

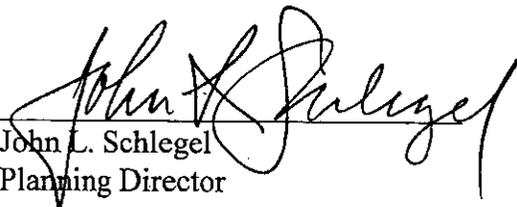


health, safety or welfare nor will properties or improvements in the vicinity be materially injured. 

Our signatures below indicate that Zoning Adjustments to reduce the rear setback for the aforementioned property from 20 feet to 16 feet and allow parking to within eight feet of the property line are hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan, revised to meet the eight-foot parking requirement.
- 2) The setback reduction shall apply only to the "Area of Setback Encroachment" as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
- 3) All parking areas shall be paved and marked.
- 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.

  
John L. Schlegel  
Planning Director

  
Kurt A. Schroeder  
Superintendent of Central Inspection

Enclosure

cc: Kurt Schroeder, Office of Central Inspection  
Paul Hays, Office of Central Inspection  
Herb Shaner, Office of Central Inspection  
Professional Engineering Consultants, PA, Attn: Rob Hartman, 303 S Topeka, Wichita, KS 67202



**FILE COPY**

**Wichita-Sedgwick County Metropolitan Area Planning Department**

December 27, 2005

Friends University  
Attn: Kelley Dawson  
Administration & Finance  
2100 W University  
Wichita, KS 67213

**Re: BZA2005-00081: Zoning Adjustment to reduce the north and south setbacks from 20 feet to 16 feet and to allow parking to within 8 feet of the property line.**

**Legal Description: Lots 28, 30, 32, 34, 36, 38, 40, & 42 Glenn Street, University Place Addition, Wichita, Sedgwick County, KS (Southwest corner of W. Mentor and S. Glenn).**

Dear Ms. Dawson:

We have reviewed your request for a Zoning Adjustment to reduce the street side and interior side setbacks on the aforementioned property. From reviewing the application, we understand that you desire to construct student apartments with 16-foot side setbacks. The 16-foot side setbacks are 4-foot encroachments into the required 20-foot interior and side setbacks for the "U" University zoning district; therefore, you have requested an adjustment to reduce the required side setbacks.

Section V-I.2.a. of the Unified Zoning Code allows up to a 20% reduction of the rear setback for a principle structure when the provisions of that section and the Zoning Adjustment Criteria of Section V-I.6. are met. We find that the reduction of the rear setback as proposed meets the provisions of Section V-I.2.a. and the four criteria required by Section V-1.6. as set out below.

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The setback encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because the rear yard provides no vehicular access or pedestrian access.
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the reduction of the rear setback, as sufficient

separation between buildings is maintained and the rear setback reduction is within allowable limits.

- 3) Compatibility with existing or permitted uses on abutting sites: The multi-family residence usage is compatible with existing and permitted uses on abutting sites, and the encroachment into the rear setback should not reduce compatibility with abutting and adjacent sites.
- 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.

We have also reviewed your request for a Zoning Adjustment to allow parking within the north street side setback on Mentor and south interior side setback. We understand that you intend to park approximately five feet from the property line. The surrounding properties are developed with a mix of residential and institutional uses.

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 eight feet, when the conditions required by Sec. V-I.6. of the Code are met. However, the subject property is located within the "U" University zoning district, which the Code does not specify as a residential district, or otherwise. Given Sec. III-C.3.f (1) aligns the "U" University zoning district **only** with residential districts, it is reasonable to consider the "U" University zoning district as such, particularly since the proposed development is residential in nature. We find that allowance of parking within the front setback **no closer than eight 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 area and the property line 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. The adjacent single-family residence to the west has no discernable setback; therefore, after the recommended adjustment, parking will still be behind the street wall line of the adjacent property.
- 3) Compatibility with existing or permitted uses on abutting sites: The allowance of parking within the setbacks is compatible with adjacent uses. The use to the north is public street right-of-way and the use to the south is a church 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