



**Wichita-Sedgwick County Metropolitan Area Planning Department**

November 30, 2022

Evergy Kansas South, Inc.  
Attn: Chris Meyer  
818 S. Kansas Ave.  
Topeka, KS 66612

Professional Engineering Consultants  
Attn: Rebecca Mellies  
303 S. Topeka  
Wichita, KS 67202

**RE: BZA2022-00042 - City Variance to allow an increase in height of solid screening wall from 9 feet to 10 feet; generally located one-quarter mile from the intersection of North Ridge Road and West 13<sup>th</sup> Street North.**

Dear Applicant,

The official action of the Board of Zoning Appeals was to grant the requested variance. You will receive an executed copy of the BZA2022-00042 Resolution adopted by the Board of Zoning Appeals on November 30, 2022 once it has been processed. The approval of the request is subject to the following condition.

The site is to be developed as shown on the Midian Shrine Substation Site Plan dated August 11, 2020 by Professional Engineering Consultants, PA.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth, Associate Planner  
Metropolitan Area Planning Department  
271 West 3<sup>rd</sup> Street  
Wichita, KS 67202

Copies to: Maggie Ballard, Wichita City Council District VI  
Jeff Vanzandt, City Law  
MABCD

**BZA RESOLUTION NO. BZA2022-00042**

**WHEREAS**, Everyg Kansas South, Inc. (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to increase the permitted height of a screening wall from 9 to 10 feet on property generally located one-quarter mile east of the intersection of North Ridge Road and West 13th Street North; legally described as follows:

Commencing at the Northwest Corner of Lot 1, Block A Midian Shrine-Hoskinson Addition to Wichita, Sedgwick County, Kansas; thence South along the West line of said Lot 1 bearing S01°33'10"W, a distance of 30.03 feet; thence East, parallel with the North line of said Lot 1, bearing N88°50'57"E a distance of 20.02 feet to the point of beginning:

Thence South parallel with the West line of said Lot 1 bearing S01°33'10 W, a distance of 290.29 feet; thence bearing S43°32'14"E, a distance of 75.07 feet; thence N88°51'07"E a distance of 157.63 feet to a point on the East line of said Lot 1, thence N05°46'30"W, along the East line of said Lot 1, a distance of 346.55 feet; thence parallel with said North line bearing S88°50'57"W a distance of 166.61 feet to the point of beginning.

**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 October 6, 2022, consider said application; and

**WHEREAS**, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

**WHEREAS**, the conditions of the request are unique to the subject property. In this case, the location of the electrical substation to support power to the Northwest Water Treatment Plant; and

**WHEREAS**, waiving the requirements will not adversely affect the rights of adjacent property owners. The additional height of the screening wall is needed to provide visual enhancement and a noise buffer between the electric substation and the adjacent parcels; and

**WHEREAS**, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner; and

**WHEREAS**, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

**WHEREAS**, it is the opinion of Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; and

**WHEREAS**, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a Variance to be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to increase the permitted height of a screening wall from 9 to 10 feet on property generally located one quarter-mile east of the intersection of North Ridge Road and West 13th Street North; legally described as follows:

Commencing at the Northwest Corner of Lot 1, Block A Midian Shrine-Hoskinson Addition to Wichita, Sedgwick County, Kansas; thence South along the West line of said Lot 1 bearing S01°33'10"W, a distance of 30.03 feet; thence East, parallel with the North line of said Lot 1, bearing N88°50'57"E a distance of 20.02 feet to the point of beginning:

Thence South parallel with the West line of said Lot 1 bearing S01°33'10 W, a distance of 290.29 feet; thence bearing S43°32'14"E, a distance of 75.07 feet; thence N88°51'07"E a distance of 157.63 feet to a point on the East line of said Lot 1, thence N05°46'30"W, along the East line of said Lot 1, a distance of 346.55 feet; thence parallel with said North line bearing S88°50'57"W a distance of 166.61 feet to the point of beginning.

