CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

March 9, 2009

Grant and Karen Nutter
660 N Preston Trail
Wichita, KS 67230

Deborah Simmons Southwest Remodeling
134 N Elizabeth
Wichita, KS 67203

Re: BZA2009-08: Zoning Adjustment to reduce the side building setback from 10 feet to 5 feet adjacent to a platted reserve in SF-20 zoning for a covered deck expansion.

Lot 5, Block C Fountain Hills Addition to Sedgwick County, Kansas. Generally located north of Central and east of 127th Street East (660 N Preston Trail).

Dear Applicants,

We have reviewed your request for a Zoning Adjustment to reduce the side setback for a deck addition on the aforementioned property. From reviewing the application, we understand that you desire to construct a deck within 5 feet of the south side property line, a 5 foot encroachment into the required 10 foot side building setback for the SF-20 zoning district. Therefore, you have requested an adjustment to reduce the required setback.

Section V-I.2.a. of the Unified Zoning Code allows the side setback to be reduced by 50% when the side yard borders a platted open space reserve, and when the provisions of that section and the Zoning Adjustment Criteria of Section V-I.6. are met. We find that the reduction of the side setback as proposed meets the provisions of Section V-I.2.a. and the four criteria required by Section V-I.6. as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: The setback encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as no public right-of-way is affected.

2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the setback reduction; the setback reduction is for a deck and is adjacent to an open space reserve. The side setback reduction is within allowable limits.

3) Compatibility with existing or permitted uses on abutting sites: The proposed addition is

compatible with existing and permitted uses on abutting sites; the encroachment into the side setback should not reduce compatibility with abutting and adjacent sites.

4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. Therefore, there should 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 side setback for the aforementioned property from 10 feet to 5 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 site shall be developed in conformance with all applicable codes, including but not limited to building, fire, and health codes.

3) The setback reduction shall apply only to the 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.

John L. Schlegel
Planning Director

Glen Wiltse
Director of Code Enforcement

Enclosure

cc: Glen Wiltse, Sedgwick County Code Enforcement
Jim Webber, Sedgwick County Public Works
Dave Unruh, Sedgwick County Commission District I

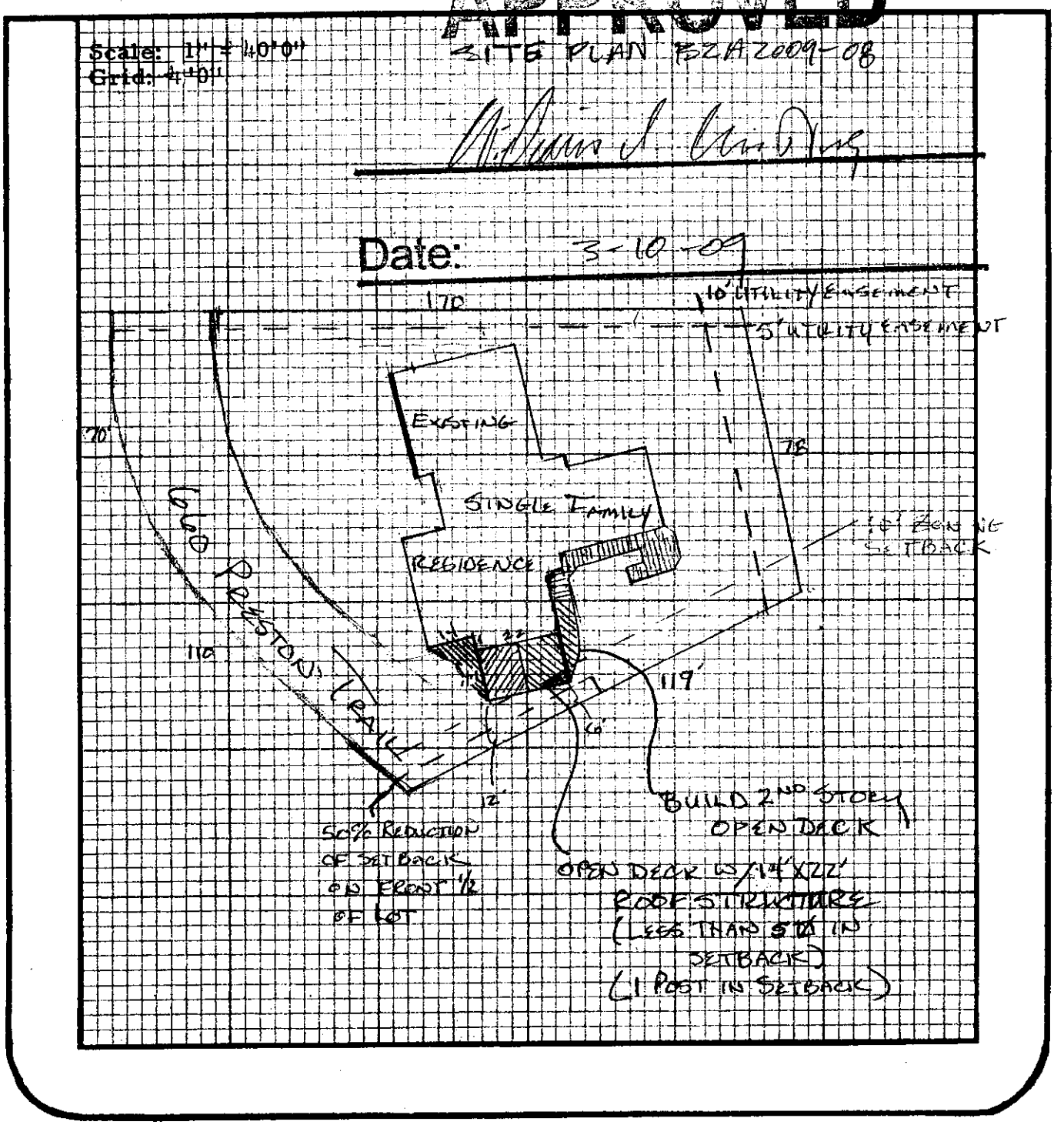
RESIDENTIAL PLOT PLAN

ADDRESS: 660 N. PRESTON TRAIL PERMIT NO.

LOT(S): 5 BLK. C OF FOUNTAIN HILLS ZONING SF20

REQUIRED SETBACKS: FRONT 25 SIDE 10/5 SIDE 10/5 REAR

APPROVED



I certify that the above plat complies with applicable zoning setbacks and subdivision covenants and restrictions.

Signed: Debby Simmons
(Applicant)

White Copy - File Yellow Copy - Applicant