CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 25, 2002

FILE COPY

Board of Education
%USD 259
201 S. Water
Wichita, KS 67202

RE: BZA 2002-00011 – Variances to reduce the parking space requirement from 56 spaces to 24 spaces and to reduce the street side setbacks from 15 feet to 5 feet on the west and from 15 feet to 10 feet on the south for Metro Boulevard School. Generally located north of Morris and west of Madison.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on April 23, 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 I, Carl Brewer, Mail Stop 1-13
D.A.B. I, Heidi Drew, Mail Stop 1-135
Sharon Dickgrafe, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2002-00011

WHEREAS, Unified School District 259 c/o Joe Hoover, (applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to reduce the parking space requirements from 56 spaces to 24 spaces and to reduce the street side setbacks from 15 feet to 5 feet on the west and from 10 feet on the south for Metro Boulevard School on property zoned "TF-3" Two-Family Residential and legally described as follows:

> Lots 10, 11, 12, 13, 14, 15, 16 and 17, Block 4, and Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, except beginning at the Southwest corner of Lot 14; thence North 442.2 feet to George Washington Boulevard; thence Southeasterly 185 feet; thence Southwesterly to a point on the North line of Morris Street, said point being 75 feet East of the Drainage Canal; thence West to beginning, Block 5, Roosevelt Field 2nd Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located north of Morris and west of Madison.

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 April 23, 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 almost one-half of the original school site was condemned by the State for the construction of I-135, and the remaining property is insufficient to allow for the expansion of the school building within the required building setbacks. Additionally, the property fronts George Washington Boulevard, which is a former arterial street that terminates in a cul-de-sac at the north of end of the school property and provides sufficient pavement width for two-moving lanes of traffic as well as parking on both sides of the street.

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 variances requested would not adversely affect the rights of adjacent property owners, inasmuch as the 24 off-street parking spaces in combination with 28 on-street parking spaces along George Washington Boulevard and 10 on-street parking spaces along the north side of Morris Street should provide sufficient parking spaces for the school to prevent on-street parking for the school from congesting surrounding residential streets. Additionally, the reduction of the building setbacks to 5 feet along the west property line and to 10 feet along the south property line will not negatively impact adjacent properties since there are no structures on adjacent properties that abut these setback areas.

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 addition to the school could have been developed in full compliance with the zoning regulations were almost one-half of the school property not condemned for the construction of I-135.

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 variances would not adversely affect the public interest, inasmuch as the parking requirement could only be met by the demolition of existing housing for the construction of an off-street parking area, which would likely lead detrimental impacts on the single-family residential properties abutting the off-street parking area. Additionally, education is of primary interest to the public, and the increased expenses involved with constructing an addition with more internal hallways in order to conform to the building setbacks would be funded by public tax money.

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 intent of setback requirements is to provide sufficient space for light, air, and circulation and for fire protection. With the requested setback reductions, the property still meets the light, air, circulation, and fire protection intents of building setbacks. Additionally, the intent of parking requirements is to ensure that uses provide sufficient off-street parking to prevent street congestion and illegal parking on neighboring properties. With the extra-wide local street for on-street parking, street congestion should not occur and sufficient parking spaces should be provided to discourage illegal parking on neighboring 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, pursuant to Section 21.12.590.B, Code of the City of Wichita, that: 1) a variance to Sec. IV-A.4 of the Unified Zoning Code to reduce the parking space requirement from 56 spaces to 24 spaces; and 2) a variance to Sec. III-B.6.d.(6) of the Unified Zoning Code to reduce the street side setbacks from 15 feet to 5 feet on the west and from 15 feet to 10 feet on the south are hereby granted on property zoned "TF-3" Two-Family Residential and legally described as follows:

> Lots 10, 11, 12, 13, 14, 15, 16 and 17, Block 4, and Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14, except beginning at the Southwest corner of Lot 14; thence North 442.2 feet to George Washington Boulevard; thence Southeasterly 185 feet; thence Southwesterly to a point on the North line of Morris Street, said point being 75 feet East of the Drainage Canal; thence West to beginning, Block 5, Roosevelt Field 2nd Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located north of Morris and west of Madison.

