



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

March 24, 2017

Russ Ewy  
Baughman Company  
Wichita, KS 67211

**RE: BZA2017-00010** – City variance to reduce the required side street setback and front setback, and waiver of screening requirement

Dear Applicant:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 23, 2017. This resolution reflects the official action of the Board and is forwarded for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,

David M. Clements, AICP  
BZA Secretary

cc: MABCD  
Lavonta Williams, Council Member District I  
Kameelah Alexander, CSR I

**BZA RESOLUTION NO. BZA2017-00010**

**WHEREAS**, USD 259, Shane Shumacher (Applicant); Baughman Company, Russ Ewy (Agent) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to reduce the required front setback from twenty-five (25') feet to zero feet (0'), and the required street side setback from twenty feet (20') to zero feet (0') and waiver of the required screening abutting a residential structure.

Legal Description: Lots 13-23 odd inclusive, Block 2, East Boulevard Addition to Wichita, Kansas; except the south 30 feet of Lot 17 and the North 30 feet of Lot 19, odd inclusive, Block 2, East Boulevard Addition to Wichita, 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 March 23, 2017, consider said application; and

**WHEREAS**, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

**WHEREAS**, the Board of Zoning Appeals found the circumstances of this application are unique, and would not be generally applicable to other property in the city. North Bleckley Drive is an 80-foot street right-of-way rather than the typical 60-foot width for a residential street. This extra-wide street right-of-way impacts the lot depth of the subject property, and makes it difficult to design a parking lot layout that meets all applicable setback requirements. Additionally, there is a north/south drainage area along the east side of the lots that also impacts the buildable area for parking lot construction.

**WHEREAS**, the Board of Zoning Appeals has found that the two areas proposed for parking lot construction are currently gravel parking areas. The UZC requires all parking to be a permanent all-weather surface. Approving the variances to allow the parking lot construction will provide a better appearance of the parking areas, and improved stormwater management. The parking areas will be landscaped by the School District, further improving the appearance of the area. Inasmuch as the school district is attempting to acquire the existing duplex that is between the two parking areas, the screening requirement abutting this duplex would not be cost-effective. The variance request will not have any adverse impact on adjoining properties.

**WHEREAS**, the parking lot design on the site plan is angled parking, designed to maximize the number of parking spaces for the school district. Meeting the required setbacks would significantly reduce the number of parking spaces available in the new parking lots, and not meet the needs of the school district for employee parking and cause an undue hardship to the applicant.

**WHEREAS**, the Board of Zoning Appeals found that the requested variance would not adversely affect the public interest. Helping the school district with their employee and faculty parking demands provides a service that benefits the public interest and safety at this location. The areas are presently being used as gravel parking. Paving these parking areas is the appropriate action to help meet UZC requirements.

**WHEREAS**, the Board of Zoning Appeals found that the granting of the variance requests would not be opposed to the general spirit and intent of the zoning regulations. The parking and paving requirements of the UZC are intended to provide sufficient off-street parking for uses and this application provides a method to provide additional needed parking at Robinson Middle School.

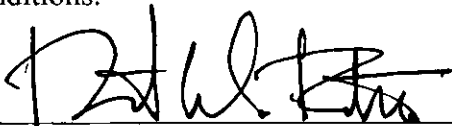
**WHEREAS**, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, are found to be present for a variance to be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to eliminate the parking requirement, generally located south of 13th Street North and west of River Boulevard at 1059 N. Porter.

Legal Description: Lots 13-23 odd inclusive, Block 2, East Boulevard Addition to Wichita, Kansas; except the south 30 feet of Lot 17 and the North 30 feet of Lot 19, odd inclusive, Block 2, East Boulevard Addition to Wichita, Kansas.

**The variances are hereby GRANTED, subject to the following conditions:**

1. The parking lots shall be constructed in substantial conformance with the approved site plan.
2. The applicant shall submit a landscape plan at the time of building permit.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
4. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.



\_\_\_\_\_  
BZA Board Chair, David W. Foster

ATTEST:



\_\_\_\_\_  
David M. Clements, AICP, BZA Secretary

**SECRETARY'S REPORT**

CASE NUMBER: BZA2017-00010

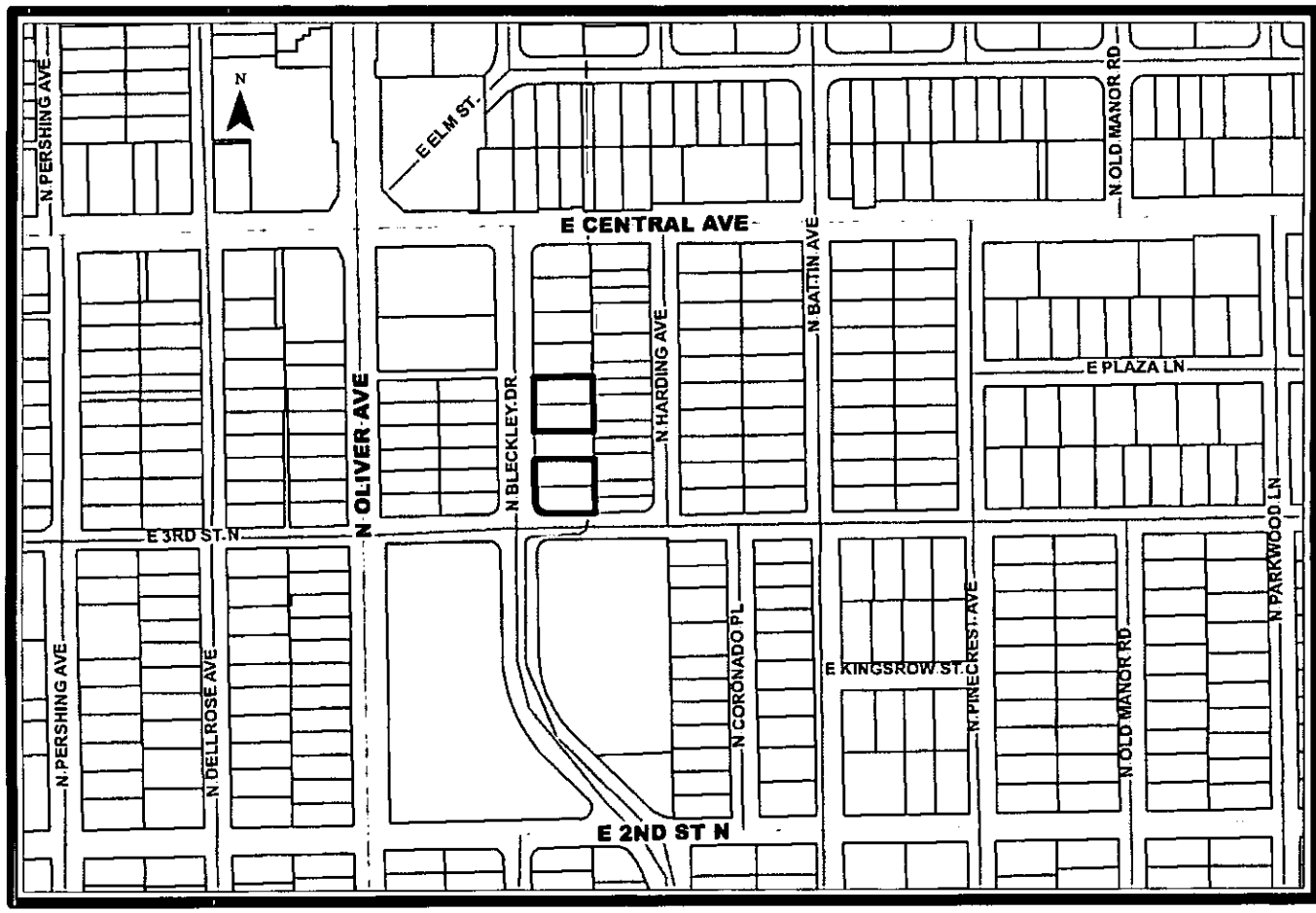
APPLICANT/AGENT: USD 259, Shane Schumacher/Baughman Company, Russ Ewy

REQUEST: Variance to reduce the required front setback from twenty-five (25') feet to zero feet (0'), and the required street side setback from twenty feet (20') to zero feet (0') and waiver of the required screening abutting a residential structure.

CURRENT ZONING: MF-29 Multi-Family Residential District (MF-29)

SITE SIZE: 0.7 acres

LOCATION: The northeast corner of East 3rd Street North and North Bleckley Drive (400-410 and 420-426 North Bleckley Drive)



**JURISDICTION:** The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

**BACKGROUND:** This application was filed to request certain variances of the Unified Zoning Code (*UZC*) to allow a parking expansion for Robinson Middle School. The school district acquired several properties on the east side of North Bleckley Drive for additional parking. The lots had been improved with duplex structures, but these buildings have been removed. The school district has provided a temporary gravel surface for faculty parking. There is one additional duplex building on the east side of North Bleckley Drive that separates the two parking areas that the school district hopes to acquire and integrate into the parking plan at some point in the future.

The specific variances being requested are as follows:

- a. *Northern parking area* (400-410 North Bleckley Drive). Reduce the 25-foot required front setback to zero feet (0'), and waive the screening requirement abutting the existing duplex to allow a parking lot with twenty-six spaces.
- b. *Southern parking area* (420-426 North Bleckley Drive). Reduce the 25-foot required front setback to zero feet (0'), and reduce the 20-foot required side street setback to zero feet (0'), and waive the screening requirement abutting the existing duplex to allow a parking lot with twenty-eight spaces.

As additional background, the School District was granted an administrative review for the parking lot at the northeast corner of North Bleckley Street and East 3<sup>rd</sup> Street North, BZA2015-0004. This administrative review allowed an eight-foot setback with seventeen parking spaces.

**ADJACENT ZONING AND LAND USE:**

NORTH	MF-29 Multi-family-duplexes
SOUTH	SF-5 Vacant-school district property
EAST	TF-3 Duplexes
WEST	B Multi-family-vacant

**UNIQUENESS:** The circumstances of this application are unique, and would not be generally applicable to other property in the city. North Bleckley Drive is an 80-foot street right-of-way rather than the typical 60-foot width for a residential street. This extra-wide street right-of-way impacts the lot depth of the subject property, and makes it difficult to design a parking lot layout that meets all applicable setback requirements. Additionally, there is a north/south drainage area along the east side of the lots that also impacts the buildable area for parking lot construction.

**ADJACENT PROPERTY:** The two areas proposed for parking lot construction are currently gravel parking areas. The UZC requires all parking to be a permanent all-weather surface. Approving the variances to allow the parking lot construction will provide a better appearance of the parking areas, and improved stormwater management. The parking areas will be landscaped by the School District, further improving the appearance of the area. Inasmuch as the school district is attempting to acquire the existing duplex that is between the two parking areas, the applicant believes that the screening requirement abutting this duplex would not be cost-effective.

**HARDSHIP:** The parking lot design on the site plan is angled parking, designed to maximize the number of parking spaces for the school district. Meeting the required setbacks would significantly reduce the number of parking spaces available in the new parking lots, and not meet the needs of the school district for employee parking.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest. Helping the school district with their employee and faculty parking demands provides a service that benefits the public interest and safety at this location. The areas are presently being used as gravel parking. Paving these parking areas is the appropriate action to help meet UZC requirements.

**SPIRIT AND INTENT:** It is the opinion of staff that the granting of the variance requests would not be opposed to the general spirit and intent of the zoning regulations. The parking and paving requirements of the UZC are intended to provide sufficient off-street parking for uses and this application provides a method to provide additional needed parking at Robinson Middle School.

**RECOMMENDATION:** Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance to reduce the front setback and the side street setback to zero feet (0'), and the waiver of screening requirements be GRANTED, subject to the following conditions:

1. The parking lots shall be constructed in substantial conformance with the approved site plan.
2. The applicant shall submit a landscape plan at the time of building permit.
3. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
4. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

