



BZA MEETING

Tuesday, October 12, 2021 at 7:00 pm

MEETING LOCATION: 520 N. Commercial Ave

(Council Chambers)

Click here to visit our: [Facebook Page](#)

1. CALL TO ORDER / ROLL CALL

Chair opened the BZA Meeting at ____ (time).

Board Members present ____

Board Member absent ____

Others present Janise Enterkin, Board Secretary/City Clerk

2. ADDITIONS / DELETIONS TO AGENDA

Motion to approve the agenda as presented.

Motion by ____

Second by ____

3. APPROVAL OF MINUTES

Minutes of July 13, 2021, BZA Meeting

Motion to approve the minutes as presented.

Motion by ____

Second by ____

Attachments:

- **BZA Minutes July 13, 2021** (bza-meeting_minutes_2021-07-13_205354.pdf)

4. HEARINGS/PRESENTATIONS/PUBLIC FORUM

Attachments:

- **Application for Variance** (701_Franklin_variane_app.pdf)
- **Building Permit Application** (701_Franklin_building_permit.pdf)
- **County Maps** (701_Franklin_county_maps.pdf)

- **Variance Report** (variance_report_BZA-V-2021-10.pdf)

a. Open Public Hearing

Call Agenda Item

It is ____ pm and I call agenda item number 4a, which is a public hearing on case number **BZA-V-2021-10**, pursuant to section 10-107 of the city zoning regulations, requesting a variance of **15 foot on front setback requirement** from the required **25 foot** limitation, for the purpose of a **carport** on the property zoned as R-1 Single and Two-Family Residential District.

Chairperson will continue with **Checklist for Conducting a Public Hearing for Variance Request**

b. Close Public Hearing

Hearing no further comments, I hereby close the public portion of the hearing at ____ pm (time).

c. Deliberation and Review of the 5 Statutory Conditions

Attachments:

- **Variance Report - Final** (Variance_Report_-_final.pdf)

d. Motion to Approve/Deny Variance Request

Sample Motion to Grant Variance

Having considered the evidence at the hearing, and determined that the findings of fact in the Variance Report have been found to exist, and support all the 5 conditions set out in section 10-107D1 of the Zoning Regulations and K.S.A. 12-759(e) of the State Statutes which are necessary for granting of a variance, I ____ move that the Chairperson be authorized to sign a Resolution granting the variance for case #BZA-V-2021-10 as requested.

Motion by ____

Second by ____

Sample Motion to Not Grant Variance

Having considered the evidence at the hearing, and determined that ____ of the findings of fact in the Variance Report has not/have not been found to exist and to support the 5 conditions set out in 10-107D1 of the Zoning Regulations and K.S.A. 12-759(e) of the State Statutes which are necessary for granting of a variance, I ____ move that the Chairperson be authorized to sign a Resolution not granting the variance for case #BZA-V-2021-10.

Motion by ____

Second by ____

5. NEW BUSINESS

6. ADJOURN

Motion to adjourn the Board of Zoning Appeals meeting at _____, PM

Motion by _____

Second by _____

Contact: Amanda Mabry (amanda@cityofsedgwick.org 316-772-5151) | Agenda published on
09/23/2021 at 4:41 PM



BZA MEETING

Minutes

Tuesday, July 13, 2021 at 7:00 pm

MEETING LOCATION: 520 N. Commercial Ave

(Council Chambers)

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1. CALL TO ORDER / ROLL CALL

Minutes:

Chair opened the BZA Meeting at 7:11pm

Board Members present Beth Sharbutt, Justin Stucky, Clint Brown, Connie Stout, Steve McGinn Board Member absent Tyler Mosiman, Chad Mueller Others present _Amanda Mabry, Board Secretary; Bryan Chapman, Mayor; Randi Tolin, Bill Bush, Jane & Mike Fitch, Russ & Shannon Banta, Dean Held, Dru Held, Troy Scarlett, Beth & Scott McGinn, Aaron Stucky

2. ADDITIONS / DELETIONS TO AGENDA

Minutes:

Motion to approve the agenda as presented.

Motion by Beth Sharbutt Second by Clint Brown

Vote results:

Ayes: 5 / Nays: 0

3. APPROVAL OF MINUTES

Minutes:

Motion to approve the minutes as presented.

Motion by Beth Sharbutt Second by Clint Brown

Vote results:

Ayes: 5 / Nays: 0

4. HEARINGS/PRESENTATIONS/PUBLIC FORUM

5. NEW BUSINESS

a. RedBarn Farms Variance

Minutes:

Chair opened the public hearing for Redbarn Farms, lot 3 variance @ 7:13pm.

Applicant, Dru Held explained that he was asking for a 3 foot variance on the NE

rear corner and a 6 foot variance on the SE rear corner lot line of property. He is wanting to build a spec house on lot 3 since it has the most constraints to help the sale of other 4 lots. The plans already changed in size removing the 3 car garage and decreasing the size of bedroom, porch & living room each by a foot. The lot is difficult to build on because of the easements on all sides and the ditch at the rear.

Board asked the following questions to Mr. Held: -What would the measurement from rear lot line to furthest point of property be. Would be 20.5 but could change the egress window to a different style to help with footage.

-Did you think to put a smaller house? This house is intended to be a show home and a 1200 square foot house could be built but wouldn't show as well. -Would there be water flow issues? The drainage study showed that the larger ditch would help slow the flow and no mention of the house size reflected in the summary.

Chair asked for public comments. -**Scott McGinn** at 1010 Douglas Dr presented a letter to the board signed by all but one notified owner of record. The letter is on file for record, and the 3 point concerns are. 1. It is probable that once precedent is set on the first variance that these requests will continue to come for the remaining four lots at Red barn Farms. It is the request of the neighbors that the new houses aren't built any larger than the lot can accommodate while still following initially established set back guidelines. 2. Building larger homes that what the lot allows for while following current guidelines could destroy property uniformity within the development as well altar proper drainage for the surrounding neighboring properties. 3. When the addition was initially platted the zoning regulations were a 30' rear setback and the current zoning regulations require a 25' rear setback. **Mike Fitch** at 1020 Douglas Dr. has concerns that the extra water flow would meet at the corner of his rear yard and backup into his property. **Shannon Banta** at 1106 Douglas Dr. asked if the drainage plan took into affect that the houses would be set at a smaller size and if that could mess up the run off study? **Dru Held** read a summary from the drainage study done when they platted the Redbarn Farms addition.

Chair closed the public portion of the hearing at 7:54pm. Board discussed the Standards that are to be met in order to pass a variance to vote. **McGinn** recused from the questions due to conflict of interest. A. The condition **IS** unique to the property and **IS NOT** found in the same district and **WAS** created by the owner. Agreed by all Board members B. Granting of the variance **WOULD**(Sharbutt, Stout & Brown) & **WOULD NOT** (Stucky) affect the rights of adjacent property owners. C. The strict application of the zoning regulations **WILL NOT** constitute an unnecessary hardship upon the owner. Agreed by all Board members D. The variance **WILL** (Sharbutt, Stout & Brown) **WILL NOT** (Stucky) adversely affect the health, safety, morals, order, convenience, prosperity or general welfare. E. The variance **WILL** be opposed to the general spirit and intent of the zoning regulations. Agreed by all Board members The Board did not

Vote on the variance, application died because the variance did not meet the standards per K.S.A. 12-759(e).

6. UNFINISHED BUSINESS

Minutes:

NONE

7. ADJOURN

Minutes:

Motion to adjourn the Board of Zoning meeting at 8:15pm.

Motion by Clint Brown Second by Beth Sharbutt

Vote results:

Ayes: 5 / Nays: 0

APPLICATION FOR A VARIANCE FROM THE ZONING REGULATIONS

This is an application for a variance before the City Board of Zoning Appeals. The form must be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at:

Sedgwick City Hall
520 N. Commercial / PO Box 131
Sedgwick, KS 67135

or FAX: 316-772-5592

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.)

1. Name of Applicant: TONY & KATHY CHAVEZ
Address: 701 N. FRANKLIN AVE, SEDGWICK, KS 67135
Phone: (316) 309-5868 Email: t.chavez-58@yahoo.com

Name of Agent, if any: _____

Address: _____

Phone: _____

Email: _____

Relationship of Applicant to property is that of: OWNER
(Owner, Tenant, Lessee, etc.)

2. Application is made for a variance as provided for in Section 10-107 of the City Zoning Regulations to permit (describe request):

WOULD LIKE TO BUILD A CARPORT IN FRONT OF AN EXISTING GARAGE ON THE EXISTING DRIVEWAY. THE CARPORT WILL BE OF WOOD FRAME CONSTRUCTION TO MATCH THE MAIN HOUSE

for property located at 701 N. FRANKLIN AVE, SEDGWICK

and legally described as FLOYDS ADDITION, S34, T24, R20W, 2761 & S 1/2 LT 63 ON W SIDE OF FRANKLIN AVE

FOR FLOYD LOTS 61, S 1/2 LT 63
SECTION 34
TOWNSHIP 24
RANGE 01W

in the City which is zoned as the RESIDENTIAL RURAL

District.

3. The Applicant or his/her authorized agent, acknowledges:
- a. That he/she has received instruction material concerning the filing and hearing of this matter.
 - b. That he/she has been advised of the established fee requirements, and that the fee has been paid.
 - c. That he/she has been advised of his/her rights to bring action in the District Court of the County to appeal the decision of the Board of Zoning Appeals.
 - d. That all required documents are attached to this Application for a Variance as noted in the instructions.
 - e. That the Board of Zoning Appeals has the authority to require such conditions as are deemed necessary and reasonable in order to serve the public interest.

Signature: Antonio F. Chavez, Applicant

Print name: ANTONIO F. CHAVEZ

Date: 08/21, 2021

Signature: _____, Agent (if any)

Print name: _____

Date: _____, 20____

OFFICE USE ONLY

This application was received at 2 : 15 (am, pm)
on August 30, 2021
by the Zoning Administrator acting for the Board of Zoning Appeals.

It has been checked and found to be complete and accompanied by the required documents and the fee of \$ 150.⁰⁰.

Signature: _____, Zoning Administrator

Print name: _____

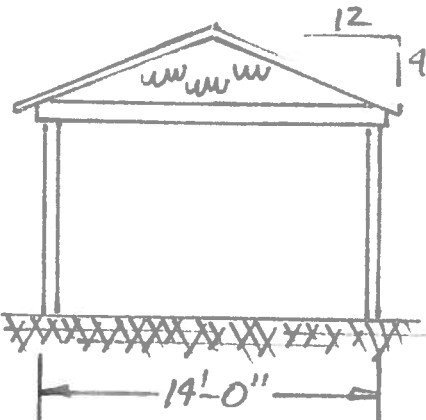
Date: _____, 20____

Provide copy to:

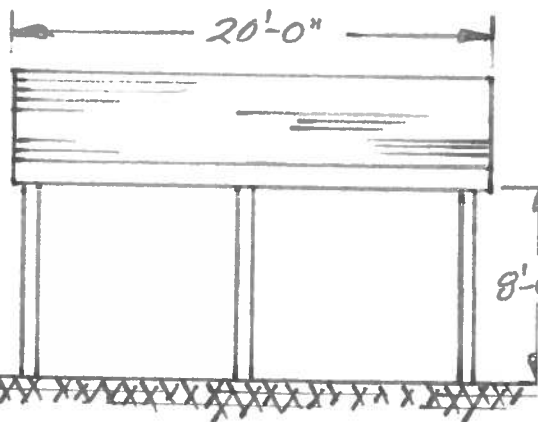
- Applicant and/or Agent



SOUTH ELEVATION



EAST ELEVATION



EXISTING

GARAGE

NEW CARPORT

16'-0"

20'-0"

20'-0"

10'-0"

EXISTING DRIVEWAY

EXISTING SIDEWALK

40'-0"

NEW CARPORT
701 FRANKLIN SEDON
5/25/2020
SCALE: 1/8" = 1'-0"

7TH STREET CENTERLINE

ALLEY CENTER LINE

SCALE: 1/8" = 1'-0"

City of Sedgwick, Kansas
Application for Building Permit

Permit # _____

Date 05/25/2020

Application is hereby made for a permit to BUILD A NEW CARPORT
(Erect Remodel Add To, Move, Demolish)

Located at (street address): 701 N. FRANKLIN AVE

Legal Description: _____

In accordance with the following description, in conformance with all provisions and law in effect pertaining thereto.

Existing use: _____ Proposed use: CARPORT Estimated cost: \$2,000

Lot Information:

Street Frontage _____
Width _____
Depth _____
Area _____

Sanitation Information:

Sewer..... Private _____ Public _____
Water Private _____ Public _____

Building Information:

Width 15'
Depth 20'
Height 8' (1)
Floors (number) _____

Floor Area Sq. Ft. 300

Total % Lot Coverage: _____
If residential, # of dwelling units 1
Basement: Yes _____ No _____ Floor Elev. _____

Setback Information:

	Actual	Required
Front Yard	<u>10'</u>	<u>25 feet</u>
Side Yard	_____	<u>5'</u>
Rear Yard	_____	_____

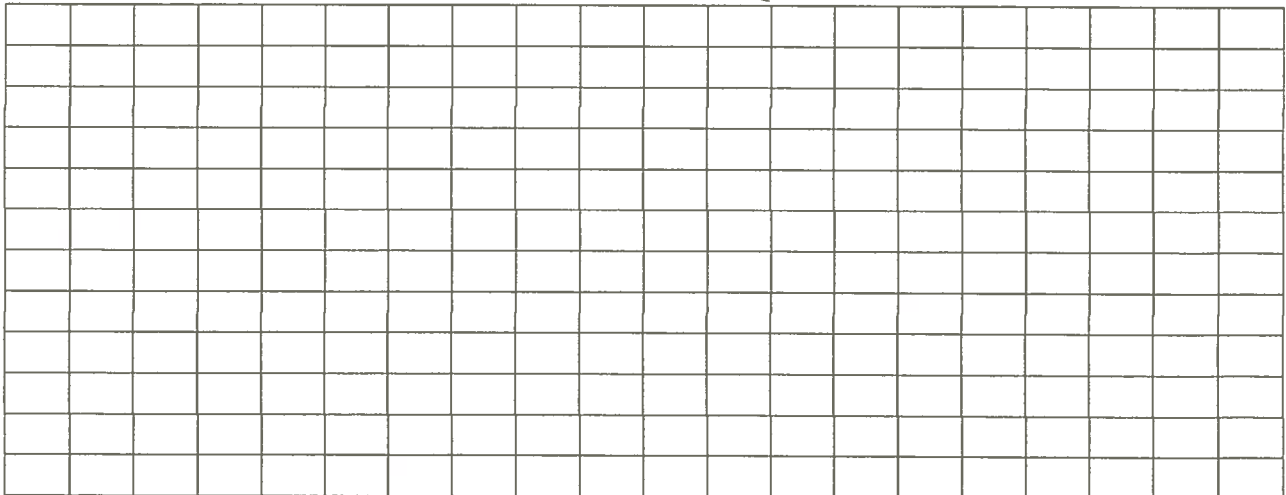
Number of Off Street Parking

Required	Provided
_____	_____

The Structures and accessory buildings are located in the described area according to the following diagram.

Length of Lot _____ Scale: 1"= _____

(SEE ATTACHED)



Comments: THE NEW CARPORT WILL BE OF POST & FRAME CONSTRUCTION WITH SHINGLED ROOF TO MATCH THE HOUSE.

I hereby affirm that the above statements are true and correct and agree to comply with all ordinances and law pertaining to and governing the construction, alterations, extension or removal of buildings described in this application. I do hereby grant the City's representative access to the premises to determine compliance with local codes and ordinances.


The applicant shall be responsible for providing all necessary surveys and information sufficient to insure conformance with Zoning Regulations, Local Codes and Ordinances. The applicant shall also be responsible for compliance with the City's current adopted Building, Plumbing, Electrical, and Mechanical regulations. Permits when issued, do not nullify any deed restriction validly filed of record. For nonconformance, the designated City Official, may in writing stop or restrict work. The jurisdiction shall have alleged deficiencies inspected within 48 hours by a licensed contractor in the field at the applicant's expense. If construction of any type on the project continues before sited deficiencies are corrected, the designated City Official may revoke any or all permits at the time. This permit shall be effective for one (1) year following issuance date.

Building Permit shall be displayed in a prominent place during construction.

OWNER'S SIGNATURE or REPRESENTATIVE

ADDRESS

PHONE


ANTONIO F. CHAVEZ
Print Name

701 FRANKLIN

316.722.5878

ISSUANCE OF BUILDING PERMIT

This building permit is hereby issued to _____
For the purpose of _____

Building Permit Denied By: 

Date: 5.26.2020

Reason for Denial: Structure does not meet front set back of 25'.

Permit Fee Paid: \$ _____

Inspection Fee: \$ _____

Total Paid: \$ _____

Minimum Pad Elevation Req'd _____ (MSL)

