



Wichita-Sedgwick County Metropolitan Area Planning Department

June 28, 2002

Paul F. & Mary Jo Staples
1809 Munnell
Wichita, KS 67213

FILE COPY

Re: BZA2002-00037: Zoning Adjustment to permit two accessory structures to be placed in front of the principle structure on less than five acres of land.

Legal Description: The west 50 feet of Lots 19, 21, & 23 on Vine Street, Lawrence's 7th Addition, Wichita, Sedgwick County, Kansas. Generally located north of McCormick and west of Vine (1809 Munnell).

Dear Mr. & Mrs. Staples:

We have reviewed your request for a Zoning Adjustment to permit two accessory structures to be placed in front of the principle structure on less than five acres of land. You state in your application that you have 10' x 10' tool shed and propose to construct an 10'x 10' gazebo north of the northernmost point of your house. In reviewing the site plan, we find that the house is located on the rear 50' of lots platted with the front intended to be Vine to the east and the side intended to be Munnell to the north. Instead the house was constructed with the front facing Munnell and only a 6' setback along the south property line in the rear of the house. Since the property does not have a rear yard, you have requested a Zoning Adjustment to allow two accessory structures to be placed in front of the principle structure.

Sec. V-I.2.n. of the Unified Zoning Code allows a Zoning Adjustment that would permit an accessory structure to be placed in front of the principle structure on less than five acres of land when the conditions required by Sec. V.I.6. of the Code are met. We find that permitting two accessory structures in front of the principle structure on your property meets the four conditions required by Section V-I.6. of the Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is for a 100 square foot tool shed and a 100 square foot gazebo on a residential lot. Public vehicular and pedestrian circulation will not be affected because sufficient space remains on the property to provide for the circulation of vehicles and pedestrians.
- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of the structures being placed in front of the

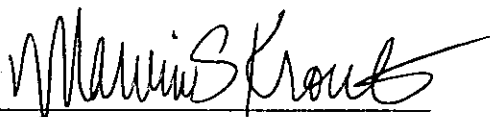
house, as the front yard of the subject property adjoins the side yard of the neighboring properties, which contain structures (both accessory and principle) with similar setbacks as proposed for accessory structures on the subject property.

- 3) Compatibility with existing or permitted uses on abutting sites: Placing an accessory structure in front of a principle structure is within allowable adjustments and should not detract from the existing or permitted residential uses on abutting sites, as the two accessory structures would be permitted in the proposed locations were they located in the rear of the adjoining lot to the east.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way, therefore, there should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

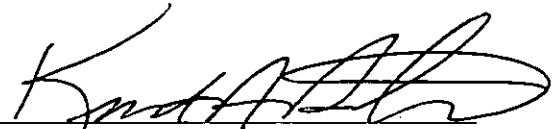
Our signatures below indicate that a Zoning Adjustment to permit two accessory structures to be placed in front of the principle structure on less than five acres of land for the aforementioned property is hereby GRANTED, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan.
- 2) The trim on the tool shed shall be painted to match the color of the trim on the house.
- 3) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The zoning adjustment sign may now be removed from the property.



Marvin S. Krout
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection

BZA 2002-00037

SITE PLAN

APPROVED 6-28-02 BY SK

Alley Way

DRIVE WAY

(CRUSHED STONE)

WALK WAY

PORCH

WALK

WALK WAY

10' x 10' x 4'

GAZBO PAD

SIDEWALK

35'

33'

25'

10' x 10' Storage

House

WALK WAY

36'

PATIO

FLOWERS

TREE

W N E
S

5' 11" WALK

5'

4'

2'

10' x 10' x 4'