Wichita-Sedgwick County Metropolitan Area Planning Department

February 26, 2026

Chester Selmon
1902 North Charlotte Street
Wichita, KS 67208

Sylvia Selmon
1215 East 8th Street North
Wichita, KS 67214

RE: BZA2026-00007 – Variance request in the City to reduce the rear setback to 4 feet for an attached garage on property zoned TF-3 Two-Family Residential District, generally located on the south side of East 8th Street North and two blocks east of North Washington Avenue (1215 East 8th Street North).

Dear Applicant,

At its regular meeting on **February 26, 2026**, 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 shall be developed in general conformance with the approved site plan.
2) The applicant shall obtain a building permit within one year of the Variance approval. The site shall conform to all codes including but not limited to zoning, building, health, and fire.
3) The setback reduction shall apply only to the four-foot south rear setback and the 15-foot north front setback for the attached garage as illustrated on the approved site plan. All other new 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.

If you have any questions concerning this application, please contact our office at 268-4421. A copy of the signed resolution will be mailed in the near future.

Sincerely,

Christina Rieth

Christina Rieth, AICP
Current Plans
Associate Planner

CC: MABCD

BZA RESOLUTION NO. BZA2026-00007

WHEREAS, Sylvia Selmon (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the front setback from 25 feet to 15 feet and reduce the rear setback from 20 feet to 4 feet on property zoned TF-3 Two-Family Residential District, generally located on the south side of East 8th Street North, two blocks east of North Washington Avenue, legally described as:

> The East Half of Lots 19 and 21, on Ohio Avenue, Garrison's 2nd 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 February 26, 2026, 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 front setback from 25 feet to 15 feet and reduce the rear setback from 20 feet to 4 feet is unique to the property and is not an action created by the 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 front setback from 25 feet to 15 feet and reduce the rear setback from 20 feet to 4 feet on property zoned TF-3 Two-Family Residential District, generally located on the south side of East 8th Street North, two blocks east of North Washington Avenue, legally described as follows:

> The East Half of Lots 19 and 21, on Ohio Avenue, Garrison's 2nd Addition to Wichita, Sedgwick County, Kansas.

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

1) The site shall be developed in general conformance with the approved site plan.
2) The applicant shall obtain a building permit within one year of the Variance approval. The site shall conform to all codes including but not limited to zoning, building, health, and fire.
3) The setback reduction shall apply only to the four-foot south rear setback and the 15-foot north front setback for the attached garage as illustrated on the approved site plan. All other new 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.

ADOPTED AT WICHITA, KANSAS, this 12th Day of MARCH 2026.

ATTEST:

Scott Wadle,
BZA Secretary

Bryan Frye, BZA Board Chair



SITE PLAN

APPROVED 3/10 BY CMR

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	Cols	Depth
41100	IPL0312763	Legal Ad - IPL0312763	MAPC Official Public Hearing Notice	1.0	43.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov;kgonzalez@wichita.gov

MAPC/BZA February 26, 2026
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, February 26, 2026, 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.**

BZA2026-00007: Variance request in the City to reduce the rear setback to 4 feet for an attached garage on property zoned TF-3 Two-Family Residential District, generally located on the south side of East 8th Street North and two blocks east of North Washington Avenue (1215 East 8th Street North)."

VAC2026-00001: Vacation request in the City of an access control, generally located on the northwest corner of South Water Street and West Pawnee Street (2301 South Water Street).
IPL0312763
Feb 11 2026

In The STATE OF KANSAS
In and for the County of Sedgwick
STATE OF KANSAS)
SS
County of Sedgwick)
the undersigned, 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.

1.0 insertion(s) published on:
02/11/26 Print

Print Tearsheet Link

Marketplace Link

Mary Castro

DIGITALLY SIGNED

Mary Castro

Russ Cage Davis

DIGITALLY SIGNED

Sworn to and subscribed before me on Feb 11, 2026, 10:47 AM EST

NOTARY PUBLIC STATE OF TEXAS
RUSS CAGE DAVIS
ELECTRONIC NOTARY PUBLIC
STATE OF TEXAS
COMMISSION # 135512448
MY COMMISSION EXPIRES 4/24/2029

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

Wichita-Sedgwick County Zoning Board of Appeals
February 26, 2026

AGENDA ITEM NO. 3

FILE COPY

SECRETARY'S REPORT

CASE NUMBER:	BZA2026-00007 (City)
APPLICANT:	Sylvia Selmon (Applicant) / Chester Selmon (Agent)
REQUEST:	Variance to allow reduced rear and front setbacks for an attached garage
CURRENT ZONING:	TF-3 Two-Family Residential District
SITE SIZE:	0.07 acres
LOCATION:	Generally located on the south side of East 8th Street North, within 100 feet east of North Ohio Avenue (1215 East 8th Street North)



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 has two requests:

- a Variance to reduce the rear setback of a principal structure from 20 feet to 4 feet; and
- a Variance to reduce the front setback from 25 feet to 15 feet.

FILE COPY

The subject site is 0.07 acres in size and is generally located on the south side of East 8th Street North, within 100 feet east of North Ohio Avenue (1215 East 8th Street North). The property is zoned TF-3 Two-Family Residential District and developed with a nonconforming single-family dwelling constructed in 1918.

Historic aerials show there was a detached shed west of the principal dwelling that was removed recently. The applicant would like to construct a 20-foot by 24-foot garage that would be attached from the principal dwelling's west side. This would leave six feet for the interior side setback and four feet for the rear setback. The attached garage would be set back fifteen feet from the front (north side) of the dwelling and 21 feet, six inches from the front setback. This exceeds the ability to reduce the front setback by 20 percent through an Administrative Adjustment.

After the application was submitted, staff met with the applicant to clarify the property lines. At the time the application was submitted, the applicant believed the distance from the proposed garage to the rear property line was 18 feet instead of four feet. The applicant-submitted and revised site plans are attached to the end of this report.

SURROUNDING DEVELOPMENT: Property to the north is zoned SF-5 Single-Family Residential District and is developed with a single-family dwelling. Property to the south is zoned TF-3 and developed with a single-family dwelling. Property to the east is zoned B Multi-Family Residential District and is developed with a single-family dwelling. Property to the west is zoned TF-3 and is developed with a yard belonging to the single-family dwelling to the south.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family dwelling
SOUTH:	TF-3	Single-family dwelling
EAST:	B	Single-family dwelling
WEST:	TF-3	Open space

CASE HISTORY: In 1882, the subject site was platted as part of Garrison's 2nd Addition. In 2004, the subject site was added to the McAdams Neighborhood Revitalization Plan (DR2004-00004).

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: "I am writing to formally request a Variance regarding the required rear setback for my garage. The current distance from the back of my garage to the property line is 18 [sic] feet, while the present zoning code requires a 20-foot setback.

"I am requesting approval to construct a new garage using the existing 18-foot [sic] setback from the property line, even though the current code requires 20 feet. My home was constructed in the early 1900s, and at the time of its original construction, the applicable building and zoning codes were different from those in effect today. Due to the age of the property and the established placement of the structure, complying with the current setback requirement would create an undue hardship.

"The existing setback has been in place for many years without issue, and the proposed new garage will maintain the same footprint and alignment, minimizing any impact on neighboring properties. Granting this Variance would allow the property to remain consistent with its historic layout while meeting current construction standards."

Staff Analysis:
Staff agrees with this statement. Due to the age of the lot and existing dwelling, the property owner has a nonconforming lot (50 feet by 66 feet, 10 ½ inches) and dwelling that prevent nearly any addition to be built on site while meeting the setback requirements.

2. The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents.
   a. The applicant states: "Granting this Variance will not negatively affect surrounding neighbors, as the garage will follow the existing footprint and established setback. In addition, the new construction will enhance the appearance of the property and contribute to the overall value and visual appeal of the neighborhood."

Staff Analysis:
Staff agrees with this statement. The requested Variance will not adversely affect the rights of adjacent property owners or residents. The surrounding single-family dwellings also have attached garages, which would contribute to the visual appeal of the neighborhood.

3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.
   a. The applicant states: "If I am not permitted to construct the garage, it would create a hardship by requiring me to park my vehicle on the street. Street parking presents potential security concerns, increases exposure to theft and vandalism, and leaves my vehicle unprotected from the elements. A garage would also allow for safe and direct entry into my home, particularly during inclement weather or late hours, and would help protect the investment I have made in my vehicle. Granting approval for the garage would therefore address safety, security, and preservation of property value concerns."

Staff Analysis:
Staff agrees with the above statement. The adjacent properties all have attached garages, which contribute to their safety, security, and preservation of property value. Given the size and shape of the lot, the applicant cannot construct a garage on site, whether it is attached or detached, without a Variance.

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: "The proposed construction of the garage will not adversely affect public health, safety, morals, order, convenience, prosperity, or the general welfare. On the contrary, the improvement will enhance the property's functionality and appearance and is expected to contribute to higher appraised value. This improvement will also support the overall stability and value of surrounding properties."

Staff Analysis:
Staff agrees with the above statement. It is staff's opinion that the proposed construction of the garage will not adversely affect the above criteria. An attached garage on site will visually match the surrounding single-family dwellings, which contributes to the harmonious development of the community.

5. The granting of the Variance will not be opposed to the general spirit and intent of the Code.
   a. The applicant states that "Granting the requested Variance will not be contrary to the general spirit or intent of the zoning regulations. The property is legally grandfathered under prior codes, and the requested Variance represents only a minimal deviation from current requirements. In addition, I have provided example photographs illustrating the property's condition before and after the proposed improvements, which demonstrate how the project will enhance the property while remaining consistent with the surrounding area."

Staff Analysis:
Staff agrees with this statement. Since the lot and structure are nonconforming, an attached garage on a larger lot would otherwise meet the setback requirements, which is not opposed to the general spirit and intent of the Code.

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.

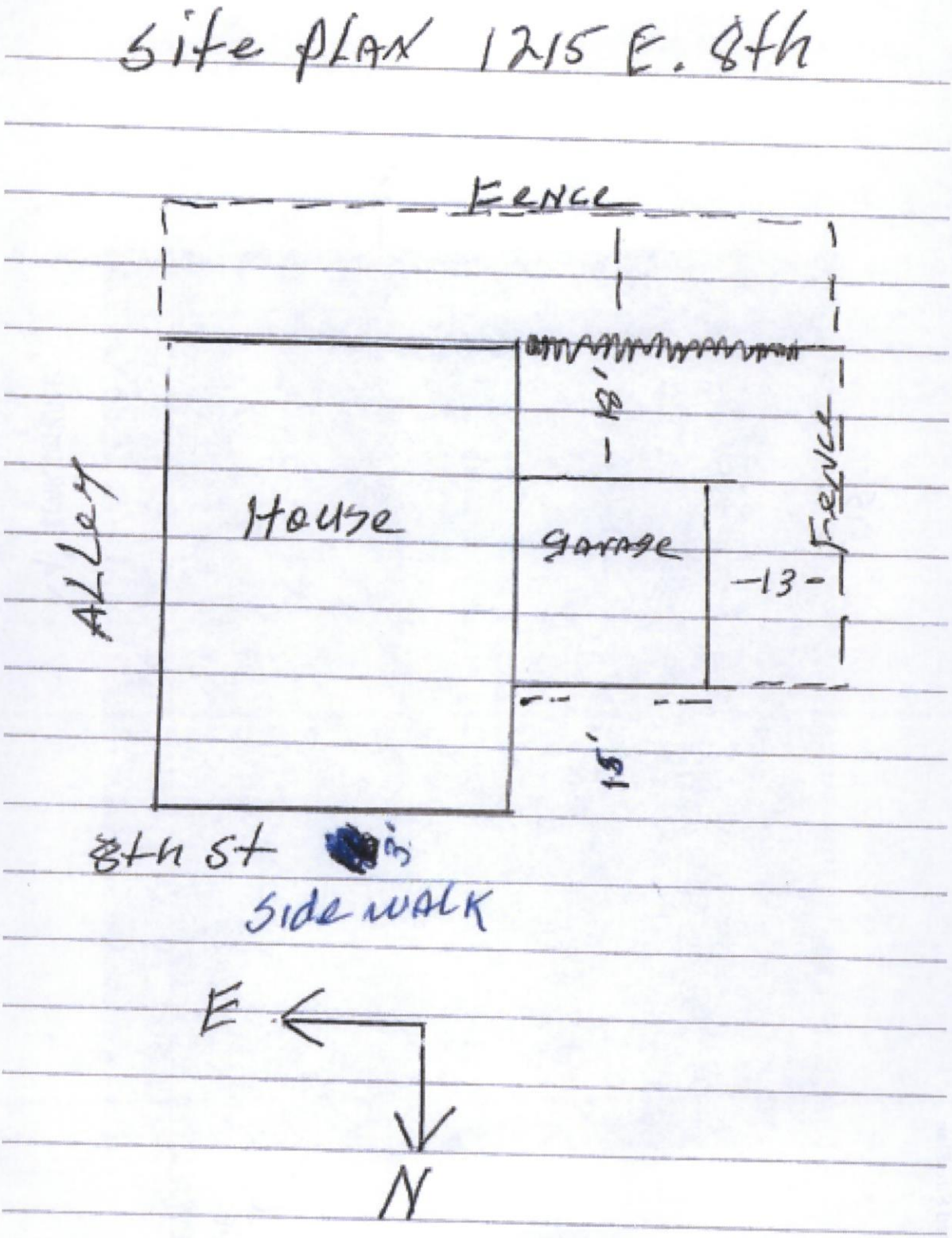
2. Denial – The Board of Zoning Appeals can find that the requested Variance does not meet the five criteria required to grant a Variance. Any vote by the BZA to deny a Variance requires a single majority of members present and voting.

RECOMMENDATION: The recommendation of staff is that the request to reduce the rear setback from 20 feet to 4 feet for an attached garage **meets** the five criteria required to grant a Variance. Staff recommends the following conditions:

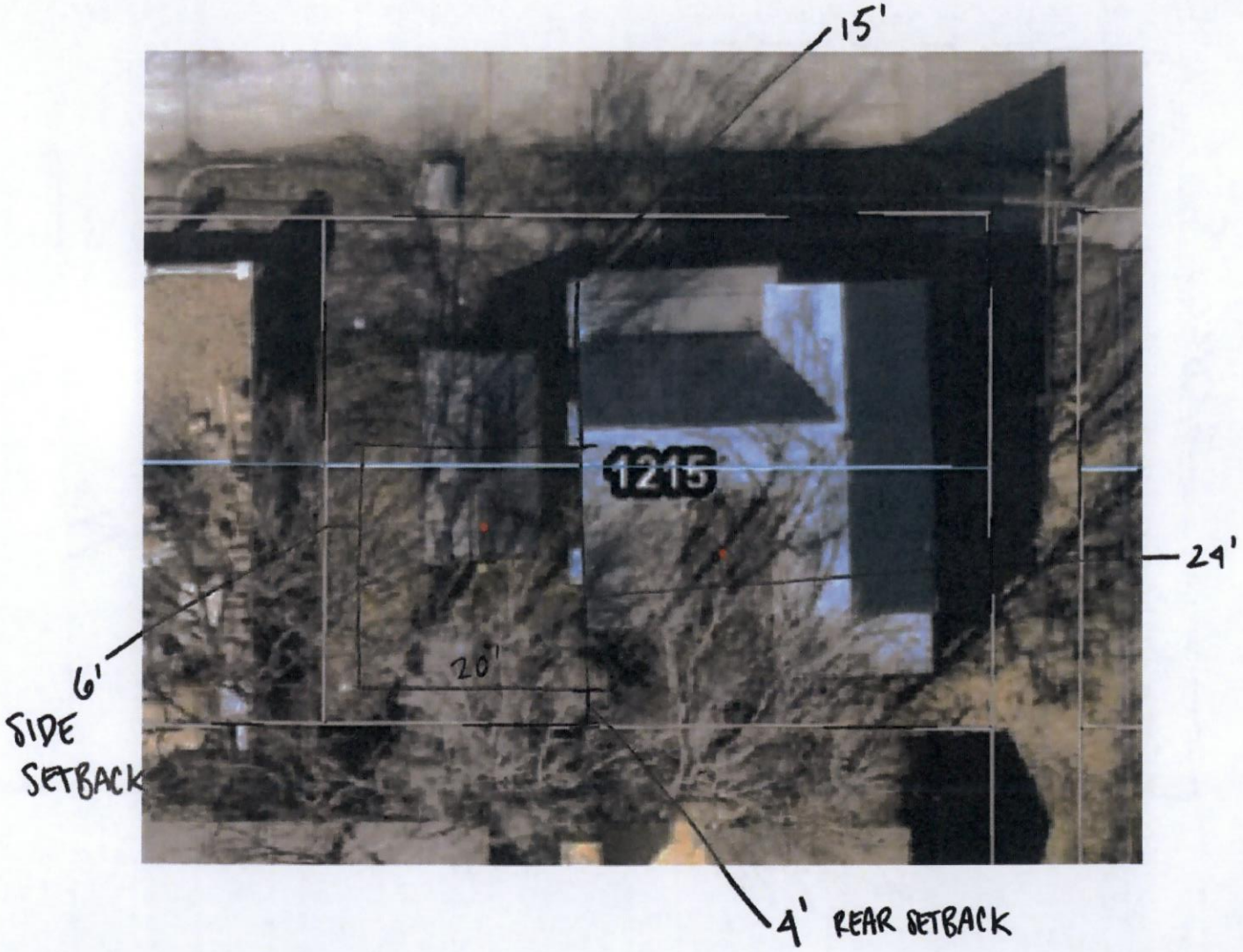
1) The site shall be developed in general conformance with the approved site plan.
2) The applicant shall obtain a building permit within one year of the Variance approval. The site shall conform to all codes including but not limited to zoning, building, health, and fire.
3) The setback reduction shall apply only to the four-foot south rear setback and the 15-foot north front setback for the attached garage as illustrated on the approved site plan. All other new 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.

