

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 be approved for a variance to reduce the parking requirement from 30 spaces to 18 spaces on property zoned the "E" Light Industrial and legally described as follows:

Lots 18, 20, 22, 24, 26, and 28 on Douglas, in Johnson's Sub-Division of Lot 25 and 12 8/10 feet off the east side of Lot 23, in Mathewson's Addition to the City of Wichita, Sedgwick County, Kansas AND Lot 1 and the west 7 feet of Lot 2, on Douglas Avenue, in Strong's Subdivision in Mathewson's Addition to the City of Wichita, Sedgwick County, Kansas. (1418 and 1422 E. Douglas)

subject to the following conditions:

1. The parking reduction from 30 spaces to 18 spaces applies to a building with no more than 22,000 square feet (2500 square feet office/retail and 19,500 square feet warehouse) which will be used for storage and distribution or to a use which requires no more than 18 parking spaces.
2. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing condition.

ADOPTED AT WICHITA, KANSAS, this 28th day of February 1995.



Brad Teeter, Vice President

ATTEST:



Lawrence P. Mitchell, Assistant Secretary

BZA RESOLUTION NO. 4-95

WHEREAS, Tom Poorman and Donald Poorman pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the parking requirement from 30 spaces to 18 spaces on property zoned "E" Light Industrial and legally described as follows:

Lots 18, 20, 22, 24, 26, and 28 on Douglas, in Johnson's Sub-Division of Lot 25 and 12 8/10 feet off the east side of Lot 23, in Mathewson's Addition to the City of Wichita, Sedgwick County, Kansas AND Lot 1 and the west 7 feet of Lot 2, on Douglas Avenue, in Strong's Subdivision in Mathewson's Addition to the City of Wichita, Sedgwick County, Kansas. (1418 and 1422 E. Douglas)

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 February 28, 1995, 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 owners or the applicant inasmuch as the buildings on this site were constructed around 1930 when zoning regulations did not require that on-site parking be provided. Even though one building will be razed and a new one of different configuration will be constructed, there is insufficient area on the site to provide this business with the parking required by the current code, even if existing buildings were to remain as they presently exist. Also, there is a considerable amount of on-street parking available in this area.

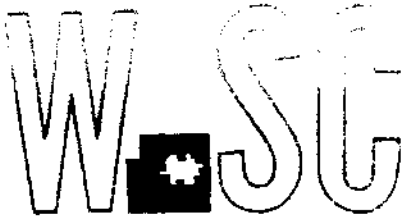
WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the parking made available on the site should be adequate to meet the needs of the employees and customers. Therefore, there should be no need for employees or customers to seek parking on adjacent properties.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as there is no available land on the applicants' site or contiguous to the applicants' site which can be acquired to develop more on site parking spaces.

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, inasmuch as the amount of parking proposed to be made available should be adequate to meet the needs of the employees and public. Therefore, there should be no need for employees or the public to seek parking spaces on any public street in the area.

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 the zoning ordinance inasmuch as the intent of the parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements for this site should be adequate for this specific use.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

March 1, 1995

Tom Poorman
14320 Donegal
Wichita, Kansas 67230

RE: BZA 4-95 Variance to reduce the parking spaces required from 30 spaces to 18 spaces.

Dear Mr. Poorman:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on February 28, 1995. This resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office 268-4421.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/le

cc: Donald Poorman, 13 Via Verde, Wichita, KS 67230
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the amount of parking proposed to be made available should be adequate to meet the needs of the employees and public. Therefore, there should be no need for employees or the public to seek parking spaces on any public street in the area.

