



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

October 7, 2003

James Hunter
1234 S. Wichita St.
Wichita, KS 67213

Re: BZA2003-00053: Zoning Adjustment to reduce the side setback from the south property line for an open carport from 6 feet to 4.8 feet.

Legal Description: Lots 34 & 36, Nelson's Highland Addition, Wichita, Sedgwick County, Kansas. Generally located south of Lincoln and east of Wichita St. (1234 S. Wichita St.).

Dear Mr. Hunter:

We have reviewed your request for a Zoning Adjustment to reduce the side setback on the above-referenced property. From reviewing your application, we understand that you propose to construct a carport on the south end of the house and that the carport is proposed to be set back from the south property line only 4.8 feet. Therefore, you have requested a Zoning Adjustment to reduce the side setback required by the "MF-29" Multi-Family zoning district from 6 feet to 4.8 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 setback as proposed 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 setback should not detrimentally impact the safety and convenience of vehicular and pedestrian circulation in the vicinity, as circulation will be maintained by the carport's open design.
- 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 setback, as carports are a common addition to single-family residences.
- 3) Compatibility with existing or permitted uses on abutting sites: The design of the carport is compatible with abutting sites, many of which also have carports, and sufficient space will remain between structures to maintain compatibility.

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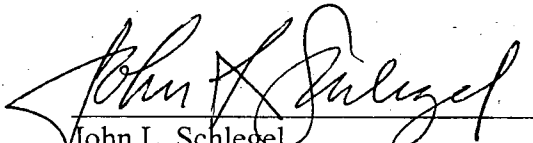
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- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the side setback from the south property line from 6 feet to 4.8 feet for the aforementioned property is hereby granted, subject to the following conditions:

- 1) The setback reduction shall apply only to an open carport. The sides of the carport shall not be enclosed. The carport shall not encroach into the 25-foot front building setback.
- 2) 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.
- 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 zoning adjustment sign may now be removed from the property.


John L. Schlegel
Planning Director


Kurt A. Schroeder
Superintendent of Central Inspection

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

