



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

Miriam Overholt  
4316 East Lewis Street  
Wichita, KS 67218

September 9, 2024

**RE: CON2024-00111:** Conditional Use request in the City to allow for Accessory Dwelling Unit; generally located northeast of South Belmont Avenue and East Lewis Street (4316 East Lewis Street).

Dear Applicant;

At its regular meeting on **August 22, 2024**, the Wichita - Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of the request 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 4316 East Lewis Street), and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site plan.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
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. 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 filed against this case. Therefore, the decision of the MAPC is final. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth  
Current Plans  
Associate Planner

Cc: MABCD  
Brandon Johnson, Council Member District I



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August 22, 2024

**RE: CON2024-00111** – Conditional Use request in the City to allow for Accessory Dwelling Unit; generally located northeast of South Belmont Avenue and East Lewis Street (4316 East Lewis Street).

Dear applicant,

At its regular meeting on **August 22, 2024**, the Wichita-Sedgwick County Metropolitan Area Planning Commission considered the above captioned request. The action of the MAPC was to recommend **APPROVAL** of 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 4316 East Lewis Street), and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site plan.
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6. 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.

Property owners opposed to the application may file with the City Clerk a signed, written protest of the MAPC's recommendation. (Unsigned e-mails are not considered to be legal protests.) To be effective, the protest must be filed by 5:00 p.m. on **September 5, 2024**. In order to be considered a "valid" petition, the signatures must reflect the correct and entire ownership of the property, the property must be at least partially located within 200 feet of the property for which the application was filed, and must be submitted to the City Clerk by **September 5, 2024**, at 5:00 p.m.

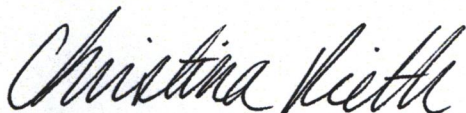
This case will be heard by the District Advisory Board (DAB) I on **Monday, September 9, 2024**. Meetings take place at the Atwater Neighborhood Resource Center, 2755 East 19th Street North, Wichita, KS

67214, at 6pm. For more information, please contact the Community Services Representative for District I, Cameron Jackson, at 316-303-8018 or [CTJackson@wichita.gov](mailto:CTJackson@wichita.gov).

To ensure that Conditional Use applications would not be ruled invalid due to *American Warrior, Inc. v. Board of County Commissioners of Finney County, Kansas*, the Planning Department is sending Conditional Use cases to the respective Governing Body for action. To do this, the Planning Director is submitting an appeal for all Conditional Use applications, per UZC Sec. V.A.5. This application will be considered by the Wichita City Council on **Tuesday, September 24, 2024**, beginning at 9:00 a.m.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 316-268-4421.

Sincerely,



Christina Rieth  
Current Plans  
Associate Planner

CC: Brandon Johnson, Council Member District I  
Cameron Jackson, CSR, District I  
MABCD  
Jack Patton, *via email*

**CONDITIONAL USE RESOLUTION NO. CON2024-00111**

**WHEREAS**, Miriam Overholt, Owner, pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for an Accessory Apartment in SF-5 Single-Family Residential District zoning located at 4316 East Lewis Street, legally described as:

Lots 51 and 52, Block 5, Merriman Park Place Addition, 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 August 22, 2024, 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 in SF-5 Single-Family Residential District zoning located at 4316 East Lewis Street, legally described as:

Lots 51 and 52, Block 5, Merriman Park Place Addition, Wichita, Sedgwick County, Kansas.

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 4316 East Lewis Street), and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site plan.
3. The appearance of the accessory structure shall be compatible with the main dwelling unit and with the character of the neighborhood.
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. 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 31<sup>st</sup> Day of OCTOBER, 2024.

METROPOLITAN AREA PLANNING COMMISSION

ATTEST:

  
\_\_\_\_\_  
Bryan Frye, Chairman

  
\_\_\_\_\_  
Scott Wadle, Secretary

**STAFF REPORT**  
MAPC: August 22, 2024  
DAB I: September 9, 2024

CASE NUMBER: CON2024-00111 (City)

APPLICANT/AGENT: Miriam Overholt (Applicant)

REQUEST: Conditional Use to allow an Accessory Apartment

CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 0.16 acres

LOCATION: Generally located on the north side of East Lewis Street, within one-half mile west of South Oliver Avenue (4316 East Lewis Street).

PROPOSED USE: Accessory Apartment

RECOMMENDATION: Approve with conditions.



**BACKGROUND:** The applicant is requesting a Conditional Use to allow an Accessory Apartment on a property zoned SF-5 Single-Family Residential District (SF-5). The 0.16-acre property is generally located on the north side of East Lewis Street, within one-half mile west of South Oliver Avenue (4316 East Lewis Street). The subject site is currently developed with a 1,928-square-foot single-family residential dwelling and 18' x 16' single-stall detached garage, both constructed in 1928. The applicant is requesting the Conditional Use in order to construct a detached dwelling unit for an aging family member.

The applicant intends to demolish the existing garage and construct a new accessory structure on site that will feature a 20' x 28' living area and 18' x 18' attached garage. The new structure will be situated six feet from the side setback and ten feet from the rear property line. The subject site has a ten-foot platted utility easement in the rear. Section A.4 of the UZC requires one parking space per Accessory Apartment and one space for a single-family residence. The new structure and existing driveway will accommodate the necessary parking for both uses on site.

Accessory Apartments are subject to Section III-D.6.a of the Unified Zoning Code (UZC), which states:

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 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.
4. 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.

The character of the neighborhood is low-density residential. Properties to the north and west are zoned SF-5 and are developed with single-family dwellings. Properties to the east and south are zoned TF-3 Two-Family Residential District and are developed with duplexes.

**CASE HISTORY:** On May 15, 1912, the subject site was platted as part of the Merriman Park Place Addition. There are no zoning cases associated with this property.

**ADJACENT ZONING AND LAND USE:**

North:	SF-5	Single-family dwelling
South:	TF-3	Duplex
East:	TF-3	Duplex
West:	SF-5	Single-family dwelling

**PUBLIC SERVICES:** The subject site has access to East Lewis Street, a two-way local street with no sidewalks. All municipal services and utilities, such as water and sewer, already serve this site. Wichita Transit stops one-half mile northeast of the subject site, on East Douglas Avenue and South Crestway Street.

**CONFORMANCE TO PLANS/POLICIES:** The proposed use is in conformance with the *Community Investments Plan*. The *Community Investments Plan's* 2035 Wichita Future Growth Concept Map identifies the site as a "Residential", which the Plan defines as "areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing densities and types includes, but is not limited to, single-family 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)." An Accessory Apartment is appropriate for this category.

The requested zoning aligns with the goals of the *Wichita: Places for People Plan*. The *Wichita: Places for People Plan* provides recommendations for urban infill development in the Established Central Area (ECA). The subject site is located within the ECA. In general, the ECA is envisioned as “a place for people - a place that provides for the movement of people - on foot, on bike and through transit - in balance with automobiles.”

- Strategies: The Plan recommends strategies to help guide the community in their actions to create walkable places within Wichita. The requested zoning aligns with Strategy 5, “Provide a diversity of housing options to attract new residents and allow existing residents to remain in the ECA.” The small-scale development would provide housing options that otherwise might not be immediately available in the area.
- The requested zoning also aligns with Strategy 6, “Encourage infill and redevelopment that is contextual to the environment in which it is occurring.” The proposed Conditional Use would allow for the infill of an additional dwelling unit.

**RECOMMENDATION:** Based upon the information available at the time the report was prepared, staff recommends the Conditional Use be **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 4316 East Lewis Street), and the ownership shall not be divided or sold as a condominium.
2. Development of the site shall be in conformance with the approved site plan.
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6. 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.

