Wichita-Sedgwick County Metropolitan Area Planning Department

Bibleway Baptist Church
Attn: Pastor Jeffrey Enlow, Sr.
2105 North Jackson Avenue
Wichita, KS 67203

June 14, 2024

Construction Concepts & Investments
Attn: Steve Coleman
10401 Mariah Court
Sedgwick, KS 67135

RE: BZA2024-00028 – Variance request in the City to reduce the minimum lot size to build a duplex in TF-3 Two-Family Residential zoning from 6,000 square feet to approximately 3,000 square feet on property located one block south of West 21st Street North and one block east of North Arkansas Ave (512 W. 20th Street N.)

Dear Applicant,

At its regular meeting on **June 13, 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 revised site plan that will include the location of the off-street parking space.

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

Sincerely,

Christina Rieth

Christina Rieth
Current Plans
Associate Planner

CC: MABCD

BZA RESOLUTION NO. BZA2024-00028

WHEREAS, Bibleway Baptist Church (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the minimum lot size to construct a duplex on property zoned TF-3 Two-Family Residential District, generally located on the north side of West 20th Street North, within 200 feet east of North Arkansas Avenue, legally described as follows:

> The East 36 feet of Lots 44, 46, and 48, and the East 36 feet of the North 13 feet of Lot 50, on Arkansas Avenue, in Brooks and Oldham's 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 June 13, 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 request to reduce the minimum lot size is unique because the previous owner had the property split off and is not an action created by the current owner; and

WHEREAS, granting the Variance will not adversely affect the rights of adjacent property owners; and

WHEREAS, the strict application of the Code constitutes an unnecessary hardship on the property owner; and

WHEREAS, granting the Variance will not affect the public safety, health, order, and convenience; and

WHEREAS, granting the Variance is not opposed to the spirit and intent of the Code.

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 reduce the minimum lot size to construct a duplex on property zoned TF-3 Two-Family Residential District, generally located on the north side of West 20th Street North, within 200 feet east of North Arkansas Avenue, legally described as follows:

> The East 36 feet of Lots 44, 46, and 48, and the East 36 feet of the North 13 feet of Lot 50, on Arkansas Avenue, in Brooks and Oldham's 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 approved site plan.

ADOPTED AT WICHITA, KANSAS, this 14th **Day of** JUNE **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	554268	Print Legal Ad-IPL01740880 - IPL0174088	OCA 150004	$201.86	3	80 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 May 23, 2024
(One Time Only)
MAPC/BZA June 13, 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 13, 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.

BZA2024-00022: Variance request in the City to allow an Electronic Message Sign on property zoned TF-3 Two-Family Residential District; generally located at the intersection of North River Boulevard and West Briggs Avenue (1101 West River Boulevard).

BZA2024-00027: Variance request in the City to permit a Sexually Oriented Business within 500 feet of residential zoning on property zoned GC General Commercial; located on the east side of South Broadway Avenue and one-quarter mile south of East 47th Street South (4950 South Broadway).

BZA2024-00028: Variance request in the City to reduce the minimum lot size to build a duplex in TF-3 Two-Family Residential zoning from 6,000 square feet to approximately 3,000 square feet on property located one block south of West 21st Street North and one block east of North Arkansas Ave (512 West 20th Street North).

CUP2024-00015: CUP Amendment request in the City to DP-249 to amend the permitted uses on Parcel 5 (with ZON2024-00026 from GC to LI) to permit Freight Terminal and RV Sales and Service; located south of East 47th Street South and on the west side of I-135.

PUD2024-00009: Zone Change request in the City from SF-5 Single-Family to PUD to create the Blackbear Bosin-Price PUD #126 to convert school into apartments and permit single-family, duplexes, or fourplexes on school grounds; located one-block west of North Woodlawn and two blocks south of East 13th Street North.

VAC2024-00026: Vacation request in the City of the 40-foot platted front setback; generally located on the east side of South Decker Drive and within 400 feet south of West Maple Street (346 South Decker Drive).

VAC2024-00027: Vacation request in the City to vacate Reserve A on property zoned SF-5 Single-Family Residential; located one-quarter mile east of North 135th Street West and just south of West 21st Street North (13425 West 21st Street North).

VAC2024-00028: Vacation request in the City to vacate 5 feet of a platted 25-foot street side setback to construct a detached garage on property zoned SF-5 Single-Family Residential; generally located on-block south of West Maple Street and one block west of South Woodchuck Lane (384 South Floyd).

VAC2024-00029: Vacation request in the City to reduce the platted building setback from 30 feet to 25 feet on property located between 7811 and 7837 East Pagent Lane.

VAC2024-00031: Vacation request in the City to vacate a 15-foot contingent street, drainage and utility easement and a 32-foot contingent right-of-way dedication for future development on property zoned GC General Commercial; located on the south side of East 47th Street South and West of I-135.

ZON2024-00025: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located one-block east of North Hillside Avenue and within two blocks north of East 25th Street North (2710 North Holyoke Street).

ZON2024-00026: Zone Change request in the City from GC General Commercial to LI Limited Industrial (with CUP2024-00015) to permit freight terminal and RV sales and service; generally located south of East 47th Street South and on the west side of I-135.

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 May 23, 2024
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0174088
May 23 2024

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

1 insertion(s) published on:
05/23/24

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 05/23/2024 to 05/23/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 05/23/2024

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

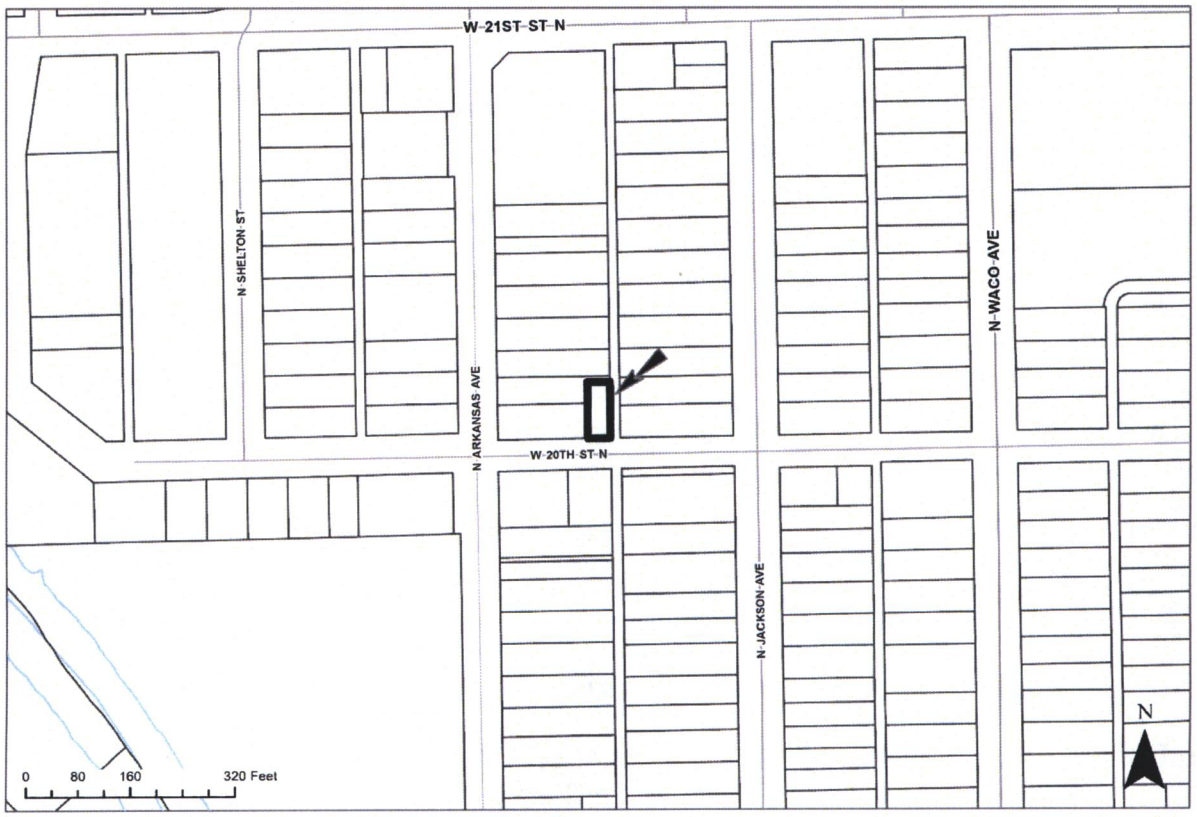
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Wichita-Sedgwick County Zoning Board of Appeals
June 13, 2024

AGENDA ITEM NO. 4

SECRETARY'S REPORT

CASE NUMBER:	BZA2024-00028 (City)
APPLICANT:	Bibleway Baptist Church (Applicant)/Steve Coleman (Agent)
REQUEST:	Variance to reduce the minimum lot size
CURRENT ZONING:	TF-3 Two-Family Residential District
SITE SIZE:	0.07 acres
LOCATION:	Generally located on the north side of West 20th Street North, within 500 feet east of North Arkansas 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 reduce the minimum lot size on a property zoned Two-Family Residential District (TF-3). The property is generally located on the north side of West 20th Street North, within 500 feet west of North Arkansas Avenue. The subject site is 0.07 acres (3,049 square feet) in size and is currently undeveloped.

