

Case No. BZA 13-87 - Donald F. McArthur requests variances to: (1) reduce the required number of off-street parking spaces from 41 spaces to 31 spaces; & (2) reduce the front yard setback adjacent to Minnesota from 20 ft to 0 ft

Posted 7-31-87
652

ACTION

BZA 13-87 Approved

4/28/87
DATE

5641D

200'4 Sec. 9-23-87

Shot 10-22-87

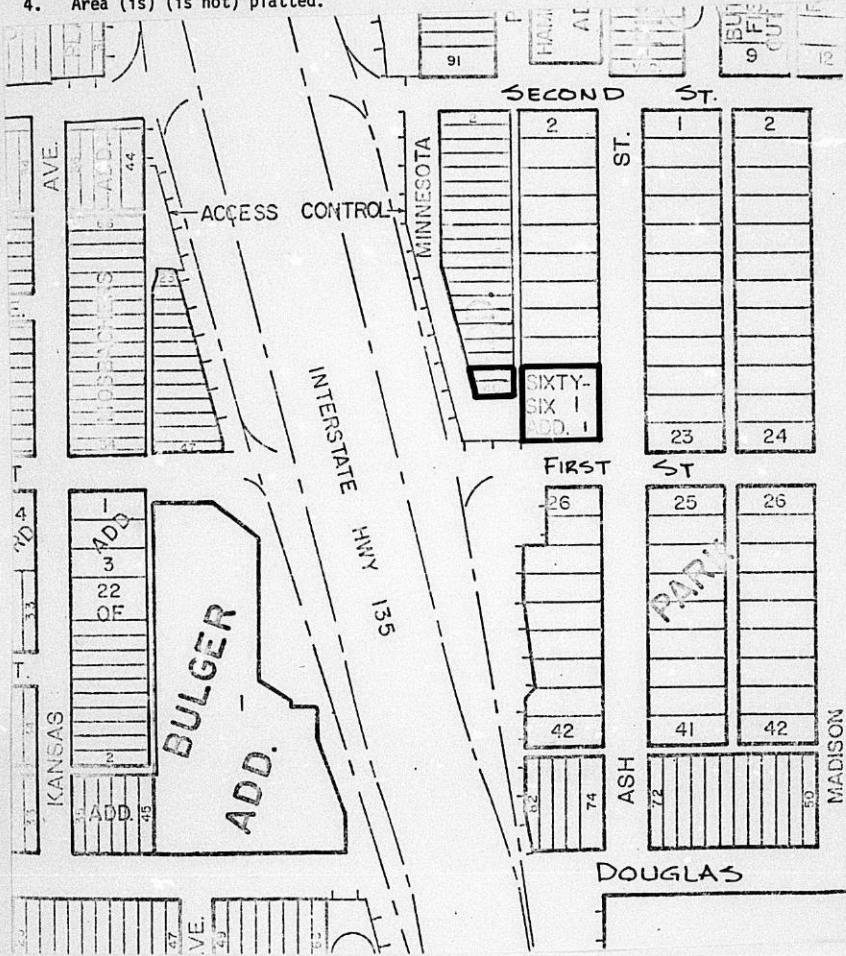
Record

Map No. 5647D

BZA 12-87 & 13-87
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "B" S "D" W "E" N "B"
3. Land Use: East Res South Res
West Hiway North Res
4. Area (is) (is not) platted.



HASTINGS, MN
No. 2453C
LOS ANGELES-CHICAGO-LOGAN, OH
MCGREGOR, TX-LOCUST GROVE, GA
USA

Simpson
Map

August 20, 1987

Jeff Krehbiel Associates
1300 East Lewis
Wichita, Kansas 67211

Re: BZA 12-87 - Request for Exception and BZA 13-87 - Request for
Variances (On the Northwest corner of Ash and First Street)

Dear Mr. Krehbiel:

Enclosed are signed copies of the above-referenced BZA Resolutions
adopted by the Board of Zoning Appeals on April 28, 1987.

These Resolutions reflect the official action of the Board to grant your
requests and set out the conditions of approval. They are forwarded to
you for your information and files now that condition #12 of BZA 13-87 has
been complied with.

