



Wichita-Sedgwick County Metropolitan Area Planning Department

March 14, 2012

PEC c/o Sarah Unruh
303 S Topeka
Wichita, KS 67218

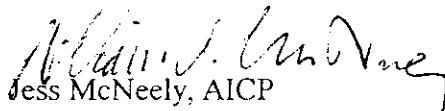
RE: BZA2012-05 – County Variance to the Zoning Code to reduce the minimum lot size from two acres to .54 acres and the minimum lot width from 200 feet to 108 feet for a water booster pump station on property zoned RR Rural Residential (“RR”); generally located south of 53rd Street North and west of Webb.

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Sedgwick County Board of Zoning Appeals on **March 14, 2012**. 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
County BZA Secretary

cc: Dave Unruh, County Commissioner
Bob Parnacott, County Counselor
Bill Raymond, County Counselor
Kelly Dixon, Sedgwick County Code Enforcement
Irene Hart, Sedgwick County Code Enforcement
Jim Weber, Sedgwick County Public Works

BZA RESOLUTION NO. BZA2012-00005

WHEREAS, James Woolley, City of Wichita, (Owner) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a variance to the Zoning Code to reduce the minimum lot size from two acres to .54 acres and the minimum lot width from 200 feet to 108 feet for a water booster pump station on property zoned RR Rural Residential (“RR”); generally located south of 53rd Street North and west of Webb.

A tract of land in the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principle Meridian, Sedgwick County Kansas described as; Commencing at the Northeast corner, of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principle Meridian, Sedgwick County Kansas; thence bearing S89°08'20"W along the North line of said Northeast Quarter a distance of 602.00 feet to the Point of Beginning; thence bearing S00°51'40"E, a distance of 219.00 feet; thence bearing S89°08'20"W, a distance of 108.00 feet; thence bearing N00°51'40"W, a distance of 219.00 feet to a point on the North line of said Northeast Quarter; thence bearing N89°08'20"E, along the North line of the Northeast Quarter a distance of 108.00 feet to the Point of Beginning.

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 March 14, 2012, 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 Board of Zoning Appeals has found that this property is unique. The use of this site for a utility is unique. A pump station does not need a two-acre lot, unlike a residence that would require a two-acre lot in the unincorporated county for on-site water and sewer purposes. The site is further unique in that agricultural use, an existing agricultural structure, and an existing creek limit the location of the pump station on the site.

WHEREAS, the Board of Zoning Appeals has found that the requested variance to decrease the required lot size and width would not adversely affect the rights of adjacent property owners. The nearest residence is over a half mile away, and all surrounding property is undeveloped or used for agriculture.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Code will constitute an unnecessary hardship upon the applicant. The purchase and maintenance of a two-acre site would greatly exceed the necessary space for a pump station.

WHEREAS, the Board of Zoning Appeals has found that the requested variance to decrease the required lot size and width would not adversely affect the public interest. It is in the public interest to use the least amount of space necessary for public utilities, and to leave more property available for agriculture and future development.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for decreased lot size and width does not oppose the general spirit and intent of the Zoning Code. The Zoning Code requirement for two acre lots is to ensure adequate separation of rural residential development with on-site water and sewer. The utility use of this site does not require the same amount of space.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, 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 *et. seq.*, a variance to the Zoning Code to reduce the minimum lot size from two acres to .54 acres and the minimum lot width from 200 feet to 108 feet for a water booster pump station on property zoned RR Rural Residential ("RR"); generally located south of 53rd Street North and west of Webb.

A tract of land in the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principle Meridian, Sedgwick County Kansas described as; Commencing at the Northeast corner, of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principle Meridian, Sedgwick County Kansas; thence bearing S89°08'20"W along the North line of said Northeast Quarter a distance of 602.00 feet to the Point of Beginning; thence bearing S00°51'40"E, a distance of 219.00 feet; thence bearing S89°08'20"W, a distance of 108.00 feet; thence bearing N00°51'40"W, a distance of 219.00 feet to a point on the North line of said Northeast Quarter; thence bearing N89°08'20"E, along the North line of the Northeast Quarter a distance of 108.00 feet to the Point of Beginning.

