

D. Granting of the variance will not adversely affect the public. The existing/proposed use is not industrial or commercial in nature but is family based services dealing directly with the public. The services that Family Consultation Service provides is a valuable public service in promoting family health, safety, and general welfare.

E. Part of the intent of the zoning ordinance is to promote orderly growth and development, as well to help ensure proper land use, including the proper placement of parking. The proposed variance, which requests that the parking lot be allowed to encroach into an existing setback does not violate the spirit of the ordinance. It allows an existing tree to be saved, ensures that handicapped persons have convenient access to the building, allows an existing drive approach to be utilized, and still maintains a large green area between the parking lot and McLean Boulevard.

SECRETARY'S REPORT

CASE NUMBER: BZA 24-95

OWNER/APPLICANT: Family Consultation Service of Wichita.

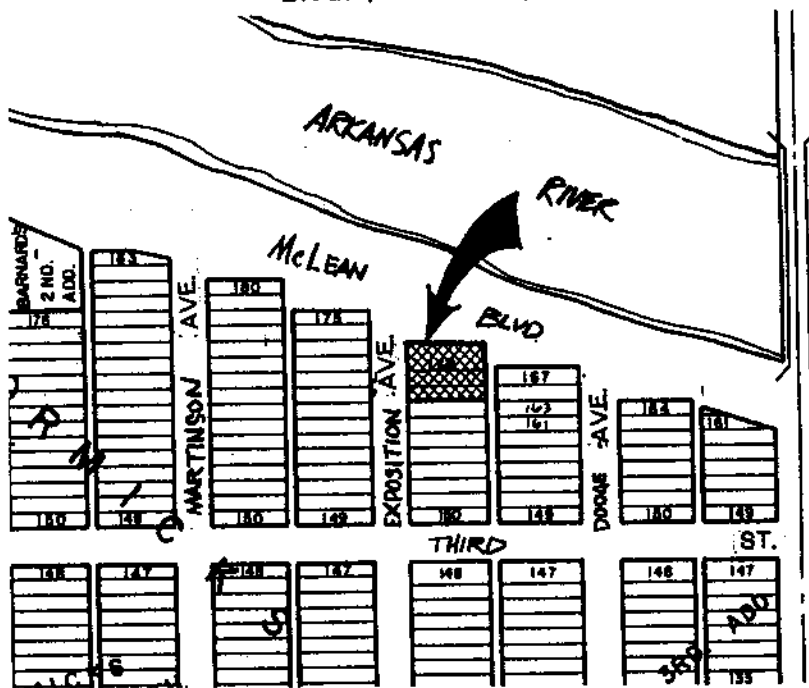
AGENT: McCluggage, Van Sickle, & Perry.

REQUEST: Variance to reduce building setback from 5 feet to 1 foot on McLean Blvd. and from 20 feet to 5 feet on Exposition Avenue for parking purposes only.

CURRENT ZONING: "B" Multiple-Family Dwelling District.

SITE SIZE: 0.46 acres.

LOCATION: Southeast corner of Exposition Avenue and McLean Blvd. (560 N. Exposition).



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, Family Consultation Service of Wichita, is requesting a variance to reduce the building setback from 5 feet to 1 foot on McLean Blvd. and from 20 feet to 5 feet on Exposition Avenue for parking purposes only. The applicant is planning on expanding its building on the site to accommodate a greater demand for their consultation services. With the building expansion is a requirement that on-site parking be provided in relation to the amount of expansion.

The existing building of 4,002 square feet and the planned building addition of 7,748 square feet will provide a total of 11,750 square feet of space for which off-street parking must be provided. Per Section 28.04.141 of the Zoning Ordinance, 1 parking space is required per 250 square feet of building area for this specific use. Therefore, the applicant must provide 47 parking spaces on its property. The applicant has developed a parking area which contains 41 parking spaces and is located southeast of the building across an alley. An additional 6 spaces will be provided on the northwest corner of the site if the applicant is granted the requested building setback variances. These two parking areas will provide sufficient parking space (47) to meet code requirements.

The general area of the proposed encroachments into the building setback are currently being used as a parking lot for the existing building. This parking area is the site of the proposed new building addition. It should be noted that the existing and proposed building will observe the required building setbacks and that the request is only to encroach into the building setbacks for parking purposes. Since the building is being expanded greater than 30 percent, the site will have to comply with the landscape code at the time of construction.

ADJACENT ZONING AND LAND USE:

NORTH:	---	McLean Blvd. & Arkansas River
SOUTH:	"A"	Duplex Dwelling
EAST:	"B"	Single-Family Dwelling
WEST:	"A"	Single-Family Dwelling

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the location of the existing development on the site limits the expansion of that development to the north into the existing parking area which serves the business.

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 parking area will have sufficient separation and screening from residential dwellings located to the east and west of the parking area.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the planned parking spaces within the front and side yard setbacks would not be permitted and since there is not additional space on the site for parking purposes the applicant would be required to reduce the floor area of the planned expansion to accommodate the fewer parking spaces.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the proposed improvements would not encroach any existing utility easement or street right-of-way.

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 ordinance inasmuch as the intent of the prohibition on parking within the front and side yard setbacks of residential districts is to protect adjacent residential properties but in this case there are no dwellings adjacent to the north side yard, the dwelling to the west of the site is protected by the width of a street, and the dwellings to the south are protected by over 80 feet of the applicant's front yard which does observe the 20-foot setback.

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

1. The parking spaces and all circulation aisles shall be surfaced with concrete, asphalt, or asphaltic concrete marked in accordance with the approved plan and maintained in good condition. Bumper blocks shall be installed for the four parking spaces along the north property line.
2. The parking area shall be developed in accordance with the approved plan which limits the setback reduction to the northwest corner of the site as shown on the site plan within one year of the approval of the BZA or the resolution shall be declared null and void.

BZA - Family Consultation Service

Section II, Item 4

4. Family Consultation Service is planning a building addition of 7,748 square feet, including a basement. The existing building is 4,002 square feet for a total of 11,750 square feet. Per Section 28.04.141 Zoning Ordinance, City of Wichita, 1 parking space per 250 square foot of building, totaling 47 spaces, is required. Family Consultation Service owns the parcel of land to the southeast of the site, separated by a public alley, containing 41 parking spaces. An additional 6 spaces are required to accommodate the requirements. Per the attached layout the proposed parking lot as shown will encroach into the front and side yard setbacks. A variance to encroach into the setback area is being requested.

Written Statement: Criteria Justification

Application, Item 3.

A. Family Consultation Service is considering a building addition of 7,748 square feet, including a basement. The existing building is 4,002 square feet for a total of 11,750 square feet. Per Section 28.04.141 Zoning Ordinance, City of Wichita, 1 parking space per 250 square foot of building is required. Family Consultation Service owns the parcel of land to the southeast of the site, separated by a public alley, containing 41 parking spaces. An additional 6 spaces are required to accommodate the parking requirements of the Zoning Ordinance. Because of the nature of the services provided to the public, Family Consultation Service needs to maximize the number of parking spaces they can provide. Per the attached layout the proposed parking lot will encroach into the front and side yard setbacks. Therefore, a variance to encroach into the setback area is being requested at this time.

The parking lot as designed will reuse the existing drive approach off of Exposition Avenue and the existing oak, to the southeast of the drive, will be maintained.

B. Granting of the variance will not adversely affect adjacent property owners. In fact it will minimize the pressure to use the adjacent streets for off-street parking. Landscaping around the parking lot will soften the hardscape of the lot and provide a more pleasing building environment. The configuration of the parking lot will allow the existing oak to remain. The McLean Boulevard improvements are to include additional plantings along the north property line which will further reinforce the appearance of the site. The McLean Right-of-Way is very wide in this area and will provide ample green space.

C. If the parking lot is required to conform to the required yard setback areas, only three parking spaces can be accommodated: two to the north and one handicap to the south. This would require the existing drive approach to be relocated and a new approach installed further south which places the pavement closer to the existing oak tree.

The elimination of three spaces also would require the owners to decrease the building floor area under consideration. The size of the proposed building addition is based on the increasing operating and facility demands being placed on Family Consultation Service. The building operates during the day and into the evening to accommodate the high demands of a family based counseling service.



METROPOLITAN AREA PLANNING
DEPARTMENT

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

January 24, 1996

Randall Class
Family Consultation
Service of Wichita
560 N. Exposition Avenue
Wichita, KS 67203

RE: BZA 24-95 - Variance to reduce building setback from 5 feet to 1 foot on McLean Blvd. and from 20 feet to 5 feet on Exposition Avenue for parking purposes only (560 N. Exposition).

Dear Mr. Class:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on January 23, 1996. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/hm

cc: McCluggage, Van Sickle, & Perry, 125 S. Washington, Wichita, KS 67202
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

exist.

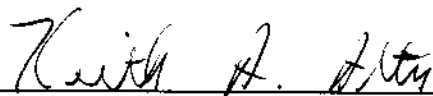
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce building setback from 5 feet to 1 foot on McLean Blvd. and from 20 feet to 5 feet on Exposition Avenue for parking purposes only on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

Lot 166, 168, and the south 47.5 feet of Lot 170 except that part dedicated for sidewalk, on Exposition Avenue, McCormick's Second Addition, Wichita, Kansas. Generally located at the southeast corner of Exposition Avenue & McLean Blvd. (560 N. Exposition).

subject to the following conditions:

1. The parking spaces and all circulation aisles shall be surfaced with concrete, asphalt, or asphaltic concrete marked in accordance with the approved plan and maintained in good condition. Bumper blocks shall be installed for the four parking spaces along the north property line.
2. The parking area shall be developed in accordance with the approved plan which limits the setback reduction to the northwest corner of the site as shown on the site plan within one year of the approval of the BZA or the resolution shall be declared null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of January 1996.


Keith Alter, President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 24-95

WHEREAS, Family Consultation Service of Wichita, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce building setback from 5 feet to 1 foot on McLean Blvd. and from 20 feet to 5 feet on Exposition Avenue for parking purposes only on property zoned "B" Multiple-Family Dwelling District and legally described as follows:

Lot 166, 168, and the south 47.5 feet of Lot 170 except that part dedicated for sidewalk, on Exposition Avenue, McCormick's Second Addition, Wichita, Kansas. Generally located at the southeast corner of Exposition Avenue & McLean Blvd. (560 N. Exposition).

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 January 23, 1996, 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 the location of the existing development on the site limits the expansion of that development to the north into the existing parking area which serves the business; and

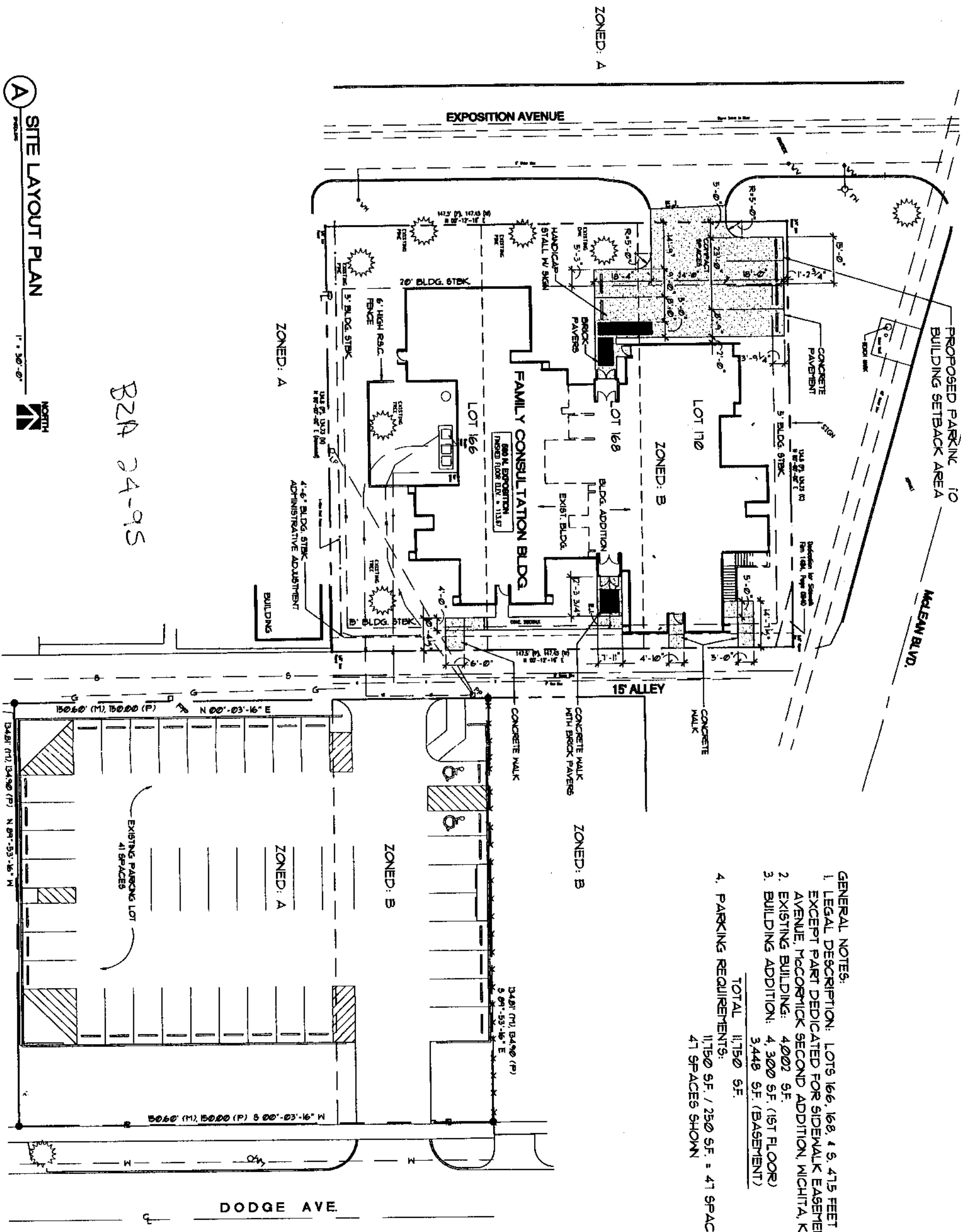
WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the parking area will have sufficient separation and screening from residential dwellings located to the east and west of the parking area; and

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 the planned parking spaces within the front and side yard setbacks would not be permitted and since there is not additional space on the site for parking purposes, the applicant would be required to reduce the floor area of the planned expansion to accommodate the fewer parking spaces; and

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 the proposed improvements would not encroach any existing utility easement or street right-of-way; and

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 the intent of the prohibition on parking within the front and side yard setbacks of residential districts is to protect adjacent residential properties but in this case there are no dwellings adjacent to the north side yard, the dwelling to the west of the site is protected by the width of a street, and the dwellings to the south are protected by over 80 feet of the applicant's front yard which does observe the 20-foot setback; and

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



GENERAL NOTES:
1. LEGAL DESCRIPTION: LOTS 166, 168, & S. 475 FEET OF LOT 170, EXCEPT PART DEDICATED FOR SIDEWALK EASEMENT, EXPOSITION AVENUE, MCCORMICK SECOND ADDITION, WICHITA, KANSAS.
2. EXISTING BUILDING: 4,002 S.F.
3. BUILDING ADDITION: 4,300 S.F. (1ST FLOOR) 3,448 S.F. (BASEMENT)
TOTAL 11,750 S.F.
4. PARKING REQUIREMENTS: 11,750 S.F. / 250 S.F. = 47 SPACES REQUIRED 47 SPACES SHOWN