



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 25, 2004

Joe Hoover
USD 259
3850 N. Hydraulic
Wichita, KS 67219

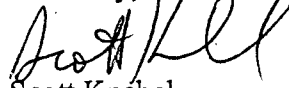
RE: BZA2004-00052 – Variances to reduce the off-street parking requirements for a baseball field from 239 to 164 spaces and to permit the parking area to be located within the front and street side setback on property zoned “SF-5” Single-family Residential. Generally located north of I-235 and east of Seneca. (District IV)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on August 24, 2004, this resolution reflects the official action of the Board to grant your requests 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 at 268-4421.

Sincerely,


Scott Knebel
Senior Planner

SK/rs

Cc: Paul Gray, WCC, District IV, Mail Stop 1-13
Sharon Dickgrafe, Law Department, Mail Stop 1-132
Herb Shaner, OCI, 1-72

BZA RESOLUTION NO. 2004-00052

WHEREAS, USD 259 c/o Joe Hoover (Owner/Applicant) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to reduce the off-street parking requirements for a baseball field from 239 to 164 spaces and to permit the parking area to be located within the front and street side setback in a residential zoning district on property zoned "SF-5" Single-family Residential legally described as follows:

BEG SW COR SW1/4 NW1/4 N 10 RDS E 32 RDS S 10 RDS W TO BEG EXC W 50 FT FOR ST.; AND N 225 FT W 774.4 FT N 1/2 SW 1/4 EXC N 20 E 246 FT DED FOR ST & EXC W 50 FT FOR ST & EXC PT DEEDED TO CITY SEC 8-28-1E; AND THAT PART N1/2 SW1/4 LY N OF HWY I-235 EXC N 225 FT & EXC E 202 FT & EXC SOUTH HIGH SCHOOL ADD & EXC HWY ON W & EXC PT DEEDED TO CITY OF HWY SEC 8-28-1E. Generally located north of I-235 and east of Seneca.

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 August 24, 2004, 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. It is the opinion of the Board that this property is unique inasmuch as the property will be developed with a baseball fields for high school baseball. The UZC parking requirements are general and are intended to cover all types of athletic fields for all age groups, and in the instance of the subject property, they result in a unique situation where the subject property is required to provide significantly more parking than needed.

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. It is the opinion of the Board that the granting of the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as the applicant owns adjacent property at which users of the subject property might reasonably park, and the applicant has indicated that overflow will be permitted to use the parking at South High School. On-street parking on the residential streets to the north should be limited in amount and duration. Parking within the setback areas should not negatively impact adjacent properties, as the parking area is not located adjacent to residential front yards.

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. It is the opinion of the Board that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as providing the code-required number of parking spaces is cost prohibitive and would limit the ability to develop a community recreational asset.

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. It is the opinion of the Board that the requested variances would not adversely affect the public interest, inasmuch as the public has an interest in providing recreational facilities at a reasonable cost.

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. It is the opinion of the Board that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the parking requirements of the zoning regulations are not appropriate in all cases. Therefore, variances to relieve the parking requirement are permitted if proper justification is available. The zoning regulations attempt to provide sufficient parking to meet the demand of the use. The use of the property requires less than the typical number of parking spaces for an athletic field because it will be a high school baseball complex.

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.

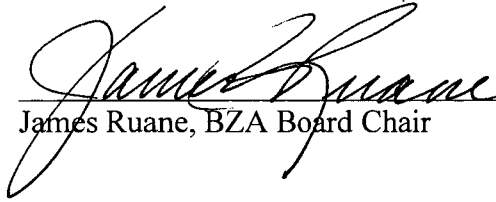
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that variances be granted to reduce the off-street parking requirements for a baseball field from 239 to 164 spaces and to permit the parking area to be located within the front and street side setback in a residential zoning district on property zoned "SF-5" Single-family Residential legally described as follows:

BEG SW COR SW1/4 NW1/4 N 10 RDS E 32 RDS S 10 RDS W TO BEG EXC W 50 FT FOR ST.; AND N 225 FT W 774.4 FT N 1/2 SW 1/4 EXC N 20 E 246 FT DED FOR ST & EXC W 50 FT FOR ST & EXC PT DEEDED TO CITY SEC 8-28-1E; AND THAT PART N1/2 SW1/4 LY N OF HWY I-235 EXC N 225 FT & EXC E 202 FT & EXC SOUTH HIGH SCHOOL ADD & EXC HWY ON W & EXC PT DEEDED TO CITY OF HWY SEC 8-28-1E. Generally located north of I-235 and east of Seneca.

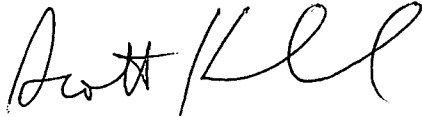
The variances are hereby GRANTED, subject to the following conditions:

1. The parking requirement shall be 164 parking spaces.
2. The site shall be developed in substantial conformance with the approved site plan, and spectator seating shall be limited to 288 seats.
3. All parking areas shall be paved and marked, and shall be located no closer to the street right-of-way than 8 feet.
4. The applicant shall obtain all permits necessary to construct the improvements.
5. 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.

ADOPTED AT WICHITA, KANSAS, this 24th DAY of AUGUST, 2004.


