

- 3) Compatibility with existing or permitted uses on abutting sites: The single-family residence is compatible with existing and permitted uses on abutting sites, and the encroachment into the rear setback should not reduce compatibility with abutting and adjacent sites, which have also been developed with reduced rear setbacks.
- 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 for the aforementioned property from 20-feet to 18-feet is hereby granted, 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 "Area of Setback Encroachment" as 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 single-family residence shall be limited to 21 feet in height.
- 4) 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: Steve Miller, Harrison Park II, 527 N. Forestview, Wichita, KS 67235
Kathy Baker, Prudential Dinning-Beard Realtors, 9415 E. Harry #403, Wichita, KS 67207
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Herb Shaner, Office of Central Inspection



FILE CO

Wichita-Sedgwick County Metropolitan Area Planning Department

September 20, 2005

Don Klausmeyer
Don Klausmeyer Construction LLC
10008 W. York
Wichita, KS 67215

Re: BZA2005-00060: Zoning Adjustment to reduce the rear setback from 20-feet to 18-feet.

Legal Description: Lot 39, Block 1, Harrison Park 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located south of Interstate Highway-35 (KTA) and east of Webb Road (711 S. Red Oaks Circle).

Dear Mr. Klausmeyer:

We have reviewed your request for a Zoning Adjustment to reduce the rear setback on the aforementioned property. From reviewing the application, we understand that a single-family residence has been constructed on the property and that the southeast corner encroaches into the rear setback due to the configuration of the cul-de-sac lots. The 18-foot rear setback is a 2-foot encroachment into the required 20-foot rear setback for the "SF-5" Single-Family zoning district; therefore, you have requested an adjustment to reduce the required rear setback.

Section V-I.2.a of the Unified Zoning Code allows an adjustment to reduce the rear setback by up to 20% for a principle structure when the provisions of that section and the Zoning Adjustment Criteria of Section V-I.6. are met. We find that the reduction of the rear setback as proposed meets the provisions of Section V-I.2.a. and the four criteria required by Section V-1.6. as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The setback encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because the rear yard provides no vehicular access and sufficient space will remain for pedestrian access.
- 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 rear setback, as sufficient separation between buildings is maintained and the rear setback reduction is within allowable limits.

