



Wichita-Sedgwick County Metropolitan Area Planning Department

October 10, 2000

Arthur P. and Catherine R. Leger
8301 E. 47th St. S.
Derby, KS 67037

FILE COPY

Re: Administrative Adjustment BZA2000-00042: An administrative adjustment to reduce the setback required by the compatibility height standard.

Legal Description: Part of the S $\frac{1}{2}$ of the NW $\frac{1}{4}$ of Sec. 20 Twp. 28 R2E of the 6th P.M., Sedgwick County, Kansas being more particularly described as: commencing at the SW corner of the said NW $\frac{1}{4}$; thence N 24.72 feet along the W line of said NW $\frac{1}{4}$; thence E 523.12 to the point of beginning; thence N 100 feet; thence E 100 feet; thence S 100 feet, the W 100 feet to point of beginning.

Dear Mr. and Mrs. Leger:

We have reviewed your request for an Administrative Adjustment to reduce the setback required by the compatibility height standard from 150 feet to 75 feet. You state in your application that you propose to construct a 150 foot monopole for use by Cricket Communications, and your site plan shows the 150-high wireless communication facility located 75 feet north of your south property line. The 150-high wireless communication facility was approved as a Conditional Use (CON2000-00030) subject to a number of conditions, including approval of this Administrative Adjustment.

The Unified Zoning Code allows an Administrative Adjustment to reduce or waive the setback required by the compatibility height standard. Locating a 150-high wireless communication facility within 75 feet of an adjoining property zoned TF-3 of more restrictive is within the allowable limits for an Administrative Adjustment to reduce the setback required by the compatibility height standard.

We find that reducing the setback required by the compatibility height standard from 150 feet to 75 feet meets the four conditions required by Section V-I.6 of the Unified Zoning Code as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The only vehicular and pedestrian circulation in the vicinity of the proposed wireless communication facility

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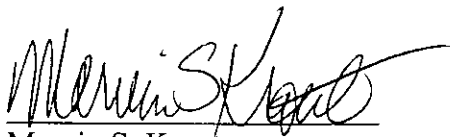
occurs on Rock Road, which is located over 500 feet west of the proposed facility. Reducing the setback required by the compatibility height standard should have no negative impact on the safety and convenience of vehicular and pedestrian circulation in the area.

- 2) Impact on existing uses in surrounding areas: There should be no negative impact on the existing uses in surrounding areas as a result of reducing the setback required by the compatibility height standard since the existing uses in surrounding areas are agricultural, and they should not be impacted by the visual impact of the proposed wireless communication facility.
- 3) Compatibility with existing or permitted uses on abutting sites: Reducing the setback required by the compatibility height standard to 75 feet is within allowable adjustments and will not detract from the existing agricultural uses on abutting sites. The existing hedge row along the south property line should provide sufficient screening of the proposed wireless communication facility from permitted residential uses on abutting sites should they develop in the future.
- 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.

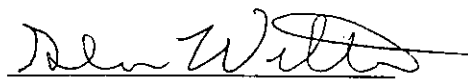
Our signatures below indicate that an Administrative Adjustment to reduce the setback required by the compatibility height standard from 150 feet to 75 feet is hereby granted, subject to the following conditions:

- 1) The site shall be developed in general conformance with the site plan submitted as part of this application.
- 2) The existing hedge row along the south property line shall be maintained to screen the wireless communication facility from the adjoining property to the south.
- 3) Any violation of these conditions shall render the Administrative Adjustment null and void.

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



Marvin S. Krout
Planning Director



Glen Wiltse
Code Enforcement Director

MK/GW/sk

cc: Greg Ferris, Ferris Consulting, P.O. Box 573, Wichita, KS 67201
Glen Wiltse, Sedgwick County Code Enforcement

ART'S TOWER

PROJECT NO. : KS-07

DRAWING

SITE PLAN

DATE : 7/14/00

SCALE :AS NOTED

DRAWN BY :R W G

Dynatek

Telecommunication Services

DRAWING 1 OF 2



SCALE: 1"= 40 FEET

