

zoning code requirements, except that the compatibility building setback standards along the south property line may be reduced to no less than 4 feet 8 inches for the elevator. A revised landscape plan shall be submitted by the applicant which shows a solid screening fence (wood or similar material) along the south property line as well as the existing landscaping or the location of the two new trees to replace those which were removed.

2. 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 condition.

SECRETARY'S REPORT

CASE NUMBER: BZA 14-98

OWNER/APPLICANT: Fairmount United Church of Christ,
(Owner/Applicant)

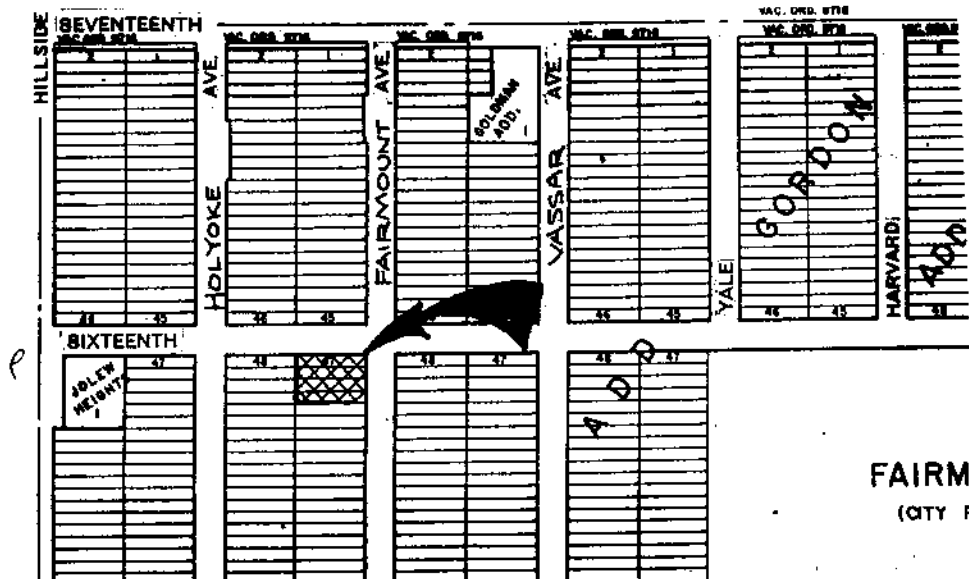
AGENT: Kenneth P. Stewart, (Agent)

REQUEST: A variance to reduce the compatibility setback
standard from 25 feet to 4 feet 8 inches on the
south property line.

CURRENT ZONING: "TF-3"

SITE SIZE: .35 acres

LOCATION: North of 13th Street North and west of Oliver



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 (Fairmount United Church of Christ) is requesting a variance to reduce the compatibility setback requirement from 25 feet to 4 feet 8 inches on the south property line of the church's property located at the southwest corner of Fairmount and 16th Street North. The church is proposing to construct an elevator on the south side of the building within 4 feet 8 inches of the residentially zoned property to the south. This elevator will be constructed to allow for disabled members of the Fairmount Church to reach the 2nd floor. The Fairmount United Church of Christ was constructed approximately 100 years ago and therefore was not required to conform to the setback requirements.

The applicant has stated no other location on the property is suitable to construct this elevator due to the floor plan of the church. If the elevator was located on the north or east side of the church, a variance to reduce the front yard setback would be required as well. The west side of the building is also inappropriate for the elevator due to bathrooms, an air condition compressor and overhead utilities located along this side of the building. Access to an elevator on the west property line would also be very difficult to construct. Based on these problems, the only appropriate site is along the south portion of the building.

The Church is a nonconforming structure as it exists today. The Church is currently built 15 feet north of the property line which does not conform to the required 25 foot compatibility setback or to the required 25 foot side yard setback for institutional uses in the City Zoning Code prior to 1996 (28.04.050.2.3). The Unified Zoning Code requires a variance for any expansion of a nonconforming structure that increases the degree of nonconformance (Section VII-C.2). The elevator is considered an expansion of a nonconforming structure and requires a variance to reduce the compatibility setback standards.

The Landscape Ordinance and Unified Zoning Code will not require a landscape buffer or screening along the south and west property line, due to the new construction being less than 30 percent of the existing square footage. However, staff is recommending that a screening wall be constructed along the south property line as well as retaining the two existing trees near the proposed elevator. If the two trees are unable to be maintained then two additional trees should be planted in this general location. This is to buffer the adjacent property to the south.

