



Wichita-Sedgwick County Metropolitan Area Planning Department

February 14, 2011

Melvin & Trena Herring
5807 W. Franklin Street
Wichita, KS, 67212

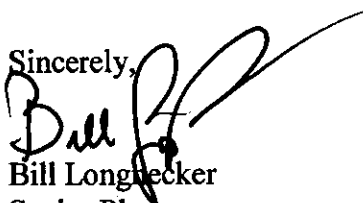
RE: CON2010-00053 - City Conditional Use request for an accessory apartment on property zoned SF-5 Single-Family Residential ("SF-5"); generally located north of Central Avenue, west of I-235, west of Gilda Avenue on the south side of Franklin Avenue.

Dear Mr & Mrs Herring:

At its regular meeting on January 20, 2011, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to **APPROVE** the request subject to the conditions on the attached resolution.

This action was not accompanied by valid appeals of protest petitions. Therefore, the action of the Planning Commission is **FINAL**. If you have any questions concerning this case, please contact our office.

Sincerely,


Bill Longhecker
Senior Planner
Current Plans Division

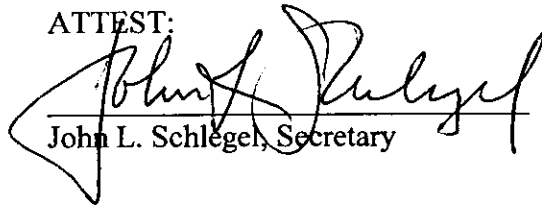
WL: mc
Enclosure

Copies to: District V Councilmember Jeff Longwell, Mail Stop 1-13
District V N.A. Megan Buckmaster, Mail Stop 1-135
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Paul Hays, Office of Central Inspection, Mail Stop 1-72
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

METROPOLITAN AREA PLANNING COMMISSION


Debra Miller Stevens, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2010-00053

WHEREAS, Melvin & Trena Herring (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 allow a Conditional Use for an accessory apartment on 0.38-acres zoned SF-5 Single-Family ("SF-5") described as:

Lot 4, Block 5, Avery Addition to Wichita, Sedgwick County, Kansas; generally located north of Central Avenue, west of I-235, west of Gilda Avenue on the south side of Franklin Avenue.

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 January 20, 2011, 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.

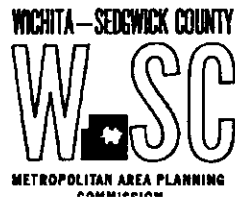
NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Area Planning Commission that this application be approved to allow a Conditional Use for an accessory apartment on 0.38-acres zoned SF-5 Single-Family ("SF-5") described as:

Lot 4, Block 5, Avery Addition to Wichita, Sedgwick County, Kansas; generally located north of Central Avenue, west of I-235, west of Gilda Avenue on the south side of Franklin Avenue.

Approved subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Art III, Sec III-D 6.a. of the Unified Zoning Code; including the appearance of the accessory apartment shall be compatible with the primary residence and shall not be larger in floor area than the principal structure. Provide Planning with a revised site plan.
2. The applicant shall obtain all applicable permits, including but not limited to building, health, and zoning.
3. 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 VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 20th Day of January 2011.



