



MUNICIPAL ENGINEERS, P.A.

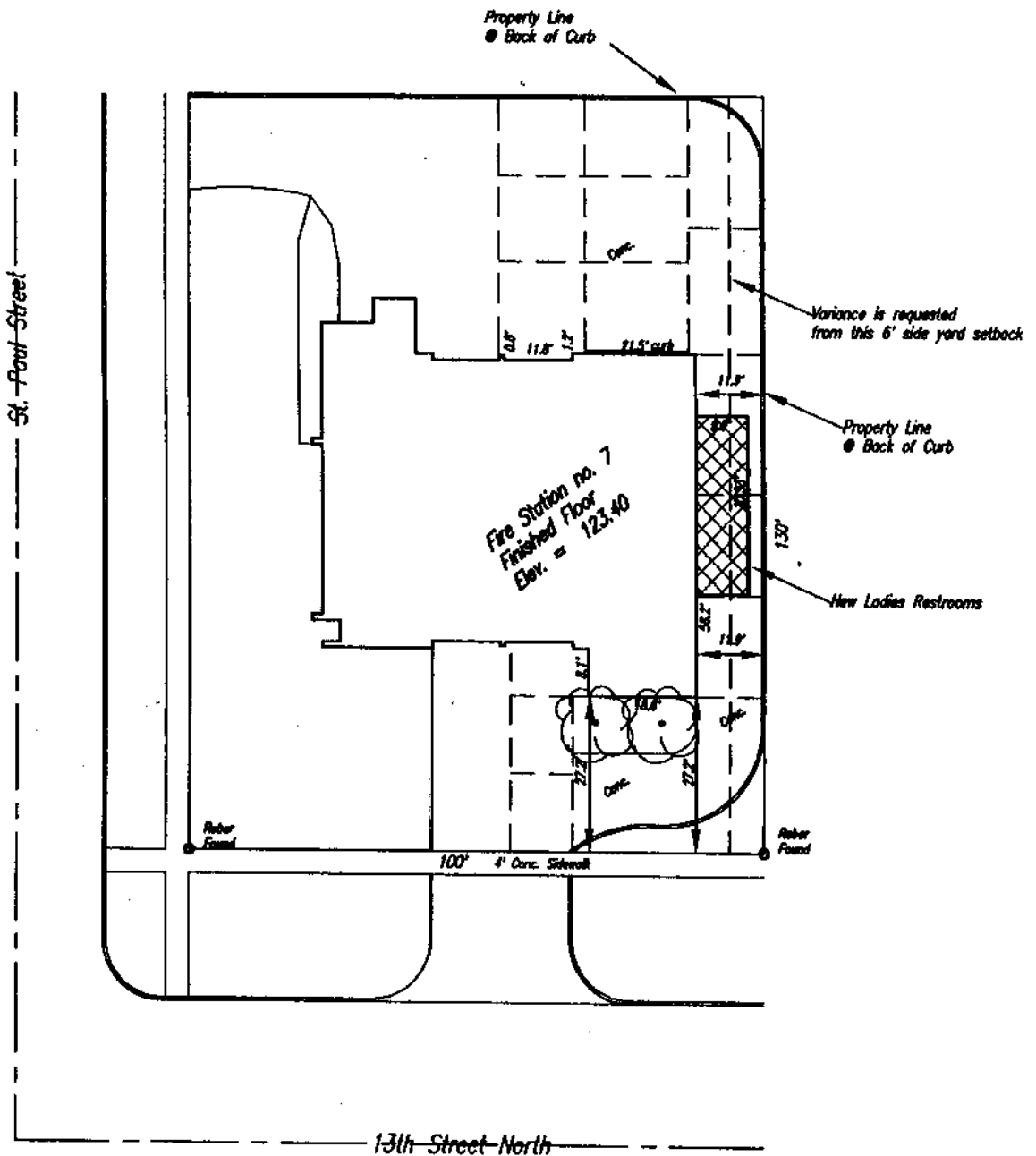
254-LAURA, SUITE 201  
WICHITA, KANSAS 67211  
316-292-3543

