

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 adequate setback will still exist between curb and property line so that landscaping can be provided as for a front yard.

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 conditions:

1. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the applicant shall submit a landscape plan to the Secretary for review and approval for the west side of the parking lot which utilizes, in addition to private property, some of the public street right-of-way between curb and property line for appropriate street trees. The plan shall indicate names, quantities and sizes of all plant materials, as well as the method of providing water to the plant materials.
2. The plant materials designated on the approved landscape plan shall be installed adjacent to any new phase of the parking lot prior to occupancy of the church or any future addition thereto or, if the weather prohibits planting at that time, a financial guarantee shall be submitted to Central Inspection providing for installation during the next planting season.
3. All improvements of the parking lot shall be in accordance with the requirements of the City's parking standards and zoning ordinance, except that parking and circulation aisle, as generally depicted on the site plan submitted with this application, may be permitted to within 2 feet of the west property line.
4. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the property owner shall dedicate ten feet of right-of-way for Lincoln Street from Lot 1.

August 23, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 39-88

OWNER/APPLICANT/AGENT: First Evangelical Free Church (owner)
Hilltop Evangelical Fellowship (applicant)
Wilson-Darnell Associates (agent)

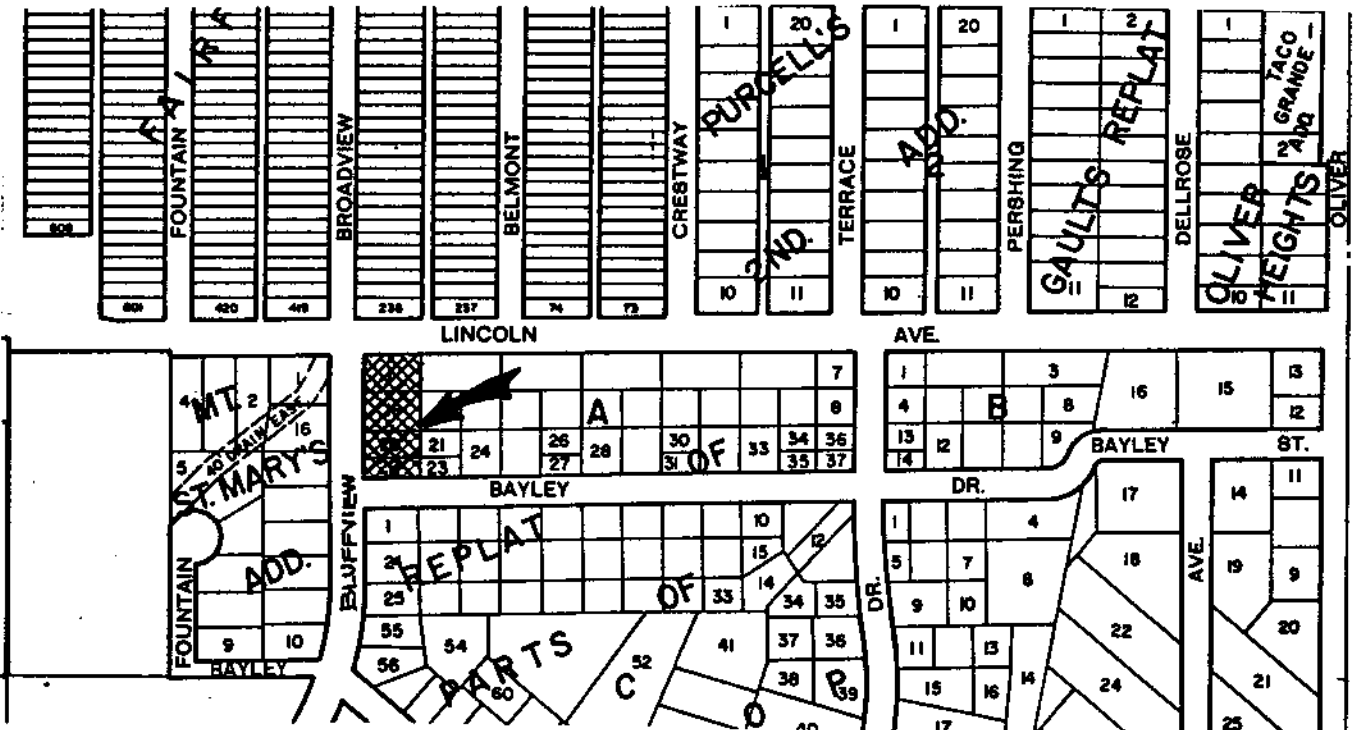
REQUEST: Variance to reduce the front yard setback from 20 feet to not less than 2 feet for off-street parking purposes only.

CURRENT ZONING: "B" Multiple-Family Dwelling

SITE SIZE: 111 ft. m/l x 269 ft. (0.7 acre)

LOCATION: East side of Bluffview between Lincoln and Bayley

PROPOSED USE: Church parking lot



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.

