

Case No. BZA 31-76 - Eby Const. Co. requests variance to reduce required parking spaces from 387 to 141 on irregular areas lying between Elm and Pine, Market and Main

POSTED
8-3-76
JMM/RS
V.C. J.L.
8-24-76

ACTION

BZA 31-76 COMMITTEE Approved DATE 8-24-76

M.A.P.C. _____

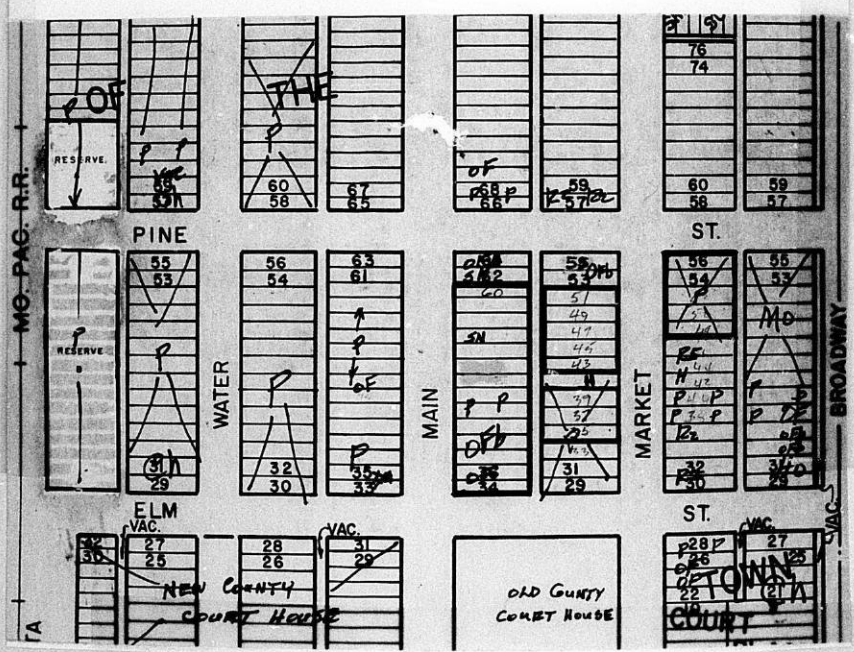
B.C.C./B. CO. C. _____

Map No. 5448
 Sec. 17
 Twp. 27
 Range 1E

BZA- 31-76
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 2.4 (135 (IRREGULAR) ft. by 660 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East PARKING LOT, MOTEL South MULTI FAM
 West PARKING LOT, OFFICE North MULTI FAM PARKING
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: OFFICE, PARKING LOT
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



HASTINGS, MN - LOS ANGELES
 LODAN ON - MORGENTHAU, TX U. S. A.
 S
 No. 2153C

RESOLUTION NO. BZA 31-76

WHEREAS, Martin K. Eby Construction Company, Inc., 610 North Main, 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 387 spaces to 141 spaces on property zoned the "C" Commercial District and legally described as follows:

Even numbered lots 34 to 60, inclusive on Main Street and lots 35, 37, and 39 and odd numbered lots 43 to 51, inclusive on Market Street, and even numbered lots 48 to 56 inclusive, on Market Street, all in Munger's Original Town, Wichita, Sedgwick County, Kansas. Generally located in an area bordered on the south by Elm Street, on the west by Main Street, on the north by Pine Street, and on the east by Market Street; and also the southeast corner of Market and Pine 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 August 24, 1976, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the top three floors will not be finished until a later time and the basement of the new building will not have work station space. These facts combined with no large employee hirings make this a unique office development in commercial zoning; 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 as long as the applicant continues to provide a ratio of at least one parking space for each employee working 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 owner represented in the application if they are required to provide parking space that is not needed and would not be used; 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 as long as sufficient parking is provided to meet the needs of this company; 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 an opportunity for the Board to review the parking situation at the time the third, fourth or fifth floors are proposed to be finished will permit the Board to realistically re-evaluate the parking needs based on actual usage experienced during the interim period; and

WHEREAS, each of the five conditions required by Section 2.12. 590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 387 spaces to 141 spaces on property zoned the "C" Commercial District and legally described as follows:

