CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 6, 2015

New Covenant United Methodist Church
1718 W. Douglas
Wichita, KS 67203

RE: **BZA2015-00005** – City Variance request for a variance to reduce parking spaces from 53 to 14, located east of Vine, along the north side of Douglas (1710 West Douglas.)

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **March 19, 2015.** This resolution reflects the official action of the Board, it is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

Derrick Slocum
Asst. BZA Secretary

cc: Tom Stolz, MABCD
Mike Gable, MABCD
JR Cox, MABCD
Janet Miller, WCC VI CM
Martha Sanchez, CL VI

BZA RESOLUTION NO. BZA2015-00005

WHEREAS, New Covenant United Methodist Church (Owner/Applicant) pursuant to Kansas Statutes Annotated 12-759 *et. seq* request to reduce the number of required parking spaces from 53 to 14; generally located along the north side of West Douglas Avenue, between Millwood and Vine (1710 and 1712 West Douglas)

Legal Description: Lots 23, 24, 25, 26 and 27, together with the East 60 feet of lots 31 and 32, all in Block 6, Junction Town Co. Addition to Wichita, Sedgwick County, Kansas.

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 19, 2015, 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 Board of Zoning Appeals has found 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.

WHEREAS, the Board of Zoning Appeals has found that 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.

WHEREAS, the Board of Zoning Appeals has found 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.

WHEREAS, the Board of Zoning Appeals has found 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.

WHEREAS, the Board of Zoning Appeals has found that granting 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.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, 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 *et. seq.*, request to reduce the number of required parking spaces from 53 to 14; generally located along the north side of West Douglas Avenue, between Millwood and Vine (1710 and 1712 West Douglas)

Legal Description: Lots 23, 24, 25, 26 and 27, together with the East 60 feet of lots 31 and 32, all in Block 6, Junction Town Co. Addition to Wichita, Sedgwick County, Kansas.

The variance is hereby 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.

ADOPTED AT WICHITA, KANSAS, this 19th Day of March, 2015.

BZA Board Chair, ~~Matt Goolsby~~ Carol Chapman Nugent

ATTEST:

~~Derrick Slocum~~
Asst. BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
March 19, 2015

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00005

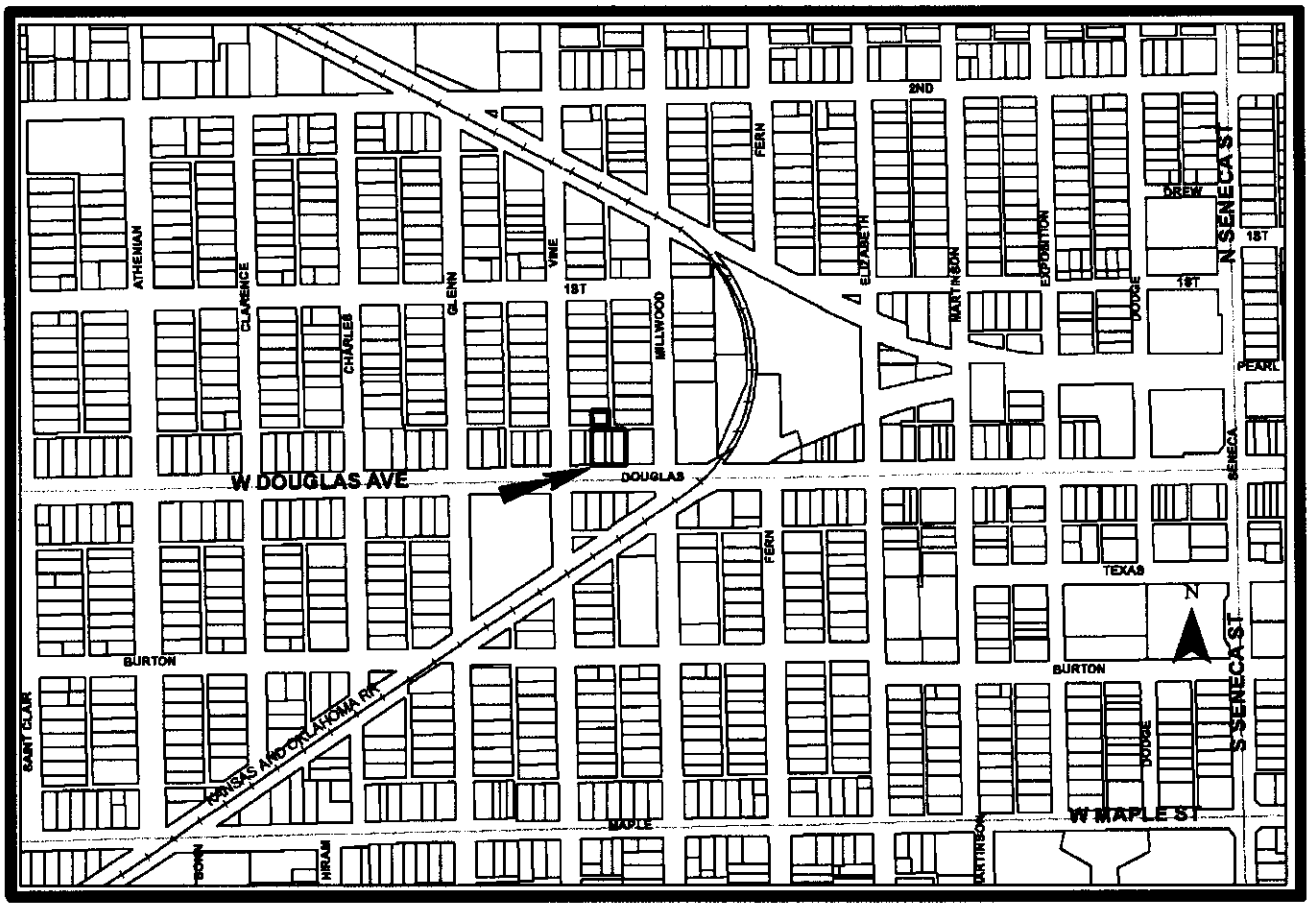
APPLICANT/AGENT: New Covenant United Methodist Church (Owner)

