



Wichita-Sedgwick County Metropolitan Area Planning Department

January 24, 2001

FILE COPY

Al Ewert
World Impact
3701 E. 13th St. N.
Wichita, KS 67208

Re: BZA2001-00004: An administrative adjustment to Condition of Approval "F" for Conditional Use CON2000-00046 to reduce the required setback from the monopole to abutting residential property to the south from 60 feet to 40 feet.

Legal Description: That part of Lot C, Walnut Grove Addition to Wichita, Kansas, Sedgwick County, Kansas, described as commencing at the intersection of the north line of the SE 1/4 of Sec. 9, Twp. 27S, R-1-E of the 6th P.M., Sedgwick County, Kansas and the west line of Mathewson Avenue as established in the plat of Replat of part of Lots C and D, Walnut Grove Addition to the City of Wichita, Sedgwick County, Kansas; thence west, along the north line of said SE 1/4, 150 feet; thence south, parallel with the west line of said Mathewson Avenue, 90 feet for a place of beginning; thence continuing south, along the last described line, 60 feet; thence west, parallel with the north line of said SE 1/4, 60 feet; thence north, parallel with the west line of said Mathewson Avenue, 60 feet; thence east parallel with the north line of said SE 1/4, 60 feet to the place of beginning. Generally located south of 17th St. N. and east of I-135 (1415 E. 17th St. N.).

Dear Mr. Ewert:

We have reviewed your request for an administrative adjustment to Condition of Approval "F" for Conditional Use CON2000-00046 to reduce the required setback from the monopole to abutting residential property to the south from 60 feet to 40 feet. You state in your application that the construction company poured the foundation in the center of 60' x 60' compound rather than in the designated location in the north 20 feet of the compound. You further state in your application that correcting the error will cost approximately \$30,000.

The Unified Zoning Code allows the Planning Director, with the concurrence of the Zoning Administrator, to approve minor adjustments to conditions of approval for Conditional Uses as long as the adjustment does not have any of the negative impacts stated in Sec. V-1.6. We find that reducing the required setback from the monopole to abutting residential property to the south from 60 feet to 40 feet meets the four conditions required by Section V-1.6 of the Unified Zoning Code as set out below:

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- 1) Impact on safety and convenience of vehicular and pedestrian circulation: Reducing the required setback from the monopole to abutting residential property to the south will have no impact on the safety and convenience of vehicular and pedestrian circulation.
- 2) Impact on existing uses in surrounding areas: The negative visual impact from the monopole on surrounding areas should not be increased by reducing the setback from abutting residential property from 60 feet to 40 feet.
- 3) Compatibility with existing or permitted uses on abutting sites: The incompatibility of the monopole with existing or permitted uses on abutting sites should not be increased by reducing the setback from abutting residential property from 60 feet to 40 feet.
- 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 Condition of Approval "F" for Conditional Use CON2000-00046 to reduce the required setback from the monopole to abutting residential property to the south from 60 feet to 40 feet on the aforementioned property is hereby granted subject to the following conditions:

- 1) The site shall be developed in general conformance with the attached site plan.
- 2) All other conditions of approval for Conditional Use CON2000-00046 shall be met.

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



Marvin S. Krout
Planning Director



Kurt A. Schroeder
Superintendent of Central Inspection

MK/KS/sk

cc: Greg Ferris, Ferris Consulting, P.O. Box 573, Wichita, KS 67201
Horizon Telecommunications, 2546 S. Leonine, Wichita, KS 67217
Kurt Schroeder, Office of Central Inspection
Paul Hays, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
J.R. Cox, Office of Central Inspection

State of Kansas)
Sedgewick County)

Me. Savoy, Ruggles & Bohm, P.A., Surveyors in aforsaid county and state do hereby certify that, under the supervision of the undersigned, we did on this 9th day of October, 2000, perform a survey of the following described property:

That part of Lot C, Walnut Grove Addition to Wichita, Kansas, Sedgewick County, Kansas, described as commencing at the intersection of the north line of the SE1/4 of Sec. 9, Twp. 27-S, R-1-E of the 6th P.M., Sedgewick County, Kansas and the west line of Mathewson Avenue as established in the plat of Replot of part of Lots C and D, Walnut Grove Addition to the City of Wichita, Sedgewick County, Kansas; thence west, along the north line of said SE1/4, 150 feet; thence south, parallel with the west line of said Mathewson Avenue, 90 feet for a place of beginning; thence continuing south, along the last described line, 60 feet; thence west, parallel with the north line of said SE1/4, 60 feet; thence north, parallel with the west line of said Mathewson Avenue, 60 feet; thence east, parallel with the north line of said SE1/4, 60 feet to the place of beginning.

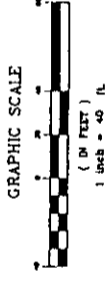
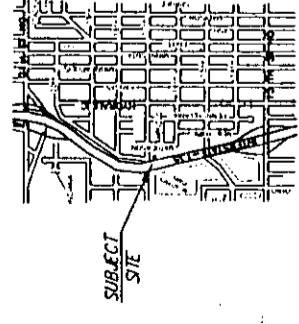
There are no buildings on said parcel. There are no encroachments on said parcel by buildings on the adjacent parcels.

The accompanying exhibits are true, correct and correct exhibit of said survey.

