CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

Michael and Donna Rosbach
8912 North Ross Avenue
Valley Center, KS 67147

May 8, 2025

RE: CON2025-00057 - Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential District, generally located on the east side of Ross Avenue and 460 feet south of West 89th Street North (8912 Ross Avenue).

Dear Applicant,

On **April 24, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The recommendation of the MAPC was to **APPROVE** 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 (located at 8912 North Ross Avenue), 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 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.

No protest petitions were received. Therefore, the decision of the MAPC is final. If you have any questions concerning this matter, please contact our office.

Sincerely,

Christina Rieth

Christina Rieth
Current Plans
Associate Planner

Wichita-Sedgwick County Metropolitan Area Planning Department

Michael and Donna Rosbach
8912 North Ross Avenue
Valley Center, KS 67147

April 24, 2025

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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 8, 2025**. 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 8, 2025** at 5:00 p.m.

If no protest petitions are received, then the decision of the MAPC is final. Else, the Sedgwick County Board of County Commissioners will meet on Wednesday, June 4, 2025, at 9:00 a.m. for final decision. The BOCC meets at 100 North Broadway Avenue, Wichita, KS 67202.

Development application signs may now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

Christina Rieth
Current Plans
Associate Planner

Cc: MABCD

CONDITIONAL USE RESOLUTION NO. CON2025-00057

WHEREAS, Michael and Donna Rosbach, 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 for an Accessory Apartment in the RR Rural Residential District zoning located at 8912 Ross Street, Valley Center, legally described as:

Lot 4, Block D, Leo L. Ross 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; and

WHEREAS, the MAPC did, at the meeting of April 24, 2025, 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 for an Accessory Apartment in the RR Rural Residential District zoning located at 8912 Ross Street, Valley Center, legally described as:

Lot 4, Block D, Leo L. Ross Addition, Sedgwick County, Kansas.

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 8912 Ross Avenue), 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.
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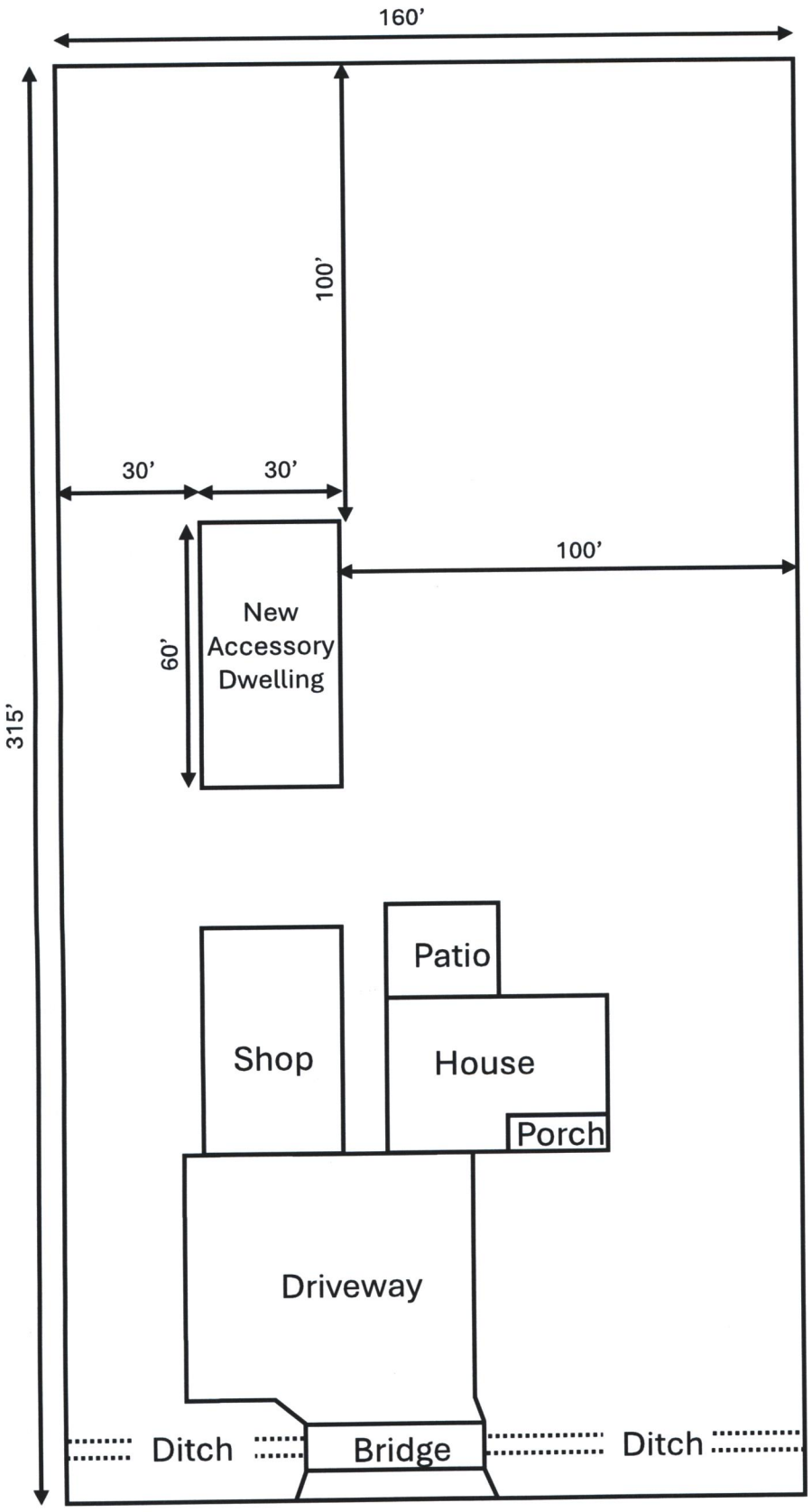
Adopted this 1st Day of JUNE, 2025.

METROPOLITAN AREA PLANNING COMMISSION

Bryan Frye, Chairman

ATTEST:

Scott Wadle, Secretary

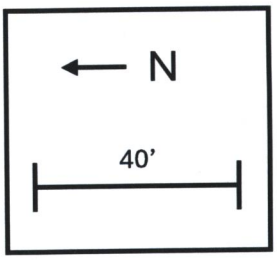


Proposed Accessory Dwelling
Revised Site Map 4-23-2025

Michael & Donna Rosbach
8912 Ross Street
Valley Center, KS 67147
(573) 289-0754 (573) 289-1046

Lot 4, Block D
Leo L Ross Addition
(Wichita) Sedgewick County, KS

SITE PLAN
APPROVED 6/1 BY CMR



Sedgwick Co. public notice

(Published in The Ark Valley News April 10, 2025.)

MAPC April 24, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, April 24, 2025, 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 in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. **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.**

CON2025-00033: Conditional Use in the County to allow an Event Center on property zoned RR Rural Residential District; generally located on the north side of W 117th St N approximately one-half mile west of N 151st West (15722 W 117th St. N).

CON2025-00051: Conditional Use request in the County to allow riding Academy and/or stable on property zoned RR Rural Residential; located on the southwest corner of S Greenwich Road and E 87th Street S (9163 & 9217 S Greenwich Rd.) (Derby Area of Influence)

CON2025-00057: Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential District, generally located on the east side of Ross Avenue and 460 feet south of West 89th Street North (8912 Ross Avenue). (Valley Center Area of Influence)

PUD2025-00003: Zone Change in the County from RR Rural Residential District to PUD Planned Unit Development to construct an electric substation, generally located south of West 79th Street South and within 1000 feet west of South Seneca Street. (Haysville Area of Influence)

ZON2025-00011: Zone Change request in the County from RR Rural Residential to SF-20 Single Family Residential, generally located on the east side of North 167th Street West and within one-quarter mile north of West 21st Street North.

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:

1) **Attend In-Person** at the **Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.** Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268 4464) by 5:00 PM, 3 days prior to the meeting.

2) **Submit Comments Ahead of Time** regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) – 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. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. **Written Comments** should be submitted by 5:00 PM the day before the meeting. Video and **Audio Comments** (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email 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

3) **If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.**

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: https://www.wichita.gov/Planning.

WITNESS MY HAND on April 10, 2025
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 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 10th day of April, 2025. with subsequent publications being made on the following dates:

_____, 2025 _____, 2025
_____, 2025 _____, 2025
_____, 2025 _____, 2025

Chris Strunk

Subscribed and sworn to before me this 10th day of April, 2025.

Notary Public

My commission expires

Additional copies $

Printer's fee

LISA K. STRUNK NOTARY PUBLIC 4/24/28 STATE OF KANSAS

AGENDA ITEM NO. 4.6

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC: April 24, 2025

CASE NUMBER: CON2025-00057 (County)

APPLICANT/OWNER: Michael and Donna Rosbach (Applicants)

REQUEST: Conditional Use to permit an Accessory Apartment

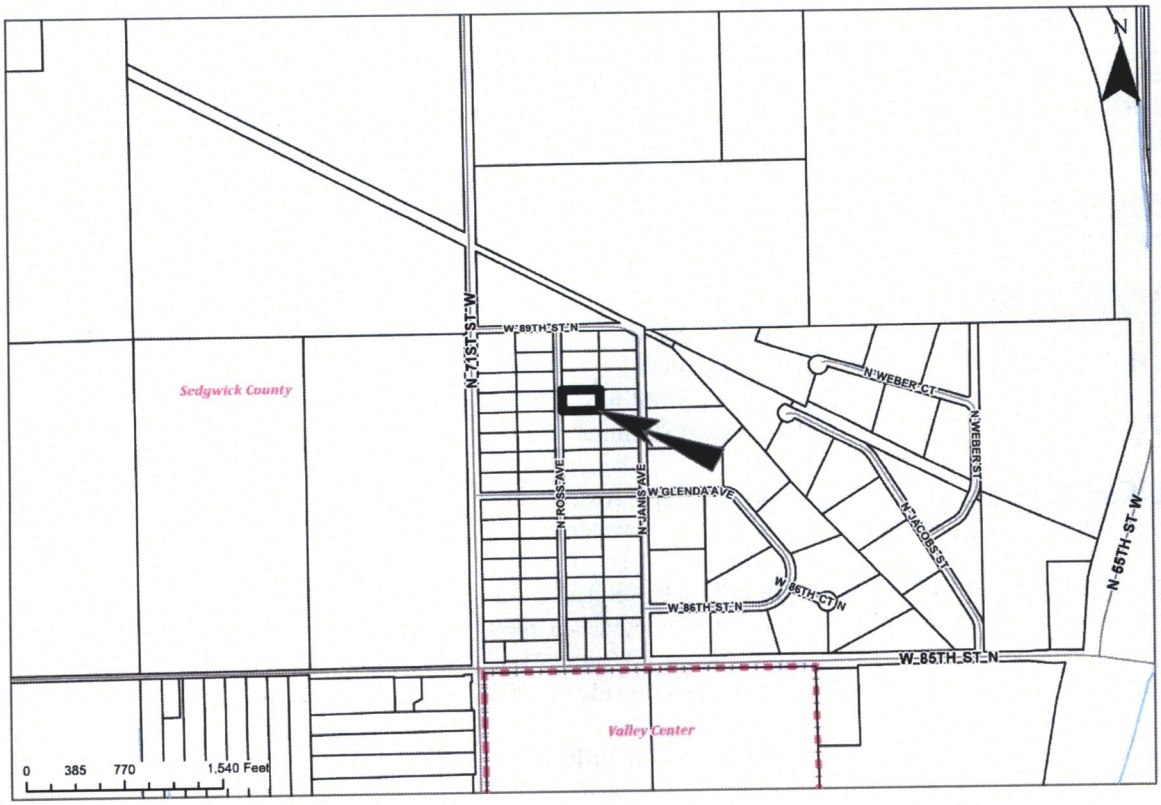
CURRENT ZONING: RR Rural Residential District

SITE SIZE: 1.12 acres

LOCATION: Generally located on the east side of Ross Avenue, within 460 feet south of West 89th Street North (8912 Ross Street) (Valley Center Area of Influence).

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 1.12-acre subject site is generally located on the east side of Ross Avenue, within 460 feet south of West 89th Street North (8912 Ross Street). The subject site is currently developed with a single-family residence and detached garage built in 1957.

The applicant is filing the request to construct a new mother-in-law suite on site. The proposed Accessory Apartment would measure 30 feet by 60 feet. The structure would sit 30 feet from the side (north) and rear (east) property lines and 70 feet from the other side (west) property line. The height of the proposed structure was not disclosed; the Wichita-Sedgwick County Unified Zoning Code ("UZC") allows a maximum height that is 60 percent of the development standard for principal structures, or 21 feet in the Rural Residential ("RR") zoning district.

The UZC requires one parking space for an Accessory Apartment in addition to one parking space per single-family dwelling unit in RR zoning. The two-car garage on site provides sufficient parking for both uses.

The 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 building. 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.

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 in unincorporated Sedgwick County and developed with single-family dwellings on one-acre lots.

CASE HISTORY: This property is not platted. Subdivision Regulations exempt the property from platting if the request for an Accessory Apartment is approved. 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 North Ross Avenue, which is a gravel street with open ditches on each side. The property uses on-site septic and has a water well.

CONFORMANCE TO PLANS/POLICIES: The request for an Accessory Apartment is in conformance with the *Community Investments Plan*. The Wichita-Sedgwick County *Community Investments Plan*'s 2035 Future Growth Concept Map identifies the site as being a "Rural Area", which the *Plan* identifies as "specific to the unincorporated areas of Sedgwick County located outside the 2035 Urban Growth Areas."

The subject site is within the Valley Center Area of Influence. Accessory Apartments are permitted in Valley

Center by Conditional Use in all residential zoning districts and have the same Supplemental Use Regulations as Wichita-Sedgwick County Unified Zoning Code.

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

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building (located at 8912 North Ross Avenue) 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 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.
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 in unincorporated Sedgwick County and developed with one-acre lots and 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 District, which is suitable for a single-family residence and an Accessory Apartment with an approved Conditional Use. 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 dwelling and a detached garage since 1957.

(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 negative effects on the public health, safety, or welfare. Denial of the application may result in a loss of enjoyment for the applicant.

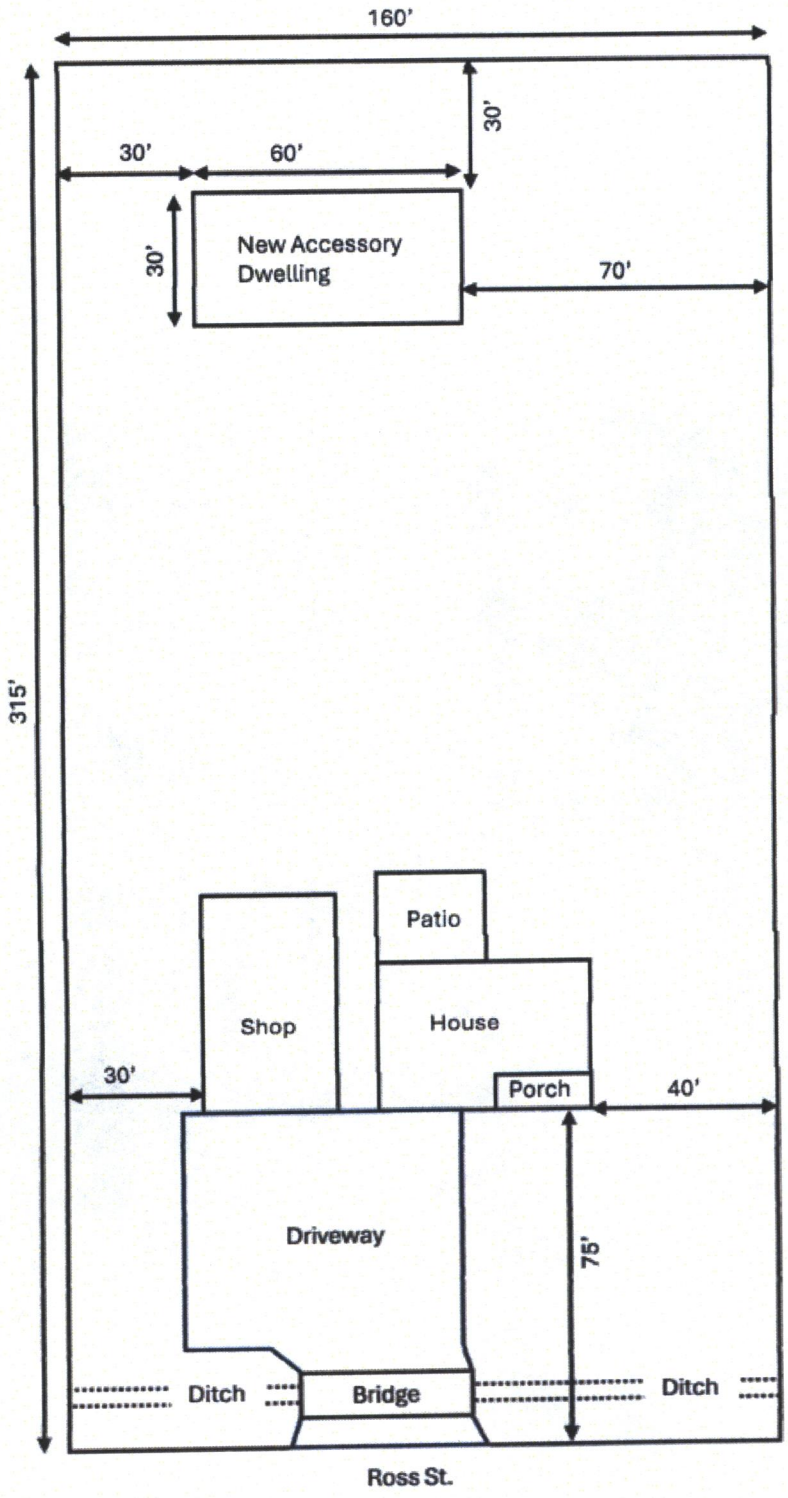
(6) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The request for an Accessory Apartment is in conformance with the *Community Investments Plan*, as discussed in this staff report.

(7) **Impact of the proposed development on community facilities:** Staff expects that there will be minimal impact on public roads and services.

(8) <u>Opposition or support of neighborhood residents</u>: At the time the staff report was prepared, staff received two phone calls from nearby property owners requesting further information on the proposed use.

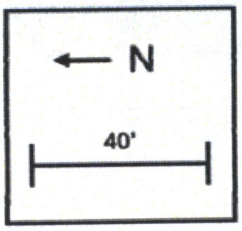
Attachments:

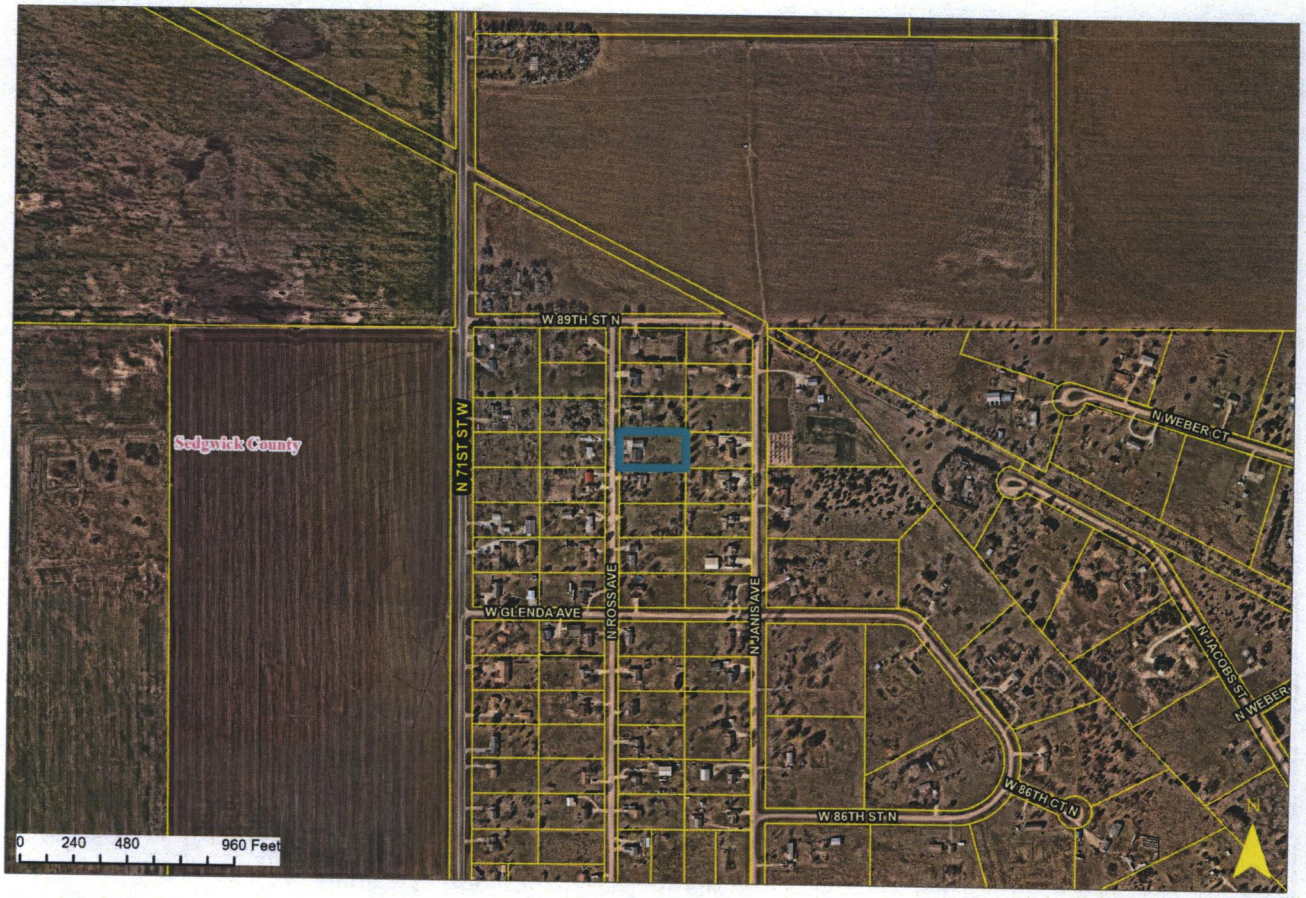
1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos

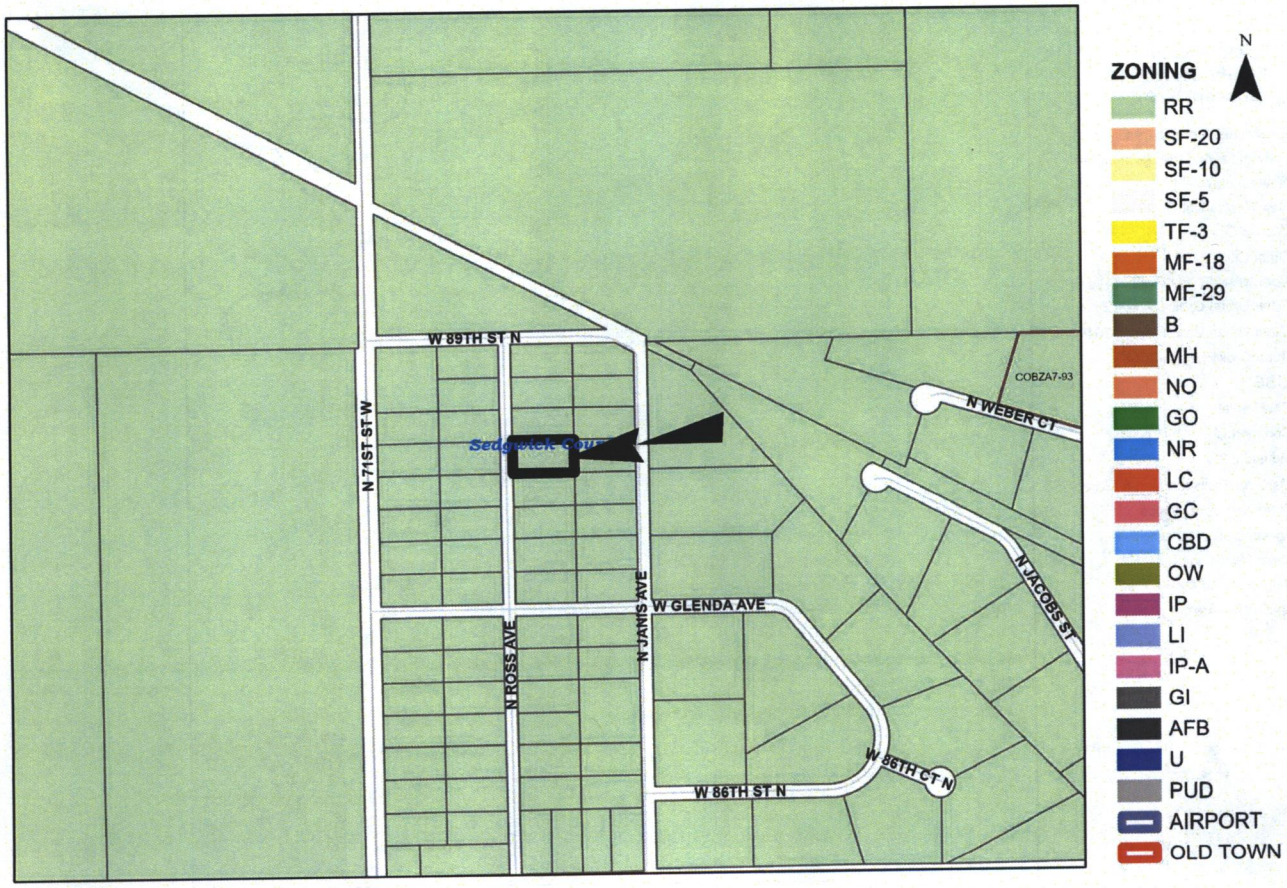


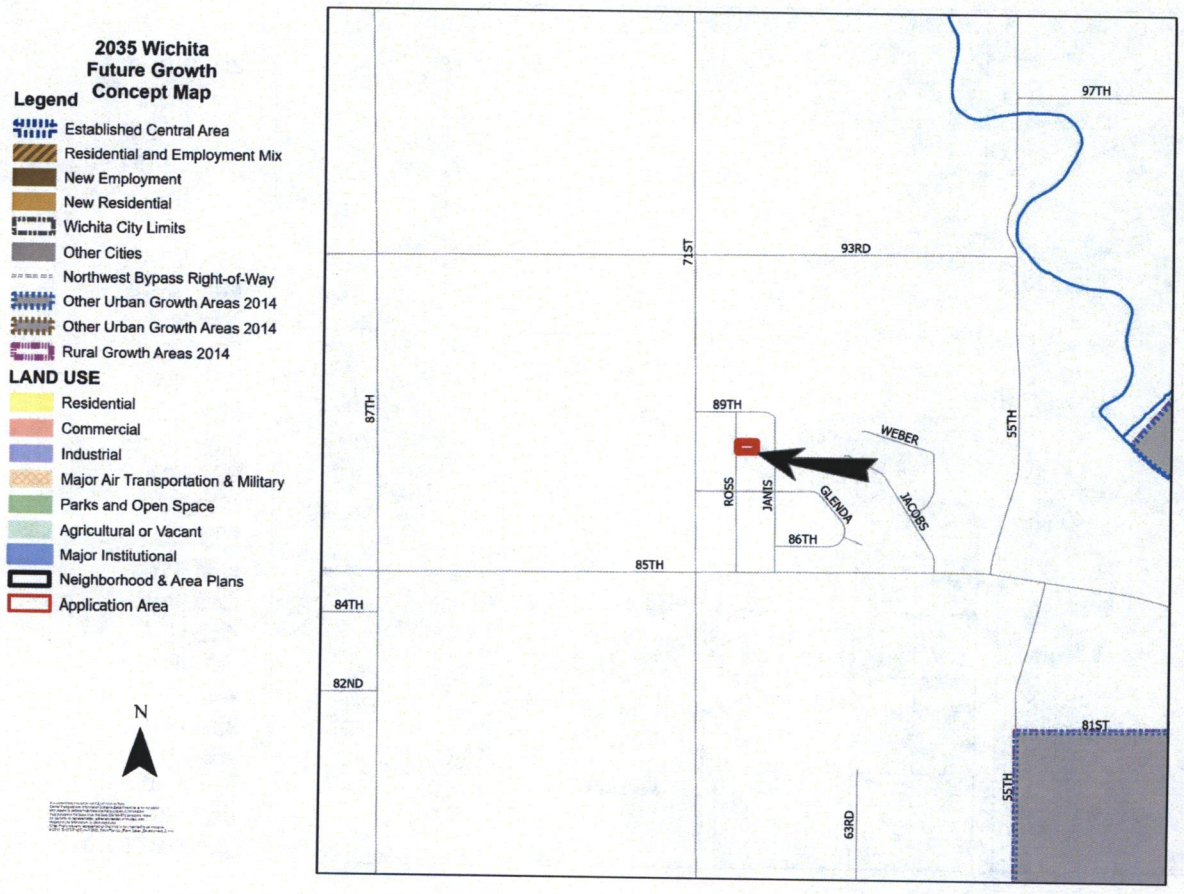
Proposed Accessory Dwelling
Michael & Donna Rosbach
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(573) 289-0754 (573) 289-1046

Lot 4, Block D
Leo L Ross Addition
(Wichita) Sedgewick County, KS

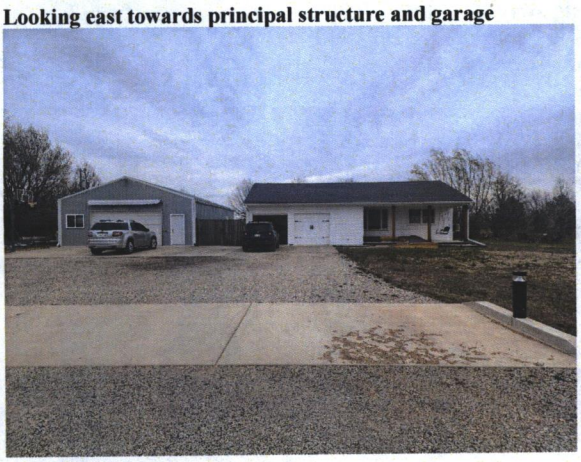



W 89TH ST N
N 71ST ST W
Sedgwick County
N ROSS AVE
N JANIS AVE
W GLENDA AVE
N WEBER CT
N JACOBS ST
N WEBER
W 86TH CT N
W 86TH ST N
0 240 480 960 Feet
N


W 89TH ST N
N 71ST ST W
N WEBER CT
COBZA7-93
N JACOBS ST
W GLENDA AVE
N JANIS AVE
N ROSS AVE
W 86TH CT N
W 86TH ST N
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ZONING
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SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
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CBD
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LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN


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
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
Application Area
N
97TH
71ST
93RD
87TH
89TH
WEBER
55TH
ROSS
JANIS
GLENDA
JACOBS
86TH
85TH
84TH
82ND
81ST
55TH
63RD

Looking east towards principal structure and garage



Looking south towards proposed Accessory Apartment



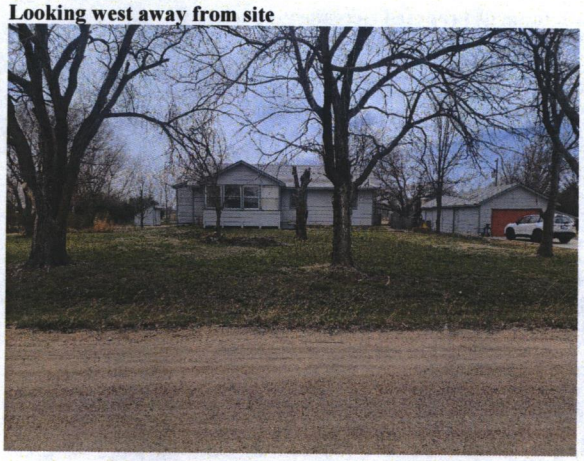
Looking west towards garage



Looking east towards proposed Accessory Apartment



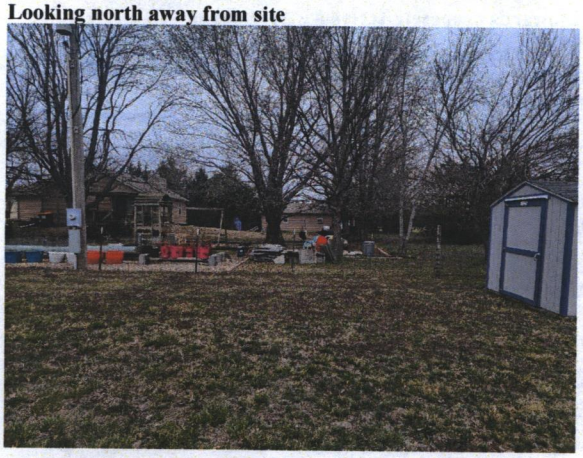
Looking west away from site



Looking south away from site



Looking north away from site



Looking north away from site

