

CONDITIONAL USE RESOLUTION NO. CU-493

WHEREAS, Teresa Armstrong, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), requested a Conditional Use to allow an accessory apartment on 4 acres zoned "RR" Rural Residential described as:

Lot 1, Block 2, Country Living Estates Addition, Sedgwick County, Kansas.
Generally located on the southwest corner of 87th Street South and Champion (8840 Champion, Haysville).

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 September 10, 1998, 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 permit a conditional use to allow an accessory apartment on 4 acres zoned "RR" Rural Residential described as

Lot 1, Block 2, Country Living Estates Addition, Sedgwick County, Kansas.
Generally located on the southwest corner of 87th Street South and Champion (8840 Champion, Haysville).

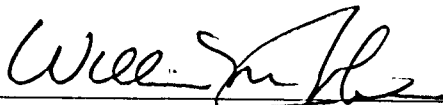
subject to the following conditions:

- A. The applicant shall obtain a vacation for the south 15 feet of the north 75 feet building setback.
- B. The accessory apartment is limited to a residence for the applicant's mother and shall remain only as long as they reside on the site in the accessory structure. Teresa Armstrong shall report on the status of her mother's occupancy of the accessory dwelling to the Office of Code Enforcement on a yearly basis, beginning in August of 1999.
- C. The site shall be developed in general compliance with the submitted site plan.
- D. The accessory apartment 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 the mother no longer resides on the accessory apartment.

- E. Any violation of the conditions approved as part of this request shall render the Conditional Use null and void.

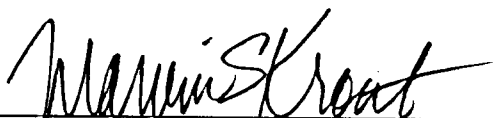
Adopted this 10th day of September, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 exist, this resolution with its conditions of approval shall be considered a recommendation of the MAPC to the Governing Body which shall then have final authority to approve, approve with conditions or modifications, or deny the Conditional Use application.

METROPOLITAN AREA PLANNING COMMISSION



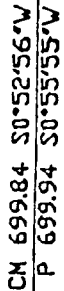
William M. Johnson, Chairman

ATTEST:



Marvin S. Krout, Secretary

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STAFF REPORT

Haysville PC August 27, 1998

MAPC September 10, 1998

CASE NUMBER: CU-493

OWNER/APPLICANT: Teresa Armstong

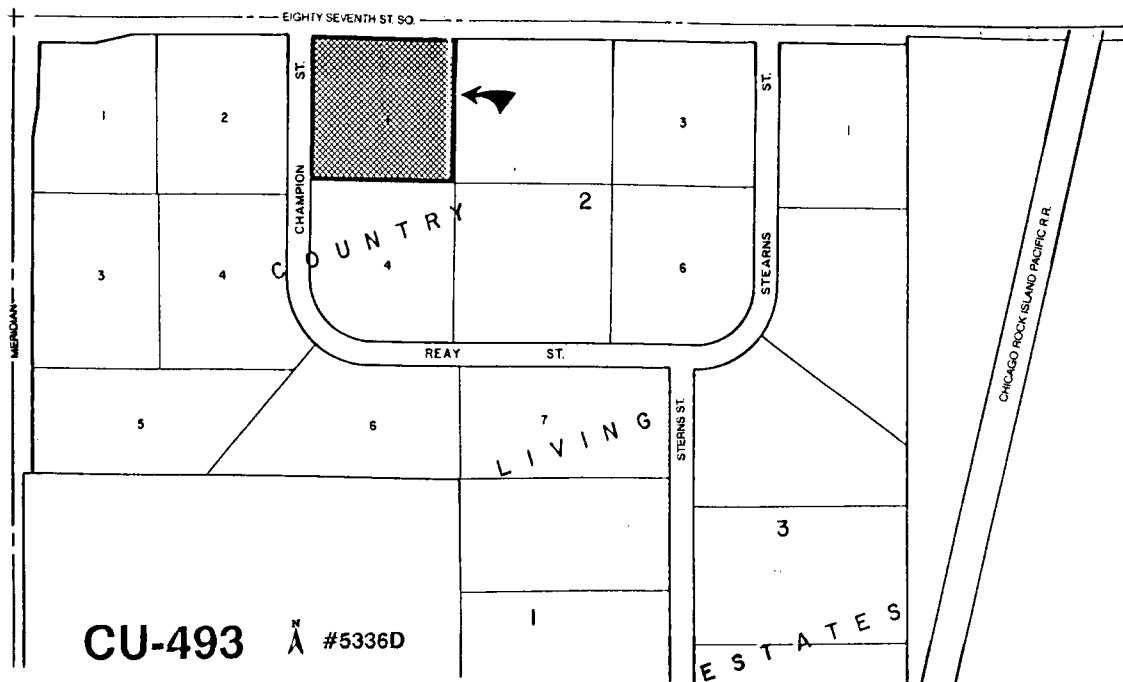
REQUEST: Conditional Use Permit to allow an accessory apartment.