The variances are hereby subject to the following conditions:

1. The site shall be constructed in general conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
3. Unless the off-street parking area is owned by the applicant, an appropriate agreement as specificed in Sec. IV-A.10.d. of the Unified Zoning Code shall be executed to permit the off-street parking area to be located off site.
4. 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 23rd DAY of APRIL, 2002.

James P. Ruane, BZA Board President

ATTEST:

Scott Knebel, BZA Secretary

AFFIDAVIT

STATE OF KANSAS \
\- SS.
County of Sedgwick /

Milt Mounts, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle for

___1___ consecutive issues ~~weeks~~, that the first publication of said notice was

made as aforesaid on the 2nd day of

April A.D. 2002, with

subsequent publications being made on the following dates:

And affiant further says that _____ he has personal knowledge of the statements above set forth and that they are true.

Milt Mounts

Subscribed and sworn to before me this

2nd Day of April ,2002

Norma J. Hoch

Notary Public Sedgwick County, Kansas

NORMA J. HOCH
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp.

My Appointment Expires August 12th, 2002

Printer's Fee $38.08

LEGAL PUBLICATION

CW

Published in The Wichita Eagle
April 2, 2002 (1594765)
OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on APRIL 23, 2002, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Conference Room, 10th Floor of City Hall, 455 N. Main, Wichita, Kansas, will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 2002-00011, USD #259, c/o Joe Hoover, pursuant to Section 2.12.590B, Code of the City of Wichita, request variances to reduce the parking space requirements spaces from 56 spaces to 24 spaces, to reduce the street side setbacks from 15 feet to 5 feet on the west and from 15 feet to 10 feet on the south of Metro Boulevard School on property zoned "TF-3" Two-Family Residential. Generally located north of Morris and west of Meridian.
2. Case No. BZA 2002-00014, Catholic Diocese of Wichita, pursuant to Section 2.12.590B, Code of the City of Wichita, request a variance to reduce the parking space requirement from 92 to 63 spaces for The Lord's Diner on property zoned "GC" General Commercial. Generally located at the northeast corner of Central and Broadway.
3. Case No. BZA 2002-00015, David and Susan Saidian, pursuant to Section 2.12.590B, Code of the City of Wichita, request a variance to reduce the front setback from 20 feet to 10 feet for Line Medical, Inc. on property zoned "LI" Limited Industrial. Generally located north of Murdock and west of Mosley.

A complete legal description for the above cases is available for public inspection at the Metropolitan Area Planning Department, 10th Floor, City Hall, 455 North Main Street, Wichita, Kansas.

As provided in City Ordinances herein above described and Section 2.12.560 et. seq., Code of the City of Wichita, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matter(s) will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the variances will be considered by the Board of Zoning appeals as by law provided.

WITNESS my hand this 29th of MARCH 2002.

