



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 21, 2002

Leo Rasmussen
1927 Garland
Wichita, KS 67203

Re: BZA2002-00049: Zoning Adjustment to waive the compatibility setback along the north property line.

Legal Description: Lot 3, Windover Addition, Sedgwick County, Kansas. Generally located at the north of Harry and east of Sabin (1534 S. Sabin).

Dear Mr. Rasmussen:

We have reviewed your request for a Zoning Adjustment to waive the compatibility setback for the above-referenced property. From reviewing your application, we have determined that you intend to construct a 30-foot x 50-foot office/warehouse building that will be set back five feet from the north property line. Since the property to the north is zoned "SF-5" Single Family and the subject property is 95 feet wide, a 24-foot compatibility setback is required along the north property line by Sec. IV-c.4. of the Unified Zoning Code. Therefore, you have requested a Zoning Adjustment to waive the compatibility setback along the north property line.

Sec. V-I.2.e. of the Unified Zoning Code allows a Zoning Adjustment to waive the compatibility setback when the conditions required by Sec. V-I.6. of the Code are met. We find that waiving the compatibility setback along the north property line meets the four conditions required by Section V-I.6. of the Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is to waive the compatibility setback along the side property line. Public vehicular and pedestrian circulation should not be affected.
- 2) Impact on existing uses in surrounding areas: A solid screening fence and buffer trees will be required along the north property line by the Unified Zoning Code and the Landscape Ordinance, respectively. This additional screening and landscaping should mitigate the impacts of the waiver of the compatibility setback on the adjoining residential use.
- 3) Compatibility with existing or permitted uses on abutting sites: Since the entire area has been identified by the governing body for over 40 years as appropriate for industrial uses,

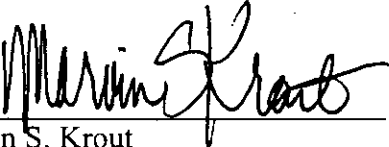
compatibility between industrial and residential uses is not a community goal in this area. Rather, the community goal in this area is to convert residential uses to industrial uses, as is proposed by the applicant. Waiving the compatibility setback will facilitate this conversion of uses.

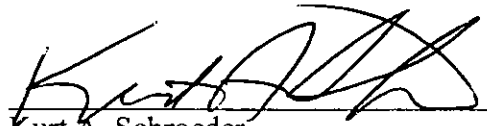
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to waive the compatibility setback along the north property line 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) 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.

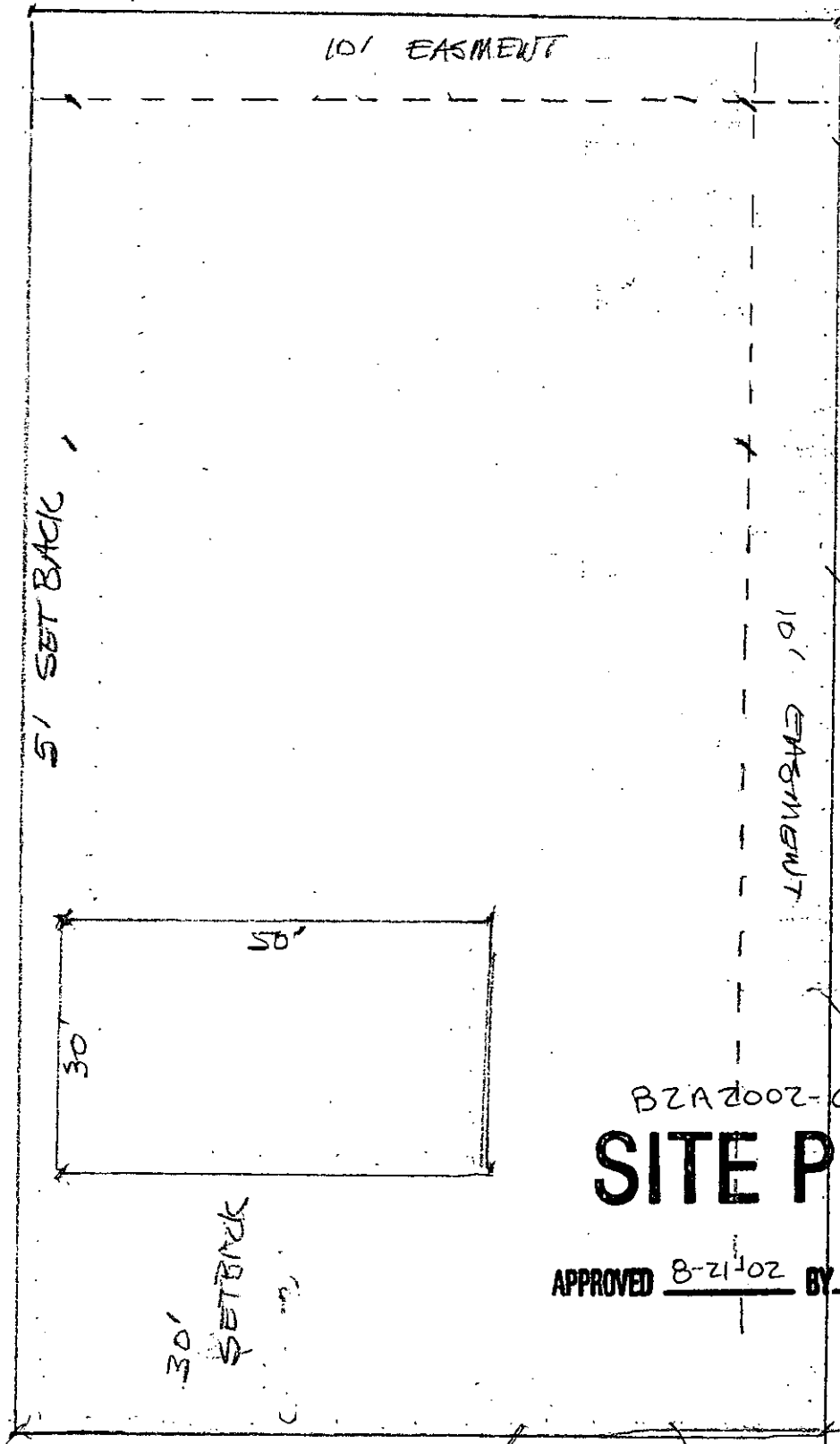

Marvin S. Krout
Planning Director


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

ADDRESS - 1534 ~~STRAIN~~ **LOT PLAN** PERMIT #
LOT 3 BK OF WINDOJE Add ZONING LI

REQUIRED SET BACKS - FRONT 30' SIDE 5' SIDE 10' REAR 10'



BZA 2002-00049

SITE PLAN

APPROVED 8-21-02 BY SK

I CERTIFY THAT THE ABOVE PLAN COMPLIES WITH APPLICABLE ZONING SET BACKS
AND CITY DIVISION CODES AND RESTRICTIONS