CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

May 23, 2024

Donald Keane
2838 North Bracken Court
Wichita, KS 67226

Re: **BZA2024-00029:** Administrative Adjustment in the City to reduce the south interior side setback from 3 feet to 2.4 feet (20 percent) to bring an existing shed into compliance on property zoned MF-18 Multi-Family Residential District, generally located one-quarter mile south of East 29th Street North and within one-half mile west of North 127th Street East (2838 North Bracken Court).

Legal Description: Lot 43, Block E, Firefly Way Addition, Wichita, Sedgwick County, Kansas.

Dear Applicants,

We have reviewed your request for a Zoning Adjustment to reduce the south interior side setback from 3 feet to 2.4 feet (20 percent) on the aforementioned property in order to bring an existing shed into compliance.

Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing the minimum side 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 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 south interior side setback from 3 feet to 2.4 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 surrounding properties are residentially developed and encroaching into the side setback by 0.6 feet will not have negative impacts on the existing uses.

3) Compatibility with existing or permitted uses on abutting sites: Properties to the north, west and south are zoned MF-18 Multi-Family Residential District and are developed with single-family dwellings. Properties to the east are zoned SF-5 Single-Family Residential District and developed with single-family dwellings. Encroaching into the side setback by 0.6 feet will not have negative impacts on the existing 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 south interior side setback from 3 feet to 2.4 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 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 2.4-foot south interior side 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.P. COX JR.

Chris Labrum, Director
Metropolitan Area Building and Construction Department

cc: MABCD
Becky Tuttle, City Councilmember, District II
Teresa Veazey, CSR District II

SITE PLAN
APPROVED JBE 5/23/24
BZA 2024-00029
Pool & Patio
Shed to E property = 10'2"
Shed to S property (SE back corner) = 5'1"
Shed to S property (SW front corner) = 2'8"
12 x 16
N