



Wichita-Sedgwick County Metropolitan Area Planning Department

May 13, 2019

Emmalys Gonzalez
1015 South Silverdale Court
Wichita, KS 67218

RE: CON2019-00008 - City request to approve a Conditional Use Permit to permit an Accessory Apartment on Property Zoned SF-5 Single-Family Residential located East of South Edgemoor Avenue and South of East Lincoln Avenue (1015 South Silverdale Court).

Dear Applicant:

At its regular meeting on April 18, 2019, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to APPROVE the request in accordance with the attached resolution

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

Sincerely,

A handwritten signature in black ink, appearing to read 'David L. Yearout'.

David L. Yearout, AICP
Principal Planner

Copies to: WCC III, James Clendenin, Mail Stop 1-13
Maddy Campbell, CSR III, Mail Stop 1-135
Paul Hays, OCI, Mailstop 1-72
Jeff Van Zandt, City Law, Mailstop 1-134
Julianne Kallman, Engineering, Mail Stop 1-71

CONDITIONAL USE RESOLUTION NO. CON2019-00008

WHEREAS, Emmalys Gonzalez, (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 for Accessory Apartment on property zoned SF-5, Single-Family Residential District, at 1015 South Silverdale Court, and legally described as:

Lot 22, Block 3, Purcell's 6th Addition to the City of Wichita, Sedgwick County, Kansas.

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 April 18, 2019, 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 an Accessory Apartment on property zoned SF-5, Single-Family Residential District, at 1015 South Silverdale Court, legally described as:

Lot 22, Block 3, Purcell's 6th Addition to the City of Wichita, Sedgwick County, Kansas.

Subject to the following conditions:

1. The accessory apartment shall be completed and maintained in compliance with the provisions applicable to accessory apartments in the Unified Zoning Code, as found in Article III, Section III-D(6)(a), which states as follows:
 - a. **Accessory Apartments.** Accessory Apartments shall be subject to the following standards.
 - (1) **Number of units.** 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) **Appearance.** The appearance of an Accessory Apartment shall be compatible with the main Dwelling Unit and with the character of the neighborhood.
 - (3) **Ownership.** 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.
 - (4) **Utility Service.** 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.

2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
3. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 18th Day of APRIL, 2019

METROPOLITAN AREA PLANNING COMMISSION


Cindy Miles, Chair MAPC

ATTEST:


Dale Miller, Secretary



STAFF REPORT
MAPC - April 18, 2019
DAB III - May 1, 2019

CASE NUMBER: CON2019-00008

APPLICANT/AGENT: Emma & The Family Home Remodel, LLC - Emmalys Gonzalez (Owner)

