

screening and landscaping requirements should mitigate adverse impacts of the parking areas on surrounding residential uses.

- 3) Compatibility with existing or permitted uses on abutting sites: The allowance of parking within the setbacks is compatible with permitted uses on abutting sites in that existing church parking areas abutting the subject property received a variance (BZA32-80) to reduce the setback for parking to 0 feet.
- 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.

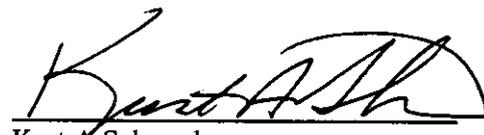
Our signatures below indicate that an administrative adjustment to reduce parking requirements from 750 spaces to 715 spaces and permit parking within the front and street side setback no closer to the property line than 8 feet is hereby granted for the aforementioned property subject to the following conditions:

- 1) The parking areas shall be developed in general conformance with the approved site plans. The site plan for this phase of parking expansion shall be revised to keep areas within 8 feet of the property line not in essential drive aisles or drive entrances as unpaved areas available for landscaping.
- 2) A screening and landscaping plan for the new parking areas that meets all requirements the Unified Zoning Code and the Landscape Ordinance shall be approved by the Planning Director prior to the issuance of a building permit. Except for the driveway entrances, and the drive aisle connecting the new parking area with the lots governed by BZA32-80, all areas within 8 feet of the property line shall be planted with trees, shrubbery and living ground cover or grass to comply with the landscaped street yard requirements. All interior parking islands shall be maintained with trees and a ground cover of shrubbery or grass for a minimum of 55 percent of the ground area.
- 3) Any violation of these conditions shall render the Administrative Adjustment null and void.

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



John L. Schlegel  
Planning Director



Kurt A. Schroeder  
Superintendent of Central Inspection

Enclosure

cc: E Tom Pyle, Jr. & Assoc, PA, Box 9, McPherson, KS 67460  
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



**FILE COPY**

**Wichita-Sedgwick County Metropolitan Area Planning Department**

September 13, 2004

Immanuel Baptist Church  
c/o Faye Graves  
1415 S. Topeka  
Wichita, KS 67211

**Re: BZA2004-00067: Administrative adjustment to allow parking in the front and street side setback on property zoned "MF-29" Multi-Family Residential. Generally located on the west side of Emporia Avenue north and south of Zimmerly Street.**

**Legal Description: Lots 79, 81, 83 and 85 Emporia Avenue, Zimmerly's 3<sup>rd</sup> Addition to Wichita, Sedgwick County, Kansas (1337, 1343 and 1345 S Emporia). The north 42.5 feet of the east half of Lot 21, Emporia Avenue, Zimmerly's Addition to Wichita, Sedgwick County, Kansas (1415 S Emporia). The north 50 feet of the east half of Lot 20, Zimmerly's Addition to Wichita, Sedgwick County, Kansas (1429 S Emporia).**

Dear Rev. Graves:

We have reviewed your request for an administrative adjustment to allow parking in the front setback on the aforementioned property for the purpose of providing additional parking for the Immanuel Baptist Church. You state in your application that additional parking can be provided spaces by allowing parking in the front setback areas. A previous administrative adjustment was made to reduce parking requirements from 750 to 715 spaces; however, you indicate you wish to provide more parking than required because of greater than anticipated demand for parking spaces. The addition of these three lots will recapture the majority of the parking shortage. You have provided a parking lot layout for this current parking expansion, as well as a plan for future parking if the church acquires lots located between the existing church property.

The Unified Zoning Code permits an administrative adjustment to permit parking in residential districts to be located within the front and street side setback, but in no case closer to the property line than 8 feet. Therefore, permitting parking within the front and street side setback no closer to the property line than 8 feet 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: The encroachment of parking areas into the front areas should have no impact on safety and convenience of vehicular and pedestrian circulation in the vicinity of the application area, as on-street parking is permitted in the vicinity and sufficient sight lines will be maintained for traffic safety at intersections.
- 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 the reduction of setbacks. Parking will be intermittent with the facility use and should not encroach or encumber any uses adjacent to this property. The  
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