Staff Report Attachments:
1. Site Plan
2. Proposed Front Elevation
3. Applicant-Submitted Variance Justification Letter
4. Aerial Map
5. Zoning Map
6. Future Growth Concept Map
7. Site Photos

Applicant-Submitted Site Plan



Revised Site Plan



Variance application

A. The variance requested arises from condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action of the property owner or applicant.

Response-

I am writing to formally request a variance regarding the required rear setback for my garage. The current distance from the back of my garage to the property line is 18 feet, while the present zoning code requires a 20-foot setback.

I am requesting approval to construct a new garage using the existing 18-foot setback from the property line, even though the current code requires 20 feet. My home was constructed in the early 1900s, and at the time of its original construction, the applicable building and zoning codes were different from those in effect today. Due to the age of the property and the established placement of the structure, complying with the current setback requirement would create an undue hardship.

The existing setback has been in place for many years without issue, and the proposed new garage will maintain the same footprint and alignment, minimizing any impact on neighboring properties. Granting this variance would allow the property to remain consistent with its historic layout while meeting current construction standards.

B. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners and residents.

Response-

Granting this variance will not negatively affect surrounding neighbors, as the garage will follow the existing footprint and established setback. In addition, the new construction will enhance the appearance of the property and contribute to the overall value and visual appeal of the neighborhood.

C. The strict application of the provisions of the applicable Code from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

Response-

If I am not permitted to construct the garage, it would create a hardship by requiring me to park my vehicle on the street. Street parking presents potential security concerns, increases exposure to theft or vandalism, and leaves my vehicle unprotected from the elements. A garage would also allow for safe and direct entry into my home, particularly during inclement weather or late hours, and would help protect the investment I have made in my vehicle. Granting approval for the garage would therefore address safety, security, and preservation of property value concerns.

D. The variance desired will not adversely affect the public health, safety morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.

Response-

The proposed construction of the garage will not adversely affect public health, safety, morals, order, convenience, prosperity, or the general welfare. On the contrary, the improvement will enhance the property's functionality and appearance and is expected to contribute to a higher appraised value. This improvement will also support the overall stability and value of surrounding properties.

