

METROPOLITAN AREA PLANNING
DEPARTMENT

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

November 4, 1993

Kansas Elks Training Center
for the Handicapped
Attn: Judy Hearn, President
1006 E. Waterman
Wichita, KS 67211

Re: **BZA 28-93** - Variance to reduce the parking requirement from 37 spaces to 13 spaces at 201 - 207 Ida.

Dear Ms. Hearn:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on October 26, 1993. 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 now that the necessary signatures have been obtained.

Sincerely,

Louise Olivarez
Louise Olivarez, Secretary
Board of Zoning Appeals

LDO/prf
Enclosure

cc: Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

Lots 33 and 35 on Ida Avenue, and that part of Reserve "E" lying between said lots and the alley next West of said lots in Hyde's Addition to Wichita, Sedgwick County, Kansas, and Lots 37, 39, 41, 43, and 45, and the North 15 feet of Lot 47 on Ida Avenue, in Hyde's Addition to Wichita, Sedgwick County, Kansas. Generally located on the Southwest corner of Ida & English (201 & 217 S. Ida).

subject to the following conditions:

1. Within 30 days and prior to release of the Resolution authorizing this parking variance, applicant shall submit a revised site plan which indicates all parking spaces and circulation aisles. The approved revised site plan must comply with all off-street parking standards, as specified by Traffic Engineering.
2. The 13 parking spaces, as indicated on the approved revised site plan, shall be paved, striped, and available for use at the time of final inspection and issuance of an occupancy permit for the proposed building renovation of 201 - 217 South Ida.
3. At such future time as the site is no longer used as a training center for the handicapped or if the use changes substantially, the site will be required to satisfy all then-existing parking requirements.
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 October, 1993.


Keith A. Alter, President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 28-93

WHEREAS, Kansas Elks Training Center for the Handicapped, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required number of parking spaces from 37 to 13 spaces on property zoned the "E" Light Industrial District and legally described as follows:

Lots 33 and 35 on Ida Avenue, and that part of Reserve "E" lying between said lots and the alley next West of said lots in Hyde's Addition to Wichita, Sedgwick County, Kansas, and Lots 37, 39, 41, 43, and 45, and the North 15 feet of Lot 47 on Ida Avenue, in Hyde's Addition to Wichita, Sedgwick County, Kansas. Generally located on the Southwest corner of Ida & English (201 & 217 S. Ida).

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 October 26, 1993, 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 subject property is engaged in a business that utilizes nontraditional "workers" (i.e. - mentally retarded or developmentally delayed individuals) unable to drive, and though the renovation of these buildings will increase square footage available for use, there will be no increase in the number of staff employed or clients served driving to the site; and

WHEREAS, the Board of Zoning Appeals has found the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as because there will be no additional staff employed or clients served, traffic patterns and parking demand 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 expansion will not be completed because there are no alternatives or other available resources for parking at this site, and program efficiency (training) and operational efficiency (contract services) will not be able to be implemented; 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 services provided by applicant at this site serve and benefit the community, the building improvements will enhance the marketability of the near-downtown neighborhood, and the concentration of services will reduce pedestrian traffic across Ida Street; 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 unique characteristics and services provided by the applicant will benefit a protected sub-population within our community, and there will be no increase in parking demand for which the parking space requirement was intended; 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.

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 required number of parking spaces from 37 to 13 spaces on property zoned the "E" Light Industrial District and legally described as follows:

SPIRIT AND INTENT: It is the opinion of staff that granting the variance requested will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the unique characteristics and services provided by the applicant will benefit a protected sub-population within our community, and there will be no increase in parking demand for which the parking space requirement was intended.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance are satisfied, then it is recommended the variance be granted, subject to the following conditions:

1. Within 30 days and prior to release of the Resolution authorizing this parking variance, applicant shall submit a revised site plan which indicates all parking spaces and circulation aisles. The approved revised site plan must comply with all off-street parking standards, as specified by Traffic Engineering.
2. The 13 parking spaces, as indicated on the approved revised site plan, shall be paved, striped, and available for use at the time of final inspection and issuance of an occupancy permit for the proposed building renovation of 201 - 217 South Ida.
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. 6
October 26, 1993

