



Wichita-Sedgwick County Metropolitan Area Planning Department

December 12, 2012

Lakeside Court, LLC attn: Robert Morris
4601 E. Douglas
Wichita, KS 67218

MKEC Engineering Consultants, Inc. attn: Brian Lindebak
411 N. Webb
Wichita, KS 67206

Re: BZA2012-69: City Administrative Adjustment to reduce the rear setback from 20 to 10 feet, and reduce the side setback from six to five feet, on eight lots for four duplexes, generally located west of 127th Street East and south of 21st Street North (1815 N. 127th East).

Legal Description: Lots 1 and 2, Lakeside Acres First Addition, Wichita, Sedgwick County, Kansas.

Dear Applicants,

We reviewed your request for a Zoning Adjustment to reduce the side and rear setbacks for duplexes on the aforementioned property. From reviewing the application and site plan, we understand that you wish to build four duplexes within five feet of the side property lines and within 10 feet of the rear property line. The Zoning Code requires a six foot side setback and a 20 foot rear setback in TF-3 zoning.

Section V-1.2.a of the Unified Zoning Code allows an administrative adjustment to reduce all setbacks by up to 20%, and it allows up to a 50% adjustment for rear setbacks when adjacent to a platted reserve. This adjustment is permissible when the provisions of that section and the Zoning Adjustment Criteria of Section V-1.6 are met. We find that reducing the side setbacks by 20% and the rear setback by 50%, as proposed, meets 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 building locations should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as right-of-way and driveways are not affected.
- 2) **Impact on existing uses in surrounding areas:** There will be no impact on the existing uses in surrounding areas as a result of the setback reductions; sufficient separation between buildings and right-of-way will be maintained, a platted reserve exists between the duplex rear yards and adjacent single-family residences.
- 3) **Compatibility with existing or permitted uses on abutting sites:** The setback reduction for duplexes will be compatible with existing and permitted uses on abutting sites.

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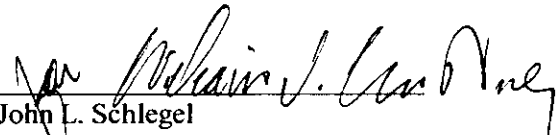
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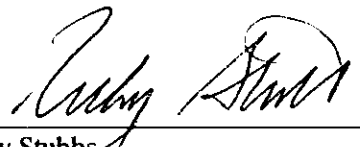
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. There should be no impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to allow a rear setback reduction from 20 to 10 feet and a side yard setback reduction from six to five feet for four duplexes is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The adjustment shall apply only to the duplexes as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the locations and setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
- 3) The applicant shall obtain building permits within one year of the administrative adjustment approval. The site shall conform to all codes including but not limited to building, health and fire.
- 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


Ricky Stubbs
Interim Co-superintendent of Central Inspection

cc: Rick Stubbs, Office of Central Inspection
Mike Gable, Office of Central Inspection
Pete Meitzner, CM District II
Antione Sherfield, NA District II

NOTES:

1. See page 4 of 4 for site and utility concept.
2. See page 3 and 4 for legal descriptions.
3. (P) = Plotted distance
4. The plotted Minimum Pad Elevation shall be Elevation = 1361.6 for all Tracts (NAVD88)

Lot 12

APPROVED
SITE PLAN 22-20-12-01
William J. Van Nal

Date: 12-20-12

ZONED "SF-5"

RESERVE

LEGEND

- Property Line
- UCT - Underground Telephone
- OHE - Overhead Electric
- G - Gas Line
- Sanitary Sewer Line
- Water Line
- Stormwater Line
- FH - Fire Hydrant
- WV - Water Valve
- SSMH - Sanitary Sewer Manhole
- Set Property Corner
- Found Property Corner
- Drainage Direction

