

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421  
FAX (316) 268-4390

FILE COPY

June 4, 1999

Richard Vliet  
4200 E. Douglas  
Wichita, KS 67208

**RE: A variance to reduce the parking requirement from 32 parking spaces for 9,500 square feet to 32 spaces for 24,750 square feet. On property generally located south of Douglas and west of Hydraulic.**

Dear Mr. Vliet:

At its regular meeting on May 25, 1999, the Board of Zoning Appeals considered the above-captioned request. The action of the BZA was to APPROVE the request.

The action of the BZA is FINAL. Enclosed is a signed copy of the above-referenced BZA Resolution No. 14-99. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Dale Miller'.

Dale Miller  
BZA Secretary

DM/rs

Cc: 1425 E. Douglas L.L.C., 144 N Mosley, Wichita, KS 67202  
Kurt Schroeder, Office of Central Inspection  
Randy Sparkman, Office of Central Inspection  
Paul Hays, Office of Central Inspection  
J.R. Cox, Office of Central Inspection



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**WHEREAS**, Richard Vliet, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 99 parking spaces for 9,500 square feet to 32 spaces for 24,750 square feet, on property zoned "LI" Limited Industrial and legally described as follows:

Parcel #1: Lots 173, 175, 177, 179, 181, and 185, on Douglas Avenue, in Gould's Subdivision in Hyde's Addition to the City of Wichita, Kansas, Sedgwick County, Kansas.

AND

Parcel #2: Lot 171, on Douglas Avenue, in Hyde's Addition to the City of Wichita, Sedgwick County, Kansas.

**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 May 25, 1999, 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. It is the opinion of staff that this property is unique, inasmuch as it is located within an inner city business area which was developed at a time which did not require on-site parking in relation to the size and use of development. Also no additional parking can be provided on-site without removing more of the existing structure.

B 06401

**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. 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 regulations, inasmuch as this development is in an area which was developed before the zoning regulations came into effect, and the applicant has tried for over a year to find additional, off-site permanent parking.

**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 parking requirements from 32 parking spaces for 9,500 square feet to 32 spaces for 24,7500 square feet and legally described as follows:

Parcel #1: Lots 173, 175, 177, 179, 181, and 185, on Douglas Avenue, in Gould's Subdivision in Hyde's Addition to the City of Wichita, Kansas, Sedgwick County, Kansas.

AND

Parcel #2: Lot 171, on Douglas Avenue, in Hyde's Addition to the City of Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. This application makes BZA 7-98 null and void.
2. The use of the building shall be limited to office, apartments and/or retail space, with no more than 4,000 square feet of retail space, but up to a total of 7,000 square feet of space will be allowable for the addition for furniture sales and art gallery and no more than a total of 40 employees and/or dwelling units, unless additional parking is provided within 600 feet of the property on a lease basis, in which case one additional employee or dwelling unit is permitted for each additional parking space.

**SECRETARY'S REPORT**

CASE NUMBER: BZA 14-99

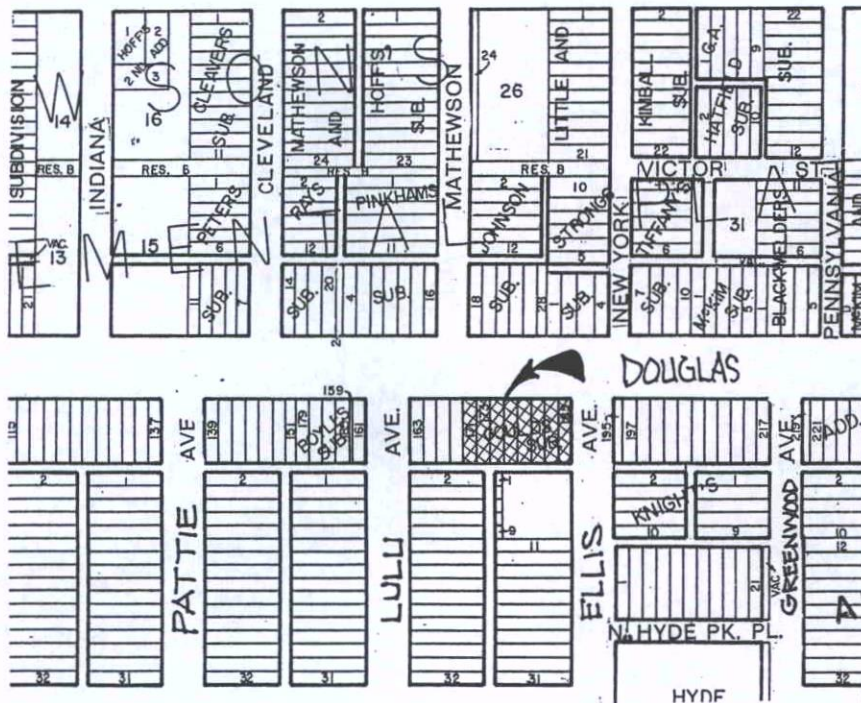
OWNER/APPLICANT: Richard Vliet (Owner/Applicant)

