CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 5, 2015

First Church of the Nazarene
Attn: Special Properties
1400 E. Kellogg
Wichita, KS 67211

RE: BZA2015-00051 – City BZA variance request to expand an existing non-conforming residential structure on property zoned LI Limited Industrial, generally located south and west of the intersection of East Lewis Street and South Lulu Avenue (425 S. Lulu Ave.)

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **November 5, 2015.** 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,

Derrick Slocum
BZA Secretary

cc: Tom Stolz, MABCD
Mike Gable, MABCD
JR Cox, MABCD
Lavonta Williams, WCC I CM
Kameelah Alexander, CL IV

BZA RESOLUTION NO. BZA2015-00051

WHEREAS, First Church of the Nazarene, c/o: Brent Vanhook (Owner/Applicant) pursuant to Kansas Statutes Annotated 12-759, request a variance to expand an existing non-conforming residential structure on LI Limited Industrial zoned property; generally located south and west of the intersection of East Lewis Street and South Lulu Avenue (425 S. Lulu Ave.)

Legal Description: Lot 17, Brookside Addition to 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 November 5, 2015, 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; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique in that the site currently contains a single-family residence, which has been on the site since the 1920's and before the property was zoned LI Limited Industrial. In the past, this area was residential in nature but has transitioned to a more commercial and light industrial area. This residence is a left over that is still occupied and used as a residential dwelling.

WHEREAS, the Board of Zoning Appeals has found that the requested variances would not adversely affect the rights of adjacent property owners because the structure has been at this location longer than the majority of the surrounding uses and the existing use of the subject site is much less intense than that of the surrounding uses.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the code would constitute a hardship upon the applicant because without the requested variance, the applicant would have to remove the viable and currently occupied use when the use has no negative impacts on the surrounding properties and the only thing the applicants are proposing is to add a couple additions to the structure, which would also not encroach into any easements or setbacks.

WHEREAS, the Board of Zoning Appeals has found that the requested variance promotes the public interest to the extent that the use would remain residential in nature thus keeping an older viable part of the current local housing stock.

WHEREAS, the Board of Zoning Appeals has found that granting the variance would not be opposed to the general spirt and intent of the zoning regulations, which is to protect the public health, safety and welfare. The intent of the variance is to keep an existing structure on the subject site, even though the current zoning does not allow the existing use and predates the current zoning. This request does not increase the current non-conformance of the subject site and will actually improve the condition of the existing use.

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, request a variance to expand an existing non-conforming residential structure on LI Limited Industrial zoned property; generally located south and west of the intersection of East Lewis Street and South Lulu Avenue (425 S. Lulu Ave.)

Legal Description: Lot 17, Brookside Addition to Wichita, Sedgwick County, Kansas.

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

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary for any improvements.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 5th Day of November, 2015.

BZA Board Chair, David Dennis

ATTEST:

Derrick Slocum
BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4
November 5, 2015

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00051

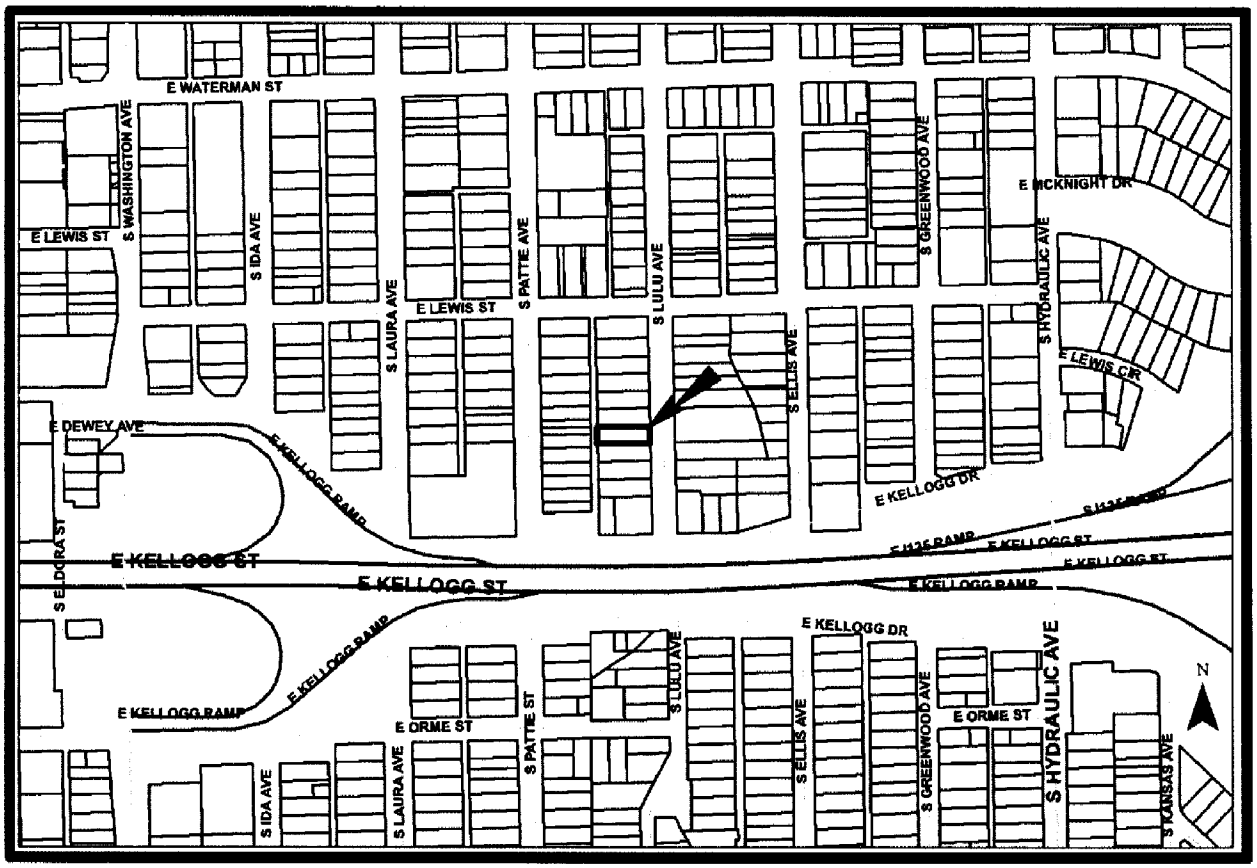
APPLICANT/AGENT: First Church of the Nazarene, c/o: Brent Vanhook (Owner/Applicant)

REQUEST: City BZA variance request to expand an existing non-conforming residential structure.

CURRENT ZONING: LI Limited Industrial ("LI")

SITE SIZE: 0.17 acres

LOCATION: Generally located south and west of the intersection of East Lewis Street and South Lulu Avenue (425 S. Lulu Ave.)



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 0.17 acres located south and west of the intersection of East Lewis Street and South Lulu Avenue, just north of the Kellogg Expressway. The applicant is requesting a variance to allow an addition on a non-conforming structure. The subject site is zoned LI Limited Industrial ("LI") and is currently developed with a single-family residence. The residence was built in 1920 prior to the current zoning code requirements. The current LI zone district does not allow residential uses by right or through a Conditional Use. This variance is for the existing residential structure to remain on the site in the LI zone district, with the proposed additions, and to have it listed as a non-conforming use structure. The proposed additions would not encroach into any setbacks or easements and would continue to be used as a single-family residence. The First Church of the Nazarene, which owns the house and does utilize the residence, owns all the land north, south, east (across Lulu) and west of the subject site.

The properties north and south of the subject site is zoned LI and both are currently vacant. Property directly west of the site is also zoned LI and is developed with an office warehouse combination use. The property east of the subject site (across Lulu) is zoned GC General Commercial ("GC") and is developed with the main church/place of worship campus of the First Church of the Nazarene. The residential use on the subject site is the only residence on this block of Lulu Street, between Lewis Street and Kellogg Drive.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Vacant
SOUTH:	LI	Vacant
EAST:	GC	Church/Place of Worship
WEST:	LI	Office/Warehouse

The five criteria necessary for approval as they apply to the requested variance.

UNIQUENESS: It is staff's opinion that the circumstances causing this request are unique in that the site currently contains a single-family residence, which has been on the site since the 1920's and before the property was zoned LI. In the past, this area was residential in nature but has transitioned to a more commercial and light industrial area. This residence is a left over that is still occupied and used as a residential dwelling.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance would not adversely affect the rights of adjacent property owners because the structure has been at this location longer than the majority of the surrounding uses and the existing use of the subject site is much less intense than that of the surrounding uses.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants because without the requested variance, the applicant would have to remove the viable and currently occupied use when the use has no negative impacts on the surrounding properties and the only thing the applicants are proposing is to add a couple additions to the structure, which would also not encroach into any easements or setbacks.

