

200'4 Sec 6-3-86
SRok 6/1/86
Record ✓

Case No. 20-86 - Builders Development, Inc. requests a variance to reduce the required number of off-street parking spaces from 38 spaces to 10 spaces on property zoned the "C" Commercial District and generally located at the

ACTION

B.Z.A. 20-86 APPROVED 5/27/86
DATE

200'4 Sec 6-3-86
SROR 6-11-86
record ✓

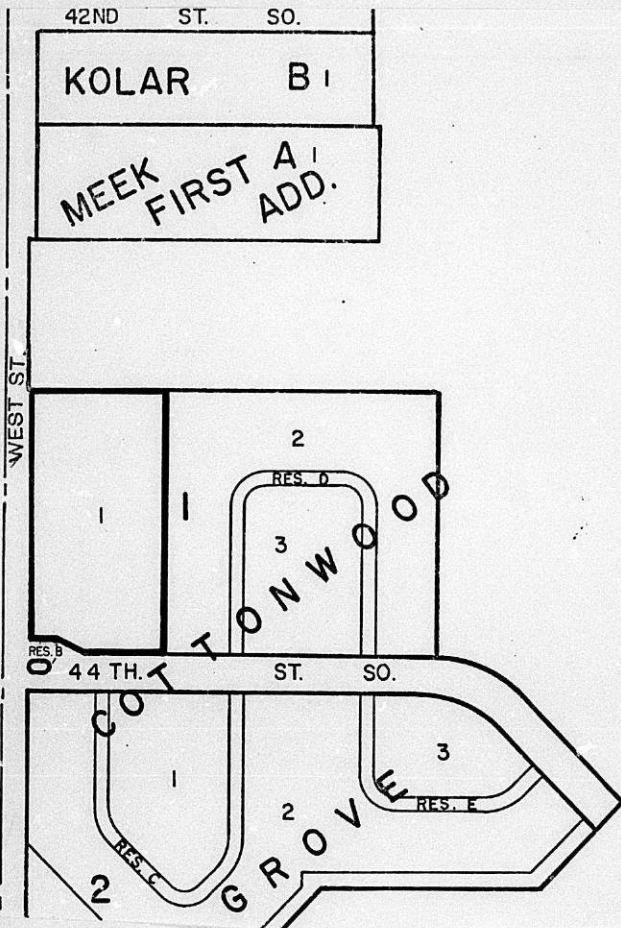
Case No. 20-86 - Builders Development, Inc. requests a variance to reduce the required number of off-street parking spaces from 38 spaces to 10 spaces on property zoned the "C1" Commercial District and generally located on the

Map No. 5242 C

BZA 20-86
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "G" S "G" W "R-1" N "R-1"
3. Land Use: East Mob. homes South Mob. homes
West Farm North Farm
4. Area (is) (~~to be~~) platted.



LOS ANGELES, CHICAGO, LOS AN, OH
HOUSTON, TX, LOCUST GROVE, GA
U.S.A.

Star.

No. 2153C

MARTIN, INC.

May 29, 1986

Builders Development, Inc.
d/b/a Cottonwood Grove Mobile Home Sales
ATTN: Becky Way
1530 South Oliver, Suite 200
Wichita, Kansas 67218

Re: BZA 20-86 - Request for Variance

Dear Ms. Way:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 27, 1986.

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

CEL/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 20-86

WHEREAS, Builders Development, Inc., d/b/a Cottonwood Grove Mobile Home Sales, 1530 South Oliver, Suite 200, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required number of off-street parking spaces from 38 spaces to 10 spaces on property zoned the "C" Commercial District and legally described as follows:

Lot 1, Block 1, Cottonwood Grove Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of 44th Street South and West Street (4422 South West Street).

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 May 27, 1986, 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 owner or the applicant inasmuch as use of the total property for mobile home sales is approximately one-fourth of the land area and as such reduces the demand for off-street parking; and

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 adjacent property in two directions is a mobile home park operated by the applicant and the remainder of adjacent property is undeveloped and should not be affected; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as applicant would be required to surface parking areas that are not a demand of the present use, and as such would create a useless expense; and

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 due to the fact that reduction in the number of off-street parking spaces will not interfere with the need for any right-of-way or easements, nor should the number of parking spaces provided create on-street congestion; and

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 Title 28 (Zoning Ordinance) inasmuch as the requirement is generally based on the total utilization of the property and in this case it is approximately 25 percent; and

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.

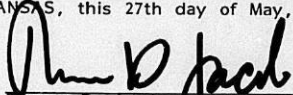
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 38 spaces to 10 spaces on property zoned the "C" Commercial District and legally described as follows:

Lot 1, Block 1, Cottonwood Grove Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of 44th Street South and West Street (4422 South West Street).

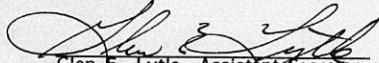
be approved subject to the following conditions:

1. The reduction of the off-street parking spaces from 38 spaces to 10 spaces shall only apply to the property as a mobile home sales lot and the number of mobile homes on the property shall not exceed six.
2. At any time any portion of the property is used for any other use, this resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of May, 1986.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

SECRETARY'S REPORT
CASE NO. BZA 20-86

APPLICANT: Builders Development, Inc., d/b/a Cottonwood Grove Mobile Home Sales, 1530 S. Oliver, Suite 200, Wichita, KS 67218

AGENT: Becky Way, same.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking from 38 spaces to 10 spaces.

GENERAL LOCATION: On the northeast corner of 44th Street South and West Street (4422 S. West Street).

ZONING: Subject property is zoned the "C" Commercial District. Property to the south and east is the "G" Mobile Home District. To the west and north is the "R-1" Suburban Residential District.

LAND USE: Subject property is occupied by a mobile home sales lot. To the north and west is agricultural land. To the south and east is a mobile home park owned by the applicant.

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 the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the required number of off-street parking spaces from 38 spaces to 10 spaces. The applicant is presently providing 10 off-street parking spaces and feels that the additional spaces based on the lot area would be excessive. It should be noted that the applicant is using the property for mobile home sales of model homes and at present only occupies a portion of the property. At the present time, five model homes are located on the property.

The requirement for off-street parking is based on one off-street parking space for each 3,000 square feet of lot area. In this case, 38 spaces are required. Should the applicant increase the number of mobile homes being displayed or establish any other use on the property, any variance granted by this application should become null and void.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as use of the total property for mobile home sales is approximately one-fourth of the land area and as such reduces the demand for off-street parking.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the adjacent property in two directions is a mobile home park operated by the applicant and the remainder of adjacent property is undeveloped and should not be affected.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be required to surface parking areas that are not a demand of the present use, and as such would create a useless expense.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction in the number of off-street parking spaces will not interfere with the need for any right-of-way or easements, nor should the number of parking spaces provided create on-street congestion.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the requirement is generally based on the total utilization of the property and in this case it is approximately 25 percent.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following condition:

1. The reduction of the off-street parking spaces from 38 spaces to 10 spaces shall only apply to the property as a mobile home sales lot and the number of mobile homes on the property shall not exceed six.
2. At any time any portion of the property is used for any other use, this resolution shall become null and void.

BZA CASE NO. 20-86

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>15</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>4</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>6</u>	TOTAL NOTICES SENT <u>5/6/86</u>

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

May 6, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 20-86

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Builders Development, Inc., d/b/a Cottonwood Grove Mobile Home Sales, 1530 South Oliver, Suite 200, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces from 18 spaces to 10 spaces on property zoned the "C" Commercial District. A legal description of the applicant's property is as follows:

Lot 1, Block 1, Cottonwood Grove Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of 44th Street South and West Street (4422 South West Street).

This application has been assigned Case No. BZA 20-86. It will be considered by the Board of Zoning Appeals on May 27, 1986 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 20-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant BUILDERS DEV. INC
d/b/a Cottonwood Grove Mobile Home Sales
 Mailing Address 1530 S. Oliver, Suite 200 Phone 685-4391
 Name of Authorized Agent Becky Way
 Mailing Address Same Phone _____
 Relationship of applicant to property is that of OWNER
 (Owner, Tenant, Lessee, Other)

II: The variance requested is to reduce the required number of off-street parking spaces from 38 to 10

for property located on the northeast corner of 44th Street South and West St. (4422 S. WEST)
 and legally described as: Lot 1, Block 1, Cottonwood Grove Addition

in the City of Wichita; and which is presently zoned "C".

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Builders Development, Inc.

Authorized Agent Becky Way

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:30 (a.m./p.m.), APRIL 28, 1986.
 together with appropriate fee of \$300.00.

Signed [Signature]



BUILDERS DEVELOPMENT, INC. 1530 SOUTH OLIVER, SUITE 200/WICHITA, KANSAS 67218/(316) 685-4391

DATE: April 24, 1986
TO: Board of Zoning Appeals
FROM: Builders Development
RE: Request for parking variance -
Cottonwood Grove Mobile Home Sales Center

Cottonwood Grove Mobile Home Sales is in the business of new mobile home sales. However, unlike the typical mobile home sales dealer, we do not stock our sales lot with inventory for sale. We have five model homes set up on display and sell custom orders from these models. Our homes are skirted, have wood steps and porches, and are surrounded by sod and landscaping. Our concept has been designed after the typical residential stick built sales center, or model row.

Builders Development, Inc., owner of the above mentioned property, is requesting a variance to zoning ordinance 28:04.141;3.12. The stated ordinance reads as follows: "New and used car lots, trailer sales lots, trailer, vehicle and equipment rentals shall provide one space for each three thousand square feet of lot area."

Our property is approximately 116,000 square feet which, according to the zoning ordinance, would require 38 parking spaces. This number far exceeds the spaces our business demands, and is far more than stick built sales centers are required to provide. Our present parking provides 10 parking spaces, and more than adequately services our needs.

We feel that, due to the fact that we are operating a small specialty sales center, and are operating similar to the stick built sales centers, we do not need more than the 10 parking spaces we have already provided. The typical stick built model row rarely provides any off street parking, and if they do, it is not at the ratio of 1 space for every 3000 s.f. of lot area. Requiring additional parking spaces would serve no purpose except to detract from the home-like appearance of our sales center.

Our company has developed a very high quality, attractive mobile home sales center. We strongly feel the addition of more parking spaces would greatly detract from our appeal.

OWNERSHIP LIST

<u>Tract Description</u>	<u>Property Owner</u>
The S½ of the S½ of the NW¼ of Section 13, Township 28 South, Range 1 West, except the North 395 feet of the West 660 feet except the West 40 feet for road.	✓ Dewey L. Brittain Earline R. Brittain 4340 S. West Wichita, KS 67217
That part of the NE¼ of Section 14, Township 28 South, Range 1 West lying East of MoPac Railroad except the North 1322 feet thereof.	✓ Cornelia H. Prowse 4048 S. Hoover Rd. Wichita, KS 67215
The E½ of the SE¼ of Section 14, Township 28 South, Range 1 West except floodway Condemnation Case A-30410 and except the MoPac Railroad r/o/w.	✓ Viola D. Norton (Cartwright) Address Unknown c/o Mae R. Howard Apt. 101 2101 S. Elizabeth Wichita, KS 67213

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	
Lot 1	Block A	Meek First Addition	✓ Jack H. Kester Charlene M. Kester 4330 S. West Wichita, KS 67217
Lots 1, 2 & 3	Block 1	Cottonwood Grove Addition	✓ Cottonwood Grove Assoc. L.P. 1530 S. Oliver, Suite 200 Wichita, KS 67218
Lots 1 & 2	Block 2	"	Same As Above
Reserves C & D		"	Same As Above

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 350 foot radius of:

The North 460 feet of the West 300 feet of the North Half of the Southwest Quarter of Section 13, Township 28 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, now platted as part of Cottonwood Grove Addition.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 21st day of April, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Stoble

Sr. Vice-President

Order No: 359084
nj

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29 71

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
City BZA Fee	\$ 300.00
NAME <u>Business Development Inc.</u>	
ADDRESS <u>1236 S. Oliver</u>	
FUND <u>275-40710-003</u>	DUE DATE
COMMENTS	
DATE <u>April 27, 1976</u>	BY <u>[Signature]</u>

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 3