



Wichita-Sedgwick County Metropolitan Area Planning Department

April 25, 2012

Garrison Hassenflu
416 E. 3rd Street
Kansas City, MO 64106

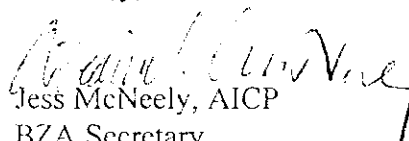
RE: BZA2012-16 – City variance request to reduce the number of required parking spaces from 77 to 41 for the renovation of an existing apartment building; generally located north of Elm, between Broadway and Market (222 East Elm Street).

Dear Applicant:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on April 24, 2012. This resolution reflects the official action of the Board. It is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,


Jess McNeely, AICP
BZA Secretary
Current Plans Division

cc: Rick Stubbs, Office of Central Inspections, 1-72
Paul Hayes, Office of Central Inspection, 1-72
Janet Miller, WCC VI Mailstop 1-13
Terri Dozal, WCC VI NA, Mailstop 1-134

BZA RESOLUTION NO. BZA2012-16

WHEREAS, Commodore, LLC c/o Garrison Hassenflu (owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Sec. IV.A.4 of the Unified Zoning Code to reduce the number of required parking spaces from 77 to 41 for the renovation of an existing apartment building; generally located north of Elm, between Broadway and Market (222 East Elm Street).

Lots 29 and 31 on Texas, now Broadway, and Lots 30, 32, and 34 on Chisholm, now Market, in Munger's Original Town of Wichita Addition, Wichita, Sedgwick County, Kansas.

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 April 24, 2012, 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 this property is unique. The apartment building on this site was built in 1929 as a zero-lot line building. The 1927 Zoning Code, in effect in 1929 when this building was constructed, did not require off-street parking. The site is further unique in its proximity to the Central Business District, employment and transit options.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance will not adversely affect the rights of adjacent property owners. The site has operated in the past with more dwelling units and no impact on adjacent property. The reduction in apartment units to 56, along with available on-street parking, should prevent apartment residents from parking on adjacent properties.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Code could constitute an unnecessary hardship upon the applicant, as this site does not have enough physical space available to meet current parking standards. Without a parking variance, this site could not renovate.

WHEREAS, the Board of Zoning Appeals has found that the requested variance for a parking reduction will not adversely affect the public interest, as renovation of this historic building is in the public interest, and this apartment building can function without the number of parking spaces required by the current code.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a parking reduction does not oppose the general spirit and intent of the Zoning Code, as existing parking is adequate to meet this site's parking needs.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

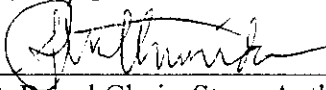
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to Sec. IV.A.4 of the Unified Zoning Code to reduce the number of required parking spaces from 77 to 41 for the renovation of an existing apartment building; generally located north of Elm, between Broadway and Market (222 East Elm Street).

Lots 29 and 31 on Texas, now Broadway, and Lots 30, 32, and 34 on Chisholm, now Market, in Munger's Original Town of Wichita Addition, Wichita, Sedgwick County, Kansas.

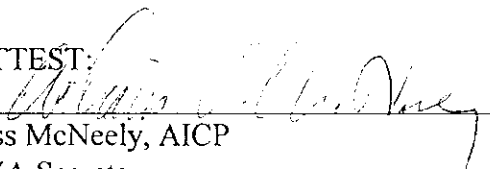
The variance is hereby **GRANTED**, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The number of dwelling units on the site shall not exceed 56.
3. The applicant shall obtain all permits necessary to renovate the site.
4. Parking spaces on the site shall be paved and marked in accordance with City standards.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 24th Day of April, 2012.



BZA Board Chair, Steve Anthimides

ATTEST:


Jess McNeely, AICP
BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2012-16

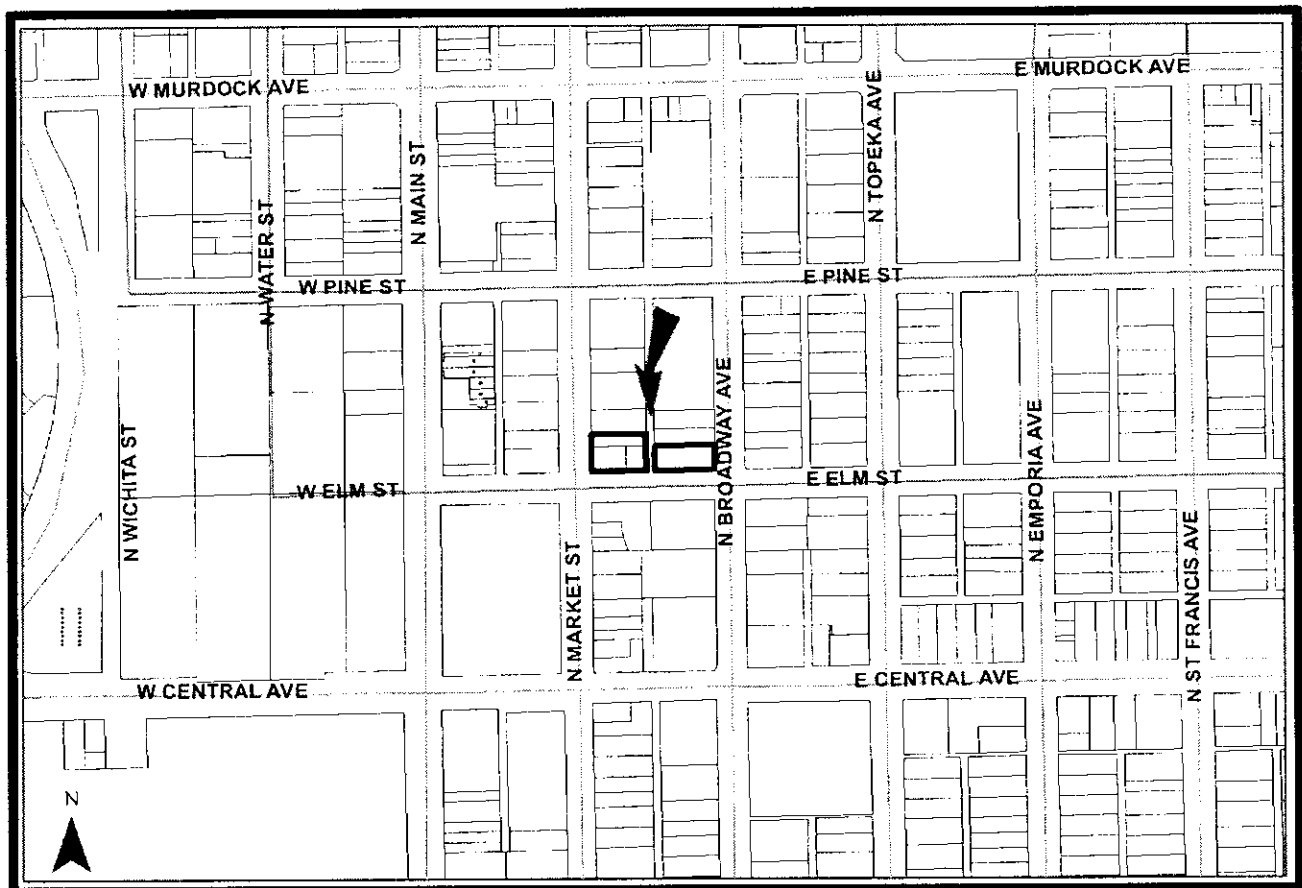
APPLICANT/AGENT: Garrison Hassenflu (owner)

REQUEST: City variance request to reduce the number of required parking spaces from 77 to 41

CURRENT ZONING: GC General Commercial and B Multi-Family zoning

SITE SIZE: .28 acres

LOCATION: Generally located North of Elm, between Broadway and Market (222 East Elm 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 requests a variance to reduce the Zoning Code parking requirement from 77 to 41 spaces (46%). The Zoning Code allows staff-approved administrative adjustments to parking standards of up to 25%; this parking reduction request exceeds that percentage. The application area includes the Commodore apartment building, built in 1929, and the associate parking area west of the building. The applicant is renovating the existing building, reducing the number of apartments from the current count of 96 down to 56. The proposed 56 units will include 14 studio apartments, 33 one-bedroom apartments and nine two-bedroom apartments. The Zoning Code requires 1.25 parking spaces per one-bedroom or smaller apartment, and 1.75 parking spaces for two-bedroom or larger. The substantial renovation of the building requires the property owner to come into code compliance with the number of parking spaces, or seek this variance.

Staff would point out several factors in this case. The building currently functions with 96 units and the existing 41 parking spaces, with no apparent impact on surrounding property owners. The number of apartments will be reduced to 56. Approximately 15 on-street parking spaces are available immediately adjacent to the application area on Elm and Market, with many more across streets. The building location is one block north of the Central Business District (CBD), within easy walking access to many employers, businesses and services to include bus stops; one could live in this building without owning a vehicle. If this building were one block to the south, in CBD zoning, the building would have no off-street parking requirement, and would have no need to request this variance.

Property north of this site is zoned GC and LC. North of the parking area, on the west side of the site, are more parking lots under different ownerships. Property north of the building, on the east side of the site, is developed with a mix of office and retail land uses. South of this site, across Elm, is a GC and LC zoned church. East of the site, across Broadway, is a GC zoned office use. West of the site, across Market, are LC zoned parking areas. Broadway is a four-lane arterial street at this location with a 74-foot right-of-way and no on-street parking. Elm and Market are both two-lane streets with on-street parking on both sides of the street.

ADJACENT ZONING AND LAND USE:

NORTH	GC, LC	Office, retail, parking
SOUTH	GC, LC	Church
EAST	GC	Office
WEST	LC	Parking

The five criteria necessary for approval as they apply to the requested variance.

UNIQUENESS: It is staff's opinion that this property is unique. The apartment building on this site was built in 1929 as a zero-lot line building. The 1927 Zoning Code, in effect in 1929 when this building was constructed, did not require off-street parking. The site is further unique in its proximity to the Central Business District, employment and transit options.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for a parking reduction would not adversely affect the rights of adjacent property owners. The site has operated in the past with more dwelling units and no impact on adjacent property. The

reduction in apartment units to 56, along with available on-street parking, should prevent apartment residents from parking on adjacent properties.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant, as this site does not have enough physical space available to meet current parking standards. Without a parking variance, this site could not renovate.

PUBLIC INTEREST: It is staff's opinion that the requested variance for a parking reduction will not adversely affect the public interest, as renovation of this historic building is in the public interest, and this apartment building can function without the number of parking spaces required by the current code.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a parking reduction does not oppose the general spirit and intent of the Zoning Code, as existing parking is adequate to meet this site's parking needs.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the parking requirement from 77 to 41 spaces is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exist, then the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The number of dwelling units on the site shall not exceed 56.
3. The applicant shall obtain all permits necessary to renovate the site.
4. Parking spaces on the site shall be paved and marked in accordance with City standards.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