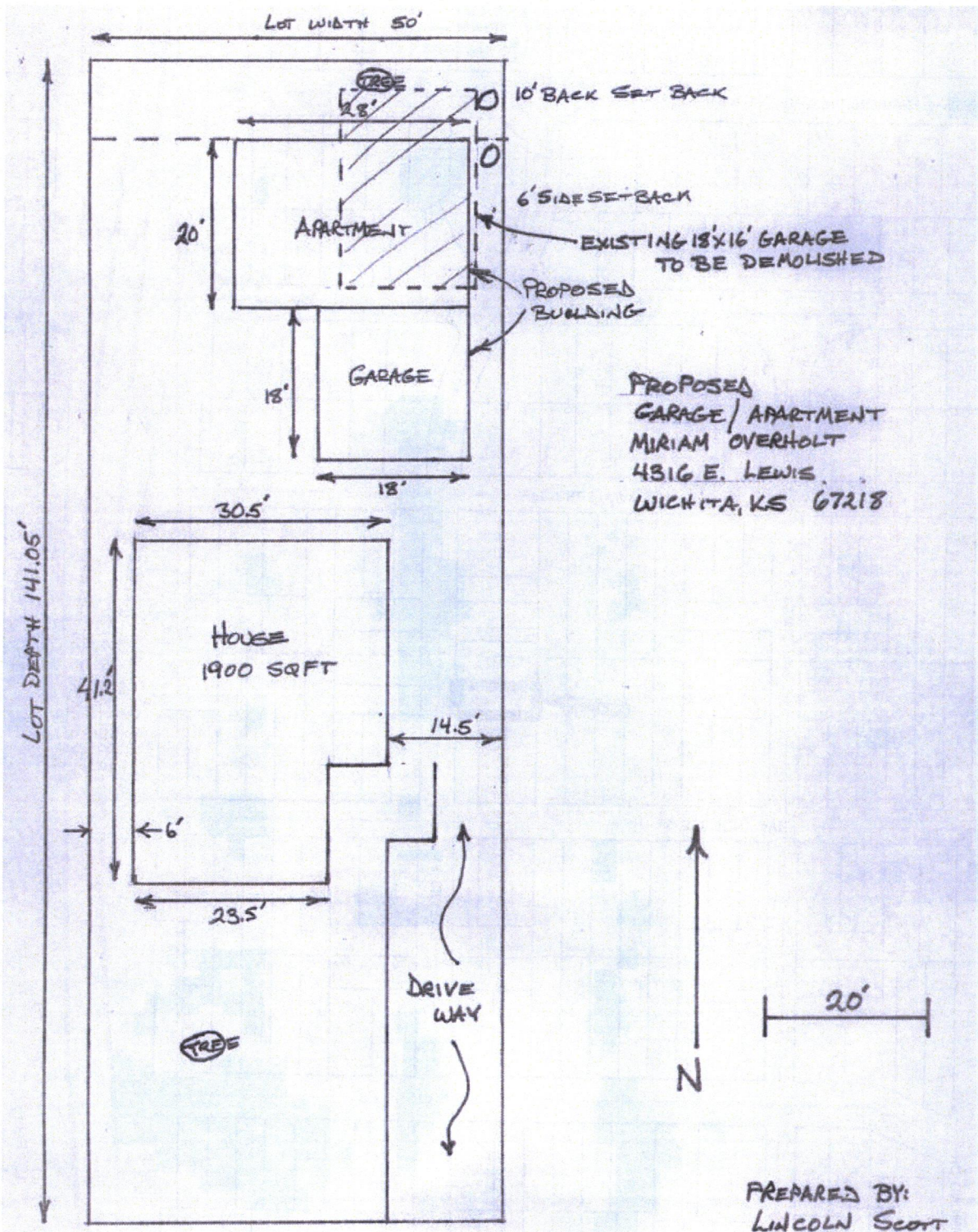
This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the neighborhood is low-density residential. Properties to the north and west are zoned SF-5 and are developed with single-family dwellings. Properties to the east and south are zoned TF-3 Two-Family Residential District and are developed with duplexes.
2. The suitability of the subject property for the uses to which it has been restricted: The subject site is currently zoned SF-5 Single-Family Residential, which permits an Accessory Apartment by Conditional Use approval under Section III-D.6.a of the Unified Zoning Code.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Staff does not anticipate that approval of the request will generate significant amounts of additional traffic. The conditions of approval should minimize any possible significant negative impacts.
4. Length of time subject property has remained vacant as zoned: The subject property is not vacant. The property has been developed with a single-family residential dwelling since 1928.

5. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: It is not anticipated that the requested Conditional Use will have a significant detrimental effect on the public health, safety, or welfare. Denial of the application may result in a loss of enjoyment for the applicant.
6. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The proposed use is in conformance with the *Community Investments Plan* and the *Wichita: Places for People Plan*, as discussed in the report.
7. Impact of the proposed development on community facilities: Staff expect that there will be minimal significant impact on public roads, water, and sewer service.
8. Opposition or support of neighborhood residents: At the time the staff report was prepared, staff received one phone call from a concerned neighbor about the increased density in the immediate area if the Conditional Use request is approved.

Attachments:

1. Site Plan
2. Aerial Map
3. Zoning Map
4. Land Use Map
5. Site Photos







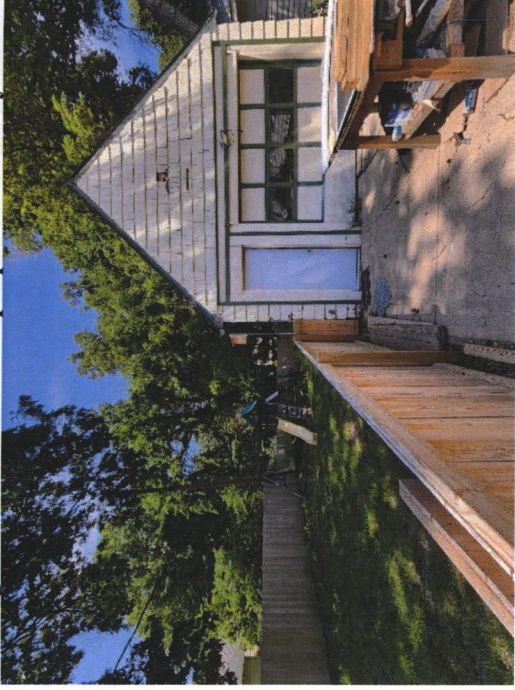
ZONING	RR	SF-20	SF-10	SF-5	TF-3	MF-18	MF-29	B	MH	NO	GO	NR	LC	GC	CBD	OW	IP	LI	IP-A	GI	AFB	U	PUD	AIRPORT	OLD TOWN
	[Light Green]	[Light Orange]	[Light Yellow]	[Light Purple]	[Yellow]	[Orange]	[Green]	[Brown]	[Dark Orange]	[Red]	[Dark Green]	[Blue]	[Dark Red]	[Pink]	[Light Blue]	[Olive]	[Purple]	[Light Blue]	[Pink]	[Black]	[Black]	[Dark Blue]	[Grey]	[Blue with white bar]	[Red with white bar]



**Looking north towards site**



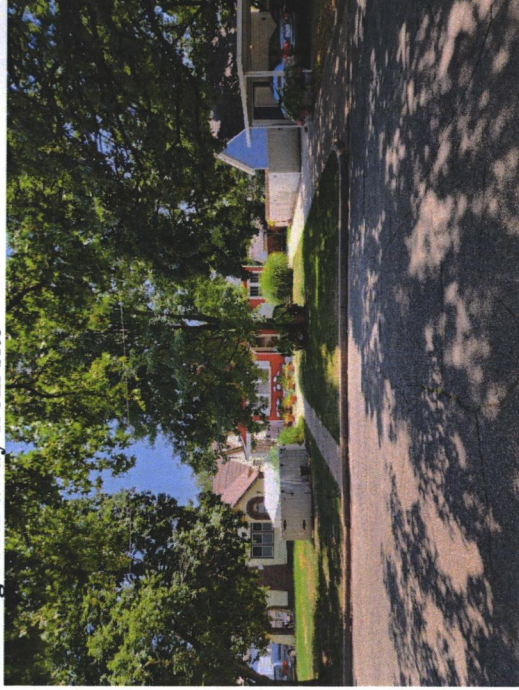
**Looking north towards site of proposed accessory structure**



**Looking north towards site**



**Looking south away from site**



**Looking south towards site**