The applicant is requesting the Variance in order to build a duplex on site. The Unified Zoning Code (UZC) requires a 3,500 minimum lot size for a single-family dwelling in TF-3 zoning and a 6,000 minimum lot size for a duplex (3,000 square feet per dwelling unit). The minimum lot size can be reduced by ten percent through an Administrative Adjustment. A further reduction in percentage requires a Variance.

According to the applicant-submitted site plan, the lot measures 36 feet by 88 feet. The proposed duplex shall be placed within the allowed setbacks: 25 feet from the front (south) property line, eight feet from the east and west (side) property lines, and 23 feet from the rear (north) property line. The proposed duplex will measure 40 feet by 20 feet.

The applicant has indicated that there will be two efficiency units in the proposed duplex. The UZC requires one parking space per dwelling unit for a duplex. Parking shall be located off-site: across the alley to the east is a church also owned by the applicant. Section IV-A.10 of the UZC outlines the criteria for off-street parking on separate lots. The Zoning Administrator, in conjunction with the Planning Director, may authorize the applicant to utilize the church's parking when the criteria are met. The site would normally require two parking spaces; parking can also be reduced through an Administrative Adjustment through the Planning Department. Staff is thus recommending one parking spot on site as a condition of approval if all five criteria are met to grant the Variance.

SURROUNDING DEVELOPMENT: Properties to the north, south, east and west are all zoned TF-3. Property to the east is owned by the applicant and is developed with a church. Properties to the north and west are developed with single-family dwellings. Property to the south is developed with a non-conforming, early 20th-century duplex; the lot is 0.134 acres in size, which is now less than the minimum lot size required for a duplex.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single-family dwelling
SOUTH:	TF-3	Single-family dwelling
EAST:	TF-3	Church
WEST:	TF-3	Single-family dwelling

CASE HISTORY: In 1902, the Brooks and Oldham Addition was created. There are no zoning cases associated with this property.

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 "[The] previous owner had this property split off. This is unique because we are still able to develop within reasonable standard for normal functionality."

Staff Analysis:
Staff is in agreement with the above statement. The previous owners split the lot, which was not created by the applicant. Its lot size makes it unique because it is surrounded by developed properties which limit its ability to achieve the minimum lot size in order to be developed.

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 development of this property will not affect surrounding properties or the rights of others."

Staff Analysis:
Staff is in agreement with the above statement. The duplex shall be constructed within the existing setbacks, allowed uses, and maximum height requirements to continue harmonious development within the surrounding community.

3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.
   a. The applicant states that "this would constitute unnecessary hardship. Bibleway Community of Faith is working to expand independent women to get on stable living, once [the] program is completed at TEC, located at 2035 North Jackson."

Staff Analysis:
Staff is in agreement with the above statement. The current lot size does not allow for any residential development in its current zoning. The requested Variance allows for a duplex with two efficiency units, which contributes to a diversity of housing options in the neighborhood and utilize a currently undevelopable parcel to its highest and best use.

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 desired Variance does not affect public safety, health, order, [or] convenience. It will be developed within [the] standards for functional just as other properties surrounding."

Staff Analysis:
Staff is in agreement with the above statement. The Variance will grant the applicant the opportunity to develop upon a vacant lot within the required setbacks. The proposed duplex is in character with the surrounding neighborhood.

5. The granting of the Variance will not be opposed to the general spirit and intent of the Code.
   a. The applicant states that "given this does not oppose to neighboring properties or the spirit and allowing it to be developed."

Staff Analysis:
Staff is in agreement with the applicant's statement. The site is zoned for a duplex, but it does not meet the minimum lot size. The property to the south is developed with an early 20th century, non-conforming duplex; the lot is under 6,000 square feet. According to the site plan, the applicant intends to develop the duplex within all the required setbacks, which is in keeping with the spirit and intent of the Code.

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:

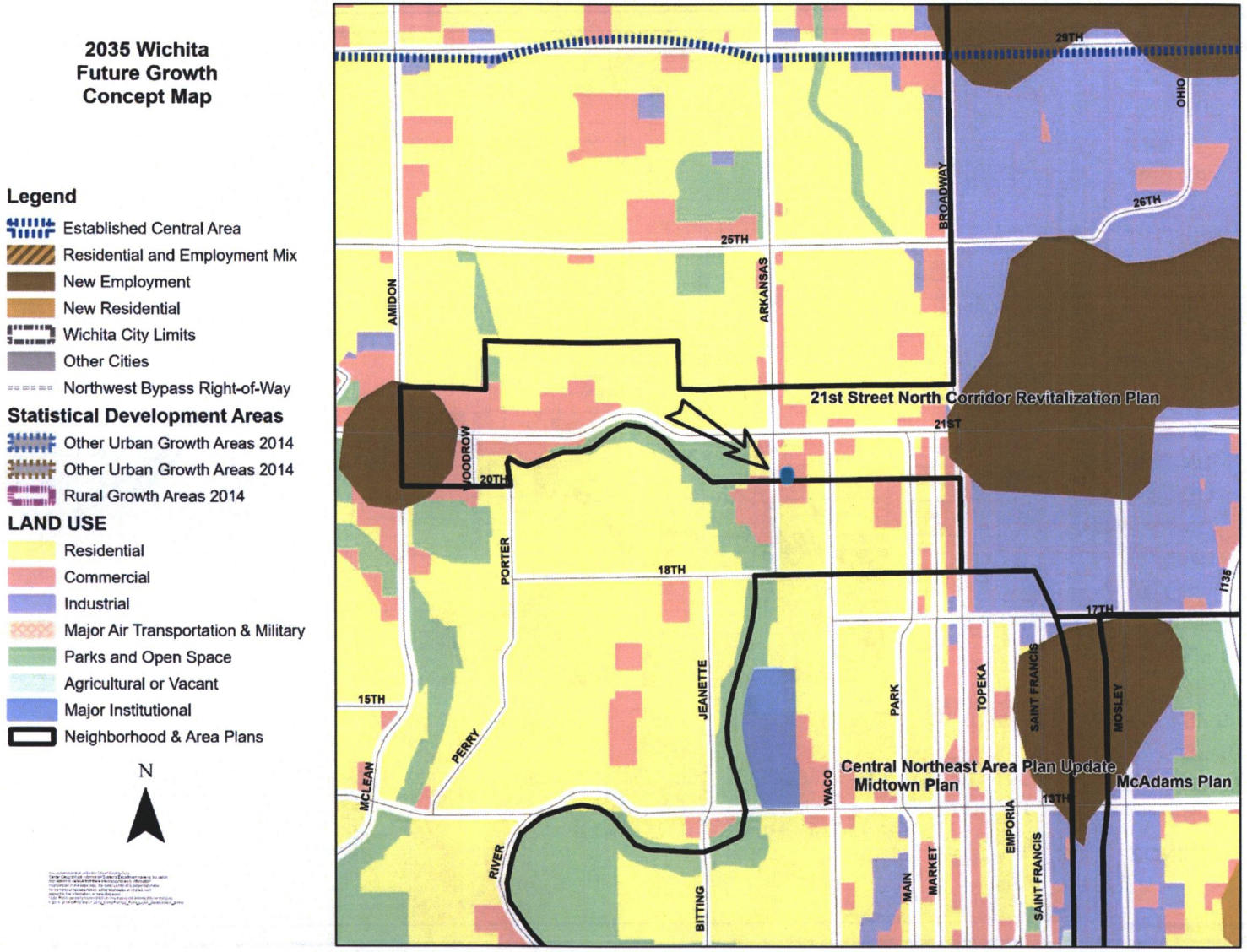
1. The site is to be developed in general conformance to the revised site plan that will include the location of the off-street parking space.

