

POSTED
4-30-74

BZA 11-74 - Coles Mower Service requests Variance of off-street parking spaces from 16 to 10 for NE corner Hiram & McCormack.

ACTION

DATE
5-28-74
6-25-74
7-1-74

B2A COMMITTEE

defunct
no person
approved

M.A.P.C.

R.C.C./B. CO. C.

Map No. 5346
 Sec. 30
 Twp. 17
 Range 1E

BZA- 11-74
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA:
 1. Acres: 0.22 (100 ft. by 100 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM South 1/2 TO REPAIR SHOP
 West FOOD STORE North SINGLE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: REPAIR SHOP ?
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ N _____ Time _____



RESOLUTION NO. BZA 11-74

WHEREAS, Coles Mower Service, 822 South Hiram, 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 16 to 10 on property zoned the "LC" Light Commercial District and legally described as follows:

The west 100 feet of Lot 1, on Hiram Avenue in Lawnfield Addition, Sedgwick County, Kansas.
Generally located on the northeast corner of McCormick and Hiram.

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 at the meeting of May 28, 1974, considered said application; and did, at the request of the applicant, defer this case until June 25, 1974; and

WHEREAS, the Board of Zoning Appeals at their regular meeting of June 25, 1974, failed to have a quorum and, therefore, deferred this application until July 1, 1974; and

WHEREAS, the Board of Zoning Appeals did, at a deferred meeting of July 1, 1974, 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 this specific business does not generate the high volume traffic normally found in the light commercial district, and the proposed off-street parking facilities are sufficient to provide adequate parking for employees and customers.

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 would be substantially no change in the conditions that now exist.

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 owner represented in the application inasmuch as this business is in need of expanding its storage facilities and could not do so at this location.

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 utilization of on-street parking would not be necessitated.

Resolution
Case No. BZA 11-74

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 proposed parking is adequate to accommodate the traffic generated by this specific business.

WHEREAS, each of the five conditions required by Section 2.12.590.C, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

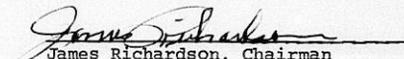
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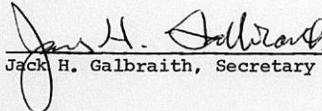
be approved subject to the following conditions:

1. That the variance be granted for a reduction of off-street parking from 16 spaces to 12 spaces based on the revised parking plan approved by Traffic Engineering.
2. The applicant shall contact the Engineering Division of the Department of Public Works and submit a satisfactory guarantee for the removal and reconstruction of the main driveway on Hiram Street. Subject guarantee shall be submitted prior to the issuance of a building permit and within six months from the date of approval by the Board of Zoning Appeals or this request shall be considered null and void.
3. The total number of employees shall not exceed four, for any working shift.
4. The variance shall be granted for the intended use of lawnmower repair and sales only, and if the use of the property changes the resolution for approval shall become null and void, and any other use be required to provide the required off-street parking spaces prior to the issuance of an occupancy permit.

ADOPTED AT WICHITA, KANSAS, this 1st day of July, 1974.


James Richardson, Chairman

ATTEST:


Jack H. Galbraith, Secretary

RESOLUTION NO. BZA 11-74

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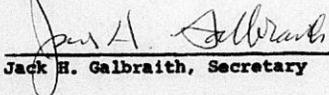
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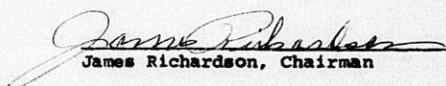
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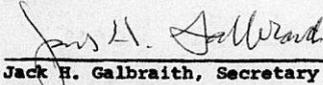
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3. The total number of employees shall not exceed four, for any working shift.
4. The variance shall be granted for the intended use of lawnmower repair and sales only, and if the use of the property changes the resolution for approval shall become null and void, and any other use be required to provide the required off-street parking spaces prior to the issuance of an occupancy permit.

ADOPTED AT WICHITA, KANSAS, this 1st day of July, 1974.


