



**Wichita-Sedgwick County Metropolitan Area Planning Department**

August 10, 2022

Travis S. Zwenger  
325 S. Belmont Street  
Wichita KS 67218

**RE: CON2022-00024:** City Conditional Use for Accessory Apartment in SF-5 Single-Family Residential; generally located 300 feet south of East Waterman in the 300 block of S. Belmont Street (325 S. Belmont Street).

Dear Applicant;

At its regular meeting on July 21, 2022 the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request with the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at (325 S. Belmont Street) and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site plan.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
4. 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.
5. 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 Accessory Apartment.
6. 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.

No protests were received against this case. Therefore, the MAPC decision is final. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Mary M. Hunt  
Principal Planner  
316.268.4421

Copies to: MABCD, Brandon Johnson, Council Member District I, Tasha Hayes, CSR District I, File

**CONDITIONAL USE RESOLUTION NO. CON2022-00024**

**WHEREAS**, Travis S. Zwenger, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential located at 325 S. Belmont Street legally described as:

Lots 34 and 35, Block 6, Merriman Park Place, an Addition to Wichita, Sedgwick County, Kansas.

**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 21, 2022, 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 to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential located at 325 s. Belmont Street legally described as:

Lots 34 and 35, Block 6, Merriman Park Place, an Addition to Wichita, Sedgwick County, Kansas

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 325 S. Belmont Street) and the ownership shall not be divided or sold as a condominium.
- 2) Development of the site shall be in conformance with the approved site plan.
- 3) The appearance of the accessory Apartment shall be compatible with the main dwelling unit and with the character of the neighborhood.
- 4) 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.
- 5) This applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submission of plans for review and approval by the MABCD for the Accessory Apartment.
- 6) 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 1<sup>ST</sup> Day of September 2022.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:



William M. Johnson, Chairman



Scott Wadle, Secretary



Beaufort Gazette  
 Belleville News-Democrat  
 Bellingham Herald  
 Bradenton Herald  
 Centre Daily Times  
 Charlotte Observer  
 Columbus Ledger-Enquirer  
 Fresno Bee

The Herald - Rock Hill  
 Herald Sun - Durham  
 Idaho Statesman  
 Island Packet  
 Kansas City Star  
 Lexington Herald-Leader  
 Merced Sun-Star  
 Miami Herald

el Nuevo Herald - Miami  
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 The Olympian  
 Sacramento Bee  
 Fort Worth Star-Telegram  
 The State - Columbia  
 Sun Herald - Biloxi

Sun News - Myrtle Beach  
 The News Tribune Tacoma  
 The Telegraph - Macon  
 San Luis Obispo Tribune  
 Tri-City Herald  
 Wichita Eagle

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	282066	Print Legal Ad - IPL0078828	OCA 150004	\$203.80	3	81 L

**Attention: MANDY HERBERT**

CITY OF WICHITA/PLANNING DEPT  
 271 WEST THIRD ST., 2ND FL, SU 203  
 WICHITA, KS 67202

### LEGAL PUBLICATION

**OCA 150004**  
 Published in The Wichita Eagle on June 30, 2022  
 (One Time Only)

MAPC/EZA July 21, 2022  
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, July 21, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to the Wichita City Hall Building - 1st Floor Council Chambers - 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.

CON2022-00024: Conditional Use request in the City for an Accessory Apartment located approximately one-quarter mile north of East Kellogg and one-half mile west of South Oliver (325 South Belmont Street).

CON2022-00025: Conditional Use request in the City for a Utility Major located approximately three blocks east of South Seneca Street and two blocks north of West Harry Street (1311 South Osage Street).

CUP2022-00030: Minor amendment request in the City to CUP DP-12 to allow Entertainment (Night Club in the City) associated with restaurants in Limited Commercial zoning; generally located on the south side of East Douglas and within one-quarter mile west of South Rock Road (7607 & 7703 E Douglas Avenue).

