

City of Bel Aire

STAFF REPORT

DATE: 06/29/2026

TO: Bel Aire Board of Zoning Appeals
FROM: Paula Downs
RE: VAR-26-02- Encroachment Variance

STAFF COMMUNICATION

FOR MEETING OF	7/09/2026
CITY COUNCIL	
INFORMATION ONLY	

SUMMARY:

VAR-26-02: Proposed Variance to address side yard setback encroachment with the installation of a proposed parking surface

Address:

4761 N. Battin, Bel Aire Kansas

Legal Description:

Lot 7, Block 6, Replat of Lawn Terrace, Bel Aire, Sedgwick County, Kansas.

General Location:

South of 48th Street and North of 45th, East of Oliver and West of Hedgerow St.

Reasons for Request: Property owner wants to install a parking area on the North side of his home for additional vehicle parking and trash can placement. Parking area will encroach into the required 5' property setback set out for parking areas in the code.

Notification: The city placed notification on the City of Bel Aire website as required by the city code on June 18, 2026. The affidavit of publication is in the packet. Notification by certified mail was provided to surrounding property owners on June 18, 2026.

Background:

The property is currently zoned and developed with single-family dwellings. The side yard setback in this development is 10'. The home was built in 1973.

The character of the neighborhood is low-density residential. Properties on all sides of the subject property are zoned R-4 Single-Family Residential district and are developed with single-family dwellings.

Adjacent Zoning and Land Use:

North: R-4 Single-Family Residence
South: R-4 Single-Family Residence
East: R-4 Single-Family Residence
West: R-4 Single-Family Residence

Background: In 1956, the property was platted as part of the Replat of the Lawn Terrace Addition.

Applicant is requesting the installation of an “additional drive” (driveway) on this property. This request is not a driveway but rather a parking area. A driveway is not specifically defined in our code. In the absence of a definition in a code, it is best practice to rely on the Merriam-Webster definition.

Merriam-Webster definition: *“a short private road from the street to a house, garage, or parking lot.”* The expanded language is a driveway is a private road giving access from a public way to a building on abutting grounds. The driveway is designed to move to a structure vs. parking/storage area.

Bel Aire code does define “parking area, private” - *“An area, other than a Street or Alley, used or intended to be used for the Parking of the Motor Vehicles, boats, Trailers that are exempt from Motor Vehicle registration by the state or are registered or are required by law to be registered with a 2M+ Kansas license plate in the City or 8M in the County, and unoccupied Recreational Vehicles, any of which shall be owned, leased, borrowed, etc. by the occupants of a Dwelling Unit that is located on the same Zoning Lot, and wherein not more than one Commercial Vehicle per Dwelling Unit is parked and the permitted Commercial Vehicle does not exceed 26,000 pounds gross vehicle weight rating.”*

Legal Considerations:

18.5.6 of the Bel Aire City Code provides considerations, findings and the process for a variance case.

The following issues should be a **consideration** for a variance case:

1. The variance request will not be contrary to the public interest.
2. Where owing to special conditions, a literal enforcement of the provisions of the Zoning code will, in an individual case, result in unnecessary hardship.
3. The spirit of these regulations shall be observed.
4. Public safety and welfare are secure.
5. Substantial justice done.

Mandatory Findings

18.5.6.B- A variance cannot be granted unless all of the following conditions have been met:

1. That the variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of these Regulations would constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
5. That granting the variance will not be opposed to the general spirit and intent of these Regulations.

Criteria:

1. Criteria 1: The request is unique to this property and was not created by the applicant:
 - a. **Applicant Response:** My property sits at an angle to the property line. The front corner of my house (NE corner) is 16' from the property line and the back corner (NW corner) is 13' from the property line according to the GIS map. According to the NE corner, I could pour a parking space at 11' and not infringe on the 5' set back, but I would have to narrow the width of the drive to accommodate the setback at the back of my home. My understanding of Bel Aire code is that a drive should be 10'. I could narrow my drive to 8' to fall within the 5' set back but then the drive would be too narrow to accommodate a vehicle and a person being able to enter and exit the vehicle safely. I also store my trash cans on the side of the house and would prefer to have room for the vehicle and trash cans without moving the vehicle.
 - b. **Staff Analysis:** There are no physical anomalies unique to this property; it is identical to neighboring parcels. Lot is not irregularly shaped, which would require the installation of a parking area in order for the residence to park on the property or for a parking area to be installed into the side yard setback area. The property currently has a two-car garage to meet off-street parking requirements for the property. There are no physical constraints for parking on the street. The street is standard size, the home is not in a cul-de-sac (which could restrict turn around radius if cars were parking in the street), and parking is allowed on the street. **Staff does not agree that this criterion has been met.**

2. Criteria 2: The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents:
 - a. **Applicant Response:** Granting the variance will not adversely affect the rights of adjacent property or owners. There are four homes on Battin to the north of my house which have extended driveways that encroach on the 5' set back and to my knowledge there have not be any adverse effects. One of the homes mentioned is the home just to the north of my address.
 - b. **Staff Analysis:** The impervious surface may have drainage considerations; cars will be parked closer to the property line and site visibility will be altered with the parking area. The permitting process will address the pavement. Staff believes that it is unlikely these elements will adversely affect the adjacent property owner in a significant way. Properties in the vicinity of this property do have driveways installed near the property line. Driveways can encroach into the side yard setback requirements since they are accessing structures to the back of the property. An additional property did obtain a permit in 2009 to install a parking area for boat storage behind the property. The nature of this permit and the code language at the time may have appropriately allowed for the parking area. New construction would need to follow current requirements. **Staff generally agrees that this criterion has been met due to the unlikely affect it will have to adjacent property owners or residents.**
3. Criteria 3: The strict application of the provisions of the zoning code would constitute an unnecessary hardship on the applicant:
 - a. **Applicant Response:** I cannot say that I will experience unnecessary hardship with the strict application of the variance, but as other homes in my neighborhood have the drive that I am requesting it seems that a strict application of the regulation is unnecessary.
 - b. **Staff Analysis:** This issue is an owner-driven request to park more vehicles than the property's standard area allows and is not caused by a natural constraint of the property. The restriction causes a personal inconvenience regarding vehicle parking but does not constitute an unnecessary hardship preventing reasonable residential use. **Staff does not agree that this criterion has been met.**
4. Criteria 4: The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community:
 - a. **Applicant Response:** The variance will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare. In fact, having the additional drive could be a help to the public safety as there will not be as many cars parked in the street when we have gatherings at our home. Battin is a busy street especially when there are events at the Rec Center.
 - b. **Staff Analysis:** Similar to staff response to Criteria 2, the considerations of storm water run-off, site visibility and parking near property line, staff finds it unlikely to affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community. **Staff generally agrees that this criterion has been met due to the unlikely affect it will have.**

5. Criteria 5: The granting of the Variance will not be opposed to the general spirit and intent of the Unified Zoning Code:
 - a. **Applicant Response:** The variance will not in my opinion oppose the general spirit of intent of the regulations. I believe the purpose of the regulation is to not alter my property in any way that would damage or infringe on my neighbor's property.
 - b. **Staff Analysis:** Paving setbacks are intended to preserve buffering, drainage, and neighborhood character through spacing between properties. Properties nearby conform with the code restriction of encroaching 5' into the setback except by those properties that are permitted to encroach for driveway or storage purposes. **Staff does not agree that this criterion has been met.**

Recommendations of Professional Planning Staff

The recommendation of staff is that the case does not meet all five criteria required to grant a Variance. The applicant failed to demonstrate a unique physical condition, unnecessary hardship or that the variance is not opposed to the general spirit and intent of the zoning code. The staff, therefore, recommends denial.

If denied, 18.5.6.G Final Decision Requiring an Ordinance sets out the following: *"A decision of the BZA shall be deemed final as of the date written findings supporting a decision are adopted. Decisions by the Board of Zoning Appeals may be appealed to the District Court in conformance with K.S.A. 12- 760, K.S.A. 60-2101(d), or other applicable State Statute."*

Alternative:

Should the Board determine through applicant or public hearing discussions that all five conditions necessary for the granting of the Variance can be found to exist, then it is the recommendation of the Secretary that the following Variance to reduce the side yard setback from 5 feet to 2.5 feet and allow the parking area be granted with the following conditions:

1. The site shall be developed in general conformance with the approved site plan. The site plan shall be revised to show the full extent of parking pavement with scaled dimensions.
2. A building permit shall be obtained for the parking pavement.
3. The setback reduction shall apply only to the side yard setback for the parking area as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.

Agent Representing the Applicant (if applicable):

Name: Rodney Bartlett & Tiffany Bartlett

Address 4761' N. Battin

Telephone 316 841 6135 Email bartlett.rodney@gmail.com

Primary Contact? Yes X No _____ (Please Check)

Owner(s) of the Property Requesting the Variance:

Name: Same As above

Address

Telephone _____ Email _____

Primary Contact? Yes _____ No _____ (Please Check)

Agent Representing the Applicant (if applicable):

Name: N/A

Address

Telephone _____ Email _____

Primary Contact? Yes_____ No _____ (Please Check)

Additional property owners including name, address, telephone, and email shall be provided as an attachment to the application. The attachment should provide the agent representing each property owner (if applicable) including their name, address, telephone and email. In addition, provide the above certification language and signature lines for the additional property owners.

REQUEST INFORMATION:

1. **Requested Variance (Describe Request):** I would like to pour an additional drive on the North side of my house. The drive will be 11'3" wide so that a vehicle can be parked there and we will have space for our garbage cans. We host parties regularly and the street gets crowded, this additional parking will provide a safe place for our guests.

2. Relief from: Article 18.5.6, Section Variances

3. Zoning District of Property: Bel Aire

4. Location:

a. Address (if assigned) or generally located at (relation to nearest streets):

4761 N. Battin St Bel Aire KS 67220-1417

b. Legal Description: Lot(s) 7, Block 6, Addition Replat of Lawn Terrace

c. If Property is not platted, a metes and bounds description and location map shall be provided with this application.

d. The application area contains 0.309 acres.

5. **Written Statement:** A written statement in accordance with the attached instructions shall be included with this application.

6. **Site Plan & Additional Information:** A site plan, drawings, photographs, and additional documentation in accordance with the attached instructions shall be included with this application.

CERTIFICATION

The undersigned acknowledges and certifies the following:

1. They have been advised of the fee requirements established and that the appropriate fee is herewith tendered.
2. That the information given herein is correct.
3. This application is accompanied by a current ownership list certified by an abstractor for the notification area.
4. They have been advised of his/her rights to bring action in the District Court of the County to appeal the decision of the Bel Aire Board of Zoning Appeals.
5. That all documents are attached hereto as noted in the instruction.
6. That the Bel Aire Board of Zoning Appeals has the authority to require such conditions as are deemed necessary and reasonable in order to serve the public interest.
7. That this application cannot be processed unless it is complete and accompanied by all required documents.

Bob Babb
Property Owner(s)

6-13-26
Date

Agent (if applicable)

Date

Tiffany Bartlett
Property Owner(s)

6/13/26
Date

Agent (if applicable)

Date

Property Owner(s)

Date

Agent (if applicable)

Date

OFFICIAL USE ONLY

VAR-26-02

- ☒ Fee
- ☒ Certified Ownership List
- ☒ Written Statement
- ☒ Site Plan

This application has been checked and found to be complete and accompanied by the required documents and appropriate fee.

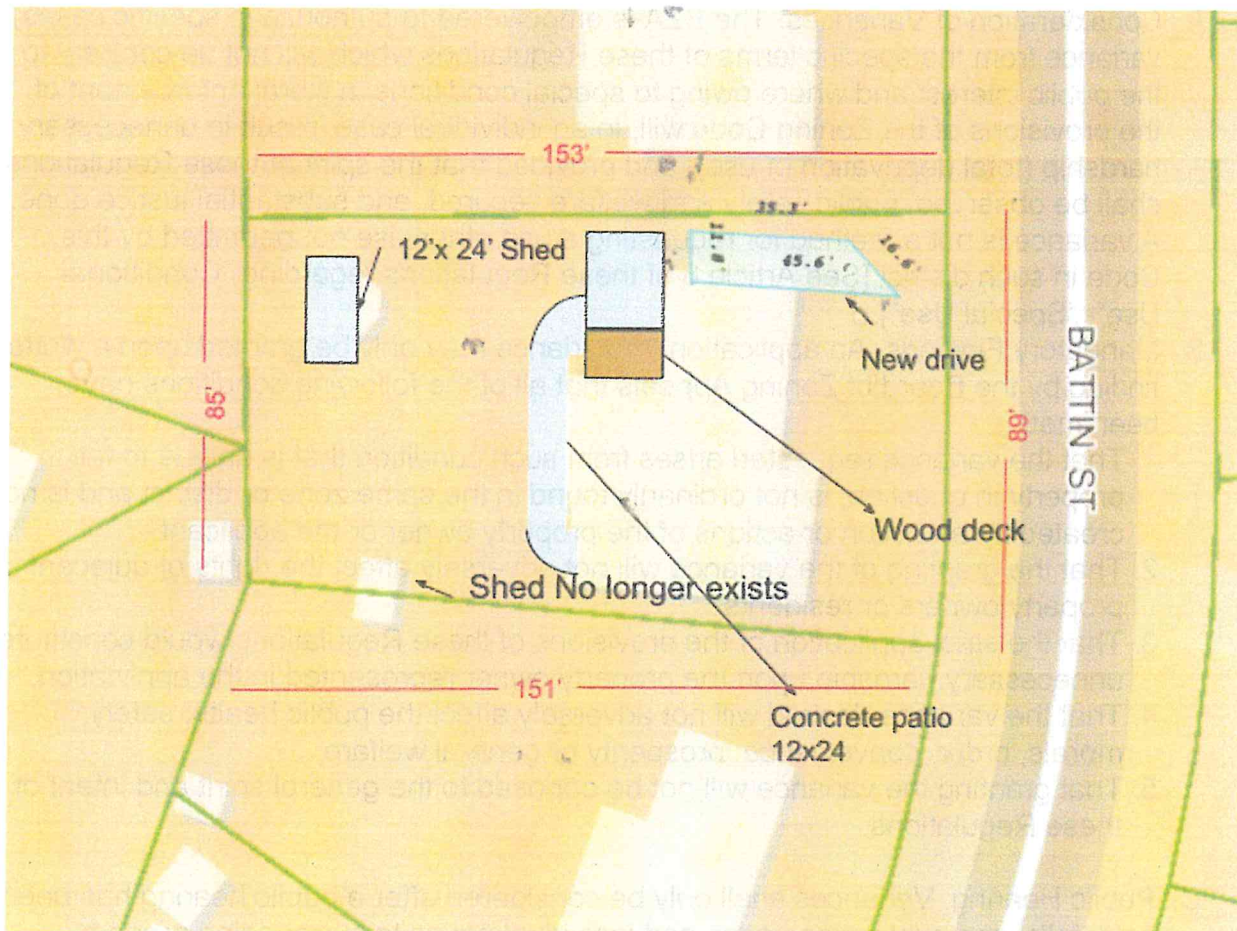
Paula A. Owens
Zoning Administrator

June 15, 2026
Date

June 11, 2026

Hello Paula and Ethan,

Below is a sketch of what we would like to do at our house.



I have contacted Security 1st to get a list of property owners. They charge \$23 / owner listed. So I don't really want to pay that fee if the variance will be denied. Can I provide a list of owners by going to the GIS or do I have to get the list from Security 1st?

Thank you

Rodney Bartlett
316-841-6135

Explanation for Request for Variance at 4761 N. Battin Bel Aire KS

1. That the variance requested arises from such condition which is unique to the property in question.

My property sits at an angle to the property line. The front corner of my house (NE corner) is 16' from the property line and the back corner (NW corner) is 13' from the property line according to the GIS map. According to the NE corner, I could pour a parking space at 11' and not infringe on the 5' set back, but I would have to narrow the width of the drive to accommodate the setback at the back of my home. My understanding of Bel Aire code is that a drive should be 10'. I could narrow my drive to 8' to fall within the 5' set back but then the drive would be too narrow to accommodate a vehicle and a person being able to enter and exit the vehicle safely. I also store my trash cans on the side of the house and would prefer to have room for the vehicle and trash cans without moving the vehicle.

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

Granting the variance will not adversely affect the rights of adjacent property or owners. There are four homes on Battin to the north of my house which have extended driveways that encroach on the 5' set back and to my knowledge there have not be any adverse effects. One of the homes mentioned is the home just to the north of my address.

3. That the strict application of the provisions of the regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

I cannot say that I will experience unnecessary hardship with the strict application of the variance, but as other homes in my neighborhood have the drive that I am requesting it seems that a strict application of the regulation is unnecessary.

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

The variance will not adversely affect public health, safety, morals, order, convenience, prosperity, or general welfare. In fact having the additional drive could be a help to the public safety as there will not be as many cars parked in the street when we have gatherings at our home. Battin is a busy street especially when there are events at the Rec Center.

5. That granting the variance will not be opposed to the general spirit and intent of the regulations.

The variance will not in my opinion oppose the general spirit of intent of the regulations. I believe the purpose of the regulation is to not alter my property in any way that would damage or infringe on my neighbor's property.

Thank you for considering this application.

Rodney Bartlett



AFFIDAVIT OF PUBLICATION

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

Being first duly sworn, deposes and says:

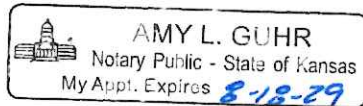
That I, Melissa Krehbiel, City Clerk of the City of Bel Aire, Kansas, have published the attached notice on the City of Bel Aire website, www.belaireks.gov, which website is designated as the official City newspaper for the City of Bel Aire, Kansas by Charter Ordinance No. 25, effective August 6, 2024.

That the attached Official Notice of Zoning Hearing (July 9, 2026)
is a true copy thereof and was published on such website beginning on the 18th day of
June, 2026.

Melissa Krehbiel
Signature

SUBSCRIBED AND SWORN to before me this 23rd day of June, 2026.

(seal)



[Signature]
Notary Public

City of Bel Aire
Melissa Krehbiel – City Clerk
7651 East Central Park Avenue
Bel Aire, Kansas 67226
316-744-2451
www.belaireks.gov

Public Records > Public Hearing & Other Legal Notices

11 Entries

Name ¹¹		Date ¹¹	Doc Details ¹¹		Public Hearing 07-09-2026, VAC-26-02	
Previous Year & Older Notices / Affidavits of Publication					Details	Preview
2026 Q1 Treasurer Report 01-01-2026 through 03-31-...		2026.04.16	Treasurer's Quarterly Financial Report FY2026 Q1		Entry Properties	
Land Bank Inventory 2026.01.20		2026.01.29	Land Bank Inventory		Modified	
Public Hearing 04-09-2026, Airport Zoning Regulations		2026.03.19	Airport Zoning		Created	
Public Hearing 04-09-2026, PUD-26-01		2026.03.18	Public Hearing 4-09-2026, PUD-26-01		Template	
Public Hearing 04-09-2026, PUD-26-02		2026.03.16	Public Hearing 04-09-2026, PUD-26-02		City Clerk - Public Hearing & Other Legal Notices	
Public Hearing 04-09-2026, SP-26-01		2026.03.19	Public Hearing 04-09-2026, SP-26-01		Fields	
Public Hearing 04-09-2026, VAR-26-01		2026.03.16	Public Hearing 4-09-2026, VAR-26-01		Date	
Public Hearing 06-02-2026, Amending Chapter 17 To ...		2026.05.13	Public Hearing 6-02-2026 Pertaining To Amending Chapter 1...		Location	
Public Hearing 07-09-2026, VAC-26-02		2026.06.17	Publication Notification for VAR-26-02		Publication Date	
Treasurer's Quarterly 2025.12.31		2025.12.31	Treasurer's Quarterly Financial Report for the Fourth Quarte...			

(Notification Posted on the City of Bel Aire Website, the designated official City newspaper for the City of Bel Aire on June 18, 2026)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on July 9, 2026, the City of Bel Aire Board of Zoning Appeals will consider the following Zoning process in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

VAR-26-01. Proposed variance to address side yard setback encroachment with the installation of a proposed parking surface

Legal Description: Lots 7, Block 6- Replat of Lawn Terrace, Bel Aire, Sedgwick County, Kansas.

General Location: South of 48th Street and North of 45th, East of Oliver and West of Hedgerow St.

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 Board of Zoning Appeals 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 17 day of June 2026.



/s/ Paula L. Downs
Bel Aire Planning Commission Secretary



OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY ADDRESS
Lot 7, Blk 6 Subject Property	Replat of Lawn Terrace Addition	Rodney & Tiffany Bartlett 4761 N. Battin St. Bel Aire, KS 67220
Lot 5, Blk 6	"	Williams Trust David T. Williams & Dana M. Williams 4819 N. Battin St. Bel Aire, KS 67220
Lot 6, Blk 6	"	Mahmood Hassan Shah 4801 N. Battin St. Bel Aire, KS 67220
Lot 8, Blk 6	"	Carl H. & Sandra F. Nickles Joint Revocable Trust 4749 N. Battin St. Bel Aire, KS 67220
Lot 9, Blk 6	"	Zane Williams 4729 N. Battin St. Bel Aire, KS 67220
Lot 10, Blk 6	"	Gregory D. & Johanna F. Mittman 4752 N. Krueger St. Bel Aire, KS 67220
Lot 11, Blk 6	"	Clover Strategies, LLC 4762 N. Krueger St. Bel Aire, KS 67220
Lot 12, Blk 6	"	Terry D. Guidry & Anita L. Guidry 4770 N. Krueger St. Bel Aire, KS 67220
Lot 13, Blk 6	"	Christopher D. & Anne L. Gehman 4810 N. Harding St. Bel Aire, KS 67220



Security 1st Title

Lot 14, Blk 6	"	Denna K. Hook & Frank E. Hook & Crystal Cogburn 4820 N. Harding St. Bel Aire, KS 67220
Lot 5, Blk 7	"	Carroll R. & Rachel R. Pew 4826 N. Battin St. Bel Aire, KS 67220
Lot 6, Blk 7	"	Travis McFall & Della A. McFall 4820 N. Battin St. Bel Aire, KS 67220
Lot 7, Blk 7	"	Ailyn J. Penley 4800 N. Battin St. Bel Aire, KS 67220
Lot 8, Blk 7	"	Daniel A. & Helena M. Stephens 4760 N. Battin St. Bel Aire, KS 67220
Lot 9, Blk 7	"	Carolyn Penn 4750 N. Battin St. Bel Aire, KS 67220
Lot 10, Blk 7	"	Jeffrey S. Graber 4740 N. Battin St. Bel Aire, KS 67220



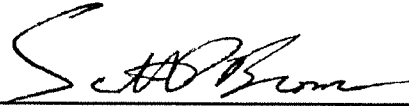
Security 1st Title

We hereby certify the foregoing to be a true and correct list of the property owners of the herein before described lots within a 200 foot radius of:

Lot 7, Block 6, Replat of Lawn Terrace Addition to Bel Aire, Sedgwick County, Kansas.

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 4th day of June, 2026, at 7:00 A.M.

SECURITY 1ST TITLE

By: 

LICENSED ABTRACTER

Order: 3199530
KJK