

**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 parking requirement of the Unified Zoning Code is a standard which is not appropriate in all cases. Therefore variances to relieve the parking requirement are permitted if proper justification is available. The Code also attempts to provide sufficient parking to meet the demand of the use. The applicant is able to provide additional spaces on adjacent land and therefore the applicant should be able to meet the site's parking demand, which the Code attempts to accomplish with the parking standards.

**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 70 spaces to 12 spaces applies to manufacturing uses at this location with no more than a total of 35,000 square feet permitted for occupancy and no more than 26 employees on-site at any one time.
2. The parking area shall be paved, striped and maintained in accordance with the approved site plan.
3. If the agreement between the BNSF Railroad and the Wichita Steel Fabricators shall be terminated, the applicant shall have 90 days from such termination to submit an alternative parking plan to the Board of Zoning Appeals for approval.
4. The building shall be completed and ready for occupancy within one year or the resolution granting this variance shall become null and void.
5. 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.

**BACKGROUND:** The applicant requests a variance to reduce the parking requirement from 70 parking spaces to 12 parking space on a platted tract of land located south of 37th Street North and east of Broadway. The applicant operates a steel fabrication plant on-site.

The applicants are proposing to tear down an existing 9,000 square foot building on-site and replace it with a new 20,000 square foot manufacturing building for a total of 35,000 square feet of manufacturing space. The Unified Zoning Code requires a total of 70 parking spaces be provided (1 space per 500 square feet of manufacturing space). Twelve parking spaces are shown at the northeast corner of the applicant's site plan. These 12 spaces are the only spaces the applicant can provide on-site. Zoning Code permits off-site parking to meet minimum parking requirements if: the applicant can show it is not feasible to locate all of the required parking on the same lot as the principal use, the off-site parking is within 600 feet of the primary entrance, the off-site parking is located on a lot which allows commercial parking or through a conditional use, and if the parking lot is not under the same ownership an agreement between the two parties should be approved by Central Inspection and also recorded with the Register of Deeds.

The applicant currently leases property just south of the manufacturing buildings from the railroad. This property is not part of the application area. A 1,450 square foot office exists on a portion of the railroad property (shown as 1 on attached site plan). The office requires 6 parking spaces on the property on which the office is located. These 6 spaces are provided just south of the office and are not shown on the attached site plan. The 6 office parking spaces are not part of the calculations that follow due to the fact these spaces are required for the office.

The attached site plan shows an additional 7 parking spaces just east and north of the office. An additional 13 parking spaces can be provided just south of 33rd Street North, on the remainder of the property leased from the railroad. Thus the applicant is able to provide a total of 20 parking spaces off-site and 12 on-site parking spaces for a total of 32 spaces. However, the BNSF railroad is not willing to sign a parking agreement that meets the Code requirements so this site does not meet the minimum parking requirements. Therefore, the applicant is required to request this variance. Seven on-street parking spaces are also available along Topeka, which were not utilized when staff visited this site. The remainder of the site not shown as buildings or for parking are needed as internal circulation for trucks and equipment and could not be utilized for parking.

The applicant provided a letter to the Board which states that only 26 employees are employed on-site and an additional 10 persons will be hired after the expansion. Five of these persons will work the day shift and the remainder will work at night. Of these 36 employees, 25 employees will work from 7 a.m. to 3:30 p.m. and the remainder

will work the night shift. Therefore, using the total number of parking spaces available on the application area and the land leased from the railroad, there would still be an additional 7 parking spaces available to customers or visitors during the day shift and an additional 21 during the night shift.

The site is surrounded to the north and east by similar type uses. West of this site is the BNSF railroad line. South of the application area is the office for this company and vacant land just south of 33rd Street.

#### **ADJACENT ZONING AND LAND USE:**

NORTH	"IP"	Industrial uses
SOUTH	"IP"	Wichita Steel Fabricators, Inc. Office and farther south vacant land
EAST	"IP"	Industrial uses
WEST	"IP"	Railroad and Broadway

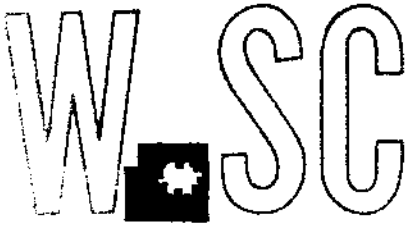
**UNIQUENESS:** It is the opinion of staff that this property is unique, inasmuch as only 36 employees will work at this location during two shifts. If you include the additional parking just south of the application area and also south of 33rd Street, an additional 7 parking spaces would be available for visitors and customers during the day and 21 during the night. Also the remainder of the site is needed to allow for the movement of trucks and equipment on-site and could not be utilized for customer or employee parking without impacting the operations of the plant.

