



Wichita-Sedgwick County Metropolitan Area Planning Department

September 24, 2018

Teresa Born
6707 W. Maple
Wichita, KS 67209

RE: CON2019^B-00032 - City Conditional Use for an Accessory Apartment on property zoned SF-5 Single-Family Residential, generally located south of Maple Street approximately one-quarter mile east of Ridge Road (6707 W. Maple)

Dear Applicant:

At its regular meeting on September 6, 2018, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request in accordance with the attached resolution.

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

Sincerely,

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
Jeff Blubaugh, Council Member District IV
Rebecca Fields, Member District IV

CONDITIONAL USE RESOLUTION NO. CON2018-00032

WHEREAS, Teresa Born (Owner/Applicant), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use for an Accessory Apartment on 0.45 acre zoned SF-5 Single-Family Residential described as:

Lot 2, Block C, Westerlea Village Addition, to Wichita, Sedgwick County, Kansas, (6707 West Maple Street).

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 September 6, 2018 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 an Accessory Apartment on 0.45 acre zoned SF-5 Single-Family Residential described as:

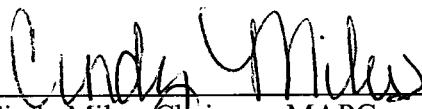
Lot 2, Block C, Westerlea Village Addition, to Wichita, Sedgwick County, Kansas, (6707 West Maple Street).

Approved subject to the following conditions:

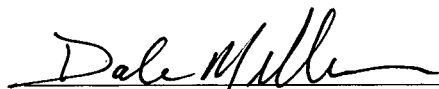
- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 6707 W. Maple Street) and the ownership shall not be divided or sold as a condominium.
- (2) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the construction of the accessory apartment.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) If the accessory apartment is not in place within 12 months after final approval, or 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 6th Day of September 2018

METROPOLITAN AREA PLANNING COMMISSION


Cindy Miles, Chairman MAPC

ATTEST:


Dale Miller, Secretary



AGENDA ITEM NO. 4

STAFF REPORT
MAPC September 6, 2018
DAB IV September 10, 2018

CASE NUMBER: CON2018-00032

APPLICANT/OWNER: Teresa Born

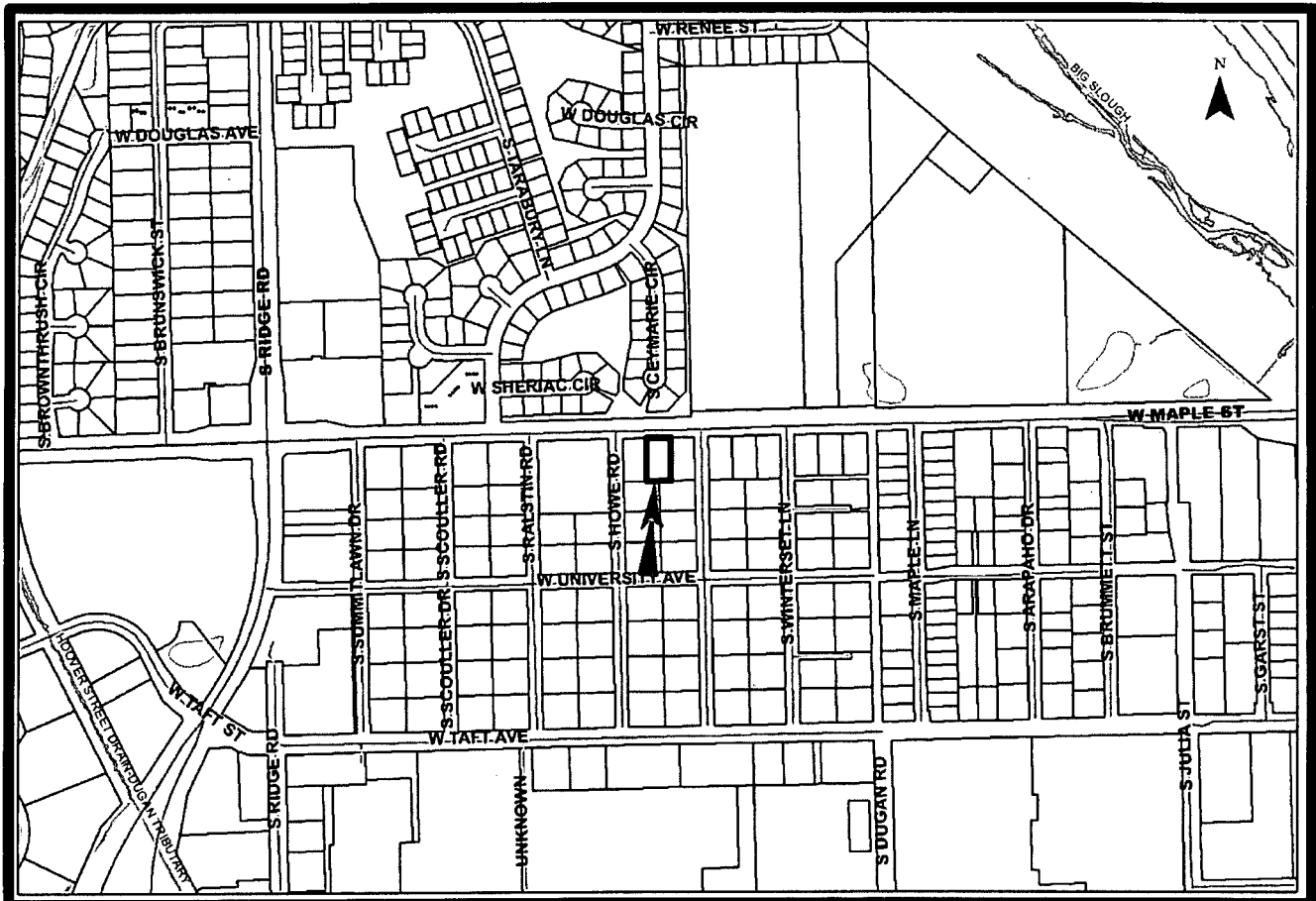
REQUEST: Conditional Use request for an accessory apartment

