



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

November 1, 2010

USD #259  
Attn: Shane Schumacher  
3850 N Hydraulic  
Wichita, KS 67219

**RE: BZA2010-00045 – City Variance of the Zoning Code City Variance to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential for a parking lot at Irving Elementary School, generally located on the east side of Market Street between 15<sup>th</sup> Street North and 16<sup>th</sup> Street North (1642 North Market Street)**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **October 26, 2010**. 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,

A handwritten signature in cursive script that reads 'Donna Goltry'.

Donna Goltry, Asst BZA Secretary  
Current Plans Division

DG/le

cc: Kurt Schroeder, Office of Central Inspections, 1-72  
Paul Hays, Office of Central Inspections, 1-72  
J R Cox Office of Central Inspection, 1-72  
Janet Miller WCC VI 1-13

**NOTE:**

SHEET SL1.1 LANDSCAPE PLAN AND DETAILS, HAS BEEN INCLUDED IN THE PLAN SET FOR PERMIT PURPOSES AND IS NOT TO BE INCLUDED IN THE CONTRACT FOR CONSTRUCTION. LANDSCAPING WILL BE PROVIDED BY THE OWNER.

**LANDSCAPE CODE INFO.**

REQUIRED LANDSCAPE STREET YARD  
 SQUARE FOOTAGE FACTOR = 10  
 MARKET STREET:  
 LINEAR FOOT STREET FRONTAGE = 601'  
 16TH STREET:  
 LINEAR FOOT STREET FRONTAGE = 309'  
 309' x 601' x 910' - 309' (GREATEST PERP. DIST) = 601' x 10' = 6010 SF OF LANDSCAPE STREET YARD REQUIRED  
 11,962 SF LANDSCAPE STREET YARD PROVIDED  
 SHADE TREES REQUIRED = 6010/500 = 12 REQUIRED  
 4 EXIST SHADE TREES = 8 SHADE TREES  
 4 NEW SHADE TREES = 12 SHADE TREES PROVIDED  
 PARKING LOT SCREENING REQUIRED AND SHOWN.  
 PARKING LOT TREES: (NEW LOT)  
 1 SHADE TREE REQUIRED PER 20 SPACES.  
 44 SPACE LOT = 2 SHADE TREES REQUIRED.  
 2 SHADE TREES PROVIDED (1/2 STREET YARD TREES)  
 BUFFERS:  
 REQUIRED ALONG SOUTH PROPERTY LINE  
 150'/40' = 4 SHADE TREES REQUIRE  
 4 SHADE TREES PROVIDED  
 LEGAL DESCRIPTION:  
 UNKNOWN  
 ADDRESS: 1642 N. MARKET  
 WATER:  
 WATER WILL BE PROVIDED BY HOSE BIB ON BUILDING.

**PRINTS ISSUED**  
 OWNER REVIEW 3-25-10  
 30% REVIEW 4-30-10  
 50% REVIEW 5-28-10  
 95% REVIEW 7-15-10  
 FOR BID & PERMIT 8-12-10



1300 E. Lewis  
 Wichita KS 67211  
 316.267.8233  
 316.267.8566 fax  
 krehbielarchitecture.com



DATE

**LANDSCAPE NOTES**

- NO SUBSTITUTIONS ARE ALLOWED WITHOUT APPROVAL.
- PLANT QUANTITIES IN THE PLANT LIST ARE FOR INFORMATION ONLY. CONTRACTOR SHALL VERIFY.
- ALL PLANT LOCATIONS ARE APPROXIMATE, ADJUST AS NECESSARY TO AVOID CONFLICTS.
- ALL PLANTING BEDS SHALL BE COVERED WITH 1" DEPTH OF COTTON BOLL COMPOST AND THEN TILLED TO A DEPTH OF 6" PRIOR TO PLANTING.
- ALL PLANTING BEDS ARE TO RECEIVE 3" DEPTH OF ORGANIC MULCH.
- PLANT BACKFILL MIX SHALL BE 1/3 COTTON BOLL COMPOST AND 2/3 EXISTING SOIL. ADD ROOT STARTER FERTILIZER AS PER MFR'S RECOMMENDATIONS.
- ALL LAWN AREAS ARE TO BE TILLED TO A DEPTH OF 6" AND ALL DEBRIS REMOVED PRIOR TO PLANTING. TURF SEED SHALL BE DRILLED OR VERTICUT INTO SOIL. MULCH SEEDED AREA WITH CLEAN SHREDDED STRAW MULCH. CRIMP STRAW INTO SOIL.
- SEED ALL DISTURBED AREAS SEED SHALL BE A BERMUDA/RYE MIX. MINIMUM BERMUDA CONTENT 2LBS PER 1,000 SF.

