

Case No. BZA 6-78 - Unified
School District No.259 requests
a variance to reduce the front
yard setbacks adjacent to Martin-
son and Elizabeth from 20' to 5'
for off-street parking purposes

Copy to Ken. D. B. 1/2/78

POSTED
2-8-78
C.I.V.
MAYOR
4-14-78

ACTION

BZA 6-78 COMMITTEE Approved 2-28-78

M.A.P.C. _____

B.C.C./B. CO. C. _____

copy to Neil Pettit, Arch.

Case No: BZA 6-78 - Unified
School District No. 259 requests
a variance to reduce the front
yard setbacks adjacent to Martin-
son and Elizabeth from 20' to 5'
for off-street parking purposes

Map No. 5345
 Sec. 31
 Twp. 27
 Range 1E

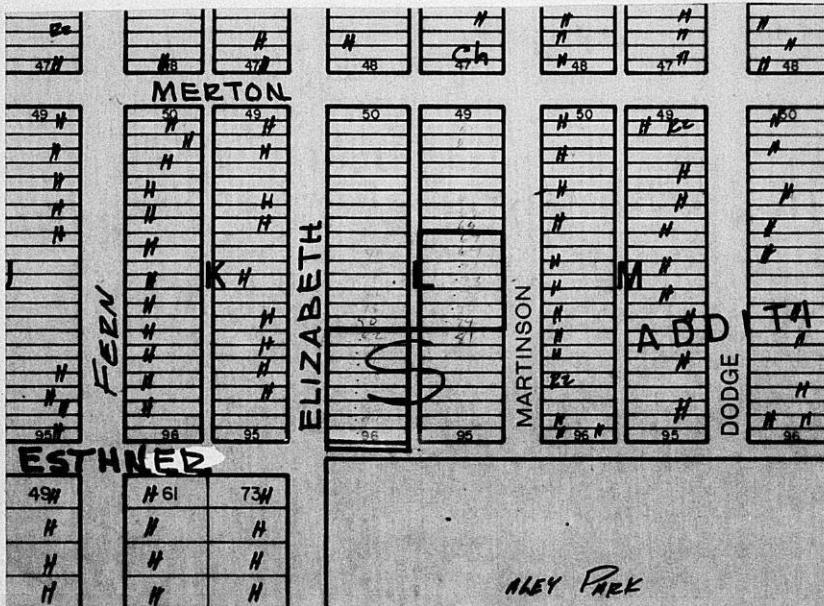
BZA- 6-78 #3
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 1.25 (140 ft. by 390 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South ALLEY PARK
 West SINGLE FAM North PLAYGROUND
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SCHOOL
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



HASTINGS, MIN-LOS ANGELES
 LOGAN, OH - HICKORY, TX U. S. A.

Standard
 No. 2-153C

RESOLUTION NO. BZA 6-78

WHEREAS, Unified School District No. 259, 428 South Broadway, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setbacks adjacent to both Martinson and Elizabeth from 20 feet to 5 feet for off-street parking purposes only, on property zoned the "RB" Four Family Dwelling District and legally described as follows:

Even numbered Lots 82 through 96 and the north 15 feet of Esthner Street adjacent to said Lot 96, and odd numbered Lots 67 through 79 all in Block L, Princess Addition to Wichita, Sedgwick County, Kansas. Generally located between Martinson and Elizabeth in an area south of Merton (Stanley Elementary School).

