



Wichita-Sedgwick County Metropolitan Area Planning Department

June 8, 2018

Stephen Temple
1610 W. Dayton Street
Wichita, KS 67213

Re: BZA2018-00028: Administrative Adjustment to adjust the east interior side yard building setback on MF-29 Multi-Family Residential zoning.

Legal Description: The West 56 feet of Lots 55-57, Fern Avenue, Lawrence's 7th Addition, Wichita, Sedgwick County, KS (1610 W. Dayton)

Dear Applicants,

We have reviewed your request for a Zoning Adjustment to reduce the east interior side yard setback on the aforementioned property to install a 14-foot by 27-foot carport.

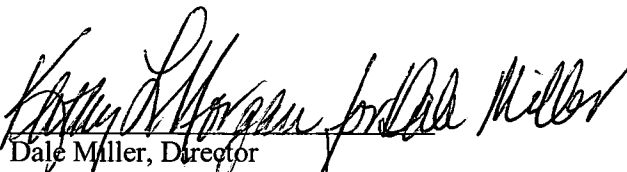
Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing minimum interior side setbacks (required by the property development standards of the zoning district) by up to 20 percent. This adjustment is permissible when the provisions of those sections and the Zoning Adjustment Criteria of Section V-I.6 are met. We find that the reduction of the interior side setback 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:

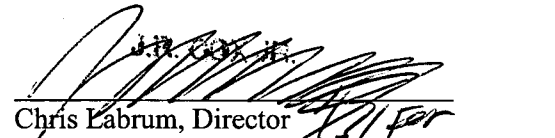
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: Construction of a new carport should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as right-of-way and driveways are not affected.
- 2) Impact on existing uses in surrounding areas: There will be no impact on the existing uses in surrounding areas as a result of the new construction; street visibility will be unchanged for neighboring properties.
- 3) Compatibility with existing or permitted uses on abutting sites: Sites to the west, north, south and east are zoned MF-29 Multi-Family Residential developed with single-family residences. The setback reductions will not have a negative impact on existing or permitted uses.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. There will be no negative impact on the public health, safety or welfare, nor will properties or improvements in the vicinity be materially injured.

MF-29 zoning district requires 3,500 square feet for a single-family dwelling. The subject lot is 2,755 square feet according to the Sedgwick County Appraiser's Office and therefore is a non-conforming lot. Our signatures below indicate that the proposed adjustments for the aforementioned property do not increase the level of non-conformity in the MF-29 zoning district and is hereby **GRANTED**, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan showing a three (3) foot separation between the house and carport and a 4-foot side yard setback.
- 2) The applicant shall obtain a building permit and complete construction within one year of the Administrative Adjustment approval. The site shall conform to all codes including but not limited to building, health and fire.
- 3) The setback reduction shall apply only to the setbacks 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.


Dale Miller, Director
Metropolitan Area Planning Department


Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
Jeff Blubaugh, CM District IV
Rebecca Fields, Community Service Representative, District IV

