

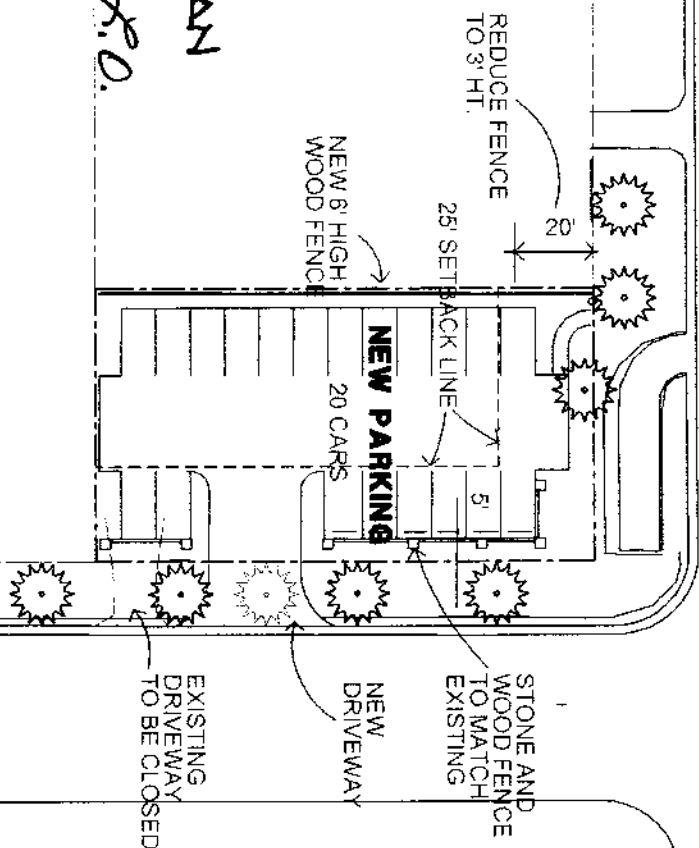


SPANGENBERG - PHILLIPS
CARMICHAEL & ASSOC ARCHITECTS

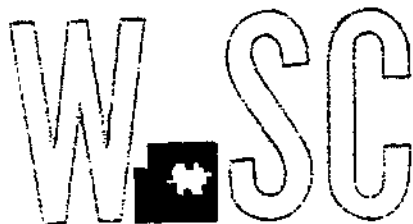
BZA 4-9c

APPROVED 9-30-96
J.L.O.

 NORTH 1°50'



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

October 1, 1996

Mr. Ron Spangenberg
224 E. Douglas, Suite 500
Wichita, KS 67202

RE: BZA-4-96 - Variance to reduce setback for parking purposes at Grace Presbyterian Church (5002 E. Douglas).

Dear Mr. Spangenberg:

Enclosed are signed copies of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 26, 1996. 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 revised site plan, as required by condition #5, has been submitted.

Sincerely yours,


Louise Olivarez
Secretary
Board of Zoning Appeals

LO/sah

Enclosure: Site Plan
BZA Resolution

cc: Grace Presbyterian Church, 5002 E. Douglas, Wichita, KS 67218
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

desired will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the prohibition on parking within the front yard setbacks of residential districts is to protect adjacent residential properties. In this case, adjacent residential properties can be protected by providing screening with solid fences and appropriate landscaping; 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 building setback from 25 feet to 12 feet on Battin Avenue; from 25 feet to 5 feet on Bleckley; and from 6 feet to 5 feet on Douglas Avenue for parking and circulation purposes only on property zoned the "AA" One-Family Dwelling District (now SF-6 Single-Family District) and legally described as follows:

Lot 22, except the north half, and all of Lot 24, Block 9, East Boulevard Addition to Wichita, Kansas AND

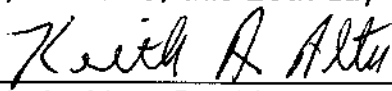
The south 22 feet of Lot 6, all of Lots 7, 8, 9, 10, 11, and vacated 1/2 street adjacent to the west, Block 1, Strieff Place Addition to Wichita, Kansas AND

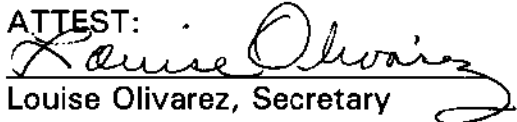
The south 65 feet of Lots 1 & 2, all of Lots 3, 4, 5, 6, 7, 8, 9, 10, & 11, and vacated 1/2 street adjacent to the east Block 2, Strieff Place Addition to Wichita, Kansas. Generally located on the north side of Douglas between Battin and Bleckley and west of Bleckley (5002 E. Douglas).

subject to the following conditions:

