



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

August 14, 2014

Julie Ann LeClerc  
8522 S. Seneca  
Haysville, KS 67060

Mark Virginia  
9320 S. Seneca  
Haysville, KS 67060

Intrust Bank, Maynard Hemphill Tr #2  
Douglas J. Brehm, Sr. Trust & Relationship Manager  
100 N. Main  
Wichita, KS 67202

**Re: BZA2014-56: County Administrative Adjustment for a 20 % reduction to remove an existing encroachment of the principal structure and build an open gazebo structure on property zoned RR Rural Residential.**

**Legal Description: NW1/4 SW1/4 EXC W 25 FT FOR RD. SEC 8-29-1E, generally located one-half mile north of West 87<sup>th</sup> Street South, east of Seneca Street (8522 S Seneca).**

Dear Applicants:

We have reviewed your request for a 20% Zoning Adjustment to remove an existing encroachment into the required 85-foot major street setback and placement of a new open gazebo structure within the required 85-foot major street setback per the zoning development requirements. From the drawing submitted, the existing primary structure is located 68-feet from the center of a section line road (South Seneca) and you wish to place a 350 square foot open structure 68-feet from the center of a section line road (South Seneca).


Sec. V-I.2.a of the Unified Zoning Code allows a Zoning Adjustment to permit a structure within the front setback, when the conditions required by Sec. V-I.6 of the Code are met. We find that permitting the existing encroachment of the primary structure on your property, built circa 1953, and the new open gazebo structure meet the four conditions required by Sec. V-I.6 of the Unified Zoning Code as set out below:

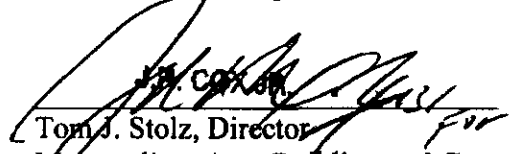
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: Public vehicular and pedestrian circulation will not be affected as the structure will provide space for the property owner's personal property and will not interfere with traffic circulation patterns.
- 2) Impact on existing uses in surrounding areas: There should be no impact on the existing uses in surrounding areas.
- 3) Compatibility with existing or permitted uses on abutting sites: Allowing the primary structure within allowable adjustments and the new open gazebo structure should not detract from the existing or permitted uses on abutting sites, which are agricultural lands.
- 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 the existing encroachment of the primary structure and the new open gazebo structure for the aforementioned property is hereby GRANTED, subject to the following conditions:

- 1) The permitting of the encroachment of the principal structure and the new 350 square foot open gazebo structure shall apply only to the primary structure and the proposed open gazebo structure as shown 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.
- 2) The new gazebo structure shall be permitted and built within one year from date of approval.
- 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, Director  
Metropolitan Area Planning Department

  
Tom J. Stolz, Director  
Metropolitan Area Building and Construction  
Department

cc: JR Cox, MABCD  
Kelly Dixon, MABCD  
Tim R. Norton, District 2



# SITE PLAN

APPROVED 8/14/2014 BY R. Mangan