CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 10, 2018

Anthony Jacobs
151 North Rock Island #1B
Wichita, KS 67202

RE: BZA2018-00008 – City Variance request to reduce setback requirement from 8 feet to 4 feet for a parking lot associated with Saint Mary's Orthodox Church, generally located on the north side of West Maple Street and west of South Seneca Street.

Dear Mr. Jacobs,

At its regular meeting on **April 19, 2018**, the Wichita - Sedgwick County Board of Zoning Appeals considered the above captioned request. The action of the BZA was to **APPROVE** the request.

Enclosed is a signed copy of the above referenced BZA Resolution adopted by the Board of Zoning Appeals. This resolution reflects the official actions of the Board and is forwarded for your information and files.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kyle C Kobe

Kyle C. Kobe
Associate Planner

Copies to: MABCD
St Mary's Orthodox Church, Attn: Eric Namee, 344 S Martinson, Wichita, KS 67213
Jeff Blubaugh, WCC District IV
Rebecca Fields, CSR District IV
Jeff Vanzandt, City Law

BZA RESOLUTION NO. BZA2018-00008

WHEREAS, Anthony Jacobs of Studium Architecture (Agent) on behalf of Saint Mary's Orthodox Church (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the setback requirement for parking to 4 feet at 344 South Martinson Avenue and legally described as follows:

Legal Description: Lots 1, 3, 5, 7, 9, 11, 13, Martinson Avenue of Lawrence's 4th Addition to Wichita, Sedgwick County, KS.

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 April 19, 2018, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the property in question is zoned Single Family, but being a church has a need for parking that requires a significant amount of land. Furthermore, the neighborhood is older and land does not become readily available for purchase, nor are the lot dimensions conducive to the larger standard parking space sizes mandated by the codes of the City.

WHEREAS, reducing the setback along Martinson to four feet does not adversely affect the right of adjacent property owners or residents. The reduction in parking shall occur along the frontage that faces the Church, and proper screening and landscaping will be provided to shield nearby residents from any adverse effects of the parking lot.

WHEREAS, the strict application of the provisions of the applicable code, the Wichita-Sedgwick County Unified Zoning Code, July 9, 2009 edition, would reduce the number of new parking spaces by 7 spaces, which is a significant number of spaces.

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare. Parking will still be screened by landscaping and be far enough back from the sidewalk that no encroachment of the sidewalk by vehicles would occur, and will not hinder the harmonious development of the community.

WHEREAS, it is the opinion of Board of Zoning Appeals that the spirit and intent of the regulations to safeguard the community from adverse effects of development will not be violated.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to reduce the setback requirement for parking to 4 feet at 344 South Martinson Avenue and legally described as follows:

Legal Description: Lots 1, 3, 5, 7, 9, 11, 13, Martinson Avenue of Lawrence's 4th Addition to Wichita, Sedgwick County, KS.

The variances are hereby GRANTED, subject to the following conditions:

- The applicant shall submit an updated site plan, to be approved by the Director of Planning, indicating both screening and landscaping per the Delano Overlay District and City of Wichita Landscape Ordinance:
  - Three to four foot screening wall along South Martinson Street
    - Screening to consist of brick and ornamental ironwork and designed to be compatible with the existing screening wall available on site
  - Six to eight foot screening fence along the northern and western property line, to provide screening between the parking lot and adjacent residentially zoned and developed parcel
  - Submitting a landscape plan showing substantial compliance with the City of Wichita Landscape Ordinance, subject to approval by the Director of Planning
    - Along Sough Martinson Avenue, landscaping must, at a minimum, consist of shrubs occupying the four feet between the screening wall and property line
- The site shall be constructed in substantial conformance with the approved site plan.
- All parking spaces are to be paved and striped.
- 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.

The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.
ADOPTED AT WICHITA, KANSAS, this 10th Day of May 2018.

BZA Board Chair, Joseph A. Johnson

ATTEST:

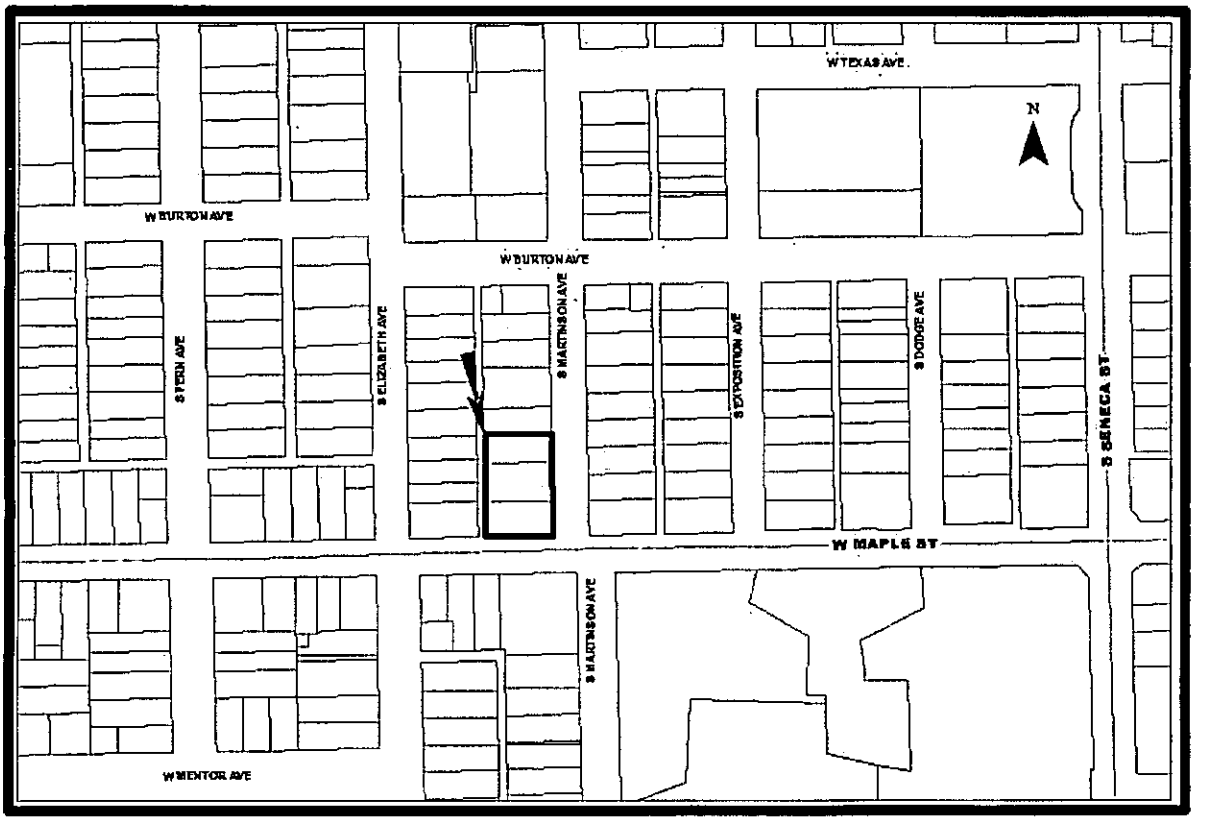
David L. Yearout,
BZA Secretary

Wichita-Sedgwick County Zoning Board of Appeals
April 19, 2018

AGENDA ITEM NO. **1**

SECRETARY'S REPORT

CASE NUMBER:	BZA2018-00008
APPLICANT:	Anthony Jacobs with Studium Architecture (agent) / St Mary's Orthodox Church (applicant)
REQUEST:	Variance to reduce the 8-foot required front setback to 4-feet to allow for a parking lot update.
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	0.55 acres
LOCATION:	Generally located at the northwest corner of West Maple Street and South Martinson Avenue.



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions Section V-G of the Unified Zoning Code for Wichita/Sedgwick County, and as 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 applicants are requesting a reduction of the required front setback for parking from eight feet to four feet. The applicant has communicated that due to the fact that the parking lot serves St Mary Orthodox Church across the street and the church has expanded over the course of its 80+ year life, the parking lot as currently constructed does not fully serve the purpose of the church and its congregation.

Per the site plan the applicant has provided, the new parking lot would expand to include the parcel to the north of the current parking lot, as well as expand to the east (towards Martinson and the front of the church). The new parking lot would increase the amount of parking spaces as well as alter the circulation within the parking lot. A new entrance would be added north of the current northernmost entrance and the existing entrance would be removed. The southern entrance, closer to Maple Street, would remain in place.

The Unified Zoning Code (UZC) states that the minimum front setback for SF-5 Single Family Residential is 25 feet. However, the UZC also has a provision for administratively adjusting the parking requirement for residentially zoned properties:

> Permitting Parking in residential Districts to be located within a required front Yard or street side Yard, but in no case closer to a front or street side property line than eight feet

The applicant is requesting that the setback be further reduced from eight feet to four feet. It is because of this further request for reduction that the applicant must apply for a variance. If this case were to be presented to staff via the Administrative Adjustment process, staff would support it, provided the applicant met all relevant site development standards (screening, landscape, etc).

