Wichita-Sedgwick County Metropolitan Area Planning Department

Terry and Nancy George
9023 E. Woodspring
Wichita, KS 67226

December 13, 2024

Green Meadows Pools
ATTN: Breck Barnhart
3801 W. Sewell St.
Wichita, KS 67213

RE: BZA2024-00075 – Variance to allow reduced separation for Accessory Structure from Primary Structure from 3 feet to 1 foot; Generally located one-third of a mile east of North Webb Road and one-half mile north of East 21st Street North (9023 East Woodspring Street).

Dear Applicant,

At its regular meeting on **December 12, 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 building addition shall be constructed in substantial conformance with the approved site plan.
2. Building permits shall be obtained from MABCD for the construction of the deck.

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

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: MABCD

BZA RESOLUTION NO. BZA2024-00075

WHEREAS, Terry and Nancy George (owners); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to allow reduced separation for Accessory Structure from Primary Structure from 3 feet to 1 foot; on property located at 9023 East Woodspring Street; legally described as follows:

> Lot 2 exc sely 2 ft M-L Adj, Lot 3 & exc nely 6.25 ft M-L adj Lot 1, Block 3, Woodspring Addition, 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 December 12, 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 to allow reduced separation for Accessory Structure from Primary Structure from 3 feet to 1 foot; on property located at 9023 East Woodspring Street; legally described as follows:

> Lot 2 exc sely 2 ft M-L Adj, Lot 3 & exc nely 6.25 ft M-L adj Lot 1, Block 3, Woodspring Addition, Sedgwick County, Kansas.

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

1. The building addition shall be constructed in substantial conformance with the approved site plan.
2. Building permits shall be obtained from MABCD for the construction of the deck.

ADOPTED AT WICHITA, KANSAS, this 13th Day of December 2024

Bryan Frye, 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	612665	Print Legal Ad-IPL02045660 - IPL0204566	OFFICIAL HEARING NOTI	$126.18	2	75 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 November 20, 2024
(One Time Only)
MAPC/BZA December 12 , 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 12, 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. Full notice can be found at www.wichita.gov/LegalNotices.

BZA2024-00075: Variance request in the City to reduce minimum building separation from three feet to one foot for raised beam hot tub on property zoned SF-5 Single-Family Residential, located one-third mile east of West Webb Road and one-half mile north of East 21st Street North (9023 E Woodspring Street).

BZA2024-00077: Variance request in the City to allow a temporary 2,120-square-foot wall graphic on the east elevation of a property zoned CBD Central Business District, generally located on the northeast corner of South Main Street and East English Street (100 East English).

CON2024-00242: Conditional Use to allow Daycare, General on property zoned SF-5 Single-Family Residential District to allow up to 100 children on site, generally located on the north side of East 15th Street North, between North Pershing Avenue and North Oliver Avenue (4640 East 15th Street North).

CUP2024-00030: CUP Amendment to CUP DP-45 to allow Entertainment Establishment in the City for events with entertainment and alcohol associated with a fitness club on Parcel 3B, generally located on the northwest corner of East Central Avenue and North Woodlawn Boulevard (6100 East Central Avenue).

CUP2024-00040: CUP Amendment in the City to CUP DP-194 to allow Entertainment Establishment on Parcel 2B for karaoke, generally located on the east side of North Penstemon Street, within 450 feet north of East 29th Street North (3030 North Penstemon).

CUP2024-00041: CUP Amendment Request in the City to CUP DP-278 to allow Entertainment Establishment in Parcel A, adjust parking requirements, maximum building coverage, and remove architectural controls for Parcels A and C, generally located on the southwest corner of West 29th Street North and North Maize Road.

PUD2024-00024: Zone change request in the City from GC General Commercial to Planned Unit Development #135 to create the Empower PUD for an Entertainment Establishment, generally located on the southwest corner of West 21st Street North and North Market Street (2157 North Market Street).