Scott Knebel, Assistant Secretary
Board of Zoning Appeals

RECEIVED
APR 04 2002
METROPOLITAN PLANNING
ROUTE

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
April 23, 2002

SECRETARY'S REPORT

CASE NUMBER: BZA2002-00011

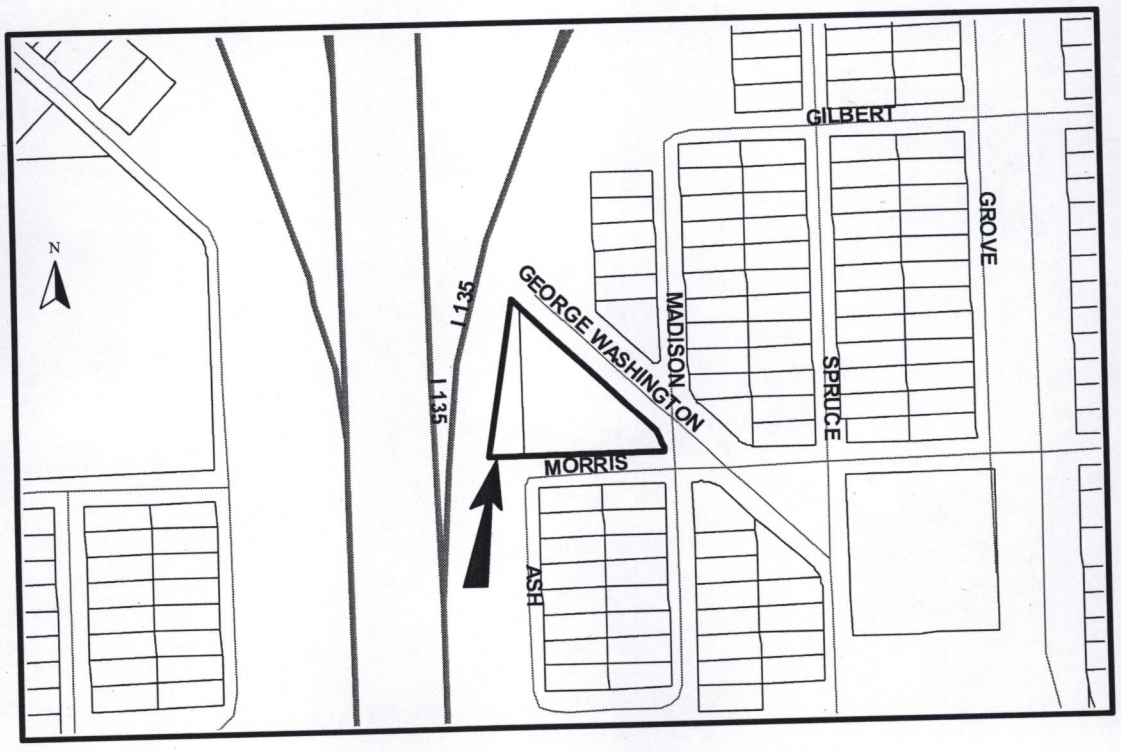
OWNER/APPLICANT: Unified School District 259 c/o Joe Hoover

AGENT: n/a

REQUEST: Variances to reduce the parking space requirement from 56 spaces to 24 spaces and to reduce the street side setbacks from 15 feet to 5 feet on the west and from 15 feet to 10 feet on the south for Metro Boulevard School

CURRENT ZONING: "TF-3" Two-Family Residential

LOCATION: Generally located north of Morris and west of Madison (751 George Washington Boulevard)



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 conditions, as required by State Statutes, are found to exist.

BACKGROUND: Metro Boulevard School was constructed on the subject property north of Morris and west of Madison as Frances Willard School in 1927. At the time the school was constructed, George Washington Boulevard, which runs southeast-northwest and is located northeast of the school building, was a through street. In the late 1970s when I-135 was constructed west of the subject property, George Washington Boulevard was terminated with a cul-de-sac at the north end of the school property. At the time I-135 was constructed, the State condemned almost one-half of school property for right-of-way. The school's parking area, which was located on the condemned land and provided approximately 62 parking spaces, was relocated to its current location north of the school across George Washington Boulevard and was reduced to 24 parking spaces due to land area limitations. The State's condemnation of school property also resulted in existing buildings located in the southwest corner of the current school property violating the building setback requirements and becoming non-conforming structures.

As indicated in the attached justification, a multi-purpose room, kitchen, and restrooms will be added to the north end of the school building (see attached site plan). Since the value of the addition exceeds 50 percent of the value of the existing structure, the entire property must come into compliance with existing zoning regulations, including parking requirements. The parking requirement for the school is 56 spaces; however, the school provides only 24 off-street parking spaces with the remainder of the parking provided along George Washington Boulevard and Morris Street. Therefore, a variance is requested to reduce the off-street parking requirement from 56 spaces to 24 spaces.

Since almost one-half of the school property was condemned for the construction of I-135, insufficient property remains to construct the proposed addition within the required setbacks without costly duplication of internal hallways to provide access to rooms within proposed addition. Therefore, the applicant is requesting a variance to reduce the street side setback along I-135 from 15 feet to 5 feet. Additionally, existing non-conforming structures are located within 10 feet of the Morris Street right-of-way, and since a public hearing is already being held to consider variance requests for the property, the applicant is requesting a variance to reduce the street side setback along Morris Street from 15 feet to 10 feet.

