any existing utility easement or street right-of-way and will be an unobtrusive color and unlighted.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations inasmuch as the zoning ordinance permits the location of public schools within almost all zoning districts and the use of the property for educational purposes and needed accessory equipment.

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 be granted, subject to the following conditions:

1. The color of the tower shall be silver or gray or a similar unobtrusive color.

2. There shall be no lighting of or on the tower.

3. No commercial advertising signs shall be allowed on the tower or on its perimeter security fence. No school related signs shall be allowed on the tower.

4. If the communication tower remains unused for a period of 12 consecutive months it shall be considered abandoned and shall be removed by the owner no later than 90 days following the end of the 12-month period.

5. The tower base shall be enclosed with a 1-1/4" x 1-1/4" - 9 guage mesh security fence ten feet in height with 45 degree extension arms angled to the outside.

6. The tower shall be located substantially in compliance with the site plan approved by the Board of Zoning Appeals on October 22, 1996, unless a revised site plan is submitted to, and reviewed and approved by, the Board.

7. The tower shall be installed within two years or the resolution granting this variance shall become null and void.

8. The variance authorizing a higher tower may be declared null and void upon a finding by the Board that the applicant has failed to comply with October 14, 1996, any of the foregoing conditions of approval.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 6
November 19, 1996

SECRETARY'S REPORT

CASE NUMBER: BZA 22-96

OWNER/APPLICANT: USD 259

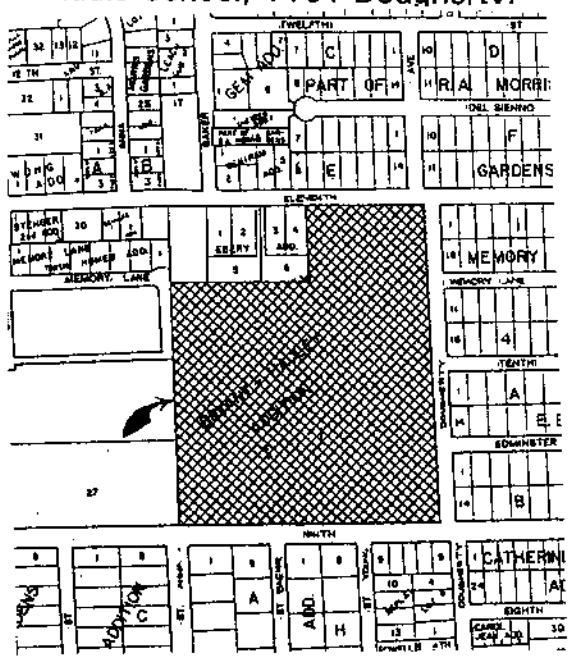
AGENT: Roger Savage

REQUEST: Variance to increase the height of a microwave communications tower from 35 feet to 150 feet.

CURRENT ZONING: "SF-6" Single-Family

SITE SIZE: 20.00 acres

LOCATION: Southwest corner of 11th and Dougherty (Hadley Middle School, 1101 Dougherty)



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.

GENERAL BACKGROUND: See separate sheet titled "General Background Information for all USD 259 Microwave Communication Tower Height Variance Requests."

SPECIFIC BACKGROUND: The Hadley Middle School site is located within the SF-6 zoning district. The requested location of the 150-foot tower is approximately 110 feet southeast of the closest adjacent property line, as measured to the center of the tower. The base of the tower will be approximately 15 feet square thus placing the tower about 55 feet beyond the minimum 50-foot setback required for locating a 35-foot structure. Therefore, a 53-foot tower could be installed at that location without requesting a variance, but a 53-foot tower would not meet the needs of the applicant so they have filed this variance to increase the permitted height of a noncommercial microwave communication tower to 150 feet.

Two neighbors attended the USD 259 meeting at the Hadley Middle School on October 4, 1996, the only concern expressed was the possible interference the microwave tower would have on television reception in the area.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6"	Single Family Homes
SOUTH	"SF-6"	Single Family Homes
EAST	"SF-6"	Single Family Homes
WEST	"SF-6"	Single Family Homes and Orchard Park

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site serves as the location of a public institutional use which serves the needs of the community and is recognized by the community as a permitted use within almost all zoning categories. The microwave communication tower is an accessory use which supports the public educational use of the site.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the color of the tower will be unobtrusive and the tower will not be permitted to be illuminated, therefore, these two conditions will lessen the impact of the structure being viewed from adjacent properties.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as the school district would not be able to utilize new technology in the most economical manner to meet the educational needs of the citizens they serve.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the proposed tower will not encroach

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

November 21, 1996

Roger Savage
USD 259
3850 N. Hydraulic
Wichita, Kansas 67219

RE: BZA 22-96 - Variance to increase the height of a microwave communication tower from 35 feet to 150 feet and generally located on the southwest corner of 11th Street and Dougherty (Hadley Middle School, 1110 Dougherty)

Dear Mr. Savage:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on **November 19, 1996**. This resolution reflect the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure

LPM/sah

cc: Julie Hedrick, Staff Architect, USD 259, 3850 N. Hydraulic, Wichita, Kansas 67219
Mike Brown, Project Architect, USD 259, 3850 N. Hydraulic, Wichita, Kansas 67219
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to increase the height of an accessory use microwave communications tower from 35 feet to 150 feet on property zoned "SF-6" Single-Family Residential and legally described as follows:

Lot 1, Bryant-Hadley Addition to Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. The color of the tower shall be silver or gray or a similar unobtrusive color.

2. There shall be no lighting of or on the tower.

3. No commercial advertising signs shall be allowed on the tower or on its perimeter security fence. No school related signs shall be allowed on the tower.

4. If the communication tower remains unused for a period of 12 consecutive months it shall be considered abandoned and shall be removed by the owner no later than 90 days following the end of the 12-month period.

5. The tower base shall be enclosed with a 1-1/4" x 1-1/4" - 9 gauge mesh security fence ten feet in height with 45 degree extension arms angled to the outside.

6. The tower shall be located substantially in compliance with the site plan approved by the Board of Zoning Appeals unless a revised site plan is submitted to, and reviewed and approved by, the Board.

7. The tower shall be installed within two years or the resolution granting this variance shall become null and void.

8. The variance authorizing a higher tower may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions of approval.

ADOPTED AT WICHITA, KANSAS, this 19th day of November, 1996.

Keith A. Alter

Keith A. Alter, President

ATTEST:

Louise Olivarez

Louise Olivarez, Secretary

BZA RESOLUTION NO. 22-96

WHEREAS, USD 259 pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of an accessory use microwave communications tower from 35 feet to 150 feet on property zoned "SF-6" Single-Family Residential and legally described as follows:

Lot 1, Bryant-Hadley Addition to Wichita, Sedgwick County, Kansas. (Hadley Middle School, 1101 Dougherty)

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 November 19, 1996, 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 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 owners or the applicant inasmuch as the site serves as the location of a public institutional use which serves the needs of the community and is recognized by the community as a permitted use within almost all zoning categories. The microwave communication tower is an accessory use which supports the public educational use of the site; 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 the color of the tower will be unobtrusive and the tower will not be permitted to be illuminated, therefore, these two conditions will lessen the impact of the structure being viewed from adjacent properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the school district would not be able to utilize new technology in the most economical manner to meet the educational needs of the citizens they serve; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, inasmuch as the proposed tower will not encroach any existing utility easement or street right-of-way and will be an unobtrusive color and unlighted; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the zoning ordinance permits the location of public schools within almost all zoning districts and the use of the property for educational purposes and needed accessory equipment; 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 been found to exist.

PARKING
1267.34'
21 CW
64 CW
60'-0"
110'-0"
40'-0"
HADLEY
1101 DOUGHERTY
6803
6804
9099
1099
6709
CENTER OF
150'-0" TOWER
300'
PARKING
452.54'
W 11TH ST
DOUGHERTY ST.
1" = 100'
N
JUNIOR HIGH
HADLEY

BZA 22-96