

10-28-75
10-28-75
MAF ✓
C.I. ✓
8-28-75

BZA 48-75 - Unified School District #259 - Variance not to require additional off-street parking at Wichita High School generally located at the north-

ACTION

DATE 10-28-75

BZA COMMITTEE Approved

M.A.P.C. _____

B.C.C./B. CO. C. _____

DEPARTMENT OF PUBLIC WORKS

INNER OFFICE MEMO

TO: _____

DATE: _____




FROM: _____

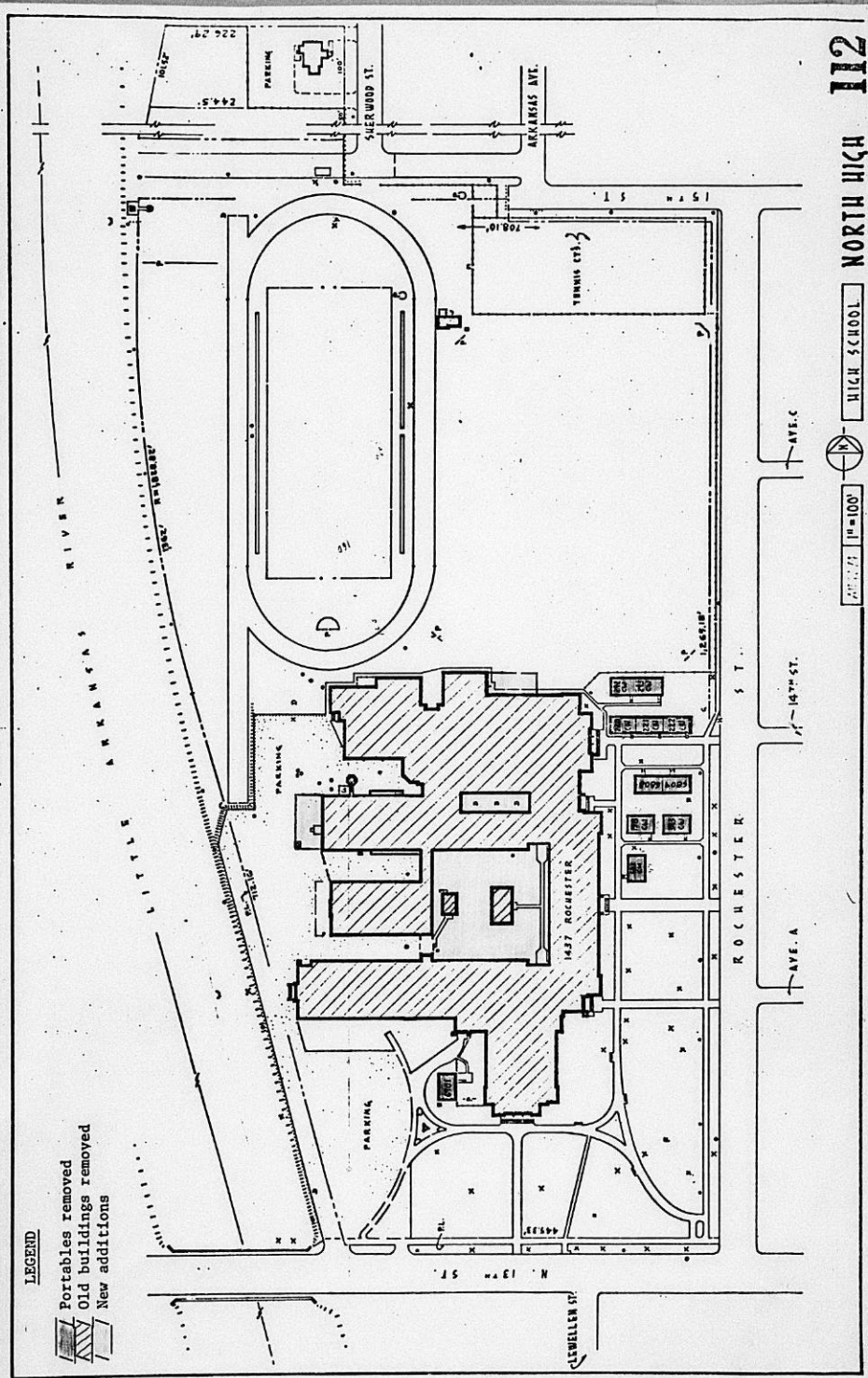
SUBJECT: _____

Staff - 116
Students - 192
308
Expansion - 28
Total 336

Present 110 off street
150 on street

LEGEND

-  Portables removed
-  Old buildings removed
-  New additions



RESOLUTION NO. BZA 48-75

WHEREAS, Unified School District # 259, 428 South Broadway, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B. Code of the City of Wichita, to reduce the number of required off-street parking spaces from 336 to 110 spaces, on property zoned the "A" Two-Family Dwelling District, the "B" Multiple Family Dwelling District and the "LC" Light Commercial District, and legally described as follows:

All that part of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 8, Township 27 South, Range 1 East of the Sixth Principal Meridian, lying West of the West line of Rochester Avenue and East of the East line of the Little Arkansas River and South of the South line of 15th Street and North of the North line of 13th Street, together with Lots 1,3,5,7 and Reserve "A" on 15th Street and Lots 2,4,6,8, 10 and 12, on Sherwood Avenue in WOOD'S SUBDIVISION OF SHERWOOD ADDITION, and Lots 22, 24, 26, 28, on Sherwood Avenue, in SHERWOOD'S SECOND ADDITION, Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of 13th Street and Rochester (North High School).

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 October 28, 1975, 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 owner or the applicant inasmuch as this school has been located on this limited site, with insufficient parking, for many years. It is further unique in that, from a substantive standpoint, capacity is not going to be "increased" providing the portables are removed; and

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 inasmuch as the school enrollment is projected to decrease in the future; and the parking problem has existed for many years; and would not be increased by the granting of the variance; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as they would be forced to postpone badly needed improvements to the North High complex or appropriate otherwise committed funds to the purchase of additional land and construction of parking lots; and

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 due to the fact that the granting of the variance would not create additional on-street parking; and

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 Title 28 (Zoning Ordinance) inasmuch as the construction of the building additions will not result in increasing the capacity of the school; and

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 for a variance to reduce the number of required off-street parking spaces from 336 to 110 spaces, on property zoned the "A" Two-Family Dwelling District, the "B" Multiple Family Dwelling District and the "LC" Light Commercial District, and legally described as follows:

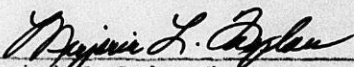
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BEA RESOLUTION NO. 46-75
Page Three