STAFF REPORT

MAPC January 20, 2011

CASE NUMBER: CON2010-00053

OWNER/APPLICANT: Melvin & Trena Herring

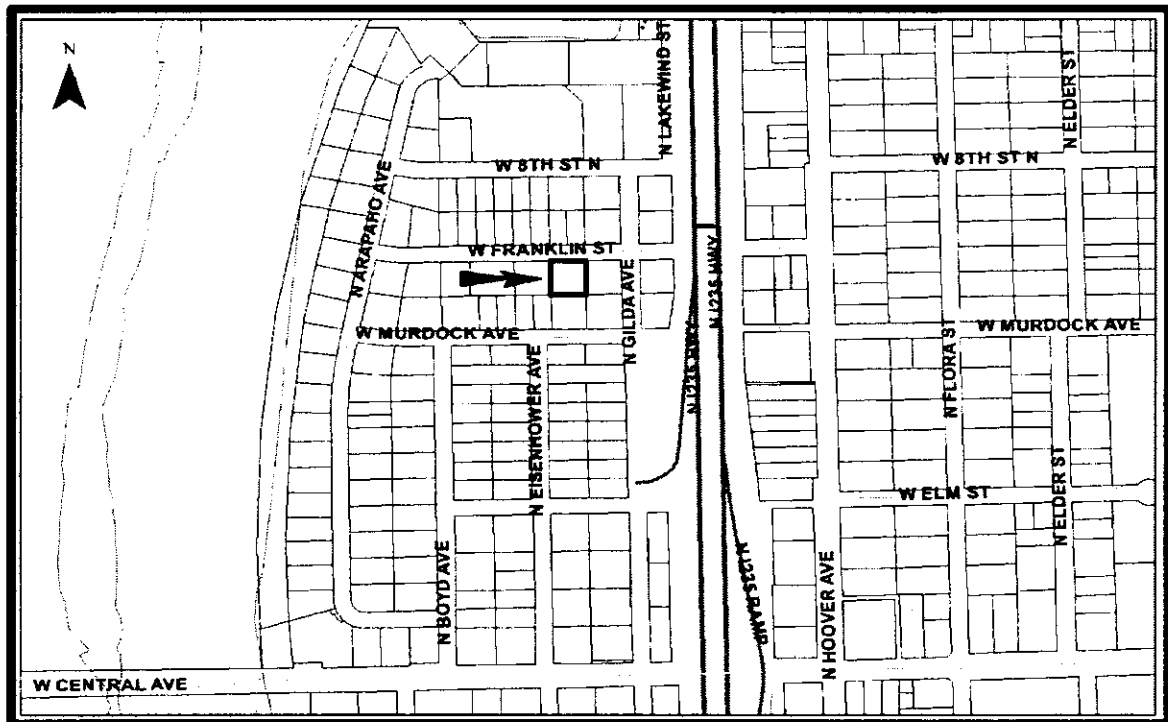
REQUEST: Conditional Use for Accessory Apartment

CURRENT ZONING: SF-5 Single-Family Residential ("SF-5")

SITE SIZE: 0.38-acres (126.5 x 132.0 feet; Lot 4 Block 5 Avery Addition)

LOCATION: Generally located north of Central Avenue, west of I-235, west of Gilda Avenue on the south side of Franklin Avenue. (WCC #5)

PROPOSED USE: Accessory Apartment for a member of the family



BACKGROUND: The applicants are requesting a Conditional Use to allow an accessory apartment on Lot 4, Block 5, Avery Addition; 5807 W. Franklin Street. The approximately 16,698-square foot subject site is zoned SF-5 Single-Family Residential ("SF-5"). Because the proposed additional/separate structure will contain a kitchen, a bathroom and sleeping quarters, it is classified as a dwelling unit (Unified Zoning Code, "UZC", Art. II, Sec. II-B. 4.j), and thus requires Conditional Use approval for an accessory apartment in the SF-5 zoning district (Art III., Sec III.-D.). A member of the owners' family will live in the accessory apartment.

The UZC's four supplementary use requirements for an accessory apartment (Art. III, Sec. III-D. 6.a) are:

- (a) A maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling.
- (b) The appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood.
- (c) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium.
- (d) The water and sewer service provided to the accessory structure shall not be provided as a separate service from the main dwelling.

The applicants submitted a floor plan that shows the detached approximately 250-square foot accessory apartment built onto a proposed double garage. The site plan shows the accessory apartment behind the single-family residence and outside all setbacks and easements. Per the UZC, Art. III, Sec. III-D. 7. E. (6), the detached accessory structure cannot exceed 60 percent of the SF-5's zoning district's allowable height of 35 feet.

Built in 1957, the applicants' current residence is an approximately 720-square foot one-story, stick frame building with lap siding and rock along the lower half of its front. There is a detached two car garage behind the current residence. In order to be considered an accessory residential structure, the requested apartment must have less square footage than the principal structure, as well as meet the already noted UZC's supplementary use requirements.

The site is located in a predominately SF-5 zoned single-family residential Neighborhood; sandwiched between the Big Ditch to the west, I-235 to the east, LC Limited Commercial ("LC") zoned properties along Central Avenue to the south and the B Multi-Family Residential ("B") and MF-18 Multi-Family Residential ("MF-18") zoned skilled nursing facility and condominiums to the north. The MF-18 zoned condominiums introduced a higher residential density to the area. Most of the houses in the area were built in the 1950s – 1970s. Some of the original approximately 15,000-square lots in the area have been split by sale (multiple lots to the north), which has increased the density of single-family residences in the neighborhood.

CASE HISTORY: The subject site is located on Lot 4 Block 5 Avery Addition, which was recorded with the Register of Deeds May 10, 1955.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5	Single-family residences
EAST:	SF-5	Single-family residences
WEST:	SF-5	Single-family residences

PUBLIC SERVICES: All public services are available. Franklin Street and Gilda Avenue are paved, local streets, with 60-feet of right-of-way.

CONFORMANCE TO PLANS/POLICIES: The "2030 Wichita Functional Land Use Guide" of the Wichita-Sedgwick County Comprehensive Plan identifies the application area as "Urban Residential." The Urban Residential category reflects the full diversity of residential development densities found in a large urban municipality. The range of housing types found includes: single 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). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may be found in this category. The site's current SF-5 zoning is intended to accommodate low to moderate-density single-family residential development and other complementary land uses. The site's current use as a single-family residence and its SF-5 zoning comply with the Urban Residential category. Although the requested accessory apartment is an appropriate housing type for the Urban Residential category (as well as the site's SF-5 zoning), this appears to be the first accessory apartment in the area.

The Conditional Use requirement that the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood should help maintain a consistent look with the neighborhood's current housing stock. Although the intended occupant of the accessory apartment is a member of the owners' family (the owners live on the subject site), the UZC does not prevent it from being rented out to anyone.

RECOMMENDATION: Based upon information available prior to the public hearing, Staff recommends that the request be APPROVED subject to the following conditions being completed within a year:

1. The accessory apartment shall be subject to all requirements of Art III, Sec III-D 6.a. of the Unified Zoning Code; including the appearance of the accessory apartment shall be compatible with the primary residence and shall not be larger in floor area than the principal structure. Provide Planning with a revised site plan.

2. The applicant shall obtain all applicable permits, including but not limited to building, health, and zoning.
3. 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 VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The site is located in a predominately SF-5 zoned single-family residential neighborhood, sandwiched between the Big Ditch to the west, I-235 to the east, LC Limited Commercial ("LC") zoned properties along Central Avenue to the south and the B Multi-Family Residential ("B") and MF-18 Multi-Family Residential ("MF-18") zoned skilled nursing facility and apartments to the north. Most of the houses in the area were built in the 1950s – 1970s.

2. The suitability of the subject property for the uses to which it has been restricted: The site's current use as a single-family residence is appropriate for its SF-5 zoning and the neighborhood. Accessory apartments are allowed as a Conditional Use in SF-5 zoning provided the applicant and the site meet the UZC's and the golden rules standards. The application and the site appear to meet these criteria.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: This appears to be the first accessory apartment in the area. The Conditional Use requirement that the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood should help maintain a consistent look with the neighborhood's current housing stock and minimize any detrimental effects to the neighborhood.

4. Conformance of the requested change to adopted or recognized Plans/Policies: The 2030 Wichita Functional Land Use Guide" of the Wichita-Sedgwick County Comprehensive Plan identifies the application area as "Urban Residential." The Urban Residential category reflects the full diversity of residential development densities found in a large urban municipality. The range of housing types found includes single 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). Elementary and middle school facilities, churches, playgrounds, parks and other similar residential-serving uses may be found in this category. The site's current SF-5 zoning is intended to accommodate low to moderate-density single-family residential development and other complementary land uses. The site's current use as a single-family residence and its SF-5 zoning comply with the Urban Residential category. Although the requested accessory apartment is an appropriate housing type for the Urban Residential category (as well as the site's SF-5 zoning), this appears to be the first accessory apartment in the area.

5. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities. An increase in traffic will be minimal.

LUN 2010-03

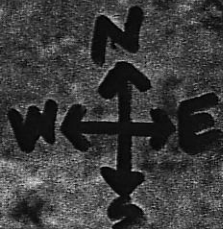
APPROVED SITE PLAN
02-15-2011
Bill Longmeyer

SITE PLAN

5807 W Franklin St, Wichita, KS 67212

25-30 Ft

45 yds



10 ft

10-Ft

20 ft

20-Ft

Image U.S. Geological Survey
© 2010 Europa Technologies
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2/29/2008 1996

37°41'55.41" N 97°24'38.99" W elev 1310 ft

Eye alt