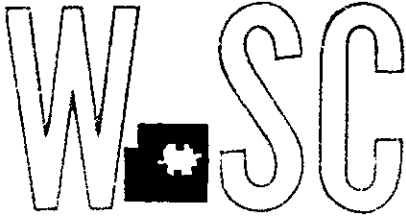


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

November 20, 1997

Countryside West Lanes
2350 N. Maize Road
Wichita, KS 67205


RE: BZA 21-97 - Variance to reduce the compatibility standard for the location of a refuse receptacle from 220 feet to 0 feet on property zoned "LC" Limited Commercial and generally located 1/4 mile north of 21st Street North on the east side of Maize Road (2350 N. Maize Rd).

Dear Sirs:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on November 18, 1997. 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 call our office.

Sincerely yours,


Dedra Denée Ragland
Board of Zoning Appeals

DDR/sah

cc: J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)



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BZA RESOLUTION NO. BZA 21-97

WHEREAS, Countryside West Lanes, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the compatibility standard setback for the location of a refuse receptacle from 220 feet to 0 feet on property zoned "LC" Limited Commercial and legally described as follows:

Part of Lot 2, Chadsworth Commercial 2nd Addition, Wichita, Sedgwick County, Kansas, described as: Beginning at the southwest corner of Lot 1, in said Chadsworth Commercial 2nd Addition; thence south 89 degrees 48' 0" east along the south line of said Lot 1, 200 feet; thence north 0 degrees 12' 0" east along the east line of said lot 1, 204.42 feet to the north line of said Lot 2; thence north 88 degrees 56' 0" east along the north line of said Lot 2, 304.95 feet to the northeast corner of said Lot 2; thence south 0 degrees 12' 0" west, 379.8 feet to a point on the east line of said Lot 2; thence south 88 degrees 56' 0" west parallel with the north line of said Lot 2, 304.95 feet; thence south 0 degrees 12' 0" west parallel with the west line of said Lot 2, 116.88 feet, said point being 30 feet north of northeast corner of Lot 3 in said Chadsworth Commercial Addition; thence north 89 degrees 48' 0" west parallel with the north line of said Lot 3, 200 feet to the west line of said Lot 2, said point being 30 feet north of the northwest corner of Lot 3; thence north 0 degrees 12' 0" east along the west line of said Lot 2, 292.26 feet to the point of beginning. Generally located ¼ mile north of 21st Street North on the east side of Maize Road (2350 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 November 18, 1997, 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 site has been developed with a structure and a parking layout which limits the applicant's ability to locate the refuse receptacle in compliance with the standard compatibility setback requirements; 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 there will be adequate separation and screening provided between the location of the refuse receptacle and the adjacent development. This separation and screening will reduce the potential impact of the refuse receptacle on the adjacent property; 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 refuse receptacle area would have to be relocated to a different location on the site which would result in the loss of parking spaces and the new location would potentially have a greater impact on existing homes which are located along the east property line of the site; 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, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this compatibility setback reduction request and therefore there will be no effect on the general public; 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 the zoning ordinance inasmuch as the intent of the compatibility standards of the zoning ordinance is to protect residential neighborhoods and with the required screening and landscaping for the site this goal should be met.

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.

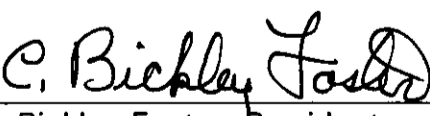
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the compatibility standard setback for the location of a refuse receptacle from 220 feet to 0 feet on property zoned "LC" Limited Commercial and legally described as follows:

Part of Lot 2, Chadsworth Commercial 2nd Addition, Wichita, Sedgwick County, Kansas, described as: Beginning at the southwest corner of Lot 1, in said Chadsworth Commercial 2nd Addition; thence south 89 degrees 48' 0" east along the south line of said Lot 1, 200 feet; thence north 0 degrees 12' 0" east along the east line of said lot 1, 204.42 feet to the north line of said Lot 2; thence north 88 degrees 56' 0" east along the north line of said Lot 2, 304.95 feet to the northeast corner of said Lot 2; thence south 0 degrees 12' 0" west, 379.8 feet to a point on the east line of said Lot 2; thence south 88 degrees 56' 0" west parallel with the north line of said Lot 2, 304.95 feet; thence south 0 degrees 12' 0" west parallel with the west line of said Lot 2, 116.88 feet, said point being 30 feet north of northeast corner of Lot 3 in said Chadsworth Commercial Addition; thence north 89 degrees 48' 0" west parallel with the north line of said Lot 3, 200 feet to the west line of said Lot 2, said point being 30 feet north of the northwest corner of Lot 3; thence north 0 degrees 12' 0" east along the west line of said Lot 2, 292.26 feet to the point of beginning.

subject to the following conditions:

1. This reduction in the compatibility setback standards for the location of a refuse receptacle from 20 feet to 0 feet shall apply to only the west 35 feet 10 inches of the northern most property line, as shown on the site plan submitted with this application.
2. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing condition.

ADOPTED AT WICHITA, KANSAS, this 18th day of November, 1997.


C. Bickley Foster, President

ATTEST:


Lawrence P. Mitchell, Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 21-97

OWNER/APPLICANT: Countryside West Lanes

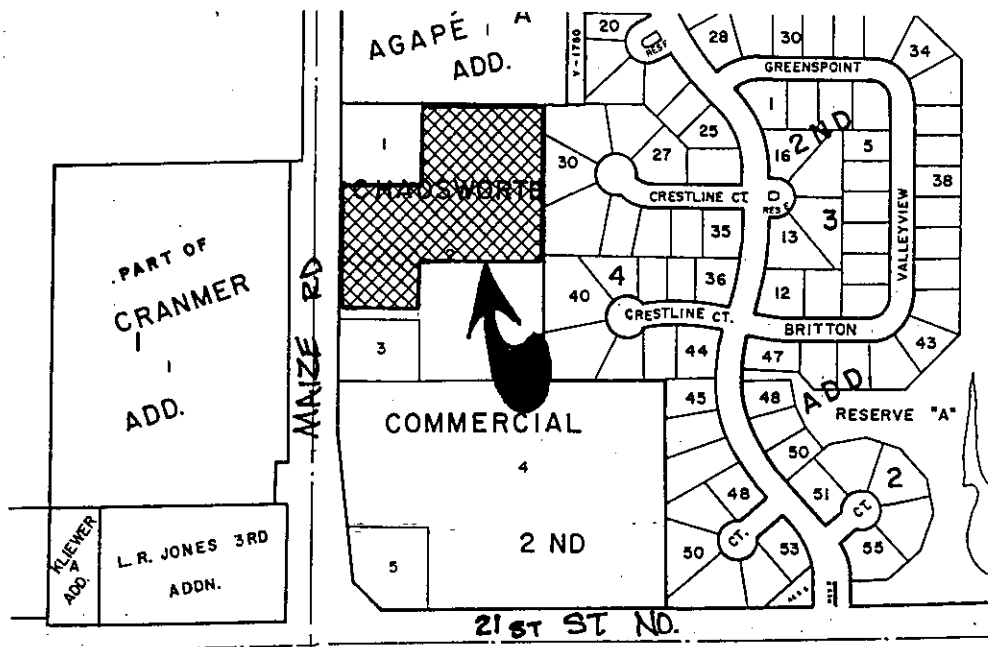
AGENT: Ray Beatty

REQUEST: Variance to reduce the compatibility standard setback for the location of a refuse receptacle from 20 feet to 0 feet.

