



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

October 24, 2024

Juana Marquez Bernal
2034 N. Market St.
Wichita, KS 67214

Re: **BZA2024-00066:** Administrative Adjustment in the City to reduce the south interior side setback from 5 feet to 2.5 feet (for an area less than 300 square feet) to bring an existing carport into compliance, on property zoned B Multi-Family Residential District, generally located on the east side of North Market Street and within one-quarter mile south of East 21st Street North (2034 N. Market Street).

Legal Description: Lots 27 and 28, Market Street, Frazier's Addition, Wichita Sedgwick County, Kansas.

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the south interior side setback from 5 feet to 2.5 feet (50 percent for an area less than 300 square feet) on the aforementioned property in order to bring an existing carport into compliance. According to the site plan, the carport is constructed on the south side of the existing house and measures 15.2 feet by 40.3 feet. The south 2.5 feet of the carport encroaches into the 5-foot interior zoning setback. The area of encroachment is 100.75 square feet.

Section V-I.2.a of the Unified Zoning Code ("UZY") 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 south interior side setback from 5 feet to 2.5 feet will have no impact on the safety and convenience of vehicular and pedestrian circulation in the right-of-way. The carport is constructed behind the front plane of the existing house and should not have any negative visual impact on neighboring vehicles backing out of a driveway onto North Market Street.
- 2) Impact on existing uses in surrounding areas: There will be no impact on the existing uses. The carport is not enclosed and is constructed behind the front plane of the existing house. It is not likely to have significant negative impact on surrounding uses.
- 3) Compatibility with existing or permitted uses on abutting sites: Properties to the north, south, and west are zoned B Multi-Family Residential District and developed with single-family dwellings. Most dwellings in this area were constructed prior to current zoning

regulations, and therefore are constructed closer together than current setbacks would allow. Approval of the adjustment to permit an unenclosed carport 2.5 feet from the property line is not likely to have significant negative impact on the neighboring property.

- 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.

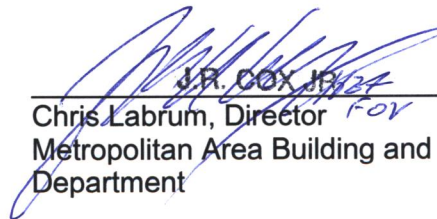
Our signatures below indicate that Zoning Adjustment to reduce the south interior side setback from 5 feet to 2.5 feet is hereby GRANTED, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The carport shall not be completely enclosed on all four sides.
- 3) The applicant shall obtain a building permit for the accessory structure 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.
- 4) The setback reduction shall apply only to the 2.5-foot south 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.
- 5) 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.
FOV

Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
Maggie Ballard, City Councilmember, District VI
Ana Lopez, CSR District VI

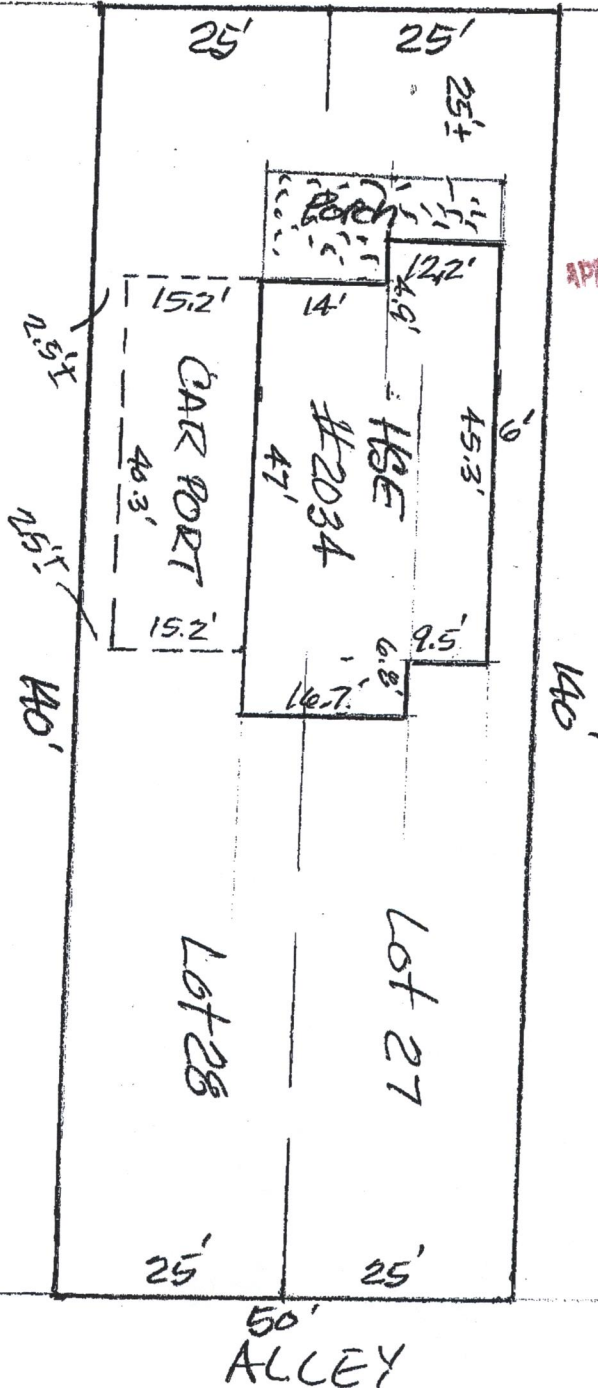
MARKET ST.

50'

SITE PLAN

APPROVED 10/23 BY CMR

2034 W. Market St, Wichita, KS
Lots 27 and 28 on Market St
Frizers Addition



Juana Marquez Benzil
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Wichita, KS 67214