



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

August 14, 2025

Rick Moore
285 S. Dellrose Ave.
Wichita, KS 67218

RE: BZA2025-00046 – Variance to reduce separation for Accessory Structure from Primary Structure from 3 feet to 16 inches; generally located on the west side of South Dellrose Avenue and within 360 feet west of South Oliver Avenue (285 South Dellrose Avenue).

Dear Applicant,

At its regular meeting on **August 14, 2025**, the official action of the Board of Zoning Appeals was to **GRANT** the requested variance. The approval of the request is subject to the following conditions:

1. The site is to be developed in general conformance to the approved site plan.
2. Construction of the garage shall require a building permit and shall meet all applicable Codes.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

Brad Eatherly
Current Plans
Senior Planner

CC: MABCD
Jack Patton 337 S. Rutan Ave Wichita KS 67218

BZA RESOLUTION NO. BZA2025-00046

WHEREAS, Rick L. Moore, (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to allow reduced separation for Accessory Structure from Primary Structure from 3 feet to 16 inches on property located at 285 South Dellrose Avenue; legally described as follows:

Lot 14, Block 6, Lincoln Heights Addition to 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 August 14, 2025, 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 conditions of the request are unique to the subject property; and

WHEREAS, waiving 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; 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.

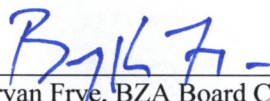
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to allow reduced separation for Accessory Structure from Primary Structure from 3 feet to 16 inches on property located at 285 South Dellrose Avenue; legally described as follows:

Lot 14, Block 6, Lincoln Heights Addition to Wichita, Sedgwick County, Kansas.

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

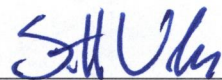
1. The site is to be developed in general conformance to the approved site plan.
2. Construction of the garage shall require a building permit and shall meet all applicable Codes.

ADOPTED AT WICHITA, KANSAS, this ____ 14th __ Day of __ August __ 2025



Bryan Frye, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
41100	IPL0255988	Legal Ad - IPL0255988	MAPC Public Hearing	2.0	190.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov

**OCA 150004
MAPC/BZA August 14, 2025
OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on **Thursday, August 14, 2025, 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 in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. 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. **Full notice can be found at www.wichita.gov/LegalNotices.**

BZA2025-00046: Variance request in the City to reduce building to building setback from 3 feet to 16 inches in the SF-5 Single-family Residential District, generally located on the west side of South Delrose Avenue and within 360 feet west of South Oliver Avenue (265 South Delrose Avenue).

BZA2025-00047: Variance request in the City to allow a sign to be within the required setbacks on property zoned LC Limited Commercial District, generally located on the east side of South Oliver Avenue, within 900 feet north of South George Washington Boulevard (2600 South Oliver Street).

CON2025-00093: Conditional Use amendment in the City to extend Entertainment Establishment hours on Fridays and Saturdays on property zoned LC Limited Commercial, generally located on the north side of West Pawnee Avenue and within 300 feet east of South Seneca Street (1040 West Pawnee Avenue).

CON2025-00094: Conditional Use request in the City to have Group Residence, Limited on property zoned SF-5 Single-Family Residential District to have up to 12 residents on site, generally located on the south side of East Peach Tree Lane, within 200 feet west of South Woodlawn Boulevard (6321 East Peach Tree Lane).

CUP2025-00022: Amendment to CUP DP-67 to allow Warehouse, Self-Service Storage and change development standards for Parcel 3B, generally located on the east side of North Woodlawn Boulevard and within one-quarter mile south of East 21st Street North.

DER2024-00008: Pursuant to K.S.A. 12-757 et. Seq., amendment of the Unified Zoning Code regarding the Day Care, General Use in Residential Zoning Districts, will be considered.

DER2025-00019: Repeal of the existing Airport Hazard Zoning Code and adoption of the new Airport Hazard Zoning Code, will be considered.

PUD2025-00015: Zone Change request in the City from LI Limited Industrial and LC Limited Commercial to PUD to create the Douglas Flats PUD #146, generally located on the southwest corner of West Douglas Avenue and South Exposition Street (109 South Exposition Street).

PUD2025-00016: Zone Change request in the City from LI Limited Industrial to PUD Planned Unit Development to create the Proctor Family Indoor Athletic Facility PUD #147, generally located on the west side of East 28th Street North and within 575 feet west of North Greenwich Road (11010 East 28th Street North).

VAC2025-00024: Vacation request in the City to vacate a 20-foot platted alleyway for private maintenance, generally located south of East Douglas Avenue, between South Kansas Avenue and South Minneapolis Avenue and north of East English Street.

VAC2025-00025: Vacation request in the City to vacate a utility easement; generally located west of South Seneca Street and 1,100 feet south of West Pawnee Avenue.

VAC2025-00026: Vacation request in the City to vacate a utility easement and drainage easement; generally located 1,000 feet west of North Maize Road and 1,300 feet north of West 21st Street North.

VAC2025-00027: Vacation request in the City of 15-foot-wide x 125-foot-long public alley to the west of Lot 51 and the east of Lot 49, Matinson's 4th Addition, generally located south of West Douglas Avenue.

ZON2025-00033: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located on the south side of West 50th Street South and approximately one-third mile east of South Seneca Street.

ZON2025-00034: Zone Change request in the City from SF-5 Single Family Residential to TF-3 Two-family Residential to allow duplex development, generally located on the east side of East Harding Avenue and within 150 feet south of East Central Avenue (440 North Harding Avenue).

ZON2025-00035: Zone Change request in the City from LC Limited Commercial District to GC General Commercial, generally located 300 feet west of North Ridge Road and 300 feet north of West Central Avenue.

ZON2025-00036: Zone Change request in the City from GO General Office District to LC Limited Commercial District, generally located on the northwest corner of West Maple Street and North 135th Street (13610 West Maple Street).
IPL0255988
Jul 23 2025

In The STATE OF KANSAS
In and for the County of Sedgwick
STATE OF KANSAS)
SS
County of Sedgwick)

the undersigned, of lawful age, being first duly sworn, depose 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.

1.0 insertion(s) published on:
07/23/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

Russ Davis



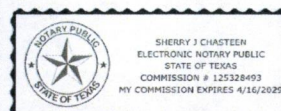
Russ Davis

Sherry J Chasteen



Sworn to and subscribed before
me on

Jul 23, 2025, 10:40 AM EDT



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX*

SECRETARY'S REPORT

CASE NUMBER: BZA2025-00046 (City)

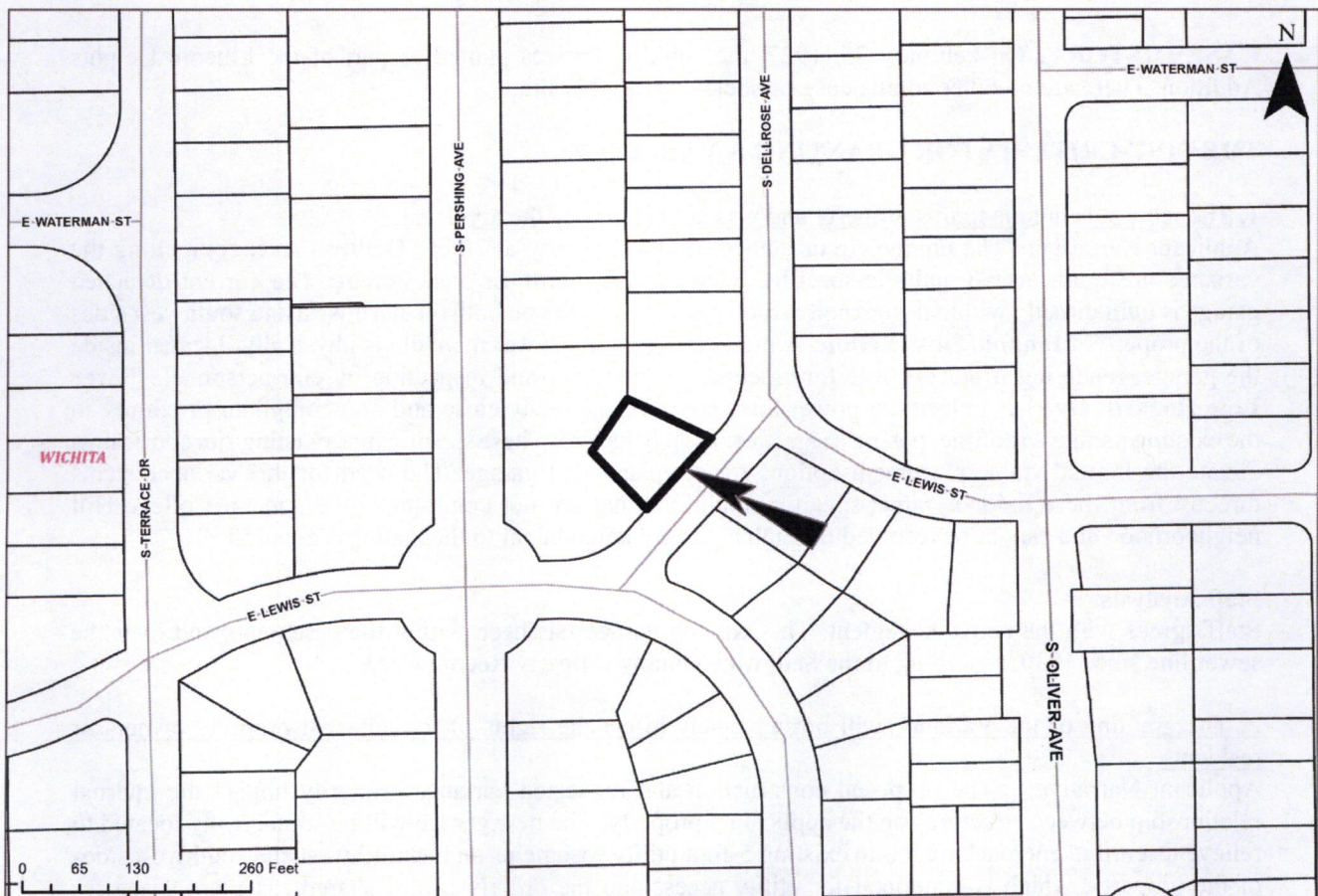
APPLICANT: Rick Moore (Applicant)

REQUEST: Variance to allow reduced separation for Accessory Structure from Primary Structure from 3 feet to 16 inches.

CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.20 acres

LOCATION: Generally located on the west side of South Dellrose Avenue and within 360 feet west of South Oliver Avenue (285 South Dellrose Avenue).



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

Staff Analysis:

Staff agrees with the above statement. Staff does not foresee the proposed garage to negatively affect the adjacent property owners.

3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.

Applicant Narrative: "The strict enforcement of the 3-foot (36-inch) eave-to-eave separation requirement, while simultaneously resolving the existing, critical code violations and safety hazards on the property, would create an unnecessary hardship. The property owner faces the imperative to remove the existing, non-compliant garage due to its location within easements, obstruction of public infrastructure (manhole), and dangerous proximity to power lines. Due to the fixed location of the existing dwelling, the necessary shift of the new garage footprint to clear all aforementioned pre-existing issues (easements, manhole, power lines) inevitably results in the proposed 16-inch wall-to-wall separation from the main house. Requiring strict adherence to the 36-inch separation would render it practically impossible to construct a functional and appropriately sized detached garage (20' 8" x 22' 8") on the property that simultaneously resolves all existing non-conformities, thereby denying reasonable use and improvement of the parcel. This is not merely an inconvenience or an increase in cost, but a fundamental impediment to making the property compliant and safe."

Staff Analysis:

Staff agrees with the above statement. The proposed garage is similar in size to the existing garage and applying the strict provisions of the code could cause a hardship on the applicant to utilize the garage in an efficient manner.

4. The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.

Applicant Narrative: "The proposed project, enabled by this variance, will enhance rather than alter the essential character of the College Hill neighborhood. The new 20' 8" x 22' 8" garage will be constructed with an all-brick exterior, chosen specifically to blend seamlessly with the historic architectural vernacular and aesthetic standards prevalent in the area. The variance pertains to an internal setback between structures on the same parcel and will not impair the appropriate use or development of adjacent properties, which will continue to operate under their existing zoning and development patterns. The project is highly beneficial to the public welfare by directly addressing and rectifying existing public safety hazards (proximity to power lines) and public utility access issues (obstructed manhole, easement encroachment). These improvements contribute positively to the safety, functionality, and overall quality of the neighborhood."