The variance is hereby **GRANTED**, subject to the following conditions:

1. The site is to be developed as shown on the Midian Shrine Substation Site Plan dated 8/2020 by PEC, PA.

ADOPTED AT WICHITA, KANSAS, this 10<sup>th</sup> Day of November 2022

  
\_\_\_\_\_  
Ann M. Fox, BZA Board Chair

ATTEST:



\_\_\_\_\_  
Scott Wadle,  
BZA Secretary



Beaufort Gazette  
Belleville News-Democrat  
Bellingham Herald  
Bradenton Herald  
Centre Daily Times  
Charlotte Observer  
Columbus Ledger-Enquirer  
Fresno Bee

The Herald - Rock Hill  
Herald Sun - Durham  
Idaho Statesman  
Island Packet  
Kansas City Star  
Lexington Herald-Leader  
Merced Sun-Star  
Miami Herald

el Nuevo Herald - Miami  
Modesto Bee  
Raleigh News & Observer  
The Olympian  
Sacramento Bee  
Fort Worth Star-Telegram  
The State - Columbia  
Sun Herald - Biloxi

Sun News - Myrtle Beach  
The News Tribune Tacoma  
The Telegraph - Macon  
San Luis Obispo Tribune  
Tri-City Herald  
Wichita Eagle

# AFFIDAVIT OF PUBLICATION

| Account # | Order Number | Identification              | Order PO | Amount   | Cols | Depth |
|-----------|--------------|-----------------------------|----------|----------|------|-------|
| 16399     | 316357       | Print Legal Ad - IPL0089366 |          | \$335.58 | 4    | 100 L |

**Attention: MANDY HEBERT**  
CITY OF WICHITA/PLANNING DEPT  
271 WEST THIRD ST., 2ND FL, SU 203  
WICHITA, KS 67202

### LEGAL PUBLICATION

Published in The Wichita Eagle on September 15, 2022

(One Time Only)  
MAPC/SEA October 6, 2022  
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 6, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/ Board Zoning Appeals will consider the following applications. The meeting will be held virtually; public participation is available in multiple ways, those without technology options can participate by going to the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202, specified at the bottom of this notice. If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316)268-4421.

BZA2022-00038: Variance request in the City to permit a sign area increase from 32 sq. ft. to 42 sq. ft. to increase visibility of sign and to permit an LED sign on property zoned GC General Office, located on the west side of South Hillside Ave and within one half mile south of East Douglas Ave (311 S Hillside).  
BZA2022-00041: Variance request in the City to increase the height of an off-site sign to 60 feet on property zoned LI Limited Industrial, generally located on the west side of Hydraulic Avenue, within one-quarter mile north of East 37th Street North (4035 North Hydraulic Avenue).  
BZA2022-00042: Variance request in the City to increase the permitted height of a screening wall from 9 to 10 feet on property zoned SF-5 Single-Family Residential; generally located a quarter-mile east of the intersection of North Ridge Road and West 13th Street North.  
CON2022-00032: Conditional Use request in the City for Day Care, General, located in SF-5 Single Family zoning district, approximately one-quarter mile east of the intersection of East Central Avenue and North Woodlawn Blvd (7011 East Central Avenue).  
CON2022-00033: Conditional Use request in the City to amend CON2012-21 to allow outside music and dancing and amend CU-523 to modify hours of operation on property zoned LC Limited Commercial; generally located on the north side of West 21st Street North and within one block east of North Tyler Road (8550 & 8556 W 21st Street).  
CON2022-00034: Conditional Use Request in the City to permit an off-site sign within 300 feet of residential property; on property zoned GI General Industrial; located between North Hydraulic and I-135 Highway and within one-quarter mile north of East 37th Street North (4035 N Hydraulic).  
CON2022-00035: Conditional Use request in the City for Vehicle and Equipment Sales, Outdoor (associated with ZON2022-00046) for a used car dealership on property zoned LC Limited Commercial; located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 N Hillside Ave).  
CUP2022-00041: Request in the City to Amend the Hanley Community Unit Plan DP-154 to permit a carwash on Parcel 7, zoned LC Limited Commercial; located on the east side of North Webb Road within one-quarter mile south of East 21st Street North (2110 North Webb Rd).  
CUP2022-00042: Community Unit Plan Amendment request in the City to increase the height of an existing cell tower from 120 feet to 137 feet on property zoned GC General Commercial; located within one-quarter mile north of East Central Avenue and within one-quarter mile east or North Edgemont.  
CUP2022-00043: Request in the City to Amend Parcel 5 of the Tallgrass East Business Park, CUP DP-192 to convert a medical office into a general office use (with ZON2022-00048), located within one-block east of North Webb Road and one-half mile south of K-96 Highway (6727 E Shannon Woods Cir).  
CUP2022-00044: Request in the City to amend the LC Limited Commercial zoned Community Unit Plan DP-278 to align all Parcels and Reserves with the replot of Cross Points 2nd Addition, and revise provisions for signage totals and size, access drives, landscaping, height of buildings and architectural control on certain parcels; generally located on the southeast side of East 21st Street North and North Greenwood Road.  
VAC2022-00026: Request in the City to Vacate a portion of a platted setback on LI limited industrial zoned property; generally located on the southwest corner of East 39th Street North and North Webb Road.  
VAC2022-00029: Request in the City to Vacate platted sanitary sewer easements on property zoned LI Limited Industrial; generally located 1200 feet south of the K-96 Highway and North Hoover Road.  
VAC2022-00030: Request in the City to Vacate utility easements in Limited Commercial (LC) zoning in CUP DP-250 for site development; generally located on the west side of North Ridge Road and on the north side of West 37th Street North.  
ZON2022-00040: Zone Change request in the City from SF-5 Single-Family Residential and MH Manufactured Housing to MF-16 Multi-Family Residential on property located on the west side of South 167th Street West and within one-quarter mile north of West Maple Street.  
ZON2022-00045: Zone Change request in the City from LC Limited Commercial District with PO #175 to GC General Commercial District with PO #397 to allow development of vacant parcels; generally located east of South Seneca Street within one-half mile of West Harry Street.  
ZON2022-00046: Zone Change request in the City from MF-29 Multi-Family Residential to LC Limited Commercial with CON2022-00035) for Vehicle and Equipment Sales, Outdoor, located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 North Hillside).  
ZON2022-00047: Zone Change request in the City from LC Limited Commercial to CBD Central Business District to redevelop the site in a consistent manner with surrounding properties; generally located on the south side of West Douglas Avenue, within two-block east of South Seneca Street (601 W Douglas).  
ZON2022-00048: Zone Change request in the City from B Multi-Family Residential to GC General Office associated with CUP2022-00043 a minor amendment to Community Unit Plan DP-192 to allow general office uses on Parcel 5, generally located within one-block east of North Webb Road and one-half mile south of K-96 Highway (6727 E Shannon Woods Cir).  
ZON2022-00050: Zoning change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District to build duplexes; generally located on the east side of South Greenwood Road, within one-quarter mile south of East Harry Street.  
ZON2022-00051: Zone change request in the City from TF-3 Two-Family Residential District to MF-18 Multi-Family Residential District; generally located on the southwest corner of West Burton Avenue and South Meridian Avenue (201 South Meridian).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:  
The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time; 2) participate remotely, or 3) attend in-person at the Ronald Reagan Building (see below).

#### Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email - Planning@wichita.gov  
Mailing Address - Wichita-Sedgwick County Metropolitan Area Planning Department  
Attn: Scott Wadle  
271 W. 3rd Street - Suite 201  
Wichita, KS 67202  
Phone - 316.268.4421  
Fax - 316.858.7764

#### Participate Remotely

Please join my meeting from your computer, tablet or smartphone.  
<https://global.gotomeeting.com/join/651544141>

You can also dial in using your phone.  
United States: +1 (671) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or inroomlink.gotom.com

Meeting ID: 651 544 141

Or dial directly: 651544141 @ 67.217.95.2 or 67.217.95.2#651544141

How to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

#### Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on September 15, 2022

Scott Wadle, Secretary  
WichitaSedgwick County  
Metropolitan Area Planning Commission  
FL0089366  
Sep 15 2022

In The STATE OF KANSAS  
In and for the County of Sedgwick

No. of Insertions: 1  
Beginning Issue of: 09/15/2022  
Ending Issue of: 09/15/2022

STATE OF KANSAS)

SS

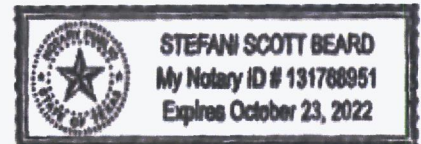
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 09/15/2022 to 09/15/2022.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 09/15/2022

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.  
Legal document please do not destroy!

**SECRETARY'S REPORT**

CASE NUMBER: BZA2022-00042 (City)

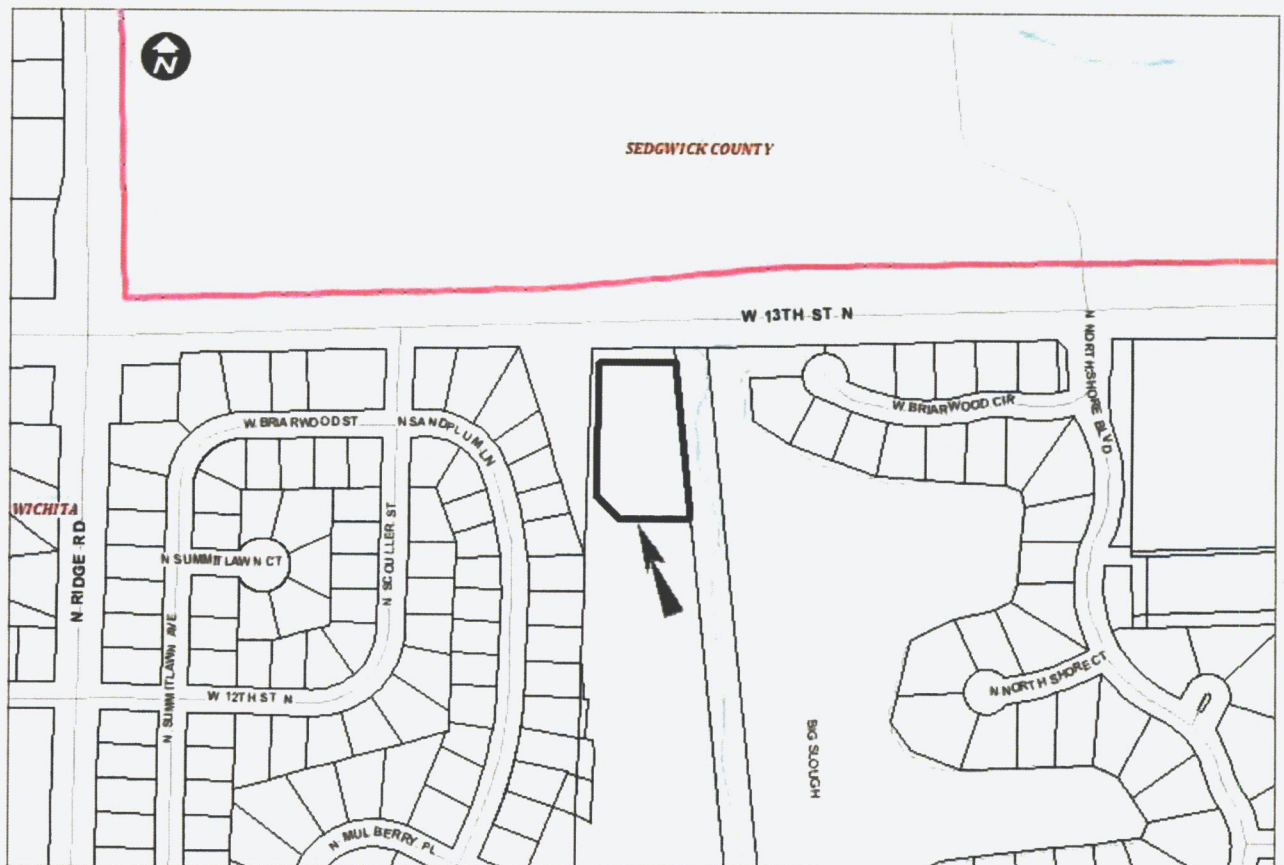
APPLICANT: Everyg Kansas South Inc. (Owner) /Professional Engineering Consultants (Agent)

REQUEST: Variance to allow an increase in height of solid screening wall from 9 feet to 10 feet

CURRENT ZONING: SF-5 Single-Family Residential District

SITE SIZE: 1.4 acres

LOCATION: Generally located one-quarter mile from the intersection of North Ridge Road and West 13th Street North.



