

POSTED
12-9-75
M.A.P.C.
C.I.
2-9-76
S.H.

BZA 51-75 UNIFIED SCHOOL DIST.
259 request variance to reduce
required space for off-street
parking from 25' to 5' in an
area west of Sheridian & north
of Maple

ACTION

DATE 12-16-75

BZA COMMITTEE approved

M.A.P.C. _____

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

BOARD OF ZONING APPEALS

Fourth Floor, City Hall
455 N. Main, Wichita, Kansas
67202

November 24, 1975

NOTICE TO ADJOINING PROPERTY OWNERS: Case No. BZA 51-75

An application has been filed by Unified School District # 259, 428 South 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 setback from 25 feet to 6 feet for off-street parking purposes only on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

The west 525 feet of the south 425 feet of the south 879 feet of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 24, Township 27 South, Range 1 West of the Sixth Principal Meridian, except for the west 330.4 feet, Sedgwick County, Kansas. Generally located on the north side of Maple in an area west of Sheridan (Lawrence Elementary School).

This application has been assigned CASE NO. BZA 51-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 16, 1975, at 1:30 p.m., in the Public Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time, if you so desire, you may appear, either in person, or by agent, or attorney.

Jack H. Galbraith
Secretary

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Jack H. Galbraith
Secretary

RESOLUTION NO. BZA 51-75

WHEREAS, Unified School District # 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 setback from 25 feet to 5 feet for off-street parking purposes only on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

The west 525 feet of the south 425 feet of the south 879 feet of the SE 1/4 of the SW 1/4 of Section 24, Township 27 South, Range 1 West of the Sixth Principal Meridian, except for the west 330.4 feet, Sedgwick County, Kansas. Generally located on the north side of Maple in an area west of Sheridan (Lawrence 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 December 16, 1975, 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 all other properties along Maple, from Mt. Carmel Street west to West Street, either have existing parking in the front yard setback or are zoned so that they could have such parking; 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 all adjacent properties either have parking lots in the front yard setback or are zoned so that they could do what the applicants are requesting; 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 to place this paved parking lot behind the front yard setback would limit the space even more. It is, therefore, unreasonable to strictly enforce this provision in view of the surrounding land use and zoning; 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 the desired use of the front yard setback for parking would not be inconsistent with the existing land use or zoning in the area; 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 propose a five foot planting strip between the parking lot and the property line to buffer and partially screen the parking area; 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.

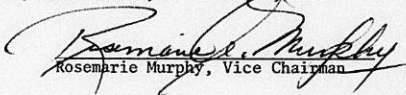
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

The west 525 feet of the south 425 of the south 879 feet of the SE 1/4 of the SW 1/4 of Section 24, Township 27 South, Range 1 West of the Sixth Principal Meridian, except for the west 330.4 feet, Sedgwick County, Kansas. Generally located on the north side of Maple in an area west of Sheridan (Lawrence Elementary School),

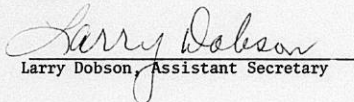
be approved, subject to the following conditions:

1. The front yard setback shall be reduced as requested for only the 185 foot length of the proposed parking lot, as shown on the applicants' site plan.
2. The five foot planting strip between the parking lot and the south property line shall be landscaped and maintained with grass, and shrubs and/or trees. A landscape plan for this five foot strip, showing type and placement of plant materials to be used, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the official Resolution of the Board's action being forwarded to the Superintendent of Central Inspection.
3. The existing gravel parking area located in the front yard setback shall be removed and replaced with landscaping.

ADOPTED AT WICHITA, KANSAS, this 16th day of December, 1975.


Rosemarie Murphy, Vice Chairman

ATTEST:


Larry Dobson, Assistant Secretary

WICHITA PUBLIC SCHOOLS
ADMINISTRATION BUILDING
428 South Broadway
WICHITA, KANSAS 67202

*Division of School Plant Planning
and Operation Services*

January 22, 1976

Mr. Larry Dobson
City Planning Department
455 North Main
Wichita, Kansas 67201

Re: Lawrence Elementary School

Dear Mr. Dobson:

Transmitted herewith is one copy of the landscaping plan
of the parking area for the Lawrence Elementary School parking
variance.

If you have any questions, please call.

Sincerely,

Roger D. Coad
RDC

Roger D. Coad
School Plant Planner

RDC:jet

Enclosure

*Approved Landscaping Plan
1/25/76 JHO*



455 North Main
Wichita, Kansas
Tenth Floor

January 7, 1976

Mr. Roger D. Coad
3850 N. Hydraulic
Wichita, Kansas 67219

Subject: Case No. BZA 51-75
Request for Variance

Dear Mr. Coad:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 16, 1975, in connection with your request for a variance to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only on property zoned the "AR" Single Family Dwelling District, and generally located on the north side of Maple in an area west of Sheridan (Lawrence Elementary School).

This Resolution reflects the official action of the Board to grant your request and sets out the conditions for 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:bh

Enclosure

cc: Unified School District # 259, 428 South Broadway, 67202
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection
Donald Gisick, City Clerk

Tenth Floor
455 North Main

December 18, 1975

Mr. Roger D. Coad
3850 N. Hydraulic
Wichita, Kansas 67219

Subject: Case No. BZA 51-75
Request for Variance

Dear Mr. Coad:

At the regular meeting of the Board of Zoning Appeals on December 16, 1975, your request for a variance to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only on property zoned the "AA" Single Family Dwelling District, and generally located on the north side of Maple in an area west of Sheridan (Lawrence Elementary School) was considered.

It was the action of the Board to approve this request subject to the following conditions:

1. The front yard setback shall be reduced as requested for only the 185 foot length of the proposed parking lot, as shown on the applicants' site plan.
2. The five foot planting strip between the parking lot and the south property line shall be landscaped and maintained with grass and shrubs and/or trees. A landscape plan for this 5 foot strip, showing type and placement of plant materials to be used, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the official Resolution of the Board's action being forwarded to the Superintendent of Central Inspection.
3. The existing gravel parking area located in the front yard setback shall be removed and replaced with landscaping.

Mr. Roger D. Coad
December 18, 1975

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the above mentioned landscape plan has been submitted and approved.

If you have any questions, please call our office.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:rh

cc: Unified School District
#259, 428 S. Broadway
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Central Inspection
Donald Gisick, City Clerk

BZA 51-75 = 9 notices to adjoining property owners
9 notices to MAPC members

SECRETARY'S REPORT
Case No. BZA 51-75

APPLICANT: Unified School District # 259, 428 South Broadway, Wichita, Kansas .

AGENT: Roger D. Coad, 3850 N. Hydraulic, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only.

GENERAL LOCATION: North side of Maple in an area west of Sheridan (Lawrence Elementary School).

ZONING: Subject property and properties to the east and north are zoned the "AA" Single Family Dwelling District. Property to the south is the "LC" Light Commercial District. West is zoned "AA" and "LC".

LAND USE: Subject property is developed as an elementary school. Property to the north and east is a junior high school. West is vacant. South is a machine shop and associated parking.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.C, 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
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

SECRETARY'S REPORT
BZA 51-75
Page Two

COMMENTS BY THE SECRETARY:

The Board of Education is requesting a variance to reduce the required 25 front yard setback down to 5 feet, for the purpose of providing an off-street parking area in connection with the proposed expansion of the Lawrence Elementary School facility.

Subject property lies on the north side of Maple Street and is adjoined on the east by other Board of Education property, which has a paved parking lot up to the property line along Maple. Property to the east is vacant, but is zoned "LC" Light Commercial which permits parking to the property line. Across the street south, the property is also zoned "LC" and is occupied by a machine shop and parking lot.

The site plan submitted by the applicants shows the location of a 34 stall parking lot on the east side of the property. The plan indicates a 5 foot planting strip to be retained between the parking lot and the south property line. The plan also indicates the removal of graveled parking areas west and south of the school. The present parking area south of the school is in the front yard setback and would be replaced with landscaping.

UNIQUENESS:

It is the opinion of the Secretary that this may be a unique situation inasmuch as all other properties along Maple, from Mt. Carmel Street west to West Street, either have existing parking in the front yard setback or are zoned so that they could have such parking.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the rights of adjacent property owners inasmuch as all adjacent properties either have parking lots in the front yard setback or are zoned so that they could do what the applicants are requesting.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of Title 28 of which variance is requested will constitute 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 to place this paved parking lot behind the front yard setback would limit the space even more. It would seem unreasonable to strictly enforce this provision in view of the

SECRETARY'S REPORT
BZA 51-75
Page Three

surrounding land use and zoning.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would not adversely affect the public interest inasmuch as the desired use of the front yard setback for parking would not be inconsistent with existing land use or zoning in the area.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the applicants propose a five foot planting strip between the parking lot and the property line to buffer and partially screen the parking area.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance can be found to exist, and therefore, it is recommended that the variance request be granted to reduce the required front yard setback from 25 feet to 5 feet for off-street parking purposes only, subject to the following conditions:

1. The front yard setback shall be reduced as requested for only the 185 foot length of the proposed parking lot, as shown on the applicants site plan.
2. The five foot planting strip between the parking lot and the south property line shall be landscaped and maintained with grass and shrubs and/or trees. A landscape plan for this 5 foot strip, showing type and placement of plant materials to be used, shall be submitted to the Secretary of the Board of Zoning Appeals for approval prior to the official Resolution of the Board's action being forwarded to the Superintendent of Central Inspection.
3. The existing gravel parking area located in the front yard setback shall be removed and replaced with landscaping.

BOARD OF ZONING APPEALS

Tenth Floor, City Hall
455 N. Main, Wichita, Kansas
67202

November 24, 1975

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This application has been assigned CASE NO. BZA 51-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 16, 1975, at 1:30 p.m., in the Public Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time, if you so desire, you may appear, either in person, or by agent, or attorney.

Jack H. Galbraith
Secretary

WICHITA PUBLIC SCHOOLS
ADMINISTRATION BUILDING
428 South Broadway
WICHITA, KANSAS 67202

*Division of School Plant Planning
and Operation Services*

November 11, 1975

Board of Zoning Appeals
City Building Annex
104 South Main
Wichita, Kansas 67202

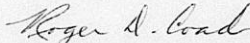
Attn: Jack Galbraith

Re: Lawrence Elementary School

Dear Mr. Galbraith:

The attached application for off-street parking variance as related to the set back ordinance and a sheet describing the reasons for the variance are submitted for your consideration. Also enclosed is a certified listing of the property owners within 200 feet of the above referenced property and two copies of the plot plan showing the proposed parking.

Sincerely,



Roger D. Coad
School Plant Planning

RDC:jet

Enclosures

Per Variance Application Instructions:

1. This property is so located that the zoning on both sides along Maple Street and across the street on the South side of Maple Street is light commercial which allows parking on the front yard or set back area of the properties.
2. Since parking is presently approved and authorized on the set back area of the adjacent properties, this variance requested should in no way adversely affect those property owners.
3. The parking as shown on the attached site plan of Lawrence Elementary School has been laid out to give us the maximum use of a very limited playground area and still conform to the off-street parking requirement for staff and part-time employees of the school. To leave the set back open and therefore shove the parking area back on to the property would essentially render the set back area useless as far as playground space. Playground space is being greatly minimized with the new addition and paved parking.
4. The granting of this variance will in no way adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the area since parking of this nature is now authorized on all sides of this property on Maple Street. The granting of this variance will allow us to use much needed and costly public ground for school program use.
5. The site plan has been so designed as to leave planting areas, though reduced in width, between the sidewalks and the paved parking curbs to stay within the general spirit and intent of this Title 28 zoning ordinance item.
6. Existing gravel parking lot on the west side of the existing school building is not desirable because of having to cross the front walk so close to the building that vision is obstructed.

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Unified School District #259

Mailing Address 428 South Broadway, Wichita, Ks. 67203 Phone 268-7777

Name of Authorized Agent Roger D. Coad, School Plant Planner

Mailing Address 3850 N. Hydraulic, Wichita, Ks. 67219 Phone 832-1211, ext. 310

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

*Old -
Eman - 6*

II. The variance requested is that parking be allowed on the 25 ft set back
*front yard setback
reduce from 25' to 5' for off street parking*

established by Sect. 28.04.140(1) (Off-Street Parking) of the code of the City
of Wichita, Kansas

for property located along the north side of Maple Street on the
Lawrence Elementary School site,

and legally described as: The South 425 feet of the West 525 feet of
the South 879 feet of the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, except for the West 330.4 feet
of Section 24, T27S, R1W of the 6th P.M.

in the City of Wichita; and which is presently zoned AA.

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; (School District exempt)
- 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 #259
Applicant

Roger D. Coad
Authorized Agent - Roger D. Coad
School Plant Planner

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:00 (a.m. - P.M.), 4/13 19 75
together with appropriate fee of \$50.00.

No filing fee required
T9-402

Larry Dobson
Signed

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS:
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas,

All the owners within 200 feet of:

The West 525 feet of the South 425 feet of the South 879 feet of the Southeast Quarter of the Southwest Quarter of Section 24, Township 27 South, Range 1 West of the Sixth Principal Meridian, Except the West 330.4 feet, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz:
 (Addresses as given are furnished as a service and not certified.)

<u>LOTS</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
1, 3, 5, 7, 9 & 11	1	DUNCANS ADDITION TO COLLEGE GREEN	Paul Blanchat ✓ 316 All Hallows Avenue Wichita, Kansas 67213
9, 10, 11 & 12	3	COLLEGE GREEN	Paul J. Blanchat D 316 All Hallows Avenue Wichita, Kansas 67213
3, 4, 5, 6, 7 & 8	3	COLLEGE GREEN	Blanchat Machine Co., Inc ✓ 3323 Maple Street Wichita, Kansas 67213
1 & 2	3	COLLEGE GREEN	Paul J. & Vincent W. Blanchat ✓ 316 All Hallow Avenue Wichita, Kansas 67213
14	3	COLLEGE GREEN	Blanchat Machine Co., Inc. D 3323 Maple Street Wichita, Kansas 67213

Fidelity  **Title**
 COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER & ADDRESS</u>
13	3	COLLEGE GREEN	Paul J. & Vincent W. Blanchat 316 All Hallows Avenue Wichita, Kansas 67213
9, 10, 11 & 12	2	COLLEGE GREEN	W. C. Hartley 3247 Maple Street Wichita, Kansas 67213
The South 879 feet of the East 979 feet of the Southeast Quarter of the Southwest Quarter of Section 24, Township 27, Range 1 West			L. W. Mayberry Jr. High School Wichita School Board

Beginning 900 feet West of the Northeast corner of the Northwest Quarter, thence South 631 feet, thence West 380 feet, thence North 631 feet, thence East 380 feet to beginning, Except the North 30 feet for street, Section 24, Township 27 South, Range 1 West, Sedgwick County, Kansas

A. & R. General Contractors Inc.
139 North Meridian
Wichita, Kansas 67203



Beginning 1320 feet East and 1980 feet South of the Northwest Corner of the Southwest Quarter of Section 24, Township 27, Range 1 West of the 6th P.M., thence East 330 feet, South 660 feet, West 330 feet and North to beginning, Sedgwick County, Kansas.

City of Wichita
Board of Park Commissioners
Jo Thomas Pallen, Jr., Dir.

A Tract of land located in the SW 1/4 of Section 24, Township 27 South, Range 1 West of the 6th P.M., Beginning at the SW corner of the East Half of said 1/4 Section, North 659.33 feet; thence with an angle to the right of 89° 12' 48", a distance of 330.4 feet; thence with an angle to the right of 90° 47' 12" a distance of 659.35 feet; thence with an angle to the right of 89° 13' 00" to a distance of 330.4 feet to point of beginning, containing 4.77 acres more or less excluding the dedicated street.

City of Wichita
Board of Park Commissioners

Dated at Wichita, Kansas, this 28th day of October, 1975, at 7:00 A.M.

Tracer No. 30717

FIDELITY TITLE COMPANY, INC.
By *Wesley Gray*
Fidelity Title
COMPANY, INC.

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1