WICHITA — SEDGWICK COUNTY

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

September 30, 1997

Lavon Weber
1446 S. 135th St. W.
Wichita, KS 67235

RE: CU-452 - Conditional use to allow a temporary accessory manufactured home on property zoned "SF-20" Single-Family Residential and generally located north of U.S. Highway 54 and west of 135th Street West (14035 135th St. W.)

Dear Ms. Weber:

At its regular meeting on September 11, 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 September 12, 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,

Lawrence P. Mitchell
Senior Planner

LPM/sh

cc: Kevin L. and Frances Nash, 1403 S. 135th St. W., Wichita, KS 67235
Glen Wiltse, Sedgwick County Code Enforcement

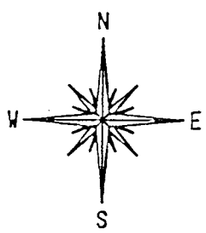
Griffiths & Associates, Inc.
Land Surveyors

438 N. Ohio
Wichita, KS 67214
(316) 267-2900
Fax: (316) 262-0080

Conditional Use Plot Plan for Lavon Weber and Kevin Nash

Custom Ready Built Home By: Koehn Construction
P.O. BOX 6
720 South Christine
Moundridge, KS 67107
316-345-6457

1997 26'X52" Garage included



SCALE: 1"=100'

LEGEND:

Δ = Section corner found as noted
O = Monument found as noted
● = #4 Rebar with ID cap "G+A LS 244"--set
(D) = Described
(M) = Measured
(C) = Calculated from measurements
(A) = Assumed bearing basis
File #970019
March 12, 1997

NE Corner of the SE 1/4 of Sec. 26-- 1" Iron Pipe

POINT OF BEGINNING-- The SE corner of J.C. Crady tract as deeded Sept. 10, 1952, and recorded Feb.16, 1953 in Deed Book 880, Pg 449.

S 0°00'00" W (C) 1232'(D) 1231.97' (C)

S 89°37'32" E 990.07' (C)
S 39°37'32" E 959.89' (M)

1/2" Iron Pipe — 495.04' (M) — 495.04' (C) — 3/4" Iron Pipe

#4 Rebar with ID Cap "BAUGHMAN CLS52" found 0.24' East of line

N 0°02'27" W (M) 440.21' (M)

207.4'

Existing Septic

Existing Water Well

House

TRACT IN THE SE 1/4 SEC. 26, T27S, R2W OF THE 6TH P.M., SEDGWICK COUNTY, KANSAS

171.9'

N 0°01'14" W (M) 440.06' (M)

Center Line of Gravel Driveway

Apparent 30' Road Right-of-Way

S 0°00'00" W (C) 439.91' (M)

S 0°00'00" W (C) 439.90' (C)

1402' (D) 1396.72' (M)

S 0°00'00" W (A) 2628.69' (M)

WEST

135TH STREET

Existing Water Well

Garage

Proposed C.U.

1/2" Iron Pipe — 494.88' (M) — 494.88' (C) — 1/2" Iron Pipe

N 89°38'35" W 959.57' (M)
N 89°38'35" W 989.76' (C)

S 0°00'00" W (C) 956.82' (C)

SW Corner of the SE 1/4 of Sec. 26-- #5 Rebar in Thimble

N 89°43'51" W 2619.77' (M)

South line of the SE 1/4 of Sec. 26, T27S, R2W

SE Corner of the SE 1/4 of Sec. 26-- #5 Rebar in Thimble

CU452

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

September 11, 1997

CASE NUMBER: CU-452

APPLICANT/AGENT: Lavon Weber (owner); Kevin L. and Frances Nash (Contract Purchasers)

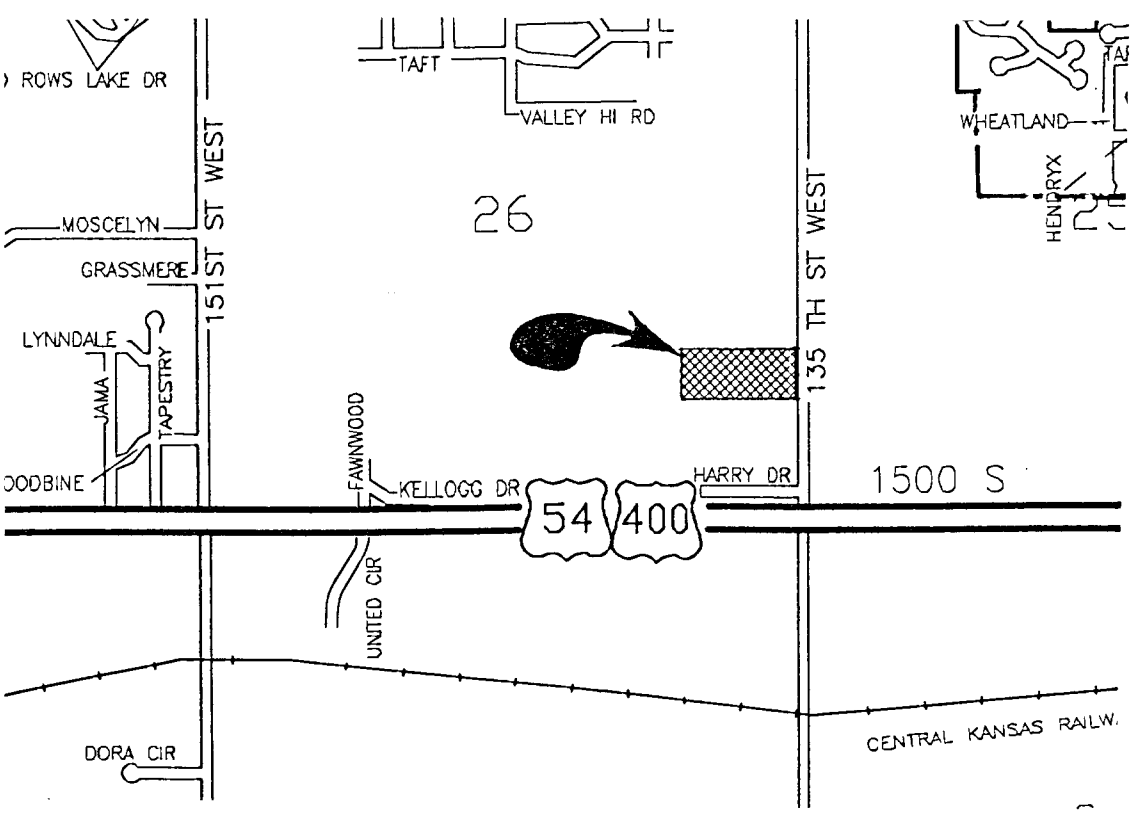
REQUEST: Conditional use to allow a temporary accessory manufactured home.

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

SITE SIZE: 10.0 acres

LOCATION: North of U.S. Highway 54 and west of 135th Street West (14035 135th St. W.)

PROPOSED USE: Temporary accessory manufactured home.



BACKGROUND: The applicants request a conditional use to permit an accessory manufactured/mobile home on a 10.0 acre unplatted tract zoned "SF-20" Single-Family Residential. The applicants have an elderly parent, Lavon Weber, with a medical condition which requires attention beyond what she can provide for herself (see attached letter from physician).

The site is developed with an existing home and accessory building. The applicants intend to purchase a 1997, 26' x 42' manufactured home that meets all applicable county building codes. The applicant's site plan indicates they plan to set the accessory manufactured home approximately 600 feet west of the road, near the primary structure. The Sedgwick County Health Department has also reviewed the applicant's site plan and has approved a second septic system on the site to serve the temporary accessory manufactured home.

135th Street West is a sand and gravel road. The closest residence is a site built home approximately 800 feet north of the proposed location of the manufactured home. Property east of the application area is zoned "GC" General Commercial and is developed with an office warehouse.

Section III-D.6.I(3) of 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 Section III-D.6.I(2) which requires that the unit be placed on a permanent foundation and have handrails and stairs installed which are structurally sound. The unit must also have been manufactured after September 1, 1973; (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.

CASE HISTORY: None.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-20"	Single-Family Home
SOUTH:	"SF-20"	Undeveloped
EAST:	"GC"	Office Warehouse (Tupperware) and Horse Stables
WEST:	"SF-20"	Agricultural Use

PUBLIC SERVICES: The site is currently being served by an on-site septic system and the Sedgwick County Health Department has approved the installation of an additional septic system to serve the accessory manufactured home. There are two wells on the site which will provide water to the existing home and the manufactured home.

CONFORMANCE TO PLANS/POLICIES: The Land Use map of the Comprehensive Plan identifies this area as appropriate for "Low-Density Residential". This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches, and similar uses found in such areas.

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

A. 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 Unified Zoning Code shall be met, except that it shall be a 1997 model or newer and no smaller than 26 foot by 42 foot.

B. The accessory home shall remain on the site as an accessory dwelling for Lavon Weber only as long as the applicant resides on the site. The applicant shall report to the County Code Enforcement on a yearly basis, every September, the status of the occupancy of this manufactured home.

C. The site shall be developed in accordance with the site plan submitted by the applicant.

D. 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 Lavon Weber no longer resides in the manufactured home.

E. Any violation of the conditions approved as part of this request shall render the conditional use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and all property on the west side of 135th Street West adjoining it are zoned "SF-20" Single-Family Residential. It is primarily a rural area located about ¼ mile north of U.S. Highway 54.

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.