



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

January 3, 2024

Maluisa Carlos DeCasa  
703 North Clara Street  
Wichita, KS 67212

**RE: CON2023-00056** – Conditional Use request in the City for an Accessory Apartment; generally located on the northwest corner of West Central Avenue and North Clara Street (703 North Clara Street).

Dear Applicant;

At its regular meeting on **January 2, 2024**, the Wichita City Council considered the above captioned request. The action of the City Council was **APPROVAL** of 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 703 North Clara 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.
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. 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,

Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to: MABCD  
Maggie Ballard, Council Member District VI  
Ana Lopez, CSR District I



## Wichita-Sedgwick County Metropolitan Area Planning Department

November 30, 2023

Maluisa Carlos DeCasa  
703 North Clara Street  
Wichita, KS 67212

**RE: CON2023-00056** – Conditional Use request in the City for an Accessory Apartment; generally located on the northwest corner of West Central Avenue and North Clara Street (703 North Clara Street).

Dear Applicant;

At its regular meeting on **November 30, 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 Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 703 North Clara 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.
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. 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.

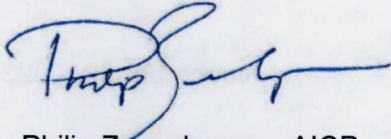
Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on December 14, 2023. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by December 14, 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 Wichita City Council on **Tuesday, January 2, 2024** beginning at 9:00 a.m.

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

Sincerely,



Philip Zevenbergen, AICP  
Current Plans  
Division Manager

Copies to: MABCD  
Maggie Ballard, Council Member District VI  
Ana Lopez, CSR District I

BE IT ORDAINED BY THE GOVERNING BODY  
OF THE CITY OF WICHITA, KANSAS.

RESOLUTION NO. 24-005

**WHEREAS**, Maluisa Carlos De Casas, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit an Accessory Apartment on property zoned SF-5 Single-Family Residential District located at 703 North Clara Street, legally described as:

Lot 30, Pettett Gardens Addition to Wichita, Sedgwick County, Kansas, EXCEPT that part described as: Beginning at the Southeast corner of Lot 30, thence West along the South line of said Lot 30, 15.00 feet; thence Northeast 21.21 feet more or less to a point on the East line of said Lot 30, said point being 15.00 feet North of the Southeast corner of said Lot 30; thence South to the point of beginning.

**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 November 30, 2023, consider said application; and

**WHEREAS**, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to permit an Accessory Apartment on property zoned SF-5 Single-Family Residential District located at 703 North Clara Street, legally described as:

Lot 30, Pettett Gardens Addition to Wichita, Sedgwick County, Kansas, EXCEPT that part described as: Beginning at the Southeast corner of Lot 30, thence West along the South line of said Lot 30, 15.00 feet; thence Northeast 21.21 feet more or less to a point on the East line of said Lot 30, said point being 15.00 feet North of the Southeast corner of said Lot 30; thence South to the point of beginning.

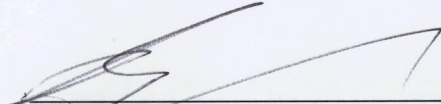
Approved subject to the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 703 North Clara 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.
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.

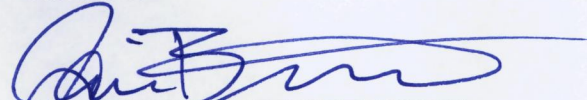
5. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 2nd day of January, 2024.

  
\_\_\_\_\_  
Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

  
\_\_\_\_\_  
Jamie Buster, City Clerk

(SEAL)



Approved as to form:   
\_\_\_\_\_  
Jennifer Magaña, City Attorney and Director of Law



The Beaufort Gazette  
 The Belleville News-Democrat  
 Bellingham Herald  
 Centre Daily Times  
 Sun Herald  
 Idaho Statesman  
 Bradenton Herald  
 The Charlotte Observer  
 The State  
 Ledger-Enquirer

Durham | The Herald-Sun  
 Fort Worth Star-Telegram  
 The Fresno Bee  
 The Island Packet  
 The Kansas City Star  
 Lexington Herald-Leader  
 The Telegraph - Macon  
 Merced Sun-Star  
 Miami Herald  
 El Nuevo Herald

The Modesto Bee  
 The Sun News - Myrtle Beach  
 Raleigh News & Observer  
 Rock Hill | The Herald  
 The Sacramento Bee  
 San Luis Obispo Tribune  
 Tacoma | The News Tribune  
 Tri-City Herald  
 The Wichita Eagle  
 The Olympian

## AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
32522	505907	Print Legal Ad-IPL01538960 - IPL0153896	RES#24-005	\$95.94	2	57L

Attention: LaTosha Alvarez  
 CITY OF WICHITA/CLERKS OFFICE  
 455 N MAIN ST FL 13  
 WICHITA, KS 67202

JMBuster@wichita.gov

**OCA 150004**  
**PUBLISHED IN THE WICHITA EAGLE ON January 5, 2024**  
**BE IT ORDAINED BY THE GOVERNING BODY**  
**OF THE CITY OF WICHITA, KANSAS.**  
**RESOLUTION NO. 24-005**

WHEREAS, Maluisa Carlos De Casas, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requests a Conditional Use to permit an Accessory Apartment on property zoned SF-5 Single-Family Residential District located at 703 North Clara Street, legally described as:

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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 November 30, 2023, consider said application; and

WHEREAS, the Wichita City Council 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 Wichita City Council that this application be approved to allow a Conditional Use to permit an Accessory Apartment on property zoned SF-5 Single-Family Residential District located at 703 North Clara Street, legally described as:

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Approved subject to the following conditions:  
 The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 703 North Clara Street) and the ownership shall not be divided or sold as a condominium.

Development of the site shall be in conformance with the approved site.  
 The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.

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.

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 Resolution shall take effect and be in force from and after its adoption by the Wichita City Council.

Adopted on 2nd day of January, 2024.

Brandon J. Whipple, Mayor, City of Wichita

ATTEST:

Jamie Buster, City Clerk

(SEAL) Approved as to form:

Jennifer Magana, City Attorney and Director of Law

IPL0153896

Jan 5 2024

In The STATE OF KANSAS  
 In and for the County of Sedgwick  
 1 insertion(s) published on:  
 01/05/24

STATE OF KANSAS)  
 SS  
 County of Sedgwick)

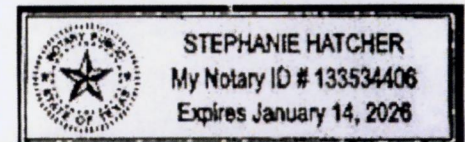
Stefani Beard, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has 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 01/05/2024 to 01/05/2024.

*Stefani Beard*

I certify (or declare) under penalty of perjury that the foregoing is true and correct.  
 DATED: 01/05/2024

*Stephanie Hatcher*

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: November 30, 2023  
DAB VI: December 11, 2023

- 
- CASE NUMBER:** CON2023-00056 (City)
- APPLICANT/OWNER:** Maluisa Carlos De Casas (Applicants)
- REQUEST:** Conditional Use request for an Accessory Apartment
- CURRENT ZONING:** SF-5 Single-Family Residential District
- SITE SIZE:** 0.614 acres
- LOCATION:** Generally located on the north side of West Central Avenue, within one-quarter mile east of I-235 Highway (703 North Clara Street).
- PROPOSED USE:** Bring existing Accessory Apartment into Compliance
- RECOMMENDATION:** Approve with conditions.



**BACKGROUND:** The applicant is requesting a Conditional Use to bring an existing Accessory Apartment into compliance on a property zoned SF-5 Single-Family Residential District. The property is located at 703 North Clara Street, which is generally located on the north side of West Central Avenue, within one-quarter mile east of I-235 Highway. The site is currently developed with a 1,236 square foot single-family home (built in 1949) and a detached, 928 square foot Accessory Apartment. According to the Sedgwick County Appraiser's Office, the additional dwelling was considered a "Guest Cottage" when it was constructed in 1950. The applicant was attempting to have a separate electric meter installed on the Accessory Apartment when the nonconforming dwelling was discovered.

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 and 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.
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.

The applicant is not proposing any changes to the existing Accessory Apartment other than providing separate franchise utility service, which is permitted by the Supplementary Use Regulations. The appearance of the Accessory Apartment is compatible with the main dwelling and the neighborhood. It is constructed with lap siding and a hip roof similar to that of the main dwelling. The Accessory Apartment meets all setback standards of the SF-5 District.

Property to the west is zoned TF-3 Two-Family Residential District and developed with a single-family dwelling and detached garage. Properties to the north, east, and south are zoned SF-5 Single-Family Residential District and developed with single-family dwellings and accessory structures. Properties to the southeast and southwest are zoned LC Limited Commercial District and developed with commercial uses.

**CASE HISTORY:** On September 21, 1948, the site was platted as Lot 30 of the Pettett Gardens Addition. There are no zoning cases associated with this property.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Single-family residence
SOUTH:	SF-5	Single-family residence
WEST:	TF-3	Single-family residence
EAST:	SF-5	Single-family residence

**PUBLIC SERVICES:** The subject site has access to North Clara Street, a paved, two-way local street with no sidewalks. The site abuts West Central Avenue, but there are no drive access points. Wichita Transit serves the subject site with regular bus service along West Central Avenue and bus stops located within one-quarter mile east and west of the site. This site already has access to all municipal services, such as sewer and water.

**CONFORMANCE TO PLANS/POLICIES:** The proposed use is in conformance with the following plans:

The Community Investments Plan: The Wichita-Sedgwick County Comprehensive Plan, the Community Investments Plan, identifies the site as a "Residential" on the Future Growth Map Concept Map as: "areas that

reflect the full diversity of residential development densities and types typically found in a large urban municipality.” Accessory Apartments are listed in acceptable forms of housing in the plan.

Wichita: Places for People Plan: The proposed Accessory Apartment also conforms with the *Wichita: Places for People Plan*. The property is located within Wichita’s Established Central Area in an “Area of Opportunity”, which the *Plan* defines as “areas in need of strategic reinvestment, both public and private, to assist in redefining and reinvigorating the area, physically and socially.” Accessory Apartments promote small-scale infill and could contribute to the improvement of the area.

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 Strategy 5 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. The requested Conditional Use also aligns with the *Places for People Plan*’s Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.” The Accessory Apartment is an existing accessory structure.

**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 703 North Clara 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.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
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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 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:

