



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

July 10, 2018

Guillermo Meraz  
1541 N. Volutsia  
Wichita, KS 67214

**RE: BZA2018-00029-** City variance to reduce side yard setback for a carport to less than three feet on property zoned TF-3 Two Family Residential, generally located south of 15th Street North and North Volutsia Avenue (1541 North Volutsia Avenue)

Dear Mr. Meraz,

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on June 7, 2018. This resolution reflects the official action of the Board and is forwarded 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 that reads 'Kyle C. Kobe'.

Kyle C. Kobe  
Associate Planner

Attachment – Resolution

Copies to: MABCD

**BZA RESOLUTION NO. BZA2018-00029**

**WHEREAS**, Guillermo Meraz (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the interior side yard setback from six feet to 2.5 feet for a carport structure at 1541 North Volutsia Avenue and legally described as follows:

Legal Description: Lot 8, Graham-Prater Sub No. 3, a replat of part of Getto's 2<sup>nd</sup> Addition to Wichita, Sedgwick County, KS.

**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 June 7, 2018, 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 applicant was unaware of the need for a permit prior to construction, and therefore must ask for the setback reduction retroactively.

**WHEREAS**, there should not be any adverse harm to nearby properties. The construction will not alter the flow of water, and there is still a notable, if reduced, buffer between this structure and the adjacent property.

**WHEREAS**, removing the structure now would constitute a financial hardship in the form of sunk costs both in time spent working on the project and in application fees.

**WHEREAS**, the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.

**WHEREAS**, this case violates the spirit and intent of the code.

**WHEREAS**, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

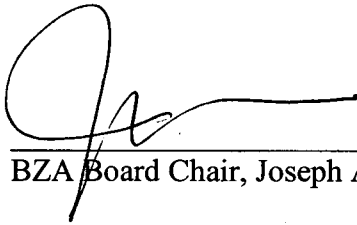
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to reduce the interior side yard setback from six feet to 2.5 feet for a carport structure at 1541 North Volutsia Avenue and legally described as follows:

Legal Description: Lot 8, Graham-Prater Sub No. 3, a replat of part of Getto's 2<sup>nd</sup> Addition to Wichita, Sedgwick County, KS.

The variances are hereby GRANTED, subject to the following conditions:

1. All necessary permits for the structure shall be obtained from the Metropolitan Area Building and Construction Department (MABCD).
2. The interior side setback reduction shall only apply to the carport structure on the site plan.
3. This approval is for a carport, which is defined as being unenclosed. If the applicant wishes to add walls and a door to this structure at some point, this variance request would need to be formally amended.
4. The site shall remain in substantial compliance with the site plan that has been provided as a part of this application.

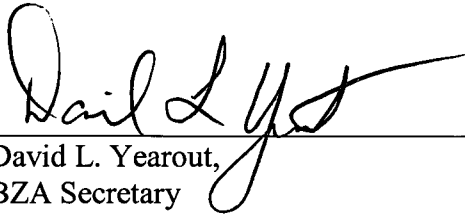
ADOPTED AT WICHITA, KANSAS, this 21<sup>st</sup> Day of June 2018.



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BZA Board Chair, Joseph A. Johnson

ATTEST:



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David L. Yearout,  
BZA Secretary

**SECRETARY'S REPORT**

CASE NUMBER: BZA2018-00029

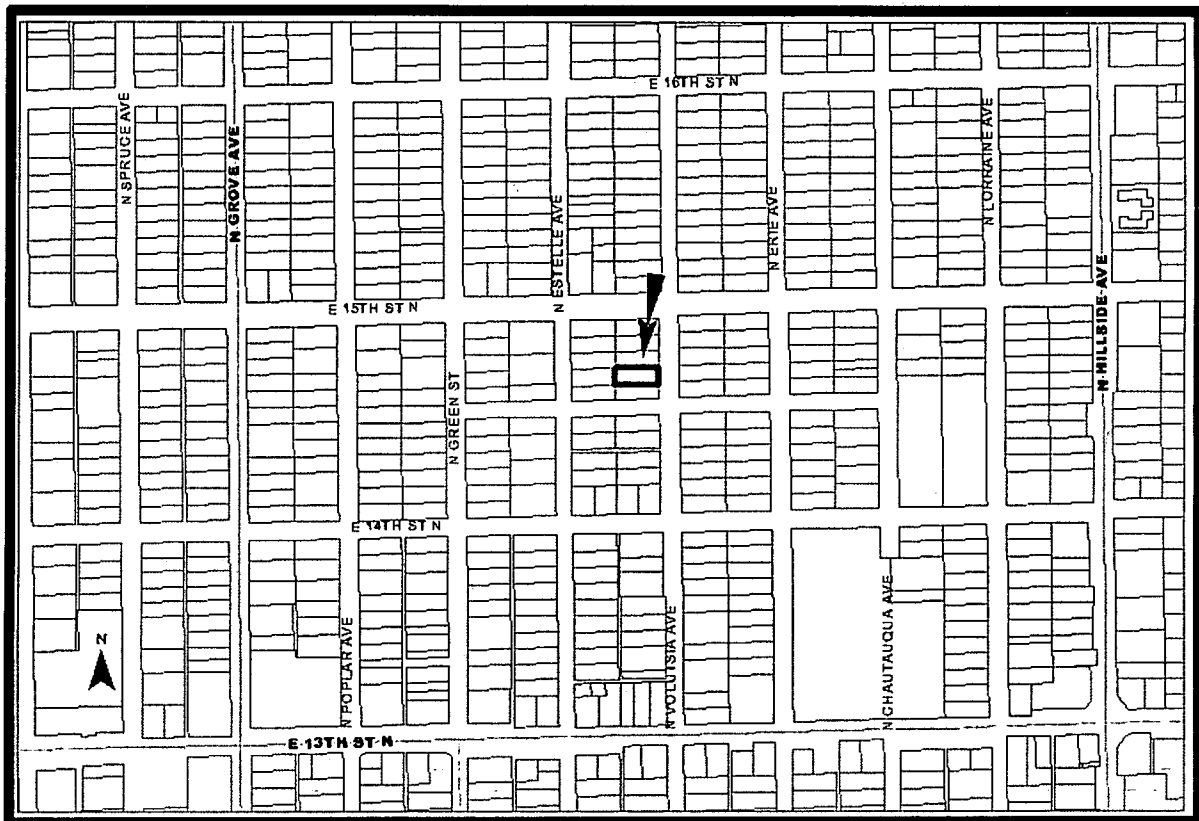
APPLICANT: Guillermo Meraz

REQUEST: Variance to reduce the interior side setback from six feet to 2.5 feet for a carport structure

CURRENT ZONING: TF-3 Two-Family Residential District

SITE SIZE: 0.15 acres

LOCATION: Generally located south of 15th Street North and North Volutsia Avenue (1541 North Volutsia Avenue).



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

**BACKGROUND:** This application requests the reduction of the side yard setback from six feet to 2.5 feet for a car port structure. The carport has already been built at the time of application.

The applicant has stated that they were unaware of the need for a permit due to the fact that the structure was not attached to the house. Having discovered that permits are necessary and that there is the violation of the setback distance, the applicants are now requesting this variance.

Staff has received questions from nearby property owners, including the property owner directly to the north, regarding this case. When the case was explained, no opposition was expressed.

**ADJACENT ZONING AND LAND USE:**

NORTH	TF-3	Single Family Residence
SOUTH	TF-3	Single-Family Residence
EAST	TF-3	Single Family Residence
WEST	TF-3	Single-Family Residence

**UNIQUENESS:** The applicant has stated that they were unaware of the need for a permit prior to construction, and therefore must ask for the setback reduction retroactively.

**ADJACENT PROPERTY:** The applicant has stated that they do not see any adverse harm to nearby properties. The construction will not alter the flow of water, and there is still a notable, if reduced, buffer between this structure and the adjacent property.

