

CITY OF WICHITA BOARD OF ZONING APPEALS

AGENDA

Thursday, November 5, 2015

1:30 p.m.

The regular meeting of the Wichita Board of Zoning Appeals will be held on **Thursday, November 5, 2015**, in the Planning Department Conference Room, 10th Floor, Wichita City Hall, 455 North Main, Wichita, Kansas **no earlier than 1:30 p.m.**

1. **Revised Bylaws**. Draft to be handed out at the meeting for review and revision at the next meeting.

2. **BZA2015-00049** - City BZA Variance to reduce setback to zero feet along 2nd Street and an administrative adjustment to reduce required on-site parking to 6 stalls, generally located southwest of the intersection of West 2nd Street North and North Vine Avenue (243 N. Vine Ave.)
Planner: Derrick Slocum

3. **BZA2015-00050** - City BZA Variance to allow an additional sign on Lot 2, Marina Lake Fifth Addition, generally located at 21st Street North and Amidon Avenue (1999 N. Amidon Ave.)
Planner: Derrick Slocum

4. **BZA2015-00051** - City variance request to expand an existing non-conforming residential structure on property zoned LI Limited Industrial, generally located south and west of the intersection of East Lewis Street and South Lulu Avenue (425 S. Lulu Ave.)
Planner: Derrick Slocum

5. **BZA2015-00053** – **(DEFERRED INDIFINITELY)** City request for a variance of a street side yard setback on property located midway between Harry Street and Mt. Vernon Road, west of Webb Road, on the southwest corner of Cooper and Skinner Streets (associated with VAC2015-00047).
Planner: Bill Longnecker

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00049

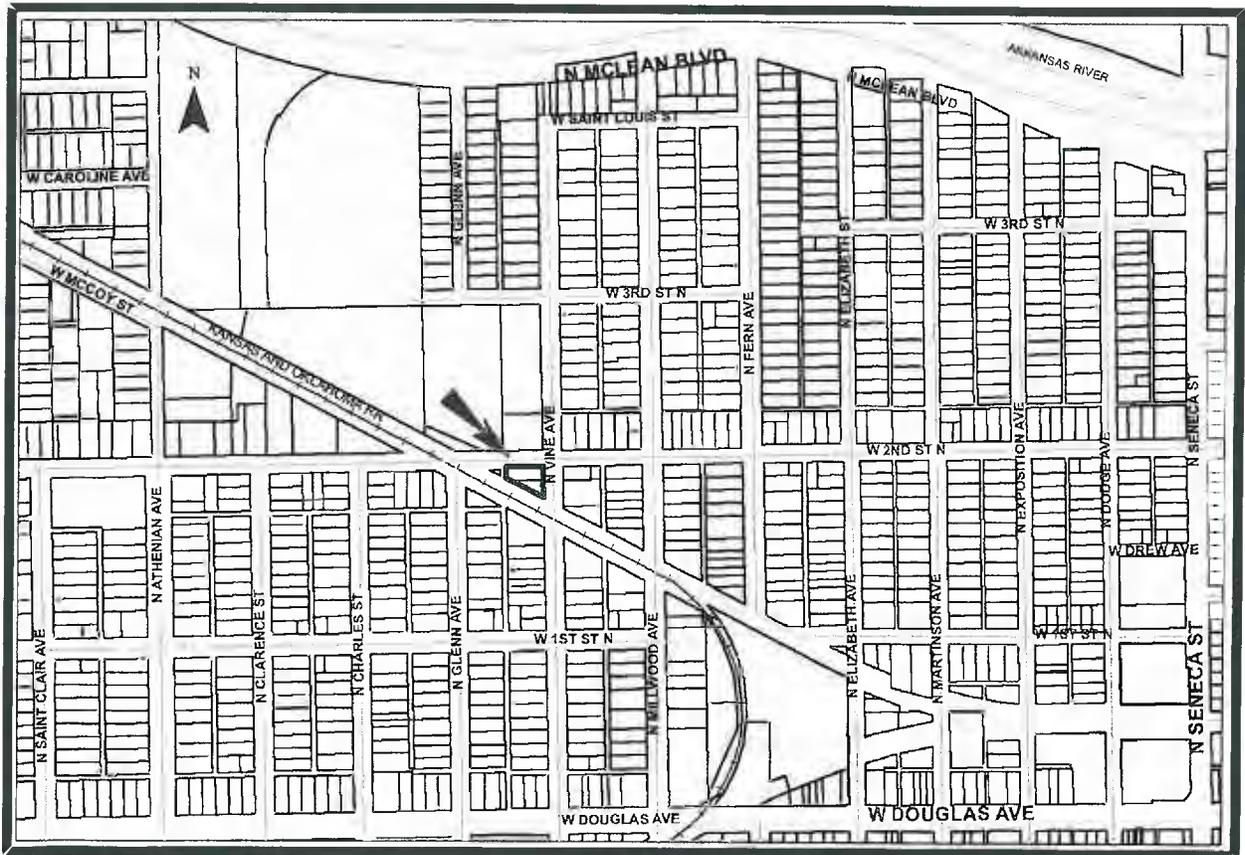
APPLICANT/AGENT: Wilton and Tina Dod (Owners)
Kaw Valley Engineering; c/o Tim Austin (Agent)

