

STAFF REPORT

- CASE NUMBER:** VAC2022-00012- Request in the City to vacate of a portion of a platted front yard building setback.
- APPLICANTS:** Levi Hobart (applicant/owner)
- LEGAL DESCRIPTION:** Generally described as vacating 7.5 feet of the south 38 feet of the platted 25-foot front yard building setback on Lot 20, Block 1, Tallgrass East 5th Addition. (see attached legal)
- LOCATION:** Generally located north of East 21st Street North, east of North Webb Road, south of East Clubhouse Street, on the southeast side of North Vinegate Circle (2327 North Vinegate Circle - DAB II)
- REASON FOR REQUEST:** To allow construction of an attached garage addition.
- CURRENT ZONING:** The site and all abutting and adjacent properties are zoned SF-5 Single Family Residential and developed as single-family residences.
- VICINITY MAP:**



The Single-Family Residential (SF-5) zoned subject site is located in the City at 2327 North Vinegate Circle. The applicant is requesting the vacation of 7.5 feet of the south 38 feet of the platted 25-foot front yard building setback on Lot 20, Block 1, Tallgrass East 5th Addition. If approved the described vacated portion of the platted 25-foot setback would result in 17.5-foot setback to allow the construction of an attached garage addition.

The east and north sides of the subject site have run parallel to North Vinegate Circle, which ends as a cul-de-sac just southwest of the subject site (see Attachment #3). The subject site has no street frontage on the cul-de-sac portion of North Vinegate Circle. The subject site's platted 25-foot setback is located on its east, short side of the subject site's street frontage. A platted 15-foot setback is located on the subject site's north, long side of its street frontage. The subject site is not entirely rectangular or square in shape but is curved along its northeast North Vinegate Circle frontage as that street curls then straightens into its cul-de-sac ending. The transition from the platted 25-foot setback to the platted 15-foot setback occurs in this curve's arc along the subject site's northeast side. The front of the applicant's house is facing this curve's arc along its northeast side; the front of the house sits diagonally facing the northeast.

The Unified Zoning Code (UZC) defines a corner lot as "abutting two or more streets at their intersection."; UZC Art.II.B.7.f. The Unified Subdivision Regulations (USB) defines an intersection as "Where two or more roads cross at grade."; USB Art.11-102. Although the subject site has street frontage on both its east and north sides, all along North Vinegate Circle, it is by definition not a corner lot.

The SF-5 zoning district has a minimum 25-foot front yard setback and a minimum 15-foot street side yard setback. Both of the UZC's minimum front and street yard setbacks match the platted setbacks on the subject site. In this case the platted 25-foot setback is located along the subject site's shorter street frontage as if the subject site were a corner lot. If the subject setback was not platted, an Administrative Adjustment could reduce the minimum 25-foot front yard by 20 percent, resulting in a 20-foot front yard setback. However, the applicant's request to vacate 7.5 feet would require a reduction of 30 percent resulting in a 17.5 setback to allow the attached garage addition to match the front of the house's attached garage.

A unique condition of the subject site is the location on it of a Cooperative Refinery Association Pipeline Easement; dedicated by separate instrument, Film 421, Page 33. This is a private easement that cannot be vacated through the City or County vacation process. To allow an encroachment into this private easement the applicant would have to contact its owner. This easement runs diagonally from near the northwest corner – southeast to the near center of the subject site's south lot line. As stated earlier the applicant's house sits diagonally facing the northeast. The house is built so it runs parallel to this pipeline easement's east front side. This pipeline easement limits the expansion of any structures southwest into the rear/back yard and interior side yard of the subject site.

The diagonal orientation of the applicant's house, facing the northeast, is the result of it being built to run parallel to east front side of the northwest – southeast pipeline easement and the lot having a curved shape along its northeast North Vinegate Circle frontage. The transitioning of the platted 25-foot setback to the platted 15-foot setback occurs along the arc of this curve and would seem to allow a reduction of a portion of the platted 25-foot setback to 17.5 feet without any negative impact on the existing areas' existing single-family residential development.

Water and stormwater are located in the North Vinegate Circle right-of-way (ROW). Sewer is located in a platted 20-foot utility easement running parallel to the subject site's west rear/back yard. Street light poles and Evergy equipment are located in the ROW. LaDonna Vanderford is the Evergy Design Representative for this area and can be contacted at (316) 261-6290. Conditions #2 and #3 cover all utilities. Vehicular traffic, pedestrian traffic, public safety, and utilities should not be impacted by this vacation request if approved with the listed conditions. The Tallgrass East 5th Addition was recorded with the Register of Deeds March 22, 1991.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, Traffic, Fire, franchised utility representatives and

other interested parties, planning staff recommends **Approval** with the following considerations (but not limited to) associated with the request to vacate the described portion of platted building setback.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, in the Wichita Eagle, of notice of this vacation proceeding one time May 12, 2022, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by vacating the described portion of the platted front yard building setback and that the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Conditions (but not limited to) associated with the request:

- (1) Vacate the 7.5 feet of the south 38 feet of the platted 25-foot front yard building setback on lot 20 Block 1, Tallgrass East 5th Addition. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.
- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the Vacation Order, and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval subject to the following conditions:

- (1) Vacate the 7.5 feet of the south 38 feet of the platted 25-foot front yard building setback on lot 20 Block 1, Tallgrass East 5th Addition. Provide planning staff with legal descriptions of the approved vacated portion of the platted setback on a Word document, via e-mail, to be used on the Vacation Order. This must be provided to Planning prior to the case going to Council for final action.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility and at the expense of the applicant. Provide Planning with any needed easements dedicated by separate instrument with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds. These conditions must be completed prior to the case going to Council for final action.

VAC2022-00012- Request in the City to vacate a portion of platted front yard building setback on SF-5 zoned property, generally located north of East 21st Street North, east of North Webb Road, south of East Clubhouse Street, on the south side of North Vinegate Circle.

August 4, 2022

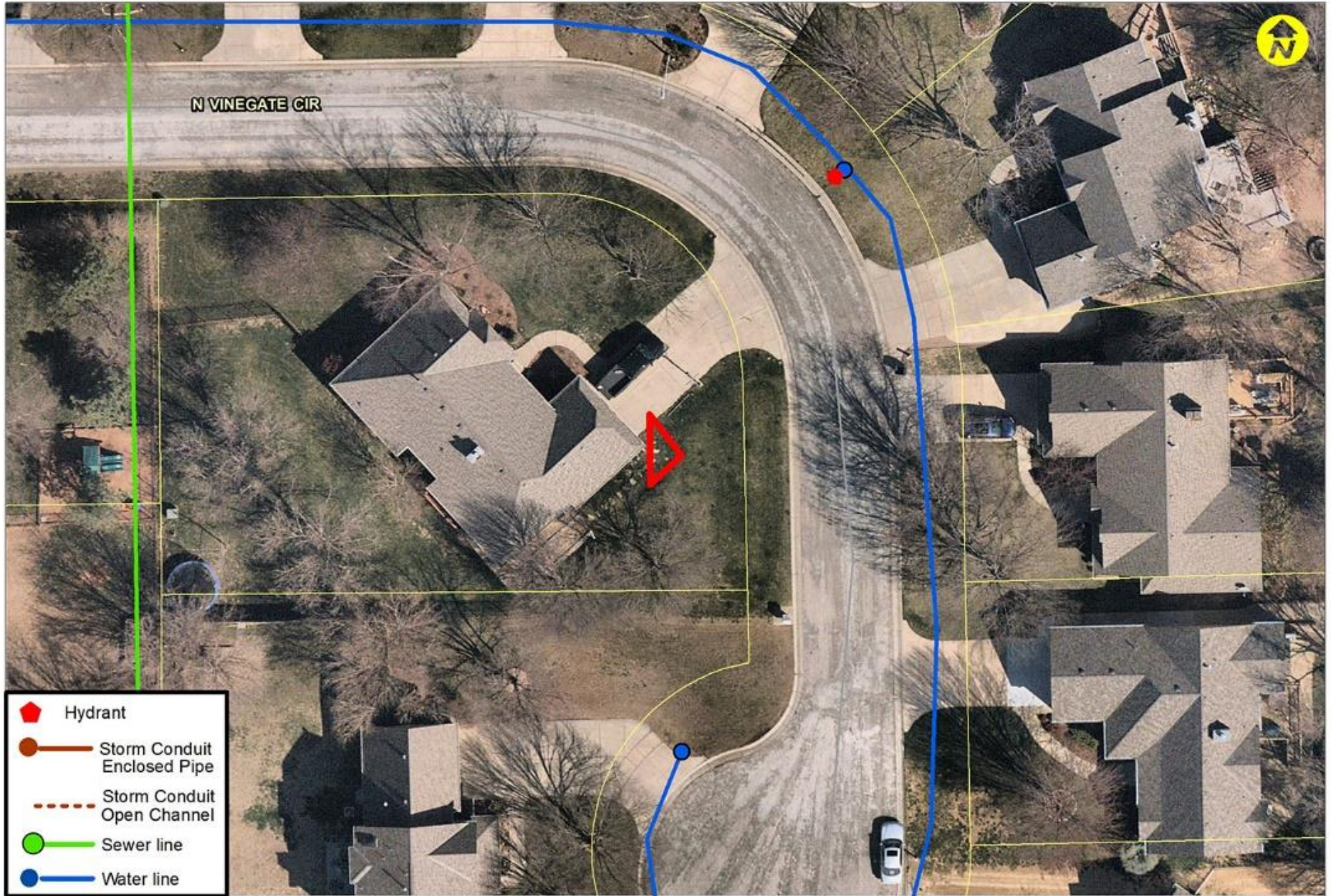
Page 4

- (3) All improvements shall be according to City Standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final action on the request and the Vacation Order, and all required documents have been provided to the City, County and/or franchised utilities and the necessary documents have been recorded with the Register of Deeds.

