CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 21, 2016

Nancy Loescher
5228 W. Central
Wichita, KS 67212

RE: BZA2016-00039 – City Variance to reduce the compatibility site design standard for trash dumpsters 20 feet to 1.5 feet, generally located north of Central and east of I-235 at 5224 W. Elm Cir.

Dear Applicant:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **October 20, 2016.** This resolution reflects the official action of the Board. It is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

Scott Knebel, AICP
Acting BZA Secretary

cc: Kyle McLaren, MABCD
Mike Gable, MABCD
JR Cox, MABCD
Janet Miller, WCC VI CM
Martha Sanchez, CL VI

BZA RESOLUTION NO. BZA2016-00039

WHEREAS, Nancy Loescher (owner/applicant) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, request to reduce the compatibility site design standard for trash dumpsters 20 feet to 1.5 feet generally located north of Central Avenue and east of I-235 (5224 W. Elm Cir.).

Legal Description: Lot 1, Block 1, Nahola Addition, Wichita, Sedgwick County, Kansas.

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 20, 2016, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique inasmuch as the property is being developed as a Planned Unit Development with a mixture of housing, community center, and day care on an infill development site with an unusual configuration. The only street access is on the north and south ends of the property, and the property abuts the rear yards of residential lots on both the east and west. This unique configuration requires the parking areas to be located at the north and south ends of the lot and significantly restricts the available locations for trash dumpsters.

WHEREAS, the Board of Zoning Appeals has found that the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the trash dumpsters will be enclosed by a screening fence and will be adjacent to the rear of the abutting residential lots and approximately 60 to 80 feet from the nearest residence. The only complaint received from adjacent properties (see attached e-mail) was from the owner of a property along the east side of the site, and the dumpsters are proposed to be located adjacent to the west side of the site.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as complying with the compatibility site design standard for trash dumpsters will prevent the development from complying with the parking requirement.

WHEREAS, the Board of Zoning Appeals has found that the requested variance is not adverse to the public interest inasmuch the public has an interest in supporting infill development, including development of uniquely configured properties.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance does not oppose the general spirit and intent of the zoning regulations, inasmuch as the primary intent of the setback requirements is to maintain sufficient separation between trash dumpsters and

residential structures and the proposed trash dumpster locations provide significant separation from the residential structures.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, request to reduce the compatibility site design standard for trash dumpsters 20 feet to 1.5 feet generally located north of Central Avenue and east of I-235 (5224 W. Elm Cir.).

Legal Description: Lot 1, Block 1, Nahola Addition, Wichita, Sedgwick County, Kansas.

The variance is hereby GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. Only two trash dumpster locations shall be permitted on the site.
3. The trash dumpster locations shall be enclosed by a 6- to 8-foot tall screening fence.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
5. 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 of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 20th Day of October, 2016.

BZA Board Chair, David W. Foster

ATTEST:

Scott Knebel
Acting BZA Secretary

BOARD OF ZONING APPEALS
SEDGWICK COUNTY, KANSAS

AGENDA ITEM NO. 2
October 20, 2016

SECRETARY'S REPORT

CASE NUMBER: BZA2016-00039

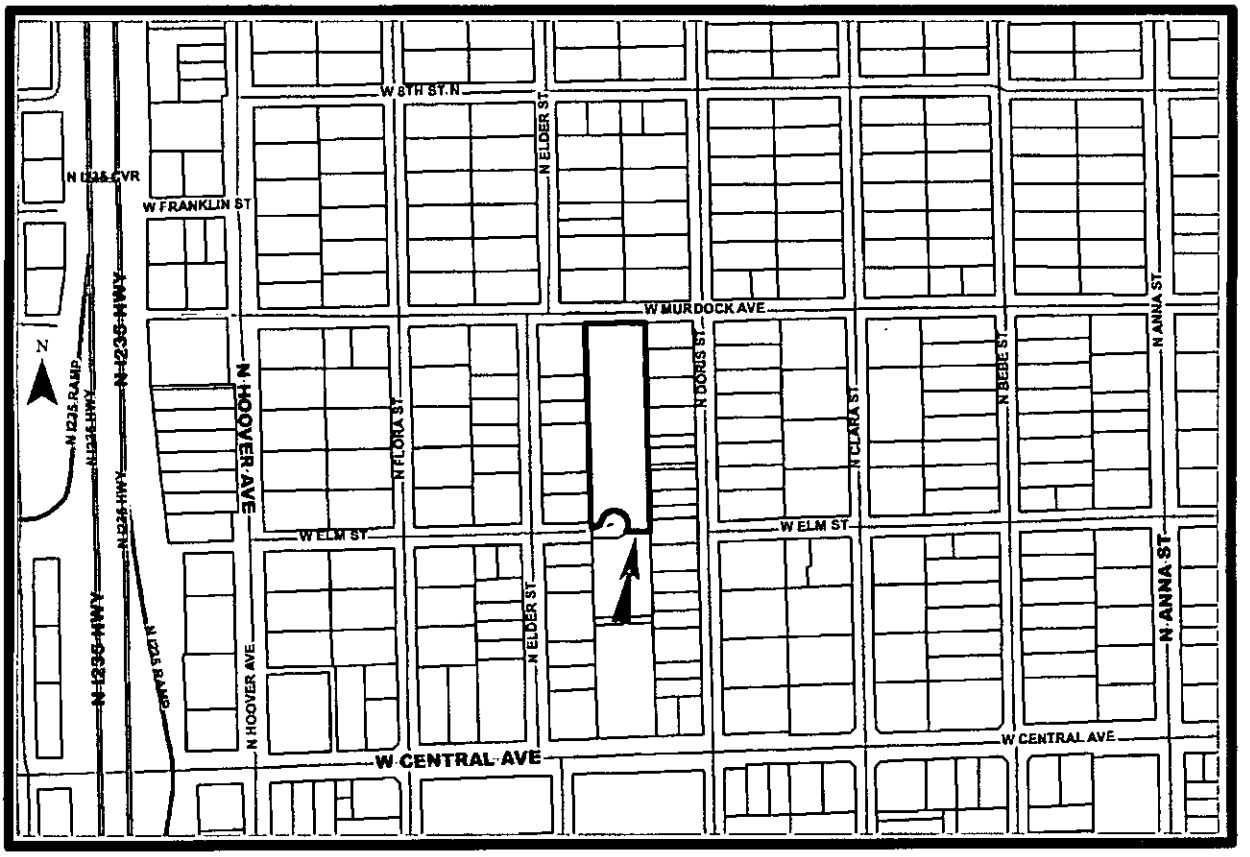
APPLICANT/AGENT: Nancy Loescher (Owner/Applicant); Kaw Valley Engineering, Inc. c/o Scott Servis (Agent)

REQUEST: Variance to reduce the compatibility site design standard for trash dumpsters 20 feet to 1.5 feet

CURRENT ZONING: PUD 37 Nahola Planned Unit Development

SITE SIZE: 2.4 acres

LOCATION: North of Central Avenue and east of I-235 (5224 W. Elm Cir.)



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: The applicant is constructing a duplex development as part of PUD 37 Nahola Planned Unit Development. The applicant proposes to construct two trash dumpster enclosures at the north and south ends of the development along the west property line (outlined in red on the attached site plans). According to the applicant (see attached written justification), the trash dumpster enclosures must be constructed within 1.5 feet of the west property line in order meet the parking requirement.

Section IV-C.7.b. of the Unified Zoning Code requires trash dumpsters to be located a minimum of 20 feet from any property zoned TF-3 Two Family Residential or more restrictive. Since the property west of both proposed trash dumpster locations is zoned SF-5 Single-Family Residential, a variance is required to permit the trash dumpsters to be located within 1.5 feet of the west property line.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Single-family residences
SOUTH	PUD 37	Community center, day care
EAST	SF-5	Single-family residences
WEST	SF-5	Single-family residences

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property is being developed as a Planned Unit Development with a mixture of housing, community center, and day care on an infill development site with an unusual configuration. The only street access is on the north and south ends of the property, and the property abuts the rear yards of residential lots on both the east and west. This unique configuration requires the parking areas to be located at the north and south ends of the lot and significantly restricts the available locations for trash dumpsters.

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 trash dumpsters will be enclosed by a screening fence and will be adjacent to the rear of the abutting residential lots and approximately 60 to 80 feet from the nearest residence. The only complaint received from adjacent properties (see attached e-mail) was from the owner of a property along the east side of the site, and the dumpsters are proposed to be located adjacent to the west side of the site.

