


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' to 2' on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, and the south 10 feet of Lot 26, St. Francis Ave., Burleigh's Addition, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of St. Francis and 10th Street North.

subject to the following conditions:

1. The applicant shall obtain a permit from Central Inspection and shall construct the proposed canopy addition within one year following approval by the Board of Zoning Appeals or the resolution granting this variance shall be declared null and void unless additional time is requested by the applicant and granted by the Board.
2. The canopy shall be located generally as shown on the site plan submitted with this application.
3. The front yard setback variance shall apply only to the portion of the property to be encroached by this proposed canopy which is generally confined to Lots 8, 10, 12 and 14.

ADOPTED AT WICHITA, KANSAS, this 22nd day of March, 1994.


Susan Osborne-Howes, Vice-President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 1-94

WHEREAS, Affiliated Property Services, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 20' to 2' to provide covered vehicular access to the main entrance to the building by means of a canopy addition on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, and the south 10 feet of Lot 26, St. Francis Ave., Burleigh's Addition, Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of St. Francis and 10th Street North.

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 22, 1994, 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 location and shape of the structure on the site and the only entrance that provides adequate access to the offices on the interior is located at the existing front yard setback. The addition of a canopy and drive to the front of the building would require encroachment into the setback; 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 surrounding properties are being used for parking and similar medical office use. The canopy will be open and a sight line through the structure will be maintained; and

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 there is no reasonable solution to provide protected client access to the building from any other entrance to the structure. The users of this medical office are frequently handicapped and current conditions greatly inconvenience entry into the building; 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, inasmuch as the canopy will be open and will not adversely impair sight lines. The public will benefit by having covered access to a public medical office; 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 the zoning ordinance inasmuch as the general appearance along the street will not be substantially changed; 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.



METROPOLITAN AREA PLANNING
DEPARTMENT

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

March 24, 1994

Dave Godfrey
Affiliated Property Services
818 N. Emporia Ste 100
Wichita, KS 67214

Re: BZA 1-94 - A request for a variance to reduce the front yard setback from 20 feet to 2 feet on property zoned "B" Multiple Family Dwelling District and generally located on the northeast corner of St. Francis and 10th Street North.

Dear Mr. Godfrey:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 22, 1994. 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. Also enclosed is a copy of the site plan referenced in condition #2.

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 yours,

Louise Olivarez, Secretary
Board of Zoning Appeals

Enclosure

cc: Randy Phillips, SPH Architects 224 E. Douglas Ste 500, Wichita KS 67202
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
CAMA files

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the canopy will be open and will not adversely impair sight lines. The public will benefit by having covered access to a public medical office.

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 ordinance inasmuch as the general appearance along the street will not be substantially changed.

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 conditions:

1. The applicant shall obtain a permit from Central Inspection and shall construct the proposed canopy addition within one year following approval by the Board of Zoning Appeals or the resolution granting this variance shall be declared null and void unless additional time is requested by the applicant and granted by the Board.
2. The canopy shall be located generally as shown on the site plan submitted with this application.
3. The front yard setback variance shall apply only to the portion of the property to be encroached by this proposed canopy which is generally confined to Lots 10 and 12.

SECRETARY'S REPORT

CASE NUMBER: BZA 1-94

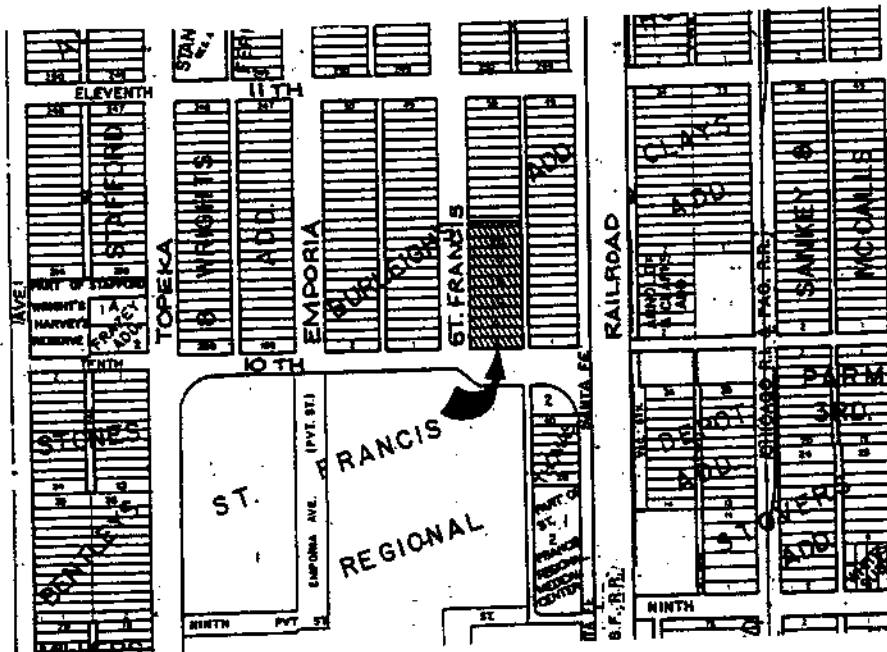
OWNER/APPLICANT: Affiliated Property Services/Dave Godfrey
AGENT: Randy Phillips, SPH Architects

REQUEST: Variance to reduce the front yard setback from 20' to 2'.

CURRENT ZONING: "B" Multiple Family Dwelling District.

SITE SIZE: 1 Acre

LOCATION: Northeast corner of St. Francis and 10th St. North.



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: Dave Godfrey of Affiliated Property Services is the property owner requesting a variance to reduce the front yard setback from 20' to 2' for property located at 1100 N. St. Francis so that a canopy and drive can be constructed at the front of the structure to provide protection to clients using the medical office facility. The application area is located in the St. Francis Regional Medical campus and is surrounded by similar medical offices. The application area is currently zoned "B" Multiple Family Dwelling District. The existing structure on this site has an irregular shape front and if a canopy and drive are to be built, it would necessitate encroaching into the required 20' setback.

The area adjacent to the site to the north and west is zoned "B" Multiple Family with the north area being used as a medical clinic and the west area is a parking lot for a medical clinic. South of the site is St. Francis Hospital which is zoned "C" Commercial and to the east of the site is a vacant building located in the "E" Light Industrial District.

The applicant has provided the attached site plan indicating the location of the canopy and new access drive in relationship to the building and existing parking on the property.

ADJACENT ZONING AND LAND USE:

NORTH:	"B"	Medical clinic
SOUTH:	"C"	St. Francis Hospital
EAST:	"E"	Vacant building and R.R. Tracks
WEST:	"B"	Parking lot

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as location and shape of the structure on the site and the only entrance that provides adequate access to the offices on the interior is located at the existing front yard setback. The addition of a canopy and drive to the front of the building would require encroachment into the setback.

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 surrounding properties are being used for parking and similar medical office use. The canopy will be open and a sight line through the structure will be maintained.

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 there is no reasonable solution to provide protected client access to the building from any other entrance to the structure. The users of this medical office are frequently handicapped and current conditions greatly inconvenience entry into the building.