



Wichita-Sedgwick County Metropolitan Area Planning Department

March 24, 2004

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

RE: BZA2004-00013 – 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. Generally located north of 53rd Street North and east of Seneca. (946 W. 53rd Street N.)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on March 23, 2004, this resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421

Sincerely,

Scott Knebel
Senior Planner

SK/rs

Cc: Sharon Fearey, WCC, District VI, Mail Stop 1-13
Sharon Dickgrafe, Law Department, Mail Stop 1-132
Herb Shaner, OCI, 1-72

BZA RESOLUTION NO. 2004-00013

WHEREAS, Stanley and Ladene Blankenship (Owner); pursuant to Section 2.12.590.B, Code of the City of Wichita, request 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 1, Block A, Goolsby's Addition, Sedgwick County, Kansas. Generally located north of 53rd Street North and east of Seneca (946 W. 53rd Street No.).

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 23, 2004, 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, inasmuch as the subject property and the property immediately to the west are currently legal non-conforming welding/machine shop uses that do not provide office or display space along the entire frontage of the building. Both uses were established prior to the code requirement, and the use of the subject property will not change, only the building in which the use is conducted will change.

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 a machine shop has existed on the property for decades without the entire frontage used for office or display, and there have been no apparent adverse affects on surrounding uses. Additionally, the new building will be developed in accordance with landscape and screening requirements not presently met by the subject property; therefore, the impact of the subject property on surrounding uses should be improved in comparison to the current development.

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. It is the opinion of the Board that the strict application of the provisions of the Code will constitute an unnecessary hardship upon the applicant, 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 continued in a new building on the same 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 all setback requirements and easements will be met; therefore, no detrimental impacts to public health, safety, or welfare should occur. Additionally, the variance will allow the current practice of backing trucks into the subject property to cease, thus improving traffic safety in the area.

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 subject property has been used in such a fashion for decades and the new building represents a significant improvement over the existing building, the intent of the code to soften the visual impact of the facility will be met even 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.

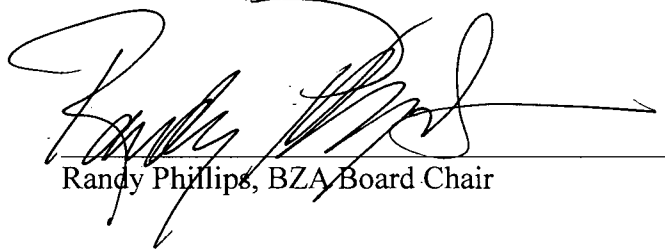
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance be granted to Section III-D.6.n. of the Unified Zoning Code to permit a machine shop on property zoned "GC" General Commercial without the entire frontage of the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

Lot 1, Block A, Goolsby's Addition, Sedgwick County, Kansas. Generally located north of 53rd Street North and east of Seneca (946 W. 53rd Street No.).

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

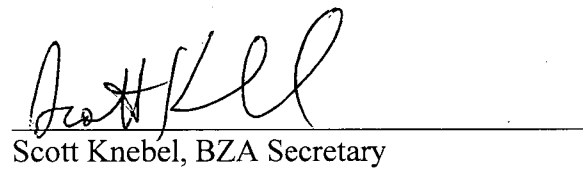
1. The subject property shall be developed in general conformance with all applicable codes, including building, zoning, landscaping, and sign codes, except that only 30 percent of the frontage of the ground floor along 53rd Street North shall be required to be used for office space, display or wholesale or retail uses.
2. The subject property shall be developed in general conformance with the approved site plan and elevation drawings.
3. The applicant shall obtain all necessary permits, and the improvements shall be completed within one year of the granting of the variance, unless such time period is extended by the Board.
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 23rd DAY of MARCH, 2004.



