

STAFF REPORT

CASE NUMBER: VAC2019-00022 - City vacation of a portion of platted street side setback.

APPLICANT/AGENT: John Avila (applicant/owner)

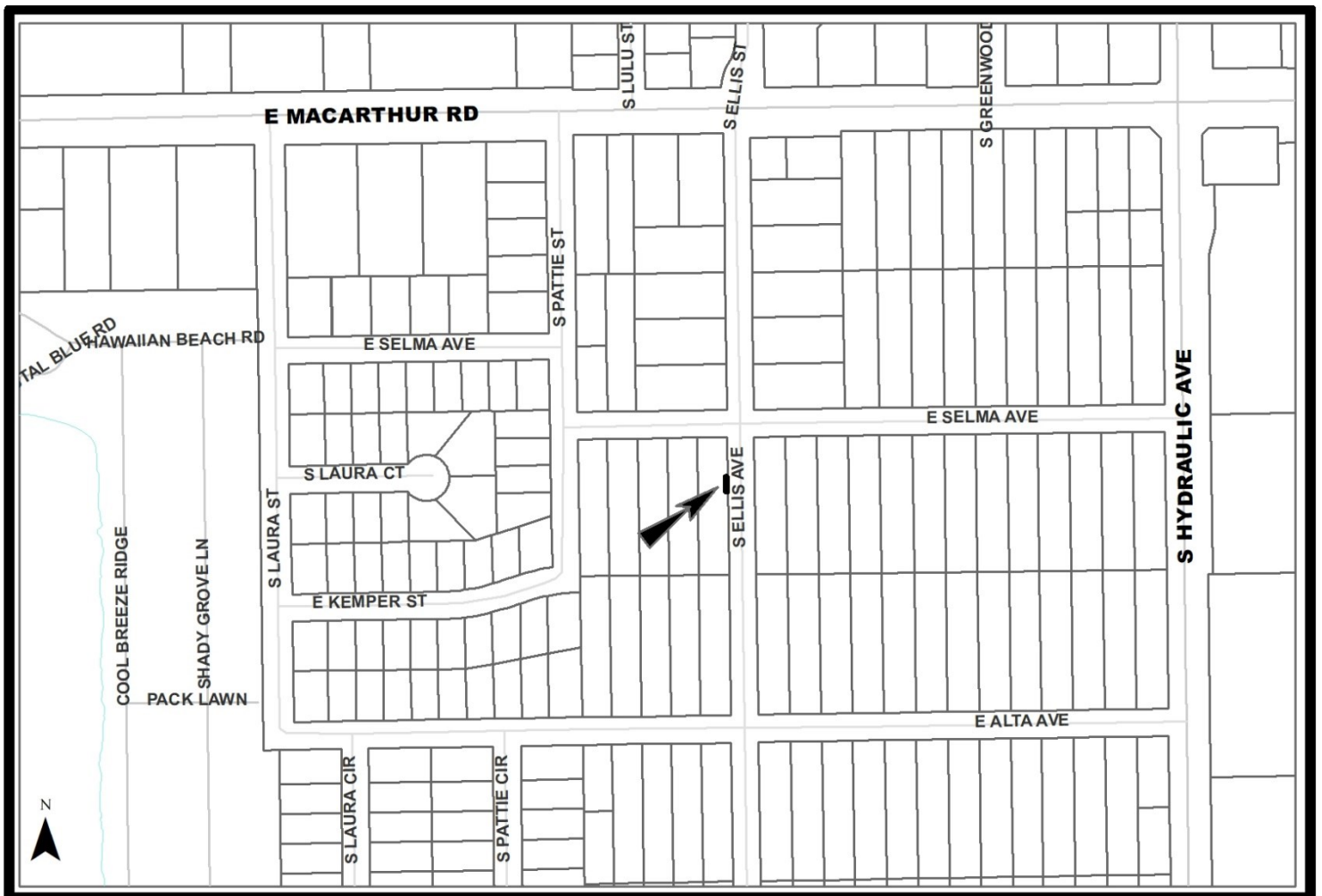
LEGAL DESCRIPTION: Generally described as vacating a portion of the west 5 feet of the platted 6-foot building setback located on the east side of Lot 5, Block 3, Louis Addition, Wichita, Sedgwick County, Kansas

LOCATION: Generally located one block south of East MacArthur Road and one block west of South Hydraulic Avenue (1429 E. Selma) (WCC III)

REASON FOR REQUEST: Construct an accessory structure

CURRENT ZONING: SF-5 Single Family Residential

VICINITY MAP:



The applicant proposes to vacate the west 5 feet of the platted 6-foot building setback located on east property line along South Ellis Avenue. The purpose of the vacation request is to construct a 30-foot by 36-foot, two-car garage with workshop. The applicant states that only 15 feet of the 36 feet will be the full 30-foot depth for the two-car garage. The remaining 21 feet will have a depth of 22 feet for the workshop with the remaining 8 feet being outside the exterior walls, but under the roof overhang. The applicant states that the location of the building is necessary because the sewer connection from the house to the sewer main near the rear of the property is located such that if the proposed garage was built within the setback, it would be built over top of this sewer line. With building the proposed garage into the setback, approximately a two-foot buffer would be left to access the sewer line for maintenance. In addition the applicant states that the location of the building is also situated to provide ease of access between the house and the proposed garage. The lot is zoned SF-5 Single Family. This accessory structure will be constructed on the front half of the lot and therefore would be subject the setback requirement of the principal structure. If approved, the request would reduce the platted building setbacks to one-foot. The Unified Zoning Code's (UZC) minimum street-side setback standard for the SF-5 zoning district is 15 feet. The lot was platted before the current zoning code was in place, and though the request exceeds the minimum setback, the original platted setback of 6 feet also exceeds the minimum side street setback.

