



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Mark and Tara Fiebach
231 South Terrace Dr.
Wichita, KS 67218

March 8, 2023

Brad Rice
201 South Pine
Newton, KS 67114

RE: BZA2024-00010: Administrative Adjustment in the City for a 20 percent reduction for the north interior side setback from 3 feet to 2.4 feet for reconstruction of an existing, non-conforming, detached garage on property zoned SF-5 Single-Family Residential District; generally located one-quarter mile south of East Douglas Avenue and one-quarter mile west of South Oliver Avenue (231 S. Terrace Dr.).

Legal Description: Lot 5, Block 8, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas.

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the north interior side yard setback by 20 percent from 3 feet to 2.4 feet on the aforementioned property in order to reconstruct an existing, non-conforming detached garage. According to the site plan, the proposed garage would be 2.4 feet at its nearest point to the north property line. We understand that the existing garage encroached into the setback 7 inches and the new garage will sit on the existing foundation.

Section V-I.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-I.6 are met. We find that the reduction of the setback as proposed meets the provisions of Section V-I.2.a and the four criteria required by Section V-I.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 from 3 feet to 2.4 feet 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. The purpose is to permit the reconstruction of an existing detached garage at the same location.
- 3) **Compatibility with existing or permitted uses on abutting sites:** Properties to the north, south, east, and west are zoned SF-5 Single-Family Residential District and developed with single-family dwellings. Several of the properties have similar detached garages a similar distance from the side property lines.

- 4) Effect on public health, safety, or welfare: There will be no encroachment into public utility easements or right-of-way. It is not anticipated that there will be any significant negative impacts on the public health, safety, or welfare, nor will properties or improvements in the vicinity be materially injured.

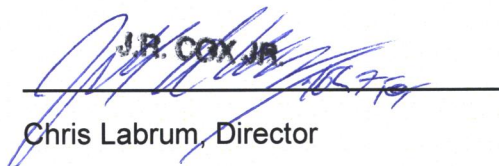
Our signatures below indicate that the Zoning Adjustment to reduce the north interior side yard setback from 3 feet to 2.4 feet is hereby GRANTED, subject to the following conditions:

- 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 zoning, building, health, and fire.
- 3) The setback reduction shall apply only to the 2.4-foot, side yard setback 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.



Scott Wadle, Director
Metropolitan Area Planning Department



Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
Brandon Johnson, CM District I
Maddy Campbell, CSR District I

