



Map No. 5747  
 Sec. 23  
 Twp. 27  
 Range 1E

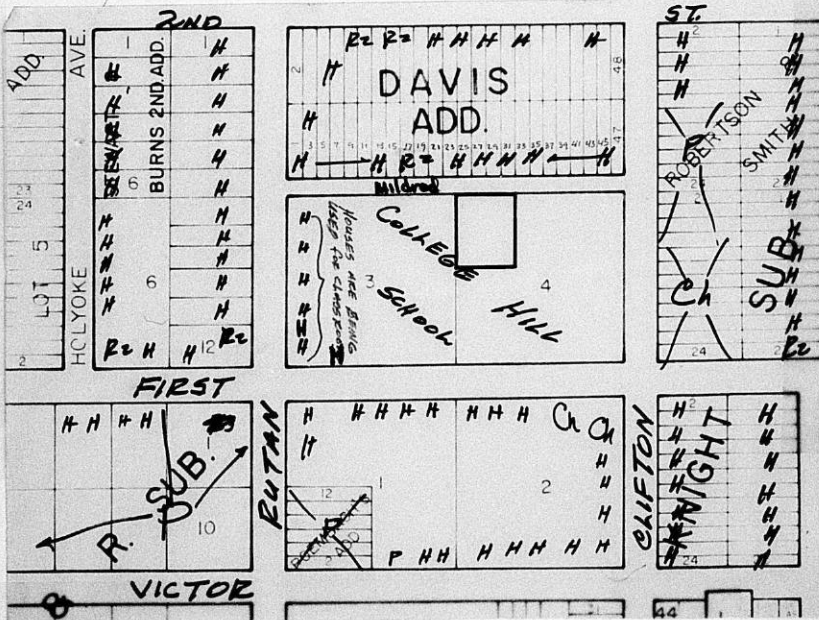
BZA- 7-77  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

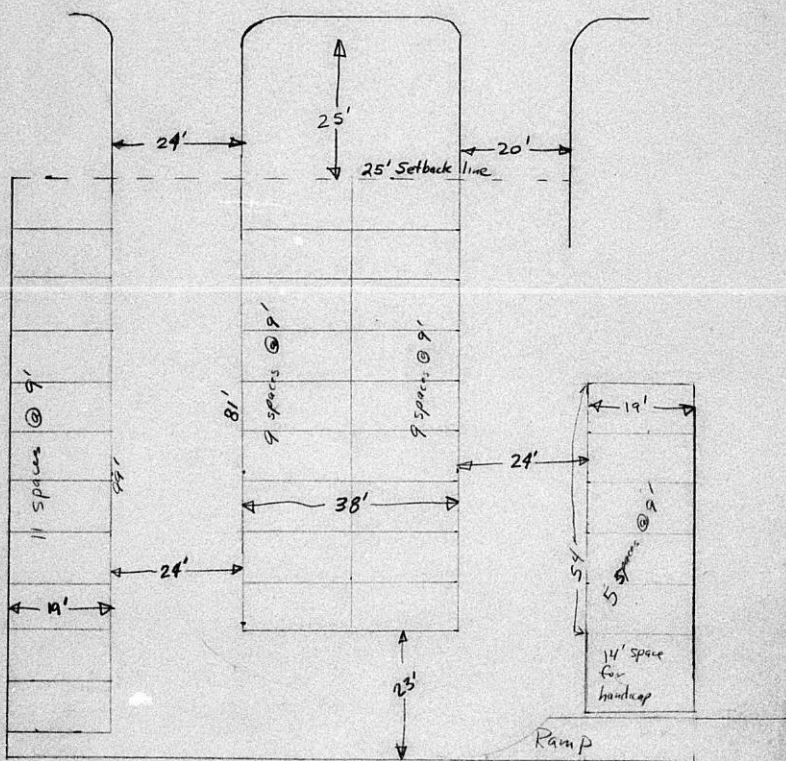
1. Acres: 0.29 ( 100 ft. by 130 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East PLAY GROUND South SCHOOL BLDG.  
 West PLAY GROUND North SINGLE FAM
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: SCHOOL GROUND
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



SHIMMARD  
 No. 2453C  
 REGISTERED MAP - LOS ANGELES  
 LOS AN - MCGRAW-HILL, TX U. S. A.



scale 1" = 20'

34 spaces 9'x19'  
 1 space 14'x19'  
 35

RESOLUTION NO. BZA 7-77

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 adjacent to Mildred Avenue from 25 to 3 feet for off-street parking purposes only, on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

The north 130 feet of the west 100 feet of Lot 4, Davis Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Mildred Avenue in an area between Clifton and Rutan (College Hill 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 April 26, 1977, 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 does not arise 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 in fact created by an action or actions of the property owner or the applicant inasmuch as the required parking can be provided without utilization of this front yard area and with little if any encroachment into the proposed playground area; 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 there are no adjacent property owners on the south side of Mildred, and the property owners to the north should not be affected by this small area of parking; 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 not constitute unnecessary hardship upon the property owner represented in the application inasmuch as the required number of off-street parking spaces can be provided in essentially the same location by redesigning the layout; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to fact that the cars would be parking within 7 feet of the curb line of Mildred Avenue; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired would be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as a redesign of the parking layout would accomplish the required off-street parking in essentially the same 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 not 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 adjacent to Mildred Avenue from 25 to 3 feet, for off-street parking purposes only, on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

The north 130 feet of the west 100 feet of Lot 4, Davis Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Mildred Avenue in an area between Clifton and Rutan (College Hill Elementary School).

RESOLUTION NO. BZA 7-77  
Page 2

be denied.

ADOPTED AT WICHITA, KANSAS, this 26th day of April, 1977.

Ewald Behnke  
Ewald Behnke, Chairman

ATTEST:

Larry Dobson  
Larry Dobson, Assistant Secretary

~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~

May 17, 1977

Tenth Floor, City Hall  
455 W. Main Street

Unified School District #259  
428 South Broadway  
Wichita, Kansas 67202

Re: Case No. BIA 7-77  
Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 26, 1977, in connection with your request for a variance to reduce the required front yard setback adjacent to Mildred Avenue from 25 feet to 3 feet for off-street parking purposes only, on property zoned the "AA" Single Family Dwelling District, and generally located on the south side of Mildred Avenue in an area between Clifton and Rutan (College Hill Elementary School).

This Resolution reflects the official action of the Board to deny the request. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call.

Yours very truly,

Larry Dobson  
Assistant Secretary

LD:bh  
Encl.

cc: Roger Coad, 3850 N. Hydraulic, 67219  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Central Inspection

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

Tenth Floor, City Hall  
455 North Main,

April 27, 1977

Unified School District #259  
428 South Broadway  
Wichita, Kansas 67202

Re: Case No. B2A 7-77  
Request for Variance

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on April 26, 1977, your request for a variance to reduce the required front yard setback adjacent to Mildred Avenue from 25 feet to 3 feet, for off-street parking purposes only, on property zoned the "AA" Single Family Dwelling District, and generally located on the south side of Mildred Avenue in an area between Clifton and Rutan (College Hill Elementary School) was considered.

It was the action of the Board to deny this request.

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.

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bh

cc: Roger Coad, 3850 N. Hydraulic, 67219  
William H. Andross, 235 North Clifton, 67208  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Maintenance, Central Inspection

SECRETARY'S REPORT  
CASE NO. BZA 7-77

APPLICANT: Unified School District, # 259, 428 S. 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 adjacent to Mildred Avenue from 25 feet to 3 feet for off-street parking purposes only.

GENERAL LOCATION: South side of Mildred Avenue in an area between Clifton and Rutan (College Hill Elementary School).

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

LAND USE: Subject property is a portion of the College Hill Elementary School site that is presently being utilized for portable classroom space. Properties to the north are developed with single family homes. To the south and east is the new school construction; and to the west is a playground.

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
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The Board of Education is requesting a variance to reduce the required front yard setback from 25 feet to 3 feet adjacent to Mildred Avenue, for off-street parking purposes only, in connection with the re-construction of College Hill School.

The total school site is bounded on four sides by streets; on the north by Mildred, Clifton on the east, First Street on the south, and Rutan on the west. The area involved in the variance request is limited to the north side of the new school now under construction. The site plan submitted with the application shows a 36 space parking lot located in the approximate vicinity now occupied by portable classrooms. Of the 36 spaces, 8 are shown encroaching 22 feet into the required 25 foot setback area, with the remaining 3 feet to be landscaped. These 8 spaces are contained in 72 feet of frontage along Mildred Avenue. The building itself and the other 28 parking spaces are all located behind the setback line. One driveway would serve the parking lot from Mildred Avenue.

The applicants stress two points in their statement of justification, namely, the limited school site where optimum use of land is necessary to have adequate playground area; and the fact that there are no owners of land other than the school on this south side of Mildred between Clifton and Rutan.

In viewing the applicant's parking plan, it was felt that the proposed layout does not provide optimum utilization of the area. A rough redesign using two driveways instead of one and all 90° parking provides the required spaces without encroachment into the 25 foot setback area. This type of layout may not be acceptable to the applicants, but it does illustrate the fact that the utilization of the front yard does not appear to be a critical need in providing the required parking.

Mildred Avenue is a very narrow street, with only 30 feet of street right-of-way. The north property line of subject property is within 4 feet of the curb line of the street.

UNIQUENESS:

It is the opinion of the Secretary that this may be a unique situation inasmuch as the applicants own this entire block, bordered by four streets, therefore having no abutting neighbors.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance may not adversely affect the rights of adjacent property owners inasmuch as there are no adjacent property owners on the south side of Mildred, and the property owners to the north should not be affected by this small area of parking.

HARDSHIP:

It is the opinion of the Secretary that it is difficult to find that the strict application of the provisions of the Zoning

SECRETARY'S REPORT  
BZA Case No. 7-77  
Page 3

Ordinance would constitute an unnecessary hardship upon the applicants inasmuch as the required number of off-street parking spaces can be provided in essentially the same location by redesigning the layout.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of this variance could be opposed to the public interest inasmuch as the cars would be parking within 7 feet of the curb line of Mildred Avenue.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the requested variance would be opposed to the general spirit and intent of the Zoning Ordinance if in fact a redesign of the parking layout would accomplish the required off-street parking in essentially the same area.

RECOMMENDATION:

It is the opinion of the Secretary that the required off-street parking can be provided without the utilization of any front yard setback area and without a major intrusion into playground area, while at the same time providing better ingress/egress and circulation for the parking lot. It is therefore recommended that this request be either denied or deferred to give the applicants the opportunity to ascertain that a redesign could be accomplished.

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20 notices to applicant, agent and adjoining property owners  
10 notices to MAPC members  
1 notice to CPO Dave Furnas

31 Total notices sent on March 31, 1977, BZA 7-77

BOARD OF ZONING APPEALS  
TENTH FLOOR - CITY HALL  
455 North Main Street, Wichita, Kansas 67202

March 31, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 7-77

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 adjacent to Mildred Avenue from 25 to 3 feet, for off-street parking purposes only, on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

The north 130 feet of the west 100 feet of Lot 4, Davis Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the south side of Mildred Avenue in an area between Clifton and Rutan (College Hill Elementary School).

This application has been assigned Case No. BZA 7-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 26, 1977, 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 #259 (Wichita) Sedgwick Co., Ks.

Mailing Address 428 S. Broadway 02 Phone 268-7777

Name of Authorized Agent ✓ Roger D. Coad

Mailing Address 3850 N. Hydraulic 14 Phone 832-1211

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

II. The variance requested is that the 25 ft. front yard setback established  
by Section 28.04.140(1) (off-street parking) of the Code of the City of Wichita, Ks.  
be reduced to 3 ft. for parking.

for property located along the south side of Mildred Street on the College  
Hill Elementary site.

North 130 feet of the west 100 feet of Lot 4,  
and legally described as: Block 3-6-4, Davis Addition to Wichita, Sedgwick  
County, Kansas

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

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; B.O.E. 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. 3-3 p.m.), 1977  
together with appropriate fee of \$50.00.  
BOE exempt

T9-402

5747

Larry Dobson  
Signed

S side of Mildred Ave. in area between  
Clifton and Putan

*Sehorn*

WICHITA PUBLIC SCHOOLS  
SCHOOL SERVICE CENTER  
3850 N. Hydraulic  
WICHITA, KANSAS 67219

Division of School Plant Planning  
and Operation Services  
(316)832-1211

March 4, 1977

Mr. Larry Dobson  
Metropolitan Area Planning Commission  
455 N. Main  
Wichita, Kansas 67202

Re: Legal Description - College Hill School

Dear Mr. Dobson:

Per our telephone conversation today please see the following legal description of the parking lot area affecting the variance request:

North 130 feet of the West 100 feet of Lot 4, Davis  
Addition to the City of Wichita, Sedgwick County, Ks.

Sincerely,

*Roger D. Coad*

Roger D. Coad  
School Plant Planner

RDC:mb

WICHITA PUBLIC SCHOOLS  
SCHOOL SERVICE CENTER  
3850 N. Hydraulic  
WICHITA, KANSAS 67219

March 2, 1977

*Division of School Plant Planning  
and Operation Services  
(316)832-1211*

Board of Zoning Appeals  
City Hall  
435 N. Main  
Wichita, Kansas 67202

Att: Mr. Jack Galbraith

Re: College Hill Elementary School - City Setback Ordinance

Dear Jack:

We are herewith submitting an application for variance of the 25 foot front yard setback ordinance with required backup information as follows:

1. Variance application
2. Certified listing of property owners within 200 feet of the involved property
3. Sheet describing the reasons for requesting the variance
4. College Hill Elementary site plan.

Sincerely,

*Roger D. Coad*

Roger D. Coad  
School Plant Planner

RDC:mb  
Atts.

The following describes the reasons for and justification of the City Setback Ordinance Variance request per the instruction sheets:

1. This is a small elementary school site covering a very small city block consisting of 4.2 acres. There is a church and church parking lot across the street east of the property, a church and residents across first street to the south and residents on the opposite sides of the other two adjoining streets, Rutan and Mildred. The building is a two-story structure designed to conserve as much space as practicable. The parking lot was designed on the north side of the property to avoid the high traffic area of first street and to minimize the loss of playground space.
2. Since Mildred is only one block long there are no houses to establish a setback line. The locating of the parking lot to within 30' of the property line does not create any traffic hazards, because there is clear vision across the playground area at the West and proper city setback on the east and north-east portions of the school site. The granting of the variance should in no way adversely affect the rights of adjacent property owners or residents.
3. This school site is small compared to many of our elementary school sites and there is no economical way to expand the site any more. To cut into the already limited playground space for off-street parking requirements would greatly cramp school playground activities.
4. To grant the variance to reduce the 25 foot setback to 3 feet would in no way negatively affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the community locally or otherwise.
5. Granting of this variance will not oppose the general intent of Title 28 (Zoning Ordinance). We propose to plant decorative shrubs in the 3 foot setback adjacent to the parking area in cooperation with the City Forester.

STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
                          ) SS  
SEDGWICK COUNTY )

*College Hill*

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 viz:

All the owners within 200 feet North of property line adjacent to COLLEGE HILL ELEMENTARY SCHOOL, between Rutan & Clifton, Wichita, Sedgwick County, Kansas.

*Legal: North 130 feet of the west 100 feet of Lot 4, Davis Addition to the City of Wichita, Sedgwick County, Ks.*



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>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
2, 4, 6, 8, 10, 12 & W $\frac{1}{2}$ of 14	DAVIS	Virginia P. & Dick Allen Morgan 3401 East 2nd Street Wichita, Kansas 67208
E $\frac{1}{2}$ of Lot 14, all of Lot 16 & W $\frac{1}{2}$ of Lot 18	DAVIS	Mary D. Warren 931 North Yale Wichita, Kansas 67208
E $\frac{1}{2}$ of Lot 18, all of Lot 20 & W $\frac{1}{2}$ of Lot 22	DAVIS	Don & Dorothy D. Klock 1535 Woodrow Court Wichita, Kansas 67203
E $\frac{1}{2}$ of Lot 22, all of Lot 24 & W $\frac{1}{2}$ of Lot 26	DAVIS	Arnetta E. & David L. Wilkinson 3501 East 2nd Street Wichita, Kansas 67208
E $\frac{1}{2}$ of Lot 26, all of Lot 28	DAVIS	Madelyn L. Jones 214 North Estelle Wichita, Kansas 67214
Lots 30 & 32	DAVIS	Ralph W. & Muriel Mae Leimkukl 3507 East 2nd Street Wichita, Kansas 67208

**Fidelity**  **Title**  
COMPANY, INC.

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
All Lots 34 & 36	DAVIS	Leslie W. & Madelaine F. Garber 3509 East 2nd Wichita, Kansas 67208
38, 40, 42, 44, 46, & 48, except the North 75 feet	DAVIS	Rickey L. & Marilyn W. Ridgeway 245 North Clifton Wichita, Kansas 67208
South 65 feet of Lots 1, 3, 5, 7, 9 & 11	DAVIS	Gary L. & Pamela S. Parks 240 North Rutan Avenue Wichita, Kansas 67208
North 60 feet of Lots 1, 3, 5, 7, 9 & 11	DAVIS	Alvin L. & Joyce Ann Gregg 244 North Rutan Wichita, Kansas 67208
13 & 15	DAVIS	Henry W. & Meribeth Claassen 1102 North Ridgewood Wichita, Kansas 67208
17 & 19	DAVIS	Vennon L. Hillyard 6220 East Murdock Wichita, Kansas 67208
21 & 23	DAVIS	William A. & Ruth E. Bennett 2050 Everett Avenue Wichita, Kansas 67213
25 & 27	DAVIS	Velma Weddle 3502 Mildred Avenue Wichita, Kansas 67208
29 & 31	DAVIS	Anna C. Hertel 3508 Mildred Avenue Wichita, Kansas 67208
33 & 35	DAVIS	John E. & Edith Nazarik 3512 Mildred Avenue Wichita, Kansas 67208
37, 39, 41, 43, 45, 47, except South 60 feet	DAVIS	Floyd P. & Harriet K. Bowen 239 North Clifton Wichita, Kansas 67208
South 60 feet of Lots 37, 39, 41, 43, 45 & 47	DAVIS	William H. & Eva Jean Androes 235 North Clifton Wichita, Kansas 67208



Dated at Wichita, Kansas, this 5th day of July, 1976, at 7:00 o'clock A.M.

Tracer No. 34364

FIDELITY TITLE COMPANY, INC.

By *Carita Gray*  
Asst. Sec. ag



\*

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

Roll # 1