CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 6, 2011

Frank and Joy Shira
3334 South Seneca
Wichita, KS 67217

RE: **CON2010-00048** - City Conditional Use for an accessory apartment on property zoned SF-5 Single-Family Residential, generally located on the east side of Seneca Street approximately 200 feet north of 33rd Street South (3334 South Seneca Street).

Dear Ladies and Gentlemen:

At its regular meeting on **December 16, 2010**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions on the attached resolution. No protests have been received. This action is now final.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Donna Goltry, A.I.C.P.
Principal Planner
Current Plans Division

DJG:mc

Copies to: Southwest NA, Irene Armstrong, 1109 W. Greenfield, Wichita, KS 67213
Riverside Township, Dale Kuhn, 6051 Southeast Blvd. Derby, KS 67037
WCC IV, Paul Gray, Mail Stop 1-13
N.A. IV, Kelli Glassman, Mail Stop 1-135
Julianne Kallman, Engineering, Mail Stop 1-71

Adopted this 16th Day of December 2010.

METROPOLITAN AREA PLANNING COMMISSION

Debra Miller Stevens

Debra Miller Stevens, Chair MAPC

ATTEST:

John L. Schlegel

John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2010-00048

WHEREAS, Frank and Joy Shira (owner); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to allow a Conditional Use for an accessory apartment on 0.4 acres zoned SF-5 Single-Family ("SF-5") described as:

> Lot 8, Cumley's Addition to Wichita, Sedgwick County, Kansas, generally located on the east side of Seneca Street approximately 200 feet north of 33rd Street South (3334 South Seneca Street).

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 December 16, 2010, 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 allow a Conditional Use for an accessory apartment on 0.4 acres zoned SF-5 Single-Family ("SF-5") described as:

> Lot 8, Cumley's Addition to Wichita, Sedgwick County, Kansas, generally located on the east side of Seneca Street approximately 200 feet north of 33rd Street South (3334 South Seneca Street).

Approved subject to the following conditions:

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

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

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

4. Construction of improvements shall be completed within one year of approval of the Conditional Use.

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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

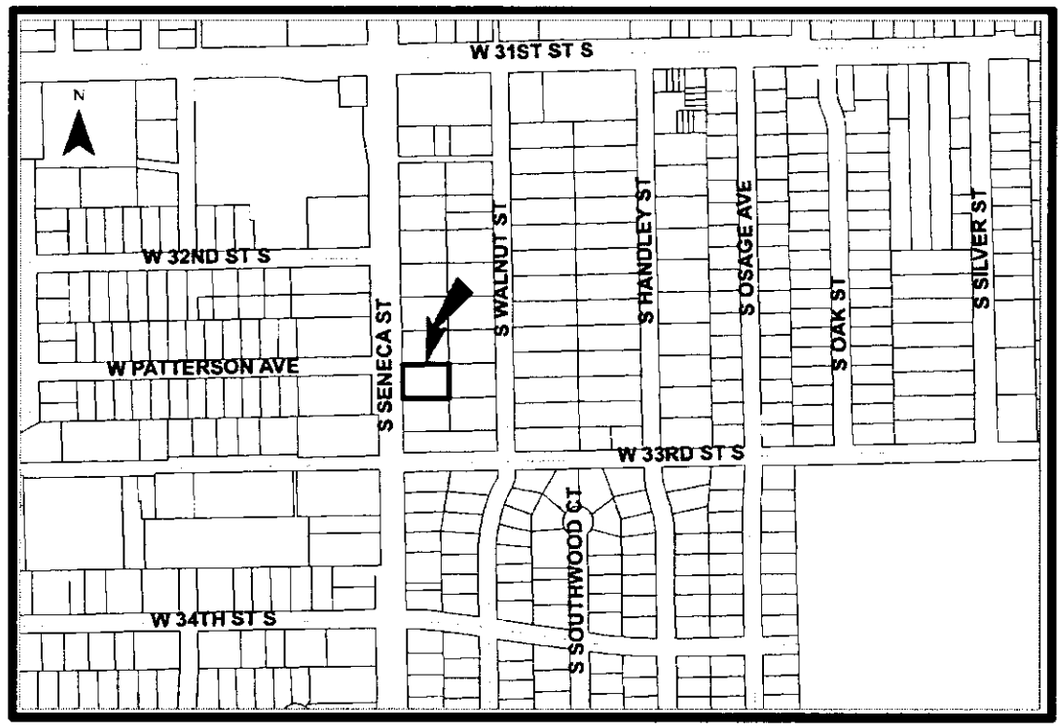
WICHITA—SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

AGENDA ITEM NO. 6

STAFF REPORT

MAPC December 16, 2010

CASE NUMBER:	CON2010-00048
APPLICANT/OWNER:	Frank E. and Joy L. Shira (owners)
REQUEST:	City Conditional Use for Accessory Apartment
CURRENT ZONING:	SF-5 Single-Family Residential ("SF-5")
SITE SIZE:	0.4 acres
LOCATION:	On the east side of Seneca Street approximately 200 feet north of 33rd Street South (3334 South Seneca Street).
PROPOSED USE:	Accessory apartment



BACKGROUND: This is a request for a Conditional Use for Accessory Apartment on property zoned SF-5 Single-Family Residential ("SF-5"). The applicant proposes to convert an existing detached garage into "more living space." The property is located on the east side of Seneca Street, two lots north of 33rd Street South (3334 South Seneca).

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 is required to permit an accessory apartment in the SF-5 zoning district. Article III, Section D.6 (a) of the Unified Zoning Code (UZC) has the following requirements for an accessory apartment:

(1) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit and may be within the main building, within an accessory building or constructed as an accessory building;
(2) The appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood;
(3) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit, and the ownership shall not be divided or sold as a condominium; and
(4) The water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

The attached site plan shows the main residence and a garage. The garage is proposed for conversion to living space, and is 32 feet x 24 feet, or 768 square feet. The main dwelling is approximately 1,250 square feet. The garage is located on the northeast corner of the lot, six feet from the interior side (north) property line and 10 feet from the rear (east) property line. This exceeds accessory structure setbacks of three feet for the interior side yard and five feet for the rear yard. The larger setback on the rear keeps the structure out of the ten-foot utility easement. The dwelling has a circular drive in the front setback and a gravel drive along the north property line to the accessory structure.

The property to the north and south of the site is zoned SF-5 and occupied by well-kept single-family residences, facing onto Seneca Street. Also, the property to the east is zoned SF-5 and occupied by single-family residences. The house faces two auto-oriented businesses zoned LC Limited Commercial ("LC") on the west side of Seneca Street. All the property on the west side of Seneca from 31st Street South to Patterson Avenue is in commercial use. In contrast, the east side is residential except near the intersection of 31st Street South and Seneca.

CASE HISTORY: The property is platted as Lot 8, Cumley's Addition, recorded July 3, 1951.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5	Single-family residences

EAST:	SF-5	Single-family residences
WEST:	LC, GO	Auto repair, offices, businesses

PUBLIC SERVICES: Normal municipal services are available. Access is directly onto Seneca Street, a principal arterial. Annual Average Daily Traffic ("AADT") was 17,648 vehicles per day in 2006.

CONFORMANCE TO PLANS/POLICIES: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan classifies the general location as appropriate for "Urban Residential." This category encompasses areas that reflect a full diversity of residential development densities typical of a large urban municipality. The addition of an accessory apartment is well within the anticipated density of residential use for this land use category, and it may offer a way to encourage the stability of the residences on the east side of Seneca by allowing this modest intensification in use.

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

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

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

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

4. Construction of improvements shall be completed within one year of approval of the Conditional Use.

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 the Unified Zoning Code, may, with the concurrence of the Planning Director, declare 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 property to the north and south of the site is zoned SF-5 and occupied by well-kept single-family residences, facing onto Seneca Street. Also, the property to the east is zoned SF-5 and occupied by single-family residences. The house faces two auto-oriented businesses zoned LC Limited Commercial ("LC") on the west side of Seneca Street. All the property on the west side of Seneca from 31st Street South to Patterson Avenue is in commercial use. In contrast, the east side is residential except near the intersection of 31st Street South and Seneca.

2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5 and could continue to be used without the accessory apartment.

3 Extent to which removal of the restrictions will detrimentally affect nearby property: Conversion of the garage into an accessory apartment will have a very modest effect on the nearby properties, perhaps much less than the impact already felt from the high traffic volumes Seneca Street and the more intensive commercial uses located directly across Seneca Street.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The *2030 Wichita Functional Land Use Guide* of the Comprehensive Plan classifies the general location as appropriate for "Urban Residential." This category encompasses areas that reflect a full diversity of residential development densities typical of a large urban municipality. The addition of an accessory apartment is well within the anticipated density of residential use for this land use category, and it may offer a way to encourage the stability of the residences on the east side of Seneca by allowing this modest intensification in use.

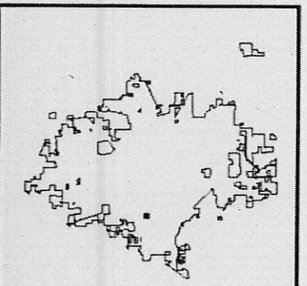
5. Impact of the proposed development on community facilities: The accessory apartment should have no significant impact on community facilities.

FRANK & Joy Shira
3334 S. Seneca
Wichita, KS 67217

3334 S Seneca

CON2010-00048





- City Limit Boundaries
- Historic Districts
- Old Town
- Delano Overlay District
- NO
- YES
- Lot Block
- Subdivisions
- Roads
- State Highway
- US Federal Highway
- Interstate
- KTA
- Arterial
- Collector
- Minor
- Ramp
- Railroads
- Quarter Section
- HOA
- Historic Sites
- REGIONAL
- STATE/NATIONAL
- STATE
- Historic Environs
- Case Tracking
- Zoning Cases
- NoiseContours2004
- NoiseContours1994
- SDERASTER.SDEDATA.ORTHO1FT
- SDERASTER.SDEDATA.ORTHO
- City Limits
- Andale
- Bel Aire
- Bentley
- Cheney
- Clearwater
- Colwich

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