



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

September 7, 2023

Andrew and Jennifer Nixon  
15950 W. 119<sup>th</sup> Street South  
Clearwater, KS 67026

**RE: CON2023-00029:** Conditional Use request in the County to permit a Temporary Manufactured Home on property zoned RR Rural Residential; generally located north of West 119<sup>th</sup> Street South and approximately one-half mile west of South 151<sup>st</sup> Street West (15958 W. 119<sup>th</sup> Street South).

Dear Applicant;

At its regular meeting on August 23, 2023, the Sedgwick County Board of County Commissioners considered the above captioned request. The action of the BOCC was to APPROVE the request with the following conditions:

- (1) The temporary manufactured home shall adhere Supplementary Use Regulations found in Section III-D.6.1 of the Unified Zoning Code.
- (2) The temporary Manufactured Home shall be placed on the site for a maximum of 6 years from the date of final approval by the Governing Body.
- (3) The temporary Manufactured Home shall be removed within 90 days after either: 1) the end of the 6 year time period, or 2) the issuance of occupancy permits for the single-family dwelling, whichever comes first.
- (4) Any extension of the Conditional Use shall require an amendment.
- (5) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
- (6) Development and maintenance of the site shall be in conformance with the approved site plan.
- (7) 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.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'Philip Zeyenbergen'.

Philip Zeyenbergen, AICP  
Current Plans  
Division Manager

Copies to: MABCD  
Sara Lopez, County Commissioner District 2



## Wichita-Sedgwick County Metropolitan Area Planning Department

July 13, 2023

Andrew and Jennifer Nixon  
15950 W. 119<sup>th</sup> Street South  
Clearwater, KS 67026

**RE: CON2023-00029:** Conditional Use request in the County to permit a Temporary Manufactured Home on property zoned RR Rural Residential; generally located north of West 119<sup>th</sup> Street South and approximately one-half mile west of South 151<sup>st</sup> Street West (15958 W. 119<sup>th</sup> Street South).

Dear Applicant;

At its regular meeting on **July 13, 2023**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the request with the following conditions:

- (1) The temporary manufactured home shall adhere Supplementary Use Regulations found in Section III-D.6.1 of the Unified Zoning Code.
- (2) The temporary Manufactured Home shall be placed on the site for a maximum of 6 years from the date of final approval by the Governing Body.
- (3) The temporary Manufactured Home shall be removed within 90 days after either: 1) the end of the 6 year time period, or 2) the issuance of occupancy permits for the single-family dwelling, whichever comes first.
- (4) Any extension of the Conditional Use shall require an amendment.
- (5) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
- (6) Development and maintenance of the site shall be in conformance with the approved site plan.
- (7) 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.

Property owners opposed to the application may file with the County Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) **To be effective, the protest must be filed by 5:00 p.m. on July 27, 2023.** 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 located within 1000 feet of the property for which the application was filed, and must be submitted to the County Clerk by **July 27, 2023, at 5:00 p.m.**

To ensure that Conditional Use applications would not be ruled invalid due to the recent American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas, the Planning Department is sending Conditional Use cases to the respective Governing Body for action. To do this, the Planning Director is submitting an appeal for all Conditional Use applications, per UZC Sec. V.A.5. This application will be considered by the Board of County Commissioners on **Wednesday, August 23, 2023** beginning at 9:00 a.m.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a large, stylized initial "P" and a long horizontal flourish extending to the right.

Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to:           MABCD  
                          Sara Lopez, County Commissioner District 2

**WHEREAS**, Andrew and Jennifer Nixon, (Applicants) 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 a Temporary Manufactured Home, on property zoned Rural Residential, generally located 500 feet north of West 119<sup>th</sup> Street South and within one-half mile west of South 151<sup>st</sup> Street West, and legally described as:

Lot 2, Block A, Nixon Acres Addition, 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 13, 2023, consider said application; and

**WHEREAS**, the Board of County Commissioners 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 Board of County Commissioners that:

**SECTION I.** After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under the authority granted by Section V-D of the Unified Zoning Code, the Board of County Commissioners approves this application to allow a Conditional Use for a Temporary Manufactured Home, on property zoned Rural Residential, generally located 500 feet north of West 119<sup>th</sup> Street South and within one-half mile west of South 151<sup>st</sup> Street West, and legally described as:

Lot 2, Block A, Nixon Acres Addition, Sedgwick County, Kansas.

Approval of the application is subject to the following conditions:

- (1) The temporary manufactured home shall adhere Supplementary Use Regulations found in Section III-D.6.I of the Unified Zoning Code.
- (2) The temporary Manufactured Home shall be placed on the site for a maximum of 6 years from the date of final approval by the Governing Body.
- (3) The temporary Manufactured Home shall be removed within 90 days after either: 1) the end of the 6 year time period, or 2) the issuance of occupancy permits for the single-family dwelling, whichever comes first.
- (4) Any extension of the Conditional Use shall require an amendment.
- (5) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
- (6) Development and maintenance of the site shall be in conformance with the approved site plan.

(7) 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.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION III.** That this Resolution shall be effective upon publication in the official county newspaper.

*[remainder of page intentionally left blank]*

Commissioners present and voting were:

PETER F. MEITZNER  
SARAH LOPEZ  
DAVID T. DENNIS  
RYAN K. BATY  
JAMES M. HOWELL

aye  
aye  
aye  
aye  
aye

Dated this 23 day of August, 2023.

BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

ATTEST:



for

Karen S. B...  
KELLY B. ARNOLD, County Clerk

[Signature]

PETER F. MEITZNER, Chairman  
Commissioner, First District

[Signature]

JAMES M. HOWELL, Chair Pro Tem  
Commissioner, Fifth District

[Signature]

SARAH LOPEZ  
Commissioner, Second District

APPROVED AS TO FORM:

[Signature]  
KIRK W. SPONSEL  
Deputy County Counselor

[Signature]

DAVID T. DENNIS  
Commissioner, Third District

[Signature]

RYAN K. BATY  
Commissioner, Fourth District

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 consecutive weeks, the first publication thereof being made as aforesaid on the 31st day of August, 2023, with subsequent publications being made on the following dates:

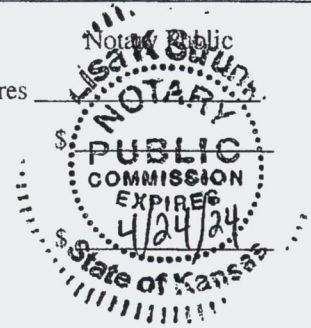
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023  
\_\_\_\_\_, 2023      \_\_\_\_\_, 2023

Chris Strunk

Subscribed and sworn to before me this 31st day of August, 2023.

WKS

My commission expires \_\_\_\_\_  
Additional copies \_\_\_\_\_  
Printer's fee \_\_\_\_\_



# Public notice

(Published in The Ark Valley News Aug. 31, 2023.)

Published in The Ark Valley News on 185-6003  
RESOLUTION NO.

WHEREAS, Andrew and Jennifer Nixon, (Applicants) 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 a Temporary Manufactured Home, on property zoned Rural Residential, generally located 500 feet north of West 119<sup>th</sup> Street South and within one-half mile west of South 151<sup>st</sup> Street West, and legally described as:

Lot 2, Block A, Nixon Acres Addition, 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 13, 2023, consider said application; and

WHEREAS, the Board of County Commissioners 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 Board of County Commissioners that:

**SECTION I.** After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under the authority granted by Section V-D of the Unified Zoning Code, the Board of County Commissioners approves this application to allow a Conditional Use for a Temporary Manufactured Home, on property zoned Rural Residential, generally located 500 feet north of West 119<sup>th</sup> Street South and within one-half mile west of South 151<sup>st</sup> Street West, and legally described as:

Lot 2, Block A, Nixon Acres Addition, Sedgwick County, Kansas.

Approval of the application is subject to the following conditions:

- (1) The temporary manufactured home shall adhere Supplementary Use Regulations found in Section III-D.6.1 of the Unified Zoning Code.
- (2) The temporary Manufactured Home shall be placed on the site for a maximum of 6 years from the date of final approval by the Governing Body.
- (3) The temporary Manufactured Home shall be removed within 90 days after either: 1) the end of the 6 year time period, or 2) the issuance of occupancy permits for the single-family dwelling, whichever comes first.
- (4) Any extension of the Conditional Use shall require an amendment.
- (5) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCO.
- (6) Development and maintenance of the site shall be in conformance with the approved site plan.
- (7) 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.

**SECTION II.** That upon the taking effect of this Resolution, the notation of such Conditional Use shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

**SECTION III.** That this Resolution shall be effective upon publication in the official county newspaper.

Commissioners present and voting were:

PETER F. MEITZNER  
SARAH LOPEZ  
DAVID T. DENNIS  
RYANK B. BAY  
JAMES M. HOWELL

ay  
ay  
ay  
ay  
ay

Dated this 23 day of August, 2023.

ATTEST:

*Karen S. Be...*  
for KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS  
OF SEDGWICK COUNTY, KANSAS

*Peter F. Meitzner*  
PETER F. MEITZNER, Chairman  
Commissioner, First District

*James M. Howell*  
JAMES M. HOWELL, Chief Pro Tem  
Commissioner, Fifth District

*Sarah Lopez*  
SARAH LOPEZ  
Commissioner, Second District

*David T. Dennis*  
DAVID T. DENNIS  
Commissioner, Third District

*Ryank B. Bay*  
RYANK B. BAY  
Commissioner, Fourth District

APPROVED AS TO FORM

*Kirk W. Spensel*  
KIRK W. SPENSEL  
Deputy County Counselor

# Affidavit of Publication

STATE OF KANSAS,  
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County Kansas, with a general paid circulation on a yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center in said County as second class matter.

That the attached notice is a true copy thereof and as published in the regular and entire issue of said newspaper for 1 consecutive weeks, the

first publication thereof being made as aforesaid on the 22nd day of June, 2023.

with subsequent publications being made on the following dates:

\_\_\_\_\_, 2023 \_\_\_\_\_, 2023

\_\_\_\_\_, 2023 \_\_\_\_\_, 2023

\_\_\_\_\_, 2023 \_\_\_\_\_, 2023

scribed and sworn to before me this 22nd day of June, 2023.

*WHS*



commission expires

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ter's fee

## Public notice

(Published In The Ark Valley News June 22, 2023.)

### MAPC July 13, 2023 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, July 13, 2023, at or earlier than 1:30 p.m., the Wichita Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods specified at the end of this notice. **If you have any questions regarding the meeting or items on this notice, please call the Wichita Sedgwick County Metropolitan Area Planning Department at (316) 268 4421.**

**CON2023-00027:** Conditional Use request in the County for an Accessory Apartment on property zoned RR Rural Residential; generally located on the south side of West 69th Street North, within one-quarter mile west of North 183rd Street West (18801 W. 69th St. N.).

**CON2023-00028:** Conditional Use request in the County to permit an Accessory Apartment on property zoned RR Rural Residential located approximately one-quarter mile north of the intersection of E. 77th St. N. and N. 63rd St E. (6301 E. Briar Rose Lane).

**CON2023-00029:** Conditional Use request in the County to permit a Temporary Manufactured Home on property zoned RR Rural Residential District; generally located north of West 119th Street South and approximately one-half mile west of South 151st Street West (15958 W. 119th St. S.).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the Wichita Sedgwick 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.

#### Options to participate (see below):

- 1) Participate virtually
- 2) Attend in-person at the Ronald Reagan Building
- 3) Submit comments ahead of time

#### Participate Virtually

Join Zoom Meeting  
<https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0yS1BnbFJQTDV0xPVBDBXUT09>

#### Meeting ID: 408 986 6967

Passcode: 094136  
One tap mobile  
+16699006833,,4089866967#,,\*094136# US (San Jose)  
+17193594580,,4089866967#,,\*094136# US

#### Meeting ID: 408 986 6967

Passcode: 094136  
Find your local number: <https://us06web.zoom.us/j/kc65codfb1>

#### Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. 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 (316-268 4464) by 5pm, 3 days prior to the meeting.