Randy Phillips, BZA Board Chair

ATTEST:



Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2004-00013

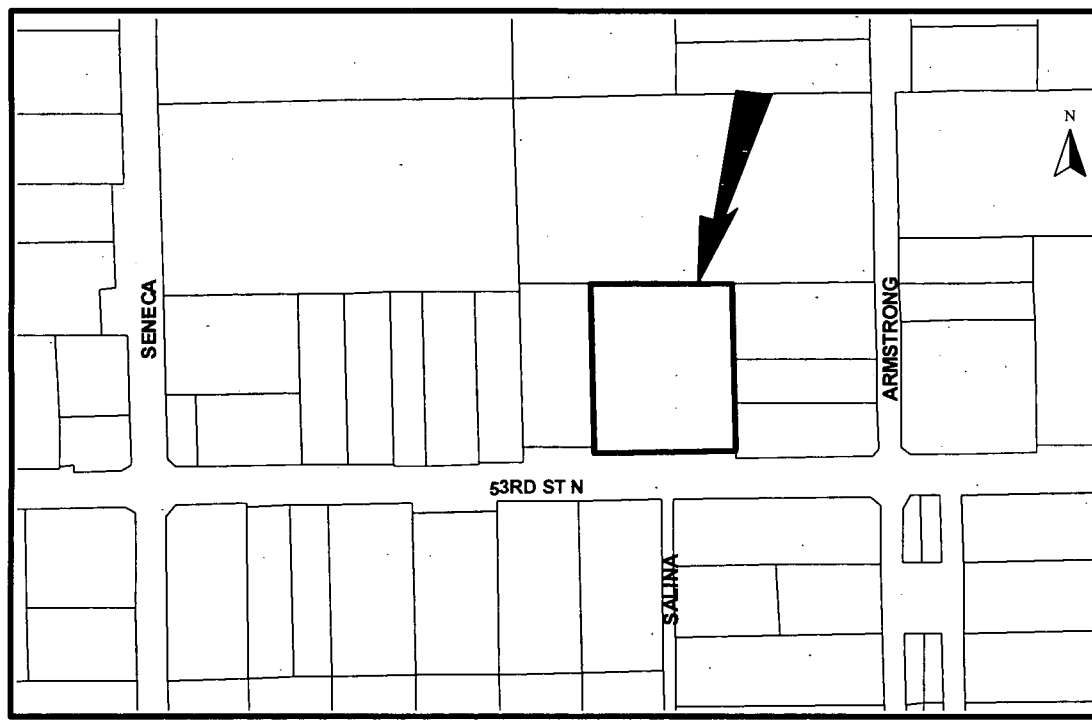
OWNER/APPLICANT: Stanley and Ladene Blankenship

REQUEST: 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

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 2.4 Acres

LOCATION: North of 53rd Street North and east of Seneca (946 W. 53rd St. N.)



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: Section IV-D.6.n. of the Unified Zoning Code states, "no building may be erected or used for any manufacturing (limited or general) or welding or machine shop use in the GC district unless the entire frontage of the ground floor along the principal street frontage is used for office space, display or wholesale or retail sales." The subject property is zoned "GC" General Commercial and has been used as machine shop without the entire frontage used for office or display space since before Section IV-D.6.n. of the Unified Zoning Code became effective; therefore, the current use of the subject property is legally non-conforming. However, the applicant proposes to demolish the existing building and replace it with a new building (see attached site plan and elevation drawings) also to be used for a machine shop without the entire frontage used for office or display space. Since a new building will be constructed, the legal non-conforming rights will cease, and the applicant is requesting a variance to Section IV-D.6.n. of the Unified Zoning Code to permit a machine shop without the entire frontage of the ground floor used for office or display space.

The applicant submitted the attached written statement describing the need for the variance. The applicant proposes a circular drive with a loading door on the front of the building in order to prevent the need to continue the current practice of trucks backing into the property off 53rd Street North and blocking a major roadway. With the loading door on the front of the building, the entire frontage of the building cannot be used for office or display space, thus necessitating the variance.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-5"	Single family
SOUTH	"SF-5"	Single family
EAST	"SF-5"	Single family
WEST	"GC"	Welding shop

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the subject property and the property immediately to the west are currently legal non-conforming welding/machine shop uses that do not provide office or display space along the entire frontage of the building. Both uses were established prior to the code requirement, and the use of the subject property will not change, only the building in which the use is conducted will change.

