CONDITIONAL USE RESOLUTION NO. CU-491

WHEREAS, Steven and Susan Swaim, 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 placement of an accessory apartment on approximately 1/4 acre zoned "TF-3" Two-Family Residential described as:

> Lot 22, Northcourt Addition to Wichita, Sedgwick County, Kansas. Generally located east of Arkansas on the north side of North Court.

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 August 13, 1998, 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 placement of an accessory apartment on approximately 1/4 acre zoned "TF-3" Two-Family Residential described as:

> Lot 22, Northcourt Addition to Wichita, Sedgwick County, Kansas. Generally located east of Arkansas on the north side of North Court.

subject to the following conditions:

A. The applicant shall obtain all applicable permits, including but not limited to: building, health and zoning.

B. The accessory apartment is limited to a residence for Mr. Swaim's mother and shall remain only as long as they reside on the site in the accessory structure. Mr. Swaim shall report on the status of his mother's occupancy of the accessory dwelling to the Office of Central Inspection on a yearly basis, beginning in August of 1999.

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

D. The accessory apartment 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 Mr. Swaim mother no longer resides on the accessory apartment.

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

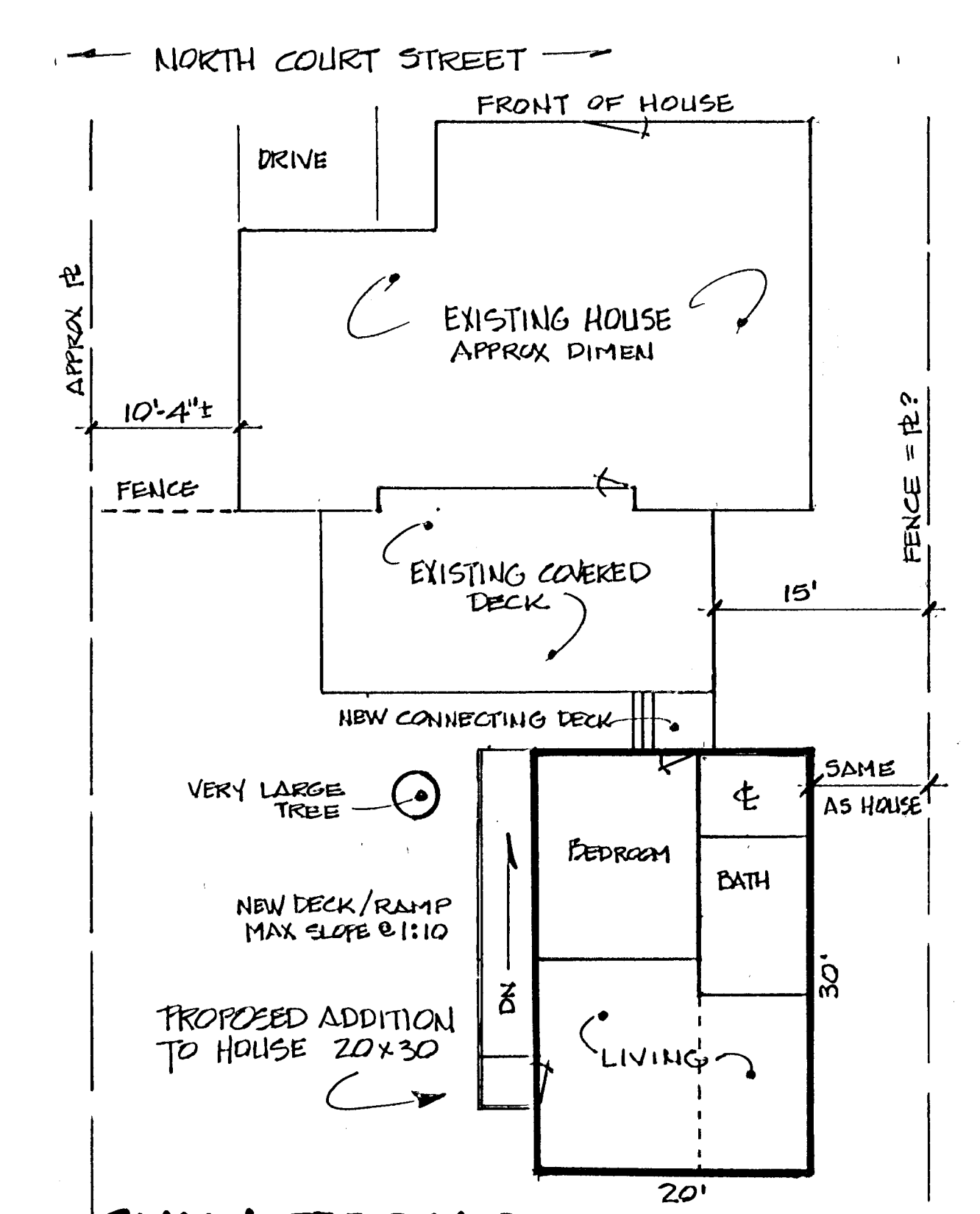
Adopted this 13th day of August, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

