



file copy

Wichita-Sedgwick County Metropolitan Area Planning Department

December 6, 2019

Benjamin and Amanda Pfister
412 S. Dellrose
Wichita, KS 67218

Re: **BZA2019-00051**: Administrative Adjustment to reduce the interior side yard setback to five-feet and the rear setback by 50% on property zoned SF-5 Single-Family Residential

Legal Description: LOT 15, Block 13, Lincoln Heights Addition, Wichita, Sedgwick County, Kansas; generally located north of East Kellogg/US 54 and west of South Oliver Avenue (412 S. Dellrose Avenue)

Dear Applicants,

We have reviewed your request for an Administrative Adjustment to reduce the rear setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce the rear setback by 50 percent to allow construction of a new detached garage in the same location as the previous garage structure. The proposed new detached garage will have an encroachment of 159 square feet into the rear yard setback and reduce the interior side yard setback to five-feet.

Section V-1.2.a of the Unified Zoning Code ("UZC") allows reducing the interior side yard setback by 20% and the rear yard setback (required by the property development standards of the zoning district) by up to 50 percent if not in excess of 300 square feet. These adjustments are permissible when the provisions of those sections and the Zoning Adjustment Criteria of Section V-1.6 are met. We find that the reduction of the setbacks as proposed meets the provisions of Section V-1.2.a and the four criteria required by Section V-1.6 as set out below:

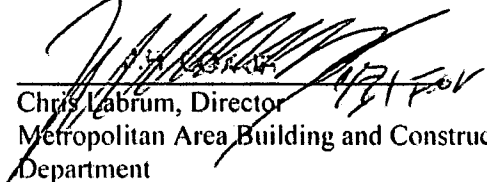
- 1) **Impact on safety and convenience of vehicular and pedestrian circulation**: The location of the proposed interior side yard setback and rear setback will have no impact on the safety and convenience of vehicular and pedestrian circulation in the right-of-way.
- 2) **Impact on existing uses in surrounding areas**: There will be no impact on the existing uses in surrounding areas; street visibility will be unchanged for neighboring properties.
- 3) **Compatibility with existing or permitted uses on abutting sites**: Abutting sites are zoned SF-5 and developed with single-family dwellings with detached garages. The reduction of the interior side yard and rear yard setbacks 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 interior side yard setback to five-feet and the rear yard side setback by 50% 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 reductions shall apply only to the interior side yard and rear yard setbacks 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.

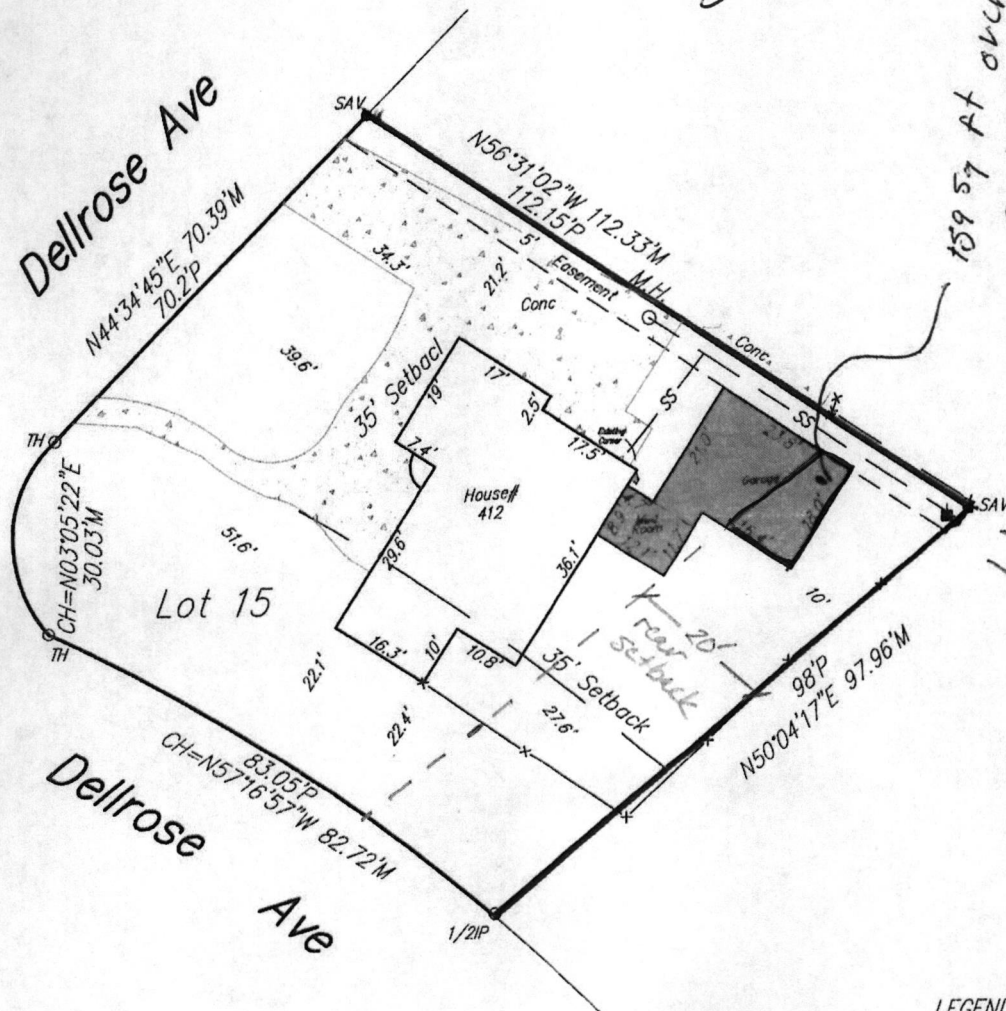

Dale Miller, Director
Metropolitan Area Planning Department


Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
Brandon Johnson, CM District I
Kameelah Alexander, Community Service Representative, District I

SITE PLAN

APPROVED 12/16/19 BY Blmorga



109.57 At over the 20' setback line
 qualifies for a 50% adjustment

1" = 30'



5' easement

LEGEND:

- P = Platted
- M = Measured
- CH = Chord

SS = SANITARY SEWER

- 1/2" IP 1/2" IRON PIPE (FOUND ORIGIN UNKNOWN)
- SAV 1/2" REBAR W/SAVOY CAP (SET)
- TH CITY OF WICHITA CONTROL THIMBLE (FOUND)

- C.O. CLEAN OUT
- ← GUY ANCHOR
- POWER POLE