

Wichita-Sedgwick County Metropolitan Area Planning Department

April 23, 2003

Leon Martin
4213 N. 215th St. W.
Colwich, KS 67030

RE: BZA2003-00014 – Zoning Adjustment to reduce the minimum lot size for Lot 1, Martin Addition, Sedgwick County, Kansas from 4.5 acres to 4.31 acres. Generally located south of 37th Street North and west of 199th Street West.

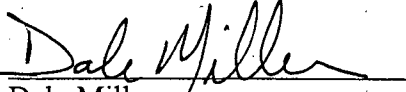
Dear Mr. Martin:


We have reviewed your request for a Zoning Adjustment to reduce the minimum lot size for Lot 1, Martin Addition, Sedgwick County, Kansas from 4.5 acres to 4.31 acres. You state in your application that property boundary constraints do not allow platting a larger lot; therefore, you have requested a Zoning Adjustment to reduce the minimum lot size.

Sec. V-I.2.i. of the Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to reduce the minimum lot size by as much as 10 percent as long as the adjustment does not have any of the negative impacts stated in Sec. V-I.6. We find that reducing the lot size as proposed meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed decrease in lot size will have no impact on the safety and convenience of vehicular and pedestrian circulation.
- 2) Impact on existing uses in surrounding areas: The proposed 4.31 acre residential lot would not create more adverse impacts on uses in surrounding areas than a 4.5 acre lot since sufficient space will remain for an on-site sewage lagoon.
- 3) Compatibility with existing or permitted uses on abutting sites: Use of the subject property for a single family residence is compatible with uses on abutting sites, which are used for agriculture and farm-related residences. Compatibility with abutting sites will not be diminished by reducing the lot size.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

Our signatures below indicate that a Zoning Adjustment to reduce the minimum lot size for Lot 1, Martin Addition, Sedgwick County, Kansas from 4.5 acres to 4.31 acres is hereby granted. The zoning adjustment sign may now be removed from the property.


Dale Miller
Acting Planning Director


Glen Wiltse
Code Enforcement Director

cc: Glen Wiltse, Sedgwick County Code Enforcement
Harlan, D. Foraker, Certified Engineering Design, 810 W. Douglas, Suite C, Wichita, KS 67203

COOK'S

LAND SURVEYOR'S CERTIFICATE AND DESCRIPTION

I, the undersigned, registered land surveyor of the State of Kansas, do hereby certify that the following described tract of land was surveyed under my supervision on July 15th, 2002 and the accompanying final plat prepared and that all the monuments shown herein actually exist and their positions are correctly shown to the best of my knowledge and belief:

LEGAL DESCRIPTION

BEGINNING at the Northwest corner of the Northeast Quarter of Section 31, T.26S., R.2W. of the 6th P.M., thence South 03°10'24" East along the West line of said Northeast Quarter, a distance of 1234.00 feet; thence North 90° East parallel with the North line of said Northeast Quarter, a distance of 1,283.08 feet; thence North 01°17'41" West along the East line of the Northwest Quarter of the Northeast Quarter, a distance of 712.42 feet; thence North 90° West parallel with the North line of said Northeast Quarter, a distance of 802.88 feet; thence North 3°10'24" West parallel with the West line of said Northeast Quarter, a distance of 520.67 feet; thence North 90° West along the North line of said Northeast Quarter, a distance of 503.59 feet to the POINT OF BEGINNING; said tract containing 26.60 acres more or less.

Dated 12 Feb 2003

Mark A. Savoy, L.S. # 188

OWNER'S CERTIFICATE

State of Kansas)
County of Sedgwick) ss

This is to certify that the undersigned owners, as joint tenants of the land described in the Land Surveyor's Certificate, have caused the same to be surveyed and platted into lots, blocks, and streets under the name of Martin Addition; an addition to Sedgwick County, Kansas; that all highways, streets, easements and public sites as denoted on the plat are hereby dedicated to and for the use of the public for the purpose of constructing, operating, maintaining and repairing public improvements, and further that the land contained herein is held and shall be conveyed subject to any applicable restrictions, reservations and covenants now on file or hereafter filed in the Office of the Register of Sedgwick County, Kansas. All abutter's rights of access to or from 37th Street North are hereby granted to the appropriate governing body. The floodway is hereby granted for Floodway purposes and shall be the responsibility of the owner of Lot 2, Block B until such time as the governing body exercising jurisdiction elects to assume the responsibility for maintenance and improvement of drainage, provided further that no structure shall be constructed on or within said Floodway, nor shall any fill, change of grade, creation of channel or other work be carried on without the permission of the Engineer of the appropriate governing body.

Leon J. Martin Owner
Olga A. Stockemer Owner
Trent Edelman Owner
Janell Georges-Edelman Owner

NOTARY CERTIFICATE

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 19th day of February, 2003, by Leon J. Martin.

Kathryn M. Kausse, Notary Public

My Commission Expires: 11-14-06

NOTARY CERTIFICATE

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 19th day of February, 2003, by Olga A. Stockemer.

Kathryn M. Kausse, Notary Public

My Commission Expires: 11-14-06

NOTARY CERTIFICATE

State of Kansas)
County of Sedgwick) ss

The foregoing instrument was acknowledged before me this 19th day of February, 2003, by Trent Edelman and Janell Georges-Edelman.

Kathryn M. Kausse, Notary Public

My Commission Expires: 11-14-06

DEPUTY COUNTY SURVEYOR CERTIFICATE

Reviewed in accordance with K.S.A. 58-2005 on this 14th day of February, 2003.

Tricia L. Robello, Deputy County Surveyor

PLANNING COMMISSION CERTIFICATE

State of Kansas)
County of Sedgwick) ss

This plat of "Martin Addition", Sedgwick County, Kansas, has been submitted to and approved by the Wichita-Sedgwick County Metropolitan Area Planning Commission, Wichita, Kansas.

Dated this 22nd day of August, 2003.

Bernard A. Hentzen, Chairman

Dale Miller, Secretary

GOVERNING BODY CERTIFICATE

State of Kansas)
County of Sedgwick) ss

The plat approval and all dedications shown hereon, if any, are accepted by the Board of County Commissioners of Sedgwick County, Kansas, this ___ day of ___, 2003.

Tim Norton, Chairman

ATTEST:

Don Brace, County Clerk

TRANSFER RECORD

Entered on transfer record this ___ day of ___, 2003.

Don Brace, County Clerk

REGISTER OF DEEDS CERTIFICATE

State of Kansas)
County of Sedgwick) ss

This is to certify that this instrument was filed for record in the Register of Deeds

