

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 there will be more than adequate parking for the needs of this business, and if the needs change in the future, sufficient undeveloped land exists on site to accommodate additional parking.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as more paved parking area than would be utilized by this business would have to be provided, which would contribute to heat retention, water runoff and pavement maintenance.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as adequate parking will be provided on site for the needs of this business and therefore on-street parking will not be necessary.

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 ordinance inasmuch as adequate parking will be provided for the needs of this business, even with the variance, which is the intent of the parking provisions of the zoning 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. At least 30 paved parking spaces shall be provided on company-owned property east of the alley prior to obtaining an occupancy permit for the proposed 8,000-square-foot building expansion. The location, size and layout of the spaces shall meet all parking lot standards established by the Wichita Traffic Engineering Division, including aligning the driveway and center circulation aisle, and the actual paving shall meet all specifications established by the Wichita Engineering Department.
2. At such future time as employment at this manufacturing plant exceeds 30 persons at any one time or the use or size of the building changes so that the parking code requirement exceeds 49 spaces, additional paved parking shall be provided as required by code, unless a new variance request is submitted and approved.

**BOARD OF ZONING APPEALS
WICHITA, KANSAS**

AGENDA ITEM NO. 2

December 22, 1992

SECRETARY'S REPORT

CASE NUMBER: BZA 23-92

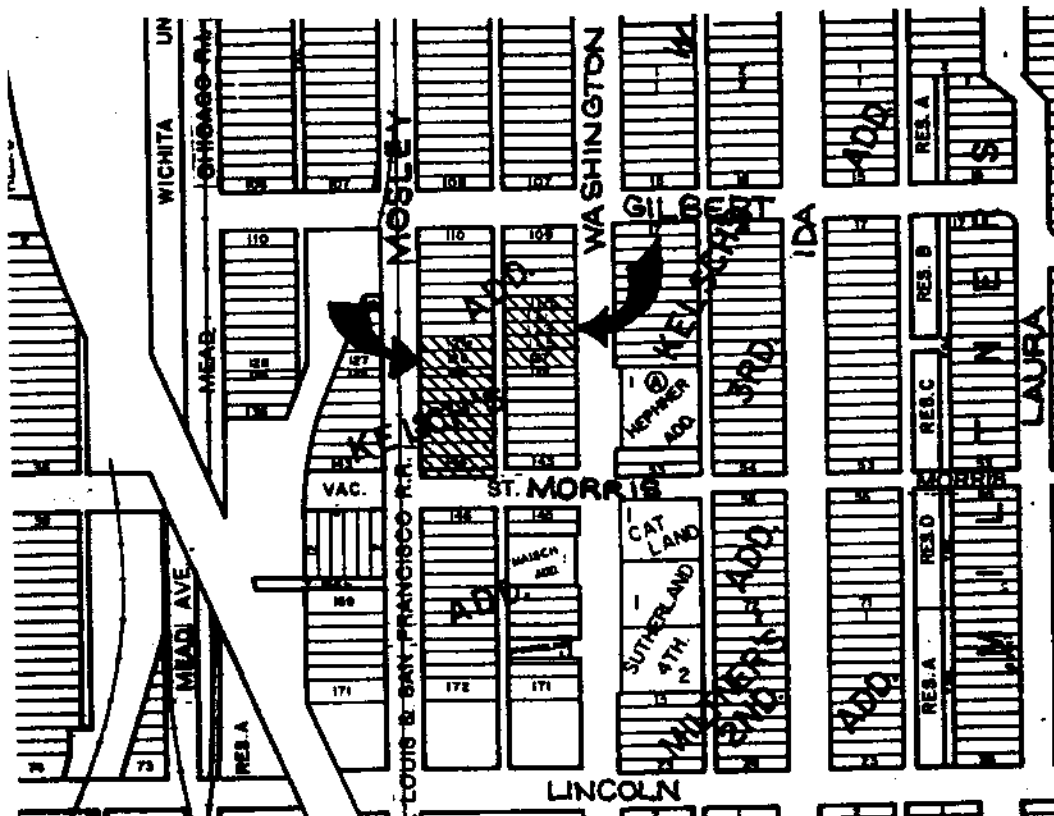
OWNER/APPLICANT/AGENT: Tennison Brothers, Inc. (owner/applicant)
Paul F. Good, Attorney (agent)

REQUEST: Variance to reduce the number of required parking spaces from 49 to 30.

CURRENT ZONING: "C" Commercial and "E" Light Industrial Districts

SITE SIZE: 1.24 acres

LOCATION: North side of Morris between Mosley and Washington



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.

BACKGROUND: The applicant is Tennison Brothers, Inc., a sheet metal manufacturing company which currently owns and occupies a 22,000-square-foot warehouse and manufacturing facility on the east side of Mosley, north of Morris. An 8,000-square-foot expansion for warehousing use is proposed and, because that is more than a 10% expansion, the business is being required to bring its parking into compliance with the current parking requirements as specified in the zoning ordinance. Based on a parking requirement of two spaces per 1,000 square feet of manufacturing area (19,000 sq. ft.) and one space per 1,000 square feet of warehousing area (11,000 sq. ft.), paved parking for a total of 49 cars is being required. No paved parking exists on site today, but many of the 17 employees park on the north end of the paved Healthco lot located east of the alley.

The applicant has stated that no additional employees are expected to be hired as a result of the proposed building expansion. The applicant is willing to provide a 30-space paved parking lot on property owned by the company east of the alley and north of the Healthco lot. Since the business entrance and office area are located in the northeast corner of the building, the proposed parking lot location should be convenient not only for the employees, but also for the customers who infrequently visit the site. Most of the traffic for this business is in the form of large trucks which use the loading docks on the east and west sides of the building.

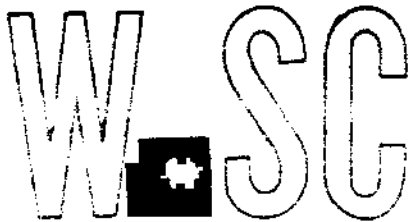
Although the company owns enough land east of the alley to provide the entire 49 spaces, the owner feels that 49 spaces is considerably more than would ever be used at one time, due to the limited number of employees at this site and the small amount of retail traffic. The 30 proposed spaces shown on the site plan are to be accessed from an existing driveway on Washington. However, the driveway must be centered on the internal 24-foot-wide circulation drive. The applicant has two options: 1) relocate the driveway further north, or 2) locate the parking lot further south so that the existing drive is centered and can be utilized.

ADJACENT ZONING AND LAND USE:

NORTH	"E"	Mini-storage warehouse; one-family dwelling
SOUTH	"E"	Healthco office building; MS News Co.
EAST	"C" & "B"	Healthco office building; one-family dwellings
WEST	"E"	Walt Keeler Concrete Co.; mini-storage warehouse

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it contains a manufacturing and warehouse operation with very few employees and very little retail traffic.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

FILE COPY

December 23, 1992

Paul F. Good
McDonald Tinker
300 W. Douglas, Ste. 500
Wichita, KS 67202-2909

Re: BZA 23-92 - Variance to reduce the number of required parking spaces from 49 to 30 on property zoned "C" Commercial and "E" Light Industrial, located on the north side of Morris, between Mosley and Washington.

Dear Mr. Good:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on December 22, 1992. 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 information and files. I have also enclosed a copy of Section 28.04.141(4) of the Zoning Ordinance for your reference.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions, please call our office.

Sincerely yours,

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosures

cc: Ed Tennison, Tennison Brothers, Inc., P.O. Box 11426, 67202
Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

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 number of required parking spaces from 49 to 30 on property zoned the "C" Commercial and "E" Light Industrial Districts and legally described as follows:

Odd Lots 119 through 127, inclusive, on Washington, Hodson & Stancer's Addition, Wichita, Sedgwick County, Kansas; and

Even Lots 126 and 128 on Mosley, Hodson & Stancer's Addition, Wichita, Sedgwick County, Kansas; and

Even Lots 130 through 144 and the north 10 feet of vacated Morris Avenue on the south on Mosley, Kelsch's Addition to Wichita, Sedgwick County, Kansas.

Generally located on the north side of Morris between Mosley and Washington.

subject to the following conditions:

1. At least 30 paved parking spaces shall be provided east of the alley prior to obtaining an occupancy permit for the proposed 8,000-square-foot building expansion. The location, size and layout of the spaces shall meet all parking lot standards established by the Wichita Traffic Engineering Division, including aligning the driveway and center circulation aisle, and the actual paving shall meet all specifications established by the Wichita Engineering Department. Up to 15 spaces may be off-site on property leased from the owners of odd Lots 129 through 143 on Washington in Kelsch's Addition, provided that all conditions of Section 28.04.141(4) of the Zoning Ordinance are complied with and all parking layout and paving standards are met.
2. At such future time as employment at this manufacturing plant exceeds 30 persons at any one time or the use or size of the building changes so that the parking code requirement exceeds 49 spaces, additional paved parking shall be provided as required by code, unless a new variance request is submitted and approved.

ADOPTED AT WICHITA, KANSAS, this 22nd day of December, 1992.


Keith R. Alter, Vice President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 23-92

WHEREAS, Tennison Brothers, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the number of required parking spaces from 49 to 30 on property zoned the "C" Commercial and "E" Light Industrial Districts and legally described as follows:

Odd Lots 119 through 127, inclusive, on Washington, Hodson & Stancer's Addition, Wichita, Sedgwick County, Kansas; and

Even Lots 126 and 128 on Mosley, Hodson & Stancer's Addition, Wichita, Sedgwick County, Kansas; and

Even Lots 130 through 144 and the north 10 feet of vacated Morris Avenue on the south on Mosley, Kelsch's Addition to Wichita, Sedgwick County, Kansas.

Generally located on the north side of Morris between Mosley and Washington.

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 December 22, 1992, 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 it contains a manufacturing and warehouse operation with very few employees and very little retail traffic; 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 there will be more than adequate parking for the needs of this business, and if the needs change in the future, sufficient undeveloped land exists on site to accommodate additional parking; 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 more paved parking area than would be utilized by this business would have to be provided, which would contribute to heat retention, water runoff and pavement maintenance; 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 adequate parking will be provided on site for the needs of this business and therefore on-street parking will not be necessary; 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 adequate parking will be provided for the needs of this business, even with the variance, which is the intent of the parking provisions of the zoning 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.