



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 30, 2002

Donald D. & Connie L. Vaughn
Martinson Place LLC
905 W. River Blvd.
Wichita, KS 67203

FILE COPY

Re: **BZA2002-00034: A Zoning Adjustment to allow parking in the front setback on residentially-zoned property.**

Legal Description: Beginning at a point 865.0 feet east of the northwest corner of the Southwest Quarter of Section 19, Township 27 South, Range 1 East of the Sixth P.M., Sedgwick County, Kansas; thence east to the east line of the west half of said Southwest Quarter; thence south 240.0 feet, thence west to a point 865.0 feet east of the west line of said Quarter Section; thence north 240.0 feet to place of beginning, EXCEPT a strip of ground 40 feet wide off of north side to be used as public street; ALSO a strip of ground 40 feet wide off of west side to be used for street; ALSO a strip of ground 50 feet wide off of east side, the east half of which is to be used for street and the west half for parking EXCEPT 10 feet of west side for sidewalk; ALSO a strip of ground 9 feet off of south side, said piece and parcel of ground to be used for a public highway. Located at the southwest corner of 2nd Street North and Athenian (249 N. Athenian).

Dear Mr. & Mrs. Vaughn:

We have reviewed your request for a Zoning Adjustment to allow parking in the front setback on the aforementioned property. From reviewing your application, we understand that you are remodeling a school building into apartments and desire to locate a small portion of the parking area in the front setback in order to preserve the remainder of the property as a recreational amenity for the apartments. Therefore, you have requested a Zoning Adjustment to permit parking within the front setback on residentially-zoned property.

Sec. V-I.2.1. of the Unified Zoning Code allows an adjustment to permit parking in residential districts to be located within the front setback, but in no case closer to the property line than 8 feet, when the conditions required by Sec. V-I.6. of the Code are met. We find that permitting parking within the front setbacks no closer than 8 feet from the property lines meets the four conditions required by Section V-I.6 of the Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: Vehicular and pedestrian circulation in the vicinity will not be negatively impacted by permitting parking within the front setback. The proposed location of parking spaces with the front setback fits logically with the pedestrian and vehicular circulation plan for the property.

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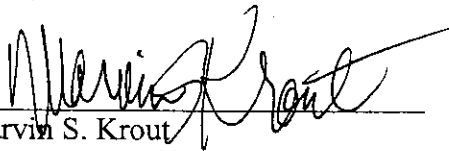
www.wichitagov.org

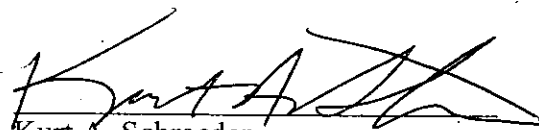
- 2) Impact on existing uses in surrounding areas: There should not be a negative impact on the existing uses in the surrounding areas as a result of parking within the setbacks. Only two parking spaces for the apartments will be located within the front setback and these spaces will be appropriately screened by landscaping from residential uses across the street and by a fence from the adjoining residential property to the south.
- 3) Compatibility with existing or permitted uses on abutting sites: Apartments and associated accessory uses such as parking are permitted in residential zoning districts, and the allowance of parking within the setback should not compromise existing or permitted uses on abutting sites due to the minor nature of the encroachment of the parking area into the front setback and the provision of landscaping and screening for the parking lot.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to allow parking in the front setback, but no closer than 8 feet from the property line, is hereby granted subject to the following conditions:

- 1) The parking lot shall be developed in accordance with the approved site plan.
- 2) All parking areas shall be paved and marked.
- 3) The parking lot shall be screened and landscaped per an approved landscape plan.
- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

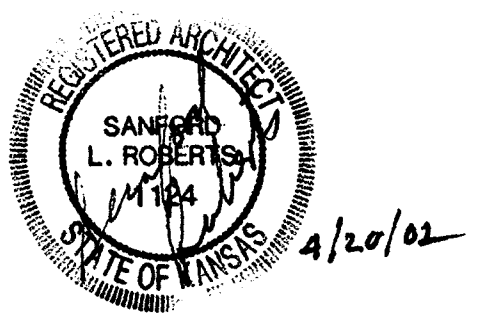
The zoning adjustment sign may now be removed from the property.


Marvin S. Krout
Planning Director


Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Craig & Linda Cole, 902 N. Perry, Wichita, KS 67203
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection



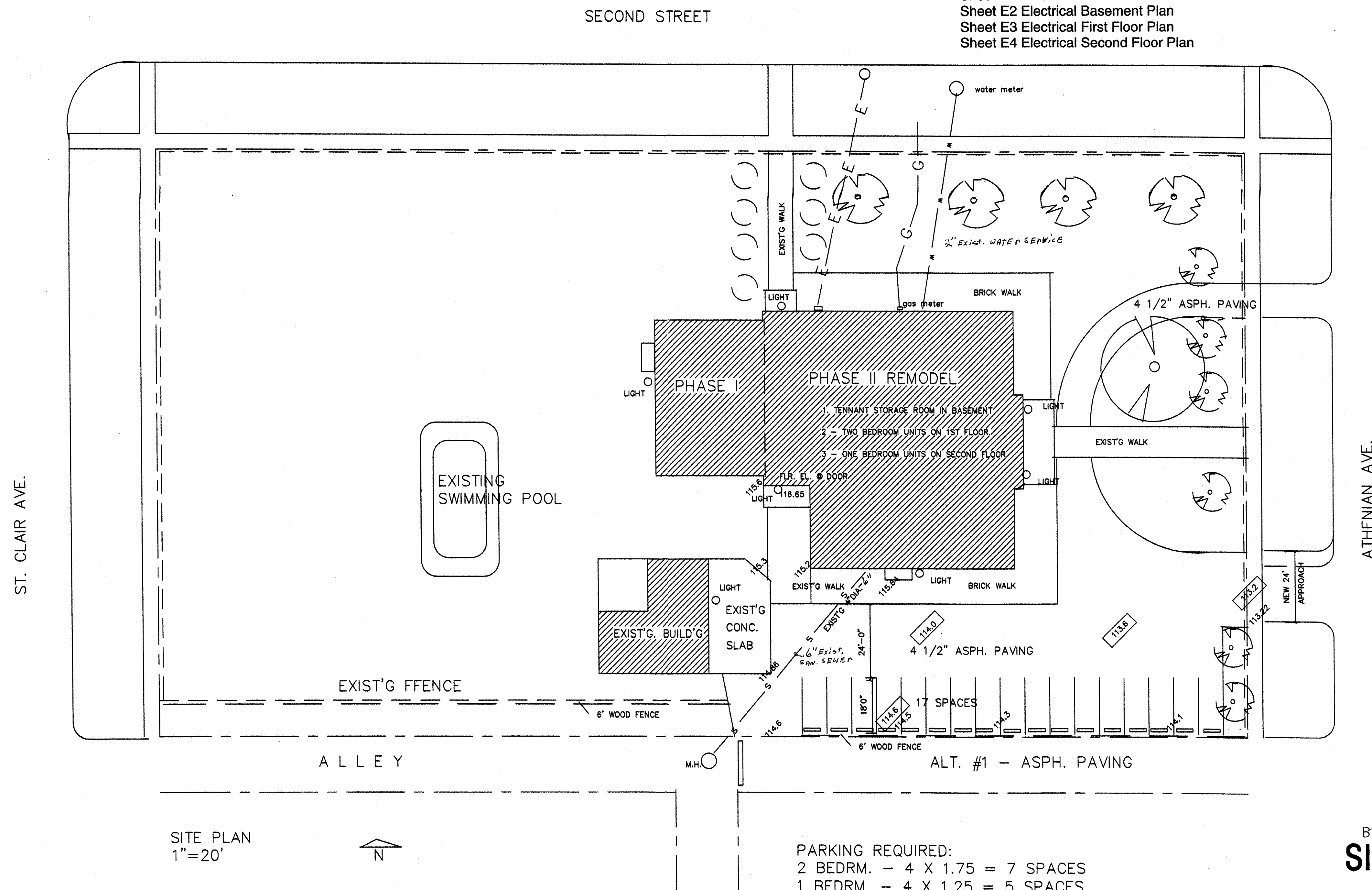
PHASE TWO REMODEL

MARTINSON PLACE APARTMENTS

249. N. ATHENIAN

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SANDY ROBERTS ARCHITECT
57 OAK FOREST LANE, DERBY, KS. (316)788-8699

MODIFICATIONS TO 249 N. ATHENIAN
MARTINSON PLACE

PROJ.NO: 00-11
DATE: 3/20/02
REVISED: 4/20/02

B2AZ002-00034
SITE PLAN

APPROVED S-30-02 BY SR

SHEET

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