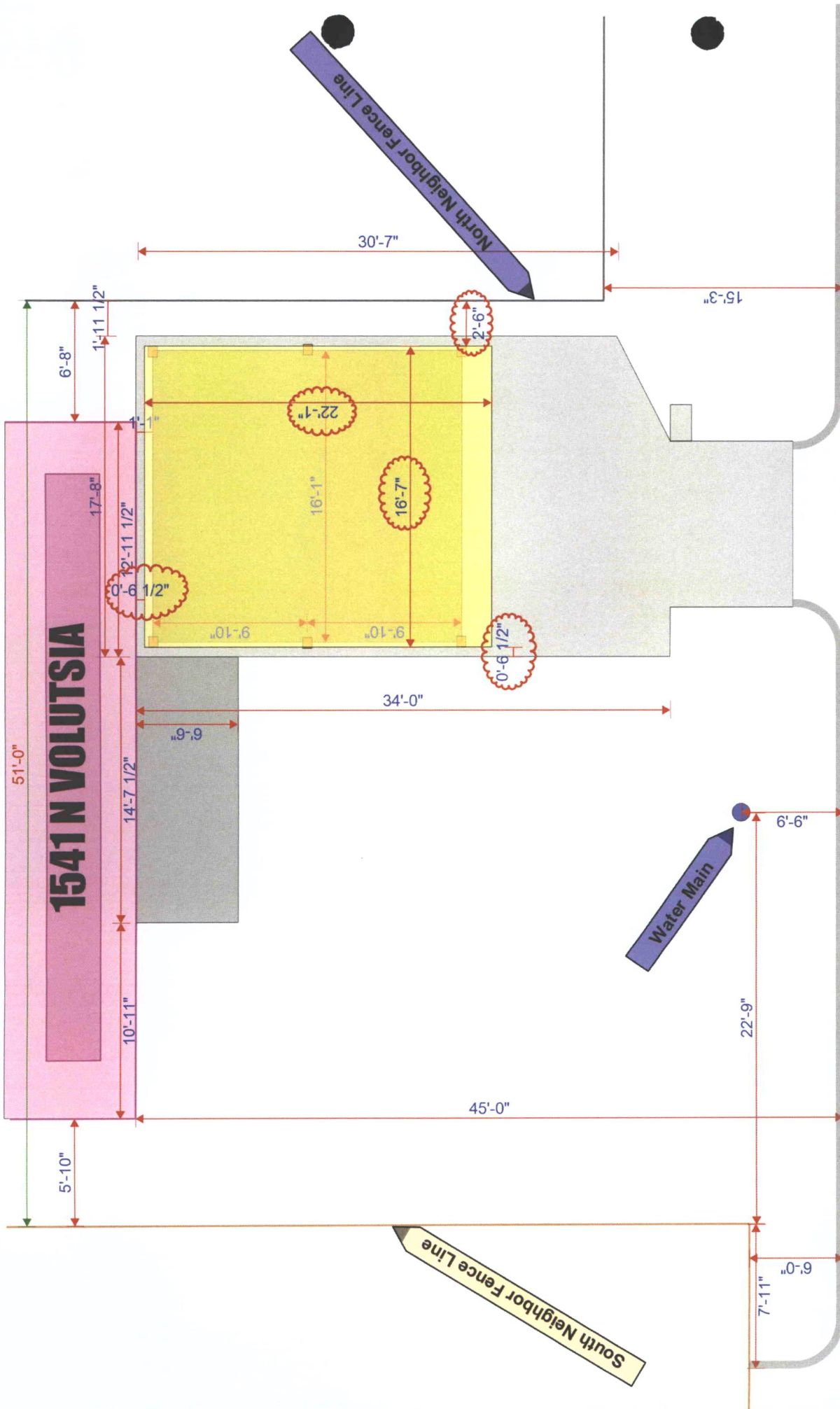
**HARDSHIP:** The applicant has stated that removing the structure now would constitute a financial hardship in the form of sunk costs both in time spent working on the project and in application fees.

**PUBLIC INTEREST:** The applicant asserts that the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.

**SPIRIT AND INTENT:** The applicant does not feel this case violates the spirit and intent of the code.

**RECOMMENDATION:** Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, the recommendation of Staff that the variance to reduce the interior side setback from six feet to 2.5 feet be GRANTED, subject to the following conditions:

1. All necessary permits for the structure shall be obtained from the Metropolitan Area Building and Construction Department (MABCD).
2. The interior side setback reduction shall only apply to the carport structure on the site plan.
3. This approval is for a carport, which is defined as being unenclosed. If the applicant wishes to add walls and a door to this structure at some point, this variance request would need to be formally amended.
4. The site shall remain in substantial compliance with the site plan that has been provided as a part of this application.



Total Footprint of structure roof Marked in Yellow  
Dimensions pertaining to roof are annotated in red bubbles