MARK A. SAVOY
REGISTERED PROFESSIONAL SURVEYOR
KANSAS
LS-788
10 JAN 01
KANSAS SURVEYORS
Mark A. Savoy, RLS 7788, Surveyor

NOTES:

1) FLOOD ZONE DESIGNATION: According to the FEMA/FIRM Community Panel No. 200028 00LS B, effective May 15, 1988; the property shown hereon is located in Zone B, an area between limits of the 100-year flood and 500-year flood.

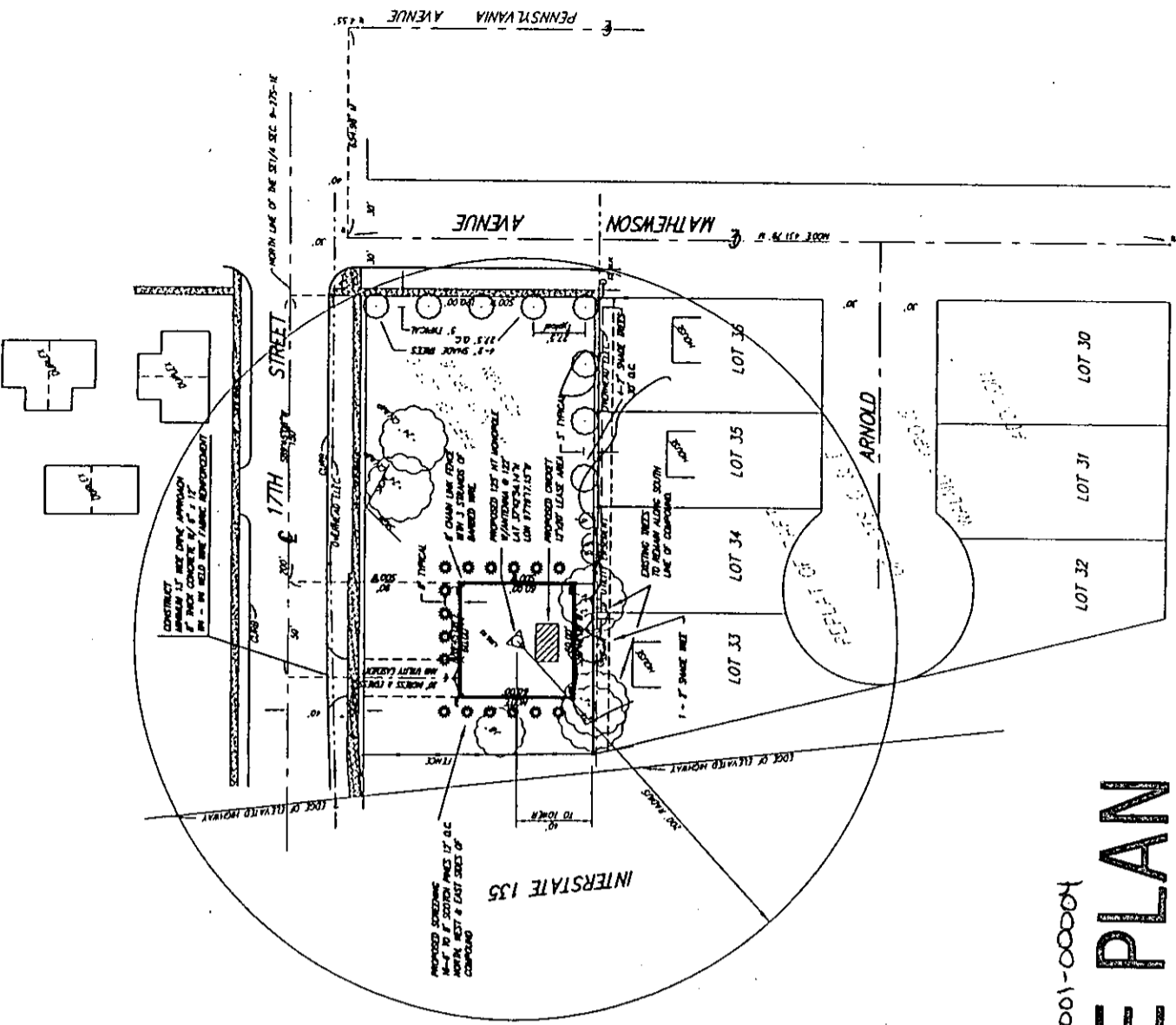


BENCHMARK: CITY OF WICHITA STA. 002
ON TOP OF CORNER BAIL S.E. COR. OF BRIDGE
8 1/2 IN. ST. W. 8-1-133 MONUMENT
CLIP-1311.67 44.6 V.E.

PROPERTY CORNER LEGEND:
● = Platting
■ = Monument

LEGEND

- RELL. P.D. TELEPHONE PEDIESTAL
- E.B. ELECTRIC BOX
- G.M. GAS METER
- W.M. WATER METER
- W.V. WATER VALVE
- F.H. FIRE HYDRANT
- W.B. WASTEWATER WELL
- C.O. CLEAN OUT
- L.P. LIGHT POLE
- P.P. POWER POLE
- L.L.P. LIGHT LINE POLE
- D.M. DIRT MOUND
- S. SIGN
- C.P. CEMENT POST
- S.M. 5100W WATER STEEP WAREHOLE
- S.H. SAWHAY STEEP WAREHOLE



BZA2001-00004
SITE PLAN

APPROVED 1-24-01 BY SK

WORLD SITE

CRICKET KANSAS PROPERTY COMPANY
WICHITA, KANSAS



SAVOY, RUGGLES & BOHM, P.A.
ENGINEERING & SURVEYING