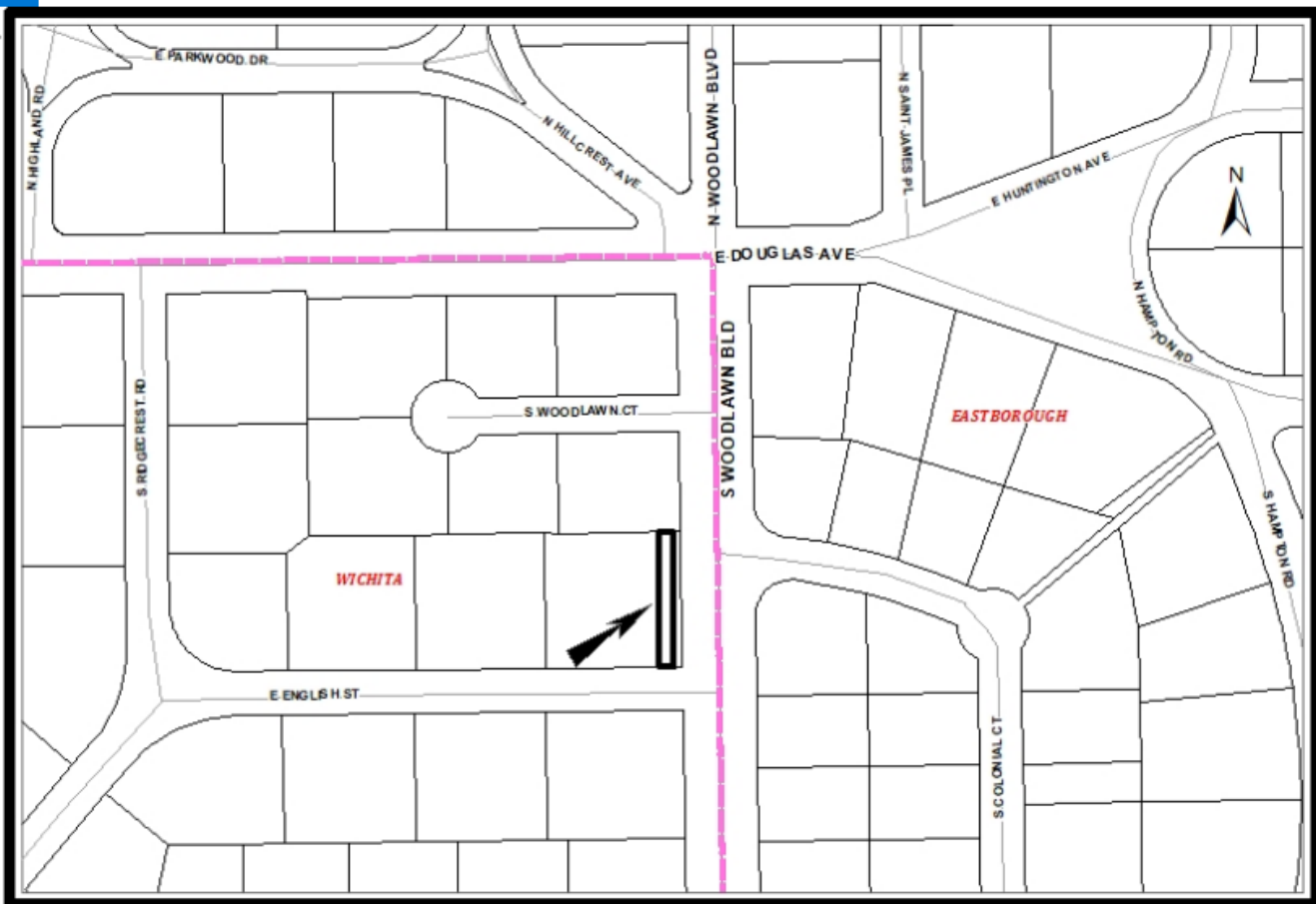


STAFF REPORT

- CASE NUMBER:** VAC2022-00005 – Request in the City to vacate a portion of a platted setback
- APPLICANT:** Cameron Kasel & Carolyn Moore (owners/applicant) Hagan Construction, c/o Chris Hagan (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the west 18 feet of the of the platted 30-foot setback located on Lot 6, Block 3, East Village Replat of Block T, 6th Addition to the Village, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located south of East Douglas Avenue, on the northwest corner of South Woodlawn Boulevard & East English Street (6332 East English Street, District I)
- REASON FOR REQUEST:** Build a detached garage that would keep the backyard open behind the house
- CURRENT ZONING:** The site, the abutting north, and west properties and adjacent south properties, across East English Street, are zoned SF-5 Single-Family Residential. Adjacent east properties, across South Woodlawn Boulevard, are located in the City of Eastborough.

