

**STAFF REPORT**

**CASE NUMBER:** VAC2020-00042 - City vacation of a portion of platted front setback.

**APPLICANT/ AGENT:** Charley and Teresa Young (applicants)/ George Page (agent)

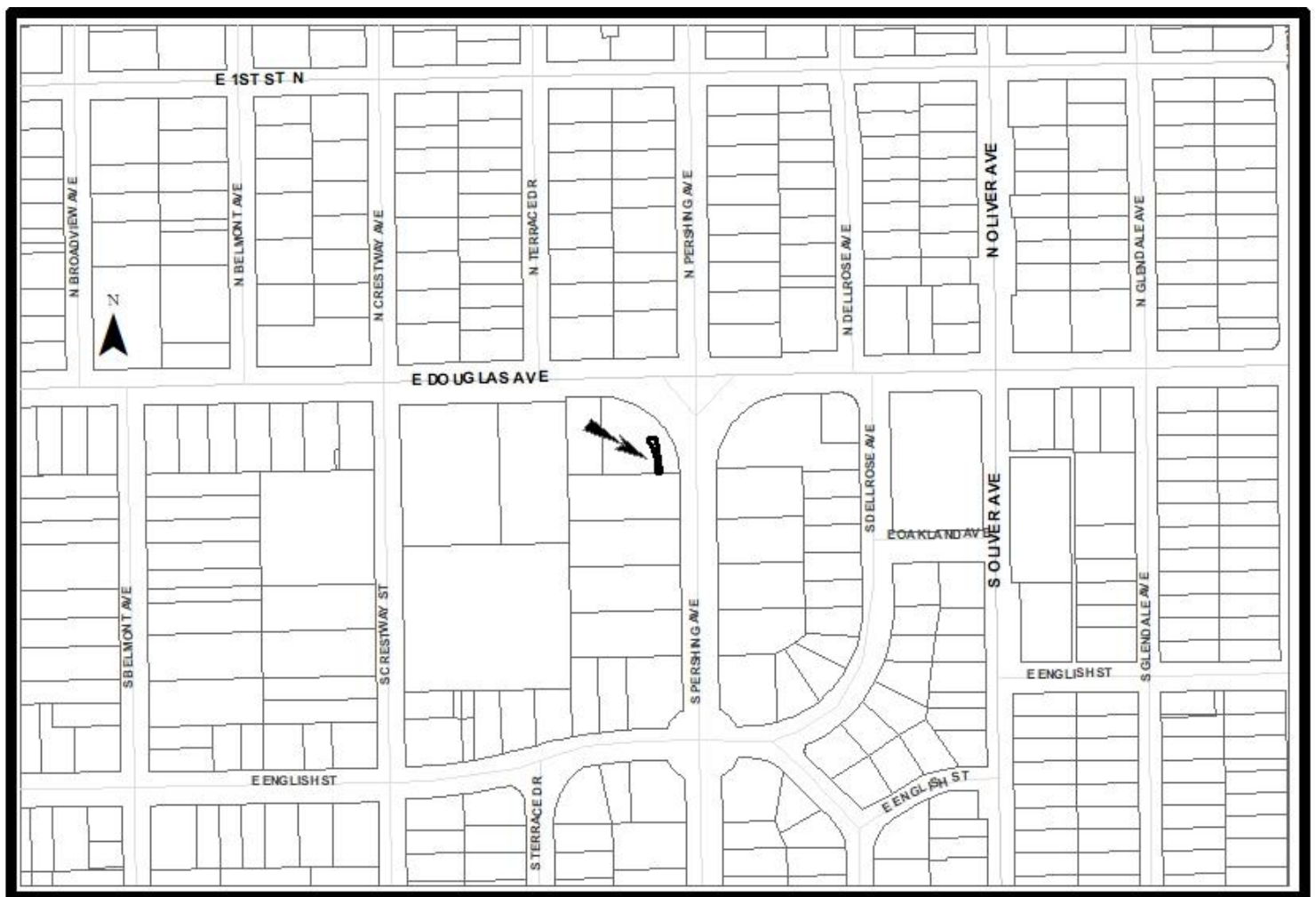
**LEGAL DESCRIPTION:** See Attached.

**LOCATION:** Generally located on the south side of East Douglas Avenue and two blocks west of South Oliver Avenue (103 S. Pershing).

**REASON FOR REQUEST:** To construct an addition onto the home.

**CURRENT ZONING:** SF-5 Single Family Residential

**VICINITY MAP:**



The applicant is requesting the vacation of a portion of a platted 40-foot front setback on property generally located on the south side of East Douglas Avenue and two blocks west of South Oliver Avenue. The property is addressed 103 South Pershing Avenue and is zoned SF-5 Single Family Residential. The purpose of this request is to construct an addition onto the single family dwelling. The dwelling faces East Douglas, and the east portion of the house was built into the setback. The addition will be added onto the east side and go behind the existing dwelling. The lot on which the dwelling was built is a corner lot on the southwest corner of East Douglas and South Pershing with a curved frontage. The platted 40-foot setback follows the curve of the lot. Because of this, the extent to which the setback would be reduced varies. However, the furthest extent to which it will be reduced is by 13.25 feet. At this point, there will be 26.75 feet of front setback remaining. The Unified Zoning Code sets the minimum front setback from the SF-5 zoning district at 25-feet. Should this vacation be approved, it will not exceed the minimum front setback as defined by the zoning code.

There are no public utilities in the described setback. Evergy has equipment near the vacation area, but has no objection. Any removal or relocation is at the applicant's expense. LaDonna Vanderford, Area Construction Service Representative, will be the contact for this item and can be reached at 316-261-6290 for this project. The Lincoln Heights Addition was recorded with the Register of Deeds February 26, 1927.

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 has listed 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 October 29, 2020, 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 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 described portion of the platted front setback. 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. 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 per staff recommendations.

#### Attachments:

1. Aerial Map
2. Site Plan with Legal Description

