3) Compatibility with existing or permitted uses on abutting sites: The proposed garages and apartments will comply with all development standards except for the minor setback encroachment; therefore, the minor setback encroachment should not reduce the compatibility of the proposed use with existing and permitted uses on abutting 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 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 rear setback from 10 feet to 9 feet is hereby granted, subject to the following conditions:

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

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: James R. Albertson, 9225 Peppertree Cir., Wichita, KS 67226
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

CITY OF WICHITA

FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

June 29, 2004

Larry Cook
Cook Construction LLC
1206 E. Waterman
Wichita, KS 67211

**Re: BZA2004-00048: Zoning Adjustment to reduce the rear setback from 10 feet to 9 feet.**

**Legal Description: Lot 15, Block 7, McKnight Place Addition, Wichita, Sedgwick County, Kansas. Generally located south of Lewis and east of Hydraulic (410 S. Hydraulic).**

Dear Mr. Cook:

We have reviewed your request for a Zoning Adjustment to reduce the rear setback for the aforementioned property. From reviewing your application, we understand that you propose to construct new garages and apartments on the property. The "GO" General Office zoning district requires a 20-foot front setback and a 10-foot rear setback. The setback averaging provisions of Section III-E.2.e.(5) of the Unified Zoning Code allow a reduction of the front setback to 8 feet, and you are requesting an adjustment to reduce the rear setback from 10 feet to 9 feet.

Section V-I.2.a. of the Unified Zoning Code allows an adjustment to reduce building setbacks by up to 20 percent when the four conditions required by Section V-I.6. of the Unified Zoning Code are met. We find that the reduction of the 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 not negatively impact the safety and convenience of vehicular and pedestrian circulation in the vicinity because sufficient space remains on the property for vehicular drives and pedestrian access ways.

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 setback, as many of the surrounding properties are non-conforming in that they encroach into current building setbacks to an extent greater than proposed for the subject property.

NOT FOR CONSTRUCTION
COPYRITE PROTECTED DO NOT REPRODUCE

BZA2004-00048

# SITE PLAN

APPROVED 6-29-04 BY SK

LOT 17

LOT 18

19.50'

64.00'

LOT 18

19.50'

40.00'

113.00'

24.00'

LOT 17

20'-8"

24'-0"

5'4"

212.20'

62.20'

LOT 16

50.00'

LOT 15

9'5"

50.00'

LOT 14

50.00'

LOT 13

REQUEST SETBACK 9 FT.

EXISTING CONCRETE DRIVE

NEW CONCRETE DRIVE

120.00'

100.00'

110.00'

76'-7"

110.00'

20.00'

EXISTING BUILDING

NEW GARAGES & APARTMENTS

4" STEEL BOLLARDS TYP. 3 ea.

14'-0"

REQUEST SETBACK 8 FT.

Permitted by SEC III-E.2.e.(5)

50.00'

20'-8"

24'-0"

5'4"

10.00'

20.00'

LEWIS

80.00'

HYDRAULIC

## SITE PLAN

1"=20'-0"

NORTH

NOT FOR CONSTRUCTION
COPYRITE PROTECTED - DO NOT REPRODUCE