WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

August 27, 2009

Mark W. Freund
1951 W Crawford
Wichita, KS 67217

Don D. Rutherford and Sons, c/o Dale Atkins
807 W Second
Wichita, KS 67203

Re: BZA2009-38: **Zoning Administrative Adjustment to reduce the 20-foot rear yard setback to 12 feet in SF-5 zoning for a car port addition.**

Legal Description: Lot 7; Block 1, Glenn Village Addition Sedgwick County Kansas; generally located northeast of Dallas and Crawford (1951 W Crawford).

Dear Applicants:

We have reviewed your request for a Zoning Adjustment to reduce the rear yard setback on the property described above. From reviewing your application, we understand that you propose to connect carport north of the existing garage, 12 feet from the rear property line where the Unified Zoning Code would require a 20-foot rear yard setback.

Section V-I.2.c of the Unified Zoning Code allows an adjustment to reduce a rear setback to 5 feet when all parts of the principle structure extending into the rear yard setback are more than one-half the depth of the lot behind the front property line, and when the addition does not obstruct or eliminate required parking. In addition, 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 required by 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 because the rear yard is not used for public circulation and required off-street parking is not eliminated.

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 adequate separation between structures will be maintained.

3) Compatibility with existing or permitted uses on abutting sites: The proposed car port will comply with all other development standards, the rear yard setback reduction should not make the site incompatible with the existing and permitted uses on abutting sites as adequate separation between structures will be maintained.

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 rear yard setback for the aforementioned property from 20 feet to 12 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 car port structure encroaching into the rear setback shall not exceed 21 feet in height.

3) 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 the Zoning Adjustment 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

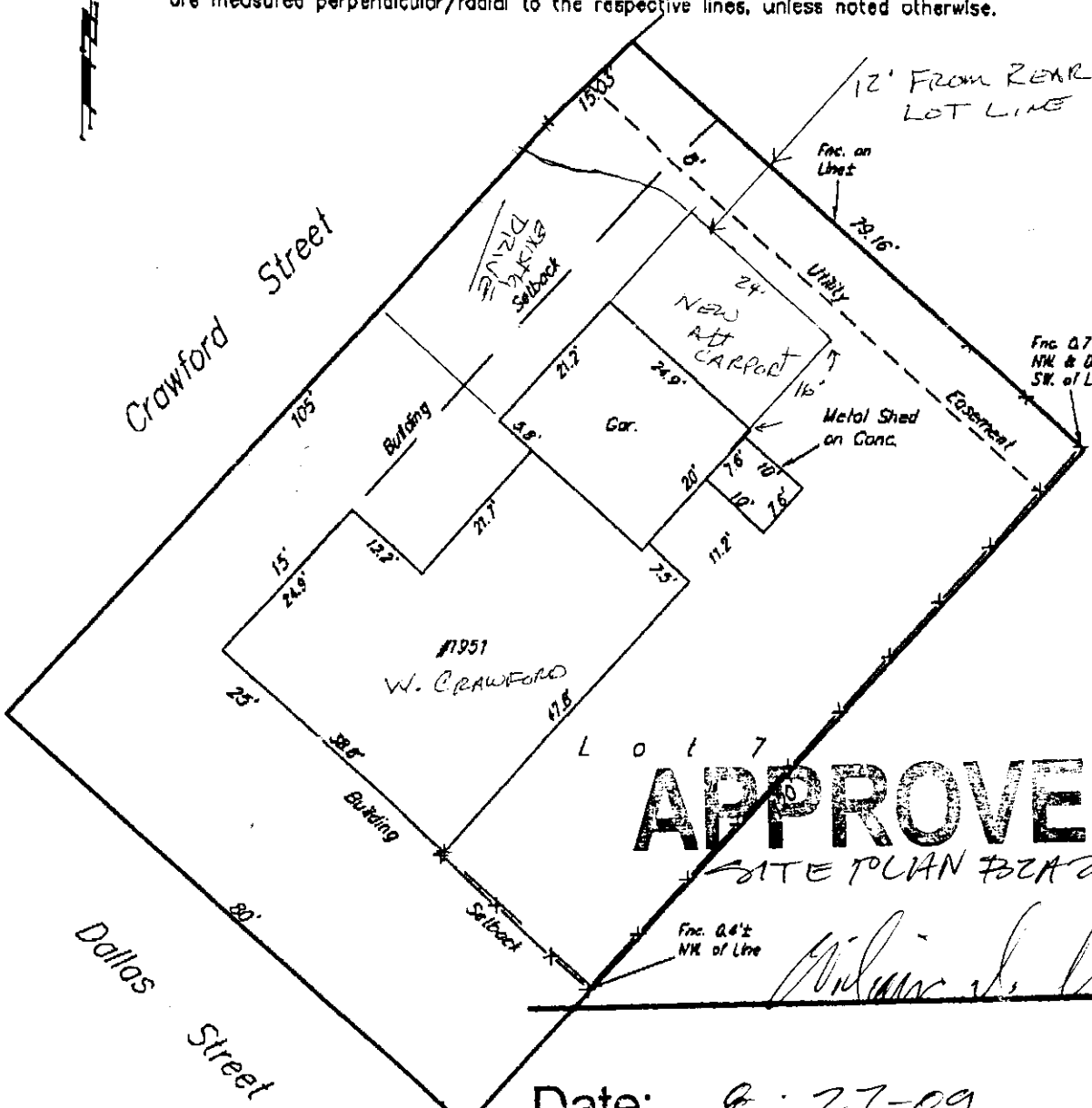
cc: Kurt Schroeder, Office of Central Inspection
Mike Gable, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Paul Gray, CM District 4

MORTGAGEE TITLE INSPECTION

(This Does Not Constitute A Boundary Survey)

An accurate location of fences would require a boundary survey.

There is a positional tolerance of 0.5'± for setback and offside dimensions, which are measured perpendicular/radial to the respective lines, unless noted otherwise.



APPROVED

SITE PLAN #ZA 2009-32

Date: 8-27-09

DWG FILE: 9705-9705059-SAD
Project No. 97-05-G059