

STAFF REPORT

CASE NUMBER: VAC2021-00041 – City request to vacate a portion of a platted front yard building setback

APPLICANT: Juan Carlos Sanchez (owner/applicant)

LEGAL DESCRIPTION: Generally described as vacating the west seven-feet of the platted 30-foot front yard building setback located on and running parallel to the east side Lot 6, Block 3, Northwest Gardens Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located west of North Amidon Avenue on the southwest corner of West 26th Street North & North Charles Avenue (2659 North Charles Avenue – City District VI)

REASON FOR REQUEST: To build an attached front porch

CURRENT ZONING: The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential.

VICINITY MAP:



The applicant propose to vacate the west seven-feet of the platted 30-foot front yard building setback on the Single-Family Residential (SF-5) zoned corner subject site; Lot 6, Block 3, Northwest Gardens Addition. If approved, a 23-foot front yard building setback would be the result. The applicant proposes to build a porch facing its North Charles Avenue street frontage. The Northwest Gardens Addition were recorded with the Register of Deeds June 12, 1950.

The Unified Zoning Code (UZC) establishes a corner lot's front yard building setback along its shorter street frontage, which is, in this case, the site's North Charles Avenue street frontage; UZC Sec.III, E.1e.6. The UZC has a minimum 25-foot front yard building setback standard for the SF-5 zoning district. The platted 30-foot front yard setback exceeds the SF-5's minimum 25-foot front yard building setback. An Administrative Adjustment can reduce the SF-5's minimum unplatted 25-foot front yard building setback by 20% resulting in a 20-foot front yard building setback. The applicant's request for a 23-foot front yard building setback does not exceed the UZC's adjusted 20-foot front yard building setback for the SF-5 zoning district.

There are no utilities located in the area of the proposed vacation. Brandon Chadd is the Evergy Design Representative for this area and can be reached at 785-508-2700. Conditions #2 and #3 cover all utilities.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County/City Traffic, Public Works/Water & Sewer/Storm water, 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 the platted 30-foot front yard 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 Derby Informer, of notice of this vacation proceeding one time September 30, 2021, 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 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) Provide Planning staff with an approved legal descriptions of the vacated the west seven-feet of the platted 30-foot front yard building setback on a Word document, via e-mail, to be used on the Vacation Order. This legal description will describe only the area of the setback needed to be vacated for the proposed porch. This must be provided to Planning prior to the case going to the City Council and the County Commission 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. All improvements shall be according to County Standards and will be at the applicant's expense. Approval of plans for the relocation of any and all utilities by Public Works and/or franchised utilities must be completed prior to the case going to the City Council and the County Commission for final action. Provide Planning with letters of approval or E-mails of approval.

- (3) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to the City Council and the County Commission for final action and filling with the Sedgwick County Register of Deeds.
- (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 and 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 (but not limited to) conditions :

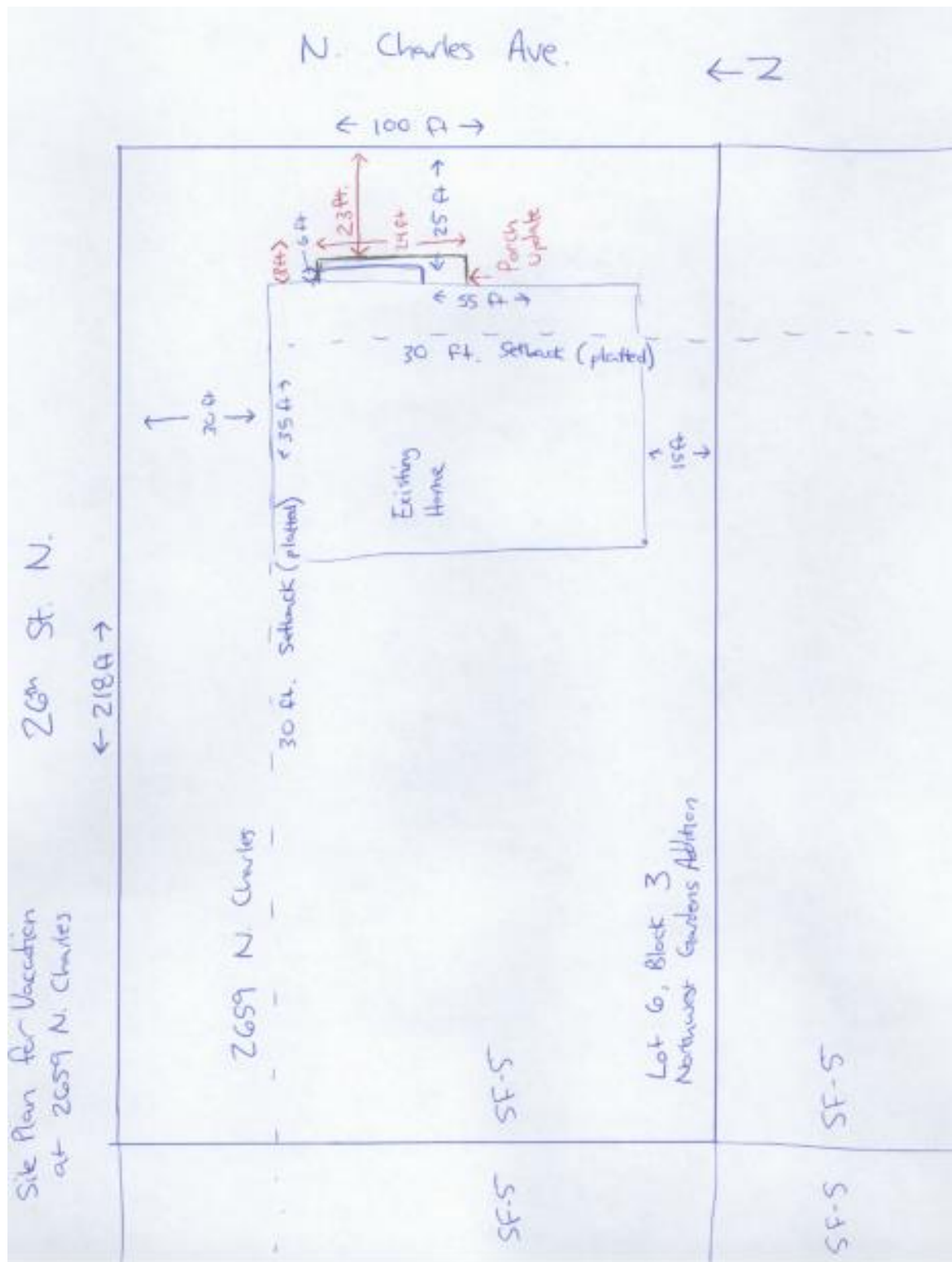
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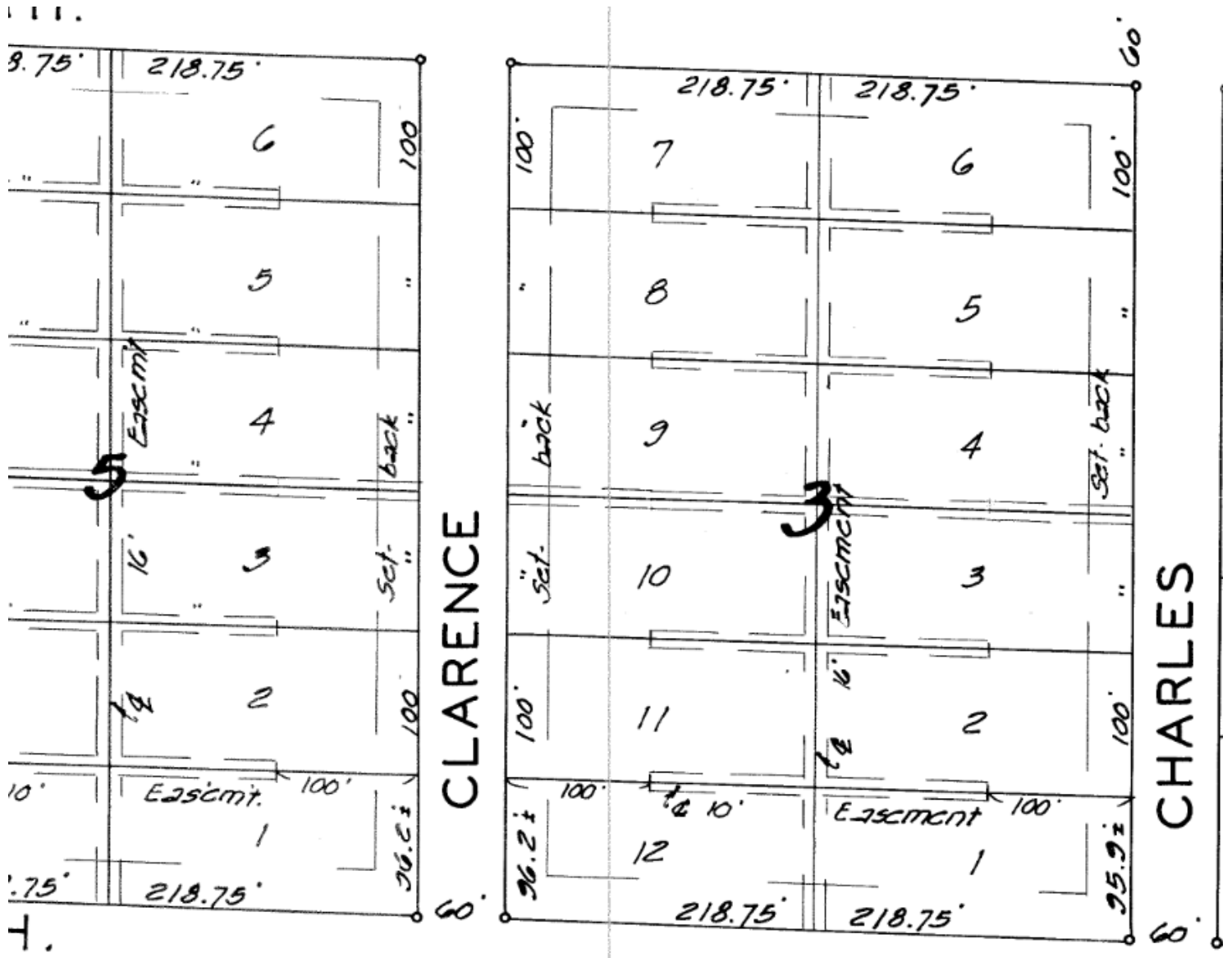
Attachments:

- Aerial with utilities
- Site Plan
- Excerpt from Northwest Gardens Addition showing platted setbacks & the subject site; Lot 6, Block 3,

VAC2021-00041 – City request to vacate a portion of a platted 30-foot front yard building setback on SF-5 Single-Family Residential zoned property generally located west of North Amidon Avenue on the southwest corner of West 26th Street North & North Charles Avenue - City District VI)
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Note: All front and side set-backs are 30 feet.

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