

**CITY OF WICHITA BOARD OF ZONING APPEALS**

**AGENDA**

**Thursday, July 7, 2016**

**1:30 p.m.**

The regular meeting of the City of Wichita Board of Zoning Appeals will be held on **Thursday, July 7, 2016**, in the Planning Department Conference Room, 10<sup>th</sup> Floor, Wichita City Hall, 455 North Main, Wichita, Kansas **no earlier than 1:30 p.m.**

1. Minutes – May 19, 2016
2. **BZA2016-00023** - City variance request to reduce the front setback to 4-feet on property zoned MF-29 Multi-family Residential, generally located north and east of the intersection of South Hillside Avenue and 31st Street South (3117 S. Yale St.).

# CITY OF WICHITA BOARD OF ZONING APPEALS

## MINUTES

May 19, 2016

The regular meeting of the City of Wichita Board of Zoning Appeals was held on Thursday, May 19, 2016 at 4:38 p.m., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: David Dennis, Chair; David Foster; John McKay Jr.; Debra Miller Stevens and Lowell Richardson. Members absent were: Matt Goolsby and Bill Ramsey. Staff members present were: Dale Miller, Director; Derrick Slocum, Secretary; Jeff Vanzandt, Assistant City Attorney.

- 
1. Approval of the April 7, 2016, City of Wichita Board of Zoning Appeals Minutes

**MOTION:** To Approve the April 7, 2016 Minutes.

**RICHARDSON** moved, **MILLER STEVENS** seconded the motion and it carried (5-0).

2. **BZA2016-00018** - City Sign Code variance request to increase the height, square footage and the number of signs allowed for Wesley Medical Center on property described as:

Lots 1 and 2, Wesley Medical Center Addition, Wichita, Sedgwick County, Kansas, except that part of Lot 1 described as beginning at the Southwest corner of said Lot 1; thence North along the West line of said lot 9.50 feet; thence Southeasterly to a point on the South line of said Lot 1; thence West along the South line of said Lot 1, 9.50 feet to the point of beginning.

**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 is requesting three variances of the Sign Code to permit signage for an addition to Wesley Medical Center, located at the northeast corner of East Central Avenue and North Hillside Avenue. The first variance is to increase BZA 2-97 approved height of 68'-6" to 74'-0" on the south elevation. The second variance is to increase the size from 32 square feet to 132.86 square feet and increase the height from 30 feet to 74 feet on the north elevation. The third variance is to allow five signs with a combined square footage of 156.33 square feet and to increase the height from 30 feet to 74 feet on the west elevation, which is the entrance to the facility. The applicant submitted the attached elevation renderings and site plan showing the design and location on the building of the proposed signage.

The applicant submitted information describing the need for the variances and the manner in which the variances requested meet the five criteria for the granting of the variances. The applicants indicate that the proposed signs are designed, laid out and shall be constructed in a manner that achieves harmony with the neighborhood, fosters peaceful relations with children

and adults, and blends in visually in a low-key, unobtrusive manner with the surroundings. There have been many sign variances in the past on Wesley's campus, primarily due to the current zoning of the site. The GO General Office zoning is more restrictive for signage, and for a major regional hospital, clear, identifiable signage is important for its visibility. With a more intense zoning for the site, a number of these variances would not have been required. These past variances have been approved and Wesley has shown to be very considerate of the surrounding neighborhood.

Property north of the site is zoned GO General Office and is developed with more medical services attached to Wesley Hospital. South of the site, across Central Avenue, the property is zoned PUD Planned Unit Development (PUD-14) and GC General Commercial and is developed with retail and fast food restaurants. East of the site the property is zoned GO and is developed with medical services attached to Wesley Hospital. West of the site property is zoned LC and GC and is developed with fast food restaurants and additional medical services and offices.

**ADJACENT ZONING AND LAND USE:**

NORTH	GO	Medical Services / Offices
SOUTH	PUD and GC	Retail and Fast Food Restaurants
EAST	GO	Medical Services / Hospital
WEST	LC and GC	Fast Food Restaurants and Medical Services / Offices

*The five criteria necessary for approval as they apply to the requested variance.*

**UNIQUENESS:** It is staff's opinion that this property is unique inasmuch as the proposed signage is for on business providing a variety of services and located within a large medical center campus. Typically, such a large campus would house numerous businesses, and each business would be allowed separate signage with the likely square footage of the signage exceeding the square footage of signage requested by the applicant. The site is also unique given its location along Hillside, a heavily traveled arterial street with significant development of commercial with larger sign area allocations. The site is further unique in that this sign identifies the Children's Hospital within the larger hospital, and the uniqueness of a Children's Hospital would require easy identification.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as the only properties that will have a direct view of the signage are developed with non-residential uses.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the sign code would constitute a hardship upon the applicant inasmuch as the Children's Hospital needs its own building sign identification, and a 32 square foot sign would not be sufficiently visible on this multi-story building complex along an arterial street.

