



FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

October 28, 2002

Shan Hubbard  
410 E. Nicole Cir.  
Haysville, KS 67060

**Re: BZA2002-00065: A Zoning Adjustment to permit an accessory structure to be placed in front of the principle structure on less than five acres of land.**

**Legal Description: Lot 8, Block 2, Stillwater Addition, Sedgwick County, Kansas. Located east of Broadway on the north side of Nicole Cir. (410 E. Nicole Cir.).**

Dear Mr. Hubbard:

We have reviewed your request for a Zoning Adjustment to permit an accessory structure to be placed in front of the principle structure on less than five acres of land. From reviewing your application, we understand that you propose to construct an 30'x 36' garage on the aforementioned one acre property. We understand that you desire to orient the garage with the door facing southeast so that the garage is facing the existing driveway and the front of the cul-de-sac lot rather than the side of the lot, which would require a driveway extension. We further understand that it would be significantly more expensive to locate the garage further back on the lot because the lot has a severe slope to a drainage ditch in the rear of the lot. The result of the proposed location and orientation of the garage is that the southeast corner of the garage will be a few feet closer to the front of the lot than your house; therefore, you have requested a zoning adjustment to permit an accessory structure to be placed in front of the principle structure on less than five acres of land.

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 an accessory structure in front of the principal structure on your property meets the four conditions required by Sec. V-I.6 of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: This request is for a 1,080 square foot detached garage on a residential lot. Public vehicular and pedestrian circulation will not be affected because sufficient space remains on the one acre lot 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 garage being placed in front of the house, as the structure

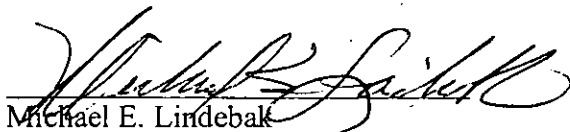
will be setback over 90 feet from the center line of the street and it will not be readily apparent that the garage extends beyond the front wall of the house.

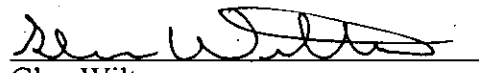
- 3) Compatibility with existing or permitted uses on abutting sites: Placing an accessory structure in front of a principal structure is within allowable adjustments and should not detract from the existing or permitted residential uses on abutting sites. The structure will be of similar design and materials as other accessory structures in the neighborhood.
- 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 an accessory structure 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 allowance of an accessory structure in front of the principle structure shall apply only to the "Garage" illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the development standards of the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
- 3) The accessory structure shall not be used for any rural home occupation listed in Section IV.E.7. of the Unified Zoning Code without approval from the Metropolitan Area Planning Commission, Sedgwick County Board of Zoning Appeals, and/or Board of Sedgwick County Commissioners, as applicable.
- 4) 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.

  
Michael E. Lindebak  
Planning Director

  
Glen Wiltse  
Code Enforcement Director

Enclosure

cc: JBL, Inc., 4911 S. Meridian, Wichita, KS 67217  
Glen Wiltse, Code Enforcement Director

| Section    |  |
|------------|--|
| Code: SA   |  |
| Name: SA   |  |
| Township:  |  |
| Range: R1  |  |
| Section: 9 |  |
| Ortho: 553 |  |
| Section-T  |  |
| X-Coordi   |  |
| Y-Coordi   |  |

Code: SA  
Name: SALEM  
Township: T29S  
Range: R1E  
Section: 9  
Ortho: 5537  
Section-Township-Range: S9-T29S-R1E  
X-Coordinate: 1653154.9826998  
Y-Coordinate: 1633764.1632615

# SITE PLAN

APPROVED 10-28-02 BY SK