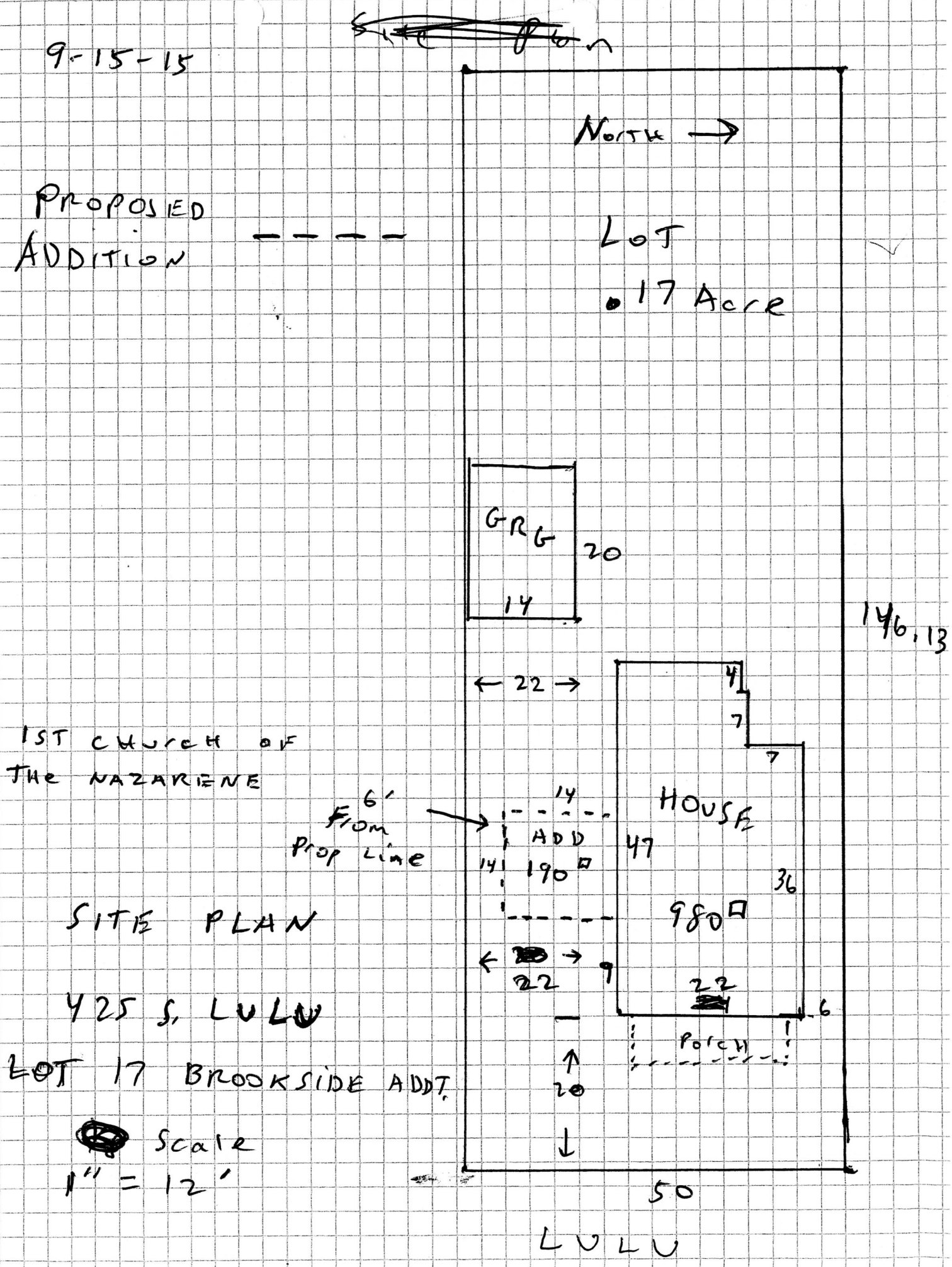
PUBLIC INTEREST: It is staff's opinion that the requested variance promotes the public interest to the extent that the use would remain residential in nature thus keeping an older viable part of the current local housing stock.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance does not oppose the general spirit and intent of the Zoning Code which is to protect the public health, safety and welfare. The intent of the variance is to keep an existing structure on the subject site, even though the current zoning does not allow the existing use and predates the current zoning. This request does not increase the current non-conformance of the subject site and will actually improve the condition of the existing use.

RECOMMENDATION: It is staff's opinion that the requested variance complies with the required criteria noted above. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary for any improvements.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

9-15-15



SITE PLAN

425 S. LULU

LOT 17 BROOKSIDE ADDT.

Scale
1" = 12'