

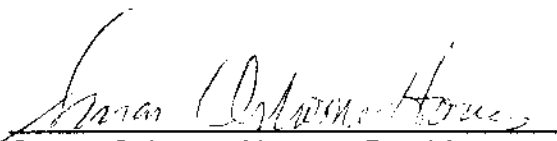
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the parking requirement from 71 spaces to 25 spaces on property zoned "B" Multiple-Family Dwelling District and legally described as follows:

Odd Lots 9 thru 23 on Minnie Avenue, now Kansas Avenue, and even Lots 10 thru 24 on Tarlton Avenue, now Minneapolis Avenue, Beall and Berry's Subdivision of Lot 7 in Tarlton's 2nd Addition to Wichita, Kansas. Generally located north of 10th Street between Kansas and Minneapolis Avenues.

subject to the following conditions:

1. The parking reduction from 71 spaces to 25 spaces applies to a building with no more than 21,782 square feet, which will be used for a Forensic Science Center, which employs no more than 20 employees on any given shift, or to a use which requires no more than 25 parking spaces.
2. The Forensic Science Center and the parking required per this variance shall be developed within two years of the approval of this variance.
3. 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 22nd day of November 1994.


Susan Osborne-Howes, President

ATTEST:


Lawrence P. Mitchell, Assistant Secretary

BZA RESOLUTION NO. 31-94

WHEREAS, Sedgwick County and State of Kansas pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 71 spaces to 25 spaces on property zoned "B" Multiple-Family Dwelling District and legally described as follows:

Odd Lots 9 thru 23 on Minnie Avenue, now Kansas Avenue, and even Lots 10 thru 24 on Tarlton Avenue, now Minneapolis Avenue, Beall and Berry's Subdivision of Lot 7 in Tarlton's 2nd Addition to Wichita, Kansas. Generally located north of 10th Street between Kansas and Minneapolis Avenues.

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 22, 1994, 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 use of the site is for a Forensic Science Center which requires large rooms and work areas but relatively few employees and only an occasional visitor. The use will only have 20 employees on the site during any given shift and very few visitors, thereby reducing the need of 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 the parking being made available on this site should be adequate to meet the needs of employees and occasional visitors. Therefore, there should be no need for employees or visitors to seek parking on adjacent property; 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 providing 71 spaces, two-thirds of which would probably never be used, would be an unjustified use of public funds and would require additional land and removal of homes; 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 parking being made available on this site should be adequate to meet the needs of the employees and occasional visitors. Therefore, there should be no need for employees or visitors to seek parking 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; 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 has been found to exist.

Randy Sparkman, OCI

Paul Hays, OCI

Ray Sledge, OCI

Pat Burnett, Deputy City Clerk

Yolanda Anderson, MAPD

METROPOLITAN AREA PLANNING
DEPARTMENT

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

November 23, 1994

Andrew L. Bias
Sedgwick County
Chair Pro Tem
525 N. Main, Suite 320
Wichita, KS 67203

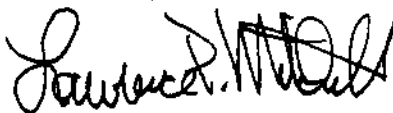
RE: BZA 31-94 Variance to reduce the parking requirement from 71 spaces to 25 spaces for the proposed Sedgwick County Forensic Science Center

Dear Mr. Bias:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 22, 1994. 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,



Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/le

cc: State of Kansas, c/o Victoria Thomas, General Counsel, University of Kansas,
254 Strong Hall, Lawrence, KS 66045
Deb Evenson, Accounting Dept., Sedgwick County Courthouse, Rm 252

this site should be adequate to meet the needs of the employees and occasional visitors. Therefore, there should be no need for employees or visitors to seek parking 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 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 a 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. The parking reduction from 71 spaces to 25 spaces applies to a building with no more than 21,782 square feet, which will be used for a Forensic Science Center, which employs no more than 20 employees on any given shift, or to a use which requires no more than 25 parking spaces.
2. The Forensic Science Center and the parking required per this variance shall be developed within two years of the approval of this variance.
3. 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.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
November 22, 1994

