CITY OF WICHITA

FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 2, 2005

Air Capitol Dial, INC.
Stephen E. McKinney
220 North Vine
Wichita, Kansas 67203

RE: BZA2005-00051 Administrative Adjustment to reduce an interior side yard compatibility setback from 25 feet to 10 feet.

Legal Description: Lots 29-35, Block 3, Junction Town Company Addition (216-220 North Vine).

We have reviewed your request for an Administrative Adjustment to reduce an interior side yard compatibility setback on the above referenced property. The subject property is zoned LI Limited Industrial and would have a zero or five-foot side yard setback requirement, except that the zoning code requires a compatibility setback for property zoned MF-18 and less restrictive when adjacent to property zoned TF-3 or more restrictive (Sec. IV-C.4).

From reviewing your application, we understand that you desire to construct a 40-foot wide addition on Lots 29 and 30 to your existing business located on Lots 31-35. Combined Lots 29 and 30 are 50 feet wide. A 40-foot wide building would leave room for a 10-foot side yard. The total width of your ownership (Lots 29-35) triggers a 25-foot compatibility setback from the "SF-5" residentially zoned property located to the south of the subject property. Compliance with the 25-foot setback would leave only 25 feet of land on which to construct the addition, making the addition economically unviable. Therefore, you request to reduce the interior side yard compatibility setback from 25 feet to 10 feet on the south interior side yard.

The Unified Zoning Code allows an adjustment to reduce required compatibility setbacks. We find that the reduction of the interior side compatibility setback from 25 feet to 10 feet meets the four conditions required by Section V-1.6 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 as the area given the fact that the proposed development does not encroach upon any right-of-way or public walkways.
2. Impact on existing uses in the surrounding areas: A reduction of this slight magnitude should not impact adjoining private property to any significant degree as sufficient separation between buildings will be maintained and sight lines will not be obstructed. Absent the compatibility setback, LI zoning would allow a zero or five-foot setback. The

3. proposed 10-foot setback exceeds the zoning minimum requirement, provides additional setback that is more consistent with the spirit of the compatibility setback and allows an economically viable expansion of an existing business.
4. Compatibility with existing or permitted uses on abutting sites: Reduction of the side yard by 15 feet will not create any compatibility use issues as a 10-foot setback will be established.
5. Effect on public health, safety or welfare: The encroachment will not hinder the installation of public improvements nor traffic circulation. No negative impacts on the public's health, safety or welfare or on properties in the vicinity are foreseen.

Our signatures below indicate that an Administrative Adjustment to reduce the interior side yard compatibility setback from 25 feet to 10 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. Any violations of these conditions shall render the Administrative Adjustment null and void.

The zoning adjustment sign may now be removed from the property.

John L. Schlegel
Director of Planning

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

18'-0"

9'-2"

9'-2"

18'-0"

EXIST. ASPHALT

29'-7 1/2"

75'-6"

EXIST. BUILDING
3019.40 SF.
FF. EL. = 100.00

40'-1 1/2"

EXIST. DRIVE 24'-0"

5'-8"

109'-3"

EXIST. BUILDING
3297.25 SF.
FF. EL. = 100.00

30'-6"

GRASS

18'-0"

PROPOSED BUILDING
3960 SF.
FF. EL. = 100.00

40'-0"

5'-0"

8'-5"

RAMP

NEW 6" CONC.

NEW DRIVE 24'-0"

88'-3"

3' CONC. FLUM

GRASS

3'-0"

6'-10 1/2"

9'-10 1/2"

3' FENCE

FENCE HT. CHANGE

6' FENCE

SITE PLAN

SCALE: 1" = 10'-0"