



AGENDA

PLANNING COMMISSION

SPECIAL MEETING

7651 E. Central Park Ave, Bel Aire, KS
July 07, 2022 12:00 PM



I. Call to Order

II. Roll Call

James Schmidt ____ John Charleston ____ David Floyd ____

Phillip Jordan ____ Dee Roths ____ Heath Travnichek ____ Paul Matzek ____

III. Pledge of Allegiance to the American Flag

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

Action: Motion to approve the minutes of May 12, 2022.

Motion ____ Second ____ Vote ____

V. Old Business/New Business

A. **ZON-22-03 Zoning.** Proposed rezoning from AG to an R-5 for single-family zoning use (Bel Aire Lakes - formerly Sham Way Estates). The current use is farm ground.

Action: Motion to (recommend / deny / table) the request to re-zone certain property (Bel Aire Lakes) from AG to an R-5 for single-family zoning use (with/ without changes / conditions).

Motion ____ Second ____ Vote ____

B. **V-22-02.** Vacation of a portion of platted building setback line, to allow a 15' setback line, in Replat of Lawn Terrace Addition.

Action: Motion to (recommend / deny / table) vacation of a portion of platted building setback line, to allow a 15' setback line, in Replat of Lawn Terrace Addition (with / without changes/conditions).

Motion ____ Second ____ Vote ____

C. Election of Planning Commission Chair, July 2022 to June 2023

Action: Motion to appoint _____ as Chair of the Planning Commission, term ending June 2023.

Motion _____ Second _____ Vote _____

D. Election of Planning Commission Vice-Chair, July 2022 to June 2023

Action: Motion to appoint _____ as Vice-Chair of the Planning Commission, term ending June 2023.

Motion _____ Second _____ Vote _____

VI. Approval of the Next Meeting Date

Action: Motion to approve the next meeting date: June 14, 2022 at 6:30 p.m.

Motion _____ Second _____ Vote _____

VII. Current Events

VIII. Adjournment

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____

Additional Attachments:

[A.](#) Planning Commission Staff Report 7-7-2022



MINUTES

PLANNING COMMISSION

7651 E. Central Park Ave, Bel Aire, KS
May 12, 2022 6:30 PM



I. Call to Order: Chairman Schmidt called the meeting to order at 6:30 p.m.

II. Roll Call

Present were James Schmidt, John Charleston, David Floyd, Phillip Jordan, Dee Roths, Heath Travnichek, and Paul Matzek.

Also present were City Attorney Jacqueline Kelly and Zoning Administrator Keith Price.

III. Pledge of Allegiance to the American Flag: Chairman Schmidt led the pledge of allegiance.

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting

MOTION: Commissioner Roths moved to approve the minutes of April 14, 2022. Commissioner Jordan seconded the motion. ***Motion carried 7-0.***

V. Old Business/New Business

A. SD-22-02. Sham Way Estate Addition Preliminary Plat - Request to plat approximately 78.80 acres of the single-family residential use as R-5 zoning district (rezoning process at a later date).

Mark Savoy, Savoy Company, P.A., presented the preliminary plat on behalf of the applicant and stood for questions from the Commission.

Commissioners discussed the plat in relation to the preliminary plat requirements listed in the City's zoning code. The Commissioners requested that Savoy Company, provide City staff with more detailed information before the final plat is submitted.

MOTION: Commissioner Roths moved to approve Sham Way Estate Addition Preliminary Plat with the conditions that the City Engineer should review and approve the drainage concept, storm water, and details of proposed zoning setbacks to comply with staff recommendations and R-5 district zoning standards. Commissioner Jordan seconded the motion. ***Motion carried 7-0.***

VI. Next Meeting Date: June 9, 2022

Several Commissioners stated they would not be able to attend on June 9th.

MOTION: Chairman Schmidt moved to approve the date of the next meeting: June 16, 2022 at 6:30 p.m. Commissioner Floyd seconded the motion. ***Motion carried 7-0.***

VII. Current Events

Upcoming Events:

May 12-14th – City Wide Garage Sale (no permit required)

May 21 — Spring Curbside Clean-Up

June 1 – Deadline to file Backflow tests for sprinkler systems

The commission briefly discussed upcoming events.

VIII. Adjournment

MOTION: Chairman Schmidt moved to adjourn. Commissioner Floyd seconded the motion. ***Motion carried 7-0.***

The meeting adjourned at 7:46 p.m.



City of Bel Aire, Kansas
7651 E. Central Park Ave
Bel Aire, Kansas 67226



ZONING REVIEW

Address of proposed project: Shamway Estates conditionally approved preliminary plat area
This report is to document that on 6.7.22 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- | | |
|--|--|
| ☐ SETBACKS | ☐ ELEVATIONS |
| ☐ EFFECTIVE CODE COMPLIANCE | ☒ REQUIRED PLAN SUBMITTALS |
| ☐ EROSION CONTROL | ☐ EASEMENTS |
| ☐ LANDSCAPE | ☐ SCREENING |
| ☐ STORM DRAINAGE | ☒ NEIGHBORHOOD IMPACT |
| ☐ ADA ACCESSIBLE | ☐ UTILITIES TO BUILDING |

The review of the above property plan has been:

- ☒ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 6/7/22

Keith Price
REVIEWED BY

Comments: The planning commission conditionally approved the preliminary plat based on the drainage plan working for the lot size shown. The predominate zoning district used in the area is R-5 with a developer's overlay restricting the housing type. The commissioners approved the plat based on single-family use.

The commission may review this plat for R-5b zoning district as well. The reason to maintain the R-5 district is for the minimum square footage of 1,200 s.f. living space.

- A preliminary 11x17 was provided of the map that requires changes based on the preliminary plat hearing and the drainage study on going. Please update
- The city engineer will contact Savoy Company P.A. direct with any item not covered with this review.
- The city 2018 Master growth plan figure 3.4 preferred Balanced Growth Residential suburban density.
- <http://www.belaireks.gov/DocumentCenter/View/3245/Chapter-18A-Zoning-Regulations-Adopted-2016> contains the Zoning Code. The landscape requirements, lot size, etc.

- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.

APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

- ☐ Change Zoning Districts: From: AG Agricultural to R5 Residential
- ☐ Amendments to Change Zoning Districts _____

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner SHAM WAY LLC

Address 1109 S. Rock Rd, Wich, KS 67207 Telephone 316-440-6000

Agent representing the owner Mark Sevon

Address 433 S. Hydraulic, Wich, KS 67211 Telephone 316-265-0005

1. The application area is legally described as Lot(s) _____; Block(s) _____, _____ Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains 78.80 acres.

3. This property is located at (address) (No Address) N. Webb Rd. which is generally located at (relation to nearest streets) West side of Webb Rd from 1/4 mile to 1/2 mile North of 53rd St. N.

4. The particular reason for seeking reclassification:

Platting a new residential subdivision
"SHAM WAY ESTATES" Bel Aire, Sedgewick County, Kansas

5. County control number: _____

6. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter extends into the city limits, then such owners for 200 feet inside the city must also be included on the list.

The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

1. Applicant SHAM WAY LLC by Resem Kricheti Phone 316-440-6020
Address 1109 S. Rock Rd, Wichita, KS Zip Code 67207

Agent MARK Severy / Severy Company, P.A. Phone 316-265-0005
Address 433 S. Hydraulic, Wichita, KS Zip Code 67211

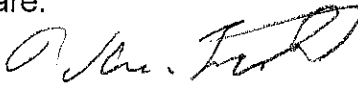
2. Applicant _____ Phone _____
Address _____ Zip Code _____

Agent _____ Phone _____
Address _____ Zip Code _____

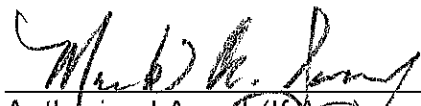
3. Applicant _____ Phone _____
Address _____ Zip Code _____

Agent _____ Phone _____
Address _____ Zip Code _____

The applicant certifies that the foregoing information is true and correct to the best of their knowledge and acknowledges that the Governing Body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.


Applicant's Signature

BY


Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

PRELIMINARY PLAT SHAM WAY ESTATE

BEL-AIRE, SEDGWICK COUNTY, KANSAS

The North Half of the Southeast Quarter of Section 17, Township 26 South,
Range 2 East of the 6th P.M., Sedgwick County, Kansas.

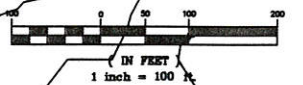
UNPLATTED
BEL AIRE CITY OF KANSAS LAND BANK

UNPLATTED
MARINE KOHL SR LIVING TRUST

UNPLATTED
EASY EIGHTY LLC

FEMA FLOOD ZONE

GRAPHIC SCALE



Bench Mark:
Square Cut at the S.E. Corner of the
Double 7'x4' RCBC located 202.7' S
& 81.3' W of the N.E. Cor of the
SE1/4 of Sec. 17-26S-2E.
Elevation = 387.16 NAVD88 Datum

SHAM WAY, LLC
ATTN: BADEM KRICHATI
1109 S ROCK RD
WICHITA, KS 67207
PH: 316-440-8000
EMAIL: kansasbomes@gmail.com

PROPOSED ZONING
R 5 RESIDENTIAL 5

GROSS AREA
3525620.87 Sq. Ft.
80.94 Acres
NET AREA
3432626.32 Sq. Ft.
78.80 Acres
MIN LOT SIZE
7560.00 Sq. Ft.
0.17 Acres

MINIMUM BRIDGE PAD ELEVATION FOR EXISTING AND PROPOSED STRUCTURES		
BLOCK	LOT NO.	ELEVATION (Feet)
100	100	100
100	100	100
100	100	100

61ST ST N (K-254)



53RD ST N
VICINITY MAP

Savoy Company, P.A.
Land Surveyors

PH (316) 265-0008
FAX (316) 265-0275

433 S. Hydraulic, Wichita, KS 67211-1911

www.savoyco.com

PROJECT NO. 210021230 P

18 FEBRUARY

CEDAR PASS ADDITION
NORTHEAST DEVELOPERS, LLC
PROPOSED ZONING R5 RESIDENTIAL 5

USD 259 3RD ADDITION
UNIFIED SCHOOL DISTRICT NO 259

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, 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 yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

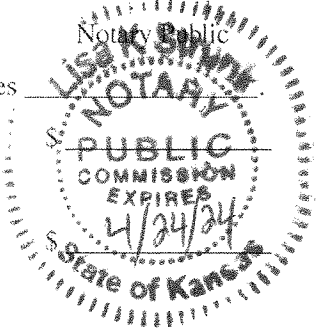
That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of May, 2022, with subsequent publications being made on the following dates:

_____, 2022 _____, 2022
_____, 2022 _____, 2022
_____, 2022 _____, 2022

[Signature]
Subscribed and sworn to before me this 19th day of May, 2022.

[Signature]

My commission expires _____
Additional copies _____
Printer's fee _____



Public notice

(Published in the Ark Valley News on May 19, 2022.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on June 16, 2022 the City of Bel Aire Planning Commission will consider the following re-zoning and re-platting hearing in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

ZON-22-03. Proposed re-zoning from AG to an R-5 for single-family zoning Use. Sham Way Estates development. The current use farm ground.

Legal Description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General Location: 1/4 mile N of E 53rd St N and West of Webb Road

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub- Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

DATED this 16 day of May, 2022.

/s/ Anne Stephens
Bel Aire Planning Commission Secretary

OWNERSHIP LIST

PROPERTY DESCRIPTION

PROPERTY OWNER

The SE/4, EXC the S/2 thereof; & EXC the E 70' for road, 17-26-2E Subject Property		Sham Way, LLC 1109 S. Rock Rd. Wichita, KS 67207
The S/2 of the SE/4, 17-26-2E		Northeast Developers, LLC 9415 E. Harry, Ste. 406 Wichita, KS 67207
The E/2 of the NE/4, EXC part deeded to State for Hwy, 17-26-2E		Marine Kohl, Sr. Living Trust 2225 Drake Ave., Ste. 7 Huntsville, AL 35805
The W/2 of the NE/4, 17-26-2E AND The E/2 of the NW/4, EXC for road on the N, 17-26-2E		City of Bel Aire, Kansas Land Bank 7651 E. Central Park Ave. Bel Aire, KS 67226
The N/2 of the S/2 of the NW/4, EXC the W 70' for road, 16-26-2E AND The S/2 of the S/2 of the NW/4, EXC the W 70' for road, 16-26-2E		Eazy Eighty, LLC PO Box 780188 Wichita, KS 67278
The W/2 of the SW/4, EXC comm at SW corner of SW/4, th. E 70'; th. N 30' for p.o.b.; th. N 55'; th. SE 14.11'; th. E 1,247'; th. Sly 45'; th. W 1,247' m-l to begin; & EXC the W 70' for road, 16-26-2E		WillowRock Properties, LLC 8112 E. Deer Run St. Wichita, KS 67226
The N 1,320' of the E 1,320' of Lot 1, Blk A AND Lot 1, Blk A, EXC the N 1,320' of the E 1,320' thereof	USD 259 3 rd Addition	Unified School District No. 259 903 S. Edgemoor St. Wichita, KS 67218

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described tracts and lots as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 8th day of April, 2022, at 7:00 A.M.

Security 1st Title LLC

By: 
Licensed Abstracter

Note:

The Above list shows property owners within either a 200 foot radius or a 1,000 foot radius of the below described lots. No certification is made as to the relation of any of the tracts and lots described herein within the city limits of Bel Aire.

RE:

The North Half of the Southeast Quarter of Section 17, Township 26 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas.

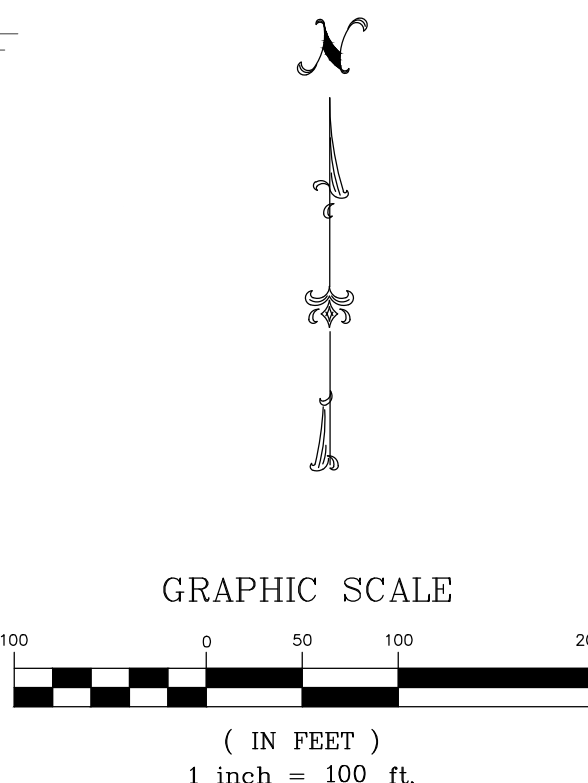
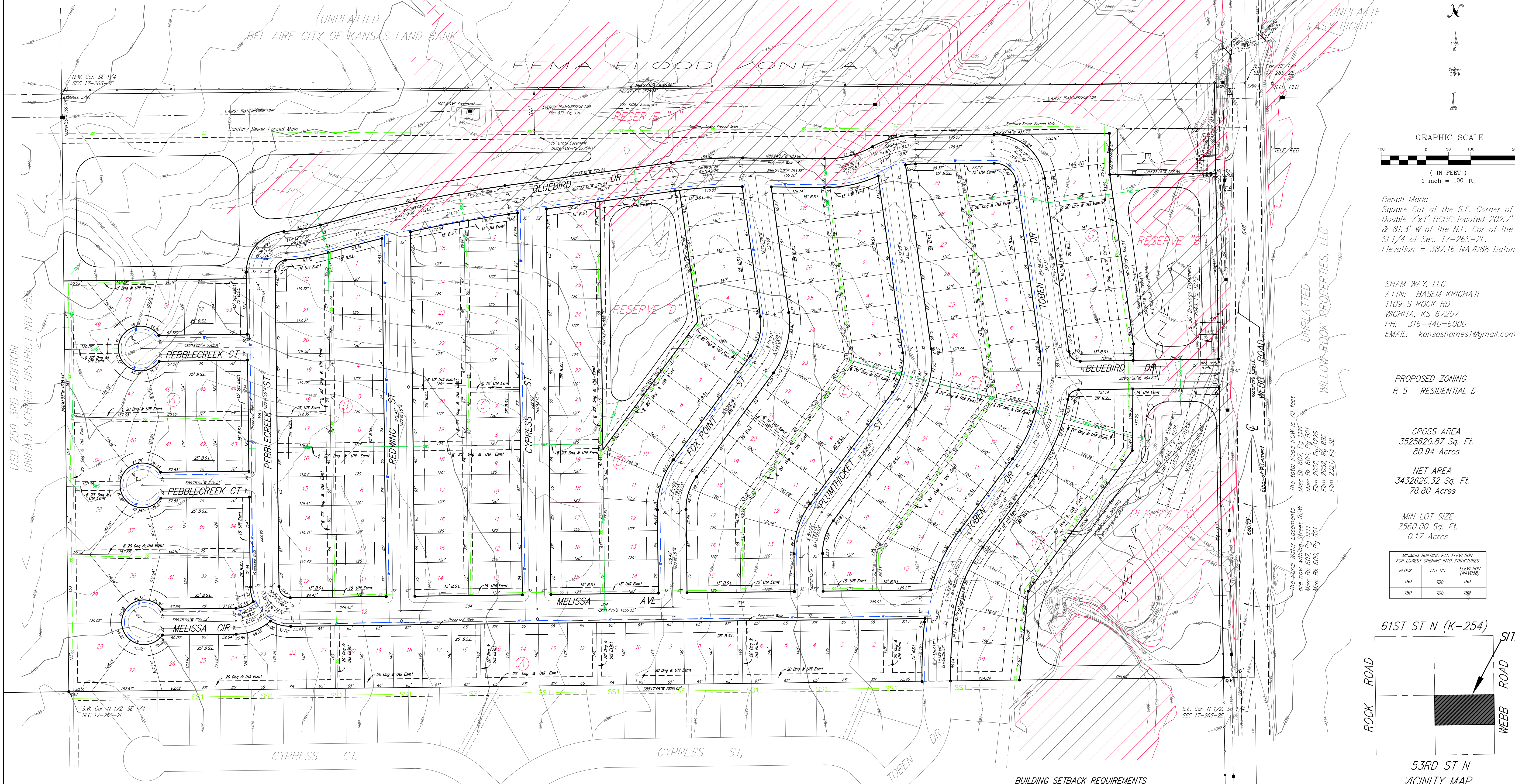
Order: 2517478

KJK

PRELIMINARY PLAT BEL AIRE LAKES

BEL-AIRE, SEDGWICK COUNTY, KANSAS

The North Half of the Southeast Quarter of Section 17, Township 26 South,
Range 2 East of the 6th P.M., Sedgwick County, Kansas.



Bench Mark:
Square Cut at the S.E. Corner of the
Double 7'x4' RCBC located 202.7' S
& 81.3' W of the N.E. Cor. of the
SE1/4 of Sec. 17-26S-2E.
Elevation = 387.16 NAVD88 Datum

SHAM WAY, LLC
ATTN: BASEM KRICHATI
1109 S ROCK RD
WICHITA, KS 67207
PH: 316-440-6000
EMAIL: kansashomes1@gmail.com

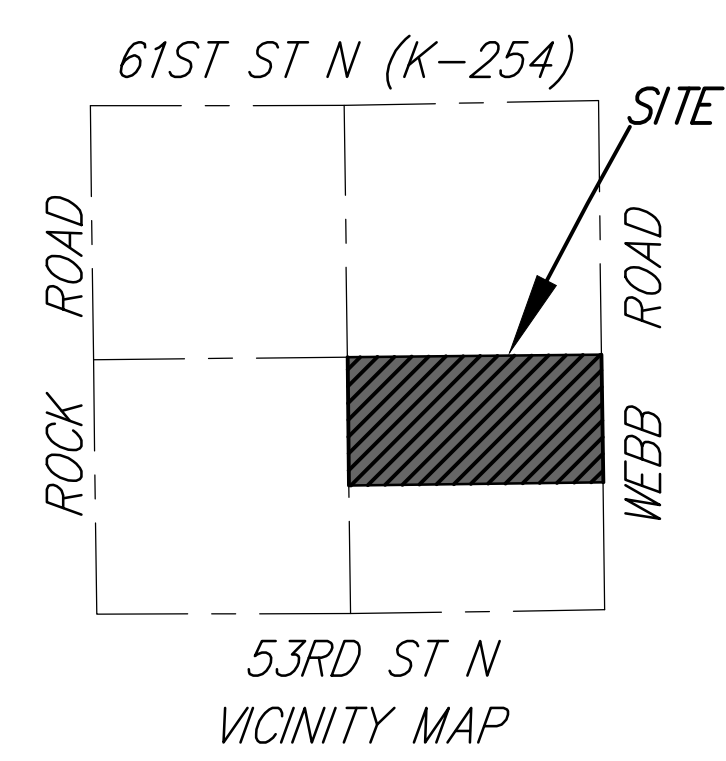
PROPOSED ZONING
R 5 RESIDENTIAL 5

GROSS AREA
3525620.87 Sq. Ft.
80.94 Acres

NET AREA
3432628.32 Sq. Ft.
78.80 Acres

MIN LOT SIZE
7560.00 Sq. Ft.
0.17 Acres

MINIMUM BUILDING PAD ELEVATION FOR LOWEST OPENING INTO STRUCTURES		
BLOCK	LOT NO.	ELEVATION (1944BBS)
TBD	TBD	TBD
TBD	TBD	TBD



BUILDING SETBACK REQUIREMENTS
FRONT YARD -- 25 FEET
SIDE STREET -- 15 FEET
SIDE YARD -- 6 FEET
REAR YARD -- 20 FEET



City of Bel Aire, Kansas
7651 E. Central Park Ave
Bel Aire, Kansas 67226



VACATION SUBMITTAL REVIEW

Address of proposed project: 5125 E 46th St N, Bel Aire Ks

This report is to document that on 5/25/22 the Zoning Administrator from the City of Bel Aire evaluated the above property plan for compliance of zoning and building requirements:

- | | |
|---|--|
| ☐ SETBACKS | ☐ ELEVATIONS |
| ☒ EFFECTIVE CODE COMPLIANCE | ☒ REQUIRED PLAN SUBMITTALS |
| ☐ EROSION CONTROL | ☒ EASEMENTS |
| ☐ LANDSCAPE | ☐ SCREENING |
| ☐ STORM DRAINAGE | ☒ NEIGHBORHOOD IMPACT |
| ☐ ADA ACCESSIBLE | ☐ UTILITIES TO BUILDING |

The review of the above property plan has been:

- ☒ APPROVED, as noted
- ☐ DELAYED, as noted
- ☐ DENIED, as noted

DATE 5/26/22

Keith Price
REVIEWED BY

Comments: City received the application and remittance with site plan.

- Site is on the edge of an undeveloped platted street and on the other side of the house is built on the 15' setback line. The building setback of the undeveloped lots on the same side of the street have a setback of 25 feet, but the street alignment is about a 26 degree angle to the south for lot 6, Block A, Sunset 2nd Addition deducing the site line of the setback looking east down 46th St from the corner of Krueger.
- Staff would support the front building setback line moving to 15' to allow the extension of the garage to be built behind that line on property as an extension of the home.
- KGS didn't request anything.
- Everydy didn't have any requirements or requests.
- Notification was completed, no concerns were voiced, or petitions received at this time.

- http://www.egovlink.com/public_documents300/belaire/published_documents/Bel%20Aire%20City%20Code/CHAPT18-CODE%20Zoning%20Part-A%202015.pdf contains the Zoning Code.
- <http://www.egovlink.com/belaire/docs/menu/home.asp> contains the Public Works tab to find the city standards information.

Affidavit of Publication

STATE OF KANSAS.
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, 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 yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center 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 consecutive weeks, the first publication thereof being made as aforesaid on the 19th day of May, 2022, with subsequent publications being made on the following dates:

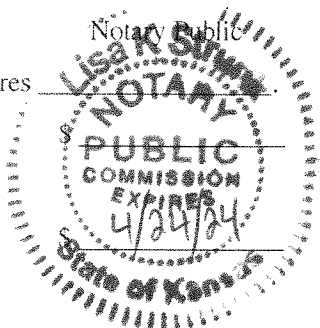
_____, 2022 _____, 2022
_____, 2022 _____, 2022
_____, 2022 _____, 2022

[Signature]

Subscribed and sworn to before me this 19th day of May, 2022.

