



FILE COPY

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

October 20, 2003

Mark D. Garcia  
5619 N. Sullivan  
Wichita, KS 67204

**Re: BZA2003-00057: A Zoning Adjustment to permit an accessory structure to be placed in front of the principle structure on less than five acres of land.**

**Legal Description: The north 150 feet of Lot 93, Van View Addition, Sedgwick County, Kansas. Generally located north of 53<sup>rd</sup> St. N. and west Seneca (5619 N. Sullivan).**

Dear Mr. Garcia:

We have reviewed your request for a Zoning Adjustment to permit an accessory structure to be placed in front of the principle structure on less than five acres of land. From reviewing your application, we understand that you propose to construct a detached garage on your two acre residential lot. We understand that the garage needs to be constructed at least 150 feet from the 100 year flood boundary. Since the flood boundary angles toward the front of the lot from north to south and the detached garage is proposed be located south of the house, the result is that a portion of the garage will be closer to the front of the lot than your house. Therefore, you have requested a Zoning Adjustment to permit an accessory structure to be placed in front of the principle structure on less than five acres of land.

Sec. V-I.2.n. of the Unified Zoning Code allows a Zoning Adjustment that would permit an accessory structure to be placed in front of the principle structure on less than five acres of land, when the conditions required by Sec. V-I.6. of the Code are met. We find that permitting an accessory structure in front of the principal structure 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: This request is for a detached garage a residential lot. Public vehicular and pedestrian circulation will not be affected because sufficient space remains on the two acre lot to provide for the circulation of vehicles and pedestrians.
- 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 garage being placed in front of the house, as the structure

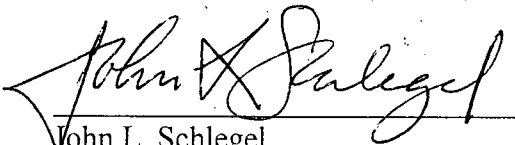
will be set back 168 from the street right-of-way, and due to the large setback, it will not be apparent from the street that the garage extends beyond the front wall line of the house.

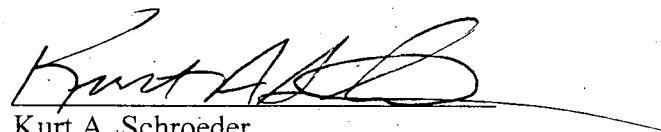
- 3) Compatibility with existing or permitted uses on abutting sites: Placing an accessory structure in front of a principal structure is within allowable adjustments and should not detract from the existing or permitted residential uses on abutting sites, most of which are developed with accessory structures in located front of the principle structure.
- 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 permit an accessory structure to be placed in front of the principle structure on less than five acres of land 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 allowance of an accessory structure in front of the principle structure shall apply only to the "Proposed Garage" illustrated on the approved site plan. 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) The accessory structure shall match the character of the house in terms of wall and roof materials and color and roof pitch.
- 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 zoning adjustment sign may now be removed from the property.

  
John L. Schlegel  
Planning Director

  
Kurt A. Schroeder  
Superintendent of Central Inspection

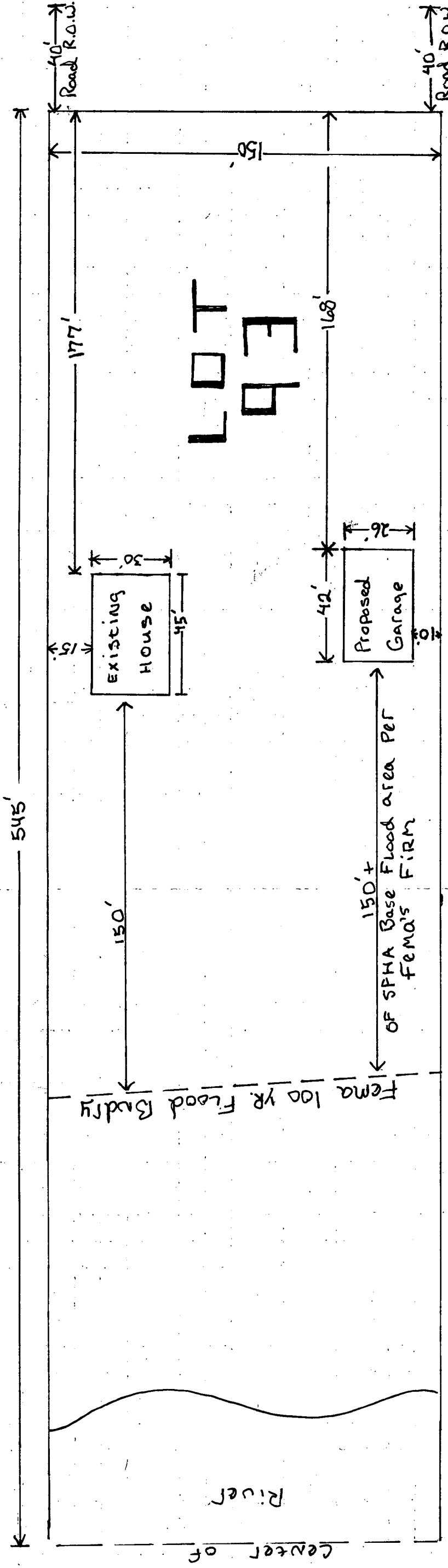
Enclosure

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

# SITE PLAN

BZA2003-00057

APPROVED 10-20-03 BY *SC*



5619 N SULLIVAN

(LEGAL) - N. 150' OF LOT 93

VAN VIEW ADDITION

7 = 10'

7 = 100'

