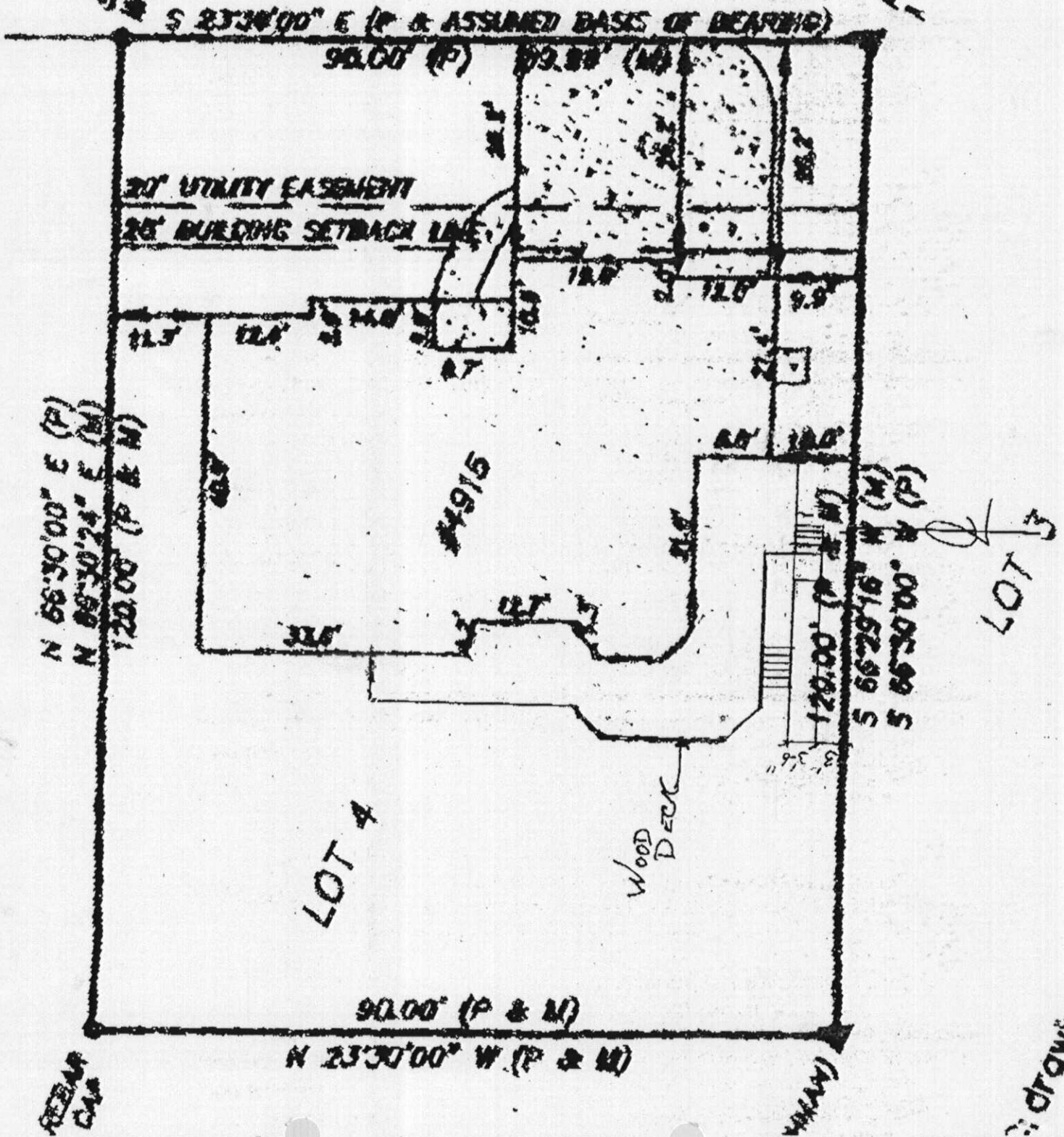


4915 Portwest
PORTWEST CIRCLE

B2A2004-00060

SITE PLAN

APPROVED 8-18-04 BY SK

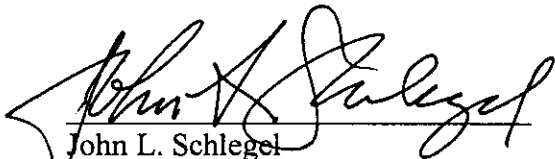


- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way, therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the side yard setback on the south from six feet to five feet 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) The setback reduction shall apply only to the "Wood Deck" 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.
- 2) 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



Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: John Childs, Goentzel Construction, 1354 S. Ridge Rd., Wichita, KS 67209
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection



Wichita-Sedgwick County Metropolitan Area Planning Department

August 18, 2004

Michael and Karon Mitchell
4915 Portwest Cir.
Wichita, KS 67204

Re: BZA2004-00060: Zoning Adjustment to reduce the side yard setback on the south for a wood deck from six feet to five feet.

Legal Description: Lot 4, Block 1, The Moorings 5th Addition, Wichita, Sedgwick County, Kansas. Generally located south of 53rd St. N. and west of Meridian (4915 Portwest Cir.).

Dear: Mr. and Mrs. Mitchell:

We have reviewed your request for an Administrative Adjustment to reduce your side yard setback. From reviewing your application, we understand that you desire to construct an open outside stairway to a deck and that the stairway will be setback only three feet from the south property line. Since Section III.E.2.e.(1)(g) the Unified Zoning Code allows open outside stairways to encroach into the side yard setback by only two feet, you are requesting to reduce the side yard setback from six feet to five feet so that the two-foot encroachment for the stairway can be three feet from the south property line.

Section V-I.2.a. of the Unified Zoning Code allows an adjustment to reduce the setbacks by up to 20 percent when the conditions of Section V-I.6. are met. We find that the reduction of the side yard setback as proposed 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 proposed encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because the side yard provides no vehicular access and sufficient space will remain for pedestrian access.
- 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 reduction of the side yard setback, as the setback encroachment is for a deck only and sufficient separation between buildings is maintained.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed deck with associated outside stairway are compatible with existing and permitted uses on abutting sites, and the additional one foot encroachment into the side yard setback should not reduce the compatibility of the improvements with abutting sites.