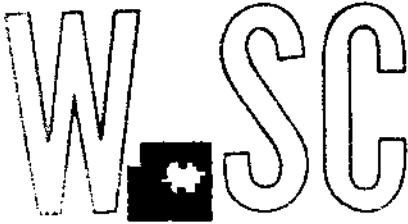


WICHITA — SEDGWICK COUNTY



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

Ed Roberts
Tax Resource Group
4015 W. 13th
Wichita, KS 67212

RE: BZA 11-98 - Variance to reduce the compatibility setback requirements on the north side from 25 feet to 20 feet and on the east side from 25 feet to 10 feet on property generally located north of 9th Street and east of Tyler.

Dear Mr. Roberts:

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,

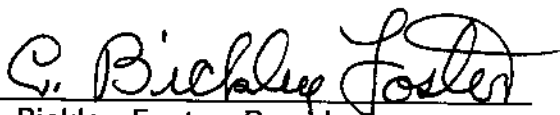
Keith Gooch
Assistant Secretary
Board of Zoning Appeals

KG/sah

cc: Duane Snyder Son Corp., 1105 E. 37th St. N., Wichita, KS 67213
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)

5. 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 23rd day of June, 1998.


C. Bickley Foster, President

ATTEST:


David L. Yearout, Secretary

BZA RESOLUTION NO. BZA 11-98A

WHEREAS, Tax Resource Group, c/o Ed Roberts, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the compatibility setback standards from 25 feet to 20 feet on the north property line on property zoned "GO" General Office and legally described as follows:

Lot 1, Loehr Addition, Wichita, Sedgwick County, Kansas. Generally located north of 9th Street and east of Tyler Road.

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 property to the north is zoned "SF-6" Single-Family Residential, which triggers the compatibility setback requirements, but the use of the property is for Northwest High School; 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 there is an abundance of open space north of this site and no persons or property will be affected by this variance; 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 applicant would be unable to construct the prefabricated building on this site if the variance was not granted. The variance allows the applicant to construct a driveway and provide seven parking spaces just south of this office; 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 the reduction of the compatibility setback 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 standard is to protect residential neighborhoods. The use of the property to the north is for a public high school and no residences are impacted.

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.

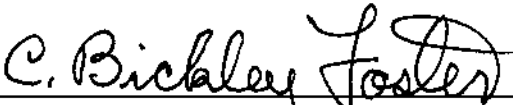
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the compatibility setback standards from 25 feet to 20 feet on the north property line on property zoned "GO" General Office and legally described as follows:

Lot 1, Loehr Addition, Wichita, Sedgwick County, Kansas. Generally located north of 9th Street and east of Tyler Road.

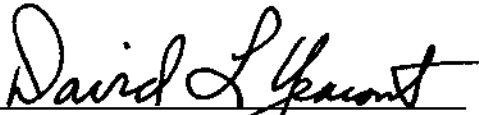
subject to the following conditions:

1. The site shall be developed in accordance with the attached landscaping plan and required to comply with all other building, zoning, and landscape code requirements, except that the compatibility building setback standards along the north property line may be reduced to no less than 20 feet for the structure.
2. The height of the commercial buildings from grade to the roof lines shall not exceed 10 feet 6 inches; the height from grade to the peaks of the roofs shall not exceed 18 feet 5 inches.
3. Parking spaces for customers and employees shall be provided on the site per the Unified Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage.
4. The building shall be completed and ready for occupancy within one year.
5. 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 23rd day of June, 1998.


C. Bickley Foster, President

ATTEST:


David L. Yearout, Secretary

BZA RESOLUTION NO. BZA 11-98B

WHEREAS, Tax Resource Group, c/o Ed Roberts, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the compatibility setbacks from 25 feet to 10 feet on the east property line on property zoned "GO" General Office and legally described as follows:

Lot 1, Loehr Addition, Wichita, Sedgwick County, Kansas. Generally located north of 9th Street and east of Tyler Road.