#### 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.

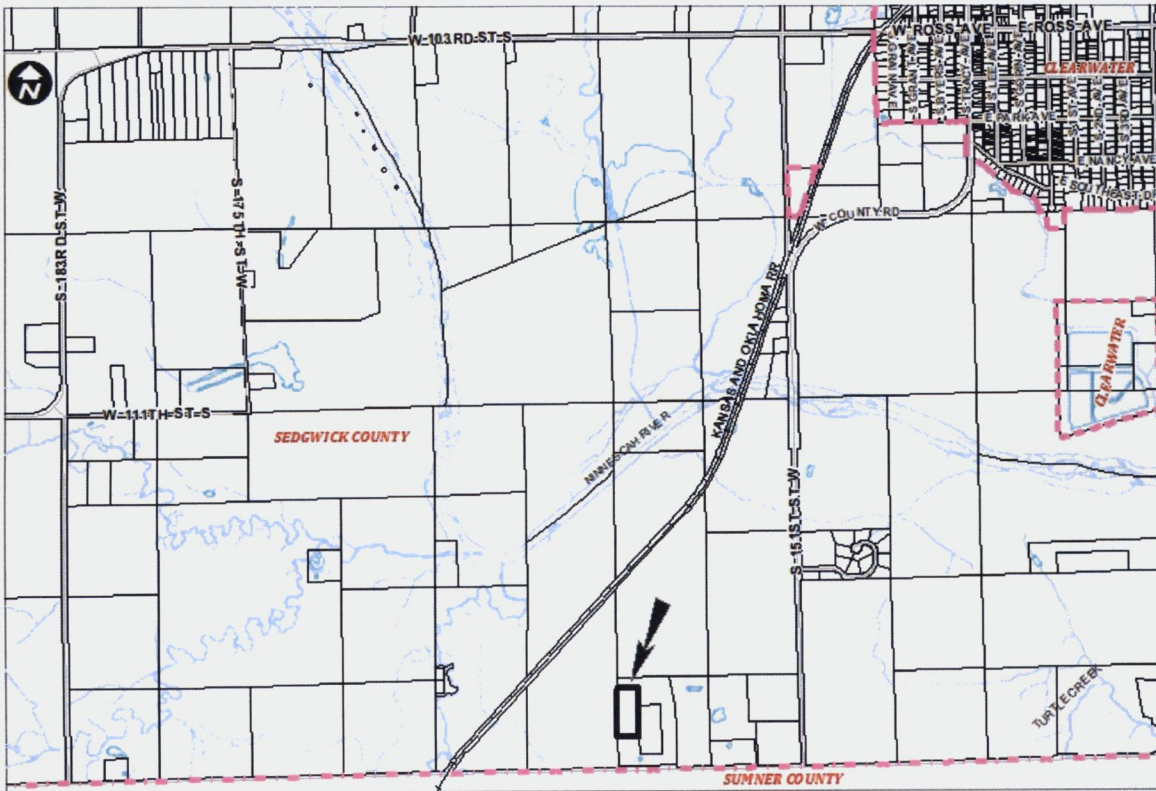
Email [Planning@wichita.gov](mailto:Planning@wichita.gov)  
Mailing Address Wichita-Sedgwick County Metropolitan Area Planning Department  
Attn: **Scott Wadle**  
271 W. 3rd Street – Suite 201  
Wichita, KS 67202  
Phone 316.268.4421  
Fax 316.858.7764

WITNESS MY HAND on June 22, 2023

**Scott Wadle, Secretary  
Wichita Sedgwick County  
Metropolitan Area Planning Commission**

**STAFF REPORT**  
MAPC: July 13, 2023  
CAB 2: N/A

- 
- CASE NUMBER:** CON2023-00029 (County)
- APPLICANT/OWNER:** Andrew and Jennifer Nixon (Applicants)
- REQUEST:** Conditional Use for temporary Manufactured Home
- CURRENT ZONING:** RR Rural Residential
- SITE SIZE:** 5 acres
- LOCATION:** Generally located 500 feet north of West 119<sup>th</sup> Street South and within one-quarter mile west of South 151<sup>st</sup> Street West (15958 W. 119<sup>th</sup> Street South).
- PROPOSED USE:** Temporary manufactured home until permanent dwelling is built.
- RECOMMENDATION:** Approve with conditions.



