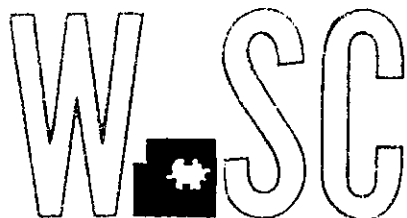


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

December 17, 1997

Bill and Jane Vineyard
550 Wetmore Court
Wichita, KS 67209

RE: BZA 24-97 - Variance to reduce the parking requirement from 21 spaces to 6 spaces on property zoned "B" Multi-Family Residential Multi-Family Residential and generally located at the northwest corner of Bayley and Bluffview (937 S. Bluffview)

Dear Mr. and Mrs. Vineyard:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on December 16, 1997. 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
Secretary
Board of Zoning Appeals

LPM/sah

cc: Ron Messner, 946 S. Doreen, Wichita, KS 67207
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)



BZA RESOLUTION NO. 24-97

WHEREAS, Bill and Jane Vineyard, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 21 to 6 spaces on property zoned "B" Multi-Family Residential and legally described as follows:

Lot 10 and 11, Mt. St. Mary's Addition except the north 43 feet thereof, Wichita, Sedgwick County, Kansas. Generally located northwest corner of Bayley and Bluffview (937 S. Bluffview).

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 16, 1997, 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 subject property is engaged in a use that does not allow residents to own a vehicle, thereby reducing the need for on-site parking. In addition, the facility has been in operation for 11 years with only 6 parking spaces; 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 because there will be no additional staff employed residents housed, traffic patterns and parking demand will not change from present conditions; 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 facility will not be able to operate for the purpose which it is currently operating; 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 parking proposed to be made available on this site should be adequate to meet the needs of the employees and facility; 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 parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements should be adequate for this specific use.

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 of the City of Wichita that this request be approved for a variance to a variance to reduce the parking requirement from 21 to 6 spaces on property zoned "B" Multi-Family Residential and legally described as follows:

Lot 10 and 11, Mt. St. Mary's Addition except the north 43 feet thereof,
Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. All parking spaces, as shown on the approved site plan, shall be paved, striped and available for use at the time of final inspection and issuance of an occupancy permit for the building at 937 S. Bluffview.
2. At such future time as the site is no longer used as a correctional placement facility for clients that are not permitted to have vehicles or if the use changes substantially as determined by the Office of Central Inspection, the site will be required to satisfy all then-existing parking requirements.
3. Upon a finding by the Office of Central Inspection that this facility at any time does not pass all requirements for licensing, this variance shall be declared null and void.
4. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 16th day of December, 1997.

