BZA RESOLUTION NO. BZA2020-00050

WHEREAS, German Granados & William Rivas (Applicants); pursuant to Kansas Statutes Annotated 12-759, request a Variance to reduce a side setback to two feet to permit an existing carport and garage structure on property zoned SF-5 Single-Family Residential, and legally described as follows:

> The West 87.5 feet of Lots 188, 190, and 192 on Mosley Avenue, in Ranson and Kays 2nd Addition, 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 November 19, 2020, 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, it is the opinion of Board of Zoning Appeals that the conditions of the request are unique to the subject property. In this case, the owner purchased the carport from a manufacturer that indicated no permits were required for installation; and

WHEREAS, it is the opinion of Board of Zoning Appeals that the variance will not impact the use and enjoyment of the adjacent properties; and

WHEREAS, it is the opinion of Board of Zoning Appeals that a denial would have presented an adverse hardship to the applicant; 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 reduce a side setback to two feet to permit an existing carport and garage structure on property zoned SF-5 Single-Family Residential, and legally described as follows:

> The West 87.5 feet of Lots 188, 190, and 192 on Mosley Avenue, in Ranson and Kays 2nd Addition, Wichita, Sedgwick County, Kansas.

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

1. The interior side setback reduction shall only apply to the enclosed garage structure and carport as shown in the site plan.

2. The applicant must install guttering along the northern roofline of the garage structure and carport.
3. The applicant shall obtain the proper building permit and an inspection. Modifications must comply with all State, County, and any other applicable standards.

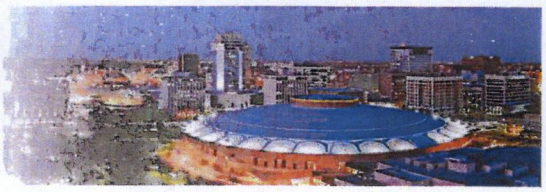
Adopted this 17 Day of December 2020.

Michael C. Greene, BZA Board Chair

ATTEST:

Scott Wadle, BZA Secretary

The Wichita Eagle
Kansas.com
330 N Mead St | Wichita, KS 67202 | 316-268-6000



AFFIDAVIT OF PUBLICATION

Account #	Ad Number	Identification	PO	Amount	Cols	Depth
453868	0004780586			$0.00	1	15.00 In

Attention: Betsy Pagán

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

In The STATE OF KANSAS
In and for the County of Sedgwick
AFFIDAVIT OF PUBLICATION

1 Insertions

Beginning issue of: 10/15/2020

Ending issue of: 10/15/2020

STATE OF KANSAS)
.SS
County of Sedgwick)

VICTORIA RODELA, of lawful age, being first duly sworn, deposeth 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 from **10/15/2020** to **10/15/2020**.

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

V Rodela

Signature of Principal Clerk
DATED: 10/16/2020

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

Notary Public Dallas County, Texas

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

LEGAL PUBLICATION

OCA 155004

PUBLISHED IN THE WICHITA EAGLE
ON OCTOBER 15, 2020 (4780586)
(One Time Only)

MAPC/BZA November 5, 2020
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, November 5, 2020 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 virtually. public participation is available in multiple ways, these without technology options can participate by going to Century II – Room M1B – 225 West Douglas Avenue, Wichita, Kansas 67202 (specified at the bottom of this notice). **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.**

BZA2020-00049 City Variance to allow carport in front setback and interior side setback; generally located south of E. Central and west of N. Webb Road (3 Laurel Drive).

BZA2020-00050 City Variance to reduce side setback to two feet to permit existing carport on property zoned SF-5 Single Family Residential and generally located on the north side of East Mt. Vernon and one block west of South Washington Avenue (904 E Mt. Vernon)

BZA2020-00051 City BZA Variance to increase the height and size of a sign located in the parking lot south of 2032 W. University Ave. that is located south of University Ave. and east of Bom St. Increase sign height from 30' to 35', and increase sign size from 184 s.f. to 200 s.f.

CON2020-00025 City Conditional Use to permit multi-family development (3 dwelling units) on property zoned TF-3; generally located one block south of East Douglas Avenue and one-half mile west of South Oliver (217 S Fountain).

CON2020-00039 City Conditional Use for accessory apartment on property zoned SF-5 Single-Family Residential located 480 feet north of 31st Street South, 150 feet east of South Seneca Street (3315 S. Walnut)

CON2020-00031 City Conditional Use for sites located south of E. 21st St. and south of Hoover Rd. to allow a major utility and an adjustment to an existing and the removal of existing PO 39 (w/ ZON2020-00038)

ZON2020-00007 City Zone Change from SF-5 Single Family Residential to TF-3 Two Family Residential to permit the development of duplexes on property generally located one block east of South Seneca and one-quarter mile south of West 47th Street South (east of the intersection of 50th St. S. and Osage).

ZON2020-00025 City rezone from SF-5 to LC for commercial development of property generally located south of East Pawnee Avenue and west of South Hillside Avenue (2438 South El Rancho Road).

ZON2020-00036 City rezone from GO General Office to NR Neighborhood Retail with a Protective Overlay to allow development of property generally located north of East Kellogg and east of south Edgemoor Drive

ZON2020-00037 City rezoning from GC (General Commercial) to CBD (Central Business District) on parcel located on the northwest corner of W. Texas Ave and S. Sycamore St., also known at 604 W. Texas Ave.

ZON2020-00038 City rezoning from, SF-5 (Single Family) to IP (Industrial Park) for parcel located south of W. 21st St and E. of Hoover Road at approximately the 5000 block of W. 21st St. due to modification of the water treatment plant. (w/ CON2020-00031)

VAC2020-00023 City vacation of platted utility easements for new construction on property zoned LC generally located south of East Pawnee Avenue and west of South Hillside Avenue (7416 South El Rancho Road).

VAC2020-00025 City vacation of a portion of a platted 15-foot utility easement, generally located southwest of E 21st Street North and North Greenwich Road (10606 E. Glenoaks Circle)

VAC2020-00026 City vacation of a platted 15-foot utility easement, generally located south of E 17th Street North and North and approximately 1,500 feet east of North Hillside Avenue

VAC2020-00027 City Vacation of of drainage and utility easement (0.07 acre)and Reserve A Uses (0.08 acre) for addresses on West University (6210, 6220, 6230 and 6240); generally located one block south of Maple Street between Maple Lane and Arapaho Drive

VAC2020-00040 City Vacation of a platted front setback on Reserve L to permit parking for a neighborhood swimming pool on property zoned SF-5 Single Family Residential and generally located one-third mile west of North 127th Street East and one-quarter mile south of East 29th Street North.

VAC2020-00041 City Vacation of a 16-foot utility easement to permit accessory structure on property zoned SF-5 Single Family Residential; generally located one-half mile north of West 29th Street North and one-quarter mile east of North Amidon Avenue (3042 N Riverdale)

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION due to COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend a virtual connection site in-person (see below).

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email, letter, video, and audio message (mail, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	BPagan@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: Scott Wadle 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316-8587-764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone. https://global.gotomeeting.com/join/751333133

You can also dial in using your phone.
United States: +1 (224) 501-3112
Access Code: 751-333-133

Attend a Virtual Connection Site In-Person
You may also participate in the hearing by going to meeting room 1010 at Century II (225 West Douglas) to participate in the Planning Commission meeting by "virtual" connection. Planning Department staff members will be available to assist in your participation at this location. This option is intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on October 12, 2020
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission

BZA 2020-50

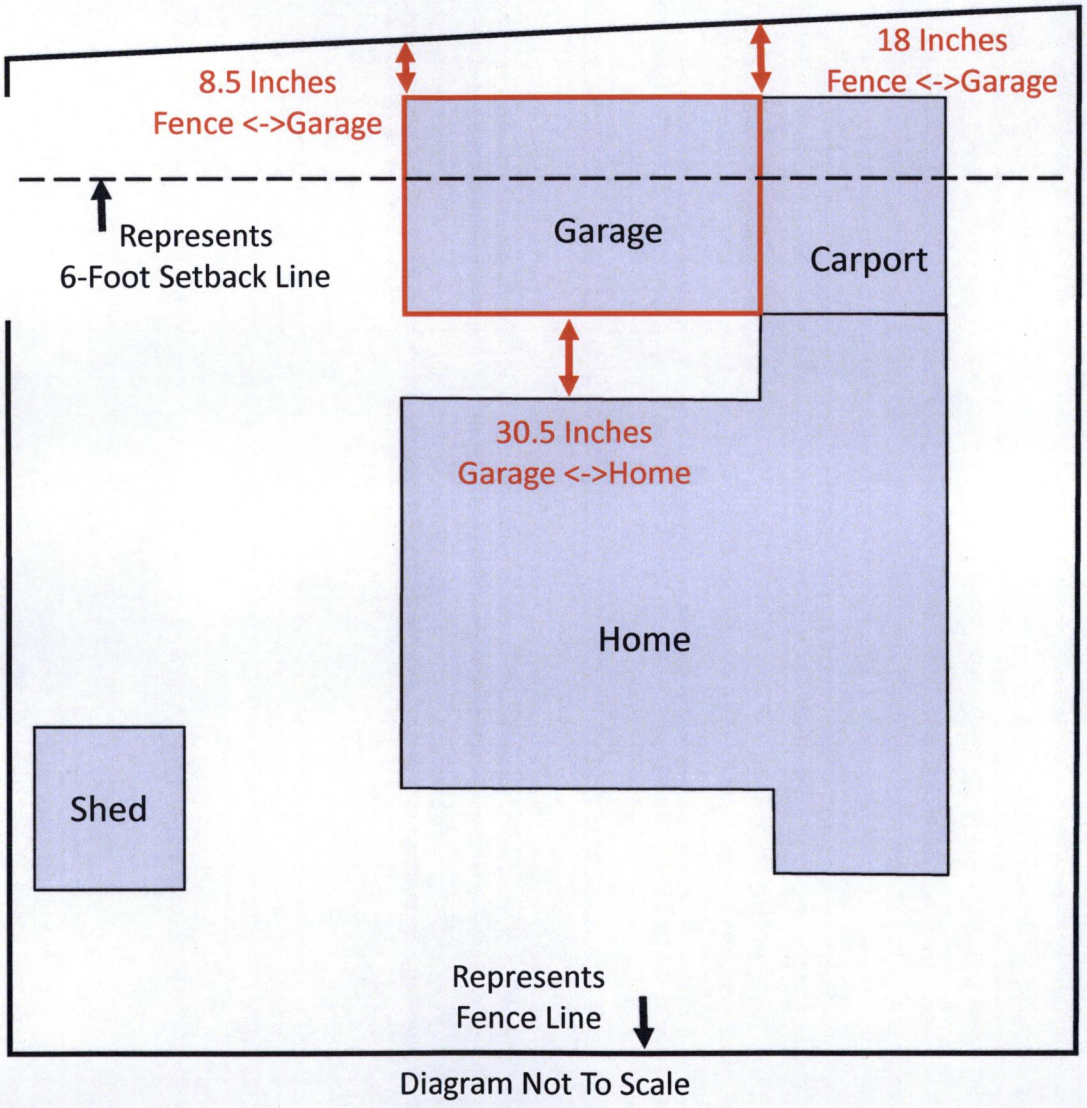


Diagram Not To Scale

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SITE PLAN

APPROVED 12/28/2020 BY MW

ITEM
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