VICINITY MAP:



The applicants propose to vacate the west 18 feet of the platted 30-foot setback on the SF-5 Single-Family Residential zoned subject site; Lot 6, Block 3, East Village Replat of Block T, 6th Addition to the Village. The East Village Replat of Block T, 6th Addition to the Village were recorded with the Register of Deeds June 10, 1957. The subject site is a corner lot located one block south of East Douglas Avenue, on the northwest corner of South Woodlawn Boulevard and East English Street; 6332 East English Street.

The applicants propose to build a 28-foot by 60-foot detached garage that will have access to East English Street, via an existing concrete driveway. The garage will be located northeast of the house along its South Woodlawn Boulevard frontage. The request, if approved, would essentially recognize the corner lot's platted 30-foot setback running parallel to South Woodlawn Boulevard as its street side yard setback as opposed to the Unified Zoning Code UZC's definitions of front and street side yard setbacks.

The UZC establishes a corner lot's front yard setback along its shorter street frontage. The subject corner site has 185 feet of South Woodlawn Boulevard frontage and 187.94 feet of East English Street frontage. By definition the subject site's front yard setback is along South Woodlawn Boulevard, by a difference of 2.94 feet. Per the UZC, the SF-5 zoning district has a minimum 25-foot front yard setback. If this was not a platted setback but the UZC's minimum 25-foot front yard setback an Administrative Adjustment could reduce the setback by 20% resulting in a 20-foot front yard setback.

The UZC's definitions of front and street side yard setbacks does not always recognize how a residence is orientated on its lot. In this case the almost square shaped subject site's platted 40-foot setback functions like a front yard setback, with the applicant's home facing East English Street and access to and off it via East English Street. All of the homes, including the subject site, on both sides of this section of East English Street face it and have access off and onto it. In this case it seems not unreasonable to consider the 185-foot by 187.94-foot subject site's platted 30-foot setback running parallel to South Woodlawn Boulevard as its street side yard setback. The UZC has a minimum 15-foot street side yard setback standard for the SF-5 zoning district. The East Village Replat of Block T, 6th Addition to the Village does not identify front or street side yard setbacks.

Power poles and power lines, drainage and a sidewalk are located in the South Woodlawn Boulevard ROW. Contact Abby Brungardt, Every Design Representative for this area at 785-508-2175 in regard to maintaining proper clearance from the power poles and lines along the applicant's South Woodlawn Boulevard frontage. Sewer is located on the site in a platted 8-foot wide easement running north to south parallel to the east property line and South Woodlawn Boulevards. Water is located in the East English Street ROW and crosses over South Woodlawn Boulevard at those street's intersection. Conditions #3, #5 and #6 cover all utilities. Vehicular traffic, pedestrian traffic and public safety will not be impacted by this vacation request.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from County Traffic, Public Works/Water & Sewer/Storm water, 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 portion of the platted 30-foot 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 February 10, 2022, 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 portions of the platted complete access control, 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) The SF-5 zoned Lot 6, Block 3, East Village Replat of Block T, 6th Addition to the Village’s South Woodlawn Boulevard street frontage is considered the street side yard setback of 15 feet.
- (2) Provide Planning staff with an approved legal description of the vacated west 15 feet of the platted 30-foot setback running parallel to Lot 6, Block 3, East Village Replat of Block T, 6th Addition to the Village’s South Woodlawn Boulevard frontage. This results in a 15-foot street side yard setback. Provide the approved legal 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.
- (3) Dedicate complete access control onto South Woodlawn Boulevard along the east 185 feet of Lot 6, Block 3, East Village Replat of Block T, 6th Addition to the Village. This must be provided to Planning prior to the case going to City Council for final action.
- (4) Dedicated two-feet of sewer easement to the platted eight-foot sewer easement running parallel to the east side of Lot 6, Block 3, East Village Replat of Block T, 6th Addition to the Village. This must be provided to Planning prior to the case going to City Council for final action.
- (5) Provide a revised site plan reflecting the conditions of approval, including the location of the proposed garage. This must be provided to Planning prior to the case going to City Council for final action.
- (6) 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.
- (7) Provide Planning with any required easement(s) dedicated by separate instrument(s) with original signatures for recording with the Register of Deeds. All original dedications will go with the Vacation Order to City Council for final action and filing with the Sedgwick County Register of Deeds.
- (8) 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 subject to the following (but not limited to) conditions :

- (1) The SF-5 zoned Lot 6, Block 3, East Village Replat of Block T, 6th Addition to the Village’s South Woodlawn Boulevard street frontage is considered the street side yard setback of 15 feet.

- (2) Provide Planning staff with an approved legal description of the vacated west 15 feet of the platted 30-foot setback running parallel to Lot 6, Block 3, East Village Replat of Block T, 6th Addition to the Village's South Woodlawn Boulevard frontage. This results in a 15-foot street side yard setback. Provide the approved legal 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.
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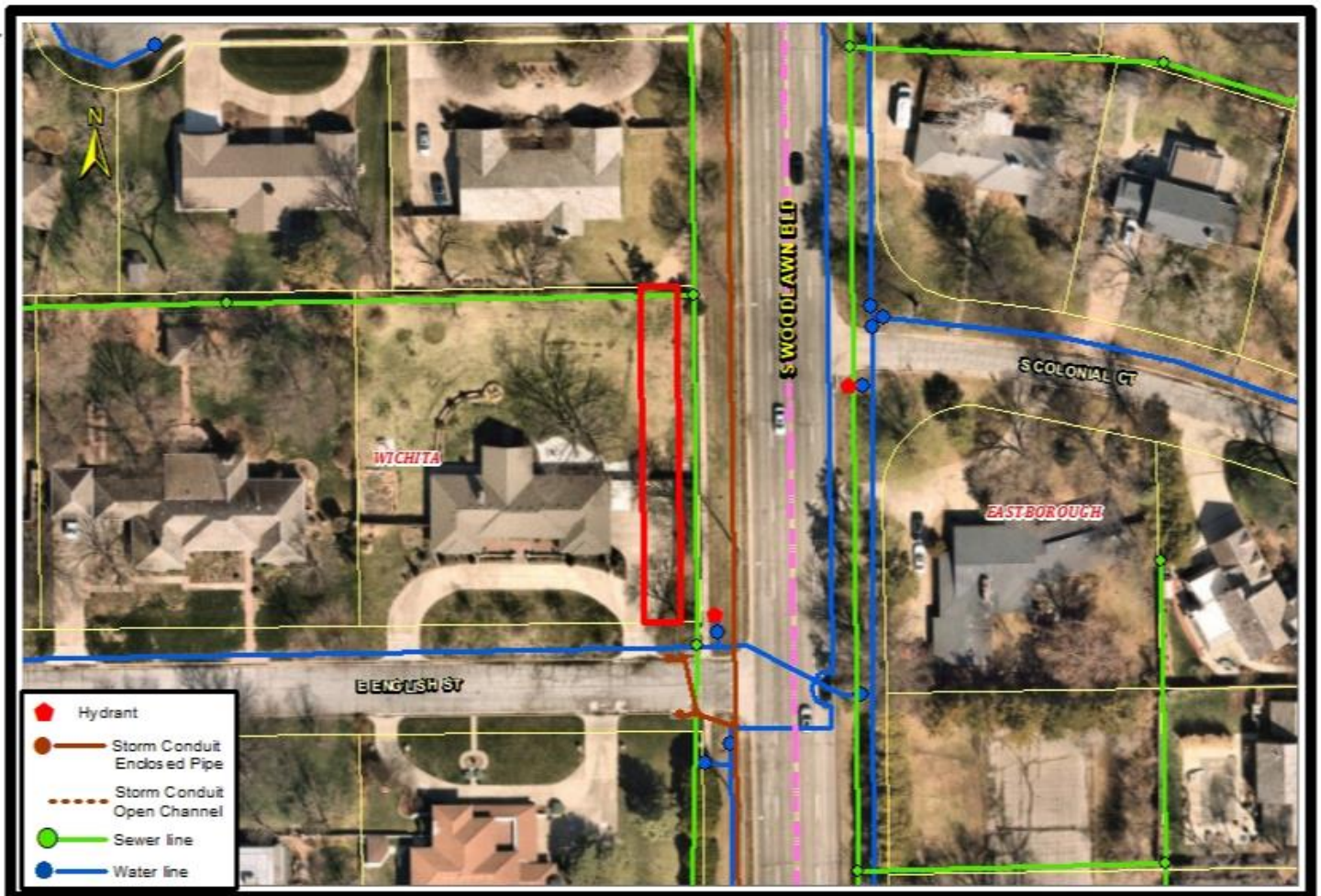
Attachments:

- Aerial with water, sewer, and storm water
- Site plan
- East Village Replat of Block T, 6th Addition to the Village, including the subject site, Lot 6, Block 3.
- Google photos of the front and side of the subject site.

VAC2022-00005 – Request in the City to vacate a portion of a platted 30-foot setback on SF-5 Single-Family Residential zoned property generally located south of East Douglas Avenue, on the northwest corner of South Woodlawn Boulevard & East English Street (District I)

April 21, 2022

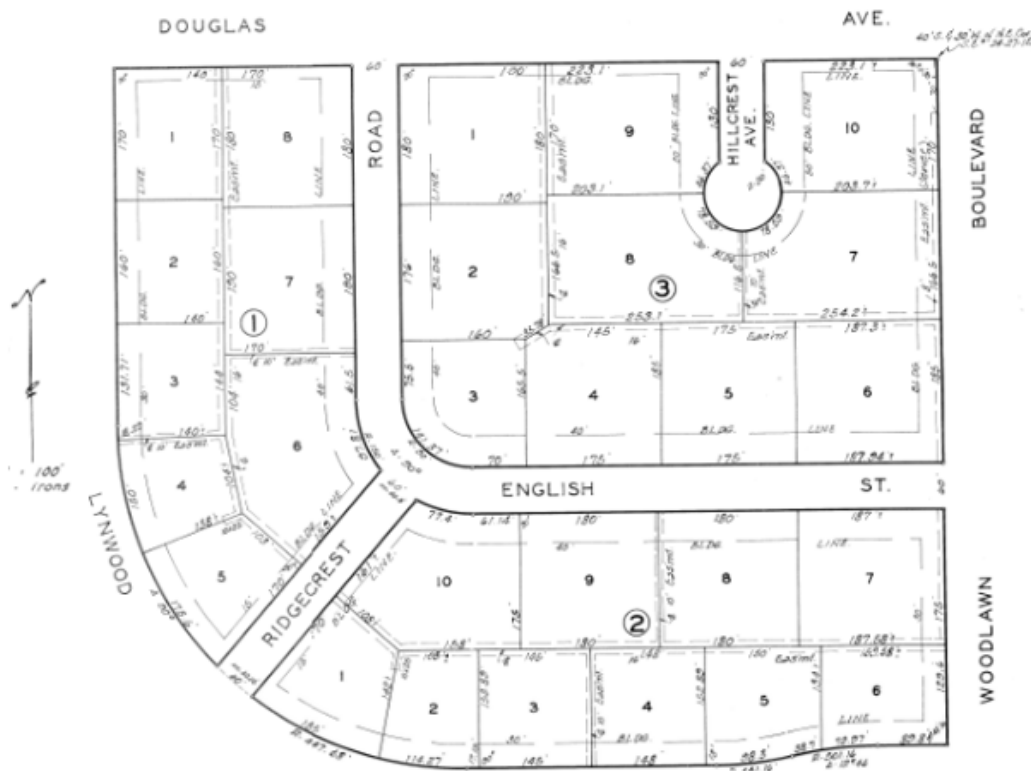
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EAST VILLAGE

REPLAT OF BLOCK T SIXTH ADDITION TO THE VILLAGE

WICHITA, KANSAS.



State of Kansas } s.s.
 Sedgwick County }
 Mayor in and for said
 by certifying that I
 do hereby certify that
 the EAST VILLAGE
 Sixth Addition to the
 Village of Wichita, Kansas,
 is a true and correct
 property survey of
 Block T, Sixth
 Addition to the Village
 of Wichita, Sedgwick
 County, Kansas.

[Signature]

I hereby
 present that in
 accordance with the
 provisions of the
 plat of the EAST VILLAGE
 Addition to the Village
 of Wichita, Kansas,
 the easements are
 shown on the plat of
 the EAST VILLAGE
 Addition to the Village
 of Wichita, Kansas,
 and the same are
 hereby vacated to and for
 the use and benefit of
 the public.

Woodlawn Inc.

[Signature]

[Signature]

State of Kansas }
 Sedgwick County }
 Clerk of the Court
 do hereby certify that
 the EAST VILLAGE
 Addition to the Village
 of Wichita, Kansas,
 is a true and correct
 property survey of
 Block T, Sixth
 Addition to the Village
 of Wichita, Kansas,
 and the same are
 hereby vacated to and for
 the use and benefit of
 the public.

VAC2022-00005 – Request in the City to vacate a portion of a platted 30-foot setback on SF-5 Single-Family Residential zoned property generally located south of East Douglas Avenue, on the northwest corner of South Woodlawn Boulevard & East English Street (District I)
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