

Planning Agenda # _____

**City of Wichita
City Council Meeting
August 17, 1999**

Agenda Report # _____

TO: Mayor and City Council

SUBJECT: **V-2187 - REQUEST TO VACATE A PORTION OF A
BUILDING SETBACK LOCATED AT HOLLAND LANE AND
TIMOTHY LANE.**
(District V)

INITIATED BY: Metropolitan Area Planning Department *M. KROST
Burto*

AGENDA ACTION: Planning

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

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

Background: The applicants are requesting to vacate 6 feet of the 30-foot platted front yard building setback along one of their two street frontages. The applicants would like to expand their garage to a third bay on the east side of the existing garage.

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, including a requirement for the applicant to file an Administrative Adjustment on the lot to reduce the front yard building setback from 25 feet to 24 feet. The adjustment has been filed and been approved. 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.

**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 AT	)	Case No. V-2187
HOLLAND LANE AND TIMOTHY LANE	)	
	)	
	)	
<u>MORE FULLY DESCRIBED BELOW</u>	)	

VACATION ORDER

NOW on this 17th day of August, 1999, comes on for hearing the petition for vacation filed Cris Keeter, praying for the vacation of the following described a portion of a building setback, to-wit:

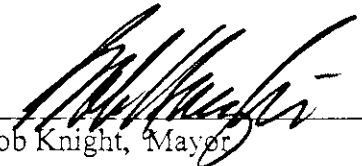
The south six feet of the 30 foot platted building setback on Lot 10, Block N, Westridge Village, Wichita, Sedgwick County, Kansas.

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 July 6, 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 the portion of a building setback described herein should be approved, subject to the following condition:

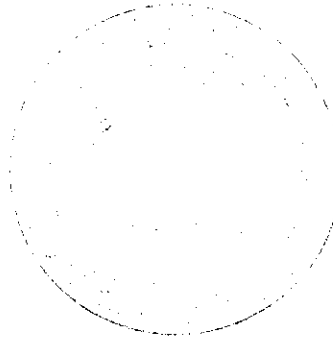
- A) The applicant shall file an Administrative Adjustment on said lot to reduce the front building setback from 25 feet to 24 feet.
- B) The applicant is advised that the additional garage bay must be 6 feet away from the east property line to be in compliance with the Unified Zoning Code requirements for interior side setback in the "SF-6" zoning district.

IT IS, THEREFORE, BY THE CITY COUNCIL, on this 17th day of August, 1999, 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.

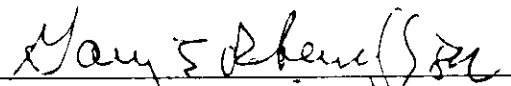

Bob Knight, Mayor

ATTEST:


Pat Burnett, City Clerk



Approved as to Form:


Gary Rebenstorf, Director of Law