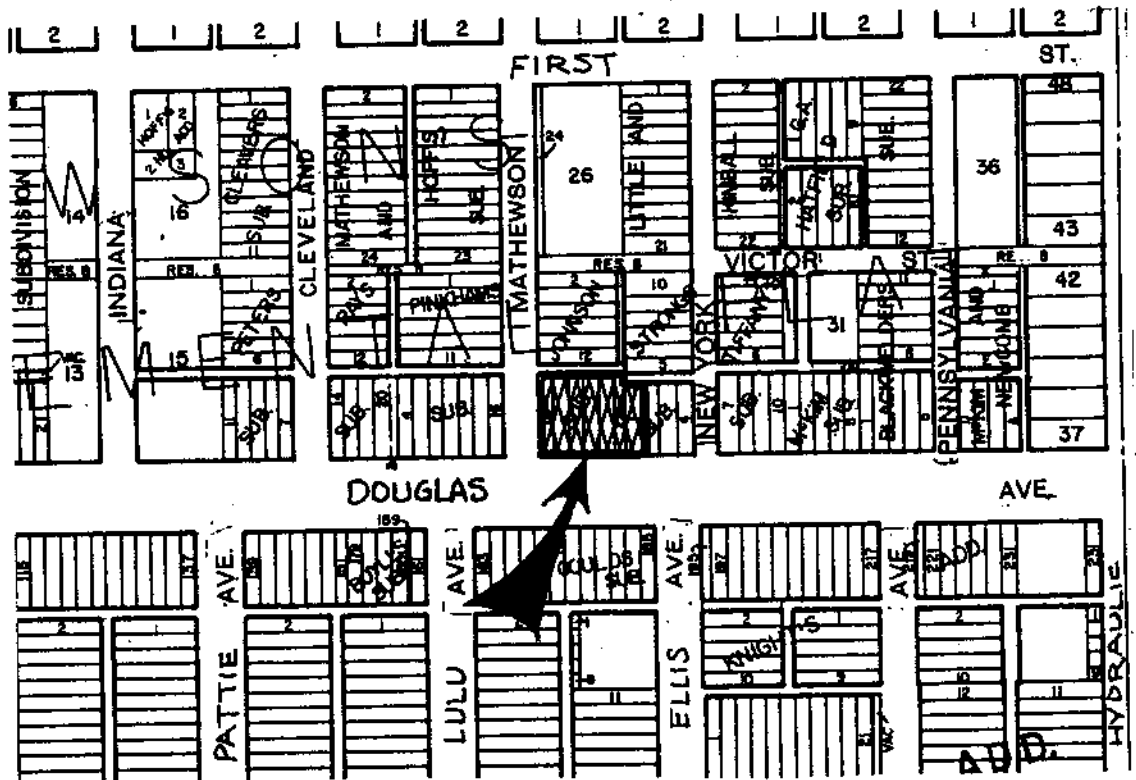
SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations inasmuch as the intent of the parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirements for this site should be adequate for this specific use.

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 be granted, subject to the following conditions:

1. The parking reduction from 30 spaces to 18 spaces applies to a building with no more than 22,000 square feet (2500 square feet office/retail and 19,500 square feet warehouse) which will be used for storage and distribution or to a use which requires no more than 18 parking spaces.
2. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with the foregoing condition.

SECRETARY'S REPORT

CASE NUMBER: BZA 4-95
OWNER/APPLICANT: Tom and Donald Poorman
REQUEST: Variance to reduce the parking requirement from 30 spaces to 18 spaces
CURRENT ZONING: "E" Light Industrial
SITE SIZE: 0.54 Acres
LOCATION: North side of Douglas east of Mathewson (1418 and 1422 E. Douglas)



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 exit.

BACKGROUND: The applicants, Tom and Donald Poorman, are the current owners and operators of Poorman's Auto Supply Inc., 1400 E. Douglas. They have purchased the building to the east of their current location and it is their intent to raze the building on the site and construct a new warehouse into which they will expand their existing auto parts business. The Office of Central Inspection has determined that the parking requirements for the existing and expanded business would be 30 spaces (2,500 square feet at 1 space per 250 ft² of Office/Retail = 10 spaces and 19,500 square feet at 1 space per 1000 ft² of warehouse = 20 spaces). Twelve parking spaces exist today. When this area was originally developed with the 1930's it was not necessary to provide any off-site parking.

The applicants have indicated that 90% of their business is wholesale and of this 33% is shipped out of the community by common carrier and 52% is picked up by company owned stores who pull inside the building to load. The remaining 15% of wholesale and the 10% of retail customers will enter the business thru the Douglas entrance and those customers usually park on Douglas near the front door. There are currently 15 public parking spaces located adjacent to this business along Mathewson and Douglas. The applicants have 9 employees at this location and have indicated that there are seldom more than 2 to 3 customers in the business at any one time.

ADJACENT ZONING AND LAND USE:

NORTH	"E"	Warehouse and Williams Heating and Air Conditioning
SOUTH	"E"	Vacant Building (Domestic Laundry)
EAST	"E"	Retail - Sun Supply
WEST	"E"	Retail - Furniture Options

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the buildings on this site were constructed around 1930 when zoning regulations did not require that on-site parking be provided. Even though one building will be razed and a new one of different configuration will be constructed, there is insufficient area on the site to provide this business with the parking required by the current code, even if existing buildings were to remain as they presently exist. Also, there is a considerable amount of on-street parking available in this area.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the parking made available on the site should be adequate to meet the needs of the employees and customers. Therefore, there should be no need for employees or customers to seek parking on adjacent properties.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as there is no available land on the applicants' site or contiguous to the applicants' site which can be acquired to develop more on site parking spaces.