

DR 74-21 - Parking in the Front
Yard Setback in Residential Areas
Possible modification to Z.O.

ACTION

DATE

COMMITTEE

M.A.P.C.

B.C.C./B. CO. C.

Virgil Jones

Suspended license - until permits
& Central Report
1207 Luther
2320 E. Murdock

*Not for
Winn before
MABC*

265-5582
263-3124

2018 S. Malley

AREA CODE 316

GARY D. HANNA

BROWN & HANNA
ATTORNEYS AT LAW

512 UNION CENTER

WICHITA, KANSAS 67202

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

July 10, 1974

TO Files
FROM Robert A. Lakin, Director of Planning
SUBJECT DR 74-21 - Off street Parking *now*
in Dwelling Districts

At the first informal meeting of the Metropolitan Area Planning Commission in June, I discussed with them the problem described in the memo from Leland Johnson to Feldner. This also relates to problems identified by Virgil Jones and a Mr. Gary D. Hannon. The essential problem is the establishing of off-street parking areas in front yard setbacks for additional cars, etc. An attendant problem is approval of curb cuts by the City Engineering Division concomitant with the paving of the yard area. It was proposed to the Planning Commission that a text amendment be provided which would essentially allow a certain amount of front yard area to be used for off-street parking. The Planning Commission, in discussing it informally, felt that it would not be wise to open up parking in front yard setback areas citywide, and that the matter should be approached through the Board of Zoning Appeals as a variance procedure.

It is my feeling that the variance procedure will be difficult to use in handling these, due to the five points required to be established. It would seem to me that there still might be merit in establishing an exception procedure before the BZA so they could be handled on a one-on-one basis, but with given criteria. At the moment, other text changes and programs are more pressing, and this item will be set aside until there is revived interest by the Planning Commission.

RAL:ber

cc: Robert Feldner, Supt. of Central Inspection
Jack Galbraith, Chief Planner

July 10, 1974

Files

Robert A. Lakin, Director of Planning

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**cc: Robert Feldner, Supt. of Central Inspection
Jack Galbraith, Chief Planner**

July 10, 1974

Mr. Virgil Jones
3639 Arkansas
Wichita, Kansas 67204

Dear Mr. Jones:

Sometime ago we discussed the problem of off-street parking spaces in front yard setbacks. I discussed this matter informally with the Planning Commission, requesting their permission to prepare revised text which would allow this under certain conditions.

It was the view of the Planning Commissioners that they did not want to consider any text changes at this time, and preferred that each case be handled individually through the Board of Zoning Appeals.

Based on this direction from the Planning Commission, we will not be preparing any text changes. The way to handle cases such as we discussed, would be to file an application for a variance with the Board of Zoning Appeals, stating why the variance of front yard setback parking is needed and establishing the five conditions set forth under law as to why the Board should approve such variance.

A copy of the Board of Zoning Appeals regulations and the five conditions necessary to approve a variance are attached for your information and review.

Sincerely,

Robert A. Lakin
Director of Planning

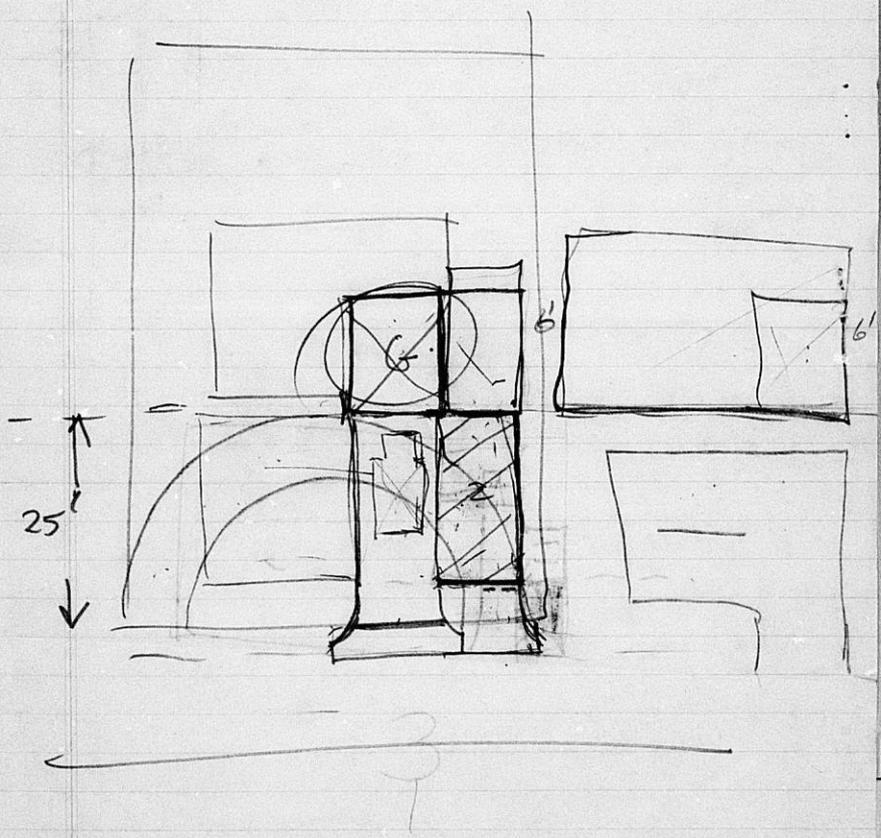
RAL:ber

Attachment

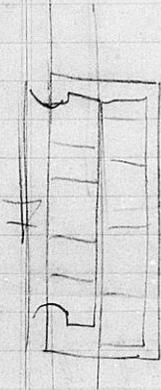
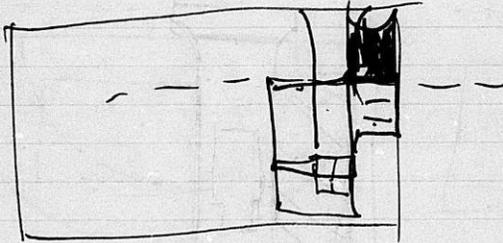
Virgil Jone 3639 Anderson
1714 Greenfield 8386073

[Setback + parking

Call Schner + Bruggeman.



3



Call for G
689-3715

THE CITY OF WICHITA

OFFICE OF Central Inspection Division

DATE June 7, 1974



TO Robert B. Feldner, Superintendent of Central Inspection

FROM Leland Johnson, Building Code Engineer

Leland Johnson
SUBJECT Off-street Parking in Dwelling Districts

A check on the problem of curb cuts in residential districts for widening approaches to driveways which have been increased in width indicates that the problem is almost entirely confined to persons desiring a second space for off-street parking. Section 28.04.140 prohibits parking in the front yard setback except for conversions.

It was estimated by Jack Miller that at least 9 out of 10 referrals to him for permission to approve curb cuts fall into the above category. Our discussion with Joe Donnelly and Jack Miller relative to enforcement of the ordinance in this matter brought out the following points:

Handled on a complaint basis, CID personnel estimate they handle from between 15 to 20 cases annually for the entire city. Nearly all the complaints are called, not because of the vehicle being parked in the setback, but because it makes a quagmire out of the unpaved area. From the nature of the complaints, J. Donnelly estimated that had the areas been surfaced, no complaints would have been called.

Since there is no regulation governing the width of driveways, many persons have widened existing drives. They then use the widened drive for additional parking which, in most instances under the present ordinance, is illegal.

The near universal practice throughout the city of parking in driveways indicates public acceptance of using this space for parking which has thereby rendered enforcement of this provision impractical, if not impossible.

It appears that in the best interests of citizens generally and the community as a whole, some modification to the zoning ordinance with respect to driveway parking should be made that would include the following points:

1. Off-street parking may be permitted in required front yards of dwelling districts, up to two spaces per

family unit (but not allowing boats, trailers or mobile homes as presently prohibited by Section 28.04.160, par. G).

2. No more than _____ % of the required front yard may be surfaced. (and? or?) No more than 250 sq. ft. of surfacing may be added in the required front yard to that provided by initial construction requirements.
3. The present statement in Section 28.04.145, subparagraph 3.5, would need changing to permit the above two points to be incorporated into an ordinance amendment.

LJ:ml