

BZA 14-69 - YMCA requests variance to
reduce required off-street parking
on property zoned "B" and located on
ES of Hillside in area N of 28 Street

POSTED
10-2-69
PZ 1112
10-6-69

10-6-69

POSTED
6-20-69
7/1

ACTION

BZA	COMMITTEE	DATE
	<u>Approve</u>	<u>7-22-69</u>
	<u>M.A.P.C.</u>	_____
	<u>W.C.C.B./C.C.A.</u>	_____

POSTED ✓
C.C.M.
P.C.M.
10-6-69
✓

BZA 14-69 - YMCA Requests variance to reduce required off-street parking on property zoned "B" and located on ES of Hillside in area N of 28 Street

R E S O L U T I O N N O . B Z A 14-69

WHEREAS, Young Men's Christian Association, by Robert McClintick, General Executive, 402 North Market, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 64 to 32 for a period not to exceed three years, on property zoned "B" Multiple Family and legally described as follows:

Lot 1, North Branch Y.M.C.A. Addition to
Wichita, Sedgwick County, Kansas. Generally
located on the east side of Hillside in an
area north of 28th 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 July 22, 1969, 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 owner or the applicant inasmuch as the applicants are requesting the variance for a period not to exceed three years rather than asking for a complete waiver of 32 of the required 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 experience with other community branches, by the applicants, indicate that most of the traffic generated by their programs are bicycle, walk-in and/or "drop off and pick up" type of traffic that ample off-street parking will be provided, thereby not adversely affecting adjacent properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28, of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as parking spaces would be required that for all practical purposes would not be utilized in the next three years; 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 granting of the variance would not create on-street parking; 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 Title 28 (Zoning Ordinance) inasmuch as since the applicants desire to reduce the number of off-street parking for a period not to exceed three years; 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, have been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance to reduce the number of off-street parking spaces from 64 to 32 on property zoned "B" Multiple Family and legally described as:

Lot 1, North Branch Y.M.C.A. Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside in an area north of 28th Street.

be approved provided that the required number of 64 spaces will be provided and constructed to comply to the Zoning Ordinance by August 1, 1972.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1969.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

R E S O L U T I O N N O . B Z A 1 4 - 6 2

WHEREAS, Young Men's Christian Association, by Robert McClintick, General Executive, 402 North Market, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 64 to 32 for a period not to exceed three years, on property zoned "B" Multiple Family and legally described as follows:

Lot 1, North Branch Y.M.C.A. Addition to
Wichita, Sedgwick County, Kansas. Generally
located on the east side of Hillside in an
area north of 28th 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 July 22, 1969, 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 owner or the applicant inasmuch as the applicants are requesting the variance for a period not to exceed three years rather than asking for a complete waiver of 32 of the required 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 experience with other community branches, by the applicants, indicate that most of the traffic generated by their programs are bicycle, walk-in and/or "drop off and pick up" type of traffic that ample off-street parking will be provided, thereby not adversely affecting adjacent properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28, of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as parking spaces would be required that for all practical purposes would not be utilized in the next three years; 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 granting of the variance would not create on-street parking; 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 Title 28 (Zoning Ordinance) inasmuch as since the applicants desire to reduce the number of off-street parking for a period not to exceed three years; and

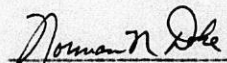
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance to reduce the number of off-street parking spaces from 64 to 32 on property zoned "B" Multiple Family and legally described as:

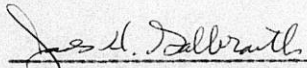
Lot 1, North Branch Y.M.C.A. Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Hillside in an area north of 28th Street.

be approved provided that the required number of 64 spaces will be provided and constructed to comply to the Zoning Ordinance by August 1, 1972.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1969.


NORMAN N. DOKE, Chairman

ATTEST:


JACK H. GALBRAITH, Secretary

July 25, 1969

Mr. Robert E. McClintick, General Executive
Young Men's Christian Association
402 North Market
Wichita, Kansas 67202

Dear Mr. McClintick:

Subject: Case No. BZA 14-69
Request for Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 22, 1969, in connection with your request for a variance to reduce the required number of off-street parking spaces from 64 to 32 for a period not to exceed three years on property zoned "B" Multiple Family and generally located on the east side of Hillside in an area north of 28th Street.

