

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a 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. Eleven paved parking spaces as shown on the site plan approved by Traffic Engineering 10/15/93 shall be provided prior to completion of the proposed 4,187 square-foot building expansion.
2. At such future time as this 30,654-square-foot warehouse is further enlarged or used for some purpose other than a wholesale carpet warehouse, or if the number of employees exceeds ten, this variance shall become null and void and the number of parking spaces required by code shall be provided unless a new variance is justified and granted.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3
September 28, 1993 (Deferred)
October 26, 1993

SECRETARY'S REPORT

CASE NUMBER: BZA 23-93

OWNER/APPLICANT: E.E. Vliet Co.
AGENT: Keith Parker

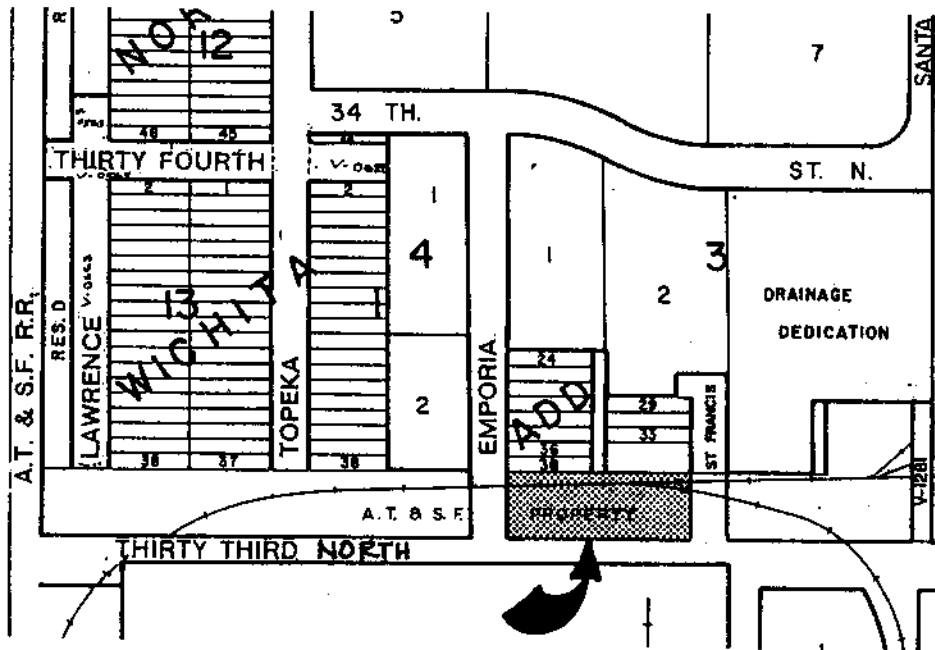
REQUEST: Variance to reduce required parking from 35 spaces to 9 spaces.

CURRENT ZONING: "F" Heavy Industrial District

SITE SIZE: 98' x 292' (.64 acre)

LOCATION: North side of 33rd St. North between Emporia and St. Francis.

PROPOSED USE: Expansion of existing carpet warehouse.



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.

BACKGROUND: The applicant, E.E. Vliet, has had his carpet warehouse at 502 E. 33rd Street North for over 20 years. The building size is currently 26,467 square feet. Until the parking code changed two years ago, the parking requirement for this building was only one space for every three employees in the largest working shift. The number of employees is reported to be eight. A 4,187 square-foot addition on the north end of the building is proposed. This represents a 16% increase in the size of the building. Because the proposed expansion is more than 10%, the entire site must be brought into compliance with the current parking code. The new code requires one space for each 1,000 square feet of warehouse space for the first 20,000 square feet, then one space for each 5,000 square feet thereafter. Parking for the office portion of the building is based on one space per 250 square feet. The new parking requirement is 35 spaces (13 for 3,280 sq. ft. of office area and 22 for 27,374 sq. ft. of warehouse area). The applicant has stated that the proposed new building area will not generate additional traffic or the need for additional parking. No more employees are anticipated as a result of the increased building size.

Although the plans submitted to Central Inspection show a total of 35 spaces (6 north of 33rd Street and 29 south of 33rd Street or leased property), the 29 spaces south of 33rd are not paved at this time and the owner is of the opinion they are not needed. The agent has submitted a new site plan with this application which indicates the six existing spaces at the southwest corner of the building (which require backing out onto 33rd Street) and up to five new spaces which could be accessible without backing out onto the street.

A site check at about 4 p.m. on Monday, August 30th, revealed only 4 cars parked on the north side of the street and none on the south side of the street. The applicant has stated that there are two company trucks which are usually stored inside the warehouse when not in use. Approximately 75% of the carpet sales are delivered or shipped out with 25% being picked up. The loading dock for pick-ups is just east of the six existing parking spaces. Sales are wholesale only; no retail.