The application area is surrounded to the north, south and west by single-family residences. Across Fairmount to the east is a complex which is also owned by the Fairmount Church of Christ.

The Wichita Historic Preservation Board approved this request at its' May 18, 1998 meeting.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Single-Family Residence
SOUTH	"TF-3"	Single-Family Residence
EAST	"TF-3"	Fairmount Church of Christ
WEST	"TF-3"	Single-Family Residence

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the Church is attempting to provide access for its disabled members. The west side of the building is inappropriate for the elevator due to bathrooms, an air condition compressor and overhead utilities are located along this side of the building. Access to a elevator on the west property line would also be very difficult to construct. The only location to place an elevator would be along the south portion of the building.

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 recommended screening should protect the surrounding residential properties.

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 applicants have no other location to place the elevator, which will be used by disabled persons, on their property. According to the applicant, if the variance is not granted then the elevator could not be constructed on-site and the disabled church members would be unable to reach the 2nd floor of the church.

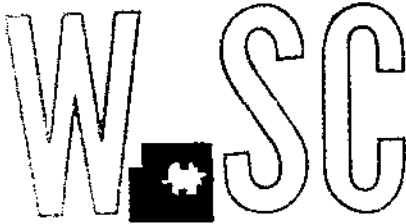
PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this reduction in the compatibility setback requirement and therefore, there will be no effect on the general public.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the intent of the compatibility standards of the zoning ordinance is to protect residential neighborhoods and with the required screening and landscaping for the site this goal should be met.

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. The site shall be developed in accordance with the attached site plan and the new construction shall be required to comply with all building and

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

June 26, 1998

Fairmount United Church of Christ
1650-55 Fairmount Ave.
Wichita, KS 67208

RE: BZA 14-98 - Variance to reduce the compatibility setback standard from 25 feet to 4 feet 8 inches on the south property line on property generally located north of 13th Street north and west of Oliver.

Dear Sirs:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on June 23, 1998. 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.

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.

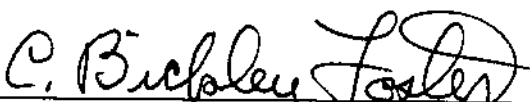
Sincerely yours,

Keith Gooch
Assistant Secretary
Board of Zoning Appeals

KG/sah

cc: Kenneth P. Stewart, 1030 First National Bank Bldg., Wichita, KS 67202
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1998.


C. Bickley Foster, President

ATTEST:


David L. Yearout, Secretary

BZA RESOLUTION NO. 14-98

WHEREAS, Fairmount United Church of Christ, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the compatibility setback standard from 25 feet to 4 feet 8 inches on the south property line on property zoned "TF-3" Two-Family Residential and legally described as follows:

Lots 47,49,51 & 53, Fairmount Avenue, Fairmount an addition to the City of Wichita, Sedgwick County, Kansas. Generally located north of 13th Street North and west of Oliver.

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 June 23, 1998, 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 Church is attempting to provide access for its disabled members. The west side of the building is inappropriate for the elevator due to bathrooms, an air condition compressor and overhead utilities are located along this side of the building. Access to a elevator on the west property line would also be very difficult to construct. The only location to place an elevator would be along the south portion of the building; 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 recommended screening should protect the surrounding residential properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Unified Zoning Code of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicants have no other location to place the elevator, which will be used by disabled persons, on their property. According to the applicant, if the variance is not granted then the elevator could not be constructed on-site and the disabled church members would be unable to reach the 2nd floor of the church; 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 encroachments into public utility easements or street right-of-way as a result of this reduction in the compatibility setback requirement and therefore, there will be no affect on the general public; 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 Unified Zoning Code inasmuch as the intent of the compatibility standards is to protect residential neighborhoods and with the required screening and landscaping for the site this goal will be met; 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.

