



**Wichita-Sedgwick County Metropolitan Area Planning Department**

August 23, 2011

Unified School District 259  
Attn: Shane Schumacher  
201 N. Water  
Wichita, KS 67202

**RE: BZA2011-00041 – City variance request to allow the extension of an existing parking lot to encroach into the setback along the property line and to vary the aiming of the parking lot lighting; generally located at the northwest corner of the intersection of W. Maple Street and S. Sheridan Avenue.**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **AUGUST 23, 2011**. This resolution reflects the official action of the Board. 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 'Derrick Slocum'.

Derrick Slocum, Asst BZA Secretary  
Current Plans Division

cc: Kurt Schroeder, Office of Central Inspections, 1-72  
Paul Hays, Office of Central Inspections, 1-72  
J R Cox Office of Central Inspection, 1-72  
Michael O'Donnell, WCC IV Mailstop 1-13  
Kelli Geier, WCC IV NA, Mailstop 1-135

**BZA RESOLUTION NO. BZA2011-00041**

**WHEREAS**, USD 259, c/o Shane Schumacher, (Agent/Owner/Applicant) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section III-B.20.d (3) of the Unified Zoning Code to permit parking within a setback and to Section IV-B.4 to alter the aiming of the parking lot lighting, on property zoned SF-5 Single-family Residential (“SF-5”); generally located Northwest of the corner of W. Maple St. and S. Sheridan Ave. (207 S. Sheridan Ave. and 3440 W. Maple St.)

Lot 1; Block 1, Mayberry/Lawrence School Addition, 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 August 23, 2011, 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, inasmuch as the site has been used for institutional uses (elementary/middle school) since at least the early 1970’s. The parking lot on the subject site is in the same location and design since at least 1974, according to aerial photos at that time. The planned improvements to the existing schools, vehicle circulation and site design make the location of the current parking lot and the proposed connection the most desired location. The frontage of the site and parking lot along Maple Street, an arterial with commercial uses on the south side, differs than most schools sites which are usually situated along a residential street within a neighborhood. The location of the lot would not interfere with any residential properties. Also, the lighting for the site is unique, inasmuch as this part of the school site is located in a predominately commercial area, along Maple Street, when most school sites are located in residential areas. Due to that fact, the applicants prefer that the lighting spills over the property lines to the commercial sites to improve the safety of people in the parking lot during after school events.

**WHEREAS**, the Board of Zoning Appeals has found that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the properties most affect, across Maple Street, are zoned either LC or GC and are developed with commercial uses which, per code, allows parking in the front setback up to the property line. Additionally, it is the opinion of staff that the granting of the variance requested for the lighting standards will not adversely affect the rights of adjacent property owners, inasmuch as the properties most affect are either zoned LC or GC and developed with commercial uses or owned by the school district.

**WHEREAS**, the Board of Zoning Appeals has found that the strict application of the provisions of the Code will constitute an unnecessary hardship upon the applicant, inasmuch as requiring the parking lot to be developed in accordance with the zoning regulations will entail eliminating the playground and

other vital space on the school property, which has already been limited in size due to accommodate storm water detention and other code required aspects for the redevelopment. Also, the requiring the lighting for the site will constitute an unnecessary hardship, inasmuch as requiring the lighting for the parking lot to be in accordance with the regulations could compromise the safety of people using the parking lot during after school activities.

**WHEREAS**, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of allowing parking in the front yard and side yard building setback.

**WHEREAS**, the Board of Zoning Appeals has found that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the parking areas and proposed lighting will not interfere with vehicular or pedestrian circulation or access. The allowed parking will not limit sight distances for travelers along Maple Street and landscaping will be provided to reduce the shining of automobile headlights into the adjacent commercial properties.

**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 to Section III-B.20.d (3) of the Unified Zoning Code to permit parking within a setback and to Section IV-B.4 to alter the aiming of the parking lot lighting, on property zoned SF-5 Single-family Residential (“SF-5”); generally located Northwest of the corner of W. Maple St. and S. Sheridan Ave. (207 S. Sheridan Ave. and 3440 W. Maple St.)

Lot 1; Block 1, Mayberry/Lawrence School Addition, Wichita, Sedgwick County, Kansas.

