



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 18, 2002

Board of Education
%U.S.D. 259
201 N. Water
Wichita, KS 67202

RE: BZA 2002-00044 – Variance to reduce the building setback for an expansion of a school building, on property zoned “TF-3” Two-Family residential and “LC” Limited Commercial. Generally located at the southwest corner of Maple and Meridian.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on December 17, 2002, this resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

Scott Knebel
Assistant BZA Secretary

SK/rms

cc: USD 259, %Joe Hoover, 3850 N. Hydraulic, Wichita, KS 67219
City Council Member, District IV, Bill Gale, Mail Stop 1-13
D.A.B. IV, Aaron Hamilton, Mail Stop 1-135
Sharon Dickgrafe, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2002-00044

WHEREAS, Wichita Public Schools (applicant, owner) c/o Joe Hoover (agent) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section III-B.6.d.(3) of the Unified Zoning Code to reduce the building setback for Metro Meridian High School on property zoned "TF-3" Two-Family Residential and "LC" Limited Commercial and legally described as follows:

Even Lots 286 through 308, inclusive, and the North 20 feet of Lot 310, on Phillips, now Richmond AND Odd Lots 447 through 469, inclusive and the North 20 feet of Lot 471, on Meridian, Martinson's 5th Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the southwest corner of Maple and Meridian (301 S. Meridian).

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of December 17, 2002, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique. It is the opinion of the Board that this property is unique inasmuch as the property is located in area where the existing structure was constructed under zoning regulations that required approximately one-half the building setback currently required. Over the years the zoning regulations have changed to require a 25-foot building setback for the subject property; however, very few of the structures in this area provide a 25-foot building setback along Richmond.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. It is the opinion of the Board that the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch as the chiller and transformer would be internal to the subject property. Additionally, the chiller and transformer are of a much smaller scale than the existing building on the site and would be screened from adjacent properties by fences and landscaping.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of the Board that the strict application of the provisions of the Zoning Code constitutes an unnecessary hardship upon the applicant, inasmuch as the only logical location of the chiller and transformer is west of the existing building because existing mechanical infrastructure is located within the building adjacent to the proposed locations for the chiller and transformer.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. It is the opinion of the Board that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of this reduction of the building setback and therefore there will be no effect on the general public.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. It is the opinion of the Board that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the reduced setback will continue to provide for fire protection, separation, light and air circulation, and pedestrian access.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

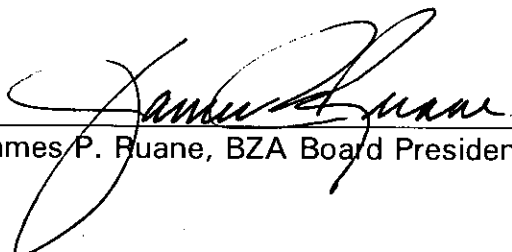
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance to Section III-B.6.d.(3) of the Unified Zoning Code to reduce the building setback for Metro Meridian High School on property zoned "TF-3" Two-Family Residential and "LC" Limited Commercial and legally described as follows:

Even Lots 286 through 308, inclusive, and the North 20 feet of Lot 310, on Phillips, now Richmond AND Odd Lots 447 through 469, inclusive and the North 20 feet of Lot 471, on Meridian, Martinson's 5th Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located at the southwest corner of Maple and Meridian (301 S. Meridian).

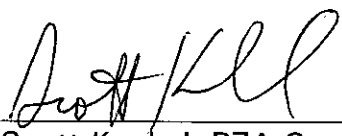
The variance is hereby **GRANTED**, subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning, screening, and landscape code requirements, except that the building setback shall be reduced from 25' to 2' along the west property line for the "Proposed New Chiller" and from 25' to 12' along the west property line for the "Proposed New Transformer." This setback reduction shall apply only to the improvements shown on the site plan approved by the Board of Zoning Appeals. The site shall be developed in general conformance with said site plan.
2. The applicant shall obtain all local permits necessary to construct the indicated improvements, and all improvements shall be completed within one year following the BZA approval of the variance unless such time period is extended by the BZA.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.
4. Approval of this Variance shall supersede and render null and void the Variance granted for the subject property by BZA Resolution No. 2002-00033.

ADOPTED AT WICHITA, KANSAS, this 17th DAY of DECEMBER, 2002.


James P. Ruane, BZA Board President

ATTEST:


Scott Knebel, BZA Secretary

