



Wichita-Sedgwick County Metropolitan Area Planning Department

February 23, 2011

JJB Properties, LLC
Attn: Bob Armstrong
1830 W. Harry Street
Wichita, KS 67213

Re: **BZA2010-00047 (Incorporated)**
BZA2011-00007: City Zoning Adjustment to allow parking within the front setback but no closer than eight feet to the front property line and to reduce the interior side yard compatibility setback from 25-feet to 14-feet on the west property line on property zoned MF-18 Multi-Family Residential ("MF-18").

Legal Description: Lot 1, Block 1, Avery Addition, Wichita, Sedgwick County, Kansas; generally located north of 8th Street North and 150 feet east of Arapaho Avenue (5910 West 8th Street North).

Dear Applicant:

We have reviewed your request for an Administrative Adjustment to reduce the interior side compatibility setback adjacent to SF-5 Single-Family Residential ("SF-5") zoned property from 25-feet to 14-feet AND to allow parking within the front setback, no closer than eight feet to the front property line for the aforementioned property zoned MF-18 Multi-family Residential ("MF-18"). You have stated that a new multi-family residential building is being constructed on the tract. The site, utilized to its fullest, can provide six dwelling units and 11 parking spaces as required.

The Unified Zoning Code allows for an Administrative Adjustment to reduce or waive the required compatibility setback (Section V-I.2.d) and also allows for adjustments permitting parking in residential districts to be located within a required front yard or street side yard, but in no case closer to a front or street side property line than eight feet (Section V-I.2.l). The site plan provided shows five parking spaces eight feet from the front property line and an interior side setback of 14-feet along abutting the SF-5 zoned property along the west property line.

We find that reducing the interior side compatibility setback for the west property line from 25-feet to 14-feet and allow parking within the front setback, no closer than eight feet from the front property line, on the aforementioned property meets 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 reduced compatibility setback does not encroach on streets, sidewalks or easements. Allowing parking eight feet from the front property line will allow the maximum utilization of the site, without encroaching onto the right-of-way and providing required traffic circulation and drive aisle widths. Therefore, the adjustments should not impact the safety and convenience of vehicular and pedestrian circulation.

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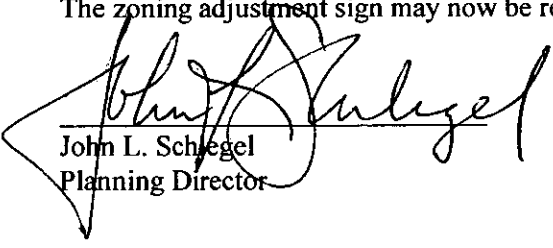
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- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of parking within the front setback and the reduction of the compatibility setback since the base zoning setback is six feet. The 14-foot is a larger setback than the six foot setback, as required by the base zoning and the 14-foot space will not be built upon since it is a utility easement.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed parking configuration is compatible with existing and permitted uses on similar sites; parking within the front setback and the reduction of the side yard compatibility 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 not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

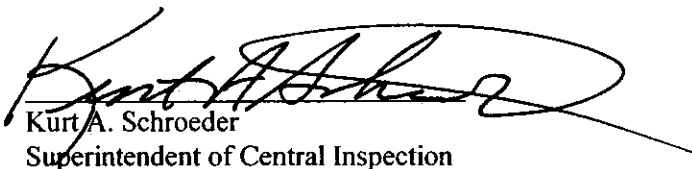
Our signatures below indicate that an Administrative Adjustment to reduce the interior side compatibility setback adjacent to SF-5 Single-Family Residential ("SF-5") zoned property from 25-feet to 14-feet AND to allow parking within the front setback, no closer than eight feet to the front property line for 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 and Landscape Plan, with special attention to selecting plants that suitable for breaking the visual mass of the building abutting the TF-3 zoned property.
- 2) The parking area shall be paved and marked in accordance with the site plan.
- 3) Any violation of these conditions shall render the Administrative Adjustment null and void.

The zoning adjustment sign may now be removed from the property.



John L. Schlegel
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

cc: Ruggles and Bohm, PA, Attn: Ken Lee, 924 N. Main, Wichita, KS 67203
Jeff Longwell, CM District V
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection

Dale Miller, MAPD
Mark Janzen, Office of Central Inspection

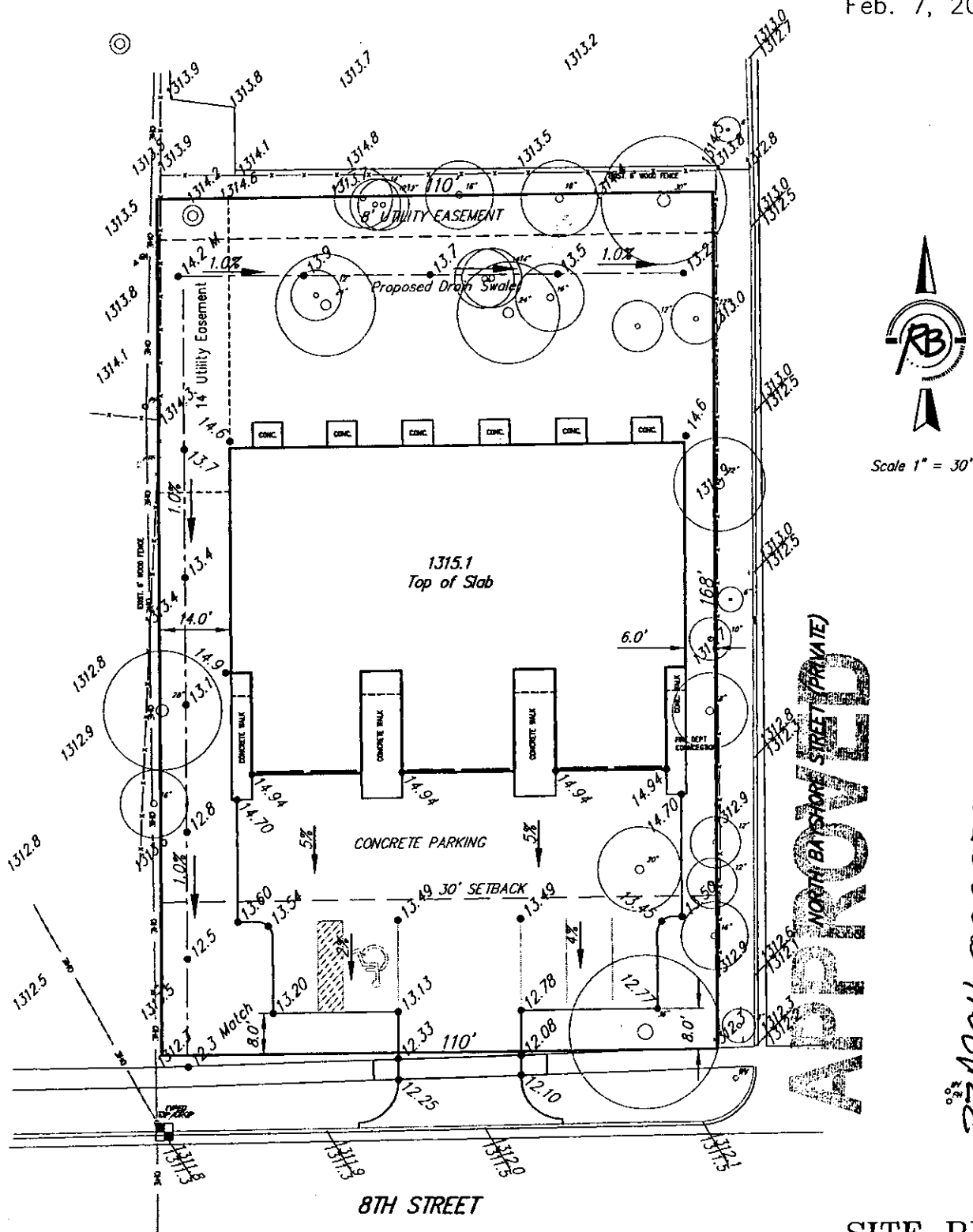
Ruggles & Bohm, P.A.

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3767E
Feb. 7, 2011



SITE PLAN
Lot 1, Block 1
Avery Addition
Wichita, Kansas

11/22/20