



Wichita-Sedgwick County Metropolitan Area Planning Department

June 26, 2012

Monty Cunningham
10613 W. Haskell St.
Wichita, KS 67209

Re: **BZA2012-35**: City Administrative Adjustment to reduce the side yard setback by 20%, from 6 to 4.8 feet, for an attached garage addition on SF-5 Single-family Residential ("SF-5") zoned property, generally located south of W. Haskell and east of S. Larkin (10613 W. Haskell).

Legal Description: LOT 8 & TH PT LOT 7 BEG NE COR SELY 112.79 FT SWLY ALG S LI 7.5 FT NWLY 113.04 FT TO BEG BLOCK 3 PRAIRIE WOODS 2ND ADD, Wichita, Sedgwick County, Kansas.

Dear Applicant,

We reviewed your request for a Zoning Adjustment to reduce the side setback by 20% for an attached garage on the aforementioned property. From reviewing the application and site plan, we understand that you wish to add an attached garage to the existing house on your property within 4.8 feet of the southwest property line. The Zoning Code requires a six-foot side yard building setback in SF-5 zoning.

Section V-1.2.a of the Unified Zoning Code ("UZC") allows an administrative adjustment to reduce the side setback by 20%. This adjustment is permissible when the provisions of that section and the Zoning Adjustment Criteria of Section V-1.6 are met. We find that reducing the side setback by 20% as proposed meets 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 garage addition location should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because right-of-way, the driveway, and sidewalk will not be 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 accessory structure location, provided that sufficient separation between buildings is maintained.
- 3) Compatibility with existing or permitted uses on abutting sites: The single-family residence is compatible with existing and permitted uses on abutting sites; the garage addition should not reduce compatibility with abutting and adjacent sites as adequate setback and separation of structures is maintained.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. There should be no impact on the public health, safety or welfare nor will properties

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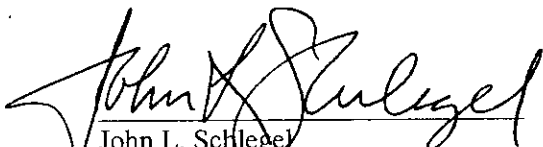
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or improvements in the vicinity be materially injured.

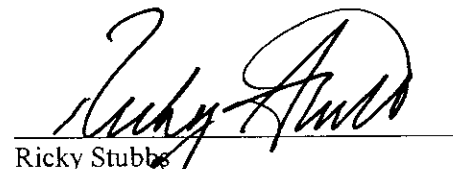
Our signatures below indicate that a Zoning Adjustment to allow a 20% side setback reduction for a garage addition is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The adjustments shall apply only to the garage as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the locations and setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
- 3) A 10-foot separation shall be maintained between buildings on the subject property and the neighboring property to the southwest on Lot 7, Block 3 of the Prairie Woods 2nd Addition.
- 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



Ricky Stubbs
Interim Co-superintendent of Central Inspection

cc: Rick Stubbs, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Mike Gable, Office of Central Inspection
Michael O'Donnell, CM District IV
Kelli Geier, NA District IV