**CITY OF WICHITA BOARD OF ZONING APPEALS**

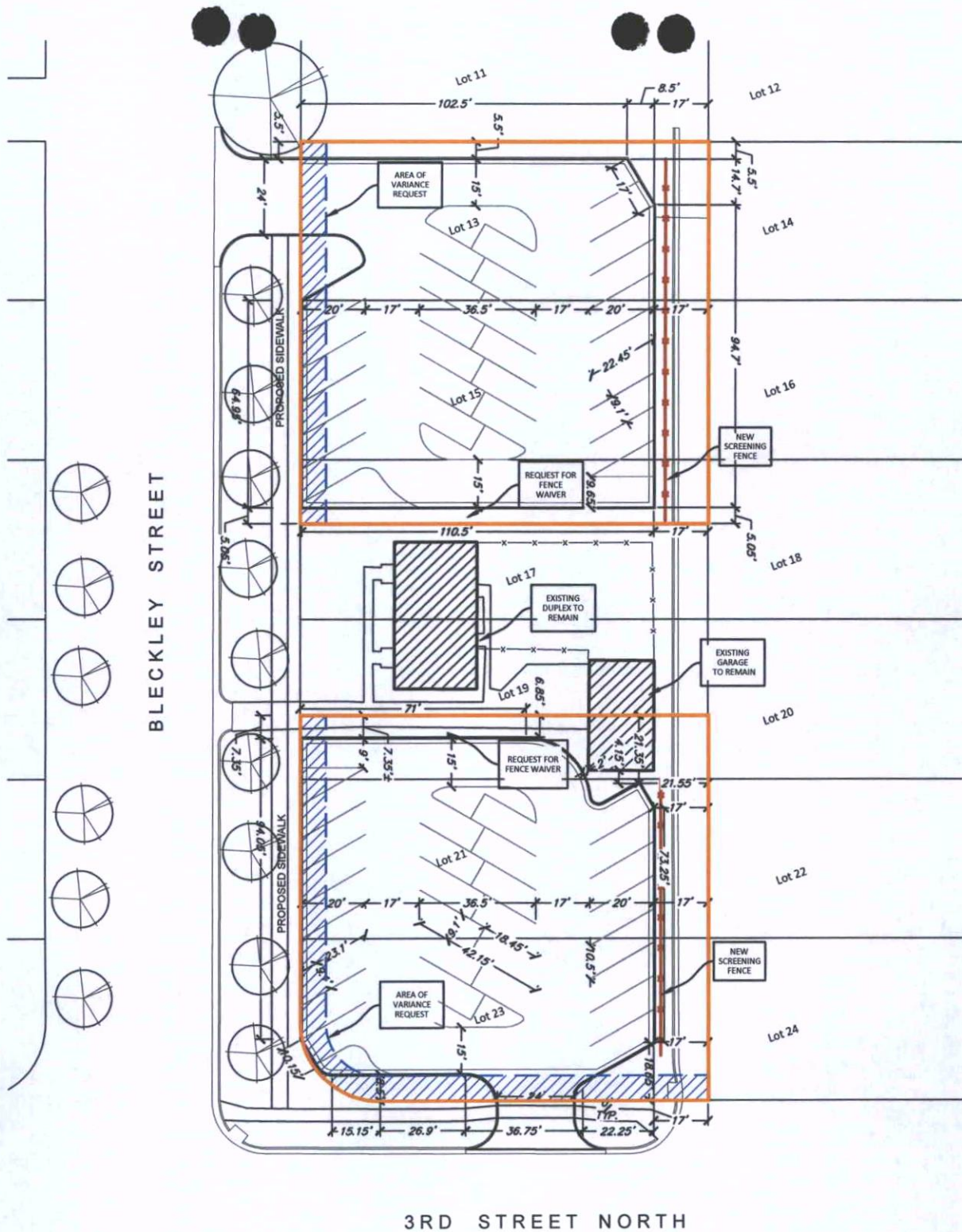
**AGENDA**

**Thursday, March 23, 2017**

**1:30 p.m.**

The regular meeting of the City of Wichita Board of Zoning Appeals will be held **Thursday, March 23, 2017**, in the Planning Commission Conference Room, 2<sup>nd</sup> Floor, Suite #203, 271 West Third Street, Wichita, Kansas **no earlier than 1:30 p.m.**

1. Approval of February 23, 2017 City of Wichita Board of Zoning Appeals Minutes.
  
2. **BZA2017-00010** - City parking variance to reduce the required 25' parking setback to 0' to allow a parking lot expansion for Robinson Middle School, and variance to waive screening requirement abutting a residential structure, generally located at the northeast corner of E. Third St. North and North Bleckley Drive.
  
3. Adjournment



3RD STREET NORTH

**LEGAL DESCRIPTION**

Lots 13, 15, North 20' of Lot 17, South 20' of Lot 19, 21, 23, Block 2, East Boulevard Addition, Wichita, Kansas.

**SITE INFORMATION**

Total Area:	±30,747 sq. ft. (.71 acres)
Existing Impervious Area:	±20,538 sq. ft. (0.47 acres)
Proposed Impervious Area:	±24,477 sq. ft. (0.56 acres)
Existing Impervious to be Removed:	±322



SCALE: 1" = 30'

**BZA2017-10 SITE EXHIBIT**  
 ROBINSON MIDDLE SCHOOL PARKING LOT VARIANCE

