



Wichita-Sedgwick County Metropolitan Area Planning Department

August 30, 2017

Darlene Kelley
6543 W. Mirabella
Wichita, KS 67205

Caro Pools
Attn: Mike Caro
#4 Huntington
Wichita, KS 67203

Re: BZA2017-39: City Administrative Adjustment to allow an interior side yard setback reduction from 6-feet to 3 feet on property zoned Single-Family Residential ("SF-5").

Legal Description: LOT, BLOCK 1, ESTANCIA ADDITION, Wichita, Sedgwick County, KS; generally located north of West 37th on the on the southeast corner of Estancia and West Mirabella (6543 W. Mirabella)

Dear Applicant:

We have reviewed your request for a Zoning Adjustment to reduce the interior side yard setback from 6-feet to 3 feet (50%) on 0.23 acre. From reviewing your application, we understand that you propose to construct an in-ground swimming pool on the aforementioned property. We understand from the drawing submitted, the proposed pool will be located 3-feet from the lot's west property line (interior side yard).

Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing interior side setback (required by the property development standards of the zoning district) by up to 50 percent when adjacent to a Golf Course, open space or reserve when the adjustment does not exceed 300 square feet. We find that permitting the 50 percent setback reduction on your property meets the four conditions required by Sec. V-I.6 of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The subject property has an existing single-family residence and property to the west and south is open space owned by the home owners association. The development will not impact vehicular and pedestrian circulation.

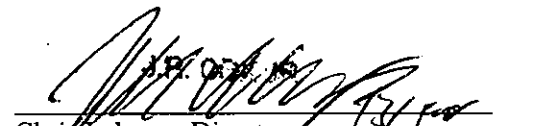
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of reducing the interior side yard setback from 6-feet to 3-feet, as it is immediately adjacent to open space owned by the home owners association.
- 3) Compatibility with existing or permitted uses on abutting sites: Abutting sites are zoned for single-family residential development and the proposed development 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.

Our signatures below indicate that an interior side yard reduction 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 indicating the 3-foot interior side yard setback.
- 2) 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 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
Bryan Frye, CM District V
Laura Rainwater, Community Service Representative, District V

MIRABELLA
70.20'

OWNER

DARLENE KELLEY

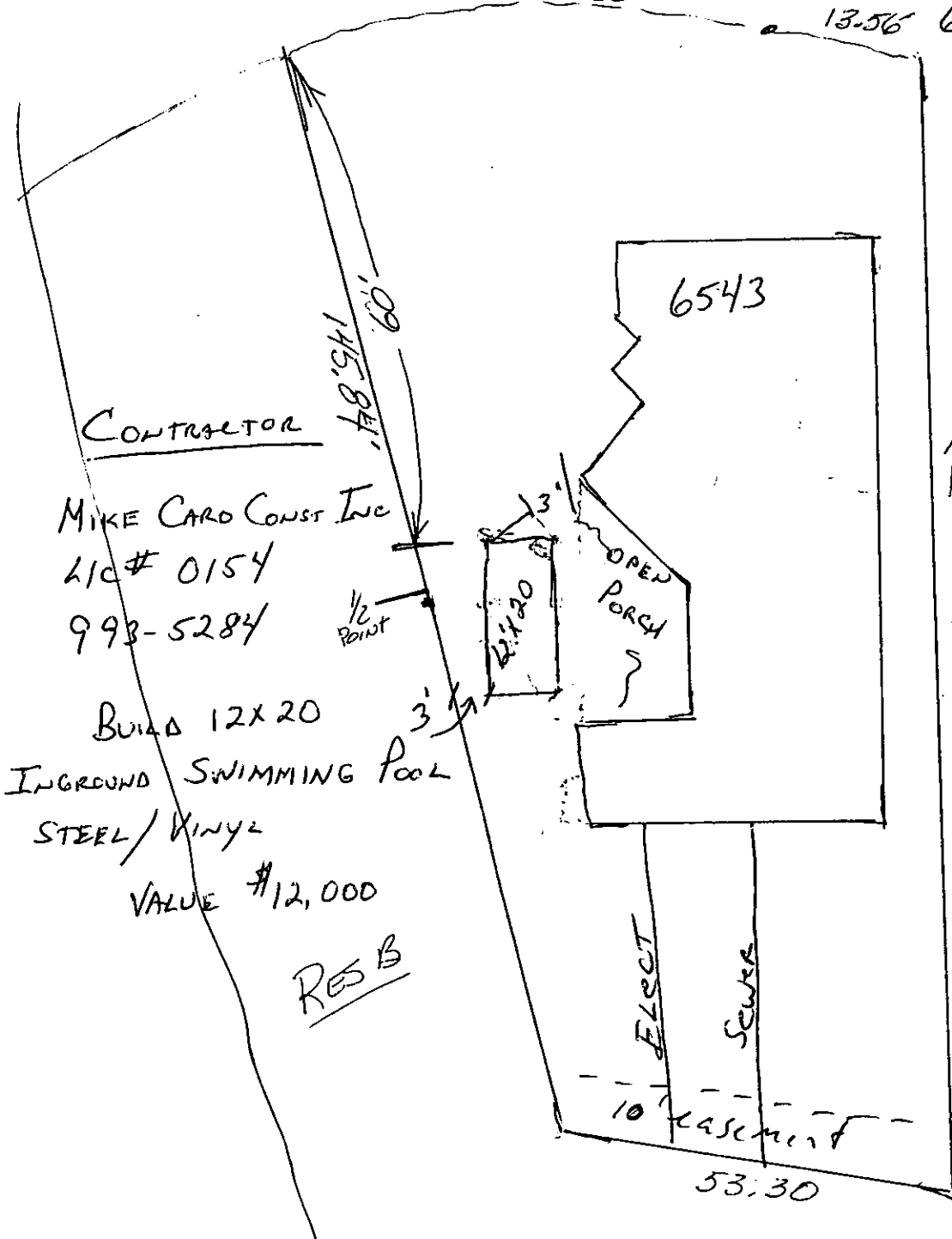
13.56 6543 W. MIRABELLA

NICHITA KS

67205

ESTANCIA LOT 1, BLK 1

↓
ADMIN APPEL / ADJUST
MENT.
APPEL SUCCESS
+ 200'



CONTRACTOR

MIKE CARO CONST INC
LIC # 0154
993-5284

BUILD 12X20
INGROUND SWIMMING POOL
STEEL/VINYL
VALUE \$12,000

RES B



SITE PLAN

APPROVED 8/30/17 BY *[Signature]*

FILE
2ND FLOOR

Admin Adjustment to reduce side
yard set back to 3 ft

240 #