WICHITA — SEDGWICK COUNTY

WSC

FILE COPY

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

October 27, 1999

Mansel R. and Shirley Jones
1524 E. Selma
Wichita, KS 67217

RE: CU-541 - Conditional Use to allow an accessory apartment at the rear of the lot. Generally located north of Orme Street and west of Estelle Avenue (547 S. Estelle).

Dear Mr. and Mrs. Jones:

At its regular meeting on October 26, 1999, the Wichita City Council considered the above-captioned request. The action of the City Council was to APPROVE the request, subject to the following conditions:

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

2. The building walls and the roof of the new structure shall be similar in appearance (texture and color) to the existing dwelling, and the structure must be limited to one story.

3. The owner of the property must reside on-site, either in the main home or the accessory apartment.

4. Paved off-street parking shall be provided for at least three spaces, two of which shall be non-tandem, behind the front line of the existing residence. A new site plan shall be submitted showing the location of said parking.

5. The site shall be developed in general conformance with the approved site plan.

6. Any violation of these conditions shall render this Conditional Use permit null and void.

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

Sincerely,

Lisa Verts
Associate Planner

LV/rs

Cc: Suzanne Myers, 542 S. Estelle, Wichita KS 67211
Kathy Ratliff, 543 S. Estelle, Wichita, KS 67211
George Rogers, City Council Member District #1
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hayes, Office of Central Inspection
J.R. Cox, Office of Central Inspection

WILLIAM L. KORBER
BAUGHMAN CO.
SURVEYORS
PHONE 316/262-7271 • 330 LAURA • WICHITA, KANSAS 67211

State of Kansas)
) SS
County of Sedgwick)

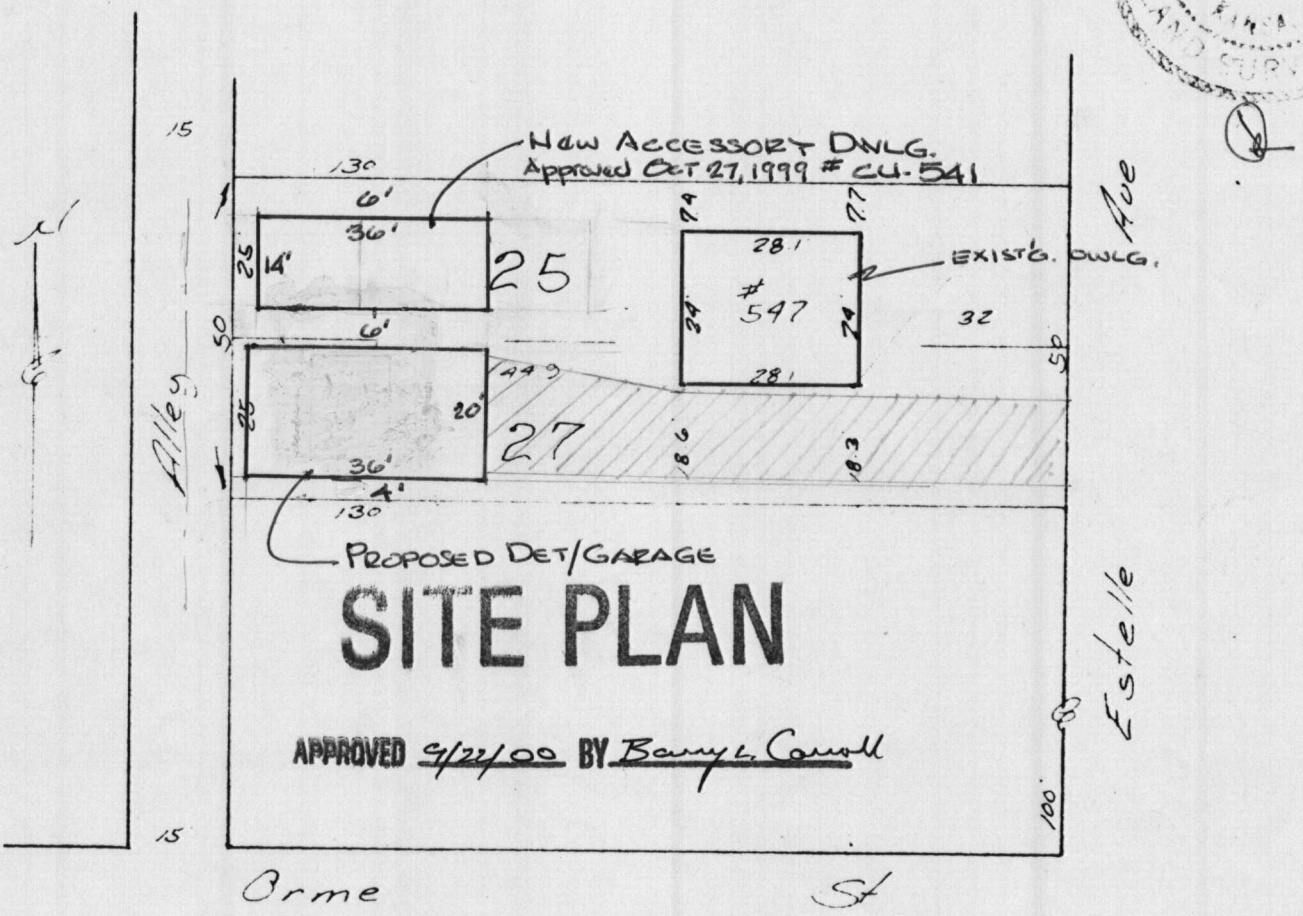
March 16, 1977

We, Baughman Company, Surveyors in aforesaid county and state do hereby certify that we did on this 16th day of March, 1977 survey Lots 25 and 27 on Estelle, Dixon's Addition to Wichita, Kansas.

On said lot is house No. 547 with a shed which is in the clear of all boundary lines. There are no encroachments on said lot by buildings on the adjacent lots.

The accompanying plat is a true and correct exhibit of said survey for mortgagee title insurance.

Surveyor



WICHITA–SEDGWICK COUNTY
W SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 3

STAFF REPORT

CPO(1) September 27, 1999
MAPC September 30, 1999

CASE NUMBER: CU-541

APPLICANT/AGENT: Mansel R. & Shirley Jones (owner/applicant)

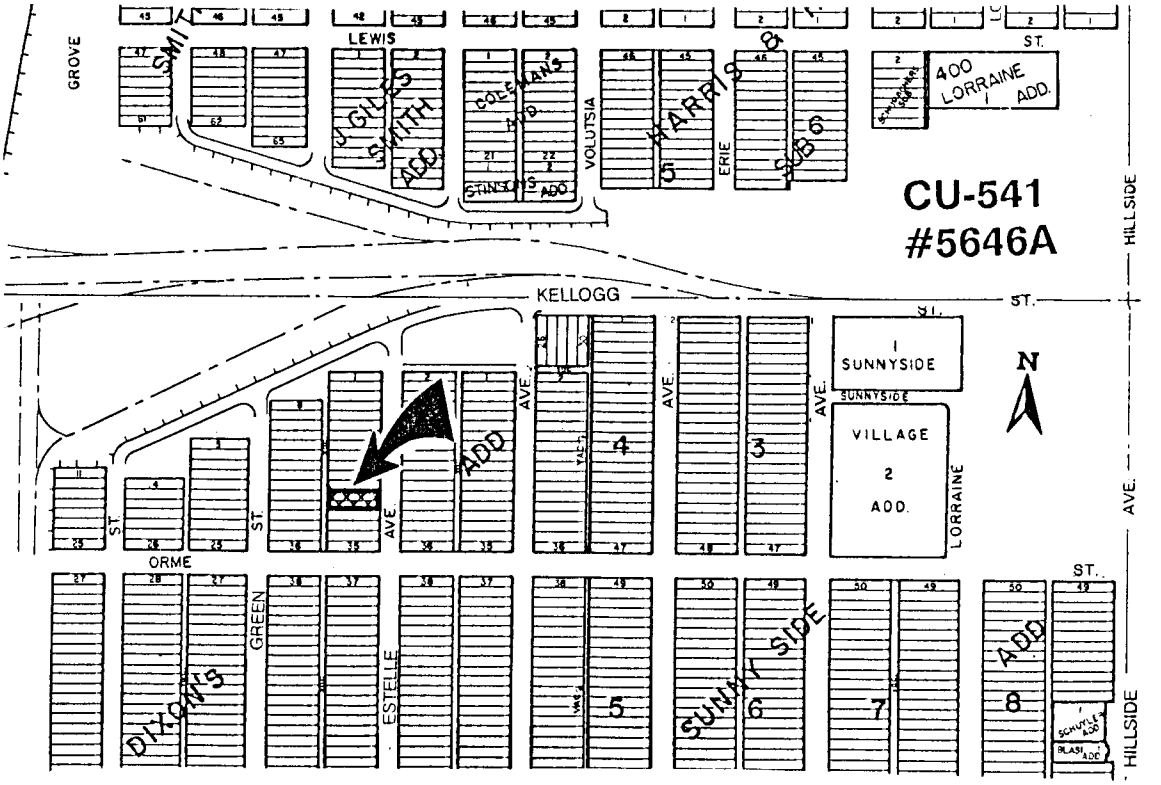
REQUEST: Conditional Use to allow an accessory apartment at the rear of the lot

CURRENT ZONING: "TF-3" Two-Family Residential

SITE SIZE: 0.15 acres

LOCATION: North of Orme Street and west of Estelle Avenue (547 S. Estelle)

PROPOSED USE: Accessory apartment



BACKGROUND: The applicant is requesting a Conditional Use to allow an accessory apartment on residential property zoned "TF-3" Two-Family Residential. The property consists of two lots in the Dixon's Addition to Wichita, totaling 6,500 square feet. Currently there is a garage at the rear of the lot, which will be removed, this being the approximate location of the new accessory apartment.

Through a divorce agreement, the owner, Mr. Jones, is required to care and provide for his ex-wife, who currently lives in the existing home. The applicant wishes to move into the home and build an apartment for his ex-wife where the existing garage stands.

The site is bordered on all sides by property that is zoned "TF-3" Two-Family Residential, but is used for single-family homes. Wichita's original zoning code did not contain a zoning district reserved exclusively for single-family residences, so many of the older residential area have "two-family" zoning, even though they were developed predominately with single-family homes. All the homes in the area are a mix of two- and one-story homes and appear to have been constructed at the same time, probably between 1918 and 1926.

The applicant has provided a site plan for the development of the accessory apartment. As stated earlier, the new apartment will be developed on the location that is currently occupied by a garage. The new structure will be 24 feet by 24 feet and situated 6 feet off the side property line and 8 feet off the rear property line.

As per the Unified Zoning code, the Conditional Use requirements for accessory apartments stipulate:

(a) that a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;

(b) that the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood; and

(c) that the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium.

CASE HISTORY: The subject property is in Dixon's Addition, which was platted February 15, 1918.

ADJACENT ZONING AND LAND USE:

NORTH: "TF-3" – Single-Family Home
SOUTH: "TF-3" – Single-Family Home
EAST: "TF-3" – Single-Family Home
WEST: "TF-3" – Single-Family Home

PUBLIC SERVICES: Public services are available to this site. Estelle Avenue is a residential street with 50 feet of right-of-way and 29 feet of paving. Parking is allowed on both sides of the street.

CONFORMANCE TO PLANS/POLICIES: The Land Use map of the Comprehensive Plan identifies this site as being appropriate for low density residential uses. By definition, low density residential has a density range of 1 to 6 units per acre, and includes single-family detached homes, zero lot line units and cluster subdivisions. Since a subdivision of single-family homes cannot be developed at more than 4 to 5 units per acre including the streets, it was contemplated that some higher density units would be included in these areas. The "Area Treatment Classification" of the Comprehensive Plan identifies this area as a "Revitalization" area. These areas, which are experiencing some decline but have good market and development opportunities, would be stabilized by policies that include improvement of community services, encouragement of well designed infill housing, encouragement of housing improvements and rehabilitation, and incentives to emphasize innovative housing types and mixed use development.

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.

2. The building walls and the roof of the new structure shall be similar in appearance (texture and color) to the existing dwelling, and the structure must be limited to one story.

3. The owner of the property must reside on-site, either in the main home or the accessory apartment.

4. Paved off-street parking shall be provided for at least three non-tandem spaces, behind the front line of the existing residence. A new site plan shall be submitted showing the location of said parking.

5. The site shall be developed in general conformance with the approved site plan.

6. Any violation of these conditions shall render this Conditional Use permit null and void.

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

1. The zoning, uses and character of the neighborhood: The surrounding zoning is "TF-3" Two-Family Residential, although most of the properties are developed with single-family homes. The medium-density residential category includes semi-attached dwelling units such as duplexes and townhomes. There is at least one other accessory apartment in the immediate neighborhood, the remainder being single-family homes.

2. Suitability of the subject property for the uses to which it has already be restricted: The code permits an accessory apartment provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet those criteria with the provision of parking for the accessory apartment.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affect should be minimized with the condition that the property owner shall be required to reside on the premises. The apartment will be placed at the rear of the lot, so as not to be immediately visible from the surrounding properties.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The zoning code anticipated this type of use and makes specific provision for it. The site appears to comply with all the 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