

WHEREAS, Michael and Trisha Helmer (collectively, "Applicant"), pursuant to Section V-D of the Wichita-Sedgwick County Unified Zoning Code ("Unified Zoning Code"), request a Conditional Use for Accessory Apartment and waiver of Supplementary Use Regulations III-D.6.a (2) in the County in CON2025-00060, on property zoned RR Rural Residential District, legally described as:

The South Half of the Northeast Quarter of Section 9, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part commencing at the Northeast corner of said South Half; thence S89°35'38"W, coincident with the North line of said South Half, a distance of 1,342.29 feet, for a Point of Beginning; thence S89°35'38"W, continuing along the North line of said South Half, 1,290.15 feet, to a point in the West line of said Northeast Quarter; thence S00°59'01"E, coincident with the West line of said Northeast Quarter, a distance of 664.92 feet; thence N89°42'53"E, a distance of 1,287.80 feet; thence N00°46'45"W, a distance of 667.61 feet, to the Point of Beginning; AND EXCEPT that part beginning at the Northeast corner of said South Half of said Northeast Quarter; thence S89°35'38"W, coincident with the North line of said South Half, a distance of 1,342.29 feet; thence S00°46'45"E, a distance of 667.61 feet; thence N89°42'53"E, a distance of 1,342.32 feet, to a point in the East line of said Northeast Quarter; thence N00°46'38"W, coincident with the East line of said Northeast Quarter, a distance of 670.44 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 ("Planning Commission") has been given.

WHEREAS, the Planning Commission did, at the meeting of May 8, 2025, consider said application.

WHEREAS, the Board of County Commissioners has authority to permit Conditional Uses, 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 from the City of Derby's Planning Commission and of the Planning Commission, and after said Planning Commission has given proper notice and held a public hearing as provided by law on May 8, 2025, and under the authority granted by Section V-D of the Unified Zoning Code, the Board of County Commissioners approves this application to allow Accessory Apartment and waiver of Supplementary Use Regulations III-D.6.a (2) (appearance of the main Dwelling Unit and Accessory Apartment shall be compatible) on property zoned RR Rural Residential District, legally described as:

The South Half of the Northeast Quarter of Section 9, Township 29 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, EXCEPT that part commencing at the Northeast corner of said South Half; thence S89°35'38"W, coincident with the North line of said South Half, a distance of 1,342.29 feet, for a Point of Beginning; thence S89°35'38"W, continuing along the North line of said South Half, 1,290.15 feet, to a point in the West line of said Northeast Quarter; thence S00°59'01"E, coincident with the West line of said Northeast Quarter, a distance of

664.92 feet; thence N89°42'53"E, a distance of 1,287.80 feet; thence N00°46'45"W, a distance of 667.61 feet, to the Point of Beginning; AND EXCEPT that part beginning at the Northeast corner of said South Half of said Northeast Quarter; thence S89°35'38"W, coincident with the North line of said South Half, a distance of 1,342.29 feet; thence S00°46'45"E, a distance of 667.61 feet; thence N89°42'53"E, a distance of 1,342.32 feet, to a point in the East line of said Northeast Quarter; thence N00°46'38"W, coincident with the East line of said Northeast Quarter, a distance of 670.44 feet, to the Point of Beginning.

Approval of Accessory Apartment and waiver of Supplementary Use Regulations III-D.6.a (2) (appearance of the main Dwelling Unit and Accessory Apartment shall be compatible) is subject to the following conditions:

1. The Accessory Apartment shall remain accessory to and under the same ownership as the principal building, and the ownership shall not be divided or sold as a condominium.
2. Water and sewer services shall be the same as 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.
3. Development of the site shall be in conformance with the approved site plan. A revised site is needed to indicate that the current barndominium will become the accessory dwelling.
4. 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 for the Accessory Apartment, if necessary.
5. 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.

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

Commissioners present and voting were:

PETER F. MEITZNER
JEFF BLUBAUGH
STEPHANIE WISE
RYAN BATY
JAMES M. HOWELL

aye
aye
aye
aye
aye

Dated this 25 day of June, 2025.

ATTEST:

Kelly B. Arnold
KELLY B. ARNOLD, County Clerk
SEAL OF SEDGWICK COUNTY, KANSAS

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

Ryan Baty
RYAN BATY, Chairman
Commissioner, Fourth District

Peter F. Meitzner
PETER F. MEITZNER
Commissioner, First District

Jeff Blubaugh
JEFF BLUBAUGH
Commissioner, Second District

Stephanie Wise
STEPHANIE WISE
Commissioner, Third District

James M. Howell
JAMES M. HOWELL
Commissioner, Fifth District

APPROVED AS TO FORM:

Samantha Seang 6/16/25
SAMANTHA SEANG
Assistant County Counselor