



Wichita-Sedgwick County Metropolitan Area Planning Department

December 23, 2009

CAM Investment Properties LLC c/o Aaron McPeak
265 N Woodchuck Ln
Wichita, KS 67212

Savoy Company PA c/o Mark Savoy
433 S Hydraulic
Wichita, KS 67211

Re: BZA2009-56: City Administrative Adjustment to reduce the front and street side setbacks by 20 % on property zoned MF-29 Multi-Family Residential, generally located on the southwest corner of Hiram Avenue and Dora Avenue.

Legal Description: Lots 1,3 & north 5 feet of Lot 5; Block 13, Whitlock's Replat of Orchard Grove Addition, Sedgwick County, Kansas..

Dear Applicants:

We have reviewed your request for a Zoning Adjustment to reduce the front and street side setbacks on the property described above. From reviewing your application, we understand that you propose a duplex on the property with a 20 foot front setback and a 16 foot street side setback, a 20% reduction of the 25 foot front setback and 20 foot street side setback required by the Unified Zoning Code.

Section V-I.2.a of the Unified Zoning Code allows up to a 20% adjustment to the front and side setbacks when the four conditions required by Section V-I.6 of the Unified Zoning Code are met. We find that the reduction of the setbacks as proposed meets the conditions required by the Unified Zoning Code 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 as the front and side yards are not used for public circulation and required off-street parking is not eliminated.

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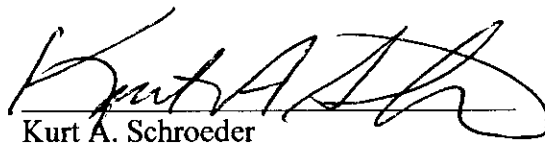
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the reduction of the setback as adequate separation between structures will be maintained.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed duplex will comply with all other development standards, the setback reductions should not make the site incompatible with the existing and permitted uses on abutting sites as adequate separation between structures will be maintained.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; there should be no 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 front setback from 25 to 20 feet and reduce the street side setback from 20 to 16 feet 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 setback reductions shall apply only to the front and street side setbacks as 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) 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 the Zoning Adjustment null and void.

The development application sign should 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
Mike Gable, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Paul Gray, CM District 4



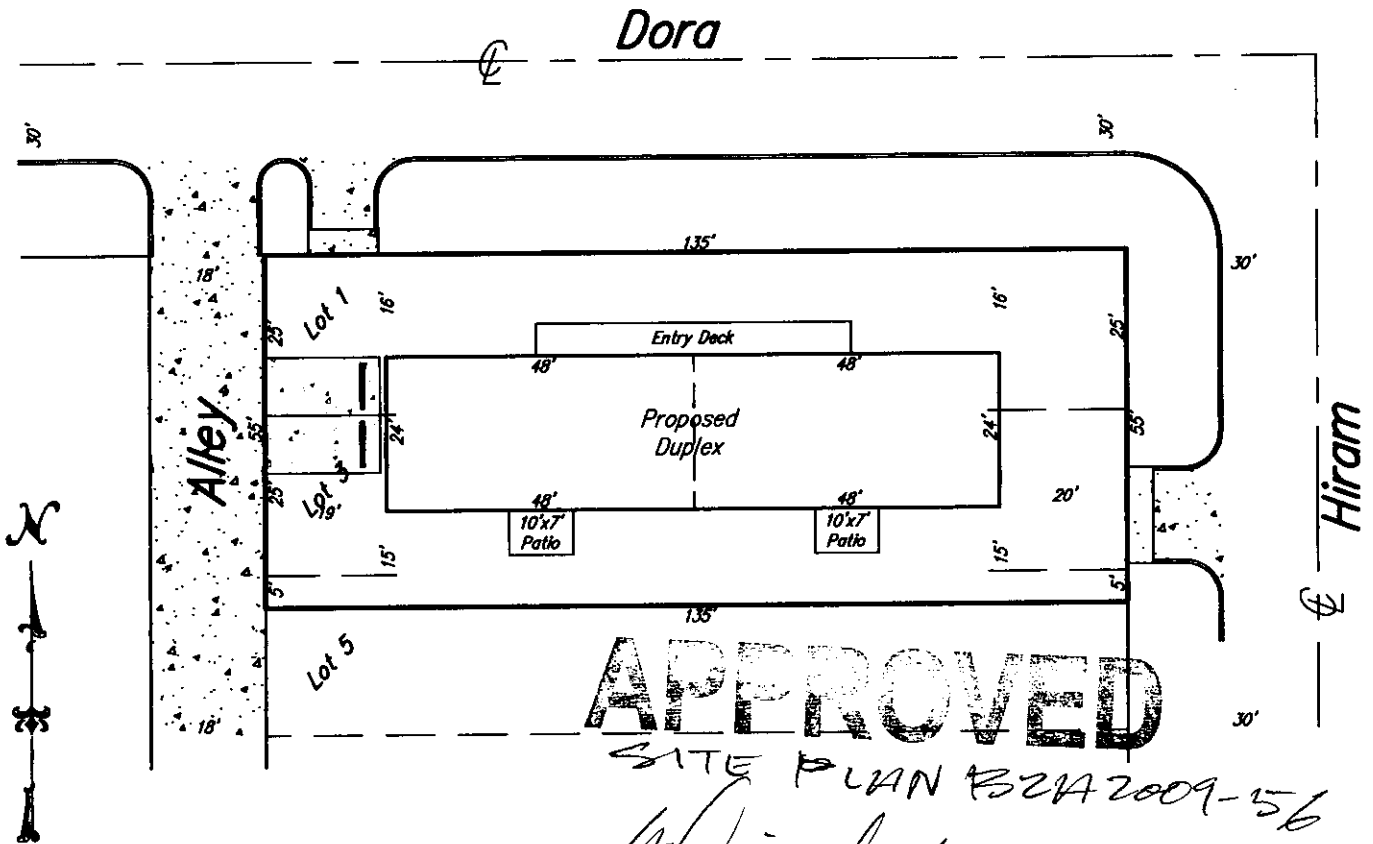
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Site Plan

Lots 1, 3 and the north 5 feet of Lot 5, Block 13,
 Whitlocks Replat of Orchard Grove Addition, Wichita,
 Sedgwick County, Kansas.



APPROVED

SITE PLAN BZA 2009-56

William J. Lee, Surveyor

PROJECT NO. 09KK11090 G

Date: 12-23-09

Mark A. Savoy

Land Surveyors

Brian N. Savoy