



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

November 1, 2023

Alvaro M. Aguilera Gallardo
1710 North Topeka
Wichita, KS 67214

Jordan Doom
Armstrong Land Survey, P.A.
1601 East Harry Street
Wichita, KS 67211

Re: BZA2023-00060: Administrative Adjustment in the City to reduce the south interior side yard setback by 50 percent for an area less than 300 square feet (from 6 feet to 3 feet) and to reduce the rear setback by 32.5 percent when measured from the center of the alley (from 20 feet to 13.5 feet) for existing garage addition on property zoned TF-3 Two-Family Residential District, generally located on the east side of North Topeka Avenue, within one-block south of East 17th Street North (1710 North Topeka).

Legal Description: Lots 41 and 43, on Topeka Avenue, Ford's Addition, Wichita, Sedgwick County, Kansas.

Dear Applicant,

We have reviewed your request for Zoning Adjustments to reduce the south interior side setback from 6 feet to 3 feet (50 percent for an area less than 300 square feet) and reduce the east rear setback from 20 feet to 13.5 feet (32.5 percent for an area less than 300 square feet), when measured from the center of the alley) on the aforementioned property in order to bring the existing garage addition into compliance.

The area encroaching into the interior side yard setback is approximately 10.1 feet by 3 feet (30.3 square feet). The area encroaching into the rear setback is approximately 33.8 by 6.5 feet (219.7 square feet).

Section III-E.1.e(8) permits counting one-half of a platted alley toward the rear setback requirement.

Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing the minimum side and rear yard setback (required by the property development standards of the zoning district) by up to 50 percent when the area for each setback does not exceed 300 square feet. These adjustments are 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

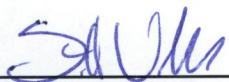
reduction of the south interior setback from 6 feet to 3 feet and reduce the east rear setback from 20 feet to 13.5 feet will have no impact on the safety and convenience of vehicular and pedestrian circulation in the right-of-way.

- 2) Impact on existing uses in surrounding areas: There will be no impact on the existing uses. The attached garage addition already exists.
- 3) Compatibility with existing or permitted uses on abutting sites: Property to the north is zoned TF-3 Two-Family Residential District and is under the same ownership as the applicant. The lots to the north are a part of the larger zoning lot of the application area. Properties to the east and south are zoned TF-3 and developed with duplex and/or single-family residential uses. Property to the west, across North Topeka Avenue, is zoned TF-3 and is railroad right-of-way.
- 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.

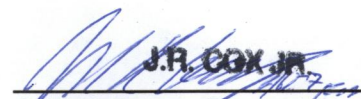
Our signatures below indicate that a Zoning Adjustments to reduce the south interior setback from 6 feet to 3 feet and reduce the east rear setback from 20 feet to 13.5 feet are hereby GRANTED, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The applicant shall obtain a building permit 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 3-foot south interior side setback and the 13.5 - foot east rear 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

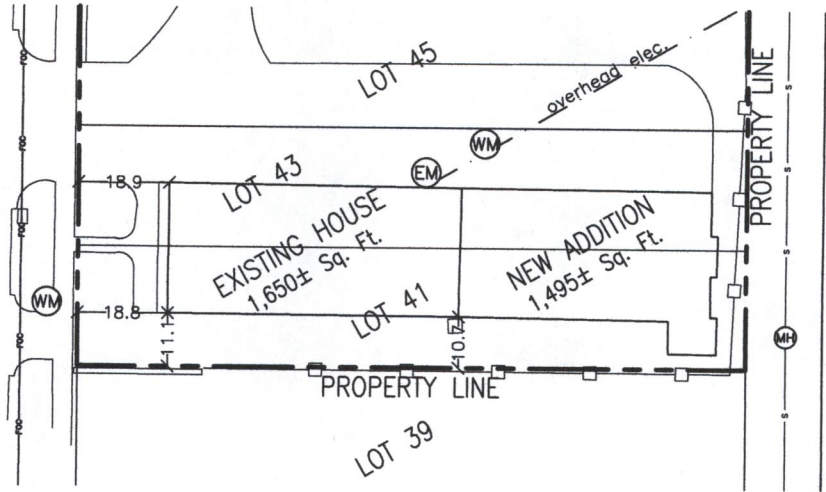
cc: MABCD
Maggie Ballard, City Councilmember, District VI
Ana Lopez, CSR District 5

SITE PLAN #1710 N Topeka Ave for Alvaro M Aguilera Gallardo

SCALE 1"=40'

