

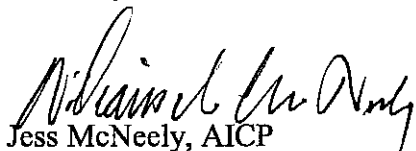
CON 2006-24 -- Conditional Use for an Accessory Apartment

July 7, 2006

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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 "Jess McNeely". The signature is fluid and cursive, with the first name "Jess" being more prominent.

Jess McNeely, AICP

Senior Planner, Current Plans Division

JMC:le

Copies to: Terry Antalek, 3227 E. Butler, Wichita, KS 67216
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72



Wichita-Sedgwick County Metropolitan Area Planning Department

July 7, 2006

Scott Jones
P.O. Box 2383
Wichita, KS 67201

RE: CON 2006-24 – Conditional Use for an Accessory Apartment, generally located east of Holyoke and north of 15th Street North (1602 N. Holyoke). (District I)

Dear Mr. Jones;

At its regular meeting on June 15, 2006, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to 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 action of the MAPC is final as there were no protest petitions or appeals filed; please see the attached resolution.

Adopted this 6th DAY of JULY, 2006.

METROPOLITAN AREA PLANNING COMMISSION


Harold Warner, Jr., Chair MAPC

ATTEST:


John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2006-00024

WHEREAS, Scott Jones (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 an Accessory Apartment 0.22 acres zoned "TF-3" Two-family Residential described as:

Lot 90, except north 10 feet, Lot 92 and Lot 94 Fairmount Addition, Sedgwick County, Kansas. Generally located north of 15th Street and east of Holyoke (1602 N Holyoke).

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 15, 2006, 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 an Accessory Apartment on 0.22 acres zoned "TF-3" Two-family Residential described as:

Lot 90, except north 10 feet, Lot 92 and Lot 94 Fairmount Addition, Sedgwick County, Kansas. Generally located north of 15th Street and east of Holyoke (1602 N Holyoke).

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.

are zoned "TF-3" Two-family and are developed with single-family residences and duplexes. 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: The site could continue to be used for a single-family residence. 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: The second floor above the garage has existed for some time, so there is no physical change within the neighborhood. The existing driveway will provide adequate off street parking for the primary dwelling and the accessory apartment.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The 2030 Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for "Urban Residential" development, which includes the proposed single-family residence and accessory apartment. 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 1, June 5, 2006

MAPC, June 15, 2006

CASE NUMBER: CON2006-00024

APPLICANT/OWNER: Scott Jones (Owner/Applicant), Terry Antalek (Agent)

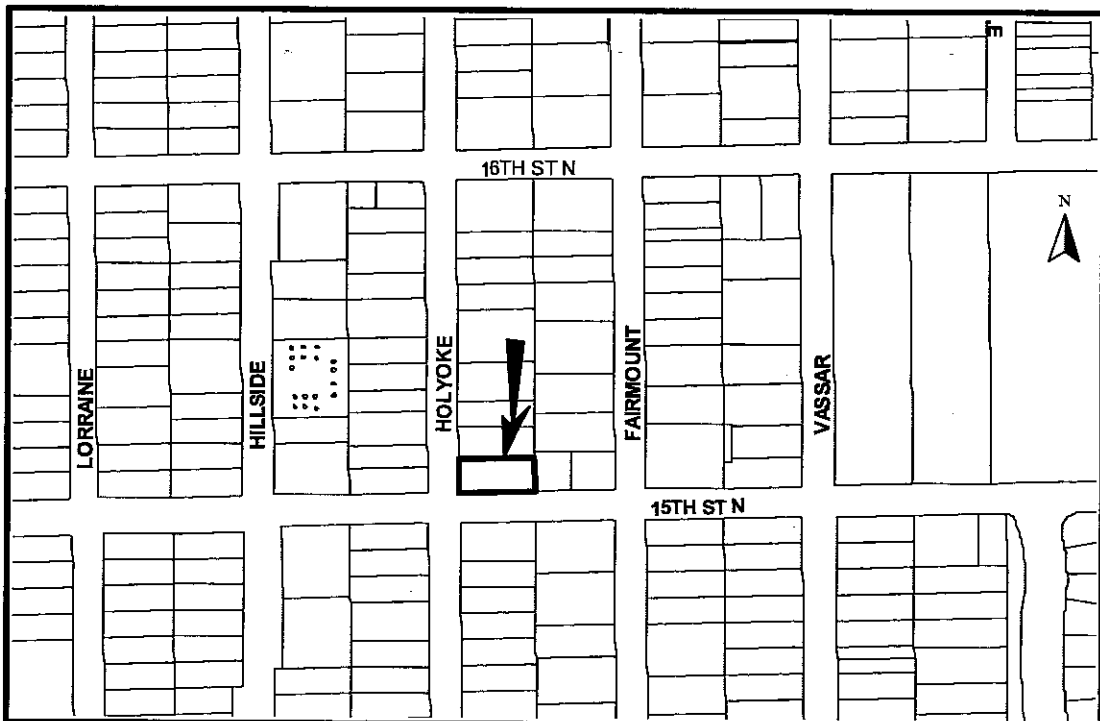
REQUEST: Conditional Use for an accessory apartment

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

SITE SIZE: 0.22 acres

LOCATION: East of Holyoke and north of 15th Street N (1602 N Holyoke)

PROPOSED USE: Accessory apartment above an existing garage



BACKGROUND: The applicant requests a Conditional Use to allow an accessory apartment on a 0.22-acre platted lot zoned "TF-3" Two-family, located east of N Holyoke (1602 N Holyoke). The application area is developed with a single-family residence and detached garage. The applicant proposes renovating an existing second story for an accessory apartment above an existing detached garage. The second story was originally built as an accessory apartment, but has not been in use in several years. Therefore, the applicant has requested a Conditional Use for an accessory apartment.

The character of the surrounding area is residential. All properties surrounding the site are zoned TF-3 and are developed with a mixture of single-family residences and duplexes. The site is within the Environs of a historic structure; therefore this request will go before the Historic Preservation Board for a recommendation. The applicant submitted the attached site plan illustrating the location of the accessory apartment behind the primary dwelling.

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 (UZO) 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.

CASE HISTORY: The property was platted as Lots 90 except the north 10 feet, and all of lots 92 and 94, within the Fairmount Addition in 1887.

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, duplexes

PUBLIC SERVICES: The subject property has access to N Holyoke, 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 2030 Wichita Functional Land Use Guide of the Comprehensive Plan designates this area as appropriate for "Urban Residential" development. The Urban Residential category includes all housing types found in the municipality. The policies of the Unified Zoning Code (UZY) 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 could be redeveloped with two residential units as a duplex, and several duplexes exist within a one-block radius. The supplementary conditions of the UZY, 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:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is residential. All properties surrounding the subject property