



Wichita-Sedgwick County Metropolitan Area Planning Department

April 25, 2007

Inter-Faith Villa Courts LP

829 N. Market
Wichita, KS 67214

RE: BZA2007-13 Variance request to reduce the parking requirement from 76 to 48 spaces for a multi-family development in B Multi-family zoning, and a variance request to allow parking within the front setback, generally located east of Market Street between 8th and 9th Streets North (902 - 940 N Market)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on April 24, 2007. This resolution reflects the official action of the Board. 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,

A handwritten signature in black ink, appearing to read 'Jess McNeely'.

Jess McNeely, AICP

Senior Planner

BZA Secretary, Current Plans Division

JM/ya

Cc Wayne Isaac, 2433 W Benjamin, Wichita, KS 67204
Sharon Dickgrafe, Law Dept, 1-132
Herb Shaner, OCI, 1-72
Sharon Fearey, WCC District VI, 1-13

BZA RESOLUTION NO. 2007-13

WHEREAS, Interfaith Villa Courts LP (owner/applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section IVA.1.a of the Unified Zoning Code to reduce the parking requirement from 76 to 48 spaces for a multi-family development in B Multi-family zoning, and requests a variance to allow parking within the front setback, generally located east of Market Street between 8th and 9th Streets North (902 - 940 N Market).

Lots 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, and 140, on Market Street, Munger's Original Town Addition, 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 April 24, 2007, 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 conditions that are unique, as the lots were platted prior to the current zoning code (with a 135-foot depth), and the two existing buildings to remain on the site were built in the 1920s, also prior to the current zoning code requirements. The property is unique as a multi-family development in an older, mixed-use neighborhood, where residents can walk to nearby establishments. As an affordable housing project, residents within this development will have a lower automobile ownership rate than what the zoning code parking requirement anticipates.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners, as the residential units that previously occupied the site did not meet the zoning code parking requirements, and surrounding properties were not negatively affected. Improvements on the site, the paved parking and circulation drives, will improve traffic flow and its affect on adjacent property owners. Additionally, on-street spaces are available on Market if overflow parking should be necessary on occasion.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the zoning regulations would constitute an unnecessary hardship upon the applicant, as compliance with the parking requirements would consume a significant portion of the site, and prohibit the optimal development of this site for multi-family use.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, as the public has an interest in the development and redevelopment of residential buildings within older, existing neighborhoods.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the zoning regulations, as the parking requirements of the zoning regulations are not necessary for this redevelopment, and adequate parking for this development will be provided on site.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

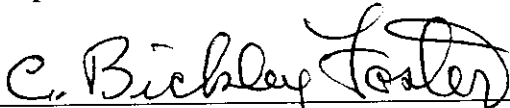
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to IVA.1.a of the Unified Zoning Code to reduce the parking requirement from 76 to 48 spaces for a multi-family development in B Multi-family zoning, and to allow parking within the front setback, generally located east of Market Street between 8th and 9th Streets North (902 - 940 N Market).

Lots 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, and 140, on Market Street, Munger's Original Town Addition, Sedgwick County, Kansas.

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

1. The site shall be developed in substantial conformance with the approved site plan.
2. All parking on the site shall be marked and paved in conformance with City standards.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year from the date the variance is granted unless such time is extended by the Board.
4. The resolution authorizing this variance may be reviewed for compliance with conditions by the BZA; the board may then make recommendations to staff regarding enforcement of conditions.

ADOPTED AT WICHITA, KANSAS, this 24th Day of April 2007.


BZA Board Chair, C. Bickley Foster

ATTEST:


