Wichita-Sedgwick County Metropolitan Area Planning Department

August 24, 2023

Kristin Webb
9653 West Village Place
Maize, KS 67101

RE: **CON2023-00027:** Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential; generally located on the south side of West 69th Street North, within one-quarter mile west of North 183rd Street West (18801 W. 69th St. N.).

Dear Applicant;

At its regular meeting on **August 23, 2023**, the Sedgwick County Board of County Commissioners heard the above captioned request. The action of the BOCC 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 and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.

2. 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.

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

4. 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,

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD
David Dennis, Citizens Advisory Board for District 3

Wichita-Sedgwick County Metropolitan Area Planning Department

July 13, 2023

Kristin Webb
9653 West Village Place
Maize, KS 67101

RE: **CON2023-00027:** Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential; generally located on the south side of West 69th Street North, within one-quarter mile west of North 183rd Street West (18801 W. 69th St. N.).

Dear Applicant;

At its regular meeting on **July 13, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of 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 and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.

2. 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.

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

4. 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 **July 27, 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 **July 27, 2023 at 5:00 p.m.**

As a reminder, on **Monday, July 24, 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, August 23, 2023** beginning at 9:00 a.m.

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

Sincerely,

Christina Rieth
Current Plans
Associate Planner

Copies to: MABCD
David Dennis, Citizens Advisory Board for District 3

Published in The Ark Valley News on September 21st 2023

RESOLUTION NO. 188-2023

WHEREAS, Kristin Webb, (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 and waiver of Supplementary Use Regulation III.D.6.a.4, on property zoned Rural Residential at 18801 West 69th Street North, and legally described as:

> Beginning at the Northwest corner of the East Half of the Northeast Quarter of Section 8, Township 26 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas; thence on an assumed bearing of N88°03'20"E along the North line of said Northeast Quarter, 205 feet; thence S01°18'26"E parallel with the West line of said East Half of said Northeast Quarter, 462 feet; thence S88°03'20"W, 68 feet; thence S01°18'26"E, 53 feet; thence S88°03'20"W, 257 feet; thence N09°36'21"W, 519.60 feet; thence N88°03'20"E along the North line of said Northeast Quarter, 195 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 July 13, 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 (1) allow a Conditional Use for an Accessory Apartment in the County, and (2) waive Supplementary Use Regulation III.D.6.a.4, on property zoned Rural Residential at 18801 West 69th Street North, and legally described as:

> Beginning at the Northwest corner of the East Half of the Northeast Quarter of Section 8, Township 26 South, Range 2 West of the 6th Principal Meridian, Sedgwick County, Kansas; thence on an assumed bearing of N88°03'20"E along the North line of said Northeast Quarter, 205 feet; thence S01°18'26"E parallel with the West line of said East Half of said Northeast Quarter, 462 feet; thence S88°03'20"W, 68 feet; thence S01°18'26"E, 53 feet; thence S88°03'20"W, 257 feet; thence N09°36'21"W, 519.60 feet; thence N88°03'20"E along the North line of said Northeast Quarter, 195 feet to the point of beginning.

Approval of the application is subject to 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. The exterior materials are to be complimentary to the main structure.

2. 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.

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

4. 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.

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Commissioners present and voting were:

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

Dated this 23 day of August, 2023.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

CLERK OF SEDGWICK COUNTY KANSAS

PETER F. MEITZNER, Chairman
Commissioner, First District

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

APPROVED AS TO FORM:

KS

KIRK W. SPONSEL
Deputy County Counselor

SARAH LOPEZ
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

RYAN K. BATY
Commissioner, Fourth District

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 21st day of September, 2023, with subsequent publications being made on the following dates:

_____, 2023 _____, 2023

_____, 2023 _____, 2023

_____, 2023 _____, 2023

Chris Strunk

Subscribed and sworn to before me this 21st day of September, 2023.

Lisa K Strunk

Notary Public

My commission expires

Additional copies

Printer's fee

LISA K STRUNK NOTARY PUBLIC COMMISSION EXPIRES 4/24/24 State of Kansas

Public notice

(Published In The Ark Valley News Sept 21, 2023.)

RESOLUTION NO. 188-2023

WHEREAS, Kristin Webb, (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 and waiver of Supplementary Use Regulation III.D.6.a.4, on property zoned Rural Residential at 18801 West 69th Street North, and legally described as:

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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 13, 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 (1) allow a Conditional Use for an Accessory Apartment in the County, and (2) waive Supplementary Use Regulation III.D.6.a.4, on property zoned Rural Residential at 18801 West 69th Street North, and legally described as:

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Approval of the application is subject to 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. The exterior materials are to be complimentary to the main structure.

2. 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.

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

4. 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.

Commissioners present and voting were:

PETER J. METZNER — aye
SARAH LOPEZ — aye
DAVID T. DENNIS — aye
RYAN K. BATY — aye
JAMES M. HOWELL — aye

Dated this 23 day of August, 2023.

BOARD OF COUNTY COMMISSIONERS
SEDGWICK COUNTY, KANSAS

ATTEST:

KELLY B. ARNOLD, County Clerk

PETER J. METZNER, Chairman
Commissioner, First District

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

APPROVED AS TO FORM:

KIRK W. SPONSEL
Deputy County Counselor

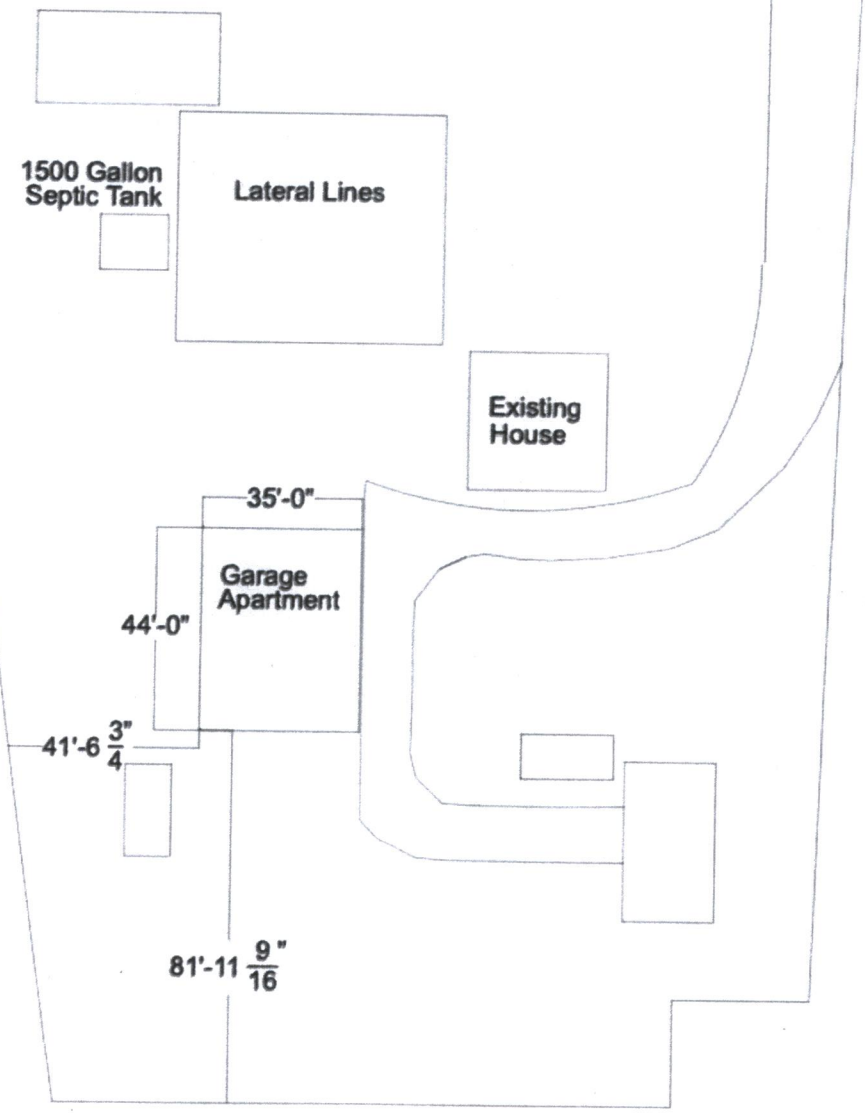
SARAH LOPEZ
Commissioner, Second District

DAVID T. DENNIS
Commissioner, Third District

RYAN K. BATY
Commissioner, Fourth District

N

69th Street



SITE PLAN

Garage apartment - Kristin Webb

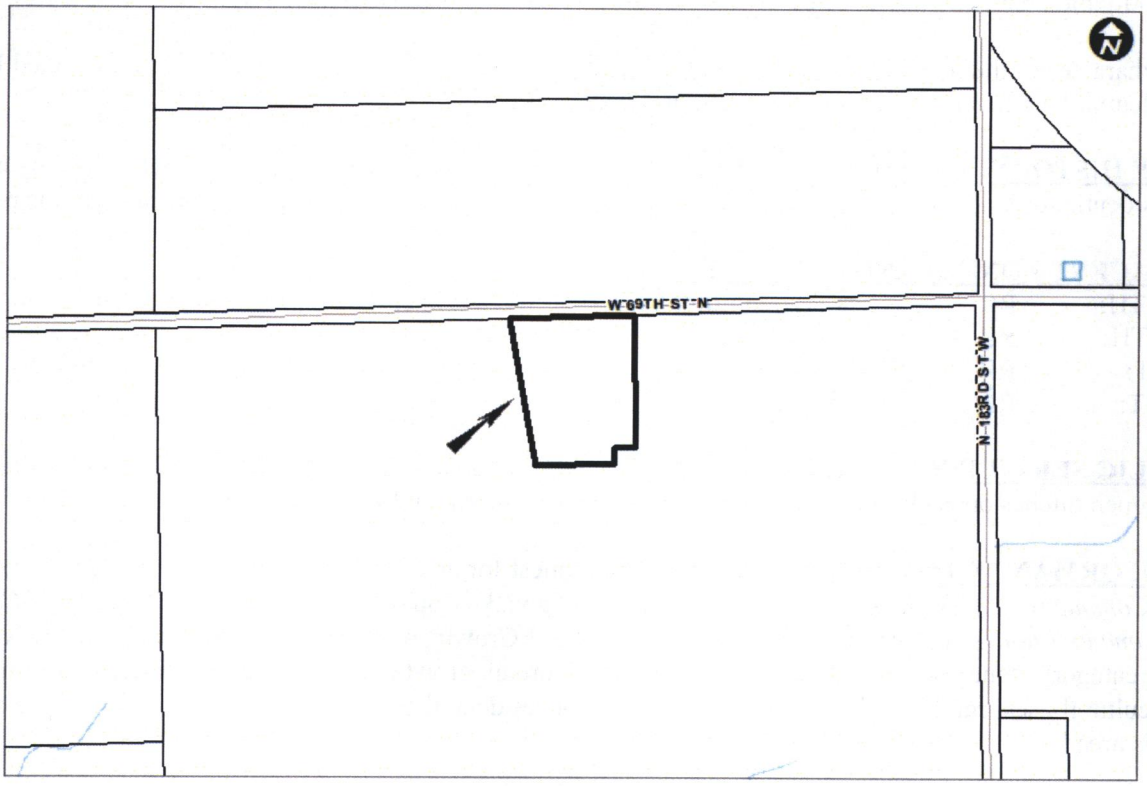
APPROVED BY CMR
10/26

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.2

STAFF REPORT
MAPC: July 13, 2023

CASE NUMBER:	CON2023-00027 (County)
APPLICANT/OWNER:	Kristin Webb (Applicant)
REQUEST:	Conditional Use to permit an Accessory Apartment, waive Supplementary Use Regulation D-6.a(4)
CURRENT ZONING:	RR Rural Residential District
SITE SIZE:	3.95 acres
LOCATION:	Generally located on the south side of West 69th Street North, within one-quarter mile west of North 183rd Street West (18801 West 69th Street North).
PROPOSED USE:	Accessory Apartment with separate water well
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 3.95-acre subject site is generally located on the south side of West 69th Street North, within one-quarter mile west of North 183rd Street West (18801 West 69th Street North). The property is currently developed with a single-family dwelling and a detached garage. The Accessory Apartment will be an additional building on the site.

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.

Because the applicant plans to have the Accessory Apartment on a separate water well than the principal structure, the applicant is requesting a waiver of Supplementary Use Regulation D-6.a(4). The waiver must be approved by the governing body, the Sedgwick County Board of County Commissioners.

According to the site plan, the applicant plans to construct an additional garage southwest of the principal structure that will also have an apartment. The proposed Accessory Apartment will measure 35 feet by 44 feet. It will be located 41'-6 ¾" from the west property line and 18'-11 9/16" from the south property line. Septic is provided by a 1,500-gallon tank and lateral lines.

The character of the neighborhood is rural. Properties to the north, south, east, and west are all zoned RR Rural Residential District 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: This site has access to West 69th Street North, which is a gravel, two-lane arterial street with open ditches on each side. The property uses a septic system and well water.

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 requests for the Conditional Use and waiver of Supplementary Use Regulation D-6.a(4) 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. The exterior materials are to be complimentary to the main structure.

(2) 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.

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

(4) 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 to the north, south, east, and west are all zoned RR Rural Residential District 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 is suitable for 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 1910.

(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.

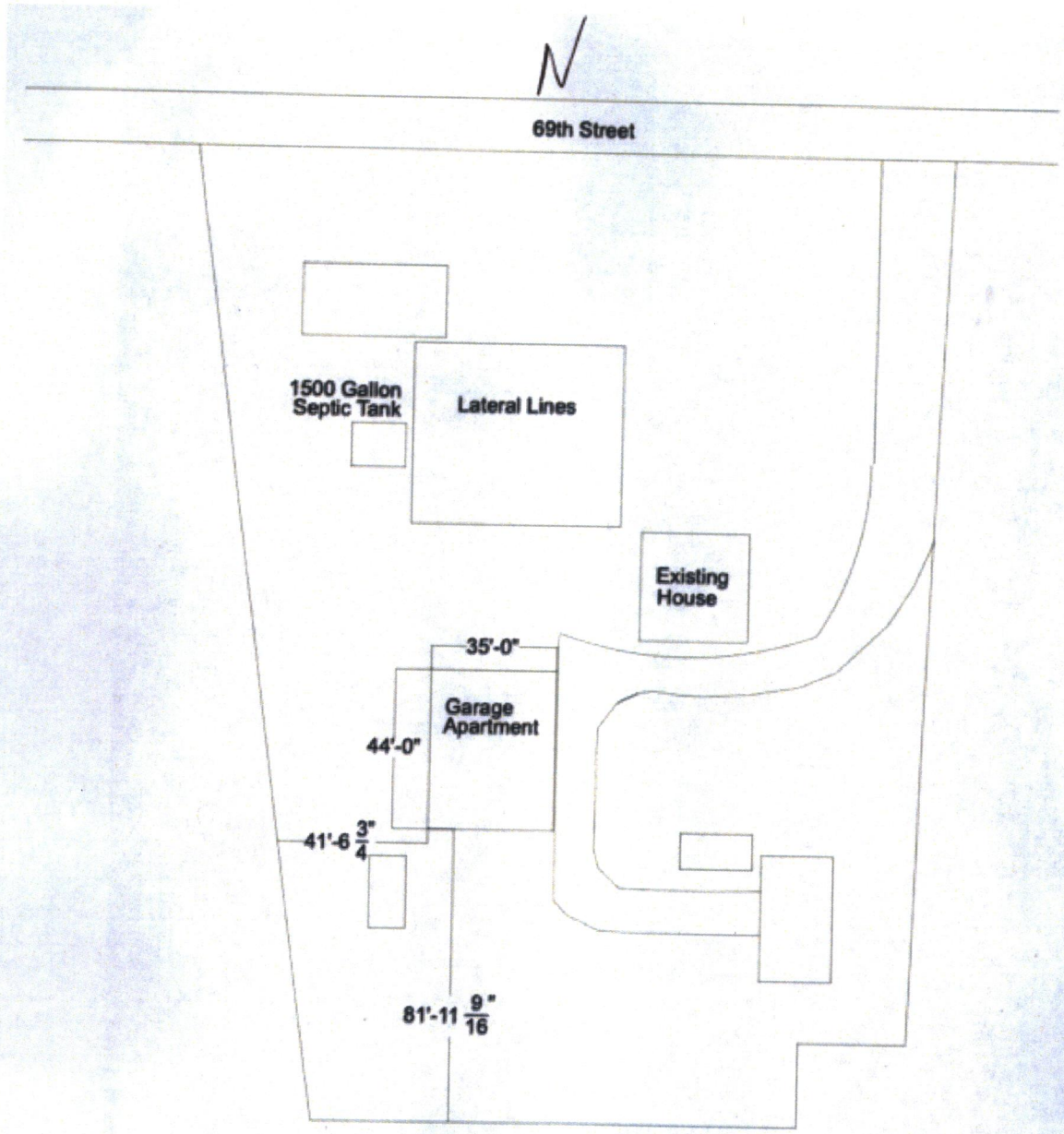
(6) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The request for an Accessory Apartment is in conformance with the *Community Investments Plan*, as discussed in this staff report.

(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 the public that was inquiring about the Conditional Use.

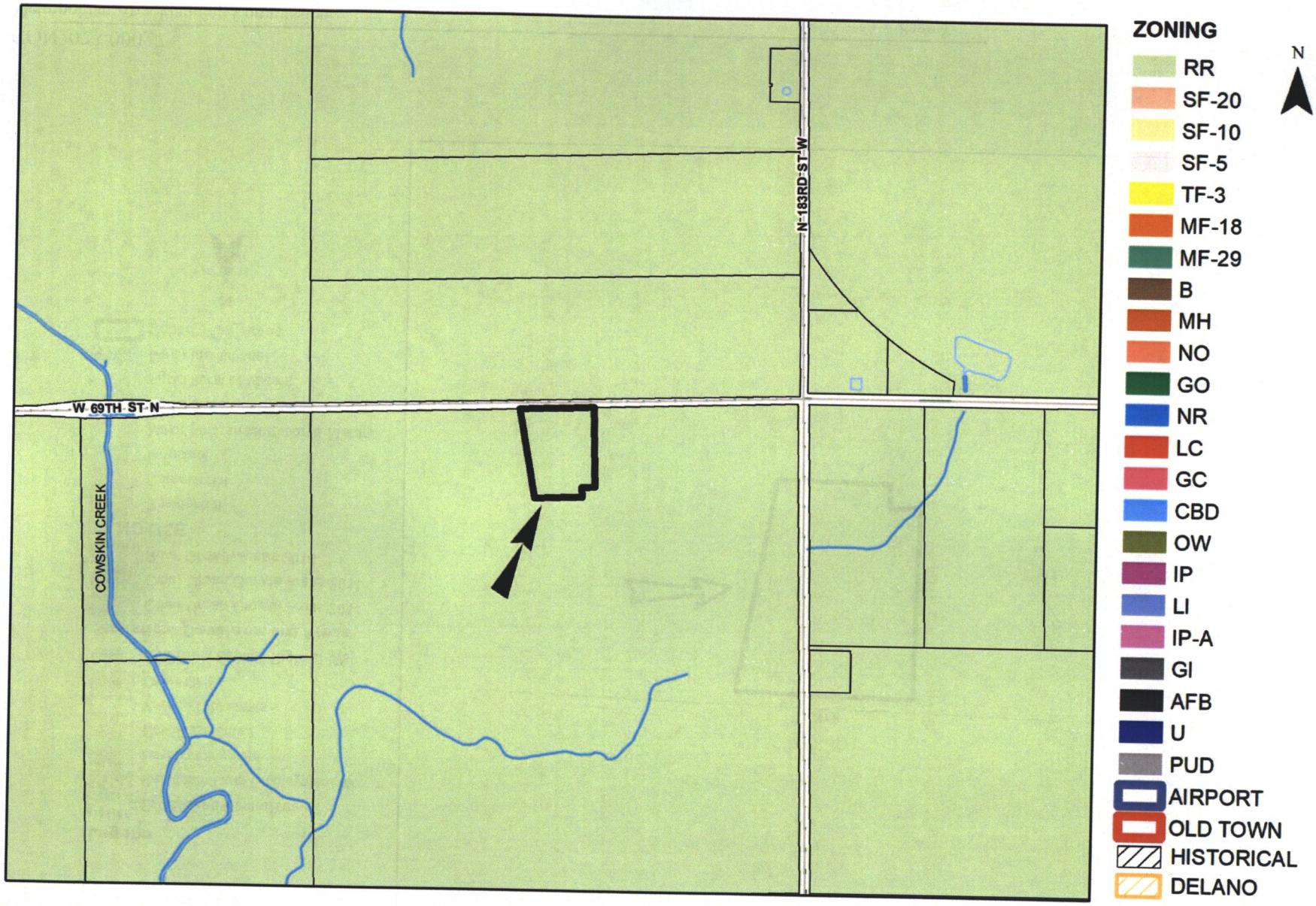
Attachments:

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



Garage apartment - Kristin Webb

W 69TH ST N
N 183RD ST W
N


W 69TH ST N
N 183RD ST W
COWSKIN CREEK
ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
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DELANO
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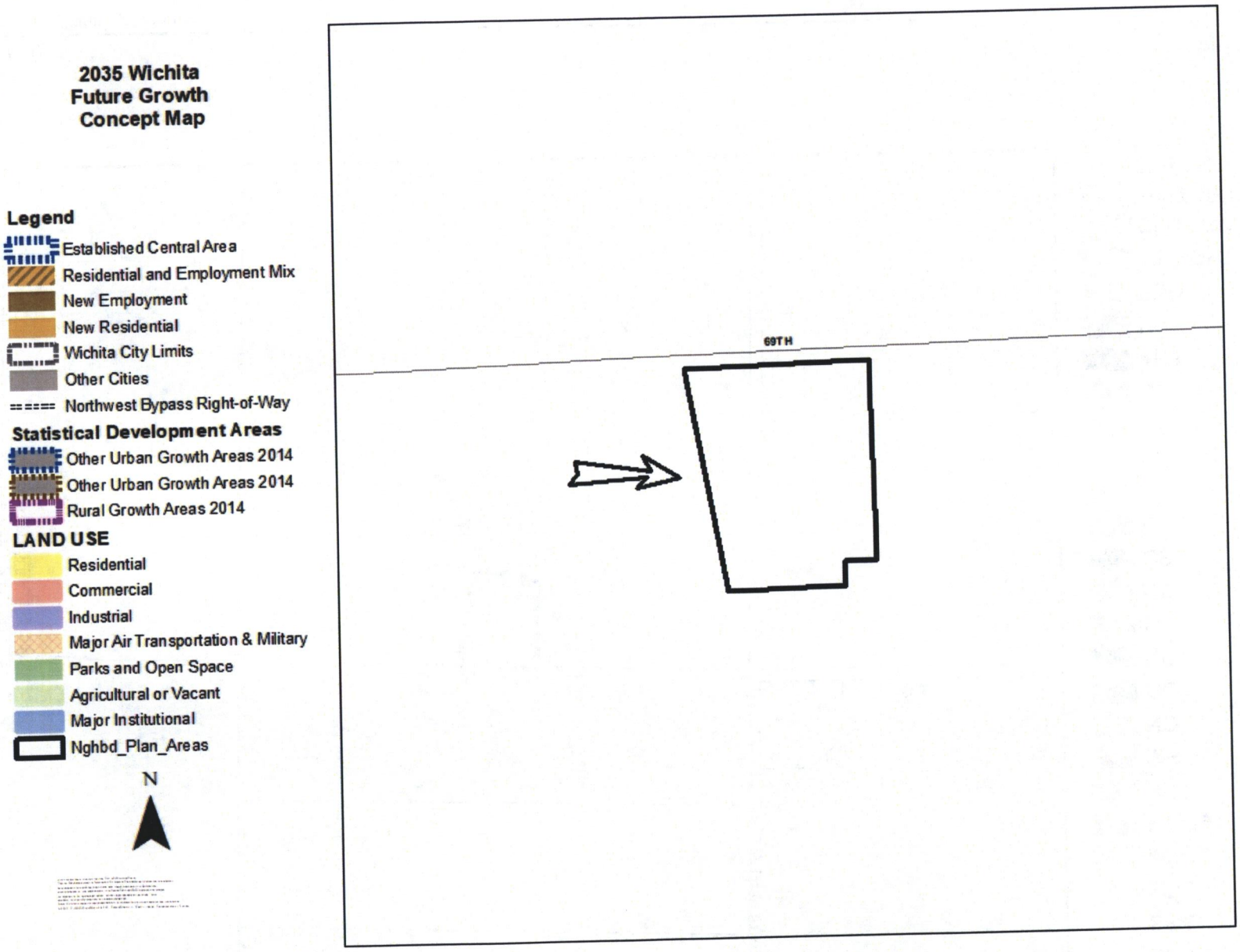
2035 Wichita Future Growth Concept Map



Looking west towards principal structure

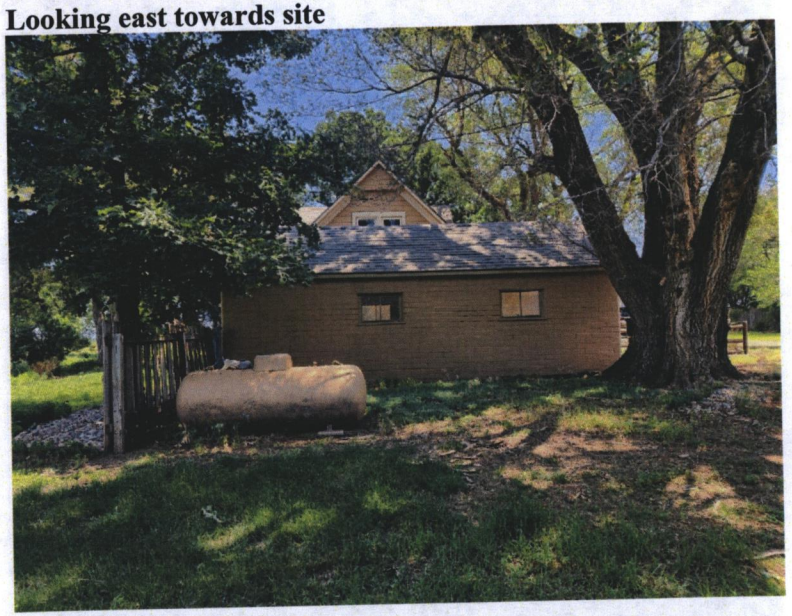
Looking north away from site

Looking south away from site

Looking north towards site

Looking east away from site

Looking west towards location of Accessory Apartment

Looking south towards site

Looking east towards site