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 4 acres

LOCATION: ¼ mile north of 21st Street North on the east side of Maize Road (2350 N. Maize Road)



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, Countryside West Lanes, has developed property with a bowling facility which is generally located ¼ mile north of 21st Street North on the east side of Maize Road. The site is currently zoned "LC" Limited Commercial which accommodates the use, but the site is adjacent to "SF-6" Single-Family Residential zoning on the north and east. A church is located on the property to the north and homes have been built on the property located to the east. The proximity of the site to residential zoning triggers the compatibility standards of the Unified Zoning Code (UZC). The compatibility standards established by the Unified Zoning Code are intended to preserve and protect residential neighborhoods. In this specific case, the compatibility standards require that the location of trash receptacles on this site maintain a 20-foot setback from the north and east property lines which are adjacent to the residential zoning. The applicant is requesting a variance to reduce the trash receptacle compatibility setback from 20 feet to 0 feet to allow the enclosed trash area to be located on the northwest corner of the site near the building. If the applicant's site was adjacent to "LC" Limited Commercial zoning on the north, the trash enclosure could be located on the north property line.

The applicant's site has a 8-foot screening wall constructed along the north and east property line which is adjacent to the residential zoning. The refuse receptacle will be screened from the property to the north by this wall. The property to the north is developed with a church with the church building located approximately 200 feet north of the screening wall.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6"	Church
SOUTH	"LC"	Undeveloped Land
EAST	"SF-6"	Single-Family Homes
WEST	"LC"	Auto Service (Jiffy Lube)

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site has been developed with a structure and a parking layout which limits the applicant's ability to locate the refuse receptacle in compliance with the standard compatibility setback requirements.

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 there will be adequate separation and screening provided between the location of the refuse receptacle and the adjacent development. This separation and screening will reduce the potential impact of the refuse receptacle on the adjacent property.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant

inasmuch as the refuse receptacle area would have to be relocated to a different location on the site which would result in the loss of parking spaces and the new location would potentially have a greater impact on existing homes which are located along the east property line of the site.

