



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 2, 2011

Jim Hembree
2489 South Meridian
Wichita, KS 67217

Re: BZA2011-00045: City administrative adjustment to reduce the interior side yard compatibility setback to 10 feet on property zoned LC Limited Commercial ("LC").

Legal Description: Lot 1, Neff Addition, Wichita, Sedgwick County, Kansas; generally located southwest of the intersection of Pawnee and Meridian (2489 S. Meridian).

Dear Mr. Hembree:

We have reviewed your request for a Zoning Adjustment to reduce the compatibility setback for a proposed addition to your building on the above-referenced property. From reviewing your application, we have determined that you plan a 677 square foot addition to the existing building by extending the building to the west 14.98-feet. Since the adjoining property to the west is zoned SF-5 Single-family Residential ("SF-5"), Sec. IV-C.4 of the Unified Zoning Code requires at least a 15-foot compatibility setback along the west (rear) property line, up to 25-feet. Currently, the side wall of the structure is 24.98-feet from the west (rear) property line. You propose that the addition to the building will be setback 10-feet from the west (rear) property line; therefore, you have requested a Zoning Adjustment to reduce the compatibility setback along the west property line from 25-feet to 10-feet.

Sec. V.I.2.d of the Unified Zoning Code allows a Zoning Adjustment to reduce the compatibility setback when the conditions required by Sec. V.I.6 of the Code are met. We find that reducing the compatibility setback along the west property line from 25-feet to 10-feet meets the four conditions required by Section V-I.6 of the Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is to reduce the compatibility setback along the rear property line. Public vehicular and pedestrian circulation should not be affected.
- 2) Impact on existing uses in surrounding areas: A six-foot wood fence screens the subject

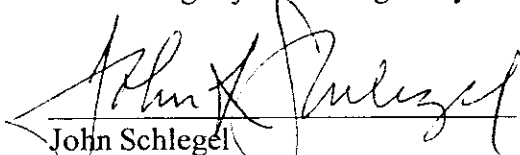
property and the abutting residential properties to the west. The existing fence should mitigate the impacts of a reduced compatibility setback on surrounding residential uses.

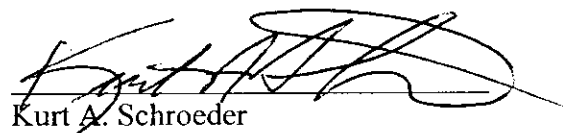
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed addition to the building is compatible with other commercial developments fronting Meridian in this area. The Meridian frontage is predominately commercial along this section of Meridian and residential uses are adjacent to these uses. Many of the other commercial uses along this section of Meridian extend further into the residential areas, with both commercial uses north and south of the subject site extending 25 to 200 feet further into the residential areas than the subject site.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a 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 compatibility setback along the west property line from 25-feet to 10- 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 compatibility setback reduction shall apply only to the addition as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the compatibility setbacks required by the Unified Zoning Code unless a separate Zoning Adjustment 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The zoning adjustment sign may now be removed from the property.


John Schlegel
Planning Director


Kurt A. Schroeder
Superintendent of Central Inspection

cc: Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection

N. BRENT WOOTEN, P.E.



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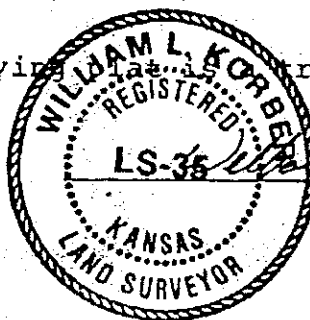
State of Kansas)
County of Sedgwick) SS

September 19, 1984

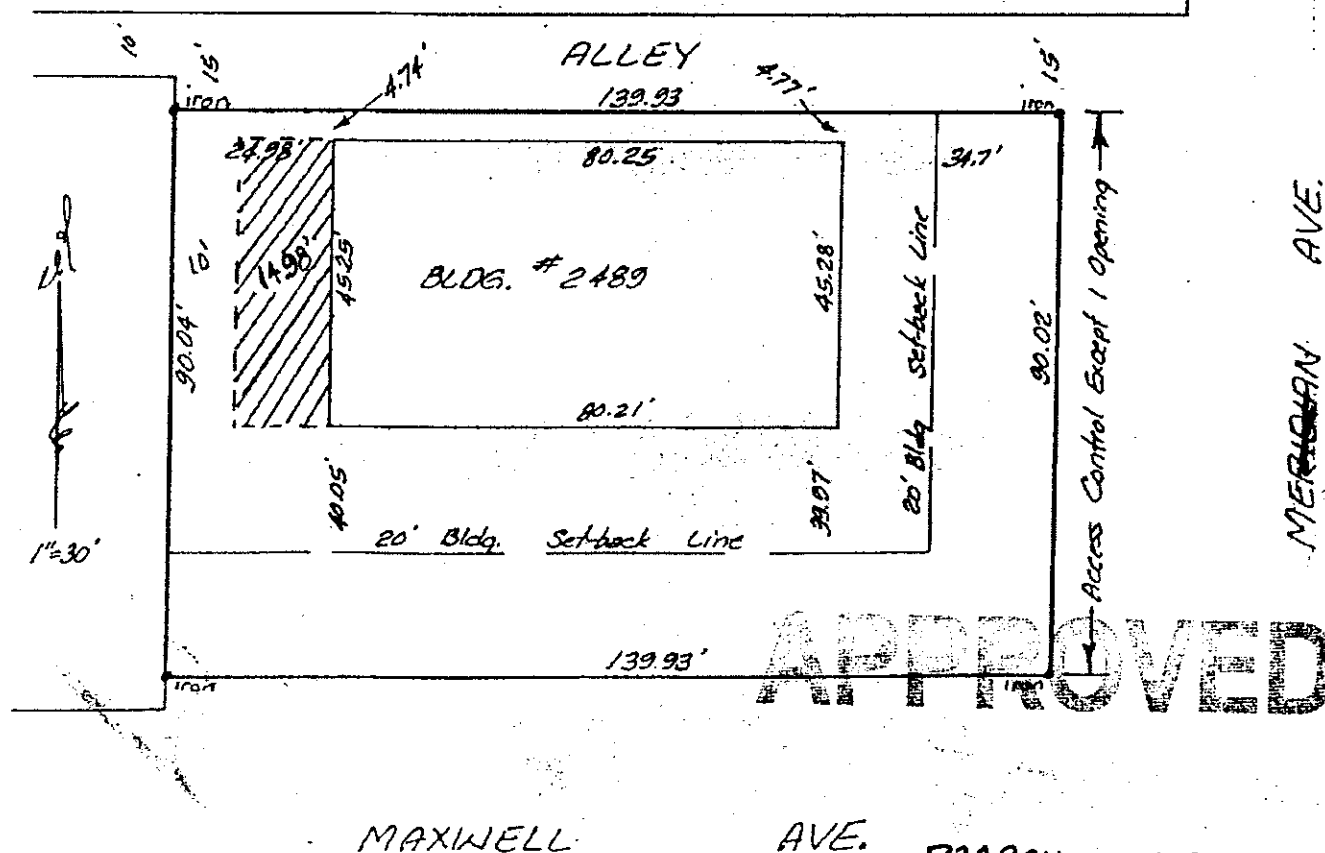
We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify that we did on this 19th day of September, 1984, survey Lot 1, Neff Addition, Wichita, Kansas.

On said Lot is a building No. 2489 which is in the clear of all boundary lines. There are no encroachments on said Lot by buildings on the adjacent lots.

of said survey. The accompanying map is true and correct exhibit



Surveyor



B2A2011-00045

9/30/11