PROJECT NO.: 96-35

DATE: 05-16-96

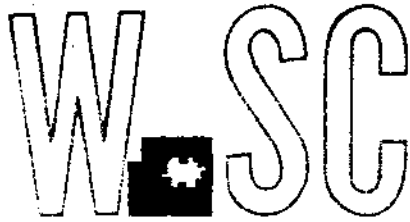


Legal Description: Beg. 30' E. & 40' N. of SW Cor.,  
SE 1/4, SE 1/4; N 140'; E 100'; S 140'; W 100' to  
beg.; Sec. 12-27-1W



B2A 6-96

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421  
FAX (316) 268-4390

June 28, 1996

Babar M. Kahn, P.E., L.S.  
Municipal Engineers, P.A.  
254 Laura #201  
Wichita, Kansas 67211

RE: BZA 6-96 Variance to reduce east side yard setback from 5 feet to 2 feet at  
the northeast corner of 13th and St. Paul.

Dear Mr. Kahn:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the  
Board of Zoning Appeals on June 25, 1996. 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.

If the zoning adjustment signs are still posted on the property, they should now be  
removed. If you have any questions concerning this matter, please call our office.

Sincerely,

Louise Olivarez, Secretary  
Board of Zoning Appeals

cc: City of Wichita attn: Norman Jakovac (1-82)  
Wichita Fire Dept. attn: Doug Stimits, Chief of Support Services (1-112)  
Joe Carmichael, Architect, 2911 E. Douglas, 67211  
J. R. Cox, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk

setback from 5 feet to 2 feet on property zoned the "B" Multi-Family and "LC" Limited Commercial and legally described as follows:

Beginning 30 feet east and 40 feet north of the southwest corner, Southeast Quarter, Southeast Quarter, thence north 140 feet, thence east 100 feet, thence south 140 feet, thence west 100 feet to beginning; Section 12, Township 27 South, Range 1 West, Wichita, Sedgwick County, Kansas.

subject to the following condition:


1. This variance shall apply to only that portion of the east side yard setback necessary for the construction of the addition as shown on the site plan submitted with this application. The building addition shall be constructed within one year of the approval of the variance or the resolution shall be declared null and void.

ADOPTED AT WICHITA, KANSAS, this 25th day of June, 1996.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

**BZA RESOLUTION NO. 6-96**

**WHEREAS**, The City of Wichita, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the east side yard setback from 5 feet to 2 feet on property zoned "B" Multi-Family and "LC" Limited Commercial and legally described as follows:

Beginning 30 feet east and 40 feet north of the southwest corner, Southeast Quarter, Southeast Quarter, thence north 140 feet, thence east 100 feet, thence south 140 feet, thence west 100 feet to beginning; Section 12, Township 27 South, Range 1 West, Wichita, Sedgwick County, Kansas.

**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 June 25, 1996, 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 the specialized public building on the site is oriented such that the addition of restroom facilities can only be efficiently located on the east side of the building.

**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 there will be sufficient separation from the apartment building located east of the encroachment.

**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 the building would not be adapted with female restroom facilities which would then not allow the fire department to assign female fire fighters to this station.

**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 there will be no encroachments into public utility easements or street right-of-way as a result of this side yard reduction request and therefore there will be no effect on the general public.

**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 adequate separation between structures will be maintained for the protection of adjacent properties and the general public.

**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 east side yard

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this side yard reduction request and therefore there will be no effect on the general public.

**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 adequate separation between structures will be maintained for the protection of adjacent properties and the general public.

**RECOMMENDATION:** Should the Board determine that all five conditions necessary to the granting of the 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. This variance shall apply to only that portion of the east side yard setback necessary for the construction of the addition as shown on the site plan submitted with this application. The building addition shall be constructed within one year of the approval of the variance or the resolution shall be declared null and void.

**SECRETARY'S REPORT**

CASE NUMBER: BZA 6-96

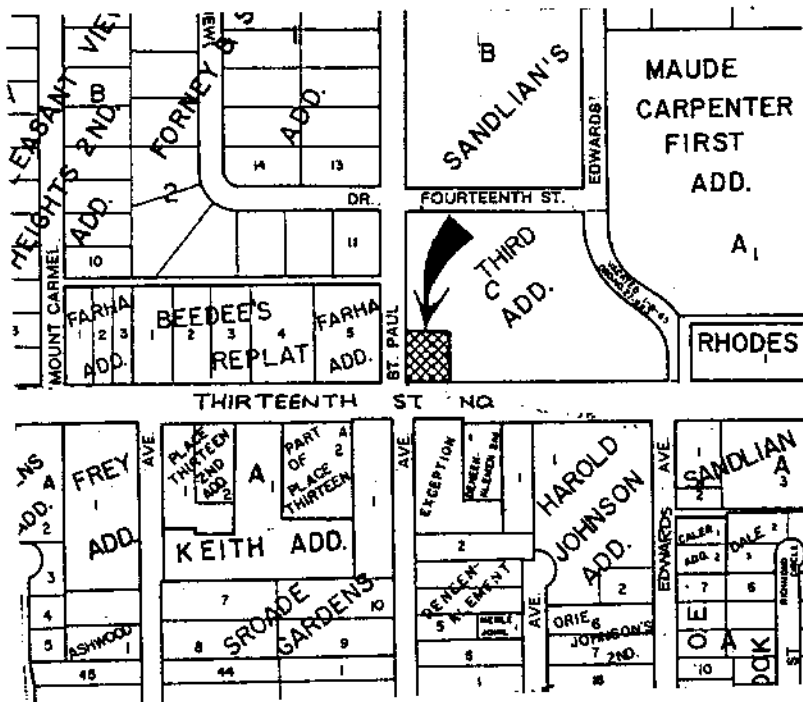
OWNER/APPLICANT: City of Wichita attn: Norman Jackovac  
AGENT: Municipal Engineers attn: Babar Khan

REQUEST: Variance to reduce the east side yard setback from 5 feet to 2 feet

CURRENT ZONING: "B" Multi-Family District (E LC sub n. 70')

SITE SIZE: 0.3 Acres

LOCATION: Northeast corner of 13th Street North and St. Paul



**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 exit.

**BACKGROUND:** As applicant, the City of Wichita is requesting a variance to reduce the east side yard building setback from 5 feet to 2 feet in order to construct an addition onto the existing fire station at 2828 West 13th Street North. The City of Wichita is in the process of upgrading older fire station which currently do not have rest room facilities for female fire fighters. At this specific fire station location, site constraints, layout of facilities within the building and location of utilities (plumbing etc.) necessitate construction of the rest room addition in an area which will encroach 3 feet into the 5-foot east side yard setback as required in the "B" Multi-Family zoning district.

The proposed encroachment is adjacent to a developed apartment complex (Indian Hills) which borders the application area on the east and north. The north side of the fire station site has the entrance drive to the station and parking for employees. This drive and parking takes up all of the station's property north of the building, with no room to place the restrooms in this area. Due to the size of the equipment used by the fire department, this drive cannot be reduced in size. The uses within the building and the location of the sewer line make a restroom addition on the south or west side of the station unfeasible. Currently , the apartment complex building on the east side of the fire station is separated from the proposed encroachment by a 75 foot wide parking area which serves the apartments. The City has indicated that they plan to install a privacy fence along the east property line to reduce the impact of the proposed building addition on the adjoining property owner.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LC"	Apartment Complex (Indian Hills Apt)
SOUTH	"LC"	Auto Service Station
EAST	"B"	Apartment Complex (Indian Hills Apt.)
WEST	"LC"	Auto Service (Jiffy Lube)

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the specialized public building on the site is oriented such that the addition of restroom facilities can only be efficiently located on the east side of the building.

**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 there will be sufficient separation and screening from the apartment building located east of the encroachment.

**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 the building would not be adapted with female restroom facilities which would then not allow the fire department to assign female fire fighters to this station.