

The official action of the Board is reflected in the adoption of Resolution No. CoBZA 5-95, which includes the following conditions of approval:

1. The manufactured home shall comply with all provisions of Section 1.D.9. of the Sedgwick County Zoning Resolution, except that it shall be a 1986 model or newer and no smaller than 14 ft. by 80 ft.
2. The applicants shall obtain a permit from the County Code Enforcement Office prior to moving in the mobile home and shall comply with all applicable codes including, but not limited to, health codes, building setbacks and anchoring and skirting requirements. The home shall be brought to the site and properly installed within one year following approval by the Board, or the resolution authorizing a second dwelling unit shall become null and void.
3. The manufactured home shall remain on the site as a second dwelling only as long as Mary Donaldson resides on the site and her health requires 24 hours per day attention. The applicant shall report to the County Code Enforcement Office on a yearly basis, every June, the status of the occupancy of this mobile home and whether Mary Donaldson resides on site.
4. The manufactured home shall be removed from the site within 90 days following the termination of the conditions set forth in item three above.

WILEY: Can we take item 3 and item 4 together?

OLIVAREZ: Yes, these next two are associated.

3. **Case No. CoBZA 8-95** - Robert F. & H. Sue Johnson, pursuant to Section 16.A.2, Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas, request a variance to reduce the minimum lot size for a rural home occupation from 20 acres to 10.6 acres on property zoned the "R" Rural Residential District and legally described as follows:

The south 335 feet of the north 1005 feet of the east 1380.12 feet of the Southeast Quarter of Section 9, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas. Generally located 1/3 mile north of 61st Street North on the west side of Greenwich Road (6427 N. Greenwich Road).

OLIVAREZ presented slides of the area and reviewed the following comments from the Secretary's Report:

BACKGROUND: The applicants are the owners of this 10.6 acre unplatted tract located on the west side of Greenwich Road, approximately 1/3 mile north of 61st Street North. The site currently contains a twenty-year old, single-family home and three barns. The applicants' property is 335 feet wide and 1380 feet deep with the home being located 300 feet from the east property line and the accessory structure placed behind the residence. There is a shallow creek that traverses the site from north to south on the rear half of the applicants' ownership. In the surrounding area, there are three residences that are within 600 feet of the proposed site of the home occupation. The separations between the proposed home occupation and these three homes range from 500 feet to 575 feet.

The proposed home occupation is a bed and breakfast. It is the intent of the applicants to remodel and expand the existing single-family residence to accommodate the home occupation. The applicants are presently using the site as the Red Barn Ostrich Farm which specializes in breeding African Black Ostriches. It is the applicants' intent to expand the uses on the site by establishing a small bed and breakfast facility for travelers wanting personalized, first rate accommodations in an antique filled home.

Although a bed and breakfast is a permitted rural home occupation, the business must still comply with restrictions which limits to three the number of rooms for let and requires compliance with all applicable codes concerning tourist accommodations and food handling enterprises. All other conditions governing rural home occupations as listed in Section 3.F must also be complied with unless varied by the Board. These conditions include a limit on the amount of area devoted to the home occupation, a limit on number of employees, and a limit on sign size. Two variances are being requested, reduction of tract size from 20 acres to 10.6 acres (CoBZA 8-95) and reduction of distance separation from 600 feet to 500 feet (CoBZA 9-95).

ADJACENT ZONING AND LAND USE:

| | | |
|-------|-----|------------------------|
| NORTH | "R" | Agriculture |
| SOUTH | "R" | Single-Family Dwelling |
| EAST | "R" | Agriculture |
| WEST | "R" | Agriculture |

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it has natural vegetative screening as well as accessory structures that provide a high degree of exclusivity and separation from adjacent properties, more than would be provided by a larger but more typically barren site.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the site's vegetation and accessory structures provide sufficient screening and separation between this property and adjacent properties. The home occupation will be conducted in an expanded version of the existing dwelling on the site.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as there is no available land adjacent to the applicants' property which is for sale which, if acquired, would meet the 20-acre minimum lot size for a rural home occupation.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the home occupation is to be conducted within a residential appearing structure which is similar to other single-family dwellings in the area.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations inasmuch as the unique screening on the site provides the separation between adjoining uses even though the tract size is only half the recommended size for a rural home occupation.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. The applicant's operation of a bed and breakfast establishment as a home occupation shall comply with all other rural home occupation regulations as set forth in Section 3.F of the Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas, unless varied by the Board of Zoning Appeals.
2. The home occupation shall be conducted within the dwelling on the site and be limited to three rooms for let. The Bed and Breakfast establishment shall comply with all applicable codes concerning tourist accommodations and food handling enterprises.
3. The Bed and Breakfast establishment must be operational which one year after approval of this resolution.
4. This resolution authorizing a Bed and Breakfast establishment on this property may be declared null and void upon a finding by the Board that the applicants

or subsequent operators of the business have failed to comply with any of the foregoing conditions.

(For discussion and action on CoBZA 8-95, see page 9.)

4. **Case No. CoBZA 9-95** - Robert F. & H. Sue Johnson, pursuant to Section 16.A.2, Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas, request a variance to reduce from 600 feet to 500 feet the distance to dwellings of persons not engaged in rural home occupations on property zoned the "R" Rural Residential District and legally described as follows:

The south 335 feet of the north 1005 feet of the east 1380.12 feet of the Southeast Quarter of Section 9, Township 26 South, Range 2 East of the Sixth Principal Meridian, Sedgwick County, Kansas. Generally located 1/3 mile north of 61st Street North on the west side of Greenwich Road (6427 N. Greenwich Road).

OLIVAREZ presented slides of the area and reviewed the following comments from the Secretary's Report:

BACKGROUND: The applicants are the owners of this 10.6 acre unplatted tract located on the west side of Greenwich Road, approximately 1/3 mile north of 61st Street North. The site currently contains a twenty-year old, single-family home and three barns. The applicants' property is 335 feet wide and 1380 feet deep with the home being located 300 feet from the east property line and the accessory structure placed behind the residence. There is a shallow creek that traverses the site from north to south on the rear half of the applicants' ownership. In the surrounding area, there are three residences that are within 600 feet of the proposed site of the home occupation. The separations between the proposed home occupation and these three homes range from 500 feet to 575 feet.

The proposed home occupation is a bed and breakfast. It is the intent of the applicants to remodel and expand the existing single-family residence to accommodate the home occupation. The applicants are presently using the site as the Red Barn Ostrich Farm which specializes in breeding African Black Ostriches. It is the applicants' intent to expand the uses on the site by establishing a small bed and breakfast facility for travelers wanting personalized, first rate accommodations in an antique-filled home.

Although a bed and breakfast is a permitted rural home occupation, the business must still comply with restrictions which limits to three rooms for let and requires

compliance with all applicable codes concerning tourist accommodations and food handling enterprises. All other conditions governing rural home occupations as listed in Section 3.F must also be complied with unless varied by the Board. These conditions include a limit on the amount of area devoted to the home occupation, a limit on number of employees, and a limit on sign size. Two variances are being requested, reduction of tract size from 20 acres to 10.6 acres (CoBZA 8-95) and reduction of distance separation from 600 feet to 500 feet (CoBZA 9-95).

ADJACENT ZONING AND LAND USE:

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| NORTH | "R" | Agriculture |
| SOUTH | "R" | Single-Family Dwelling |
| EAST | "R" | Agriculture |
| WEST | "R" | Agriculture |

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it has natural vegetative screening as well as accessory structures that provide a high degree of exclusivity and separation from adjacent properties, more than would be provided by a larger but more typically barren site.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the site's vegetation and accessory structures provide sufficient screening and separation between this property and adjacent properties. The home occupation will be conducted in an expanded version of the existing dwelling on the site.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as the existing home on the site which will be expanded into the rural home occupation would have to be relocated to another position on the site to provide for the required 600 feet of separation from existing dwellings on adjacent sites.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the home occupation is to be conducted within a residential appearing structure which is similar to other single-family dwellings in the area.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations inasmuch as the home occupation will be conducted within a residential structure and the unique screening on the site will provide for adequate separation between adjoining uses even though the actual separation is 500 feet or greater.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. The applicant's operation of a bed and breakfast establishment as a home occupation shall comply with all other rural home occupation regulations as set forth in Section 3.F of the Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas, unless varied by the Board of Zoning Appeals.
2. The home occupation shall be conducted within the dwelling on the site and be limited to three rooms for let. The Bed and Breakfast establishment shall comply with all applicable codes concerning tourist accommodations and food handling enterprises.
3. The Bed and Breakfast establishment must be operational within one year after approval of this resolution.
4. This resolution authorizing a Bed and Breakfast establishment on this property may be declared null and void upon a finding by the Board that the applicants or subsequent operators of the business have failed to comply with any of the foregoing conditions.

OLIVAREZ: In talking to Mrs. Johnson, one of the applicants, we were discussing whether or not a one year time limit would be sufficient to actually do this addition to the building and get the Bed and Breakfast established. I thought that perhaps we should give them two years and recommend that condition #3 be changed to allow two years before the time expires for actually establishing this rural home occupation. We know how quickly time passes. Next June will be here before we know it. No point in having them have to request an extension. They will have to comply with all conditions of the rural home occupation regulations that are not varied. That means that they would be limited to the three rooms only that could be rented out. Their signage is limited to one maximum sign of 12 square feet that is unlighted. They can't hire more than two people to work at their home occupation other than those who live there on the property. We would recommend approval of both of these variances subject to the four conditions that are the same for both reports and are listed in the Secretary's Report. Mr. & Mrs. Johnson are here, and I will try to respond if you have any questions about this case.

WILEY: Are there any questions of Louise?

SCOTT: How many rooms will this be?

OLIVAREZ: Three.

WILEY: Are there any questions of the Johnsons? Mr. & Mrs. Johnson, is there anything that you wish to add?

MRS. JOHNSON (applicant): I appreciate the extension of another year.

WILEY: I think that these will need to be separate motions.

MOTION: CoBZA 8-95, BAUER moved, and WILEY seconded, that the five conditions set out in Section 16.A.2 of the Resolution as necessary for the granting of the variance have been found to exist, and that the variance be granted subject to the conditions set out in the Secretary's Report with changing recommendation #3 from one year to two years.

Motion passed 5-0.

The official action of the Board is reflected in the adoption of Resolution No. CoBZA 8-95, which includes the following conditions of approval:

1. The applicants' operation of a bed and breakfast establishment as a home occupation shall comply with all other rural home occupation regulations as set forth in Section 3.F of the Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas, unless varied by the Board of Zoning Appeals.
 2. The home occupation shall be conducted within the dwelling on the site and be limited to three rooms for let. The bed and breakfast establishment shall comply with all applicable codes concerning tourist accommodations and food handling enterprises.
 3. The bed and breakfast establishment shall be operational within two years after approval of this variance.
 4. This resolution authorizing a bed and breakfast establishment on this property may be declared null and void upon a finding by the Board that the applicants or subsequent operators of the business have failed to comply with any of the foregoing conditions.
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MOTION: CoBZA 9-95, BAUER moved, WILEY seconded, that the five conditions set out in Section 16.A.2 of the Resolution as necessary for the granting of the variance have been found to exist, and that the variance be granted subject to the conditions set out in the Secretary's Report with changing recommendation #3 from one year to two years.

Motion passed 5-0.

The official action of the Board is reflected in the adoption of Resolution No. CoBZA 9-95, which includes the following conditions of approval:

1. The applicants' operation of a bed and breakfast establishment as a home occupation shall comply with all other rural home occupation regulations as set forth in Section 3.F of the Zoning Regulations for the Unincorporated Area of Sedgwick County, Kansas, unless varied by the Board of Zoning Appeals.
2. The home occupation shall be conducted within the dwelling on the site and be limited to three rooms for let. The bed and breakfast establishment shall comply with all applicable codes concerning tourist accommodations and food handling enterprises.
3. The bed and breakfast establishment shall be operational within two years after approval of this variance.
4. This resolution authorizing a Bed and Breakfast establishment on this property may be declared null and void upon a finding by the Board that the applicants or subsequent operators of the business have failed to comply with any of the foregoing conditions.

WILEY: Thank you Mr. & Mrs. Johnson.

OLIVAREZ: You will be getting a letter and a resolution within a few days.

5. ELECTION OF OFFICERS:

SCOTT: Mr. Chairman, I move that the slate be the same as it was last year.

MOTION: SCOTT moved, BAUER seconded, that the officers remain as they are for another year--Chairman, Gary Wiley; Vice Chairman, Pam Bauer; Secretary, Louise Olivarez.