CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

July 27, 2009

Marty and Leann Todd
2506 Teton Cir.
Wichita, KS 67215

Re: **BZA2009-33: Zoning Administrative Adjustment to reduce the rear setback from 20 feet to 11 feet in MF-18 zoning.**

Legal Description: Lot 96, Block 5, The Park Addition to Wichita, Sedgwick County, Kansas; generally located south Teton Circle and south of South Glacier (2506 Teton Circle).

Dear Applicants:

We have reviewed your request for an Administrative Adjustment to reduce a rear setback on the aforementioned property. From reviewing your application, we understand that you wish to build a deck within 11 feet of the rear property line, a 9-foot encroachment into the 20-foot setback required by the Zoning Code in MF-18 zoning.

Section V-I.2.c of the Unified Zoning Code allows an adjustment to reduce the rear building setback to 5 feet when all parts of the principal structure extending into the rear yard setback are located more than one-half the depth of the lot behind the front property line, and when the addition does not obstruct or eliminate the required off-street parking. Also, extended portions of the principal structure shall not occupy more than one-half of any required rear yard nor be more than 60 percent of the maximum height allowed by the property development standards of the district. And, the four conditions required by Section V-I.6 of the Unified Zoning Code shall be met. We find that the reduction of the setback as proposed meets the conditions of Section V-I.2.c and the four conditions required by Section V-I.6 of the Unified Zoning Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as no public right of way or access points are 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 reduction of the setback, as sufficient separation between buildings is maintained.

3) Compatibility with existing or permitted uses on abutting sites: The residence and proposed deck is compatible with abutting sites. The rear boundary borders a platted open space, which will not be affected.

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 impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that an Administrative Adjustment to reduce the rear setback from 20 to 11 feet on the aforementioned property is hereby granted, subject to the following conditions:

1) The site shall be developed in general conformance with the approved site plan.

2) The setback reduction shall apply only to the rear yard setback encroachment 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.

3) The height of the proposed addition shall not exceed 27 feet.

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.

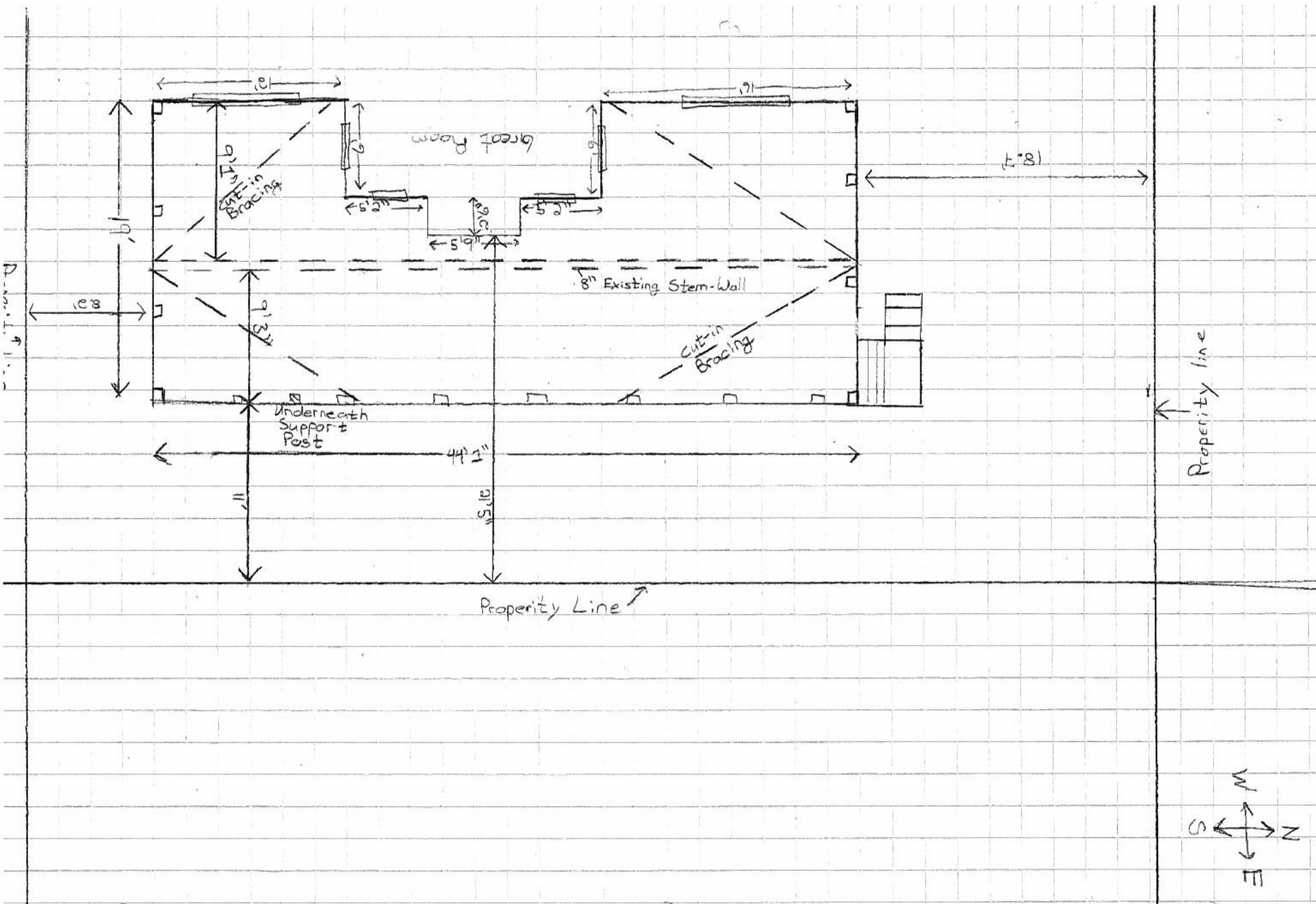
The "Development Application" sign should now be removed from the property.

John L. Schlegel
Planning Director

Tom Kesecker for
Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Kurt Schroeder, Office of Central Inspection
Mike Gable, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Paul Gray, WCC IV


Great Room
8" Existing Stem-Wall
cut-in Bracing
Underneath Support Post
44' 1"
Property Line
Property Line
W
S
N
E