

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 the intent of the home occupation regulations is to preserve the residential character of a neighborhood, even though a business is being conducted from a home and in this case, the business is conducted on the back portion of the lot and is not visible from the street or even from adjacent residential lots to the north and south (when viewed at ground level) and therefore, the residential character is maintained.

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 applicant shall apply for a home occupation license within 30 days following approval of this variance by the Board of Zoning Appeals or this variance resolution shall be considered null and void.
2. This variance permitting outdoor storage of equipment used in a home occupation shall apply to only the glass blower's furnace and "glory holes" and all other equipment and operation of this home occupation shall be conducted within a building.

March 28, 1989

SECRETARY'S REPORT

CASE NUMBER:

BZA 7-89

OWNER/APPLICANT/AGENT:

Robert and Phyllis Randle (owners)
Rollin Karg (applicant)

REQUEST:

Variance to permit the outdoor storage of
equipment used in a home occupation.

CURRENT ZONING:

"B" Multiple-Family Dwelling District

SITE SIZE:

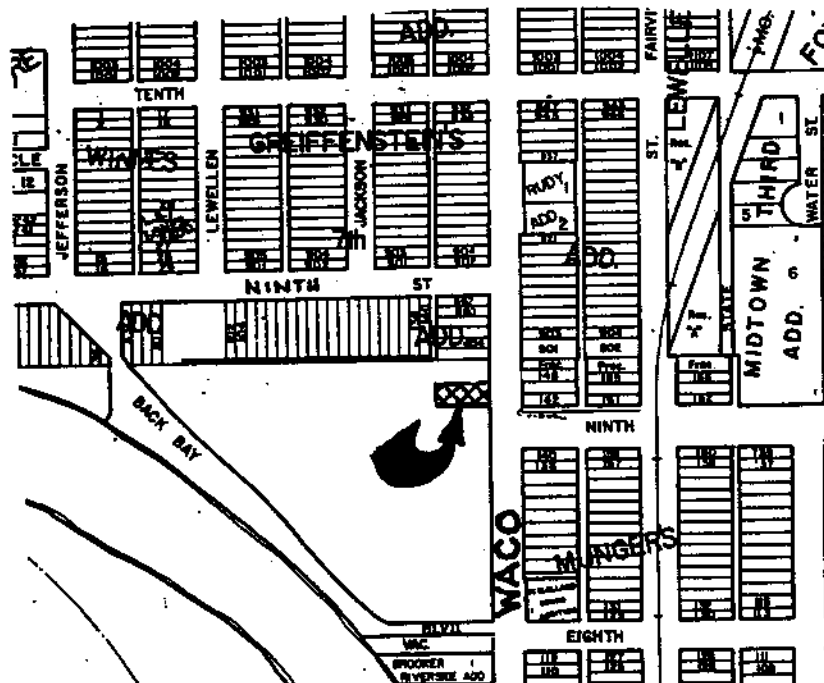
62.5 ft. x 135 ft.

LOCATION:

West side of Waco in an area between Back Bay
Boulevard and 9th Street.

PROPOSED USE:

Glass blower's furnace



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 applicant, Rollin Karg, is an artist who resides in the duplex unit at 1001 N. Waco and operates his glass blowing business from the premises. He has lived at that location for 16 years and has operated his business there for 10 years. A glass blowing furnace has been outside on the premises for 7 years. The applicant recently had a larger gas line installed to enable him to operate the glass furnace at the same time as the house furnace without the intensity of the house furnace flame being affected. When he went to Central Inspection for a hook-up permit, this violation of the outdoor storage provision of the home occupation regulations was discovered. A fire safety inspector went to check the furnace for compliance with all fire safety regulations and reported that the furnace was acceptable as long as it was outdoors. The furnace and its two "glory holes" are located several feet south of a detached accessory structure which is completely behind (west of) the duplex. View of the furnace is shielded on the north by the accessory structure; on the east by the duplex in this application; and on the south by a wood screening fence. Only the view from the west is open and to the west is a large private park area used by Mr. Randle's tenants in this area. A number of trees in this park help provide some visual screening.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Single-family dwelling
SOUTH	"B"	Multi-family dwelling
EAST	"C"	Small animal clinic and laundromat
WEST	"A"	Private park

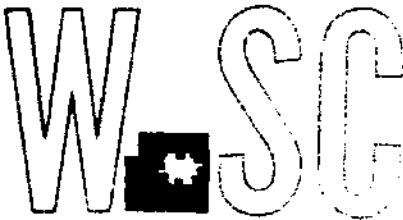
UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the home occupation conducted on this property requires an unusual piece of equipment -- glass blower's furnace -- which is most safely accommodated in an outdoor environment.