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

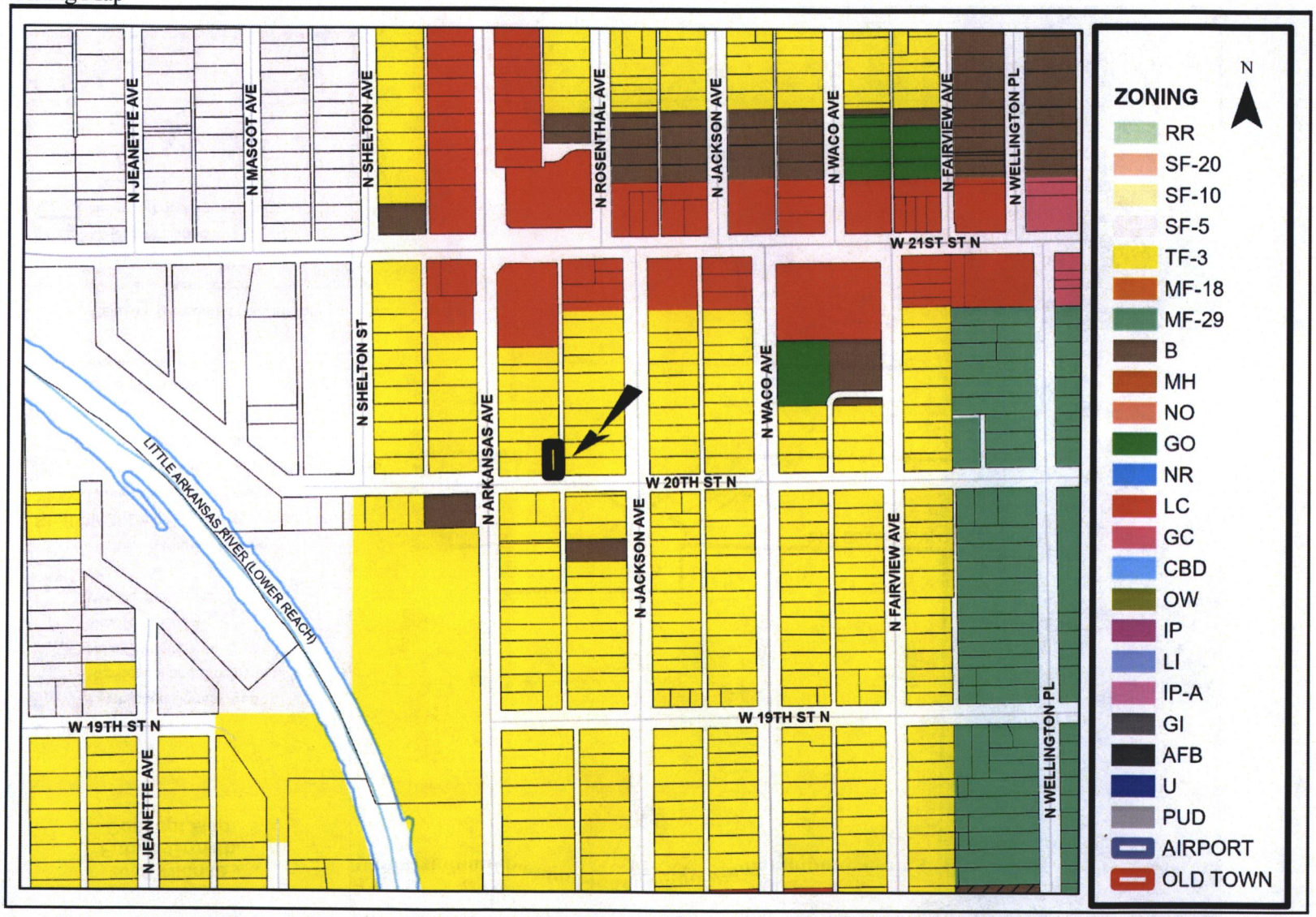
Aerial Map



Future Land Use Map



Zoning Map


N JEANETTE AVE
N MASCOT AVE
N SHELTON AVE
N ROSENTHAL AVE
N JACKSON AVE
N WACO AVE
N FAIRVIEW AVE
N WELLINGTON PL
W 21ST ST N
N SHELTON ST
N ARKANSAS AVE
N WACO AVE
W 20TH ST N
LITTLE ARKANSAS RIVER (LOWER REACH)
N JACKSON AVE
N FAIRVIEW AVE
W 19TH ST N
W 19TH ST N
N JEANETTE AVE
N WELLINGTON PL
N
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

Looking north at site



Looking south away from site



Looking east away from site



Looking west towards site



Applicant's Variance Justification Letter

A. Previous owner had this Property split off this is unique because we are still able to develope within Reasonable standard for Normal functionality

