CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

January 8, 2003

Sharon Zenner
Don Klausmeyer Construction LLC
10008 W. York
Wichita, KS 67215

Re: BZA2002-00073: Zoning Adjustment to reduce the rear setback from 20 feet to 12 feet.

Legal Description: Lots 64 and 67, Block 1, Harrison Park 2nd Addition, Wichita, Sedgwick County, Kansas (704 and 705 S. Cranbrook Cir.).

Dear Ms. Zenner:

We have reviewed your request for a Zoning Adjustment to reduce the rear setback on the aforementioned properties. From reviewing the application, we understand that you desire to construct a new house on each property. We further understand that a corner of each new house will encroach into the rear setback due to the configuration of the cul-de-sac lots. The proposed 12-foot rear setback is an eight-foot encroachment into the required 20-foot rear setback for the "SF-5" Single-Family zoning district; therefore, you have requested a Zoning Adjustment to reduce the required rear setback for the two proposed houses.

Section V-I.2.c. of the Unified Zoning Code allows a Zoning Adjustment to reduce the rear setback to as little 5 feet 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 from 20 feet to 12 feet for the two proposed houses meets the provisions of Section V-I.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 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 and sufficient space will remain for 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 proposed new houses are compatible with existing and permitted uses on abutting sites, and the encroachment into the

rear setback should not reduce the compatibility of the houses with abutting sites, which also have been or likely will be developed with reduced rear setbacks.

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 rear setback for the aforementioned properties from 20 feet to 12 feet is hereby granted, subject to the following conditions:

1) The sites shall be developed in general conformance with the approved site plans.

2) The setback reduction shall apply only to the "Area of Setback Encroachment" as illustrated on the approved site plans. All other structures or additions to the single-family residences on the subject properties shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.

3) The single-family residences shall be limited to 21 feet in height.

3) 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

Enclosures (2)

cc: Steve Miller, Harrison Park II, 527 N. Forestview, Wichita, KS 67235
Kathy Baker, Prudential Dinning-Beard Realtors, 9415 E. Harry #403, Wichita, KS 67207
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

DON KLAUSMEYER CONST. L.L.C.

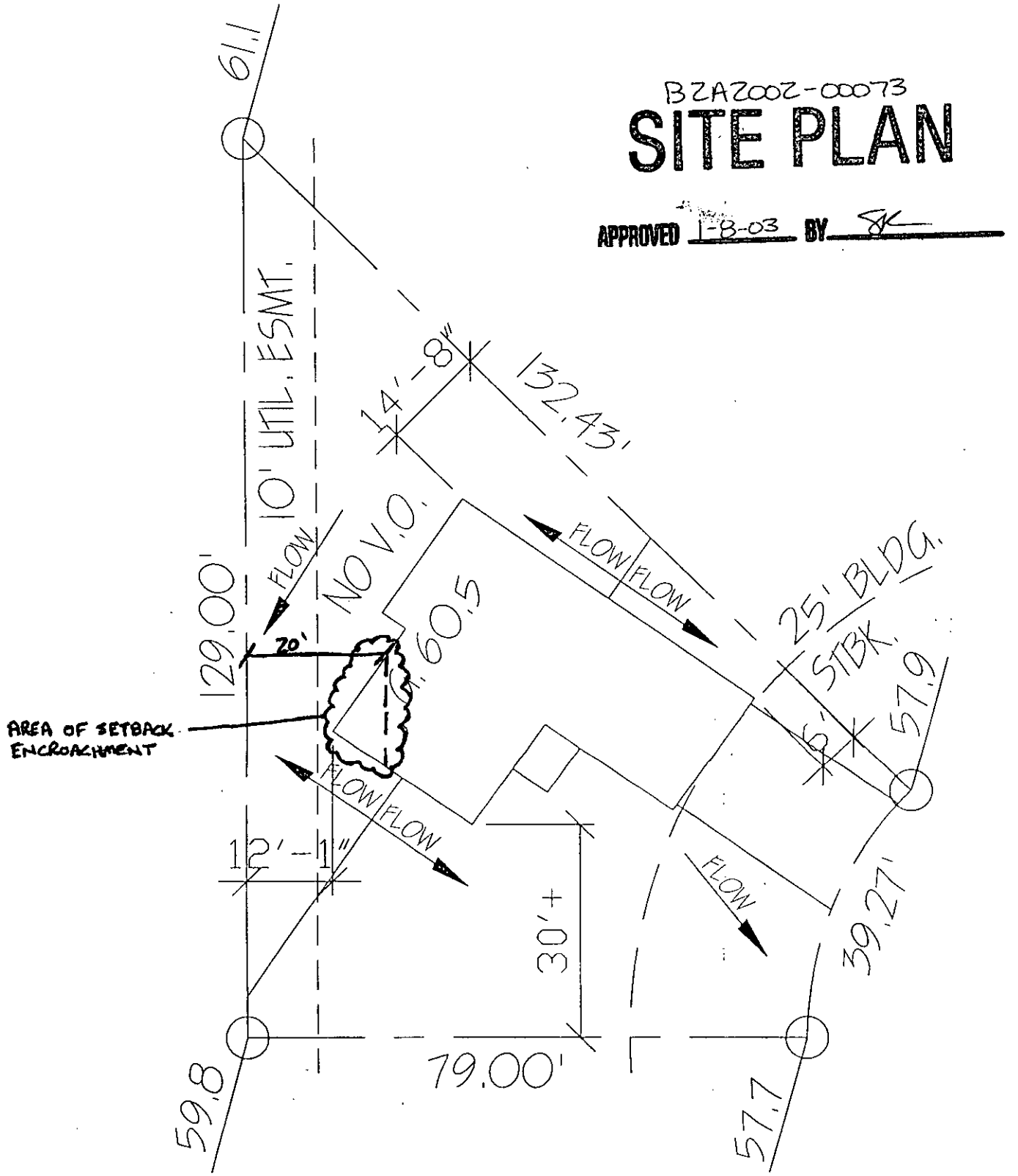
LOT 64, BLK. 1
HARRISON PARK 2ND ADD'N.
705 S. CRANBROOK CIR.

N
1" = 20'

BZA2002-00073

SITE PLAN

APPROVED 1-8-03 BY SK



DON KLAUSMEYER CONST., L.L.C.

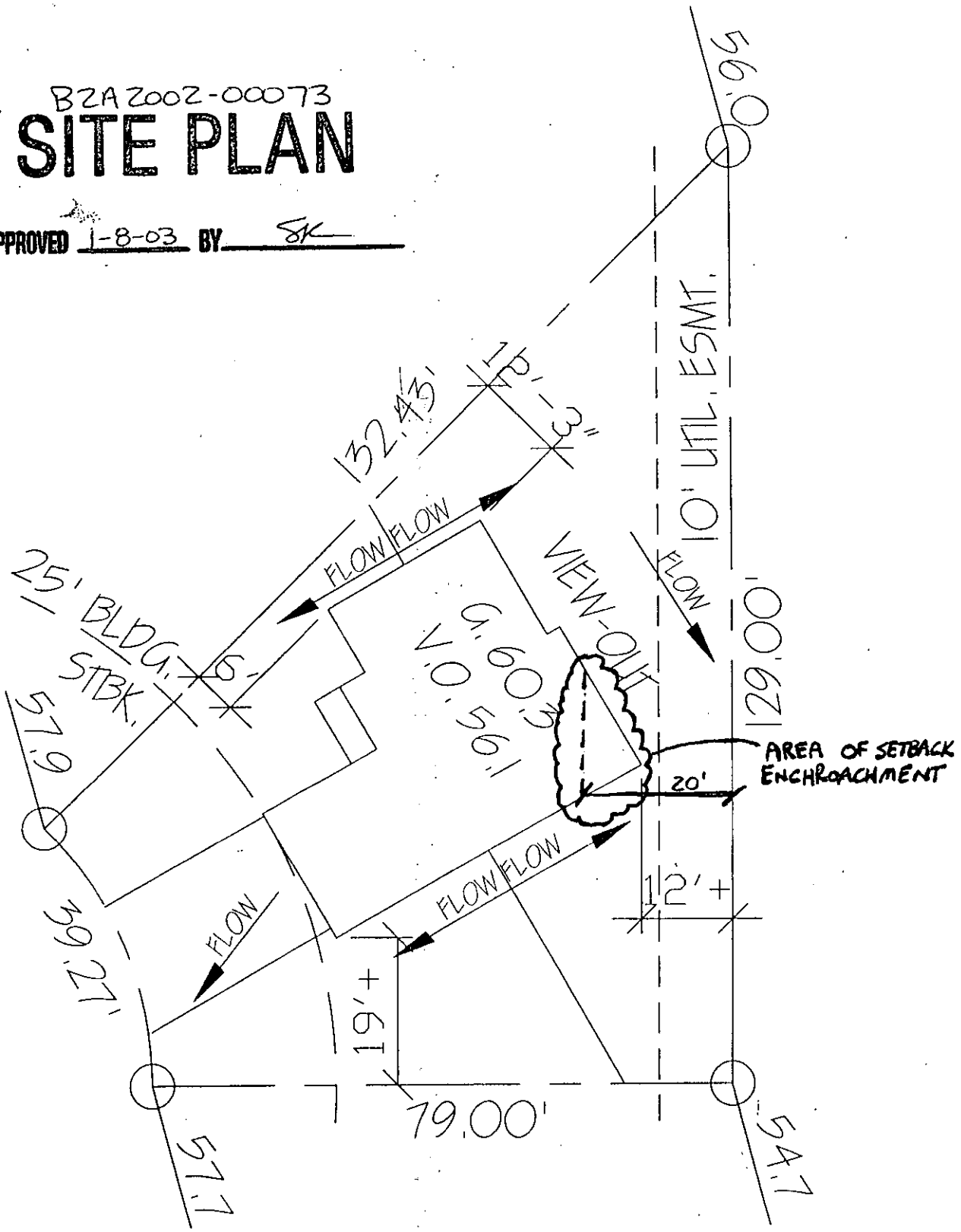
LOT 67, BLK. 1
HARRISON PARK 2ND ADD'N.
704 CRANBROOKE CIR.

N
1" = 20'

BZA 2002-00073

SITE PLAN

APPROVED 1-8-03 BY SK



Kathy Baker for Steve Miller 26 Dec 02