This property falls within the Delano Overlay District and is therefore subject the provisions within it, as well as the City of Wichita Landscape Ordinance. Based on these documents staff recommends that if this application is approved that the site be subject to the following:

- Three to four foot screening wall along South Martinson Street
  - Screening to consist of brick and ornamental ironwork and designed to be compatible with the existing screening available on site
- Six to eight foot screening fence along the northern and western property line, to provide screening between the parking lot and adjacent residentially zoned and developed parcel
- Submitting a landscape plan showing substantial compliance with the City of Wichita Landscape Ordinance, subject to approval by the Director of Planning
  - Along Sough Martinson Avenue, landscaping must, at a minimum, consist of shrubs occupying the four feet between the screening wall and property line

The applicant has indicated that they are not requesting a setback reduction of any kind along the southern property line.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Single Family Residence
SOUTH	SF-5	Church
EAST	SF-5	Church
WEST	SF-5	Single Family Residence

CASE HISTORY: This property was platted as lots 1, 3, 5, 7, 9, 11, and 13 of Lawrence's 4th Addition on 5 December 1885.

UNIQUENESS: The property in question is zoned SF-5 single family, but being a church has a need for parking that requires a significant amount of land. The original church structure was built in 1936, and largely served the needs of those within the neighborhood. Over time the members of the church moved out of the neighborhood, and the church expanded in the 1960s to include a new parish hall and kitchen. In the late 1990s an office and classroom wing was added. In short, the growth of the parish and metropolitan area demographic trends have created an increased need for parking.

At the same time there is an increased need for parking, the neighborhood is older and land does not become readily available for purchase, nor are the lot dimensions conducive to the larger standard parking space sizes and driveway widths necessitated by larger vehicle sized and recognized in the Typical Standards for Off-Street Parking, City of Wichita January 2008. The applicant wishes to maximize their parking on their available contiguous properties, while still respecting the landscape screening and buffering requirements from neighboring residential properties. The applicant wishes to minimize any parking on the street related to the use of their building and maximizing off-street parking with appropriate landscape screening help to achieve this.

ADJACENT PROPERTY: The applicant believes that because the land requiring adjustment sits entirely across from the church building, parish hall, and classroom wing, reducing the setback along Martinson from 25' to 4' does not adversely affect the rights of adjacent property owners or residents. The landscaped area at the northeast corner of the property will have a landscaped area and screen fence set approximately 20' back from the property line which will help reduce effect of decreasing the setback in the middle portion the frontage along Martinson.

HARDSHIP: The strict application of the provisions of the applicable code, the Wichita-Sedgwick County Unified Zoning Code, July 9, 2009 edition, would reduce the number of new parking spaces by 7 spaces, which is a significant number of spaces.

PUBLIC INTEREST: The applicant does not believe that reducing the setback to 4' would adversely affect any of the above-mentioned concerns. Parking will still be screened by landscaping and be far enough back from the sidewalk that no encroachment of the sidewalk by vehicles would occur, and will not hinder the harmonious development of the community.

SPIRIT AND INTENT: The applicant does not believe that the granting of this variance is opposed to the general spirit and intent of the applicable code, Wichita-Sedgwick County Unified Zoning Code, July 9, 2009 edition.

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 required front yard setback to 4 feet be ***GRANTED***, subject to the following conditions:

- The applicant shall submit an updated site plan, to be approved by the Director of Planning, indicating both screening and landscaping per the Delano Overlay District and City of Wichita Landscape Ordinance:
    - Three to four foot screening wall along South Martinson Street
        - Screening to consist of brick and ornamental ironwork and designed to be compatible with the existing screening wall available on site

  - Six to eight foot screening fence along the northern and western property line, to provide screening between the parking lot and adjacent residentially zoned and developed parcel
  - Submitting a landscape plan showing substantial compliance with the City of Wichita Landscape Ordinance, subject to approval by the Director of Planning
    - Along Sough Martinson Avenue, landscaping must, at a minimum, consist of shrubs occupying the four feet between the screening wall and property line

- The site shall be constructed in substantial conformance with the approved site plan.