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 a machine shop has existed on the property for decades without the entire frontage used for office or display, and there have been no apparent adverse affects on surrounding uses. Additionally, the new building will be developed in accordance with landscape and screening requirements not presently met by the

subject property; therefore, the impact of the subject property on surrounding uses should be improved in comparison to the current development.

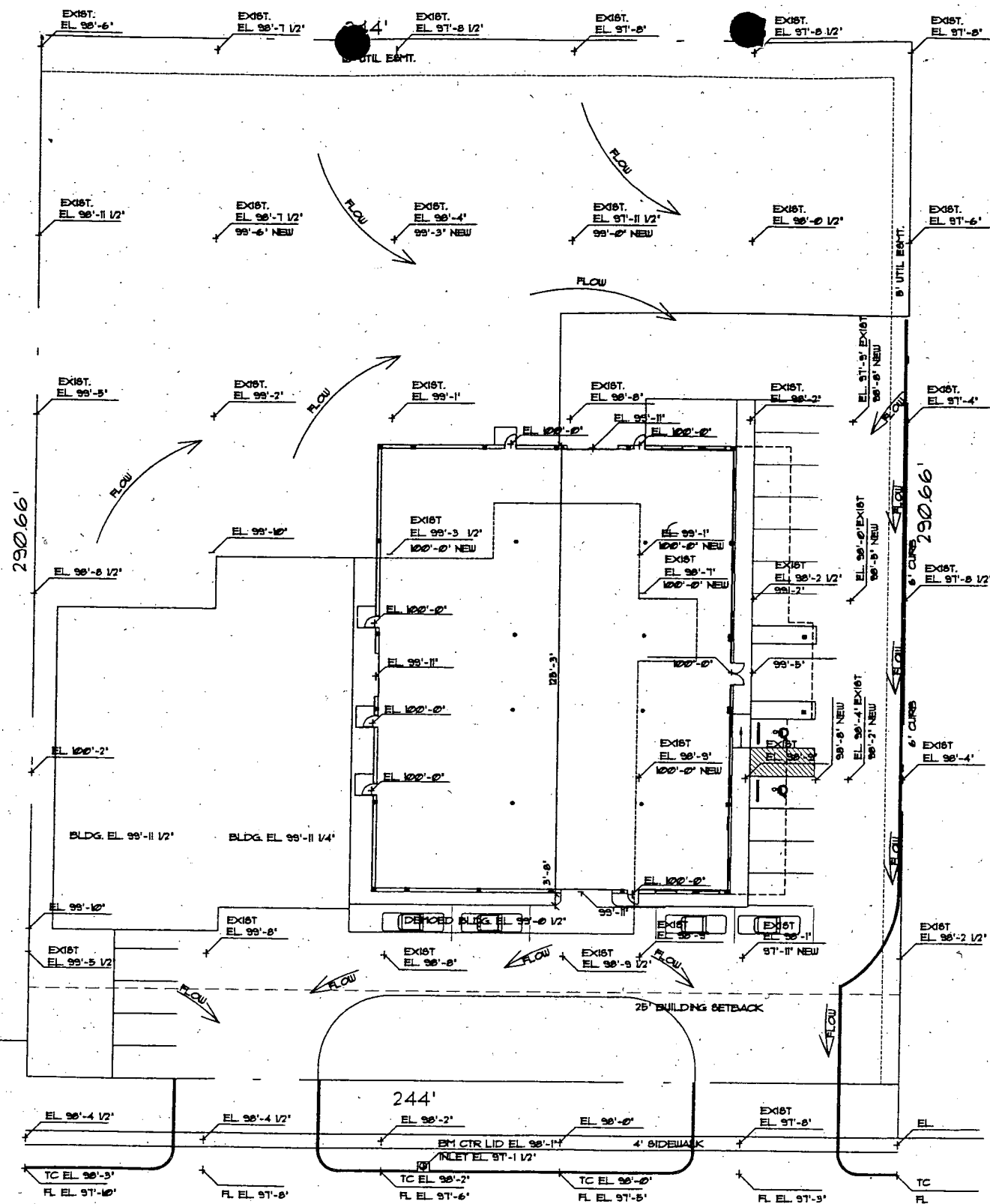
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the Code will constitute an unnecessary hardship upon the applicant, inasmuch as requiring compliance with the code will lead to development of unnecessary office and display space at significant cost in order for an existing legal non-conforming use to be continued in a new building on the same property.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as all setback requirements and easements will be met; therefore, no detrimental impacts to public health, safety, or welfare should occur. Additionally, the variance will allow the current practice of backing trucks into the subject property to cease, thus improving traffic safety in the area.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not oppose the general spirit and intent of the Code inasmuch the intent of Section IV-D.6.n. of the Unified Zoning Code is to soften the visual impact of manufacturing and welding/machine shop facilities. Since the subject property has been used in such a fashion for decades and the new building represents a significant improvement over the existing building, the intent of the code to soften the visual impact of the facility will be met even with the granting of a variance.

RECOMMENDATION: It is staff's opinion that the variance requested is appropriate. Should the Board determine that the five conditions necessary for granting the variance exist, then it is the recommendation of the Secretary that the variance be GRANTED, subject to the following conditions:

1. The subject property shall be developed in general conformance with all applicable codes, including building, zoning, landscaping, and sign codes, except that compliance with Section IV-D.6.n. of the Unified Zoning Code shall not be required.
2. The subject property shall be developed in general conformance with the approved site plan and elevation drawings.
3. The applicant shall obtain all necessary permits, and the improvements shall be completed within one year of the granting of the variance, unless such time period is extended by the Board.
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.



53rd STREET

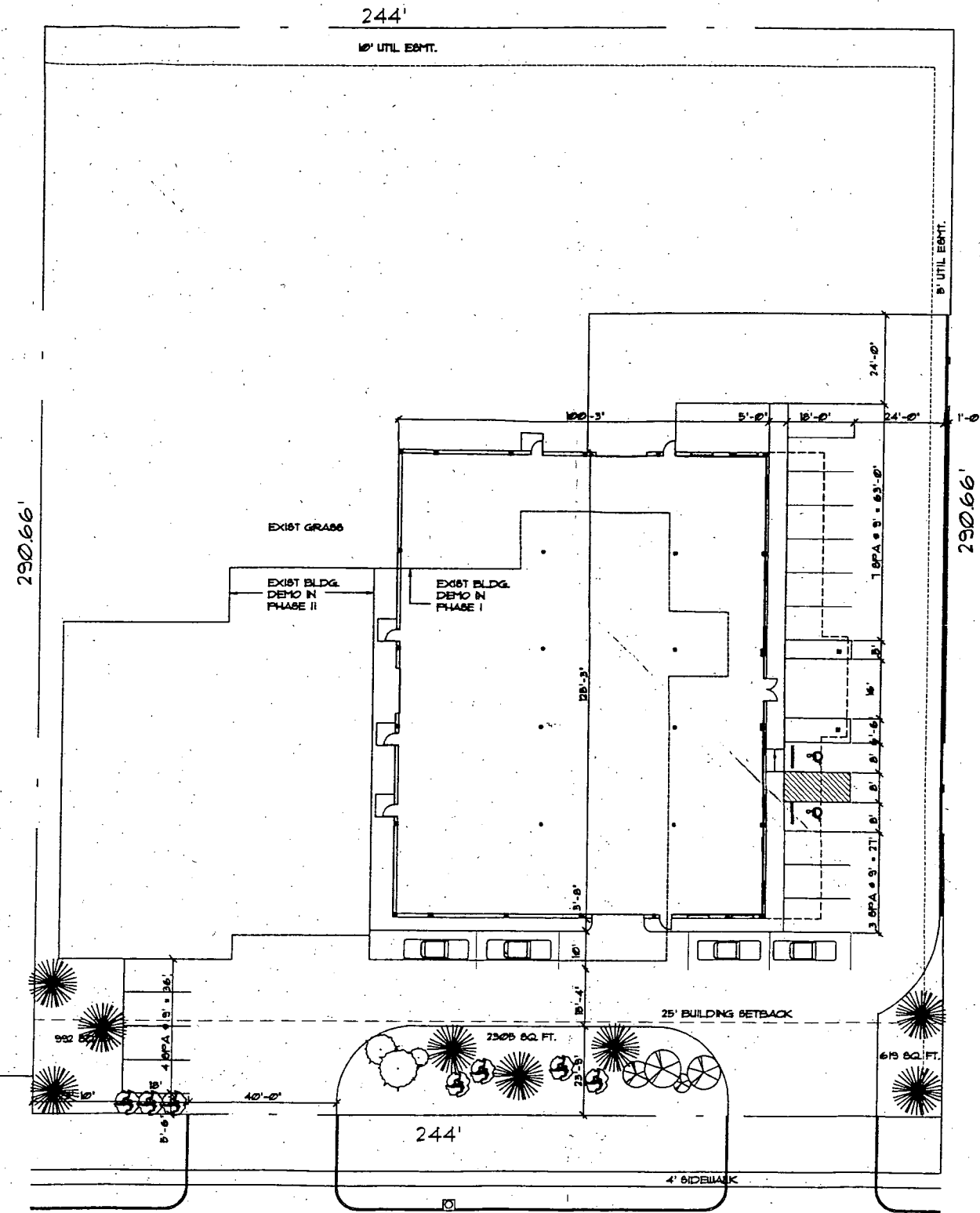
104
EXIST
FIRE
HYDRANT

SITE GRADING PLAN
SCALE: 1" = 20'-0"

LEGAL DESCRIPTION
LOT 1, BLOCK A, GOOLSBY ADDITION

GENERAL NOTE:
TOTAL SITE AREA = 10,521 SQ. FT.
INTERVIOUS AREA = 58,150 SQ. FT.
BUILDING AREA = 12,500 SQ. FT.
BUILDING TYPE 2B, USE F2
BASIC ALLOWABLE AREA = 73,200 SQ. FT.

LANDSCAPE NOTE:
STREETYARD = 8' X 244' = 3,660 SQ. FT.
ACTUAL STREETYARD = 3,916 SQ. FT.
3,660/500 = 8 TREES



53rd STREET

104
EXIST
FIRE
HYDRANT

SITE PLAN
SCALE: 1" = 20'-0"