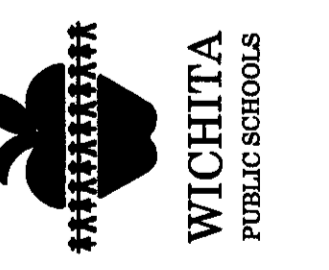
**PLANT LIST**

KEY	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	COND.
<b>TREES</b>					
HL	7	COMMON HONEY LOCUST	GLEDITSIA TRIACANTHOS VAR. INERMIS	2' CAL.	B & B
<b>SHRUBS</b>					
PJ	25	PFITZER COMPACT JUNIPER	JUNIPERUS CHINENSIS 'KALLAYS COMPACTA'	5 GAL.	CONT.

PER B2A 2010-00045  
**LANDSCAPE PLAN**

APPROVED 10-25-10 BY *[Signature]*  
 ADDENDUM TO PLAN APPROVED 08-13-01

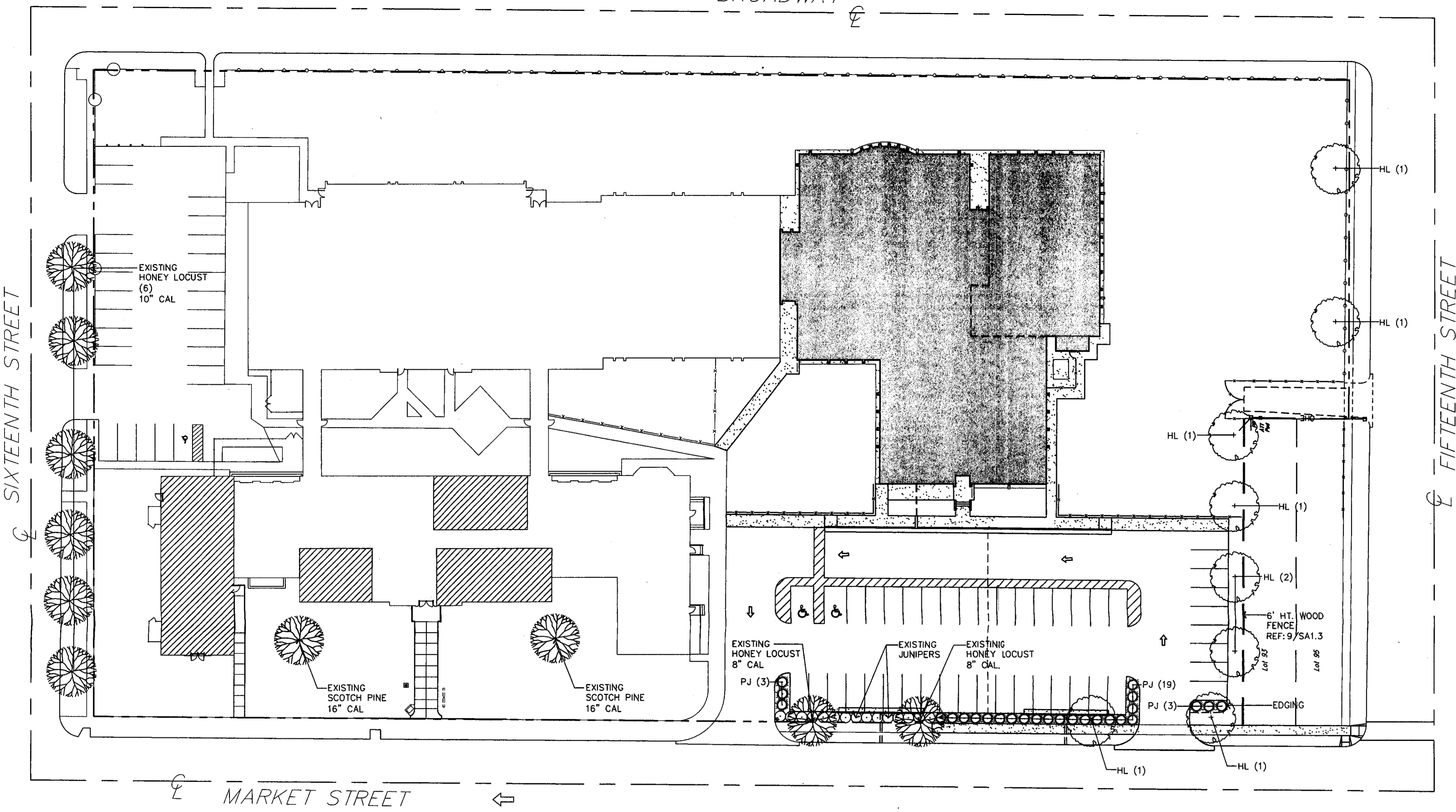
IRVING ELEMENTARY  
 USD 259 - #334  
 1642 N. MARKET  
 WICHITA, KS. 67214



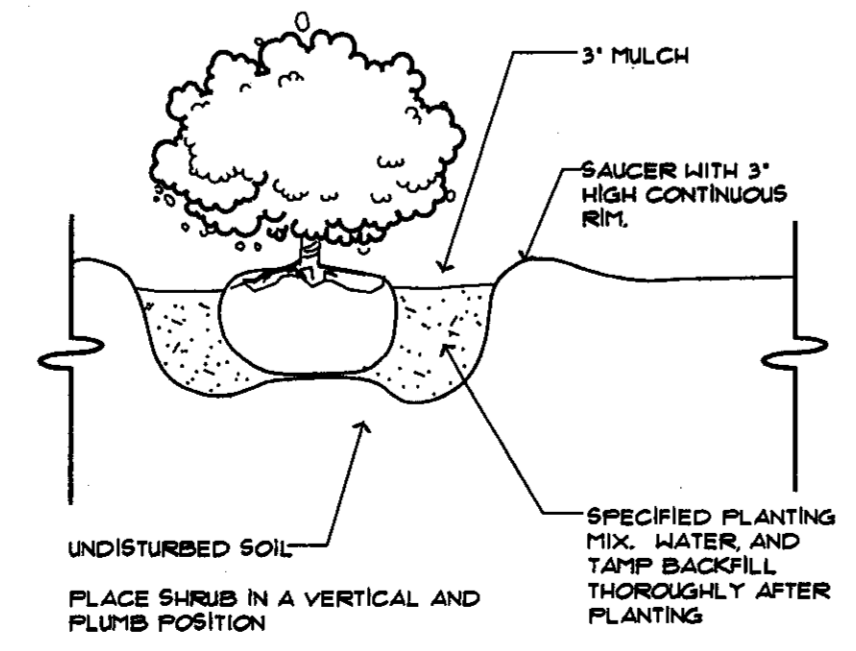
PROJECT NO.  
10001  
 SHEET TITLE  
LANDSCAPE PLAN

SHEET NO.  
**SL1.1**

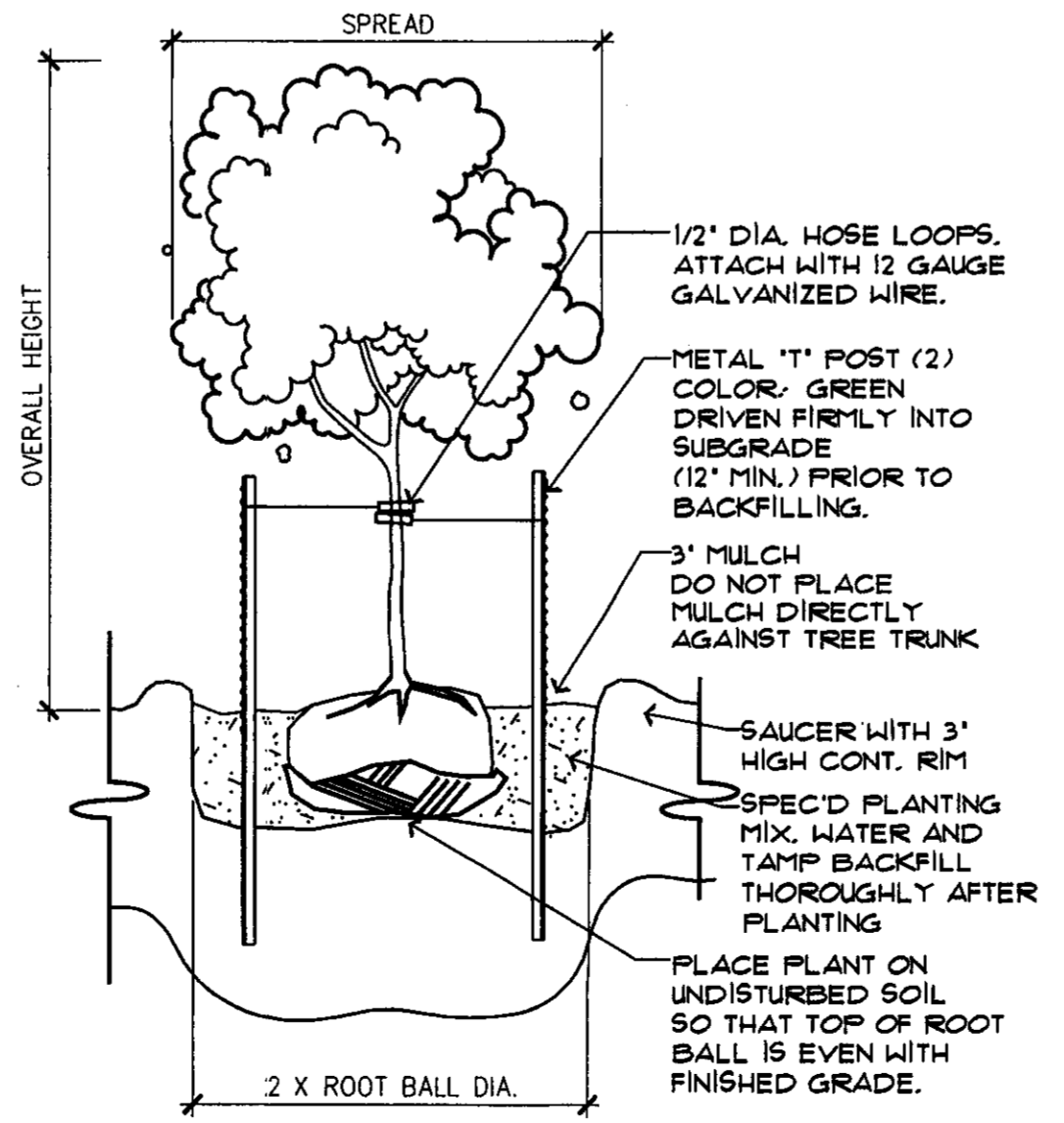
BROADWAY



**A SITE PLAN**  
 1" = 30'-0" NORTH



**1 SHRUB PLANTING**  
 SCALE: 3/4" = 1'-0"



**2 TREE PLANTING**  
 SCALE: 3/8" = 1'-0"

**BZA RESOLUTION NO. 2010-00045**

**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 allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential for a parking lot at Irving Elementary School, generally located on the east side of Market Street between 15<sup>th</sup> Street North and 16<sup>th</sup> Street North (1642 North Market Street):

Reserve A, Powell's Addition; and  
Odd lots 73-91 on Market, Powell's Addition; and  
Even lots 74-96 on Broadway, Powell's Addition, 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 24, 2010, 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

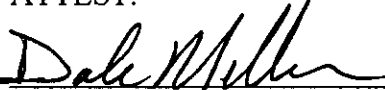
**WHEREAS**, the Board of Zoning Appeals has found that the variance arises from conditions that are unique, inasmuch as the property was platted in 1887 for a small neighborhood grade school, as documented by the plat's text, and remains an elementary school. However, the site requirements for schools have changed during the past 120 years from the old fashioned eight-grade schoolhouse where students arrived by walking. Today many students arrive by private car or by bus. The site is small for a modern elementary school and it is difficult to accommodate the building facilities, playground and parking needs.

**WHEREAS**, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners, inasmuch as the reduction in the buffer between the parking lot and the sidewalk will remain at five feet, which is minimally sufficient to provide a reasonable planting bed for parking lot screening. The parking lot has only two rows of parking stalls running parallel with Market Street, which keeps the scale of the lot modest.

**WHEREAS**, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as requiring the applicant to comply with the three additional feet in the buffer would reposition the building expansion. As designed, the building expands its main interior hallway southward from the current terminus, according to the applicant. In terms of moving the parking lot nearer to the building, it is already placed as close to the building as possible, while still maintaining the two rows of parking stalls and the drive through drop off lane.

**WHEREAS**, the Board of Zoning Appeals has found that the variance request for setback reduction does not adversely affect the public interest, inasmuch as the public has an interest in supporting the

ATTEST:

  
\_\_\_\_\_  
Dale Miller  
BZA Secretary

stability of neighborhood schools in existing locations and allowing them to be upgraded to meet current school needs. The parking lot and the drop off lane will alleviate traffic congestion along Market Street, so are needed to ensure the safety of residents and children in the neighborhood.

**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 Zoning Code, inasmuch as the three foot reduction still provides the minimum width of five feet essential to provide parking lot screening per the Landscape Ordinance. The purpose of the wider buffer is to soften the impact of the parking area primarily for the neighbors living across the street. It is intended to lessen the visual blight and mass of paved parking located in the midst of a residential neighborhood. In this case, the parking lot only has two rows of stalls plus the drop off lane, and the building forms the backdrop. The fewer rows and building backdrop lessens the visual impact of the paved area.

**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 of the Zoning Code to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential for a parking lot serving Irving Elementary School, generally located on the east side of Market Street between 15<sup>th</sup> Street North and 16<sup>th</sup> Street North (1642 North Market Street):

Reserve A, Powell's Addition; and  
Odd lots 73-91 on Market, Powell's Addition; and  
Even lots 74-96 on Broadway, Powell's Addition, Wichita, Sedgwick County, Kansas.

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

1. The site shall be developed in substantial conformance with the approved site plan.
2. The setback reduction shall apply only to the parking lot addition as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
3. The parking lot shall be landscaped in accordance with the Landscape Ordinance.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the Variance.
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 26th Day of October, 2010.**

  
BZA Board Chair, Dwight Greenlee

**SECRETARY'S REPORT**

CASE NUMBER: BZA2010-00045

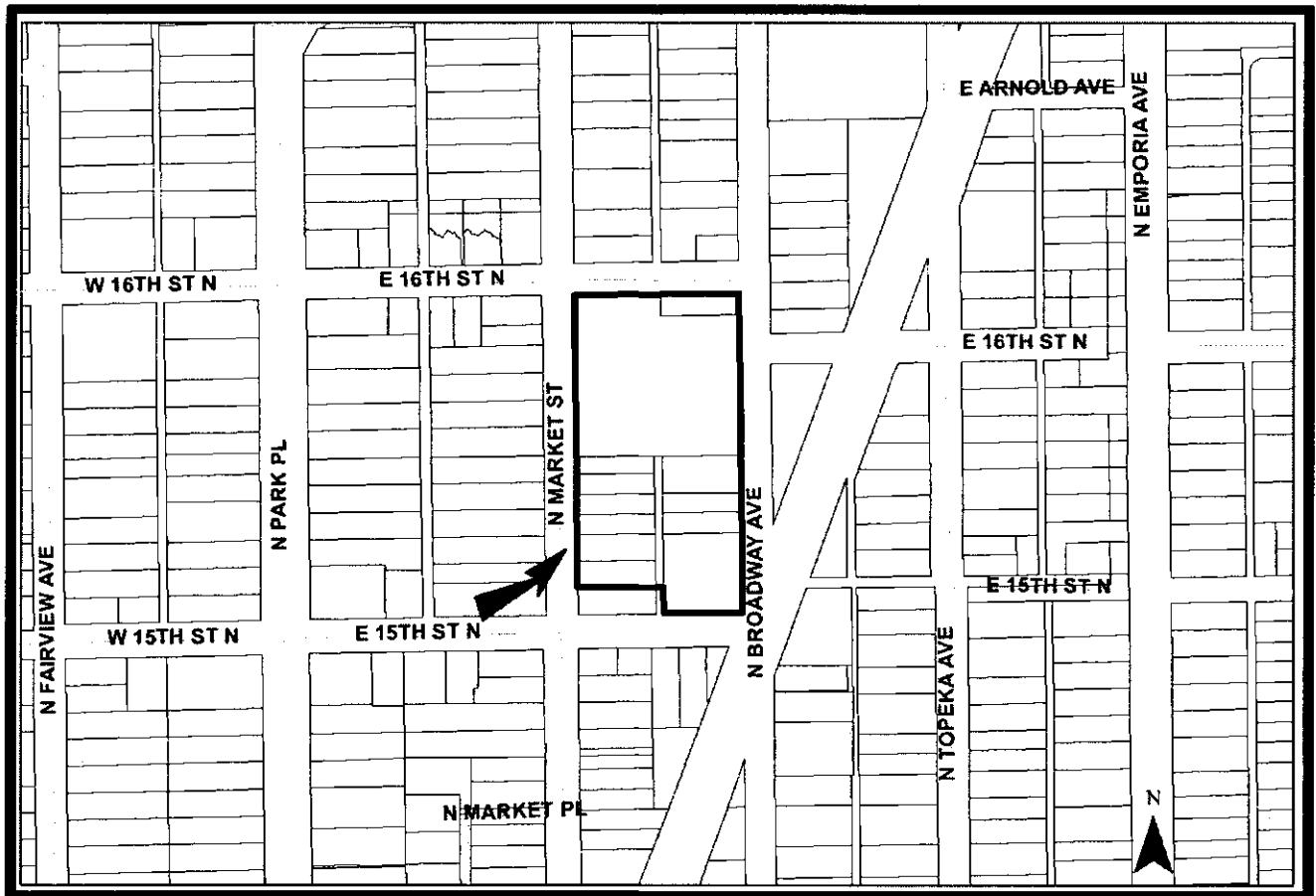
APPLICANT/AGENT USD #259 c/o Shane Schumacher (owner)

REQUEST: City Variance to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential for a parking lot at Irving Elementary School

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

SITE SIZE: 4 ± acres

LOCATION: Generally located on the east side of Market Street between 15<sup>th</sup> Street North and 16<sup>th</sup> Street North (1642 North Market Street)

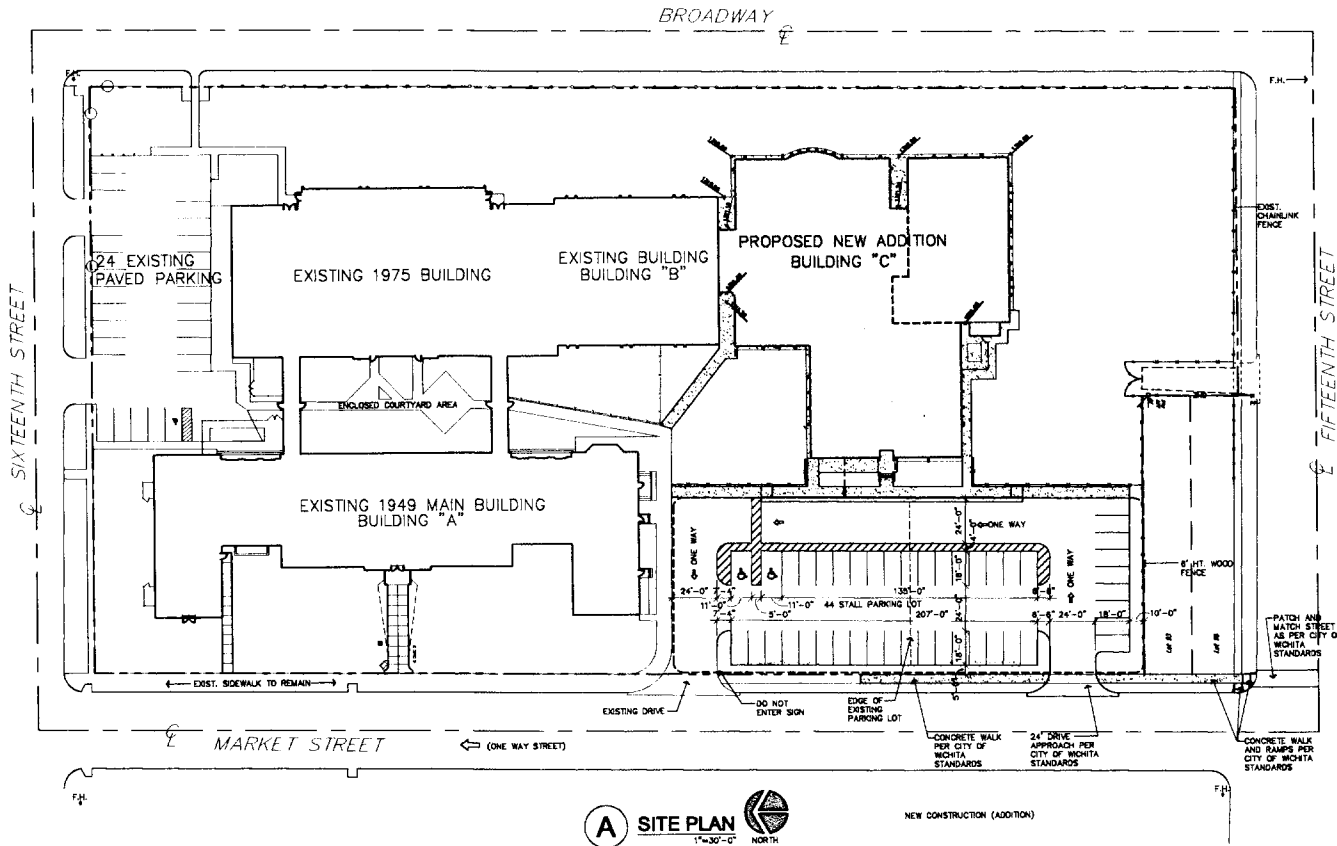




**KREHBIEL**  
 ARCHITECTURE  
 1880 E. Lewis  
 Wichita KS 67211  
 314.247.8223  
 314.247.8869 fax  
 krebb@krebielarchitect.com

DATE \_\_\_\_\_

**IRVING ELEMENTARY**  
 USD 259 - #334  
 1842 N. MARKET  
 WICHITA, KS 67214



**A SITE PLAN**  
 1"=30'-0" NORTH

NEW CONSTRUCTION (ADDITION)

PATCH AND MATCH STREET AS PER CITY OF WICHITA STANDARDS

CONCRETE WALK AND RAMPS PER CITY OF WICHITA STANDARDS

CONCRETE WALK PER CITY OF WICHITA STANDARDS

24" DRIVE APPROACH PER CITY OF WICHITA STANDARDS

EDGE OF EXISTING PARKING LOT

DO NOT ENTER SIGN

EXISTING DRIVE

← EXIST. SIDEWALK TO REMAIN →

EXIST. CHAINLINK FENCE

BIT WOOD FENCE

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

18'-0"

**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:** The applicant requests a variance to the Unified Zoning Code (“UZC”) to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential (“TF-3”) for a parking lot serving Irving Elementary School. Irving Elementary is located on the block bounded by Market Street on the west, 16<sup>th</sup> Street North on the north, Broadway on the east and 15<sup>th</sup> Street North on the south. USD#259 has acquired all of this block except for a 50 foot x 147 foot lot still in residential use on the northeast corner of market and 15<sup>th</sup> Street North. The proposed parking lot abuts this residential lot.

The UZC prohibits parking within the required front and street side setbacks. An administrative remedy is available to reduce the setback buffer to as narrow as eight feet. Any request to place the paved parking area closer than eight feet from the property line must be remedied through the variance process. The existing parking lot has an eight foot setback along Market Street. The eight foot width was granted by administrative adjustment in 2001 (BZA2010-00053) during the previous phase of expansion.

Irving Elementary School is being expanded again, to meet the needs of its school population. The expansion moves the building southward and encompasses some of the existing parking lot.

The school is located on the lot originally designated as “School House Lot 1” of Powell’s Addition, recorded Jun 3 9, 1887. It was typical to reserve a school site in each quarter section of land at the time. Today, elementary schools are not located as close together and more students come to school via bus or private cars. When these older schools are expanded, the schools are required to meet the current-day parking requirements based on today’s travel patterns. This often results in site constraints, attempting to balance the need for the building facilities, the playground and the parking.

The surround area is densely settled with single-family homes ranging in age from the 1980s to recent infill units to the west of Market Street and to the north and south along Market Street, mostly zoned TF-3. The property along Broadway is a mix of commercial uses, with retail, restaurants, etc. The zoning on Broadway tends to be GC General Commercial (“GC”) with a scattering of LC Limited Commercial (“LC”). An abandoned rail right-of-way has been redeveloped as a park to the south.

**ADJACENT ZONING AND LAND USE:**

NORTH	TF-3, LC	Residential, restaurant, retail
SOUTH	TF-3, B	Residential, park
EAST	GC	Shopping center, commercial
WEST	TF-3	Residential

The five criteria necessary for approval as they apply to Variances requested.

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the property was platted in 1887 for a small neighborhood grade school, as documented by the plat’s text, and

remains an elementary school. However, the site requirements for schools have changed during the past 120 years from the old fashioned eight-grade schoolhouse where students arrived by walking. Today many students arrive by private car or by bus. The site is small for a modern elementary school and it is difficult to accommodate the building facilities, playground and parking needs.

**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 as the reduction in the buffer between the parking lot and the sidewalk will remain at five feet, which is minimally sufficient to provide a reasonable planting bed for parking lot screening. The parking lot has only two rows of parking stalls running parallel with Market Street, which keeps the scale of the lot modest.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as requiring the applicant to comply with the three additional feet in the buffer would reposition the building expansion. As designed, the building expands its main interior hallway southward from the current terminus, according to the applicant. In terms of moving the parking lot nearer to the building, it is already placed as close to the building as possible, while still maintaining the two rows of parking stalls and the drive through drop off lane.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in supporting the stability of neighborhood schools in existing locations and allowing them to be upgraded to meet current school needs. The parking lot and the drop off lane will alleviate traffic congestion along Market Street, so are needed to ensure the safety of residents and children in the neighborhood.

**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 three foot reduction still provides the minimum width of five feet essential to provide parking lot screening per the Landscape Ordinance. The purpose of the wider buffer is to soften the impact of the parking area primarily for the neighbors living across the street. It is intended to lessen the visual blight and mass of paved parking located in the midst of a residential neighborhood. In this case, the parking lot only has two rows of stalls plus the drop off lane, and the building forms the backdrop. The fewer rows and building backdrop lessens the visual impact of the paved area.

**RECOMMENDATION:** Should the Board determine that all five conditions necessary to the granting of the Variance can be found to exist, then it is the recommendation of the Secretary that the Variance to allow parking in the street side setback within five feet of the property line on property zoned TF-3 Two-Family Residential for a parking lot serving Irving Elementary School be **GRANTED**, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The setback reduction shall apply only to the parking lot addition as illustrated on the approved site plan. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
3. The parking lot shall be landscaped in accordance with the Landscape Ordinance.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the Variance.

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.

Attachment: Site Plan