



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

October 7, 2003

Tim Malone
Malone Construction
1608 S. Washington
Wichita, KS 67211

Re: BZA2003-00055: Zoning Adjustment to reduce the front setback from 25 feet to 20 feet.

Legal Description: Lot 8, Block 4, Woodlake 2nd Addition, Wichita, Sedgwick County, Kansas. Located north of Douglas and east of Sheridan (101. N. Mt. Carmel).

Dear Mr. Malone:

We have reviewed your request for a Zoning Adjustment to reduce the front 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 northern 20 feet of the property has an easement and that you propose to construct the residence further south on the property so that a detached garage may be constructed north of the house. Therefore, you have requested a Zoning Adjustment to reduce the front setback required by the "MF-29" Multi-Family zoning district from 25 feet to 20 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:

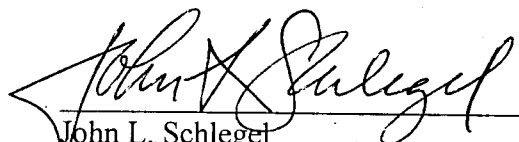
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment into the setback should not detrimentally impact the safety and convenience of vehicular and pedestrian circulation in the vicinity, as sufficient space will remain in front of the house for parking vehicles such that they do not encroach on the right-of-way.
- 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 house is located on a corner lot and no other house in the block is oriented to the south. Therefore, the front yard will actually function as a side yard and will be adjacent to the side of the house on the lot to the east, which is oriented to the southeast.

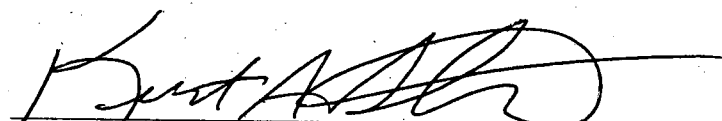
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed single family residence is compatible with abutting sites, which also are developed with single family residences. Reducing the setback will not diminish the compatibility of the existing single-family residence with uses on abutting sites as sufficient separation between structures will be maintained to ensure compatibility.
- 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 front setback from 25 feet to 20 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 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

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

PERMIT NO.

REQUIRED SETBACKS: FRONT 25 SIDE 15-West SIDE 6' East REAR 20



Form No. 225-345 (4-85)