



Wichita-Sedgwick County Metropolitan Area Planning Department

December 14, 2005

Bud Palmer
Josie Palmer
101 W. 29th
Wichita, KS 67204

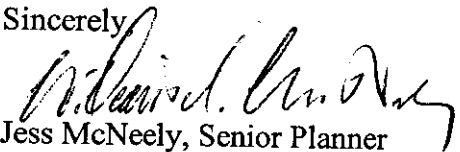
RE: BZA2005-00067 – Variance to reduce onsite parking from 55 to 7 spaces (with parking provided offsite on lot approximately 850 feet to the northwest. Generally located on the northwest corner of Broadway and 22nd Street North. (District VI)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **December 13, 2005**. This resolution reflects the official action of the Board. 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.

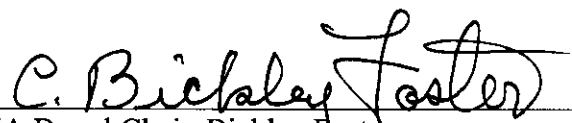
Sincerely


Jess McNeely, Senior Planner
Current Plans Division

JM/ya

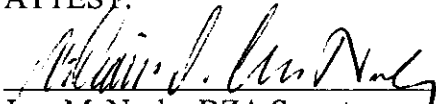
Cc: Max Christensen, Christensen Enterprises, 8811 E. 47th Street South, Derby, KS 67037
Fr. Jose M. Machado, Our Lady of Perpetual Help, 2351 N. Market, Wichita, KS 67219
Sharon Fearey, WCC, District VI, Mail Stop 1-13
Sharon Dickgrafe, Law Department, Mail Stop 1-132
Herb Shaner, OCI, Mail Stop, 1-72

ADOPTED AT WICHITA, KANSAS, this 13th DAY of December, 2005.



BZA Board Chair, Bickley Foster

ATTEST:



Jess McNeely, BZA Secretary

BZA RESOLUTION NO. 2005-00067

WHEREAS, Walter Palmer (Owner/Applicant); Max Christensen (Agent) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to reduce onsite parking from 55 to 7 spaces and to provide 48 spaces approximately 850 feet from the site, legally described as follows:

Lots 1, 3, 5, 7, 9 and 11, on Broadway, Central Point Addition, Wichita, Sedgwick County, Kansas. Generally located on the Northwest corner of Broadway and 22nd Street North. (2305 N Broadway).

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 December 13, 2005, 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 somewhat unique, inasmuch as the legal buildings on the site consume most of the site. The large building, proposed for the youth activity center, was built in 1930, prior to current code parking requirements. The property is also unique within an older mixed-use neighborhood, where patrons of the proposed center could walk from nearby residences, or walk as proposed from the church parking lot.

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. The youth activity center would be most active during non-business hours. Likewise, the proposed off site parking arrangement should keep the youth center patrons from parking in nearby business parking. Additionally, on-street spaces are available nearby on both Market and 22nd Street for occasional overflow parking situations.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance requiring the strict compliance with the parking regulations would be impossible on this site, causing an unnecessary hardship on the applicant.

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 institutional facilities and activities within existing neighborhoods. The public also has an interest in the continued use and redevelopment of older neighborhoods and facilities.

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 variance requested would not oppose the general spirit and intent inasmuch as the parking requirements of the zoning regulations are not appropriate in all cases, and the distance from off-site required parking is not appropriate in all cases. Therefore, variances to relieve parking requirements 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 since the youth center serves the church that is one block to the north; the youth center also serves the immediate residential neighborhood.

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, variance be granted to Section of IV-A.6.b of the Unified Zoning Code, legally described as follows:

Lots 1, 3, 5, 7, 9 and 11, on Broadway, Central Point Addition, Wichita, Sedgwick County, Kansas. Generally located on the Northwest corner of Broadway and 22nd Street North. (2305 N Broadway).

The variance is hereby GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The applicant shall record and file an Off-site Parking Space Covenant and Agreement with the Office of Central Inspections for the Youth Activity Center use, with parking provided at the Our Lady of Perpetual Help Church.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year from the date the variance is granted unless such time is extended by the Board.
4. 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.

institutional facilities and activities within existing neighborhoods. The public also has an interest in the continued use and redevelopment of older neighborhoods and facilities.

SPIRIT AND INTENT: It is the opinion of staff that granting the requested variance 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, and the distance from off-site required parking is not appropriate in all cases. Therefore, variances to relieve parking requirements 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 since the youth center serves the church that is one block to the north; the youth center also serves the immediate residential neighborhood.

RECOMMENDATION: Should the Board determine that all five conditions necessary to grant the variance be found to exist, then it is the recommendation of the Secretary that a variance to provide 48 required parking spaces for a church youth activity center at the Our Lady of Perpetual Help Church, approximately 850 feet from the site, be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The applicant shall record and file an Off-site Parking Space Covenant and Agreement with the Office of Central Inspections for the Youth Activity Center use, with parking provided at the Our Lady of Perpetual Help Church.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year from the date the variance is granted unless such time is extended by the Board.
4. 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.