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 home occupation equipment which is stored outdoors -- glass blower's furnace -- is not visible at ground level from any adjacent developed property and it does not create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands or odors.

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 his home occupation glass blowing business is well-established at this location and the requirement to enclose the furnace within a structure would be very expensive and probably would require relocation of the business altogether.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the location of the equipment does not interfere with any public utility easement or street right-of-way and it has been inspected and approved by the Fire Department.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4661

March 29, 1989

Rollin Karg
1001 N. Waco
Wichita, KS 67203

Re: BZA 7-89 - Variance to permit the outdoor storage of equipment used in a home occupation (1001 N. Waco).

Dear Mr. Karg:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on March 28, 1989. 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. You must make application for a home occupation license by April 27, 1989, in order to fulfill the conditions established by the Board.

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.

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

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.

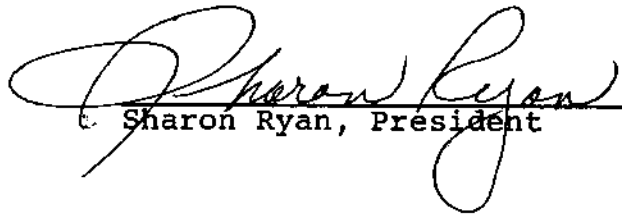
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to permit the outdoor storage of equipment used in a home occupation on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

Beginning 50 feet South of the point where the West line of Waco Avenue and the North line of the Southeast Quarter of Section 17, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, meet; thence South 62-1/2 feet; thence West 135 feet; thence North 62-1/2 feet; thence East 135 feet to the place of beginning, in Woodman's Reserve, Wichita, Kansas (not platted). Generally located on the west side of Waco in an area between Back Bay Boulevard and 9th Street.

subject to the following conditions:

1. The applicant shall apply for a home occupation license within 30 days following approval of this variance by the Board of Zoning Appeals or this variance resolution shall be considered null and void.
2. This variance permitting outdoor storage of equipment used in a home occupation shall apply to only the glass blower's furnace and "glory holes" and all other equipment and operation of this home occupation shall be conducted within a building.

ADOPTED AT WICHITA, KANSAS, this 28th day of March, 1989.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 7-89

WHEREAS, Rollin Karg, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to permit the outdoor storage of equipment used in a home occupation on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

Beginning 50 feet South of the point where the West line of Waco Avenue and the North line of the Southeast Quarter of Section 17, Township 27 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, meet; thence South 62-1/2 feet; thence West 135 feet; thence North 62-1/2 feet; thence East 135 feet to the place of beginning, in Woodman's Reserve, Wichita, Kansas (not platted). Generally located on the west side of Waco in an area between Back Bay Boulevard and 9th Street.

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 March 28, 1989, 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 home occupation conducted on this property requires an unusual piece of equipment -- glass blower's furnace -- which is most safely accommodated in an outdoor environment; 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 home occupation equipment which is stored outdoors -- glass blower's furnace -- is not visible at ground level from any adjacent developed property and it does not create undue noise, vibration, electrical interference, smoke or particulate matter emission, power demands or odors; 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 applicant inasmuch as his home occupation glass blowing business is well-established at this location and the requirement to enclose the furnace within a structure would be very expensive and probably would require relocation of the business altogether; 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 location of the equipment does not interfere with any public utility easement or street right-of-way and it has been inspected and approved by the Fire Department; 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 the intent of the home occupation regulations is to preserve the residential character of a neighborhood even though a business is being conducted from a home, and in this case the business is conducted on the back portion of the lot and is not visible from the street or even from adjacent residential lots to the north and south (when viewed at ground level) and therefore, the residential character is maintained; and