



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 20, 2003

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

Re: BZA2003-00021: Zoning Adjustment to allow a parking area for Horace Mann Elementary School to be located in the front setback along Market on property zoned "B" Multi-Family Residential.

Legal Description: Lots 1201, 1203, and 1205 on Main Street and Lots 1202, 1204, and 1206 on Market Street, Bush's Addition, together with vacated 12th Street between Main and Market, together with even lots 280 through 316 on Main Street and odd lots 249 through 295 on Market Street, Hyde and Ferrell's Addition. Located north of 11th Street North and west of Market.

Dear Mr. Hoover:

We have reviewed your request for a Zoning Adjustment to allow parking in the front setback on the aforementioned property. You state in your application that you plan to use this area for required off-street parking for an elementary school and that you desire to park in the front setback no closer than 8 feet from the right-of-way line for Market 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 front setback 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 the residential front yards located adjacent to the parking area will be appropriately screened from the parking area to mitigate negative impacts of the parking area on residential uses.

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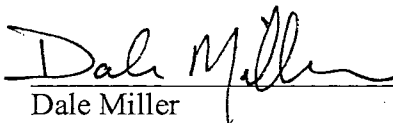
www.wichitagov.org

- 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 and screening 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.

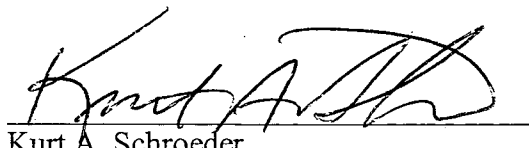
Our signatures below indicate that a Zoning Adjustment to allow parking in the front setback along Market, but no closer than 8 feet from the property line, is hereby granted subject to the following conditions:

- 1) The parking area shall be developed in general conformance with the approved site plan.
- 2) The parking area shall be paved and marked.
- 3) The parking area shall be developed in general conformance with the landscape ordinance.
- 4) The parking area shall be screened from abutting residential properties in accordance with the screening requirements of the Unified Zoning Code.
- 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 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.



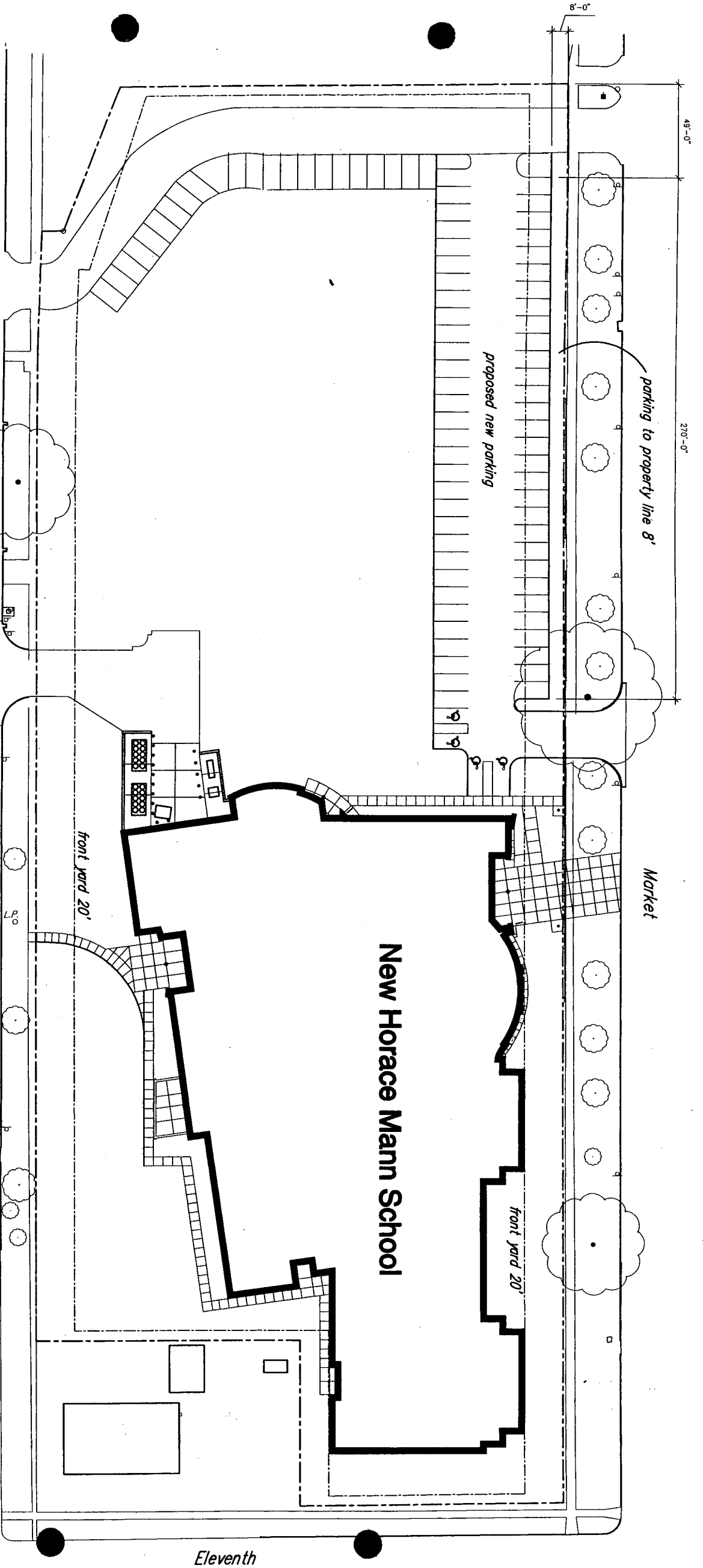
Dale Miller
Acting Planning Director



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



B2A2003-00024
SITE PLAN

APPROVED 5-26-03 BY 



HORACE MANN SCHOOL
SCALE 1" = 60'