PUD2024-00025: Zone change request in the City from SF-5 Single-Family Residential to Planned Unit Development to create the Northeast Substation PUD #136 to expand existing electric substation, generally located on the east side of North Woodlawn Boulevard, within one-half mile south of East 21st Street North.

VAC2024-00051: Vacation request in the City to vacate the north 40 feet building setback along Wilshere Terrace on property zoned SF-5 Single-Family, located approximately 187 feet southeast of the intersection of South Bedford Terrace and East Wilshere Terrace (1046 South Bedford Terrace).

VAC2024-00052: Vacation request in the City to vacate platted access control on property zoned PUD Planned Unit Development #52, generally located on the south side of West MacArthur Boulevard, within 675 feet west of South Meridian Avenue (2611 West Macarthur).

VAC2024-00053: Vacation request in the City to vacate the south 20 feet of a platted utility easement on property zoned PUD Planned Unit Development #122, generally located east of North Hillside Avenue and north of Kansas Highway 254.

ZON2024-00052: Zone Change request in the City from SF-5 Single-Family Residential and TF-3 Two-Family Residential to MF-18 Multi-Family Residential, generally located on the west side of North Doris Street and within 120 feet north of West 2nd Street North (317 & 321 North Doris Street).

ZON2024-00054: Zone Change request in the City from SF-5 Single-Family Residential to MF-18 Multi-Family Residential; located on the northeast corner of North Hoover Street and West Robinson Street.

ZON2024-00055: Zone Change in the city from B Multi-Family to LI Limited Industrial, generally located on the west side of Santa Fe Avenue and within 250 feet south of East 13th Street North (1331 North Santa Fe Avenue).

ZON2024-00056: Zone change request in the City from NR Neighborhood Retail District with Protective Overlay #375 to LC Limited Commercial District, generally located on the east side of North Hillside Avenue, within 700 feet south of East Central Avenue.

IPL0204566
Nov 20 2024

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

1 insertion(s) published on:
11/20/24

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 11/20/2024 to 11/20/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 11/20/2024

