



Wichita-Sedgwick County Metropolitan Area Planning Department

September 15, 2000

FILE COPY

Jeffrey W. and Dila M. Hogland
15700 W. Central
Goddard, KS 67052

RE: CON2000-00027 – Conditional Use Permit for an Accessory Apartment on property zoned “RR” Rural Residential. Generally located ½ mile west of 151st Street West on the north side of Central Avenue.

Dear Mr. and Mrs. Hogland:

At its regular meeting on August 31, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the following conditions:

1. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
2. The site shall be developed in general conformance with the approved site plan.
3. Any violation of these conditions shall render this Conditional Use Permit null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution.

If you have any questions concerning this case, please contact our office.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dale Miller".

Dale Miller
Chief Planner

DM/rs

Cc: Goddard Planning Commission, 122 N. Main, Box 667, Goddard, KS 67052
Glen Wiltse, Director County Code Enforcement, Mail Stop County Code
County Commissioner District III, Tom Winters, Mail Stop County Room #320

CONDITIONAL USE RESOLUTION NO. CON-2000-00027

WHEREAS, Jeffrey and Dila Hogland, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow an Accessory Apartment on 5 acres zoned "RR" Rural Residential described as:

Lot 11, Block A, Woodland Hills Addition, Sedgwick County, KS. Generally located ½ mile west of 151st Street West on the north side of Central Avenue.

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 31, 2000, 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 permit a conditional use to allow an Accessory Apartment on 5 acres zoned "RR" Rural Residential described as

Lot 11, Block A, Woodland Hills Addition, Sedgwick County, KS. Generally located ½ mile west of 151st Street West on the north side of Central Avenue.

subject to the following conditions:

1. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
2. The site shall be developed in general conformance with the approved site plan.
3. Any violation of these conditions shall render this Conditional Use Permit null and void.

Adopted this 31st day of August, 2000. 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


Frank Garofalo, Chair MAPC

ATTEST:


Marvin S. Krout, Secretary

STAFF REPORT

Goddard Planning Commission August 17, 2000

MAPC August 31, 2000

CASE NUMBER: CON2000-00027

APPLICANT/AGENT: Jeffrey & Dila Hogland

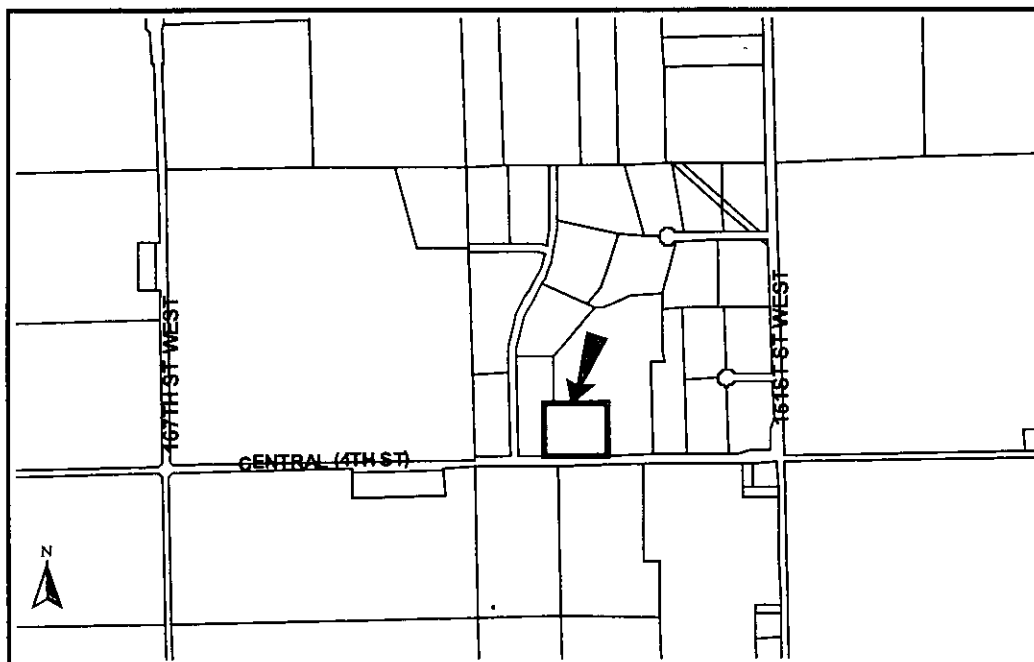
REQUEST: Condition Use Permit for an Accessory Apartment

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 5 acres

LOCATION: ½ mile west of 151st Street West on the north side of Central Avenue

PROPOSED USE: Accessory apartment for family member



BACKGROUND: The applicant is requesting a Conditional Use Permit for the construction of an accessory apartment in an existing 42 feet by 80 feet shop/utility metal building on 5 acres of property zoned "RR" Rural Residential.

