



FILE COPY

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

May 7, 2003

Jerry Overley  
14215 Cascades Ct.  
Wichita, KS 67230

**Re: BZA2003-00019: Zoning Adjustment to reduce the rear setback from 20 feet to 16 feet.**

**Legal Description: Lot 1, Block 3, Savanna at Castle Rock Ranch 7<sup>th</sup> Addition, Sedgwick County, Kansas. Located on Sundance approximately ¼ mile east of 143<sup>rd</sup> Street East at the intersection with Freedom Road.**

Dear Mr. Overley:

We have reviewed your request for a Zoning Adjustment to reduce the rear setback on the above-referenced property. From reviewing your application, we understand that you desire to construct a single-family residence on the property. From reviewing your application, we have determined that the southern portion of the property has a relatively severe grade change and that you propose to construct the residence further north on the property so that the required retaining wall is not located within the platted 20-foot building setback and utility easement along Freedom Road. Therefore, you have requested a Zoning Adjustment to reduce the rear setback required by the "SF-5" Single-Family zoning district from 20 feet to 16 feet.

Sec. V-I.2.a. of the Unified Zoning Code allows an adjustment to reduce a building setback by up to 20 percent when the conditions required by Sec. V-I.6. of the Code are met. We find that the reduction of the setback as proposed meets the four conditions required by Sec. V-I.6. of the Code as set out below:

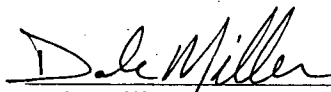
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment into the setback should not detrimentally impact the safety and convenience of vehicular and pedestrian circulation in the vicinity, as no vehicular circulation will be provided to the rear yard and sufficient space remains for pedestrian circulation to the rear yard.
- 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 setback, as the residence is located on a corner lot and will be oriented such that the front of the residence faces Sundance, which technically is the side yard since the lot frontage along Freedom is narrower than along Sundance. Therefore, the rear yard will actually function as a side yard and will be adjacent to the side of the residential structure on the adjoining property.

- 3) Compatibility with existing or permitted uses on abutting sites: The proposed single family residence is compatible with abutting sites, which also are developed with single family residences. Reducing the setback will not diminish the compatibility of the existing single-family residence with uses on abutting sites. Even with the setback reduction, the sides of the two adjoining residences will be approximately 30 feet apart, which is a common separation between the sides of residences in this neighborhood.
- 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 from 20 feet to 16 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) 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

  
Glen Wiltse  
Code Enforcement Director

cc: Glen Wiltse, Sedgwick County Code Enforcement  
Rob Hartman, PEC, 303 S. Topeka, Wichita, KS 67202