Office on the ___ day of ___, 2003,

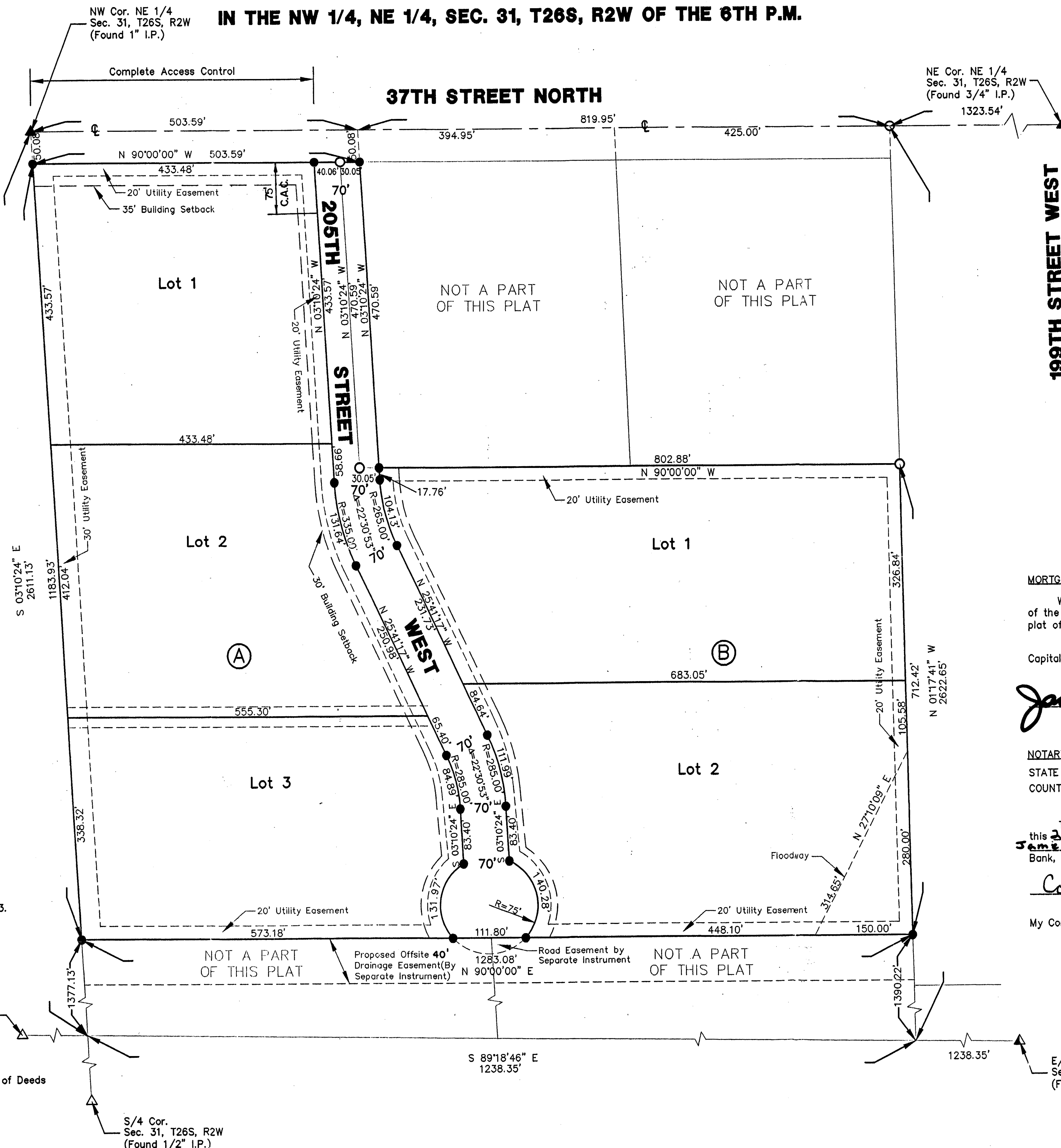
at ___ o'clock ___ M. and is duly recorded.

Bill Meek, Register of Deeds

Linda Kizzire, Deputy

FINAL PLAT OF MARTIN ADDITION SEDGWICK COUNTY, KANSAS

IN THE NW 1/4, NE 1/4, SEC. 31, T26S, R2W OF THE 6TH P.M.



GRAPHIC SCALE (1 inch = 100 ft), LEGEND (monument symbols), Closure Computation (Northing Error=0.0019', Easting Error=0.0004', Error of Closure=0.0019', Accuracy 1:2,661,389), BENCHMARK (Top of S. Headwall 10' South of NE Cor., NE 1/4 & 650' W. Elev=1418.07(USGS))

MORTGAGE HOLDER: Capital Federal Savings Bank, James L. Wurdach, V.P. (Title)

NOTARY CERTIFICATE: STATE OF KANSAS) COUNTY OF SEDGWICK) ss. The foregoing instrument was acknowledged before me this 20th day of March, 2003, by James L. Wurdach, Vice President of Capital Federal Savings Bank, on behalf of the Bank. Connie A. Schmitt, Notary Public. My Commission Expires: 2-8-06

CONNIE A. SCHMITT, NOTARY PUBLIC, MY APPT. EXPIRES 2-8-06