



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

October 11, 2002

Elliott & Debra A. Werbin
6341 E. Peach Tree
Wichita, KS 67218

RE: BZA2002-60 – Variance to reduce the rear setback from 20' to 8' for an attached garage addition. Generally located at the southwest corner of Peach Tree and Woodlawn.

Dear Ladies and Gentlemen:

The above-referenced variance request will not be heard at the BZA hearing at 1:30 p.m. on Tuesday, October 22, 2002, as previously indicated in the Notice of Public Hearing dated October 1, 2002. While the applicant originally requested a variance for the proposed encroachment into the rear yard setback, the Code for the City of Wichita permits approval of such an encroachment with approval of a Zoning Adjustment by the Planning Director and the Zoning Administrator.

The Planning Director and Zoning Administrator have reviewed the applicant's request for a Zoning Adjustment and have approved the encroachment into the rear yard setback per the attached letter dated October 8, 2002. The administrative decision may be appealed to Board of Zoning Appeals within 30 days of the date the decision was rendered.

Please contact me if you have any questions or need additional information.

Sincerely,

Scott Knebel

Assistant BZA Secretary

SK/rms

cc: Ownership List
McMillian, Kaplan, and Harris, %Robert Kaplan, 430 N. Market, Wichita KS 67202
Board of Zoning Appeals
City Council Member, District II, Joe Pisciotte, Mail Stop 1-13

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Wichita-Sedgwick County Metropolitan Area Planning Department

October 8, 2002

Elliott & Debra A. Werbin
6341 E. Peach Tree
Wichita, KS 67218

Re: BZA2002-00060: Zoning Adjustment to reduce the rear setback from 20 feet to 8 feet for an addition to the principal structure.

Legal Description: Lot 5, Block Q, 5th Addition to The Village, Wichita, Sedgwick County, Kansas. Located at the southwest corner of Peach Tree and Woodlawn (6341 E. Peach Tree).

Dear: Mr. & Mrs. Werbin:

We have reviewed your request for a Zoning Adjustment to reduce the rear setback for an addition to the principal structure. From reviewing your application, we understand that you desire to construct an addition to your single-family residence consisting of attached garage and that the addition will be setback only 8 feet from the rear property line. Further, we understand that the 30-foot platted street side setback has been partially vacated (VAC2001-00020) to allow a 6.8-foot street side setback. The letter submitted by your attorney with your application indicates that the addition will be located in the rear half of the lot, does not eliminate required off-street parking, does not occupy more than one-half of the required rear yard, and will be no more than 60% of the maximum allowable height.

Section V-1.2.c. of the Unified Zoning Code allows an adjustment to reduce the rear setback to as little 5 feet for a principle structure when the provisions of that section and the Zoning Adjustment Criteria of Section V-1.6. are met. We find that the reduction of the rear setback from 20 feet to 8 feet for an addition to the principal structure meets the provisions of Section V-1.2.c. 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 proposed encroachment will facilitate an improvement of vehicular circulation on the property. Since the applicant is confined to a wheel chair and drives vans equipped with wheel chair lifts, the applicant requires a garage addition with 8-foot high doors. Once built, the garage addition will allow the applicant pull straight in and out of the garage rather requiring significant on-site maneuvering of vehicles were the garage to be located outside the required setbacks instead.
- 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 the

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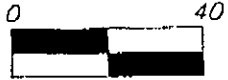
BAUGHMAN COMPANY P.A.

ENGINEERING, SURVEYING, & PLANNING

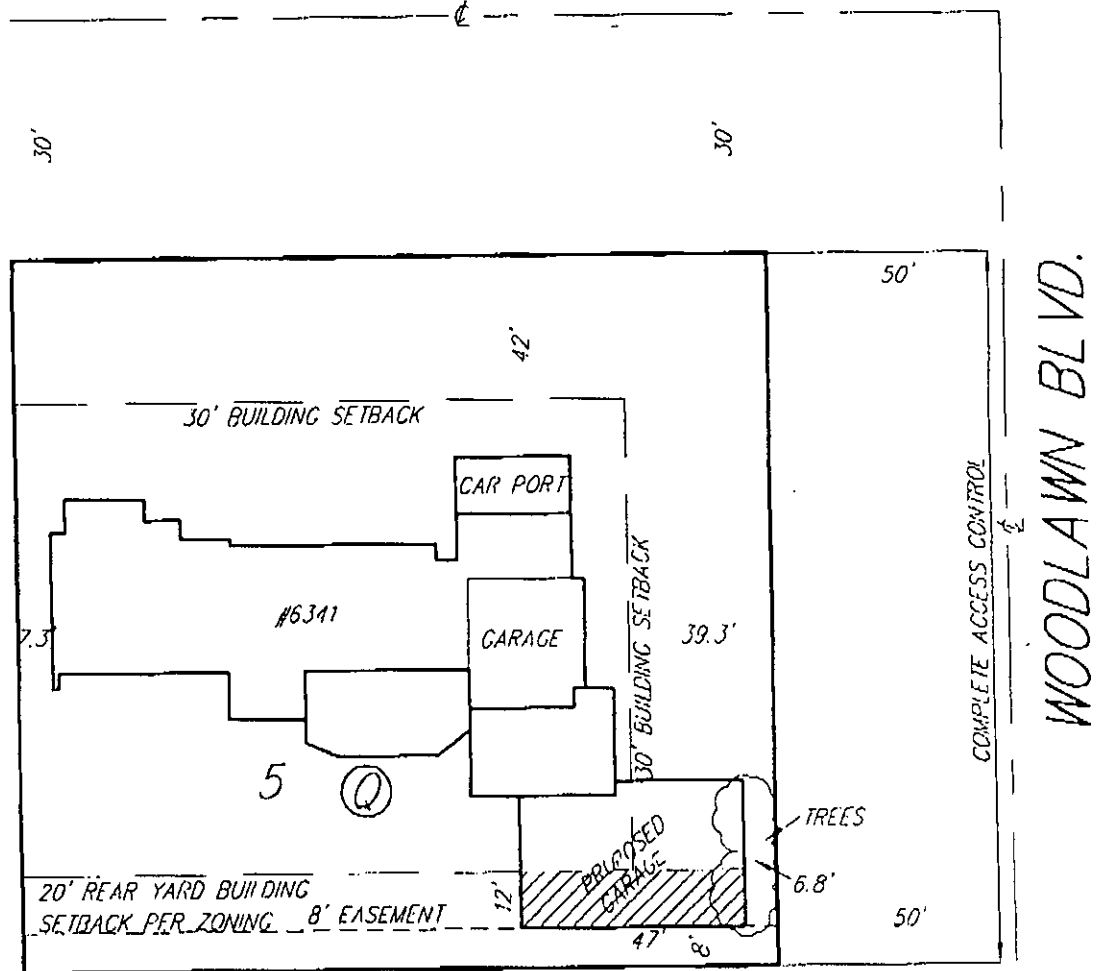
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EXHIBIT

**LOT 5, BLOCK Q,
FIFTH ADDITION TO THE VILLAGE**



PEACH TREE LANE



BZA2002-00060

SITE PLAN

APPROVED 10-8-02 BY SK