There is a sewer line that runs east-west across the platted setback near the rear of the lot. This easement shall remain in place, and the construction of the building shall not encroach into the easement. Westar has no objection but dictates that the applicant must work with the area representative to ensure proper clearance is met between the proposed building and the overhead lines for street lamps that are present along Ellis. LaDonna Vanderford is the area representative and can be contacted at 261-6290. The Louis Addition was recorded with the Register of Deeds October 22, 1948.

Based upon information available prior to the public hearing and reserving the right to make recommendations based on subsequent comments from Public Works, Stormwater, Water and Sewer, Traffic, 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 portions of platted building 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 July 18, 2019, 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) Vacate the described portion of the west 5 feet of the platted 6-foot building setback located on and running parallel to east property line of Lot 5, Block 3, Louis Addition. Provide Planning Staff with legal descriptions of the approved vacated portions of the platted setback 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 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. 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 City 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

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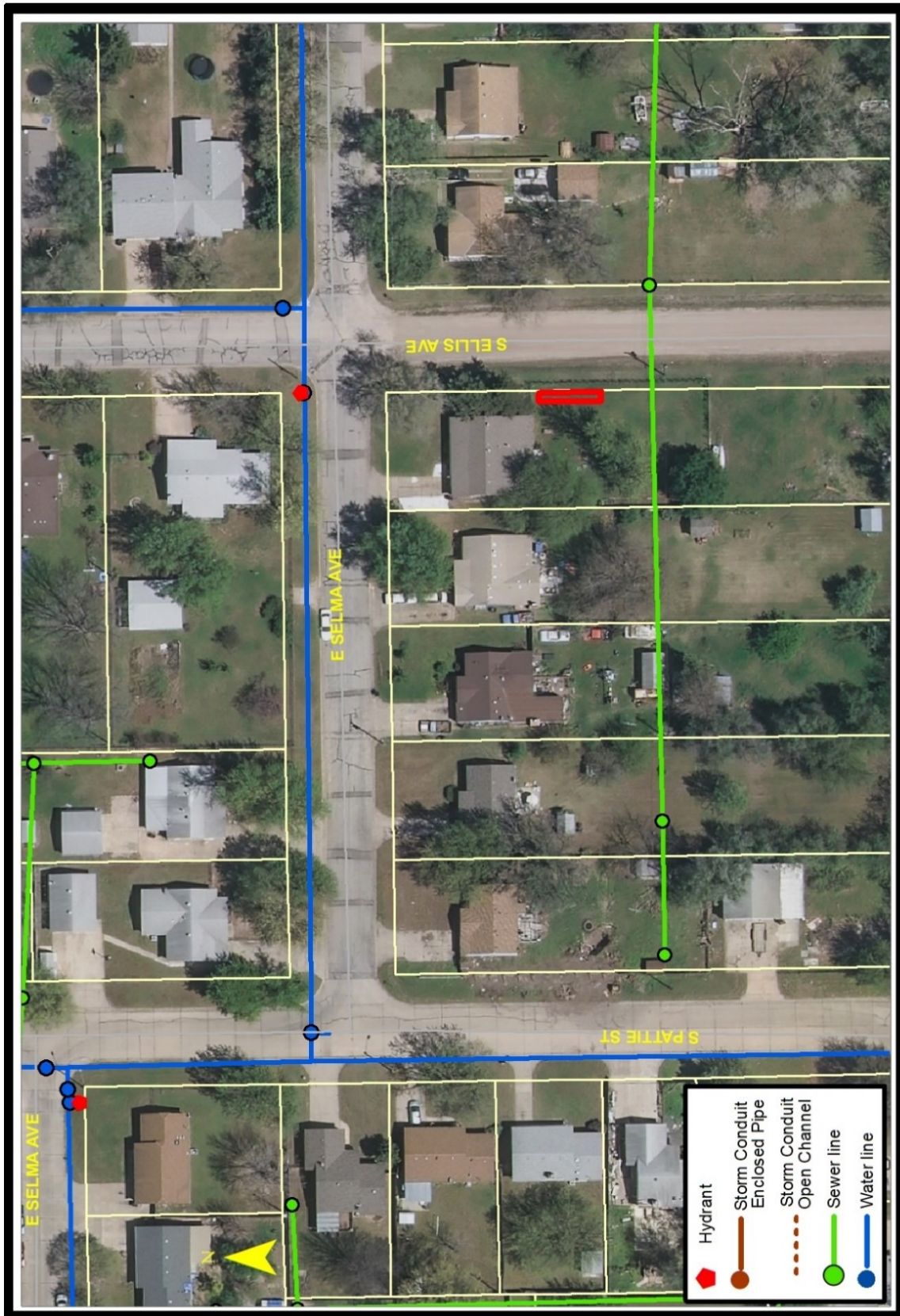
August 8, 2019

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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.

