



**Wichita-Sedgwick County Metropolitan Area Planning Department**

January 7, 2020

Francesca and Andre Beard  
2648 N. Paradise Court  
Wichita, KS 67205

**RE: CON2019-00049** - City Conditional Use request to allow an accessory structure in SF-5 Single-Family Residential zoned property; generally located on the south side of West 8th Street North and the east side of North Flora (831 North Flora Street)

Dear Applicant:

At its regular meeting on **December 19, 2019**, 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 following conditions:

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 831 North Flora Street) and the ownership shall not be divided or sold as a condominium.
- (2) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the accessory apartment.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) If the accessory apartment is not in place within 12 months after final approval, or 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

No protests were received. Attached is a signed copy of the Resolution granting the conditional use for an accessory structure. You may apply for your building permit.

Sincerely,

Kathy L. Morgan, Senior Planner  
Current Plans Division

Copies to: MABCD  
Cindy Claycomb, Council Member District VI  
Ana Lopez, CSR District VI

**CONDITIONAL USE RESOLUTION NO. CON2019-00049**

**WHEREAS**, Alex Rental LLC, Andrew and Francesca Beard, (Owners/Applicants), 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 an Accessory Apartment on 0.42 acre zoned SF-5 Single-Family Residential described as:

Lot 11, Block D, Barnett's Addition, Sedgwick, County, Kansas (831 N. Flora Street)

**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 December 19, 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 allow a Conditional Use for an Accessory Apartment on 0.42 acre zoned SF-5 Single-Family Residential described as:

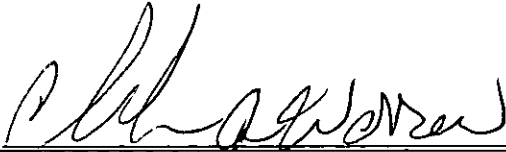
Lot 11, Block D, Barnett's Addition, Sedgwick, County, Kansas (831 N. Flora Street)

Approved subject to the following conditions:

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 831 N. Flora Street) and the ownership shall not be divided or sold as a condominium.
- (2) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (3) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the accessory apartment.
- (4) Development and maintenance of the site shall be in conformance with the approved site plan.
- (5) If the accessory apartment is not in place within 12 months after final approval, or 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

Adopted this 19th Day of December 2019

METROPOLITAN AREA PLANNING COMMISSION

  
\_\_\_\_\_  
Charles A. Warren, Chairman MAPC

ATTEST:

  
\_\_\_\_\_  
Dale Miller, Secretary



**BACKGROUND:** The applicant is requesting a Conditional Use in SF-5 Single-Family zoning district to convert and existing two-car detached garage (30 feet by 24 feet) into an accessory apartment located north of the existing primary residence. The site is currently developed with a single-family home with a detached garage.

The Wichita-Sedgwick County Unified Zoning Code (“UZC”) defines an “accessory apartment” (Art. II. Sec. II-B.1.b) as a dwelling unit that may be wholly within, or may be detached from a principal single-family dwelling unit. Accessory apartments are also subject to supplementary use regulation Art. III. Sec. III-D.6.a (1) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling unit that may be within the main building, within an accessory building or constructed as an accessory apartment; (2) the appearance of an accessory apartment shall be compatible with the main dwelling unit and with the character of the neighborhood; (3) 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 and (4) the water and sewer service provided to the accessory apartment 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 is located in Barnetts Addition, which was platted in August 1951. No other planning cases are associated with this 0.42-acre site.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Single-Family dwellings
SOUTH:	SF-5	Single-Family dwellings
WEST:	SF-5	Single-Family dwellings
EAST:	SF-5	Single-Family dwellings

**PUBLIC SERVICES:** North Flora Street is a local, residential paved street with 60 feet of right-of-way. West 8th Street is a local, unpaved street with 60 feet of right-of-way and dead ends into Interstate 235 Right-of-way at the west terminus. This property is served by a private water well and municipal sewer.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita-Sedgwick County *Community Investments Plan*, identifies the area in which the site is located Established Central Area. The site is located within the urban infill strategy area, where residential development is encouraged. The Community Investments Plan identifies the property as appropriate for residential development.

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

- (1) The accessory apartment shall remain accessory to and under the same ownership as the principal single-family residence (located at 831 North Flora Street South) and the ownership shall not be divided or sold as a condominium.
- (2) The accessory apartment is only permitted to be located within the existing detached garage.
- (3) Submit a measured drawing site plan for approval by planning staff prior to the issuance of a building permit.
- (4) The water and sewer provided to the accessory apartment shall not be provided as separate services from the main dwelling. Electric, gas, telephone and cable television utility service may be provided as separate utility services.
- (5) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include turning in plans for review and approval by the MABCD for the accessory apartment.
- (6) Development and maintenance of the site shall be in conformance with the approved site plan.

- (7) 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

- (1) **The zoning, uses and character of the neighborhood:** The subject site is located in an SF-5 zoned area with platted lots. Development in the area consists of single-family residences.
- (2) **The suitability of the subject property for the uses to which it has been restricted:** The subject site is currently zoned SF-5 which permits the existing single-family residence. The property will continue to be used for one single-family residence; the size of the property easily accommodates an accessory apartment and the additional required parking space.
- (3) **Extent to which removal of the restrictions will detrimentally affect nearby property:** Approval of the request should not detrimentally impact nearby properties. The conditions of approval should minimize any anticipated detrimental impacts.
- (4) **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 Established Central Area. This use is considered appropriate for this area.
- (5) **Impact of the proposed development on community facilities:** Community facilities will not be noticeably impacted by the conversion of the detached garage into an accessory apartment. The site is served by a private water well and a municipal sewer line.

Staff Report Attachments:

1. Site Plan

831 N Flora St. Conditional Use Application Accessory Apartment – Existing Garage

Lot 11, Block D, Barnetts Addition, Sedgwick County, KS

Drawing Created by: Francesca Beard

North

Scale: 1"=20'

**SITE PLAN**  
**APPROVED**  
*[Signature]*