[Signature]

My commission expires
Additional copies
Printer's fee



Public notice

(Published in the Ark Valley News on May 19, 2022.)

OFFICIAL NOTICE OF VACATION HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on June 16, 2022, the City of Bel Aire Planning Commission will consider the following "vacating a portion of a platted building setback" change as scheduled on the agenda starting at 6:30 p.m. in the council chamber at City Hall in Bel Aire, Kansas:

V-22-02, vacation of a portion of platted building setback line, to allow a 15' setback line, in Replat of Lawn Terrace Addition.

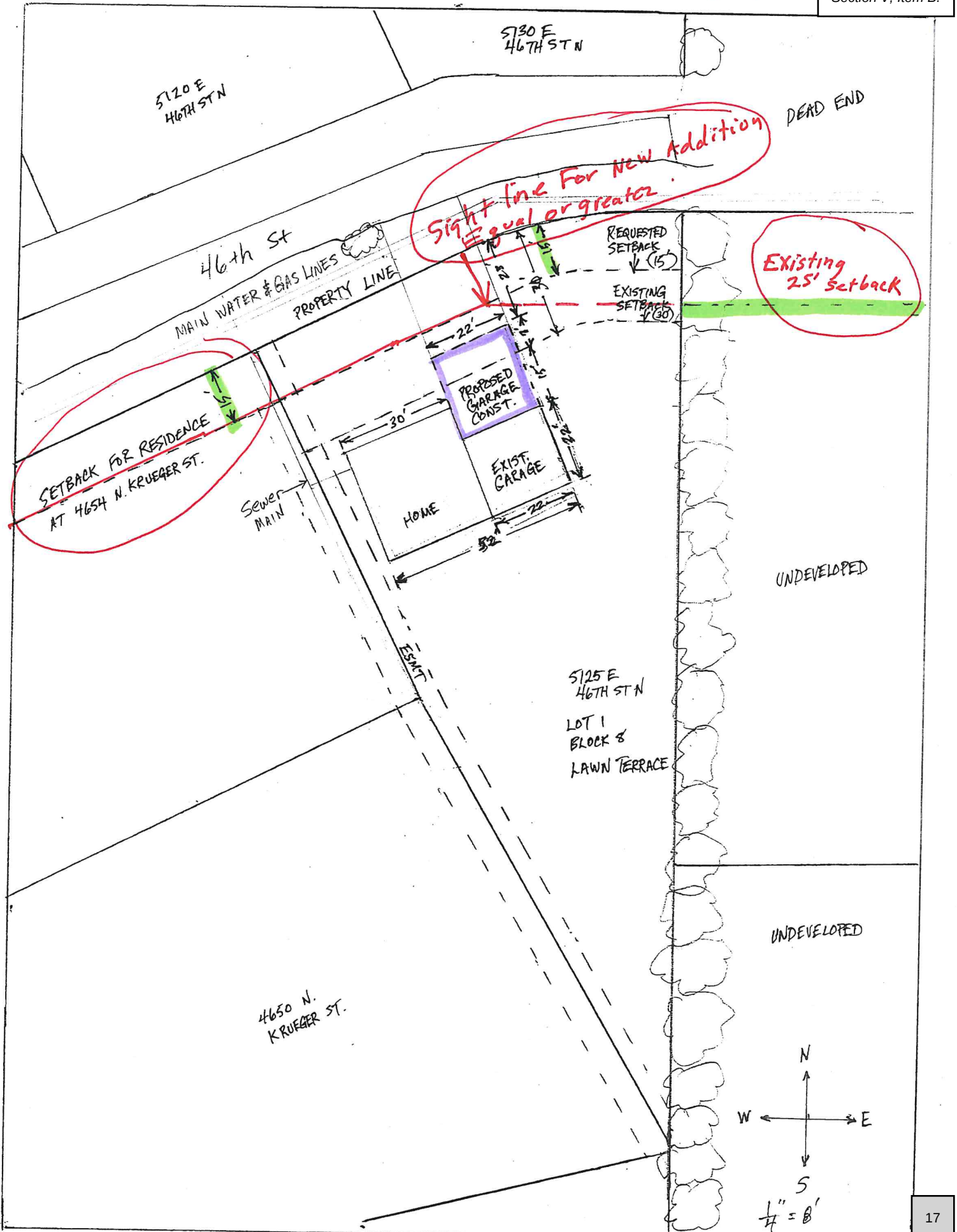
Legal Description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall).

General Location: Krueger St. and E. 46th St. N.

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Governing Body may close the hearing, if approved under the City sub-division regulations, would be effectuated by ordinance or vacation order. The public hearing may be recessed and continued from time to time without notice.

DATED this 13th day of May, 2022.

/s/ Anne Stephens
Planning Commission Secretary



APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E. Central Park Ave., Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

-
-
- ☒ Vacate building set back From: 30' to 15'
- ☐ Vacate street or alley: _____
- ☐ Vacate utility easement _____
- ☐ Vacate other _____
- ☐ Apply for Vacation in conjunction With a Conditional Use or Variance application.

City of Bel Aire Planning Commission

☐ Approved ☐ Rejected

Name of owner THOMAS L. GOODSON

Address 5125 E. 46th ST. N. Telephone 316-712-9535

Agent representing the owner N/A

Address _____ Telephone _____

1. The application area is legally described as Lot(s) 1; Block(s) 8, LAWN TERRACE Addition, Bel Aire, Kansas. If appropriate, a metes and bounds description may be attached.

2. The application area contains .31 acres.

3. This property is located at (address) 5125 E 46th ST N which is generally located at (relation to nearest streets) KRUEGER & 46th ST.

4. The particular hardship which is the result of this request as applied to the subject property:

(SEE ATTACHED)

5. County control number: _____

6. NAMES OF OWNERS - An ownership list of the names, addresses and zip codes of the owners of record of real property abutting a street, alley, or easement including any segment remaining open, and owners on the opposite side of the street from the vacations of set back and access control, as well as all utility providers that are affected shall be provided.

The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

1. Applicant _____ Phone _____
 Address _____ Zip Code _____

Agent _____ Phone _____
 Address _____ Zip Code _____

2. Applicant _____ Phone _____
 Address _____ Zip Code _____

Agent _____ Phone _____
 Address _____ Zip Code _____

3. Applicant _____ Phone _____
 Address _____ Zip Code _____

Agent _____ Phone _____
 Address _____ Zip Code _____

The applicant certifies that the foregoing information is true and correct to the best of their knowledge and acknowledges that the Planning Commission and/or Governing Body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

Thomas L. Cookson 5/12/22
Applicant's Signature

BY

Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

received \$150 5.13.22

Application for vacation of residential setback requirement for 5125 E 46th St N

HARDSHIP CONSIDERATIONS: My wife, Nancy and I are the original owners of the residence at 5125 E. 46th St. North since 1995. We have raised our 3 children at this location and now that they are grown, they still enjoy coming back to the house they were raised in. My wife and I are retired and want to continue living in our current home as long as possible. However, all the bedrooms in our home are on the 2nd floor level and there is only a half bath on the main level. As we age, it is becoming more of an effort to go up and down the stairwell to the 2nd floor to access our bedroom and main bath. This has prompted our desire to remodel our existing garage into a ground floor bedroom and bath area and construct a new garage of the same dimensions in front of the existing garage.

In order to do this, we have been advised that we would need to get approval from the City of Bel Aire to vacate our existing property setback requirement from 30 feet to 15 feet. If this vacate request were approved, we could build the new garage within the revised setback requirement.

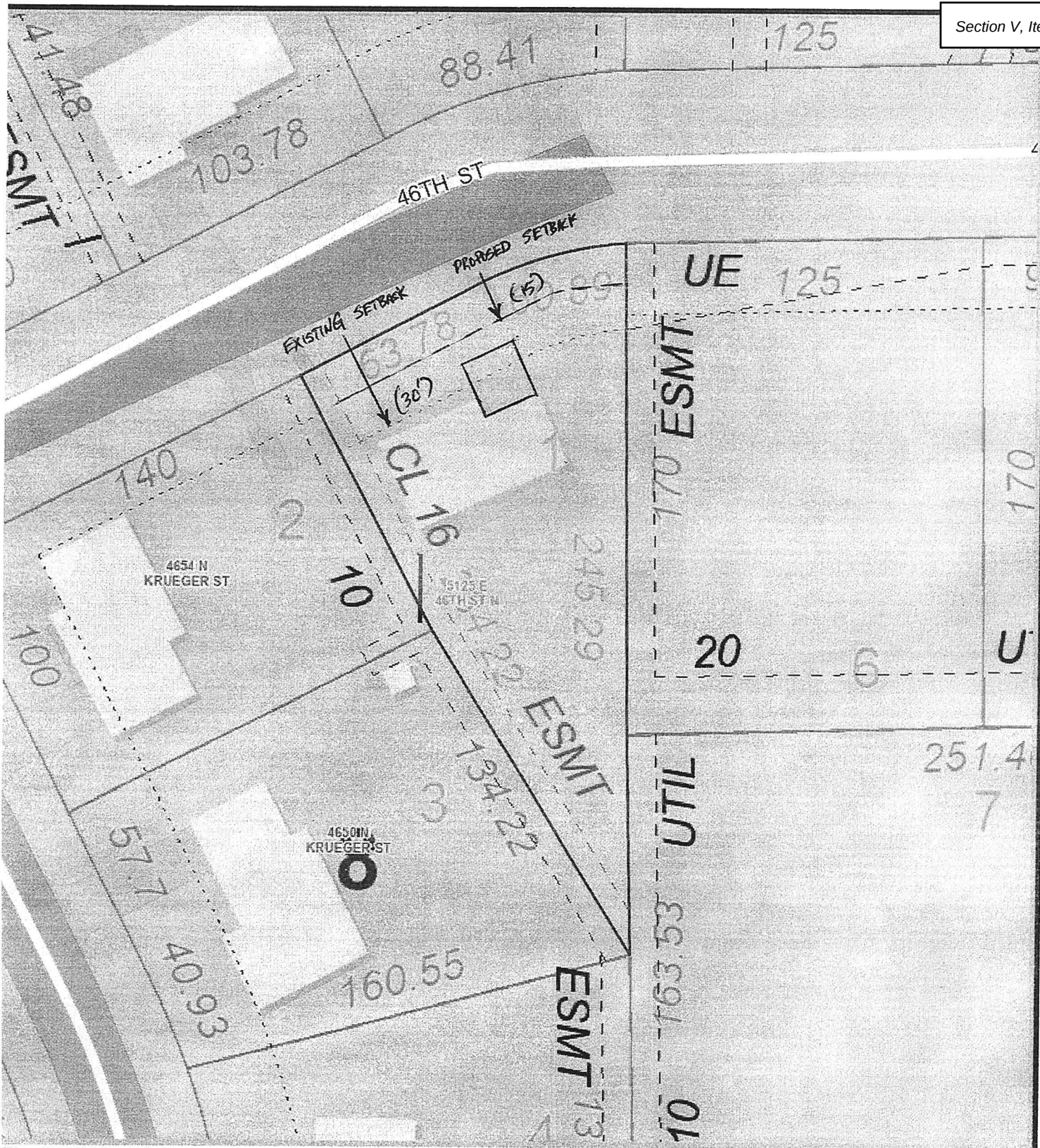
Our neighbor who resides on the SE corner of Krueger and 46th street currently has a setback requirement of 15 feet on the north side of their property facing 46th while ours has been set at 30 feet. Our request is that our setback on the north side of our property be revised to the same requirement as that of our neighbor. If this request is granted, we will be able to pursue our desire to build a new garage and renovate the existing garage into a practical ground floor living area for our use as we age.

We do not anticipate that there will be any adverse impact on the neighbors or neighborhood by the granting of this setback waiver. My neighbor to the east supports our request and our properties are separated by a hedge row. He does not anticipate developing any additional property between us.

City services (water, gas) are already installed in the easement areas in front of my property and the main sewer line is located in the easement to the west of my residence.

