

## BZA RESOLUTION NO. 2003-00018

HAVING CONSIDERED THE ENTIRE RECORD REGARDING THIS MATTER AND HAVING HEARD THE EVIDENCE AS PRESENTED TO THE BOARD HERE TODAY, THE BOARD MAKES THE FOLLOWING FINDINGS:

1. That the Board of Zoning Appeals has jurisdiction to hear this appeal, pursuant to K.S.A. 12-759(d) and Section V-H.6. of the Wichita-Sedgwick County Unified Zoning Code, hereinafter referred to as "the Code."
2. That the Board makes the following findings of fact:
  - a) That the Zoning Administrator, pursuant to Section V-H.1. of the Code, had the authority to interpret the Code on April 4, 2003.
  - b) The appellant's vehicle was not designed as temporary living quarters for recreational, camping, or travel use and has a body length that exceeds 40 feet and, therefore, cannot be defined by the Code as a recreational vehicle pursuant to Section II-B.14.e.
  - c) That the appellant's vehicle exceeds a 26,000 pound gross vehicle weight rating and was designed for the delivery of property for hire, compensation, profit, or in the furtherance of any commercial purpose and, therefore, is defined by the Code a commercial vehicle pursuant to Section II-B.14.c.
  - d) That the subject property is zoned "RR" Rural Residential, which, pursuant to Section II-B.10.d. of the Code, does not permit the parking of a commercial vehicle that exceeds a 26,000 pound gross vehicle weight rating.
3. The Board further finds that the interpretation of the Code by the Zoning Administrator, as set forth in the letter on April 4, 2003, was correct and is supported by evidence presented at this hearing.
4. The Board further finds that the appellant has not met his burden of proof to show that the interpretation was in error.

THEREFORE, BASED UPON THE FOREGOING, THE BOARD RESOLVES THAT THE INTERPRETATION OF THE ZONING ADMINISTRATOR HEREIN BE AFFIRMED.

ADOPTED AT WICHITA, KANSAS, this 3rd DAY of JUNE, 2003.

  
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Grant Tideman, COBZA Board Vice-Chairman

ATTEST:

  
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Scott Knebel, BZA Secretary