

Case No. BZA 24-78 - Raymond D. &
Pauline Kretchmar request a vari-
ance for a reduction of the re-
quired parking spaces from 80 to
51 on property generally located
at the northeast corner of Central

ACTION

BZA 24-78 COMMITTEE

Approved

DATE

6-27-78

M.A.R.C. _____

B.G.G. _____

Posted
6-9-78
M.H.P.
C.I.V.
7-15-78
(8178)
RD

Case No. BZA 24-78 - Raymond D. E. Pauline Kretzmar request a variance for a reduction of the required parking spaces from 80 to 51 on property generally located at the northeast corner of Central

Map No. 5848
Sec. 13
Twp. 27
Range 1E

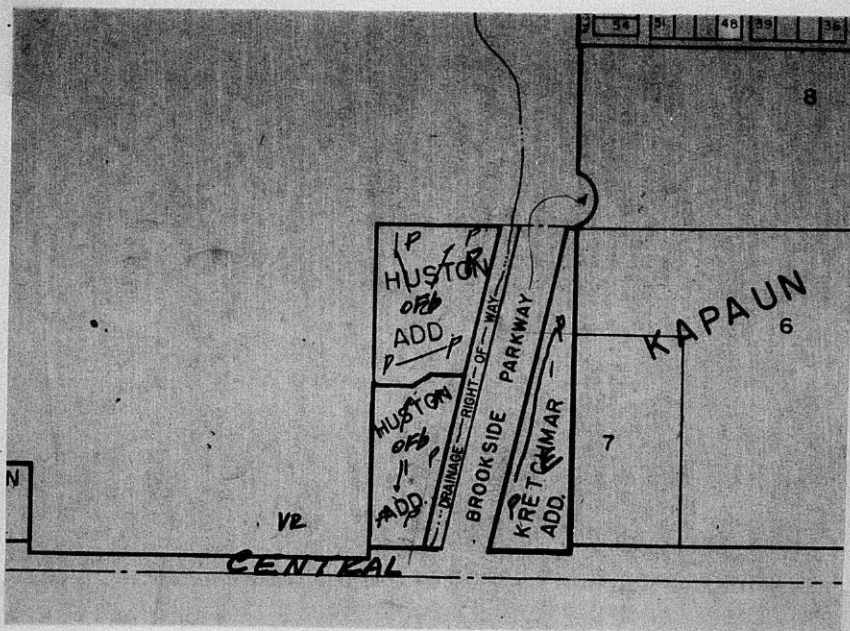
BZA- 2A-78
SCZ- _____
CU- _____
Filed _____

AREA DATA:

1. Acres: 1.04 (20 ft. by 590 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East UNDEVELOPED South SINGLE FAM
West PARKING LOT + OFFICE BLDG North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: ELECTRICAL RETAIL STORE
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



HASTINGS, SAN-LOS ANGELES
LOGAN OH - MCGREGOR, TX U. S. A.

Symond
No. 2153C

RESOLUTION NO. BZA 24-78

WHEREAS, Raymond D. and Pauline Kretchmar, 6000 East Central, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 80 to 51 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Kretchmar Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Central and Brookside Parkway (6000 East Central).

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 June 27, 1978, 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 the specialized nature of the proposed use will not create the amount of traffic normally generated by other light commercial uses; 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 parking will not be reduced from what presently exists and the intended use of the additional floor space should not generate more traffic than is presently experienced by this business; 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 owner represented in the application inasmuch as the applicants would be required to provide parking space for their unusually large volume of storage space on the same basis as that required for a grocery store, discount store or other high traffic generating use permitted in "LC" zoning; 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 parking is not permitted on Central, and therefore, the applicants will have to provide sufficient parking for their customers or lose business at this location; 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 adequate parking will be provided for the type of use that is utilizing subject property; 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 80 to 51 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Kretchmar Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Central and Brookside Parkway (6000 East Central).

be approved subject to the following condition:

1. This variance shall apply to the existing use only, and if the use of the property changes, the Resolution of approval shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 27th day of June, 1978.


James Richardson, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

July 6, 1978

Mr. Everett Fettis
Attorney-at-Law
120 S. Market
Suite 504
Wichita, Kansas 67202

Re: Case No. BEA 24-78
Request for Variance


Dear Mr. Fettis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals at the meeting of June 27, 1978, in connection with your request for a variance to reduce the number of required off-street parking spaces from eighty to fifty-one on property zoned the "LC" Light Commercial District, and generally located at the northeast corner of Central and Brookside Parkway (6000 East Central).

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

If you have any questions, please call our office.

Yours very truly,


Larry Dobson
Assistant Secretary

LD:bh
cc: Raymond D. and Pauline Kretschmar, 6000 E. Central, 67208
Robert Feldner, Supt., Central Inspection
Don Gisick, City Clerk
Joe Donnelly, Housing and Zoning Administrator

Mr. Everett Fettis
Attorney-at-Law
120 S. Market
Suite 504
Wichita, Kansas 67202

June 28, 1978

Re: Case No. BEA 24-78
Request for Variance

Dear Mr. Fettis:

At the regular meeting of the Board of Zoning Appeals on Tuesday, June 27, 1978, your request for a variance to reduce the number of required off-street parking spaces from eighty to fifty-one on property zoned the "LC" Light Commercial District, and generally located at the northeast corner of Central and Brookside Parkway (6000 East Central) was considered.

It was the action of the Board to grant the request subject to the following condition:

1. This variance shall apply to the existing use only, and if the use of the property changes, the Resolution of approval shall become null and void.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Larry Dobson
Assistant Secretary

LD:bh

cc: Raymond D. and Pauline Kretchmar, 6000 E. Central, 67208
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk


THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE June 21, 1978

TO Larry Dobson, Secretariat to the BZA
FROM Evelyn Pittman, Assistant CP Coordinator

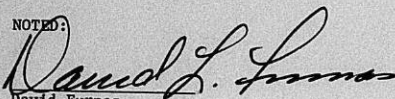
SUBJECT BZA 24-78

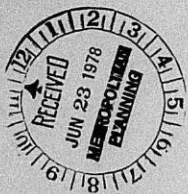
Due to a lack of quorum on June 20, 1978, CPO Council "I" made no recommendation on the captioned case.


Evelyn Pittman
Assistant CP Coordinator

EP:rh

NOTED:


David Furnas
CPO Coordinator



SECRETARY'S REPORT
CASE NO. BZA 24-78

APPLICANT: Raymond D. and Pauline Kretchmar, 6000 E. Central, Wichita, Kansas.

AGENT: Everett Fettis, 504 120 Building, Wichita, Kansas.

GENERAL LOCATION: Northeast corner of Central and Brookside Parkway (6000 E. Central).

ZONING: Subject property is zoned the "LC" Light Commercial District as is the property to the east. Properties to the north and south are zoned the "AA" Single Family Dwelling District. Properties to the west are zoned "LC" and the "BB" Office District.

LAND USE: Subject property is occupied by Kansas Lighting, a lighting fixture and supply business. A commercial building is under construction on the property to the east. Two office buildings are located on properties to the west. South is single family residential development. North is undeveloped land.

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 of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to permit a reduction in the required number of off-street parking spaces, from 80 spaces to 51 spaces in connection with a proposed expansion of Kansas Lighting, Inc., a lighting fixture and supply business.

Subject property is a triangular shaped lot with an existing 5,000 square foot building plus basement located near the front or south end of the property. The proposed plan indicates a two-story, 10,000 square foot addition to be attached to the north end of the existing building. The total floor space of the complete facility would be 20,000 square feet. Based on the off-street parking requirement of one space for each 250 square feet of floor area, the applicants would need to provide 80 off-street parking spaces. The site plan submitted with the application indicates that only 51 spaces can be provided on the property.

Apparently the nature of the applicant's business requires a high ratio of stock inventory to sales, because of the 10,000 square foot addition all but about 500 square feet is designated as merchandise storage space. It is understood that the existing basement area is also used for storage and would continue to be so used. The applicants justify their request for variance on the basis of this unusually high ratio of storage space to sales and display space, believing the one parking space for each 250 square feet of floor area is not a reasonable requirement for the nature of their business.

In the process of platting subject property in 1967, the applicants dedicated approximately eighty-three feet from the west side of their property for a future street, an extension of Brookside Parkway. They also provided the City with an appropriate guarantee for the paving of the street. In 1973, the property owner east of subject property, during the platting of his property known as Kapaun First Addition, dedicated half a cul-de-sac at the northeast corner of subject property for the purpose of terminating Brookside Parkway. A small parcel of land remains to be acquired from a third property owner to the north to connect the two mentioned dedications. On March 14, 1978, the City Commission denied a request by the applicants to vacate Brookside Parkway adjacent to their property. It has been established that the original guarantee for the paving of the street is no longer valid, in that the street cannot be installed for the dollars guaranteed eleven years ago.

Inasmuch as the governing body did not deem it appropriate to vacate the street, due in large degree to the objections of the owner of Kapaun First Addition and, inasmuch as there is no longer a valid guarantee for the paving of the street, it is incumbent upon the Secretary to recommend that any approval of the applicant's variance should be subject to their providing an appropriate guarantee for the paving of Brookside Parkway. The applicants may be able to

SECRETARY'S REPORT

Case No. BZA 24-78

Page 3

work out an equitable agreement with other benefiting property owners in providing said guarantee. In any event, the City Engineer's Office should be contacted relative to the acceptable methods of providing the guarantee.

UNIQUENESS:

It is the opinion of the Secretary that if uniqueness can be found to exist, it may be due to the specialized nature of the proposed use which will not create the amount of traffic normally generated by other light commercial uses.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance desired may not adversely affect the rights of adjacent property owners or residents inasmuch as parking will not be reduced from what presently exists and the intended use of the additional floor space should not generate more traffic than is presently experienced by this business.

HARDSHIP:

It is the opinion of the Secretary that if hardship can be found to exist, it may be because the applicants would be required to provide parking space for their unusually large volume of storage space on the same basis as that required for a grocery store, discount store or other high traffic generating use permitted in "LC" zoning.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired would not have an adverse affect on the public interest inasmuch as parking is not permitted on Central, and therefore, the applicants will have to provide sufficient parking for their customers or lose business at this location.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the variance requested may not be opposed to the spirit and intent of the zoning ordinance inasmuch as adequate parking will be provided for the type of use that is utilizing subject property.

RECOMMENDATION:

If the Board finds that the five conditions necessary to the granting of a variance exist, it is the Secretary's recommendation that the variance be approved subject to the following conditions:

1. This variance shall apply to the existing use only, and if the use of the property changes, the Resolution of approval shall become null and void.

SECRETARY'S REPORT
Case No. BZA 24-78
Page 4

2. The applicants shall provide to the City Engineer's Office an appropriate guarantee for Brookside Parkway, as shown on the plat of Kretchmar Addition. No building permit shall be issued on subject property until the guarantee is accepted by the City. Failure to submit an appropriate guarantee within 90 days of the approval of subject case by the Board of Zoning Appeals shall cause this Resolution to become null and void.
-

13 notices sent to agent and/or applicant and adjacent property owners
10 notices sent to MAPC
1 notice sent to CPO
24 total notices sent on BZA 24-78

1 notice sent to
Robert Kaplan 6-13-78

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

June 2, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 24-78

An application has been filed by Raymond D. and Pauline Kretchmar, 6000 East Central, Wichita, Kansas, pursuant to Section 2.12.590. B, Code of the City of Wichita, requesting a variance to reduce the required number of off-street parking spaces from 80 to 51 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, Kretchmar Addition, Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Central and Brookside Parkway (6000 East Central).

This application has been assigned Case No. BZA 24-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 27, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Raymond D. and Pauline Kretchmar

Mailing Address 6000 E. Central Phone 685-9235

Name of Authorized Agent Everett C. Fettis

Mailing Address 120 S. Market, Suite 504 Phone 267-7251

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is for a reduction of the number of required
off street parking spaces by twenty-nine (29) for Kansas Lighting Distributors
from eighty (80) to fifty-one (51).

for property located in Lot 1, Kretchmar Addition, Wichita, Sedgwick
County, Kansas

and ~~located~~ described as: 6000 E. Central, Wichita, Kansas

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

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. 24-606); 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

Everett C. Fettis

Authorized Agent EVERETT C. FETTIS

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:30 (a.m. p.m.), 5-30 19 78 together with appropriate fee of \$50.00.

Subj to receiving
abstract list by 6-1-78
N/E corner Central
Brookside Parkway

Larry Dobson
Signed

S T A T E M E N T

This property has been zoned for several years and developed for use by Kansas Lighting Distributors. It is now desirous to enlarge the parking. Parking is insufficient. The nature of the business is such that although it is retail, the number of retail customers does not require excessive parking. Therefore, a lesser amount of parking will be sufficient for the operation of this business, in addition to which a good portion of the additional is for storage rather than to enlarge the display area.

COLLON COMIEND
E N E M V O S
M I T T E R E V T P P



OWNERSHIP LIST

Lot	Addition	Property Owner
lot 1, except South 100'	Kretchmar	Raymond A. Kretchmar
S100' of lot 1	same	<i>D</i> Raymond A. Kretchmar Pauline Kretchmar 3205 Somerset 67204
lot 6	Kapaun First	<i>✓</i> Carl Chuzy 204 S. Parkwood Ln. 67218
lot 7	same	<i>✓</i> United American Bank & Trust Company 750 E. 21st St. 67214
lot 8	same	<i>D</i> Carl Chuzy 204 S. Parkwood Ln. 67218
lot 1, block 1	Oakwood Estates Second	<i>✓</i> Billie M. Montgomery 5808 E. Central 67208
lot 2, block 1	same	<i>✓</i> Freddie Wayne Large Tamara C. Large 5813 E. Central 67208
lot 3, block 1	same	<i>X</i> Vera Ruth Fisher <i>not in file book</i> address unknown <i>not in file book</i>
lot 4, block 1	same	<i>✓</i> Gordon L. Wood Rita E. Wood 1919 Fabrique 67218 <i>not in file book</i>
lot 5, block 1	same	<i>✓</i> Wesley H. Werth Roberta F. Werth 329 N. Hampton 67206
lot 1	Huston	<i>✓</i> Boyd Investment Co., Inc. 5900 E. Central 67208
North 80' lot 1	Huston Second	<i>✓</i> Leslie Rudd 3629 N. Hydraulic 67219

Lot	Addition	Property Owner
South 210' of lot 1	Huston Second	<input checked="" type="checkbox"/> John G. McCune 6226 E. 8th 67208
		<input checked="" type="checkbox"/> Lindy Andeel 5900 E. Central 67208
		<input checked="" type="checkbox"/> Don J. Schreck 5920 E. Central 67208
		<input checked="" type="checkbox"/> Donald K. Stephan 1441 N. Rock Rd. 67206
		1/4 interest each
The East 350' of the South 830' of the SW $\frac{1}{4}$ of the SE $\frac{1}{2}$ of Section 13-T27S-R1E EXCEPT the South 630' thereof.		<input checked="" type="checkbox"/> Herbert M. Bruce <input checked="" type="checkbox"/> Rose M. Bruce 440 N. Quenton 67208

We hereby certify the foregoing to be a true and correct list of the property owners of a 200 foot radius of Kretchmar Addition, Wichita, Sedgwick County, Kansas, as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 30th day of May 1978 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By *Mary Cable*
 Vice President

Order No. 265006
 jc

FORM 223-021

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 Fee	Cement	M.S.P.

DESCRIPTION	AMOUNT
2 BZA applications	\$110.00
NAME <u>Ernest F. Feltis</u>	
ADDRESS <u>504 120 Bldg. W. 14th St.</u>	
FUND <u>110-00-000-4071</u>	DUE DATE <u>003-000-000</u>
COMMENTS	
DATE <u>5-30-78</u>	BY <u>[Signature]</u>

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1