



FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

October 21, 2003

Mark Stanberry  
Housing Services  
332 N. Riverview  
Wichita, KS 67203

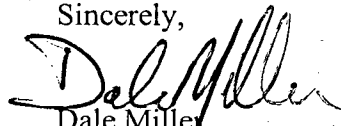
**RE: BZA2003-49 –Variance to Section IV-A.4. of the Unified Zoning Code to reduce the parking requirement from 141 spaces to 73 spaces on property zoned “LI” Limited Industrial and “GC” General Commercial. Generally located north of 2<sup>nd</sup> Street North and east of west of Riverview. (307 and 332 N. Riverview)**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on October 21, 2003, this resolution reflects the official action of the Board to grant your requests 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 at 268-4421

Sincerely,

  
Dale Miller  
Chief Planner

DLM/rms

Cc: Mike Frederick, Property Owner, 345 N. Riverview, Wichita, KS 67203  
Sharon Fearey, WCC, District VI, Mail Stop 1-13  
Terri Dozal, N.A. VI, Mail Stop 1-135  
Sharon Dickgrafe, Law Department, Mail Stop 1-132  
J. R. Cox, OCI, 1-72

**BZA RESOLUTION NO. 2003-00049**

**WHEREAS**, City of Wichita Housing Services Department c/o Mark Stanberry, (owner/applicant) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section IV-A.4. of the Unified Zoning Code to reduce the parking requirement from 141 spaces to 73 spaces on property zoned "LI" Limited Industrial and "GC" General Commercial and legally described as follows:

Lots 32 and 34 and vacated alley lying between said Lots 32 and 34, on Riverview Avenue, in Waterman's Addition to Wichita, Sedgwick County, Kansas. AND Lot 1, Block 1 and Lot 1, Block 2, Park Plaza Second Addition, Wichita, Sedgwick County, Kansas. Generally located north of 2nd Street North and east and west of Riverview. (307 and 332 N. Riverview)

**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 21, 2003, 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. It is the opinion of the Board that this property is unique, inasmuch as the property is located in close proximity to the Central Business District, which does not require on-site parking, and in close proximity (but not as close as required by the Unified Zoning Code) to an off-site parking lot owned by the applicant containing sufficient parking spaces to meet the parking requirement of the subject property. Additionally, the apartment complex is reserved for the elderly and generates a parking need significantly less than anticipated by the parking requirements.

**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 the Board that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as sufficient parking spaces are available on property owned by the applicant within a reasonable walking distance of the subject property, so adjacent properties should not be negatively impacted by vehicles from the subject property illegally parking on adjacent properties. Additionally, the site plan approved by the Board provides sufficient parking for customers immediately adjacent Housing Services Department, as these visitors would be the most likely to park illegally on adjacent properties.

**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 the Board that the strict application of the provisions of the zoning regulation will constitute an unnecessary hardship upon the applicant, inasmuch as the applicant would be required to entirely relocate their operations to a different property at a significant cost if the existing building cannot be expanded on the subject property by the granting of the variance to reduce the parking requirement.

**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 the Board that the requested variance would not adversely affect the public interest, inasmuch as the applicant provides tax-supported affordable housing services for which there is a community need that cannot be met in an economical manner unless the variance is granted.

**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 the Board that the granting of the variance requested would not oppose the general spirit and intent of the Zoning Code inasmuch as the code provides for parking to be located off-site.

**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, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance to Section IV-A.4 of the Unified Zoning Code be granted to reduce the parking requirement from 141 spaces to 73 spaces on property zoned "LI" Limited Industrial and "GC" General Commercial and legally described as follows:

Lots 32 and 34 and vacated alley lying between said Lots 32 and 34, on Riverview Avenue, in Waterman's Addition to Wichita, Sedgwick County, Kansas. AND Lot 1, Block 1 and Lot 1, Block 2, Park Plaza Second Addition, Wichita, Sedgwick County, Kansas. Generally located north of 2nd Street North and east and west of Riverview. (307 and 332 N. Riverview)


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

1. A minimum of 73 parking spaces shall be provided on-site in general conformance with the approved site plan.
2. A minimum of 44 parking spaces shall be provided off-site and must be located within a 1,000 foot radius of the subject property.
3. An "Agreement for Off-Site Parking" for the 44 off-site parking spaces shall be provided per the provisions of Section IV-A.10.d. of the Unified Zoning Code, even if the parking lot used to meet the off-site parking requirement is owned by the applicant.
4. The granting of the variance supercedes and declares null and void BZA Resolution No. 6-73.
5. 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 21st DAY of OCTOBER 2003.

