



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

December 2, 1996

John and Billie Lilly
2840 S. 375th Street West
Cheney, KS 67025

RE: CU-415 - Conditional Use to allow a temporary, accessory mobile home on 20 acres zoned "RR" Rural Residential

Dear Mr. and Mrs. Lilly:

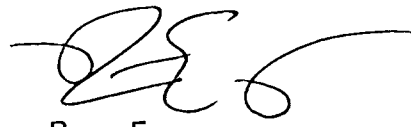
At its regular meeting on November 14, 1996, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request, subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning . Specifically the requirements of Section III-D 6 L (3) of the zoning code shall be met.
2. The accessory home shall remain on the site as an accessory dwelling for Beatrice and/or Herbert W. Belk only as long as the applicant resides on the site. The applicant shall report to the County Code Enforcement Office on a yearly basis, every November, the status of the occupancy of this mobile home.
3. The manufactured/mobile home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the conditional use or neither of the applicant's parents reside on the site.
4. This conditional use may be declared null and void upon a finding by the Board of County Commissioners that the applicants have failed to comply with any of the foregoing conditions.

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This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to be 'RE' followed by a long horizontal stroke.

Russ Ewy
Associate Planner

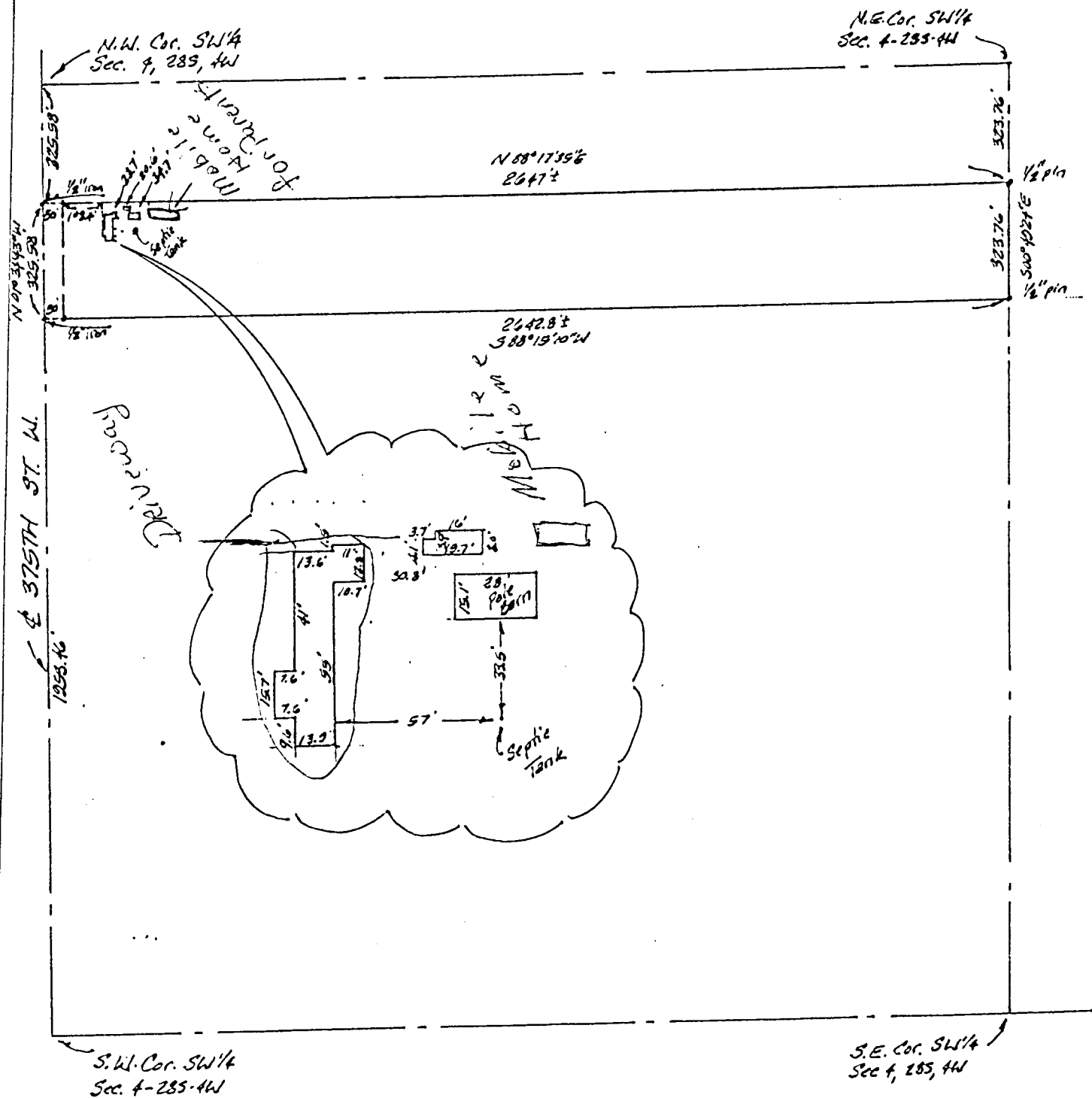
cc: Carol Bloodworth; City of Cheney; 100 West First Street; P.O. Box 1; Cheney, KS 67025
Kathy Sexton, Sedgwick County Code Enforcement

N. BRENT WOOTEN, P.E.



SURVEYING & ENGINEERING

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STAFF REPORT

Cheney PC October 21, 1996
MAPC November 14, 1996

CASE NUMBER: CU-415

APPLICANT/AGENT: Billie and John Lilly, Sr.(Applicant)

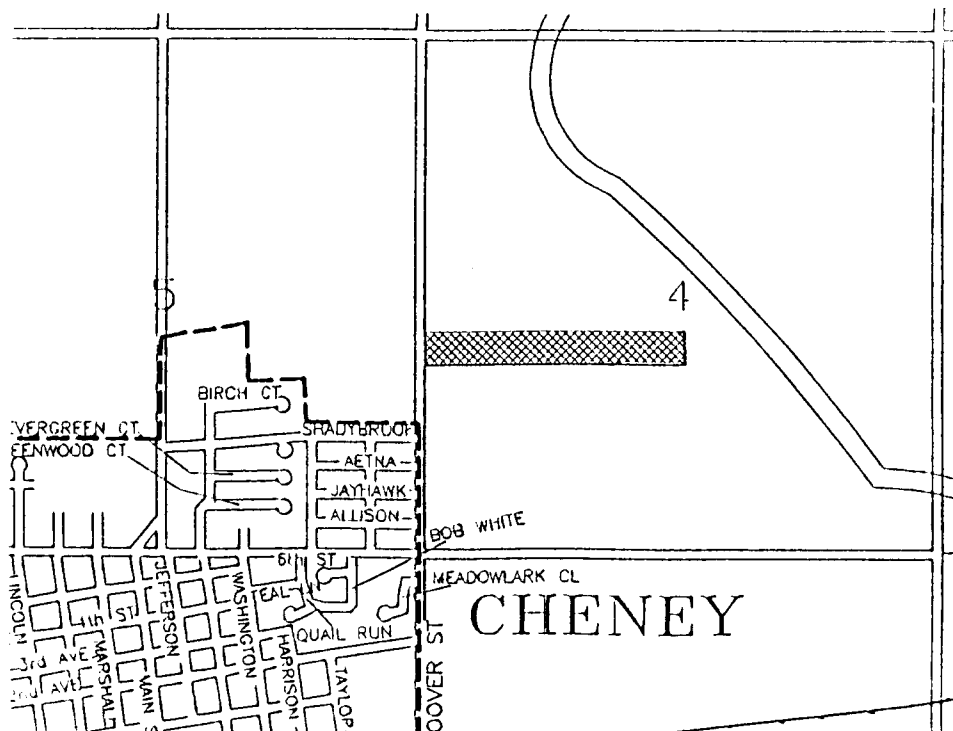
REQUEST: Accessory Apartment

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 20 acres

LOCATION: One-half mile south of 23rd Street South, east of 375th
Street West (2840 S. 375th St. W.)

