

Case No. BZA 79-84 - Wichita No. 2
Building Company - requests a variance
to reduce the required number of off-
street parking spaces from 24 spaces
to 17 spaces on property zoned the
"C" Light Commercial District and

ACTION

BZA 79-84 Approved 11-27-84
DATE

200' A Sec 1-10-85

Shot 1-23-85

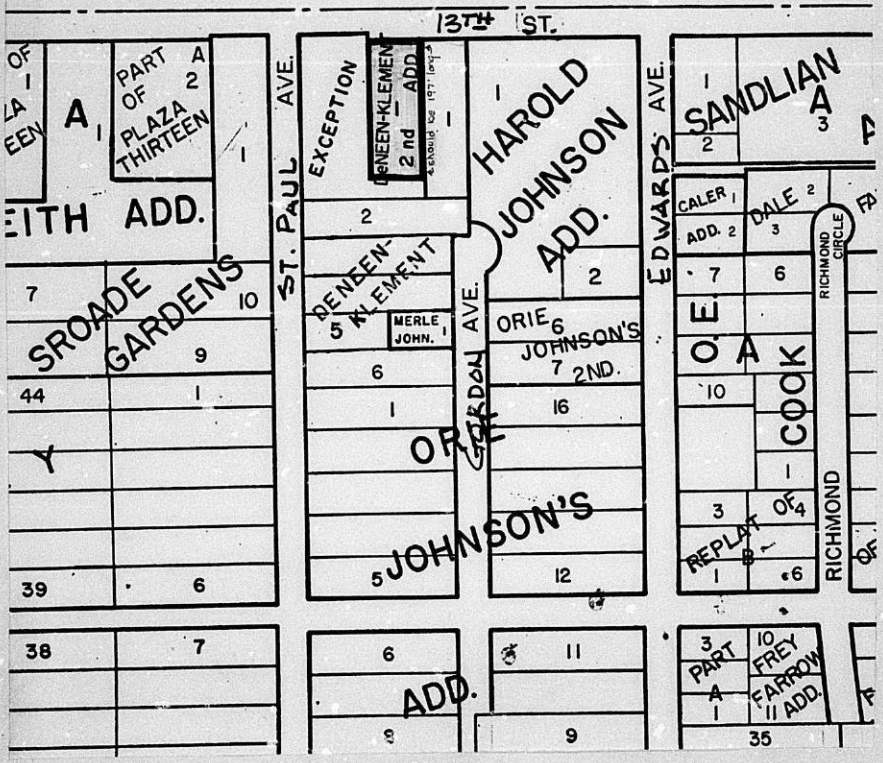
Record

Map No. 5248 A

BZA 79-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E LC S AA W LC N B
3. Land Use: East Comm South I-F
West Comm North Comm
4. Area (is) (~~is not~~) platted.



LOS ANGELES-CINCINNATI-LOUISIANA, OHIO
MEMPHIS, MISSOURI, ST. LOUIS, MO.
U.S.A.

Star
No. 2153C

November 30, 1984

James W. Vaught
Wichita Building Co.
2528 West 13th Street
Wichita, Ks. 67203

Re: BZA 79-84 - Request for Variance

Dear Mr. Vaught:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 27, 1984.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 79-84

WHEREAS, Wichita No. 2 Building Company, 2528 West 13th Street, 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 24 to 17 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, DeNeen-Klement 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street and east of St. Paul (2821-2825 West 13th).

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 November 27, 1984, 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 as an auto parts store has far less demand for off-street parking than many other retail uses; 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 will be providing adequate off-street parking spaces for the uses established on the property to limit the need for any on-street parking for customers or employees; 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 applicant would be unable to secure a permit for the expansion of an existing business without acquiring additional parking in the general way; 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 reduction of the required number of off-street parking spaces should not create a demand for on-street parking that could create congestion in the neighborhood to the south; 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 applicant will be restricted on the use of the building to uses that normally do not create the demand for parking required by the general provisions of the 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.

