



Wichita-Sedgwick County Metropolitan Area Planning Department

06/24/2008

700 Investments, LLC
PO Box 75264
Wichita, KS 67275

Patrick Coulter, MVP Architects
125 S Washington
Wichita, KS 67202

RE: BZA2008-26 City Variance request to reduce the parking requirement to zero, and to waive the Landscape Code in LC Limited Commercial zoning, generally located north of W Douglas and west of Oak (700 W Douglas).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **June 24, 2008**. 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 'Jess McNeely'.

Jess McNeely, AICP
BZA Secretary
Current Plans Division

JM/ya

Cc Sharon Dickgrafe, Law Dept, 1-132
Herb Shaner, OCI, 1-72
Paul Hays, WCC District IV, 1-13
Kurt Schroeder, OCI, 1-72
JR Cox, OCI, 1-72

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T 316.268.4421 F 316.268.4390

www.wichita.gov

BZA RESOLUTION NO. 2008-26

WHEREAS, 700 Investments LLC (Owner/Applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to the Zoning Code to reduce the parking requirement to zero and a variance to waive the Landscape Code in LC Limited Commercial zoning, generally located on the northwest corner of W Douglas and Oak (700 W Douglas).

Lot 77 and 79, West Wichita Addition Segwick 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 24, 2008, 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 conditions that are unique, as it is a zero-lot line building developed in 1920 before current parking and landscape standards existed. The site is also unique in that city provided parking exists around the site, and city developed landscaping exists around the site.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners, as most surrounding properties are similarly developed with little or no parking or landscaping, and most rely on city provided parking.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the zoning regulations would constitute an unnecessary hardship upon the applicant, as the space required to meet the parking and landscape standards would require demolition of some portion of the existing building.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest at this location. Redevelopment of this site is in the public interest, and specifically planned for in creating parking and landscaping within the city right-of-way.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the Zoning and Landscape Codes, as city provided landscaping and parking are provided and adequate.

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.

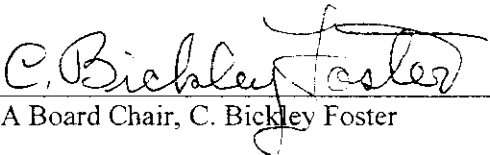
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to the Zoning Code to reduce the parking requirement to zero and a variance to waive the Landscape Code in LC Limited Commercial zoning, generally located on the northwest corner of W Douglas and Oak (700 W Douglas).

Lot 77 and 79, West Wichita Addition Segwick County, Kansas.

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

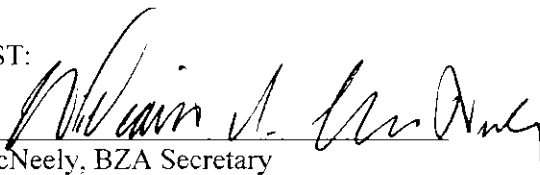
1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to redevelop the site with a restaurant, and improvements shall be complete within one year of the variance granting, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 24th Day of June 2008.



BZA Board Chair, C. Bickley Foster

ATTEST:



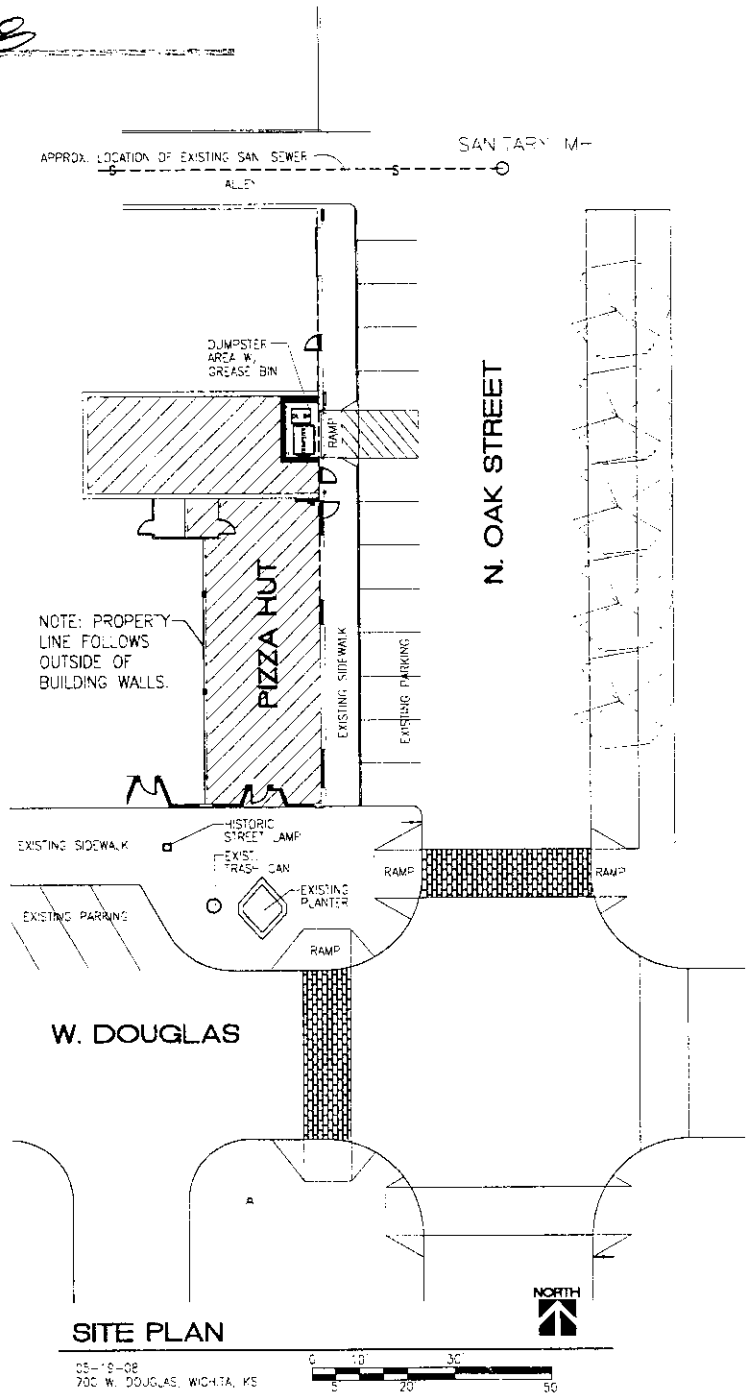
Jess McNeely, BZA Secretary

APPROVED

SITE PLAN

William J. McOnly

Date: 6-24-08



BZA 2008-26