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

December 1, 1999

Coleen Hall
23316 W. 47th
Goddard KS 67052

RE: CU-543 – Conditional Use to allow a temporary manufactured home for a caretaker. Generally located on the northwest corner of 47th Street South and 231st Street West.

Dear Mrs. Coleen Hall:

On Wednesday, December 1, 1999, the Board of County Commissioners considered the above-referenced request. The action of the Commission was to DENY the request.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this matter, please contact our office at 268-4421.

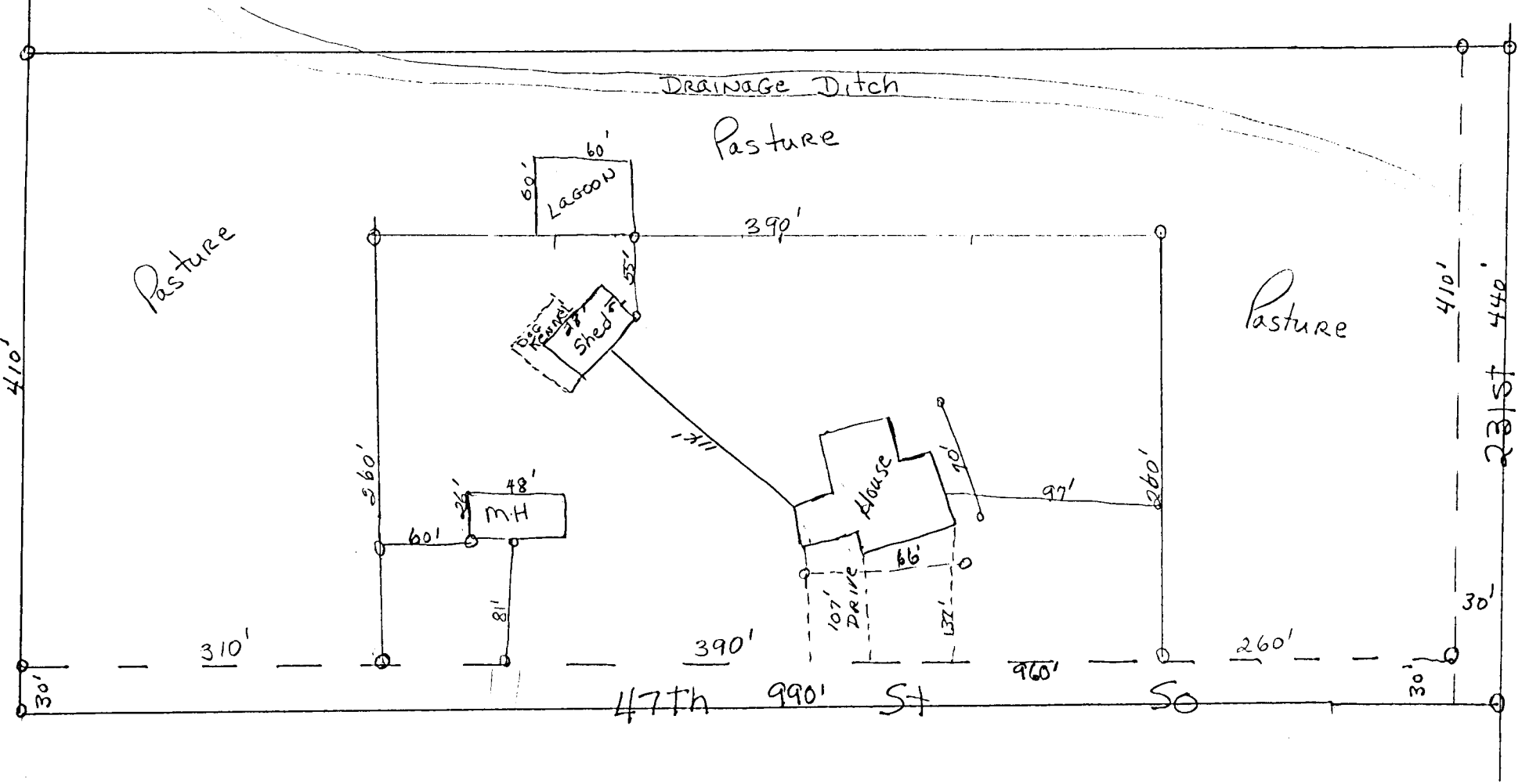
Sincerely,

Lisa Verts
Senior Planner

LV/rs

Cc: Roger D. Hughey, 155 N. Market #600, Wichita, KS 67202
Gerald Whisman, 12 Lakewood, Wichita, KS 67052
Mike Herel, 301 N. Main, Suite 2000, Wichita, KS 67202
W. M. Hurst, 23510 W. 47th Street, Wichita, KS 67052