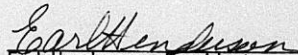
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 24 to 17 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, DeNeen-Klement 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street and east of St. Paul (2821-2825 West 13th).


be approved subject to the following conditions:

1. The reduction in the number of required off-street parking spaces from 24 spaces to 17 spaces shall only be applicable to the use of approximately 4400 square feet of the building as a retail auto parts store. The remaining 1700 square feet may be occupied by any use permitted in the "LC" Light Commercial District that the required parking is based on one space for each 250 square feet of floor area.
2. Should the occupancy of the space occupied by the auto parts store change to any other use, off-street parking as required by ordinance shall be provided, and this resolution shall become null and void.
3. All off-street parking areas, circulation and service drives provided on the property shall be marked and surfaced as required by Section 28.04.143 of the code and the off-street parking standards established by the Traffic Engineer.
4. None of the required 17 parking spaces may be occupied by portable signs or display of any kind.

ADOPTED AT WICHITA, KANSAS, this 27th day of November, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN RIGHTS & SERVICES

DATE November 14, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Mary L. Moore, Administrative Aide III

SUBJECT BZA 79-84 GENERALLY LOCATED
ON THE SOUTH SIDE OF 13TH
STREET AND EAST OF ST. PAUL

On Wednesday, November 7th, CPO Council "N" considered the above captioned case. The Council voted 7-0 to recommend approval.

The applicant was not present to discuss the case. Approximately two area residents were present to ask questions.

Please present the Council's recommendation to the BZA when it considers this case.

Mary L. Moore

Mary L. Moore
Administrative Aide III

MLM/glw

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

SECRETARY'S REPORT
CASE NO. BZA 79-84

APPLICANT: Wichita No. 2 Building Company, 2528 West 13th, Wichita, Kansas.

AGENT: James W. Vaught, Wichita No. 2 Building Co., 2528 West 13th, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking from 24 spaces to 17 spaces.

GENERAL LOCATION: On the south side of 13th Street and east of St. Paul.

ZONING: Subject property is zoned the "LC" Light Commercial District as are the properties to the east and west. To the south is "AA" One-family Dwelling District and to the north "B" and "LC".

LAND USE: Subject property is developed as an auto parts store with a service station to the west and commercial development to the east and north. To the south is residential.

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.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the number of required off-street parking spaces in order to construct an addition to the existing structure for the expansion of an auto parts store. The property was originally developed within 10'-3" of the west property line and is located on the east property line. This severely limits reasonable access to any parking that could be located to the south of the existing building. Although the site plan indicates that seven parking spaces can be provided, none are in conformance with the off-street parking standards established by the traffic engineer. This is primarily due to the inadequate ingress and egress to the spaces and inadequate maneuvering space to turn vehicles around once the spaces are occupied.

The applicant states that the use of the property as an auto parts store greatly reduces the demand for off-street parking as compared to other permitted uses in the "LC" Light Commercial District. The existing 29' x 63' rental space is to be rented to a service oriented type business that will also demand less parking than would office or retail sales.

This site is a typical example of a small site that was originally developed without any planning for future expansion that could comply with the requirements of the standards of the zoning ordinance without securing additional land for parking. It is difficult to find any uniqueness to the property other than the use of the property by the present occupant. Once a variance for the required number of parking spaces is granted, it is then difficult to provide additional parking when a new use is acquired.

Although the applicant has indicated that 24 spaces can be provided, only 17 spaces are in compliance with the off-street parking standards and the remaining 7 spaces are marginally accessible to be used by employees and service vehicles.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the use as an auto parts store has far less demand for off-street parking than many other retail uses.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the applicant will be providing adequate off-street parking spaces for the uses established on the property to limit the need for any on-street parking for customers or employees.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be unable to secure a permit for the expansion of an existing business without acquiring additional parking in the general area.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the required number of off-street parking spaces should not create a demand for on-street parking that could create congestion in the neighborhood to the south.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the applicant will be restricted on the use of the building to uses that normally do not create the demand for parking required by the general provisions of the 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. The reduction in the number of required off-street parking spaces from 24 spaces to 17 spaces shall only be applicable to the use of approximately 4400 square feet of the building as a retail auto parts store. The remaining 1700 square feet may be occupied by any use permitted in the "LC" Light Commercial District that the required parking is based on one space for each 250 square feet of floor area.
 2. Should the occupancy of the space occupied by the auto parts store change to any other use, off-street parking as required by ordinance shall be provided, and this resolution shall become null and void.
 3. All off-street parking areas, circulation and service drives on the property shall be marked and surfaced as required by Section 28.04.143 of the code and the off-street parking standards established by the Traffic Engineer.
 4. None of the required 17 parking spaces may be occupied by portable signs or display of any kind.
-

