

## **CONDITIONAL USE RESOLUTION NO. CON-2001-00060**

**WHEREAS**, Royce and Jayme Lathrop, 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 accessory apartment on 0.44 acres zoned "SF-5" Single-Family Residential described as:

Lot 22, Robson Heights Addition, Wichita, Sedgwick County, Kansas. Generally located south of 30<sup>th</sup> Street South and east of Osage.

**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 January 10, 2002, 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 accessory apartment on 0.44 acres zoned "SF-5" Single-Family Residential described as:

Lot 22, Robson Heights Addition, Wichita, Sedgwick County, Kansas. Generally located south of 30<sup>th</sup> Street South and east of Osage.

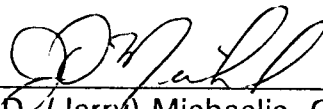
subject to the following conditions:

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. The site shall be developed in general conformance with the approved site plan. Access to the accessory apartment shall be via a driveway connecting to the existing driveway on the adjoining Lot 23, or shall be provided with an all-weather parking area and driveway on Lot 22 meeting the requirements of Section IV-A of the Unified Zoning Code.
4. The owner of the property shall reside on Lot 22, either in the main home or the accessory apartment, or in the event that ownership of Lots 22 and 23 is held by the same owner, the owner may reside on either Lot 22 or Lot 23.

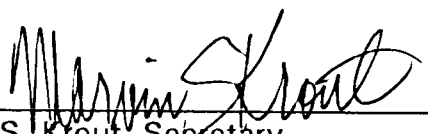
5. Prior to publishing the resolution establishing the Conditional Use, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as CON2001-00060) includes special conditions for development on this property.
6. Any violation of these conditions shall render this Conditional Use Permit null and void.

Adopted this 10th day of JANUARY, 2002. 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

  
\_\_\_\_\_  
J.D. (Jerry) Michaelis, Chair MAPC

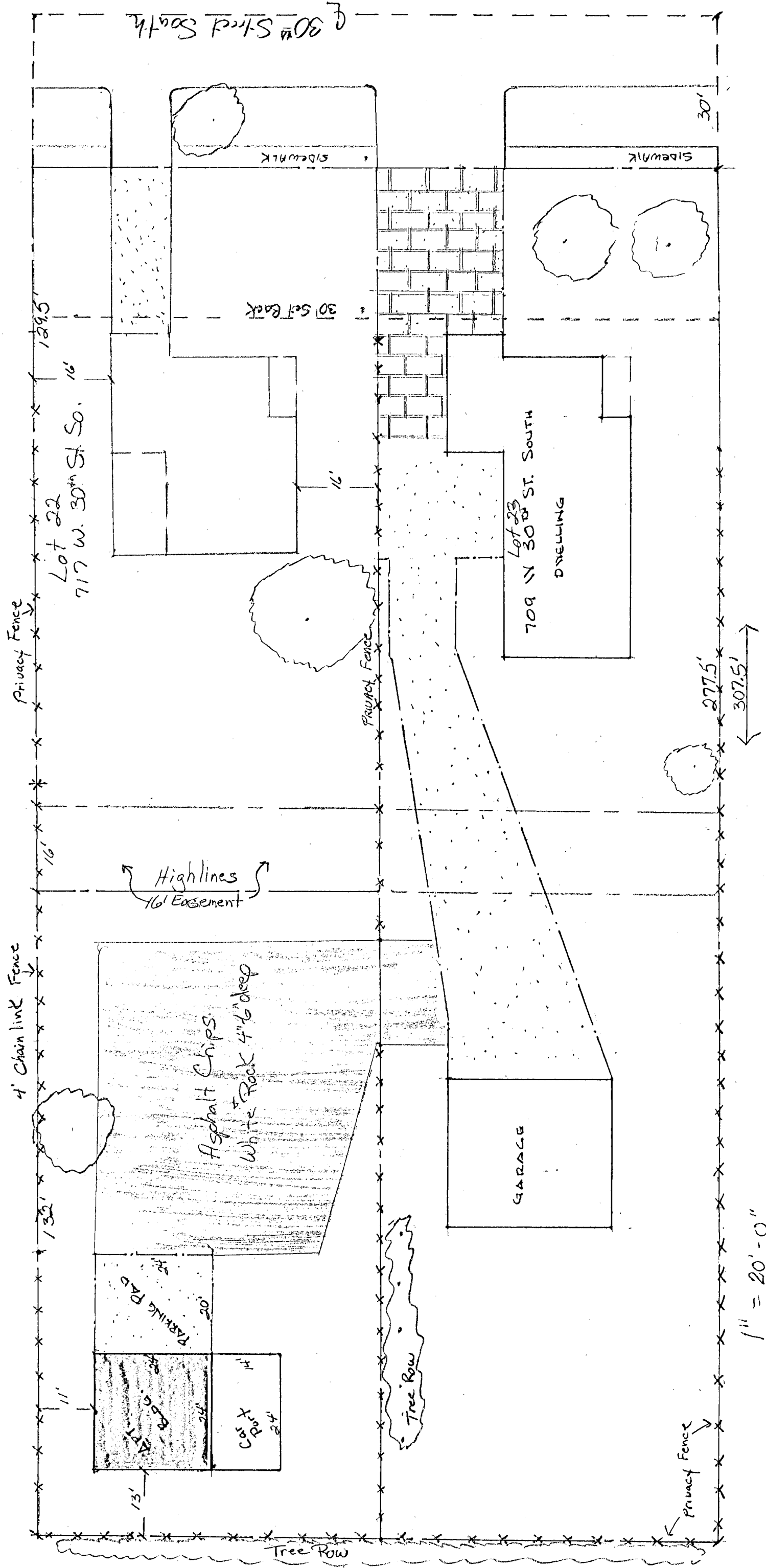
ATTEST:

  
\_\_\_\_\_  
Marvin S. Krout, Secretary

Continuation Use for Accessory Airt.  
Lot 22

Jayne + Royce Lathrop  
Robson, rights Addition  
Lots 22 + 23  
Conditional Use  
1" = 20'

North



CON2001-60

## STAFF REPORT

MAPC January 10, 2002

---

CASE NUMBER: CON2001-00060

APPLICANT/AGENT: Royce and Jayme Lathrop

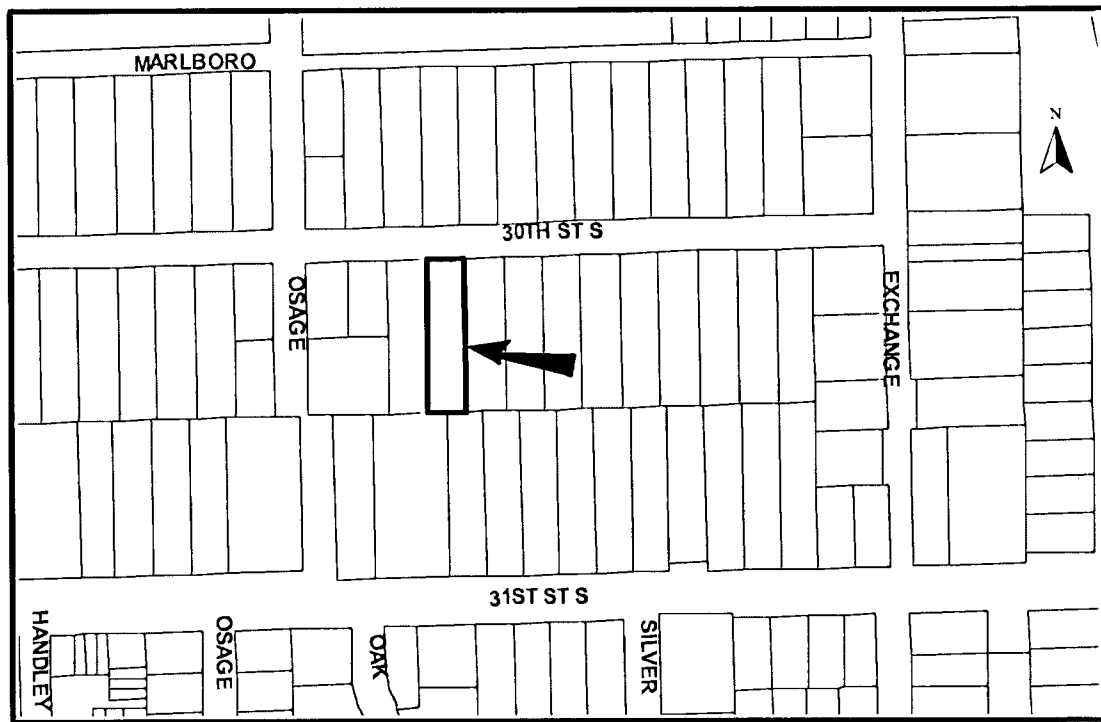
REQUEST: Conditional Use for accessory apartment

CURRENT ZONING: "SF-5" Single-Family Residential

SITE SIZE: 0.44 acres

LOCATION: South of 30<sup>th</sup> Street South and east of Osage

PROPOSED USE: Accessory apartment



**BACKGROUND:** The applicant is requesting a "Conditional Use" to allow an accessory apartment on Lot 22, Robson Height Addition, located approximately 210 feet west of Osage Avenue on the south side of 30<sup>th</sup> Street South. The property is zoned "SF-5" Single-Family Residential. The request is being made to allow an apartment over a garage on the rear of the property.

The existing home is located near the front of the property, approximately 30 feet from 30<sup>th</sup> Street South. The garage/accessory apartment is located at the rear of the property approximately 10 feet from the rear and side property line. The lot is deep (277 feet), which gives ample distance between the primary residence on the front of the lot and the accessory apartment on the rear.

The surrounding area is developed with single-family residences. The lots to the east and west of Lot 22, Robson Heights, are the same size (70' x 277.5' or 19,425 square feet) along the entire block face between Osage and Exchange Place. The lots to the north and south are essentially the same size of slightly below 20,000 square feet. At least one other property in the vicinity appears to have an accessory apartment or extra living space above a detached garage on the rear of the lot. In addition, there are several large garages in the vicinity, including one located on the adjoining lot to the south.

As per the Unified Zoning Code, the "Conditional Use" requirements for accessory apartments stipulate the following:

- (a) a maximum of one accessory apartment may be allowed on the same lot as a single-family dwelling;
- (b) the appearance of an accessory apartment shall be compatible with the main dwelling and with the character of the neighborhood;
- (c) the accessory apartment shall remain accessory to and under the same ownership as the principal single-family dwelling, including that it shall not be subdivided or sold as a condominium; and
- (d) the water and sewer service provided to the accessory structure shall not be provided as separate service from the main dwelling.

While the request meets these requirements, the ownership pattern and access is unusual for an accessory apartment situation. The adjoining property, Lot 23, is in the same ownership as Lot 22. The applicants intend for the accessory apartment to have access via a spur from the driveway on Lot 23 where they live, rather than from a drive extending over Lot 22.

**CASE HISTORY:** Robson Heights was platted July 26, 1950.

**ADJACENT ZONING AND LAND USE:**

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

**PUBLIC SERVICES:** Access to the site is 30<sup>th</sup> Street South, a local residential street. Other normal services are available.

**CONFORMANCE TO PLANS/POLICIES:** The Land Use Guide of the 1999 Comprehensive Plan Update designates this area as being appropriate for "low density residential." By definition, low density residential has a density range of 1 to 6 units per acre, and includes single-family detached homes, zero lot line units and cluster subdivisions. The Land Use-Residential Goal/Objective II.A encourages residential redevelopment, infill and higher density residential development. The site is located in the "revitalization" area of the Wichita Residential Area Enhancement Strategy Map, where one of the strategies is to encourage well-designed infill housing.

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

1. The accessory apartment shall be subject to all requirements of Section III-D.6.a of the Unified Zoning Code.
2. The applicant shall obtain all applicable permits, including but not limited to: building, health, and zoning.
3. The site shall be developed in general conformance with the approved site plan. Access to the accessory apartment shall be via a driveway connecting to the existing driveway on the adjoining Lot 23, or shall be provided with an all-weather parking area and driveway on Lot 22 meeting the requirements of Section IV-A of the Unified Zoning Code.
4. The owner of the property shall reside on Lot 22, either in the main home or the accessory apartment, or in the event that ownership of Lots 22 and 23 is held by the same owner, the owner may reside on either Lot 22 or Lot 23.
5. Prior to publishing the resolution establishing the Conditional Use, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as CON2001-00060) includes special conditions for development on this property.

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 surrounding zoning is "SF-5" Single-family. Placement of this accessory apartment does not violate the density requirements for the "SF-5" zoning district. The apartment would be similar to the primary structure in residential character.
2. The suitability of the subject property for the uses to which it has been restricted: Accessory apartments are allowed as a "Conditional Use" in "SF-5" provided the applicant and the site meet the specified criteria. The applicant and the site appear to meet these criteria.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Any detrimental effect should be minimized by the large size of the lot. The apartment will be placed toward the rear of the deep lot, so as not to be as immediately visible from the street. A large garage on the adjoining lot to the south somewhat separates the garage/accessory apartment from the residence to the south. The requirement that the owner occupies either the principal residence or the accessory structure, or occupies the principal residence on the adjoining lot to the east helps ensure that the properties do not become a cluster of rental units without any owner occupancy.
4. Conformance of the requested change to adopted or recognized Plans/Policies: The Unified Zoning Code makes specific provision for accessory apartments in "SF-5". This application appears to comply with all the provisions outlined in the UZC for accessory apartments. Approval of the request would not be contrary to any Comprehensive Plan policies or guidelines, and would be supported by the residential land use objective of encouraging infill, as well as the Enhancement Strategy Map showing the area for "revitalization" by encouraging well-designed infill housing.
5. Impact of the proposed development on community facilities: The applicants' request should have a minimal impact on community facilities.