



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

July 18, 2003

Robert Greenway
1555 S. Wichita
Wichita, KS 67213

Re: BZA2003-00034: Zoning Adjustment to reduce the street side setback along Harry.

Legal Description: Lots 45 & 47 on Wichita, Bartholomew's Addition, Wichita, Sedgwick County, Kansas. Located at the northwest corner of Harry and Wichita (1555 S. Wichita).

Dear Mr. Greenway:

We have reviewed your request for a Zoning Adjustment to reduce the street side setback along Harry for the aforementioned property. From reviewing your application, we understand that you propose to construct an office addition and a new garage for home-based business on property zoned "LC" Limited Commercial. The "LC" Limited Commercial zoning district requires a 10-foot street side setback; however, the size of office and garage needed do not conform with the required setback. Therefore, you are requesting to reduce the street side setback along Harry by 20 percent from 10 feet to 8 feet.

Section V-I.2.a. of the Unified Zoning Code allows an adjustment to reduce building setbacks by up to 20 percent when the four conditions required by Section V-I.6. of the Unified Zoning Code are met. We find that the reduction of the setback as proposed meets the four conditions required by Section V-I.6. of the Unified Zoning Code 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 street side yard is used for vehicular circulation only to access the proposed garage and sufficient space will remain for an access drive.
- 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 proposed encroachment into the street side setback is minor nature and should not be noticeable.

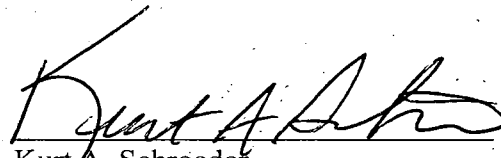
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed addition will comply with all development standards except for the minor setback encroachment; therefore, the minor setback encroachment should not reduce the compatibility of the proposed addition with existing and permitted uses on 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 a Zoning Adjustment to reduce the street side setback along Harry for the aforementioned property from 10 feet to 8 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 "New Office Addition" and "New Garage Addition" 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 additions shall match the character of the existing residence in terms of materials and colors.
- 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.


John L. Schlegel
Planning Director


Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Venessa Brewer, 1555 S. Wichita, Wichita KS 67213
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

160 FEET PER 1 INCH

BZA2003-00034
SITE PLAN

APPROVED 7-18-03 BY SK

