



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

July 6, 2005

April L. Speyer Revocable Trust
3501 S. 154th E.
Wichita, KS 67232

FILE COPY

RE: CON2005-16 – Sedgwick County Conditional Use to permit an accessory apartment. Generally located south of 31st Street South, west of 159th Street East (3501 South 154th Street East), (District V)

Dear Ladies and Gentlemen:

At its regular meeting on **June 29, 2005**, the Board of County Commissioners considered the above-captioned request. The action of the County Commission 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,

Dale Miller, Manager
Current Plans Division

DLM/rms

Cc: Russ Ewy, Baughman Company, 315 Ellis, Wichita, KS 67211
Larry L. and Helen A. Lashay, 3555 S. 154th E., Wichita, KS 67232
Beverly A. Ingham, Property Owner, 311 S. Volutsia, Wichita, KS 67211
Ben Sciortino, County Commissioner District V, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

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

Commissioners present and voting were:

DAVID M. UNRUH
TIM R. NORTON
THOMAS G. WINTERS
LUCY BURTNETT
BEN SCIORTINO

aye
aye
aye
aye
aye

DATED this 29th day of June, 2005.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

David M. Unruh

DAVID M. UNRUH, CHAIRMAN
First District

ATTEST:

Don Brace
DON BRACE, County Clerk

APPROVED AS TO FORM:

Robert W. Parnacott
ROBERT W. PARNACOTT,
Assistant County Counselor



RESOLUTION N.O. 110-05

A RESOLUTION APPROVING A CONDITIONAL USE TO PERMIT AN ACCESSORY APARTMENT ON 1.76 ACRES, LOCATED, SOUTH OF 31ST STREET SOUTH, WEST OF 159TH STREET EAST (3501 SOUTH 154TH STREET EAST) ON PROPERTY ZONED "RR" RURAL RESIDENTIAL, LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY SECTION 17.C OF THE ZONING REGULATIONS ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, DECEMBER 12, 1984 AND SUBSEQUENTLY AMENDED.

BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

SECTION I. 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 the land legally described herein is approved as follows:

Case No. CON2005-00016

A Conditional Use to permit an accessory apartment on property legally described as:

A tract of land lying in the NE 1/4 of Section 12, Township 28 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas described as follows: The south 384.5 feet of the north 2,251 feet of the west 200 feet of the NE/4. Generally located south of 31st Street South, west of 159th Street East (3501 S. 154th Street East).

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The accessory apartment shall be subject to the supplementary use regulations contained in Article III, Sec. III-D.6.a of the "Unified Zoning Code.
2. When requested by County Code Enforcement staff the applicant shall mark or identify the four corners of the area covered by this application.
3. If the Zoning Administrator finds that there is a violation of any of the conditions of approval, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SITE PLAN

APPROVED 6-29-05 BY BOCC



SCALE: 1" = 300'

EXHIBIT

**KELLY DAVIS
ACCESSORY APARTMENT
CONDITIONAL USE**



Baughman
ENGINEERING | SURVEYING | PLANNING
LANDSCAPE ARCHITECTURE

The UZC defines a family as "an individual or two or more persons related by blood or marriage, or a group of not more than five persons (excluding servants) not related by blood or marriage, living together as a single housekeeping unit in a dwelling unit."

Analysis: The MAPC heard this case on May 26, 2005. Three citizens spoke in opposition to the request. One neighbor was concerned over the possible number of people who might live in the apartment, and will that result in the need for a larger apartment at some time in the future? A second neighbor was concerned that the accessory apartment could change the character of the neighborhood from an exclusively single-family, custom-built residential area, which could impact property values. The third speaker appeared to be concerned with the number of people who could live in the apartment, and objected to having to wait on the school bus that picked children up from the application area. The MAPC recommended approval (10-0) based upon the findings contained in the staff report, and subject to conditions listed above.

There is a protest petition equaling 5.36% from the property owner to the south of the application area.

Alternatives:

1. Adopt the findings of the MAPC, approve the Conditional Use subject to the recommended conditions of approval, and authorize the Chairman to sign the resolution.
2. Deny the application (by making alternative findings), and override the MAPC recommendation. (Two-thirds majority vote required to override the MAPC recommendation.)
3. Return the case to the MAPC for further consideration with a statement specifying the basis for the BoCC's failure to approve or deny the application. (Simple majority vote required.)

Financial Considerations: Not applicable.

Policy Considerations: The MAPC recommendation for approval is based on the findings of fact stated in the MAPC minutes.

Legal Considerations:



Approved as to form and signed by County Counselor's Office

AGENDA ITEM REQUEST

Proposed Agenda Item: CON2005-16 Sedgwick County Conditional Use to permit an accessory apartment. Generally located south of 31st Street South, west of 159th Street East (3501 South 154th Street East). (District V)

Presented By: John L. Schlegel, Planning Director *JLS*

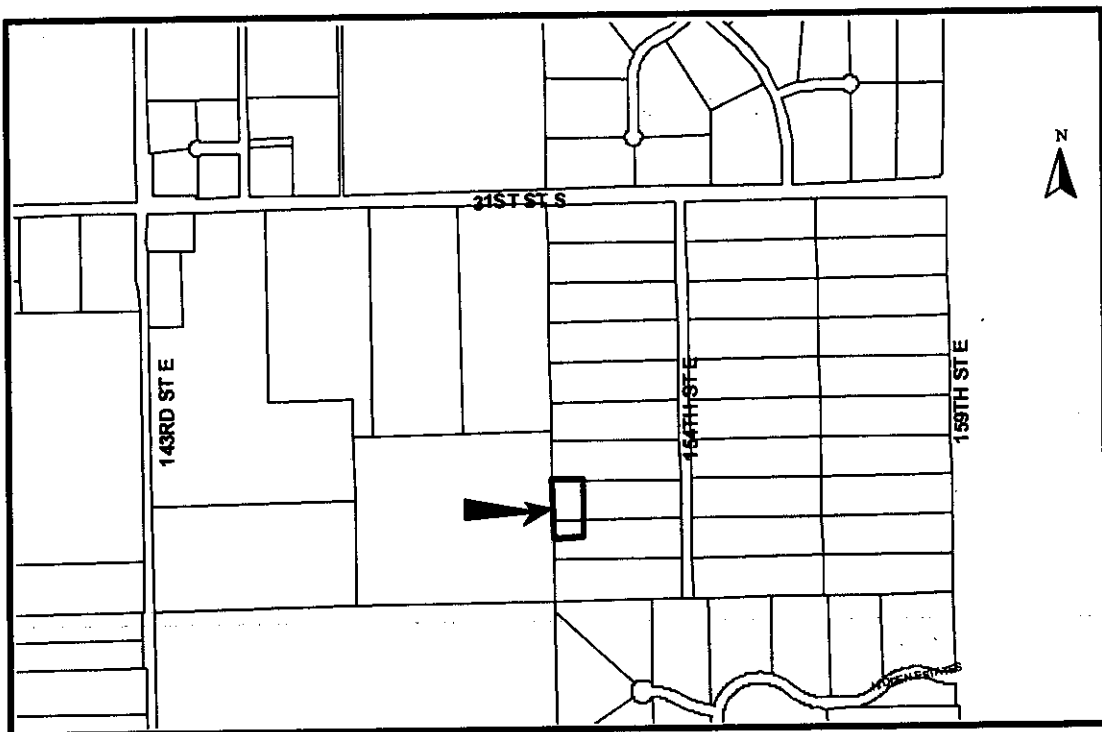
Recommended Action: Adopt the findings of the MAPC, approve the Conditional Use subject to the recommended conditions of approval, and authorize the Chairman to sign the resolution.

Proposed Agenda Date: June 29, 2005

Outside Attendees: Russ Ewy, Baughman Company, 315 Ellis, Wichita, KS 67211

Multimedia Presentation: Powerpoint

Donations: Not applicable



Background: The applicant, April L. Speyer Revocable Trust, is seeking a Conditional Use permit to allow an “accessory apartment.” The applicant owns approximately 15 unplatted acres that are divided almost equally between three tracts located on the west side of south 154th Street East, approximately 2,037 feet south of 31st Street South. (Through the April Trust the applicant also controls an additional 32.84-acre tract located immediately west of the application area, and an additional 10 acres located east of 154th Street.) The three 5-acre tracts are developed with a single-family residence, corrals, driveways, lagoon, pond and parking, and at least three accessory buildings – horse barn, garage and covered riding arena. The northernmost of the three 5-acre tracts is developed with horse corrals that are approximately 214 feet wide, north to south. The middle tract contains nearly all of the structures located on the applicant’s ownership – the home, garage, horse barn, portions of the corrals, most of the riding arena and parking areas. The southernmost tract contains the southern 85 feet of the riding arena, a pond and additional corrals.

The riding arena is approximately 226-foot by 114-foot, and is located on the 1.76-acre application area that is located along the western boundary of the applicant’s ownership (The application area is located approximately 685 feet west of 154th Street East, 285 feet south of the applicant’s northern property line and 120 feet north of the applicant’s southern property line). The arena structure is located approximately 603 feet northwest of the closest house to the south, and approximately 667 feet southwest of the closest house to the north. It is this riding area that is the focus of this Conditional Use request for an “accessory apartment.” The applicant proposes to construct a three-bedroom two-bathroom unit in the northern 19 feet three inches of the existing riding arena to accommodate hired help.

The applicant’s property is part of a larger area that has been divided into 30 approximately 5-acre tracts. These five-acre tracts are primarily located to the north, east and south of the applicant’s property. Larger tracts are located to the west. All property surrounding the applicant’s property is zoned RR Rural Residential and is generally used for pasture or developed with single-family residences.

In Article III.Sec.III-D.6.a of the “Unified Zoning Code” (UZC) accessory apartments are to adhere to the following standards:

1. One accessory apartment is allowed on the same lot as a single-family dwelling, and it may be within the main building, within an accessory building or constructed as an accessory building.
2. The appearance of the 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.
4. The water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling. Other utilities may be provided separately.