

## CONDITIONAL USE RESOLUTION NO. CON-2001-00031

**WHEREAS**, William Mack Hubert; Life Designs c/o Stephen Menke, 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 an accessory apartment on approximately 11,615 square feet zoned "SF-5" Single-family Residential described as:

Lot 11 and part of Lot 10, described as beginning at the Northwest corner of said Lot 10, thence East 116 feet, more or less, to the Northwest corner of said Lot 10, thence South 16 feet, more or less, to the rear corner common to Lot 8, 9, and 10, thence West to beginning, all in Block 12, Country Acres Second Addition, Wichita, Sedgwick County, Kansas. Generally located at northeast of the W School Street – N 10<sup>th</sup> Street Intersection.

**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 21, 2001, 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 an Accessory Apartment on 11,615 sq-ft zoned "SF-5" Single-family Residential described as:

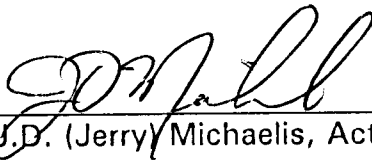
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subject to the following conditions:

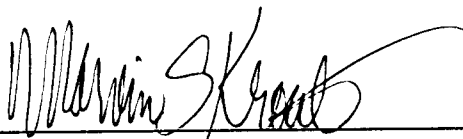
1. The accessory apartment shall be subject to all requirements of Section III-D.6a of the Unified Zoning Code, which includes compatibility of appearance to the primary residence and the neighborhood.
2. The owner of the property shall reside on-site, either in the main home or in the accessory apartment.
3. The applicant shall obtain all applicable permits, including but not limited to building, health and zoning.
4. The owner of the property shall provide at least one off-street, paved parking space, if the occupant of the accessory apartment drives.
5. The site shall be developed in general conformance with the approved site plan and submitted elevations.
6. Any violation of these conditions shall render this Conditional Use Permit null and void.

Adopted this 21<sup>st</sup> day of June, 2001. 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

  
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J.D. (Jerry) Michaelis, Acting Chair MAPC

ATTEST:

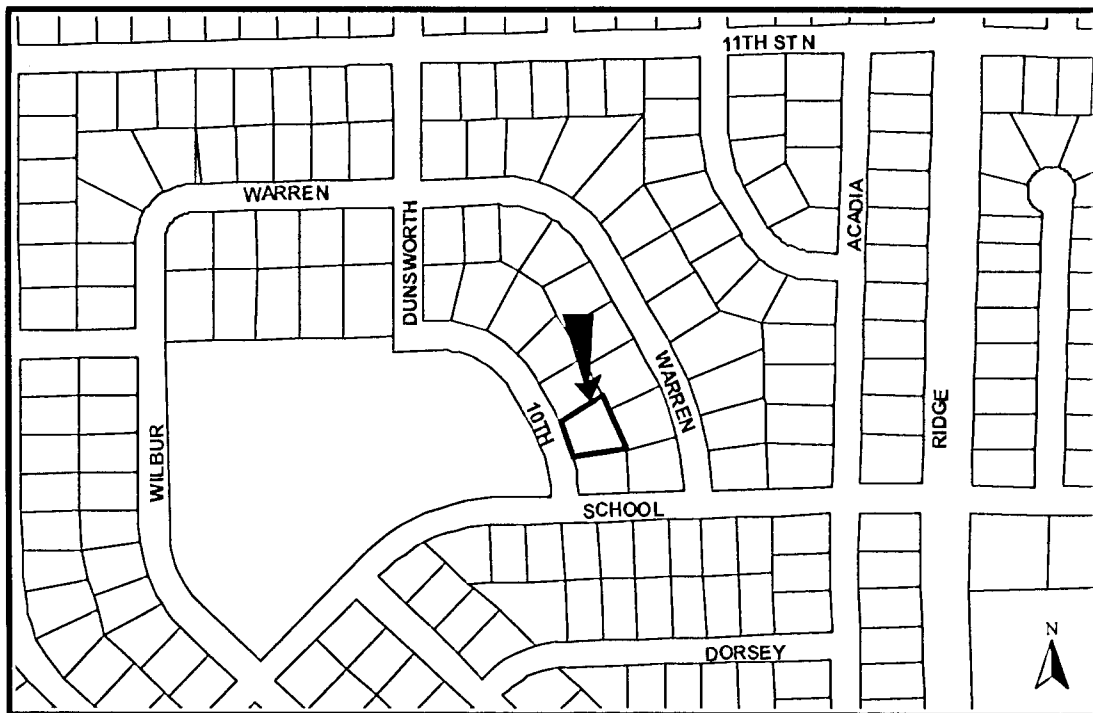
  
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Marvin S. Krout, Secretary





**STAFF REPORT**  
MAPC – June 21, 2001

**CASE NUMBER:** CON2001-00031  
**APPLICANT/OWNER:** Wm Mack Hubert  
**AGENT:** Life Designs c/o Stephen Menke  
**REQUEST:** Conditional Use to allow an Accessory Apartment  
**CURRENT ZONING:** "SF-5" Single Family Residential  
**SITE SIZE:** Approximately 11,615 sq-ft  
**LOCATION:** Northeast of the W School Street – N 10<sup>th</sup> Street intersection  
**PROPOSED USES:** To provide housing for an aging parent  
**VACINITY MAP:**



**BACKGROUND:** The applicant is requesting consideration for a Conditional Use to allow an accessory apartment on property zoned "SF-5" Single Family Residential. An accessory apartment in "SF-5" Single Family Residential zoning requires a Conditional Use Permit. The site, Lot 11& part of Lot 10, Block 12, Country Acres 2<sup>nd</sup> Addition, is located northeast of the W School Street – N 10<sup>th</sup> Street intersection. The site/lot's size and configuration is typical for this subdivision, the "part of Lot 10" referred to in the legal description is a narrow wedge shaped addition along its south side that added approximately 1,000 sq-ft to the total lot size. All nearby property is zoned "SF-5" Single Family Residential and is developed as single family residential, with the exception of a public elementary school located west of the applicant's site. The applicant proposes to build a 624 sq-ft guesthouse with a bedroom, a bathroom, living room, and kitchen. The accessory apartment will be one story tall, with a 5/12-pitch gable roof (approximately 13-15-ft at its peak) and vinyl siding. The primary house is approximately 1,300 sq-ft in size. The applicant has submitted a site plan showing the proposed use of the subject property. The site plan shows the location of all existing structures, the proposed accessory apartment and easements. The applicant has indicated that an aging parent will use the accessory apartment as living quarters, but in the long term the applicant will use it for his personal use.

**CASE HISTORY:** Lot 11 and part of Lot 10, Blk 12, Country Acres 2<sup>nd</sup> Addition was recorded June 21, 1948.

**ADJACENT ZONING AND LAND USE:**

NORTH:	"SF-5" Single Family Residential	Single Family Residence
EAST:	"SF-5" Single Family Residential	Single Family Residence
SOUTH:	"SF-5" Single Family Residential	Single Family Residence
WEST:	"SF-5" Single Family Residential	School

**PUBLIC SERVICES:** W School Street and N 10<sup>th</sup> Street are residential roads. There are no traffic counts at this intersection. City utilities are available at this location.

**CONFORMANCE TO PLANS/POLICIES:** The Comprehensive Plan identifies this property as appropriate for Low Density Residential. Low Density Residential is intended for 1 to 6 dwelling units per acre and provides for the lowest density of urban residential land use. It can consist of single-family detached homes, zero lot line units, cluster subdivisions and planned developments with mixed housing, including townhouse and multi-family units. The Plan encourages accessory apartments in single-family areas to increase affordable housing opportunities and to use land more efficiently.

**RECOMMENDATION:** Based on the information available prior to the public hearing, staff recommends the application for a Conditional Use for an accessory apartment be

APPROVED, subject to platting and the following conditions.

1. The accessory apartment shall be subject to all requirements of Section III-D.6a of the Unified Zoning Code, which includes compatibility of appearance to the primary residence and the neighborhood.
2. The owner of the property shall reside on-site, either in the main home or in the accessory apartment.
3. The applicant shall obtain all applicable permits, including but not limited to building, health and zoning.
4. The owner of the property shall provide at least one off-street, paved parking space, if the occupant of the accessory apartment drives.
5. The site shall be developed in general conformance with the approved site plan and submitted elevations.
6. Any violation of these conditions shall render this Conditional Use Permit null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood. The applicant's site and the surrounding area is zoned "SF-5" Single Family Residential. The existing uses are residential, with a school located to the west of the site. The character of the area is distinctly single family residential. Schools are permitted by right in residential zoning.
2. The suitability of the subject property for the uses to which it has been restricted: The Code permits an accessory apartment in single-family residential districts with a Conditional Use provided the site meets specific site and building standards. The applicant and the site appear to meet those standards.
3. Extent to which removal of the restrictions will detrimentally affect nearby property. Any detrimental affects would be mitigated by the recommended condition of approval and code required development standards.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: 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 impact of this development on the community facilities will be minimal.