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.

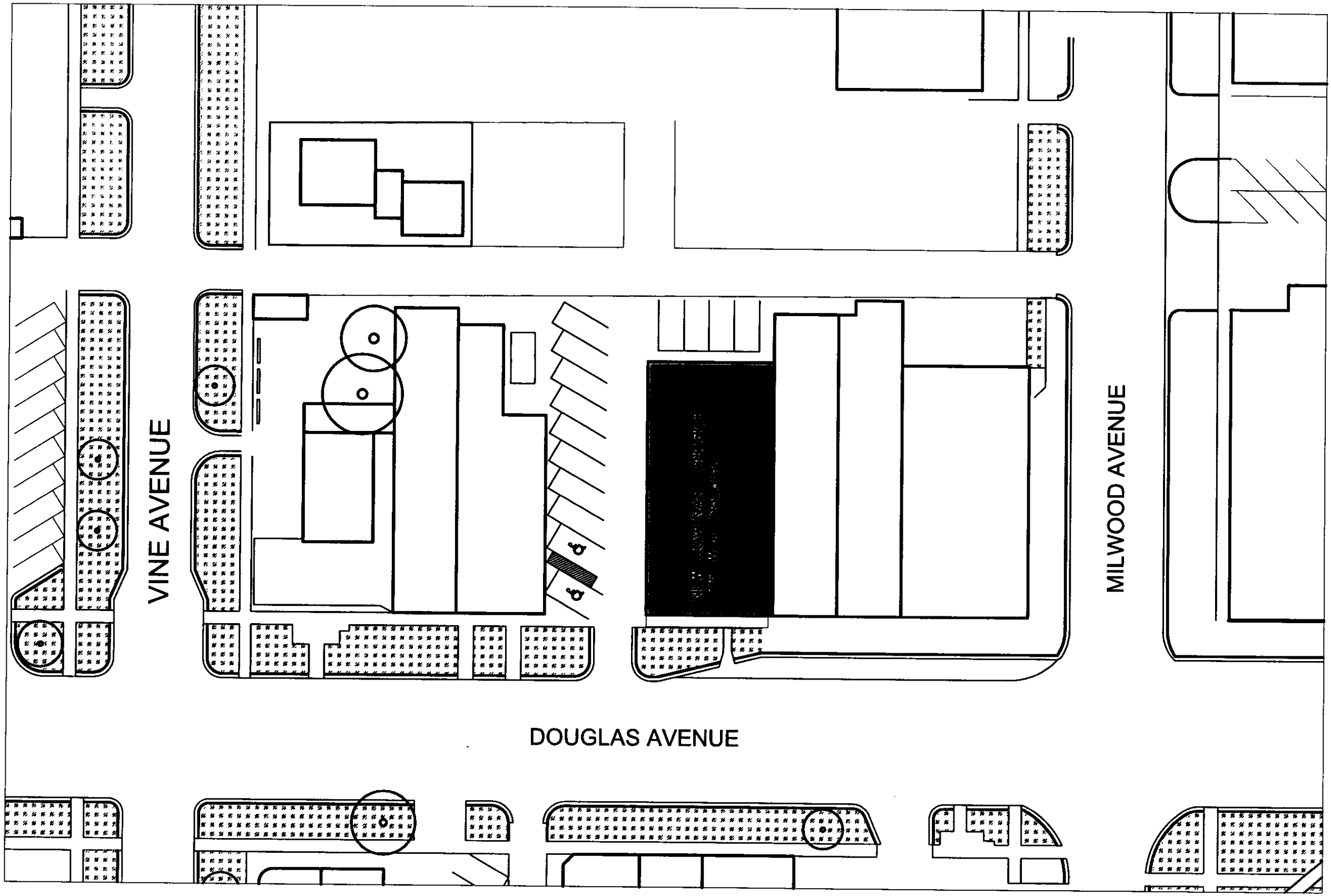
PUBLIC INTEREST: It is staff's opinion that the requested variance for a parking reduction will not adversely affect the public interest, as renovation of this building is in the public

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.

