CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

January 9, 2015

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

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

RE: BZA2014-00075 – City Variance request to increase building height from 35 feet to 50 feet for the new Wichita Southeast High School in SF-5 Single-family Residential zoning, generally located at the southwest corner of Pawnee and 127th Street East (2641 S 127th Street East.).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **January 8, 2015.** 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,

Derrick Slocum
Asst. BZA Secretary

cc: Tom Stolz, MABCD
Mike Gable, MABCD
JR Cox, MABCD
Pete Meitzner, WCC II CM
Alana Haynes, CL II

BZA RESOLUTION NO. BZA2014-00075

WHEREAS, USD 259, c/o Shane Schumacher (owner) and Baughman Company, c/o Russ Ewy (agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Zoning Code to increase the Zoning Code required building height from 35 to 50 feet for the new Wichita Southeast High School; generally at southwest corner of Pawnee and 127th Street East (2641 S 127th Street East.).

Legal Description:

Lot 1, Block 1, USD 259 4th 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 January 8, 2015, 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 in that SF-5 zoning allows institutional uses and the size of this property is substantially larger than lots that are developed with single-family residences. The increase in building height for the proposed structure will be lessened in impact due to the location of the proposed building and the setback from all other property lines, leaving the structure a greater distance away from any surrounding properties.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a street side setback reduction would not adversely affect the rights of adjacent property owners. The proposed height increase will be minimized due to the scale of the structure and the increased setbacks from surrounding properties

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the code would constitute a hardship upon the applicant. Without the requested height increase variance, the applicants could not feasibly construct the school gymnasium as designed and as to what is similar to other school gymnasiums in the school district.

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 is in the public interest, and the size of the property is large enough to protect against impacts of the surrounding properties.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. Due to the size and the property and the scale of the proposed building, the variance should not detract from the adjacent uses and maintain the intent of the code.

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 increase the Zoning Code required building height from 35 to 50 feet for the new Wichita Southeast High School; generally at southwest corner of Pawnee and 127th Street East (2641 S 127th Street East.).

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

1. The building height increase shall apply only to school building as proposed. Any future buildings on this site shall conform to Zoning Code required building heights unless a separate Administrative Adjustment or Variance is approved.
2. The building shall meet building code, fire code and all other applicable code requirements. 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.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 8th Day of January, 2015.

BZA Chair, Matt Goolsby

ATTEST:

Derrick Slocum
Asst. BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 12
January 8, 2015

SECRETARY'S REPORT

CASE NUMBER: BZA2014-00075

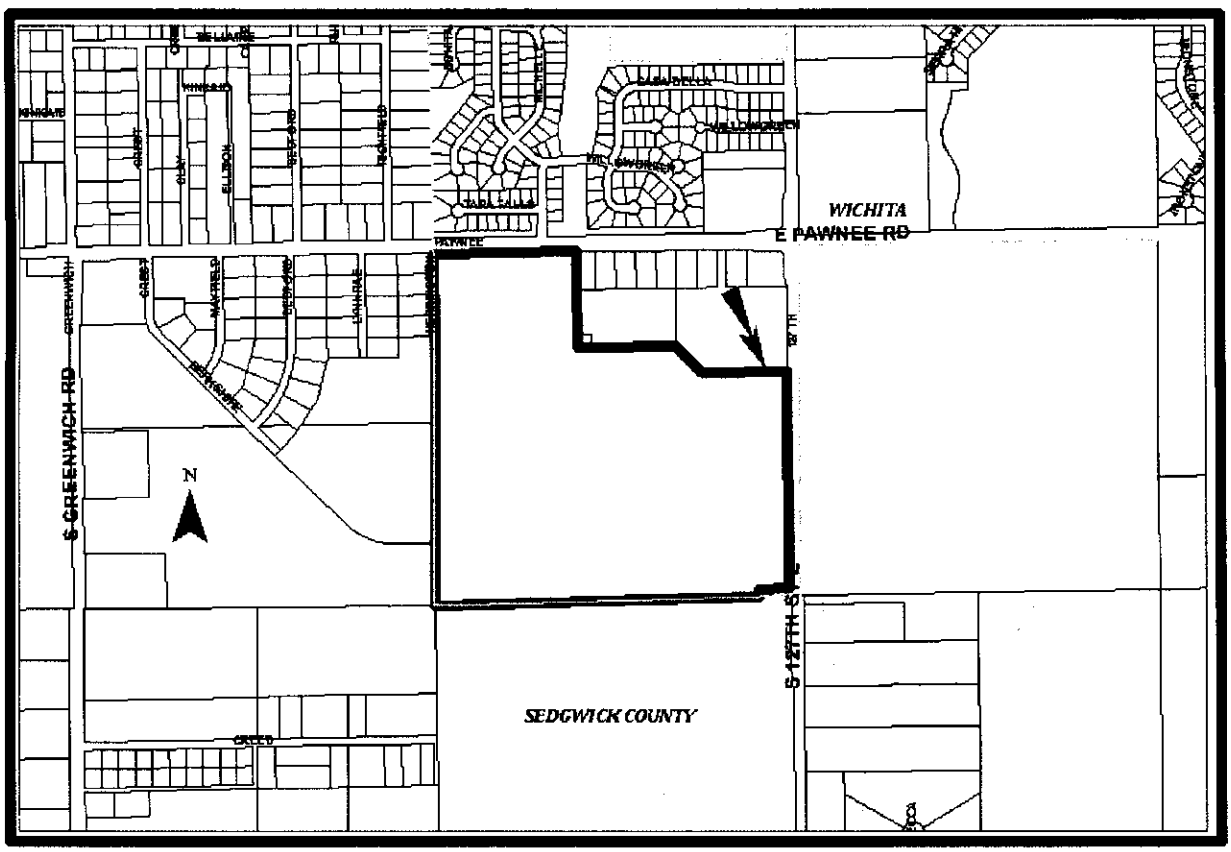
APPLICANT/AGENT: USD 259, c/o Shane Schumacher (owner)
Baughman Company, c/o Russ Ewy (agent)