BZA CASE NO. 79-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>9</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>12</u>	TOTAL NOTICES SENT <u>11-7-84</u>

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

November 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 79-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Wichita No. 2 Building Company, 2528 West 13th Street, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces from 24 spaces to 17 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 1, DeNeen-Klement 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 13th Street and east of St. Paul (2821-2825 West 13th).

This application has been assigned Case BZA 79-84. It will be considered by the Board of Zoning Appeals on November 27, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 79-84

CITY OF WICHITA, KANSAS

FILED 10-29-84

APPLICATION FOR VARIANCE

I. Name of Applicant Wichita No. 2 Building Company

Mailing Address 2825 W. 13th, Wichita, KS 67203 Phone 942-2286

Name of Authorized Agent James D. Vaught

Mailing Address 2825 W. 13th, Wichita, KS 67203 Phone 942-2286

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required number of
off-street parking spaces from 24 spaces to
17 spaces For parking requirements. (See attached
letter requesting variance - omit requirement for parking spaces
18 thru 24.

for property located 2821 and 2825 W. 13th, Wichita, KS / per
attached plot plan.

and legally described as: Lot #1 Denene - Clements 2nd addition
to Wichita.

in the City of Wichita; and which is presently zoned LC.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Wichita No. 2 Building Company
(NAPA Auto Parts)

Authorized Agent James D. Vaught
James D. Vaught

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
4:30 (a.m.p.m.), Oct 29, 1984, together with
appropriate fee of 150.00.

Signed [Signature]

Indian Hills Auto Parts

2524 West 13th Street
Wichita, Kansas 67203
(316) 942-2286

October 26, 1984

To: Board of Zoning Appeals

Re: Application for Variance - Parking
at NAPA Auto Parts and Rental
2821 - 2825 W. 13th, Wichita, KS

Dear Board Members:

We are requesting that you grant us a variance in the number of parking spaces required for our new addition of 2,000 sq. ft.

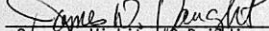
We feel that our parking requirements are unique to this property and are not created by any action on our part. Selling auto parts requires a lot of storage space, relative small sales counter area, and enough parking space for only a few customers for very short periods of time.

In the event we can lease the existing tenant space at 2821 W. 13th, this 1,775 sq. ft. space will be service orientated requiring small parking demand.

We are requesting the Board to allow us to continue business using the new 2,000 sq. ft. storage addition without developing the paved parking for seven spaces to the south of our building which will require an additional capital outlay of approximately \$5,000. The granting of this permit for variance will not adversely affect the rights of adjacent property owners or residents since property barriers or fences do exist and no parking is really available.

We believe that this variance will not adversely affect public health, safety, morals, order, convenience, prosperity or general welfare.

The granting of the variance desired will not be opposed to the general spirit and interest of Title 28 (Zoning Ordinance).

Signed 
Owner: Wichita #2 Building Company
2825 W. 13th, Wichita, KS



OWNERSHIP LIST

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1	De Neen Klement 2nd Addition	Doane Smith James D. Vaught dba Wichita Building Company #2 2825 W. 13th Wichita, KS 67203
Lot 1	De Neen Klement Addition	Richard I. Darge 2815 W. 13th Wichita, KS 67203 Loren Lee Barrett 2805 W. 13th Wichita, KS 67203
Lot 2	"	D. I. De Neen Mary W. De Neen 1316 N. St. Paul Wichita, KS 67203
West 144' of Lot 3	"	Jeffrey W. Wright Sonya I. Wright 1312 N. St. Paul Wichita, KS 67203
Lot 3 except West 144' and except the East 30' for street	"	Jack A. Karst Linda Karst 1319 N. Gordon Wichita, KS 67203
Lot 1, except the South 75' for street	Harold Johnson Addition	Harold E. Johnson Aldine E. Johnson 1301 N. Edwards Wichita, KS 67203

