

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as adequate parking for this commercial building's needs can be provided on site without utilizing adjacent public street right-of-way, even if in the future the building was occupied with a use that required 1 parking space per 250 sq. ft. of floor area.

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 ordinance inasmuch as the intent of the ordinance is to provide adequate off-street parking for all types of uses and 1 space per 500 square feet of building area will be adequate for the type of use proposed on this site.

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 conditions:

1. The reduction in the required number of parking spaces to 1 space per 500 square feet of building area shall apply only to commercial buildings on the site that are occupied with a business predominantly involved with the sale of bedroom furniture or other major household furniture or major household appliances.
2. Adequate area on the property shall remain as open or landscaped space so that land will be available for future parking if the building is converted to a use which requires 1 parking space per 250 square feet of building floor area.
3. Any change of use on the subject property which is not predominantly involved with the sale of bedroom furniture, household furniture or major appliances shall require additional parking as specified for commercial buildings by code or as may be varied by this Board.

January 23, 1990

SECRETARY'S REPORT

CASE NUMBER: BZA 48-89

OWNER/APPLICANT/AGENT: Richard E. Cummings (contract purchaser)
Smith Construction Co., Inc. (agent)

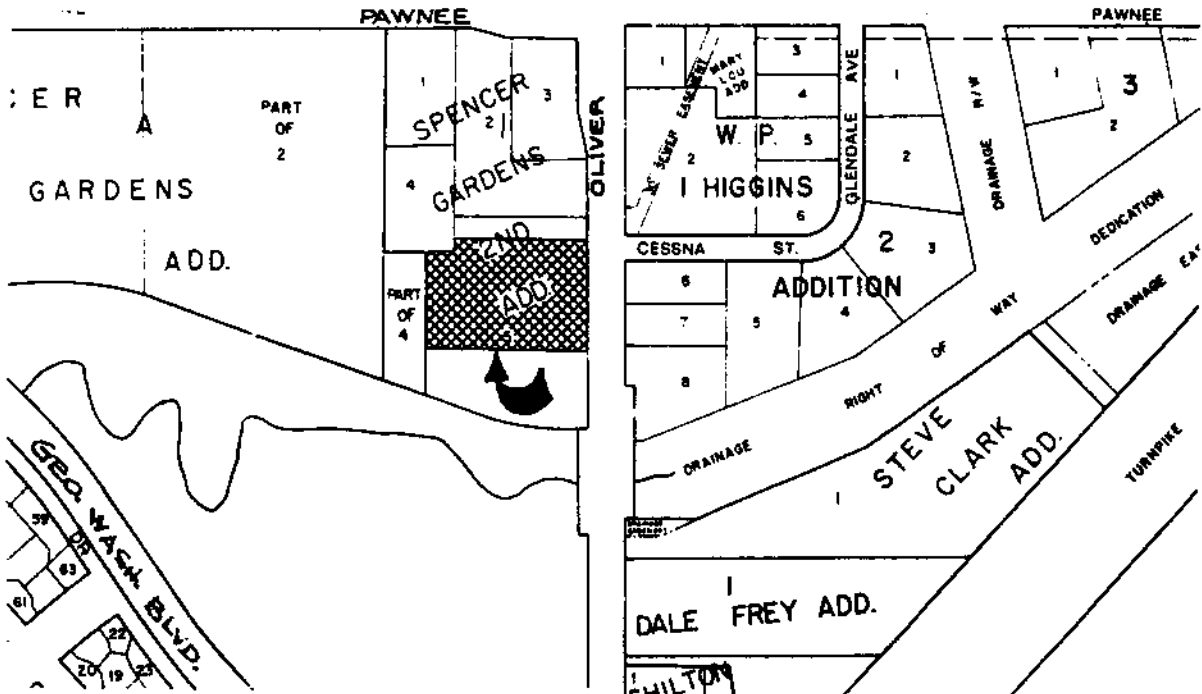
REQUEST: Variance to reduce the required parking from 1 space per 250 sq. ft. of building area to 1 space per 500 sq. ft. of building area.

CURRENT ZONING: "LC" Light Commercial District with DP-169

SITE SIZE: 2.7 acres (approximately 315 ft. x 395 ft.)

LOCATION: On the west side of Oliver in an area south of Pawnee (2505 S. Oliver).

PROPOSED USE: The Bedroom East - bedroom furniture store



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.

BACKGROUND: The applicant is requesting a reduction in the required number of parking spaces from 1 space per 250 sq. ft. of building area to 1 space per 500 sq. ft. of building area. The applicant proposes to build a 21,560-square-foot building for the sale of bedroom furniture. Section 28.04.141(3.9) of the Zoning Ordinance requires 1 parking space per 250 sq. ft. of commercial building area or, for the proposed building, 87 spaces. The applicant's site plan indicates a reduction in the number of required spaces from 87 to 49. Given the proposed building size depicted on the site plan the providing of 49 parking spaces would produce a parking space ratio of 1 parking space per 440 sq. ft. of building area.

There is sufficient area on the property to provide 87 spaces, but the applicant does not think there is a need for that many spaces because the building will be used for the sale and display of bedroom furniture. The "Parking Subcommittee" of the MAPC is currently looking at reducing the off-street parking requirement for businesses involved in the sale of bulky commodities, e.g., furniture, appliances, carpet and machinery. The Committee's recommendation for such uses will be to require 3 parking spaces per 1,000 sq. ft. of floor area. The Committee has discussed a greater reduction in the amount of off-street parking required for this kind of use, but the consensus of opinion is that a greater reduction may jeopardize future occupancy of commercial buildings with more common commercial uses that are not characterized by the sale of bulky items.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"*	Whitlock Automotive Supply business
SOUTH	"LC"*	Pawn shop
EAST	"LC"	Used car lot
WEST	"R-6"***	Undeveloped

* With DP-169

** With DP-93

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the type of merchandise to be sold in the proposed building is bulky in nature, thus requiring a large amount of floor area for storage and display.

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 there is sufficient room on the property to provide additional parking should the need arise, and there are no adjacent streets on which overflow parking could occur to inconvenience adjacent property owners.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as approximately 11,250 sq. ft. of additional asphalted area would be required which would not be utilized.

WICHITA - SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

February 2, 1990

Garrett Addison, Vice President
Smith Construction Co.
P. O. Box 13213
Wichita, KS 67213

Re: BZA 48-89 - Variance to reduce the required parking from 1 space per 250 sq. ft. of building area to 1 space per 500 sq. ft. of building area on property zoned "LC" Light Commercial and located on the west side of Oliver in an area south of Pawnee (2505 S. Oliver).

Dear Mr. Addison:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on January 23, 1990. 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 now that the necessary signatures have been obtained.

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

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Richard E. Cummings, 2221 N. Bramblewood, Wichita, 67226
Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

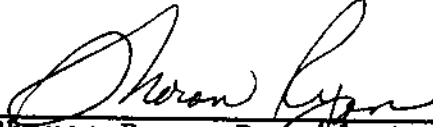
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the required parking from 1 space per 250 sq. ft. of building area to 1 space per 500 sq. ft. of building area on property zoned the "LC" Light Commercial District and legally described as follows:

Part of Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, described as follows: Beginning at the northeast corner of said Lot 5; thence S 0°16'20" W along the east line of said Lot 5, 314.81 feet; thence N 89°16'47" W, 394.99 feet to the west line of said Lot 5; thence N 0°16'20" E along the west line of said Lot 5, 227.80 feet; thence N 89°38'37" E, 65 feet; thence N 0°16'20" E, 83.14 feet; thence S 89°44'23" E along the north line of said Lot 5, 329.98 feet to the point of beginning, EXCEPT the north 52 feet thereof. Generally located on the west side of Oliver in an area south of Pawnee (2505 S. Oliver).

subject to the following conditions:

1. The reduction in the required number of parking spaces to 1 space per 500 square feet of building area shall apply only to commercial buildings on the site that are occupied with a business predominantly involved with the sale of bedroom furniture or other major household furniture or major household appliances.
2. Adequate area on the property shall remain as open or landscaped space so that land will be available for future parking if the building is converted to a use which requires 1 parking space per 250 square feet of building floor area.
3. Any change of use on the subject property which is not predominantly involved with the sale of bedroom furniture, household furniture or major appliances shall require additional parking as specified for commercial buildings by code or as may be varied by this Board.
4. All parking areas shall be appropriately paved, as required by City codes, and no area which is not paved shall be used for parking.
5. A barrier shall be installed to prevent cars from parking on the Oliver frontage in the area labeled on the site plan as "potential parking spaces" until such time as this area is paved. A plan showing the type and location of these barriers shall be submitted to the Secretary for review and approval prior to occupancy of the building.
6. Those portions of this property which are not to be covered by buildings or paving shall be properly maintained at all times.

ADOPTED AT WICHITA, KANSAS, this 23rd day of January, 1990.


Sharon Ryan, President

ATTEST:


Louise Olivarez, Assistant Secretary

BZA RESOLUTION NO. 48-89

WHEREAS, Richard E. Cummings, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required parking from 1 space per 250 sq. ft. of building area to 1 space per 500 sq. ft. of building area on property zoned the "LC" Light Commercial District and legally described as follows:

Part of Lot 5, Block 1, Spencer Gardens 2nd Addition to Wichita, Sedgwick County, Kansas, described as follows: Beginning at the northeast corner of said Lot 5; thence S 0°16'20" W along the east line of said Lot 5, 314.81 feet; thence N 89°16'47" W, 394.99 feet to the west line of said Lot 5; thence N 0°16'20" E along the west line of said Lot 5, 227.80 feet; thence N 89°38'37" E, 65 feet; thence N 0°16'20" E, 83.14 feet; thence S 89°44'23" E along the north line of said Lot 5, 329.98 feet to the point of beginning, EXCEPT the north 52 feet thereof. Generally located on the west side of Oliver in an area south of Pawnee (2505 S. Oliver).

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 January 23, 1990, 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 type of merchandise to be sold in the proposed building is bulky in nature, thus requiring a large amount of floor area for storage and display; 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 there is sufficient room on the property to provide additional parking should the need arise, and there are no adjacent streets on which overflow parking could occur to inconvenience adjacent property owners; 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 approximately 11,250 sq. ft. of additional asphalted area would be required which would not be utilized; 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 adequate parking for this commercial buildings' needs can be provided on site without utilizing adjacent public street right-of-way, even if in the future the building was occupied with a use that required 1 parking space per 250 sq. ft. of floor area; 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 intent of the ordinance is to provide adequate off-street parking for all types of uses and 1 space per 500 sq. ft. of building area will be adequate for the type of use proposed on this site; 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.