WICHITA — SEDGWICK COUNTY

WSC

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

FILE COPY

April 28, 1999

Tom T. Poorman
1430 Donegal Circle
Wichita, KS 67230

**RE: Reduction in required off-street parking spaces from 45 to 25 spaces, on property generally location North of East Douglas Avenue, between Mathewson and New York Avenue.**

Dear Mr. Poorman:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on April 27, 1999. 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely,

Dale Miller
Secretary
Board of Zoning Appeals

DM/rs

cc: Donald T. Poorman, 13 Via Verde, Wichita, KS 67203
Poorman Partnership, 1400 E. Douglas, Wichita, KS 67214
J.R. Cox, OCI
Paul Hayes, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)

## BZA RESOLUTION NO. 8-99

**WHEREAS**, Poorman Partnership/Poorman's Auto Supply, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required off-street parking spaces from 45 to 25 spaces on property zoned "LI" Limited Industrial and legally described as follows:

> Lots 18, 20, 22, 24, 26 and 28, on Douglas Avenue, in Johnson's Subdivision of Lot 25, and 12 8/10 feet of the East side of lot 23 in Mathewson's Addition to the City of Wichita, Sedgwick County, Kansas. And Lot 1 and the 27 feet of Lot 2 on Douglas Avenue in Strong's Subdivision in Mathewson's Addition to the City of Wichita, Sedgwcik County, Kansas. And Lot 2, except the West feet thereof; and all of Lots 3 and 4, on Douglas Avenue in Strong's Subdivision in Mathewson's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located North of East Douglas Avenue, between Mathewson and New York Avenue.

**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 27, 1999, 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 buildings on this site were constructed around 1930 when zoning regulations did not require the same level of off-street parking as is currently required. Even though buildings will be razed and a new one of different configuration will be constructed, there is insufficient area on the site to provide the parking required by the code. The auto parts business has experienced a significant increase in the number of parts that need to be on-hand in order to be a competitive parts supplier. Most of this businesses sales are wholesale.

**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 off-street parking that will be provided will be sufficient to meet the needs of this business. There is also public parking along Douglas Avenue, New York and Mathewson. Therefore, there should not be any need for this businesses customers or employees to seek parking 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 staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as there is not any other land available for purchase. The applicant's have already purchased adjacent businesses and are developing a two-story building.

**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 the amount of parking to be provided should be adequate to meet the needs of the employees and the public. It is in the public's interest for existing businesses to be able to expand and economically competitive.

**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 an adequate supply of off-street parking will be supplied, which is the purpose of the code. There is public parking on Douglas Avenue and Mathewson.

**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 required off-street parking spaces from 45 to 25 spaces on property zoned "LI" Limited Industrial and legally described as follows:

> Lots 18, 20, 22, 24, 26 and 28, on Douglas Avenue, in Johnson's Subdivision of Lot 25, and 12 8/10 feet of the East side of lot 23 in Mathewson's Addition to the City of Wichita, Sedgwick County, Kansas. And Lot 1 and the 27 feet of Lot 2 on Douglas Avenue in Strong's Subdivision in Mathewson's Addition to the City of Wichita, Sedgwcik County, Kansas. And Lot 2, except the West feet thereof; and all of Lots 3 and 4, on Douglas Avenue in Strong's Subdivision in Mathewson's Addition to the City of Wichita, Sedgwick County, Kansas. Generally located North of East Douglas Avenue, between Mathewson and New York Avenue.

subject to the following conditions:

1. The parking reduction from 45 to 25 spaces shall be installed in substantial conformance with the site plan submitted with this variance request, and shall apply to an auto supply business employing less than 15 employees.

2. The parking area shall be paved, striped and maintained in accordance with approved site plan within three months of the approval of this request.

3. BZA 4-95 shall become null and void.

4. 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 or the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1999.

C. Bickley Foster

C. Bickley Foster, President

ATTEST:

Dale Miller

Dale Miller, Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
April, 1999

## SECRETARY'S REPORT

CASE NUMBER: BZA 8-99

OWNER/APPLICANT: Poorman Partnership / Poorman's Auto Supply (applicant); Tom Poorman, Donald Poorman (owner)

