CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 21, 2026

Jazmin Macias & Guadalupe Macias De Aragon
3402 E. Orchard
Wichita, KS 67208

Re: **BZA2026-00025:** Administrative Adjustment in the City to increase the allowable height of an accessory structure by 20 percent (from 21 to 25.2 feet) on property zoned TF-3 Two-Family Residential District, generally located one-block north of East Murdock Avenue and one-quarter mile east of North Hillside Avenue (3402 East Orchard Ave.).

Legal Description: Lots 2 & 4, Orchard Street, Country Club Place, Addition, Wichita, Sedgwick County, Kansas.

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to increase the allowable height of an accessory structure by 20 percent in the TF-3 Two-Family Residential District (TF-3). On January 29, 2026, the Metropolitan Area Planning Commission approved a Conditional Use request (CON2025-00177) for an Accessory Apartment. Through that application, we understand that the existing garage on the north side of the property is to be removed, and a new two-story structure is proposed to be built. This new structure would house a garage on the main level and an Accessory Apartment on the upper level. It is understood the new proposed structure would be constructed generally within the same footprint as the existing garage, which is setback the following distances from applicable property lines:

- Rear: 6 feet
- Interior side: 6 feet
- Street Side: 15 feet

According to Section III-D.7.e.(6) of the Unified Zoning Code (UZC), if an accessory structure does not meet the principal structure setbacks within a zoning district, the height of that structure is limited to 60 percent of the allowable height for principal structures. In this case, the accessory structure does not meet the principal rear setback of 20 feet in the TF-3 District. Therefore, the maximum allowable height the accessory structure can achieve is 60 percent of 35 feet, or 21 feet. It is our understanding that you wish to increase the height of the structure by 20 percent, which equates to 25.2 feet. The submitted elevation indicates the midpoint of the gable for the proposed dwelling is 26.25 feet, which is 1.05 feet higher than what can be approved administratively. The Administrative Adjustment can be approved for up to 25.2 feet in height. As the property owner, you have a couple of options:

1. Revise your building plans to conform to a height of 25.2 feet, or
2. Submit a Variance application to request additional height, to be determined by the Board of Zoning Appeals.

Section V-I.2.f of the UZC allows increasing the maximum building height permitted by the property development standards of a 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 increase in height as proposed meets the provisions of Section V-I.2.f 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 increase in height from 21 to 25.2 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 zoning of the nearby properties most affected by the request to the north and east are zoned TF-3 and developed with single-family dwellings with detached garages. The proposed two-story garage meets the principal 6-foot interior side setback. The nearest structure to the north is a single-story, detached garage, which is approximately 15 feet from the shared property line. Therefore, there would be an approximate total of 21 feet between structures.

3) Compatibility with existing or permitted uses on abutting sites: Detached garages are common in this area, with a few of them being two stories in height. The nearest structure to the north is a single-story, detached garage, which is approximately 15 feet from the shared property line. Therefore, there would be an approximate total of 21 feet between structures.

4) Effect on public health, safety, or welfare: 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 the Zoning Adjustment to increase the height of a proposed accessory structure from 21 feet to 25.2 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 applicant shall submit revised elevations illustrating the structure conforming to the 25.2 height restriction.

4) The height adjustment shall only apply to the 25.2-foot-tall accessory structure in the rear of the property as illustrated on the approved site plan and elevations. All other structures on the subject property shall conform to the height permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.