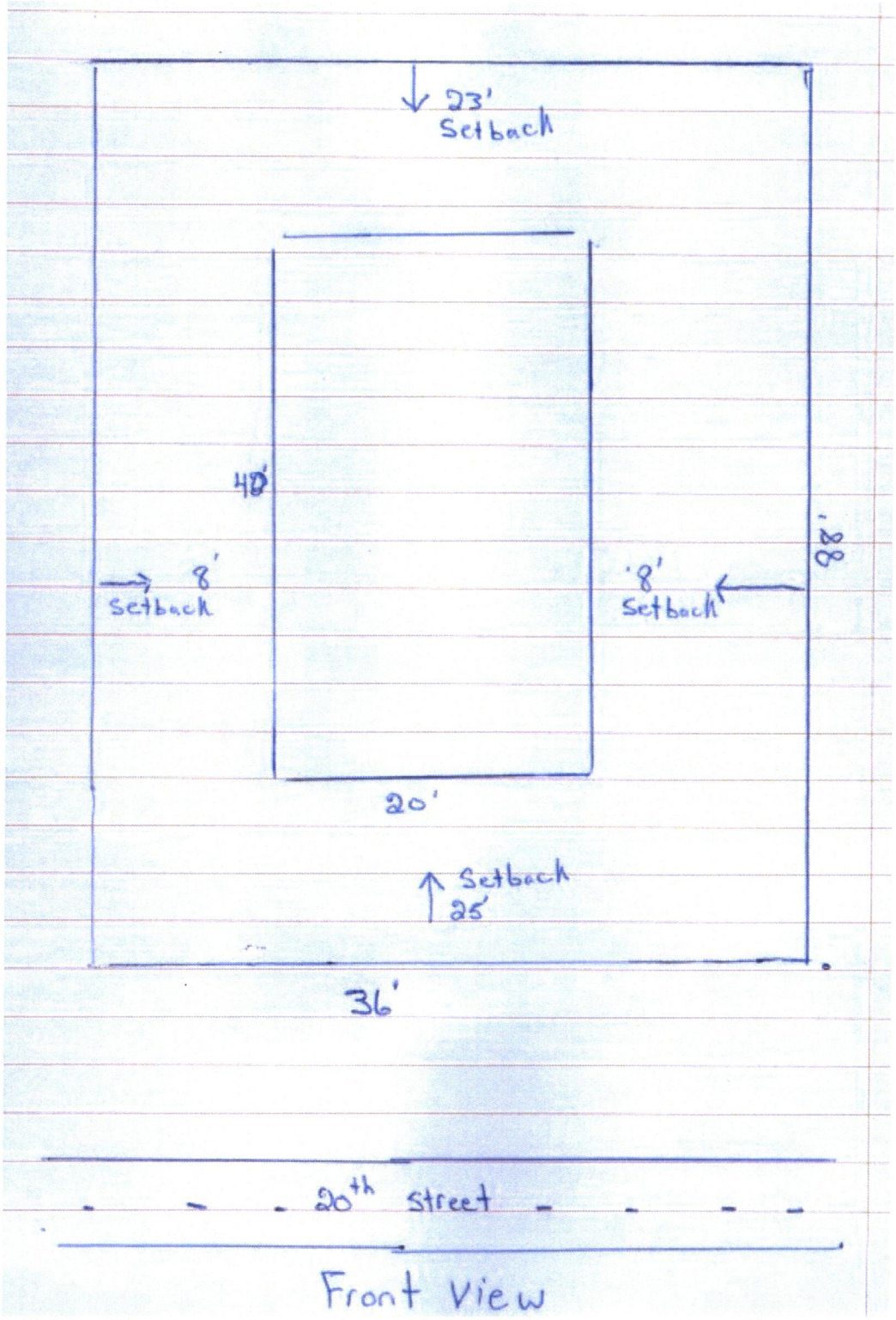
B. The developement of this Property will not affect Surrounding Properteries or the Rights of others.

C. This would constitute unecessarry hardship BiBleway Community of faith is working to expand Independent women to Get on stable living, once Program is completed at TEC Located 2035 N. Jacklson.

D. The desire variance set back does not affect Public safety, Health, order, Convience it will be developed within standards for functional Just as other Properties Surrounding

E. Given this does not oppose to neibaring Properties or the Spirit and alloving it to be developed

Site Plan


23'
Setback
48'
8'
Setback
8'
Setback
88'
20'
Setback
25'
36'
20th street
Front View

512 w. 20th North

SITE PLAN

APPROVED 6/24 BY CMR