  
\_\_\_\_\_  
James Ruane, BZA Board Chair

ATTEST:

  
\_\_\_\_\_  
Scott Knebel, BZA Secretary

**SECRETARY'S REPORT**

CASE NUMBER: BZA2003-00049

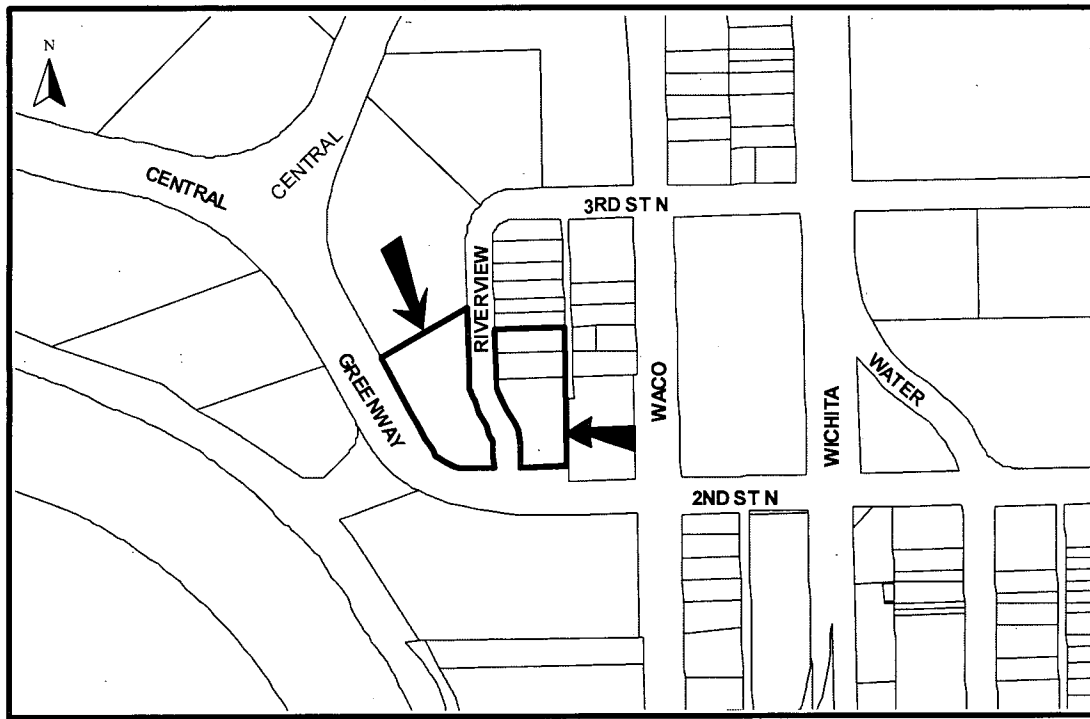
OWNER/APPLICANT: City of Wichita Housing Services Department c/o Mark Stanberry

REQUEST: Variance to Section IV-A.4. of the Unified Zoning Code to reduce the parking requirement from 141 spaces to 73 spaces

CURRENT ZONING: "LI" Limited Industrial & "GC" General Commercial

SITE SIZE: 2.14 acres

LOCATION: North of 2<sup>nd</sup> Street North and east and west of Riverview (307 and 332 N. Riverview)



**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 City of Wichita is requesting a variance of the Unified Zoning Code to reduce the parking requirement from 141 spaces to 73 spaces for the Housing Services Department offices and the Greenway Manor apartments located north of 2<sup>nd</sup> Street North and east and west of Riverview at 332 N. Riverview and 307 N. Riverview, respectively (see attached aerial photograph). The property at 332 N. Riverview is developed with an approximately 7,000 square foot office building that houses the majority of the Housing Services Department and provides the 28 parking spaces required by the Unified Zoning Code on the south side of the building. The property at 307 N. Riverview is developed with an 86-unit apartment building for the elderly and 2,592 square feet of office space that houses the remainder of the Housing Services Department. A parking lot south of 332 N. Riverview and east of 307 N. Riverview provides 73 parking spaces to serve the property at 307 N. Riverview. The Board of Zoning Appeals reduced the parking requirement for 307 N. Riverview from 97 spaces to 73 spaces on April 24, 1973 (see attached Case No. BZA 6-73).

