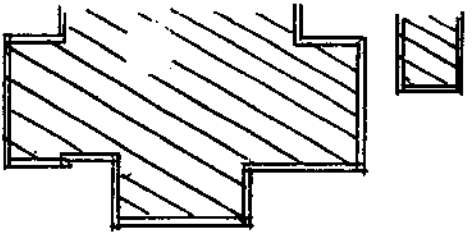


BZA 12-96

LANDSCAPE PLAN

APPROVED 11/6/96 ~~BD~~ ~~SD~~



PLAYGROUND
EQUIPMENT

130'-0"
40'-0"

CENTER OF
100'-0" TRIP

14 TREES EQUALLY
SPACED @ 6'-0"

DITCH

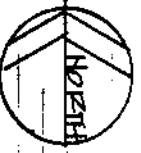
FOURTEEN NEW CANAERT
EVERGREENS / 5'-0" TALL

65'-0"

EXISTING TREES

PROPERTY LINE

UNIVERSITY STREET



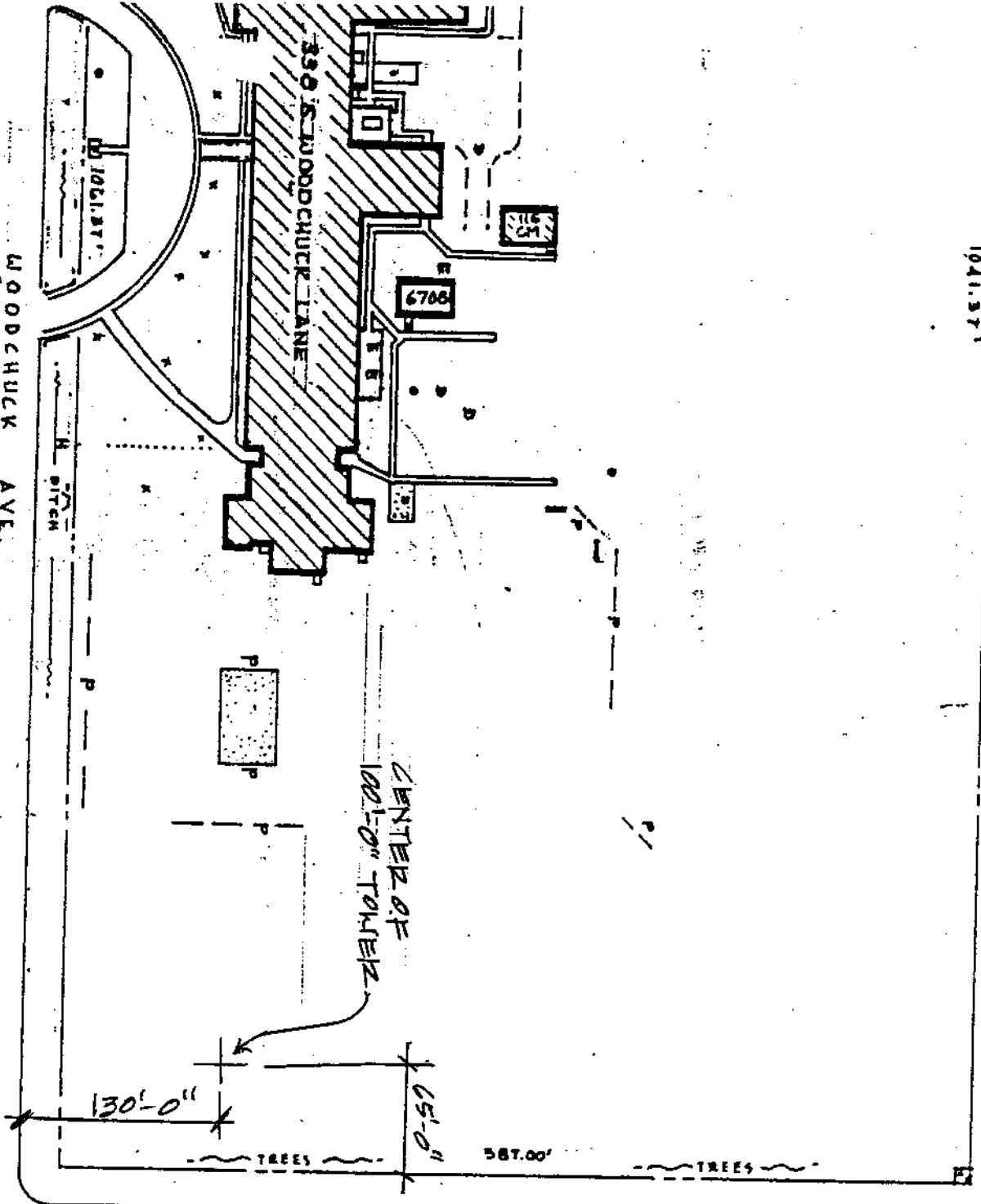
LANDSCAPE LOCATION PLAN
50'-0" = 1"

BENTON ELEMENTARY

NOTE: POSITION FIRST
NEW TREE TO ALLOW
MATURE SPREAD TO
MERGE W/ EXISTING
TREES.

TREES

1041.37'



UNIVERSITY

BZA 12-96
Approved by BZA 10/22/96

190 1" = 100'

ELEMENTARY

RENTON

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



**METROPOLITAN AREA PLANNING
DEPARTMENT**

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

November 26, 1996

**Roger Savage
USD 259
3850 N. Hydraulic
Wichita, Ks 67219**

RE: BZA 12-96 - Variance to increase the height of an accessory microwave communication tower from 35 feet to 100 feet and generally located on the northeast corner of University and Woodchuck (Benton Elementary School, 338 S. Woodchuck Lane)

Dear Mr. Savage:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on September 24, 1996. This resolution reflects 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 now that the landscape plan as required by condition #4 has been submitted and approved. Also enclosed is a copy of the site plan with the approved tower located identified and a copy of the approved landscape plan.

Sincerely yours,

**Louise Olivarez
Secretary
Board of Zoning Appeals**

Enclosure

LO/sah

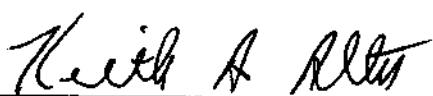
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to increase the height of a microwave communications tower from 35 feet to 100 feet on property zoned SF-6 Single Family and legally described as follows:

Lot 1, Mary Benton Addition, 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. To provide some visual buffer for the residences to the west a minimum of five (5) trees shall be planted around the west and northwest sides of the tower enclosure. A planting plan shall be submitted to the BZA Secretary for review and approval within 60 days following approval of this variance. The existing trees along University shall be maintained as a screening buffer for the residences to the south.
5. The applicant will be required to obtain an Airport Hazard Zoning Permit from the Office of Central Inspection before the tower may be constructed.
6. 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.
7. The tower shall be constructed in accordance with the site plan submitted by the applicant and approved by the Board of Zoning Appeals.
8. The tower shall be installed within one year or the resolution granting this variance shall become null and void.
9. This 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 24th day of September, 1996.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 12-96

WHEREAS, USD 259, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of a microwave communications tower from 35 feet to 100 feet on property zoned "SF-6" Single-Family and legally described as follows:

Lot 1, Mary Benton Addition, Wichita, Sedgwick County, Kansas and generally located on the northeast corner of University and Woodchuck (Benton Elementary School 338 S. Woodchuck Lane)

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 September 24, 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 the most restrictive 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 an unobtrusive color that will lessen the impact of the structure being viewed from adjacent properties and the base will be screened from the south by existing evergreens and from the west and northwest by trees required to be planted as a condition of this variance; 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 the most restrictive 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.

7. 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.
8. This 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.

SECRETARY'S REPORT

CASE NUMBER: BZA 12-96

OWNER/APPLICANT: USD 259

AGENT: Roger Savage

REQUEST: Variance to increase the height of a microwave communications tower from 35 feet to 100 feet.

CURRENT ZONING: "SF-6" Single-Family

SITE SIZE: 14.30 Acres

LOCATION: Northeast corner of University and Woodchuck
(Benton Elementary School, 338 S. Woodchuck Lane)



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

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

SPECIFIC BACKGROUND: The Benton Elementary School site is located within the SF-6 zoning district. The requested location of this 100-foot tower is approximately 130 feet east of Woodchuck and 65 feet north of University, as measured to the center of the tower. The base of the tower will be approximately 15 feet square thus bringing the structure close to the minimum 50-foot setback (from University) which is required for structures that exceed the basic height limitation of 35 feet. Therefore, the applicant has filed this variance to increase the permitted height of a noncommercial microwave communication tower from 35 feet to 100 feet. The applicant has stated that areas further east and northeast on the site are used for playfields or are encumbered with overhead or underground utilities and therefore are unsuitable for the tower location. The Airport Hazard Zoning Code (see Chapter 28.08 of the City Code) identifies this entire section of land as requiring airport hazard zoning permits for all structures with a height of more than 25 feet. These permits are issued by the Office of Central Inspection at the time a building permit is requested. In reviewing the Airport Hazard Zoning Maps, overall elevations on the school site cannot exceed 1482 feet. The ground elevation of the school site is 1332 feet, therefore a 100-foot tower would bring the overall elevation to 1432 feet which would be under the maximum height allowed on this site.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6"	Single Family Homes
SOUTH	"TF-3" & "LC"	Duplex, Office & Undeveloped Land
EAST	"GO" & "B"	Undeveloped Land
WEST	"SF-6"	Single Family Homes & Church

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 the most restrictive 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 an unobtrusive color that will lessen the impact of the structure being viewed from adjacent properties and the base will be screened from the south by existing evergreens and from the west and northwest by trees required to be planted as a condition of this variance.

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 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 the most restrictive 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 or school-related signs shall be allowed on the tower or on its perimeter security fence.
4. To provide some visual buffer for the residences to the west a minimum of five (5) trees shall be planted around the west and northwest sides of the tower enclosure. A planting plan shall be submitted to the BZA Secretary for review and approval within 60 days following approval of this variance. The existing trees along University shall be maintained as a screening buffer for the residences to the south.
5. In order for this tower to maintain its non-commercial status no private commercial uses shall be allowed to locate on the tower.
6. The applicant will be required to obtain an Airport Hazard Zoning Permit from the Office of Central Inspection before the tower may be constructed.