



Wichita-Sedgwick County Metropolitan Area Planning Department

October 26, 2018

Stanley Blankenship
946 W. 53rd Street N.
Wichita, KS 67204

RE: BZA2018-00050 – City Variance to allow the expansion of a machine shop on property zoned GC General Commercial (assoc. w/ZON2018-31) without the building frontage being used as office, display, or sales, generally located north of West 53rd Street North and west of North Arkansas Avenue (5401 N. Armstrong Ave.).

Dear Applicant:

At its regular meeting on September 6, 2018, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: MABCD

BZA RESOLUTION NO. 2018-00050

WHEREAS, Stanley Blankenship (Owner); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section III-D.6.n. of the Unified Zoning Code to permit a machine shop on property zoned "GC" General Commercial without the entire frontage of the ground floor used for office or display space legally described as follows:

Lot 16, Interurban Place Addition, Sedgwick County, Kansas; except the West 366 feet and except the North 198.06 feet, located in the Southwest Quarter of Section 17, Township 26 South, Range 1 East of the Sixth P.M. Generally located north of 53rd Street North and east of Seneca (5401 North Armstrong Avenue).

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 September 6, 2018, 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. It is the opinion of the Board that this property is unique, the new building will match the existing business and will be compatible with the surrounding neighborhood welding/machine shop uses that do not provide office or display space along the entire frontage of the building.

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. It is the opinion of the Board that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the applicant noted they have not experienced any adverse harm to nearby properties from the existing business and expect none for the expansion. The recommendation for the rezoning includes a Protective Overlay to help mitigate the expansion and the standards and requirements of the Unified Zoning Code will be applicable in all respects.

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 requiring compliance with the code will lead to development of unnecessary office and display space at significant cost in order for an existing legal non-conforming use to be expanded in a new building on an adjacent property.

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. It is the opinion of the Board that the requested variance would not adversely affect the public interest, inasmuch as the recommendation for the rezoning includes a Protective Overlay to help mitigate the expansion and the standards and requirements of the Unified Zoning Code to allow an existing legal non-conforming use to be expanded in a new building on an adjacent property

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. It is the opinion of the Board that the

granting of the variance requested would not oppose the general spirit and intent of the Code inasmuch as the intent of Section III-D.6.n. of the Unified Zoning Code is to soften the visual impact of manufacturing and welding/machine shop facilities. Since the adjacent property has been used in such a fashion for a number of years and the new building is simple an expansion onto adjacent property that has been cleared of a dilapidated structure, this represents a significant improvement to the neighborhood and the intent of the code to soften the visual impact of the facility will be met with the granting of a variance.

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, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance be granted to Section III-D.6.n. of the Unified Zoning Code to permit a machine shop on property zoned "GC" General Commercial without the entire frontage of the ground floor used for office or display space legally described as follows:

Lot 16, Interurban Place Addition, Sedgwick County, Kansas; except the West 366 feet and except the North 198.06 feet, located in the Southwest Quarter of Section 17, Township 26 South, Range 1 East of the Sixth P.M. Generally located north of 53rd Street North and east of Seneca (5401 North Armstrong Avenue).

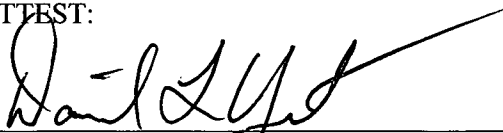
The variance is hereby **GRANTED**, subject to the following conditions:

1. All necessary permits for the structure shall be obtained from the Metropolitan Area Building and Construction Department (MABCD).
2. All conditions of the Protective Overlay (PO #332) be complied with at all times.
3. The site shall remain in substantial compliance with the site plan that has been provided as a part of this application.
4. The resolution authorizing the variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 6th DAY of SEPTEMBER, 2018.


Cindy Miles, BZA Board Chair

ATTEST:


David L. Yearout, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2018-00050

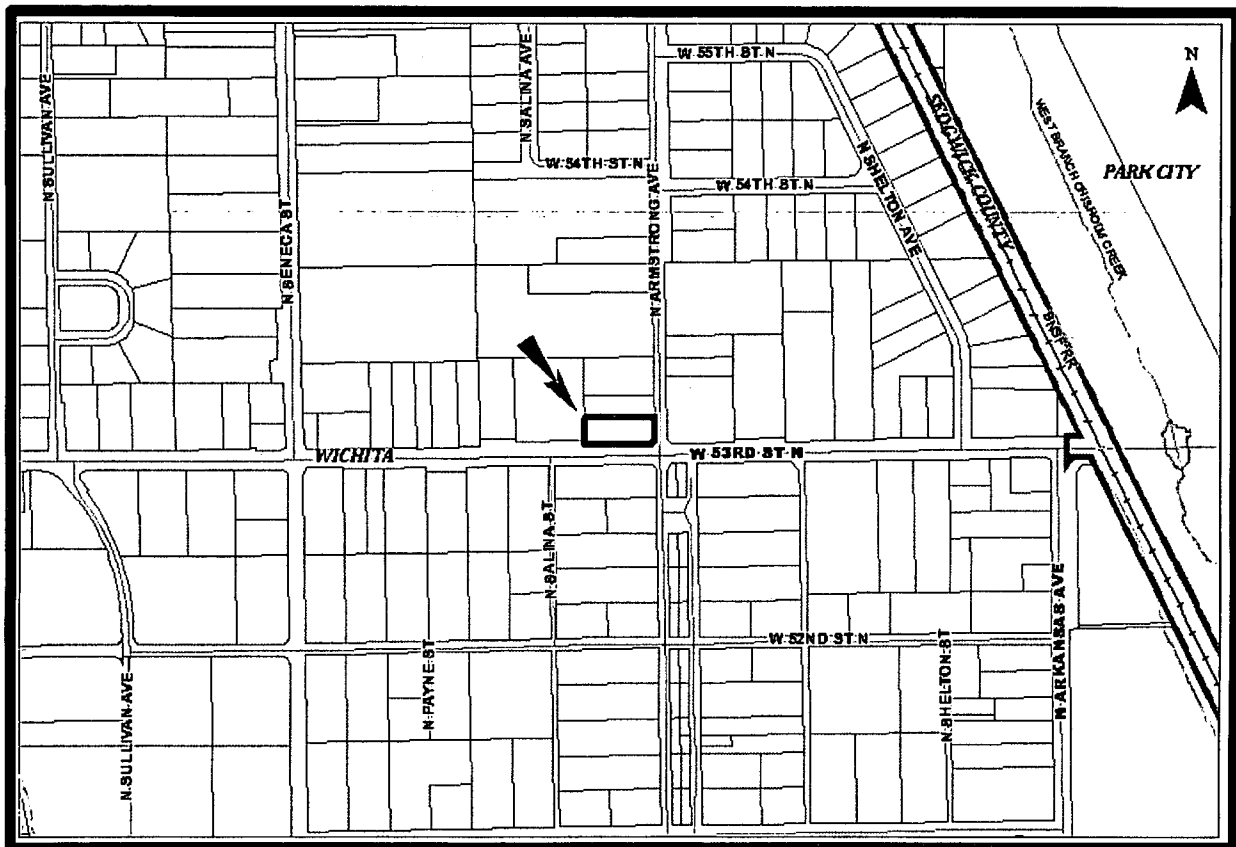
APPLICANT: Stanley Blankenship

REQUEST: Variance to Waive the Requirement the Street Frontage of the Machine Shop is to be Office, Display or Sales Area

CURRENT ZONING: SF-3 Single-Family Residential District

SITE SIZE: 0.53 acres

LOCATION: Generally located north of 53rd Street North and west of North Armstrong Avenue (5401 North Armstrong Avenue).



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759. The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: This application requests the waiver of the provisions of Section III-D.6.n. in the Supplementary Use Regulations of the Unified Zoning Code, which requires the entire frontage of the ground floor of machine and welding shops in the GC District be used for office space, display or wholesale or retail sales.

The applicant is requesting to expand the existing business to the west onto this new property and received a variance to permit the same condition on that business in 2004.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Single Family Residence
SOUTH	SF-5	Single-Family Residence
EAST	SF-5	Single Family Residence
WEST	GC	Commercial Machine Shop

UNIQUENESS: The applicant has indicated the new building will match the existing business and will be compatible with the surrounding neighborhood. Supporting information has been submitted with the application, which is attached.

ADJACENT PROPERTY: The applicant has stated they have experience no adverse harm to nearby properties from the existing business and expect none for the expansion. The recommendation for the rezoning includes a Protective Overlay to help mitigate the expansion and the standards and requirements of the Unified Zoning Code will be applicable in all respects.

HARDSHIP: The applicant has acquired the property to allow the business expansion and would suffer hardship if that was not permitted.

PUBLIC INTEREST: The applicant asserts that the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.

