CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 25, 2019

Madison Property Group, LLC
Attn: Marc Mirbod
4370 La Jolla Village Dr., Suite 650
San Diego, CA 92122

Colby 2019, LLC
Attn: Tyler Oliver
13356 Metcalf Ave.
Overland Park, KS 66213

Abeln & Associates Architects, PA
Attn: Mark Abeln
11827 W. 112th St., Suite 102
Overland Park KS 66210

Re: **BZA2019-00039: Administrative Adjustment to reduce the rear setback from 10 feet to five feet along the north wall at the east end of the building (149 square feet) on property zoned LC Limited Commercial.**

Legal Description:

The South 255.09 feet of Reserve B, Ken-Mar Addition to Wichita, Sedgwick County, Kansas, LESS AND EXCEPT the North 95 feet of the South 255.09 feet of the East 172 feet of said Reserve B AND EXCEPT the following described tract: beginning at the Southeast corner of said Reserve B; thence West along the South line of said Reserve B 100 feet; thence North parallel to the East line of said Reserve B 160 feet; thence East parallel to the South line of said Reserve B 100 feet more or less to the East line of said Reserve B; thence South along the East line of said Reserve B 160 feet more or less to the point of beginning.

Dear Applicants,

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 desire to reduce the rear building setback on the existing building from 10-feet to 5-feet so that the existing encroachment is resolved.

Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing minimum Front, Side, and Rear Setbacks (required by the property development standards of the zoning District) by up to 20 percent, or reducing a Side or Rear Setback by up to 50 percent when the required Yard to be adjusted does not exceed 300 square feet. This adjustment is permissible when the provisions of the Zoning Adjustment Criteria of Section V-I.6 are met. We find that the reduction of the rear setback as proposed meets the provisions of Section V-I.2.a and the four criteria required by Section V-1.6 as set out

below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: Reduction of the rear yard setback from 10-feet to 5-feet will have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as right-of-way and driveways are not affected.

2) Impact on existing uses in surrounding areas: There will be no impact on the existing uses in surrounding areas as a result of the rear yard reduction; street visibility will be unchanged for neighboring properties.

3) Compatibility with existing or permitted uses on abutting sites: The abutting site along the north property line for the rear yard reduction is zoned GC General Commercial. The properties to the east and west are zoned LC. The south property line abuts East 13th Street Right-of-Way. The rear yard setback reduction will not have a negative impact on existing or permitted uses.

4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. There will be no 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 yard setback for the aforementioned property to 5-feet is hereby **GRANTED**, subject to the following conditions:

1) The setback reduction shall apply only to the rear yard setback 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.

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 "Development Application" sign should now be removed from the property.

Dale Miller, Director
Metropolitan Area Planning Department

Chris Labrum, Director
Metropolitan Area Building and Construction Department

cc: MABCD
Brandon Johnson, CM District I
Kameelah Alexander, Community Service Representative, District I

PRELIMINARY SITE PLAN

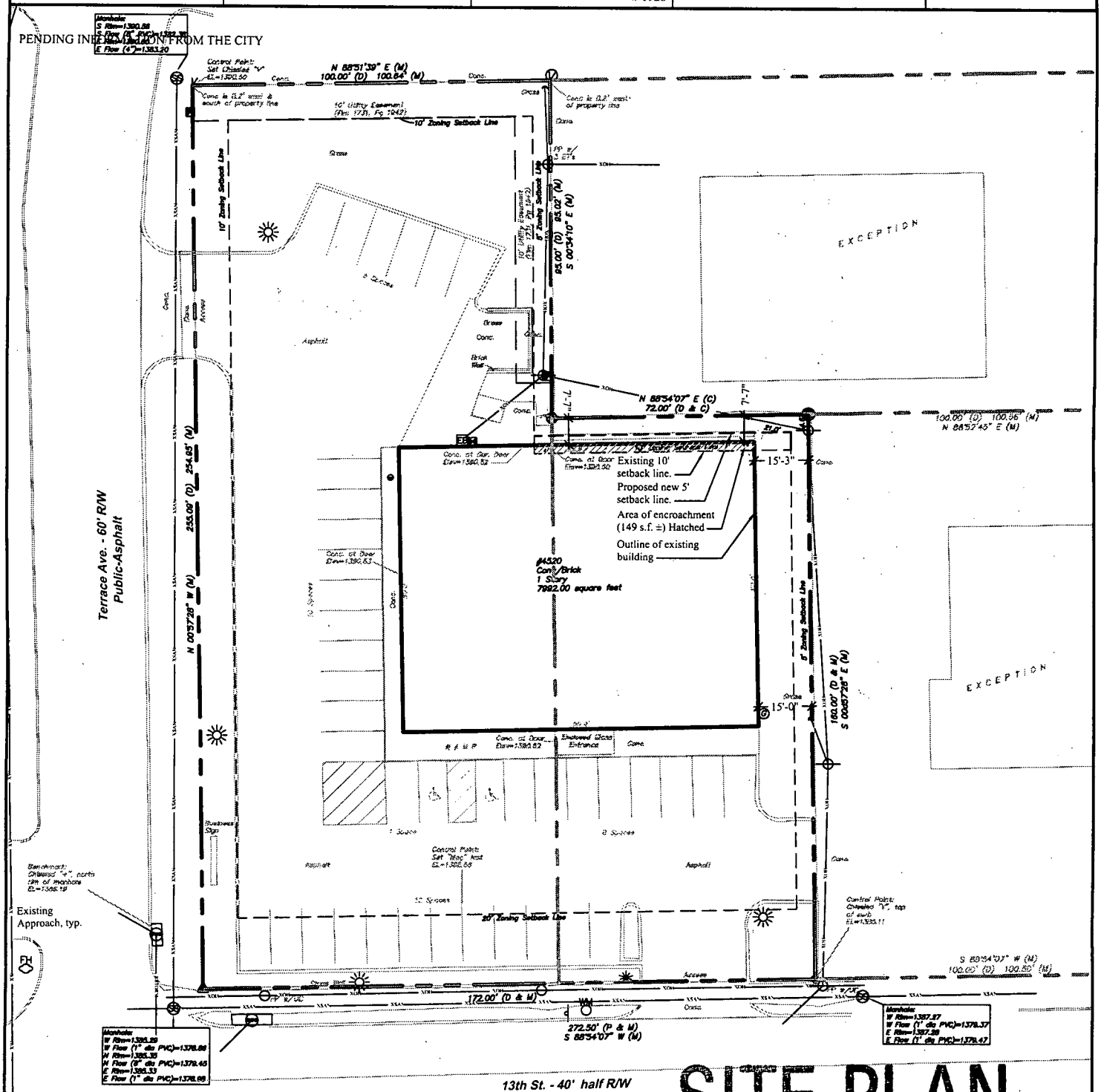
Wichita, Kansas (4520 E. 13th Street)

PROTOTYPE:	Existing Building	OWNER		DEVELOPER		DESIGNER	
BLDG/SALES SF:	8,000 ±	COMPANY:	Madison Property Group, LLC	COMPANY:	Colby Capital, LLC	COMPANY:	Abeln & Assoc. Architects, P.A.
ACREAGE:	0.85	NAME:	Marc Mirbod	NAME:	Tyler Oliver	NAME:	Mark Abeln
CITY REQ'D PARKING SPACES:	24	PHONE #:	310-709-3868	PHONE #:	913-738-9100	PHONE #:	913-345-8833
PROVIDED PARKING:	39	DATE:	09-06-19	PROJECT #:	# 1928		

TITLE:

An administrative adjustment is being requested to reduce the rear setback line from 10' to 5'. The existing building projects 2.5' ± into the existing 10' setback. This reduction will allow the existing building to be in compliance.

PENDING INFORMATION FROM THE CITY



SITE PLAN

APPROVED 9/25/19 BY [signature]

north

Scale: 1" = 40'-0"