Even numbered lots 34 to 60, inclusive on Main Street and lots 35, 37 and 39 and odd numbered lots 43 to 51, inclusive on Market Street, and even numbered lots 48 to 56, inclusive, on Market Street, all in Munger's Original Town, Wichita, Sedgwick County, Kansas. Generally located in an area bordered on the south by Elm Street, on the west by Main Street, on the north by Pine Street, and on the east by Market Street; and also the southeast corner of Market and Pine Streets,

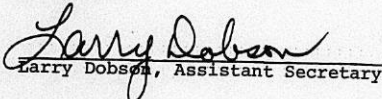
be approved, subject to the following conditions:

1. The reduction of the parking spaces shall be in effect only so long as the third, fourth and fifth floors of the proposed building remain unfinished and unoccupied.
2. Prior to the issuance of permits for the finishing and occupancy of the third, fourth or fifth floors, the applicants shall request a rehearing of this case. Such application shall include the appropriate filing fee, a current certified abstract listing and supporting statement of justification for a permanent reduction of the off-street parking requirements.

ADOPTED AT WICHITA, KANSAS, this 24th day of August, 1976.


Marjorie L. Taylor, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

September 3, 1976

Tenth Floor, City Hall
455 North Main Street

Mr. Jess Myers
610 North Main Street
Wichita, Kansas 67203

Subject: Case No. BEA 31-76
Request for Variance

Dear Mr. Myers:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 24, 1976 in connection with your request for a variance to reduce the required number of off-street parking spaces from 387 spaces to 141 spaces on property zoned the "C" Commercial District, and generally located in an area bordered on the south by Elm Street, on the west by Main Street, on the north by Pine Street, and on the east by Market Street; and also the southeast corner of Market and Pine Streets.

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

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

Sincerely,

Larry Dobson
Assistant Secretary

LD:bh
Encl.

cc: Eby Construction Co., 610 N. Main Street, 67203
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

MARTIN K. EBY CONSTRUCTION Co., INC.

P. O. BOX 1679 - 610 NORTH MAIN
WICHITA, KANSAS 67201

MARTIN K. EBY, JR.
PRESIDENT

August 26, 1976

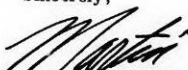
Mr. Jack Galbraith
Chief Planner of Current Planning
Wichita-Sedgwick County
Metropolitan Area Planning Department
City Building, 10th Floor
Wichita, Kansas 67202

Dear Jack:

Jess Myers tells me that your comments in our behalf were helpful in our obtaining the variance in the off-street parking requirements for our new office yesterday.

Thank you for your help. You can be assured that we are going to take the necessary steps to see that our employees and our customers have adequate off-street parking.

Sincerely,



Martin K. Eby, Jr.

MKEJr:jg



XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall
455 North Main Street

August 25, 1976

Mr. Jess Myers
610 North Main Street
Wichita, Kansas 67203

Subject: Case No. BZA 31-76
Request for Variance

Dear Mr. Myers:

At the regular meeting of the Board of Zoning Appeals on Tuesday, August 24, 1976, your request for a variance to reduce the required number of off-street parking spaces from 387 spaces to 141 spaces on property zoned the "C" Commercial District and "LC" Light Commercial District, and generally located in an area bordered on the south by Elm Street, on the west by Main Street, on the north by Pine Street, and on the east by Market Street; and also the southeast corner of Market and Pine Streets was considered.

It was the action of the Board to approve the variance for an initial, temporary reduction of the off-street parking requirements from 387 spaces to 141 spaces, subject to the following conditions:

1. The reduction of Parking spaces shall be in effect only so long as the third, fourth and fifth floors of the proposed building remain unfinished and unoccupied.
2. Prior to the issuance of permits for the finishing and occupancy of the third, fourth or fifth floors, the applicants shall request a rehearing of this case. Such application shall include the appropriate filing fee, a current certified abstract listing and supporting statement of justification for a permanent reduction of the off-street parking requirements.

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.

Mr. Jess Myers
August 25, 1976

If you have any questions, please call our office.

Yours very truly,

Larry Dobson
Assistant Secretary

LD:bh

cc: Martin K. Eby Construction Company
610 North Main Street, 67203

Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection

RE: AGENDA ITEM NO.

SECRETARY'S REPORT
CASE NO. BEA 31-76

APPLICANT: Martin E. Eby Construction Company, Inc.,
610 North Main, Wichita, Kansas.

