

**WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS**

**AGENDA**

**Thursday, May 7, 2015**

**1:30 p.m.**

The regular meeting of the Wichita-Sedgwick County Board of Zoning Appeals will be held on **Thursday, May 7, 2015**, in the Planning Department Conference Room, 10<sup>th</sup> Floor, Wichita City Hall, 455 North Main, Wichita, Kansas **no earlier than 1:30 p.m.**

1. Approval of the minutes of the March 19, 2015 meeting.
2. **BZA2015-00012** - City requested variance to the sign code to increase the sign area to 389 total square feet, another variance to locate the sign perpendicular/parallel to frontages and an administrative adjustment to increase sign height to 40 feet next to an elevated roadway, generally located south of Kellogg, on the east side of Hydraulic Avenue (530 S. Hydraulic Ave.)  
Presenting Planner: Derrick Slocum
3. **BZA2015-00014** - City BZA variance to allow billboard to be built on lot line as a result right of way being acquired for the I-235 and Kellogg interchange expansion, generally located at the southeast corner S. West Street and the Kellogg eastbound entrance ramp.  
Presenting Planner: Derrick Slocum

WICHITA-SEDGWICK COUNTY BOARD OF ZONING APPEALS

Minutes

March 19, 2015

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, March 19, 2015 at 3:00 p.m., in the Planning Department Conference Room, 10<sup>th</sup> floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: Carol Neugent; Vice Chair; John Dailey; David Dennis; David Foster; Bill Johnson; Don Klausmeyer; Lowell E. Richardson; Debra Miller Stevens and Chuck Warren. Matt Goolsby; Joe Johnson; John McKay Jr.; Bill Ramsey and Don Sherman were absent. Staff members present were: John Schlegel, Director; Dale Miller, Current Plans Manager; Bill Longnecker, Senior Planner; Neil Strahl, Senior Planner; Jeff Vanzandt, Assistant City Attorney and Robert Parnacott, Assistant County Counselor.

1. Approval of the minutes of the February 19, 2015 and March 5, 2015 meeting.

**MOTION:** To approve the minutes of the February 19, 2015 meeting.

**DENNIS** moved, **WARREN** seconded the motion, and it carried (9-0).

**MOTION:** To approve the minutes of the March 5, 2015 meeting.

**WARREN** moved, **KLAUSMEYER** seconded the motion, and it carried (8-0-1).  
**NEUGENT** – Abstained.

2. **BZA2015-00005** - City request for a variance to reduce parking spaces from 53 to 14 generally located east of Vine Avenue at 1710 West Douglas on property described as:

Lots 23, 24, 25, 26 and 27, together with the East 60 feet of lots 31 and 32, all in Block 6, Junction Town Co. Addition to Wichita, Sedgwick County, Kansas.

**JURISDICTION:** The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

**BACKGROUND:** The applicant requests a variance to reduce the Zoning Code parking requirement from 53 to 14 spaces (74%). The Zoning Code allows staff-approved administrative adjustments to parking standards of up to 25% for site redevelopment, however, this parking reduction request exceeds that percentage. The application area includes two downtown commercial row structures and the associate parking area between the buildings and a small lot to the north, across the alley. The applicant is renovating the existing buildings into a new church. The subsequent new seating capacity for the church requires parking for 53 spaces. The substantial renovation of the building requires the property owner to come into code compliance with the number of parking spaces, or seek this variance.

The church has rented out the west building for six years and last year purchased the current building and the building to the east. The church plans to expand their worshiping space for their growing church. The church has already received permission to use parking from adjacent businesses. Since the parking is only needed on Sunday mornings, the adjacent parking will be available, due to the other businesses not being open during that time.

Property north of this site is zoned SF-5 and is developed with single-family residences. Property south of the site is zoned LC and GC and is developed with commercial retail. Also property to the east and west is zoned GC and developed with commercial retail as well. Douglass is a paved four-lane arterial street at this location with a 100-foot right-of-way and on-street parking.

**ADJACENT ZONING AND LAND USE:**

NORTH	SF-5	Downtown Row Store
SOUTH	LC and GC	Downtown Row Store
EAST	GC	Downtown Row Store
WEST	GC	Downtown Row Store

*The five criteria necessary for approval as they apply to the requested variance.*

**UNIQUENESS:** It is staff's opinion that this property is unique inasmuch the building on this site does not require the code specified number of parking spaces on an everyday basis. When the parking is needed, the church has made agreements with surrounding property owners to use their parking on Sundays, when the other businesses are closed.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested variance for a parking reduction would not adversely affect the rights of adjacent property owners, as adequate parking exists on the site and adjacent sites. On-street parking will also accommodate parking overflow from this and neighboring sites.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant, as this site does not have enough physical space available to meet current parking standards. Without a parking variance, this site could not renovate as a church.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance for a parking reduction will not adversely affect the public interest, as renovation of this building is in the public interest, and this church can function without the number of parking spaces required by the current code by using adjacent parking that is available.

