CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 8, 2016

Conoco Incorporated
3051 N. Ohio
Wichita, KS 67219

West Ridge Community Church
7315 W. 13th St. N.
Wichita, KS 67121

RE: **BZA2016-00012** – City BZA Variance request to permit a parking lot to be constructed in the street side setback along Morgantown, generally located south of West 13th Street North and west of North Ridge Road (7315 W. 13th St. N.)

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **April 7, 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
BZA Secretary

DKS:mc
Attachment

cc: Tom Stolz, MABCD
Mike Gable, MABCD
JR Cox, MABCD
Bryan Frye, WCC V CM
Laura Rainwater, NA V

BZA RESOLUTION NO. BZA2016-00012

WHEREAS, West Ridge Community Church c/o David Mitchell (owner) and Conoco Construction c/o Kyle Bladsel (agent) pursuant to Kansas Statutes Annotated 12-759, request to permit a parking lot to be constructed in the street side setback along Morgantown on SF-5 Single-family Residential and LC Limited Commercial zoned property; generally located south of West 13th Street North and west of North Ridge Road (7315 W. 13th St. N.)

Legal Description: That part of Lot 5 Beginning at the Northeast Corner of Lot 5 then Southwesterly 10 Feet, Southerly 14.67 Feet to the East Lin of Lot 5, Northerly along the East Line 10 Feet to the Beginning and all of Lots 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block C; Country Acres 3rd 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 April 7, 2016, 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; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique, inasmuch as the site is already developed with the church and parking lot that already is within the setback. The site has been developed as a church since 1984 and the proposed parking will match up and add to the number of spaces already on the site.

WHEREAS, the Board of Zoning Appeals has found that the requested variance to allow parking within the required street side setback up to the property line would not adversely affect the rights of adjacent property owners, inasmuch that the abutting residence south of the site will be screened from the parking lot by a six-foot tall screening fence. Proposed landscaping on the south side of the site will mitigate the parking encroachment into the setback when viewed from residences south and west of the site.

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, inasmuch that the application area can only accommodate the desired number of parking spaces if the requested variance to allow parking within the setback is granted. Strict application of the Zoning Code prohibition of parking within the setback would prevent the addition of needed parking to this site.

WHEREAS, the Board of Zoning Appeals has found that the requested variance to allow parking within the required street side setback up to the property line will not adversely affect the public interest, inasmuch that further improving this property is in the public interest. The requested variance will allow the site to accommodate the maximum number of parking spaces possible, which will reduce demand for on-street parking in the immediate area, a benefit to the public interest in the area.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance to allow parking within the required street side setback up to the property line does not oppose the general spirit and intent of the Zoning Code, inasmuch that setbacks are intended to ensure separation between structures and streets and to allow for open landscaped areas. Adequate separation between the parking area and public streets will be maintained.

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, request to permit a parking lot to be constructed in the street side setback along Morgantown on SF-5 Single-family Residential and LC Limited Commercial zoned property; generally located south of West 13th Street North and west of North Ridge Road (7315 W. 13th St. N.)

Legal Description: That part of Lot 5 Beginning at the Northeast Corner of Lot 5 then Southwesterly 10 Feet, Southerly 14.67 Feet to the East Lin of Lot 5, Northerly along the East Line 10 Feet to the Beginning and all of Lots 6, 7, 8, 9, 10, 11, 12, 13 and 14, Block C; Country Acres 3rd Addition to Wichita, Sedgwick County, Kansas.

The variance is hereby <u>GRANTED</u>, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. Parking shall meet City Code and guidelines; parking spaces adjacent to sidewalks shall have permanent parking stops placed to prevent vehicles from encroaching onto the public sidewalk.
3. The applicant shall submit a landscape plan, to be approved by staff.
4. The setback reduction shall apply to parking on the site only. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
5. The applicant shall obtain all permits necessary to develop the site within one year of variance approval, unless such time is extended by the BZA.
6. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 7th Day of April, 2016.

BZA Board Chair, David Dennis

ATTEST:

Derrick Slocum
BZA Secretary

BOARD OF ZONING APPEALS
WICHITA/SEDGWICK COUNTY, KANSAS

AGENDA ITEM NO. 3
April 7, 2016

SECRETARY'S REPORT

CASE NUMBER: BZA2016-00012

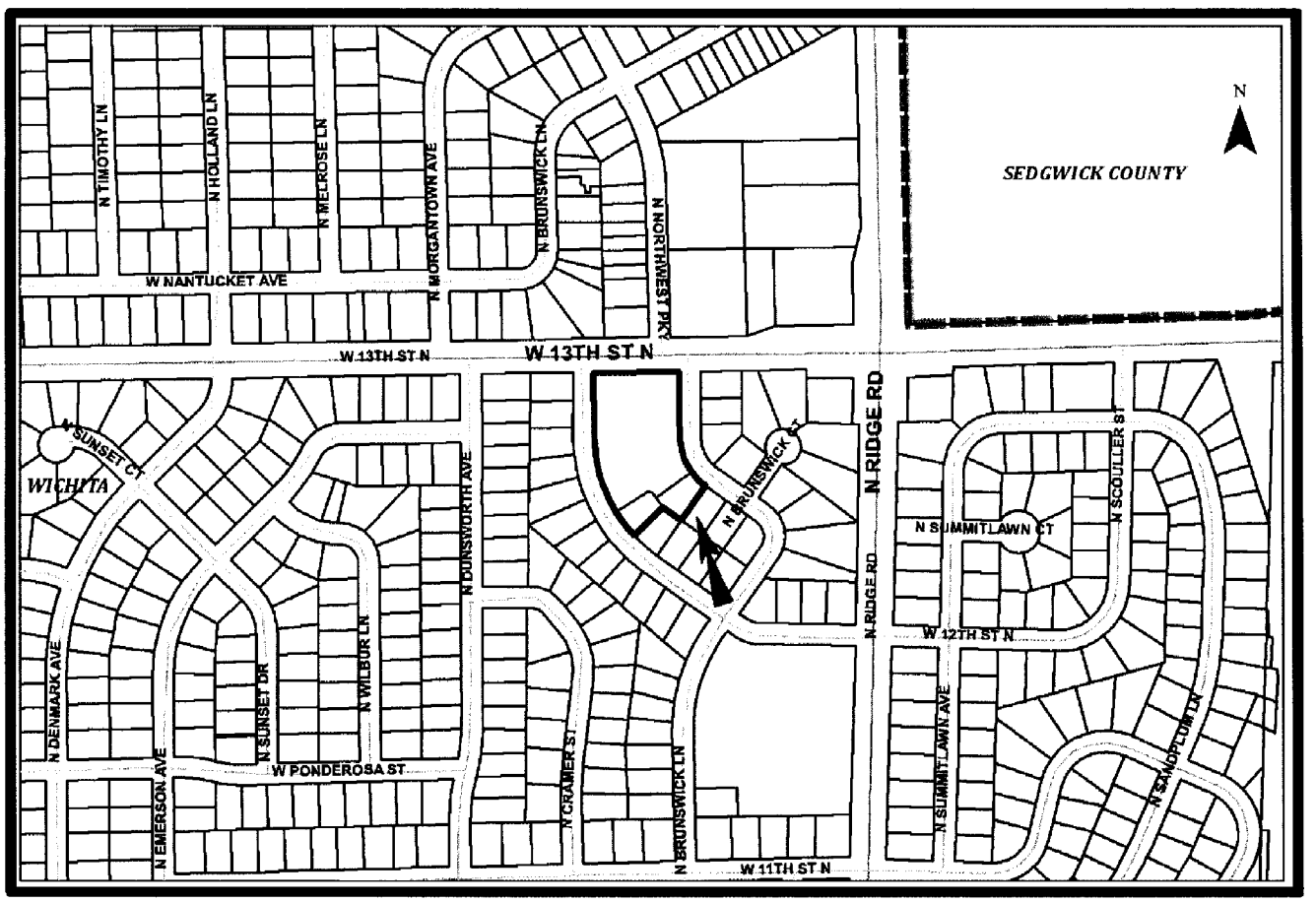
APPLICANT/AGENT: West Ridge Community Church c/o David Mitchell (owner), Conoco Construction c/o Kyle Bladsel (agent)

REQUEST: City BZA Variance request to permit a parking lot to be constructed in the street side setback along Morgantown.

