

Elizabeth in an area south of Merton (Stanley Elementary School).

be approved subject to the following conditions:

1. The front yard setbacks adjacent to Martinson and Elizabeth shall be reduced as requested for off-street parking purposes only and no permanent structures shall be erected thereon.
2. The five foot setback areas adjacent to the parking lot shall be landscaped with a combination of grass, shrubs and trees and maintained in good condition.

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1978.

James Richardson, Chairman

ATTEST:

Larry Dobson, Assistant Secretary

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11. Case No. BZA 7-78 - Norman H. Sinclair and Lorene M. Sinclair, 560 S. Ridge Road, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The north 62 feet of Lot 50, Westfield Acres, Wichita, Sedgwick County, Kansas. Generally located on the west side of Tyler Road in an area north of Maple.

DOBSON showed slides of the application area and reviewed the following comments from the Secretary's Report:

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under 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.

COMMENTS BY THE SECRETARY:

The applicants are requesting an exception to permit the establishment of an off-street parking lot in connection with a proposed commercial development on the balance of the applicant's ownership adjacent to the south.

The total ownership proposed to be developed by the applicant is 128.5 feet wide by 423.5 feet deep. As a result of the establishment of 600 foot squares of "LC" Light Commercial zoning at section line intersections in 1958, the south 66.5 feet of this ownership is currently zoned "LC" and the remaining north 62 feet is zoned "AA" Single Family. It is on this north 62 feet that the applicants are requesting an exception to permit it to be utilized for off-street parking.

On October 13, 1977, the Planning Commission considered a request for a change of zoning on subject property from the "AA" to "LC" district (Z-1975). The Planning Commission recommended approval of the change subject to the applicant's total ownership being replatted in order to establish building setbacks and secure adequate street right-of-way. The City Commission, in its consideration of this matter on November 8, 1977, returned the case to the Planning Commission for its reconsideration. At the applicant's request, this case was deferred to the Planning Commission meeting of March 16, 1978. If the exception request now before the Board of Zoning Appeals is approved, it is assumed the applicants will withdraw their request for a change of zoning.

A site plan submitted with this application indicates the proposed construction of a commercial building on the south portion of the applicant's ownership, with subject property being utilized for parking and circulation. However, it should be noted that the commercial building as shown encroaches approximately 10 feet onto the "AA" zoned property, which would not be permitted. An existing home and liquor store would be removed from the property to make way for the proposed development.

The applicant's total ownership is only a portion of a platted lot and, as recommended by the Planning Commission, approval of this exception should be subject to replatting of the total ownership.

RECOMMENDATION:

It is the opinion of the Secretary that the exception requested would be an appropriate buffer between the "LC" and "AA" districts and that with proper screening of surrounding residential properties, would not adversely affect the neighborhood. It is, therefore, recommended that this exception be approved subject to the following conditions:

1. The applicant's total ownership shall be replatted prior to the issuance of a building permit on the applicant's ownership and within one year of the Board's date of approval, in order to establish building setbacks and secure adequate street right-of-way, or the case be considered denied and closed.
2. The parking area 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, this shall not be deemed to include identification or advertising signs for the adjacent business.
4. In no case shall a fee be charged for parking facilities provided hereunder.
5. The off-street parking lot and all driveways providing ingress and egress to 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 debris.
6. All parking spaces abutting property lines shall have adequate guards to prevent the extension or overhanging of vehicles beyond property lines or parking spaces. All parking areas shall have adequate markings for channelization and movement of vehicles.
7. If lighting facilities are provided, they shall be so arranged as to reflect or direct light away from adjacent properties.
8. No parking shall be permitted in the front 25 foot setback. This required 25 foot setback shall remain unpaved except for points of ingress and egress, and shall be landscaped with trees and/or shrubs and grass and shall be maintained compatible with the residential area.
9. A six to eight foot high solid fence, constructed of redwood or cedar shall be erected along the west and north property lines, except the fence shall be reduced to three foot in height for the east 20 feet of the north property line.
10. Two copies of a revised site plan, showing no building encroachment onto subject property and no parking in the front yard setback of subject property, shall be submitted to the Secretary of the Board.
11. All conditions as outlined above shall be installed prior to the occupancy of any commercial building using subject property for required off-street parking.

DOBSON read the memo received from the CPO Council relative to this case recommending denial of the application. Their recommendation had been based on the objections of adjacent property owners to anticipated increases in noise, traffic and possible devaluation of their property. They also felt that establishing an off-street parking lot on the property would create an undesirable commercial atmosphere, rather than the buffering affect that the present "AA" use now provides.

VERN LAMBERTZ, representative of the applicant, spoke to the Board and stated that he agreed with Dobson's comments about the

case. The present plan was a complete reversal of the original plan, which he still felt was the most practical way to site the building on the property.

In reference to the conditions suggested in the Secretary's Report, LAMBERTZ said he was willing to comply with them, although he did not necessarily agree that they were good conditions, referring specifically to the fencing requirement.

He concluded that he felt none of the conditions posed any problem.

No one was present to speak in opposition to the application.

MOTION: TAYLOR moved, JACOB seconded and it carried unanimously that the exception be granted subject to the conditions in the Secretary's Report.

The official action of the Board is reflected in the adoption of the following Resolution:

RESOLUTION NO. BZA 7-78

WHEREAS, Norman H. Sinclair and Lorene M. Sinclair, 560 S. Ridge Road, Wichita, Kansas, request an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The north 62 feet of Lot 50, Westfield Acres, Wichita, Sedgwick County, Kansas. Generally located on the west side of Tyler Road in an area north of Maple.

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 February 28, 1978, 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 the establishment of an off-street parking lot on property zoned the "AA" Single 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 the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District and legally described as follows:

The north 62 feet of Lot 50, Westfield Acres, Wichita, Sedgwick County, Kansas. Generally located on the west side of Tyler Road in an area north of Maple.

subject to the following conditions:

1. The applicant's total ownership shall be replatted prior to the issuance of a building permit on the applicant's ownership and within one year of the Board's date of approval, in order to establish building setbacks and secure adequate street right-of-way, or the case be considered denied and closed.
2. The parking area 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.
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10. Two copies of a revised site plan, showing no building encroachment onto subject property and no parking in the front yard setback of subject property, shall be submitted to the Secretary of the Board.
11. All conditions as outlined above shall be installed prior to the occupancy of any commercial building using subject property for required off-street parking.

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1978.

James Richardson, Chairman

ATTEST:

Larry Dobson, Assistant Secretary

There being no further business to come before the Board,
the meeting adjourned at 5:00 p.m.

Larry Dobson
Assistant Secretary