

## CONDITIONAL USE RESOLUTION NO. CU-480

**WHEREAS**, Steve and Sue Curtis, 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 a temporary manufactured home on 6.5 acres zoned "SF-20" Single-Family Residential described as:

The North 207 feet of the South 744 feet of the Southeast Quarter of the Southeast Quarter, Except the East 60 feet for road, Section 31, Township 26 South, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas. Generally located 1/8 mile north of 29th Street North and west of Maize Road (3053 N. Maize Road).

**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 June 11, 1998, 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 a temporary manufactured home on 6.5 acres zoned "SF-20" Single-Family Residential described as:

The North 207 feet of the South 744 feet of the Southeast Quarter of the Southeast Quarter, Except the East 60 feet for road, Section 31, Township 26 South, Range 1 West of the 6<sup>th</sup> P.M., Sedgwick County, Kansas. Generally located 1/8 mile north of 29th Street North and west of Maize Road (3053 N. Maize Road).

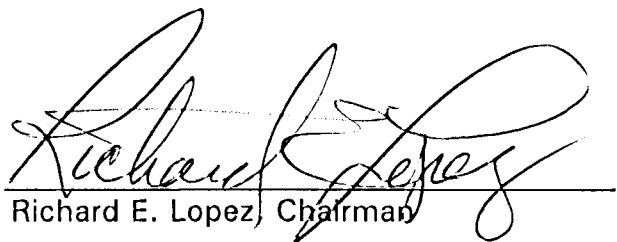
subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning . Specifically the requirements of Section III-D 6 L (3) of the zoning code shall be met. The applicant shall receive approval from the Health Department for use of the on-site lagoon by the accessory dwelling unit, prior to moving the unit on the site.
2. The accessory home shall remain on the site as an accessory dwelling for Charles and/or Patricia Roughton only as long as they require medical assistance. The applicant shall report to the County Code Enforcement Office on a yearly basis, every June, the status of the occupancy of this mobile home.

3. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the conditional use or neither of the applicant's parents reside on the site.
4. The temporary manufactured home shall be placed on the site as indicated on the site plan.
5. Any violation of the conditions approved as part of this request shall render the conditional use null and void.

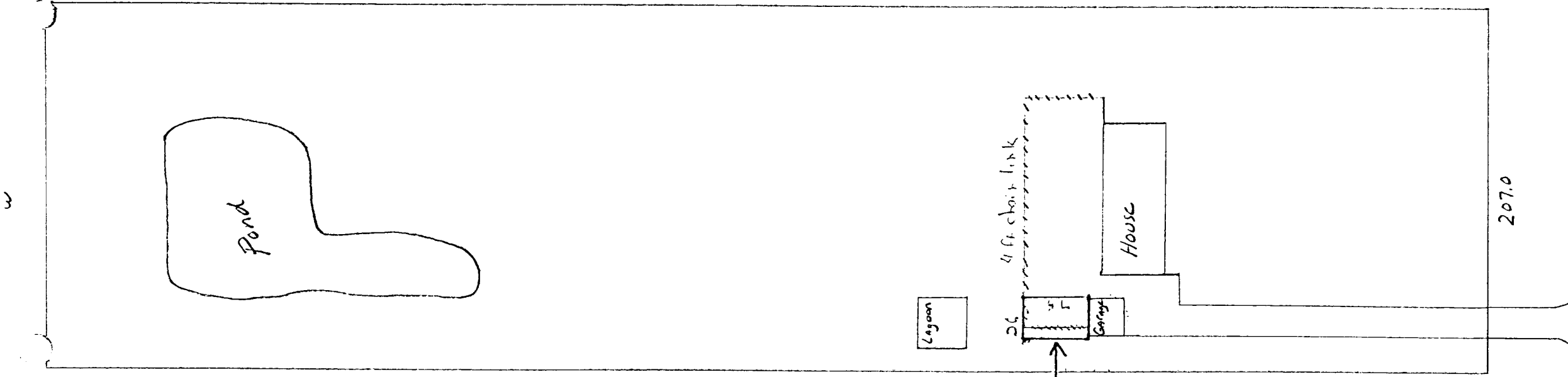
Adopted this 11th day of June, 1998. This resolution shall become effective on the fifteenth day after the date last noted above unless the matter is forwarded to the Governing Body for final action under the provisions of Section V-D.6. When any one or more of the exceptions listed in Section V-D.6 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

  
Richard E. Lopez, Chairman

ATTEST:

  
Marvin S. Krout, Secretary



W

Pond

Lagoon

4 ft chain link

House

Garage

207.0

1281.0

New  
Modular  
Home  
Site

MAIZE RD

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# STAFF REPORT

MAPC June 11, 1998

**CASE NUMBER:** CU-480

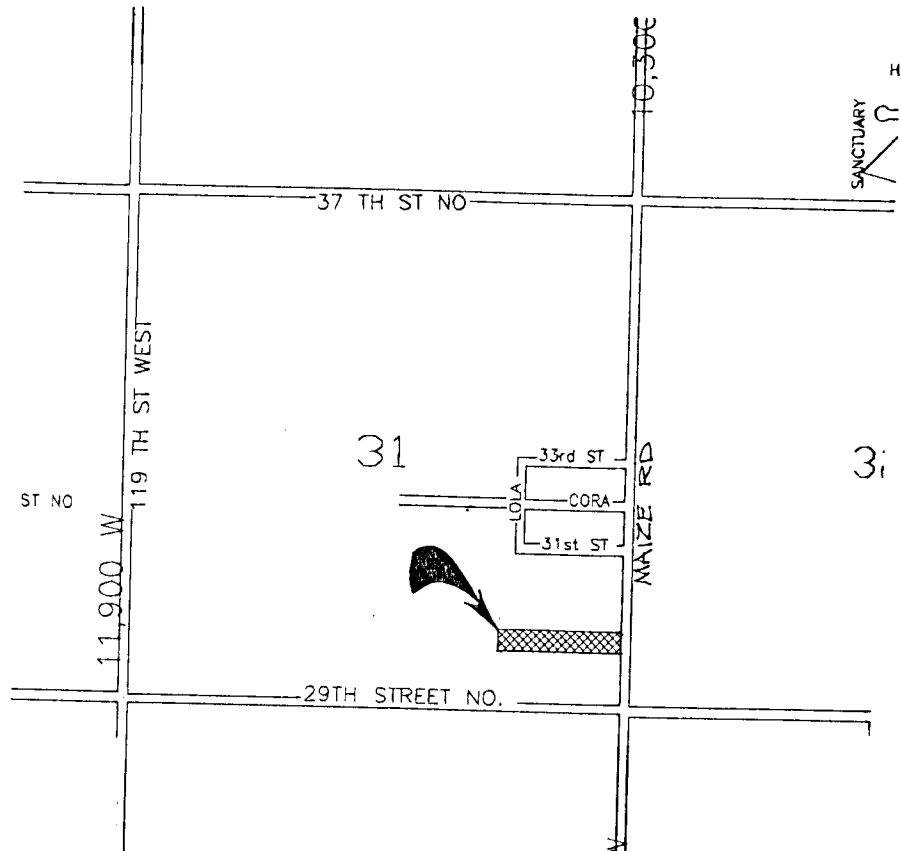
**APPLICANT/AGENT:** Steve and Sue Curtis

**REQUEST:** Conditional use to allow a temporary manufactured home.

**CURRENT ZONING:** "SF-20" Single Family Residential

**SITE SIZE:** 6.5 acres

**LOCATION:** 1/8 mile north of 29th Street North and west of Maize Road (3053 N. Maize Road)



**BACKGROUND:** The applicant requests a conditional use to permit an accessory manufactured home on 6.5 unplatted acres zoned "SF-20" Single-Family Residential. The application area is located 1/8 mile north of 29th Street North and west of Maize Road. The applicant's parents are elderly, and have medical conditions which require attention beyond what they can provide for themselves (letter from doctor attached).

