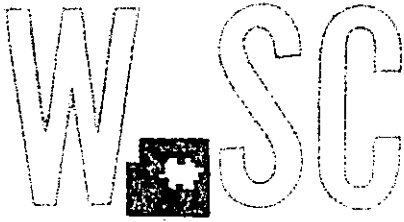


WICHITA - SEDGWICK COUNTY



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

April 27, 1999

Southwestern Bell Telephone Co.  
%Dave Hollis  
1206 East Waterman  
Wichita, KS 67211

**RE: Reduction of front yard setback from 20 feet to 10 feet on property generally located at the Southeast corner of 47th Street South and Lulu.**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on April 27, 1999. 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,

Dale Miller  
Secretary  
Board of Zoning Appeals

DM/rs

cc: Babar Khan, Municipal Engineers, 254 Laura #201, Wichita, KS 67211  
J.R. Cox, OCI  
Paul Hayes, OCI  
Ray Sledge, OCI  
Pat Burnett, OCI  
Yolanda Anderson, OCI  
File

**WHEREAS**, Southwestern Bell Telephone Company, %Dave Hollis, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 20 feet to 10 feet on property zoned "GC" General Commercial and legally described as follows:

Lot 1, Block 1, 47th Street South. S.O.C. Addition, Wichita, Sedgwick County, Kansas. Generally located at the Southeast corner of 47th Street South and Lulu.

**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 April 27, 1999, 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. It is the opinion of staff that this property is unique inasmuch as there was some confusion that arose after the building permit was issued on exactly where the street right of way was. The building was built in 1960 and then platted in 1979. At the time the plat was approved, the platter had included part of the right-of-way in the lot. The plat drawing did not show the right-of-way dedication, however the dedication language was in the platter's text.

**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. 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 frontage on which the variance is requested is an arterial street and adjacent uses are commercial or institutional uses.

**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. 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 building is already built.

**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. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as sufficient right-of-way has previously been obtained for foreseeable needs and the sidewalk remains.

**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. 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 sufficient right-of-way has been obtained and ample light, air and open space exist.

**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 front yard setback from 20 feet to 10 feet on property zoned "GC" General Commercial and legally described as follows:

Lot 1, Block 1, 47th Street South. S.O.C. Addition, Wichita, Sedgwick County, Kansas. Generally located at the Southeast corner of 47th Street South and Lulu.

subject to the following conditions:

1. The front yard setback is reduced from 20 feet to 10 feet only in the area depicted on the site plan as that area that has already developed. No further encroachment into the front yard setback is permitted without appropriate reviews and approvals.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1999.

  
\_\_\_\_\_  
C. Bickley Foster, President

ATTEST:

  
\_\_\_\_\_  
Dale Miller, Secretary

**SECRETARY'S REPORT**

CASE NUMBER: BZA 10-99

OWNER/APPLICANT: Southwestern Bell Telephone Co. c/o Dave Hollis (owner/applicant)

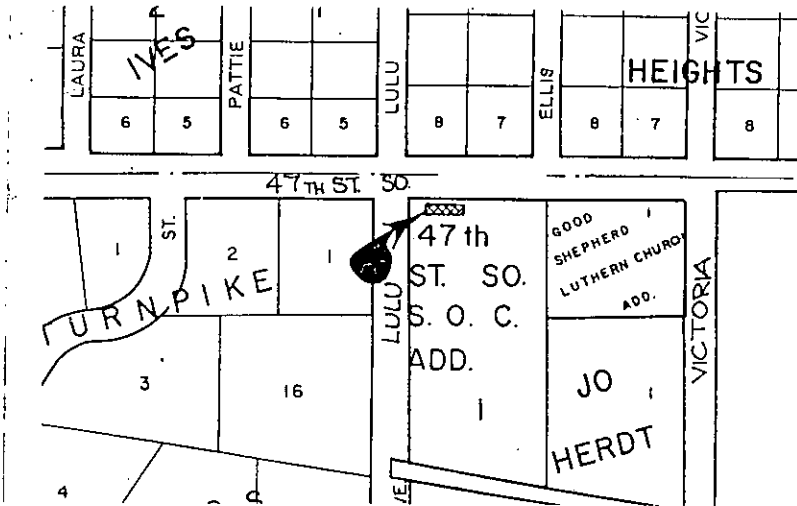
AGENT: Babar Khan

REQUEST: Reduction of front yard setback from 20 feet to 10 feet

CURRENT ZONING: "GC", General Commercial

SITE SIZE: 1.6 acres

LOCATION: Southeast corner of 47th Street South and Lulu



**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 is requesting a reduction in the front yard setback from 20 feet to 10 feet on property approved for "GC" General Commercial. The site is a 1.6 acre platted lot, located on the southeast corner of 47th Street South and Lulu Avenue, which lies between Hydraulic and I-35 (Kansas Turnpike). Southwestern Bell Telephone Company has an existing covered outdoor storage facility for vehicles and an office building which encroaches into the front yard setback by 10 feet.

