Wichita-Sedgwick County Metropolitan Area Planning Department

May 12, 2025

Christina Rieth
255 S. Rutan Ave.
Wichita, KS 67018

RE: CON2025-00053 –A Conditional Use request to allow an Accessory Apartment in the City, Generally located on the northwest corner of East Waterman Street and South Rutan Avenue (255 South Rutan Avenue).

Dear Applicant:

At its regular meeting on **April 23, 2025**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request with the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 255 South Rutan 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 filed against this case. Therefore, the decision of the MAPC is final. If you have any questions concerning this application, please contact our office at 352-4864.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I
MABCD

CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 28, 2025

Christina Rieth
255 S. Rutan Ave.
Wichita, KS 67018

RE: CON2025-00053 –A Conditional Use request to allow an Accessory Apartment in the City, Generally located on the northwest corner of East Waterman Street and South Rutan Avenue (255 South Rutan Avenue).

Dear Applicant,

At its regular meeting on **April 23, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the above captioned 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 255 South Rutan 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.

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 application is scheduled to be presented to the Wichita City Council on **Tuesday, May 13, 2025**, beginning at 9:00 a.m.

This application will be heard by the District Advisory Board (DAB) I on **Monday, May 5, 2025**, beginning at 6:00 p.m. at the Atwater Neighborhood Resource Center (2755 E 19th Street N). For more information on this meeting, please contact Community Services Representative for District I, Cameron Jackson at (316) 268-8018 or mailto:ctjackson@wichita.gov. This application will be presented to the Wichita City Council on **Tuesday, June 3, 2025**, beginning at 6:00 p.m.

Sincerely,

Brad Eatherly
Current Plans
Senior Planner

CC: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I
MABCD

CONDITIONAL USE RESOLUTION NO. CON2025-00053

WHEREAS, Christina Rieth, Owner, 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 Accessory Apartment in SF-5 Single-Family Residential District zoning located at 255 South Rutan Avenue, legally described as:

Lot 18, on Rutan Avenue, B. D. Allen'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 Accessory Apartment in SF-5 Single-Family Residential District zoning located at 255 South Rutan Avenue legally described as:

Lot 18, on Rutan Avenue, B. D. Allen'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 255 South Rutan 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.

Adopted this _8th__ Day of _____April_____, 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

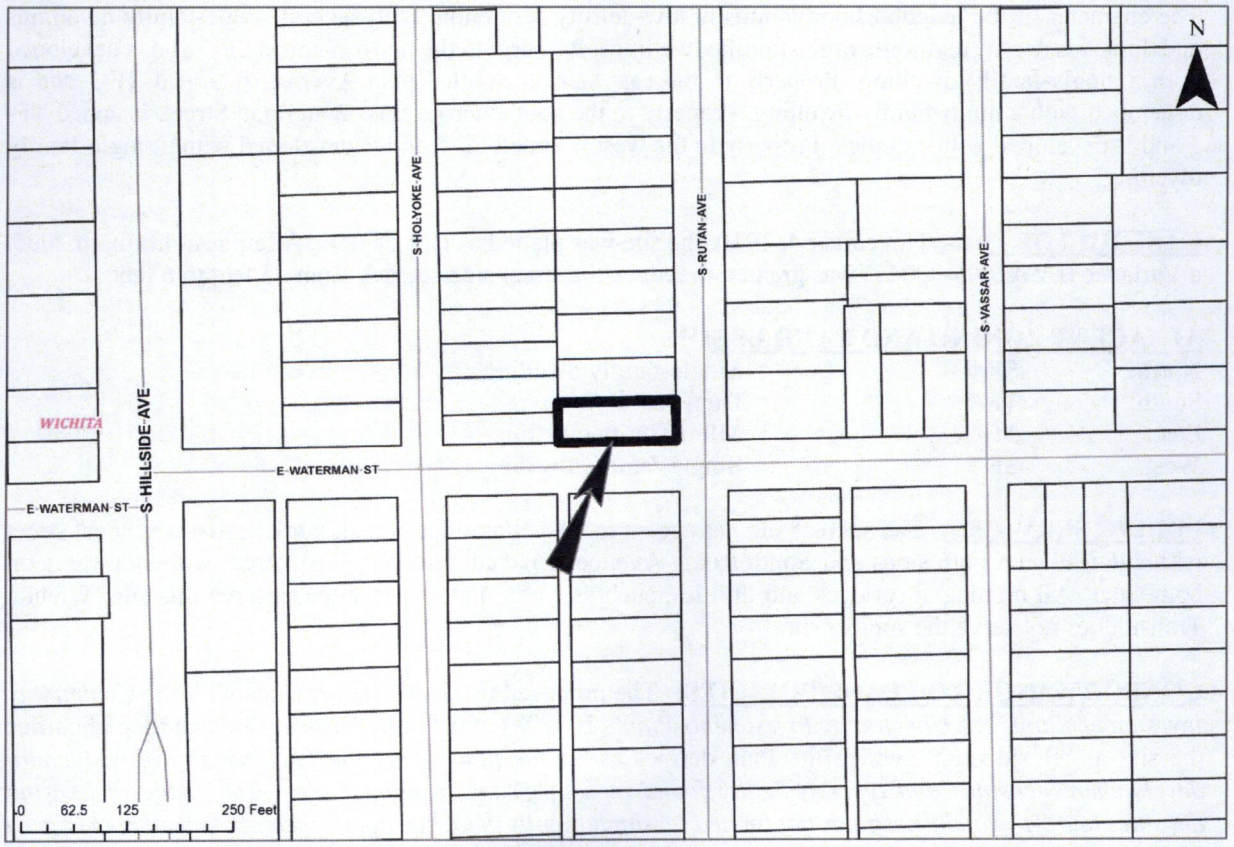
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