This Resolution reflects the official action of the Board to approve your request. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:so

Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

July 22, 1969

Mr. Robert E. McClintick, General Executive
Young Men's Christian Association
402 North Market
Wichita, Kansas 67202

Dear Mr. McClintick:

Subject: Case No. BZA 14-69
Request for Variance

At the regular meeting of the Board of Zoning Appeals on July 22, 1969, your request for a variance to reduce the required number of off-street parking spaces from 64 to 32 for a period not to exceed three years on property zoned "B" Multiple Family and generally located on the east side of Hillside in an area north of 28th Street was considered.

It was the action of the Board to approve this request, provided that the required 64 spaces will be provided and constructed to comply to the Zoning Ordinance by August 1, 1972.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:so

cc: Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk

SECRETARY'S REPORT

CASE NO. BZA 14-69

APPLICANT: Young Men's Christian Association, 402 North Market,

AGENT: Robert E. McClintick, General Executive, 402 North Market.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 64 to 32 for a period not to exceed three years.

GENERAL LOCATION: East side of Hillside in an area north of 28th Street.

ZONING: Subject property is zoned "B" Multiple-family, to the west and south is "AA" Single-family with "R-1" Suburban Residential to the north and east.

LAND USE: A new branch facility is presently under construction on subject property. To the south is a drainageway and K G & E substation, to the west are oil wells and vacant land. Property to the north is vacant with a drainageway to the east.

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 of the following conditions are found to exist:

1. That the variance requested 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 owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary

hardship upon the property owner represented in the application.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).

COMMENTS BY THE SECRETARY

The Board of Directors of the Young Men's Christian Association of Metropolitan Wichita is requesting a variance of the required off-street parking spaces from 64 to 32 for a period not to exceed three years.

The applicants are presently engaged in the construction of a new North Branch YMCA facility. They point out in their statement of justification that they feel this is a unique type of development which does not readily fall into the category of other "B" zone type of developments, inasmuch as the types of programs planned at the Branch will take up to five years before full usage is reached.

UNIQUENESS

It is the opinion of the Secretary that this is somewhat of a unique situation in that the applicants are requesting the variance for a period not to exceed three years rather than asking for a complete waiver of 32 of the required 64 off-street parking spaces.

ADJACENT PROPERTY

It is the opinion of the Secretary that inasmuch as experience with other community branches, by the applicants, indicate that most of the traffic generated by their programs are bicycle, walk-in and/or "drop off and pick up" type of traffic that ample off-street parking will be provided, thereby not adversely affecting adjacent properties.

HARDSHIP

It is the opinion of the Secretary that to require the applicants to provide off-street parking facilities, which for all practical purposes will not be utilized in the next three years, would be an undue hardship on the applicants at this time.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not create on-street parking in the general area, and, therefore, would not affect the public interest.

SPIRIT AND INTENT

It is the opinion of the Secretary that since all of the above conditions can be found to exist and, since the applicants desire to reduce the number of off-street parking for a period not to exceed three years, that the granting of the variance would not be opposed to the spirit and intent of Title 28.

RECOMMENDATION

It is the recommendation of the Secretary that all five conditions can be found to exist and, therefore, it is recommended that the variance be approved to reduce the required number of off-street parking spaces from 64 to 32 for a period not to exceed three years provided that the required number of 64 spaces will be provided and constructed to comply to the Zoning Ordinance by August 1, 1972.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

July 2, 1969

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 14-69

An application has been filed by Young Men's Christian Association, 402 North Market, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required off-street parking spaces from 64 to 32 for a period not to exceed three years on property zoned "B" Multiple Family, and legally described as follows:

Lot 1, North Branch Y.M.C.A. Addition to
Wichita, Sedgwick County, Kansas. Generally
located on the east side of Hillside in an
area north of 28th Street.

