

BZA 10-81 - John E. Coultis - request a variance to reduce the required parking spaces from 18 to 15 on property zoned "LC" Light Commercial and located at the southeast corner of Arbor and Dellrose (4711 Arbor).

*POSTED
4-22-81*

ACTION

*BZA
10-81*
COMMITTEE _____ DATE 4-22-81
M.A.P.C. _____
B.C.C./B. CO. C. _____

*received to post
5-7-81*

*200'4 Sec 5-7-81
checked 5-8-81 at
Shot 5-13-81
Recorded 5-15-81*

5747B

Map No. 5747 B
 Sec. 23
 Twp. 27
 Range 1E

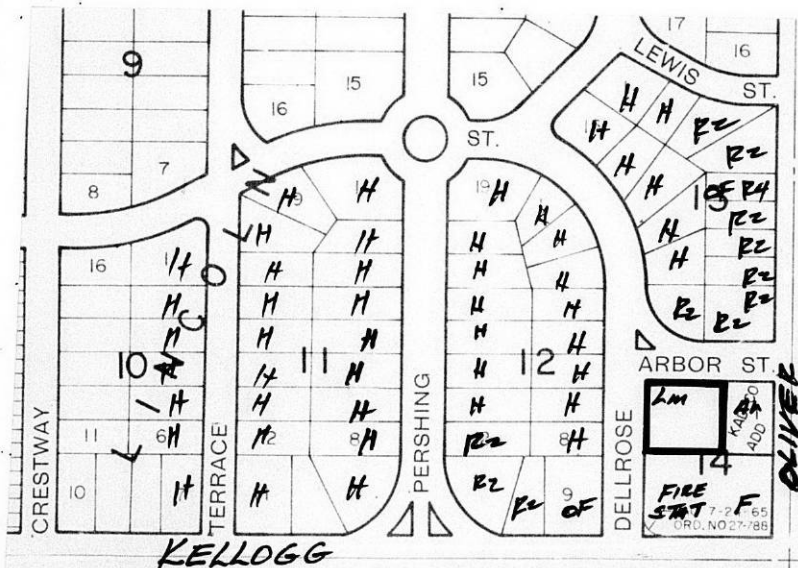
BZA- 10-81
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.41 (129 ft. by 139 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East MUFFLER SHOP South FIRE STAT
 West SINGLE FAM North TWO FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: LINEN SUPPLY
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



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

APRIL 6, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 10-81

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 John E. Coultis, 4711 Arbor, 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 18 to 15 spaces on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

The north 129.79 feet of Block 14, except the east 83 feet, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Arbor and Dellrose (4711 Arbor).

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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

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Jack H. Galbraith
Secretary

May 6, 1981

John E. Coultis
4711 Arbor
Wichita, Kansas 67218

Re: Case No. BZA 10-81
Request for Variance

Dear Mr. Coultis:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 28, 1981.

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
Enclosure

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

RESOLUTION NO. BZA 10-81

WHEREAS, John E. Coultis, 4711 Arbor, 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 18 to 15 on property zoned the "LC" Light Commercial District and legally described as follows:

The north 129.79 feet of Block 14, except the east 83 feet, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Arbor and Dellrose (4711 Arbor).

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 April 28, 1981, 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 entire block is zoned light commercial and the property was originally developed as four-family dwellings, thus limiting the location and space available 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 will be providing adequate parking to eliminate the need for on-street parking congestion in the neighborhood; 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 without the variance the applicant would have to remove much of the landscape and open space on the street side of the buildings; 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 applicant will be providing adequate parking to prevent traffic congestion on public right-of-way; 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's businesses are low traffic generators; 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.

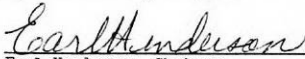
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required off-street parking spaces from 18 to 15 on property zoned the "LC" Light Commercial District and legally described as:

The north 129.79 feet of Block 14, except the east 83 feet, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Arbor and Dellrose (4711 Arbor).

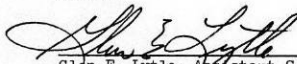
be approved subject to the following conditions:

1. The variance to reduce the required off-street parking from 18 to 15 shall only be for the duration of the use of the property as architect and/or interior design offices and one studio apartment.
2. Any change of occupancy to other commercial or office use, the property shall be brought into full compliance with the off-street parking requirements of the zoning ordinance.
3. This variance shall only be for the existing buildings and the proposed studio apartment. At anytime these structures are removed from the property, this Resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of 1981.


Earl Henderson, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

April 30, 1981

John E. Coultis
4711 Arbor
Wichita, Kansas 67218

Re: Case No. BEA 10-81
Request for Variance

Dear Mr. Coultis:

At the regular meeting of the Board of Zoning Appeals on April 28, 1981, your request for a variance to reduce the required off-street parking spaces from 18 to 15 was considered.