The applicant proposes an addition to the south end of the building at 332 N. Riverview to add approximately 4,000 square feet of office space. The addition will consume the land presently used for the 28 on-site parking spaces and will increase the parking requirement for the building from 28 spaces to 44 spaces. The applicant is proposing to use the existing 73 space parking lot currently designated only for the Greenway Manor apartments to serve both the apartments and the expanded office building (see attached site plan). The applicant also proposes that employees of the Housing Services Department will park at the Rounds and Porter building located at 410 N. Waco, approximately one-half block northwest of the office building (see attached aerial photograph),

The applicant submitted the attached letter describing the need for the variance and the manner in which the variance requested meets the five criteria for the granting of a variance. The applicant indicates that the Housing Services Department has a need for additional office and storage space and that expanding the existing building has been determined to be the most feasible and economical method of providing the additional building space. The applicant also indicates that the City of Wichita has surplus parking spaces at the Rounds and Porter building that will be used for employee parking. The applicant further indicates that the actual parking need for the Greenway Manor apartments is significantly less than the 73 spaces provided and that 13 of those 73 spaces are proposed to be used to for customers visiting the Housing Services Department offices with the remaining 60 spaces to be used for apartment residents.

Section IV-A.10. the Unified Zoning Code permits required parking to be located off-site if certain conditions are met. The parking lot at the Rounds and Porter building does not meet two of the required conditions. First, the parking lot is located more than 600 feet, measured along the shortest legal, practical walking route, from the entrance of the office building. Second, the parking lot is located across an arterial street (Waco).

**ADJACENT ZONING AND LAND USE:**

NORTH	"GC" & "LI"	Office, parking lot
SOUTH	"LI"	Office
EAST	"LI"	Office, parking garage
WEST	"LI"	Park

**UNIQUENESS:** It is the opinion of staff that this property is unique, inasmuch as the property is located in close proximity to the Central Business District, which does not require on-site parking, and in close proximity (but not as close as required by the Unified Zoning Code) to an off-site parking lot owned by the applicant containing sufficient parking spaces to meet the parking requirement of the subject property. Additionally, the apartment complex is reserved for the elderly and generates a parking need significantly less than anticipated by the parking requirements.

**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 sufficient parking spaces are available on property owned by the applicant within a reasonable walking distance of the subject property, so adjacent properties should not be negatively impacted by vehicles from the subject property illegally parking on adjacent properties. Additionally, the site plan approved by the Board provides sufficient parking for customers immediately adjacent Housing Services Department, as these visitors would be the most likely to park illegally on adjacent properties.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning regulation will constitute an unnecessary hardship upon the applicant, inasmuch as the applicant would be required to entirely relocate their operations to a different property at a significant cost if the existing building cannot be expanded on the subject property by the granting of the variance to reduce the parking requirement.