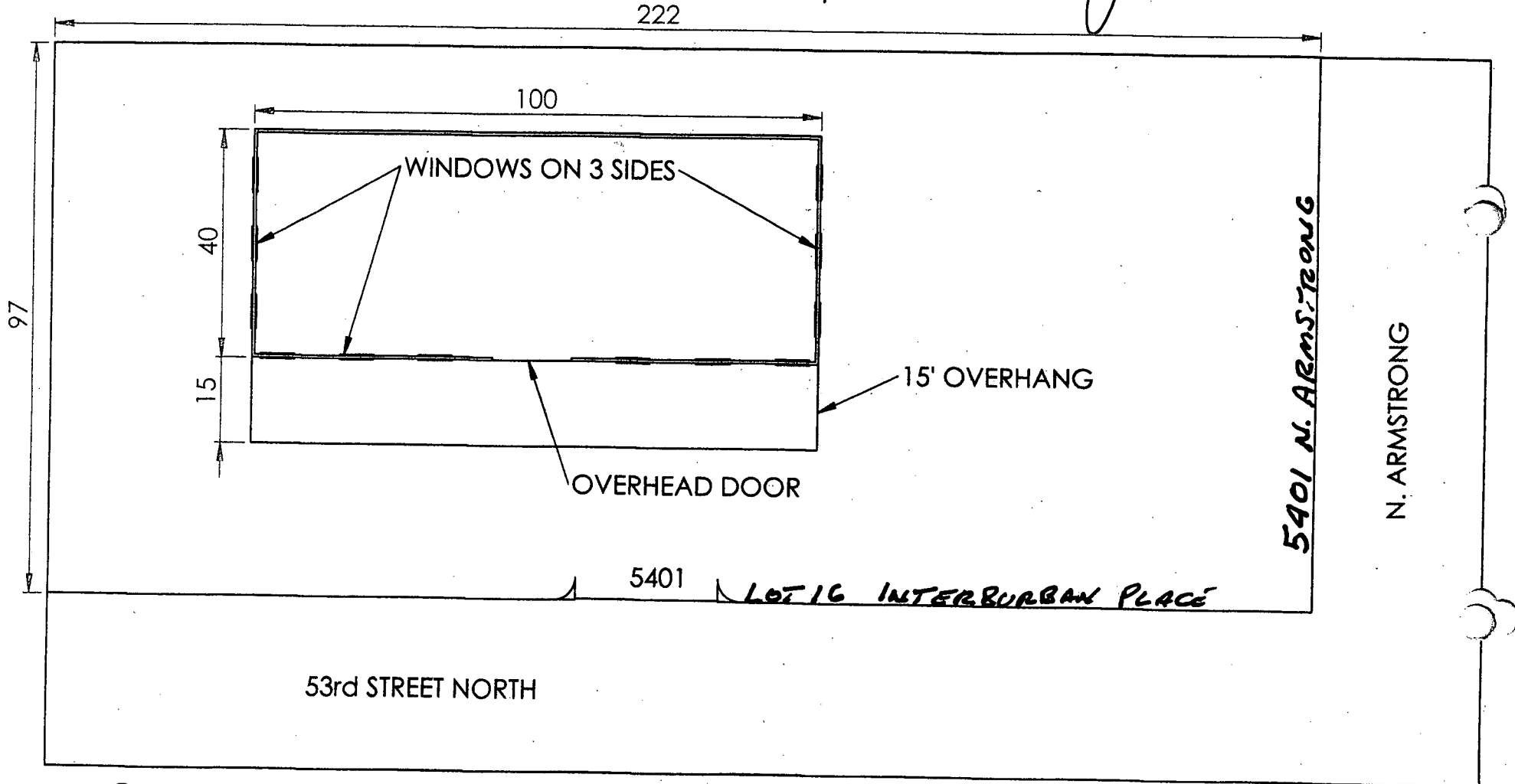
SPIRIT AND INTENT: The applicant does not feel this case violates the spirit and intent of the code, especially since this is no different from the approval granted to the existing business to the west.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, the recommendation of Staff that the variance to waive of the provisions of Section III-D.6.n. in the Supplementary Use Regulations of the Unified Zoning Code, which requires the entire frontage of the ground floor of machine and welding shops in the GC District be used for office space, display or wholesale or retail sales be GRANTED, subject to the following conditions:

1. All necessary permits for the structure shall be obtained from the Metropolitan Area Building and Construction Department (MABCD).
2. All conditions of the Protective Overlay (PO #332) be complied with at all times.
3. The site shall remain in substantial compliance with the site plan that has been provided as a part of this application.

SITE PLAN

APPROVED 9/6/18 BY BZA *[Signature]* *N*



SEEKING VARIANCE FROM D.G.N

STAN BLANKENSHIP
619-3457

ALL DIMENSIONS IN FEET.