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 February 28, 1978, 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 owner or the applicant inasmuch as this is an older, limited school site being expanded with enlarged facilities, with the need to conserve as much playground space as possible; and

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 inasmuch as the adjacent properties to the north and south are school owned property. Also the five foot planting areas can be used to partially screen the parking areas and enhance the general appearance of the completed project; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as the expansion of the school facility is decreasing the amount of playground space available on the site and it would be unreasonable to strictly enforce this provision if the plan does not otherwise have an adverse affect on the general area; and

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 due to the fact that it would not create a traffic hazard and would permit the public school the maximum use of land for playground; and

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 Title 28 (Zoning Ordinance) inasmuch as the applicants are providing a landscape area to buffer and partially screen the parking areas; and

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 this request for a variance to reduce the required front yard setbacks adjacent to both Martinson and Elizabeth from 20 feet to 5 feet for off-street parking purposes only, on property zoned the "RB" Four Family Dwelling District and legally described as follows:

Even numbered Lots 82 through 96 and the north 15 feet of Esthner Street adjacent to said Lot 96, and odd numbered Lots 67 through 79, all in Block L, Princess Addition to Wichita, Sedgwick County, Kansas. Generally located between Martinson and Elizabeth in an area south of Merton (Stanley Elementary School).

be approved subject to the following conditions:

1. The front yard setbacks adjacent to Martinson and Elizabeth shall be reduced as requested for off-street parking purposes only and no permanent structures shall be erected thereon.
2. The five foot setback areas adjacent to the parking lot shall be landscaped with a combination of grass, shrubs and trees and maintained in good condition.

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1978.


James Richardson, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

Board of Zoning Appeals

March 22, 1978

Mr. Heil Pettit
1202 East First Street
Wichita, Kansas 67214

Re: Case No. BZA 6-78
Request for a Variance

Dear Mr. Pettit:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 28, 1978, in connection with your request for a variance to reduce the required front yard setbacks adjacent to both Martinson and Elizabeth from 20 feet to 5 feet for off-street parking purposes only.

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.

Yours very truly,

Larry Dobson
Assistant Secretary

LD:lh
cc: United School District, No. 259, 428 S. Broadway, 67202
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE February 27, 1978

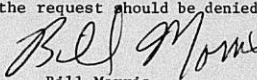
TO Larry Dobson, Secretariat, Board of Zoning Appeals

FROM Bill Morris, CPO Administrative Aide

SUBJECT BZA 6-78 (Between Martinson and
Elizabeth in an area south of Merton)

On February 20, 1978, CPO Council Area "B" considered the captioned case.
The Council voted unanimously to recommend that the proposed variance be denied.

It was the Council's belief that due to future plans in this area which provide
for additional off-street parking, the request should be denied.



Bill Morris
CPO Administrative Aide

BM:sm

Noted:


David Furnas
Citizen Participation Coordinator

Tenth Floor, City Hall
465 North Main Street

March 1, 1978

Mr. Neil Pettit
1202 East First
Wichita, Kansas 67214

Re: Case No. BZA 6-78
Request for a Variance

Dear Mr. Pettit:

At the regular meeting of the Board of Zoning Appeals on February 29, 1978, your request for a variance to reduce the required front yard setbacks adjacent to both Martinson and Elizabeth from 20 feet to 5 feet for off-street parking purposes only was considered.

It was the action of the Board to approve the request subject to the conditions as stated in the Secretary's Report.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Larry Dobson
Assistant Secretary

LD:hh

cc: Unified School District No. 259, 428 S. Broadway, 67202
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator

SECRETARY'S REPORT
CASE NO. BZA 6-73

APPLICANT: Unified School District, No. 259,
428 S. Broadway, Wichita, Kansas.

AGENT: Dr. Richard Holstead, 1400 George
Washington Drive, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.
B, Code of the City of Wichita, to re-
duce the required front yard setbacks,
adjacent to both Martinson and Eliza-
beth, from 20 feet to 5 feet for off-
street parking purposes only.

GENERAL LOCATION: Between Martinson and Elizabeth in
an area south of Merton (Stanley
Elementary School).

ZONING: Subject property and all surrounding
properties are zoned the "RD" Four
Family Dwelling District.

LAND USE: Subject property is a portion of
Stanley Elementary School site. East
and west is single family development.
South is Aley Park. North (beyond
the school's property) is single
family development and a church.

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 of the following conditions are found to exist:

1. That the variance requested 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 owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and

SECRETARY'S REPORT

Case No. BZA 6-78

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5. That the granting of the variance desired will not be opposed to the general spirit and intent of Title 23 (zoning Ordinance)

COMMENTS BY THE SECRETARY:

The applicants, U.S.D.259, are requesting a variance of the front yard setback from 20 feet to 5 feet adjacent to both Martinson and Elizabeth, for off-street parking purposes only, in connection with the proposed expansion of Stanley Elementary School.

This request, as others requested by the School District, is based on the need to conserve usable playground space on a limited site. The Stanley Elementary School site encompasses the full block between Merton on the north and the now vacated Esthner Avenue on the south. The location of the variance requested adjacent to Elizabeth begins at vacated Esthner and extends north for approximately 200 feet. The location of the proposed parking lot adjacent to Martinson is in approximately the same location as an existing gravel parking lot which is located about midway in the block.

The site plan submitted with the application shows that a five foot setback area would be retained adjacent to both parking lots for landscape planting areas. The plan also indicates that all of the existing portable classrooms will be removed from the site. It should be noted that the last similar request approved for the applicants was at the Lincoln Elementary School site at the southwest corner of Lincoln and Emporia. That particular case was approved subject to the planting of grass and shrubs and/or trees in two designated planting areas. A recent check of that site revealed that no shrubs or trees had been planted. The applicants should be encouraged to comply with this requirement at the earliest reasonable time.

It is recognized that when these older existing schools are significantly expanded, the pressures of space is immediately felt for adequate playground area. It has been the Board's action on most previous cases of this nature to be supportive of the space restrictions caused by expansion when an effort is made to retain some landscape area to soften the starkness of an asphalt parking lot. One suggested possibility to lessen the impact of the reduced front yard on Elizabeth would be to 'flip' the proposed 45 degree parking so that the cars would be parked facing the building rather than the single family homes across the street.

UNIQUENESS:

It is the opinion of the Secretary that it may be unique that this is an older, limited school site being expanded with enlarged facilities, with the need to conserve as much playground space as possible.

SECRETARY'S REPORT

Case No. BZA 6-78

Page 3

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested may not adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent properties to the north and south are school owned property. Also the five foot planting areas can be used to partially screen the parking areas and enhance the general appearance of the completed project.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the Zoning Ordinance may constitute an unnecessary hardship upon the applicants inasmuch as the expansion of the school facility is decreasing the amount of playground space available on the site and it would seem unreasonable to strictly enforce this provision if the plan does not otherwise have an adverse affect on the general area.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the public interest inasmuch as it would not create a traffic hazard and would permit the public school the maximum use of land for playground.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance may not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the applicants are providing a landscape area to buffer and partially screen the parking areas.

RECOMMENDATION:

If the Board concurs that the five conditions necessary to the granting of a variance can be found to exist, the Secretary recommends that the variance be granted subject to the following conditions:

1. The front yard setbacks adjacent to Martinson and Elizabeth shall be reduced as requested for off-street parking purposes only and no permanent structures shall be erected thereon.
 2. The five foot setback areas adjacent to the parking lot shall be landscaped with a combination of grass, shrubs and trees and maintained in good condition.
-

19 notices sent to applicant and/or agent & adj. property owners
10 notices sent to members of MAPC
1 notice sent to CPO
30 total notices sent on BZA 6-78, 2-2-78

19
10
1

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

February 3, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 6-78

An application has been filed by Unified School District No. 259, 428 S. Broadway, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required front yard setbacks adjacent to both Martinson and Elizabeth from 20 feet to 5 feet for off-street parking purposes only, on property zoned the "RD" Four Family Dwelling District and legally described as follows:

Even numbered Lots 82 through 96 and the north 15 feet of Esthner Street adjacent to said Lot 96, and odd numbered Lots 67 through 79 all in Block L, Princess Addition to Wichita, Sedgwick County, Kansas. Generally located between Martinson and Elizabeth in an area south of Merton (Stanley Elementary School).

