Wichita-Sedgwick County Metropolitan Area Planning Department

Raymond Denk
435 North Clifton Avenue
Wichita, KS 67208

May 9, 2025

RE: CON2025-00052 - Conditional Use request in the City for an Accessory Apartment on property zoned SF-5 Single-Family Residential; generally located on the west side of North Clifton Avenue approximately 300 feet south of East Central Avenue (435 North Clifton 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 435 North Clifton 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 protests were received for this case, and the District Advisory Board (DAB) I recommended approval. Therefore, the decision of the MAPC is final. If you have any questions concerning this matter, please contact our office.

Sincerely,

Christina Rieth
Associate Planner

CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

Raymond Denk
435 North Clifton Avenue
Wichita, KS 67208

April 24, 2025

RE: CON2025-00052 - Conditional Use request in the City for an Accessory Apartment on property zoned SF-5 Single-Family Residential; generally located on the west side of North Clifton Avenue approximately 300 feet south of East Central Avenue (435 North Clifton Avenue).

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Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **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 200 feet of the property for which the application was filed and must be submitted to the City Clerk by **May 8, 2025** at 5:00 p.m.

This case will be heard on **Monday, May 5, 2025**, by the District Advisory Board (DAB) I, which meets at the Atwater Neighborhood Resource Center (2755 East 19th Street North) at 6:00 p.m. For more

information, please contact Cameron Jackson, Community Services Representative for District I, at 316-268-8018 or CTJackson@wichita.gov.

If the District Advisory Board recommends approval, and no protest petitions are received, then the decision of the MAPC is final. Else, the Wichita City Council will meet on Tuesday, May 27, 2025, at 9:00 a.m. for final decision. The WCC meets at City Hall, 455 North Main Street, 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: Brandon Johnson, Councilmember District I
Cameron Jackson, CSR District I
MABCD
Matthew Schultz, *via email*

CONDITIONAL USE RESOLUTION NO. CON2025-00052

WHEREAS, Raymond Denk, Owner, 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 SF-5 Single-Family Residential District zoning located at 435 North Clifton Avenue, legally described as:

> The South 35 feet of Lot 11, and the North 25 feet of Lot 13, Block 2, A.C. Payne's Addition to Wichita, 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 SF-5 Single-Family Residential District zoning located at 435 North Clifton Avenue, legally described as:

> The South 35 feet of Lot 11, and the North 25 feet of Lot 13, Block 2, A.C. Payne's Addition to Wichita, 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 435 North Clifton 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 turning in plans for review and approval by the MABCD for the Accessory Apartment.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 1ST Day of JUNE, 2025.

METROPOLITAN AREA PLANNING COMMISSION

Bryan Frye, Chairman

ATTEST:

Scott Wadle, Secretary

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
16399	651733	Print Legal Ad-IPL02264370 - IPL0226437		2	47 L

Attention: Mandy Hebert

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on April 9, 2025
(One Time Only)
MAPC/BZA 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. Full notice can be found at www.wichita.gov/LegalNotices.

BZA2025-00015: Variance request in the City to increase the size of the allowed building sign of a property zoned TF-3 Two-Family Residential District, generally located within one-half mile south of East 13th Street North and east of North Roosevelt Avenue (1034 North Roosevelt Avenue).

CON2025-00052: Conditional Use request in the City for an Accessory Apartment on property zoned SF-5 Single-Family Residential; generally located on the west side of North Clifton Avenue approximately 300 feet south of East Central Avenue (435 North Clifton Avenue).

CON2025-00053: Conditional Use request in the City for an Accessory Apartment on property zoned SF-5 Single Residential; Generally located on the northwest corner of East Waterman Street and South Rutan Avenue (255 South Rutan Avenue).

CON2025-00056: Conditional Use request in the City for Entertainment Establishment in the City; generally located on the south side of East 47th Street South and within 150 feet east of South Hydraulic Avenue (1827 East 47th Street South).

VAC2025-00010: Vacation request in the City of a portion of a platted easement, generally located between East Cessna Street and South George Washington Boulevard (4104 East Cessna Street).

VAC2025-00011: Vacation request in the City to vacate a portion of building setback for an egress window well, generally located on the east side of South Millwood Avenue and within 375 feet north of West 47th Street South (4716 South Millwood Avenue).

ZON2025-00009: Zone Change request in the City from SF-5 Single Family Residential to TF-3 Two-Family Residential District to allow two duplexes, generally located within two blocks south of West Maple Street on the west side of South All Hallows Avenue.

ZON2025-00010: Zone Change request from TF-3 Two-Family Residential District to B Multi-Family Residential District to build five apartments, generally located on the west side of North Volutsia Avenue, within 200 feet north of East Douglas Avenue (117 North Volutsia Avenue).

IPL0226437
Apr 10 2025

In The STATE OF KANSAS
In and for the County of Sedgwick

1 insertion(s) published on:
04/10/25

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 04/10/2025 to 04/10/2025.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 04/10/2025

Amy Robbins

Notary Public in and for the state of South Carolina, residing in Beaufort County

AMY L. ROBBINS
NOTARY PUBLIC
SOUTH CAROLINA
MY COMMISSION EXPIRES 11-03-32

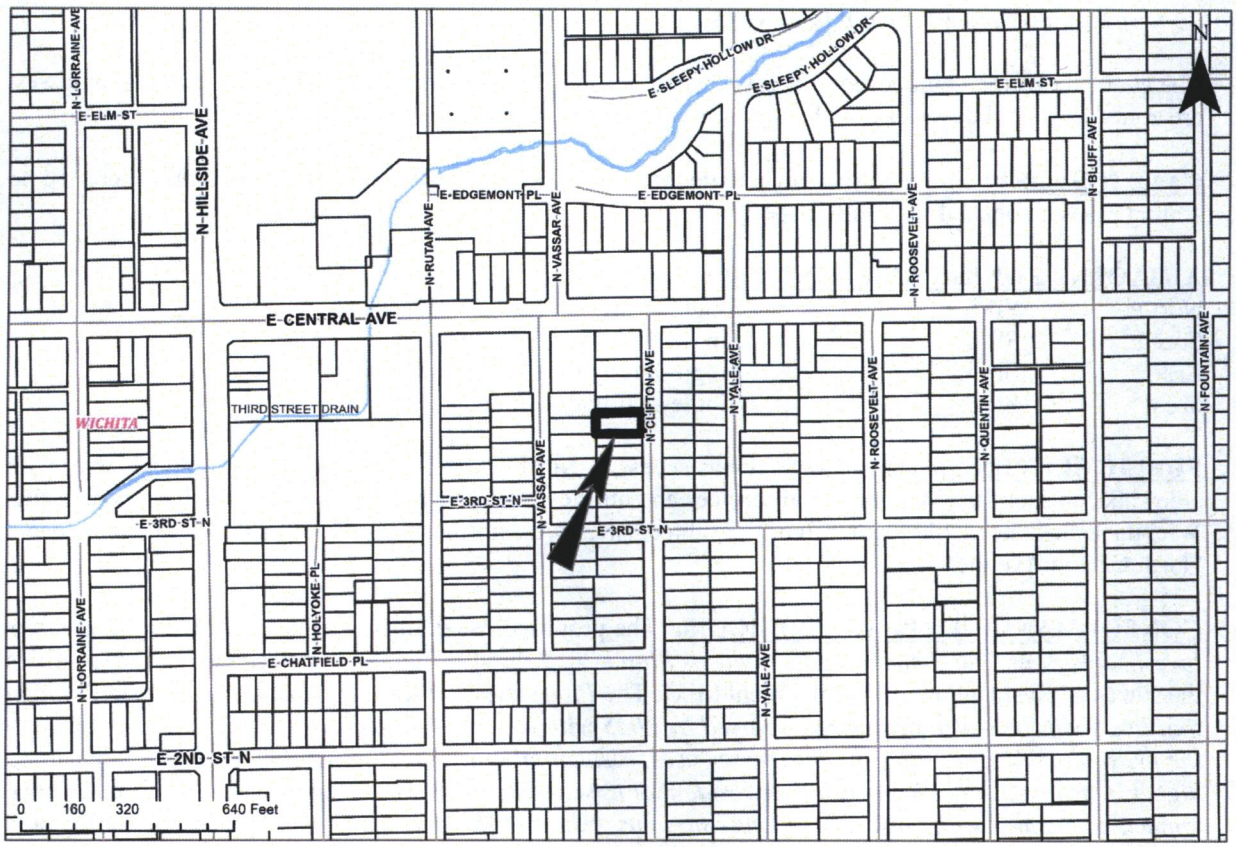
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.3

STAFF REPORT
MAPC: April 24, 2025
DAB I: May 5, 2025

CASE NUMBER:	CON2025-00052 (City)
APPLICANT/AGENT:	Raymond Denk (Applicant)/Michael Schultz (Agent)
REQUEST:	Conditional Use to allow an Accessory Apartment
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	0.20 acres
LOCATION:	Generally located on the west side of North Clifton Avenue, within 300 feet south of East Central Avenue (435 North Clifton Avenue).
PROPOSED USE:	Accessory Apartment
RECOMMENDATION:	Approve with conditions.



BACKGROUND: The applicant is requesting a Conditional Use to allow an Accessory Apartment on a property zoned SF-5 Single-Family Residential District (SF-5). The 0.20-acre property is generally located on the west side of North Clifton Avenue, within 300 feet south of East Central Avenue (435 North Clifton Avenue). The subject site is currently developed with a 2,185-square-foot single-family residential dwelling constructed in 1930 and a two-car detached garage. The applicant is requesting the Conditional Use in order to construct a detached dwelling unit.

The applicant intends to utilize the existing two-car garage as the accessory apartment. Section A.4 of the UZC requires one parking space per Accessory Apartment and one space for a single-family residence. The new structure and existing driveway will accommodate the necessary parking for both uses on site. The garage has the same exterior material and design as the principal structure, and therefore it is staff's opinion that that the proposed Accessory Apartment meets the first Supplemental Regulation listed below regarding a compatible appearance with the principal dwelling.

Accessory Apartments are subject to Supplementary Use Regulations outlined in Section III-D.6.a of the Unified Zoning Code (UZC), which state:

1. A maximum of one Accessory Apartment may be allowed on the same lot as a single-family dwelling unit and may be within the main building, within an accessory building or constructed as an accessory building.
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.
4. The water and sewer service provided to the Accessory Structure 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 neighborhood is low-density residential. Properties to the north, south, east and west are zoned SF-5 and developed with single-family dwellings.

CASE HISTORY: In 1909, the subject site was platted as part of A.C. Payne's Addition. There are no zoning cases associated with this property.

ADJACENT ZONING AND LAND USE:

North:	SF-5	Single-family dwelling
South:	SF-5	Single-family dwelling
East:	SF-5	Single-family dwelling
West:	SF-5	Single-family dwelling

PUBLIC SERVICES: The subject site has access to North Clifton Avenue, a two-way local street with sidewalks on each side. All municipal services and utilities, such as water and sewer, already serve this site. Wichita Transit stops 400 feet north of the subject site, on the northeast corner of East Central Avenue and North Clifton Avenue.

CONFORMANCE TO PLANS/POLICIES: The proposed use is in conformance with the *Community Investments Plan*. The *Community Investments Plan*'s 2035 Wichita Future Growth Concept Map identifies the site as a "Residential and Employment Mix". The *Plan* states that this site "*Encompasses areas of land that likely will be developed or redeveloped by 2035 with uses predominately of a mixed nature. Due to the proximity of higher intensity businesses uses, residential housing types within this area likely will be higher density. Due to the proximity of residential uses, employment uses likely will have limited negative impacts associated with noise, hazardous emissions, visual blight, and odor.*" An Accessory Apartment is appropriate for this category and should have limited negative impacts.

The requested zoning aligns with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as "a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles."

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested zoning aligns with Strategy 5, "Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA." The small-scale development would provide housing options that otherwise might not be immediately available in the area.
- The requested zoning also aligns with Strategy 6, "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The proposed Conditional Use would allow for the infill of an additional dwelling unit.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **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 435 North Clifton 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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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 low-density residential. Properties to the north, south, east and west are zoned SF-5 and 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 SF-5 Single-Family Residential, which permits an Accessory Apartment by Conditional Use approval under Section III-D.6.a of the Unified Zoning Code.

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. The conditions of approval should minimize any possible significant negative 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 1930.

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 a significant detrimental effect on the public health, safety, or welfare. Denial of the application may result in a loss of enjoyment for the applicant.

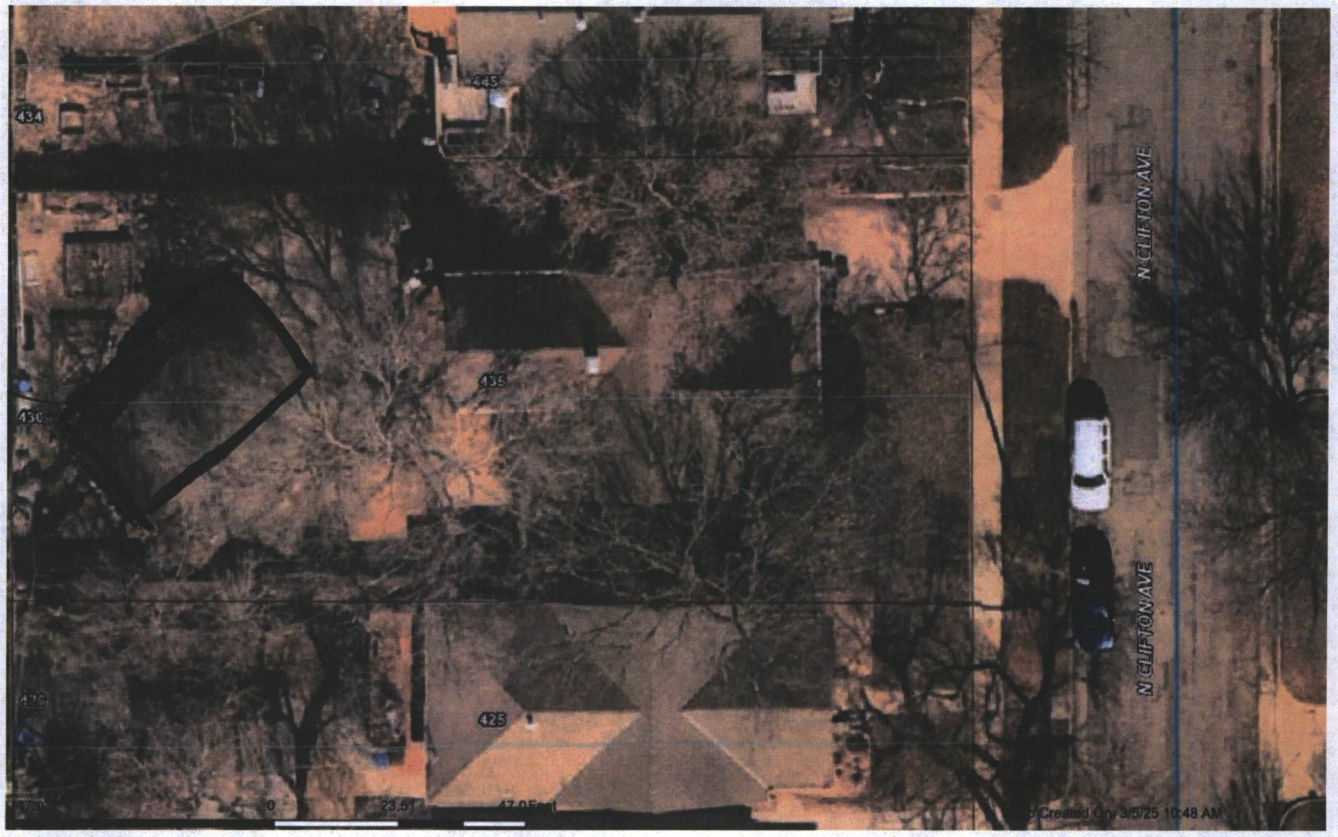
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed use is in conformance with the *Community Investments Plan* and the *Wichita: Places for People Plan*, as discussed in the report.

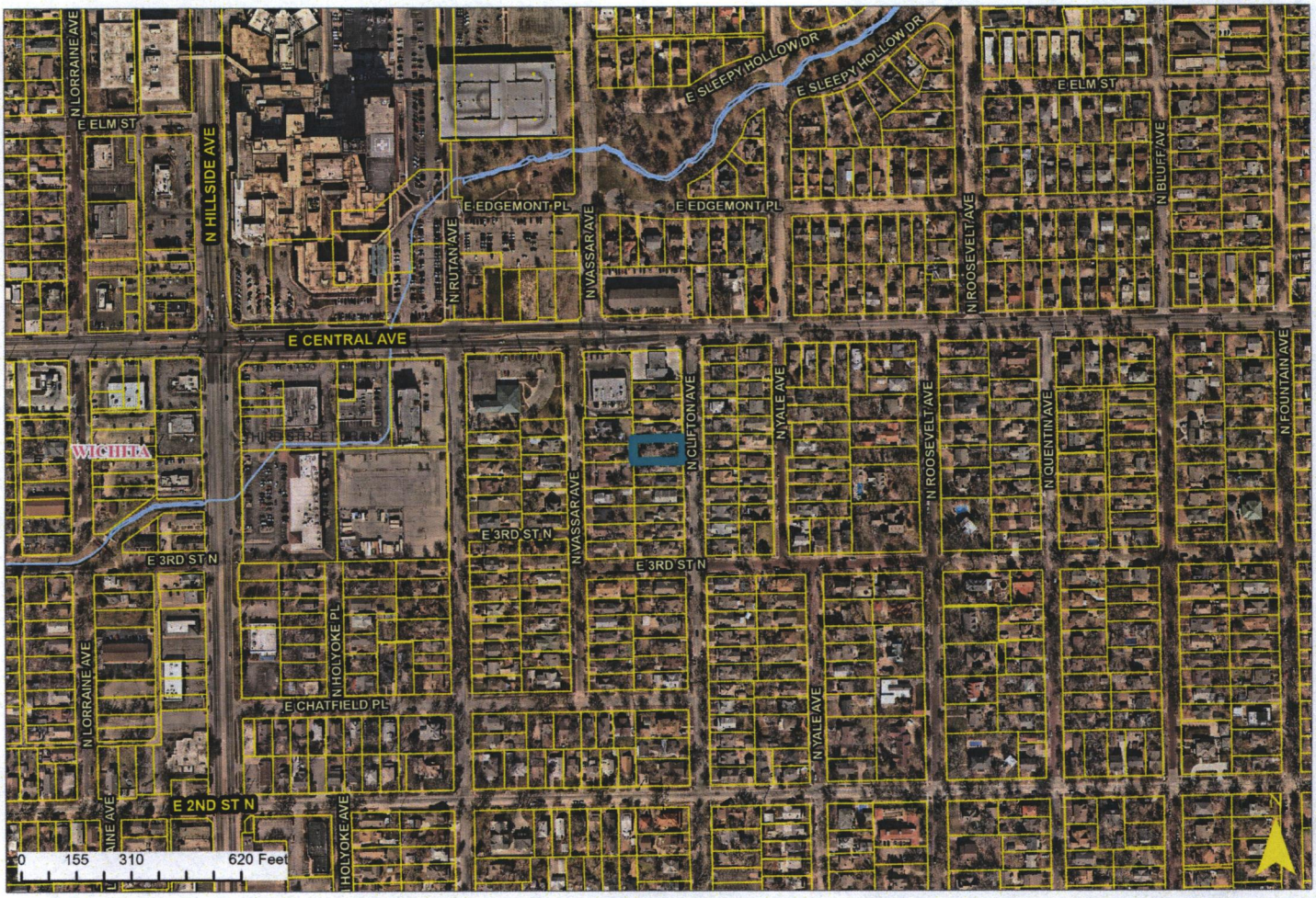
7. Impact of the proposed development on community facilities: Staff expect that there will be minimal significant impact on public roads, water, and sewer service.

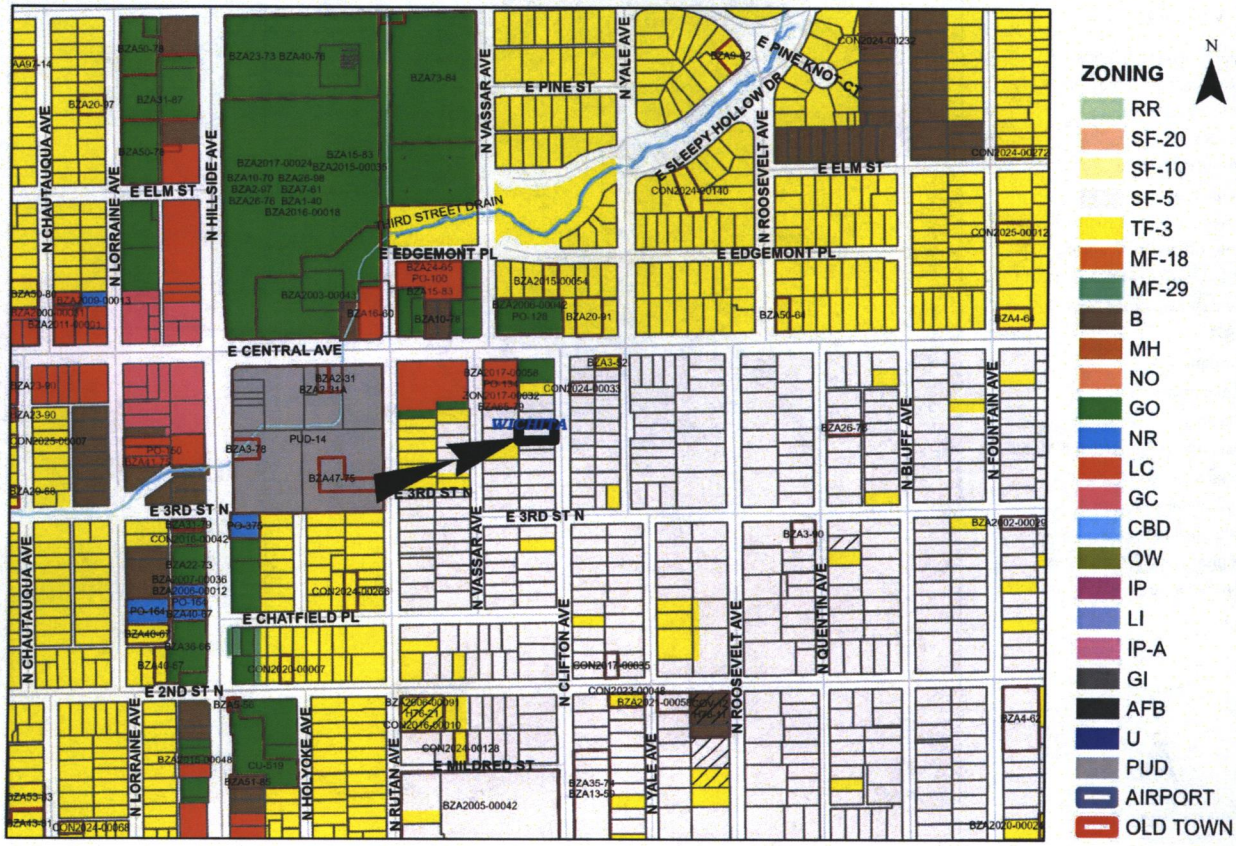
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff did not receive any public comment on the request.

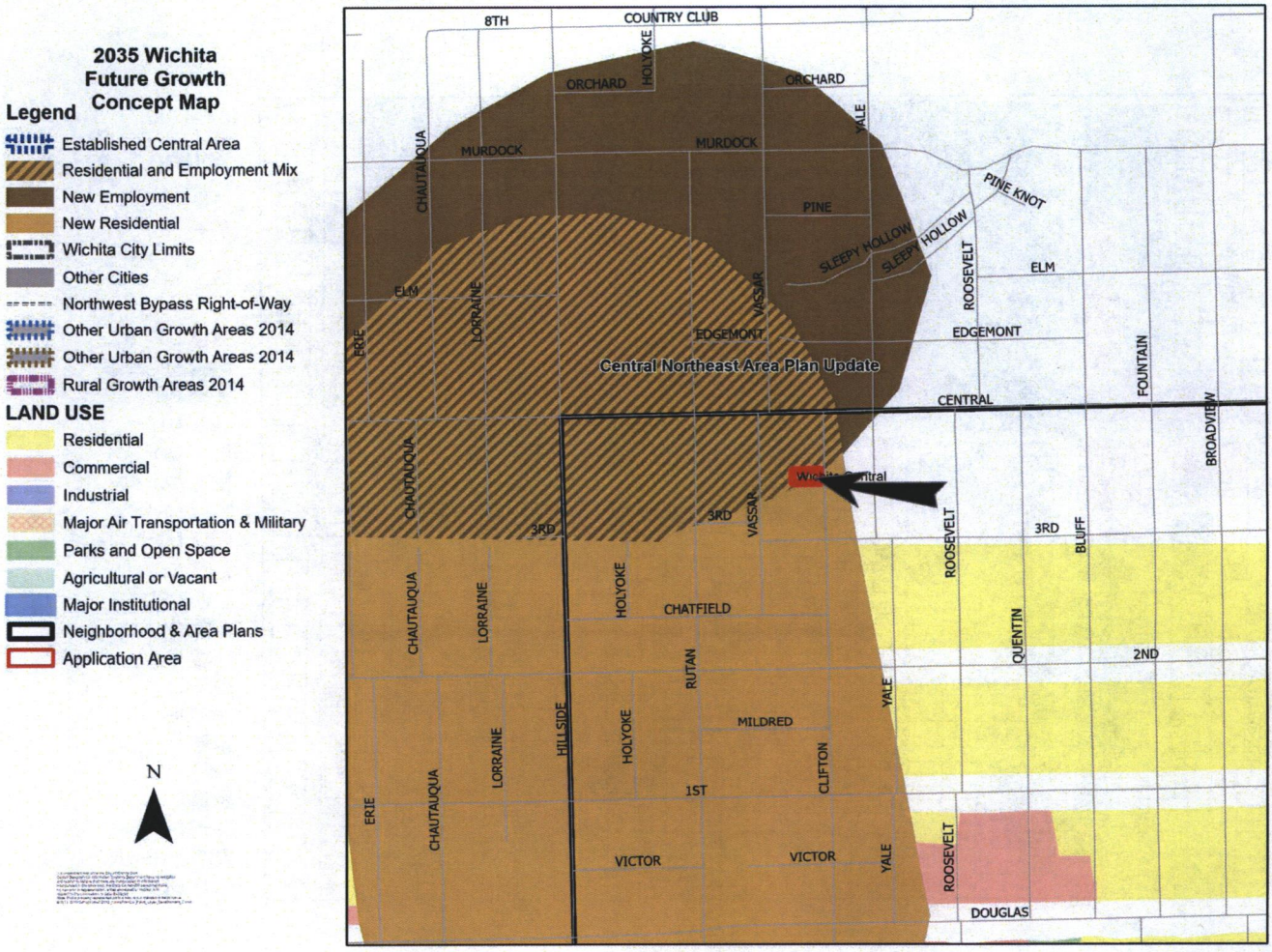
Attachments:

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


445
434
435
430
425
N CLIFTON AVE
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23.5
47.0 Feet


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N CLIFTON AVE
N HOLYOKE AVE
N RUTAN AVE
PUD-14


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
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8TH
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HOLYOKE
ORCHARD
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YALE
CHAUTAUQUA
MURDOCK
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PINE KNOT
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ROOSEVELT
ELM
ELM
LORRAINE
VASSAR
ERIE
EDGEMONT
EDGEMONT
Central Northeast Area Plan Update
FOUNTAIN
CENTRAL
BROADVIEW
CHAUTAUQUA
3RD
3RD
VASSAR
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3RD
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CHAUTAUQUA
LORRAINE
HOLYOKE
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HOLYOKE
MILDRED
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ERIE
CHAUTAUQUA
VICTOR
VICTOR
YALE
ROOSEVELT
DOUGLAS

Looking west towards site



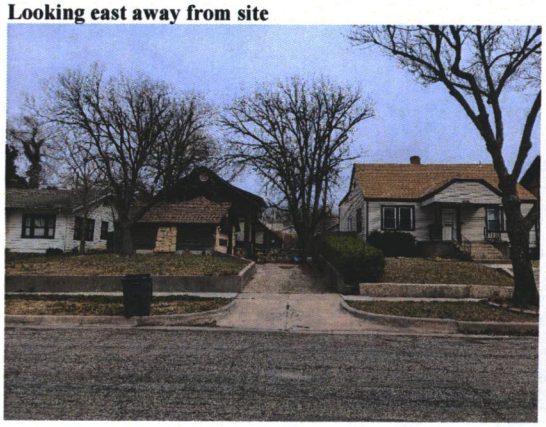
Looking southwest towards site of proposed accessory structure



