

1. The setback variance to 3 1/2 feet shall not apply to the north row of parking which shall maintain, and landscape, the full 25-foot front yard setback.
2. Within 60 days, and prior to the release of the resolution authorizing this variance, the applicant shall submit a revised site plan, acceptable to the City's traffic engineering office, which illustrates 90-degree parking, a 19-foot-wide aisle east of the center rows of parking, 24-foot-wide back-out aisles between rows of parking, 24-foot-wide driveways on Charles Street, a minimum 25-foot setback in the northwest corner adjacent to the north row of parking, and a minimum 3 1/2-foot front yard setback adjacent to all other rows of parking.
3. Within 60 days, and prior to the release of the resolution authorizing this variance, the applicant shall submit to the Secretary for review and approval, a landscape plan for the required setback areas, indicating the types, quantities and sizes of all plant materials and the method of providing water to the plant materials. The plantings within the 3 1/2-foot setback shall screen the parking lot as required by the landscape ordinance. The plantings within the 25-foot setback area shall be of sufficient quantity, size, type and distribution to provide an aesthetically pleasing pocket of green space between the residences to the north and the expanse of paved parking lot. A minimum of four street trees shall also be planted along Charles Street adjacent to the church's property. These shall be included in the landscape plan.
4. Screening fences as required by code shall be installed along the north and east property lines.
5. This parking lot shall be constructed in accordance with all applicable City codes and shall be striped in accordance with the approved site plan and landscaped in accordance with the approved landscape plan within one year following approval of this variance by the Board of Zoning Appeals.
6. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

SECRETARY'S REPORT

CASE NUMBER: BZA 33-93

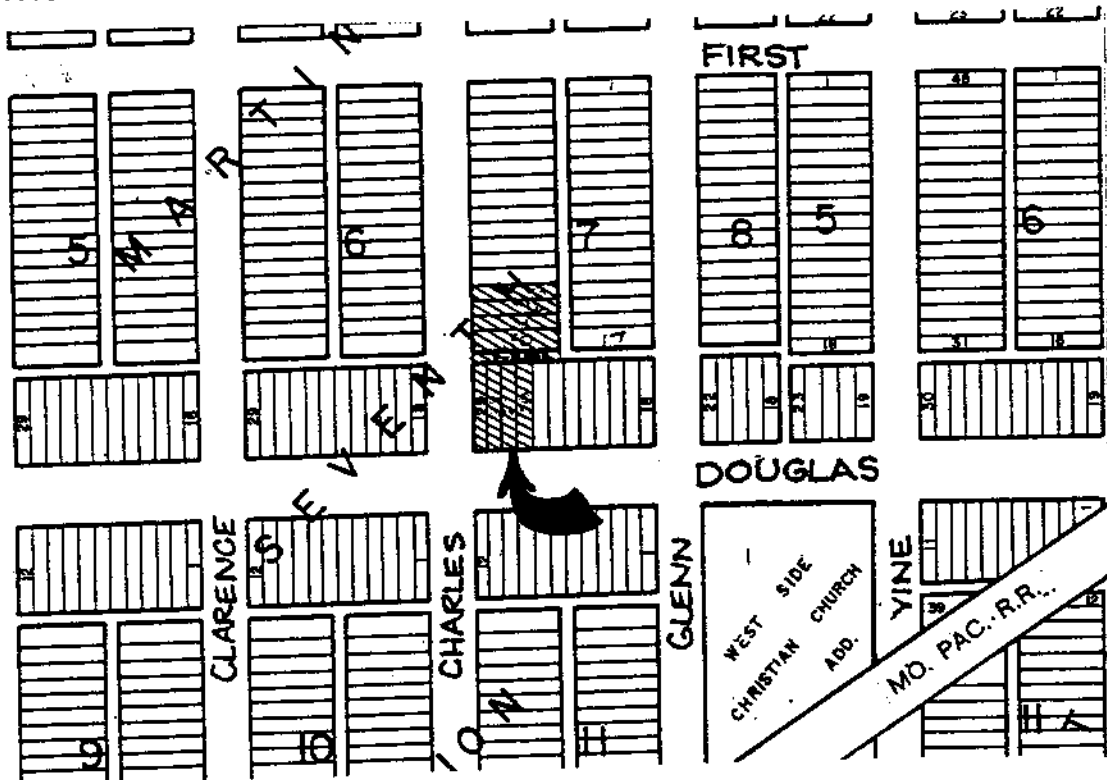
OWNER/APPLICANT: West Douglas Church of Christ  
AGENT: William Roush (church elder)  
AGENT: Richard E. Martin

REQUEST: Variance to reduce the front yard setback on Charles Street from 25' to 3 1/2' for parking purposes only.

