



Wichita-Sedgwick County Metropolitan Area Planning Department

April 25, 2012

Midwest Scrap Management Inc.
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Robert Kaplan
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Wichita, KS 67202

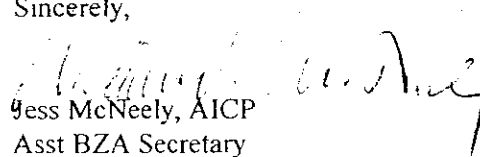
RE: BZA2012-17 - City BZA Appeal of the Zoning Administrator's Interpretation regarding the definition of a recyclable material, generally located west of Mead and south of 29th Street North (2901 North Mead).

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Wichita Board of Zoning Appeals on April 24, 2012. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

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

Sincerely,


Jess McNeely, AICP
Asst BZA Secretary
Current Plans Division

cc: Godsend LP c/o Mike Boyd, 6225 Ramblin Rose Ln., Valley Center, KS 67147
Rick Stubbs, OCI
Donte Martin, OCI
JR Cox, OCI
Janet Miller, WCC VI, Mailstop 1-13
Terri Dozal, NA WCC VI, Mailstop 1-135
Jeff Vanzandt, Law Department, Mailstop 1-134

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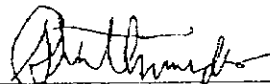
BZA RESOLUTION NO. 2012-17

HAVING CONSIDERED THE ENTIRE RECORD REGARDING THIS MATTER AND HAVING HEARD THE EVIDENCE AS PRESENTED TO THE BOARD HERE TODAY, THE BOARD MAKES THE FOLLOWING FINDINGS:

1. That the Wichita Board of Zoning Appeals has jurisdiction to hear this appeal, pursuant to K.S.A. 12-759(d) and Section VI-E.2. of the Wichita-Sedgwick County Unified Zoning Code;
2. That the Board makes the following finding of fact:
 - a) That the Zoning Administrator, pursuant to Sec. VI-E(2) of the Wichita-Sedgwick County Zoning Code, had the authority to make the decision regarding the applicant's request for an administrative permit.
 - b) The Zoning Administrator is allowed discretion in evaluating the application.
 - c) The decision made by Donte Martin, Interim Superintendent of Central Inspection and by Kirk Schroeder, former Superintendent of Central Inspection was NOT supported by the language contained in Wichita-Sedgwick County Unified Zoning Code of the Wireless Communication Master Plan.
3. The Board further finds that the decision of the Zoning Administrator set forth in his letter of March 5, 2012, was NOT reasonable and NOT supported by the evidence presented at this hearing.
4. The Board further finds that the appellant has met his burden of proof to show that the interpretation was in error.

THEREFORE, BASED UPON THE FOREGOING, I MOVE THAT THE INTERPRETATION OF THE ZONING ADMINISTRATOR HEREIN BE REVERSED.

ADOPTED AT WICHITA, KANSAS, this 24th day of April, 2012.


BZA Board Chair, Steve Anthimides

ATTEST:

Jess McNeely, AICP
BZA Secretary