Marice Copp, 14 S. Lakeview Drive, Wichita, KS 67052
Jim Newman, 23000 W. 47th Street South, Wichita, KS 67052
Beth Hunt, 23510 W. 47th Street South, Wichita, KS 67052
Mark Foster, 4430 S. 231st Street West, Wichita, KS 67052
Mark Richards, 23 Beaver Creek Court, Wichita, KS 67052
Glen Wiltse, Sedgwick County Code Enforcement

FILE COPY


DRAINAGE Ditch
Pasture
Pasture
Pasture
60'
60'
LAGOON
390'
55'
Dog Kennel
Shed
410'
360'
48'
M.H
60'
81'
House
10'
97'
260'
66'
107'
DRIVE
132'
410'
440'
231st
310'
390'
960'
260'
30'
30'
30'
47th
990'
St
So

CU-543

WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. ____

STAFF REPORT

Goddard Planning Commission October 26, 1999
MAPC October 28, 1999

CASE NUMBER: CU-543

APPLICANT/AGENT: Coleen Hall (Owner/Applicant)

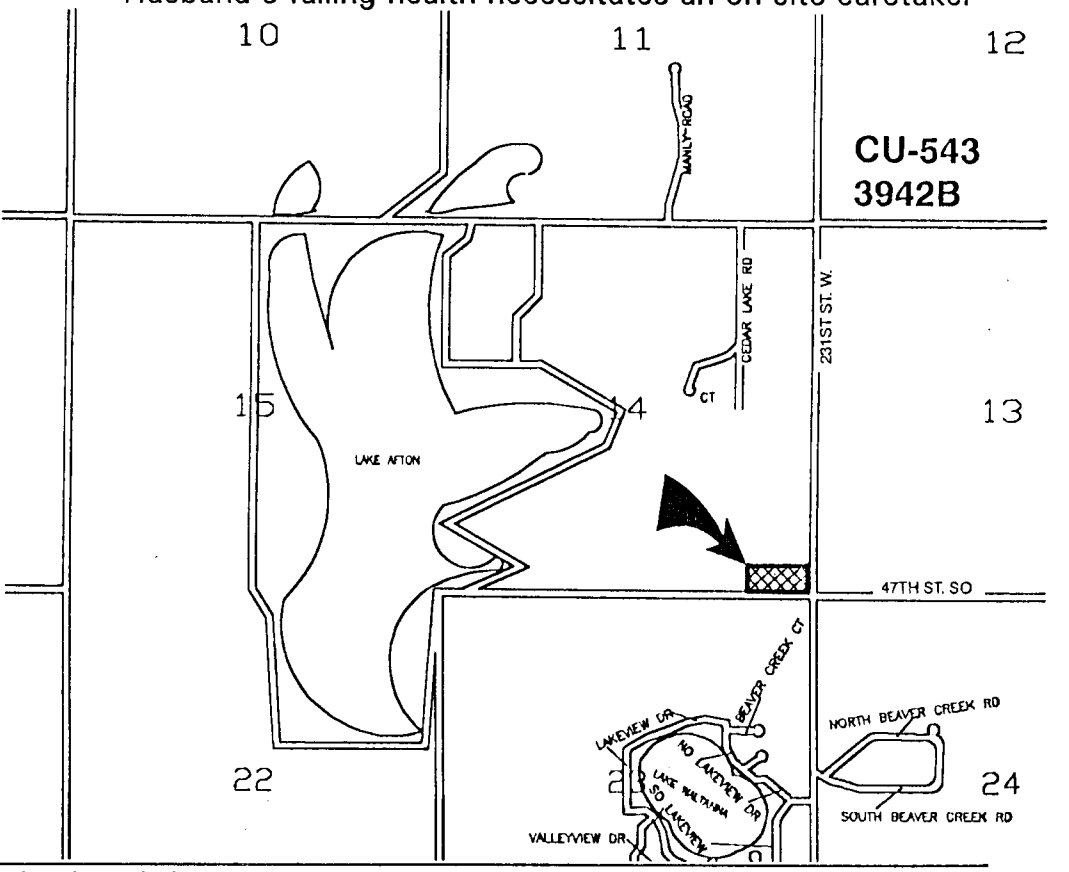
REQUEST: Conditional Use to allow a temporary ~~mobile~~ manufactured home for caretaker

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10 acres

LOCATION: Northwest corner of 47th Street South and 231st Street West

PROPOSED USE: Husband's failing health necessitates an on-site caretaker



BACKGROUND: The applicant requests a Conditional Use to allow an accessory manufactured home on 10 unplatted acres zoned "RR" Rural Residential. The application area is located at the northwest corner of 47th Street South and 231st Street West. The applicant, Mrs. Hall, is requesting this Conditional Use to provide housing for a full-time caretaker. The caretaker is required because of Mr. Hall's failing health and the daily needs of the family's property, which is large-lot residential and used for the boarding and training of the family's horses. A physician's letter attesting to Mr. Hall's health is attached.

The applicant's site plan shows the placement of a 26 feet by 48 feet temporary manufactured home 150 feet west of the existing site-built home and at least 100 feet north of the 47th Street South right-of-way. The manufactured home will be a "residential design" unit, having a pitched roof and exterior materials similar to those used in site-built homes, but will not be placed on a permanent foundation. Access to the proposed temporary home will be off of 47th Street South. This proposal generously meets all the zoning setback requirements for the "RR" Rural Residential District. The addition of the temporary manufacture home does not go against the density requirement of the "RR" Rural Residential District. The 10-acre property could be split into two lots and another home brought in under the current zoning.

The surrounding uses are rural or agricultural in nature on property zoned "RR" Rural Residential. There is a significant hedgerow along the south boundary of the 47th Street South right-of-way, which will provide a visual buffer for properties to the south.

Section III-D.6.I.(3) of the Unified Zoning Code permits manufactured homes as accessory structures provided:

(a) The location of the manufactured home shall conform to all setback requirements of the district in which located;

(b) The lot area for the manufactured 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, 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);

(d) The applicant shall show due cause that hardship exists and that the hardship cannot reasonably be 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: "RR" – Agriculture uses
SOUTH: "RR" – Agriculture uses
EAST: "RR" – Single Family Home
WEST: "RR" – Agriculture uses

PUBLIC SERVICES: The site has two wells and a lagoon system. The proposed temporary manufactured home will be serviced by these systems. 47th Street South, which is a section line road, provides access to the site.

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

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

1. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. Specifically, the requirements of Section III-D 6.I.(3) of the Zoning Code shall be met. The applicant shall receive approval from the Health Department for use of the on-site lagoon by the accessory dwelling unit, prior to moving the unit on the site.

2. The accessory home shall remain on the site as an accessory dwelling as long as the applicant requires assistance in caring for her husband and taking care of the acreage and horses. The applicant shall report to County Code Enforcement on a yearly basis, every November, the status of the occupancy of this manufactured home and whether the caretaker is still needed.

3. The manufactured home shall be removed from the property within 90 days after any change in circumstances used as a basis for the Conditional Use or if Coleen Hall and/or Mr. Hall no longer reside on-site.

4. The temporary manufactured home shall be placed on the site as indicated on the site plan, but no closer to the 47th Street South right-of-way line than the existing site-built home.

5. The applicant shall submit a revised site plan showing the revised location of the temporary manufactured home.

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

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and all property adjoining it is zoned "RR" Residential. Large lot single-family homes and agricultural uses characterize the area.

2. Suitability of the subject property for the uses to which it has already be restricted: The Code permits a temporary, accessory manufactured home in the "RR" Rural Residential District provided the applicant and the site meet the specified criteria; both appear to do so. The site could continue to be used as currently zoned, but the applicant would not be able to take of her property without assistance in light of her husband's failing health.

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 rural areas of the county. The Zoning Code anticipated these uses and made specific provision for the process. This site appears to comply with all of the provisions outlined in the code. Approval of this request will not go against any Comprehensive Plan policies or guidelines.

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