

BACKGROUND: The applicant is requesting a variance to reduce the rear yard setback from 15 feet to 5 feet on the west side of an almost square platted lot located at the northwest corner of Seneca and 27th Street South. The lot is zoned "BB" and has a 30-foot platted setback from each street. Ten feet of additional right-of-way for Seneca (making 50 feet half street right-of-way) was contingently dedicated in 1968 when "BB" zoning was granted. The contingency is the need for the additional right-of-way for any street purpose. The lot owner may continue to use this 10-foot area until the contingent dedication becomes effective. To maximize use of the site and to allow for future expansion to the north should Lot 1 ever be purchased by the applicant, it is necessary to reduce the setback along the west property line or reduce the size of the proposed building by approximately 400 square feet.

ADJACENT ZONING AND LAND USE:

NORTH	BB	One-Family Dwelling
SOUTH	AA	Church
EAST	LC	Service Station
WEST	AA	One-Family Dwelling (Parking Lot Proposed)

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it has two platted 30-foot setbacks on the east and south which restrict the use of this site much more than would the normal 20- and 5-foot setbacks required by the zoning ordinance for the "BB" district.

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 adjacent lot to the west is to be owned by this applicant and used as a parking lot in conjunction with the proposed clinic.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the building would have to be redesigned and the total floor area would probably have to be reduced if a 15-foot setback from the west line is required.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the reduction of the rear yard setback to five feet will not interfere with any existing or needed utility easements.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the proposed structure will be located a sufficient distance from any adjoining structure to the west so as to provide adequate separation for light, air and access.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following condition:

1. Development of this lot with a reduction of the rear (west) yard to not less than five feet shall generally conform to the site plan submitted with the application and dated February 16, 1988.

SECRETARY'S REPORT

CASE NUMBER: BZA 8-88

OWNER/APPLICANT/AGENT: Affiliated Property Services, Inc. (applicant)
Joel M. Pollack (agent)

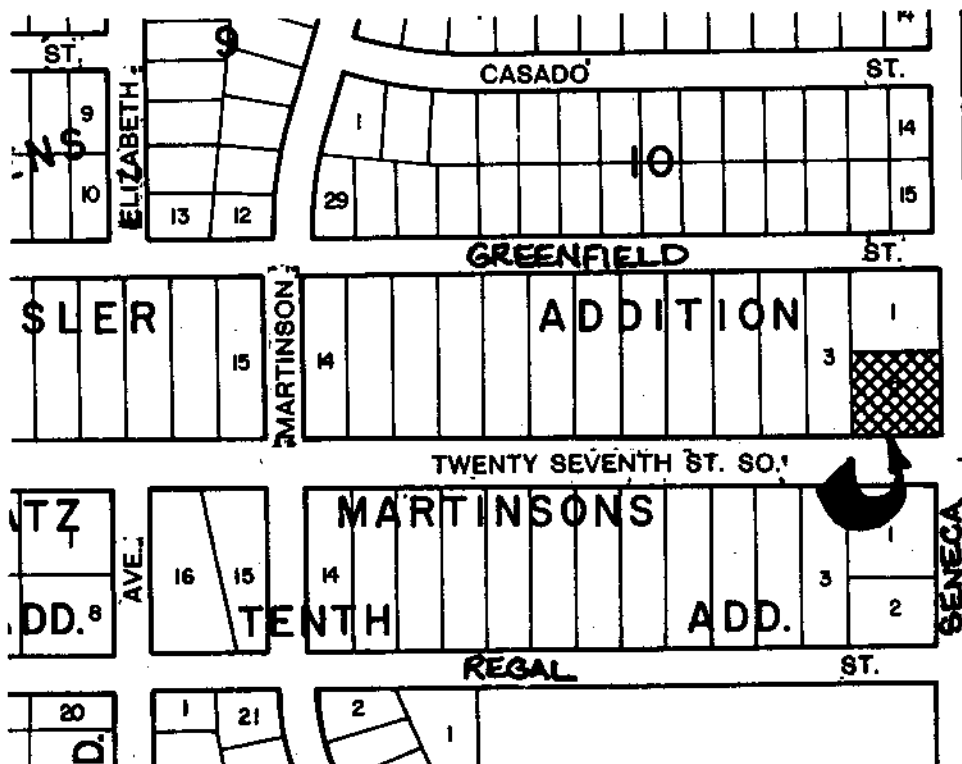
REQUEST: Variance to reduce the rear yard setback (on the west) from 15 feet to 5 feet.

CURRENT ZONING: "BB" Office District

SITE SIZE: 133.2 feet by 140 feet (less 10-foot contingent dedication)

LOCATION: Northwest corner of Seneca and 27th Street South.

PROPOSED USE: Family Physician Clinic



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 the State Statutes are found to exist.

WICHITA



BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

April 4, 1988

Joel M. Pollack
Affiliated Property Services, Inc.
1035 N. Emporia, Suite 140
Wichita, KS 67214

Re: BZA 8-88 - Variance to reduce rear yard setback on west from 15
to 5 feet

Dear Mr. Pollack:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 22, 1988. This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith
Jack H. Galbraith
Secretary

JHG/jcm
Enclosure

cc: Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator
Dale Rea, Deputy City Clerk

FILE COPY

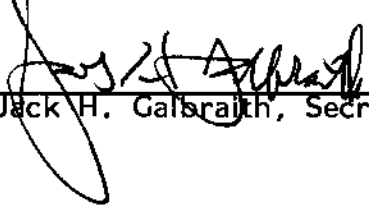
1. Development of this lot with a reduction of the rear (west) yard to not less than five feet shall generally conform to the site plan submitted with the application and dated February 16, 1988.

ADOPTED AT WICHITA, KANSAS, this 22nd day of March, 1988.



Danny E. Jenkins, President

ATTEST:



Jack H. Calbraith, Secretary

RESOLUTION NO. BZA 8-88

WHEREAS, Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback (on the west) from 15 feet to 5 feet on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

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 22, 1988, 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 lot has two platted 30-foot setbacks on the east and south which restrict the use of this site much more than would the normal 20- and 5-foot setbacks required by the zoning ordinance for the "BB" district; and

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 inasmuch as the adjacent lot to the west is to be owned by this applicant and used as a parking lot in conjunction with the proposed clinic; 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 owners represented in the application inasmuch as the building would have to be redesigned and the total floor area would probably have to be reduced if a 15-foot setback from the west line is required; 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 reduction of the rear yard setback to 5 feet will not interfere with any existing or needed utility easements; 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 proposed structure will be located a sufficient distance from any adjoining structure to the west so as to provide adequate separation for light, air and access; 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 rear yard setback on the west from 15 feet to 5 feet be approved on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

subject to the following condition: