



Wichita-Sedgwick County Metropolitan Area Planning Department

August 16, 2018

Kortney and Tammy Capello
1710 S. Ida
Wichita KS 67211

RE: CON2018-00028 - City Conditional Use request to allow an accessory structure in SF-5 Single-Family Residential zoned property; generally located south of East Harry Street and east of South Washington Avenue (1710 S. Ida Ave.)

Dear Applicant:

At its regular meeting on **July 26, 2018**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
James Clendenin, Council Member District III
Maddy Campbell, CSR District III

CONDITIONAL USE RESOLUTION NO. CON2018-00028

WHEREAS, Kortney and Tammy Capello, (Owners/Applicants), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for an Accessory Apartment on 0.18 acre zoned TF-3 Two-Family Residential described as:

The south 5 feet of Lot 56 and all of Lots 58 and 60, on Ida Avenue, Ranson & Kay's Third Addition, to Wichita, Sedgwick County, Kansas, (1710 S. Ida Avenue).

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 July 26, 2018 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 allow a Conditional Use for an Accessory Apartment on 0.18 acre zoned TF-3 Two-Family Residential described as:

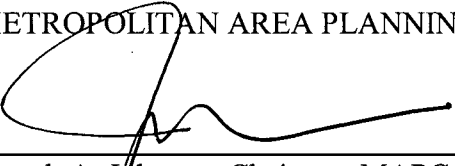
The south 5 feet of Lot 56 and all of Lots 58 and 60, on Ida Avenue, Ranson & Kay's Third Addition, to Wichita, Sedgwick County, Kansas, (1710 S. Ida Avenue).

Approved subject to the following conditions:

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 1710 S. Ida Avenue) and the ownership shall not be divided or sold as a condominium.
- (2) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the conversion of the detached garage into an accessory apartment.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) If the accessory apartment is not in place within 12 months after final approval, or 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

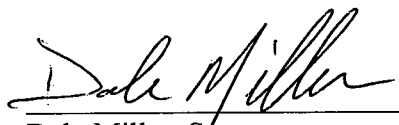
Adopted this 26 Day of July 2018

METROPOLITAN AREA PLANNING COMMISSION



Joseph A. Johnson, Chairman MAPC

ATTEST:



Dale Miller, Secretary



STAFF REPORT
MAPC July 26, 2018
DAB III August 1, 2018

CASE NUMBER: CON2018-00028

APPLICANT/OWNER: Kortney and Tammy Capello

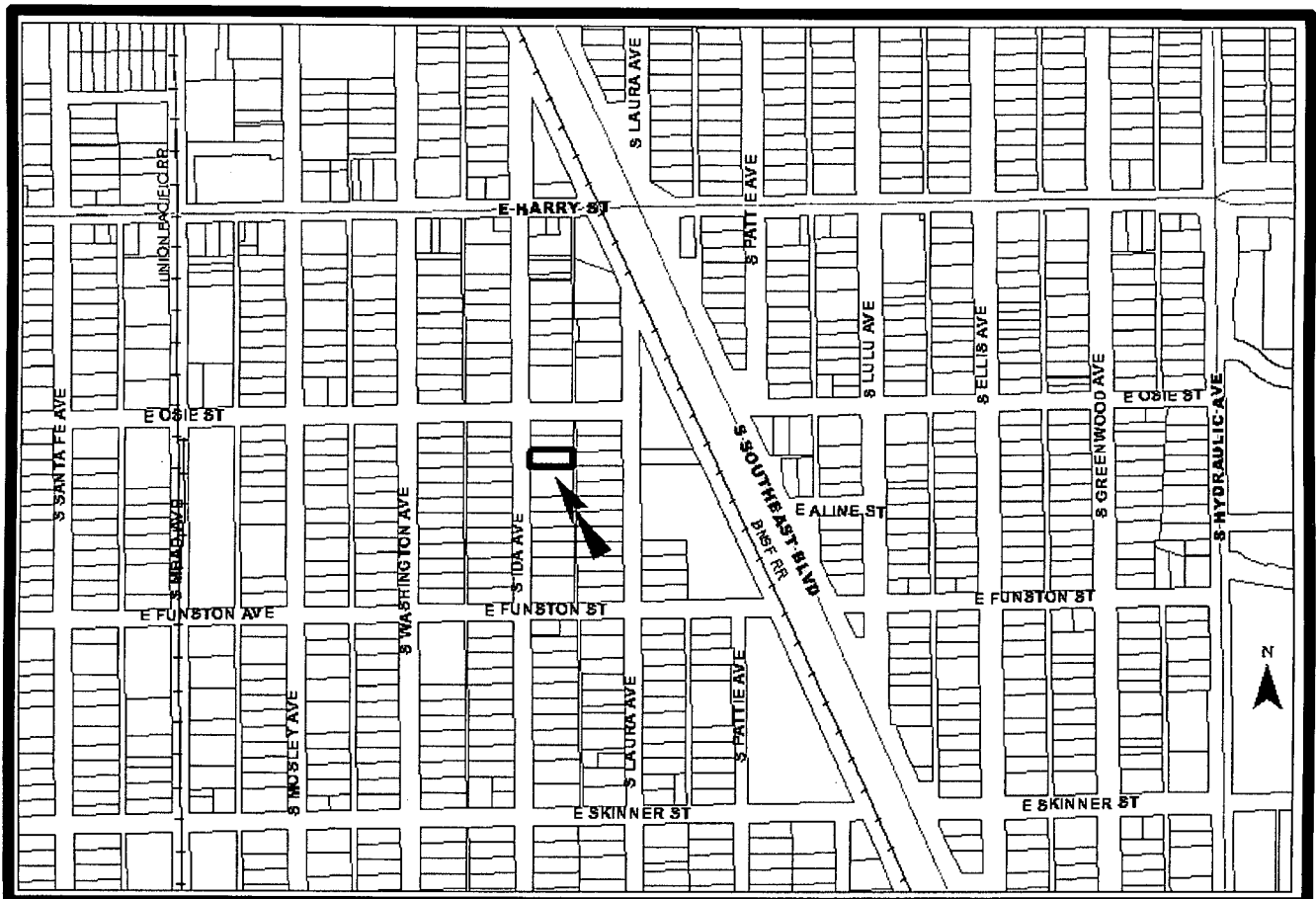
REQUEST: Conditional Use request for an accessory apartment

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 0.18 acre

LOCATION: Generally located south of East Harry Street South and east of South Washington Avenue (1710 S. Ida Ave.)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to build a 12-foot by 24-foot addition to an existing detached garage for an accessory apartment. The site is currently developed with a single-family home and a detached garage.

The surrounding properties are zoned TF-3 Two-Family Residential to the north, west and south developed with single-family detached dwellings. East of the subject site is B Multi-Family Residential zoning developed with single-family detached dwellings.

The applicant submitted the attached site plan showing the location of the existing residence and existing detached garage showing the proposed addition.

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.

CASE HISTORY: The subject property is located in Ranson and Kays 3rd Addition, which was platted in March 1887. BZA2011-48 was approved for an interior side yard setback reduction from 6-feet to 5-feet for a carport.

ADJACENT ZONING AND LAND USE:

NORTH:	TF-3	Single-Family residences
SOUTH:	TF-3	Single-Family residences
WEST:	TF-3	Single-Family residences
EAST:	B	Single-Family residences and one four-plex

PUBLIC SERVICES: South Ida Avenue is a local, residential paved street with 60 feet of right-of-way. Wetmore Street intersects with South Maize Road at two locations. Maize Road is a four-lane paved arterial street with a 100-foot right-of-way and an improved intersections with turn lanes and storm water drainage system.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Established Central Area. The Future Growth Concept Map identifies the area as Residential. Residential areas reflect the full diversity of residential development densities and types typically found in a large urban municipality.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, with the following conditions:

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence and the ownership shall not be divided or sold as a condominium.
- (2) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning.

This will include turning in plans for review and approval by the MABCD for the addition to the detached garage for the accessory apartment.

- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) If the accessory apartment is not in place within 12 months after final approval, or 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The subject site is located in a TF-3 zoned district 25-foot wide and 140-foot deep lots. Development in the area consists of single-family residences.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned TF-3 which permits the existing single-family residence. The property will continue to be used for one single-family residence; 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 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 adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Established Central Area. The Future Growth Concept Map identifies the area as Residential. Residential areas reflect the full diversity of residential development densities and types typically found in a large urban municipality.
- (5) **Impact of the proposed development on community facilities:** Community facilities will not be noticeably impacted by the conversion of the detached garage into an accessory apartment. All utilities are available to the site.

Staff Report Attachments:

1. Site Plan

Observations



Observation # 21

Observation Summary Custom Comment

Ratings

Estimated (gpm) 0.000

Structure # 2

Cleaning # 0

% I/I Removed

Remaining GPM 0.000

Repaired

X Coordinate

Min Rehab Priority

Rehab Method

Rehab Cost

Connection Type

User 2

Svc. Address 1710 S IDA

User 4

Y Coordinate



SITE PLAN

APPROVED 7/26/2018 BY *R. Mingo*