

inasmuch as the property could not be developed at the intensity the applicant needs to make the project economically feasible.

**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 building setback 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 regulations, inasmuch as the intent of the compatibility standards of the zoning ordinance is to protect residential neighborhoods and with the required screening and landscaping for the site this goal should be met.

**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. The site shall be developed in accordance with the attached site plan and required to comply with all building, zoning, and landscape code requirements, except that the compatibility building setback standards along the north and west property lines may be reduced to no less than 15 feet for the structure.
2. The height of the commercial buildings from grade to the eave height shall not exceed 15 feet 6 inches; the height from grade to the peak of the roof shall not exceed 21 feet 6 inches.
3. Parking spaces for customers and employees shall be provided on the site per the Unified Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage.
4. This variance shall not become valid until such time as Z-3282 is approved by the Governing Body.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing conditions.



**BACKGROUND:** The applicant is requesting a variance to reduce the compatibility setback requirement from 25 feet to 15 feet on the north and west property lines of an unplatted tract located north of 13th St. and east of Amidon. A zone change on the subject property from "SF-6" to "OW" Office Warehouse (Z-3282) will be heard by the MAPC on June 25, 1998. The applicant is proposing to tear down an existing structure and also a home on-site to construct a 9,660 square foot (230' by 42') building on this property. The applicant currently operates an assembly facility for computer systems at this location. Access to the site will be provided by existing drives from 13th St. North and also Sheridan. The Compatibility Setback Standards will be met on the east property line.

The site plan submitted by the applicant shows 30 parking spaces, which exceeds the Unified Zoning Code parking requirement of 20 spaces. The UZC requires manufacturers to provide one space per 500 square feet of manufacturing space.

The Landscape Ordinance will require the equivalent of one shade tree per 40 linear feet when nonresidential uses are adjacent to residential uses. These trees must be planted within 15 feet of the common property line along the north, east and west sides of this property. The applicant will also be required to screen the north, east and west property lines with a solid screening fence.

The application area is surrounded to the north, east and west by single-family residences. Just south of this property is office and commercial uses along 13th St.

**ADJACENT ZONING AND LAND USE:**

|       |        |                                   |
|-------|--------|-----------------------------------|
| NORTH | "SF-6" | Single-Family Residences          |
| SOUTH | "LC"   | Offices and Commercial Properties |
| EAST  | "SF-6" | Single-Family Residences          |
| WEST  | "SF-6" | Single-Family residences          |

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as access to this site is only provided through commercial properties and therefore it is highly unlikely a single-family home would ever be constructed on this property.

**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 proposed development will "clean up" an abandoned property that appears to be a nuisance, and the required screening and landscaping should adequately buffer the adjacent property owners.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant,

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 26, 1998

Anderson Properties, LLC  
P.O. Box 4348  
Wichita, KS 67204

**RE: BZA 10-98 - Variance to reduce the compatibility setback requirements from 25 feet to 15 feet on the north and west property lines generally located north of 13th Street North and east of Sheridan Street.**

Dear Mr. Anderson:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on June 23, 1998. 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.

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,

A handwritten signature in black ink that reads 'Keith Gooch'.

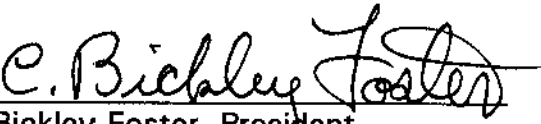
Keith Gooch  
Assistant Secretary  
Board of Zoning Appeals

KG/sah

cc: J. R. Cox, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, City Clerk  
Yolanda Anderson, MAPC (resolution only)

2. The height of the commercial buildings from grade to the eave shall not exceed 15 feet 6 inches; the height from grade to the peak of the roof shall not exceed 21 feet 6 inches.
3. Parking spaces for customers and employees shall be provided on the site per the Unified Zoning Code requirements. These spaces shall be marked and designated for customers and employees and shall not be used for the display or storage.
4. This variance shall not become valid until such time as Z-3282 is approved by the Governing Body.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing conditions.

**ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1998.**

  
C. Bickley Foster, President

**ATTEST:**

  
David L. Yearout, Secretary

## BZA RESOLUTION NO. BZA 10-98

**WHEREAS**, Anderson Properties, LLC, c/o Thomas M. Anderson, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the compatibility setback requirements from 25 feet to 15 feet on the north and west property lines on property zoned "SF-6" Single-Family Residential District and proposed to be zoned "OW" Office Warehouse and legally described as follows:

A tract of land beginning 463 feet north and 177.07 feet east of the southwest corner of the Southwest Quarter of the Southeast Quarter of Section 12, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County Kansas; thence east 103.43 feet; thence south 140 feet; thence west 103.43 feet; thence north 140 feet to beginning; and the north 106 feet of the east 103.43 feet of Lot 1, Block A, F.O. Moore 2nd Addition to the City of Wichita, Kansas. Generally located north of 13th Street North and east of West 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 June 23, 1998, 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 access to this site is only provided through commercial properties and therefore it is highly unlikely a single-family home would ever be constructed on this property; 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 proposed development will "clean up" an abandoned property that appears to be a nuisance, and the required screening and landscaping will adequately buffer the adjacent property owners; and

**WHEREAS**, the Board of Zoning Appeals has found that the strict application of the provisions of the Unified Zoning Code of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the property could not be developed at the intensity the applicant needs to make the project economically feasible; 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 there will be no encroachments into public utility easements or street right-of-way as a result of this building setback reduction request and therefore there will be no affect on the general public; 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 Unified Zoning Code inasmuch as the intent of the compatibility standards are to protect residential neighborhoods and with the required screening and landscaping for the site this goal will be met.

**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 compatibility setback requirements from 25 feet to 15 feet on the north and west property lines on property zoned "SF-6" Single-Family Residential District and legally described as follows:

A tract of land beginning 463 feet north and 177.07 feet east of the southwest corner of the Southwest Quarter of the Southeast Quarter of Section 12, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County Kansas; thence east 103.43 feet; thence south 140 feet; thence west 103.43 feet; thence north 140 feet to beginning; ; and the north 106 feet of the east 103.43 feet of Lot 1, Block A, F.O. Moore 2nd Addition to the City of Wichita, Kansas.

subject to the following conditions:

1. The site shall be developed in accordance with the attached site plan and required to comply with all building, zoning, and landscape code requirements, except that the compatibility building setback standards along the north and west property lines may be reduced to no less than 15 feet.

