3) Compatibility with existing or permitted uses on abutting sites: The proposed single-family residence 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 single-family residence with existing and permitted uses on abutting sites.

4) Effect on public health, safety or welfare: Due to an approved vacation (VAC2004-00009) there will be no encroachment into public utility easements. The conditions of approval of VAC2004-00009 require the relocation of the sewer line; 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 interior side setback from 6 feet to 5.4 feet is hereby granted, subject to the following conditions:

1) The setback reduction shall apply only to the fireplace on the main dwelling. All other portions of structures or additions to structures 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

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

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 15, 2004

Tim Malone
Malone Construction LLC
1608 S. Washington
Wichita, KS 67211

Re: BZA2004-00044: Zoning Adjustment to reduce the interior side setback from 6 feet to 5.4 feet.

Legal Description: Lot 8, Block 4, Woodlake 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located north of Douglas and east of Sheridan (101 N. Mt. Carmel).

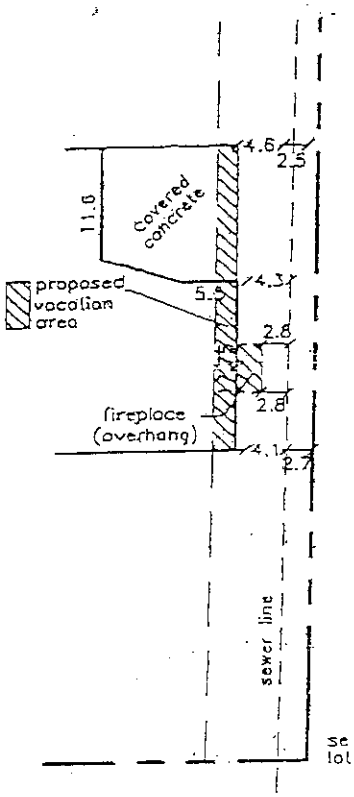
Dear Mr. Malone:

We have reviewed your request for a Zoning Adjustment to reduce the interior setback for the aforementioned property. From reviewing your application, we understand that you have constructed a new single-family residence property and that the fireplace encroaches into 6-foot interior side setback required by the "SF-5" Single-Family zoning district by 0.6 feet. Therefore, you are requesting to reduce the interior side setback from 6 feet to 5.4 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 have no impact on the safety and convenience of vehicular and pedestrian circulation as the side yard will not be used for circulation.

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 setback encroachment is minor in nature and only for a portion of a fireplace. Additionally, the single family residence on the abutting property to the east has significantly more than the minimum setback from the common property line with the subject property.



Not approved for Construction by MAPD due to encroachment into street side setback. Site plan submitted only to ~~substantiate~~ extent of sewer location encroachment into interior side setback for BZA2004-00044.