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 20-foot platted setback along Tyler and 9th Street requires the building to be located where proposed in order to meet the parking requirement of the Unified Zoning Code. Moving the parking to the rear would have a greater impact on the nearby residences; 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 required screening and buffering will protect the residential property to the east of this site. Also, the building is designed with a residential look, and is restricted in height to less than 19 feet. The building acts as an additional buffer between the residences to the east and the on-site parking and the traffic along Tyler Road; 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 applicant would be unable to construct the prefabricated building on this site if the variance was not granted. The applicant cannot move this building to the west due to the 20 foot platted setback and still meet the parking requirement of the Unified Zoning Code; 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 the reduction of the compatibility setback 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 of the are to protect residential neighborhoods. The screening and landscaping requirements should provide an appropriate buffer to the residential property surrounding this office.

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 setbacks from 25 feet to 10 feet on the east property line on property zoned "GO" General Office and legally described as follows:

Lot 1, Loehr Addition, Wichita, Sedgwick County, Kansas. Generally located north of 9th Street and east of Tyler Road.

subject to the following conditions:

1. The site shall be developed in accordance with the attached landscaping plan and required to comply with all other building, zoning, and landscape code requirements, except that the compatibility building setbacks along the east property line may be reduced to no less than 10 feet and along the north property line may be reduced to no less than 20 feet.
2. The height of the commercial buildings from grade to the roof lines shall not exceed 10 feet 6 inches; the height from grade to the peaks of the roofs shall not exceed 18 feet 5 inches.
3. Parking spaces for customers and employees shall be provided on the site per the Unified Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage.
4. The addition shall be completed and ready for occupancy within one year.

1. The site shall be developed in accordance with the attached landscaping plan and required to comply with all other building, zoning, and landscape code requirements, except that the compatibility building setback standards along the east property line may be reduced to no less than 10 feet for the structure.
2. The height of the commercial buildings from grade to the roof lines shall not exceed 10 feet 6 inches; the height from grade to the peaks of the roofs shall not exceed 18 feet 5 inches.
3. Parking spaces for customers and employees shall be provided on the site per the Unified Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage.
4. The addition shall be completed and ready for occupancy within one year or the resolution granting this variance shall become null and void.
5. 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 11-98

OWNER/APPLICANT: Tax Resource Group, c/o Ed Roberts

AGENT: Duane Snyder Son Corporation

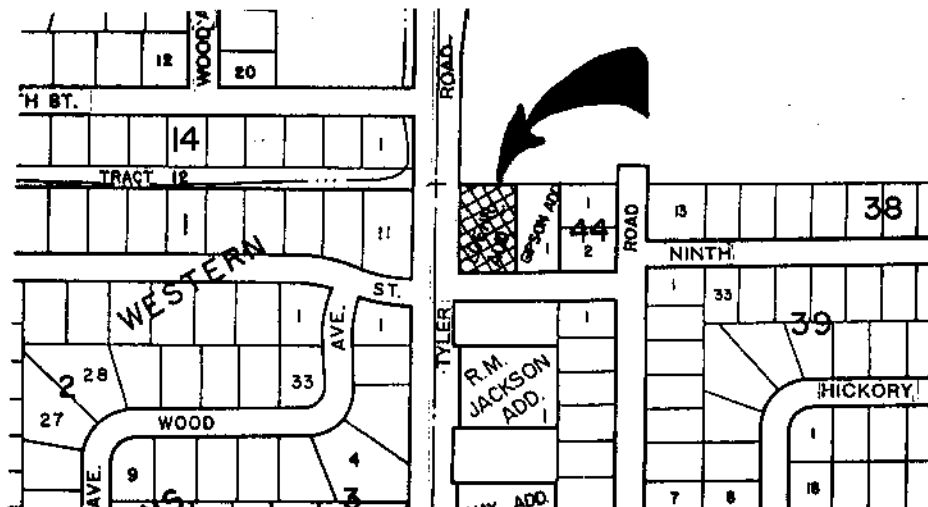
REQUEST: 1) Variance to reduce the compatibility setback standards from 25 feet to 20 feet on the north property line; and

2) Variance to reduce the compatibility setback standards from 25 feet to 10 feet on the east property line.