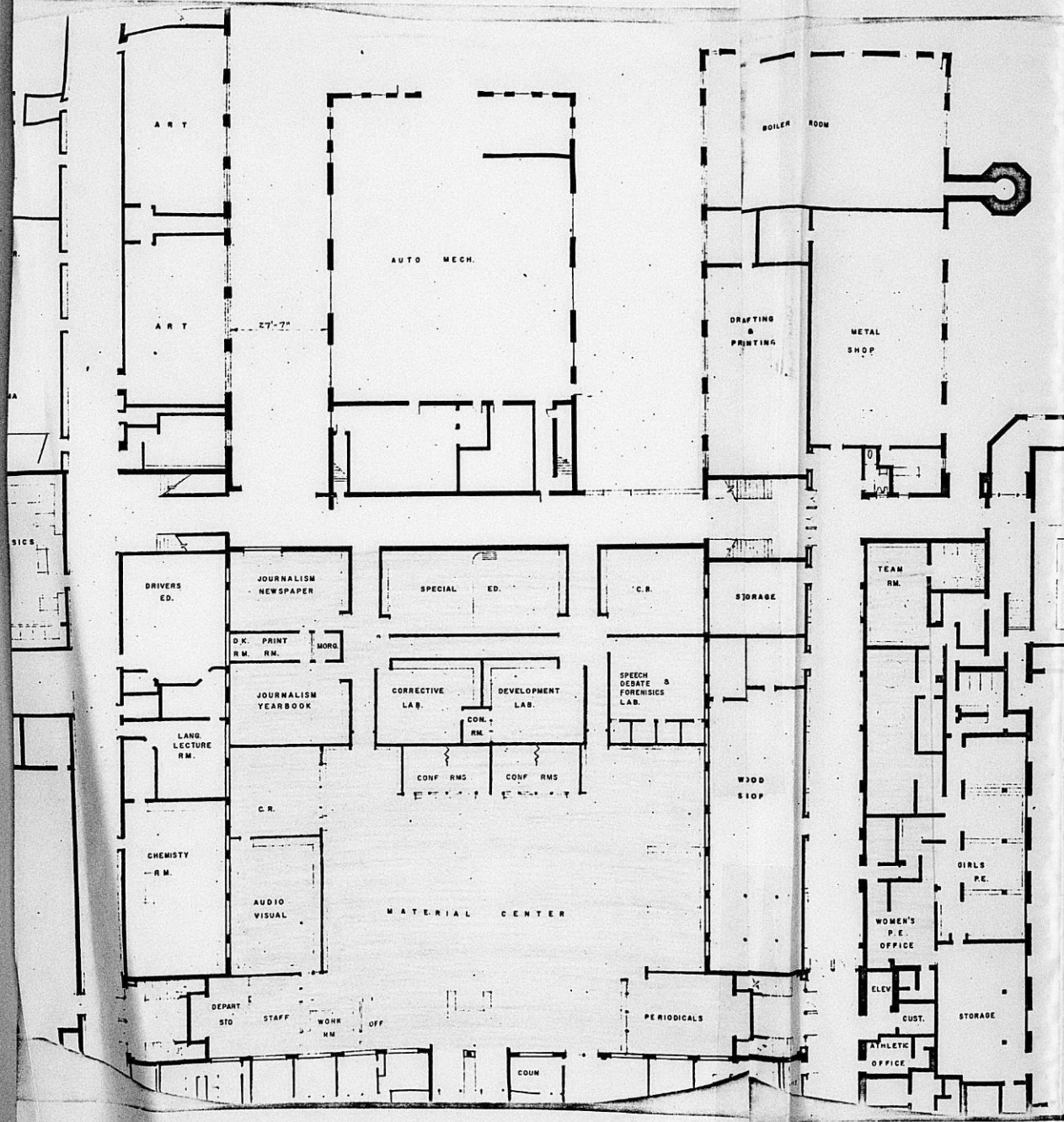
absolute increase in capacity as determined by new classroom space.

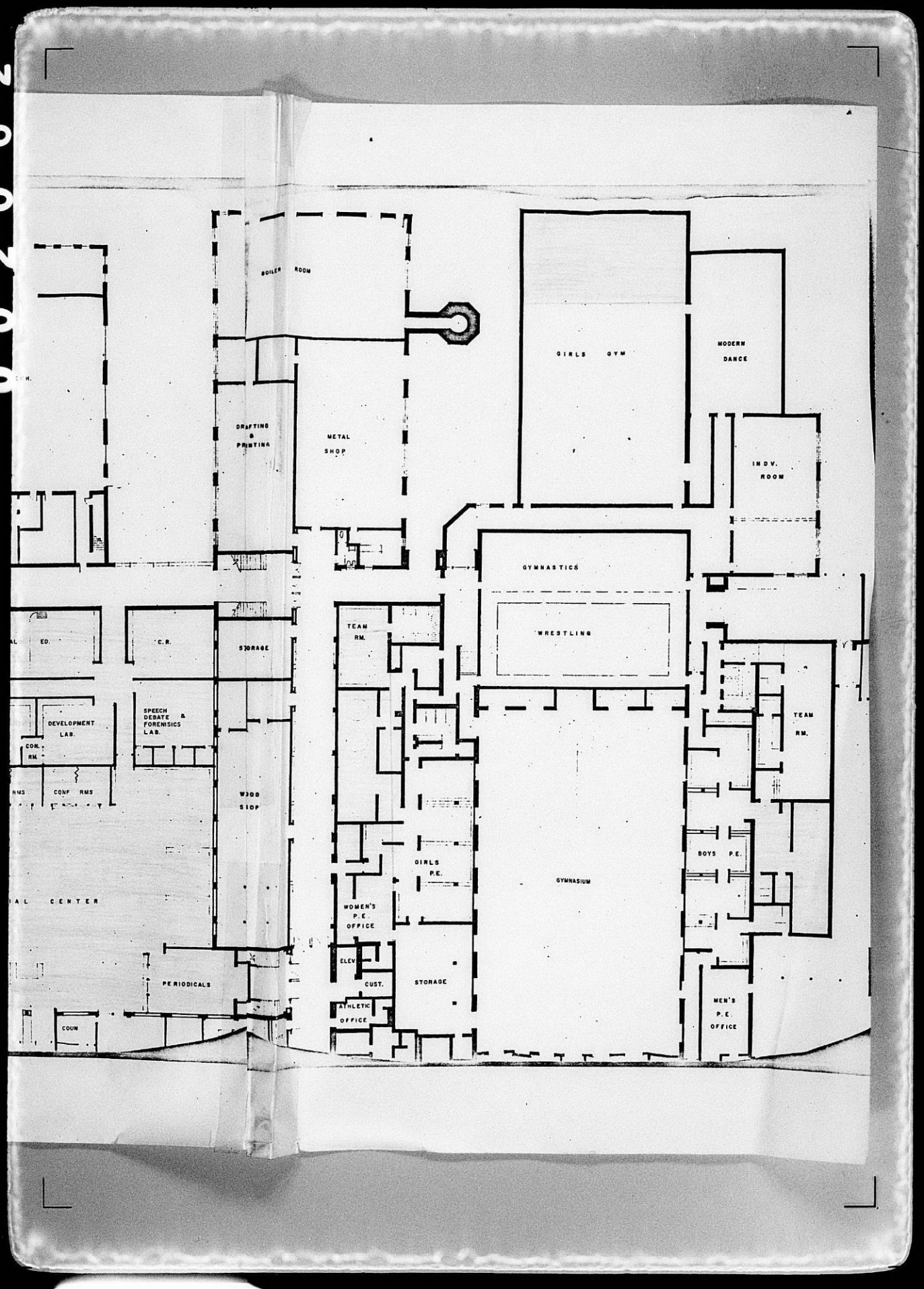
ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Larry Dobson, Assistant Secretary





BOILER ROOM

GIRLS GYM

MODERN DANCE

DRAFTING & PRINTING

METAL SHOP

INDV. ROOM

GYMNASTICS

WRESTLING

C.R.

STORAGE

TEAM RM.

TEAM RM.

DEVELOPMENT LAB.

SPEECH DEBATE & FORENSICS LAB.

WOOD SHOP

GIRLS P.E.

GYMNASIUM

BOYS P.E.

AL CENTER

WOMEN'S P.E. OFFICE

MEN'S P.E. OFFICE

PERIODICALS

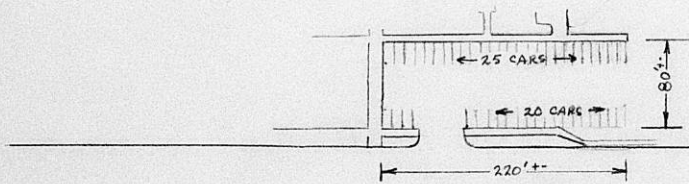
ELEV.

CUST.

