

STAFF REPORT

CASE NUMBER: VAC2020-00045 - City vacation of a portion of platted building setback

APPLICANT/AGENT: Sandra and David Greeno (applicants) / Joe Kutilek

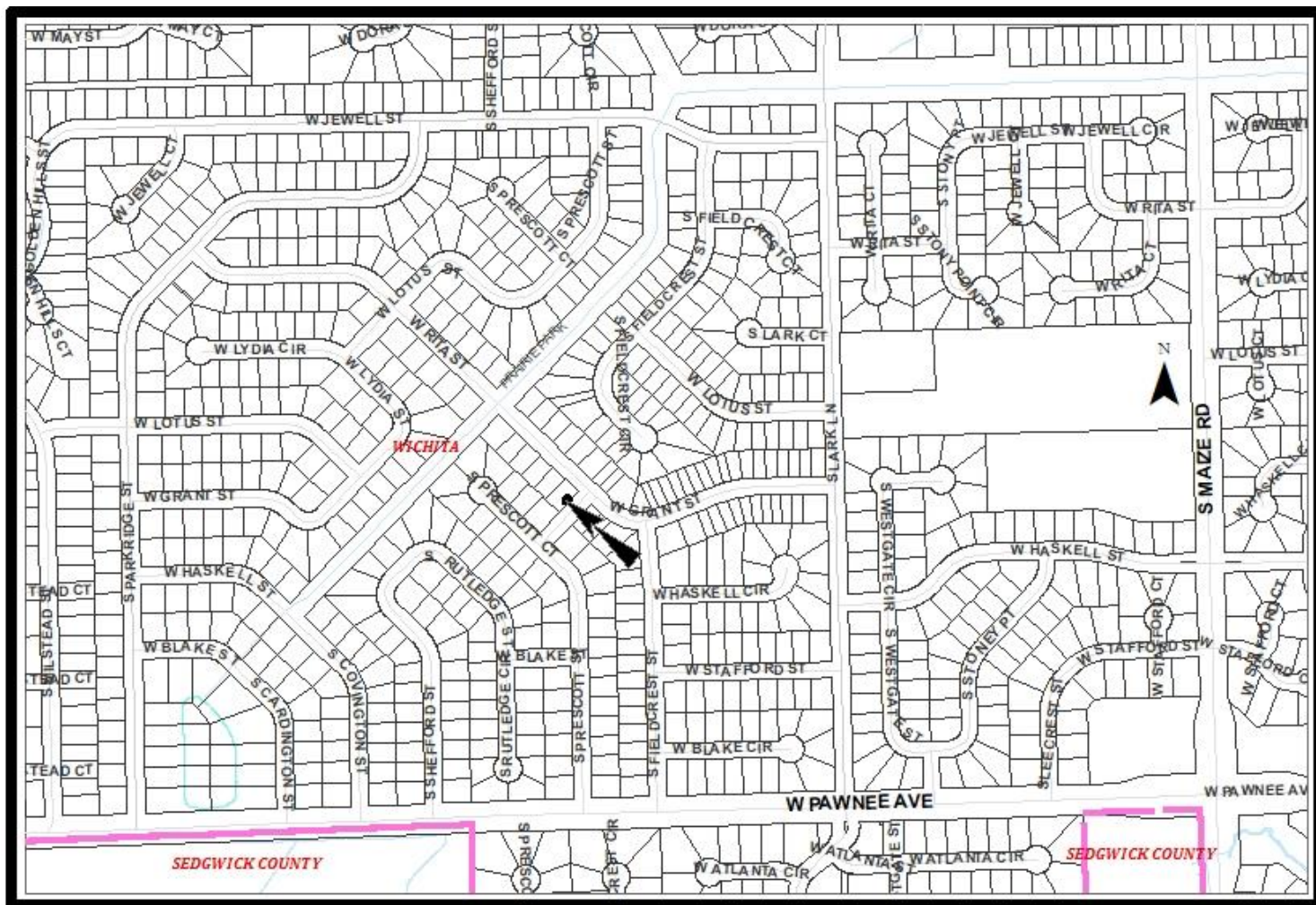
LEGAL DESCRIPTION: See Attached.

LOCATION: Generally located three blocks north of West Pawnee Avenue and five blocks west of South Maize Road (11105 West Grant Street)

REASON FOR REQUEST: To construct a room addition on the east side of the existing home

CURRENT ZONING: SF-5 Single Family Residential

VICINITY MAP:



The applicant is requesting the vacation of a portion of a platted 15-foot building setback on property generally located three blocks north of West Pawnee Avenue and five blocks west of South Maize Road. The property is addressed 11105 West Grant Street and is zoned SF-5 Single Family Residential. The purpose of this request is to allow for the construction of a room addition onto the east side of the existing home. The room addition will be a sunroom and will be approximately 20-foot by 12-foot. The Unified Zoning Code sets the minimum street side setback for the SF-5 zoning district at 15-feet. Should this vacation be approved, the setback will be reduced to approximately 2.5 feet for only that portion of the setback related to the building addition. The distance between the property line and the street is approximately 15 feet.

There are no public utilities in the described setback. Cox and Westar have no objections with the vacation request. Westar has equipment and underground lines in the area. The applicant will need to obtain locates or a survey to obtain exact locations and maintain proper distancing from the equipment and lines. On March 25, 1980, the Pawnee Mesa Addition was recorded with the Register of Deeds.

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 November 12, 2020, which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the described vacation 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 building setback as well as the portion of the primary residence that sits within the platted building 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.

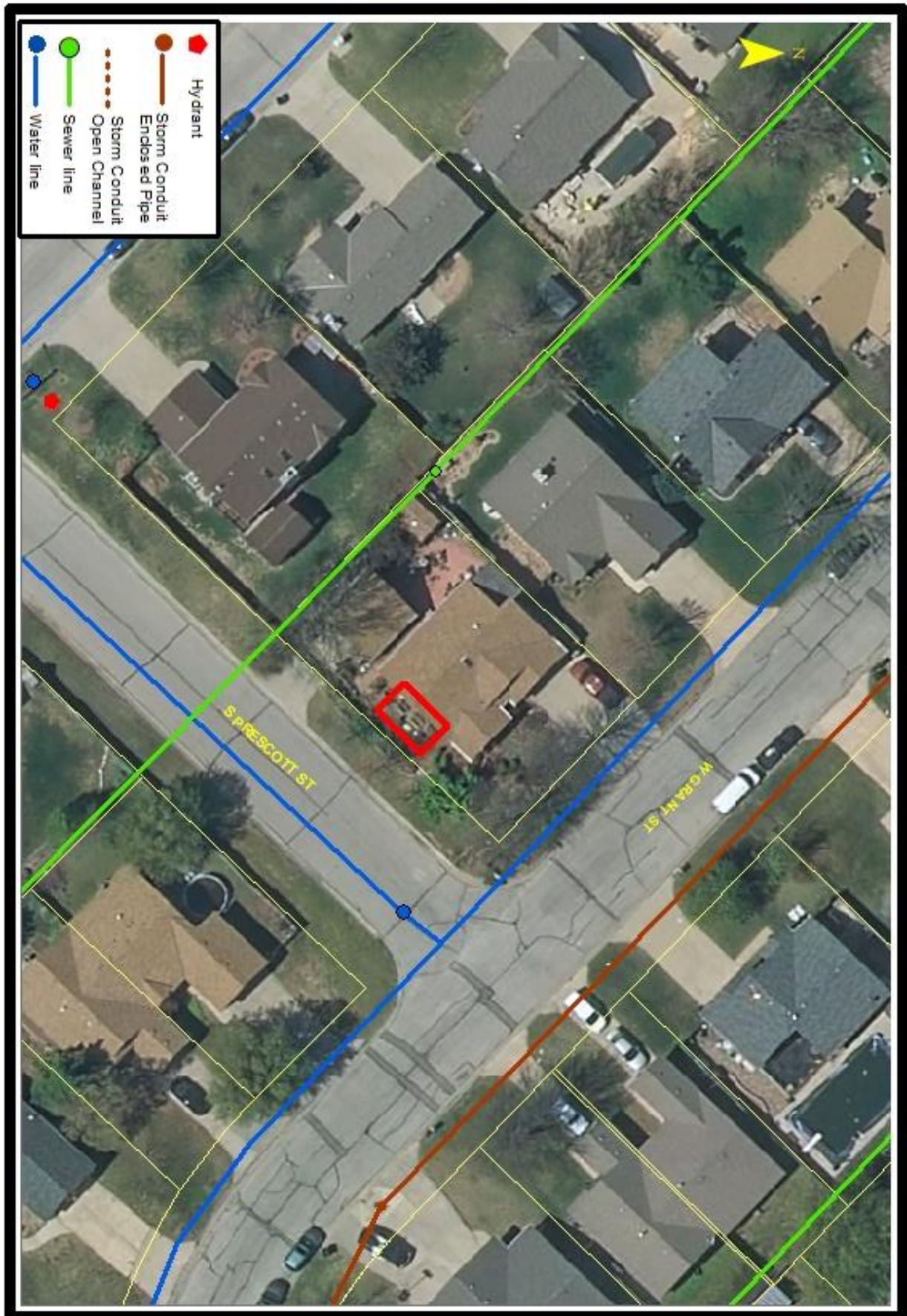
- (4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken 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.

