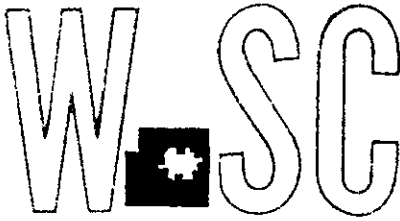


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

November 20, 1997

MIRROR, Inc.
c/o Al Gunzinger
236 S. Pattie
Wichita, KS 67201-1023

RE: BZA 19-97 - Variance to reduce the parking requirement from 59 spaces to 16 spaces on property zoned "LI" Limited Industrial and generally located 350 feet south of English on the east side of Pattie (236 S. Pattie Ave.)

Dear Mr. Gunzinger:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on November 18, 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: Beverly D. Metcalf, P.O. Box, 711, Newton, Ks 672114
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)



Made with Recycled Paper

BZA RESOLUTION NO. BZA 19-97

WHEREAS, MIRROR, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirements from 59 spaces to 7 spaces on property zoned "LI" Limited Industrial and legally described as follows:

TRACT 1: The south half of Lot 62 and all of Lots 64, 66 and 68, on Pattie Avenue, Hyde's Addition to the City of Wichita, Sedgwick County, Kansas. **TRACT 2:** Lot 60 and the north half of Lot 62, on Pattie Avenue, Hyde's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located 350 feet south of English on the east side of Pattie.

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 November 18, 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 the subject property is engaged in a use that restricts and regulates the residents use of vehicles and provides transportation to clients which reduces the need for on-site parking; 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 there will be no additional staff employed or residents housed which operate vehicles. Therefore, traffic patterns and parking demands should 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 be used for the purpose it is currently operating as, or the applicant would have to provide for many more off-site parking spaces than are needed for this business which would be unjustifiably expensive; 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

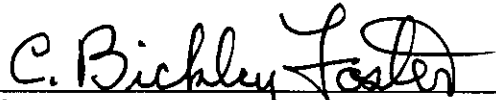
Wichita that this request be approved for a variance to reduce the parking requirements from 59 spaces to 7 spaces on property zoned "LI" Limited Industrial and legally described as follows:

TRACT 1: The south half of Lot 62 and all of Lots 64, 66 and 68, on Pattie Avenue, Hyde's Addition to the City of Wichita, Sedgwick County, Kansas. **TRACT 2:** Lot 60 and the north half of Lot 62, on Pattie Avenue, Hyde's Addition to the City of Wichita, Sedgwick County, Kansas.

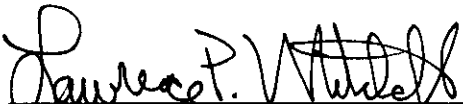
subject to the following conditions:

1. All parking spaces shall be paved, striped and available for use at the time of final inspection and issuance of an occupancy permit for the building at 231 S. Pattie.
2. At such future time as the site is no longer used as a correctional placement facility for clients that have restricted use of 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. The number of clients allowed in residence on this site will be no more than 56 at any one time. The number of clients which are allowed vehicles on site will be strictly regulated and limited to 12.
4. 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.
5. 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 18th day of November, 1997.


C. Bickley Foster, President

ATTEST:


Lawrence P. Mitchell, Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 19-97

OWNER/APPLICANT: MIRROR, Inc.

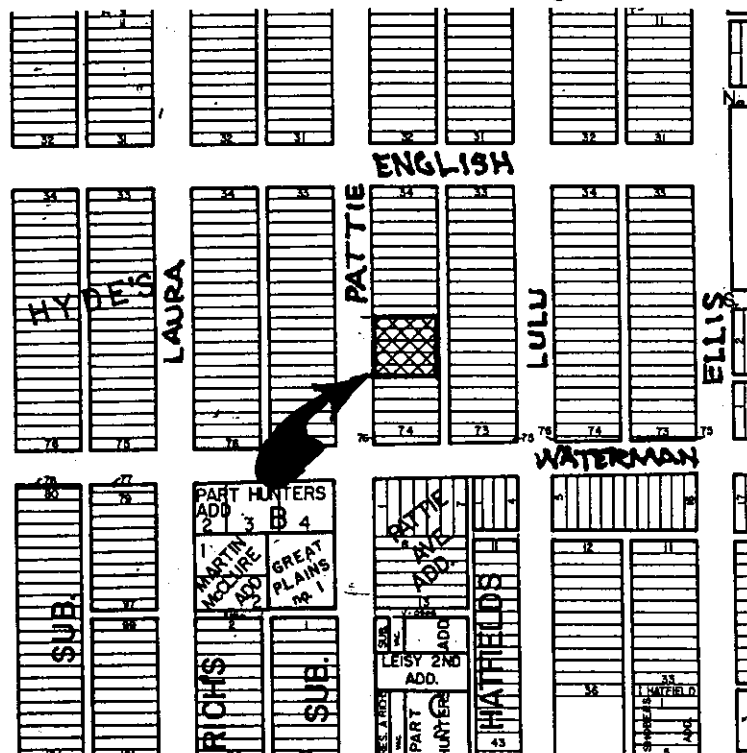
AGENT: Beverly D. Metcalf/Al Gunzinger

REQUEST: Variance to reduce the parking requirements from 59 spaces to 7 spaces.

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 0.42 acres

LOCATION: 350 feet south of English on the east side of Pattie



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, MIRROR, Inc., is requesting a reduction in the required parking spaces from 59 spaces to 7 spaces, to operate a correctional placement facility at 236 S. Pattie Avenue. MIRROR, Inc. has been operating a treatment reintegration program from this location since October 1996. The building will have a maximum capacity of 56 clients.

The Unified Zoning Code defines a 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 that 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 one space per housekeeping unit plus one space per each boarder/lodger. Therefore, based on the number of residents and staff, MIRROR, Inc. is required by the zoning code to provide 59 parking spaces.

MIRROR, Inc., is being required to obtain licensing for the correctional placement facility 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 the The Office of Central Inspection, Police, Fire, and Health Department. Only upon passing inspection by all of these agencies will MIRROR, Inc. be allowed to continue to operate on this site.

The applicant's site plan indicates that there are 16 existing paved parking spaces on site, but 9 of the spaces are located adjacent to an unpaved alley and cannot be counted toward meeting the required off-street parking requirement. Therefore, the applicant is requesting a variance from the parking requirement of 59 spaces to 7 spaces although the site will provide for 16 off-street parking spaces.

The applicant has indicated that they do not have a need for 59 parking spaces, because most of their clients do not own or have in their possession vehicles while in their program. If the clients do have vehicles, it is strictly regulated and limited to the 12 most senior clients. Staff have observed the property on several occasions and there were no vehicles parked on the street adjacent to the facility. Vehicles were parked in the paved parking areas in front and rear of the facility.

ADJACENT ZONING AND LAND USE:

NORTH	"LI"	Office/Warehouse - Culligan Water
SOUTH	"LI"	Office/Warehouse - Smitty's Refrigeration
EAST	"LI"	Single-Family Homes
WEST	"LI"	Office Building

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the subject property is engaged in a use that restricts and regulates the residents use of vehicles and provides transportation to clients which reduces the need for on-site parking.

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 there will be no additional staff employed or residents housed which operate vehicles. Therefore, traffic patterns and parking demands should 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 be used for the purpose it is currently operating as, or the applicant would have to provide for many more off-site parking spaces than are needed for this business which would be unjustifiably expensive.

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. Therefore, there should be no need for employees or facility vehicles to seek parking spaces on any public street in the area.

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 shall be paved, striped and available for use at the time of final inspection and issuance of an occupancy permit for the building at 231 S. Pattie.

2. At such future time as the site is no longer used as a correctional placement facility for clients that have restricted use of 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. The number of clients allowed in residence on this site will be no more than 56 at any one time.
4. 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.
5. 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.