



**Wichita-Sedgwick County Metropolitan Area Planning Department**

December 5, 2011

K. Scott and Asa L. Galloway  
13530 W. 109th St. N  
Sedgwick, KS 67135

**RE:CON2011-00031** - County Conditional Use request for a temporary accessory apartment/manufactured home due to medical hardship on property zoned RR Rural Residential; generally located on the northeast corner of 135th Street West and 109th Street North

Dear Mr. & Mrs. Galloway:

At its regular meeting on November 3, 2011, 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 attached resolution and site plan. There were no protests to the request, therefore for the recommendation of the MAPC is **FINAL**.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Bill Longnecker', written over a circular stamp.

Bill Longnecker  
Senior Planner  
Current Plans Division

WL:mc

Copies to: BCOC 3, Karl Peterjohn, Mail Stop County, Room 320  
Bob Parnacott, County Attorney, Mail Stop County Room 359  
Eagle Township, c/o George Zurfluh, 11801 N 119th Street West, Sedgwick, KS  
67135  
John Staton, County Code Enforcement, 1144 S Seneca, Wichita, KS, 67213  
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS, 67213

## CONDITIONAL USE RESOLUTION NO. CON2011-00031

**WHEREAS**, K. Scott Galloway and Asa L. Galloway (owners); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for a temporary, accessory manufactured home due to a medical hardship on approximately 5-acres zoned RR Rural Residential ("RR"), described as:

The South 5 acres of the West 11.5 acres of the Southwest Quarter of the Southwest Quarter of Section 12, Township 25 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas; generally located on the northeast corner of 109th Street North and 135th 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 November 3, 2011, 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 a temporary, accessory manufactured home due to a medical hardship on approximately 5-acres zoned RR Rural Residential ("RR"), described as:

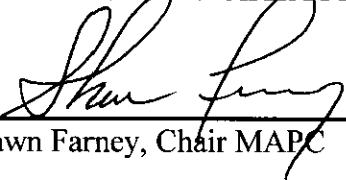
The South 5 acres of the West 11.5 acres of the Southwest Quarter of the Southwest Quarter of Section 12, Township 25 South, Range 2 West of the Sixth Principal Meridian, Sedgwick County, Kansas; generally located on the northeast corner of 109th Street North and 135th Street West.

Approved subject to the following conditions:

1. The applicants shall obtain all applicable permits, including but not limited to building, health and zoning. The temporary accessory manufactured home shall be approved for occupancy by County Building Code within a year of approval by the MAPC or the governing body. Specifically, the requirements of Art.III, Sec.III-D.6.1 (3) of the Unified Zoning Code shall be met.
2. The temporary accessory manufactured home shall meet the required HUD Code.
3. The temporary accessory manufactured home shall remain on the site as an accessory dwelling for the applicants' parents as long as the applicants' parents reside in the temporary accessory manufactured home.
4. The applicant shall report to the County Code Enforcement Office on a yearly basis, every January, in regards to the status of the occupancy of this temporary accessory manufactured home.
5. The temporary accessory 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.
6. Development and maintenance of the site shall be in conformance with the approved site plan.
7. 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 3rd day of November, 2011.

METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
Shawn Farney, Chair MAPC

ATTEST:

  
\_\_\_\_\_  
John L. Schlegel, Secretary



AGENDA ITEM NO. 7

## STAFF REPORT

MAPC November 3, 2011

Bentley Planning Commission October 24, 2011

CASE NUMBER: CON2011-00031

APPLICANT/OWNER: K. Scott and Asa L. Galloway

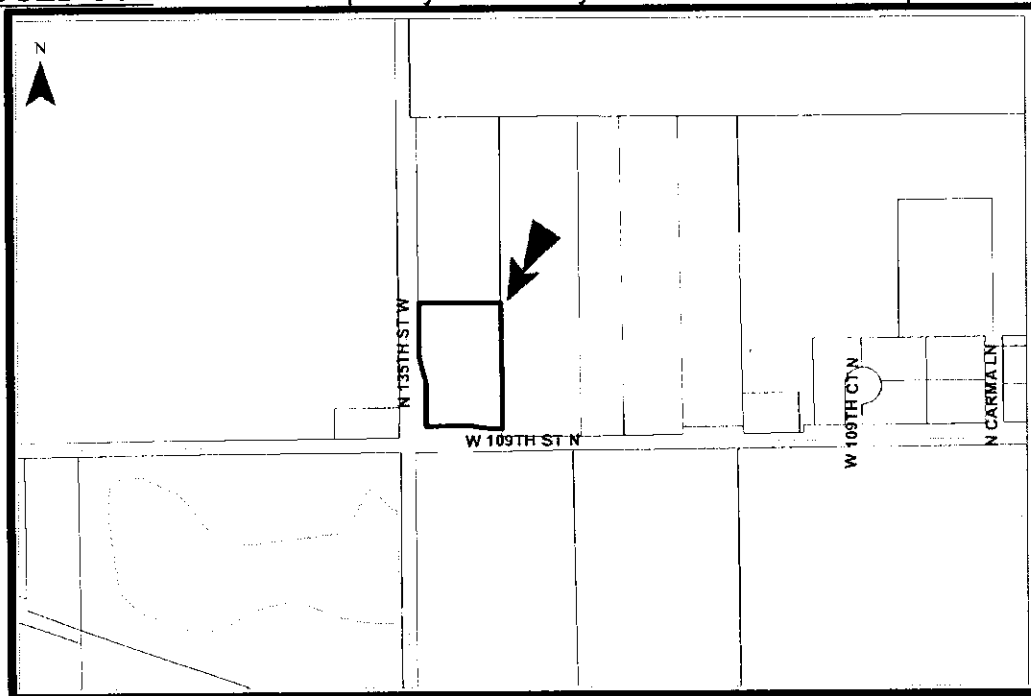
REQUEST: Conditional Use to allow a temporary, accessory manufactured home dwelling in the County

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 5-acres

LOCATION: Northeast corner of 109<sup>th</sup> Street North and 135<sup>th</sup> Street West (BoCC District #3)

PROPOSED USE: Temporary accessory residence to care for parents



**BACKGROUND:** The applicants are seeking a Conditional Use to permit a temporary, accessory manufactured home dwelling in the County. The 5-acre unplatted tract is zoned "RR" Rural Residential. The applicants have stated that their parents' poor health constitutes a hardship (see attached letters) that can be monitored and alleviated by their onsite care. The applicants live in an existing single-story residence (approximately 2,240-square feet) on the site. The applicants will continue to live in the existing residence while their parents will live in an approximately 1,456-square foot manufactured home; the temporary, accessory manufactured home dwelling. Per Art.III, Sec.III-D.6.I (3) of the Unified Zoning Code (UZC) a temporary, accessory manufacture home dwelling is a Conditional Use in the County. The RR zoning district is intended for application in unincorporated Sedgwick County. The site is located within City of Bentley's Zoning Area of Influence, therefore the request was considered by the Bentley Planning Commission prior to consideration by the MAPC; Unified Zoning Code (UZC) Art.V. Sec.V-B.4.d.

The site is located on the northeast corner of 103<sup>rd</sup> Street North and 135<sup>th</sup> Street West, approximately a half-mile east of Bentley. The area around the site can be characterized as rural. Properties south, east and west of the site are zoned "RR", with scattered single-family residences on large tracts or large lots breaking up agricultural fields. There is also an SF-20 Single-Family Residential large lot (+/- an acre) subdivision located approximately a ¼-mile south of the site. Besides the applicants' residence there are at least 10 other single-family residences along the 135<sup>th</sup> – 103<sup>rd</sup> intersection. The site's nearest neighbor is abuts the east side of the site.

The applicant has provided a site plan that shows the location of the existing residence, a water well, a septic system with a lateral field, accessory structures and the proposed temporary, accessory manufactured home dwelling.

**CASE HISTORY:** The City of Bentley's Planning Commission approved this request at their October 24, 2011 meeting.

**ADJACENT ZONING AND LAND USE:**

|        |    |                                               |
|--------|----|-----------------------------------------------|
| NORTH: | RR | agricultural fields                           |
| SOUTH: | RR | agricultural fields, single-family residences |
| EAST:  | RR | single-family residences, agricultural fields |
| WEST:  | RR | single-family residence, agricultural fields  |

**PUBLIC SERVICES:** The site is located on the northeast corner of the intersection of 103<sup>rd</sup> Street North and 135<sup>th</sup> Street West. Both roads are paved, two lane County Highways at this location, with 135<sup>th</sup> becoming a sand and gravel Eagle Township road south of the intersection. The site has a water well and a septic system with a lateral field for sewage; no public water or sewer. All other utilities appear to be available.

**CONFORMANCE TO PLANS/POLICIES:** *The Comprehensive Plan's Wichita and Small Cities 2030 Urban Growth Area Map* identifies this area as a "Rural Functional Land Use Category". This category encompasses land outside the 2030 urban growth area of

Wichita and the small cities of Sedgwick County. The category's intended uses are agricultural, rural based uses that are no more offensive than those agricultural uses commonly found in the county and predominately larger lot residential exurban subdivisions with provisions for individual or community water and sewer services.

The UZC, Art.III, Sec.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 Art.III, Secs.III-D.6.I(1) and 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 home shall be removed from the property within 90 days after any change in circumstances used as a basis for the Conditional Use.

The UZC 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 all applicable regulations.

**RECOMMENDATION:** Planning staff finds that the application meets the conditions of the UZC Art.III, Sec. 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. The temporary accessory manufactured home shall be approved for occupancy by County Building Code within a year of approval by the MAPC or the governing body. Specifically, the requirements of Art.III, Sec.III-D.6.I (3) of the Unified Zoning Code shall be met.
2. The temporary manufactured home shall meet the required HUD Code.
3. The accessory home shall remain on the site as an accessory dwelling for the applicants' parents as long as the applicants' parents reside in the temporary accessory manufactured home. The applicant shall report to the County Code Enforcement Office on a yearly basis, every January, in regards to 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 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: The area around the site can be characterized as rural. Properties south, east and west of the site are zoned "RR", with scattered single-family residences on large tracts or large lots breaking up agricultural fields. There is also an SF-20 Single-Family Residential large lot (+/- an acre) subdivision located approximately a ¼-mile south of the site.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR", with its intended uses being agricultural, rural based uses that are no more offensive than those agricultural uses commonly found in the county and predominately larger lot residential exurban subdivisions with provisions for individual or community water and sewer services. 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 manufactured home meets all applicable codes, and because of the temporary nature of the requested Conditional Use, the proposed accessory use should have minimal affect on the surrounding properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested is in conformance with the *The Wichita-Sedgwick County Comprehensive Plan*. Art.III, Sec.III-D.6.I (3) of the UZC provides provisions for accessory manufactured home dwellings in the County as a possible Conditional Use.
5. Impact of the proposed development on community facilities: None identified.

379.5

K Scott & ASA L Galloway

S 5A W 11.5 SW 1/4 SW 1/4 EXC RD

DN W Sec 12-25-2W

13530 W 109th St N. Sedgwick City

50' R/W

Riding  
Arena

SITE PLAN

Nov 17, 2011 Bill Longmire

★ Must be in compliance  
with "RR" Rural Residential  
setbacks

574'

Proposed  
Accessory PPT

28'x52'

24'x40'  
Garage

44'x84'  
MACH.  
Shed.

Rock Drive

Well

Septic  
Tank

28'x80'  
House

16'x30' Barn

Latral  
Field

Rock Drive

N 135th St W

75' R/W

70' R/W

50' R/W

W 109th St N.