



Wichita-Sedgwick County Metropolitan Area Planning Department

February 19, 2022

Chas Klinkner
10203 N. Meridian Avenue
Valley Center, KS 67147

RE: BZA2021-00073 – County Variance to the County to allow a structure in front of the primary residence and reduce setbacks on two section line roads from 85 feet to 70 feet (N 101st St West) and from 85 feet to 80 feet to allow construction of a shop building on property zoned RR Rural Residential; generally located on the northwest corner of North Meridian Avenue and West 101st Street North (10203 N Meridian Avenue).

Dear Applicant,

The official action of the Board of Zoning Appeals was to find that Option 2 site plan does meet the five criteria required to **GRANT** the variance. The BZA2021-00073 Resolution adopted by the Board of Zoning Appeals on February 17, 2022 is attached. The approval of the request is subject to the following conditions.

1. The reduction of setback shall only apply to the new shop building as indicated on the attached site plan.
2. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the new shop building.

If you have any questions concerning this matter, please call our office at (316)-268-4421.

Sincerely,

Sincerely,

A handwritten signature in blue ink that reads 'Kathy L. Morgan'.

Kathy L. Morgan, Senior Planner
Metropolitan Area Planning Department
271 West 3rd Street, Room 203
Wichita, KS 67202

Copies to: MABCD

BZA RESOLUTION NO. BZA2021-00073

WHEREAS, Chas and Dallas Klinkner (Owners/Applicants); pursuant to Kansas Statutes Annotated 12-759, request Variances to reduce the building setback from 85 feet (from section line road center-line) to 80 feet (from section line road centerline) along North Meridian Avenue, and from 85 feet to 70 feet along West 101st Street North on a property zoned RR Rural Residential, and legally described as follows:

BEG SE COR SE1/4 W 246 FT N 224 FT ELY TO PT 214.89 FT N OF BEG S 214.89 FT TO BEG SEC 13-25-1W (PIN: 00315022)

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 February 17, 2022, consider said application to allow a building in front of the primary structure and reduce the section line road setback to 40 feet; 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 conditions of the request are unique to the subject property. In this case, the existing home was built in 1918 prior to adoption of the zoning code. The current setback requirements were not applicable at the time. The new shop building will be located in front of the primary structure and increase the encroachment into the setback; and

WHEREAS, waving the requirements will not adversely affect the rights of adjacent property owners; and

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner because the lot is less than one acre and the septic field is located west of the house and is un-buildable; 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 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.

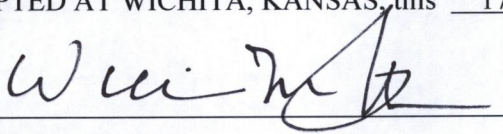
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, in the case of Variances to reduce the building setbacks from 85 feet (from section line road center-line) to 40 feet (from section line road centerline) along North Meridian Avenue, on property zoned RR Rural Residential, and legally described as follows:

BEG SE COR SE1/4 W 246 FT N 224 FT ELY TO PT 214.89 FT N OF BEG S 214.89 FT TO BEG SEC 13-25-1W (PIN: 00315022)

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

1. The setback reduction shall only apply only to the new 30-foot by 40-foot structure and location of the structure in front of the primary structure as indicated on the approved site plan.
2. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department.

ADOPTED AT WICHITA, KANSAS, this 17th Day of February, 2022.



William M. Johnson, Board of Zoning Appeals Chairman

ATTEST:



Scott Wadle,
BZA Secretary

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Emily Gillihan, being first duly sworn, deposes and says:
That he/she is Legal Manager of

The Derby Informer

a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a weekly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class matter.

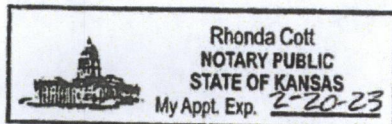
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 week the first publication thereof being made as aforesaid on the 29th day of December 2021, with subsequent publications being made on the following dates:

N/A

Emily Gillihan
Legal Manager

Subscribed and sworn to before me this 29th day of December, 2021.

Rhonda Cott
Notary Public



Official Hearing Notice - MAPC Jan. 20, 2022

Printer's Fee: \$42.00

Additional copies: \$ _____

Legal Publication
OCA 150004

Published in The Derby Informer on December 29, 2021

MAPC January 20, 2022 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, January 20, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, 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 WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

BZA2021-00073: County Variance to reduce the front setback from 100 feet to 40 feet and an administrative adjustment to allow an accessory structure in front of the primary structure; generally located at the northwest corner of West 101st Street North and North Meridian Avenue (10203 N. Meridian).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the WichitaSedgwick 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 in-person at the Wichita City Hall Building (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 (mp3, 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	Planning@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: <u>Scott Wadle</u> 271 W. 3rd Street - Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

Attend In-Person

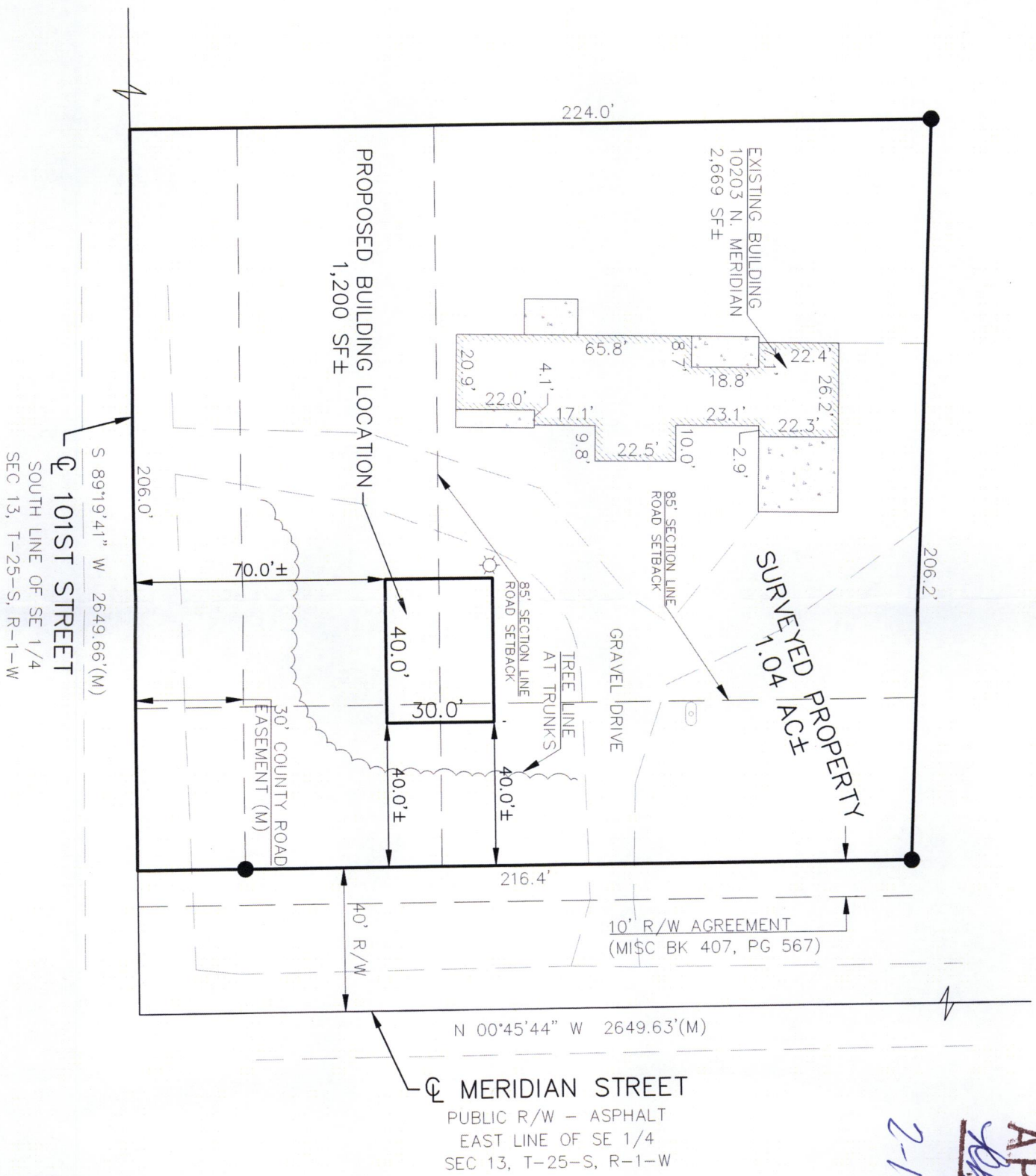
You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily 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 (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on December 15, 2021

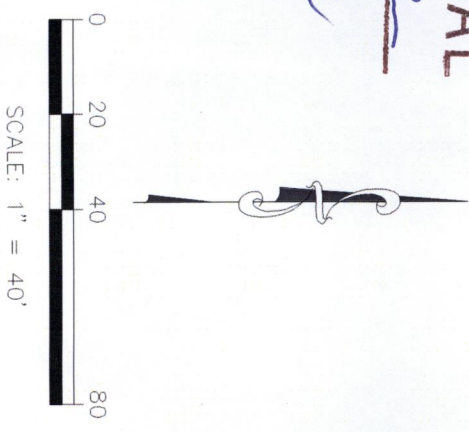
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

SITE SKETCH

A PORTION OF SE 1/4, SEC 13, T-25-S, R-1-W
 SEDGWICK COUNTY, KANSAS



APPROVAL
[Signature]
 2-18-2022



KAW VALLEY ENGINEERING

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KLINKNER RESIDENCE
 1/28/2022
 2156EXBB