



Wichita-Sedgwick County Metropolitan Area Planning Department

April 14, 2009

Jeffrey Dickerson
11840 South 215th Street West
Conway Springs, KS 67031

Terra Tech Land Surveying Inc. c/o Michelle Webster
22200 West 63rd Street South
Viola, KS 67149-9525

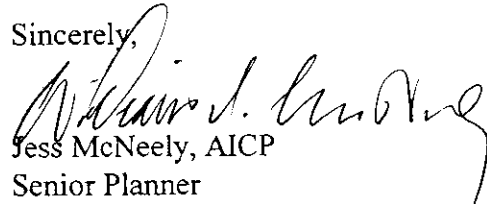
RE: BZA2009-06 – County variance request to reduce the Zoning Code required front setback from 85 to 50 feet from a section line road centerline, and reduce the interior side setback from 20 to 10 feet. Generally located east of 215th Street West and north of 119th Street South (11840 S 215th Street W).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the County Board of Zoning Appeals on April 14, 2009, and an approved site plan. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

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

Sincerely,


Jess McNeely, AICP
Senior Planner

JMC/yja

cc: Karl Peterjohn, BOCC, District 3, Mail Stop County Suite 320
Bob Parnacott, County Law Dept., Mail Stop, County Suite 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213
Jim Weber, County Public Works, 1144 S. Seneca, Wichita, KS 67213

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

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www.wichita.gov

BZA RESOLUTION NO. 2009-06

WHEREAS, Jeffrey Dickerson (Owner/Applicant); pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a variance to the Unified Zoning Code to reduce a front setback from 85 to 50 feet from the centerline of a section line road, and a variance to reduce the interior side setback from 20 to 10 feet, in RR Rural Residential zoning on the following property:

The South 800 feet of the West half of the Southwest Quarter, Except the South 435 feet of the East 235 feet thereof, Section 31, Township 29, Range 2 West of the 6th P.M., Sedgwick County, Kansas.
Generally located east of 215th Street West and north of 119th Street South (11840 S 215th Street W).

WHEREAS, proper notice as required by ordinance and by the rules of the Sedgwick County Board of Zoning Appeals has been given; and

WHEREAS, the Sedgwick County Board of Zoning Appeals did, at the meeting of April 14, 2009, consider said application; and

WHEREAS, the Sedgwick County 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 Sedgwick County Board of Zoning Appeals has found that this property is unique as the vast majority of the site is within a flood zone, limiting space for buildings. The site is further unique in that the property to the north is under the same ownership as the subject property.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that granting the requested variance for setback reductions would not adversely affect the rights of adjacent property owners, as the setback reductions would have the greatest affect on the property to the north, which is under the same ownership as the application area. The house to the north is over 60 feet from the joint property line, and should not be affected by the proposed side setback reduction. The property to the west, across 215th Street West, will maintain adequate separation from the proposed building, regardless of the requested front setback reduction. The farmstead southwest of this site also has outbuildings which do not conform to the Zoning Code required setbacks.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the strict application of the provisions of the Zoning Code would constitute an unnecessary hardship upon the applicant as this flood zone constrained property could not accommodate the desired structure within the required setbacks of the Zoning Code.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the requested variances will not adversely affect the public interest, as the proposed building will be 50 feet from the 215th Street West centerline, and 20 feet from the edge of the 215th Street right-of-way. 215th Street West is not planned for any improvements or expansion.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that granting the requested variances do not oppose the general spirit and intent of the Zoning Code, as adequate separation between buildings is maintained, and adequate separation between the proposed building and 215th Street West is maintained.

WHEREAS, each of the five conditions required by Kansas Statues Annotated 12-759 *et. seq.*, to be present before a variance can be granted has been found to exist.

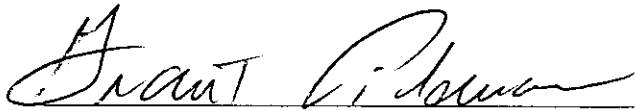
NOW, THEREFORE, BE IT RESOLVED by the Sedgwick County Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, a variance to the Unified Zoning Code to reduce a front setback from 85 to 50 feet from the centerline of a section line road, and a variance to reduce the interior side setback from 20 to 10 feet, in RR Rural Residential zoning on the following property:

The South 800 feet of the West half of the Southwest Quarter, Except the South 435 feet of the East 235 feet thereof, Section 31, Township 29, Range 2 West of the 6th P.M., Sedgwick County, Kansas. Generally located east of 215th Street West and north of 119th Street South (11840 S 215th Street W).