If you have questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG/lw

Enclosure

cc: Donald F. McArthur, 928 St. James, Wichita, KS 67206
Peter Langenwaller, 354 Indiana, Wichita, KS 67214
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 13-87

WHEREAS, Donald F. McArthur, 928 St. James, Wichita, Kansas, and Peter Langenwaller, 35th Indiana, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, request variances to: (1) reduce the required number of off-street parking spaces from 41 spaces to 32 spaces; and (2) reduce the front yard setback adjacent to Minnesota from 20 feet to 0 feet for off-street parking purposes only on property zoned the "LC" Light Commercial District and the "B" Multiple-family Dwelling District and legally described as follows:

Lot 1, Block 1, Sixty-six Addition and Lots 38 and 40, Minneapolis Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of First Street between Ash and Minnesota Streets.

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, 1987, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for variances 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 to reduce the required number of off-street parking spaces 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 portion of the building to be occupied as the business of automobile sales will be operated entirely within an enclosed building and the automobiles will be shown primarily by appointment which will limit the need for more than four spaces to accommodate the employees and customers at any one time; 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 use of the property as proposed should not create on-street parking in the neighborhood as adequate off-street parking should accommodate all employees and customers at this location; 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 the applicant would be required to secure additional land for parking in order to construct the building; 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 reduction in the number of off-street parking spaces will not interfere with any needed right-of-way or easements; 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 requirement for off-street parking for automobile sales is one space for each 3,000 square feet of lot area, and in this case, the applicant is proposing that all automobiles will be stored inside of the building and are shown primarily by appointment; and

WHEREAS, the Board of Zoning Appeals has found that the variance to reduce the required front yard setback for off-street parking purposes only 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 is located adjacent to a dead end street that separates the property from the access ramp to an expressway on the west; 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 use of the entire property for off-street parking should not create any adverse affect if screening is provided adjacent to the property on the north; 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 the applicant would then be further restricted in providing the required number of off-street parking spaces needed for the construction of the building; 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 reduction of the setback for off-street parking purposes only will not interfere with needed right-of-way or easements; 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 location of the property in relation to the expressway and the proximity to the heavier use districts on the west should give justification for approval by the Board as being in compliance with the intent of the 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 the variances can be granted have been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for variances to: (1) reduce the required number of off-street parking spaces from 41 spaces to 32 spaces; and (2) reduce the front yard setback adjacent to Minnesota from 20 feet to 0 feet for off-street parking purposes only on property zoned the "LC" Light Commercial District and the "B" Multiple-family Dwelling District and legally described as follows:

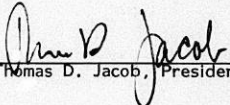
Lot 1, Block 1, Sixty-six Addition and Lots 38 and 40, Minneapolis Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of First Street between Ash and Minnesota Streets.

be approved subject to the following conditions:

1. The reduction of the required number of off-street parking spaces from 41 spaces to 32 spaces shall only apply to the property for the uses as an automobile repair garage and an automobile sales business that is operated entirely within an enclosed building.
2. The automobile sales business shall not occupy more than 5,000 square feet of the proposed 10,300 square foot building.
3. There shall not be any vehicles displayed or stored outside of an enclosed building.
4. Signs shall be limited to that permitted by Section 28.04.139 of the zoning ordinance for the "LC" Light Commercial District.
5. The alley shall be improved in conformance to City standards from the north property line to within 18 feet of the north property line of First Street.
6. Parking barriers shall be provided adjacent to the public right-of-way lines of First, Ash and Minnesota Streets to prevent the overhanging of vehicles over public right-of-way.

7. A six-foot screening fence shall be installed along the north property lines, except that the fence shall be reduced to a height of three feet for the east 20 feet adjacent to Ash Street and the west 20 feet adjacent to Minnesota Street.
8. The reduction of the front yard setback, adjacent to Minnesota Street, from 20 feet to 0 feet shall be for off-street parking purposes only.
9. Any change of occupancy of this building to any new use shall null and void this resolution.
10. Any expansion of the building for either of the two uses shall require the providing of the off-street parking for the total floor area as required by the zoning ordinance, or the owner will be required to file a new application to be considered by the Board of Zoning Appeals.
11. The variance to reduce the required number of off-street parking spaces is subject to the conditions as established by BZA Resolution 12-87 for the sale and display of vehicles.
12. The 20-foot setback area adjacent to Ash Street, not improved for off-street parking, shall be landscaped. Three copies of the landscape plan shall be submitted to the Secretary for approval prior to the release of the resolution.

ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1987.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary



JEFF KREHBIEL
ASSOCIATES, aia
architecture · planning

1300 east lewis wichita, kansas 67211
(316) 267-8233

to: BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 N. MAIN
WICHITA, KS

attn: _____

project: IMPORT AUTO CENTER, INC.
FIRST STREET + 45th
WICHITA, KS. 67203

cc: _____

we send you herewith under separate cover
THREE (3) PRINTS OF PROPOSED LANDSCAPE PLAN

these are:

- for your review and approval. please return _____ copies with approval or corrections noted.
- for your information. for your files
- reviewed for compliance with contract documents.
- reviewed and required corrections noted. send _____ sepia transparencies and _____ ozalid prints of corrected drawings.
- revise and resubmit per required corrections. send _____ sepia transparencies and _____ ozalid prints of corrected drawings. send _____ copies of submittal data.
- rejected. see contract documents.
- _____

remarks: _____

by: LARRY KRIER

date: AUGUST 18, 87

transmittal

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

April 29, 1987

Jeff Krehbiel Associates
1300 East Lewis
Wichita, Kansas 67211

Re: BZA 12-87 - Request for Exception and BZA 13-87 - Request for
Variances (On the northwest corner of Ash and First Street)

Dear Mr. Krehbiel:

At the regular meeting of the Board of Zoning Appeals on April 28, 1987, your request for an exception to permit the establishment of an automobile sales business and variances to (1) reduce the required number of off-street parking spaces from 41 spaces to 32 spaces; and (2) to reduce the front yard setback adjacent to Minnesota from 20 feet to 0 feet for off-street parking purposes only was considered. It was the action of the Board to grant the exception and variances subject to the following conditions:

BZA 12-87 EXCEPTION:

1. All vehicles for sale on this property shall be displayed and stored within an enclosed building.
2. That portion of the building to be occupied by the automobile sales business shall not exceed 5000 square feet of floor area.
3. All parking spaces on the property shall be surfaced and designated as off-street parking for customers and employees and not used for display of company vehicles.
4. If lighting is provided on the exterior, it shall be installed so as to not illuminate the adjoining residential properties by shielding and directing the lights away from the residential properties.
5. Signs shall be limited to that permitted by Section 28.04.139 of the zoning ordinance, provided however, no string-type lighting or banners shall be permitted.
6. No sound projecting devices or loud speakers shall be used so as to be heard beyond the property lines.

7. All screening required by the zoning ordinance for the protection of adjacent residential properties shall be installed and maintained in good condition.
8. Any change of occupancy of this building, or change in the manner in which the automobile sales business is to be operated, shall null and void this resolution.
9. Any expansion of the building shall be subject to compliance with the requirements of the ordinance and must be reconsidered by the Board of Zoning Appeals.
10. Resolution No. BZA 68-83 shall become null and void upon the release of this resolution.

BZA 13-87 VARIANCES:

1. The reduction of the required number of off-street parking spaces from 41 spaces to 32 spaces shall only apply to the property for the uses as an automobile repair garage and an automobile sales business that is operated entirely within an enclosed building.
2. The automobile sales business shall not occupy more than 4,500 square feet of the proposed 10,300 square foot building.
3. There shall not be any vehicles displayed or stored outside of an enclosed building.
4. Signs shall be limited to that permitted by Section 28.04.139 of the zoning ordinance for the "LC" Light Commercial District.
5. The alley shall be improved in conformance to City standards from the north property line to within 18 feet of the north property line of First Street.
6. Parking barriers shall be provided adjacent to the public right-of-way lines of First, Ash and Minnesota Streets to prevent the overhanging of vehicles over public right-of-way.
7. A six-foot screening fence shall be installed along the north property lines, except that the fence shall be reduced to a height of three feet for the east 20 feet adjacent to Ash Street and the west 20 feet adjacent to Minnesota Street.
8. The reduction of the front yard setback, adjacent to Minnesota Street, from 20 feet to 0 feet shall be for off-street parking purposes only.
9. Any change of occupancy of this building to any new use shall null and void this resolution.