REQUEST: City BZA Variance request to reduce the street side building setback along 2nd Street from 10 to 0 feet and to reduce the required on-site parking from 8 spaces to 6 spaces.

CURRENT ZONING: LC Limited Commercial ("LC")

SITE SIZE: 0.26 acres

LOCATION: Located at the southwest corner of the intersection of West 2nd Street North and North Vine Street (243 N. Vine St.)



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 subject site is zoned LC Limited Commercial (“LC”) and is triangular in shape, with 140 feet of street frontage along 2nd Street to the north, 115 feet of frontage along Vine St. to the east, 160 feet of frontage along the railroad right of way to the south and a scant 43 foot long west property line. The 2nd Street frontage is the street side of the subject site, with the setback requirement of 10 feet. The existing structure on the site was built in 1945 and due to its close proximity to the railroad right of way, Vine St. right of way and with the property only being 43 feet wide to the west, the only viable area to expand is the area north of the existing structure, with frontage along 2nd Street. The applicant is also requesting a reduction of the required 8 parking spaces, down to 6 spaces. This request is based on the related information that the property has a limited area to place off-street parking spaces.

The proposed use for this building expansion is an office warehouse combination and this variance request would allow the owner to expand their existing warehouse space due to increased business. This variance request would allow the applicant more area on the subject site to expand the existing structure for the increased warehouse space and also allow space for parking, the required parking of which is needing to be reduced by just two spaces (8 spaces to 6 spaces.) Properties to the east of the subject site, along 2nd Street are also built up to the sidewalk along 2nd Street.

Property south of the site is primarily railroad right of way, but south of the right of way is property zoned LC and developed with a single-family residence. Property to the north, across 2nd Street, is zoned LI Limited Industrial (“LI”) and is developed with a manufacturing operation. Property to the east, across Vine St., is zoned SF-5 Single-family Residential (“SF-5”) and TF-3 Two-family Residential (“TF-3”) and is developed with a single-family residence and a multi-family residential structure, respectfully. Property to the west is zoned LC and is currently vacant. Most surrounding properties were developed between 1910 and 1950, prior to the current zoning code setback requirements. This particular stretch of 2nd Street, between Vine Street and Athenian Avenue is developed with warehousing and manufacturing type uses.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Manufacturing
SOUTH:	LC	Single-family residence
EAST:	SF-5 and TF-3	Single-family and Multi-family residences
WEST:	LC	Vacant

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

UNIQUENESS: It is staff’s opinion that this property is unique in that orientation of the site (being triangular in shape) and location (street intersection at the north part of the property and railroad right of way along the south side of the property) can limit the development and expansion possibilities on the subject site. The property is further unique in that the platted right of way along 2nd Street North has a full 15 feet of spacing between the property line and paved curb, allowing for more than adequate separation between buildings and the street.

ADJACENT PROPERTY: It is staff’s opinion that granting the requested variance for a street side setback and parking reduction would not adversely affect the rights of adjacent property owners. The proposed setback reduction is adjacent to street right of way and would not

impact adjacent property. Also, due to the nature of the use and the orientation of the subject site, only up to 6 parking spaces would be needed. This reduction and low need of parking would also reduce any traffic volume to and from the subject site.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants. Without the requested street side setback and parking reduction variance, the applicants could not feasibly improve the property due to the difficult location and orientation of the subject site.

