CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

JBJ, LLC
Attn: John Armstrong
7540 W. Northwind St. #300
Wichita, KS 67205

July 25, 2024

K.E. Miller Engineering, P.A.
Attn: Kirk Miller
117 E. Lewis
Wichita, KS 67202

RE: BZA2024-00042 – Variance to allow reduced lot size for a duplex; generally located 70 feet north of West 11th Street North and 135 feet west of North Waco (1215 North Jackson Avenue).

Dear Applicant,

At its regular meeting on **Jully 25, 2024**, the official action of the Board of Zoning Appeals was to **GRANT** the requested variance. The approval of the request is subject to the following conditions:

1. The site is to be developed in general conformance to the site plan.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: MABCD
Josh Wilson 808 N Woodchuck, Wichita, KS 67212

BZA RESOLUTION NO. BZA2024-00042

WHEREAS, JBJ, LLC (owner); pursuant to Kansas Statutes Annotated 12-759, request a Variance to allow a reduced lot size for a duplex development on property located at 1215 North Jackson; legally described as follows:

> The North Half of Lot 1116 and All of Lot 1118, on Jackson Avenue, in Lewellen's 3rd Addition to Wichita, Sedgwick County, Kansas

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 July 25, 2024, 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; and

WHEREAS, waiving the requirements will not adversely affect the rights of adjacent property owners; and

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner; and

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 the 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, a Variance allow a reduced lot size for a duplex development on property located at 1215 North Jackson; legally described as follows:

> The North Half of Lot 1116 and All of Lot 1118, on Jackson Avenue, in Lewellen's 3rd Addition to Wichita, Sedgwick County, Kansas

The variance is hereby **GRANTED,** subject to the following conditions:

1. The site is to be developed in general conformance to the site plan.

ADOPTED AT WICHITA, KANSAS, this 25th Day of July 2024

Robert Dool, BZA Board Chair

ATTEST:

Scott Wadle,
BZA Secretary

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	569966	Print Legal Ad-IPL01819100 - IPL0181910		$139.62	2	83 L

Attention: Mandy Hebert
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on July 3, 2024
(One Time Only)
MAPC/BZA July 25, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, July 25, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/ Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2024-00040: Variance request in the City to reduce the minimum lot width from 50 feet to 21 feet at the front setback line for future residential development on property zoned SF-5 Single-Family Residential; located within two blocks south of West Central Avenue and two blocks west of North West Street (516 North Tracy).

BZA2024-00042: Variance request in the City to allow reduced lot size for duplex on property zoned TF-3 Two-Family Residential District; located 70 feet north of West 11th Street North and 135 feet west of North Waco Avenue (1215 North Jackson Avenue).

CON2024-00061: Conditional use request in the City to permit an Entertainment Establishment (Event Center that may provide alcohol and entertainment) on property zoned LC Limited Commercial; located on the east side on North Meridian Avenue and within one-quarter mile south of West 53rd Street North (5130 North Meridian Avenue).

ZON2024-00022: Zone Change request in the City from TF-3 Two-Family Residential to MF-18 Multi-Family Residential to allow for a duplex; generally located at the northwest corner of East Lincoln Street and South Clifton Avenue.

ZON2024-00032: Request in the City to amend Protective Overlay #351 to permit an Entertainment Establishment (with CON2024-00061) on property zoned LC Limited Commercial; located on the east side of North Meridian Avenue and within one-quarter mile south of West 53rd Street North (5130 North Meridian Avenue).

ZON2024-00036: Zone Change request in the City from TF-3 Two-Family Residential to LC Limited Commercial with Protective Overlay # 437; generally located between North Main Street and North Wichita Street and north of West 9th Street North (1025 North Main Street).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email: Planning@wichita.gov
Mailing Address
Wichita-Sedgwick County Metropolitan Area Planning Department
Attn: Scott Wadle
271 W. 3rd Street – Suite 201
Wichita, KS 67202
Phone: 316.268.4421
Fax: 316.858.7764

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: https://www.wichita.gov/Planning.

WITNESS MY HAND on July 3, 2024
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0181910
Jul 3 2024

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:
07/03/24

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 07/03/2024 to 07/03/2024.

Mary Castro

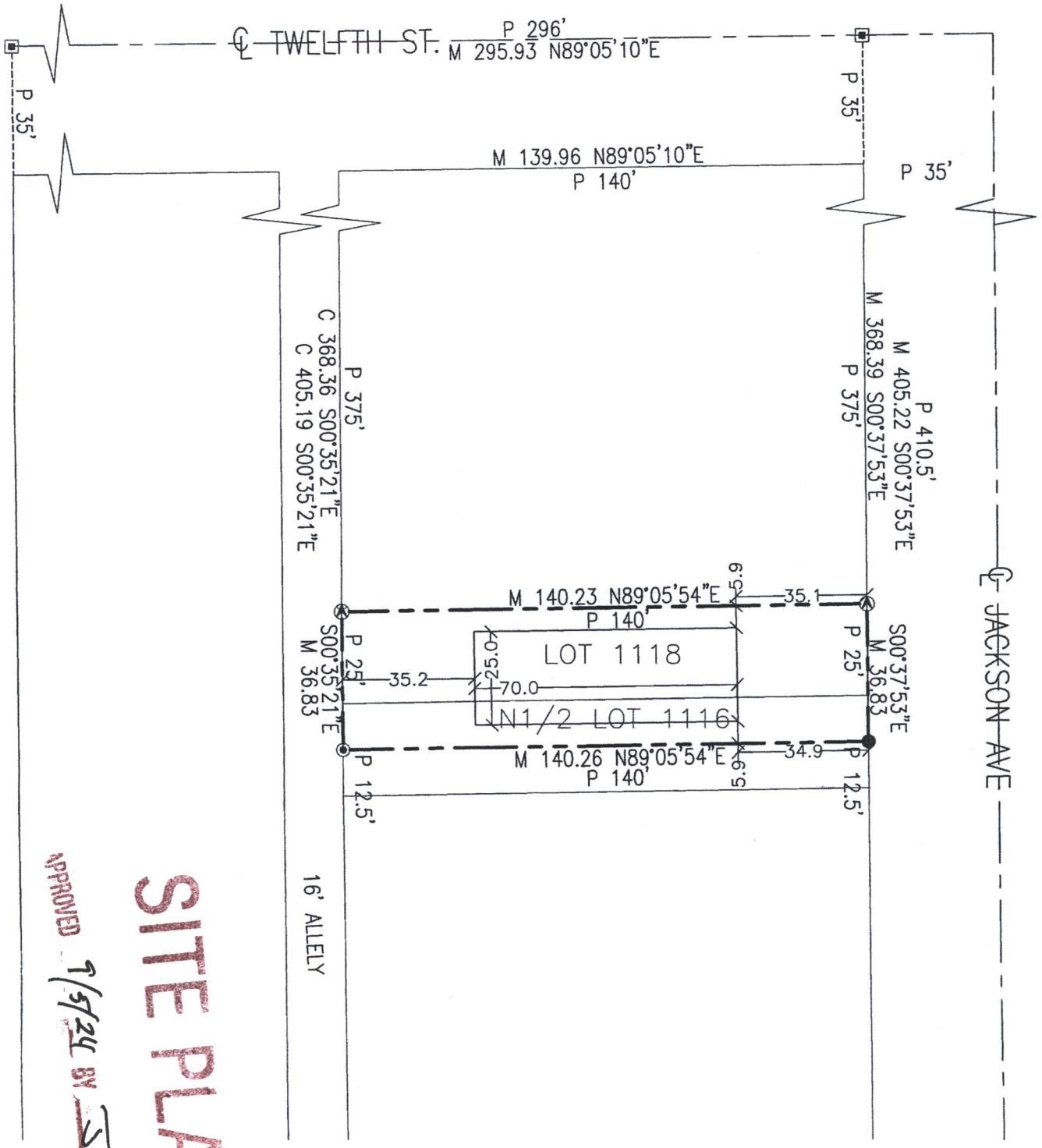
I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 07/03/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County

STEPHANIE HATCHER
My Notary ID # 133534406
Expires January 14, 2026

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!



APPROVED 1/5/25 BY

SITE PLAN

Ⓐ – "ARMSTRONG" capped rebar set
● – #5 rebar found
◉ – 1/2" iron pipe found
▣ – iron pipe in thimble found
M – measured distance
C – calculated distance
P – plat distance

SCALE 1"=40'

W.O. #42886
Page 2 of 2

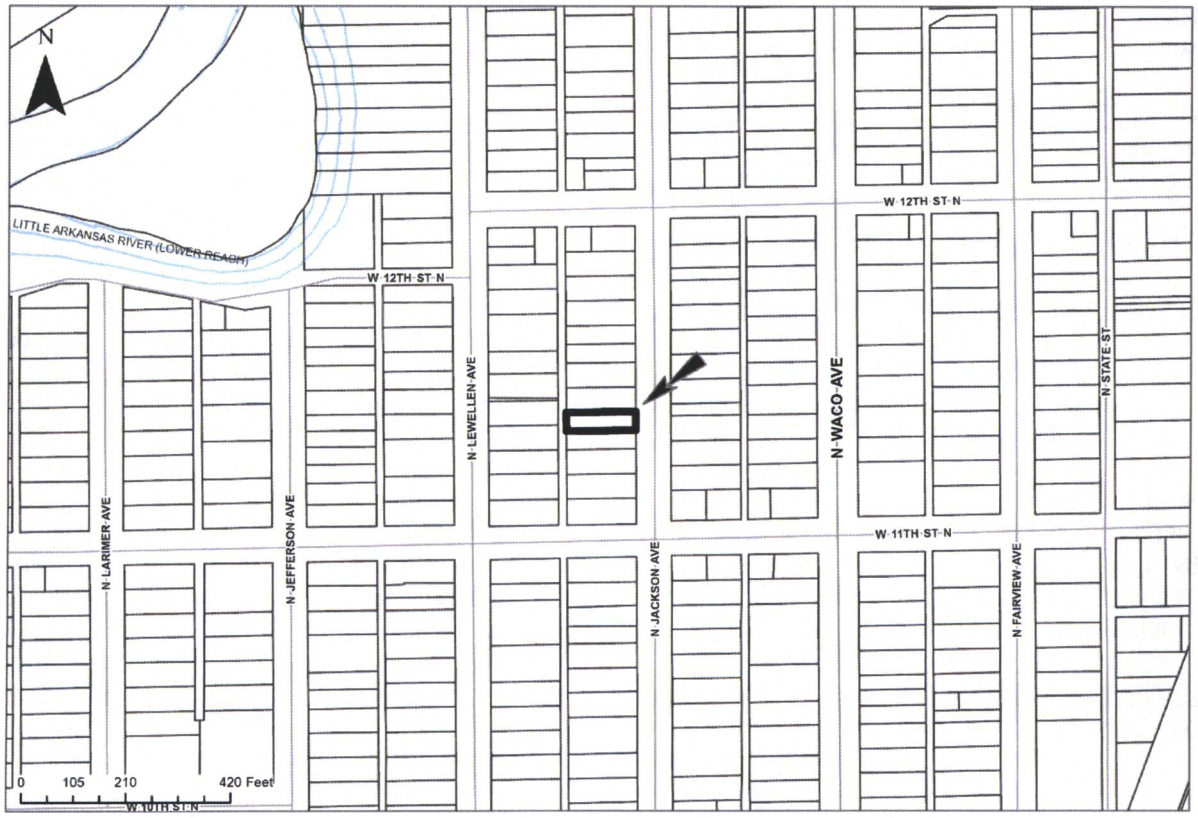
ARMSTRONG LAND SURVEY, P.A.
P.O. Box 161039
WICHITA, KS 67216
PH. (316) 263-0082
info@armstrongsurvey.com

Wichita-Sedgwick County Zoning Board of Appeals
July 25, 2024

AGENDA ITEM NO. 3

SECRETARY'S REPORT

CASE NUMBER:	BZA2024-00042 (City)
APPLICANT:	JBJ, LLC (Applicant) / K. E. Miller Engineering, P.A. (Agent)
REQUEST:	Variance to allow reduced lot size for duplex
CURRENT ZONING:	TF-3 Two-Family Residential District
SITE SIZE:	0.12 acres
LOCATION:	Generally located 70 feet north of West 11th Street North and 135 feet west of North Waco Avenue (1215 North Jackson Avenue).



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: The applicant requests a Variance to allow a duplex on a lot that does not meet the requirements for lot size according to the Unified Zoning Code (UZC) on a property zoned TF-3 Two-Family Residential District (TF-3). The 0.12-acre property is generally located 70 feet north of West 11th Street North and 135 feet west of North Waco Avenue (1215 North Jackson Avenue).

The applicant is requesting the Variance in order to build a duplex on site. Duplexes are a permitted use in the TF-3 District. However, the UZC requires a lot to have a minimum of 3,000 square feet per dwelling unit, which would be equal to 6,000 square feet for a duplex. The subject site contains approximately 5,165 square feet. All other zoning standards such as setbacks, lot width, and height requirements would still be required to be met.

SURROUNDING DEVELOPMENT: Properties to the north, east and south, and west are zoned TF-3. Properties to the North, east, and west are all developed with single-family dwellings. The property to the south is developed with a duplex. Several other duplexes are within the immediate vicinity.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single-Family dwelling
SOUTH:	TF-3	Duplex
EAST:	TF-3	Single-Family dwelling
WEST:	TF-3	Single-Family dwelling

CASE HISTORY: In 1886, the subject site was platted as part of the Lewellen's 3rd Addition. There are no other zoning cases associated with this site. The property is within the Midtown Neighborhood Plan area.

THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. The request is unique to this property and was not created by the applicant.
   a. The applicant states that "This is an older neighborhood where the entire neighborhood is zoned TF-3. This is an old plat where lots were 25' in width. Lot lines have been shifted and lots combined to create the current configurations. This lot is less than the required minimum square footage for duplex. This was done many years ago prior to the current ownership."

Staff Analysis:
Staff is in agreement with the above statement. The subject site is zoned TF-3 which would permit a duplex by-right and likely has been zoned this way since the adoption of the original zoning for the City of Wichita. The smaller square-footage of the site is due to the site occupying one and one-half platted lots when the standard practice in the area is developing a site with two platted lots.

2. The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents.
   a. The applicant states that "The property owner to the south has the same size lot with a duplex on it. The neighborhood has multiple lots that do not meet the minimum lot size."

Staff Analysis:
Staff is in agreement with the above statement. The proposed duplex development is shown to meet the standard setbacks within the TF-3 District. The proposed duplex development is akin the existing duplex to the south.

3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.
   a. The applicant states that "The best use for the owner of this property is a duplex. Without the variance, the owner will not be able to proceed."

Staff Analysis:
Staff is in agreement with the above statement. Permitting a duplex to be developed on this site is in context with the existing duplex to the south.

4. The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.
   a. The applicant states that "The proposed use of the lot is common in the neighborhood. Many structures exist that do not have lots that meet the minimum lot size requirement. This variance will not adversely affect the neighborhood."

Staff Analysis:
Staff is in agreement with the above statement. The property to the south of the subject site is approximately the same size and is developed with a duplex. There are several single-family dwellings in the neighborhood that are on lots that do not meet the lot size requirements for single-family dwellings.

5. The granting of the Variance will not be opposed to the general spirit and intent of the Code.
   a. The applicant states that "The intent of the blanket zoning for the entire neighborhood was probably to create diversity and encourage redevelopment of lots with older, dilapidated structures. This falls into that category. The lot is vacant so this is not to correct a mistake making the property non-complying."

Staff Analysis:
Staff is in agreement with the above statement. The Variance will grant the applicant the opportunity to develop a vacant lot. Staff believes that the requested variance is in line with the City's plan for this neighborhood.

LEGAL CONSIDERATIONS: The Board of Zoning Appeals has the following options for actions.

1. Approval – The Board of Zoning Appeals can find that all five conditions necessary to the granting of a Variance exists and can approve the requested Variance. Any vote by the BZA to approve a Variance requires eight (8) votes per the BZA bylaws.

