



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

November 21, 2001

John & Kim Probst
244 S. Fern
Wichita, KS 67213

Re: BZA2001-00061: Administrative Adjustment to reduce the rear setback.

Legal Description: The north 50 feet of Lots 25, 26, 27, & 28, Block 16, Junction Town Company Addition, Wichita, Sedgwick County, Kansas (244 S. Fern).

Dear Mr. & Mrs. Probst:

We have reviewed your request for an Administrative Adjustment to reduce the rear setback on the aforementioned property. From reviewing your application, we understand that you desire to construct a 36' x 26' addition to your single-family residence and that the addition will be setback only 10 feet from the rear property line. The site plan included with your application indicates that the addition will be located in the rear half of the lot, does not eliminate required off-street parking, and does not occupy more than one-half of the required rear yard.

Sec. V-1.2.c. of the Unified Zoning Code allows an adjustment to reduce the rear setback to *as little as 5 feet* for a principle structure when the provisions of that section and the Zoning Adjustment Criteria of Section V-1.6. are met. We find that the reduction of the rear setback from 20 feet to 10 feet for an addition to the principal structure meets the provisions of Sec. V-1.2.c. and the four criteria required by Section V-1.6 as set out below:

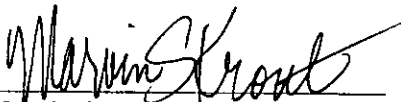
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment into the rear setback should not negatively impact on the safety and convenience of vehicular and pedestrian circulation, as the proposed addition will include an attached two-car garage to meet the on-site parking requirements of the Unified Zoning Code.
- 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 the rear property line of the subject property is adjacent to the side property line of the rear half of the adjacent lot to the east, and the nearest structure on the adjacent property to the east is located approximately 30 feet from the proposed addition.

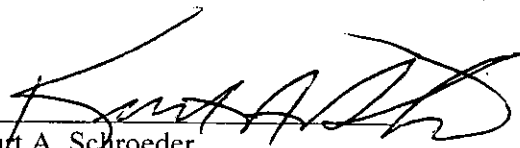
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed addition to the single-family residence is compatible with existing and permitted uses on abutting sites, and the encroachment into the rear setback should not reduce the compatibility of the improvements with abutting 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.

Our signatures below indicate that an Administrative Adjustment to reduce the rear setback from 20 feet to 10 feet for the aforementioned property is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The addition shall match the character of the house in terms of wall and roof materials and color and roof pitch.
- 3) The addition shall be limited to 27 feet in height.
- 4) Any violation of these conditions shall render the Administrative Adjustment null and void.

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

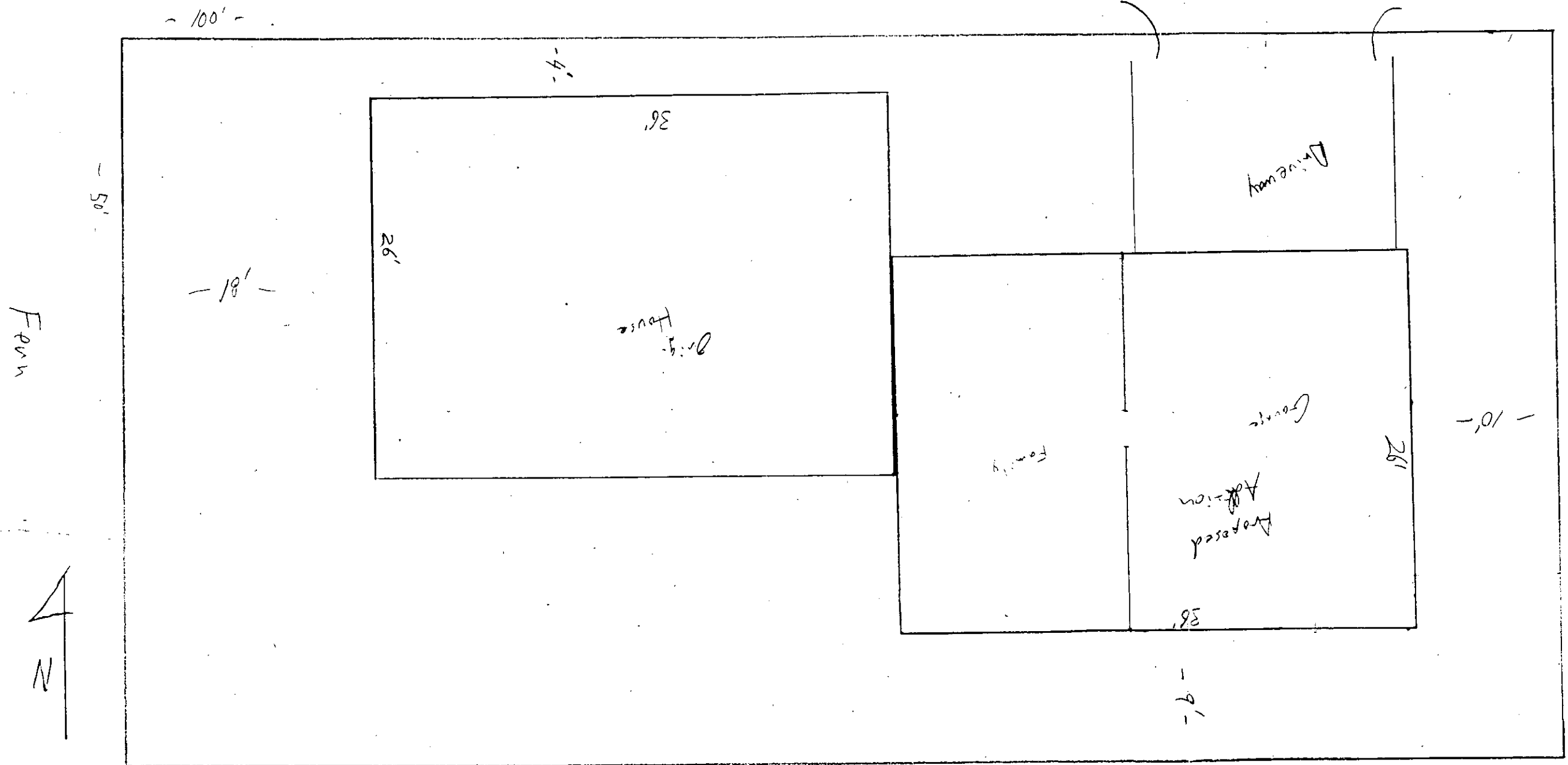

Marvin S. Krout
Planning Director


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

Alley



BZA2001-00061

SITE PLAN

APPROVED 11-21-01 BY SR

John Probst
244 S Fern

MF 29

N 50' of lots 25, 26, 27, & 28

Junction Town Company Addition

Block 16