REQUEST: A variance to reduce the parking requirement from 32 parking spaces for 9,500 square feet to 32 spaces for 24,750 square feet

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 200 feet by 150 feet

LOCATION: South of Douglas and west of Hydraulic



**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 is remodeling a 24,750 square foot, two story building. The applicant expects the remodeled space to be leased primarily to professional office users. If the site were occupied by office users, the applicant would need to provide 99 spaces. The "Unified Zoning Code" requires one parking space for every 250 square feet of office or retail space. This site was originally a laundry. The applicant indicates the laundry employed 70 people. The original laundry building mostly covered the entire site, however as part of the remodeling project, the rear portion of the building was removed to make room for 32 parking spaces. Currently the entire second floor (7,000 square feet) has been leased to an advertising firm with 12 employees. The two other current leasees have a total of 7 employees in 2,500 square feet of space. The property is located south of Douglas and west of Hydraulic. This .69 acre tract is currently zoned "LI" Limited Industrial. Recently, the applicant has been able to obtain an additional 20 parking spaces, on a month-to-month basis, on McCormick Armstrong property located just east of the application area. There are approximately 10-15 on-street spaces along Douglas, as well.

In an earlier 1998 request, the applicant requested a reduction in the number of parking spaces from 99 to 32. The applicant and staff reached a compromise on conditions of approval. The compromise allowed the applicant to open only 9,500 square feet of the total building. The space was to be used for offices. This would allow tenants, which the applicant currently had under contract, to locate within this building sometime in June 1998. This compromise allowed the applicant a chance to obtain additional parking, as well as allowed staff to determine any other possible solutions to the parking problem in this area.

One possibility suggested with the earlier case was possibility of the establishment of a "parking district" similar to the one in operation in Old Town, where off-street requirements are waived if property owners in the district pay a fee to the City or submit a petition agreeing to special assessments in the future that can be used in the future to acquire land and develop "public" off-street parking lots. However, it would be very complicated to draft a petition that would be suitable. In addition, there does not seem to be other development interest in this area, and the applicant in agreeable to limiting the use of this property to help control the parking demand.

Another parking variance request was granted in 1994 to the Spice Merchant located at the corner of Douglas and Cleveland. This variance reduced the parking requirement from 57 to 3 parking spaces but the applicant had an agreement to lease 39 parking spaces just north of this area.

The site is surrounded by commercial and office developments. The only additional off-street parking in the area was located just southwest of this site and also at McCormick Armstrong, which is located just east of this site.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LI"	Commercial uses
SOUTH	"LI"	Commercial and Offices
EAST	"LI"	Commercial and Offices
WEST	"LI"	Commercial and Offices

**UNIQUENESS:** It is the opinion of staff that this property is unique, inasmuch as it is located within an inner city business area which was developed at a time which did not require on-site parking in relation to the size and use of development. Also no additional parking can be provided on-site without removing more of the existing structure.

**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 owner demolished a large portion of this building to provide 32 parking spaces on-site which will provide more parking for the area than the previous use of this building. Further, an adjacent property has agreed to allow the applicant to use 20 of their spaces on a month-to-month basis.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as there is no other location on this lot to construct additional parking spaces. In order for the owner to meet the parking demand, he would have to tear down most of the remaining building and replace it with a parking lot.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the building has not provided on-site parking previously. The applicant has remodeled this structure in an attempt to provide on-site parking. The applicant has obtained additional parking in the area, but there is not much undeveloped land available for parking. This area is an older neighborhood developed with many commercial properties and offices which do not have sufficient parking. This applicant is trying to meet the parking requirements of the Zoning Code but is unable. The Comprehensive Plan, as well as the City, acknowledges the need to retain and bring new employment to the downtown area. This redevelopment would help revitalize this general 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 regulations, inasmuch as this development is in an area which was developed before the zoning regulations came into effect, and the applicant has tried for over a year to

find additional, off-site permanent parking.

**RECOMMENDATION:** Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance from 99 to 32 spaces be granted, subject to the following conditions:

1. This application makes BZA 7-98 null and void.
2. The use of the building shall be limited to office, apartments and/or retail space, with no more than 4,000 square feet of retail space, and no more than a total of 40 employees and/or dwelling units, unless additional parking is provided within 600 feet of the property on a lease basis, in which case one additional employee or dwelling unit is permitted for each additional parking space.
3. The parking area shall be paved, striped and maintained in accordance with the approved site plan.
4. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.