

duplexes and all improvements shall be completed within one year following the BZA approval of the variance or resolution unless such time period is extended by the BZA.

3. The applicant shall complete the requirements of the zone change (Z-3249) in order to have the ordinance published and the rezoning completed.
4. 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.

BACKGROUND: The applicant is requesting to reduce the compatibility setback standards on the west side of Lots 1-12, Sim Park Gardens located north of Murdock and west of McLean. This 1.48 acre tract is currently zoned "SF-6" but has been approved for "GO" General Office, subject to platting. The plat (Riverside Health 3rd Addition) has been submitted by the applicant. The applicant and staff have agreed to reduce the compatibility setback standards from 25 feet to 10 feet for all one story structures and from 25 feet to 15 feet for all structures taller than one story in height. This should allow for the required landscaping to grow along those structures taller than one story in height.

The applicant is proposing to build 5 duplexes on Lots 1-4 and an apartment building on Lots 5-12. Both of these developments will be independent living. The "compatibility setback standards" in the zoning code require that uses in the "MF-18" and more intensive districts on lots that are 75 feet wide or more should be setback at least 25 feet from adjacent sites zoned "SF-6" or "TF-3" (single-family and duplex), unless the proposed use is less intensive than the adjacent uses. If not for this requirement, the rear yard setback for development in the "GO" district is 10 feet.

Only one duplex will be built not meeting the 25 foot compatibility setback along the west portion of the property. This duplex will be built 10 feet east of the west property line. Each duplex is approximately 3,600 square feet in size, according to the applicant. The apartment complex will not be more than 35 feet in height and therefore will meet the compatibility height standards. The homes located just to the west of this site are on very deep lots, and the homes themselves are approximately 150 feet west of the property line.

The applicant will be required to meet all the screening and landscaping requirements along the west property line. The applicant will also be required to meet all requirements of the Landscape Ordinance along the north and south property lines due to this development being across the street from single-family residences.

North, west and south of this site is located single-family homes. East of this site is an apartment building for seniors, owned and operated by the City's housing authority.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6"	Single-Family Homes
SOUTH	"SF-6"	Single-Family Homes
EAST	"GO"	Apartment Complex
WEST	"SF-6"	Single-Family Homes

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as other tracts zoned "GO" are typically not developing with a similar use to those surrounding

it, and which is less intensive than those permitted in that zoning district. Further, the single-family residential lots triggering the setback requirement are much deeper (263 feet east to west) than is typically found in other residential developments, thereby providing further separation from the proposed duplexes.

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 single-family homes are located west of the property line approximately 150 feet and therefore should not be impacted. The development will also be required to meet all landscaping and screening requirements along the west, south and north property lines.

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 if the applicant was required to move the western duplex an additional 15 feet east, the street layout and the ability to provide adequate parking for this site would be impacted.

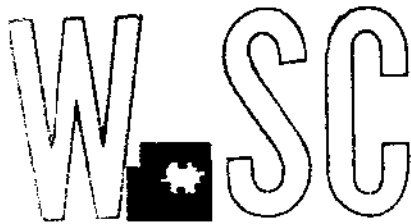
PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this building setback reduction request and therefore there will be no 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 Zoning Code Compatibility Setbacks requirement attempts to protect low density residential and nonresidential uses. This use of this property is similar to residential uses found in the general vicinity of the application area as well as the single-family homes to the west are located at least 150 feet from the duplexes and proposed apartment complex.

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 and required to comply with all building, zoning and landscape code requirements, except that the compatibility building setback standards along the west property line may be reduced to no less than 10 feet for one story developments and to no less than 15 feet for any structure taller than one story in height, only for duplexes and an apartment complex constructed on-site.
2. The applicant shall obtain all local permits necessary to construct the

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

Riverside Health Systems, Inc.
Attn: Robert Dixon
2622 W. Central
Wichita, KS 67203

RE: BZA 8-98 - Variance to reduce the compatibility setback requirement for all one story structures from 25 feet to 10 feet and for all structures taller than one story from 25 feet to 15 feet along the west property line generally located north of Murdock and west of McLean Boulevard.

Dear Mr. Dixon:

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: Baughman Co., PA, % Terry Smythe. 315 Ellis, Wichita, KS 67211
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)

2. The applicant shall obtain all local permits necessary to construct the duplexes and all improvements shall be completed within one year following the BZA approval of the variance or resolution unless such time period is extended by the BZA.
3. The applicant shall complete the requirements of the zone change (Z-3249) in order to have the ordinance published and the rezoning completed.
4. 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 8-98

WHEREAS, Riverside Health Systems, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the compatibility setback requirement for all one story structures from 25 feet to 10 feet and for all structures taller than one story from 25 feet to 15 feet along the west property line on property zoned "GO" General Office and legally described as follows:

Lots 1 through 12, Sim Park Gardens, Sedgwick County, Kansas.
Generally located north of Murdock and west of McLean Boulevard.

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 other tracts zoned "GO" are typically not developing with a similar use to those surrounding it, and which is less intensive than those permitted in that zoning district. Further, the single-family residential lots triggering the setback requirement are much deeper (263 feet east to west) than is typically found in other residential developments, thereby providing further separation from the proposed duplexes; 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 single-family homes are located approximately 150 feet west of the common property line and, therefore, should not be impacted. The development will be required to also meet all landscaping and screening requirements along the west, south and north property lines; 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 compliance to the required compatibility setback would require the western duplex to be moved an additional 15 feet east, resulting in a negative impact on the ability for this site to provide adequate parking, as well as having a negative impact on the street layout; 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 building setback reduction request 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 compatibility setback requirement attempts to protect low density residential and nonresidential uses. The proposed use of this property is similar to residential uses found in the general vicinity of the application area. Further, the single-family homes to the west are located at least 150 feet from the duplexes and proposed apartment complex.

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 have 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 requirement for all one story structure from 25 feet to 10 feet and for all structures taller than one story from 25 feet to 15 feet along the west property line on property zoned "GO" General Office and legally described as follows:

Lots 1 through 12, Sim Park Gardens, Sedgwick County, Kansas.
Generally located north of Murdock and west of McLean Boulevard.

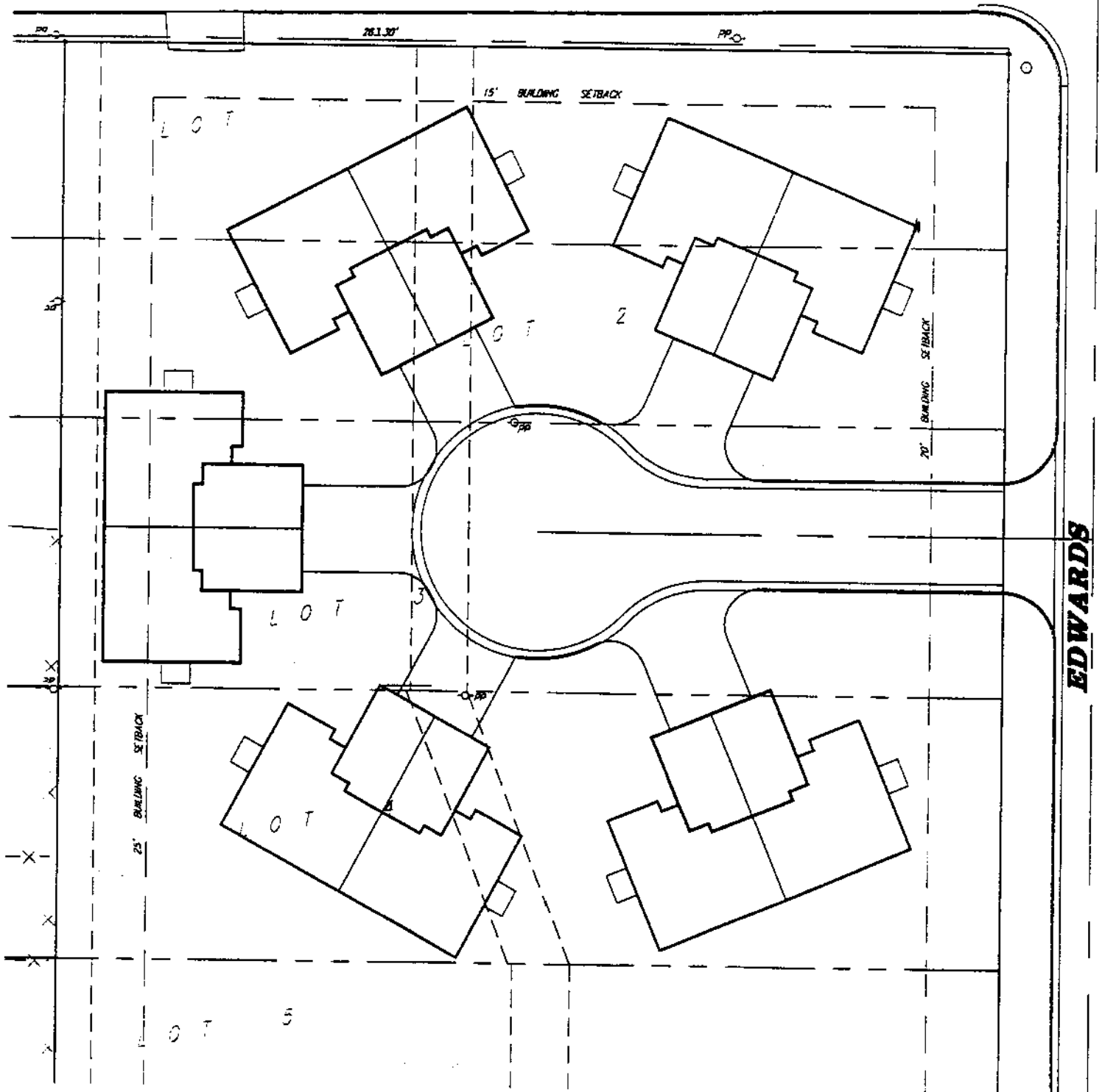
subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning and landscape code requirements, except that the compatibility building setback standards along the west property line may be reduced to no less than 10 feet for one story structures and to no less than 15 feet for any structure taller than one story in height, only for duplexes and an apartment complex constructed on-site.

EXHIBIT

RIVERSIDE HEALTH SYSTEMS 3RD ADDITION INDEPENDENT LIVING DUPLEX

9TH STREET



EDWARDS