Staff Analysis:

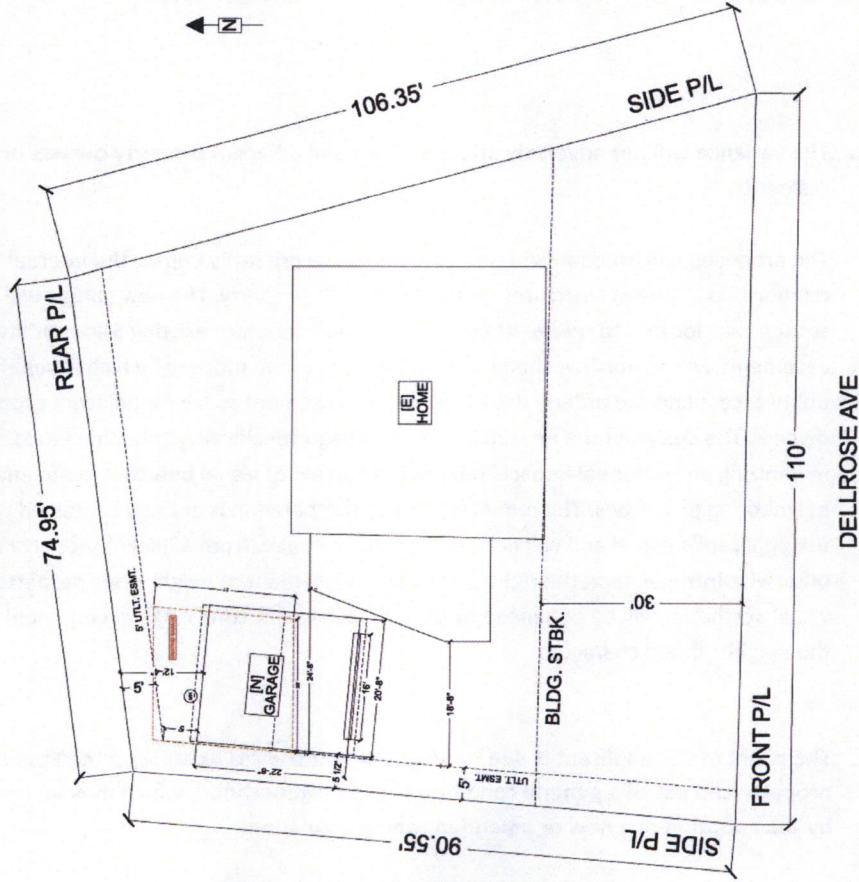
Staff agrees with the above statement. Razing the existing garage and allowing the applicant to rebuild where proposed will affect the public safety and health in a positive way by removing fire hazards and allowing access to the City's sanitary sewer.

5. The granting of the Variance will not be opposed to the general spirit and intent of the Code.

Applicant Narrative: "Granting this variance directly serves the public interest by facilitating the resolution of multiple existing code violations and safety concerns on the property. The project ensures safe and unhindered access for municipal utility service to the manhole and clears critical utility easements. It eliminates a dangerous electrical hazard posed by the close proximity of the previous structure to overhead power lines. The commitment to high-quality, architecturally appropriate brick construction supports the city's broader interest in maintaining and enhancing the aesthetic and historical integrity of the College Hill district. By enabling these positive changes, the variance contributes to a safer, more functional, and visually appealing property, aligning with the general welfare and public interest goals of the community's zoning regulations."

Site Plan for Variance Application - 285 S. DELLROSE ST, LINCOLN HEIGHTS
 ADDITION - Prepared for RICK L MOORE - Drawn by Jalro Renieria- Project
 Designer

LEGAL DESCRIPTION:
 LOT 14 BLOCK 6 LINCOLN HEIGHTS ADDITION to
 Wichita, Sedgwick County, Kansas.



SCALE: 1/16" = 1' - 0"

All dimensions size designations given are subject to verification on
 job site and adjustment to fit job conditions

This is an original design and must not be released or copied unless
 applicable fee has been paid or job order placed



DATE	7/7/2025
SCALE	
SHEET	P-1

DRAWINGS PROVIDED BY:

DETACHED GARAGE
 MOORE, RICK & LAURA
 285 S DELLROSE AVE
 WICHITA, KS 67218

DATE: 7/7/2025
 SCALE:
 SHEET: P-1

Site Plan

proximity to the existing garage's roofline, posing a significant safety hazard. These specific, pre-existing site constraints dictate the limited viable placement options for a replacement garage. The need for this variance stems directly from these unique, parcel-specific conditions that are not common to the general College Hill neighborhood and cannot be resolved through a general amendment to the zoning regulations.

3. The strict application of the provisions of the zoning regulation would constitute unnecessary hardship upon the property owner.

The strict enforcement of the 3-foot (36-inch) eave-to-eave separation requirement, while simultaneously resolving the existing, critical code violations and safety hazards on the property, would create an unnecessary hardship. The property owner faces the imperative to remove the existing, non-compliant garage due to its location within easements, obstruction of public infrastructure (manhole), and dangerous proximity to power lines. Due to the fixed location of the existing dwelling, the necessary shift of the new garage footprint to clear all aforementioned pre-existing issues (easements, manhole, power lines) inevitably results in the proposed 16-inch wall-to-wall separation from the main house. Requiring strict adherence to the 36-inch separation would render it practically impossible to construct a functional and appropriately sized detached garage (20'8" x 22'8") on the property that simultaneously resolves all existing non-conformities, thereby denying reasonable use and improvement of the parcel. This is not merely an inconvenience or an increase in cost, but a fundamental impediment to making the property compliant and safe.

4. The variance desired will not alter the essential character of the neighborhood nor substantially impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

The proposed project, enabled by this variance, will enhance rather than alter the essential character of the College Hill neighborhood. The new 20'8" x 22'8" garage will be constructed with an all-brick exterior, chosen specifically to blend seamlessly with the historic architectural vernacular and aesthetic standards prevalent in the area. * The variance pertains to an internal setback between structures on the same parcel and will not impair the appropriate use or development of adjacent properties, which will continue to operate under their existing zoning and development patterns. * The project is highly beneficial to the public welfare by directly addressing and rectifying existing

Aerial Map



Future Growth

2035 Wichita Future Growth Concept Map

Legend

Established Central Area
Residential and Employment Mix

New Employment

New Residential

Wichita City Limits

Other Cities

Northwest Bypass Right-of-Way

Other Urban Growth Areas 2014

Other Urban Growth Areas 2014

Rural Growth Areas 2014

LAND USE

Residential

Commercial

Industrial

Major Air Transportation & Military

Parks and Open Space

Agricultural or Vacant

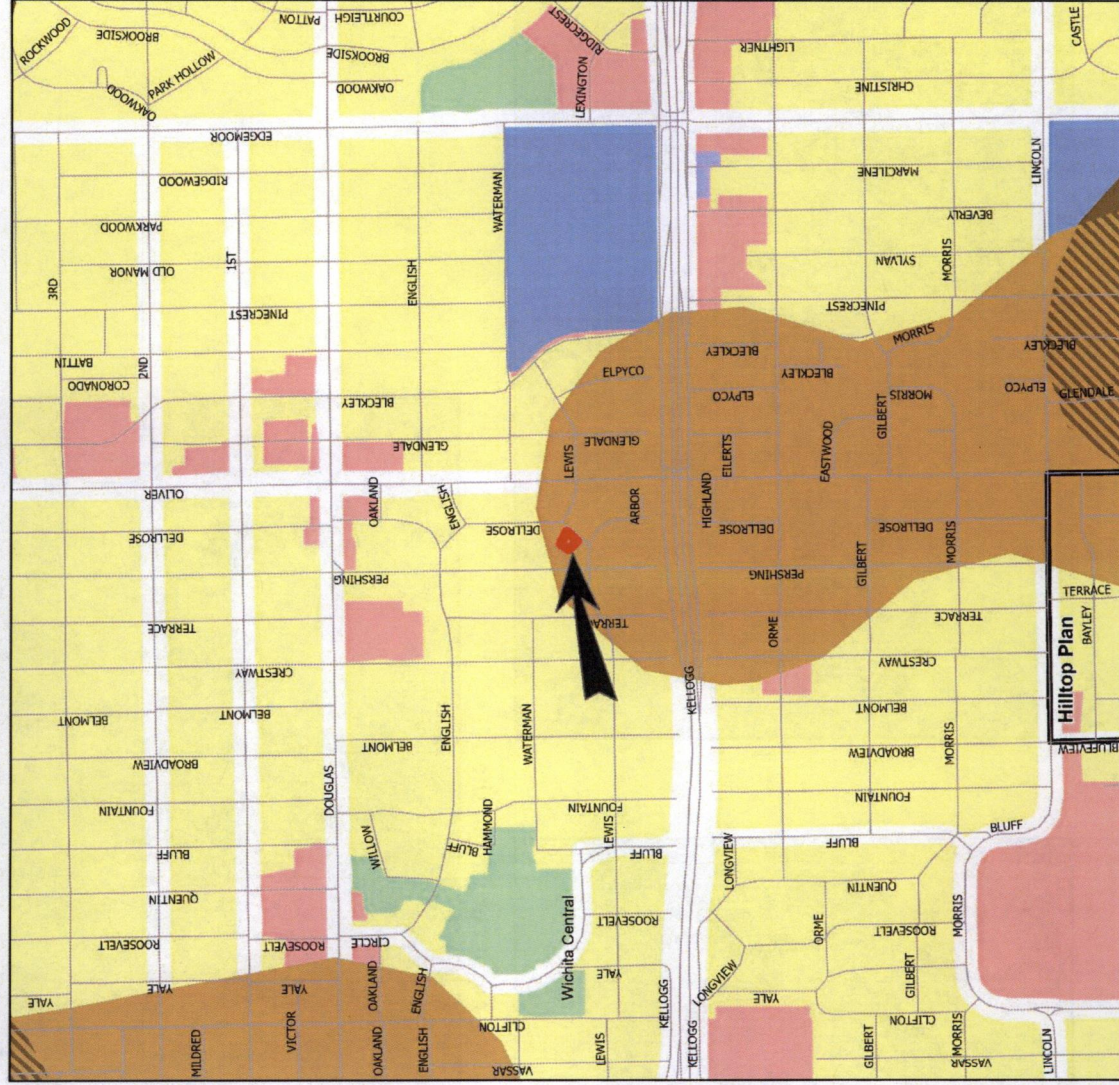
Major Institutional

Neighborhood & Area Plans

Application Area



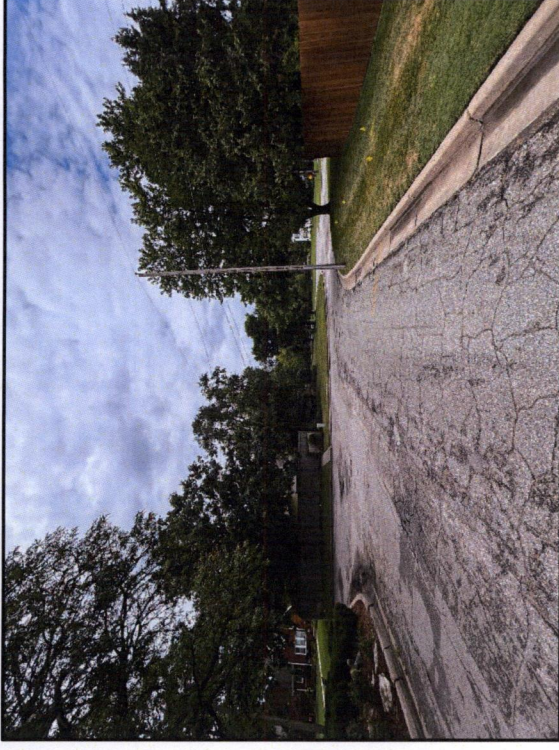
Map prepared by the City of Wichita, Kansas, Planning Department, August 2025. The map is for informational purposes only and does not constitute a legal document. The City of Wichita, Kansas, Planning Department, 1000 E. 10th Street, Wichita, KS 67202. Phone: 316.251.2000. Email: planning@wichita.gov. Website: www.wichita.gov/planning