**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 applicant should be able to meet the parking demand with the parking spaces provided on-site or through those provided on the leased land. Therefore, no customers or visitors should be parking on other property in the area.

**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 if the variance is not granted the applicant would be unable to expand this business and therefore could not meet the deadlines placed on them by their contractors.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or parking along street right-of-way as a result of this variance and therefore there should not be an effect on the general public.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421  
FAX (316) 268-4390

June 26, 1998

Wichita Steel Fabricators Inc.  
%C.E. Goodwin, President  
3400 N. Broadway  
P.O. Box 4009  
Wichita, KS 67204

**RE: BZA 12-98 - Variance to reduce the parking requirement from 70 parking spaces to 12 parking spaces on property generally located south of 37th Street North and east of Broadway.**

Dear Mr. Goodwin:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on June 23, 1998. 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.

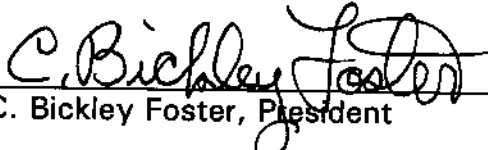
Sincerely yours,

Keith Gooch  
Assistant Secretary  
Board of Zoning Appeals

KG/sah

cc: J. R. Cox, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, City Clerk  
Yolanda Anderson, MAPC (resolution only)

ADOPTED AT WICHITA, KANSAS, this 23rd day of June, 1998.

  
C. Bickley Foster, President

ATTEST:

  
David L. Yearout Secretary

## BZA RESOLUTION NO. BZA 12-98

**WHEREAS**, Wichita Steel Fabricators Inc., c/o C.E. Goodwin, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the parking requirement from 70 parking spaces to 12 parking spaces on property zoned "GI" General Industrial and legally described as follows:

Lots 21-38 inclusive, that portion of Lawrence Avenue vacated and that portion of Reserve D adjacent to even lots 22-38 inclusive, Block 13, the original town of North Wichita, Sedgwick County, Kansas. Generally located south of 37th Street North and east of Broadway.

**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 23, 1998, 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 only 36 employees will work at this location during two shifts. By including the additional parking south of the application area and also south of 33rd Street, an additional 7 parking spaces would be available for visitors and customers during the day and 21 during the night. Also the remainder of the site is needed to allow for the movement of trucks and equipment on-site and could not be utilized for customer or employee parking without impacting the operations of the plant; 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 the applicant should be able to meet the parking demand with the parking spaces provided on-site or through those provided on the leased land. Therefore, no customers or visitors should be parking on other property in the area; and

**WHEREAS**, the Board of Zoning Appeals has found that the strict application of the provisions of the Unified Zoning Code of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as if the variance is not granted the applicant would be unable to expand this business without relocating, which is not feasible; 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, inasmuch as there will be no encroachments into public utility easements or parking along street right-of-way as a result of this variance and therefore there this variance will have no affect on the general public; 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 the Unified Zoning Code inasmuch as the parking requirements of the Unified Zoning Code is a standard which is not appropriate in all cases. Variances to relieve the parking requirement are permitted if proper justification is available. The applicant is able to provide additional spaces on adjacent land and, therefore, the applicant will be able to meet the site's parking demand.

**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 70 parking spaces to 12 parking spaces on property zoned "GI" General Industrial and legally described as follows:

Lots 21-38 inclusive, that portion of Lawrence Avenue vacated and that portion of Reserve D adjacent to even lots 22-38 inclusive, Block 13, the original town of North Wichita, Sedgwick County, Kansas. Generally located south of 37th Street North and east of Broadway.

subject to the following conditions:

1. The parking reduction from 70 spaces to 12 spaces applies to manufacturing uses at this location with no more than a total of 35,000 square feet permitted for occupancy and no more than 26 employees on-site at any one time.
2. The parking area shall be paved, striped and maintained in accordance with the approved site plan.
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4. The building shall be completed and ready for occupancy within one year.
5. 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.

