



Wichita-Sedgwick County Metropolitan Area Planning Department

June 6, 2003

Richard Scott
New Philadelphia Church
2725 N. Chautauqua
Wichita, KS 67219

Re: BZA2003-00023: Zoning Adjustment to waive the screening requirement for a church parking lot and to permit the parking lot within the front setback.

Legal Description: Lot 1 & 2, Block 4, Agee-Hunter Addition, Wichita, Sedgwick County, Kansas. Generally located south of 27th Street North and east of Chautauqua.

Dear Mr. Scott:

We have reviewed your request for a Zoning Adjustment to waive the screening requirement for a church parking lot and to permit the parking lot within the front setback on the aforementioned property. You state in your application that the residentially-zoned property abutting your property is vacant and is owned by either your church or nearby churches, and that you propose not to provide screening because the abutting properties are vacant and none of the other churches in the vicinity provide screening. We further understand that you propose to permit the parking lot within the front setback because there are no residential front yards developed within the block.

Sec. V-I.2.m. of the Unified Zoning Code allows an adjustment to waive the screening requirements specified in Sec. IV-B.3.(a) of the Code when the adjacent residential property is developed with an institutional or multi-family use and the location of improvements on one or both properties provides adequate screening and the conditions required by Section V-I.6 of the Code are met. Sec. V-I.2.l. of the Unified Zoning Code allows an adjustment to permit parking in residential districts to be located within required front and street side setbacks; 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 adjacent residential property is developed with an institutional or multi-family use and the location of improvements on one or both properties, provides adequate screening and that waiving the screening requirement for a church parking lot and permitting the parking lot within the front setback meets the four conditions required by Section V-I.6 of the Unified Zoning Code as set out below:

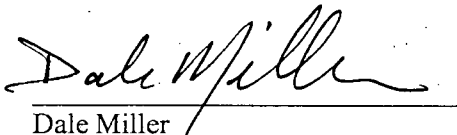
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed elimination of screening requirements for the parking lot would have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity of the application area. Sufficient open space between the parking lot and the property line will remain to prevent vehicles from encroaching upon the right of way; therefore, the safety and convenience of vehicular and pedestrian circulation should not be negatively impacted by permitting the parking lot within the front setback.

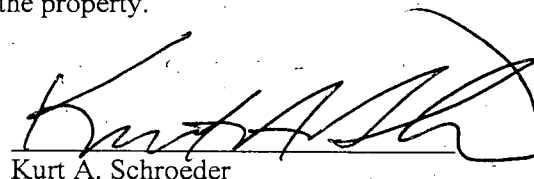
- 2) Impact on existing uses in surrounding areas: The properties in the immediate vicinity are vacant and owned by churches or are developed with churches. A lack of screening between the proposed parking lot and the institutional uses should not create negative impacts on other uses the surrounding area since the nearest residence from which the parking lot will be visible is located approximately 250 feet to the south. There are no residential front yards within the block; therefore, permitting the parking lot within the front setback should not negatively impact existing uses in surrounding areas.
- 3) Compatibility with existing or permitted uses on abutting sites: The 250-foot distance from the subject property to the nearest residence to the south should ensure compatibility between the parking lot and residential and other permitted uses in surrounding areas.
- 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 waive the screening requirement for a church parking lot and to permit the parking lot within the front setback, but no closer than 8 feet from the property line, is hereby granted subject to the following conditions:

- 1) The parking area shall be developed in general conformance with the approved site plan.
- 2) The parking area shall be paved and marked.
- 3) The parking area shall be developed in general conformance with the landscape ordinance.
- 4) The waiver of the screening requirement shall apply only to "Proposed Parking" as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the screening requirements of the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
- 5) 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.


Dale Miller
Acting Planning Director


Kurt A. Schroeder
Superintendent of Central Inspection

cc: Richard Scott, 3150 S. Millwood, Wichita, KS 67217
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

NEW PHILADELPHIA CHURCH

PARKING LOT
SITE PLAN

1" = 20'

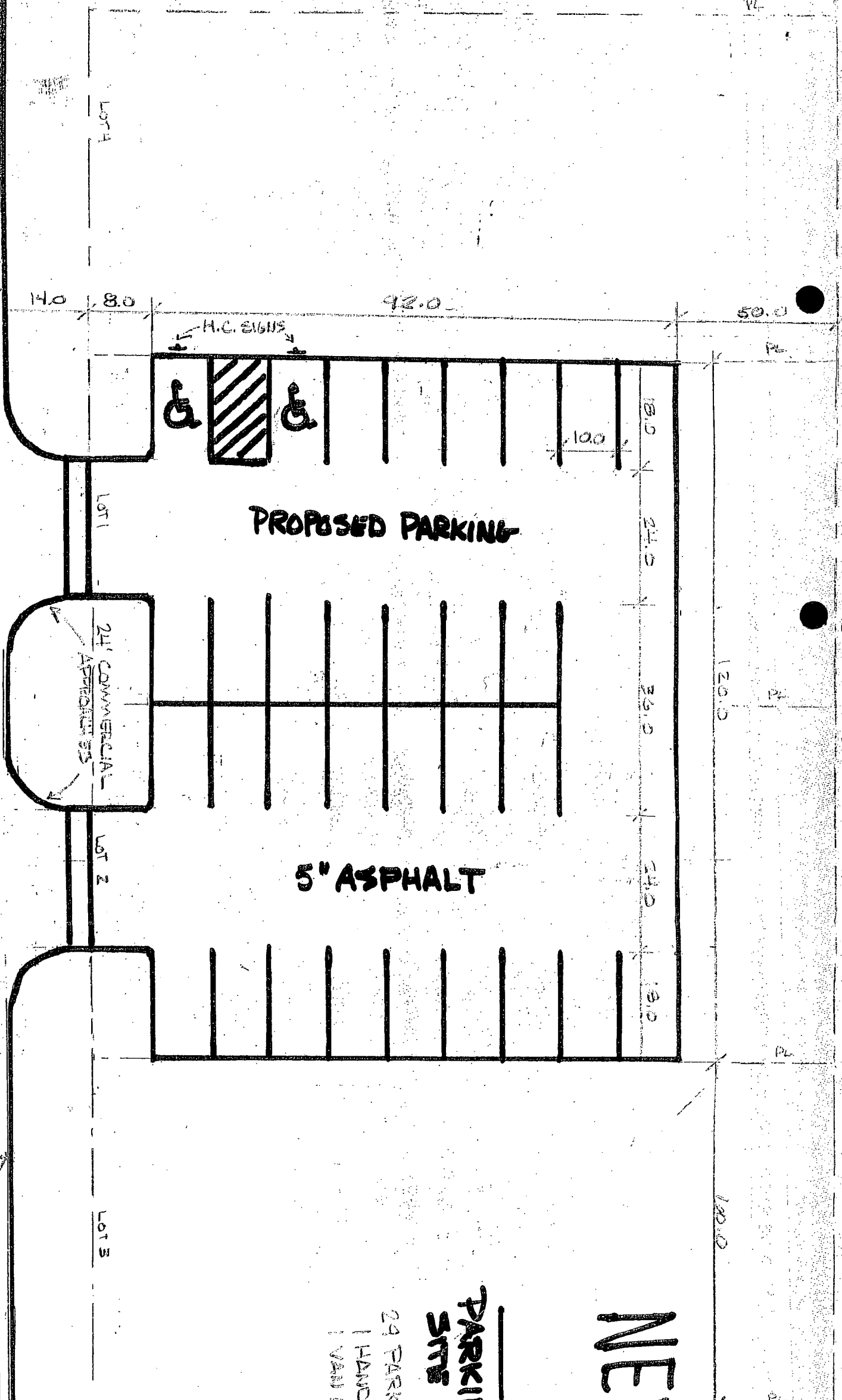


29 PARKING SPACES
1 HANDICAP
1 VAN ACCESSIBLE

BZA2003-00023
SITE PLAN

APPROVED 6-6-03 BY SK

CHAUTAGUA



LEGAL DESCRIPTION

AGEE HUNTER ADDITION

TRUCK LOT 142