



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

July 25, 2013

Oscar and San Juana Gomez  
3415 N. Fairview  
Wichita, KS 67204


**RE: CON2013-13 - City Conditional Use for an Accessory Apartment in SF-5 Single-family Residential zoning, generally located on the west side of Fairview Street and north of 33rd Street North (3415 N.Fairview St.).**

Dear Applicants:

At its regular meeting on June 20, 2013, 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 conditions on the attached resolution, please note the requirement to submit an elevation drawing to planning staff. This case received no protests during the two-week protest period, therefore the MAPC decision is final.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

  
Jess McNeely, AICP  
Current Plans

Copies to: J. R. Cox, MABCD, Mail Stop 1-72  
Tom Stolz, MABCD, Mail Stop 1-72  
Mike Gable, MABCD, Mail Stop 1-72  
Janet Miller, WCC VI  
Terri Dozal, NA VI

**CONDITIONAL USE RESOLUTION NO. CON2013-13**

**WHEREAS**, Oscar and San Juana Gomez (owners), 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 in SF-5 Single-family Residential zoning on .2 acres described as:

Lots 19 and 20, Block 7, Jones Park Addition to Wichita, Sedgwick County, Kansas, generally located west of Fairview Street and north of 33rd Street North (3415 N. Fairview St.).

**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 20, 2013, 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 zoning on .2 acres described as:

Lots 19 and 20, Block 7, Jones Park Addition to Wichita, Sedgwick County, Kansas, generally located west of Fairview Street and north of 33rd Street North (3415 N. Fairview St.).

Approved subject to the following conditions:

1. The Conditional Use permits one single-family accessory apartment on the site. The site shall be developed and maintained in general conformance with the approved site plan, the approved elevation drawing, and in conformance with all applicable regulations, including but not limited to: local zoning, including Article III, Section III-D.6 .a.(1)-(4); building, fire and utility regulations or codes.
2. The applicant shall submit an elevation drawing to be approved by planning staff, demonstrating dimensions and exterior materials.
3. 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.

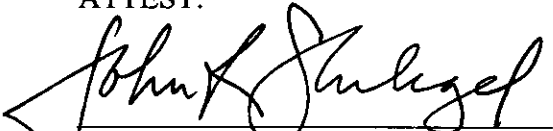
Adopted this 20<sup>th</sup> Day of June 2013

METROPOLITAN AREA PLANNING COMMISSION



David Dennis, Chair MAPC

ATTEST:



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John L. Schlegel, Secretary



**STAFF REPORT**  
DAB VI 6-19-13  
MAPC 6-20-13

AGENDA ITEM NO. 8

CASE NUMBER: CON2013-13

APPLICANT/AGENT: Oscar and San Juana Gomez (owners)

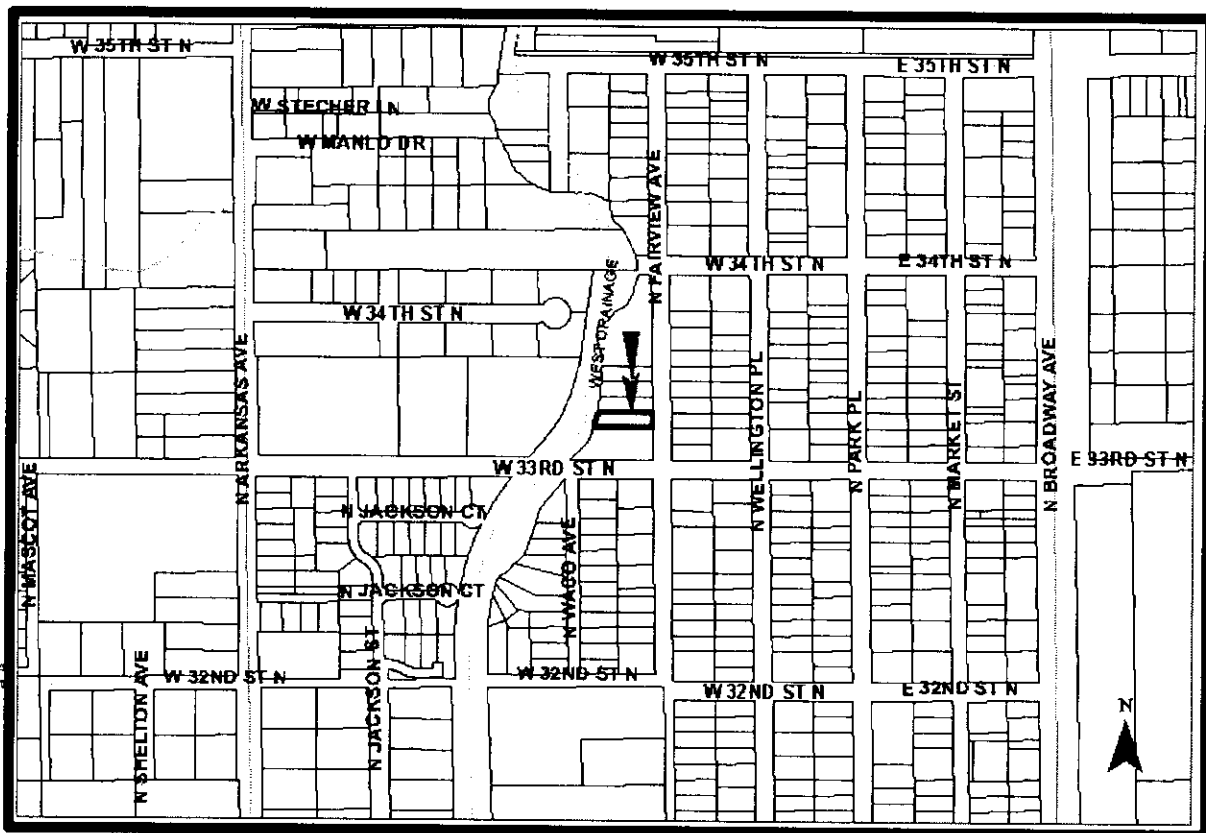
REQUEST: Conditional Use for an Accessory Apartment

CURRENT ZONING: SF-5 Single-family Residential

SITE SIZE: .2 acres

LOCATION: West of North Fairview and north of 33rd Street North (3415 N. Fairview)

PROPOSED USE: Accessory Apartment



**BACKGROUND:** The applicants request a Conditional Use for an “accessory apartment” on property zoned SF-5 Single-family Residential, the site is located on the west side of north Fairview and north of 33<sup>rd</sup> Street North (3415 N. Fairview). The property is currently developed with a single-family residence, built in 1940, and a detached garage on the 50 by 190-foot site. The applicant proposes adding a second story accessory apartment above the existing two-car garage at the rear of the site.

All properties immediately surrounding the site to the north, south and east are zoned SF-5 and developed with a mixture of single-family residences, duplexes, churches and manufactured housing, some vacant lots exist in the immediate area. Abutting the site to the west is drainage ditch; further west is LC Limited Commercial zoned vacant land and a commercial development. Southwest of the site, across 33<sup>rd</sup> Street North and the drainage ditch, is an MF-29 Multi-family Residential zoned subdivision developed with single-family residences.

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 also subject to supplementary use regulation 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.

The SF-5 zoning district property development standards call for a minimum rear setback of 20 feet for principal structures; however, accessory structure rear building setback (Sec. III-D.7.e(1)) shall be at least ten feet from the centerline of any platted or dedicated alley, and if no alley exists, then five feet from the rear lot line; accessory structures may be within three feet of a side lot line if on the rear half of the property. Accessory structures may not utilize more than one-half of any required rear yard, and shall not exceed 60 percent of the allowable height limit for the zoning district unless the accessory structure conforms to principal structure setback requirements. The SF-5 zoning district maximum height is 35 feet, 60 percent of which is 21 feet. The UZC parking standards require one off-street parking space per single-family residence and one per accessory apartment. The submitted site plan appears to conform to UZC requirements, except that the proposed building height is unknown.

**CASE HISTORY:** The site was platted as Lots 19 and 20, Block 7 of the Jones Park Addition North Wichita in 1920.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5	Single-family residences, manufactured housing, vacant
SOUTH:	SF-5, MF-29	Single-family residences
EAST:	SF-5	Single-family residences, duplex, manufactured housing, church
WEST:	LC	Drainage ditch, vacant, commercial

**PUBLIC SERVICES:** The property is serviced by all publicly supplied municipal services. North Fairview is an unpaved, local street at this location with sixty feet of right-of-way.

**CONFORMANCE TO PLANS/POLICIES:** The 2030 Wichita Functional Land Use Guide map depicts this site as appropriate for “urban residential.” The “urban residential” category encompasses

areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units.

**RECOMMENDATION:** The immediate neighborhood has a mixture of land uses and housing types. This lot is deeper than average city lots, and therefore has enough room to accommodate the accessory apartment and associated parking. Existing tree growth on the site partially screens the accessory apartment from neighboring properties. Based on 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 single-family accessory apartment on the site. The site shall be developed and maintained in general conformance with the approved site plan, the approved elevation drawing, and in conformance with all applicable regulations, including but not limited to: local zoning, including Article III, Section III-D.6 .a.(1)-(4); building, fire and utility regulations or codes.
2. The applicant shall submit an elevation drawing to be approved by planning staff, demonstrating dimensions and exterior materials.
3. 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: All properties immediately surrounding the site to the north, south and east are zoned SF-5 and developed with a mixture of single-family residences, duplexes, churches and manufactured housing, some vacant lots exist in the immediate area. Abutting the site to the west is drainage ditch; further west is zoned vacant land and a commercial development. Southwest of the site, across 33<sup>rd</sup> Street North and the drainage ditch, is an MF-29 zoned subdivision developed with single-family residences.
2. The suitability of the subject property for the uses to which it has been restricted: The property is zoned SF-5 which permits the existing single-family residence. The property could continue to be used for one single-family residence; the depth of the property easily accommodates an accessory apartment and the additional required parking space.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of the request should not detrimentally impact nearby properties. The accessory apartment site is well screened from neighboring lots. The conditions of approval should minimize any anticipated detrimental impacts.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The 2030 Wichita Functional Land Use Guide map depicts this site as appropriate for "urban residential." The "urban residential" category encompasses areas that reflect the full diversity of residential development densities and types typically found in a large urban municipality. The range of housing types found includes single-family detached homes, semi-detached homes, zero lot line units, patio homes, duplexes, townhouses, apartments and multi-family units.