Wichita Steel Fabricators Inc

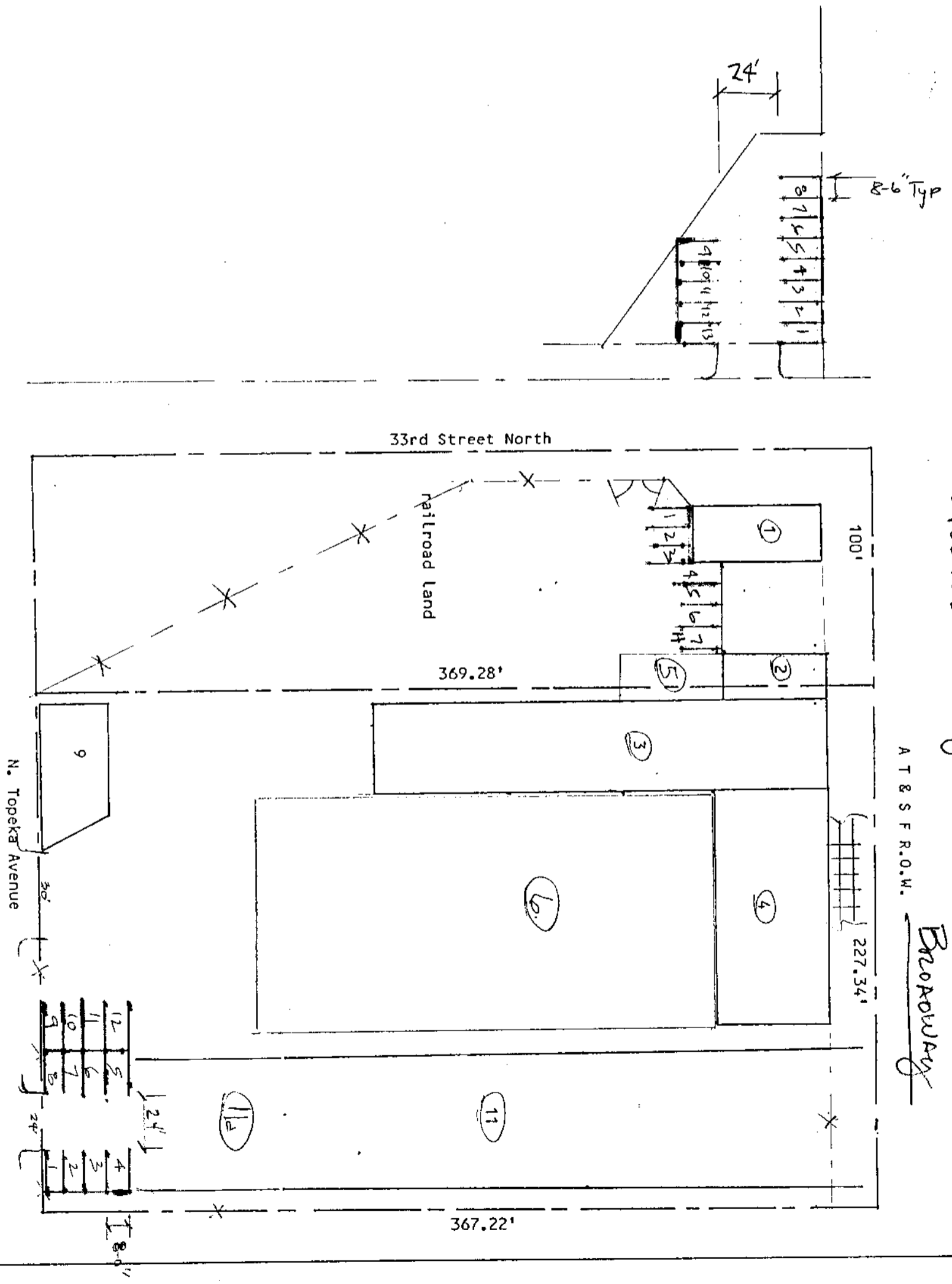
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3400 N Broadway Plot Plan

AT & S F.R.O.W.

Broadway

- ① Office
- ② ~~③~~ ~~④~~ Manufacturing Space
- ⑨ Paint
- ⑪ Outside Overhead Crane
- ⑤ Future Tool & Weld Storage Breakroom
- ⑥ Future Mfg Space
- ⑪a Future Crane Extension



Scale 1" = 50'

North  $\blacktriangleright$