



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 26, 2004

Todd Fox
Zelta at Kellogg LLC
4247 S. Peoria
Tulsa, OK 74133

Re: BZA2004-00064: Zoning Adjustment to reduce the front setback along Zelta from 15' to 13'7" to allow the permitted 8' encroachment for an open, unenclosed carport to be 5'7" from the property line.

Legal Description: Lots 1 and 2, Block A, except the north 298 feet thereof, Reynolds Addition, Wichita, Sedgwick County, Kansas. Located at the northeast corner of Kellogg and Zelta (12012 W. Kellogg).

Dear Mr. Fox:

We have reviewed your request for an Administrative Adjustment to reduce the front setback along Zelta. From reviewing your application, we understand that that you propose to construct a body shop on the property that will have an open, unenclosed carport attached to the southwest corner of the building. We further understand that upon acquisition of right-of-way for the Kellogg freeway project, the open unenclosed carport will be set back only 5'7" from the front property line along Zelta. When property is acquired for right-of-way, Section III-E.2.e.(7) of the Unified Zoning Code reduces the 20' front setback required by the property's "GC" General Commercial zoning to 15'. Additionally, Section III-E.2.e.(1)(i) of the Unified Zoning Code permits an open, unenclosed carport to encroach up to 8' into the required 15' front setback. Therefore, you are requesting to reduce the front setback from 15' to 13'7" so that the permitted 8' encroachment for the open, unenclosed carport can be 5'7" feet from the front property line

Section V-I.2.a. of the Unified Zoning Code allows an adjustment to reduce the setbacks by up to 20 percent when the conditions of Section V-I.6. are met. We find that the reduction of the setback as proposed meets the four conditions required by Section V-I.6. of the Unified Zoning Code as set out below:

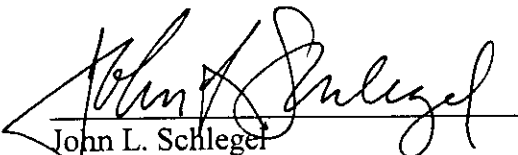
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because vehicles will be able to drive through the carport.

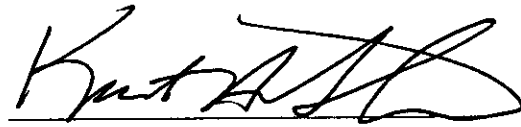
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the reduction of the front setback, as the setback encroachment is for a carport only and sufficient separation between buildings and the right-of way is maintained.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed carport is compatible with existing and permitted uses on abutting sites, and the additional 1'5" encroachment into the front setback should not reduce the compatibility of the improvements with abutting 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 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 front setback along Zelta from 15' to 13'7" 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 setback reduction shall apply only to the open, unenclosed carport 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.
- 2) 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: Robert W. Kaplan, Kaplan, McMillan & Harris, 430 N. Market, Wichita, KS 67202
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection