



Wichita-Sedgwick County Metropolitan Area Planning Department

February 26, 2021

Excel Custom Construction
2605 W. 11th
Wichita, KS 67203

RE: BZA2020-00065: City Variance to allow covered parking; generally located approximately 200 feet west of South Osage Street on West University Avenue at 818 W University Avenue.

Dear Applicant,

At its regular meeting on January 21, 2021, the Wichita - Sedgwick County Board of Zoning Appeals considered the above captioned request. The action of the BZA was to **APPROVE** the request.

Enclosed is a signed copy of the above referenced BZA Resolution adopted by the Board of Zoning Appeals. This resolution reflects the official actions of the Board and is forwarded for your information and files.

Part of the resolution indicates conditions that must be met in order for the variance to take effect.

1. The variance shall only apply to the covered parking structures as described in the attached documents and site plan.
2. The covered parking structures must be approved by the Delano Overlay Design Review Committee.
3. The applicant shall obtain the proper building permit and an inspection. Modifications must comply with all State, County, and any other applicable standards.
4. The resolution authorizing this Variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268 4421.

Sincerely,
Matthew Williams, AICP
Associate Planner

Copies to: Carol Abou Faissal, 8501 Killarney, Wichita, KS 67206
MABCD
Jeff Blubaugh, WCC District IV
Rebecca Fields, CSR IV
S. Mellies, City Engineer

BZA RESOLUTION NO. BZA2020-00065

WHEREAS, Carol Abou Faissal (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to allow covered parking on property zoned MF-18 Multi-Family Residential and DO Delano Overlay, and legally described as follows:

The West 76 feet of Lot 4, Block 5, Lawrence's Addition to West 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 January 21, 2021, 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; 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 allow covered parking on property zoned MF-18 Multi-Family Residential and DO Delano Overlay, and legally described as follows:

The West 76 feet of Lot 4, Block 5, Lawrence's Addition to West Wichita, Sedgwick County, Kansas.

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

1. The variance shall only apply to the covered parking structures as described in the attached documents and site plan.

2. The covered parking structures must be approved by the Delano Overlay Design Review Committee.
3. The applicant shall obtain the proper building permit and an inspection. Modifications must comply with all State, County, and any other applicable standards.
4. The resolution authorizing this Variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

Adopted this 4th Day of February 2020.

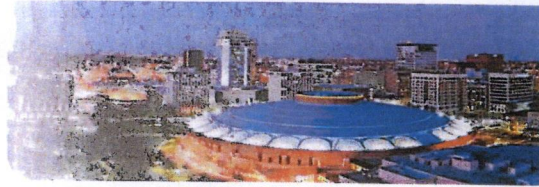


Michael C. Greene, BZA Board Chair

ATTEST:



Scott Wadle, BZA Secretary



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
453868	0004839659		OCA 150004	\$109.20	1	13.00 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: 12/31/2020

Ending issue of: 12/31/2020

STATE OF KANSAS)

.SS

County of Sedgwick)

VICTORIA RODELA, of lawful age, being first duly sworn, depose 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 12/31/2020 to 12/31/2020.

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

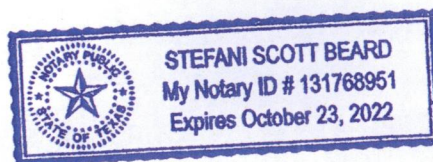
V Rodela

Signature of Principal Clerk

DATED: 1/5/2021

Notary Public Dallas County, Texas

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



LEGAL PUBLICATION

OCA 150004
PUBLISHED IN THE WICHITA EAGLE
ON DECEMBER 31, 2020 (4839659)
(ONE TIME ONLY)

MAPC/BZA January 21, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, January 21, 2021 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 virtually, public participation is available in multiple ways, those without technology options can participate by going to Century II - Room 101B - 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). 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.

BZA2020-00065 City of Wichita Variance to allow covered parking located approximately 200 feet west of S. Osage St. on W. University Ave. at 018 W. University Ave.

BZA2020-00067 City variance to allow on-site sign and increase height and size on property zoned LC Limited Commercial located 2300 feet east of South Rock Road, on the south side of U.S. 56/400 Highway (Kellogg).

CON2020-00040 City Conditional Use for Group Residence, Limited on property zoned SF-3 Single Family Residential, generally located on the south side of West Maple Street within a half mile to the east of South Meridian Avenue (1825 West Maple).

CUP2020-00047 City CUP Amendment to DP-169 to allow Major Utility and revise screening wall requirements on property zoned LC Limited Commercial, generally located on the southwest corner of East Pawnee Avenue and South Oliver Avenue (2423 South Oliver).

CUP2020-00049 City CUP amendment to Kellogg Mall CUP DP-12 to modify Parcel 1 to modify allowed uses to include those that are considered as Nightclubs in the City, generally located at the northwest corner of South Rock Road and East Kellogg Drive (1700 E Kellogg Drive).

PUD2020-00013 City PUD zoning district to create PUD #81 RF Addition to allow ADUs in a traditional neighborhood development with home occupations, generally located one-quarter mile east of South Rock Road and one-quarter mile south of East 31st Street South.

PUD2020-00014 City PUD zoning district to create PUD #82 Falcon Falls Addition to allow ADUs in a traditional neighborhood development with home occupations, generally located one-half mile west of North Hillside Avenue on the north side of East 45th Street North.

VAC2020-00053 City Vacation of portion of roadway for warehouse expansion on property zoned LI Limited Industrial located 600 feet north of K-42 Highway, on the east side of South Hoover Street (2820 South Hoover Street).

