



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

Ryan and Christine Dejmal
1949 Hillcrest Dr.
Goddard, KS 67052

September 18, 2024

RE: CON2024-00079 – Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential District, Generally located within one-eighth of a mile west of North 215th Street West and within one-quarter mile south of West 21st Street North (1949 N. Hillcrest Dr.).

Dear Applicant,

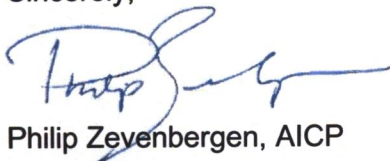
At its regular meeting on **September 18, 2024**, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BoCC was to **APPROVE** of the request, subject to the following conditions

- (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) Water and sewer services shall be shared with 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.
- (3) 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.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) 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 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 316-268-4421.

Sincerely,



Philip Zevenbergen, AICP

**Current Plans
Division Manager**

CC: David Dennis, Commissioner, District III
MABCD



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

Ryan and Christine Dejmal
1949 Hillcrest Dr.
Goddard, KS 67052

August 9, 2024

RE: CON2024-00079 – Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential District, Generally located within one-eighth of a mile west of North 215th Street West and within one-quarter mile south of West 21st Street North (1949 N. Hillcrest Dr.).

Dear Applicant,

At its regular meeting on **August 8, 2024**, 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, 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) Water and sewer services shall be shared with 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.
- (3) 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.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) 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 August 22, 2024.** 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 1,000 feet of the property for which the application was filed, or 200 feet into the City limits of Wichita, and must be submitted to the County Clerk by **August 22, 2024, at 5:00 p.m.**

If this application is protested, it will be presented to the Board of County Commissioners on **Wednesday, September 18, 2024**, beginning at 9:00 a.m. The Board of County Commissioners meeting will be held 100 North Broadway, Lower Level, Wichita, Kansas.

If this application is not protested, the decision of the MAPC will become final.

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 316-268-4421.

Sincerely,



Philip Zevenbergen, AICP
Current Plans
Division Manager

CC: David Dennis, Commissioner, District III
MABCD
21828 W. Appaloosa Ct, Goddard, KS 67052
Michael Kampling, 1933 N Hillcrest Dr., Goddard, KS 67052

WHEREAS, Ryan ad Christine Dejmal ("Applicants"), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as "Unified Zoning Code"), request a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 1949 North Hillcrest Drive, and legally described as:

Lot 1, Block C, Lake Vista Addition, Sedgwick County, Kansas.

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.

WHEREAS, the MAPC did, at the meeting of August 8, 2024, consider said application.

WHEREAS, the Board of County Commissioners has authority to permit a Conditional Use, subject to any special conditions deemed appropriate 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 MAPC, 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 1949 North Hillcrest Drive, and legally described as:

Lot 1, Block C, Lake Vista Addition, Sedgwick County, Kansas.

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) Water and sewer services shall be shared with 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.
- (3) 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.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) 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 F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

Aye _____
Aye _____
Aye _____
Aye _____
Aye _____

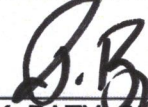
Dated this 18 day of September, 2024.

ATTEST:


KELLY B. ARNOLD, County Clerk



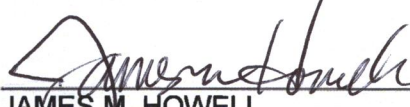
BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS


RYAN K. BATY, Chairman
Commissioner, Fourth District


SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District


PETER F. MEITZNER
Commissioner, First District


DAVID T. DENNIS
Commissioner, Third District


JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

 8/26/24
SAMANTHA SEANG
Assistant County Counselor



CONFIDENTIAL

SECRET

CONFIDENTIAL

Sedgwick Co. public notice

(Published in The Ark Valley News Sept. 26, 2024.)

RESOLUTION NO. 187-2024

WHEREAS, Ryan ad Christine DeJimal ("Applicants"), pursuant to Section V.D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as "UZC"), request a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 1949 North Hillcrest Drive, and legally described as:

Lot 1, Block C, Lake Vista Addition, Sedgwick County, Kansas.

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.

WHEREAS, the MAPC did, at the meeting of August 8, 2024, consider said application.

WHEREAS, the Board of County Commissioners has authority to permit a Conditional Use, subject to any special conditions and subject to the assurance of 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 MAPC, and after said Planning Commission has given proper notice and held a public hearing as provided by law and the authority granted by Section V.D of the Unified Zoning Code, 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 1949 North Hillcrest Drive, and legally described as:

Lot 1, Block C, Lake Vista Addition, Sedgwick County, Kansas.

Approval of the application is subject to the following conditions:

- (1) The Accessory Apartment shall remain necessary to and under the same ownership as the principal single-unit residence and the ownership shall not be divided or sold as condominiums. The exterior materials are to be consistent with the main structure.
- (2) Water and sewer services shall be shared with 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 in accordance with applicable codes.
- (3) 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 MAPC.
(4) Development and maintenance of its site shall be in conformance with the approved site plan.
(5) 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 enforcement of the Unified Zoning Code, shall have the authority to enforce any of the conditions set forth in Article III of the Unified Zoning Code, in conjunction 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 ordinance shall be shown on the "Official Zoning District Map" and 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:

WALTER F. MCZOSKA
WILLIAM L. COPEZ
DAVID L. HART
JAMES E. HOWELL

Called the roll: 187-2024-2024



WALTER F. MCZOSKA
WILLIAM L. COPEZ
DAVID L. HART
JAMES E. HOWELL
Commissioners Present
WALTER F. MCZOSKA
WILLIAM L. COPEZ
DAVID L. HART
JAMES E. HOWELL
Commissioners Absent

APPROVED AND FORWARDED:
WALTER F. MCZOSKA
Mayor

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 26th day of September, 2024, with subsequent publications being made on the following dates:

_____, 2024 _____, 2024
_____, 2024 _____, 2024
_____, 2024 _____, 2024

Chris Strunk

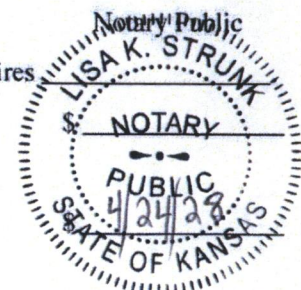
Subscribed and sworn to before me this 26th day of September, 2024.

WKS

My commission expires

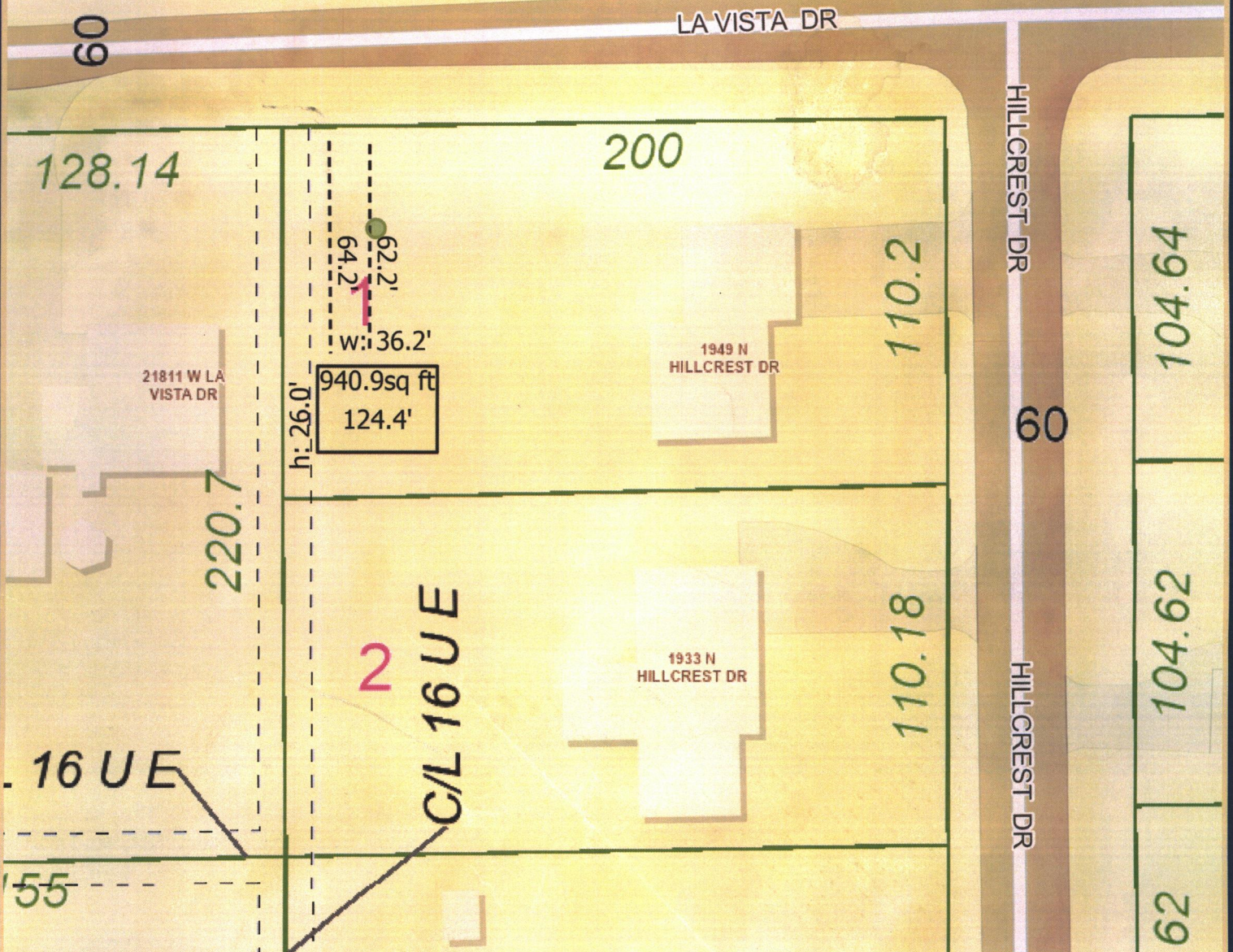
Additional copies

Printer's fee



SITE PLAN

APPROVED 9/19/24 BY *[Signature]*
CEN 24-79 318.14



Geographic Information Services
Sedgwick County...
working for you

Date: 5/20/2024

It is understood that the Sedgwick County GIS, Division of Information and Operations, has no indication or reason to believe that there are inaccuracies in information incorporated in the base map.

The GIS personnel make no warranty or representation, either expressed or implied, with respect to the information or the data displayed.

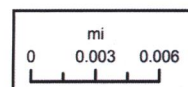
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All rights reserved.

Dejmal Shop

Sedgwick County, Kansas



1:564



STAFF REPORT
MAPC: August 8, 2024

CASE NUMBER: CON2024-00079 (County)

APPLICANT/OWNER: Ryan and Christine Dejmal (Applicant)

REQUEST: Conditional Use to permit an Accessory Apartment

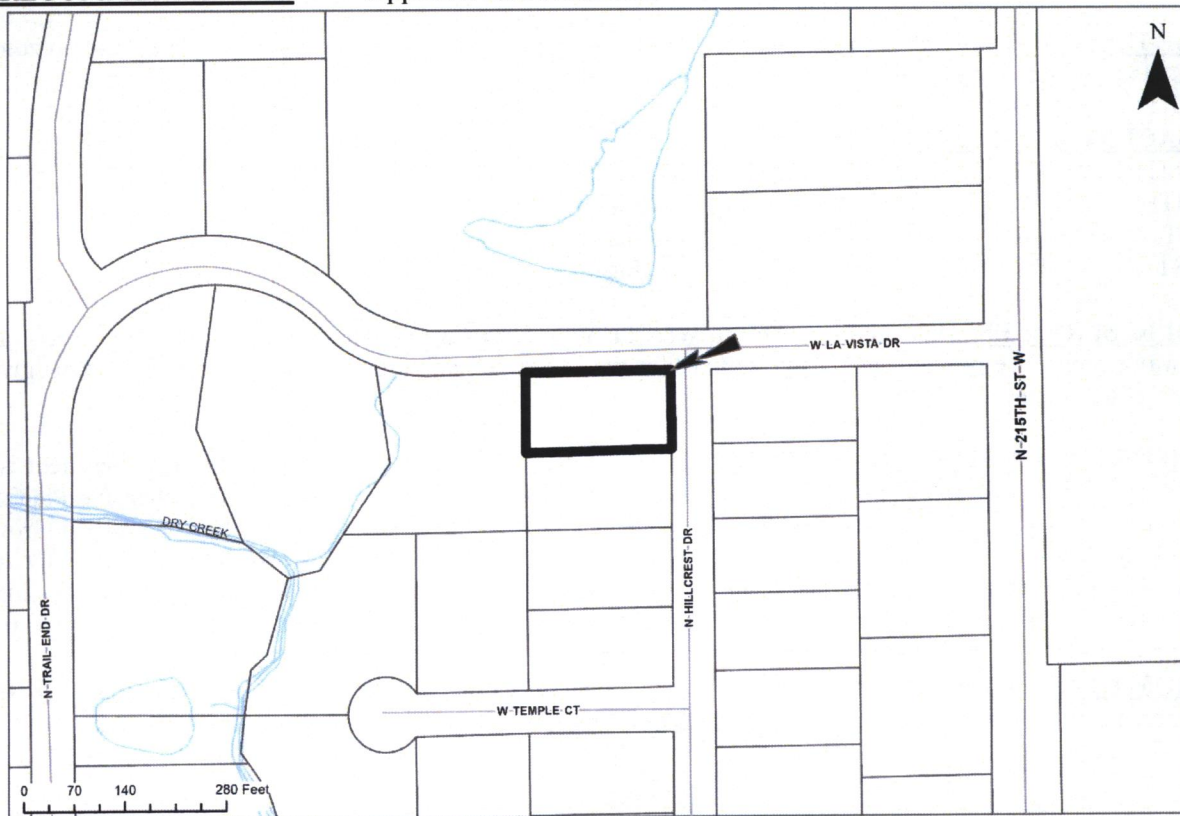
CURRENT ZONING: RR Rural Residential District

SITE SIZE: .51 acres

LOCATION: Generally located within one-eighth of a mile west of North 215th Street West, within one-quarter mile south of West 21st North (1949 North Hillcrest Drive).

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 (RR). The 0.51-acre subject site is generally located within one-eighth of a mile west of North 215th Street West, within one-quarter mile south of West 21st North (1949 North Hillcrest Drive). The property is currently developed with a single-family dwelling and an accessory structure.

According to the site plan, the applicant plans to construct an additional building north of the existing fence along the south property line for a 36-foot by 26-foot Accessory Apartment. Onsite sewer is provided by a septic tank on the property. Water is provided by the Sedgwick County Rural Water District #4.

The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines an "Accessory Apartment" (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 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.

The character of the area is rural and low-density residential. Properties to the north, south, east and west are zoned RR Rural Residential District. Properties to the north, south, east and west are developed with single-family dwellings.

CASE HISTORY: In 1968, the property was platted as a part of the Lake Vista Addition. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

NORTH:	RR	Single-family dwelling
SOUTH:	RR	Single-family dwelling
EAST:	RR	Single-family dwelling
WEST:	RR	Single-family dwelling

PUBLIC SERVICES: This site has access to West La Vista Drive and North Hillcrest Drive, which are gravel two-way streets. The property uses a septic tank for the septic system, and water is provided by the Sedgwick County Rural Water District #4.

CONFORMANCE TO PLANS/POLICIES: The Conditional Use 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." An Accessory Apartment is not likely to have significant detrimental impacts on nearby properties.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for the Conditional Use 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) Water and sewer services shall be shared with 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.
- (3) 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.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) 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 area is rural and low-density residential. Properties to the north, south, east and west are zoned RR Rural Residential District. Properties to the north, south, east, and east are developed with single-family dwellings.
- (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 1987.
- (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 significant detrimental effects 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 Conditional Use 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 has received one public comment on the requested Conditional Use.

Attachments:

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

Public Comment

Subj: Case No: CON2024-00079 (accessory apartment on property zoned RR)

Sir:

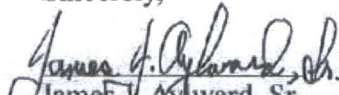
In response to your notice of this application, we are responding with written comments:

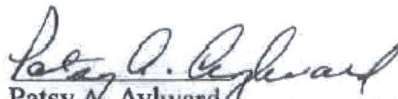
1. We have lived in the area for 46 years.
2. The area was plotted as RR and has remained RR since the 1960's.
3. The original purpose for the development of the area was for single family occupation.
4. I believe those of us who have purchased houses in this area did so with the intent of not living in a community of rented apartments either singular buildings or basement apartments in existing homes.
5. There is ample housing available within 4 to 8 miles (surrounding towns) and the city of Wichita.
6. We do not feel that we need the added traffic, or the influx of the hustle and bustle of increased individuals seeking rental housing.

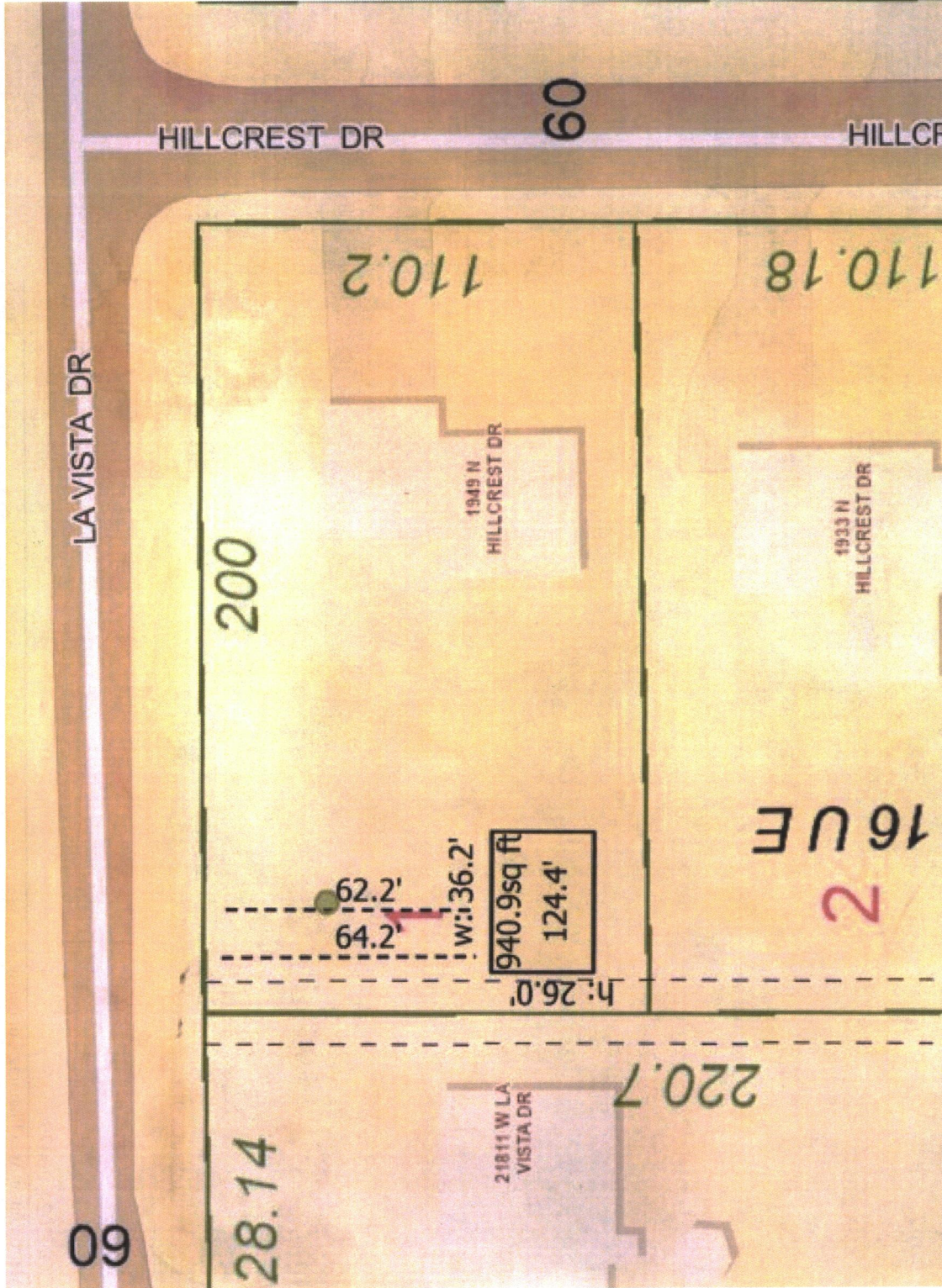
Therefore, we are filing this written protest petition as required to voice our case against this petition to change the rural residential zoning from RR.

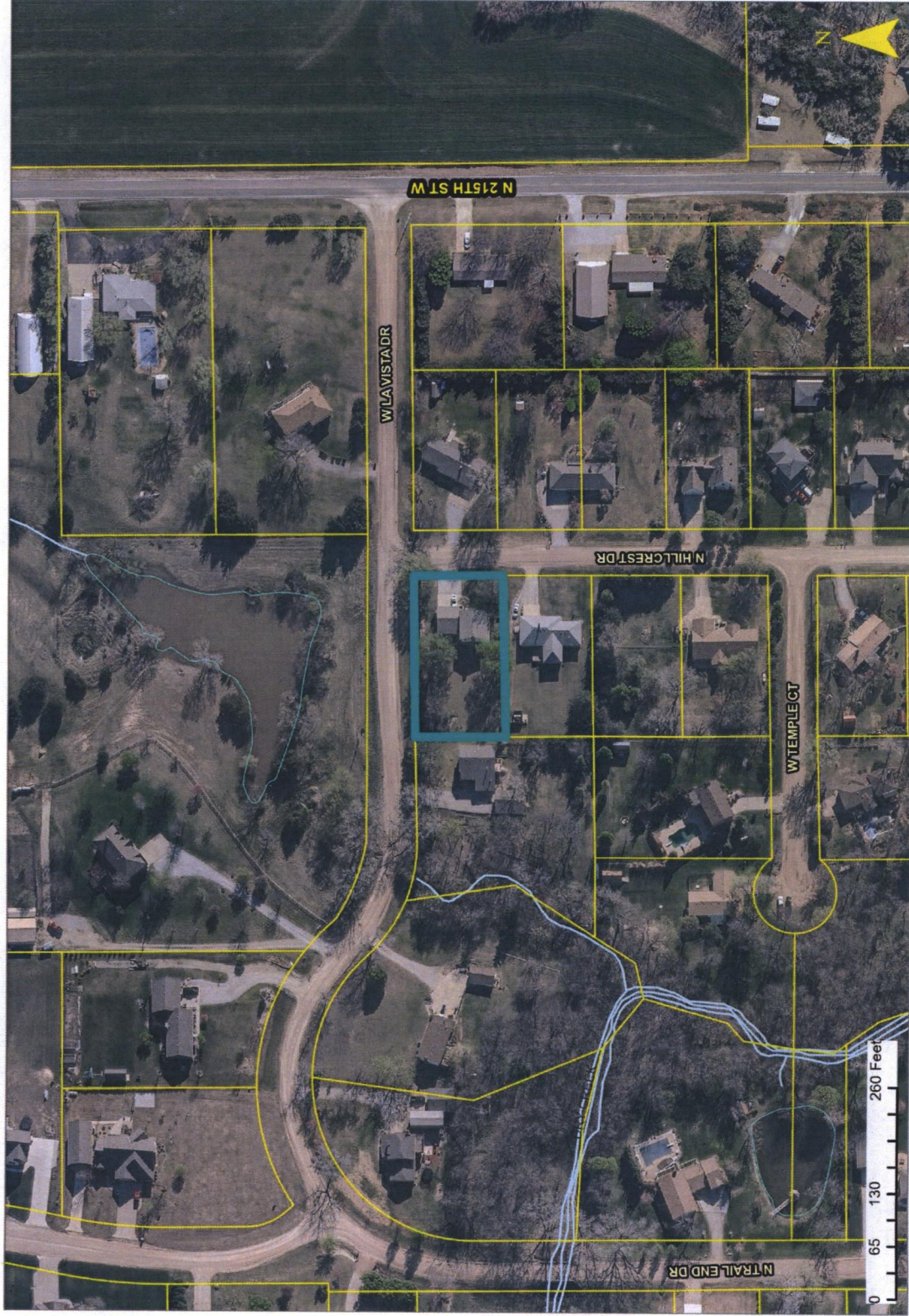
Thank you.

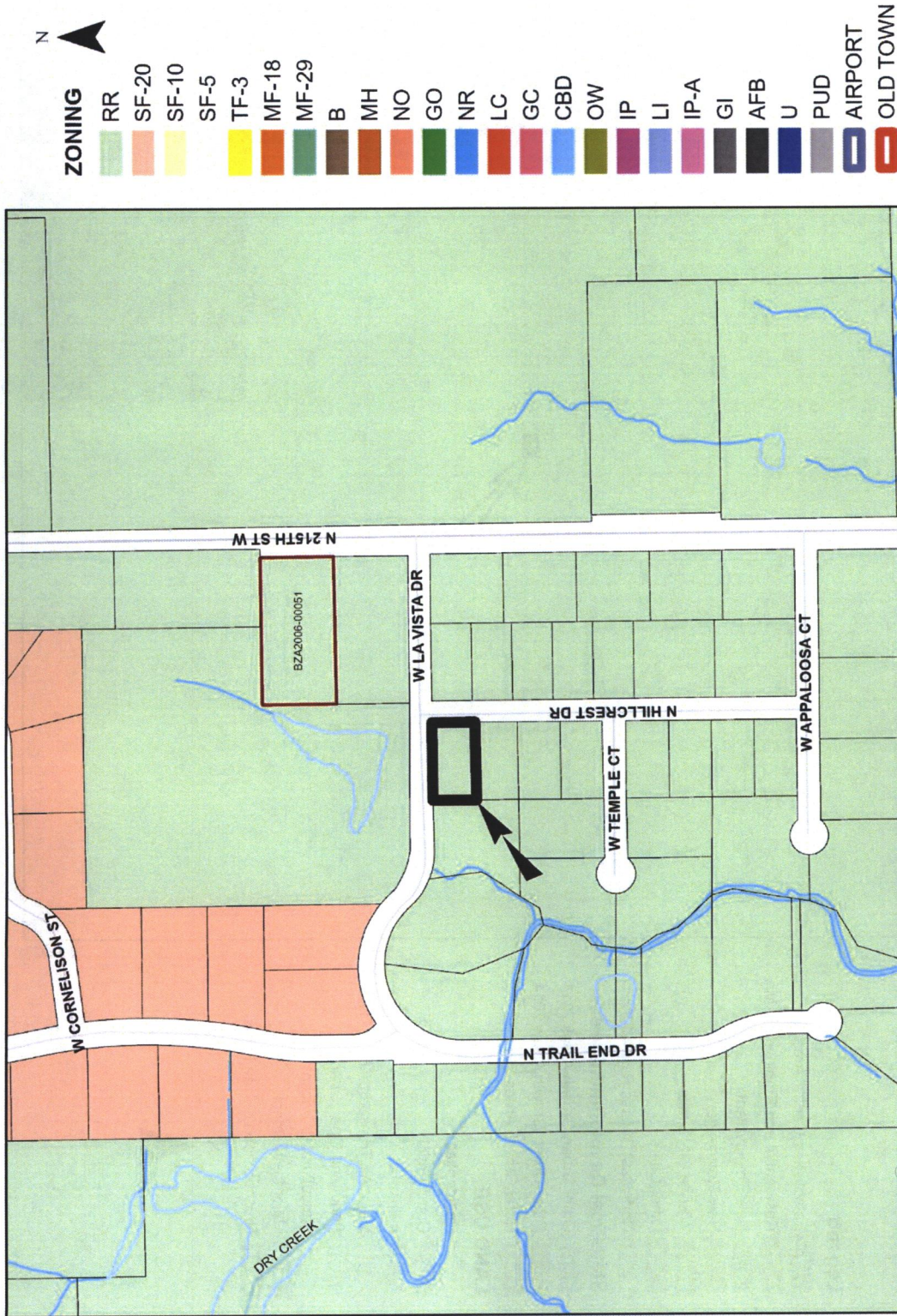
Sincerely,


James J. Aylward, Sr.