AGENT: Jess Myers, 610 N. Main, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to reduce
the required number of off-street park-
ing spaces from 387 spaces to 141 spaces.

GENERAL LOCATION: In an area bordered on the south by Elm
Street, on the west by Main Street, on
the north by Pine Street, and on the
east by Market Street; and also the
southeast corner of Market and Pine
Streets.

ZONING: Subject property is zoned the "C" Com-
mercial District and "LC" Light Commercial
District, as are properties to the north,
west and south. East is the "C", "LC" and
"B" Multiple Family Districts.

LAND USE: Subject property is developed with an
office building and associated off-street
parking. South is the old county court-
house; north is office buildings; west
is off-street parking and a vacant office
building; east is off-street parking,
single family and multiple family resi-
dential development.

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 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 applicants are requesting a variance to reduce the required number of off-street parking spaces from 387 spaces to 141 spaces associated with the construction of a new corporate headquarters facility for the Martin K. Eby Construction Company.

Section 28.04.141 (3.9) of the City Code requires that off-street parking be provided as follows: "Office and commercial buildings, including governmental, public utility, and other similar buildings shall provide one space for each two hundred fifty square feet of floor area or one space for every three employees in the largest working shift in a twenty-four hour period, whichever is greater." The applicants propose to erect a new five-story office building which will contain approximately 74,733 square feet, requiring 298 parking spaces. This, combined with the required parking for the existing building, which will remain, brings the total off-street parking requirement to 387 spaces, based on one space for each two hundred fifty square feet of floor area.

In their statement of justification, the applicants point out that the third, fourth and fifth floors of the new building are to remain unfinished and unoccupied until some time later, when the additional space is needed. They contend that their existing 141 parking spaces are adequate to meet the parking needs of their 95 employees and occasional visitors, now and for the foreseeable future. They feel that the one space for each 250 square feet of floor area is excessive and unreasonable for their situation. For instance, approximately 48 parking spaces are required for the basement area of the new building which will not have work stations assigned to it. They believe that the requirement to provide parking over and above that needed for employees and visitors will create a severe hardship upon them inasmuch as availability of land to provide additional parking space is scarce.

The approximate breakdown of the 387 required parking spaces is as follows: the existing building (89) spaces; basement of new building (48 spaces); each floor of new building (50 spaces) x 5 floors equals (250 spaces). If the top three floors are to remain unoccupied until a later time, it would seem reasonable that the proportionate amount of parking (150 spaces) could be deferred until

SECRETARY'S REPORT
CASE NO. BZA 31-76
Page 3

such time as the floors are finished and occupied. This, then, would reduce the immediate requirements to 237 spaces, contrasted to the 141 which are available.

The location of the new office building would be immediately north of the present facility. This is on the east side of Main Street between Elm and Pine. The bulk of the available off-street parking is located to the east of the building site. There is a certain amount of commercial parking space available in the area, with approximately 30 spaces available adjacent to subject property.

It should be noted that the proposed new zoning ordinance would provide no relief to the applicant from the current parking requirements.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to determine that this is a unique situation for the magnitude of the original request, but that uniqueness may exist for an initial reduction of the required parking and a smaller overall reduction inasmuch as the top three floors will not be finished until a later time and the basement of the new building will not have work station space. These facts combined with no large employee hirings may make this a unique office development in commercial zoning.

ADJACENT PROPERTY:

It is the opinion of the Secretary that it is difficult to determine whether the granting of this variance would have an adverse affect on adjacent property owners, but that it would not as long as the applicant could continue to provide a ratio of at least one parking space for each employee working at this location.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance could create an unnecessary hardship upon the applicants if they are required to provide parking space that is not needed and would not be used.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the requested variance may not be opposed to the public interest as long as sufficient parking is provided to meet the needs of this company.

