

STAFF REPORT

CASE NUMBER: VAC2021-00010 - City request to vacate a portion of a platted street side yard setback

APPLICANT/AGENT: Martin A Becerra (applicants/owner)

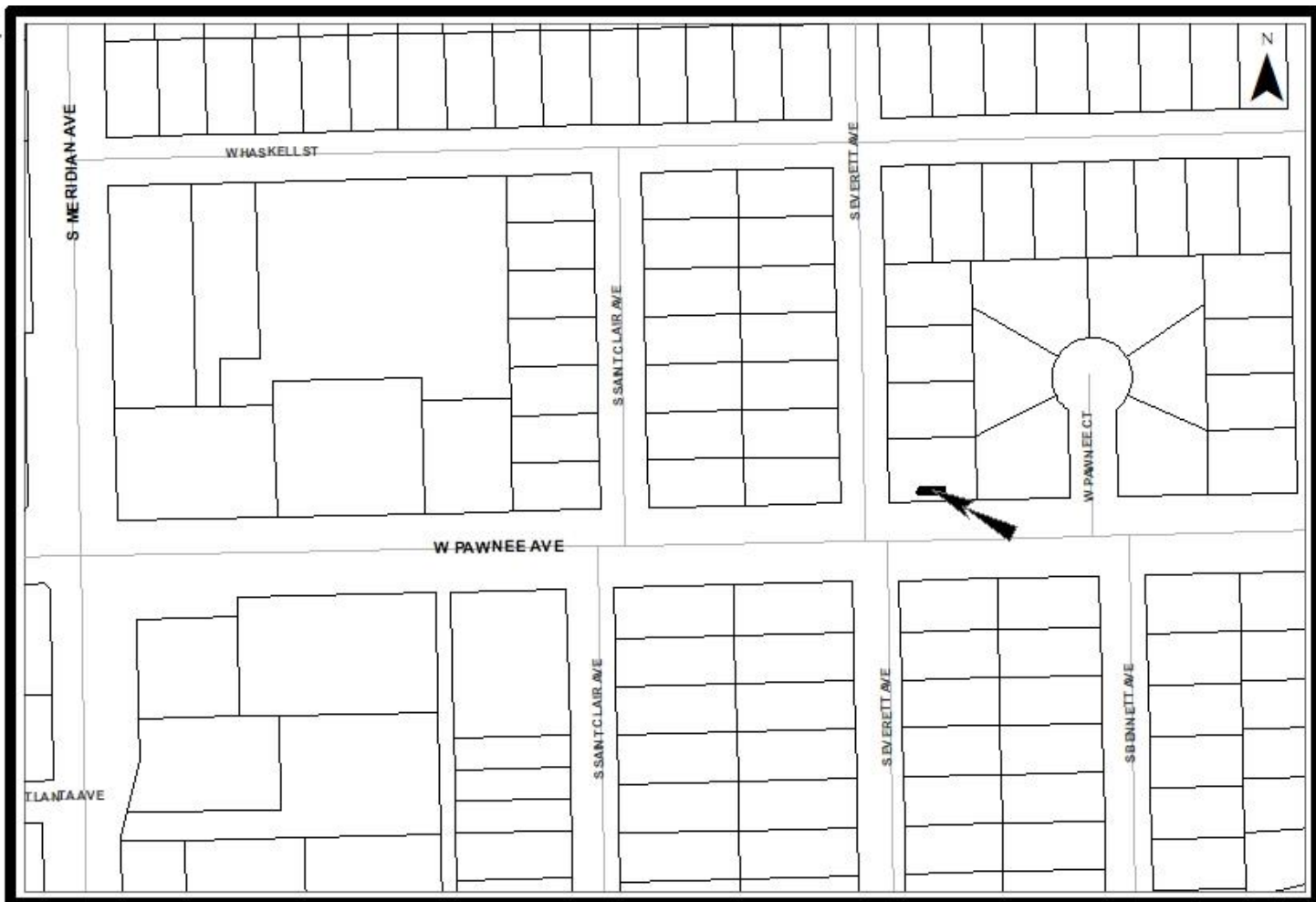
LEGAL DESCRIPTION: Generally described as vacating approximately the north four feet of the platted 15-foot street side yard setback located parallel to the south property line of Lot 4, Block 10, Glenn Village Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located north of South Meridian Avenue on the northeast corner of West Pawnee Avenue and South Everett Avenue (2124 West Pawnee Avenue, WCC #IV)

REASON FOR REQUEST: Built a renovation of a 29-foot six inch long portion of a porch into a platted street side yard setback

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

VICINITY MAP:



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The applicant proposes to vacate the north 4 feet of the platted 15-foot street side yard setback running parallel to the south property line of the SF-5 Single Family Residential zoned subject site. The subject site is a corner lot recorded as Lot 4, Block 10, Glenn Village Addition. The applicant has built a 29-foot six inch long renovated porch located on the front, south side, of the single family residence. The subject corner lot's south property line abuts and runs parallel to West Pawnee Avenue.

The UZC Unified Zoning Code establishes a corner lot's front yard setback along its shorter street frontage, which in this case is the subject site's South Everett Avenue frontage: UZC Sec.III, E.1e.6. Although the front of the house faces West Pawnee Avenue the corner lot's platted 25-foot front yard setback runs parallel to its west property line, which abuts South Everett Avenue, a two lane residential street. The subject corner lot's platted 25-foot front yard setback matches the UZC's 25-foot minimum front yard setback standard for the SF-5 zoning district. The subject site's driveway accesses onto South Everett Avenue.

The UZC's minimum street side yard setback standard for the SF-5 zoning district is 15 feet, which matches the subject corner lot's platted 15-foot street side yard setback. If approved the request would reduce the platted 15-foot street side yard setback to 11 feet, greater or less per an approved legal description. If the 15-foot street side yard setback was not platted the applicant could have applied for an Administrative Adjustment which could reduce it by 20 per cent resulting in a 12-foot street side yard setback. The applicant's request exceeds that reduction process by one foot which would have triggered a variance for an unplatted setback. However, because the setback is platted an approved vacation request would establish the street side yard setback at 11 feet, greater or less per an approved legal description. If approved the subject porch will be located 11 feet from the Pawnee Avenue right of way. Pawnee Avenue is an Arterial Street at this location with four lanes and a center turn lane. Traffic has noted the encroaching porch does not present visual encroachment for vehicular traffic.

The SF-5 zoned subject corner lot is not unique in its size or configuration for this subdivision. Adjacent and abutting SF-5 zoned subdivisions' lot sizes and configurations are not unique to this area and their setbacks are per the UZC's minimum standards. There are no abutting or adjacent subdivisions that have platted setbacks. Approval may not adversely affect the rights of adjacent property owners or residence.

There are no public utility easements located within the platted street side yard setback. Franchised utilities have determined they have no utilities located within the described setback. Contact information for Evergy is Ennidh Garcia at 316-261-6334. Condition #2 covers all utilities.

The Glenn Village Addition was recorded with the Sedgwick County Register of Deeds January 26, 1963.

NOTE: The recommendation by the Subdivision Committee at their March 25, 2021 meeting was to table Vac2021-00010, deferring their recommendation until their April 15, 2021 meeting to allow the applicant to participate in the meeting. The applicant attended the April 15, 2021 Subdivision Committee meeting and VAC2021-00010 was approved with the listed conditions.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Storm Water, 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 street side yard 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 March 18, 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 street side 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) Vacate the north four feet (greater or less per an approved legal description) of the platted 15-foot street side yard setback located on and running parallel to the south property line of Lot 4, Block 10, Glenn Village Addition, for the renovation of a 29-foot six inch porch. Provide Planning with an approved legal description of the vacated portion of the subject setback on a Word document via E-mail that will be used on the Vacation Order. This must be provided prior to the vacation request goes to City 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. 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 City Council for final action. Provide Planning with letters of approval. All improvements shall be according to City Standards and will be at the applicant's expense.
- (3) Provide Planning with any needed easements dedicated by separate instrument or other required documents with original signatures. These conditions must be completed prior to the case going to City Council for final action. These original dedications will go with the Vacation Order to City Council for final action and filing 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 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 (but not limited to) conditions:

- (1) Vacate the north four feet of the platted 15-foot street side yard setback (greater or less per an approved legal description) located on and running parallel to the south property line of Lot 4, Block 10, Glenn Village Addition, for the renovation of a 29-foot six inch porch, as approved by Traffic and other interested parties. Provide Planning with an approved legal description of the vacated portion of the subject setback on a Word

document via E-mail that will be used on the Vacation Order. This must be provided prior to the vacation request goes to City 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. 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 City Council for final action. Provide Planning with letters of approval. All improvements shall be according to City Standards and will be at the applicant's expense.
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Attachment

1. Aerial map
2. Site plan

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