



Wichita-Sedgwick County Metropolitan Area Planning Department

February 12, 2013

Orlando Hernandez and Jeanne Jordan-Hernandez
14100 E. Summerfield Cir.
Wichita, KS 67230

Re: BZA2013-02: City Administrative Adjustment to reduce the rear setback from 20 to 10 feet for a swimming pool in SF-5 Single-family Residential zoning, generally located north of Summerfield Cir. and west of North Split Rail Street (14100 E. Summerfield Cir.).

Legal Description: Lot 1 Block 1 Savannah at Castle Rock Ranch 10th Addition, Wichita, Sedgwick County, Kansas.

Dear Applicants,

We reviewed your request for a Zoning Adjustment to reduce the rear setback for a pool on the aforementioned property. From reviewing the application and site plan, we understand that you wish to build a pool within 10 feet of the rear property line, adjacent to the railway open space north of your property. The Zoning Code requires a 20 foot rear setback in SF-5 zoning.

Section V-I.2.a of the Unified Zoning Code allows an administrative adjustment to reduce the rear setback by up to 50% when adjacent to open space. This adjustment is permissible when the provisions of that section and the Zoning Adjustment Criteria of Section V-I.6 are met. We find that reducing the rear setback by 50% as proposed meets the four criteria required by Section V-I.6 as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The pool location should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as right-of-way and driveways are not affected.
- 2) Impact on existing uses in surrounding areas: There will be no impact on the existing uses in surrounding areas as a result of the setback reduction; sufficient separation between the pool and the rear property line will be maintained.
- 3) Compatibility with existing or permitted uses on abutting sites: The setback reduction for the pool will be compatible with existing and permitted uses on abutting sites; the abutting site is a railway open space.
- 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 or improvements in the vicinity be materially injured.

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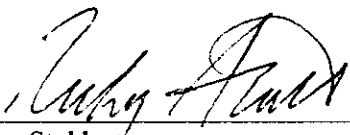
Our signatures below indicate that a Zoning Adjustment to allow a rear setback reduction from 20 to 10 feet for a pool is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The adjustment shall apply only to the pool 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) The applicant shall obtain building permits within one year of the administrative adjustment approval. The site shall conform to all other applicable codes.
- 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.

for 

John L. Schlegel
Planning Director



Ricky Stubbs
Interim Co-superintendent MABCD

cc: Rick Stubbs, MABCD
Mike Gable, MABCD
Pete Meitzner, CM District II
Antione Sherfield, NA District II