Margaret K. Wilson

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

MARGARET KATHLEEN WILSON
My Notary ID # 134916732
Expires May 24, 2028

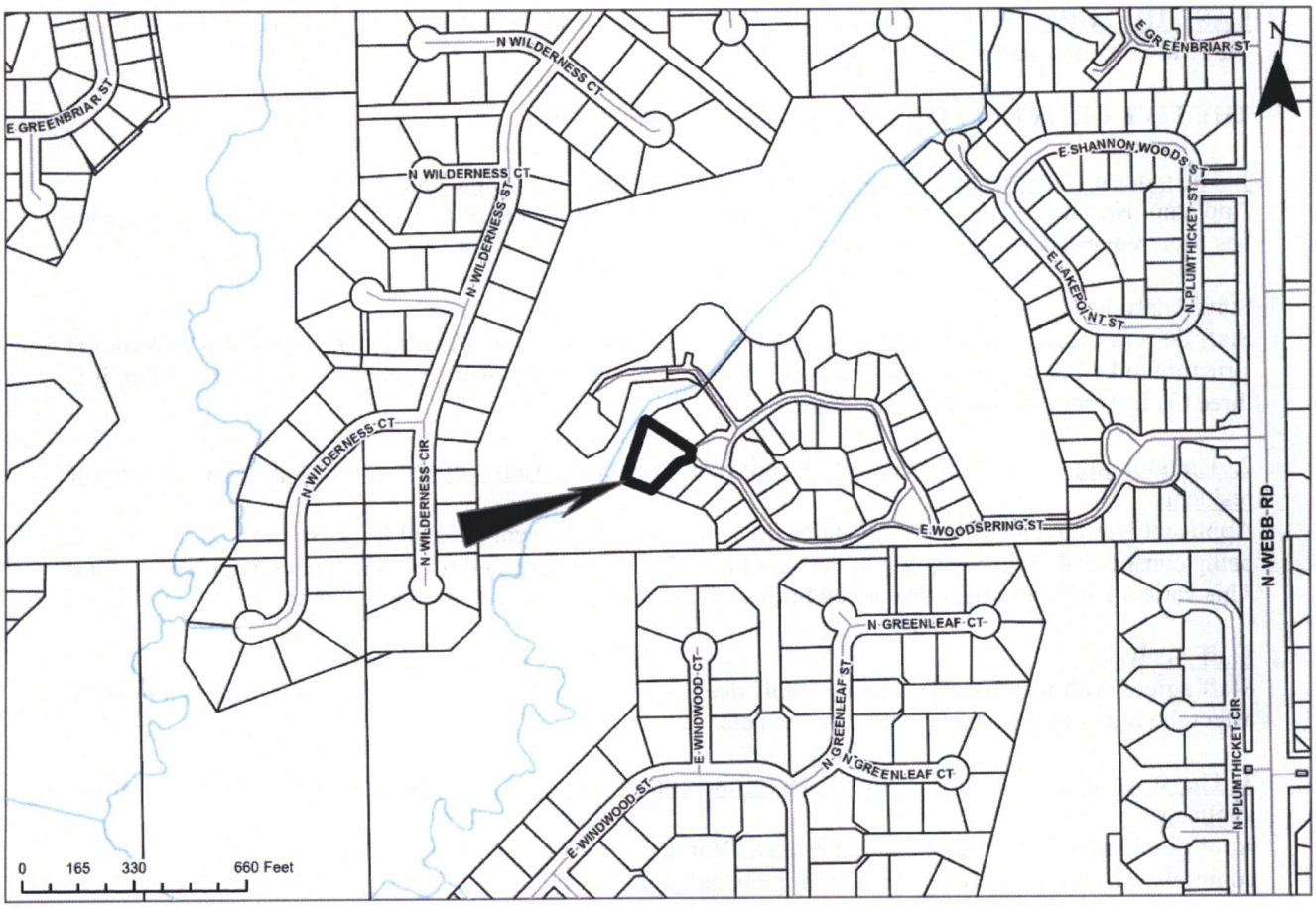
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Wichita-Sedgwick County Zoning Board of Appeals
December 12, 2024

AGENDA ITEM NO. 2

SECRETARY'S REPORT

CASE NUMBER:	BZA2024-00075 (City)
APPLICANT:	Terry and Nancy George (Applicants) / Green Meadows Pools (Agent)
REQUEST:	Variance to allow reduced separation for Accessory Structure from Primary Structure from 3 feet to 1 foot.
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	0.5 acres
LOCATION:	Generally located one-third of a mile east of North Webb Road and one-half mile north of East 21st Street North (9023 East Woodspring) Street).



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 on SF-5 Single-Family Residential (SF-5) zoned property to reduce the required separation of an Accessory Structure from a Primary Structure from three (3) feet to one (1) foot. The 0.5-acre property is generally located one-third of a mile east of North Webb Road and one-half mile north of East 21st Street North (9023 East Woodspring Street). According to Sec. III-E.7.e(7) of the Unified Zoning Code (UZC), accessory structures that are not attached to the principal structure shall be located at least three feet from the principal structure. The applicant would like to reduce the separation from three (3) feet to one (1) foot in order to install a raised beam hot tub.

SURROUNDING DEVELOPMENT: Properties to the north, east, south, and west are zoned SF-5. Properties to the north, and east are developed with single-family dwellings. Property to the west is a Reserve drainage pond. The property to the south is developed with a golf course.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family dwelling
SOUTH:	SF-5	Golf Course
EAST:	SF-5	Single-family dwelling
WEST:	SF-5	Reserve/Drainage pond

CASE HISTORY: On June 15, 1983, the subject site was platted as part of the Woodspring Addition. There are no other zoning cases associated with this site.

THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. The request is unique to this property and was not created by the applicant.
Applicant Narrative: The applicant states that, "Due to existing site restrictions and conditions a variance has been requested to meet requirements of owner."

Staff Analysis:
Staff does not agree with the above statement. The applicant did not identify what restrictions prevent the structure to be build according to the UZC. The applicant could move the accessory structure so that it is three (3) feet from the principal structure.

2. The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents.
Applicant Narrative: The applicant states that, "Property improvements and larger hot tub-plunge pool is being constructed in the area west of the structure. This area is screened from neighbors on north and south. This variance will not affect visual conditions of lake and golf course of either neighbor."

Staff Analysis:
Staff agrees with the above statement. Staff does not foresee the proposed hot tub structure to adversely affect the rights of the adjacent property owners.

3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.
Applicant Narrative: The applicant states that, "Variance in clearance has been requested by owner to create comprehensive outdoor living space from the lanai to the hot tub area."

Staff Analysis:
Staff does not agree with the above statement. The difference between one (1) foot and three (3) feet should not constitute an unnecessary hardship on the owner.

4. The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.
The applicant states that, "No additional condition of the project will adversely affect community or neighborhood. Additionally, the construction of hot tub which meets the Woodspring HOA covenant and restriction on materials and colors will benefit the area."

Staff Analysis:
Staff does not agree with the above statement. The separation requirement is intended to promote harmonious development within the community.

5. The granting of the Variance will not be opposed to the general spirit and intent of the Code.
The applicant states that, "Application for variance will give the owner the desired elements requested for site due to the limitation- setbacks and natural conditions."

Staff Analysis:
Staff does not agree with the above statement. The separation requirement between structures promotes continuity of development.

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 a majority plus one of members present and voting; provided that no Variance shall be granted with less than six affirmative votes and the minimum number of votes required for granting a Variance shall not exceed eight, 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 simple majority of members present and voting.

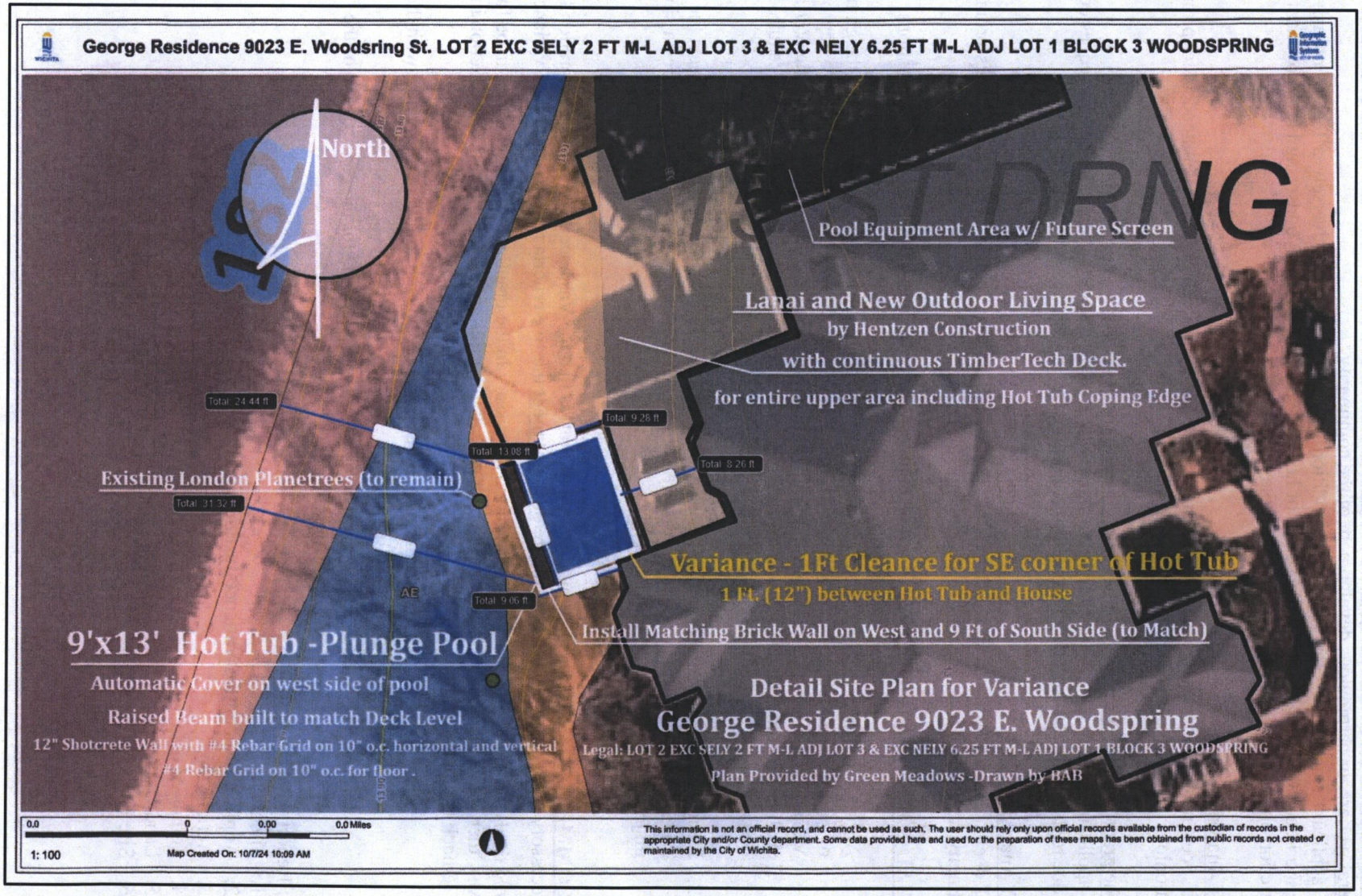
RECOMMENDATION: The recommendation of Staff is that the Variance to reduce the separation from an accessory structure to a primary structure **does not meet** the five criteria required to grant a variance.

