

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 for a variance to reduce the required minimum lot width, for two-family dwellings, from 75 feet to 71 feet, on property zoned the "R-6" General Residence District, and legally described as follows:

Lot 1, Holiday Heights Addition to Wichita, Sedgwick County, Kansas (being re-platted into 5 lots to be known as Bull Meadows Addition). Generally located at the southeast corner of Doreen and Boston,

be approved subject to not more than one two-family dwelling being permitted on each platted lot.

ADOPTED AT WICHITA, KANSAS, this 27th day of January, 1976.

Marjorie L. Taylor, Chairman

ATTEST:

Jack H. Galbraith, Secretary

6. Case No. BZA 57-75 - Urban Renewal Agency and Constance M. Kenney, 104 South Broadway, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required landscaping adjacent to the residential district to the south from a 25 x 50 rectangular area along Waco to a 25 x 50 foot area; and to waive the required 25 x 50 foot landscaping on Fairview Avenue on "LC" Light Commercial zoning adjacent to "B" Multiple Family zoning; and to waive the required screening of commercial and office development from multiple family residential development on all property zoned the "LC" Light Commercial and "A" Two-Family Dwelling Districts, but approved for "LC" "BB" Office District and "B" Multiple Family District and legally described as follows:

Lots 13, 15, 17, 19, 21, 23, 25, 27, 29, 31 and 33 on Wichita Street (now Fairview); and Lots 14, 16, 18, 20, 22, 24, 26, 28, 30, 32 and 34 on Waco Avenue, in Brooks and Oldham's Addition to the City of Wichita, Sedgwick County, Kansas.

Generally located at the southeast corner
of Doreen and Boston.

GALBRAITH pointed out the area on the map and reviewed the following comments from the Secretary's report:

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 of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

Subject property is the south approximately 2/3 of the former Waco School site lying between Waco and Fairview Avenues, in an area south of 21st Street North. Subject property is zoned the "A" Two Family Dwelling District but has been approved for a change of zoning to the "LC" Light Commercial, "BB" Office District, and "B" Multiple Family Dwelling District, subject to the entire Waco School site being re-platted. The remainder of the site to the north is already zoned "LC".

The applicants are proposed to develop this entire site with a combination of commercial, office, and residential uses. A commercial building with efficiency apartments on the second floor is planned for the "LC" portion of this property; offices and apartments are planned for the "BB" parcel; and an apartment building is proposed on the "B" zoned property. When the zone change becomes effective, the north approximate 1/2 of the site will be zoned "LC" Light Commercial, the southwest 1/4 of the site will be "BB" office zoning and the southwest

1/4 of the site will be zoned the "B" Multiple Family Dwelling District.

Section 28.04 160 (K) of the Zoning Ordinance requires the applicants to screen the commercial and office development from the residential apartment development on the "B" zoned property and to provide a 20 x 50 foot landscaped area on the "LC" property as an extension of the required front yard setback on adjacent "B" zoned property. Inasmuch as this is a single, total development, and is being platted as one lot, the applicants are requesting that these interior screening and landscaping requirements be waived. Landscaping is also required at the south end of the "BB" zoned property as an extension of the required front yard in the "A" Two Family Dwelling District to the south. The applicants are requesting that this requirement be reduced from the required 25 x 30 foot area to a 20 x 50 foot area.

They plan to place screening along the south property line of subject property and landscape an additional 20 x 20 foot area at the southwest corner of the property to screen and buffer this development from the single family residential development to the south.

UNIQUENESS:

It is the opinion of the Secretary that the requested variance arises from a condition unique to the property in question inasmuch as the property includes three different zoning districts with the majority of the requested variance being located interiorly within the proposed development; and the applicants are willing to screen and landscape adjacent to the south property line.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the requested variance will not adversely affect the rights of adjacent property owners or residents inasmuch as screening and landscaping will be placed along the south property line of the total development.

HARDSHIP

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance will constitute unnecessary hardship upon the property owner inasmuch as planned parking and circulation would be needlessly hindered and altered for the purpose of screening different parcels of the same total development.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public interest as the requests are interiorly located.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of this variance will not be opposed to the general spirit and intent of the zoning

ordinance inasmuch as the applicants are planning to screen and landscape the south property line thereby placing the buffer where the intent of the ordinance would have it located.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance can be found to exist, and therefore, recommends that the variance be granted subject to the following conditions:

1. The applicants shall provide a 20 foot landscaped area beginning at the south property line and extending north along the west property line for a distance of at least 50 feet; and a 20 foot landscaped area beginning at the south property line and extending north along the east property line for a distance of at least 20 feet.
2. Screening shall be placed along the entire south property line except for the two 20 foot areas described in condition # 1 and except for that portion of the south property line dedicated for a public alley.
3. The above mentioned screening and landscaping shall meet the requirements of the zoning ordinance definition of each and shall be maintained in a good condition.

MOORE asked GALBRAITH if the applicants were agreeable to the recommendation in the Secretary's Report and whether this would be a Revenue Bond issue. GALBRAITH replied that he thought the applicants were in agreement to the conditions, as listed, in the Secretary's Report. He said that this was Urban Renewal land, but did not believe a revenue bond issue was involved.

ALAN McHENRY, architect for the applicants, answered MOORE'S question by stating that it was not a Revenue Bond issue. He displayed an architectural rendering of the site, saying that they were proposing to eliminate the interior screening, in favor of perimeter screening on the south end of the property, to screen the residential district from the total development.

MOTION: MOORE moved, MURPHY seconded and it carried unanimously that the five conditions necessary to the granting of a variance be found to exist, and that the requested variance be approved subject to the three recommended conditions listed in the Secretary's Report, as shown by the adoption of the following Resolution:

RESOLUTION NO. BZA 57-75

WHEREAS, Urban Renewal Agency and Constance M. Kenney, 104 South Broadway, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required landscaping adjacent to the residential district to the south from a 25 x 50 foot rectangular area along Waco to a 20 x 50 foot area; and to waive the required 25 x 50 foot landscaping on Fairview Avenue on "LC" Light Commercial zoning adjacent to "B" Multiple Family Zoning; and to waive the required screening of commercial and office development from multiple family residential development, all on property zoned the "LC" Light Commercial and "A" Two Family Dwelling districts, but approved for "LC", "BB" Office District and "B" Multiple Family District and legally described as follows:

Lots 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, and 33, on Wichita Street; (now Fairview), and Lots 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, and 34, on Waco Avenue, in Brooks and Oldham's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of 21st Street North between Waco and Fairview Avenues.

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 January 27, 1976, 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 the property includes three different zoning districts with the majority of the requested variance being located interiorly within the proposed development; and the applicants are willing to screen and landscape adjacent to the south property line; and

WHEREAS, the Board of Zoning Appeals has found that the granting of permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as screening and landscaping will

be placed along the south property line of the total development; 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 owner represented in the application inasmuch as planned parking and circulation would be needlessly hindered and altered for the purpose of screening different parcels of the same total development; 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 the requests are interiorly located; 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 applicants are planning to screen and landscape the south property line thereby placing the buffer where the intent of the ordinance would have it located; 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 for a variance to reduce the required landscaping adjacent to the residential district to the south from a 25 x 50 foot rectangular area along Waco to a 20 x 50 foot area; and to waive the required 25 x 50 foot landscaping on Fairview Avenue on "IC" Light Commercial Zoning adjacent to "B" Multiple Family Zoning; and to waive the required screening of commercial and office development from multiple family residential development, all on property zoned the "IC" Light Commercial and "A" Two Family Dwelling Districts, but approved for "IC", "BB" Office District and "B" Multiple Family District, and legally described as follows:

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27, 29, 31, and 33 on Wichita
Street (now Fairview); and Lots
14, 16, 18, 20, 22, 24, 26, 28,
30, 32, and 34, on Waco Avenue
in Brooks and Oldham's Addition
to the City of Wichita, Sedgwick
County, Kansas. Generally located
on the south side of 21st Street
North between Waco and Fairview
Avenues.

be approved subject to the following conditions:

1. The applicants shall provide a 20 foot landscaped area beginning at the south property line and extending north along the west property line for a distance of at least 50 feet; and a 20 foot

landscaped area beginning at the south property line and extending north along the east property line for a distance of at least 20 feet.

2. Screening shall be placed along the entire south property line except for the two 20 foot areas described in Condition # 1, and except for that portion of the south property line dedicated for a public alley.
3. The above mentioned screening and landscaping shall meet the requirements of the zoning ordinance definition of each and shall be maintained in good condition.

ADOPTED AT WICHITA, KANSAS, this 27th day of January, 1976.

Marjorie L. Taylor, Chairman

ATTEST:

Jack H. Galbraith, Secretary

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7. Case No. BZA 58-75 - Unified School District # 259, 428 South Broadway, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required front yard setback from 25 feet to 0 feet for off-street parking purposes only, and to reduce the required landscaping adjacent to the west property line from a 25 foot by 50 foot rectangular area to 0 landscaping on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Beginning at a point 990 feet west of the Southeast corner of the Northwest Quarter of Section 13, Township 27, Range 1 West, of the 6th P.M., thence North 695 feet, thence West 400 feet, thence South 695 feet, thence East 400 feet to beginning, the South 35 feet dedicated to the City, as shown in Book "327" of Miscellaneous, page 489. Generally located on the west side of High Street, between Ninth Street and Del Sienna Street.