Patsy A. Aylward







2035 Wichita Future Growth Concept Map

Legend

- Established Central Area
- Residential and Employment Mix
- New Employment
- New Residential
- Wichita City Limits
- Other Cities
- Northwest Bypass Right-of-Way

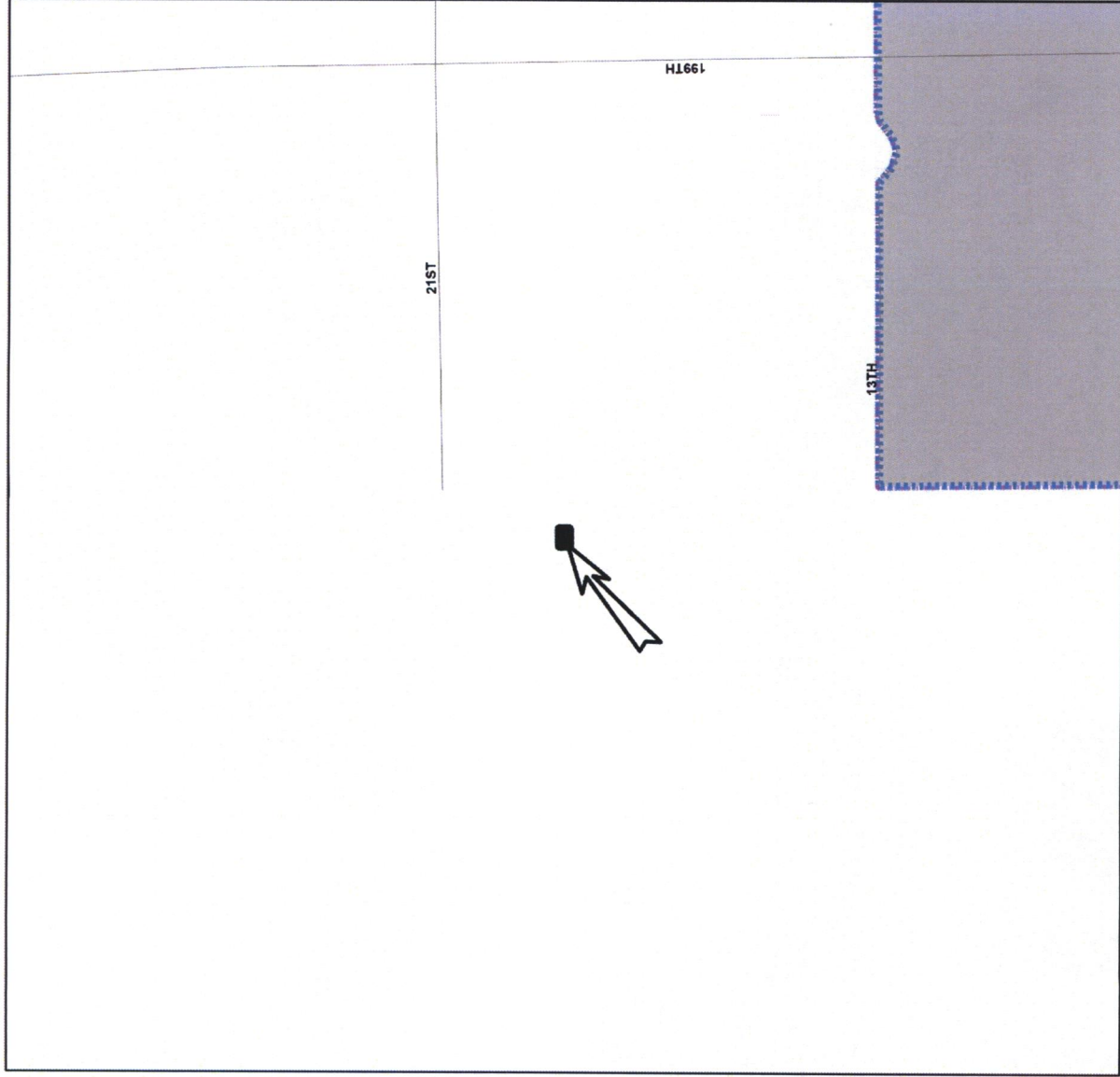
Statistical Development Areas

- 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
- Neighborhood & Area Plans

N



Looking south towards the site



Looking south towards location of proposed Accessory Apartment



Looking north away from site



Looking west towards site



Looking east away from site