1. The parking spaces and all circulation aisles shall be surfaced with concrete, asphalt, or asphaltic concrete marked in accordance with the approved plan and maintained in good condition.
2. The parking area shall be developed in accordance with the approved plan within two years of the approval of this variance or the resolution shall be declared null and void. The setback reductions apply to only those portions of the site depicted on the approved plan as requiring a reduction.
3. Landscaping shall be provided in accordance with the City's landscape code. A detailed landscape plan will be required prior to issuance of a permit for the construction proposed on this site.
4. Screening of this institutional use from adjacent residential properties shall be provided as required by the zoning code, except that no fence shall be required along the west line of the parking lot located at the northwest corner of Douglas and Bleckley due to the nonresidential use of the adjacent property.
5. Prior to release of the resolution authorizing these setback reductions, a revised site plan shall be submitted which shows all required screening fences, a permitted trash receptacle location, and a general indication of the areas required to be landscaped.

ADOPTED AT WICHITA, KANSAS, this 26th day of March, 1996.


Keith A. Alter, President

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 4-96

WHEREAS, Grace Presbyterian Church, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the building setback from 25 feet to 12 feet on Battin Avenue; from 25 feet to 5 feet on Bleckley; and from 6 feet to 5 feet on Douglas Avenue for parking and circulation purposes only on property zoned the "AA" One-Family Dwelling District (now SF-6 Single-Family District) and legally described as follows:

Lot 22, except the north half, and all of Lot 24, Block 9, East Boulevard Addition to Wichita, Kansas AND

The south 22 feet of Lot 6, all of Lots 7, 8, 9, 10, 11, and vacated 1/2 street adjacent to the west, Block 1, Strieff Place Addition to Wichita, Kansas AND

The south 65 feet of Lots 1 & 2, all of Lots 3, 4, 5, 6, 7, 8, 9, 10, & 11, and vacated 1/2 street adjacent to the east, Block 2, Strieff Place Addition to Wichita, Kansas. Generally located on the north side of Douglas between Battin and Bleckley and west of Bleckley (5002 E. Douglas).

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 March 26, 1996, 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 property is located within a residential area and is developed with a church and the existing development on the site limits the expansion of that development to the north and east into the existing parking areas which serve the church; 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 areas will have sufficient separation and screening from residential dwellings located to the north, south, east and west of the parking areas; 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 planned parking spaces within the front yard setback would not be permitted and since there is not additional space on the site for parking purposes the applicant would be required to reduce the seating capacity of the church sanctuary to reduce the parking requirements for this facility; 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 proposed improvements would not encroach any existing utility easements or street right-of-way and landscaping will be required which should alleviate the visual impact of these parking areas on the public travelling along streets adjacent to the site; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance

case, adjacent residential properties can be protected by providing screening with solid fences and appropriate landscaping.

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 spaces and all circulation aisles shall be surfaced with concrete, asphalt, or asphaltic concrete marked in accordance with the approved plan and maintained in good condition.
2. The parking area shall be developed in accordance with the approved plan within two years of the approval of this variance or the resolution shall be declared null and void. The setback reductions apply to only those portions of the site depicted on the approved plan as requiring a reduction.
3. Landscaping shall be provided in accordance with the City's landscape code. A detailed landscape plan will be required prior to issuance of a permit for the construction proposed on this site.
4. Screening of this institutional use from adjacent residential properties shall be provided as required by the zoning code.
5. Prior to release of the resolution authorizing these setback reductions, a revised site plan shall be submitted which shows all required screening fences, a permitted trash receptacle location, and a general indication of the areas required to be landscaped.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
March 26, 1996

