



Wichita-Sedgwick County Metropolitan Area Planning Department

June 28, 2011

Camperland of Wichita, LLC
Attn: Eddie Hickinbotham
4650 S. Broadway
Wichita, KS 67216

RE: BZA2011-00033 – Variance request to allow for a gravel parking and storage lot for a RV sales and service use; generally located north of 47th Street South, on the east side of South Broadway. (4650 S. Broadway)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **JUNE 28, 2011**. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick Slocum'.

Derrick Slocum, Asst BZA Secretary
Current Plans Division

cc: South Broadway Investments, Inc., c/o Homer Morgan, 1813 S. Florence, Wichita, KS 67209
Kurt Schroeder, Office of Central Inspections, 1-72
Paul Hays, Office of Central Inspections, 1-72
J R Cox Office of Central Inspection, 1-72
James Clendenin WCC III Mailstop 1-13
Janet Johnson, WCC III NA, Mailstop 1-13

BZA RESOLUTION NO. BZA2011-00033

WHEREAS, South Broadway Investments, Inc. c/o Homer Morgan. (Owner) and Camperland of Wichita, LLC c/o Eddie Hickinbotham (Applicant) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section IV-A.2.b of the Unified Zoning Code to allow for a gravel parking and storage lot for a Motor Vehicle sales and service use on property zoned "GC" General Commercial; generally located north of 47th Street South, on the east side of South Broadway (4650 S. Broadway).

Lot 1, Block 1, Morse Addition, Wichita, Sedgwick County, Kansas

AND

Lot 3, Block 1, South Broadway Industrial Park Addition, Wichita, Sedgwick County, Kansas.

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 June 28, 2011, 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 this property is unique, inasmuch as the site has been operated as a motor vehicle sales and service operation since the late 1980's and before then was a mobile home sales lot since the 1960's. The subject site has had a gravel surface for their storage and parking area since at least 1974, according to aerial photos at that time. The uniqueness of the site is due to the fact the subject site has been operated since at least the 1960's as a mobile home or motor vehicle lot using a gravel surface, other than a new motor vehicle operation at a new site that wouldn't have the long history at one location.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as surrounding properties have similar parking and storage lots. There are at least five large lots along Broadway, between MacArthur and 47th St. S., that utilize gravel or just an unpaved surface for their parking and storage lots. Allowing an unpaved gravel surface for the subject site will not have an adverse affect on adjacent property owners since adjacent properties utilize the same surface for their uses.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Code will constitute an unnecessary hardship upon the applicant, inasmuch in that the economic cost to the property owner to pave an area which has been gravel for at least the past 50 years would put a burden on continuing the existing operation due to the cost associated with paving a large parking and storage area.

WHEREAS, the Board of Zoning Appeals has found that the requested variance to allow for a gravel parking and storage lot for a motor vehicle sales and service use will not adversely affect the public interest, inasmuch as the site has been operated as a motor vehicle sales and service use for the past 22 years and the applicant intends to continue the existing use.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch the property has been used as a motor vehicle and mobile home sales lot for over 50 years with no change to the lot and storage surface and surrounding properties have similar surfaces.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to Section IV-A.2.b of the Unified Zoning Code to allow for a gravel parking and storage lot for a motor vehicle sales and service use on property zoned "GC" General Commercial; generally located north of 47th Street South, on the east side of South Broadway (4650 S. Broadway).

Lot 1, Block 1, Morse Addition, Wichita, Sedgwick County, Kansas

AND

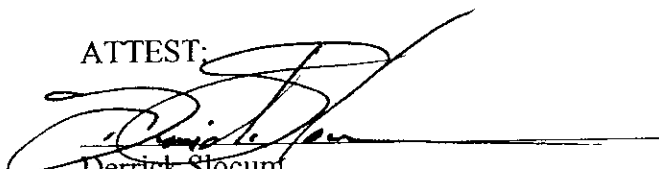
Lot 3, Block 1, South Broadway Industrial Park Addition, Wichita, Sedgwick County, Kansas.

