



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 28, 2011

Kortney Capello
1710 S. Ida
Wichita, KS 67211

Re: BZA2011-00048: Zoning Adjustment to reduce the interior side setback for an addition to the principal structure from 6-feet to 5-feet in TF-3 Two-family Residential ("TF-3") zoning.

Legal Description: South 5 feet of Lot 56, All of Lots 58 and 60 and the Vacated 10' of Alley, Ranson and Kays 3rd Addition, Wichita, Sedgwick County, Kansas. Generally located southeast of the intersection of S. Ida Avenue and E. Osie Street (1710 S. Ida St.)

Dear Applicant,

We have reviewed your request for a Zoning Adjustment to reduce the side setback for an addition to the principal structure on the aforementioned property. From reviewing the application, we understand that you desire to construct the addition to within 5-feet of the interior side property line, a 1-foot encroachment into the required 6-foot side setback for principal structures within the "TF-3" Two-family zoning district. Therefore, you have requested an adjustment to reduce the required setback.

Section V-1.2.a of the Unified Zoning Code allows up to a 20% reduction of the interior side setback when the provisions of that section and the Zoning Adjustment Criteria of Section V-1.6 are met. We find that the reduction of the side setback as proposed meets the provisions of Section V-1.2.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 street and alley right-of-way are 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, provided that sufficient separation between buildings is maintained. The interior side setback reduction is within allowable limits.
- 3) Compatibility with existing or permitted uses on abutting sites: The addition to the principal structure is compatible with existing and permitted uses on abutting sites. The encroachment into the 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.

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Our signatures below indicate that a Zoning Adjustment to reduce the interior side setback for the aforementioned property from 6-feet to 5-feet is hereby granted, subject to the following conditions:

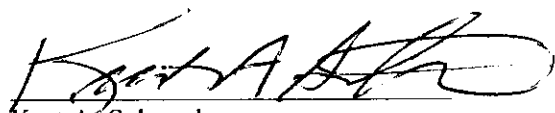
- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The site shall be developed in conformance with all applicable codes, including but not limited to building and health codes.
- 3) The setback reduction shall apply only to the interior side setback as illustrated 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.
- 4) 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

Enclosure



Kurt A. Schroeder
Superintendent of Central Inspection

cc: Kurt Schroeder, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Paul Hays, Office of Central Inspection
Mike Gable, Office of Central Inspection
James Clendenin, CM District III



1710 S. Ida

