

**RESOLUTION NO. 2021-30**

**A RESOLUTION UPHOLDING THE DECISION OF THE ZONING ADMINISTRATOR AND WAIVING THE ZONING REGULATIONS TO ALLOW FOR THE CONSTRUCTION OF AN ACCESSORY STRUCTURE THAT EXCEEDS THE ALLOTTED SQUARE FOOTAGE IN THE RURAL RESIDENTIAL ZONING DISTRICT IN THE UNINCORPORATED AREA OF SEWARD COUNTY KANSAS**

**BEFORE** the Board of County Commissioners of Seward County, Kansas:

**WHEREAS**, Jonathan Penner has requested to construct an accessory structure on a parcel of land located at 10522 Road J, Liberal Kansas, A portion of the Northeast Quarter of Section 33, Township 33, Range 33 West of the 6<sup>th</sup> Principal Meridian in Seward County, Kansas, more particularly described as follows: Beginning at the Southeast Corner of the Northeast Quarter of Section 33, Township 33, Range 33 West of the 6<sup>th</sup> Principal Meridian; thence with a bearing North 88°31'21" West (basis of bearings is NAD 83 Kansas South Zone) along the South line of said Northeast quarter 803.83 feet; thence North 01°28'48" East Perpendicular to the South line of said Northeast Quarter 96.58 feet; thence Northeasterly following the arc of curve to the left having a radius of 1307.36 feet a distance of 1314.22 feet (chord bears North 38°32'32" West a distance of 1259.58 feet); thence South 88°42'54" East perpendicular to the East line of said Northeast Quarter 40.96 feet to the East line of said Northeast Quarter; thence South 01°17'06" West along the East line of said Northeast Quarter 1101.85 feet to the point of beginning.

**WHEREAS**, the Seward County Zoning Regulations in Article 27-108, 2(a) state that in the Rural Residential Zoning District one accessory structure per parcel shall be allowed to exceed the size and scale of the main residential structure. Provided said structure is used for residential accessory use and not otherwise, and provided said structure does not exceed 5000 square feet in size and 18 feet sidewall height and;

**WHEREAS**, the parcel already contains two accessory structures and exceeds the allowed square footage for the Rural Residential Zoning District, and;

**WHEREAS**, The Zoning Administrator has denied the application request; and

**WHEREAS**, the Board of County Commissioners has reviewed the application and staff report on this matter and affirms the decision of the Zoning Administrator. Yet finds that approval of the permit will not be detrimental to the health, safety and general welfare of the community;

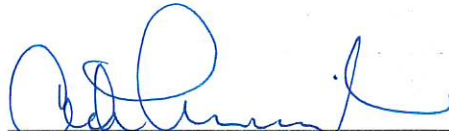
**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Seward County, Kansas that:

The Seward County Board of Commissioners Waives the Zoning Regulations to allow for the construction of the accessory structure totaling 1,500 square feet on the property described above.

This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

**ADOPTED** this 6th day of December, 2021.

**BOARD OF COUNTY COMMISSIONERS  
OF SEWARD COUNTY, KANSAS**

By:   
Ada Linenbroker, Chair

**ATTEST:**

  
Stacia Long, Clerk

