CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 14, 2008

John Horner
10610 E 4th
Valley Center, KS 67147

RE: **BZA2008-18 – County BZA Variance** request to reduce a side setback from 20 to 10 feet. **Generally located north of 101st Street North and west of Greenwich (10520 E 4th).**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the County Board of Zoning Appeals on October 14, 2008, and an approved site plan. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

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

Sincerely,

Jess McNeely, AICP
Senior Planner

JMC/yja

Cc: Dave Unruh, BOCC, District 1, Mail Stop County Suite 320
Bob Parnacott, County Law Dept., Mail Stop, County Suite 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

BZA RESOLUTION NO. 2008-46

WHEREAS, John Horner (Owner/Applicant); pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a variance to the Unified Zoning Code to reduce a side setback from 20 to 10 feet in RR Rural Residential zoning on the following property:

Reserve H; Furley Addition, Sedgwick County Kansas. Generally located north of 101st Street North and west of Greenwich (10520 E 4th).

WHEREAS, proper notice as required by ordinance and by the rules of the Sedgwick County Board of Zoning Appeals has been given; and

WHEREAS, the Sedgwick County Board of Zoning Appeals did, at the meeting of October 14, 2008, consider said application; and

WHEREAS, the Sedgwick County 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 Sedgwick County Board of Zoning Appeals has found that the variance is unique as it was platted in 1887 on smaller lots than those typical in RR zoning, and therefore does not have adequate space for the required building setbacks in RR zoning. The property is also unique in that it borders a railway to the west, where no future buildings are anticipated.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners, as the adjacent property is a railway with a drive directly adjacent to the proposed building site.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the strict application of the provisions of the Sign Code of which a variance is requested would constitute an unnecessary hardship upon the applicant as this small property with existing features be unable to build the desired accessory structure within the required setbacks of the RR zoning district.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the variance desired would not adversely affect the public interest, as building and fire codes are followed, and no public right-of-way is affected by the proposed setback reduction.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the granting of the setback reduction variance would not be opposed to the general spirit and intent of the Sign Code, as the desired separation between buildings is still maintained due to the railway location west of the site.

WHEREAS, each of the five conditions required by Kansas Statues Annotated 12-759 *et. seq.*, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Sedgwick County Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, a variance to the Unified Zoning Code to reduce a side setback from 20 to 10 feet in RR Rural Residential zoning on the following property:

Reserve H; Furley Addition, Sedgwick County Kansas. Generally located north of 101st Street North and west of Greenwich (10520 E 4th).

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

1. The site shall be developed in conformance with the approved site plan.
2. The setback variance from 20 to 10 feet shall apply to the 30 by 30-foot building identified on the site plan only. All future building projects must conform to the Zoning Code unless additional variances or adjustments are granted.
3. The propsed building shall obtain necessary permits, and shall conform to all other codes including but not limited to building, health, and fire.
4. The proposed building shall be constructed within one year of the variance approval, unless such time is extended by the Board of Zoning Appeals.
5. The above conditions are subject to enforcement by any legal means available to Sedgwick County.

ADOPTED AT WICHITA, KANSAS, this 14th DAY of October, 2008.

Tom Lindsay, COBZA Vice Chairman

ATTEST:

Jess McNeely, BZA Secretary

ENTIRE PROPERTY
SITE PLAN

