



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 20, 2002

Erin Boyle
11316 Westport
Wichita, KS 67212

Re: BZA2002-00028: Administrative Adjustment to reduce the rear setback for an accessory structure.

Legal Description: Lot 14, Block J, Sunridge 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located south of 21st Street North and east of 119th Street West (11316 Westport).

Dear Ms. Boyle:

We have reviewed your request for a Zoning Adjustment to reduce the rear setback for an accessory structure on the aforementioned property. From reviewing the application, we understand that you desire to install a 21-foot diameter above-ground swimming pool and that the available property in the rear yard is insufficient to install the pool with the required separation from the house without encroaching into the rear setback. Sec. III-D.7.e.(1) of the Unified Zoning Code requires a rear setback for an accessory structure of five feet; however, you propose to install the above-ground swimming pool with only a four-foot rear setback. Therefore, you have requested a Zoning Adjustment to reduce the rear setback for an accessory structure from five feet to four feet.

Sec. V-I-2. of the Code allows an adjustment to reduce the rear yard setback by up to 20 percent when the conditions required by Sec. V-I.6. of the Code are met. We find that the reduction of the rear setback for an accessory structure from five feet to four 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 should not detrimentally impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because the rear yard provides no vehicular access and pedestrian access is provided along a pathway in the open space reserve bordering the subject property to north.
- 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 for an accessory structure, as sufficient separation between structures is maintained. Additionally, the rear of the subject property abuts an open space reserve with a lake, and the rear yard is enclosed with a screening fence.

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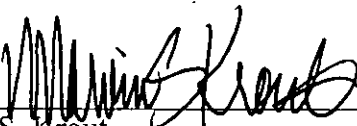
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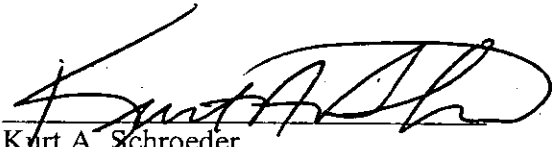
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed above-ground swimming pool is compatible with existing and permitted uses on abutting sites, which are single family residences and an open space reserve. The additional one-foot encroachment into the rear setback for an accessory structure should not reduce the compatibility of the swimming pool with abutting sites.
- 4) Effect on public health, safety or welfare: There will be a six-foot encroachment into a public utility easement; however, all utility companies with utilities in the easement have provided written authorization for the above-ground swimming pool to be located within the easement. 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 rear setback for an accessory structure on the aforementioned property from five feet to four 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 rear setback reduction shall apply only to the above-ground swimming pool illustrated on the approved site plan. Future structures 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

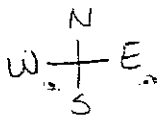
The zoning adjustment sign may now be removed from the property.


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



11316 WESTPORT
LOT 14 BLOCK J
SUNRIDGE II EDITION.

Tract "A"

BZA2002-00028

SITE PLAN

APPROVED 5-20-02 BY SK