This application has been assigned Case No. BZA 14-69, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 1969, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

7-2-69--4 NOTICES MAILED FOR 7-22-69 BZA MEETING

YOUNG MEN'S CHRISTIAN ASSOCIATION

of Metropolitan Wichita, Kansas 67201

GEORGE E. TIFFANY, JR.
PRESIDENT

P.O. BOX 7004
402 NORTH MARKET

ROBERT E. MCCLINTICK
GENERAL EXECUTIVE

June 17, 1969

Board of Zoning Appeals
City of Wichita,
Kansas

Re: Application for Variance

Gentlemen:

The Board of Directors of the Young Men's Christian Association of Metropolitan Wichita, in filing the attached Application for Variance on the property described therein, wishes to support the Application with the following comments:

- A. The North Branch YMCA Facility is a particular and unique type of development, which does not readily fall into the category of the more common business, residential, and other Zone B developments. Therefore, we feel sure that allowing this variance will not adversely affect property development in this section of Wichita.
- B.
 1. Property North, East and West of the YMCA site is raw land; Chisholm Creek and the KG&E sub-station separate this site from the nearest development to the South.
 2. Since all YMCA activity now and in the future will be confined to the Association's 9.72 acres, there will be no infringement on adjacent property.
 3. The playing fields and outdoor courts shown on the plot plan are intended for future development and installation, and are not included in the current construction project.
 4. Proper access and traffic flow has been provided.
- C.
 1. We know full well that the provision of adequate parking spaces for our members and participants is of utmost importance.
 2. As the plot plan shows, two parking lots were included in our original design. We feel that the one to the North of our building (32 spaces) may be delayed for the time being, for the following reasons:
 - (a) We know that the type of programs planned at the North Branch YMCA will take up to five years before full usage

Building Greater Men For A Greater Wichita

is reached; this projection is authenticated by our experience with our Central Branch, at 402 North Market, whose parking contains 39 spaces and which did not reach a saturation point until five years after the building opened;

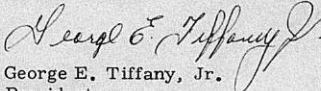
- (b) The kinds of program activities planned---primarily regularly-scheduled, short-term classes and events (most of them 45 minutes per session)---and primarily for youth, permits rapid turnover and multiple use per parking space. For example, a heavy summertime use during a series of four classes between 8:00 a. m. and noon, would provide the equivalent of a 128-space parking lot on the 32-space lot being constructed to the South of the building;
- (c) Based on our experience with our other community Branches, most of the traffic generated by our program will be bicycle---walk-in---and/or "drop off and pick-up" type of traffic.

It is the earnest desire of the YMCA to provide, in the future, more than the required number of parking spaces. However, increased construction and architectural costs have consumed all available funds to the point that there are no funds at this time to even furnish this new facility with all furniture and equipment needed.

Therefore, installing a second parking lot at this time would, indeed, create a severe hardship. This, in turn, would adversely affect our plans for future orderly development, a portion of which is to provide additional parking spaces within the next three years, as we develop our program and the additional program facilities we have projected.

Your approval of this request will assist us in our planning for proper utilization of this much-needed new facility by the youth of Northeast Wichita.

Sincerely yours,


George E. Tiffany, Jr.
President

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Young Men's Christian Association of Wichita, Kansas

Mailing Address 402 N. Market (Box 7004) Phone AM 4-9374

Name of Authorized Agent Robert E. McClintick, General Executive

Mailing Address 402 N. Market (Box 7004) Phone AM 4-9374

Relationship of applicant to property is that of Owner
(owner, tenant, lessee, other)

II. The variance requested is to reduce the required off-street
to delay construction of a 32-space parking lot
parking spaces from 64 to 32 for a period not to exceed three years.
immediately to the north of the new North Branch YMCA for a period not to
exceed three years,

for property located at 3030 N. Hillside

and legally described as: Lot 1, North Branch Y.M.C.A Addition,

in the City of Wichita; and which is presently zoned B.

(Give metes and bounds description below if appropriate):

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to appeal of the decision of the Board to the City Commission within ten (10) days of that decision;
- d. That all documents are attached hereto as noted in paragraphs 3 and 4 of the instructions.

Young Men's Christian Association of Wichita, Kansas

Applicant
Robert E. McClintick
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals
11:00 (a.m. - p.m.), 6-18, 1968, together with
appropriate fee of \$50.00.