Richard E. Lopez, Chairman

ATTEST:

Marvin S. Krout, Secretary



SWAIM RESIDENCE

654 N. COURT WICHITA, KS

SITE PLAN for PROPOSED ADDITION

Life Designs, Inc.
LAWRENCE KANSAS
PHONE (785) 838-3322 FAX (785) 838-3928

N

SCALE 1" = 10'

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 8

STAFF REPORT

CPO (6) August 12, 1998
MAPC August 13, 1998

CASE NUMBER: CU-491

OWNER/APPLICANT: Steven and Susan Swaim

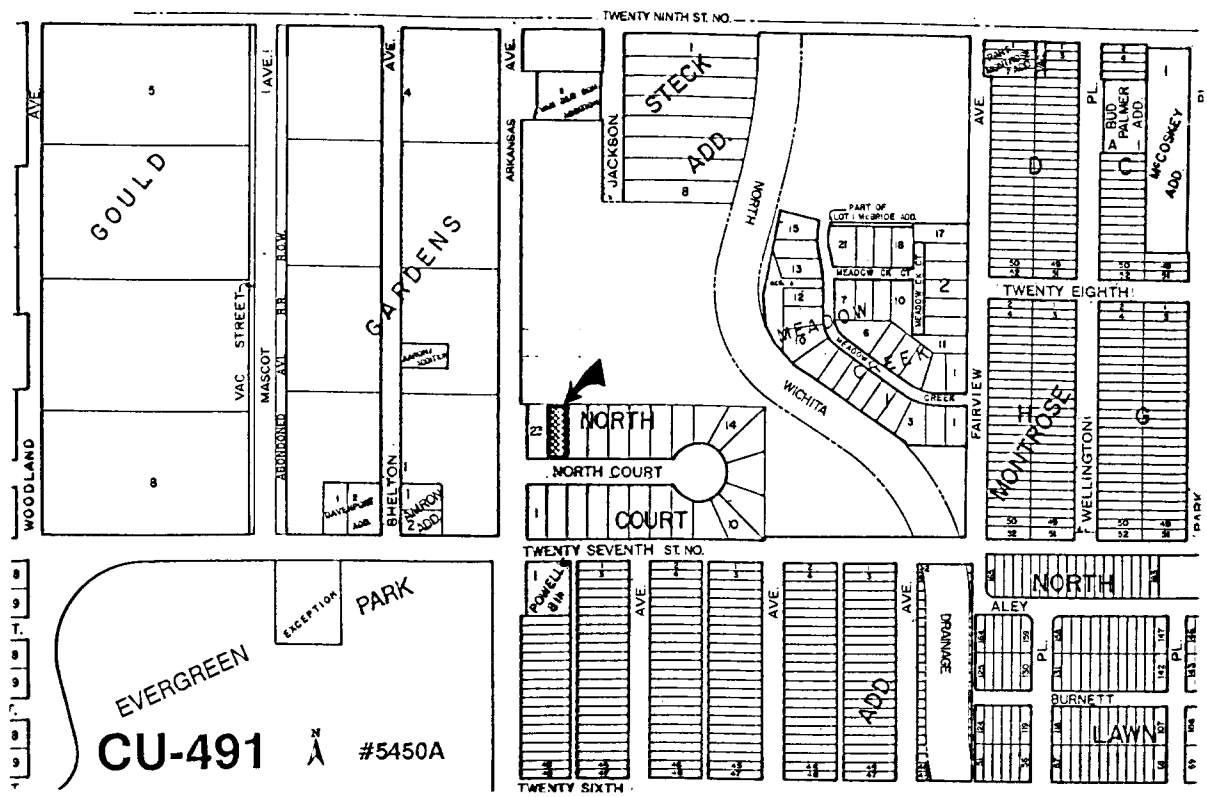
REQUEST: Conditional Use Permit to allow an accessory apartment.