It was the action of the Board to approve your request subject to the following conditions:

1. The variance to reduce the required off-street parking from 18 to 15 shall only be for the duration of the use of the property as architect and/or interior design offices and one studio apartment.
2. Any change of occupancy to other commercial or office use, the property shall be brought into full compliance with the off-street parking requirements of the zoning ordinance.
3. This variance shall only be for the existing buildings and the proposed studio apartment. At anytime these structures are removed from the property, this Resolution shall become null and void.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Wayne McVay, 4711 Arbor, Wichita 67218
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE April 21, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 10-81 (Southeast corner of
Arbor and Dellrose, 4711 Arbor)

CPO Council "G" considered the captioned case at their April 20th meeting and voted 5-0 to recommend approval of the requested variance to reduce the required off-street parking spaces from 18 to 15 on property zoned the "LC", light commercial zoning district.

No one was present to speak in opposition to the variance. The applicant was present in support of the case.

Please advise the Board of Zoning Appeals of the Council's recommendation when the case is considered at the April 28th meeting.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:m1

Noted:

Sarah Gilbert
Sarah Gilbert
CP Coordinator

SECRETARY'S REPORT
CASE NO. EZA 10-81

APPLICANT: John E. Coultis, 4711 Arbor, Wichita, Kansas

AGENT: Wayne McVay, 4711 Arbor, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking spaces from 18 to 15.

GENERAL LOCATION: At the southeast corner of Arbor and Dellrose.

ZONING: Subject property is zoned "LC" Light Commercial as is the property to the south and east. Property to north is "A" Two-family, and to the west is "AA" One-family and "B" Multiple-family.

LAND USE: Subject property is occupied by offices. To the south a Fire Station. To the east commercial development. To the north duplexes. To the west are single-family homes.

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 and 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 to reduce the required off-street parking spaces from 18 to 15 on property zoned the "LC" Light Commercial Zoning District. The applicant's property is presently occupied by structures that were originally built as four-family dwellings that were converted to offices in the mid 1960's. The applicant is now attempting to construct a two-story studio apartment between the two office buildings for his own use as a part-time residence. This increases the required number of parking spaces from 17 to 18 based on one space for the dwelling and one space for each 250 square feet of office floor area.

The applicant operates an architectural design office in one building and an interior decorator's business in the other building, and has a total of eleven people working in the offices. These types of businesses require more space per employee than most other offices and are the type of offices that do not have a continual flow of traffic from clientele as do many other offices.

The zoning ordinance tends to require parking for the average office and commercial use based on the square footage of a building. It should be noted that the applicant could provide the required number of spaces on the property, but would prefer to maintain as much landscape and open space on the property as possible.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the entire block is zoned light commercial and the property was originally developed as four-family dwellings, thus limiting the location and space available for parking.

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 parking to eliminate the need for on-street parking congestion in the neighborhood.

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 without the variance the applicant would have to remove much of the landscape and open space on the street side of the buildings.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the applicant will be providing adequate parking to prevent traffic congestion on public right-of-way.

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's businesses are a low traffic generator.

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 variance to reduce the required off-street parking from 18 to 15 shall only be for the duration of the use of the property as architect and/or interior design offices and one studio apartment.
2. Any change of occupancy to other commercial or office use, the property shall be brought into full compliance with the off-street parking requirements of the zoning ordinance.
3. This variance shall only be for the existing buildings and the proposed studio apartment. At anytime these structures are removed from the property, this Resolution shall become null and void.

BZA CASE NO. 10-81

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

13 NOTICES SENT TO ADJOINING PROPERTY OWNERS

25 TOTAL NOTICES SENT 4-6-81

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
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APRIL 6, 1981

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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 13 to 15 spaces on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

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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
CITY OF WICHITA, KANSAS

CASE NO. 10-81
FILED 3-16-81

APPLICATION FOR VARIANCE

I. Name of Applicant John E. Coultis
Mailing Address 4711 Arbor, Wichita, KS 67218 Phone 6835617
Name of Authorized Agent Wayne McVay
Mailing Address 4711 Arbor, Wichita, KS 67218 Phone 683-5617
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required parking spaces
from eighteen (18) to fifteen (15).

for property located at the southeast corner of Arbor and Deltrosa
(4711 Arbor), Wichita, KS 67218

and legally described as:
E-67 FT W 150 FT N 129.79 FT Block 14 Lincoln Heights.
W 75 FT of N 129.79 FT Block 14 Lincoln Heights
the north 129.79 feet of Block 14, except the east 83 feet, Lincoln
Heights Addition, Wichita, Sedgewick County, Kansas
in the City of Wichita; and which is presently zoned commercial ^{light}.

