



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

June 7, 2023

Christopher Sharp  
19103 West 109<sup>th</sup> Street North  
Wichita, KS 67135

**RE: CON2023-00009:** Conditional Use request in the County to permit an Accessory Apartment on property zoned RR Rural Residential District; generally located south of West 109th Street North and approximately one-half mile west of North 183rd Street West (19103 West 109th Street North).

Dear Applicant;

At its regular meeting on **June 7, 2023**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BOCC was to recommend **APPROVE** the request with the following conditions:

- (1) The applicant shall submit an Administrative Adjustment to reduce the rear setback of the subject accessory apartment. The Administrative Adjustment shall be approved prior to the issuance of building permits for the Accessory Apartment.
- (2) 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. The exterior materials are to be complimentary to the main structure.
- (3) Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
- (5) Development and maintenance of the site shall be in conformance with the approved site plan.
- (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.

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

Sincerely,

A handwritten signature in black ink that reads 'Christina Rieth'.

Christina Rieth  
Associate Planner



## Wichita-Sedgwick County Metropolitan Area Planning Department

April 27, 2023

Christopher Sharp  
19103 West 109<sup>th</sup> Street North  
Wichita, KS 67135

**RE: CON2023-00009:** Conditional Use request in the County to permit an Accessory Apartment on property zoned RR Rural Residential District; generally located south of West 109th Street North and approximately one-half mile west of North 183rd Street West (19103 West 109th Street North).

Dear Applicant;

At its regular meeting on **April 27, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request with the following conditions:

- (1) The applicant shall submit an Administrative Adjustment to reduce the rear setback of the subject accessory apartment. The Administrative Adjustment shall be approved prior to the issuance of building permits for the Accessory Apartment.
- (2) 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. The exterior materials are to be complimentary to the main structure.
- (3) Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
- (5) Development and maintenance of the site shall be in conformance with the approved site plan.
- (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.

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 May 11, 2023. 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 1000 feet of the property for which the application was filed, and must be submitted to the County Clerk by May 11, 2023 at 5:00 p.m.

As a reminder, on **Monday, May 1, 2023**, the Citizens Advisory Board (CAB) District 3 will consider this item. This meeting is held at the Goddard District Conference Center, located at 315 South Main Street, Goddard, and begins at 7:00 p.m.

To ensure that Conditional Use applications would not be ruled invalid due to the recent American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas, the Planning Department is sending Conditional Use cases to the respective Governing Body for action. To do this, the Planning Director is submitting an appeal for all Conditional Use applications, per UZC Sec. V.A.5. This application will be considered by the Board of County Commissioners on **Wednesday, June 7, 2023** beginning at 9:00 a.m.

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

Sincerely,

A handwritten signature in black ink that reads "Christina Rieth". The script is cursive and fluid.

Christina Rieth  
Current Plans  
Associate Planner

Copies to:           MABCD  
                          David Dennis, Citizen Advisory Board District 3



**A RESOLUTION TO APPROVE A CONDITIONAL USE FOR AN ACCESSORY APARTMENT ON PROPERTY ZONED RR RURAL RESIDENTIAL, 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-D AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.**

**WHEREAS**, Christopher Sharp, (Applicant) 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 in the County, on property zoned Rural Residential at 19103 West 109th Street North, and legally described as:

A tract in the Northeast Quarter of Section 17, Township 25 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas: Beginning at the Northwest corner of said Northeast Quarter; thence East along the North line of said Northeast Quarter for 660.0 feet; thence South parallel with the West line of said Northeast Quarter for 598.0 feet; thence West parallel with the North line of said Northeast Quarter for 573.0 feet; thence Northwesterly for 88 feet, more or less, to the West line of said Northeast Quarter; thence North for 583.0 feet to the point of 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 April 27, 2023, consider said application; and

**WHEREAS**, the Board of County Commissioners 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 Board of County Commissioners that:

**SECTION I.** After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under the authority granted by Section V-D of the Unified Zoning Code, the Board of County Commissioners approves this application to allow a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 19103 West 109th Street North, and legally described as:

A tract in the Northeast Quarter of Section 17, Township 25 South, Range 2 West of the 6th P.M., Sedgwick County, Kansas: Beginning at the Northwest corner of said Northeast Quarter; thence East along the North line of said Northeast Quarter for 660.0 feet; thence South parallel with the West line of said Northeast Quarter for 598.0 feet; thence West parallel with the North line of said Northeast Quarter for 573.0 feet; thence Northwesterly for 88 feet, more or less, to the West line of said Northeast Quarter; thence North for 583.0 feet to the point of beginning.



Approval of the application is subject to the following conditions:

1. The applicant shall submit an Administrative Adjustment to reduce the rear setback of the subject accessory apartment. The Administrative Adjustment shall be approved prior to the issuance of building permits for the Accessory Apartment.
2. 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. The exterior materials are to be complimentary to the main structure.
3. Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
4. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
5. Development and maintenance of the site shall be in conformance with the approved site plan.
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.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such zoning change 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 be effective upon publication in the official county newspaper.

*[Remainder of page intentionally left blank]*

Commissioners present and voting were:

PETER F. MEITZNER  
SARAH LOPEZ  
DAVID T. DENNIS  
RYAN K. BATY  
JAMES M. HOWELL

*aye*  
*aye*  
*aye*  
*aye*  
*aye*

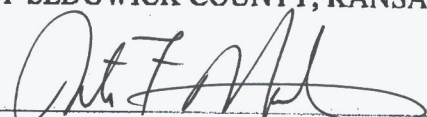
Dated this 7 day of June, 2023.

ATTEST:

  
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

  
PETER F. MEITZNER, Chairman  
Commissioner, First District

  
JAMES M. HOWELL, Chair Pro Tem  
Commissioner, Fifth District

APPROVED AS TO FORM:

  
KIRK W. SPONSEL  
Assistant County Counselor

  
SARAH LOPEZ  
Commissioner, Second District

  
DAVID T. DENNIS  
Commissioner, Third District

  
RYAN K. BATY  
Commissioner, Fourth District



# Public notice

(Published in The Ash Valley News June 15, 2023.)

RESOLUTION NO. 112-2023

A RESOLUTION TO APPROVE A CONDITIONAL USE FOR AN ACCESSORY APARTMENT ON PROPERTY ZONED R1 RURAL, RESIDENTIAL, GENERAL LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDWICK COUNTY UNIFIED ZONING CODE, SECTION VAO AS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984, AND SUBSEQUENTLY AMENDED.

WHEREAS, Christopher Sheng (Applicant) proposed in Section VAO of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as the Unified Zoning Code), a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 19103 West 109th Street North, and legally described as:

A tract in the Northeast Quarter of Section 17, Township 25 South, Range 2 West of the 8th P.M., Sedgwick County, Kansas. Beginning at the Northwest corner of said Northeast Quarter, thence East along the North line of said Northeast Quarter for 660.0 feet; thence South parallel with the West line of said Northeast Quarter for 698.0 feet; thence West parallel with the North line of said Northeast Quarter for 572.0 feet; thence Northeastly for 80.0 feet; or so much of the North line of said Northeast Quarter, thence North for 650.0 feet to the point of 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 April 27, 2023, consider said application; and

WHEREAS, the Board of County Commissioners 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 Board of County Commissioners that:

SECTION I. After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has recommended that the Conditional Use be approved, the Board of County Commissioners approves the application to allow a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 19103 West 109th Street North, and legally described as:

A tract in the Northeast Quarter of Section 17, Township 25 South, Range 2 West of the 8th P.M., Sedgwick County, Kansas. Beginning at the Northwest corner of said Northeast Quarter, thence East along the North line of said Northeast Quarter for 660.0 feet; thence South parallel with the West line of said Northeast Quarter for 698.0 feet; thence West parallel with the North line of said Northeast Quarter for 572.0 feet; thence Northeastly for 80.0 feet; or so much of the North line of said Northeast Quarter, thence North for 650.0 feet to the point of beginning.

Approval of the application is subject to the following conditions:

1. The applicant shall submit an Administrative Adjustment to resolve the use of the subject accessory apartment. This Administrative Adjustment shall be approved prior to the issuance of building permits for the Accessory Apartment.

2. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence and the owner-ship shall not be divided or sold as a condominium. The exterior materials are to be complementary to the main structure.

3. Water and sewer services shall be connected to the main structure and provided in accordance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas, telephones and cable television utility services may be provided as separate utility services.

4. The applicant shall obtain all applicable permits including, but not limited to, building, health and safety. This will include submitting plans for review and approval by the MAPC.

5. Development and maintenance of the site shall be in conformance with the approved site plan.

6. If the Zoning Administrator finds that there is a violation of any of the conditions of this Resolution, 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 applicant shall comply with all the provisions of the Unified Zoning Code and MAPC on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall be effective upon publication in the official county newspaper.

Consolidation provided and using same

FRANK E. LARSEN  
KARL L. LARSEN  
RYAN E. LARSEN  
KARL E. LARSEN

Printed on 7 May of 2023

BOARD OF COUNTY COMMISSIONERS  
SEDGWICK COUNTY, KANSAS  
OFFICE OF THE CLERK  
19103 West 109th Street North  
Wichita, Kansas 67225

APPROVED AS TO FORM  
AND CONTENTS  
BY THE CLERK  
OF SEDGWICK COUNTY  
KANSAS  
DATE: 5/25/23  
BY: [Signature]  
CLERK OF SEDGWICK COUNTY, KANSAS

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, 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 yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center 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 consecutive weeks, the first publication thereof being made as aforesaid on the 15th day of June, 2023, with subsequent publications being made on the following dates:

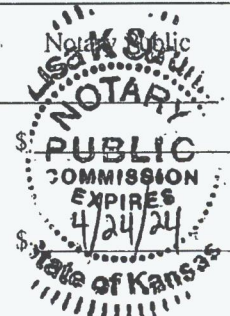
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023

Subscribed and sworn to before me this 15th day of June, 2023.

My commission expires \_\_\_\_\_

Additional copies \$ \_\_\_\_\_

Printer's fee \$ \_\_\_\_\_





# Public notice

(Published in The Ark Valley News  
April 6, 2023.) TDFyV0xPVDBXUT09

## MAPC April 27, 2023 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, April 27, 2023, 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 at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end 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.

**CON2023-00009:** Conditional Use request in the County to permit an Accessory Apartment on property zoned RR Rural Residential District; generally located south of West 109th Street North and approximately one-half mile west of North 183rd Street West (19103 West 109th Street North).

**ZON2023-00014:** Zone change request in the County from RR Rural Residential District to GC General Commercial District to bring an existing property into compliance; generally located on the south side of West 23rd Street South and 400 feet east of West 167th Street South (11625 West 23rd Street South).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. 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.

### Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

**Participate Virtually**  
Join Zoom Meeting  
<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySIBNbFJQ>

Meeting ID: 408 986 6967

Passcode: 094136

One tap mobile

+16699006833,,4089866967#,,

,094136# US (San Jose)

+17193594580,,4089866967#,,

,094136# US

Meeting ID: 408 986 6967

Passcode: 094136

Find your local number: <https://us06web.zoom.us/j/kc65codfb1>

### Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. 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.

### 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.

Email [Planning@wichita.gov](mailto:Planning@wichita.gov)  
Mailing Address Wichita -  
Sedgwick County Metropolitan Area  
Planning Department  
**Attn: Scott Wadle**  
271 W. 3rd Street - Suite 201  
Wichita, KS 67202  
Phone 316.268.4421  
Fax 316.858.7764

WITNESS MY HAND on April 6,  
2023

Scott Wadle, Secretary  
Wichita Sedgwick County  
Metropolitan Area Planning  
Commission

# Affidavit of Publication

STATE OF KANSAS.  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, 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 yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterrupted in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center 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 consecutive weeks, the first publication thereof being made as aforesaid on the 6th day of April, 2023, with subsequent publications being made on the following dates:

\_\_\_\_\_, 2023 \_\_\_\_\_, 2023

\_\_\_\_\_, 2023 \_\_\_\_\_, 2023

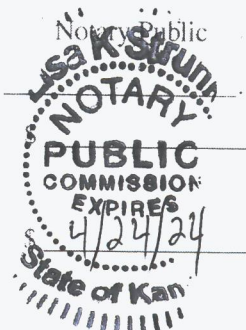
\_\_\_\_\_, 2023 \_\_\_\_\_, 2023

Subscribed and sworn to before me this 6th day of April, 2023.

My commission expires

Additional copies

Printer's fee





**STAFF REPORT**  
 MAPC: April 27, 2023  
 CAB 3: May 1, 2023

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**CASE NUMBER:** CON2023-00009 (County)

**APPLICANT/OWNER:** Christopher Sharp (Applicant)

**REQUEST:** Conditional Use to permit an Accessory Apartment

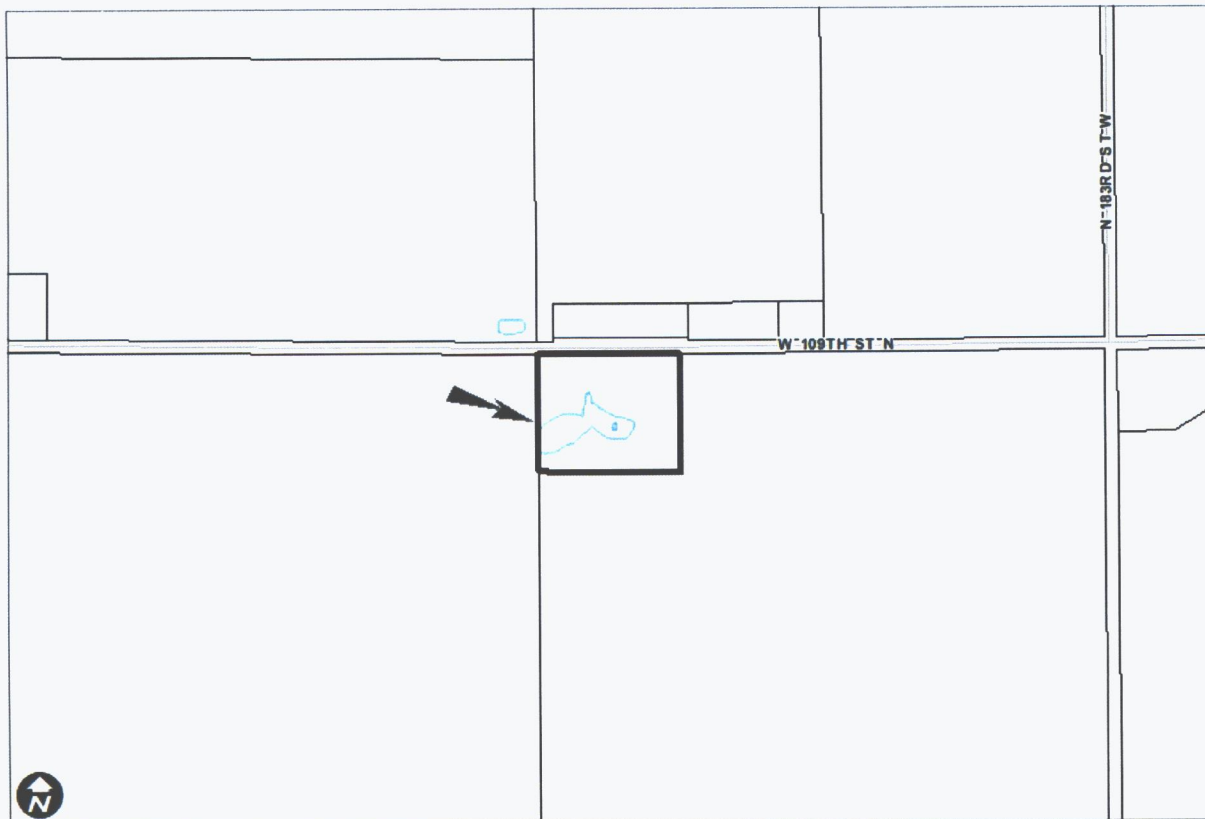
**CURRENT ZONING:** RR Rural Residential

**SITE SIZE:** 8.49 acres

**LOCATION:** Generally located on the south side of West 109<sup>th</sup> Street North, west of North 183<sup>rd</sup> Street West (19103 West 109<sup>th</sup> Street).

**PROPOSED USE:** Accessory Apartment

**RECOMMENDATION:** Approval with conditions.



**BACKGROUND:** The applicant is requesting a Conditional Use to allow an Accessory Apartment on property zoned RR Rural Residential District. The 8.49-acre subject site is generally located on the south side of West 109<sup>th</sup> Street North, west of North 183<sup>rd</sup> Street West (19103 West 109<sup>th</sup> Street). This unplatted lot is developed with a two-story, single-family residence, two detached one-story garages, and a small shed.

The applicant proposes to convert one of the existing garages into an Accessory Apartment. A site plan illustrates that access to the proposed Accessory Apartment will be via an existing dirt access road from West 109<sup>th</sup> Street North that is shared with the adjacent property. The existing garage measures 40 feet by 40 feet and has vertical metal siding, vinyl windows, two garage door openings, and a low-pitch front gable roof. The main structure similarly shares earth tone-colored siding and vinyl windows. It is staff's opinion that the proposed Accessory Apartment meets the Supplementary Use Regulation Art. III.Sec.III-D.6.a that "the appearance of an Accessory Apartment shall be compatible with the main dwelling unit and with the character of the neighborhood".

According to a survey submitted by the applicant, the existing garage that will be converted into an Accessory Apartment sits 2.4 feet from the rear property line and approximately 41 feet from the east property line. Therefore, before additional permits are issued, the applicant will need to file an Administrative Adjustment to reduce the rear setback and bring the structure into compliance.

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.

Properties north, east, south, and west are zoned RR Rural Residential and are in use as agricultural land.

**CASE HISTORY:** The property is unplatted. Section 3 of the Subdivision Regulations states that any expansion of residential uses is exempt from the platting process. There are no zoning cases associated with this property.

**ADJACENT ZONING AND LAND USE:**

|        |    |             |
|--------|----|-------------|
| NORTH: | RR | Agriculture |
| SOUTH: | RR | Agriculture |
| EAST:  | RR | Agriculture |
| WEST:  | RR | Agriculture |

**PUBLIC SERVICES:** West 109<sup>th</sup> Street North is a gravel, two-lane county arterial road with open ditches. The property uses a septic system, and water is provided by private well.

**CONFORMANCE TO PLANS/POLICIES:** The request for an Accessory Apartment is in conformance with the *Community Investments Plan*. The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as being in the Rural Growth Area on the 2035 Urban Growth Areas Map. This category "encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural based businesses, and larger lot residential exurban subdivision likely will be developed



in this area.”

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

- (1) The applicant shall submit an Administrative Adjustment to reduce the rear setback of the subject accessory apartment. The Administrative Adjustment shall be approved prior to the issuance of building permits for the Accessory Apartment.
- (2) 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. The exterior materials are to be complimentary to the main structure.
- (3) Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
- (5) Development and maintenance of the site shall be in conformance with the approved site plan.
- (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:** The character of the neighborhood is rural. Properties north, east, south, and west are zoned RR Rural Residential and are in use as agricultural land.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned RR Rural Residential which permits the existing single-family residence. The size of the property can easily accommodate a separate Accessory Apartment and the additional required parking space.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Staff does not anticipate that approval of the request will generate significant amounts of additional traffic and there is ample space for parking on site. The conditions of approval should minimize any potential detrimental impacts.
- (4) **Length of time subject property has remained vacant as zoned:** The subject property is not vacant. The property has been developed with a single-family residential dwelling since 1996.
- (5) **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** It is not anticipated that the requested Conditional Use will have an effect on the public health, safety, or welfare. Denial of the application may result in a loss of enjoyment for the applicant.
- (6) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and**

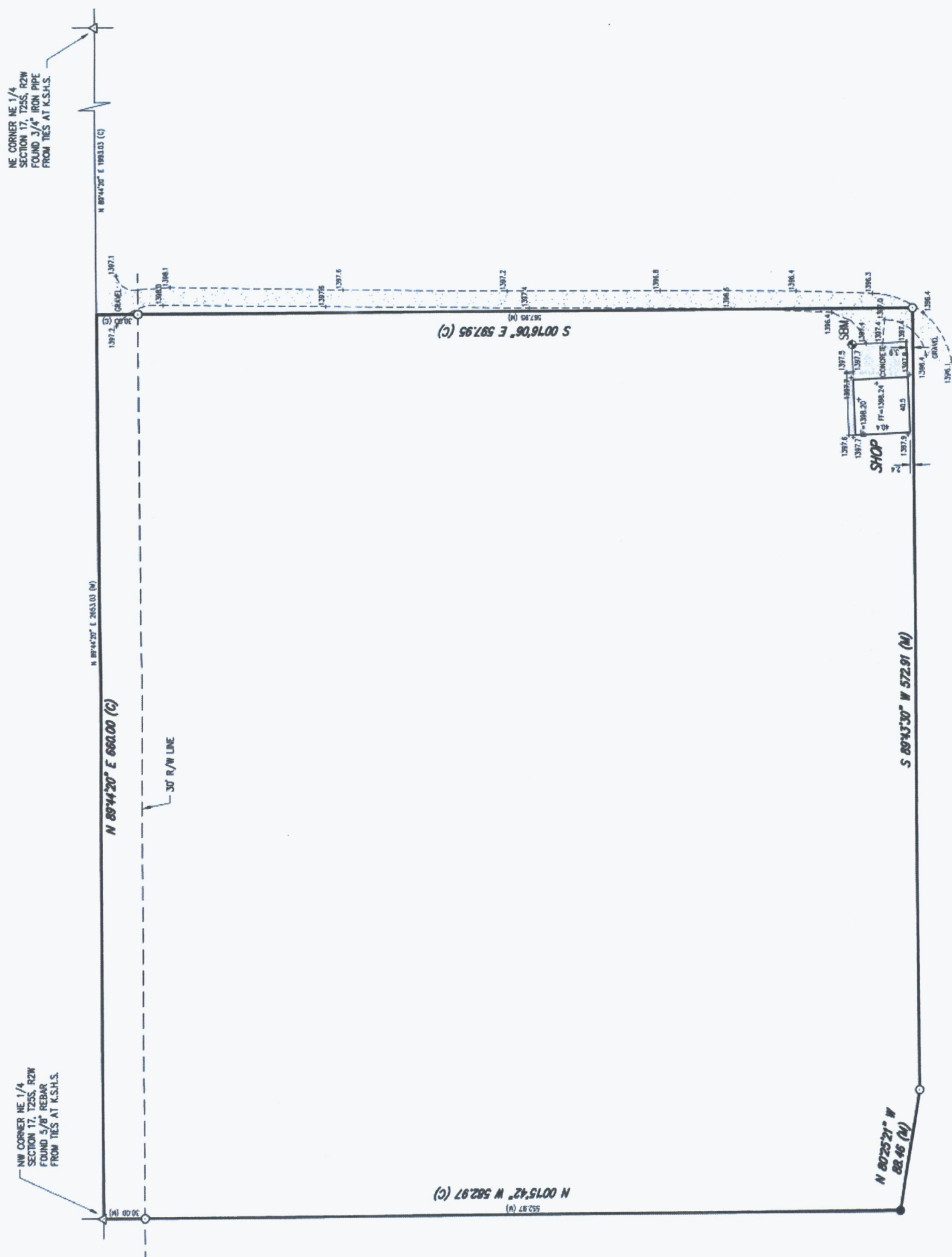
**policies:** The request for an Accessory Apartment is in conformance with the *Community Investments Plan*, as discussed in this staff report.

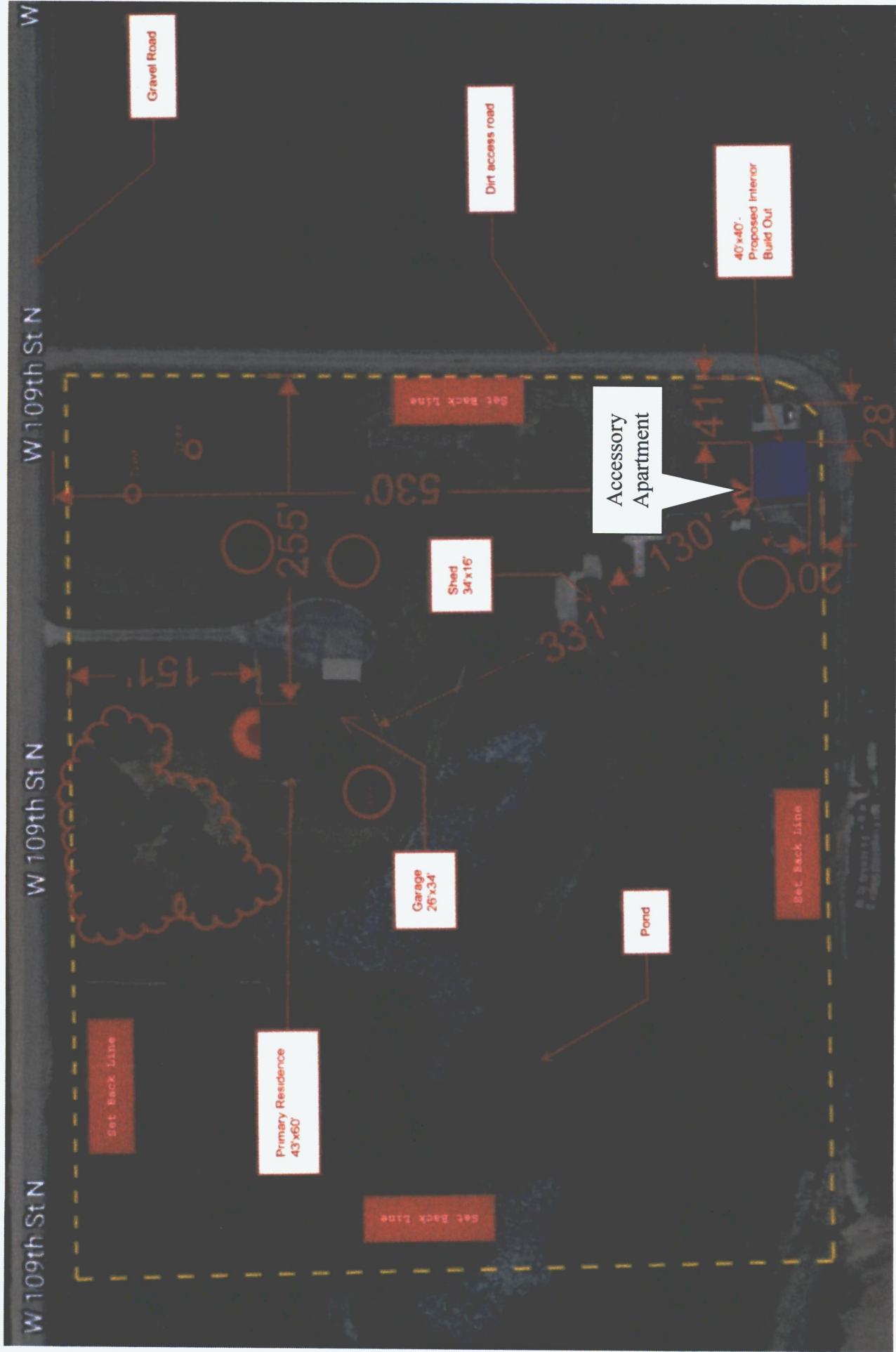
- (7) **Impact of the proposed development on community facilities:** Staff expect that there will be minimal impact on public roads and services.
- (8) **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff received one phone call from a neighbor that was concerned about the drainage.

Attachments:

1. Site Plans
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos



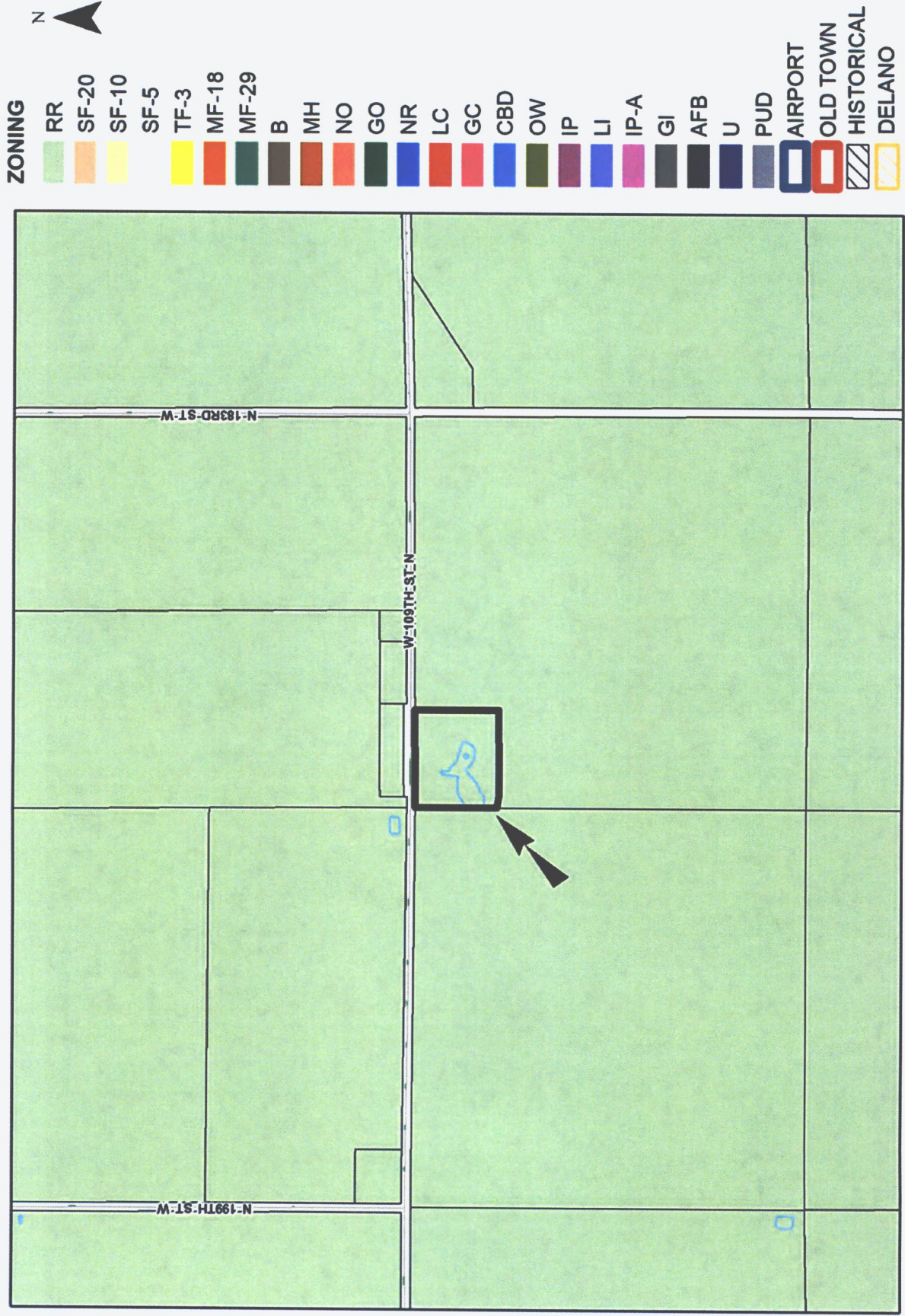












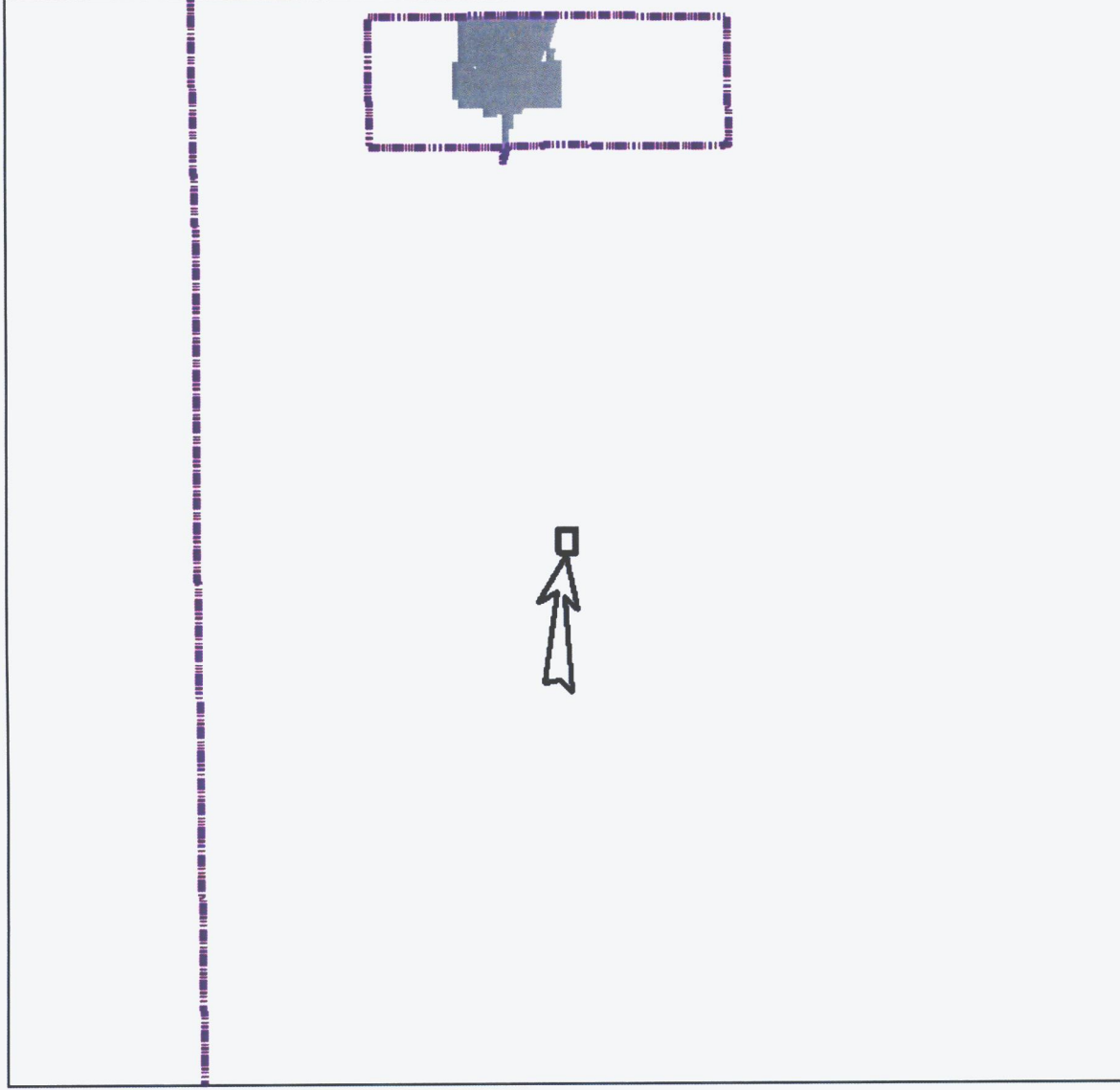
# 2035 Wichita Future Growth Concept Map

## Legend

- Established Central Area a
- Residential and Employment Mix
- New Employment
- New Residential
- Wichita City Limits
- Other Cities
- Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
- Other Urban Growth Areas 2014
- Rural Growth Areas 2014
- LAND USE**
- Residential
- Commercial
- Industrial
- Major Air Transportation & Military
- Parks and Open Space
- Agricultural or Vacant
- Major Institutional
- Nghbd\_Plan\_Areas

N

Source: City of Wichita, 2014





Looking south towards main structure



Looking west towards proposed Accessory Apartment



Looking north away from proposed Accessory Apartment



Looking south towards proposed Accessory Apartment





Looking east away from site



Looking north away from site



Looking north towards proposed Accessory Apartment



Looking northeast towards proposed Accessory Apartment



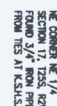


Looking south away from site



Looking west away from site





DESCRIPTION:  
A TRACT OF LAND IN THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 25 SOUTH, RANGE 2 WEST OF THE  
NINTH RANGE, NEBRASKA. THE TRACT LIES IN THE NORTHEAST CORNER OF SAID SECTION 17, BEING  
NORTHEAST QUARTER, THIRTEEN (13) EIGHTH (8) OF SAID SECTION 17, BEING NORTHWEST CORNER, THIRTEEN (13)  
THIRTEEN (13) SOUTH PARALLEL, WITH THE WEST LINE OF SAID NORTHEAST QUARTER FOR 30.0 FEET; THENCE  
PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER FOR 52.0 FEET; THENCE NORTHWEST-SOUTHWEST FOR  
30 FEET MORE OR LESS TO THE WEST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH FOR 30.0 FEET TO  
THE POINT OF BEGINNING, SAID TRACT CONTAINING 5.04 ACRES MORE OR LESS, SUBJECT TO EXISTING ROAD

- 1) SECTION OF CAR RECEIPTS YES FILED WITH THE KANSAS STATE HISTORICAL SOCIETY AND THE SEDGWICK COUNTY PUBLIC WORKS DEPARTMENT AS REQUIRED BY KSA 1987 SUPP. 36-2011.
- 2) NO TITLEWORK WAS PROVIDED BY CLIENT FOR SUBJECT PROPERTY. ALL EASEMENTS AND RIGHTS-OF-WAY AFFECTING SUBJECT PROPERTY MAY NOT BE SHOWN.

SITE BENCHMARK:  
 CHISELED "4" CUT ON THE NORTHEAST CORNER OF DRIVEWAY SLAB ON THE EAST  
 SIDE OF SHOP BUILDING APPROXIMATELY 44.6 FEET NORTH AND 26.8 FEET WEST  
 FROM THE SOUTHEAST CORNER OF SUBJECT PROPERTY.  
 ELEVATION=1397.45(MVD08)

FLOOD ZONE INFORMATION AS DETERMINED BY THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD INSURANCE RATE MAP FOR SEDGWICK COUNTY, KANSAS, COMMUNITY PANEL NUMBER 2017300456, EFFECTIVE DATE DECEMBER 22, 2016.

BASE FLOOD ELEVATION = 1397.0 (NAVD83) DETERMINED BY  
SCALING ON DFIRM CREATED UNDER MAPMOD PROGRAM

**SURVEYORS CERTIFICATE:**  
I HEREBY CERTIFY THAT THIS SURVEY WAS MADE UNDER MY SUPERVISION ON MARCH 6, 2023.

LLYD P. DORZWEILER, PS  
ALPHA LAND SURVEYS, INC.

**LLOYD P. DORZWELL SR.**  
LICENSED  
**885**

10/23/19 CMR



BASIS OF BEARINGS IS NAD83 GRID  
KANSAS SOUTH ZONE

**Alpha Land Surveys, Inc.**  
102 EAST 7TH AVENUE

HUTCHINSON, KANSAS 67501  
PH: (620) 728-0012 FAX: (620) 728-0413

|                         |                       |
|-------------------------|-----------------------|
| SURVEY DATE: 03/06/2023 | PLOT DATE: 03/31/2023 |
|-------------------------|-----------------------|

|                 |                    |
|-----------------|--------------------|
| DRAWN BY: RB    | PROJ. NO.: 230559F |
| CHECKED BY: LPD | SHEET 1 OF 1       |