

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 required parking from 207 spaces to 119 spaces on property zoned "LC" Light Commercial and legally described as follows:

Lot 1, Block 1, C. C. R. 3rd Addition to Wichita, Sedgwick County, Kansas. Generally located 1/2 mile north of 13th Street on the west side of Rock Road (1725 N. Rock Road).

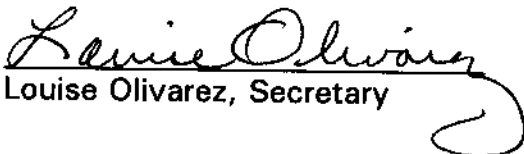
subject to the following conditions:

1. The parking reduction from 207 spaces to 119 spaces applies to a building with no more than 88,197 square feet which is used for a furniture store and which has no more than 54,094 square feet of showroom or to a use which requires no more than 119 parking spaces.
2. The areas indicated on the site plan as area containing a possible additional 91 parking spaces located south and west of the building shall be reserved for future parking for this building and shall be paved for parking, either in total or in part, upon a finding by the City Traffic Engineer that insufficient parking is being provided for this business in the 119 space lots.
3. The furniture store and parking required per this variance shall be developed within one year.
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.
5. Release of this resolution shall supersede and make null and void BZA Resolution 34-94.

ADOPTED AT WICHITA, KANSAS, this 28th day of November 1995.


Randy Phillips, Vice President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 21-95

WHEREAS, Haverty Furniture Companies pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required parking from 207 spaces to 119 spaces on property zoned "LC" Light Commercial and legally described as follows:

Lot 1, Block 1, C. C. R. 3rd Addition to Wichita, Sedgwick County, Kansas. Generally located 1/2 mile north of 13th Street on the west side of Rock Road (1725 N. Rock Road).

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 28, 1995, 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 inasmuch as it will be developed with a furniture store which will contain large items which will require large storage areas for which there will be relatively few employees and customers per square foot of building area; 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 119 parking spaces for this furniture store should be sufficient for this business which projects the maximum number of customers, at any given time, to be 40 along with 20 employees and, therefore, there should be no need to park on adjacent private properties. Also, there is sufficient area on the site to provide 91 additional parking spaces if they are ever needed; and

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 inasmuch as undeveloped land is available at this site, but the cost of providing 88 additional parking spaces cannot be justified in that the 119 spaces to be provided more than meet the proposed customer and employee parking needs; 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, inasmuch as parking proposed to be made available on this site should be adequate to meet the needs of the employees and public. Therefore, there should be no need for employees or the public to seek parking spaces on any public street in the area; 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 the zoning ordinance inasmuch as the intent of the parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements should be adequate for this specific use; 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.

cc: John Abbott, Stang & Newdow Inc., The Flatiron Bldg., Suite 500, 84
Peachtree St., N.W. Atlanta, G.A. 30303
Gary Wiley, P.E.C., 303 S. Topeka, Wichita, KS 67202
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD



METROPOLITAN AREA PLANNING
DEPARTMENT

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

November 30, 1995

Preston Stokes
Haverty Furniture Companies
859 Spring Street
Atlanta GA 30303

RE: BZA 21-95 Variance to reduce the required parking from 207 spaces to 119 spaces
for a proposed furniture store.

Dear Mr. Stokes:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 28, 1995. 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.

This 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 yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/le

which projects the maximum number of customers, at any given time, to be 40 along with 20 employees and, therefore, there should be no need to park on adjacent private properties. Also, there is sufficient area on the site to provide 91 additional parking spaces if they are ever needed.

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 undeveloped land is available at this site, but the cost of providing 88 additional parking spaces cannot be justified in that the 119 spaces to be provided more than meet the proposed customer and employee parking needs.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as parking proposed to be made available on this site should be adequate to meet the needs of the employees and public. Therefore, there should be no need for employees or the public to seek parking spaces on any public street in the 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 ordinance inasmuch as the intent of the parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements should be adequate for this specific 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 207 spaces to 119 spaces applies to a building with no more than 88,197 square feet which is used for a furniture store and which has no more than 54,094 square feet of showroom or to a use which requires no more than 119 parking spaces.
2. The areas indicated on the site plan as area containing a possible additional 91 parking spaces located south and west of the building shall be reserved for future parking for this building and shall be paved for parking, either in total or in part, upon a finding by the City Traffic Engineer that insufficient parking is being provided for this business in the 119 space lots.
3. The furniture store and parking required per this variance shall be developed within one year.
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.
5. Release of this resolution shall supersede and make null and void BZA Resolution 34-94.

BACKGROUND: The applicant, Haverty Furniture Companies, is requesting a variance on the parking space requirements for a furniture store which is being constructed on 6.6 acres of land 1/2 mile north of 13th Street on the west side of Rock Road. The applicant requested and received a parking space variance from the Board of Zoning Appeals (BZA Resolution No. 34-94) in November 1994. That request was based on a proposed building of 95,000 square feet with a 50,000 square-foot showroom, 42,000 square-foot warehouse, and 3,000 square-foot office which required 187 parking spaces. The Board granted a reduction in the parking requirement to 98 spaces.

The applicant has now modified the original proposed development plan of the site. The changes to the original request include the size of the site and building size. The current development plan indicates a building of 88,197 square feet with a 54,094 square-foot showroom, 28,347 square-foot warehouse and 5,756 square-foot office which require a total of 207 parking spaces. The applicant is proposing to provide 119 parking spaces. The site plan which was submitted with this request indicates that the site will accommodate the required 207 parking spaces, but the applicants suggest that 88 of those parking spaces are not needed to support the proposed size of furniture store to be located on the site.

The applicant has indicated that the maximum number of customers expected in the showroom at any one time would be 40 and that there will be 104 customer parking spaces located on the east side of the building. Employee parking will be provided for in the 15 parking spaces that will be located west of the building.

The applicant has provided information in support of the request for the reduction of the parking requirement from 207 to 119 spaces, and it is included as attachment No. 1.

ADJACENT ZONING AND LAND USE:

NORTH	"BB" & "R-5"	Medical Offices & Duplexes
SOUTH	"BB" & "LC"	Self Service Storage & Bookstore
EAST	"AA"	Single Family Dwelling
WEST	"C"	Self Service Storage

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it will be developed with a furniture store which will contain large items which will require large storage areas for which there will be relatively few employees and customers per square foot of building area.

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 119 parking spaces for this furniture store should be sufficient for this business