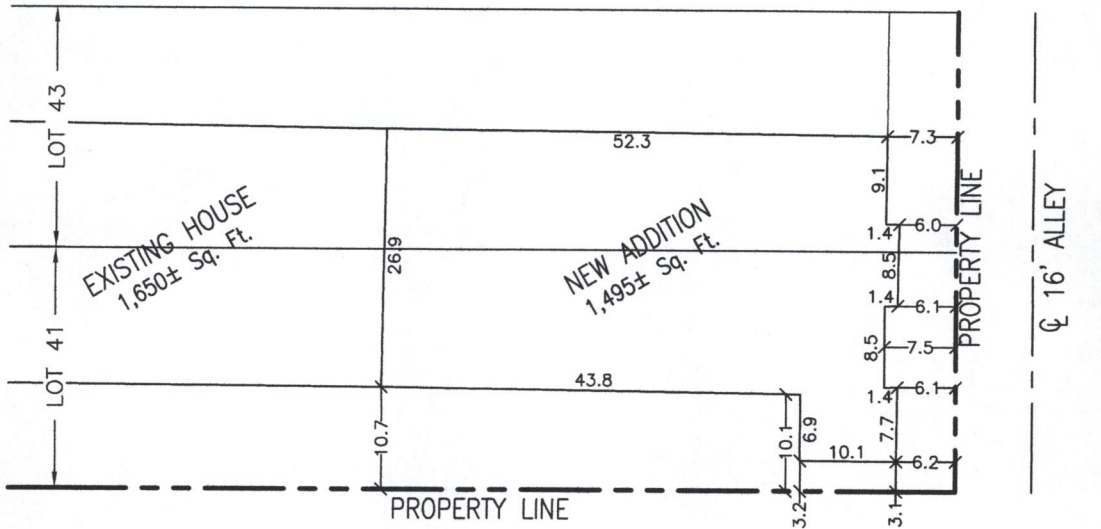
SITE PLAN

APPROVED 11/1/23 BY [Signature]



BUILDING DIMENSIONS

SCALE 1"=20'

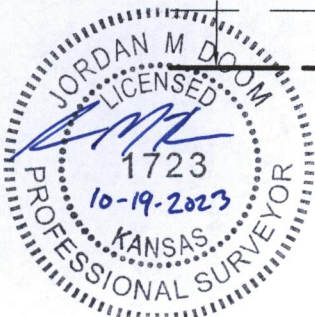
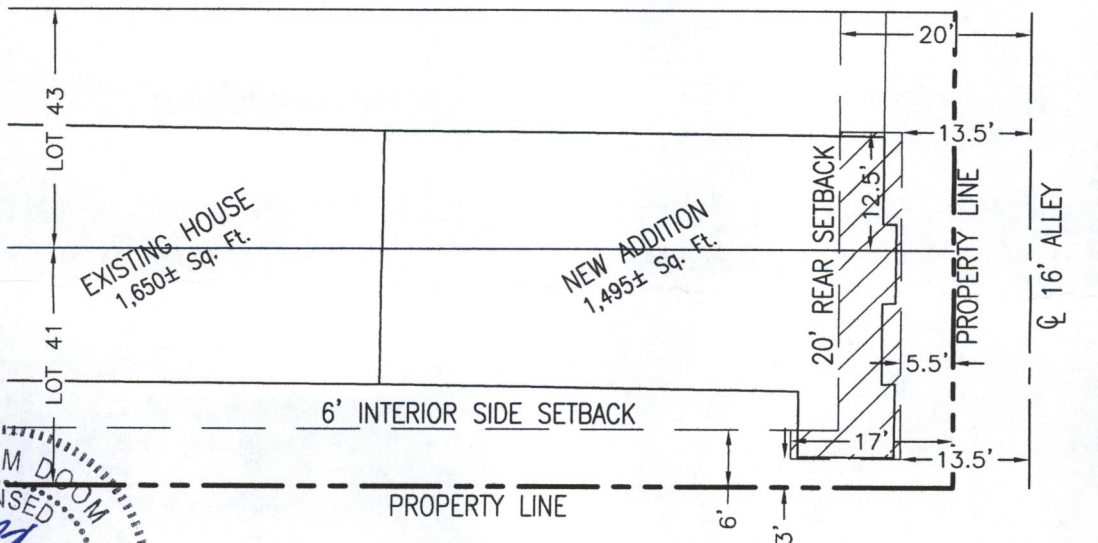


PROPOSED ADJUSTMENT

SCALE 1"=20'

= Adjustment Area 239± Sq. Ft.

Reduce Rear Setback on Lot 41 and The South Half of Lot 43 to 13.5 Feet from the center of the Alley.
Reduce Interior Side Setback on The East 17 Feet of Lot 41 to 3 Feet.



- (WM) - water meter
- (MH) - manhole
- (EM) - electric meter



**ARMSTRONG
LAND SURVEY, P.A.**

W.O. #42597
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P.O. Box 161039
WICHITA, KS 67216
PH. (316) 263-0082
info@armstrongsurvey.com