



Wichita-Sedgwick County Metropolitan Area Planning Department

October 23, 2020

Kevin A. Steckley
5650 East 53rd Street North
Kechi, KS 67067

Ferris Consulting
% Greg Ferris
P.O. Box 573
Wichita, KS 67201

RE: BZA2020-00039 – City variance to reduce the off-street parking from 18 to zero on property zoned LI Limited Industrial and generally located on the east side of North St. Francis Avenue and one block south of East Murdock Avenue (700 North St. Francis).

At its regular meeting on October 8, 2020, the Wichita - Sedgwick County Board of Zoning Appeals (BZA) considered the above captioned request. The action of the BZA was to **APPROVE** the request by a vote of 11 to 0 in accordance with the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

David L. Yearout, AICP
Principal Planner

Copies to: WCC VI, Cindy Claycomb, Mail Stop 1-13
Ana Lopez, CSR II, Mail Stop 1-135
Paul Hays, OCI, Mailstop 1-72
J. R. Cox, OCI, Mailstop 1-72.
Jeff Van Zandt, City Law, Mailstop 1-134
Shawn Mellies, Engineering, Mail Stop 1-71
Seth Gotchey, Engineering, Mail Stop 1-71

BZA RESOLUTION NO. 2020-00039

WHEREAS, Kevin A. Steckley and Zach Fugate (Owners); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests the following variance to the Unified Zoning Code of the City of Wichita:

1. Variance to Section IV.A.4 of the Unified Zoning Code to decrease the number of required off-street parking spaces from 18 to zero;

on property zoned "LI" Limited Industrial District (LI) legally described as follows:

Lot 41, and the South Half of Lot 43, on 4th, now Saint Francis, J.P. Hilton Addition to Wichita, Sedgwick County, Kansas.

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 8, 2020, 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 in that it is developed similar to what would be normally found in the central business area of the community, with 100% lot coverage and no room for off-street parking. It also has established on-street parking designed into the street on the south side of the property along Pine Street, with approximately 15 angle parking spaces in place.

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 most of the surrounding property is off-street parking for Via Christi.

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 imposing the UZC standards of off-street parking is unreasonable given the nature of the property at this location. The applicant believes the parking provided at the site is adequate for the use as proposed. The applicant believes the parking provided at the site is adequate for the use as proposed

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 it is in the public interest to support continued use of existing buildings.

WHEREAS, the Board of Zoning Appeals has found that the variance desired meet the spirit and intent of accommodating parking demand based on the unique use and will support the continued productive use of an existing building that would otherwise potentially go unused.

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 be granted to the Unified Zoning Code of the City of Wichita:

1. Variance to Section IV.A.4 of the Unified Zoning Code to decrease the number of required off-street parking spaces from 18 to zero;

on property zoned "LI" Limited Industrial District (LI) legally described as follows:

Lot 41, and the South Half of Lot 43, on 4th, now Saint Francis, J.P. Hilton Addition to Wichita, Sedgwick County, Kansas.

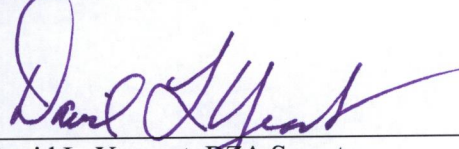
The variance is hereby GRANTED, subject to the following conditions:

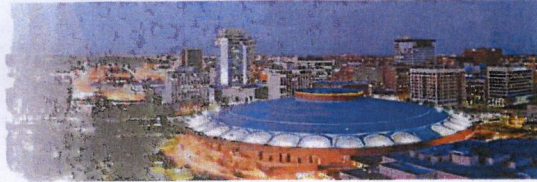
1. The approval shall be to require the on-street parking spaces shown on the proposed site plan be maintained.
2. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department
4. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 8th DAY of OCTOBER, 2020.


Michael C. Greene, BZA Board Chair

ATTEST:


David L. Yearout, BZA Secretary



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
453868	0004753273		OCA 150004	\$84.00	1	10.00 In

Attention: Betsy Pagán

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 09/17/2020

Ending issue of: 09/17/2020

STATE OF KANSAS)

.SS

County of Sedgwick)

VICTORIA RODELA, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 9/17/2020 to 09/17/2020.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

V Rodela

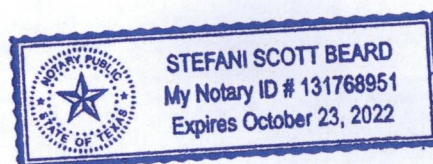
Signature of Principal Clerk

DATED: 9/22/2020

Stefani Scott Beard

Notary Public Dallas County, Texas

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



LEGAL PUBLICATION

OCA 150004
PUBLISHED IN THE WICHITA EAGLE
ON SEPTEMBER 17, 2020 (4753273)
(One Time Only)

MAPC/BZA October 8, 2020 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, October 8, 2020 no earlier than 1:00 p.m.**, the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II - Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

- BZA2020-00039** City variance to waive required on-site parking for property located in LI Limited Industrial zoning district; generally located at the northeast corner of St. Francis Avenue and East Pine Street, one block south of East Murdock Avenue (700 N. St. Francis)
- CON2020-00029** City Conditional Use for a Day Care, General, on property zoned SF-S Single-Family Residential generally located two blocks north of West Central Avenue and three blocks east of North Tyler Road (833 North Socora Street).
- ZON2020-00032** City rezone from B to GO for property generally located at the southwest corner of Hillside Ave. and 3rd St. N. (357 N. Hillside)
- ZON2020-00034** City zone change from MF-29 Multi-family to LC Limited Commercial; generally located 775 feet west of South Seneca on the north side of West McCormick (1230 W. McCormick)
- ZON2020-00035** City rezone from LC to GC to allow new and used vehicle sales on property generally located on the south side of East Kellogg Drive and east of South Cypress Drive (9045 East Kellogg Drive).
- VAC2020-00033** City Vacation of Platted street to extend property, Generally located within one quarter mile East of North West Street and one quarter mile South of West 13th Street North (Nelson Street next to 3335 W. Ponderosa St.)
- VAC2020-00034** City Vacation of access controls on property zoned GO General Office generally located on the north side of East Harry Street and west of South Todd Street.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION due to COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: David Yearout 271 W. 3 rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316-858-7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.
<https://global.gotomeeting.com/join/751333133>

You can also dial in using your phone.

United States: +1 (224) 501-3472
Access Code: 751-333-133

Attend a Virtual Connection Site In-Person

You may also participate in the hearing by going to meeting room 101B at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on September 14, 2020
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission



SITE PLAN

APPROVED 10/8/2020 *Elmorga*