The original covered outdoor storage facility was built prior to 1960. It is located ten feet from the front property line, and is within the platted front yard setback of 35 feet. A vacation request of 25 feet of the platted 35 foot front yard setback was approved by the Subdivision Committee of MAPC on March 4, 1999 (V-2166). However, even with the granting of the vacation request, the zoning front yard setback will still remain at 20-foot as required by the "GC" General Commercial district. Thus this request for the Board to grant a variance for a 10 foot front building setback.

The land use surrounding the application area consists of a variety of uses, including a church, a school, several large warehouse facilities, several offices and commercial uses and a residential neighborhood. The property to the south, southeast, and southwest is zoned "LI" Limited Industrial and occupied by several large freight operations and a small office park. Good Shepherd Lutheran Church is located to the east along 47th Street South, with Funston Elementary School located in the next block. The property located across Lulu to the west is vacant, but the property beyond the vacant lots is occupied by a restaurant and a hotel. North of 47th Street South is a single-family residential neighborhood.

The site is located along 47th Street South, a four-lane arterial.

**ADJACENT ZONING AND LAND USE:**

NORTH: "SF-6" Single-Family; single family residences

SOUTH: "LI" Limited Industrial; warehouses

EAST: "GC" General Commercial; Southwestern Bell office and additional storage buildings

WEST: "LI" Limited Industrial; vacant; hotel and restaurant

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as there was some confusion that arose after the building permit was issued on exactly where the street right of way was. The building was built in 1960 and then platted in 1979. At the time the plat was approved, the platter had included part of the right-of-way in the lot. The plat drawing did not show the right-of-way dedication, however the dedication language was in the platter's text.

**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 frontage on which the variance is requested is an arterial street and adjacent uses are commercial or institutional uses.

**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 building is already built.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as sufficient right-of-way has previously been obtained for foreseeable needs and the sidewalk remains.

**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 sufficient right-of-way has been obtained and ample light, air and open space exist.

**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:

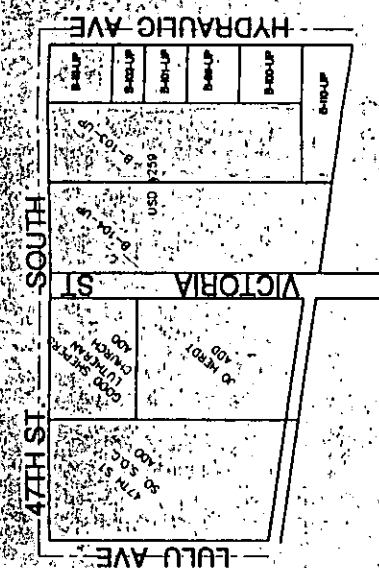
1. The front yard setback is reduced from 20 feet to 10 feet only in the area depicted on the site plan as that area that has already developed. No further encroachment into the front yard setback is permitted without appropriate reviews and approvals.

