



Wichita-Sedgwick County Metropolitan Area Planning Department

January 7, 2013

Stan Swope
3600 E 47th Street South
Wichita, KS, 67210

Re: BZA2012-00068 – County request for an Administrative Adjustment to provision #2 of “PO” Protective Overlay #256 (associated with ZON2011-00030, County zoned change from “LC” Limited Commercial to “GC” General Commercial), to allow a metal fence instead of a wooden fence or a masonry wall, generally located west of K-15, on the northeast corner of 47th Street South and Clifton Avenue.

Legal: Lot 1, Block 1, U – Save Tire Addition (approximately 1.24-acres), Sedgwick County, Kansas, recorded October 23, 2012.

Dear Sir:

We have reviewed your request for a Sedgwick County Administrative Adjustment to provision #2 of PO #256 to allow a solid metal fence instead of the required solid wooden fence or a masonry wall:

2. Solid screening along Clifton and the north property line shall be provided by a wooden fence or a masonry screening wall that is eight feet in height plus a buffer of one shade tree with a mature height in excess of 40 feet or one evergreen tree with a mature height in excess of 20 feet for every 40 linear feet of the property line, OR shall be provided by solid evergreen screening.

Art. II, Sec. II-B.12.e of the Wichita-Sedgwick County Unified Zoning Code (UZC) defines Solid Screening as “...a barrier with 90 to 100 percent opacity.”

Art. II, Sec. II-B.12.f of the UZC defines Solid Fencing or Screening Walls as being constructed of “...wood for a Screening Fence and constructed of masonry or similar materials, including brick, stone, architectural tile or combination of these materials for a screening wall.”

You have provided photos of the proposed solid metal fencing material. The proposed solid metal fencing material is stamped to look similar to a solid wooden fence, with batten located

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over the seams of the vertical planks with the top of the fenced capped; see exhibits. As proposed the metal fencing meets the definition of Solid Screening. However, metal is not an approved material for a Screening Fence.

Art. V, Sec. V-D.14 of the UZC states that the Planning Director, with the concurrence of the Zoning Administrator, may approve minor adjustments to provisions of approval, unless finding that the proposed development would have one or more of the negative impacts stated in Sec. V-I.6, as set out below:

- 1) Impact on safety and convenience of vehicular and pedestrian circulation: The proposed fencing material should have no impact on the safety and convenience of vehicular and pedestrian circulation in the vicinity, as the applicant is required to have Solid Screening along Clifton and the north property line.
- 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 the proposed adjustment. The proposed solid metal fencing material is stamped to look similar to a solid wooden fence, with batten located over the seams of the vertical planks with the top of the fenced capped.
- 3) Compatibility with existing or permitted uses on abutting sites: The proposed solid metal fencing material does not alter the site’s use for outdoor storage. The proposed solid metal fencing material provides the required Solid Screening that is stamped to resemble a solid wooden fence.
- 4) Effect on public health, safety or welfare: There should be no 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 a County Administrative Adjustment to allow an eight- foot tall solid metal fence stamped to look similar to a solid wooden fence, with batten located over the seams of the vertical planks with the top of the fenced capped along Clifton Avenue and the north property line of Lot 1, Block 1, U – Save Tire Addition, Sedgwick County, Kansas as part of provision #2 of approval for PO #256, is hereby granted, subject to the following conditions:

- 1) Solid screening along Clifton and the north property line shall be provided by a wooden or metal fence or a masonry screening wall that is eight feet in height plus a buffer of one shade tree with a mature height in excess of 40 feet or one evergreen tree with a mature height in excess of 20 feet for every 40 linear feet of the property line, OR shall be provided by solid evergreen screening. The metal fence shall be stamped to look similar to a solid wooden fence, with batten located over the seams of the vertical planks with the top of the fenced capped; see approved exhibit of the metal fence.

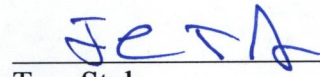
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- 2) The site shall be developed in conformance with all applicable codes, including but not limited to building, fire, and health codes.
- 3) No building permits will be issued for this fence until an improved site plan is provided to Planning; provision #5. Note that none of the other conditions of approval associated with PO #256, are modified by this administrative action.
- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Zoning Adjustment, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Zoning Adjustment is null and void.

The “Development Application” sign should now be removed from the property.


