

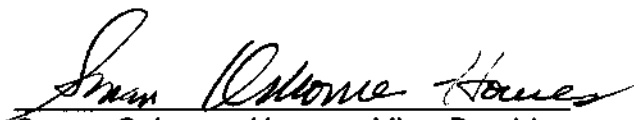
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the front yard setback from 25 feet to a minimum of 3 feet on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 13, 15, 17, 19, 21, 23, Gardner's Sub, Block 1, Schweiter's 2nd Addition, Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. The front yard setback reduction from 25 feet to a minimum of 3 feet shall be for parking purposes only.
2. Screening fences as required by code shall be installed along the property line with the residential development on the east and south sides of the site.
3. Within 60 days after approval by the Board and prior to release of the resolution authorizing this variance, the applicant shall submit a revised parking lot layout which retains a minimum of 3 feet setback along Greenwood for landscape screening purposes. Also within 60 days, a landscape plan shall be submitted for review & approval which specifies the type, quantity and sizes of plants to be installed within the setback. The landscaping materials and plan shall comply with the City's landscape ordinance.
4. This parking lot shall be constructed in accordance with all applicable City codes and shall be striped in accordance with the approved revised site plan and landscaped in accordance with the approved landscape plan within one year following approval of this variance by the Board of Zoning Appeals. (The landscaping shall be installed prior to use of the parking lot.)
5. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 24th day of May 1994.


Susan Osborne-Howes, Vice President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 10-94

WHEREAS, Linwood Church of the Nazarene , pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 25 feet to 0 feet on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 13, 15, 17, 19, 21, 23, Gardner's Sub, Block 1, Schweiter's 2nd Addition, 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 May 24, 1994, 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 owners or the applicant inasmuch as the north portion of the property has been used for parking for a number of years without observing a setback and the site is located adjacent to church owned property to the north and west as well as property owned by a church member to the south; 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 screening will lessen the impact of the parking lot on adjacent properties and providing on site parking will lessen the impact of vehicles being parked on streets in the residential area ; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the additional parking spaces provided in the setback are needed to meet the parking needs of the church. Without the reduced setback the church would gain only 26 spaces as opposed to 38 spaces with the ability to utilize the setback for parking purposes only ; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, inasmuch as reduction of the required setback to 0 feet would provide no area in which landscaping could be placed to screen the parking lot from public view as required by the landscape ordinance, but a variance to a minimum of 3 feet would provide the required landscaped screening area along Greenwood; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of the zoning ordinance and landscape ordinance inasmuch as no area would be left on site to provide screening of the lot from the street. However, maintaining a minimum of a 3 foot setback would permit a vegetative screen which will soften the effect of the parking lot in this mixed-use area; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita were not found to exist at the requested "0" foot front yard setback before a variance can be granted, but the required five conditions were found to exist at a setback of a minimum of 3 feet.

SEDGWICK COUNTY



**METROPOLITAN AREA PLANNING
DEPARTMENT**

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

June 17, 1994

Harlaw Buettner, Senior Pastor
Linwood Church of the Nazarene
1515 E Harry
Wichita, KS 67211

RE: BZA 10-94 - Variance to reduce the front yard setback on the east side of Greenwood 150 feet south of Harry.

Dear Pastor Buettner:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on May 24, 1994. 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 the parking lot layout and landscape plan, as required by Condition 3, has been submitted and approved.

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

Sincerely,

Lawrence P. Mitchell, Asst. Secretary
Board of Zoning Appeals

hm

cc: Tim Wagner, 1515 E Harry 67211
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
CAMA Files

4. This parking lot shall be constructed in accordance with all applicable City codes and shall be striped in accordance with the approved revised site plan and landscaped in accordance with the approved landscape plan within one year following approval of this variance by the Board of Zoning Appeals. (The landscaping shall be installed prior to use of the parking lot.)
5. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

