



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 30, 2001

Daniel C. & Amy D. Davis
339 N. Belmont Pl.
Wichita, KS 67208

Re: BZA2001-00028: Administrative Adjustment to reduce the rear setback and an interior side setback for an addition to the principal structure.

Legal Description: Lots 61, 63, 65, and 67 Hagnys Replat, Capital Hill Addition, Wichita, Sedgwick County, Kansas (339 N. Belmont Pl.).

Dear: Mr. & Mrs. Davis:

We have reviewed your request for an Administrative Adjustment to reduce the rear setback and an interior side setback. From reviewing your application, we understand that you desire to construct an addition to your single-family residence consisting of attached garage and mudroom and that the addition will be setback only 10 feet from the rear property line and 3 feet from the interior side property line. The site plan included with your application indicates that the addition will be located in the rear half of the lot, does not eliminate required off-street parking, and does not occupy more than one-half of the required rear yard.

Sec. V-I.2.b. and Sec. V-I.2.c. of the Unified Zoning Code allow an adjustment to reduce the interior side setback to 3 feet and the rear setback to 5 feet for a principle structure when the provisions of those sections and the Zoning Adjustment Criteria of Section V-I.6. are met. We find that the reduction of the interior side setback from 6 feet to 3 feet and the reduction of the rear setback from 20 feet to 10 feet for an addition to the principal structure meets the provisions of Sec. V-I.2.b. and Sec. V-I.2.c. and the four criteria required by Section V-I.6 as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment should not impact the safety and convenience of vehicular and pedestrian circulation in the vicinity as a driveway of sufficient width for vehicular access to proposed garage is provided.
- 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 interior side setback and

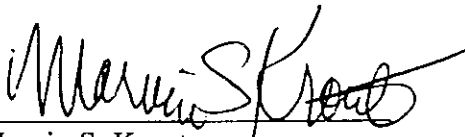
rear setback, as the nearest structure on the property abutting to the encroachment into the interior side yard is located approximately 35 feet north of the property line and the nearest structure on the property abutting the encroachment into the rear yard is located approximately 15 feet west of the property line.

- 3) Compatibility with existing or permitted uses on abutting sites: The proposed attached garage and mud room are compatible with existing and permitted uses on abutting sites, and the encroachments into the interior side and rear setback should not reduce the compatibility of the improvements with abutting sites, especially since abutting sites also contain garages that encroach into the zoning 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.

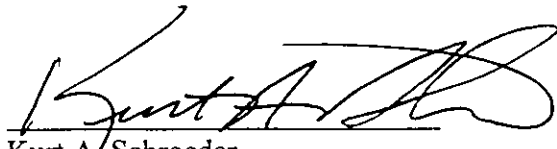
Our signatures below indicate that an Administrative Adjustment to reduce the interior side setback from 6 feet to 3 feet and the rear setback from 20 feet to 10 feet for the aforementioned property is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The addition shall match the character of the house in terms of wall and roof materials and color and roof pitch.
- 3) The addition shall be limited to 21 feet in height.
- 4) Any violation of these conditions shall render the Administrative Adjustment null and void.

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



Marvin S. Krout
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

Enclosures

cc: 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

Diagram illustrating a curve with a 100' P (Point of Curvature), 100' M (Middle of Curve), and 100' R (Radius). The curve is labeled "Fence 1.8' W. of Prop. Line". The angle at the start of the curve is 50°00'19" E.

APPROVED 5-30-01 BY