# VARIANCE

BUILDING SETBACK REQUESTED

ZONE CHANGE REQUESTED

CE 47TH STREET SOUTH

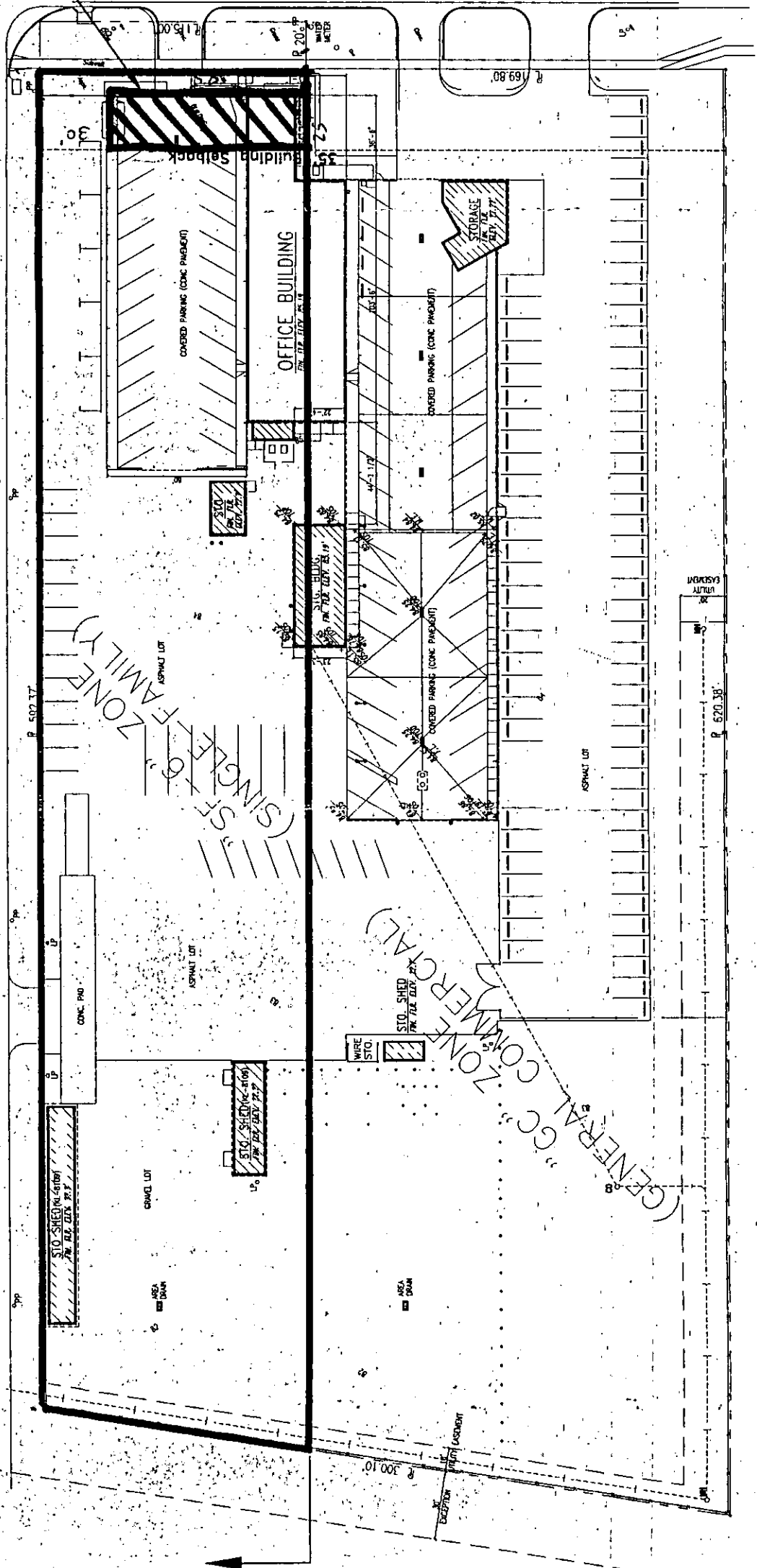


VICINITY MAP

CLULU AVENUE

SITE LOCATION MAP

PROJECT SITE



ZONE CHANGE REQUESTED

BUILDING SETBACK REQUESTED

LEGAL DESCRIPTION FOR ZONE CHANGE APPLICATION:  
WEST 115 FEET OF 47TH STREET SOUTH S.O.C. ADDITION, LOT 1,  
WICHITA, SEDGWICK COUNTY, KANSAS.

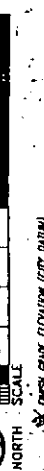
LEGAL DESCRIPTION FOR BUILDING SETBACK VACATION:  
EAST 85 FEET OF THE WEST 115 FEET OF THE SOUTH 25 FEET OF THE NORTH 35 FEET OF 47TH STREET SOUTH S.O.C. ADDITION, LOT 1,  
WICHITA, SEDGWICK COUNTY, KANSAS.

LEGAL DESCRIPTION:  
47th STREET SOUTH S.O.C. ADDITION, LOT 1,  
WICHITA, SEDGWICK COUNTY, KANSAS

NOTE: LOCATIONS OF BARRIED UTILITIES, ETC. ARE FOR REFERENCE ONLY. VERIFY ALL BARRIED UTILITIES, ETC. LOCATIONS BEFORE ANY CONSTRUCTION PROCEDURES.

SITE PLAN

SCALE: 1" = 60'-0"



NORTH  
SCALE  
FEET  
0 60 120