CURRENT ZONING: "A" Two-Family Dwelling for lots facing Charles;  
"B" Multiple Family Dwelling for lots facing Douglas.

SITE SIZE: 0.65 acres

LOCATION: Northeast corner of Douglas and Charles Street.



**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, West Douglas Church of Christ, owns property on Charles Street immediately north of their existing church and parking lot from which a house has recently been removed. The Church wants to expand their parking lot and in the process will totally reconstruct the existing parking lot which is in a somewhat deteriorated condition. It is uncertain how long the existing parking lot has been paved but it is paved all the way to the Charles Street property line in violation of the 25-foot setback required in the "A" district. The church is asking for a reduction of the 25-foot setback to 3 1/2 feet for all of their property frontage on Charles Street to enable them to provide as many off-street parking spaces as possible. In the remaining 3 1/2 feet they intend to plant shrubs to screen the parking lot, as required by the landscape ordinance.

A one-family dwelling which appears to be about 25 feet back from the sidewalk (front property line) exists adjacent to the north at 124 N. Charles. A solid wood fence, in good condition, exists along the entire side property line common to this residence and the church's property. It is assumed this fence is owned by the property owner to the north. The fence begins approximately 40 feet back from the front property line and is four feet tall, increasing to six feet tall about half way back in the lot.

The applicant's site plan shows a parking lot layout with 75-degree angled parking. Traffic Engineering advises that this type of layout requires the same dimensions for circulation aisle width and driveway entrance width as 90-degree parking and that the applicant could get more spaces with a 90-degree layout because there would be no fractional, unusable spaces as are created by a 75-degree layout (see applicant's site plan). The 125-foot overall width of this site will accommodate no more than 4 rows of cars and 2 travel aisles regardless of parking angle. In fact, only 120 feet of width is needed to accommodate 75-or-90-degree parking. Thus, a 5-foot wide area accommodating ornamental trees could be provided either along the north line or in the center of this parking lot, making the lot more compatible in this residential area.

Since the existing parking lot has been paved all the way to the sidewalk for many years, the requested variance to permit a 3 1/2 -foot setback in lieu of the required 25-foot setback may be reasonable for the area covered by the present parking lot, or even by one additional parking bay, but to allow paving and parked cars to come to within 3 1/2 feet of the front property line on Charles immediately adjacent to the house at 124 N. Charles would, in all probability, be detrimental to the property value of 124 N. Charles as well as to the use and enjoyment of that property by the owners thereof.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"A"	One-Family Dwelling
SOUTH:	"LC"	One-Family Dwelling
EAST:	"B" & "A"	One-Family Dwellings
WEST:	"B" & "A"	One-Family and Two-Family Dwellings

**UNIQUENESS:** It is the opinion of staff that the application property is somewhat unique inasmuch as a portion of the property has been utilized for parking for quite a number of years and that parking area has been paved to a zero-foot setback; however, the new area proposed for parking lot use has previously been developed with a residence which observed a front yard setback as required by the Zoning Code.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variance requested, if granted in it's entirety, will adversely affect the property to the north, but if the north row of parking is required to maintain and landscape the 25-foot setback, the balance of the parking lot could be paved to within 3 1/2 feet of the Charles Street property line without adversely affecting any adjacent properties.

**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 a considerable amount of existing paving would have to be removed and at least 8 fewer parking spaces could be provided to help alleviate the on-street parking which the neighborhood is now experiencing.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as parking lot screening will be required as specified in the City's landscape ordinance and the parking provided on this church property will alleviate on-street parking congestion.

**SPIRIT AND INTENT:** It is the opinion of staff that the granting of the variance, as requested, would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the residential property adjacent to the north would not be protected but if the variance excludes the north 20 to 25 feet of the application area, then the residential property would be protected and the spirit and intent of the zoning ordinance would be maintained.

**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 a modified variance be granted, subject to the following conditions:

METROPOLITAN AREA PLANNING  
DEPARTMENT

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

February 7, 1994

Mr. William Roush  
3543 Pecos  
Wichita, KS 67203

Re: BZA 33-93 - Variance to reduce the front yard setback on Charles Street from 25 feet to 3 1/2 feet for parking purposes only.