The parking code states that existing buildings may expand up to 10% or 5,000 square feet, whichever is less, and provide additional parking for only the new area. Any expansion more than this requires that the entire site be brought into compliance with the current parking code. If this 4,187-foot expansion represented a 10% or less expansion rather than 16%, only five additional spaces would be required. Due to the type of business and the limited number of employees per square foot (1 per 3,800 square feet), a variance of the parking appears justified. It is recommended that five spaces in addition to the six existing be required, however, as this would be the number of additional spaces required for the expansion if the expansion represented no more than 10% of the total existing area. The applicant's agent has demonstrated by the site plan that five additional spaces can be added with very little additional paving.

ADJACENT ZONING AND LAND USE:

NORTH	"F"	Foreign Cars Unlimited
SOUTH	"F"	Garvy Grain
EAST	"F"	Undeveloped
WEST	"F"	Undeveloped

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is developed with a wholesale warehouse which stores large items (roles of carpet) which require equally large amounts of maneuvering space and which has relatively few employees per square foot of building area.

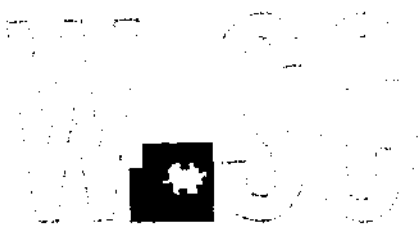
ADJACENT PROPERTY: It is the opinion of staff that the granting of a parking variance will not adversely affect the rights of adjacent property owners inasmuch as eleven parking spaces for this carpet warehouse should be sufficient for this wholesale business which has only eight employees and therefore there should be no need to park on adjacent private properties.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant's warehouse has existed for almost 20 years with a parking requirement based on number of employees but, due to a change in the local parking code two years ago, this proposed 16% building expansion now requires calculation of parking for the entire building based on building area. If the amount of parking required by current code must be provided, a building expansion of no more than 10% would be allowed or 29 additional spaces would have to be provided on property leased from adjacent owners.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the adjacent public streets are not heavily traveled and should there be an occasional need to utilize public streets for parking purposes, Emporia to the west is of sufficient width to accommodate parked cars without hindering normal traffic flow.

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 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 requirement should be adequate for this specific type of large-item, limited-employee wholesale warehouse.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

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

October 27, 1993

Keith Parker Associates
3428 E. Douglas
Wichita, KS 67208

Re: **BZA 23-93** - Variance to reduce the parking requirement from 35 spaces to 11 spaces at 502 E. 33rd St. North.

Dear Keith:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on October 26, 1993. This Resolution reflects the official action of the Board to grant your request 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.

Sincerely,

Louise Olivarez, Secretary
Board of Zoning Appeals

LDO/prf
Enclosure

cc: Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
E.E. Vliet Co., 502 E. 33rd St. North, 67219

Heavy Industrial District and legally described as follows:

Beginning at the intersection of the south line of the NW/4, Section 33, Twp. 26S, Rng. 1E of the 6th P.M., Sedgwick County, Kansas and the west line of St. Francis Circle extended south; thence west to the east line of Emporia Ave.; thence north to the southwest corner of Lot 38, Block 15, Original Town of North Wichita; thence east to point north of beginning; thence south to beginning; except the south 40' for street. Generally located on the north side of 33rd St. North between Emporia and St. Francis.

subject to the following conditions:

1. Eleven paved parking spaces as shown on a site plan approved by the City Traffic Engineer shall be provided prior to completion of the proposed 4,187 square-foot building expansion.
2. At such future time as this 30,654-square-foot warehouse is further enlarged or used for some purpose other than a wholesale carpet warehouse, or if the number of employees exceeds ten, this variance shall become null and void and the number of parking spaces required by code shall be provided unless a new variance is justified and granted.

ADOPTED AT WICHITA, KANSAS, this 26th day of October, 1993.


Keith A. Alter, President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 23-93

WHEREAS, E.E. Vliet Co., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to allow a reduction of the parking requirement from 35 spaces to 11 spaces on property zoned the "F" Heavy Industrial District and legally described as follows:

Beginning at the intersection of the south line of the NW/4, Section 33, Twp. 26S, Rng. 1E of the 6th P.M., Sedgwick County, Kansas and the west line of St. Francis Circle extended south; thence west to the east line of Emporia Ave.; thence north to the southwest corner of Lot 38, Block 15, Original Town of North Wichita; thence east to point north of beginning; thence south to beginning; except the south 40' for street. Generally located on the north side of 33rd St. North between Emporia and St. Francis.

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 October 26, 1993, 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 it is developed with a wholesale warehouse which stores large items (roles of carpet) which require equally large amounts of maneuvering space and which has relatively few employees per square foot of building area; and

WHEREAS, the Board of Zoning Appeals has found the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as eleven parking spaces for this carpet warehouse should be sufficient for this wholesale business which has only eight employees and therefore there should be no need to park on adjacent private properties; 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's warehouse has existed for almost 20 years with a parking requirement based on number of employees but, due to a change in the local parking code two years ago, this proposed 16% building expansion now requires calculation of parking for the entire building based on building area. If the amount of parking required by current code must be provided, a building expansion of no more than 10% would be allowed or 29 additional spaces would have to be provided on property leased from adjacent owners; 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 adjacent public streets are not heavily traveled and should there be an occasional need to utilize public streets for parking purposes, Emporia to the west is of sufficient width to accommodate parked cars without hindering normal traffic flow; 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 intent of the parking code is to provide adequate parking for the needs of specific types of uses and the reduced parking requirement should be adequate for this specific type of large-item, limited-employee wholesale warehouse;

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.

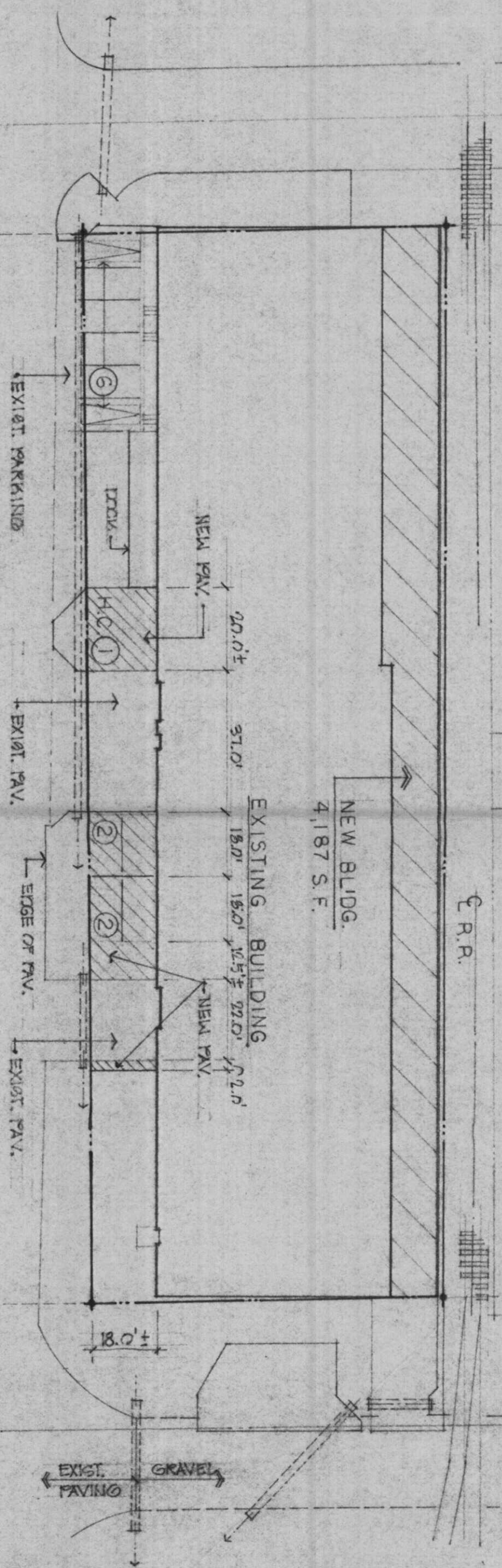
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the parking requirement from 35 spaces to 11 spaces on property zoned the "F"

C EMPORIA

ALLEY

C R.R.

C ST. FRANCIS
CIRCLE (GRAVEL)



EDGE OF PAVING

EXIST. PARKING

EXIST. PAV.

EDGE OF PAV.

EXIST. PAV.

C 33rd ST. N.

SOUTH LINE OF THE
2nd 1/4 OF SEC. 33,
TWP. 26-4, R. 1-E

EXIST. PAVING
GRAVEL

LEASER TRUCK PARKING
UNPAVED (GRAVEL SURFACE)

45.0'±

100.0'±

Handwritten notes:
New Bldg. 4,187 S.F.
Paved 10' x 15' area
PARKING CALC'S:
4,187 S.F. @ 1 SPACE/1,000 S.F.
PARKING REQ'D. 5
PARKING PROVIDED 15
(1 HANDICAPPED)

SITE PLAN

1" = 30'-0"



BZA 23-93

WAREHOUSE ADDITION NO. 2 FOR

E. E. VIET & CO., INC.

500 E. 99th ST. N., WICHITA, KS.

KEITH PARKER ASSOCIATES, ARCH.

REV. 8 OCT 93

SHEET

48

17 SEPT 93