



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

May 20, 2002

Mark Oxler  
358 N. Fountain  
Wichita, KS 67208

**FILE COPY**

**Re: BZA2002-00029: Administrative Adjustment to reduce the street and interior side setbacks.**

**Legal Description: The north 50 feet of Lot 23, Fountain Avenue, Smalls Addition to College Hill, Sedgwick County, Kansas. Generally located south of Central and west of Oliver (358 N. Fountain).**

Dear Mr. Oxler:

We have reviewed your request for a Zoning Adjustment to reduce the street and interior side setbacks on the above-referenced property. From reviewing your application, we understand that you desire to construct an addition to the east side of the existing single-family residence on your property and that you desire for the addition to maintain consistent east-west wall lines with the existing structure. Since the existing structure is setback only 10.2 feet from Third Street and 5.5 feet from the south property line, you have requested a Zoning Adjustment to reduce the street side setback from 15 feet to 12 feet and the interior side setback from 6 feet to 5.5 feet.

Sec. V-I.2.a. of the Unified Zoning Code allows an adjustment to reduce setbacks by up to 20 percent when the conditions required by Sec. V-I.6. of the Code are met. We find that the reduction of the street side setback from 15 feet to 12 feet and the interior side setback from 6 feet to 5.5 feet meets the four conditions required by Sec. V-I.6 of the Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment into the side yards should not detrimentally impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as sufficient space will remain in the street side yard for vehicle parking since there is no sidewalk along Third Street that would be blocked by parked cars and the curb will be approximately 28 feet from the new garage.
- 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 reduction of the side setbacks, as the addition will maintain a similar setback as the existing structure and will be designed and constructed of similar materials and colors as the existing structure.

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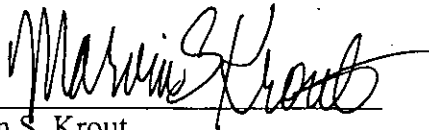
[www.wichitagov.org](http://www.wichitagov.org)

- 3) Compatibility with existing or permitted uses on abutting sites: The proposed addition to the single-family residence is compatible with abutting sites, which are developed in a similar fashion with single-family residences that do not consistently maintain present-day side setbacks. Reducing the side setbacks will not diminish the compatibility of the addition with 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.

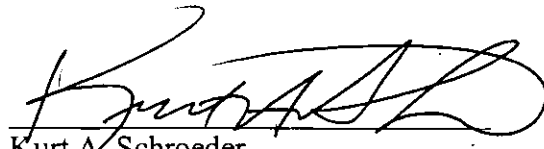
Our signatures below indicate that an Zoning Adjustment to reduce the street side setback from 15 feet to 12 feet and the interior side setback from 6 feet to 5.5 feet for the aforementioned property is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The setback reduction shall apply only to the addition as illustrated on the approved site plan. Future 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.
- 3) The addition shall match the character of the existing single-family residence in terms of materials and color and roof pitch.
- 4) Elevation renderings for the addition shall be approved by the Historic Preservation Planner to ensure general conformance of the addition with the College Hill Design Guidelines.
- 5) 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

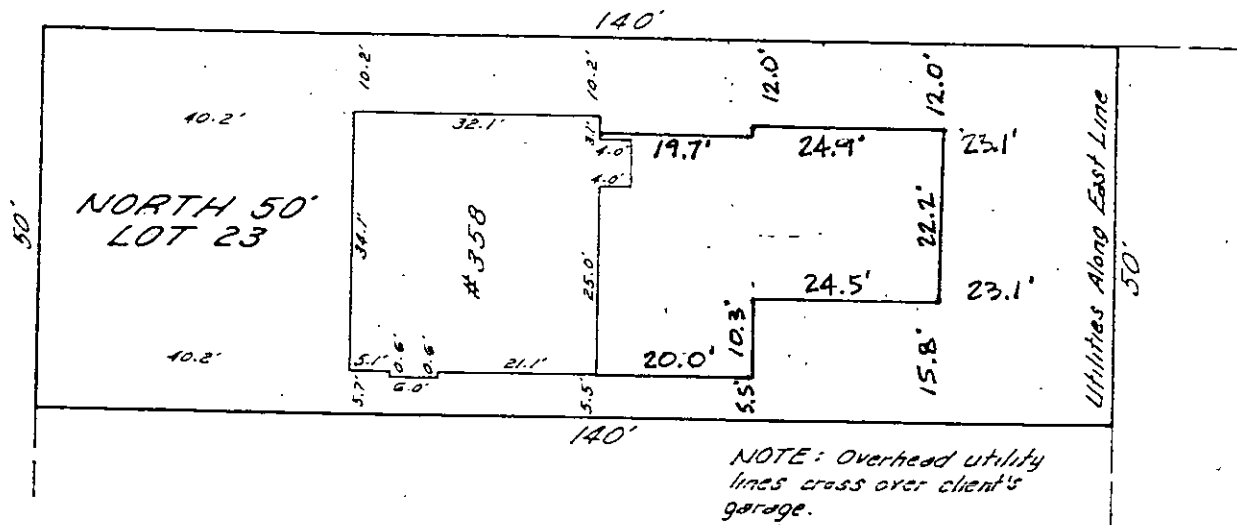
Enclosure

cc: 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

MORTGAGEE TITLE INSPECTION  
 (this does not constitute a boundary survey)

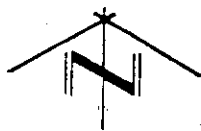
THIRD STREET

FOUNTAIN AVENUE



NOTE: Overhead utility lines cross over client's garage.

PROPOSED



BZA2002-00029

SITE PLAN

File # 911590  
 11 December, 1991

APPROVED 5-20-02 BY SK

Off-set Tolerance:  
 Front: ± 0.4'  
 Side: ± 0.4'

Subject property is determined to be in Flood Zone C, as shown on City of Wichita FIRM Map, Community Panel #200328 0025 B, dated May 15, 1986.