



Wichita-Sedgwick County Metropolitan Area Planning Department

December 19, 2000

FILE COPY

Lori Graham
2649 N. Keith Ct.
Wichita, KS 67205

RE: BZA 2000-00052 – 1) Variance to allow the reduction of the parking requirement from 11 to 5 spaces. 2) Variance to allow parking within the front yard setback on property zoned “SF-6” Single Family Residential. Generally located at Keith and Ryan.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on December 5, 2000, 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.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Knebel'.

Scott Knebel
Assistant BZA Secretary

SK/rs

cc: Michelle Wilcox, 9709 W. Meadow Knoll Ct., Wichita, KS 67205
Bradford Homeowners Assoc., 8918 W. 21st PMB 282, Wichita, KS 67205
Jasmine Allen, 9561 W. Ryan, Wichita, KS 67205
Ron Preuss, 8906 Ryan Circle, Wichita, KS 67205
City Council Member District V, Bob Martz, Mail Stop 1-13
D.A.B. V, Dana L. Brown, Mail Stop 1-135

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Kurt Schroeder, OCI 1-72
J.R. Cox, OCI, 1-72
Paul Hays, OCI 1-72
Randy Sparkman, OCI 1-72

BZA RESOLUTION NO. 2000-00052

WHEREAS, Bradford Homeowners Assoc., c/o Lori Graham, Michelle Wilcox, and Jasmine Allen (Owner/Applicant), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests 1) A variance to reduce parking requirements from 11 spaces to 5 spaces; and 2) A variance to allow parking within the front yard setback within 8 feet of the property line in a residential district on property zoned "SF-6" Single Family Residential legally described as follows:

"Reserve "B," Bradford North 2nd Addition, an Addition to Wichita, Sedgwick, County, Kansas. Generally located at Keith and Ryan.

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 December 5, 2000, 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. It is the opinion of staff that this property is unique inasmuch as the site is located along a collector street that provides greater opportunities for on-street parking and is located within walking distance from a larger than usual number of homes.

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. 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 use of the pool will be restricted to members of the homeowner's association. It is anticipated that pool patronage will be mostly by residents walking to the pool.

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. It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the land available to for the pool is restricted by the surrounding detention pond. Strict application of the code would result in the property not being able to be developed with a pool, which is desired amenity of the members of the homeowner's association.

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. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as any adverse impacts from reduced parking spaces and parking within the front setback will be upon the members of the homeowner's association, who desire the pool to be constructed, rather than the public at-large.

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. 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 regulations, inasmuch as there are competing goals: the need to provide adequate parking and the desire to provide neighborhood amenities to increase the quality of life. In this case, it is felt that most patrons will walk to the pool. Therefore, the combination of off-street and on-street parking spaces are felt to be adequate to handle parking demand.

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 1) A variance to reduce parking requirements from 11 spaces to 5 spaces; and 2) A variance to allow parking within the front yard setback with 8 feet of the property line in a residential district on property zoned "SF-6" Single Family Residential and legally described as follows:

"Reserve "B," Bradford North 2nd Addition, an Addition to Wichita, Sedgwick, County, Kansas. Generally located at Keith and Ryan.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variances to reduce off-street parking spaces and to allow parking within the front setback be GRANTED, subject to the following conditions:

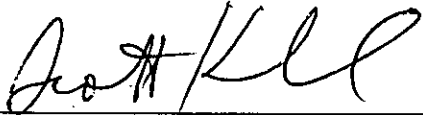
1. The site shall be developed in substantial conformance with the site plan submitted with this application.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 5th DAY OF December 2000.

 FOR FLOYD PITTS

Floyd Pitts, BZA President

ATTEST:



Scott Knebel, BZA Assistant Secretary

STAFF REPORT

MAPC – October 19, 2000

CASE NUMBER: CON2000-00038

APPLICANT/AGENT: Bradford Homeowners Association (applicant);
c/o Michelle Wilcox (agent)

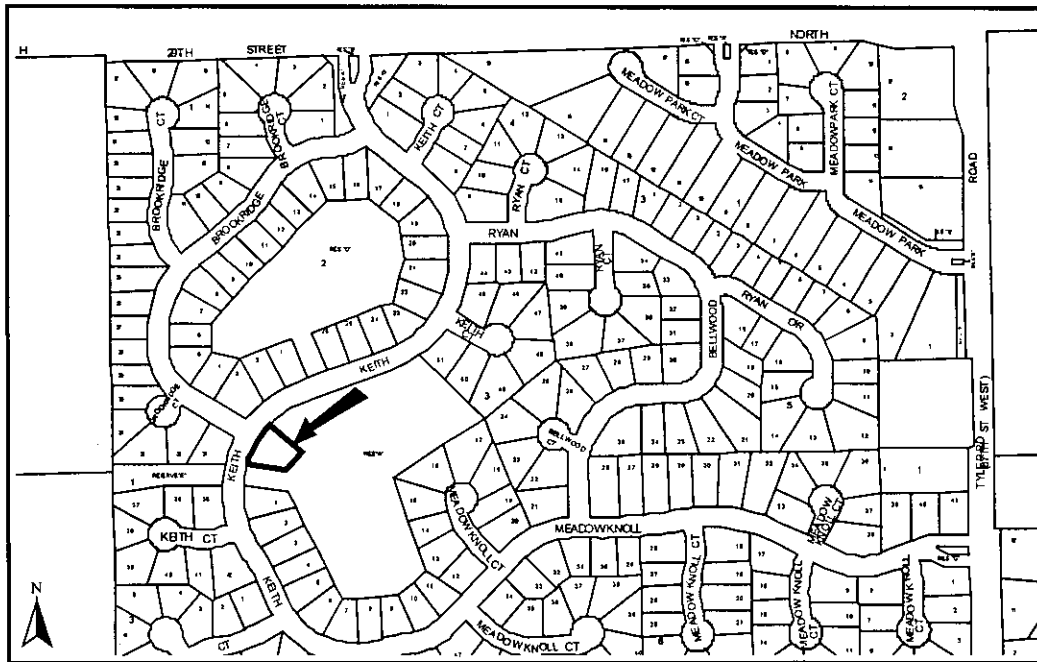
REQUEST: Conditional Use to Permit a
Neighborhood Swimming Pool