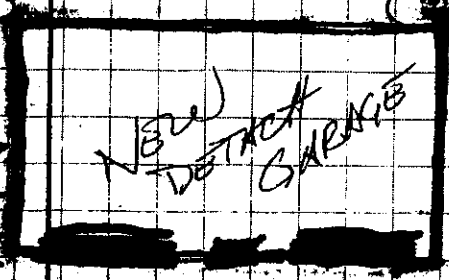
5. Impact of the proposed development on community facilities: If this request is approved, the site is served by municipal services that are able to accommodate projected demand created by this request.

CON 2013-13 SITE PLAN

**APPROVED**

*William J. Manning*

Date: 7-25-13



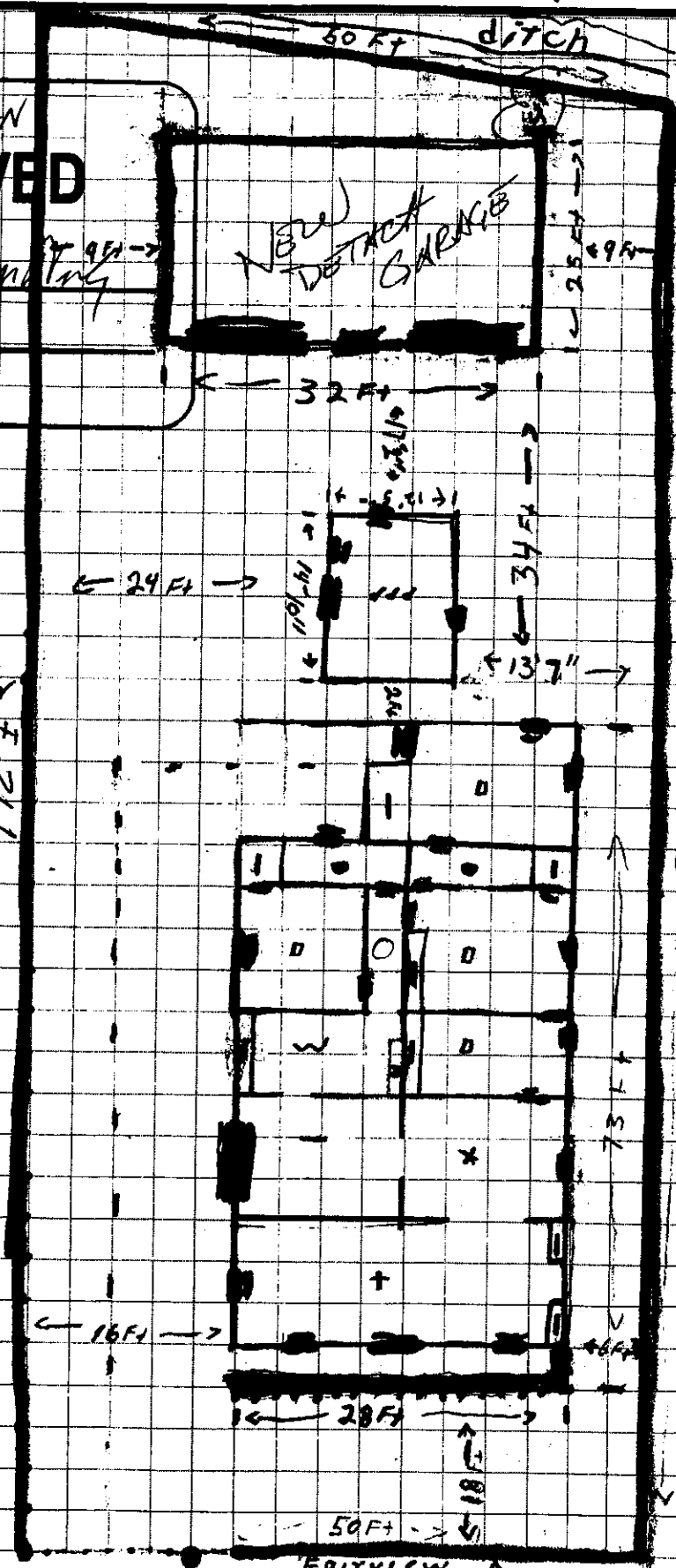
**BID 2009 05792**

NOTE:  
SEWER MAIN  
IN FRONT

- Fence
- Porch
- concrete yard
- Garage door
- Patio door
- Front Back and Garage door
- inside door
- window
- Bedroom
- bathroom
- hallway
- w Drywasher room
- kitchen
- x Amc room
- + living room
- | closet
- Garage or storage
- Patio
- > air conditioner control
- Gate
- tejabam Patio cover

1921

185 FT



3415 N Fairview  
Wichita, KS 67204

4' MANHOLE