



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

September 4, 2024

Stay Real, LLC
Attn: Jack Fukuda
840 Lexington Rd.
Wichita, KS 67218

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
177 E. Lewis
Wichita, KS 67202

Re: **BZA2024-00057:** Administrative Adjustment in the City to reduce the southeast interior side setback by 33.33 percent (from 6 feet to 4 feet) for an area less than 300 square feet to permit construction of a single-family dwelling, on property zoned SF-5 Single-Family Residential District, generally located one-block west of North Rock Road and within one-quarter mile north of East Douglas Ave.

Legal Description: Lot 5, Block 2, Rockwood 6th Addition, Wichita, Sedgwick County, Kansas.

Dear Applicants,

We have reviewed your request for a Zoning Adjustment to reduce the southeast interior side setback from 6 feet to 4 feet (33.33 percent for an area less than 300 square feet) on the aforementioned property in order to permit construction of a single-family dwelling. The proposed encroachment would be a small, triangular shaped corner of the proposed house with a total area of 4.64 square feet. The subject lot is triangular in shape and is an interior corner property. The shape and orientation of the lot present challenges to constructing a dwelling. Despite being platted in 1967, the site has never been developed.

Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing the minimum side yard setback (required by the property development standards of the zoning district) by up to 50 percent when the area does not exceed 300 square feet. 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-1.6 as set out below:

- 1) **Impact on safety and convenience of vehicular and pedestrian circulation:** The proposed reduction of the southeast interior side setback from 6 feet to 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 uses. The proposed encroachment would be a small, triangular shaped corner of the proposed house with a total area of 4.64 square feet.

- 3) Compatibility with existing or permitted uses on abutting sites: Properties to the north, east, south, and west are zoned SF-5 and developed with single-family dwellings. The subject lot is triangular in shape and is an interior corner property. The shape and orientation of the lot present challenges to constructing a dwelling. Despite being platted in 1967, the site has never been developed.
- 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.

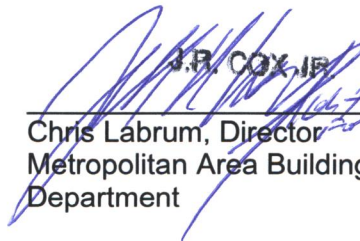
Our signatures below indicate that a Zoning Adjustment to reduce the southeast interior side setback from 6 feet to 4 feet is hereby GRANTED, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The applicant shall obtain a building permit and construct the single-family dwelling 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 4-foot southeast interior side 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


J.R. COX, JR.

Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
Brandon Johnson, City Councilmember, District I
Cameron Jackson, CSR District I

SITE PLAN

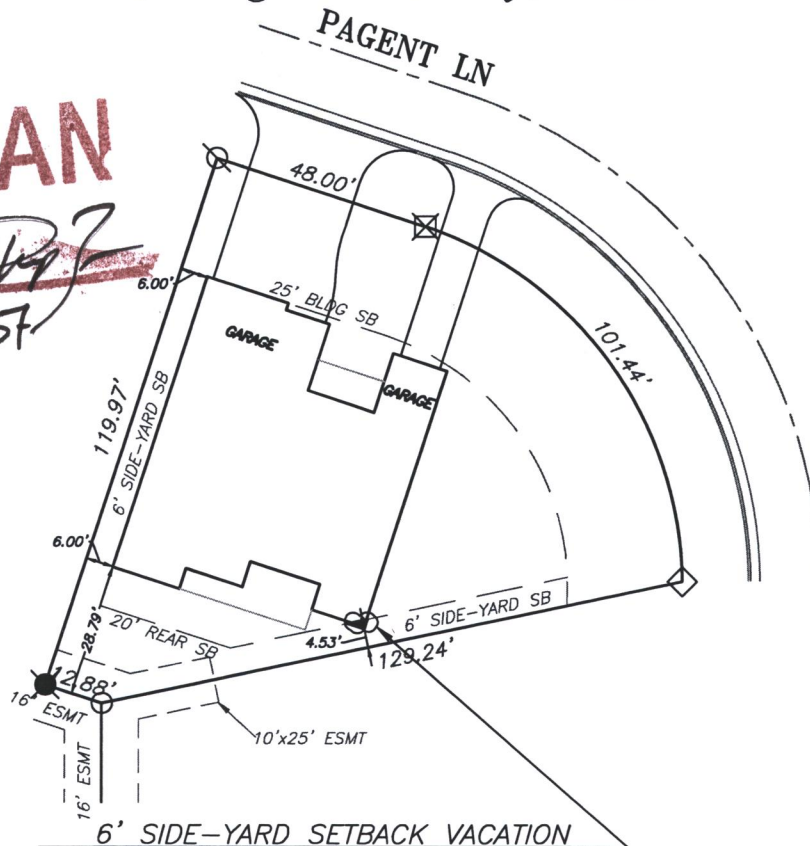
APPROVED

9/4/24

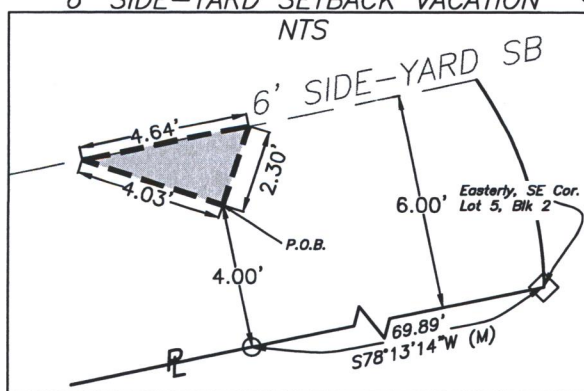
54

Heur 7

BEA 24-57



6' SIDE-YARD SETBACK VACATION
NTS



SITE PLAN:
08.12.2024

SCALE: 1"=40'