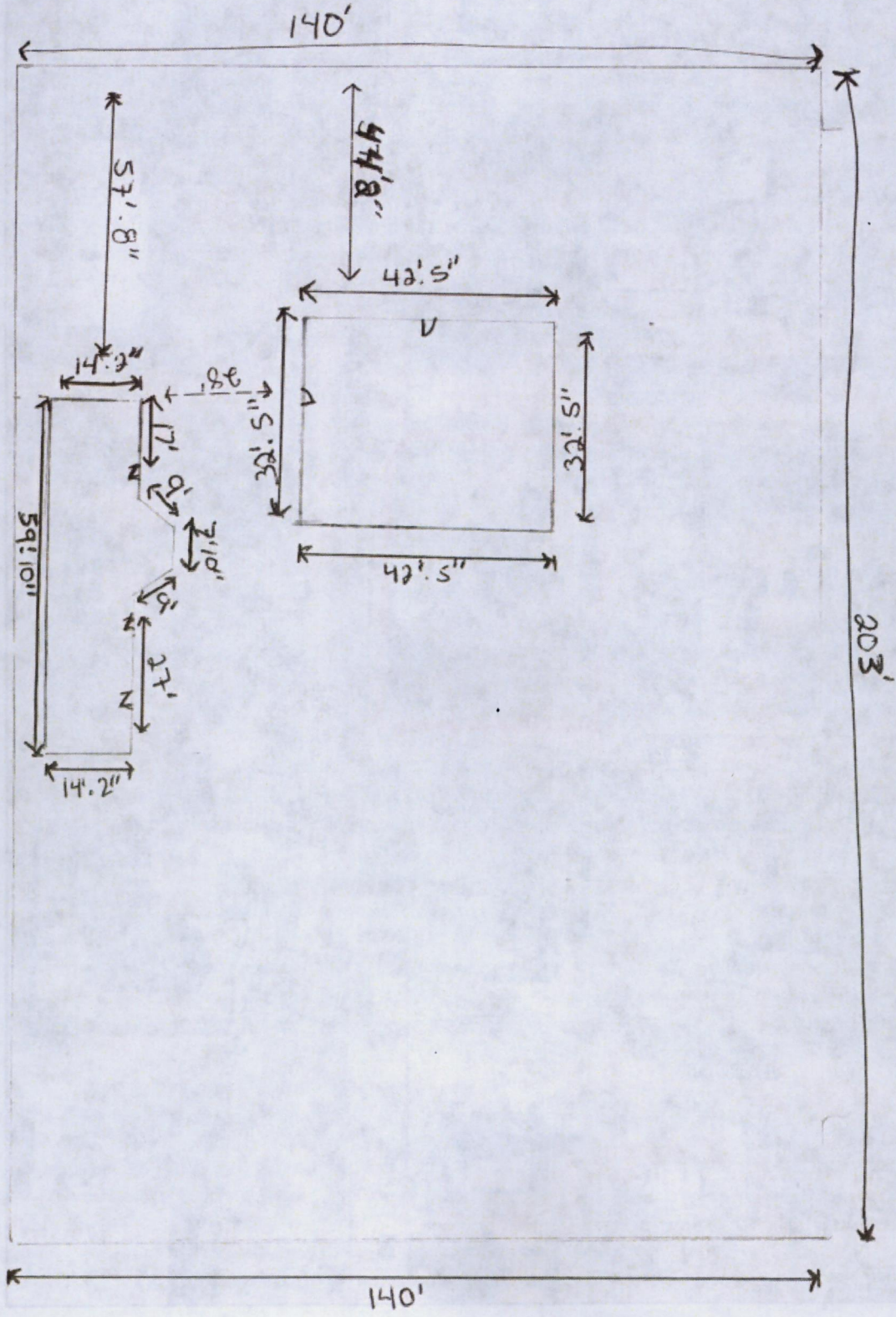
1. **The zoning, uses and character of the neighborhood:** Property to the west is zoned TF-3 Two-Family Residential District and developed with a single-family dwelling and detached garage. Properties to the north, east, and south are zoned SF-5 Single-Family Residential District and developed with single-family dwellings and accessory structures. Properties to the southeast and southwest are zoned LC Limited Commercial District and developed with commercial uses.
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 for the development of single-family residences. The property will continue to be used as a single-family residence, the size of the property easily accommodates the Accessory Apartment and the additional required parking spaces. The Accessory Apartment has been constructed since 1950.

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. **Length of time subject property has remained vacant as zoned:** The subject main dwelling was constructed in 1949 and the Accessory Apartment was constructed in 1950.
5. **Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant:** Staff does not anticipate the requested Conditional Use to have any detrimental effects on the public health, safety, and welfare of the surrounding community. There is ample space on site to accommodate the anticipated traffic and parking. Denial could result in a loss of use and enjoyment of the applicant's property.
6. **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.
7. **Impact of the proposed development on community facilities:** Community facilities will be minimally impacted by the Accessory Apartment. The property is served by municipal water and sewer.
8. **Opposition or support of neighborhood residents:** At the time the staff report was prepared, staff has not received any comments from the public.

