SPIRIT AND INTENT: It is the opinion of staff that the granting of a variance would not be opposed to the general spirit and intent of the zoning ordinance ordinance inasmuch as a reduction of the setback to 10 feet would still provide adequate yard for landscaping and would be no closer to the Dodge Avenue right-of-way than the porch of the existing apartment building to the north.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted to 10 feet, subject to the following conditions:

1. The applicants shall obtain a building permit for the proposed expansion and shall comply with all applicable codes and regulations, except that the front yard building setback from Dodge Avenue may be reduced to no less than 10 feet.

2. Prior to release of the resolution authorizing this front yard setback variance, but in no case later than three months after approval by the BZA, the applicant shall submit three copies of a landscape plan to the Secretary for review and approval. The plan should indicate names, quantities and sizes of all plant materials, as well as the method of providing water to the plant materials.

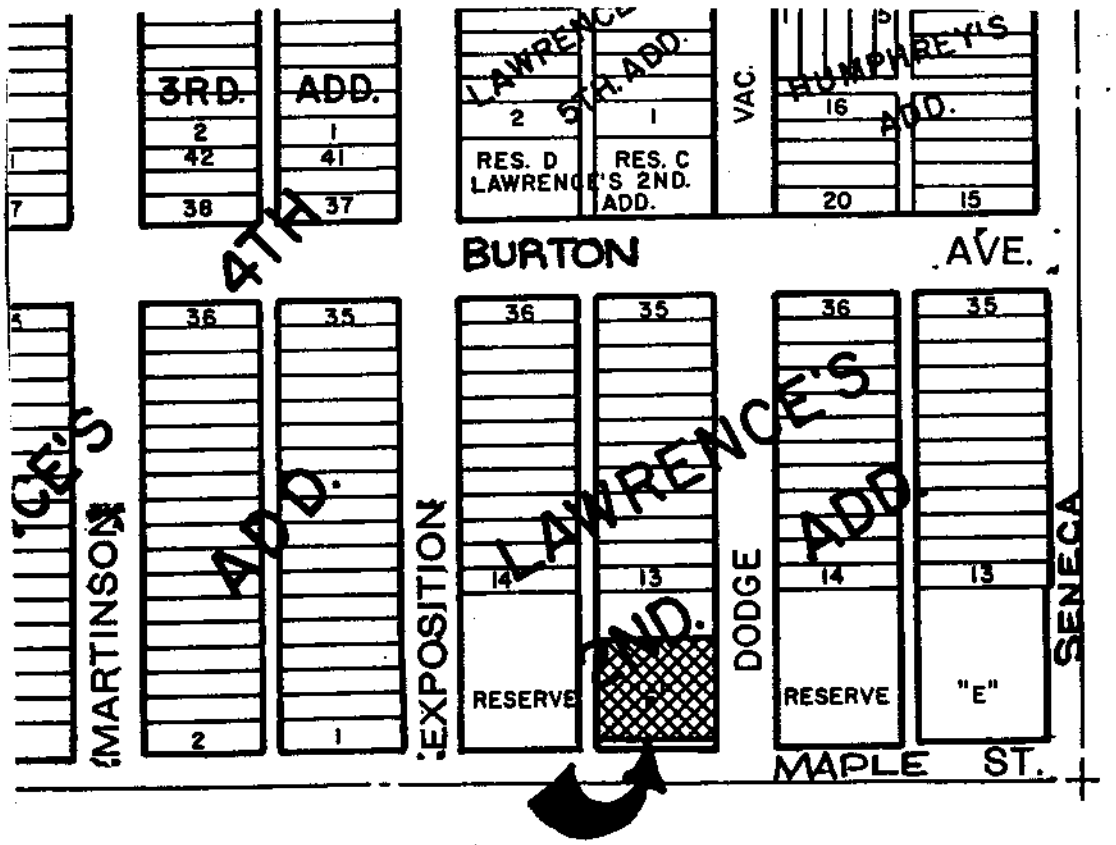
3. The plant materials designated on the approved landscape plan shall be installed prior to final completion of the building expansion or, if the weather prohibits planting at that time, a financial guarantee shall be submitted to Central Inspection providing for installation during the next planting season.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4
July 26, 1988

SECRETARY'S REPORT

CASE NUMBER:	BZA 32-88
OWNER/APPLICANT/AGENT:	Herndon Bettis Schwartz Kissling Herndon, Optometrists (owner/applicant) Pettit Bullinger Associates Architects, P.A. (agent)
REQUEST:	Variance to reduce the required 20-foot front yard setback from Dodge Avenue to 5 feet
CURRENT ZONING:	"B" Multiple-Family Dwelling District
SITE SIZE:	105 ft. x 125± ft.
LOCATION:	Northwest corner of Maple and Dodge (1202 W. Maple)
PROPOSED USE:	Expansion of existing optometrists' office



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 the State Statutes, are found to exist.

