



Wichita-Sedgwick County Metropolitan Area Planning Department

March 8, 2021

Myra De La Torre
1735 W. 21st Street North
Wichita, KS 67203

RE: BZA2021-00005 – County Variance to reduce front building setback for building addition on property zoned RR Rural Residential; generally located on the southeast corner of North Ridge Road and West 77th Street North (7756 N Ridge Road).

Dear Applicant,

The official action of the Board of Zoning Appeals was to grant the requested variance. The BZA2021-00005 Resolution adopted by the Board of Zoning Appeals on March 8, 2021 is attached. The approval of the request is subject to the following conditions.

1. The reduction of setback shall only apply to the existing structure and the 16-foot by 28-foot addition as described on the attached site plan.
2. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the addition.

If you have any questions concerning this matter, please call our office at (316)-268-4421.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matt Williams'.

Matthew Williams, AICP
Associate Planner

Copies to: MABCD
Victor Armando Villarreal & Jacqueline Villarreal Duarte, 7756 N. Ridge Road, Valley Center, KS 67147

BZA RESOLUTION NO. BZA2021-00005

WHEREAS, Victor and Jacqueline Duarte (Applicants); pursuant to Kansas Statutes Annotated 12-759, request Variances to reduce the building setbacks from 85 feet (from section line road center-line) to 55 feet (from section line road centerline) along North Ridge Road and West 77th Street North, on a property zoned RR Rural Residential, and legally described as follows:

Beginning at the Northwest corner of the Northwest Quarter of Section 3, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence South along the section line a distance of 270 feet; thence East parallel to the North line of said section a distance of 267 feet; thence North parallel to the West line of said section, a distance of 270 feet; thence West 267 feet to the point of beginning, EXCEPT the West 40 feet thereof for road.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of March 4, 2021, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the conditions of the request are unique to the subject property. In this case, the existing home was built in 1920 prior to adoption of the zoning code. The current setback requirements were not applicable at the time. The home addition will increase the encroachment into the setback, but not encroach any closer to the roadway than the existing house.

WHEREAS, waving the requirements will not adversely affect the rights of adjacent property owners. The home addition will increase the encroachment into the setback, but not encroach any closer to the roadway than the existing house.

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner. In the unincorporated area of the County, the Wichita-Sedgwick County Unified Zoning Code requires an 85-foot from center-line building setback from section line roads. Due to the existing home being built 55 feet from the section line road centerlines, without these variances, the applicant would not be able to expand their home.

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

WHEREAS, It is the opinion of Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; and

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, in the case of Variances to reduce the building setbacks from 85 feet (from

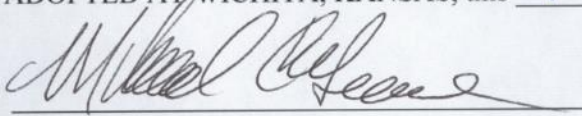
section line road center-line) to 55 feet (from section line road centerline) along North Ridge Road and West 77th Street North, on property zoned RR Rural Residential, and legally described as follows:

Beginning at the Northwest corner of the Northwest Quarter of Section 3, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence South along the section line a distance of 270 feet; thence East parallel to the North line of said section a distance of 267 feet; thence North parallel to the West line of said section, a distance of 270 feet; thence West 267 feet to the point of beginning, EXCEPT the West 40 feet thereof for road.

The variances are hereby GRANTED, subject to the following conditions:

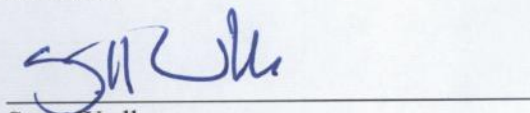
1. The reduction of setbacks shall only apply to the existing structure and the 16-foot by 28-foot addition as described on the approved site plan.
2. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the addition.

ADOPTED AT WICHITA, KANSAS, this 4th Day of March, 2021.

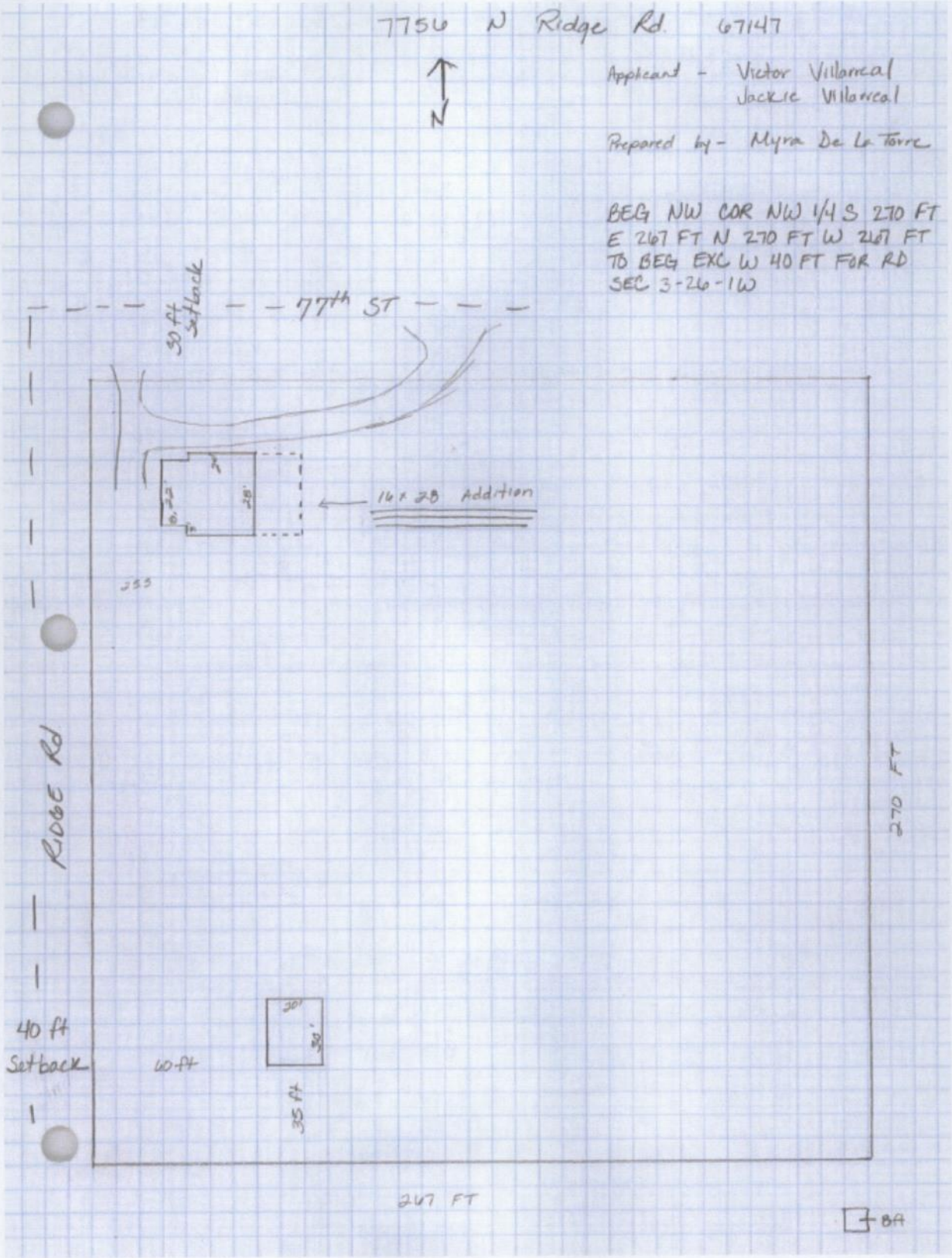


Michael Greene, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary



SITE PLAN

APPROVED 3/9/21 BY MW