CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

August 24, 2016

Nicoleta and Eugene Vasilescu
2245 N. Sandplum
Wichita, KS 67205

RE: CON2016-00037 – County Conditional Use request for an "accessory apartment" on SF-20 Single-Family Residential zoned property generally located on the west side of Ridge Road midway between West 45th Street North and West 53rd Street North (4917 N. Ridge Rd.)

Dear Ladies and Gentlemen:

At its regular meeting on **August 4, 2016**, the Wichita - Sedgwick County Metropolitan Area Planning Commission (MAPC) considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the following conditions:

(1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 4917 N. Ridge Road) and the ownership shall not be divided or sold as a condominium. The appearance of the accessory structure shall be compatible with the main dwelling.

(2) The water and sewer service provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. The applicant shall have the MABCD review the status of the existing sewer septic system.

(3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the placing of the accessory apartment.

(4) Development and maintenance of the site shall be in conformance with the approved site plan.

(5) If the accessory apartment is not in place within 12 months after final approval, or 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Property owners opposed to the application may file with the County Clerk signed written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **August 18, 2016.** In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 1,000 feet of the property for which the application was filed, and must be submitted to the County Clerk by **August 18, 2016, at 5:00 p.m.**

If there are not any protests, the MAPC's approval is final. If there are protests, this application will be presented to the Board of County Commissioners on **Wednesday September 7, 2016, beginning at 9:00 a.m.** The Board of County Commissioners meeting will be held in the Sedgwick County Court House, Third Floor, 525 N. Main, Wichita, Kansas.

This is a reminder that the zoning notification signs should now be removed from the property.
If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Kathy L. Morgan
Senior Planner
Current Plans Division

Copies to: BoCC 4, Richard Ranzau, Mail Stop 320
County Law, Justin Waggoner, Mail Stop 359
County Public Works, Jim Weber, 1144 South Seneca, Wichita, KS 67213
County Code Enforcement, Kelly Dixon, 1144 South Seneca, Wichita, KS 67213

CONDITIONAL USE RESOLUTION NO. CON2016-37

WHEREAS, Nicoleta and Eugene Vasilescu (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 an Accessory Apartment on approximately 1.9 acres zoned RR Rural Residential ("RR"), described as:

BEG 493.43 FT S NE COR SE1/4 S 15 FT W 330 FT S 154 FT W 243.88 FT N 298 FT E 289.88 FT S 129 FT E 284 FT TO BEG EXC E 50 FT FOR RD SEC 21-26-1W, Sedgwick County, Kansas; generally located on the west side of N. Ridge Road mid-way between 45th Street North and 53rd Street North (4917 North Ridge Rd.)

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 August 4, 2016, 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 approximately 1.9 acres zoned RR Rural Residential ("RR"), described as:

BEG 493.43 FT S NE COR SE1/4 S 15 FT W 330 FT S 154 FT W 243.88 FT N 298 FT E 289.88 FT S 129 FT E 284 FT TO BEG EXC E 50 FT FOR RD SEC 21-26-1W, Sedgwick County, Kansas; generally located on the west side of N. Ridge Road mid-way between 45th Street North and 53rd Street North (4917 North Ridge Rd.)

Approved subject to the following conditions:

(1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 4917 N. Ridge Road) and the ownership shall not be divided or sold as a condominium. The appearance of the accessory structure shall be compatible with the main dwelling.

(2) The water and sewer service provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. The applicant shall have the MABCD review the status of the existing sewer septic system.

(3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the placing of the accessory apartment.

(4) Development and maintenance of the site shall be in conformance with the approved site plan.

(5) If the accessory apartment is not in place within 12 months after final approval, or 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

AGENDA ITEM NO. 11

WICHITA–SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING COMMISSION

STAFF REPORT
MAPC August 4, 2016

CASE NUMBER: CON2016-00037

APPLICANT/OWNER: Nicoleta and Eugene Vasilescu, owners

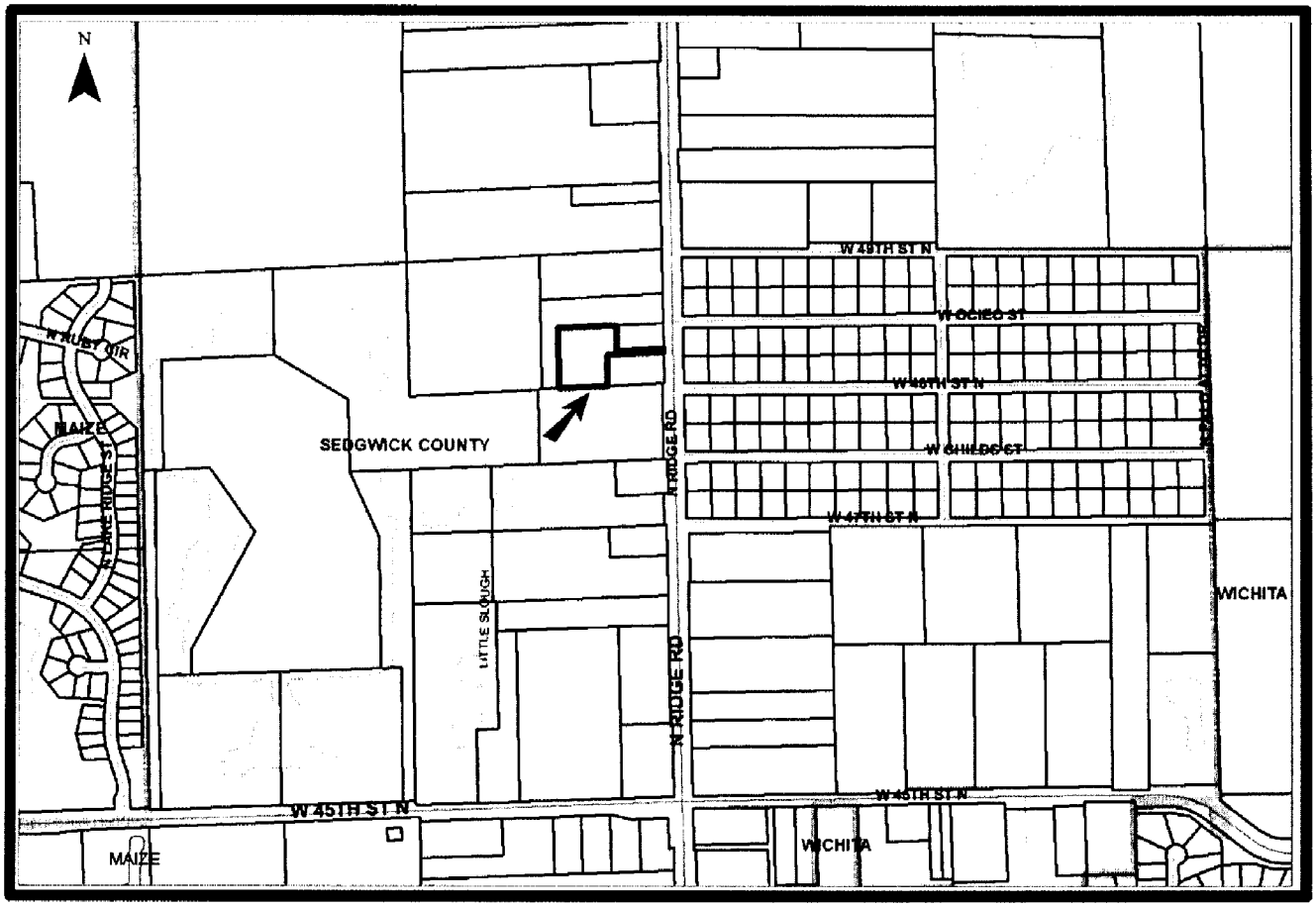
REQUEST: Conditional Use request for an accessory apartment

CURRENT ZONING: SF-20 Single-Family Residential

SITE SIZE: Approximately 1.9 acres

LOCATION: Generally located on the west side of N. Ridge Road mid-way between 45th Street North and 53rd Street North

PROPOSED USE: Second residence on the property



BACKGROUND: The applicant is requesting a Conditional Use for an accessory apartment to be on the site. The unplatted property is zoned SF-20 Single-Family Residential and is approximately 1.9 acres. It is currently developed with a residential designed manufactured single-family home, three sheds, a barn and well house. The site is serviced by a septic system. The subject site is located on the west side of Ridge Road approximately 0.4 mile north of 45th Street North. The Sedgwick County site is not located within any Urban Area of Influence.

The Wichita-Sedgwick County Unified Zoning Code ("UZC") defines an "accessory apartment" (Art. II.Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Art. III.Sec.III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit 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 apartment 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 surrounding properties to the north, west and south are zoned SF-20. The uses include single-family residences. Across Ridge Road to the east is a single-family residential subdivision zoned SF-20

The applicant submitted the attached site plan showing the location of existing structures, well and the septic system. The site plan also identifies the location of the new 45-feet X 36-feet accessory apartment with a 25-foot X 30-foot attached garage.

CASE HISTORY: The subject property is unplatted.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Single-family residence on 2.6 acres
SOUTH:	SF-20	Single-family residence on 5 acres
WEST:	SF-20	Single-family residence on 9 acres; undeveloped 16 acres
EAST:	SF-20	Single family residences on 0.5 and one-acre lots.

PUBLIC SERVICES: Ridge Road is a four-lane paved arterial street. The subject site has access to Ridge from a 230-foot long single lane gravel drive. The property is served by septic system and an on-site water well.

CONFORMANCE TO PLANS/POLICIES: The "2035 Community Investments Plan" (Plan) identifies the subject site as being in the Wichita Urban Growth Area.
This category identifies Wichita's urban fringe areas that have the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current

infrastructure limitations, cost effective delivery of future municipal services and environmental factors.

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

(1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 4917 N. Ridge Road) and the ownership shall not be divided or sold as a condominium. The appearance of the accessory structure shall be compatible with the main dwelling.

(2) The water and sewer service provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services. The applicant shall have the MABCD review the status of the existing sewer septic system.

(3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the placing of the accessory apartment.

(4) Development and maintenance of the site shall be in conformance with the approved site plan.

(5) If the accessory apartment is not in place within 12 months after final approval, or 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

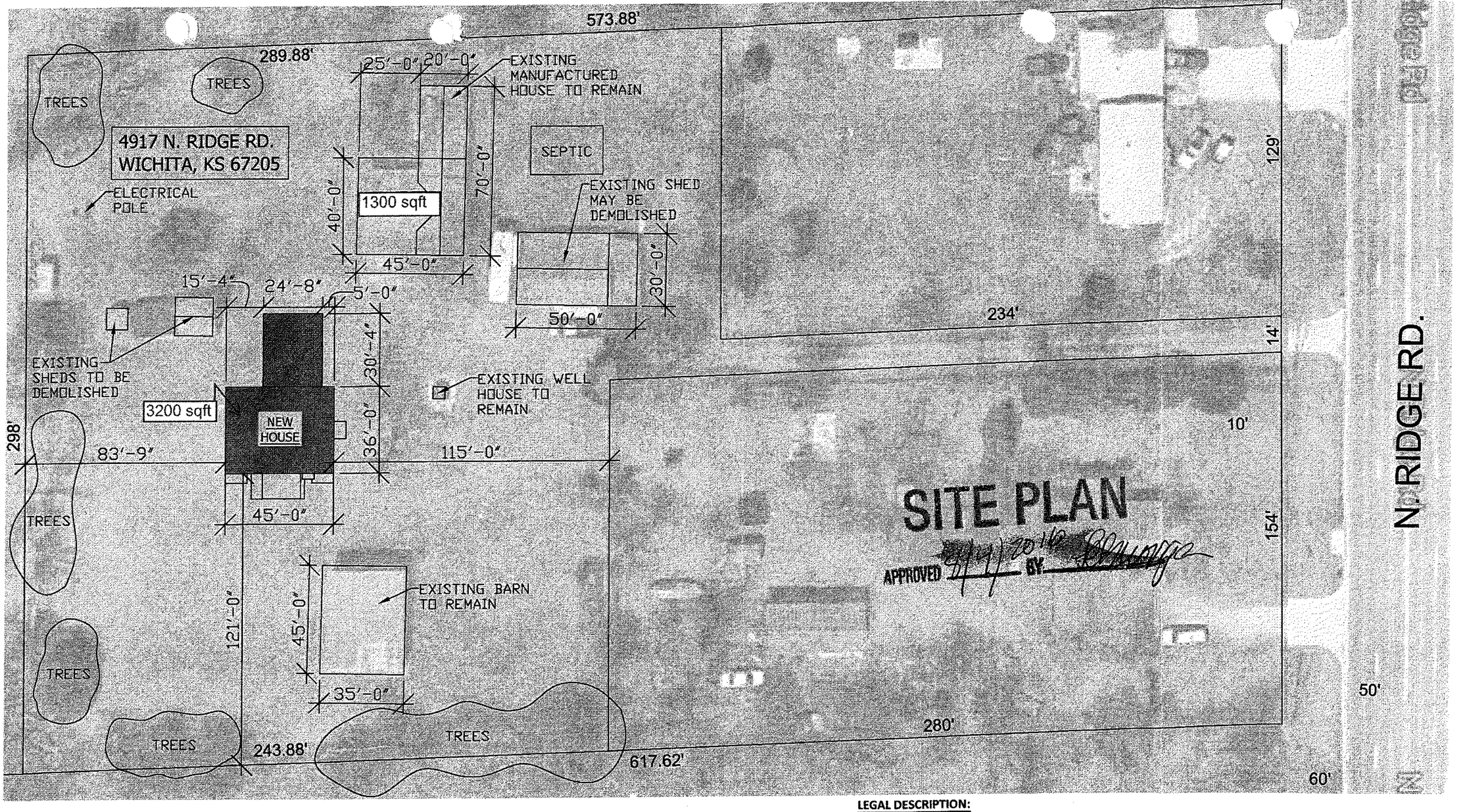
(1) The zoning, uses and character of the neighborhood: The County subject site is located in an SF-20 zoned area with lots ranging from -/+ 0.5 acre to 16 acres. Development is a mix of large lot single-family residential.

(2) The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned SF-20 which permits the existing single-family residence. The property could continue to be used for one single-family residence; the depth of the property easily accommodates an accessory apartment and the additional required parking space.

(3) Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any anticipated detrimental impacts.

(4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The "2035 Community Investments Plan" (Plan) identifies the subject site as being in the Wichita Urban Growth Area. This category identifies Wichita's urban fringe areas that have the potential to be developed by the year 2035, based upon Wichita population growth projections and current market trends. Determination of growth direction and amount is based upon municipal political considerations, anticipated municipal population growth, efficient patterns of municipal growth, current infrastructure limitations, cost effective delivery of future municipal services and environmental factors. A Conditional Use application/request is required for consideration of an accessory apartment in the SF-20 zoning district.

(5) **Impact of the proposed development on community facilities:** Community facilities are the public streets in the neighborhood, police and fire services, none of which will be noticeably impacted by another residence being built on the site. There is no public water or sewer service available to the neighborhood.



SITE PLAN

1" = 40'-0"

0 40' 80'

NORTH

TITLE: Conditional Use of an Accessory Apartment

APPLICANT NAME: Eugene and Nicoleta Vasilescu

ADDRESS: 4917 N Ridge Rd.
Wichita, KS 67205

DATE: May 3, 2016

LEGAL DESCRIPTION:

Beginning at a point in the East line of the Southeast Quarter of Section 21, Township 26 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, and 493.43 feet South of the Northeast corner of the Southeast Quarter of said Section 21; thence South along the East line of the Southeast Quarter of said Section 21, 15.0 feet; thence West parallel with the North line of the Southeast Quarter of said Section 21, a distance of 330.0 feet; thence South parallel with the East line of the Southeast Quarter of said Section 21, a distance of 154.0 feet; thence West parallel with the North line of the Southeast Quarter of said Section 21, a distance of 243.88 feet; thence North parallel with the East line of the Southeast Quarter of said Section 21, a distance of 298.0 feet; thence East parallel with the North line of the Southeast Quarter of said Section 21, 298.88 feet; thence South parallel with the East line of the Southeast Quarter of said Section 21, 129.0 feet; thence East 284.0 feet to the point of beginning.