ADJACENT ZONING AND LAND USE:

NORTH	"TF-3"	Single-family residences
SOUTH	"TF-3"	Single-family residences
EAST	"TF-3"	Single-family residences
WEST	"R.O.W"	I-135 right-of-way

The five conditions necessary for approval apply to all variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the almost one-half of the original school site was condemned by the State for the construction of I-135, and the remaining property is insufficient to allow for the

expansion of the school building within the required building setbacks. Additionally, the property fronts George Washington Boulevard, which is a former arterial street that terminates in a cul-de-sac at the north of end of the school property and provides sufficient pavement width for two-moving lanes of traffic as well as parking on both sides of the street.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variances requested would not adversely affect the rights of adjacent property owners, inasmuch as the 24 off-street parking spaces in combination with 28 on-street parking spaces along George Washington Boulevard and 10 on-street parking spaces along the north side of Morris Street should provide sufficient parking spaces for the school to prevent on-street parking for the school from congesting surrounding residential streets. Additionally, the reduction of the building setbacks to 5 feet along the west property line and to 10 feet along the south property line will not negatively impact adjacent properties since there are no structures on adjacent properties that abut these setback areas.

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 addition to the school could have been developed in full compliance with the zoning regulations were almost one-half of the school property not condemned for the construction of I-135.

PUBLIC INTEREST: It is the opinion of staff that the requested variances would not adversely affect the public interest, inasmuch as the parking requirement could only be met by the demolition of existing housing for the construction of an off-street parking area, which would likely lead detrimental impacts on the single-family residential properties abutting the off-street parking area. Additionally, education is of primary interest to the public, and the increased expenses involved with constructing an addition with more internal hallways in order to conform to the building setbacks would be funded by public tax money.

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 intent of setback requirements is to provide sufficient space for light, air, and circulation and for fire protection. With the requested setback reductions, the property still meets the light, air, circulation, and fire protection intents of building setbacks. Additionally, the intent of parking requirements is to ensure that uses provide sufficient off-street parking to prevent street congestion and illegal parking on neighboring properties. With the extra-wide local street for on-street parking, street congestion should not occur and sufficient parking spaces should be provided to discourage illegal parking on neighboring properties.

RECOMMENDATION: Should the Board determine that the conditions necessary for the granting of the variances exist, then it is the recommendation of the Secretary that the variances to reduce the parking space requirement from 56 spaces to 24 spaces and to

reduce the street side setbacks from 15 feet to 5 feet on the west and from 15 feet to 10 feet on the south be APPROVED, subject to the following conditions:

1. The site shall be constructed in general conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this 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.

Justification for Request for Variance
For
Building Within Setback and Parking Layout
at Metro-Boulevard High School

The Wichita Public Schools request a variance to allow construction of a proposed building addition to add a much-needed multipurpose room, kitchen, and restroom at Metro-Boulevard High School within 5 feet of the rear property line. Also, a 10-foot setback is requested for two existing outbuildings along Morris Street. In addition, included in this variance request is a request to allow 90-degree parking along George Washington Boulevard and parallel parking in the cul-de-sac as shown on the attached drawing.

