



Wichita-Sedgwick County Metropolitan Area Planning Department

November 9, 2006

Don Klausmeyer Construction
10008 W. York
Wichita, KS 67215

Re: BZA2006-77: Zoning Adjustment to reduce the rear setback from 20-feet to 18-feet in SF-5 Single-family Residential zoning.

Lot 2, Block B, Killarney Shoal Creek Addition to Wichita, Sedgwick County, Kansas. Generally located south of I-35 and west of 143rd East (14005 E. Hawthorne).

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the rear setback on the aforementioned property. From reviewing the application, we understand that you desire to re-construct within 18-feet of the rear property line, a 2-foot encroachment into the required 20-foot rear setback for the "SF-5" Single-family zoning district. Therefore, you have requested an adjustment to reduce the required setback.

Section V-I.2.a. of the Unified Zoning Code allows up to a 20% reduction of the rear setback for a principle structure when the provisions of that section and the Zoning Adjustment Criteria of Section V-I.6. are met. We find that the reduction of the rear setback as proposed meets the provisions of Section V-I.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 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 rear setback reduction, as sufficient separation between buildings is maintained and the rear setback reduction is within allowable limits.
- 3) Compatibility with existing or permitted uses on abutting sites: The residential building is compatible with existing and permitted uses on abutting sites, the encroachment into the rear

all other setbacks shall be maintained as 5 cent sites.

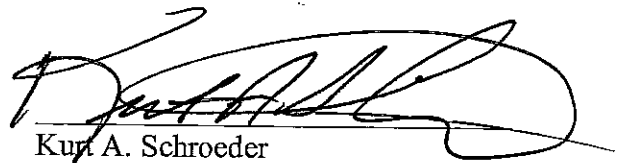
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. Therefore, there should be no negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the rear setback for the aforementioned property from 20-feet to 18-feet is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The setback reduction shall apply only to the rear 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.
- 3) 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
Mike Gable, OCI

LOT 2, BLK B
SHOAL CREEK 3rd ADDITION
L14005 E. HAWTHORNE

10.14.06 @ 05:19 P