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: Approximately 4 acres

LOCATION: On the southwest corner of 87th St. S. & Champion (8840 Champion)

PROPOSED USE: Apartment to care for aging mother



BACKGROUND: The applicants are requesting placement of an accessory apartment to provide care and supervision to an aging mother. When the mother no longer needs the apartment it will be removed.

The existing house sits in the middle of the lot, which is 420 feet by 430 feet deep, and has an existing deck at the rear of the house on the west side. The accessory apartment is 20 feet by 24 feet and has been connected to the existing deck on the north side by a new connecting 6 feet long deck. The property is on a 4 acre platted lot with 75 feet building setbacks on the north and east side. The ECHO housing unit was placed in 15 feet of the north platted building setback and a vacation has been applied for to vacate that portion of the building setback. All surrounding residences are zoned "RR" Rural Residential district and are single-family to the east, west and south, and agricultural to the north.

ECHO housing units are temporary, energy-efficient, handicapped-accessible, living units which are constructed immediately adjacent to the home of the relative. The units are designed for individuals who, because of a handicap or mental incapacity, are unable to stay at home alone; however they do not need the skilled services of a nursing home.

The accessory apartment is being provided through a special HUD demonstration program. The funding for the project has been granted to a not-for-profit housing organization known as Contemporary Housing Alternatives of Kansas. Under this program, income-eligible candidates will rent the home addition from the not-for-profit organization. When the person no longer needs the unit it will be disassembled and relocated to another individual who could benefit from the unit.

Some important considerations of this program are: the unit is medically necessary; built in architectural harmony with the neighborhood; and will be removed when it is no longer necessary. Further, the unit meets appropriate local building standards.

Under the proposed program, the unit is physically attached to the existing house by a connecting deck/walkway; the appearance of the accessory apartment is compatible with the main dwelling as it is the same colors as the main residence and with the character of the neighborhood.

The Unified Zoning Code has Supplementary Use Regulations for accessory apartments. These include one accessory apartment is permitted per lot, appearance of an accessory apartment should be compatible with the main dwelling and with the character of the neighborhood, and the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling unit and not be subdivided or sold as a condominium.

CASE HISTORY: The property was platted as Country Living Estates Addition to Sedgwick County, Kansas on June 27, 1985.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	Rural Residential, Agricultural
SOUTH:	"RR"	Rural Residential, Single-Family
EAST:	"RR"	Rural Residential, Single-Family
WEST:	"RR"	Rural Residential, Single-Family

PUBLIC SERVICES: The property is served by a well and the existing lagoon has been approved by the Wichita-Sedgwick County Health Department.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies this area as suburban. "Suburban " classification recognizes that a segment of the population desires to live in a rural setting with lower density levels, yet be close to jobs and amenities of an urban area. Traditionally, these areas develop with lots generally between 1 and 10 acres in size, which hinders agricultural use and adds cost to the provision of public services.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request for placement of an accessory apartment be APPROVED, subject to the following conditions:

- A. The applicant shall obtain a vacation for the south 15 feet of the north 75 feet building setback.
- B. The accessory apartment is limited to a residence for the applicant's mother and shall remain only as long as they reside on the site in the accessory structure. Teresa Armstrong shall report on the status of her mother's occupancy of the accessory dwelling to the Office of Code Enforcement on a yearly basis, beginning in August of 1999.
- C. The site shall be developed in general compliance with the submitted site plan.
- D. The accessory apartment 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 the mother no longer resides on the accessory apartment.
- 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: Surrounding zoning is "RR" Rural Residential; land use north of the site is agricultural, to the south, west and east is Single-Family.
2. Suitability of the subject property for the uses to which it has already been restricted: The "RR" district has a minimum lot size of 2 acres and is primarily intended for large-lot low intensity uses. The code permits a temporary accessory structure provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet those criteria.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the very limited use and its location on the site, it would be difficult to think the placement of a temporary accessory apartment would significantly be detrimental impact on surrounding properties.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Sedgwick County Land Use Guide recommends this area to be developed at "Suburban" density. Suburban lots are typically 1 to 10 acres in size and do not have a full range of public services available. The zoning code anticipated these uses and makes specific provision for this type of land use. The site appears to comply with all of provisions outlined in the code for an accessory apartment. Approval of this request will not be contrary to any Comprehensive Plan policies or guidelines.
5. Impact of the proposed development on community facilities: None identified.