James Richardson, Chairman

ATTEST:


Jack H. Galbraith, Secretary

THE CITY OF WICHITA

Dobson from Cen. Inc.



DEPARTMENT OF PUBLIC WORKS
CENTRAL INSPECTION DIVISION
262-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN — WICHITA, KAN. 67202

December 9, 1974

Mr. Carl J. Cole
Cole's Mower Service
822 South Hiram
Wichita, Kansas 67213



Dear Mr. Cole:

Since our conversation December 2, I have reviewed the background of BZA 11-74 in which your application to reduce the number of required off-street parking spaces from 16 to 10 was approved on the basis of a revised parking plan by Traffic Engineering, which plan called for 12 spaces and a change in an existing approach on Hiram Street.

Condition No. 2 of the BZA approval states that you shall contact the Engineering Division of the Public Works Department and submit a satisfactory guarantee for the "removal and reconstruction of the main driveway on Hiram Street. Subject guarantee shall be submitted prior to the issuance of a building permit and within six months from the date of approval by the Board of Zoning Appeals or this request shall be considered null and void."

I note that the building permit was issued June 4, 1974 without the guarantee required as a condition of your request. The plans examiners, Mr. Clyde Pellett for the Fire Department and Mr. John Riddel for Central Inspection, informed me they issued the permit prematurely on the basis that you had given assurance you would comply with whatever requirements the Board of Zoning Appeals would impose. The permit is thus doubly jeopardized by your failing to provide the Engineering Division with the assurance described in Item No. 2 of BZA Resolution No. 11-74.

If you do not comply with Section 2 of the BZA approval by December 31, 1974,

December 9, 1974
Mr. Carl J. Cole
822 South Hiram
Page 2

the city will be forced to take legal steps to resolve the matter.

As a result of our conversation and in view of the data which you say has been taken, I suggest you may wish to exercise one of the following options:

1. Refile with BZA
2. Negotiate with Traffic Engineering for an alternate parking layout
3. Comply with the BZA resolution
4. Appeal the resolution to District Court.

The time and expense plus doubtful legality of the building permit may influence how you decide. In any event, you will find us more than willing to work with you to achieve a reasonable resolution of the problem. Until now, we feel you have not honored your commitment to us.

Yours very truly,



Leland R. Johnson
Building Code Engineering

LRJ:mml

cc: Larry Dobson, Board of Zoning Appeals
R. W. Bruggeman, Director of Public Works
John Dekker, Director of Law

November 11, 1974

Robert Feldner, Superintendent of Central Inspection

Larry Dobson, Assistant Secretary, Board of Zoning Appeals

BZA 11-74 - Request for Variance at Northeast corner of McCormick and Hiram

Subject case was a request by Coles Mower Service, 822 South Hiram, Wichita, Kansas to reduce the required number of off-street parking spaces on property zoned "LC". The variance request was initiated after the applicant had attempted to obtain a building permit to construct an addition to his building, and was denied a permit because of inadequate off-street parking.

The Board of Zoning Appeals first considered the case at its May 28, 1974 meeting and the action of the Board was to defer the case to the June 25, 1974 meeting to give the applicant time to confer with Traffic Engineering and the City Engineer's office for the purpose of finding acceptable solutions to problems involving his parking lot design and existing curb openings.

Due to lack of a quorum, the meeting of June 25, 1974, was deferred to Monday, July 1, 1974. At that meeting the Board approved the request subject to certain conditions. Condition #2 states that:

"The applicant shall contact the Engineering Division of the Department of Public Works and submit a satisfactory guarantee for the removal and reconstruction of the main driveway on Hiram Street. Subject guarantee shall be submitted prior to the issuance of a building permit and within six months from the date of approval by the Board of Zoning Appeals or this request shall be considered null and void."

On July 2, 1974 a letter was sent to the applicant setting forth the action of the Board and stating the conditions of approval. The last paragraph of that letter stated that:

Robert Feldner
November 11, 1974
Page Two

"In reference to Condition #2, it will be necessary for you to make satisfactory arrangements with the City Engineer for the removal and reconstruction of the main driveway on Hiram Street prior to our forwarding you a copy of the official Resolution of the Board and prior to your obtaining a building permit from Central Inspection. Please request the City Engineer's Office to notify this office when these arrangements have been made."

Copies of this letter were forwarded to you and to Joe Donnelly.

Recently, upon noting that a response had not been received from the applicant and that four of the six months time period had elapsed, we contacted Darrell Brewer of the City Engineer's office and inquired as to whether they had been contacted about the required improvements. He reported that they had not heard from the applicant and observed that the driveway had not been reconstructed.

Remembering that the applicant had been most anxious to get started on his construction of the building addition, it didn't seem likely that he would wait this long to get in touch with the City Engineer's office. In checking with the Plans Examiner's office it was discovered that a building permit had been issued to the applicant on June 5, 1974, a month before action was taken by the Board.

The addition is most probably in a state of near completion at this point, but we are forwarding a copy of the attached resolution to you and would request that you take the necessary action to stop construction until such time as the conditions of the Board of Zoning Appeals have been complied with.

LD:js

cc: Joe Donnelly, Maint. Inspection Supervisor, Central Inspection
John Ridell, Plans Examiner, Central Inspection
Dick Linn, City Engineer

*Resolution
forwarded to Feldner
& Donnelly.*

July 2, 1974

Mr. and Mrs. Carl J. Cole
Coles Mower Service
822 South Hiram
Wichita, Kansas 67213

Subject: BZA 11-74 - Request for
Variance - NE corner of
McCormick and Hiram

Dear Mr. and Mrs. Cole:

At the deferred meeting of the Board of Zoning Appeals on July 1, 1974, your request for a variance to reduce the required number of off-street parking spaces on property zoned the "LC" Light Commercial District and generally located on the north-east corner of McCormick and Hiram, was considered.

It was the action of the Board to approve this request subject to the following conditions.

1. That the variance be granted for a reduction of off-street parking from 16 spaces to 12 spaces based on the revised parking plan approved by Traffic Engineering.
2. The applicant shall contact the Engineering Division of the Department of Public Works and submit a satisfactory guarantee for the removal and reconstruction of the main driveway on Hiram Street. Subject guarantee shall be submitted prior to the issuance of a building permit and within six months from the date of approval by the Board of Zoning Appeals or this request shall be considered null and void.
3. The total number of employees shall not exceed four, for any working shift.

Mr. and Mrs. Carl J. Cole
July 2, 1974

4. The variance shall be granted for the intended use of lawnmower repair and sales only, and if the use of the property changes the resolution for approval shall become null and void, and any other use be required to provide the required off-street parking spaces prior to the issuance of an occupancy permit.

In reference to Condition #2, it will be necessary for you to make satisfactory arrangements with the City Engineer for the removal and reconstruction of the main driveway on Hiram Street prior to our forwarding you a copy of the official Resolution of the Board and prior to your obtaining a building permit from Central Inspection. Please request the City Engineer's Office to notify this office when these arrangements have been made.

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:LD:js

cc: Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

June 25, 1974

Mr. Carl J. Cole
Coles Mower Service
822 South Hiram
Wichita, Kansas 67213

Re: BZA 11-74 - Request for
Variance - Northeast corner
of McCormick and Hiram

Dear Mr. Cole:

Due to lack of a quorum, the regular meeting of the Board of Zoning Appeals which was scheduled for June 25, 1974, was deferred to Monday, July 1, 1974. The meeting will be held in Room 401 City Building Annex, 104 South Main Street, at 1:30 p.m.

At that time, the above-captioned case will be considered by the Board. If you have any questions concerning this matter, please call.

Sincerely,

Jack H. Galbraith
Secretary

JHG:LD:ber

May 29, 1974

Mr. Carl J. Cole
Coles Mower Service
822 South Hiram
Wichita, Kansas 67213

Subject: Case No. BZA 11-74 -
Request for a Variance

Dear Mr. Cole:

At the regular meeting of the Board of Zoning Appeals on May 28, 1974, your request for a variance to reduce the required number of off-street parking spaces from 16 to 10, on property zoned the "LC" Light Commercial District and generally located on the northeast corner of McCormick and Hiram, was considered.

It was the action of the Board to defer this case to its meeting of June 25, 1974, to give you the opportunity to confer with Traffic Engineering and the City Engineers office for the purpose of finding acceptable solutions to problems involving your parking lot design and existing curb openings.

If you have any questions, please contact our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

cc: William G. McKinley, Assistant Traffic Engineer
Dick Linn, City Engineer

THE CITY OF WICHITA
OFFICE OF CITY TRAFFIC ENGINEER

DATE May 16, 1974



TO Jack Galbraith, Chief Planner
FROM William G. McKinley, Assistant Traffic Engineer

SUBJECT BZA Approval
Lawnfield Addition
Northeast Corner Hiram
and McCormick

At your request we reviewed the approved off-street parking plan previously submitted for a Board of Zoning Appeals variance. This was approved on April 12, 1974 by a member of our staff.

Normally, parking related to one business should be in the same lot and have common access. In order to gain the greatest number of spaces for this parcel of land, it would be to the applicant's advantage to provide two separate lots composed of six spaces each. Possibly due to the nature of his business, one lot could serve as an employee's parking lot and the other for his customer's demand. The parking lot approval which we are attaching to this memo shows such a scheme. It would also require either the closing of the north drive on Hiram or approval from the City Engineer to permit two driveway openings closer than 20 feet on the tangent distance.

In summary, although not an ideal plan, we believe this does make the best utilization of the existing site to gain the greatest number of spaces.

William G. McKinley
William G. McKinley
Assistant Traffic Engineer

WGM:cg
attach.
cc: R. W. Bruggeman

THE CITY OF WICHITA
OFFICE OF CITY TRAFFIC ENGINEER

DATE May 16, 1974



TO Jack Galbraith, Chief Planner
FROM William G. McKinley, Assistant Traffic Engineer

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William G. McKinley
Assistant Traffic Engineer

WGM:cg
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cc: R. W. Bruggeman

May 17, 1974

Mr. Carl J. Cole
Coles Mower Service
822 South Hiram
Wichita, Kansas 67213

Subject: Case No. BZA 11-74 -
Variance to reduce required
off-street parking require-
ment.

Dear Mr. Cole:

Reference your application for a variance to reduce the required off-street parking spaces from sixteen to ten on property occupied by Coles Mower Service, 822 South Hiram, Wichita, Kansas.

In reviewing your application, we are finding it difficult to justify a recommendation of approval in our staff report to the Board of Zoning Appeals. We have requested Traffic Engineering to review the parking layout for perhaps a better utilization of what space you have available for parking. They have responded with a revised parking plan which they believe makes the best utilization of the existing site to gain the greatest number of spaces. Attached is a copy of this revised parking plan. You will notice that this plan provides a total of twelve off-street parking spaces by utilizing two separate lots composed of six spaces each. This would involve the removal and reconstruction of your main driveway on the Hiram Street side and require either the closing of the small north drive on Hiram or approval from the City Engineer to permit two driveway openings closer than twenty feet on the tangent distance. This twenty feet is considered a minimum requirement between curb openings and therefore, unless the driveway along the north property line is needed for circulation around the building it would be our recommendation

Mr. Carl J. Cole
May 17, 1974

to close the north driveway. In viewing your property it has been noted that vehicles have been parked in this driveway, which would indicate that the driveway is not used or needed for access to the rear of the building.

In summary, we do not believe the submitted parking plan to be an acceptable utilization of the space available and would invite your review of the revised plan. Any questions concerning the closing and constructing of these driveways should be directed to the City Engineer. Questions relating to your application in general may be directed to Larry Dobson of the Planning staff or myself.