April 29, 1987

- 10. Any expansion of the building for either of the two uses shall require the providing of the off-street parking for the total floor area as required by the zoning ordinance, or the owner will be required to file a new application to be considered by the Board of Zoning Appeals.
- 11. The variance to reduce the required number of off-street parking spaces is subject to the conditions as established by BZA Resolution 12-87 for the sale and display of vehicles.
- 12. The 20-foot setback area adjacent to Ash Street, not improved for off-street parking, shall be landscaped. Three copies of the landscape plan shall be submitted to the Secretary for approval prior to the release of the resolution.

Release of the resolutions setting forth the official action of the Board are subject to the submission of three copies of a landscape plan as required by condition number 12 of Resolution BZA 13-87.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:lw

cc: Donald F. McArthur, 928 St. James, Wichita, KS 67206
Peter Langenwarter, 354 Indiana, Wichita, KS 67214
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

001243

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE April 28, 1987

TO Glen Lytle, Special Assistant for Zoning
FROM Stanley J. Scott, CP Coordinator *[Signature]*

SUBJECT BZA 13-87: North side of
 First Street, between Minnesota
 and Ash

On Tuesday, April 21, CPO Neighborhood Council 1A considered the captioned case, a request for zoning variances to 1) reduce the required number of off-street parking spaces from 41 spaces to 32 spaces; and 2) reduce the front yard setback adjacent to Minnesota from 20 feet to 0 feet for off-street parking purposes only on property zoned "LC" Light Commercial District and "B" Multi-Family Dwelling District. After an extensive discussion, the Council voted 8-0 to recommend approval of the variances, subject to MAPD staff comments 1-12.

Larry Krier, Jeff Krehbiel Associates, was present as agent for the applicants and to respond to questions from the Council. Mr. Krier described the planned use of the property as an enclosed sales and maintenance facility for "specialty" automobiles. No area residents or property owners were present. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 13-83 is considered on Tuesday, April 28.

SJS:dm

RECEIVED

APR 28 1987

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 13-87

APPLICANT: Donald F. McArthur, 928 St. James, Wichita, KS 67206 and Peter Langenwalter, 354 Indiana, Wichita, KS 67214

AGENT: Larry Krier, Jeff Krehbiel Associates, 1300 E. Lewis, Wichita, KS 67211

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the required number of off-street parking spaces from 41 spaces to 32 spaces; and (2) reduce the required front yard setback adjacent to Minnesota from 20 feet to 0 feet for off-street parking purposes only.

GENERAL LOCATION: On the north side of First Street between Minnesota and Ash Streets.

ZONING: Subject property is zoned the "LC" Light Commercial and the "B" Multiple-family Dwelling Districts. Properties to the north, east and south are zoned the "B" Multiple-family Dwelling District. To the east across I-135 is the "E" Light Industrial District.

LAND USE: Subject property is undeveloped. To the north, east and south are residential properties. To the west is the I-135 canal route.

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 requests when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting these two variances in order to construct a new building on the property that will house an automobile repair garage and also an automobile sales business. The building will be located on the lot zoned "LC" Light Commercial on the northwest corner of First and Ash Streets and the two lots located adjacent to the cul-de-sac on Minnesota are zoned "B" Multiple-family Dwelling District. The automobile repair garage is a permitted use in the "LC" Light Commercial District, and the automobile sales business is permitted in the "LC" Light Commercial District as an exception. The applicants have also requested this exception to be approved as Case No. BZA 12-87.

The first request for a reduction in the number of off-street parking spaces from 41 spaces to 32 spaces, is based primarily in the manner the automobile sales business is to be operated. The applicant states that all automobiles for the auto sales business will be stored inside the building and are shown by appointment only. The automobile sales business will occupy approximately 4,300 square feet of the 10,250 square foot building. The off-street parking required for the automobile repair garage would be 24 spaces leaving seven spaces for the auto sales business. Based on the information furnished that the automobile sales business will be operated by two employees and will show automobiles only by appointment, there should be a justification for a reduction in the number of off-street parking spaces.

In most previous instances where the Board of Zoning Appeals has reduced the number of off-street parking spaces for a use, consideration has included the adequate land area to provide additional parking should the building later be converted to another use. In this case, only four additional spaces can be provided on the site which would still be five spaces short of the 41 spaces required based on one space for each 250 square feet of floor area. With all adjacent properties zoned the "B" Multiple-family Dwelling District, it is possible that additional land could be acquired that would accommodate additional parking.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as that portion of the building to be occupied as the business of automobile sales will be operated entirely within an enclosed building and the automobiles will be shown primarily by appointment which will limit the need for more than four spaces to accommodate the employees and customers at any one time.

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 use of the property as proposed should not create on-street parking in the neighborhood as adequate off-street parking should accommodate all employees and customers at this location.

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 the applicant would be required to secure additional land for parking in order to construct the building.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction in the number of off-street parking spaces will not interfere with any needed right-of-way or easements.

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 requirement for off-street parking for automobile sales is one space for each 3,000 square feet of lot area, and in this case, the applicant is proposing that all automobiles will be stored inside of the building and are shown primarily by appointment.

The second request is for a variance of the front yard setback adjacent to Minnesota from 20 feet to 0 feet for off-street parking purposes only. It should be noted that the two lots in the application area are the two south lots adjacent to the cul-de-sac that was constructed when the canal route was improved. The reduction of the setback for off-street parking should not have any significant affect on the adjacent property as it will be screened as provided by the ordinance.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located adjacent to a dead end street that separates the property from the access ramp to an expressway on the west.

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 use of the entire property for off-street parking should not create any adverse affect if screening is provided adjacent to the property on the north.

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 the applicant would then be further restricted in providing the required number of off-street parking spaces needed for the construction of the building.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of the setback for off-street parking purposes only will not interfere with needed right-of-way or easements.

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 location of the property in relation to the expressway and the proximity to the heavier use districts on the west should give justification for approval by the Board as being in compliance with the intent of the ordinance.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variances 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 reduction of the required number of off-street parking spaces from 41 spaces to 32 spaces shall only apply to the property for the uses as an automobile repair garage and an automobile sales business that is operated entirely within an enclosed building.
2. The automobile sales business shall not occupy more than 4,500 square feet of the proposed 10,300 square foot building.
3. There shall not be any vehicles displayed or stored outside of an enclosed building.
4. Signs shall be limited to that permitted by Section 28.04.139 of the zoning ordinance for the "LC" Light Commercial District.
5. The alley shall be improved in conformance to City standards from the north property line to within 18 feet of the north property line of First Street.
6. Parking barriers shall be provided adjacent to the public right-of-way lines of First, Ash and Minnesota Streets to prevent the overhanging of vehicles over public right-of-way.
7. A six-foot screening fence shall be installed along the north property lines, except that the fence shall be reduced to a height of three feet for the east 20 feet adjacent to Ash Street and the west 20 feet adjacent to Minnesota Street.
8. The reduction of the front yard setback, adjacent to Minnesota Street, from 20 feet to 0 feet shall be for off-street parking purposes only.
9. Any change of occupancy of this building to any new use shall null and void this resolution.
10. Any expansion of the building for either of the two uses shall require the providing of the off-street parking for the total floor area as required by the zoning ordinance, or the owner will be required to file a new application to be considered by the Board of Zoning Appeals.
11. The variance to reduce the required number of off-street parking spaces is subject to the conditions as established by BZA Resolution 12-87 for the sale and display of vehicles.
12. The 20-foot setback area adjacent to Ash Street, not improved for off-street parking, shall be landscaped. Three copies of the landscape plan shall be submitted to the Secretary for approval prior to the release of the resolution.

