



Wichita-Sedgwick County Metropolitan Area Planning Department

October 8, 2010

Terry and Sondra Hacker
2721 North Northshore Circle
Wichita, KS 67205-1079

Baughman Company, P.A.
Russ Ewy
315 Ellis
Wichita, KS 67211

Re: BZA2010-49: City zoning administrative adjustment to reduce the side yard setback by 20 percent, from 6 feet to 4.8 feet, generally located south of 29th Street North and east of Ridge Road (2721 North Northshore Circle).

Lot 11 together with that part of Reserve "D" described as beginning at the southwest corner of said Lot 11; thence southwest along an extended lot line 21.19 feet; thence northerly 145.41 feet; thence northeast 92.37 feet; thence southeast along an extended lot line 29.82 feet to the northwest corner of Lot 11; thence southwesterly along a curve 194.16 feet; thence southeast 32.5 feet to beginning, Block 1, Barefoot Bay Addition.

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the side setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce the interior side yard setback located along the northern side yard from 6 feet to 4.8 feet, a 1-foot 2-inch encroachment into the required 6 foot side building setback in the SF-5 zoning district. Therefore, you have requested an adjustment to reduce the required setback.

Section V-1.2.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-1.6. are met. We find that the reduction of the side setback as proposed meets the provisions of Section V-1.2.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

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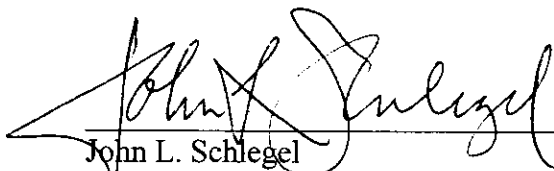
uses in surrounding areas as a result of the setback reduction an addition. The side setback reduction is within allowable limits.

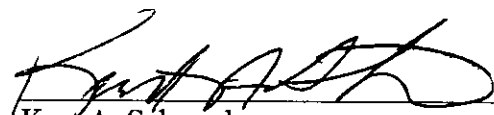
- 3) Compatibility with existing or permitted uses on abutting sites: The application area is developed with a single-family residence. There is a single-family residence located to the north, approximately 13 feet from the common property line where the adjustment is requested. If approved, there will be over 17 feet separating the two residences.
- 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 four feet eight inches 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
JR Cox, OCI
Mike Gable, OCI

RESIDENTIAL PLOT PLAN

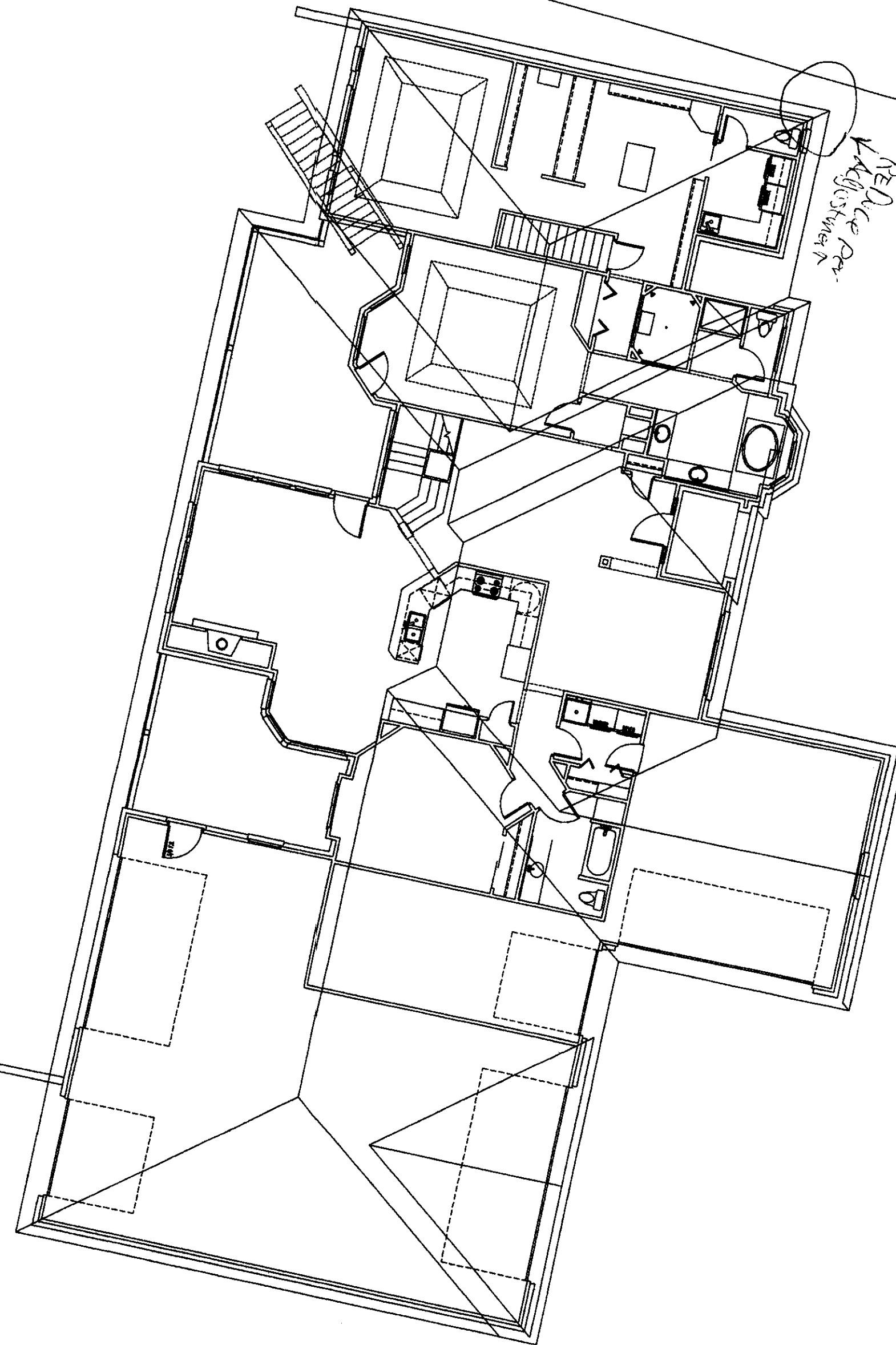
ADDRESS: 2721 N. NORTSHOER CIRCLE, WICHITA, KANSAS 67205 PERMIT NO. _____

LOT(S): 11 BLK: 1 OF BAREFOOT BAY ADDITION ZONING _____

REQUIRED SETBACKS: FRONT _____ SIDE _____ SIDE _____ REAR _____

194.16' @ 270.00°R

217.70' @ S 74° 02' 39" E



20' UTIL. ESMT.
25' BLDG SETBACK

N 17° 59' 11" @ 20.00'

264.85' @ S 72° 00' 49" W

N 19° 11' 14" @ 32.80'

SITE PLAN

SCALE: 1" = 10'-0"

