

E. Any violation of the conditions approved as part of this request shall render the conditional use null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such zone change shall be entered in the official zoning atlas on file in the Office of the County Zoning Administrator and in the Office of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall take effect and be in force from and after its adoption and publication in the official county paper.

Commissioners present and voting were:

BETSY GWIN	<u>Aye</u>
PAUL W. HANCOCK	<u>Aye</u>
THOMAS G. WINTERS	<u>Aye</u>
MELODY C. MILLER	<u>Aye</u>
MARK F. SCHROEDER	<u>Absent</u>

DATED this 8th day of April, 1998.

BOARD OF COUNTY COMMISSIONERS OF
SEDGWICK COUNTY, KANSAS



James Alford
JAMES ALFORD
County Clerk

Mark F. Schroeder
MARK F. SCHROEDER, Chairman

APPROVED AS TO FORM ONLY:

Michael J. DiSilvestro
County Counselor, Assistant
Michael J. DiSilvestro

RESOLUTION NO. 45-1998

FILE COPY

A RESOLUTION CHANGING THE ZONING CLASSIFICATION FOR CERTAIN LANDS LOCATED WITHIN THE UNINCORPORATED AREA OF SEDGWICK COUNTY, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C AS ADOPTED BY RESOLUTION NO. 57-1997.

BE IT RESOLVED BY THE GOVERNING BODY OF SEDGWICK COUNTY, KANSAS.

SECTION I. That after receiving a recommendation from the Wichita-Sedgwick County Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under authority granted by Section V-C of the Wichita Sedgwick County unified Zoning Code, the zoning classification or district of the lands legally described hereby are changed as follows:

Case No. CU-468

A Conditional Use to allow a temporary manufactured home on property described as:

The northeast quarter of the northeast quarter of the southeast quarter, except the east 50 feet for right-of-way of Section 21, Township 25 South, Range 1 east of the 6th P.M., Sedgwick County, Kansas. Generally located ½ mile north of 93rd Street north on Hydraulic (9737 N. Hydraulic).

SUBJECT TO THE FOLLOWING CONDITIONS:

- A. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. Specifically the requirements of Section III-D.6.I (2) of the zoning code shall be met. The applicant shall receive approval from the Health Department for use of the on-site lagoon by the accessory dwelling unit, prior to moving the unit on the site.
- B. The accessory unit to be moved onto the site may remain on-site for a two year period, effective March 12, 1998.
- C. The manufactured/mobile home existing on the site shall be removed from the property within 90 days after any change in the circumstances used as a basis for the conditional use, or if neither Donald or Myrtle Feil reside on-site.
- D. The temporary manufactured home shall be placed no closer to the Hydraulic right-of-way line than 62 feet.

648.88

Shed

53'
Existing House
27'

Fenced Sewage Lagoon

80'
Existing Storage Building
40'

24'
Proposed House
60'

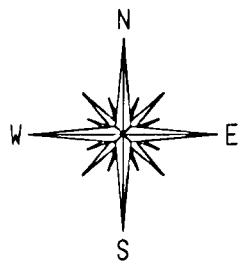
177'

50' Road Right-of-Way

Center Line of Re-aligned
100' Floodway Reserve

The Northeast Quarter of the Northeast Quarter of the Southeast Quarter of Section 21, Township 25 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas.

Pond



SCALE: 1" = 100'

662.73

662.01

HYDRAULIC AVENUE

648.90



AGENDA ITEM NO. 6

STAFF REPORT

MAPC March 12, 1998

CASE NUMBER: CU-468

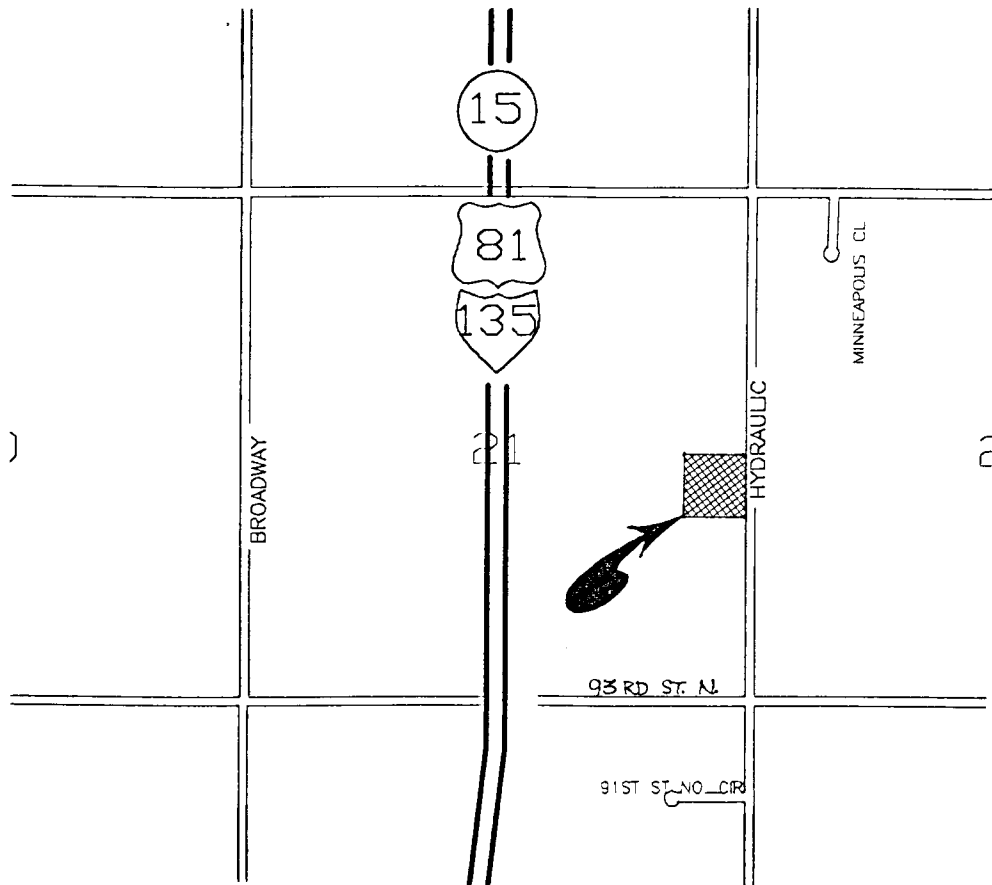
APPLICANT/AGENT: Jerry Feil (Owner)

REQUEST: Conditional Use to allow a temporary manufactured home.

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 9.9 acres

LOCATION: ½ mile of 93rd St. North and west of Hydraulic



BACKGROUND: The applicant is requesting a Conditional Use to allow a temporary manufactured home on a 9.9 acre unplatted tract zoned "RR" Rural Residential. The applicant is requesting this Conditional Use to allow his elderly parents to move on-site. Attached is a letter from the applicant explaining the need for this temporary manufactured home. A physician's letter is expected to be available for the MAPC hearing.

The applicant has stated it is his intention to live in the temporary manufactured home and allow his parents to live in the existing manufactured home. The existing manufactured home was placed on-site in 1988, according to permit data. The applicant has also explained that he plans to build a site built home in the approximate location of the proposed temporary manufactured home. The construction of this home will not begin for at least two years, at which time the temporary manufactured home will be removed.

The applicant's site plan shows the temporary manufactured home to be located 62 feet west of the road right-of-way line. This will place it approximately 460 feet from the west and south property lines. Hedgerows currently buffer the north and east properties from this site. The area is characterized with site built homes with the closest home being approximately 250 feet north of the proposed temporary manufactured home.

Section III-D.6.I(3) of the Unified Zoning Code permits a temporary accessory manufactured/mobile home in the County subject to the following conditions: (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/mobile home need not comply with the area requirements of the zoning district, provided that the unit is connected to a public water supply and municipal type sewer system. If the property is not served by a public water supply and municipal type sewer system, the minimum lot size shall be determined by the County Health Department; (c) the unit shall comply with all of the standards of Section III-D.6.I(2) which requires that the unit be placed on a permanent foundation and have handrails and stairs installed which are structurally sound. The unit must also have been manufactured after September 1, 1973; (d) the applicant shall show due cause that hardship exists and that the hardship cannot be reasonable alleviated without the granting of the Conditional Use; and (e) the Planning Commission shall determine a reasonable time limit for each individual case. 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.

CASE HISTORY: A vacation (V-2047) was recently completed which moved the floodway reserve shown on the site plan.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Single-Family Residences
SOUTH:	"RR"	Single-Family Residences
EAST:	"RR"	Single-Family Residences and undeveloped agriculture land
WEST:	"RR"	Single-Family Residences

PUBLIC SERVICES: This site is located along Hydraulic (16th St. East), an improved 2-lane township road with a 1996 traffic volume of 467. The 2020 Transportation Plan does not have any estimates for this section of Hydraulic. The present manufactured home is hooked up to rural water and has an on-site lagoon.

CONFORMANCE TO PLANS/POLICIES: The Land Use map of the Comprehensive Plan identifies this area as appropriate for "agricultural" use. This category has the intent of protecting agricultural resources and is meant to accommodate agricultural operations on substantial acreage.

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

- A. The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. Specifically the requirements of Section III-D.6.l (2) of the zoning code shall be met, except that it shall be a 1997 model or newer. The applicant shall receive approval from the Health Department for use of the on-site lagoon by the accessory dwelling unit, prior to moving the unit on the site.
- B. The accessory unit may remain on the site as long as the applicant's parents continue to live at this location. The applicant shall report to the County Code Enforcement on a yearly basis, every March, the status of the occupancy of this mobile home and whether his parents remain living on this property.
- C. 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 if Donald and Myrtle Feil no longer reside on-site.
- D. The temporary manufactured home shall be placed no closer to the Hydraulic right-of-way line than the existing manufactured home on-site.
- E. Any violation of the conditions approved as part of this request shall render the conditional use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and all property surrounding this area is zoned "RR" Rural Residential. The area is characterized by single-family homes and agricultural uses.
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 all of those criteria.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the rural nature of the application area and the temporary nature of the use, there should not be any detrimental effects on nearby property. The temporary manufactured home will be buffered from the north and east by hedgerows, and the home will be approximately 460 feet from the west and south property lines.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan: The plan does not speak specifically to accessory homes in the rural areas of the County. The zoning code anticipated these uses and makes specific provision for the process. This site appears to comply with all of the provisions outlined in the code for a temporary accessory manufactured home. Approval of this request will not harm any Comprehensive Plan policies or guidelines.
5. Impact of the proposed development on community facilities: None identified.