John L. Schlegel
Planning Director

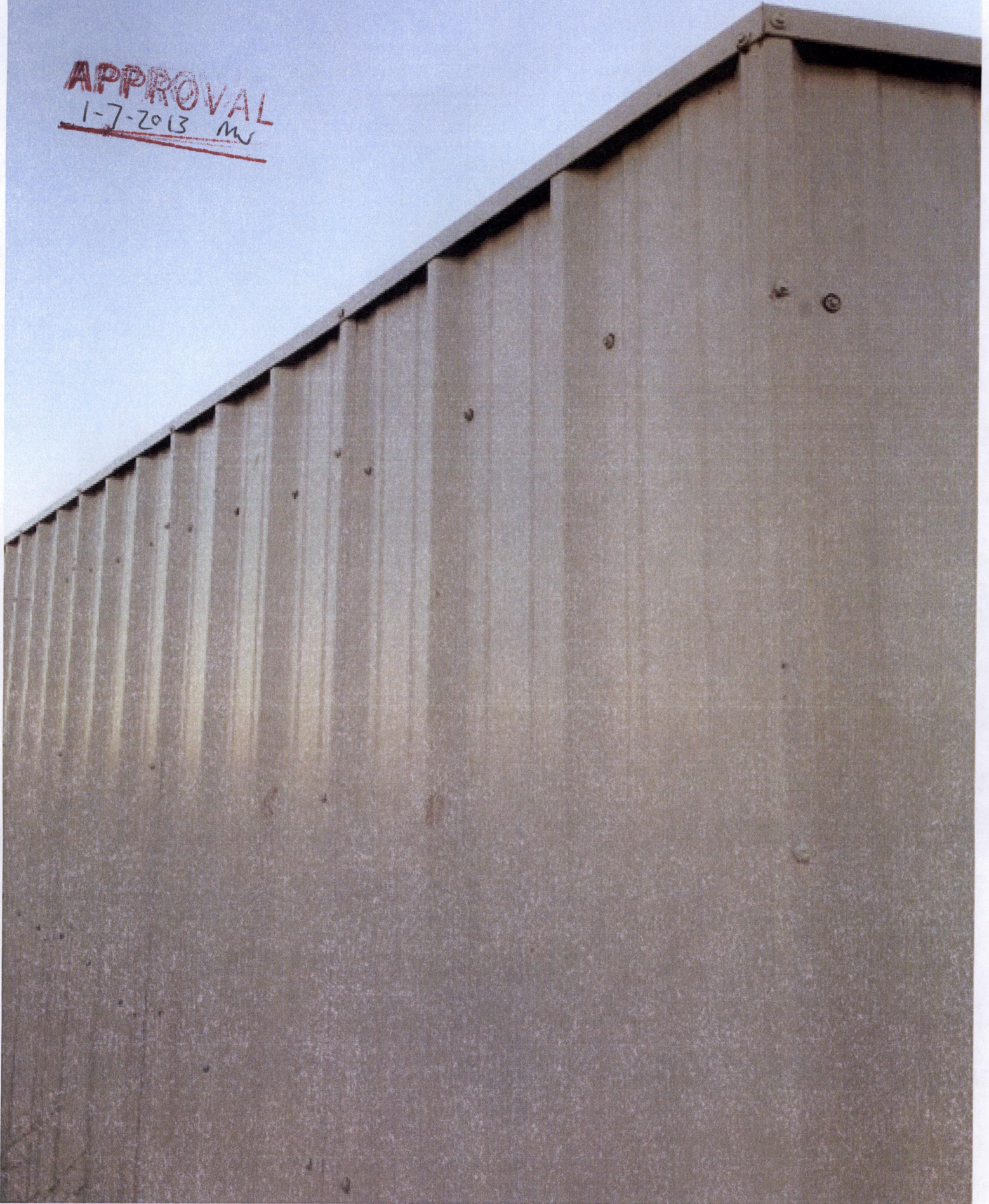

Tom Stolz
Director, Metropolitan Area Building &
Construction Department (Zoning
Administrator)

Attachments

Cc James Weber, P.E., Assistant Director, Public Works, Sedgwick County, 1144 South Seneca, Wichita, KS 67213
Kelly Dixon, Sedgwick County Code Enforcement, 1144 South Seneca, Wichita, KS, 67213

Exhibit

APPROVAL
1-7-2013 MW



Exhibit

APPROVAL

1/7/2013. MJ.

