

Planning Agenda # _____

City of Wichita
City Council Meeting
January 4, 2000

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: V-2205 - REQUEST TO VACATE A PORTION OF A BUILDING SETBACK LOCATED NORTH OF 37TH STREET NORTH AND WEST OF SENECA (4033 N. AMIDON). (District VI)

INITIATED BY: Metropolitan Area Planning Department

AGENDA ACTION: Planning

*M. Knight
2/1/00*

Staff Recommendation: Approve vacation of a portion of a building setback.

MAPC Recommendation: Approve vacation of a portion of a building setback. (unanimous)

Background: The applicant is requesting to vacate 20 feet of a 30-foot platted building setback along the front property line for the construction of a room addition. Approval of this vacation also reduces the zoning setback for this lot; a variance approved by the Board of Zoning Appeals is not required (per UZC Section III-E.2.3(4)).

No one spoke in opposition to this request at the MAPC's advertised public hearing, and the MAPC voted to approve the vacation, adopting the findings of fact that are incorporated in the Vacation Order, subject to the requirement that the appearance of the room addition be similar in style and color to the existing home; the roofline of the room addition may be lower in elevation than the existing roofline, but it shall have the same pitch and angle as the existing roof. No written protests have been filed.

Legal Considerations: A certified copy of the Vacation Order will be recorded with the Register of Deeds.

Recommendations/Actions: Follow the recommendation of the Metropolitan Area Planning Commission and approve the Vacation Order, and authorize the Mayor to sign.

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**BEFORE THE CITY COUNCIL OF THE
CITY OF WICHITA, SEDGWICK COUNTY, KANSAS**

IN THE MATTER OF THE VACATION OF	)	
A PORTION OF A BUILDING SETBACK	)	
	)	
	)	
GENERALLY LOCATED	)	Case No. V-2205
NORTH OF 37TH STREET NORTH AND WEST	)	
OF SENECA (4033 N. AMIDON)	)	
	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 4th day of January, 2000, comes on for hearing the petition for vacation filed by Gordon and Margaret Stewart, praying for the vacation of the following described a portion of a building setback, to-wit:

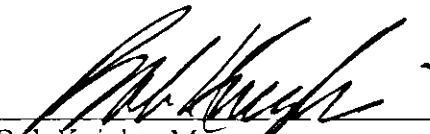
The west 20 feet of the 30-foot building setback as platted on Lot 26, Sherwood Glen 3rd Addition, Wichita, Sedgwick County, Kansas.

The City Council, after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, makes the following findings:

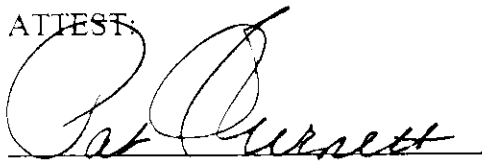
1. That due and legal notice has been given by publication as required by law, by publication in the Daily Reporter on November 23, 1999, which was at least 20 days prior to the public hearing.
2. No private rights will be injured or endangered by the vacation of the above-described a portion of a building setback, and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner(s), the prayer of the petition ought to be granted.
4. No written objection to said vacation has been filed with the City Clerk by any owner or adjoining owner who would be a proper party to the petition.
5. The vacation of a portion of a building setback described herein should be approved, subject to the following conditions:

- A) The appearance of the room addition shall be similar in style and color to the existing home.
- B) The roofline of the room addition may be lower in elevation than the existing roofline, but it shall have the same pitch and angle as the existing roof.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 4th day of January 2000, ordered that the above-described a portion of a building setback is hereby vacated. IT IS FURTHER ORDERED that the City Clerk shall certify a copy of this order to the Register of Deeds of Sedgwick County.


Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to Form:


Gary Reberstorf, Director of Law

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