Should the Board determine that all five conditions necessary to the granting of the Variance can be found to exist, then it is the recommendation of the Secretary that the following Variance for the reduction in the rear setback is granted with the following conditions:

1. The building addition shall be constructed in substantial conformance with the approved site plan.
2. Building permits shall be obtained from MABCD for the construction of the deck.

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


George Residence 9023 E. Woodsring St. LOT 2 EXC SELY 2 FT M-L ADJ LOT 3 & EXC NELY 6.25 FT M-L ADJ LOT 1 BLOCK 3 WOODSPRING
North
Pool Equipment Area w/ Future Screen
Lanai and New Outdoor Living Space
by Hentzen Construction
with continuous TimberTech Deck.
for entire upper area including Hot Tub Coping Edge
Total: 24.44 ft
Total: 9.28 ft
Total: 13.09 ft
Total: 8.26 ft
Existing London Planetrees (to remain)
Total: 31.32 ft
Total: 9.06 ft
AE
Variance - 1Ft Cleance for SE corner of Hot Tub
1 Ft. (12") between Hot Tub and House
Install Matching Brick Wall on West and 9 Ft of South Side (to Match)
9'x13' Hot Tub -Plunge Pool
Automatic Cover on west side of pool
Raised Beam built to match Deck Level
12" Shotcrete Wall with #4 Rebar Grid on 10" o.c. horizontal and vertical
#4 Rebar Grid on 10" o.c. for floor .
Detail Site Plan for Variance
George Residence 9023 E. Woodspring
Legal: LOT 2 EXC SELY 2 FT M-L ADJ LOT 3 & EXC NELY 6.25 FT M-L ADJ LOT 1 BLOCK 3 WOODSPRING
Plan Provided by Green Meadows -Drawn by HAB
0.0 0 0.00 0.0 Miles
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Map Created On: 10/7/24 10:09 AM
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George Residence 9023 E. Woodsring St. LOT 2 EXC SELY 2 FT M-L ADJ LOT 3 & EXC NELY 6.25 FT M-L ADJ LOT 1 BLOCK 3 WOODSPRING
North
Pool Equipment Area w/ Future Screen
Lanai and New Outdoor Living Space
by Hentzen Construction
with continuous TimberTech Deck.
for entire upper area including Hot Tub Coping Edge
Existing London Planetrees (to remain)
Variance - 1Ft Cleance for SE corner of Hot Tub
1 Ft (12") between Hot Tub and House
Install Matching Brick Wall on West and 9 Ft of South Side (to Match)
9'x13' Hot Tub -Plunge Pool
Automatic cover on west side of pool
Raised Deck built to match Deck Level
12" Shotcrete Wall with #4 Rebar Grid on 18" o.c. horizontal and vertical
#4 rebar Grid on 18" o.c. for floor
Site Plan for Variance
George Residence 9023 E. Woodspring
Legal: LOT 2 EXC SELY 2 FT M-L ADJ LOT 3 & EXC NELY 6.25 FT M-L ADJ LOT 1 BLOCK 3 WOODSPRING
Plan Provided by Green Meadows -Drawn by BAB
10 U E
8.83
160(s)
20.37
14.11
28.6
35
34.81
13.32
22.39
72.73
152.44
254
2