PROPOSED USE: Temporary home for elderly parents



BACKGROUND: The applicant requests a conditional use to permit an accessory manufactured/mobile home on 20 acres zoned "RR", Rural Residential. The applicant's parents are elderly, and have medical conditions which require attention beyond what they can provide for themselves (letters from doctors attached). The site has an existing home as the primary residence with an accessory mobile home setting further back on the property. The existing accessory mobile home is a pre- 1973 model that does not meet code requirements. The applicant has purchased a 1978, 14 x 70 foot, home that does meet code that will replace the existing nonconforming mobile home on the site today. There is a pole barn and another outbuilding on the property. The applicant's site plan indicates they plan to set the accessory apartment approximately 200 feet east of the road, behind the primary structure.

375th Street West is a sand and gravel road. There are two other mobile homes located north of the application area. The closest is approximately 1,700 feet away, the furthest is approximately 2,000 feet away. The Silver Spur Mobile Home Estates with approximately 40 mobile homes is located 1,000 feet south of the application area. There is also one site built home a little over 2,000 feet north of the application area.

The zoning code (Section III-D 6 L (3)) permits mobile homes as accessory structures provided: (a) the unplatted lot on which the mobile home is to be placed is 20 acres in size; (b) the lot has not been created since February 7, 1990; (c) the mobile home has been manufactured after September 1, 1973; (d) skirting or permanent perimeter foundation, handrails and sound construction of stairs, porches and handrails shall be provided; (e) setback of the district in which the home is located are observed; (f) lot area approved by the Health Department for on-site sewer and water service; (g) applicant demonstrate a hardship; and (h) establish a reasonable time limit.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: RR, Rural Residential; agricultural use
SOUTH: RR, Rural Residential; agricultural use
EAST: RR, Rural Residential; agricultural use
WEST: RR, Rural Residential; agricultural use

PUBLIC SERVICES: Municipal sewer and water service are not adjacent to this site. These public services are available to the Silver Spur Mobile Home Estates, about 1/4 mile south of the applicant's property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as "agricultural." This category has the intent of protecting agricultural resources and is meant to accommodate agricultural operations on substantial acreage. The plan recommends lot sizes of 20 acres or more.

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

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning . Specifically the requirements of Section III-D 6 L (3) of the zoning code shall be met.
2. The accessory home shall remain on the site as an accessory dwelling for Beatrice and/or Herbert W. Belk only as long as the applicant resides on the site. The applicant shall report to the County Code Enforcement Office on a yearly basis, every November, the status of the occupancy of this mobile home.
3. The manufactured/mobile home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the conditional use or neither of the applicant's parents reside on the site.
4. This conditional use may be declared null and void upon a finding by the Board of County Commissioners that the applicants have failed to comply with any of the foregoing conditions.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and all property adjoining it are zoned Rural Residential. It is primarily a rural area located about a 1/4 mile away from an urban density mobile home park. There are at least two other mobile homes located within one-half mile of the application area in addition to those located in the park.
2. The suitability of the subject property for the uses to which it has been restricted: The code permits a temporary, accessory manufactured/mobile home provided the applicant and the site meet the specified criteria. The applicant and the site appear to be able to meet those criteria.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the rural nature of the application area, the existence of several other mobile/manufactured homes in the area and the temporary nature of the use, there should not be any detrimental effects on nearby by property.

6. Conformance of the requested change to adopted or recognized Plans/Policies:
The plan does not speak specifically to accessory homes in the rural areas of the county. The zoning code anticipated these uses and made specific provision for the process. This site appears to comply with the provisions outlined in the code. Approval of this request will not harm any Comprehensive Plan policies or guidelines.
7. Impact of the proposed development on community facilities: None identified.