SITE PLAN

APPROVED 3-23-04 BY BZA

BZA2004-13

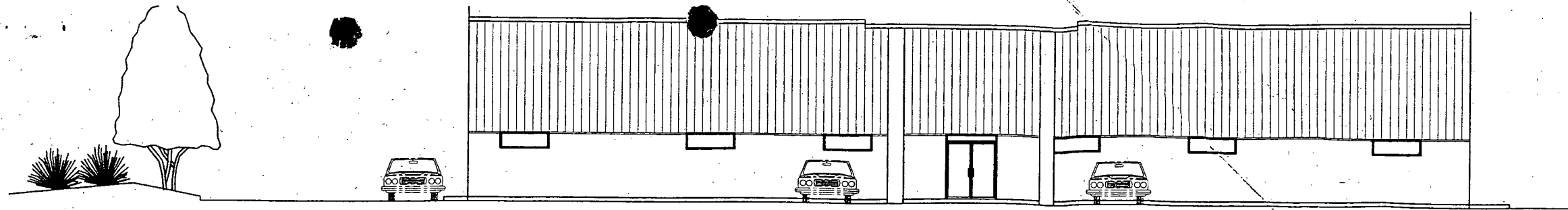
EDWARD A. MURABITO
ARCHITECT
DI ANNIER

A BUILDING ADDITION FOR:
AUTOMATED AIRCRAFT TOOLING

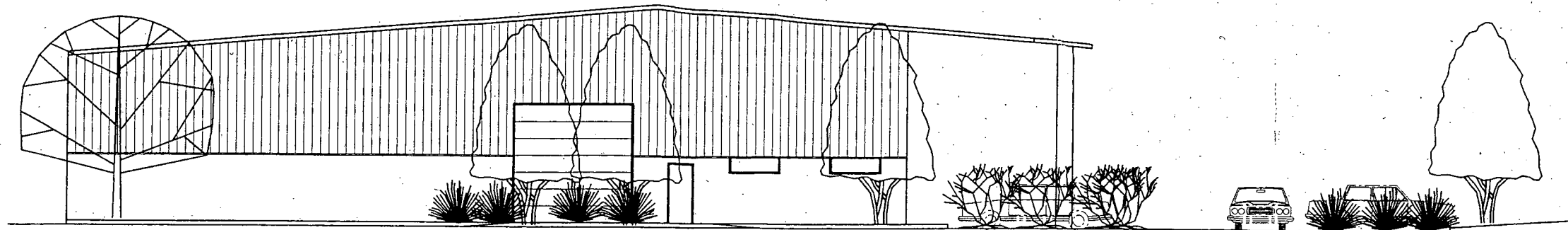
DATE: 15 DEC
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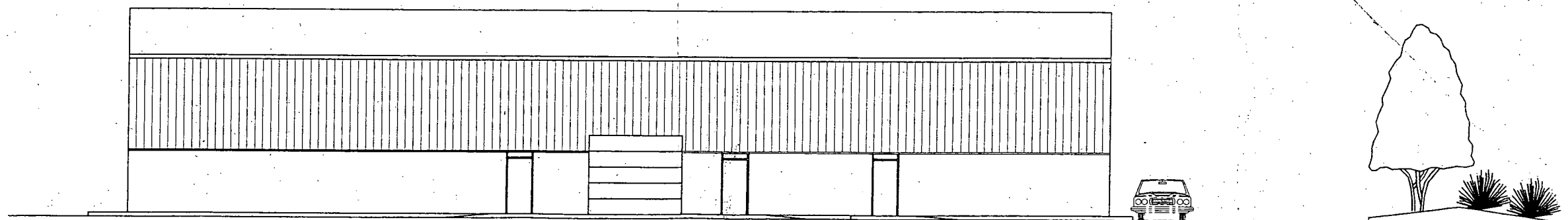
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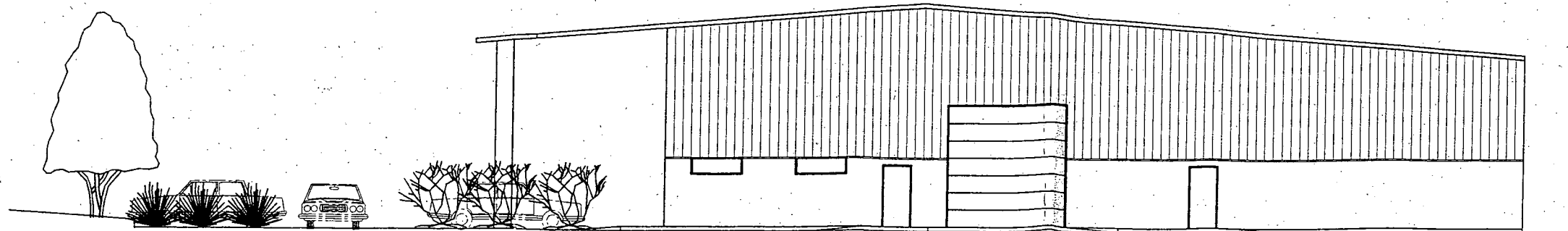

EAST ELEVATION
 SCALE: 1/8"=1'-0"




SOUTH ELEVATION
 SCALE: 1/8"=1'-0"




WEST ELEVATION
 SCALE: 1/8"=1'-0"

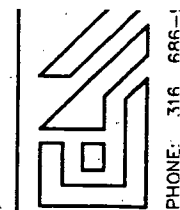



NORTH ELEVATION
 SCALE: 1/8"=1'-0"

SITE PLAN

APPROVED 3-23-04 BY BZA

BZA2004-13



PHONE: 316 686-1

EDWARD A. MURABITO
 ARCHITECT
 PLANNER
 WICHITA, KANSAS

A BUILDING ADDITION FOR:
 AUTOMATED AIRCRAFT TOOLING
 946 W 53RD ST NORTH
 WICHITA, KANSAS

DATE:
 REVISED:
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