



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

June 10, 2003

Joe Hoover
USD 259
3850 N. Hydraulic
Wichita, KS 67219

Re: BZA2003-00025: Zoning Adjustment to allow a parking area for L'Ouverture Elementary School to be located in the front setback along Wabash on property zoned "B" Multi-Family Residential.

Legal Description: Lots 1-48, Block 4, Washington Avenue Addition, Wichita, Sedgwick County, Kansas along with the vacated alley within said block. Generally located north of 13th Street North and east of Mosley (1539 N. Ohio).

Dear Mr. Hoover:

We have reviewed your request for a Zoning Adjustment to allow parking in the front setback on the aforementioned property. You state in your application that you plan to use this area for required off-street parking for an elementary school and that you desire to park in the front setback no closer than 8 feet from the right-of-way line for Wabash in order to preserve as much land as possible for use as a playground.

Sec. V-I.2.1. 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 allowance of parking within the setback as proposed meets the four conditions required by Section V-1.6. of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: Sufficient open space between the parking area and the property line will remain to prevent vehicles from encroaching upon the sidewalk; therefore, the safety and convenience of vehicular and pedestrian circulation should not be negatively impacted.
- 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 setback as no residential front yards are located adjacent to the parking area, and all property in the vicinity of the proposed parking area is developed with a park or is vacant industrial property.
- 3) Compatibility with existing or permitted uses on abutting sites: Schools and associated accessory uses such as parking are permitted in residential zoning districts, and the allowance of parking within

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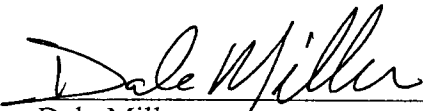
the setback should not compromise existing or permitted uses on abutting sites due to the minor nature of the encroachment of the parking area into the setbacks and the provision of landscaping for the parking lot.

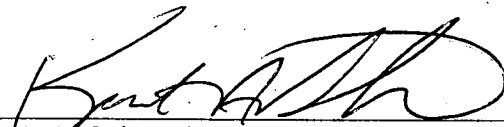
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to allow parking in the front setback along Wabash, 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) All parking area shall be paved and marked.
- 3) The parking area shall be developed in general conformance with the landscape ordinance.
- 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.

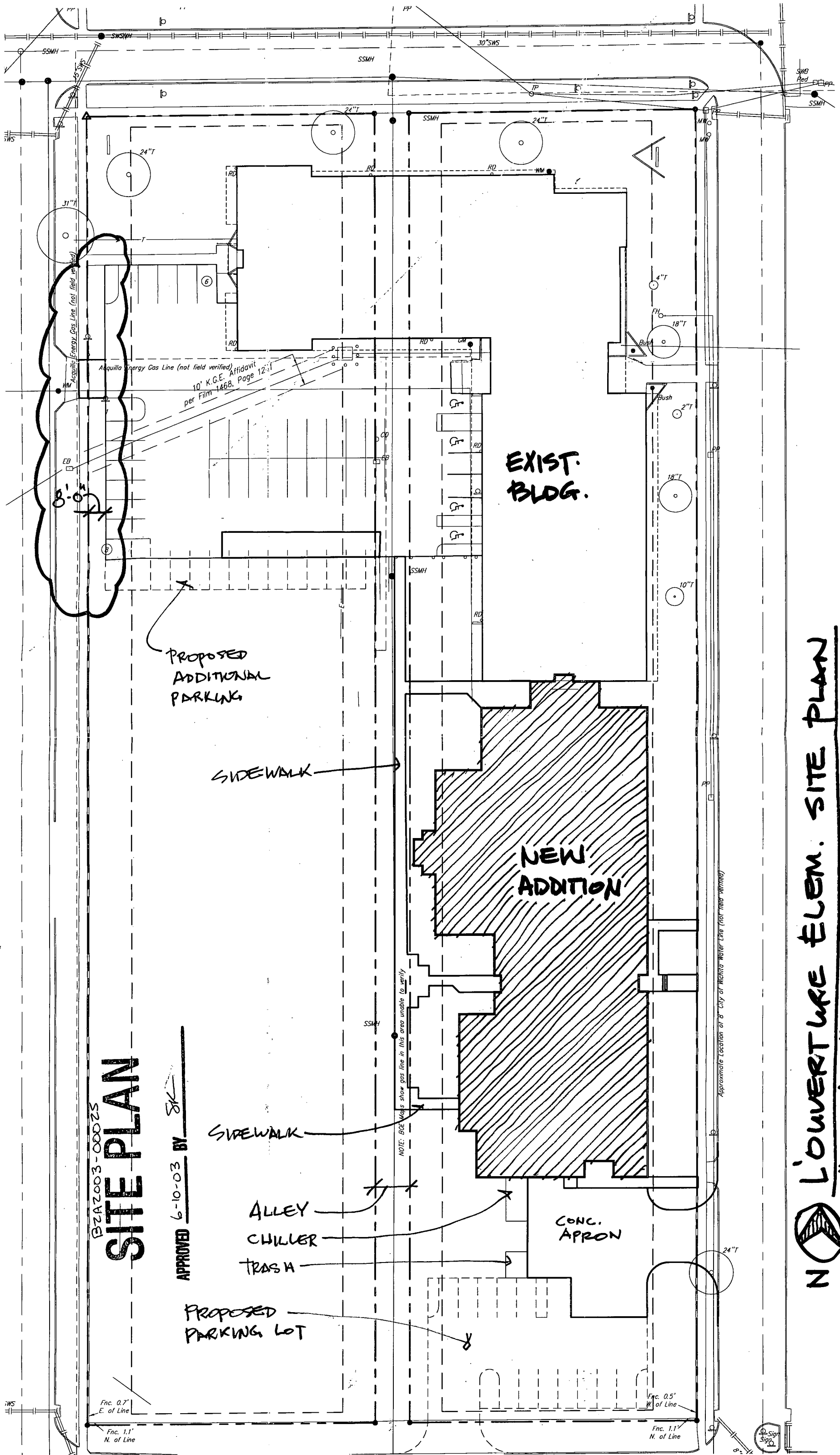
The zoning adjustment sign may now be removed from the property.


Dale Miller
Acting Planning Director


Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: 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



BZA2003-00025
SITE PLAN

APPROVED 6-10-03 BY SK

Fnc. 0.7'
E. of Line

Fnc. 0.5'
W. of Line

Fnc. 1.1'
N. of Line

NOTE: BOE Vols show gas line in this area unable to verify

Approximate Location of City of Wichita Water Line (not field-verified)

N
L'OUVERTURE ELEM. SITE PLAN
1" = 40'-0"