

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 proposed enclosed buildings will not block the view from adjacent properties any more than existing structures on the site currently block the view. It is expected that enclosing the site will have a positive effect on adjacent properties by protecting them from noise, dust and light.

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 the applicant would not be able to enclose the site by using the existing structures on the site as part of the barrier.

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 greater encroachments into street right-of-way as a result of this variance, nor will vehicular sight distances or existing turning movements be disturbed.

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 regulations inasmuch as the encroachment will not be any greater than the existing setback being observed by some existing structures on the site.

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 be granted, subject to the following conditions:

1. There shall be no additional encroachments into street right-of-way (except for the existing minor street permit #412) unless an additional minor street privilege is obtained.
2. Any structures constructed within the west 20 feet of this application area shall not extend into the north 20 feet nor south 20 feet thereof.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing conditions.

SECRETARY'S REPORT

CASE NUMBER: BZA 11-96

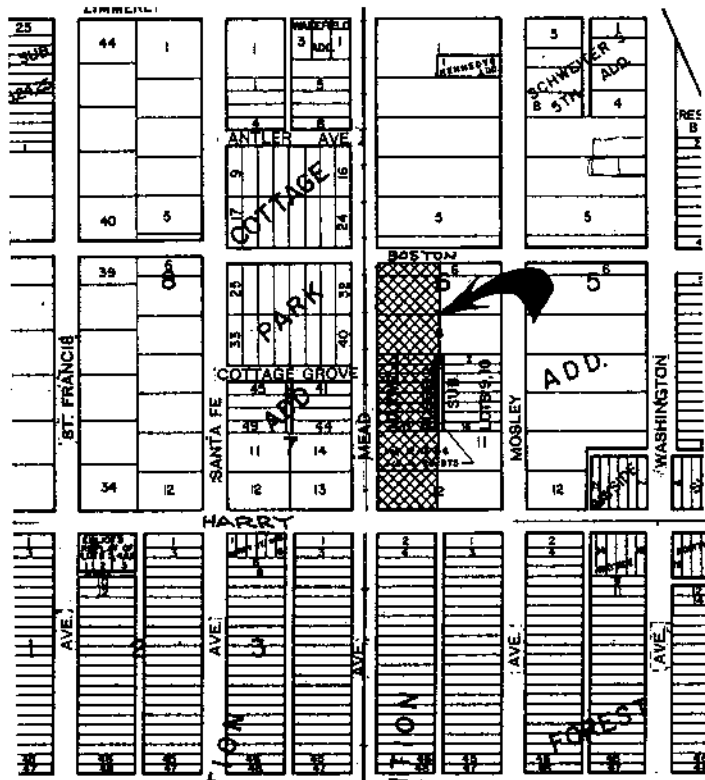
OWNER/APPLICANT: Grede Foundries, Inc.
AGENT: Robert S. Hodsdon

REQUEST: Variance to reduce the front yard setback along
Mead Avenue from 20 feet to 0 feet

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 0.42 Acres

LOCATION: East side of Mead between Harry and Boston



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: The applicant, Grede Foundries, desires to make improvements to its facility which is located between Harry and Boston and between Mosley and Mead. Although the business occupies a city block, the new construction will be focused along the Mead street frontage. In order to proceed with their improvement plan to enclose some of the present outdoor or semi-enclosed work areas, the applicant is requesting a variance to reduce the front yard setback along the Mead street frontage from 20 feet to 0 feet. The site was developed many years ago when the required setback for the "E" Light Industrial District was 0 feet. Consequently there are existing structures on the site today that are located closer to the front (Mead Avenue) property line than 20 feet. The new Unified Zoning Code (UZC) that went into effect in March of 1996 now requires a 20-foot front yard setback in the "LI" Limited Industrial District. The "E" District was converted to the "LI" District by the adoption of the UZC by the governing body.

