

**BZA RESOLUTION NO. BZA2020-00050**

**WHEREAS**, German Granados & William Rivas (Applicants); pursuant to Kansas Statutes Annotated 12-759, request a Variance to reduce a side setback to two feet to permit an existing carport and garage structure on property zoned SF-5 Single-Family Residential, and legally described as follows:

The West 87.5 feet of Lots 188, 190, and 192 on Mosley Avenue, in Ranson and Kays 2nd Addition, 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 November 19, 2020, 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**, it is the opinion of Board of Zoning Appeals that the conditions of the request are unique to the subject property. In this case, the owner purchased the carport from a manufacturer that indicated no permits were required for installation; and

**WHEREAS**, it is the opinion of Board of Zoning Appeals that the variance will not impact the use and enjoyment of the adjacent properties; and

**WHEREAS**, it is the opinion of Board of Zoning Appeals that a denial would have presented an adverse hardship to the applicant; and

**WHEREAS**, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

**WHEREAS**, it is the opinion of the Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; and

**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 a side setback to two feet to permit an existing carport and garage structure on property zoned SF-5 Single-Family Residential, and legally described as follows:


The West 87.5 feet of Lots 188, 190, and 192 on Mosley Avenue, in Ranson and Kays 2nd Addition, Wichita, Sedgwick County, Kansas.

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

1. The interior side setback reduction shall only apply to the enclosed garage structure and carport as shown in the site plan.

2. The applicant must install guttering along the northern roofline of the garage structure and carport.
3. The applicant shall obtain the proper building permit and an inspection. Modifications must comply with all State, County, and any other applicable standards.

Adopted this 17 Day of December 2020.

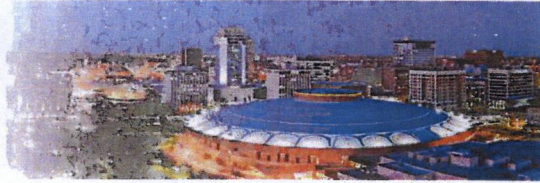


Michael C. Greene, BZA Board Chair

ATTEST:



Scott Wadle, BZA Secretary



**AFFIDAVIT OF PUBLICATION**

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
453868	0004780586			\$0.00	1	15.00 In

**Attention:** Betsy Pagán

CITY OF WICHITA/PLANNING DEPT  
 271 WEST THIRD ST., 2ND FL, SU 203  
 WICHITA, KS 67202

In The STATE OF KANSAS  
 In and for the County of Sedgwick  
 AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 10/15/2020

Ending issue of: 10/15/2020

STATE OF KANSAS)

.SS

County of Sedgwick)

VICTORIA RODELA, 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 from 10/15/2020 to 10/15/2020.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

*V Rodela*

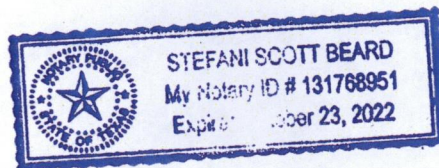
Signature of Principal Clerk

DATED: 10/16/2020

*[Signature]*

Notary Public Dallas County, Texas

Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



LEGAL PUBLICATION

OCA 15506

PUBLISHED IN THE WICHITA EAGLE

ON OCTOBER 15, 2020 (478856)

City Time Only

MAPC/EA November 5, 2020

OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, November 5, 2020, no earlier than 1:00 p.m., the Wichita-Sedgewick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually - public participation is available in multiple ways, these without technology options can participate by going to Century II - Room 1010, 225 West Douglas Avenue, Wichita, Kansas 67202 (located at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgewick County Metropolitan Area Planning Department at (316) 546-6421.

EZA102-0058 City Variance to allow carport in front setback and interior site setback; generally located south of E. Central and west of N. Finck Road (I Laurel Drive).

EZA102-0050 City Variance to reduce side setback to two feet to permit existing carport on an existing zoned SF-5 Single Family Residential and generally located on the north side of East Mt. Vernon and one block west of South Washington Avenue (104 E Mt. Vernon).

EZA102-0051 City BZA Variance to increase the height and size of a sign located in the parking lot south of 2323 W. University Ave. that is located south of University Ave and east of Box 51; increase sign height from 30' to 35'; and increase sign size from 14x11 to 20x14.

COR102-0023 City Conditional Use to permit multi-family development (3 dwelling units) in an existing zoned TF-2 generally located one block south of East Douglas Avenue and one-half mile west of South River (217 S. Fountain).

COR102-0029 City Conditional Use for accessory apartment on property zoned SF-5 Single-Family Residential located 400 feet north of 31st Street South, 150 feet east of South Seneca Street (3215 S. Yarnall).

COR102-0021 City Conditional Use for site located south of E. 21st St. and south of Heaver Rd. to allow a minor utility and an adjustment to an existing and the removal of existing PO 79 (w/ ZON102-0028).

ZON102-0007 City Zone Change from SF-5 Single Family Residential to TF-2 Two Family Residential to permit the development of duplexes on an existing property generally located one block east of South Seneca and one-quarter mile south of West 47th Street South (east of the intersection of 50th St. S and Osage).

ZON102-0025 City rezone from SF-5 to LC for commercial development of property generally located south of East Pawnee Avenue and west of South Hillside Avenue (3438 South El Rancho Road).

ZON102-0004 City rezone from GO General Office to NR Neighborhood Retail with a Protective Overlay to allow development of property generally located north of East Kellogg and east of South Esplanor Drive.

ZON102-0003 City rezoning from GC (General Commercial) to CBD (Central Business District) on parcel located on the northwest corner of W. Texas Ave and S. Swinburn St. also known as 601 W. Texas Ave.

ZON102-0008 City rezoning from SF-5 (Single Family) to IP (Industrial) Parcel for parcel located south of W. 21st St. and E. of Heaver Road at approximately the 5000 block of W. 21st St. due to modification of the water treatment plant. (w/ CON102-0033)

VAC102-0023 City vacation of utility easements for new construction on property zoned LC generally located south of East Pawnee Avenue and west of South Hillside Avenue (7416 South El Rancho Road).

VAC102-0025 City vacation of a portion of a platified 15-acre utility easement, generally located southwest of E. 21st Street North and North Greenleaf Road (10066 E. Greenleaf Circle).

VAC102-0026 City vacation of a platified 15-foot utility easement, generally located south of E. 17th Street North and North Hillside Avenue.

VAC102-0027 City Vacation of drainage and utility easement 1.037 acre Reserve A, Uses CUB acre for addresses on West University (4216, 4220, 4226 and 4240); generally located one block south of Alsop Street between Maple Lane and Arapaho Drive.

VAC102-0040 City Vacation of a platified front setback on Reserve L, to permit parking in a neighborhood subdivision pool on property zoned SF-5 Single Family Residential and generally located one-half mile west of North 17th Street East and one-quarter mile south of East 29th Street North.

VAC102-0041 City Vacation of a 14-foot utility easement to permit accessory structure on property zoned SF-5 Single Family Residential generally located one-half mile north of West 29th Street North and one-quarter mile east of North Arapaho Avenue (3242 N. Riverside).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgewick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDEGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPACT SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time: You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgewick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 3 days prior to the meeting. Please be sure to provide ample time for delivery. Comments can be submitted in the following formats: email, letter, video and audio message (mail, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Meeting Address: Wichita-Sedgewick County Metropolitan Area Planning Department 271 W. 3rd Street - Suite 201 Wichita, KS 67202

Phone: 316.268.4421 Fax: 316.6387-744

Participate Remotely: Please join my meeting from your computer, tablet or smartphone. https://join.zoomb.us/join/751320133

You can also dial in using your phone. United States: +1 (204) 801-1112 Access Code: 751-320-133

Attend a Virtual Connection Site In-Person: You may also participate in the meeting by going to meeting room 1010 at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-644-6474) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on October 12, 2020 Scott Wadell, Secretary Wichita-Sedgewick County Metropolitan Area Planning Commission