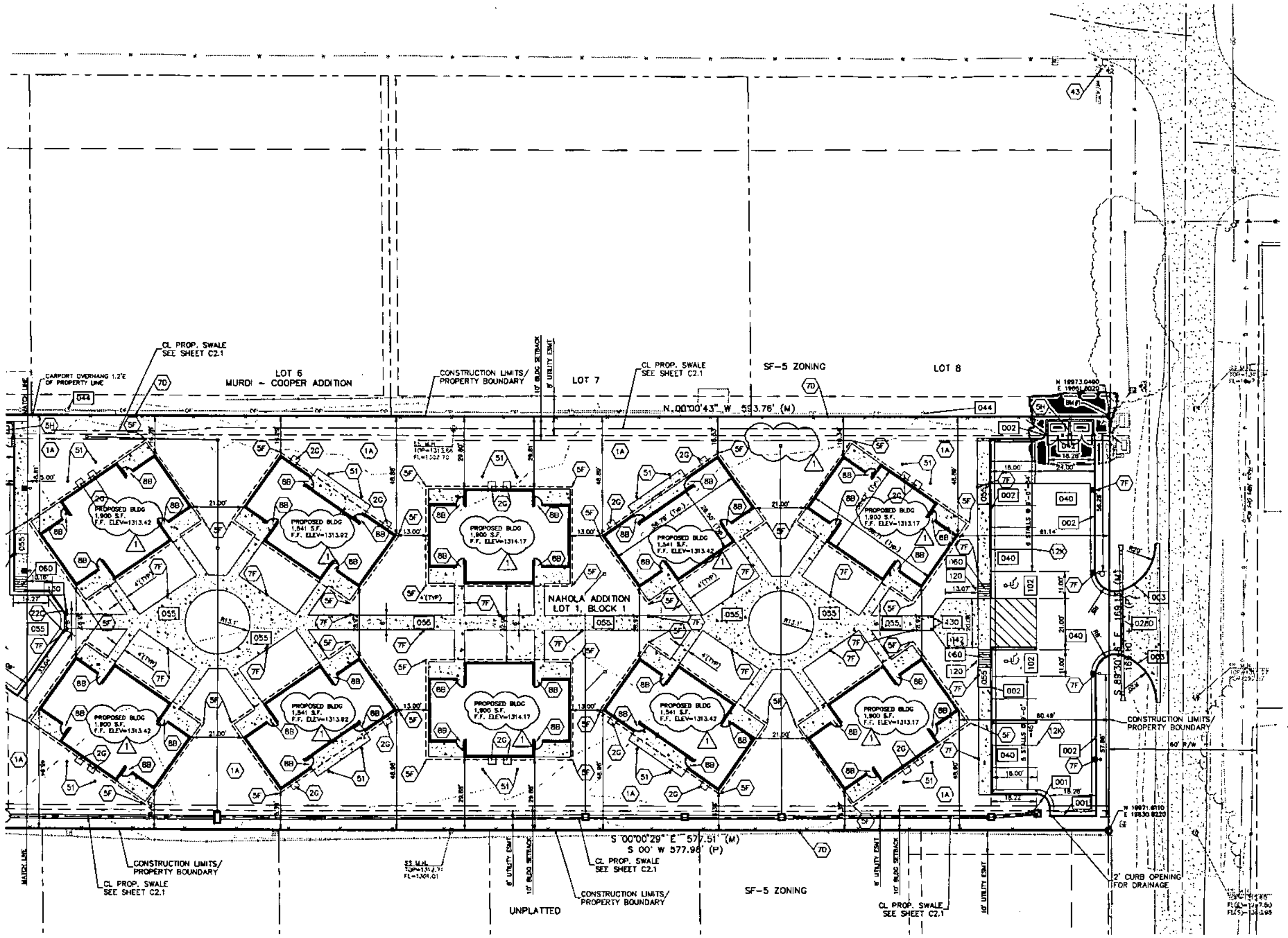
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as complying with the compatibility site design standard for trash dumpsters will prevent the development from complying with the parking requirement.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in supporting infill development, including development of uniquely configured properties.

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 as the primary intent of the setback requirements is to maintain sufficient separation between trash dumpsters and residential structures and the proposed trash dumpster locations provide significant separation from the residential structures.

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 compatibility site design standard for trash dumpsters 20 feet to 1.5 feet be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. Only two trash dumpster locations shall be permitted on the site.
3. The trash dumpster locations shall be enclosed by a 6- to 8-foot tall screening fence.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
5. 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 of the foregoing conditions.



NOTE:

1. CONTRACTOR SHALL REFER TO ARCHITECTURAL PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF ENTRANCE, SLOPED PAVING, EXIT PORCHES, RAMPS, TRUCK DOCKS, PRECISE BUILDING DIMENSIONS AND EXACT BUILDING UTILITY ENTRANCE LOCATIONS.