BACKGROUND: The applicants are requesting a variance of the front yard setback on a site in the "B" district to permit expansion of a medical office building to within 5 feet of the front property line. A 5-foot side yard setback is observed on the south, although it appears to be less because the public sidewalk is inside the property line. Residences exist across the street to the east and to the north. The apartment house to the north appears to observe a setback of less than 20 feet with an unenclosed porch extending even closer to the street. Although the site has sufficient space to the west of the building for expansion in that direction without encroaching required setbacks, necessary parking would have to be deleted if the building were expanded to the west. There are currently 11 employees in this office. At the ratio of 1 parking space per employee, plus 1 space for each 500 sq. ft. of floor area, 18 parking spaces are now required. The proposed 1,170 sq. ft. expansion would require an additional 3 spaces.

This application area is only a small portion of a large platted reserve which is in multiple ownerships. Unless this tract has existed as a separate tract since at least January 1, 1948, any expansion of more than 30% will require platting. The proposed 15' x 78' addition would be a 37.5% expansion.

Staff finds it difficult to justify a reduction of the front yard setback to 5 feet on this corner lot because the setback from Maple is already at the minimum and because a 5-foot setback from Dodge would be out of character with the rest of the block, which is predominantly residential with 20-foot setbacks. Staff could support a reduction to 10 feet, provided the 10-foot setback area is adequately landscaped. An addition of 10' x 78' would be within the 30% expansion allowed on unplatted tracts.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Multiple-family dwelling
SOUTH	"B"	Kansas Masonic Home
EAST	"B"	Duplex
WEST	"B"	Physician's office

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the location of the existing building and required parking lot make expansion to the east the only feasible direction for expansion.

ADJACENT PROPERTY: It is the opinion of staff that the granting of a variance will not adversely affect the rights of adjacent property owners inasmuch as a 10-foot front yard on Dodge Avenue, if required to be landscaped, would be a more attractive asset to the neighborhood than is the existing unlandscaped 20-foot yard.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the building cannot be expanded outward in any other direction, unless more property is acquired and, if a move from this site is required, there would be unnecessary patient reorientation and loss of a very valuable location.

PUBLIC INTEREST: It is the opinion of staff that some adjustment to the setback would not adversely affect the public interest inasmuch as no easements or public right-of-way would be encroached upon and a structure maintaining a 10-foot setback from Dodge on this corner lot would not interfere with the line of sight for vehicles or pedestrians.

WICHITA – SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

October 20, 1988

Pettit Bullinger Associates
1202 E. First, P. O. Box 2726
Wichita, KS 67201

Re: BZA 32-88 - Variance to reduce required 20-ft. front yard setback to 5 ft., NW corner Maple & Dodge (1202 W. Maple).

Gentlemen:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on July 26, 1988. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files now that condition #2 has been completed.

If you have questions concerning this matter, please call our office.

Sincerely,

Louise Olivarez

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: Herndon Bettis Schwartz Kissling Herndon, Optometrists, 1202 West Maple, Wichita, KS, 67213
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

ADOPTED AT WICHITA, KANSAS, this 26th day of July, 1988.

Randy Phillips, Vice President

ATTEST:

Louise Olivarez, Assistant Secretary

BZA RESOLUTION NO. 32-88

WHEREAS, Herndon Bettis Schwartz Kissling Herndon, Optometrists, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required 20-foot front yard setback from Dodge Avenue to 5 feet on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

> The North 105 ft. of the South 110 ft. of the East Half of Reserve F, Lawrence's Second Addition to West Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Maple and Dodge (1202 W. Maple).

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 July 26, 1988, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the location of the existing building and required parking lot make expansion to the east the only feasible direction for expansion; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as a 5-ft. front yard on Dodge Avenue, plus a 20-ft. x 15-ft.± area at the southeast corner of the building, if required to be landscaped, would be a more attractive asset to the neighborhood than is the existing unlandscaped 20-ft. yard; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the building cannot be expanded outward in any other direction unless more property is acquired and, if a move from this site is required, there would be unnecessary patient reorientation and loss of a very valuable location; and

WHEREAS, the Board of Zoning Appeals has found that a variance of the front yard to 5 ft. from Dodge, except for the north 20 ft. and the south 20 ft. thereof, will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that no easements

or public right-of-way would be encroached upon and a structure maintaining a setback from the corner, as proposed, would not interfere with the line of sight for vehicles or pedestrians; and

WHEREAS, the Board of Zoning Appeals has found that the granting of a variance of the front yard to 5 feet from Dodge, except for the north 20 feet and the south 20 feet thereof, will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as this reduction of the setback would still provide a yard for landscaping and would not be much closer to the Dodge Avenue right-of-way than the porch of the existing apartment building to the north; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this variance be approved to reduce the required 20-foot front yard setback from Dodge Avenue to 5 feet, except for the north 20 feet and the south 20 feet thereof, on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

> The North 105 feet of the South 110 feet of the East Half of Reserve F, Lawrence's Second Addition to West Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Maple and Dodge (1202 W. Maple).