Lynna Shirey
Signed

(a corporation duly organized under the laws of the State of Kansas)
in the County of Sedgwick and State of Kansas
of the first part, and The Young Men's Christian Association
of Wichita, Kansas

MAY 23 1952

10705

CLAUDE E. DEERING
REGISTERED CLERK

Clau E. Deering

, of the second part.

WITNESSETH, That the said party of the first part, ~~in consideration of the sum of~~, as a gift,
~~to the said party of the second part, its heirs and assigns, all the following~~
and convey to the said party of the second part, its heirs and assigns, all the following
described real estate situated in the County of Sedgwick and State of Kansas, to-wit:

That portion of the following described tract lying within the South one-half (S1/2)
of the Southwest Quarter (SW/4) of Section 35, Township 26, Range 1 East and within
that part of Government Lot 4 in Section 2, Township 27, Range 1 East, lying within
the North Twenty (20) acres of the North half (N/2) of Lots 3 & 4 in Section 2,
Township 27, Range 1 East:

beginning at the Southwest corner of the Southwest Quarter (SW/4) of Section 35,
Township 26 south Range one east, thence north along the west line of said SW/4
300 feet; thence east parallel with the south line of said SW/4, 940 feet;
thence with an angle to the right of 130° 20' a distance of 100 feet, thence with
an angle to the left of 12° 19' a distance of 335 feet; thence with an angle to
the right of 27° 00' a distance of 151 feet; thence with an angle to the right
of 21° 20' a distance of 208 feet; thence with an angle to the left of 30° 55'
a distance of 174.3 feet more or less to a point 330 feet south of the north line
of said Government Lot 4, thence west parallel with the north line of said Govern-
ment Lot 4, 267.6 feet more or less to the west line of said Government Lot 4;
thence north 330 feet to beginning.
with the appurtenances, and all the estate, title and interest of the said party of the first part therein.
And the said Grantor hereby covenants and agrees that at the delivery hereof it is the lawful owner of
the premises above granted, and seized of a good and indefeasible estate of inheritance therein, free and
clear of all incumbrances except easements, covenants, restrictions and incumbrances
of record

Original Compared
with Record

ENTERED ON
TRANSFER RECORD

MAY 23 1952

MARIE WARDEN
COUNTY CLERK



and they will warrant and defend the same in the quiet and peaceable possession of the said party of
the second part, heirs and assigns, forever, against all persons lawfully claiming the same.

IN WITNESS WHEREOF, The said party of the first part has executed this deed and affixed its
corporate seal on the day and year first above written.

By *W. Carvey*
Attorney in Law Secretary

Carvey Foundation
By *Olive W. Carvey*
Olive W. Carvey President

STATE OF KANSAS, Sedgwick COUNTY, ss.:

*north Branch
Y.M.C.A.
add*

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:
 Property as shown on accompanying plat.


 Fidelity
 Title
 Company,
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

Lot 1, North Branch Y. M. C. A. Addition.	The Young Men's Christian Association of Wichita, Ks. 402 N. Market	67202
SE $\frac{1}{4}$ of SW $\frac{1}{4}$ Sec 35-26-1E, exc above Addition.	Garvey Foundation, 300 W. Douglas	67202
North 20 Acres of Lots 3 & 4, exc prt platted in Y. M. C. A. Add. (North Branch).	Garvey Foundation, 300 W. Douglas	67202
SE $\frac{1}{4}$ of SE $\frac{1}{4}$ Sec 34, Twp 26, R 1 E. exc ROW & exc Beg 305 ft W of SE cor; th N 380 ft; th NW 512.5 ft l W 590 ft; th S 665 ft; E 1013.8 ft to beg.	Ervin W. & Vera L. Syfert, ux 3141 N. Hillside	67219
NE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec 3, Twp 27, R 1 E.	Merta R. Slothower P. O. Box 18256, SE Sta. Wichita, Ks.	67218
Reserve A, Charron Garden Estates.	Dedicated to the Public.	



-2-

Dated at Wichita, Kansas this 9th day
of June, 1969 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Eliu M. Farrell OEM
Sec.

Tracer # 1309

FORM 273

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
22A	

Name YUKA

Address 416

Type R-71-C Due Date 6-18-69

Comments:

Date 6-18-69 By SO

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 1