



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 20, 2003

Joe Hoover
USD 259
3850 N. Hydraulic
Wichita, KS 67219

Re: BZA2003-00020: Zoning Adjustment to allow parking areas for Washington Elementary School to be located in the street side setbacks along Hydraulic and Pennsylvania on property zoned "B" Multi-Family Residential.

Legal Description: A tract of land in the Northeast Quarter of Section 21, Township 27 South, Range 1 East described as: Beginning 40 feet south and 30 feet west of the northeast corner of the Northeast Quarter of Section 21, then west 270.7 feet, then south 600 feet, then east 270.7 feet, then north 600 feet to the point of beginning. Located on the southwest corner of Central and Hydraulic (1600 E. 3rd St. N.).

Dear Mr. Hoover:

We have reviewed your request for a Zoning Adjustment to allow parking in the street side setbacks on the aforementioned property. You state in your application that you plan to use these areas for required off-street parking for an elementary school and that you desire to park in the street side setbacks no closer than 8 feet from the right-of-way lines for Hydraulic and Pennsylvania in order to preserve as much land as possible for use as a playground.

Sec. V-I.2.1. of the Unified Zoning Code allows an adjustment to permit parking in residential districts to be located within required front and street side setbacks, but in no case closer to the property line than 8 feet, when the conditions required by Sec. V-I.6. of the Code are met. We find that allowance of parking within the street side setbacks no closer than 8 feet from the property line 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: Sufficient open space between the parking areas and the property lines will remain to prevent vehicles from encroaching upon the sidewalk; therefore, the safety and convenience of vehicular and pedestrian circulation should not be negatively impacted.
- 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 parking within the setback as no residential front yards are located adjacent to the parking area, and the parking area will be appropriately screened from residential uses located across the street.

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- 3) Compatibility with existing or permitted uses on abutting sites: Schools and associated accessory uses such as parking are permitted in residential zoning districts, and the allowance of parking within the setback should not compromise existing or permitted uses on abutting sites due to the minor nature of the encroachment of the parking area into the setbacks and the provision of landscaping for the parking lot.
- 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.

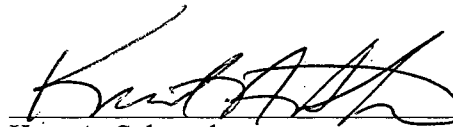
Our signatures below indicate that a Zoning Adjustment to allow parking in the street side setbacks along Hydraulic and Pennsylvania, but no closer than 8 feet from the property line, is hereby granted subject to the following conditions:

- 1) The parking areas shall be developed in general conformance with the approved site plan.
- 2) All parking areas shall be paved and marked.
- 3) The parking areas shall be developed in general conformance with the landscape ordinance.
- 4) 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

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



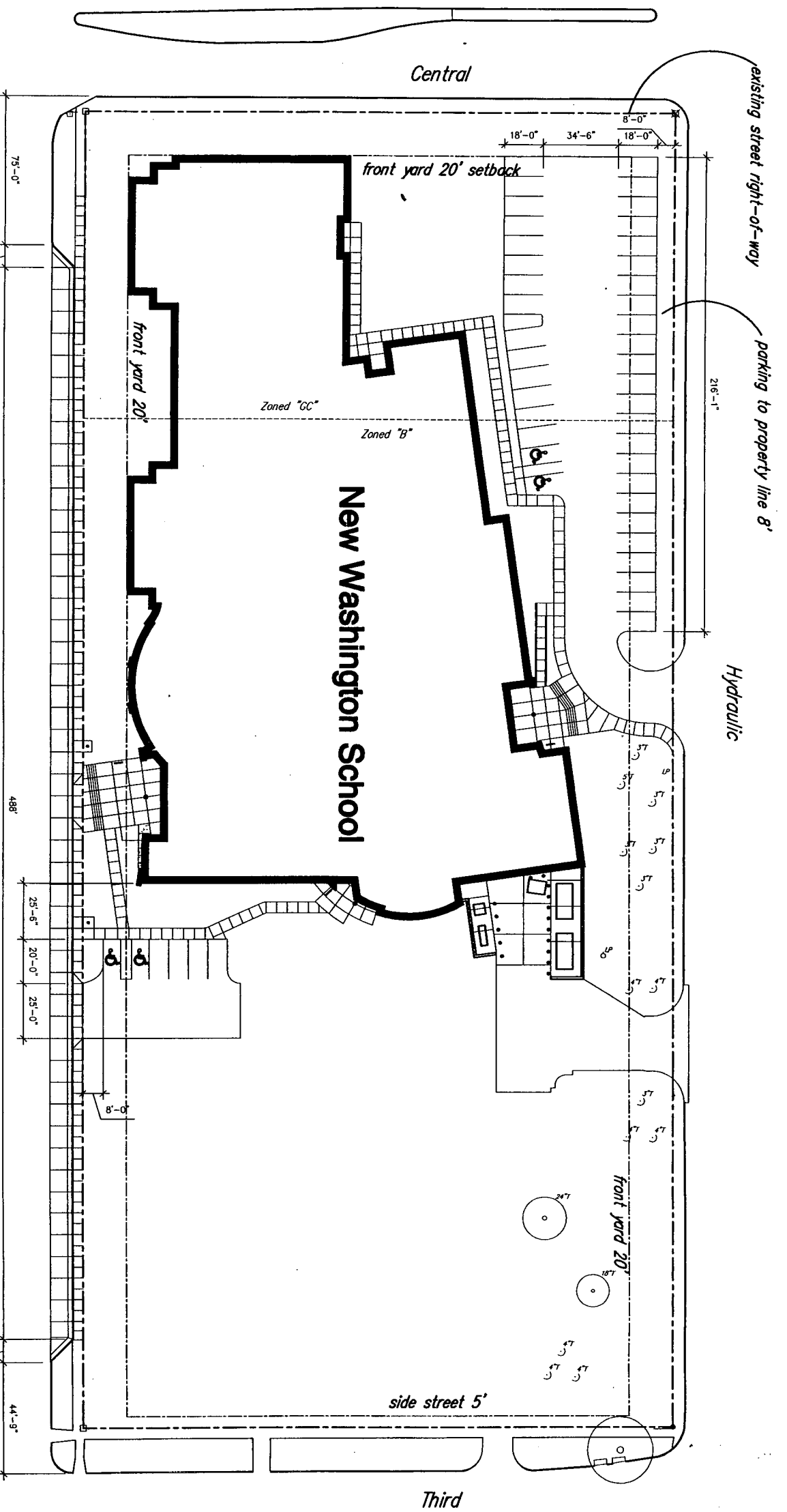
Dale Miller
Acting Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: 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



SITE PLAN

Pennsylvania

WASHINGTON ELEMENTARY SCHOOL
SCALE 1" = 60'

APPROVED 5-20-03 BY *SK*