AGENDA ITEM NO. 4.4

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

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

CASE NUMBER:	CON2025-00053 (City)
APPLICANT/AGENT:	Christina Rieth (Applicant)
REQUEST:	Conditional Use to allow an Accessory Apartment
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	0.16 acres
LOCATION:	Generally located on the northwest corner of East Waterman Street and South Rutan Avenue (255 South Rutan Avenue).
PROPOSED USE:	Accessory Apartment
RECOMMENDATION:	Approve with conditions.



home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes)." An Accessory Apartment is appropriate for this property.

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.

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 255 South Rutan 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.

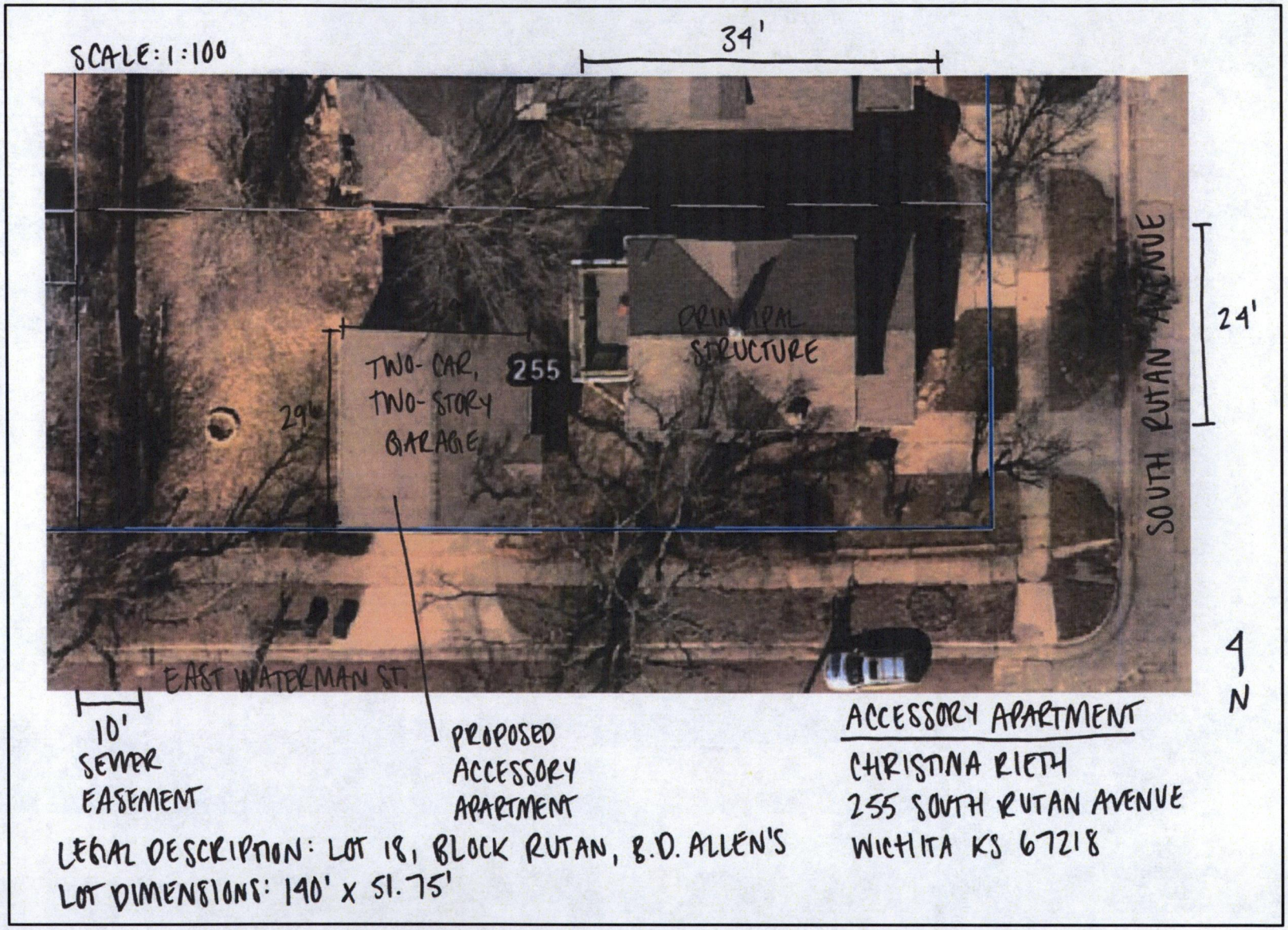
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is mostly low-density residential with several single-family dwellings and duplexes nearby and some multi-family dwellings. Property to the north is zoned SF-5 and is developed with a single-family dwelling. Property to the east, across South Rutan Avenue, is zoned TF-3 and is developed with a multi-family dwelling. Property to the south, across East Waterman Street, is zoned TF-3 and is developed with a duplex. Property to the west is zoned SF-5 and is developed with a single-family dwelling.

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.

Site Plan


SCALE: 1:100
34'
24'
TWO-CAR, TWO-STORY GARAGE
255
PRINCIPAL STRUCTURE
29'
SOUTH RUTAN AVENUE
EAST WATERMAN ST.
10' SEWER EASEMENT
PROPOSED ACCESSORY APARTMENT
N
ACCESSORY APARTMENT
CHRISTINA RIETH
255 SOUTH RUTAN AVENUE
WICHITA KS 67218
LEGAL DESCRIPTION: LOT 18, BLOCK RUTAN, B.D. ALLEN'S
LOT DIMENSIONS: 140' X 51.75'


E OAKLAND AVE
E ENGLISH ST
E WATERMAN ST
E LEWIS ST
S HILLSIDE AVE
S LORRAINE AVE
S HOLYOKE AVE
S RUTAN AVE
S VASSAR AVE
S CLIFTON AVE
S CIRCLE DR
WICHITA
PUD-105
BZA23-64
PO-245
BZA2010-00057
BZA70-88
BZA29-73
BZA15-72
CON2024-00037
BZA2006-00052
BZA32-75
BZA19-72
CON2024-00172
CON2024-00077
BZA1-71
B76-14
PO-417
BZA2013-00076
BZA47-79
BZA2023-00006
BZA2012-00063
CON2017-00009
CON2024-00026
BZA2004-00031
BZA2014-00021
BZA6-41
PUD-103
BZA2022-00038
PUD-13
CON2024-00105
ZONING
N
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN

Looking west towards site



Looking east away from site



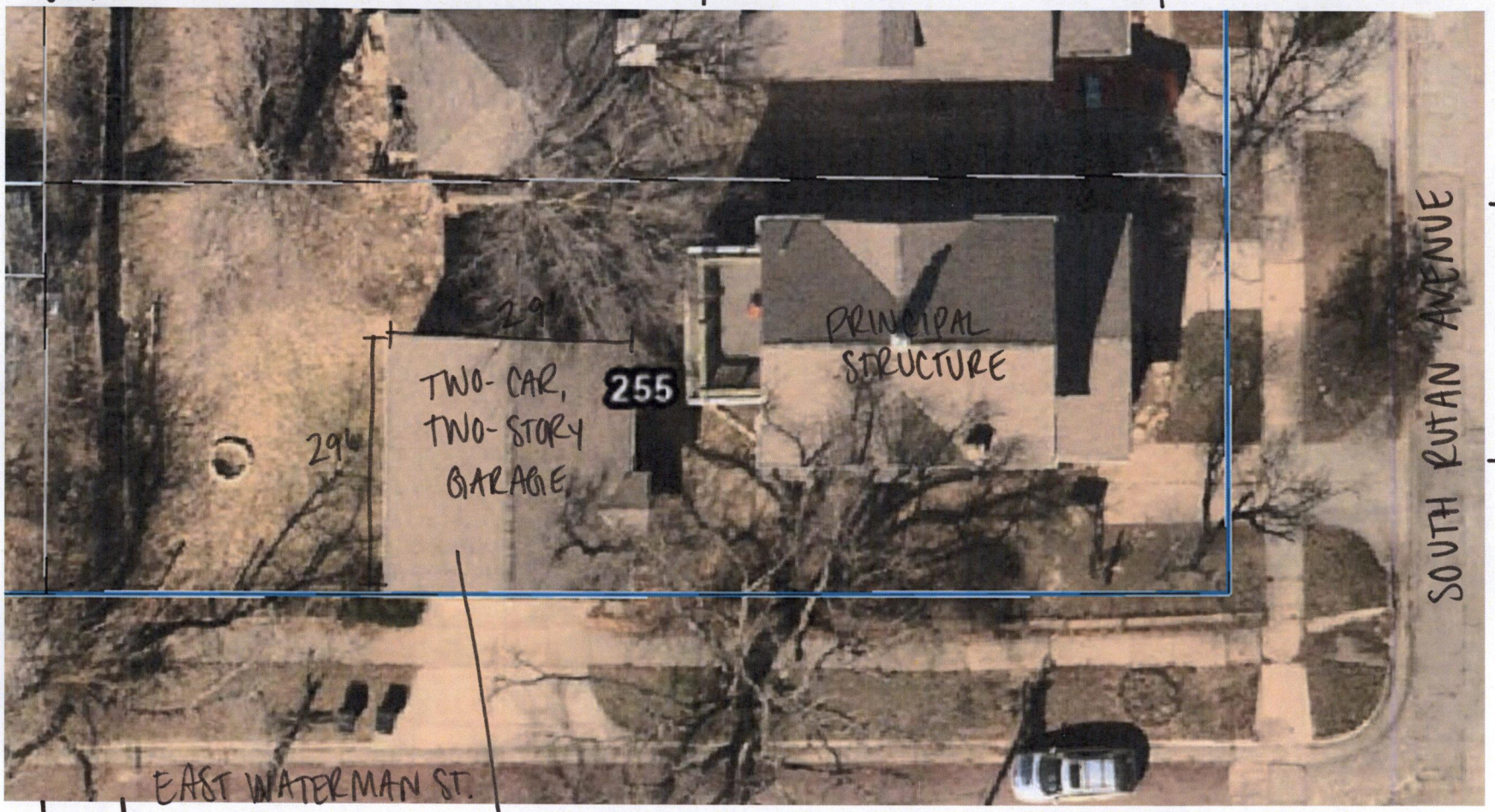
Looking north into site



Looking south away from site



SCALE: 1:100



ACCESSORY APARTMENT

CHRISTINA RIETH
255 SOUTH RUTAN AVENUE
WICHITA KS 67218

LEGAL DESCRIPTION: LOT 18, BLOCK RUTAN, B.D. ALLEN'S
LOT DIMENSIONS: 140' x 51.75'

SITE PLAN

APPROVED 4/24/25 BY JBC