**PUBLIC INTEREST:** It is staff's opinion that the requested variances would not adversely affect the public interest inasmuch as increased visibility of the Children's Hospital location would serve in the community's interest. The requested signage variances is at an appropriate, legible scale relative to the larger building.

**SPIRIT AND INTENT:** It is staff's opinion that the granting of the variances would not oppose the general spirit and intent of the Sign Code inasmuch as the signage will make it easier to locate

the facility and the services provided within the facility while balancing these identification needs with the needs for high-quality community aesthetics.

**RECOMMENDATION:** It is staff's opinion that the signage request is appropriate for identification of medical services on a large medical center campus. Should the Board determine that the conditions necessary to the granting of the variance exist, then it is the recommendation of the Secretary that the variances to increase the size and height of the signage be GRANTED, subject to the following conditions:

1. All signage on the subject property shall conform to the requirements of the Sign Code except that variances are granted to permit an increase to the BZA 2-97 approved height of 68'-6" to 74'-0" on the south elevation, increase the size from 32 square feet to 132.86 square feet and increase the height from 30 feet to 74 feet on the north elevation, and to allow five signs with a combined square footage of 156.33 square feet and to increase the height from 30 feet to 74 feet on the west elevation.
2. The signs permitted by the variance shall be placed in locations and be of a design that are in substantial conformance with the approved site plan and elevation renderings.
3. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

**MILLER STEVENS** asked where they wanted signage.

**KNEBEL** said it was specified on the building.

**RICHARDSON** said there was a discrepancy because there were no west elevations in the packet.

**MOTION:** To approve per the Secretary's Report.

**MCKAY** moved, **MILLER STEVENS** seconded the motion, and it carried (5-0).

-----  
The City of Wichita Board of Zoning Appeals adjourned at 4:42 p.m.

State of Kansas            )  
Sedgwick County        ) ss

I, Derrick Slocum, Secretary of the City of Wichita Board of Zoning Appeals do hereby certify that the foregoing copy of the minutes of the meeting of the City of Wichita Board of Zoning Appeals, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Board.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

---

Derrick Slocum, Secretary  
City of Wichita Board of Zoning Appeals

DRAFT

**SECRETARY'S REPORT**

CASE NUMBER: BZA2016-00023

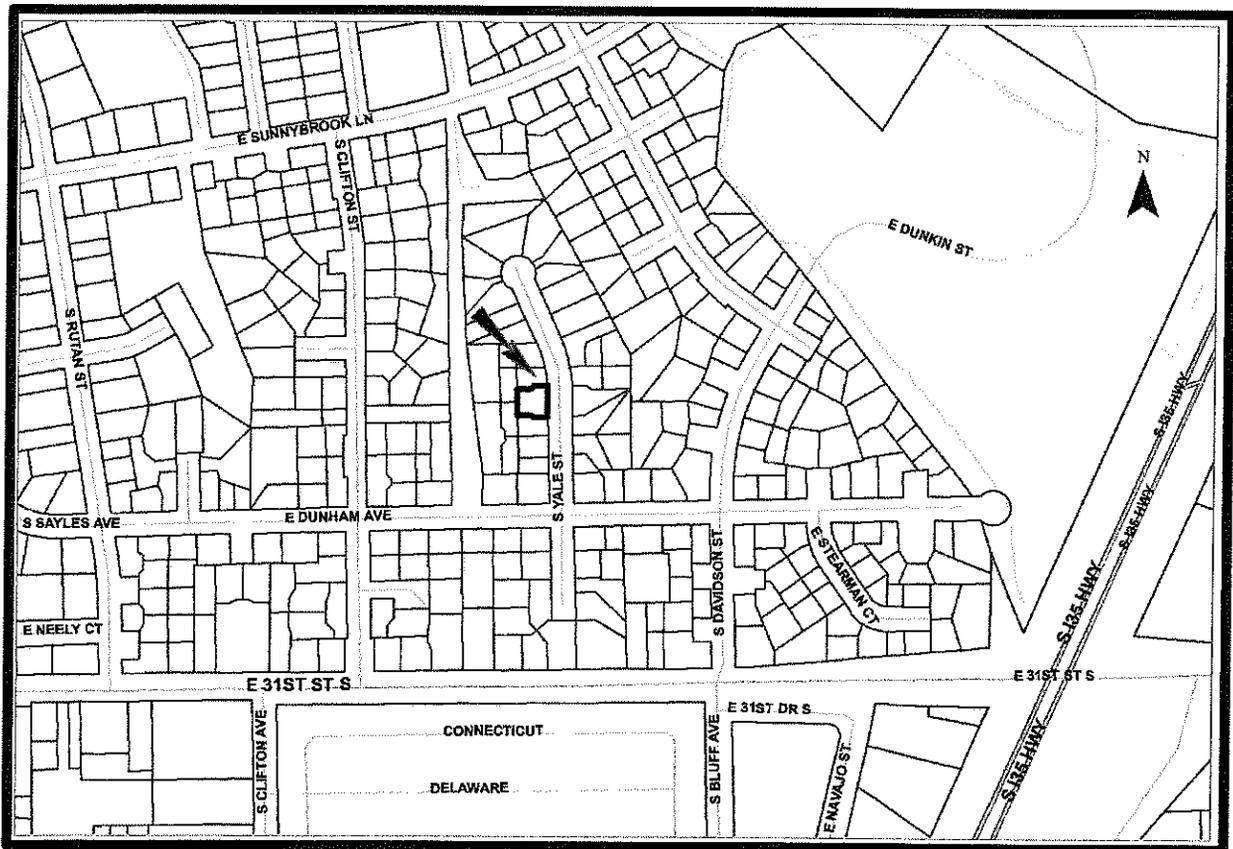
APPLICANT/AGENT: Sortero Ruiz (Owner/Applicant)

