



Wichita-Sedgwick County Metropolitan Area Planning Department

June 10, 2002

Carolyn James
5224 Kensington
Wichita, KS 67208

FILE COPY

Re: BZA2002-00035: Zoning Adjustment to reduce the interior side setback along the west property line for the portion of the principal structure located in the rear half of the lot from 6 feet to 4.5 feet.

Legal Description: Lots 9 and 10, Block 1, University Heights Addition, Wichita, Sedgwick County, Kansas. Generally located south of 17th Street North and east of Oliver (5224 Kensington).

Dear Ms. James:

We have reviewed your request for a Zoning Adjustment to reduce the interior side setback on the above-referenced property. From reviewing your application, we understand that you desire to construct an addition to the single-family residence on the property that will connect the residence with a detached garage located in the rear half of the lot. Since accessory structures have different setback requirements than principal structures, the detached garage was constructed with a setback less than the 6-foot interior side setback requirement for a principal structure; however, since the addition will attach to the garage, the garage will become a part of the principal structure. Therefore, you have requested a Zoning Adjustment to reduce the interior side setback along the west property line for the portion of the principal structure located in the rear half of the lot from 6 feet to 4.5 feet.

Sec. V-I.2.b. of the Unified Zoning Code allows an adjustment to reduce the interior side setback for the portion of a principal structure located in the rear half of the lot to 3 feet when the conditions required by Sec. V-I.6. of the Code are met. We find that the reduction of the interior side setback along the west property line for the portion of the principal structure located in the rear half of the lot from 6 feet to 4.5 feet meets the four conditions required by Sec. V-I.6 of the Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment into the setback should not detrimentally impact the safety and convenience of vehicular and pedestrian circulation in the vicinity, as sufficient space will remain for pedestrian and circulation in the side yard and the code-required off-street parking spaces will still be provided on the property.

- 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 setback, as the building will maintain the same setback as is currently provided as an accessory structure. Attaching the garage to the house will not change the impact of the interior side setback for the garage.
- 3) Compatibility with existing or permitted uses on abutting sites: The garage is compatible with abutting sites, which are developed in a similar fashion with single family residences. Reducing the setback will not diminish the compatibility of the garage with uses on abutting 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 not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

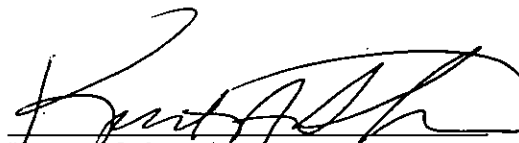
Our signatures below indicate that a Zoning Adjustment to reduce the interior side setback along the west property line for the portion of the principal structure located in the rear half of the lot from 6 feet to 4.5 feet for the aforementioned property is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The portion of the principal structure labeled as "Existing Det/Garage" on the approved site plan shall not exceed a height of 21 feet.
- 3) The garage shall not be converted to living space unless the code-required off-street parking spaces are provided elsewhere on the property in compliance with Sec. IV-A of the Unified Zoning Code.
- 4) The setback reduction shall apply only to "Existing Det/Garage" 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.
- 5) 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is 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

Enclosure

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

REQUIRED SETBACKS: FRONT 25 SIDE 6 SIDE 6 REAR 20



Form No. 225-345 (4-85)