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

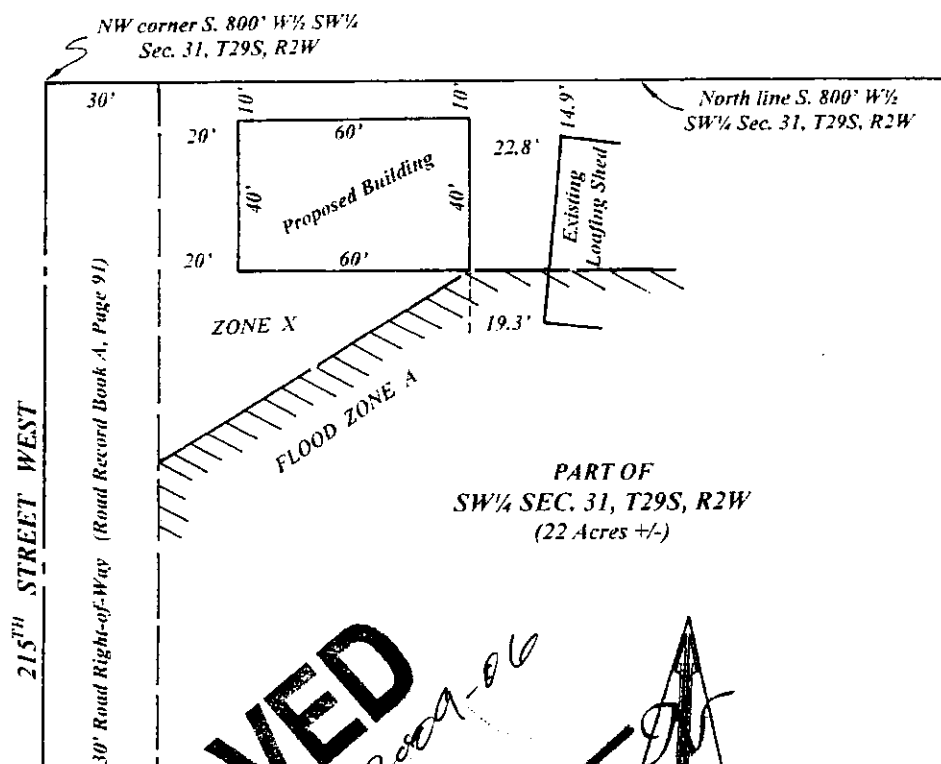
1. The site shall be developed in conformance with the approved site plan.
2. The front setback reduction from 85 to 50 feet from a section line road centerline, and the interior side setback reduction from 20 to 10 feet shall apply to the 40 by 60-foot building identified on the site plan. All future building projects must conform to the Zoning Code unless additional variances or adjustments are granted.
3. The proposed building shall obtain necessary permits, and shall conform to all other codes including but not limited to building, health, and fire.
4. The proposed building shall be constructed within one year of the variance approval, unless such time is extended by the Board of Zoning Appeals.
5. The above conditions are subject to enforcement by any legal means available to Sedgwick County.

ADOPTED AT WICHITA, KANSAS, this 14th DAY of April, 2009.


Grant Tideman, COBZA Chairman

ATTEST:


Jess McNeely, BZA Secretary



Flood Zone Scaled From:
Sedgwick County, Kansas
FIRM 200321 0625 E
Effective Date: February 2, 2007

BENCHMARK:
Railroad Spike in
Power Pole
Near NW Corner of Property
Elev. 1306.71

Scale: 1" = 50'
File # 2809004
February 12, 2009

**PERMIT DRAWING FOR
PROPOSED STORAGE BUILDING:**

OWNER:
Jeff Dickerson
11840 S. 215th Street West
Conway Springs, Kansas 67031
(620) 584-4439