Wichita-Sedgwick County Metropolitan Area Planning Department

December 27, 2024

Mark & Paula Richards
23 W. Beaver Creek Ct.
Goddard, KS 67052

Ref: VAC2024-00038: Vacation request in the County of a side yard setback of 20 feet to build detached garage and bring existing carport into compliance; located approximately 1,950 feet south of West 47th Street South and 1,550 feet west of North 231st Street West (23 West Beaver Creek Court).

Dear Applicants,

At the **Wednesday, September 18, 2024**, meeting of the Sedgwick County Board of County Commissioners, the above-referenced vacation request was approved.

Sincerely,

Brad Eatherly
Senior Planner
Current Plans

Wichita-Sedgwick County Metropolitan Area Planning Department

August 26, 2024

Mark & Paula Richards
23 W. Beaver Creek Ct.
Goddard, KS 67052

Ref: VAC2024-00038: Vacation request in the County of a side yard setback of 20 feet to build detached garage and bring existing carport into compliance; located approximately 1,950 feet south of West 47th Street South and 1,550 feet west of North 231st Street West (23 West Beaver Creek Court).

Dear Applicant,

At the **Thursday, August 22, 2024**, meeting of the Metropolitan Area Planning Commission (MAPC), the above-referenced vacation request was approved subject to the following conditions:

(1) Provide Planning Staff with a legal description of the approved vacated portion of the platted setback in 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 Board of County Commissioners 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 County 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.

All of the above conditions have been completed. This case will be scheduled for final action by the Wichita City Council **September 17, 2024**. This letter also serves as a reminder that the vacation notification signs should now be removed from the property. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Brad Eatherly
Senior Planner Current Plans

BE: JM

Sedgwick County
Register of Deeds - Tonya Buckingham
Doc.#/Flm-Pg: 30335295
Receipt #: 2444560 Recording Fee: $0.00
Pages Recorded: 2
Authorized By: Tonya Buckingham
Cashier: hburpo
Date Recorded: 09/20/2024 02:33:29 PM

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF PLATTED FRONT SETBACK	)	
GENERALLY LOCATED1,950 FEET SOUTH OF WEST 47TH STREETSOUTH, 1,550 FEET WEST OF NORTH 231ST STREET WEST	)	CASE NO. VAC2024-00038

VACATION ORDER

NOW on this 18th day of September 2024, at 9:00 o'clock A.M., comes the petition filed by Mark and Paula Richards, owner(s) of the subject property, praying for the vacation of the following-described portion of a platted front setback to-wit:

> The South 20 feet of the North 30 feet of the West 107 feet of the East 115 feet of Lot 3, Block 14, Miles Country Club Estates Second Addition Lake Waltana Miles Village, Sedgwick County, Kansas

UPON the filing of the petition, the Metropolitan Area Planning Commission ("Planning Commission") set the petition for hearing on August 22, 2024 at 1:30 P.M., and gave notice of said hearing by publication in the official county newspaper on August 1, 2024. On August 22, 2024, the Planning Commission held a public hearing on the petition. The Planning Commission recommends approval of the vacation requested to the Board.

After being duly advised in the premises, the Board of County Commissioners of Sedgwick County, Kansas finds that:

1. notice has been given as required by K.S.A. 58-2613 and amendments thereto;
2. no written objections have been filed with the County Clerk by adjoining properties or any municipality whose subdivisions are applicable;
3. the public will suffer no loss or inconvenience by such vacation; and
4. no private rights will be injured or endangered thereby.

IT IS THEREFORE ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS that:

A. the portion of platted front setback described above is hereby vacated;

B. this order shall be entered on the records of proceedings of the Board;

C. the County Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County; and

D. all property rights of public utilities, rights-of-ways, and easements for public service facilities then in existence and use within the vacated area shall remain and are protected.

Commissioners present and voting were:

PETER F. MEITZNER	Aye
SARAH LOPEZ	Aye
DAVID T. DENNIS	Aye
RYAN K. BATY	Aye
JAMES M. HOWELL	Aye

Dated this 18 day of September, 2024.

ATTEST:

KELLY B. ARNOLD, County Clerk

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

RYAN K. BATY, Chairman
Commissioner, Fourth District

SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

JIM HOWELL
Commissioner, Fifth District

DAVID T. DENNIS
Commissioner, Third District

PETE MEITZNER
Commissioner, First District

APPROVED AS TO FORM:

SAMANTHA SEANG
Assistant County Counselor

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF A PORTION OF PLATTED FRONT SETBACK	)	
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Commissioners present and voting were:

PETER F. MEITZNER	Aye
SARAH LOPEZ	Aye
DAVID T. DENNIS	Aye
RYAN K. BATY	Aye
JAMES M. HOWELL	Aye

Dated this 18 day of September, 2024.

ATTEST:

KELLY B. ARNOLD, County Clerk

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OF SEDGWICK COUNTY, KANSAS

RYAN K. BATY, Chairman
Commissioner, Fourth District

SARAH LOPEZ, Chair Pro Tem
Commissioner, Second District

JIM HOWELL
Commissioner, Fifth District

DAVID T. DENNIS
Commissioner, Third District

PETE MEITZNER
Commissioner, First District

APPROVED AS TO FORM:

Samantha Seang 9/5/24
SAMANTHA SEANG
Assistant County Counselor

METROPOLITAN AREA PLANNING COMMISSION

AGENDA REPORT NO.
August 22, 2024

STAFF REPORT

CASE NUMBER: **VAC2024-00038** - County Vacation of a portion of a platted 30-foot front setback to reduce it to 10 feet.

APPLICANT: Mark & Paula Richards (applicants)

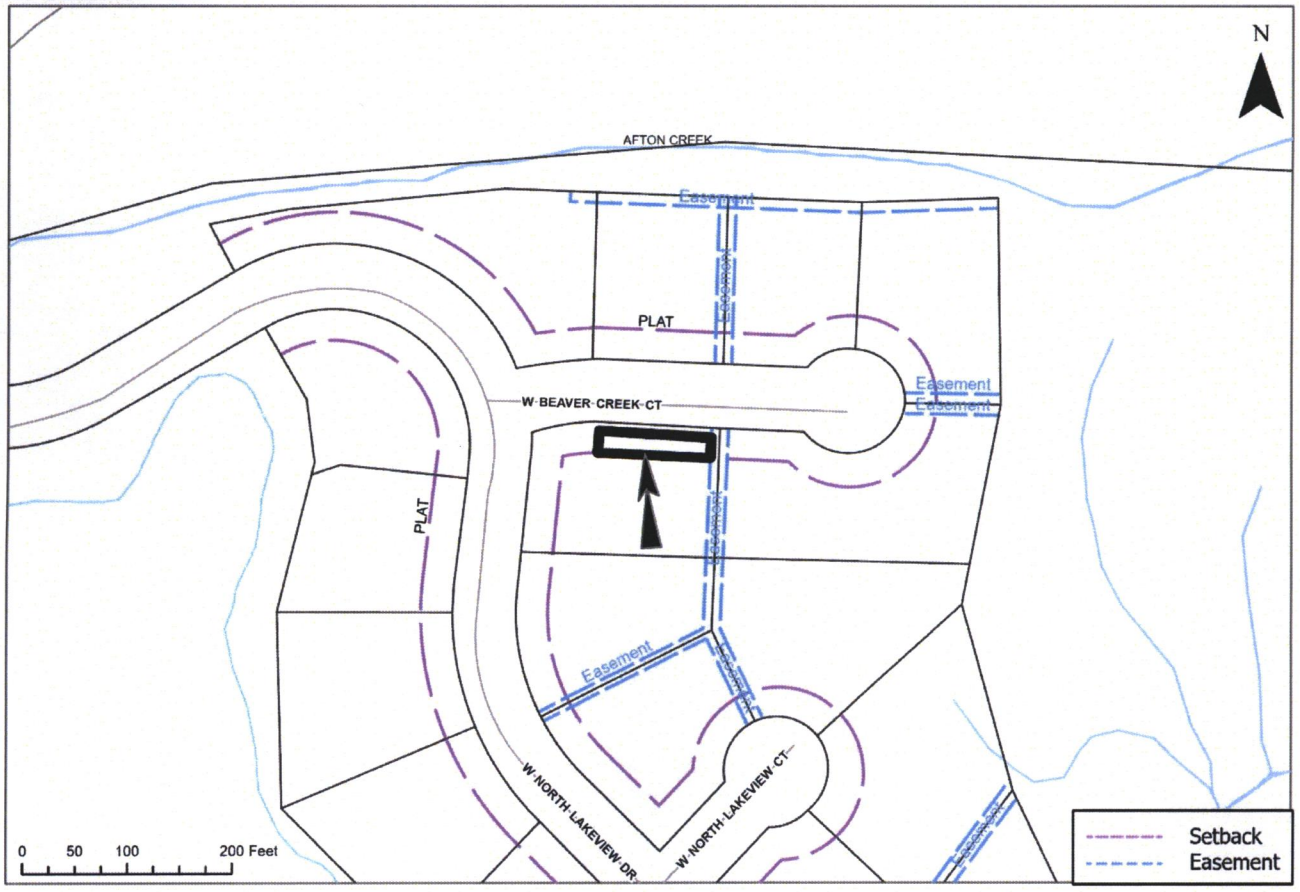
LEGAL DESCRIPTION: Generally described as vacating a portion of the platted 30-foot front setback on Lot 3, Block 14, Miles Country Club Estates 2nd Addition, Sedgwick County, Kansas. (See attached legal description)

