

ACTION

DATE

7.24.73

BZA COMMITTEE

Approved

M.A.P.C.

B.C.C./B. C. C.

BZA 17-73 Marion M. Wimmer reqsts. variance to reduce number of off-street parking spaces from 51 to 36 on the NS of U.S. 54 in an area West of Woodchuck.

POSTED
7-16-73
H
C. IV
MAPP ✓
OH

ACTION

BZA COMMITTEE approved DATE 7.24.73

M.A.P.C. _____

B.C.C./B. C. C. _____

BZA 17-73 Marion M. Wimmer requests.
variance to reduce number of off-
street parking spaces from 51 to
36 on the NS of U.S. 54 in an area
West of Woodchuck.

Map No. 4946
 Sec. 28
 Twp. 27
 Range 1W

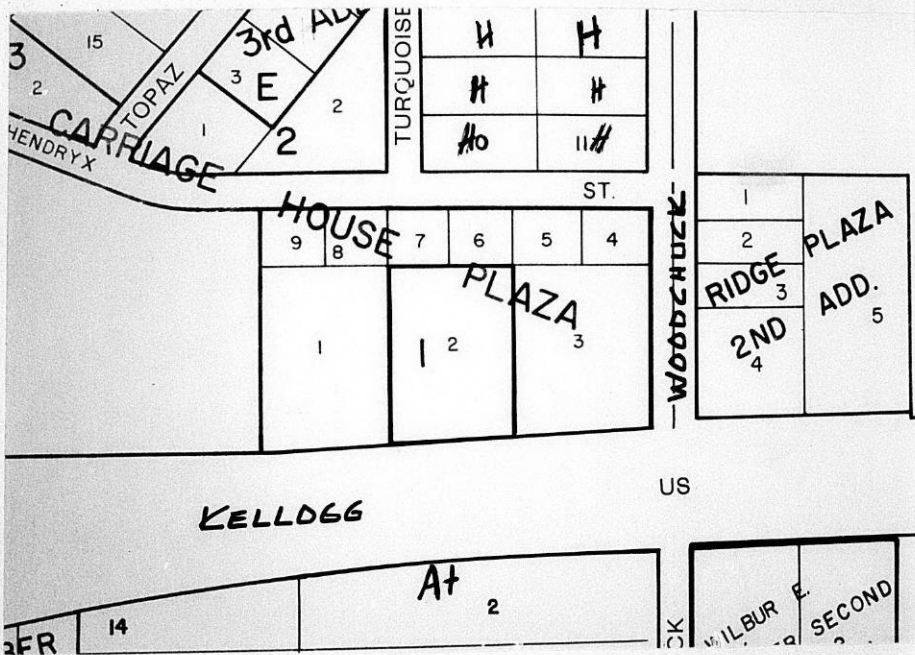
BZA- 17-73
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 1.5 (220 ft. by 297 ft.)
2. Adjoining Zoning: E LC "SUSSEY" W LC N A
3. Land Use: East Undeveloped South Truck Sales & display + US
 West Undeveloped North Undeveloped
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: Undeveloped
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



August 29, 1973

Mr. Marion M. Wimmer
6411 East Kellogg
Wichita, Kansas 67207

RE: Case No. BZA 17-73
Request for Variance

Dear Mr. Wimmer:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 24, 1973, in connection with your request for a variance to reduce the required number of off-street parking spaces from 51 to 36, on property zoned the "LC" Light Commercial District, and generally located on the North side of U.S. 54 in an area West of Woodchuck.

This Resolution reflects the official action of the Board to approve your request. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rw

Enclosure

cc: Mr. Seb Heimerman, 8020 Hendryx, 67213
Mr. W. B. Walker, 580 Turquoise Lane, 67209
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 17-73

WHEREAS, Marion M. Wimmer, 6411 East Kellogg, Wichita, Kansas, 67207, 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 51 to 36 on property zoned the "LC" Light Commercial District, legally described as follows:

Lot 2, Block 1, Carriage House Plaza, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of U.S. 54 in an area west of Woodchuck.

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 July 24, 1973, 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 in that the specialized nature of the proposed use will not create a sufficient volume of traffic to necessitate the amount of parking normally required of light commercial uses.

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 is no access to the residential streets to the north; there is a service road to the south; and the proposed parking will be adequate to prevent overflow into the light commercially zoned properties to the east and west.