VAC2022-00020: Request in the City to vacate a portion of a platted setback on LI Limited Industrial zoned property located 600 feet south of West Harry Street, on the west side of South Hoover Street.

VAC2022-00021: Request in the City to vacate a portion of platted access control of on LI Limited zoned property generally located on the north side of West MacArthur Road and one quarter mile east of South Maize Road (9909 West York Street).

ZON2022-00030: Zone change request in the City from LC Limited Commercial to GC General Commercial for property located on the East side of South Broadway Avenue, 400 feet North of East Harry Street (1528 South Broadway).

ZON2022-00031: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential to build a duplex on property located on north of East Pawnee Avenue and within one-quarter mile east of South Rock Road (2150 S Lori Ln).

ZON2022-00034: Request in the City to Amend Protective Overlay (PO) #13, Provision #6 to allow off-site sign advertising uses within the PO only on property zoned LI Limited Industrial located on the west side of North Greenwich Road, north of K-96 Highway and south of East 29th Street north.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email Planning@wichita.gov  
 Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department  
 Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone 316.268.4421

Fax 316.858.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.

United States: +1 (571) 317-3112

Access Code: 651-544-141

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Dial in or type: 67.217.95.2 or inroomlink.goto.com

Meeting ID: 651-544-141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.2##651544141

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Attend In-Person

You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit [www.wichita.gov/visitcityhall](http://www.wichita.gov/visitcityhall). The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on June 30, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0078828

Jun 30 2022

In The STATE OF KANSAS  
 In and for the County of Sedgwick

No. of Insertions: 1

Beginning Issue of: 06/30/2022

Ending Issue of: 06/30/2022

STATE OF KANSAS)

SS

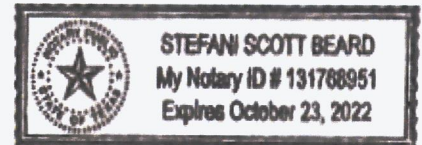
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 06/30/2022 to 06/30/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 06/30/2022

