

RECOMMENDATION: Should the Board determine that a parking lot is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. The parking lot shall be paved with concrete, asphaltic concrete or asphalt and shall be maintained in good condition and free of all weeds, dust, trash and other debris. The lot shall be striped in accordance with the approved plan.
2. The parking lot shall be used for passenger vehicles only, and in no case shall it be used for sales, repair work, storage, dismantling or servicing of any vehicles, equipment, materials or supplies.
3. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
4. In no case shall a fee be charged for parking facilities provided by this use exception.
5. If lighting facilities are provided, they shall be so arranged as to deflect or direct light away from any adjacent dwelling district.
6. The solid 6-foot and 3-foot fence along the south property line shall be maintained in good repair.
7. The 25-foot front yard setback area on Erie shall be landscaped with grass, shrubs and trees. Within 30 days following approval of this use exception by the Board, and prior to release of the resolution, the applicant shall submit a landscape plan (including names, sizes and quantities of plant materials) to the Secretary for review and approval. The method of providing water to the plant materials shall be noted on the plan. The plant materials shall be installed prior to the use of this new parking lot. If weather prohibits the planting, a monetary guarantee of sufficient amount to cover the cost and installation of the plant materials shall be submitted to Central Inspection as assurance that the plants will be installed during the next planting season.
8. All required improvements for this parking lot shall be satisfactorily completed within 12 months following approval by the Board, or the resolution shall be considered null and void.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 8

September 26, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 38-89

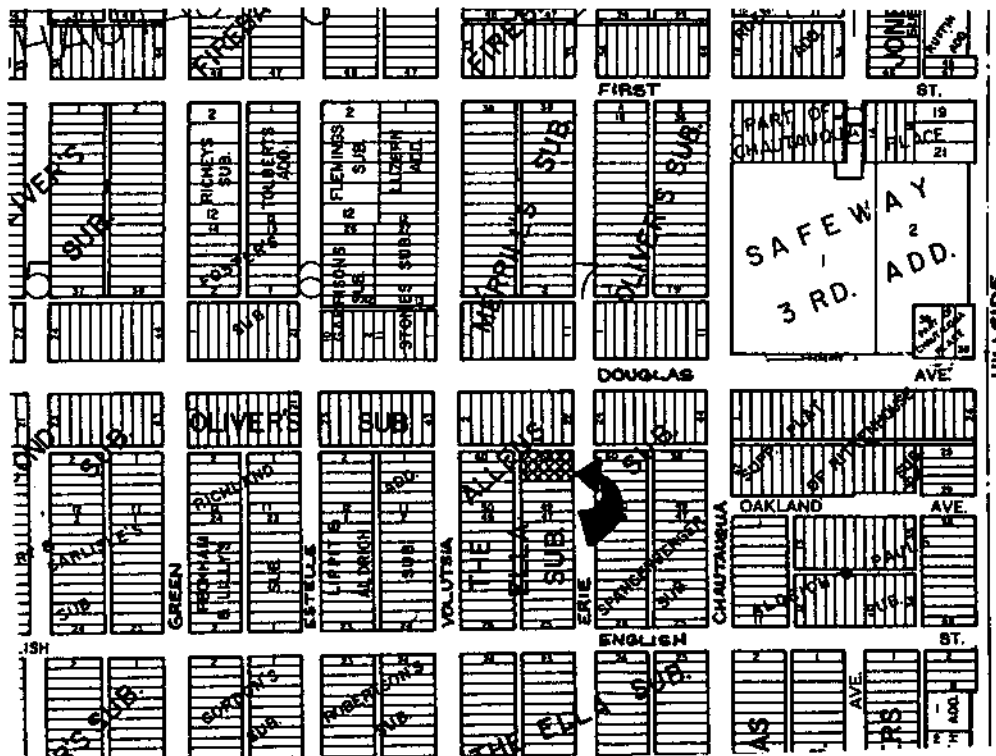
OWNER/APPLICANT/AGENT: Joseph and Elizabeth Fleming
(owners/applicants)

REQUEST: Exception to permit an off-street parking lot.

CURRENT ZONING: "A" Two-Family Dwelling District

SITE SIZE: 75 ft. x 132.5 ft.

LOCATION: West side of Erie in an area south of Douglas.



JURISDICTION: The Board has jurisdiction to consider this request under the provisions outlined in Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception, provided the conditions set out in Section 28.04.145 can be complied with.

BACKGROUND: In January 1984, the Board of Zoning Appeals approved a use exception for a parking lot on subject property to be utilized by the business at the southwest corner of Douglas and Erie. The approved plan showed full utilization of the 75-foot-wide site, except for a landscaped buffer on the east. The parking lot and all required improvements were to have been installed by January 3, 1985, or the resolution authorizing the parking lot would become null and void. The residential structure was removed from the site and the screening fence was erected along the south property line, but the parking lot was not constructed, and the resolution was subsequently declared null and void.

The property is now under new ownership and once again plans are being made to remodel the adjacent building and provide additional off-street parking. The current parking lot plan shows that only a portion of the site will be paved for parking. In fact, the required 24-foot circulation aisle or back-out space can include the 15-foot paved alley and therefore only 29 feet of paving (rather than 44 feet) will be needed to provide for one row of 90° parking south of the alley. The 25-foot front yard on Erie is labeled as a "landscape area" and a landscape plan will need to be submitted to the Secretary for review and approval. The quantity and type of plant materials should be sufficient to provide some screening for the residential properties to the east to avoid having to provide a 3- to 4-foot fence along the setback line. Since only about one-third of this site is to be paved, it is the Secretary's opinion that a landscaped front yard would be more appropriate than a fence.

Regarding the "new 4-foot wood fence" along the west property line, the Board should consider not requiring this fence, due to the sight problem and turning radius problem which might be created by a fence at this alley intersection. If, in the future, more of this property is to be paved for parking, a revised site plan would need to be submitted to the Board for review and approval and the requirement for fences along the west and east lines could be reevaluated at that time.

For the record, it is noted that the north 21 feet of this site has been paved and used for parking for approximately 20 years, even when a residence existed on the balance of the site. However, there are no permits to indicate that this parking was ever approved, so it appears to have been an illegal use of residentially zoned land. The new owner is trying to clear up these problems.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Light commercial uses
SOUTH	"A"	One-family dwelling
EAST	"A"	One-family dwelling
WEST	"A"	One-family dwelling

WICHITA -- SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL -- TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4581

October 30, 1989

Joseph & Elizabeth Fleming
2823 E. Douglas
Wichita, KS 67211

Re: BZA 38-89 - Exception to permit parking on property zoned
"A" Two-Family Dwelling District on the west side of Erie
in an area south of Douglas.

Dear Mr. & Mrs. Fleming:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on September 26, 1989. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files now that condition #7 has been submitted and approved. A copy of the approved plan is also enclosed for your files.

If you have questions concerning this matter, please call our office.

Sincerely,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

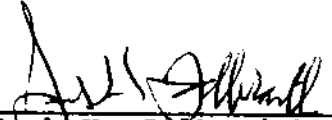
8. All required improvements for this parking lot shall be satisfactorily completed within 12 months following approval by the Board, or the resolution shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of September, 1989.



Keith Alter, Vice President

ATTEST:



Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 38-89

WHEREAS, Joseph and Elizabeth Fleming, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit an off-street parking lot on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 55-57-59 on Erie, Allen's Subdivision in Richland's 2nd Addition to Wichita, Kansas. Generally located on the west side of Erie in an area south of Douglas.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of September 26, 1989, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for an exception under the provisions of Section 2.12.590.C, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has authority to permit an off-street parking lot on property zoned the "A" Two-Family Dwelling District, subject to the conditions outlined in Section 28.04.145, Code of the City of Wichita.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this application be approved to permit an off-street parking lot on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lots 55-57-59 on Erie, Allen's Subdivision in Richland's 2nd Addition to Wichita, Kansas. Generally located on the west side of Erie in an area south of Douglas.

subject to the following conditions:

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