



Wichita-Sedgwick County Metropolitan Area Planning Department

No follow up letter in file
Copy of BZA minutes

Katay L. Murga
Senior Planner
August 27, 2021

allow for the temporary use of gravel in lieu of a permanent paved surface for the "Pop-Up Park" development for an additional five years be **GRANTED**, subject to the following conditions:

1. The variance to permit a temporary gravel parking lot shall expire on July 26, 2023.
2. The site shall maintain conformance with the approved site plan.
3. The applicant shall obtain all local permits necessary to complete any and all needed improvements.
4. The resolution authorizing this 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.

MOTION: Move that the board find the finding of facts as set forth in the Secretary's report and that all five conditions set out in 2.12.590B of the City Code as necessary for the granting to exist and that the variance be granted subject to the conditions set out in the Secretary's report.

GREENE moved, **KLAUSMEYER** seconded the motion, and it carried (11-0).

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3. **BZA2018-00047**-City Variance to reduce the front setback from 20 feet to zero feet to allow the construction of a building for indoor wrecking/salvage (associated with CON2018-00030) on property zoned LI Limited Industrial, generally located west of South Washington Avenue and north of East Lincoln Street (1114 South Santa Fe), and described as:

Lot 38 and the North 20 feet of Lot 40, and the West half of vacated alley adjacent on the East and the South half of vacated Morris Street adjacent on the North, on Fifth Avenue, now Santa Fe, in Elliott Addition to Wichita, Sedgwick County, Kansas, TOGETHER WITH

The South 5 feet of Lot 40, all of Lot 42, and the North 12 ½ feet of Lot 44, and the West half of vacated alley adjacent on the E, on Fifth Avenue, now Santa Fe, in Elliott Addition to Wichita, Sedgwick County, Kansas, AND TOGETHER WITH

The South half of Lot 44 and all of Lots 46, 48 and 50, and West half of vacated alley adjacent on the East, on Fifth, now Santa Fe, Elliott Addition to Wichita, Sedgwick County, Kansas.

BACKGROUND: The applicants are requesting the required 20-foot setback be eliminated in order to allow for the construction of an addition to the existing business operation already in place at 1114 South Santa Fe Avenue. Originally the applicant had explored the possibility of utilizing the setback averaging provision within the Unified Zoning Code (UZC), but ultimately decided that a zero lot line setback was more advantageous for the development.

Many of the other industrial uses along Santa Fe Avenue are built with no setback limit, so this proposal would not be radically different from the nearby development. This request arises from the desire of the applicant to expand their business. The applicant intends to construct a new 5,000 square foot building on the west property line as seen in the attached site plan. The applicant believes this variance will provide for better convenience and use of the property while not adversely affecting adjacent property owners.

Adjacent land uses include warehousing, storage, manufacturing, and recycling.

This case is related to CON2018-00030. The use itself requires the conditional use, while the Variance request is specifically for the setback reduction.

ADJACENT ZONING AND LAND USE:

NORTH	LI	Industrial
SOUTH	LI	Industrial
EAST	LI	Industrial
WEST	GC	Industrial

CASE HISTORY: This property was platted as the Elliott Addition in 1887.

UNIQUENESS: The applicant has stated this area has many salvage operations and many buildings with zero foot setbacks.

ADJACENT PROPERTY: The applicant has stated that they do not see any adverse harm to nearby properties due to other businesses in the vicinity with zero foot setbacks.

HARDSHIP: The applicant has stated that the variance will allow for efficient use of the land and negate the need for more land.

PUBLIC INTEREST: The applicant asserts that the variance will allow for more convenience and safety on the property.

SPIRIT AND INTENT: The applicant states that they operate a clean business and does not feel this case violates the spirit and intent of the code.

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 to reduce the required front yard from 20 feet to 0 feet be **GRANTED**, subject to the following conditions:

1. The building shall be constructed in substantial conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
3. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

MOTION: that the five conditions set out in Section 2.12.590.B, of the Code as necessary for the granting of the variance have been found to exist and that the variance be granted subject to the conditions recommended in the Secretary's Report.

WARREN moved, FLORENCE seconded and it carried 10-0-1. Abstained-B. JOHNSON.

5. **Other Matters** – None.

The Board of Zoning Appeals adjourned at 2:57 p.m.

BZA RESOLUTION NO. BZA2018-00047

WHEREAS, Bill Johnson of Evans Building (Agent) on behalf of James Wyatt with Wichita Material Recovery LLC (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the required 20-foot setback to 0-feet at 1114 South Santa Fe Avenue and legally described as follows:

Lot 38 and the North 20 feet of Lot 40, and the West half of vacated alley adjacent on the East and the South half of vacated Morris Street adjacent on the North, on Fifth Avenue, now Santa Fe, in Elliott Addition to Wichita, Sedgwick County, Kansas

TOGETHER WITH

The South 5 feet of Lot 40, all of Lot 42, and the North 12 ½ feet of Lot 44, and the West half of vacated alley adjacent on the E, on Fifth Avenue, now Santa Fe, in Elliott Addition to Wichita, Sedgwick County, Kansas

AND TOGETHER WITH

The South half of Lot 44 and all of Lots 46, 48 and 50, and West half of vacated alley adjacent on the East, on Fifth, now Santa Fe, Elliott Addition to Wichita, Sedgwick County, Kansas.

