



Wichita-Sedgwick County Metropolitan Area Planning Department

June 19, 2013

Dan Eck
5340 Tenpoint
Andale, KS 67001

Re: BZA2013-22: County Administrative Adjustment to allow an accessory structure in front of the principal structure on less than 5 acres on property zoned RR Rural Residential.

Legal Description: Lot 1, Block A, Antler Point Addition, Sedgwick County, Kansas; generally located south of 53rd Street North and east of 247th Street West (5340 Tenpoint).

Dear Applicants:

We reviewed your request for a Zoning Adjustment to permit an accessory structure in front of the principal structure on less than five acres. From reviewing your application, we understand that you propose to construct a detached 30x40 foot shed on the aforementioned property. We understand that you propose to construct the accessory structure closer to Tenpoint than the primary dwelling. Therefore, you requested a Zoning Adjustment to permit an accessory structure to be placed in front of the principal structure.

Sec. V-I.2.n of the Unified Zoning Code allows a Zoning Adjustment to permit an accessory structure in front of the principal structure on less than five acres, 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 detached shed on a private lot. Public vehicular and pedestrian circulation will not be affected as the garage will provide space for the property owner's personal property and will not interfere with traffic circulation patterns.
- 2) Impact on existing uses in surrounding areas: There should be no impact on the existing uses in surrounding areas as a result of the garage being placed in front of the house, as the structure exceeds the 35-foot building setback from the public street.

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- 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 uses on abutting sites, which primarily are single family residences.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way. There will be no negative impact on the public health, safety or welfare, nor will properties or improvements in the vicinity be materially injured.

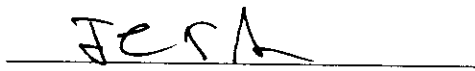
Our signatures below indicate that a Zoning Adjustment to permit an accessory structure to be placed in front of the principal structure on less than five acres of land for the aforementioned property is hereby GRANTED, subject to the following conditions:

- 1) The site shall be developed in general conformance with the approved site plan, and all permits necessary to construct the improvements shall be acquired.
- 2) The permitting of an accessory structure in front of the principal structure shall apply only to the proposed shed 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) 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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The "Development Application" sign should now be removed from the property.



John L. Schlegel
Planning Director



Tom Stolz
MABCD Director

cc: J.R. Cox, MABCD
Kelly Dixon, MABCD
Karl Peterjohn, BoCC District III

