

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is residential. All properties surrounding the subject property are zoned "TF-3" Two-family and are developed with single-family residences; four duplexes exist within a one-block radius. Given the size of the subject property, the proposed accessory apartment is compatible with the zoning, uses, and character of the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: Accessory apartments are allowed as a "Conditional Use" in TF-3 provided the applicant and the site meet the specified criteria. The applicant and the site meet the criteria so long as the accessory apartment remains subordinate in size and remains as a single hook-up for water and sewer services.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental affects on surrounding properties should be minimized by the depth of the lot, and access to the accessory apartment from the alley. The placement of the accessory apartment within the renovated garage meets zoning setback requirements.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code makes specific provision for accessory apartments in "TF-3". This application as recommended for approval complies with all the provisions outlined in the UZC for accessory apartments.
5. Impact of the proposed development on community facilities: The request should have a minimal impact on community facilities.

STAFF REPORT

DAB 3, June 1, 2005

MAPC, June 9, 2005

CASE NUMBER: CON2005-00020

APPLICANT/OWNER: Bruce Gilder (Owner/Applicant)

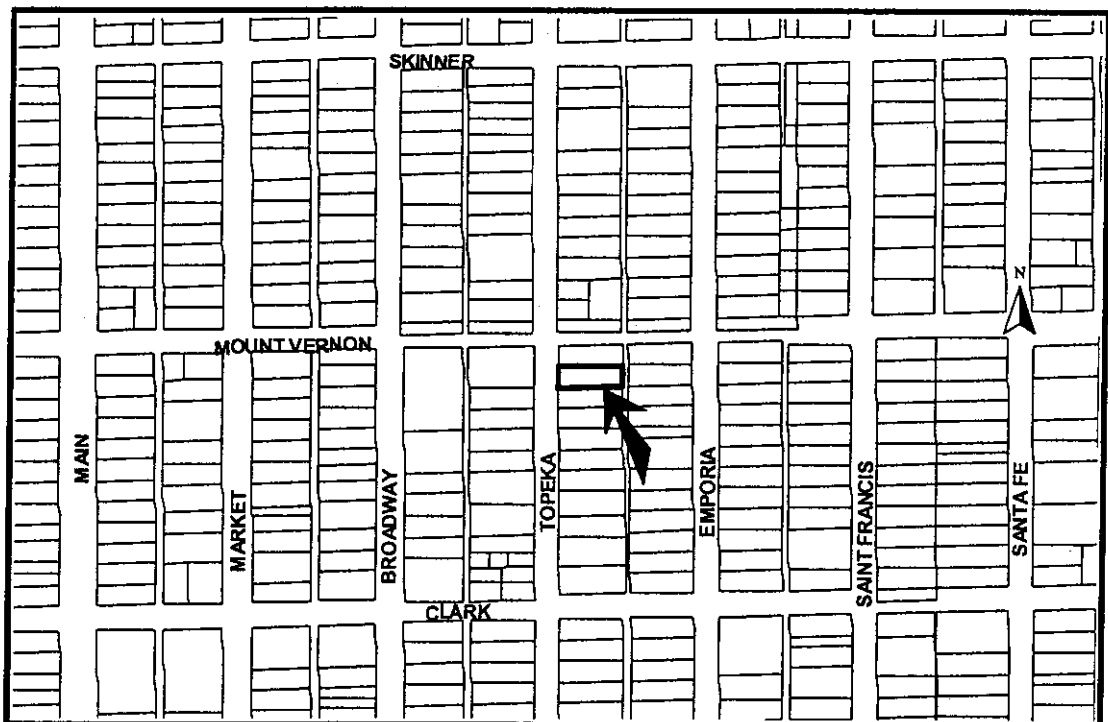
REQUEST: Conditional Use for an accessory apartment

CURRENT ZONING: "TF-3" Two-family Residential

SITE SIZE: 0.18 acres

LOCATION: East of S. Topeka and south of Mt. Vernon (2006 S. Topeka)

PROPOSED USE: Accessory apartment conversion of an existing garage



BACKGROUND: The applicant requests a Conditional Use to allow an accessory apartment on a 0.18-acre platted lot zoned "TF-3" Two-family and located south of Mt. Vernon on the east side of S. Topeka (2006 S. Topeka). The applicant proposes to convert an existing detached garage to an accessory apartment. The applicant indicates that the owner would occupy the apartment.

The character of the surrounding area is residential. All properties surrounding the subject property are zoned TF-3 and most are developed with single-family residences. Two duplexes exist on the same block, to the south of the site, and two duplexes also exist one block to the east.

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 "TF-3" Two-family zoning district. Section III-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;
- (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, including that it shall not be subdivided or sold as a condominium; and
- (4) Water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

The applicant submitted the attached site plan illustrating the location of the detached garage and proposed accessory apartment. The applicant indicates that it would be a two-bedroom apartment. The accessory apartment will be located behind the house and will have a separate access to the alley.

CASE HISTORY: The property was platted as Lots 33 and 35, Snively Miller and Works Subdivision Addition in 1886.

ADJACENT ZONING AND LAND USE:

NORTH:	"TF-3"	Single-family residences
SOUTH:	"TF-3"	Single-family residences, duplexes
EAST:	"TF-3"	Single-family residences, duplexes
WEST:	"TF-3"	Single-family residences

PUBLIC SERVICES: The subject property has access to both S. Topeka and the alley. S. Topeka is a paved residential street with a 60-foot right-of-way. The subject property is connected to public water and sewer. No impacts on public services are anticipated.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide of the Comprehensive Plan designates this area as appropriate “low density residential” development. Two dwelling units on the application area are considered “low density residential.” The policies of the Unified Zoning Code (UZC) 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. As recommended for approval, the subject property conforms with adopted policies.

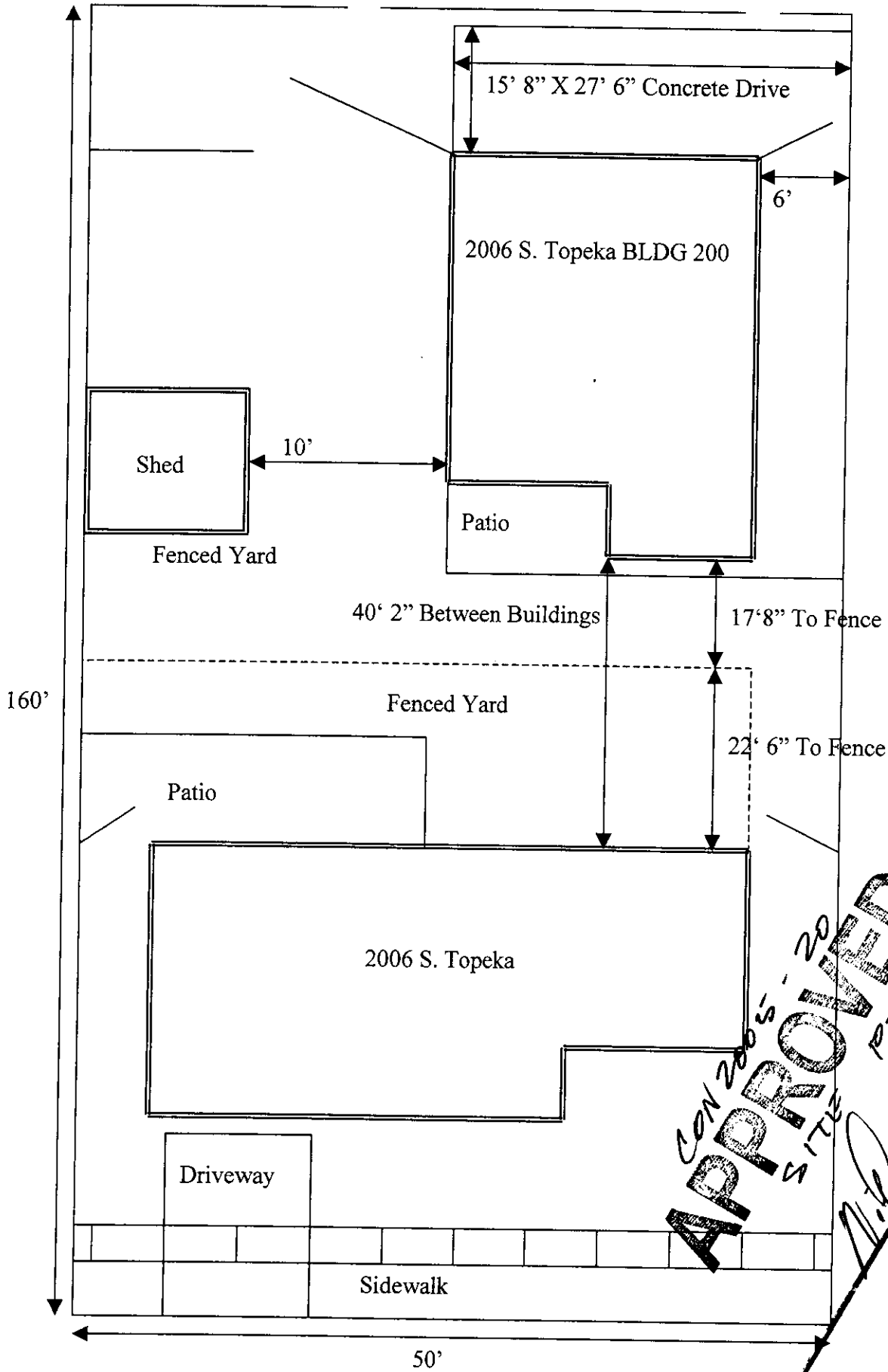
RECOMMENDATION: The application area is zoned TF-3, as is the surrounding residential neighborhood. The application area and surrounding properties could be redeveloped with two residential units as a duplex, and four duplexes exist within a one-block radius. The supplementary conditions of the UZC, along with building code requirements should ensure that the proposed accessory apartment is compatible with the surrounding residential neighborhood. Based upon information available prior to the public hearing, 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:

North

Alley



Building

Fence

CON 2005-20
APPROVED
SITE PLAN

Michael L. McNeil
Date: 7-13-05

Adopted this 9th DAY of JUNE, 2005. 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


Morris K. Dunlap, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00020

WHEREAS, Bruce Gilder (Owner/Applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for accessory apartment on 0.18 acres zoned "TF-3" Two-family Residential described as:

Lots 33-35, Snively-Miller & Work's Sub, Sedgwick, County Kansas. Generally located east of S. Topeka and south of Mt. Vernon.

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 9, 2005, 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 for accessory apartment on 0.18 acres zoned "TF-3" Two-family Residential described as:

Lots 33-35, Snively-Miller & Work's Sub, Sedgwick, County Kansas. Generally located east of S. Topeka and south of Mt. Vernon.

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.
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FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

July 15, 2005

Bruce Gilder
2006 S Topeka
Wichita, KS 67211

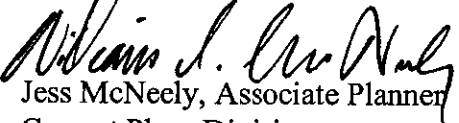
RE: CON2005-00020– Conditional Use for an accessory apartment on property zoned “TF-3” Two-Family Residential. Generally located south of Mt Vernon on the east side of Topeka Avenue. District III

Dear Ladies and Gentlemen:

At its regular meeting on June 9, 2005, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,


Jess McNeely, Associate Planner
Current Plans Division

JMC/rms

cc: Theodore W. Maisch Jr., C.M. Distributors, Inc., 1940 S. Oliver, Wichita, KS 67218-4211
Kurt Schroeder, OCI, Mail Stop 1-72
J. R. Cox, OCI, Mail Stop 1-72
Randy Sparkman, OCI, Mail Stop 1-72
Paul Hays, OCI, Mail Stop 1-72
Jim Skelton, City Council, District III Mailstop 1-13