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 July 26, 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 Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the Board of Zoning Appeals finds this area has many salvage operations and many buildings with zero foot setbacks

WHEREAS, the Board of Zoning Appeals finds that they do not see any adverse harm to nearby properties due to other businesses in the vicinity with zero foot setbacks.

WHEREAS, the Board of Zoning Appeals finds that this will allow for a more efficient use of land and negate the need for more land.

WHEREAS, the Board of Zoning Appeals finds that this variance will allow for more convenience and safety on the property.

WHEREAS, the Board of Zoning Appeals finds that the applicants run a clean business and do not feel the requests violates the spirit and intent of the code.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to reduce the required 20-foot setback to 0-feet at 1114 South Santa Fe Avenue and legally described as follows:

Lot 38 and the North 20 feet of Lot 40, and the West half of vacated alley adjacent on the East and the South half of vacated Morris Street adjacent on the North, on Fifth Avenue, now Santa Fe, in Elliott Addition to Wichita, Sedgwick County, Kansas

TOGETHER WITH

The South 5 feet of Lot 40, all of Lot 42, and the North 12 ½ feet of Lot 44, and the West half of vacated alley adjacent on the E, on Fifth Avenue, now Santa Fe, in Elliott Addition to Wichita, Sedgwick County, Kansas

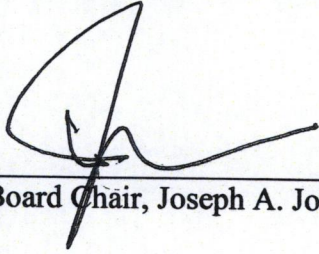
AND TOGETHER WITH

The South half of Lot 44 and all of Lots 46, 48 and 50, and West half of vacated alley adjacent on the East, on Fifth, now Santa Fe, Elliott Addition to Wichita, Sedgwick County, Kansas.

The variances are hereby GRANTED, subject to the following conditions:

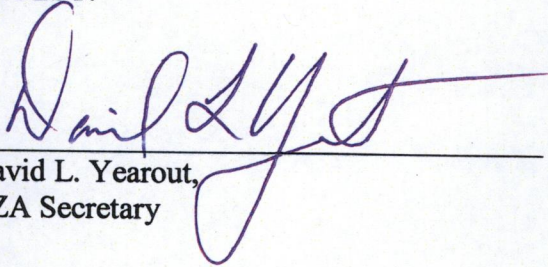
1. The building shall be constructed in substantial conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
3. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 26th Day of July 2018.



BZA Board Chair, Joseph A. Johnson

ATTEST:



David L. Yearout,
BZA Secretary



LEGAL PROOF OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Lines
453868	0003743283	Published in The Wichita Eagle on July 5, 2018 (\$36.60	1	61

Attention: Ana Lopez

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 07/05/2018

Ending issue of: 07/05/2018

STATE OF KANSAS)

.SS

County of Sedgwick)

Dale Seiwert, of lawful age, being first duly sworn, deposes and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 7/5/2018 to 07/05/2018.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

(Signature of Principal Clerk)

DATED: 7/5/2018

Notary Public Sedgwick County, Kansas

LEGAL PUBLICATION

Published in The Wichita Eagle on July 5, 2018
(One Time Only) (3743283)

BZA July 26, 2018

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, July 26, 2018 no earlier than 1:30 p.m.**, the Wichita-Sedgwick County Board of Zoning Appeals will consider the following applications in the Planning Commission Conference Room, 271 West Third Street, 2nd Floor, Ste #203, Wichita, Kansas. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Board of Zoning Appeals at (316) 268-4421.

BZA2018-00040 City Appeal of an Administrative Interpretation classifying a voluntary substance abuse facility as a group residence, on property generally located north of Kellogg and west of Ridge Road (571 S. Holland Dr.).

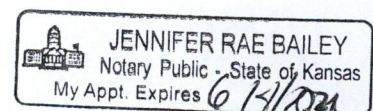
BZA2018-00045 City Variance for a temporary gravel parking area for "pop-up park" in downtown on property zoned CBD Central Business District generally located on the south side of Douglas Avenue and east of Main Street (111 East through 123 East Douglas).

BZA2018-00047 City Variance to reduce the front setback from 20 feet to zero feet to construct a building for indoor wrecking/salvage (associated with CON2018-00030) on property zoned LI Limited Industrial, generally located west of South Washington Avenue and north of East Lincoln Street (1114 S. Santa Fe).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 West Third St., Ste #201. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said Wichita-Sedgwick County Board of Zoning Appeals, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the Wichita-Sedgwick County Board of Zoning Appeals as by law provided.

