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

Enclosure

cc: Jeff Krehbiel Associates, 1300 E. Lewis, Wichita, KS 67211
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Herb Shaner, Office of Central Inspection

CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

February 14, 2005

Alan Joseph
Hope Properties LLC
7701 E. Kellogg, Suite 820
Wichita, KS 67207

Re: **BZA2005-00006: Zoning Adjustment to reduce the parking requirement from 27 spaces to 23 spaces and to allow parking spaces to be located within the front and street side setbacks no closer than 8 feet from the property line along 13th Street North and Fairmount.**

Legal Description: Even Lots 174-190 on Holyoke and Odd Lots 183-189 on Fairmount, Fairmount Addition, Wichita, Sedgwick County, Kansas. Located on the northwest corner of 13th Street North and Fairmount.

Dear Mr. Joseph:

We have reviewed your request for a Zoning Adjustment to reduce the parking requirement and permit parking spaces to be located within the setbacks on the above-referenced property. From reviewing your application, we understand that you propose to remodel five fourplexes and a duplex located on the property. The value of the remodeling requires compliance with the parking requirement, which is 27 spaces. We understand that you propose to provide 25 spaces on the property; however, Section IV-A.6.a.(7) of the Unified Zoning Code allows additional accessory off-street parking to be located within front and street side setbacks. Therefore, you have requested an adjustment to reduce the parking requirement from 27 spaces to 23 spaces so that the 2 spaces located along Holyoke may be located within the front setback. Additionally, you have requested an adjustment to permit the parking spaces located along 13th Street North and Fairmount to be located within the front and street side setbacks but no closer than 8 feet from the property line.

Sec. V-I.2.i. of the Unified Zoning Code allows an adjustment to reduce the parking requirement by up to 25 percent for redevelopment of existing sites and Section V-I.2.l. of the Unified Zoning Code allows an adjustment to permit parking within front and street side setbacks no closer than 8 feet from the property line when the conditions required by Sec. V-I.6. of the Code are met. We find that the reduction of the parking requirement and permitting parking with the front and street side setbacks as proposed meets the four conditions required by Sec. V-I.6. of the Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: Flexibility is provided within the Code to allow for minor changes in the number of parking spaces provided and the location of such spaces in order to encourage redevelopment of existing sites. The requested adjustments are within allowable limits; therefore, sufficient on-site parking should be provided such that on-street parking for proposed use should not exceed the amount of on-street parking available. Also, the proposed location of parking spaces is such that parked vehicles should not encroach upon sidewalks.

2) Impact on existing uses in surrounding areas: There should be no negative impact on uses in surrounding areas as a result of the requested adjustments, as sufficient parking should be provided on-site with no resulting off-site parking need being generated by the proposed use that would utilize parking provided for adjacent uses. Also, the adjacent properties to the north are developed with less than currently-required front setbacks, so the allowance of parking in the setback areas should not negatively impact surrounding uses.

3) Compatibility with existing or permitted uses on abutting sites: Fourplexes, duplexes, and accessory uses such as parking are permitted in the "MF-29" Multi-Family and "TF-3" Two-Family zoning districts, and the requested adjustments should not compromise existing or permitted uses on abutting sites due to the minor nature of the requested adjustments.

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 reduce the parking requirement from 27 spaces to 23 spaces and to allow parking spaces to be located within the front and street side setbacks no closer than 8 feet from the property line along 13th Street North and Fairmount is hereby granted, subject to the following conditions:

1) The site shall be developed in general conformance with the approved site plan.

2) The parking areas shall be paved and marked in general conformance with the approved site plan.

3) Redevelopment of the site shall generally comply with the requirements of the Landscape Ordinance per a landscape plan approved by the MAPD prior to the issuance of a building permit.

4) The two parking spaces along Holyoke are additional accessory off-street parking spaces and are permitted by Section IV-A.6.a.(7) of the Unified Zoning Code to be located within the front setback along Holyoke.

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

℄ Holyoke Avenue

N89°56'41"E 149.95'(M)(Pro) 150.0'(P)

30'(M)(P)

Curb

NEW APPROACH PER CITY STANDARDS → 2 STALLS

BLDG. F
2-PLEX
1422 N. HOLYOKE

PLAYGROUND

NEW APPROACH PER CITY STANDARDS →

TRASH

PAVING

6 STALLS

S00°13'49"W 123.00'(P)

S00°10'23"W 125.02'(M)

N00°14'00"E 671.61'(M) 671.70'(P)

Curb

N00°14'00"E 223.64'(M)(C)

BLDG. E
4-PLEX
1410-1416
NORTH HOLYOKE

BLDG. D
4-PLEX
1402-1408
NORTH HOLYOKE

BLDG. C
4-PLEX
3302-3308 EAST 13TH.

9 STALLS

BLDG. A
4-PLEX
1408-1411 NORTH FAIRMOUNT

BLDG. B
4-PLEX
3316-3322 EAST 13TH.

N89°56'41"E 149.95'(Pro) 150.00'(P)
N89°56'20"E 149.84'(M)

PROPERTY LINES

30'(M)(P)

2 STALLS

PAVING

NEW APPROACH PER CITY STANDARDS

2 STALLS

(M) S00°11'38"W 202.07'(C)
S00°11'38"W 202.07'(M)

NEW APPROACH PER CITY STANDARDS

2 STALLS

EXISTING SIDEWALK

Curb

Sign

30'(M)(P)

N60°05'35"W 13.81'(M)(C)

N00°00'00"E 2.50'(M)(C)(D)

N87°11'54"W 74.06'(M)(C)

S90°00'00"W 213.92'(M)(C)

43.01'(M)(C)

36.12'(M)(C)

30'(M)(P)

30'(M)(P)

℄ 13th Street

℄ Fairmount Avenue

N00°13'38"E 671.96'(M) 672.07'(P)

Assumed Basis of Bearings N90°00'00"E 359.92'(M) 360.0'(P)

NORTH

A SITE DEVELOPMENT PLAN

1"=20'-0"

BZA2005-00006

SITE PLAN

APPROVED 2-14-05 BY SK

MAPD Copy

BZA-2005-6