



Wichita-Sedgwick County Metropolitan Area Planning Department

August 20, 2015

Wesley Medical Center
550 N. Hillside
Wichita, KS 67214

George B. Huddleston
1615 Edgewater Dr.
Orlando, FL 32804

RE: BZA2015-00035 – City variance request to reduce the front setback from 20 feet to 6 feet for a proposed canopy on property generally located north and east of the intersection of North Hillside Avenue and East Central Avenue (550 N. Hillside Ave.)

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on August 20, 2015. This resolution reflects the official action of the Board, it is forwarded for your information and files.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Slocum'.

Derrick Slocum
Asst. BZA Secretary

cc: Tom Stolz, MABCD
Mike Gable, MABCD
JR Cox, MABCD
LaVonta Williams, WCC I CM
Julie Scott, CL I

BZA RESOLUTION NO. BZA2015-00035

WHEREAS, City of Wichita, c/o John Philbrick (Owner), Wesley Medical Center (Applicant) and George Huddleston (Agent) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, request reduce the front side setback from 20 feet to 6 feet for a proposed canopy on GO General Office zoned property; generally located north and east of the intersection of North Hillside Avenue and East Central Avenue (550 N. Hillside Ave.)

Legal Description: Lot 1, Wesley Medical Center Addition, 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 August 20, 2015, 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 has found that this property is unique, inasmuch the applicant was attempting to alleviate traffic and pedestrian problems in this area with the original variance. The hospital is located in an area which is highly developed with little room for expansion, therefore there is no other location which the applicant could build upon to relieve those problems. This request is to improve upon the existing canopy and the 6 foot setback is needed to complete this improvement.

WHEREAS, the Board of Zoning Appeals has found that the requested variances would not adversely affect the rights of adjacent property owners, inasmuch as the property is surrounded by commercial and related hospital facilities. The 6 foot setback will not interfere with the surrounding uses or public right-of-way.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the code would constitute a hardship upon the applicant, inasmuch as is would require a significant reconfiguration of the existing hospital building and site in order to provide adequate cover for the drop-off area.

WHEREAS, the Board of Zoning Appeals has found 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 reduction in the building setback and therefore there will be no effect on the general public.

WHEREAS, the Board of Zoning Appeals has found that granting the variance would not be opposed to the general spirit and intent of the zoning regulations, inasmuch the code requirements provide setbacks in order to provide buffer distance between buildings, properties and the public right-of-way. This allows for pedestrian accommodations and provides sight-lines for vehicles at intersections. The

proposed canopy does not limit sight-distance or pedestrian circulation, and thus is not opposed to the general spirit and intent of the code.

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

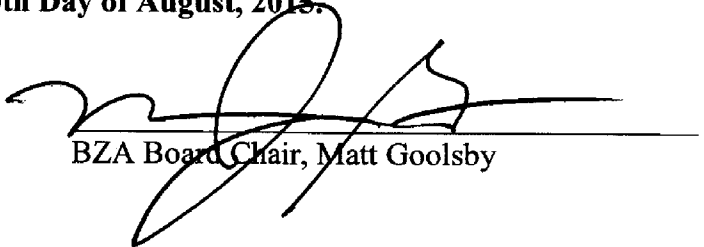
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, request reduce the front side setback from 20 feet to 6 feet for a proposed canopy on GO General Office zoned property; generally located north and east of the intersection of North Hillside Avenue and East Central Avenue (550 N. Hillside Ave.)

Legal Description: Lot 1, Wesley Medical Center Addition, Wichita, Sedgwick County, Kansas.

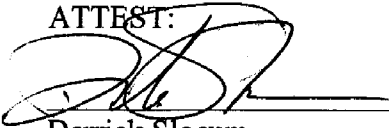
The variance is hereby GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary for any improvements, and any improvements shall be completed within one year of the granting of the variance.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 20th Day of August, 2015.


BZA Board Chair, Matt Goolsby

ATTEST:


Derrick Slocum
Asst. BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00035

APPLICANT/AGENT: Wesley Medical Center (Applicant)
City of Wichita, c/o John Philbrick (Owner)
George Huddleston (Agent)

REQUEST: Variance to reduce the front side setback from 20 feet to 6 feet for a proposed canopy.

CURRENT ZONING: GO General Office ("GO")

SITE SIZE: 9.47 acres

LOCATION: Generally located north and east of the intersection of North Hillside Avenue and East Central Avenue (550 N. Hillside Ave.)



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: Wesley Medical Center is requesting a variance to reduce the 20 foot front yard setback along Hillside to allow for a proposed new canopy to be located in the setback. Currently, as shown on the existing site plan, there is a circular drive with openings to Hillside Avenue and an existing canopy. In 1998, BZA26-98 was approved to provide a setback reduction from 20 feet to 9 feet for the existing canopy.

The existing pediatric unit is proposing a massive overhaul, and one of the elements of the renovation will be to provide a larger canopy at the pediatric entrance. This canopy is needed to be larger in order to adequately provide cover for the patient drop-off area. According to the site plan, very little will change in regards to the new canopy, except for the additional three feet to provide increased coverage to patients.

Property to the north of the site is zoned GO General Office and is developed with related hospital facilities. Property to the south is zoned GO and PUD Planned Unit Development and is developed with hospital parking and a retail area. The property to the east is zoned GO and is developed with additional hospital facilities and parking, while the properties to the east is zoned LC Limited Commercial, B Multi-family Residential and GC General Commercial and is developed with restaurants and additional hospital facilities.

ADJACENT ZONING AND LAND USE:

NORTH	GO	Hospital Facilities
SOUTH	GO and PUD	Retail
EAST	GO	Hospital Facilities
WEST	LC, B and GC	Restaurants and Hospital Facilities

The five criteria necessary for approval as they apply to Variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch the applicant was attempting to alleviate traffic and pedestrian problems in this area with the original variance. The hospital is located in an area which is highly developed with little room for expansion, therefore there is no other location which the applicant could build upon to relieve those problems. This request is to improve upon the existing canopy and the 6 foot setback is needed to complete this improvement.

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 the property is surrounded by commercial and related hospital facilities. The 6 foot setback will not interfere with the surrounding uses or public right-of-way.

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 is would require a significant reconfiguration of the existing hospital building and site in order to provide adequate cover for the drop-off area.

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 reduction in the building setback 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 would not be opposed to the general spirit and intent of the zoning regulations, inasmuch the code requirements provide setbacks in order to provide buffer distance between buildings, properties and the public right-of-way. This allows for pedestrian accommodations and provides sight-lines for vehicles at intersections. The proposed canopy does not limit sight-distance or pedestrian circulation, and thus is not opposed to the general spirit and intent of the code.

RECOMMENDATION: It is staff's opinion that the requested variance meets the five criteria necessary to grant a variance, and recommends that the variance be APPROVED. Should the Board determine that the conditions necessary for the granting of a variance exist; the Secretary then recommends that the variance for front setback reduction from 20 feet to 6 feet be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary for any improvements, and any improvements shall be completed within one year of the granting of the variance.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

