

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 700 feet of screening fence would be required and would have to be moved in the future when the applicant further expands, as is anticipated.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the variance requested is along an interior lot line between two privately-owned properties and, although the industrial site is visible from McCormick for westbound traffic, it is no more visible than industrial uses further west which have no screening requirements because they are surrounded by industrial zoning.

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 intent of the screening requirement is to protect residential properties from non-residential uses, but in this case the residential property to be protected is actually developed with outdoor recreational uses associated with a college.

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.

March 31, 1992

SECRETARY'S REPORT

CASE NUMBER: BZA 2-92

OWNER/APPLICANT/AGENT: Star Lumber & Supply (owner/applicant)
Christopher Goebel (agent)

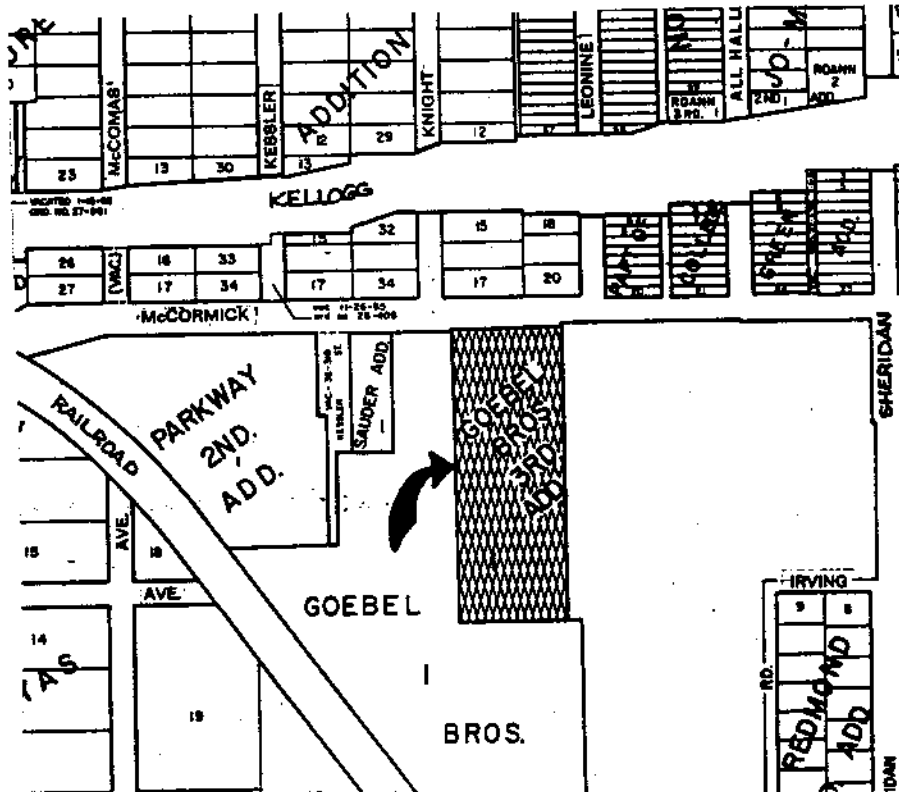
REQUEST: Variance to waive the screening requirement between an industrial development and adjacent residential zoning.

CURRENT ZONING: "E" Light Industrial District

SITE SIZE: 4.4 acres

LOCATION: South side of McCormick in an area west of Sheridan (3501 W. McCormick).

PROPOSED USE: Additional Star Lumber & Supply warehouse



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.

BACKGROUND: The applicant, Star Lumber and Supply, is in the process of constructing a new warehouse at their facility in the 3500 block of west McCormick on Lot 1, Goebel Bros. 3rd Addition, a recently rezoned and platted lot. Over half a dozen other large warehouses already exist on the south and west portions of their property, which was rezoned and platted as Goebel Bros. (1st) Addition in 1979. A 1980 screening variance request (BZA 23-80) eliminated the requirement for a screening fence along the east line of that industrial development because of adjacency to non-residential uses. A similar situation exists now and Star Lumber and Supply is again requesting a screening variance along what is now the east line of their expanded ownership. It is possible they may purchase even additional land to the east in the future.