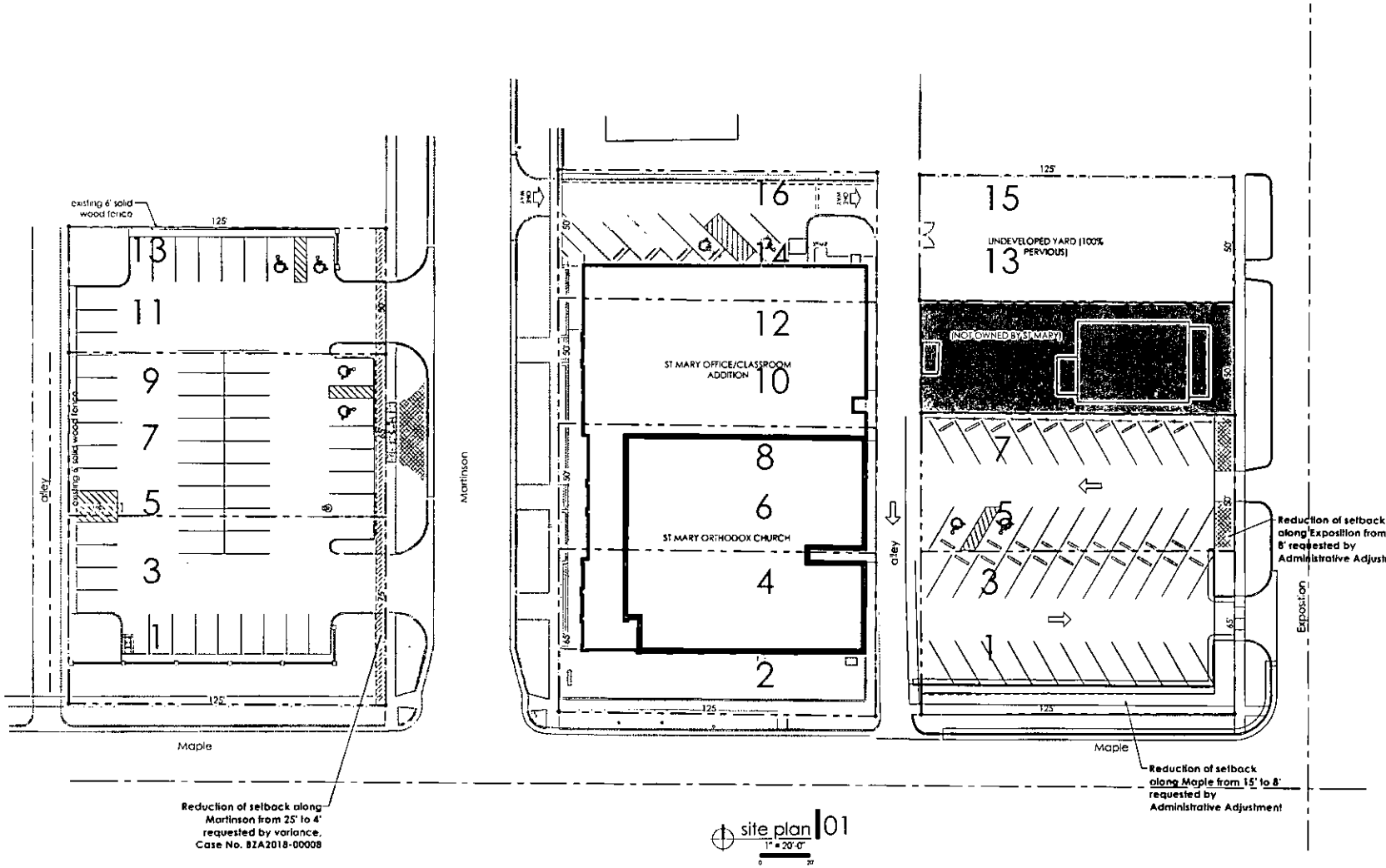
- All parking spaces are to be paved and striped.

- 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.

- The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

Report Attachments:

1. Aerial Map
2. Zoning Map
3. Applicant's Narrative
4. Google Earth Aerials
5. Site Plan
6. Landscape Plan



site plan 01
1" = 20'-0"

