CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 28, 2006

Mark and Susan Eaton
3401 E. Second
Wichita, KS 67208

Re: BZA2006-91: Zoning Adjustment to reduce the rear setback from 20-feet to 16-feet in TF-3 Two-family Residential zoning.

Lot(s) 2, 4,6, 8, 10, 12 and West 1/2 of Lot 14 & 1/2 Vacated Alley; Davis Addition to the City of Wichita, Sedgwick County, Kansas. Generally located south of E 2nd Street and east of Rutan (3401 E 2nd Street).

Dear Applicants,

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 you desire to re-construct within 16-feet of the rear property line, a 4-foot encroachment into the required 20-foot rear setback for the "TF-3" Two-family Residential zoning district. Therefore, you have requested an adjustment to reduce the required setback.

Section V-I.2.a. of the Unified Zoning Code allows up to a 20% reduction of the rear setback 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. Right-of-way, the driveway, and sidewalk will not be affected.

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 rear setback reduction, as sufficient separation between buildings is maintained and the rear setback reduction is within allowable limits.

3) Compatibility with existing or permitted uses on abutting sites: The residential building is compatible with existing and permitted uses on abutting sites, the encroachment into the rear setback should not reduce compatibility with abutting and adjacent 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 be no 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 16-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 rear setback 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) 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: Kurt Schroeder, OCI
Mike Gable, OCI
Kathy Morgan, MAPD

Garber Surveying Service, P.A.

423 West 1st Ave.
Hutchinson, Kansas 67501
Phone 620 665-7032 • FAX 620 663-7401

511 North Poplar St
Newton, Kansas 67
Phone 316 283-5053 • FAX

Project No. (

SURVEY FOR: ART BAILEY

DESCRIPTION OF RECORD: Lots 2, 4, 6, 8, 10, 12 and the West Half of Lot 14 & one Half of the Vacated Alle Davis Addition to the City of Wichita.

GENERAL NOTE:
1.) Survey was made as per client request and no title work has been provided to the surveyor; therefore, the number and extent of easements and/or rights-of-way of record affecting said property has not been verified by this Survey.

