



Wichita-Sedgwick County Metropolitan Area Planning Department

July 28, 2003

Steve G. Miller
Harrison Park Development Company, Inc.
527 N. Forestview
Wichita, KS 67235

Re: BZA2003-00038: Zoning Adjustment to reduce the rear setback from 20 feet to 18 feet.

Legal Description: Lots 44 & 63, Block 1, Harrison Park 2nd Addition, Wichita, Sedgwick County, Kansas. Generally located south of the Kansas Turnpike (I-35) and east of Webb Road (712 S. Red Oaks Cir. & 709 S. Cranbrook Cir.).

Dear Mr. Miller:

We have reviewed your request for a Zoning Adjustment to reduce the rear setback on the aforementioned properties. From reviewing the application, we understand that you proposed to construct a single family residence on each property. We further understand that your propose that the houses be set back 18 feet from the rear lot line due to the configuration of the cul-de-sac lots. A rear setback of 18 feet is a two-foot encroachment into the required 20-foot rear setback for the "SF-5" Single-Family zoning district; therefore, you have requested a Zoning Adjustment to reduce the rear setback from 20 feet to 18 feet.

Sec. V-2.a. of the Unified Zoning Code allows an adjustment to reduce the rear yard setback by up to 20 percent when the conditions required by Sec. V-1.6. of the Code are met. We find that the reduction of the setback as proposed meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because the rear yard provides no vehicular access and sufficient space will remain for pedestrian access.
- 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 rear setback, as sufficient separation between buildings is maintained and the rear yard setback reduction is within allowable limits.

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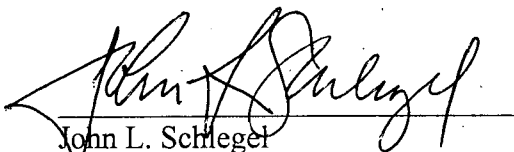
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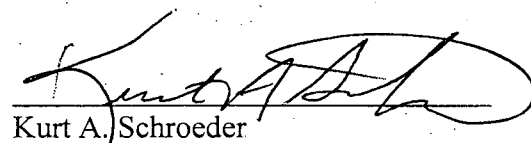
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed new houses are compatible with existing and permitted uses on abutting sites, and the additional two-foot encroachment into the rear setback should not reduce the compatibility of the houses with abutting sites, which also have been developed with reduced rear setbacks.
- 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 rear setback for the aforementioned properties from 20 feet to 18 feet is hereby granted, subject to the following conditions:

- 1) The sites shall be developed in general conformance with the approved site plans.
- 2) The setback reduction shall apply only to the single-family residences illustrated on the approved site plans. All other structures or additions to the single-family residences on the subject properties shall conform to the setbacks permitted by 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 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.


John L. Schlegel
Planning Director


Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Don Klausmeyer Construction, LLC, 10008 W. York, Wichita, KS 67215
Kathy Baker, Prudential Dinning-Beard Realtors, 9415 E. Harry #403, Wichita, KS 67207
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