The land to the east of the application area is owned by the Adorers of the Blood of Christ, who operate Kansas Newman College. The land is zoned the "AA" One-Family Dwelling District, but the south two-thirds of it is developed with a ball diamond. The north one-third is undeveloped, but immediately to the east of that is a K.G. & E. sub-station. A letter of support for this variance request has been received from the Adorers of the Blood of Christ.

The new warehouse on Lot 1, Goebel Bros. 3rd Addition which triggered the requirement for a screening fence along the east property line is located only ten feet west of the east property line, is approximately 300 feet long, and has no doors or windows in its east wall. Therefore, the building itself serves as somewhat of a buffer between the more intensive industrial activity to the west and the residential zoning district to the east.

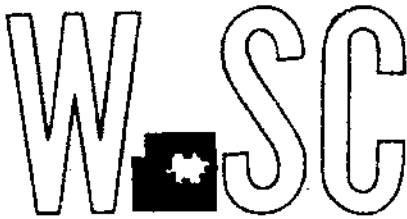
ADJACENT ZONING AND LAND USE:

NORTH	"E"	Machine shop
SOUTH	"E"	Star Lumber and Supply warehouses
EAST	"AA"	Ball diamond and undeveloped
WEST	"E"	Star Lumber and Supply warehouses

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the adjacent residential district for which screening is required is owned by an educational institution (Kansas Newman College) and is developed for the most part with a ball diamond. Also, the new warehouse, which is situated ten feet from the east property line of the application area, is approximately 300 feet long with no doors or windows in the east wall and therefore serves as a buffer between outdoor industrial activities to the west and the residentially-zoned property to the east.

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 adjacent property, although currently zoned residential, is not used for residential purposes and the owners have written a letter in support of this screening fence variance request.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

April 1, 1992

Christopher Goebel
Star Lumber & Supply
P.O. Box 7712
Wichita, KS 67277


Re: BZA 2-92 - Variance to waive the screening requirement between an industrial development and adjacent residential zoning on property zoned "E" Light Industrial and located on the south side of McCormick in an area west of Sheridan (3501 W. McCormick).

Dear Mr. Goebel:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on March 31, 1992. This resolution reflects the official action of the Board to grant your request. It is forwarded to you for your information and files.

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 contact our office.

Sincerely,


Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk


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 waive the screening requirement between an industrial development and adjacent residential zoning on property zoned the "E" Light Industrial District and legally described as follows:

Lot 1, Goebel Bros. 3rd Addition, Wichita, Kansas. Generally located on the south side of McCormick in an area west of Sheridan (3501 W. McCormick).

ADOPTED AT WICHITA, KANSAS, this 31st day of March, 1992.


Larry Overstreet, President Pro Tem

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 2-92

WHEREAS, Star Lumber and Supply, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to waive the screening requirement between an industrial development and adjacent residential zoning on property zoned the "E" Light Industrial District and legally described as follows:

Lot 1, Goebel Bros. 3rd Addition, Wichita, Kansas. Generally located on the south side of McCormick in an area west of Sheridan (3501 W. McCormick).

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 31, 1992, 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 adjacent residential district for which screening is required is owned by an educational institution (Kansas Newman College) and is developed for the most part with a ball diamond. Also, the new warehouse, which is situated ten feet from the east property line of the application area, is approximately 300 feet long with no doors or windows in the east wall and therefore serves as a buffer between outdoor industrial activities to the west and the residentially-zoned property to the east; 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 the adjacent property, although currently zoned residential, is not used for residential purposes and the owners have written a letter in support of this screening fence variance request; 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 owners represented in the application inasmuch as 700 feet of screening fence would be required and would have to be moved in the future when the applicant further expands, as is anticipated; 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 variance requested is along an interior lot line between two privately-owned properties and, although the industrial site is visible from McCormick for westbound traffic, it is no more visible than industrial uses further west which have no screening requirements because they are surrounded by industrial zoning; 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 screening requirement is to protect residential properties from non-residential uses, but in this case the residential property to be protected is actually developed with outdoor recreational uses associated with a college; 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.