



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

October 9, 2025

Series 3/MAHA A34, A Separate Series of MAHA Enterprises, LLC
4515 Spyglass Circle
Wichita, KS 67226

Jata Enterprises, LLC
4515 Spyglass Circle
Wichita, KS 67226

RE: BZA2025-00059 – Variance to allow reduced lot size for a duplex, streetside, and rear setback; generally located on the southeast corner of North Market Avenue and East 11th Street North

Dear Applicant,

At its regular meeting on **October 9, 2025**, the official action of the Board of Zoning Appeals was to **GRANT** the requested variance. The approval of the request is subject to the following conditions:

1. The site is to be developed in general conformance to the site plan.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

Brad Eatherly
Current Plans
Senior Planner

CC: MABCD

BZA RESOLUTION NO. BZA2025-00059

WHEREAS, Series 3/MAHA A34, A Separate Series of MAHA Enterprises, LLC, (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to allow reduced lot size for a duplex, streetside, and rear setback on property located on the southeast corner of North Market Avenue and East 11th Street North; legally described as follows:

Lots 246 and 248, EXCEPT the East 45 feet thereof, on Market Street, in Hyde & Ferrell's Addition to 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 October 9, 2025, 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; and

WHEREAS, waiving the requirements will not adversely affect the rights of adjacent property owners; and

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner; 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 reduced lot size for a duplex, streetside, and rear setback on property located on the southeast corner of North Market Avenue and East 11th Street North; legally described as follows:

Lots 246 and 248, EXCEPT the East 45 feet thereof, on Market Street, in Hyde & Ferrell's Addition to Wichita, Sedgwick County, Kansas.

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

1. The site is to be developed in general conformance to the approved site plan.

ADOPTED AT WICHITA, KANSAS, this ___9th___ Day of ___October___ 2025


Bryan Frye, BZA Board Chair

ATTEST:



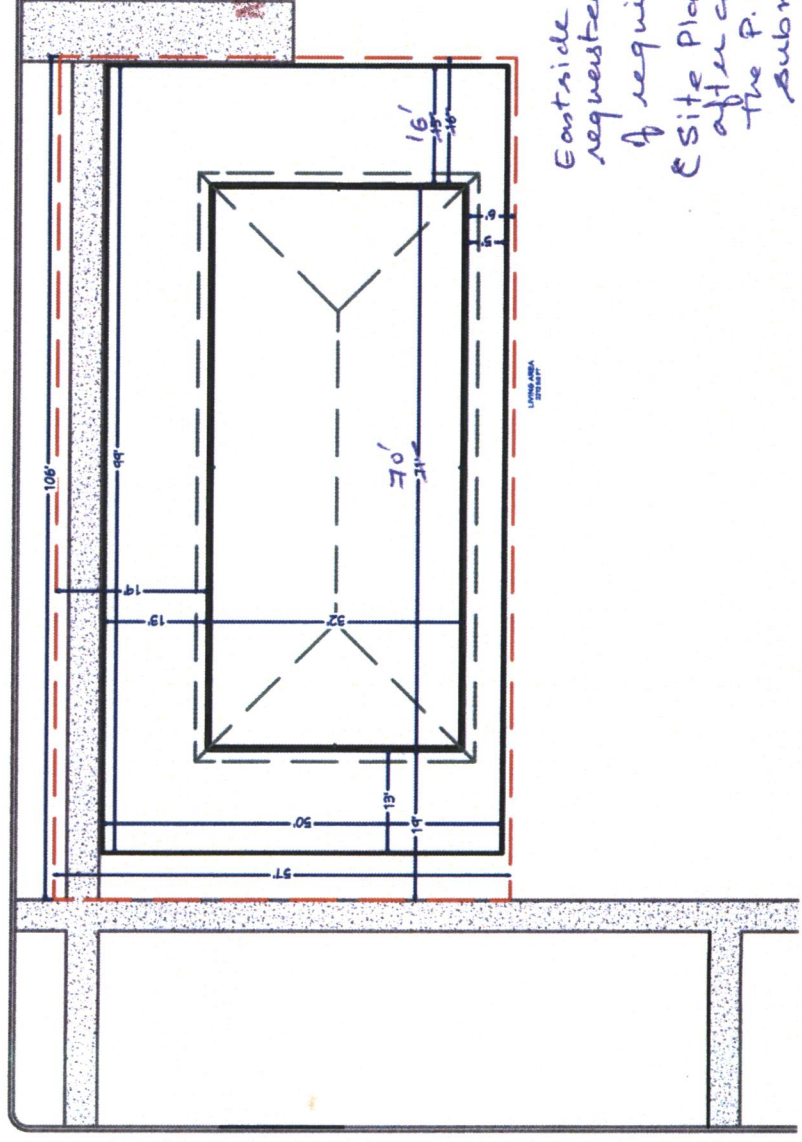
Scott Wadle,
BZA Secretary

SITE PLAN

APPROVED 10/9/25 BY JBE

11TH ST.

MARKET ST.



Eastside setback requested in 16' instead of required 20'.
 Site Plan was modified after consultation with the P.O.D. on the day of submission.

Location: SE Corner of 11th St. and N Market St. Lots: 246-248	Project Wichita Ks, Lot Designed By Johnny Miniard	Sheet Description Plat Change	Scale 1"=15'	Page 1
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Carpenter Cares

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
41100	IPL0273072	Legal Ad - IPL0273072	10/9 Hearing	2.0	90.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA, KS 67202
 MHEBERT@wichita.gov

In The STATE OF KANSAS
 In and for the County of Sedgwick
 STATE OF KANSAS)
 SS

County of Sedgwick)
 the undersigned, 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.

1.0 insertion(s) published on:
 09/17/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

Sherry Chasteen



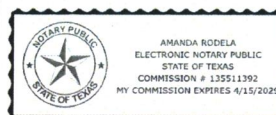
Sherry Chasteen

Amanda Rodela



Sworn to and subscribed before me on

Sep 17, 2025, 9:48 AM EDT



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX*

OCA 150004
Published in The Wichita Eagle on September 17, 2025
(One Time Only)
MAPC/BZA October 9, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, October 9, 2025, 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 in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. 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. **Full notice can be found at www.wichita.gov/LegalNotices.**

BZA2025-00059: Variance request in the City to reduce minimum lot size requirement for a duplex and reduce street side and front setbacks by up to 20 percent on property zoned TF-3 Two-Family Residential, generally located on the southeast corner of North Market Street and East 11th Street North.

CON2025-00119: Conditional Use in the City to allow an Accessory Apartment on property zoned SF-5, generally located within a quarter mile southeast of the corner of East Mount Vernon Road and South Edgemoor Drive (5827 E Bellaire Avenue).

PUD2025-00020: PUD amendment request in the City to PUD #12 to allow for assisted living facilities and independent living residences, generally located on the southeast corner of East Harry Street and South 127th Street East.

PUD2025-00021: PUD amendment request in the City to PUD #55 to modify building capacity, building coverage area, and max gross floor area ratio on Parcel 1 on property generally located on the south side of East Douglas Ave, within one block east of South Hillside Avenue (3207 East Douglas Avenue).

VAC2025-00041: Vacation Request in the City to vacate the 20-foot side setback on the south side of property zoned LC, generally located on the northeast corner of South Seneca Street and West 29th Street South (2958 South Seneca Street).

ZON2025-00042: Zone Change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District, generally located south of West 55th Street South and 642 feet west of South Seneca Street (1313 W 55th Street South).

ZON2025-00043: Zone Change request in the City from TF-3 Two-Family Residential to LC Limited Commercial with Protective Overlay for youth community mental health facility, generally located south of West Harry Street and bounded by South Gordon Avenue and South Edwards Avenue (1601 South Edwards Avenue).

IPL0273072
 Sep 17 2025



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Shinita Rice, Deputy City Clerk

Being first duly sworn, deposes and says:

That Mandy Hebert, Administrative Aide I, from the Planning Department of the City of Wichita, Kansas has published the attached notice on the City of Wichita website, www.wichita.gov/LegalNotices, which website is designated as the official City News Outlet Publication Site for the City of Wichita, Kansas by Charter Ordinance No. 240 effective September 4, 2024.

That the attached Notice of Public Hearing Ordinance No. _____ / Resolution No. _____ is a true copy thereof and was published on such website beginning on the 18th day of September, 2025.

Signature

SUBSCRIBED AND SWORN to before me this 15th day of September, 2025.



(seal)

Notary Public

City Clerk's Office

Paul Leeker, City Clerk

City Hall • 13th Floor • 455 N. Main • Wichita, Kansas 67202

316.268.4529 ext. 2805

www.wichita.gov

SECRETARY'S REPORT

CASE NUMBER: BZA2025-00059 (City)

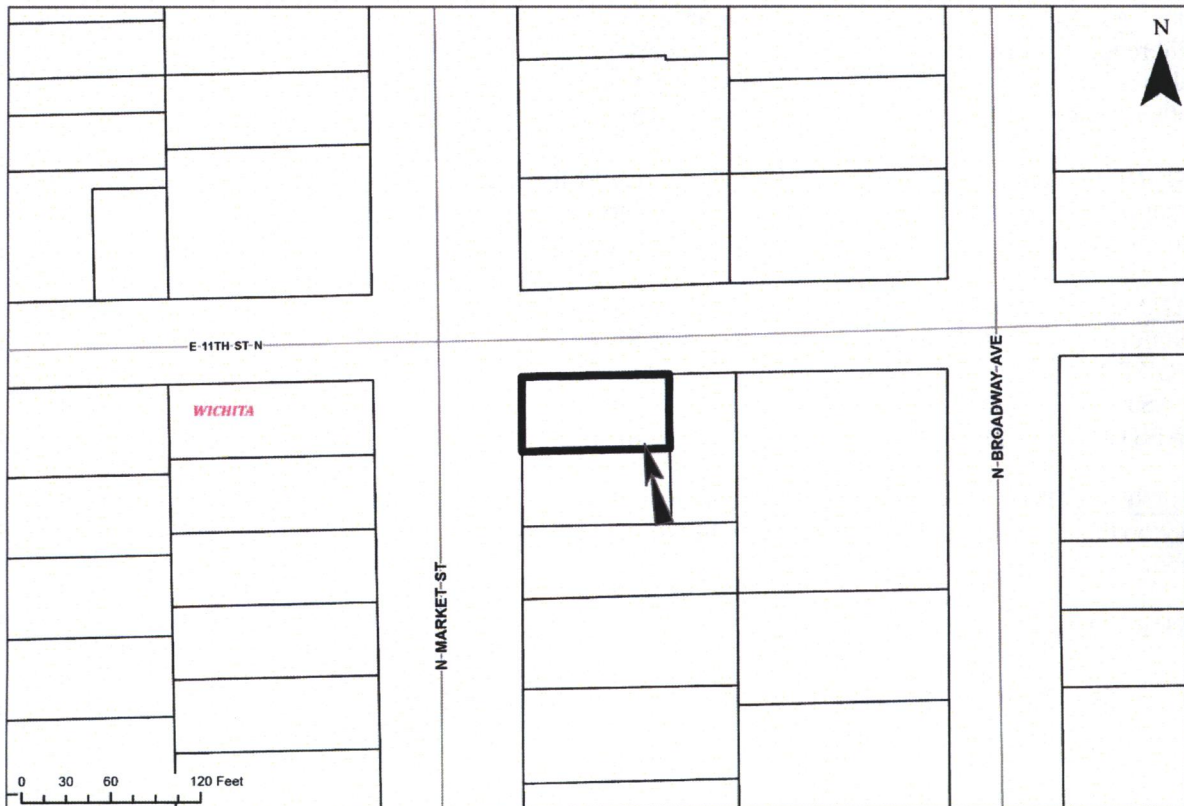
APPLICANT: Series 3/MAHA A34, A Separate Series of MAHA Enterprises, LLC / JATA Enterprises, LLC (Applicants) / Atul Rai (Agent)

REQUEST: Variance to allow reduced lot size for duplex, street side setback from 15 feet to 13 feet, and rear setback from 20 feet to 16 feet

CURRENT ZONING: TF-3 Two-Family Residential District

SITE SIZE: 0.11 acres

LOCATION: Generally located on the southeast corner of North Market Avenue and East 11th Street North



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: The applicant requests three items:

1. A Variance to allow a duplex on a lot that does not meet the requirements for lot size according to the Unified Zoning Code (UZC) on a property zoned TF-3 Two-Family Residential District (TF-3),
2. A Variance to reduce the streetside setback from 15 feet to 13 feet, and;
3. A Variance to reduce the rear setback from 20 feet to 16 feet.

The 0.11-acre property is generally located on the southeast corner of North Market Avenue and East 11th Street North. The site is currently vacant.

The applicant is requesting the Variance in order to build a duplex on site. Duplexes are a permitted use in the TF-3 District. However, the UZC requires a lot to have a minimum of 3,000 square feet per dwelling unit, which would be equal to 6,000 square feet for a duplex. The subject site contains approximately 4,943 square feet. In the TF-3 District, the Unified Zoning Code only requires 3,500 square feet for the development of a single-family home.

The applicant is also requesting variances to reduce the streetside setback from 15 feet to 13 feet and the rear setback from 20 feet to 16 feet. The UZC allows a reduction of a setback by up to 20 percent by Administrative Adjustment. The applicant would be able to request an Administrative Adjustment for a reduction for the streetside setback of up to 3 feet, but is asking for only 2 feet. The applicant's request for a four-foot reduction of the rear setback could also be requested through an Administrative Adjustment, but the applicant decided to request these Variances concurrently with the others. Additionally, the applicant did request a Variance for the interior side setback to be reduced from 6 feet to 5 feet. However, the UZC allows for an interior side setback to be set at 5 feet when the property is less than 5,000 square feet. All other zoning standards such as lot width and height requirements would still be required to be met.

SURROUNDING DEVELOPMENT: Properties to the north, south, east, and west are zoned TF-3. Properties to the north, east, and west are all developed with single-family dwellings. The property to the south is developed with a duplex. Several other duplexes are within the immediate vicinity.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single-Family dwelling
SOUTH:	TF-3	Duplex
EAST:	TF-3	Single-Family dwelling
WEST:	TF-3	Single-Family dwelling

CASE HISTORY: In 1882, the subject site was platted as part of the Hyde and Ferrel's Addition. There are no other zoning cases associated with this site. The property is within the Midtown Neighborhood Plan area.

THE FIVE CRITERIA FOR GRANTING A VARIANCE:**1. The request is unique to this property and was not created by the applicant.**

- a. The applicant states that "This is an older neighborhood where the entire neighborhood is zoned TF-3. This is an old plat where lots were 25' in width and 144.5' in length. In more than one hundred years, lot lines have been shifted and lots combined to create the current configurations. This lot is less than the required minimum square footage for duplex. This was done many years ago prior to the current ownership. The current owners bought the lot with the existing boundaries."

Staff Analysis:

Staff is in agreement with the above statement. The subject site is zoned TF-3 which would permit a duplex by-right and likely has been zoned this way since the adoption of the original zoning for the City of Wichita. The smaller square-footage of the site is due to, at some point in time, the rear 45.5 feet of the property being split off to create another lot.

2. The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents.

- a. The applicant states that “The property owner to the south (1146 North Market Street) also does not meet the minimum requirement for building a duplex, although it has a duplex on approximately the same size lot. The neighborhood has multiple lots that do not meet the minimum lot size.
- b. A Variance application for a property nearby, BZA2024-00042 was approved in July 2024. This property, located at 1215 North Jackson Avenue, is less than 0.4 miles from the applicant’s property and was short of the required area for duplex as well.
- c. Building a duplex on an empty lot would increase the property value of nearby houses. In comparison, an empty lot would lead to unauthorized occupation and vandalism.
- d. Several properties on Market Street to the south of the subject property have average 13-foot setbacks on the front and the applicant plans to use the average setback on the front.
- e. Requested reductions on the remaining sides are 2 feet on the north (<20 percent of 15 feet), 4 feet on the east (=20% of 20 feet), and one foot (<20 percent of 6 feet). These setback reductions are within the setback reductions that can be approved by the staff as Administrative Adjustments, since that are less than or equal to twenty percent of the required setbacks. We are requesting these reductions with the Variance application to save time and money.”

Staff Analysis:

Staff is in agreement with the above statement. The requested setback variances could be carried out by Administrative Adjustment. The property to the south is the exact same size as the subject property and is developed with a duplex.

3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.

- a. The applicant states that “The best use for the owner of this property is a duplex. Without the variance, the owner will not be able to proceed and build any dwelling on the property.
- b. Due to increased cost of construction and higher interest rates, anything less than a duplex of sufficient size (that require requested reduction in setbacks) will not be financially viable for the owner. Without the Variance approval, the lot will remain empty as the owner will not be able to afford the financial burden of constructing a single-family home.”

Staff Analysis:

Staff is in agreement with the above statement. Permitting a duplex to be developed on this site is in context with the existing duplex to the south. Due to the size of the lot, the applicant would need a Variance to even build a single-family dwelling on the property.

4. The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.

- a. The applicant states that “The proposed use of the lot is common in the neighborhood. Many structures exist that do not have lots that meet the minimum lot size requirement. This variance will not adversely affect the neighborhood.
- b. On the other hand, building a duplex on this property will likely enhance the value of the nearby properties.”

Staff Analysis:

Staff is in agreement with the above statement. The property to the south of the subject site is the same size and is developed with a duplex. The property to the east is developed with a single-family dwelling on a lot that does not meet the minimum lot size requirement.

5. The granting of the Variance will not be opposed to the general spirit and intent of the Code.

- a. The applicant states that “The intent of the blanket zoning for the entire neighborhood was probably to create diversity and encourage redevelopment of lots with older, dilapidated structures. This falls into that category. The lot is vacant so this is not to correct a mistake making the property non-complying. The current owner bought the property in its existing condition. The construction will follow the average front setback in the vicinity, and no more than twenty percent reduction in the other three sides.”

Staff Analysis:

Staff is in agreement with the above statement. The Variance will grant the applicant the opportunity to develop a vacant lot with a duplex. Staff believes that the requested variance is in line with the City’s plan for this neighborhood.

LEGAL CONSIDERATIONS: The Board of Zoning Appeals has the following options for actions.

1. Approval – The Board of Zoning Appeals can find that all five conditions necessary to the granting of a Variance exists and can approve the requested Variance. Any vote by the BZA to approve a Variance requires eight (8) votes per the BZA bylaws.
2. Denial – The Board of Zoning Appeals can find that the requested Variance does not meet the five criteria required to grant a Variance. Any vote by the BZA to deny a Variance requires a single majority of members present and voting.

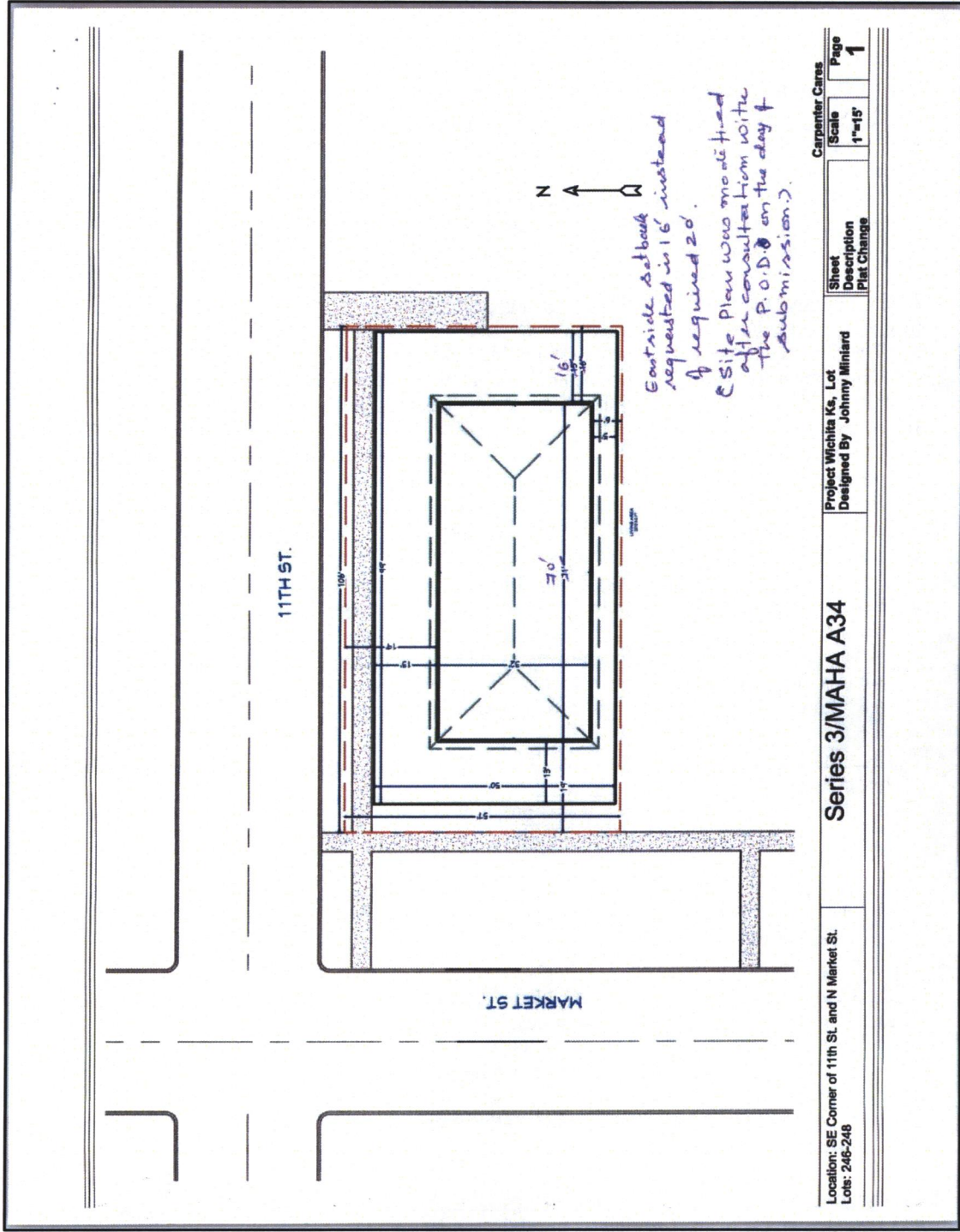
RECOMMENDATION: The recommendation of Staff is that the request to reduce the minimum lot size for duplex construction **meets** the five criteria required to grant a Variance. Staff recommends the following condition of approval:

1. The site is to be developed in general conformance to the site plan.

Staff Report Attachments:

1. Site Plan
2. Applicant-Submitted Variance Justification Letter
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Site Photos

Site Plan



Location: SE Corner of 11th St. and N Market St. Lots: 246-248	Project Wichita Ks. Lot Designed By Johnny Miniard	Sheet Description Plot Change	Scale 1"=15'	Page 1
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Carpenter Caras

Variance Application (Series 3/MAHA)

THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. The request is unique to this property and was not created by the applicant.
 - a. This is an older neighborhood where the entire neighborhood is zoned TF-3. This is an old plat where lots were 25' in width and 144.5' in length. In more than hundred years, lot lines have been shifted and lots combined to create the current configurations. This lot is less than the required minimum square footage for duplex. This was done many years ago prior to the current ownership. The current owners bought the lot with the existing boundaries.

2. The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents.
 - a. The property owner to the south (1146 N Market Street) also does not meet the minimum area requirement for building a duplex, although it has a duplex on approximately the same size lot. The neighborhood has multiple lots that do not meet the minimum lot size.
 - b. A variance application for a property nearby, BZA-2024-00042 was approved in July 2024. This property, located at 1215 N Jackson Avenue, is less than 0.4 miles from the applicant's property and was short of the required area for duplex as well.
 - c. Building a duplex on an empty lot would increase the property value of nearby houses. In comparison, an empty lot would lead to unauthorized occupation and vandalism.
 - d. Several properties on Market Street to the south of the subject property have average 13' setbacks on the front, and the applicant plans to use the average setback on the front.
 - e. Requested reductions on the remaining sides are 2' on the north (< 20 percent of 15'), 4' on the east (= 20 percent of 20'), and 1' (< 20 percent of 6'). These setback reductions are within the setback reductions that can be approved by the staff as administrative adjustments, since they are less than or equal to twenty percent of the required setbacks. We are requesting these reductions with the variance application to save time and money.

3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.
 - a. The best use for the owner of this property is a duplex. Without the variance, the owner will not be able to proceed and build any dwelling on the property.
 - b. Due to increased cost of construction and higher interest rates, anything less than a duplex of sufficient size (that require requested reduction in setbacks) will not be financially viable for the owner. Without the Variance approval, the lot will remain empty as the owner will not be able to afford the financial burden of constructing a single-family home.

4. The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.
 - a. The proposed use of the lot is common in the neighborhood. Many structures exist that do not have lots that meet the minimum lot size requirement. This variance will not adversely affect the neighborhood.
 - b. On the other hand, building a duplex on this property will likely enhance the value of the nearby properties.

5. The granting of the Variance will not be opposed to the general spirit and intent of the Code.
 - a. The intent of the blanket zoning for the entire neighborhood was probably to create diversity and encourage redevelopment of lots with older, dilapidated structures. This falls into that category. The lot is vacant, so this is not to correct a mistake making the property non-complying. The current

Variance Application (Series 3/MAHA)

owner bought the property in its existing condition. The construction will follow the average front setback in the vicinity, and no more than twenty percent reduction in the other three sides.

LEGAL CONSIDERATIONS:

The Board of Zoning Appeals has the following options for actions.

Approval - The Board of Zoning Appeals can find that all five conditions necessary for granting of a Variance exists and can approve the requested Variance. Any vote by the BZA to approve a Variance requires eight (8) votes per the BZA bylaws. The BZA can then:

1. Grant the request to build a duplex with the requested setbacks.
2. Approval- Grant the request to build the duplex but with recommendations to modify requested setbacks.
3. Denial - The Board of Zoning Appeals can find that the requested Variances do not meet the five criteria required to grant a Variance and deny the application in its entirety. Any vote by the BZA to deny a Variance requires a single majority of members present and voting.

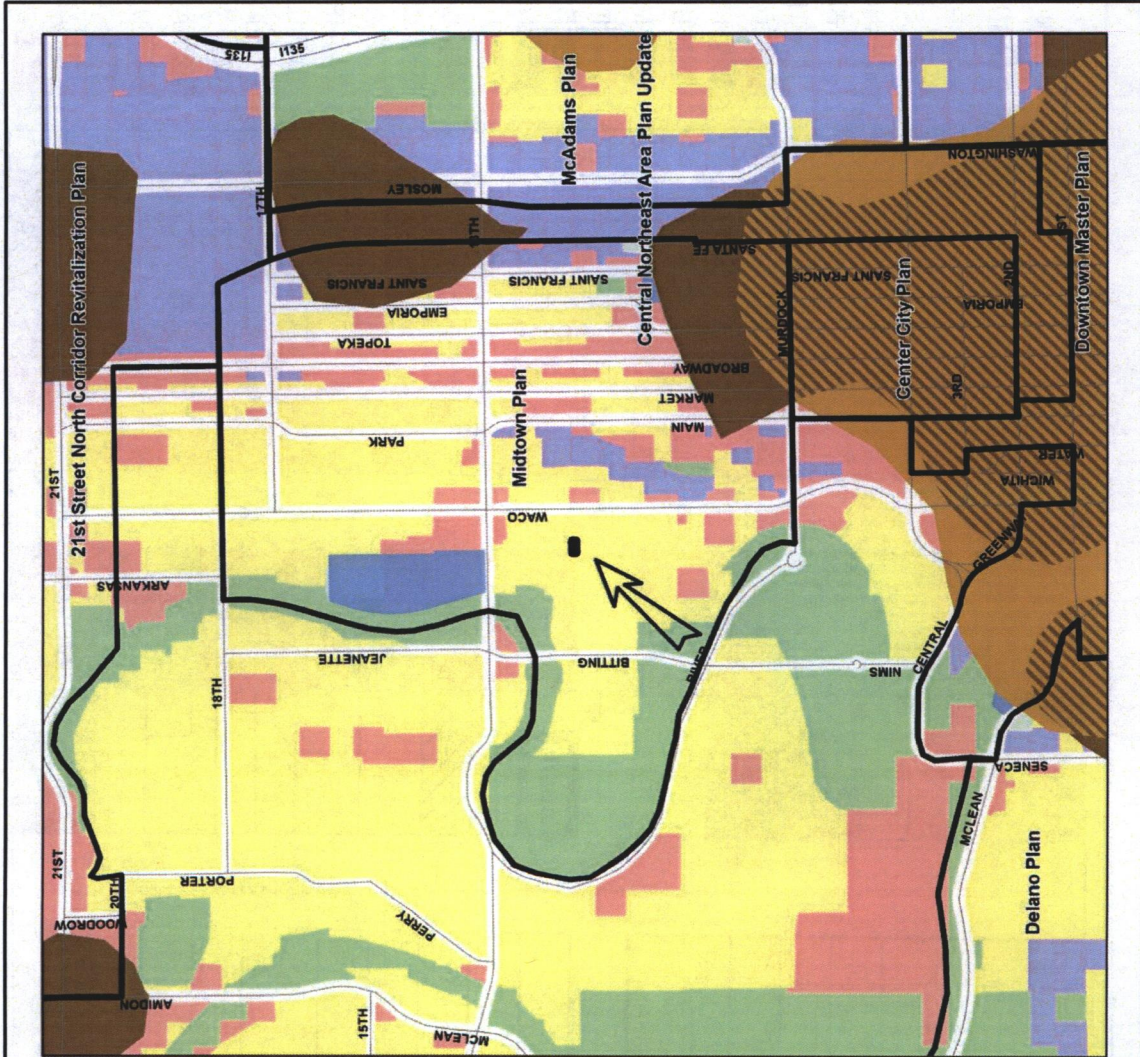
Aerial Map



Future Growth Map

2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood & Area Plans



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 BZA2025-00059
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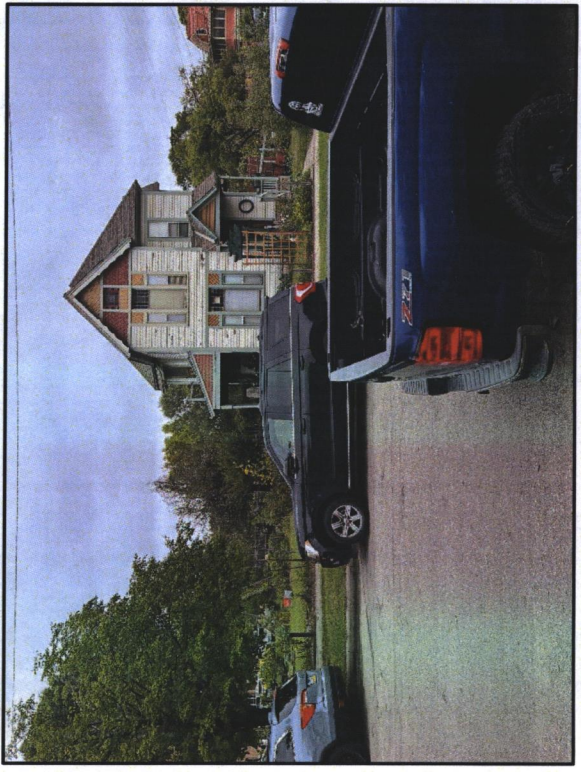
Looking south into site



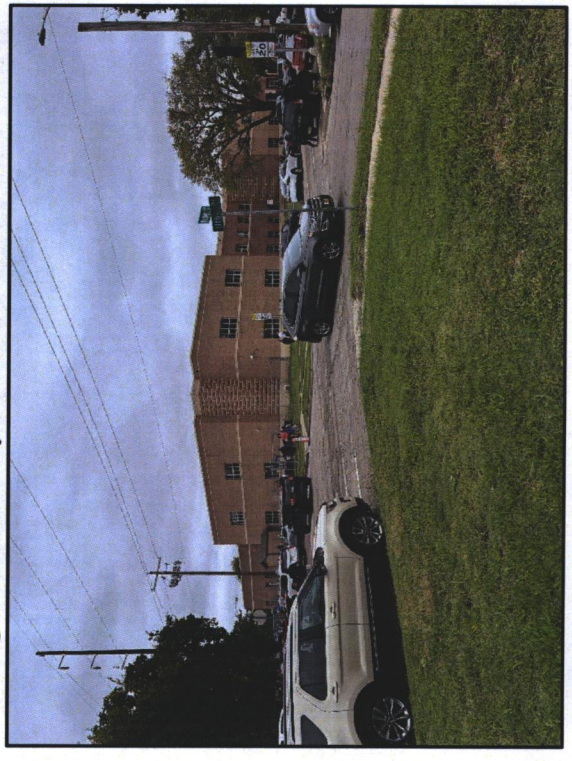
Looking east into site



Looking north away from site



Looking northwest away from site



Looking west away from site



Looking east away from site