**SPIRIT AND INTENT:** It is staff's opinion that granting the requested variance for a parking reduction does not oppose the general spirit and intent of the Zoning Code, as existing parking is adequate to meet this site's parking needs.

**RECOMMENDATION:** It is staff's opinion that the requested variance of the Zoning Code to reduce the parking requirement from 53 to 14 spaces is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exist, then the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to renovate the site.
3. Parking spaces on the site shall be paved and marked in accordance with City standards.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

**DENNIS** commented that both applications to be heard at today's meeting were requesting a large reduction in the required number of parking spaces. He asked where the patrons of these businesses are going to park. He asked how this is fair to the businesses that are in close proximity to these locations.

**SLOCUM** commented that the church has agreements with surrounding property owners to use parking on Sundays when the surrounding business are not open. He said as far as the bed and breakfast is concerned, which has five rooms at each home, he couldn't figure out why 52 spaces were required. He said hotels and motels require one space per room. He said he feels 26 spaces should be more than enough to cover parking in addition to street parking near the location.

**DENNIS** said he is not going to vote to approve either case with no written agreements from surrounding property owners.

**SLOCUM** said he doesn't have any written agreements on either case.

**DAILEY** asked what happens if a business withdraws their permission for parking.

**SLOCUM** said a clause could be added as a condition of approval.

**DAILEY** asked what happens if the use changes.

**SLOCUM** explained that any change in use will require another variance. He briefly reviewed the history of the location stating that there was a different use previous to this request.

**DAILEY** clarified so the Board could put a condition if the parking permissions were withdrawn or the business changes to a different use, the variance would be null and void.

**SLOCUM** said that can be added as a condition on both cases.

**MILLER STEVENS** suggested that each case be discussed separately.

**FOSTER** asked that both cases be heard.

**DERRICK SLOCUM**, Planning Staff presented the Secretary's Report.

**MILLER STEVENS** clarified that the church has no ministries such as a food pantry, etc. so they would only need parking on Sunday.

**SLOCUM** said that is correct.

**DAILEY** asked where the other parking lots they will be using are located.

**SLOCUM** indicated there was one across the street in addition to several more within 600 feet of the site.

**DAILEY** said he would like to see those agreements in writing.

**SLOCUM** said the Board can make that a condition of approval.

**MILLER** said the applicant had parking agreements with the property owners to the north and west which the City requires before issuing building permits; however, when those property owners found out that the City wanted a "long term" lease agreement, they backed out. He said after review by Public Works and Fire it was determined that the location did not need as many parking spaces as initially thought. He said if they can get the variance, they may not need any additional spaces.

**B. JOHNSON** said he doesn't believe anyone who is willing to invest in a business will succeed if they don't have those parking agreements in writing.

**DENNIS** reiterated his previous concerns. He added that the Board has no guarantee that the spaces will only be needed on Sunday. He said there is no evidence that they have agreements with any of the surrounding property owners. He suggested deferring the case until staff can provide adequate answers to the Board's questions. He said right now he will vote to deny the application.

**NUEGENT** asked if the applicant or agent was present to discuss the application. No one responded to her query.

**MOTION:** To defer the application for one month.

**DENNIS** moved, **DAILEY** seconded the motion.

**SUBSTITUTE MOTION:** To approve subject to staff recommendation.

**B. JOHNSON** moved, **WARREN** seconded the motion.

**DAILEY** clarified that if the property changes hands, the parking reverts back and the variance is null and void.

**SLOCUM** said the variance does not “revert back,” back but if there is a different use on the property a different parking requirement could come into play and the new owners would have to apply for another variance.

**KLAUSMEYER** clarified that there had to be an agreement with surrounding property owners for parking before a permit can be issued.

**MILLER** said the applicant is only required to have 14 spaces at this time which would not require them to get parking on other property.

**RICHARDSON** clarified that if the Board denies the variance request to reduce the parking to 14 spaces, the applicant will need to find 53 spaces (what is required by Code) on other properties.

**SLOCUM** responded that is correct. He said these type of variances occur up and down Douglas and mentioned the Pizza Hut near Sycamore that received a variance for zero (0) parking spaces. He said in many of the older commercial areas there is a lack of parking.

**BJ SHEU, 3000 STONEYBROOK, ROSE HILL, KANSAS** said she wanted to point out that any neighbors have the opportunity to come to the Board Meeting and protest if they are not in favor of the proposed parking reduction.

The **SUBSTITUTE MOTION** carried (7-2). **DAILEY** and **DENNIS** – No.

3. **BZA2015-00006** - City request for a variance to reduce parking on properties located on the northwest corner of 10th Street North and Topeka Avenue on property described as:

Lot 1, Block A, Frazey Addition to Wichita, Sedgwick County, Kansas.

**JURISDICTION:** The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

**BACKGROUND:** The applicant requests a variance to reduce the Zoning Code parking requirement from 52 to 26 spaces (50%). The Zoning Code allows staff-approved administrative adjustments to parking standards of up to 25%; this parking reduction request exceeds that percentage. The applicant recently filed a zone change (ZON2015-00006) for LC Limited Commercial from NO Neighborhood on Lot 2 of this two lot subject site. The rezone will make both lots in the Frazey Addition LC for the proposed Bed and Breakfast use for the existing structures on the site. The required parking for the Bed and Breakfast use on this site would be 52 parking spaces. The site is limited in size and with the configuration of the site and placement of the existing structures, only 26 spaces can be placed on the application area.

Background on this site show there were two previous variance requests for this site. BZA06-83 was approved for reducing the parking requirement from 39 spaces to 23 spaces and elimination of the screening requirement. BZA40-83 was approved for reducing the parking requirement from 44 spaces to 34 spaces and elimination of screening requirement. All of these variance requests, including the current request, are due to the changing uses and the size of the subject site.

Property north of this site is zoned B Multi-family Residential and is developed with a single-family residence. Property south of the site is zoned NO Neighborhood Office and is developed with a single-family residence. Property to the east of the site is zoned B and is developed with a surgical/medical and dental clinic. Property west of the site is zoned LC and is developed with a fast food restaurant and hotel/motel. North Topeka Avenue is a two-lane, paved, one-way local road with 80 feet of right-of-way and on-street parking. East 10<sup>th</sup> Street North is a two-lane, paved, local road with 40 feet of right-of-way and no on-street parking.

**ADJACENT ZONING AND LAND USE:**

NORTH	B	Single-family Residence
SOUTH	NO	Single-family Residence
EAST	B	Surgical/Medical/Dental Clinic
WEST	LC	Fast Food Restaurant/Hotel-Motel

*The five criteria necessary for approval as they apply to the requested variance.*

**UNIQUENESS:** It is staff's opinion that this property is unique inasmuch as it is located in a historically designated area and the owner is attempting to retain the residential character of the structures and eliminate any possible parking in the front yards, that is permitted by the zoning code.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested variance for a parking reduction would not adversely affect the rights of adjacent property owners inasmuch as the present uses surrounding the subject site have enough parking for their uses and the proposed use for the subject site should not have overflow parking needs that affects the surrounding properties.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant inasmuch as the applicant would be unable to remodel the structures and preserve the character of the neighborhood as desired for the proposed Bed and Breakfast. If absolute adherence to the parking requirement was required, then parking would be located all through the site, removing the residential feel of the area and even that would most likely fall below the spaces required.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance for a parking reduction will not adversely affect the public interest inasmuch as the reduction in actual number of parking spaces being provided will be insignificant as compared to the retention of the residential character of the area.

**SPIRIT AND INTENT:** It is staff's opinion that granting the requested variance for a parking reduction does not oppose the general spirit and intent of the Zoning Code inasmuch as the remodeling of the existing residential structures for a bed and breakfast would not demand the parking required for the proposed use.

**RECOMMENDATION:** It is staff's opinion that the requested variance of the Zoning Code to reduce the parking requirement from 52 to 26 spaces is appropriate for this site. Should the Board determine that the criteria necessary to grant a variance exist, then the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to renovate the site, and the improvements shall be completed within one year from the date the variance is granted unless such time is extended by the Board.
3. Parking spaces on the site shall be paved and marked in accordance with City standards.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

**DERRICK SLOCUM**, Planning Staff presented the Secretary's Report.

**BJ SHEU, 3000 STONEYBROOK, ROSE HILL, KANSAS** commented that the Staff Report was a bit vague. She pointed out where the cafe and Bed and Breakfast were going to be located. She said use of the parking lot will be for breakfast and lunch for the café and the B&B in the evening. She said they don't believe there will be congestion. She added that the neighbors are in favor of the development because both of the buildings are on the National Historic Register and have been vacant for a long time. She said if a new use is not found, the buildings will continue to be vacant and deteriorate. She said the architect is shooting for 60 seats in the restaurant (originally it was 100 seats, but that is not going to happen). She said she believes the Code calls for one parking space for every three seats in the restaurant. She said they would like approval to move forward with the project, obtain their building permit and get started with the remodeling. She said the location is surrounded by a sea of parking spaces, but she does not believe her customers are going to use them.

**DENNIS** asked the applicant to estimate how many people are going to be using the parking lot per day.

**SHEU** said it was difficult to answer that question because people came in at different times during the day. She said they currently have 26 parking spaces on site. She said each car can bring in up to four customers.

**DENNIS** asked if she anticipates her customers using all the parking spaces on site and having to find other parking spaces.

**SHEU** said no because this is a unique situation and many of the customers will walk to the restaurant.

**MOTION:** To approve subject to staff recommendation.

**RICHARDSON** moved, **KLAUSMEYER** seconded the motion, and it carried (9-0).

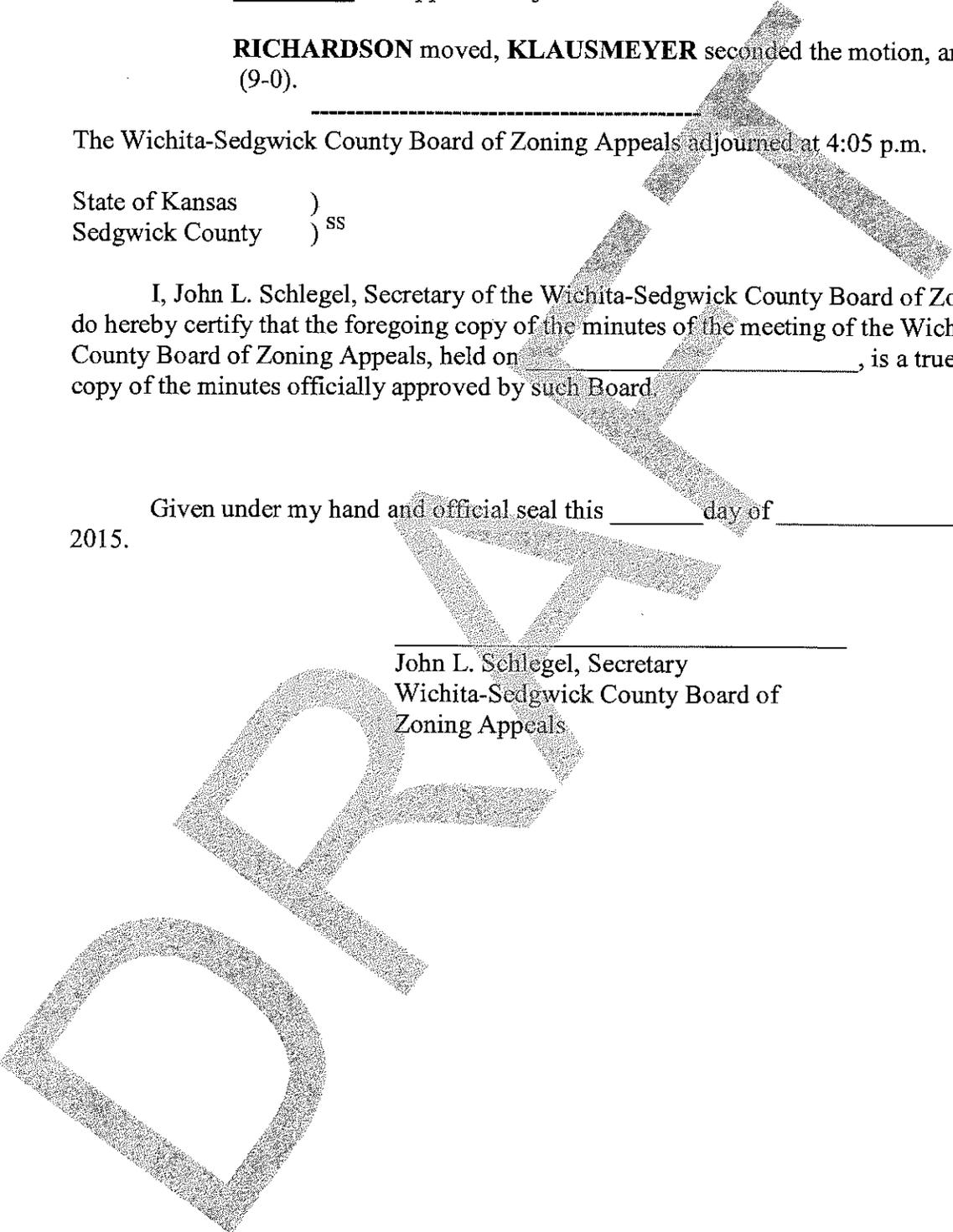
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The Wichita-Sedgwick County Board of Zoning Appeals adjourned at 4:05 p.m.