CURRENT ZONING: "TF-3" Two-Family

SITE SIZE: Approximately .25 acres

LOCATION: East of Arkansas Avenue, on the North side of North Court (654 North Court).

PROPOSED USE: Apartment to care for aging mother



BACKGROUND: The applicants are requesting placement of an accessory apartment to provide care and supervision to an aging mother. When the mother no longer needs the apartment it will be removed.

The existing house sits in the middle of the lot, which is 60 feet by 150 feet deep, and has an existing covered deck at the rear of the house on the north side. The accessory apartment is 20 feet by 30 feet and will be connected to the existing deck by a new connecting deck 4 feet long. The property has a wooden fence on the north and west sides with chain link on the east side. All surrounding residences are single-family in all directions, although the zoning in 3 directions is TF-3, which permits duplexes.

ECHO housing units are temporary, energy-efficient, handicapped-accessible, living units which are constructed immediately adjacent to the home of the relative. The units are designed for individuals who, because of a handicap or mental incapacity, are unable to stay at home alone; however they do not need the skilled services of a nursing home.

The accessory apartment is being provided through a special HUD demonstration program. The funding has been approved to a not-for-profit housing organization known as Contemporary Housing Alternatives of Kansas. Under this program, income-eligible candidates will rent the home addition from the not-for-profit organization. When the person no longer needs the unit it will be disassembled and relocated to another individual who could benefit from the unit.

Some important considerations of this program are: the unit is medically necessary; built in architectural harmony with the neighborhood; and will be removed when it is no longer necessary. Further, the unit meets appropriate local building standards.

Under the proposed program, the unit would be physically attached to the existing house by a connecting deck/walkway.

The Unified Zoning Code has Supplementary Use Regulations for accessory apartments. These include one accessory apartment is permitted per lot, appearance of an accessory apartment should be compatible with the main dwelling and with the character of the neighborhood, and the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit and not be subdivided or sold as a condomimum.

CASE HISTORY: The property was platted as Northcourt Addition to Wichita, Sedgwick County, Kansas on December 19, 1938

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-6"	Single-Family Residences
SOUTH:	"TF-3"	Single-Family Residences
EAST:	"TF-3"	Single-Family Residences
WEST:	"TF-3"	Single-Family Residences

PUBLIC SERVICES: Municipal services are available at this location.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as Medium Density Residential. The medium density residential category includes semi-attached dwelling units such as duplexes and townhomes, and, in some locations mobile home parks. The Plan also states that Medium-density residential may serve as a transitional land use between low and high density residential uses, as well as serve to buffer lower-density residential from commercial uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for placement of an accessory apartment be APPROVED, subject to the following conditions:

A. The applicant shall obtain all applicable permits, including but not limited to: building, health and zoning.

B. The accessory apartment is limited to a residence for Mr. Swaim's mother and shall remain only as long as they reside on the site in the accessory structure. Mr. Swaim shall report on the status of his mother's occupancy of the accessory dwelling to the Office of Central Inspection on a yearly basis, beginning in August of 1999.

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

D. The accessory apartment 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 Mr. Swaim mother no longer resides on the accessory apartment.

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 surrounding zoning is "TF-3" Two-Family on three sides and the north is zoned "SF-6" Single-Family. The medium-density residential category includes semi-attached dwelling units such as duplexes and townhomes. The proposed accessory unit will be completely hidden from street view, so it should not present a concern

in terms of compatibility of appearance.

2. Suitability of the subject property for the uses to which it has already been restricted: The code permits a temporary accessory structure 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: Given the very limited use and its location on the site, it would be difficult to think the placement of a temporary accessory apartment would significantly be detrimental impact on surrounding properties.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The zoning code anticipated these uses and makes specific provision for this type of land use. The site appears to comply with all of provisions outlined in the code for an accessory apartment. Approval of this request will not be contrary to any Comprehensive Plan policies or guidelines.

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