



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 15, 2011

G&L Investments, LLC
c/o Greg Steckline
1632 S. Maize Rd.
Wichita, KS 67209

RE: BZA2011-00047 – County Variance to reduce front building setback from a section line road from 85 feet to 55 feet, on property zoned RR Rural Residential (“RR”), generally located Southeast of the intersection of S. 295th St. W. and W. 55th St. S. (29011 W. 55 St. South.)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Sedgwick County Board of Zoning Appeals on **December 14, 2011**. 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,

Derrick Slocum
County BZA Assistant Secretary
Current Plans Division

cc: Karl Peterjohn, County Commissioner
Bob Parnacott, County Counselor
Bill Raymond, County Counselor
Kelly Dixon, Sedgwick County Code Enforcement
Irene Hart, Sedgwick County Code Enforcement
Jim Weber, Sedgwick County Public Works

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1588

T 316.268.4421 **F** 316.268.4390

www.wichita.gov

BZA RESOLUTION NO. BZA2011-00047

WHEREAS, Greg Steckline (Owner/Applicant); pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a variance to the Unified Zoning Code to reduce a front setback from 85 to 55 feet from the centerline of a section line road, in RR Rural Residential (“RR”) zoning on the following property:

The Northwest Quarter of Section 29, Township 28 South, range 3 West of the sixth Principal Meridian, Sedgwick County, Kansas. Generally southeast of the intersection of S. 295th St. W. and W. 55th St. S. (29011 W. 55 St. South)

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 December 14, 2011, 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 this property is unique inasmuch as the specific location of the hay barn is on 40 acres of pasture in the middle of 160 acres that is owned by the applicant. 120 acres is highly priced cultivated land that grows wheat, the 40-acre of pasture is grass, a majority of which is located in the flood zone. When the applicant picked the location to build, they chose a location that would not take highly priced cultivated land out of production. This location is on the high side of the pasture land as far out of the bottom of the flood zone as possible, yet still easily accessible to the road, which is also located in the flood zone.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that granting the requested variance for setback reduction would not adversely affect the rights of adjacent property owners, inasmuch as the adjacent properties are all very large tracts and used for agricultural purposes. It is unlikely the encroachment would even be noticed by any of the adjoining property owners.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as requiring the applicant to comply with the setback requirement will require the building to be dismantled and rebuilt.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the requested variances will not adversely affect the public interest, inasmuch as the building is 55 feet from the West 55th Street South centerline, and 25 feet from the edge of the 55th Street right-of-way. 55th Street South is not planned for any improvements or expansion.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that granting the requested variances would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the primary intent of the setback requirements is to maintain sufficient separation between structures to maintain fire safety and to provide for the circulation of light, air and traffic, and the requested variance does not negatively impact this intent.

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

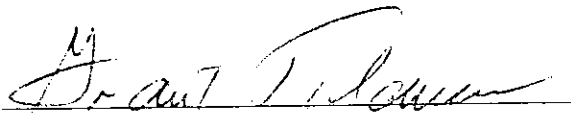
NOW, THEREFORE, BE IT RESOLVED by the Sedgwick County Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, a variance to the Unified Zoning Code to reduce a front setback from 85 to 55 feet from the centerline of a section line road, in RR Rural Residential ("RR") zoning on the following property:

The Northwest Quarter of Section 29, Township 28 South, range 3 West of the sixth Principal Meridian, Sedgwick County, Kansas. Generally southeast of the intersection of S. 295th St. W. and W. 55th St. S. (29011 W. 55 St. South)

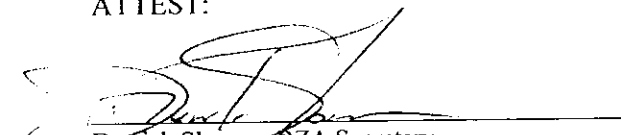
The variance is hereby **GRANTED**, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The front setback reduction from 85 to 55 feet from a section line road centerline. All future building projects must conform to the Zoning Code unless additional variances or adjustments are granted.
3. The proposed building shall obtain all necessary permits, and shall conform to all other codes including but not limited to building, health, and fire.
4. The above conditions are subject to enforcement by any legal means available to Sedgwick County.

ADOPTED AT WICHITA, KANSAS, this 14th DAY of December, 2011.


Grant Tideman, COBZA Chairman

ATTEST:


Derrick Slocum, BZA Secretary

BOARD OF ZONING APPEALS
Sedgwick County, Kansas

AGENDA ITEM NO. 2
CoBZA Meeting: October 12, 2011
CoBZA Meeting #2: December 14, 2011

SECRETARY'S REPORT

CASE NUMBER: BZA2011-00047

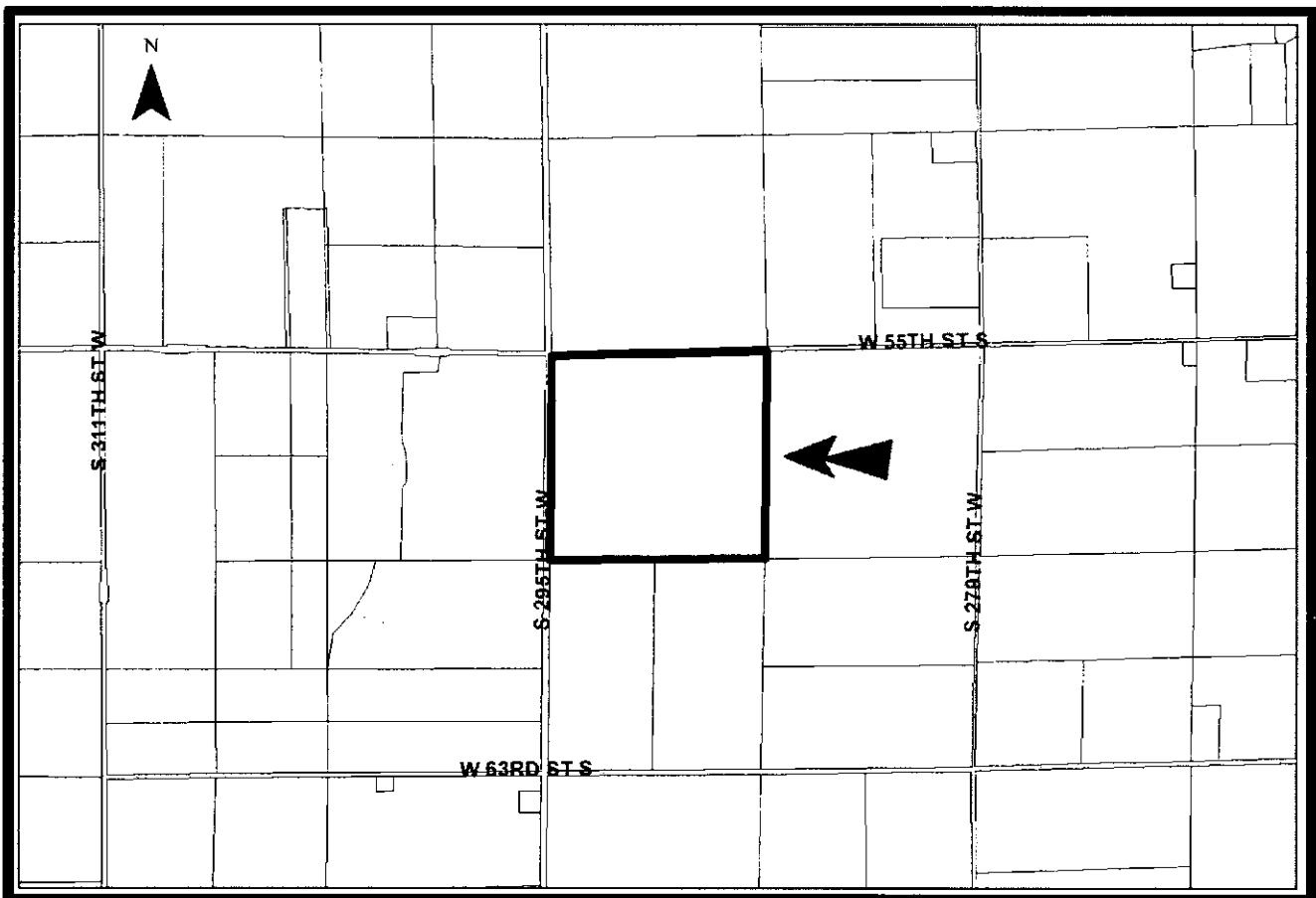
APPLICANT/AGENT: G&L Investments LLC c/o Greg Steckline (owner/applicant)

REQUEST: County Variance to reduce the front building setback from a section line road from 85 feet to 55 feet on property zoned RR Rural Residential ("RR").

CURRENT ZONING: RR Rural Residential ("RR")

SITE SIZE: 151.07 acres

LOCATION: Generally southeast of the intersection of South 295th St. West and West 55th St. South (29011 West 55 St. South).



JURISDICTION: The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The applicant requests a variance to reduce the Zoning Code required front setback from 85 to 55 feet from the section line road centerline (West 55th Street South) in RR Rural Residential (“RR”) zoning. The applicant currently has a hay barn at a location on the site that is currently 55-feet from the section line road centerline. The site has some constraints (i.e. flood zone and highly priced cultivated land) which makes the variance request necessary for the existing building (see the attached site plan). The applicant was unaware of the section line road setback when they constructed the hay barn and their biggest concern when they were placing the barn was putting it in a location that would be easily accessible and less obtrusive to the cultivated land.

The location of the barn is within an area identified as Zone A on the FEMA Floodplain Maps. Zone A is a Special Flood Hazard Area identified by FEMA that is subject to inundation from a 100-year flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance requirements apply.

All surrounding property is also zoned RR. All property north, south, east and west of the subject site is agriculture property.

ADJACENT ZONING AND LAND USE:

NORTH	RR	Agriculture
SOUTH	RR	Agriculture
EAST	RR	Agriculture
WEST	RR	Agriculture

The five criteria necessary for approval as they apply to variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the specific location of the hay barn is on 40 acres of pasture in the middle of 160 acres that is owned by the applicant. 120 acres is highly priced cultivated land that grows wheat, the 40-acre of pasture is grass, a majority of which is located in the flood zone. When the applicant picked the location to build, they chose a location that would not take highly priced cultivated land out of production. This location is on the high side of the pasture land as far out of the bottom of the flood zone as possible, yet still easily accessible to the road, which is also located in the flood zone.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the adjacent properties are all very large tracts and used for agricultural purposes. It is unlikely the encroachment would even be noticed by any of the adjoining property owners.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as requiring the applicant to comply with the setback requirement will require the building to be dismantled and rebuilt.

PUBLIC INTEREST: It is staff’s opinion that the requested variances will not adversely affect the public interest, inasmuch as the building is 55 feet from the West 55th Street South centerline, and 25 feet from the edge of the 55th Street right-of-way. 55th Street South is not planned for any improvements or expansion.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the primary intent of the setback requirements is to maintain sufficient separation between structures to maintain fire safety and to provide for the circulation of light, air and traffic, and the requested variance does not negatively impact this intent.

RECOMMENDATION: It is staff's opinion that the requested variance meets the five criteria necessary to grant a variance. Therefore, staff recommends that the variance be APPROVED. Should the Board determine that the necessary conditions exist to grant a variance, the Secretary recommends that the variance to reduce the front setback from 85 to 55 feet from a section line road centerline be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The front setback reduction from 85 to 55 feet from a section line road centerline. All future building projects must conform to the Zoning Code unless additional variances or adjustments are granted.
3. The proposed building shall obtain all necessary permits, and shall conform to all other codes including but not limited to building, health, and fire.
4. The above conditions are subject to enforcement by any legal means available to Sedgwick County.

NW Cor., NW 1/4
Sec. 29-T28S-R3W

55th St. So.

N 89°02'13" E (M)
2633.25' (M)

NE Cor., NW 1/4
Sec. 29-T28S-R3W

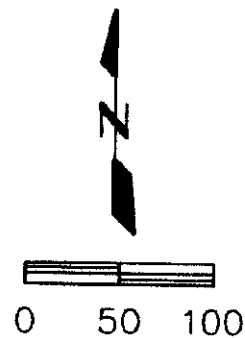
30' R/W

NOTES:

1. Elevations shown are existing ground elevations.
2. Elevations are NAVD 88 datum
3. Flood Plain scaled per Flood Insurance Rate Map 2017JCD430E and is subject to some inaccuracies.

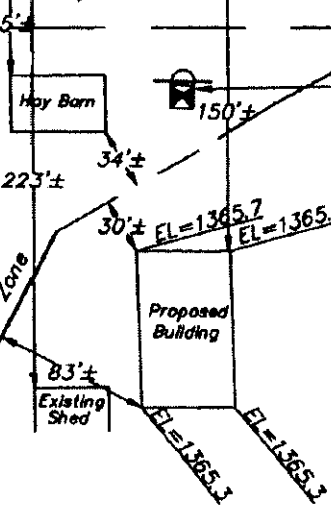
Zone A

Benchmark:
Set 1/2" Iron Rebar
EL=1366.52



295th St. W.
2565.20' (M)
N 00°59'00" E (M)

Approximate East Line of Flood Zone



State of Kansas }
County of Sedgwick } SS

I, Chad R. Abbott, L.S. #1340 do hereby certify that this drawing is a true representation of a Floodplain Development Survey performed by me or under my direct supervision and that I am a duly licensed Land Surveyor in the State of Kansas.

Legally described as:
The Northwest Quarter of Section 29, Township 28 South, Range 3 West of the 8th P.M., Sedgwick County, Kansas

Date of Survey: January 13, 2011
Date of Preparation: August 26, 2011

LEGEND:

- (M) = Measured
- ⊙ = Power Pole
- ⊠ = Benchmark

By *Chad R. Abbott*
Chad R. Abbott, L.S. #1340

SW Cor., NW 1/4
Sec. 29-T28S-R3W

Benchmark
LAND SURVEY, P.A.
416 S. MARKET WICHITA, KS 67202
PH 316.262.2262 FAX 316.262.2268
surveyors@benchmarkks.net

Dwn. By: AMB	Aprvd. By: CRA
Dwg. No. A12172	Scale: 1" = 100'