



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

09/30/2008

Ruth Martinez  
12507 E Zimmerly  
Wichita, KS 67207

Joe Lee, Leewood Homes, Inc.  
3500 N Rock Road Bldg. 2200  
Wichita, KS 67226

**RE: BZA2008-43** City variance request to reduce the sideyard setback requirement in SF-5 zoning from 6 to 3.9 feet. Generally located east of the intersection of S. 127th St. E. and E. Zimmerly (12507 E. Zimmerly).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **September 30, 2008**. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jess McNeely'.

Jess McNeely, AICP  
BZA Secretary  
Current Plans Division

JM/ya

Cc Sharon Dickgrafe, Law Dept, 1-132  
Herb Shaner, OCI, 1-72  
Sue Schlapp, WCC District II, 1-13  
Kurt Schroeder, OCI, 1-72  
Mike Gable, OCI, 1-72

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[www.wichita.gov](http://www.wichita.gov)

**BZA RESOLUTION NO. 2008-43**

**WHEREAS**, Ruth Martinez (Owner/Applicant), Leewood Homes c/o Joe Lee (agent); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to the Unified Zoning Code to reduce the side building setback from 6 feet to 3.9 feet in SF-5 Single-family Residential zoning, generally located south of Zimmerly and west of 127<sup>th</sup> Street East (12507 E Zimmerly).

Lot 54, Block 1, Woodland Lakes Estates Fourth Addition an 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 September 30, 2008, consider said application; and

**WHEREAS**, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

**WHEREAS**, the Board of Zoning Appeals has found that the variance arises from such conditions that are unique, as the subject property is on a curved road, resulting in staggered buildings that are not directly adjacent.

**WHEREAS**, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners. The adjacent building affected still maintains a 12-foot separation between buildings.

**WHEREAS**, the Board of Zoning Appeals has found that the strict application of the code would constitute a hardship upon the applicant. The builder followed permitting and inspection processes, resulting in a completed home purchased by the applicant. It would be a hardship on the applicant to demolish some portion of the existing building in order to conform to the 6-foot setback requirement.

**WHEREAS**, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest at this location, as building and fire codes are followed, and no public right-of-way is affected by the proposed setback reduction.

**WHEREAS**, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the zoning regulations, as the desired 12-foot separation between buildings is still maintained due to the staggered construction of the homes.

**WHEREAS**, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to the Unified Zoning Code to reduce the side


building setback from 6 feet to 3.9 feet in SF-5 Single-family Residential zoning, generally located south of Zimmerly and west of 127<sup>th</sup> Street East (12507 E Zimmerly).

Lot 54, Block 1, Woodland Lakes Estates Fourth Addition an Addition to Wichita, Sedgwick County, Kansas.

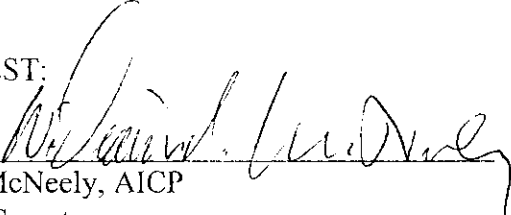
The variance is hereby GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 30<sup>th</sup> Day of September 2008.

  
\_\_\_\_\_  
BZA Board Chair, ~~E.~~ Bickley Foster

ATTEST:

  
\_\_\_\_\_  
Jess McNeely, AICP  
BZA Secretary

12503 and 12507 E. Zimmerly, Wichita KS 67207  
lots 53 and 54 (respectfully), Block 1, Woodland Lakes Estates 4<sup>th</sup>

Scale 1" = 20'