This application has been assigned Case No. BZA 6-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, February 28, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant UNIFIED SCHOOL DISTRICT NO. 259

Mailing Address 428 SOUTH BROADWAY, WICHITA, KS. ⁰² Phone 268-7831

Name of Authorized Agent DR. RICHARD HOLSTEAD *Ken Taylor*

Mailing Address 1400 GEORGE WASHINGTON DR. ⁶²²¹¹ Phone 268-7701

Relationship of applicant to property is that of OWNER
(Owner, Tenant, Lessee, Other)

II. The variance requested is FOR 5'-0" SET BACK FROM PROPERTY LINES

FOR OFF-STREET PARKING AREAS AT THE STANLEY ELEMENTARY SCHOOL

reduce front yard setbacks adjacent to Martinson and Elizabeth from 20' to 5' for off-street parking purposes only.

for property located 1749 SOUTH MARTINSON, WICHITA, KANSAS

and legally described as: _____

LOTS 82, 84, 86, 88, 90, 92, 94, 96 AND THE N 15' OF ESTHNER STREET, ADJ SD LOT 96, BLOCK L AND LOTS 71, 67, 69, 73, 75, 77 AND 79, BLOCK L, PRINCESS ADDITION TO WICHITA, SEDGWICK COUNTY, KANSAS

in the City of Wichita; and which is presently zoned RB-FOUR FAMILY

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

UNIFIED SCHOOL DISTRICT NO. 259

Applicant

Richard S Holstead

Authorized Agent

Map 5345

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:30 (a.m. - p.m.), 1-30 1978 together with appropriate fee of \$50.00. *Fee waived for B.O.E.*

*Between Martinson & Elizabeth
In an area south of Merton*

L. Dobson

Signed

T9-402

STANLEY SCHOOL
UNIFIED SCHOOL DISTRICT NO. 259
JANUARY 27, 1978

APPLICATION FOR VARIANCE

THE REQUESTED VARIANCE IS IN REGARD TO THE LOCATION OF THE OFF-STREET PARKING AREAS ONLY AND ASKS THAT SAID PARKING AREAS MAY BE SET BACK FROM THE PROPERTY LINE A DISTANCE OF 5'-0" IN LIEU OF 20'-0". THE SCHOOL SITE INCLUDES THE ENTIRE BLOCK; THEREFORE, ALL PROPERTY OWNERS ARE ACROSS THE STREET FROM THE SITE AND NOT IMMEDIATELY ADJACENT.

THE PRESENT SCHOOL SITE IS LIMITED IN SIZE FOR PLAYGROUND FACILITIES; THEREFORE, ANY AREA THAT CAN BE RETAINED AS PLAYGROUND IS TO THE ADVANTAGE OF THE CHILDREN AND THE PATRONS OF THE FACILITY. WHILE THE LOSS OF THE 15'-0" STRIP MAY NOT STRICTLY CONSTITUTE AN "UNNECESSARY HARDSHIP", IT IS A MORE PRUDENT USE OF THE LAND WHEN IT CAN BE USED BY THE STUDENTS AND PATRONS OF THE SCHOOL.

IT DOES NOT APPEAR THAT ALLOWING THE 15'-0" STRIP TO BE ADDED TO THE USABLE AREA OF THE SITE IN ANY WAY AFFECTS THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.

A STRIP 5'-0" WIDE FOR SCREEN PLANTING IS LEFT INTACT IN ACCORDANCE WITH THE GENERAL SPIRIT AND INTENT OF TITLE 28.

