

**STAFF REPORT**

**CASE NUMBER:** VAC2021-00016 - City request to vacate a portion of a platted 30-foot front yard setback

**APPLICANT/AGENT:** Robert and Wendy McKinzie (owners/applicants), Savoy Company PA c/o Mark Savoy (agent)

**LEGAL DESCRIPTION:** Generally described as vacating north 3 feet 4 inches of the platted 30-foot front yard setback located on the south side the Lot 5, Block J, Callhan Addition, Wichita, Sedgwick County, Kansas (see site plan)

**LOCATION:** Generally located six blocks west of South Tyler Road, two blocks north of West Kellogg Street on the northeast corner of West Belview Avenue and South Keith Avenue (640 South Keith Avenue, WWC #IV).

**REASON FOR REQUEST:** Proposed basement egress window wells

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

**VICINITY MAP:**



The applicants propose to vacate the north 3 feet 4 inches of the platted 30-foot front yard setback located on the south side of the SF-5 Single Family Residential zoned corner lot; Lot 5, Block J, Callahan Addition, 640 South Keith Avenue. The applicants propose to install two three-foot four inch (x) four-foot eight inch basement egress window wells. The proposed vacated area is only per the length of the south side of the single-family residence.

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 West Belview Avenue frontage: UZC Sec.III, E.1e.6. Although the front of the house faces South Keith Avenue the corner lot's platted 30-foot front yard setback runs parallel to its south property line, which abuts and runs parallel to West Belview Avenue. West Belview Avenue is a paved two lane residential collector street at this location. South Keith Avenue is a paved two lane local residential street at this location. The subject corner lot's platted 30-foot front yard setback exceeds the UZC's 25-foot minimum front yard setback standard for the SF-5 zoning district. If approved the vacation request would not encroach into UZC's 25-foot minimum front yard setback. The Callahan Addition was recorded with the Register of Deeds August 19, 1954.

Evergy has no objection, but has noted that it has street light lines, power lines and poles in this section of the West Belview Avenue right-of-way. Richard Aitken is the Evergy contact for this case; 316-261-6334. Cox has no objection but has noted that it has equipment on Energy's pole(s). Condition #2 cover Evergy, Cox and all public and franchised utilities. There has been no objections from utilities. There are no existing encroachments into the subject site's setbacks.

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 platted front 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 April 15, 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) Vacate the portion of the platted 30-foot front yard setback as described in an approved legal description. The proposed vacated area is only per the length of the south side of the single-family residence. Provide Planning with the approved legal description on a Word document via E-mail for use on the Vacation Order. This must be completed prior to the case going 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. All improvements shall be according to City 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 City Council 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. 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 Sedgwick County 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 portion of the platted 30-foot front yard setback as described in an approved legal description. The proposed vacated area is only per the length of the south side of the single-family residence. Provide Planning with the approved legal description on a Word document via E-mail for use on the Vacation Order. This must be completed prior to the case going 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. All improvements shall be according to City 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 City Council 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. 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 Sedgwick County Register of Deeds.

#### **Attachments**

Water, Sewer & Stormwater  
Site Plan