- 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 Sedgewick 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 John E. Coultis
Authorized Agent Wayne M. McVay

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:00 am (~~8:00 am~~), Mar 16, 1981 together with appropriate fee of 150.00.

Signed [Signature]



JOHN COULTIS ASSOCIATES
ARCHITECTURE LANDSCAPE INTERIOR DESIGN
4711 ARBOR AT DELLROSE WICHITA, KANSAS 67218 (316) 683-5617

STATEMENT

I am requesting a variance to the provision of ordinance #34-452, 35-382, and 28.04.141, off-street parking requirements, which states that for offices, the required parking space is one (1) per 250 square feet.

The reason for the variance request, is to reduce the required parking spaces from eighteen (18) to fifteen (15).



John E. Coultis

March 16, 1981

OWNERSHIP LIST

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>PROPERTY OWNER</u>
3	12	Lincoln Heights	✓ Douglas K. Womack Judy E. Womack 415 S. Dellrose 67218
4	"	"	✓ Chester J. Schickling Anne M. Schickling 419 S. Dellrose 67218
5	"	"	✓ Doris Tobey 433 S. Dellrose 67218
6	"	"	✓ William R. Nath 435 S. Dellrose 67218
7	"	"	✓ Bruce J. Kouba Janice L. Kouba 439 S. Dellrose 67218
8	"	"	Rard, Inc. Address Unknown
9	"	"	"
10 that part beg at SE/c Lot 10; th W on N ln of Kellogg 52'; th N 80' to pt 48' W of E ln Lot 10; th NEly 29.58'± to pt 47' S & 24' W of NE/c Lot 10' th N 47' to N ln Lot 10' th E 24' to NE/c Lot 10' th S 144.26'± to beg.	"	"	✓ Henry Leben Nathan Leben 1030 N. Market - Apt 208 67214
10 except that part "	"	"	✓ Garry O. Carson 3425 E. English - Apt 206 67218
8	13	"	✓ Donald G. Walenta 7918 Dublin Court 67206
9	"	"	"
10	"	"	✓ Ronald Wilcheck 442 S. Dellrose 67218
11 S 10'	"	"	"
11 ex S 10'	"	"	✓ Neva G. Sulton 434 S. Dellrose 67218
N 129.79 ex E 83'	14	"	<i>Dup</i> ✓ John E. Coultis Ruth E. Coultis 4711 Arbor Street 67218
S 150' W 125'	"	"	City of Wichita 67202
S 100' E 90'	"	"	✓ Walter Morris Investment Co. Inc. 128 S. Dellrose 67218
W 10' E 100' S 100' "	"	"	"
Beg 100' N of SE/c "	"	"	"
Blk 14; th N 50.66'			
th W 100'; th S 50'			
+ to a pt 100' N of S			
In Blk 14; th E 100' to pob.			

continued -2-

1	-	KAD-CO	Harold R. Matheny Gladys E. Matheny d/b/a H & G Rentals 9240 S. Woodlawn Derby, Kansas 67037
4	Oliver	Highland View	Eleanor R. Sibbernsen Elsie S. Dehner Address Unknown
6 S 10'	"	"	"
6 N 15'	"	"	R. C. Nuss Address Unknown
8	"	"	"
10 S 10'	"	"	"
10 N 10'	"	"	Eleanor R. Sibbernsen Elsie S. Dehner Address Unknown
12	"	"	"
14	"	"	"
16	"	"	"
18	"	"	True B. Fretzs Dorothy A. Fretzs 310 S. Oliver 67218
20	"	"	"
22	"	"	"
24	"	"	"
34	"	"	Wilma L. Riller
36	"	"	"
1	-	Castle	Emelia C. Manning Address Unknown

The Security Abstract & Title Co., Inc., hereby certifies the foregoing to be a true and correct list of property owners within a two hundred foot radius of the North 129.79 feet except the East 83 feet of Block 14, in Lincoln Heights an Addition to Wichita, Sedgwick County, Kansas, as shown by the last deed of record according to the records in the office of the Register of Deeds of Sedgwick County, Kansas, on this the 13th day of March, A. D., 1981 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE CO., INC.

By

Robert L. Bell

President

Order No. 296921
rnb

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29- PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse 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
<i>1.226</i>	<i>150.00</i>

NAME: *John Smith*

ADDRESS: *1510 Sodd Place*

FUND: *1510-71-000* DUE DATE: *4-7-81*

COMMENTS:

DATE: *4-9-81* BY: *J. Carson*

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

resent 4-9-81
BZA 10-81
1510 Sodd Place 67207



JACK HERRON
APR 10 1981 DATE *4-7*

Garry O. Carson
3425 East English, Apt. 206
Wichita, Ks. 67218

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2