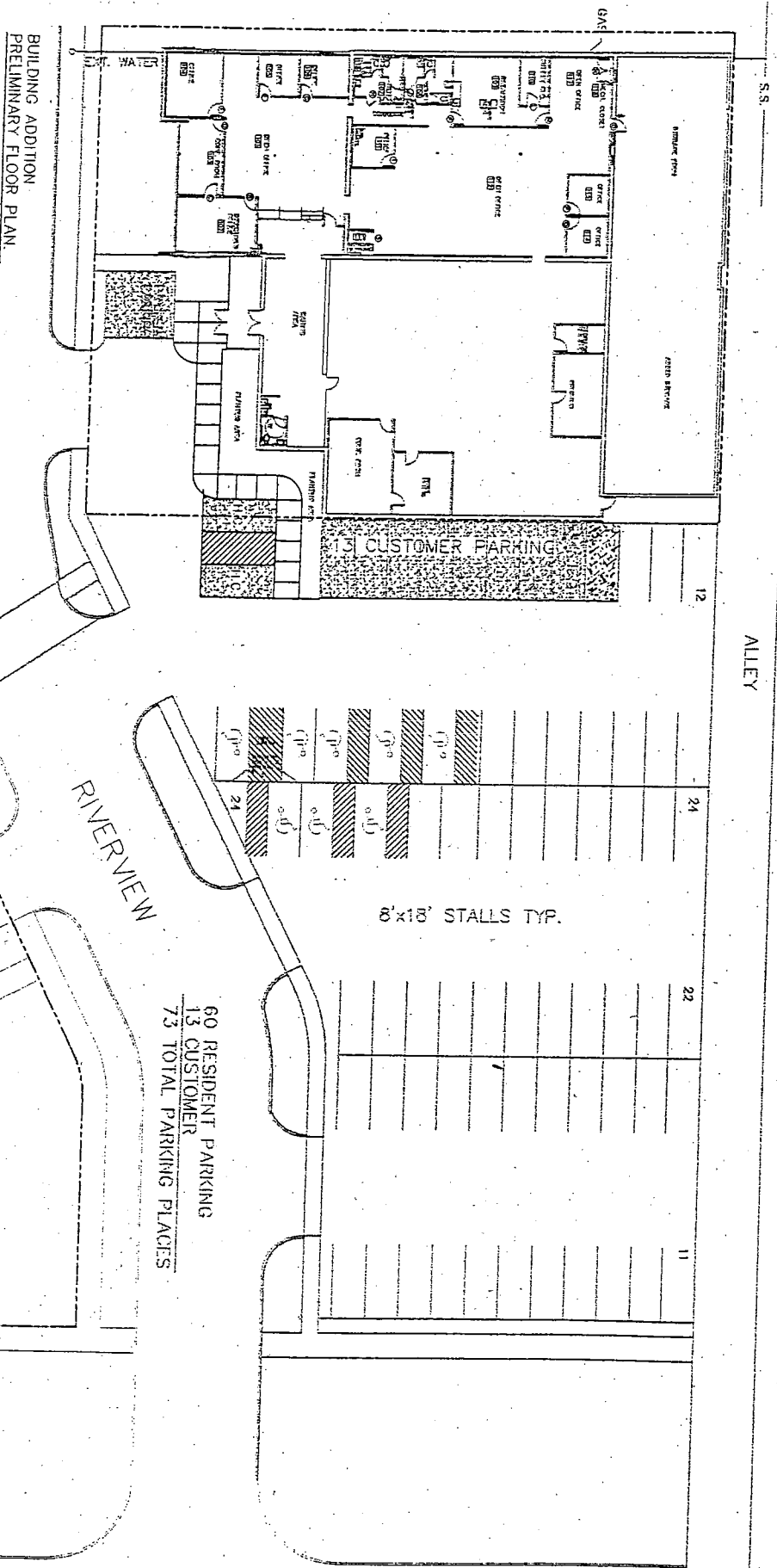
**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the applicant provides tax-supported affordable housing services for which there is a community need that cannot be met in an economical manner unless the variance is granted.

**SPIRIT AND INTENT:** It is the opinion of staff that the granting of the variance requested would not oppose the general spirit and intent of the Zoning Code inasmuch as the code provides for parking to be located off-site.