George Residence 9023 E. Woodsring St. LOT 2 EXC SELY 2 FT M-L ADJ LOT 3 & EXC NELY 6.25 FT M-L ADJ LOT 1 BLOCK 3 WOODSPRING ADD.
North
Pool Equipment Area w/ Future Screen
Lanai and New Outdoor Living Space
by Bentzen Construction
with continuous TimberTech Deck.
for entire upper area including Hot Tub Coping Edge
Existing London Planetrees (to remain)
8 x10' Hot Tub
Raised Deck built to match Deck Level
Install Matching Brick Wall on West and 7 Ft of South Side (to Match)
Original Schematic Design..
George Residence 9023 E. Woodspring
Legal: LOT 2 EXC SELY 2 FT M-L ADJ LOT 3 & EXC NELY 6.25 FT M-L ADJ LOT 1 BLOCK 3 WOODSPRING.
8.83
160(s)
14.11
20.37
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35
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2

Applicant's Narrative

Wichita-Sedgwick County Board of Zoning Appeals

Terry and Nancy George Residence

9023 E. Woodspring St. Wichita, Ks. 67726-2106

Legal Description: LOT 2 EXC SELY 2 FT M-L ADJ LOT 3 & EXC NELY 6.25 FT M-L ADJ LOT 1 BLOCK 3 WOODSPRING ADD.

Application for Variance

A. Due to existing site restriction and conditions a variance has been requested to meet requirements of owner. (see description below)

B. Property improvements and larger Hot Tub- Plunge Pool is being constructed in the area west of structure. This area is screened from neighbors on North and South. This variance will not affect visual conditions of lake and golf course of either neighbor.

C. Variance in clearance has been requested by owner to create a comprehensive outdoor living space from the lanai to the Hot Tub area.