FILE COPY

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. **4**
May 24, 1994

SECRETARY'S REPORT

CASE NUMBER: BZA 10-94

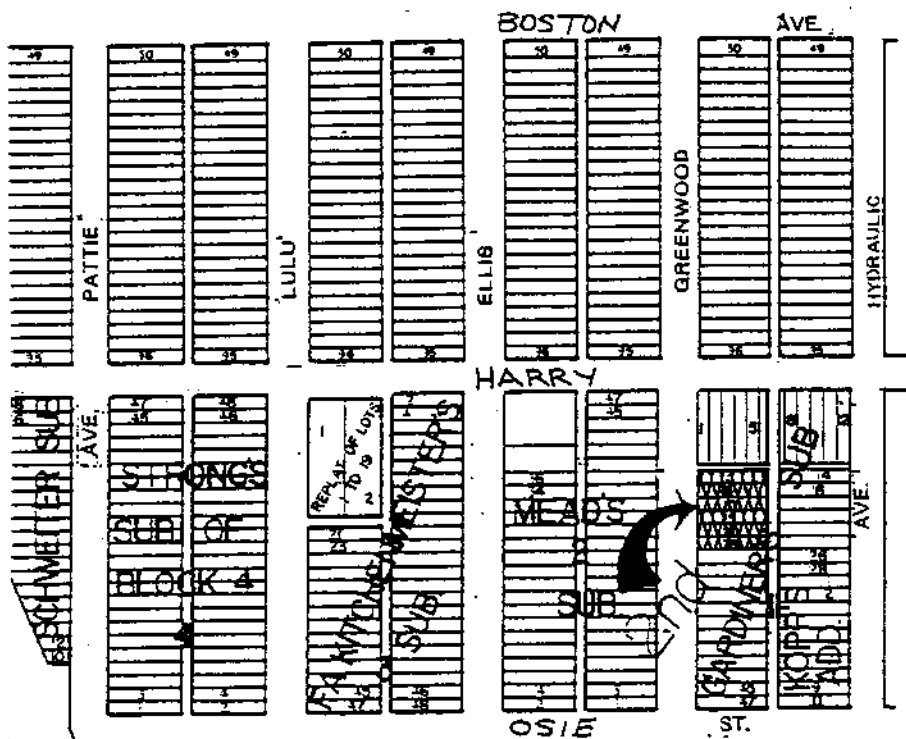
OWNER/APPLICANT: Linwood Church of the Nazarene
AGENT: Tim Wagner

REQUEST: Variance to reduce the front yard setback from 25 feet to 0 feet for parking purposes only.

CURRENT ZONING: "A" Two Family Dwelling

SITE SIZE: 0.48 Acres

LOCATION: 150 feet south of Harry on the east side of Greenwood.



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 applicant, Linwood Church of the Nazarene, owns property on Greenwood immediately across to the east of their existing church. The church wants to add to their existing parking lots, east, west, and south of the church by expanding the lot located on property east of the church building. The church is asking for a reduction of the 25 foot setback to 0 feet for all of the property frontage on Lots 13, 15, 17, 19, 21 and 23 of Gardner's Sub., of Block 1, Schweiter's 2nd Addition to enable them to provide as many off-street parking spaces as possible. There presently exists a non-conforming parking area on lots 13 and 15 located on the north end of the site. This area will be included with the remaining lots in developing an integrated parking lot. A one-family dwelling exists adjacent to the south of the proposed lot at 1628 South Greenwood and the church also owns the property immediately north of the proposed parking lot expansion, which is presently being used for retail purposes. The one family dwelling which will be most impacted by the reduced setback for the creation of a parking lot is owned by a member of the church's congregation. The church is proposing to lessen the impact of the parking lot on adjacent property by constructing a 6 foot privacy fence along the south and east side of the parking lot. Property to the north is Light Commercial and does not require screening (rear of retail activities which front on Harry) and the property to the west is the existing church structure. The lot will primarily be used to meet the church's parking needs on Sundays which will reduce the need of individuals to use on street parking.

The landscape ordinance requires screening of any new parking lot. Therefore, a minimum of 3 to 5 feet of setback should be retained to provide for a hedge or a combination of fence and vines or fence and shrubs.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" - Auto Parts Sales
SOUTH:	"A" - Single Family Dwelling
EAST:	"RB" - Single Family Dwelling
WEST:	"A" - Church

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the north portion of the property has been used for parking for a number of years without observing a setback and the site is located adjacent to church owned property to the north and west as well as property owned by a church member to the south.

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 screening will lessen the impact of the parking lot on adjacent properties and providing on site parking will lessen the impact of vehicles being parked on streets in the residential area.

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 additional parking spaces provided in the setback are needed to meet the parking needs of the church. Without the extra spaces the church would gain only 26 spaces as opposed to 38 spaces with the ability to utilize the setback for parking purposes only.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would adversely affect the public interest inasmuch as reduction of the required setback to 0 feet would provide no area in which landscaping could be placed to screen the parking lot from public view as required by the landscape ordinance, but a variance to between 3 and 5 feet would provide the required landscaped screening area along Greenwood.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance to 0 feet would be opposed to the general spirit and intent of the zoning ordinance and landscape ordinance inasmuch as no area would be left on site to provide screening of the lot from the street. However, maintaining a 3 to 5 foot setback would permit a vegetative screen which will soften the effect of the parking lot in this mixed-use area.

RECOMMENDATION: Not all five conditions can be justified for granting a variance to 0 feet but they can be justified for granting a variance to between 3 and 5 feet. Therefore, it is the recommendation of the Secretary that a variance to 3 to 5 feet be granted, subject to the following conditions:

1. The front yard setback reduction from 25 feet to between 3 and 5 feet shall be for parking purposes only.
2. Screening fences as required by code shall be installed along the property line with the residential development on the east and south sides of the site.
3. Within 60 days after approval by the Board and prior to release of the resolution authorizing this variance, the applicant shall submit a revised parking lot layout which retains a 3 to 5 foot setback along Greenwood for landscape screening purposes. Also within 60 days, a landscape plan shall be submitted for review & approval which specifies the type, quantity and sizes of plants to be installed within the setback. The landscaping materials and plan shall comply with the City's landscape ordinance.