## CONDITIONAL USE RESOLUTION NO. CU- 511

**WHEREAS**, Steven and Bonnie Henry, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow for a Temporary, Accessory Manufactured Home on approximately 1 acre zoned "SF-20" Single-family Residential described as:

> Lots 21 & 22, Block F, Oella Addition, Sedgwick Coutny, Kansas. Generally located 9140 York Lane; 1/3rd mile south of 87th Street South, west of Broadway.

**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 March 11, 1999, 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 permit a conditional use to allow for a Temporary, Acfcessory Manufactured Home on approximately 1 acre zoned "SF-20" Single-family Residential described as

> Lots 21 & 22, Block F, Oella Addition, Sedgwick County, Kansas. Generally located 9140 York Lane; 1/3rd mile south of 87th Street South, west of Broadway.

subject to the following conditions:

A. The applicant shall obtain all applicable permits, including but not limited to: building, health and zoning. Specifically the requirements contained in Section III-D.6.I.(2) of the Unified Zoning Code shall be met.

B. The accessory home shall remain on the site as an accessory dwelling for the applicant's parent only as long the parent resides on the site in the accessory structure. The applicant shall report on the status of the parent's occupancy of the accessory dwelling to the Sedgwick County Code Enforcement Department on a yearly basis, beginning in February of 2000.

C. The site shall be developed in general compliance with the site plan submitted to the Planning Department.

D. The manufactured 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 the applicant's parent no longer resides in the manufactured home.

E. The applicant shall record a restrictive covenant tying Lots 21 and 22 together to prohibit the separate sale of Lot 21 so long as Lot 21 does not have an approved on-site (on Lot 21) disposal system.

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

Adopted this 11th day of March, 1999. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

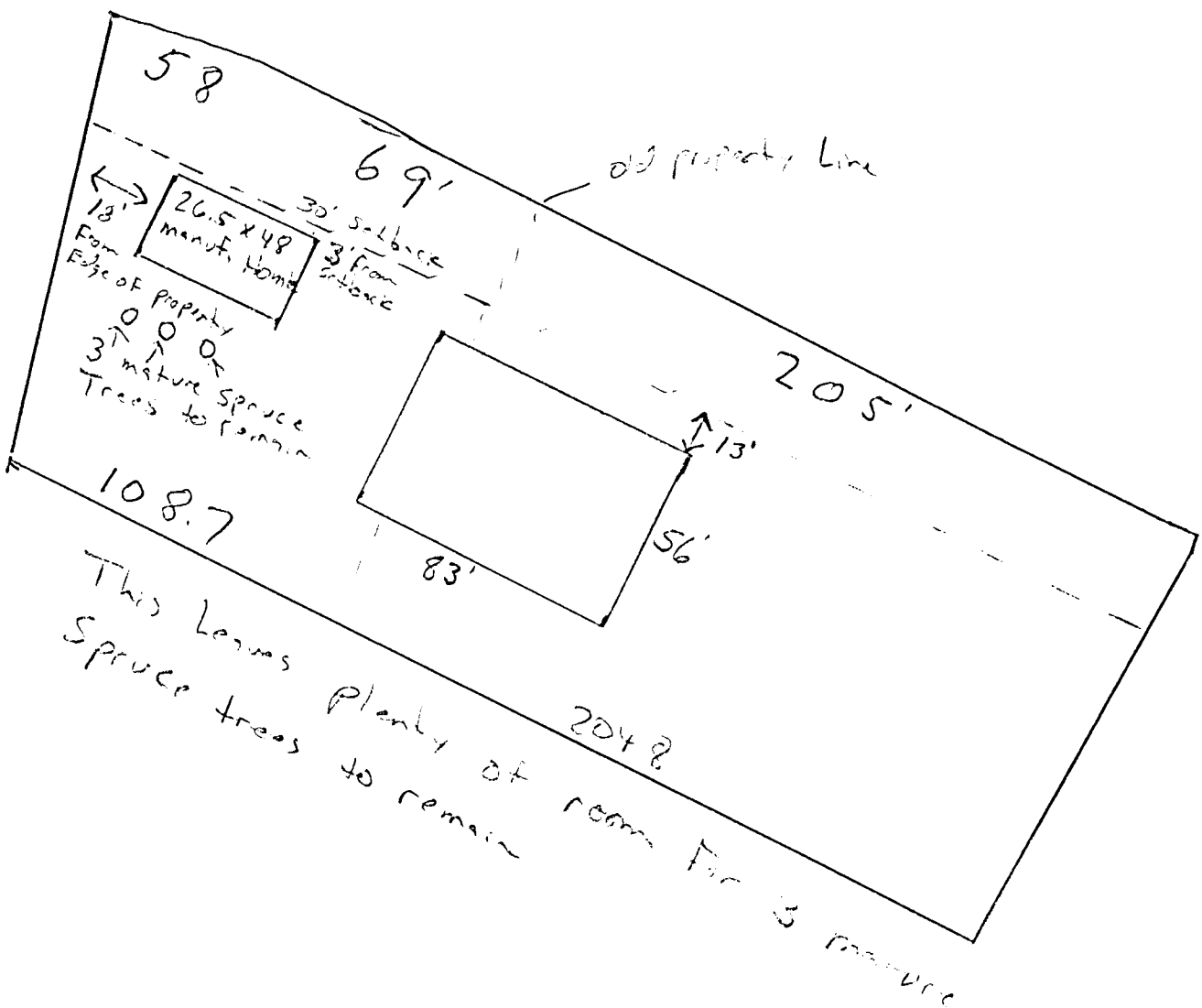
METROPOLITAN AREA PLANNING COMMISSION

William M. Johnson, Chairman

ATTEST:

Marvin S. Krout, Secretary

Site plan preferred



WICHITA–SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

# STAFF REPORT

Haysville, 2/25/99
MAPC, 3/11/99

CASE NUMBER: CU-511

APPLICANT/AGENT: Steven and Bonnie Henry (owner/applicants)

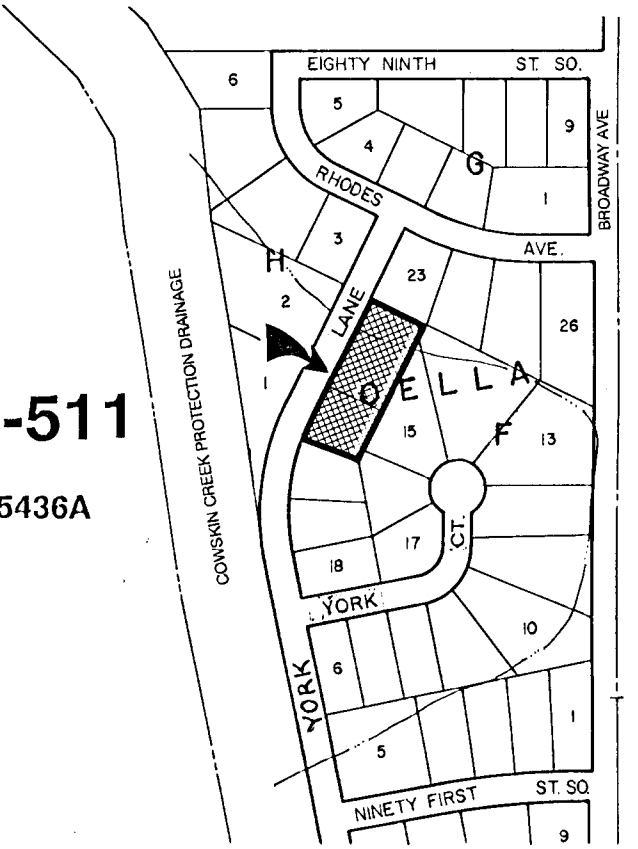
REQUEST: Conditional Use for a Temporary, Accessory Manufactured Home

CURRENT ZONING: SF-20, Single-family Residential

SITE SIZE: approximately 1acre

LOCATION: 9140 York Lane; 1/3rd mile south of 87th Street South, west of Broadway

PROPOSED USE: Temporary, accessory manufactured home for parent with a medical condition



**BACKGROUND**: The applicants own two platted lots (Lots 21 & 22, Block E, Oella Addition), totally approximately an acre in size, generally located 1/3rd mile south of 87th Street South and one block west of Broadway, on the east side of York Lane. These two lots are currently zoned "SF-20", Single-family Residential. Lot 21 (approximately 15,000 square feet), the southernmost lot, is mostly vacant, while Lot 22 (26,650square feet), the northernmost lot, is developed with a single-family home. The garage for the single-family home crosses the lot line onto Lot 21. The applicants' reside in this home. It is the applicants desire to locate a temporary, accessory 26.5 foot wide by 48 foot long manufactured home on the southernmost lot so that the applicant's mother, who has a medical condition requiring outside assistance, could reside in the manufactured home.