REQUEST: Variance to reduce the front side setback from 25 feet to four (4) feet

CURRENT ZONING: "MF-29" Multi-Family Residential

SITE SIZE: 0.17 acres

LOCATION: North of 31<sup>st</sup> Street South and west of the Kansas Turnpike (I-35) at 3117 S. Yale



**JURISDICTION:** The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

**BACKGROUND:** The applicant proposes to construct a porch on the front of a duplex located on the subject property (see attached site plan). According to the applicant (see attached written justification), the proposed porch must encroach into the required front setback due to the location of the existing duplex on the subject property, which is has only a 14-foot setback from the front property line.

The MF-29 Multi-Family Residential (MF-29) zoning district requires a 25-foot front setback; therefore, the existing duplex already encroaches into the required setback. Section III-E.1.e.(1)(i) of the Unified Zoning Code permits open, unenclosed porches to encroach eight (8) feet into a required front setback. Since the duplex already encroaches into the required front setback by 11 feet, a variance is required to reduce the front setback to permit the proposed porch to be constructed on the front of the existing duplex.

**ADJACENT ZONING AND LAND USE:**

NORTH	"MF-29"	Single-family residence
SOUTH	"MF-29"	Single-family residence
EAST	"MF-29"	Duplex
WEST	"MF-29"	Single-family residence

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the property was developed as workforce housing to support the construction of military aircraft during World War II. The Planeview neighborhood, in which the subject property is located, is a unique development area in which many, if not most, existing structures do not conform to one or more of the development standards of the Unified Zoning 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 adjacent properties also are developed with existing encroachments into the currently-required setbacks. A property improvement such as the proposed porch could have a positive impact on adjacent property.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as the applicant could construct an open, unclosed porch in the front setback if the duplex did not already encroach into the setback and preventing the applicant from upgrading the property has no corresponding public benefit.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in supporting continued reinvestment in residential properties, including permitting upgrades of existing properties through the approval of variances in areas where non-conformities with the current zoning regulations are common.

**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 primary intent of the setback requirements is to maintain sufficient separation between structures to maintain fire safety and to provide for the circulation of light and air, and the requested variance does not negatively impact this intent.

