



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

August 10, 2006

University Monthly Meeting of Friends  
Attn. Plez Clark and Kenneth H. Jack  
1840 University  
Wichita, KS 67213



**FILE COPY**

**Re: BZA2006-56: Zoning Adjustment to reduce the compatibility setback from 25 to 3 feet.**

**Legal Description:** Even Lots 82-96, on University, University Place Addition, Wichita, Sedgwick County, Kansas. Located at the northeast corner of University and Glenn (1840 University).

Dear Mr. Clark and Mr. Jack:

We have reviewed your request for a Zoning Adjustment to reduce the compatibility setback on the aforementioned property. From reviewing the application, we understand that you desire to construct within three feet of the east property line, a 22-foot encroachment of the 25-foot compatibility setback for nonresidential use within 500 feet of "SF-5" Single-family Residential zoning.

Section V-I.2.d. of the Unified Zoning Code allows reduction of the compatibility setback when it is deemed to comply with the criteria stated herein.

The proposed garage is similar to garages typically found in residential areas zoned SF-5 and replaces an existing garage located approximately 40 feet farther north than the proposed replacement garage. You have stated in your application that the garage must be moved from its current location due to the new parking lot under construction and cannot have a wider setback due to a water injection well located west of the proposed site. The parking lot was necessitated by the recent property exchange with Friends University for student housing that eliminated off-street parking for the church.

The garage is subject to compatibility standards because the principle use of the property, University Monthly Meeting of Friends, is a nonresidential use. A garage that is accessory to a residence in SF-5 would be allowed to have a side yard setback of three feet so long as it was located more than one-half the depth behind the front property line, does not occupy more than one-half of the required side yard setback, and when the provisions of Zoning Adjustment Criteria of Section V-I.6. are met. We

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find that the reduction of the side setback as proposed meets the provisions of Section V-I.2.b. and the four criteria required by Section V-1.6. as set out below:

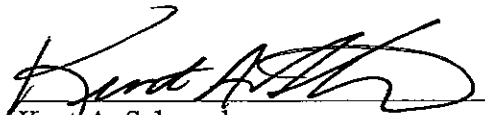
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The setback encroachment should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity because right-of-way, the driveway, and sidewalk will not be affected.
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the compatibility side setback reduction, as sufficient separation between buildings is maintained and the compatibility side setback reduction is within allowable limits.
- 3) Compatibility with existing or permitted uses on abutting sites: The institutional building 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.

Our signatures below indicate that a Zoning Adjustment to reduce the compatibility side setback for the aforementioned property to 3 feet is hereby granted, subject to the following conditions:

- 1) The compatibility setback reduction shall apply only to the east side setback. 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.

  
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John L. Schlegel  
Planning Director

  
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Kurt A. Schroeder  
Superintendent of Central Inspection

cc: Kurt Schroeder, OCI  
Paul Hays, OCI  
Randy Sparkman, OCI  
Herb Shaner, OCI  
John W. McKay, Jr., 236 S. Topeka, Wichita, KS 67202

