Planning Agenda Item #_____

City of Wichita
City Council Meeting
November 21, 1989

Agenda Report #_____

TO: Mayor and City Council Members

SUBJECT: Z-2969 - ZONE CHANGE FROM THE "A" TWO-FAMILY DISTRICT TO THE "B" MULTIPLE-FAMILY DWELLING DISTRICT, LOCATED ON THE EAST SIDE OF MOSLEY, BETWEEN SKINNER AND MT. VERNON. (District #3)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

MAPC Recommendation: Approve (9-0).

Staff Recommendation: Approve.

CPO Recommendation: CPO Council "3B" voted 8-0 to recommend approval.

Background: On October 26, 1989, the MAPC held a public hearing to consider a zone change request from the "A" Two-Family Dwelling District to the "B" Multiple-Family Dwelling District for three platted lots located on the east side of Mosley between Skinner and Mt. Vernon. The application area measures approximately .3 acre. On the western portion of the three lots there is located a single-family dwelling which fronts onto Mosley. On the eastern portion of the lots there is located another structure which has been illegally converted into a single-family dwelling. Before the illegal conversion occurred, the structure was being built as a garage. Access to this structure is by way of the adjacent alley. A building permit was issued for construction of the garage in 1987.

Earlier this year, Central Inspection became aware of the illegal conversion of the garage to a dwelling. The applicant has filed this rezoning case in order to make legal the conversion and therefore permit the renting of the unit. The east wall of the subject dwelling unit is located 16.5 feet from the centerline of the adjacent 20-foot alley. The south wall of the unit is located 10 feet from the south line of the applicant's ownership and the structure's west wall is located 38 feet from the east wall of the single-family dwelling that fronts onto Mosley Avenue. A field check of the site has verified that there are other instances in the immediate area where two single-family dwellings have been constructed on the same ownership or zoning lot. These other instances appear to have existed for a long time,

but it is not known whether they are illegal or nonconforming uses. The subject subdivision was platted in 1886, whereas zoning was first established in this area in the 1920's.

The first residential zoning district which permits the construction of two detached dwelling units on the same lot (or zoning lot) is the "R-5" General Residence District. However, the "R-5" district, as well as the "R-6" district, requires 6,000 square feet of lot area for each detached single-family unit and a 20-foot rear yard measured to the centerline of the alley. Since the application area contains only 10,875 square feet and has a rear yard of only 16.5 feet, a rezoning to either the "R-5" or "R-6" districts will not fully correct the existing zoning violation. On the other hand, the "B" Multiple-Family Dwelling District not only permits more than one detached single-family structure, it requires only 2,500 square feet of lot area per single-family unit [28.04.070(C)(4)] and only a 15-foot rear yard [28.04.070(C)(3.1)].

RECOMMENDATIONS/ACTIONS:

1. Concur with the findings of the MAPC and approve the zone change; place the ordinance establishing the zone change on first reading; or

2. Return the application to the MAPC for reconsideration stating reasons.

(_____) Published in The Daily Reporter on 12/8/89

ORDINANCE NO. 40-817

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 28.04.210, THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of Section 28.04.210, The Code of the City of Wichita, Kansas, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. Z-2969

Zone change from the "A" Two-Family Dwelling District to the "B" Multiple Family Dwelling District

Lots 152-154-156, Ranson & Kay's 2nd Addition, Wichita Sedgwick County, Kansas. Generally located on the east side of Mosley between Skinner and Mt. Vernon.

SECTION 2. That upon the taking effect of the Ordinance, the above zoning change shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Ordinance as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.