Wichita-Sedgwick County Metropolitan Area Planning Department

April 13, 2026

BEN & TODD'S LLC
1627 S Hillside St
Wichita, KS 67211

RE: BZA2026-00019 – Variance request in the City to reduce front setback from 20 feet to 7.5 feet on property zoned GC General Commercial District, generally located on the north side of East Lewis Street, within 275 feet east of South Ellis Street.

Dear Applicant,

At its regular meeting on **April 9, 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 front yard setback reductions shall only apply to the building expansion as shown in the site plan.
2. The applicant shall obtain the proper building permits and inspections. Modifications must comply with all State, County, and any other applicable standards.

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,

Moumita Kundu

Moumita Kundu
Senior Planner
Metropolitan Area Planning Division

CC: MABCD
K.E. Miller Engineering, *via email*

BZA RESOLUTION NO. BZA2026-00019

WHEREAS, Ben & Todd's LLC (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce front setback from 20 feet to 7.5 feet on property zoned GC General Commercial District, generally located on the north side of East Lewis Street, within 275 feet east of South Ellis Street, legally described as follows:

> The South 65 feet of Lots 33 and 35, on Hunter now Lewis Street, Burr'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 April 9, 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 front setback from 20 feet to 7.5 feet 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 front setback from 20 feet to 7.5 feet on property zoned GC General Commercial District, generally located on the north side of East Lewis Street, within 275 feet east of South Ellis Street, legally described as follows:

> The South 65 feet of Lots 33 and 35, on Hunter now Lewis Street, Burr's Addition to Wichita, Sedgwick County, Kansas.

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

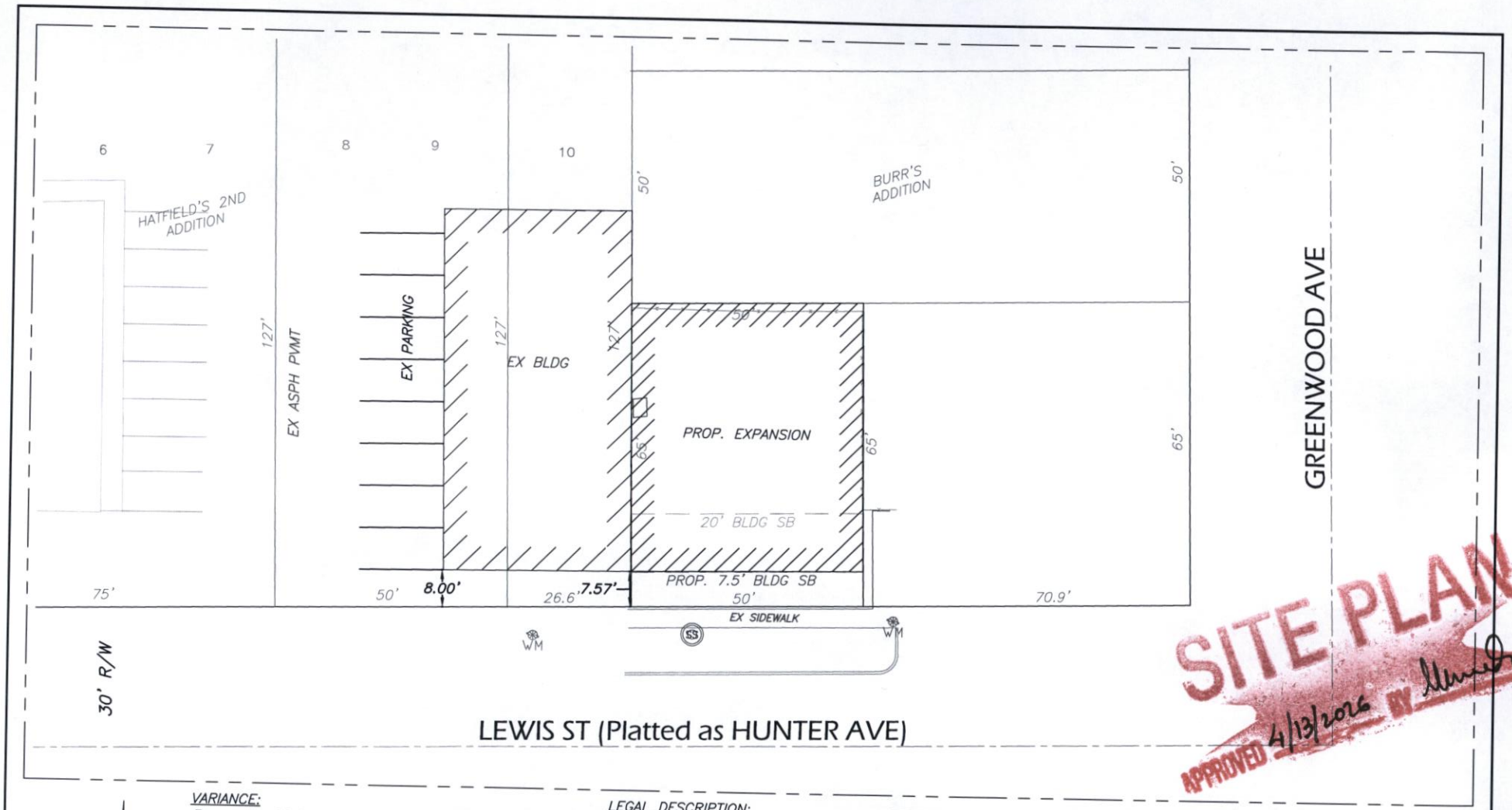
1. The front yard setback reductions shall only apply to the building expansion as shown in the site plan.
2. The applicant shall obtain the proper building permits and inspections. Modifications must comply with all State, County, and any other applicable standards.

ADOPTED AT WICHITA, KANSAS, this 13 **Day of** April **2026.**

ATTEST:

Scott Wadle,
BZA Secretary

Bob Aldrich, BZA Board Chair



SITE PLAN
APPROVED 4/13/2026 BY

SCALE: 1 INCH = 20 FEET

VARIANCE:
Requesting Variance from a 20' Front Building Setback, as established by the GC–General Commercial zoning district to a 7.5' Front building setback to allow for the expansion of an existing building.

LEGAL DESCRIPTION:
The South 65 feet of Lots 33 & 35, Hunter now Lewis St, Burr's Addition, Wichita, Sedgwick County, KS.

OWNER/APPLICANT:
BEN & TODD'S LLC

KEMILLER ENGINEERING
117 E. Lewis, Wichita, KS 67202 (316)264-0242

VARIANCE SITE PLAN

1518 E Lewis Expansion

WICHITA, KS

DATE	KEM PROJ.	DRAWN	DESIGNED	SHEET
02.2026	26001	JMW	KEM	1.0

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	IPL0322545	Legal Ad - IPL0322545	MAPC Official Hearing Notice	2.0	186.0L

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

OCA 150004
Published in The Wichita Eagle on March 18, 2026
(One Time Only)
MAPC/BZA April 9, 2026
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, April 9, 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.**

BZA2026-00019: Variance request in the City to reduce front setback from 20 feet to 7.5 feet on property zoned GC General Commercial District; generally located on the north side of East Lewis Street, within 275 feet east of South Ellis Street.

CON2026-00035: Conditional Use request in the City to allow Warehouse, Self-Service Storage on property zoned LC Limited Commercial District; generally located on the north side of West Central Avenue and 300 feet east of North Mount Carmel Avenue (3104 West Central Avenue).

CUP2026-00006: Amendment in the City to CUP DP-225 to waive Paragraph 3 of General Provision #25 regarding screening requirements for loading areas; generally located on the south side of West Maple Street, within 650 feet west of South 135th Street West (13801 West Maple Street).

DER2024-00010: Unified Zoning Code amendment (City and County) pertaining to the Event Centers in the County land use.

DER2026-00003: Comprehensive Plan amendment (City and County) pertaining to the Event Centers in the County land use.

PUD2026-00001: Amendment to PUD #83 to allow Group Residence, Limited on Lot 25, Block 1 of Parcel 1, for a HomePlus for up to 12 residents, generally located on the east side of South Horseback Street, within 350 feet north of East Pawnee Street (2320 South Horseback Road).

PUD2026-00003: Zone Change request in the City from SF-5 Single-Family Residential to PUD Planned Unit Development to allow residential development with more than one housing type; generally located on the north side of East 37th Street North, within one-half mile west of North 127th Street East.

VAC2026-00002: Vacation request in the City to vacate a portion of the west building setback on property zoned SF-5 Single-Family Residential District, generally located on the south side of West 34th Street North, and one block east of North Arkansas Avenue (525 West 34th Street North).

VAC2026-00007: Vacation request in the City for a portion of a 15-foot platted setback to install an egress window on property zoned SF-5 Single-Family Residential District, located on the southwest corner of East Lincoln Street and South Fabrique Drive (6069 East Lincoln Street).

VAC2025-00008: Request in the City to vacate a platted 20-foot utility easement on property zoned GC General Commercial District to relocate an existing sanitary sewer line for development, generally located on the southeast corner of East Kellogg Drive and South Chateau Street.

VAC2025-00009: Vacation request in the City for a 20-foot access easement and portion of an 80-foot drainage easement on property zoned GI General Industrial District, generally located west of North Bridgeport Circle and 800 feet north of East 37th Street North (3921 North Bridgeport Circle).