LOCATION: Generally located 1,950 feet south of West 47th Street South 1,550 feet west of North 231st Street West (23 West Beaver Creek Court). (BOCC III)

REASON FOR REQUEST: Construct a detached garage and bring existing carport into compliance.

CURRENT ZONING: Site and adjacent properties are zoned RR Rural Residential District and are developed with single-family dwellings.

VICINITY MAP:



The applicants propose to vacate a portion of the platted 30-foot street side setback along West Beaver Creek Court on Lot 3, Block 14, Miles Country Club Estates 2nd Addition. If approved, this will reduce the platted setback to 10 feet. The property is addressed 23 West Beaver Creek Court and is generally located 1,950 feet south of West 47th Street South 1,550 feet west of North 231st Street West.

The purpose of this vacation is to construct a detached garage and bring an existing carport into compliance. The standard street side zoning setback in the RR Rural Residential District is 20 feet. The property was platted with a street side setback that exceeds the standard zoning setback. If approved, the setback for a portion of the north side of the lot would be 10 feet, which exceeds the street side zoning setback by 10 feet.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Public Works, Water & Sewer, 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 portion of the platted 30-foot street side setback. The Miles Country Club Estates 2nd Addition was recorded on June 30, 1968.

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 29, 2016, 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) Provide Planning Staff with a legal description of the approved vacated portion of the platted setback in 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 Board of County Commissioners 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 County Standards and at the applicant's expense.

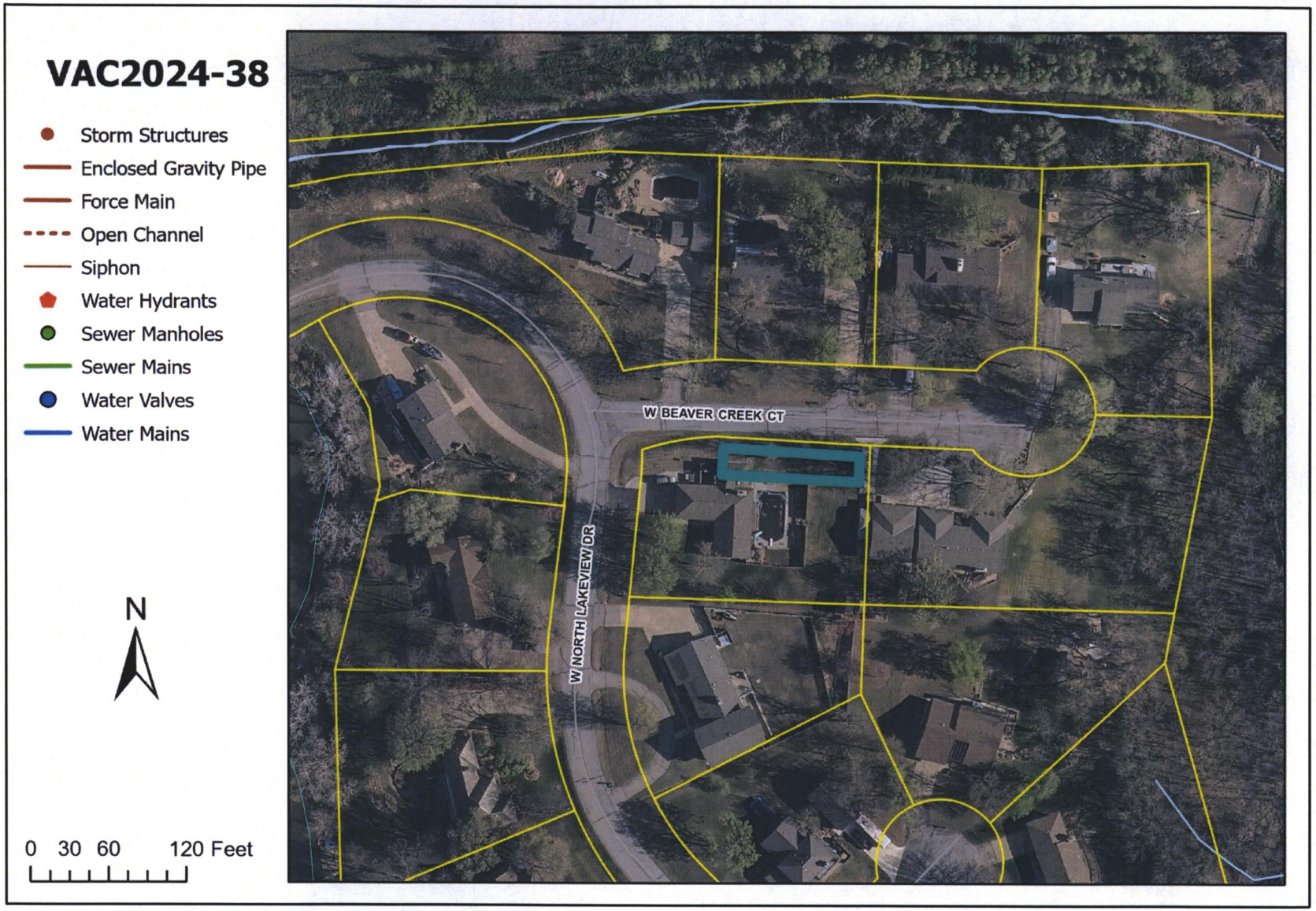
(4) Per MAPC Policy Statement #7, all conditions shall be completed within one year of approval by the MAPC or the vacation request will be considered null and void. All vacation requests are not complete until the Wichita City Council or the Sedgwick County Board of County Commissioners have taken final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

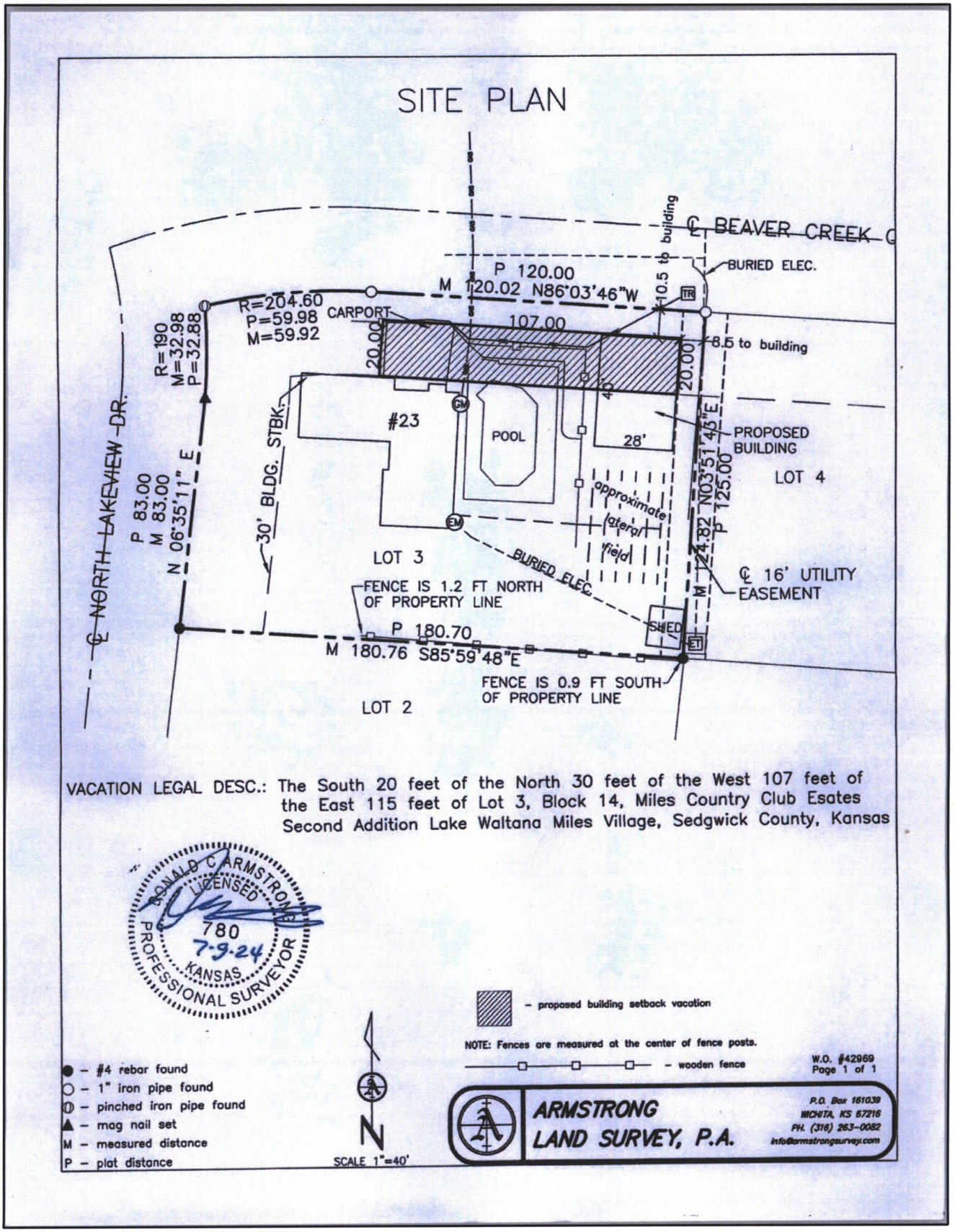
The Subdivision Committee recommends approval per staff recommendations.

Attachments:

1) Aerial Map
2) Legal Description
3) Site Plan


VAC2024-38
Storm Structures
Enclosed Gravity Pipe
Force Main
Open Channel
Siphon
Water Hydrants
Sewer Manholes
Sewer Mains
Water Valves
Water Mains
N
0 30 60 120 Feet
W BEAVER CREEK CT
W NORTH LAKEVIEW DR

VACATION LEGAL DESC.: The South 20 feet of the North 30 feet of the West 107 feet of the East 115 feet of Lot 3, Block 14, Miles Country Club Esates Second Addition Lake Waltana Miles Village, Sedgwick County, Kansas


SITE PLAN
℄ BEAVER CREEK
BURIED ELEC.
10.5 to building
P 120.00
M 120.02 N86°03'46"W
R=204.60
P=59.98
M=59.92
CARPORT
107.00
20.00
8.5 to building
R=190
M=32.98
P=32.88
℄ NORTH LAKEVIEW DR.
P 83.00
M 83.00
N 06°35'11" E
30' BLDG. STBK.
#23
POOL
40'
28'
PROPOSED BUILDING
LOT 4
P 125.00
M 124.82 N03°51'45"E
approximate lateral field
LOT 3
BURIED ELEC.
℄ 16' UTILITY EASEMENT
FENCE IS 1.2 FT NORTH OF PROPERTY LINE
SHED
P 180.70
M 180.76 S85°59'48"E
FENCE IS 0.9 FT SOUTH OF PROPERTY LINE
LOT 2
VACATION LEGAL DESC.: The South 20 feet of the North 30 feet of the West 107 feet of the East 115 feet of Lot 3, Block 14, Miles Country Club Esates Second Addition Lake Waltana Miles Village, Sedgwick County, Kansas
DONALD C. ARMSTRONG
LICENSED
780
7-9-24
KANSAS
PROFESSIONAL SURVEYOR
– proposed building setback vacation
NOTE: Fences are measured at the center of fence posts.
– wooden fence
W.O. #42969
Page 1 of 1
● – #4 rebar found
○ – 1" iron pipe found
◍ – pinched iron pipe found
▲ – mag nail set
M – measured distance
P – plat distance
N
SCALE 1"=40'
ARMSTRONG LAND SURVEY, P.A.
P.O. Box 161039
WICHITA, KS 67216
PH. (316) 263-0082
info@armstrongsurvey.com