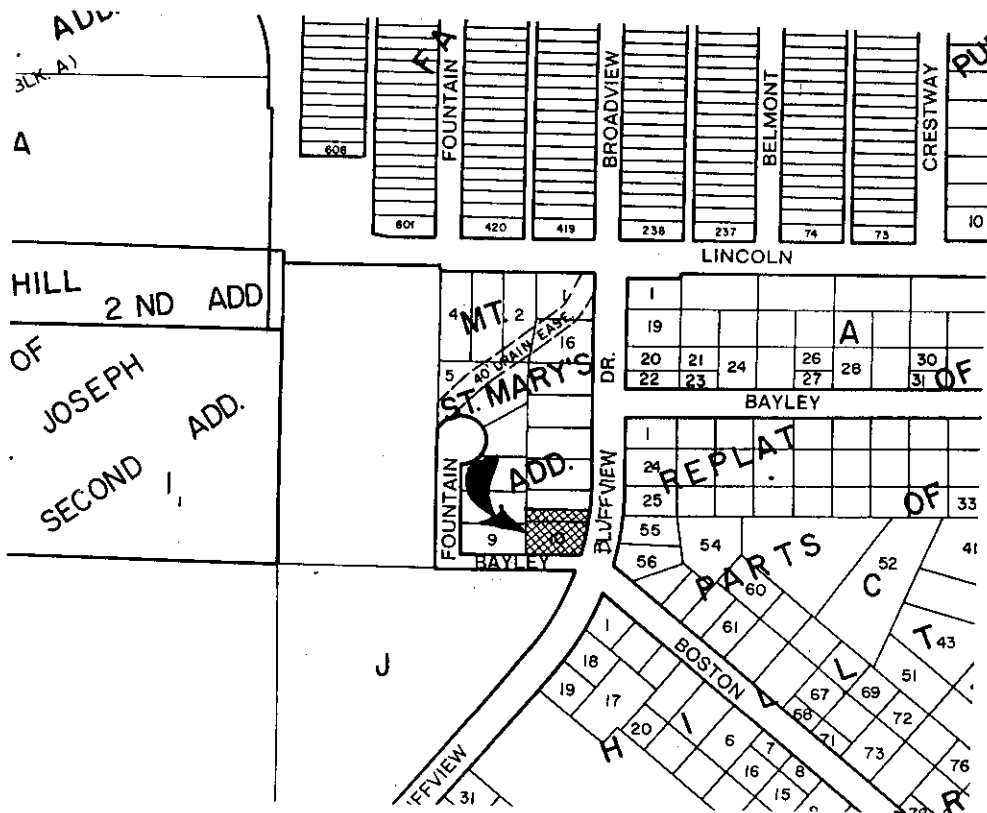

C. Bickley Foster, President

ATTEST:


Lawrence P. Mitchell, Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 24-97
OWNER/APPLICANT: Bill and Jane Vineyard
REQUEST: Variance to reduce the parking requirement from 21 to 6 spaces.
CURRENT ZONING: "B" Multi-Family Residential
SITE SIZE: .29 acres
LOCATION: Northwest corner of Bayley and Bluffview (937 S. Bluffview)



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 applicants are requesting this variance to reduce the parking requirement from 21 spaces to 6 spaces for an integrated alcohol and drug treatment center located at the northwest corner of Bayley and Bluffview. This facility, Atishwin Institute Inc., has operated at this location for nearly 11 years. The use is classified as a correctional placement facility and must comply with the parking requirements contained in the Unified Zoning Code.

The Unified Zoning Code defines correctional placement residence as: a facility for individuals or offenders that provides residential and/or rehabilitation services for those who reside or have been placed in such facilities due to any one of the following situations: (1) prior to, or instead of, being sent to prison; (2) received a conditional release prior to a hearing; (3) as part of a local sentence of not more than one year; (4) at or near the end of a prison sentence, such as a state operated or franchised work program, or a privately owned facility housing parolees; (5) received a deferred sentence and placed in facilities operated by community corrections; or (6) require court ordered guidance services for alcohol or chemical dependence. Such facilities will comply with the regulatory requirements of a federal, state or local government agency; and if such facilities are not directly operated by a unit of government they will meet licensure requirements which further specify minimum service standards. The zoning code does not define parking requirements for correctional placement residences, therefore the Office of Central Inspection (OCI) has determined that a correctional placement residence is most similar to a boarding house. The number of parking spaces required for a boarding house is 1 space per housekeeping unit plus 1 space per each boarder/lodger. Therefore, based on the number of residents and staff, Atishwin Institute, Inc. is required by the zoning code to provide 22 parking spaces.

The facility operates using only the labor of residents for cooking, cleaning and maintenance, no outside help is hired for these tasks. There are a maximum of two staff members, one building attendant and ~~nineteen~~ ^{extra} ~~clients~~ ^{included} on site at the present time. The applicant's agent has indicated that none of the residents are allowed to possess a vehicle while living at the Atishwin Institute, therefore making 22 parking spaces unnecessary for this type of use. Visitors are allowed on the premises when in-house Alcoholics Anonymous meetings are held every Friday at the facility. All of the parking spaces are utilized along with on-street parking during these meetings.

The Atishwin Institute, Inc. is being required to obtain licensing by the City of Wichita, which is being coordinated by OCI. There are a number of City and County departments involved with the licensing process including Police, Fire, Heath Department and OCI. Only upon passing inspection by all of these agencies will the Atishwin Institute, Inc. be allowed to continue to operate on this site.

The applicants have indicated that the most appropriate location for the parking spaces is to the front of the existing structure. This allows for the most practical use of the existing building layout.

ADJACENT ZONING AND LAND USE:

NORTH	B	Single Family Home
SOUTH	B	Undeveloped (Park)
EAST	B	Single Family Home
WEST	B	Single Family Home

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the subject property is engaged in a use that does not allow residents to own a vehicle, thereby reducing the need for on-site parking. In addition, the facility has been in operation for 11 years with only 6 parking spaces.

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 because there will be no additional staff employed residents housed, traffic patterns and parking demand will not change from present conditions.

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 the facility will not be able to operate for the purpose which it is currently operating.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as parking proposed to be made available on this site should be adequate to meet the needs of the employees and facility.

