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 permit a parking area to be located within the front setback in a residential zoning district but no closer than 8 feet from the property line is hereby granted, subject to the following conditions:

1) The site shall be developed and operated in conformance with all conditions of Conditional Use CON2004-00020.

2) 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.

John L. Schlegel
Planning Director

Kurt A. Schroeder
Superintendent of Central Inspection

cc: Russ Ewy, Baughman Company, 315 Ellis, Wichita, KS 67211
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

CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 10, 2004

Jay Russell
Maple Group LLC
P.O. Box 75337
Wichita, KS 67275

Re: **BZA2004-00057: Zoning Adjustment for a neighborhood swimming pool to permit a parking area to be located within the front setback in a residential zoning district.**

Legal Description: Lot 11, Block D, Shadow Woods Addition, Wichita, Sedgwick County, Kansas. Generally located north of Maple and west of 135th Street West (14111 W. Cavit).

Dear Mr. Russell:

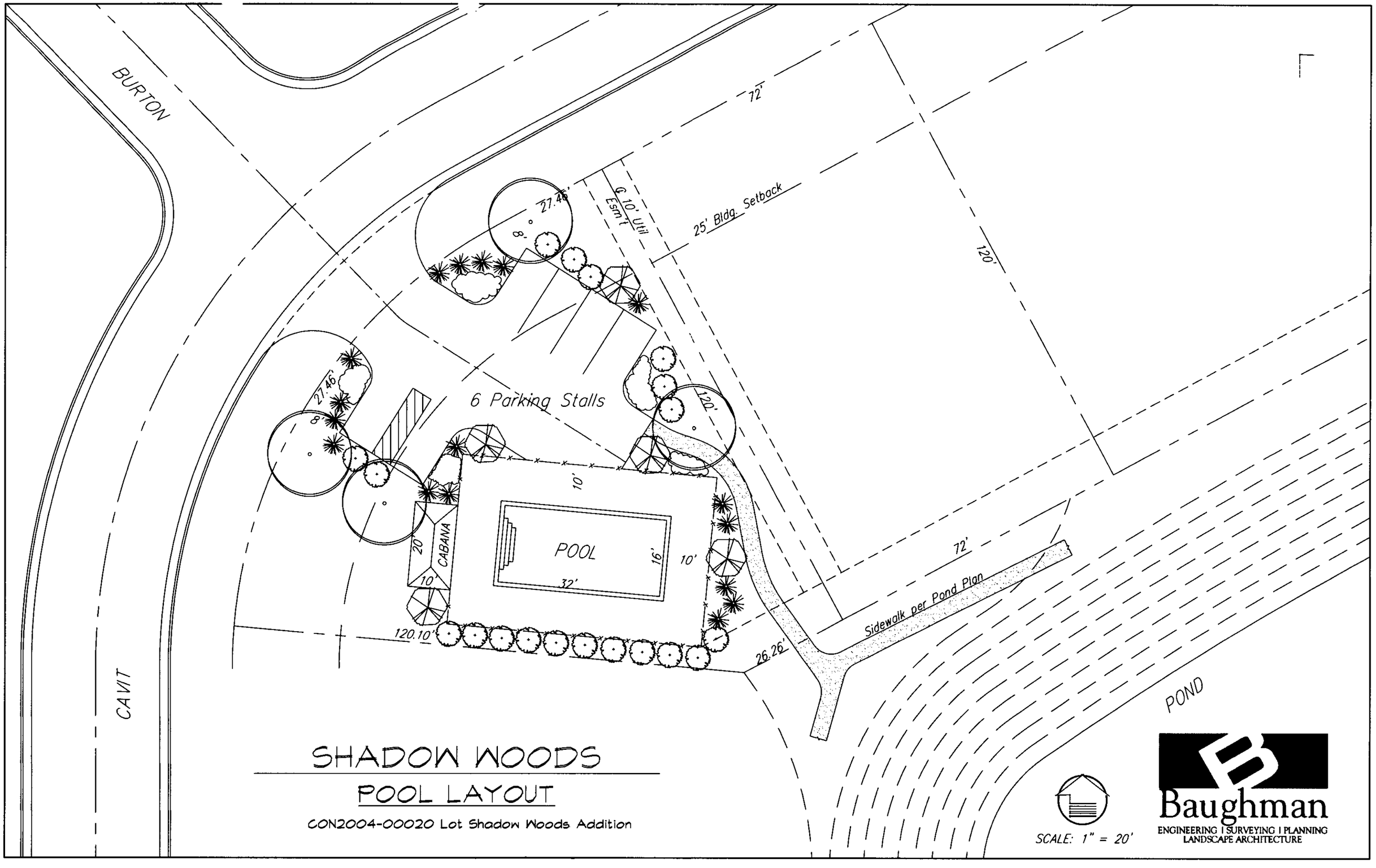
We have reviewed your request for a Zoning Adjustment to permit a parking area within the front setback in a residential zoning district. From reviewing your application, we understand that you propose to construct a neighborhood swimming pool on the property per the Conditional Use (CON2004-00020) approved by the Metropolitan Area Planning Commission on June 10, 2004. Condition #4 for the Conditional Use requires approval of the requested Zoning Adjustment prior to the issuance of a building permit for the proposed neighborhood swimming pool.

From reviewing your site plan, we have determined that a portion of the northwest corner of the parking area encroaches into the front setback but is located no closer than eight from the property line. Section V-I.2.l. of the Unified Zoning Code allows an adjustment to permit a parking area within the front setback in a residential zoning district but in no case closer than eight feet from the property line when the four conditions required by Section V-I.6. of the Unified Zoning Code are met. We find that allowing the parking area 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 proposal should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because sufficient separation between the parking area and the property line will remain to prevent the encroachment of vehicles onto the right-of-way.

2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the adjustment, as the neighborhood swimming pool will be a community amenity and providing sufficient parking will increase its utility to the neighborhood.

3) Compatibility with existing or permitted uses on abutting sites: The proposed neighborhood swimming pool has been found to be compatible with abutting sites by the Metropolitan Area Planning Commission through approval of the Conditional Use.



SHADOW WOODS

POOL LAYOUT

CON2004-00020 Lot Shadow Woods Addition