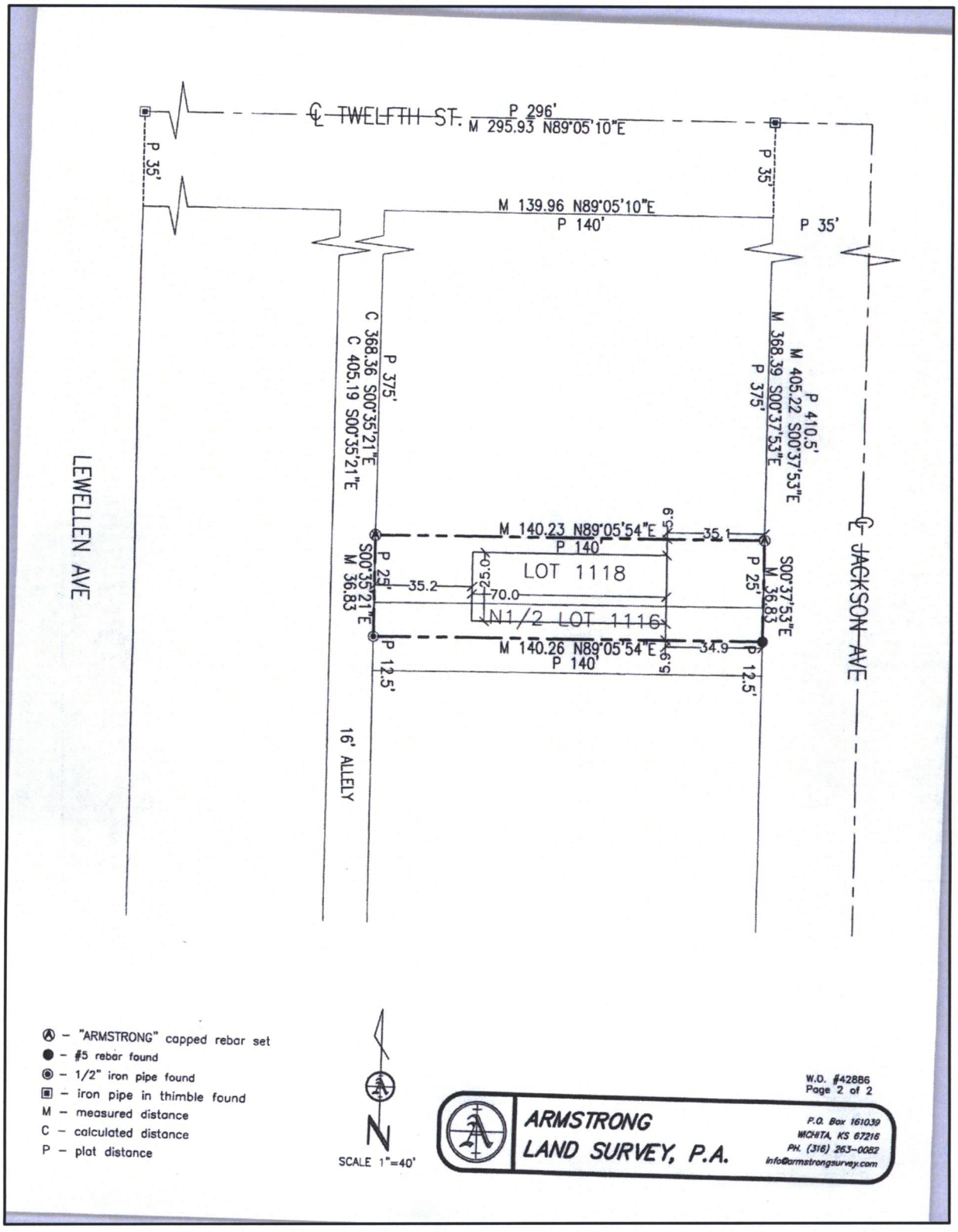
2. Denial – The Board of Zoning Appeals can find that the requested Variance does not meet the five criteria required to grant a Variance. Any vote by the BZA to deny a Variance requires a single majority of members present and voting.

RECOMMENDATION: The recommendation of Staff is that the request to reduce the minimum lot size for duplex construction **meets** the five criteria required to grant a Variance. Staff recommends the following condition of approval:

1. The site is to be developed in general conformance to the site plan.

Staff Report Attachments:
1. Site Plan
2. Applicant-Submitted Variance Justification Letter
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos

Site Plan


℄ TWELFTH ST.
P 296'
M 295.93 N89°05'10"E
P 35'
P 35'
M 139.96 N89°05'10"E
P 140'
P 35'
C 368.36 S00°35'21"E
C 405.19 S00°35'21"E
P 375'
M 368.39 S00°37'53"E
P 375'
M 405.22 S00°37'53"E
P 410.5'
LEWELLEN AVE
℄ JACKSON AVE
M 140.23 N89°05'54"E
P 140'
6.9'
35.1
LOT 1118
25.0'
35.2
70.0
N1/2 LOT 1116
P 25'
S00°35'21"E
M 36.83
P 25'
S00°37'53"E
M 36.83
M 140.26 N89°05'54"E
P 140'
6.9'
34.9
P 12.5'
P 12.5'
16' ALLEY
Ⓐ – "ARMSTRONG" capped rebar set
● – #5 rebar found
◉ – 1/2" iron pipe found
▣ – iron pipe in thimble found
M – measured distance
C – calculated distance
P – plat distance
SCALE 1"=40'
ARMSTRONG
LAND SURVEY, P.A.
P.O. Box 161039
WICHITA, KS 67216
PH. (316) 263-0082
info@armstrongsurvey.com
W.O. #42886
Page 2 of 2

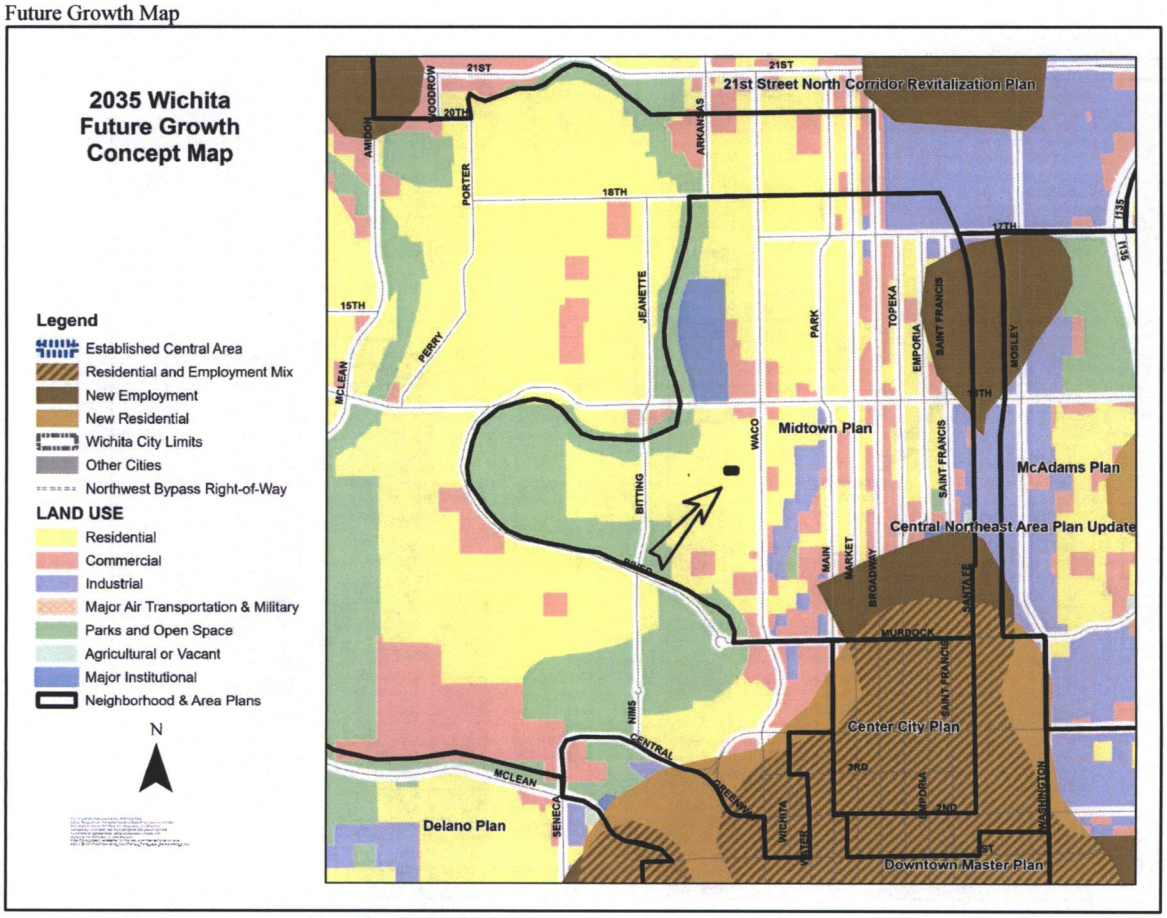
Aerial Map



Zoning Map


ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
HISTORIC
DELANO
DELANO OVERLAY
N
W 12TH ST N
W 11TH ST N
W 10TH ST N
N LEWELLEN AVE
N LARIMER AVE
N JEFFERSON AVE
N JACKSON AVE
N WACO AVE
N FAIRVIEW AVE
N STATE ST
N WELLINGTON PL
PO-65
H78-8
H78-3
CON2017-00002
PUD-112
BZA5-53
BZA2022-00026
H78-4
AA93-10
BZA8-40
H76-2
BZA40-63
0 112.5 225 450 Feet

Future Growth Map



Looking west toward site



Looking north away from site



Looking east away from site



Looking south away from site

