



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

August 24, 2000

USD #259
Wells School
C/o Julie Hedrick
201 N. Water
Wichita, KS 67202

RE: BZA 2000-00030 – Variance to allow parking in the front and side yard setback up to the property line on property zoned “SF-6” Single Family Residential. Generally located south of 31st Street South and west of Hydraulic at the southwest corner of Galena and Pattie (1221 E. Galena).

Dear Julie Hedrick:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on August 22, 2000, this resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely,

A handwritten signature in cursive script that reads 'Lisa Van de Water'.

Lisa Van de Water
Senior Planner

LV/rs

Cc: Architectural Innovations, L.L.C., %Brett Prather, 7701 E. Kellogg, Suite 850,
Wichita, KS 67207-1703
Phil Lambke, City Council District III, Mail Stop 1-13
Samuel Rivera, DAB District III, Mail Stop 1-135
J.R. Cox, Office of Central Inspection, Mail Stop 1-072

BZA RESOLUTION NO. 2000-00030

WHEREAS, USD #259, Wells School, c/o Julie Hedrick, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a to allow parking in the front and side yard setback up to the property line on property zoned "SF-6" Single-Family Residential legally described as follows:

Part of Block 3, Rainbow Second Addition to Wichita, Kansas, Sedgwick County, Kansas, described as follows: Beginning at the Northeast corner of said Block 3; thence West along the South line of Galena Avenue 676.13 feet more or less to a point 135.02 feet East of the Northwest corner of said Block 3; thence Southwesterly parallel to the West line of said Block 502.88 feet to the point-of-curve of a curve to the left having a central angle of 46 degrees 48' and a radius of 185.51 feet; thence along said curve 69.85 feet to the point-of-curve and the North line of Ingals Street; thence Northeasterly along the North line of said Ingals Street 32.91 feet to the point-of-curve of a curve to the right having a central angle of 31 degrees 08' and a radius of 460.0 feet; thence along said curve 249.72 feet to the point of tangency of said curve; thence East 538.39 feet to the Southeast corner of said Block 3; thence North 468 feet to the place of beginning. Generally located south of 31st Street South and west of Hydraulic at the southwest corner of Galena and Pattie (1221 E. Galena).

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 August 22, 2000, 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 to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owners or the applicant. It is the opinion of staff that this property is unique inasmuch as at least half of the site is an existing building with limited space to accommodate classroom space, parking, and recreation facilities for the students, in addition to the expansion to facilitate another school. Because of the special nature of the schools, each entrance requires separate drop-off zones, which both have significant space requirements.

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 staff that the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch the applicant will provide additional landscape buffering adjacent to and in front of the parking areas. Additionally, the site lines of traffic along Galena Street will not be affected.

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 staff that the strict application of the provisions of the Zoning Code constitutes an unnecessary hardship upon the applicant, inasmuch as the lot space is limited and any additional parking areas would take up the already-limited playground and playing field area.

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 staff 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 allowing parking in the front yard and side yard building setback.

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 staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the parking areas will not interfere with vehicular or pedestrian circulation or access. The allowed parking will not limit sight distances for travelers along Galena Street and additional landscaping will be provided to reduce the shining of automobile headlights into the adjacent residential properties.

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 of the City of Wichita that this request be approved for a variance to allow parking in the front and side yard setback up to property line on property zoned "SF-6" Single-Family Residential and legally described as follows:

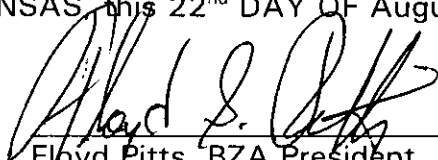
Part of Block 3, Rainbow Second Addition to Wichita, Kansas, Sedgwick County, Kansas, described as follows: Beginning at the Northeast corner of

said Block 3; thence West along the South line of Galena Avenue 676.13 feet more or less to a point 135.02 feet East of the Northwest corner of said Block 3; thence Southwesterly parallel to the West line of said Block 502.88 feet to the point-of-curve of a curve to the left having a central angle of 46 degrees 48' and a radius of 185.51 feet; thence along said curve 69.85 feet to the point-of-curve and the North line of Ingals Street; thence Northeasterly along the North line of said Ingals Street 32.91 feet to the point-of-curve of a curve to the right having a central angle of 31 degrees 08' and a radius of 460.0 feet; thence along said curve 249.72 feet to the point of tangency of said curve; thence East 538.39 feet to the Southeast corner of said Block 3; thence North 468 feet to the place of beginning. Generally located south of 31st Street South and west of Hydraulic at the southwest corner of Galena and Pattie (1221 E. Galena).

RECOMMENDATION: Should the Board determine that conditions necessary to the granting of the variance exist, then it is the recommendation of the Secretary that the variance to allow parking in the front and side yard building setbacks be **APPROVED**, subject to the following conditions:

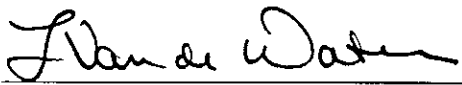
1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that parking shall be permitted up to the north and east property lines. The parking plan shall conform to the site plan approved by the Board of Zoning Appeals.
2. The sidewalk on the north boundary of the property shall be a minimum of 6 feet 6 inches as indicated on the site plan so as not to prohibit pedestrian access to the sidewalk by the excessive overhang of automobiles onto the sidewalk.
3. Any landscaping required by the Landscape Ordinance that is adjacent to parking permitted by this variance shall be planted in the existing grass portion of the right-of-way and maintained by the applicant.
4. 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 or resolution unless such time period is extended by the BZA.
5. 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.

ADOPTED AT WICHITA, KANSAS, this 22nd DAY OF August, 2000.



Floyd Pitts, BZA President

ATTEST:



Lisa Van de Water, BZA Assistant Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2000-00030

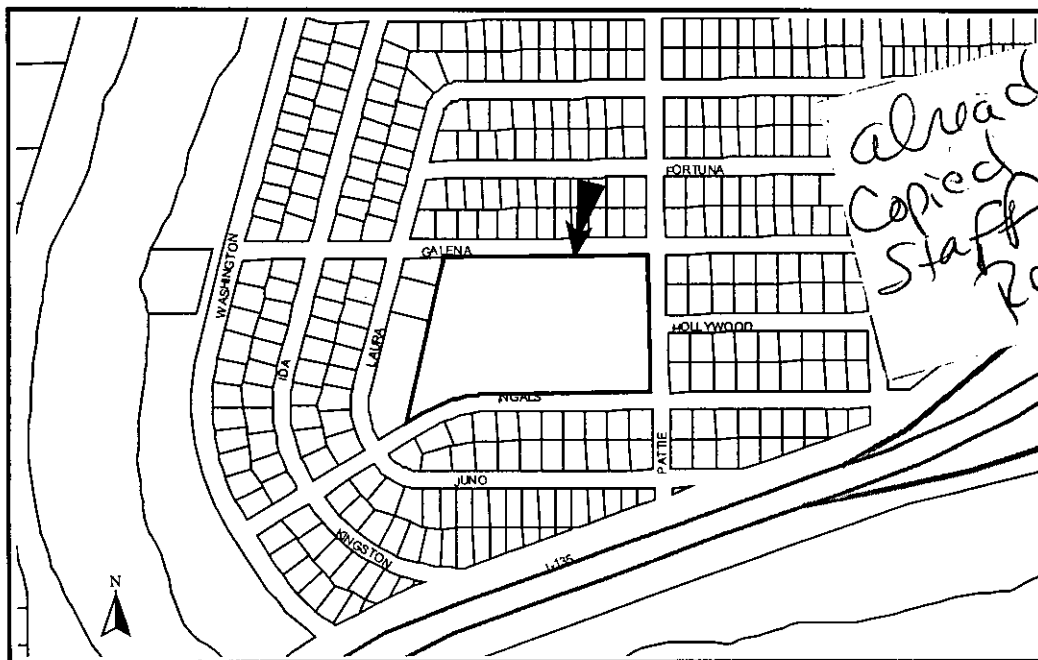
OWNER/APPLICANT: USD #259, Wells School, c/o Julie Hedrick

AGENT: Architectural Innovations, LLC, c/o Brett Prather

REQUEST: Variance to allow parking in the front and side yard setback up to property line.

