

Case No. BZA 48-80 - Zack Farha - requests a variance to reduce parking spaces from 48 to 30 on property zoned "E" Light Industrial District and generally located at 435 South Water.

POSTED
11-5-80

BZA 48-80

ACTION

DATE 11-25-80

COMMITTEE Denied 4-0

M.A.P.C. _____

B.C.C./B. CO. C. _____

Map No. 5447
 Sec. 20
 Twp. 27
 Range 1E

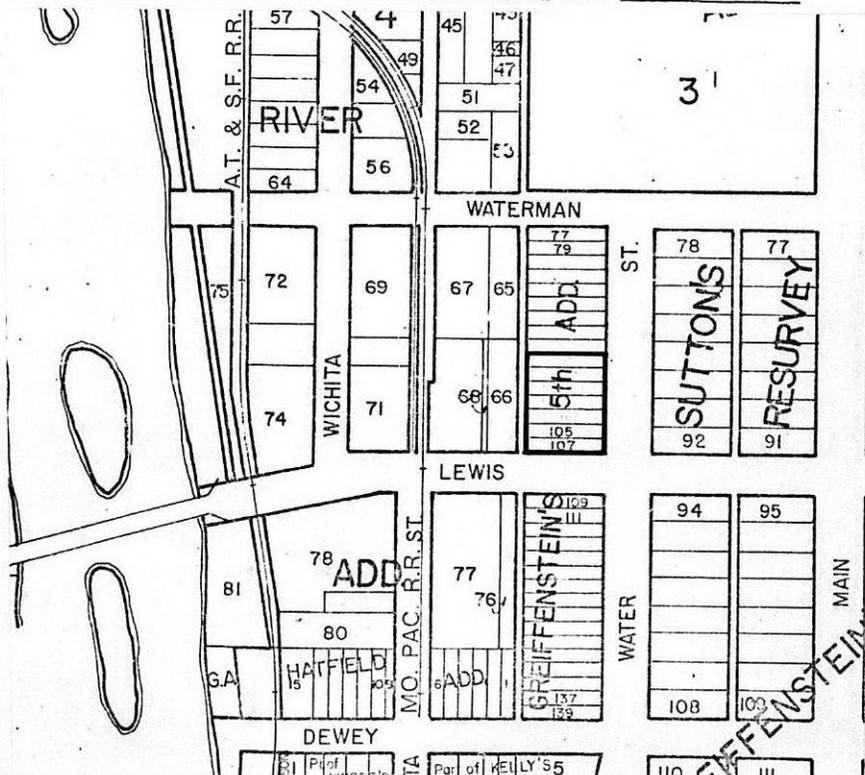
BZA- 48-80
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.56 (140 ft. by 175 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East _____ South _____
 West _____ North _____
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: _____
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____





General Services Administration, Region 6
401 N. Market, Rm. 106
Wichita, KS 67202

Date : November 21, 1980

Reply to
Attn of : 6PF-1W

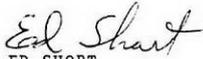
Subject: Parking requirements for Social Security Office,
435 S. Water, Wichita, KS.

To : Whom It May Concern:

Federal parking requirements for above mentioned office are as follows:

1. Generally speaking, parking must be available for visitors and employees within two blocks of the office.
2. Specifically, lessor was required to furnish 15 spaces of off-street parking adjacent to the Social Security building for use by visitors and official government vehicles.

In view of the fact that there is plenty of parking within two blocks of the 435 S. Water location, no further requirement is anticipated within the next five years; length of their existing lease.


ED SHORT
Field Office Manager

DEPARTMENT OF HEALTH AND HUMAN SERVICES
SOCIAL SECURITY ADMINISTRATION
435 S. WATER STREET
WICHITA, KANSAS 67202

REFER TO

November 25, 1980

SUBJECT: Employee Parking Survey

TO : Whom it may concern.

At the request of Mr. Zack Farha, lessor of the Social Security Building 435 S. Water, a survey was taken of our 59 employees regarding parking and transportation matters. The results of these findings are stated herewith:

1. Do you drive to work?
Yes 42 No 17
2. Do you share a ride?
Yes 5 No 54
3. Where do you presently park?
 - A. Leased parking space in general area 31
 - B. Century II parking lot 1
 - C. Parking space on street 10
 - D. Lawrence-Dumont Stadium (weather permitting) 0
4. Do you use public transportation?
Yes 2 No 57
5. Are you generally satisfied with your parking arrangement and its proximity to your place of work?
Yes 40 No 2
6. What is the monthly rate presently charged for a parking space adjacent to Social Security Building? Six dollars per month.

This informal survey taken November 24, 1980 indicates that the parking arrangements for the Social Security staff, employees and visitors seems adequate. We do not anticipate any appreciable increase in personnel to alter our requirements. The Social Security Administration has been at this location since 1961.

Respectfully submitted,

Carolyn L. Simmons
Carolyn L. Simmons
Acting District Manager

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE November 24, 1980

TO Glen Lytle, Special Assistant for Zoning
FROM Stan Scott, Administrative Aide

SUBJECT BZA 48-80: 435 S. Water

On Monday, November 17, CPO Neighborhood Council "L" considered the captioned case, a request for a variance to reduce the required number of parking spaces from 48 to 30 on property zoned "E" Light Industrial District.

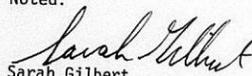
The Council voted 5-0 to recommend denial of the requested variance. In making their recommendation the Council noted the limited number of parking spaces in the area at this time. Neither the applicant nor concerned area property owners were present.

Please provide the Council's recommendation to the Board of Zoning Appeals when it considers BZA 48-80 at its November 25 meeting.


Stan Scott
CPO Administrative Aide

SS:rs

Noted:


Sarah Gilbert
Assistant CP Coordinator

RECEIVED

NOV 24 1980

METROPOLITAN PLANNING
ROUTE _____

Variance Request:

1. This request is unique due to the fact that it located directly across the street from the Central Business District which requires no off street parking. Also leased parking is provided directly south at Lewis and Water, however this parking is not paved. In the lease with Social Security only 4 parking stall are required.
2. The adjacent properties are not affected since this occupancy has existed for several years at this location.
3. In order to make the leased parking on Lewis conform to Cental Inspection requirements it would have to be paved, and would be an expense to the leasee on another persons land with no value to the leasee,
4. The variance would not effect any of the current conditions because they already exist.
5. This variance does not oppose Title 28 since it exists in an area where public parking is available nearby and is basically in thecore area.

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

November 5, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 48-80

An application has been filed by Zack Farha, P. O. Box 800, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the number of parking spaces from 48 to 30 on property zoned "E" Light Industrial District and legally described as follows:

Lots 95 thru 107, odd lots only on Water Street in Greiffenstein's Fifth Addition Wichita, Sedgwick County, Kansas. Generally located at 435 South Water.

This application has been assigned case No. BZA 48-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, November 25, 1980, 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. If you have any questions about this application, please call 268-4421 and ask for Lynn Shirkey or Glen Lytle.

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

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Jack H. Galbraith
Secretary

Variance Request:

1. This request is unique due to the fact that it located directly across the street from the Central Business District which requires no off street parking. Also leased parking is provided directly south at Lewis and Water, however this parking is not paved. In the lease with Social Security only 4 parking stall are required.
2. The adjacent properties are not affected since this occupancy has existed for several years at this location.
3. In order to make the leased parking on Lewis conform to Central Inspection requirements it would have to be paved, and would be an expense to the leasee on another persons land with no value to the leasee.
4. The variance would not effect any of the current conditions because they already exist.
5. This variance does not oppose Title 28 since it exists in an area where public parking is available nearby and is basically in the core area.

December 4, 1980

Zack Farha
P. O. Box 800
Wichita, Kansas

Re: Case No. BZA 48-80
Request for Variance

Dear Mr. Farha:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 25, 1980, in connection with your request for a variance to reduce the required off-street parking spaces from 48 to 30 on property zoned "E" Light Industrial and generally located on the northwest corner of Water and Lewis Streets (435 South Water).

This Resolution reflects the official action of the Board to deny your request. 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

GEL:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 48-80

WHEREAS, Zack Farha, P. O. Box 800, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking spaces from 48 to 30 on property zoned the "E" Light Industrial District and legally described as follows:

Lots 95 thru 107, odd lots only on Water Street in Greiffenstein's Fifth Addition Wichita, Sedgwick County, Kansas. Generally located at 435 South Water.

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 November 25, 1980, 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 does not arise from such condition which is unique to the property in question which is not ordinarily found in the same zone or district; or inasmuch as other offices outside of the "D" Central Business District are required to provide parking as set forth in the zoning ordinance; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent properties could be developed which would take away the parking the applicant is using to justify the requested variance; 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 not constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant does have a valid lease on adjacent property with permission of the owner to bring it into compliance with the zoning ordinance; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that inadequate parking for clientele will not be provided; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the demand for parking as shown by the applicants parking survey, exceeded that required by the zoning ordinance if ten spaces were to be provided for clientele and visitors; and

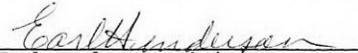
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted have not been found to exist.

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 off-street parking spaces from 48 to 30 on property zoned the "E" Light Industrial District and legally described as:

Lots 95 thru 107, odd lots only on Water
Street in Greiffenstein's Fifth Addition
Wichita, Sedgwick County, Kansas. Generally
located at 435 South Water.

be denied.

ADOPTED AT WICHITA, KANSAS, this 25th day of November, 1980.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

November 26, 1980

Zack Farha
P. O. Box 800
Wichita, Kansas

Re: Case No. BZA 48-80
Request for Variance

Dear Mr. Farha:

At the regular meeting of the Board of Zoning Appeals on November 25, 1980, your request for a variance to reduce the required off-street parking spaces from 48 to 30 on property zoned "E" Light Industrial and generally located on the northwest corner of Water and Lewis Streets (435 South Water) was considered.

It was the action of the Board to deny your request.

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,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 48-30

APPLICANT: Zack Farha, P. O. Box 800, Wichita,
Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to reduce
the required off-street parking spaces
from 48 to 30.

GENERAL LOCATION: On the northwest corner of Water and
Lewis Streets (435 South Water).

ZONING: Subject property is zoned "E" Light
Industrial as are the properties to the
north, west and south. Property to the
east is zoned the "D" Central Business
District.

LAND USE: Subject property is occupied by the Social
Security Offices and parking. Property to
the north is a parking lot, to the west
commercial, to the south a parking lot,
and to the east are residential structures.

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 and 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 48 to 30 for the Social Security Offices located at 435 South Water. The applicant indicates that justification for the reduction is the fact that the property is located directly across the street from the "D" Central Business District where development of offices may occur without providing parking, and also adequate parking is available in the general area. The applicant also indicates that he has leased parking across Lewis Street to the south, but the parking is not in conformance to the surfacing requirements of the zoning ordinance.

The original building was built as a grocery store in the early 1950's with the parking area to the south of the building as adequate area to comply with the parking requirements. In 1962, a permit was issued to expand and convert the structure to offices which has basically remained as such with parking south and north of the building. In August of this year, a permit was issued to Zack Farha for a 43' x 62' addition to the north of the existing building which eliminated ten parking spaces required by the existing building. Mr. Farha leased parking across Lewis Street to the south and submitted a copy of the lease to Central Inspection in order to secure the permit for the addition that is under construction.

The requirement for offices is one off-street parking space for each 250 square feet of floor area. Central Inspection has determined that this structure requires 48 spaces. Only 30 are now shown on the applicant's site plan, but 50 spaces were verified to be available at the time the permit was issued. The ordinance also requires that the parking spaces and circulation aisles be surfaced as set forth in Section 28.04.143. The lot on the south side of Lewis is not surfaced in accordance with this standard, and as such is in violation of the ordinance.

Section 28.04.140.3 states in part -- "Existing parking spaces shall be maintained and shall not be reduced so long as the main building, structure or use remains unless an equivalent number of spaces are provided elsewhere."

It is the Secretary's opinion that the applicant has reduced the number of surfaced parking spaces that were required by the original building by ten and now, rather than complying with the conditions of the permit, is requesting a variance of the required off-street parking.

The applicant has not provided any information on the maximum number of employees that will occupy the building and the number of client's that frequent the Social Security Office on an average day. The staff has viewed the lack of parking in the area on several occasions and for a use such as this; adequate parking should be provided for this facility as a convenience to the public.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to determine that this property is unique inasmuch as other offices outside of the "D" Central Business District are required to provide parking and the parking that is available in the area surrounding the Central Business District is utilized to a great extent for parking by employees and customers that are not provided with parking.

ADJACENT PROPERTY:

It is the opinion of the Secretary that it is difficult to determine whether the granting of the variance would have an adverse affect on the adjacent property owners at the present time, however, should the adjacent properties develop at a later date, a lack of parking on this property will have an adverse affect.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance should not create an unnecessary hardship upon the applicants as the applicant has a valid lease on the property to the south with the owners permission to surface it in accordance with the regulations.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the requested variance may not be opposed to the public interest if in fact adequate parking is available in the general area.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the requested variance would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the demand for parking for general offices generally exceeds the minimum requirement.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance cannot be found to exist and the application be denied. However, should the Board determine that the five conditions can be found to exist, then the variance to reduce the required parking from 48 spaces to 30 spaces, should be subject to the following conditions:

Page 3
BZA AGENDA
BZA 48-30

1. The reduction in the number of parking spaces shall be only for the existing use as the Social Security Administration Offices, and any future occupant would be required to provide parking as set forth in the ordinance.
2. All parking areas east and south of the building shall be open for customer usage and shall not be leased parking spaces.
3. Any of the parking spaces west of the addition shall be leased only to employees working in the building.

BZA CASE NO. 48-80

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

5 NOTICES SENT TO ADJOINING PROPERTY OWNERS

17 TOTAL NOTICES SENT 11-5-80

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

November 5, 1980

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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 48-80
FILED 10-27-80

APPLICATION FOR VARIANCE

I. Name of Applicant Zack Farha
Mailing Address P. O. Box 800 Phone 267-3201
Name of Authorized Agent same
Mailing Address _____ Phone _____
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is Reduction of parking
from 48 required stalls to 30 required by an addition
of 2400 sq. ft. to the existing building
_____ for property located 435 S. Water
_____ and legally described as: Lots 95 thru 107, odd lots
only on Water Street in Greiffenstein's Fifth Addition
_____ in the City of Wichita; and which is presently zoned "E".

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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. 36-596) and that the appropriate fee is herewith tendered,
 - 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.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Zack Farha
Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 1:00 (4:30 p.m.), Oct 27, 1980 together with appropriate fee of 150.00.

Signed [Signature]

Variance Request:

1. This request is unique due to the fact that it located directly across the street from the Central Business District which requires no off street parking. Also leased parking is provided directly south at Lewis and Water, however this parking is not paved. In the lease with Social Security only 4 parking stall are required.
2. The adjacent properties are not affected since this occupancy has existed for several years at this location.
3. In order to make the leased parking on Lewis conform to Central Inspection requirements it would have to be paved, and would be an expense to the leasee on another persons land with no value to the leasee.
4. The variance would not effect any of the current conditions because they already exist.
5. This variance does not oppose Title 28 since it exists in an area where public parking is available nearby and is basically in the core area.

OWNERSHIP LIST

LOT	STREET	ADDITION	PROPERTY OWNER
79 & N $\frac{1}{2}$ 81	Water	Greiffenstein 5th	✓ Wayne E. McCandless Pearl McCandless 115 S. Rutan 67218
S $\frac{1}{2}$ 81 & 83	"	"	<i>sub</i> W. E. McCandless Pearl C. McCandless 115 S. Rutan 67218
85 & N $\frac{1}{2}$ 87	"	"	"
S $\frac{1}{2}$ 87 & 89	"	"	✓ Southwest Grease & Oil Co. Inc. 220 W. Waterman 67202
91 & 93	"	"	"
95-97 & N $\frac{1}{2}$ 99	"	"	Zack Farha <i>sub</i> Jeannette L. Farha 509 Tallyrand 67206
S $\frac{1}{2}$ 99-101- 103-105- 107	"	"	<i>sub</i> Zack Farha Jr. Jeannette Farha 509 Tallyrand 67206
109-111-113- 115-117-119	"	"	Paulina Wendel Address Unknown
80	"	Sutton's Reserve in Greiffensteins 3rd	✓ Jack Hollabaugh a/k/a Zoe J. Hollabaugh Jr. 2615 Clover 67216
82	"	"	✓ Mervyn L. Criser 2009 Salina 67203
84-86 & N33 1/3ft. 88	"	"	"
S 16 2/3ft. 88 & N 16 2/3ft. 90	"	"	"
S 33 1/3ft. 90	"	"	<i>sub</i> Mervyn Leroy Criser 2009 Salina 67203
92	"	"	Darrell Shreve Dorothy B. Shreve Address Unknown
94	"	Greiffensteins 3rd	C. W. Tull a/k/a Clai Wayne Tull R. D. Rull a/k/a Rawlin Dale Tull Bette Ruth Tull Carol Louise Tull Address Unknown

page 2

LOT	STREET	ADDITION	PROPERTY OWNER
96 & N 35ft. 98	Water	Greiffensteins 3rd	^{4421 E. Kellogg ? Mgmt.} Davis Properties, Partnership X Address unknown
65-66-67-68		River	Southwest Grease & Oil ^{Dep} Co. Inc. 220 W. Waterman 67202
76		"	^{Dep} Harmon Machine Co. Inc. 225 W. Lewis 67202
77		"	✓ Kuhlman-Harmon Machine Tool Co. Inc. 225 W. Lewis 67202

