

BACKGROUND: The applicant is requesting a variance of the front yard setback from 20 feet to 0 feet for parking purposes only on what is approximately the east half of a property located at 119 N. Madison. The west half of the property is zoned "LC" and contains a commercial building, a portion of which is being remodeled for a scuba diving school. Although the parking lot could be installed further west so as to observe the 20-foot setback from Madison, the applicant desires to keep the "LC" portion of the property free of parking for possible future expansion of the building. The west 80 feet of this property was rezoned from "B" to "LC" in 1962 and was one of the first commercial rezonings in this area north of the east-west alley. Since then, a number of lots have been rezoned in their entirety to a commercial or office classification which permits parking in the front yard setback.

The applicant's site plan shows a fence to be constructed on the north side of the property from the building to the east property line. This fence should be constructed along the property line, not several feet south of the property line, so as not to create a narrow "no-man's land." The fence could turn south to connect to the building at the building's northeast corner. Central Inspection is permitting the building wall itself to provide the screening at that location since there are no doors or windows on the north side of the building. The fence should be 6 feet tall from the building to a point 20 feet west of the east property line, then 3 feet tall from there on. Bumper blocks should be installed for the parking spaces along this north line to prevent damage to the fence. Often in the past when front yard setbacks were reduced for parking lots, street trees were required to be planted in the "parking" area between curb and property line. It is recommended that several street trees be required as a condition of approval of this variance.

ADJACENT ZONING AND LAND USE:

NORTH	"B"	Undeveloped lot
SOUTH	"LC"	Multi-family dwelling
EAST	"C" & "LC"	Painting contractors
WEST	"LC"	Commercial building

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the rear portion of the property is already zoned and developed commercially, as is the property across Madison to the east, and if this application area applied for and obtained commercial zoning, there would be no setback requirement for parking purposes.

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 property to the east and west is already zoned and used commercially; the property to the south is zoned for commercial uses, although it contains a multi-family dwelling at this time with very little front yard setback; and the lot to the north is undeveloped and will be protected by a fence on the north line of this application area.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as he would be required to construct the parking lot further to the west,

May 24, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 18-88

OWNER/APPLICANT/AGENT: Roy F. Murphy (owner/applicant)

