



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

May 7, 2003

Merlin and Deloris Troutman
Appellant
13601 E. 31st Street South #7
Wichita, KS 67232

RE: BZA 2003-00009 – Appeal of Administrative Interpretation of the County Zoning Administrator pertaining to the non-conforming use status of a mobile home park on property zoned “SF-20” Single-family Residential. Generally located south of 31st Street South and east of 127th Street East.

Dear Ladies and Gentlemen:

The above-referenced appeal was heard by the Sedgwick County Board of Zoning Appeal on Tuesday, May 6, 2003. The official action of the Board was to uphold the interpretation of the Zoning Administrator. Enclosed is an official Resolution and findings for the decision. Unless this action is appealed to District Court within 30 days of the hearing, the action of the BZA will be considered final.

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

Sincerely,

Scott Knebel
BZA Assistant Secretary

SK/rs

Cc: Rachael Priner, Triplett, Woolf and Garretson, 2959 N. Rock Rd., Ste. 300,
Wichita, KS 67226
Gary E. Dick, Butler REC, P O Box 1242, El Dorado KS 67042
Aaron Blasé, County Law, Mail Stop County Room 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213
Bill Buchanan, County Manager, Mail Stop County Room 343
Ben Sciortino, BOCC District V, Mail Stop, County Room 320

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BZA RESOLUTION NO. 2003-00009

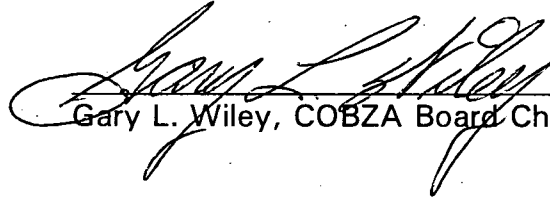
**MOTION TO AFFIRM THE DENIAL OF THE NONCONFORMING USE REGISTRATION
BY THE ZONING ADMINISTRATOR**

HAVING CONSIDERED THE ENTIRE RECORD REGARDING THIS MATTER AND HAVING HEARD THE EVIDENCE AS PRESENTED TO THE BOARD HERE TODAY, THE BOARD MAKES THE FOLLOWING FINDINGS:

1. That the Board of Zoning Appeals has jurisdiction to hear this appeal, pursuant to K.S.A. 12-759(d) and Section VII-I of the Wichita-Sedgwick County Unified Zoning Code, hereinafter referred to as "the Code."
2. That the Board makes the following findings of fact:
 - a) That the Zoning Administrator, pursuant to Section VII-I. of the Code, had the authority to deny the registration of a nonconformity on March 3, 2003.
 - b) That the subject property is zoned "SF-20" Single-Family Residential, which does not permit a Manufactured Home Park as a use of right.
 - c) That Section VII-A.2. of the Code provides that uses that came into existence legally and in conformance with then-applicable requirements but do not conform to all current requirements of the Code may continue to exist and be put to productive use as a nonconforming use.
 - d) That the subject property was developed with 39 manufactured homes at the time the property was first zoned "SF-20" Single-Family Residential. and came into existence legally a non-conforming use.
 - e) That Section VII-B.3. of the Code prohibits the expansion of outdoor nonconforming uses.
 - f) That permitting additional manufactured homes on the subject property over and above the 39 in existence at the time the property became a nonconforming use is not authorized by Section VII-B.3. of the Code.
 - g) That the subject property has non-conforming use rights to permit use of the property as a Manufactured Home Park, as defined by Section II-B.8.c. of the Code, for no more than 39 manufactured homes.
3. The Board further finds that the denial of the nonconforming use registration by the Zoning Administrator, as set forth in the letter on March 3, 2003, was correct and is supported by evidence presented at this hearing.
4. The Board further finds that the appellant has not met his burden of proof to show that the interpretation was in error.

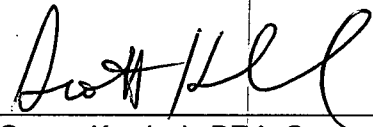
THEREFORE, BASED UPON THE FOREGOING, THE BOARD RESOLVES THAT THE DENIAL OF THE NONCONFORMING USE REGISTRATION BY THE ZONING ADMINISTRATOR HEREIN BE AFFIRMED.

ADOPTED AT WICHITA, KANSAS, this 6th DAY of MAY, 2003.



Gary L. Wiley, COBZA Board Chairman

ATTEST:



Scott Knebel, BZA Secretary