



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

June 16, 2009

Todd Wait  
1002 W Dayton  
Wichita, KS 67213

**Re: BZA2009-22: City zoning administrative adjustment to reduce the side setback from 6' to 4' 10" for a shed in MF-29 zoning, generally located north of Dayton and west of Walnut (1002 W Dayton).**

**Lots 33, 35; Glendale Addition, Wichita Sedgwick County, Kansas. Generally located north of Dayton and west of Walnut (1002 W Dayton).**

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the side setback for a shed addition on the aforementioned property. From reviewing the application, we understand that you desire to construct an attached shed within 4' 10" of the side property line, a 1' 2" encroachment into the required 6 foot side building setback for the MF-29 zoning district. Therefore, you have requested an adjustment to reduce the required setback.

Section V-I.2.a. of the Unified Zoning Code allows the side setback to be reduced by up to 20% when the provisions of that section and the Zoning Adjustment Criteria of Section V-I.6. are met. We find that the reduction of the 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: The setback encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as no public right-of-way is affected.
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the setback reduction; the setback reduction is for a small shed and adjacent to the public street. The side setback reduction is within allowable limits.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed addition is compatible with existing and permitted uses on abutting sites, the encroachment into the side setback should not reduce compatibility with abutting and adjacent sites.

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- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. Therefore, there should be no negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

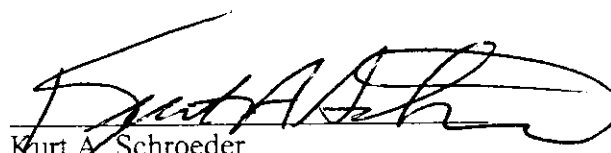
Our signatures below indicate that a Zoning Adjustment to reduce the side setback for the aforementioned property from 6 feet to 4'10" is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The site shall be developed in conformance with all applicable codes, including but not limited to building, fire, and health codes.
- 3) The setback reduction shall apply only to the 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.



John L. Schlegel  
Planning Director



Kurt A. Schroeder  
Superintendent of Central Inspection

Enclosure

cc: Kurt Schroeder, OCI  
Mike Gable, OCI  
Paul Gray, District IV, mailstop 1-13

END OF DESC

Function 06  
Key No.: D -02031  
Page: 2

View Property Information  
Legal Description

TXRP0602  
LKILBOUR  
Level 01

Pin: 129290230300100

Name: WAIT, TODD A & RHONDA L

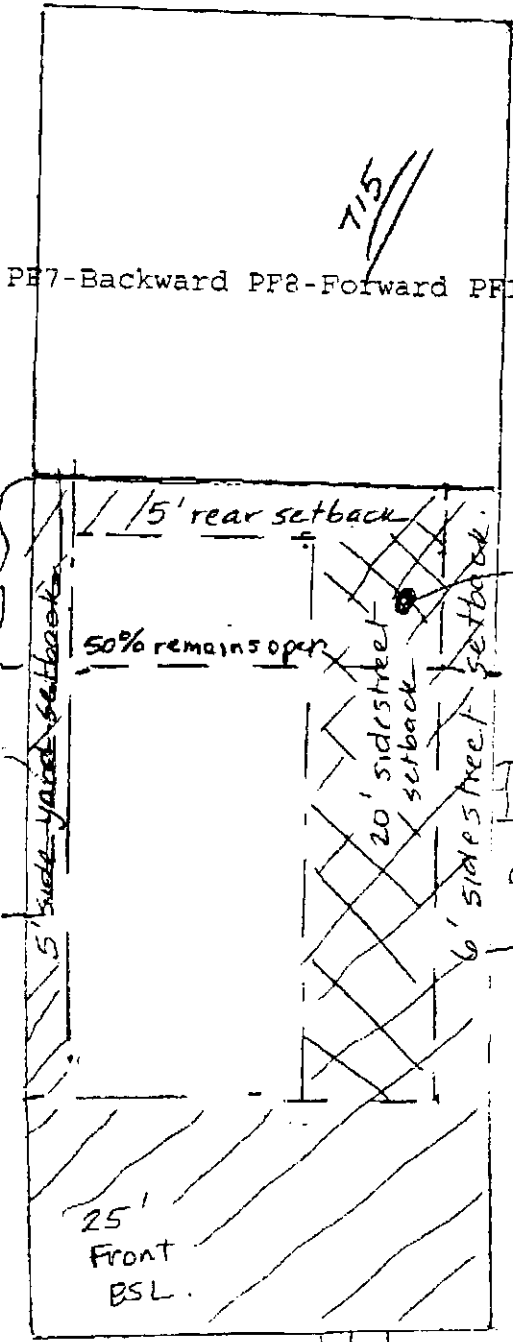
Legal Description  
LOTS 33-35 EXC N 50 FT THEREOF  
GLENDALE ADD.

DAYTON AVE

*BZA 2009-22*

*1002 W. Dayton*

Post-it* Fax Note	7671	Date	6/3	# of pages	2
To	JESS McNely		From	Todd Wait	
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	268-4390	Fax #	265-0747		



PF7-Backward PF8-Forward PF19-Prev Parcel PF20-Next Parcel

*Side street setback moved to 4'10"*

*6' side street setback approved per KAS via MG*

**APPROVED**

*SITE 4500sq ft Lot*

*[Signature]*

Date: *6-16-09*

DAYTON