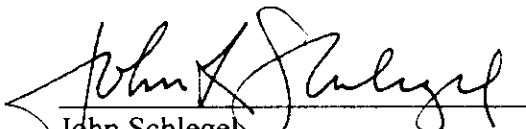


- 3) Compatibility with existing or permitted uses on abutting sites: The proposed site plan demonstrates an 8-foot screening fence on the west property line, which should mitigate any visual impact on the residences to the west. The proposed building is 14.5 feet tall, and the residences west of the site have existing trees which will also mitigate the visual impact of the compatibility setback reduction.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; there will 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 a Zoning Adjustment to reduce the compatibility setback along the west property line from 25 feet to 10 feet 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) The compatibility setback reduction shall apply only to the building as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the compatibility setbacks required by the Unified Zoning Code unless a separate Zoning Adjustment is granted.
- 3) Buildings on the site within 25 feet of the west property line shall not exceed 14.5 feet in height.
- 4) The site shall be developed in conformance with a staff approved landscape plan; the landscape plan shall provide required trees in the 10-foot landscape buffer strip along the west property line.
- 5) The site shall conform to the Unified Zoning Code requirement for screening along the west property line with an 8-foot tall solid screening fence.
- 6) 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

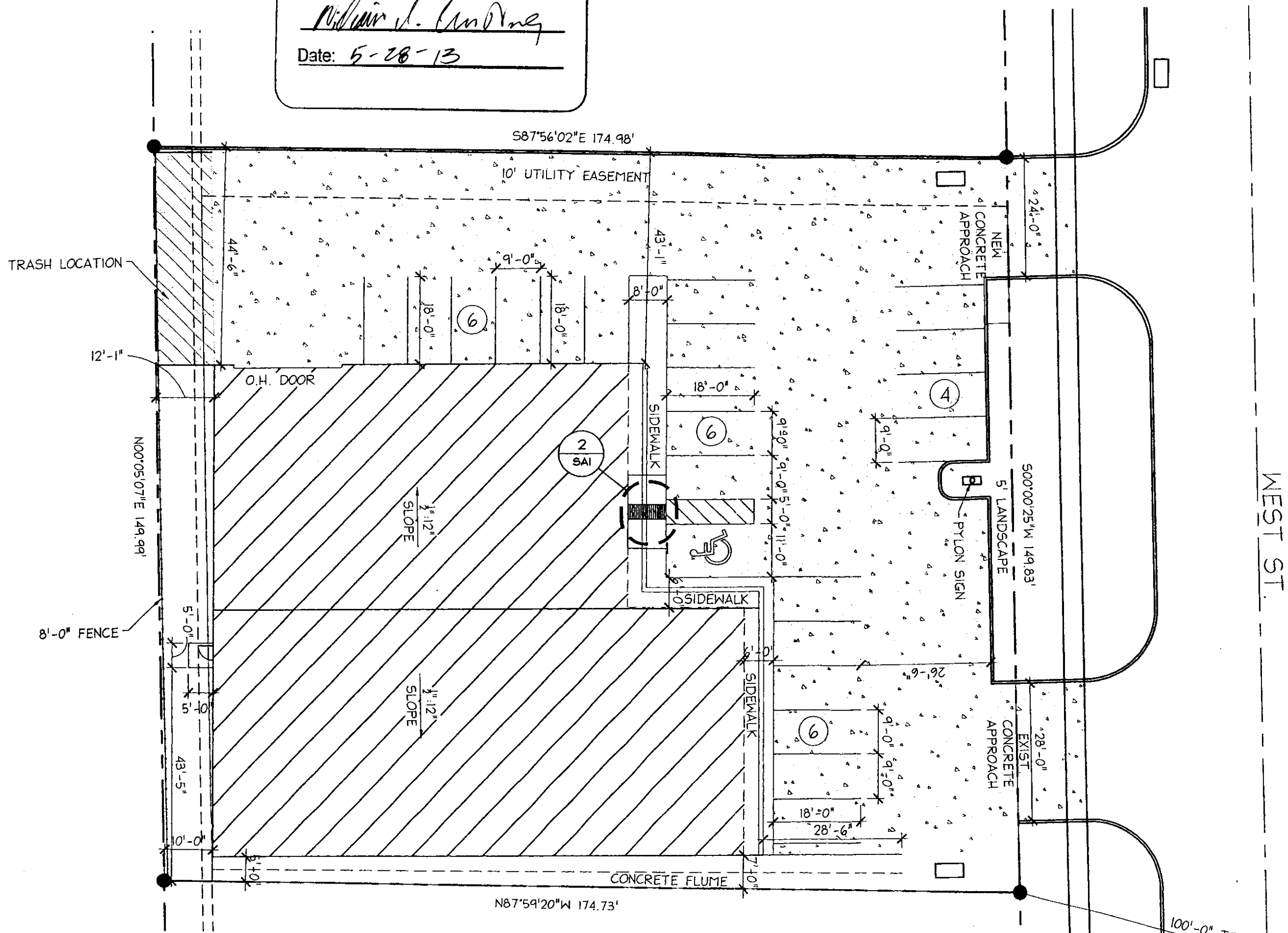
The zoning adjustment sign may now be removed from the property.


John Schlegel
Planning Director


Tom Stolz
MABCD Director

cc: JR Cox, MABCD
Paul Hays, MABCD
Janet Miller, CM District VI
Terri Dozal, NA District VI

Date: 5-28-13





Wichita-Sedgwick County Metropolitan Area Planning Department

May 28, 2013

David Sheideman
3402 N. Hazelwood Ct.
Wichita, KS 67205

Re: BZA2013-21: Zoning Administrative Adjustment to reduce the compatibility setback from 25 to 10 feet in LC Limited Commercial zoning for a commercial building, generally located west of West Street and south of 9th Street North (901 N. West).

Legal Description: LOT 27 BLOCK 1 GALYARDT'S 1ST. ADD., Wichita, Sedgwick County, Kansas.

Dear Applicants:

We reviewed your request for a Zoning Adjustment to reduce the compatibility setback for a proposed building on the above-referenced property. Your proposed building is designed with a 10-foot setback from the west property line; the setback varies between 10 and 12 feet. The property to the west is zoned SF-5 Single-family Residential and developed with houses; therefore Sec. IV-C.4 of the Unified Zoning Code requires a 25-foot compatibility setback along the west property line.

Sec. V.I.2.d of the Unified Zoning Code allows a Zoning Adjustment to reduce the compatibility setback when the conditions required by Sec. V.I.6 of the Code are met. We find that reducing the compatibility setback from 25 feet to 10 feet meets the four conditions required by Section V-I.6 of the Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is to reduce the compatibility setback along the west, or rear property line. Public vehicular and pedestrian circulation should not be affected.
- 2) Impact on existing uses in surrounding areas: A 15-foot compatibility setback reduction at this location should have no measurable impact on existing uses in surrounding areas. The proposed rear building setback is similar to that of other commercial buildings along this portion of West Street.

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