CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 7, 2011

Dillon Real Estate Co., Inc.
Clay Brasher – Director of Real Estate
734 E. Fourth
Hutchinson, KS 67504

Re: **BZA2011-00035: City Administrative Adjustment to reduce compatibility setback on property zoned LC Limited Commercial ("LC").**

Legal Description: Lots 2, 4, 6, 8, 10, 12 and 14; Allen's Subdivision in Richard's 2nd Addition, Wichita, Sedgwick County, Kansas; generally located on the southeast corner of Douglas Avenue and Volutsia Street.

Dear Mr. Brasher:

We have reviewed your request for a Zoning Adjustment to reduce the compatibility setback for a proposed addition to your building on the above-referenced property. From reviewing your application, we have determined that you intend to install an 80 square foot walk-in freezer addition to the convenience store by attaching it to the existing wall on the back of the store. Since the adjoining property to the south is zoned TF-3 Two Family Residential ("TF-3"), Sec. IV-C.4 of the Unified Zoning Code requires a 15 foot compatibility setback along the south property line. Currently, the rear wall of the structure is 17.5 feet from the center line of the alley. Since an alley does separate your property and the adjoining property to the south, the compatibility setback is measured to the center of the alley. You propose to locate the freezer 9.5 feet from the center of the alley; therefore, you have requested a Zoning Adjustment to reduce the compatibility setback along the east property line from 15 feet to 9.5 feet.

Sec. V.I.2.d of the Unified Zoning Code allows a Zoning Adjustment to reduce the compatibility setback when the conditions required by Sec. V.I.6 of the Code are met. We find that reducing the compatibility setback along the south property line from 15 feet to 9.5 feet meets the four conditions required by Section V-I.6 of the Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is to reduce the compatibility setback along the rear property line. Public vehicular and pedestrian circulation should not be affected.

2) Impact on existing uses in surrounding areas: An existing concrete rear wall of the structure screens the subject property and the abutting residential properties to the south. The color of the proposed walk-in freezer will blend with the existing color of the structure and should mitigate the impacts of a reduced compatibility setback on surrounding residential uses.

3) Compatibility with existing or permitted uses on abutting sites: The proposed addition to the building is compatible with other commercial developments fronting Douglas in this area. The alley has formed the traditional boundary between the commercial uses along Douglas and the residential uses south of Douglas. Many of the other commercial uses along Douglas are constructed up to the south property line, including an apartment complexes and office buildings located immediately east and west of the subject property.

4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the compatibility setback along the south property line from 15 feet to 9.5 feet measured to the center of the alley for the aforementioned property is hereby granted, subject to the following conditions:

1) The site shall be developed in general conformance with the approved site plan.
2) The compatibility setback reduction shall apply only to "Walk-in Freezer" as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the compatibility setbacks required by the Unified Zoning Code unless a separate Zoning Adjustment is granted.
3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The zoning adjustment sign may now be removed from the property.

John Schlegel
Planning Director

Kurt A. Schroeder
Superintendent of Central Inspection

cc: Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection

APPROVED

B2A2011-00035

Date: 6/13/11

Convert for Proposed Use. Coordinate w/ Paul Bryant, System. Coordinate w/ Paul Bryant, COW Water Dept. to Assure City's Has Record of Ex. Meter Being Converted to Use for Irrigation Purposes Only.

Pavement, per all Local Codes & Requirements.

8" Kansas Gas Service Line – north side of Douglas
8" C.O.W. Water line – north side of Douglas

Douglas Ave

N89°47'50"E 179.99'(M)

30.00'(C-M)

Stop Sign

Adjust Manhole to Match New Sod Grade

PROPOSED GAS CANOPY

Install Data & Power Conduit to Sign

Install Data & Power Conduit to Pay Phone

Relocated Pay Phone

PROPOSED UG TANKS

Install Data & Power Conduits to Pay Phone

Existing Front Sidewalk to Remain

Relocation of Air Machine, Owner to Verify.

Install Power Conduits to Air Machine

Install 1.5" Dom. Water Service & Connect to Bldg. per City Codes.

EXISTING
KWIK SHOP #748
2809 E. Douglas Wichita, KS
FFE=1306.19

Adjust Ex Clean-out to Flush w/ New Pvm't

1.5" Dom Water

Exist ¾" Water Service Line to be Removed.

Trash

EM

CO

S89°47'39"W 180.04'(M)

S00°00'20"E 132.47'(M)

N00°01'05"E 132.43'(M)

30.00'(C-M)

15'(P)

Volutsia Ave

4" Kansas Gas Service Line – west side of Volutsia
6" C.O.W. Water line – west side of Volutsia

SSMH

8X10 walk in freezer

SSMH
Rim=1303.94