SECRETARY'S REPORT

CASE NUMBER: BZA2005-00067

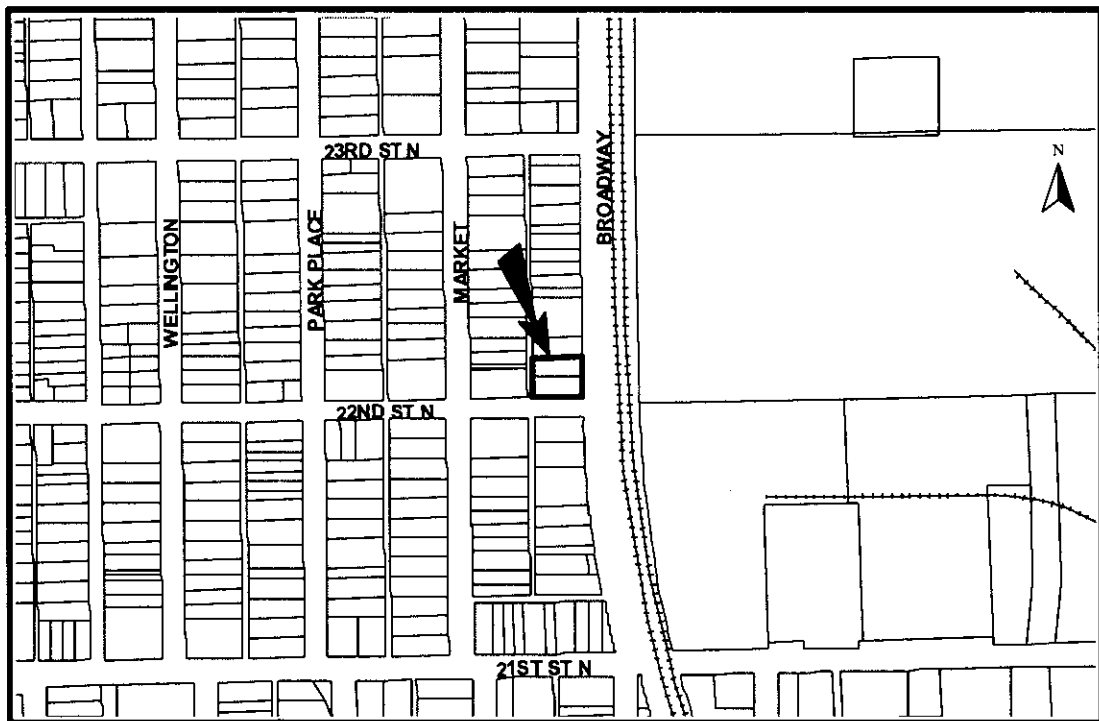
APPLICANT/AGENT: Walter Palmer (Owner/Applicant); Max Christensen (Agent)

REQUEST: Variances to reduce onsite parking from 55 to 7 spaces (with parking provided offsite approximately 850 feet to the northwest).

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 0.27 acres

LOCATION: Northwest of Broadway and 22nd Street North (2305 N Broadway)



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 proposes to utilize an existing approximately 5,000 square foot building for a church youth activity center. The sponsoring church is Our Lady of Perpetual Help, one block north and west of the site, at Market and 23rd. Using Section of IV-A.4. of the Unified Zoning Code (UZH), the Office of Central Inspections (OCI) has determined that 55 parking spaces would be required for this use, the site has only seven parking spaces, including one ADA space. The Church, approximately 850 feet from the site, has 60 parking spaces and has submitted a letter offering the use of those parking spaces for the youth activity center. Sidewalks exist on Market and 22nd Street between the two sites. Section of IV-A.6.b. of the UZH requires that off street parking shall be located within 600 feet from the building it is intended to serve. A variance is required to reduce the parking requirement for the proposed youth activity center by more than 10 percent; a variance would also be required to provide the required parking at a location further than 600 feet away. The applicant has submitted the attached written statement to justify the requested variances.

ADJACENT ZONING AND LAND USE:

NORTH	"GC"	Storage, retail
SOUTH	"GC"	Night Club, restaurant
EAST	"GC", "GI"	Rail Corridor, industrial uses
WEST	"B"	Single-family residences

The five conditions necessary for approval apply to all variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the legal buildings on the site consume most of the site. The large building, proposed for the youth activity center, was built in 1930, prior to current code parking requirements. The property is also unique within an older mixed-use neighborhood, where patrons of the proposed center could walk from nearby residences, or walk as proposed from the church parking lot.

ADJACENT PROPERTY: It is the opinion of staff that granting the requested variance will not adversely affect the rights of adjacent property owners. The youth activity center would be most active during non-business hours. Likewise, the proposed off site parking arrangement should keep the youth center patrons from parking in nearby business parking. Additionally, on-street spaces are available nearby on both Market and 22nd Street for occasional overflow parking situations.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as requiring the strict compliance with the parking regulations would be impossible on this site.

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