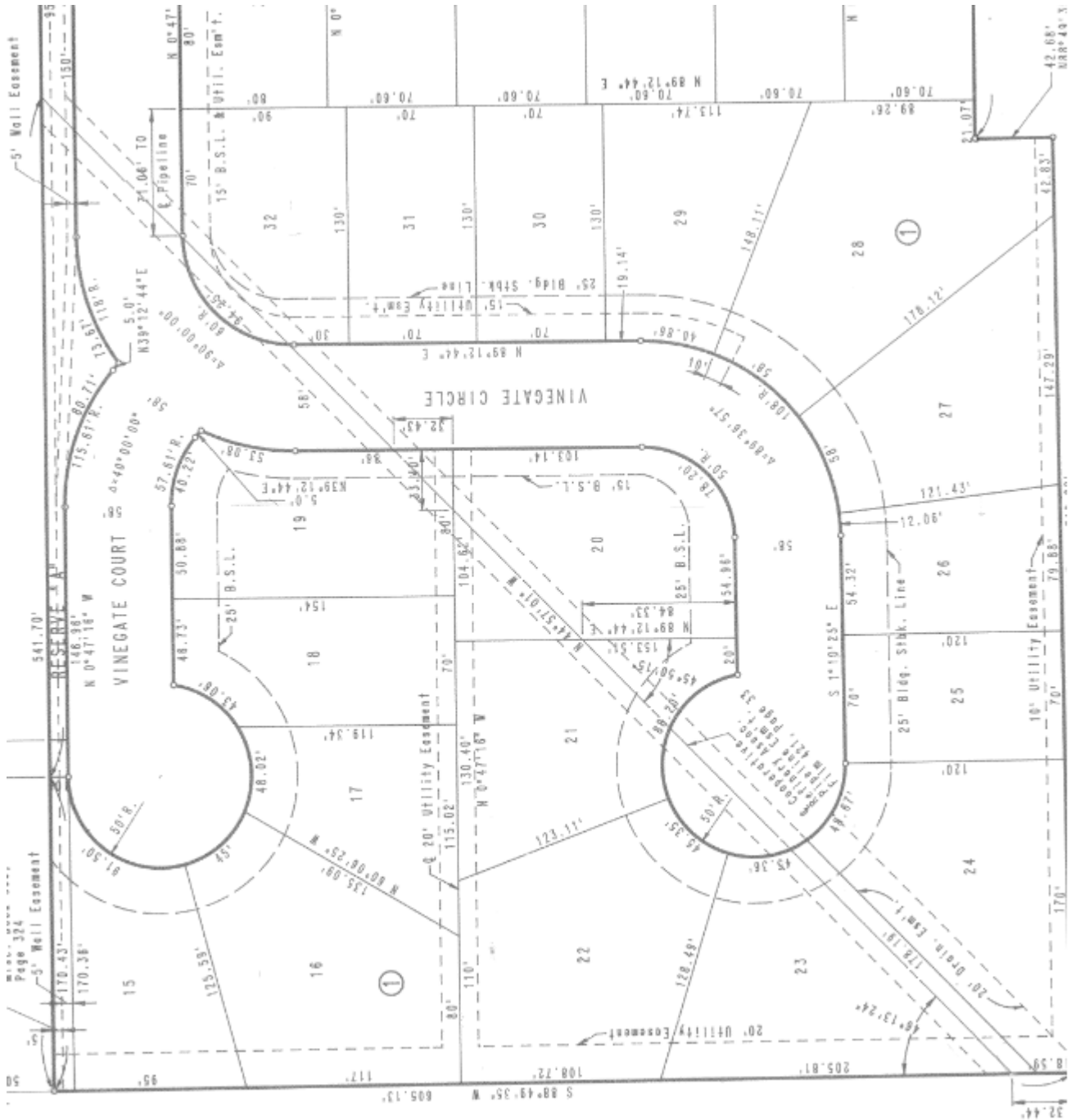
Attachments:

1. Aerial Map
2. Excerpt from the Tallgrass East 5th Addition showing Lot 20, Block 1/subject site - pipeline easement location
3. Applicant's exhibit
4. Legal Description
5. Photos of the subject site

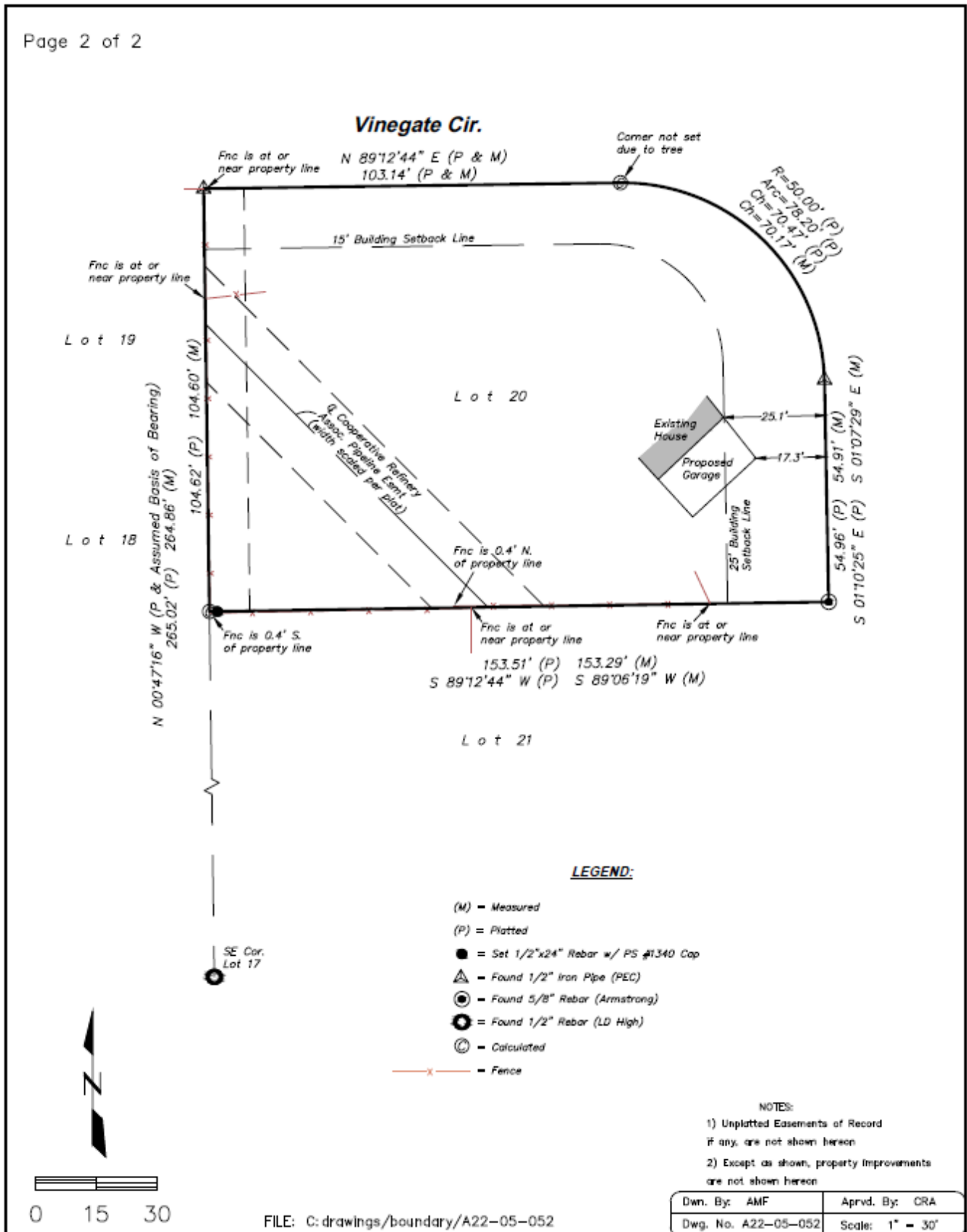
Attachment 1. Aerial Map



2. Excerpt from the Tallgrass East 5th Addition showing Lot 20, Block 1/subject site – pipeline easement



3. Applicant's exhibit



VAC2022-00012- Request in the City to vacate a portion of platted front yard building setback on SF-5 zoned property, generally located north of East 21st Street North, east of North Webb Road, south of East Clubhouse Street, on the south side of North Vinegate Circle.

August 4, 2022

Page 8

4. Legal Description of Area to be vacated

Description: Vacating 7.5 of the South 38ft of the platted 25ft building setback on lot 20 block 1 of Tallgrass East 5th addition.

Side of house without existing attached garage looking east – southeast at site – beginning of the curve of Vinegate Circle



VAC2022-00012- Request in the City to vacate a portion of platted front yard building setback on SF-5 zoned property, generally located north of East 21st Street North, east of North Webb Road, south of East Clubhouse Street, on the south side of North Vinegate Circle.
August 4, 2022
Page 9

Front of house looking south – southwest – arc of the Vinegate Circle curve – existing attached garage



Attached garage side of house where proposed garage addition is located - looking southwest – continuation of Vinegate Circle curve



Attached garage side of house where proposed garage addition is located - looking northwest – Vinegate Circle straightens out before curling into its cul-de-sac end

