



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

September 20, 2012

Charles L. Lloyd, Jr.  
9901 North 159<sup>th</sup> Street East  
Benton, KS 67017

**RE: CON2012-00040** - County Conditional Use request for an Accessory Apartment on property generally located west of North 159<sup>th</sup> Street, approximately 1,910 south of East 101<sup>st</sup> Street North (9901 N. 159<sup>th</sup> Street East)

Dear Ladies and Gentlemen:

At its regular meeting on September 20, 2012, 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 Conditional Use permits one accessory apartment on the application area. The accessory apartment may be either a single-wide manufactured home or a residential designed manufactured home. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: zoning, including Article III, Section III-D.6 .a.(1)-(4) and Article III, Section III-D.6.l; building, fire and utility regulations or codes. The revised site plan shall include a description of the materials to be used on the exterior façade of the accessory apartment.
2. If needed for building permit purposes a more detailed site plan that includes dimensions and other site specific details may be required prior to the issuance of any required permits.
3. The Conditional Use shall be effective and in force so long as a medical hardship exists for a family member of someone residing in the principal structure. Per UZC Sec. III-D.6.l(3)(d), the applicant shall provide to County Code Enforcement proof of the existence of a medical hardship with a letter from a health care provider prior to occupancy of the accessory apartment. The accessory apartment shall be removed within 90 days after any change in the

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circumstances used as the basis for the medical hardship and/or Conditional Use. It is the responsibility of the property owner to advise County Code Enforcement of any change in the circumstances used as the basis for the medical hardship.

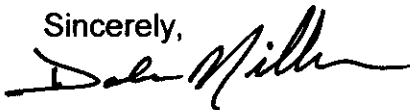
4. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in Article VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Property owners may also file written protest petitions on zoning related items heard by the MAPC. 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 within 1,000 feet of the property for which the application was filed, and must be submitted to the County Clerk within 14 days of the conclusion of the MAPC hearing, by **October 4, 2012, at 5 p.m.** Such petitions may cause the application to be disapproved, if the land area encompassed by the protesting owners exceeds 20% of the land area within 1,000 feet of the perimeter of the application area, unless the County Commission overrides such a protest and approves the application by a positive vote of 5 of its members.

If there are no valid appeals or protest petitions filed opposing this action by **October 4, 2012**, the action of the MAPC will be considered final. If appeals or protest petitions are filed, you will be advised of the date your application will be forwarded to the Governing Body for review and final action.

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 268-4421.

Sincerely,



Dale Miller  
Current Plans Manager

Copies to: John Roy, 1143 North Woodridge Dr., Wichita, KS, 67206  
BCOC 1, Dave Unruh, Mail Stop County, Room 320  
Bob Parnacott, County Attorney, Mail Stop County Room 359  
Kelly Dixon, County Code Enforcement, 1144 S Seneca, Wichita, KS  
67213  
Jim Weber County Public Works, 1144 S Seneca, Wichita, KS 67213

## CONDITIONAL USE RESOLUTION NO. CON2012-00040

**WHEREAS**, Charles L. Lloyd, Jr., (owner); 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 approximately 10.1 acres zoned RR Rural Residential ("RR"), described as:

Commencing at the Northwest corner of the East half of the Southeast Quarter of Section 24, Township 25 South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence South 00 degrees 05'04" W (assumed) along the West line of said East half of said Northeast Quarter 2027.71 feet to the point of beginning; thence S 00 degrees 05'04" W 625.45 feet to the Southeast corner of said East half; thence S 88 degrees 58'02" E 657.22 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Northeast Quarter; thence N 00 degrees 03'17" E 664.11 feet to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Northeast Quarter; thence S 89 degrees 02'19" E 657.73 feet to the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Northeast Quarter; thence N 00 degrees 00'00" E 35.0 feet; thence N 89 degrees 02'25" W 705.19 feet; thence S 00 degrees 00'00" W 70.51 feet; thence N 89 degrees 15'17" W 609.39 feet to the point of beginning, except road right of way.

**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 September 20, 2012, 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 an "accessory apartment" on property zoned RR Rural Residential ("RR"), described as:

Commencing at the Northwest corner of the East half of the Southeast Quarter of Section 24, Township 25 South, Range 2 East of the 6<sup>th</sup> P.M., Sedgwick County, Kansas; thence South 00 degrees 05'04" W (assumed) along the West line of said East half of said Northeast Quarter 2027.71 feet to the point of beginning; thence S 00 degrees 05'04" W 625.45 feet to the Southeast corner of said East half; thence S 88 degrees 58'02" E 657.22 feet to the Southwest corner of the Southeast Quarter of the Southeast Quarter of said Northeast Quarter; thence N 00 degrees 03'17" E 664.11 feet to the Northwest corner of the Southeast Quarter of the Southeast Quarter of said Northeast Quarter; thence S 89 degrees 02'19" E 657.73 feet to the Northeast corner of the Southeast Quarter of the Southeast Quarter of said Northeast Quarter; thence N 00 degrees 00'00" E 35.0 feet; thence N 89 degrees 02'25" W 705.19 feet; thence S 00 degrees 00'00" W 70.51 feet; thence N 89 degrees 15'17" W 609.39 feet to the point of beginning, except road right of way.

Approved subject to the following conditions:

1. The Conditional Use permits one accessory apartment on the application area. The accessory apartment may be either a single-wide manufactured home or a residential designed manufactured home. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: zoning, including Article III, Section III-D.6 .a.(1)-(4) and Article III, Section III-D.6.I; building, fire and utility regulations or codes. The revised site plan shall include a description of the materials to be used on the exterior façade of the accessory apartment.
2. If needed for building permit purposes a more detailed site plan that includes dimensions and other site specific details may be required prior to the issuance of any required permits.
3. The Conditional Use shall be effective and in force so long as a medical hardship exists for a family member of someone residing in the principal structure. Per UZC Sec. III-D.6.I(3)(d), the applicant shall provide to County Code Enforcement proof of the existence of a medical hardship with a letter from a health care provider prior to occupancy of the accessory apartment. The accessory apartment shall be removed within 90 days after any change in the circumstances used as the basis for the medical hardship and/or Conditional Use. It is the responsibility of the property owner to advise County Code Enforcement of any change in the circumstances used as the basis for the medical hardship.
4. 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 VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

Adopted this 10<sup>TH</sup> day of OCTOBER, 2012.

METROPOLITAN AREA PLANNING COMMISSION

  
David Dennis, Chair MAPC

ATTEST:

  
John L. Schlegel, Secretary



**STAFF REPORT**  
**MAPC 9-20-12**

AGENDA ITEM NO. 5

**CASE NUMBER:** CON2012-00040

**APPLICANT/AGENT:** Charles L. Lloyd, Jr., and Quitina L. Lloyd (owner/applicant/agent)

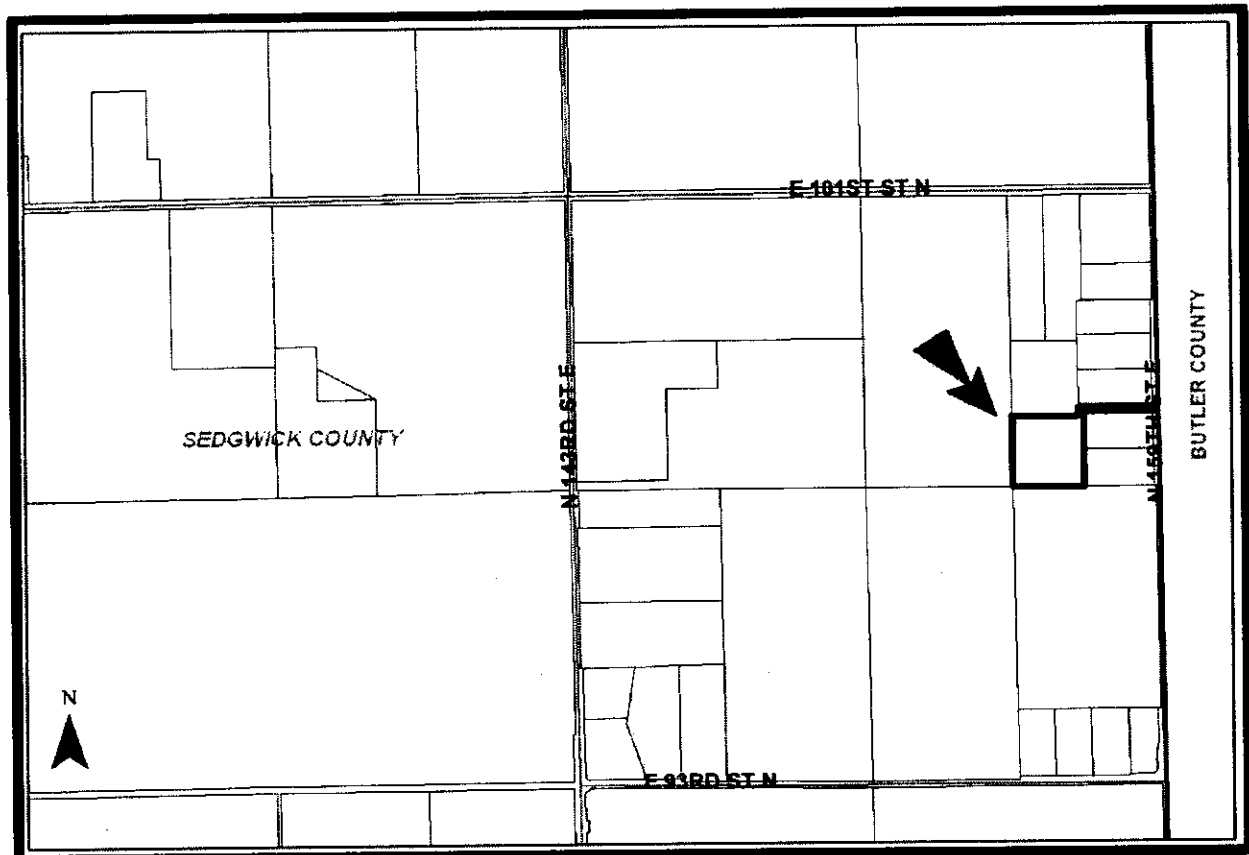
**REQUEST:** Conditional Use for an Accessory Apartment

