



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

March 5, 2001

Elsie Fullerton
Applicant
1429 N. Mt. Carmel
Wichita, KS 67203

FILE COPY

RE: BZA 2001-00003 – Appeal of an administrative interpretation by the Planning Director and the Zoning Administrator for Administrative Adjustment BZA2000-00047 to waive the screening fence requirement on the east property line on property zoned “LC” Limited Commercial and “OW” Office Warehouse. Generally located north of 13th Street North and east of Sheridan.

Dear Ms. Fullerton:

The above-referenced appeal was heard by the Board of Zoning Appeal on Tuesday, February 27, 2001. The official action of the Board was to uphold the interpretation of the Zoning Administrator. Enclosed is an official Resolution and findings for the decision. Unless this action is appealed to District Court within 30 days of the hearing, the action of the BZA will be considered final.

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

Sincerely,

Scott Knebel
BZA Assistant Secretary

SK/rs

Cc: Anderson Properties, L.L.C., c/o Thomas M. Anderson, P. O. Box 4348, Wichita, KS 67203
Pioneer Cable Company, %Tom Anderson, 3246 W. Thirteenth Street, Wichita, KS 67203
Terri Dozal, D.A.B. VI, Mail Stop 1-135
Joan B. Cole, City Council, District VI, Mail Stop 1-135
Kurt Schroeder, OCI, Mail Stop 1-72
Pat Longwell, OCI, Mail Stop 1-72
J. R. Cox, OCI, Mail Stop 1-72
Sharon Dickgrafe, Law, Mail Stop 1-132

BZA RESOLUTION NO. 2001-0003

WHEREAS, Elsie Fullerton, pursuant to Section 2.12.590.(A) of the Code of the City of Wichita, appeals the decision of the Zoning Administrator on December 14, 2000, waiving the screening requirements for property located at:

Lot 1, Block A, Anderson Properties Addition

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 February 27, 2001 consider such appeal.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that, having considered the entire record regarding this matter and having heard the evidence as presented to the Board makes the following findings:

1. That the Board of Zoning Appeals has jurisdiction to hear this appeal, pursuant to K.S.A. 12-759(d) and Section 2.12.590 of the Code of the City of Wichita Kansas; and
2. That the Board concurs with the following findings of fact as presented in the record:
 - a) That the Zoning Administrator, pursuant to Article V, Sec. H (1) of the Wichita-Sedgwick County Zoning Code, had the authority to make the zoning adjustment issued on December 14, 2000.
 - b) That the requirements for granting an administrative adjustment, pursuant to Art. V-I-6 have been met.
 - i) **Impact on Safety and Convenience of Vehicular and Pedestrian Circulation:** The elimination of screening requirements and compatibility setbacks would have no impact on safety and convenience of vehicular and pedestrian circulation in the vicinity of the property.
 - ii) **Impact on existing uses in surrounding areas:** The existing screening fence on the abutting property to the east provides the required screening mandated by the Code. Providing additional screening on the property in question would be an unnecessary duplication.
 - iii) **Compatibility with existing or permitted uses on abutting sites:** The abutting property to the east is developed with a parking lot, which is compatible with the uses on the subject property. Therefore, there is no

need for a screening fence on the subject property. The abutting property to the east provides a screening fence that screens the subject property from residentially-developed properties to the north and east and provides compatibility among the uses in the area.

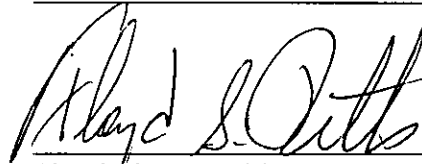
iv) **Effect on public health, safety or welfare:** There will be no encroachment into public utility easements or right of way. There should not be a negative impact on the public health, safety or welfare nor will properties or improvements in the vicinity be materially injured.

c) The administrative adjustment made by Kurt Schroeder is supported by the language contained in Wichita-Sedgwick County Unified Zoning Code.

3. The Board further finds that the zoning adjustment granted by the Zoning Administrator as set forth in his letter of December 14, 2000 was reasonable and is supported by the evidence presented at this hearing.

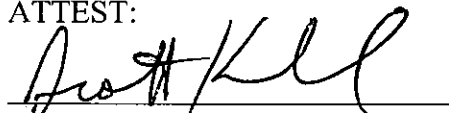
4. The Board further finds that the appellant has not met her burden of proof to show that the adjustment was in error.

ADOPTED AT WICHITA, KANSAS THIS _____.



Floyd Pitts, President

ATTEST:



Scott Knebel, Assistant Secretary