



Wichita-Sedgwick County Metropolitan Area Planning Department

June 30, 2022

Linda and Robert Kromer
649 North Brookhaven Drive
Wichita, KS 67230

RE: CON2022-00011: City Conditional Use for an Accessory Apartment on property zoned SF-5 Single Family Residential; generally located in Wichita approximately 1,215 feet west of the intersection of North 159th Street East and East Sharon Drive (649 North Brookhaven Drive).

Dear Applicant;

At its regular meeting on June 16, 2022, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request with the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 649 N. Brookhaven Drive) and the ownership shall not be divided or sold as condominium.
2. Development of the site shall be in conformance with the approved site plan.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
4. 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.
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 Accessory Apartment.
6. If the Zoning Administrator finds 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.

Property owners opposed to the application may file with the City 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 June 30, 2022.** 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 City Clerk by **June 30, 2022 at 5:00 p.m.**

If there are no protests, the MAPC's approval is final. If there are protests, this application will be presented to the Wichita City Council on **Tuesday, July 19, 2022** beginning at 9:00 a.m.

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,

Mary M. Hunt, AICP
Principal Planner

Copies to: MABCD
Becky Tuttle Council Member District II
Cory Buchta, CSR District II
Mark Waldie, Southwestern Remodeling

CONDITIONAL USE RESOLUTION NO. CON2022-00011

WHEREAS, Linda and Robert Kromer, Owners, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential located at 649 North Brookhaven Drive legally describes as:

Lot 10, Block 1, Brookhaven Estates Addition, Sedgwick County, Kansas, TOGETHER WITH Lot 9, Block 1, Brookhaven Estates Addition, Sedgwick County, Kansas, except that part described as follows: Beginning at a point on the west line of said Lot 9 which is 54.64 feet north of the southwest corner of said Lot 9; thence northeasterly to a point on the east line of Lot 9, Block 1, which is 60.00 feet north of the southeast corner of said Lot 9; thence south on said east line, 60.00 feet to said southeast corner; thence southwesterly, on the south line of said Lot 9, a distance of 220 feet to the southwest corner of said Lot 9; thence north, on the west line of said Lot 9, a distance 54.64 feet to the point of the beginning

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 June 16, 2022, 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 to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential located at 649 N. Brookhaven Drive legally described as:

Lot 10, Block 1, Brookhaven Estates Addition, Sedgwick County, Kansas, TOGETHER WITH Lot 9, Block 1, Brookhaven Estates Addition, Sedgwick County, Kansas, except that part described as follows: Beginning at a point on the west line of said Lot 9 which is 54.64 feet north of the southwest corner of said Lot 9; thence northeasterly to a point on the east line of Lot 9, Block 1, which is 60.00 feet north of the southeast corner of said Lot 9; thence south on said east line, 60.00 feet to said southeast corner; thence southwesterly, on the south line of said Lot 9, a distance of 220 feet to the southwest corner of said Lot 9; thence north, on the west line of said Lot 9, a distance 54.64 feet to the point of the beginning

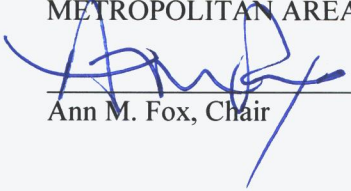
Approved subject to the following conditions:

- 1) The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (Located at 649 North Brookhaven Drive) and the ownership shall not be divided or sold as a condominium.
- 2) Development of the site shall be in conformance with the approved site plan.
- 3) The appearance of the accessory Apartment shall be compatible with the main dwelling unit and with the character of the neighborhood.
- 4) 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.
- 5) This applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submission of plans for review and approval by the MABCD for the Accessory Apartment.
- 6) 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 24 Day of October 2022.

METROPOLITAN AREA PLANNING COMMISSION


Ann M. Fox, Chair

ATTEST:


Scott Wadle, Secretary



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	266020	WIC-5-26-2022	OCA 150004	\$117.60	1	14.00 in

Attention: Betsy Pagán
 CITY OF WICHITA/PLANNING DEPT
 271 WEST THIRD ST., 2ND FL, SU 203
 WICHITA, KS 67202

Copy of ad content
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In The STATE OF KANSAS
 In and for the County of Sedgwick

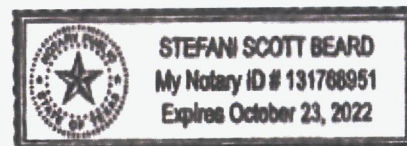
No. of Insertions: 1
 Beginning Issue of: 05/26/2022
 Ending Issue of: 05/26/2022

STATE OF KANSAS)
 SS
 County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeseth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 05/26/2022 to 05/26/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
 DATED: 05/26/2022

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

LEGAL PUBLICATION

OCA 159004
PUBLISHED IN THE WICHITA EAGLE
ON MAY 26, 2022 (627033)
(One Time Only)

MAPC/BZA June 16, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, June 16, 2022, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

CON2022-00011: Conditional Use request in the City for an Accessory Apartment located approximately one-quarter mile north of East Central Avenue and approximately one-quarter mile West of North 159th Street East (649 N. Brookhaven Dr.)

CON2022-00013: Conditional Use request in the City for an Accessory Apartment on property zoned SF-5 Single-Family Residential located 500 feet South of East 2nd Street North and 1,700 feet East of North Oliver Avenue (250 North Old Manor Road).

CON2022-00015: Conditional Use request in the City to allow an Accessory Apartment; generally located one-quarter mile West of North Broadway Avenue and one-quarter mile North of West 29th Street North (3135 N. Wellington Place).

PUD2022-00012: Zone change request in the City from LI Limited Industrial to PUD Planned Unit Development for mixed-use development on property located within one block North of West Douglas Avenue and one-half mile West of North Seneca Street (130 - 200 N Millwood Avenue).

VAC2022-00017: Vacation request in the City to vacate a platfiled 8-foot easement on SF-5 Single-Family Residential zoned property; generally located one-quarter mile North of East Pawnee Avenue and two blocks East of South Hillside Avenue (3437 E Kinkaid Ct.).

ZON2022-00028: Zone Change request in the City from IP Industrial Park to TF-3 Two-Family Residential and amendment to Protective Overlay #247 to remove land from the Protective Overlay on property located one-half mile South of West 31st Street South and within one-quarter mile East of South 119th Street West.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time
You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Table with 2 columns: Field (Email, Mailing Address, Phone, Fax) and Value (Planning@wichita.gov, Wichita-Sedgwick County Metropolitan Area Planning Department, Attn: Scott Wadle, 271 W. 3rd Street - Suite 201, Wichita, KS 67202, 316.268.4421, 316.858.7764)

Participate Remotely
Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/651544141

You can also dial in using your phone.
United States: +1 (571) 317-3117
Access Code: 651-544-141

Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141
New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/651544141

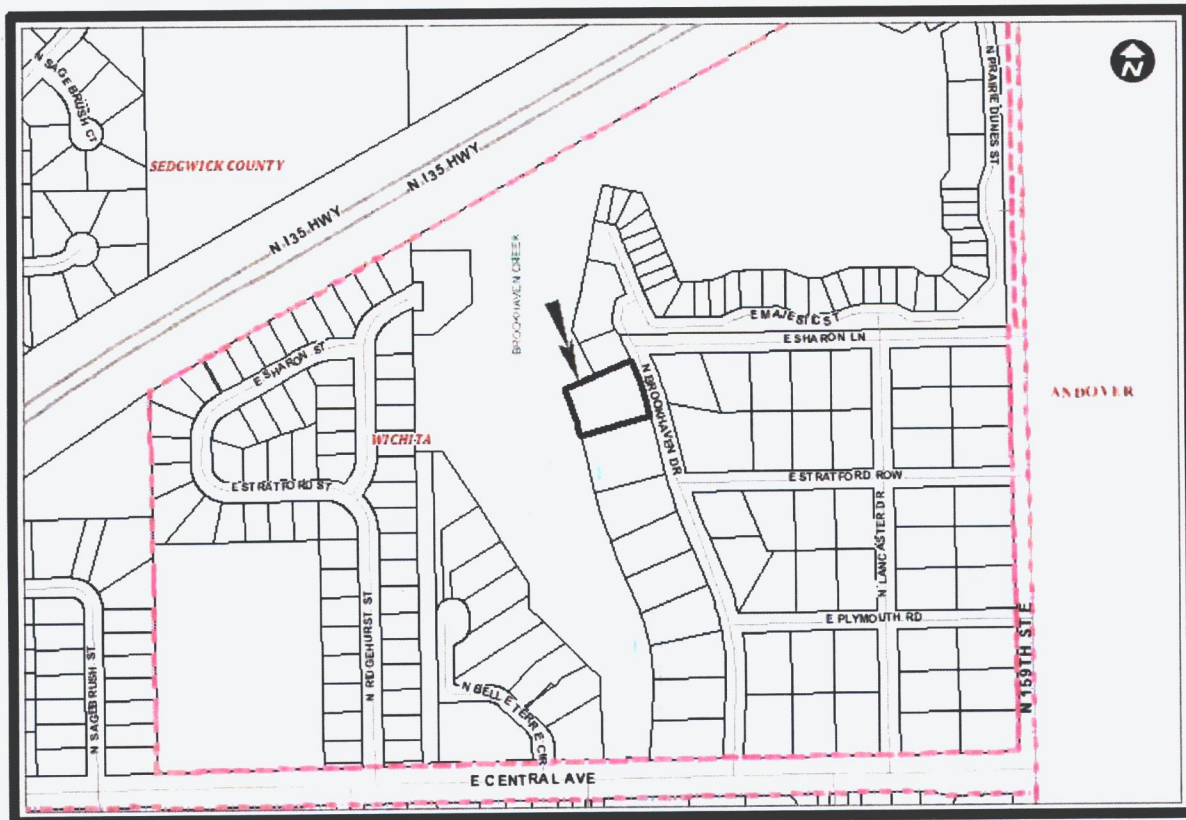
Attend In-Person
You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on May 26, 2022
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission



STAFF REPORT
MAPC June 16, 2022
DAB II June 13, 2022

- CASE NUMBER:** CON2022-00011 (City)
- APPLICANT/OWNER:** Linda and Robert Kromer
- REQUEST:** Conditional Use request for an Accessory Apartment
- CURRENT ZONING:** SF-5 Single-Family Residential
- SITE SIZE:** 0.84 acres
- LOCATION:** Generally located in Wichita approximately 1,215 feet west of the intersection of North 159th Street East and East Sharon Drive. (649 North Brookhaven Drive)
- PROPOSED USE:** Accessory Apartment
- RECOMMENDATION:** Approve with conditions



BACKGROUND: The applicant is requesting a Conditional Use to build an Accessory Apartment within an existing pole barn, in the SF-5 Single-Family Residential zoning district. The property is addressed as 649 North Brookhaven Drive, which is generally located 1,215 feet west of the intersection of North 159th St. East and East Sharon Lane. The site is currently developed with a single-family home, and a pole barn structure in the back yard. The pole barn structure will house the Accessory Apartment in a portion of the structure. The primary residence was built in 1992.

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.

Regarding regulation #2 related to the appearance of the Accessory Apartment being compatible with the main dwelling unit and with the character of the neighborhood; the pole barn in which the Accessory Apartment had a building permit issues in July 2021 and has since expired. The Framing permit remains to be done along with the final Certificate of Occupancy. In Staff’s opinion, adding a dwelling unit within the existing structure does not detract from the appearance of the neighborhood as the exterior of the existing structure is not changing.

Properties within the Brookhaven Estates Addition are approximately one-half acre or more in size. Properties on the north, south, and east are all zoned SF-5 Single-Family Residential and developed with single-family homes. Property to the west is zoned SF-5 and developed as a golf course. Properties to the north of Brookhaven Estates subdivision are a combination of SF-Single-Family Residential, TF-3 Two-Family Residential, and MF-18 Multi-Family Residential on smaller scale lots.

CASE HISTORY: In 1954, the site was platted as part of the Brookhaven Estates Addition.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-Family residences
SOUTH:	SF-5	Single-Family residences
WEST:	SF-5	Golf Course
EAST:	SF-5	Single-Family residences

PUBLIC SERVICES: North Brookhaven Drive is a two-way, paved local street with no sidewalks. The Brookhaven Estates Addition has municipal water and sewer. Wichita Transit does not serve this area with regular transit service.

CONFORMANCE TO PLANS/POLICIES: The requested Accessory Apartment is in conformance with the following plans.

The Community Investments Plan: The requested Accessory Apartment is in conformance with the goals of the Community Investment Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area in which the site is located to be appropriate for residential uses and identifies Accessory Apartments as appropriate in existing residential areas if appropriate site design limits adverse impacts on surrounding residential uses.

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 (located at 649 N. Brookhaven Drive) and the ownership shall not be divided or sold as a condominium.
- (2) Development of the site shall be in conformance with the approved site plan
- (3) The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
- (4) 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.
- (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 Accessory Apartment.
- (6) 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:** Properties in three directions (north, south, and east) are zoned SF-5 Single-Family Residential. To the west of the property is a reserve area and detention basin. Farther west across the reserve area is another subdivision of SF-5, Single Family homes. The residential development within Brookhaven Estates Addition is on large urban lots of approximately one-half acre or larger. The pole barn in which the Accessory Apartment will be located has existed as part of the neighborhood for some time. In Staff's opinion, adding a dwelling unit within the existing structure does not detract from the appearance of the neighborhood as the exterior of the existing structure is not changing.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned SF-5 Single-Family Residential which allows the development of single-family residences. 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 spaces.
- (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 unanticipated detrimental impacts.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The proposed Conditional Use is in conformance with the *Community Investments Plan* as discussed in the staff report.
- (5) **Impact of the proposed development on community facilities:** Community facilities may not be significantly impacted by the Accessory Apartment located in an additional accessory structure. The property is served by municipal water and sewer.

Attachments:

- | | |
|---------------|--|
| 1. Site Plan | 4. Community Investments Plan Land Use Map |
| 2. Aerial Map | |
| 3. Zoning Map | 5. Site Photos |

REVISIONS

REMODELING OF RESIDENCE FOR: KROMER

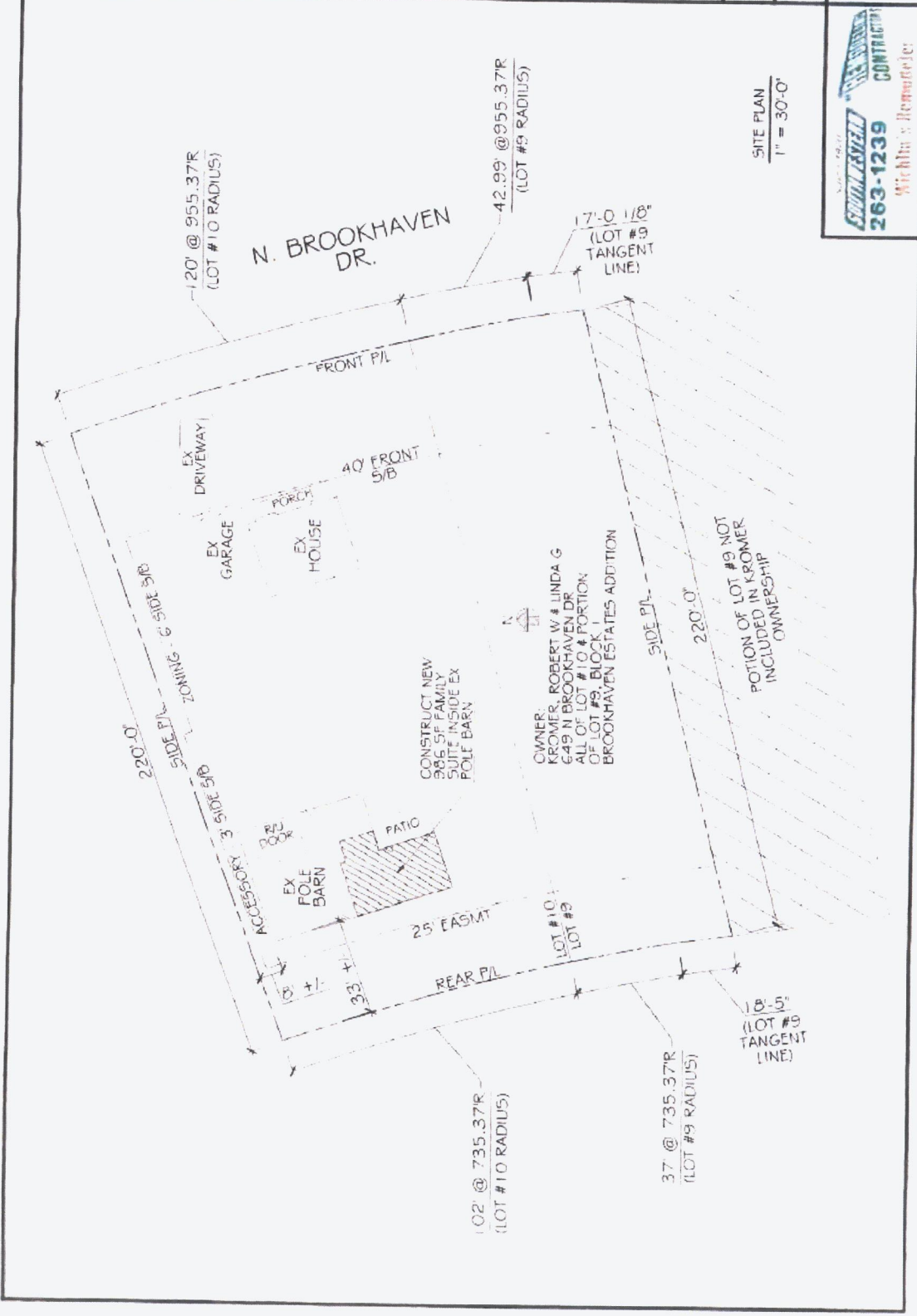
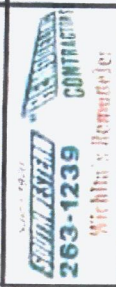
SAN ELIZABETH
ARCHITECTS
P.C.
PH: 318.263.1229
FX: 318.263.6230
LICENSE # 732

DATE
4-20-22

DRAWN BY
MW

SHEET NO

S-1
1 OF 3







EAST SIDE-EAVE SIDE 2 ELEVATION



Wyle Kramer
Professional Number: 1433
714.227.7171

Subject Property – 649 N. Brookhaven Dr.



1. Subject home



2. Subject home from south side; Accessory Apartment in the rear



3. Home across street from subject home



4. Brookhaven Dr. looking south



*5. Brookhaven Dr. and E. Sharon Ln.
looking east*



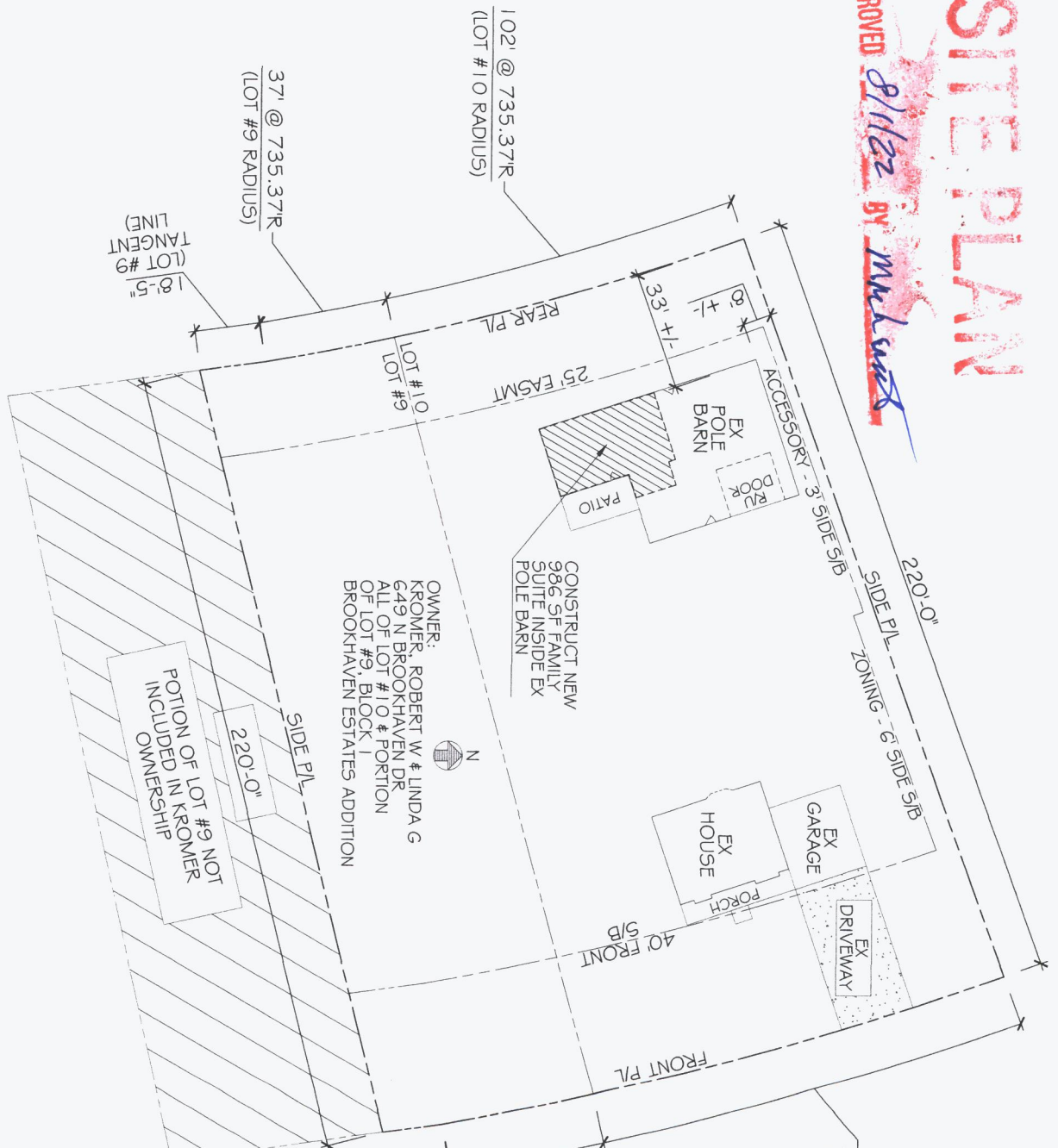
*6. Adjacent subdivision north of subject
parcel*

SITE PLAN

APPROVED

8/1/22

BY *M. W. W.*



SITE PLAN
1" = 30'-0"

Since 1970
SOUTHWESTERN
263-1239
Wichita's Remodeler

CONTRACTORS

SHEET NO. 5-1
1 OF 3

DATE 4-20-22
DRAWN BY MW
134 N. ELIZABETH
WICHITA, KS 67203
PH 316.263.1239
FX 316.263.6230
LICENSE # 752

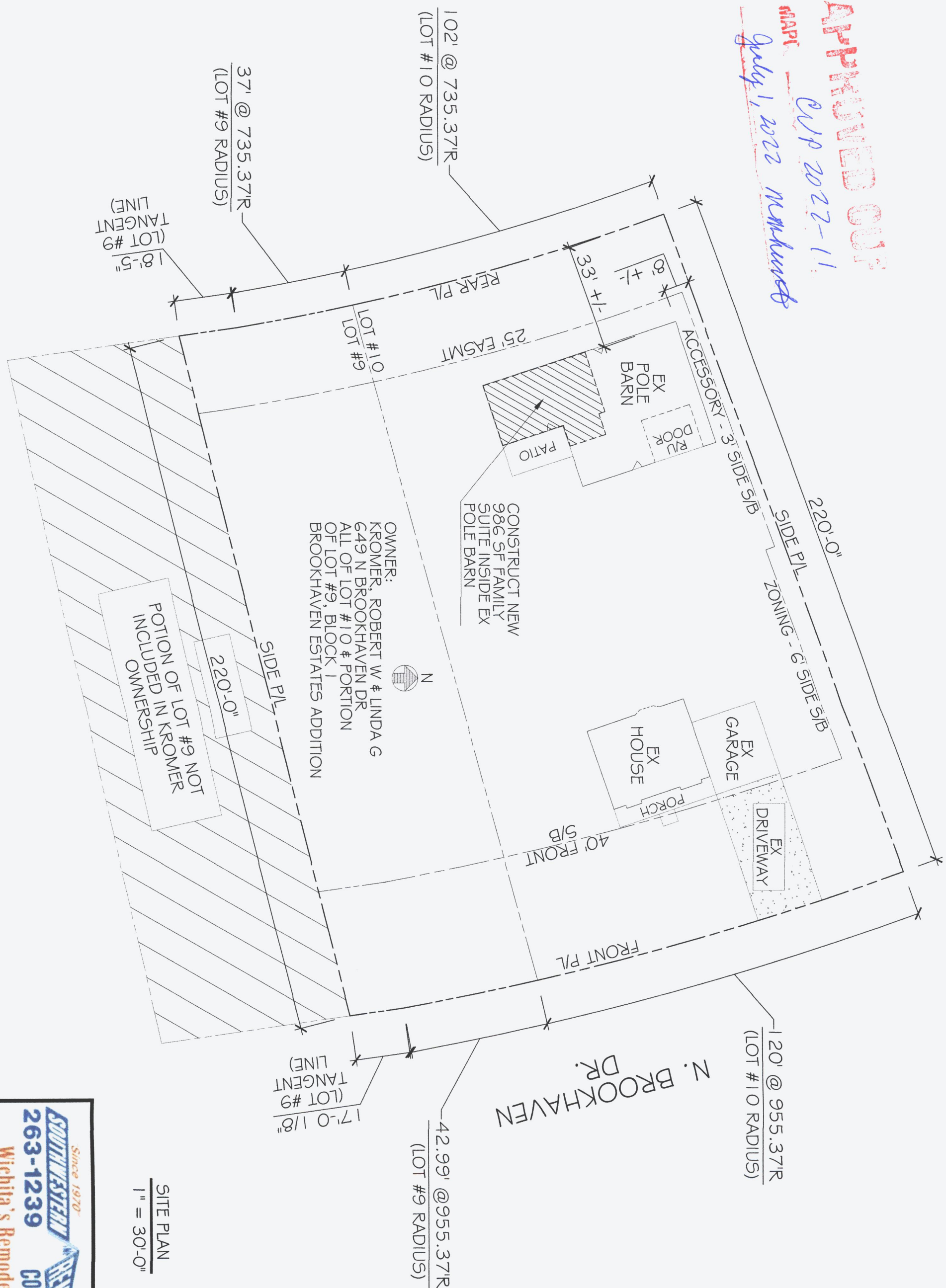
REMODELING OF RESIDENCE FOR:
KROMER

REVISIONS

APPROVED

CIP 2022-11

MAPT
July 1, 2022 *Murkowski*



REVISIONS

REMODELING OF RESIDENCE FOR:
KROMER

134 N. ELIZABETH
WICHITA, KS
67203

PH 316.263.1239
FX 316.263.6230
LICENSE # 752

DATE
4-20-22
DRAWN BY
MW

SHEET NO.

S-1
1 OF 3

Since 1970
SOUTHWESTERN REMODELING CONTRACTORS
263-1239
Wichita's Remodeler

SITE PLAN
1" = 30'-0"