



Wichita-Sedgwick County Metropolitan Area Planning Department

February 28, 2007

Catholic Diocese of Wichita
Attn: Father Doug Cambel
3030 N Amidon
Wichita KS 67204

RE: BZA2007-07 Variance to reduce the front setback from 25 to 15 feet for a church addition in SF-5 Single-family Residential zoning, generally located west of N Amidon and south of 31st Street N.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **February 27, 2007**. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Jess McNeely'.

Jess McNeely, AICP
BZA Secretary, Current Plans Division

JM/ya

Cc Terry Smythe, Baughman Company PA, 315 Ellis, Wichita, KS 67211
 Sharon Dickgrafe, Law Dept, 1-132
 Herb Shaner, OCI, 1-72
 Sharon Fearey, WCC District VI, 1-13

BZA RESOLUTION NO. 2007-00007

WHEREAS, the Catholic Diocese of Wichita c/o Father Doug Campbell (owner/applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section IIIB.5.d(3) of the Unified Zoning Code to reduce the front setback from 25 feet to 15 feet for a church addition in SF-5 Single-family Residential zoning, generally located east of Amidon south of 31st Street North (3030 N. Amidon).

The West 100 feet of Lot 1, St. Jude Addition, Sedgwick County, Kansas.

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 February 27, 2007, 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 conditions that are unique, as the site already has a 15-foot setback on the southern portion. Also, the site is unique in that required parking occupies space east of the desired addition, limiting space on the site for building expansion.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners, as an existing building on the site already has an approved setback reduction to 15 feet. The proposed setback reduction is over 100 feet from the nearest adjacent property, and therefore will not affect that property.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the zoning regulations would constitute an unnecessary hardship upon the applicant, as requiring the applicant to comply with the 25-foot front setback will prevent the applicant from improving the property with no corresponding public benefit.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, as the public has an interest in supporting the logical development of institutional properties. The proposed addition would be no closer to the property line than existing buildings on the site, and will not impact the public right-of-way street or sidewalk.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not oppose the general spirit and intent of the Sign Code as the primary intent of the front setback is to maintain sufficient separation between the public right-of-way and structures. The requested variance does not negatively impact this intent, as buildings on the site already are within 15 feet of the property line, and the right-of-way will not require expansion according to the 2030 Transportation Plan.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

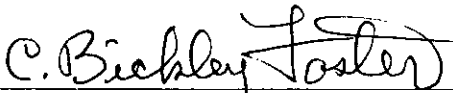
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to IIIB.5.d(3) of the Unified Zoning Code to reduce the front setback from 25 feet to 15 feet for a church addition in SF-5 Single-family Residential zoning, generally located east of Amidon south of 31st Street North (3030 N. Amidon).

The West 100 feet of Lot 1, St. Jude Addition, Sedgwick County, Kansas.

The variance is hereby GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The setback reduction shall apply only to the "building expansion" as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
4. The resolution authorizing this variance may be reviewed for compliance with conditions by the BZA; the board may then make recommendations to staff regarding enforcement of conditions.

ADOPTED AT WICHITA, KANSAS, this 27th Day of February 2007.


BZA Board Chair, C. Bickley Foster

ATTEST:


Jess McNeely, BZA Secretary