3) Compatibility with existing or permitted uses on abutting sites: The proposed unenclosed porch and carport are compatible with existing and permitted uses on abutting sites, and the additional encroachments into the setbacks should not reduce the compatibility of the improvements with 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 front setback from 25-feet to 21-feet and the side setback on the north from 6 feet to 4.8 feet is hereby granted for the aforementioned property, 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 "Porch" and "Carport" 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.

3) The porch and carport shall match the character of the house in terms of material and color.

4) The sides of the porch and carport shall not be enclosed.

5) 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 Article VIII of 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: 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

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

*****SUPERCEDES ZONING ADJUSTMENT DATED JUNE 18, 2004*****

June 28, 2004

Jesus Leos
1504 N. JoAnn
Wichita, KS 67203

Re: **BZA2004-00046: Zoning Adjustment to reduce the front setback from 25 feet to 21 feet and to reduce the side setback on the north from 6 feet to 4.8 feet.**

Legal Description: Lot 9, Meadowvale 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located north of 13th Street North and east of West Street (1504 N. JoAnn).

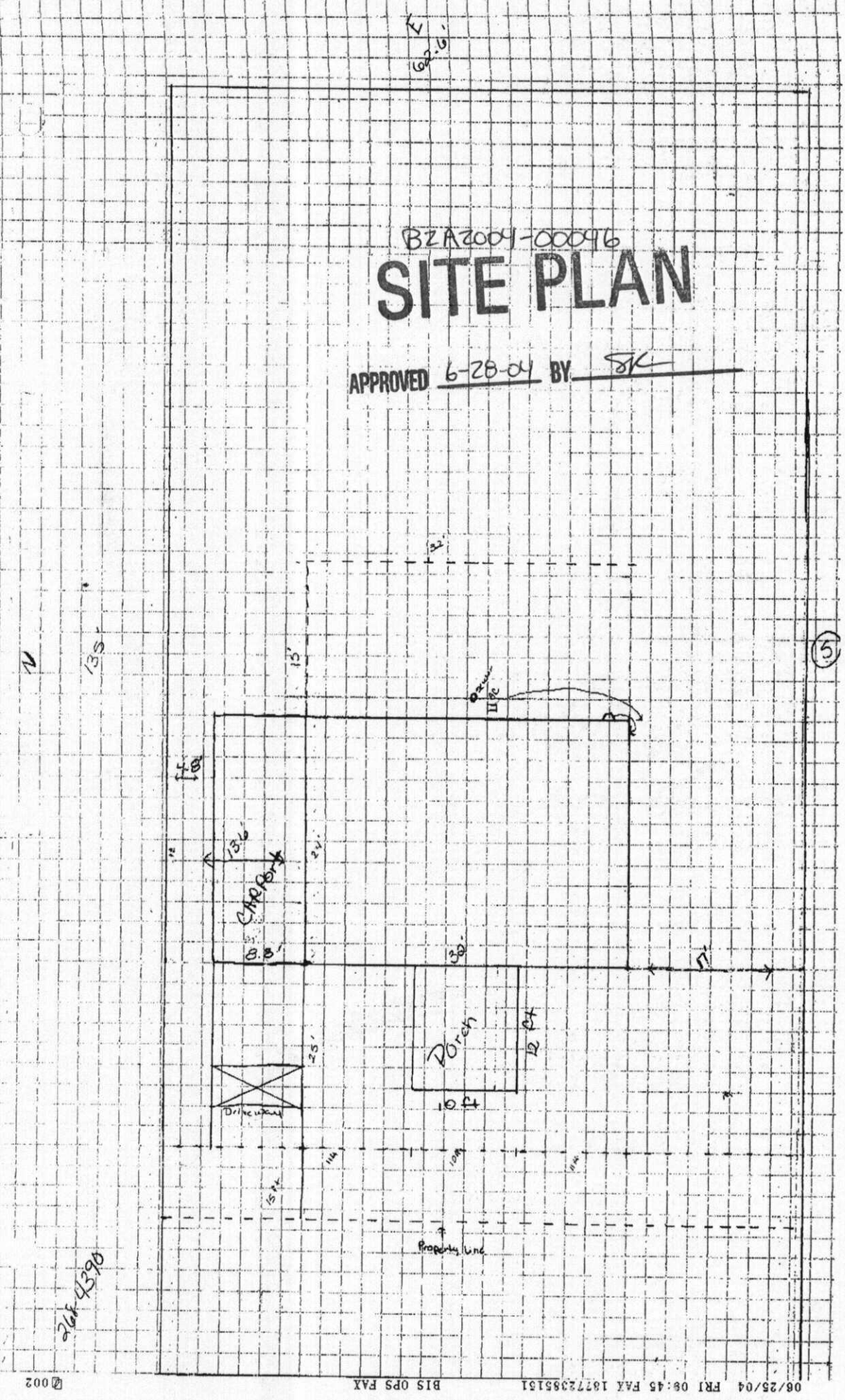
Dear Mr. Leos:

We have reviewed your request for a Zoning Adjustment to reduce the setbacks on the aforementioned property. From reviewing your application, we understand that you desire to construct an unenclosed porch that encroaches 12 feet into the 25-foot front setback required by the "SF-5" Single Family zoning district. Since Section III-E.2.e.(1)(i) the Unified Zoning Code allows an unenclosed porch to encroach into the front setback by only 8 feet, you are requesting to reduce the front setback from 25 feet to 21 feet so that the encroachment of the proposed unenclosed porch into the front setback will be only 8 feet. We further understand that you propose to construct an unenclosed carport that encroaches 1.2 feet into the 6-foot side setback required by the "SF-5" Single Family zoning district.

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 setbacks 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 encroachments should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as the front yard is not used for circulation and the proposed carport will provide sufficient circulation for the side yard.

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 the property to the south is a church parking lot and the house on the property to the north is set back 10 feet greater than the minimum on both the front and side. Therefore, there is not a continuous building setback into which the porch will encroach, and the carport will be adjacent to a driveway rather than a house.


BZA2004-00096
SITE PLAN
APPROVED 6-28-04 BY SK
1602.6'
132'
15'
135'
N
5
Pipe
4'
12'
13.6'
24'
CARPORT
8.8'
30'
51'
Porch
12 ft
10 ft
25'
Driveway
114'
100'
15 ft
Property Line
268-4390