


be provided on-site. Additionally, sufficient parking spaces are provided on Douglas Avenue to handle any overflow parking needs, which should prevent restaurant customers from using parking provided for adjacent businesses.

- 3) Compatibility with existing or permitted uses on abutting sites: Restaurants and accessory uses such as parking are permitted in the "LC" Limited Commercial zoning district, and reducing the parking requirement should not compromise existing or permitted uses on abutting sites due to the minor nature of the reduction of the parking requirement.
- 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 21 spaces to 16 spaces for the aforementioned property is hereby granted, subject to the following conditions:

- 1) The subject property shall be developed in general conformance with the approved site plan. The parking area shall be paved and marked as shown on the approved site plan.
- 2) The Zoning Adjustment is for a parking requirement reduction only for a restaurant with a maximum of 63. If an increase in restaurant occupancy or a change in use increases the parking requirement of the Unified Zoning Code for the property, then additional parking spaces over and above 16 shall be provided.
- 2) 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 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.



John L. Schlegel
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

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



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

February 9, 2004

Ted Timsah
150 N. Market
Wichita, KS 67202

Re: BZA2004-00005: Zoning Adjustment to reduce the parking requirement from 21 spaces to 16 spaces.

Legal Description: Lots 67, 69, 71, & 73, on Chicago, now Douglas Ave., West Wichita Addition, Wichita, Sedgwick County, Kansas. Generally located north of Douglas and east of Seneca (710 W. Douglas).

Dear Mr. Timsah:

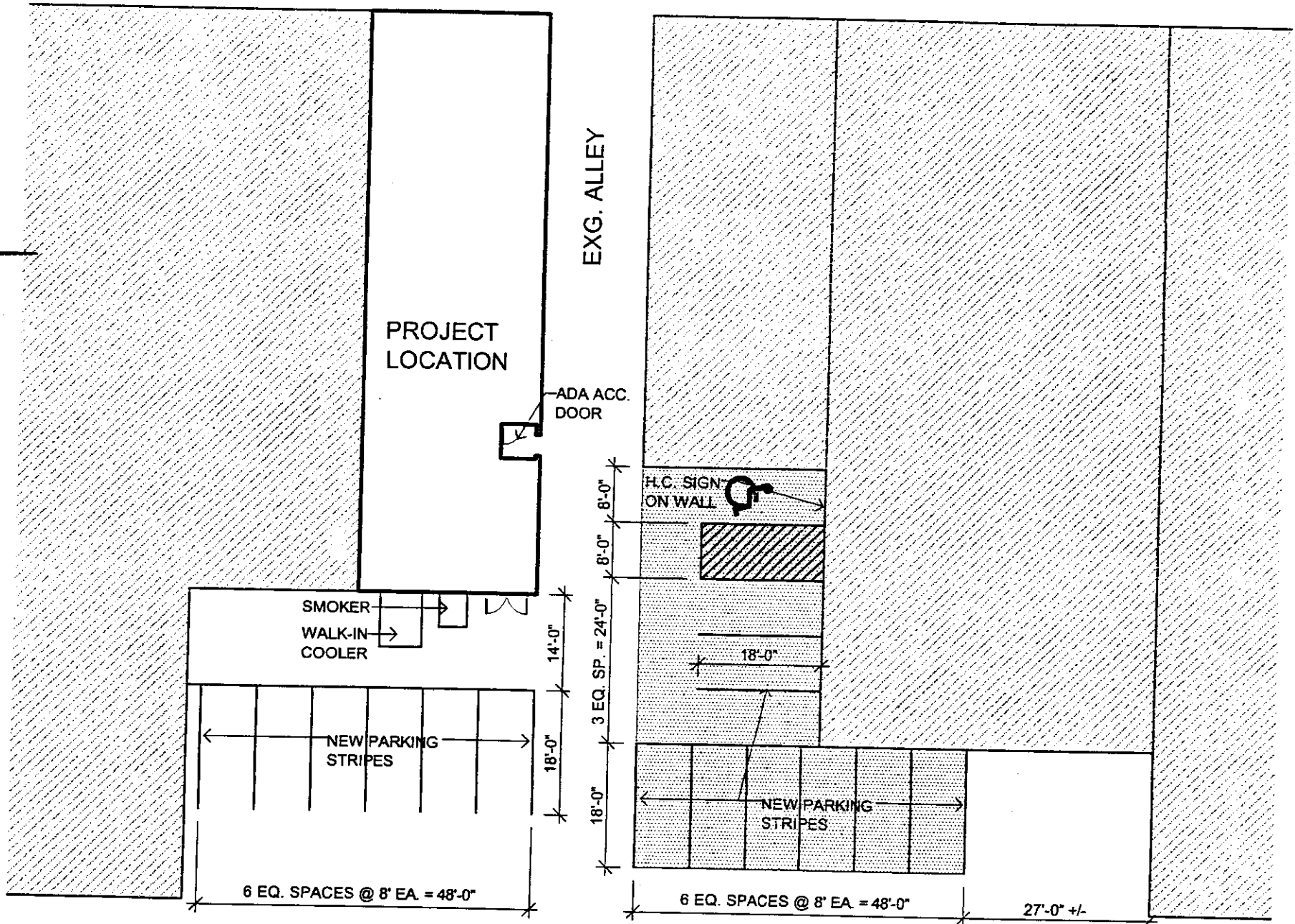
We have reviewed your request for a Zoning Adjustment to reduce the parking requirement on the above-referenced property. From reviewing your application, we understand that you propose to remodel a portion of an existing commercial building on the property for a restaurant. The proposed restaurant will have an occupancy of 63 persons for which Sec. IV-A.4. of the Unified Zoning Code requires 21 parking spaces; however, there is only sufficient space on the subject property to provide 16 parking spaces. We further understand that the existing uses on the remainder of the subject property were in existence prior to July 16, 1991; therefore, Sec. IV.A.1.c.(2) of the Unified Zoning Code requires only the restaurant portion of the subject property to provide parking since it is the only newly established use.

Sec. V-I.2.i. of the Unified Zoning Code allows an adjustment to reduce the parking requirement by up to 25 percent for remodeling projects when the conditions required by Sec. V-I.6. of the Code are met. We find that the reduction of the parking requirement as proposed meets the four conditions required by Sec. V-I.6 of the Code as set out below:

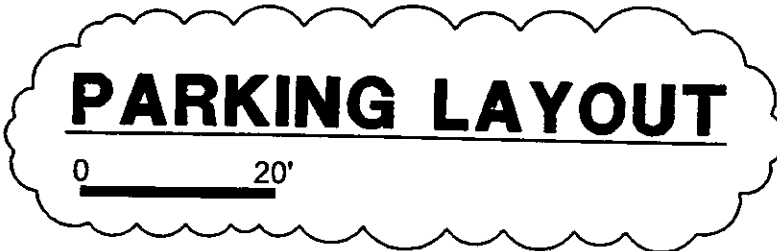
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: Vehicular and pedestrian circulation on the subject property will be improved by paving existing unpaved parking areas and by providing striping to delineate parking spaces in an area where parking has been haphazard at best, thus improving traffic flow.
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on uses in surrounding areas as a result of the reduction of the parking requirement, as sufficient parking should

B2A2004-00005 SITE PLAN

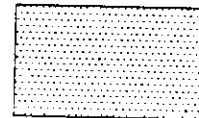
APPROVED 2-9-04 BY SK



EXG. ALLEY



LEGEND:



NEW ASPHALT SURFACE. CONTRACTOR TO PROVIDE POSITIVE DRAINAGE AND VERIFY ADA SLOPE REQUIREMENTS

16 NEW PARKING STALLS PROVIDED INCLUDING (1) H.C. STALL