CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 19, 2014

New Hope Missionary Baptist Church
1001 N. Ohio Avenue
Wichita, KS, 67214

Ref: **BZA2014-00012** - Request for an Administrative Adjustment to waive the Compatibility Setback standard on an interior side yard setback for construction of an non-residential use (a church) on SF-5 Single-Family Residential zoned property, generally located north of 9th Street on the east side of Ohio Avenue.

Legal Description – Lots 12, 14, 16, & 18, Wabash 2nd Addition

Dear Applicants,

We have reviewed your Administrative Adjustment request to reduce the Compatibility Setback standard on the east interior side yard setback located on the SF-5 Single-Family Residential zoned Lots 12, 14, 16, & 18, Wabash 2nd Addition (subject site).

The Unified Zoning Code (UZC Sec. IV-C.2.a.) requires Compatibility standards for Setbacks and Height *to be applied to all nonresidential Uses* in the RR, SF-20, SF-10, *SF-5* and TF-3 Districts when *such Uses are located on Zoning Lots within 500 feet of property zoned TF-3 or more restrictive*, except however, that when the separating Street is a freeway or expressway, compliance with the compatibility standards shall not be required." A *church* is proposed to be *built on the SF-5 zoned subject site*.

- The (UZC, Sec. III-D) classifies a *Church* or a Place of Worship as *a Public and Civic use, not a residential use*; Compatibility Setback standards are in effect.
- The SF-5 zoned *subject site's east property line is located 12 ½-feet from adjacent SF-5* and B Multi-Family Residential *zoned properties*. The 12 ½-feet of separation is the width of the platted north-south alley. This alley has a sewer line located within in. Current Public Works' minimum standard width for an easement with a sewer is 20 feet; the alley also functions as a sewer/utility easement.
- The UZC, Sec. IV-C.4., states that Compatibility Setback standards shall *only apply to side and rear Lot Lines Adjacent to property zoned TF-3 or more restrictive*. The minimum Building compatibility Setback shall be *15 feet plus one foot for each five feet of (subject tract) Lot Width over 50 feet. In no case shall the compatibility Setback standards alone require more than a 25-foot Setback.*

Your site plan proposes a 6-foot setback along the east side of the subject site. The subject site's width along its east side is 100 feet, thus the Compatibility Setback on the side yard setback is 25 feet. The

proposed 6-foot setback plus the 12 ½ foot wide alley provides 18 ½ feet of separation between the proposed church and the east adjacent SF-5 and B zoned properties. You have also proposed that parking be located no closer than 8 feet from the east adjacent SF-5 and B zoned properties.

The UZC Sec. V-I.2.d., permits consideration of an Administrative Adjustment for the reduction or waiving of a required Compatibility Setback when the conditions required by Sec. V-I.6 of the Code are met. We find that the reduction of the Compatibility Setback along the east side of the subject site as proposed meets the four conditions required by Sec. V-I.6. of the Code as set out below:

(1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed reduction of the Compatibility Setback should have minimum impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity of the application area.

(2) Impact on existing uses in surrounding areas: The proposed reduction of the Compatibility Setback on the east side of the subject site should have a minimum impact on existing uses in surrounding areas, if certain design features are included on the subject site and the proposed church. Those design features include, but are not limited to; All lights shall employ cut-off luminaries to minimize light trespass and glare onto the east adjacent SF-5 and B zoned properties, and shall be mounted at a height not exceeding one-half the distance from the east adjacent SF-5 and B zoned properties (UZC, Sec.IV-B.4) and; No parking along the east side of the subject site.

(3) Compatibility with existing or permitted uses on abutting sites: Although the UZC classifies a Church or a Place of Worship as a Public and Civic use (a nonresidential Use), the UZC also permits a Church or a Place of Worship by right in the SF-5 zoning district. Because a Church or a Place of Worship is allowed in the SF-5 zoning district by right it is common to see them located in close proximity to single-family residential development. The UZC, Sec. IV-B.3.d., requires the screening of all nonresidential Uses along all side or rear Lot Lines Abutting or across an Alley from a residential zoning District; the required screening will help minimize the negative impact of the church being in close proximity of the east adjacent SF-5 and B zoned properties. The site's SF-5 zoning requires a 6-foot interior yard setback, which is what the applicant has requested.

(4) Effect on public health, safety or welfare: There will be no encroachment into public street or alley right of way. The public's safety, health and welfare should not be impacted negatively.

Our signatures below indicate that an Administrative Adjustment to waive the interior side yard Compatibility Setback standard for a non-residential use when adjacent to SF-5 zoned properties and instead provide a 6-foot wide interior side yard setback is hereby granted for the aforementioned property subject to the following conditions:

1) A 6-foot wide interior side yard setback will be maintained on the east sides of Lots 12, 14, 16, & 18, Wabash 2nd Addition.
2) The site shall be developed in general conformance with the approved site plan, including (but not limited to) a solid screening fence along the east sides of Lots 12, 14, 16, & 18, Wabash 2nd Addition, and; all lights shall employ cut-off luminaries to minimize light trespass and glare onto the east adjacent SF-5 and B zoned properties, and shall be mounted at a height not exceeding one-half the distance from the east adjacent SF-5 and B zoned properties.
3) Dedicate 3.75 feet of sewer-drainage-utility easement along the east side of Lots 2 – 20 (even), Wabash 2nd Addition.
4) Provide a revised site plan that clearly shows (but is not limited to) the width and length of the church, the dedicated sewer-drainage-utility easement, and the required screening.

5) 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.

John L. Schlegel
Planning Director

Thomas J. Stolz, Director - MABCD

Cc J.R. Cox, MABCD
Paul Hays, MABCD
LaDonna Lawrenz, Public Works - Water & Sewer
Richard Warren – Places Architects, 340 S Main Street, Wichita, KS, 67202
Lavonta Williams, CM District I