**JURISDICTION:** The Board has jurisdiction to consider the variance request under the provisions outlined in Kansas Statutes Annotated 12-759 *et. seq.* The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

**BACKGROUND:** The applicant requests a Variance to increase the height of a screening wall from nine feet to ten feet around the perimeter (approximately 1,000 feet) of a new electrical substation to be located on the south side of West 13<sup>th</sup> Street North and east of North Ridge Road. The screening wall will be built into the building setback along the west, east and south property lines. The parcel is contiguous to Evergy's power lines for approximately one-half mile, providing several options for the substation. The new electrical substation will provide service to the Northwest Water Treatment Plant at North Hoover Road and West 21<sup>st</sup> Street North.

In 2021, the Planning Department granted a Variance to allow an increase in height of solid screening wall from 8 feet to 9 feet (BZA2021-00010) and waived the landscape requirement for this property. The applicant is requesting a ten-foot wall section because of the wall fabricator's options.

**SURROUNDING DEVELOPMENT:** Property north of the subject site is zoned SF-20 Single-Family Residential District and is located in the unincorporated area of the Sedgwick County and is developed with the Park and Zoo. Property south of the subject site is SF-5 Single-Family Residential District and is undeveloped. Multi-Family MF-29 is also located one-half mile south of the substation site. Spinnaker Coves Addition zoned SF-5 is located east of the subject site and is developed with single-family residences. West of the subject site is Country Acres 4<sup>th</sup> B Addition, zoned SF-5, and is developed with single-family residences.

**ADJACENT ZONING AND LAND USE:**

|        |             |  |
|--------|-------------|--|
| NORTH: | SF-20       | Sedgwick County Park   |
| SOUTH: | SF-5, MF-29 | City of Wichita (undeveloped), apartment complex                   |
| EAST:  | SF-5        | Spinnaker Coves Hoskinson Addition, single-family residences       |
| WEST:  | RR          | Country Acres 4 <sup>th</sup> B Addition, single-family residences |

**CASE HISTORY:** In October 2004, the property was platted as the Midian Shrine Hoskinson Addition. In 2003, a conditional use application (CON2003-00048) was approved to allow community assembly on the subject site. At the time, a Midian Shrine temple was proposed on site. In 2021, a Variance was approved to allow an increase in height of solid screening wall from 8 feet to 9 feet and waived the landscape requirement for this property (BZA2021-00010). Additionally, a Conditional Use was approved allow a Utility, Major on site (CON2021-00011).

**THE FIVE CRITERIA FOR GRANTING A VARIANCE:**

**1. The request is unique to this property and was not created by the applicant.**

- a. The existing zoning on the parcel is SF-5 and the proposed use is an electric substation, which is classified as a Utility, Major. Electric substations are not typically located within SF-5 districts and are only allowed as conditional uses. The proposed screening wall will reduce negative visual and noise impacts to the adjacent uses to the east and west, which are both zoned SF-5 Single Family.

**Staff Analysis:**

It is staff's opinion that the use of the SF-5 zoned property for an electrical substation is unique to the site because installation at this site was necessary for the alignment for the power lines. An electrical substation, which is classified as a Utility, Major, is not typically located within a residential zoning district and is only allowed by a Conditional Use.

**2. The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents.**

- a. The variance will not adversely affect the rights of the adjacent property owners. The additional height of the proposed screening will not inhibit the use of adjacent parcels, infringe on the rights of the adjacent property owners, and it will reduce negative visual and noise impacts of the electric

substation on the adjacent parcels. The property to the south is owned by the City of Wichita and is currently undeveloped open space.

**Staff Analysis:**

It is staff's opinion that allowing a ten-foot screening wall at this location will not adversely affect the rights of adjacent property owners.

**3. The strict application of the provisions of the code would constitute an unnecessary hardship on the applicant.**

- a. The strict application of zoning code height restriction will decrease the ability to properly protect the adjacent uses.

**Staff Analysis**

The strict application of zoning code height restriction will decrease the ability to properly protect the adjacent uses. The additional height of the screening wall is needed to enhance the visual and noise buffer between the electric substation and the adjacent parcels.

