



Wichita-Sedgwick County Metropolitan Area Planning Department

May 31, 2011

KGB, LLC
c/o Bob Armstrong
1830 W. Harry
Wichita, KS 67213

Re: BZA2011-00031: Zoning Adjustment to reduce the street side setback from 15-feet to 12-feet in TF-3 Two-family Residential ("TF-3") zoning.

Legal Description: Lots 46, 48 and 50; Block 2, College Green Addition to Wichita, Sedgwick County, Kansas; generally located south of Maple Street, west of Sheridan Avenue, on the northeast corner of All Hollows and University Avenues. (358 S. All Hallows)

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 construct within 12 feet of the street side property line, a three foot encroachment into the required 15-foot street side setback for the TF-3 Two-family Residential ("TF-3") zoning district. Therefore, you have requested an adjustment to reduce the required setback.

Section V-I.2.a of the Unified Zoning Code allows up to a 20% reduction of the street side setback for a principle structure 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-I.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

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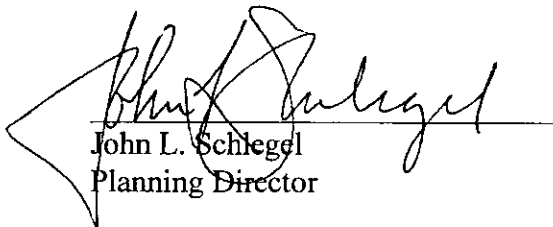
setback reduction is within allowable limits.

- 3) Compatibility with existing or permitted uses on abutting sites: The residential building 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.

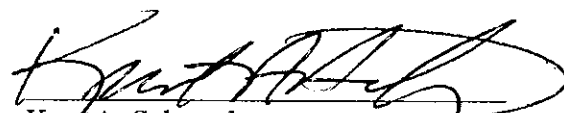
Our signatures below indicate that a Zoning Adjustment to reduce the street side setback for the aforementioned property from 15-feet to 12-feet is hereby granted, subject to the following conditions:

- 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

Enclosure

cc: Kurt Schroeder, Office of Central Inspection
Mike Gable, Office of Central Inspection
Paul Hays, Office of Central Inspection
Richard Chamberlin, Office of Central Inspection
Leonard Fox, Office of Central Inspection
JR Cox, Office of Central Inspection
Dale Miller, MAPD
Ruggles & Bohm, P.A., c/o Will Clevenger, 924 N. Main St., Wichita, KS 67203

APPROVED

BZA2011-00031

Date: 6/8/11

140' P
N88°34'00"E 140.03' CM
N88°37'22"E 140.04' C

ALL-HALLOW'S AVE.

75' P
N01°18'23"W 74.86' CM
N01°18'31"W 74.99' C

25' P
25' P
25' P

46

48

②

50

15' Building Setback

12'

S88°37'13"W 140.02' C
140' P

24.5'

Proposed 12' Building Setback

25' P

25' P

25' P

S01°17'53"E 74.99' C

75' P

ALLEY

20'

UNIVERSITY AVE.