

WHEREAS, Paul and Rayna Waalkes, (Applicants) pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code (herein referred to as Unified Zoning Code), request a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 5128 East 101st Street North, and legally described as:

A tract of land in the Southwest Quarter of Section 13, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, commencing at the Southwest corner of said Southwest Quarter; thence East along the South line of said Southwest Quarter for 1,040.0 feet to the point of beginning; thence North perpendicular to said South line for 399.0 feet; thence East parallel with said South line for 292.0 feet; thence Southeasterly for 399.36 feet to the South line of said Southwest Quarter; thence West for 309.0 feet to the point of beginning.

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 July 27, 2023, consider said application; and

WHEREAS, the Board of County Commissioners 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 Board of County Commissioners that:

SECTION I. After having received a recommendation of the Metropolitan Area Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law, and under the authority granted by Section V-D of the Unified Zoning Code, the Board of County Commissioners approves this application to allow a Conditional Use for an Accessory Apartment in the County, on property zoned Rural Residential at 5128 East 101st Street North, and legally described as:

A tract of land in the Southwest Quarter of Section 13, Township 25 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, commencing at the Southwest corner of said Southwest Quarter; thence East along the South line of said Southwest Quarter for 1,040.0 feet to the point of beginning; thence North perpendicular to said South line for 399.0 feet; thence East parallel with said South line for 292.0 feet; thence Southeasterly for 399.36 feet to the South line of said Southwest Quarter; thence West for 309.0 feet to the point of beginning.

Approval of the application is subject to the following conditions:

- (1) The applicant will submit a revised site plan that illustrates one Accessory Apartment on site.
- (2) The Accessory Apartment shall remain accessory to and under the same ownership as the principal single-family residence and the ownership shall not be divided or sold as a condominium. The exterior materials are to be complimentary to the main structure.
- (3) Water and sewer services shall be connected to the main structure and provided in compliance with the Sedgwick County Sanitation Code before a building permit will be issued. Electric, gas,

telephone and cable television utility service may be provided as separate utility services.

- (4) The applicant shall obtain all applicable permits including, but not limited to: building, health and zoning. This will include submitting plans for review and approval by the MABCD.
- (5) Development and maintenance of the site shall be in conformance with the approved, revised site plan indicating one Accessory Apartment.
- (6) 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 VIII of the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

SECTION II. That upon the taking effect of this Resolution, the notation of such zoning change shall be shown on the "Official Zoning District Map" on file in the office of the Planning Director of the Wichita-Sedgwick County Metropolitan Area Planning Department.

SECTION III. That this Resolution shall be effective upon publication in the official county newspaper.

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Commissioners present and voting were:

PETER F. MEITZNER
SARAH LOPEZ
DAVID T. DENNIS
RYAN K. BATY
JAMES M. HOWELL

Aye
Aye
Aye
Aye
Absent

Dated this 6 day of September, 2023.

ATTEST:

for Karen S. [Signature]
KELLY B. ARNOLD, County Clerk



BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

[Signature]
PETER F. MEITZNER, Chairman
Commissioner, First District

[Signature]
JAMES M. HOWELL, Chair Pro Tem
Commissioner, Fifth District

APPROVED AS TO FORM:

[Signature]
KIRK W. SPONSEL
Deputy County Counselor

[Signature]
SARAH LOPEZ
Commissioner, Second District

[Signature]
DAVID T. DENNIS
Commissioner, Third District

[Signature]
RYAN K. BATY
Commissioner, Fourth District