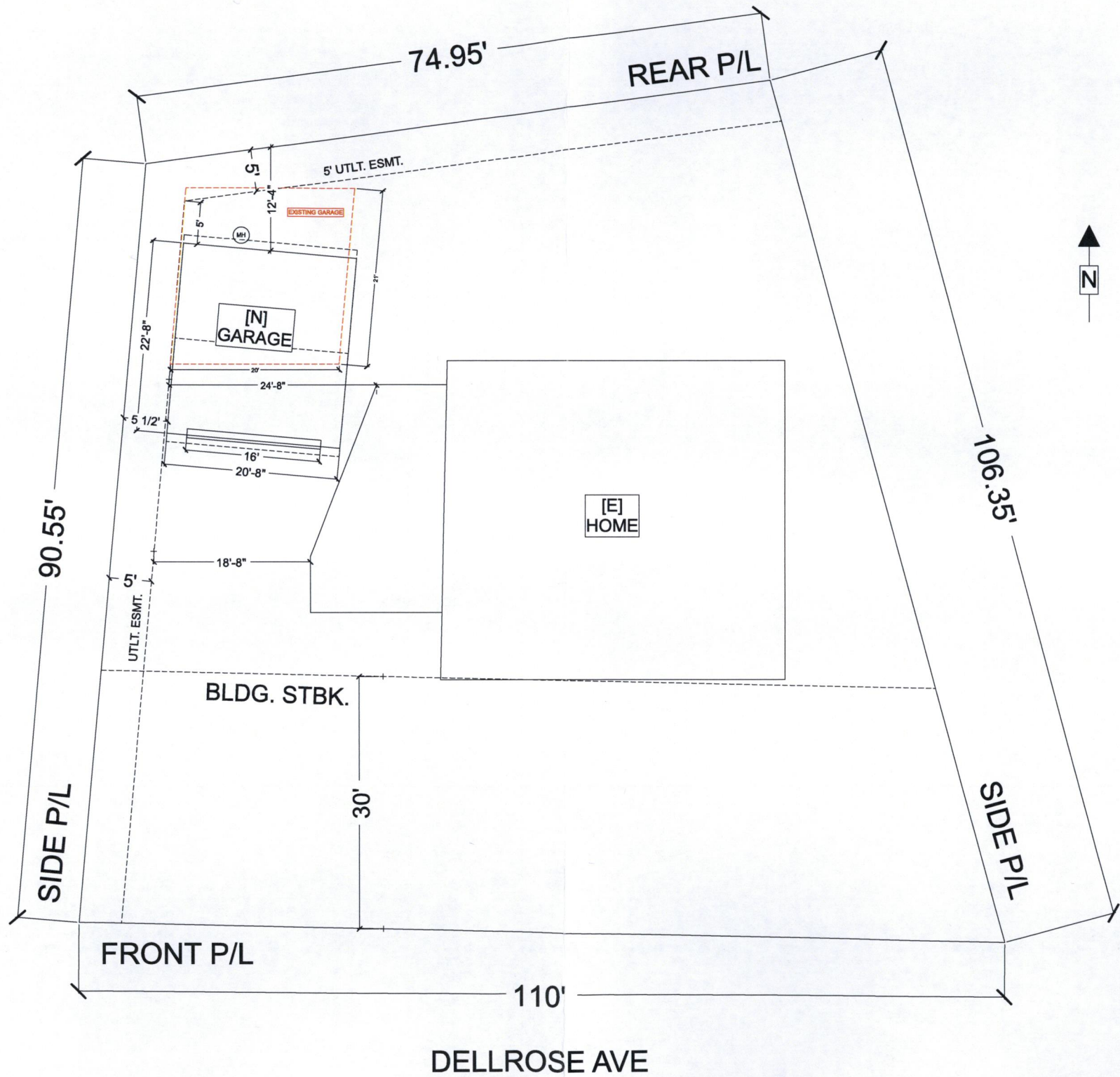


Looking east away from site



Looking south away from site





SCALE: 1/16 = 1' - 0"

SITE PLAN

APPROVED 8/14/25 BY JBE

All dimensions size designations given are subject to verification on
job site and adjustment to fit job conditions

This is an original design and must not be released or copied unless
applicable fee has been paid or job order placed



REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

DETACHED GARAGE
MOORE, RICK & LAURA
285 S DELLROSE AVE
WICHITA, KS 67218

DRAWINGS PROVIDED BY:

DATE:
7/7/2025
SCALE:
SHEET:
P-1