



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 9, 2002

Chad Knoblauch
14317 W. 109th St. N.
Sedgwick, KS 67135

Re: BZA2002-00070: A Zoning Adjustment to reduce the setback from the center line of a section line road from 85 feet to 80.5 feet.

Legal Description: Lot 1, Meyer's Addition, Sedgwick County, Kansas. Located approximately one-half mile east of 151st St. W. on the south side of 109th St. N. (14317 W. 109th St. N.).

Dear Mr. Knoblauch:

We have reviewed your request for a Zoning Adjustment to reduce the setback from the center line of a section line road from 85 feet to 80.5 feet. From reviewing your application, we understand that you propose to construct an 28' x 30' garage on the aforementioned one acre property. We understand that you propose to attach the garage to the north end of your residence with a breezeway and orient the garage such that the walls of the garage are in line with the walls of your residence. We further understand that such a location and orientation for the garage results in a small portion of the northwest corner of the garage encroaching into the 85-foot setback from the center line of 109th Street North that is required by Sec. III-E.2.e.(3) of the Unified Zoning Code. Therefore, you have requested a zoning adjustment to reduce the setback from the center line of a section line road from 85 feet to 80.5 feet.

Sec. V-1.2.a. of the Unified Zoning Code allows a Zoning Adjustment to reduce setbacks by up to 20%, when the conditions required by Sec. V-1.6. of the Code are met. We find that reducing the setback from the center line 109th Street North from 85 feet to 80.5 feet meets the four conditions required by Sec. V-1.6 of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: Since only a small portion of the northwest corner of the proposed garage would encroach into the setback and since 60 feet of half street right-of-way are provided along the subject property's frontage, there should be no negative impact on the safety or convenience of vehicular and pedestrian circulation in the area.
- 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 encroachment of the garage into the setback, as most of the other structures in the vicinity are set back significantly less from the road center line.

- 3) Compatibility with existing or permitted uses on abutting sites: Encroaching into the setback is within allowable adjustments and should not detract from the existing or permitted residential 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 not be a 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 setback from the center line of a section line road from 85 feet to 80.5 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 setback reduction shall apply only to the "Garage" illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the development standards of 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 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.


Dale Miller
Acting Planning Director


Glen Wiltse
Code Enforcement Director

Enclosure

cc: Glen Wiltse, Code Enforcement Director

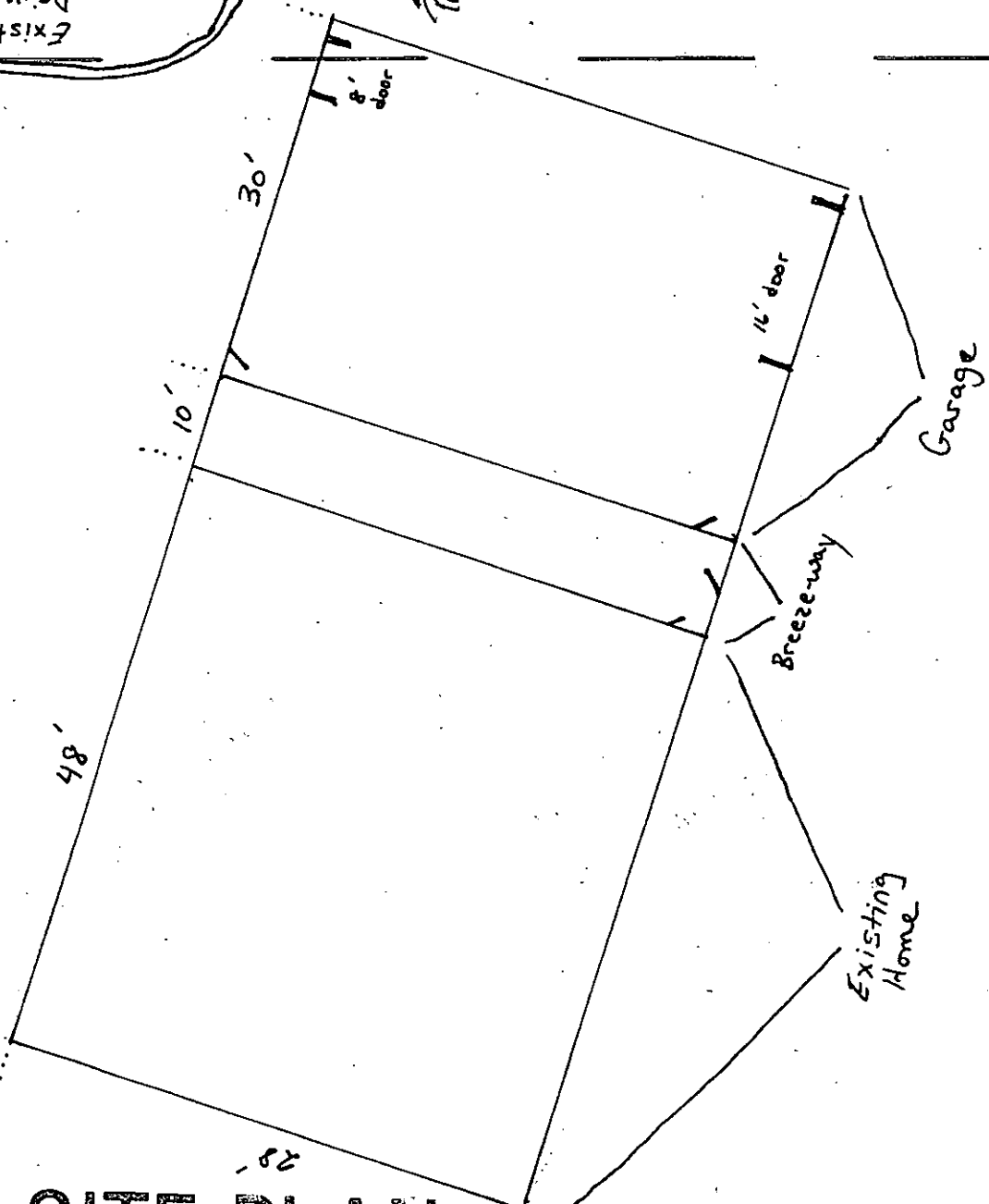
14317 W 109 N

Existing Drive-way

Point of Encroachment

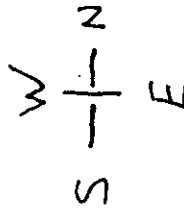
future driveway

(5 ac. lot)



SITE PLAN

APPROVED 12-9-02 BY SK
BZA2002-00070



Chad Knoblauch
 * permit needed for
 garage & breezeway
 (possibly driveway)