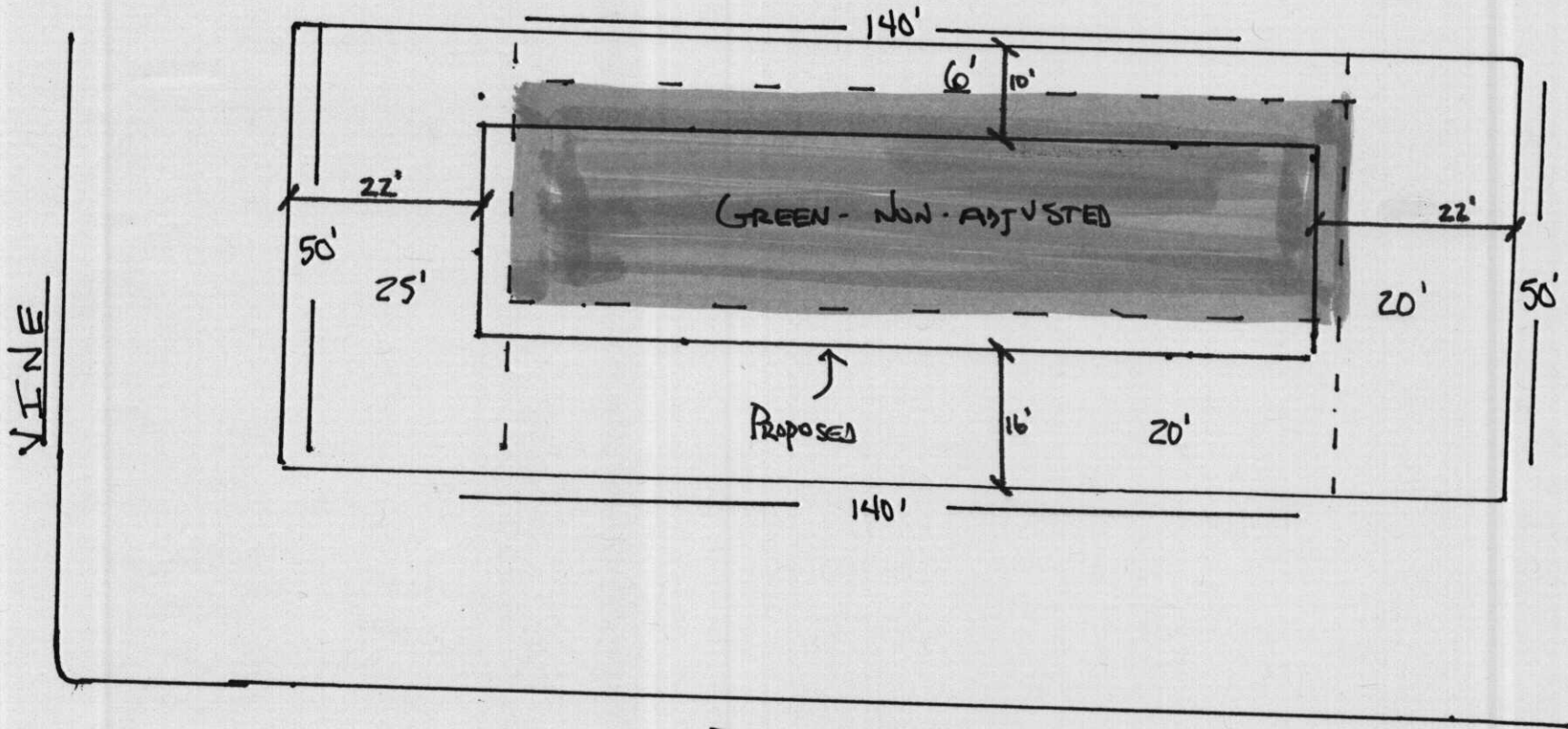


LAWRENCE'S 17<sup>TH</sup>  
LOTS 56:58  
728 S. VINE

North



Dayton

BZA2004-00038

# SITE PLAN

1" = 20' 0"

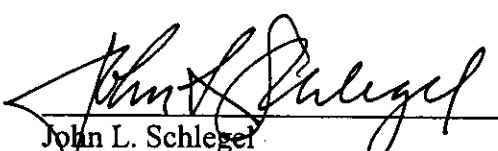
APPROVED 5-13-04 BY SK

- 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 setback, as many of the surrounding properties are non-conforming in that they encroach into the present building setbacks of the "MF-29" district to an extent greater than proposed for the subject property. Also, the setback reduction will move the proposed duplex further away from the nearest structure, which should improve the impact on the adjoining property to the north.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed duplex will comply with all development standards except for the minor setback encroachment; therefore, the minor setback encroachment should not reduce the compatibility of the proposed duplex with existing and permitted uses on 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.

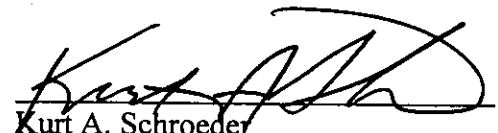
Our signatures below indicate that a Zoning Adjustment to reduce the street side setback along Dayton from 20 feet to 16 feet is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 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: 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



FILE COPY

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

May 13, 2004

Craig Aaron McPeak  
2430 N. 189<sup>th</sup> St. W.  
Colwich, KS 67030

**Re: BZA2004-00038: Zoning Adjustment to reduce the street side setback along Dayton from 20 feet to 16 feet.**

**Legal Description: Lots 56 & 58, on Vine, Lawrence's 7<sup>th</sup> Addition, Wichita, Sedgwick County, Kansas. Generally located north of McCormick and west of Seneca (728 S. Vine).**

Dear Mr. McPeak:

We have reviewed your request for a Zoning Adjustment to reduce the street side setback for the aforementioned property. From reviewing your application, we understand that you propose to construct a 24-foot by 96-foot duplex on the 50-foot by 140-foot property. The "MF-29" Multi-Family zoning district requires a 25-foot front setback, a 20-foot rear setback, a 20-foot street side setback, and a six-foot interior side setback, which leaves a buildable area that is slightly smaller than the proposed duplex. The setback averaging provisions of Section III-E.2.e.(5) of the Unified Zoning Code allow a reduction of the front setback to 22 feet, which provides sufficient buildable area for the proposed duplex; however, the configuration of the buildable area requires orienting the duplex towards the side street, which leaves a less than desirable six-foot deep yard in back of the duplex. Therefore, you are requesting to reduce the street side setback along Dayton from 20 feet to 16 feet in order to provide a 10-foot deep yard in back of the duplex.

Section V-I.2.a. of the Unified Zoning Code allows an adjustment to reduce building setbacks by up to 20 percent when the four conditions required by Section V-I.6. of the Unified Zoning Code 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 there are no sidewalks adjoining the property, and there is more than the normal amount of street right of way between the curb and the property line to prevent the encroachment of any parked vehicles onto the street.