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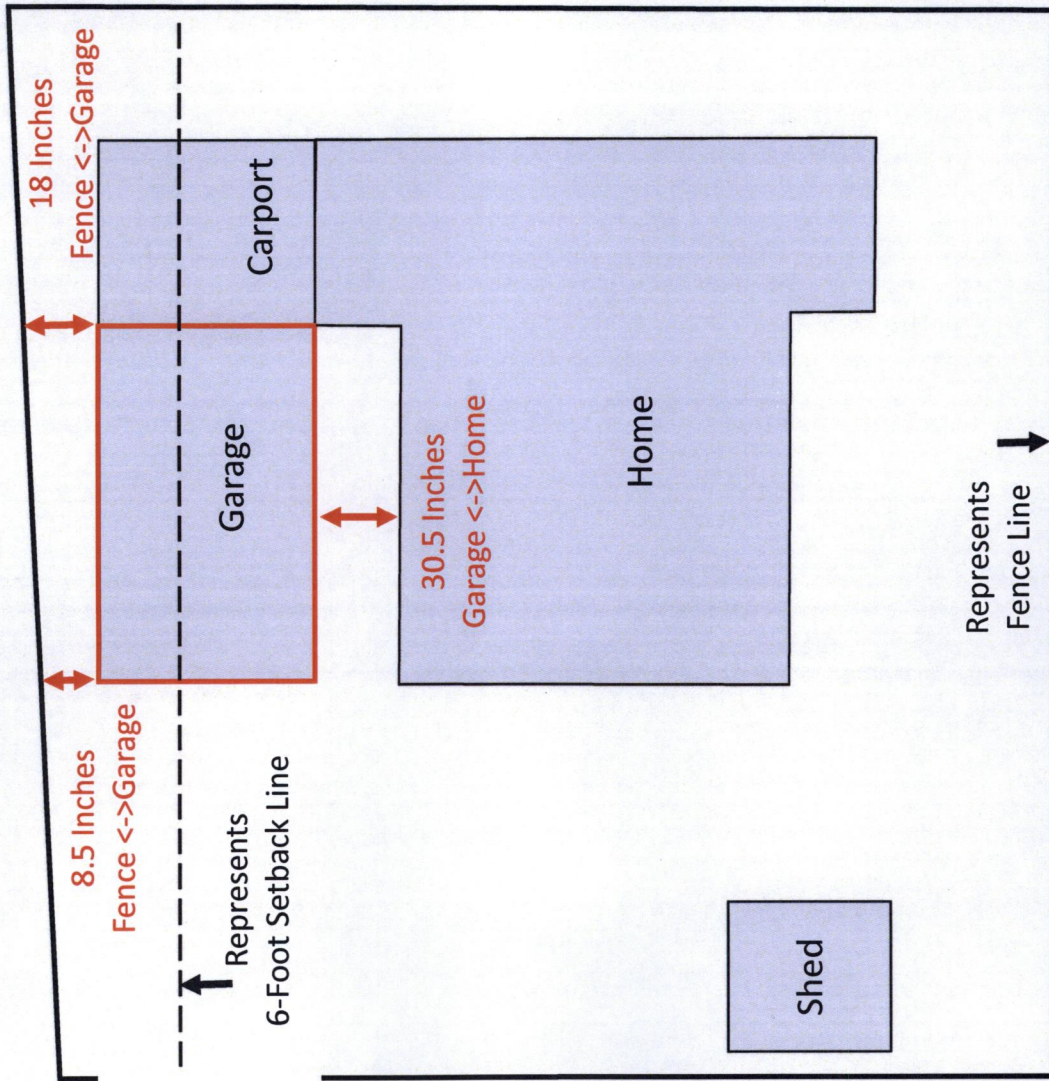
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BZA  
2020-50



Mosley Street



**SITE PLAN**

APPROVED 12/28/20 BY MW

ITEM  
**2**

Represents  
Fence Line ↓  
Diagram Not To Scale