SECRETARY'S REPORT

CASE NUMBER: BZA 4-96

OWNER/APPLICANT: Grace Presbyterian Church

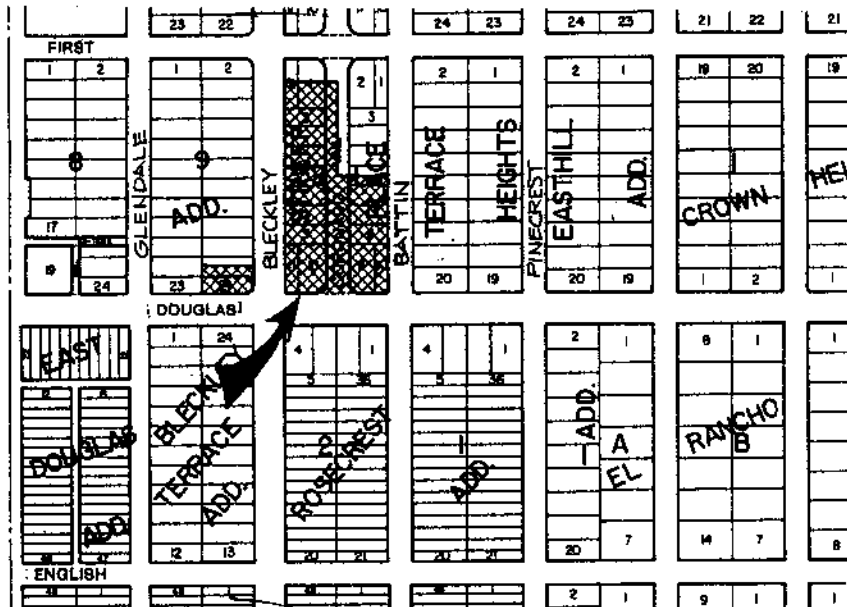
AGENT: Ron Spangenberg

REQUEST: Variance to reduce the building setback from 25 feet to 12 feet on Battin Avenue; from 25 feet to 5 feet on Bleckley; and from 6 feet to 5 feet on Douglas Avenue for parking and circulation purposes only.

CURRENT ZONING: "AA" One-Family Dwelling District.

SITE SIZE: 2.7 Acres

LOCATION: North side of Douglas between Battin & Bleckley and west of Bleckley (5002 E. Douglas).



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, Grace Presbyterian Church, is requesting a variance to reduce the building setback from 25 feet to 12 feet on Battin, from 25 feet to 5 feet on Bleckley and from 6 feet to 5 feet on Douglas Avenue for parking and circulation purposes only. The applicant is planning on expanding the existing development on the site by constructing a new multipurpose facility into a parking area. The parking spaces will be replaced and expanded by removing four-singe family homes on adjacent property and developing the areas into parking lots.

Per Section 28.04.141 of the zoning ordinance, churches shall provide one parking space for each four (4) seats based on the room or space with the maximum seating capacity. Prior to 1991 when the parking code was amended, churches had a parking requirement of one space for each five (5) seats. In this case, the church sanctuary has a seating capacity of 400. Therefore, there is a requirement of 100 on-site parking spaces to serve this church facility. The applicant's site plan indicates that they desire to provide 126 parking spaces on their site by reducing the building setback for parking purposes only. The applicant has indicated that providing the additional on-site parking should reduce, if not eliminate, the need for church members to park on the adjacent residential streets.

It should be noted that the existing and proposed building will observe the required building setbacks and that the request is only to encroach into the building setbacks for parking and circulation purposes. All new parking lots on major streets or across from residential zoning districts are required to comply with the City's landscape code which, at the minimum, requires the following: screening along the street frontages with berms and/or shrubs to a minimum height of three feet; parking lot trees at the rate of one shade tree for every twenty spaces or fraction thereof; trees at the rate of one per 40 linear feet of property line common to a residential district, to be planted within 15 feet of the common property line. Since the proposed church addition is more than a 30% expansion of the existing building, the entire site, not just the new parking lots, will have to come into compliance with the landscape code. A landscape plan will be required by Central Inspection as a condition of issuance of the building permit.

Screening provisions of the zoning code require that a 6-foot -tall solid screening fence be installed along common property lines between institutional uses and residential uses. The fence height must be reduced to 3 feet within 20 feet of the front property line. The applicant's site plan needs to be revised to show a fence along the north and west sides of the parking lot at the northwest corner of Douglas and Bleckley. The plan should also note the reduced fence height within the front 20 feet of all yards where fences are to be installed.

It is noted that the new Uniform Zoning Code which is to become effective March 25, 1996, will prohibit the location of dumpsters and trash receptacles within 20 feet of a low-density residential zoning district. Existing dumpsters and receptacles can remain until such time as there is more than a 30% expansion on the site. In this particular situation, it appears that a new location for trash receptacles will be needed.

ADJACENT ZONING AND LAND USE:

NORTH:	"AA"	Single-Family Homes
SOUTH:	"AA"	Single-Family Homes
EAST:	"AA"	Single-Family Homes
WEST:	"AA & B"	Single-Family Homes and Office Parking Area

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is located within a residential area and is developed with a church and the existing development on the site limits the expansion of that development to the north and east into the existing parking areas which serve the church.

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 areas will have sufficient separation and screening from residential dwellings located to the north, south, east and west of the parking areas.

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 the planned parking spaces within the front yard setback would not be permitted and since there is not additional space on the site for parking purposes the applicant would be required to reduce the seating capacity of the church sanctuary to reduce the parking requirements for this facility.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the proposed improvements would not encroach any existing utility easements or street right-of-way and landscaping will be required which should alleviate the visual impact of these parking areas on the public travelling along streets adjacent to the site.

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 prohibition on parking within the front yard setbacks of residential districts is to protect adjacent residential properties. In this