



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 4, 2007

Gloria F. Hankins
701 N Woodrow
Wichita, KS 67203

RE: BZA2007-41 Zoning Administrative Adjustment to reduce the rear setback from 20 feet to 9 feet and the required rear yard from 1,500 square feet to 850 square feet on property zoned "TF-3" Two-family Residential zoning.

Legal Description: The East 85 feet of Lot 44, 46, 48, Stackman's Addition, Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Woodrow Avenue and Pine Avenue.

Dear Applicant:

We have reviewed your request for a Zoning Adjustment to reduce the rear yard area and setback for the above referenced property. From reviewing your application, we understand that you propose to construct an enclosed sunroom (10' x 25') to replace an existing covered patio. The enclosed sunroom would be 10 feet from the rear property line. The remaining rear yard area would be 850 square feet, which is 57 percent of the normal rear yard area requirement.

Section V-I.2.c of the Unified Zoning Code allows an adjustment to reduce the rear setback for a principal structure to as narrow as five feet if all parts of the principal structure that are extending into the rear yard setback are more than one-half the depth of the lot behind the front property line. The lot is 85 feet in depth; all parts of the extending addition (sunroom) to the principal structure are in the rear half of the lot. This section of the code also requires that the intrusion would not occupy more than 50 percent for any rear yard. The addition, coupled with an existing attached garage that intrudes into the rear setback, covers 43 percent of the rear yard setback area. 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 between the structure and the rear property line.

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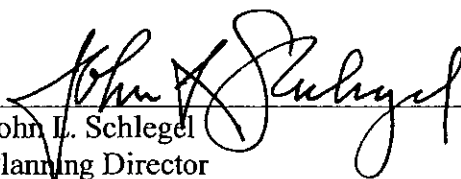
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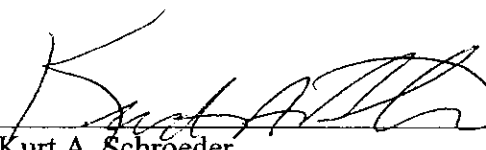
- 2) Impact on existing uses in surrounding areas: There should be no significant additional negative impact on the existing houses in the surrounding areas as a result of the rear yard setback and area reduction. The existing house abutting this residence on the west was built prior to this residence. When this residence was added by dividing Lots 44, 46 and 48 into two lots, the second dwelling (701 N Woodrow) was sited approximately 20 feet from the rear property line for 701 N Woodrow created by the lot split. At some point subsequently, an attached garage was added that encroached within the rear yard setback. This addition will decrease the rear yard area on the lot but will not extend the rear building wall line to as near the dwelling on the west as is the current attached garage portion of the residence.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed building should be required to comply with all other development standards and be consistent in design and exterior materials and color and roof height with the existing dwelling.
- 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 to 9 feet and the rear yard area to 850 square feet for the aforementioned property, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The site shall be developed in conformance with all other code requirements.
- 3) The design and exterior materials and color shall be consistent with the existing dwelling and the roof shall be no greater in height than the existing roof.
- 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: Dale Miller, MAPD
Kurt A Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
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