SECRETARY'S REPORT

CASE NUMBER: BZA 28-93

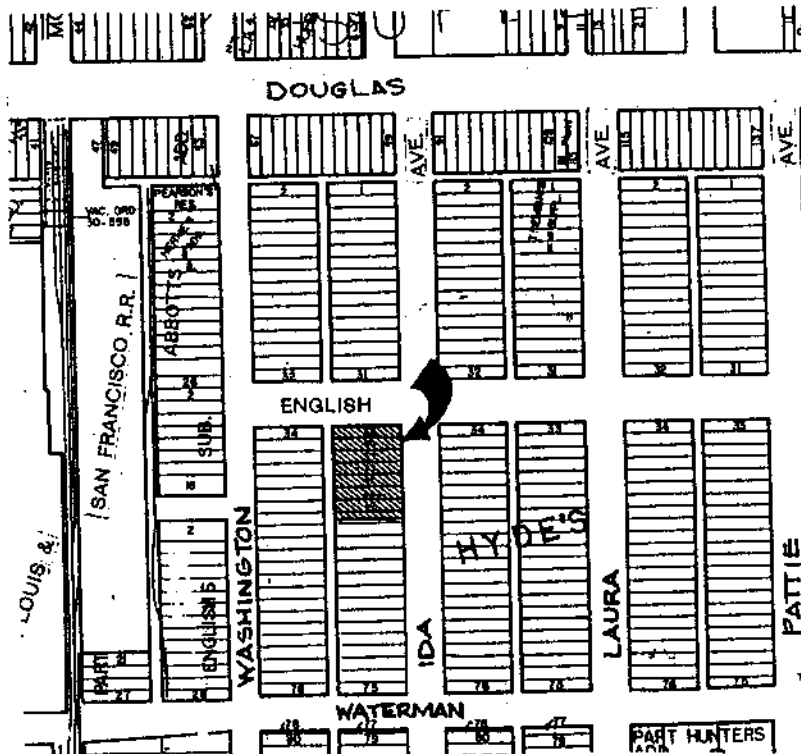
OWNER/APPLICANT: Kansas Elks Training Center for the Handicapped, Inc.
Attn: Judy Hearn

REQUEST: Variance to allow a reduction in the parking requirement
from 37 spaces to 13 spaces

CURRENT ZONING: "E" Light Industrial

SITE SIZE: .6 acres

LOCATION: South of Douglas, West of Hydraulic (Southwest corner
of Ida and English)



JURISDICTION: The Board of Zoning Appeals has jurisdiction to consider the variance request under the provisions of the City of Wichita Zoning Ordinance, Section 2.12.590.B. The Board may grant the request when all five conditions required by State law are satisfied.

BACKGROUND: Applicant is a private, non-profit rehabilitation organization providing vocational training to individuals, aged 16 and above, who for the most part are diagnosed as mentally retarded or developmentally delayed. Though approximately 90 individuals will attend the training at this site, on a daily basis, only 4 have a valid drivers license. The renovation of the building(s) on this site, which includes Marketing/Sales, Customer Service, Accounts Receivable, and Warehouse personnel and services, will increase the square footage available for use, and provide greater efficiency in training and in providing contract services. According to the applicable sections of the Zoning Ordinance (§28.04.141), a total of 37 spaces would be required for the office, manufacturing and warehouse operations proposed to be conducted on the site. Applicant proposes to convert four (4) existing parking spaces into two (2) standard parking spaces and one (1) handicap parking space, and construct an additional ten (10) standard parking spaces, for a total supply of thirteen (13) parking spaces.

ADJACENT ZONING AND LAND USE:

North:	"E" - Commercial/Industrial
East:	"E" - Commercial/Industrial
South:	"E" - Commercial/Industrial
West:	"E" - Commercial/Industrial

UNIQUENESS: It is the opinion of staff that the application property is unique inasmuch as the subject property is engaged in a business that utilizes nontraditional "workers" (i.e. - mentally retarded or developmentally delayed individuals) unable to drive, and though the renovation of these buildings will increase square footage available for use, there will be no increase in the number of staff employed or clients served driving to the site.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested for the application property will not adversely affect the rights of adjacent property owners inasmuch as because there will be no additional staff employed or clients served, traffic patterns and parking demand will not change from present conditions.

HARDSHIP: It is the opinion of staff that the strict application of zoning code provisions may constitute an unnecessary hardship upon the applicant inasmuch as the expansion will not be completed because there are no alternatives or other available resources for parking at this site, and program efficiency (training) and operational efficiency (contract services) will not be able to be implemented.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the services provided by applicant at this site serve and benefit the community, the building improvements will enhance the marketability of the near-downtown neighborhood, and the concentration of services will reduce pedestrian traffic across Ida Street.