**CURRENT ZONING:** RR Rural Residential ("RR")

**SITE SIZE:** 10.1 acres

**LOCATION:** West of North 159<sup>th</sup> Street East, approximately 1,910 feet south of East 101<sup>st</sup> Street North

**PROPOSED USE:** Accessory Apartment



**BACKGROUND:** The applicant is seeking Conditional Use approval for a temporary “accessory apartment” on approximately 10.1 acres zoned RR Rural Residential (“RR”) that are located approximately 1,910 feet south of East 101<sup>st</sup> Street North, west of North 159<sup>th</sup> Street East. The subject tract is an unplatted flag-shaped tract that is currently developed with a double-wide modular type single-family residence, a barn and a shed. The property utilizes a lagoon for its on-site sanitary sewer service. The residence is served by an on-site water well for its water service. The applicants are seeking approval to temporarily place a single-wide manufactured home south of the existing residence to allow a family member to reside on-site due to a medical hardship.

Properties located in all directions from the application area are zoned RR. The RR zoned tracts located to the north and east are developed with single-family residences located on tracts ranging in size from 4.65 acres to 10.5 acres. The RR zoned tracts located south, southwest and west of the application area are approximately eighty-acre tracts used for agriculture.

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 subject to supplementary use regulations found at UZC 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.

Unified Zoning Code, Article III, Sections III-D.6.1(3)(a)-(e) of the UZC permits a temporary, accessory manufactured home dwelling unit in the County with Conditional Use approval and subject to the following additional requirements: (a) The location of the manufactured home shall conform to all setback requirements of the district in which it is 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. If the property is not served by a public water supply and municipal-type sewer system, the minimum lot area shall be determined by County Health Department (County Code Enforcement). (c) The unit shall comply with all of the standards of Secs. III-D.6.1(1) and II-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. (e) The Planning Commission shall determine a reasonable time limit for each individual case. 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.

Applicable sections of UZC Sec. III-D.6.1 state that in the unincorporated County, only residential-designed manufactured homes may be placed on individual lots or tracts unless the site meets one of the exemption described in Secs. III-D.6.1(2-4). Section III-D.6.1(2)(b) states a single-wide manufactured home is permitted if the tract of land is a buildable lot under this code and the applicable Subdivision Regulations and has received a Conditional Use in accordance with Section V-D for the temporary placement of an accessory manufactured home under hardship conditions as provided in Sec. III-D.6.1(3).

Unified Zoning Code Sections III-D.6.1(1)(a)1-3) state that all manufactured homes installed in the

unincorporated portion of Sedgwick County shall: be placed in accordance with the manufactured home siting standards of Sedgwick County, and amendments thereto; provided said standards have been adopted. In the event such standards are not adopted or until such standards, the following shall apply: 1) the manufactured home shall be placed on a permanent enclosed perimeter foundation, or be skirted around the perimeter of the home, within 45 days of the placement of the home, by solid concrete or masonry walls or a material designed to be used as mobile home skirting that does not have a flame spread rating in excess of 25. (The rest of this section provides technical standards regarding skirting and its installation.) 2) The manufactured home shall be provided with handrails on all outside stairs that have a rise of more than 30 inches from grade to finished floor elevation; and 3) the manufactured home shall have any stairs, porches and handrails constructed so as to be structurally sound.

**CASE HISTORY:** None

**ADJACENT ZONING AND LAND USE:**

NORTH: RR; large-lot single-family residences  
SOUTH: RR; agriculture  
EAST: RR; large-lot single-family residences  
WEST: RR; agriculture

**PUBLIC SERVICES:** The property is located in Harvey County Rural Water District No. 1 service area. 159<sup>th</sup> Street is a sand and gravel road. Along the applicant's frontage, 159<sup>th</sup> Street has only thirty feet of half-street right-of-way. Properties located north and south of the applicant's frontage have fifty feet of half-street right-of-way.

**CONFORMANCE TO PLANS/POLICIES:** The Wichita and Small Cities 2030 Urban Growth Areas map designates the site as a rural area. Land designated as rural encompasses land located outside the 2030 urban growth areas for Wichita and the small cities. The rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately larger lot residential exurban subdivisions with provisions for individual, or community water or sewer services. The application area is located beyond any zoning area of influence boundary.

**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 Conditional Use permits one accessory apartment on the application area. The accessory apartment may be either a single-wide manufactured home or a residential designed manufactured home. The site shall be developed and maintained in general conformance with the approved site plan, and in conformance with all applicable regulations, including but not limited to: zoning, including Article III, Section III-D.6 .a.(1)-(4) and Article III, Section III-D.6.l; building, fire and utility regulations or codes. The revised site plan shall include a description of the materials to be used on the exterior façade of the accessory apartment.
2. If needed for building permit purposes a more detailed site plan that includes dimensions and other site specific details may be required prior to the issuance of any required permits.
3. The Conditional Use shall be effective and in force so long as a medical hardship exists for a family member of someone residing in the principal structure. Per UZC Sec. III-D.6.l(3)(d), the applicant shall provide to County Code Enforcement proof of the existence of a medical hardship with a letter from a health care provider prior to occupancy of the accessory apartment. The accessory apartment shall be removed within 90 days after any change in the circumstances used

as the basis for the medical hardship and/or Conditional Use. It is the responsibility of the property owner to advise County Code Enforcement of any change in the circumstances used as the basis for the medical hardship.

4. 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 VII hereof, may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Properties located in all directions from the application area are zoned RR. The RR zoned tracts located to the north and east are developed with single-family residences located on tracts ranging in size from 4.65 acres to 10.5 acres. The RR zoned tracts located south, southwest and west of the application area are approximately eighty-acre tracts used for agriculture. Properties located in the larger area surrounding the application area are predominantly used for agriculture and for large-lot rural homes.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned RR, which permits by-right one single-family residence per two acres (or 4.5 acres if a lagoon is used). A single-family residence currently exists on the property. As currently zoned, the property could continue to be used as currently developed; however, the site contains over ten acres that could potentially be subdivided to create another residential building site. The Unified Zoning Code allows a second accessory residential unit with Conditional Use approval.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. A second dwelling unit could potentially be installed without Conditional Use approval but would require platting. The conditions of approval and the size of the site should minimize any anticipated detrimental impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The Wichita and Small Cities 2030 Urban Growth Areas map designates the site as a rural area. Land designated as rural encompass land located outside the 2030 urban growth areas for Wichita and the small cities. The rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than those agricultural uses commonly found in Sedgwick County and predominately larger lot residential exurban subdivisions with provisions for individual, or community water or sewer services. The application area is located beyond any zoning area of influence boundary.
5. Impact of the proposed development on community facilities: Existing community facilities are more than able to meet projected demand.



# SITE PLAN

## con2012-40

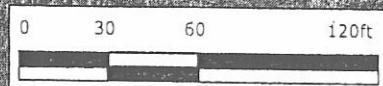
### site plan

APPROVED 10-10-13 BY DM



- City Limit Boundaries
  - Property Parcels
  - Lot Block
  - Subdivisions
  - Roads
    - State Highway
    - US Federal Highway
    - Interstate
    - KTA
    - Arterial
    - Collector
    - Minor
    - Ramp
    - Railroads
  - Quarter Section
  - HOA
  - Local Investment Area
  - Noise Contours-2004
  - Noise Contours-1994
- City Limits**
- Andale
  - Bel Aire
  - Bentley
  - Cheney
  - Clearwater
  - Colwich
  - Derby
  - Eastborough
  - Garden Plain
  - Goddard
  - Haysville
  - Kechi
  - Maize
  - Mount Hope

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MAPC 9-20-12