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 0.45 acre

LOCATION: Generally located 1,600 feet east of South Ridge Road on the south side of West Maple Street (6707 W. Maple)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to build a 24-foot by 24-foot structure in the back half of the lot for an accessory apartment. The site is currently developed with a single-family home.

The surrounding properties are zoned SF-5 Single-Family Residential to the north, west, east and south developed with single-family detached dwellings. The applicant submitted the attached site plan showing the location of the existing residence and existing detached garage and the location of the accessory structure.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “accessory apartment” (Art. II. Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Art. III. Sec. III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit 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 apartment 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.

CASE HISTORY: The subject property is located in the Westerlea Village Addition, which was platted in August 1949. There are no zoning cases associated with this parcel.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-Family residences
SOUTH:	SF-5	Single-Family residences
WEST:	SF-5	Single-Family residences
EAST:	SF-5	Single-Family residences

PUBLIC SERVICES: West Maple Street is a five-lane, two-way arterial, residential paved street with 90 feet of right-of-way. All public utilities are available to the site.

CONFORMANCE TO PLANS/POLICIES: The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Established Central Area. The Future Growth Concept Map identifies the area as Residential. Residential areas reflect the full diversity of residential development densities and types typically found in a large urban municipality.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be **APPROVED**, with the following conditions:

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence and the ownership shall not be divided or sold as a condominium.
- (2) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the addition to the detached garage for the accessory apartment.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.

- (5) If the accessory apartment is not in place within 12 months after final approval, or 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 Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

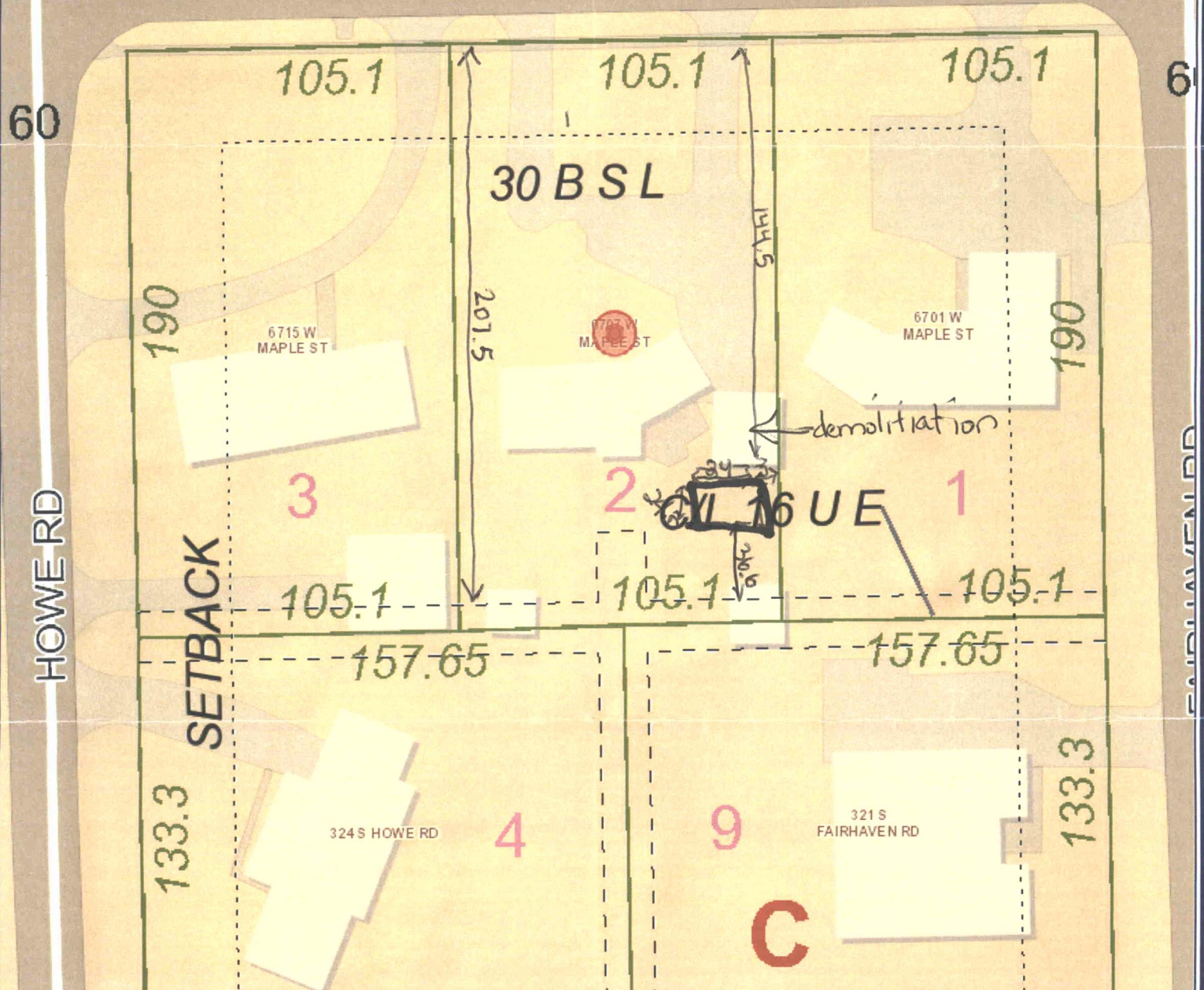
- (1) **The zoning, uses and character of the neighborhood:** The subject site is located in a SF-5 zoned district. Development in the area consists of single-family residences on half-acre or larger lots.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned SF-5 which permits the existing single-family residence. The property will continue to be used for one single-family residence; the size of the property easily accommodates an accessory apartment and the additional required parking space.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any anticipated detrimental impacts.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The adopted Wichita-Sedgwick County Comprehensive Plan, *the Community Investments Plan*, identifies the site as being located within the Established Central Area. The Future Growth Concept Map identifies the area as Residential. Residential areas reflect the full diversity of residential development densities and types typically found in a large urban municipality.
- (5) **Impact of the proposed development on community facilities:** Community facilities will not be noticeably impacted by the conversion of the detached garage into an accessory apartment. All utilities are available to the site.

Staff Report Attachments:

1. Site Plan

SITE PLAN

APPROVED 9/6/2015 BY *klmorga* MAPLE ST



Geographic Information Services
Sedgwick County...
working for you

Geographic Information Services
Division of Information & Operations
www.sedgwickcounty.org/gis
525 N. Main, Suite 212, Wichita, KS 67203
Tel: 316.660.9290 Fax: 316.262.1174
Wed Jun 27 16:13:54 GMT-0500 2018

DISCLAIMER It is understood that, while Sedgwick County Geographic Information Services (SCGIS), City of Wichita GIS, (for purposes of the road centerline file), participating agencies, and information suppliers, have no indication or reason to believe that there are inaccuracies in information provided, SCGIS, its suppliers make no representations of any kind, including, but not limited to, warranties of merchantability or fitness for a particular use, nor are any such warranties to be implied with respect to the information, data or service furnished herein. In no event shall the Data Providers become liable to users of these data, or any other party, for any loss or damages, consequential or otherwise, including but not limited to time, money, or goodwill, arising from the use, operation or modification of the data. In using these data, users further agree to indemnify, defend, and hold harmless the Data Providers for any and all liability of any nature arising out of or resulting from the lack of accuracy or correctness of the data, or the use of the data. No person shall sell, give or receive for the purpose of selling or offering for sale, any portion of the information provided herein.