WHEREAS, the Board of Zoning Appeals has found 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 inasmuch as the applicant would be forced to furnish more parking than would be required for furniture stores by the new zoning ordinance and this will create a surplus amount of asphalt surface detrimental to the total environment of the surrounding area.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as failure to provide the required parking will not create on-street parking problems since sufficient parking will be provided while retaining open ground enhancing the general area through landscaping potential.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance would not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) since adequate parking will be provided for the type of use which is to be established.

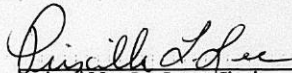
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 number of off-street parking spaces from 51 to 36 on property zoned the "LC" Light Commercial District and legally described as follows:


Lot 2, Block 1, Carriage House Plaza,
an Addition to Wichita, Sedgwick County,
Kansas. Generally located on the north
side of U.S. 54, in an area west of Woodchuck.

be approved.

ADOPTED AT WICHITA, KANSAS, this 24th day of July, 1973.


Priscilla L. Lee, Chairman

ATTEST:


Jack H. Galbraith, Secretary

July 25, 1973

Mr. Marion M. Wimmer
6411 East Kellogg
Wichita, Kansas 67207

Dear Mr. Wimmer:

Subject: Case No. BZA 17-73
Request for a Variance

At the regular meeting of the Board of Zoning Appeals on July 24, 1973, your request for a variance to reduce the required number of off-street parking spaces from fifty-one to thirty-six, on property zoned "LC" Light Commercial District and generally located on the north side of U.S. 54 in an area west of Woodchuck, was considered.

It was the action of the Board to approve this request. 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,

Jack H. Galbraith
Secretary

JHG:js

cc: Mr. Seb Heimerman, 8020 Hendryx, 67213
Mr. W. B. Walker, 580 Turquoise Lane, 67209
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Maint. Inspection Supervisor, Central Inspection

580 Turquoise Lane
Wichita, Kansas 67209

July 18, 1973

Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

RE: Case No. BZA 17-73

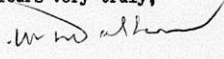
Dear Mr. Galbraith:

Due to a prior commitment I will be unable to attend the meeting at 1:30 p.m. on July 24, 1973. It is requested that you consider this letter the same as if I appeared in person.

I am unable to judge whether the 36 parking spaces are sufficient for the Carriage House furniture store (Manor House, Inc.). However, if at some time in the future the building is no longer used for a specialty type furniture store, I can easily visualize where the 51 parking spaces would be needed. The request for variance from criteria states that a large amount of open ground space is maintained to the north of the building in the event of occupancy change which might require additional parking space. First, I think this additional space is zoned residential and secondly, and more importantly, I know of no provision wherein houses could not be built on this land in the very near future, thus eliminating the "additional parking space".

For the reasons stated above, I object to the "Variance Request Criteria" which would permit 36 parking spaces rather than the 51 parking spaces required by city policy for Lot 2, Block 1, Carriage House Plaza.

Yours very truly,


W. B. Walker

WBW:vc



SECRETARY'S REPORT
CASE NO. BZA 17-73

APPLICANT: Marion M. Wimmer, 6411 East Kellogg, Wichita, Kansas, 67207

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 51 to 36.

GENERAL LOCATION: On the north side of U. S. 54 in an area west of Woodchuck.

ZONING: Subject property is zoned the "LC" Light Commercial District, as are those properties to the east and west. To the north is the "A" Two Family Dwelling District and south is U. S. 54 and the "E" Light Industrial District.

LAND USE: Subject property is presently undeveloped, as are those properties to the north, east and west. South is U. S. 54 and a truck sales lot.

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.
4. That the variance desired will not adversely affect the public safety, health, 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 parking spaces from 51 to 36. He proposes to construct a building for a furniture store to contain approximately 12,500 square feet of commercial and office space, employing two persons in the warehouse area. This would require a total of 51 off-street parking spaces. In his statement of justification (attached), he states that a requirement of 36 spaces was given preliminary approval in 1971. Off-street parking regulations, however, require one space for every 250 square feet of enclosed floor space and one space for every three persons in the warehouse area. Based on studies of parking requirements created by different uses, the new zoning ordinance proposes to require one parking space for every 400 square feet of enclosed floor area for a furniture store and one space for every two employees in the warehouse area, making a total of 32 spaces for the proposed structure.