The applicant has submitted a site plan of the 5-acre lot that shows the shop/utility building approximately 240 feet north of the property line on Central Avenue and approximately central to the property. There is extensive vegetation that screens both the house and the utility building from Central Avenue. The utility shop is also screened from the property to the east by vegetation and from property to the north by the primary residence. The apartment will occupy a 25-foot by 18-foot portion of the larger utility building. The applicant has indicated that a member of his immediate family while attending college will use the apartment. He has also indicated that in the long-term the apartment will likely be used as an art studio.

Accessory apartments are permitted by Conditional Use Permit in all residential zoning districts within Sedgwick County, subject to the following standards:

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.
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.

Staff feels that this Conditional Use request meets the intent of these standards.

The Health Department has reviewed the request for an additional tie-in to the existing lagoon system and has determined that the existing system is adequate for the additional usage.

The property is surrounded by single-family residential and agricultural uses, all of which are zoned "RR" Rural Residential.

The Goddard Planning Commission heard this request on August 17, 2000 and voted unanimously to recommend approval.

CASE HISTORY: The subject property was platted as part of the Woodland Hills Addition and approved by the MAPC on February 23, 1995.

ADJACENT ZONING AND LAND USE:

NORTH: "RR" – Single-family residence
SOUTH: "RR" – Agricultural uses
EAST: "RR" – Single-family residence, but approved for stable or riding academy
WEST: "RR" – Single-family residence

PUBLIC SERVICES: The site is serviced by an on-site lagoon system and by Rural Water District #4.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Comprehensive Plan Update designates this area as appropriate for rural uses and is within the 30-year Urban Service Area.

RECOMMENDATION: Based upon information available prior to the public hearing, planning staff recommends that the request for a Conditional Use Permit to allow one accessory apartment be APPROVED, subject to the following conditions:

1. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
2. The site shall be developed in general conformance with the approved site plan.
3. Any violation of these conditions shall render this Conditional Use Permit null and void.

The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding areas are developed with agricultural uses and single-family residences. This accessory apartment is a customary accessory use associated with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The Code permits an accessory apartment in single-family residential districts provided the site meets specific site and building standards. The applicant and the site appear to meet those standards.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The use of this site for an accessory apartment should not have a detrimental impact on the area. The apartment will be located in an approved agricultural building, which is a standard in the rural areas of the county.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The Zoning Code anticipated this type of use and makes specific provisions for it. The site appears to comply with all the provisions outlined in the Code for an accessory apartment. Approval of this request will not be contrary to any Comprehensive Plan policies or guidelines
5. Impact of the proposed development on community facilities: The applicant's request should have a minimal impact on community facilities.

JEFFREY W & DILA M. HOGLAND
15700 W CENTRAL
GODDARD, KS 67052
WOODLAND HILLS ADDITION
LOT 11, BLOCK A.

REECE ROAD

798.72'

35' BLDG SETBACK

449.99'

RESIDENCE

104'

GARAGE

112.3'

DOG RUN

1402.4'

130.7
133.7

LAGOON

35' SET BACK LINE

1401.3'

1400

42' x 80'

SHOP/UTILITY

1400

25' x 18'

ACCESSORY APT

1400

12' x 20'

STORAGE BUILDING

1400

184.2'

1400

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533.38'

386.6'

12' x 20'
POLE BARN

PASTURE GATE

388.3'

1390.8'

FLOODWAY

402'

RESERVE

1391.2'

356'

525.08 W

260.32'

163.93'

533.38'

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SITE PLAN

30' RURAL WATER DISTRICT (#4)

EASEMENT (FILM 821, PAGE 220)

CENTRAL AVENUE

533.38'

1" = 50' 0"

APPROVED 9-15-00 BY

W. H. HOGLAND