



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

May 22, 2025

Gregory T. Whitman
16582 Robert Lane
Huntington Beach, CA 92647

RE: CON2025-00067 –A Conditional Use request to allow an Accessory Apartment in the City on property zoned SF-5 Single-Family Residential District, generally located on the west side of North Indiana Avenue and within one-block north of East 8th Street North (933 N. Indiana Ave.).

Dear Applicant,

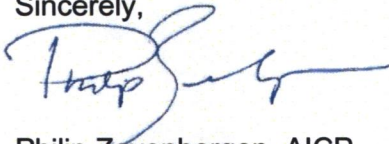
At its regular meeting on **May 22, 2025**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** the above captioned request, subject to the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 933 N. Indiana Ave.), 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 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.

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 June 5, 2025. 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 **June 5, 2025, at 5:00 p.m.**

If protested, this application is scheduled to be presented to the Wichita City Council on **Tuesday, July 1, 2025**, beginning at 9:00 a.m. If it is not protested, than the MAPC decision is final.

Sincerely,

A handwritten signature in blue ink, appearing to read "Philip Zevenbergen", with a stylized flourish extending to the right.

Philip Zevenbergen, AICP
Current Plans
Division Manager

CC: Brandon Johnson, Council Member District I
Cameron Jackson, CSR, District I
MABCD

CONDITIONAL USE RESOLUTION NO. CON2025-00067

WHEREAS, Gregory T. Whitman, 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 for Accessory Apartment in SF-5 Single-Family Residential District zoning located at 933 North Indiana Avenue, legally described as:

Lots 25-27-29, Moore's 2nd 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 May 22, 2025, 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 Accessory Apartment in SF-5 Single-Family Residential District zoning located at 933 North Indiana Avenue, legally described as:

Lots 25-27-29, Moore's 2nd Addition to Wichita, Sedgwick County, Kansas.

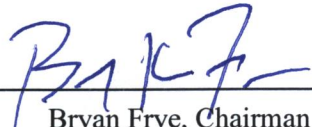
Approved subject to the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 933 N. Indiana Ave.), 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 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 6th Day of June, 2025.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:


Bryan Frye, Chairman

Scott Wadle, Secretary

Scale 1:100



SITE PLAN

APPROVED

6/10/25

CA-25-67



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	Cols	Depth
16399	657553	Print Legal Ad-IPL02300090 - IPL0230009	MAPC/BZA May 22, 2025	2	52 L

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

MHEBERT@wichita.gov

**MAPC/BZA May 22, 2025
OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on **Thursday, May 22, 2025, no 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 in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. 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. **Full notice can be found at www.wichita.gov/LegalNotices.**

CON2025-00067: Conditional Use request in the City to allow an Accessory Apartment on property zoned SF-5 Single-Family Residential District, generally located on the west side of North Indiana Avenue, within 300 feet north of East 8th Street North (933 North Indiana Avenue).

PUD2025-00006: Zone Change Request in the City from GO General Office District to PUD #142 Planned Unit Development for Warehouse, Self-Service Storage; located south of East Central Avenue and within one-quarter mile west of North 127th Street East (12421 East Central Avenue).

PUD2025-00007: Zone Change request in the City from B Multi-Family Residential to PUD Planned Unit Development for indoor/outdoor recreation, located on the north side of West 45th Street South and within one-third mile east of South Meridian Avenue (2104 West 45th Street South).

PUD2025-00008: Zone Change request in the City from SF-5 Single-Family Residential to PUD Planned Unit Development for custom single-family residential development standards, located on the north side of East Lincoln Street and within one-quarter mile east of South Greenwich Road (multiple lots, Bristol Circle).

VAC2025-00016: Vacation request in the City to vacate a platted 30-foot street side setback to let the 15-foot zoning setback apply for new construction on property zoned SF-5 Single-Family Residential; generally located one-block west of S Hillside Ave. and two-blocks south of East Pawnee Ave (3019 E. Glen Oaks).

ZON2025-00019: Zone Change request in the City from SF-5 Single-Family Residential to NR Neighborhood Retail, generally located on the south side of East Central Avenue and within 500 feet east of North Edgemoor Drive (5725 East Central Avenue).

ZON2025-00021: Zone Change request in the City from LI Limited Industrial District to GC General Commercial, generally located on the east side of South Water Street and within 225 feet south of East 47th Street South (185 E. 47th Street South).
IPL0230009
Apr 30 2025

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

1 insertion(s) published on:

04/30/25

STATE OF KANSAS)

SS

County of Sedgwick)

Mary Castro, of lawful age, being first duly sworn, deposeth 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 04/30/2025 to 04/30/2025.

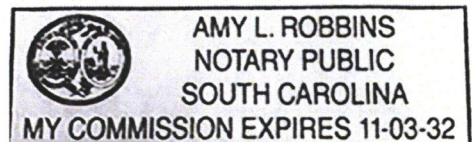
Mary Castro

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

DATED: 04/30/2025

Amy Robbins

Notary Public in and for the state of South Carolina,
residing in Beaufort County



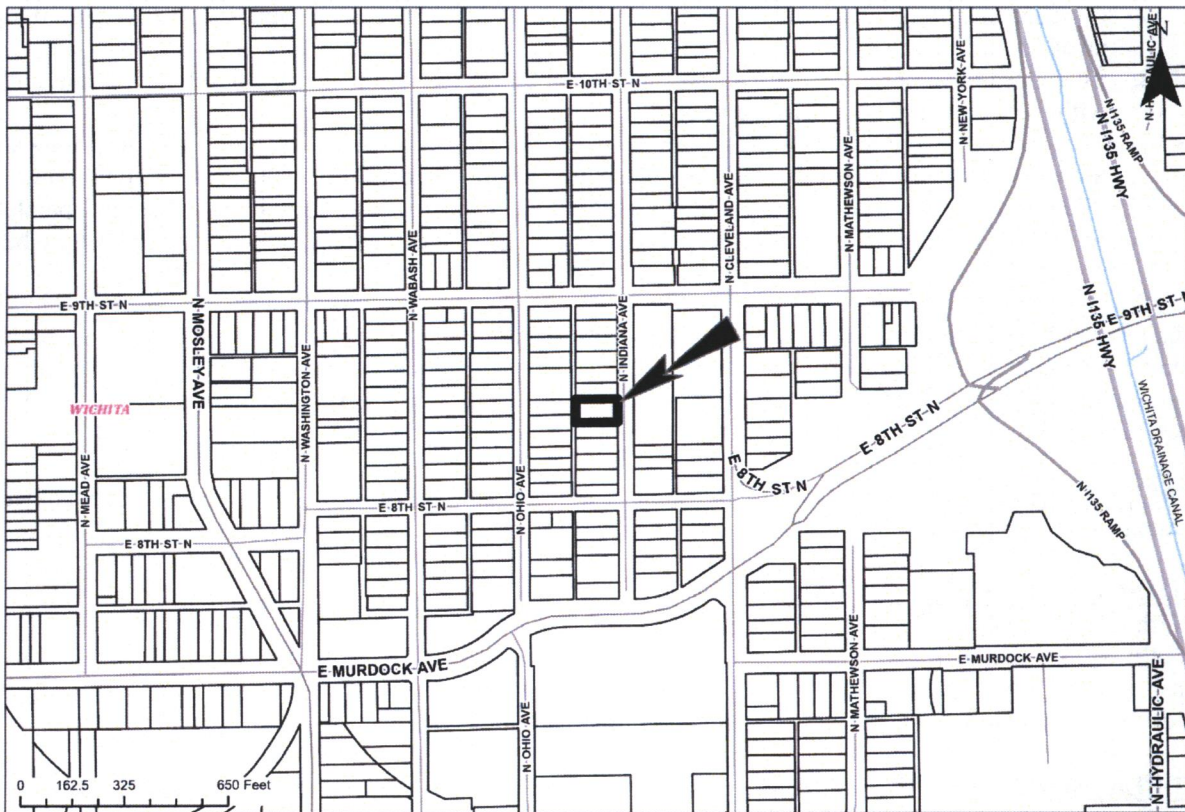
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

STAFF REPORT

MAPC: May 22, 2025

DAB I: June 9, 2025

<u>CASE NUMBER:</u>	CON2025-00067 (City)
<u>APPLICANT/AGENT:</u>	Gregory Whitman (Applicant) / Sally Monroe, Filiberto Pinon III (Agents)
<u>REQUEST:</u>	Conditional Use to allow an Accessory Apartment
<u>CURRENT ZONING:</u>	SF-5 Single-Family Residential District
<u>SITE SIZE:</u>	0.226 acres
<u>LOCATION:</u>	Generally located one-block west of North Cleveland Avenue and within two-blocks north of East Mudrock Avenue (933 N. Indiana Ave.)
<u>PROPOSED USE:</u>	Accessory Apartment
<u>RECOMMENDATION:</u>	Approve with conditions



BACKGROUND: The applicant is requesting a Conditional Use to allow an Accessory Apartment on a property zoned SF-5 Single-Family Residential District (SF-5). The 0.226-acre property is generally located one-block west of North Cleveland Avenue and within two-blocks north of East Mudrock Avenue (933 N. Indiana Ave.). The subject site is currently developed with a single-family residential dwelling, and a detached garage. The applicant is requesting the Conditional Use to convert the detached garage into the Accessory Apartment.

A dwelling unit is defined by the Unified Zoning Code as “a building or portion of a building that contains living facilities for not more than one family and that includes provisions for sleeping, cooking, eating, and sanitation.” Section IV.A.4 of the UZC requires one parking space per Accessory Apartment and one space for a single-family residence. The detached garage/proposed Accessory Apartment would be in the rear of the property. There is ample space in the driveway and in front of the detached garage/proposed Accessory Apartment for the required two parking spaces. This will meet the requirements of the UZC.

The subject detached garage was constructed in 1940 either on, or very near, the rear property line abutting the alley, which may mean it is non-conforming. If built today, an accessory structure like a detached garage would have to be built at least 10 feet from the centerline of a platted alley. The alley is 15.75 feet wide, which means a new accessory structure would have to be built with a minimum setback of 2.13 feet from the rear property line. According to the site plan, it does not appear that there are going to be any additions or structural changes to the detached garage. The UZC permits remodeling of an existing non-conforming structure without a Variance, provided that if it is damaged or destroyed up to 50 percent of the fair market value, it would not be able to be rebuilt without some type of action to address the non-conformity. No action is needed at this point.

Accessory Apartments are subject to Section III-D.6.a of the Unified Zoning Code (UZC), which states:

1. A maximum of one Accessory Apartment may be allowed on the same lot as a single-family dwelling unit and may be within the main building, within an accessory building or constructed as an accessory building.
2. The appearance of an Accessory Apartment shall be compatible with the main dwelling 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 Structure shall not be provided as separate service from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.

The character of the neighborhood is mostly low-density residential. Properties to the north, south, east, and west are zoned SF-5. Property to the north is undeveloped. Property to the south is developed with a single-family dwelling. Property to the east is developed as the Dunbar Learning Center. Properties to the west are developed with a single-family dwelling and undeveloped, respectively.

CASE HISTORY: On November 4, 1910, the site was platted as part of B. D. Allen’s Addition. No other zoning cases are recorded on this site.

ADJACENT ZONING AND LAND USE:

North:	SF-5	Undeveloped
South:	TF-3	Single-family dwelling
East:	TF-3	Learning Center
West:	SF-5	Single-family dwelling and undeveloped

PUBLIC SERVICES: The subject site has access to North Indiana Avenue, which is a paved, two-way local street with sidewalks on both sides. All municipal services and utilities, such as water and sewer,

already serve this site. Wichita Transit provides regular bus service within two-blocks east, with bus stops along North Cleveland Avenue.

