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CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 4, 2015

Maria Martinez
Heriberto Hernandez
Adriana Hernandez-Martinez
852 S. Marcilene Terr.
Wichita, KS 67218

Re: **BZA2015-00067: City BZA Zoning Adjustment to reduce the interior side yard setback for a detached Accessory Structure from 3-feet to 2-feet in TF-3 Two-family Residential ("TF-3") zoning.**

Legal Description: Lot 14, Block 11, Beverley Manor Addition, Wichita, Sedgwick County, Kansas. Generally located northwest of the intersection of East Lincoln Street and Edgemoor (852 S. Marcilene Ter.)

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the interior side yard setback for a detached accessory structure on the aforementioned property. From reviewing the application, we understand that you desire to keep in place an existing detached accessory structure, which is more than on half the depth of the lot behind the front property line. The accessory structure is currently two feet from the interior lot line on property zoned TF-3 Two-family Residential ("TF-3"). Therefore, you have requested an adjustment to reduce the required interior side yard setback.

Section III-D.7.e(3) of the Unified Zoning Code states that an accessory structure shall not be required to set back more than three feet from an interior side lot line when all parts of the accessory structure are located more than one-half the depth of the lot behind the front property line. Section V-I.2.a of the Unified Zoning Code allows reducing a side or rear setback by up to 50 percent when the required yard to be adjusted does not exceed 300 square feet. The area affected by this adjustment is only 22 square feet.

We find that the reduction of the interior side yard setback as proposed meets the provisions of Section V-I.2.a 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 setback encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because street and alley right-of-way will not be affected.

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 setback reduction, provided that sufficient separation between buildings is maintained. The interior side setback reduction is within allowable limits.

3) Compatibility with existing or permitted uses on abutting sites: The existing accessory structure is compatible with existing and permitted uses on abutting sites. The encroachment into the side yard 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 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 interior side setback for the aforementioned property from 3-feet to 2-feet is hereby granted, subject to the following conditions:

1) The site shall be developed in general conformance with the approved site plan.

2) The site shall be developed in conformance with all applicable codes, including but not limited to building and health codes.

3) The setback reduction shall apply only to the interior side 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.

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.

Dale Miller, Director
Metropolitan Area Planning Department

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

cc: J.R. Cox, MABCD
Mike Gable, MABCD
James Clendenin, CM District III
Teia Wair, CSR District III