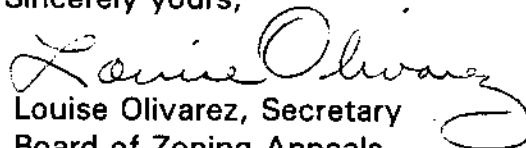
Dear Mr. Roush:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on January 25, 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 now that a revised site plan and a landscape plan have been submitted and approved.

Also enclosed is a copy of the notarized request from Mrs. Miller, owner of the property at 124 N. Charles, asking that the fence along her south property line (north property line of the church) remain as it currently is without any increase in height. (See condition #4 of the Resolution).

If anyone receiving a copy of this letter has questions regarding this matter, please call.

Sincerely yours,

  
Louise Olivarez, Secretary  
Board of Zoning Appeals

Enclosure

cc: Richard E. Martin, 201 S. Kessler, Wichita, KS 67213  
Ann M. Miller, 124 N. Charles, Wichita, KS 67203  
Randy Sparkman, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk  
Penny Atchley, MAPD



**TO WHOM IT MAY CONCERN:**

**RE: BZA 33-93 Condition #4: Fence height along north property line of proposed parking lot for West Douglas Church of Christ.**

In accordance with condition #4 of BZA Resolution No. 33-93, adopted by the Wichita Board of Zoning Appeals on December 28, 1993, I, Ann M. Miller, owner of Lots 34 and 35, Block 7, Martinson's 7th Addition, Wichita, Sedgwick County, Kansas (commonly known as 124 N. Charles), do hereby request that the existing fence separating my property from the property to the south (owned by the West Douglas Church of Christ and proposed for use as a parking lot) **NOT** be increased in height. This request is valid only as long as BZA Resolution 33-93 remains valid.


Dated this 11<sup>th</sup> day of January, 1994.

  
Ann M. Miller

State of Kansas  
County of Sedgwick

This instrument was acknowledged before me on 1-11-94 by  
Ann M. Miller. (date)



  
Notary Public

Seal or Stamp

My appointment expires 2-1-97

**AMENDED BZA RESOLUTION NO. 33-93**

**WHEREAS**, West Douglas Church of Christ, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback on Charles Street from 25' to 3 1/2' for parking purposes only on property zoned the "A" Two-Family Dwelling District for lots facing Charles and the "B" Multiple Family Dwelling District for lots facing Douglas and legally described as follows:

Lots 26, 27, 28, 29, 30, 31, 32, and 33, and 1/2 vacated alley adjoining Lot 30 on the South and 1/2 vacated alley adjoining Lots 26-29, inclusive on the North, Block 7, Martinson 7th Addition, Wichita, Sedgwick County, Kansas. Generally located on the Northeast corner of Douglas and Charles Street.

**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 December 28, 1993, consider said application and did, at the meeting of January 25, 1994, review the applicant's revised site plan and, as a result, did modify one of its previous requirements regarding location within the parking lot of a five-foot planting area which shall include a minimum of six ornamental trees plus grass or other acceptable groundcover; 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 somewhat 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 a portion of the property has been utilized for parking for quite a number of years and that parking area has been paved to a zero-foot setback; however, the new area proposed for parking lot use has previously been developed with a residence which observed a front yard setback as required by the Zoning Code.

**WHEREAS**, the Board of Zoning Appeals has found that the granting of the variance requested, if granted in it's entirety, will adversely affect the property to the north, but if the north row of parking is required to maintain and landscape the 25-foot setback, the balance of the parking lot could be paved to within 3 1/2 feet of the Charles Street property line without adversely affecting any adjacent properties.

**WHEREAS**, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which the variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as a considerable amount of existing paving would have to be removed and fewer parking spaces could be provided to help alleviate the on-street parking which the neighborhood is now experiencing.

**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 parking lot screening will be required as specified in the City's landscape ordinance and the parking provided on this church property will alleviate on-street parking congestion.

**WHEREAS**, the Board of Zoning Appeals has found that the granting of the variance, as requested, would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the residential property adjacent to the north would not be protected, but if the variance excludes the north 20 to 25 feet of the application area, then the residential property would be protected and the spirit and intent of the zoning ordinance would be maintained.

