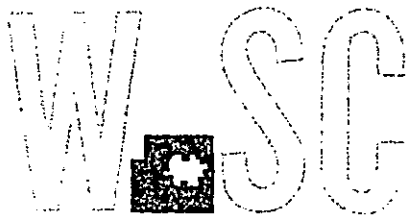


WICHITA — SEDGWICK COUNTY



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

Sherman Steeby
540 N. Flora
Wichita, KS 67212

RE: BZA 3-99 - Variance request from the requirement for a minimum lot size of two acres in order to conduct "limited manufacturing" activities on property zoned "LC" Limited Commercial and generally located approximately 162 feet east of N. West Street on St. Louis Avenue.

Dear Ladies and Gentlemen:

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 approved 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: John Steeby, 225 N. Clarence, Wichita, KS 67203
Smith Construction Co., Inc., %Garret H. Addison, P.O.Box 13213, Wichita, KS 67213
J.R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Yolanda Anderson, MAPC (resolution only)
CPO

BZA RESOLUTION NO. 3-99

WHEREAS, Sherman Steeby and John Steeby, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance from the requirement for a minimum lot size of two acres in order to conduct "limited manufacturing" activities on property zoned "LC" Limited Commercial and legally described as follows:

Lot 1, Steeby Addition, Wichita, Sedgwick County, Kansas. Generally located approximately 162 feet east of N. West Street on St. Louis Avenue.

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 it is the opinion of staff that this property is unique inasmuch as the site is a relatively large (1.6 acres) tract of vacant land that is still undeveloped in this area. It is also unlikely that this site is viewed as a good retail site since it does not have arterial street frontage, and because of its proximity to nonresidential uses, it is not likely that residential uses would be developed on this site.

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 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 proposed use of light aircraft assembly will be a clean and quiet manufacturing use. The area is already one of transition with non-residential uses already in the area. The conditions placed on the property by the conditional use permit, along with the setback, screening and landscape requirements in the City Code, will also ensure that any adverse impacts are minimized.

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 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 staff is looking to remove the two acre minimum lot size currently contained in the code.

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 it is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as it would put a property that has been vacant for some time to a positive use and will provide additional employment opportunities.

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 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 staff is proposing to remove the two acre requirement.

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.

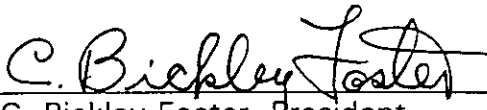
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance from the requirement for a minimum lot size of two acres in order to conduct "limited manufacturing" activities on property zoned the "LC" Limited Commercial and legally described as follows:

Lot 1, Steeby Addition, Wichita, Sedgwick County, Kansas. Generally located approximately 162 feet east of N. West Street on St. Louis Avenue.

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 required minimum 2 acres for limited manufacturing in the "LC" district may be reduced to 1.64 acres.
2. The applicant shall meet all conditions of approval of Conditional Use CU-506.
3. The height from grade to the peak of the roof shall not exceed 14 feet.
4. The applicant shall obtain all local permits necessary to construct the manufacturing building and all improvements shall be completed within one year following BZA approval of the variance or resolution unless such time period is extended by the BZA.
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 any of the foregoing conditions.

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


C. Bickley Foster, President

ATTEST:


Dale Miller, Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
March 23, 1999

SECRETARY'S REPORT

CASE NUMBER: BZA 3-99

OWNER/APPLICANT: Sherman Steeby and John Steeby (Owner)

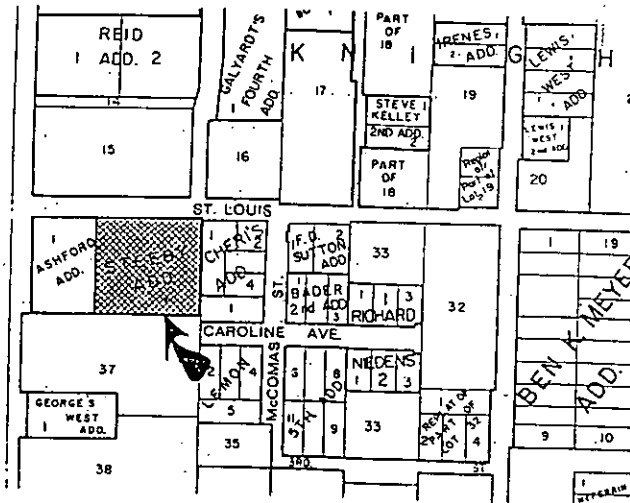
AGENT: Garret H. Addison, Smith Construction Co., Inc. (Agent)