PUBLIC INTEREST: It is staff's opinion that the requested variance for a setback and parking reduction will not adversely affect the public interest, as further improving this property is in the public interest and the proposed setback reduction will not impact the public right of way.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a setback and parking reduction does not oppose the general spirit and intent of the Zoning Code. Street side building setbacks are intended to ensure adequate separation between structures and the public right-of-way. In this case, the right-of-way has 15 feet of separation between the private property line and the paved street.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the street side setback requirement from 10 feet to 0 feet and to reduce the parking requirement from 8 spaces to 6 spaces is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. Any other future construction on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. Any addition shall meet building code, fire code and all other applicable code requirements.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.



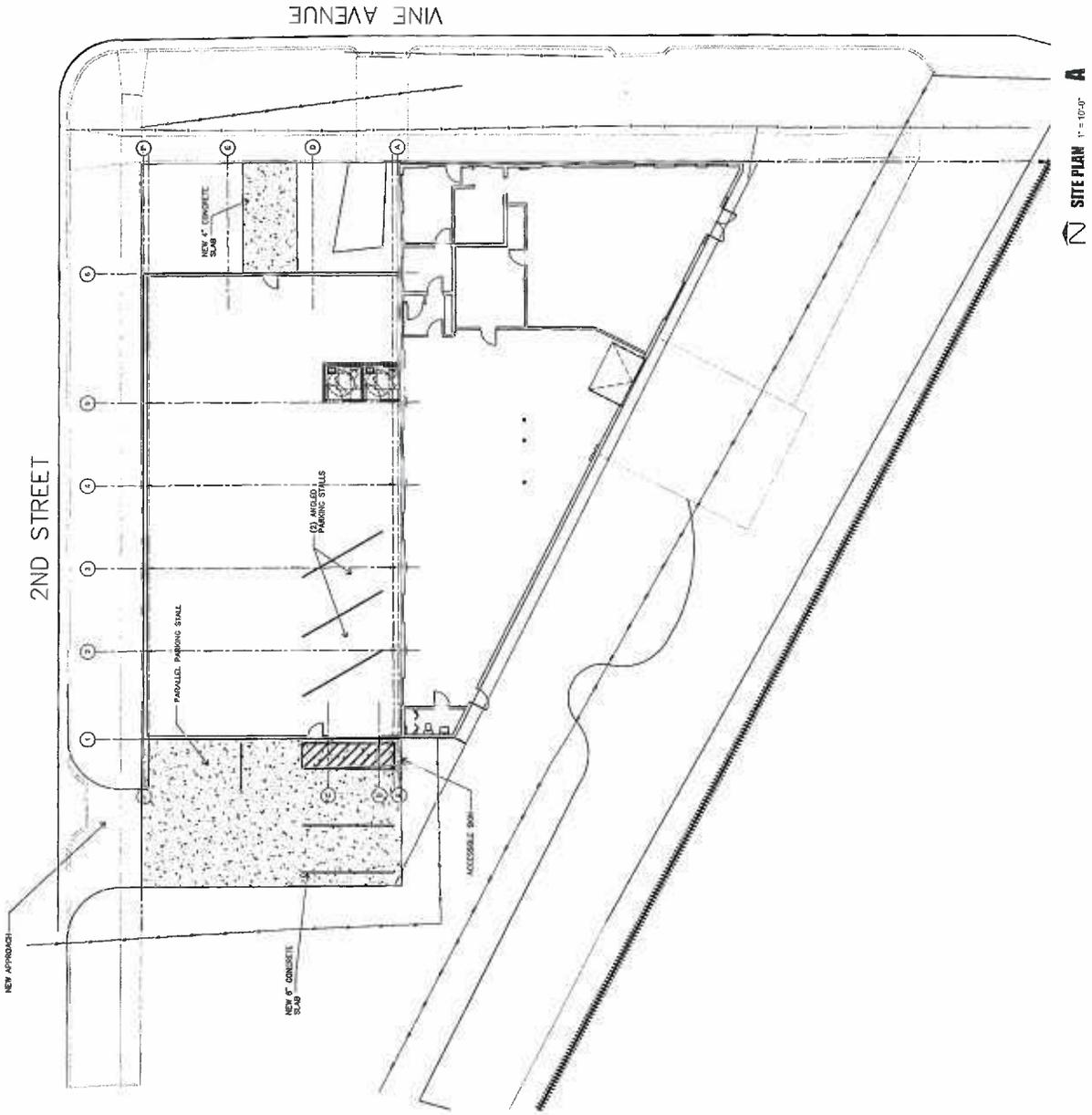
TEN STUDIO
125 SOUTH WOODLAND STREET
MILWAUKEE, WISCONSIN 53224

Dot Installations
316 Park
Milwaukee, Wisconsin 53203

10 JUNE 2015
CIP 10/10/15

SA1.1

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SITE PLAN 1" = 10'-0" A

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00050

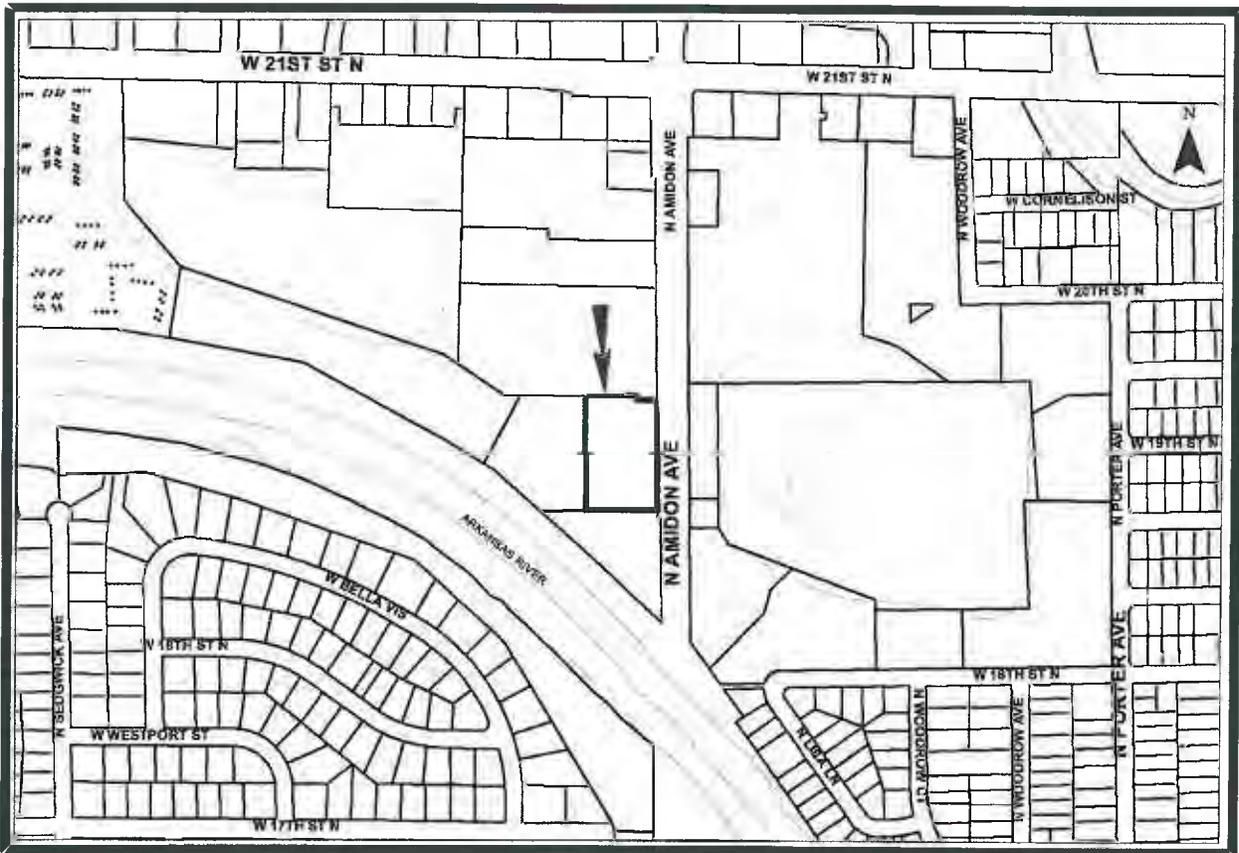
APPLICANT/AGENT: Marina Point Office Park, LLC (Owner/Applicant)
Tim Austin (Agent)

REQUEST: City BZA variance to allow an additional sign on Lot 2, Marina Lake Fifth Addition.

