



Wichita-Sedgwick County Metropolitan Area Planning Department

June 19, 2017

Norberto Garcia
1502 E. Crowley
Wichita, KS 67216

Re: **BZA2017-000028**: Administrative Adjustment to reduce the the street side yard setback by 50% on property zoned SF-5 Single-Family Residential (SF-5).

Legal Description: Lot 12, Block 5, Garden Park Addition, Wichita, Sedgwick County, Kansas; generally located west of Hydraulic Avenue and north of 31st Street South (1502 E. Crowley)

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the street yard setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce the setback by 50 percent to allow construction of an exterior stairway (less than 300 square feet) to the attic above the garage.

Planning staff has determined that the existing house with attached garage predates the existing zoning code requirement of 15 feet; therefore, the Administrative Adjustment is based on a six (6) foot setback. Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing minimum side setbacks (required by the property development standards of the zoning district) by up to 50 percent if not in excess of 300 square feet. This adjustment is permissible when the provisions of those sections and the Zoning Adjustment Criteria of Section V-I.6 are met. We find that the reduction of the 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 location of the new stairway should have no impact on the safety and convenience of vehicular and pedestrian circulation in the right-of-way.
- 2) **Impact on existing uses in surrounding areas**: There will be no impact on the existing uses in surrounding areas; street visibility will be unchanged for neighboring properties.
- 3) **Compatibility with existing or permitted uses on abutting sites**: Abutting sites are zoned to allow residential development and street side yard setback reductions will not have a negative impact on existing or permitted uses.
- 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.

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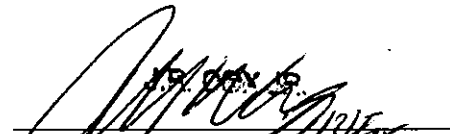
www.wichita.gov

Our signatures below indicate that a Zoning Adjustment to reduce the street yard side setback by 50% 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 street 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 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


Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
James Clendenin, CM District III
Teia Wair, CSR District III

SITE PLAN

APPROVED 6/19/2017 *R. M. Garcia*

Administrative
Adjustment
TO Reduce 6'
Set Back BY
80% TO 4.8

