



Wichita-Sedgwick County Metropolitan Area Planning Department

November 3, 2000

Robert N. and Debra R. Gideon
239 N. Socora Drive
Wichita, KS 67212

FILE COPY

RE: CON2000-00039- Conditional Use to allow an accessory apartment. Generally located approximately 350 feet south of 2nd Street North on the west side of Socora (239 North Socora).

Dear Robert and Debra:

At its regular meeting on October 19, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE, subject to dedication of an additional 10 feet of right-of-way on Socora Drive and subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. Off-street parking shall be provided to the north of the existing garage and be connected to the existing driveway.
4. The owner of the property shall reside on-site, either in the main home or the accessory apartment.
5. The site shall be developed in general conformance with the approved site plan.
6. Any violation of these conditions shall render this Conditional Use Permit null and void.

CONDITIONAL USE RESOLUTION NO. CON-2000-00039

WHEREAS, Robert N. and Debra R. Gideon (Applicant/Owner); Life Designs, c/o Stephen A. Menke (Agent), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow an Accessory Apartment on 2.42 acres zoned "SF-6" Single-Family Residential described as:

Beginning 2310 feet North of the Southwest corner of the East half of the Southwest quarter; thence North 165 feet; thence East 640 feet; thence South 165 feet; thence West 640 feet to point of beginning in Section 21, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County Kansas. Generally located approximately 350 feet south of 2nd Street North on the west side of Socora (239 North Socora).

WHEREAS, proper notice as required by the Unified Zoning Code and by the policy of the Metropolitan Area Planning Commission (hereinafter referred to as MAPC) has been given; and

WHEREAS, the MAPC did, at the meeting of October 19, 2000, consider said application; and

WHEREAS, the MAPC has authority to permit a Conditional Use, subject to any special conditions deemed appropriate in order to assure full compliance with the criteria of the Unified Zoning Code.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to permit a conditional use to allow an Accessory Apartment on 2.42 acres zoned "SF-6" Single-Family Residential described as

Beginning 2310 feet North of the Southwest corner of the East half of the Southwest quarter; thence North 165 feet; thence East 640 feet; thence South 165 feet; thence West 640 feet to point of beginning in Section 21, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County Kansas. Generally located approximately 350 feet south of 2nd Street North on the west side of Socora (239 North Socora).

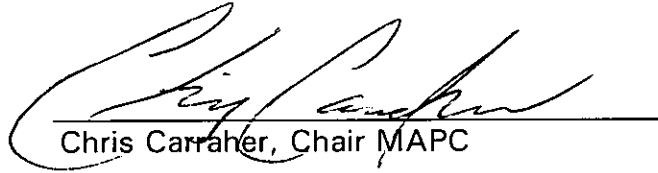
subject to the following conditions:

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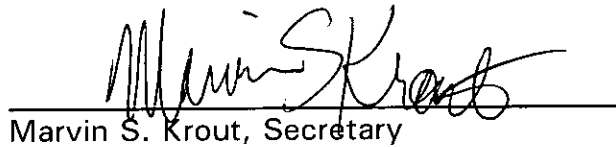
Adopted this day of November, 2000. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



Chris Carraher, Chair MAPC

ATTEST:



Marvin S. Krout, Secretary

STAFF REPORT
MAPC – October 19, 2000

CASE NUMBER: CON2000-00039

APPLICANT/AGENT: Robert N. & Debra R. Gideon (Applicant/Owner);
Life Designs, c/o Stephen A. Menke (Agent)

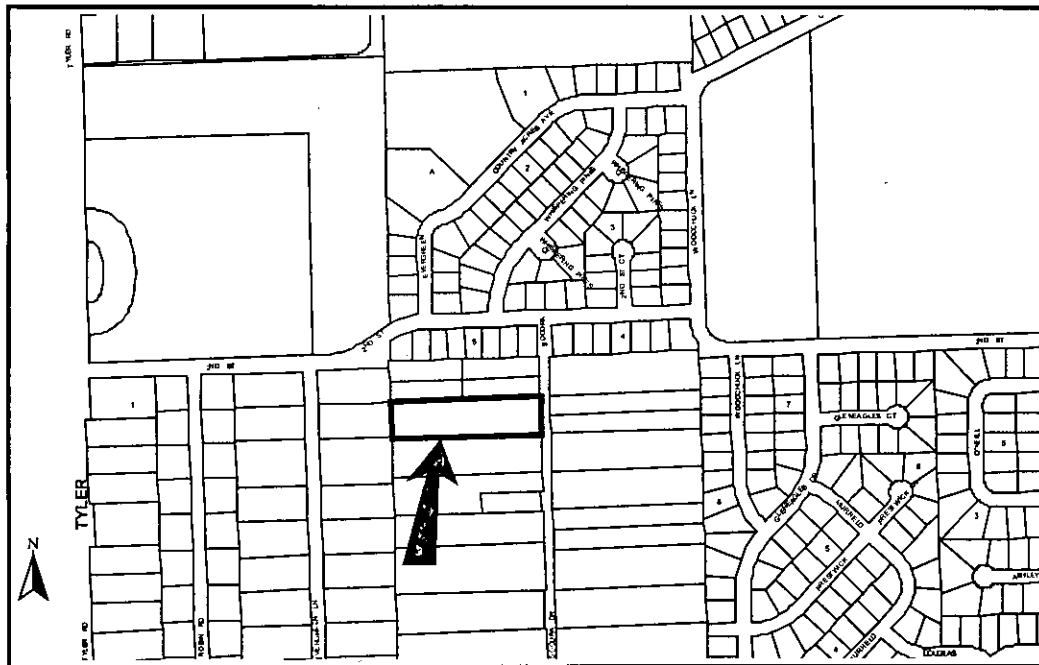
REQUEST: Conditional Use to allow an accessory apartment

CURRENT ZONING: "SF-6" Single-Family Residential

SITE SIZE: 2.42 acres

LOCATION: Approximately 350 feet south of 2nd Street North on the
west side of Socora (239 North Socora)

PROPOSED USES: Accessory Apartment



BACKGROUND: The applicant is requesting a "Conditional Use" to allow an accessory apartment on 2.42 acres of unplatted property zoned "SF-6" Single-Family Residential. The request is being made to provide housing and care for an aging parent.

The existing home sits toward the front of the property, approximately 65 feet from Socora Drive. The proposed location of the accessory apartment, which is a 20-foot by 30 foot ECHO cottage unit, is behind the existing home, 200 feet from the front property line. It would be approximately 85 feet from the north property line and 65 feet from the south property line. The accessory apartment will be similar in color and general design to the primary home. It will have white hardboard lap siding with gray trim. Access to the apartment is from a walkway and ramp from the existing residence. Parking will be provided off the existing driveway next to the garage.

ECHO housing units are modular, energy-efficient, handicapped-accessible living units that are placed adjacent to an existing home, usually for occupancy by a relative. The units are designed for individuals who, because of a handicap or mental incapacity, are unable to stay at home alone, yet do not require skilled services of a nursing home. These homes can be removed from the premises when no longer needed, but the applicant will likely keep the cottage on-site indefinitely for use as a guesthouse.

The surrounding property to the north, east, and south are similarly sized unplatted lots with single-family homes. Evergreen Place, a residential subdivision of one-acre lots, is located to the west. The closest adjacent property line to Evergreen Place Subdivision is approximately 400 feet. A similar request for an ECHO cottage was approved on the east side of Socora Drive about one-half block south of the current request in 1999 (CU-549).

As per the Unified Zoning Code, the "Conditional Use" requirements for accessory apartments stipulate:

- (a) that a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;
- (b) that the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood; and
- (c) that the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium.

The request meets these requirements.

CASE HISTORY: The property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6" Single-family	Residence
SOUTH:	"SF-6" Single-family	Residence
EAST:	"SF-6" Single-family	Residence
WEST:	"SF-6" Single-family	Residence

PUBLIC SERVICES: The applicant has municipal sewer service, but has a private well for water supply.

Access to this site is off of Socora Drive, an unimproved residential street with 40 feet of right-of-way. The City has required dedication of 10 feet of additional right-of-way prior to issuance of building permits for three other properties along Socora (D-1733, D-1681, and D-1532). The City would request this additional dedication, as well as the property owner to sign an agreement not to protest future street improvements.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Comprehensive Plan Update designates this area as being appropriate for "low density residential." By definition, low density residential has a density range of 1 to 6 units per acre, and includes single-family detached homes, zero lot line units and cluster subdivisions.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED, subject to dedication of an additional 10 feet of right-of-way on Socora Drive and subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. Off-street parking shall be provided to the north of the existing garage and be connected to the existing driveway.
4. The owner of the property shall reside on-site, either in the main home or the accessory apartment.
5. The site shall be developed in general conformance with the approved site plan.
6. Any violation of these conditions shall render this Conditional Use Permit null and void.

The staff's recommendation is based on the following findings:

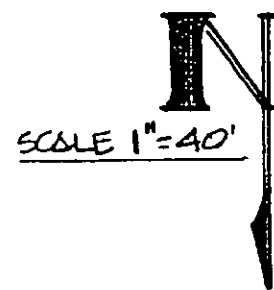
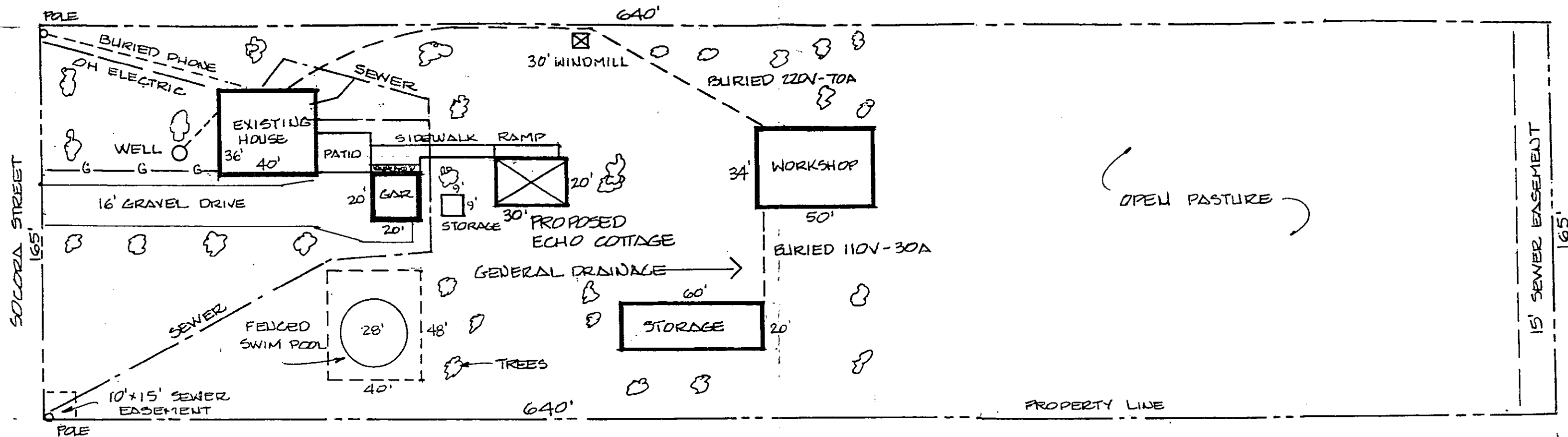
1. The zoning, uses and character of the neighborhood: The surrounding zoning is "SF-6" Single-family. Placement of this accessory apartment does not violate the density requirements for the "SF-6" zoning district. The apartment would be similar to the primary structure in residential character. It would be similar to an existing ECHO cottage one-half block south of the application area.
2. The suitability of the subject property for the uses to which it has been restricted: Accessory apartments are allowed as a "Conditional Use" in "SF-6" provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet these criteria.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effect should be minimized by the large size of the lot. The placement of the ECHO apartment generously meets zoning setback requirements and does not violate the density requirements of the surrounding area. The apartment will be placed toward the center of the deep lot, so as not to be as immediately visible from the street or surrounding properties.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code makes specific provision for accessory apartments in "SF-6". This application appears to comply with all the provisions outlined in the UZC for accessory apartments. Approval of the request would not be contrary to any Comprehensive Plan policies or guidelines.
5. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities.

SITE PLAN

APPROVED

Nov 13, 2008

BY William Krantz
Planning Director



Life Designs

Topeka, KS (785) 862-2535 Jc 10-10-00

SITE PLAN for

Robert & Debra Gideon

239 N. Socora Wichita, KS

Beginning at a point twenty-three hundred ten (2310) feet north of the southwest corner of the east half of the southwest quarter of section twenty-one, township twenty-seven south, range one west of the sixth principal meridian, thence east six hundred forty (640) feet, thence north one hundred sixty-five (165) feet, thence west six hundred forty (640) feet, thence south one hundred sixty-five (165) feet to the place of beginning, in Sedwick County, Kansas.