



Wichita-Sedgwick County Metropolitan Area Planning Department

BZA RESOLUTION NO. BZA2017-00058

WHEREAS, Central and Vassar Development, LLC (owner/applicant) and Paul Gray (Agent) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to reduce the number of required off-street parking spaces by 32 percent, 38 spaces to 26 spaces, at 3519 East Central Avenue (southeast corner of East Central Avenue and North Vassar Avenue).

Legal Description: Lot 1, Block B, Central Bank & Trust Addition, Wichita, Sedgwick County, Kansas.

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 February 1, 2018, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the Board of Zoning Appeals has found that the subject property is a .58 acre corner lot that has remained undeveloped for at least 30 years. It is the last undeveloped lot on East Central Avenue between Hillside Avenue and Oliver Avenue. The applicant has constructed a 6,380 square-foot building that contains a 2,450 square-foot, 78-seat restaurant that requires 26 parking spaces. The building's remaining square-footage is unleased, and if occupied by office or retail uses would require 12 additional parking spaces. The applicant currently has enough land to establish 26 on-site parking spaces to serve the entire building. Granting the variance would allow all of the site's building square footage to be occupied and assist with this infill development.

WHEREAS, the Board of Zoning Appeals has found that the variances requested will not adversely affect the rights of adjacent property owners. The property is subject to Protective Overlay 134 (associated with ZON2016-00047) which requires screening, landscaping, access controls and use restrictions that minimize impact on nearby property owners. March 19, 2015, a similar variance request (BZA2015-00006) to reduce parking by 50 percent, 52 spaces to 26, was granted on the northwest corner of 10th Street North and Topeka Avenue of new development on corner lots. 10th Street and Topeka Avenue is located in the center of a residential neighborhood, not on an arterial street such as Central Avenue.

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WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning regulations would constitute an unnecessary hardship upon the applicant. The site is a relatively small site, .58 acre, with frontage on an "arterial" street that carries over 18,000 average daily vehicle trips (east-bound only) and has developed properties on all sides which limit the applicant's ability to obtain additional land or additional parking spaces from developed properties.

WHEREAS, the Board of Zoning Appeals has found that the requested variances are not adverse to the public interest, inasmuch as the public has an interest in supporting continued reinvestment on infill properties, including the approval of a similar variance (BZA2015-00006, cited above) and administrative adjustments (BZA2015-47, reduction from 93 spaces to 70 spaces (-23 spaces); BZA2016-05, reduction from 219 to 179 spaces (-40 spaces); BZA2016-29, reduction from 85 to 64 (-21 spaces); BZA2016-36, reduction from 72 to 55 (-17 spaces); BZA2016-48, reduction from 126 spaces to 109 spaces (-17 spaces) and BZA2017-01, reduction from 50 to 39 spaces (-11 spaces)) to facilitate new construction.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance does not oppose the general spirit and intent of the zoning regulations, would not be opposed to the general spirit and intent of the zoning regulations. The primary intent of the code's parking requirements is to promote traffic safety by getting parking off the street and to minimize impact on adjoining property.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to reduce minimum parking requirements by 32 percent, 26 spaces, on property generally located on the southeast corner of East Central Avenue and North Vassar Avenue, 3519 East Central Avenue.

Legal Description: Lot 1, Block B, Central Bank & Trust Addition, Wichita, Sedgwick County, Kansas.

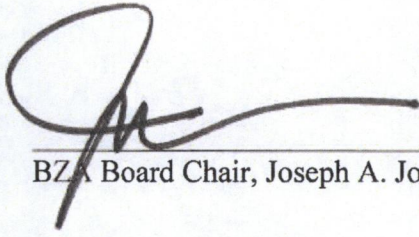
The variances are hereby GRANTED, subject to the following conditions:

1. The site shall be developed in general conformance with an approved site plan.
2. The property owner shall provide at least 26 parking spaces with at least 21 of the spaces located on-site.
3. All on-site parking shall be constructed, paved and marked in accordance with City standards and shall be installed only after obtaining all required approvals and/or permits.
4. Unless or until the applicant can secure the number of code required off-street parking spaces, either on-site or off-site, as provided by the UZC, the building's uses are restricted to those uses permitted by PO-134 that require no more than 38 spaces. The site is not required to provide more than 26 on-site spaces, 21 which must be reserved for on-site uses; however, no restaurant or expansion of a restaurant requiring more than 26 off-street parking spaces is permitted, and no use requiring more than three spaces per 999 square feet is permitted.

unless the entire building's uses meet minimum off-street parking requirements as established by code, variance or adjustment.

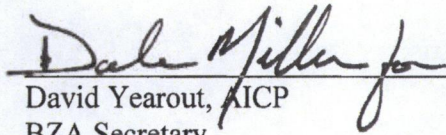
5. The resolution authorizing this variance may be declared null and void upon a finding by the Board of Zoning Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 1st Day of February 2018.



BZA Board Chair, Joseph A. Johnson

ATTEST:


David Yearout, AICP
BZA Secretary

LOT 1, BLOCK B, CENTRAL BANK & TRUST ADDITION

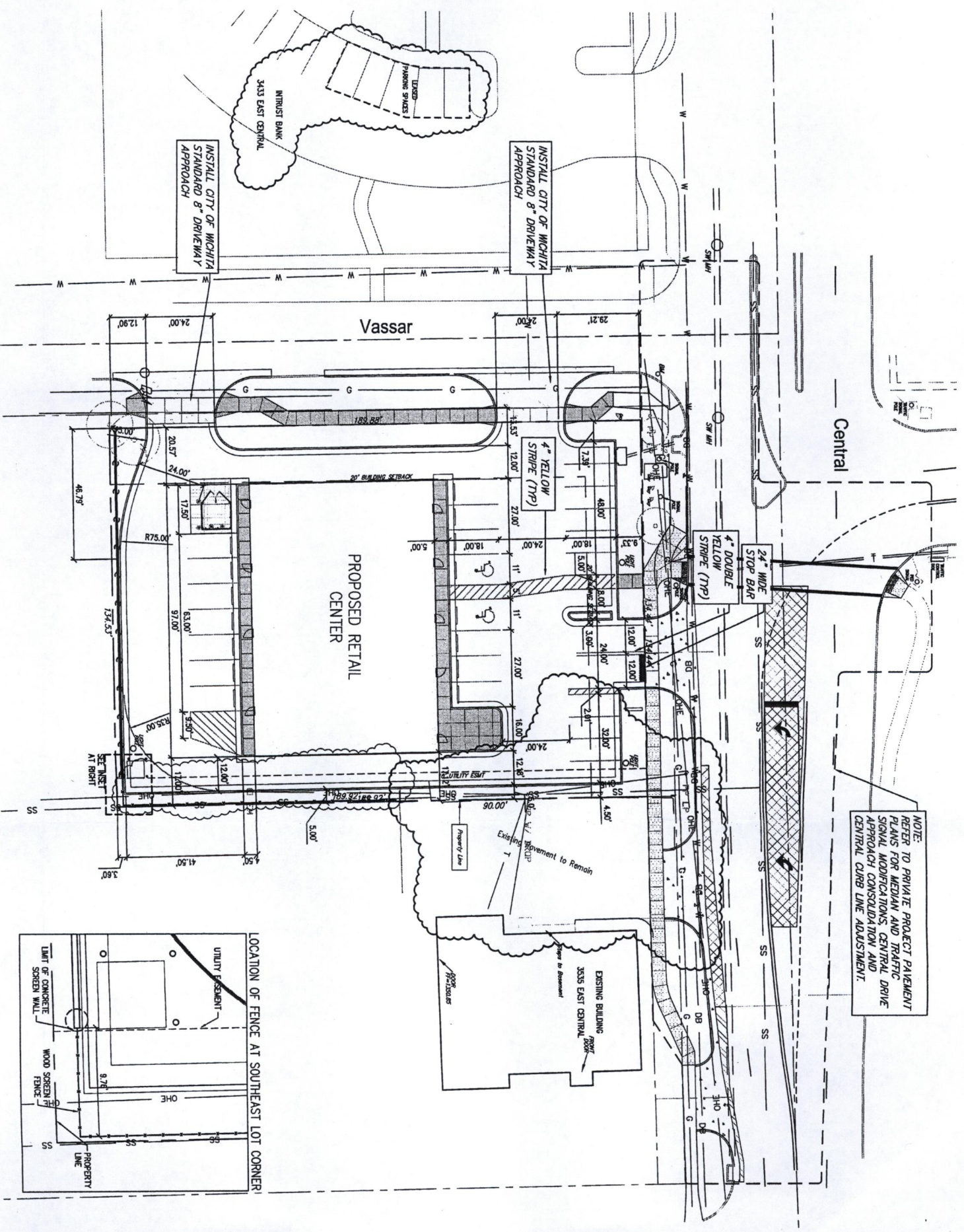
LOT 1, BLOCK B, CENTRAL BANK & TRUST ADDITION

LEGEND

EXISTING WATER	W	==
EXISTING SANITARY SEWER	S	==
EXISTING TELECOMMUNICATIONS (A/T&T)	AT&T	==
EXISTING FIBER OPTIC LINE (A/T&T OR COX)	FIBER	==
EXISTING WESTAR (OVERHEAD)	WESTAR	==
EXISTING WESTAR (UNDERGROUND)	UNDER	==
EXISTING STORM WATER SEWER	STORM	==
EXISTING KANSAS GAS SERVICE	GAS	==

PAVEMENT I LEGEND

	5" THICK ASPHALT PAVEMENT SECTION
	CITY OF WICHITA STANDARD CONCRETE DRIVE APPROACH PAVEMENT SECTION
	4" THICK CONCRETE SIDEWALK PAVEMENT SECTION
	8" REINF. CONCRETE @ TRASH ENCLOSURE (See 6/C1.1)
	7" REINF. CONCRETE PAVEMENT



SCALE 1" = 20' - 0"

SCALE 1" = 20' - 0"

Kypard 1-25-18

Dr



P.D. 134 SITE PLAN

Vassar Strip Center Site Pavement Plan



01.19.2018	BOT	Remove 3535 Central from site project
01.15.2018	BOT	Leased parking addition
12.15.2017	BOT	Parking Add: Add lights
10.16.2017	BOT	City review comments
10.03.2017	BOT	Adj for Central Paint Project
09.15.2017	BOT	SW Drive Approach Change

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DATE _____

PROJECT NAME _____

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SCALE _____

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DATE	May 2011
DESIGN	BDT
DRAWN	BDT
REVIEW	...
SHEET	C1
OF	1