



Wichita-Sedgwick County Metropolitan Area Planning Department

Oct 15, 2008

Rivendale LLC
1907 S Hydraulic
Wichita, KS 67211

Ruggles and Bohm, PA c/o Chris Bohm
924 N Main
Wichita, KS 67203

Re: BZA2008-56: Administrative Adjustment to reduce the side yard setback adjacent to a reserve by up to 50% (Sec.V-I 2.a); generally located northwest of the intersection of South Meridian Avenue and 47th Street South (2812 W 44th Street S).

Lot 1, Block 8, Legacy 3rd Addition, Wichita, Sedgwick County, Kansas.

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the side setback for a residence on the aforementioned property. From reviewing the application, we understand that you desire to construct within 3.68 feet of the rear property line, a 2.32-foot encroachment into the required 6-foot side building setback for the SF-5 zoning district. Therefore, you have requested an adjustment to reduce the required setback.

Section V-1.2.a. of the Unified Zoning Code allows the side setback to be reduced by 50% when the site is adjacent to an open space reserve, and when the proposal meets the provisions of Section V-1.2.a. and the four criteria required by Section V-1.6.

We find that the reduction of the side setback as proposed meets the provisions of Section V-1.2.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, nor is traffic 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 as the property adjacent to the setback reduction is a platted open space reserve. The setback reduction is within allowable

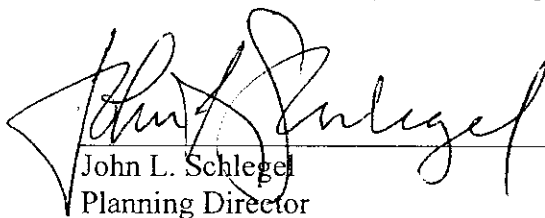
limits.

- 3) Compatibility with existing or permitted uses on abutting sites: The proposed residence 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.

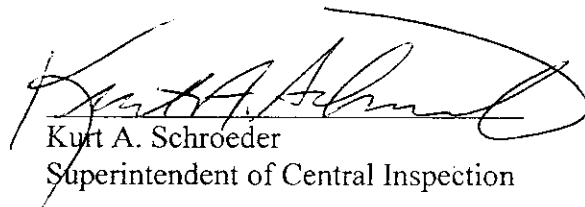
Our signatures below indicate that a Zoning Adjustment to reduce the side setback for the aforementioned property from 6 feet to 3.68 feet is hereby granted, subject to the following conditions:

- 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



Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Kurt Schroeder, OCI
Mike Gable, OCI
Paul Gray, District IV, mailstop 1-13

20' Utility Easement

61'
10' Utility Easement

Reduction in Setback = 300 s.f.

6' Sideyard Setback (By Zoning)

Proposed Setback

Reserve "C"

1

8

2

2.32'

3.68'

129'

Proposed Home

129'

10' Utility Easement

6.0'

26'

61'

Existing Walk

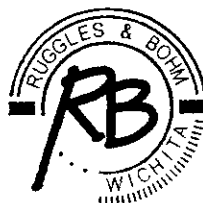


1" = 20'

Date: 10-15-08

APPROVED
SITE PLAN EXHIBIT-56
M. J. Bohm, P.E.
M. J. Bohm, P.E.

44TH STREET SOUTH



Ruggles & Bohm, P.A.

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