Attachments:

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

CLARA ST



10/26/0

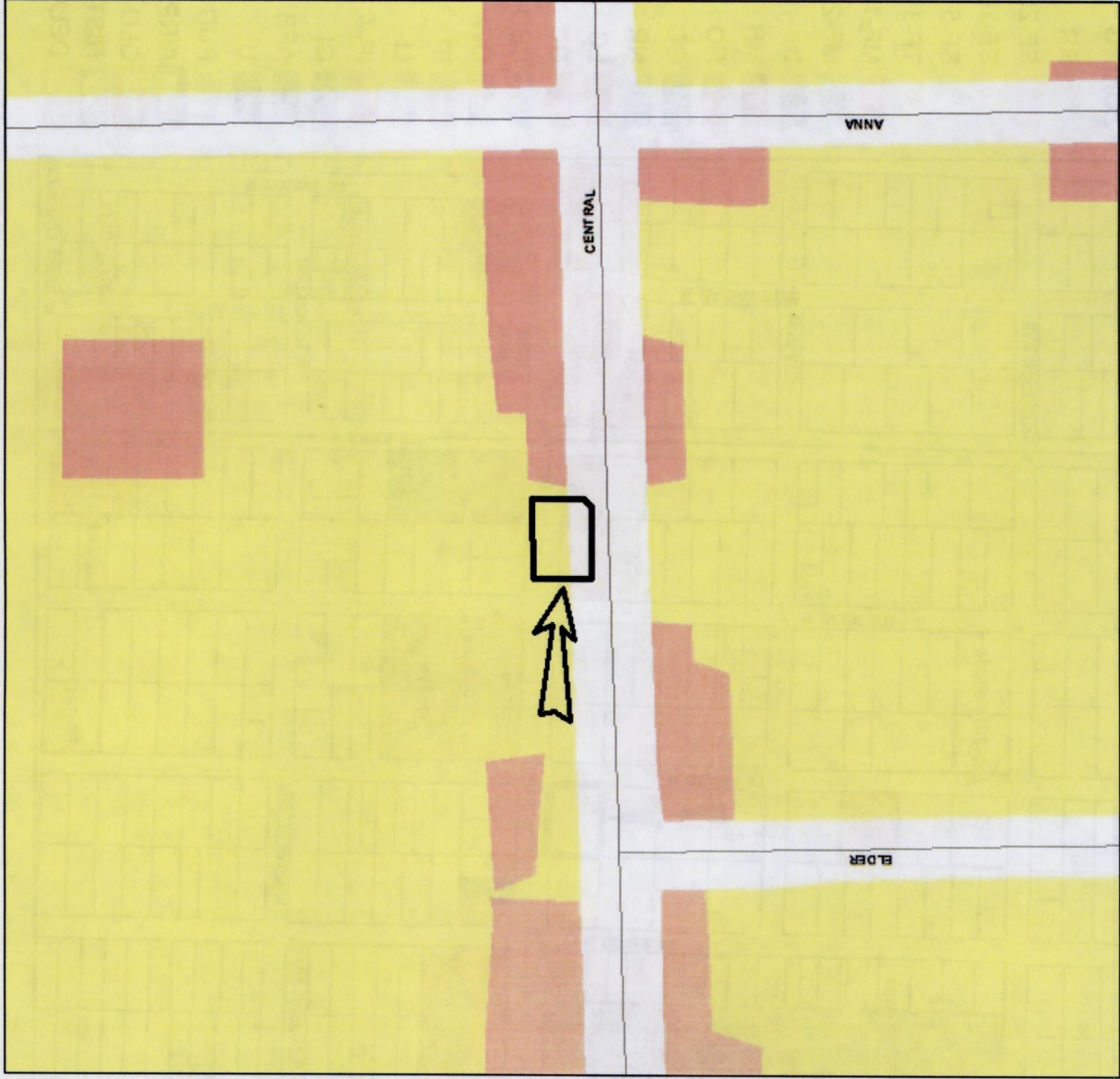
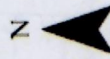
Metropolitan Area Planning Commission  
CON2023-00056





# 2035 Wichita Future Growth Concept Map

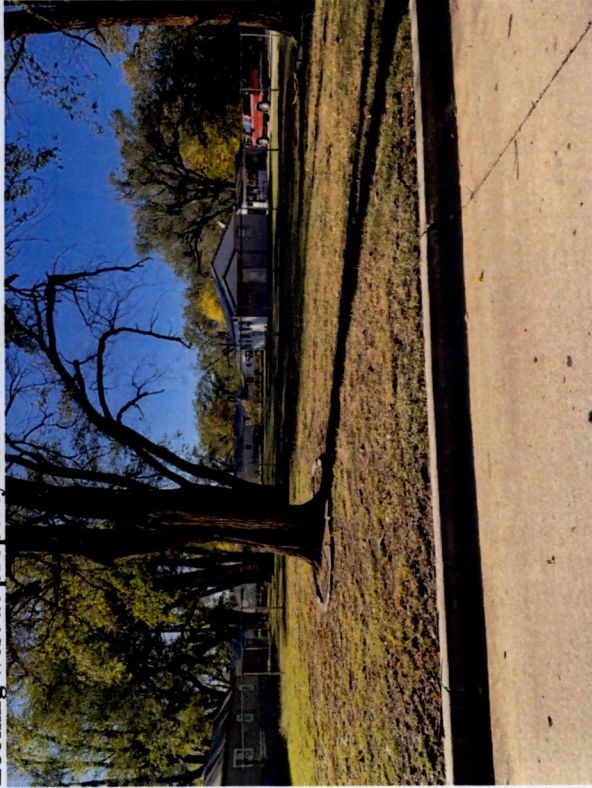
- Legend**
- Established Central Area
  - Residential and Employment Mix
  - New Employment
  - New Residential
  - Wichita City Limits
  - Other Cities
  - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Small City Urban Growth Areas
  - Small City Urban Growth Areas
  - Rural Areas
- LAND USE**
- Residential
  - Commercial
  - Industrial
  - Major Air Transportation & Military
  - Parks and Open Space
  - Agricultural or Vacant
  - Major Institutional
  - Neighborhood/Area Plans



