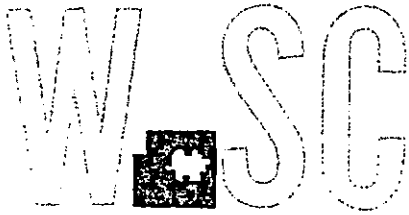


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

FILE COPY

March 25, 1999

Advantage Properties
%Greg Barnes
2551 N. Delrose
Wichita, KS 67214

RE: BZA 7-99 - Variance to reduce the compatibility setback from 25 feet to 12 feet on property zoned "LC" Limited Commercial and generally located North of 21st Street North, west of Prince.

Dear Mr. Barnes:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of zoning Appeals on March 23, 1999. This resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Sincerely,

Dale Miller
Secretary
Board of Zoning Appeals

DM/rs

Enclosure

cc: J.R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)
CPO

BZA RESOLUTION NO. 7-99

WHEREAS, Advantage Properties %Greg Barnes, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the compatibility setback from 25 feet to 12 feet on property zoned "LC" Limited Commercial and legally described as follows:

Lots 14, 15, 16, and 17 Schreck's Addition, Wichita, Sedgwick County, Kansas. Generally located North of 21st Street North, west of Prince.

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 March 23, 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 inasmuch as the lot is irregular in shape and the site is already developed with a rectangular strip mall. The way the mall is sited on the property by the time the required parking was installed, there is not any space in front of the mall to add any additional storage space.

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 addition does not have any openings facing the residences, and the "Unified Zoning Code" and Landscape Ordinance require solid screening and trees planted between residential uses and nonresidential 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 inasmuch as the strip center is out of storage space for its leaseholders and there is not any other available location to build storage space on the site.

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 addition is relatively small, is out-of- sight to most people and it is in the public's interest to support private revitalization efforts along the 21st Street corridor.

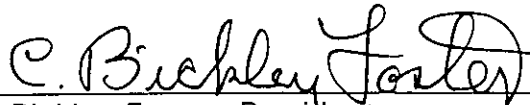
WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the code-required screening and landscaping and lack of openings along the north facade minimizes any negative impact on adjoining properties which is the purpose of the compatibility standards.

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 from 25 feet to 12 feet on property zoned "LC" Limited Commercial and legally described as follows:

Lots 14, 15, 16, and 17 Schreck's Addition, Wichita, Sedgwick County, Kansas. Generally located North of 21st Street North, west of Prince.

ADOPTED AT WICHITA, KANSAS, this 23rd day of March, 1999.


C. Bickley Foster, President

ATTEST:


Dale Miller, Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 7-99

OWNER/APPLICANT: Advantage Properties (Greg Barnes)

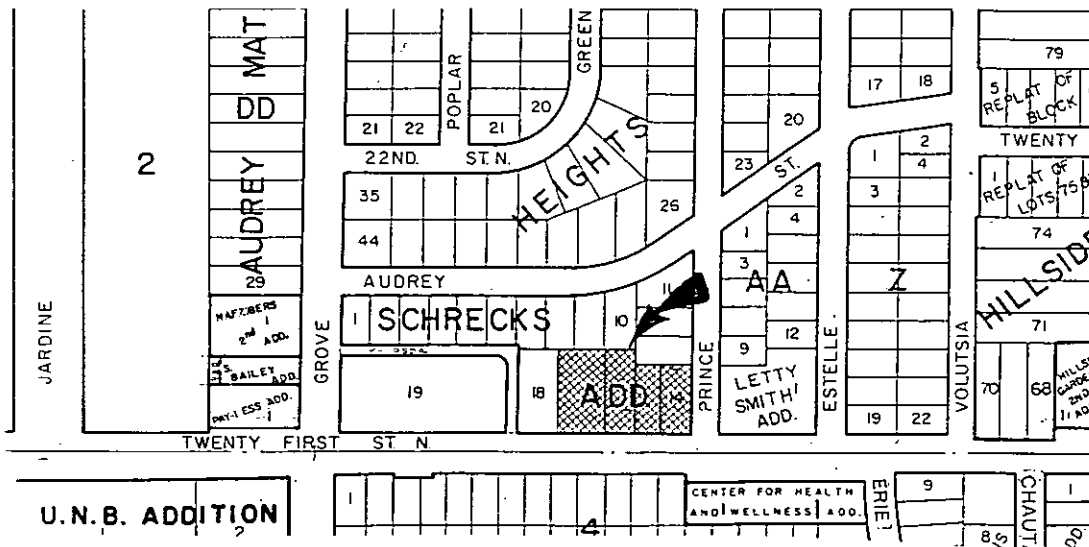
AGENT: N/A

REQUEST: Variance to reduce the compatibility setback from 25 feet to 12 feet

CURRENT ZONING: "LC", Limited Commercial

SITE SIZE: 1.02 acres

LOCATION: North of 21st Street North, west of Prince



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 proposes to construct a 30 foot by 80 foot addition to the rear of a strip retail center known as Kay Plaza. Kay Plaza is located north of Central and west of Prince. Building plans submitted to the Office of Central Inspection indicate the addition is to be 15 feet tall. The addition will be setback approximately 180 feet from Prince. The west elevation of the addition is to be flush with the west facade of the existing strip center. Building plans also indicate no windows or openings along the north and west facades. A garage door is depicted on the east facade of the addition, facing Prince. Access to the addition is off of Prince, along the north side of the strip center. The applicant indicates the addition provides storage space for uses inside the strip center.

"Unified Zoning Code" compatibility setback standards are triggered when buildings in the "MF-18" or less restrictive districts are located on zoning lots within 500 feet of property zoned "TF-3" or more restrictive. The code requires buildings located in the MF-18 or less restrictive districts to be setback a minimum of 15 feet from the rear or side yards of property zoned "TF-3" or more restrictive. In this case, the applicant proposes to construct the addition within 12 feet of the rear lot line of property zoned "SF-6", Single-family Residential. Some of the residential lots have wooden fences along their rear lot line, mostly east of the proposed addition. A chain link fence is in place along the rear of the lot closest to the addition. Zoning code requires a solid fence along this common property line. The Landscape Ordinance also requires buffer landscaping at the rate of one tree per 40 linear feet of common property line.

The lots north of the application area are developed with single-family homes which face north, fronting Audrey. Property immediately east of the strip center is located east of Prince, is zoned "LC", Limited Commercial and is vacant. Property south of the strip center is vacant and is zoned "MF-29", Multiple Family. A car wash, zoned "LC", Limited Commercial is located west of the addition.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6", Single-family Residential; single-family residences
SOUTH	"MF-29", Multiple family Residential; vacant
EAST	"LC", Limited Commercial; vacant
WEST	"LC", Limited Commercial; car wash

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the lot is irregular in shape and the site is already developed with a rectangular strip mall. The way the mall is sited on the property by the time the required parking was installed, there is not any space in front of the mall to add any additional storage space.

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 addition does not have any openings facing the residences, and the "Unified Zoning Code" and Landscape Ordinance require solid screening and trees planted between residential uses and nonresidential 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 strip center is out of storage space for its leaseholders and there is not any other available location to build storage space on the site.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as addition is relatively small, is out-of-sight to most people and it is in the public's interest to support private revitalization efforts along the 21st Street corridor.

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 code-required screening and landscaping and lack of openings along the north facade minimizes any negative impact on adjoining properties which is the purpose of the compatibility standards.

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.