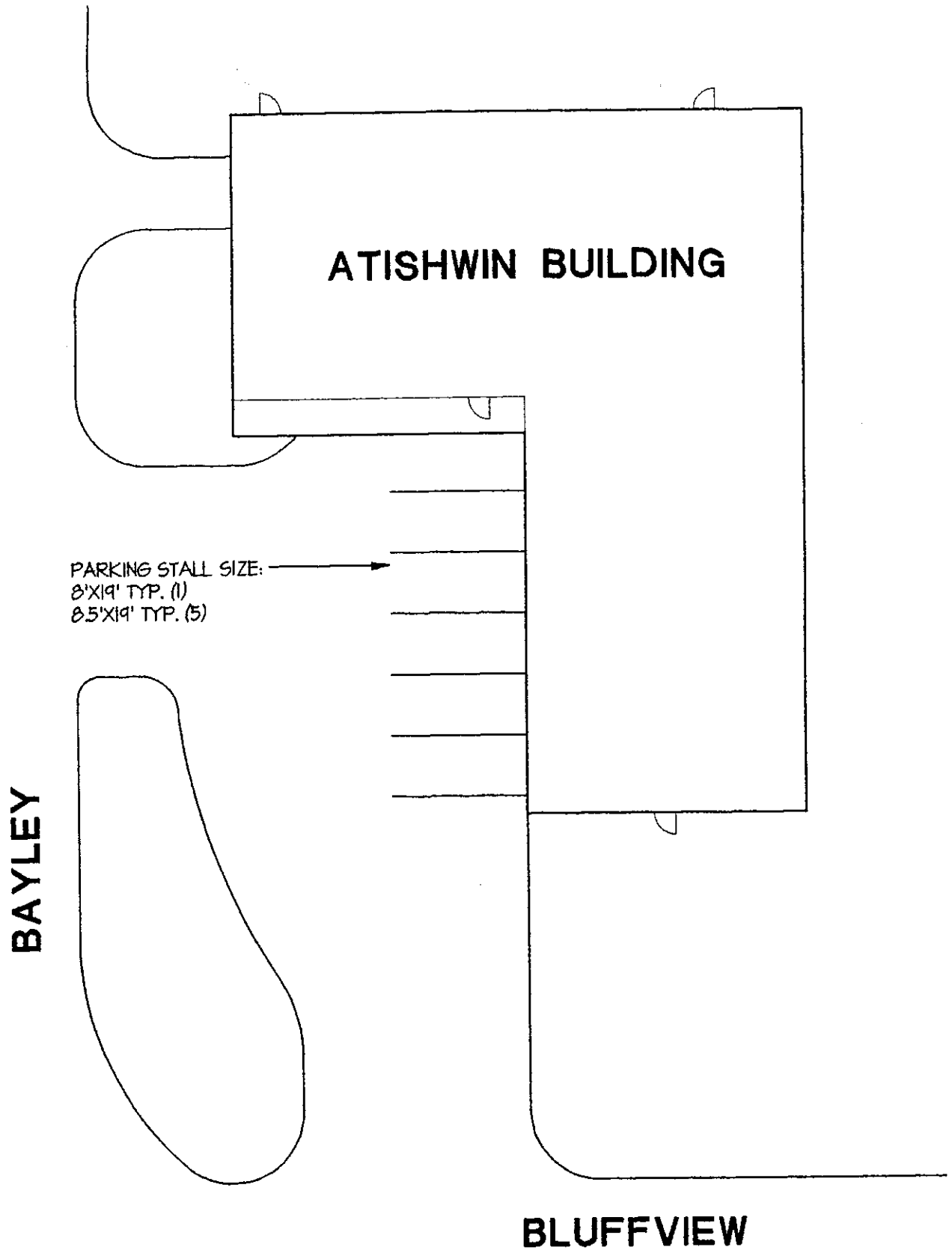
SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations inasmuch as the intent of the parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements should be adequate for this specific use.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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. All parking spaces, as shown on the approved site plan, shall be paved, striped and available for use at the time of final inspection and issuance of an

occupancy permit for the building at 937 S. Bluffview.

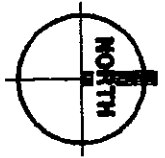
2. At such future time as the site is no longer used as a correctional placement facility for clients that are not permitted to have vehicles or if the use changes substantially as determined by the Office of Central Inspection, the site will be required to satisfy all then-existing parking requirements.
3. Upon a finding by the Office of Central Inspection that this facility at any time does not pass all requirements for licensing, this variance shall be declared null and void.
4. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.



A

SITE PLAN

1"=20'-0"



BZA 24-97