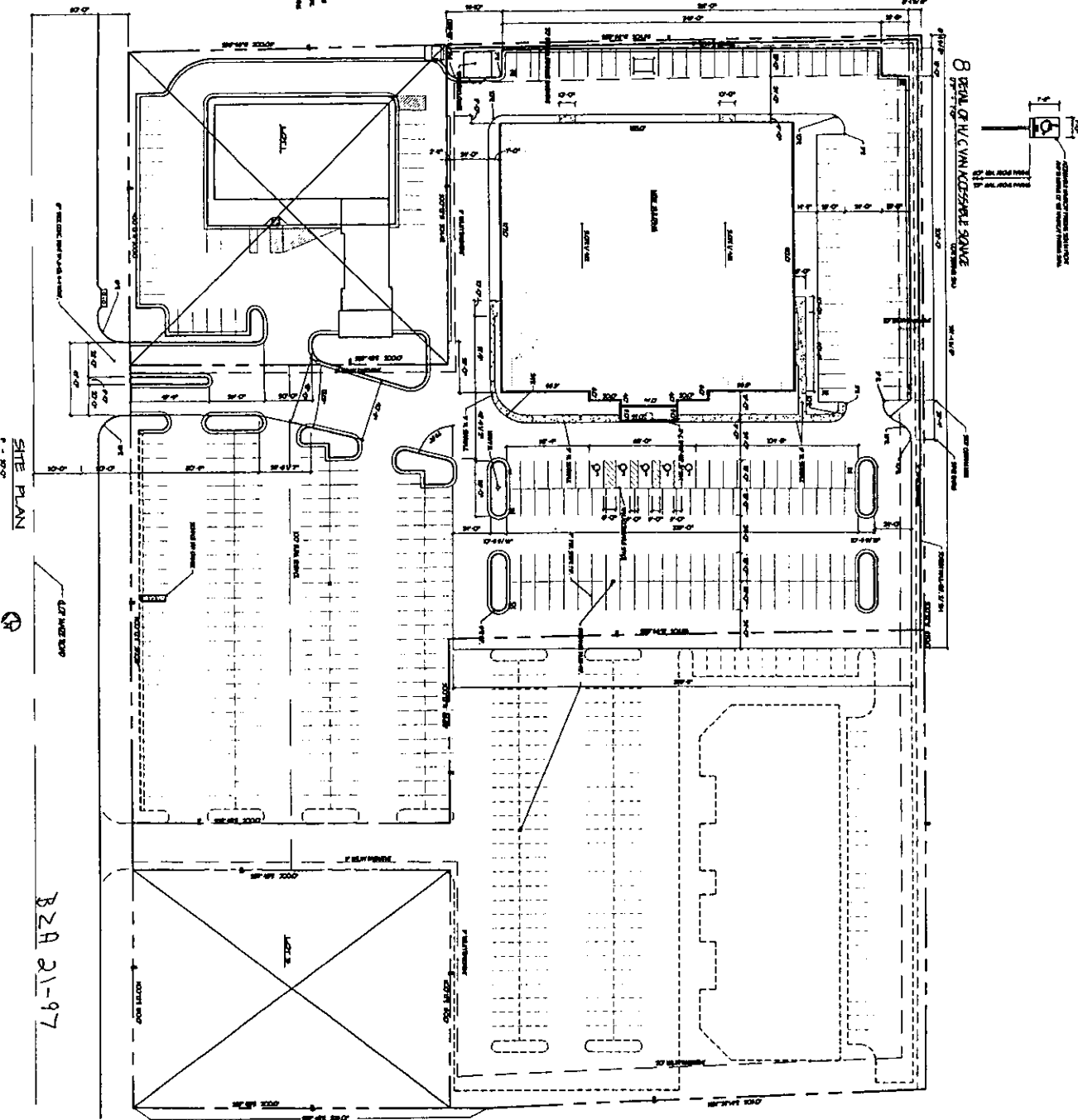
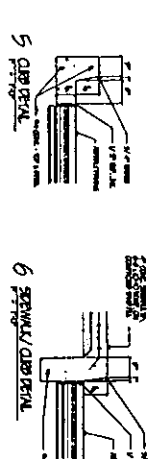
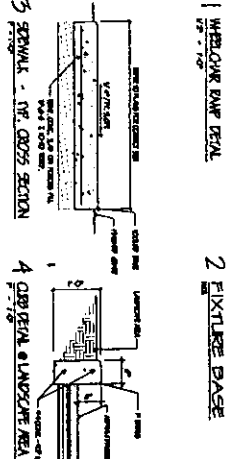
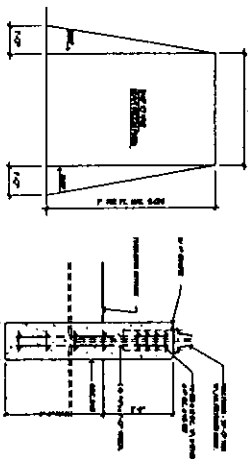
PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this compatibility setback reduction request and therefore there will be no effect on the general public.

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 regulations inasmuch as the intent of the compatibility standards of the zoning ordinance is to protect residential neighborhoods and with the required screening and landscaping for the site this goal should be met.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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. This reduction in the compatibility setback standards for the location of a refuse receptacle from 20 feet to 0 feet shall apply to only the west 35 feet 10 inches of the northern most property line, as shown on the site plan submitted with this application.
2. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing condition.

SITE DATA BLOCK	
THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.	ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTERLINE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
DATE: 01/15/97 DRAWN BY: J. J. JONES CHECKED BY: J. J. JONES PROJECT NO.: 96-01	SHEET NO.: SA-1 OF 1



PROJECT NO. 96-01 SHEET SA-1 OF 1	DATE: 01/15/97 DRAWN BY: J. J. JONES CHECKED BY: J. J. JONES	PROJECT NO. 96-01	SHEET SA-1 OF 1	COUNTRYSIDE WEST LANES WICHITA, KS.	EVANS EVANS BUILDING CO., INC. 9601 W. YORK WICHITA, KANSAS 67277