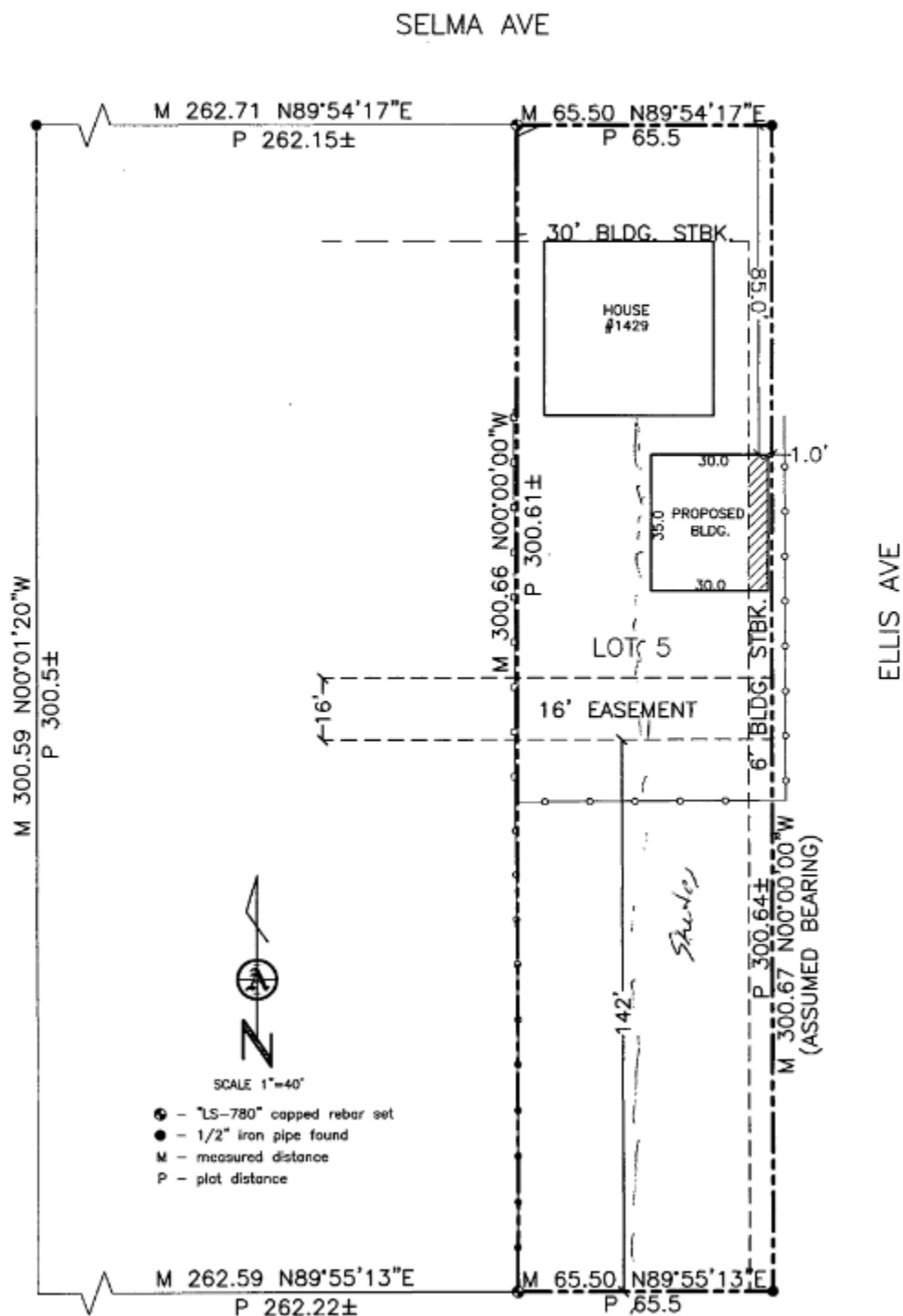
SUBDIVISION COMMITTEE'S RECOMMENDED ACTION

The Subdivision Committee recommends approval per staff recommendations.



SITE PLAN

Lot 5, Block 3, Louis Addition to Wichita, Sedgwick County, KS





Armstrong Land Survey, P.A.

*1601 E. Harry
WICHITA, KS 67211*

*Ph. (316)263-0082
surveys@armstrong.kscoxmail.com*

EXHIBIT "A"

The West 5 feet of the East 6 feet of the South 35 feet of the North 120 feet of Lot 5, Block 3, Louis Addition to Wichita, Sedgwick County, Kansas.