REQUEST: Variance from the requirement for a minimum lot size of two acres in order to conduct "limited manufacturing" activities in the "LC", Limited Commercial District

CURRENT ZONING: "LC" Limited Commercial

SITE SIZE: 1.638 acres

LOCATION: Approximately 162 feet east of N. West Street on St. Louis Avenue



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 proposing to conduct limited manufacturing activities on a 1.6 acre site that is zoned "LC", Limited Commercial located approximately 162 feet east of north West Street on St. Louis Avenue. The "Unified Zoning Code" requires that sites zoned "LC", Limited Commercial used for limited manufacturing purposes must have two acres.

Currently the lot is vacant. The applicant proposes to construct a 40' x 50' building with metal siding and a 1/12 sloped roof for operation of a manufacturing facility to assemble aircraft parts. Employment for the operation is projected initially to be three employees.

Other Unified Zoning Code requirements for limited manufacturing operations located on property zoned "LC" Limited Commercial to be subject to additional conditions, including provision of off-street parking, provision of building setbacks of at least 30 feet from adjacent property zoned for residential use, no outside storage is permitted, and no more than 15 employees per acre of lot are allowed during a work shift. Additionally, the building must conform with compatibility standards that no building or other accessory structures may be located within 25 feet of adjacent property zoned for residential use and that landscape screening be provided along borders of property zoned for residential use. Noise from the assembly operation will need to meet residential noise standards in the adjoining the residential areas.

The site plan submitted by the applicant exceeds the required number of parking spaces. The proposed building is situated 30 feet from the property line that is adjacent to property zoned "SF-6" to the east and 125 feet from the property zoned "SF-6" located to the south. Total height of the building is to be 12 feet, well below the 35 feet height restriction for "LC" Limited Commercial. The site is less than the two acre minimum size required for "LC" Limited Commercial property to be used for limited manufacturing, therefore the applicant is requesting this variance.

The area surrounding of the application area is characterized by commercial uses to the west and northwest, including a bowling alley located across St. Louis Avenue to the northwest and two restaurants adjoining the site to the west. Both restaurants face onto West Street. The bowling alley also faces onto West Street, however the entrance to the child care services supporting it is situated on the rear of the lot, directly across St. Louis Avenue from the application area. The remaining uses surrounding the application area to the northeast, east and south are residential. Single family houses are located directly east and across St. Louis to the northeast. Several infill houses are located within a two-block radius of the property. To the north of the single family houses along St. Louis is an apartment complex. There is one residence on an oversized lot adjoining the southern boundary of the application area.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC"	"Limited Commercial"; bowling alley
SOUTH:	"SF-6"	"Single Family"; single-family residence
EAST:	"SF-6"	"Single Family";, single-family residences
WEST:	"LC"	"Limited Commercial"; two restaurants

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site is a relatively large (1.6 acres) tract of vacant land that is still undeveloped in this area. It is also unlikely that this site is viewed as a good retail site since it does not have arterial street frontage, and because of its proximity to nonresidential uses, it is not likely that residential uses would be developed on this site.

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 proposed use of light aircraft assembly will be a clean and quiet manufacturing use. The area is already one of transition with non-residential uses already in the area. The conditions placed on the property by the conditional use permit, along with the setback, screening and landscape requirements in the City Code, will also ensure that any adverse impacts are minimized.

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 staff is looking to remove the two acre minimum lot size currently contained in the code.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as it would put a property that has been vacant for some time to a positive use and will provide additional employment opportunities.

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 staff is proposing to remove the two acre requirement.

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 required minimum 2 acres for limited manufacturing in the "LC" district may be reduced to 1.64 acres.