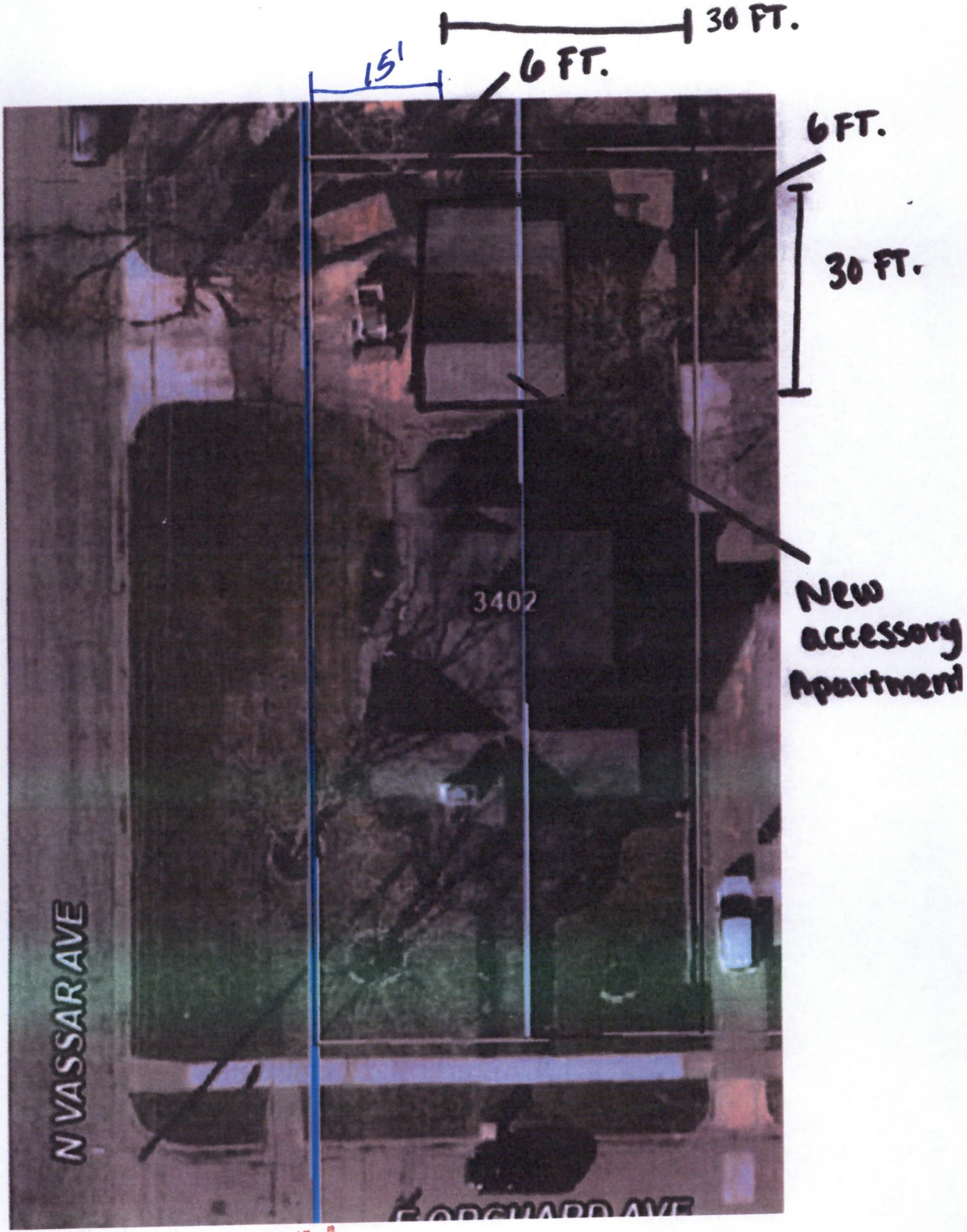
5) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment 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
Joseph Shepard, City Council District I;
Cameron Jackson, CSR District I