Notary Public in and for the state of Texas, residing in Dallas County

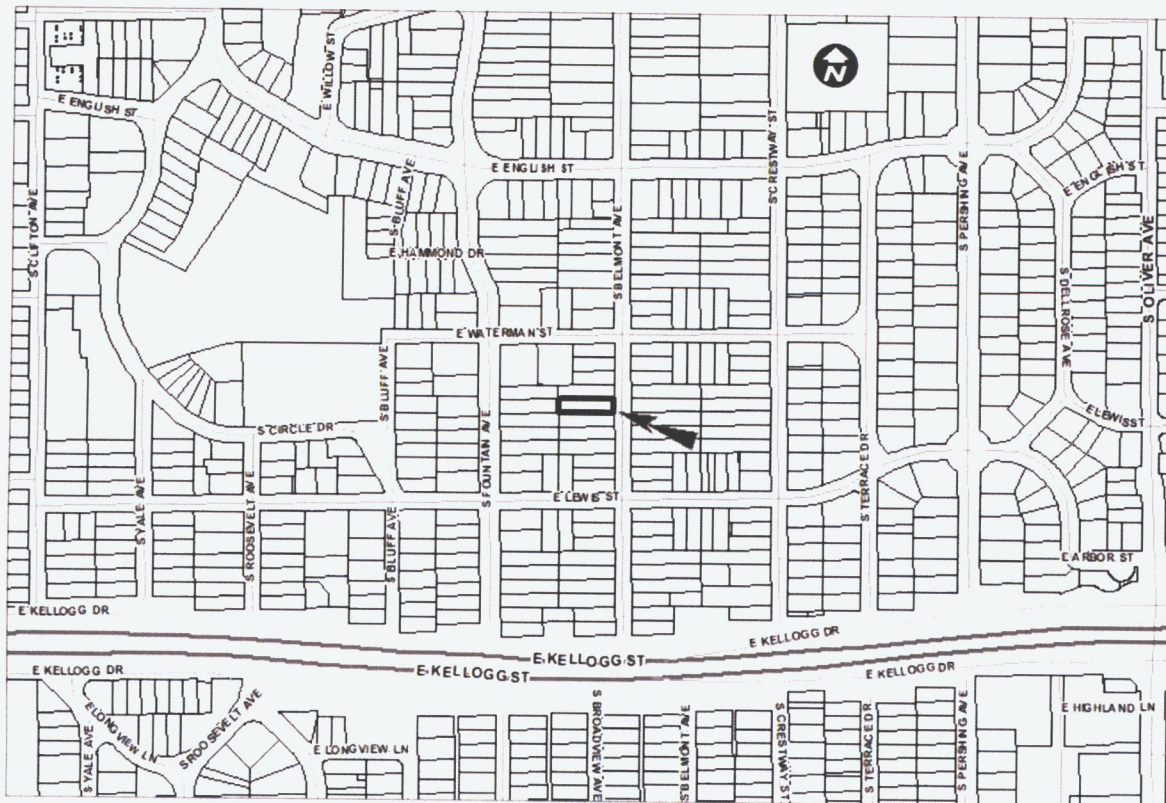


Extra charge for lost or duplicate affidavits.  
 Legal document please do not destroy!



**STAFF REPORT**  
MAPC: July 21, 2022  
DAB I: August 1, 2022

- 
- CASE NUMBER:** CON2022-00024 (City)
- APPLICANT/OWNER:** Travis Zwenger
- REQUEST:** Conditional Use request for an Accessory Apartment
- CURRENT ZONING:** SF-5 Single-Family Residential
- SITE SIZE:** 0.23 acres
- LOCATION:** Generally located 300 feet south of East Waterman in the 300 block of S. Belmont Avenue (325 South Belmont Avenue)
- PROPOSED USE:** Accessory Apartment
- RECOMMENDATION:** Approve with conditions.



**BACKGROUND:** The applicant is requesting a Conditional Use to build an Accessory Apartment in the basement of an existing home in residence within a SF-5 Single-Family Residential zoning district. Please note that there are additional requirements for a basement apartment that are different than an above ground apartment and will need to be addressed with the Metropolitan Area Building and Construction Department. The property is addressed as 325 South Belmont Avenue and is generally located 300 feet south of East Waterman Street on the west side of South Belmont Avenue in the College Hill neighborhood. The site is currently developed with a single-family home, a double car garage and a storage building in the back of the property. This original home was built in 1922.

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) 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.

With this accessory being within the existing structure, there is no issue regarding architectural compatibility as no changes have been made to the exterior of the dwelling. Please note, there are different building requirements that need to be addressed for an apartment to be located in a basement. The MABCD will be the best contact for information about those requirements.

Properties on the north and west are all zoned SF-5 Single-Family Residential and developed with single-family homes. Properties to the east and south are zoned TF-3 Two-Family Residential and developed with duplexes.

**CASE HISTORY:** In 1912, the site was platted as part of the Merriman Park Place Addition.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Single-Family residences
SOUTH:	TF-3	Duplex residences
WEST:	SF-5	Single-Family residences
EAST:	TF-3	Duplex residences

**PUBLIC SERVICES:** South Belmont Avenue is a paved local street with a sidewalk on the west side of the street. North of the subject parcel is East Waterman Street, which is a paved, local street with portions of sidewalk provided on the south side of the street. The subject parcel is located in the Merriman Park Place Addition and has municipal water and sewer services. Wichita Transit service is available on East Douglas Avenue, approximately one-third of a mile from the subject site. Transit service on Oliver is available at the intersection of East Douglas Avenue and Oliver Avenue.

**CONFORMANCE TO PLANS/POLICIES:** The requested Accessory Apartment is in conformance with the following plans.

The Community Investments Plan: The requested Accessory Apartment is in conformance with the goals of the Community Investment Plan. The Community Investments Plan (the Wichita-Sedgwick County Comprehensive Plan) includes the 2035 Wichita Future Growth Concept Map. The Map identifies the area to be appropriate for residential uses.

Wichita: Places for People Plan: The requested zoning is in conformance with the goals of the Wichita: Places for

People Plan. The Wichita: Places for People Plan provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested Accessory Apartment proposal aligns with the Design principles of Places for People by “Supporting development of a variety of lot sizes and housing types.” The Land Use Compatibility principle encourages Accessory Apartments as appropriate in existing neighborhoods.
- Current Condition: The subject property is located within an area identified as an “area of stability.” The Places for People Plan defines Areas of Stability as those “areas of the ECA that exhibit less stress, or fewer economic, connectivity and walkability challenges. Areas of Stability should require fewer interventions and potentially less investment to maintain a viable development environment and community. Improvements should be geared toward continuing the area’s momentum and strengthening the established context” The addition of an Accessory Apartment provides a feature that fits the established context.

**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 (located at 325 S. Belmont Avenue) and the ownership shall not be divided or sold as a condominium.
- (2) Development of the site shall be in conformance with the approved site plan
- (3) The appearance of the Accessory Apartment shall be compatible with the main dwelling unit and with the character of the neighborhood.
- (4) 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.
- (5) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submission of plans for review and approval by the MABCD for the Accessory Apartment.
- (6) 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.
- (7) The applicant will provide a final and complete site plan including the location of one off-street parking space for the Accessory Apartment.

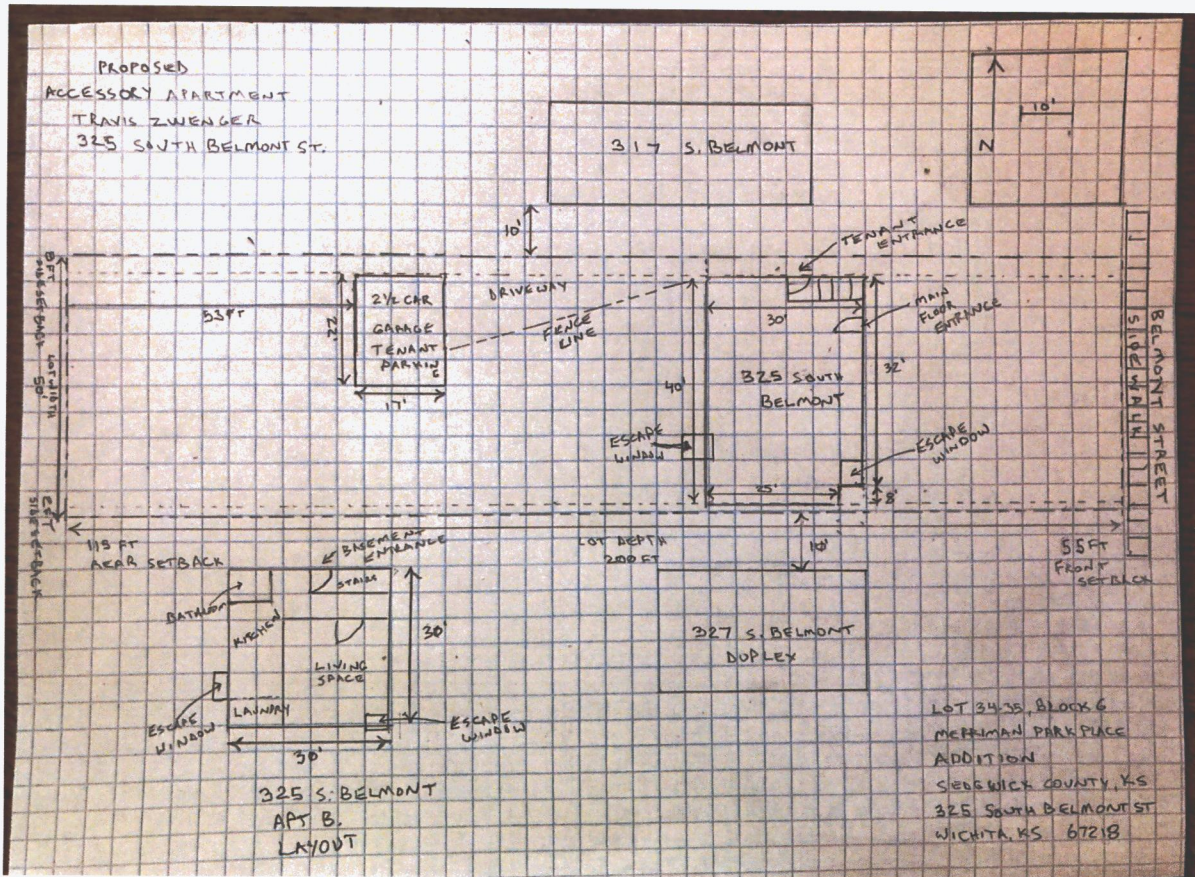
This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** Properties on the north and east are a combination of SF-5 Single-Family Residential and TF-3 Two-Family Residential. In several instances, there is a combination of Single-Family and Duplex homes along the same block. Properties to the west and south are nearly all SF-5 Single-Family Residential. Accessory Apartments are permitted within SF-5 district by Conditional Use. Since this request is for an Accessory Apartment within the primary residence, concerns about setbacks and building design are not necessary. The residential development in the area is on standard urban lots with this parcel being 10,056 square feet or 0.23 acres.

- (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 allows the development of single-family residences. 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 spaces.
- (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 unanticipated detrimental impacts.
- (4) **Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies:** The proposed Conditional Use is in conformance with the *Community Investments Plan* and the *Wichita: Places for People Plan* as discussed in the staff report.
- (5) **Impact of the proposed development on community facilities:** Community facilities are not anticipated to be significantly impacted by the Accessory Apartment located in an additional accessory structure. The property is served by municipal water and sewer services.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Community Investments Plan Land Use Map
5. Site Photos



Site Plan of 325 S. Belmont Avenue



*Aerial Photo of 325 S. Belmont Avenue*



Zoning Map of 325 S. Belmont Avenue



Community Investments Plan Land Use Map



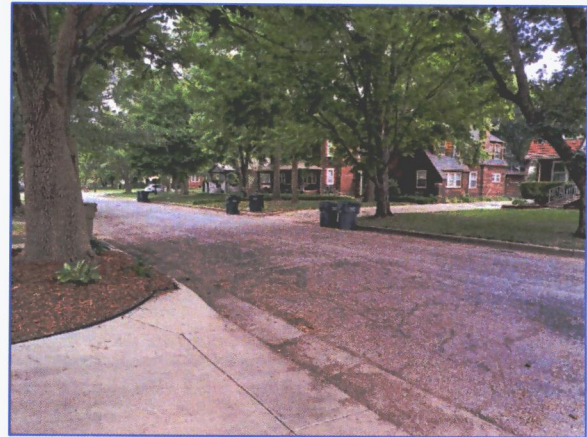
*Subject Property – 325 S. Belmont Street*



*North side of subject property with apartment entrance*



*Looking north from subject property*



*Looking north across Belmont Street*

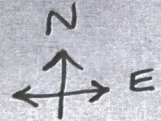


*Looking across from subject property*



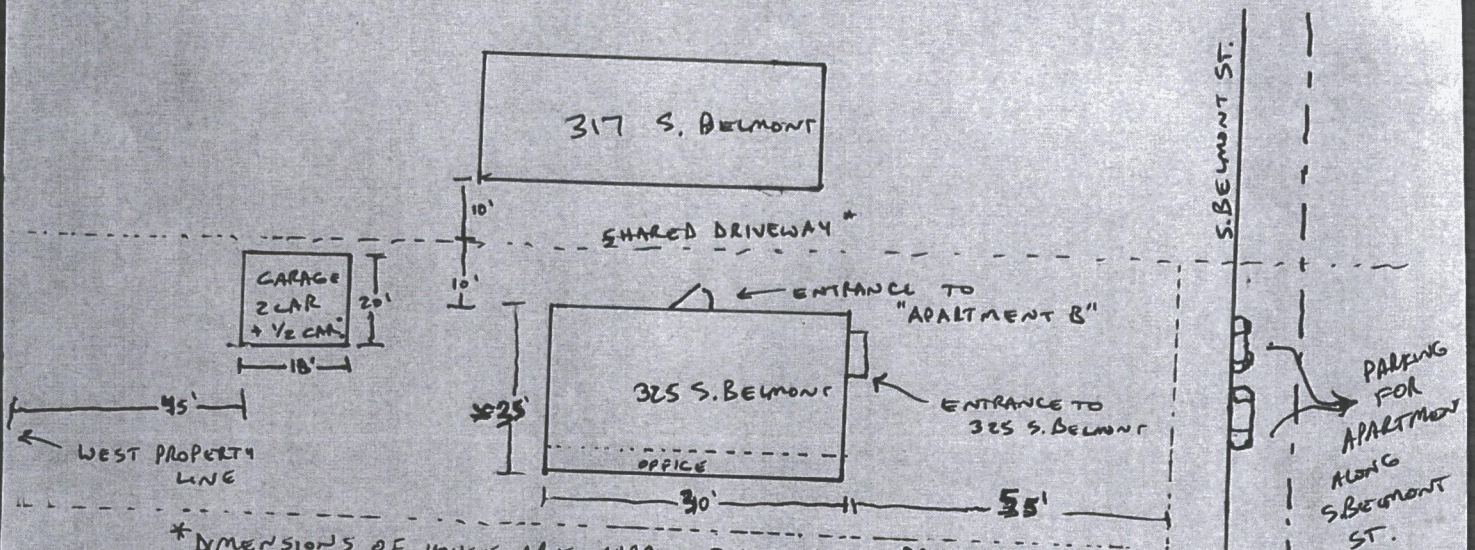
*Looking south and across street from subject property*

325 SOUTH BELMONT ST  
 WICHITA, KS 67218



MAPC CONDITIONAL USE - ACCESSORY APARTMENT

\* NOT TO SCALE



\* DIMENSIONS OF HOUSE ARE APPROX 30' x 35' ON MAIN FLOOR + 30' x 30' ON UPPER FLOOR

PROPERTY LINE

≈ 5' FROM SOUTH SIDE OF HOUSE TO PROPERTY LINE

≈ 10' FROM NORTHSIDE OF HOUSE

≈ 80' FROM WESTSIDE OF HOUSE  
 90'

≈ 55' FROM EAST SIDE OF HOUSE  
 55'

\* PROPERTY LINE ON NORTHSIDE OF HOUSE SPLITS A LARGE DRIVEWAY THAT IS APPROX 20' WIDE

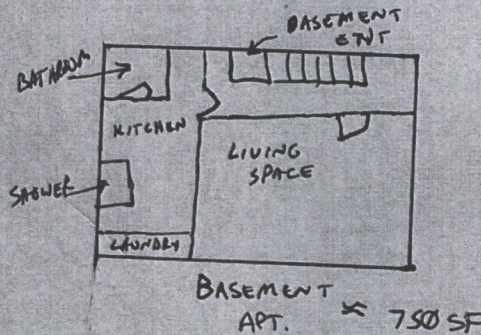
\* HOUSE IS ≈ 1,966 SF WITH MAIN LEVEL ≈ 1,050 SF WITH 116 SF OFFICE, NOTHING ABOVE THE OFFICE.

\* TOTAL LOT SF IS APPROX 10,056 SF OR 180' x 55'

\* ACCESSORY BASEMENT INCLUDES ENTIRE BASEMENT

\* ENTRANCE IS ON NORTHSIDE OF HOUSE

\* PARKING ON BELMONT STREET.



SITE PLAN

APPROVED Sept. 1, 2011 BY *[Signature]*