

ACTION

B.Z.A. 77-84 Approved 11-27-84
DATE

Zoo's See 1-10-85
Shot 1-25-85
Record

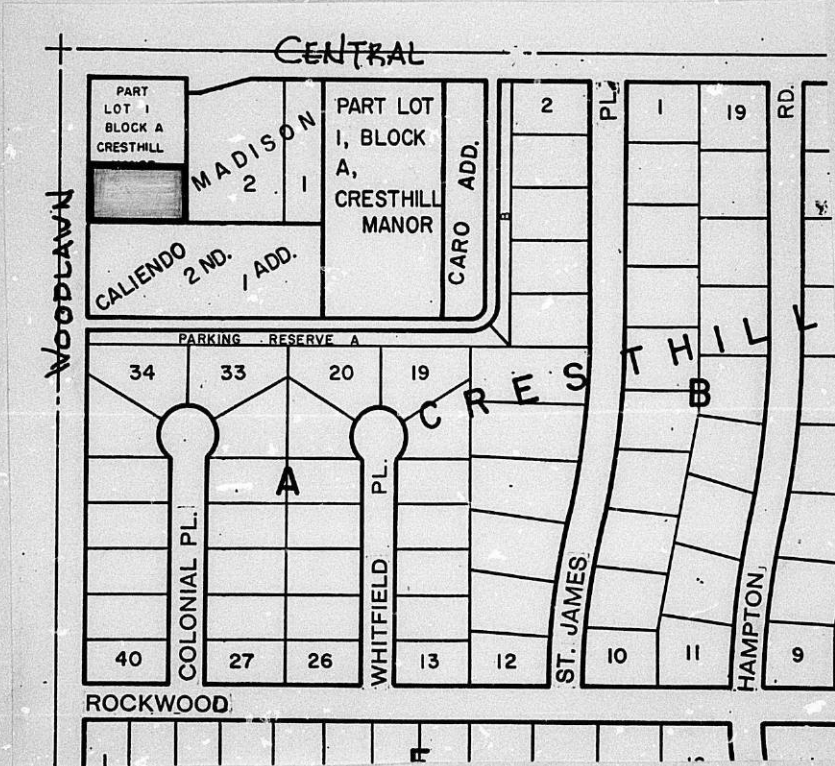
Case No. BZA 77-84 - William H. Buckley - requests a variance to reduce the required number of off-street parking spaces from 37 spaces to 29 spaces on property zoned the "LC"

Map No. 5947D

BZA 77-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E LC S LC W LC N LC
3. Land Use: East Rest. South OFF
West Comm North Rest.
4. Area (is) (~~is not~~) platted.



Standard
No. 2453C
HASTING, IN
LOS ANGELES-CHICAGO-LOSAN, OH
WILMINGTON, VA
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Allstate[®]



LAWRENCE HIMELSTEIN
Real Estate Manager
10850 Lowell Avenue, Overland Park, KS 66210
Phone (913) 367-5318

November 30, 1984

William M. Buckley
3601 North Hydraulic
Wichita, Ks. 67208

Re: BZA 77-84 - Request for Variance

Dear Mr. Buckley:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 27, 1984.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: William L. Korber, 330 Laura, Wichita 67211
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk
Lawrence Himelstein, 10850 Lowell Avenue, Overland Park, Ks. 66210

RESOLUTION NO. BZA 77-84

WHEREAS, William M. Buckley, 3601 North Hydraulic, 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 37 spaces to 29 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

The south 100 feet of the north 250 feet of the west 175 feet of Lot 1, Block A, Cresthill Manor Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Woodlawn and south of Central (428 North Woodlawn).

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 November 27, 1984, 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 building is existing and the addition for the one garage space will not compound the present condition as long as the uses of the building remain as presently occupied; 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 demand for parking will not change from the present requirement; 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 will be unable to construct an enclosed space for adjustment purposes; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the reduction of the off-street parking spaces for the existing uses will not compound the problem presently existing; 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 ordinance does not take into account special uses that do not demand parking; 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.

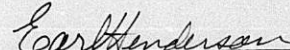
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 37 spaces to 29 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

The south 100 feet of the north 250 feet of the west 175 feet of Lot 1, Block A, Cresthill Manor Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Woodlawn and south of Central (428 North Woodlawn).

be approved subject to the following conditions:

1. The applicant shall provide 29 off-street parking spaces on the property in conformance with the plan submitted with the application and dated October 29, 1984 and approved by the Traffic Engineer. This shall include the widening of the driveway and the designation by signage of at least the west 4 spaces for compact cars only. All spaces along the south property line shall be not less than 10'-6" in width.
2. The parking variance shall apply only to the existing uses presently in the building (Allstate Insurance Claims Office and a pathologist laboratory), and any change in the occupants will be subject to the owner providing parking in conformance to the regulations or subject to a new variance by the Board.
3. The proposed addition shall not be used for additional office or storage space.

ADOPTED AT WICHITA, KANSAS, this 27th day of November, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE November 21, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 77-84 East side of Woodlawn
 and south of Central

CPO Council "C" considered the captioned case at its November 19th meeting and voted 8-0 to recommend that the variance to reduce the required off-street parking spaces from 37 to 29 be approved.

William Korber, agent for the applicant was present and discussed the case with the Council. No adjoining property owners or area residents were present concerning the case.

Please advise the Board of Zoning Appeals of the Council's recommendation when the case is considered on November 27th.


Shirley Mast
Administrative Aide III

SM:dm

SECRETARY'S REPORT
CASE NO. BZA 77-84

APPLICANT: William M. Buckley, 3601 North Hydraulic,
Wichita, Kansas.

AGENT: William L. Korber, 330 Laura, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590. B,
Code of the City of Wichita, to reduce the
required off-street parking from 37 spaces
to 29 spaces.

GENERAL LOCATION: On the east side of Woodlawn and south of
Central.

ZONING: Subject property is zoned the "LC" Light
Commercial District as are all the adjacent
properties.

LAND USE: Subject property is occupied by an office
building as is the property to the south.
Properties to the north and east are restaurants
and to the west is an office and commercial
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 conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required number of off-street parking spaces from 37 spaces to 29 spaces in order to construct a 15' x 24' addition to the building. The addition is for an indoor vehicle inspection area for the Allstate insurance office that occupies the first floor of the building plus a portion of the basement.

The remainder of the basement is occupied by a pathology lab that has only 3 employees. The remainder of the basement not occupied by the pathologists is file storage area for Allstate Insurance. The first floor containing the insurance office is occupied by 14 claims agents and support personnel. The applicant states that only 12 to 14 employees of the insurance office are generally in the building at any one time. Claims are handled at this location by appointment only.

It should be noted that when the original permit was issued in 1963, only a portion of the basement was to be occupied until additional parking could be provided to serve the building. The entire basement is now occupied and additional ground floor spaces is being requested with a reduction from the original number of off-street parking spaces. The original parking for the building was for a one-way entrance drive off of Woodlawn with an exit to the north over the adjacent property. The applicant has been unable to secure an easement across either of the adjacent properties to the north or east to allow existing thru same. Consequently, the driveway on the applicant's property must serve for both ingress and egress, and by the Traffic Engineers standards must be 24 feet in width.

The site plan submitted with the application does not show compliance with the off-street parking standards for the 29 spaces or the circulation drives. The applicant indicates that the most readily available spaces will be for compact cars and is providing only a 21 foot two-way driveway. There have been no standards adopted for compact cars for the City of Wichita, however in areas where long term parking by employees with compacts, spaces have been designated and marked accordingly.

It is the Secretary's opinion that in this case the finding of any uniqueness to the property is not possible. Also, at an intersection that carries a large volume of traffic, to permit the installation of a substandard two-way drive will add to the traffic congestion.

UNIQUENESS:

It is the opinion of the Secretary that this property is not unique inasmuch as the usage of the building has already exceeded that of the original building permit and any further expansion will thus increase the requirement for parking and yet reduce the number of spaces.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will adversely affect the rights of adjacent property owners inasmuch as the reduction of the required number of spaces will only compound the parking problem in the general area.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance will not constitute an unnecessary hardship upon the applicant inasmuch as the use of the property in conformance with the original permit may be continued without the need for additional parking.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance will adversely affect the public interest inasmuch as the traffic congestion will be increased by the use of an inadequate driveway.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the building area already exceeds that of the parking provided and to grant a variance on a property where additional parking is virtually impossible would only compound the problem.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of a variance can not be found to exist and the application should be denied.

BZA CASE NO. 17-84

<u>3</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>11</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>15</u>	TOTAL NOTICES SENT <u>11-7-84</u>

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

November 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 77-84

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 William M. Buckley, 3601 North Hydraulic, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces from 37 spaces to 29 spaces on property zoned the "LC" Light Commercial District and legally described as follows:

The south 100 feet of the north 250 feet of the west 175 feet of Lot 1, Block A, Cresthill Manor Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Woodlawn and south of Central (428 North Woodlawn).

This application has been assigned Case BZA 77-84. It will be considered by the Board of Zoning Appeals on November 27, 1984 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 variance, 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.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 77-84
FILED 10-29-84

APPLICATION FOR VARIANCE

I. Name of Applicant William M. Buckley
Mailing Address 3601 N. Hydraulic Phone 838.9321
Name of Authorized Agent William L. Korber
Mailing Address 330 Laura Phone 262-7271
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is for a reduction of required parking
spaces from 37 required to 29.

for property located on the east side of Woodlawn and south
(428 N. Woodlawn) of Central

and legally described as: the south 100 feet of the north
250 feet of the west 175 feet of Lot 1, Block A, Cresthill Manor
Addition, Wichita, Kansas.

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

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 _____

Authorized Agent William Korber

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:00 (a.m.-p.m.), 10-29, 1984, together with appropriate fee of 150.00.

Signed J. Lytle

WILLIAM L. KORBER, L.S.
JOHN E. LUNDBLADE, L.S.
N. BRENT WOOTEN, P.E.



BAUGHMAN COMPANY, P.A.

SURVEYING & ENGINEERING

316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

Parking Variance for 428 N. Woodlawn

The original plans for the building were approved October 4, 1963, with 28 parking spaces.

Allstate Insurance is requesting a permit to enclose a carport for claims customers. The present lease expires January 31, 1989. If the 5-year option is not exercised at that time, the garage will have to be dismantled and the premises restored to existing condition.

Allstate Insurance has the first floor and 300 feet of the basement leased. The basement area is for files only. There are 14 claims agents and 6 sales people, with only 12 to 14 employees on the premises at a time. Claims are handled 3½ days a week and by appointment only.

The remainder of the basement is leased by a pathology lab which does testing only. There are 3 employees.

OWNERSHIP LIST

*Shirley
make sure
Himmelstein
gets copies.*

Lot	Block	Addition	Property Owner
North 150' of the West 175' of Lot 1	Block A	Cresthill Manor Addition	Carney Family Partnership 1861 N. Rock Rd. Suite 200 Wichita, KS 67207
South 100' of the North 250' of the West 175' of Lot 1	Block A	"	William M. Buckley 428 N. Woodlawn Wichita, KS 67208
West 415' of Reserve "A"		"	Caliendo Investment Company 400 N. Woodlawn Wichita, KS 67208 Interest in Property: Walter Morris Investment Co., Inc. 128 S. Dellrose Wichita, KS 67218
Lot 1		Caliendo 2nd Addition	Caliendo Investment Company 400 N. Woodlawn Wichita, KS 67208 Interest in Property: Walter Morris Investment Co., Inc. 128 S. Dellrose Wichita, KS 67218
Lot 1		Madison Addition	Stan E. Wisdom 51 Via Verde Wichita, KS 67230 Paul G. Austin 7425 Rockwood Wichita, KS 67206
Lot 2		"	Eleanor C. Martin 642 Doreen St. Wichita, KS
Lot 1	Block A	World Savings 1st Addition	World Savings & Loan Association 6321 E. Central Wichita, KS 67208
Lot 2	Block 4	Oakwood Estates 2nd Addition	Nestor P. Weigand Luann H. Weigand 150 N. Market Wichita, KS 67202
Lot 3, except the East 7'	Block 4	"	Ernest L. Norlin Shari L. Norlin 1144 N. Pinecrest Wichita, KS 67208

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
East 7' of Lot 3 and all Lot 4	Block 4	Oakwood Estates 2nd Addition	Nestor R. Weigand, Jr. 150 N. Market Wichita, KS 67202
The Reserve		"	Woodlawn Plaza, Inc. c/o Hugh Edgerton 402 N. Hillcrest Wichita, KS 67208

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

The South 100 feet of the North 250 feet of the West 175 feet of Lot 1. Block A, Cresthill Manor, Wichita, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 1st day of November, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By

Mary Isable
Sr. Vice-President

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 21-21 PAYMENT NOTICE
 City of Wichita

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

Planning

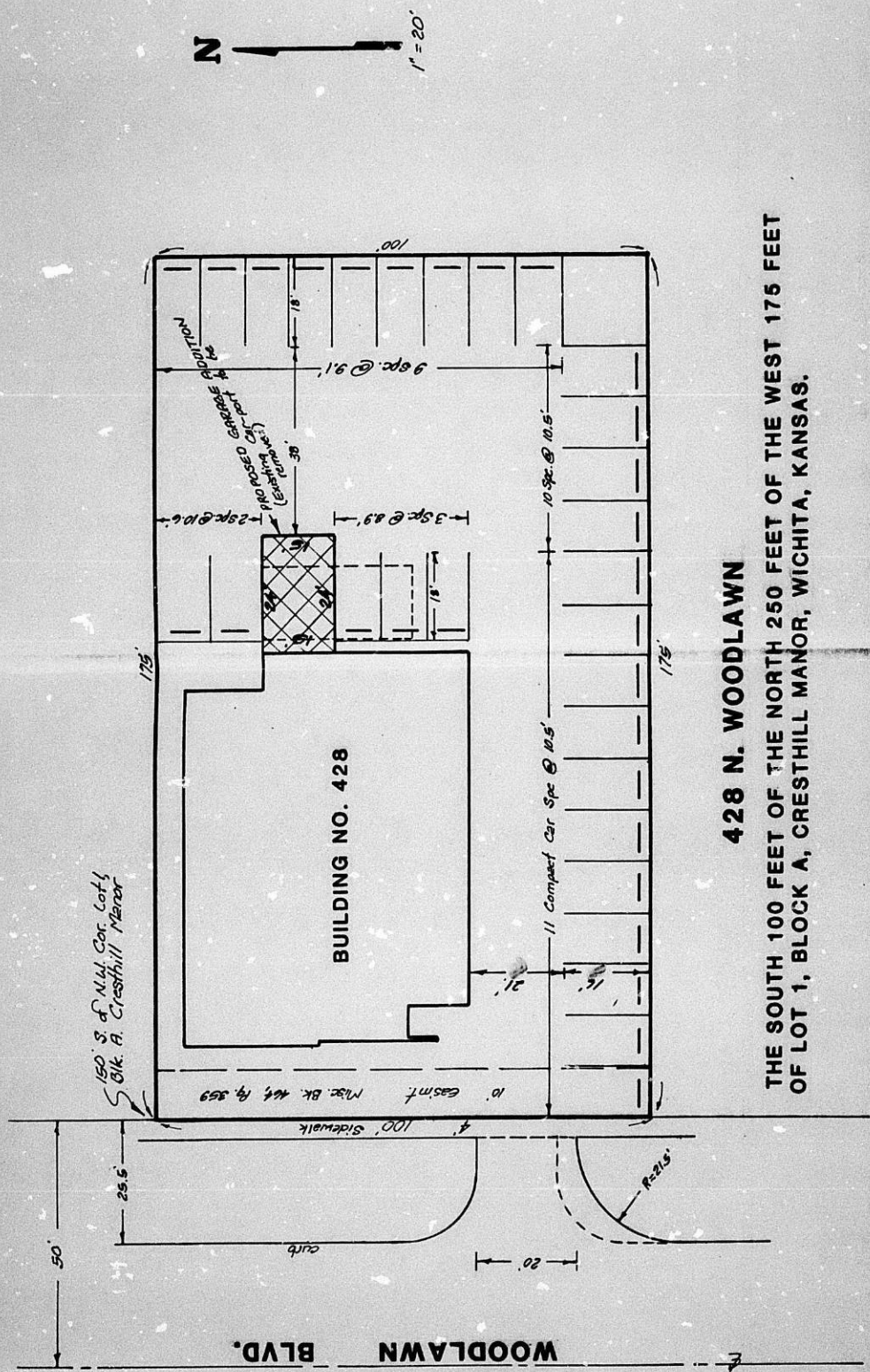
DESCRIPTION	AMOUNT
CITY 024 1/16	\$ 150.00

NAME _____
 ADDRESS _____

FUND _____ DUE DATE _____
 155-61091-003

COMMENTS _____

DATE 7-29 1984 BY [Signature]



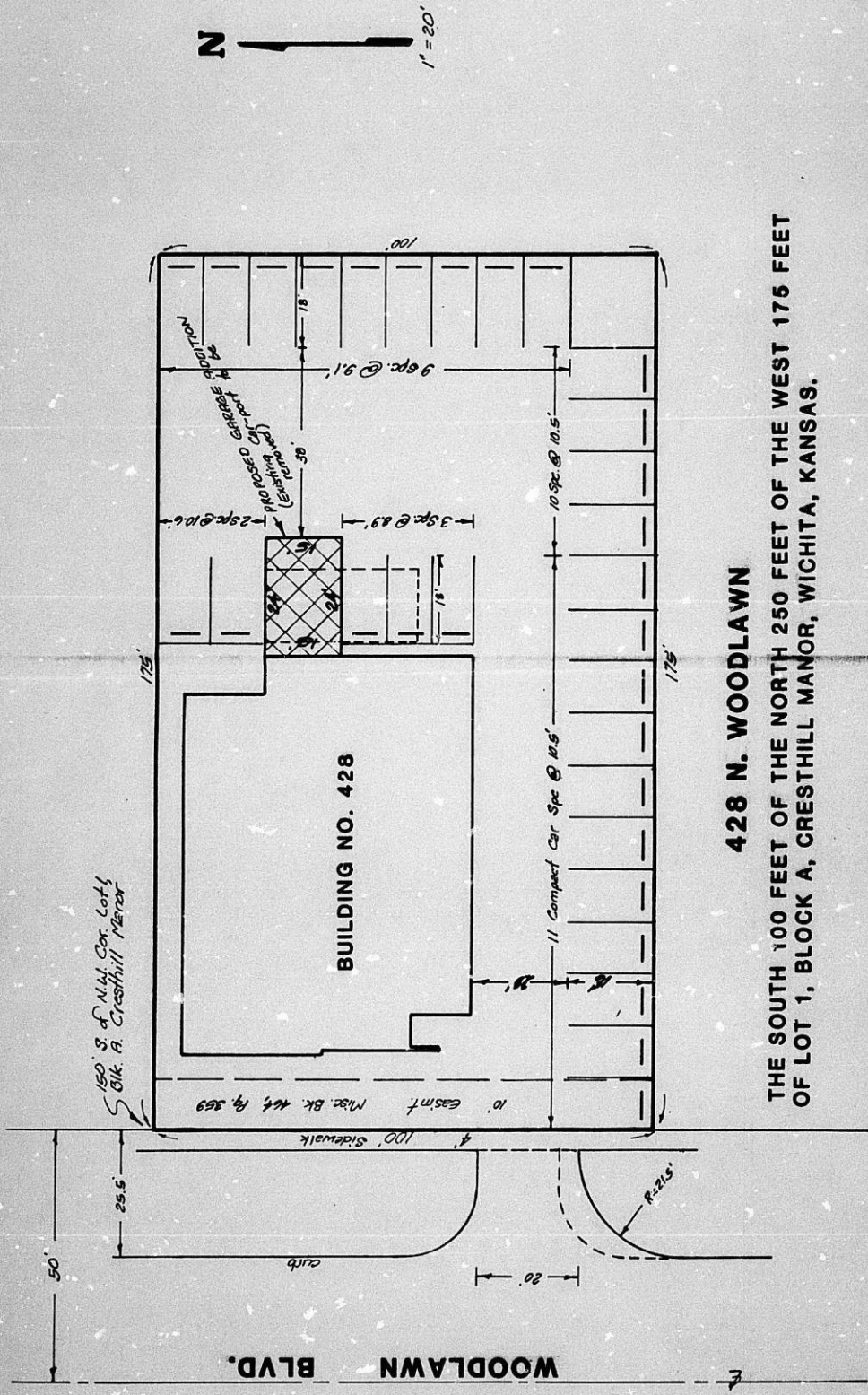
428 N. WOODLAWN

THE SOUTH 100 FEET OF THE NORTH 250 FEET OF THE WEST 175 FEET OF LOT 1, BLOCK A, CRESTHILL MANOR, WICHITA, KANSAS.

Handwritten:
 5/21/14
 11/15/14

BAUGHMAN COMPANY, P.A.
 SURVEYING & ENGINEERING
 315-282-7271 • 300 LAURA • WICHITA, KANSAS 67211

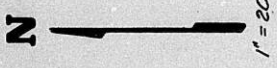
29 OCT 84



428 N. WOODLAWN

THE SOUTH 100 FEET OF THE NORTH 250 FEET OF THE WEST 175 FEET OF LOT 1, BLOCK A, CRESTHILL MANOR, WICHITA, KANSAS.

150' S. of N.W. Cor. Lot 1
Blk. A, Cresthill Manor



Handwritten signature and date: W. P. G. N. 10/29/64

BAUGHMAN COMPANY, P.A.
SURVEYING & ENGINEERING
316-262-7271 • 300 LAURA • WICHITA, KANSAS 67211

29 OCT 64

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

November 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 77-84

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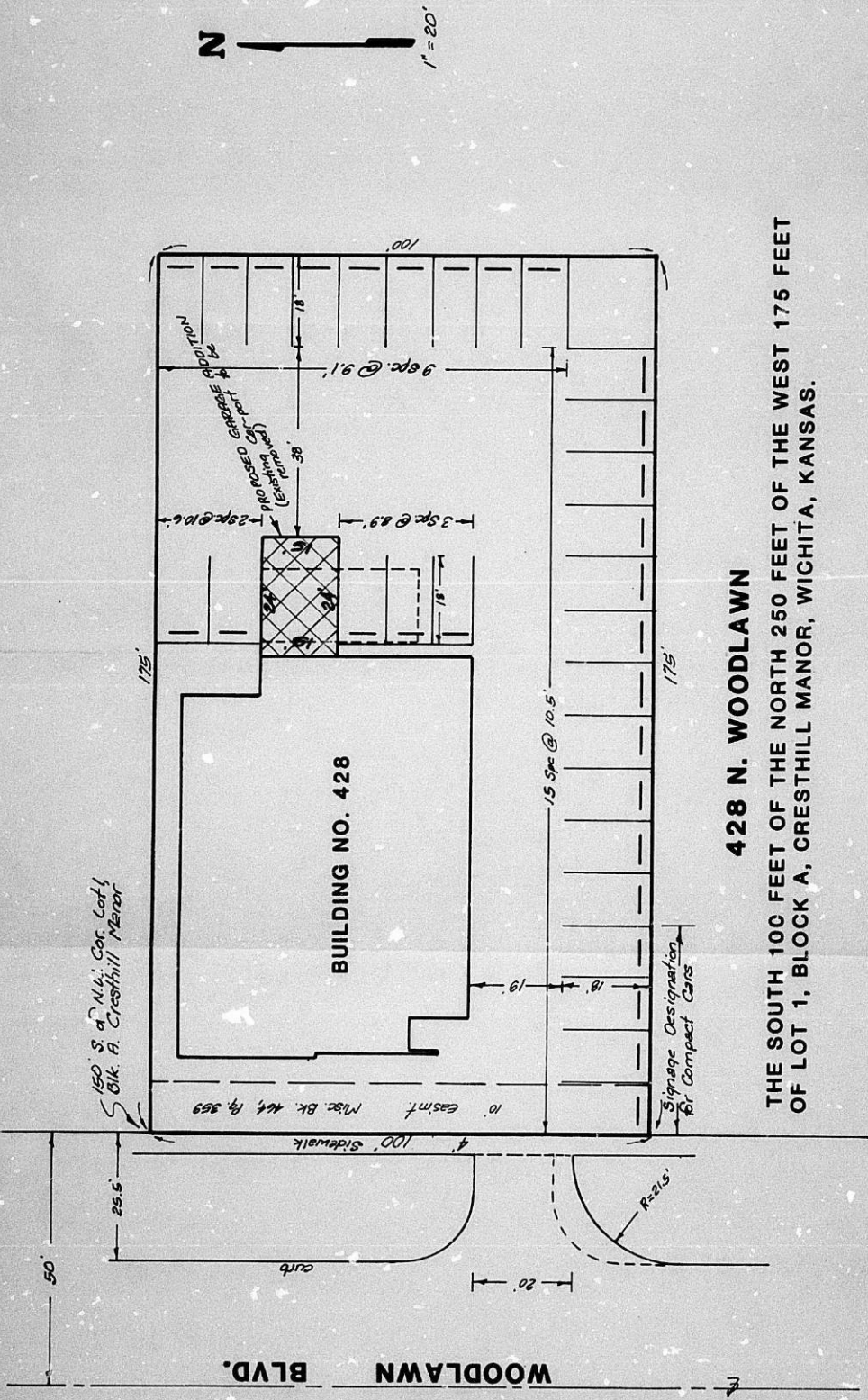
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Jack H. Galbraith
Secretary



428 N. WOODLAWN

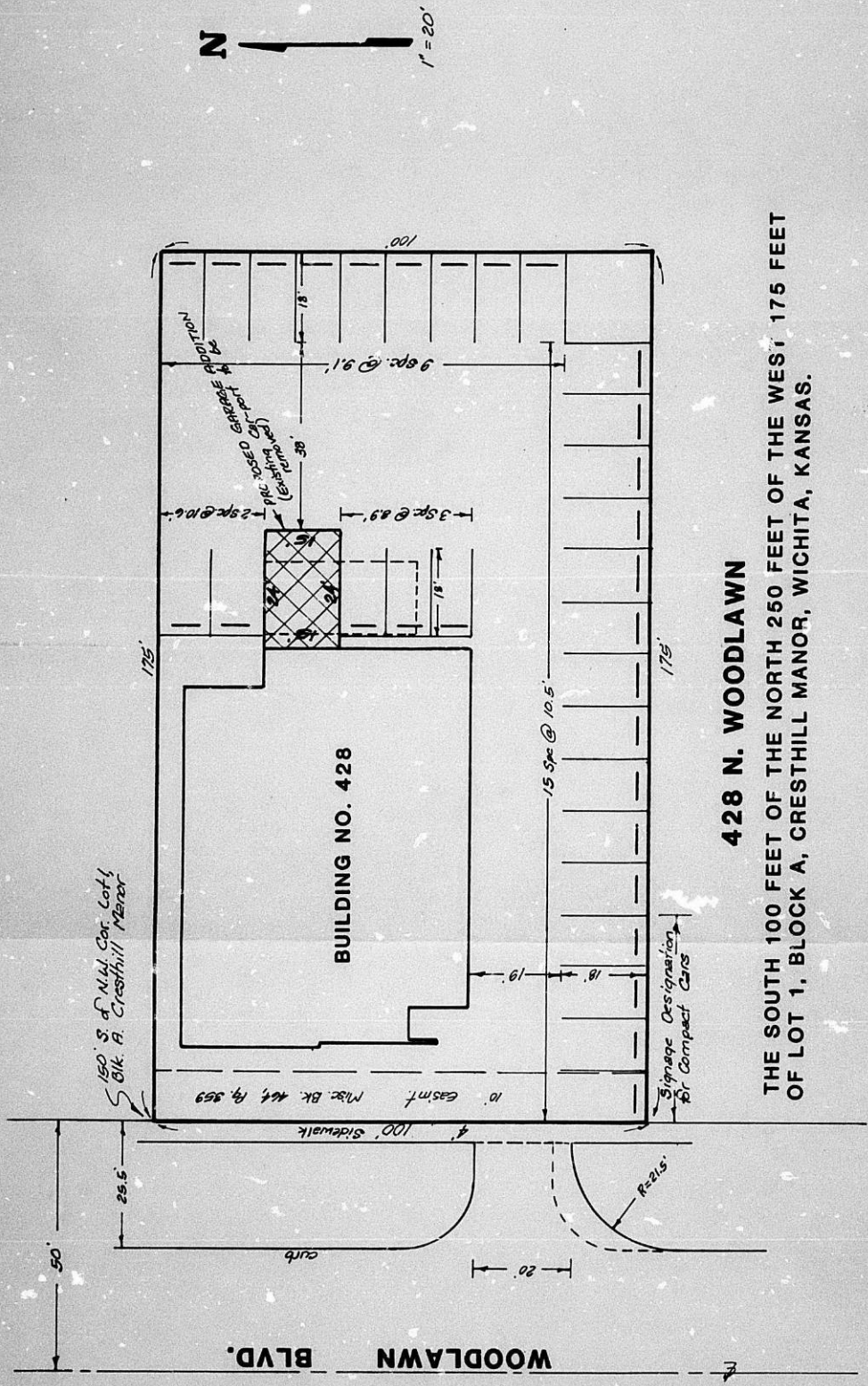
THE SOUTH 100 FEET OF THE NORTH 250 FEET OF THE WEST 175 FEET OF LOT 1, BLOCK A, CRESTHILL MANOR, WICHITA, KANSAS.

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1 DEC 84
 29 OCT 84

DEC 84
29 OCT 84

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428 N. WOODLAWN

THE SOUTH 100 FEET OF THE NORTH 250 FEET OF THE WEST 175 FEET OF LOT 1, BLOCK A, CRESTHILL MANOR, WICHITA, KANSAS.