E. Granting the variance desired will not be opposed to the general spirit and intent of the applicable code.

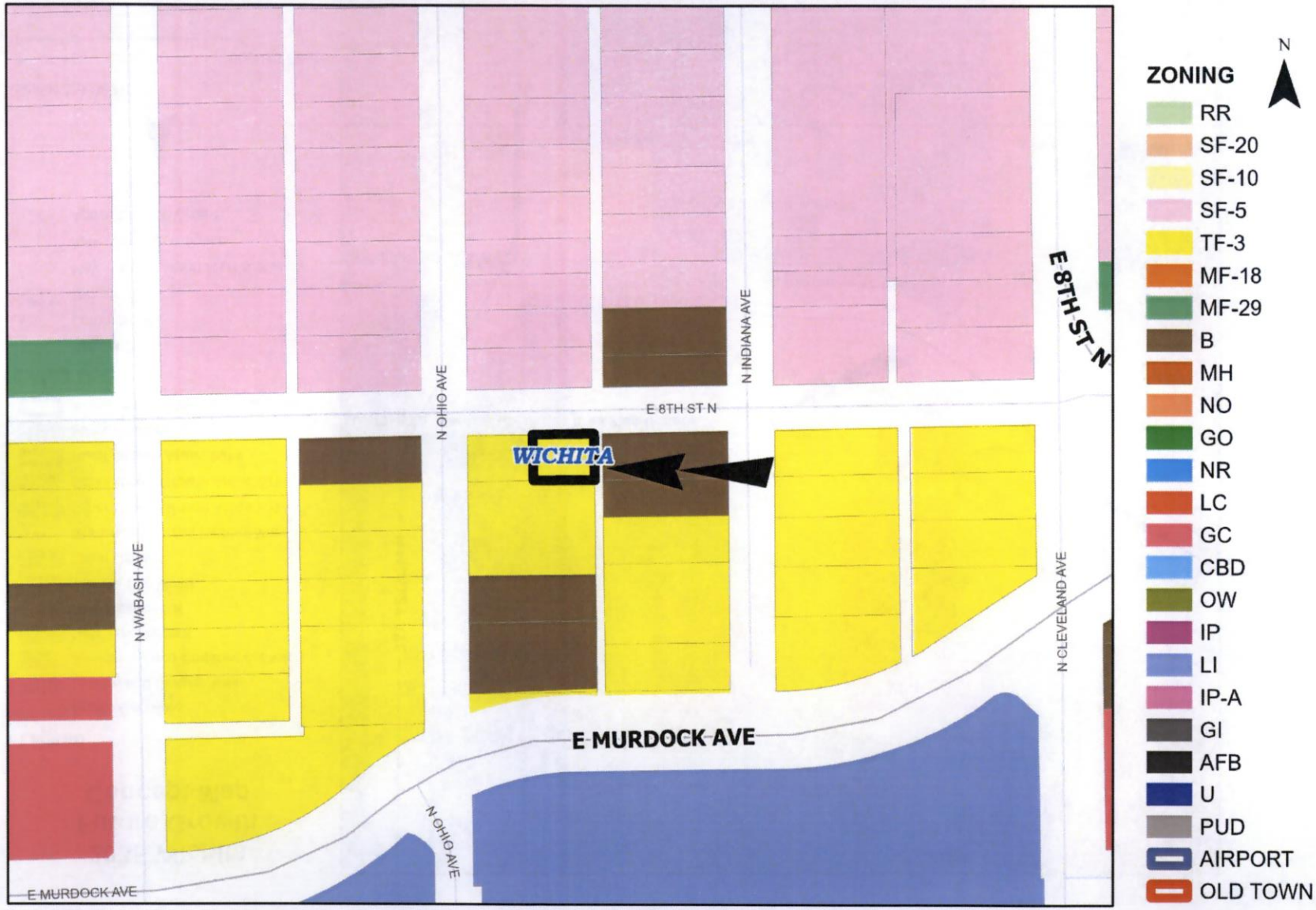
Response-

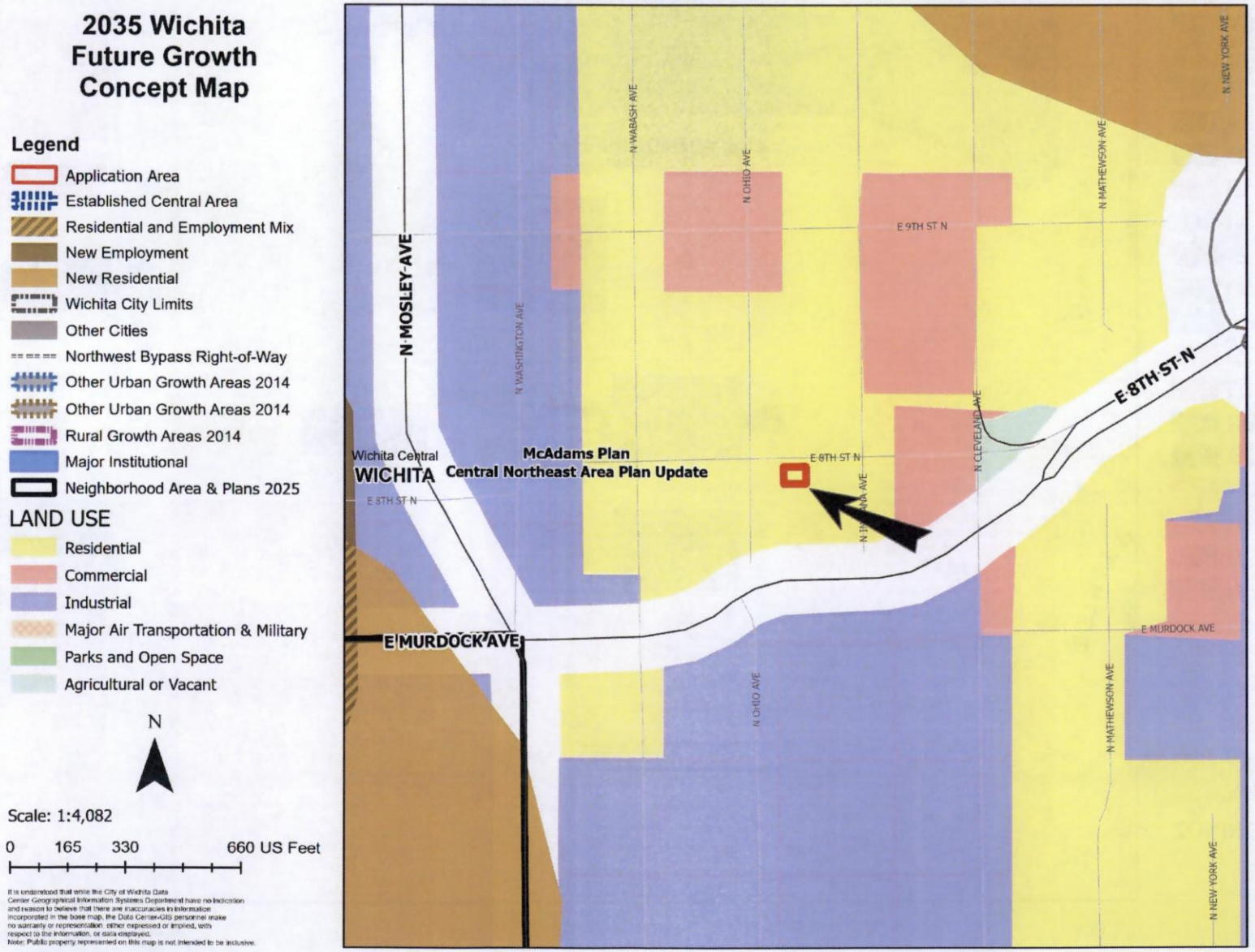
Granting the requested variance will not be contrary to the general spirit or intent of the zoning regulations. The property is legally grandfathered under prior codes, and the requested variance represents only a minimal deviation from current requirements. In addition, I have provided example photographs illustrating the property's condition before and after the proposed improvements, which demonstrate how the project will enhance the property while remaining consistent with the surrounding area.

Aerial Map



Zoning Map


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
E 8TH ST N
N OHIO AVE
N INDIANA AVE
N WABASH AVE
N CLEVELAND AVE
E MURDOCK AVE
WICHITA


2035 Wichita Future Growth Concept Map
Legend
Application Area
Established Central Area
Residential and Employment Mix
New Employment
New Residential
Wichita City Limits
Other Cities
Northwest Bypass Right-of-Way
Other Urban Growth Areas 2014
Other Urban Growth Areas 2014
Rural Growth Areas 2014
Major Institutional
Neighborhood Area & Plans 2025
LAND USE
Residential
Commercial
Industrial
Major Air Transportation & Military
Parks and Open Space
Agricultural or Vacant
N
Scale: 1:4,082
0 165 330 660 US Feet
It is understood that while the City of Wichita Data Center Geographical Information Systems Department have no indication and reason to believe that there are inaccuracies in information incorporated in the base map, the Data Center-GIS personnel make no warranty or representation, either expressed or implied, with respect to the information, or data displayed.
Note: Public property represented on this map is not intended to be inclusive.
N MOSLEY AVE
N WABASH AVE
N OHIO AVE
N WASHINGTON AVE
E 9TH ST N
N MATHEWSON AVE
N NEW YORK AVE
E 8TH ST N
N CLEVELAND AVE
Wichita Central
WICHITA
McAdams Plan
Central Northeast Area Plan Update
E 5TH ST N
E MURDOCK AVE

Looking south at site



Looking west away from site



Looking north away from site



Looking east away from site