WITNESS MY HAND on June 29, 2018

David L. Yearout, Secretary
Wichita-Sedgwick County Board of Zoning Appeals

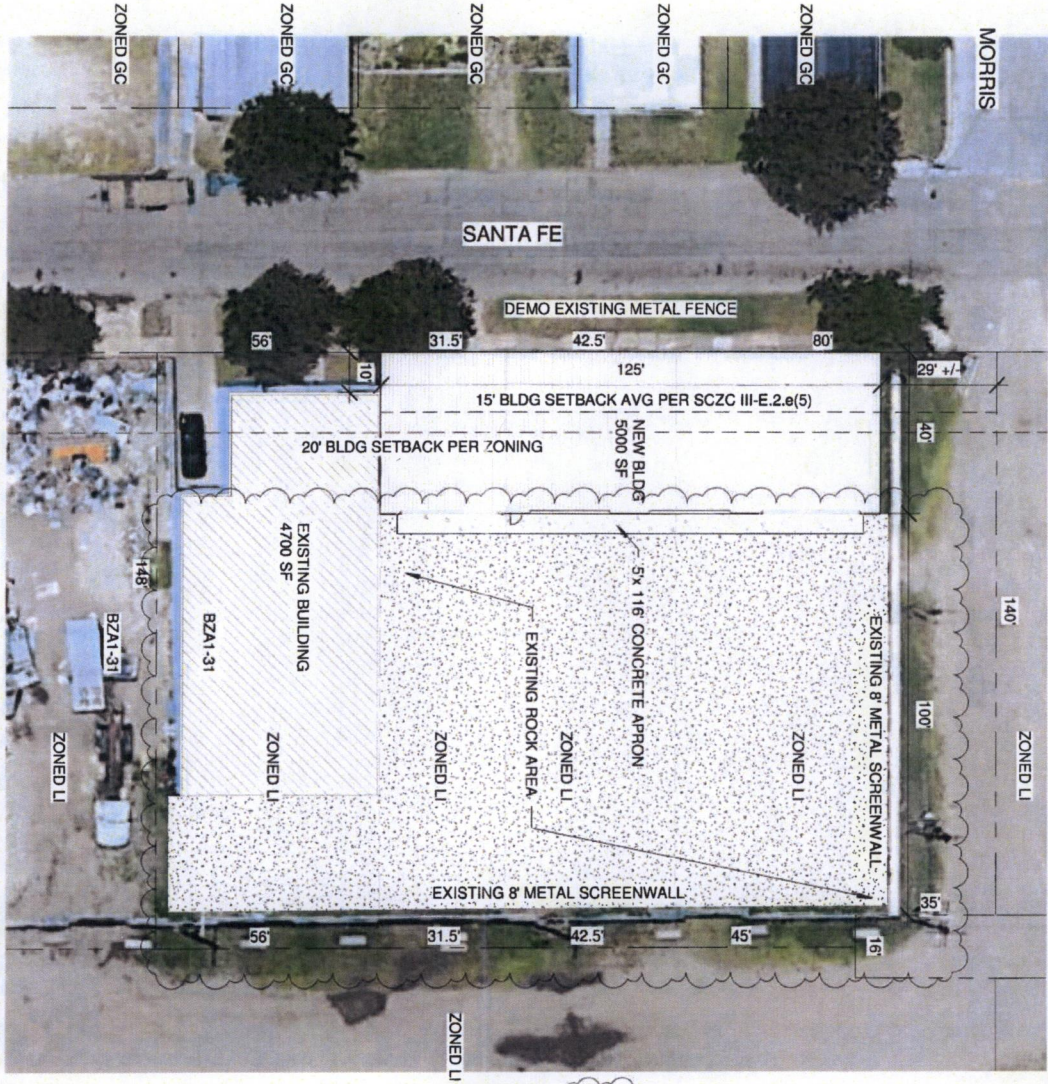


CON 2018-000-30
SITE PLAN
 APPROVED 13 SEP 18 BY [Signature]

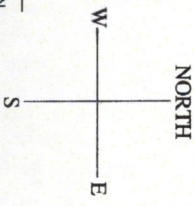
1 SITE PLAN

1" = 30'-0"

CONDITIONAL USE INTERIOR SALVAGE, BLDG SETBACK REDUCTION TO 0'
 LOTS 38-50 EVEN & W 1/2 VAC ALLEY ADJ ON E & S 1/2 VAC MORRIS ST ADJ ON N, 5TH NOW SANTA FE AVE, ELLIOT ADDITION



NO OUTDOOR WRECKING / SALVAGE / STORAGE OF WRECKING OR SALVAGE MATERIAL ALLOWED



PROJECT NO. 18-	DATE: 09/01/18 DRAWN BY: AC CHECKED BY:	PROJECT NO. 18-	SHEET SZ	PROJECTIVITY Wichita City License No. 36 Deposed On: January 16, 2018	WICHITA MATERIAL RECOVERY 1114 S Santa Fe WICHITA, KS	EVANS BUILDING CO. INC. 9801 W. YORK WICHITA, KANSAS 67277