In order to effectively implement the building improvement program for the site, the applicant desires to enclose existing structures and work areas along the western property line to protect neighbors from noise, dust and light from their 24 hour operation of the site as a foundry. The west side of the application area is buffered from the businesses to the west by a railroad track and Mead Avenue. Mead Avenue between Harry and Boston is a sand street with the railroad tracks taking up the east half of the right-of-way. The applicant was granted a minor street permit (#412) in October 1970 to build a crane and structure adjacent to the rail lines to facilitate the unloading of materials from the train cars that serve the site. Any additions or substantial modifications to the structures within street right-of-way will require a new minor street permit and are not part of this variance request.

The west side of Mead across the street from the requested encroachment is developed primarily with businesses, but there is one single family home located on the northwest corner of Mead and Cottage Grove. This area is also currently zoned "LI".

ADJACENT ZONING AND LAND USE:

NORTH	"LI"	Warehouse (Kansas Food Bank)
SOUTH	"LI"	Auto Repair
EAST	"LI"	Foundry
WEST	"LI"	Warehouse, Retail, Residential

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site was developed when the zoning code did not require a building setback in the light industrial zoning district and consequently several structures were placed closer to the front property line than permitted under the present code.

SEDGWICK COUNTY

file copy

METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

September 25, 1996

Grede Foundries, Inc.
Attn: Gary Ertel
9898 W. Bluemound Rd.
Milwaukee, WI 53226-0499

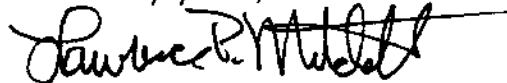
RE: BZA 11-96 - Variance to reduce the front yard setback from 20' to 0' on property zoned "LI" Limited Industrial and generally located on the east side of Mead between Boston and Harry (805 E. Boston Street).

Dear Mr. Ertel:

Enclosed are signed copies of the above-referenced BZA Resolutions approved by the Board of Zoning Appeals on September 24, 1996. These resolutions reflect the official action of the Board to grant your requests and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely yours,



Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure

LPM/sah

cc: Robert S. Hodsdon, 805 E. Boston Street, Wichita, Ks 67211
J. R. Cox, OCl
Paul Hays, OCl
Ray Sledge, OCl
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

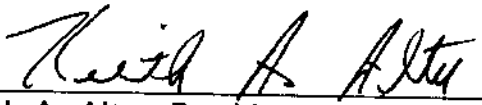
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the front yard setback from 20' to 0' on property zoned "LI" Limited Industrial and legally described as follows:

The West Half of the South 30 feet of Lot 6; the West Half of Lots 7, 8, 11 and 12, Block 6, Perry's Addition to Wichita, Sedgwick County, Kansas, and Odd Lots 1 through 15, Maxwell and Russell's Subdivision of Lots 9 and 10, Block 6, Perry's Addition to Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. There shall be no additional encroachments into street right-of-way (except for the existing minor street permit #412) unless an additional minor street privilege is obtained.
2. Any structures constructed within the west 20 feet of this application area shall not extend into the north 20 feet nor south 20 feet thereof.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 24th day of September, 1996



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 11-96

WHEREAS, Grede Foundries, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 20' to 0' on property zoned "LI" Limited Industrial and legally described as follows:

The West Half of the South 30 feet of Lot 6; the West Half of Lots 7, 8, 11 and 12, Block 6, Perry's Addition to Wichita, Sedgwick County, Kansas, and Odd Lots 1 through 15, Maxwell and Russell's Subdivision of Lots 9 and 10, Block 6, Perry's Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Mead between Boston and Harry (805 E Boston Street)

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 September 24, 1996, 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 owners or the applicant inasmuch as the site was developed when the zoning code did not require a building setback in the light industrial zoning district and consequently several structures were placed closer to the front property line than permitted under the present code; 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 proposed enclosed buildings will not block the view from adjacent properties any more than existing structures on the site currently block the view. It is expected that enclosing the site will have a positive effect on adjacent properties by protecting them from noise, dust and light; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would not be able to enclose the site by using the existing structures on the site as part of the barrier; 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, inasmuch as there will be no greater encroachments into street right-of-way as a result of this variance, nor will vehicular sight distances or existing turning movements be disturbed; 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 the zoning ordinance inasmuch as the encroachment will not be any greater than the existing setback being observed by some existing structures on the site; 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.