CONFORMANCE TO PLANS/POLICIES: The proposed use is in conformance with the *Community Investments Plan*. The *Community Investments Plan's* 2035 Wichita Future Growth Concept Map identifies the site as "Residential", which the Plan defines as "*areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units, condominiums, mobile home parks, and special residential accommodations for the elderly (assisted living, congregate care and nursing homes).*" An Accessory Apartment is appropriate for this property.

The requested zoning aligns 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 zoning aligns with Strategy 5, "Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA." The small-scale development would provide housing options that otherwise might not be immediately available in the area.

Central Northeast Area Plan Update: The requested Conditional Use is in conformance with the Central Northeast Area Plan Update. This plan identifies housing as a "Top Issue." Two goals under this issue state: "Rehabilitating and repairing existing housing stock" and "Revitalization of the area should focus on rehabilitation, not demolition of existing homes." The applicant intends to convert the existing detached garage into an Accessory Apartment, which is an example of adding housing to the area without demolishing the existing housing stock.

RECOMMENDATION: Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **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 933 N. Indiana Ave.), 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 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.

This recommendation is based on the following findings:

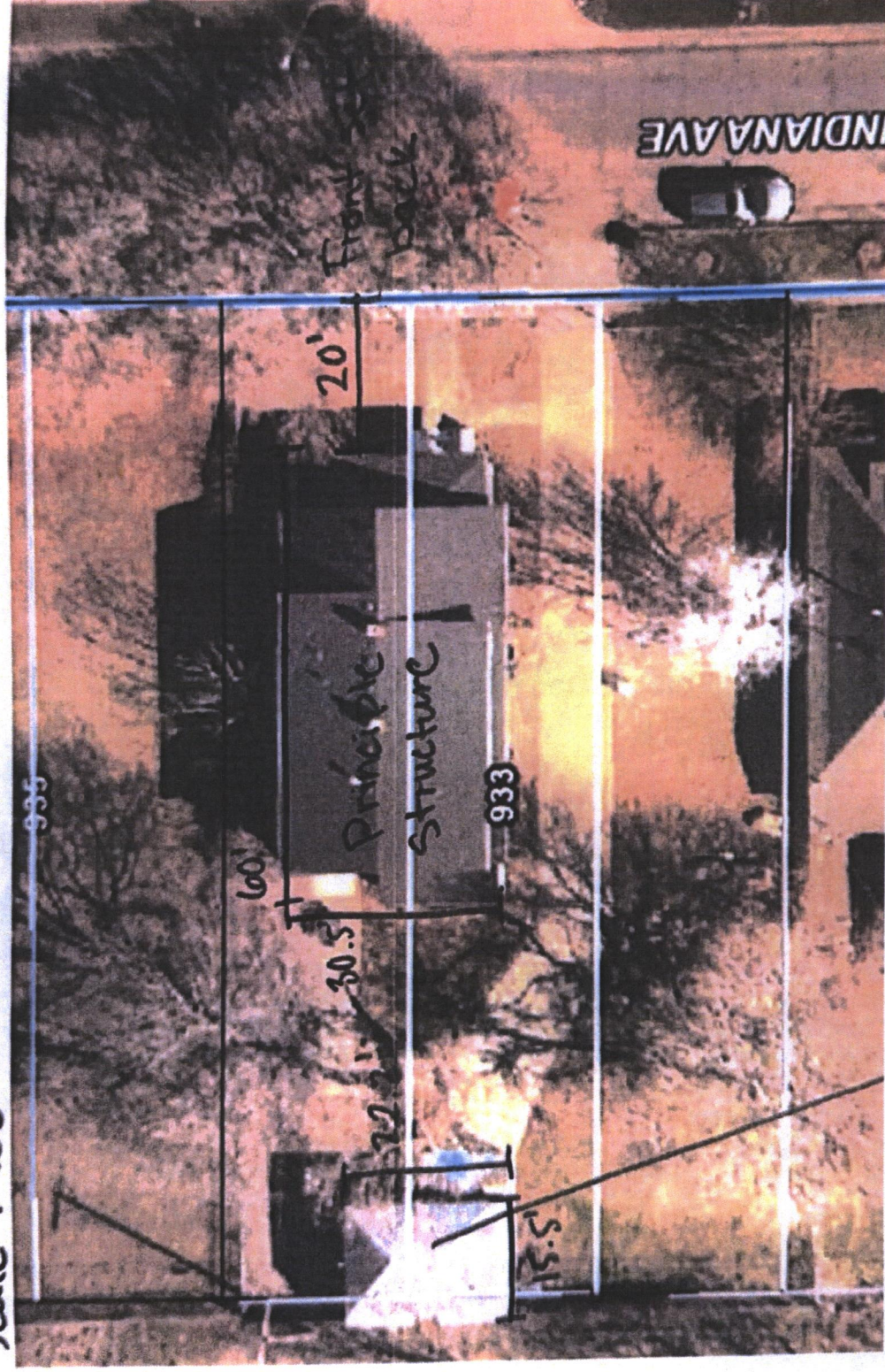
1. The zoning, uses and character of the neighborhood: The character of the neighborhood is mostly low-density residential. Properties to the north, south, east, and west are zoned SF-5. Property to the north is undeveloped. Property to the south is developed with a single-family dwelling. Property to the east is developed as the Dunbar Learning Center. Properties to the west are developed with a single-family dwelling and undeveloped, respectively.
2. The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned SF-5 Single-Family Residential, which permits an Accessory Apartment by Conditional Use approval under Section III-D.6.a of the Unified Zoning Code.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate that approval of the request will generate significant amounts of additional traffic. The conditions of approval should minimize any possible significant negative impacts.
4. Length of time subject property has remained vacant as zoned: The subject property is not vacant. The property has been developed with a single-family residential dwelling since 1913 and the detached garage was constructed in 1940.
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 a significant detrimental 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 proposed use is in conformance with the *Community Investments Plan*, the *Wichita: Places for People Plan*, and the *Central Northeast Area Plan Update* as discussed in the report.
7. Impact of the proposed development on community facilities: Staff expect that there will be minimal significant impact on public roads, water, and sewer service.
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff has not received any public comment regarding the request.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Wichita Future Growth Map
5. Site Photos