 **Security**
ABSTRACT AND TITLE CO., INC.
434 NORTH MAIN
Phone 267-8371

Deliver to K. O. Taylor

from Unified School District #259

JAN 12 1978

O W N E R S H I P L I S T

Lot	Addition	Property Owner
65,67,69,71 Block K	Princess Addition	Charles T. Trimm and Leanna J. Trimm ✓ 5813 Avalon 67208
73,75,77 Block K	Same	✓ Joe S. Brumley and Lurline L. Brumley 1735 South Elizabeth 67213
79,81, Blk K	Same	✓ Richard F. Thome and Rene J. Thome 1407 University 67213
83,85, Blk K	Same	✓ Charles L. Pettegrew 1719 S. Glenn, Apt. 1 67213
87,89, Blk K	Same	✓ Harry Maynard Hart and Donald Dean Hart 1749 S. Elizabeth 67213
91,93,95, Block K	Same	✓ Robert D. Baird and Dorothy Joan Baird 1502 Esthmer 67213
even lots 66 thru 96 inclusive Block L	Same	D Board of Education 428 South Broadway 67202
odd lots 65 thru 95 inclusive Block L	Same	Same
lot 73 on Elizabeth	Garden Villa Addition	✓ Harold A. Heinze and Golda Mae Heinze 1801 S. Elizabeth 67213
lot 74 Elizabeth	Same	✓ Noble Mayhill and Thelma Mayhill 1805 S. Elizabeth 67213
lot 75 Elizabeth	Same	X Arthur D. Smith and Dorothy J. Smith Address Unknown <i>not in phendrk</i> <i>not in CD</i> <i>not in SD</i>
Beg. 1318.8 feet South of the NE corner of Section 31-27-1E, South 660 feet, West 1322.2 feet, North 660 feet, East 1322.2 feet to beginning		✓ Board of Park Commissioners 455 North Main 67202

Lot	Addition	Property Owner
56, Blk M 54 "	Princess Addition	Wilbert B. Linnebur and Wanita Elizabeth Linnebur ✓ R.F.D. 1, Colwich, Kansas 67030 <i>Waltrick</i>
58,60 Block M	Same	Bernard W. Hamilton and Betty J. Hamilton ✓ 1712 South Martinson 67213
62,64, Blk M	Same	✓ <i>Waltrick</i> Lee A. Myers and Stella A. Myers ✓ 1716 S. Martinson 67213 <i>Resort 2-7</i>
66,68,70 Block M	Same	✓ Roy E. Fiedler and Ruth B. Fiedler 1722 S. Martinson 67213
72,74,76 Block M	Same	✓ Clifford A. Lane and Evelyn Lane 1730 S. Martinson 67213
78,80, Blk M	Same	✓ W. A. Theleman and Grace F. Theleman 902 Jewell St. 67213
82,84,86,88 Block M	Same	Same
90,92 Block M	Same	✓ Earl R. Daniels and Elizabeth A. Daniels 1752 S. Martinson 67213
94,96, Blk M	Same	✓ Luella E. Macy 1756 S. Martinson 67213
odd lots 51 thru 63 inclusive Block L	Same	<i>D</i> Board of Education 428 S. Broadway 67202
even lots 52 thru 64 inclusive Block L	Same	Same
lot 52, Blk M	Same	<i>D</i> Wanita Linnebur and Wilbert Linnebur R.F.D. 1, Colwich, Kansas 67030



434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: Lots 82, 84, 86, 88, 90, 92, 94, 96 and the North 15 feet of Esthmer Street adjacent said Lot 96, Block L and Lots 67, 69, 71, 73, 75, 77 and 79, Block L, Princess Addition to Wichita, Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 6th day of January, 1978 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

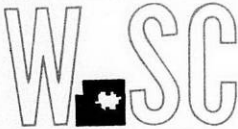
By

A handwritten signature in cursive script that reads 'Mary Goble'.

Vice President

Order No. 259725
wh

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Myers
1716 South



**NO SUCH NUMBER
CHISHOLM**

Lee A. Myers and
Stella A. Myers
1715 S. Martinson
Wichita, Kansas 67213



important!
Notice of Hearing
Enclosed

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 1