



Wichita-Sedgwick County Metropolitan Area Planning Department

June 13, 2022

Mark Holiday
11401 East 77th Street North
Wichita KS 67226

Re: BZA2022-00025: County Administrative Adjustment to reduce the interior side setback from 20 feet to 14 feet to allow an accessory structure to encroach 300 square feet into setback on property zoned RR Rural Residential; generally located on the south side of East 77th Street North and within one-quarter mile east of North 111th Street East (11401 E. 77th Street North).

Legal Description: E 322 FT W 1038.31 FT N 1310 FT NW1/4 EXC RD ON N SEC 3-26-2E

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the west interior side yard setback on the aforementioned property. From reviewing the application, we understand that you desire to reduce the west interior side yard setback, by 30 percent (from 20 feet to 14 feet) for an area of 300 square feet.

Section V-1.2.a of the Unified Zoning Code ("UZC") allows reducing the minimum interior side yard setback (required by the property development standards of the zoning district) by up to 50 percent if the area to be reduced does not exceed 300 square feet. This adjustment is 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:

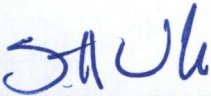
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed reduction of the west interior side yard setback will have no impact on the safety and convenience of vehicular and pedestrian circulation in the right-of-way.
- 2) Impact on existing uses in surrounding areas: There will be no impact on the existing residential uses; street visibility will be unchanged for neighboring properties.
- 3) Compatibility with existing or permitted uses on abutting sites: Abutting properties are zoned RR Rural Residential and are developed with single-family dwelling units.
- 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 the west interior side yard setback by 30 percent (from 20 feet to 14 feet) is hereby GRANTED, subject to the following conditions:

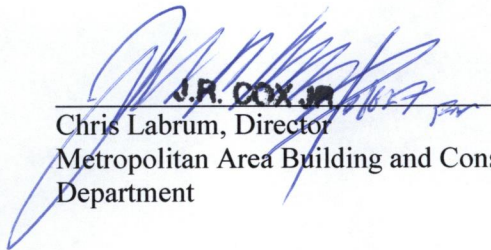
- 1) The site shall be developed in general conformance with the approved site plan.

- 2) The 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 reduction shall apply only to the 6-foot, 300 square foot side yard setback 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.



Scott Wadle, Director
Metropolitan Area Planning Department


J.R. COX JR.
Chris Labrum, Director
Metropolitan Area Building and Construction
Department

cc: MABCD
Pete Meitzner, BoCC District 1

Title: Administrative Adjustment to reduce the minimum Side Setback from 20 ft to 14 ft on the West property line at 11401 E. 77th St. North, Wichita, KS, 67226.

Applicant Name: Mark Holliday

Justification:

Applicant plans to build a 30 ft wide by 50 ft long shop building adjacent to the existing house. The property slopes down to the north, and using the required minimum 20 ft setback will force the shop too close to the existing house to allow adequate drainage between the foot of the grades of the house and shop. Adjusting the side setback will allow for more spacing between the grades of the shop and house for a clear drainage path. This will also allow greater clearance to an existing oak tree to prevent future interference between the shop and the tree as it grows.

SITE PLAN

APPROVED 6/13/22 BY *[Signature]*

Scale: 1 inch = 30 ft