CURRENT ZONING: NR Neighborhood Retail ("NR")

SITE SIZE: 2.23 acres

LOCATION: Generally located south of West 21st Street North, along the west side of North Amidon Avenue (1999 N. Amidon Ave.)



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 application area is 2.20 acres located south of 21st St. North, just north of the Arkansas River, along the west side of North Amidon. The applicant is requesting a variance to allow an additional sign on Lot 2, Marina Lake Fifth Addition zoned NR Neighborhood Retail (“NR”), a part of CUP-DP 23, Marina Lakes Commercial Community Unit Plan. Currently, the frontage is only allowed to have two signs, with the maximum square footage of 382 square feet between the two signs (as approved by BZA 7-84). The two signs currently on site only total 169 square feet, almost half of the square footage allowed. The applicant would like to add the additional sign and take advantage of the square footage available as stipulated in BZA 7-84. The proposed sign would only add an additional 36 square feet, keeping the total square footage well below the 382 square feet that is allowed. So while an additional sign may be located on the site, the combined total square footage of the three signs would fall under the maximum allowable square footage by 177 square feet. The subject site has approximately 380 feet of frontage along North Amidon Avenue.

The site to the north is zoned LC Limited Commercial (“LC”) (part of DP-23) and is developed with a shopping center complex. The property to the south is zoned GO General Office (“GO”) (part of DP-23) and is developed with an office complex. The property to the east of the subjects site (across North Amidon Avenue) is zoned GO and is developed with a shopping center. The property to the west of the site is zoned B Multi-family Residential (“B”) (part of DP-23) and is developed with an apartment complex.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Shopping Center
SOUTH:	GO	General Office Building
EAST:	GO	Shopping Center
WEST:	B	Apartment Complex

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

UNIQUENESS: It is staff’s opinion that the circumstances causing this request are unique in that the site currently contains two signs as stipulated in the last variance decision (BZA 7-84) but the maximum allowable square footage has not been exhausted. The applicant will be able to put the proposed 36 square foot sign on site while being able to keep the square footage below the maximum and keeping enough space between the other signs on the site.

ADJACENT PROPERTY: It is staff’s opinion that granting the requested variance would not adversely affect the rights of adjacent property owners because the sign will be small, out of sight lines and remain below maximum allowable square footages. The property surrounding the site is predominately commercial in nature.

HARDSHIP: It is staff’s opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants. Without the requested variance, the applicant would not be able to install a business sign on the site. Presumably such a restriction would significantly reduce the economic value of the site and business.

PUBLIC INTEREST: It is staff’s opinion that the requested variance promotes the public interest to the extent that the sign would provide visibility for a local business.

