



Wichita-Sedgwick County Metropolitan Area Planning Department

September 15, 2000



Patricia A. Wierenga and
Deborah S. Wierenga
12200 E. Lynne
Wichita, KS 67207

RE: CON2000-00033 – Conditional Use Permit for an Accessory Apartment on property zoned “SF-6” Single-Family Residential. Generally located west of 127th Street East and north of Harry.

Dear Patricia and Deborah:

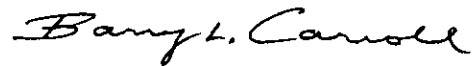
At its regular meeting on August 31, 2000, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. The site shall be developed in general conformance with the approved site plan.
4. Any violation of these conditions shall render this Conditional Use Permit null and void.

This action was not accompanied by valid appeals or protest petitions, therefore, the action of the Planning Commission is FINAL. Enclosed is a signed copy of the above-referenced Conditional Use Resolution.

If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,



Barry L. Carroll
Associate Planner

blc/rs

cc: City Council Member District II, Joe Pisciotte, Mail Stop 1-13
D.A.B. II, Donte Martin, Mail Stop 1-135
Kurt Schroeder, Office of Central Inspection, Mail Stop 1-72
Randy Sparkman, 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

CONDITIONAL USE RESOLUTION NO. CON-2000-00033

WHEREAS, Patricia A. Wierenga (owner) and Deborah S. Wierenga (applicant), 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 Accessory apartment, storm shelter, storage, workshop, on 2.9 acres zoned "SF-6" Single-Family Residential described as:

Lot 2, East Lynne Addition, Wichita, Sedgwick County, Kansas. Generally located west of 127th Street East and north of Harry.

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 August 31, 2000, 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 Accessory apartment, storm shelter, storage, workshop, on 2.9 acres zoned "SF-6" Single-Family Residential described as

Lot 2, East Lynne Addition, Wichita, Sedgwick County, Kansas. Generally located west of 127th Street East and north of Harry.

subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. The site shall be developed in general conformance with the approved site plan.
4. Any violation of these conditions shall render this Conditional Use Permit null and void.


Adopted this 31st day of August, 2000. 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



Frank Garofalo, Chair MAPC

ATTEST:



Marvin S. Krout, Secretary

STAFF REPORT
MAPC - August 31, 2000

CASE NUMBER: CON2000-00033

APPLICANT/AGENT: Patricia A. Wierenga (owner) and
Deborah S. Wierenga (applicant)

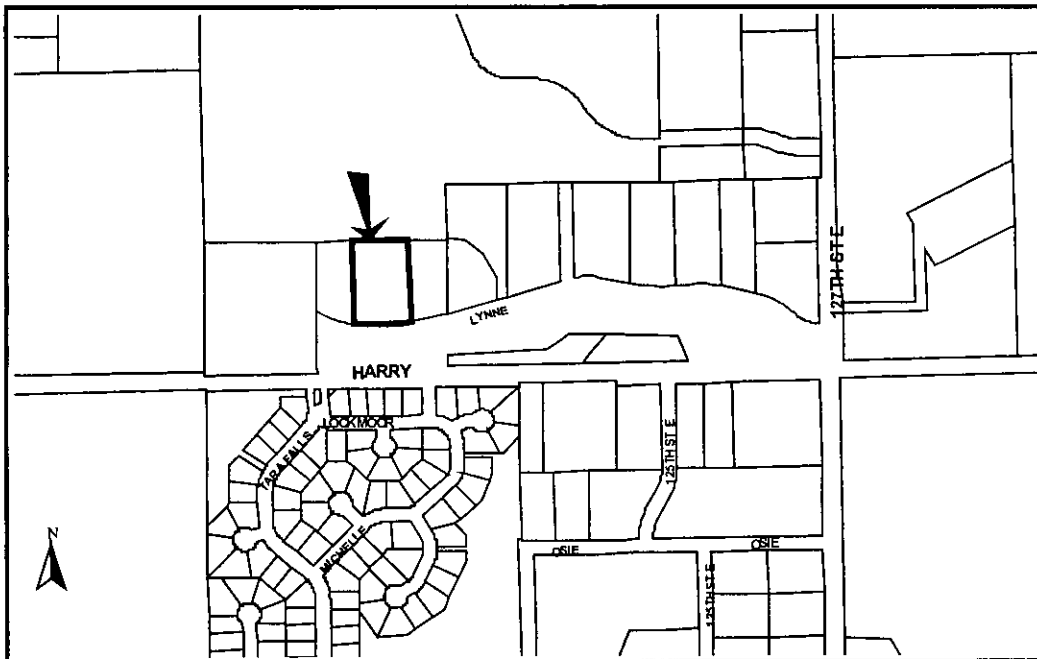
REQUEST: Condition Use Permit for an Accessory Apartment

CURRENT ZONING: "SF-6" Single-Family Residential

SITE SIZE: 2.9 acres

LOCATION: West of 127th Street East and north of Harry

PROPOSED USE: Accessory apartment, storm shelter, storage, workshop



BACKGROUND: The applicants are requesting a Conditional Use Permit for an accessory apartment on 2.9 acres of property zoned "SF-6" Single-Family Residential. The applicants have submitted a site plan, for the 2.9-acre platted lot, that shows the proposed building approximately 30 feet north and east of the existing house, approximately 30 feet west of the east property line and 50 feet south of the north property line (see attachment). Access to the building is from an existing driveway off of Lynne Street. The building is currently under construction and will be completed in September or October 2000. The building is 52 feet wide and 32 feet. The building has a similar architectural design [simulated (Masonite) wood siding and a hipped roof with composite shingles], as does the nearby house. There is water (private well) and sewer service (Four-Mile Creek) connected to the residence and building. There is an all weather gravel-parking surface between the building and residence. The UZC requires one parking space for the residence and one for the accessory apartment. There is more than adequate parking provided on-site.

The property has single-family residential uses to the east and west, a creek to the south and farm ground to the north. All of the surrounding uses are zoned "SF-6" Single-Family Residential.

The building is screened from the properties to the west and north by a solid line of cedar trees. There is also a six-foot wooden screening fence, in addition to vegetation, along the east property line. The applicants have indicated that the structure will first serve as a storm shelter, storage and workshop and a possible accessory apartment at a later date.

Accessory apartments are permitted by Conditional Use Permit in all residential zoning districts, subject to the following standards:

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 and with the character of the neighborhood. 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.
3. 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.

CASE HISTORY: The subject property was platted as part of the East Lynn Addition and approved on October 3, 1953. The City of Wichita annexed the property in December 1999.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-6" – Single-Family Residential
SOUTH: "SF-6" – Single-Family Residential
EAST: "SF-6" – Single-Family Residential
WEST: "SF-6" – Single-Family Residential

PUBLIC SERVICES: The site has private water well and a municipal sewer system service (Four-Mile Creek).

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the 1999 Comprehensive Plan Update designates this area as being appropriate for "low density residential." This residential category provides for the lowest density of urban residential land use. The growth pattern encouraged by this Plan will see an extension of low-density development on the fringes of Wichita. This request is consistent with the goal of providing for rural, suburban, and urban residential areas, which provide a variety of housing opportunities.

RECOMMENDATION: Based upon information available prior to the public hearing, MAPD staff recommends that the request for a Conditional Use Permit to allow one accessory apartment be APPROVED, subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. The site shall be developed in general conformance with the approved site plan.
4. Any violation of these conditions shall render this Conditional Use Permit null and void.

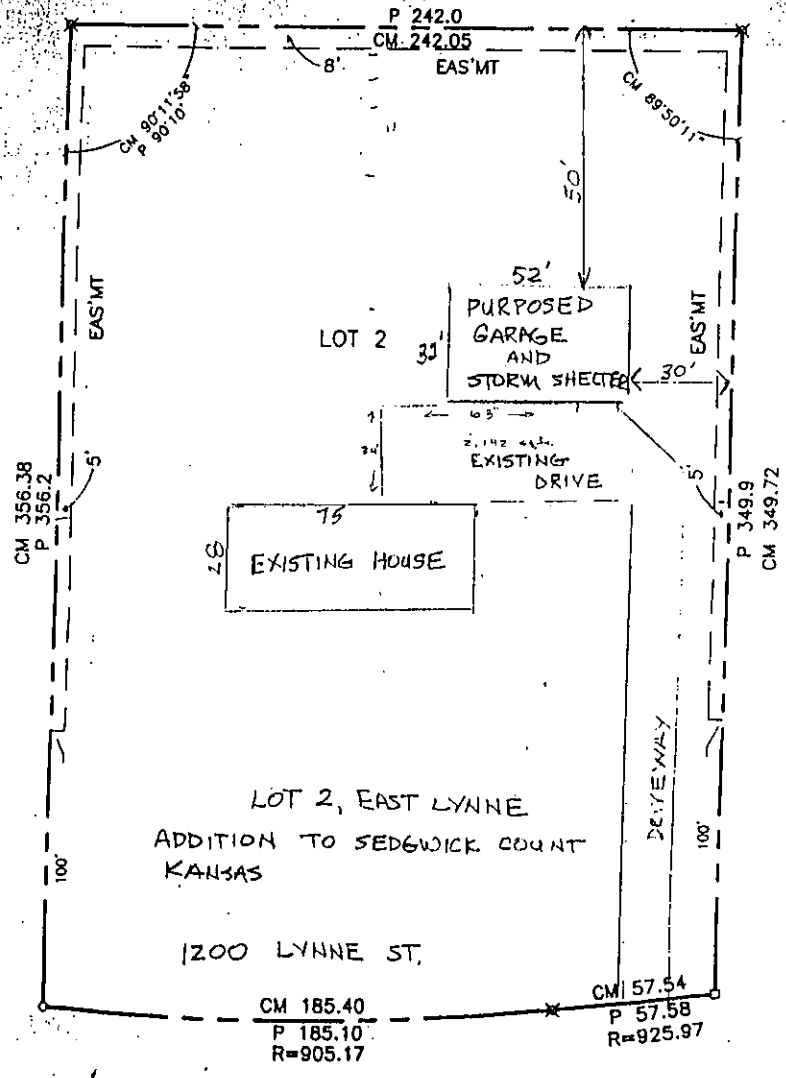
The staff's recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding areas are developed with single-family residences. This accessory apartment is a customary accessory use associated with single-family residences. This is a large lot (approximately two acres) and the proposed building should not significantly increase the density. There will be only one dwelling unit per acre (house and accessory apartment) which represents a very low density.
2. The suitability of the subject property for the uses to which it has been restricted: The Code permits, with a Conditional Use, an accessory apartment in single-family residential districts. The site could continue to be used for single-family use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The use of this site for an accessory apartment should not have a detrimental impact on the area. The apartment will be located in an approved building, which will meet City standards.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Land Use Guide of the 1999 Comprehensive Plan Update designates this area as being appropriate for "low density residential." This residential category provides for the lowest density of urban residential land use. The growth pattern encouraged by this Plan will see an extension of low-density development on the fringes of Wichita. This request is consistent with the goal of providing for rural, suburban, and urban residential areas, which provide a variety of housing opportunities. The Zoning Code anticipated this type of use and makes specific provisions for it. The site appears to comply with all the 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: The applicants' request should have a minimal impact on community facilities.

- X - 1/2" rebar found
- O - "PEC" capped rebar found
- - 1" square bar found
- CM - calculated from measurements
- P - plot distance



SCALE 1"=50'



W.O. #26725-6
Page 2 of 2

EAST LYNNE AVE.

CON2000-00033: West of 127th Street & north of Harry

SITE PLAN

APPROVED 9/14/2009 BY Bangb Canoll

Zoned "SF=6"