A portion of Block C, Sandlian's Third Addition to Wichita, Kansas, commencing at the Northwest corner of said Block; thence East 154 feet; thence south parallel with the west line of said Block, 84 feet; thence east parallel with the north line of said Block 70 feet for a place of beginning; thence south parallel with the west line of said Block, 152 feet; thence west parallel with the north line of said Block, 70 feet; thence south parallel with the west line of said Block, 198.11 feet to the south line of the Block; thence east along the south line of said Block, 232 feet; thence north parallel with the west line of said Block, 348.29 feet more or less to a point 84 feet south of the north line of said Block; thence west 162 feet to the place of beginning.

Indian Hills
Apartments, Inc.
2740 W. 13th
Wichita, KS 67203

Lot	Addition	Property Owner
	That portion of Block C, Sandlian's Third Addition, Wichita, Sedgwick County, Kansas, lying West of the following described line: Beginning at a point on the North line of said Block C, 154 feet East of the Northwest corner thereof; thence South parallel with West line of said Block C 84 feet; thence East parallel with North line of said Block C 70 feet; thence South parallel with West line of said Block C 152 feet; thence West parallel with North line of said Block C 70 feet; thence South parallel with West line of said Block C 198.5 feet more or less to the South line of said Block C.	D Indian Hills Apartments, Inc. 2740 W. 13th Wichita, KS 67203

TRACT DESCRIPTIONS

Beginning 247 feet South of the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section 13, Township 27, Range 1 West; thence East 257 feet; thence South 83 feet; thence West 257 feet; thence North 83 feet to point of beginning.	Patricia A. Courtright 1320 N. St. Paul Wichita, KS 67203
--	---

Beginning at the Northwest Corner of the Northeast Quarter of the Northeast Quarter of Section 13, Township 27, Range 1 West; thence South 247 feet; thence East 164 feet; thence North 247 feet; thence West 164 feet to beginning except the North 50 feet and except the West 30 feet for street	American Oil Company Address Unknown
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Beginning 30 feet East and 40 feet North of the Southwest Corner of the Southeast Quarter of the Southeast Quarter; thence North 140 feet; thence East 100 feet; thence South 140 feet; thence West to beginning, Section 12, Township 27, Range 1 West.	<i>with slip</i> City of Wichita, a municipal corporation 455 N. Main Wichita, KS 67202
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We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

Lot 1, De Neen Klement 2nd Addition to Wichita, Kansas, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 29th day of October, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

Mary Isable
Sr. Vice-President

WEST 13TH STREET.

29'-6" 20'-0" 33'-6"

93'-0"

7 6 5 4 3 2 1

PLOT PLAN 1" : 20'

REVISED 10/24/1984 WPK.

EXISTING PAVED PARKING

8 9 10 11 12 13 14 15 16 17

EL 99'-0"

19'-0"

EXIST. STOR. RM.

82'-9"

EXIST PARTS SALES

2825 W. 13TH
EXISTING BUILDING
43'-5" x 54'-1"

EXIST PARTS STO.

2821 W 13TH

28'-5" x 63'-0"

EXIST. RENTAL

28'-0"

NEW ADDITION
PARTS STORAGE
38 x 54-1 (2000^{sq} ft)

54'-0"

EL 99'-6"

8'-0" ELEVATION

W. DRAIN 20" DIA

34'-5"

EMPLOYEES PARKING
PAVING BY OWNER

Paving on comp. fill.

18 19 20 21 22 23

93'-0"

24'-0"

45°

45°

56'-1"

23'-0"

EL 100'-0"

ION AUTO PART

in cents

Existing

to edge 6" w.

1 ck. veneer.

