

alley should not detrimentally impact the existing residential use since it also is located close to the alley.

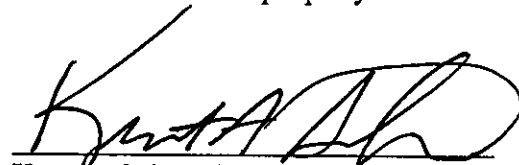
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed new building is compatible with other commercial developments fronting Broadway in this area. The alley has formed the traditional boundary between the commercial uses along Broadway and the residential uses along Topeka. Many of the other commercial uses along Broadway are constructed up to the east property line, including two commercial buildings in the same block that are located north of the subject property.
- 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 compatibility setback along the east property line from 25 feet to 20 feet measured to the center of the alley 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 compatibility setback reduction shall apply only to the "New Bldg" illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the compatibility setbacks required by the Unified Zoning Code unless a separate Zoning Adjustment is granted.
- 3) 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 Tasset, 207 N. Pershing, Wichita, KS 67208
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

May 24, 2004

Mohsen Etezazi
1729 Duckcross Cove
Wichita, KS 67206

Re: BZA2004-00040: Zoning Adjustment to reduce the compatibility setback along the east property line from 25 feet to 20 feet measured to the center of the alley.

Legal Description: Lots 10 & 12, the south 10 feet of the east 52 feet of Lot 8, & the north 10 feet of the east 52 feet of Lot 14, Block 3, Wilson's Addition, Wichita, Sedgwick County, Kansas. Generally located south of Harry and east of Broadway (1728 S. Broadway).

Dear Mr. Etezazi:

We have reviewed your request for a Zoning Adjustment to reduce the compatibility setback on the above-referenced property. Since the adjoining property to the east is zoned "TF-3" Two Family Residential, Sec. IV-C.4. of the Unified Zoning Code requires a 25-foot compatibility setback along the east property line. Since an alley separates your property and the adjoining property to the east, the compatibility setback is measured to the center of the alley. You propose to locate the new building only 20 feet from the center of the alley; therefore, you have requested a Zoning Adjustment to reduce the compatibility setback along the east property line from 25 feet to 20 feet.

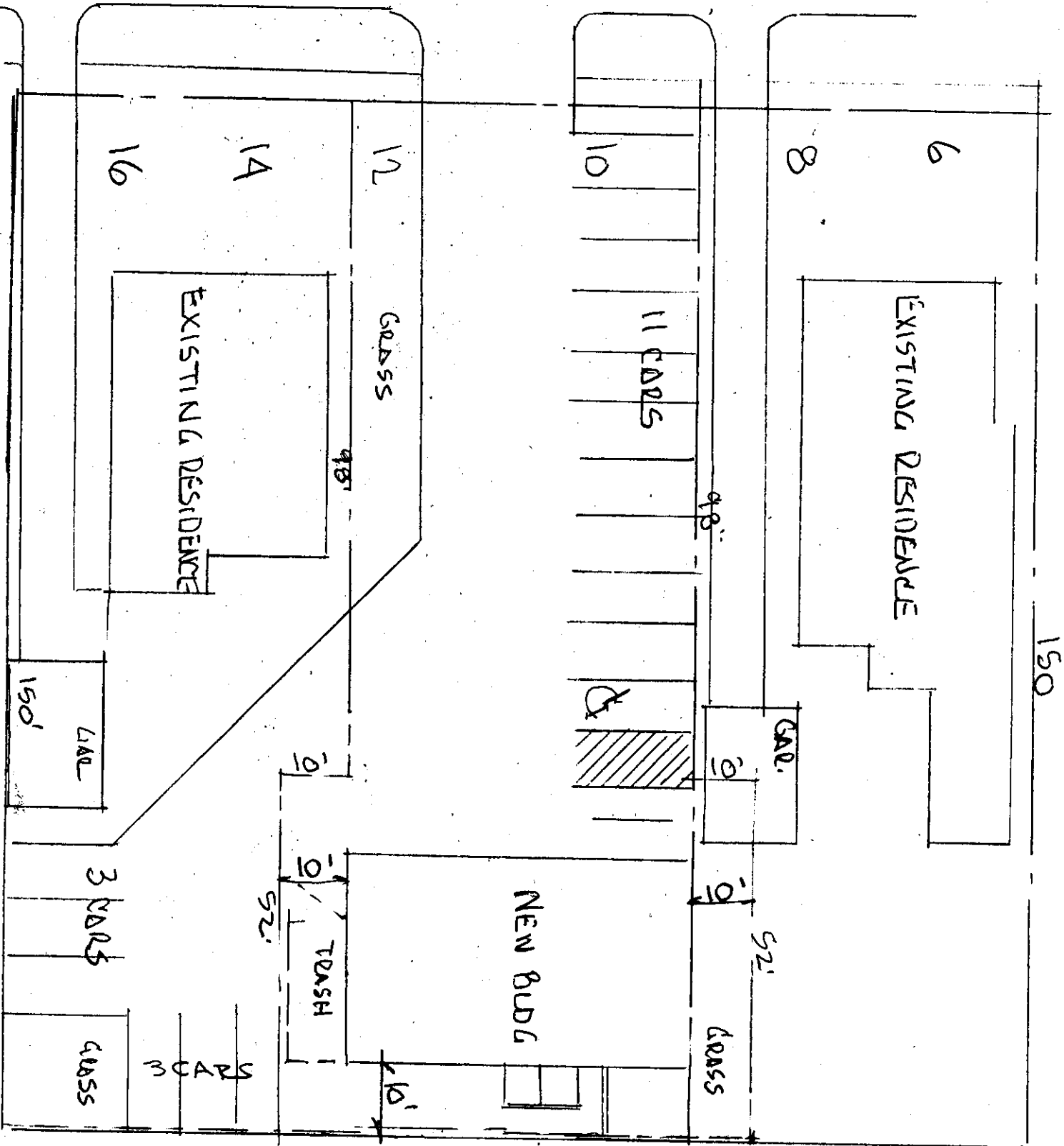
Sec. V.I.2.e. of the Unified Zoning Code allows a Zoning Adjustment to reduce the compatibility setback when the conditions required by Sec. V.I.6. of the Code are met. We find that reducing the compatibility setback as proposed meets the four conditions required by Section V-I.6. of the Code as set out below:

- 1) **Impact on safety and convenience of vehicular and pedestrian circulation:** This request is to reduce the compatibility setback along the rear property line. Public vehicular and pedestrian circulation should not be affected as access is proposed from Broadway rather than the alley.
- 2) **Impact on existing uses in surrounding areas:** The property to east across the alley is developed with an above-garage apartment that is set back only five feet from the alley. Allowing the proposed new building on the subject property to be located 10 feet from the

1728 S. BROADWAY

SITE PLAN
SCALE - 1"=20'-0"

LEGAL - WILSONS ADDIT - BLOCK - 3.
LOTS 10 & 12 PLUS 52.10 FT EA 52 FT LOT 8
& 11.11 FT EA 52 FT LOT 14



B2A2004-00040

SITE PLAN

20' ALLEY

NORTH

APPROVED 5-24-04 BY SK

TF-3 ZONE