CONDITIONAL USE RESOLUTION NO. CON2002-00024

WHEREAS, Verle and Elda Engel (Applicant/Owner), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow a temporary, accessory manufactured home dwelling on 10 acres zoned "RR" Rural Residential described as:

> A tract in the Southeast Quarter of Section 4, Township 27 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas, beginning 573.7 feet West of the Southeast corner; thence West 573.7 feet; thence North parallel with the East side of the Southeast Quarter, 759.5 feet; thence East 573.7 feet; thence South 759.5 feet to the point of beginning. Generally located north of East 21st Street North, ¼ mile west of 359th Street West.

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 June 6, 2002, 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 dwelling, on 10 acres zoned "RR" Rural Residential described as:

> A tract in the Southeast Quarter of Section 4, Township 27 South, Range 4 West of the 6th P.M., Sedgwick County, Kansas, beginning 573.7 feet West of the Southeast corner; thence West 573.7 feet; thence North parallel with the East side of the Southeast Quarter, 759.5 feet; thence East 573.7 feet; thence South 759.5 feet to the point of beginning. Generally located north of East 21st Street North, ¼ mile west of 359th Street West.

subject to the following conditions:

1. The applicants 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 Unified Zoning Code shall be met.
2. The manufactured home shall meet the post 1976 42 U.S.C. 5403 HUD Code.
3. The accessory home shall remain on the site as an accessory dwelling for Opal Widhend only as long as the applicant resides on the site. The applicant shall report to the County Code Enforcement Office on a yearly basis, every June, the status of the occupancy of this manufactured home.

4. 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.
5. Development and maintenance of the site shall be in conformance with the approved site plan.
6. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 6th DAY of JUNE, 2002. 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

J.D. (Jerry) Michaelis, Chair MAPC

ATTEST:

Marvin S. Krout, Secretary

1 acre = 208.71 ft x 208.11 ft = 43,560 sq. ft (approx. 14 sq. x 111 sq. on this scale)
(13.9 x 13.9) (193 squares)

Phone 316-540-3656
WK 316-941-1244

573.1 x 759.5 = 435,725 sq ft = 10 acres

13.7 x 14 = 192

Legal Description W 573.7 ft E 1147.4 ft S 759.5 ft SE 1/4 except 21st St.
SEC 4-27-4W

Conditional Use: To allow a pitched roof mobile home to be located to care for elderly mother, who is relocating from Iowa.

Deck: In accordance with code will be provided.

Applicants: Verle R. & Elda A. Engel FOR Opal Widhund, 82 year old widow.

CON2002-24
SITE PLAN
APPROVED
William L. Unruh
Date: 6-20-02

573.7'

Scale: 1 square = 15'

N

1 ACRE

1.96 ACRES
WHEAT

335'

trees

drainage.

trees

trees

Proposed septic tank

4.80 ACRES

70'

proposed cut 14'

150'

cedar trees

dirt driveway

cement slab

water

fence

propane

gravel

Well

House

Utility pole

Leech field

135

trees

Shed

20'

30'

3.24 ACRES PASTURE

7595'

759.5' +/-

Barn

40'

36'

125'

51'

Lean-To

14'

Fence

fence

trees

Hwy easement

40'

fence

east meas. (134.7')

136' actual measure

water main

Fence

edge of Hwy

235'

62'

143'

to the post

576'

573.7 ft.

573.7'
W. of S.E. Corner
S.E. quarter
Sec. 4-27-4W

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 7

STAFF REPORT

MAPC 6-6-02

CASE NUMBER: CON2002-00024

APPLICANT/AGENT: Verle and Elda Engel (owners)

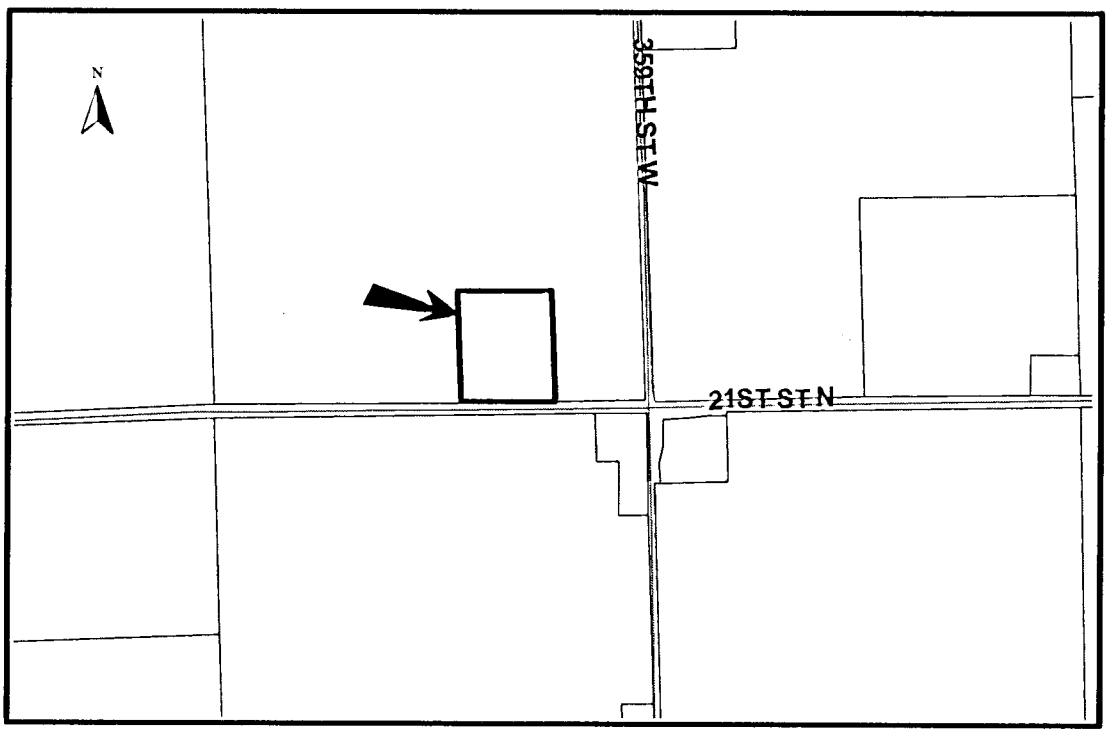
REQUEST: Conditional Use to allow a temporary, accessory manufactured home dwelling in the County

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 10 acres

LOCATION: North of East 21st Street North, ¼ mile west of 359th Street West

PROPOSED USE: Temporary, accessory residence for elderly mother



BACKGROUND: The applicant is requesting a Conditional Use for a temporary, accessory manufactured home dwelling in the County. The application area is a 10-acre un-platted parcel located north of East 21st Street North, ¼ mile west of 359th Street West. Agricultural fields surround the application area, two neighboring residences lie over 600 feet to the southeast. The property is zoned "RR" Rural Residential and developed with a single-family residence, a barn, a garage, and several sheds. The application area is served by a private well, and a septic tank / leech field sewage system. The application area is screened in all directions with existing tree hedgerows. The applicants propose to place the requested manufactured home north of the existing residence; they propose to place a second septic system on the site, north of the proposed manufactured home (see the attached site plan). Sedgwick County Code Enforcement requires building and sanitary sewage system approval for the proposed use.

The applicants state that their 82 year-old widowed mother is relocating to the application area from Iowa. The applicant's stated hardship is assisted living care for their mother, which must be provided by the applicants.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	agricultural fields
SOUTH:	"RR"	agricultural fields
EAST:	"RR"	agricultural fields
WEST:	"RR"	agricultural fields, residences

PUBLIC SERVICES: The property is located along East 21st Street North, a paved two-lane section line road with a half-width right of way of 40 feet. The property has two drive entrances onto 21st Street.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "rural."

The *Wichita-Sedgwick County Unified Zoning Code* Section III-D.6.I(3) lists temporary, accessory manufactured home dwellings in the County as a Conditional Use subject to the following conditions and requirements: (a) The location of the manufactured home shall conform to all setback requirements of the district in which located; (b) If the property is not served by a public water supply and 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 Secs. III-D.6.I(1) and III-D.6.1(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 home shall be removed from the property within 90 days after any change in circumstances used as a basis for the Conditional Use.

The *Wichita-Sedgwick County Unified Zoning Code* defines a "manufactured home" as one or more mobile components constructed to meet the 42 U.S.C. 5403 HUD Code, providing all accommodations necessary to be a dwelling unit, and connected to all utilities in conformance with a applicable regulations.

RECOMMENDATION: Planning staff finds that the application meets the conditions of the Unified Zoning Code Section III-D.6.I(3). Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to the following conditions.

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning. Specifically the requirements of Section III-D.6.I(3) if the Unified Zoning Code shall be met.
2. The manufactured home shall meet the post 1976 42 U.S.C. 5403 HUD Code.
3. The accessory home shall remain on the site as an accessory dwelling for Opal Widhend only as long as the applicant resides on the site. The applicant shall report to the County Code Enforcement Office on a yearly basis, every June, the status of the occupancy of this manufactured home.
4. 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.
5. Development and maintenance of the site shall be in conformance with the approved site plan.
6. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: All property surrounding the application area is used for agricultural purposes, the nearest residential neighbors are over 600 feet to the southeast. Existing hedgerows will screen the proposed manufactured home from neighbors and from 21st Street, protecting the character of the surrounding area.

2. The suitability of the subject property for the uses to which it has been

restricted: The site is zoned "RR" Rural Residential, which primarily permits large lot residential uses. The site could continue to be used without the Conditional Use.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Provided that the proposed manufacture home meets all applicable codes, and because of the temporary nature of the requested Conditional Use, the proposed accessory use should have no affect on the surrounding properties.

4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested conditional use is in conformance with the *Wichita-Sedgwick County Unified Zoning Code* Section III-D.6.I(3) provisions for accessory manufactured home dwellings in the County.

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