CURRENT ZONING: "GO" General Office

SITE SIZE: 106' by 192'

LOCATION: North of 9th Street and east of Tyler Road



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 requests a variance to reduce the compatibility setback standards from 25 feet to 20 feet on the north property line and from 25 feet to 10 feet on the east property line. A zone change to "GO" General Office was approved for this property in 1986, which was not supported by Planning Department Staff.

The applicant is proposing to place a 5,040 square foot office at this location to be used as the Tax Resource Group Office. This office will be residentially designed in nature with windows and a pitched roof. A 25 foot setback is required from the residentially zoned properties located north and east of this property. The properties to the north and east are zoned "SF-6" Single-Family.

The Landscape Ordinance will require the equivalent of one shade tree per 40 linear feet when nonresidential uses are adjacent to residential uses. These trees must be planted within 15 feet of the common property line. Therefore the applicant will be required to provide landscaping on the north and east property lines as well as parking lot screening along the south and west property lines due to the parking lot being across the street from residential zoning. The Unified Zoning Code will require a solid screening fence along the north and east property lines.

The site plan submitted shows 21 parking spaces which meets the Unified Zoning Code parking requirement of 21 spaces. (One per 250 square feet of space)

This property is surrounded by residential zoning and single-family homes on the south, east and west. North of this site is also residentially zoned property, but is undeveloped land and is owned by USD 259 (Northwest High School).

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6"	Northwest High School
SOUTH	"SF-6"	Single-Family Residence
EAST	"SF-6"	Single-Family Residence
WEST	"SF-6"	Single-Family Residence

Request No. 1: Variance to reduce the compatibility setback on the north property line from 25 feet to 20 feet.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as Northwest High School is located just north of this site and is an institutional use, however the compatibility setback standards are triggered due to the property being zoned "SF-6."

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 there is an abundance of open space just north of this site and therefore no persons or property will be effected by this variance.

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 be unable to construct the prefabricated building on this site if the variance was not granted. The variance allows the applicant to construct a driveway and provide seven parking spaces just south of this office.

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 building setback reduction request 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. As stated before there are no homes or structures located on the residentially zoned property to the north.

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 landscaping plan and required to comply with all other building, zoning, and landscape code requirements, except that the compatibility building setback standards along the north property line may be reduced to no less than 20 feet for the structure.
2. The height of the commercial buildings from grade to the roof lines shall not exceed 10 feet 6 inches; the height from grade to the peaks of the roofs shall not exceed 18 feet 5 inches.
3. Parking spaces for customers and employees shall be provided on the site per the Unified Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage.
4. The building shall be completed and ready for occupancy within one year or the resolution granting this variance shall become null and void.

5. 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.

Request No. 2: Variance to reduce the compatibility setback on the east property line from 25 feet to 10 feet.

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the office proposed to be placed on site is residentially designed in nature with windows and a pitched roof. Therefore, this building will be compatible with the homes found in this area. Additionally, due to the 20 foot platted setback along Tyler and 9th Street, the applicant is unable to move the building to the west and still meet the parking requirement of the Unified Zoning Code.

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 required screening and buffering should protect the residential property just to the east of this site. Also, the building is designed with a residential look, and is restricted in height to less than 19 feet. The building acts as an additional buffer between most of the parking and the traffic along Tyler Road.

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 be unable to construct the prefabricated building on this site if the variance was not granted. The applicant can not move this building to the west due to the 20 foot platted setback and still meet the parking requirement of the UZC.

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 building setback reduction request 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. The screening and landscaping requirements should provide an appropriate buffer to the residential property surrounding this office.

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: