CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

William and Barbara Almy
433 South Fern Avenue
Wichita, KS 67213

October 9, 2025

RE: CON2025-00110 - Conditional Use request in the City for an Accessory Apartment on property zoned SF-5 Single Family Residential District, generally located on the west of South Fern Road and south of West Maple Street (433 South Fern Avenue).

Dear Applicant,

On **September 25, 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 433 South Fern 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 against this case. 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

Wichita-Sedgwick County Metropolitan Area Planning Department

William Almy III
433 South Fern Avenue
Wichita, KS 67213

September 25, 2025

RE: CON2025-00110 - Conditional Use request in the City to allow Accessory Dwelling Unit on property zoned SF-5 Single Family Residential District, generally located on the west of South Fern Road and south of West Maple Street (433 South Fern Avenue).

Dear Applicant,

On **September 25, 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 433 South Fern 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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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.

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 **October 9, 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 **October 9, 2025** at 5:00 p.m.

This case will be heard on **Monday, October 6, 2025**, by the District Advisory Board (DAB) IV, which meets at the Alford Branch Library (3447 South Meridian Avenue, Wichita, KS 67217) at 6:00 p.m. For more information, please contact Brooke Kauchak at 316-268-4197 or bkauchak@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 **Thursday, November 6th, 2025, at 6:00 p.m.** for final action. 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: Dalton Glasscock, Councilmember District IV
Brooke Kauchak, CSR District IV
MABCD
Tony Jacobs, *via email*

CONDITIONAL USE RESOLUTION NO. CON2025-00110

WHEREAS, William and Barbara Almy, 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 SF-5 Single-Family Residential District zoning located at 433 South Fern Avenue, legally described as:

Lots 20 and 22, Fern Avenue, University Place 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 September 25, 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 433 South Fern Avenue, legally described as:

Lots 20 and 22, Fern Avenue, University Place 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 433 South Fern 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 13 Day of NOVEMBER, 2025.

METROPOLITAN AREA PLANNING COMMISSION

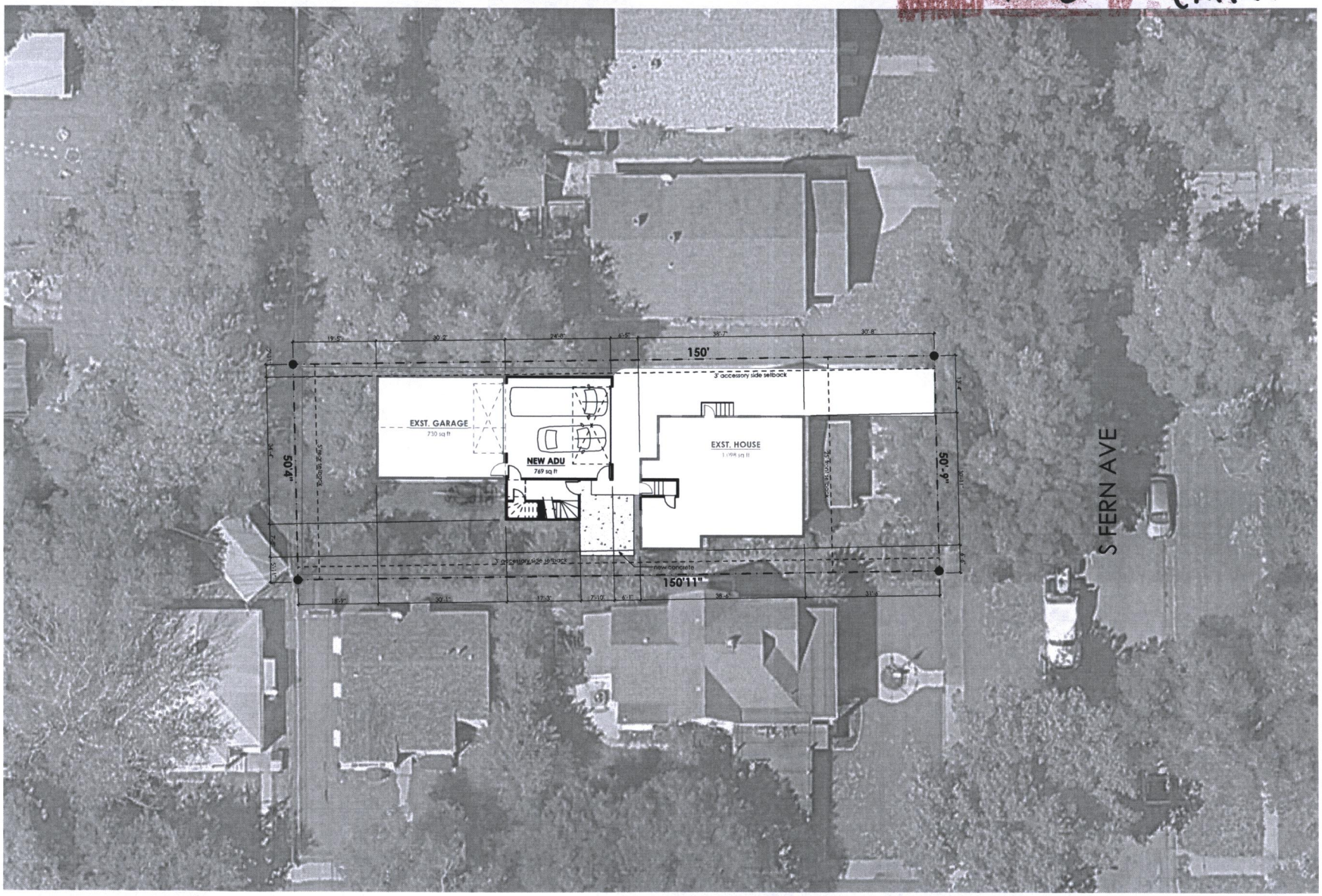
Bryan Frye, Chairman

ATTEST:

Scott Wadle, Secretary

SITE PLAN

APPROVED 11-13 BY CMR



Site Plan | 01
1" = 10'

0 5 10

STUDIUM
151 N. Rock Island, Suite 1B
Wichita, Kansas 67202
studiumwichita.com
316.295.4563

Almy ADU
435 S Fern Ave Wichita, KS 67213

owner
-
-
ph: -
contact: -
email: -

architect
STUDIUM
151 N Rock Island, 1B
Wichita, KS
ph: 316.295.4563
contact: Tony Jacobs
email: tony@studiumwichita.com

general contractor
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ph: -
contact: -
email: -

structural engineer
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contact: -
email: -

mep engineer
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Contact: -
email: -

civil engineer
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ph: -
Contact: -
email: -

For CON 07.31.25

Project # 25028

AS1.0
Architectural Site Plan

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
41100	IPL0268791	Legal Ad - IPL0268791		2.0	144.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on September 3, 2025
(One Time Only)
MAPC/BZA September 25, 2025
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, September 25, 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.**

CON2025-00110: Conditional Use request in the City to allow Accessory Dwelling Unit on property zoned SF-5 Single Family Residential District, generally located on the west of South Fern Road and south of West Maple Street (433 South Fern Avenue).

CON2025-00113: Conditional Use request in the City for Vehicle and Equipment Sales, Outdoor on property zoned LC Limited Commercial District, generally located on the southeast corner of East Kincaid Avenue and South Broadway Avenue (2200 & 2208 South Broadway).

CON2025-00116: Conditional Use request in the City for a Car Wash on property zoned LI Limited Industrial within 200 feet of a residentially zoned district, generally located on the east side of North Rock Road and within 300 feet north of East 37th Street North.

CUP2025-00029: Request in the City to create CUP DP-365 Eastside Community Church Commercial Community Unit Plan (with ZON2025-00041 from SF-5 to LC), generally located on the northwest corner of East 21st Street North and North 143rd Street East (14242 East 21st Street North).

PUD2025-00019: Zone Change request in the City from MH Manufactured Housing District to PUD Planned Unit Development to create the Park Village PUD #150 for RV campground and manufactured home uses, generally located on the northeast corner of South Greenwich Road and East Waterman Street.

VAC2025-00038: Vacation request in the City to vacate a portion of a platted utility easement, generally located one quarter mile south of East Harry Street and one third mile west of South 159th Street East (15410 E Woodcreek Street).

VAC2025-00039: Vacation request in the City to vacate a portion of a utility easement on property zoned SF-5 Single-Family Residential District, generally located on the south side of West Ringer Street, within 650 west of South Maize Road (10509 West Ringer Street).

VAC2025-00040: Vacation request in the City to vacate a portion of a platted building setback along North Rock Road and East Thorn Drive, generally located on the east side of North Rock Road, within 400 feet north of East 37th Street North.

ZON2025-00039: Zone change request in the City from B Multi-Family Residential District and LC Limited Commercial District to OW Office Warehouse District, generally located on the northwest corner of East 1st Street North and North Ash Avenue.

ZON2025-00040: Zone Change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District to allow for future development, generally located on the northeast side of North Westlink Avenue, within 100 feet north of West Central Avenue (720 North Westlink Avenue).

ZON2025-00041: Zone Change request in the City from SF-5 Single-Family Residential District to LC Limited Commercial District (with CUP2025-00029 to create CUP DP-365) for commercial development, generally located on the northwest corner of East 21st Street North and North 143rd Street East (14242 E 21st St N).
IPL0268791
Sep 3 2025

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

the undersigned, 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.

1.0 insertion(s) published on:
09/03/25 Print

Print Tearsheet Link

Marketplace Link

Sherry Chasteen

DIGITALLY SIGNED

Sherry Chasteen

Amanda Rodela

DIGITALLY SIGNED

Sworn to and subscribed before me on Sep 3, 2025, 10:06 AM EDT

NOTARY PUBLIC STATE OF TEXAS
AMANDA RODELA
ELECTRONIC NOTARY PUBLIC
STATE OF TEXAS
COMMISSION # 135511392
MY COMMISSION EXPIRES 4/15/2029

Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNiX®

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 4.4

STAFF REPORT
MAPC: September 25, 2025
DAB IV: October 6, 2025

CASE NUMBER:	CON2025-00110 (City)
APPLICANT/AGENT:	William and Barbara Almy (Applicants)/Anthony Jacobs (Agent)
REQUEST:	Conditional Use to allow an Accessory Apartment
CURRENT ZONING:	SF-5 Single-Family Residential District; D-O Delano Overlay
SITE SIZE:	0.17 acres
LOCATION:	Generally located on the west side of South Fern Avenue, within 125 feet north of West Mentor Avenue (433 South Fern 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 0.17-acre property is generally located on the west side of South Fern Avenue, within 125 feet north of West Mentor Avenue (433 South Fern Avenue). The subject site is currently developed with a single-family residential dwelling constructed in 1930 and a detached two-car garage. The applicant is requesting the Conditional Use in order to renovate and utilize the existing detached two-car garage as an Accessory Apartment.

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.

Section IV-A.4 of the UZC requires one parking space per Accessory Apartment and one space for a single-family residence. The detached two-car garage will accommodate the necessary parking for both uses on site. The subject site is located within the D-O Delano Overlay and is subject to the Delano Design Guidelines set forth in the Unified Zoning Code (UZC). The applicant has provided a site plan as well as a rendering of the proposed remodeled structure. The final design of the accessory structure must be reviewed for architectural compatibility and approved by the Delano Design Review Committee prior to the issuance of building permits.

When located in zoning districts MH or more restrictive, Accessory Apartments are required to comply with the property development standards in Sec. III-D.7.e(2) of the Unified Zoning Code. Those standards include the following.

- Front Setbacks - Accessory Structures shall not be located nearer to the front property line than the Principal Structure except on Lots five acres or more in area where the Front Setback for Accessory Structures shall be the same as required for Principal Structures.

- Side Setbacks - Accessory Structures shall comply with the Side Setback standards for Principal Uses, provided that an Accessory Structure shall not be required to set back more than three feet from an interior side Lot Line when all parts of the Accessory Structure are located more than one-half the depth of the Lot behind the front property line. Accessory Structures may not utilize more than one-half of any required side Yard.

- Height - No Accessory Structure shall exceed 60 percent of the allowable height requirements of the District unless the Accessory Structure conforms to all Setback requirements for Principal Structures in that District.

According to the site plan submitted by the applicant, the proposed Accessory Apartment will be situated three feet from the north (side) property line and 19'-5" from the west (rear) property line. The UZC requires accessory structures to have a minimum three-foot interior side setback and five-foot rear setback if they are situated in the back half of the property. The proposed structure would be two stories in height but shall not exceed 60 percent of the allowable height requirements.

The character of the neighborhood is low-density residential. Properties to the north, south, east and west are located within the D-O Delano Overlay. Property to the north is zoned SF-5 and is developed with a single-family dwelling. Properties to the south are zoned SF-5 and TF-3 Two-Family Residential District and are each developed with single-family dwellings. Property to the east, across South Fern Avenue, is zoned SF-5 and developed with a single-family dwelling. Properties to the west are zoned TF-3 and MF-18 Multi-Family Residential District and are each developed with a duplex.

CASE HISTORY: In 1886, the subject site was platted as part of the University Place Addition. In 2003, the subject site was added to the D-O Delano Overlay (DER03-09).

ADJACENT ZONING AND LAND USE:

North:	SF-5 (D-O)	Single-family dwelling
South:	SF-5, TF-3 (D-O)	Single-family dwellings
East:	SF-5 (D-O)	Single-family dwelling
West:	TF-3, MF-18 (D-O)	Duplexes

PUBLIC SERVICES: The subject site has access to South Fern Avenue, which is a paved, 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 two blocks northwest of the subject site, on the northeast corner of West Douglas Avenue and North Vine 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 appropriate for "Residential" uses. The *Plan* states that this site "*Encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes).*" An Accessory Apartment is appropriate for this category and should have limited negative impacts.

The requested Conditional Use is in conformance with the *Wichita: Places for People Plan*. The *Plan* outlines a list of Strategies intended to help guide the community in their actions to create walkable places within Wichita. Strategy 5 aims to "Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA." The subject site will create an additional unit of housing in tandem with single-family residences and duplexes, adding to the range of housing in the immediate area. Strategy 6 aims to "Encourage infill and redevelopment that is contextual to the environment in which it is occurring." The proposed Accessory Apartment creates infill housing amongst other residential buildings.

The proposed Accessory Apartment is in conformance with the *Delano Neighborhood Plan*. The *Plan*'s Future Land Use Map identifies the site as appropriate for "Residential" uses. An Accessory Apartment is a residential use that is appropriate for this category.

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 433 South Fern 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 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.

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 located within the D-O Delano Overlay. Property to the north is zoned SF-5 and is developed with a single-family dwelling. Properties to the south are zoned SF-5 and TF-3 Two-Family Residential District and are each developed with single-family dwellings. Property to the east, across South Fern Avenue, is zoned SF-5 and developed with a single-family dwelling. Properties to the west are zoned TF-3 and MF-18 Multi-Family Residential District and are each developed with a duplex.

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.

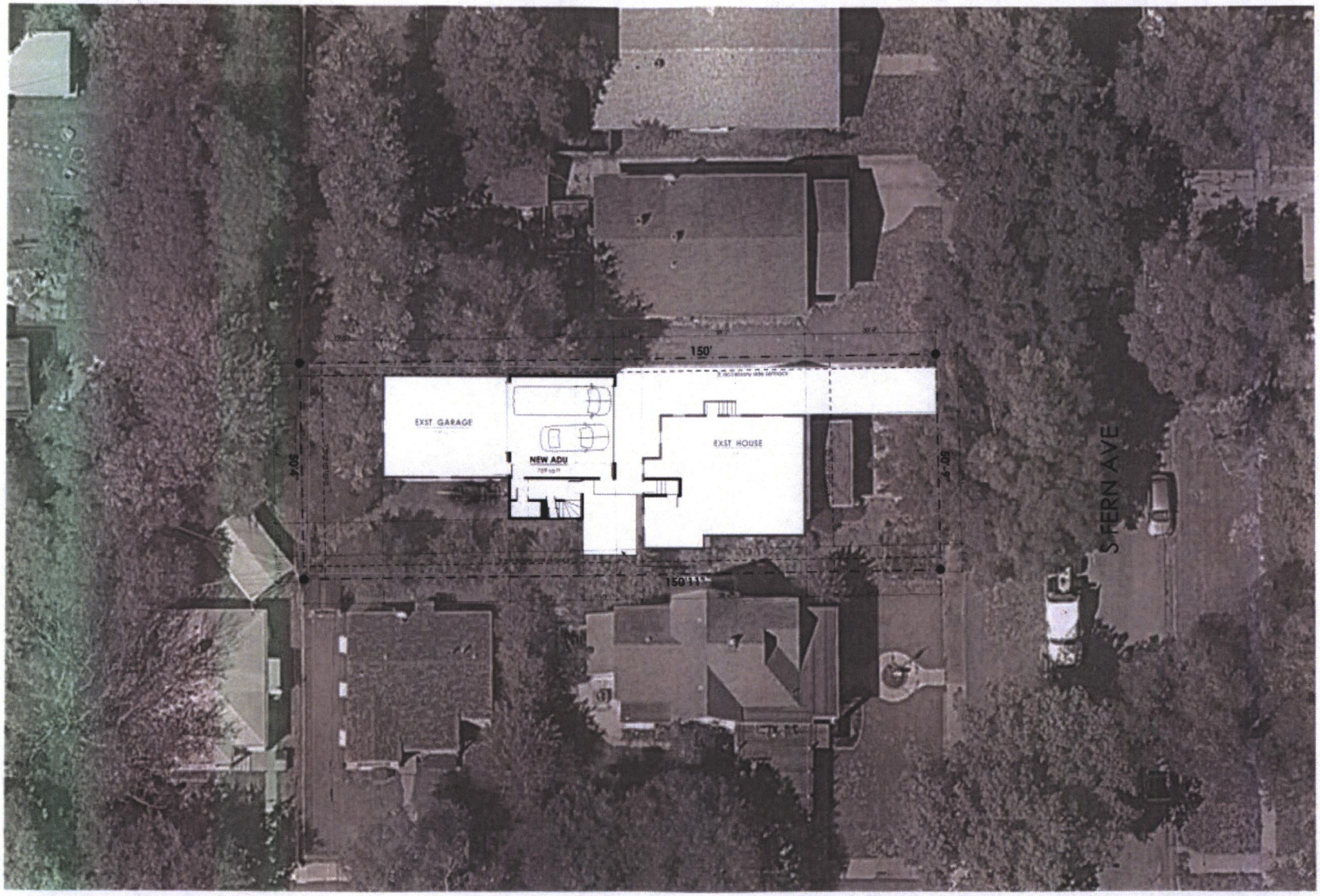
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed use is in conformance with the *Community Investments Plan*, the *Wichita: Places for People Plan*, and the *Delano Neighborhood Plan*, as discussed in the report.

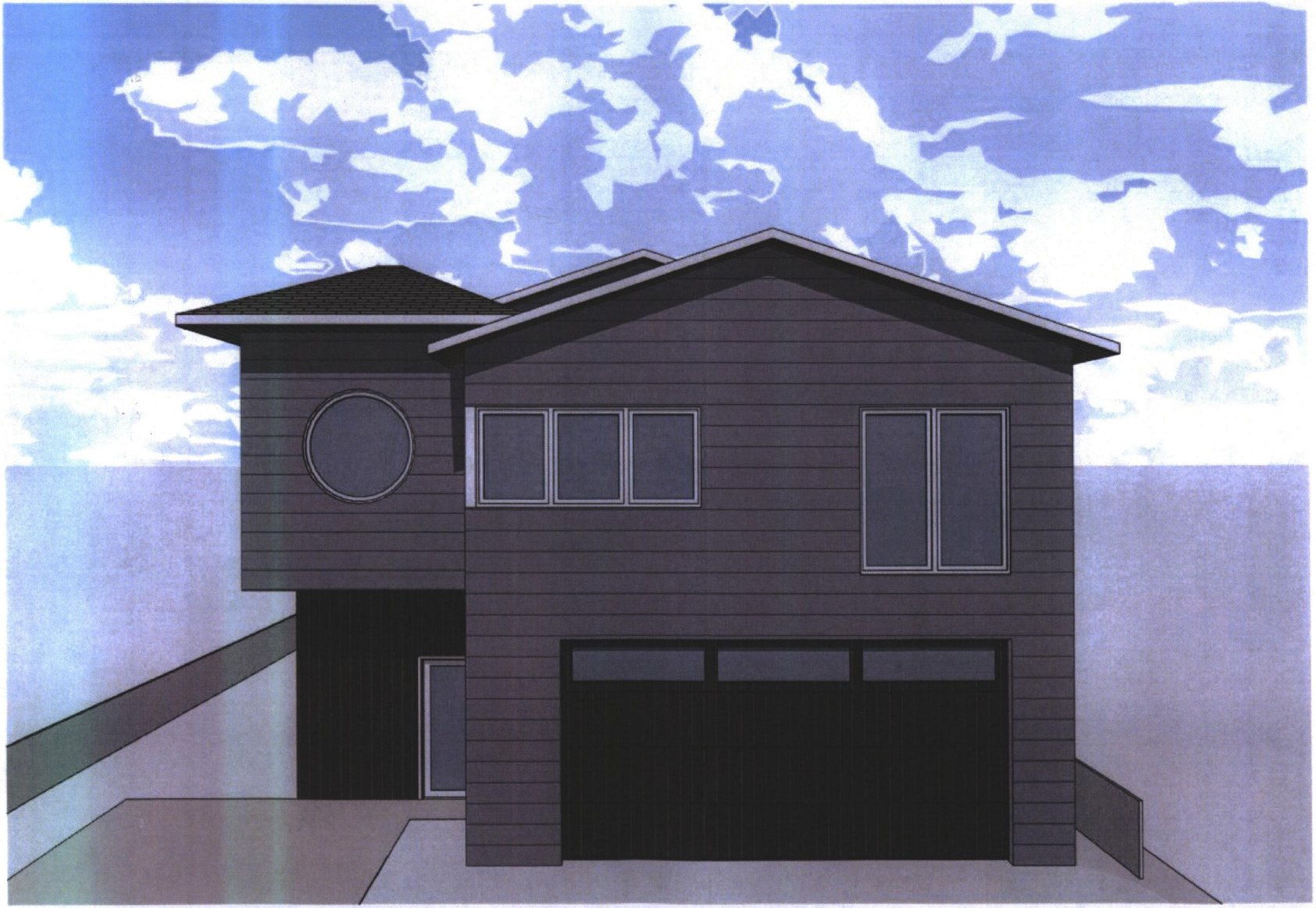
7. Impact of the proposed development on community facilities: Staff expect that there will be minimal impact on public roads, water, and sewer service.

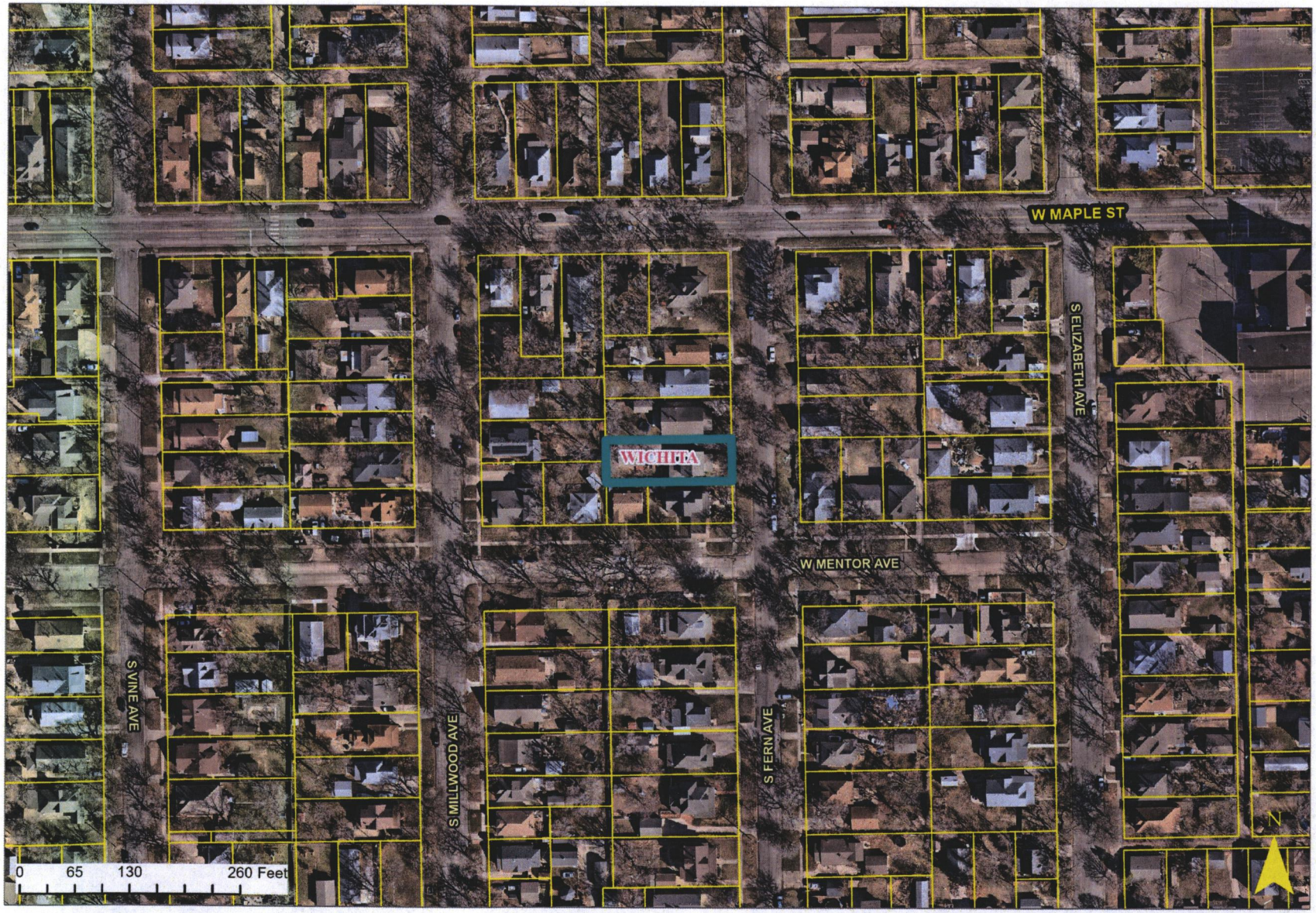
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff did not receive any public comment on the request.

