



Wichita-Sedgwick County Metropolitan Area Planning Department

March 28, 2007

Stevens Properties
3127 N Wild Rose
Wichita, KS 67205

John Baker
2641 N Bluff
Wichita, KS 67220

Re: BZA2007-12: Zoning Adjustment to reduce the side setback for an accessory structure from 3-feet to 2-feet 5-inches in TF-3 Two-family Residential zoning.

Lots 22, 24, and 26 South ^{Lawrence} Lorraine Ave Addition to Wichita, Sedgwick County, Kansas. Generally located east of S Topeka and south of Funston (1822 S Topeka).

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the side setback for an accessory structure on the aforementioned property. From reviewing the application, we understand that you desire to construct a detached garage within 2 feet 5 inches of the side property line, a 7-inch encroachment into the required 3-foot side setback for accessory structures on the back half of property within the "TF-3" Two-family 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 side setback 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 side 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 street and alley right-of-way are 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 setback reduction, provided that sufficient separation between buildings is maintained. The side setback reduction is within allowable limits.
- 3) Compatibility with existing or permitted uses on abutting sites: The detached garage building

is compatible with existing and permitted uses on abutting sites, the encroachment into the side 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.

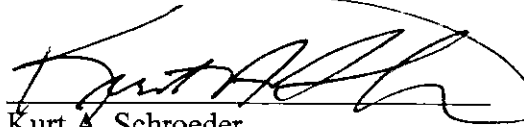
Our signatures below indicate that a Zoning Adjustment to reduce the side setback for the aforementioned property from 3-feet to 2-feet 5-inches is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The site shall be developed in conformance with all applicable codes, including but not limited to building and health codes.
- 3) The setback reduction shall apply only to the side 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.
- 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: Kurt Schroeder, OCI
Mike Gable, OCI

1822

Alley

EAST 71

BLD 2006-20021

8 ft ↑

12' 5"

3 ft min

NEW
GARAGE
20' x 12'

S

N

House

West

1822 S Jopeka

APPROVED

SITE PLAN B2H 2007-12

William L. McHenry

Date: 4-2-07