



**Wichita-Sedgwick County Metropolitan Area Planning Department**

February 6, 2017

Ed Barakeh  
10210 E. Peppertree  
Wichita, KS 67226

Elite USA LLC  
Attn: Thafer Ghieth  
240 N. Rock Road, Suite 250  
Wichita, KS 67206

**Re: BZA2017-00004: Administrative Adjustment to reduce the front setback by 20% on property zoned SF-5 Single-Family Residential.**

**Legal Description: LOT 16, Block 2, Tara Creek Addition, Wichita, Sedgwick County, Kansas; generally located west of 127<sup>th</sup> Street East and south of Cherry Creek Road (12407 Cherry Creek Road)**

Dear Applicants,

We have reviewed your request for a Zoning Adjustment to reduce the front setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce the front setback from 25-feet to 20-feet so that you may build a new residence.

Section V-1.2.a of the Unified Zoning Code ("UZC") allows reducing minimum front setbacks (required by the property development standards of the zoning district) by up to 20 percent. These adjustments are permissible when the provisions of those sections and the Zoning Adjustment Criteria of Section V-1.6 are met. We find that the reduction of the front setback as proposed meets the provisions of Section V-1.2.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: Construction of a new residence 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 new construction; street visibility will be unchanged for neighboring properties.
- 3) Compatibility with existing or permitted uses on abutting sites: Abutting sites are zoned SF-5 Single-Family and SF-20 Single-Family which allows residential development and the front yard setback reduction will not have a negative impact on existing or permitted uses.

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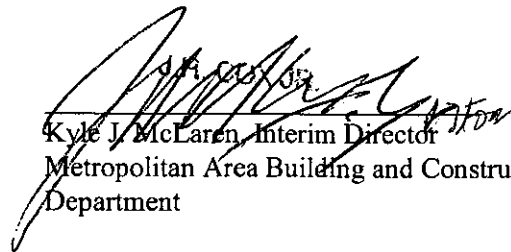
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. There will be no negative impact on the public health, safety or welfare, nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the front setback for the aforementioned property to 20-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 applicant shall obtain a building permit and complete construction within one year of the Administrative Adjustment approval. The site shall conform to all codes including but not limited to building, health and fire.
- 3) The setback reduction shall apply only to the front 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 that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.

  
Dale Miller, Director  
Metropolitan Area Planning Department

  
Kyle J. McLaren, Interim Director  
Metropolitan Area Building and Construction  
Department

cc: Kyle J. McLaren, MABCD  
JR Cox, MABCD  
Pete Meitzner, CM District II  
Laura Rainwater, Community Service Representative, District II

