



Wichita-Sedgwick County Metropolitan Area Planning Department

June 26, 2002

Board of Education
%USD 259
201 N. Water
Wichita, KS 67202

FILE COPY

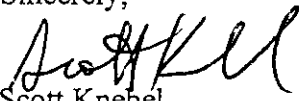
RE: BZA 2002-00033 – Variance to reduce the front building setback from 25' to 13'9" for Metro Meridian High School on property zoned "TF-3" Two-Family Residential, "MF-29" Multi-Family Residential, and "LC" Limited Commercial. Generally located at the southwest corner of Maple and Meridian.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on June 25, 2002, this resolution reflects the official action of the Board to grant your requests 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,


Scott Knebel
Assistant BZA Secretary

SK/rms

cc: USD 259, %Joe Hoover, 3850 N. Hydraulic, Wichita, KS 67219
City Council Member District IV, Bill Gale, Mail Stop 1-13
D.A.B. VI, Aaron Hamilton, Mail Stop 1-135
Sharon Dickgrafe, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2002-00033

WHEREAS, Wichita Public Schools, (applicant); c/o Joe Hoover (Agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the front building setback from 25' to 13'9" for Metro Meridian High School on property zoned "TF-3" Two Family Residential, "MF-29" Multi-Family Residential, and "LC" Limited Commercial and legally described as follows:

Odd lots 447 through 469 inclusive and the north 20 feet of Lot 471 on Meridian Avenue, Martinson's 5th Addition, Wichita Sedgwick County Kansas; Even Lots 286 through 308 inclusive and the north 20 feet of Lot 210 on Phillips, now Richmond Avenue, Martinson's 5th Addition, Wichita, Sedgwick County Kansas; and the alley where vacated between said lots. Generally located at the southwest corner of Maple and Meridian.

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 June 25, 2002, 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. It is the opinion of the Board that this property is unique inasmuch as the property is located in area where the existing structure was constructed under zoning regulations that required approximately one-half the front building setback currently required. Over the years the zoning regulations have changed to require a 25' front building setback for the subject property; however, none of the structures in this area provide a 25' front 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. It is the opinion of the Board that the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch as the addition to the structure would be internal to the subject property. No additional encroachment would occur along the west boundary of the subject property that is in excess of the placement of the existing structure. The addition to the structure would abut Richmond, and sufficient building setback will remain to allow for landscaping, fire protection, separation, light and air circulation, and pedestrian access.

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. It is the opinion of the Board that the strict application of the provisions of the Zoning Code constitutes an unnecessary hardship upon the applicant, inasmuch as any logical addition to the structure would require building into the existing zoning setback. Additionally, the 25' front building setback is a change to the zoning regulations since the structure being expanded was constructed.

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. It is the opinion of the Board 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 this reduction of the front building setback and therefore there will be no effect on the general public.

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. It is the opinion of the Board that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the reduced setback will continue to provide for fire protection, separation, light and air circulation, and pedestrian access. Additionally, the setback averaging provisions of the zoning regulations would allow a 17.2' setback for the addition, and the applicant is requesting only a 1.2' lesser front building setback than would otherwise be permitted.

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.

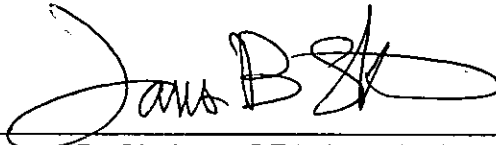
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance to reduce the front building setback from 25' to 13'9" for Metro Meridian High School is hereby granted on property zoned "TF-3" Two-Family Residential, "MF-29" Multi-Family Residential, and "LC" Limited Commercial and legally described as follows:

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

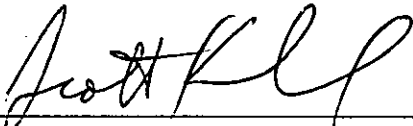
1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the front building setback shall be reduced from 25' to 13'9" along the west property line. This setback reduction shall apply only to the improvements shown on the site plan approved by the Board of Zoning Appeals. The addition shall be constructed in general conformance with said site plan.
2. The applicant shall obtain all local permits necessary to construct the indicated improvements, and all improvements shall be completed within one year following the BZA approval of the variance unless such time period is extended by the BZA.
3. 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 25th DAY of JUNE, 2002.



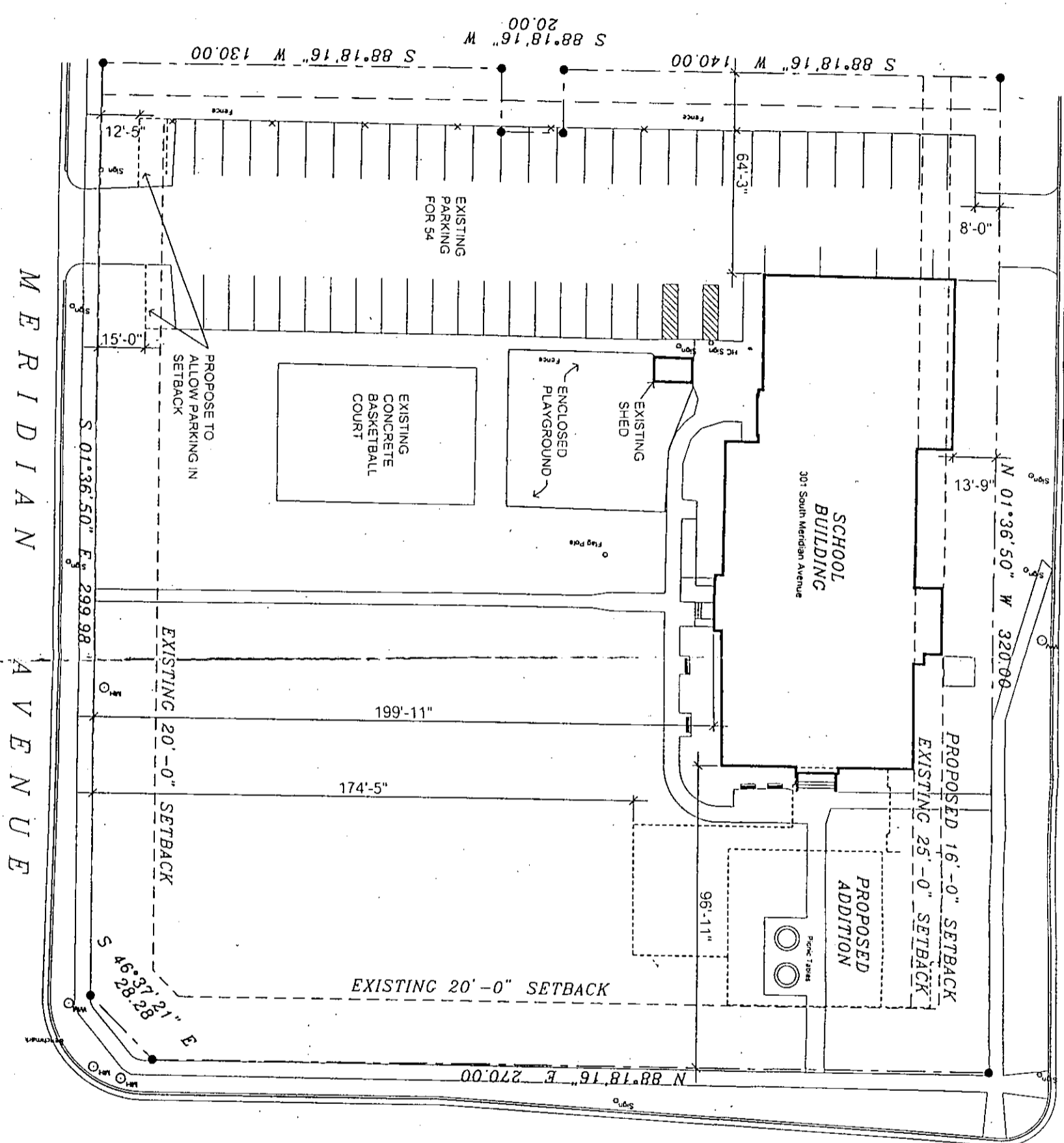
James B. Skelton, BZA Board Vice-President

ATTEST:



Scott Knebel, BZA Secretary

RICHMOND AVENUE




MERIDIAN AVENUE

M A P L E S T R E E T

BZA2002-00033
SITE PLAN

APPROVED 6-25-02 BY BZA

PARKING REQUIREMENTS	
1 PER STAFF	
1 PER 5 STUDENTS	
20 STAFF	20 SPACES
200 STUDENTS	40 SPACES
TOTAL REQUIRED	60 SPACES
SPACES PROVIDED	
2 HANDICAP SPACES	
1 VAN ACCESSIBLE SPACE	
48	
51 TOTAL SPACES	

 **SITE PLAN**
 0 20'



SPANGENBERG PHILLIPS
 ARCHITECTURE

121 N. Mead, Suite 201, Wichita, KS 67202 TEL: 316.267.4002
 www.spangenbergphillips.com FAX: 316.267.1509

METRO MERIDIAN HIGH SCHOOL
 301 S. MERIDIAN

10 MAY 02



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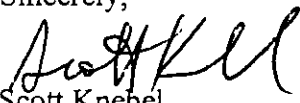
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WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

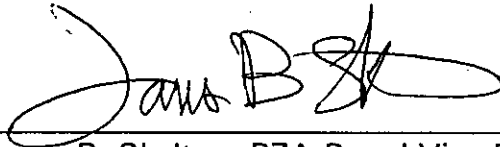
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The variance is hereby **GRANTED**, subject to the following conditions:

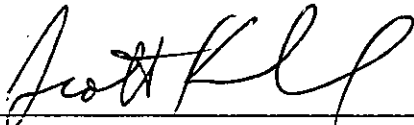
1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the front building setback shall be reduced from 25' to 13'9" along the west property line. This setback reduction shall apply only to the improvements shown on the site plan approved by the Board of Zoning Appeals. The addition shall be constructed in general conformance with said site plan.
2. The applicant shall obtain all local permits necessary to construct the indicated improvements, and all improvements shall be completed within one year following the BZA approval of the variance unless such time period is extended by the BZA.
3. 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 25th DAY of JUNE, 2002.



James B. Skelton, BZA Board Vice-President

ATTEST:



Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2002-00033

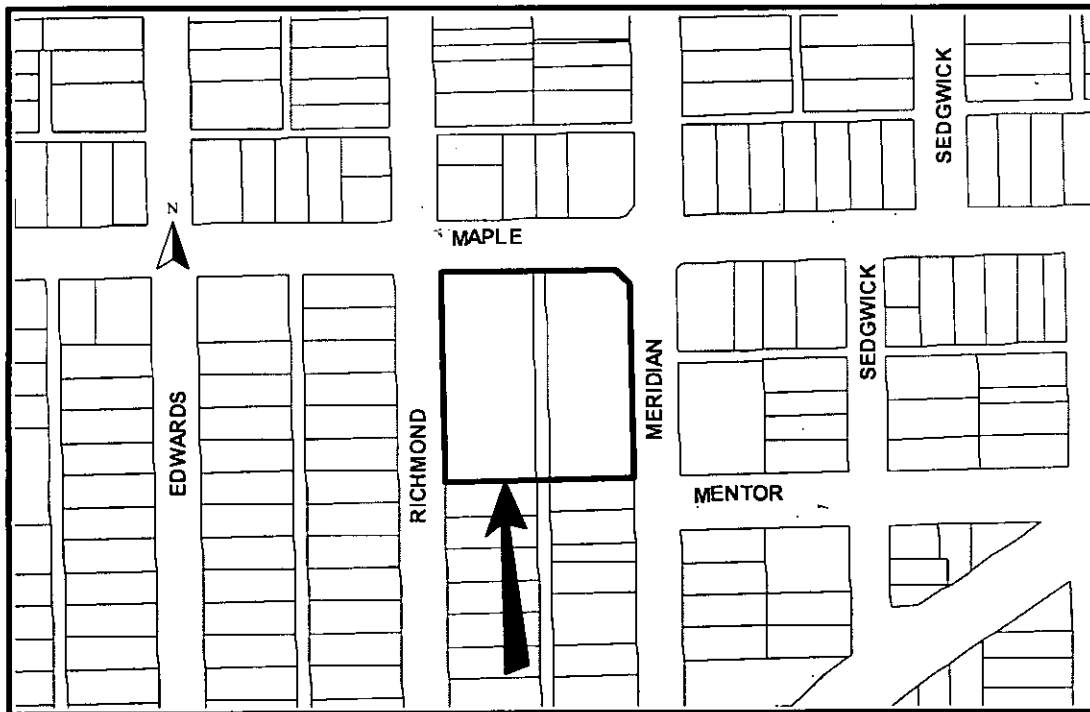
OWNER/APPLICANT: Wichita Public Schools c/o Joe Hoover

AGENT: n/a

REQUEST: Variance to reduce the front building setback from 25' to 13'9" for Metro Meridian High School.

CURRENT ZONING: "TF-3" Two-Family Residential, "MF-29" Multi-Family Residential, and "LC" Limited Commercial

LOCATION: Southwest corner of Maple and Meridian (301 S. Meridian)



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 reduce the front building setback along the west property line from 25' to 13'9" for Metro Meridian High School. The subject property is located at the southwest corner of Maple and Meridian (301 S. Meridian) and is zoned "TF-3" Two-Family Residential, "MF-29" Multi-Family Residential, and "LC" Limited Commercial. The zoning regulations require a 25' front building setback in the "TF-3" Two-Family Residential and "MF-29" Multi-Family Residential zoning districts, the zoning of the portion of the subject property where the building is located. A reduction of the front building setback by greater than 20% requires a variance. The zoning regulations also allow "setback averaging" whereby a building can be set back a distance equal to the average front building setback of the five existing structures on either side of the property within the block on the same side of the street. In the case of the subject property, setback averaging would allow a 17.2' front building setback.

The existing structure on the subject property currently provides only a 13'9" front building setback. The existing structure was built in 1925. In 1925, the subject property was located within the "A" Height and Area District, which permitted a front building setback equal to the front building setback of 80% of structures within the block on the same side of the street. In 1925, two structures existed within the block on the east side of the street, and both structures had a 13' front building setback. Therefore, the school was permitted a 13' front building setback at the time it was constructed. One other structure was constructed on the east side of the street within the block with a 13' front building setback. The remainder of the structures on the east side of the street within the block are constructed to a 20' front building setback, the minimum required by the zoning regulations at the time they were constructed shortly after World War II. Most of the post-World War II structures are constructed with open, unenclosed porches, which are allowed to project in to the front setback by up to 8'. Therefore, the school building is consistent with the front setback of most of the houses to the south on the east side of Richmond.

The applicant proposes to expand the existing structure to the north at a front building setback of 16', as shown on the attached site plan. Since the proposed addition requires a Variance, the applicant decided to request a Variance that provides for the 13'9" front building setback of the existing structure. The applicant's justification (see attached) indicates that the school will be expanded to add a multi-purpose room, kitchen, and restroom. The applicant also indicates that constructing the addition with a 16' front building setback will enhance the appearance of the completed building by aligning the addition with the existing structure and preventing the addition from encroaching significantly beyond the existing structure along the east wall line. From discussing the internal design of the building with the applicant, having the addition conform to the 25' front building setback would cause the internal hallway connecting the addition to the existing structure to jog to the east and then back north.

ADJACENT ZONING AND LAND USE:

NORTH	"TF-3" & "LC"	Single-family, vehicle repair
SOUTH	"TF-3"	Single-family
EAST	"B" & "LC"	Apartments, retail
WEST	"MF-29" & "TF-3"	Single-family

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property is located in area where the existing structure was constructed under zoning regulations that required approximately one-half the front building setback currently required. Over the years the zoning regulations have changed to require a 25' front building setback for the subject property; however, none of the structures in this area provide a 25' front 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 addition to the structure would be internal to the subject property. No additional encroachment would occur along the west boundary of the subject property that is in excess of the placement of the existing structure. The addition to the structure would abut Richmond, and sufficient building setback will remain to allow for landscaping, fire protection, separation, light and air circulation, and pedestrian access.

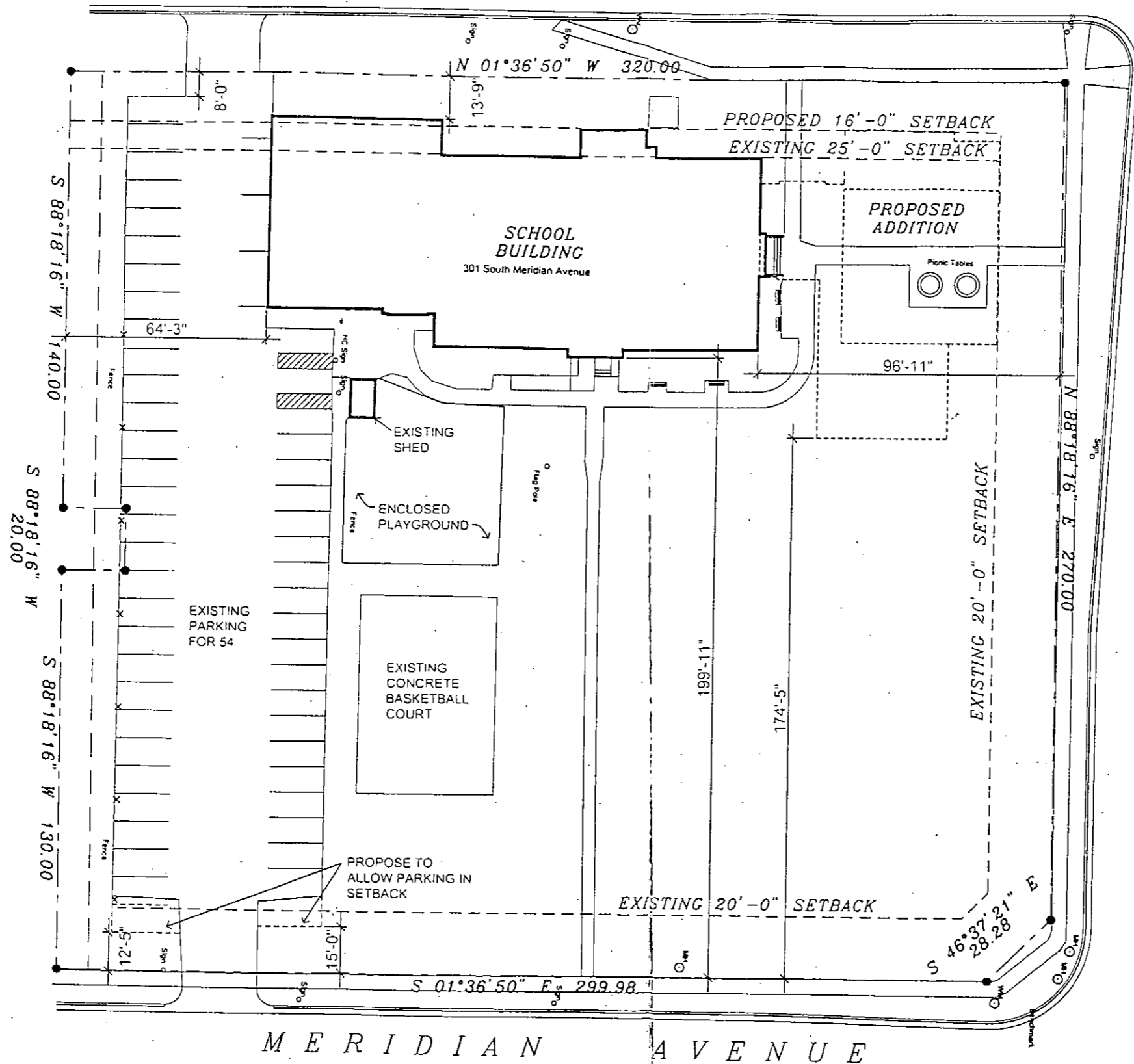
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the Zoning Code constitutes an unnecessary hardship upon the applicant, inasmuch as any logical addition to the structure would require building into the existing zoning setback. Additionally, the 25' front building setback is a change to the zoning regulations since the structure being expanded was constructed.

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 this reduction of the front building setback and therefore there will be no effect on the general public.

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 reduced setback will continue to provide for fire protection, separation, light and air circulation, and pedestrian access. Additionally, the setback averaging provisions of the zoning regulations would allow a 17.2' setback for the addition, and the applicant is requesting only a 1.2' lesser front building setback than would otherwise be permitted.

RECOMMENDATION: Should the Board determine that conditions necessary grant the variance exist, then it is the recommendation of the Secretary that the variance to reduce the front building setback along the west property line from 25' to 13'9" feet be **GRANTED**, subject to the following conditions:

1. The site shall be developed and required to comply with all building, zoning, and landscape code requirements, except that the front building setback shall be reduced from 25' to 13'9" along the west property line. This setback reduction shall apply only to the improvements shown on the site plan approved by the Board of Zoning Appeals. The addition shall be constructed in general conformance with said site plan.
2. The applicant shall obtain all local permits necessary to construct the indicated improvements, and all improvements shall be completed within one year following the BZA approval of the variance unless such time period is extended by the BZA.
3. 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.



BZA2002-00033
SITE PLAN

APPROVED 6-25-02 BY BZA

PARKING REQUIREMENTS

1 PER STAFF	
1 PER 5 STUDENTS	
20 STAFF	20 SPACES
200 STUDENTS	40 SPACES
TOTAL REQUIRED	60 SPACES

SPACES PROVIDED

2 HANDICAP SPACES	
1 VAN ACCESSIBLE SPACE	
48	
51 TOTAL SPACES	

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