



Wichita-Sedgwick County Metropolitan Area Planning Department

November 22, 2021

Ernest & Kristine Misak
8750 South Tyler Road
Clearwater, KS 67026

Re: **BZA2021-00065**: County Administrative Adjustment to reduce the north interior side yard setback on property zoned RR Rural Residential to allow construction of a detached garage.

Legal Description: S 200 FT W 217.8 FT S1/2 SW1/4 SEC 9-29-1W AND BEG 217.8 FT E SW COR SW1/4 TH N 200 FT E 130.68 FT S 200 FT W 130.68 FT TO BEG SEC 9-29-1W, Sedgwick County, Kansas (8750 S. Tyler Rd., Clearwater, KS)

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the north interior side yard setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce the north interior yard setback from 20 feet to 16 feet to allow construction of a 42-foot by 24-foot addition to the existing structure.

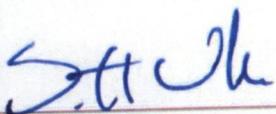
Section V-1.2.a of the Unified Zoning Code ("UZC") allows reducing the minimum interior side yard setback (required by the property development standards of the zoning district) by up to 20 percent. This adjustment is permissible when the provisions of this section and the Zoning Adjustment Criteria of Section V-1.6 are met. This adjustment is permissible when the provisions of those sections and the Zoning Adjustment Criteria of Section V-1.6 are met. We find that the reduction of the setback as proposed meets the provisions of Section V-1.2.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**: The proposed reduction of the north interior side yard setback will have no impact on the safety and convenience of vehicular and pedestrian circulation in the right-of-way.
- 2) **Impact on existing uses in surrounding areas**: There will be no impact on the existing residential uses; street visibility will be unchanged for neighboring properties.
- 3) **Compatibility with existing or permitted uses on abutting sites**: Abutting sites are zoned RR Rural Residential and are developed with single-family dwelling units and undeveloped agricultural land.
- 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.

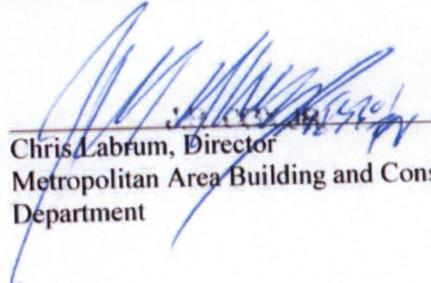
Our signatures below indicate that a Zoning Adjustment to reduce the north interior side yard setback from 20 feet to 16 feet is hereby **GRANTED**, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The 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 north interior side yard setback as illustrated on the approved site plan. The proposed garage must be set back a minimum of 100 feet from the center line of South Tyler Road and not in front of the primary structure. 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.



Scott Wadle, Director
Metropolitan Area Planning Department



Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
Sarah Lopez, County Commissioner, District 2

Misak Request For Administrative Adjustment Nov 2, 2021

SITE PLAN

Ernest and Kristine Misak
8750 S. Tyler Rd.
Clearwater, Ks 67026
316 706-2072

APPROVED 11-22-2021 *[Signature]*



Ernest & Kristine Misak
8750 S. Tyler Rd.
Clearwater, Ks 67026

Not to Scale
11/17 To Scale
Scale:
N
W
E
S

BZA 2021-65
[Signature] 11-5-21

Requesting an Administrative Adjustment for the purpose of constructing a Post and Frame (Pole Barn) Garage on the north side of the property, along side, but separate and detached from the existing home building. Requesting to reduce the sideyard setback (Standard 20') to 16' or a 20% reduction. This will enable me to construct a 24 ft. wide x 42 ft. long garage on my property with a westerly frontage in line with the existing house. This reduction will allow for a seven (7 ft') separation between the existing structure and the proposed structure. This separation is required to allow a 4 ft separation from the deck on the east side of the house.