BZA CASE NO. 13-87

<u>3</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>21</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>25</u>	TOTAL NOTICES SENT <u>4/2/87</u>

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

April 1, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 13-87

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 Donald F. McArthur, 928 St. James, Wichita, Kansas, and Peter Langenwalter, 354 Indiana, Wichita, Kansas, requesting two variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting variances to: (1) reduce the required number of off-street parking spaces from 41 spaces to 32 spaces; and (2) reduce the front yard setback adjacent to Minnesota from 20 feet to 0 feet for off-street parking purposes only on property zoned the "LC" Light Commercial District and the "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Block 1, Sixty-six Addition and Lots 38 and 40, Minneapolis Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of First Street between Ash and Minnesota Streets.

This application has been assigned Case No. BZA 13-87. It will be considered by the Board of Zoning Appeals on April 28, 1987 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variances, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "1A" will consider this case at their meeting to be held on Tuesday, April 21, 1987, at 7 p.m. at the Evergreen Recreation Center, 2700 North Woodland. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle
Assistant Secretary

APPLICATION FOR VARIANCE

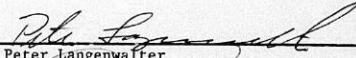
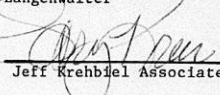
I. Name of Applicant Mid West Emergency Equipment Inc. - Present Owner
1764 South Boehr 945-0664
Peter Langenwalter - Purchaser
Mailing Address 354 Indiana Phone 263-8682
Name of Authorized Agent Jeff Krehbiel Associates
Mailing Address 1300 East Lewis Phone 267-8233
Relationship of applicant to property is that of _____
(Owner, Tenant, Lessee, Other)

II. The variances requested ^{are (1) to reduce the required off-street parking} ~~to~~ see attached sheet.
spaces from 41 spaces to 32 spaces; and (2) reduce the front yard
setback from 20 feet to 0 feet for off-street parking
purposes only.
for property located First Street and Ash (north west corner)

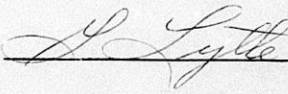
and legally described as: Lot 1, Block 1, Sixty-Six Addition in Sedgwick County,
Kansas. And Lots 38 & 40, Minneapolis Addition to Wichita, Sedgwick County, Kansas.

in the City of Wichita; and which is presently zoned "LC" & "B".

- 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 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.

Applicant 
Peter Langenwalter
Authorized Agent 
Jeff Krehbiel Associates

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
2:20 (a.m./p.m.), MAR 20, 1987, together with appropriate
fee of 450.00.

Signed 

1. The request for the reduced parking for the Auto Sales is because of the type of business they are performing. All automobiles will be stored indoors and shown by appointment only. At most no more than two customers will be in the building at one time. The Auto Sales has two employees. The parking requirements can be met for the auto repair. Based on the proposed square footage the required parking would be 41 spaces. We presently are providing 32 spaces with a possibility of 4 additional spaces for a total of 36 spaces. This is 5 spaces short of the required parking.
2. The granting of the varriance will not affect the rights of adjacent property Owners or Residences as it is an off street parking matter.
3. Because of the unique type of Auto Sales, it requires minimum amount of customer parking.
4. All access control, screening and alley improvements will be complete with the construction of the project.
5. All autos will be displayed within the building. Had the display been out doors, the parking required would be one space per 3,000 square feet or seven spaces total.

1. Reduce required parking of 41 spaces to 32 spaces as shown on the attached drawing with 4 additional spaces being shown as future. The auto sales shows cars by appointment only and has two employees. The required parking for the auto repair is being provided. The auto sales because of their unique business is requiring the reduction. Should the building be re-developed into a different use it would be able to provide 36 spaces total in lieu of the 41 required.

2. To reduce the front yard set back from 20' to 0' on Lots 38 and 40, Minneapolis addition to Wichita, Sedgwick County, Kansas. To provide additional off street parking.

MICROFILMED
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AVAILABLE COPY

FORM 29-221

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
CITY SEA VAL (2)	74000
CITY SEA EXCEPT	74000
	148000

NAME PETER LAUFENWALTER

ADDRESS 1116 W 20th

FUND 95-40714-002 DUE DATE _____

COMMENTS _____

DATE MAR 30 1969 BY [Signature]

*

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

Roll # 3