CURRENT ZONING: "SF-6" Single-Family Residential

SITE SIZE: . 275 acres

LOCATION: Keith and Ryan Streets

PROPOSED USES: Neighborhood Swimming Pool



BACKGROUND: The applicant is requesting a Conditional Use to permit a neighborhood swimming pool on a platted (.275 acre) tract of land – “Reserve B” of the Bradford North 2nd Addition. The application area is a trapezoid shaped parcel and is generally located south of 29th Street North, west of Tyler Road and near the intersection of Keith and Ryan Streets. The area extends eastward from Keith and overlooks a detention pond. This property is zoned “SF-6” Single-Family Residential and is currently undeveloped. Neighborhood swimming pools can be a “use-by-right” if the site is identified at the time of platting and a site plan is submitted for review and approval. After the plat is recorded, a Conditional Use is required.

The Unified Zoning Code (UZC) requires “one parking slot per 100 square feet of pool area, plus one slot per 100 square feet of clubhouse area” for a “swimming pool, private/neighborhood.” The parking area is shown to the northwest of the swimming pool. Two of the parking stalls and playground equipment, as shown in the plan, are both within the required 25’ front setback from Keith Street. It is estimated that the pool will be 35’ by 20’ (700 square feet) and located in the southeast corner of the property. The bathhouse building is shown to be 15’ by 24’ (360 square feet) and will be located north of the pool. Based upon the projected square footage of the pool and bathhouse [1,060 square feet], the UZC requires 11 parking slots.

According to the submitted plan, there are only five (5) parking slots provided, including one handicapped slot. Consequently, there is a deficit of six parking slots. Although there is an apparent shortage of parking spaces, many of the patrons will likely walk, via existing sidewalks on both sides of Keith Street, to their neighborhood pool. Keith Street is designed to accommodate on street parking on both sides if needed. Variances will be required to reduce the parking requirements (from 11 to 5 slots) and to permit parking within a required front yard setback.

Playground equipment is permitted within the front yard setback (per the Zoning Administrator). There is also a 10’ by 10’ shelter, a playground and a kid’s pool shown east of the pool. Use of the facilities will be limited to residents of the Bradford 2nd Addition. There will be access to the site from the east side of Keith Street.

The adjoining properties are zoned “SF-6”, Single-Family Residential. The lots, to the north, south and west are all single-family dwellings. The area to the east is a large detention lake shown as “Reserve A.” This area has been designated on the recorded plat to be “open space.”

The hours of operation for and maintenance of the pool will be determined by the homeowners’ association by restrictive covenant. The lighting for the pool will be

shielded from the adjacent single family dwellings. There will be a six-foot wrought iron fence surrounding the pool. Paying members of the homeowners association will be given "reader cards" that will allow access to the pool. The association will hire a contractor to provide ongoing maintenance to the pool, bathhouse and grounds.

CASE HISTORY: The current site is platted as "Reserve B" as part of the Bradford North 2nd Addition, that was approved on July 16, 1996.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" Single-Family Residential	Single-Family Residences
EAST:	"SF-6" Single-Family Residential	Detention Lake (Reserve "A")
SOUTH:	"SF-6" Single-Family Residential	Single-Family Residences
WEST:	"SF-6" Single-Family Residential	Single-Family Residences

PUBLIC SERVICES: Keith Street is a two-lane residential street. Traffic volumes are not rated. Water/sewer and other municipal services will be provided to the site.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this property as "low density residential." This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches and similar uses found in such areas. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents."

