



Wichita-Sedgwick County Metropolitan Area Planning Department

January 15, 2025

Karl Miller
120 N. Old Manor Rd.
Wichita, KS 67208

Norma Martinez
3502 W. 19th Street North
Wichita, KS 67203

Re: **BZA2024-00081**: Administrative Adjustment in the City to reduce the interior side setback from 3 feet to 1.5 feet (50 percent for an area less than 300 square feet) to construct an addition to an existing detached garage on property zoned SF-5 Single-Family Residential District, generally located within one-block north of East Douglas Avenue and within one-quarter mile west of North Edgemoor Dr. (120 N. Old Manor Rd.).

Legal Description: Lot 7, Block 1, Crown Heights Addition, Sedgwick County, Kansas.

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the north interior side setback from 3 feet to 1.5 feet (50 percent) on the aforementioned property in order to construct an addition to an existing detached garage. The existing garage was constructed between 2.3 and 2.2 feet away from the north property line. The proposed addition would encroach an additional 0.7 feet for a total encroachment area of 1.5 feet by 20.3 feet (30.45 square feet).

The site survey illustrates that the rear of the existing garage (and proposed addition) is 4.6 feet away from the rear property line. This does not conform to current zoning standards of a 5-foot rear setback for accessory structures. The adjustment will address this encroachment as well, to reduce the rear setback from 5 feet to 4.6 feet (8 percent).

Section V-I.2.a of the Unified Zoning Code ("UZC") allows reducing the minimum interior side setback (required by the property development standards of the zoning district) by up to 50 percent (for an area less than 300 square feet). Section I-I.2.a also allows reducing the minimum rear setback by up to 20 percent. These adjustments are permissible when the provisions of this section and the Zoning Adjustment Criteria of Section V-I.6 are met. We find that the reduction of the setback as proposed meets the provisions of Section V-I.2.a and the four criteria required by Section V-I.6 as set out below:

- 1) **Impact on safety and convenience of vehicular and pedestrian circulation:** The proposed reduction of the north interior side setback from 3 feet to 1.5 feet and the rear setback from 5 feet to 4.6 feet 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. The surrounding properties are zoned SF-5 Single-Family Residential District. The

proposed garage addition will encroach into the interior side setback by 1.5 feet. This would bring the wall of the structure closer to a portion of the sidewall on a detached garage on the lot to the north. However, the separation between structures is at least 3 feet. The existing garage and proposed addition encroach into the rear setback by 0.4 feet. Permitting a small addition that maintains this encroachment is not likely to have detrimental impacts on the property to the rear, closest to the subject garage.

- 3) Compatibility with existing or permitted uses on abutting sites: The surrounding properties are zoned SF-5 Single-Family Residential District. It is not uncommon for these properties to have detached garages in the rear of the property, constructed close to interior property lines. In some cases, original garages were built closer to property lines than the current zoning standard permit.
- 4) Effect on public health, safety, or welfare: The existing garage was built 0.4 feet into the rear utility easement. The proposed addition proposes to be in the same portion of the utility easement, but not increase the depth of encroachment. There will be no negative impact on the public health, safety, or welfare, nor will properties or improvements in the vicinity be materially injured.

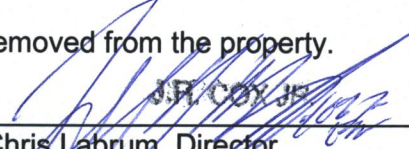
Our signatures below indicate that the Zoning Adjustments to reduce the north interior side setback from 3 feet to 1.5 feet and the east rear setback from 5 feet to 4.6 feet are hereby GRANTED, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The applicant shall obtain permission from Wichita Public Works and Utilities for the encroachment of the structure into the utility easement along the rear property line prior to the issuance of building permits.
- 3) The applicant shall obtain a building permit within one year of the Administrative Adjustment approval. The site shall conform to all codes including but not limited to zoning, building, health, and fire.
- 4) The setback reduction shall apply only to the 1.5-foot north interior side setback and the 4.6-foot east rear 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.
- 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 "Development Application" sign should now be removed from the property.



Scott Wadle, Director
Metropolitan Area Planning Department



Chris Labrum, Director
Metropolitan Area Building and Construction
Department

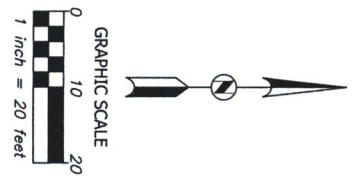
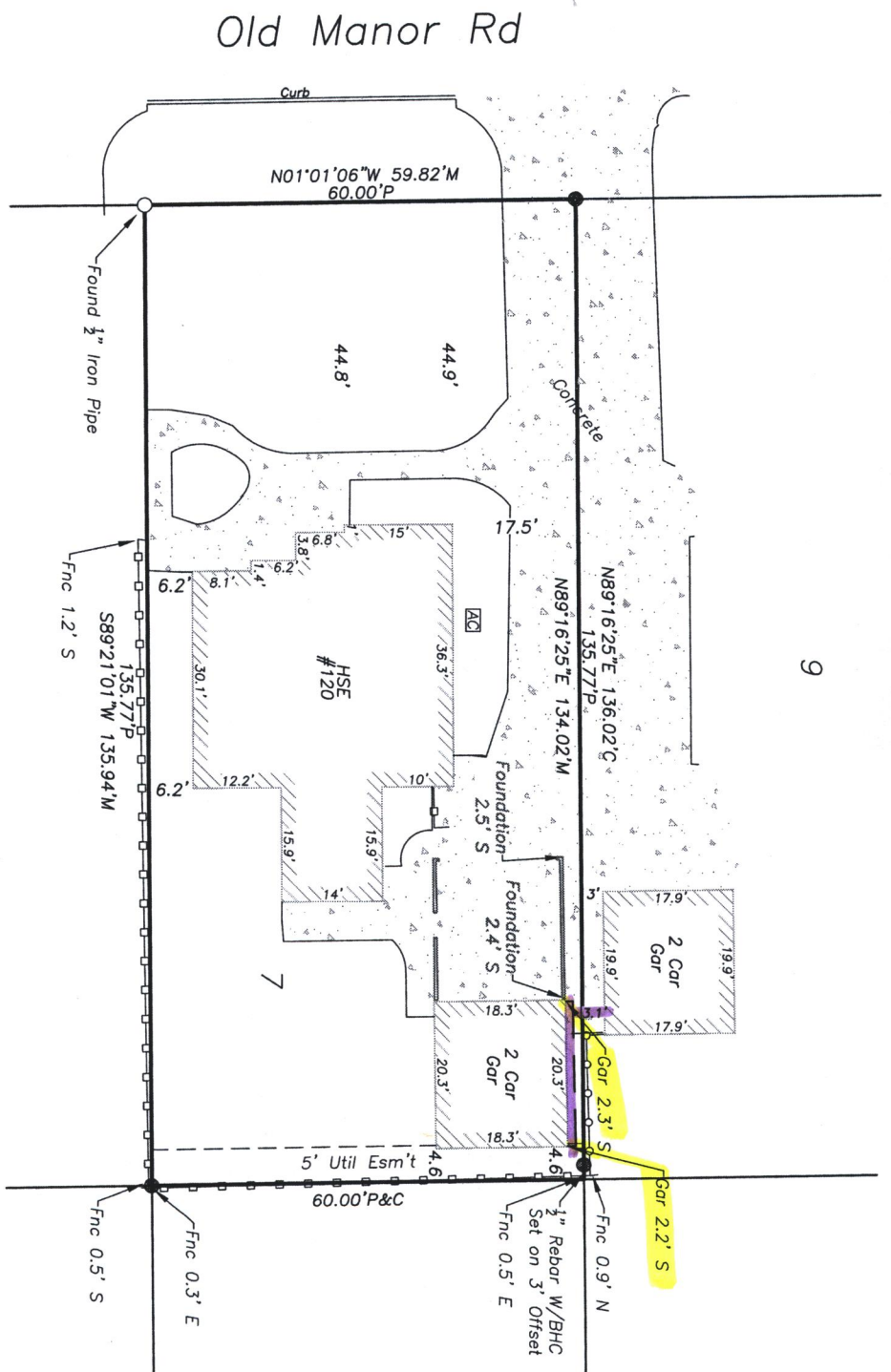
cc: MABCD
Brandon Johnson, City Council District I; Cameron Jackson, CSR District I

SITE PLAN

APPROVED 1/15/25 BY *PPF*

BEA 24-81

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Note: Basis of Bearing—NAD83
Kansas State Plane, South Zone

- LEGEND**
- Set Survey Monument
 - Found Survey Monument
 - (1/2" Reinforcing Rod w/cap: KS CLS 175) unless otherwise noted
 - (M) Measured
 - (P) Platted
 - (C) Calculated
 - Wood Fence
 - Chain Link Fence
 - Air Conditioner Unit
 - Garage

Drawn By: MBE
 Proj No: 046790.00.01
 Field Date: 11/14/2024
 Issue Date: 11/19/2024
 Sheet: 2 OF 3

Project:
 Boundary & Improvement
 Lot 7, Block 1
 Crown Heights Addition
 Wichita, Sedgwick County
 Kansas

Client:
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