CURRENT ZONING: SF-5 Single-family Residential and LC Limited Commercial

SITE SIZE: 2.30 acres

LOCATION: Generally located south of West 13th Street North and west of North Ridge Road (7315 W. 13th St. N.)



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 Unified Zoning Code (UZC) requires a 15-foot minimum street side setback in the SF-5 Single-family Residential zoning district. Parking is not permitted within the street side setback. Administrative Adjustment of the UZC can allow parking within the street side setback, but not within eight feet of the property line. Required setbacks are typically used for grass and required landscaping. The applicant requests a variance to permit parking within the street side setback up to the property line; see the attached site plan and letter submitted by the applicant's agent. The applicant is converting two former house lots to a parking lot in support of the West Ridge Community Church located on West 13th Street North. The applicant has an existing parking lot, similar to the proposed parking lot in this case, on the north part of the site along 13th Street and an additional lot toward the southwest part of the site, along Morgantown. The applicant desires more parking contiguous with the church site to discourage parking along the street during church services. The existing parking lots for the subject site currently have 75 parking spaces. The proposed parking lot on the subject site is designed to create a total of 150 spaces.

Property north of the subject site, across 13th Street, zoned TF-3 Two-family Residential and LC Limited Commercial, is developed with single-family residences and to the northeast, retail development. Property south of the subject is zoned SF-5 and LC and is developed with single-family residences. Property west of the site is zoned SF-5 and developed with single-family residences. Property east of the site is zoned LC and is also developed with single-family residences.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3 and LC	Single-family residences and Retail
SOUTH:	SF-5 and LC	Single-family residences
EAST:	LC	Single-family residences
WEST:	SF-5	Single-family residences

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 is already developed with the church and parking lot that already is within the setback. The site has been developed as a church since 1984 and the proposed parking will match up and add to the number of spaces already on the site.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance to allow parking within the required street side setback up to the property line would not adversely affect the rights of adjacent property owners, inasmuch that the abutting residence south of the site will be screened from the parking lot by a six-foot tall screening fence. Proposed landscaping on the south side of the site will mitigate the parking encroachment into the setback when viewed from residences south and west 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 applicant, inasmuch that the application area can only

accommodate the desired number of parking spaces if the requested variance to allow parking within the setback is granted. Strict application of the Zoning Code prohibition of parking within the setback would prevent the addition of needed parking to this site.

PUBLIC INTEREST: It is staff's opinion that the requested variance to allow parking within the required street side setback up to the property line will not adversely affect the public interest, inasmuch that further improving this property is in the public interest. The requested variance will allow the site to accommodate the maximum number of parking spaces possible, which will reduce demand for on-street parking in the immediate area, a benefit to the public interest in the area.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance to allow parking within the required street side setback up to the property line does not oppose the general spirit and intent of the Zoning Code, inasmuch that setbacks are intended to ensure separation between structures and streets and to allow for open landscaped areas. Adequate separation between the parking area and public streets will be maintained.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to allow parking within the required street side setback up to the property line 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.
2. Parking shall meet City Code and guidelines; parking spaces adjacent to sidewalks shall have permanent parking stops placed to prevent vehicles from encroaching onto the public sidewalk.
3. The applicant shall submit a landscape plan, to be approved by staff.
4. The setback reduction shall apply to parking on the site only. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
5. The applicant shall obtain all permits necessary to develop the site within one year of variance approval, unless such time is extended by the BZA.
6. The above conditions are subject to enforcement by any legal means available to the City of Wichita.