

July 23, 1986

Mr. Brad White
Happiness Plaza, Inc.
3555 East Douglas
Wichita, Kansas 67218

RE: BZA 28-83

Dear Mr. White:

On June 28, 1983, the Board of Zoning Appeals approved your request for a reduction in the number of off-street parking spaces for the properties located on the southwest corner of Douglas and Clifton (3429, 3543 and 3555 East Douglas). This approval was to reduce the number of spaces from 86 to 71, and was based on the fact that the major tenants were a fur shop and a flower and gift shop with a considerable amount of storage that did not generate traffic.

A recent news article states that one of your major tenants will be relocating, and as such the condition of the BZA Resolution will be violated if the new tenant is not a fur shop. I am pointing this out to you so that you will have ample time to resolve the parking problem before a new tenant is secured.

At a recent Board of Zoning Appeals hearing, the neighbors again pointed out the on-street parking problem in the neighborhood. As stated in 1983 when your parking variance was granted, you are required to provide parking for customers and the employees of the businesses on the property.

BZA Resolution 28-83, authorizing the variance, sets forth conditions of approval. These include providing 71 off-street parking spaces in conformance to the standards established by the City. In viewing the properties recently, these spaces were not visible on the two structures, known as 3429 and 3543 East Douglas. In addition, there does not appear to be a sign designating the lot at these properties that the parking spaces are for customers and employees.

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In case the copy of the resolution sent to you on July 1, 1983 has been misplaced, I am attaching a copy for your information. If you have any questions on this matter, please do not hesitate to give me a call.

I hope that any deficiencies of compliance can be corrected in the next few weeks so that it will not be necessary for Central Inspection to take action to request the Board to revoke the resolution.

Sincerely,

Glen E. Lytle
Assistant Secretary
Board of Zoning Appeals

GEL/lw

Attachment

cc: Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Housing Code Supervisor

RESOLUTION NO. BZA 28-83

WHEREAS, Dean White and Kenneth Hull, M.D., 3555 East Douglas, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 86 to 71 spaces on property zoned the "LC" Light Commercial and "BB" Office Districts and legally described as follows:

Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 and the 20'+ vacated street adjoining on the north of all lots; and the 7.5' vacated alley adjoining on the south of lots 1, 3, 5 and 7; and excepting the south 9' of lots 9, 11, 13 and 15, all in Lenore Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Douglas and Clifton.

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, 1983, 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 the use of the property has essentially been the same for nearly 15 years and it has been demonstrated that the amount of space in fur vaults and flower coolers reduces the demand for parking; 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 applicant is not increasing the demand for parking by any change of use of the property that has not existed over the last several years; 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 the property is existing and the request is to eliminate the semi-annual verification, as required by Case No. BZA 38-67, on the use of the basement area; 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 the variance would not interfere with any right-of-way or utility easements; 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 the requirement for off-street parking is to eliminate excessive congestion in the streets due to on-street parking; 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 for a variance to reduce the required number of off-street parking spaces from 86 to 71 on property zoned the "LC" Light Commercial and "BB" Office Districts and legally described as:

Lots 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, and 23 and the 20'+ vacated street adjoining on the north of all lots; and the 7.5' vacated alley adjoining on the south of lots 1, 3, 5 and 7; and excepting the south 9' of lots 9, 11, 13 and 15, all in Lenore Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Douglas and Clifton.


be approved subject to the following conditions:

1. The applicants shall widen the driveway approach between 3429 and 3543 East Douglas to 24 feet in width to comply with City standards for a two-way driveway and provide signage to indicate the use of the parking is for customers and employees of 3555, 3543 and 3429 East Douglas.
2. Parking shall be provided for both customers and employees as required by the zoning ordinance.
3. This variance shall be applicable only as long as the major tenants at 3555 East Douglas are a fur shop and flower, gift and home furnishings.
4. The use of the basement areas shall not be converted to retail sales, but shall be used only for storage and employee work space.
5. Upon the release of this resolution, the previous variance authorized by Resolution BZA 38-67 shall become null and void.

