CONDITIONAL USE RESOLUTION NO. CU-538

WHEREAS, Steven L. Greer; Tolliver & Mildred Matthews (Owner/Applicants), 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 a temporary accessory manufactured home on 2 acres zoned "SF-20" Single-Family Residential described as:

> The East 330 feet of the West 720 feet of the South 960 feet of the Southeast Quarter except the South 726 feet and ½ vacated Midland-Valley ROW, Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located north of 71st Street South and east of Ida Avenue.

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 September 16, 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 a temporary accessory manufactured home on 2 acres zoned "SF-20" Single-Family Residential described as:

> The East 330 feet of the West 720 feet of the South 960 feet of the Southeast Quarter except the South 726 feet and ½ vacated Midland-Valley ROW, Section 33, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas. Generally located north of 71st Street South and east of Ida Avenue.

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.

2. The accessory home shall remain on the site as an accessory dwelling for the applicant and his family while the existing site-built home is being remodeled.

3. The manufactured home shall be removed from the property within 90 days after final inspection of the remodeled existing home, but no longer than 15 months from the issuance of **the remodeling permit.**

4. The temporary manufactured home shall be placed on the site as indicated on the site plan.

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

Adopted this 16th day of September, 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

Frank Garofalo

Frank Garofalo, Chair

ATTEST:

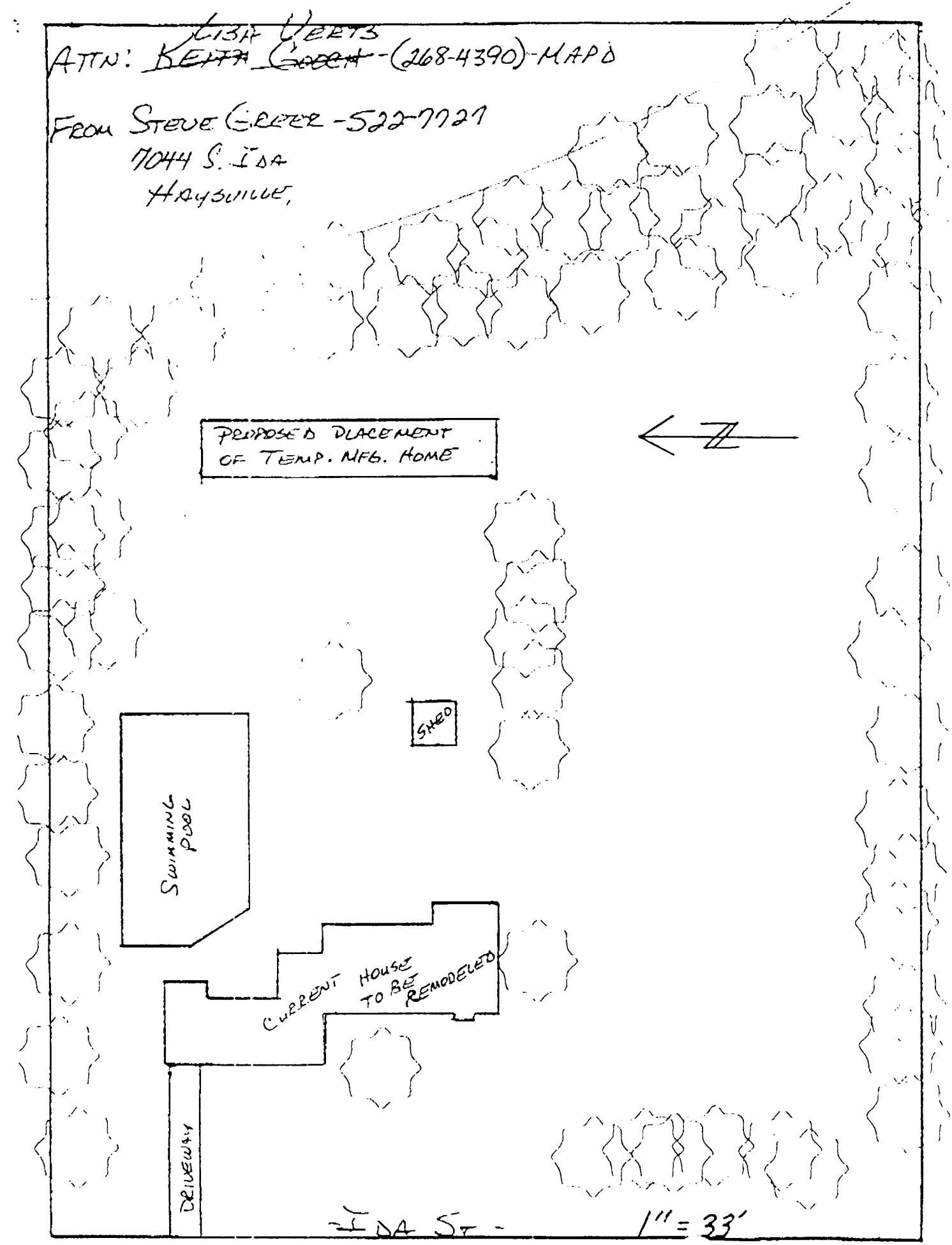
Marvin S. Krout

Marvin S. Krout, Secretary

ATTN: LISA VEETS
~~KEITH GREEN~~ -(268-4390)-MAPD

FROM STEVE GELLER -522-7721
7044 S. IDA
HAYSVILLE,

CU-538



WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. ____

STAFF REPORT

Haysville Planning Commission September 9, 1999
MAPC September 16, 1999

CASE NUMBER: CU-538

APPLICANT/AGENT: Steven L. Greer; Tolliver & Mildred Matthews (Owner/Applicants)

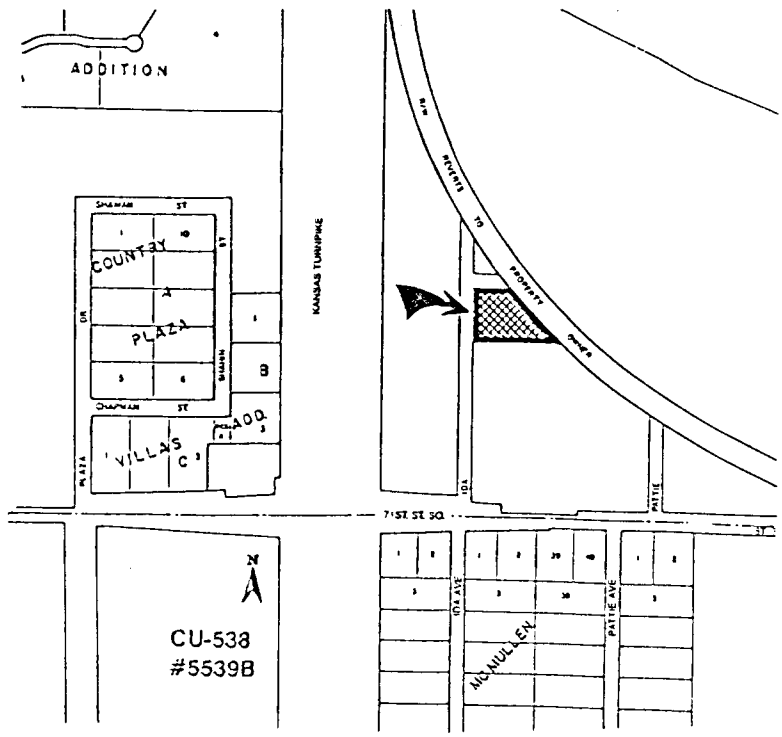
REQUEST: Conditional Use to allow a temporary accessory manufactured home

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

SITE SIZE: 2 acres

LOCATION: North of 71st Street South and east of Ida Avenue

PROPOSED USE: Remodeling existing site-built home



BACKGROUND: The applicant requests a Conditional Use to allow an accessory manufactured home on 2 unplatted acres zoned "SF-20" Single-Family Residential. The application area is located north of 71st Street South on the east side of Ida Avenue. The applicant is doing major remodeling on the site-built home that exists on the property and requires temporary living facilities while this is being done. The applicant anticipates the remodeling project to be completed in one year.

The applicant has indicated on the site plan the location for the temporary manufactured home, east of the existing home and towards the rear of the lot. This location meets all the zoning setback requirements. Access to the temporary manufactured home will be along the existing driveway and north of the existing home to the site of the temporary home.

The surrounding uses are primarily single-family homes on property zoned "RR" Rural Residential and "SF-20" Single-Family Residential. There is a communication tower (one of two in the immediate area) directly east of the site. Across Ida Avenue and west of the site there is a single-family home with an accessory automotive workshop.

The Unified Zoning Code allow the placement of a temporary single-wide manufactured home while a "single-family dwelling is being constructed on the same lot" without a Conditional Use permit. County Code Enforcement has taken the literal interpretation of the Code and excludes home remodeling as an allowable condition for the temporary use without a Conditional Use. This condition triggers the need for this application for a Conditional Use under Section III-D.6.I.(3) of the Unified Zoning Code.

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" & "SF-20" – Vacant
SOUTH: "SF-20" – Single-Family Home
EAST: "SF-20" – Communication Tower and Vacant
WEST: "RR" & "SF-20" – Single-Family Home with accessory automotive workshop

PUBLIC SERVICES: There is a water well and septic system on site that services the main structure; these will be used for the temporary manufactured home. Ida Avenue, a local street, provides access to the site, but no traffic volumes are available.

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.

2. The accessory home shall remain on the site as an accessory dwelling for the applicant and his family while the existing site-built home is being remodeled.

3. The manufactured home shall be removed from the property within 90 days after remodeling of the existing home is finished (no longer than one year).

4. The temporary manufactured home shall be placed on the site as indicated on the site plan.

5. 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 are zoned "SF-20" or "RR" Residential. The area is characterized by large lot single-family homes and agricultural uses.

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 "SF-20" Single-Family 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 remodel his home and live on the property at the same time.

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 go against any Comprehensive Plan policies or guidelines.

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