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

1. The parking lots shall be permitted to encroach into the setback up to the property line along West Maple Street.
2. The parking lots shall be paved and marked and the light pole locations shall be in general conformance with the approved amended site plan.
3. Lighting is prohibited from spilling into residential development.
4. The parking lots shall be developed in general conformance with the landscape ordinance.
5. The applicant shall obtain all necessary permits, and the improvements to the parking lots shall be completed within one year of the granting of the variance, unless such time period is extended by the Board.
6. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

**SECRETARY'S REPORT**

CASE NUMBER: BZA2011-00041

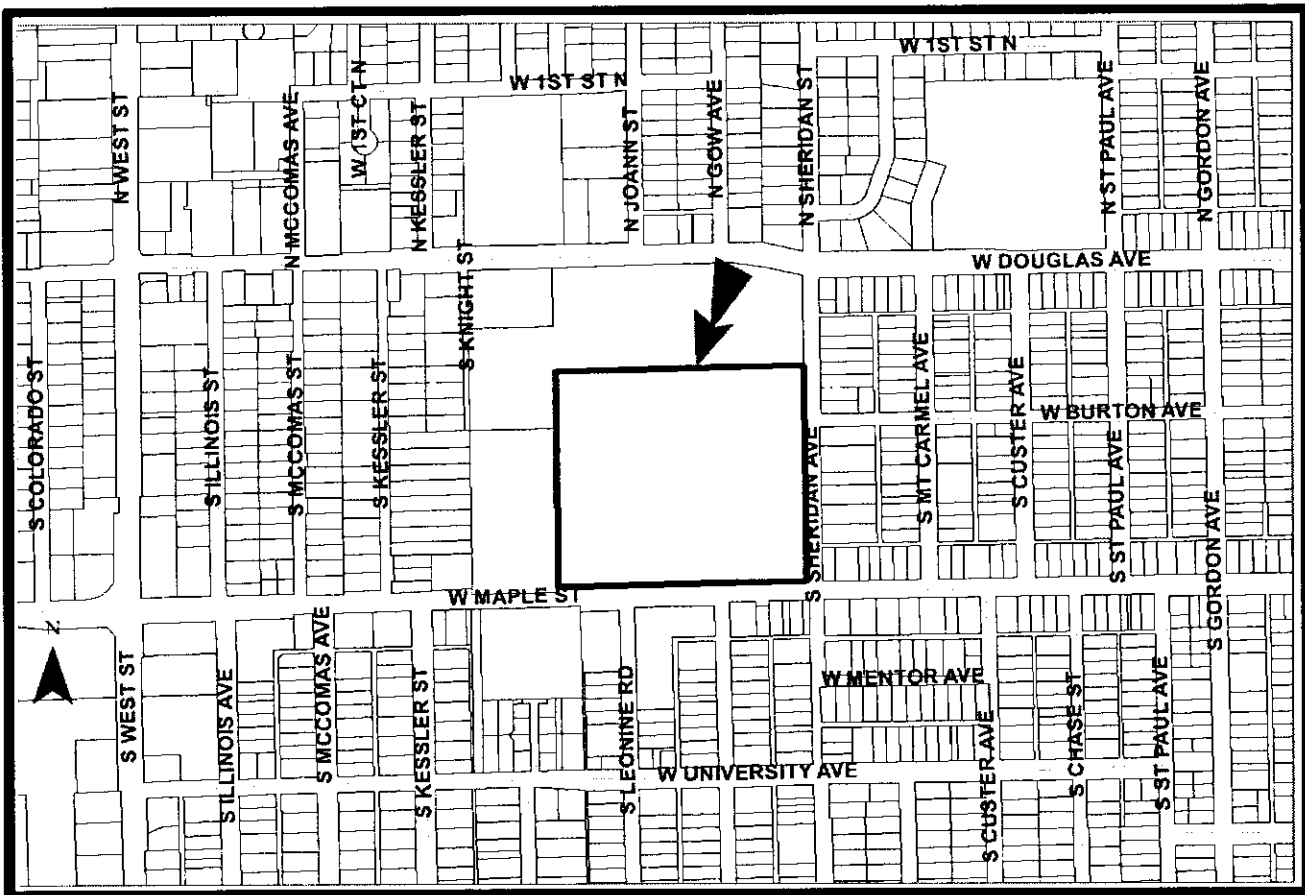
OWNER/APPLICANT: USD 259, c/o Shane Schumacher (Agent /Applicant/ Owner)

REQUEST: Variance to Section IV-A.6.a of the Unified Zoning Code to permit parking within a setback and to Section IV-B.4 to alter the aiming of the parking lot lighting, on property zoned SF-5 Single-family Residential ("SF-5").

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

SITE SIZE: 18.01 Acres

LOCATION: Northwest of the corner of W. Maple St. and S. Sheridan Ave (207 S. Sheridan Ave. and 3440 W. Maple St.)



**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 IV-A.6.a of the Unified Zoning Code to permit parking within a setback, and to Section IV-B.4 to alter the aiming of the parking lot lighting, on residentially-zoned property. The subject property has frontage along West Maple Street and South Sheridan Avenue at 207 S. Sheridan Ave and 3440 W. Maple St. The subject property is zoned SF-5 Single-family Residential (“SF-5”), and is developed with Lawrence Elementary and Mayberry Middle Schools.

The applicant proposes a redevelopment of the Lawrence Elementary site as illustrated on the attached site plan. Since the value of the proposed addition exceeds 50 percent of the appraised value of the existing school, Section VII-E of the Unified Zoning Code (“UZC”) requires the subject property to comply with all current requirements of the Unified Zoning Code, including meeting the on-site parking requirements. In order to continue to meet the on-site parking requirements and to improve circulation for the parking area on the school site, the applicant proposes to construct an additional parking area that would link the existing parking lots for both Lawrence Elementary and Mayberry Middle School. Currently, the parking lot abuts the property line that runs along Maple Street, which has been the design since the schools have been at this location. To bring the lot into conformance, according to the UZC, the parking lot would be required to abide by the setbacks required for the SF-5 zone district. The planned parking addition and connection along with the existing parking lot may be permitted in their current and proposed location only by a variance.

The applicant also requests a variance on the lighting standards for the parking lot. Section IV-B.4 of the UZC states that the light source will be aimed or shielded such that the light source is not visible from the neighboring lot. The applicant has stated that the light could trespass the property lines but that the properties that could be affected would include a city park along the north and west property lines, Maple Street on the South with the frontage developed with a service garage, retail store and a self-storage unit, and Mayberry Middle School to the east. No residential properties would be affected by the overflowing light. The applicant has stated that the lights would not be on at all times, just during periods when there might be after school events. Also the applicant believes has stated that the light spilling over to adjacent properties would increase safety to people walking to their vehicles at night.

Property north and west of the subject site is city parkland. Property south of the subject site, across Maple Street, is zoned LC Limited Commercial (“LC”) and GC General Commercial (“GC”) and is developed with a self-storage facility, institutional use, warehouse facility and a vehicle service garage. Property east of the site is actually Mayberry Middle School, which takes up one-half of the subject site; however, east of the lot, across Sheridan Avenue, is property zoned LC and TF-3 Two-family Residential (“TF-3”) which is developed with single-family residences and duplexes.

**ADJACENT ZONING AND LAND USE:**

NORTH	SF-5	Park
SOUTH	LC & GC	Vacant, Storage and Vehicle Service
EAST	TF-3 & LC	Single-family and Duplexes
WEST	SF-5 & LC	Institutional and Park

**UNIQUENESS:** It is the opinion of staff that this property is unique, inasmuch as the site has been used for institutional uses (elementary/middle school) since at least the early 1970’s. The parking lot on the subject site is in the same location and design since at least 1974, according to aerial photos at that time. The planned improvements to the existing schools, vehicle circulation and site design make the location of the current parking lot and the proposed connection the most desired location. The frontage

of the site and parking lot along Maple Street, an arterial with commercial uses on the south side, differs than most schools sites which are usually situated along a residential street within a neighborhood. The location of the lot would not interfere with any residential properties. Also, the lighting for the site is unique, inasmuch as this part of the school site is located in a predominately commercial area, along Maple Street, when most school sites are located in residential areas. Due to that fact, the applicants prefer that the lighting spills over the property lines to the commercial sites to improve the safety of people in the parking lot during after school events.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the properties most affect, across Maple Street, are zoned either LC or GC and are developed with commercial uses which, per code, allows parking in the front setback up to the property line. Additionally, it is the opinion of staff that the granting of the variance requested for the lighting standards will not adversely affect the rights of adjacent property owners, inasmuch as the properties most affect are either zoned LC or GC and developed with commercial uses or owned by the school district.

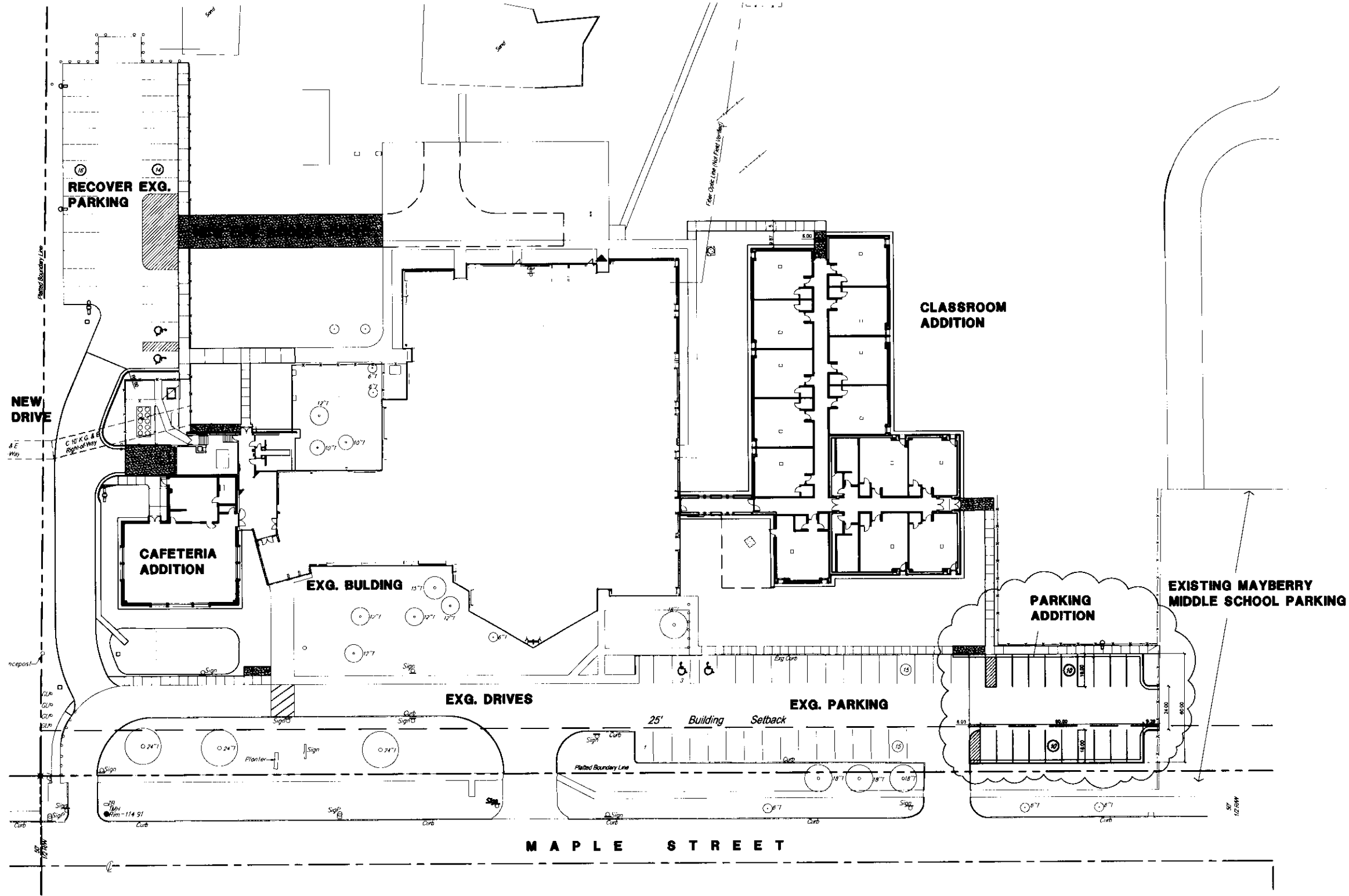
**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the Code will constitute an unnecessary hardship upon the applicant, inasmuch as requiring the parking lot to be developed in accordance with the zoning regulations will entail eliminating the playground and other vital space on the school property, which has already been limited in size due to accommodate storm water detention and other code required aspects for the redevelopment. Also, the requiring the lighting for the site will constitute an unnecessary hardship, inasmuch as requiring the lighting for the parking lot to be in accordance with the regulations could compromise the safety of people using the parking lot during after school activities.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as there will be no encroachments into public utility easements or street right-of-way as a result of allowing parking in the front yard and side yard building setback.

**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 parking areas and proposed lighting will not interfere with vehicular or pedestrian circulation or access. The allowed parking will not limit sight distances for travelers along Maple Street and landscaping will be provided to reduce the shining of automobile headlights into the adjacent commercial properties.

**RECOMMENDATION:** It is staff's opinion that the variance requested is appropriate. Should the Board determine that the five conditions necessary for granting the variance exist, it is the then recommendation of the Secretary that the variance be GRANTED, subject to the following conditions:

1. The parking lots shall be permitted to encroach up to the property line along West Maple Street.
2. The parking lots shall be paved and marked in general conformance with the approved site plan.
3. The parking lots shall be developed in general conformance with the landscape ordinance.
4. The applicant shall obtain all necessary permits, and the improvements to the parking lots shall be completed within one year of the granting of the variance, unless such time period is extended by the Board.
5. The resolution authorizing the 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.



**1 PROJECT SITE PLAN**  
 1"=30'  
 0 30'