO", General Office
SITE SIZE:	1.9 acres
LOCATION:	East of Hillside and south of Country Club Place



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 State Statutes, are found to exist.

BACKGROUND: The application area is the block located east of Hillside and south of Country Club Place, except the southeast quarter of the block and the extreme eastern end of the block fronting Orchard and Holyoke Avenues. This property is the site of the proposed Wesley Family Practice Center, a new medical facility to be located on that part of the block with "GO", General Office zoning. The proposed building is to be a one and one-half story facility with approximately 15,375 square feet of space. The building is to be located in the middle of the north half of the block, with parking to be located on the western portion of the property, closest to Hillside. The main entrance to the building is to be located on the west side, facing Hillside.

Four homes remain in the southeastern one-quarter of the block on property zoned "TF-3", Two-family Residential. The "Unified Zoning Code" requires a minimum compatibility setback of 15 feet plus one foot for each five feet of lot width over 50 feet, with a maximum setback of 25 feet along side or rear lot lines where non-residential uses are adjacent to property zoned "TF-3" or more restrictive. To comply with the compatibility setback standard, the proposed building should be located 25 feet from the "TF-3" zoned property. The proposed building is to be located within 8 feet of the lots zoned "TF-3" located along the applicant's southern property line. Currently there is a 10 foot utility easement along the applicant's southern property line and a 5 foot utility easement along the northern end of the residential lots. This easement has overgrown with volunteer trees and shrubbery. The applicant has received a hold harmless agreement for a portion of the building to be located in the utility easement.

The eastern end of the building complies with the setback requirements, however the dumpster is shown as being located within 15 feet of property zoned "TF-3". The Unified Zoning Code requires dumpsters to be located a minimum of 20 feet from property zoned 'TF-3" or more restrictive.

Land to the north is zoned "GO", General Office (vacant) and "TF-3", Two-family Residential (residences). The land to the east is "TF-3", Two-family Residential and developed with homes. Land along the south is zoned "TF-3", Two-family Residential and "GO" General Office and is developed with residences and medical facilities.

ADJACENT ZONING AND LAND USE:

NORTH	"GO", General Office and "TF-3", Two-family Residential; vacant and residences
SOUTH	"GO", General Office, "TF-3" Two-family and "B", Multiple-family; residences and medical office
EAST	"TF-3", Two-family Residential; residences
WEST	"GO", General Office; Offices

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is an irregularly shaped ownership which previously had been developed with a number of single-family homes. The homes were purchased and the site rezoned to "GO". There are some utility easements with utilities that would be expensive to relocate if the building were to be located on the western portion of the site where it might be possible to meet the setback requirements. Such a site layout would place parking closer to the remaining residences.

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 building will be one and one-half stories in height, approximately 14 feet in height. This height is much lower than the 35 feet permitted in residential zoning districts. The site layout has placed parking as far away from the residences as possible, thus minimizing parking lot activity from spilling over to adjacent homes. A screening fence 6-8 feet in height will be placed along the east and south property lines to minimize light and sight impacts created by a parking lot.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as moving of the utility easements would be an expensive and possibly project killing expense. The location proposed by the applicants is possibly the only way to locate a building of the size needed. The building is located as close as possible to Country Club Place. Staff considered the possibility of reducing the setback along Country Club Place to pick up additional space along the south property line, but decided it was not in favor of reducing that setback. Staff feels that it is more appropriate to reduce the setback along the rear than in the front. A reduction in building space would result in reduced health related service.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as it is in the public's interest for medical services to be available.

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 regulations, inasmuch the provisions of the code are meant to provide a buffer to minimize noise, light, odor intrusion or the placement of buildings which are out of scale too close to residential uses. Given the fact this building is to be some 14 feet tall and the building will act as a buffer for parking lot activity and a screen fence is to be installed, the granting of this variance will be consistent with the spirit and intent of the ordinance.