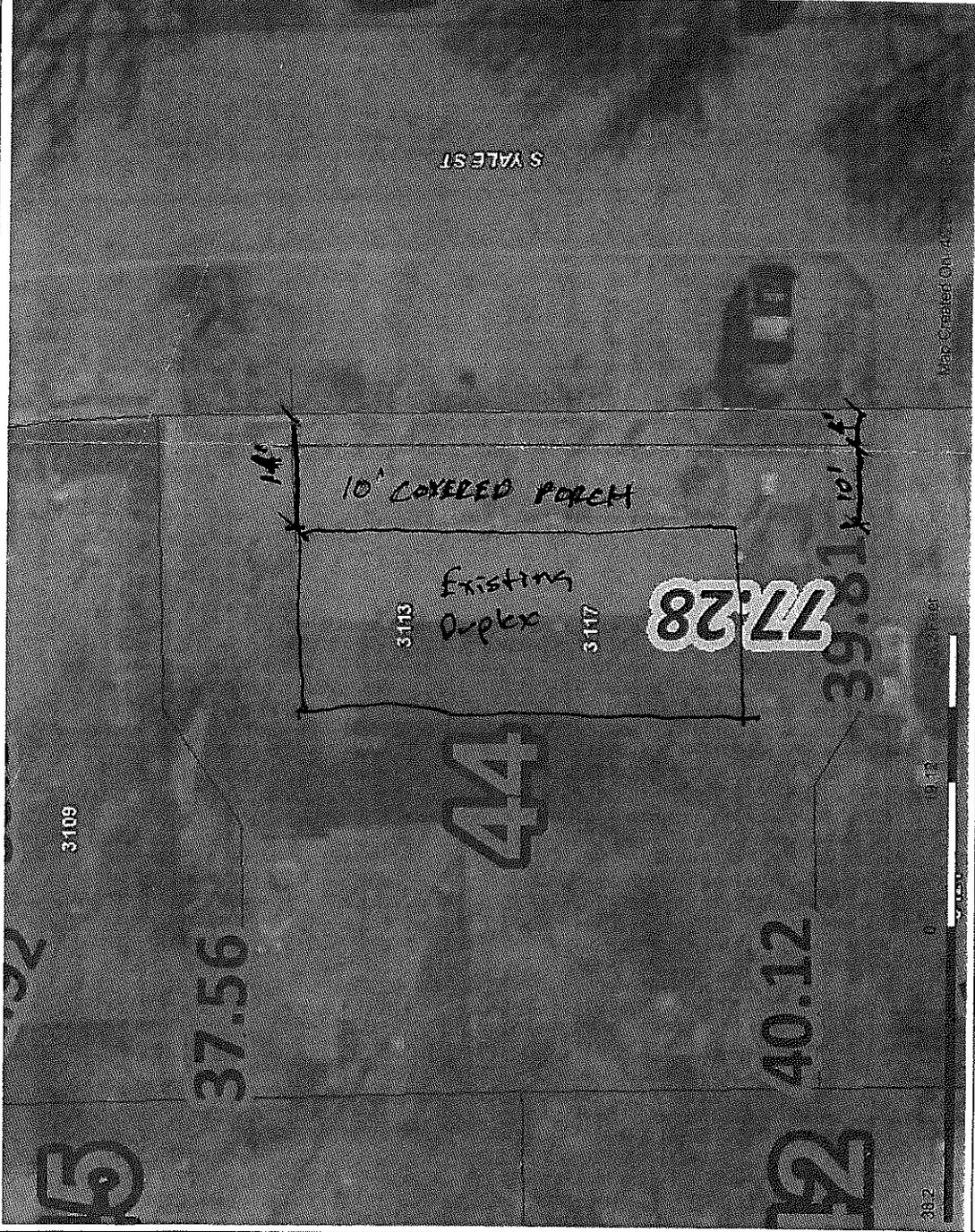
**RECOMMENDATION:** Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance to reduce the front setback from 25 feet to 4 feet be **GRANTED**, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The setback reduction shall apply only to the existing duplex that encroaches 11 feet into the front setback and an open, unenclosed porch in front of the duplex, which shall encroach no closer to the front property line than four (4) feet. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
4. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.



**Legend**

- Parcels
- Lot and Block
- Subdivisions
- Quarter Sections
- Case Tracking
- Zoning
  - AFB AIR FORCE BASE
  - B MULTI FAMILY
  - CBD CENTRAL BUSINESS DIST
  - GC GENERAL COMMERCIAL
  - GI GENERAL INDUSTRIAL
  - GO GENERAL OFFICE
  - IP INDUSTRIAL PARK
  - IP-A INDUSTRIAL PARK - AIRPOF
  - LC LIMITED COMMERCIAL
  - LJ LIMITED INDUSTRIAL
  - MF-18 MULTI FAMILY
  - MF-28 MULTI FAMILY
  - MH MANUFACTURED HOUSING
  - NO NEIGHBORHOOD OFFICE
  - NR NEIGHBORHOOD RETAIL
  - OW OFFICE WAREHOUSE
  - PUD PLANNED UNIT DEVELOPM
  - RURAL RESIDENTIAL
  - SF-10 SINGLE FAMILY
  - SF-20 SINGLE FAMILY
  - SF-4 SINGLE FAMILY
  - SF-5 SINGLE FAMILY
  - TF-3 TWO FAMILY
  - UNIVERSITY
- Zoning Cases
- Airport Runway



Map Creator Online  
 1: 229

This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

City of Wichita  
Wichita Board of Zoning Appeals 10th Floor  
455 N Main Street  
Wichita, KS 67202

May 10th, 2015

To the Board of Zoning Appeals,

The porch we have requested to build is an ordinary design that will involve a concrete slab.

It will not affect the parking area and the remaining front of the property will be accessible for City workers and or Utility employees. Also, I do believe the structure will help reduce standing water and, add value to the property while having no negative impact on the neighborhood.

A conjoining porch will allow my family and I to enjoy the outdoors ,and make my home more inviting.

Best Regards,  
Sotero Ruiz