



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

December 8, 2003

Gary Clawson  
3164 S. Everett  
Wichita, KS 67217

**Re: BZA2003-00063: Zoning Adjustment to reduce the rear setback from 20 feet to 8 feet for an attached carport.**

**Legal Description: Lot 11, Block 9, Southeast Village Second Addition, Wichita, Sedgwick County, Kansas. Located at the northeast corner of 31<sup>st</sup> St. S. and Everett (3164 S. Everett).**

Dear Mr. Clawson:

We have reviewed your request for a Zoning Adjustment to reduce the rear setback on the aforementioned property. From reviewing the application, we understand that you propose to construct an attached carport addition to your residence. We further understand your property is platted such that the narrow width of your property faces east and west. Therefore, the Unified Zoning Code technically defines the rear lot line of your property as the east property line; however, due to the manner in which your property has been developed with the house facing south (the technical street side yard), the east property line functions as a side property line. The Unified Zoning Code requires 20-foot rear setback for the "SF-5" Single Family zoning district; however, since your property is developed in manner such that the rear yard functions as a side yard, you have requested a Zoning Adjustment to reduce the required rear setback from 20 feet to 8 feet for the proposed attached carport addition.

Section V-I.2.c. of the Unified Zoning Code allows a Zoning Adjustment to reduce the rear setback to as little 5 feet for a principle structure when the provisions of that section and the Zoning Adjustment Criteria of Section V-I.6. are met. We find that the reduction of the rear setback as proposed meets the provisions of Section V-I.2.c. 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 proposed encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because the subject property will be limited to a single access drive to the 31<sup>st</sup> Street South.
- 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

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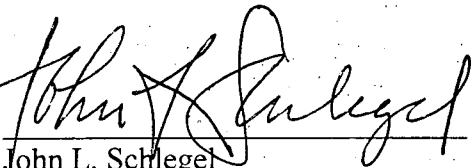
between buildings is maintained and the attached carport addition will be adjacent to the side of a detached garage on adjoining lot, which also is setback 8 feet from the property line.

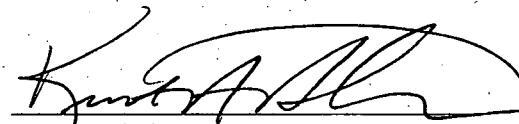
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed attached carport addition is compatible with existing and permitted uses on abutting sites, and the encroachment into the rear setback should not reduce compatibility with abutting sites, which have been developed with similar setback encroachments due to the corner lot configuration of adjoining lots.
- 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 property from 20 feet to 8 feet is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The setback reduction shall apply only to the "Proposed Carport" 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.
- 3) The attached carport addition shall be limited to 21 feet in height.
- 4) The subject property shall be limited to one access drive to 31<sup>st</sup> Street South.
- 5) 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

