

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 parking lot is more than 130 feet from the nearest residences and is screened by solid wood fences along the rear property lines of the residential lots.

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 existing parking spaces within the front yard setback would have to be removed and provided at some other location.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as there is still an area between the parking lot and the property line in which landscaping is being required which should alleviate the visual impact of this parking lot on the public travelling along Maize Road.

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 prohibition on parking within the front yard setbacks of residential districts is to protect adjacent residential properties but, in this case, adjacent residential properties are either developed with retention ponds or back into Maize Road and are already screened with solid wood fences.

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 landscape the remaining front yard setback area (10+ feet) with a minimum of 10 ornamental or 7 shade trees. A landscape plan, showing the type and size of plant materials and the method of providing water to them, shall be submitted to the Secretary of the Board of Zoning Appeals for review and approval prior to release of the resolution granting this variance.
2. The approved plant materials shall be installed prior to an occupancy permit being issued for the new addition. If weather prohibits planting, a financial guarantee in an amount sufficient to cover the cost of materials and labor shall be submitted to Central Inspection as guarantee that the plants will be installed during the next planting season.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4

May 22, 1990

SECRETARY'S REPORT

CASE NUMBER:

BZA 6-90

OWNER/APPLICANT/AGENT:

West Evangelical Free Church (owner/applicant)
Lee Hendrick (agent)

REQUEST:

Variance to reduce the front yard setback from
35 feet to not less than 10 feet for parking
purposes only.

CURRENT ZONING:

"AA" One-Family Dwelling District

SITE SIZE:

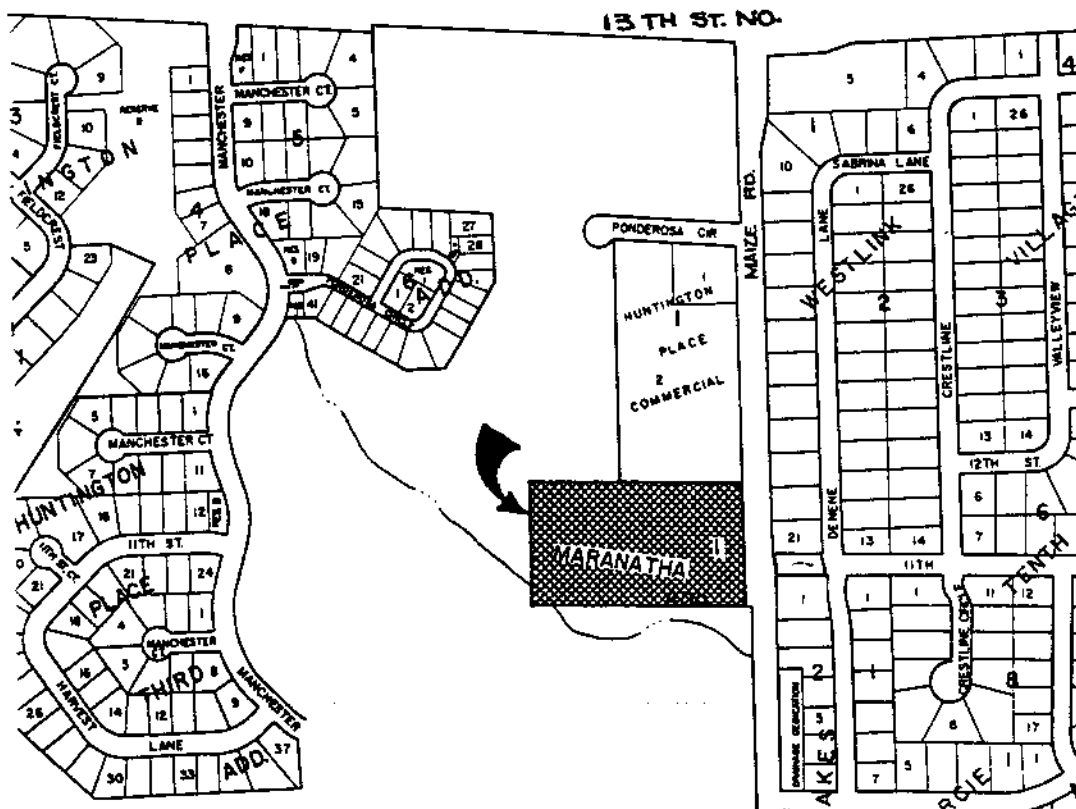
373 ft. x 647 ft. (5.5 acres)

LOCATION:

West side of Maize Road in an area south of
13th Street (1161 N. Maize).

PROPOSED USE:

Church parking lot (existing)



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: This one-lot "AA"-zoned Maranatha Addition was platted in 1980 for a church. In accordance with 28.04.140 of the Zoning Ordinance, "off-street parking spaces, ingress and egress drives, and circulation aisles shall not occupy any part of a required front yard" except for certain situations which do not apply in this case. The parking which exists within this required 35-foot platted front yard was not included on the original approved site plan, but was added later. A new site plan submitted for a proposed addition to the church building, currently being reviewed by Central Inspection, indicated the parking encroachment and necessitated this variance request.

Maize Road at this location is a two-lane road within 100 feet of right-of-way, so there is considerable grassed area between the road and the parking lot. Lots on the east side of Maize Road back into the road and all lots across the street from this site have 6-foot solid wood fences along their rear property lines. Light commercial zoning to the north will permit parking out to the property line. To the south of this site is a retention pond which will prohibit development at that location.

Although the church site is large enough to provide the required parking without encroaching into the 35-foot front yard, the conditions cited above indicate the uniqueness of this site in relation to adjacent sites and that there should be no adverse effect on adjacent properties if this paved parking area is allowed to remain. It has provided convenient parking close to the front door and, with the proposed church addition which includes a covered passenger "drop-off" area, will provide even more convenient access to the church.

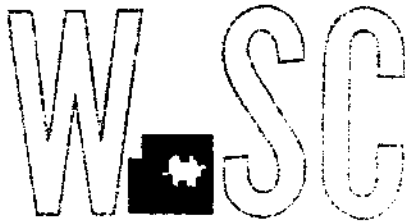
For the applicant's information, it is noted that the lot depth is 647 feet; the 20-foot platted utility easement along the front of the lot is centered on the property line (10 feet on this lot, 10 feet within Maize Road right-of-way); and future extensions of the church parking areas to the west will require screening fences or 25-foot landscaped yards where adjacent to residential districts. When the existing parking lot southwest of the church was installed, the property to the south was not within the city limits and therefore screening was not required.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Undeveloped
SOUTH	"AA" w/DP-152	Undeveloped and retention pond
EAST	"AA" & "A"	One-family dwellings
WEST	"AA" w/DP-152	Undeveloped

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is bounded on the north by light commercially-zoned property which permits parking to the front property line, a retention pond to the south, and the rear of residential lots to the east (all of which are screened with solid wood fences).

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4581

January 2, 1991

West Evangelical Free Church
1161 N. Maize Road
Wichita, KS 67212

Re: BZA 6-90 - Variance to reduce the front yard setback from 35 feet to not less than 10 feet for parking purposes only on the west side of Maize Road in an area south of 13th Street (1161 N. Maize Road).

Gentlemen:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on May 22, 1990. 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 landscape plan as required by condition #1 has been submitted and approved.

According to the plat of Maranatha Addition, there is a 10-foot utility easement just west of your east property line. I don't know what utilities are within this easement or how deep the lines may be, but you should use caution in digging holes for the trees. You may want to phone Kansas One-Call at 687-2470 and ask them to flag the location of any utilities within this easement. They provide this service free of charge.

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

Sincerely,

Louise Olivarez
Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

Lot 1, Maranatha Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Maize Road in an area south of 13th Street (1161 N. Maize Road).

subject to the following conditions:

1. The applicant shall landscape the remaining front yard setback area (10+ feet) with a minimum of 10 ornamental or 7 shade trees. A landscape plan, showing the type and size of plant materials and the method of providing water to them, shall be submitted to the Secretary of the Board of Zoning Appeals for review and approval prior to release of the resolution granting this variance.
2. The approved plant materials shall be installed prior to an occupancy permit being issued for the new addition. If weather prohibits planting, a financial guarantee in an amount sufficient to cover the cost of materials and labor shall be submitted to Central Inspection as guarantee that the plants will be installed during the next planting season.

ADOPTED AT WICHITA, KANSAS, this 22nd day of May, 1990.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 6-90

WHEREAS, West Evangelical Free Church, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 35 ft. to not less than 10 ft. for parking purposes only on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 1, Maranatha Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Maize Road in an area south of 13th Street (1161 N. Maize Road).

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 22, 1990, 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 it is bounded on the north by light commercially-zoned property which permits parking to the front property line, a retention pond to the south, and the rear of residential lots to the east (all of which are screened with solid wood fences); 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 parking lot is more than 130 feet from the nearest residences and is screened by solid wood fences along the rear property lines of the residential lots; 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 existing parking spaces within the front yard setback would have to be removed and provided at some other location; 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 there is still an area between the parking lot and the property line in which landscaping is being required which should alleviate the visual impact of this parking lot on the public travelling along Maize Road; 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 prohibition on parking within the front yard setbacks of residential districts is to protect adjacent residential properties but, in this case, adjacent residential properties are either developed with retention ponds or back into Maize Road and are already screened with solid wood fences; 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 front yard setback from 35 ft. to not less than 10 ft. for parking purposes only on property zoned the "AA" One-Family Dwelling District and legally described as follows:

WEST EVANGELICAL FREE CHURCH
1161 N. MAIZE RD.
KANSAS



SITE PLAN
1" = 20'-0"

ALVAH BREHMEISER-ARCHITECT ASSOC.
550 N. 16TH EAST
KANSAS