We hereby certify the foregoing to be a true and correct of property owners in a 200 foot radius of Odd Lots 95 through 107, inclusive, on Water Street, in Greiffenstein's 5th Addition to the City of Wichita, Sedgwick County, Kansas, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 28th day of October, 1980 A. D. at 7:00 A. M.

Oder No. 293434
jmb

THE SECURITY ABSTRACT & TITLE COMPANY INC.

BY

Mary Gable

Vice President

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-1 . . . PAYMENT NOTICE
 City of Wichita

*overriding list
 added*

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

DESCRIPTION	AMOUNT
City B2A Variance	\$150.00

NAME ZACK FARHA

ADDRESS P.O. Box 302

FUND 110-40071-003 DUE DATE 1-1-80-000

COMMENTS

DATE Oct 27, 1980 BY [Signature]

ALCON, INC.

General Contractors

2400 N. Woodlawn - Suite 120
Wichita, Kansas 67220

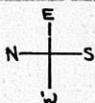


Exhibit A

WATER

August 15, 1980

ZACK FARHA
P.O. Box 800
Wichita, Kansas

RE: SOCIAL SECURITY REMODEL

Dear Mr. Farha:

We propose to furnish labor, materials, equipment, insurance and taxes for the complete construction of the above referenced project in strict accordance with the plans and specifications as prepared by the Architect for the total sum of \$75,000.00.

If you have any questions, please do not hesitate to give us a call.

Thank you.

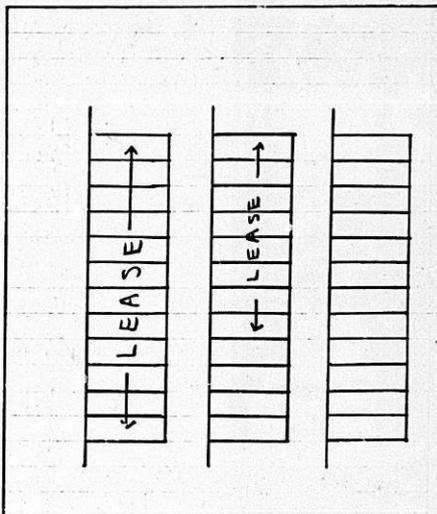
Sincerely,

ALCON, INC.

Bob [Signature]
Bob [Signature]

ALC:m

LEWIS



SEDGWICK COUNTY, KANSAS

September 5 1980

Received of Zack Farha \$ 600

OFFICIAL RECEIPT REQUIRED FOR ALL INSTRUMENTS

By Ed [Signature] BETTE F. MCCAR
Recorder of Deeds
Wichita, Kansas 67202

PARKING LOT LEASE

Whereas, Paul Mendel, of Falls Church, Virginia, and the Pauline Mendel Estate, owners of Parking Lot at Lots 109 and 111, Water Street, Griffinstein's Fifth Addition, in Wichita, Kansas, and

whereas, Charles E. Jones is the duly appointed, qualified, and acting Executor of said estate, having authority from it and Paul Mendel to execute a lease on said Parking Lot.

Now, therefore, Charles E. Jones as such Executor, and agent hereby leases to Zack Farha for a term of five (5) years, beginning September 1st, 1980, with three (3) two-year options, twenty (20) spaces in said parking lot for use to service the Social Security Administration Building located across the street to the north, at a rental of \$120.00 per month. This sum will be payable in advance by LESSEE, PAYABLE TO B.J. Watkins and Co., rental agent, on the said 20 spaces.

After the primary term of the lease, the rental shall increase by \$20.00 per month, to \$140.00 per month.

The lessee may black-top or pave the desired parking space at his own expense if needed in order to comply with the zoning ordinance of the City of Wichita.

This lease signed this 29th day of August, 1980.

Charles E. Jones
Charles E. Jones

Zack Farha
Zack Farha

FILM
AVAIL