REQUEST: City Variance request to allow an increase in building height from 35 feet to 50 feet for the new Southeast High School.

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

SITE SIZE: 123.53 acres

LOCATION: Located at southwest corner of Pawnee and 127th Street East (2641 S 127th Street East.)



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 is requesting a variance to Section III-B.5.d(7) of the Unified Zoning Code to permit a 50-foot high structure a proposed high school. The subject property is located south of East Pawnee Avenue and west of South 12th St. East. The subject property is zoned SF-5 Single-family Residential ("SF-5"), and is currently undeveloped.

USD 259 will be constructing a new high school at the subject site and included in the new structure, like in all high schools, is a gymnasium. As stated in the attached letter, the applicant proposes to construct the new gymnasium that will reach 50-foot high. The request for the building height increase is for the gymnasium section of the school structure and is similar to other school structures that have gyms with high roofs.

Elementary, Middle and High Schools are permitted by right or by Conditional Use in every zone district except OW Office Warehouse, IP-A Industrial Park-Airport District and IP Industrial Park zoning. If the school were to be built in a MF-18 or MF-29 Multi-family zone, the applicant would just need an administrative adjustment for this structure height since the maximum heights in those zone districts is 45-feet. Also, if the school were to be built in the B Multi-family zone district, the applicant would not have to apply for an adjustment or variance because that zone district allows for a maximum building height of 55-feet. This variance will allow the building height for the school in the SF-5 zone district, which would be allowed or allowed by adjustment in the other zone districts in where the use is permitted.

Property to the north is zoned SF-5 Single-family Residential and LC Limited Commercial and is developed with single-family residences (across Pawnee) and undeveloped LC property at the corner of Pawnee and 127st East. Property to the south is zoned SF-20 Single-family Residential and is currently open agricultural land. Property to the east is zoned SF-20 and is currently farmland. Property to the west is also zoned SF-20 and developed with single-family residences.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5 and LC	Single-family residences
SOUTH:	SF-20	Open Agricultural Land
EAST:	SF-20	Farmland
WEST:	SF-20	Single-family residences

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

UNIQUENESS: It is staff's opinion that this property is unique in that SF-5 zoning allows institutional uses and the size of this property is substantially larger than lots that are developed with single-family residences. The increase in building height for the proposed structure will be lessened in impact due to the location of the proposed building and the setback from all other property lines, leaving the structure a greater distance away from any surrounding properties.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance would not adversely affect the rights of adjacent property owners. The proposed height increase will be minimized due to the scale of the structure and the increased setbacks from surrounding properties.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants. Without the requested height increase variance, the applicants could not feasibly construct the school gymnasium as designed and as to what is similar to other school gymnasiums in the school district.

PUBLIC INTEREST: It is staff's opinion that the requested variance for a building height increase will not adversely affect the public interest, as further improving this property is in the public interest, and the size of the property is large enough to protect against impacts of the surrounding properties.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a building height increase does not oppose the general spirit and intent of the Zoning Code. Due to the size and the property and the scale of the proposed building, the variance should not detract from the adjacent uses and maintain the intent of the code.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to increase the building height requirement from 35 feet to 50 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 building height increase shall apply only to school building as proposed. Any future buildings on this site shall conform to Zoning Code required building heights unless a separate Administrative Adjustment or Variance is approved.
2. The building shall meet building code, fire code and all other applicable code requirements. 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.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.