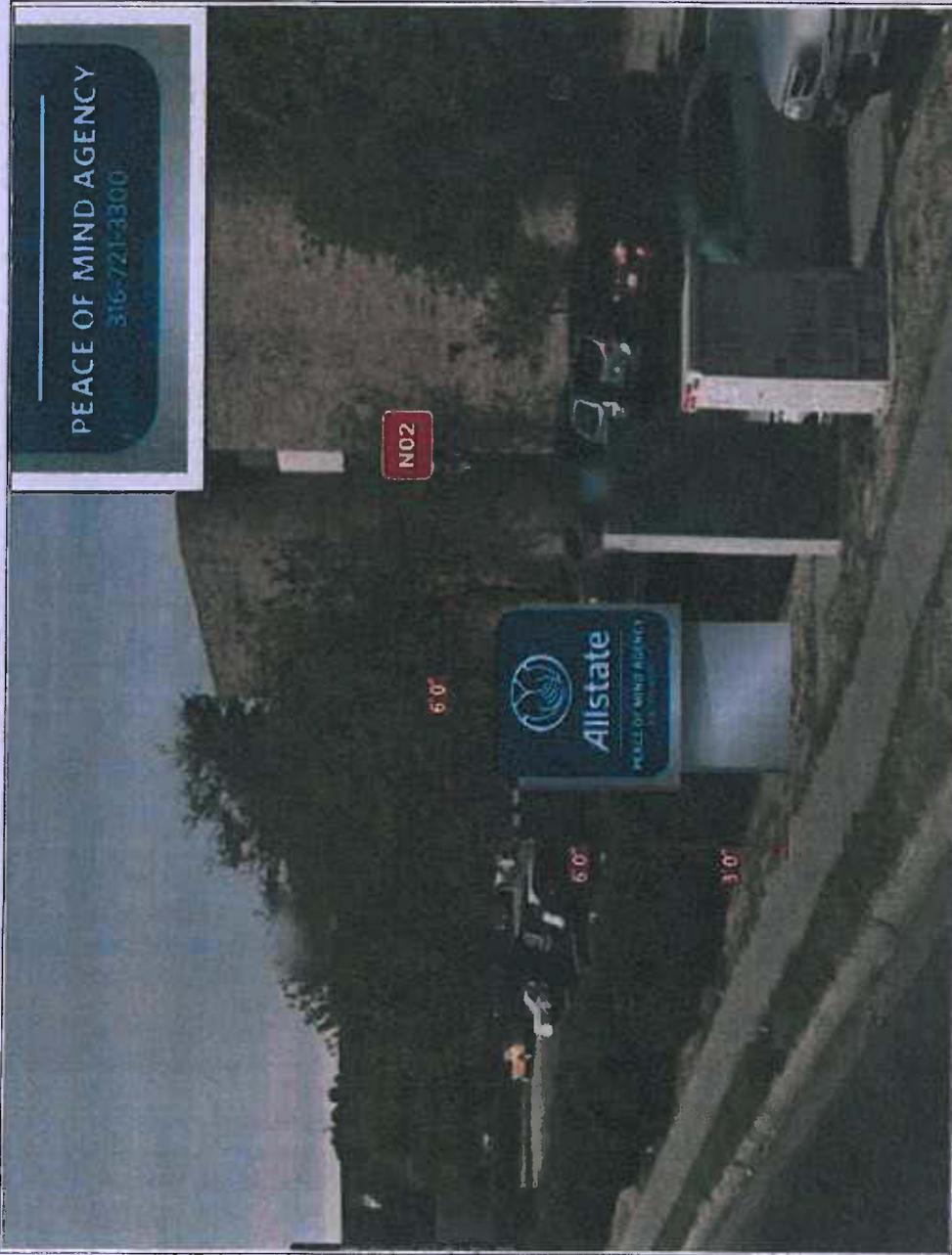
SPIRIT AND INTENT: It is staff's opinion that granting the requested variance does not oppose the general spirit and intent of the Zoning Code which is to protect the public health, safety and welfare. The intent of the original variance was to minimize any negative impacts in regards to excess signage. This request does not drastically increase the square footage of the signs that are existing and would still be under the allowable maximum square footage.

RECOMMENDATION: It is staff's opinion that the requested variance complies with the required criteria noted above. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The additional sign will need to be place in accordance to the approved site plan.
2. There will be no change in the maximum allowed square footage of 382 square feet as approved by BZA 7-84.
3. Only three signs will be permitted on the subject site unless another adjustment or variance is required.
4. The applicant shall obtain all permits necessary to build the sign.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

SIGN#	SIGN TYPE	SIGN DESCRIPTION	ACTION
N02	ALST:MON.NI.AO_36	6'h x 6'w Non-Illuminated Double Faced "Allstate Only Copy" Aluminum Monument Sign (36 SF)	New Sign

PROPOSED SIGNAGE PHOTO



EXISTING SIGNAGE PHOTO



Notes:
Dimensions to be field verified.

***NOTE:**
Your approval of the Brandbook indicates your acceptance that the signage, provided to you and owned by Allstate, will be manufactured and installed as shown, pending landlord and/or municipality approval. Once accepted, signage may not be declined at time of installation for any reason other than a manufacturing defect.

 PHILADELPHIASIGN <small>BRINGING THE WORLD'S BRANDES TO LIFE</small> 707 West Spring Garden Street Palmyra, NJ 08065-1798	CLIENT: ALLSTATE - WC LOCATION: KS37C Peace of Mind Agency 1999 N Amidon Ave - 242 Wichita, KS	DATE: 4/13/2015 SHEET: P02 DWG BY: JS	REVISION: 04.28.15 JC Revised N01 04.23.15 JHH Rev E01, Add N02 04.17.15 RJW Rev N01	THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY PHILADELPHIA SIGN IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONJUNCTION WITH A PROJECT BEING PLANNED FOR YOU BY PHILADELPHIA SIGN IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION NOR IS IT
	DRAWING NUMBER A22978			

