

**WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS**

**MINUTES**

**January 8, 2015**

The regular meeting of the Wichita-Sedgwick County Board of Zoning Appeals was held on Thursday, January 8, 2015 at 1:59 p.m., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Matt Goolsby, Chair; Carol Neugent, Vice Chair; David Dennis; Bill Johnson; Don Klausmeyer; John McKay Jr.; M.S. Mitchell; Debra Miller Stevens and Chuck Warren. David Foster; Joe Johnson; Bill Ramsey; Don Sherman and George Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Jeff Vanzandt, Assistant City Attorney, Robert Parnacott, Assistant County Counselor and Maryann Crockett, Recording Secretary.

1. Approval of the December 4, 2014 Meeting minutes.

**MOTION:** To approve the December 4, 2014 meeting minutes.

**B. JOHNSON** moved, **WARREN** seconded the motion, and it carried (5-0-4).  
**DENNIS, GOOLSBY, MILLER STEVENS** and **MITCHELL** - Abstained.

-----

2. **BZA2014-00075** – City Variance to allow an increase in building height from 35 feet to 50 feet in SF-5 Single-family Residential zoning generally located South and East of Pawnee and 127<sup>th</sup> Street East on property described as:

Lot 1, Block 1, USD 259 4<sup>th</sup> Addition to Wichita, Sedgwick County, Kansas.

**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 III-B.5.d (7) of the Unified Zoning Code to permit a 50-foot high structure at a proposed high school. The subject property is located south of East Pawnee Avenue and west of South 7<sup>th</sup> St. East. The subject property is zoned SF-5 Single-family Residential (“SF-5”), and is currently undeveloped.

USD 259 will be constructing a new high school at the subject site and included in the new structure, like in all high schools, is a gymnasium. As stated in the attached letter, the applicant proposes to construct the new gymnasium that will reach 50-foot high. The request for the building height increase is for the gymnasium section of the school structure and is similar to other school structures that have gyms with high roofs.

Elementary, Middle and High Schools are permitted by right or by Conditional Use in every zone district except OW Office Warehouse, IP-A Industrial Park-Airport District and IP Industrial Park zoning. If the school were to be built in a MF-18 or MF-29 Multi-family zone, the applicant would just need an administrative adjustment for this structure height since the maximum heights in those zone districts is 45-feet. Also, if the school were to be built in the B Multi-family zone district, the applicant would not have to apply for an adjustment or variance because that zone district allows for a maximum building height of 55-feet. This variance will allow the building height for the school in the SF-5 zone district, which would be allowed or allowed by adjustment in the other zone districts in where the use is permitted.

Property to the north is zoned SF-5 Single-family Residential and LC Limited Commercial and is developed with single-family residences (across Pawnee) and undeveloped LC property at the corner of Pawnee and 127st East. Property to the south is zoned SF-20 Single-family Residential and is currently open agricultural land. Property to the east is zoned SF-20 and is currently farmland. Property to the west is also zoned SF-20 and developed with single-family residences.

**ADJACENT ZONING AND LAND USE:**

NORTH:	SF-5 and LC	Single-family residences
SOUTH:	SF-20	Open Agricultural Land
EAST:	SF-20	Farmland
WEST:	SF-20	Single-family residences

The five criteria necessary for approval as they apply to the requested variance.

**UNIQUENESS:** It is staff’s opinion that this property is unique in that SF-5 zoning allows institutional uses and the size of this property is substantially larger than lots that are developed with single-family residences. The increase in building height for the proposed structure will be lessened in impact due to the location of the proposed building and the setback from all other property lines, leaving the structure a greater distance away from any surrounding properties.

**ADJACENT PROPERTY:** It is staff’s opinion that granting the requested variance would not adversely affect the rights of adjacent property owners. The proposed height increase will be minimized due to the scale of the structure and the increased setbacks from surrounding properties.

**HARDSHIP:** It is staff’s opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants. Without the requested height increase variance, the applicants could not feasibly construct the school gymnasium as designed and as to what is similar to other school gymnasiums in the school district.

**PUBLIC INTEREST:** It is staff’s opinion that the requested variance for a building height increase will not adversely affect the public interest, as further improving this property is in the public interest, and the size of the property is large enough to protect against impacts of the surrounding properties.

**SPIRIT AND INTENT:** It is staff’s opinion that granting the requested variance for a building height increase does not oppose the general spirit and intent of the Zoning Code. Due to the size and the property and the scale of the proposed building, the variance should not detract from the adjacent uses and maintain the intent of the code.

**RECOMMENDATION:** It is staff’s opinion that the requested variance of the Zoning Code to increase the building height requirement from 35 feet to 50 feet is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The building height increase shall apply only to school building as proposed. Any future buildings on this site shall conform to Zoning Code required building heights unless a separate Administrative Adjustment or Variance is approved.
2. The building shall meet building code, fire code and all other applicable code requirements. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

**DERRICK SLOCUM**, Planning Staff presented the Secretary’s Report.

**MOTION:** To approve subject to staff recommendation.

**DENNIS** moved, **WARREN** seconded the motion, and it carried (9-0).

-----

The Wichita-Sedgwick County Board of Zoning Appeals adjourned at 2:00 p.m.

State of Kansas            )  
Sedgwick County        ) <sup>ss</sup>

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Board of Zoning Appeals do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Board of Zoning Appeals, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Board.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
John L. Schlegel, Secretary  
Wichita-Sedgwick County Board of  
Zoning Appeals