



Wichita-Sedgwick County Metropolitan Area Planning Department

May 9, 2011

Herr Schmader, LLC
c/o Tom Schmeidler
1444 S. Saint Clair St., #A
Wichita, KS 67213

Poe and Associates, Inc.
Attn: Tim Austin
5940 E. Central
Wichita, KS 67208

Re: BZA2011-00025: City Zoning Administrative Adjustment to permit a trash enclosure to encroach into the 10-foot setback from North Broadway Avenue.

Legal Description: Lot 2 Except the South 20 feet thereof and all of Lots 4, 6, 8, 10, 12, 14 and the South 10 feet of Lot 16 on Lawrence now Broadway Avenue, Well's Addition to Wichita, Sedgwick County, Kansas; Except the west 15 feet thereof and Except that part described as commencing at the Southwest Corner of said Lot 2; thence East, along the South line of said Lot 2, 15 feet; thence North, parallel with the West line of said Lot 2, 20 feet for a Point of Beginning; thence East, parallel with the South line of said Lot 2, 25 feet; thence Northwesterly, 35.32 feet more or less to a point 5 feet South and 15 feet East of the Northwest Corner of said Lot 4; thence south, parallel with the West line of said Lots 2 and 4, 25 feet to the point of beginning and Lot 1 Except the South 20 feet thereof and all of Lot 3, on Topeka Avenue, Well's Addition to Wichita, Sedgwick County, Kansas; generally located at the northeast corner of Broadway and 13th Street North.

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the street side setback on the aforementioned property. From reviewing the application, we understand that you desire to located trash dumpsters within eight (8) feet of the street side property line, a two (2) foot encroachment into the required ten (10) foot street side setback for the LC Limited Commercial ("LC") zoning district. Therefore, you have requested an adjustment to reduce the required street side setback.

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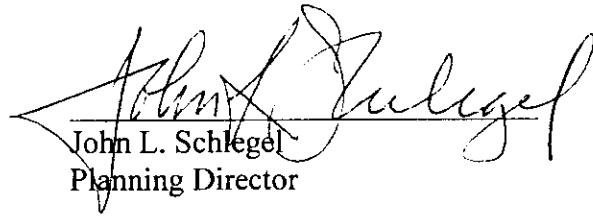
Section V-I.2.a of the Unified Zoning Code allows reducing minimum Front, Side and Rear Setbacks (required by the property development standards of the zoning district) up to 20% when the provisions of that section and the Zoning Adjustment Criteria of Section V-I.6 are met. We find that the reduction of the street side setback as proposed meets the provisions of Section V-I.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 setback encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because the street right-of-way and sidewalk will not be affected.
- 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 setback reduction, as sufficient separation between buildings and the street right-of-way is maintained, and the street side setback reduction is within allowable limits.
- 3) Compatibility with existing or permitted uses on abutting sites: The trash dumpster is compatible with existing and permitted uses on abutting sites, the encroachment into the street side setback should not reduce compatibility with abutting and adjacent sites.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. Therefore, there should be no negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

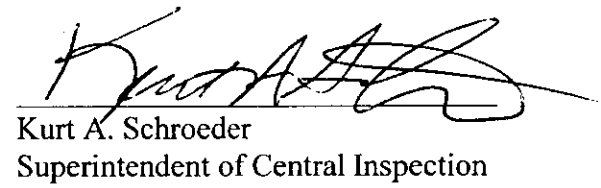
Our signatures below indicate that a Zoning Adjustment to reduce the street side setback for the aforementioned property from 10 feet to eight (8) feet is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The setback reduction shall apply only to the street side 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.
- 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 that the Zoning Adjustment is 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

cc: Paul Hays, Office of Central Inspection
Richard Chamberlin, Office of Central Inspection
Leonard Fox, Office of Central Inspection
JR Cox, Office of Central Inspection
Kurt Schroeder, Office of Central Inspection
Dale Miller, MAPD
FD Development Midwest, LLC, 156 N. Emporia, Wichita, KS 67202