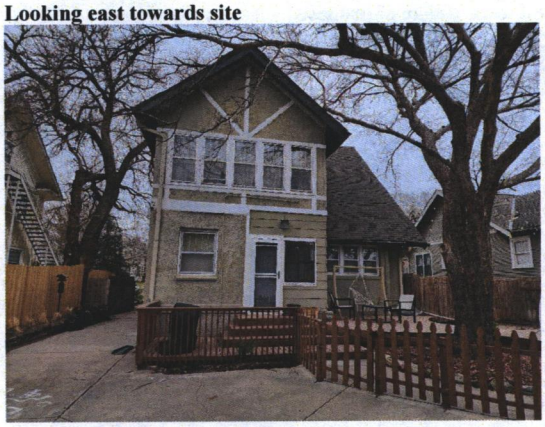
Looking west away from site



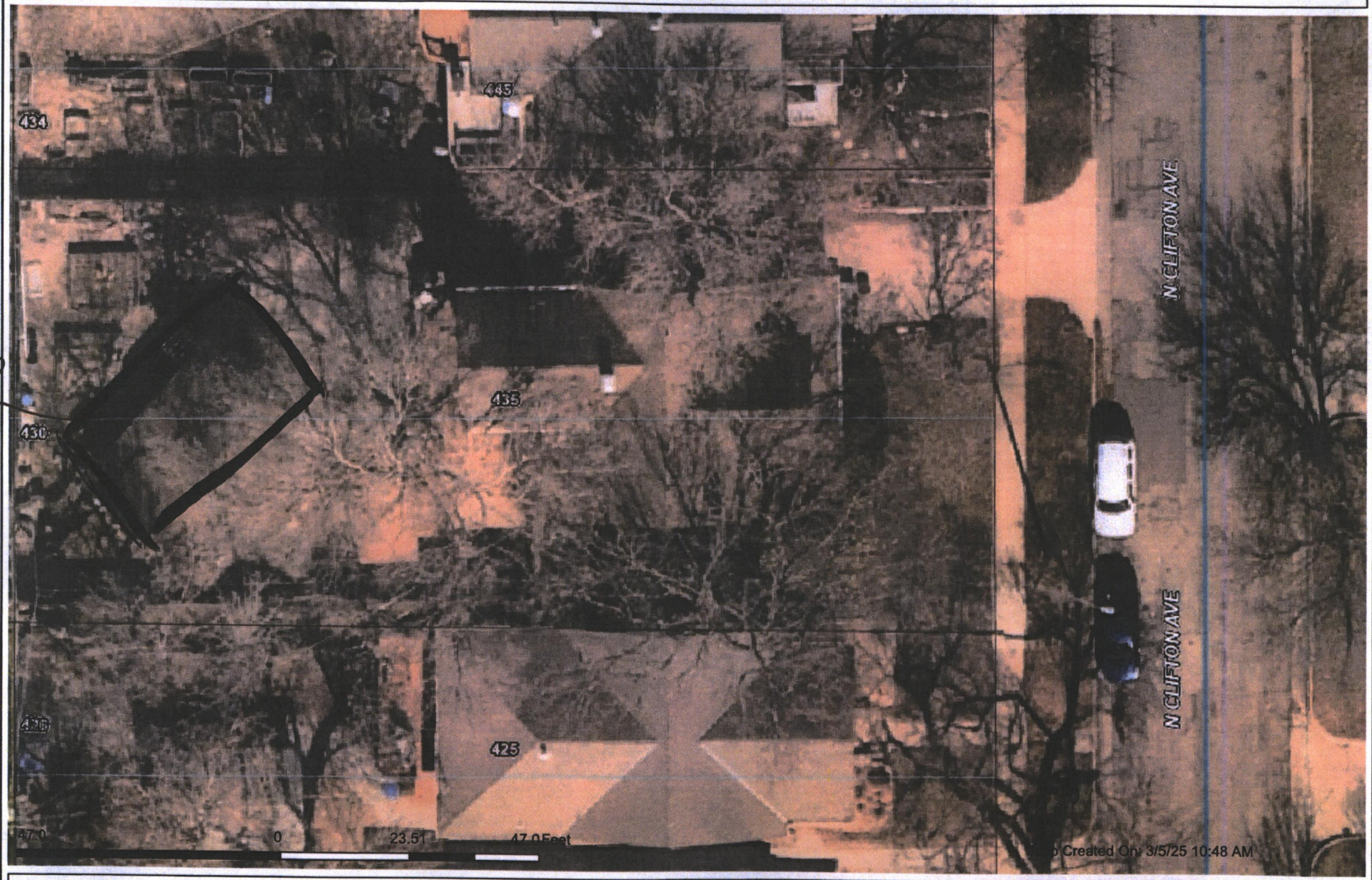
Looking east away from site



Looking east towards site



City of Wichita Map Print



This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

SITE PLAN

1: 282

APPROVED 5/9 BY CMR