

# CITY OF WICHITA BOARD OF ZONING APPEALS

## MINUTES

August 20, 2015

The regular meeting of the City of Wichita Board of Zoning Appeals was held on Thursday, July 23, 2015 at 1:30 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: Matt Goolsby, Chair; David Dennis; David Foster; Debra Miller Stevens; Bill Ramsey and Lowell E. Richardson. M.S. Mitchell was absent. Staff members present were: W. David Barber, Interim Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Derrick Slocum, Planning Staff; Jeff Vanzandt, Assistant City Attorney; and Robert Parnacott, Assistant County Counselor.

1. **BZA2015-000235** – Wesley Medical Center (Applicant); City of Wichita, c/o John Philbrick (Owner); and George Huddleston (Agent) request a city variance to reduce the front side setback from 20 feet to 6 feet for a proposed canopy on property described as:

Lots 1 and 2 EXCEPT that part deeded for street, Wesley Medical Center Addition to Wichita, Sedgwick County, Kansas.

**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:** Wesley Medical Center is requesting a variance to reduce the 20 foot front yard setback along Hillside to allow for a proposed new canopy to be located in the setback. Currently, as shown on the existing site plan, there is a circular drive with openings to Hillside Avenue and an existing canopy. In 1998, BZA26-98 was approved to provide a setback reduction from 20 feet to 9 feet for the existing canopy.

The existing pediatric unit is proposing a massive overhaul, and one of the elements of the renovation will be to provide a larger canopy at the pediatric entrance. This canopy is needed to be larger in order to adequately provide cover for the patient drop-off area. According to the site plan, very little will change in regards to the new canopy, except for the additional three feet to provide increased coverage to patients.

Property to the north of the site is zoned GO General Office and is developed with related hospital facilities. Property to the south is zoned GO and PUD Planned Unit Development and is developed with hospital parking and a retail area. The property to the east is zoned GO and is developed with additional hospital facilities and parking, while the properties to the east is zoned LC Limited Commercial, B Multi-family Residential and GC General Commercial and is developed with restaurants and additional hospital facilities.

**ADJACENT ZONING AND LAND USE:**

NORTH	GO	Hospital Facilities
SOUTH	GO and PUD	Retail
EAST	GO	Hospital Facilities
WEST	LC, B and GC	Restaurants and Hospital Facilities

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

**UNIQUENESS:** It is the opinion of staff that this property is unique, inasmuch the applicant was attempting to alleviate traffic and pedestrian problems in this area with the original variance. The hospital is located in an area which is highly developed with little room for expansion, therefore there is no other location which the applicant could build upon to relieve those problems. This request is to improve upon the existing canopy and the 6 foot setback is needed to complete this improvement.

**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 property is surrounded by commercial and related hospital facilities. The 6 foot setback will not interfere with the surrounding uses or public right-of-way.

**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 is would require a significant reconfiguration of the existing hospital building and site in order to provide adequate cover for the drop-off area.

**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 reduction in the building setback 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 would not be opposed to the general spirit and intent of the zoning regulations, inasmuch the code requirements provide setbacks in order to provide buffer distance between buildings, properties and the public right-of-way. This allows for pedestrian accommodations and provides sight-lines for vehicles at intersections. The proposed canopy does not limit sight-distance or pedestrian circulation, and thus is not opposed to the general spirit and intent of the code.

**RECOMMENDATION:** It is staff's opinion that the requested variance meets the five criteria necessary to grant a variance, and recommends that the variance be APPROVED. Should the Board determine that the conditions necessary for the granting of a variance exist; the Secretary then recommends that the variance for front setback reduction from 20 feet to 6 feet be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary for any improvements, and any improvements shall be completed within one year of the granting of the variance.

3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

**DERRICK SLOCUM**, Planning Staff presented the Secretary's Report.

**MOTION:** To approve subject to staff recommendation.

**DENNIS** moved, **RICHARDSON** seconded the motion, and it carried (6-0).

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The City of Wichita Board of Zoning Appeals adjourned at 1:31 p.m.

State of Kansas            )  
Sedgwick County        ) <sup>SS</sup>

I, W. David Barber, Interim 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 \_\_\_\_\_, 2015.

\_\_\_\_\_  
W. David Barber, Interim Secretary  
City of Wichita Board of Zoning Appeals