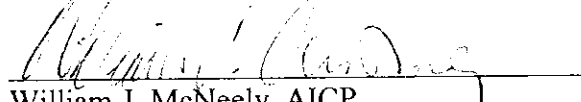
The variance is hereby GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to construct the utility within one year of the variance granting, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to Sedgwick County.

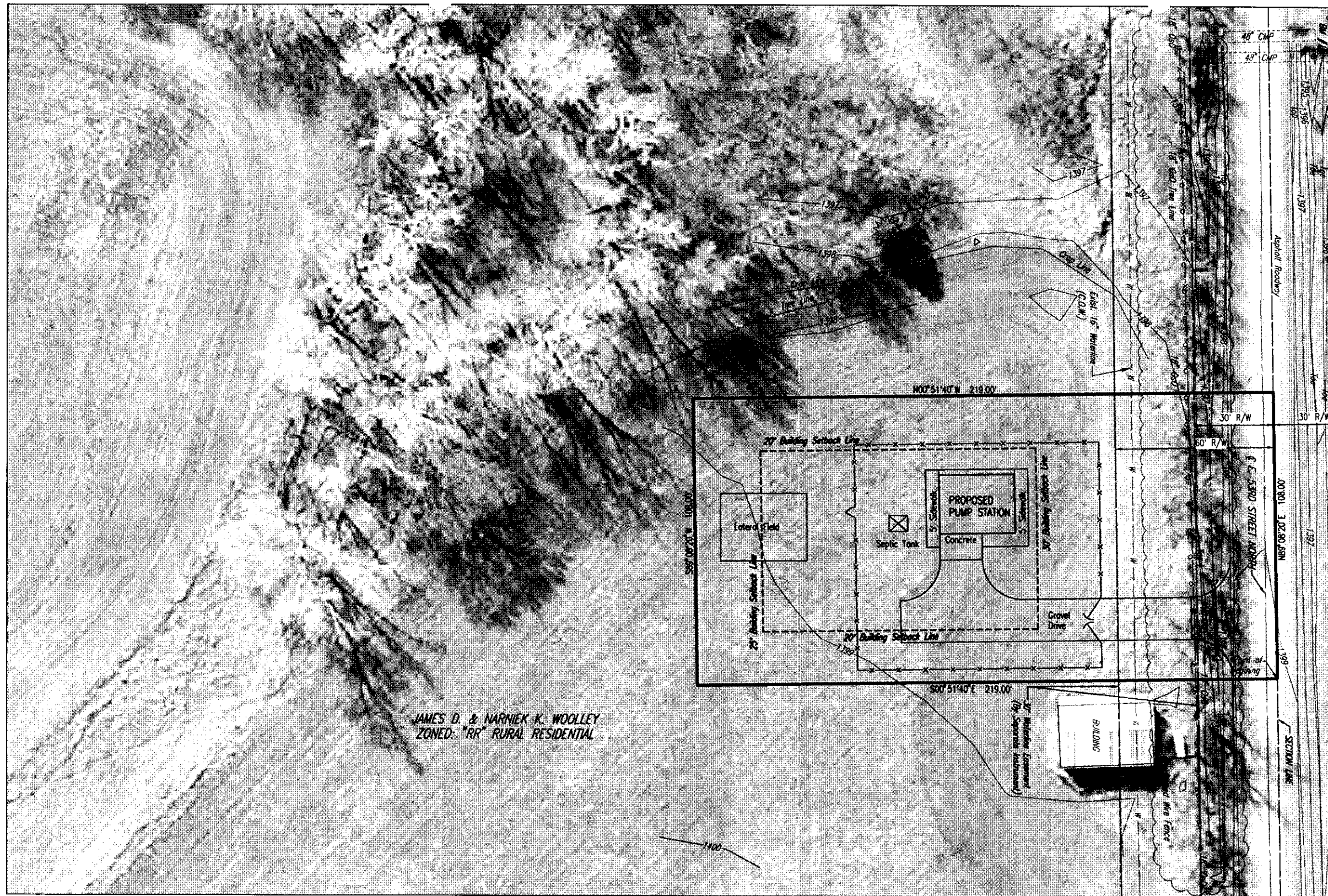
ADOPTED AT WICHITA, KANSAS, this 14th Day of March, 2012.


Grant Tideman, BZA Board Chair

ATTEST:


William J. McNeely, AICP
BZA Secretary

Save: 01-30-2012 12:06:42 PM by CAE
Plot Scale: 1" = 40' 01-30-2012 12:07:04 PM by CAE
Q:\2011\1123\CONDITIONAL USE\1123-CONDITIONAL USE SITE PLAN

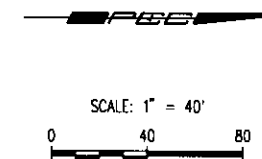


JAMES D. & NARNIE K. WOOLLEY
ZONED: "RR" RURAL RESIDENTIAL

- Legend:
- BM Benchmark
 - Power Pole
 - DM Deadman
 - Property Iron
 - Deciduous Tree
 - Section Corner
 - Flow Direction

LEGEND

- Water Valve
- Overhead Electric
- Waterline



LEGAL DESCRIPTION

A tract of land in the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principle Meridian, Sedgwick County Kansas described as;

Commencing at the Northeast corner, of the Northeast Quarter of Section 20, Township 26 South, Range 2 East of the 6th Principle Meridian, Sedgwick County Kansas; thence bearing S89°08'20\"/>

Containing 23,652 square feet or 0.54 acres more or less.

GENERAL PROVISIONS

PROPOSED USES: MAJOR UTILITY, POTABLE WATER PUMP STATION

EXISTING ZONING: RR, RURAL RESIDENTIAL

TOTAL AREA: 0.54 ACRES

FENCING: 6 FOOT CHAIN LINK WITH 3 STRANDS OF BARB WIRE ON TOP

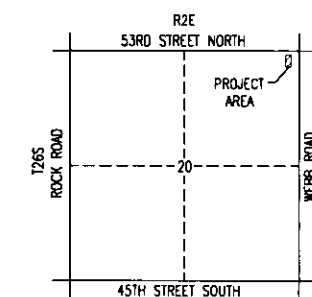
ACCESS: 15.5' WIDE GRAVEL DRIVE

MAXIMUM BUILDING HEIGHT: 25' MAX PER ZONING; CONSTRUCTED STRUCTURE HEIGHT TO BE LESS THAN 25'

SETBACKS: 30' FROM NORTH PROPERTY LINE, 25' FROM SOUTH PROPERTY LINE AND 20' FROM EAST AND WEST PROPERTY LINES, PER ZONING REQUIREMENTS

OWNER: CITY OF WICHITA
CITY HALL, 8TH FLOOR
455 N. MAIN
WICHITA, KANSAS 67203

JAMES D. & NARNIE K. WOOLLEY
819 W. VERONA CT.
ANDOVER, KS 67002



No.	Revision	By	Date
SEDGWICK COUNTY RURAL WATER DISTRICT #1			
BZA VARIANCE REQUEST			
BOOSTER PUMP STATION SITE PLAN			
BOOSTER PUMP STATION			
 PROFESSIONAL ENGINEERING CONSULTANTS, P.A. 303 SOUTH TOPEKA WICHITA, KS 67202 316-262-2691 www.pec1.com			
Designed by	SCU	Job No.	34-11123
Drawn by	CAE	Date	DECEMBER 2011
		Sht.	of