Attachments:

1. Site Plan
2. Applicant-Submitted Rendering
3. Aerial Map
4. Zoning Map
5. Land Use Map
6. Delano Future Land Use Map
7. Site Photos


150'
EXST. GARAGE
NEW ADU
EXST. HOUSE
S FERN AVE
Site Plan | 01




W MAPLE ST
S ELIZABETH AVE
WICHITA
W MENTOR AVE
S VINE AVE
S MILLWOOD AVE
S FERN AVE
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W BURTON AVE
S VINE AVE
S FERN AVE
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S MARTINSON AVE
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BZA22-63
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BZA2005-00056
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SF-10
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TF-3
MF-18
MF-29
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CBD
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IP-A
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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

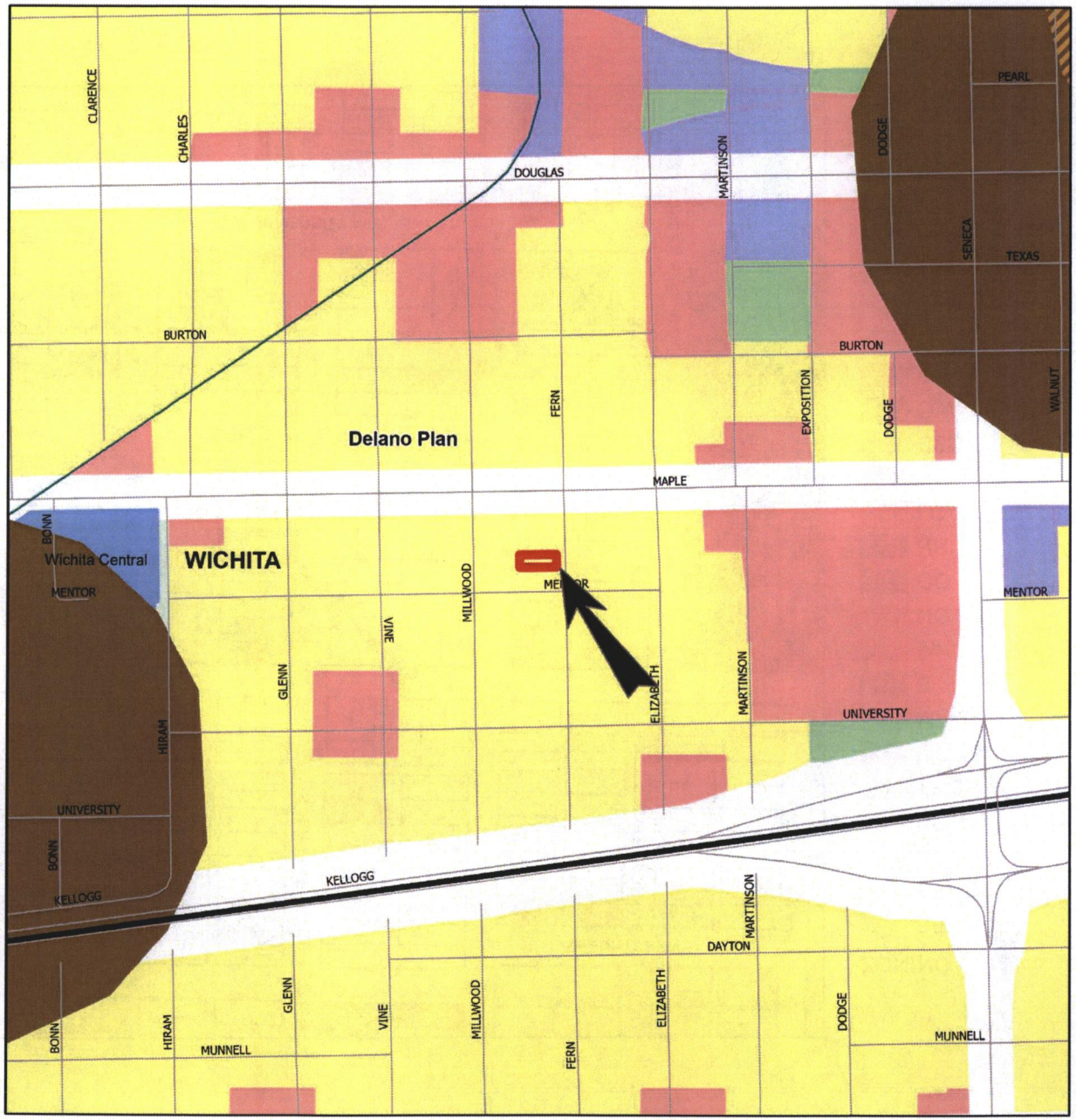
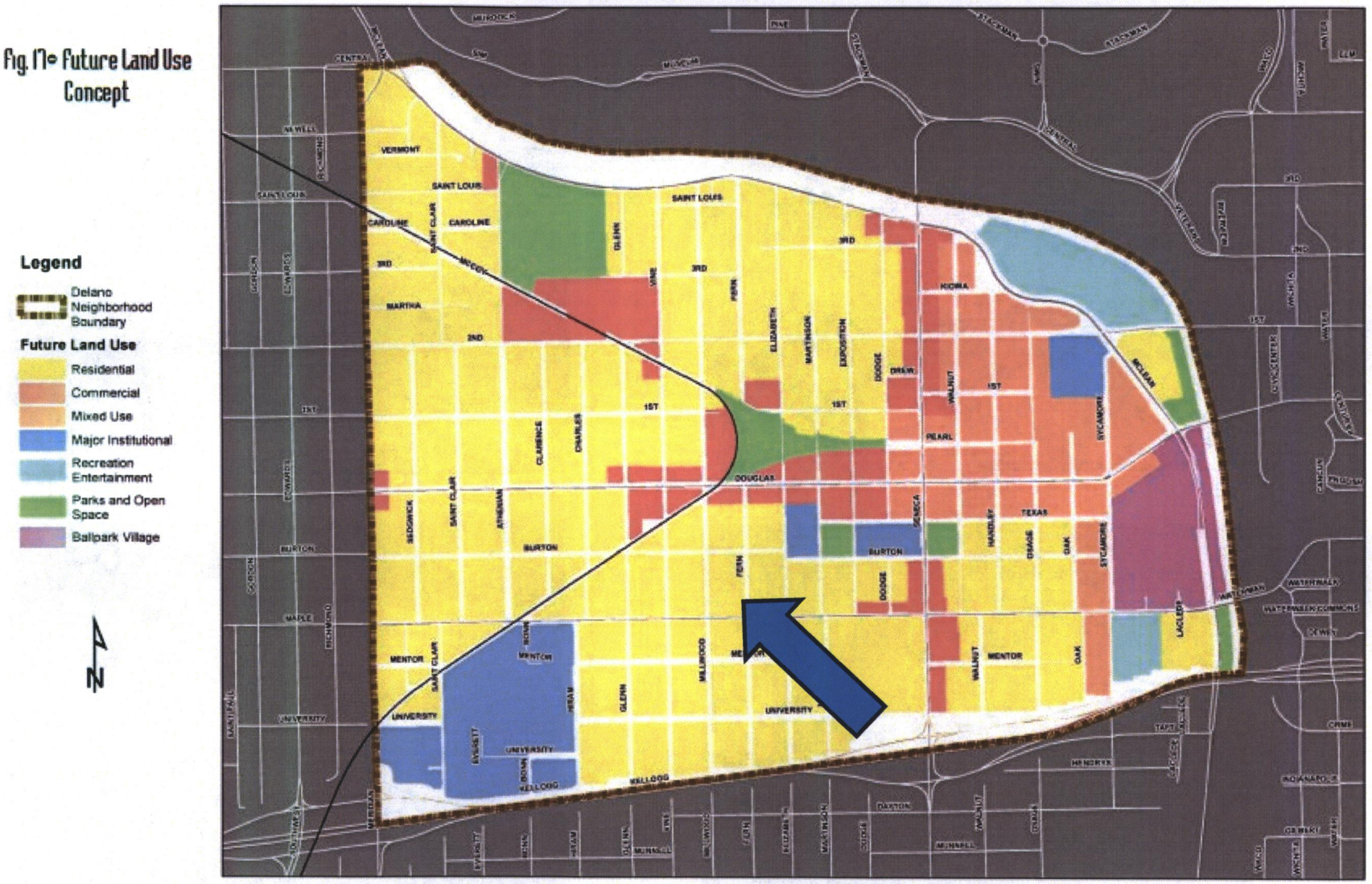


Fig. 17: Future Land Use Concept



Looking west towards site



Looking east away from site



Looking north away from site



Looking south away from site

