



Wichita-Sedgwick County Metropolitan Area Planning Department

September 28, 2006

HRVAC Inc.
10010 S 103rd
Clearwater KS 67026

Maurice Breidenthal
% Bill Freidline
7829 E Rockhill
Wichita KS 67216

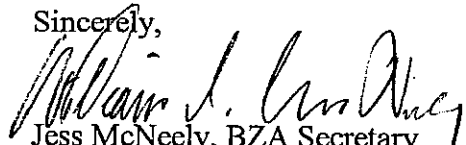
RE: BZA2006-00059 Variance to reduce parking from 40 to 22 in "B" Multi-family zoning for multi-family development, generally located east of Topeka and south of 11th (1146 N Topeka).

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **September 26, 2006**. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

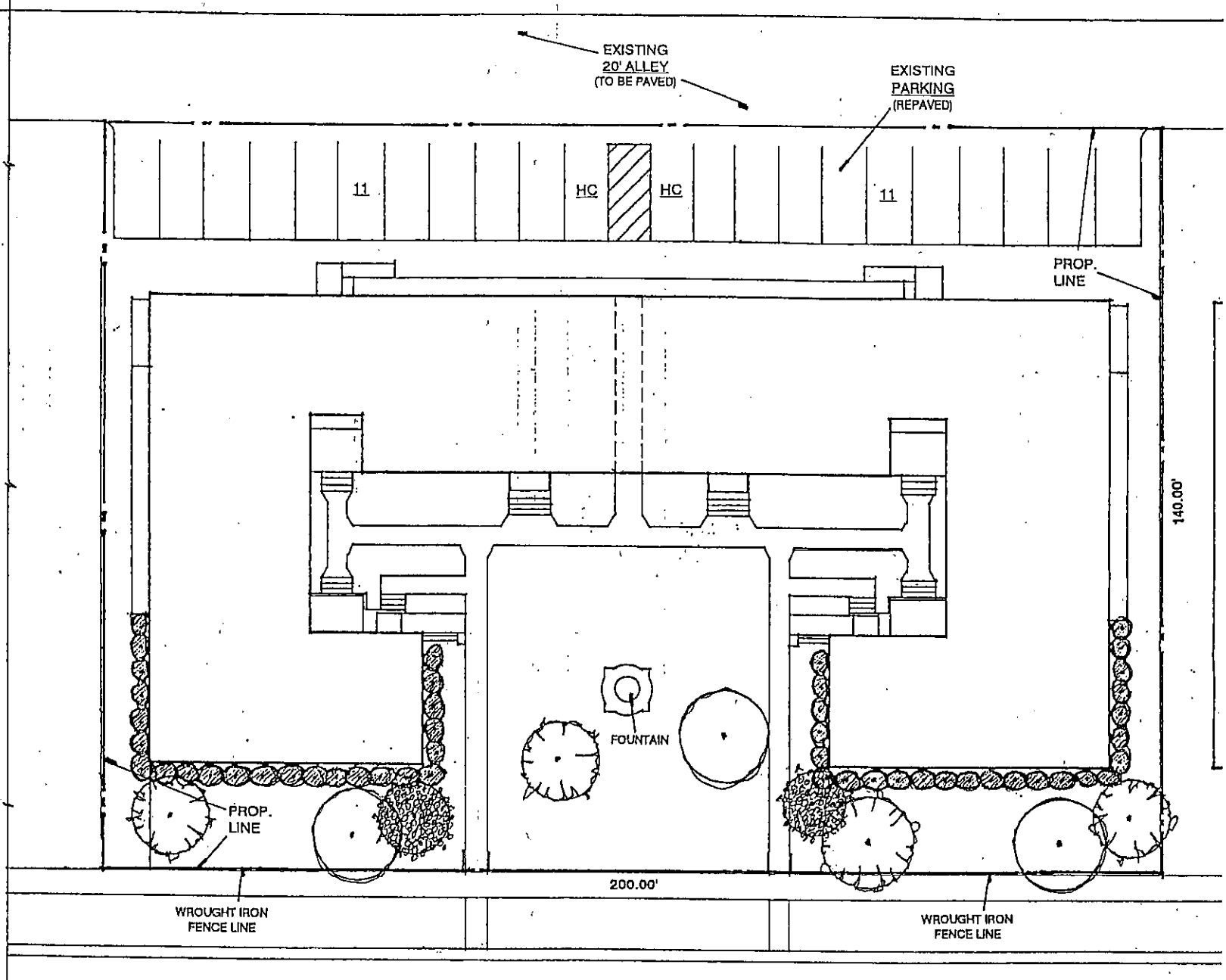
If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,