Looking west at site—Main Dwelling



Looking west at property north of site



Looking west at site—Accessory Apartment



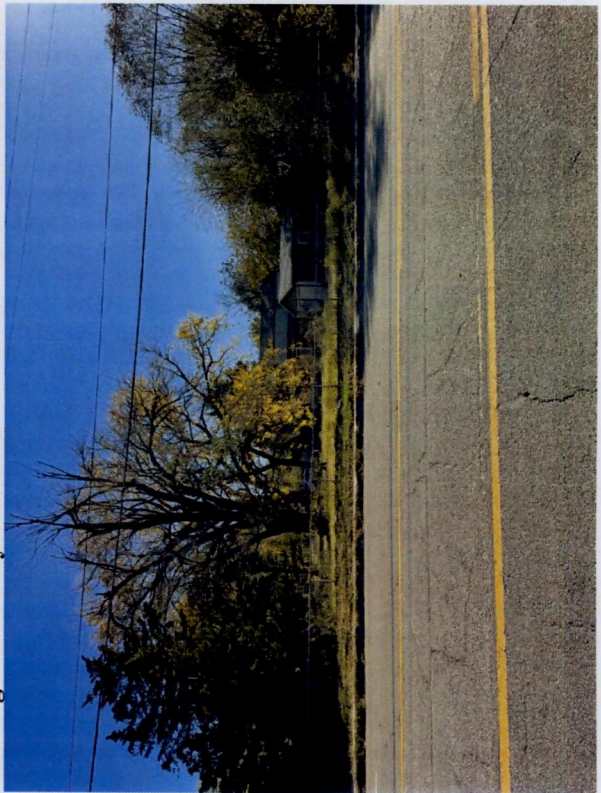
Looking east away from site



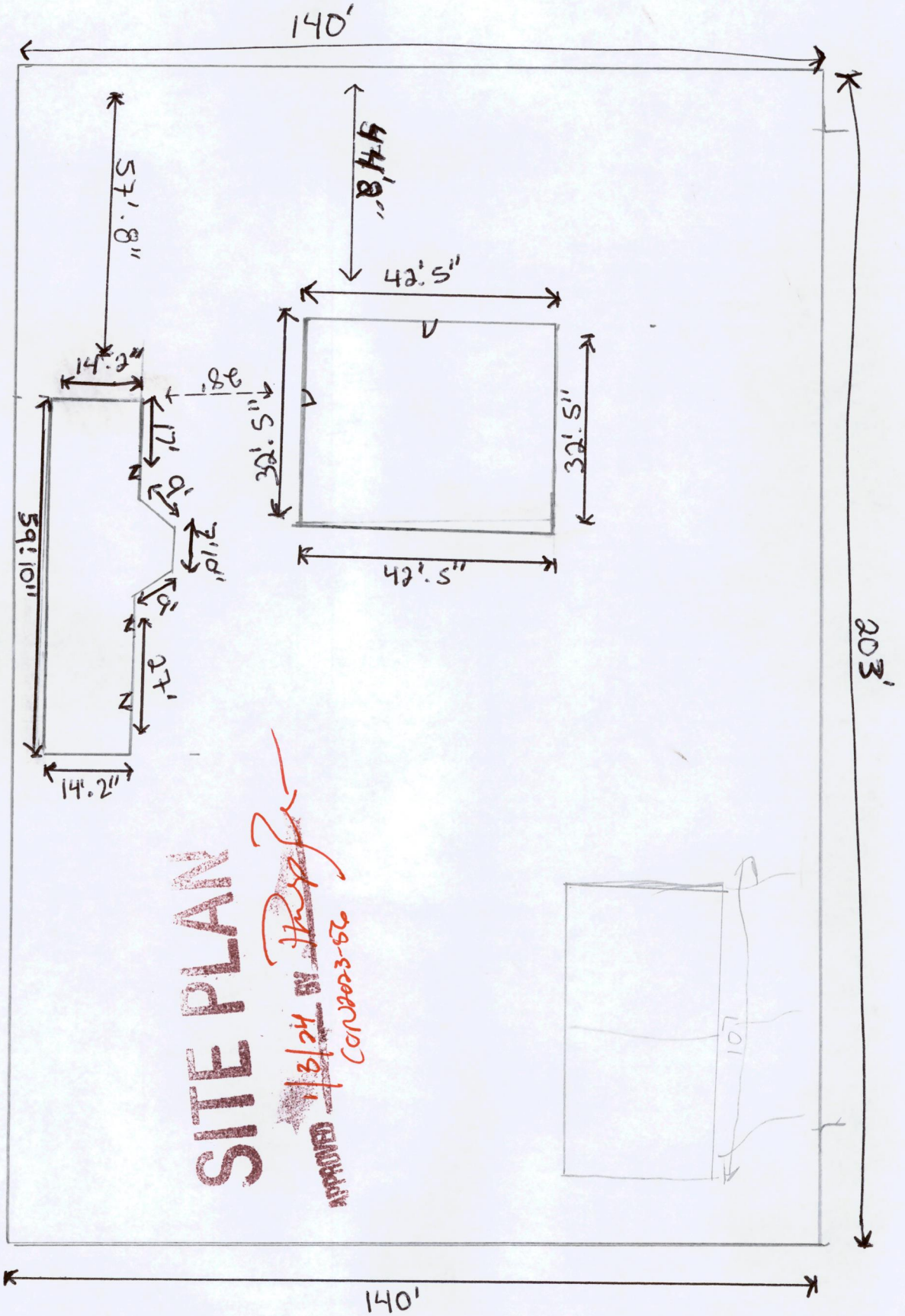
**Looking southeast away from site**



**Looking south away from site**



CLARA ST



**SITE PLAN**

APPROVED  
 1/3/24 BY *[Signature]*  
 CON 2023-56

