



Wichita-Sedgwick County Metropolitan Area Planning Department

July 23, 2014

Robert Hettenbach
101 S. Florence
Wichita, KS 67209

Re: BZA2014-00050: Administrative Adjustment to reduce the required screening on property zoned LC – Limited Commercial.

Legal Description: LOT 22, BLOCK 1, ORCHARD PARK ADDITION, Wichita, Sedgwick County, Kansas; generally located at the southeast corner of West Central and North Baehr Street (638 and 640 N. Baehr Street.)

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the screening requirement on the aforementioned property. From reviewing the application, we understand that you desire to build a new commercial building on Lot 22 and want to reduce the screening required along the south property line as you are also the owner of record of Lot 21, Block 1, Orchard Park Addition as allowed by the Unified Zoning Code.

Section V-I.2.m of the Unified Zoning Code ("UZC") allows reducing or waiving the required Screening specified in Sec. IV-B.3. 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 the reduction of the front setback as proposed meets the provisions of Section V-I.2.m and the four criteria required by Section V-1.6 as set out below:

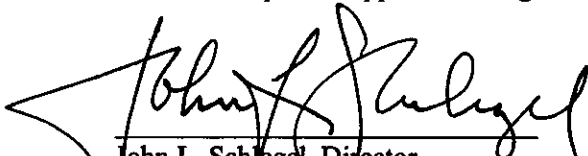
- 1) **Impact on safety and convenience of vehicular and pedestrian circulation**: The location of the new screening wall should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as right-of-way and driveways are not affected.
- 2) **Impact on existing uses in surrounding areas**: There will be no impact on the existing uses in surrounding areas as a result of the construction of a new commercial structure; street visibility will remain unchanged for neighboring properties.
- 3) **Compatibility with existing or permitted uses on abutting sites**: Abutting sites are single-family residences located to the south and LC zoning located to the north. The screening reduction will not have a negative impact on existing or permitted uses.

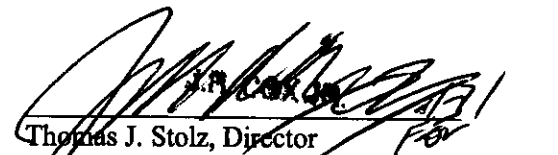
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. There will be no negative impact on the public health, safety or welfare, nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the screening requirement 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.
- 2) Screening shall be located along the south lot line of Lot 21 from the approximate southeast corner of the church building to the east lot line.
- 3) If any use other than a church or residential use occupies the building, or Lot 21 is sold, a screening wall must be erected along the south line of Lot 22.
- 4) The screening wall material shall be in compliance with Section IV-B.3.h of the Unified Zoning Code.
- 5) The applicant shall obtain a building permit and complete construction within one year of the Administrative Adjustment approval. The site shall conform to all codes including but not limited to building, health and fire.
- 6) All other structures or additions on the subject property shall conform to the requirements of the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
- 7) 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, Director
Metropolitan Area Planning Department


Thomas J. Stolz, Director
Metropolitan Area Building and Construction
Department

cc: JR Cox, MABCD
Janet Miller, CM District VI
Martha Sanchez, NA District VI

W. CENTRAL

SIDEWALK

SITE PLAN

APPROVED 4-1-2014 *[Signature]*

EXISTING DRIVE

EXISTING BUILDING

BAEHR STREET

LOT 22

PROPOSED NEW BUILDING
APPROXIMATELY 5000 SQ. FT.

LOT 21

EXISTING STRUCTURE

REDUCE REQUIRED SCREENING
ON LOT 22 TO THE SOUTH EAST CORNER OF LOT 22
FROM THE EAST POINT OF THE REAR OF THE EXISTING
STRUCTURE ON LOT 21 TO EAST PROPERTY LINE OF LOT 22