BACKGROUND: The application area is 0.17 acres located south and west of the intersection of East Lewis Street and South Lulu Avenue, just north of the Kellogg Expressway. The applicant is requesting a variance to allow an addition on a non-conforming structure. The subject site is zoned LI Limited Industrial (“LI”) and is currently developed with a single-family residence. The residence was built in 1920 prior to the current zoning code requirements. The current LI zone district does not allow residential uses by right or through a Conditional Use. This variance is for the existing residential structure to remain on the site in the LI zone district, with the proposed additions, and to have it listed as a non-conforming use structure. The proposed additions would not encroach into any setbacks or easements and would continue to be used as a single-family residence. The First Church of the Nazarene, which owns the house and does utilize the residence, owns all the land north, south, east (across Lulu) and west of the subject site.

The properties north and south of the subject site is zoned LI and both are currently vacant. Property directly west of the site is also zoned LI and is developed with an office warehouse combination use. The property east of the subject site (across Lulu) is zoned GC General Commercial (“GC”) and is developed with the main church/place of worship campus of the First Church of the Nazarene. The residential use on the subject site is the only residence on this block of Lulu Street, between Lewis Street and Kellogg Drive.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Vacant
SOUTH:	LI	Vacant
EAST:	GC	Church/Place of Worship
WEST:	LI	Office/Warehouse

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

UNIQUENESS: It is staff’s opinion that the circumstances causing this request are unique in that the site currently contains a single-family residence, which has been on the site since the 1920’s and before the property was zoned LI. In the past, this area was residential in nature but has transitioned to a more commercial and light industrial area. This residence is a left over that is still occupied and used as a residential dwelling.

ADJACENT PROPERTY: It is staff’s opinion that granting the requested variance would not adversely affect the rights of adjacent property owners because the structure has been at this location longer than the majority of the surrounding uses and the existing use of the subject site is much less intense than that of the surrounding uses.

HARDSHIP: It is staff’s opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants because without the requested variance, the applicant would have to remove the viable and currently occupied use when the use has no negative impacts on the surrounding properties and the only thing the applicants are proposing is to add a couple additions to the structure, which would also not encroach into any easements or setbacks.

PUBLIC INTEREST: It is staff's opinion that the requested variance promotes the public interest to the extent that the use would remain residential in nature thus keeping an older viable part of the current local housing stock.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance does not oppose the general spirit and intent of the Zoning Code which is to protect the public health, safety and welfare. The intent of the variance is to keep an existing structure on the subject site, even though the current zoning does not allow the existing use and predates the current zoning. This request does not increase the current non-conformance of the subject site and will actually improve the condition of the existing use.

RECOMMENDATION: It is staff's opinion that the requested variance complies with the required criteria noted above. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance 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.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

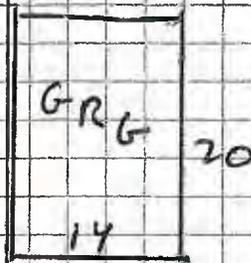
9-15-15

~~Site Plan~~

PROPOSED
ADDITION

NORTH →

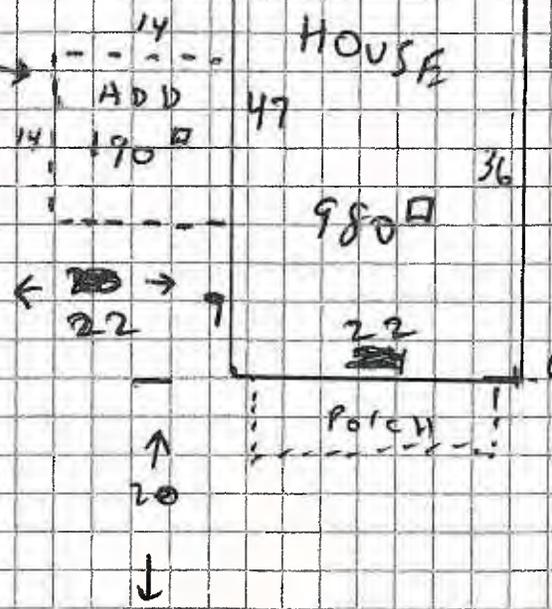
LOT
17 Acre



← 22 →

1ST CHURCH OF
THE NAZARENE

6'
FROM
PROP LINE



SITE PLAN

425 S. LULU

LOT 17 BROOKSIDE ADDT.

Scale
1" = 12'

50
LULU