SECRETARY'S REPORT

CASE NUMBER: BZA 31-94

OWNER/APPLICANT: Sedgwick County and State of Kansas

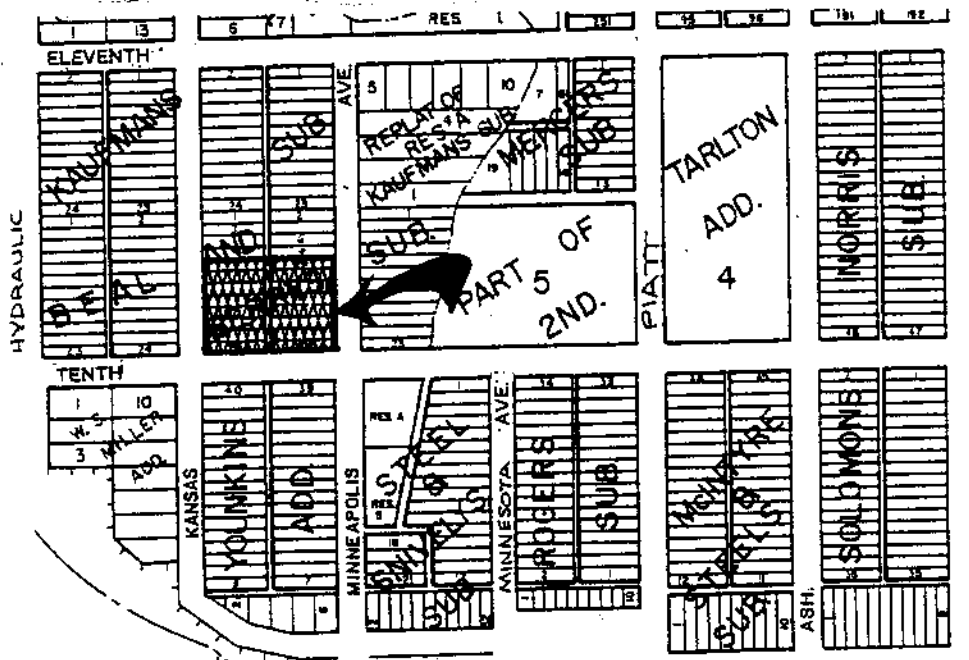
AGENT: Andrew L. Bias

REQUEST: Variance to reduce the parking requirement from 71 spaces to 25 spaces.

CURRENT ZONING: "B" Multiple-Family Dwelling District

SITE SIZE: 1.21 Acres

LOCATION: North of 10th Street between Kansas and Minneapolis Avenues.



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, Sedgwick County and the State of Kansas, are requesting a variance on the parking space requirements on property located north of 10th Street between Kansas and Minneapolis Avenues. The applicants will be constructing the Sedgwick County Regional Forensic Science Center at this location. The facility will be owned and operated by local government and consist of laboratories and a morgue. It has been determined that the proposed uses of the 21,782 square foot building will require 71 parking spaces per the Zoning Code. The applicants propose to provide 25 parking spaces on the site which will be used primarily by the 20 employees of the facility when it becomes fully operational. Other parking demands of the proposed use of the site will be for family members, which will be there only to identify a body. These visits are rare and brief. The applicant has indicated that the facility is being constructed specifically to accommodate morgue activities and is unlikely to be used for any other purpose in the future.

This application area is currently being used as a parking area for the Governmental Health Complex located south of 10th Street.

ADJACENT ZONING AND LAND USE:

NORTH:	"B" Multiple-Family Dwelling	Single-Family Dwellings
SOUTH:	"B" Multiple-Family Dwelling	Mental Health Department
EAST:	"B" Multiple-Family Dwelling	Undeveloped Land
WEST:	"B" Multiple-Family Dwelling	Four-Family Dwellings

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the use of the site for a Forensic Science Center which requires large rooms and work areas but relatively few employees and only an occasional visitor. The use will only have 20 employees on the site during any given shift and very few visitors, thereby reducing the need of 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 the parking being made available on this site should be adequate to meet the needs of employees and occasional visitors. Therefore, there should be no need for employees or visitors to seek parking on adjacent property.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as providing 71 spaces, two-thirds of which would probably never be used, would be an unjustified use of public funds and would require additional land and removal of homes.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the parking being made available on