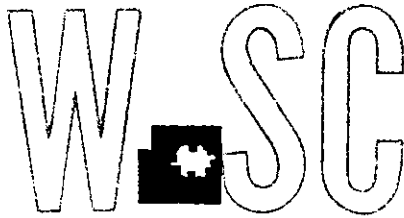


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

August 27, 1997

Edmond Brown
1442 N. Volutsia
Wichita, KS 67214-2234

RE: BZA 14-97 - Variance to reduce the parking requirement from 22 spaces to 0 spaces on property zoned "LI" Limited Industrial and generally located on the southeast corner of Washington and 9th Street.

Dear Mr. Brown:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on August 26, 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: Peggy Franklin-El, 1015 E. 9th St., Wichita, KS 67214
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)

BZA RESOLUTION NO. 14-97

WHEREAS, Edmond Brown, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 22 spaces to 0 spaces on property zoned "LI" Limited Industrial and legally described as follows:

The west 27.42 feet of Lots 2, 4, 6 and 8, on Washington Avenue,
Moore's Addition to the City of Wichita, Sedgwick County, Kansas.
Generally located on the southeast corner of Washington and 9th Street.

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 August 26, 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 does not allow residents to use a vehicle and when the site was originally developed it was not required to provide on-site parking. The property fronts on two streets, both of which allow on-street parking today, with 8 spaces available; 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 facility has been operating as a correctional placement facility without a negative impact on the area and there will be no change in the number of residents or staff and traffic patterns and parking demands 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 be used for the purpose which it for it is currently being used for, or the applicant would have to construct or lease 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 on-street parking of one or two vehicles should be adequate to meet the needs of the employees and facility. Therefore, there should be no need for employees or facility vehicles to over use spaces on any public street in the area; 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.

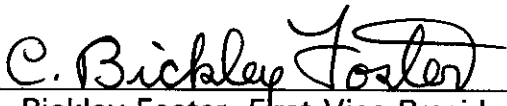
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for to reduce the parking requirement from 22 spaces to 0 spaces on property zoned "LI" Limited Industrial and legally described as follows:

The west 27.42 feet and the east 44.11 feet of Lots 2, 4, 6 and 8, on Washington Avenue, Moore's Addition to the City of Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. 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.
2. 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.
3. The number of clients allowed in residence on this site will be no more than 20 at any one time.
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 26th day of August, 1997.


C. Bickley Foster, First Vice-President

ATTEST:


Lawrence P. Mitchell, Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
August 26, 1997

SECRETARY'S REPORT

CASE NUMBER: BZA 14-97

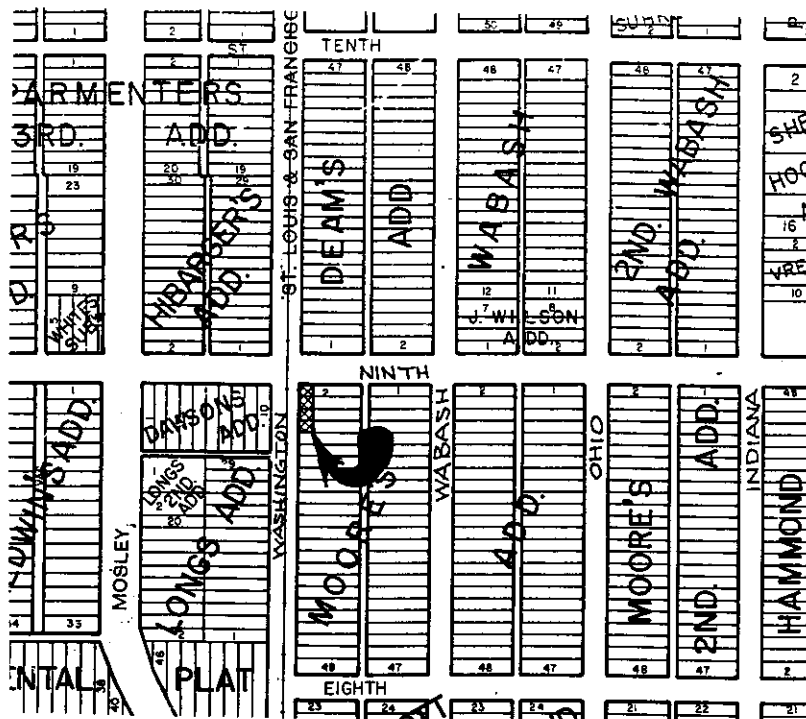
OWNER/APPLICANT: Edmond Brown (applicant); Peggy Franklin-EI (lessee)

REQUEST: Variance to reduce the parking requirement from 22 spaces to 0 spaces.

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 28 feet x 100 feet

LOCATION: On the southeast corner of Washington and 9th Street



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 is requesting a reduction in the required parking spaces from 22 spaces to 0 spaces, to operate a correctional placement facility at the southeast corner of Washington and 9th Street. This facility, Success, Incorporated, is currently operating at this location under a conditional use permit for a correctional placement residence, CU-446, which was granted July 31, 1997. The building will have a maximum capacity of 20 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, Success Incorporated is required by the zoning code to provide 22 parking spaces.

The Executive Director, Peggy Franklin-El, has indicated that the program being operated at this site by Success Re-Integration" is a State of Kansas licensed outpatient/counseling/diagnostic/referral/continuing care program as well as being a licensed re-integration half-way facility.

Success Incorporated 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 Police, Fire, Health Department and OCI. Only upon passing inspection by all of these agencies will Success Incorporated be allowed to continue to operate on this site.

The building which contains the residential component of the Success Incorporated program is located within an industrial district which, when developed, was not required to provide on-site parking. The treatment component of the program is conducted within a building located 50 feet east of the correctional placement

residence. The applicant's agent has indicated that none of the residents are allowed to possess a vehicle while living at the facility and there have been no parking problems identified. Staff have observed the property on several occasions and there were never more than two cars parked on the streets adjacent to the facility. Current parking demands for the facility are being met by on-street parking which is permitted along both sides of 9th Street and Washington adjacent to the building.

ADJACENT ZONING AND LAND USE:

NORTH	"LI"	Manufacturing (Sheet Metal)
SOUTH	"LI"	Outdoor Storage (Dumpsters)
EAST	"LI"	Store Fronts (vacant)
WEST	"LI"	Building Supplies

UNIQUENESS: It is the opinion of staff that the applicant's property is unique inasmuch as the subject property is engaged in a use that does not allow residents to use a vehicle and when the site was originally developed it was not required to provide on-site parking. The property fronts on two streets, both of which allow on-street parking today, with 8 spaces available.

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 facility has been operating as a correctional placement facility without a negative impact on the area and there will be no change in the number of residents or staff and traffic patterns and parking demands will not change from present conditions.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning code provisions may constitute an unnecessary hardship upon the applicant, inasmuch as the facility will not be able to be used for the purpose which it for it is currently being used for, or the applicant would have to construct or lease 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 on-street parking of one or two vehicles should be adequate to meet the needs of the employees and facility. Therefore, there should be no need for employees or facility vehicles to over use spaces on any public street in the area.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance as requested 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.

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. 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.
2. 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.
3. The number of clients allowed in residence on this site will be no more than 20 at any one time.
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.

SCALE: 1/4" = 5'

