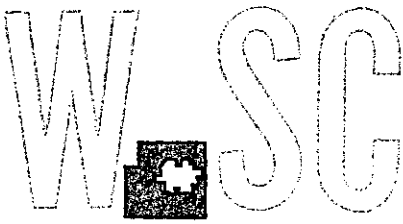


WICHITA — SEDGWICK COUNTY



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

April 27, 1999

Khalil Abdallah
3002 East Harry
Wichita, KS 67211

RE: Variance to allow a reduction of required parking spaces from 12 to 9 spaces on property generally location at the corner of Harry and George Washington Boulevard.

Dear Mr. Abdallah:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning appeals on April 27, 1999. 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 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,

Dale Miller
Secretary
Board of Zoning Appeals

DM/rs

cc: Tim J. Moore, 200 West Douglas, 4th Floor, Wichita, KS 67202-3084
J. R. Cox, OCI
Paul Hayes, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)
File

WHEREAS, Khalil Abdallah, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to allow reduction in the number of required parking spaces from 12 to 9 on property zoned "LC" Limited Commercial and legally described as follows:

Lot 1, Block A, Schweiter's 11th Addition, Sedgwick County, Kansas.
Generally located at the Northeast corner of Harry and George Washington Boulevard.

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 April 27, 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 this site is an old fire station location that is small to begin with and trapezoidal in shape; it is hemmed in by other development so there are not any expansion possibilities; and the applicant's somewhat unique combination of uses (upholstery and small scale car sales). It is a small site that is developed with a building located basically in the middle of the site, eliminating any room to re-design or re-stripe the parking area to meet the code. The parking requirements tend to work against a small-scale use like this. The two uses have operated together (illegally) with no apparent need additional parking. Further the building has overhead doors. The code does not permit parking spaces to be located in front of overhead doors.

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. 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 applicant's business is not a high volume traffic generation use. Reducing by three the number of off-street spaces should not negatively impact the apartment complex to the north or the commercial strip center located to the east.

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. 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 it is the unlikely combination of uses - car sales, office, storage and service commercial uses - on such small a site that creates the need for this variance.

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. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as this is a low traffic generation use.

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 it is a low volume traffic generation use.

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 allow reduction in the number of required parking spaces from 12 to 9 on property zoned "LC" Limited Commercial and legally described as follows:

Lot 1, Block A, Schweiter's 11th Addition, Sedgwick County, Kansas.

subject to the following conditions:

1. The parking reduction from 12 to 9 spaces shall be installed in substantial conformance with the site plan submitted with this variance request, and shall only apply to vehicle sales that is accessory to another auto related use.
2. The parking area on the north and the display area on the south shall be paved, striped and maintained in accordance with approved site plan within three months of the approval of this request.

FILE COPY

3. 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 or the foregoing conditions

ADOPTED AT WICHITA, KANSAS, this 27th day of April, 1999.


C. Bickley Foster, President

ATTEST:


Dale Miller, Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 12-99

OWNER/APPLICANT: Khalil Abdallah (Owner/Applicant)

AGENT: Tim J. Moore (Agent)

REQUEST: Variance to allow reduction in the number of required parking spaces from 12 to 9

CURRENT ZONING: "LC", Limited Commercial

SITE SIZE: 9,000 square feet

LOCATION: Northeast corner of Harry and George Washington Boulevard.



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: City Council approved a "Conditional Use" permit (CU-498) to allow vehicle sales on this location, the northeast corner of Harry and George Washington Boulevard. The applicant operates an upholstery repair shop from the existing building found at this location. Through his business dealings with customers and also with car dealerships the applicant acquires vehicles. He cleans and repairs these vehicles, and then places them on this lot for sale. Under the terms of the "Conditional Use", the applicant can display no more than three vehicles at any one time. His site plan depicts nine off-street parking spaces located on the north side of the building with the vehicle display area located on the south side. Access to the site is off of George Washington Boulevard.

The Unified Zoning Code requires auto businesses to provide customer parking at the rate of two spaces for the first 10,000 square feet and one space per each additional 10,000 square feet of lot area used for vehicle sales, display, or storage purposes and one space per 500 square feet of building area for employee parking. The applicant has approximately 494 square feet of space for vehicle sales, display and storage which will require a total of two spaces for customer and employee parking. The building (3,500 total square feet) will be used as a vehicle sales office (500 square feet) and as an office for the upholstery business (1,500 square feet) will require an additional 9 parking spaces (one for the car sales office and eight for the upholstery business). There is also 1,500 square feet used for storage of the upholstery business which would require one additional parking space. Therefore, this site has a requirement for 12 off-street spaces for employee and customer parking. The applicant can provide only 9 spaces.

There is an apartment project located to the north of the application area. It is our understanding that the applicant explored the possibility of leasing spaces from the apartment, however they did not have any excess spaces. Across George Washington Boulevard, to the west, is a restaurant. Residential properties are located north of the restaurant. A bottling plant is located southwest of the site. Commercial uses are located south and east of the site.

ADJACENT ZONING AND LAND USE:

NORTH	"GO", General Office; apartment complex
SOUTH	"LC", Limited Commercial; commercial development
EAST	"LC", Limited Commercial; commercial development
WEST	"LC", Limited Commercial; commercial development

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as this site is an old fire station location that is small to begin with and trapezoidal in shape; it is hemmed in by other development so there are not any expansion possibilities; and the applicant's somewhat unique combination of uses (upholstery and small scale car

sales). It is a small site that is developed with a building located basically in the middle of the site, eliminating any room to re-design or re-stripe the parking area to meet the code. The parking requirements tend to work against a small-scale use like this. The two uses have operated together (illegally) with no apparent need additional parking. Further the building has overhead doors. The code does not permit parking spaces to be located in front of overhead doors.

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 applicant's business is not a high volume traffic generation use. Reducing by three the number of off-street spaces should not negatively impact the apartment complex to the north or the commercial strip center located to the east.

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 it is the unlikely combination of uses - car sales, office, storage and service commercial uses - on such small a site that creates the need for this variance.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as this is a low traffic generation use.

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 it is a low volume traffic generation use.

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 be granted, subject to the following conditions:

1. The parking reduction from 12 to nine spaces shall be installed in substantial conformance with the site plan submitted with this variance request, and shall only apply to vehicle sales that is accessory to another auto related use.
2. The parking area on the north and the display area on the south shall be paved, striped and maintained in accordance with approved site plan within three months of the approval of this request.
3. 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 or the foregoing conditions.