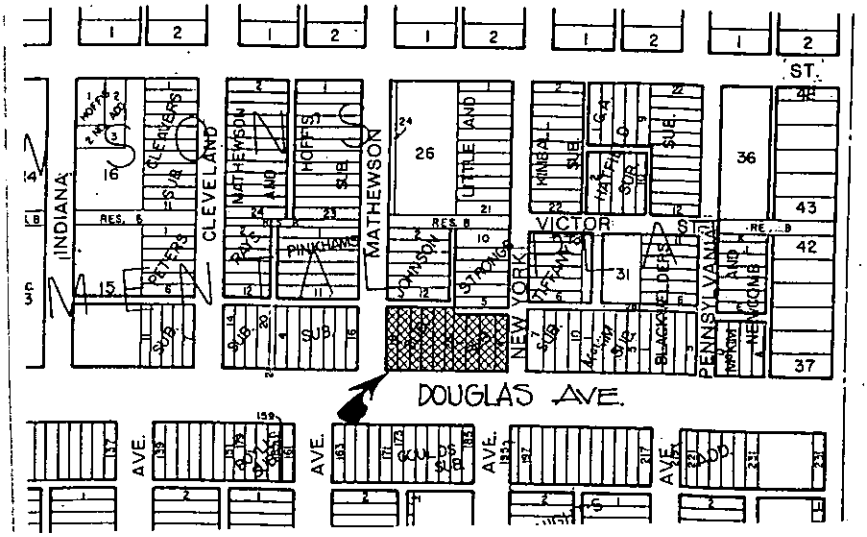
AGENT: Tom Poorman and Donald Poorman

REQUEST: Reduction in required off-street parking spaces from 45 to 25 spaces

CURRENT ZONING: "LI", Limited Industrial

SITE SIZE: .76 acre

LOCATION: North of East Douglas Avenue, between Mathewson and New York Avenue




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 operates Poorman's Auto Supply, Inc. located in the west half of the block north of East Douglas Avenue, between Mathewson and New York Avenue. The applicant's have purchased the east half of the block with the intention of demolishing the existing businesses, then redeveloping the site with a new two-story building to house additional parts for Poorman's Auto Supply. Over the years there has been an explosion in the number of parts needed to be stocked by a replacement parts supplier.

Currently the existing Poorman's site has 18 off-site parking spaces - nine in front of the building accessed by East Douglas Avenue and nine spaces accessed off the alley located at the back of the current building. With the purchase of the property to the east, seven additional spaces will be available along the alley, north of the new construction area, for a total of 25 off-street spaces. Under the current code, this expansion will generate a parking requirement for 45 spaces. Warehousing parking is calculated at 1 space per 1,000 square feet for the first 20,000 square feet, plus one space per 500 square feet above 20,000 square feet which results in the need for 23 spaces for the 28,778 square feet of warehouse area proposed. Office and showroom parking is calculated at one space per 250 square feet of area resulting in the need for 22 spaces.

In 1995, the applicant received approval for a reduction in the number of off-street spaces required from 30 to 18 (BZA 4-95).

The applicant indicates they have nine employees. Generally, there are only two to three customers at any one time as most of their sales are wholesale transactions. Parking is permitted along Douglas, New York and Mathewson.

**ADJACENT ZONING AND LAND USE**:

| | |
|---|---|
| NORTH | "LI", Limited Industrial; auto repair |
| SOUTH | "LI", Limited Industrial; retail and office |
| EAST | "LI", Limited Industrial; commercial |
| WEST | "LI", Limited Industrial; retail commercial |

**UNIQUENESS**: It is the opinion of staff that this property is unique inasmuch as the buildings on this site were constructed around 1930 when zoning regulations did not require the same level of off-street parking as is currently required. Even though buildings will be razed and a new one of different configuration will be constructed, there is insufficient area on the site to provide the parking required by the code. The auto parts business has experienced a significant increase in the number of parts that need to be on-hand in order to be a competitive parts supplier. Most of this businesses sales are wholesale.

**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 off-street parking that will be provided will be sufficient to meet the needs of this business. There is also public parking along Douglas Avenue, New York and Mathewson. Therefore, there should not be any need for this businesses customers or employees to seek parking on adjacent properties.

**HARDSHIP**: 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 there is not any other land available for purchase. The applicant's have already purchased adjacent businesses and are developing a two-story building.

**PUBLIC INTEREST**: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the amount of parking to be provided should be adequate to meet the needs of the employees and the public. It is in the public's interest for existing businesses to be able to expand and economically competitive.

**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 regulations, inasmuch as an adequate supply of off-street parking will be supplied, which is the purpose of the code. There is public parking on Douglas Avenue and Mathewson.

**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 variance be granted, subject to the following conditions:

1. The parking reduction from 45 to 25 spaces shall be installed in substantial conformance with the site plan submitted with this variance request, and shall apply to an auto supply business employing less than 14 employees.

2. The parking area shall be paved, striped and maintained in accordance with approved site plan within three months of the approval of this request.

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 or the foregoing conditions.