STORAGE

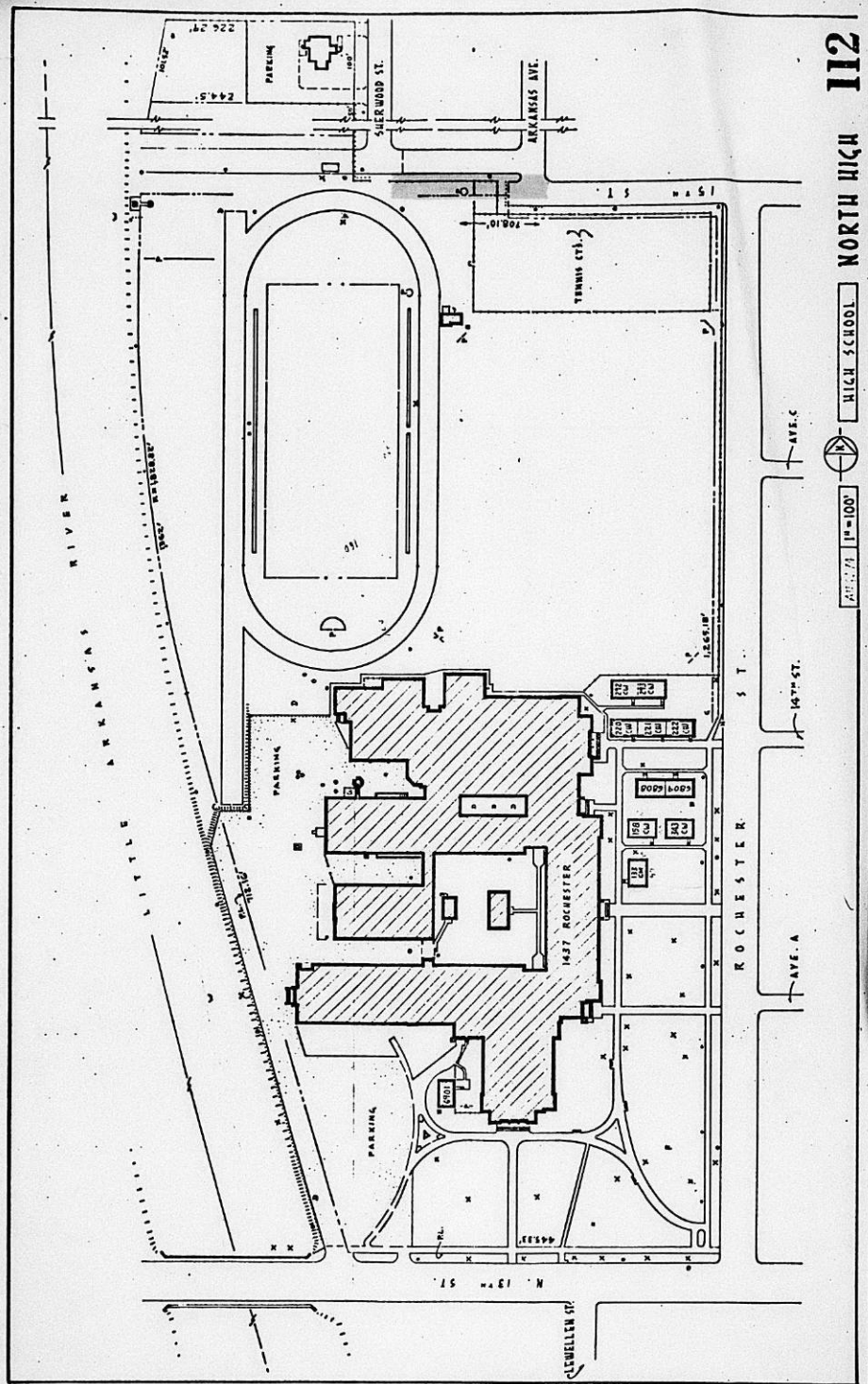
COUW

ATHLETIC OFFICE



320 required - now

150 ADJACENT ON STREET PARKING
 110 OFF STREET EXISTING
45 " " ADDITIONAL
 305+ possible



112
 NORTH HIGH
 HIGH SCHOOL
 AUG. 27 1910
 1" = 100'

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67201

October 7, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 48-75

An application has been filed by Unified School District #259, 428 South Broadway, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the number of required off-street parking spaces from 336 to 110 spaces, on property zoned the "A" Two-Family Dwelling District, the "B" Multiple Family Dwelling District and the "LC" Light Commercial District, and legally described as follows:

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This application has been assigned Case No. BZA 48-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 28, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person, or by agent, or attorney.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67201

October 7, 1975

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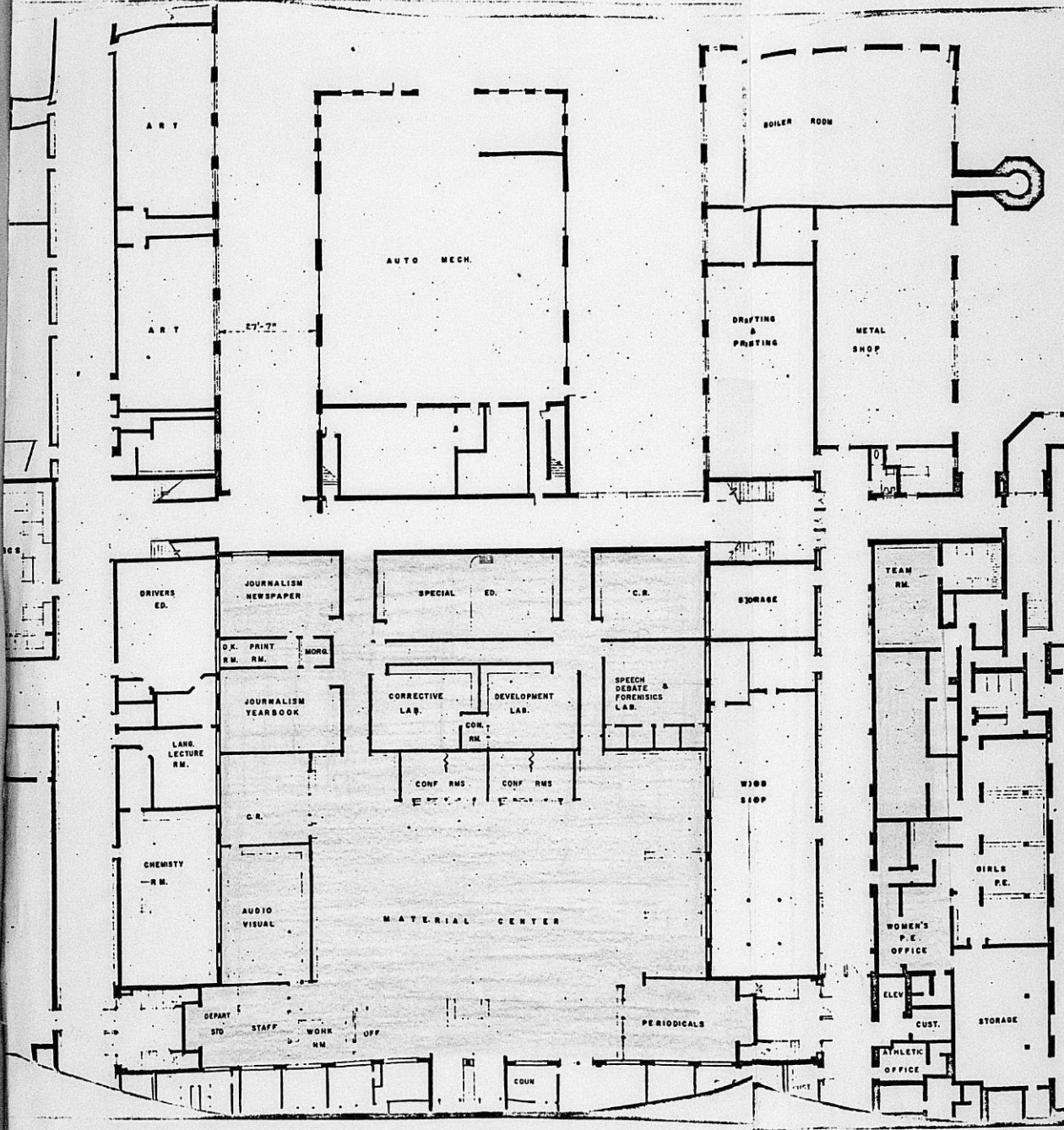
Case No. BZA 48-75

