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Wichita-Sedgwick County Metropolitan Area Planning Department

September 7, 2010

Kevin T. and Holly K. Brasser
22201 West 24th Circle North
Andale, KS 67001

Re: BZA2010-00039: Administrative adjustment to reduce the interior side setback by 20 percent from 20 feet to 16 feet on property zoned RR Rural Residential for construction of a detached garage.

Legal Description: Beginning 1325.5' W and 1295.48' N of the SE corner of the SE ¼; thence N 665.44'; thence W 327.36'; thence S 665.44;; thence E 327.36' to beginning except 35' for road on the N & E, Sec 1-27-3W, Sedgwick County, Kansas, generally located on the southwest corner of West 24th Circle North and North 219th Street West (22201 West 24th Circle North).

Dear Applicant:

We have reviewed your request for and Zoning Adjustment to reduce the side yard setback on the aforementioned property. From reviewing the application, we understand that you desire to build a detached garage. Your lot is zoned RR Rural Residential ("RR"), which requires a 20-foot building setback for principal structures and for accessory structures unless all portions of the accessory structure are within the back half of the lot. The proposed garage will encroach four feet into the side yard setback. Therefore, you have requested an adjustment to reduce the required setback.

Article V, Section V-I.2.a of the Unified Zoning Code ("UZC") allows a 20 percent reduction of an interior side setback when the provisions of the Zoning Adjustment Criteria of Article V, Section V-I.6 are met. We find that the reduction of the east interior side yard setback as proposed meets the provisions of Article V, Section V-I.2.a, and the four criteria required by Article V, Section V-I.6 as set out below:

- 1) **Impact on safety and convenience of vehicular and pedestrian circulation:** The interior side yard setback encroachment should have no impact on the safety and convenience of vehicular pedestrian circulation in the vicinity because right-of-way and driveway will not be affected.
- 2) **Impact on existing uses in surrounding areas:** There should be no negative impact on the existing uses in the surrounding areas as a result of the setback reduction, as sufficient separation between buildings is maintained and the setback reduction is within allowable limits.
- 3) **Compatibility with existing or permitted uses on abutting sites:** The single-family residence with the detached garage is compatible with similar existing and permitted uses on abutting sites. The encroachment into the setback should not reduce compatibility with abutting and adjacent sites and it is typical in this development to have large accessory structures similar to your request on the majority of the residential lots.

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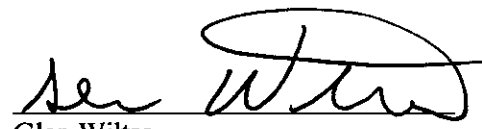
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way, therefore, there should be no impact on the public health, safety or welfare, nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that an Administrative Adjustment to allow a reduction in the parking requirements by 10 percent for the aforementioned property is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) 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 zoning adjustment sign may now be removed from the property.


John L. Schlegel
Planning Director


Glen Wiltse
County Zoning Administrator

cc: Glen Wiltse, Sedgwick county Code Enforcement

