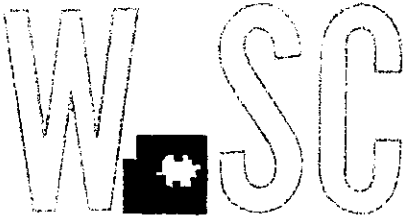


WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

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

October 29, 1997

Wichita Coca-Cola Bottling Company  
c/o Alan Gorovetz  
3001 E. Harry  
Wichita, KS 67211

**RE: BZA 17-97 - Variance to reduce front yard setback from 20 feet to 3 feet on property generally located at the southeast corner of Harry and George Washington Boulevard (3100 E. Harry).**

Dear Mr. Gorovetz:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on October 28, 1997. 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,

Lawrence P. Mitchell, Secretary  
Board of Zoning Appeals

LPM/sah

cc: David Londagin, 3500 N. Rock Rd., Bldg 500, Wichita, KS 67226  
J. R. Cox, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk  
Yolanda Anderson, MAPC (resolution only)

**BZA RESOLUTION NO. BZA 17-97**

**WHEREAS**, Wichita Coca-Cola Bottling Company, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front yard setback from 20 feet to 3 feet on property zoned "GC" General Commercial and legally described as follows:

Block 1, Virgil S. Browne Addition to Wichita, Sedgwick County, Kansas.  
Generally located Southwest corner of Harry and George Washington Boulevard.

**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 October 28, 1997, 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 site was developed when the zoning code did not require a building setback in the commercial zoning district and consequently the structure on the site was placed closer to the front property line than permitted under the present code; 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 canopy will not be enclosed and will not block the view from adjacent properties any more than the existing structure on the site currently blocks the view. The encroachment is located in the center of a block face and the applicant owns the entire site. Therefore, there should be little impact on adjacent properties; 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 the applicant would not be able to located the EPA required protective canopy at a location on the site adjacent to the existing transfer equipment. Therefore, the applicant would be required to relocate the unloading function to a different location on the site which would require significant reconstruction and expense; 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 the front yard setback reduction request and therefore, there will be no effect 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 zoning ordinance inasmuch as the encroachment will only be slightly greater than the existing setback being observed by the existing structure on the site. The canopy will not be enclosed thus lessening the impact of the encroachment; 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.

**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 feet to 3 feet on property zoned "GC" General Commercial and legally described as follows:

Block 1, Virgil S. Browne Addition to Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. The setback variance shall be applicable only for an open canopy structure to be located in the George Washington Drive front yard setback as indicated on the applicant's site plan submitted with this application. All other structures shall observe all zoning code setbacks unless additional variances are requested and granted.
2. The applicant shall obtain all local permits necessary to construct the canopy and all improvements shall be completed within one year following BZA approval of the variance or the resolution authorizing this setback variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1997.

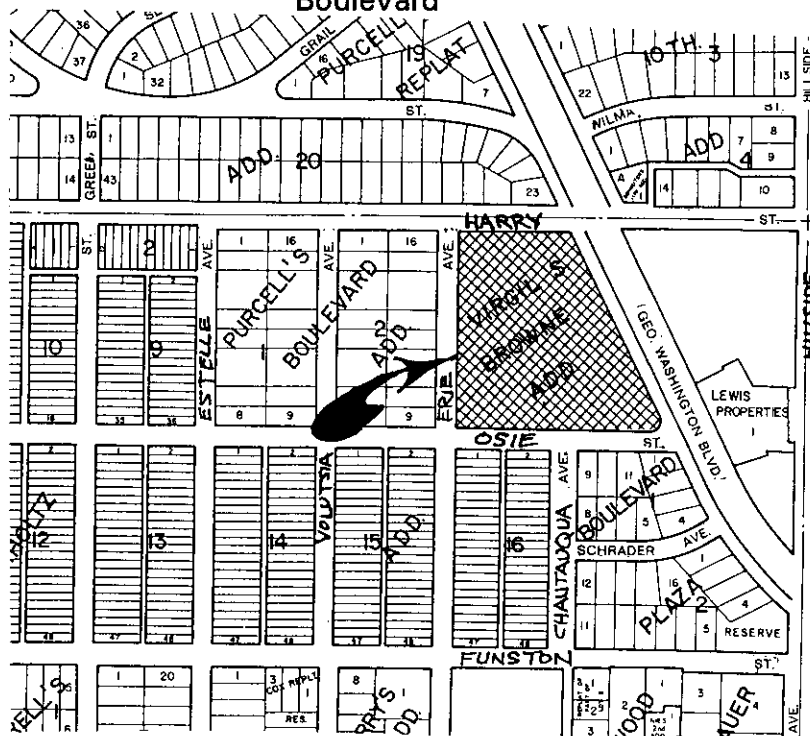
  
C. Bickley Foster, President

ATTEST:

  
Lawrence P. Mitchell, Secretary

**SECRETARY'S REPORT**

CASE NUMBER: BZA 17-97  
OWNER/APPLICANT: Wichita Coca-Cola Bottling Company  
AGENT: David Londagin  
REQUEST: Variance to reduce the front yard setback from 20 feet to 3 feet.  
CURRENT ZONING: "GC" General Commercial  
SITE SIZE: 7.2 acres  
LOCATION: Southwest corner of Harry and George Washington Boulevard



**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, Wichita Coca-Cola Bottling Company, desires to construct a canopy adjacent to it's facility which is located between Harry and Osie and between George Washington Drive and Erie. Although the business occupies a city block, the new canopy will be located on the west side of the George Washington Drive frontage mid-block between Harry and Osie. In order to proceed with the construction of the canopy, the applicant is requesting a variance to reduce the front yard setback along the George Washington Drive frontage from 20 feet to 3 feet. The site was developed many years ago when the required setback for the "C" Commercial District was 0 feet. Consequently there is an existing structure on the site today that is located closer to the front (George Washington Drive) property line than 20 feet. The new Unified Zoning Code (UZC) that went into effect in March of 1996 now requires a 20-foot front yard setback in the "GC" General Commercial District. The "C" District was converted to the "GC" District by the adoption of the UZC by the governing body.

The applicant has indicated that in order to effectively comply with an Environmental Protection Agency (EPA) requirement that a drain be installed for syrup spillage runoff, and that neither this runoff nor the drain may not come in contact with rainfall or the existing storm sewer system, a canopy is required in the unloading of syrup products into storage areas on the site. The proposed location of the canopy on the site is currently where the unloading of the syrup is now being conducted adjacent. to the on-site storage areas. The building on the site at this location is not parallel to the George Washington Drive property line. Therefore, an irregular portion of the proposed canopy will extend into the required 20-foot building setback.

The east side of George Washington Boulevard across the street from the requested encroachment is developed primarily with a retail center and used vehicle sales lot. This area is currently zoned "LC" Limited Commercial.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LC"	Retail Center and Restaurant
SOUTH	"TF-3" & "MF-29"	Single Family Homes and Triplexes
EAST	"LC"	Auto Sales and Retail Center
WEST	"MF-29"	Residential, 4-plexes

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the site was developed when the zoning code did not require a building setback in the commercial zoning district and consequently the structure on the site was placed closer to the front property line than permitted under the present code.

**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 canopy will not be enclosed and will not block the view from adjacent properties any more than the existing structure on the site currently blocks the view. The encroachment is located in the center of a block face and the applicant owns the entire site. Therefore, there should be little impact on adjacent properties.

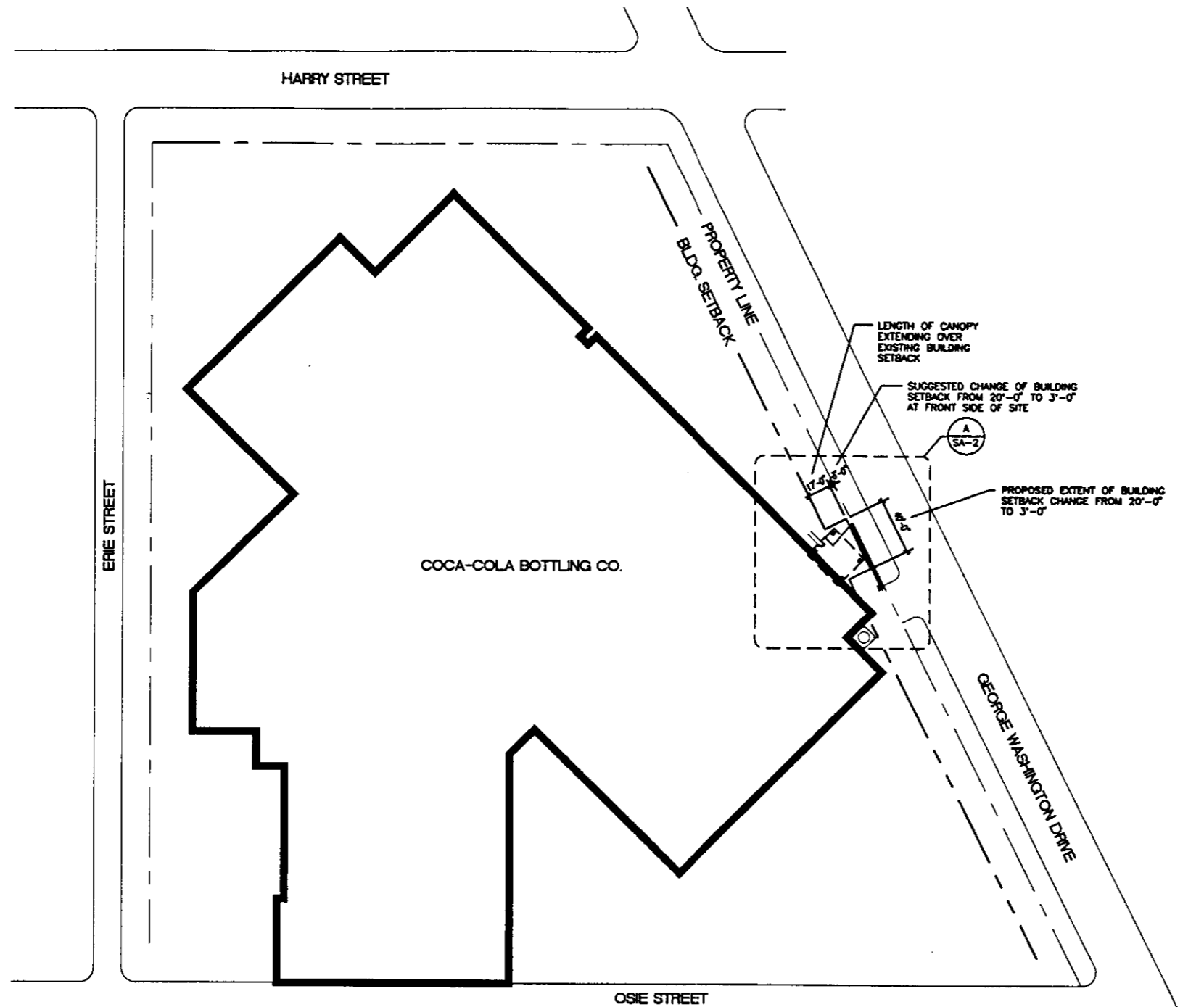
**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would not be able to located the EPA required protective canopy at a location on the site adjacent to the existing transfer equipment. Therefore, the applicant would be required to relocate the unloading function to a different location on the site which would require significant reconstruction and expense.

**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 the front yard 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 encroachment will only be slightly greater than the existing setback being observed by the existing structure on the site. The canopy will not be enclosed thus lessening the impact of the encroachment.

**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 setback variance shall be applicable only for an open canopy structure to be located in the George Washington Drive front yard setback as indicated on the applicant's site plan submitted with this application. All other structures shall observe all zoning code setbacks unless additional variances are requested and granted.
2. The applicant shall obtain all local permits necessary to construct the garage and all improvements shall be completed within one year following BZA approval of the variance or the resolution authorizing this setback variance shall become null and void.



A

# SITE PLAN

1" = 100'

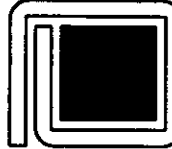
BZA 17-97

COCA-COLA BOTTLING CO.

PROJECT #: 97134
DATE: 9-24-97
SCALE: 1"=100'
BY: DAVID LONDAGIN

SITE PLAN
ARCHITECTURAL SHEET: SA-1

Approved  
10-28-97  
CPL



**HOWARD & HELMER**  
architects, p.a.

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