The attached site plan proposes the manufactured home to be located 33 feet back of the property line. The existing home is 43 feet back from the property line. The reason for this arrangement is that the lot where the manufactured home is proposed to be located has many trees. Some of these trees are mature evergreens, while others are mature fruit and decidious trees. The applicant indicates that if he has to set the manufactured home even with the site-built home, he will have to cut down the mature evergreen trees. A number of fruit trees will have to be removed to accomodate the use on this site no matter where the home is situated. However, the fruit trees are at the end of their producing life span and will have to be replaced shortly no matter what. The evergreens are still quality plant materials that the applicant would like to save by utilizing the proposed siting plan, if possible.

Staff is advised that the manufactured home will meet all the requirements of a "Residential Designed Manufactured Home" (double-wide, pitched roof, with roofing and siding materials similar to site-built homes, placed on a permanent foundation), except this home will not be placed on a permanent foundation. The applicant has contacted the City-County Health Department, and is in the process of obtaining appropriate on-site disposal permits. The Health Department has indicated to staff that the existing septic system may need to be replaced. If so, the two homes, the existing one and the proposed manufactured home, may possibly use the same on-site system. If that is the case, the applicant should provide a restrictive covenant that ties the two platted lots together as long as one on-site system is utilized for both lots. Access to the site is provided by two-lane sand and gravel local streets, York Lane and Rhodes Avenue or 92nd Street South.

All the properties surrounding the application area are currently zoned "SF-20", Single-Family Residential. There are other large lot residences located in all directions from the application area. There is a single-family house located immediately south of Lot 21, the proposed site of the temporary manufactured home. Another two homes are located to the west of the application area, across York Lane. There is a creek on the northern part of Lot 22 which has some mature

trees which screen the homes north of the application area that front on to Rhodes Avenue. There are three other homes located to the southeast and east of the application area. All of the homes in this subdivision appear to be site-built. The applicant indicates that the homes located to the south and east of the application area are occupied by relatives who have expressed support for this application.

The "Unified Zoning Code" permits temporary, accessory manufactured homes in the County provided that: a). All setbacks are observed; b). Minimum lot size requirements will be established by the Health Department; c). The application is a buildable site and has obtained a conditional use permit; d). Proof that a hardship exists; and e). A reasonable time limit may be established by the Planning Commission and the home will be removed within 90 days after a change in the circumstances used as a basis for the request.

**CASE HISTORY**: The Oella Addition was recorded in 1956.

**ADJACENT ZONING AND LAND USE**:

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|---|---|
| NORTH: | "SF-20", Single-family Residential; single-family residence |
| SOUTH: | "SF-20", Single-family Residential; single-family residence |
| EAST: | "SF-20", Single-family Residential; single-family residence |
| WEST: | "SF-20", Single-family Residential; single-family residence |

**PUBLIC SERVICES**: No public sewer service is available at this location. Staff is not aware of any public or rural water service available. The site has access to York Lane, a two-lane, sand and gravel road for which traffic counts are not available.

**CONFORMANCE TO PLANS/POLICIES**: The "Sedgwick County Development Guide" depicts this area as appropriate for "suburban" uses. The "suburban" category provides an area for large-lot (one acre minimum lot size) residential uses in an area where a full range of municipal services are available or planned. These areas are also generally located outside prime agricultural 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 applicant shall obtain all applicable permits, including but not limited to: building, health and zoning. Specifically the requirements contained in Section III-D.6.I.(2) of the Unified Zoning Code shall be met.

B. The accessory home shall remain on the site as an accessory dwelling for the applicant's parent only as long the parent resides on the site in the accessory structure. The applicant shall report on the status of the parent's

occupancy of the accessory dwelling to the Sedgwick County Code Enforcement Department on a yearly basis, beginning in February of 2000.

C. The site shall be developed in general compliance with the site plan submitted to the Planning Department.

D. The manufactured 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 the applicant's parent no longer resides in the manufactured home.

E. The applicant shall record a restrictive covenant tying Lots 21 and 22 together to prohibit the separate sale of Lot 21 so long as Lot 21 does not have an approved on-site (on Lot 21) disposal system.

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 nearby lands are zoned "SF-20", Single-family and used for residential purposes. The character of the area is that of an older, large-lot residential neighborhood.

2. The suitablility of the subject property for the uses to which it has been restricted. The application area is two platted lots, one developed, one mostly vacant, both of which are zoned "SF-20". The code permits a temporary, accessory manufactured home provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet those criteria.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: The restrictions proposed by this conditional use ensure that the home is temporary, and except for the non-permanent foundation, will look like a residential designed manufactured home.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: 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 this type of land use. The site appears to comply with all of the provisions outlined in the code for a temporary accessory manufactured 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.