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 more paved parking area than would be utilized by this business would have to be provided, which would add to the stormwater runoff and increase radiant heat.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as adequate parking will be provided on site for the needs of this business and therefore on-street parking will not be necessary.

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 adequate parking will be provided for the needs of this business, even with the variance, which is the intent of the parking provisions of the zoning ordinance.

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. At least 27 paved parking spaces shall be provided on site prior to obtaining an occupancy permit for the proposed 4,800-square-foot building expansion. The location, size and layout of the spaces shall meet all parking lot standards established by the Wichita Traffic Engineering Division, and the actual paving shall meet all specifications established by the Wichita Engineering Department.

2. At such future time as employment at this manufacturing plant exceeds 27 persons at any one time or the use or size of the building changes so that the parking code requirement exceeds 45 spaces, additional paved parking shall be provided as required by code, unless a new variance request is submitted and approved.

**BOARD OF ZONING APPEALS**
**WICHITA, KANSAS**

AGENDA ITEM NO. 5

September 22, 1992

## SECRETARY'S REPORT

**CASE NUMBER:** BZA 21-92

**OWNER/APPLICANT/AGENT:** Ferroloy Foundry, Inc. (owner/applicant)
Ron Neagle, Vice President (agent)

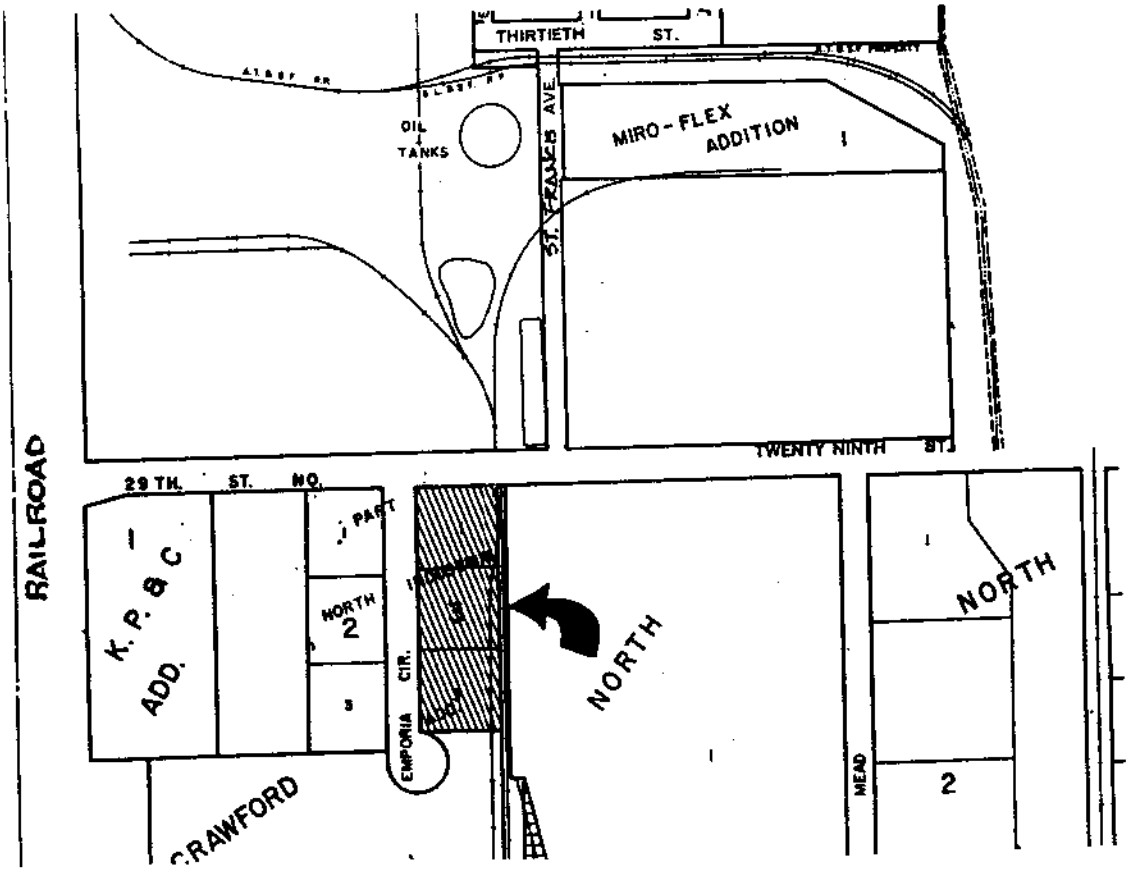
**REQUEST:** Variance to reduce the number of required parking spaces from 45 to 27.

