



Wichita-Sedgwick County Metropolitan Area Planning Department

April 16, 2021

Michael and Maggie Small
15931 E. Plymouth Rd.
Wichita, KS 67230

MKEC
Attn: Michael Small
411 N. Webb Road
Wichita, KS 67206

Re: BZA2021-00019: Administrative Adjustment to reduce the side yard setback from six feet to three-feet on property zoned SF-5 Single-Family Residential.

Legal Description: Lot 6, Block 3, Brookhaven Estates Addition, Wichita, Sedgwick County, Kansas; generally located on the west side of North 159th Street East approximately 400 feet north of East Central Avenue(15931 East Plymouth Road)

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the side yard setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce the side yard setback to three feet to allow construction of a new structure to encroach 150 feet into the building setback along the south property line.

Section V-1.2.a of the Unified Zoning Code ("UZC") allows reducing minimum side yard setback by up to 50% as required by the property development standards of the zoning district when adjacent to a reserve or when the encroachment is less than 300 square feet. This adjustment is permissible when the provisions of those sections and the Zoning Adjustment Criteria of Section V-1.6 are met. We find that the reduction of the setbacks as proposed meets the provisions of Section V-1.2.a and the four criteria required by Section V-1.6 as set out below:

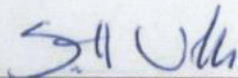
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The location of the proposed side setback reduction will have no impact on the safety and convenience of vehicular and pedestrian circulation in the right-of-way. The new building will comply with the 40-foot platted front yard setback.
- 2) Impact on existing uses in surrounding areas: There will be no impact on the existing uses in surrounding areas as this adjustment applies only to the south side of the new building, which is 100 feet along the south property line. Street visibility will be unchanged for neighboring properties.
- 3) Compatibility with existing or permitted uses on abutting sites: Abutting sites are SF-5 Single-Family and NO Neighborhood Office. The reduction of the rear yard setback 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.

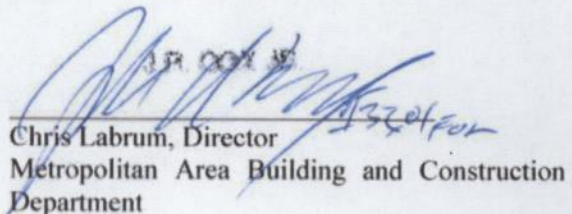
Our signatures below indicate that a Zoning Adjustment to reduce the side yard setback by 50 % from six feet to three feet is hereby GRANTED, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The applicant shall obtain a building permit and complete construction within one year of the Administrative Adjustment approval. The site shall conform to all codes including but not limited to building, health and fire.
- 3) The side setback reduction shall apply only to the approximate 150 square feet area of the building that encroaches into the side 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.
- 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 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.



Scott Wadle, Director
Metropolitan Area Planning Department



Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
Becky Tuttle, CM District II
Cory Buchta, CSR District II

Path: L:\Maps\MKEC_CIT\Small_VCase_B.mxd

PLYMOUTH RD

40' Platted Setback
(to remain)

SF-5

Subject Property

15931

Planned New
Accessory Structure

300' sq. ft. (3'x100')

Brookhaven
Estates Add

3' Building Setback
(By Admin. Adj.)

NEW
Drive
Approach
(Existing)

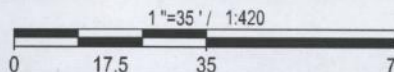
NO w/ PO-250
Commercial Zoning

SITE PLAN

APPROVED

4/11/20 *[Signature]*

159TH ST



03.30.2021



ADMIN. ADJUSTMENT CASE

SMALL PROPERTY EXHIBIT A

The information presented herein is best available data gathered by MKEC from various outside sources. MKEC does not guarantee the positional accuracy of the data shown. In no event shall MKEC become liable to users of the data presented herein, for any loss or damages, consequential or otherwise, including but not limited to time, money, or goodwill, arising from the use of the presented data. In using the data presented herein, users further agree to indemnify, defend, and hold harmless MKEC for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data.