CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

November 18, 2013

Roy A. Fox
2718 E. Orme Street
Wichita, KS 67222

Re: **BZA2013-49: City Administrative Adjustment to allow an accessory structure (detached garage 30 X 40 feet) in front of the principal structure and a street side yard setback reduction from 15 feet to 14 feet on property zoned TF-3 Two-family Residential ("TF-3").**

Legal Description: Lot 33 & 35, Dixon's Addition, Wichita, Sedgwick County, KS. Generally located on the north side of East Orme Street between South Estelle Avenue and South Volutsia Avenue (2718 E. Orme).

Dear Applicant:

We have reviewed your request for a Zoning Adjustment to permit an accessory structure in front of the principal structure and reduce the street side yard setback from 15 feet to 14 feet on 0.15 acre. From reviewing your application, we understand that you propose to construct a 30-foot by 30-foot detached garage on the aforementioned property. We understand that you propose to construct the accessory structure closer to Volutsia Avenue than the primary dwelling. From the drawing submitted, the proposed accessory structure will be located 25 feet from the lot's east property line and 14 feet from the south property line.

Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing minimum front, side and rear setbacks (required by the property development standards of the zoning district) by up to 20 percent. Sec. V-I.2.n of the Unified Zoning Code allows a Zoning Adjustment that would permit an accessory structure to be placed in front of the principal structure on less than five acres of land. These adjustments are permissible when the provisions of those sections and the Zoning Adjustment Criteria of Section V-I.6 are met. We find that permitting an accessory structure in front of the principal structure on your property meets the four conditions required by Sec. V-I.6 of the Unified Zoning Code as set out below:

1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is for a detached accessory structure on a private lot with the structure located 25 feet from the east property line and 14 feet from the south property line, as shown on the attached site plan. Public vehicular and pedestrian circulation will not be affected and will not interfere with traffic circulation patterns.

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 detached garage being placed in front of the house, as the structure will be set back 25-feet from the public street which is standard front yard setback in "TF-3" and 14-feet from the side street.

3) Compatibility with existing or permitted uses on abutting sites: Placing an accessory structure in front of a principal structure is within allowable adjustments and a minimal street side yard reduction should not detract from the existing or permitted uses on abutting sites, which are single family residences and two-family residences.

4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. There will 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 permit an accessory structure to be placed in front of the principal structure on less than five acres of land and reduction of the street side yard setback 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 all permits necessary to construct the improvements shall be acquired and structure built within one year.

2) The permitting of an accessory structure in front of the principal structure and the street side yard reduction shall apply only to the proposed detached garage illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the development standards of the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.

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 that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.

John L. Schlegel
MAPD Director

Tom J. Stolz
MABCD Director

cc: J.R. Cox, MABCD
Paul Hays, MABCD
Lavonta Williams, CM District I
Megan Buckmaster, NA District II


3/32 = 1'
TF3 zoning
Property line
Property line
Existing Home
SITE PLAN
APPROVED 11.16.2013 BY bguerra
Existing Home
50'
50'
40'
30'
25'
15'
front set
50'
14'
5'
Sidewalk
Sidewalk
Sidewalk
Side yard
Front yard
Alley
Alley
Alley
CURB
CURB
CURB
CURB