



Wichita-Sedgwick County Metropolitan Area Planning Department

January 8, 2002

Unified School District 259
C/o Joe Hoover
3850 N. Hydraulic
Wichita, KS 67219

FILE COPY

RE: BZA 2001-00064: Variance to reduce the rear building setback from 15 feet to 4 feet 2 inches for the construction of a new Horace Mann School on property zoned "B" Multi-Family Residential. Generally located north of 11th Street North and west of Market.

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on December 18, 2001, this resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. 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 black ink, appearing to read 'Scott Knebel'.

Scott Knebel
Assistant BZA Secretary

SK/rms

cc: Board of Education, USD 259, 201 N. Water, Wichita, KS 67202
City Council Member District VI, Sharon Fearey, Mail Stop 1-13
D.A.B. VI, Terri Dozal, Mail Stop 1-135
Sharon Dickgrafe, Law Department, Mail Stop 1-132

BZA RESOLUTION NO. 2001-00064

WHEREAS, Unified School District 259 c/o Joe Hoover pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear building setback from 15 feet to 4 feet 2 inches for the construction of a new Horace Mann School on property zoned "B" Multi-Family Residential and legally described as follows:

Even Lots 280 through 316, inclusive, on Main Street and Odd Lots 249 through 295, inclusive, on Market Street, Hyde and Ferrell's Addition to Wichita, Sedgwick County, Kansas. Generally located north of 11th Street North and west of Market.

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, 2001, 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 such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owners or the applicant. The Board finds that this property is unique, inasmuch as the property is currently developed with a school; therefore, little vacant ground remains for the construction of the replacement school building. The replacement school building cannot be oriented on the remaining vacant ground without encroaching into the building setback.

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents. The Board finds that the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch as the encroachment into the rear building setback is adjacent to only the north 8 feet of the adjoining property to the west, which is developed with a single-family residence located over 65 feet west of the property line. The minor nature of the encroachment into setback and the distance of the existing structure from the proposed new school building will prevent adverse affects on the rights of adjacent property owners.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. The Board finds that the strict application of the provisions of the Zoning Code constitutes an unnecessary hardship upon the applicant, inasmuch as the replacement school building would need to be redesigned to prevent the encroachment into the rear building setback. A redesign of the school building would involve considerable expense and a delay of the project.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The Board finds that the requested variance would not adversely affect the public interest, inasmuch as education is of primary interest to the public and expenses involved with the redesign of the replacement school building would be funded by public tax money.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. The Board finds that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the intent of setback requirements is to provide sufficient space for light, air, and circulation and for fire protection. The requested reduction in the rear building setback still meets the light, air, circulation, and fire protection intents of building setbacks.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

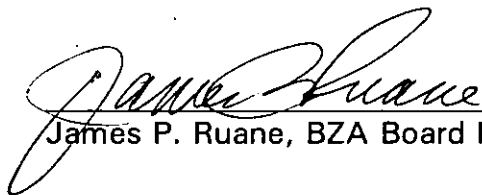
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that a variance be granted to reduce the rear building setback from 15 feet to 4 feet 2 inches on property zoned "B" Multi-Family Residential and legally described as follows:

Even Lots 280 through 316, inclusive, on Main Street and Odd Lots 249 through 295, inclusive, on Market Street, Hyde and Ferrell's Addition to Wichita, Sedgwick County, Kansas. Generally located north of 11th Street North and west of Market.

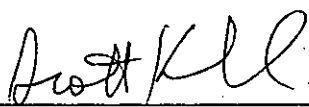
The variance shall be granted, subject to the following conditions:

1. The rear building setback shall be reduced from 15' to 4'2" only in an area measuring 10'10" east of the rear setback line of Lot 257, Hyde and Ferrell's Addition and 14 feet south of the extended side setback line of Lot 280, Hyde and Ferrell's Addition, as indicated on the approved site plan. All other portions of any structures on the subject property shall conform to the building setback requirements.
2. The site shall be constructed in general conformance with the approved site plan.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
4. 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 18th DAY of DECEMBER, 2001.


James P. Ruane, BZA Board President

ATTEST:



Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2001-00064

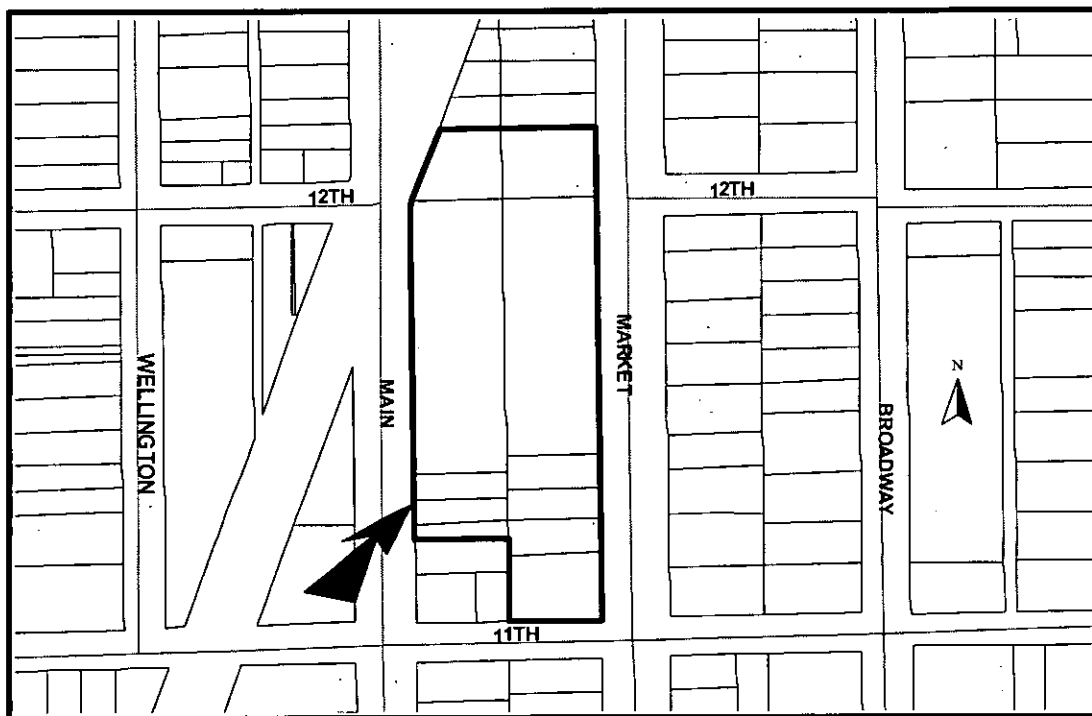
OWNER/APPLICANT: Unified School District 259 c/o Joe Hoover

AGENT: n/a

REQUEST: Variance to reduce the rear building setback from 15' to 4'2" for the construction of a new Horace Mann School

CURRENT ZONING: "B" Multi-Family Residential

LOCATION: Generally located north of 11th Street North and west of Market (1243 N. Market)



JURISTICIION: 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: Horace Mann School was constructed on the subject property at the northwest corner of 11th Street North and Market in 1917. A major addition to the west side of the school was completed in 1950. Portable classrooms were added south of school in the 1960s.

As part of the recently approved bond issue, a new Horace Mann School will be constructed on the site (see attached site plan, floor plans, and elevation drawings). The new school will be constructed south of the existing school in the former location of the portable classrooms, which were recently removed. The existing Horace Mann School will continue in use until the new school is opened, at which point the existing school will be razed to provide room for a playground and a parking lot to serve the new school.

The subject property is located within the "B" Multi-Family zoning district, which requires a rear building setback of 15 feet. As indicated on the attached site plan, the plan for the new school building involves an encroachment into the rear building setback for a small portion of the new building. Approximately 100 square feet of the new school building will encroach into the rear building setback by 10'10"; therefore, the applicant has requested a variance to reduce the rear building setback from 15' to 4'2".

The applicant submitted the attached justification for the variance request. The justification indicates that the applicant has chosen to use the same architectural design for two schools (Horace Mann and Washington) and that redesigning Horace Mann School to prevent the encroachment into the rear building setback would entail considerable expense and delay the project.

ADJACENT ZONING AND LAND USE:

NORTH	"B" & "GC"	Mobile homes, single-family & multi-family residences
SOUTH	"B"	Single-family & multi-family residences
EAST	"B"	Single-family & multi-family residences
WEST	"B" & "LI"	Church, single-family residence, library & manufacturing

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is currently developed with a school; therefore, little vacant ground remains for the construction of the replacement school building. The replacement school building cannot be oriented on the remaining vacant ground without encroaching into the building setback.

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 encroachment into the rear building setback is adjacent to only the north 8 feet of the adjoining property to the west, which is developed with a single-family residence located over 65 feet west of the property line. The minor nature of the encroachment into setback and the distance of the existing structure from the proposed new school building will prevent adverse affects on the rights of adjacent property owners.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the Zoning Code constitutes an unnecessary hardship upon the applicant, inasmuch as the replacement school building would need to be redesigned to prevent the encroachment into the rear building setback. A redesign of the school building would involve considerable expense and a delay of the project.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as education is of primary interest to the public and expenses involved with the redesign of the replacement school building would be funded by public tax money.

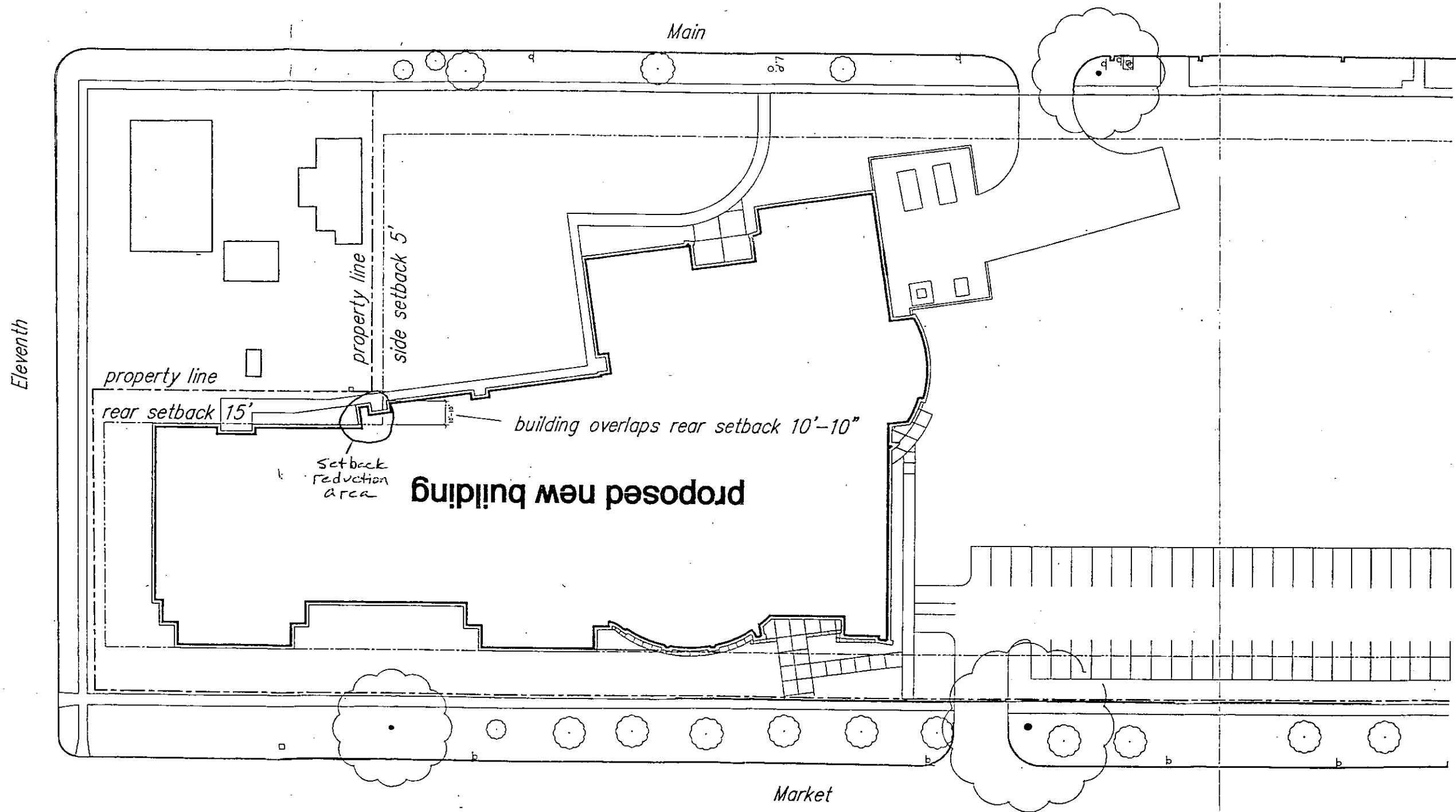
SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the intent of setback requirements is to provide sufficient space for light, air, and circulation and for fire protection. The requested reduction in the rear building setback still meets the light, air, circulation, and fire protection intents of building setbacks.

RECOMMENDATION: Should the Board determine that conditions necessary for the granting of the variance exist, then it is the recommendation of the Secretary that the variance to allow a reduction of the rear building setback be APPROVED, subject to the following conditions:

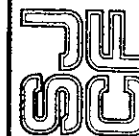
1. The rear building setback shall be reduced from 15' to 4'2" only in the area shown on the approved site plan. All other portions of any structures on the subject property shall conform to the building setback requirements.
2. The site shall be constructed in general conformance with the approved site plan.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
4. 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.

B2A2001-00064
SITE PLAN

APPROVED 17-18-01 BY C.A. R74



**NEW HORACE MANN
 ELEMENTARY SCHOOL**



SCHAEFER JOHNSON COX FREY & ASSOCIATES
 ARCHITECTURE ENGINEERING PLANNING & INTERIOR DESIGN
 800 BOULEVARD
 WILMINGTON, DELAWARE 19801-2171
 PHONE 302-417-1171