BACKGROUND: The applicant is requesting a reduction of the front yard setback from 20 feet to not less than 2 feet for parking purposes only on several platted lots on the east side of Bluffview between Lincoln and Bayley. A new church is proposed on the north portion of the site with the parking to the south. Although adequate parking for the first phase of development can be provided behind the setback lines, future parking for an expanded church would require use of some of the front setback area in order to provide the required number of parking spaces (Forty-two spaces needed for a future church capacity of 210 persons). The lots are shallow, being only 108 to 114 feet deep. Right-of-way for Bluffview is 70 feet, because it is a collector; however, the paving width is only 30 feet, leaving 20 feet of "parking" area between the curb and property line, rather than the normal 15 feet. As the church owns the entire frontage on Bluffview between Lincoln and Bayley, the parking of cars to within 22 feet of the east curb line of Bluffview should have no adverse effect on any other property. Lincoln is an arterial street with only 40 feet of half-street right-of-way, whereas 50 feet is the standard. The applicant should be required to dedicate 10 feet for Lincoln right-of-way.

ADJACENT ZONING AND LAND USE:

NORTH	"A"	Single-family dwellings (north of Lincoln)
SOUTH	"B"	Multiple-family dwellings
EAST	"B"	Multiple-family dwellings
WEST	"B"	Single-family dwellings

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the lots are shallow and there is also more space between curb and property line than usual.

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 applicant owns all the frontage on Bluffview between Lincoln and Bayley and therefore, no other properties will be immediately adjacent to either side of the proposed parking lot.

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 additional land would have to be acquired to provide the necessary parking or the size of the church would have to be reduced to that for which on-site parking could be provided within the setback lines.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as no existing or needed street right-of-way would be utilized by the parking which would be accommodated within the 20-foot setback area and, in fact, providing as much on-site parking as possible would reduce the amount of on-street parking which would be needed.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

November 2, 1988

Wilson-Darnell-Associates, P.A.
128 N. Oliver
Wichita, KS 67208

Re: BZA 39-88 - Variance to permit off-street parking spaces &
circulation aisle to occupy part of the required front yard
- east side of Bluffview between Lincoln & Bayley.

Gentlemen:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on August 23, 1988. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files now that conditions 1 and 4 have been completed.

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

Sincerely,


Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm
Enclosure

cc: Hilltop Evangelical Fellowship, ATTN: Dennis Hesselbarth,
911 S. Bluffview, Wichita, KS, 67208
First Evangelical Free Church, 1825 N. Woodlawn, Wichita,
KS, 67208
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

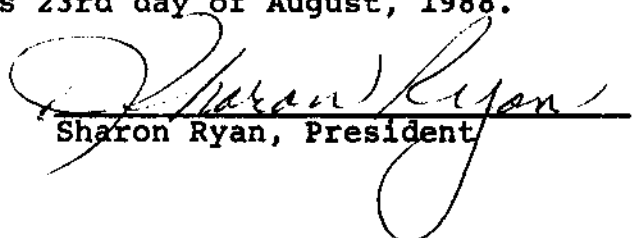
FILE COPY

Lots 1, 19, 20 and 22, Block A, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bluffview between Lincoln and Bayley.

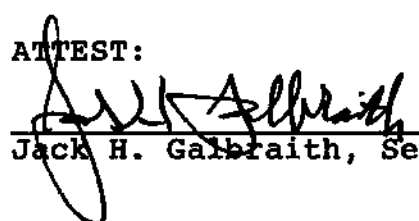
subject to the following conditions:

1. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the applicant shall submit a landscape plan to the Secretary for review and approval for the west side of the parking lot which utilizes, in addition to private property, some of the public street right-of-way between curb and property line for appropriate street trees. The plan shall indicate names, quantities and sizes of all plant materials, as well as the method of providing water to the plant materials.
2. The plant materials designated on the approved landscape plan shall be installed adjacent to any new phase of the parking lot prior to occupancy of the church or any future addition thereto or, if the weather prohibits planting at that time, a financial guarantee shall be submitted to Central Inspection providing for installation during the next planting season.
3. All improvements of the parking lot shall be in accordance with the requirements of the City's parking standards and zoning ordinance, except that parking and circulation aisle, as generally depicted on the site plan submitted with this application, may be permitted to within 2 feet of the west property line.
4. Within 90 days following approval of this variance by the Board, and prior to release of the resolution, the property owner shall dedicate ten feet of right-of-way for Lincoln Street from Lot 1.

ADOPTED AT WICHITA, KANSAS, this 23rd day of August, 1988.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 39-88

WHEREAS, Hilltop Evangelical Fellowship, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 20 feet to not less than 2 feet for off-street parking purposes only on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

Lots 1, 19, 20 and 22, Block A, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bluffview between Lincoln and Bayley.

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 23, 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 lots are shallow and there is also more space between curb and property line than usual; 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 applicant owns all the frontage on Bluffview between Lincoln and Bayley and therefore, no other properties will be immediately adjacent to either side of the proposed parking lot; 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 additional land would have to be acquired to provide the necessary parking or the size of the church would have to be reduced to that for which on-site parking could be provided within the setback lines; 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 no existing or needed street right-of-way would be utilized by the parking which would be accommodated within the 20-foot setback area and, in fact, providing as much on-site parking as possible would reduce the amount of on-street parking which would be needed; 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 adequate setback will still exist between curb and property line so that landscaping can be provided as for a front yard; 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 be approved for a variance to reduce the front yard setback from 20 feet to not less than 2 feet for off-street parking purposes only on property zoned the "B" Multiple-Family Dwelling District and legally described as follows: