CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

April 28, 2011

USD 259
c/o Shane Schumacher
201 N. Water
Wichita, KS 67202

RE: BZA2011-00013 – City request for a variance on parking within a setback, on property zoned SF-5, generally located east of Seneca Street, on the southeast corner of 29th Street South and Osage Avenue (3030 S. Osage).

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **APRIL 26, 2011.** 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,

Derrick Slocum, Asst BZA Secretary
Current Plans Division

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
Michael O'Donnell, WCC IV Mailstop 1-13
Kelli Geier, WCC IV NA, Mailstop 1-13

BZA RESOLUTION NO. BZA2011-00013

WHEREAS, Unified School District 259 (Owner); Schumacher (Agent) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section IV-A.6.a of the Unified Zoning Code to permit parking within the front setback on property zoned "SF-5" Single-family Residential; generally located northeast of the corner of South Seneca Street and 32st Street South. (3030 S. Osage)

Lot 1, Block 1; Lewis Magnet School 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 April 26, 2011, 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 this property is unique, inasmuch as the owner of the subject property has dedicated a total of 50 feet of right-of-way for 29th Street South, which allowed the City to then pave 29th Street South. The dedication created a situation where the existing drives and parking now abuts the right-of-way line.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the applicant owns the entire tract of land on the south side of 29th Street south, between Osage and Exchange Place and that the land directly north of 29th Street South is a former sand pit, screened by trees. There will be no affected residential property owners near the location of the proposed parking area and driveway.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Code will constitute an unnecessary hardship upon the applicant, inasmuch as requiring the parking lot to be developed in accordance with the zoning regulations will entail eliminating the playground on the school property, which has already been limited in size due to accommodate storm water detention.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, inasmuch as sufficient separation between the parking lots and the right-of-way will exist so that no detrimental impacts to public health, safety, or welfare should occur.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance requested would not oppose the general spirit and intent of the Code inasmuch the intent of Section IV-A.6.a. of the Unified Zoning Code is to prevent parking lots from encroaching in front of the building wall line along a residential street and causing detrimental impacts on the neighborhood by interrupting the continuous landscaped street yard. The situation was created by the City's desire to have a typical city street paving section for 29th Street to better support the adjoining neighborhood. The variance is only to allow parking up to the right-of-way line, which is allowed in less restrictive zone districts.

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 Section IV-A.6.a of the Unified Zoning Code to permit parking within the front setback on property zoned "SF-5" Single-family Residential; generally located northeast of the corner of South Seneca Street and 32st Street South. (3030 S. Osage)

Lot 1, Block 1; Lewis Magnet School Addition; Wichita; Sedgwick County, Kansas.

The variance is hereby <u>GRANTED</u>, subject to the following conditions:

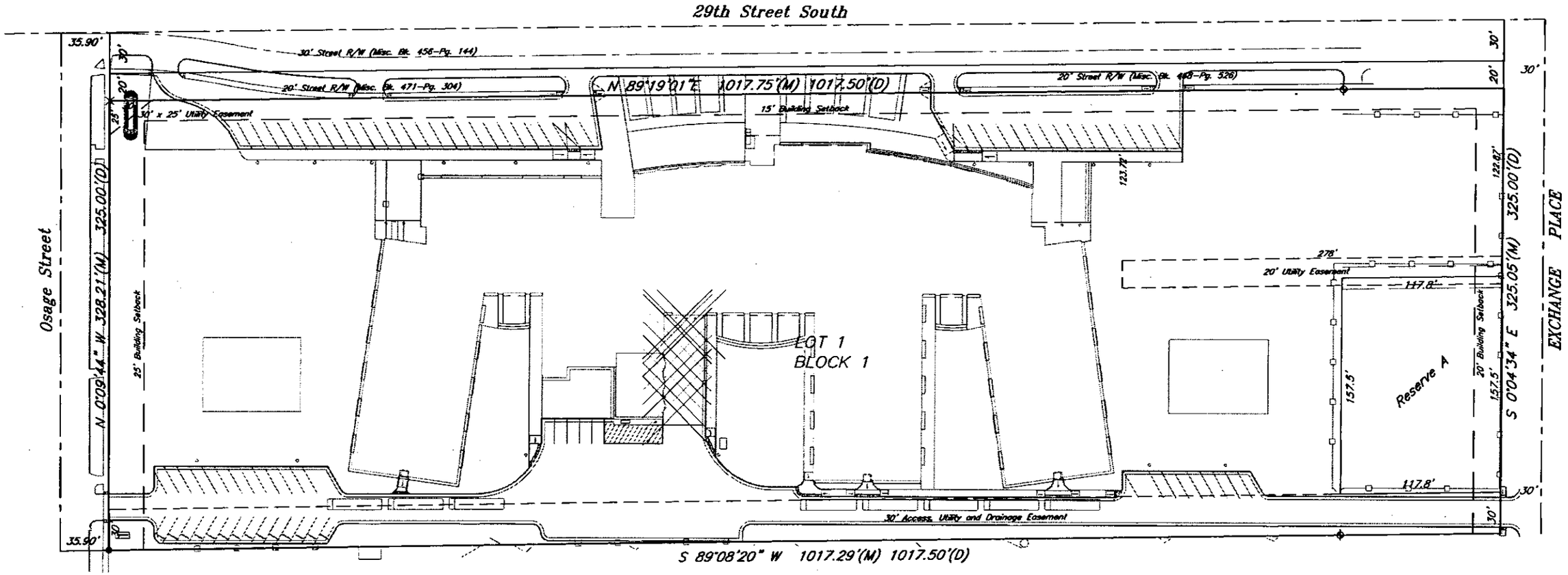
1. The parking lots shall be permitted to encroach into to the street side setbacks along 29th Street South but shall not be located closer than five (5) feet from the property line.
2. The parking lots shall be paved and marked in general conformance with the approved site plan.
3. The parking lots shall be developed in general conformance with the landscape ordinance.
4. The applicant shall obtain all necessary permits, and the improvements to the parking lots shall be completed within one year of the granting of the variance, unless such time period is extended by the Board.
5. The resolution authorizing the 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 April, 2011.

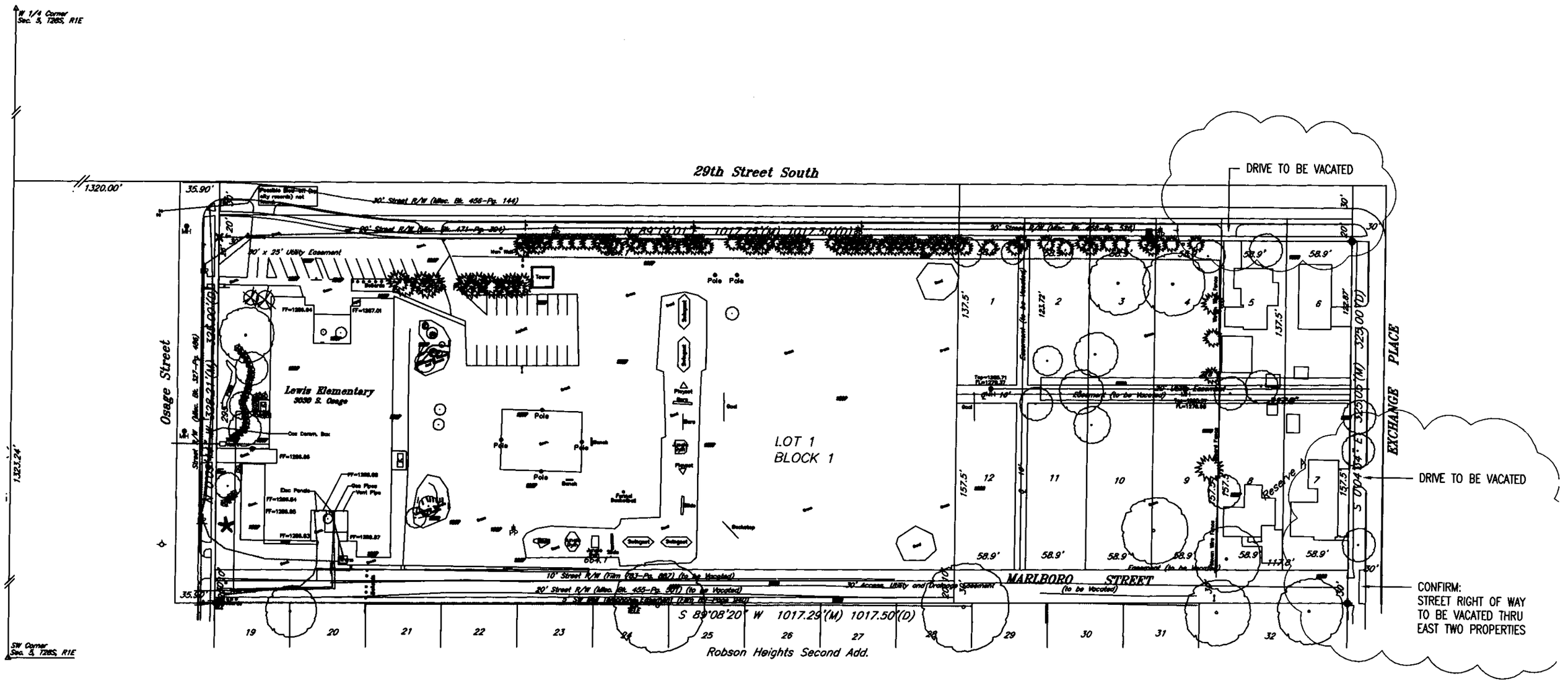
BZA Board Chair, Dwight Greenlee

ATTEST:

Derrick Slocum
Assistant BZA Secretary



HORIZONTAL SCALE
(IN FEET)
1 inch = 40 ft.


W 1/4 Corner
Sec. 5, T26S, R1E
1320.00'
1323.24'
SW Corner
Sec. 5, T26S, R1E
29th Street South
Osage Street
EXCHANGE PLACE
MARLBORO STREET
(to be Vacated)
DRIVE TO BE VACATED
DRIVE TO BE VACATED
CONFIRM:
STREET RIGHT OF WAY
TO BE VACATED THRU
EAST TWO PROPERTIES
Lewis Elementary
3039 S. Osage
LOT 1
BLOCK 1
Reserve A
N 89°19'01" E 1017.75'(M) 1017.50'(D)
S 89°08'20" W 1017.29'(M) 1017.50'(D)
S 0°04'14" E 329.00'(M) 329.00'(D)
30' Street R/W (Misc. Bk. 456-Pg. 144)
30' Street R/W (Misc. Bk. 471-Pg. 304)
30' Street R/W (Misc. Bk. 453-Pg. 536)
70' x 25' Utility Easement
10' Street R/W (Film 783-Pg. 882) (to be Vacated)
30' Street R/W (Misc. Bk. 455-Pg. 301) (to be Vacated)
30' Access, Utility and Drainage Easement
Robson Heights Second Add.