

The official action of the Board is reflected in the adoption of Resolution No. BZA 16-81 which includes the following conditions of approval.

1. The home shall comply with all state and local codes.
2. The occupancy shall not exceed the number permitted by the State licensing regulations.
3. The use as a group care home shall be limited to that of the Institute of Logopedics.

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4. Case No. BZA 17-81 - Paul K. & Mildred Brooker and Riverfront Investments Company, 600 Century Plaza Building, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to eliminate the required screening fence adjacent to the residential district and on a common property line on property zoned "BB" Office & "B" Multiple-family Dwelling District and legally described as follows:

The north 105' of Lot 1 Riverfront Addition; and the north 1/2 of Lot 107 and all of Lots 109 and 111 on Waco Avenue, Mungers Original Town, now City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Waco approximately 300 feet north of Murdock (833 North Waco).

LYTLE showed slides of the application area and reviewed the following comments from the Secretary's Report.

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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 and the Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to eliminate a required screening fence along the north line of the "BB" Office District which is a common property line between the applicants properties. The north property of the application area is required parking for an office building located on the northwest corner of Waco and Murdock. The south property of the application area is developed as an office and accompanying off-street parking. By a strict application of the ordinance, the screening fence is required even though both properties are developed other than residential which makes the properties somewhat unique.

The elimination of the fence is a common request by both property owners and should not have any adverse effect on any other property.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as both ownerships in the application area are developed with uses other than residential.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as both property owners are a part of this application for the elimination of the fence.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the requirement to install the fence will not only be an unnecessary expense but will interfere with foot traffic between the properties.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the fence being eliminated only affects the two properties included in the application.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the screening fence is intended to protect residential properties from the adverse effects of commercial and industrial development.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following condition:

1. The elimination of the screening fence shall only be for the entire north property line of Riverfront Addition.

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LYTLE stated the CPO Council recommended 7-0 to approve the request.

No one appeared in opposition.

Steve Blaylock, agent, indicated they agreed with the recommendation of the Secretary's Report and the condition. He had one comment to make. The Historical Landmark Committee was in agreement to make the property an open area, which he said was part of their plan.

HENDERSON stated that he wondered if it should be only for the present uses.

GOEBEL commented that he didn't believe it was necessary. There was still a screening fence required to the north.

No further discussion.

MOTION: KOPIETZ moved, GOEBEL seconded that the five conditions set out in Section 2.12.590.B, of the Code as necessary for the granting of the variance have been found to exist and that the variance be granted subject to the condition recommended in the Secretary's Report. Motion passed 4-0. (SQUIRES absent)

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1. The elimination of the screening fence shall only be for the entire north property line of Riverfront Addition.

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5. Case No. BZA 18-81 - Lonny R. McCurdy, 446 West Maple, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required off-street parking from 28 spaces to 4 spaces on property zoned "E" Light Industrial District and legally described as follows:

Lots 33, 34, 35, 36, Block 5 Payne's Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Maple and Smythe (446 West Maple).

LYTLE showed slides of the application area and reviewed the following comments from the Secretary's Report.

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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 and the Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a reduction in the required off-street parking spaces from 28 to 4 so that additional building may be placed on the property. In accordance with the site plan furnished with the