



Wichita-Sedgwick County Metropolitan Area Planning Department

August 28, 2002

Terry Brewster
Midwest Hearing Aids, Inc.
1930 S. Broadway
Wichita, KS 67211

Re: BZA2002-00052: Zoning Adjustment to reduce the compatibility setback along the east property line.

Legal Description: Lots 12, 14, & 16 and the north 15 feet of Lot 18, on Lawrence Avenue (now Broadway), Stanley's and Morrison's Addition, Wichita, Sedgwick County, Kansas. Generally located north of Mt. Vernon and east of Broadway (1930 S. Broadway).

Dear Mr. Brewster:

We have reviewed your request for a Zoning Adjustment to reduce the compatibility setback for a proposed addition to your office building on the above-referenced property. From reviewing your application, we have determined that you intend to construct a 1,120 square foot garage addition to your office building and construct a covered lean-to between the garage and the existing concrete wall on your property. Since the adjoining property to the east is zoned "TF-3" Two Family Residential, Sec. IV-C.4. of the Unified Zoning Code requires a 25 foot compatibility setback along the east property line. Since an alley separates your property and the adjoining property to the east, the compatibility setback is measured to the center of the alley. You propose to locate the lean-to only 11.5 feet from the center of the alley; therefore, you have requested a Zoning Adjustment to reduce the compatibility setback along the east property line from 25 feet to 11.5 feet.

Sec. V.I.2.e. of the Unified Zoning Code allows a Zoning Adjustment to reduce the compatibility setback when the conditions required by Sec. V.I.6. of the Code are met. We find that reducing the compatibility setback along the east property line from 25 feet to 11.5 feet meets the four conditions required by Section V-I.6. of the Code as set out below:

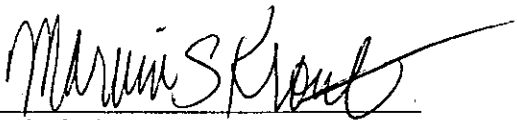
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is to reduce the compatibility setback along the rear property line. Public vehicular and pedestrian circulation should not be affected.

- 2) Impact on existing uses in surrounding areas: An existing concrete wall screens the subject property and the abutting residential properties to the east. This additional screening, over and above the minimum required screening, should mitigate the impacts of a reduced compatibility setback on surrounding residential uses.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed addition to the office building is compatible with other commercial developments fronting Broadway in this area. The alley has formed the traditional boundary between the commercial uses along Broadway and the residential uses along Topeka. Many of the other commercial uses along Broadway are constructed up to the east property line, including a two story motel located immediately north of the subject property.
- 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.

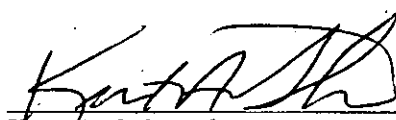
Our signatures below indicate that a Zoning Adjustment to reduce the compatibility setback along the east property line from 25 feet to 11.5 feet measured to the center of the alley for the aforementioned property is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The compatibility setback reduction shall apply only to "Covered Lean-To Addition" as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the compatibility setbacks required by the Unified Zoning Code unless a separate Zoning Adjustment 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.



Marvin S. Krout
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

cc: Rick Cline, Winter Architects, Inc., 1024 E. 1st St. N., Wichita, KS 67214
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection

