



Wichita-Sedgwick County Metropolitan Area Planning Department

March 14, 2008

Eddie C. & Vicki L. Hamilton
#8 S. Lakeview Dr.,
Goddard, KS 67052


Re: **VAC2008-00001** - Request to vacate a portion of platted setback, generally located west of 231st Street West, north of 55th Street South, on the north side of West South Lakeview Drive, between West Lakewood Drives (Sedgwick County case).

Dear Mr. & Mrs. Hamilton:

At its regular meeting on Wednesday, March 12, 2008, the Board of County Commission considered request. The action of the Board of County Commissioners was to APPROVE subject to the recommendation by the MAPC.

If you have any questions about this matter, please call 268-4494.

Sincerely,


Bill Longnecker
Senior Planner

BL:le

cc: Sedgwick County Electric Coop, Attention: Allen Henning & Wayne Voss, P.O. Box 220,
Cheney, KS, 67205-0220
Jim Weber, Sedgwick County Engineer, Public Works Department, 1144 S. Seneca, Wichita,
KS 67213
Branden R. & Linnete M. Lee, 6 W. South Lakeview Ct., Goddard, KS 67052
Newt & Diane Ward, % Julie Cook & Darren Ward, 5 S. Lakeview Dr., Goddard, KS
67052-9201
Stephen H. Wilkerson, 4 S. Lakeview, Goddard, KS 67052-9253

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

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BEFORE THE COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

IN THE MATTER OF THE VACATION OF)
A PORTION OF A PLATTED SETBACK)

GENERALLY LOCATED)
WEST OF 231ST STREET WEST, NORTH OF 55TH)
STREET SOUTH, ON THE NORTH SIDE OF WEST)
SOUTH LAKEVIEW DRIVE, BETWEEN THE TWO)
WEST LAKEWOOD DRIVES)

CASE NO. VAC2008-00001

VACATION ORDER

NOW on this 12th day of March, 2008, at 9:00 o'clock A.M., comes the petition filed by Eddie C. & Vickie L. Hamilton, praying for the vacation of the following-described a portion of a platted setback, to-wit:

The north 6-feet of the platted 30-foot front yard setback, as recorded on Lot 1, Block 7, Miles Country Club Estates Addition, Sedgwick County, Kansas.

WHEREUPON, it is shown that proper notice has been given by publication once at least 20 days prior to the date of hearing in the official county newspapers, such publications having occurred on January 17, 2008; and it is further shown that proper proof of such publication has been filed herein. The Board finds that such notice is in lawful form and that it conforms to K.S.A. 58-2613, and amendments thereto.

THEREAFTER, the Board, being duly advised in the premises, finds and determines that no private rights will be injured or endangered by such vacation; that the public will suffer no loss or inconvenience thereby; that no written objections hereto have been filed with the Sedgwick County Clerk; and that, in justice to the petitioner, the petition's prayer should be granted.

County Clerk

Vacation Order
VAC2008-00001

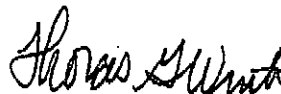
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The Board further finds that the Metropolitan Area Planning Commission held a public hearing on the 7th day of February 2008, and recommended that the vacation petition herein be approved.

THEREFORE, IT IS ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF SEDGWICK COUNTY, KANSAS, that the portion of the platted setback hereinabove described is the same and is hereby vacated.

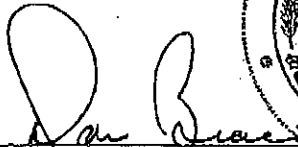
DATED this 12th day of March, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SEDGWICK COUNTY, KANSAS

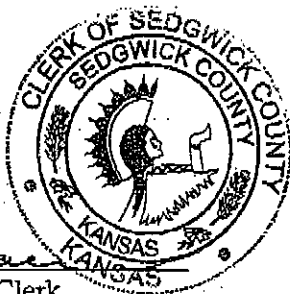


Thomas G. Winters, Chairman
Third District

ATTEST:



Don Brace, County Clerk



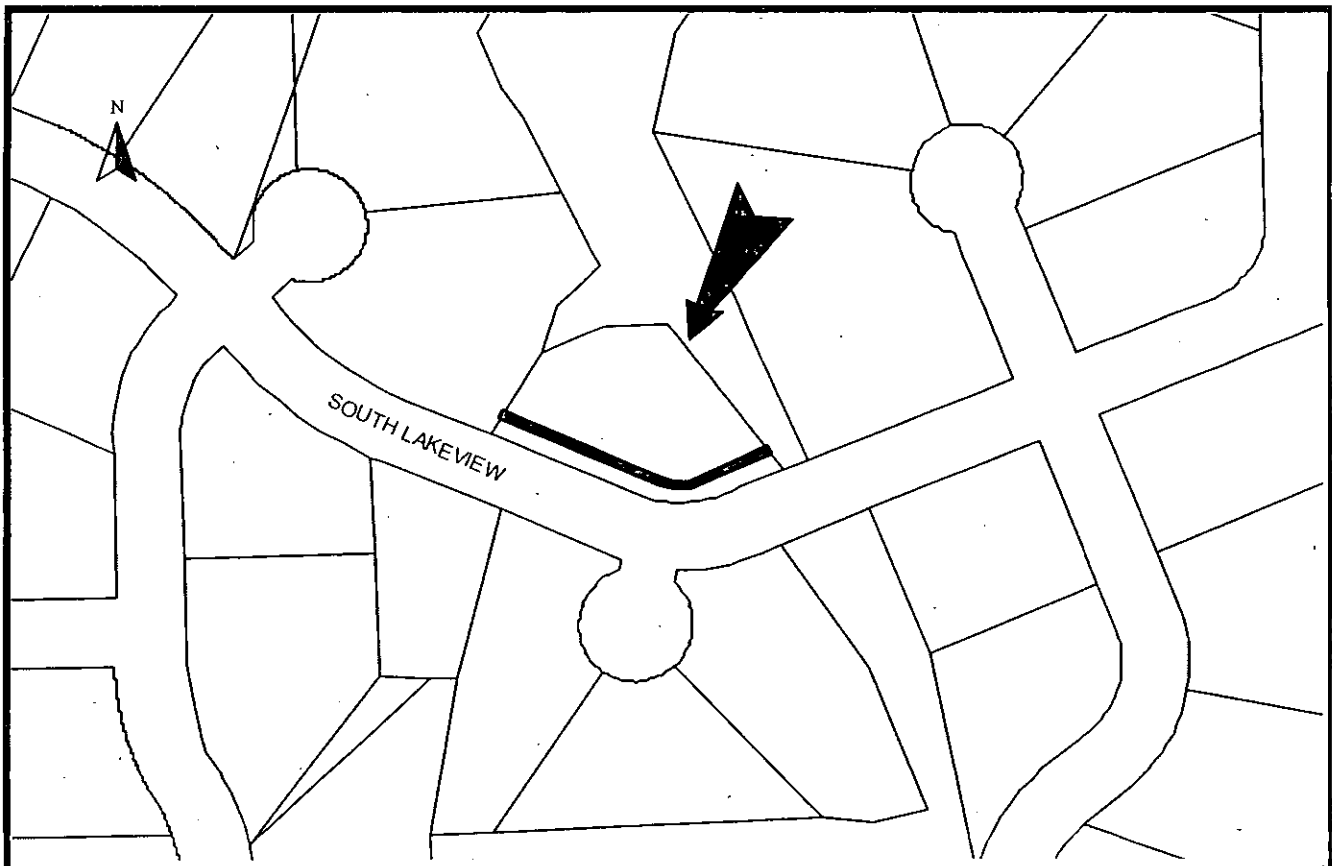
APPROVED AS TO FORM:



Robert W. Parnacott
Assistant County Counselor

STAFF REPORT

- CASE NUMBER:** VAC2008-00001 Sedgwick County request to vacate a portion of a platted setback
- APPLICANT/OWNER:** Eddie C & Vickie L Hamilton
- LEGAL DESCRIPTION:** Generally described as the north 6-feet of the platted 30-foot front setback that runs parallel to W Lakeview Drive South, on Lot 1, Block 7, Miles Country Club Estates Addition; Sedgwick County, Kansas.
- LOCATION:** Generally located west of 231st Street West, north of 55th Street South, on the north side of West South Lakeview Drive, between West Lakewood Drives (BoCC #3)
- REASON FOR REQUEST:** Remove existing encroachment (residence) and to allow the addition of an attached garage.
- CURRENT ZONING:** Site and all abutting and adjacent properties are zoned "RR" Rural Residential.
- VICINITY MAP:**



The applicant proposes to vacate approximately 6-feet of the platted 30-foot front setback. The zoning of the subject site is "RR." The UZC requires a minimum of a 30-foot front yard setback for the "RR" zoning district. If the setback was not platted, the applicant could apply for an Administrative Adjustment, which would reduce a 30-foot setback by 20%, resulting in a 24-foot setback, which is 0.3-feet more than the applicant is requesting. The UZC's minimum lot size for the "RR zoning district is two-acres for a lot with a septic system and 4.5-acres for a lot with a sewage lagoon. The irregular shaped 0.56-acre lot and most, if not all of other residential lots in the Miles Country Club Estates Addition do not meet that minimum lot size for "RR" zoning. The site and the subdivision are located in an unincorporated part of the County and are well outside of any small cities' growth areas. There are no platted easements, water lines, manholes or sewer line located in the described portion of the platted setback. There are no utilities within the described portion of the platted front setback. The Miles Country Club Estates Addition was recorded with the Register of Deeds May 12, 1965.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from County Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval of the vacation of the described portion of the platted setback with conditions.

- 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 and the Derby Reporter, of notice of this vacation proceeding one time January 17, 2007 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of the platted setback and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.

Therefore, the vacation of the portion of the platted setback described in the petition should be approved with conditions;

- (1) The platted 30-foot front setback, located on Lot 1, Block 7, Miles Country Club Estates Addition, along its W Lakeview Drive South frontage will be replaced with a 24-foot setback.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (3) All improvements shall be according to County standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions to 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 conditions:

- (1) The platted 30-foot front setback, located on Lot 1, Block 7, Miles Country Club Estates Addition, along its W Lakeview Drive South frontage will be replaced with a 24-foot setback.
- (2) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicants and at the applicant's expense.
- (3) All improvements shall be according to County standards and at the applicant's expense.
- (4) Per MAPC Policy Statement #7, all conditions to 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

SITE PLAN

VPC2008-01