The applicant's site plan shows the temporary manufactured home to be located southwest of the existing house and west of the existing garage. The minimum distance from the garage must be six feet. The minimum interior side setback is ten feet from the property line. The site plan shows a 16 foot setback from the south property line.

Surrounding uses are 5 acre lot (5 plus acre) single family on the north and south of the property. The area to the east and west is agricultural.

Section III-D.6.1.(3) of the Unified Zoning code permits manufactured homes as accessory structures provided: (a) The location of the manufactured home shall conform to all setback requirements of the district in which located; (b) The lot area for the manufactured home need not comply with the area requirements of the zoning district, provided that the unit is connected to a public water supply and a municipal-type sewer system, the minimum lot size shall be determined by the County Health Department; (c) The unit shall comply with all of the standards of Sec. III-D.6.1.(2); (d) The applicant shall show due cause that hardship exists and that the hardship cannot reasonably be alleviated without the granting of the conditional use; and (e) The Planning Commission shall determine a reasonable time limit for each individual case. The manufactured/mobile home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the conditional use.

**CASE HISTORY:**

**ADJACENT ZONING AND LAND USE:**

NORTH: "SF-20" Single-Family Residential  
SOUTH: "SF-20" Agricultural Land  
EAST: "SF-20" Agricultural Land  
WEST: "SF-20" Agricultural Land

**PUBLIC SERVICES:** The existing lagoon on this site will need to receive approval from the Health Department for use of the temporary manufactured home. The existing home on the site is served by a well, which will be used for the accessory structure also. Maize is a two lane paved county road with a count of 7,000 ADT.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Map of the Comprehensive Plan identifies this area as appropriate for suburban use. This category provides for large-lot residential living areas where the full range of municipal services including public water and sewer systems is not available or planned. Such areas are characterized by residential lots in the range of 1 to 20 acres. The "suburban" category seeks to accommodate flexibility of choice for individuals preferring more suburban lifestyles, but is generally located in areas which are not prime agricultural resources.

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

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning . Specifically the requirements of Section III-D 6 L (3) of the zoning code shall be met. The applicant shall receive approval from the Health Department for use of the on-site lagoon by the accessory dwelling unit, prior to moving the unit on the site.
2. The accessory home shall remain on the site as an accessory dwelling for Charles and/or Patricia Roughton only as long as they require medical assistance. The applicant shall report to the County Code Enforcement Office on a yearly basis, every June, the status of the occupancy of this mobile home.
3. The manufactured home shall be removed from the property within 90 days after any change in the circumstances used as a basis for the conditional use or neither of the applicant's parents reside on the site.
4. The temporary manufactured home shall be placed on the site as indicated on the site plan.
5. Any violation of the conditions approved as part of this request shall render the conditional use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The application area and all property adjoining it are zoned "SF-20" Single-Family Residential. The area is characterized by large lot single-family homes and agricultural uses.
2. The suitability of the subject property for the uses to which it has been

restricted: The code permits a temporary, accessory manufactured home on "SF-20" Single-Family District provided the applicant and the site meet the specified criteria. The applicant and the site appear to be able to meet all of those criteria. The site could continue to be used as currently zoned, but the present owners could not provide the assistance their parents require on this site.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Given the rural nature of the application area and the temporary nature of the use, there should not be any detrimental effects on nearby by property.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The plan does not speak specifically to accessory homes in the rural areas of the county. The zoning code anticipated these uses and made specific provision for the process. This site appears to comply with all of the provisions outlined in the code. Approval of this request will not harm any Comprehensive Plan policies or guidelines.
5. Impact of the proposed development on community facilities: None identified.