Sincerely,

Jack H. Galbraith
Secretary

JHG:LD:js

Attachment

cc: Dick Linn, City Engineer

SECRETARY'S REPORT

CASE NO. BZA 11-74

APPLICANT: Coles Mower Service, 822 South Hiram, Wichita, Kansas 67213.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 16 to 10.

GENERAL LOCATION: Northeast corner of McCormick and Hiram Streets.

ZONING: Subject property is zoned the "LC" Light Commercial. as are properties to the North, South, East and West.

LAND USE: Subject property is occupied by a lawnmower sales and service business, to the South is an automotive repair shop, to the West is a grocery store, to the North and East 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. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Secretary's Report
Case No. BZA 11-74
Page Two

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance.)

COMMENTS BY THE SECRETARY

The applicant has requested a variance to reduce the number of required off-street parking spaces from 16 to 10. He proposes to enlarge the present facilities by constructing an addition to the existing building. The expanded building would contain 3,977 square feet of floor space which will require 16 off-street parking spaces. In his statement of justification the applicant states that he has operated his business in this location for almost six years, but that the company is operating under the hardship of not having adequate space for storage of customers mowers until they can be repaired and serviced, or for storage of new mowers. The applicant maintains that the additional warehouse or storage facility is for storage only and the company is not expanding its operations in any way. He further states that only one employee is hired on a full time, permanent basis, and that three additional employees are hired from April through August bringing the maximum number of employees to four for five months of the year. Concerning the traffic volume generated by his business, the applicant maintains that generally only one or two customers are in the shop at the same time, and only occasionally are there as many as three to five customers, with five being the maximum in the shop at one time. The Planning Department staff made three field checks of the off-street parking facilities of subject property and on May 10, 1974 at 10:30 a.m. observed five vehicles utilizing parking on the premises. on May 14, 1974 at 2:00 p.m. seven vehicles were counted and at 3:00 p.m. of the same day five vehicles were utilizing the off-street parking. It was also noted that no on-street parking was being used in the vicinity of subject property during these field checks.

Traffic Engineering, at the Secretary's request, has reviewed the plot plan submitted by the applicant and subsequently

Secretary's Report
Case No. BZA 11-74
Page Three

responded with a revised parking plan which they believe makes the best utilization of the existing site to gain the greatest number of spaces. This revised plan would provide twelve off-street parking spaces instead of the requested variance to ten.

UNIQUENESS

It is the opinion of the Secretary that it is difficult to find uniqueness in this instance, but that uniqueness may be found to exist inasmuch as this specific business does not generate the high volume traffic normally found in the light commercial district, and the proposed off-street parking facilities appear sufficient to provide adequate parking for employees and customers even though the requirements of the ordinance are not met.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect the rights of adjacent property owners or residents inasmuch as there would be substantially no change in the conditions that now exist.

HARDSHIP

It is the opinion of the Secretary that if the variance were not granted it would constitute an unnecessary hardship upon the property owner inasmuch as this business is in need of expanding its storage facilities and could not do so at this location.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not be opposed to the public interest inasmuch as utilization of on-street parking would not be necessitated.

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance may not be opposed to the general spirit and intent of Title 28 (zoning ordinance), inasmuch as the proposed parking would seem to be adequate to accommodate the traffic generated by this specific business.

Secretary's Report
Case No. BZA 11-74
Page Four

RECOMMENDATION

It is the opinion of the Secretary that it is difficult to justify all the conditions, however, if the Board should determine that all five conditions necessary to the granting of the variance can be found to exist and recommends approval, it should be approved subject to the following conditions:

1. That the variance be granted for a reduction of off-street parking from 16 spaces to 12 spaces based on the revised parking plan approved by Traffic Engineering.
2. The applicant shall contact the Engineering Division of the Department of Public Works and submit a satisfactory guarantee for the removal and reconstruction of the main driveway on Hiram Street, and for the closing of the small north driveway. Subject guarantees shall be submitted prior to the issuance of a building permit and within six months from the date of approval by the Board of Zoning Appeals or this request shall be considered null and void.
3. The total number of employees shall not exceed four, for any working shift.
4. The variance shall be granted for the intended use of lawnmower repair and sales only, and if the use of the property changes the resolution for approval shall become null and void, and any other use be required to provide the required off-street parking spaces prior to the issuance of an occupancy permit.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

May 9, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 11-74

You were recently mailed a NOTICE TO ADJOINING PROPERTY OWNERS concerning Case No. BZA 11-74, to be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 28, 1974. The general location of the subject property was described as the northwest corner of McCormick and Hiram. This description is in error and should be corrected to read: Generally located on the northeast corner of McCormick and Hiram.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

May 6, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 11-74

An application has been filed by Coles Mower Service, 822 South Hiram, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required number of off-street parking spaces from 16 to 10 on property zoned the "LC" Light Commercial District and legally described as follows:

The west 100 feet of Lot 1, on Hiram Avenue
in Lawnfield Addition, Sedgwick County, Kansas.
Generally located on the northwest corner of
McCormick and Hiram.

This application has been assigned Case No. BZA 11-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 28, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

*18 Notices mailed to
adjoining property owners
on May 7, 1974*

*10 Notices mailed to
M&C members on
May 7, 1974*

APPLICATION FOR VARIANCE

I. Name of Applicant COLES MOWER SERVICE - Carl J. Cole

Mailing Address 822 South Hiram - Wichita, Kansas 67213 Phone 262-4120

Name of Authorized Agent N/A

Mailing Address N/A Phone N/A

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

II. The variance requested is Vehicle Parking Spaces from 16 (sixteen)
to 10 (ten). Off Street Parking

for property located at 822 South Hiram - Wichita, Kansas

and legally described as: The West 100 feet of Lot 1, on Hiram
Avenue, in LAWNFIELD ADDITION to Wichita, Sedgwick County, Kansas

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

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. 24-606); 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.

COLES MOWER SERVICE - Carl J. Cole
Applicant Carl J. Cole

N/A
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals (a.m. - p.m.), 19 together with appropriate fee of \$50.00.

COLES MOWER SERVICE
822 South Hiram Avenue
Wichita, Kansas

April 13, 1974

Statement Justifying the Variance From the
Specific Terms of Title 28

1. Coles Mower Service has operated this business in the existing building facilities since July, 1968. The type of construction and the layout of the building are suitable only for the servicing and sale of lawn mowers and small gasoline engines, with the exception that the existing building space does not provide the needed storage space for new mowers for sale, or the storing of customer's mowers until they can be repaired or serviced. This Company has continually operated under this handicap or hardship which is expensive and also considered almost unworkable in the future. I do not believe it would be feasible or practical to ever convert these facilities to any other type of business. Also the purchase or lease of adjacent property for near by offstreet parking is impossible at this time.
2. The granting of the permit for the variance from sixteen to ten offstreet parking spaces will not adversely affect the rights of adjacent property owners or residents for the following reasons:
 - (a) The Company employs only one full time or permanent employee. During the period from about April 1 through August of each year, the Company hires three additional employees bringing the maximum to four during the actual lawn mower season.
 - (b) Generally there is only one or two customers in the shop at the same time, and only occasionally will there be from three to five customers in the shop at the same time. We believe the maximum number of customers in the shop at one time has been around five and this is certainly the exception.
 - (c) Over the past nearly six years, the offstreet parking provided by the Company has been more than adequate for its employees and customers and no street parking has been necessary. The additional warehouse or storage facility is needed for storage only as the Company is not expanding its operations in any way.
3. The strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon me as property owner, as without additional storage for new mowers and customer's mowers, continued operation of existing facilities is very questionable. To be forced to sell this property in order to relocate the business where additional warehouse facilities and greater offstreet parking might be available would be very costly and impossible in my case.

April 13, 1974

4. I do not believe the variance desired from sixteen to ten offstreet parking spaces, when ten spaces in the past have definitely exceeded our requirements, can adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare.
5. I do not understand how the granting of the variance desired could be in any way in opposition to the general spirit and intent of Title 28 (zoning ordinance).