**CURRENT ZONING:** "F" Heavy Industrial District

**SITE SIZE:** 2-3/4 acres (200 ft. x 600 ft.)

**LOCATION:** Southeast corner of 29th Street North and Emporia Circle (515 E. 29th St. N.)

**PROPOSED USE:** Expansion of existing foundry




**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: In the late 1960s, Ferroloy Foundry constructed a 20,000± sq. ft. industrial building at 515 E. 29th St. North. At that time, the parking requirement for industrial buildings was one space per three employees in the largest working shift. In 1991, the parking regulations changed and the parking requirement is now two per 1,000 square feet of manufacturing floor area and one per 1,000 square feet of warehousing area (for the first 20,000 square feet). Whenever expansion of an industrial building exceeds 10% of the existing floor area or 5,000 square feet, whichever is less, the amount of required parking as specified in the current code must be provided for the entire facility. Ferroloy Foundry has submitted plans to the Office of Central Inspection (OCI) for a 4,800-square-foot expansion. OCI has determined the total parking requirement to be 45 spaces. Ferroloy Foundry is requesting a variance of this requirement down to 27 spaces.

The site plan and accompanying letter of justification submitted with this application indicate that seven spaces now exist north of the building and that 20 more spaces will be provided south of the building. Because of the small number of employees on site at any one time and the nature of this business, the applicant believes that there will be no need for 45 parking spaces. There are currently a total of 30 employees who are spread across five staggered shifts, with no more than 18 employees on the premises at any one time. The building expansion, which is for warehouse space, will not increase the number of employees. Only 11 of the employees work between 8 a.m. and 5 p.m., so any salesmen coming to the business would have at least 16 parking spaces available. Ferroloy Foundry is solely a manufacturing concern with no retail traffic or showroom space. Even after this proposed expansion is completed, approximately one and one-half acres of undeveloped land will remain. Should the parking needs change in the future, there is sufficient land to accommodate additional parking.

ADJACENT ZONING AND LAND USE:

| | | |
|---|---|---|
| NORTH | "F" | Compressed gas sales |
| SOUTH | "F" | Undeveloped and scrap metal storage and sales |
| EAST | "F" | Meat packing plant |
| WEST | "F" | Construction company |

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it contains a semiautomated manufacturing shop with very few employees on site at any one time and no retail traffic.

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 will be more than adequate parking for the needs of this business, and if the needs change in the future, sufficient undeveloped land exists on this site to accommodate additional parking.

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1686
(316) 268-4421

September 24, 1992

Ron Neagle, Vice President
Ferroloy Foundry, Inc.
P.O. Box 492
Wichita, KS 67201

Re: BZA 21-92 - Variance to allow a reduction of the required parking from 45 spaces to 27 spaces on the southeast corner of 29th Street North & Emporia Cr. (515 E. 29th St. N.)

Dear Mr. Neagle:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on September 22, 1992. 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.

The 27 parking spaces must be paved and striped to meet all City code requirements, but you have some flexibility on where these are provided on the lot. If you find that you can provide more than seven spaces north of the building, then fewer than 20 will be required south of the building. Central Inspection will need to review your final parking lot proposal.

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 contact our office.

Sincerely,

Louise Olivarez

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

subject to the following conditions:

1. At least 27 paved parking spaces shall be provided on site prior to obtaining an occupancy permit for the proposed 4,800-square-foot building expansion. The location, size and layout of the spaces shall meet all parking lot standards established by the Wichita Traffic Engineering Division, and the actual paving shall meet all specifications established by the Wichita Engineering Department.

2. At such future time as employment at this manufacturing plant exceeds 27 persons at any one time or the use or size of the building changes so that the parking code requirement exceeds 45 spaces, additional paved parking shall be provided as required by code, unless a new variance request is submitted and approved.

ADOPTED AT WICHITA, KANSAS, this 22nd day of September, 1992.

Mitchell Faroh, President

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 21-92

WHEREAS, Ferroloy Foundry, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the number of required parking spaces from 45 to 27 on property zoned the "F" Heavy Industrial District and legally described as follows:

Lots 1, 2, and 3, Block 3, North Industrial Addition, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 29th St. N. and Emporia Circle (515 E. 29th St. N.).

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 September 22, 1992, 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 it contains a semiautomated manufacturing shop with very few employees on site at any one time and no retail traffic; 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 will be more than adequate parking for the needs of this business, and if the needs change in the future, sufficient undeveloped land exists on this site to accommodate additional parking; 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 more paved parking area than would be utilized by this business would have to be provided, which would add to the stormwater runoff and increase radiant heat; 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 will be provided on site for the needs of this business and therefore on-street parking will not be necessary; 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 needs of this business, even with the variance, which is the intent of the parking provisions of the zoning ordinance; 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 be approved for a variance to reduce the number of required parking spaces from 45 to 27 on property zoned the "F" Heavy Industrial District and legally described as follows:

Lots 1, 2, and 3, Block 3, North Industrial Addition, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of 29th St. N. and Emporia Circle (515 E. 29th St. N.).