



Wichita-Sedgwick County Metropolitan Area Planning Department

May 1, 2002

Jeff C. Lyle Living Trust
640 N. Rock Rd. #15
Wichita, KS 67206

FILE COPY

Re: BZA2002-00018: An administrative adjustment to waive the screening requirements along the west property line.

Legal Description: Lot 2, excluding the south 100 feet, Block A Brownie's 1st Addition, Wichita, Sedgwick County, Kansas. Generally located north of 13th Street North and west of Rock Road (1611-1619 N. Rock Rd.).

Dear Mr. Lyle:

We have reviewed your request for an administrative adjustment to waive the screening requirements along the west property line of the aforementioned property. You state in your application that the residentially-zoned property to the west is developed with communication towers. From inspecting the property, we find that the nearest properties developed with residential uses are located approximately 300 feet to the southwest and that these properties provide their own screening wall and landscape buffer along the common property line with the communication towers. The residentially-zoned property west of the communication towers is developed with a school and a park, and the nearest residentially developed properties directly west of your property are almost one-half mile away.

Sec. V-I.2.m. of the Unified Zoning Code allows an administrative adjustment to waive the screening requirements specified in Sec. IV-B.3.(a) of the Code when the adjacent residential property is developed with a major utility, the location of improvements on one or both properties provides adequate screening, and the conditions required by Sec. V-I-6. of the Code are met. We find that the adjacent residential property is developed communications towers, which is a use of similar intensity and character as a major utility that meets the intent of the screening waiver provisions of Sec. V-I.2.m. of the Code. We further find that the screening wall and landscape buffer along the south property line of the communication tower property and the sheer distance from residentially developed properties located almost one-half mile to the west provide adequate screening as intended by Sec. V-I.2.m. of the Code. Finally, we find that waiving the screening requirements along the west property line of the subject property meets the four conditions required by Sec. V-I.6 of the Code as set out below:

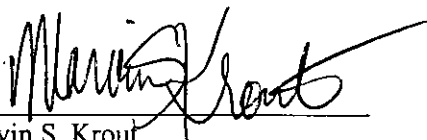
- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed elimination of screening requirements and compatibility setbacks would have no impact on safety and convenience of vehicular and pedestrian circulation in the vicinity of the application area.

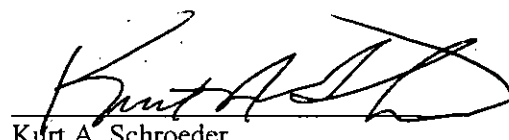
- 2) Impact on existing uses in surrounding areas: The existing screening fence and landscape buffer provided by the residentially developed property located 300 feet to the southwest meets the Code's screening requirements from the subject property. Providing additional screening on the subject property would be an unnecessary duplication of screening.
- 3) Compatibility with existing or permitted uses on abutting sites: The abutting property to the west is developed with communication towers, which is compatible with the uses on the subject property does not necessitate the need for screening on the subject property. The existing screening wall along the south property line of the communication towers property screens the subject property from residentially-developed properties in the area and provides compatibility among the commercial, institutional, and residential uses in the area.
- 4) Effect on public health, safety or welfare: There will be no encroachment into public utility easements or right-of-way; therefore, 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.

Our signatures below indicate that an administrative adjustment to waive the required screening on the west property line of the subject property is hereby granted subject to the following conditions:

- 1) If the screening fence along the south property line of the adjoining property to the west where adjacent to residential uses is removed, screening in conformance with Sec. IV-B.3.(a) of the Unified Zoning Code shall be provided along the west property line of the subject property.
- 2) If the abutting property to the west is developed with a residential use, screening in conformance with Sec. IV-B.3.(a) of the Unified Zoning Code shall be provided along the west property line of the subject property.
- 3) A waiver of the landscape buffer requirements of Sec. 10.32.040 of the Landscape Ordinance is required prior to the issuance of a building permit.

The zoning adjustment sign may now be removed from the property.


Marvin S. Krout
Director of Planning


Kurt A. Schroeder
Superintendent of Central Inspection

Enclosure

cc: Ken Saville, Transamerican Mgmt. Co., 1938 N. Woodlawn #450, Wichita, KS 67208
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection

Atten,

SCOTT Knebel
268-4390