All in all, my location is somewhat secluded and the setback waiver to allow the addition of a garage would not present any aesthetic and or environmental issues to my neighbors or the neighborhood. Your consideration of this request is greatly appreciated.

Aerial View
Lot 1 Block 8
Lawn Tenace Add.



Geographic Information Services

Sedgwick County...

working for you

Date: 5/10/2022

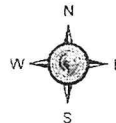
It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

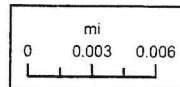
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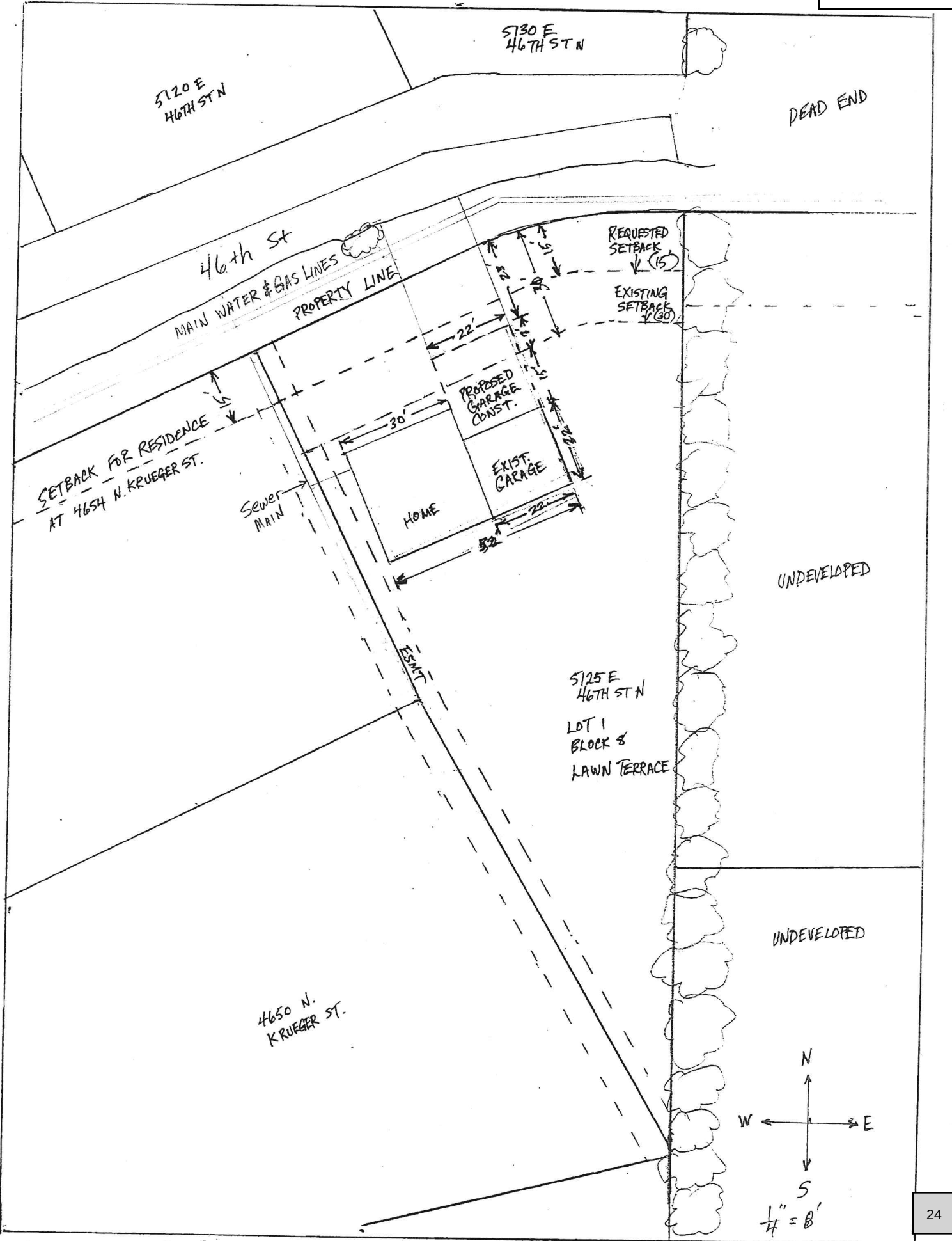
My Map

Sedgwick County, Kansas



1:564







Google Maps 5125 E 46th St N

← 5125 E 46th St N

All Street View & 360°

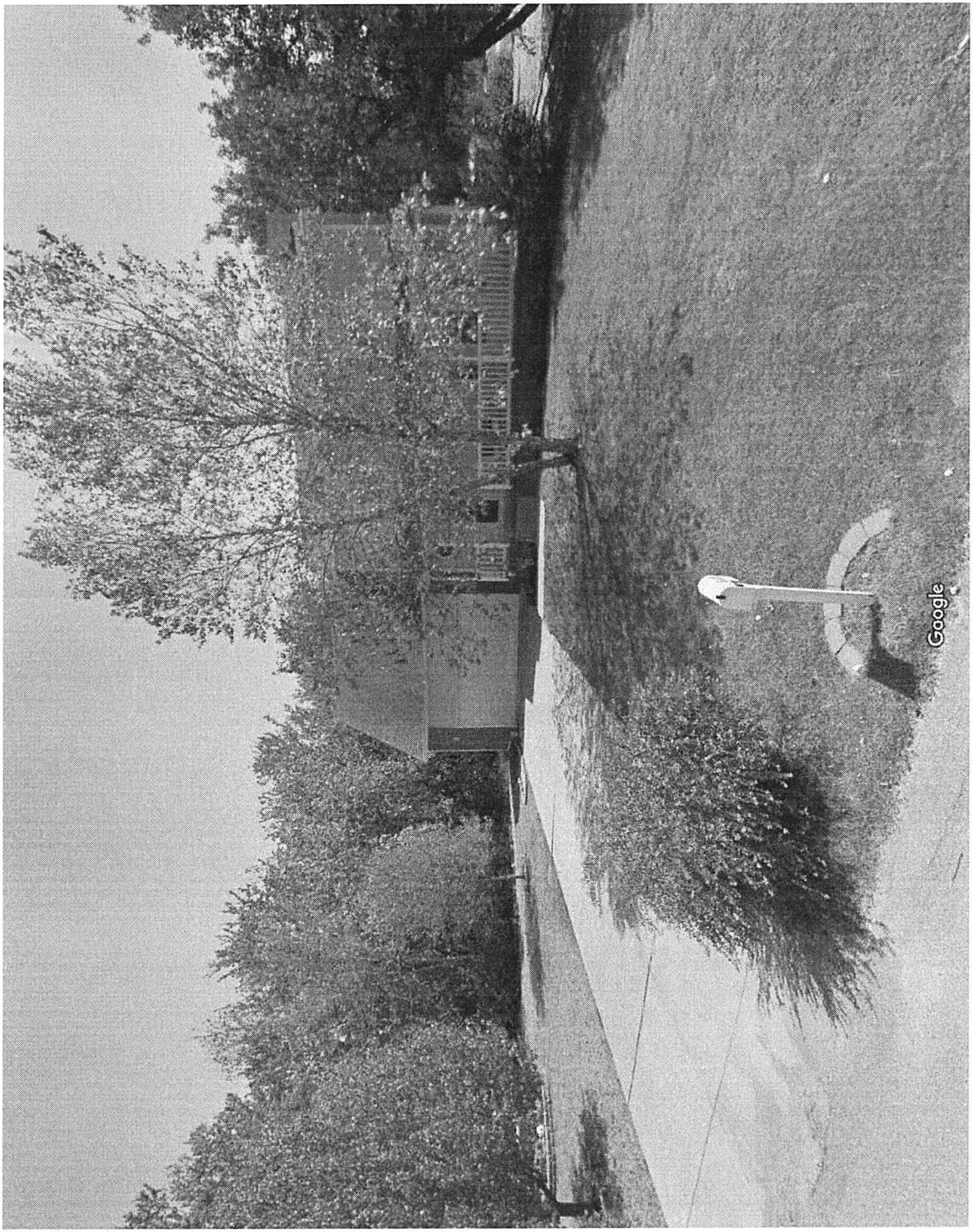


Image capture: Aug 2011 © 2022 Google

Bel Aire, Kansas
Google
Street View - Aug 2011

Section V, Item B.

Google Maps 5120 E 46th St N

← 5125 E 46th St N

All Street View & 360°



Image capture: Aug 2011 © 2022 Google

Bel Aire, Kansas
Google
Street View - Aug 2011

Section V, Item B.

Google Maps 5125 E 46th St N



5125 E 46th St N

All

Street View & 360°



Image capture: Aug 2011 © 2022 Google

Bel Aire, Kansas

Google

Street View - Aug 2011

Section V, Item B.

FOR MEETING OF	7/7/22
PLANNING COMMISSION	
INFORMATION ONLY	

City of Bel Aire

STAFF REPORT

DATE: 07/01/2022

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

SUMMARY:

- ❖ **ZON-22-03 BEL AIRE LAKES – rezone to-single family residential use as R-5 zoning district (Preliminary plat update in packet) (Formally Sham Way Estates)**

The city advertised the hearing in the Ark Valley newspaper and property owner notification. To date there hasn't been any calls from citizens. A staff report is in the packet lining out a few items sent to the developer. Staff received the updated preliminary Plat as part of the boundary to show the zoning area.

1. The character of the neighborhood;

- i. The subject property is zoned AG since annexed in the city in the 2000's; Cedar Pass (previously Rock Spring 5th) is south, west is unplatted AG, North is land the city rezoned to M- 1 this year, east is AG zoned property. No improvements have been made to the surrounding properties yet. The zoning and uses of properties nearby: AG, R-5, C-1, and M-1

2. The suitability of the subject property for the uses to which it has been restricted;

- i. City staff has compared this request to the approved Master growth Plan.

3. The extent to which removal of the restrictions will detrimentally affect nearby property.

- i. City staff no adverse effect is expected if drainage, and access into the development can work with the known flood plain.

4. The length of time the subject property has remained vacant as zoned;

- i. Since annexed into the city in the 2000's.

5. The relative gain to the public health, safety and welfare by the destruction of the value of petitioner's property as compared to the hardship imposed upon the individual landowners;

- i. No hardship is expected to be caused by the development if the concerns are addressed and sized to meet the conditions and confinements.

6. Recommendations of permanent staff;

- i. Yes conditionally, because 2018 Master Growth plan was approved by City Council. R-5 and R-5b can allow single-family housing and the current comprehensive plan vision map indicates residential housing. The vision map does show the possibility of a park in the floodplain areas. Housing size of 1,200 s.f. living space is small and is the minimum for R-5; R-5b is 1,170 s.f. and would be a mental sigma to be concerned with the future house to your normal 1,400-2,000 s.f. house could have as little as 1,170 s.f.

7. Conformance of the requested change to the adopted or recognized master plan being utilized by the city.

- i. Yes the 2018 Master Growth plan

The opinions of other property owners may be considered as one element of a decision in regard to the amendment associated with a single property, however, a decision either in support of or against any such rezoning may not be based upon a plebiscite of the neighbors.

❖ **V-22-02, vacation of a portion of platted building setback line, to allow a 15' setback line, in Replat of Lawn Terrace Addition.**

The city advertised the hearing in the Ark Valley newspaper and property owner notification. No citizens have contacted the city to date regarding the request. Staff review is in the packet. Primary utility providers had no requests. Normally a request for a building setback alteration wouldn't be considered for in the middle of a block. The factors at play:

- 1) The quantity lots on the block is two in the neighborhood and a few more in the undeveloped platted sunset addition.
- 2) the corner lot has the building set back at 15'.
- 3) The vision triangle wouldn't be impacted if the Sunset addition was built out as platted.
- 4) The value of the garage addition and house remodel will increase the house value.

- due and legal notice has been given;
 - no private rights will be injured or endangered; the public will suffer no loss or inconvenience;
 - and in justice to the petitioner(s) the vacation should be granted; then the Planning Commission shall recommend that such vacation be approved and such decision shall be entered in the minutes, including an explanation of such decision, and a recommendation of approval shall be submitted to the Governing Body.
-

❖ **Vote for Chairman and Vice Chair**

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