CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

December 18, 2012

USD 259 c/o Shane Shumacher
3850 N. Hydraulic
Wichita, KS 67219

Baughman Company, PA c/o Russ Ewy
315 Ellis
Wichita, KS 67211

RE: BZA2012-64 – City variance request of the Zoning Code to reduce the required front setback from 25 to 8 feet for an elementary school addition in SF-5 Single-family Residential ("SF-5") zoning; generally located west of Amidon Avenue, north of 21st Street North, on the southwest corner of Marigold Lane and Halstead (2277 N. Marigold Lane).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **December 18, 2012.** This resolution reflects the official action of the Board. It is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

Jess McNeely, AICP
BZA Secretary
Current Plans Division

cc: Rick Stubbs, Office of Central Inspections
JR Cox, Office of Central Inspection
Paul Hays, Office of Central Inspection
Janet Miller, WCC VI CM
Terri Dozal, WCC VI NA

BZA RESOLUTION NO. BZA2012-64

WHEREAS, USD 259 c/o Shane Shumacher (owner), request a variance of the Zoning Code to reduce the required front setback from 25 to 8 feet for an elementary school addition in SF-5 Single-family Residential ("SF-5") zoning; generally located west of Amidon Avenue, north of 21st Street North, on the southwest corner of Marigold Lane and Halstead (2277 N. Marigold Lane).

Legal Description: LOT 2 BLOCK 5 BENJAMIN HILLS 2ND ADDITION

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 December 18, 2012, 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. The site is fully developed with a school and associated parking, a garden, playgrounds and athletic fields leaving the only available building site encroaching into the required building setback. This property is further unique in that it is within the Wichita/Sedgwick County Comprehensive Plan designated "Conservation" area. The Plan recommends flexible building setback requirements in this area to encourage infill development and redevelopment.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance will not adversely affect the rights of adjacent property owners. Residential properties north of the site would be those most affected by the setback reduction. With the school building setback reduced to eight feet, the proposed building will be over 15 feet from the street paving. Houses on the north side of Halstead Street have an excessive setback of over 50 feet from the street, ensuring adequate separation between the proposed addition and the houses.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Code would constitute an unnecessary hardship upon the applicant. The school site can only accommodate the proposed addition, without the loss of other needed areas, if the requested setback variance is granted. Strict application of the Zoning Code building setback would prevent the needed addition to this site.

WHEREAS, the Board of Zoning Appeals has found that the requested variance for a setback reduction will not adversely affect the public interest, as further improving this property, without the loss of other needed areas, is in the public interest. The Wichita/Sedgwick County Comprehensive Plan specifically recommends building setback flexibility in this neighborhood to accommodate facilities that serve the public interest.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance does not oppose the general spirit and intent of the Code. Front building setbacks are intended to ensure separation between structures and streets, and to allow for open landscaped areas. Adequate separation between the building and the street will be maintained, and adequate open space is provided for in the immediate 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 reduce the required front setback from 25 to 8 feet for an elementary school addition in SF-5 Single-family Residential ("SF-5") zoning; generally located west of Amidon Avenue, north of 21st Street North, on the southwest corner of Marigold Lane and Halstead (2277 N. Marigold Lane).

Legal Description: LOT 2 BLOCK 5 BENJAMIN HILLS 2ND ADDITION

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 applicant shall submit a landscape plan, to be approved by staff, meeting Landscape Code requirements.
3. The front setback reduction shall apply to the addition shown on the site plan only. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
4. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 18th Day of December, 2012.

BZA Board Chair, **Steven Anthimides**

ATTEST:

Jess McNeely, AICP
BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
December 18, 2012

SECRETARY'S REPORT

CASE NUMBER: BZA2012-64

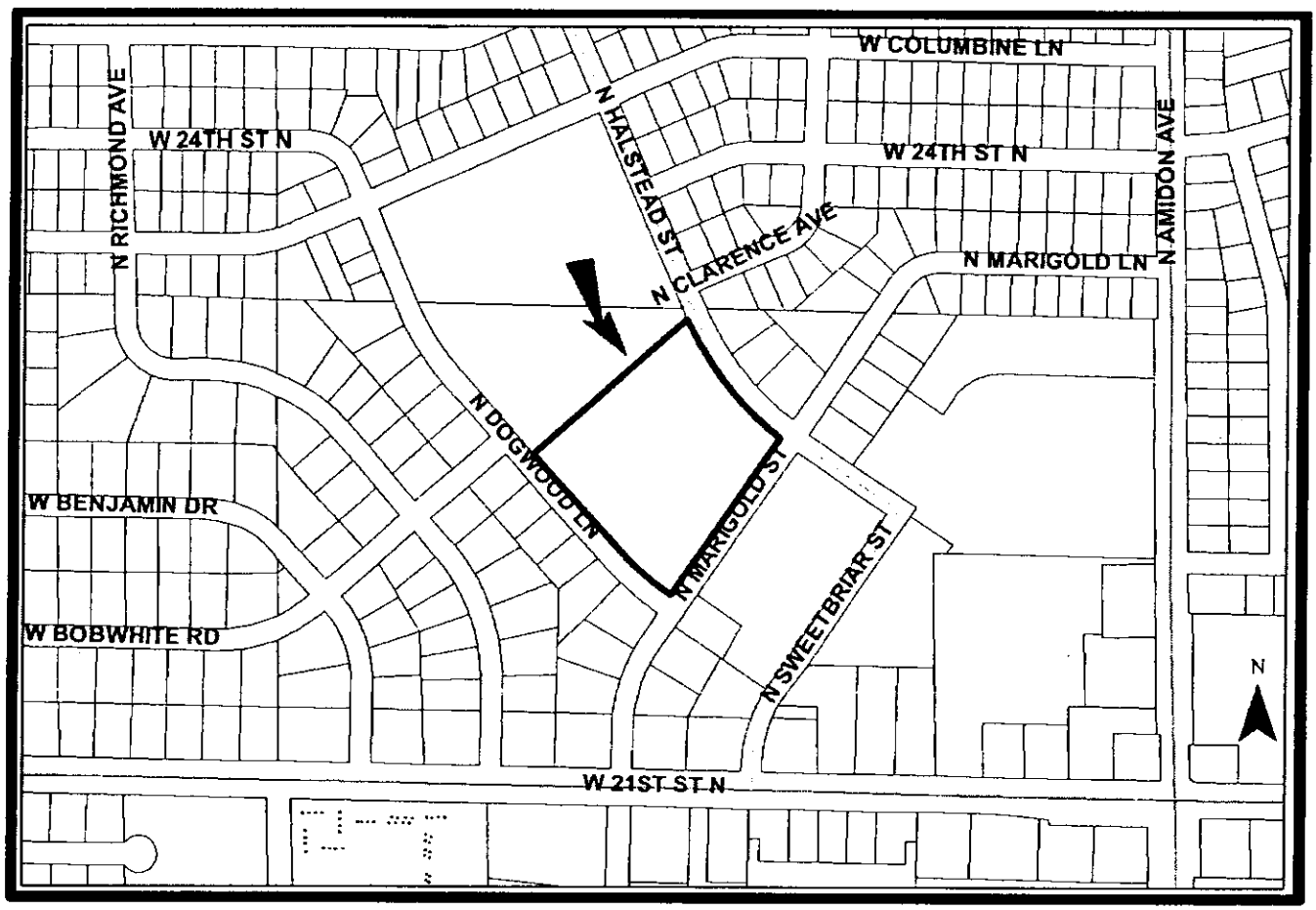
APPLICANT/AGENT: USD 259 c/o Shane Shumacher (owner), Baughman Co. c/o Russ Ewy (agent)

REQUEST: City BZA Variance request to reduce the required front setback from 25 to 8 feet for an elementary school addition

CURRENT ZONING: SF-5 Single-family Residential ("SF-5")

SITE SIZE: 5.8 acres

LOCATION: West of Amidon Avenue, north of 21st Street North, on the southwest corner of Marigold Lane and Halstead (2277 N. Marigold Ln.)



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 reduce the required front setback from 25 to 8 feet for an elementary school addition; see the attached site plan and applicant's letter. The Zoning Code requires a minimum front setback of 25 feet in the SF-5 zoning district. The McLean Elementary School grounds are developed with school buildings, parking areas, playgrounds, a garden and athletic fields. The proposed addition would be on open space along the north side of the school, attached to the existing multi-purpose room, encroaching into the required 25-foot building setback. The addition location preserves the school's "outdoor classroom" garden on the north side of the school, and preserves playground and field space on the south and west sides of the school. The existing school building sits approximately 30 feet from the Halstead Street right of way. The school addition will be required to meet off-street parking, landscaping, and parking lot screening requirements.

Property north of the site, across Halstead, is zoned SF-5 and is developed with a single-family neighborhood. South of the application area is also an SF-5 zoned neighborhood. East of the site is an SF-5 zoned church, and to the west is an SF-5 zoned park. Halstead is a paved, two-lane local street with a 60-foot right of way.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single-family residences
SOUTH:	SF-5	Single-family residences
EAST:	SF-5	Church
WEST:	SF-5	Park

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

UNIQUENESS: It is staff's opinion that this property is unique. The site is fully developed with a school and associated parking, a garden, playgrounds and athletic fields leaving the only available building site encroaching into the required building setback. This property is further unique in that it is within the Wichita/Sedgwick County Comprehensive Plan designated "Conservation" area. The Plan recommends flexible building setback requirements in this area to encourage infill development and redevelopment.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for a setback reduction would not adversely affect the rights of adjacent property owners. Residential properties north of the site would be those most affected by the setback reduction. With the school building setback reduced to eight feet, the proposed building will be over 15 feet from the street paving. Houses on the north side of Halstead Street have an excessive setback of over 50 feet from the street, ensuring adequate separation between the proposed addition and the houses.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant. The school site can only accommodate the proposed addition, without the loss of other needed areas, if the requested setback variance is granted. Strict application of the Zoning Code building setback would prevent the needed addition to this site.

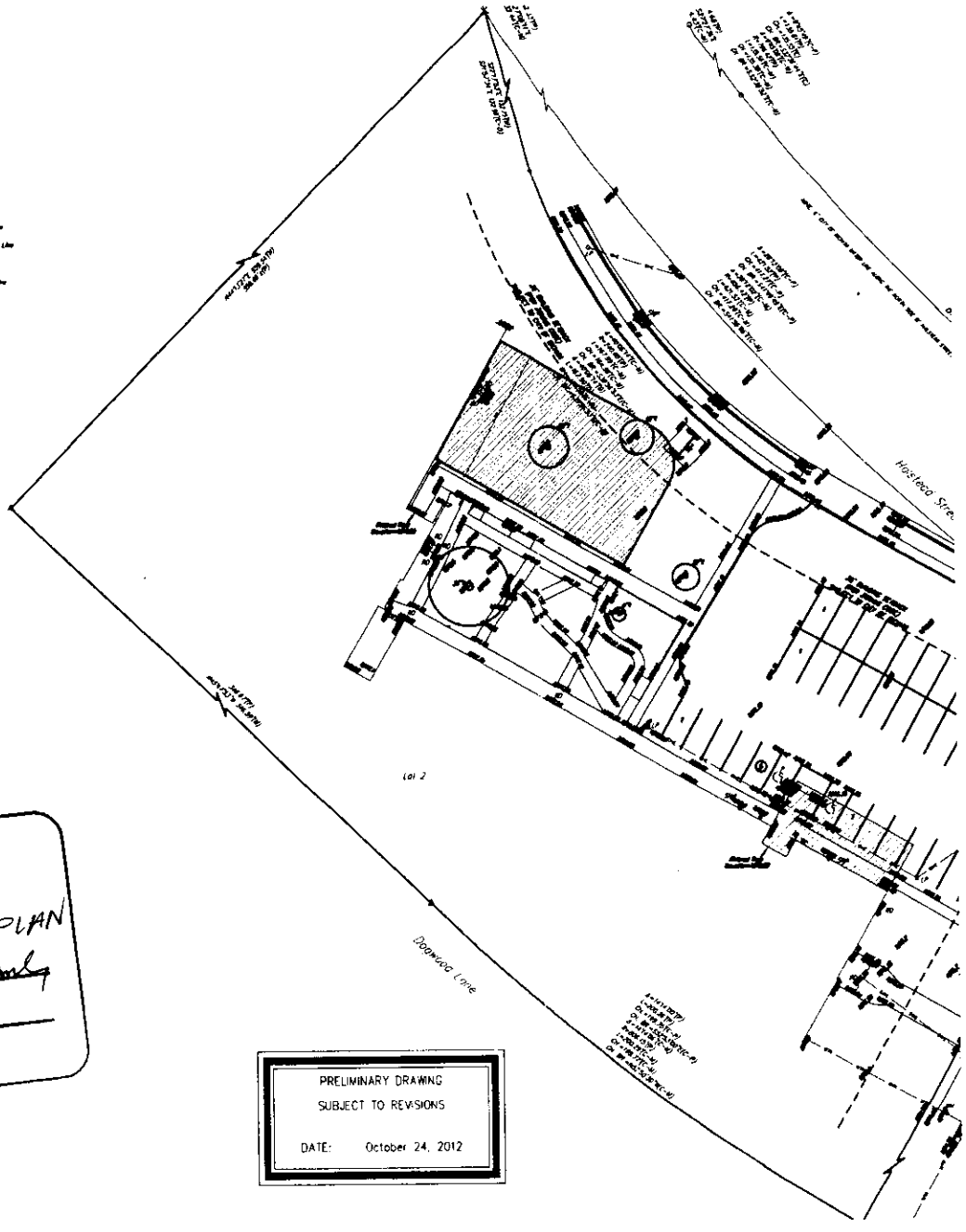
PUBLIC INTEREST: It is staff's opinion that the requested variance for a setback reduction will not adversely affect the public interest, as further improving this property, without the loss of other needed areas, is in the public interest. The Wichita/Sedgwick County Comprehensive Plan specifically

recommends building setback flexibility in this neighborhood to accommodate facilities that serve the public interest.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. Front building setbacks are intended to ensure separation between structures and streets, and to allow for open landscaped areas. Adequate separation between the building and the street will be maintained, and adequate open space is provided for in the immediate area.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the front setback requirement from 25 feet to 8 feet is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall submit a landscape plan, to be approved by staff, meeting Landscape Code requirements.
3. The front setback reduction shall apply to the addition shown on the site plan only. Any future buildings on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
4. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.



PRELIMINARY DRAWING
SUBJECT TO REVISIONS

DATE: October 24, 2012

APPROVED
BZA 2012-65 SITE PLAN
Date: 12-18-12

PRESTON A. STEWART
LS-1388
REGISTERED
LAND SURVEYOR

PLAN NORTH

1 SITE PLAN
SCALE: 1"=30'