CITY OF WICHITA

SEDGWICK COUNTY KANSAS

**Wichita-Sedgwick County Metropolitan Area Planning Department**

Nov 3, 2008

Stanley Miller
3413 W 13th
Wichita, KS 67203

Greg Ferris
PO Box 573
Wichita, KS 67201

**RE: BZA2008-62 - City Administrative Adjustment to reduce compatibility setback to 4.8 feet on east side-setback and 10 feet on the south rear-setback in GO General Office zoned property at 3413 W. 13th.**

**Legal Description: Lot 1, Esterline Addition to Wichita, Sedgwick County, Kansas.**

Dear Applicants:

We have reviewed your request for a Zoning Adjustment to reduce the compatibility setback for the side and rears yards on the property described above. From reviewing your application, we understand that you propose to construct a building located 10 feet from the south/rear property line and 4.8 feet from the east/side property line. The Unified Zoning Code requires an administrative adjustment to allow a compatibility setback reduction from the required 25 feet.

Section V-I.2.d of the Unified Zoning Code allows an adjustment to reduce the compatibility setback. We find that the reduction of the setback as proposed meets the four 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.
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. Landscaping and screening requirements should mitigate any impact on the residential property to the south, and vacant property to the east. The nearest residence is over 75 feet from the proposed building.
3) Compatibility with existing or permitted uses on abutting sites: The proposed building will comply with all other development standards. The compatibility setback reduction should not make the proposed building incompatible with the existing and permitted uses on abutting sites. The required landscape plan and screening should ensure compatibility with abutting 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 compatibility setback for the aforementioned property from 25 feet to 10 feet the rear, and 4.8 feet for the side compatibility setbacks are hereby granted, subject to the following conditions:

1) The site shall be developed in general conformance with the approved site plan to include the noted landscaping buffer.
2) The site shall be developed in general conformance with the approved elevations, with a horizontal siding building exterior.
3) The site shall be developed in conformance with all applicable codes, including but not limited to zoning, landscape, building, fire, and health codes.
4) The setback reduction shall apply only to the side and rear 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.
5) 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.

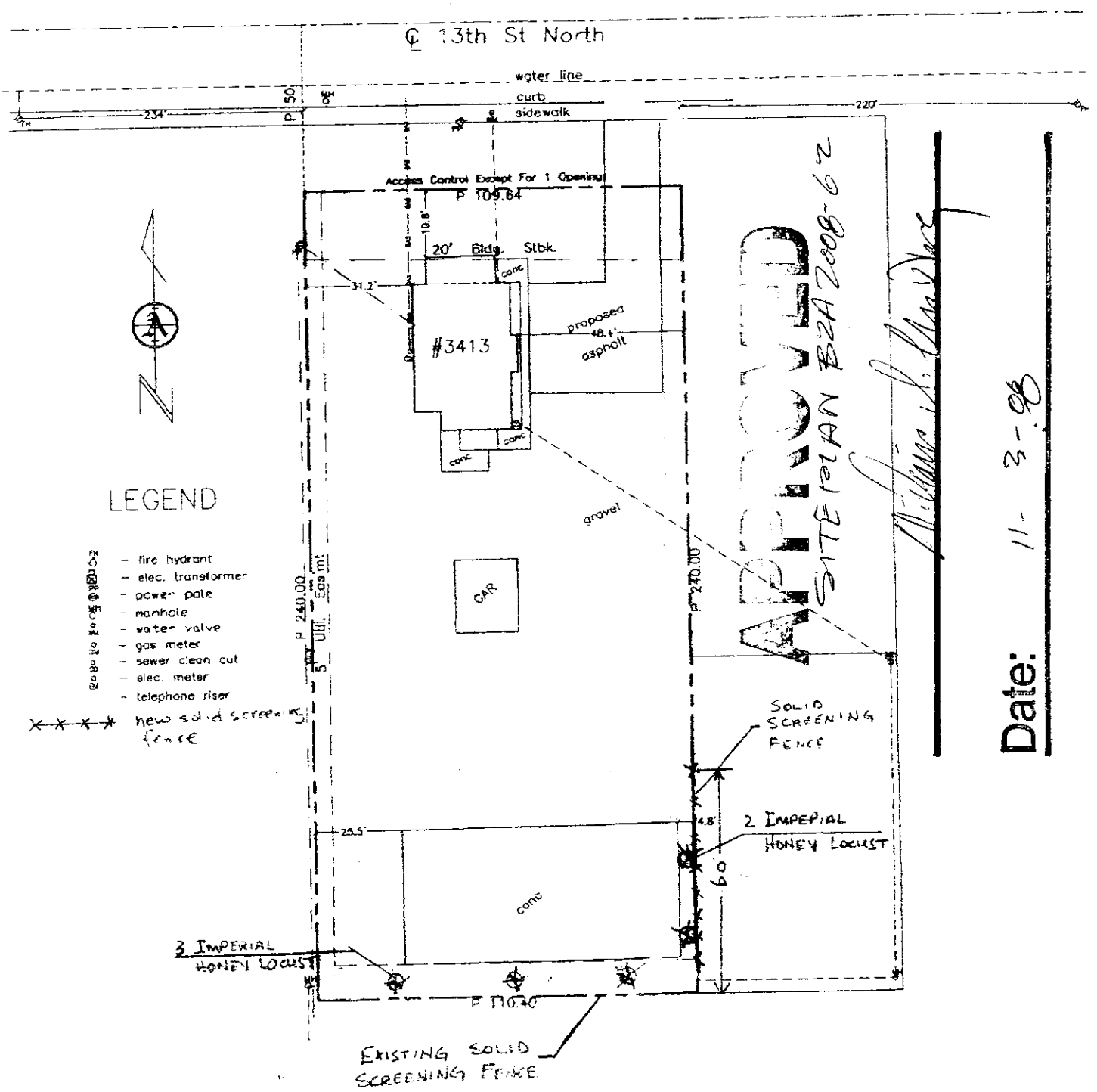
John L. Schlegel
Planning Director

Kurt A. Schroeder
Superintendent of Central Inspection

attachment

cc: Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Sharon Fearey, CM District VI, Mailstop 1-13

# SCREENING and LANDSCAPE PLAN




LOT 1, ESTERLIN ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS.

| QTY | BOTANICAL NAME | COMMON NAME |
|---|---|---|
| 5 | GLEDITSIA TRIACANTHOS INERMIS 'IMPERIAL' | IMPERIAL HONEY LOCUST 2" Cal |