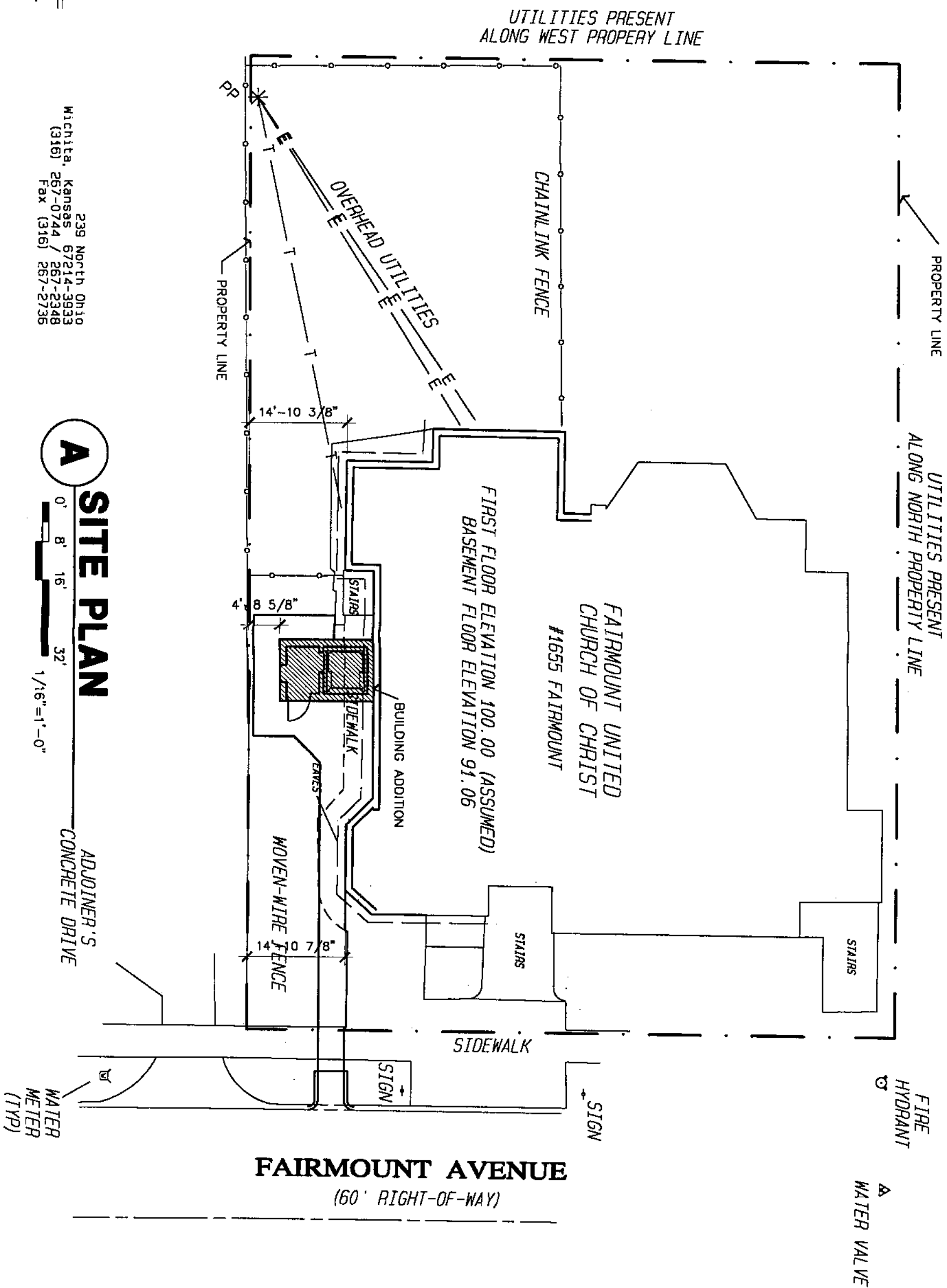
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the compatibility setback standard from 25 feet to 4 feet 8 inches on the south property line on property zoned "TF-3" Two-Family Residential and legally described as follows:

Lots 47,49,51 & 53, Fairmount Avenue, Fairmount an addition to the City of Wichita, Sedgwick County, Kansas. Generally located north of 13th Street North and west of Oliver.

subject to the following conditions:

1. The site shall be developed in accordance with the attached site plan and the new construction shall be required to comply with all building and zoning code requirements, except that the compatibility building setback standard along the south property line may be reduced to no less than 4 feet 8 inches for the elevator. A revised landscape plan shall be submitted by the applicant which shows a solid screening fence (wood or similar material) along the south property line, as well as the existing landscaping or the location of the two new trees to replace those which were removed.
2. 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 condition.

(50' RIGHT-OF-WAY)



SURVEYING INC.

20.
1997
56

239 North Ohio
 Wichita, Kansas 67214-3933
 (316) 267-0744 / 267-2348
 Fax (316) 267-2736

A SITE PLAN

ADJOINER'S
CONCRETE DRIVE

WATER
METER
(TYP)

**Fairmount
United Church of Christ
1655 Fairmount
Wichita, Kansas 67208**

Architects
1133 E. 2nd St.
Wehila, KS 67214
316.262.7435



2

Incident: 97030
 Proj no: 97030
 Code:
 Start time:
 Drawn by:
 Created by:

of