**BACKGROUND:** The applicants are requesting a Conditional Use to allow the temporary placement of a Manufactured Home for up to six (6) years while a permanent dwelling is being built on property zoned RR Rural Residential District. The five-acre subject site is generally located approximately 500 feet north of West 119<sup>th</sup> Street South and within one-quarter mile west of South 151<sup>st</sup> Street West. The subject site is platted as Lot 2, Block A, Nixon Acres Addition. Access to this lot from West 119<sup>th</sup> Street South is via a platted access easement through Lot 1.

The placement of Manufactured Homes in the RR Rural Residential District is governed by Supplementary Use Regulations in Section III-D.6.I of the Unified Zoning Code (UZC) (see attached). Sub-section 4 of the Supplementary Use Regulations permit, by-right, the temporary placement of a Manufactured Home during the construction or substantial remodeling of a single-family dwelling for a maximum one-year from the issuance date of the building permit.

As described in the attached justification, the applicants are requesting the Conditional Use for the placement of a Manufactured Home because they recently purchased the land and require additional time to save in order to begin construction on their future single-family dwelling. The anticipated time frame is for them to save for the first five years and complete construction of the single-family dwelling by the end of the sixth year. The Conditional Use would permit them to live on the land they purchased while they acquire the funding to eventually build the single-family dwelling. The request for the Conditional Use falls under sub-section 3 of the Supplementary Use Regulations in Section III-D.6.I. Staff is recommending as a condition of approval that the temporary Manufactured Home be removed from the site within 90 days of either:

1. the six-year time limit has expired, or
2. the issuance of occupancy permits of the future single-family dwelling, whichever comes first.

As seen on the attached site plan, the placement of the temporary Manufactured Home abides by all setback requirements in the RR Rural Residential District. The plan also illustrates the location of the future single-family dwelling and detached garage.

Properties north, east, south, and west are zoned RR Rural Residential are a mixture of single-family dwellings and agricultural land.

**CASE HISTORY:** In 2022, the property was platted as part of the Nixon Acres Addition.

**ADJACENT ZONING AND LAND USE:**

|        |    |                           |
|--------|----|---------------------------|
| NORTH: | RR | Agriculture               |
| SOUTH: | RR | Single-family residential |
| EAST:  | RR | Agriculture               |
| WEST:  | RR | Agriculture               |

**PUBLIC SERVICES:** West 119<sup>th</sup> Street south is a gravel, two-lane county arterial road with open ditches. Sewer will likely be provided with an on-site lagoon or septic system, and water is provided by Sumner County Rural Water District #5.

**CONFORMANCE TO PLANS/POLICIES:** The request for an Accessory Apartment is in conformance with the *Community Investments Plan*. The Wichita-Sedgwick County Comprehensive Plan, the *Community Investments Plan*, identifies the site as being in the Rural Growth Area on the 2035 Urban Growth Areas Map. This category “encompasses land outside the 2035 urban growth areas for Wichita and the small cities. Agricultural uses, rural based businesses, and larger lot residential exurban subdivision likely will be developed in this area.”

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

- (1) The temporary manufactured home shall adhere Supplementary Use Regulations found in Section III-D.6.1 of the Unified Zoning Code.
- (2) The temporary Manufactured Home shall be placed on the site for a maximum of 6 years from the date of final approval by the Governing Body.
- (3) The temporary Manufactured Home shall be removed within 90 days after either: 1) the end of the 6 year time period, or 2) the issuance of occupancy permits for the single-family dwelling, whichever comes first.
- (4) Any extension of the Conditional Use shall require an amendment.
- (5) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
- (6) Development and maintenance of the site shall be in conformance with the approved site plan.
- (7) 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 character of the neighborhood is rural. Properties north, east, south, and west are zoned RR Rural Residential and are in use as single family and agricultural land.
- (2) The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned RR Rural Residential which permits single-family dwellings. Approval of the conditional use permits the applicant to live on-site until they are able to finance construction of the future single-family dwelling.
- (3) Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate that approval of the request will significant detrimental impacts on surrounding properties. The conditions of approval should minimize any potential detrimental impacts.
- (4) Length of time subject property has remained vacant as zoned: The subject site has historically been used for agriculture.
- (5) Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: It is not anticipated that the requested Conditional Use will have an effect on the public health, safety, or welfare. Denial of the application may result in a loss of enjoyment for the applicant.
- (6) Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is in conformance with the *Community Investments Plan*, as discussed in this staff report.

- (7) Impact of the proposed development on community facilities: Staff expect that there will be minimal impact on public roads and services.
- (8) Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has not received any public comment regarding this request.

Attachments:

1. Applicant's Justification for Conditional Use
2. Supplementary Use Regulations: Section III-D.6.1
3. Setback Exhibit
4. Site Plans
5. Aerial Map
6. Zoning Map
7. Land Use Map
8. Site Photos

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**Applicant's Justification for Conditional Use**

My wife and I sold our house with the intention of building. We purchased land from my parents, and paid for a survey and land plotting. We also opened a construction loan last fall, specifically for the land improvements (utilities, dirt work, driveway).

To keep this short. We didn't have enough cash to do a construction loan on our permanent home. My goal is to save money over the next 5 years to have enough for a good down payment on the building loan. With the way building materials have been going I am trying to plan for a cash cushion.

I plan on beginning the permanent construction home before the end of the 5 years with the goal of being moved in by the end of the 6 years.

We already purchased the single wide mobile home and it is currently being professionally remodeled. It is in good condition and it will be well maintained while we live there. The address is in the county. Due to the planned home location, the only neighbors who could potentially see the home are my parents, and farmers who work fields in the area.

Thank you for your help. Please let me know if you need any additional information or help with anything.

Thank you,  
Andrew Nixon

**I. Manufactured Homes in County.** In the unincorporated County, only Residential-Design Manufactured Homes may be placed on individual Lots and/or tracts, except as provided in Secs. III-D.6.1(2-4) below. After August 29, 1997, no Mobile Home, as defined in this Code, shall be moved, relocated, be changed in Use or otherwise be placed on any property, including within any Manufactured Home Park, Manufactured Home Subdivision or on an individual Lot, whether platted or unplatted.

(1) **Standards.** All Manufactured Homes installed in the unincorporated portion of Sedgwick County shall:

(a) Be placed in accordance with the Manufactured Home siting standards of Sedgwick County, and amendments thereto; provided said standards have been adopted. In the event such standards are not adopted or until such standards are adopted, the following shall apply:

1) The Manufactured Home shall be placed on a permanent enclosed perimeter foundation, or be skirted around the perimeter of the home, within 45 days of the placement of the home, by solid concrete or masonry walls or a material designed to be used as Mobile Home skirting that does not have a flame spread rating in excess of 25. Vinyl skirting shall be a minimum of 30 mil thickness and metal skirting shall be a minimum of 30 gauge thickness. Metal skirting shall have vertical metal supports of at least 20 gauge thickness spaced not more than five feet on centers. All skirting over 36 inches in height shall be supported with vertical supports spaced not more than five feet on centers, and a horizontal support centered between the ground and the bottom of the mobile home, of at least 20 gauge metal. Metal and vinyl skirting shall be fastened with screws, or by other means, to manufacturers' specifications;

2) The Manufactured Home shall be provided with handrails on all outside stairs that have a rise of more than 30 inches from grade to finished floor elevation; and,

3) The Manufactured Home shall have any stairs, porches and handrails constructed so as to be structurally sound.

(2) **Exceptions**

(a) The tract of land is at least 20 acres in size and there has been no unplatted division of less than 20 acres from the original tract unless the division was permitted under the platting exemption provisions of applicable Subdivision Regulations. No more than one Single-Family Dwelling Unit or Manufactured Home shall be permitted on a Lot of any size under this exception.

(b) The tract of land is a buildable Lot under this Code and the applicable Subdivision Regulations and has received a Conditional Use in accordance with Sec. V-D for the temporary placement of an accessory Manufactured Home under a hardship conditions as provided in Sec. III-D.6.1(3) below.