The applicant maintains that the proposed business is not comparable to high turn-over space requirements of other light commercial uses such as supermarkets, discount stores, mass merchandising operations, etc. He further points out that this type of furniture store is a highly specialized operation, generating a minimal amount of traffic at the showroom facility, with most furniture sales created and finalized in customers' homes.

In order to provide the additional parking required by ordinance, the applicant would have to utilize the area north of the structure which has been proposed as a landscaped area adjacent to the residentially zoned property to the north.

The site plan submitted by the applicant has been approved by the Division of Traffic Engineering subject to the granting of the variance. The applicant should be aware, however, that Traffic Engineering advises that the turning radius into the parking lot is not sufficient to accommodate any truck longer than 30 feet.

Uniqueness:

It is the opinion of the Secretary that if uniqueness can be found to exist, it is because of the specialized nature of the proposed use which will not create a sufficient volume of traffic to necessitate the amount of parking normally required of light commercial uses.

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 due to the fact that there is no access to the residential streets to the north; there is a service road to the south; and the proposed parking will be adequate to prevent overflow onto the light commercially zoned properties to the east and west.

Hardship:

It is the opinion of the Secretary that if hardship can be found to exist it is because the applicant would be forced to furnish more parking than would be required for furniture stores by the new zoning ordinance and this will create a surplus amount of asphalt surface detrimental to the total environment of the surrounding area.

Public Interest:

In the opinion of the Secretary there will be no adverse affect on the public interest inasmuch as failure to provide

Page 4 - Secretary's Report
BZA Case No. 17-73

the required parking will not create on-street parking problems since sufficient parking will be provided while retaining open ground enhancing the general area through landscaping potential.

Spirit and Intent:

It is the opinion of the Secretary that the variance would not be opposed to the spirit and intent of the Zoning Ordinance since adequate parking will be provided for the type of use which is to be established.

RECOMMENDATION:

Based on the above comments, it is the recommendation of the Secretary that the request for the variance be approved for the proposed furniture store only. If this use is not established, or the use of the property changes, the resolution for approval should become null and void.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

APPLICATION FOR VARIANCE

MARION M. AND ANNE MARIE WIMMER

CARRIAGE HOUSE PLAZA BLOCK 1 LOT 2



incorporated / AMERICAN TRADITIONAL INTERIORS

July 5, 1973

Mr. Jack H. Galbraith
Board of Zoning Appeals
The City of Wichita
City Building Annex
104 South Main St.
Wichita, Kansas 67202

RE: BZA Case No. 17-73 Request for Variance

Dear Jack:

Please find enclosed our statement supporting our request for variance. In the event we have either understated or overstated, we would be most happy to draw a new statement should you desire we do so.

Best personal regards,

Manor Wimmer

Of Manor House, Inc.

MWimmer:pm

Enclosure



6411 EAST KELLOGG • WICHITA, KANSAS 67207 • (316) 684-5271

Manor House

VARIANCE REQUEST CRITERIA

This application for variance concerns reducing the number of currently required parking spaces for a proposed furniture store location. The plans examiner has appraised the architectural drawings as requiring 51 parking spaces to accommodate city policy on 12,500 sq. ft. of furniture display and office area. Architectural plans are designed to accommodate 36 parking spaces.

The 36 spaces as platted represent the city requirement at May 15, 1971. A land use study plat was submitted to the city on this date and preliminary approval was stamped by the Central Inspection Division and the Traffic Engineering Division. All subsequent architectural work, contract engineering, etc. were predicated on this preliminary city approval.

The proposed furniture store is a highly specialized operation merchandising medium to high priced quality merchandise in a decorative concept. Traffic in showrooms of this type is minimal inasmuch as most furniture sales are created and finalized in customers homes. The showroom facility is used sparingly following the customers initial contact with a design coordinator.

This type of operation does not cater to promotional type items to attract large numbers of people, does not employ mass sales tactics and does not merchandise impulse type selling items. The thrust of this type of business is to completely furnish individual rooms and total homes. The volume of sales recorded by a specialty operation represent large ticket items and extensive purchases per customer which does indicate a minimal number of transactions.

The existing company, Manor House, Inc., which will occupy the premises has historically operated in the past 10-year period with an average of on-premise personnel of four full time sales people and three full time office persons, a total of seven on-premise employees at any given business hour. 36 parking spaces given a 60% use factor and assuming a single customer per vehicle on a consistent turn-over basis would indicate that each person employed would be actively engaged with one person while two persons would be required to wait for service. Taken in a total context all seven people would be actively engaged with a customer while 14 people were waiting for service. Obviously if this were the case there would be a fluctuating personnel requirement in lieu of a level requirement and obviously the personnel required to furnish proper service to the public would have to be increased by a minimum of three times the presently employed group. The historically recorded average employee group has remained stable and has serviced the public well and efficiently.

