CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

September 21, 2009

Miguel Garcia
3429 N Park Pl.
Wichita, KS 67204

Re: BZA2009-40: City zoning administrative adjustment to reduce the side setback from 6' to 5.3' for an addition. Generally located west of N Park Place and south of 34th Street N (3429 N Park Pl).

Lot 36 & N1/2 37; Block 9, Jones Park Addition, Sedgwick County, Kansas.

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the side setback for an addition on the aforementioned property. From reviewing the application, we understand that you desire to construct an addition within 5.3' of the side property line, a 0.7' encroachment into the required 6 foot side building setback in the SF-5 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 up to 20% 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-1.6. 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 an addition. The existing residence on the site encroaches into the side setback. 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 6' to 5.3' for an addition 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

Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Kurt Schroeder, OCI
JR Cox, OCI
Mike Gable, OCI
Janet Miller, District VI, mailstop 1-13

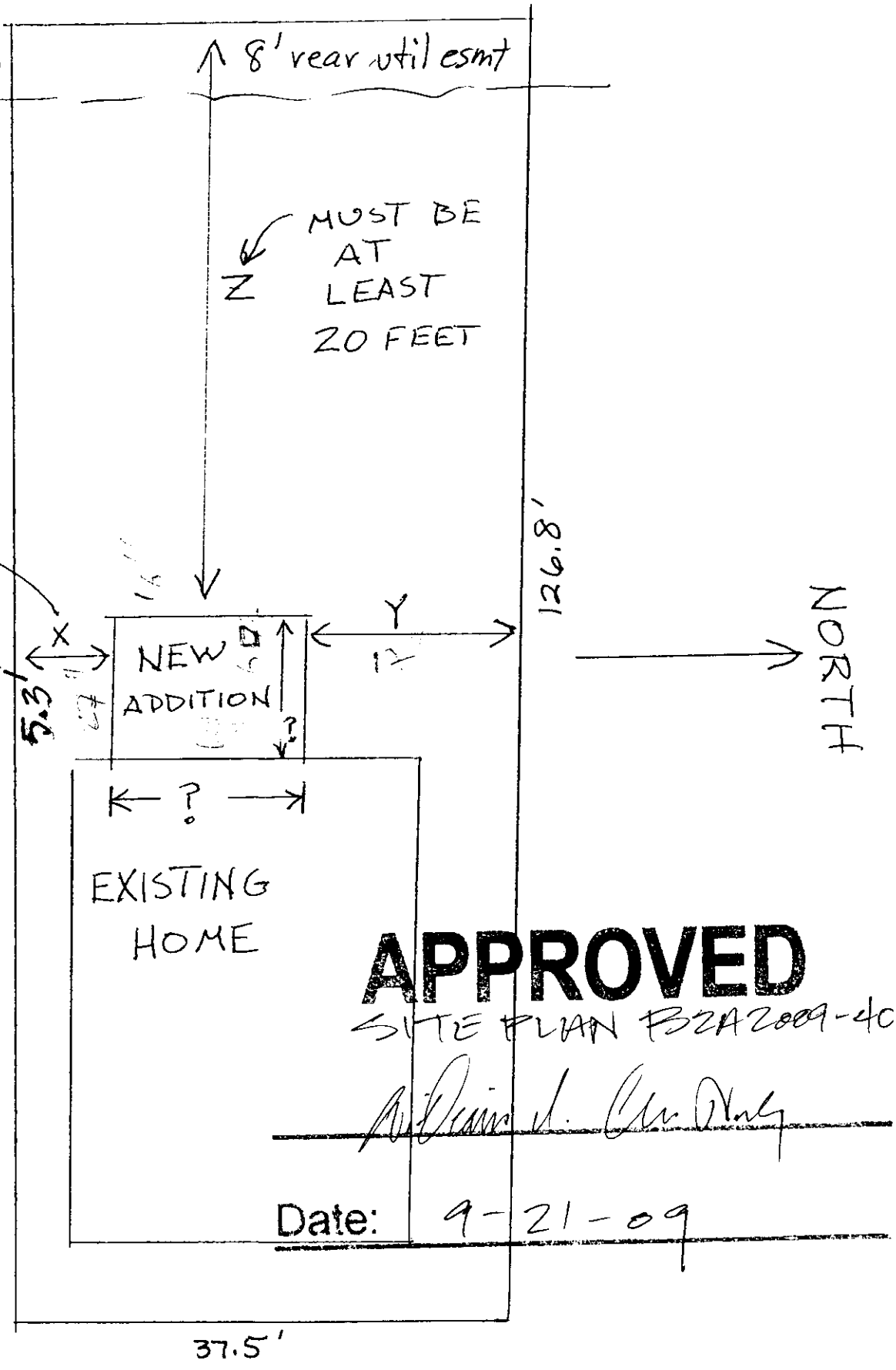
(Already built without permit)

265-4421

planning dept. 10th floor

Administrative Adjustment for minimum sideyard setback of 6' reduced to accept 5.3'

X & Y MUST BE AT LEAST 6 FEET MINIMUM.



SF5

No Fema

Lot 36

N ½ Lot 37.

Blk 9

Jones Park Addn.

25
+ 12.5
37.5

APPROVED

SITE PLAN BZA2009-40

Date: 9-21-09

3429 N. PARK PLACE