CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 21, 2025

Ana L. Terrero Palatzin
4654 S. Hemlock Ct.
Wichita, KS 67216

Re: **BZA2024-00082:** Administrative Adjustment in the County to reduce the east rear setback from 5 feet to 4 feet (20 percent) to permit an existing accessory structure to remain, on property zoned SF-5 Single-Family Residential District, on the northwest corner of South Clifton Avenue and East 47th Street South (4654 S. Hemlock Ct.).

Legal Description: Lot 14, Block 23, Oaklawn Subdivision Addition, Sedgwick County, Kansas.

Dear Applicants,

We have reviewed your request for a Zoning Adjustment to reduce the east rear setback from 5 feet to 4 feet (20 percent) on the aforementioned property in order to permit an existing accessory structure. According to the site plan, the accessory structure not only encroaches into the required setback, but it also encroaches into a utility easement. With the Administrative Adjustment application, a copy of the Use of Easement letter, signed by the City of Wichita Engineer, was provided indicating consent for the structure to be within the easement.

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 20 percent. 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 5 feet to 4 feet will have no impact on the safety and convenience of vehicular and pedestrian circulation in the right-of-way. The accessory structure is wholly within the six-foot privacy fence constructed on the property and does not interfere with site lines for traffic at the intersection of South Clifton Ave. and East 47th Street South.

2) Impact on existing uses in surrounding areas: There will be no impact on the existing uses. The property abutting the rear of the subject site is street right-of-way. The placement of an accessory structure one foot closer to the rear property line abutting a right-of-way is not anticipated to have negative impacts on the existing uses in the surrounding area.

3) Compatibility with existing or permitted uses on abutting sites: Properties to the north and west are zoned SF-5 Single-Family Residential District and developed with single-family dwellings with accessory structures. Properties to the east and south, across both South

Clifton Avenue and East 47th Street South are zoned LC Limited Commercial and developed with commercial uses.

4) Effect on public health, safety, or welfare: The encroachment into the public utility easement has been permitted by Public Works and Utilities. 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 Zoning Adjustment to reduce the east rear setback from 5 feet to 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 for the accessory structure 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 4-foot east 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.

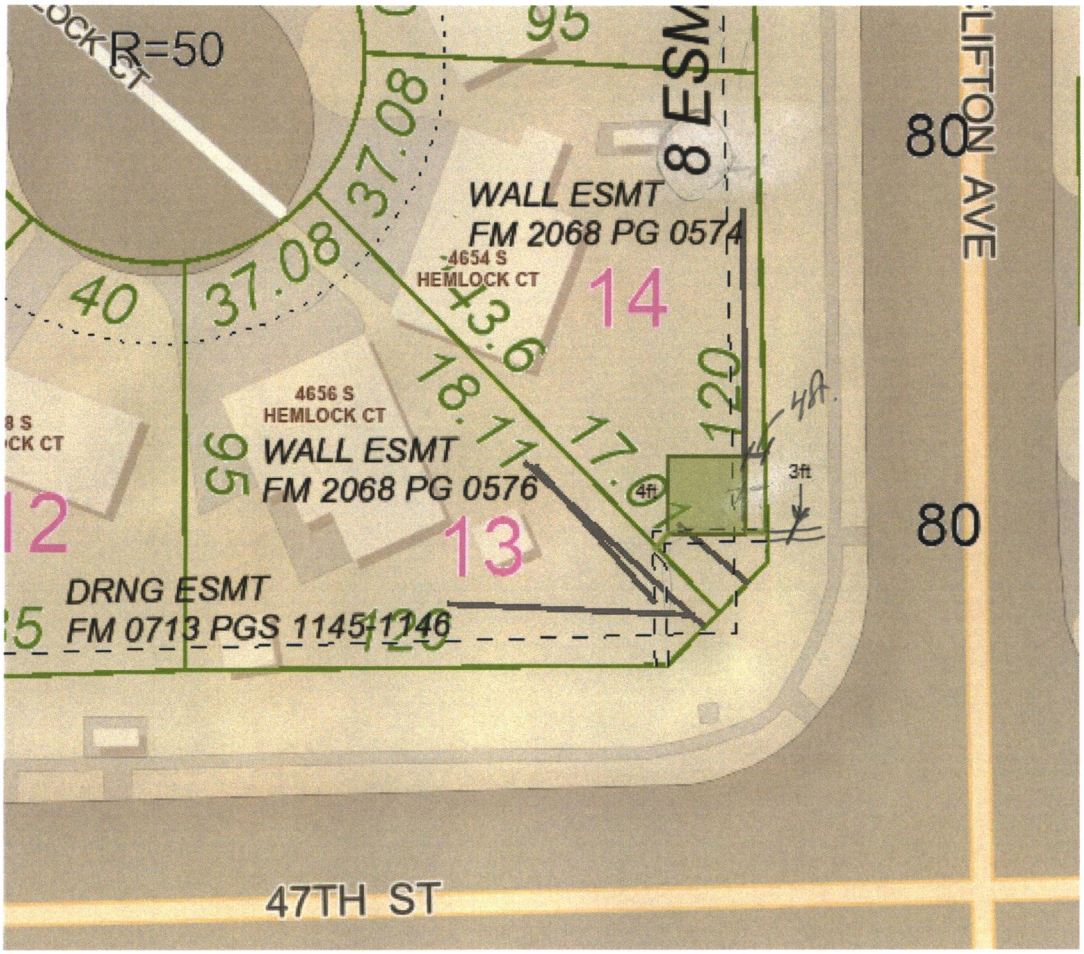
4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment 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
Jim Howell, BoCC District 5



Workshop built 4 feet off East property line,
+ 3 feet off wall.

SITE PLAN
APPROVED 1/21/25 BY
BZA 24-82