



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

March 25, 2005

Thomas W. and Sharon A. Schuckman
25115 W. 71st S. RR A-1
Viola, KS 67149

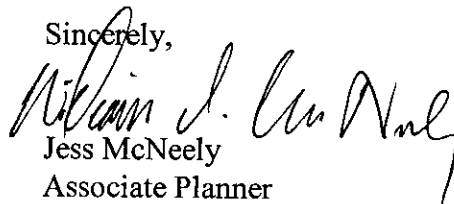
RE: CON2005-04 – Sedgwick County Conditional Use to permit an accessory apartment on property zoned “RR” Rural Residential. Generally located south of 71st Street South, 1200 feet west of South 247th Street West. (District III)

Dear Ladies and Gentlemen:

At its regular meeting on March 10, 2005, the Metropolitan Area Planning Commission considered the above-captioned request. The action of the MAPC was to APPROVE the request subject to the conditions stated in the enclosed resolution.

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

Sincerely,


Jess McNeely
Associate Planner

JMC/rms

Cc: Tom Winters, County Commissioner District III, Mail Stop, County Room 320
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

Adopted this 10th DAY of MARCH, 2005. 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


Morris K. Dunlap, Chair MAPC

ATTEST:


John L. Schlegel, Secretary

CONDITIONAL USE RESOLUTION NO. CON2005-00004

WHEREAS, Thomas and Sharon Schuckman (Owner/Applicant); pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use to allow an accessory apartment on 5 acres zoned "RR" Rural Residential described as:

Beginning at a point 1015.06 feet west of the northeast corner of the East one-half of the Northeast Quarter of Section 3, Township 29 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, thence south with a deflection angle to the left of 89 degrees, 41' a distance of 740.00 feet to a point, thence west with a deflection angle to the right of 89 degrees 41' a distance of 312.03 feet to a point; thence north with a deflection angle to the right 90 degrees 19' a distance of 740.00 feet to a point on the north line of said East one-half of said quarter section, thence east a distance of 312.03 feet to the point of beginning. Generally located south of 71st Street South and west of 247th Street West.

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 March 10, 2005, 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 5 acres zoned "RR" Rural Residential described as:

Beginning at a point 1015.06 feet west of the northeast corner of the East one-half of the Northeast Quarter of Section 3, Township 29 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas, thence south with a deflection angle to the left of 89 degrees, 41' a distance of 740.00 feet to a point, thence west with a deflection angle to the right of 89 degrees 41' a distance of 312.03 feet to a point; thence north with a deflection angle to the right 90 degrees 19' a distance of 740.00 feet to a point on the north line of said East one-half of said quarter section, thence east a distance of 312.03 feet to the point of beginning. Generally located south of 71st Street South and west of 247th Street West.

APPROVED, subject to the following conditions:

1. The applicants shall obtain all applicable permits including, but not limited to: building, health and zoning.
2. Development and maintenance of the site shall be in conformance with the approved site plan.
3. If operations have not begun within one year of approval, or if the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.



312'

71st Street

Ass. Apartment
New Addition
Carport

Evergreen shelter belt

Chain Link Fence

17' Gravel Driveway

Pasture Grass

Grass

Cedar Fence

30X26 Concrete Drive
Above electrical service

Propane tank

Grass

56X30 House

10X12 Deck

24X36 Garage

60X40 Shed

Trees + Landscaping

Trees

Pasture Grass

Open Property Line

Logune

Barbed wire Fence

APPROVED

CON 2005-04 SITE PLAN

Date: 3-24-06

William H. McVey

1" = 20'

Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator 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 surrounding area: All property surrounding the application area is zoned RR and used for agricultural purposes. The proposed accessory apartment is approximately 200 feet from the 71st Street South right-of-way.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned RR, which primarily permits agriculture and large lot residential uses. The site could continue to be used without the Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Provided that the proposed accessory apartment meets all applicable codes, the proposed accessory use should have no affect on the surrounding properties.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested conditional use is in conformance with the *Wichita-Sedgwick County Comprehensive Plan* and the *Wichita-Sedgwick County Unified Zoning Code*.
5. Impact of the proposed development on community facilities: None identified.