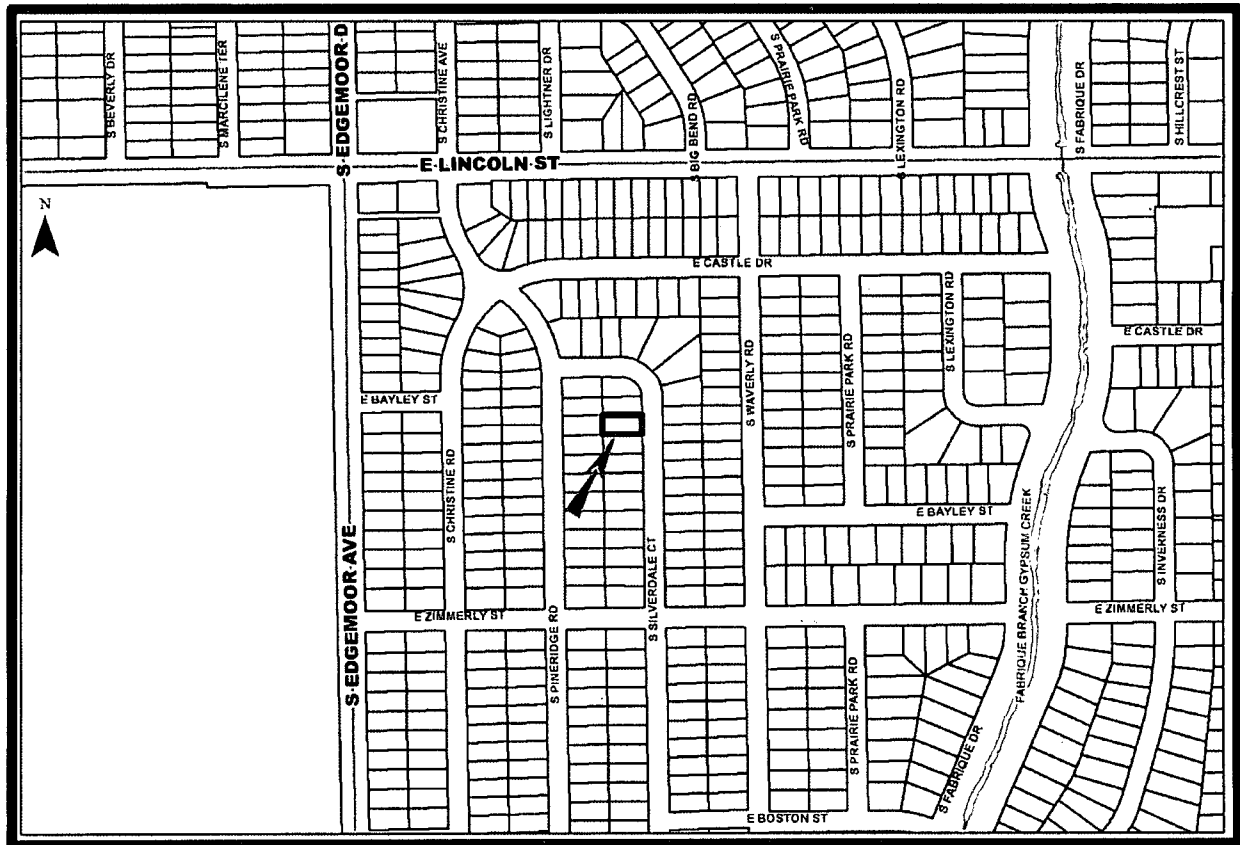
REQUEST: Conditional Use to permit an accessory apartment

CURRENT ZONING: SF-5 Single Family Residential

SITE SIZE: .15 acres

LOCATION: East of South Edgemoor Avenue and south of East Lincoln Street on the west side of South Silverdale Court (1015 South Silverdale Court)

PROPOSED USE: Accessory Apartment



BACKGROUND: The applicant is requesting a Conditional Use to permit an accessory apartment to the existing single family home constructed on subject property occupied by the applicant. The structure to be converted to the accessory apartment is the detached garage, which is to the west of the residence. The applicant has provided a visual concept of how the garage will be modified for the proposed apartment. The applicant has indicated the intent is to provide the apartment for family members who often visit for extended periods of time.

As seen by the attached photo of the property, the garage to be converted is accessible from Silverdale Court by a driveway which appears to be gravel. The driveway to the attached garage to the residence is paved in compliance with City Code. The driveway to the detached structure will need to be paved to comply with the City Code.

Staff has received some calls from surrounding property owners concerning this request; mostly inquiring about the proposed use of the apartment. As noted in the recommendation, the only provision applicable will be the restrictions outlined in the Supplementary Use regulations.

The surrounding properties are zoned SF-5 Single Family Residential (SF-5) and developed with single-family homes, many with detached structures on the properties. There is no record of any other accessory apartments being approved within the immediate area. There was a variance granted for property at 925 South Waverly, which is northeast of the subject property, to reduce the street side yard setbacks for a detached garage (Case No. BZA12-97). The zoning, uses and character of the neighborhood are residential and the proposed use will have negligible impact on the neighborhood.