ZON2020-00047 City zone change from SF-3 to TF-3 located immediately south of a parcel addressed as 4929 W. Douglas. This parcel has no address assigned yet as there is no building on it to date. This parcel is located south of the parcel located on the southeast corner of W. Douglas Ave. and S. Clara St.

ZON2020-00050 City zone change from SF-3 Single-Family Residential to TF-3 Two-Family Residential located 1800 feet east of North Hydrus Avenue, 2500 Feet south of East 21st Street North.

ZON2020-00051 City zone change from SF-3 Single-Family Residential to SF-3 Two-Family Residential on property located 975 feet north of West 55th Street South, on the west side of South Seneca Street.

ZON2020-00052 City zone change from SF-3 Single-Family Residential to SF-3 Two-Family Residential located 2300 feet south of West MacArthur Road, on the east side of South Meridian Avenue.

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 Sedgwick 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-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION due to COVID-19, WHICH WILL IMPOSE 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-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (m4a, 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.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: Scott Wadle 271 W. 3 rd Street - Suite 201 Wichita, KS 67202
Phone	316-268-4421
Fax	316-858-7764

Participate Remotely
Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/65154414>

You can also dial in using your phone.
United States: +1 (371) 317-3112
Access Code: 651 544 141

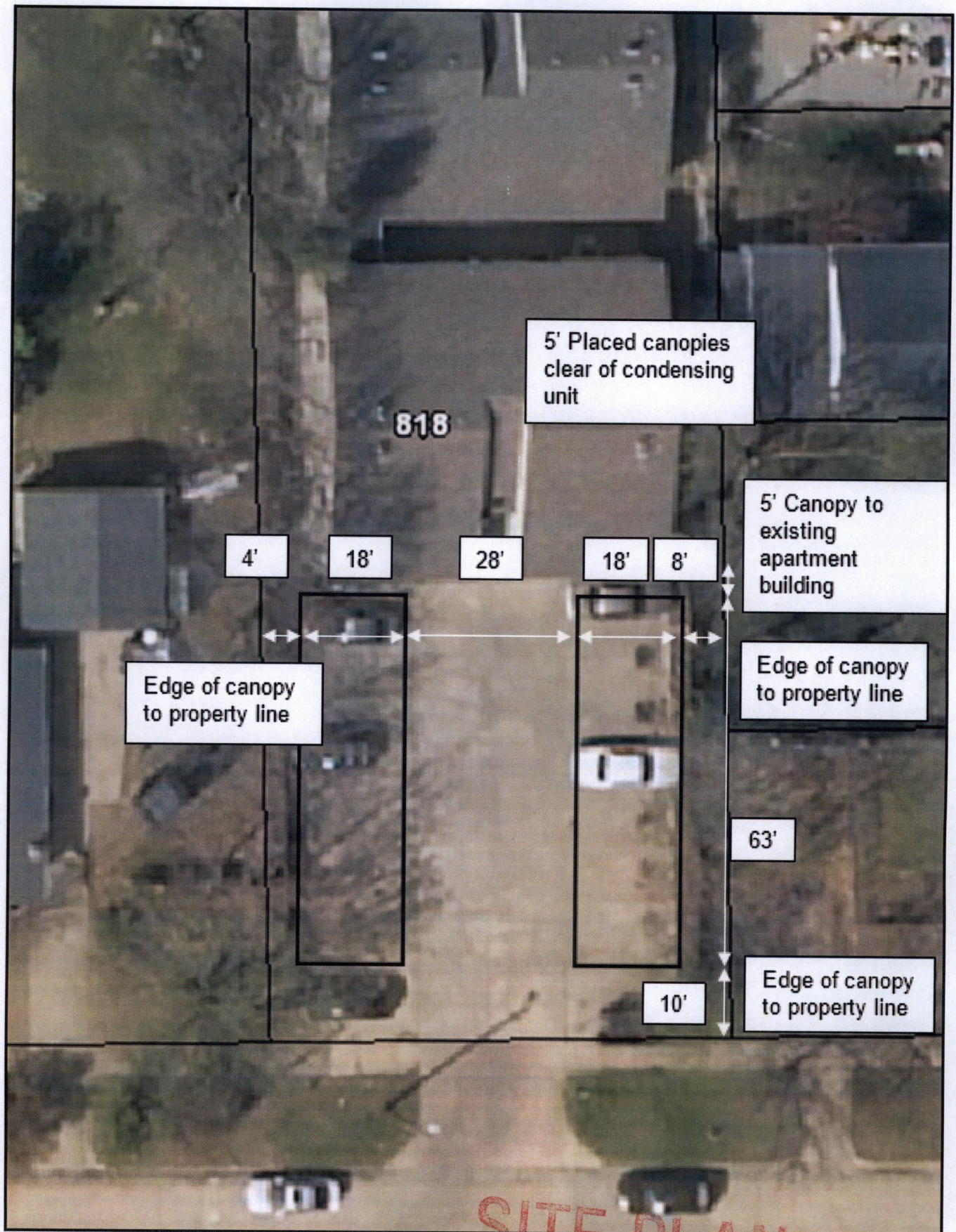
Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.gotomeeting.com
Meeting ID: 651 544 141

Or dial directly: 651.544.141 or 67.217.95.2 or 651.544.141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/65154414>

Attend a Virtual Connection Site In-Person
You may also participate in the hearing by going to meeting room 101B 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 (316-4461) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on December 28, 2020
Scott Wadle, Secretary
Wichita Sedgwick County
Metropolitan Area Planning Commission



SITE PLAN

APPROVED 2/26/21 BY MW