



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

April 11, 2003

Daniel Kieu
4100 E. Central
Wichita, KS 67208

Re: BZA2003-00012: Zoning Adjustment to reduce the rear setback from 20 feet to 6 feet.

Legal Description: The west 19 feet of the south 80 feet of Lot 25 and the south 80 feet of Lots 26-29, Engstrom Addition, Wichita, Sedgwick County, Kansas (4100 E. Central).

Dear Mr. Kieu:

We have reviewed your request for a Zoning Adjustment to reduce the rear setback on the aforementioned property. From reviewing the application, we understand that you propose to construct a 14' x 31' sunroom addition to your residence. We further understand your property is platted in 25-foot wide north-south lots and that boundary of the property has been shifted such that the narrow width of your property faces east and west. Therefore, the Unified Zoning Code technically defines the rear lot line of your property as the north property line; however, due to the manner in which boundary of your property has been shifted, the north property line functions as a side property line. The Unified Zoning Code requires 20-foot rear setback for the "TF-3" Two-Family zoning district; however, since your property is developed in manner such that the rear yard functions as a side yard, you have requested a Zoning Adjustment to reduce the required rear setback from 20 feet to 6 feet for the proposed 14' x 31' sunroom addition.

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 6 feet for the proposed 14' x 31' sunroom addition meets the provisions of Section V-I.2.c. and the four criteria required by Section V-I.6. as set out below:

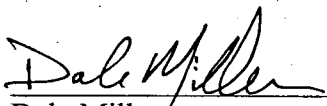
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because this portion of the rear yard provides no vehicular access and sufficient space 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 room addition will be adjacent to the side of the residential structure on adjoining lot, which also is setback 6 feet from the property line.

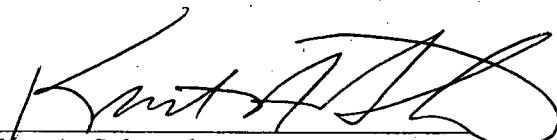
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed sunroom addition is compatible with existing and permitted uses on abutting sites, and the encroachment into the rear setback should not reduce compatibility with abutting sites, which have been developed with similar setback encroachments due to the unique lot configuration in the area resulting from boundary shifts.
- 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 property from 20 feet to 6 feet is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The setback reduction shall apply only to the "14' x 31' Sunroom" 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) The sunroom addition shall be limited to 21 feet in height.
- 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

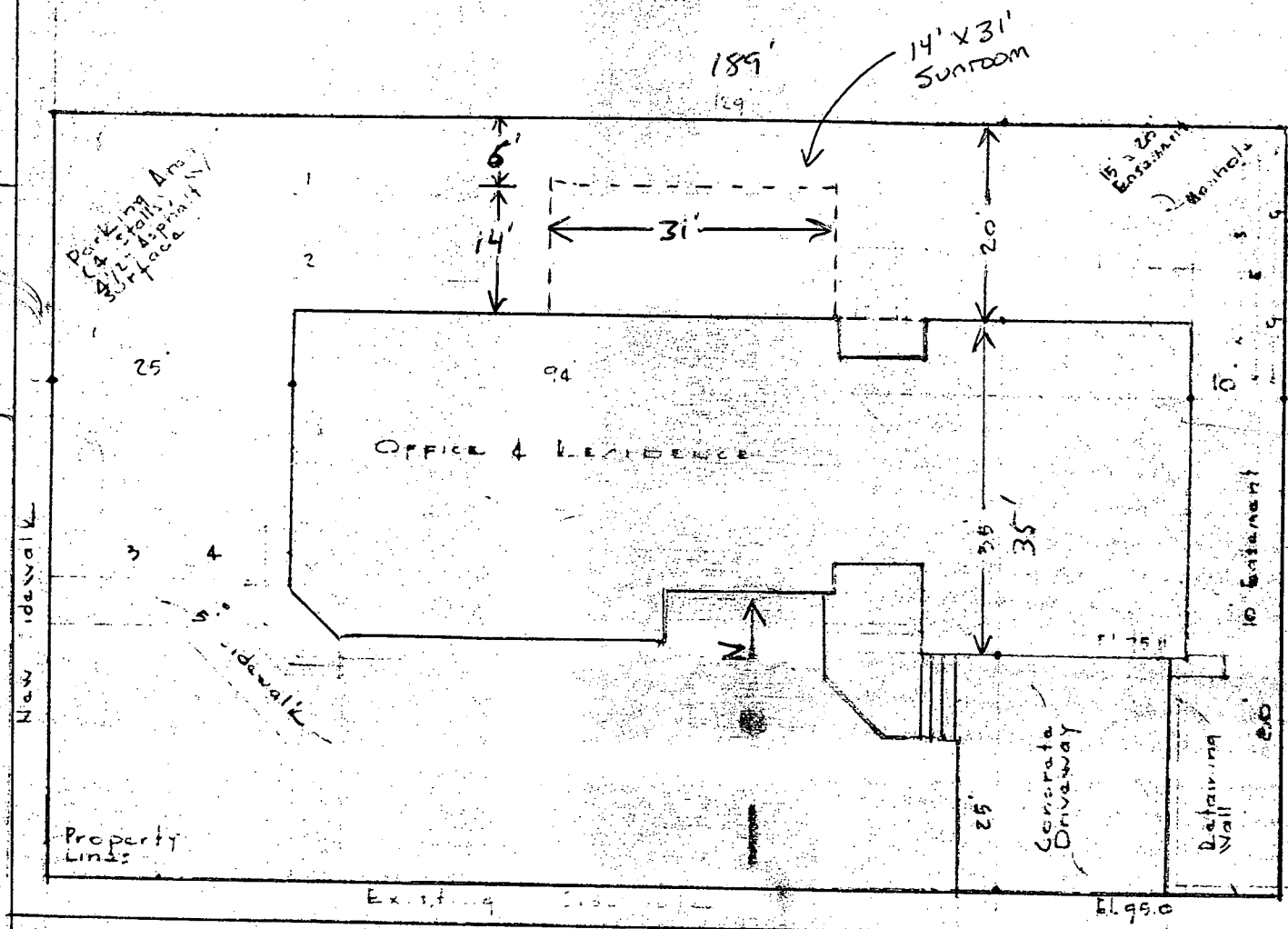
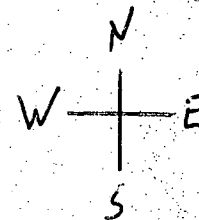
The zoning adjustment sign may now be removed from the property.


Dale Miller
Acting Planning Director


Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Joe Kutilek, Peoples Construction, 1719 N. Rock Rd. #119, Wichita, KS 67206
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



BZA2003-00012
SITE PLAN

APPROVED 4-11-03 BY SK

4100
4102 E. Central 17208

CENTRAL AVENUE

P L O T P L A N