CURRENT ZONING: "SF-6" – Single-Family Residential

LOCATION: Generally located south of 31st Street South and west of Hydraulic at the southwest corner of Galena and Pattie (1221 E. Galena)



JURISTITION: The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The applicant is requesting a variance to allow parking within the front and street side building setbacks and within 8 feet of the property line. Wells Middle School is currently undergoing expansion to facilitate the relocation of Greiffenstein Special Education Center. Two separate schools will occupy this site with the need for two separate drop-off zones that need to be adjacent to the specified entrance of each school. The addition of the new structure has reduced area available for parking, therefore in order to accommodate the special needs of the individual schools, the schools requires the use of the entire building setback area for parking.

In districts that residentially zoned, parking is permitted within the front and street side setbacks by Administrative Adjustment, provided that the parking is at least 8 feet from the property line. Any further reduction requires a variance from the Board of Zoning Appeals.

The applicant has agreed to provide additional landscaping in the right-of-way, north of the sidewalk, to provide additional buffering and screening of the parking area.

Upon review of the site, it was noted that the requested parking configuration currently exists along Galena Street where new concrete has been poured as part of the expansion project. At present, the fronts of cars that are parked in these yet-unmarked spaces hang into the sidewalk area. Staff is recommending that parking barriers be required to prevent any encroachment into public property and/or the existing sidewalk.

All surrounding property is zoned "SF-6" Single-Family Residential. There are single-family homes to the north of the subject property, while the property to the east and south is vacant approaching I-135. West of the school's playing fields is a church building and additional playing fields (Garvy Park).

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6" – Single-Family Residence
SOUTH	"SF-6" – Vacant
EAST	"SF-6" – Vacant
WEST	"SF-6" – Church and ball fields

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as at least half of the site is an existing building with limited space to accommodate classroom space, parking, and recreation facilities for the students, in addition to the expansion to facilitate another school. Because of the special nature of the schools, each entrance requires separate drop-off zones, which both have significant space requirements.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch the applicant will provide additional landscape buffering adjacent to and in front of the parking areas. Additionally, the site lines of traffic along Galena Street will not be affected.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the Zoning Code constitutes an unnecessary hardship upon the applicant, inasmuch as the lot space is limited and any additional parking areas would take up the already-limited playground and playing field area.

PUBLIC INTEREST: It is the opinion of staff 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 allowing parking in the front yard and side yard building setback.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the parking areas will not interfere with vehicular or pedestrian circulation or access. The allowed parking will not limit sight distances for travelers along Galena Street and additional landscaping will be provided to reduce the shining of automobile headlights into the adjacent residential properties.

RECOMMENDATION: Should the Board determine that conditions necessary to the granting of the variance exist, then it is the recommendation of the Secretary that the variance to allow parking in the front and side yard building setbacks be APPROVED, subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that parking shall be permitted up to the north and east property lines. The parking plan shall conform to the site plan approved by the Board of Zoning Appeals.
2. Parking barriers shall be required for all parking stalls adjacent to public property (sidewalks and right-of-way). These barriers shall prevent ANY part of an automobile from encroaching into public property or over existing sidewalks. The barriers shall be at least 6 feet long with a minimum cross-section of 4 inches by 4 inches.
3. Any landscaping required by the Landscape Ordinance that is adjacent to parking permitted by this variance shall be planted in the existing grass portion of the right-of-way and maintained by the applicant.
4. 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 or resolution unless such time period is extended by the BZA.
5. 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.

