CONDITIONAL USE RESOLUTION NO. CON2015-00006

WHEREAS, Darryl and Sara Wiesner; pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit an "accessory apartment" on approximately 20 acres zoned RR Rural Residential (RR), described as:

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 March 19, 2015, 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 an "accessory apartment" on property zoned, SF-20 Single-Family Residential described as:

A tract of land beginning 539.8 feet north of the southeast corner of the southeast quarter; thence north 893 feet; thence westerly 690.94 feet; thence southerly 924.52 feet; thence east 949.02 feet to the point of beginning, all in Section 33, Township 28, Range 2 West of the 6th P.M., Sedgwick County, Kansas.

Approved subject to the following conditions:

1. The Conditional Use permits one single-family accessory apartment on the site. The site shall be developed and maintained in general conformance with the approved site plan and in conformance with all applicable regulations, including but not limited to: local zoning, including Article III, Section III-D.6 .a.(1)-(4); building, fire and utility regulations or codes.
2. The applicant shall submit an elevation drawing to be approved by planning staff, demonstrating compliance with the requirement that the accessory apartment's exterior share architectural compatibility with the principal structure.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 19th day of March 2015.

METROPOLITAN AREA PLANNING COMMISSION

Matthew J. Goolsby, Chair MAPC

ATTEST:

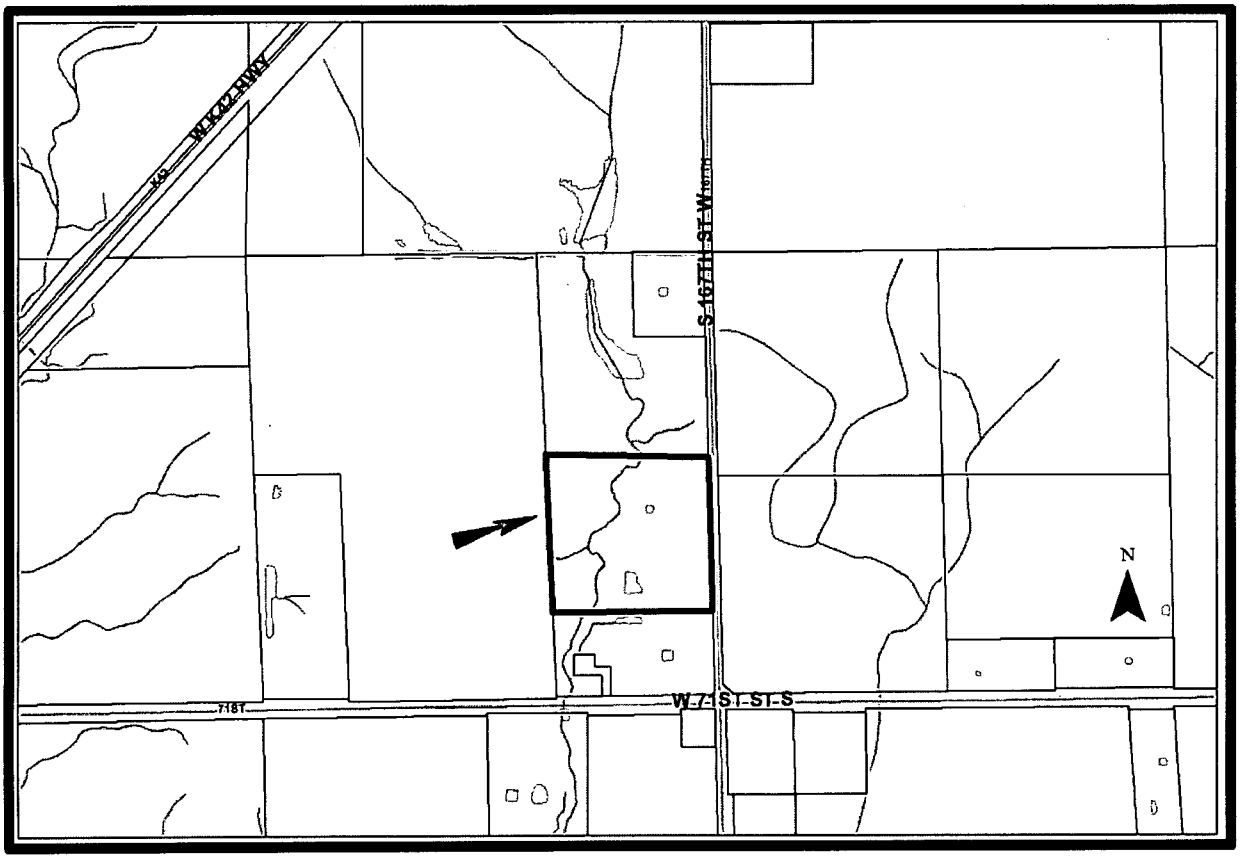
John L. Schlegel, Secretary

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT
MAPC 3-19-2015

CASE NUMBER:	CON2015-00006
APPLICANT/AGENT:	Darryl and Sara Wiesner
REQUEST:	Conditional Use for an Accessory Apartment
CURRENT ZONING:	RR Rural Residential
SITE SIZE:	20 acres
LOCATION:	¼ mile north of West 71st Street South, west of South 167th Street West
PROPOSED USE:	Accessory Apartment



BACKGROUND: The applicants request a Conditional Use for an "accessory apartment" on unplatted property zoned Rural Residential (RR), the site is located on the west side of South 167th Street West, ¼ mile north of West 71st Street South. The property is currently developed with a 2,300 square-foot single-family residence on the 20-acre site. As shown on the site plan, the applicant proposes to construct the 1,550 square-foot accessory apartment north of the existing principal residential structure. The proposed accessory apartment would be located 98 feet south of the north property line and 285 feet west of the front (east) property line. The applicant proposes to keep the existing drive to the principal structure and add a drive on the northern end of the property to serve the proposed accessory apartment. The proposed drive is to be located 25 feet south of the north property line. The application area is enclosed on all sides by a significant hedgerow. The applicant has advised staff that the proposed accessory apartment will be a ranch style site built residence with exterior appearance similar to the principal structure.

All properties abutting or adjoining the application area are zoned RR. The property immediately north (21 acres) of the site is farmland. A single-family residence is located on five aces farther to the north. Property east of the site, across South 167th Street West is 160 acres of farmland plus two residences. Land to the south (11.6 acres) is developed with a single-family residence. Land to the west is 85 acres of farmland.

The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines an "accessory apartment" (Art. II.Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Art. III.Sec.III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium and (4) the water and sewer service provided to the accessory apartment shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

The RR zoning district property development standards call for a minimum rear setback of 25 feet for principal structures; however, accessory structure rear building setback (Sec. III-D.7.e(1)) shall be at least ten feet from the centerline of any platted or dedicated alley, and if no alley exists, then five feet from the rear lot line. Accessory structures may not utilize more than one-half of any required rear yard, and shall not exceed 60 percent of the allowable height limit for the zoning district unless the accessory structure conforms to principal structure setback requirements. The RR district has a 20-foot interior side yard setback requirement; accessory structures may be located within three feet of a side lot line if located on the rear half of the property. The front yard setback is 30 feet. The UZC parking standards require one off-street parking space per single-family residence and one per accessory apartment. The submitted site plan appears to conform to UZC requirements. The plan depicts a 20-foot wide driveway, which meets fire department standards.

CASE HISTORY: The RR zoning was applied to the property when the County adopted countywide zoning in 1985.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	farmland, single-family residence
SOUTH:	RR	single-family residence
EAST:	RR	farmland
WEST:	RR	farmland

PUBLIC SERVICES: The property utilizes a lagoon and on-site water well. South 167th Street West is

an unpaved section line road with 50 feet of full right-of-way.

CONFORMANCE TO PLANS/POLICIES: The 2030 Wichita Functional Land Use Guide map depicts this site as a rural area. Rural areas are land located outside of urban growth areas and permits uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.

RECOMMENDATION: The surrounding area is overwhelmingly rural with large tracts of farmland/farmsteads or large-lot single-family residences. The application area has 20 acres which is more than enough room to accommodate the accessory apartment and the existing principal structure. Existing tree growth on the site screens the accessory apartment from neighboring properties. Based on information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions:

1. The Conditional Use permits one single-family accessory apartment on the site. The site shall be developed and maintained in general conformance with the approved site plan and in conformance with all applicable regulations, including but not limited to: local zoning, including Article III, Section III-D.6 .a.(1)-(4); building, fire and utility regulations or codes.
2. The applicant shall submit an elevation drawing to be approved by planning staff, demonstrating compliance with the requirement that the accessory apartment's exterior share architectural compatibility with the principal structure.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: All properties abutting or adjoining the application area are zoned RR. The property immediately north (21 acres) of the site is farmland. A single-family residence is located five aces located farther to the north. Property east of the site, across South 167th Street West is 160 acres of farmland plus two residences. Land to the south (11.6 acres) is developed with a single-family residence. Land to the west is 85 acres of farmland.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR which permits primarily agricultural uses and large-lot single-family residences. The property could continue to be used for one single-family residence; however, the size of the property easily accommodates an accessory apartment and the additional required parking space.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The accessory apartment site is well screened from neighboring lots. The conditions of approval should minimize any anticipated detrimental impacts.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts this site as a rural area. Rural areas are land located outside of urban growth areas and permits uses that are no more offensive than those agricultural uses commonly found in Sedgwick County.

5. Impact of the proposed development on community facilities: No significant impacts have been identified since the site will use on-site services and the addition of one home will not generate enough traffic to impact the section line road.

ARMOUR SURVEYING, 6101 S. 167th W. CLEARWATER, KS 67026
620-545-7136

△ ~ GOV. COR. FOUND
● ~ IRON END "JLA 921"
⌀ ~ #5 BAR FOUND
○ ~ 1/2" x 24" REBAR SET w/ ID CAP "RLS 921"
C ~ CALCUCATED
M ~ MEASURED
R ~ RECORD

JAMES L. ARMOUR REGISTERED LS-921 June 08, 06 KANSAS LAND SURVEYOR

SCALE: 1" = 400'

DATE OF SURVEY: MAY 29, 2006

NOTE: BOUNDARY SURVEY ONLY, NO EASEMENTS SHOWN

CENTER SEC 33 3/4" I.P. FOUND

NE COR., SE 1/4 SEC. 33, T28S, R2W (SG. CO. MKR. FND)

S 89° 55' 36" E 2671.44' (M)

994.83'

1676.61' (M)

1° & HEDGE ROW

550.34'

394.49' (R)

490'(R)

EXCEPTION

490'

444.49' (R)

1273.63' (C)

TRACT #1
86.275 AC. GROSS
- 1.093 40' RD ESM'T
85.182 NET ACRES

TRACT #3
21.657 AC.±

1195.98'

N 0° 35' 53" W (M&R)
(BASIS OF BEARINGS)

2094.38'

1169.86'

705.98'

60.05'

969.94'
N 88° 21' 00" W
619.94'
289.95'

S 89° 48' 34" W
500.00' (R)

#5 BAR FOUND (BENT) 1.18' W & 0.23' N OF CORNER

& HEDGE

60'±

60'± & HEDGE ROW TO N. & E.

60'±

2640.77' (M) N 01° 28' 11" W

1367.14' (R)
N 01° 28' 17" W (R)

SEDGWICK COUNTY CLONMEL YARD ADDN

(R) N 01° 28' 17" W
1367.14' (R)

1307.59' (M) N 01° 31' 59" W (M)

N 01° 51' 00" W

924.52'

TRACT #2
20.00 AC.±

893.00'

2627.88' (M)
167th St W

1431.90'

40'

569.02'
176.54'
163.46'

949.02' (M&R)
S 89° 48' 34" W (M&R)

539.03' (R)
539.10' (M)

N 01° 31' 15" W

538.90' (R)

#5 BAR FOUND (BENT) 0.23' E & 0.19' S OF COR.

40' ROAD EASM'T LINE

1190.73' (M)

500'(R)

940.34' (R)

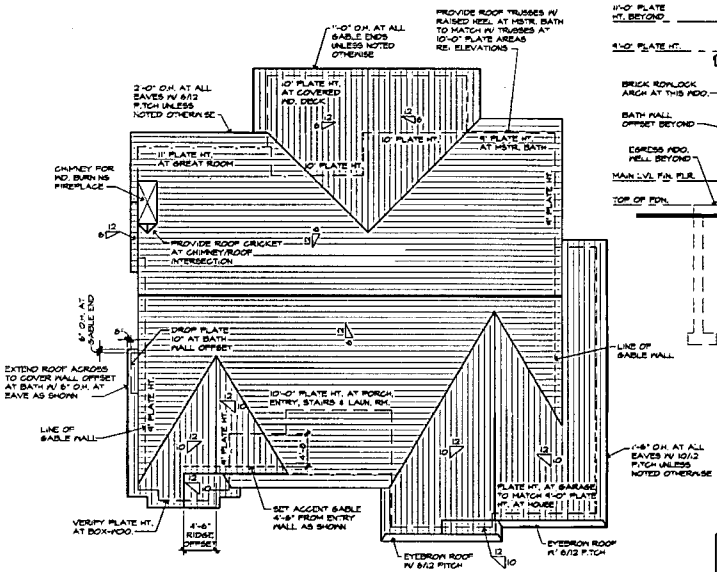
Drive Way

& & & 71st St. So.

2631.07' (M)
N 89° 48' 34" E (M&R)

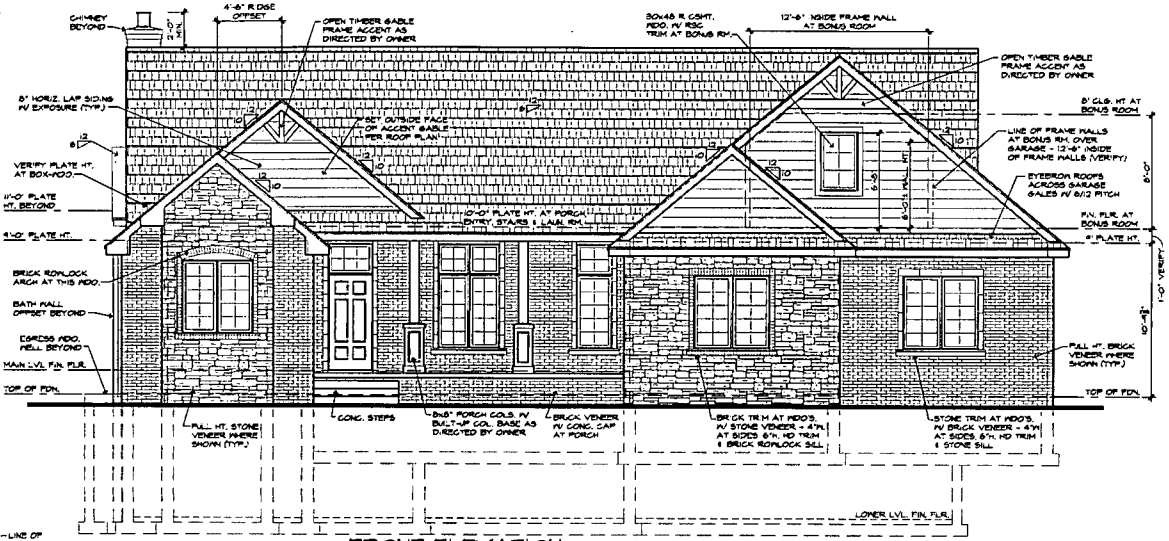
SW COR., SE 1/4 SEC. 33, T28S, R2W (1/2" I.P. FND)

SE COR., SE 1/4 SEC. 33, T28S, R2W (SG. CO. MKR. FND)



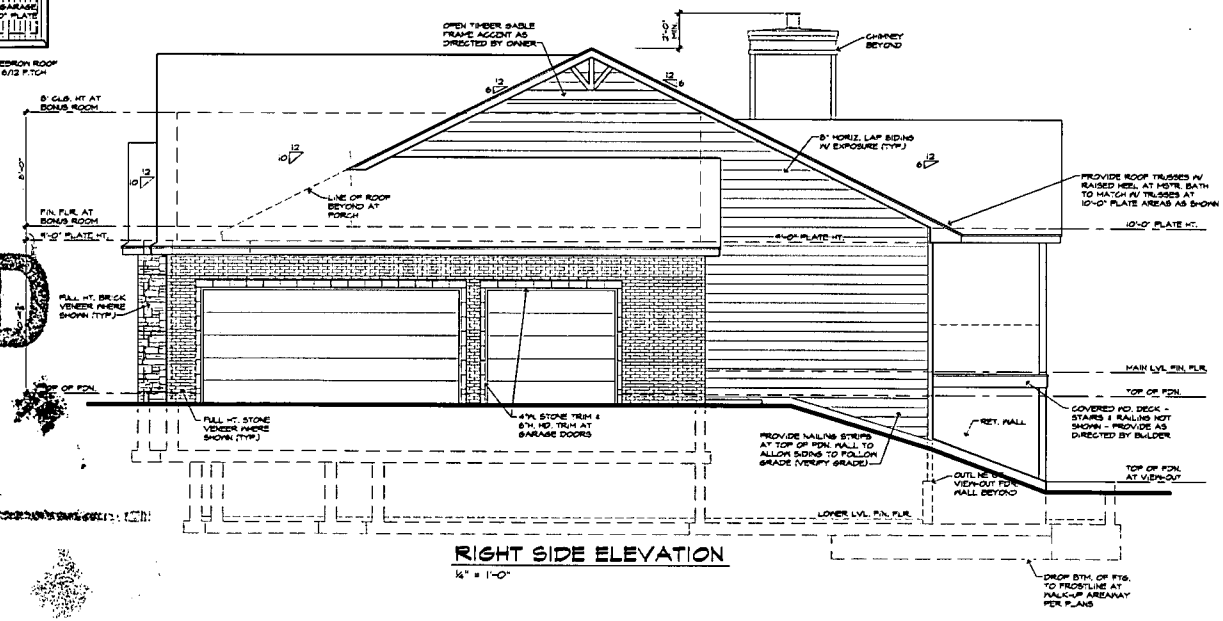
ROOF PLAN

1/8" = 1'-0"



FRONT ELEVATION

1/4" = 1'-0"



RIGHT SIDE ELEVATION

1/4" = 1'-0"

APPROVED

Kyle C Klein

Date: 21 Nov 17

CUSTOM HOME PLAN

BAD BRANDON ARCHITECTURAL DESIGN AND DRAFTING

DATE: 11-4-2017

SHEET 3 OF 4

A-WIESNER-S