2. THESE PLANS HAVE NOT BEEN VERIFIED WITH FINAL ARCHITECTURAL CONTRACT DRAWINGS. CONTRACTOR SHALL VERIFY AND NOTIFY THE ENGINEER OF ANY DISCREPANCIES. CONTRACTOR IS FULLY RESPONSIBLE FOR REVIEW AND COORDINATION OF ALL DRAWINGS AND CONTRACTOR DOCUMENTS.

3. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS NOTED OTHERWISE.

4. ALL DIMENSIONS ARE PERPENDICULAR TO PROPERTY LINE.

5. ACTUAL SIGN LOCATIONS TO BE COORDINATED WITH CONSTRUCTION MANAGER.

GRAPHIC SCALE

(IN FEET)
1 inch = 20 ft.

CONSTRUCTION NOTES:

1. COORDINATE START-UP AND ALL CONSTRUCTION ACTIVITIES WITH OWNER.
2. CONSTRUCTION METHODS AND MATERIALS NOT SPECIFIED IN THESE PLANS ARE TO MEET OR EXCEED THE CITY OF WICHITA STANDARD SPECIFICATIONS.
3. WHEN GEOTECHNICAL REPORTS ARE AVAILABLE, RECOMMENDATIONS WITHIN THE REPORT TAKE PRECEDENCE OVER PROVIDED PLAN PAVEMENT SECTION DETAILS.
4. ALL CONSTRUCTION WORK AND UTILITY WORK OUTSIDE OF PROPERTY BOUNDARIES SHALL BE PERFORMED IN COOPERATION WITH AND IN ACCORDANCE WITH REGULATIONS OF THE AUTHORITIES CONCERNED.
5. PUBLIC CONVENIENCE AND SAFETY: THE CONTRACTOR SHALL CONDUCT THE WORK IN A MANNER THAT WILL INSURE, AS FAR AS PRACTICABLE, THE LEAST OBSTRUCTION TO TRAFFIC, AND SHALL PROVIDE FOR THE CONVENIENCE AND SAFETY OF THE GENERAL PUBLIC AND RESIDENTS ALONG AND ADJACENT TO STREETS AND HIGHWAYS IN THE CONSTRUCTION AREA.
6. ALL DIMENSIONS SHOWN ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
7. ALL CURB RETURNS WITHOUT A MARKED RADIUS ARE TO BE 2'.
8. ALL TRAFFIC CONTROL DEVICES, INSTALLATION AND OPERATIONS SHALL CONFORM WITH THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES".
9. PAINT FOR STRIPING ON PUBLIC STREETS, HIGHWAYS AND ENTRANCES SHALL BE REFLECTORIZED PAINT CONFORMING TO THE SPECIFICATIONS OR REQUIREMENTS OF THE AUTHORITY GOVERNING THE STREET OR HIGHWAY.
10. WHEN ASPHALT PAVING IS USED CURB AND GUTTER DETAIL 001 SHALL BE USED. WHEN CONCRETE PAVING IS USED CURB AND GUTTER DETAIL 002 SHALL BE USED.
11. REFER TO SPECIFICATIONS SHEET AND CITY OF WICHITA SPECIFICATIONS AND REQUIREMENTS FOR LANDSCAPING AND SEEDING DETAILS.
12. REFER TO SHEET C6.4 FOR CONCRETE PAVING JOINT PLACING DETAIL 045 AND CONCRETE JOINT DETAILS 046.

LEGEND (PROPOSED)

DETAILS – SEE DETAIL SHEET NO. C6.1 THRU C6.4 FOR THE FOLLOWING DETAILS

001	CONCRETE CURB AND GUTTER
002	CONCRETE CURB AND GUTTER W/ REVERSE FLOW IN GUTTER
003	INTEGRAL CONCRETE CURB
028D	DRIVE ENTRANCE
040	REGULAR DUTY PAVING
042	HEAVY DUTY CONCRETE
055	CONCRETE SIDEWALK
060	SIDEWALK RAMPS
102	90° ACCESSIBLE & VAN ACCESSIBLE SPACE STRIPING
120	ACCESSIBLE PARKING SIGNAGE
130	GUARD POST

NOTES:

1A	SEEDED LANDSCAPE AREA – SEE CONSTRUCTION NOTES
2G	HVAC/CONDENSER PAD (SEE ARCH. PLANS)
5F	ROOF DRAIN (SEE ARCH. PLANS)
5H	TRASH ENCLOSURE (SEE ARCH. PLANS)
7D	SCREENING FENCE (SEE ARCH. PLANS)
7F	LIGHT (SEE ARCH. PLANS)
8B	ENTRY/EXIT (SEE ARCH. PLANS)
12K	WHITE PARKING LOT STRIPING (SHERWIN-WILLIAMS TM 2160 LEAD FREE OR APPROVED EQUAL)
22C	CURB SIDEWALK VARIES IN HEIGHT FROM 0" TO 6" (SEE GRADING PLAN)
43	EXISTING FIRE HYDRANT
44	POLE MOUNTED TRANSFORMER (SEE UTILITY PLAN)
45	EXISTING WATER METER (SEE UTILITY PLAN)
46	GAS METER (SEE UTILITY PLAN)
51	CLEAN-OUT (FLUSH WITH PROPOSED GRADE, SEE UTILITY PLAN)

SAFETY NOTICE TO CONTRACTOR

IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS OF THE JOB SITE, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. THIS REQUIREMENT WILL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.

WARRANTY / DISCLAIMER

THE DESIGNS REPRESENTED IN THESE PLANS ARE IN ACCORDANCE WITH ESTABLISHED PRACTICES OF CIVIL ENGINEERING FOR THE DESIGN FUNCTIONS AND USES INTENDED BY THE OWNER AT THIS TIME. HOWEVER, NEITHER KAW VALLEY ENGINEERING, INC NOR ITS PERSONNEL CAN OR DO WARRANTY THESE DESIGNS OR PLANS AS CONSTRUCTED, EXCEPT IN THE SPECIFIC CASES WHERE KAW VALLEY ENGINEERING PERSONNEL INSPECT AND CONTROL THE PHYSICAL CONSTRUCTION ON A CONTEMPORARY BASIS AT THE SITE.

CAUTION – NOTICE TO CONTRACTOR

THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE APPROPRIATE UTILITY COMPANY AT LEAST 72 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATION OF UTILITIES.
IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.
THE CONTRACTOR SHALL EXPOSE EXISTING UTILITIES AT LOCATIONS OF POSSIBLE CONFLICTS PRIOR TO ANY CONSTRUCTION.

GAS SERVICE
KANSAS GAS SERVICE
1021 E. 26TH ST. NORTH
WICHITA, KANSAS 67219
(316)832-3126
JAMES COE

CABLE TELEVISION SERVICE
COX COMMUNICATIONS
701 EAST DOUGLAS
WICHITA, KANSAS 67202
(316)260-7748

ELECTRIC SERVICE
WESTAR ENERGY
WICHITA, KANSAS
(316)708-6731
RICHARD AITKEN

WATER & SANITARY SEWER SERVICE
WICHITA WATER DEPARTMENT
455 NORTH MAIN, 8TH FLOOR
WICHITA, KANSAS 67202
(316)268-4555
GREG / LADONNA

TELEPHONE SERVICE
AT&T DISTRIBUTION
154 N. BROADWAY
WICHITA, KANSAS 67202
(316)268-2105
MARK OLSON

KANSAS ONE-CALL SYSTEMS, INC.

CALL BEFORE YOU DIG – DRILL – BLAST
800-344-7233
(DIG-SAFE)
(316) 687-3753
(FAX)

LEGAL DESCRIPTION

LOT 1 AND LOT 2, BLOCK 1, NAHOLA ADDITION, WICHITA, SEDGWICK COUNTY, KANSAS.

BENCHMARKS:

BM #1: CHISELED "V-NOTCH" AT THE N.W. CORNER OF LOT 1, BLOCK 1, NAHOLA ADDITION.
ELEV. = 1312.10 (NAVD88)

BM #2: SQUARE CUT ON EDGE OF CONCRETE 4.7' N OF THE N.E. CORNER OF BUILDING NO. 5223 ON LOT 2, BLOCK 1, NAHOLA ADDITION.
ELEV. = 1311.71 (NAVD88)

SCHAEFER JOHNSON COX FREY ARCHITECTURE

KAW VALLEY ENGINEERING

NAHOLA INDEPENDENT LIVING

DUPLEX DEVELOPMENT

5224 WEST ELM CIRCLE
WICHITA, KANSAS 67212

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Revisions
1 03-28-16
2 05-13-16

Project Number
SJCF 5243.00

Date
16 OCTOBER 2015

SITE PLAN

1" = 20'

C1.2