CASE HISTORY: The subject property is platted as the Purcell's Sixth Addition to the City of Wichita. It was approved by the City of Wichita on April 19, 1949, and recorded with Sedgwick County on May 13, 1949. There are no other cases regarding the subject property.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	single family
SOUTH:	SF-5	single family
EAST:	SF-5	single family
WEST:	SF-5	single family

PUBLIC SERVICES: The neighborhood is served by all public and private utilities. Access to the property is from Silverdale Court, which connects to South Edgemoor Avenue by way of East Zimmerly Street, and connects to East Lincoln Street by way of South Christine Avenue and South Pineridge Road. Silverdale Court is a paved, residential street with curb and gutters.

CONFORMANCE TO PLANS/POLICIES: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is in the "residential" area of east Wichita. The subject property is also located within the Established Central Area (ECA) of the City of Wichita. This use is considered appropriate for this area and would support the goals and objectives of the Comprehensive Plan for the categories applicable to the site.

RECOMMENDATION: Based upon the information available at the time the staff report, staff recommends the request be **APPROVED**, subject to the following conditions:

1. The accessory apartment shall be completed and maintained in compliance with the provisions

applicable to accessory apartments in the Unified Zoning Code, as found in Article III, Section III-D(6)(a), which states as follows:

- a. **Accessory Apartments.** Accessory Apartments shall be subject to the following standards.
 - (1) **Number of units.** 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) **Appearance.** The appearance of an Accessory Apartment shall be compatible with the main Dwelling Unit and with the character of the neighborhood.
 - (3) **Ownership.** 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.
 - (4) **Utility Service.** 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.
2. All permits and approvals shall be obtained, with copies placed on file with the Metropolitan Area Building and Codes Department.
3. The driveway to the detached garage being converted to the accessory apartment shall be paved in compliance with the City Code of the City of Wichita.
4. If the Zoning Administrator finds there is a violation of any provision or condition of the Conditional Use, or any other provision of the Unified Zoning Code (UZC), the Zoning Administrator shall enforce all remedies of Section VIII of the UZC, and 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 surrounding properties are zoned SF-5 Single Family Residential (SF-5) and developed with single-family homes, many with detached structures on the properties. There is no record of any other accessory apartments being approved within the immediate area. There was a variance granted for property at 925 South Waverly, which is northeast of the subject property, to reduce the street side yard setbacks for a detached garage (Case No. BZA12-97). The zoning, uses and character of the neighborhood are residential and the proposed use will have negligible impact on the neighborhood.
2. The suitability of the subject property for the uses to which it has been restricted: The property is already being used as permitted for its SF-5 Single Family Residential classification. This activity will simply add an amenity to the property for the use and enjoyment of the owners.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The requested authorization to permit the accessory apartment should have no impact on nearby properties. The

construction in compliance with the conditions listed herein will mitigate any effects to nearby properties.

4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: There are no impacts evident under either situation. The requested use is reasonable and will enhance value of the land.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2035 Wichita Future Growth Concept map (MAPC approval November 19, 2015) indicates the site is in the “residential” area of east Wichita. The subject property is also located within the Established Central Area (ECA) of the City of Wichita. This use is considered appropriate for this area and would support the goals and objectives of the Comprehensive Plan for the categories applicable to the site.
6. Impact of the proposed development on community facilities: The proposed use will have no detrimental impact on community facilities.

Staff Report Attachments:

1. Conceptual Plan for Accessory Apartment
2. Aerial Photo

Google Maps

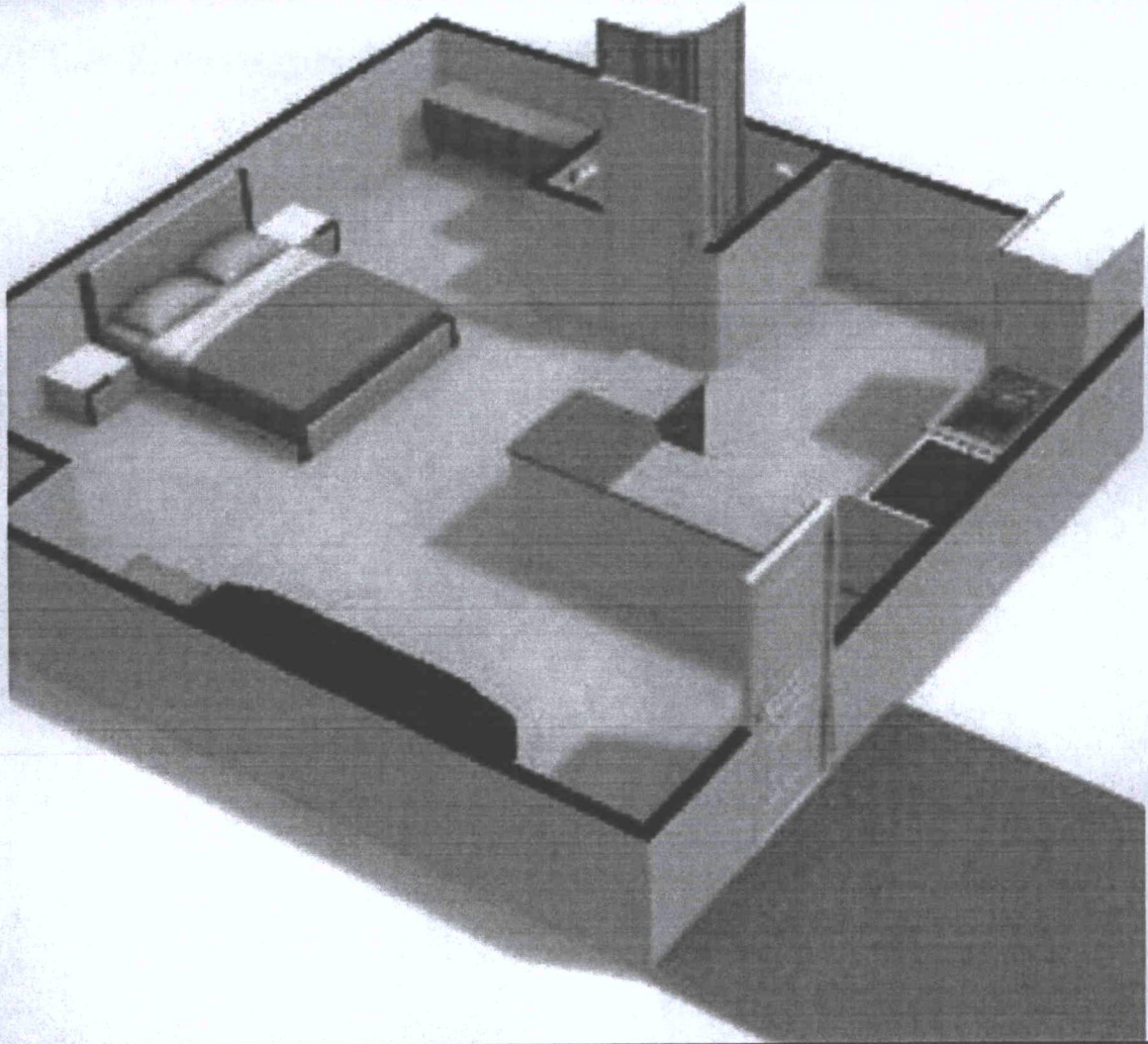


Imagery ©2019 U.S. Geological Survey 20 ft

APARTMENT

SITE PLAN

APPROVED MAPC BY 4/18/19 *DG*



SITE PLAN

APPROVED MAPC BY 4/18/19 *ESG*



1015 South Silverdale Court

SITE PLAN



APPROVED MPDC 4/16/19 *dy*



43.9 0 21.97 43.9 Feet

Map Created On: 6/19/19 4:48 PM

This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

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