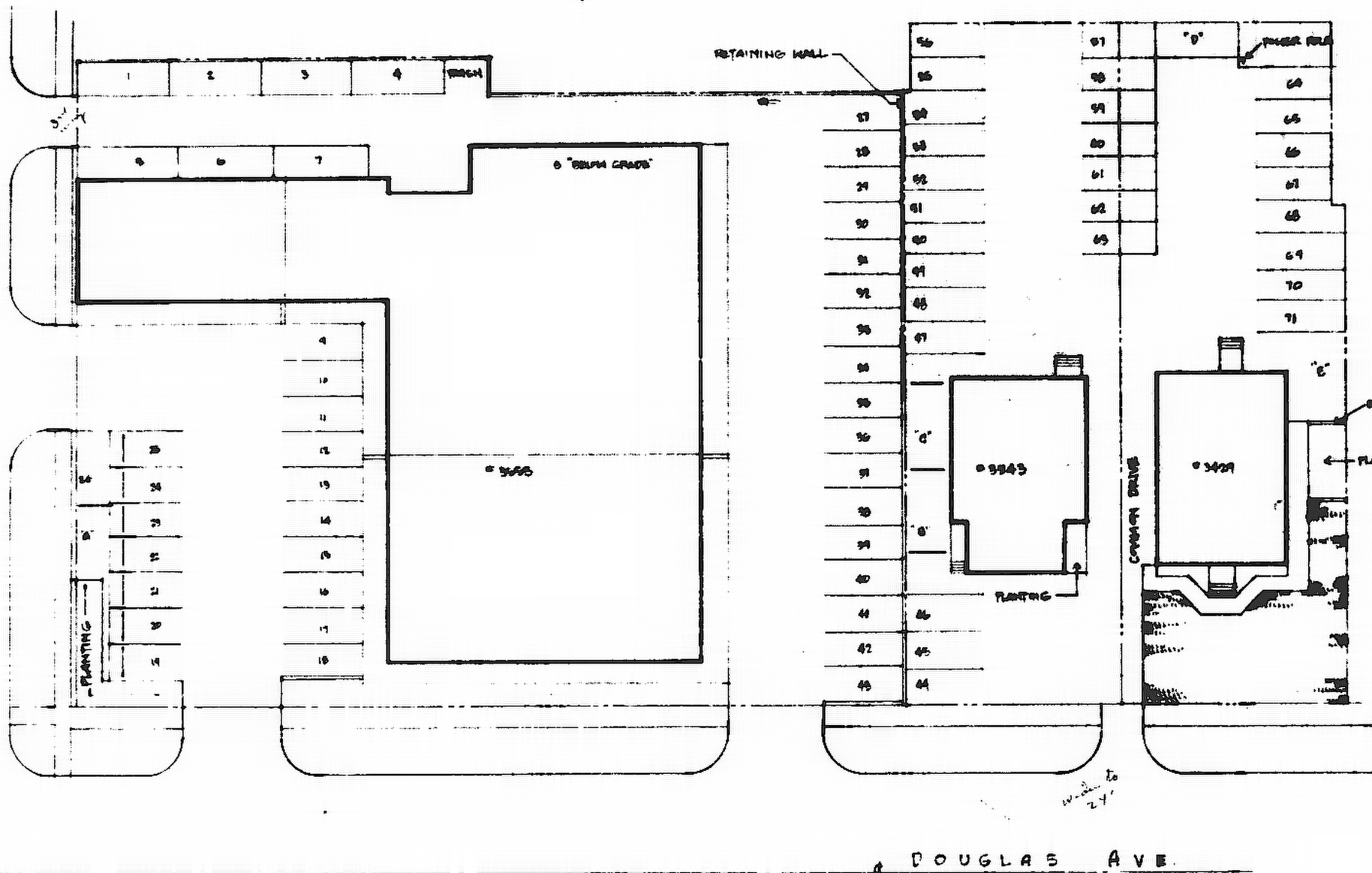
ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1983.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

CLIFTON AVE.



DOUGLAS AVE.

BZA 28-83

A PARKING PLAN
SCALE 1"=20'



NOTES:

- ① AREAS

3555 E. DOUGLAS		10,124 SQ FT
1ST FLOOR	11,425 SQ FT	
BALCONIES	1,436 SQ FT	
BASEMENT	9,260 SQ FT	
3543 E. DOUGLAS.		1,420 SQ FT
	TOTAL	19,544 SQ FT

3429 E. DOUGLAS.		1,492 SQ FT
3 DOCTORS		
3 EMPLOYEES.		
- ② REQUIRED PARKING

19,544 SQ FT ÷ 250 SQ FT/SPACE =	78 SPACES.
1,492 SQ FT ÷ 500 SQ FT/SPACE =	2 SPACES
EMPLOYEES	6 SPACES.
	TOTAL
	86 SPACES.
- ③ STORAGE AREAS.

BASMENT:	FUR STORAGE.	1,790 SQ FT
	FLOWER STORAGE	300 SQ FT
FIRST FLOOR:	FUR STORAGE	250 SQ FT
	FLOWER STORAGE	162 SQ FT
	TOTAL	2,502 SQ FT
2,502 SQ FT ÷ 250 SQ FT/SPACE =	10 SPACES.	
TOTAL REQUIRED PARKING	86 SPACES.	
FUR VAULTS + FLOWER COOLERS.	10 SPACES.	
	TOTAL	
	76 SPACES.	
- ④ PARKING SPACES 'A', 'B', 'C', AND 'E' ARE NOW BEING USED BY OWNERS AND MANAGERS OF BUSINESSES LOCATED ON THE 3 PROPERTIES. SPACE NUMBER 'D' WILL BE USED IN THE SAME MANNER.

<p>PROJECT</p> <p>HAPPINESS PLAZA WICHITA · KANSAS</p>	
<p>Architects / Professional Association 8800 East Central Wichita, Kansas 67208 (316) 688-5781</p>	<p>DRAWN: [] CHECKED: [] PROJECT NO. [] DATE: 5.26.83</p>
<p>SHEET TITLE</p> <p>PARKING PLAN</p>	
<p>SHEET NO.</p> <p>1</p>	