1/2 exp. jt. filled & caulked

HP NEW ROOF 11'-0" (verify)

Project

SITE

Legal Descrip

LOT #

Zoning: L

Land Area: 5

Parking: 16

BUILDING

Floor Area:

Building Type

Occupancy:

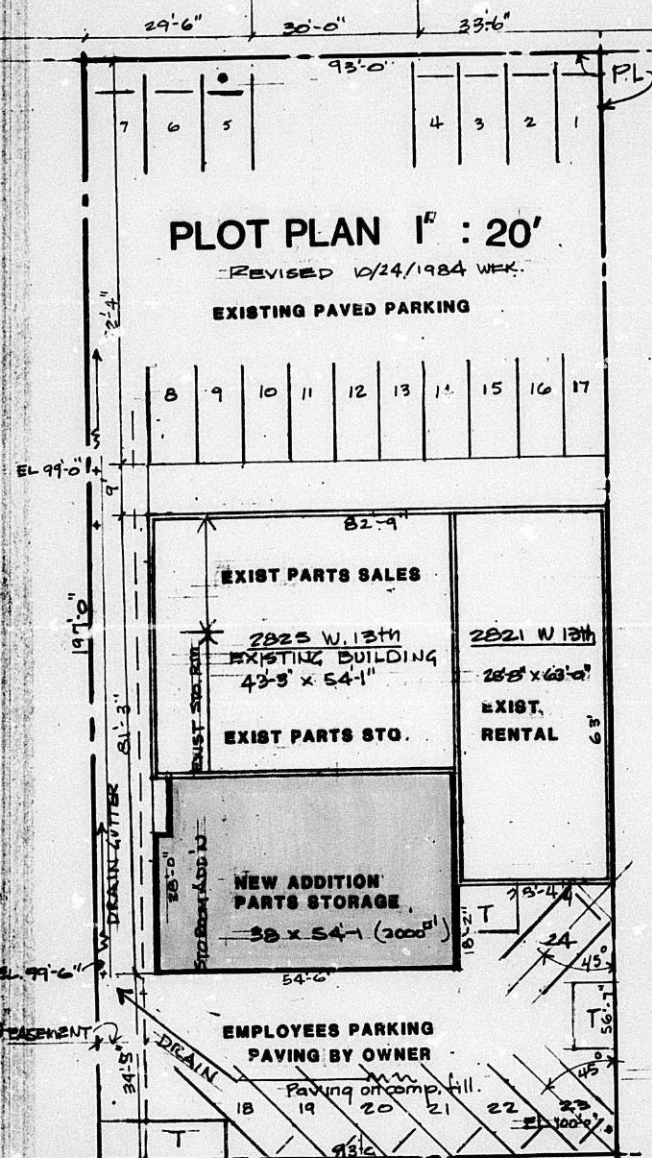
Separation:

Live Load:

Occupant Lo

"U" Values:

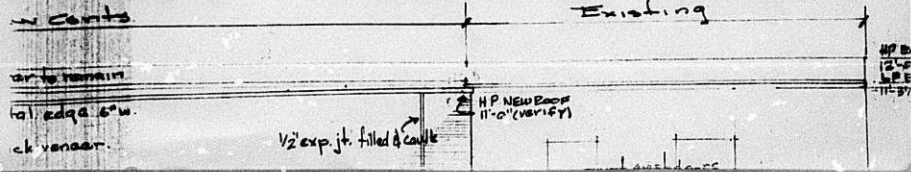
WEST 13TH STREET



Project

- SITE
- Legal Descrip
- LOT
- Zoning: L
- Land Area: 5
- Parking: 16
- BUILDING
- Floor Area:
- Building Type
- Occupancy:
- Separation:
- Live Load:
- Occupant Lo
- "U" Values:

ION AUTO PART



MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29 1

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Has Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT
CITY 42A VAR	1500

NAME 100 - 2000 Co # 2

ADDRESS 414 W. 67th Terrace Ks

FUND 115 40071 - 00 DUE DATE

COMMENTS

DATE 7/29/74 BY [Signature]