COLES MOWER SERVICE

By Carl J. Cole Owner
Carl J. Cole

O W N E R S H I P L I S T

Lot	Street	Addition	Property Owner
W 100' lot 1	Hiram	Lawnfield Addition	✓ Carl J. Cole & Helen 648 Valley View Lane 67212
E 50' lot 1	Hiram	Same	✓ Ross T. Bruner & Sadie E. 1924 McCormick 67213
E 50' S½ lot 3	Hiram	Same	Same
S½ lot 3 exc E 50'	"	Same	✓ Floyd F. Belveal & Barbara 814 Hiram 67213
W 153' lot 1 exc W 100'	"	Same	✓ William A. Carlson & Mary 1928 McCormick 67213
N½ lot 3	"	Same	✓ Cletus Roy Mabe & Maebelle 810 Hiram 67213
E 63' lot 5	"	Same	✓ Francis K. McCaffrey Bernice R. McCaffrey 1931 Munnell 67213
W 140' S½ lot 5	"	Same	✓ James W. Grinstead & Doris 804 Hiram 67213
W 140' N½ lot 5	"	Same	X Maybelle Toothaker & Laurrel Address Unknown
S 50' E 140' lot 6	"	Same	✓ Paul E. Tatman 747 Hiram 67213
N½ of E 140' lot 6	"	Same	X Pleasant E. Roller Address Unknown
S½ lot 4	"	Same	X P. E. Mosley Address Unknown
N½ lot 4	"	Same	X Fern I. Drennan, deceased
2	Hiram	Same	✓ W. L. Showman & Thelma 811 Hiram 67213
W 75' N½ lot 4	Glenn	Same	✓ Harry N. Willis & Mildred 722 Bonn 67213
W 75' lot 6	Glenn	Same	✓ Trustees of West Side Church of God 1900 McCormick 67213
			Same

Lot	Street	Addition	Property Owner
E 128' N½ lot 4	Glenn	Lawnfield Addition	<i>dup</i> Trustees of West Side Church of God 1900 McCormick 67213
S½ lot 4	"	Same	Same
W 50' lot 2	Glenn	Same	Same
N 50' of E 153' lot 2 exc W 80'	Glenn	Same	<i>dup</i> West Side Church of God 1900 McCormick 67213
W 80' N 50' E 153' lot 2	Glenn	Same	<i>dup</i> Trustees of West Side Church of God 1900 McCormick 67213
S 50' of E 153' lot 2	Glenn	Same	Same
121	McCormick	Same	✓ Jimmie A. Atkins & Mary F. 3301 South Elizabeth 67217
123	Same	Same	Same
125	Same	Same	✓ Albert Keith Becker 2001 McCormick 67213
127	Same	Same	Same
129	Same	Same	✓ Edward W. Hudson & Laura 801 N. Westlink 67212
131	Same	Same	Same
133	Same	Same	Same
135	Same	Same	Same
137	Same	Same	X Orie M. Owens Address Unknown
139	Same	Same	Same
141	Same	Same	✓ Elzie O. Tannehill and Agnes Helen Tannehill 1925 McCormick 67213
143	Same	Same	Same
145	Same	Same	✓ Estella Huffington & Bonnie M. Huffington 1919 McCormick 67213
147	Same	Same	Same

Lot	Street	Addition	Property Owner
149	McCormick	Garfield Addition	✓ C. J. Dyck & Lizzie 1917 McCormick 67213
151	Same	Same	Same

The Security Abstract and Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of:

A 200 foot radius of: The West 100 feet of Lot 1, on Hiram Avenue, in Lawnfield Addition, Sedgwick County, Kansas

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 10th day of April, 1974 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

John Byron
Asst. Vice President

Order No. 212337
wh

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
BZA Unincorp	50.00

Name *Paul J. Dale (City of Wichita)*

Address *122 W. 10th St.*

Type *AA-407103* Due Date

Comments:

Date *April 15, 1974* By *D. Swisen*

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1