We therefore submit that the variance request arises from the historical performance of furniture store operation which is unique to the total business community.

PROVISIONS FOR OCCUPANCY OTHER THAN A RETAIL FURNITURE STORE

The structure to be constructed on this site is designed specifically for decorative furniture display. A large amount of open ground space is maintained to the north of the building in the event of occupancy change which might require additional parking space.

In the event of occupancy change ample land provision exists for any additional parking that could result from such occupancy change.

ABUTTING PROPERTIES

The abutting properties to the North were platted and zoned by the applicant for the express purpose of creating a buffer zone between the residential community and any development of business community. This property is undeveloped.

A service road and two lanes of Highway 54 occupy the space to the South.

The abutting property to the East and to the West of the subject property are undeveloped and to the best knowledge of the applicant a land use for these properties is undetermined at this time.

In consideration of the fact that the applicant has platted an excess number of parking spaces which he feels adequate for any period of business operation the variance will not adversely affect the abutting properties when and if such properties are developed.

TITLE 28

It is the applicants view that strict application of the provisions of Title 28 would create a surplus amount of asphalt surface detrimental to the total environment of the surrounding area without either a need or worth factor. In the unforeseen circumstance of additional parking becoming a need for this site it is clear that the city can exercise positive control upon granting permits for new construction or remodeling of existing structures and upon application for such permit can require additional parking for either an expanding business or a change of occupancy.

PUBLIC CONVENIENCE

This request for variance will not adversely affect the public convenience and does establish and clearly define an orderly parking pattern of sufficient numbers while retaining open ground to insure future requirements and to enhance the area generally thru landscaping potential.

INTENT OF ORDINANCE

It can be reliably assumed by the applicant that the intent of the zoning ordinance is a broad scope policy which does serve a large majority of the business community. The furniture business, numerically in Wichita is a very minute section of the total business community and broad scope provisions could not be expected to necessarily either fit the needs of such business or the public it serves. The applicant is of the opinion that the granting of the variance as applied for is in conformity to city policy to establish adequate parking for public convenience. The applicant does maintain that the proposed business is not comparable to high space turn-over requirements of such commercial endeavors such as supermarkets, discount stores, mass merchandising operations, office buildings, etc.

CONCLUSION

In conclusion the applicant respectfully request that the Metropolitan Area Planning Commission make available to this board any studies relative to known parking requirements of furniture stores which may have been researched by them.

Submitted By

Marion M. Wimmer, Applicant

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

July 5, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 17-73

An application has been filed by Marion M. Wimmer, 6411 East Kellogg, Wichita, Kansas 67207, 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 fifty-one to thirty-six, on property zoned "LC" Light Commercial District, and legally described as follows:

Lot 2, Block 1, Carriage House Plaza, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of U. S. 54 in an area west of Woodchuck.

This application has been assigned Case No. BZA 17-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 24, 1973, at 1:30 p.m., in Room 401 City Building Annex, 10^A 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

5 notices mailed 7.5.73

June 27, 1973

Mr. Marion M. Wimmer
6411 East Kellogg
Wichita, Kansas 67207

RE: BZA Case No. 17-73
Request for Variance

Dear Mr. Wimmer:

We are in receipt of your application for a variance of off-street parking requirements and accompanying plans. In addition, we need your letter justifying the five conditions outlined in the material we furnished to you.

This case will be heard at the Board of Zoning Appeals meeting on July 24, 1973, to begin at 1:30 p.m. in Room 401 City Building Annex, 104 South Main.

Sincerely,

Jack H. Galbraith
Secretary

JHG:rw
attachment

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Marion M. Wimmer

Mailing Address 6411 East Kellogg (Business) Phone 684-5271 (Business)

Name of Authorized Agent Same

Mailing Address Same Phone Same

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

II. The variance requested is to reduce the required number of off-street parking spaces from 51 to 36.

for property located 8000 West Kellogg #200 Approximately 240' west of Woodchuck Avenue on the north side of and abutting to Kellogg Drive.

and legally described as: Carriage House Plaza Addition Block 1

Lot 2 Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned the "LC" light commercial District

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.

