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 parking requirement from 69 to 50 spaces on property zoned the "LC" Light Commercial and legally described as follows:

> Lot 9, except the west 55.86 feet thereof; all of Lot 10, and the west 5.57 feet of Lot 11, together with the vacated south 25 feet of 37th Street North lying adjacent and north of said lots, Comotara Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas.(Generally located 9323 E. 37th Street North)

subject to the following conditions:

1. This parking reduction from 69 spaces to 50 spaces applies to a building with no more than 17,263 square feet total, which will be used for office space which employs no more than 37 employees on any shift; OR to a use which requires no more than 50 parking spaces.

2. The parking area shall be striped and maintained in accordance with the approved site plan.

3. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 28th day of June 1994.

Susan Osborne-Howes, Vice- President

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 19-94

WHEREAS, COMCOA Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 69 to 50 spaces on property zoned the "LC" Light Commercial and legally described as follows:

> Lot 9, except the west 55.86 feet thereof; all of Lot 10, and the west 5.57 feet of Lot 11, together with the vacated south 25 feet of 37th Street North lying adjacent and north of said lots, Comotara Industrial Park Fourth Addition to Wichita, Sedgwick County, Kansas.(Generally located 9323 E. 37th Street North)

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 28, 1994, 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 owners or the applicant inasmuch as there presently exists a parking lot layout that provides 50 parking spaces on this site and the proposed use will only have 35 employees on site during any given shift and very few visitors, thereby reducing the need of parking spaces; 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 the parking made available on this site within the industrial park should be adequate to meet the needs of the employees and visitors. Therefore, there should be no need for employees or visitors to seek parking on adjacent properties; and

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 inasmuch as undeveloped land is available at this site but the cost of providing this additional parking cannot be justified in that the existing 50 spaces meet the current and future workforce parking needs. Fifteen spaces currently are not used on a regular basis now; 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, inasmuch as the parking made available on this site in the industrial park should be adequate to meet the needs of the employees and visitors. Therefore, there should be no need for employees or visitors to seek parking spaces on any public street in the 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 the zoning ordinance inasmuch as the intent of the parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements should be adequate for this specific use; 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.

SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

June 30, 1994

Brenda Butler
COMCOA, Inc.
411 North Webb Road
Wichita, KS 67206

Dear Ms. Butler:

Re: BZA 19-94 - Variance to reduce the parking requirement from 69 to 50 spaces on property zoned "E" Light Industrial.

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on June 28, 1994. 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely yours,

Lawrence P. Mitchell

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LO/hm

cc:
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
CAMA Files

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 parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements should be adequate for this specific use.

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. This parking reduction from 69 spaces to 50 spaces applies to a building with no more than 17,263 square feet total, which will be used for office space which employees no more than 37 employees on any shift; OR to a use which requires no more than 50 parking spaces.

2. The parking area shall be striped and maintained in accordance with the approved site plan.

3. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 7

SECRETARY'S REPORT

CASE NUMBER: BZA 19-94

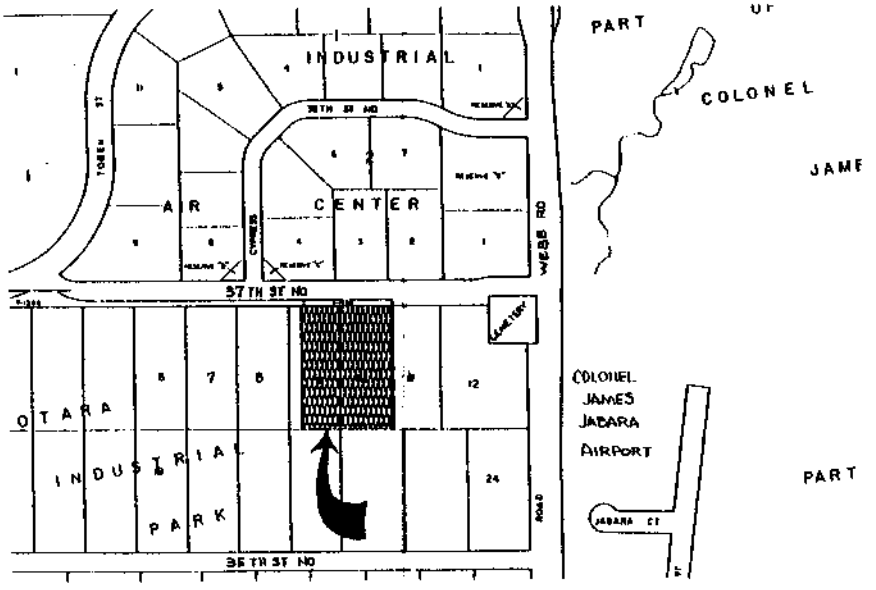
OWNER/APPLICANT: COMCOA, Inc.
AGENT: Brenda Butler

REQUEST: Variance to reduce the parking requirement from 69 to 50 spaces.

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 4 Acres

LOCATION: 800 feet west of Webb Road on the south side of 37th Street North (9323 E. 37th St. North)



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, COMCOA, Inc., is a franchisee of Rent-A-Center and is requesting a variance on the parking spaces requirements on property located in the Comotara Industrial Park. The applicant has acquired the property with an existing parking lot layout that provided 50 spaces. The Office of Central Inspection has determined that the parking requirements for the 17,263 square foot structure which occupies this site requires 69 parking spaces. Therefore, the applicant is requesting that the parking requirements for the site be reduced by 19 spaces. The applicant has 35 current employees and has indicated that there are no present plans to increase that number. If conditions change, the number of employees added would be no greater than 1 or 2. There are no direct sales to the public from this location and the only other parking demands for this site, other than for employees, would be for visitors and there are currently 15 spaces available for that use.

ADJACENT ZONING AND LAND USE:

NORTH:	"E" - Wichita gymnastics and Unirex Inv. Co.
SOUTH:	"E" - Undeveloped Land
EAST:	"E" - Undeveloped Land
WEST:	"E" - Vacant Building

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as there presently exists a parking lot layout that provides 50 parking spaces on this site and the proposed use will only have 35 employees on site during any given shift and very few visitors, thereby reducing the need of parking spaces.

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 the parking made available on this site within the industrial park should be adequate to meet the needs of the employees and visitors. Therefore, there should be no need for employees and visitors to seek parking on adjacent properties.

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 undeveloped land is available at this site but the cost of providing this additional parking cannot be justified in that the existing 50 spaces meet the current and future workforce parking needs. Fifteen spaces currently are not used on a regular basis now.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the parking made available on this site in the industrial park should be adequate to meet the needs of the employees and visitors. Therefore, there should be no need for employees or visitors to seek parking spaces on any public street in the area.