ZON2026-00007: Zone Change requesting the City from TF-3 Two-Family Residential to LC Limited Commercial; generally located East of North 135th Street West and approximately 300 feet north of West Central Avenue.

ZON2026-00008: Zone Change request in the City from SF-5 Single-Family Residential to LI Limited Industrial; generally located on the west side of North Webb Road and within one-half mile south of East 45th Street North (4225 North Webb Road).

ZON2026-00009: Zone change request in the City from SF-5 Single-Family Residential District to MF-18 Multi-Family Residential District to build two duplexes; generally located on the east side of North Jeannette Avenue, within 150 feet north of West 23rd Street North.

ZON2026-00010: Zone Change request in the City from CBD Central Business District to GC General Commercial District for Tattoo and Body Piercing; generally located on the southeast corner of West Douglas Avenue and South Seneca Street (1029 West Douglas Avenue).

ZON2026-00011: Zone Change request in the City from SF-5 Single-Family Residential District to NO Neighborhood Office District; generally located on the west side of North Tyler Road and 300 feet south of West 2nd Street North (239 North Tyler Road).
IPL0322545
Mar 18 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:
03/18/26 Print

Print Tearsheet Link

Marketplace Link

Julie Ambry

DIGITALLY SIGNED

Julie Ambry

Sherry J Chasteen

DIGITALLY SIGNED

Sworn to and subscribed before me on Mar 18, 2026, 12:32 PM ED

NOTARY PUBLIC STATE OF TEXAS
SHERRY J CHASTEEN
ELECTRONIC NOTARY PUBLIC
STATE OF TEXAS
COMMISSION # 125328493
MY COMMISSION EXPIRES 4/16/2029

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

CITY OF WICHITA

AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Shinita Rice, City Clerk

Being first duly sworn, deposes and says:

That Mandy Hebert, Administrative Aide I, from the Planning Department of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing / Ordinance No. _____ / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 19th day of March, 2026.

Shinita Rice

Signature

SUBSCRIBED AND SWORN to before me this 17 day of March, 2026

STATE OF KANSAS NOTARY PUBLIC
JO HENSLEY
My Appointment Expires
1-7-2030

Jo Hensley

Notary Public

(seal)

City Clerk's Office

City Hall •13th Floor •455 N. Main •Wichita, Kansas 67202

316.268.4529 ext. 2805

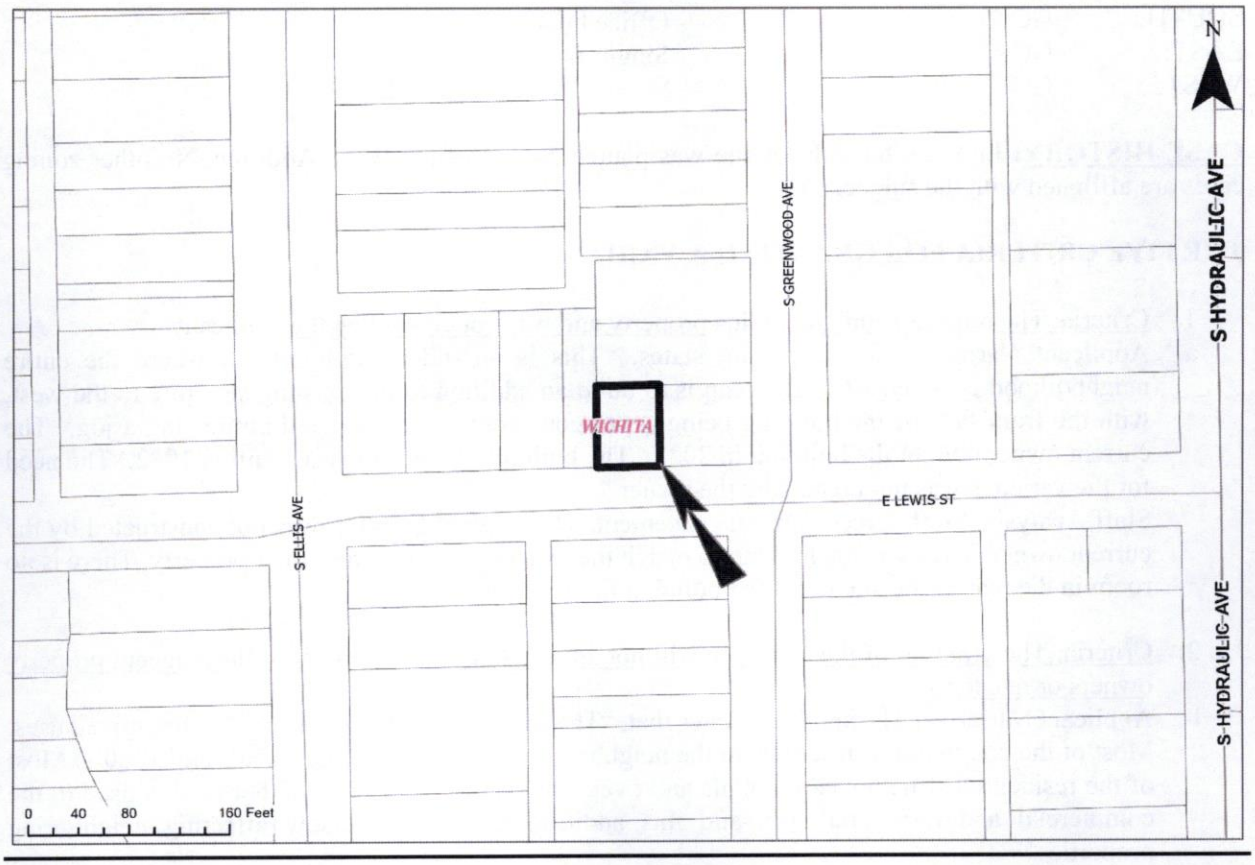
www.wichita.gov

Wichita-Sedgwick County Zoning Board of Appeals
April 9, 2026

AGENDA ITEM NO. 2

SECRETARY'S REPORT

CASE NUMBER:	BZA2026-00019 (City)
APPLICANT:	Ben & Todd's LLC (Applicants) / K.E. Miller Engineering (Agent)
REQUEST:	Variance request in the City to reduce front setback from 20 feet to 7.5 feet on property zoned GC General Commercial District,
CURRENT ZONING:	GC General Commercial
SITE SIZE:	0.07 acres
LOCATION:	Generally located on the north side of East Lewis Street, within 275 feet east of South Ellis 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 is requesting a Variance to reduce the front setback from 20 feet to 7.5 feet to allow expansion of an existing building on the adjacent lot on the west side which is owned by the same owner. The 0.07-acre property is zoned GC General Commercial District and is generally located on the north side of East Lewis Street, within 275 feet east of South Ellis Street.

The site is currently vacant. The applicants would like to expand the existing storage warehouse on the adjacent property owned by the applicant. The existing building has 7.5 ft in the front setback. As shown by the attached proposed site plan, the proposed extension with the front face of the building being continuous across the from the existing structure. The building to the west was built in 1982. The current owner bought the building in 2021.

SURROUNDING DEVELOPMENT: Property to the north is zoned GC General Commercial and is developed with a single-family dwelling. Property to the east is zoned GC General Commercial and is developed with a single-family dwelling. The properties to the south are zone GC General Commercial and is both are developed with office buildings. The property to the west is zoned GC General Commercial and developed with a storage/warehouse building

ADJACENT ZONING AND LAND USE:

NORTH:	GC	Single-family dwelling
SOUTH:	GC	Office building
EAST:	GC	Single-family dwelling
WEST:	GC	Storage/Warehouse building

CASE HISTORY: In 1886, the subject site was platted as part of the Burrs Addition. No other zoning cases are affiliated with the subject site.

THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. Criteria: The request is unique to this property and was not created by the applicant:

a. Applicant Narrative: The applicant states, "This is an older neighborhood where the entire neighborhood is zoned GC. The plan is to build an addition to the existing structure to the west, with the front face of the building being continuous across the from and not having a jog. The current owner bought the building in 2021. The building to the west was built in 1982. The need for the variance was not created by the owner."
Staff Analysis: Staff agrees with this statement. The original building was not constructed by the current owner. The owner is looking to match the existing façade across their property. There is no room in the rear of the site to set the building farther back.

2. Criteria: The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents:

b. Applicant Narrative: The applicant states that, "The neighborhood is zoned GC but has mixed uses. Most of the commercial structures in the neighborhood were built in the 1970's and 1980's. Most of the residential structures are rentals and over 100 years old. This neighborhood is used to the commercial and residential mix and this addition will not adversely affecting neighboring properties."

Staff Analysis: Staff agree with this statement. It is an older mixed-use neighborhood. There are several buildings built closer to the lot lines than required front setback including properties immediately south of the site which has existing buildings built closer to the lot line that the required 20 ft.

3. Criteria: The strict application of the provisions of the zoning code would constitute an unnecessary hardship on the applicant:

c. Applicant Narrative: The applicant states that, "The addition to the existing structure will be more difficult to construct and will increase the square foot cost and restrict the foot print of the building on a small lot."

Staff Analysis: Staff agrees with this statement. The strict application of the zoning code could constitute a hardship, especially when considering the lot is smaller in size and decline of the Variance may lead to restricting the foot print of the proposed building.

4. Criteria: The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community:
Applicant Narrative: The applicant states, "The setback reduction is common in the neighborhood. Many structures exist in the neighborhood encroach into the code setback. This variance will not adversely affect the harmonious development of the neighborhood and is very common. In fill of vacant lots is almost always a good thing."

Staff Analysis: Staff agrees with this statement. There are several buildings built closer to the lot lines than required front setbacks including properties immediately south of the site which has existing buildings built closer to the lot line that the required 20 ft.

5. Criteria: The granting of the Variance will not be opposed to the general spirit and intent of the Unified Zoning Code:
Applicant Narrative: The applicant states that, "The setback reduction is common in the neighborhood. This variance will not be noticeable as it is a continuation of an existing building. The variance will not be an outlier in the neighborhood, which is one of the things to code is designed to avoid."

Staff Analysis: Staff agrees with this statement. Granting the Variance would uphold the spirit and intent of the Unified Zoning Code and promote harmonious development with the surrounding properties.

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.

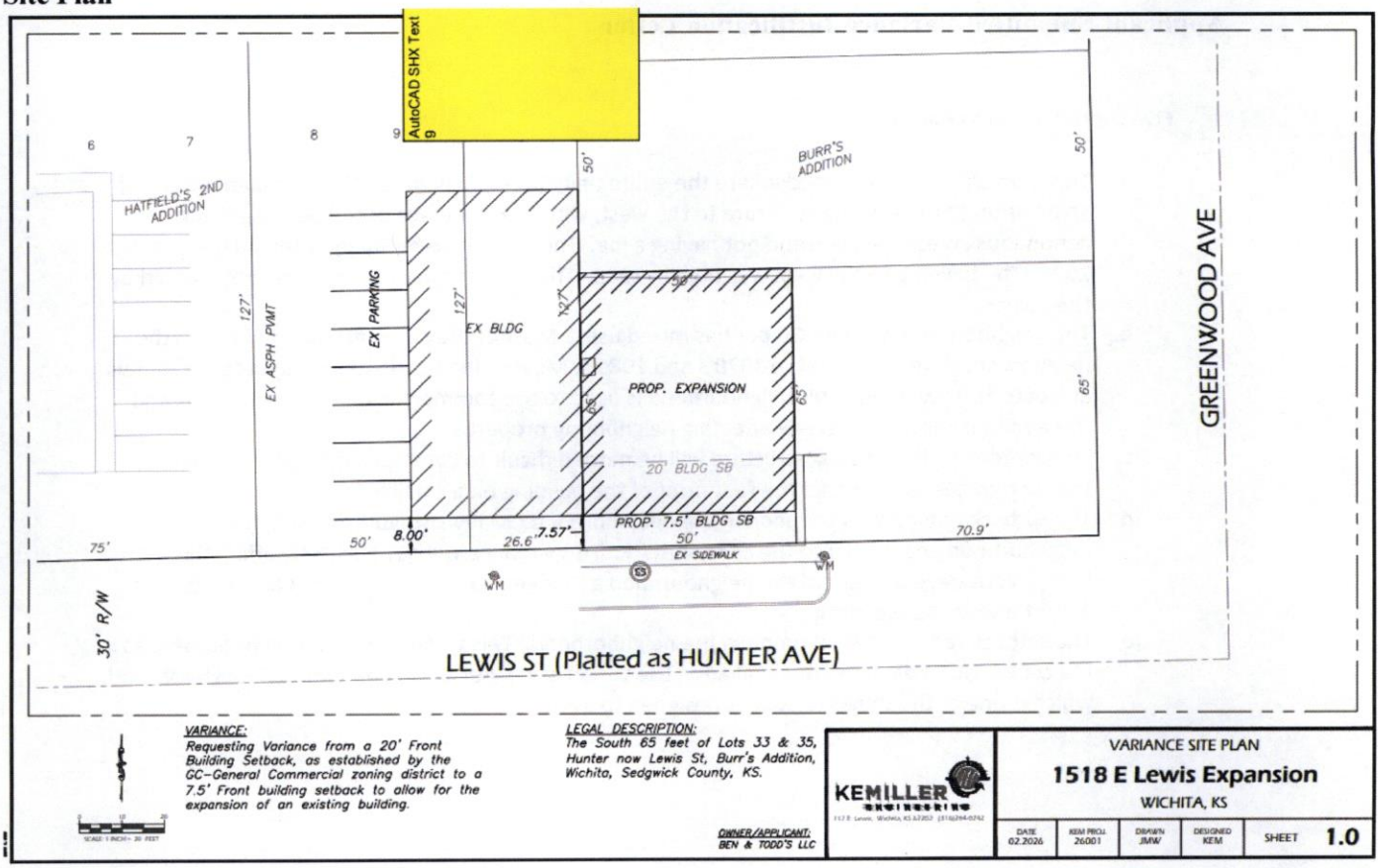
RECOMMENDATION: The recommendation of Staff is that the request to reduce the front setbacks from 20 feet to 7.5 feet for an expansion of the existing building, **meets the 5 criteria,** and can be approved subject to the following conditions:

1. The front yard setback reductions shall only apply to the building expansion as shown in the site plan.
2. The applicant shall obtain the proper building permits and inspections. Modifications must comply with all State, County, and any other applicable standards.

Staff Report Attachments:
1. Site Plan
2. Applicant-Submitted Variance Justification Letter
3. Aerial Map

4. Zoning Map
5. Site Photos

Site Plan


AutoCAD SHX Text
9
6
7
8
9
HATFIELD'S 2ND ADDITION
BURR'S ADDITION
50'
50'
127'
EX ASPH PVMT
EX PARKING
127'
EX BLDG
127'
PROP. EXPANSION
65'
GREENWOOD AVE
20' BLDG SB
75'
50'
8.00'
26.6'
7.57'
PROP. 7.5' BLDG SB
50'
70.9'
EX SIDEWALK
WM
WM
30' R/W
LEWIS ST (Platted as HUNTER AVE)
VARIANCE:
Requesting Variance from a 20' Front Building Setback, as established by the GC-General Commercial zoning district to a 7.5' Front building setback to allow for the expansion of an existing building.
LEGAL DESCRIPTION:
The South 65 feet of Lots 33 & 35, Hunter now Lewis St, Burr's Addition, Wichita, Sedgwick County, KS.
OWNER/APPLICANT:
BEN & TODD'S LLC
KEMILLER
VARIANCE SITE PLAN
1518 E Lewis Expansion
WICHITA, KS
DATE 02.2026
KEM PROJ 26001
DRAWN JMW
DESIGNED KEM
SHEET 1.0

Applicant-Submitted Variance Justification Letter

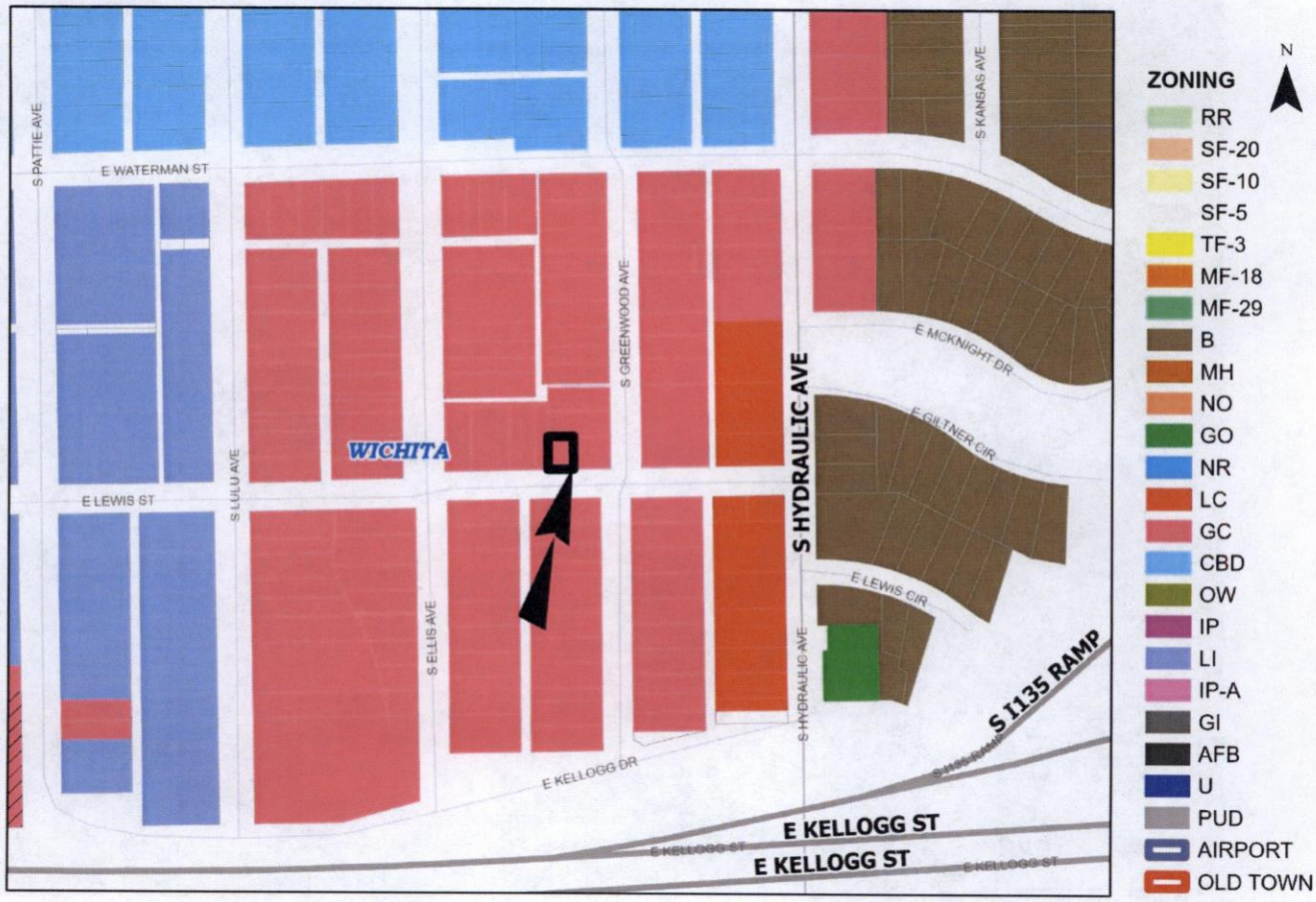
Five conditions for variance.

a. This is an older neighborhood where the entire neighborhood is zoned GC. The plan is to build an addition to the existing structure to the west, with the front face of the building being continuous across the from and not having a jog. The current owner bought the building in 2021. The building to the west was built in 1982. The need for the variance was not created by the owner.
b. The neighborhood is zoned GC but has mixed uses. Most of the commercial structures in the neighborhood were built in the 1970's and 1980's. Most of the residential structures are rentals and over 100 years old. This neighborhood is used to the commercial and residential mix and this addition will not adversely affecting neighboring properties.
c. The addition to the existing structure will be more difficult to construct and will increase the square foot cost and restrict the foot print of the building on a small lot.
d. The setback reduction is common in the neighborhood. Many structures exist in the neighborhood encroach into the code setback. This variance will not adversely affect the harmonious development of the neighborhood and is very common. In fill of vacant lots is almost always a good thing.
e. The setback reduction is common in the neighborhood. This variance will not be noticeable as it is a continuation of an existing building. The variance will not be an outlier in the neighborhood, which is one of the things to code is designed to avoid.

Aerial Map



Zoning Map


S PATTIE AVE
E WATERMAN ST
S LULU AVE
E LEWIS ST
WICHITA
S ELLIS AVE
S GREENWOOD AVE
S HYDRAULIC AVE
S KANSAS AVE
E MCKNIGHT DR
E GILTNER CIR
E LEWIS CIR
S I135 RAMP
E KELLOGG DR
E KELLOGG ST
E KELLOGG ST
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

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

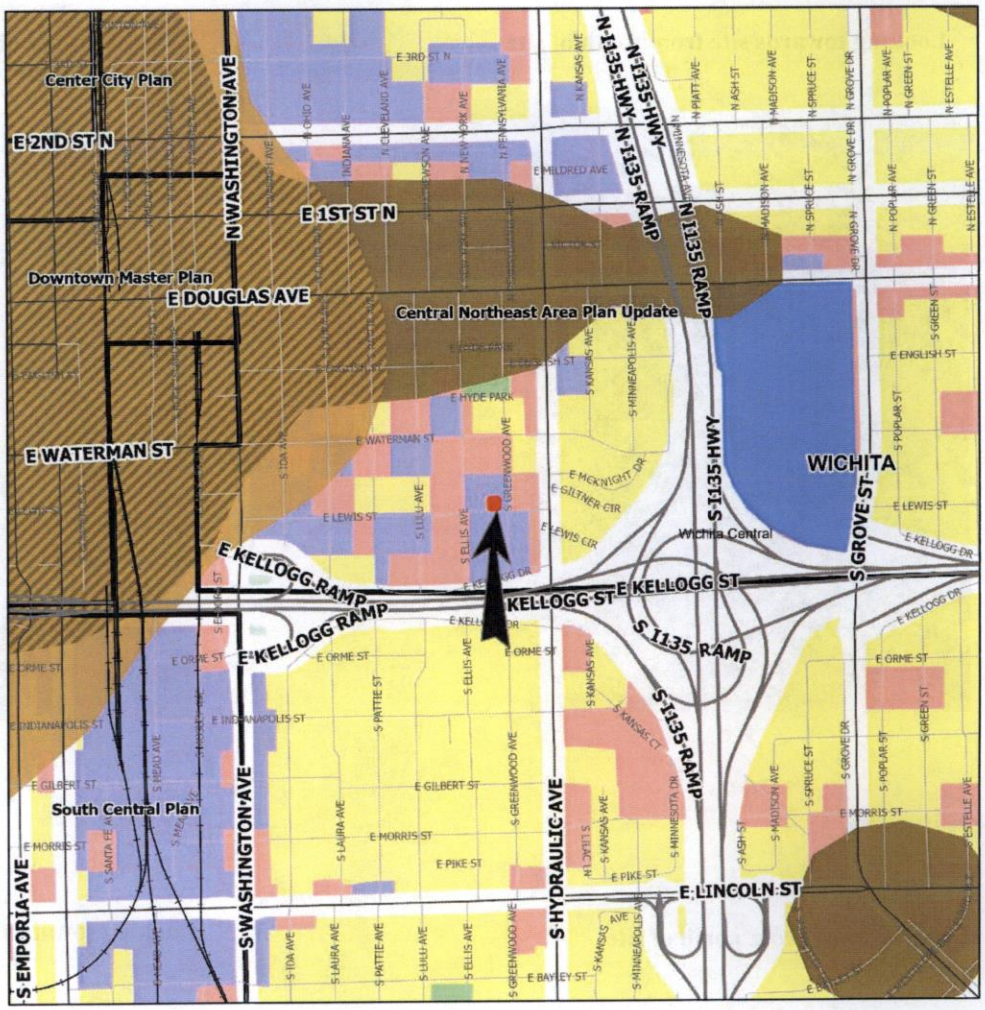
LAND USE

- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant

N

Scale: 1:12,853

0 500 1,000 2,000 US Feet



Looking towards site from south of site



The existing building on adjacent lot to the west of the site



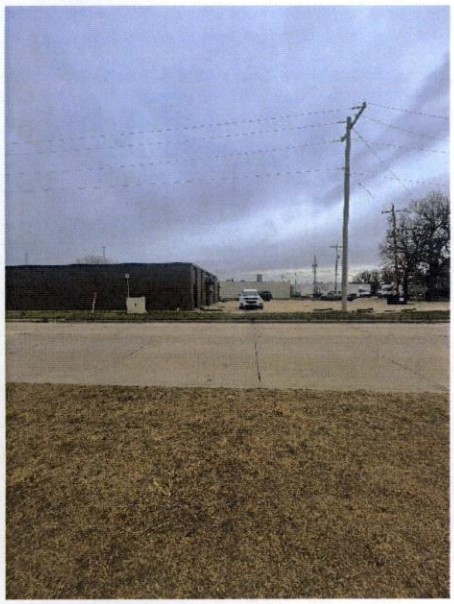
Looking away from north of site



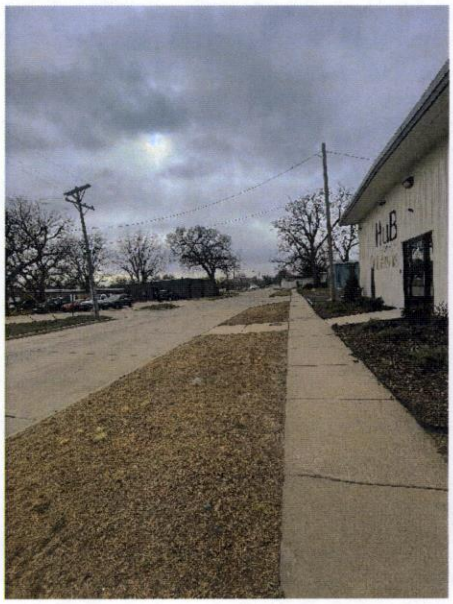
Looking towards the site from east of site



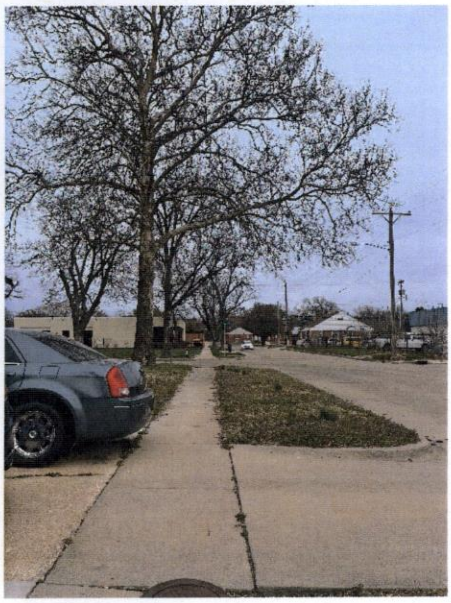
Looking away from site from south of site



Looking away from west of site



Looking away from east of site



Looking towards site from south of site