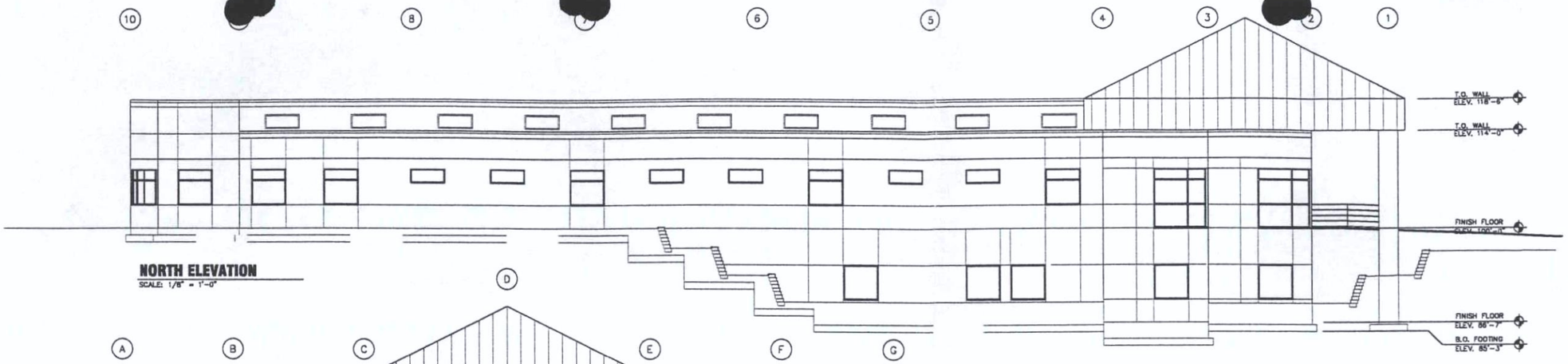
RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation

of the Secretary that the variance to reduce the compatibility setback from 25 feet to eight feet be granted, subject to the following conditions:

1. Maximum height of the proposed building shall be 14 feet at the subject setback line, and the site is to be developed in substantial conformance with the site plan submitted with this variance request.

2. The dumpster on the east property line shall be moved to comply with the 20 foot compatibility site design setback requirements for dumpsters.

3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any or the foregoing conditions.



NORTH ELEVATION
SCALE: 1/8" = 1'-0"



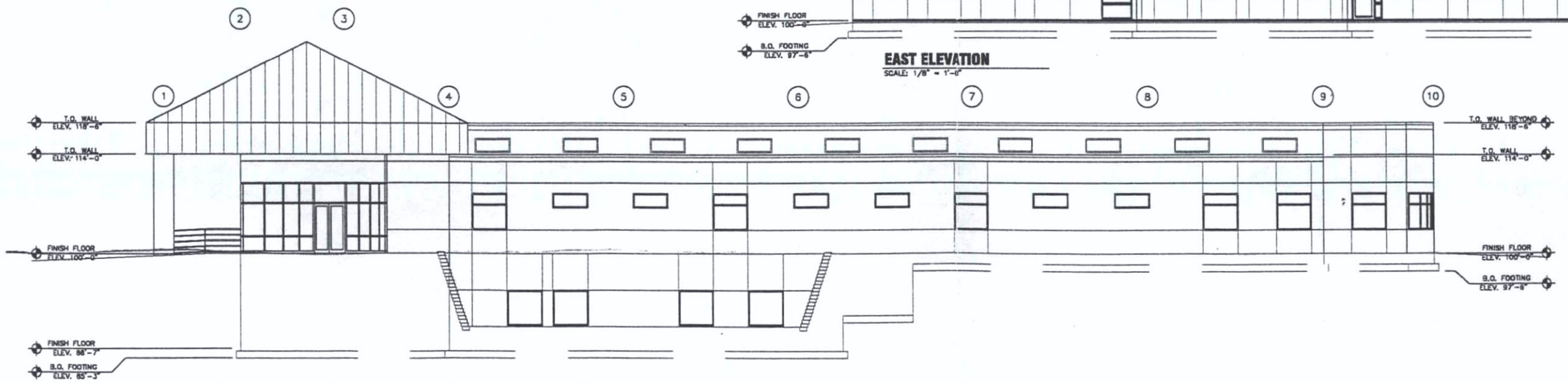
WEST ELEVATION
SCALE: 1/8" = 1'-0"

KEYED NOTES:

1. EIFS FASCIA AND SOFFIT, 1" FOAM OVER OVER \" SHEATHING/ CONCRETE.
2. PRE-FINISHED ALUMINUM COPING
3. 34" DIA. CONC. COLUMNS, SEE STRUCTURAL
4. V-GROOVE IN STUCCO BASE COURSE.
5. SLOPE GRADE AWAY FROM BUILDING FOR DRAINAGE, TYPICAL ALL AROUND
6. ALL STORE FRONT SHALL BE 1" INSULATED TINTED GLASS, TEMPERED.
7. METAL ROOF LADDER LOCATED IN MECHANICAL WELL. ACCESS FROM ROOF TOP.
8. STANDING SEAM METAL ROOF, SEE SPECS.



EAST ELEVATION
SCALE: 1/8" = 1'-0"



SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

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STATE OF UTAH DAVID J. DIXON 13499 LICENSED ARCHITECT

WESLEY FAMILY PRACTICE CENTER
WICHITA, KANSAS

DATE:
JANUARY 8, 1999

SHEET NO.
A-2.1

WICHITA/A2.1Elevations