

4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties. Light poles shall be no taller than 15 feet and shall have full cut-off light fixtures to direct the light downward.
7. There shall be no parking in the required 20-foot front yard setback. The front yard setback area shall remain unpaved and shall be landscaped with an acceptable ground cover plus an evergreen hedge with a mature height of at least three feet, all of which shall be maintained and replaced when necessary.
8. Within 30 days following approval by the Board, and prior to release of the resolution authorizing this use exception, the applicant shall submit a landscape plan to the Secretary for review and approval. The plan shall identify proposed plant materials by scientific and common names, quantity, and size at the time of planting. The method of providing water to the plants shall be specified. The plan shall be prepared in accordance with Chapter 10.33 of the City Code.
9. Within 30 days following approval by the Board and prior to release of the resolution authorizing this use exception, the applicant shall submit a street dedication for the west ten feet of the property or provide a sidewalk easement across the property. If a dedication is provided, the required setback for the parking lot shall be ten feet.
10. A six to eight-foot solid wood fence shall be constructed along the east side of the property.
11. The area shall be paved and striped in accordance with the plan and all required fencing and landscaping shall be completed prior to use of the property for a parking lot but in no case later than one year following approval of this use exception by the Board.
12. The resolution authorizing this use exception may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

SECRETARY'S REPORT

CASE NUMBER: BZA 32-94

OWNER/APPLICANT: Charles D. & Rosalea A. Witcher and Jerry V. Johnston
(Contract Purchaser).

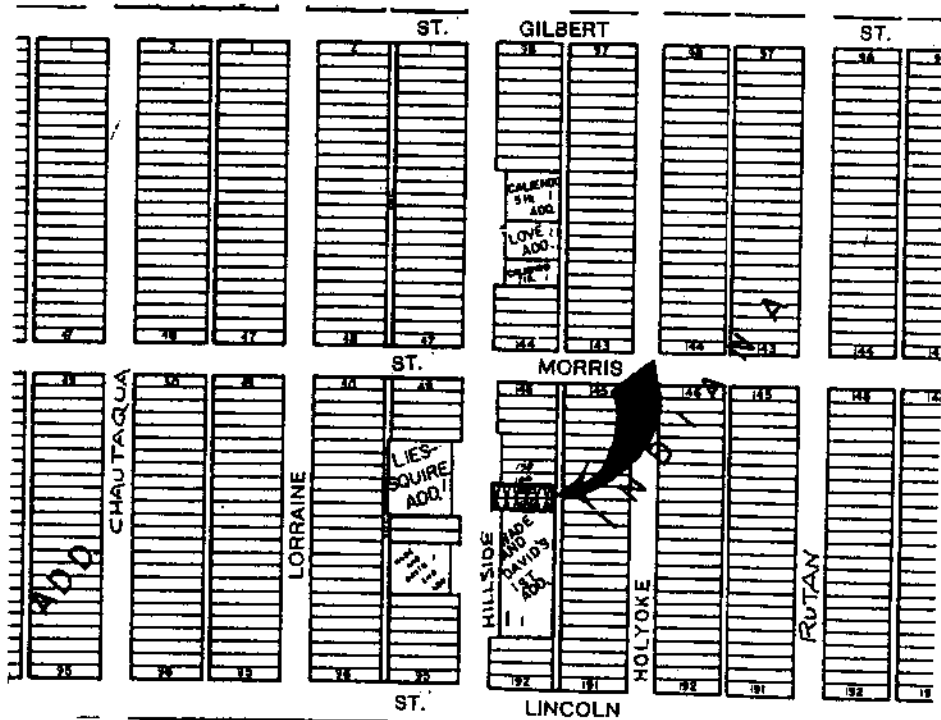
AGENT: Jerry Johnston

REQUEST: Exception to permit an off-street parking lot in the "RB"
Four-Family Dwelling District.

CURRENT ZONING: "RB" Four-Family Dwelling District.

SITE SIZE: 50' x 130'

LOCATION: On the east side of Hillside between Morris and Lincoln
(816 S. Hillside).



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: The owner, Charles and Rosalea Witcher, and the contract purchaser, Jerry Johnston, are requesting an exception to permit off-street parking in the "RB" Four-Family Dwelling District. It is the contract purchaser's intent to acquire the property and remove the existing single-family home and develop the site with addition parking for his business "Johnston's For Men". There presently exist parking lots north and south of the application site. The north lot serves "Johnston's For Men" and the south lot is used by "Custom Sound". This site is the last residential use on the east side of Hillside between Lincoln and Morris and as indicated is now situated between two parking lots.

The site plan has been reviewed and approved by Traffic Engineering as to parking space and drive layout. Parking will not be allowed in the 20-foot front yard setback as required in the "RB" Four-Family Dwelling District. The contract purchaser has indicated a desire to construct a sidewalk across the application site which will align with the existing sidewalk north and south of the site. If this is to be accomplished, it will be necessary for the owner to provide a sidewalk easement across the property or dedicate the west ten feet of the property for street Right-of-Way. Either one of these options will allow for the new sidewalk to be constructed on the same alignment as the existing adjacent sidewalks. The landscaping code will require that the applicant submit a landscape plan which meets the requirements of 10.32.050 of the Code. The screening provisions of the Zoning Code will require a solid six-to-eight-foot fence or wall to be installed along the rear of the property which abuts a residential zoning district.

ADJACENT ZONING AND LAND USE:

NORTH:	"BB" Office District	Parking Lot - Johnston's For Men
SOUTH:	"BB" Office District	Parking Lot - Custom Sound
EAST:	"A" Two-Family Dwelling District	Single-Family Dwelling
WEST:	"BB" Office District	Medical Office

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 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.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.

Jerry V. Johnston
808 S. Hillside
Wichita, KS 67211

Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

December 1, 1994

Mr. Jerry V. Johnston
808 S. Hillside
Wichita, KS 67211

Re: BZA 32-94 - Exception to permit an off-street parking lot in the "RB" Four-Family Dwelling District. (816 S. Hillside)

Dear Mr. Johnston:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 22, 1994. 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 the landscape plan and street dedication, as required by conditions eight and nine, have been submitted and approved.

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

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

LPM/hm
Enclosure

cc: Charles & Rosalea Witcher, 2005 Pine Bay, Wichita, KS 67233
Randy Sparkman, OCI
Paul Hays, OCI

7. There shall be no parking in the required 20-foot front yard setback (measured from current Right-of-Way line which is 40 feet from centerline of Hillside). The front yard setback area shall remain unpaved and shall be landscaped with an acceptable ground cover plus an evergreen hedge with a mature height of at least three feet, all of which shall be maintained and replaced when necessary.
8. Within 30 days following approval by the Board, and prior to release of the resolution authorizing this use exception, the applicant shall submit a landscape plan to the Secretary for review and approval. The plan shall identify proposed plant materials by scientific and common names, quantity, and size at the time of planting. The method of providing water to the plants shall be specified. The plan shall be prepared in accordance with Chapter 10.32 of the City Code.
9. Within 30 days following approval by the Board and prior to release of the resolution authorizing this use exception, the applicant shall submit a street dedication for the west ten feet of the property or provide a sidewalk easement across the property. If a dedication is provided, the required setback for the parking lot shall be ten feet from the new right-of-way line.
10. A six to eight-foot solid wood fence shall be constructed along the east side of the property.
11. The area shall be paved and striped in accordance with the plan and all required fencing and landscaping shall be completed prior to use of the property for a parking lot but in no case later than one year following approval of this use exception by the Board.
12. The resolution authorizing this use exception may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 22nd day of November, 1994.


Susan Osborne-Howes, President

ATTEST:


Lawrence P. Mitchell, Assistant Secretary

BZA RESOLUTION NO. 32-94

WHEREAS, Charles D. & Rosalea A. Whitcher and Jerry V. Johnston, 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 "RB" Four-Family Dwelling District and legally described as follows:

Lots 162 and 164 on Hillside in Indiana Subdivision in Vincennes Addition, Wichita, Kansas. Generally located on the east side of Hillside between Morris and Lincoln (816 S. Hillside).

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 November 22, 1994, 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 "RB" Four-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 "RB" Four-Family Dwelling District and legally described as follows:

Lots 162 and 164 on Hillside in Indiana Subdivision in Vincennes Addition, Wichita, Kansas. Generally located on the east side of Hillside between Morris and Lincoln (816 S. Hillside).

subject to the following conditions:

1. 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.
2. Only such signs as are necessary for the proper operation of the parking lot shall be permitted.
3. In no case shall a fee be charged for parking facilities provided hereunder.
4. The off-street parking lot shall be paved with concrete, asphaltic concrete, or asphalt, and shall be maintained in good condition and free of weeds, dust, trash and other debris.
5. The parking area shall have adequate guards to prevent the extension or the overhanging of vehicles beyond property lines or parking spaces; and the parking area shall have adequate markings for channelization and movement of vehicles.
6. If lighting facilities are provided, they shall be arranged so as to direct or deflect light away from adjacent residential properties. Lights shall be no taller than 15 feet and shall have full cut-off light fixtures to direct the light downward. However, one shielded KG&E light, matching the existing lights located on the property to the south, may be installed on the existing KG&E pole located on the rear of the property.