



Wichita-Sedgwick County Metropolitan Area Planning Department

July 27, 2018

Bell Management and Development
310 W. Central Ste. 209
Wichita, KS 67202

Above and Beyond Construction
801 E. Douglas, 2nd Floor
Wichita, KS 67202

Re: BZA2018-00051: Administrative Adjustment to reduce the rear yard setback by 20% on property zoned LC Limited Commercial.

Legal Description: BEG SE COR LOT 4 N TO NE COR W 76.87 FT S TO PT 75.25 FT W SE COR E TO BEG, BLOCK L, BROADMOOR ADDITION, Wichita, Sedgwick County, Kansas; generally located 650 feet west of South Rock Road on the north side of East Harry Street (7718 E. Harry).

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the rear yard setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce the rear yard setback from 10 feet to 8 feet to allow new construction north of the existing building.

Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing minimum rear yard setbacks (required by the property development standards of the zoning district) by up to 20%. These adjustments are 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 rear yard 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 construction will have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity as right-of-way and driveways are not affected.
- 2) Impact on existing uses in surrounding areas: There will be no impact on the existing uses in surrounding areas as a result of the new commercial construction; street visibility will be unchanged for neighboring properties.
- 3) Compatibility with existing or permitted uses on abutting sites: Abutting sites are zoned GO General Office and LC. A rear yard setback reduction 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 a Zoning Adjustment to reduce the rear yard setback by 20% 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 rear yard 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
Pete Meitzner, CM District II
Laura Rainwater, CSR District II