Plumbing: \$ _____

Electric: \$ _____

Mechanical \$ _____

Sewer Tap \$ _____

Meter ¾", 1" or 2" _____

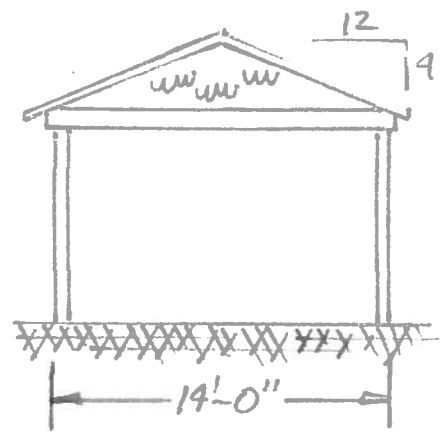
By: _____

Zoning Administrator

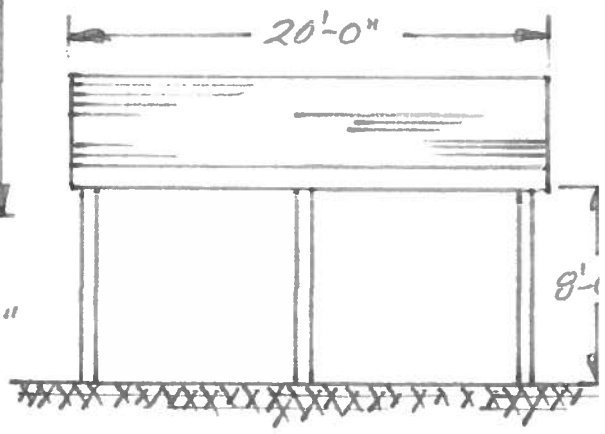
Date: _____



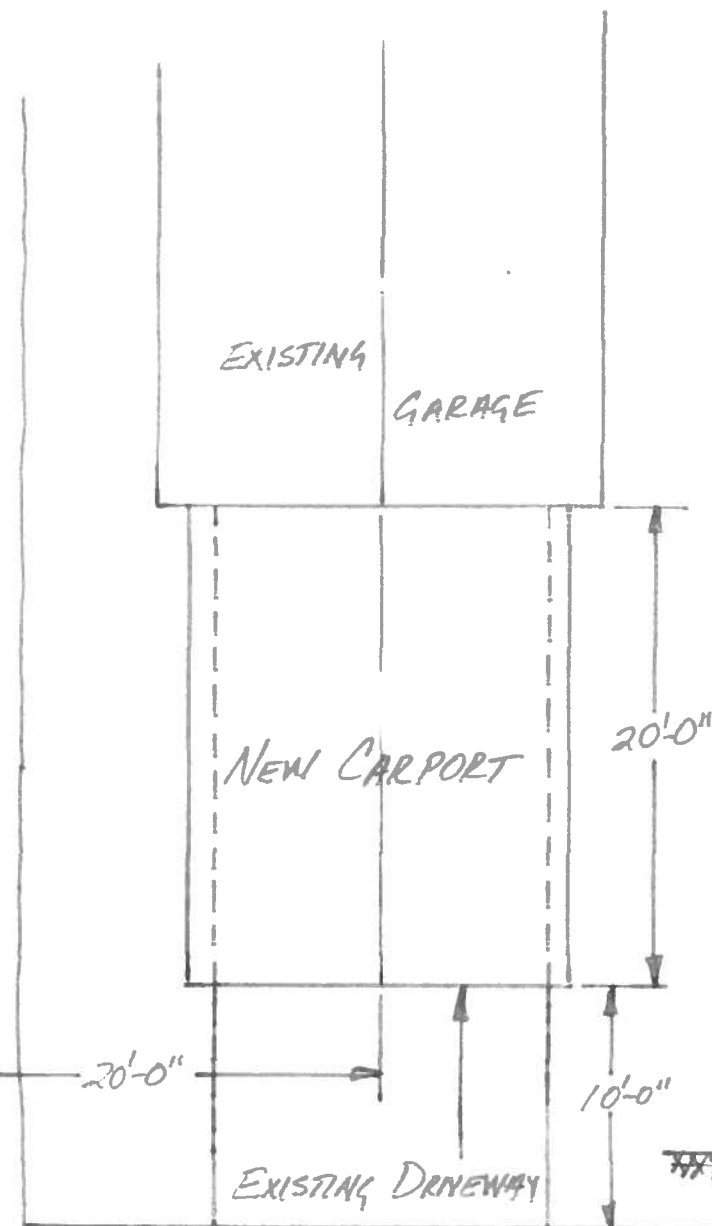
SOUTH ELEVATION



EAST ELEVATION



ALLEY CENTER LINE



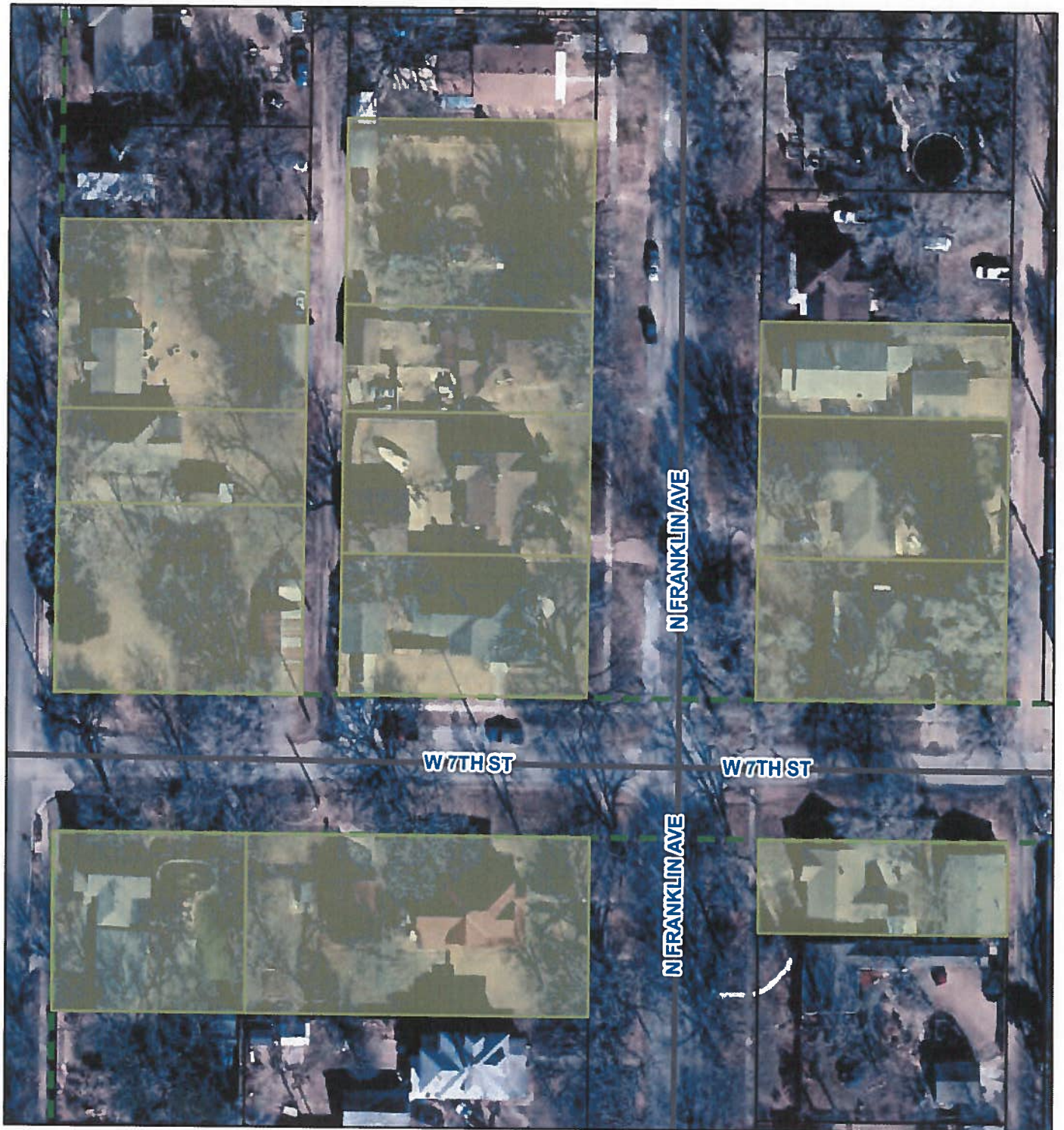
EXISTING SIDEWALK

40'-0"

NEW CARPORT
701 FRANKLIN SEDGA
5/25/2020
SCALE: 1/8" = 1'-0"

7TH STREET CENTERLINE


ArcGIS Web Map



9/9/2021, 11:34:50 AM

Parcel Boundary

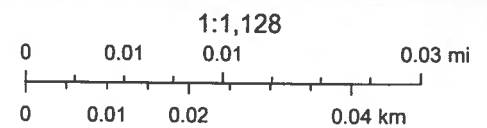
 Parcel Boundary

 Buffer _Query result

Road Centerline

 CITY - PAVED

 Subdivision



Sedgwick County, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

701 N Franklin



9/3/2021, 11:55:00 AM

Parcel Boundary

Parcel Boundary

Road Centerline

CITY - PAVED

Subdivision

1:564
0 0 0.01 0.01 mi
0 0.01 0.01 0.02 km

Sedgwick County, Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA

Sedgwick Board of Zoning Appeals

Agenda Item No. 4a
for October 12, 2021

VARIANCE REPORT

CASE NUMBER: BZA-V-2021-10

APPLICANT: Tony & Kathy Chavez
AGENT, IF ANY: _____

REQUEST: 15 foot variance on front setback

CASE HISTORY: N/A

LOCATION: 701 N. Franklin, Sedgwick, KS 67135

SITE SIZE: 75 x 132

Adjacent Zoning and Existing Land Use

North: R-1

South: R-1

East: R-1

West: R-1

NOTE: This report has been prepared by the Zoning Administrator to assist the Board of Zoning Appeals to determine their findings of fact from the evidence presented at the hearing, so as to base their decision for a variance on the required five findings found in Section 10-107D1 of the Zoning Regulations. The Board may grant a request upon specific written findings of fact when all five conditions, as required by state statutes, are found to exist. The responses provided need to be evaluated along with the evidence, and reworded as necessary to reflect the Board of Zoning Appeals' considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the Applicant and facilitate enforcement by the Zoning Administrator.

Background Information

Currently has a garage on the west side of house & wishing to put a carport in front of garage along Alley & 7th Street.

Does the Evidence Demonstrate That...

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced: No
2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or Applicant to make more money out of the property: No
3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located: No
4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood: No

Specified Conditions to be Met

The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented at the hearing so that **all five** of the conditions required by K.S.A 12-759(e) have been met which are listed below. If any of the conditions cannot be met, the condition(s) needs to be reworded from a positive to a negative statement and the variance not granted.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district. and is not created by an action or actions of the property owner or the Applicant because: _____

2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents because: _____

3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application because: _____

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare because: _____

5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations because: _____

Conditions

1. _____

2. _____

3. _____

Provide copy to:

- Applicant and/or Agent

Sedgwick Board of Zoning Appeals

Agenda Item No. 4a
for October 12, 20 21

VARIANCE REPORT

CASE NUMBER: BZA-V-2021-10

APPLICANT: Tony & Kathy Chavez
AGENT, IF ANY: _____

REQUEST: 15 foot variance on front setback

CASE HISTORY: N/A

LOCATION: 701 N. Franklin, Sedgwick, KS 67135

SITE SIZE: 75 x 132

Adjacent Zoning and Existing Land Use

North: R-1

South: R-1

East: R-1

West: R-1

NOTE: This report has been prepared by the Zoning Administrator to assist the Board of Zoning Appeals to determine their findings of fact from the evidence presented at the hearing, so as to base their decision for a variance on the required five findings found in Section 10-107D1 of the Zoning Regulations. The Board may grant a request upon specific written findings of fact when **all** five conditions, as required by state statutes, are found to exist. The responses provided need to be evaluated along with the evidence, and reworded as necessary to reflect the Board of Zoning Appeals' considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the Applicant and facilitate enforcement by the Zoning Administrator.

Background Information

Currently has a garage on the west side of house & wishing to put a carport in front of garage along Alley & 7th Street.

Does the Evidence Demonstrate That...

1. The particular physical surroundings, shape or topographical condition of the specific property involved would result in a practical difficulty or unnecessary hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the provisions of these regulations were literally enforced: No
2. The request for a variance is not based exclusively upon a desire of the owner, lessee, occupant or Applicant to make more money out of the property: No
3. The granting of the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located: No
4. The proposed variance will not impair an adequate supply of light or air to adjacent property, substantially increase congestion on public streets or roads, increase the danger of fire, endanger the public safety or substantially diminish or impair property values within the neighborhood: No

Specified Conditions to be Met

The Board may grant a variance upon specific written findings of fact based upon the particular evidence presented at the hearing so that **all five** of the conditions required by K.S.A 12-759(e) have been met which are listed below. If any of the conditions cannot be met, the condition(s) needs to be reworded from a positive to a negative statement and the variance not granted.

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zoning district. and is not created by an action or actions of the property owner or the Applicant because: original garage setback and no other car ports
2. That granting of the variance will not adversely affect the rights of adjacent property owners or residents because: Want cause visual obstruction, and will interfere w/ integrity of home.
3. That strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application because: they don't have a carport.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare because: Car port.
5. That granting the variance desired will not be opposed to the general spirit and intent of these regulations because: intent does not affect neighbors. spirit.

Conditions

1. Built according to submitted drawings
2. _____
3. _____

Provide copy to:

- Applicant and/or Agent