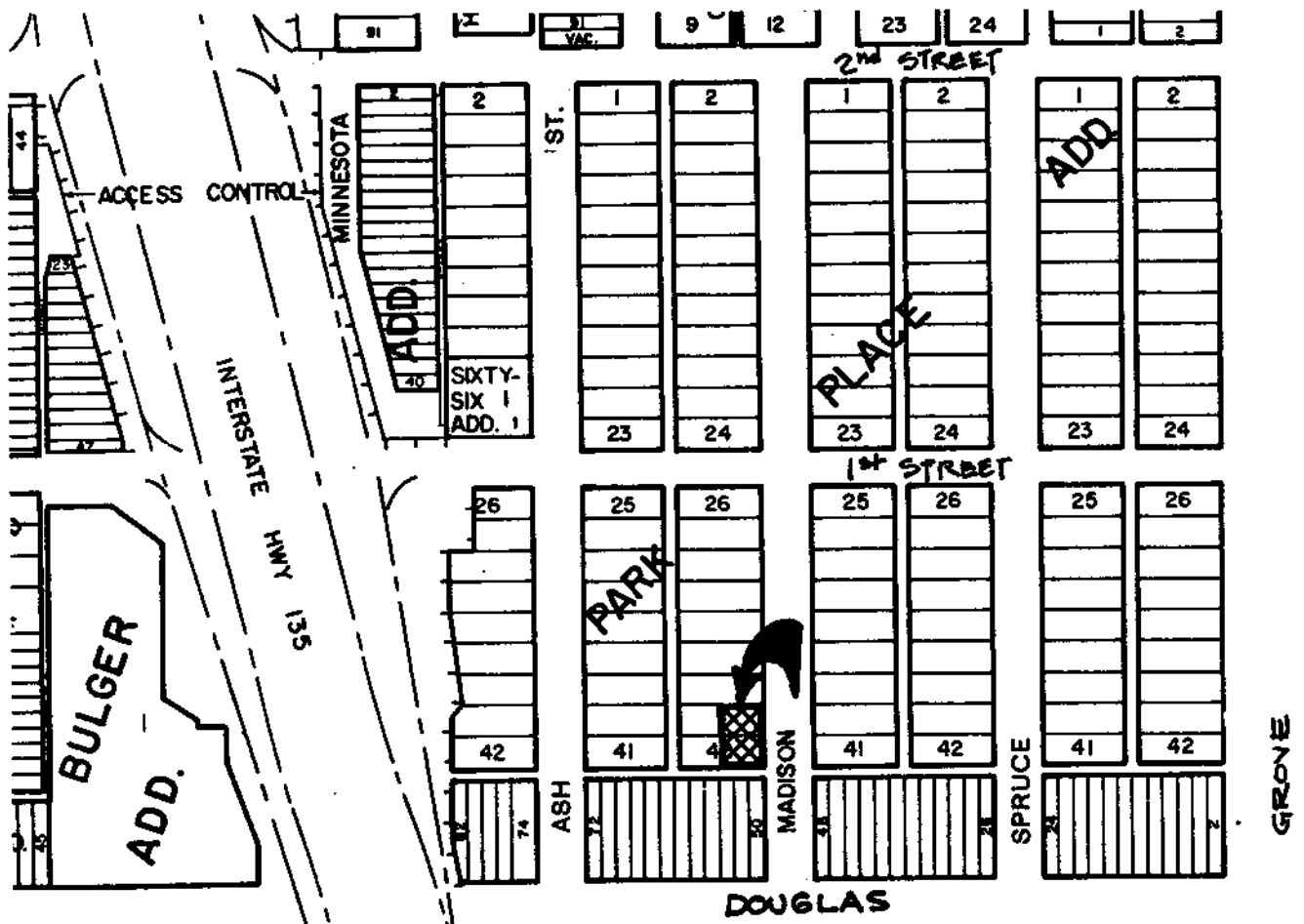
REQUEST: Variance to reduce the front yard setback from 20 feet to 0 feet for parking purposes only

CURRENT ZONING: "B" Multiple-family Dwelling District

SITE SIZE: 60 ft. x 100 ft.

LOCATION: West side of Madison in an area north of Douglas

PROPOSED USE: Parking lot for commercial building (proposed scuba diving school) adjacent to the west



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 the State Statutes, are found to exist.

6. Within 30 days after approval of this application and prior to release of the resolution, the applicant shall submit 3 copies of a revised site plan which identifies the street trees, all bumper blocks, and correct fence location and heights.

The Resolution setting forth the official action of the Board will be released upon compliance with condition #6.

If you have any questions, please call our office.

Sincerely yours,


Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO/jcm

cc: Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

May 25, 1988

Roy F. Murphy
461 S. Glendale
Wichita, KS 67218

Re: BZA 18-88 - Variance to reduce front yard setback from 20 to 0 feet for parking purposes only (119 N. Madison).

Dear Mr. Murphy:

At the regular meeting of the Board of Zoning Appeals on May 24, 1988, your request for a variance to reduce the front yard setback from 20 feet to 0 feet for parking purposes only was considered. It was the action of the Board to approve this request, subject to the following conditions:

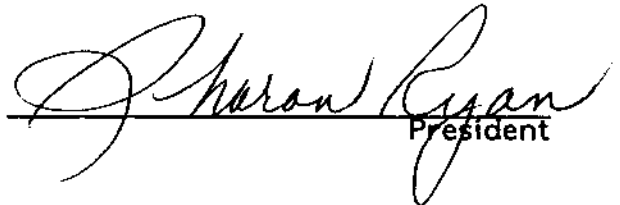
1. The parking spaces and all circulation aisles shall be surfaced with concrete, asphalt or asphaltic concrete, marked in accordance with the approved plan, and maintained in good condition. Bumper blocks shall be installed for the four parking spaces along the north property line, as well as those spaces adjacent to Madison.
2. A solid fence of wood or masonry shall be erected along the north property line from the building to the east property line. Said fence shall be 6 feet in height, except for the east 20 feet thereof, which shall be reduced to 3 feet in height.
3. The applicant shall plant a minimum of two street trees in the "parking" area between the sidewalk and the curb. The location of these trees shall be identified on the site plan, along with information as to tree species and size at time of planting.
4. Only such signs as permitted in the "B" district or which are necessary for the operation of the parking lot shall be permitted.
5. Prior to occupancy of the remodeled commercial building to the west or use of this application area as a parking lot, all conditions of this resolution shall be complied with.

The east 60 feet of Lots 40 and 42 on Locust Street, now Madison Avenue, Park Place Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Madison in an area north of Douglas (119 N. Madison).

subject to the following conditions:

1. The parking spaces and all circulation aisles shall be surfaced with concrete, asphalt or asphaltic concrete, marked in accordance with the approved plan, and maintained in good condition. Bumper blocks shall be installed for the four parking spaces along the north property line, as well as those spaces adjacent to Madison.
2. A solid fence of wood or masonry shall be erected along the north property line from the building to the east property line. Said fence shall be 6 feet in height, except for the east 20 feet thereof, which shall be reduced to 3 feet in height.
3. The applicant shall plant a minimum of two street trees in the "parking" area between the sidewalk and the curb. The location of these trees shall be identified on the site plan, along with information as to tree species and size at time of planting.
4. Only such signs as permitted in the "B" district or which are necessary for the operation of the parking lot shall be permitted.
5. Prior to occupancy of the remodeled commercial building to the west or use of this application area as a parking lot, all conditions of this resolution shall be complied with.
6. Within 30 days after approval of this application and prior to publication of the resolution, the applicant shall submit 3 copies of a revised site plan which identifies the street trees, all bumper blocks, and correct fence location and heights.

ADOPTED AT WICHITA, KANSAS, this 24th day of May, 1988.


President

ATTEST:


Louise Olivarez, Assistant Secretary

RESOLUTION NO. BZA 18-88

WHEREAS, Roy F. Murphy, 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 0 feet for parking purposes only on property zoned the "B" Multi-Family Dwelling District and legally described as follows:

The east 60 feet of Lots 40 and 42 on Locust Street, now Madison Avenue, Park Place Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Madison in an area north of Douglas (119 N. Madison).

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 May 24, 1988, 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 owner or the applicant inasmuch as the rear portion of the property is already zoned and developed commercially, as is the property across Madison to the east, and if this application area applied for and obtained commercial zoning, there would be no setback requirement for parking purposes; and

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 property to the east and west is already zoned and used commercially; the property to the south is zoned for commercial uses, although it contains a multi-family dwelling at this time with very little front yard setback; and the lot to the north is undeveloped and will be protected by a fence on the north line of this application area; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application inasmuch as he would be required to construct the parking lot further to the west, leaving the east 20 feet of his property unusable; or, he would be required to seek a zone change to a district which does not have a setback requirement for parking purposes; and

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, due to the fact that the proposed improvements would not encroach any existing or needed utility easement or street right-of-way; and

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 Title 28 (Zoning Ordinance) inasmuch as the intent of the front yard setback requirements is to establish some degree of uniformity for adjacent areas in the same zoning district, but this area is already quite diverse in its zoning and development, and properties to the south and east are zoned so that there is no setback required for parking lots; and

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 0 feet for parking purposes only on property zoned the "B" Multiple-Family Dwelling and legally described as follows: