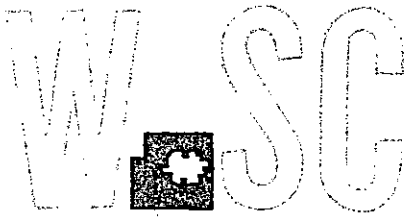


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

FILE COPY

March 25, 1999

City of Wichita Fleet and Bldgs., Division
455 North Main
8th Floor
Wichita, KS 67202

RE: BZA 5-99 - A variance request to reduce parking requirements from 65 spaces to 0 on property zoned "SF-6" Single-family Residential and generally located East of Clifton, south Waterman extended, west of Circle Drive.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on March 23, 1999. This resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Sincerely,

Dale Miller
Secretary
Board of Zoning Appeals

DM/rs

Enclosure

cc: JoAnn Robertson, 355 S. Clifton, Wichita, KS 67218
J.R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson MAPC (resolution only)
CPO

BZA RESOLUTION NO. 5-99

WHEREAS, City of Wichita Fleet and Buildings Division, c/o Dan A Grohn, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce parking requirements from 65 spaces to 0 on property zoned "SF-6" Single-family Residential and legally described as follows:

Beginning at a point in the west line of Willow Street ten feet southwest of the southwest corner of Reserve A, in Merriman Park Second Place, which point is the southeast corner of said tract conveyed by George B. Merriman and wife to said George Siedhoff, running thence in a westerly direction to the southwest corner of said tract so conveyed to George H. Siedhoff, to-wit: to a point in the west line of Reserve B, two hundred seventy eight and one tenth (278.1) feet southwest of the northwest corner of said Reserve B, thence in a southwesterly direction along the west line of said Reserve B, to the southwest corner of said Reserve B, in the north line of English Street formerly Maple Street, thence in a southeasterly direction along the north line of English Street to Willow Street, thence in a northeasterly direction along the west line of Willow Street to place of beginning. Generally located east of Clifton, south Waterman extended, west of Circle Drive.

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 March 23, 1999, 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 it is the opinion of staff that this property is unique inasmuch as the site was platted in 1886. The overall street pattern has remained much the same today. The historic significance of the homes, the park and the circulation pattern is important to area residents. The addition of off-street parking spaces would change the historic character of the pool area and reduce the amount of green space for recreation. Further this project was neighborhood initiated and the pool renovation is possible only because the City and neighborhood residents have

worked together.

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 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 current pool does not have any off-street parking. It is anticipated that pool patronage will continue to be mostly by residents walking to the pool after the new pool is built. There may some increase in non-neighborhood usage due to the newness of the pool, however since it is somewhat inconvenient to find, it is thought that this situation would be minimal. Just along the frontage of the park, an estimated 43 spaces are available.

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 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 most neighbors appear to be opposed to the addition of new spaces since new off-street spaces would change the character of the neighborhood. The need for additional funding to pay for the parking could create a hardship for the project since this project originated with neighborhood residents and is to be paid with special assessment and tax dollars.

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 it is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as this project is a public-private endeavor intended to promote the well being and increase the quality of life of neighborhood residents and the city's residents as a whole by providing quality recreational facilities

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 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 there are competing goals. The need to provide adequate parking and the desire to preserve green space and minimize changes to the historic layout of the neighborhood. In this case, it is felt that most patrons over the long run will be neighborhood residents, most of whom traditionally walk to the park. Therefore, the on-street parking spaces are felt to be adequate to handle parking demand.

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.

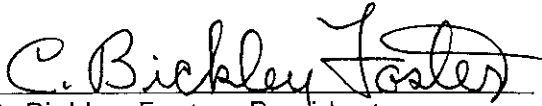
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce parking requirements from 65 spaces to 0 on property zoned "SF-6" Single-Family Residential and legally described as follows:

Beginning at a point in the west line of Willow Street ten feet southwest of the southwest corner of Reserve A, in Merriman Park Second Place, which point is the southeast corner of said tract conveyed by George B. Merriman and wife to said George Siedhoff, running thence in a westerly direction to the southwest corner of said tract so conveyed to George H. Siedhoff, to-wit: to a point in the west line of Reserve B, two hundred seventy eight and one tenth (278.1) feet southwest of the northwest corner of said Reserve B, thence in a southwesterly direction along the west line of said Reserve B, to the southwest corner of said Reserve B, in the north line of English Street formerly Maple Street, thence in a southeasterly direction along the north line of English Street to Willow Street, thence in a northeasterly direction along the west line of Willow Street to place of beginning. Generally located east of Clifton, south Waterman extended, west of Circle Drive.

subject to the following conditions:

1. The Traffic Engineer monitor activity after the new pool opens, and determine whether segments of Clifton Avenue and Circle Drive adjacent to the park should be designated as loading and unloading areas, to minimize traffic congestion and hazards to motorist visibility.

ADOPTED AT WICHITA, KANSAS, this 23 day of March, 1999.


C. Bickley Foster, President

ATTEST:


Dale Millef, Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4
Date: March 23, 1999

SECRETARY'S REPORT

CASE NUMBER: BZA 5-99

OWNER/APPLICANT: City of Wichita Fleet and Buildings Division, c/o Dan A Grohn

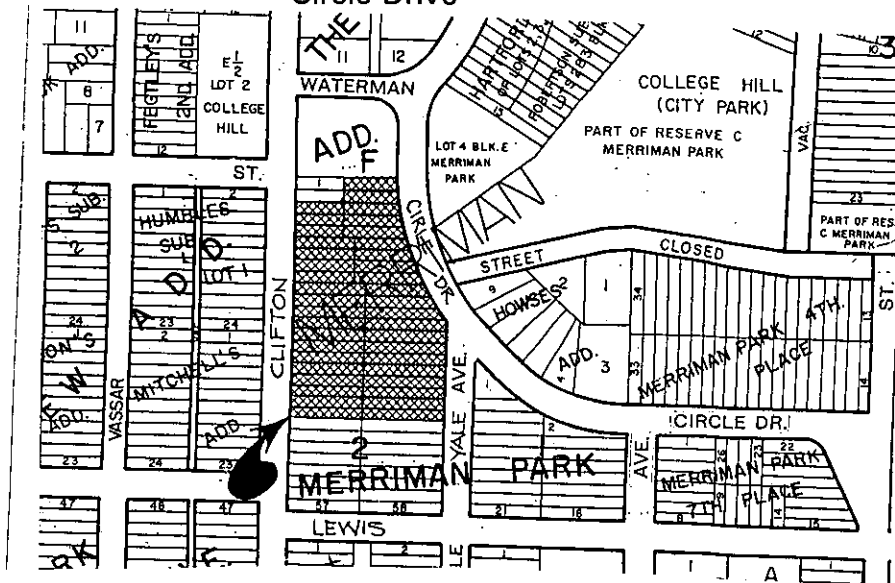
AGENT: Dan A. Grohn

REQUEST: A variance to reduce parking requirements from 65 spaces to 0

CURRENT ZONING: SF-6, "Single-family Residential"

SITE SIZE: 3 acres

LOCATION: East of Clifton, south Waterman extended, west of Circle Drive



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 code required off-street parking from 65 spaces to 0 spaces for the proposed College Hill Park swimming pool renovation project. The application area is located south of Waterman Street extended, west of Circle Drive and east of south Clifton Avenue. The existing pool is to be torn out and replaced with a modern 4,544 square foot pool. The "Unified Zoning Code" requires one parking space per 70 square feet of pool area.

The residents of the College Hill neighborhood have formed a partnership with the City to assess themselves to pay for these improvements. One of the issues which surfaced during the petition drive was the concern that the construction of any new off-street parking spaces would change the historic character of the existing park and negatively impact the neighborhood. College Hill Park is part of the Merriman Park Addition which was platted in 1886. The street pattern today is pretty consistent with that platted in 1886.

Initially, some off-street parking spaces were to be located along Circle Drive, adjacent to the renovated pool. However, due to neighborhood opposition, and construction bids exceeding the project budget, the off-street parking was deleted. The existing College Hill pool does not have any off-street parking today. Pool patrons park on Clifton and Circle Drive, which has signs along the park frontage indicating no parking between 9:00 P.M. and 6:00 A.M.. The park has approximately 450 linear feet of frontage along Clifton and approximately 500 feet of frontage along Circle Drive. Using 22 feet as the standard length for a parallel parking space, approximately 43 on-street spaces are available.

Anecdotal information indicates that most of the pool's patrons are nearby residents who walk to the pool. The park department surveyed three other community pools - Aley, Harvest and Boston - to assess expected parking demand. Those survey results indicated an actual usage range of 20 to 60 spaces at peak times.

ADJACENT ZONING AND LAND USE:

NORTH	"TF-3, Two-family Residential"; single-family residences
SOUTH	"SF-6", Single-family Residential; single-family residences
EAST	"SF-6", Single-family Residential, College Hill Park, single-family residences
WEST	"SF-6", Single-family Residential and "TF-3", Two-family Residential; single-family residences

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site was platted in 1886. The overall street pattern has remained much the same today. The historic significance of the homes, the park and the circulation pattern is important to area residents. The addition of off-street parking spaces would change

the historic character of the pool area and reduce the amount of green space for recreation. Further this project was neighborhood initiated and the pool renovation is possible only because the City and neighborhood residents have worked together.

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 current pool does not have any off-street parking. It is anticipated that pool patronage will continue to be mostly by residents walking to the pool after the new pool is built. There may some increase in non-neighborhood usage due to the newness of the pool, however since it is somewhat inconvenient to find, it is thought that this situation would be minimal. Just along the frontage of the park, an estimated 43 spaces are available.

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 most neighbors appear to be opposed to the addition of new spaces since new off-street spaces would change the character of the neighborhood. The need for additional funding to pay for the parking could threaten the project since this project originated with neighborhood residents and is to be paid with special assessment and tax dollars.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as this project is a public-private endeavor intended to promote the well being and increase the quality of life of neighborhood residents and the city's residents as a whole by providing quality recreational facilities

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 there are competing goals. The need to provide adequate parking and the desire to preserve green space and minimize changes to the historic layout of the neighborhood. In this case, it is felt that most patrons over the long run will be neighborhood residents, most of whom traditionally walk to the park. Therefore, the on-street parking spaces are felt to be adequate to handle parking demand.

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. Staff also recommends that the Traffic Engineer monitor activity after the new pool opens, and determine whether segments of Clifton Avenue and Circle Drive adjacent to the park should be designated as loading and unloading areas, to minimize traffic congestion and hazards to motorist visibility.