WICHITA — SEDGWICK COUNTY

W.SC

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

May 29, 1997

Jim and Geraldine Loehr
3803 N. Tyler
Wichita, KS 67205

RE: CU-430 - Conditional use to allow a temporary, accessory manufactured home on property generally located at 37th Street North and Tyler Road (3803 N. Tyler)

Dear Mr. and Mrs. Loehr:

At its regular meeting on May 15, 1997, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to conditions stated in the letter dated May 19, 1997.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

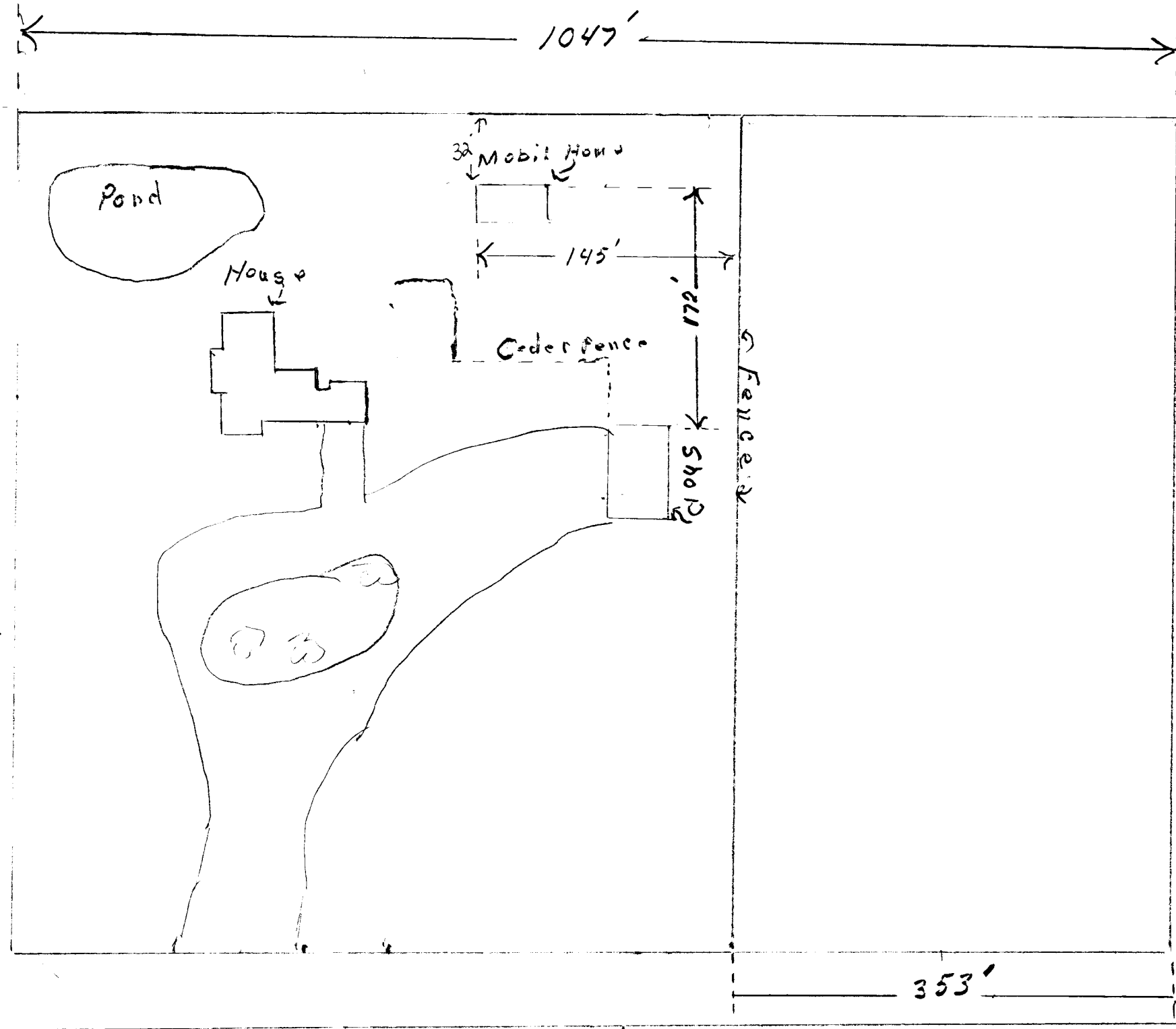
Sincerely,

Kim Edgington
Associate Planner

KE/sh

cc: American National Bank, 10222 W. Central, Wichita, KS 67212
Glen Wiltse, Sedgwick County Code Enforcement

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CU-430 Site plan

WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

Maize PC - May 1, 1997
MAPC - May 15, 1997

CASE NUMBER: CU-430

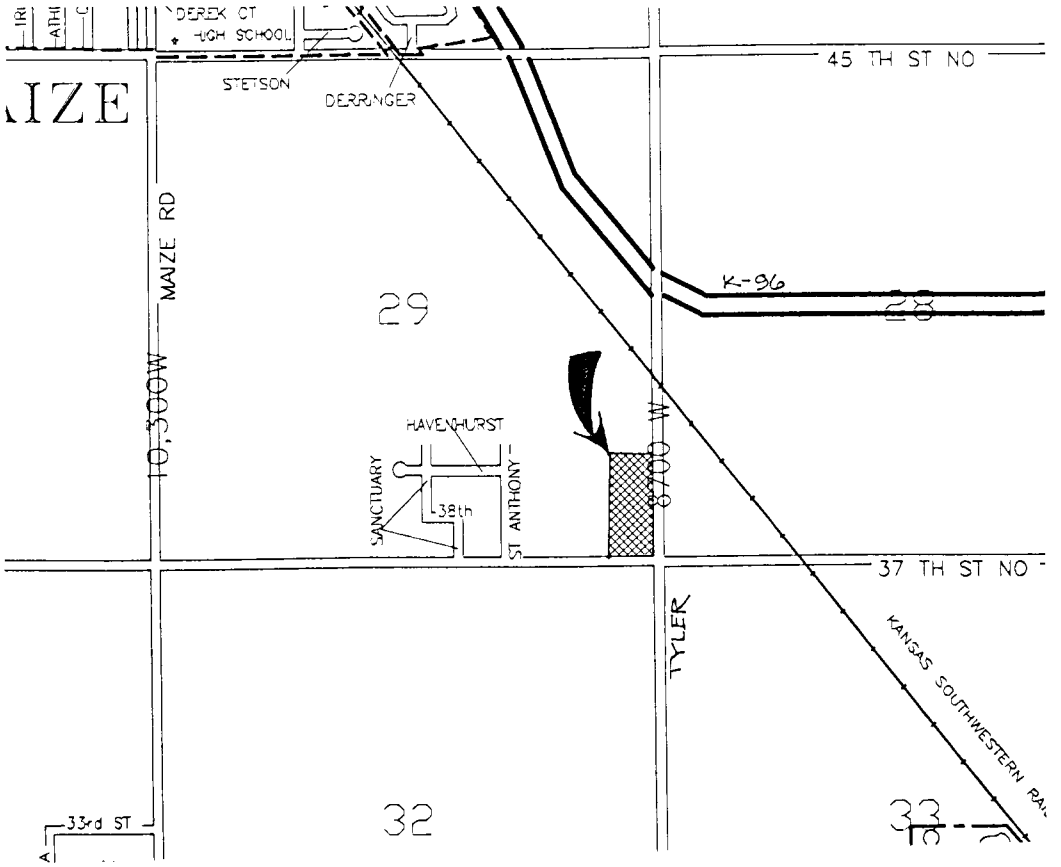
APPLICANTS: Jim and Geraldine Loehr

REQUEST: Conditional Use to allow a temporary, accessory manufactured home

CURRENT ZONING: "SF-20" Single-Family Residential

SITE SIZE: 7.5 acres

LOCATION: 37th Street North and Tyler Road (3803 N. Tyler)



BACKGROUND: The applicant requests a conditional use to permit an accessory manufactured/mobile home on 7.5 acres zoned "SF-20" Single Family Residential. The applicants have a disabled daughter who is being discharged from a State Hospital as part of the Community Integration Project. Her doctors have determined that she will not benefit from a group home setting but that she should be close to family with attendant care. The applicant's daughter, Karla Loehr, will use the mobile home as her daytime living space and will sleep in the main dwelling at night. It is believed by the doctors, case workers and Karla's parents that this situation will best fit her needs.

The site has an existing home and accessory building. The applicant intends to purchase a 1997 double-wide manufactured home that meets all applicable county building codes. The applicant's site plan indicates they plan to set the accessory manufactured home approximately 225 feet west of the road, behind the primary structure.

Tyler is a sand and gravel road. The closest residence is a site built home approximately 700 feet north of the application area.

According to Section III-D.6.I(3) the Unified Zoning Code permits a temporary accessory manufactured/mobile home in the county subject to the following conditions: (a) the location of the manufactured/mobile home shall conform to all setback requirements of the district in which located; (b) the lot area for the manufactured/mobile home need not comply with the area requirements of the zoning district, provided that the unit is connected to a public water supply and a municipal-type sewer system. If the property is not served by a public water supply and municipal type sewer system, the minimum lot size shall be determined by the County Health Department; (c) the unit shall comply with all of the standards of Sec III-D.6.I(2); (d) the applicant shall show due cause that hardship exists and that the hardship cannot be reasonable alleviated without the granting of the conditional use; and (e) the Planning Commission shall determine a reasonable time limit for each individual case. The manufactured/mobile home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the conditional use.

ADJACENT ZONING AND LAND USE:

NORTH:	'SF-20'	Residence
SOUTH:	'SF-20'	Agricultural use
EAST:	'SF-20'	Agricultural use
WEST:	'SF-20'	Agricultural use

PUBLIC SERVICES: The existing septic system on this site has been approved by the Sedgwick County Department of Health for use by the accessory manufactured home. The existing home on the site is served by a well, which will be used for the accessory structure also.

CONFORMANCE TO PLANS/POLICIES: The Land Use map of the Comprehensive Plan identifies this area as appropriate for "agricultural" use. This category has the intent of protecting agricultural resources and is meant to accommodate agricultural operations on substantial acreage.

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

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning. Specifically the requirements of Section III-D.6.I (2) of the zoning code shall be met, except that it shall be a 1997 model or newer and no smaller than 27 ft. by 48 ft.

2. The accessory home shall remain on the site as an accessory dwelling for Karla Loehr only as long as the applicant resides on the site. The applicant shall report to the County Code Enforcement on a yearly basis, every April, the status of the occupancy of this mobile home.

3. The manufactured/mobile home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the conditional use or if Karla Loehr no longer resides in the manufactured home.

4. This conditional use may be declared null and void upon a finding by the Board of County Commissioners that the applicants have failed to comply with any of the foregoing conditions.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and all property adjoining it are zoned SF-20 Single Family Residential. It is primarily a rural area located about 1/2 mile east and 1 mile south of the town of Maize.

2. The suitability of the subject property for the uses to which it has been restricted: The code permits a temporary, accessory manufactured/mobile home provided the applicant and the site meet the specified criteria. The applicant and the site appear to be able to meet all of those criteria.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the rural nature of the application area and the temporary nature of the use, there should not be any detrimental effects on nearby property.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The plan does not speak specifically to accessory homes in the rural areas of the county. The zoning code anticipated these uses and makes specific provision for the process. This site appears to comply with all of the provisions outlined in the code for a temporary accessory manufactured/mobile home. Approval of this request will not harm any Comprehensive Plan policies or guidelines.

5. Impact of the proposed development on community facilities: None identified.