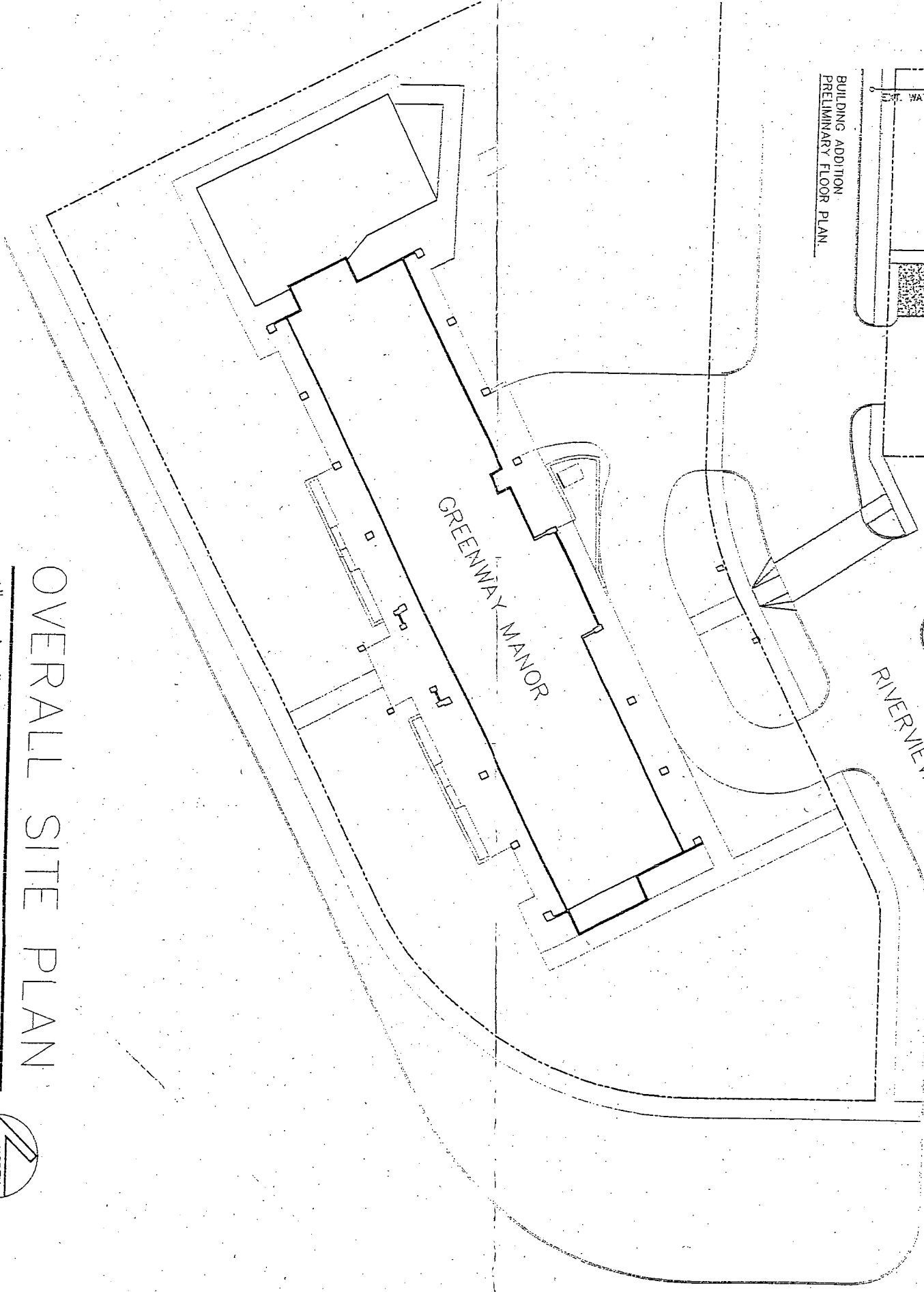
**RECOMMENDATION:** It is staff's opinion that the requested parking requirement reduction is appropriate if the applicant is required to provide the parking spaces required

for the Housing Services Department offices within a 1,000-foot radius of the subject property. Should the Board determine that conditions necessary to the granting of the variance exist, then it is the recommendation of the Secretary that the variance to reduce the parking requirement from 141 spaces to 73 spaces be GRANTED, subject to the following conditions:

1. A minimum of 73 parking spaces shall be provided on-site in general conformance with the approved site plan.
2. A minimum of 44 parking spaces shall be provided off-site and must be located within a 1,000 foot radius of the subject property.
3. An "Agreement for Off-Site Parking" for the 44 off-site parking spaces shall be provided per the provisions of Section IV-A.10.d. of the Unified Zoning Code, even if the parking lot used to meet the off-site parking requirement is owned by the applicant.
4. The granting of the variance supercedes and declares null and void BZA Resolution No. 6-73.
5. 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.



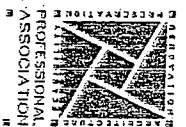
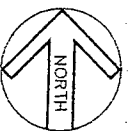
BUILDING ADDITION  
PRELIMINARY FLOOR PLAN



OVERALL SITE PLAN

1" = 40'-0"

9/29/03



RANDAL STEINER  
ARCHITECT, A.I.A.  
PHONE (316) 265-3222  
FAX (316) 265-4648

# SITE PLAN

APPROVED 10-21-03 BY *[Signature]*

SECOND ST.