Jess McNeely, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2007-13

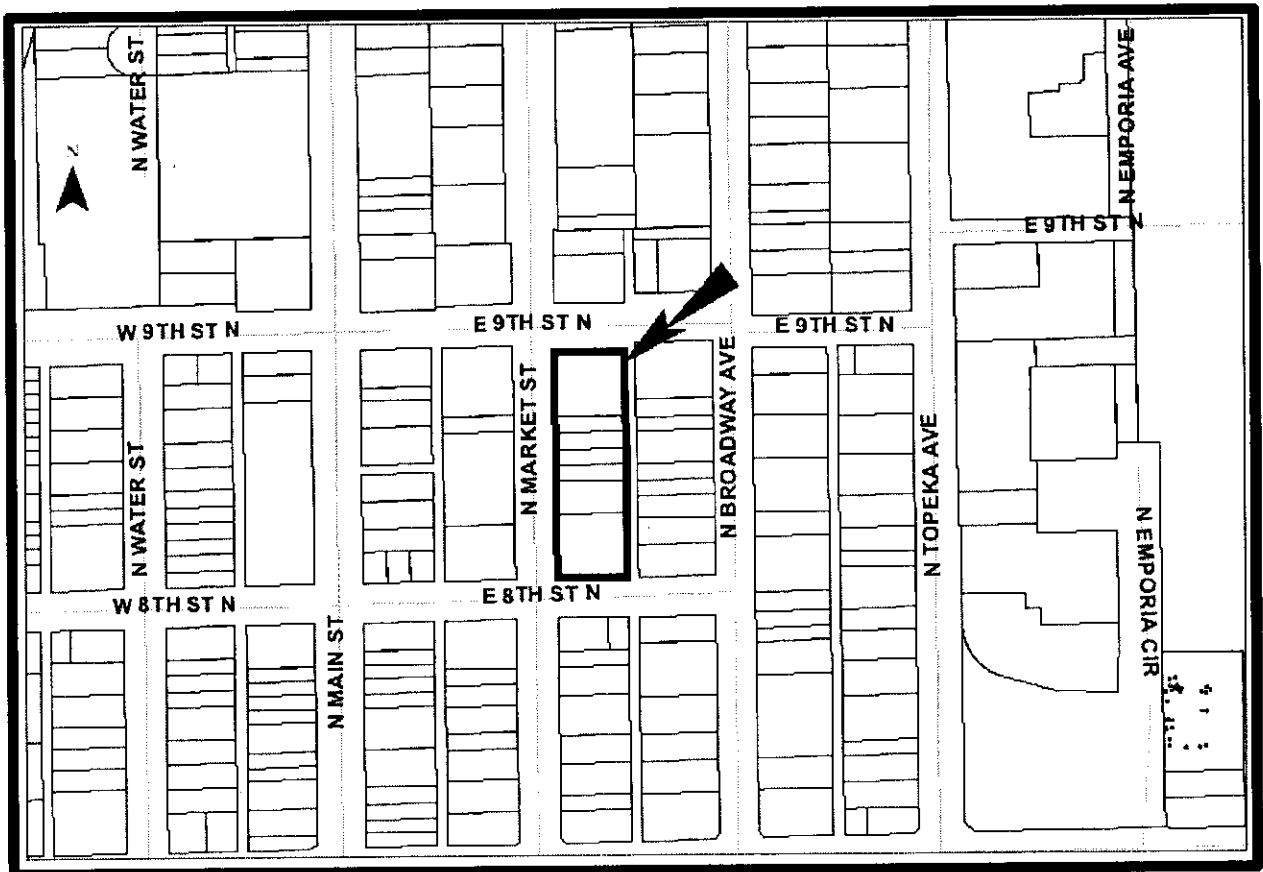
APPLICANT/AGENT: Inter-faith Villa Courts LP (Owner/Applicant); Wayne Isaac (Agent)

REQUEST: Variance request to reduce the parking requirement from 76 to 48 spaces for a multi-family development in B Multi-family zoning, and variance request to allow parking within the front setback.

CURRENT ZONING: "B" Multi-family

SITE SIZE: 1.27 acres

LOCATION: East of Market Street between 8th and 9th Streets North (902 - 940 N Market))



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 plans to redevelop this entire block of N Market street by renovating two existing buildings with apartments and office space, and building a new multi-family residential building. The Unified Zoning Code (UZC) would require 76 total parking spaces for this development, the applicant intends to provide 48 total spaces (see the attached site plan). Also, the applicant proposes one parking space within the 20-foot front building setback. A variance is required to reduce the parking requirement by more than 10 percent; parking within the setback can be resolved with a variance as well. A mixture of zoning and land uses characterizes the surrounding area. Office, commercial, and multi-family residential uses exist in the immediate area, to include affordable housing developments.

ADJACENT ZONING AND LAND USE:

NORTH	“B”	Single-family residential
SOUTH	“B”	Multi-family residential
EAST	“LC”	Restaurant, hotel, office, multi-family residential
WEST	“B”	Multi-family residential

The five conditions necessary for approval apply to all variances requested.

UNIQUENESS: It staff’s opinion that this property is unique as the lots were platted prior to the current zoning code (with a 135-foot depth), and the two existing buildings to remain on the site were built in the 1920s, also prior to the current zoning code requirements. The property is unique as a multi-family development in an older, mixed-use neighborhood, where residents can walk to nearby establishments. As an affordable housing project, residents within this development will have a lower automobile ownership rate than what the zoning code parking requirement anticipates.

ADJACENT PROPERTY: It is staff’s opinion that granting the requested variance will not adversely affect the rights of adjacent property owners. The residential units that previously occupied the site did not meet the zoning code parking requirements, and surrounding properties were not negatively affected. Improvements on the site, the paved parking and circulation drives, will improve traffic flow and its affect on adjacent property owners. Additionally, on-street spaces are available on Market if overflow parking should be necessary on occasion.

HARDSHIP: It is staff’s opinion that the strict application of the zoning regulations would constitute an unnecessary hardship upon the applicant. Compliance with the parking requirements would consume a significant portion of the site, and prohibit the optimal development of this site for multi-family use.

PUBLIC INTEREST: It is staff’s opinion that the requested variance would not adversely affect the public interest, as the public has an interest in the development and redevelopment of residential buildings within older, existing neighborhoods.

SPIRIT AND INTENT: It is staff’s opinion that granting the requested variance would not be opposed to the general spirit and intent of the zoning regulations, as the parking requirements of the zoning regulations are not necessary for this redevelopment, and adequate parking for this development will be provided on site.

RECOMMENDATION: Should the Board determine that all five conditions necessary to grant the variances exist, the Secretary recommends that a variance to reduce the parking requirement from 76 to 48 spaces for a multi-family residential development, and a variance to permit one parking space within the front building setback, be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. All parking on the site shall be marked and paved in conformance with City standards.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year from the date the variance is granted unless such time is extended by the Board.
4. The resolution authorizing this variance may be reviewed for compliance with conditions by the BZA; the board may then make recommendations to staff regarding enforcement of conditions.