James Ruane, BZA Board Chair

ATTEST:


Scott Knebel, BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
August 24, 2004

SECRETARY'S REPORT

CASE NUMBER: BZA2004-00052

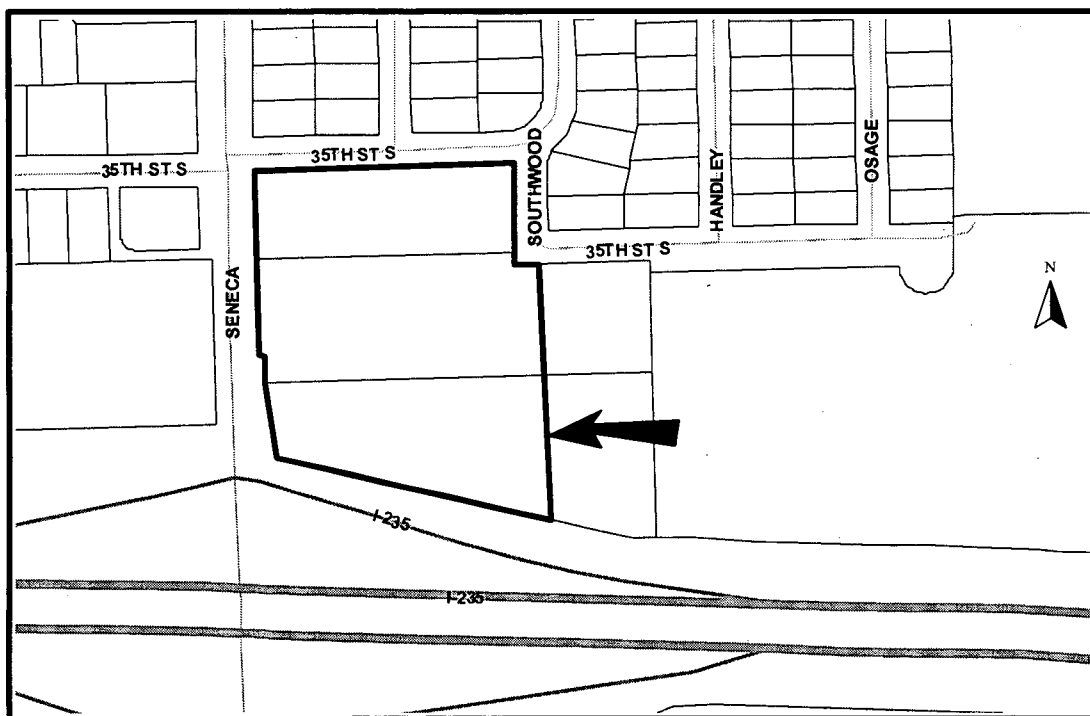
APPLICANT/AGENT: USD 259 c/o Joe Hoover (Owner/Applicant)

REQUEST: Variances to reduce the off-street parking requirements for a baseball field from 239 to 164 spaces and to permit the parking area to be located within the front and street side setback in a residential zoning district

CURRENT ZONING: "SF-5" Single Family

SITE SIZE: 6.8 acres

LOCATION: North of I-235 and east of Seneca



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: For athletic fields, the Unified Zoning Code (UZC) requires one parking space per three spectator seats, plus 1 space per 1,000 square feet of field area, plus 1 space per 250 square feet of office area. The applicant proposes to construct a baseball field (see attached site plan) on the former site of Enterprise Elementary School, which was located on 6.8 acres north of I-235 and east of Seneca. The UZC requires 239 parking spaces for the proposed baseball field. The applicant indicates (see attached justification) that the required parking is in excess of the number of parking spaces needed, which the applicant estimates at 164 parking spaces. A variance is required to reduce the off-street parking requirement by more than 25% for redeveloped sites. The applicant is requesting a 31% reduction of the parking requirement.

The UZC also requires that parking areas for institutional uses located in residential zoning districts be located behind the required front and street side setback lines. Due to the lack of space on the property, the applicant is proposing to construct the parking area within the front and street side setback areas in order to provide as many parking spaces as possible. Parking areas may be allowed to be located within front and street side setback areas by granting a variance.

Planning staff researched the parking requirements for several dozen jurisdictions, and the most common parking requirement for athletic fields is one parking space per four spectator seats, which would only require 72 parking spaces for the proposed baseball field. Additionally, none of the jurisdictions researched would require as many parking spaces as proposed by the applicant. Therefore, the applicant's proposal to provide 164 parking spaces is reasonable in the opinion of planning staff.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-5"	Single-family residences
SOUTH	"GC"	Restaurant
EAST	"SF-5"	Athletic fields
WEST	"SF-5"	National Guard Armory

The following criteria are applicable for both variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property will be developed with a baseball field for high school baseball. The UZC parking requirements are general and are intended to cover all types of athletic fields for all age groups, and in the instance of the subject property, they result in a unique situation where the subject property is required to provide significantly more parking than needed.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as the applicant owns adjacent property at which users of the subject property might reasonably park, and the applicant has indicated that overflow will be permitted to use the parking at South High School. On-street parking on the residential streets to the north should be limited in amount and duration. Parking within the setback areas should not negatively impact adjacent properties, as the parking area is not located adjacent to residential front yards.

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 providing the code-required number of parking spaces is cost prohibitive and would limit the ability to develop a community recreational asset.

PUBLIC INTEREST: It is the opinion of staff that the requested variances would not adversely affect the public interest, inasmuch as the public has an interest in providing recreational facilities at a reasonable cost.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the parking requirements of the zoning regulations are not appropriate in all cases. Therefore, variances to relieve the parking requirement are permitted if proper justification is available. The zoning regulations attempt to provide sufficient parking to meet the demand of the use. The use of the property requires less than the typical number of parking spaces for an athletic field because it will be a high school baseball complex.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variances can be found to exist, then it is the recommendation of the Secretary that the requested variances be GRANTED, subject to the following conditions:

1. The parking requirement shall be 164 parking spaces.
2. The site shall be developed in substantial conformance with the approved site plan, and spectator seating shall be limited to 288 seats.
3. All parking areas shall be paved and marked, and shall be located no closer to the street right-of-way than 8 feet.
4. The applicant shall obtain all permits necessary to construct the improvements.
5. 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.