Marion M. Wimmer *Marion M. Wimmer*
Applicant

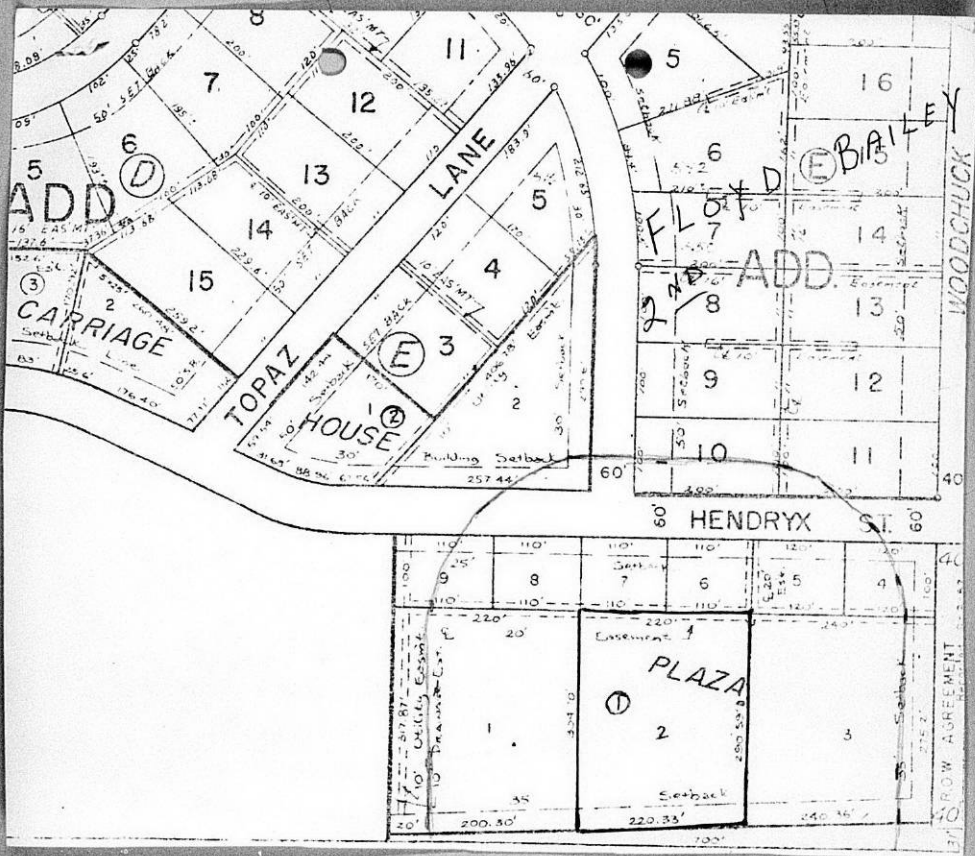
Authorized Agent Same

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

T9-402



Signed _____



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)


The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Legal

~~Property lying within a radius of 200 ft. of:~~

Lot 2, Block 1, **Carriage House Plaza**, an Addition to Wichita, Sedgwick County, Kansas.


Fidelity
Title
Company,
inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

LOT	BLK	ADDITION	OWNER
1,	1	<u>CARRIAGE HOUSE PLAZA</u>	✓ Bill E. Mesker Bud White 1300 Airport Rd. 67209
2, 6, 7,	1		✓ Marion M. Wimmer Anna Marie Wimmer, 4027 Country Side 67218
3, 4, 5, 8, 9,	1		✓ Bill E. Mesker Bud White 1300 Air Port Rd. 67209
2,	2		✓ Bill E. Mesker Bud White 1300 Airport Rd. 67209
10.	E	<u>FLOYD BAILEY 2nd.</u>	✓ William B. Walker K. Constance Walker 580 Turquoise ux 67209
- 11,	E		✓ Seb Heimerman Anna Heimerman, ux 8020 Hendryx 67213



Dated at Wichita, Kansas this 26th day of
June, 1973 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By *Quita Mason*
Asst. Sec. OEM

Tracer # 20266

FORM 273-101

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.	Pibg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION		AMOUNT
<i>Water</i>		<i>2.00</i>
<i>Trailer</i>		<i>1.00</i>
Name _____		
Address _____		
Type _____	Due Date _____	
Comments: _____		
Date <i>11/17</i>	By <i>SW</i>	

*

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