



**Wichita-Sedgwick County Metropolitan Area Planning Department**

August 27, 2013

Robert Lawrence  
510 N Main, Suite 602  
Wichita, KS 67205

**Re: BZA2013-26: Zoning Administrative Adjustment to waive Item 11 identified in PO # 3 to allow traffic to circulate to the rear of the building, ZON2004-00063 and reduce the compatibility setback from 25 to 15 feet along the east property line in LC Limited Commercial zoning for a commercial building and clarify that Safety Service is a permitted use, generally located south of Lincoln Street and east of Webb Road.**

**Legal Description: That part of Lot 1, Harrison Park 3rd Addition, Wichita, Sedgwick County, Kansas; described as follows: Beginning at the most northerly corner common to said Lot 1 and Lot 2 in said Harrison Park 3rd Addition, said most northerly corner also being the northeast corner of said Lot 2; thence N88°55'42"E along the north line of said Lot 1, 140.14 feet to the northeast corner of said Lot 1; thence S00°45'14"E along the east line of said Lot 1, 214.00 feet; thence S88°55'42"W parallel with the north line of said Lot 1, 140.09 feet to the intersection with the southerly extension of the east line of said Lot 2, said intersection being 9.00 feet south of the southeast corner of said Lot 2; thence N00°46'01"W along the extended east line of said Lot 2, 214.00 feet to the point of beginning.**

Dear Applicant:

We reviewed your request for a Zoning Adjustment to reduce the compatibility setback for a proposed building on the above-referenced property. Your proposed building is designed with a 15-foot setback from the east property line. The property to the east is zoned SF-5 Single-family Residential and developed with houses; therefore Sec. IV-C.4 of the Unified Zoning Code requires a 25-foot compatibility setback along the east property line.

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 from 25 feet to 15 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 waive Item 11 in PO #3 to allow garage bay access by emergency vehicles and to reduce the

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compatibility setback along the east, or rear property line and clarifying Safety Service is a permitted use. Public vehicular and pedestrian circulation should not be affected.

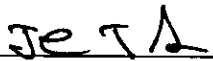
- 2) Impact on existing uses in surrounding areas: A 10-foot compatibility setback reduction at this location should have no measurable impact on existing uses in surrounding areas. There is a 20-foot dedicated utility easement along the east property line on the adjacent property.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed site plan demonstrates an existing 8-foot screening fence on the east property line, which should mitigate any visual impact on the residences to the east. The site has existing trees which will also mitigate the visual impact of the compatibility setback reduction.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; there will be no impact on the public health, safety or welfare, nor will properties or improvements in the vicinity be materially injured.
- 5) Permitted uses: ZON2004-00063 permits all uses allowed in "NR" Neighborhood Retail zoning district and vocational schools. Safety Service is a less intensive use than Vocational School and is therefore allowed.
- 6) Protective Overlay District #3 – Landscaping: Item 1(b) requires a 20-foot landscape area along the east property line of Parcel 1. Only the area immediately behind the structure may be reduced to a 15-foot landscape setback, the 20-foot setback must be maintained along the remaining property line.

Our signatures below indicate that a Zoning Adjustment to reduce the compatibility setback along the east property line from 25 feet to 15 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 compatibility setback reduction shall apply only to the building 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) Buildings on the site must comply with compatibility height standards in Sec. 4-C-2.
- 4) The site shall be developed in conformance with a staff approved landscape plan.
- 5) The site shall conform to the Unified Zoning Code requirement for screening along the east property line with a minimum 6-foot tall solid screening fence. It is the responsibility of the applicant to replace or repair the existing six foot screening fence should it fall into disrepair or be removed. Should the mature hedge row screening be removed along the north property line, a new screening fence shall be built.
- 6) 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

  
Tom Stolz  
MABCD Director

cc: JR Cox, MABCD  
Paul Hays, MABCD  
Pete Meitzner, CM District II  
Megan Buckmaster, NA District II