1300.1

Alley

pp 1300.84

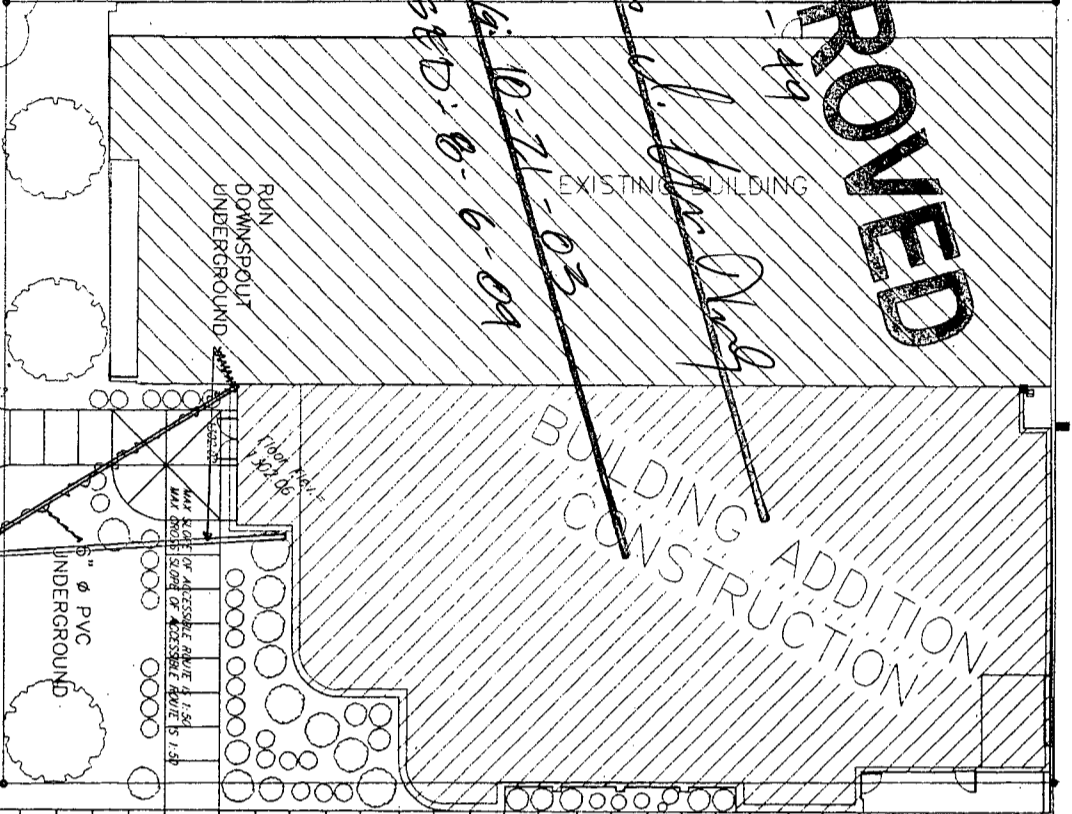
PP GUY WIRE

**APPROVED**  
 BZA 2003-49  
 Date: 02/16/10-11-03  
 REVISED: 8-6-09

Parking

EXISTING BUILDING

BUILDING ADDITION UNDER CONSTRUCTION



REPLACE SECTION OF CURB PROVIDE CURB CASTING.

Riverview Avenue LOT 34 & 1/2 VAC ALLEY ADJ. ON S. RIVER ST. WATERMAN TO WATERMAN'S ADDITION

LEGAL DESCRIPTION

**AREA CALCULATIONS**  
 17,503 SF TOTAL AREA OF SITE  
 13,340 SF BUILDING FOOTPRINT  
 1,411 SF PAVED IMPERVIOUS AREA

REF. PLANS DATED 5/10/04 REVISED 5/17/04

14

PARKING SPACES

GREENWAY MANOR

**REQUIRED PARKING PER BZA 2003-49 DATED 02/16/10**

GREENWAY MANOR 307 N. RIVERVIEW - 73 (3 REQUIRED TO BE ACCESSIBLE)  
 HOUSING SERVICES 332 N. RIVERVIEW - 44 (2 REQUIRED TO BE ACCESSIBLE)

Site	Parking Spaces	Accessible Spaces	Van/Accessible Spaces
Parking at Greenway Manor Site 307 N. Riverview	1	9	4
Parking at Shared Site West of Greenway South of Public Housing	73	0	2
Parking at Rounds/Porter City Owned Lot Within 1000'	28	0	0
<b>TOTAL</b>	<b>102</b>	<b>9</b>	<b>6</b>

SECOND STREET

FIRE HYDRANT

5'11" 5'09"

22

11

27

15

102

9

6