



Wichita-Sedgwick County Metropolitan Area Planning Department

BRZ Investments, Inc.
3540 W Douglas Ave.
Wichita, KS 67203

June 8, 2020

RE: BZA2020-00004 – City Variance to waive Landscape Code requirement of Landscaped Street yard and Parking Lot screen for property zoned LI Limited Industrial located on the east side of South Hydraulic Avenue, 950 feet south of East 31st Street South (3348 South Hydraulic Avenue).

Dear Applicant,

At its regular meeting on **May 21, 2020**, the Wichita - Sedgwick County Board of Zoning Appeals considered the above captioned request. The action of the BZA was to **APPROVE** the request.

Enclosed is a signed copy of the above referenced BZA Resolution adopted by the Board of Zoning Appeals. This resolution reflects the official actions of the Board and is forwarded for your information and files.

Part of the resolution indicates conditions that must be met in order for the variance to take effect.

1. The applicant shall submit to Planning a revised site plan, illustrating the required landscaped street yard and parking lot screening. This site plan shall be reviewed and approved by the Planning Director.
2. The landscaped street hard shall adhere to the requirements as stated in the Landscape Ordinance, but shall be reduced by 50 percent of the required square footage.
3. The parking lot screening shall adhere to the requirements as stated in the Landscape Ordinance.
4. 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.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zevenbergen'.

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
Kaw Valley Engineering, Brian Coon, 200 N Emporia Ste 100, Wichita, KS 67202

BZA RESOLUTION NO. BZA2020-00004

WHEREAS, BRZ Investments, Inc. (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to waive Landscape Ordinance requirements of a Landscaped Street Yard and Parking Lot Screening on property zoned LI Limited Industrial, and generally located on the east side of South Hydraulic Avenue and 950 south of East 31st Street South (3348 South Hydraulic Avenue) and legally described as follows:

A portion of Lot 2, Block 1, I-135 Power Center Addition to the City of Wichita, Sedgwick County, Kansas, being described as follows:
Beginning at the Southwest corner of Lot 4 Block, A, I-135 Power Center 2nd Addition; thence with an assumed bearing on the South line of said Lot 4, N89°09'18" E 360.80 feet; thence S00°49'41"E 149.61 feet; thence S89°09'18"W 360.80 feet to the Northwest corner of Lot 3, Block 1, I-135 Power Center Addition; thence N00°49'41"W 149.61 feet to the point of beginning.

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 May 21, 2020, 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 conditions of the request are unique to the subject property. In this case, the depth-to-width ratio is unusually large, a product of development in the area and not by an action of the property owner.

WHEREAS, waving the requirements will not adversely affect the rights of adjacent property owners. The abutting owners have open material storage and open vehicle storage. The applicant's building will allow vehicles being worked on to be enclosed where the owners can work on the vehicles, have a restroom, and keep their projects out of residential driveways.

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner. The large amount of landscaping required makes little sense when compared to abutting properties. They state that any landscape buffer would not be consistent with abutting properties. They state that losing any area to landscaping drastically diminishes the value and developable area of the property.

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

WHEREAS, It is the opinion of Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; and

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

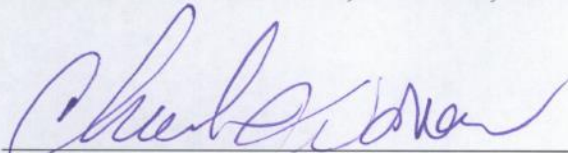
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to waive Landscape Ordinance requirements of a Landscaped Street Yard and Parking Lot Screening on property zoned LI Limited Industrial, and generally located on the east side of South Hydraulic Avenue and 950 south of East 31st Street South (3348 South Hydraulic Avenue and legally described as follows:

A portion of Lot 2, Block 1, I-135 Power Center Addition to the City of Wichita, Sedgwick County, Kansas, being described as follows:
Beginning at the Southwest corner of Lot 4 Block, A, I-135 Power Center 2nd Addition; thence with an assumed bearing on the South line of said Lot 4, N89°09'18" E 360.80 feet; thence S00°49'41"E 149.61 feet; thence S89°09'18"W 360.80 feet to the Northwest corner of Lot 3, Block 1, I-135 Power Center Addition; thence N00°49'41"W 149.61 feet to the point of beginning.

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

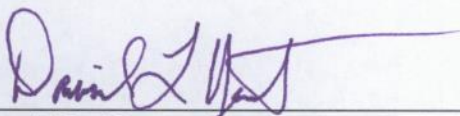
1. The applicant shall submit to Planning a revised site plan, illustrating the required landscaped street yard and parking lot screening. This site plan shall be reviewed and approved by the Planning Director.
2. The landscaped street hard shall adhere to the requirements as stated in the Landscape Ordinance, but shall be reduced by 50 percent of the required square footage.
3. The parking lot screening shall adhere to the requirements as stated in the Landscape Ordinance.
4. 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 4th Day of June 2020.



Chuck Warren, BZA Board Chair

ATTEST:



David L. Yearout,
BZA Secretary

