CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 4, 2024

Charlene VanBurkleo
3152 N. Westwind Bay St.
Wichita, KS 67205

Re: **BZA2024-00056:** Administrative Adjustment in the City to reduce the southeast rear setback by up to 35 percent (from 20 feet to 13 feet) for an area less than 300 square feet to permit reconstruction and expansion of an existing deck, on property zoned TF-3 Two-Family Residential District, generally located within one-quarter mile east of North Ridge Road and within one-half mile north of West 29th Street North (3152 N. Westwind Bay St.).

Legal Description: Lot 8, except beginning at the Northwest corner; thence East 111.13 fee; thence South 153.76 feet; thence Southwest 36.43 feet; thence Northwest 135.88 feet to Westerly line, thence Northwesterly along curve 90.94 feet to beginning, Block B, Ridge Port 4th Addition, Wichita, Sedgwick County, Kansas.

Dear Applicants,

We have reviewed your request for a Zoning Adjustment to reduce the southeast rear setback from 20 feet to 13 feet (35 percent for an area less than 300 square feet) on the aforementioned property in order to permit reconstruction and expansion of an existing deck. The total area of the proposed expanded deck is 96 square feet (8 feet by 12 feet). The southeast rear property line is at an angle in relation to the rear of the dwelling on which the deck is proposed to be reconstructed. Therefore, the encroachment of the proposed expanded deck ranges from 2 feet to 7 feet north to south. The reduction of the setback will range from 10 percent to 35 percent respectively.

Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing the minimum rear yard setback (required by the property development standards of the zoning district) by up to 50 percent when the area does not exceed 300 square feet. This adjustment is permissible when the provisions of this section and the Zoning Adjustment Criteria of Section V-I.6 are met. We find that the reduction of the 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: The proposed reduction of the east rear setback from 20 feet to 13 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 deck currently exists and encroached into the setback ranging from 2 feet to 6 feet. The proposed expansion to the south only increases the existing encroachment by 1 foot.

3) Compatibility with existing or permitted uses on abutting sites: Properties to the north, west and south are zoned TF-3 Two-Family Residential District and are developed with

duplexes. Property to the east is zoned SF-5 Single-Family Residential District and is a platted reserve with a stormwater detention lake. The encroachment into the setback would bring the proposed expanded deck closer to this platted reserve.

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 east rear setback from 20 feet to 13 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 construct the deck within one year of the Administrative Adjustment approval. The site shall conform to all codes including but not limited to zoning, building, health, and fire.

3) The setback reduction shall apply only to the 18-to-13-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.

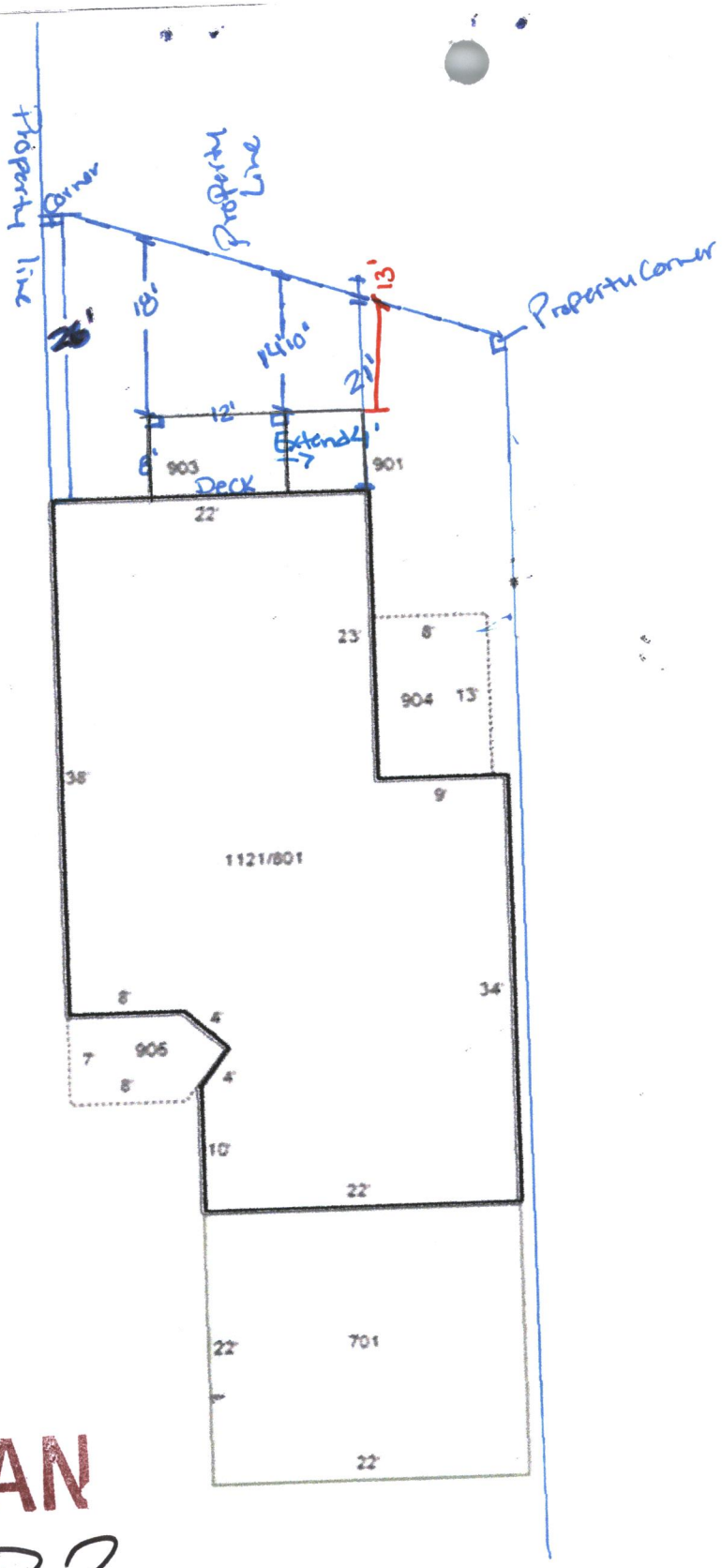
The "Development Application" sign should now be removed from the property.

Scott Wadle, Director
Metropolitan Area Planning Department

J.R. COX JR.

Chris Labrum, Director
Metropolitan Area Building and Construction Department

cc: MABCD
J. V. Johnston, City Councilmember, District V
Teresa Veazey, CSR District V



SITE PLAN

APPROVED 9/4/24 BY

BZA24-56