Jess McNeely, BZA Secretary
Current Plans Division

JM/ya

Cc Sharon Dickgrafe, Law Dept, 1-132
Herb Shaner, OCI, 1-72
Sharon Fearey, WCC District VI, 1-13



NORTH TOPEKA STREET

BZA RESOLUTION NO. 2006-00059

WHEREAS, Bill Friedline, HRVAC, Inc., (Owner/Applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 40 to 22 for multi-family development on property zoned B Multi-family Residential.

Even lots 226 through 240, Topeka Avenue, Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas. Generally located east of Topeka and south of 11th Street North (1140 N Topeka Street).

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 26, 2006, 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, as the apartment building was built in 1949, consuming much of the site, and built prior to current code parking requirements. The property is also unique as a multi-family building in an older, mixed-use neighborhood, where residents can walk to nearby establishments.

WHEREAS, the Board of Zoning Appeals has found that the granting the requested variance would not adversely affect the rights of adjacent property owners. The apartment building has operated with 32 units and 22 parking spaces for some time, without complaint from adjacent property owners. Improvements on the site, such as paving the existing parking and alley, will improve traffic flow and its affect on adjacent property owners. Additionally, on-street spaces are available on Topeka if overflow parking should be necessary on occasion.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the zoning regulations constitutes an unnecessary hardship upon the applicant, as requiring strict compliance with the parking regulations would be impossible with the existing building on this developed site.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, as the public has an interest in the redevelopment of residential buildings within older, existing neighborhoods. Likewise, the applicant has considered the surrounding neighborhood association, the Midtown Citizens Association, which discourages paving adjacent properties.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the zoning regulations, as the parking requirements of the zoning regulations are not necessary for this redevelopment.

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, pursuant to Section 2.12.590.B, Code of the City of Wichita, variance be granted to reduce the parking requirement from 40 to 22 on property

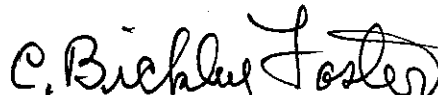
zoned "B" Multi-family Residential legally described as follows:

Even lots 226 through 240, Topeka Avenue, Stafford and Wright's Addition to Wichita, Sedgwick County, Kansas. Generally located east of Topeka and south of 11th Street North (1140 N Topeka Street).

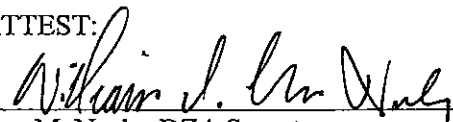
The variance is hereby **GRANTED**, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. All parking on the site shall be marked and paved in conformance with City standards.
3. The alley east of the site shall be paved where the alley abuts the site, and shall be paved north of the site to 11th Street North.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year from the date the variance is granted unless such time is extended by the Board.
5. The resolution authorizing this variance may be reviewed for compliance with conditions by the BZA; the board may then make recommendations to staff regarding enforcement of conditions.

ADOPTED AT WICHITA, KANSAS, this 26th Day of September 2006.



BZA Board Chair, Bickley Foster

ATTEST:


Jess McNeely, BZA Secretary