**Wichita-Sedgwick County Metropolitan Area Planning Department**

March 6, 2020

Brandon P. Bastow
9603 N. Oliver Street
Valley Center, KS 67147

**RE: CON2020-00006 - County Conditional Use to permit an accessory apartment on property zoned RR Rural Residential generally located 675 feet west of North Oliver and one-quarter mile north of East 93rd Street North (9603 N. Oliver)**

Dear Applicant:

At its regular meeting on **March 5, 2020**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request.

Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **March 19, 2020**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the County Clerk by **March 19, 2020 at 5:00 p.m.**

The application will be forwarded to the Board of County Commissioners for consideration on **April 15, 2020.**

This is a reminder that the zoning notification signs should now be removed from the property.
If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kathy L. Morgan

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Lacey Cruse, BoCC Member District 4
Kate Flavin

(150006) Published in The Derby Informer on May 4, 2020

RESOLUTION NO. 006-2020

A RESOLUTION GRANTING THE CONDITIONAL USE FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

**SECTION I.** That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita Sedgwick County Unified Zoning Code, a Conditional Use for an Accessory Apartment, located on property zoned RR Rural Residential ("RR").

**Case No. CON 2020-00006**

Legally described below:

A tract of land in the North half of the Southeast Quarter of Section 23, Township 25 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, commencing at the Southeast corner of said No4rth half of the Southeast Quarter; thence West long the South line 668.23 feet to the Point of Beginning; thence North parallel with the East line of said Southeast Quarter, 550 feet; thence West parallel with the South line of Said North half of the Southeast Quarter, 400 feet; thence South parallel with the East line of said Southeast Quarter, 550 feet; thence East 400 feet to the Point of Beginning. All in Sedgwick County, Kansas

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 9603 N. Oliver Street) and the ownership shall not be divided or sold as a condominium.

**(2)** The water 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)** A waiver of Sec. III-D.6.a(4) to allow a new septic system to be installed north of the new shop/garage building as indicated on the attached site plan shall be granted.

**(4)** A waiver of Sec. III-D.6.a(2) for the accessory apartment to be located in a metal shop/garage building shall be granted.

**(5)** 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 construction of the accessory apartment.

**(6)** Development and maintenance of the site shall be in conformance with the approved site plan.

**(7)** 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.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION III.** That this Resolution shall take effect and be in force from and after its adoption by the Governing Body and publication in the official county newspaper.

Commissioners present and voting were:

| | |
|---|---|
| PETER F. MEITZNER | Aye |
| MICHAEL B. O'DONNELL, II | Aye |
| DAVID T. DENNIS | Aye |
| LACEY D. CRUSE | Aye |
| JAMES M. HOWELL | Aye |

Dated this 22 day of April, 2020.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

CLERK OF SEDGWICK COUNTY SEDGWICK COUNTY KANSAS KANSAS

for Karen S Bailey
KELLY B. ARNOLD, County Clerk

PETER F. MEITZNER, Chairman
Commissioner, First District

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

APPROVED AS TO FORM:

JUSTIN M. WAGGONER
Assistant County Counselor

MICHAEL B. O'DONNELL, II
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

# Affidavit of Legal Publication

**STATE OF KANSAS )**

**ss.**

**County of Sedgwick )**

Jennifer Perryman, being first duly sworn, deposes and says:
That he/she is Legal Manager of

***The Derby Informer***

a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a weekly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for **1 week** the first publication thereof being made as aforesaid on the **6th** day of **May** 2020, with subsequent publications being made on the following dates:

N/A

Jennifer Perryman
Legal Manager

Subscribed and sworn to before me this 6th day of May, 2020.

Notary Public

MARY JOYCE
Notary Public - State of Kansas
My Appt. Expires 8-28-22

Resolution No. 066-2020

Printer's Fee: $44.24
Additional copies: $ _____

**Legal Publication**

(Published in The Derby Informer on May 6, 2020)

(150006) Published in The Derby Informer on

RESOLUTION NO. 066 - 2020

A RESOLUTION GRANTING THE CONDITIONAL USE FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS

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| PETER F. MEITZNER | AYE |
| MICHAEL B. O'DONNELL, II | AYE |
| DAVID T. DENNIS | AYE |
| LACEY D. CRUSE | AYE |
| JAMES M. HOWELL | AYE |

Dated this 22nd day of April, 2020.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

PETER F. MEITZNER, Chairman
Commissioner, First District

LACEY D. CRUSE, Chair Pro Tem
Commissioner, Fourth District

MICHAEL B. O'DONNELL, II
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

JAMES M. HOWELL
Commissioner, Fifth District

ATTEST:

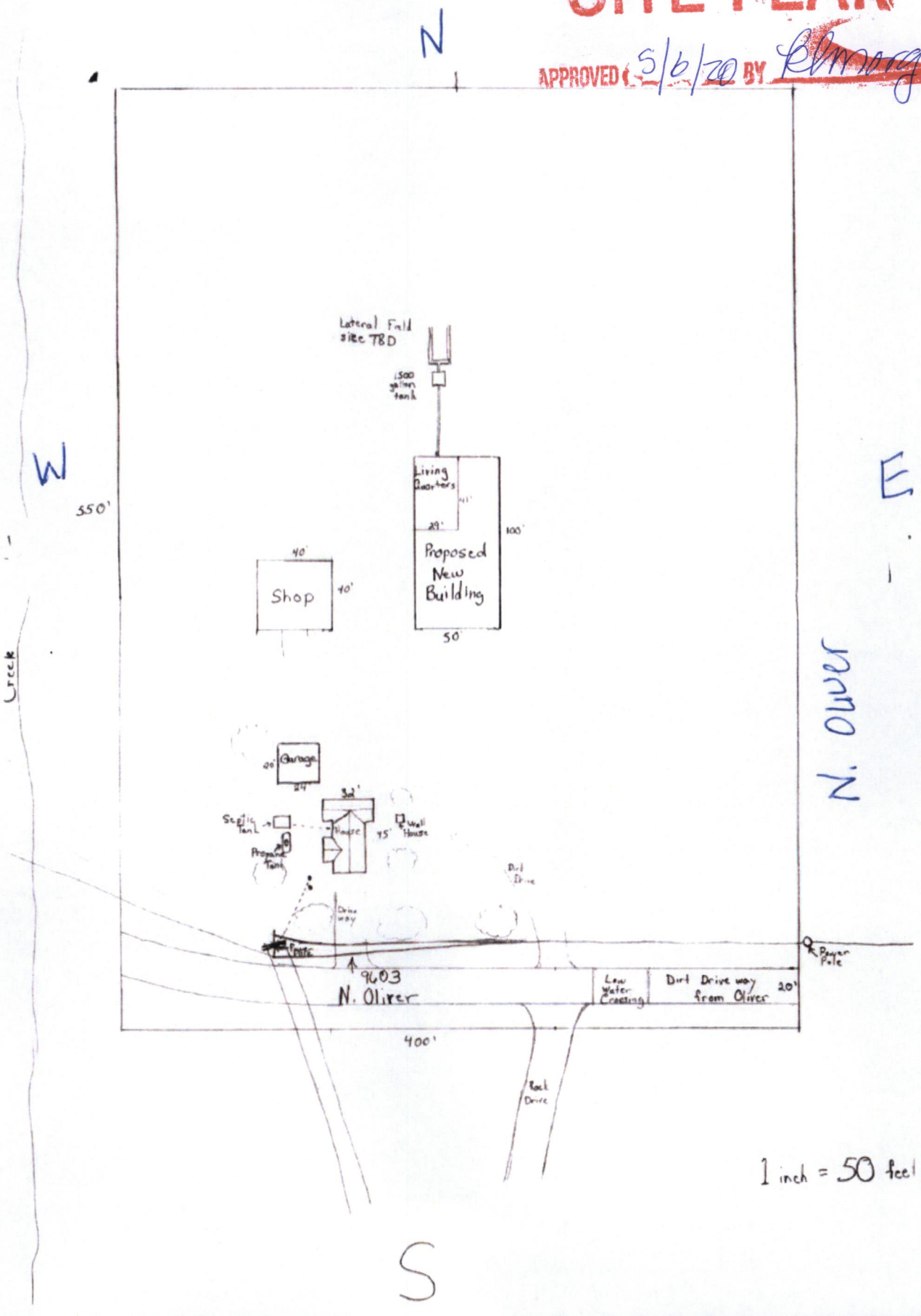
KELLY B. ARNOLD, County Clerk

APPROVED AS TO FORM:

JUSTIN M. WAGGONER
Assistant County Counselor

# SITE PLAN

APPROVED 5/6/20 BY Elmonga




1 inch = 50 feet