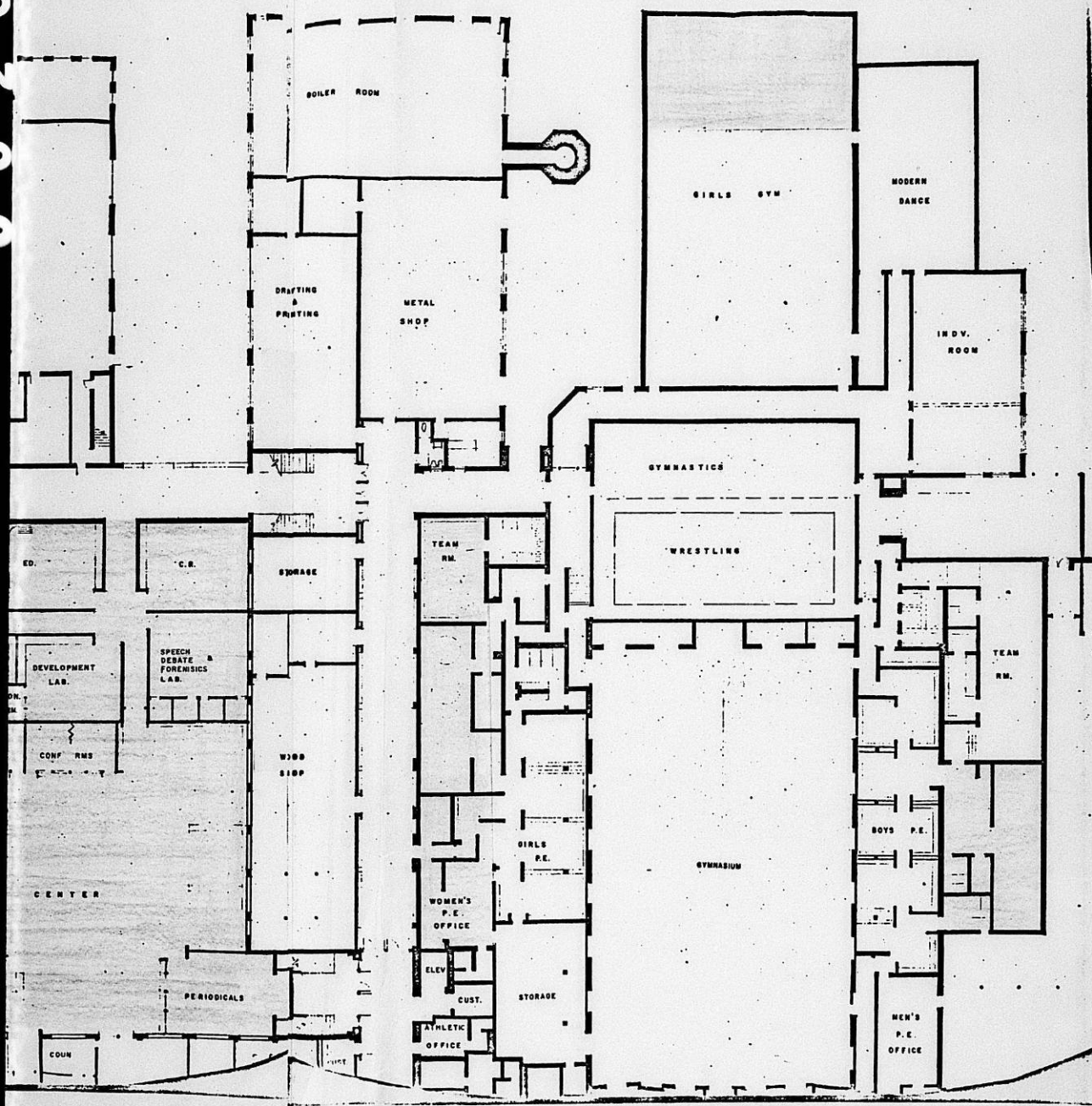
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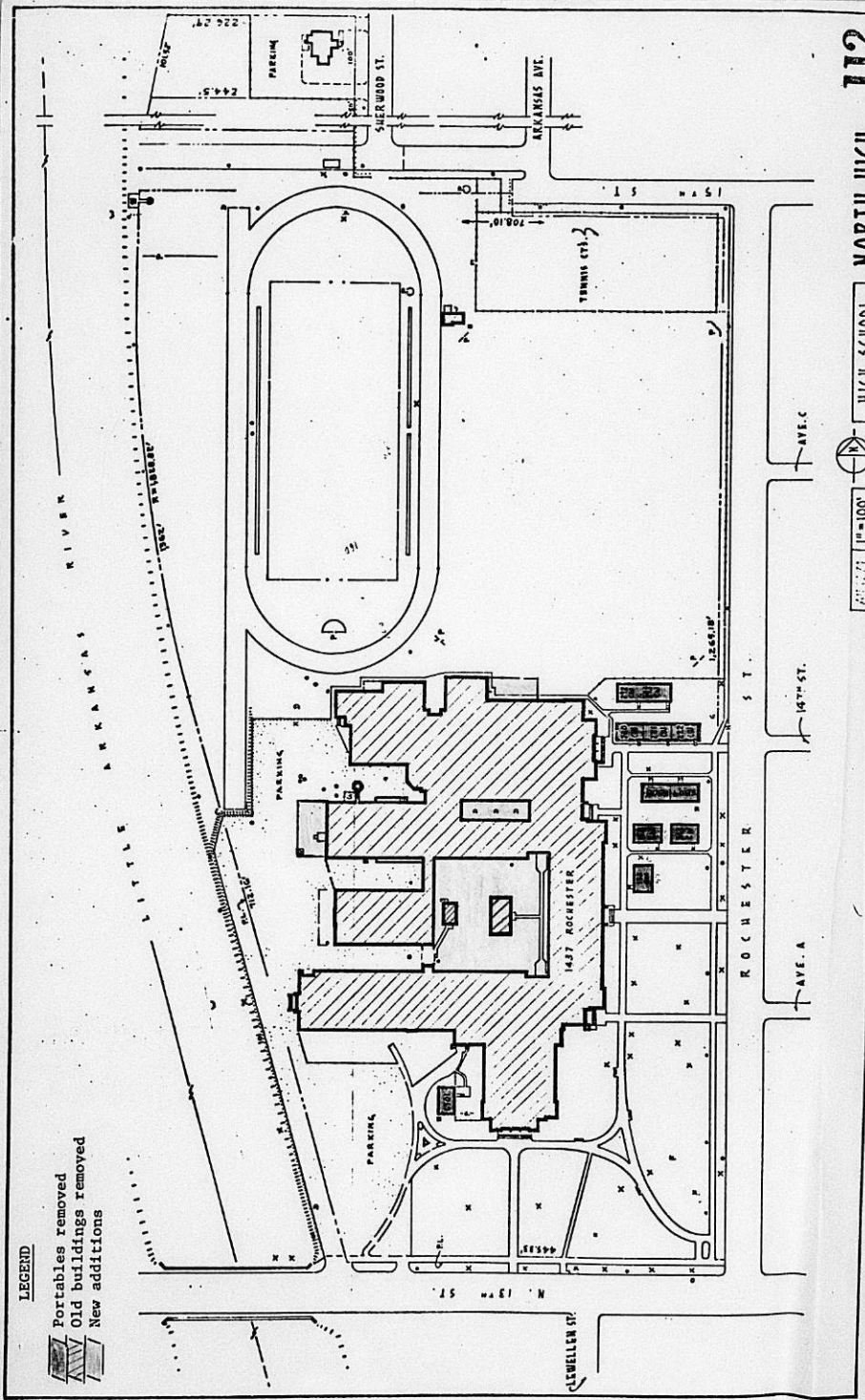
Jack H. Galbraith
Secretary





LEGEND

-  Portables removed
-  Old buildings removed
-  New additions



RESOLUTION NO. BZA 48-75

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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 October 28, 1975, 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 owner or the applicant inasmuch as this school has been located on this limited site, with insufficient parking, for many years. It is further unique in that, from a substantive standpoint, capacity is not going to be "increased" providing the portables are removed; and

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 inasmuch as the school enrollment is projected to decrease in the future; and the parking problem has existed for many years and would not be increased by the granting of the variance; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as they would be forced to postpone badly needed improvements to the North High complex or appropriate otherwise committed funds to the purchase of additional land and construction of parking lots; and

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 due to the fact that the granting of the variance would not create additional on-street parking; and

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 Title 28 (Zoning Ordinance) inasmuch as the construction of the building additions will not result in increasing the capacity of the school; and

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 for a variance to reduce the number of required off-street parking spaces from 336 to 110 spaces, on property zoned the "A" Two-Family Dwelling District, the "B" Multiple Family Dwelling District and the "LC" Light Commercial District, and legally described as follows:

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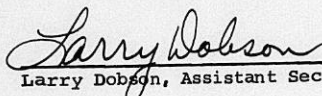
BZA RESOLUTION NO. 48-75
Page Three

absolute increase in capacity as determined by new classroom space.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1975.


Marjorie L. Taylor, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

November 21, 1975

Mr. Richard Harris
700 Fourth Financial Center
Wichita, Kansas 67202

Subject: Case No. BZA 48-75
Request for Variance

Dear Mr. Harris:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 28, 1975, in connection with your request for a variance to reduce the required number of off-street parking spaces from 336 spaces to 110 spaces on property zoned the "A" Two-Family Dwelling District, the "B" Multiple Family Dwelling District and the "LC" Light Commercial District, and generally located on the northwest corner of 13th Street and Rochester (North High School).

This Resolution reflects the official action of the Board 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.

Sincerely yours,

Larry Dobson
Assistant Secretary

LD:hh
Encl.

cc: USD 259, 428 South Broadway 67202
Robert Feldner, Supt of Central Inspection
Joe Donnelly, Central Inspection
Donald Gisick, City Clerk

WICHITA PUBLIC SCHOOLS
ADMINISTRATION BUILDING
428 South Broadway
WICHITA, KANSAS 67202

John Dohm

Division of School Plant Planning
and Operation Services

October 29, 1975

Mr. Robert A. Lakin
Director of Planning
Metropolitan Area Planning Department
104 South Main
Wichita, Kansas 67202

Dear Bob:

I wish to express my appreciation for the stance you took regarding off-street parking at North High School. Knowing you as I do, I'm positive you would take no stance which you could not professionally support. I have always found you a very cooperative individual, and I sincerely value the relationship I have not only with you but with Jack Galbraith and others in the Planning Department.

By the way, I did not attend the Board of Zoning Appeals meeting deliberately. Our attorney felt that if I were there, we might get involved in negotiation sessions. Actually, I had no authority to change the Board's position so my presence might have clouded the situation.

Again, Bob, thanks.

Sincerely,

Dick

Richard L. Holstead
Director
School Plant Planning and Operation Services

RLH:vc



October 30, 1975

Mr. Richard Harris
700 Fourth Financial Center
Wichita, Kansas 67202

Subject: Case No. BEA 48-75
Request for Variance

Dear Mr. Harris:

At the regular meeting of the Board of Zoning Appeals on October 28, 1975, your request for a variance to reduce the required number of off-street parking spaces from 336 spaces to 110 spaces on property zoned the "A" Two-Family Dwelling District, the "B" Multiple Family Dwelling District and the "LC" Light Commercial District and generally located on the northwest corner of 13th Street and Rochester (North High School) was considered.

It was the action of the Board to approve this request subject to the removal of all portable classrooms; and in the event the portables are not removed, then off-street parking shall be provided over and above the 110 spaces equal to the ratio required for the absolute increase in capacity as determined by new classroom space.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Yours truly,

Larry Deason
Assistant Secretary

LD:sh

cc: USD 259

Wayne King

Dick Linn

Robert Waldner

Donald C. Gisick

A. C. States

Richard Harris

Paul Graves

Joe Donnelly

Zoning Board Rules

BOE Wins North Park in Ro

By TOM McVEY
Education Writer

The Wichita Board of Education won a major victory Tuesday when the city's Board of Zoning Appeals (BZA) ruled it would not have to provide additional on-site parking at North High School, 1437 Rochester.

The BZA decision, which came on a 3-2 vote, capped nearly a year of controversy over whether the board should be forced to provide the additional parking.

Interpretation of city zoning ordinance provisions regarding off-street parking Tuesday pitted the Metropolitan Area Planning Department against the city's traffic engineering division.

Bob Lakin, planning department director, sided with the school board, saying it should not be legally required to provide the additional parking.

THE TRAFFIC COMMISSION and Paul Graves, traffic engineer, contended the board was violating the zoning ordinance by not providing ample parking for North students.

During a recent meeting, the traffic commission unanimously voted to recommend that the board be forced to provide the additional spaces.

The issue stemmed from inclusion of North in the \$30-million school bond issue. A major addition of a new library, physical education facilities and classrooms is planned for the school.

The city's Central Inspection Division had tentatively denied a building permit for the project. Central Inspection officials agreed with Graves that off-street parking requirements were not being met at North.

BZA'S ACTION MEANS the city must issue a building permit for the project after plans have been finalized by the school board and a contract has been awarded.

A portion of the zoning ordinance at issue states, in part: "Off-street parking shall be provided for any existing building or structure which is enlarged in any manner so as to change its use or to enlarge or increase capacity, by adding or creat-

ing dwelling units, guest rooms, floor area or seats."

Traffic engineering officials interpreted the ordinance to require additional on-site spaces because the school is to be enlarged and altered.

Lakin, however, contended the ordinance did not apply to the situation at North High because actual capacity of the school will be reduced and there will be no substantial alterations over functions presently at the school.

NORTH HIGH HAS 110 off-street parking spaces which are used exclusively by faculty and staff. There has never been any off-street parking spaces provided for North students although there are about 150 on-street angle parking spaces adjacent to the school on Rochester. These are used for student parking.

If the school board was to meet zoning ordinance requirements of one off-street space for every employee and one for every 10 students, it would have to provide an additional 210 spaces, based on the school's present enrollment of about 1,900.

School officials probably would cost money to acquire land and additional parking required.

Richard Harris, sending the school that construction of in northwest Wichita will reduce enrollment 1,500 students.

HARRIS ACKNOws many students are in narrow residential school, causing in some residents. However, he said this is a problem at all Wichita high schools.

Harris said removal of a number of portable classrooms east of North, planned by school officials, will force a reduction in classroom capacity.

In its action, BZA stipulated that if all portables are not removed, some

Stein was forced to the store office and made to open the door. Another employe arrived and saw the robbery in progress. He phoned police who arrived in minutes.

Officer David Warry, first on the scene, went into the darkened store and armed one of the men, later



SECRETARY'S REPORT

CASE NO. BZA 48-75

APPLICANT: Unified School District # 259, 428 South Broadway, Wichita, Kansas.

AGENT: Richard C. Harris, 700 Fourth Financial Center, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 336 spaces to 110 spaces.

GENERAL LOCATION:

Northwest corner of 13th Street and Rochester (North High School).

ZONING: Subject property is zoned the "A" Two-Family Dwelling District, the "B" Multiple Family Dwelling District and the "LC" Light Commercial District. East is "LC" and "B"; North is "A" and "B"; West is the river, then "A" zoning; South is "LC".

LAND USE: Subject property contains the North High facility; West is the river; North is single and two-family residences; East is single and two-family residences and a food service business; and south is a service station and a food service business.

JURISDICTION:

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 of the following conditions are found to exist:

1. That the variance requested 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 owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of

SECRETARY'S REPORT
CASE NO. BZA 48-75
Page 2

of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY

The applicants are requesting a variance to reduce the required number of off-street parking spaces from 336 spaces to 110 spaces in connection with the proposed construction of additions to the existing buildings of Wichita High School North. Since the filing of this application, the Central Inspection Division of the City has had the opportunity to review and recompute the required number of off-street parking spaces needed to be in compliance with the provisions of the zoning ordinance and have determined that the total number required is 320 spaces, instead of the 336 spaces originally stated.

Section 28.04.140 (3) of the City Code states, in part, that: "Off-street parking shall be provided for any existing building or structure which is altered in any manner so as to change its use or to enlarge or increase capacity, by adding or creating dwelling units, guest rooms, floor area, or seats." Section 28.04.142(3.7) states that high schools shall provide off-street parking spaces at a rate of "one space for each teacher and employee, plus one space for each ten students at capacity."

The applicants state that the proposed building additions consist primarily of a library, additions to the gymnasium facilities, and classrooms which will fall one room short of replacing the portable units, which will be removed. In their letter of justification they contend that these additions will neither change the use of the property nor increase the capacity of the school facility (see attached applicants' statement). In fact, school officials are projecting a 400 to 500 drop in student enrollment when Northwest High School is constructed. Present enrollment at North is reported to be approximately 1,900 students.

North High was built many years prior to the adoption of

SECRETARY'S REPORT
CASE NO. BZA 48-75
Page 3

off-street parking provisions and, therefore, has been non-conforming with respect to these specific provisions. The North High site has 110 off-street parking spaces, which are used exclusively by staff and employees. There have never been any off-street parking spaces provided for students on the site. However, there are approximately 150 angle on-street parking spaces adjacent to the school on Rochester Street, which are utilized for student parking.

The North High property is a rather limited site bounded on the south by 13th Street, on the west by the river, and on the north and east by residential development. Student parking on area residential streets has been a source of irritation to area residents for several years. When the School Facilities Plan was prepared in the early 1970's, one of the recommendations stated: "The size of the North site places extreme limitations on physical education programs, as well as creating an uneasy relationship between school and nearby residents. In cooperation with Model Cities proposals, additional site should be acquired to the east for parking and to the north for play fields." The applicants say if they are required to comply with these off-street parking requirements before the additions are constructed, the enormous expense entailed in purchasing the required additional property adjacent to the school will make it financially impossible for the additions to be built.

UNIQUENESS:

It is the opinion of the Secretary that this is somewhat of a unique situation inasmuch as this school has been located on this limited site, with insufficient parking, for many years. It is further unique in that from a substantive standpoint capacity is not going to be "increased" providing the portables are removed.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of this variance may not have an adverse affect on adjacent property owners inasmuch as the school enrollment is projected to decrease in the future; and the parking problem has existed for many years and would not be increased by the granting of the variance.

SECRETARY'S REPORT
CASE NO. BZA 48-75
Page 4

HARDSHIP:

It is the opinion of the Secretary that if the variance is not granted, a hardship could be placed upon the School Board inasmuch as they would be forced to postpone badly needed improvements to the North High complex or appropriate otherwise committed funds to the purchase of additional land and construction of parking lots.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance may not have an adverse affect on the public health, safety, morals, order, convenience, prosperity, or general welfare inasmuch as the granting of the variance would not create additional on-street parking.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of requested variance would not be opposed to the general spirit and intent of the zoning ordinance if an increased enrollment at the school is not the intended or actual result of the proposed additions.

RECOMMENDATION:

If you find the five conditions necessary to the granting of a variance can be found to exist, it is recommended that the requested variance be granted, subject to the removal of all portables. In the event the portables are not removed, then off-street parking should be provided over and above the 110 spaces equal to the ratio required for the absolute increase in capacity as determined by new classroom space.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

October 7, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 48-75

An application has been filed by Unified School District #259, 428 South Broadway, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the number of required off-street parking spaces from 336 to 110 spaces, on property zoned the "A" Two-Family Dwelling District, the "B" Multiple Family Dwelling District and the "LC" Light Commercial District, and legally described as follows:

All that part of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 8, Township 27 South, Range 1 East of the Sixth Principal Meridian, lying West of the West line of Rochester Avenue and East of the East line of the Little Arkansas River and South of the South line of 15th Street and North of the North line of 13th Street, together with Lots 1,3,5,7 and Reserve "A" on 15th Street and Lots 2,4,6,8, 10 and 12, on Sherwood Avenue in WOOD'S SUBDIVISION OF SHERWOOD ADDITION, and Lots 22, 24, 26, 28, on Sherwood Avenue, in SHERWOOD'S SECOND ADDITION, Wichita, Sedgwick County, Kansas. Generally located at the north-west corner of 13th Street and Rochester (North High School).

This application has been assigned Case No. BZA 48-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, October 28, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person, or by agent, or attorney.

Jack H. Galbraith
Secretary

BZA 48-75 - thirty-four notices to adjoining property owners for BZA meeting of October 28, 1975 were mailed 10--7--75, and also 8 notices to MAPC Board Members.

THE CITY OF WICHITA

OFFICE OF Central Inspection Division **DATE** October 15, 1975

TO Jack Galbraith, Chief Planner

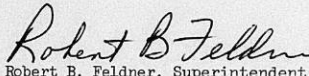
FROM Robert Feldner, Superintendent of Central Inspection

SUBJECT North High School
Off-street Parking

Attached are Tables I, II and III showing a computation of occupant load for North High School from which the number of parking spaces needed for student enrollment is determined. Notice that the number of parking spaces derived in Table II for the proposed addition is 12 less than the number reported to you by Leland Johnson on October 6. This number is reduced because in the earlier estimate, a factor of one occupant for each 15 square feet was applied to the additional gymnasium areas which, upon further inquiry, was found to be inapplicable.

Please also note Table I computes an occupant load for the present building without including the portable classrooms. Attention is invited to footnotes 1 through 4 as a basis on which the numbers were derived.

You will note from Table III that if the parking spaces on Rochester are added to the present off-street spaces the total is 60 short of the number which would be required from the occupant load of staff plus students.


Robert B. Feldner, Superintendent
Central Inspection Division

REF:cj

cc: R. W. Bruggeman



Table I
OCCUPANT LOAD¹.

Present Building ² .	Lecture Classroom	Shop or Laboratory	Gymnasium ³ . & Swim Pool
Third floor	945	9,879	
Second floor	12,419	10,329	897
First floor	7,234	12,780	16,198 (6 classes)
Total Area	20,598	32,988	
Occupant Load ⁴ .	1,030	660	210
Total calculated occupant load	1,900		

Number parking spaces required:

Students	190
Staff	<u>114</u>
Total	304

Table II
OCCUPANT LOAD

Addition	Lecture ⁵ . Classroom	Shop or ⁶ . Laboratory	Gymnasium ⁷ . & Swim Pool
Main floor	720	6,072	1,767 (no classes)
Total occupants	36	+ 121	= 157

Number parking spaces 16

Table III

RECAPITULATION

Existing building, staff plus students	304
Proposed expansion	<u>16</u>
Total	320
Present off-street parking	110
On-street parking, Rochester between 13th & 15th	<u>150</u>
Total	260

1. Occupant load is calculated on available square feet per occupant for particular area use. Numbers shown are for square feet of usage indicated.
2. Corridors, toilets, storage rooms, cafeteria, kitchen, auditorium, libraries, offices and similar spaces are not included. It is assumed (and has been verified by school officials) that the maximum number of students occurs when classrooms, laboratories and shops are fully occupied simultaneously (eg., students in the library would come from a classroom—similarly for cafeteria, auditorium, etc.).
3. The occupant load for the gymnasium and the swimming pool is taken as the average sized class that would be conducted in these respective areas. An estimate of class size is taken as 35.
4. Number of occupants is calculated as one per 20 square feet for classrooms; one per 50 square feet for laboratories and 35 for each gym class.
5. Only one of the two spaces designated "classroom" will be in use during maximum occupant load.
6. Laboratory space only is included in this area since the library is occupied by students coming from classrooms which are included in the occupant load tabulation.
7. The increased gymnasium facilities will not increase the number of classes in physical education.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

October 7, 1975

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All that part of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 8, Township 27 South, Range 1 East of the Sixth Principal Meridian, lying West of the West line of Rochester Avenue and East of the East line of the Little Arkansas River and South of the South line of 15th Street and North of the North line of 13th Street, together with Lots 1,3,5,7 and Reserve "A" on 15th Street and Lots 2,4,6,8, 10 and 12, on Sherwood Avenue in WOOD'S SUBDIVISION OF SHERWOOD ADDITION, and Lots 22, 24, 26, 28, on Sherwood Avenue, in SHERWOOD'S SECOND ADDITION, Wichita, Sedgwick County, Kansas. Generally located at the north-west corner of 13th Street and Rochester (North High School).

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Jack H. Galbraith
Secretary

STATEMENT OF FACTS

As a part of the improvements to the school buildings funded by the recent bond issue, the Board of Education of Unified School District No. 259 has proposed the building of additions to Wichita High School North which consist primarily of a library, additions to the gymnasium facilities, and classrooms which will fall one room short of replacing the portable units which will be removed. In addition, two old structures are being razed. Wichita High School North does not have the off-street parking facilities which are required by §28.04.141 of the Wichita Municipal Code and in respect to which existing structures are excepted. In accordance with §28.04.140, the construction of additions to existing buildings make it necessary to come into compliance with said off-street parking requirements if the existing building or structure is altered so as to "change its use or to enlarge or increase its capacity". §28.04.40 (3) Since the proposed additions will not in any manner change the use of the property, or increase the capacity of the high school, a variance should be granted permitting the building of said additions without changing the available off-street parking. As a matter of fact, the end result of the construction, together with the addition of Wichita High School Northwest, will actually result in a projected 400 to 500 drop in the student enrollment at North. If the School District were to be required to comply with said off-street parking requirements before the additions can be constructed, the enormous expense entailed in purchasing the required additional property adjacent to said school will make it financially impossible for said additions to be built.

It is therefore requested that said variance be granted since:

1. The variance requested arises from the uniqueness of the Wichita North High School property which is not ordinarily found in the same zone or district, and is not created by an action of the property owner.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents since there will be a decrease in enrollment.
3. That the strict application of the off-street parking provision of Title 28 will constitute an unnecessary hardship upon the School District and will prevent the building of the proposed improvements.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28.

BOARD OF ZONING APPEALS

Map 5449

CASE NO. BZA-48-75

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Unified School District #259 ✓

Mailing Address 428 South Broadway Phone 268-7831

Name of Authorized Agent Richard C. Harris ✓

Mailing Address 700 Fourth Financial Center Phone 267-6371
Wichita, Kansas 67202

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is that no additional off-street parking *from required 336 spaces to 110 spaces*
shall be required in order for the additions to the existing
buildings of Wichita High School North to be constructed since
said additions do not change the use or enlarge the capacity
of said school structures. Wichita Municipal Code § 28.04.140 (3).

for property located at the Northwest corner of 13th Street and
Rochester (1437 Rochester) - North High School

and legally described as: _____

See attached Schedule "A"

in the City of Wichita; and which is presently zoned LC & B.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

UNIFIED SCHOOL DISTRICT # 259
Applicant

Richard C. Harris
Authorized Agent Richard C. Harris

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 5:00 (a.m. p.m.), 9/30 19 75
together with appropriate fee of \$50.00. ?

No filing fee required

Larry Dobson
Signed

SCHEDULE "A"

All that part of the Southeast Quarter (SE/4) and the Southwest Quarter (SW/4) of Section Eight (8), Township Twenty-seven (27) South, Range One (1) East of the Sixth P.M., lying West of the West line of Rochester Avenue and East of the East line of the Little Arkansas River and South of the South line of 15th Street and North of the North line of 13th Street, together with Lots 1 - 3 - 5 - 7 and Reserve A on 15th Street and Lots 2, 4, 6, 8, 10, and 12 on Sherwood Avenue, in Wood's Subdivision of Sherwood Addition, and Lots 22, 24, 26, and 28 on Sherwood Avenue in Sherwood's 2nd Addition, Wichita, Sedgwick County, Kansas.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS:
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas,

All of the owners within 200 feet of the following described property:

All that part of the SE $\frac{1}{4}$ and the SW $\frac{1}{4}$ of Section 8, Township 27 South, Range 1 East of the Sixth Principal Meridian, lying West of the West line of Rochester Avenue and East of the East line of the Little Arkansas River and South of the South line of 15th Street and North of the North line of 13th Street, together with Lots 1, 3, 5, 7 and Reserve "A" on 15th Street and Lots 2, 4, 6, 8, 10 and 12, on Sherwood Avenue, in WOOD'S SUBDIVISION of SHERWOOD ADDITION, and Lots 22, 24, 26, 28, on Sherwood Avenue, in SHERWOOD'S SECOND ADDITION,
 Wichita, Sedgwick County, Kansas.

Legal Desc.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz:
 (Addresses as given are furnished as a service and not certified.)

<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
Above Caption property	D	Board of Education now Unified School Dist. #259 428 South Broadway Wichita, Kansas 67202
Lots 18 & 20, except part deeded to City on Sherwood Avenue	SHERWOOD 2ND	✓ Joseph A. & Lillie L. Riedy 1651 Sherwood Wichita, Kansas 67203
Lots 6, 8, 14, 16, exc. part deeded to City, Sherwood Ave.	SHERWOOD 2ND	✓ Virginia C. & Raymond F. Linnen 3001 River Park Drive Wichita, Kansas 67203
Lots 10 & 12, except part deeded to City on Sherwood Ave.	SHERWOOD 2ND	✓ Harry I. & Nellie L. Messner 1625 Sherwood Wichita, Kansas 67203
Lots 2 & 4, except part deeded to City	SHERWOOD 2ND	✓ Rodney H. & Janice E. Busey 1111 Coolidge Avenue Wichita, Kansas 67203




<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
Lots 1 & 3, exc. East 15' thereof, on Sherwood Ave.	SHERWOOD 2ND	✓ Virginia C. & Raymond F. Linnen 3001 River Park Drive Wichita, Kansas 67203
Lots 5, 7, & 9 on Sherwood Ave.	SHERWOOD 2ND	✓ ^{QADFeRD} Irene Rodford 1624 Sherwood Wichita, Kansas 67203
Lots 11, 13, 15, 17, 19, 21, 23, & 25, on Sherwood Avenue	SHERWOOD 2ND	X Isabell Martin Miller ½ interest Life Estate to Minnie Martin Address Unknown
Lots 27 & 29, except E 15' on Sherwood Ave.	SHERWOOD 2ND	✓ Emil & Elizabeth C. Becker 1609 North Arkansas Wichita, Kansas 67203
Lots 31 & 33 on Sherwood Ave.	SHERWOOD 2ND	✓ Gene A. & June R. Aggus 2835 East Funston Wichita, Kansas 67211
Lot 35, on Sherwood Ave.	SHERWOOD 2ND	✓ Board of Education 428 South Broadway Wichita, Kansas 67202
Lot 2, except the North 101.5 feet on 15th Street	SHERWOOD	✓ Floyd E. & Pansy E. Smith 1530 Rochester Wichita, Kansas 67203
North 101.5 feet of Lot 2, on 15th Street	SHERWOOD	X Florence C. Romeberger & Mary K. Wood Address Unknown
Lot 4, on 15th Street	SHERWOOD	X Joseph Lawrence Konecny Address Unknown
West 37½ feet of Lot 6, on 15th Street	SHERWOOD	✓ Richard W. Linn 4302 West 17th Street Wichita, Kansas 67212
East 12½ feet of Lot 6, on 15th Street	SHERWOOD	✓ Lorene Isabell Sutherby 321 West 15th Street Wichita, Kansas 67203
Lot 1, on Avenue C	SHERWOOD	Ella Davis Harms & Myrtle Barr X Address Unknown
Lot 3, on Avenue C	SHERWOOD	X Myrtle Davis Keplinger Address Unknown
Lot 5, on Avenue C	SHERWOOD	✓ Michael J. & Susan Flores 909 North Colorado Wichita, Kansas 67212
South 60 feet of Lot 2, on Avenue C	SHERWOOD	✓ Virgil L. & Ruth E. Morris 924 North Anna Wichita, Kansas 67212