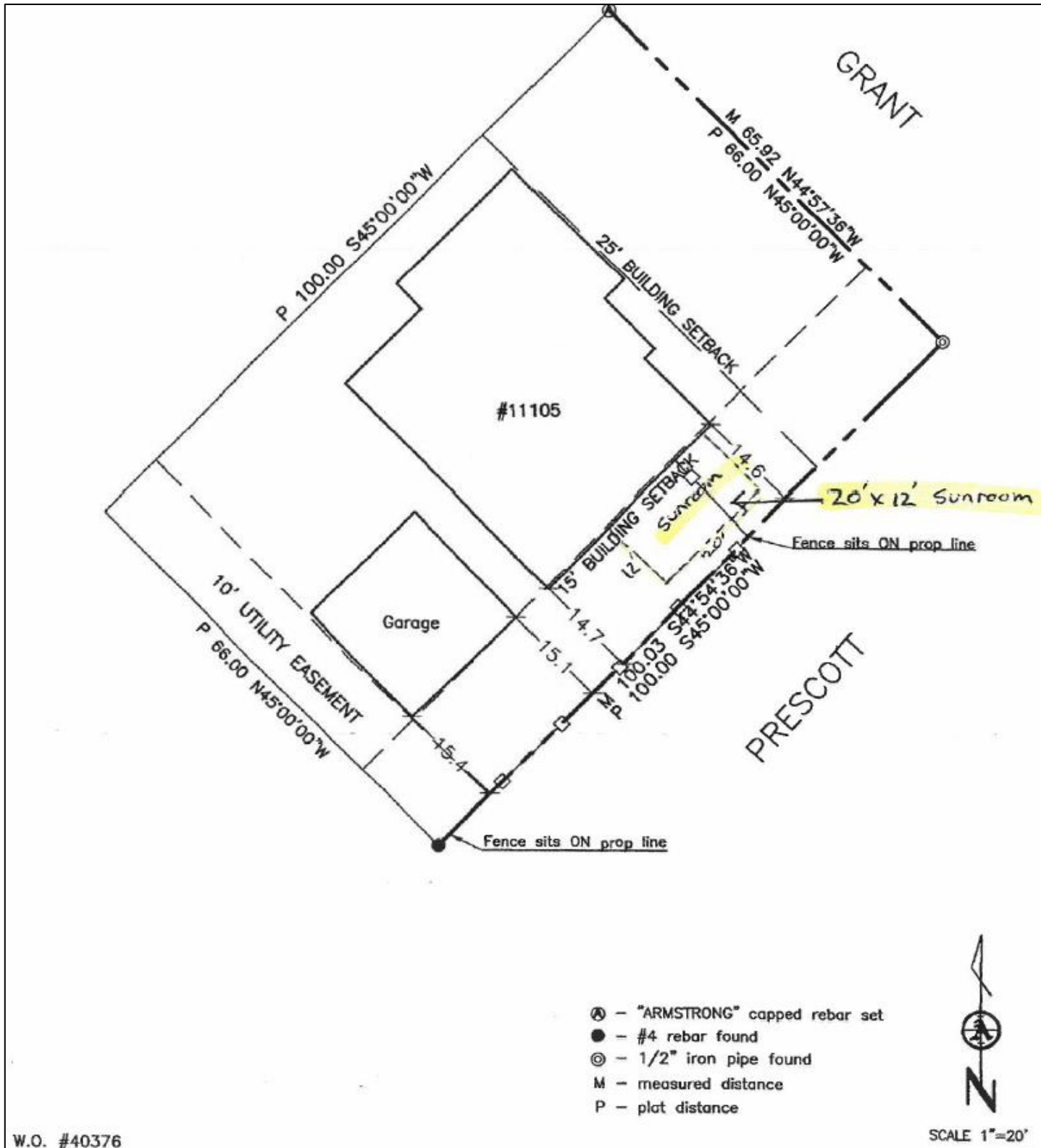
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1. Aerial Map
2. Site Plan
3. Site Plan 2
4. Original Legal Description



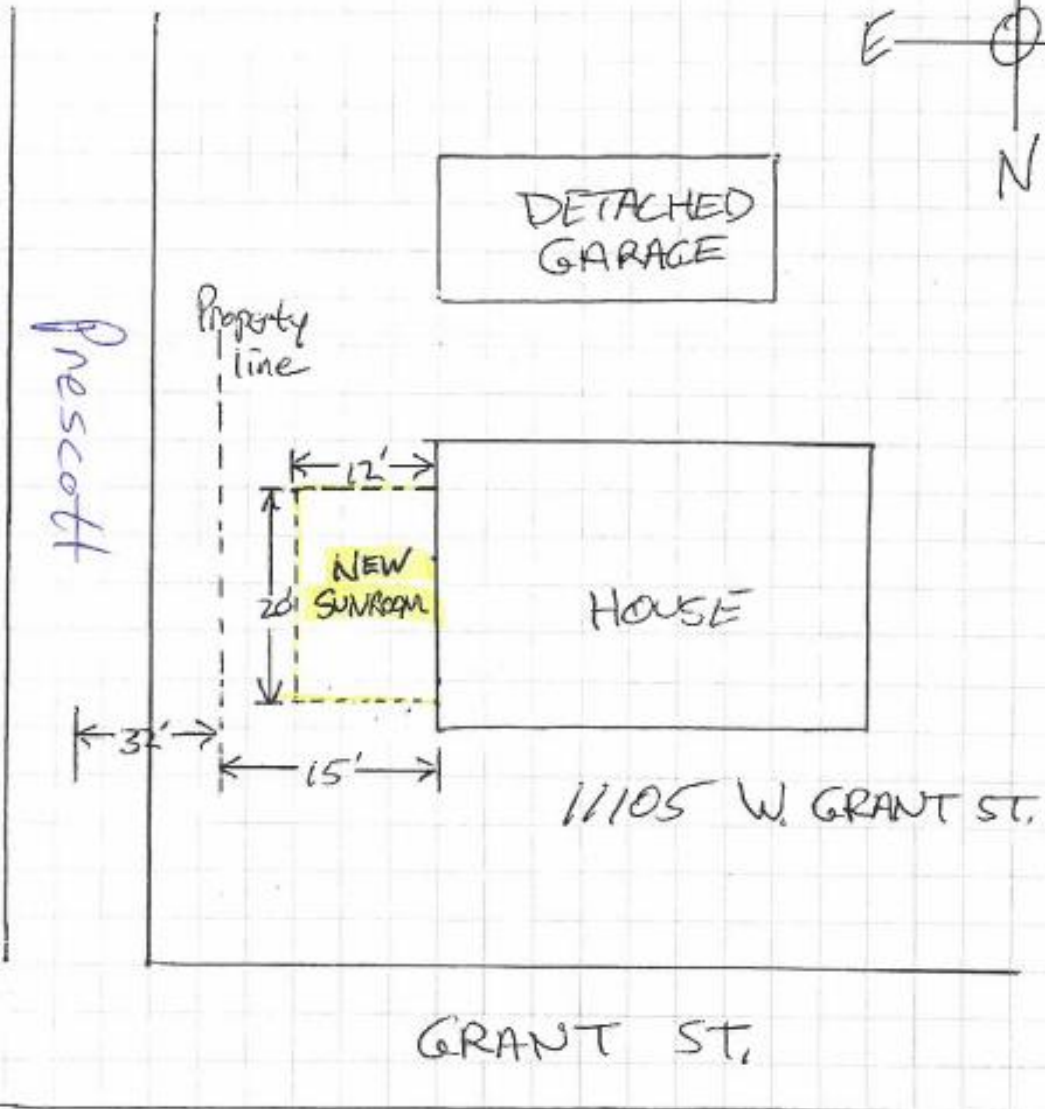
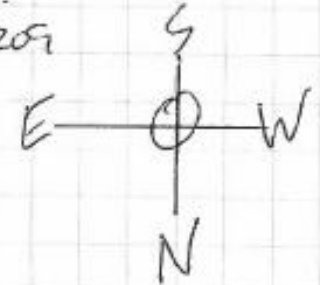




7-31-20

(Side Street Set back) adjustment

11105 W. Grant ST.
Wichita, KS 67209





Armstrong Land Survey, P.A.

1601 E. Harry
WICHITA, KS 67211

Ph. (316)263-0082
donn@armstrongsurvey.com

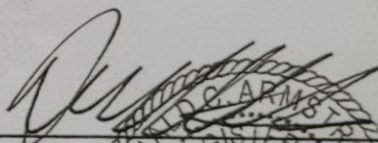
State of Kansas)
County of Sedgwick) SS

I, Donald C. Armstrong, registered and authorized to practice Land Surveying in said state and county do hereby certify that I prepared for the following to describe a vacated building setback area:

That part of Lot 51, Block 12, Pawnee Mesa Addition to Wichita, Sedgwick County, Kansas described as COMMENCEING at the most Easterly corner thereof; THENCE S45°00'00"W along the Southeasterly line of said Lot 51, a distance of 38.25 feet; THENCE N44°58'49"W, distance of 2.64 feet for a point of BEGINNING; THENCE continuing N44°58'49"W, a distance of 12.36 feet to a point 15 feet Northeast of said Southeasterly line; THENCE S45°00'00"W parallel to said Southeasterly line, a distance of 20.00 feet; THENCE S44°58'49"E, a distance of 12.35 feet; THENCE N45°00'00"E parallel with said Southeasterly line, a distance of 20.00 feet to the point of BEGINNING.

The accompanying sketch is a true and correct exhibit of said survey.

Date: October 27, 2020


Donald C. Armstrong R.L.S.#780