Site Plan

Scale 1:100



Aerial Map



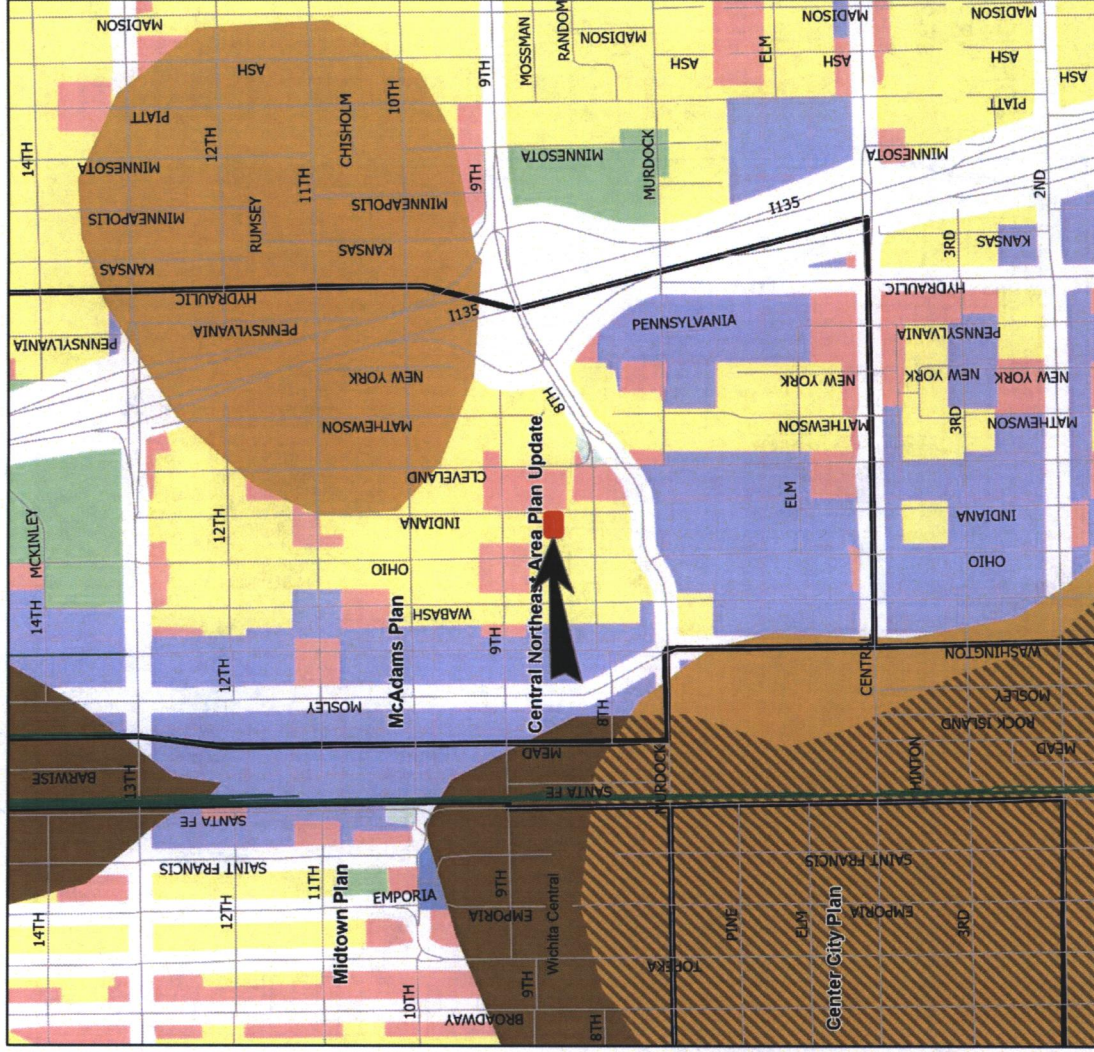
Zoning Map



Wichita Future Growth Map



Map prepared by the Metropolitan Area Planning Commission, 1001 North Main Street, Suite 200, Wichita, KS 67202. Map is for informational purposes only and does not constitute a contract or warranty of any kind. The map is subject to change without notice. The map is not to be used for any purpose other than that for which it was prepared.



Looking west towards site



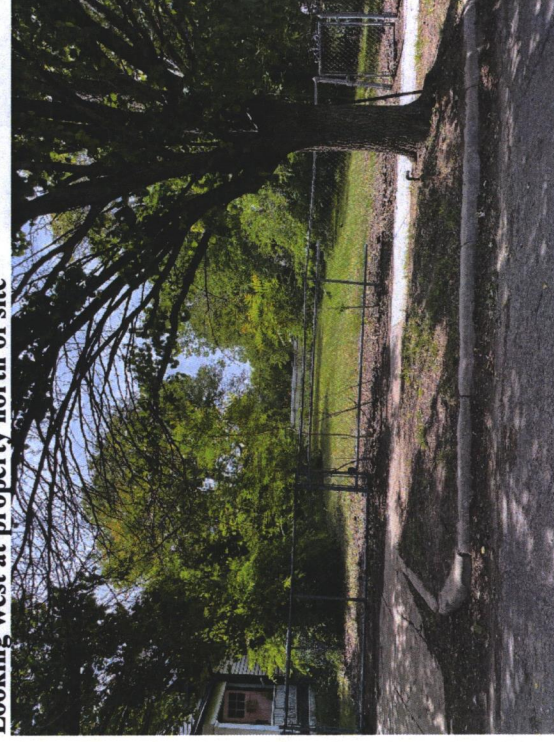
Looking west at property south of site



Looking east away from site



Looking west at property north of site



Looking north at accessory structure from alley



Looking northwest at property behind site

