



Wichita-Sedgwick County Metropolitan Area Planning Department
April 23, 2007

Don Mertens Custom Homes
2633 Keywest Ct.
Wichita, KS 67204

RE: BZA2007-19 Zoning Administrative Adjustment to reduce the rear compatibility setback from 25 feet to 8 feet, and reduce the rear setback from 10 to 8 feet, between "LC" Limited Commercial and "MF-29" Multi-family Residential zoning.

Legal Description: W 66 ft of Lots 37 – 40, Gibbons Gardens Addition to Wichita, Sedgwick County, Kansas. Generally located south of 33 Street N and east of Arkansas (633 W 33 N).

Dear Applicant:

We have reviewed your request for a Zoning Adjustment to reduce the compatibility setback and zoning setback for the rear yard on the property described above. From reviewing your application, we understand that you propose to construct an expansion on the site that would be located 8 feet from the east/rear property line. The Unified Zoning Code would require an administrative adjustment to allow a compatibility setback reduction from 25 feet to 8 feet and reduce the rear setback from 10 to 8 feet.

Section V-I.2.d and V-I.2.a of the Unified Zoning Code allows an adjustment to reduce the compatibility setback, and reduce the rear setback by 20% when the four conditions required by Section V-I.6 of the Unified Zoning Code are met. We find that the reduction of the setback as proposed meets the four conditions required by the Unified Zoning Code as set out below:

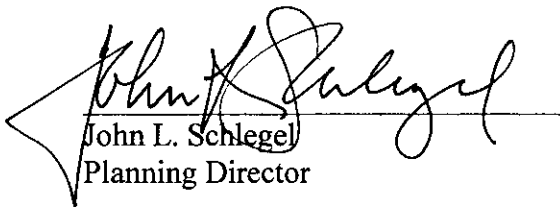
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity, as the rear yard is not used for public circulation.
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the reduction of the setback. Landscaping and screening requirements should mitigate any impact on residential neighbors to the east.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed building will comply with all other development standards. The compatibility setback reduction should not make the proposed building incompatible with the existing and permitted uses on abutting 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.

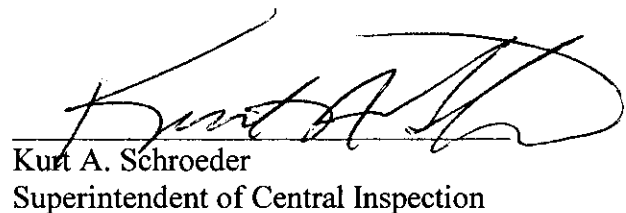
Our signatures below indicate that a Zoning Adjustment to reduce the compatibility setback for the aforementioned property from 25 feet to 8 feet, and reduction of the rear setback from 10 feet to 8 feet is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan for this building expansion.
- 2) The site shall be developed in conformance with all applicable codes, including but not limited to zoning, landscape, 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 the Zoning Adjustment 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

cc: Kurt A Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection

33 RD. STREET

Date: 4-23-07



JOB NO. 06051