**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 for a modified variance.

**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 on Charles Street from 25' to 3 1/2' for parking purposes only on property zoned the "A" Two-Family Dwelling District and the "B" Multiple Family Dwelling District and legally described as follows:

Lots 26, 27, 28, 29, 30, 31, 32, and 33, and 1/2 vacated alley adjoining Lot 30 on the South and 1/2 vacated alley adjoining Lots 26-29, inclusive on the North, Block 7, Martinson 7th Addition, Wichita, Sedgwick County, Kansas. Generally located on the Northeast corner of Douglas and Charles Street.

subject to the following conditions:

1. The setback variance to 3 1/2 feet shall not apply to the north row of parking which shall maintain, and landscape, the full 25-foot front yard setback.
2. Within 60 days, and prior to the release of the resolution authorizing this variance, the applicant shall submit a revised site plan, acceptable to the City's traffic engineering office, which illustrates 90-degree parking, a 19-foot-wide aisle east of the center rows of parking, 24-foot-wide back-out aisles between rows of parking, 24-foot-wide driveways on Charles Street, a minimum 25-foot setback in the northwest corner adjacent to the north row of parking, a minimum 3 1/2-foot front yard setback adjacent to all other rows of parking, and a 5-foot planting area in the center of the parking lot between two rows of parking spaces.
3. Within 60 days, and prior to the release of the resolution authorizing this variance, the applicant shall submit to the Secretary for review and approval, a landscape plan for the required setback areas and the center five-foot planting area of the proposed parking lot, indicating the types, quantities and sizes of all plant materials and the method of providing water to the plant materials. The plantings within the 3 1/2-foot setback shall screen the parking lot as required by the landscape ordinance. The plantings within the 25-foot setback area shall be of sufficient quantity, size, type and distribution to provide an aesthetically pleasing pocket of green space between the residences to the north and the expanse of paved parking lot. Plantings within the center five-foot area shall include a minimum of six ornamental trees plus grass or other acceptable groundcover. A minimum of four street trees shall also be planted along Charles Street adjacent to the church's property. These shall be included in the landscape plan.
4. A six-foot solid wood screening fence shall be installed along the east property line adjacent to the alley. The existing fence along the north property line, from the northeast corner of the property to the 25-foot-setback line as measured from Charles Street, shall be modified to increase its height to at least six feet. No fence shall be required along the west 25 feet of the north property line. If the owner of the property to the north (124 N. Charles), who is also the owner of the existing fence, prefers no change in the existing fence height or prefers a lesser increase in fence height than recommended by the Board, a notarized letter from that owner (Ann M. Miller) may be submitted to the Board's Secretary and to the Office of Central Inspection. Upon receipt of such a letter, the required fence height will be modified accordingly.
5. If the ownership of the property east of the church (Lots 24 and 25 and 1/2 vacated alley adjoining on the north, Block 7, Martinson's 7<sup>th</sup> Addition) changes from the ownership of the application area, a screening fence shall be installed between the church parking lot and the north line of said Lots 24 and 25.

6. This parking lot shall be constructed in accordance with all applicable City codes and shall be striped in accordance with the approved site plan and landscaped in accordance with the approved landscape plan within one year following approval of this variance by the Board of Zoning Appeals.
7. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 25th day of January, 1994.



Keith A. Alter, President

ATTEST:



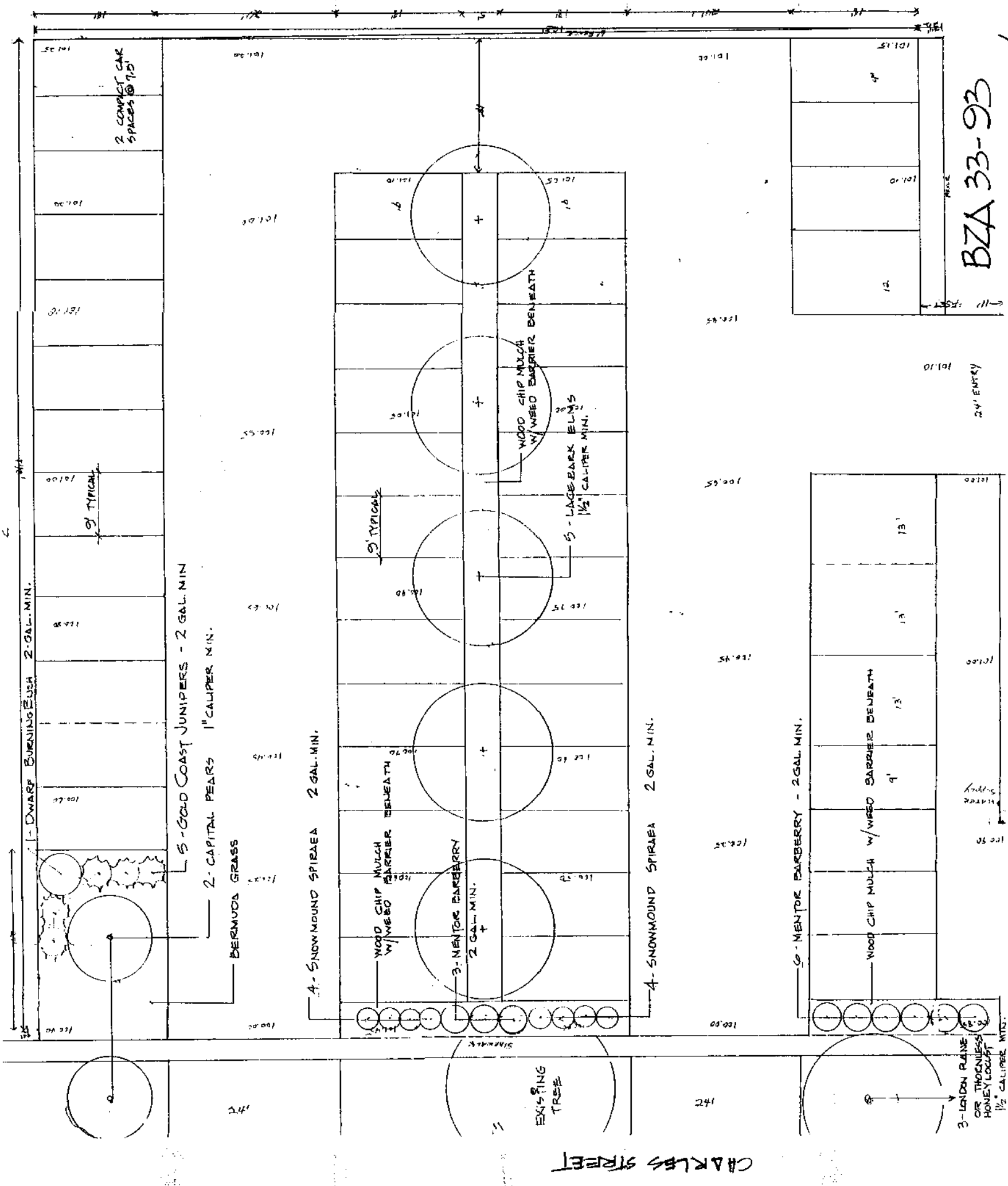
Louise Olivarez, Secretary

**BZA 33-93 MODIFIED CONDITION #4**

4. A six-foot solid wood screening fence shall be installed along the east property line adjacent to the alley. The existing fence along the north property line, from the northeast corner of the property to the 25-foot-setback line as measured from Charles Street, shall be modified to increase its height to at least six feet. No fence shall be required along the west 25 feet of the north property line. If the owner of the property to the north (124 N. Charles), who is also the owner of the existing fence, prefers no change in the existing fence height or prefers a lesser increase in fence height than recommended by the Board, a notarized letter from that owner (~~John Raymond Miller III~~ and Marybelle Miller) may be submitted to the Board's Secretary and to the Office of Central Inspection. Upon receipt of such a letter, the required fence height will be modified accordingly.

*as presented to BZA  
12-28-93*

CHECK OF GRADES FROM DOUGLAS LOTS 26, 27, 28, 29, 30, 31, 32, 33 FROM MATHEMATICAL PLAN D 1381



BZA 33-93

APPROVED SITE/LAND-SCAPE PLAN 7-2-04

TO BE PLANTED BETWEEN SOUTH DRIVEWAY AND DOUGLAS

CHARLES STREET

3 - LONDON PLANE OR THORNLESS HONEY LOCUST 1 1/2" CALIBER MIN.

6 - MENTOR BARBERRY - 2 GAL. MIN.

4 - SNOWMOUND SPIRAEA 2 GAL. MIN.

3 - MENTOR BARBERRY 2 GAL. MIN.

4 - SNOWMOUND SPIRAEA 2 GAL. MIN.

5 - GOLD COAST JUNIPERS - 2 GAL. MIN.

2 - CAPITAL PEARS 1" CALIBER MIN.

BERMUDA GRASS

DWARF BURNING BUSH 2 GAL. MIN.

9' TYPICAL

9' TYPICAL

24' ENTRY

100.00

100.50

100.00

101.00

101.10

101.15

101.00

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