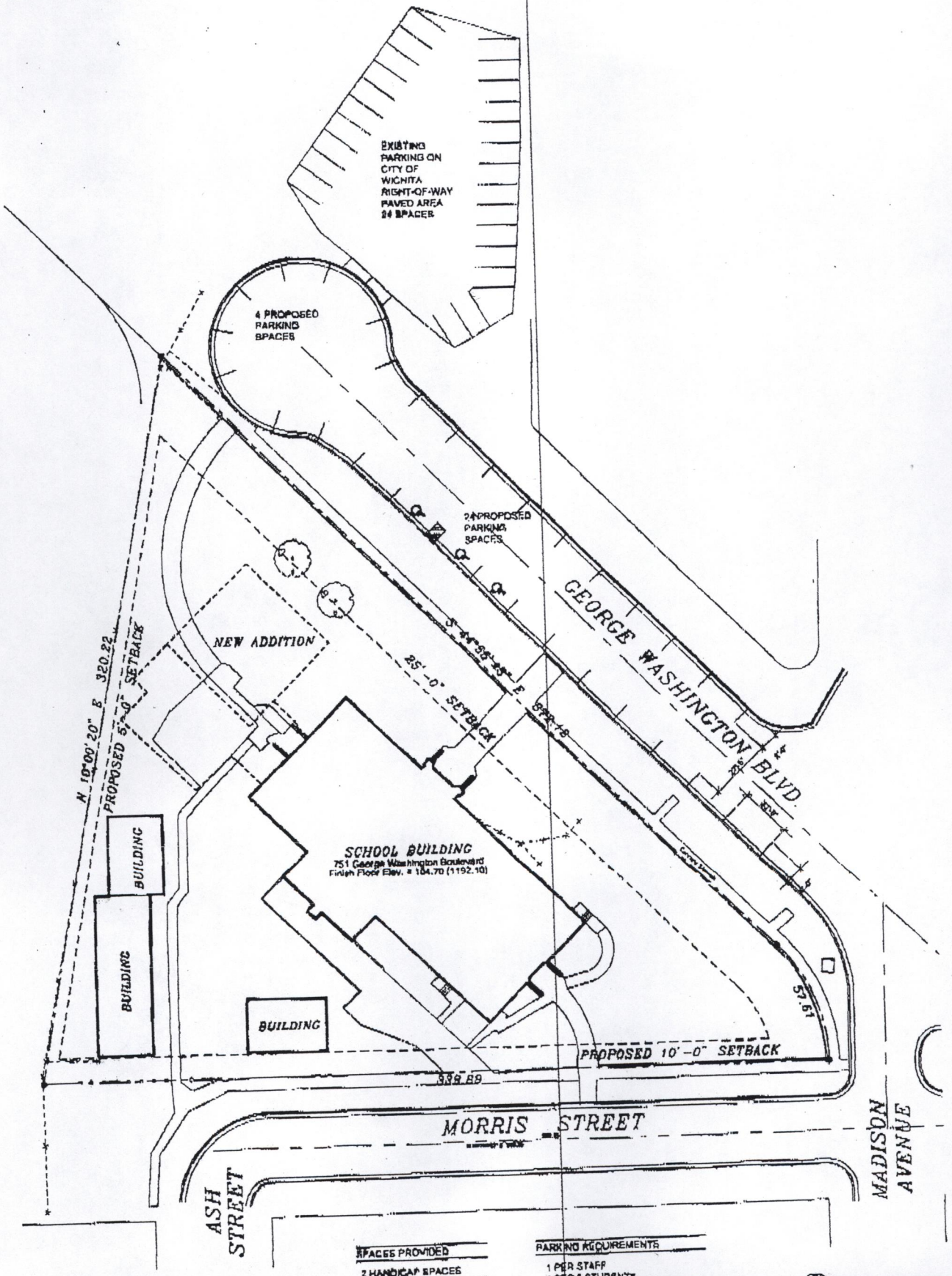
Allowing a 5-foot setback along I-135 and a 10-foot setback along Morris Street to accommodate existing structures and the new addition will not place the structures near any neighbors. Allowing the parking on George Washington boulevard as shown will not affect neighbors because this portion of the street is used only by the school staff, patrons, and students. Therefore, the rights of adjacent property owners should not be affected by allowing the proposed setbacks and parking arrangement.

Strict application of the Zoning Code would necessitate removal of two structures, would not allow sufficient space for the multipurpose room addition, and would not allow sufficient parking for the school. This site is very small and does not allow a lot of options.

The new addition, the present structures within the setback, and the proposed parking arrangement are of sufficient distances from neighbors that they will not impact the adjacent owners' use or enjoyment of their property. They will not cause any health hazard or loss of convenience for the owners.

The granting of the variance will fulfill the intent of the Zoning Code in that the neighboring properties will not receive any negative impact and the school's use of the property will be greatly enhanced for the benefit of the students.

Floor plans and additional drawings can be provided if more information is needed on this project.



SPANGENBERG PHILLIPS

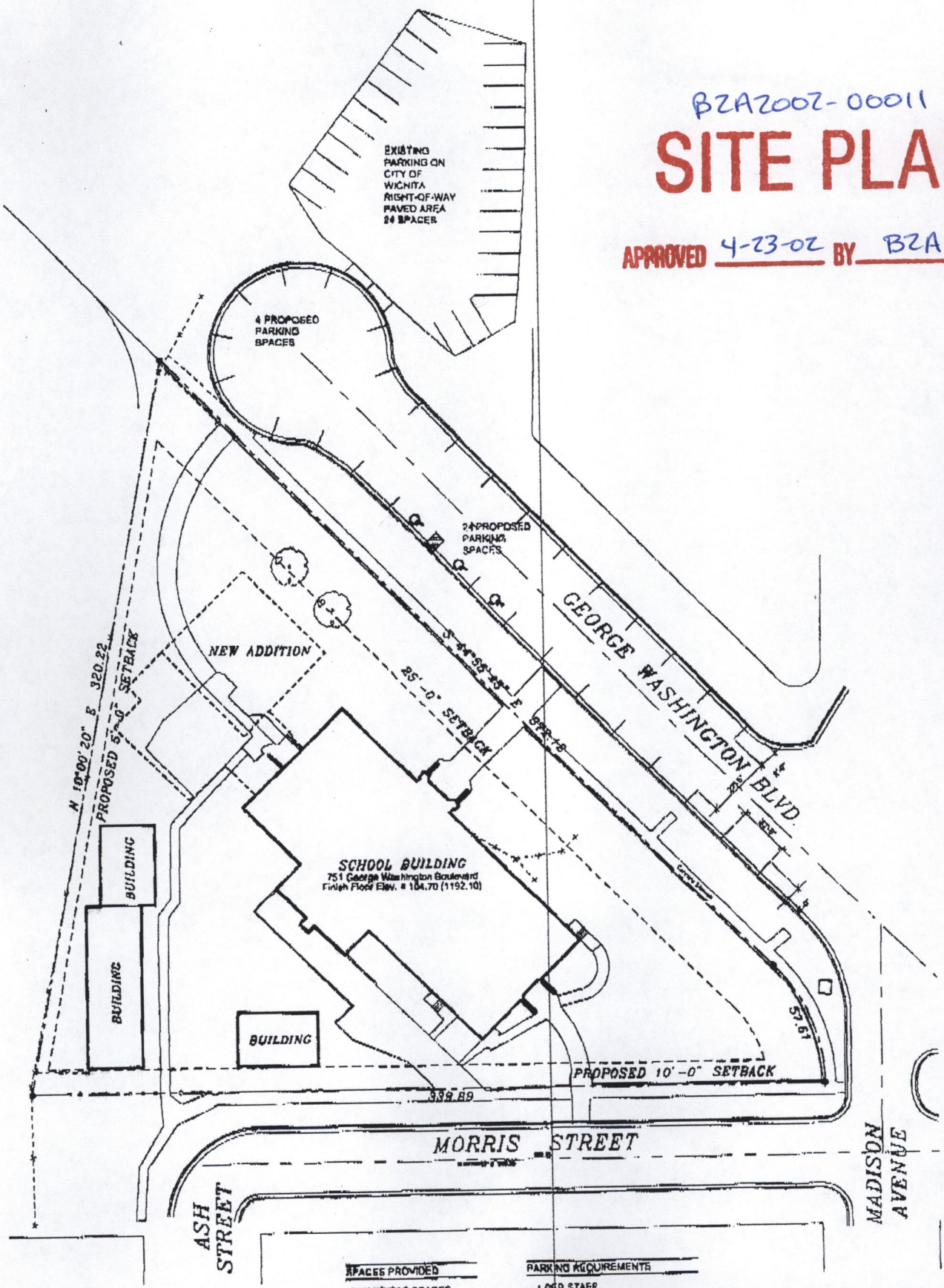
METRO BLVD. HIGH SCHOOL
751 GEORGE WASHINGTON BLVD.

4/2/02

BZA2002-00011

SITE PLAN

APPROVED 4-23-02 BY BZA



SPANGENBERG PHILLIPS

METRO BLVD. HIGH SCHOOL
751 GEORGE WASHINGTON BLVD.

4/2/02