SITE PLAN

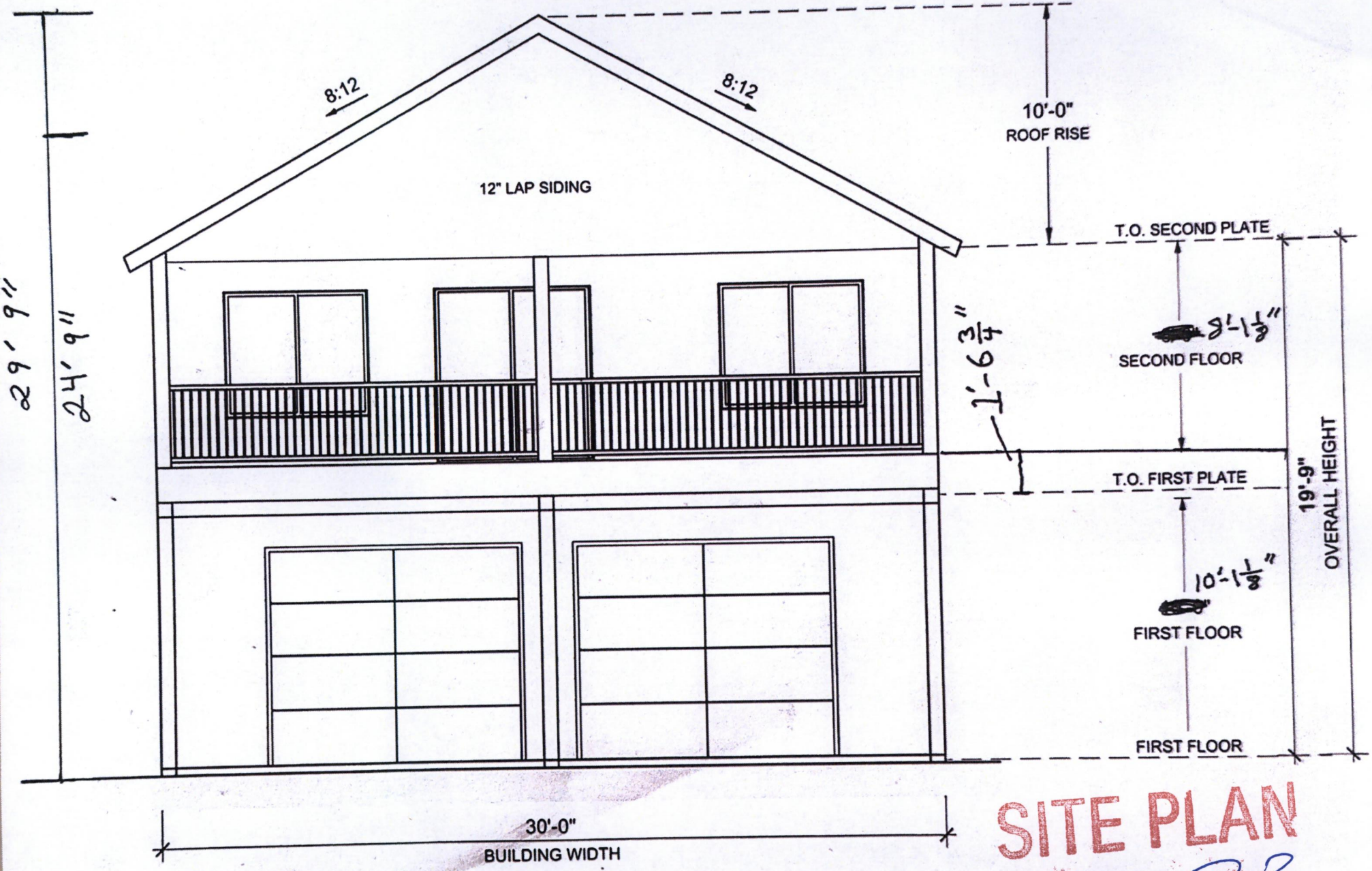
APPROVED 4/21/26 BY

BZA26-25

SITE PLAN (Accessory Apartment)

APPROVED 2/23/26 CMR

CON2025-00177



2 FRONT VIEW

1/4" = 1'-0"

SITE PLAN

APPROVED 4/28/26 BY

BEA26-25