

STAFF REPORT

- CASE NUMBER:** VAC2019-00039 - City Vacation of a portion of a platted 25-foot front setback.
- APPLICANT** Shelby Cheatum Kontny
- LEGAL DESCRIPTION:** Generally described as vacating the south 18.5 feet of the platted 25-foot platted building setback of the east 26 feet of the west 30 feet located on the north side of Lot 2, Block 12, Louis 6th Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located ¾ miles east of South Seneca and 1,000 feet south of West 33rd Street South (341 W. Carlyle) (WCC III)
- REASON FOR REQUEST:** To bring an existing carport into compliance.
- CURRENT ZONING:** Site and adjacent properties are zoned SF-5 Single Family.



The applicant proposes to vacate the south 18.5 feet of the platted 25-foot front building setback of the east 26 feet of the west 30 feet located on the north side of the property platted as Lot 2, Block 12, Louis 6th Addition. The property is addressed 341 West Carlyle, and is generally located $\frac{3}{4}$ miles east of South Seneca and 1,000 feet south of West 33rd Street South. The purpose of this vacation is to bring an existing carport into compliance. The lot is zoned SF-5 Single Family Residential. If approved, the request would reduce the platted building setback to 6.5 feet. The Unified Zoning Code's (UZC) minimum front setback is 25 feet. The applicant's request does exceed the minimum front setback by 18.5 feet. The carport is 24 feet by 26 feet and can accommodate two vehicles. The applicant has installed guttering on the west side of the carport to ensure that run-off from rain drains onto her property.

During the Subdivision Committee Meeting on December 26, 2019, the applicant indicated that the carport has been on the property for 3 years, but there was not permit pulled for its construction. It was also noted that the structure currently encroaches into the site setback on the west portion of the property. The applicant will have to have the carport moved out of the setback or apply for a variance to reduce the side setback.

There are no public utilities located in the proposed vacation areas. Evergy has no existing facilities in the platted setback being vacated. Ennidh Garcia is the area representative and can be contacted at 261-6359 for this item. The Louis 6th Addition was recorded with the Register of Deeds February 26, 1954.

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 portions 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 December 19, 2019, 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) Provide Planning Staff with legal descriptions of the approved vacated portions of the platted setbacks 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 City Council for final action.
- (2) The carport shall be moved so that it is no longer encroaching into the side setback on the west side of the property. The applicant shall provide proof the Planning Department that the carport was moved prior to this case going to City Council for final action.
- (3) The side panels of the carport shall be removed. Proof of this removal shall be provided to Planning prior to this case going to City Council for final action.
- (4) All applicable permits and inspections shall be obtained for this structure upon it's relocation out of the side setback.

- (5) 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.
- (6) All improvements shall be according to City Standards and at the applicant's expense.
- (7) 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.



