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APR 24 2003

METROPOLITAN PLANNING

RESOLUTION No. 03-189 ROUTE ☐ Serna ☐

A RESOLUTION AUTHORIZING A CONDITIONAL USE FOR ACCESSORY APARTMENT, ON 0.31 ACRES ZONED "SF-5" SINGLE-FAMILY RESIDENTIAL, LOCATED SOUTHEAST OF MT. VERNON AND OLIVER IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-D, AS ADOPTED BY ORDINANCE NO. 44-975, AS AMENDED.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-D of the Wichita-Sedgwick County Unified Zoning Code, a Conditional Use for accessory apartment on 0.31 acres zoned "SF-5" Single-family Residential legally described below:

Case No. CON2003-00004

A Conditional Use for accessory apartment, on 0.31 acres zoned "SF-5" Single-family Residential described as:

Lot 17, Block 3, Replat of Block 3 Edgewood Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located southeast of Mt. Vernon and Oliver.

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a (attached) of the Unified Zoning Code.

2. The site plan shall be revised, and shall add the following required site plan items: legal description, indicate existing features not shown on the plan submitted (including fences, utilities above or below ground, drainage patterns), required zoning setbacks and easements, all paved areas on the lot (including type of pavement), surrounding structures (including showing the edges of houses on surrounding lots), and any modifications proposed to existing structures or features not shown on the submitted plan.

3. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning, and all improvements shall be completed within one year of approval of the Conditional Use by the MAPC or governing body, as applicable.

4. Construction of improvements shall be completed within one year of approval by the appropriate governing body.

5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

6. Brick wainscoting and lap siding shall be added to the exterior facades for that portion of the structure used as an accessory apartment only.

7. The apartment shall be limited to occupancy by immediate family and not to be rented.

SECTION 2. That upon the taking effect of this Resolution, the notation of such Conditional Use permit shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION 3. That this Resolution shall take effect and be in force from and after its adoption by the Governing Body.

ADOPTED BY THE GOVERNING BODY OF THE CITYOF WICHITA, KANSAS, this date APR 15 2003

Carlos Mayans, Mayor

ATTEST:

Pat Graves, City Clerk

Approved as to form:

Gary E. Rebenstorf, City Attorney

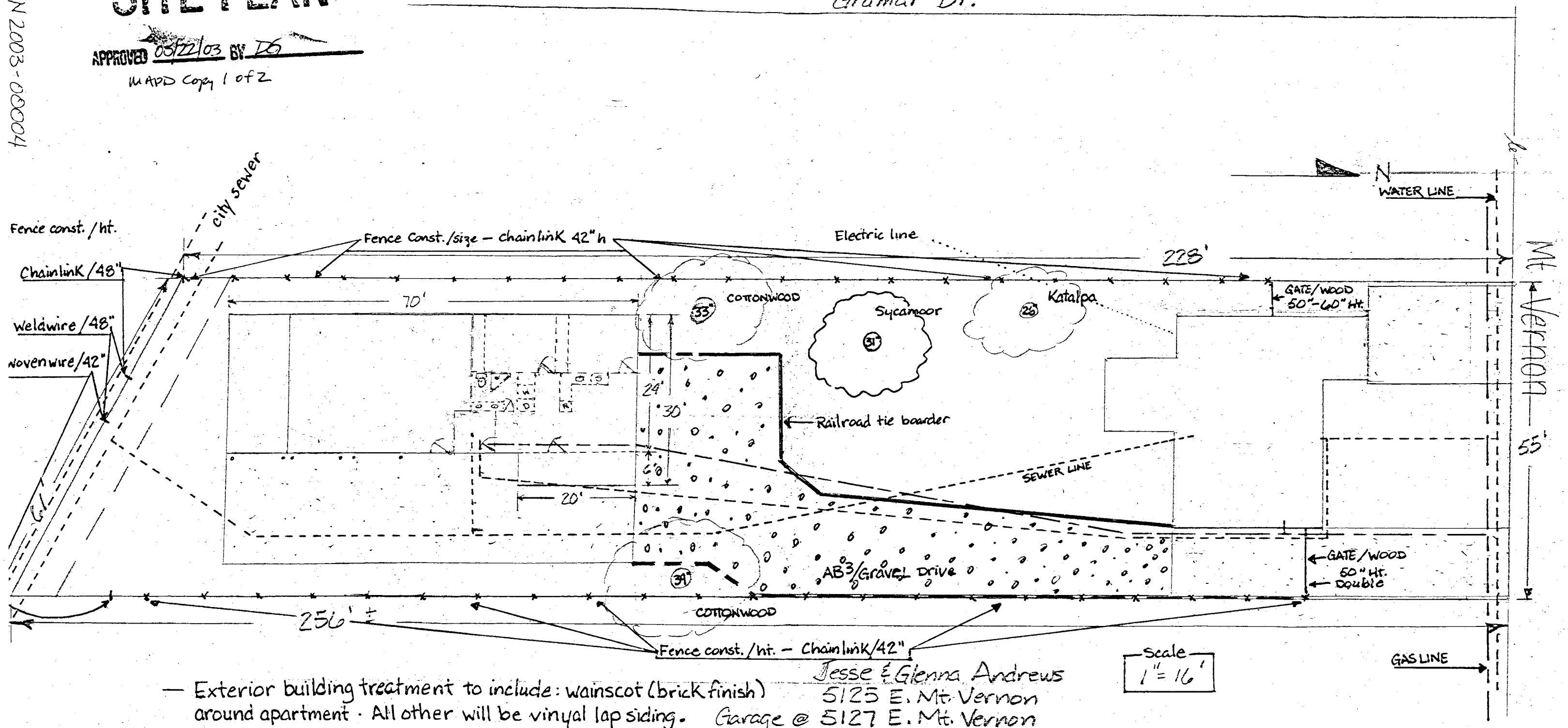
CON 2003-00004

REVISED

SITE PLAN

APPROVED 05/22/03 BY DS

MAPD Copy 1 of 2



Scale
1" = 16'

Jesse & Glenna Andrews
5125 E. Mt. Vernon
Garage @ 5127 E. Mt. Vernon
Wichita, Ks. 67218

Lot 17, Replat of Block 3
Edgewood Addition

– Exterior building treatment to include: wainscot (brick finish) around apartment. All other will be vinyal lap siding.

– Apartment shown for occupancy of immediate family only and not intended to be used as rental unit.

– Lighting, lights used will mount on exterior of building for illumation and shall be directed straight down. No pole or pole fixtures will be used.

Utilities shown: Water
:Sewer
:Gas
:Electric

DEL. 4/2

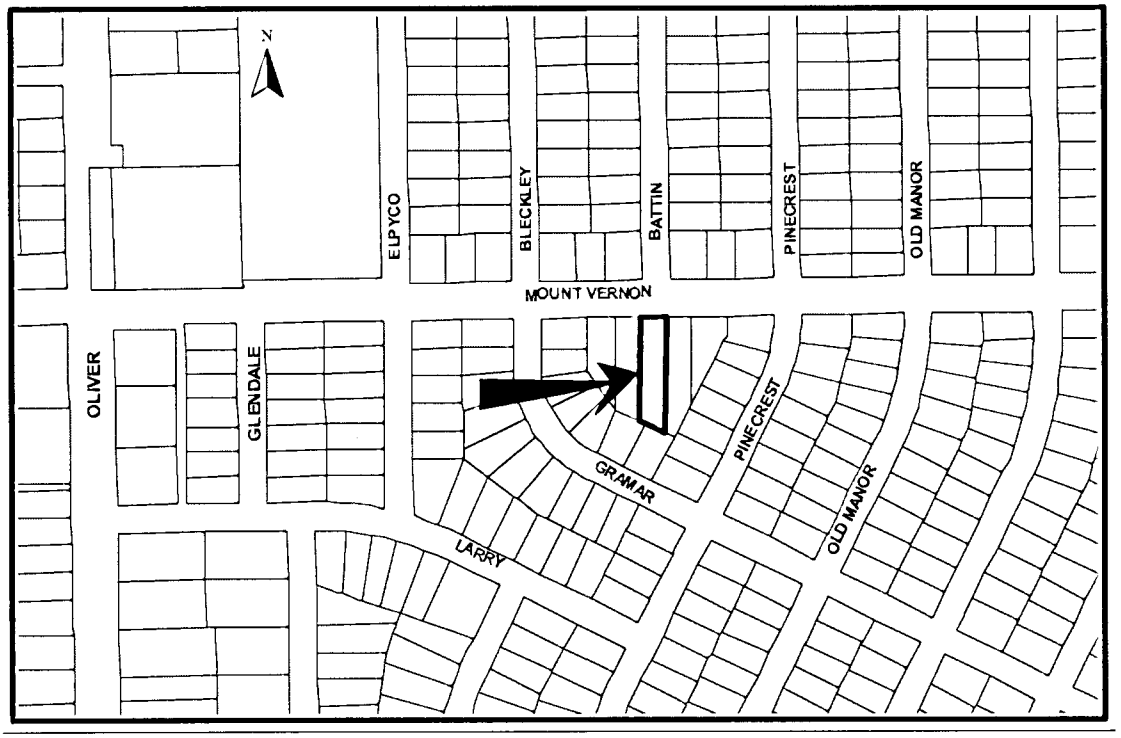
WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 5

STAFF REPORT

MAPC March 20, 2003
DAB III, March 19, 2003

CASE NUMBER:	CON2003-00004
APPLICANT/OWNER:	Jesse R. Andrews, II and Glenna R. Andrews (owner); Gene Williams Construction (agent)
REQUEST:	Conditional Use for accessory apartment
CURRENT ZONING:	"SF-5" Single-Family Residential
SITE SIZE:	0.31 acre
LOCATION:	Southeast of Mt. Vernon and Oliver (5125 E Mt. Vernon)
PROPOSED USE:	Accessory apartment



BACKGROUND: The applicant is requesting a "Conditional Use" to allow an accessory apartment for a parent on the rear of Lot 17, Replat of Block 3, Edgewood Addition. The property is located on the south side of Mt. Vernon between Gramar Drive and Pinecrest Avenue, approximately three blocks east of Oliver, and is zoned "SF-5" Single-family residential.

The applicant is requesting to add an accessory apartment as part of a detached garage under construction in the backyard. The existing single-family brick veneer house is located in the front portion of the lot along Mt. Vernon Road. The lot is relatively deep, averaging 240 feet in depth. This allows sufficient space for an accessory structure in the rear yard. However, ground floor building coverage of the three-bay garage and accessory apartment would be approximately 1,800 square feet, which is significantly larger than the main structure. Proposed building construction is a pole barn with a metal skin. The site plan shows a paved area east of the garage door openings and at the front of the property near Mt. Vernon, but does not indicate a continuous paved drive connecting these paved areas.

An accessory apartment is defined as a dwelling unit that may be wholly within or detached from a principal single-family dwelling unit. A dwelling unit includes provisions for sleeping, cooking, eating and sanitation. A Conditional Use permit is required for an accessory apartment in the "SF-5" zoning district. As per the Unified Zoning Code, the "Conditional Use" requirements for accessory apartments stipulate the following:

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

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

(c) 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; and

(d) water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

The surrounding area is single-family residential in character, consisting of brick veneer homes, and typically with varying widths of lap siding in the gabled ends of the roof and on additions or detached garages. There are a few duplexes located in the block to the east of the application area.

CASE HISTORY: Lot 17, Replat of Block 3 Edgewood Addition was recorded November 7, 1950.

ADJACENT ZONING AND LAND USE:

NORTH:	"SF-5"	Single-family residential
SOUTH:	"SF-5"	Single-family residential
EAST:	"SF-5"; "TF-3"	Single-family residential, duplexes
WEST:	"SF-5"	Single-family residential

PUBLIC SERVICES: Mt. Vernon Road is a four-lane arterial street. Traffic volumes (ADTs) at Mt. Vernon and Oliver were approximately 9,500 in 2002, and projected to increase to 13,500 in 2030. No traffic improvements are planned for this segment of Mt. Vernon. Sewer and water are available.

CONFORMANCE TO PLANS/POLICIES: The 2001 Sedgwick County Development Guide Land Use Guide of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this area as "low density residential".

The policies of the Unified Zoning Code allow one accessory apartment to be associated with a principle dwelling as a "Conditional Use" if the proposed use is compatible with the principle dwelling, is in character with the surrounding residential development, is accessory to the main structure, remains in a single ownership, and obtains water and sewer service from the main dwelling hook-up.

RECOMMENDATION: As proposed, the requested "Conditional Use" does not comply with the policy guidelines of the Unified Zoning Code for an accessory apartment. The proposed garage/apartment is over 150 percent of the size of the main dwelling. It would overwhelm the principle dwelling and is larger than other accessory structures in the neighborhood. The metal exterior is not in character with the main dwelling or with other houses in the neighborhood, which are almost all brick veneer structures with lap siding on the gabled ends of the roofs. Many houses have additions and these typically use lap siding as the principle material. The only metal structures typically found in the neighborhood are small tool sheds. It is suggested that an accessory apartment would be appropriate for the application area if the structure were redesigned to be compatible with the neighborhood in terms of scale and materials.

Based upon these factors and information available prior to the public hearing, Staff recommends that the request, as presented, be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is mostly single-family residential. All the surrounding area is zoned "SF-5" Single-family except the block to the east, which is zoned "TF-3" Two-family. However, 55 percent of this block is developed with single-family dwellings

instead of duplexes. All the dwellings, including the single-family and duplex units are brick structures with lap siding on the gabled ends of the roofs and employ lap siding for most additions.

2. The suitability of the subject property for the uses to which it has been restricted: Continued use of the lot for single-family residential use is a suitable use and is the typical use in the vicinity. A detached garage could be added to the rear of the lot so long as it meets setback and building code requirements.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the "Conditional Use" as requested will detrimentally affect the neighborhood by allowing an out-of-scale detached structure that is significantly larger than the principle structure on the lot and by allowing metal as an exterior building material, which is not typical of dwellings, additions, or detached garages located in the vicinity.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The 2001 Sedgwick County Development Guide Land Use Guide of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* designates this area as "low density residential". The proposed accessory apartment is part of an accessory structure that is not in scale with the principle dwelling and not in character with the development of the neighborhood.

5. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities.

If after closing the public hearing the MAPC finds the request appropriate, the MAPC motion to approve will need to include findings of fact regarding the Unified Zone Code Review Criteria that support approval and planning staff recommends that approval be subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a (attached) of the Unified Zoning Code.

2. The site plan shall be revised, and shall add the following required site plan items: legal description, indicate existing features not shown on the plan submitted (including fences, utilities above or below ground, drainage patterns), required zoning setbacks and easements, all paved areas on the lot (including type of pavement), surrounding structures (including showing the edges of houses on surrounding lots), and any modifications proposed to existing structures or features not shown on the submitted plan.

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