



Wichita-Sedgwick County Metropolitan Area Planning Department

March 22, 2021

Weinkauf Properties LLC
Attn: Deborah Potter
P.O. Box 771143
Wichita, KS 67277

Re: BZA2021-00011: Administrative Adjustment to reduce the rear yard setback by 50% (20 feet to 12.5 feet) on property zoned Two-Family Residential (TF-3).

Legal Description: PT LOTS 36, 38 & 40 COMM NW COR LOT 36 TH E 70 FT TO POB TH S 75 FT E 70.67 FT N 75.65 FT W 76.65 FT TO BEG HEISERMAN AVE NORTH RIVERSIDE ADDITION; generally located 1,900 feet south of West 21st Street North and 490 west of North Arkansas (641 W. 18th Street N.)

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the rear yard setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce a portion (280 square feet) of the rear yard setback from 20 feet to 12.5 feet. This administrative adjustment will resolve the existing encroachment of the primary structure into the rear yard setback and allow the new addition.

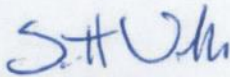
Section V-1.2.a of the Unified Zoning Code ("UZY") allows reducing minimum Front, Side, and Rear Setbacks (required by the property development standards of the zoning District) by up to 20 percent, or reducing a Side or Rear Setback by up to 50 percent adjacent to a Golf Course, open space or reserve or 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-1.6 are met. We find that the reduction of the front setback 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 new addition should 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 new construction; street visibility will be unchanged for neighboring properties.
- 3) Compatibility with existing or permitted uses on abutting sites: Abutting sites are zoned to allow residential development and 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.

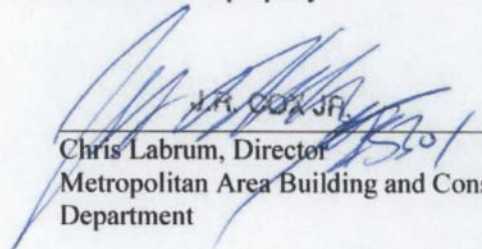
Our signatures below indicate that a Zoning Adjustment to reduce the rear yard setback by 20 feet to 12.5 feet is hereby GRANTED, subject to the following conditions:

- 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 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.
- 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


J.H. COX JR.
Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
Cindy Claycomb, CM District VI
Ana Lopez, CRS District VI