SPIRIT AND INTENT:

It is the opinion of the Secretary that an initial reduction of parking with an opportunity for the Board to review the parking situation at the time the third, fourth and fifth levels are

proposed to be finished, would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the parking needs could be realistically re-evaluated based on actual usage experienced during the interim period.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance may be found to exist for at least an initial, temporary reduction of parking, and therefore, it is recommended that a variance be granted to reduce the required off-street parking from 387 spaces to 141 spaces, subject to the following conditions:

1. The reduction of parking spaces shall be in effect only so long as the third, fourth and fifth floors of the proposed building remain unfinished and unoccupied.
 2. Prior to the issuance of permits for the finishing and occupancy of the third, fourth or fifth floors, the applicants shall request a rehearing of this case. Such application shall include the appropriate filing fee, a current certified abstract listing and supporting statement of justification for a permanent reduction of the off-street parking requirements.
-

19
25 notices sent to agent, applicant and adjoining property owners
10 notices sent to members of MAPC
25 total notices sent on BZA 31-76, August 3, 1976
29

BOARD OF ZONING APPEALS
TENTH FLOOR, CITY HALL
455 North Main, Wichita, Kansas 67202

August 3, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 31-76

An application has been filed by Martin K. Eby Construction Company, Inc., 610 North Main, 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 387 spaces to 141 spaces on property zoned the "C" Commercial District and legally described as follows:

Even numbered lots 34 to 60, inclusive on Main Street and lots 35, 37 and 39 and odd numbered lots 43 to 51, inclusive on Market Street, and even numbered lots 48 to 56, inclusive, on Market Street, all in Munger's Original Town, Wichita, Sedgwick County, Kansas. Generally located in an area bordered on the south by Elm Street, on the west by Main Street, on the north by Pine Street, and on the east by Market Street; and also the southeast corner of Market and Pine Streets.

This application has been assigned Case No. BZA 31-76, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 24, 1976, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

15 - 21-76-91 to 92
100 - 76-02

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

70 p.?
~~31-76~~ CASE NO. _____
31-76 FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Martin K. Eby Construction Co., Inc.
610 North Main, P. O. Box
Mailing Address 1679, Wichita, Kansas 67201 phone 267-1371
Name of Authorized Agent Jess Myers
Mailing Address Same as above. phone 267-1371
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to relieve Applicant ^{from 387 to 141} from the unnecessary
hardship imposed by the literal enforcement of Title 28, Section
28.04.141.3.9. To reduce off-street parking from 387 spaces to 141 spaces.
for property located at 610 North Main Street, Wichita, Kansas.

Use legal on abstract list
and legally described as: Lots 34 to 60 even on Main Street in
Munger's Original Town, now Wichita, Sedgwick County, Kansas.

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

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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;
 - 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.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Martin K. Eby Construction Co., Inc.

Applicant

Jess Myers

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:30 (a.m. (p.m.)), 7-28 19 76 together with appropriate fee of \$50.00. 21

T9-402

*irregular area;
36 sq ft
20 x 15*

Larry Dolson
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:

All the owners within 200 feet of:

Lots 34 to 60, inclusive, even, on Main Street, and Lots 35, 37, 39 and Lots 43 to 51, inclusive, odd, on Market Street, and Lots 48 to 56, inclusive, even, on Market Street, All in Mungers Original Town.



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.)

<u>LOTS</u>	<u>ADDRESSES</u>
West on Main Lot 34	Martin K. Eby Construction, Inc. 610 N. Main Wichita, Kansas 67203
Lots 36, 38 & 40	Martin K. Eby Construction Co., Inc. 610 North Main Wichita, Kansas 67203
Lots 42, 44 & 46	Martin K. Eby Construction, Inc. 610 N. Main Wichita, Kansas 67203
Lots 48, 50, 52 & 54	Martin K. Eby Construction, Inc. 610 North Main Wichita, Kansas 67203
Lot 56	Louis H. & Helen M. Valentin Valley Center, Kansas 67238



Lots 58 & 60

Martin K. Eby Construction, Inc.
610 North Main
Wichita, Kansas 67203

East on Market
S $\frac{1}{2}$ of Lot 35

Jewel Joan Branson - *not in phone book*
No Address - *221 7th Hillside Drive*
not in City Dir

N $\frac{1}{2}$ of Lot 35 & all of
Lots 37, 39, 43, 45 &
47

Martin K. Eby Construction Company
610 N. Main
Wichita, Kansas 67203

Lots 49 & 51

Utility Contractors
659 N. Market
Wichita, Kansas 67214

West on Market
Lots 48, 50, 52, 54
& 56

Martin K. Eby Construction Company
610 N. Main
Wichita, Kansas 67203

East on Main
Lots 25, 27, 29 & 31

Sedgwick County, Kansas



Lots 33, 35, 37, 39
41, & 43

The Board of Commissioners of the
County

Lot 45

Urban Renewal Agency

Lot 47, 49 & 51

Francis L. & Helen M. Jehle
8 E. Lynnwood Blvd.
Wichita, Kansas 67207

Lot 53

Urban Renewal Agency

Lot 55 except the
North 10.13 feet

Board of Commissions of Sedgwick
County, Kansas

The North 10.13 feet
of Lot 55 & all of
Lots 57, 59, 61 & 63

Francis L. & Helen M. Jehle
8 E. Lynnwood Blvd.
Wichita, Kansas 67207

Lots 65, 67, 69, 71,
& 73

Urban Renewal Agency

Old Court House Square
525 N. Main
Wichita, Kansas 67202

West on Main
Lots 62 & 64

Schuyler Jones
308 N. Broadview Avenue
Wichita, Kansas 67208



Lot 66

John E. Boyer
✓ 2055 Porter Avenue, Apt. 217
Wichita, Kansas 67203

Lots 68 & 70

✗ Albert P. & Rena Girerra
No Address

*not in phone book
not in City Dir
or Sub Dir.*

On East Side of Market
Lots 29, 31 & 33

✓ Jewel Joan Branson
✗ No Address

Lot 41

✓ Maude E. Reynolds
621 N. Market
Wichita, Kansas 67214

Lots 53 & 55

✓ Utility Contractors
659 N. Market
Wichita, Kansas 67214

Lots 57, 59, 61 & 63

✓ Ernest E. & Ruth Gibson
715 Hiram Avenue
Wichita, Kansas 67213



West on Market
Lots 30 and 32
except the East
50 feet 10 inches

✓ James L. Gardner & Forrest W. Weirick
2464 Coolidge Ave. 2434 Coolidge Ave.
Wichita, Kansas Wichita, Kansas
67204 67204

The East 50 feet 10
inches of Lots 30
& 32

✗ Roy & Olive L. Vanier
No Address

*not in phone book
not in City Dir
not in Sub Dir.*

Lot 34

✓ James L. Gardner & Forrest W. Weirick
2464 Coolidge Ave. 2434 Coolidge Ave.
Wichita, Kansas Wichita, Kansas
67204 67204

Lot 36

✓ Esther A. Williams
606 N. Market St. Apt. 1
Wichita, Kansas 67214

Lots 38 & 40

✗ Mardor, Inc.
No Address

*not in City Dir
not in Sub Dir.*

Lot 42 and the
S½ of Lot 44

✗ Mary A. Gatz
No Address

*not in phone book
not in C.D.
not in Sub Dir.*

N½ of Lot 44 &
all of Lot 46

✓ W.B. Richardson
No Address 624 N Market

Lots 58, 60 & 62

✓ Ray Hodge
1002 S. Maize Rd.
Wichita, Kansas 67209



Lots 64 & 66

Warner & Warner, a partnership, composed
solely of Harold L. Warner & Mildred
M. Warner
No Address *144 S. Dexter, Valley Ctr.*

East of Lawrence
Lot 35

X Sadie R. Harms
No Address *not in city Dir*

Lot 37, except the
South 25 feet

Q Sadie R. Harms
No Address *not in city Dir*

The North 5 feet of
Lot 37

Byrd-Snodgrass Funeral Home, Inc.
633 N. Broadway St.
Wichita, Kansas 67214

Lots 39, 41, 43, 45, 47,
49, 51, 53 & 55

Byrd-Snodgrass Funeral Homes, Inc.
633 N. Broadway St.
Wichita, Kansas 67214

Lots 57, 59, and the
South 10 feet of Lot
61

Phillip G. Ruffin
1458 Willow Road
Wichita, Kansas 67208



The North 20 feet of
Lot 61 and all of Lot
63

Edna Marie Smith
No Address *441 N. Sumner Valley Ctr. Ka*

Dated at Wichita, Kansas this 26th day of July, 1976.

Tracer No. 34506

FIDELITY TITLE COMPANY, INC.

BY *Janita Gray*
ag Asst. Sec.



JESS MYERS
ATTORNEY AT LAW
P.O. BOX 1679, 610 NORTH MAIN
WICHITA, KANSAS 67201
(316) 267-1371

July 27, 1976

Board of Zoning Appeals
City Hall
455 North Main
Wichita, Kansas 67202

Re: Variance Request of Martin K. Eby Construction Co., Inc.

Dear Sirs:

We request that a variance be granted from Chapter 28.04.141.3.9 to Martin K. Eby Construction Co., Inc., hereinafter referred to as Eby. Eby contemplates the erection of a five-story office building at 610 North Main Street, Wichita, Kansas. The above-mentioned paragraph of Title 28 to the Code of the City of Wichita requires owners of office buildings to provide, ". . . one space for each two hundred fifty square feet of floor area or one space for every three employees in the largest working shift in a twenty-four hour period, whichever is the greater." We presently exceed the "one-for-three" requirement of the ordinance by each employee having an individual parking space. However, literal enforcement of the "whichever is the greater" portion of the ordinance will result in unnecessary hardship to Eby. Accordingly, we request that we only be required to provide 141 parking spaces for our new facility.

This variance is requested for the following reasons:

1. We believe the variance requested arises from a condition that is unique to the property in question. The office building will only be partially occupied when first completed. We do not anticipate completing the inside work on the third, fourth and fifth floors until some time later when it becomes necessary to occupy that space. At present, we have 95 employees in the largest working shift during a twenty-four hour period. We presently have parking facilities for vehicles. This is more than adequate to meet the present off-street parking requirements of Eby and adequately provides employee parking for corporate expansion into all of the new structure for the foreseeable future.

Board of Zoning Appeals

July 27, 1976

Page Two

2. The granting of the permit for variance will not adversely affect the rights of adjacent property owners or residents in that the land on which the off-street parking is located on is presently in use at this time as Eby's parking lot.
3. Strict application of the provisions of Title 28, from which variance is requested, will constitute unnecessary hardship upon Eby, since the ordinance would require the off-street parking computation to be based upon the square feet of floor area in the office facility. The ordinance does not make any allowance for the square footage in such areas as stairways, rest rooms, storage areas, elevators, hallways and the mechanical room. Strict application of the ordinance would require Eby to provide 387 off-street parking stalls. We do not anticipate the need to hire 387 employees at our corporate office and, therefore, believe that providing such extra off-street parking above that actually required would amount to unnecessary hardship. We are presently able to provide one parking stall for each employee and anticipate we will be able to continue this practice into the foreseeable future.
4. The requested variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Our present parking does not adversely affect any of these areas, and we will continue to use and maintain those same parking facilities.
5. The granting of this variance will not be opposed to the general spirit and intent of Title 28. We believe the Code intent is to require Eby to provide adequate parking for its employees. The requested variance exceeds the minimum Code requirements in that Eby is providing more parking space than one stall per three employees. Each Eby corporate office employee has their individual off-street parking stall. We expect to continue providing this convenience to our employees.

Board of Zoning Appeals
July 27, 1976
Page Three

We believe the requested variance should be granted for the above reasons. If we may furnish further information concerning this matter, please advise.

Very truly yours,

Jess Myers
Jess Myers

JM/pd

Jerry Branson -

28 spaces available

1

Eby Construction Co.

Old Building 22,455 \$ 89.8 sp.

New Building

Basement	12,163 \$	48.6 sp.
1st floor	12,522 \$	50.0 sp
2nd floor	"	50.0 sp
3rd floor	"	50.0 sp
4th floor	"	50.0 sp
5th floor	12,522 \$	50.0 sp.

387/388 required spaces
141 provided (158 striped)

95 employees (2 or 3 are part time)
no work stations in basement

Economics of building additional floors at
this time instead of waiting until needed.

Land availability is tight because of
inner loop proposal

BOARD OF ZONING APPEALS
TENTH FLOOR, CITY HALL
455 North Main, Wichita, Kansas 67202

August 3, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 31-76

An application has been filed by Martin K. Fby Construction Company, Inc., 610 North Main, 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 387 spaces to 141 spaces on property zoned the "C" Commercial District and legally described as follows:

Even numbered lots 34 to 60, inclusive on Main Street and lots 35, 37 and 39 and odd numbered lots 43 to 51, inclusive on Market Street, and even numbered lots 48 to 56, inclusive, on Market Street, all in Munger's Original Town, Wichita, Sedgwick County, Kansas. Generally located in an area bordered on the south by Elm Street, on the west by Main Street, on the north by Pine Street, and on the east by Market Street; and also the southeast corner of Market and Pine Streets.

This application has been assigned Case No. BZA 31-76, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 24, 1976, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

FORM 223-02

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

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ By _____

*

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