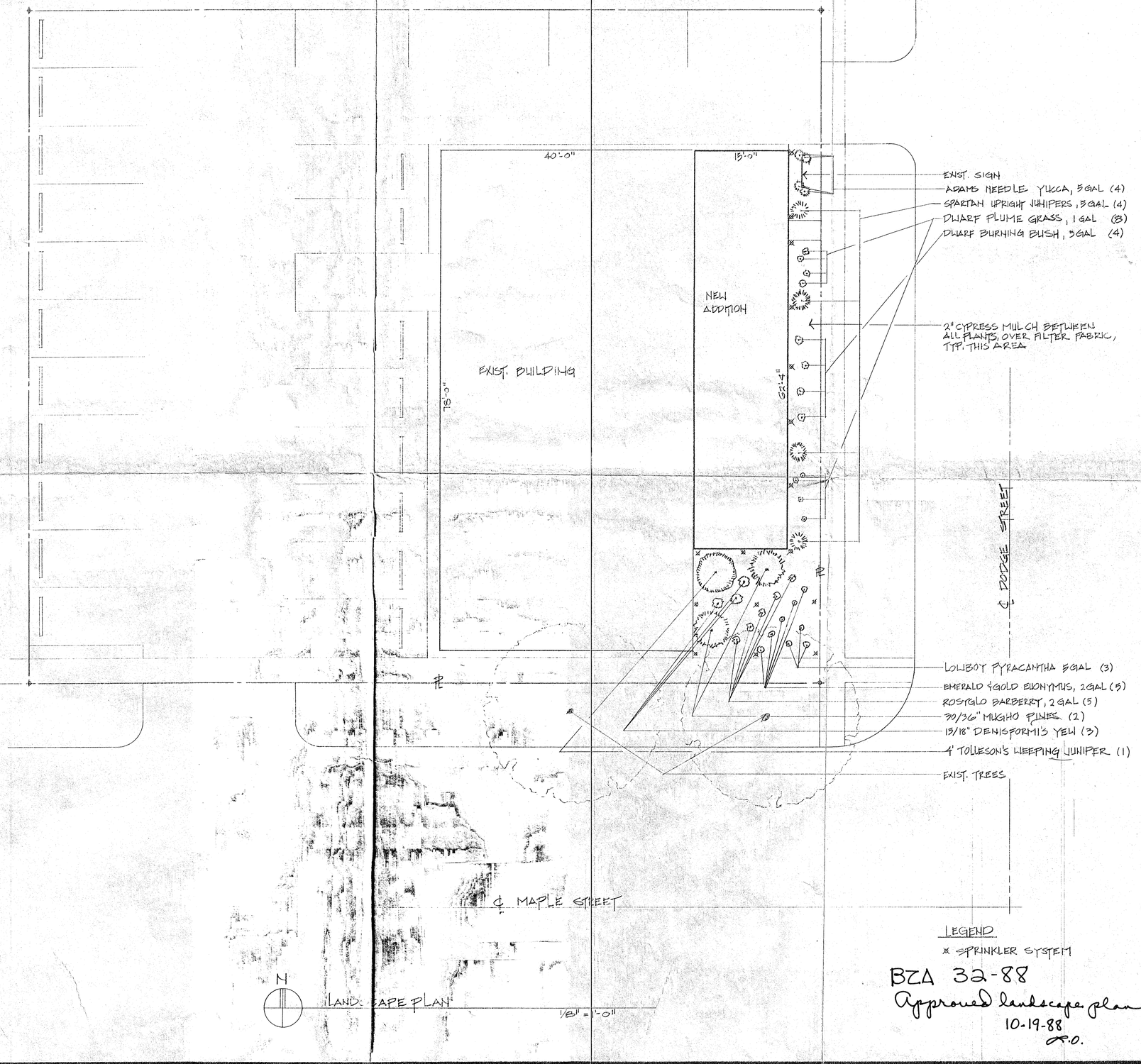
subject to the following conditions:

1. The applicants shall obtain a building permit for the proposed expansion and shall comply with all applicable codes and regulations, except that the front yard building setback from Dodge Avenue may be reduced to no less than 5 feet along the entire front yard, EXCEPT for the north 20 feet and the south 20 feet thereof.

2. Prior to release of the resolution authorizing this front yard setback variance, but in no case later than three months after approval by the BZA, the applicant shall submit three copies of a landscape plan for the remaining front yard to the Secretary for review and approval. The plan should indicate names, quantities and sizes of all plant materials, as well as the method of providing water to the plant materials.

3. The plant materials designated on the approved landscape plan shall be installed prior to final completion of the building expansion or, if the weather prohibits planting at that time, a financial guarantee shall be submitted to Central Inspection providing for installation during the next planting season.

BZA 32-88



LEGEND

⁂ SPRINKLER SYSTEM

BZA 32-88
Approved landscape plan
10-19-88
R.O.

HERNDON BETTIS SCHWARTZ KISSLING HERNDON

OPTOMETRISTS

1202 West Maple Wichita KS

PETTIT BULLINGER ASSOC. ARCHITECTS, P.A. 1202 EAST FIRST ST. P.O. BOX 2726 WICHITA, KANSAS 67201 (316) 262-7435

DATE	DRAWN BY
REVISIONS	
SHEET	
OF	
PROJECT NO.	8835

MAPD 1 of 1