



Wichita-Sedgwick County Metropolitan Area Planning Department

April 12, 2021

Michael Clasen
10401 E. 95th Street South
Derby, KS 67037

RE: BZA2021-00009 – County Variance to reduce front building setback from 85 feet to 70 feet from section line road and to permit an accessory structure in front of a principle structure on less than 5 acres on property zoned RR; generally located on the south side of East 95th Street South and one-half mile east of South Webb Road.

Dear Applicant,

The official action of the Board of Zoning Appeals was to grant the requested variance. The BZA2021-00009 Resolution adopted by the Board of Zoning Appeals on April 8, 2021 is attached. The approval of the request is subject to the following conditions.

1. The reduction of setback shall only apply to the proposed 100-foot by 40-foot structure as described on the attached site plan.
2. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the addition.

If you have any questions concerning this matter, please call our office at (316)-268-4421.
Sincerely,

A handwritten signature in blue ink that reads 'Matt Williams'.

Matthew Williams, AICP
Associate Planner

Copies to: MABCD

BZA RESOLUTION NO. BZA2021-00009

WHEREAS, Michael Clasen (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the building setback from 85 feet (from section line road center-line) to 75 feet (from section line road centerline) along East 95th Street South and an adjustment to allow an accessory structure in front of a principal structure on less than five acres, on a property zoned RR Rural Residential, and legally described as follows:

A tract of land in the West Half of the Northeast Quarter of Section 21, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows:
Beginning at the Northwest corner of said West Half of said Northeast Quarter; thence S 0°50'05" W along the West line of said Northeast Quarter, 340.0 feet; thence S 88°05'33" E, 330.3 feet; thence N 0°50'18" E, 351.0 feet to the North line of said Northeast Quarter; thence S 90°00' W along the North line of said Northeast Quarter, 330.3 feet to the point of beginning, EXCEPT the North 40 feet thereof for road.

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 April 8, 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, the conditions of the request are unique to the subject property. In this case, various issues on the property render this location as the only site that the building would fit. The sewage laterals for the existing home, old sewage laterals that are no longer used, and several mature trees (one that includes a tree house) prevent the building from being located elsewhere.

WHEREAS, waving the requirements will not adversely affect the rights of adjacent property owners. No homes are within viewing sight of the proposed location for the accessory building.

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner. Without this variance, mature trees and the driveway would need to be removed and/or disturbed.

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 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, in the case of a Variance to reduce the building setback from 85 feet (from section line road center-line) to 75 feet (from section line road centerline) along East 95th Street South

and an adjustment to allow an accessory structure in front of a principal structure on less than five acres, on a property zoned RR Rural Residential, and legally described as follows:

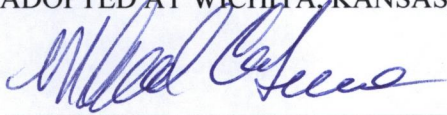
A tract of land in the West Half of the Northeast Quarter of Section 21, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, described as follows:

Beginning at the Northwest corner of said West Half of said Northeast Quarter; thence S 0°50'05" W along the West line of said Northeast Quarter, 340.0 feet; thence S 88°05'33" E, 330.3 feet; thence N 0°50'18" E, 351.0 feet to the North line of said Northeast Quarter; thence S 90°00' W along the North line of said Northeast Quarter, 330.3 feet to the point of beginning, EXCEPT the North 40 feet thereof for road.

The variance and adjustment are hereby GRANTED, subject to the following conditions:

1. The reduction of setback shall only apply to the proposed 100-foot by 40-foot structure as described on the attached site plan.
2. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the addition.

ADOPTED AT WICHITA, KANSAS, this 8 Day of April, 2021.



Michael Greene, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Mary Joyce, being first duly sworn, deposes and says: That he/she is Legal Manager of

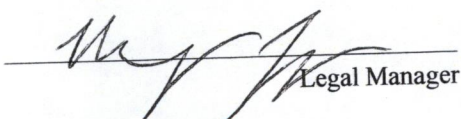
The Derby Informer

a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a weekly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

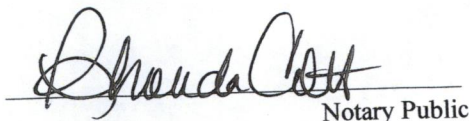
Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class matter.

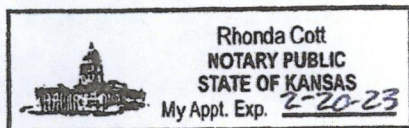
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 week the first publication thereof being made as aforesaid on the 17th day of March 2021, with subsequent publications being made on the following dates:

N/A


Legal Manager

Subscribed and sworn to before me this 17th day of March, 2021.


Notary Public



Official Hearing Notice – MAPC – April 8, 2021

Printer's Fee: \$50.40

Additional copies: \$ _____

Legal Publication

OCA 150004
Published in The Derby Informer on March 17, 2021

MAPC April 8, 2021 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 8, 2021 no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission (Planning Commission) 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 WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

BZA2021-00009 County Variance to reduce front building setback from 85ft to 70ft from section line road and to permit an accessory structure in front of a principle structure on less than 5 acres on property zoned RR; generally located on the south side of E 95th Street S and one-half mile east of S Webb Rd.

CON2021-00009 County Conditional Use to allow camper and boat storage on property zoned RR Rural Residential in the Goddard Area of Influence; generally located on the south side of W 6th Street and one-eighth mile east of S 199th Street West (19721 W. 6th Street South)

CUP2021-00013 County to create Brindle Meadows Community Unit Plan DP-357; generally located approximately 1400 feet south of I-235 on the west side of S. Meridian Ave. Associated with ZON 2021-00011

ZON2021-00010 County rezoning from RR Rural Residential to SF-20 Single-Family Residential; generally located at the southeast corner of North 183rd St. W. and W. 4th St. North.

ZON2021-00011 County zone change from SF-20 Single-Family and LC Limited Commercial to GC General Commercial located approximately 1400 feet south of I-235 on the west side of S. Meridian Ave. Associated with CUP 2021-00013.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the WichitaSedgwick 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 (mp3, 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. 3rd 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/651544141>

You can also dial in using your phone.

United States: +1 (571) 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.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.2##651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

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 (2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on March 15, 2021

Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

Site Plan

North ↑



SITE PLAN

APPROVED 4/8/21 BY MW