



Wichita-Sedgwick County Metropolitan Area Planning Department

July 5, 2007

Sharon Mallory
1716 Hood
Wichita, KS 67203

Lecia Granon
1122 Perry Ave.
Wichita, KS 67205

RE: CON2007-24 – Conditional Use for and accessory apartment on property zoned “TF-3” Two-family Residential. Generally located northeast of N. Perry Ave. and W. Briggs Ave. (1122 Perry Ave.)

Dear Ms. Mallory and Ms. Granon:

At its regular meeting on July 5, 2007, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the application with 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.

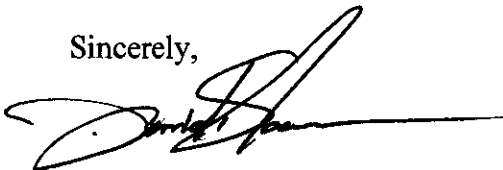
NOTICE: The public hearing on planning items is conducted by the MAPC under provisions of State Law. Adopted policy is that the City Council will not take additional testimony on zoning-related applications and other issues for which the MAPC has held a public hearing. However, interested parties may file a written statement with the City Clerk providing new facts on the issue or alleging an unfair hearing. The Council will determine from such statements whether to return the issue to the MAPC for reconsideration or to reverse their recommendation.

Property owners may also file written protest petitions on zoning-related items heard by the MAPC. 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 within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk within 14 days of the conclusion of the MAPC hearing. Such petitions may cause the City Council to review the decision of the MAPC, and either reverse their decision or return the matter to the MAPC for reconsideration.

If there are no valid appeals or protest petitions filed opposing this action by **July 19, 2007**, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

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,



Derrick K. Slocum
Associate Planner
Current Plans Division

DKS/le

Copies to: Sharon Fearey, WCC VI
Terri Dozal, N A VI
Vicky Huang 1-71

CONDITIONAL USE RESOLUTION NO. CON2007-00024

WHEREAS, Lecia Granon (owner) and Sharon Mallory (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 on 0.16 acres zoned "TF-3" Two-family Residential described as:

Lots 166 and 168, on Perry Avenue of the Riverside Addition in Wichita, Sedgwick County, Kansas. Generally located northeast of N. Perry Ave. and W. Briggs Ave. (1122 Perry Ave.)

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 July 5, 2007, 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 Accessory Apartment on 0.16 acres zoned "TF-3" Two-family Residential described as:

Lots 166 and 168, on Perry Avenue of the Riverside Addition in Wichita, Sedgwick County, Kansas. Generally located northeast of N. Perry Ave. and W. Briggs Ave. (1122 Perry Ave.)

Approved subject to the following conditions:

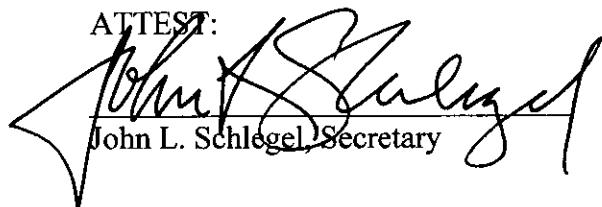
1. The accessory apartment shall be subject to all requirements of Section III-D.6.a. of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. The site shall be developed in general conformance with the approved site 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.

Adopted this 5th Day of July 2007.

METROPOLITAN AREA PLANNING COMMISSION


Darrell Downing, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

STAFF REPORT

DAB 6, July 2, 2007

MAPC, July 5, 2007

CASE NUMBER: CON2007-00024

APPLICANT/OWNER: Lecia Granon (Owner) / Sharon Mallory (Applicant)

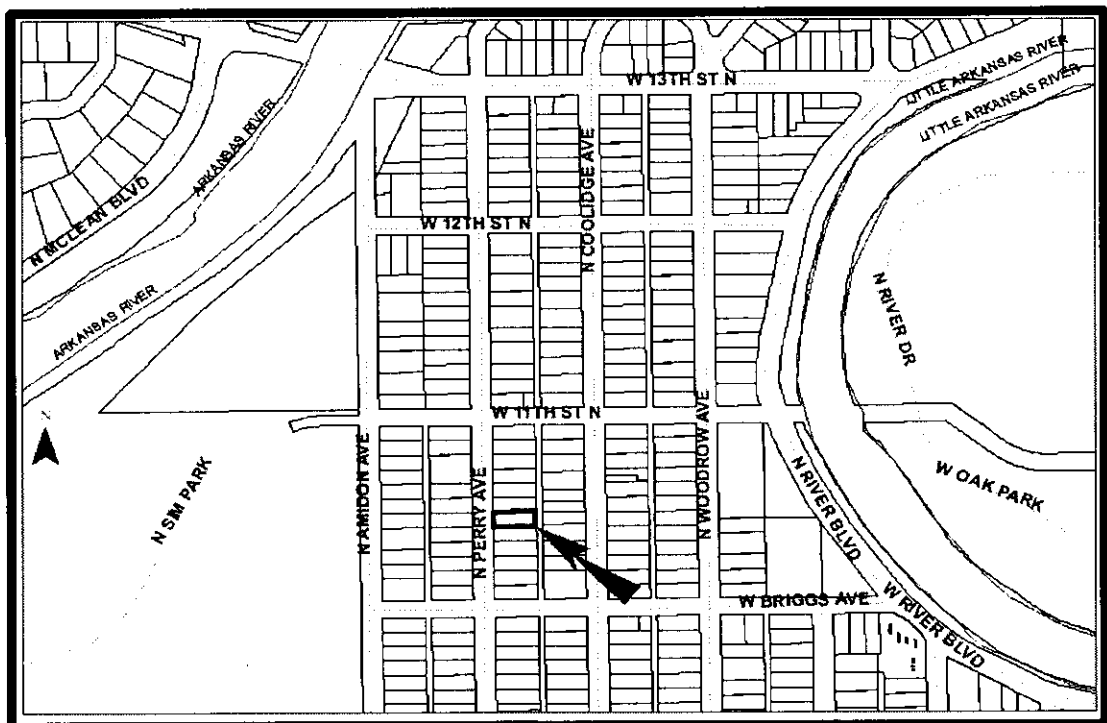
REQUEST: Conditional Use for an accessory apartment

CURRENT ZONING: TF-3 Two-family Residential

SITE SIZE: 0.16 acres

LOCATION: Generally located northeast of N. Perry Ave. and W. Briggs Ave. (1122 Perry Ave.)

PROPOSED USE: Accessory apartment



BACKGROUND: The applicant requests a Conditional Use to allow an 630 square-foot accessory apartment on a 0.16-acre platted lot zoned TF-3 Two-family Residential, and located northeast of N. Perry Ave. and W. Briggs Ave. (1122 Perry Ave.) The applicant proposes to build an accessory apartment behind the principal structure on the lot. The character of the surrounding area is residential. All properties surrounding the subject property, along the 1100 block of N. Perry Ave, are zoned TF-3 and are developed as single-family residences, with one duplex located north of the subject site, on the southeast corner of N. Perry Ave. and 11th St. North.

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. Article III, Section 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 unit and may be within the main building, within an accessory building or constructed as an accessory building;
- (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 unit, and the ownership shall not be divided or sold as a condominium; and
- (4) The water and sewer service provided to the accessory structure 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 applicant submitted the attached site plan illustrating the location of the proposed accessory apartment. The applicant indicates that it would be a one-bedroom apartment. The accessory apartment will be located behind the house and will continue to utilize the existing driveway for access.

CASE HISTORY: The property was platted as Lots 166 and 168, Riverside Addition in 1886.

ADJACENT ZONING AND LAND USE:

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

PUBLIC SERVICES: The subject property, currently, has access to N. Perry Ave. and the alley. When the accessory apartment is constructed, access to the alley will be cut-off. N. Perry is a paved residential street with a 70-foot right-of-way. The subject property is

connected to public water and sewer. No negative impacts on public services are anticipated.

CONFORMANCE TO PLANS/POLICIES: The Wichita Land Use Guide of the Comprehensive Plan designates this area as appropriate “urban residential” development. The one dwelling unit on the application area and the residential development surrounding the subject site would be considered “urban 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 to 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. 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:

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 residential and are developed with single-family residences; one duplex exists 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: 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: Any detrimental affects on surrounding properties should be minimized by the depth of the lot. Access to the proposed apartment would be from the existing driveway. The placement of the accessory apartment along the rear property line, ten feet from the centerline of the alley, three feet side setbacks, and not utilizing more than one-half of the rear yard, all conforms to the standards set forth in the UZC for accessory apartments.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Wichita Land Use Guide of the Comprehensive Plan designates this area as appropriate "urban residential" development. The two dwelling units on the application area are considered "low density residential." 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.

PERRY AVE