STAFF REPORT

MAPC March 10, 2005

CASE NUMBER: CON2005-00004

APPLICANT/AGENT: Thomas and Sharon Schuckman (owners)

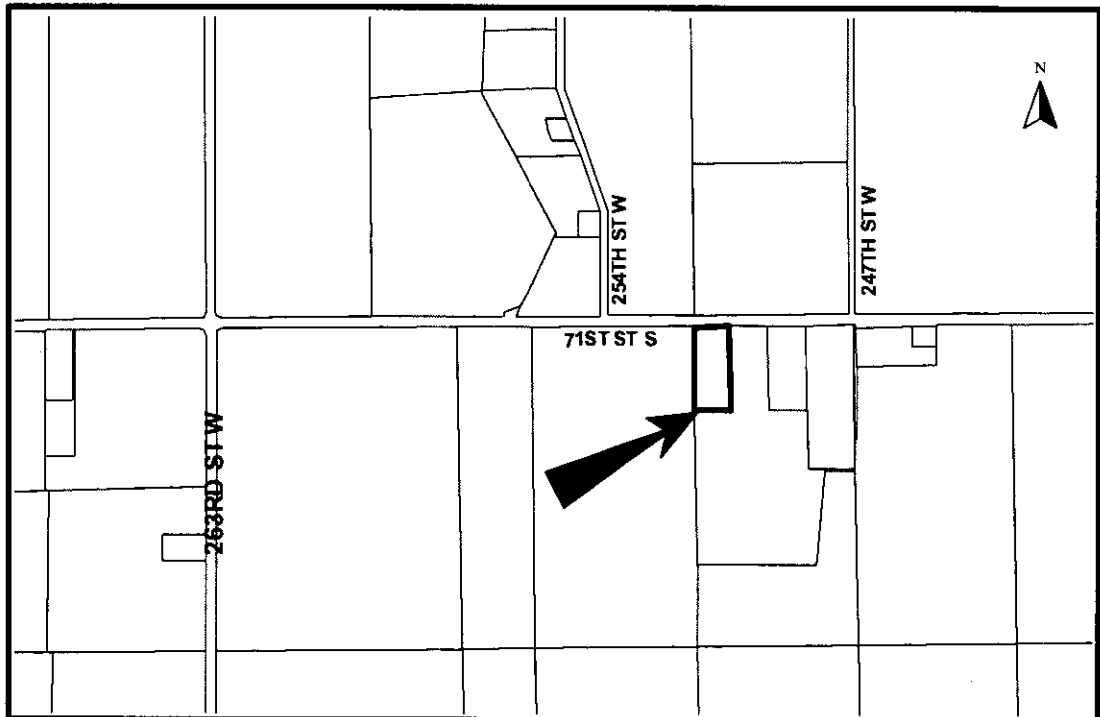
REQUEST: Conditional Use to allow an accessory apartment in "RR"
Rural Residential zoning

CURRENT ZONING: "RR" Rural Residential

SITE SIZE: 5 acres

LOCATION: South of 71st Street South and West of 247th Street West

PROPOSED USE: accessory residence for elderly mother



BACKGROUND: The applicant is requesting a Conditional Use for an accessory apartment in the County. The application area is a 5-acre un-platted parcel located south of 71st Street South and west of 247th Street West. The site is developed with a single-family residence, garage, and outbuilding. All surrounding property is zoned RR. Agricultural properties lie east, west, north and south of the application area, farmsteads and single-family properties lie to the north and east. The applicants propose to build the accessory apartment north of the existing residence, attached to a carport. Sedgwick County Code Enforcement requires building and sanitary sewage system approval for the proposed use.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH:	"RR"	farmstead, agricultural fields
SOUTH:	"RR"	agricultural fields
EAST:	"RR"	agricultural fields, single-family residence
WEST:	"RR"	agricultural fields

PUBLIC SERVICES: The property is located on 71st Street South, a paved two-lane section line road with a 50-foot half-width right of way. The property utilizes an existing lagoon for sewage.

CONFORMANCE TO PLANS/POLICIES: The "Sedgwick County Development Guide" of the *1999 Update to the Wichita-Sedgwick County Comprehensive Plan* identifies this area as "rural."

The *Wichita-Sedgwick County Unified Zoning Code* Section III-D.6.a states that accessory apartments are required to be under the same ownership as the primary residence, compatible in appearance with the primary residence, and utilize the same water and sewer service as the primary residence.

RECOMMENDATION: Planning staff finds that the application meets the conditions of the Unified Zoning Code. 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.
2. Development and maintenance of the site shall be in conformance with the approved site plan.
3. If operations have not begun within one year of approval, or if the Zoning