(c) The tract of land is a buildable Lot under this Code and the applicable Subdivision Regulations and has received a temporary permit for the placement of a Manufactured Home as provided in Sec. III-D.6.1(4) below.

(3) **Temporary, accessory Manufactured Home Dwelling Unit in the County.** The placement of an accessory Manufactured Home on a residentially zoned Lot located within the unincorporated portion of Sedgwick County may be permitted on a temporary basis, as a Conditional Use in accordance with Sec. V-D, subject to the following conditions and requirements.

(a) The location of the Manufactured Home shall conform to all Setback requirements of the District in which located.

(b) The Lot Area for the Manufactured Home need not comply with the area requirements of the zoning District, provided that the unit is connected to a public water supply and a municipal-type sewer system. If the property is not served by a public water supply and municipal type sewer system, the minimum Lot Area shall be determined by the County Health Department.

(c) The unit shall comply with all of the standards of Secs. III-D.6.l(1) and III-D.6.l(2).

(d) The applicant shall show due cause that hardship exists and that the hardship cannot reasonably be alleviated without the granting of the Conditional Use.

(e) The Planning Commission shall determine a reasonable time limit for each individual case. The Manufactured Home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the Conditional Use.

**(4) Temporary Manufactured Home in the County.** The placement of a Manufactured Home on a residentially zoned Lot within the unincorporated portion of Sedgwick County may be permitted on a temporary basis while a Single-Family Dwelling Unit is being constructed, or while an existing Single-Family Dwelling Unit is being substantially remodeled and during this remodeling the main residence is not occupied, subject to the following conditions.

(a) The location of the temporary Manufactured Home shall conform to all Setback requirements of the District in which it is located.

(b) The Lot Area for the temporary Manufactured Home need not comply with the area requirements of the zoning District, provided that the unit is connected to a public water supply and a municipal-type sewer system. If the property is not served by a public water supply and municipal type sewer system, the minimum Lot Area shall be determined by the County Health Department.

(c) The temporary Manufactured Home shall be allowed on the property for a maximum of one year from the date of the issuance of the Building Permit for the Single-Family Dwelling Unit being constructed or remodeled on the same Lot. In the event an additional time period is needed beyond said one year, an extension of the Conditional Use may be granted in accordance with Sec. V-D, provided good cause can be shown as to why more than one year is necessary.

(d) The Manufactured Home shall be set-up in accordance with the Manufactured Home siting standards of Sedgwick County, and amendments thereto. The unit shall comply with all of the standards of Sec. III-D.6.l(1).

(e) No Manufactured Home shall be permitted on the same Lot and/or tract as a Dwelling Unit being remodeled wherein the Dwelling Unit is occupied during remodeling.

**(5) Replacement of Manufactured and/or Mobile Home in the County.** The replacement of a nonconforming Manufactured or Mobile Home within the unincorporated area of the County with a newer and/or larger Manufactured Home shall be permitted without rezoning the property to the MH District; provided the Manufactured Home is placed on the same property and complies with all siting requirements of the County.

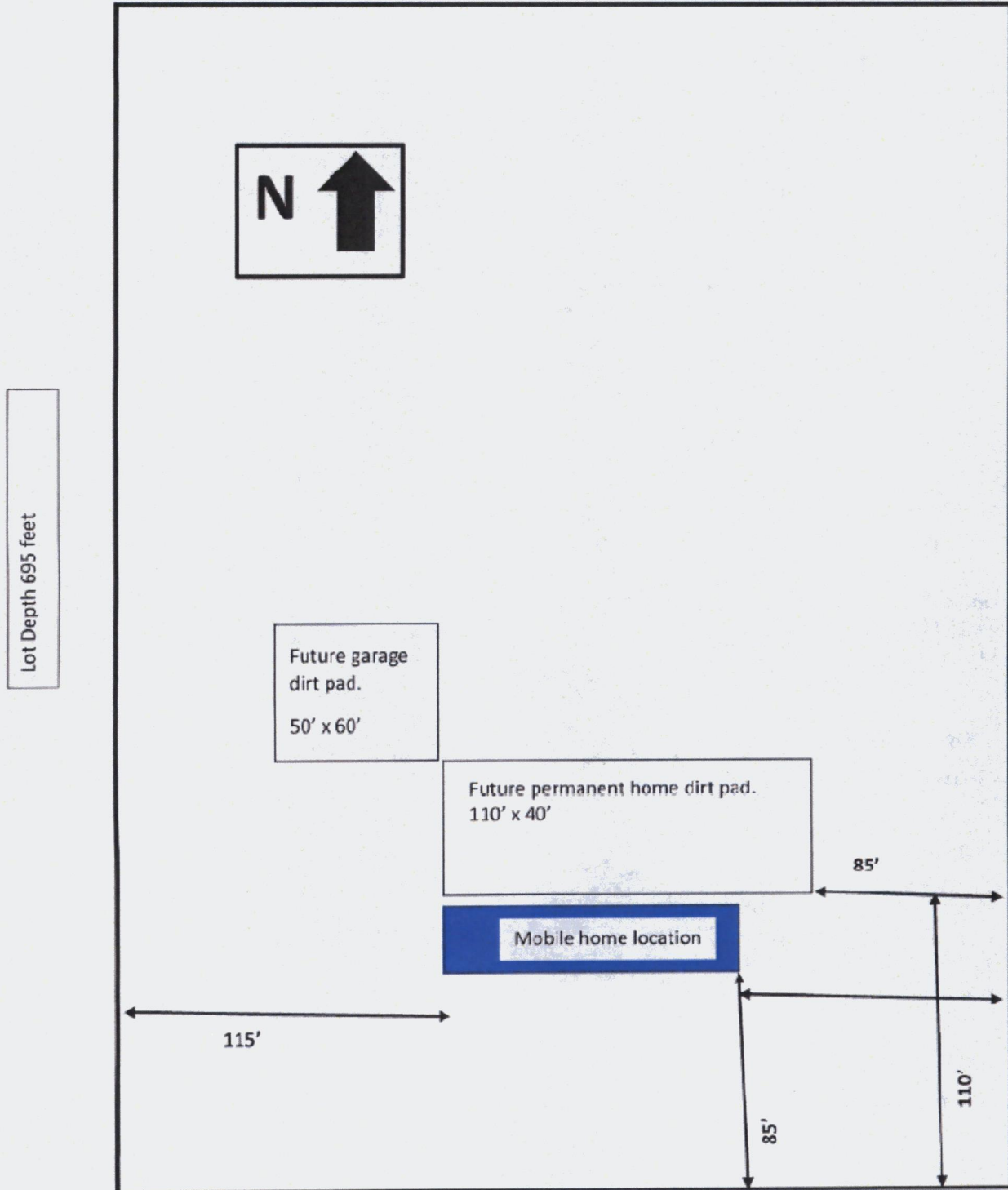
# Setback Exhibit

Conditional Use – Site Plan

Andrew Nixon – 15958 W 119<sup>th</sup> St S. Clearwater, KS 67026 – (316)833-0949

Proposed temporary placement of single wide mobile home, while building permanent stick built home.

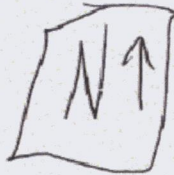
Requesting 6 years to account for money saving and permanent home build time.



**Site Plan**

- Proposed temporary placement of single wide white building permanent stick built home.
- Requesting 6 years.

Andrew Nixon  
 15958 W 119th St S  
 Clearwater, KS 67026  
 (316) 833-0949



Future garage pad. 50' x 60'

mobile home proposed location. 16' x 80'

Round about drive way 30' Plus at all points.

Future Home Pad 40' x 110'

W 119th St S (Dirt Road)

- mobile home setbacks . From the south = 85 feet.
  - From the west = 115 feet . From the east = 85 feet
  - From the north = 1100 feet.
- 595



**ZONING**

- RR
- SF-20
- SF-10
- SF-5
- TF-3
- MF-18
- MF-29
- B
- MH
- NO
- GO
- NR
- LC
- GC
- CBD
- OW
- IP
- LI
- IP-A
- GI
- AFB
- U
- PUD
- AIRPORT
- OLD TOWN
- HISTORICAL
- DELANO

