



**Wichita-Sedgwick County Metropolitan Area Planning Department**

February 9, 2023

Sean and Susan Kelly  
28241 W. 4<sup>th</sup> Street North  
Garden Plain, KS 67050

**Re: BZA2023-00001: Administrative Adjustment in the County to reduce setback from a section line road by 20% from 85 feet to 68 feet; on property zoned RR Rural Residential and generally located on the south side of West 4<sup>th</sup> Street North, within one-half mile west of North 279<sup>th</sup> Street West (28241 West 4th Street North).**

**Legal Description: BEG 658.50 FT E NW COR NE1/4 TH S 405 FT E 656.32 FT N 405 FT W 658.46 FT TO BEG EXC N 50 FT FOR RD SEC 20-27-3W**

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the north section line road setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce the north section line road setback from 85 feet to 68 feet to allow for the construction of an accessory structure.

Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing the minimum front setback (required by the property development standards of the zoning district) by up to 20 percent. This adjustment is permissible when the provisions of those sections and the Zoning Adjustment Criteria of Section V-I.6 are met. We find that the reduction of the setbacks 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: The proposed reduction of the north section line road setback will have no impact on the safety and convenience of vehicular and pedestrian circulation in the right-of-way.
- 2) Impact on existing uses in surrounding areas: There will be no impact on the existing residential uses; street visibility will be unchanged for neighboring properties.
- 3) Compatibility with existing or permitted uses on abutting sites: Abutting properties are zoned RR Rural Residential and are developed with single-family dwelling units and/or are used for agricultural purposes.
- 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.

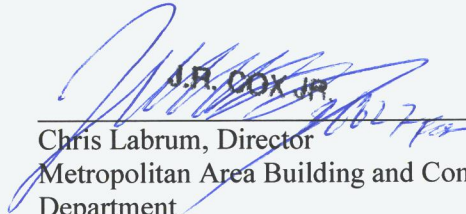
Our signatures below indicate that a Zoning Adjustment to reduce the north section line road setback from 85 feet to 68 feet is hereby GRANTED, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site.

- 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 30-foot by 40-foot accessory structure 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.

  
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Scott Wadle, Director  
Metropolitan Area Planning Department

  
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Chris Labrum, Director  
Metropolitan Area Building and Construction  
Department

cc: MABCD  
David Dennis, BOCC District III

# Variance Request



**Applicants:** Sean M. Kelley and Susan H Kelley

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