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to the following conditions:

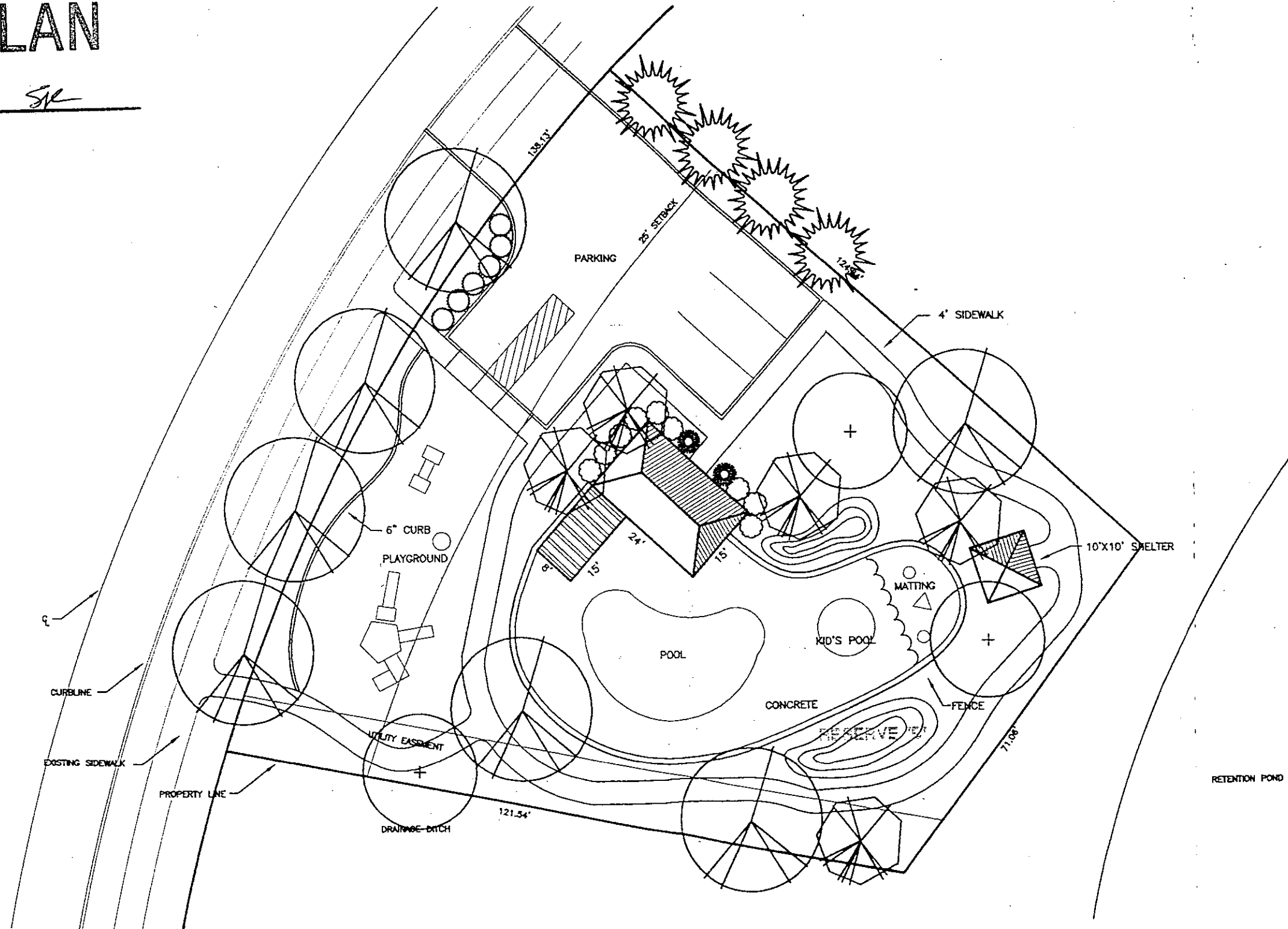
1. Variances will be required to reduce the parking requirements (from 11 to 5 slots) and permit parking within a required front yard setback.
2. The property will be developed in general conformance with the site plan submitted to and approved by the Board of Zoning Appeals.
3. Development and use of this site for a neighborhood association swimming pool shall be in accordance with all applicable codes, including building and construction codes, landscape ordinance, health codes and operational standards.
4. Violation of the foregoing conditions shall be cause for declaring this Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The subject property is situated in the middle of a developing residential area. Surrounding properties are all zoned "SF-6." Access to the site is from a residential street. The lot is within walking distance from the surrounding single-family homes, and the off-street parking requirements minimize the number of parked cars on the local street. Small private areas like this are becoming more commonplace in new subdivisions.
2. Extent to which removal of the restrictions will detrimentally affect nearby property. Locating a neighborhood swimming pool along a local street with residential development will introduce more noise for the nearby residential properties. However, this use is limited by definition to subdivision residents and their guests, and the development of the property in accordance with requirements of the Conditional Use will minimize these problems.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies this property as "low density residential." This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches and similar uses found in such areas. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents."
4. Impact of the proposed development on community facilities: The proposed swimming pool will increase trips to the site, but the impact should be minimal. The neighborhood association will regulate the pool's hours, and access to the facility will be limited to neighborhood residents and their guests, thereby minimizing the need for additional police patrols. With approval of this project, the projected impact on community facilities will be minimal.

SITE PLAN

APPROVED 12-500 BY SK



PREPARED FOR:
BRADFORD HOA

MASTER PARK PLAN



SCALE 1"=20'-0"



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