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
North 87 5/16th feet of Lot 2, on Avenue C	SHERWOOD	✓ W. B. & Betty Lea Bertram 1226 Baker Wichita, Kansas 67212
Lot 4, on Avenue C	SHERWOOD	✓ Thelma Elizabeth Ford 441 Avenue C Wichita, Kansas 67203
Lot 6, on Avenue C	SHERWOOD	✓ Samuel T. Luinstra 1102 North Gow Wichita, Kansas 67203
West 37½ feet of Lot 1, Avenue D	SHERWOOD	✓ Bill D. & Phyllis N. Stoops 401 North Ash Valley Center, Kansas 67147
East 12½ feet of Lot 1 & W½ of Lot 3, on Avenue D, now 14th Street	SHERWOOD	✓ Ross J. & Beulah O. Herrington 438 West 14th Street Wichita, Kansas 67203
East Half of Lot 3, & all of Lot 5	SHERWOOD	✓ Paula Sharon Fitzgerald 1536 Garland Wichita, Kansas 67203
North 50 feet of Lots 2 & 4, on 14th Street	SHERWOOD	✓ Gerald S. & Alameda Capitol Wright 439 West 14th Street Wichita, Kansas 67203
South 50 feet of North 100 feet of Lots 2 & 4, on 14th Street	SHERWOOD	✓ Edward & Wilma Adamek 1452 Rochester Wichita, Kansas 67203
South 47 5/16ths feet of Lots 2 & 4 on 14th Street	SHERWOOD	✓ Jesse G. & Irene A. Bonilla 1448 Rochester Wichita, Kansas 67203
Lot 6, on 14th Street	SHERWOOD	✗ Marion K. & Hazel Jean Remmers Address Unknown
Lot 2 & W½ of Lot 4, on Avenue A	SHERWOOD	✓ John A. & Wilma M. Aver 453 Avenue A Wichita, Kansas 67203
E½ of Lot 4 & Lot 6, on Avenue A	SHERWOOD	✓ Verna H. Kellogg 449 Avenue A Wichita, Kansas 67203
Lot 1 & W½ of Lot 3, on Avenue A	SHERWOOD	✓ W. B. Richardson 624 North Market Wichita, Kansas 67214



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
E $\frac{1}{2}$ of Lot 3 & W 37 $\frac{1}{2}$ feet of Lot 5, on Avenue A	SHERWOOD	✓ Alice & Patricia J. Tabor 448 Avenue A Wichita, Kansas 67203
East 125 feet of Lot 5, on Avenue A	SHERWOOD	✓ Jerry C. & Martha Foster 438 Avenue A Wichita, Kansas 67203
Lots 1, 3, & 5, on 13th Street	SHERWOOD	✓ Bernard J. Markoski Peoria, Illinois ✓ John C. Trotten ✓ Donald E. Ashley Co-Trustee known as Wichita Trust Address Unknown (Real Estate address - Hardee's Inc. Restraunt 426 West 13th Street)
 East 175 feet of Lots 1 and 2	HECKARDS	✓ E. E. & Bessie F. Bickford 144 North Westfield Wichita, Kansas 67212
Lots 1 and 2, on Lewellen Avenue, in HECKARD'S ADDITION to the City of Wichita, Sedgwick County, Kansas, except the fosllowing tract: Beginning at a point 277.7 feet West of the Northeast corner of Lot 1, Heckard's Addition, Lewellen Avenue, thence Southwesterly to a point 8 feet South and 286.15 feet West of said Northeast corner of said Lot 1; thence Northwesterly to a point 294.1 feet West of said Northeast corner of said Lot 1; thence East along the North line of Lot 1 to a point of beginning, and except the East 175 feet thereof.	HECKARDS	✗ Florine L. Myers Address Unknown
Lots 3 & 4	HECKARDS	✓ Cecil R. & L. Frances Thomas 157 North St. Clair Wichita, Kansas 67208
Lots 5, 6, 7 & 8	HECKARDS	✓ Chester W. & Carolyn L. Perry 1349 Lewellen Wichita, Kansas 67203

<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
12 on Arkansas Ave.	ANDERSONS	Yoshie George ✓ 1612 Arkansas Avenue Wichita, Kansas 67203
West 65' of Lots 14, 16, 18, 20, and 22, and the West 65' of the North 10 feet of Lot 24, on Arkansas Ave., in Anderson's ADDITION to Wichita, Sedg. Co., Ks., except 15 feet off the West end of said Lot heretofore conveyed to the City of Wichita		Rebecca L. & Wallace H. Wells ✓ 440 West 15th Street Wichita, Kansas 67203
East 50 feet of Lots 14, 16, 18, 20 and 22, and the East 50 feet of the North ten feet of Lot 24, on Arkansas Avenue, in Anderson's Addition to Wichita Sedg. Co., Ks.		✓ S. F. & Mary S. Sample Address Unknown
West 50 feet of the East 100 feet of Lots 14, 16, 18, 20 and 22 and West 50 feet of East 100 feet of North 10 feet of Lot 24, on Arkansas Avenue, in ANDERSON'S ADDITION to Wichita, Kansas		✓ Jessie Wright 436 West 15th Street Wichita, Kansas 67203
West 52 feet of the East 142 feet of Lots 14, 16, 18, 20 and 22 and the West 42 feet of the East 142 feet of the North 10 feet of Lot 24, on Arkansas Avenue, in Anderson's Addition to the City of Wichita, Sedg. Co., Ks.		✓ G. E. & Goldie Lee Gardner Address Unknown
11 on Jackson Avenue	ANDERSONS	Ralph M. Garrison ✓ 1615 Jackson Avenue Wichita, Kansas 67203
13 & 15 on Jackson Ave.	ANDERSONS	Ver Conley ✓ 1605 Jackson Avenue Wichita, Kansas 67203
All Lots 17, 19 and 21, and North 10 feet of Lot 23, all on Jackson Avenue, in ANDERSON'S ADDITION to Wichita, Sedg. Co., Ks.		✓ Vern L. & Elizabeth Conley 1601 Jackson Avenue Wichita, Kansas 67203
1243 and 1245 on Jackson Avenue	LEWELLENS	George E. Laham ✓ 4210 West 18th Street Wichita, Kansas 67212
1234 on Jackson Avenue	LEWELLENS 3RD	✓ Milo & Berneice B. Norris 1335 Jackson Avenue Wichita, Kansas 67203



<u>LOT</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
1236 and 1238, on Jackson Ave.	LEWELLENS 3RD	Harry W. Hill Address Unknown
1240 and 1242 244 and 1246 on Jackson Ave.	LEWELLENS 3RD	Mrs. E. V. Whistler (dec'd) Real Estate address: ✓ 1343 Jackson Avenue Wichita, Kansas 67203
North Half of Lot 1235 and all of Lot 1237, on Lewellen Avenue	LEWELLENS 3RD	Ellen A. Gillett ✓ 236 South Sedgwick Avenue Wichita, Kansas 67213
All of Lot 1233 and South Half of Lot 1235 on Lewellen Ave.	LEWELLENS 3RD	H. E. & Wilma M. Walker ✓ 1336 Lewellen Avenue Wichita, Kansas 67203
Lots 1239 thru 1245 (odd lots) on Lewellen Ave.	LEWELLENS 3RD	Northwest Mutual Life Insurance Co. ✓ 212 South Market Wichita, Kansas 67202



Dated at Wichita, Kansas, this 30th day of September,
1975, at 7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By *Creta Gray*
Asst. Sec. ag

Tracer No. 30239



BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

October 7, 1975

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Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT
104 SOUTH MAIN
WICHITA, KANSAS 67202



ADDRESSEE UNKNOWN
INDIAN HEADS

Important!
Notice of Hearing.
Enclosed

Donald E. Ashley
c/o Hardee's Inc. Restaurant
426 W. 13th Street
Wichita, Kansas



*not in phone book
not in City Directory
not in Suburb Directory*

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
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October 7, 1975

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Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY
METROPOLITAN AREA PLANNING DEPARTMENT
104 SOUTH MAIN
WICHITA, KANSAS 67202



Important! ADDRESSEE UNKNOWN
Notice of Hearing INDIAN HILLS
Enclosed

John C. Trotten - unknown
c/o Hardee's Inc. Restaurant
426 W. 13th Street
Wichita, Kansas

not in glass box
✓ City Dir
✓ Subst. Dir.