**4. The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.**

- a. The additional height of the proposed screening wall will not adversely affect public health, safety morals, order, convenience, prosperity, general welfare, or harmonious development of the community. In fact, it will enhance the harmonious development of the community by providing additional barrier of the electric substation from the adjacent residential zoning districts to further reduce negative visual and noise impacts. It will not create an undesirable large vertical wall directly adjacent to pedestrian access routes or structures on adjacent properties.
- b. The proposed electric substation serves the community and the proposed water treatment plant with needed electric power. The additional height of the screening wall is needed to enhance the visual and noise buffer between the electric substation and the adjacent parcels.

**Staff Analysis:**

The new electric substation will serve the new Northwest Water Treatment Plant. The existing power grid cannot support the additional power the water treatment plant will require. The additional height of the screening wall is needed to enhance the visual and noise buffer between the electric substation and the adjacent parcels. The additional height will improve the harmonious development of the community.

**5. The granting of the Variance will not be opposed to the general spirit and intent of the code.**

- a. The Zoning Code, in part, is intended to protect residential districts from adverse visual impacts associated with non-residential development. Screening of non-residential uses as well as mechanical equipment from residential uses is a requirement of the Zoning Code. The additional height of the proposed screening wall will reduce negative visual and noise impacts to the adjacent uses.
- b. The electric substation helps to achieve the purpose of the Zoning Code by helping to "provide the highest quality utility services to the public." The additional height of the proposed screening wall will achieve the purpose of the Zoning Code by helping to "protect and preserve the human-made and natural elements which support human habitation, add to the community's quality-of-life and create a unique living environment."

**Staff Analysis:**

It is staff's opinion that granting the requested variances supports the intent of the Zoning Code, to protect residential districts from adverse visual impacts associated with non-residential development. Screening of non-residential uses as well as mechanical equipment from residential uses is a requirement of the Zoning Code. The additional height of the proposed screening wall will reduce negative visual and

noise impacts to the adjacent uses. The electric substation helps to achieve the purpose of the Zoning Code by helping to provide the highest quality utility services to the public. The additional height of the proposed screening wall will achieve the purpose of the Zoning Code by helping to protect and preserve the human-made and natural elements which support human habitation, add to the community's quality-of-life, and create a unique living environment.

**RECOMMENDATION:** Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, the recommendation of Staff is that the variance to allow a ten-foot screening wall within the setback be **GRANTED**, subject to the following conditions:

1. The site is to be developed in general conformance to the approved, revised site plan.

Staff Report Attachments:

1. Aerial Map
2. Land Use Map
3. Zoning Map
4. Site Plan
5. Variance Justification Letter

Aerial Map



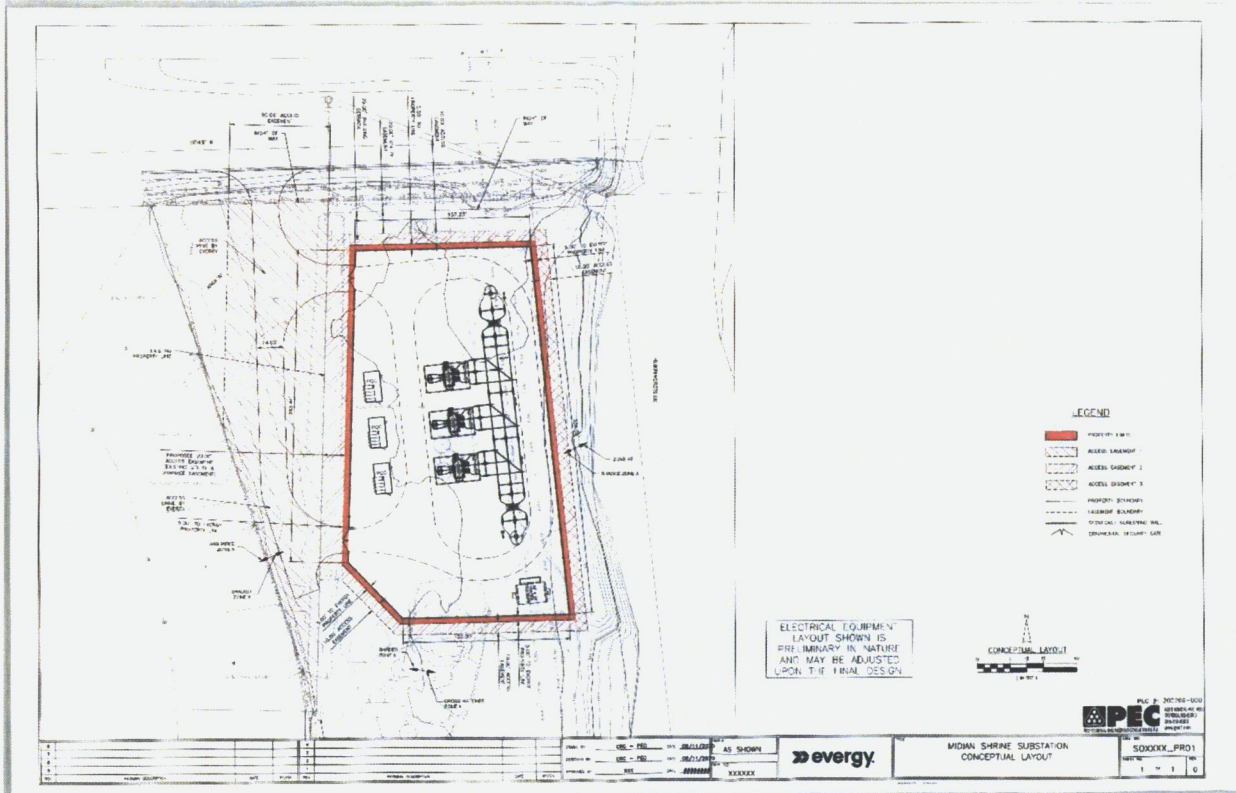


### 2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
  - Residential and Employment Mix
  - New Employment
  - New Residential
  - Wichita City Limits
  - Other Cities
  - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
  - Other Urban Growth Areas 2014
  - Rural Growth Areas 2014
- LAND USE**
- Residential
  - Commercial
  - Industrial
  - Major Air Transportation & Military
  - Parks and Open Space
  - Agricultural or Vacant
  - Major Institutional
  - Nghbd\_Plan\_Areas



Zoning Map



## **Applicant's Variance Justification Letter**

The applicant is seeking a variance of the height restriction for a screening wall around the proposed project within the SF-5 Single Family zoning district.

**1. The variance requested arises from 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 of the property owner or the applicant.**

a. The existing zoning on the parcel is SF-5 and the proposed use is an electric substation, which is classified as a Utility, Major. Electric substations are not typically located within SF-5 districts and are only allowed as conditional uses. The proposed screening wall will reduce negative visual and noise impacts to the adjacent uses to the east and west, which are both zoned SF-5 Single Family.

**2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.**

a. The variance will not adversely affect the rights of the adjacent property owners. The additional height of the proposed screening wall will not inhibit the use of adjacent parcels, infringe on the rights of the adjacent property owners, and it will reduce negative visual and noise impacts of the electric substation on the adjacent parcels. The property to the south is owned by the City of Wichita and is currently undeveloped open space.

**3. The strict application of the provisions of the applicable Code from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.**

a. The strict application of zoning code height restriction will decrease the ability to properly protect the adjacent uses.

**4. The variance desired will not adversely affect the public health, safety morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.**

a. The additional height of the proposed screening wall will not adversely affect public health, safety morals, order, convenience, prosperity, general welfare, or harmonious development of the community. In fact, it will enhance the harmonious development of the community by providing additional barrier of the electric substation from the adjacent residential zoning districts to further reduce negative visual and noise impacts. It will not create an undesirable large vertical wall directly adjacent to pedestrian access routes or structures on adjacent properties.

b. The proposed electric substation serves the community and the proposed water treatment plant with needed electric power. The additional height of the screening wall is needed to enhance the visual and noise buffer between the electric substation and the adjacent parcels.

**5. Granting the variance desired will not be opposed to the general spirit and intent of the applicable Code.**

- a. The Zoning Code, in part, is intended to protect residential districts from adverse visual impacts associated with non-residential development. Screening of non-residential uses as well as mechanical equipment from residential uses is a requirement of the Zoning Code. The additional height of the proposed screening wall will reduce negative visual and noise impacts to the adjacent uses.
- b. The electric substation helps to achieve the purpose of the Zoning Code by helping to "provide the highest quality utility services to the public." The additional height of the proposed screening wall will achieve the purpose of the Zoning Code by helping to "protect and preserve the human-made and natural elements which support human habitation, add to the community's quality-of-life and create a unique living environment."