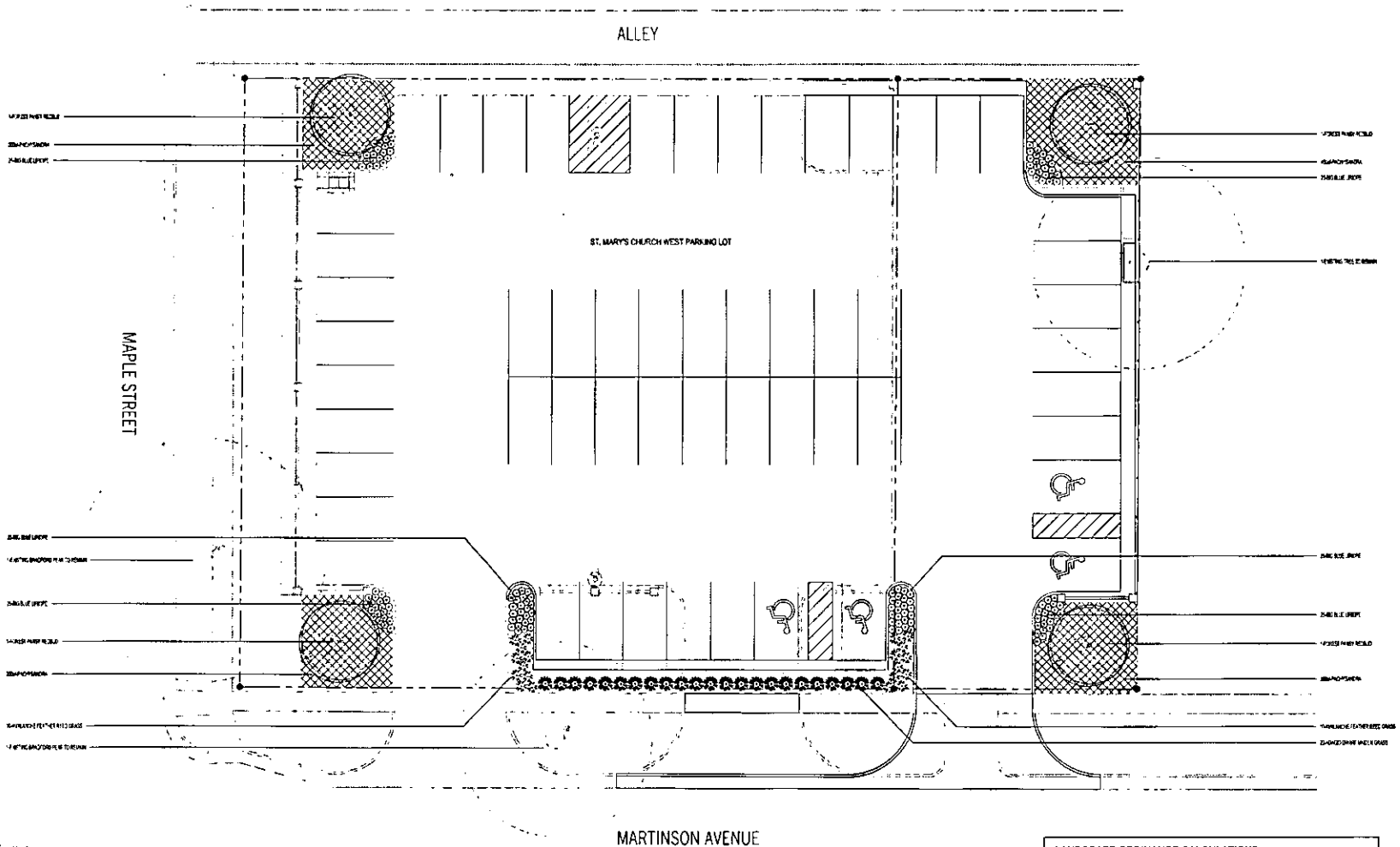
STUDIUM [architecture]
151 N. Rock Island, Suite 1B
Wichita, Kansas 67202
316.295.4563 studium-ict.com

ANTHONY J. JACOBS
LICENSED
67202
01-25-19
KANSAS
ARCHITECT

St Mary Orthodox Church - Parking Lot

345 S Martinson Wichita, Kansas

AS1



LANDSCAPE ORDINANCE CALCULATIONS	
FRONTAGE:	211 LF ALONG S. MARTINSON ST
AVERAGE LOT DEPTH	APPROX 125'
SQUARE FOOTAGE FACTOR	x8
LANDSCAPE STREET YARD REQ:	211 x 8 = 1,688 SF
LANDSCAPE STREET YARD SHOWN:	2,344 SF
STREET YARD SHADE TREES REQ.:	1,688/500 = 3.3 = 4 SHADE TREES
SHADE TREES SHOWN	(3 EXISTING SHADE + 1 PROPOSED SHADE) = 4 SHADE TREES

DATE: 17 NOVEMBER 2014

St. MARY'S ORTHODOX CHURCH

10.1 - WEST PARKING LOT LANDSCAPE PLAN

GRO Landscape Architecture & Land Planning

STUDIUM [architecture]
151 N. Rock Island, Suite 1B
Wichita, Kansas 67202
316.295.4563 studium-icl.com

St Mary Orthodox Church - Parking Lot

LP10.1