WICHITA

**Wichita-Sedgwick County Metropolitan Area Planning Department**

September 10, 2009

USD 259 c/o Joe Hoover
3850 N Hydraulic
Wichita, KS 67219

Architectural Development Services, LLC c/o Rodney Coker AIA
407 N Waco
Wichita, KS 67202

**RE: BZA2009-31 City variance request to Section III-C.5.f.(4)(d)(3) of the Unified Zoning Code pertaining to the intensity and occupancy of buildings located within the Airport Overlay District, generally located at southwest corner of Governeour and Apache Drive (650 S. Apache).**

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on September 9, 2009. Also enclosed is an approved site plan. This resolution reflects the official action of the Board. 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,

Jess McNeely, AICP
Senior Planner

JMC/yja

Cc Jeff Vanzandt, Law Dept, 1-132
JR Cox, OCI
Paul Hays, OCI
Sue Schlapp, CM District II

## BZA RESOLUTION NO. 2009-31

**WHEREAS**, USD 259 (owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Zoning Code to permit a school addition in the Airport Overlay District, generally located at the Southwest corner of Governeour and Apache Drive (650 S Apache).

Lot 1, Block 1, Clark Elementary Addition to Wichita, Sedgwick County, Kansas.

**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 25, 2009, 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 conditions that are unique, as the property is developed with an elementary school that is subject to the Airport Overlay District. The subject property is the only school property located with the Airport Overlay District.

**WHEREAS,** the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners, as this site has been an elementary school for many years, the size of the addition is small in comparison to the existing school and the overall school site, and the addition is to be setback 80 feet from the nearest property line.

**WHEREAS,** the Board of Zoning Appeals has found that the strict application of the provisions of the Airport Overlay District would constitute an unnecessary hardship upon the applicant, as the addition serves the purpose of improving student safety and education. Student population could increase whether the addition is completed or not.

**WHEREAS,** the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest at this location as the school already exists, the addition is small when compared to the existing improvements, the addition is being constructed to improve student safety and education, and the proposed addition meets all the other requirements of the Airport Overlay District.

**WHEREAS,** the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the Airport Overlay District. The proposed addition will not significantly contribute to a concentration of larger numbers of people under the runway takeoff and approach paths. The concentration of people at the school is a pre-existing condition that will not change significantly by granting the requested variance.

**WHEREAS,** each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to permit a school addition in the Airport Overlay District, generally located at the Southwest corner of Governeour and Apache Drive (650 S Apache).

Lot 1, Block 1, Clark Elementary Addition to Wichita, Sedgwick County, Kansas.

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

1. The site shall be developed in conformance with the approved site plan.
2. The variance shall apply only to the addition as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the Unified Zoning Code unless a separate variance is granted.
3. The applicant shall obtain all permits necessary for the improvements within one year of the granting of the variance.
4. The structure on the site shall conform to all other codes, to include but not limited to building and fire codes.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

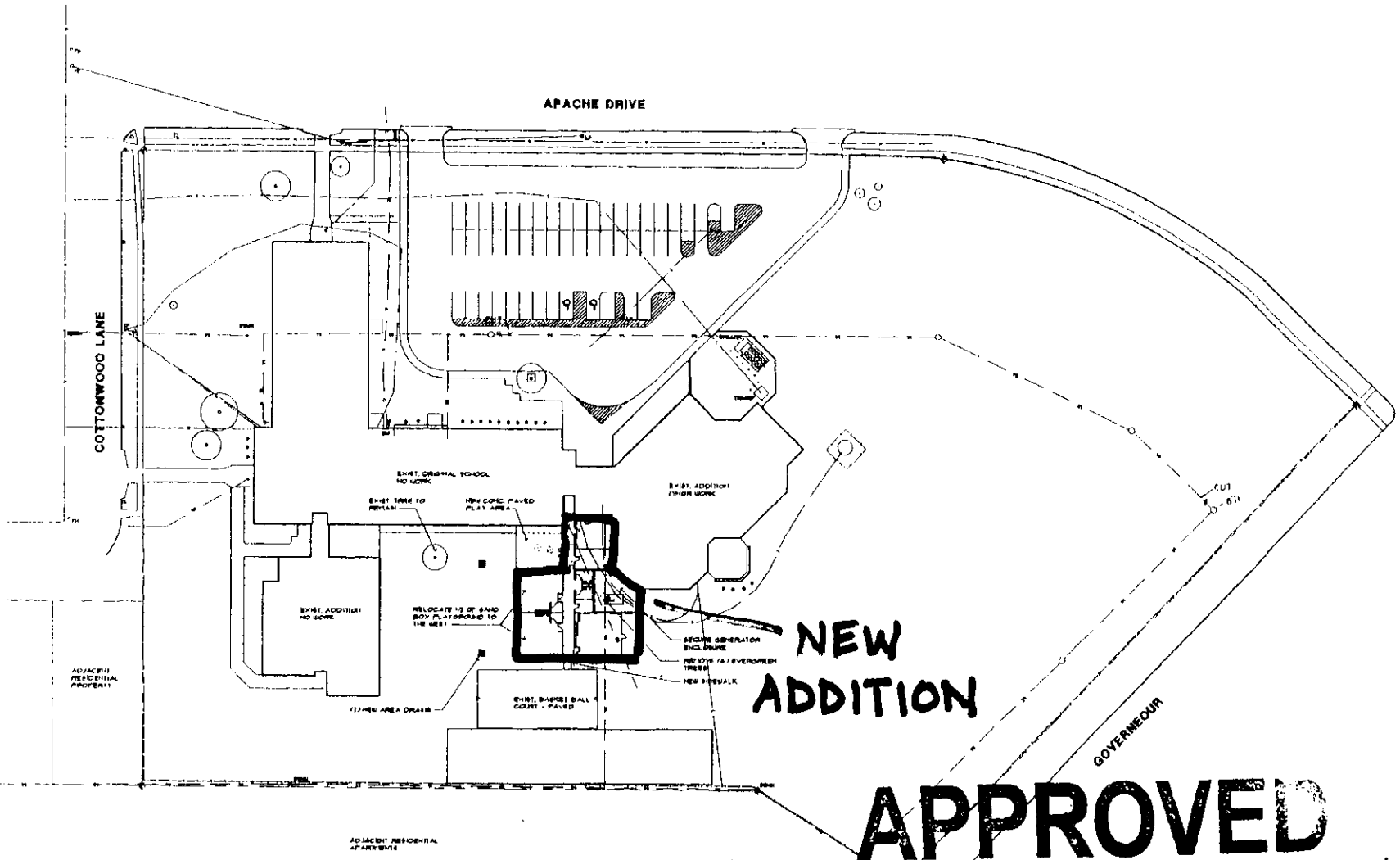
**ADOPTED AT WICHITA, KANSAS, this 25th Day of August, 2009.**

BZA Board Chair, Dwight Greenlee

ATTEST:

Jess McNeely, AICP
BZA Secretary

# CLARK ELEMENTARY




ARCHITECTURAL SITE AND UTILITY PLAN

APPROVED

SITE PLAN PZA 2009-31

#PZA09-31

Date: 9-9-09

Architectural Development Services, L.L.C.

Clark Elementary School
Building Addition

prints issued

project no
09103

ARCHITECTURAL SITE AND UTILITY PLAN

SA-1