



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 25, 2004

Russell Bomhoff
Bomhoff Investments, LLC
2804 Bent Bay Circle
Wichita, KS 67204

RE: BZA2004-00054 – Variance to reduce the off-street parking requirements for a manufacturing facility from 54 to 32 spaces. Generally located at the northeast corner of Blake and Southeast Boulevard. (District III)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on August 24, 2004, 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,

Scott Knebel
Senior Planner

SK/rms

Cc: Thomas Simon, Aero Tech Engineering/Manufacturing, 2540 S. Sheridan,
Wichita, KS 67217
Brad Teeter, Spangenberg Phillips Architecture, 121 N. Mead, Ste. 201,
Wichita, KS 67202
Doug Henning, Commerce Construction Services, 1008 S. Santa Fe, Wichita, KS 67201
Phil Lambke, WCC, District III, Mail Stop 1-13
Sharon Dickgrafe, Law Department, Mail Stop 1-132
Herb Shaner, OCI, 1-72

BZA RESOLUTION NO. 2004-00054

WHEREAS, Bomhoff Investments, LLC c/o Russell Bomhoff (Owner); Aero Tech Engineering/Manufacturing c/o Thomas Simon (Applicant); Spangenberg Phillips Architecture c/o Brad Teeter and Commerce Construction Services c/o Doug Henning (Agents) pursuant to Section 2.12.590.B, Code of the City of Wichita, request a Variance to reduce the off-street parking requirements for a manufacturing facility from 54 to 32 spaces on property zoned "GC" General Commercial legally described as follows:

Lot 2, excluding the north 170 feet thereof, Bomhoff 2nd Addition. Generally located at the northeast corner of Blake and Southeast Boulevard.

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 August 24, 2004, 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 of sufficient size to meet the parking requirements; however, the proposed use of the property is such that meeting the parking requirement is unnecessary and would result in a unused paved parking area adjacent to single-family residences that instead could be maintained as an open space buffer.

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 variances requested will not adversely affect the rights of adjacent property owners, inasmuch as the number of parking spaces provided should be sufficient for the number of employees and visitors to the site. Additionally, there are sufficient on-street parking spaces in front of the business on Blake street to meet overflow parking needs without creating the need for parking on the parking areas for adjacent businesses.

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 regulations may constitute an unnecessary hardship upon the applicant, inasmuch as providing the code-required number of parking spaces is cost prohibitive and would be an unnecessary expense that might preclude redevelopment of an existing commercial property.

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 variances would not adversely affect the public interest, inasmuch as the public has an interest in supporting the redevelopment of existing commercial properties by providing reasonable flexibility in development regulations.

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 variances requested would not be opposed to the general spirit and intent of the zoning

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 variances requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the parking requirements of the zoning regulations are not appropriate in all cases. Therefore, variances to relieve the parking requirement are permitted if proper justification is available. The zoning regulations attempt to provide sufficient parking to meet the demand of the use. The use of the property requires less than the typical number of parking spaces for a manufacturing facility because it will have fewer employees per square foot of manufacturing area than anticipated by the code due to machinery used in the manufacturing process.

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.

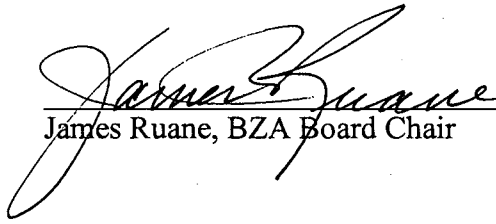
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance be granted to reduce the off-street parking requirements for a manufacturing facility from 54 to 32 spaces on property zoned "GC" General Commercial legally described as follows:

Lot 2, excluding the north 170 feet thereof, Bomhoff 2nd Addition. Generally located at the northeast corner of Blake and Southeast Boulevard.

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

1. The parking requirement shall be 32 parking spaces for a facility containing 4,000 square feet of office space, 17,600 square feet of manufacturing space, and 2,500 square feet of warehouse space. If an increase in building square footage and/or a change in use occurs, then additional parking spaces shall be provided to meet the Unified Zoning Code requirements unless a separate Zoning Adjustment or Variance is granted.
2. The maximum number of employees permitted on a single shift shall be 25, and the maximum number of total employees permitted on the subject property shall be 35. If the number of employees exceeds either maximum, then additional parking spaces shall be provided to meet Unified Zoning Code requirements unless a separate Zoning Adjustment or Variance is granted.
3. The site shall be developed in substantial conformance with the approved site plan.
4. The applicant shall obtain all permits necessary to construct the improvements.
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 24nd DAY of AUGUST, 2004.


James Ruane, BZA Board Chair

ATTEST:


Scott Knebel, BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
August 24, 2004

SECRETARY'S REPORT

CASE NUMBER: BZA2004-00054

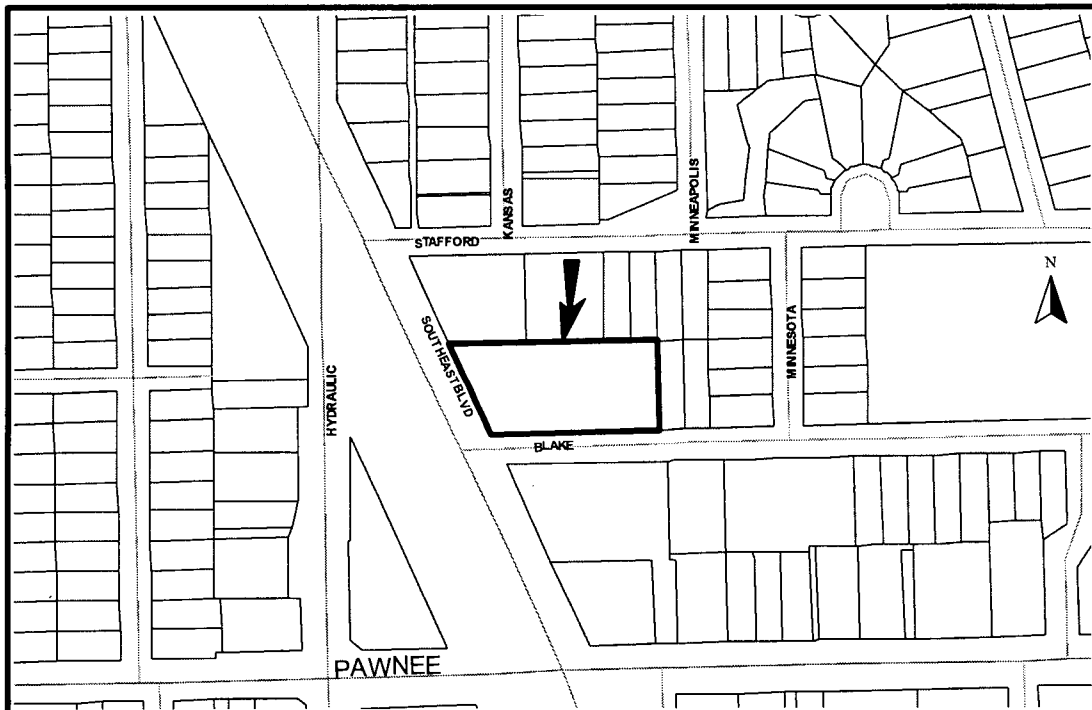
APPLICANT/AGENT: Bomhoff Investments, LLC c/o Russell Bomhoff (Owner);
Aero Tech Engineering/Manufacturing c/o Thomas Simon
(Applicant); Spangenberg Phillips Architecture c/o Brad
Teeter and Commerce Construction Services c/o Doug
Henning (Agents)

REQUEST: Variance to reduce the off-street parking requirements for
a manufacturing facility from 54 to 32 spaces

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 1.39 acres

LOCATION: Northeast corner of Blake and Southeast Boulevard



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 proposes to convert an existing warehouse to a manufacturing facility (see attached site plan). The subject property currently provides 32 parking spaces, which met the parking requirement for a warehouse but does not meet the parking the parking requirement for the proposed manufacturing facility. For the proposed manufacturing facility, the Unified Zoning Code requires one parking space per 250 square feet of office space, plus one parking space per 500 square feet of manufacturing space, plus one parking space per 1,000 square feet of warehouse space, for a total parking requirement of 54 parking spaces. While sufficient land is available east of the building to construct the additional parking spaces needed to meet the parking requirement, the applicant indicates that the additional spaces are unnecessary because there will only be 20-25 employees on first shift and 5-10 employees on second shift. Therefore, the applicant has requested a variance to reduce the parking requirement from 54 to 32 parking spaces. A variance is required to reduce the off-street parking requirement by more than 25% for remodeling projects. The applicant is requesting a 40% reduction of the parking requirement.

ADJACENT ZONING AND LAND USE:

NORTH	"LC", "GC", & "TF-3"	Strip center, vacant, single-family residences
SOUTH	"LC"	Retail
EAST	"GC"	Warehouse
WEST	"LC" & "TF-3"	Restaurant, single-family residence

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property is of sufficient size to meet the parking requirements; however, the proposed use of the property is such that meeting the parking requirement is unnecessary and would result in a unused paved parking area adjacent to single-family residences that instead could be maintained as an open space buffer.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as the number of parking spaces provided should be sufficient for the number of employees and visitors to the site. Additionally, there are sufficient on-street parking spaces in front of the business on Blake street to meet overflow parking needs without creating the need for parking on the parking areas for adjacent businesses.

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 providing the code-required number of parking spaces is cost prohibitive and would be an unnecessary expense that might preclude redevelopment of an existing commercial property.

PUBLIC INTEREST: It is the opinion of staff that the requested variances would not adversely affect the public interest, inasmuch as the public has an interest in supporting the redevelopment of existing commercial properties by providing reasonable flexibility in development regulations.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the parking requirements of the zoning regulations are not appropriate in all cases. Therefore, variances to relieve the parking requirement are permitted if proper justification is available. The zoning regulations attempt to provide sufficient parking to meet the demand of the use. The use of the property requires less than the typical number of parking spaces for a manufacturing facility because it will have fewer employees per square foot of manufacturing area than anticipated by the code due to machinery used in the manufacturing process.

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 requested variance be GRANTED, subject to the following conditions:

1. The parking requirement shall be 32 parking spaces for a facility containing 4,000 square feet of office space, 17,600 square feet of manufacturing space, and 2,500 square of warehouse space. If an increase in building square footage and/or a change in use occurs, then additional parking spaces shall be provided to meet the Unified Zoning Code requirements unless a separate Zoning Adjustment or Variance is granted.
2. The maximum number of employees permitted on a single shift shall be 25, and the maximum number of total employees permitted on the subject property shall be 35. If the number of employees exceeds either maximum, then additional parking spaces shall be provided to meet Unified Zoning Code requirements unless a separate Zoning Adjustment or Variance is granted.
3. The site shall be developed in substantial conformance with the approved site plan.
4. The applicant shall obtain all permits necessary to construct the improvements.
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.

