

STAFF REPORT

- CASE NUMBER:** VAC2021-00054 – Request in the City to vacate a portion of a platted street side yard setback
- APPLICANT:** Lawrence & Kathy Salts (owners/applicant) Savoy Company, PA, c/o Mark Savoy (agent)
- LEGAL DESCRIPTION:** Generally described as vacating the south 18 feet of the of the platted 30-foot street side yard setback located on Lot 19, Block D, Gene Douglas Matlock Addition, Wichita, Sedgwick County, Kansas
- LOCATION:** Generally located north of West 31st Street South, west of South Seneca Street, on the southwest corner of West 29th Street South & South Millwood Avenue (District IV)
- REASON FOR REQUEST:** To remove existing encroachments
- CURRENT ZONING:** The site and all abutting and adjacent properties are zoned SF-5 Single-Family Residential.

VICINITY MAP:



The applicants propose to vacate the south 18 feet of the platted 30-foot street side yard setback of the SF-5 Single-Family Residential zoned subject site; Lot 19, Block D, Gene Douglas Matlock Addition. If approved the street side yard setback would be 12 feet. The subject site is located north of West 31st Street South, west of South Seneca Street, on the southwest corner of West 29th Street South & South Millwood Avenue. The Gene Douglas Matlock Addition were recorded with the Register of Deeds June 11, 1953.

The UZC Unified Zoning Code establishes a corner lot's front yard setback along its shorter street frontage. In this case it is the subject site's South Millwood Avenue Frontage, thus making the West 29th Street South Street frontage the street side yard setback; UZC Sec.III, E.1e.6. The UZC has a minimum 15-foot street side yard setback standard for the SF-5 zoning district, which is three feet short of the applicant's request. If the subject setback was not platted, an Administrative Adjustment could reduce the UZC's minimum 15-foot street side yard setback by 20% resulting in a 12-foot street side yard setback, which matches part of the applicants' request. This can be approved through the vacation process which can allow for considerations based on Administrative Adjustments standards.

As shown on the applicants' exhibit, the request would remove existing encroachments into the platted 30-foot street side yard setback. The entire front of the applicant's home (built 1954) and attached garage encroach approximately 4.9 feet to 9.1 feet into the 30-foot subject setback. An 8-foot (x) 10-foot shed located west of the home, is located entirely in the subject setback. Establishing a 12-foot street side yard setback would remove these existing encroachments. Planning recommends approval of this request to establish a 12-foot street side yard setback to remove the existing encroachments.

There are no public or franchised utilities located in the area of the proposed vacation. Zach Laws is the Every Design Representative for this area and can be reached at 785-508-2703. Conditions #2 and #3 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 street side yard 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 30, 2021, 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 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 an approved legal description of the vacated south 18 feet of the platted 30-foot street side yard setback, resulting in a 12-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.

- (2) 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.
- (3) 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.
- (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 subject to the following (but not limited to) conditions:

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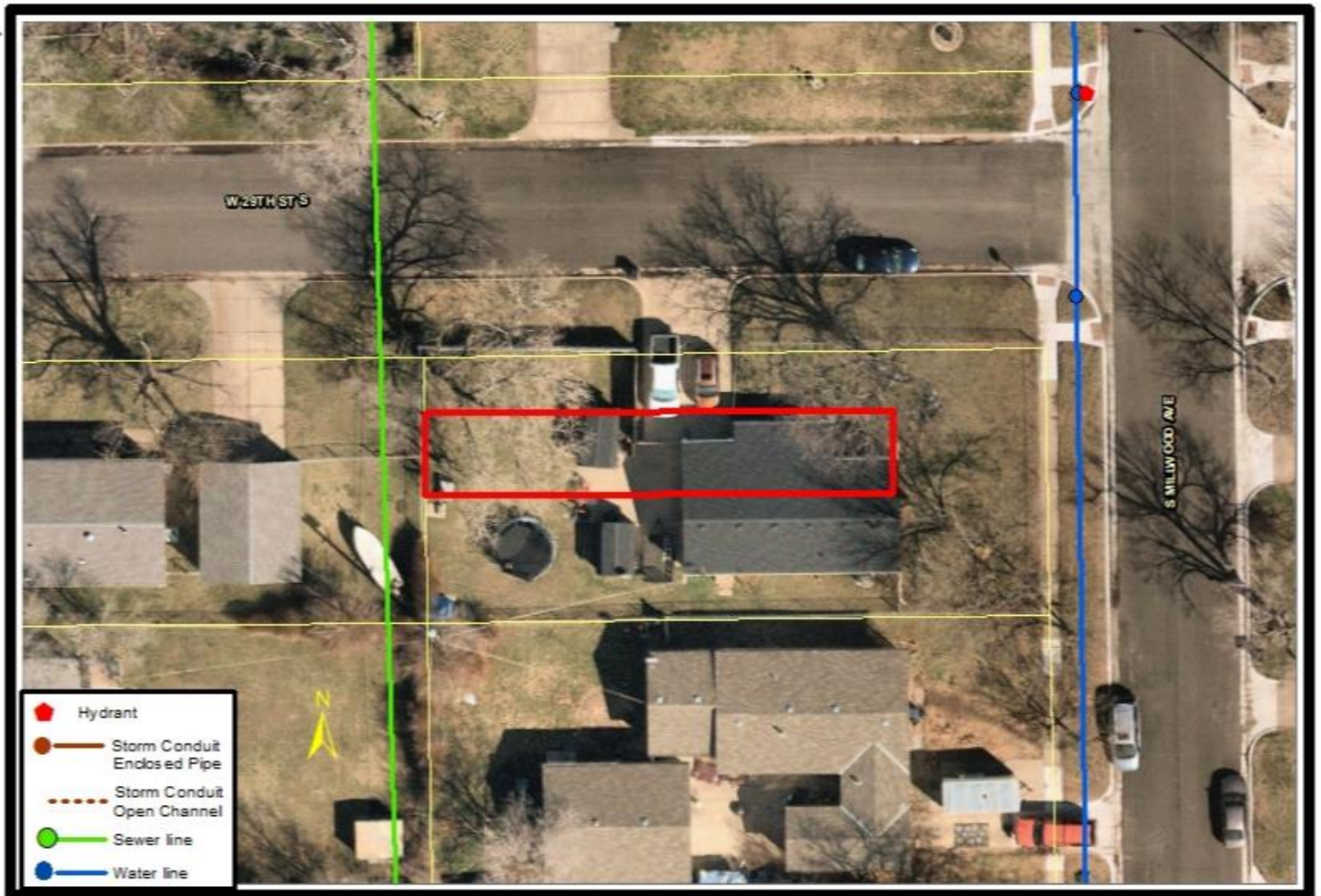
Attachments:

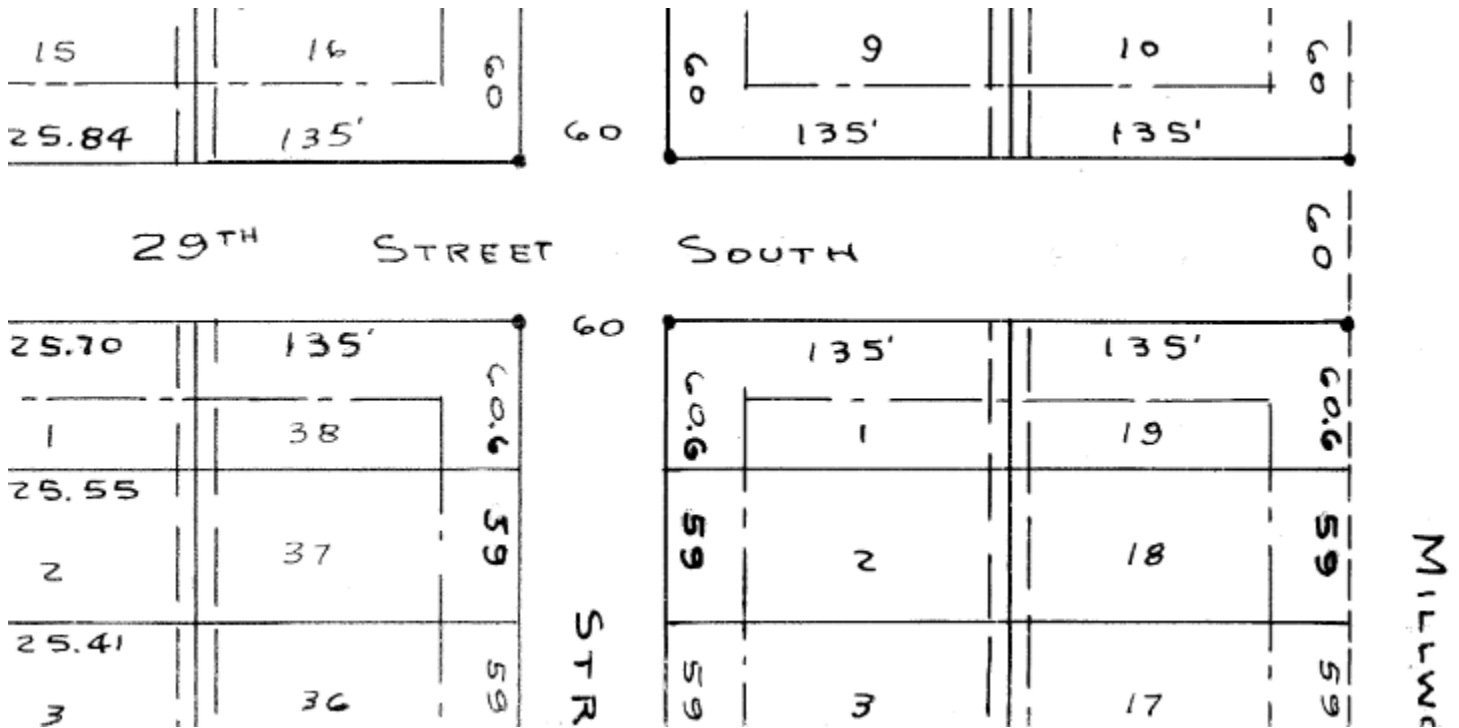
- Aerial with area of vacation, water, sewer, and drainage
- Exhibit showing platted Lot 19, Block D, Gene Douglas Matlock Addition
- Applicant's exhibit

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NOTE

• = 3" PIPE

EASEMENT NOTES:

ALL EASEMENTS 8' EACH LOT. UNLESS NOTED
 SIDE YARD STUB EASEMENTS - TO BE 5' AND
 EXTEND FROM REAR YARD EASEMENT
 (AS SHOWN ON PLAT ONLY) TO WITHIN
 100' OF FRONT BUILDING LINE.

ANCHOR EASEMENTS - 10' x 25'

SIDE YARD EASEMENTS TO BE 5' EACH LOT WHERE NOTED

BUILDING LINE NOTE:

BUILDING LINE TO BE 30' FROM ALL
 FRONTAGES.

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