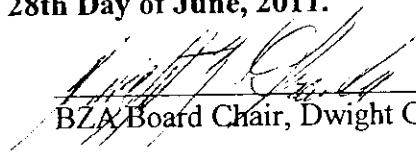
The variance is hereby GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The variance will remain in effect so long as the motor vehicle sales and service use continues on the subject site. With any change in use, other than the motor vehicle sales and service use, the site will then have to be brought up to current code standards.
3. The applicant shall obtain all local permits necessary to complete any and all needed improvements.
4. The resolution authorizing this Variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 28th Day of June, 2011.

ATTEST:


Derrick Stocum
Assistant BZA Secretary


BZA Board Chair, Dwight Greenlee

SECRETARY'S REPORT

CASE NUMBER: BZA2011-00033

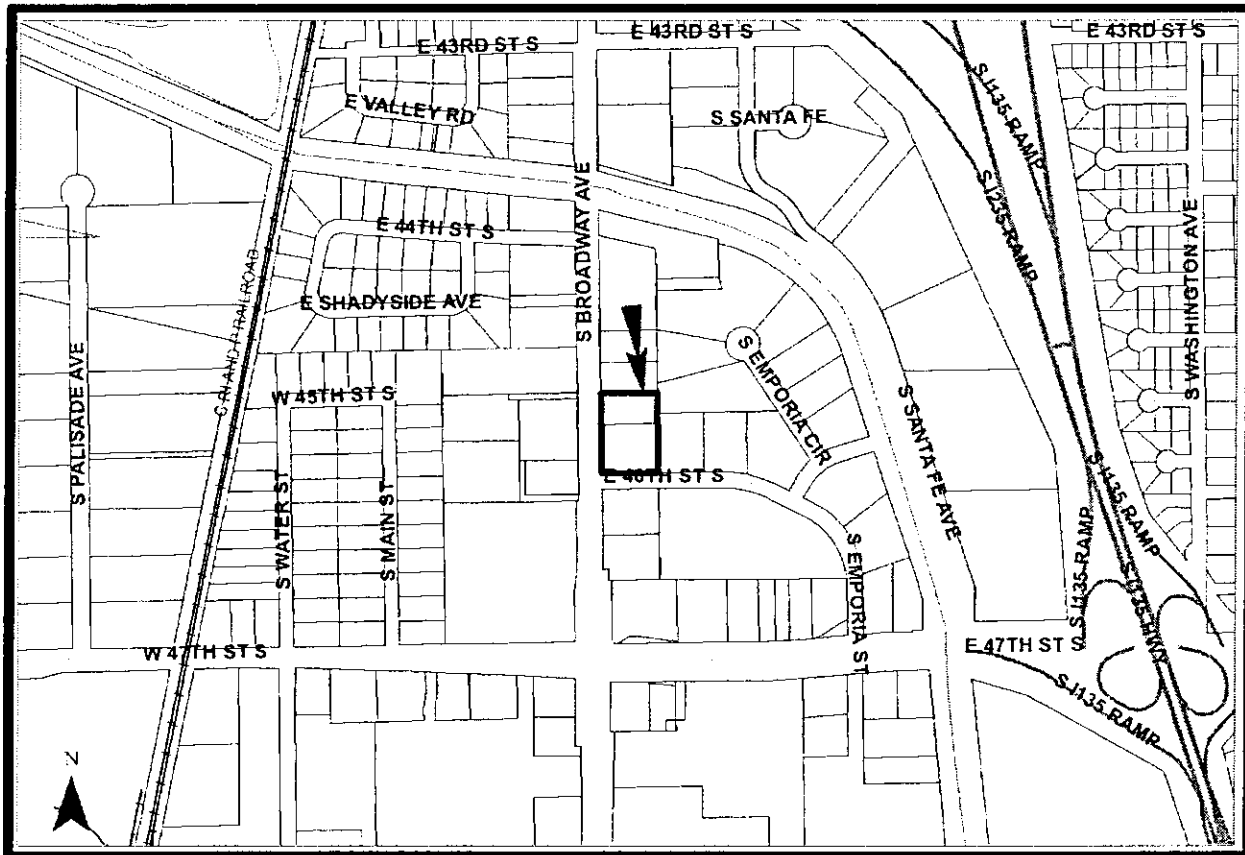
APPLICANT/AGENT: South Broadway Investments, Inc. c/o Homer Morgan. (Owner)
Camperland of Wichita, LLC c/o Eddie Hickinbotham (Applicant)
Law Office of Todd Allison, PA c/o Todd Allison, (Agent)

REQUEST: City variance request allow for a gravel parking and storage lot for a RV sales and service use.

CURRENT ZONING: GC General Commercial ("GC")

SITE SIZE: 1.16 acres

LOCATION: Generally located north of 47th Street South, on the east side of South Broadway (4650 S. Broadway).



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 State Statutes, are found to exist.

BACKGROUND: The applicant requests a Variance to allow for a gravel parking and storage lot for a Recreational Vehicle sales and service (vehicle and equipment sales, outdoor and vehicle repair, general) use on property zoned GC General Commercial (“GC”). The applicant purchased the existing recreational vehicle sales and service business in 2009 with the intention of continuing the business. Due to the economics of the time and poor sales, the owners continually did business repairing recreational vehicles instead of selling and repairing the recreational vehicles. In the process of getting his proper licensure, the owner missed his grandfather clause because he inadvertently did not include the sales component in the licensure application, even though there was always the intent to sell recreational vehicles.

The property has operated as a recreational vehicle sales and service use since 1989. Before 1989, the property was used as a site for a mobile home sales operation. According to the aerial photos, the site had operated as a mobile home sales use since at least the latter part of the 1960’s. During the time of operation for either mobile home sales or recreational vehicles sales and service, the storage and parking lot has remained a gravel surface.

Surrounding properties are zoned LI Limited Industrial (“LI”) or GC General Commercial (“GC”). Property north of the subject site is zoned GC and is developed with a retail operations. Property south of the subjects site, across 46th Street South, is zoned GC and is developed with a variety of retail uses within a strip center. Property east of the subject site is zoned LI and is developed with a self-service storage and warehouse use. Property west of the subject site, across S. Broadway, is zoned GC and is developed with a used car lot.

ADJACENT ZONING AND LAND USE:

NORTH	GC	Retail
SOUTH	GC	Retail
EAST	LI	Self-Storage and Warehousing
WEST	GC	Car Lot

The five criteria necessary for approval as they apply to Variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site has been operated as a recreational vehicle sales and service operation since the late 1980’s and before then was a mobile home sales lot since the 1960’s. The subject site has had a gravel surface for their storage and parking area since at least 1974, according to aerial photos at that time. The uniqueness of the site is due to the fact the subject site has been operated since at least the 1960’s as a mobile home or recreational vehicle lot using a gravel surface, other than a new recreational vehicle operation at a new site that wouldn’t have the long history at one location.

ADJACENT PROPERTY: It is staff’s opinion that granting the requested variance to allow for a gravel parking and storage lot for a recreational sales and service use will not adversely affect the rights of adjacent property owners, inasmuch as surrounding properties have similar parking and storage lots. There are at least five large lots along Broadway, between MacArthur and 47th St. S., that utilize gravel or just an unpaved surface for their parking and storage lots. Allowing an unpaved gravel surface for the subject site will not have an adverse affect on adjacent property owners since adjacent properties utilize the same surface for their uses.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant, inasmuch in that the economic cost to the property owner to pave an area which has been gravel for at least the past 50 years would put a burden on continuing the existing operation due to the cost associated with paving a large parking and storage area.

PUBLIC INTEREST: It is staff's opinion that the requested variance to allow for a gravel parking and storage lot for a recreational sales and service use will not adversely affect the public interest, inasmuch as the site has been operated as a recreational vehicle sales and service use for the past 22 years and the applicant intends to continue the existing use.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch the property has been used as a recreational vehicle and mobile home sales lot for over 50 years with no change to the lot and storage surface and surrounding properties have similar surfaces.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the Variance can be found to exist, then it is the recommendation of the Secretary that the Variance for a gravel parking and storage lot for a RV sales and service use be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The applicant shall obtain all local permits necessary to complete any and all needed improvements.
3. The resolution authorizing this Variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