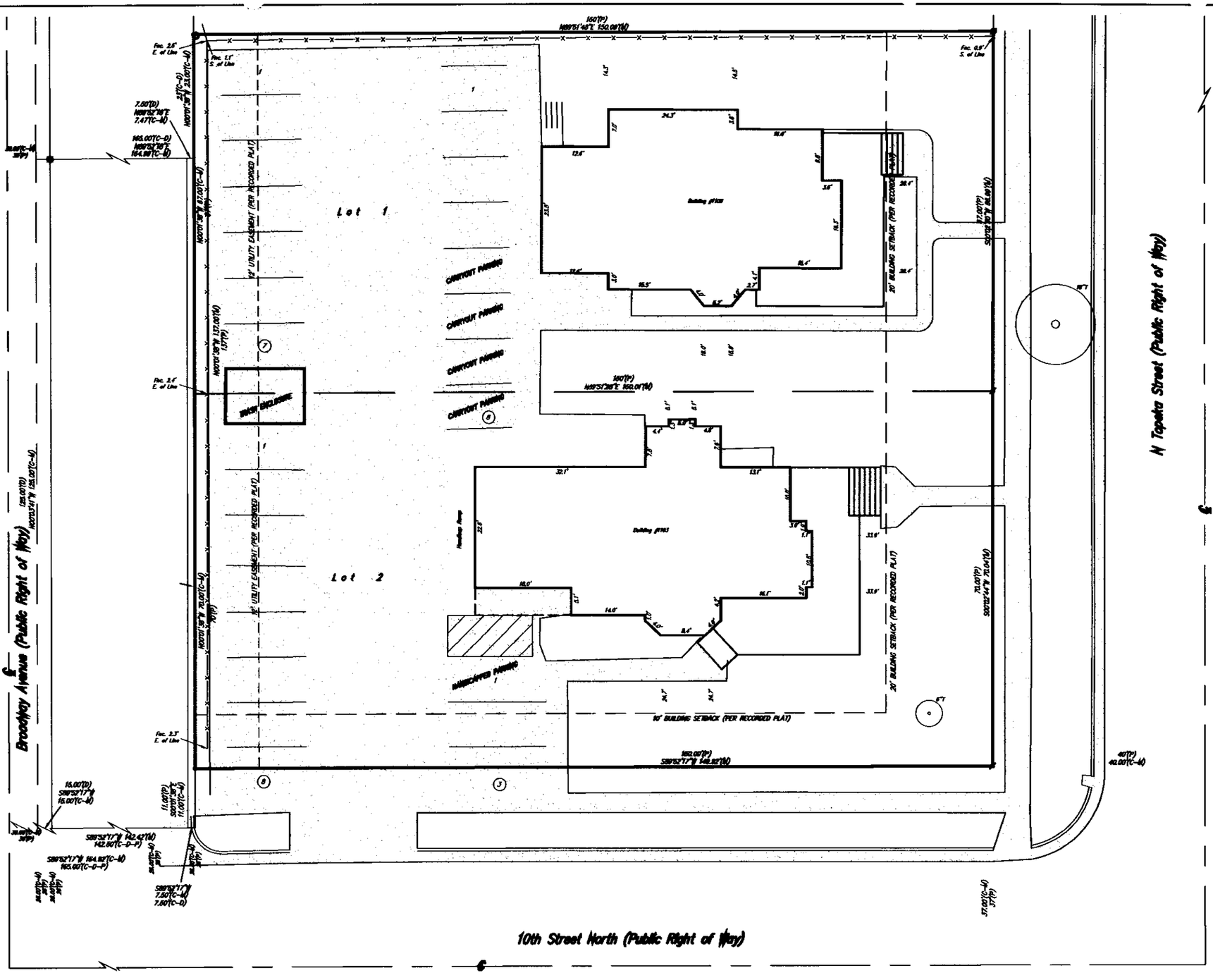


A SITE PLAN

SCALE: 1" = 40'-0"

NORTH

0 5 20 50 100



SCALE: 1" = 20'

BZA2015-0?? EXHIBIT

PARKING VARIANCE - 1103 & 1109 N TOPEKA

Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE