

January 9, 1985

Chandler S. Bethel
12 Linden
Wichita, Kansas 67206

Re: Co.BZA 12-84 - Request for Variance

Dear Mr. Bethel:

Enclosed is a signed copy of the Resolution adopted by the County Board of Zoning Appeals on January 7, 1985, in connection with your request for a variance to vary the height of an energy generating structure from 45' to 100' on property zoned "R-1" Suburban Residential District and generally located on the east side of Ridge Drive and south of 21st Street North.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

CEL:sad

cc: Kerry Kisslinger, Sunco Power, Inc., Box 452, Andover, Ks. 67002
Ron Worley, County Zoning Officer (2)
Michael Sawyer, County Clerk

RESOLUTION NO. Co.BZA 12-84

WHEREAS, Chandler S. Bethel, 12 Linden, Wichita, Kansas, requests a variance as provided in Section 13-1-b, Sedgwick County Zoning Resolution, to vary the height of an energy generating structure from 45' to 100' on property zoned the "R-1" Suburban Residential District and legally described as follows:

Lot 6, Lake Side Acres 2nd Addition to Sedgwick County, Kansas. Generally located on the east side of Ridge Drive and south of 21st Street North.

WHEREAS, proper notice as required by Resolution 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 January 7, 1985, consider said application; and

WHEREAS, the Board of Zoning Appeals has found that the variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning district; and is created by the zoning order and not by an action or actions of the property owner or the applicant inasmuch as the installation of the wind generator will not be closer than 100' to any adjacent property owner; 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 distance separation should prevent any noise problem; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning resolution of which variance is requested, will constitute unnecessary hardship upon the property owners represented in the application inasmuch as it is necessary to install the wind generator at a height sufficient to eliminate wind turbulence created by trees or structures; 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 variance is insignificant due to the location of the property; 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 resolution inasmuch as the intent of the regulations is to assure that the height is compatible with the general area; and

WHEREAS, each of the five conditions required by Section 13.1.b.), Sedgwick County Zoning Resolution, to be present before a variance can be granted has been found to exist.

NOW THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of Sedgwick County that this request for a variance to vary the height of an energy generating structure from 45' to 100' on property zoned the "R-1" Suburban Residential District and legally described as follows:

Lot 6, Lake Side Acres 2nd Addition to Sedgwick County, Kansas. Generally located on the east side of Ridge Drive and south of 21st Street North.

be approved subject to the following conditions:

1. Any guy anchors used in the construction shall be located on the applicant's property and not be located on any easements.
2. The structure shall be located in the rear yard and no closer than 100 feet to any property line.

3. The applicant shall secure the necessary permits for the construction of the wind generating unit.

ADOPTED AT WICHITA, KANSAS, this 7th day of January, 1985.


William J. Goebel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

SECRETARY'S REPORT
CASE NO. CO.BZA 12-84

APPLICANT: Chandler S. Bethel, 12 Linden, Wichita, Kansas.

AGENT: Kerry Kisslinger, Sunco Power, Inc., Box 452, Andover, Kansas.

REQUEST: Variance pursuant to Section 13-1-b of the Zoning Resolution of Sedgwick County, Kansas to vary the height of an energy generating structure from 45' to 100'.

GENERAL LOCATION: On the east side of Ridge Drive and south of 21st Street North.

ZONING: Subject property is zoned the "R-1" Suburban Residential District as are all surrounding properties.

LAND USE: Subject property is occupied by a single-family home. Most adjacent properties are undeveloped.

JURISDICTION:

The Board has jurisdiction to consider the variance requested under the provisions outlined in Section 13-1-b of the Sedgwick County Zoning Resolution, and the Board may grant the request only when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance from the height limitation of 45 feet, for a wind energy conversion unit, to a height of 100 feet. The Sedgwick County Zoning Resolution permits the proposed use as an exception to the height limitations of the district but places a maximum height at 45 feet, providing the structure is not placed closer to any adjacent property than the height of the structure.

In this case the property is 262 feet in width and 240 feet in depth. As indicated by the site plan, the unit will be installed near the center of the property. The distance to any side property line is not less than 100 feet.

UNIQUENESS:

It is the opinion of the Secretary that this may be a unique situation inasmuch as the property is of sufficient size to locate the tower a greater distance from the property line than its height.

ADJACENT PROPERTY:

It is the opinion of the Secretary that adjacent property owners or residents should not be adversely affected if the structure is positioned as indicated on the site plan submitted with the application.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning resolution may constitute an unnecessary hardship upon the applicant inasmuch as the structure height would be insufficient to assure the maximum utilization of the unit, and at a lower height the unit would be subject to damage due to wind turbulence.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public interest inasmuch as the variance request is for the height of the wind energy conversion unit and will not interfere with any easements on the property.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit of the zoning order inasmuch as the structure will be located in such a manner so as to not create problems of noise or safety in any way.

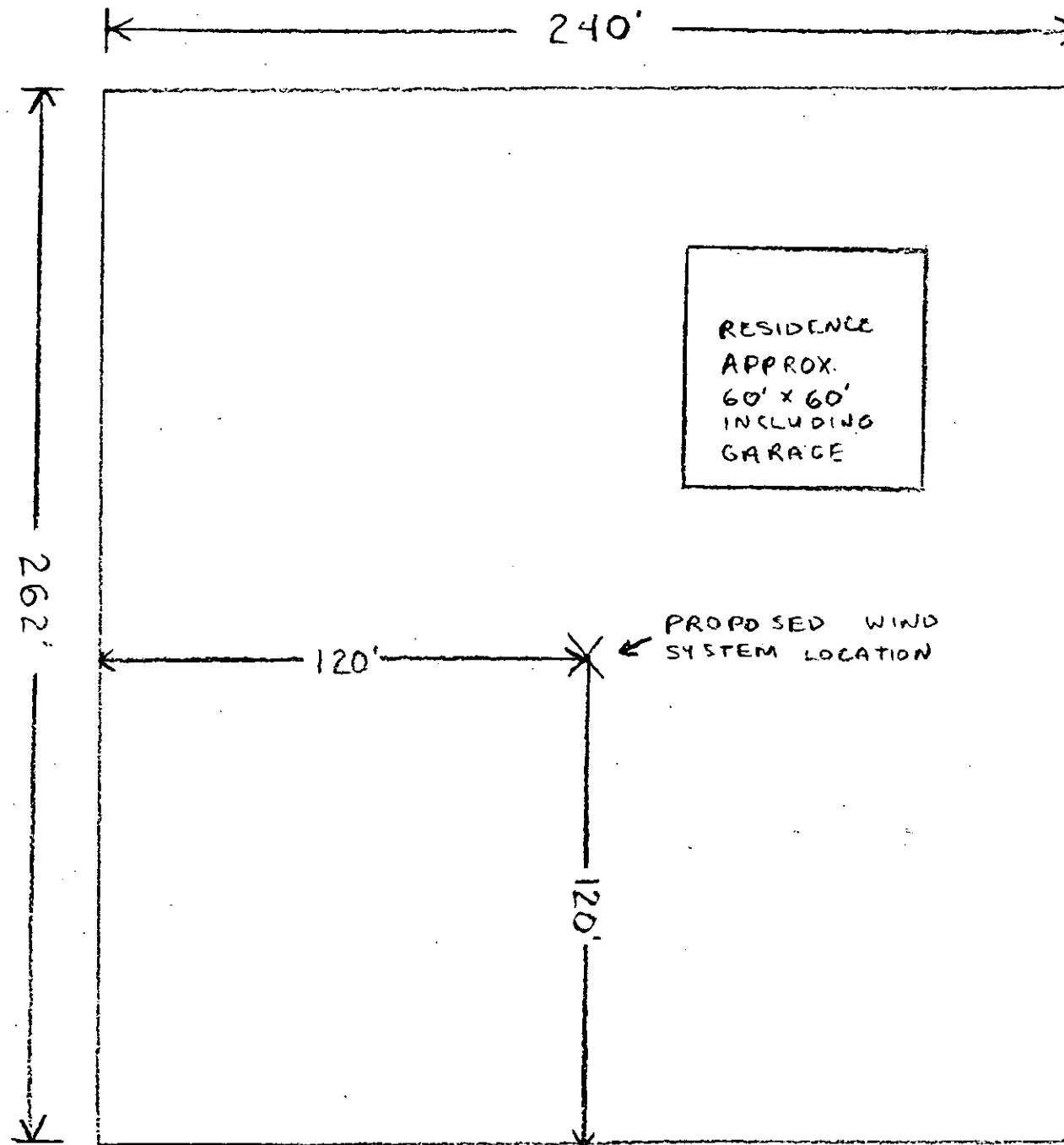
RECOMMENDATION:

If the Board finds that five conditions necessary to the granting of a variance can be found to exist, then it is recommended that the variance be granted subject to the following conditions:

1. Any guy anchors used in the construction shall be located on the applicant's property and not be located on any easements.
 2. The structure shall be located no closer than 100 feet to any property line.
 3. The applicant shall secure the necessary permits for the construction of the wind generating unit.
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CHANDLER S. BETHEL
MARTHA S. BETHEL

LOT NO. 6
LAKE SIDE ACRES
SECOND ADDITION
SEDGWICK COUNTY



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SCALE: 1" = 40'