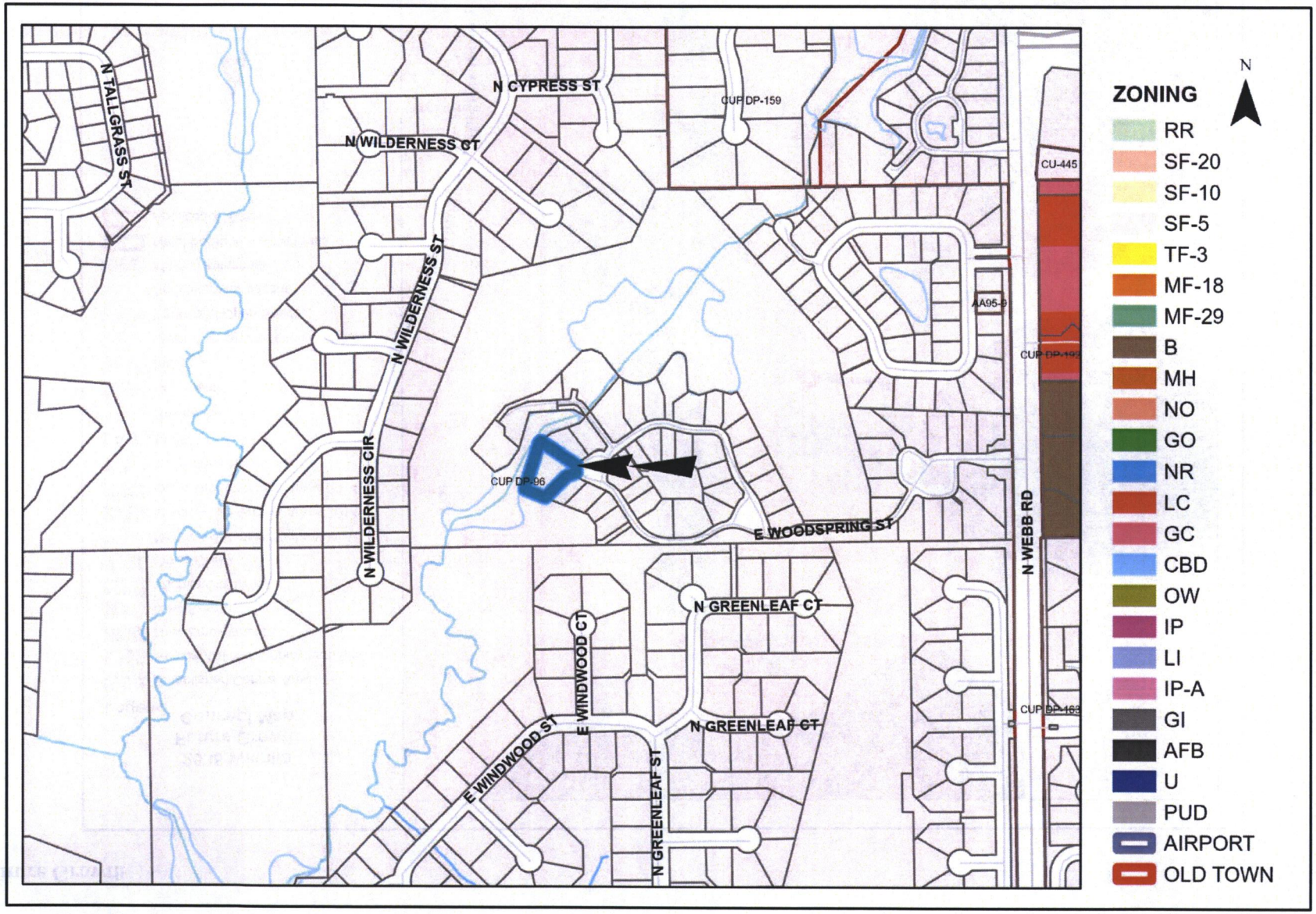
D. No additional condition of project will adversely effect community or Neighborhood. Additionally, the construction of Hot Tub which meets the Woodspring HOA Covenant and restriction on materials and Colors will benefit the area.

E. Application for variance will give the owner the desired elements requested for Site due to the limitation- setbacks and Natural conditions.

Aerial Map



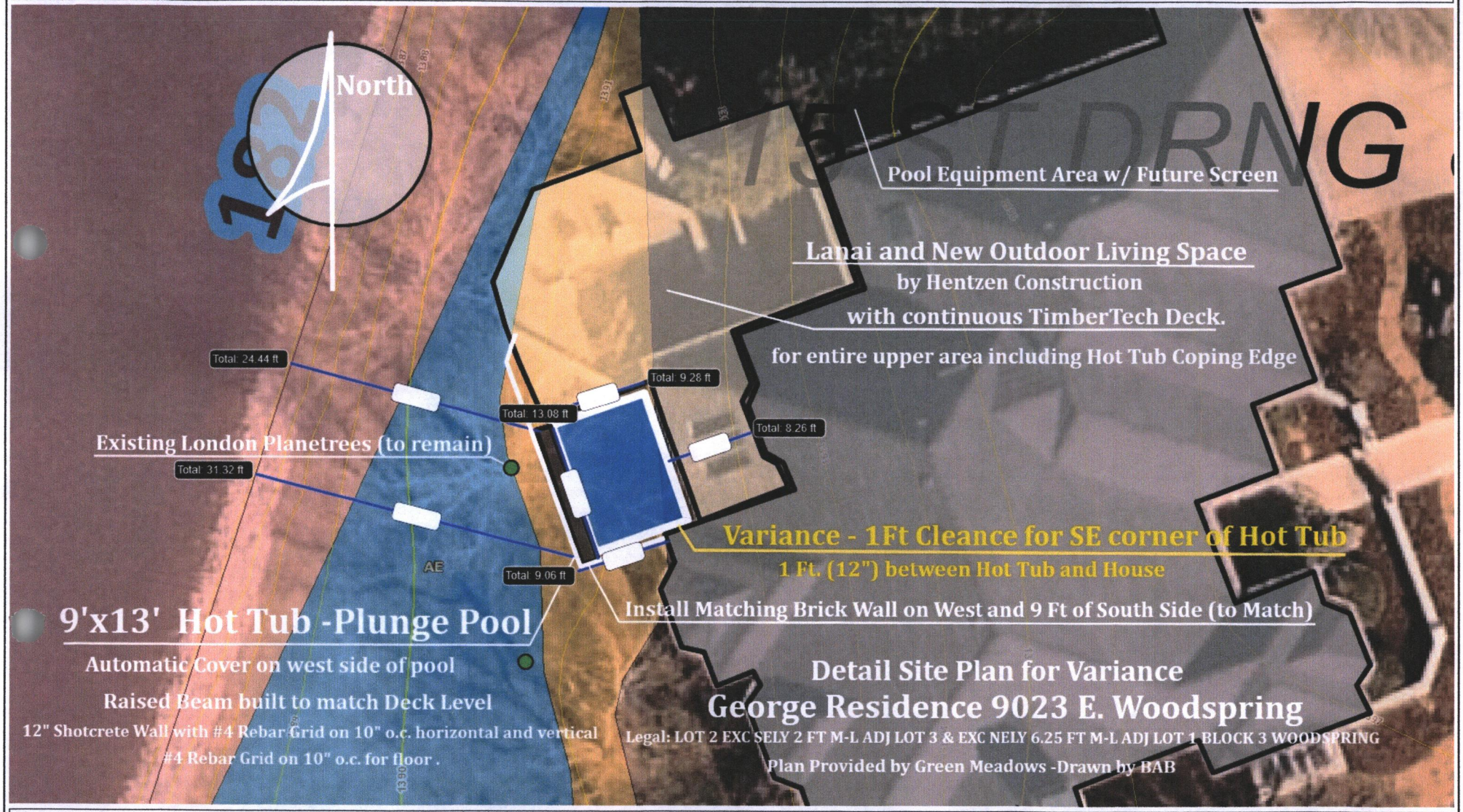
Zoning Map


N TALLGRASS ST
N CYPRESS ST
N WILDERNESS CT
N WILDERNESS ST
N WILDERNESS CIR
CUP DP-159
CU-445
AA95-9
CUP DP-96
E WOODSPRING ST
N WEBB RD
N GREENLEAF CT
E WINDWOOD CT
E WINDWOOD ST
N GREENLEAF ST
N GREENLEAF CT
CUP DP-168
N
ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
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NO
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NR
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AFB
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PUD
AIRPORT
OLD TOWN

Future Growth



George Residence 9023 E. Woodsring St. LOT 2 EXC SELY 2 FT M-L ADJ LOT 3 & EXC NELY 6.25 FT M-L ADJ LOT 1 BLOCK 3 WOODSPRING



0.0 0 0.00 0.0 Miles

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SITE PLAN

APPROVED 12/13/24 BY JBE

BZA 2024-00075