subject to the following conditions:

1. The owner shall maintain the general residential appearance of the property.

2. Only one ground or pole sign shall be permitted on the property and shall be limited to 32 sq. ft., as established by the "BB" district. Such sign shall be located adjacent to the Douglas street frontage.

3. The number of rooms for rent shall not exceed 11, including 1 in the carriage house, and shall occupy only the existing structures now on site.

4. Meals offered on the premises shall be to registered guests only.

5. All conditions established by Section 28.04.080.A.4 of the Zoning Ordinance shall be complied with, except for the lot size, which is hereby varied to 21,838 sq. ft., and the screening requirements which may be altered upon approval by the Board of Zoning Appeals (see BZA 50-88).

6. Approval of this case will make null and void Resolution No. BZA 35-80.

ADOPTED AT WICHITA, KANSAS, this 25th day of October, 1988.

Sharon Ryan, President

ATTEST:

Jack N. Galbraith, Secretary

BZA RESOLUTION NO. 49-88

WHEREAS, Kevin Daves and Greg Johnson, d/b/a The Core Group, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the 25,000 sq. ft. minimum lot size requirement to 21,838 sq. ft. for a motel (bed and breakfast inn) on property zoned the "BB" Office District and legally described as follows:

> The east 100 feet of Lot 2, Block A, Merriman Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Douglas in an area east of Clifton (3751 E. Douglas).

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 October 25, 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 structure on the site is a large brick house ideally suited architectually for conversion to a bed and breakfast inn; 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 the intensity of use by vehicular traffic should be less for a bed and breakfast inn than for offices; 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 alternative would be to seek a zone change to "LC" which would probably not be granted, and the applicants would not be able to use this structure to its best potential; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that the proposed use would not create the need for additional public utilities or facilities; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as there is still adequate room on site to provide the needed parking and there is ample room for light, air and circulation; 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 request be approved for a variance to reduce the 25,000 sq. ft. minimum lot size requirement to 21,838 sq. ft. for a motel (bed and breakfast inn) on property zoned the "BB" Office District and legally described as follows:

> The east 100 feet of Lot 2, Block A, Merriman Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Douglas in an area east of Clifton (3751 E. Douglas).

WICHITA – SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1668
(316) 268-4561

October 26, 1988

Kevin Daves & Greg Johnson
d/b/a The Core Group, Inc.
3751 E. Douglas
Wichita, KS 67218

Re: BZA 49-88 - Variance to reduce the 25,000 sq. ft. min. lot size requirement for a motel to 21,838 sq. ft. (3751 E. Douglas).

Gentlemen:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on October 25, 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

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

Sincerely,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

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, subject to the following conditions:

1. The owner shall maintain the general residential appearance of the property.

2. Only one ground or pole sign shall be permitted on the property and shall be limited to 32 sq. ft., as established by the "BB" district. Such sign shall be located adjacent to the Douglas street frontage.

3. The number of rooms for rent shall not exceed 11, including 1 in the carriage house, and shall occupy only the existing structures now on site.

4. Meals offered on the premises shall be to registered guests only.

5. All conditions established by Section 28.04.080.A.4 of the Zoning Ordinance shall be complied with, except for the lot size, which is hereby varied to 21,838 sq. ft., and the screening requirements which may be altered upon approval by the Board of Zoning Appeals (see BZA 50-88).

6. Approval of this case will make null and void Resolution No. BZA 35-80.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 6

October 25, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 49-88

OWNER/APPLICANT/AGENT: Kevin Daves & Greg Johnson (owners/applicants)

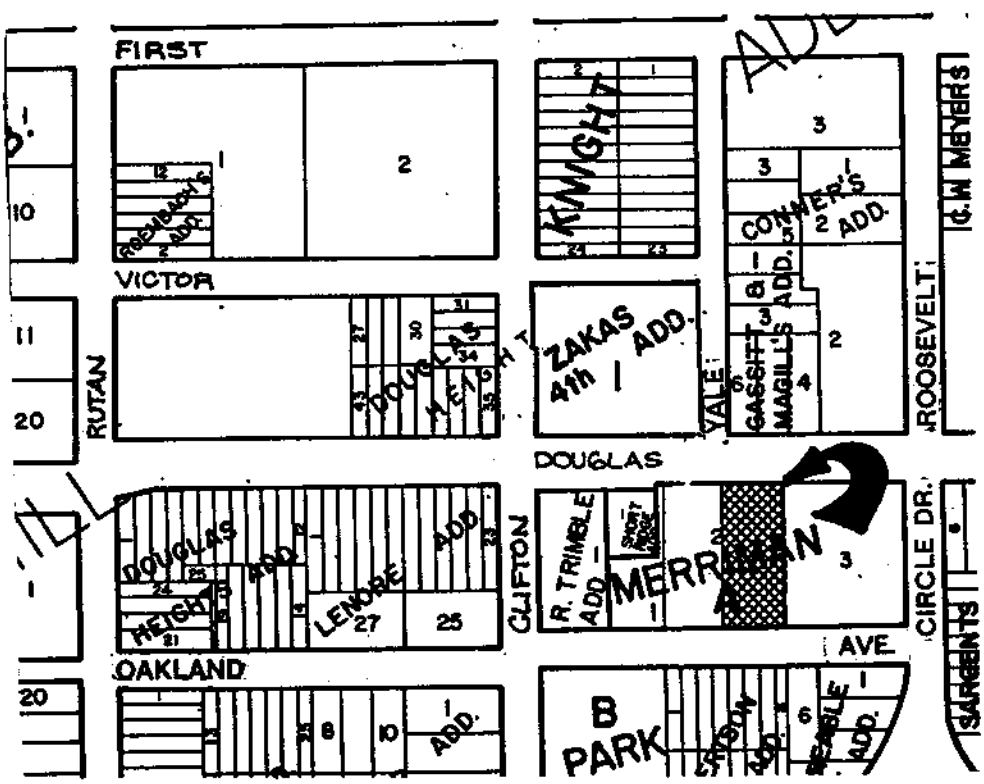
REQUEST: Variance to reduce the 25,000 sq. ft. minimum lot size for a motel (bed & breakfast establishment) to 21,838 sq. ft.

CURRENT ZONING: "BB" Office District

SITE SIZE: 100 ft. x 218.38 ft.

LOCATION: South side of Douglas in an area east of Clifton (3751 E. Douglas).

PROPOSED USE: Bed & Breakfast Inn.



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 reduction in the square footage of property required for a motel (bed and breakfast) in the "BB" district from 25,000 sq. ft. to 21,838 sq. ft., a 12.6% reduction. Their plans are to remodel the existing structure at 3751 E. Douglas into a bed and breakfast inn featuring 11 suites, including 1 in the carriage house on the rear of the lot. Two years ago, a similar request was granted for 3705 E. Douglas, but that structure was subsequently sold for offices. Food service will be limited to furnishing prearranged food to guests only. Use of this structure for a bed and breakfast inn should generate less traffic and less need for parking than would its use for offices.

Two variances have previously been granted for this site. BZA 24-80 reduced the Oakland Street setback from 20 ft. to 3 ft., thus bringing the carriage house into compliance. BZA 35-80 reduced the parking requirement from 32 cars to 18 cars when the structure was proposed for office uses. BZA 35-80 should become null and void upon approval of the current application.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Church
SOUTH	"AA"	Residences
EAST	"B"	Lodge w/large paved parking lot
WEST	"B"	Residence

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the structure on the site is a large brick house ideally suited architectually for conversion to a bed and breakfast inn.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the intensity of use by vehicular traffic should be less for a bed and breakfast inn than for offices.

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 alternative would be to seek a zone change to "LC" which would probably not be granted, and the applicants would not be able to use this structure to its best potential.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the proposed use would not create the need for additional public utilities or facilities.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as there is still adequate room on site to provide the needed parking and there is ample room for light, air and circulation.