

# STAFF REPORT

## STAFF COMMUNICATION

FOR MEETING OF	2/9/23
CITY COUNCIL	
INFORMATION ONLY	

DATE: 02/02/2023

TO: Bel Aire Planning Commission

FROM: Keith Price

RE: Agenda

### SUMMARY:

#### **V-23-01, platted building setback lines, in an R-1 residential zoning district**

Vacation of a building setback line from 50' to 25' as shown on site plan

The city advertised the hearing in the Ark Valley newspaper and sent notices to the property owners within the required distance of 200 ft. Subdivision code section 10.04 in part below.

If the Planning Commission determines from the testimony presented that:

1. Due and legal notice has been given;
2. no private rights will be injured or endangered;
3. the public will suffer no loss or inconvenience; and
4. in justice to the petitioner(s) the vacation should be granted;

then the Planning Commission shall recommend that such vacation be approved and such decision shall be entered in the minutes, including an explanation of such decision, and a recommendation of approval shall be submitted to the Governing Body.

### Conclusion:

Staff recommends approving the request to vacate the building setback from 50' to 25' to allow the construction of the garage and beyond to the edges of the back yard if needed. In 1952 the width of the street was platted when the Tolerville, (Missouri Pacific), Union Pacific stop for the neighborhood was a factor.

Harding street north of 40<sup>th</sup> St is a dead end with 4 households using the 60' road right of way in place. 41<sup>st</sup> street right of way isn't in the long-range plans to have a city street built to Oliver or Battin as platted. At some point 41<sup>st</sup> St right of way might make sense as a walking or bike trail but wouldn't impact on this request.

Lot 7 Block B of Aurora Park building set back was reduced by VAC-18-01 on the C-1 commercial zoned lot by 10' to 40'. The commercial use combined with a PUD process, this was left incomplete by the applicant, but the reduced setback was approved.