

WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS

AGENDA

Thursday, March 19, 2015

1:30 p.m.

The regular meeting of the Wichita-Sedgwick County Board of Zoning Appeals will be held on **Thursday, March 19, 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. Approval of the minutes of the February 19, 2015 and March 5, 2015 meeting.
2. **BZA2015-00005** - City request for a variance to reduce parking spaces from 53 to 14 generally located east of Vine Avenue at 1710 West Douglas.
Presenter: Derrick Slocum
3. **BZA2015-00006** - City request for a variance to reduce parking on properties located on the northwest corner of 10th Street North and Topeka Avenue.
Presenter: Derrick Slocum

WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS

MINUTES

February 19, 2015

The regular meeting of the Wichita-Sedgwick County Board of Zoning Appeals was held on Thursday, February 19, 2015 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby, Chair; Carol Neugent, Vice Chair; John Dailey; David Dennis; David Foster; Joe Johnson; Don Klausmeyer; John McKay Jr.; Lowell E. Richardson; Debra Miller Stevens and Chuck Warren. Bill Ramsey and Don Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the January 8, 2015 Meeting minutes.

MOTION: To the minutes of the January 8, 2015, as corrected.

MCKAY moved, **KLAUSMEYER** seconded the motion, and it carried (12-0).

2. **BZA2015-00001** - City variance request to install a temporary parking surface material in conjunction with construction of a temporary pop-up park generally located east of Main Street, on the south side of East Douglas Avenue (111-123 E. Douglas Ave.) on property described as:

Lots 97, 99, 101, 103, 105, 107 and the West 21.4 feet of lot 109, Douglas Avenue in Plat of Reserve Greiffenstein's 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: The applicant requests a variance to install a temporary parking area with crushed rock surfacing for a temporary pop-up park on property zoned CBD Central Business District ("CBD"). The applicant purchased the property in 2011 with plans to redevelop the property with a new, mixed-use commercial building. Yet due to current commercial real estate market conditions, there is currently little support for a new building to be constructed at this time. The interim plan for the current time is to fill in the existing hole created when the past building occupying the site was demolished. On the filled area, the applicant plans to occupy the site with a proposed pop-up park with temporary furnishings including planters with landscaping, lighting, seating, tables and art. The plan will also include a space for food trucks to operate during the day for visitors to the park. Additional temporary parking will be designated for the remaining south portion of the site for the adjacent Woolf Bros. building tenants.

The proposed plan is to have a crushed rock temporary surfacing for the parking area. This would be temporary in nature, much cheaper for the applicant, better for drainage and easily

removed when a new building is constructed on the site in the future. The variance request is for the use of a crushed rock surface material for the temporary parking area. Article IV, Section A, 2.b of the Unified Zoning Code states "all Parking areas, Loading areas and driveways on all Developments other than low-density residential Developments shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris." The variance request would allow for the crushed rock material to be used for the temporary parking area.

All surrounding properties are zoned CBD Central Business District. Property north of the subject site, across Douglas Avenue, is zoned CBD and is developed with a parking garage. Properties south, east and west of the subject site are zoned CBD and are developed with office buildings.

ADJACENT ZONING AND LAND USE:

NORTH:	CBD	Parking Garage
SOUTH:	CBD	General Office Building
EAST:	CBD	General Office Building
WEST:	CBD	General Office Building

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 site has been vacant and dangerous to the public with the presence of a large, deep hole taking up the majority of the site. The uniqueness of the site is due to the fact the subject site is suited for a large commercial building operation, but currently, the conditions do not exist to support such a development. The crushed rock surface would be temporary and used in conjunction of the proposed pop-up park.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance to allow for crushed rock temporary parking will not adversely affect the rights of adjacent property owners, inasmuch as surrounding properties will take advantage of the additional parking and the current visual eyesore and public hazard, that is the large hole, will be filled and developed with a more aesthetically visually pleasing pop-up park with parking for food car vendors and building occupants.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants, inasmuch in that the economic cost to the property owner to pave an area which will, in the future, be developed as a commercial building, would put a burden on the applicant due to the cost associated with paving a large parking. Also, when a building is developed on the site, the paved surface would have to be removed for the construction, which would also come at a greater cost than removing or working with the crushed rock surface.

PUBLIC INTEREST: It is staff's opinion that the requested variance to allow for a crushed rock temporary parking area for food trucks associated with the pop-up park and parking for surrounding building occupants will not adversely affect the public interest, inasmuch the project fills in the existing hole that was left when the former buildings were torn down. The hole currently is a safety hazard that must be fenced. The temporary improvements planned for this

site will also improve the aesthetics and activate the site with programmed uses, inviting the public to utilize the temporary park.

SPIRIT AND INTENT: It is staff's opinion that granting the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch the property had been used for a commercial office building that was demolished and the property is currently an unsafe site and this request will develop the property and create a safe site and fill in an existing undeveloped property.

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 for a crushed rock temporary parking area for food trucks associated with the pop-up park and parking for surrounding building occupants be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The applicant shall obtain all local permits necessary to complete any and all needed improvements.
3. 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.

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

DAILEY asked if there was something that regulated what the hole filling was going to be.

SLOCUM said he assumed it would be gravel or dirt, but added that Code Enforcement would make that determination.

FOSTER commented that there was no time constraint listed in the conditions and asked if there should be, and how long it should be.

SLOCUM said a time constraint could be added if that is what the Commission requires.

DENNIS asked for a definition of "temporary" since the Staff Report refers to this as a "temporary" fix. He suggested two years or the parking lot has to be paved.

DIRECTOR SCHLEGEL said the applicants were present so the Commission could ask them what their intentions were.

MILLER STEVENS suggested that the case be presented because it seemed like there were a number of issues and that would also give the applicant a chance to speak to the Commission.

MILLER STEVENS asked about the surface in the park area.

SLOCUM said the park is not part of the request; the request is for the parking lot. He suggested she ask the applicant about the plans for the park itself.

MILLER STEVENS asked if there was a requirement for dust abatement because it will be a large area with just crushed rock.

SLOCUM replied that would be a code enforcement issue and he doesn't know what the requirement is for dust abatement on a parking lot.

RICHARDSON asked about the notification area and if any comments had been received by the neighbors.

SLOCUM said there was a 200 foot radius notification area and that no comments had been received from any of the neighbors.

B. JOHNSON clarified that if the applicant was building a building at the site, there would be no parking requirement because it is zoned Central Business District (CBD),

SLOCUM said that was correct.

MILLER explained that although parking is not required, if it is provided, it must meet zoning code standards.

MICHAEL RAMSEY, 120 E. FIRST STREET, WICHITA, KANSAS 67202 said this proposal is a "place marker" until downtown and the CBD is more conducive to Class A commercial development. He said what they are proposing will not be permanent parking and will consist of crushed stone in varying degrees. He said they feel there should be a parking area for larger park events. He referred to the site plan for the park including a zone for food trucks, parking, and place for a stage, etc. He said as far as the time frame, since they are putting in a significant amount of infrastructure for the pocket park itself, they would like a two period. He said they can come back to the Commission at that time and if they are not happy then they can pull the zoning.

MILLER STEVENS asked about the material for the park surface.

RAMSEY said it will consist of small or crushed rock.

MILLER STEVENS asked how long the applicant has owned the property.

RAMSEY said since 2011. He said they have developed other areas downtown and typically take one or two projects per year. He said they have a two-three year time frame on this location to obtain a Class A tenant.

JEFF FLUHR, DOWNTOWN DEVELOPMENT CORPORATION, 507 EAST DOUGLAS AVENUE, WICHITA, KANSAS said they are working with the developer on this location. He said there has been a lot of activity along Douglas including the Union Station Project, Exchange Place and the River Vista Project. He said this hole is an eyesore that takes away from the "walkability" they are trying to create along Douglas Avenue. He said they have applied for a grant from the Knight Foundation for a temporary park because eventually they want to build a building at the location. He said they are continuing to build the Class A market place in the downtown area so on an interim basis they wanted to do something positive with the

hole. He said the park will create energy for downtown revitalization along this important corridor.

DENNIS asked if two years was adequate time.

FLUHR replied that is the goal. He mentioned several other properties owned by the applicant in the downtown area.

J. JOHNSON suggested a three year time frame and mentioned that there has been a hole at the location since 2006 or 2007. He said a temporary use was a lot better than what was there now. He said if the applicants needs to they can ask for an extension at that time.

FOSTER asked about any economic gain from this effort. He also asked about park maintenance and liability.

RAMSEY commented there will be no direct economic benefit, but indirectly absolutely. He said they believe the park will generate positive energy in the area and be a place for events, etc.

FLUHR said this is private property and a budget for maintenance has been built in. He said in addition they are developing partnerships including PEC (who has agreed to provide testing, fill and compact the fill for the area). Hi Touch and COX (who have agreed to intall WiFi capability at the park).

DAILEY confirmed that the parking lot and park are both temporary.

FLUHR said yes.

RICHARDSON asked about a time frame to comply with terms of the Knight Grant.

FLUHR said the park will be built this year and they would like to have it ready to go by this summer. He said they will be using soil excavated from the River Vista Project and another area.

MOTION: To approve subject to staff recommendation with the additional requirement that the applicant come back to the Planning Commission in three years.

DENNIS moved, **J. JOHNSON** seconded the motion, and it carried (12-0).

The Wichita-Sedgwick County Board of Zoning Appeals adjourned at 1:40 p.m.

State of Kansas)
Sedgwick County) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Board of Zoning Appeals do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County 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.

John L. Schlegel, Secretary
Wichita-Sedgwick County Board of
Zoning Appeals

DRAFT

WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS

MINUTES

March 5, 2015

The regular meeting of the Wichita-Sedgwick County Board of Zoning Appeals was held on Thursday, March 5, 2015 at 2:08 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: John Dailey; David Dennis; David Foster; Joe Johnson; Don Klausmeyer; John McKay Jr.; Bill Ramsey; Lowell E. Richardson; Debra Miller Stevens and Chuck Warren. Matt Goolsby; Carol Neugent and Don Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney; Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. **BZA2015-00003** – City variance request to reduce minimum lot size (6,000 square feet to 5,100 square feet), minimum front setback (25 feet to 6 feet) and minimum rear setback (20 feet to 10 feet) for duplex development, generally located southeast of Edgemoor and Kellogg (532, 538 and 544 S. Edgemoor Dr.) on property described as:

Lots 2, 3 and 4 EXCEPT the West 30 feet deeded to the City, Englewood 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: The applicant requests a variance to reduce the Unified Zoning Code (UZC) required minimum lot size (6,000 square feet to 5,100 square feet), minimum front setback (25 feet to 6 feet) and minimum rear setback (20 feet to 10 feet) for duplex development; see the attached site plan(s). After further research, the applicant will not need a variance on the minimum lot size. According to Article III, Section E, 1b(1) of the UZC “When an existing Lot is reduced as a result of conveyance to a federal, state or local government for a public purpose and the remaining area is at least 75 percent of the required minimum Lot Area for the District in which it is located, then that remaining Lot shall be deemed to comply with the minimum Lot Area standards of this Code.” In this case, the right-of-way was dedicated to the City in the mid 2000’s for road widening and the remaining lot area is 84% of the required minimum lot area for the TF-3 zone district.

Primarily due to the right-of-way dedication, the three application sites are requesting a variance for the front and rear setbacks. The properties were originally 115 feet deep, which would allow for the proposed duplex development without any need for the variance, however, with the 30-foot right-of-way dedication that made the three properties only 85 feet deep, any future development, single-family or duplex, would require a variance to develop the subject properties. The UZC requires a minimum front setback of 25 feet in the TF-3 zoning district. The UZC does allow an administrative adjustment to reduce a front setback by up to 20% (or five feet in this case) when the Code criteria for zoning adjustments are met, however, anything greater than the 20% reduction would require a variance. The South Edgemoor Drive right of way is 35 feet

containing grass and sidewalk, between the subject properties west (front) property line and the paved curb.

The applicant is also requesting a variance of the existing rear setback (see the applicant's attached site plan). The site's rear property line is not encumbered by a utility easement, water is located in the street right-of-way and sewer runs through the properties abutting the subject sites east property lines. Aerial photographs appear to demonstrate that the properties were once developed with single-family residences. However, it appears that with the 30-foot right-of-way dedication and widening of Edgemoor,

Property to the north of the subject sites is zoned LC Limited Commercial and is developed with a strip store center (strip mall.) All other property east, west and south of the subject sites are zoned TF-3 Two-family Residential and are developed with single-family residences, with the exception of property directly west of the northern most part of the subject site, and that property is developed as a used car dealership. South Edgemoor Drive, at this location, is a paved, four-lane arterial, with a center turn lane, with 110 feet of right of way at this location.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Strip Store Center
SOUTH:	TF-3	Single-family residences
EAST:	TF-3	Single-family residences
WEST:	TF-3	Single-family residences/Used Car Lot

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 these three lots had thirty feet of right of way dedicated in the mid 2000's for road widening. This reduction left the property zoned TF-3 and undevelopable without the reduction of setbacks. Thirty to thirty-five feet of right-of-way exists between the curb of Edgemoor Drive and the applicant's property line, leaving between thirty-six and forty-one feet, adequate separation, between the proposed structures and the paved street. Most SF-5 and TF-3 zoned neighborhoods have 10 feet or less of right-of-way between the property line and paved street. The distance between the property line and paved curb, allows for more than adequate separation between buildings and the street. The rear setback reduction will leave between fifty-five to sixty feet of building separation between the residential structures to the west of the proposed development. This will be adequate separation between structures, especially since in most cases in similarly developed neighborhoods, the side setbacks only separate the structures by ten to twelve feet. No easement will be affected in the development.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variances would not adversely affect the rights of adjacent property owners. The proposed setback reductions would not hinder visibility up and down Edgemoor Drive for adjacent property owners and would not negatively impact adjacent properties. The requested front setback reduction would line the future duplexes up with the existing residential structures to the south of the 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 front and rear setback

variances, the applicant could not feasibly improve the property with duplexes, as per the zoning which has been in place since at least 1974.

PUBLIC INTEREST: It is staff's opinion that the requested variances for a front and rear setback reduction will not adversely affect the public interest, as further improving this property is in the public interest, and the requested variance will have no impact on the public right of way and vehicular or pedestrian circulation.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a front and rear setback reduction does not oppose the general spirit and intent of the Zoning Code. Front and rear building setbacks are intended to ensure separation between structures and the public right of way. Adequate separation between the structure and other structures, along with the street, will be maintained.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the front setback requirement from 25 feet to 6 feet and the rear setback requirement from 20 feet to 10 feet 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(s).
2. The front and rear setback reduction shall apply only to the duplex development as shown on the site plan(s). Any other future development on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The duplex development shall meet building code, fire code and all other applicable code requirements. The applicant shall obtain all permits necessary to build the structures within one year of variance approval, unless such time is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

MOTION: To approve subject to staff recommendation.

MCKAY moved, KLAUSMEYER seconded the motion, and it carried (11-0).

The Wichita-Sedgwick County Board of Zoning Appeals adjourned at 2:10 p.m.

State of Kansas)
Sedgwick County) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Board of Zoning Appeals do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County 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.

John L. Schlegel, Secretary
Wichita-Sedgwick County Board of
Zoning Appeals

DRAFT

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00005

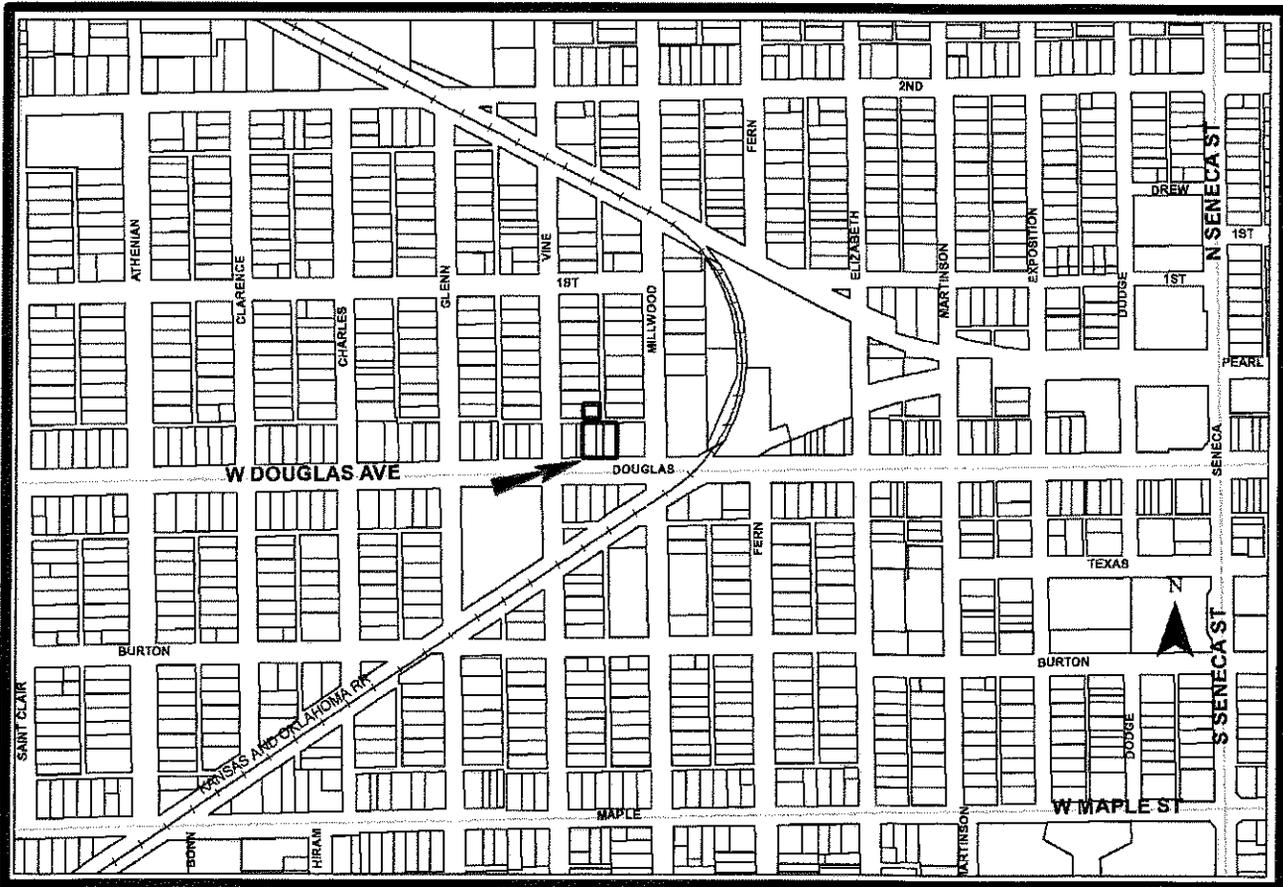
APPLICANT/AGENT: New Covenant United Methodist Church (Owner)

REQUEST: City variance request to reduce the number of required parking spaces from 53 to 14

CURRENT ZONING: GC General Commercial ("GC")

SITE SIZE: 0.15 acres

LOCATION: Generally located along the north side of West Douglas Avenue, between Millwood and Vine (1710 and 1712 West Douglas)



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 requests a variance to reduce the Zoning Code parking requirement from 53 to 14 spaces (74%). The Zoning Code allows staff-approved administrative adjustments to parking standards of up to 25% for site redevelopment, however, this parking reduction request exceeds that percentage. The application area includes two downtown commercial row structures and the associate parking area between the buildings and a small lot to the north, across the alley. The applicant is renovating the existing buildings into a new church. The subsequent new seating capacity for the church requires parking for 53 spaces. The substantial renovation of the building requires the property owner to come into code compliance with the number of parking spaces, or seek this variance.

The church has rented out the west building for six years and last year purchased the current building and the building to the east. The church plans to expand their worshiping space for their growing church. The church has already received permission to use parking from adjacent businesses. Since the parking is only needed on Sunday mornings, the adjacent parking will be available, due to the other businesses not being open during that time.

Property north of this site is zoned SF-5 and is developed with single-family residences. Property south of the site is zoned LC and GC and is developed with commercial retail. Also property to the east and west is zoned GC and developed with commercial retail as well. Douglass is a paved four-lane arterial street at this location with a 100-foot right-of-way and on-street parking.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Downtown Row Store
SOUTH	LC and GC	Downtown Row Store
EAST	GC	Downtown Row Store
WEST	GC	Downtown Row Store

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 the building on this site does not require the code specified number of parking spaces on an everyday basis. When the parking is needed, the church has made agreements with surrounding property owners to use their parking on Sundays, when the other businesses are closed.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for a parking reduction would not adversely affect the rights of adjacent property owners, as adequate parking exists on the site and adjacent sites. On-street parking will also accommodate parking overflow from this and neighboring sites.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant, as this site does not have enough physical space available to meet current parking standards. Without a parking variance, this site could not renovate as a church.

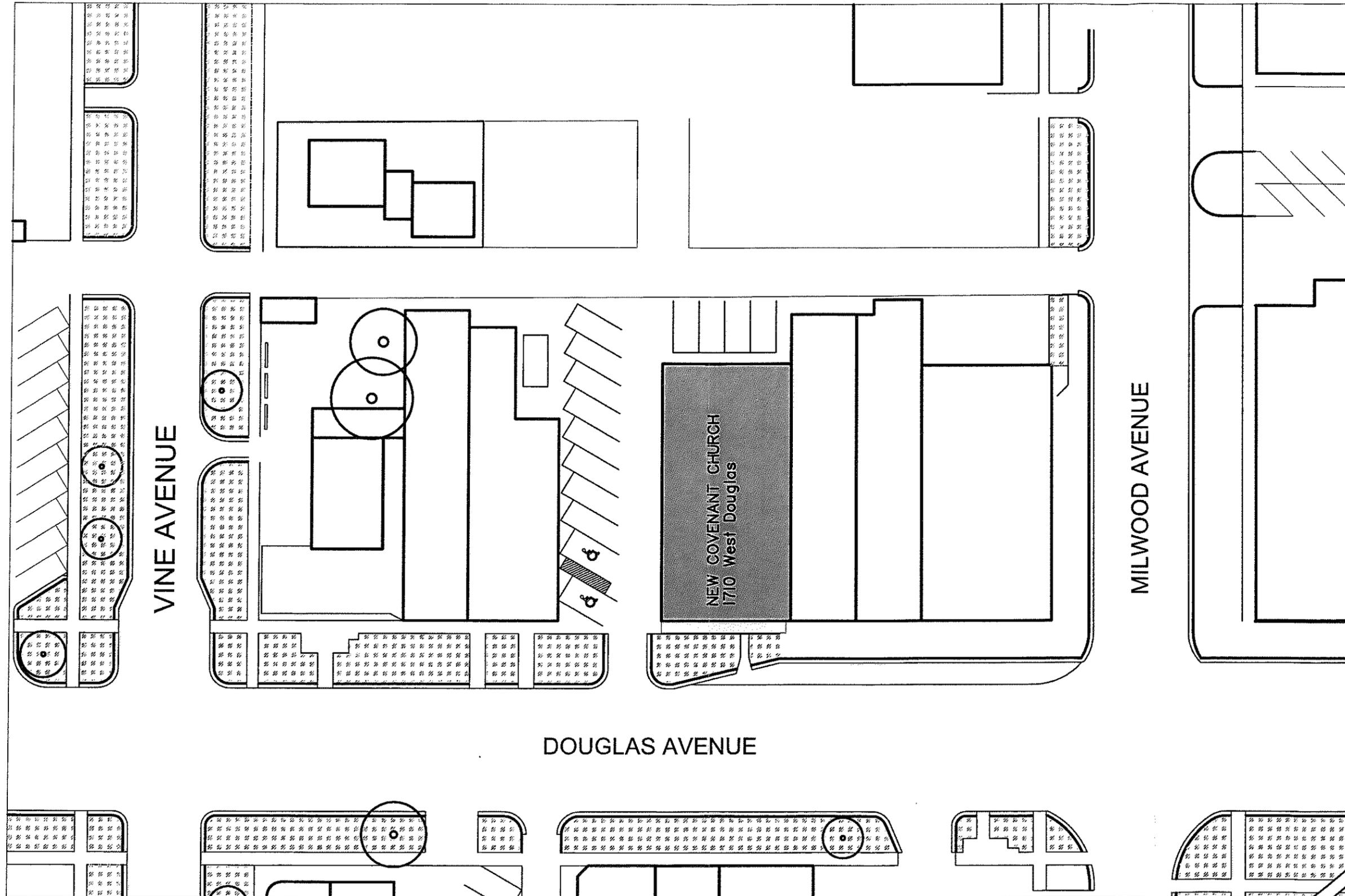
PUBLIC INTEREST: It is staff's opinion that the requested variance for a parking reduction will not adversely affect the public interest, as renovation of this building is in the public

interest, and this church can function without the number of parking spaces required by the current code by using adjacent parking that is available.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a parking reduction does not oppose the general spirit and intent of the Zoning Code, as existing parking is adequate to meet this site's parking needs.

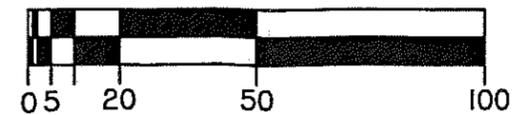
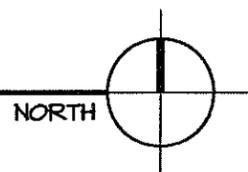
RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the parking requirement from 53 to 14 spaces is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exist, then the Secretary recommends that the variance be 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 to renovate the site.
3. Parking spaces on the site shall be paved and marked in accordance with City standards.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.



A SITE PLAN

SCALE: 1" = 40'-0"



SECRETARY'S REPORT

CASE NUMBER: BZA2015-00006

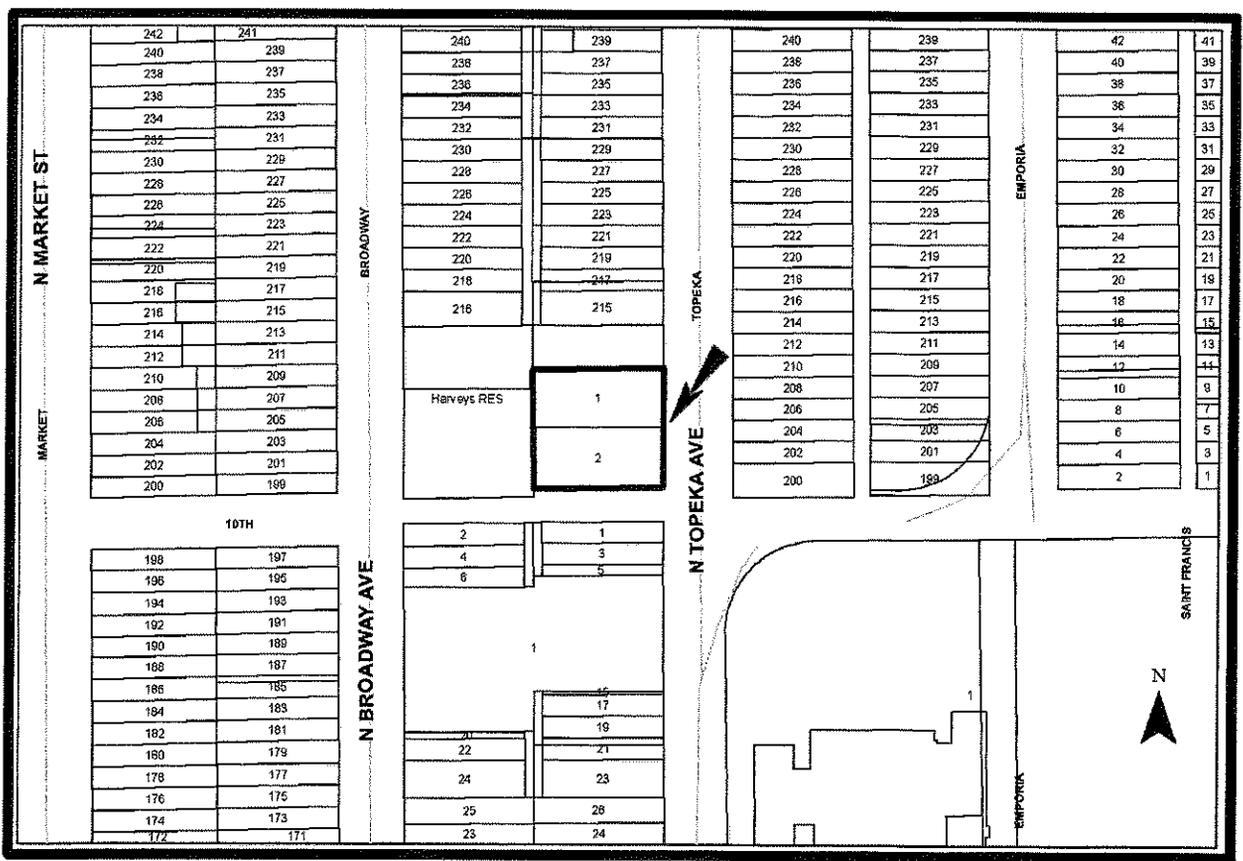
APPLICANT/AGENT: FHL Property Management, c/o BJ Sheu (owner/applicant)

REQUEST: City variance request to reduce the number of required parking spaces from 52 to 26

CURRENT ZONING: LC Limited Commercial and NO Neighborhood Office zoning

SITE SIZE: 0.24 acres

LOCATION: Generally located at the northwest corner of the intersection of North Topeka Avenue and East 10th Street North (222 East Elm Street)



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 requests a variance to reduce the Zoning Code parking requirement from 52 to 26 spaces (50%). The Zoning Code allows staff-approved administrative adjustments to parking standards of up to 25%; this parking reduction request exceeds that percentage. The applicant recently filed a zone change (ZON2015-00006) for LC Limited Commercial from NO Neighborhood on Lot 2 of this two lot subject site. The rezone will make both lots in the Frazey Addition LC for the proposed Bed and Breakfast use for the existing structures on the site. The required parking for the Bed and Breakfast use on this site would be 52 parking spaces. The site is limited in size and with the configuration of the site and placement of the existing structures, only 26 spaces can be placed on the application area.

Background on this site show there were two previous variance requests for this site. BZA06-83 was approved for reducing the parking requirement from 39 spaces to 23 spaces and elimination of the screening requirement. BZA40-83 was approved for reducing the parking requirement from 44 spaces to 34 spaces and elimination of screening requirement. All of these variance requests, including the current request, are due to the changing uses and the size of the subject site.

Property north of this site is zoned B Multi-family Residential and is developed with a single-family residence. Property south of the site is zoned NO Neighborhood Office and is developed with a single-family residence. Property to the east of the site is zoned B and is developed with a surgical/medical and dental clinic. Property west of the site is zoned LC and is developed with a fast food restaurant and hotel/motel. North Topeka Avenue is a two-lane, paved, one-way local road with 80 feet of right-of-way and on-street parking. East 10th Street North is a two-lane, paved, local road with 40 feet of right-of-way and no on-street parking.

ADJACENT ZONING AND LAND USE:

NORTH	B	Single-family Residence
SOUTH	NO	Single-family Residence
EAST	B	Surgical/Medical/Dental Clinic
WEST	LC	Fast Food Restaurant/Hotel-Motel

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 it is located in a historically designated area and the owner is attempting to retain the residential character of the structures and eliminate any possible parking in the front yards, that is permitted by the zoning code.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for a parking reduction would not adversely affect the rights of adjacent property owners inasmuch as the present uses surrounding the subject site have enough parking for their uses and the proposed use for the subject site should not have overflow parking needs that affects the surrounding properties.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant inasmuch as the applicant would be unable to

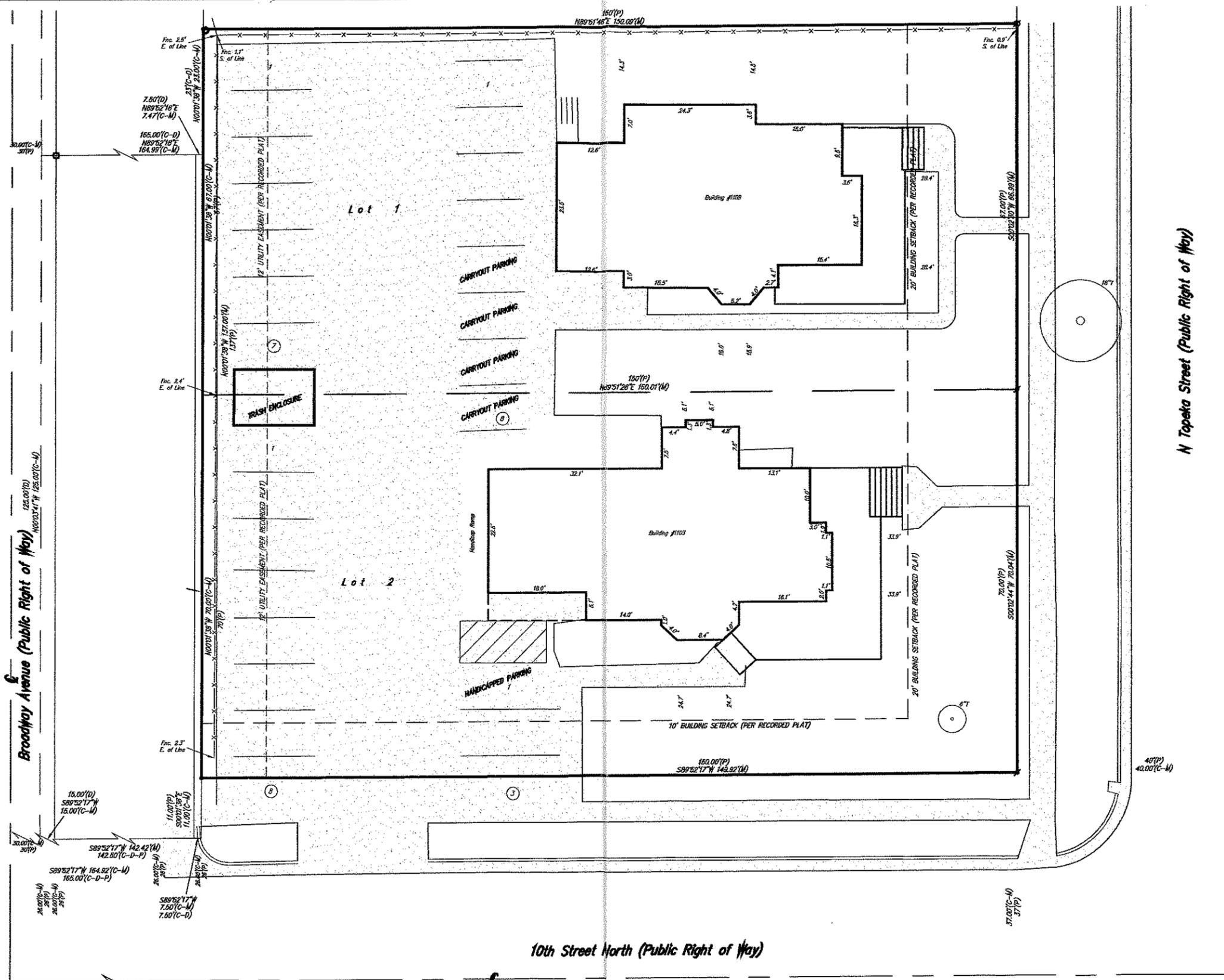
remodel the structures and preserve the character of the neighborhood as desired for the proposed Bed and Breakfast. If absolute adherence to the parking requirement was required, then parking would be located all through the site, removing the residential feel of the area and even that would most likely fall below the spaces required.

PUBLIC INTEREST: It is staff's opinion that the requested variance for a parking reduction will not adversely affect the public interest inasmuch as the reduction in actual number of parking spaces being provided will be insignificant as compared to the retention of the residential character of the area.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a parking reduction does not oppose the general spirit and intent of the Zoning Code inasmuch as the remodeling of the existing residential structures for a bed and breakfast would not demand the parking required for the proposed use.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the parking requirement from 52 to 26 spaces is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exist, then the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to renovate the site, and the improvements shall be completed within one year from the date the variance is granted unless such time is extended by the Board.
3. Parking spaces on the site shall be paved and marked in accordance with City standards.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.



BZA2015-0?? EXHIBIT

PARKING VARIANCE - 1103 & 1109 N TOPEKA


 SCALE: 1" = 20'

