



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 30, 2003

Dan Warren
607 N. Doris
Wichita, KS 67212

Re: BZA2003-00071: Zoning Adjustment to reduce the compatibility setback along the south property line from 24 feet to 10 feet.

Legal Description: Lots 23 & 24, Block 1, Orchard Park Addition, Sedgwick County, Kansas. Located at the southeast corner of Central and Baehr (4625 W. Central).

Dear Mr. Warren:

We have reviewed your request for a Zoning Adjustment to reduce the compatibility setback on the above-referenced property. From reviewing your application we understand that you propose to construct a 3,960 square foot commercial building on the property and that the building will be located within 10 feet of the south property line where the adjoining lot is zoned "SF-5" Single-Family Residential. Since Sec. IV-C.4. of the Unified Zoning Code requires a 24-foot compatibility setback from the adjoining property to the south, you have requested a Zoning Adjustment to reduce the compatibility setback from 24 feet to 10 feet.

Sec. V-I.2.d. of the Unified Zoning Code allows a Zoning Adjustment to reduce or waive the compatibility setback when the conditions required by Sec. V-I.6 are met. We find that reducing the compatibility setback from 24 feet to 10 feet on your property meets the four conditions required by Sec. V-I.6 of the Unified Zoning Code as set out below:

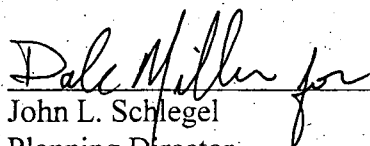
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is for a reduction of the compatibility setback along a side yard that does not provide vehicular or pedestrian access. Public vehicular and pedestrian circulation will not be affected.
- 2) Impact on existing uses in surrounding areas: The limitations on building design and height and the increased landscape buffer required as conditions of approval for the Zoning Adjustment should mitigate any negative impact on the existing uses in surrounding areas as a result of the reduction of the compatibility setback.

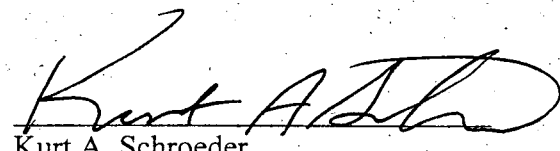
- 3) Compatibility with existing or permitted uses on abutting sites: Reducing the compatibility setback is within allowable adjustments, and the additional conditions of approval pertaining to building design and landscaping should be sufficient to maintain compatibility between uses.
- 4) Effect on 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 reduce the compatibility setback from 24 feet to 10 feet for the aforementioned property is hereby GRANTED, subject to the following conditions:

- 1) The compatibility setback shall be reduced only for the improvements shown on the approved site plan.
- 2) The site shall be developed in general conformance with the approved site plan.
- 3) Building walls and roofs must have predominately earth-tone colors, with vivid colors limited to incidental accent, and must employ materials consistent with surrounding residential areas (e.g., masonry, stucco, wood, etc.). There shall be no doors or windows on the south façade of the building.
- 4) Building height shall be limited to 25 feet.
- 5) A landscape buffer shall be provided along the south property line at a rate of 1.5 times the planting material required by the Landscape Ordinance.
- 6) 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

Enclosure

cc: Jerry Warren, 619 N. Doris, Wichita, KS 67212
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

4625 W. CENTRAL

30' DRIVE OR TOO

□ = 4'

60' LANDSCAPE

APPROVED 12-30-03 BY

SITE PLAN

BZA2003-00071

SK

CITY

APPROX
1060
LAND
SCAPE