State of Kansas        )  
Sedgwick County       ) <sup>ss</sup>

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Board of Zoning Appeals do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Board of Zoning Appeals, held on \_\_\_\_\_, is a true and correct copy of the minutes officially approved by such Board.

Given under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_,  
2015.

\_\_\_\_\_  
John L. Schlegel, Secretary  
Wichita-Sedgwick County Board of  
Zoning Appeals



**SECRETARY'S REPORT**

CASE NUMBER: BZA2015-00012

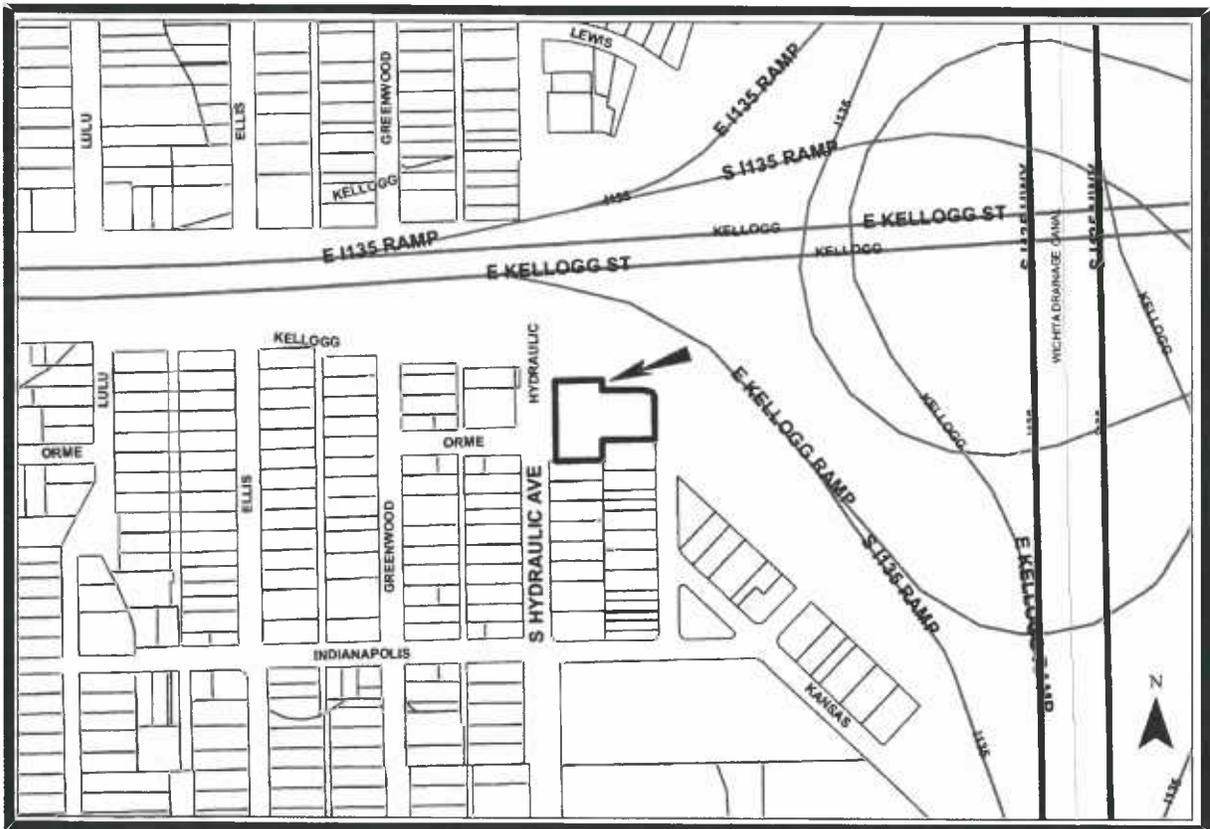
APPLICANT/AGENT: Kenneth Brasled, Brian and Tara Wilbert (Owner(s)/Applicant(s))  
Trimark Signs, Attn: Tyler McFadden (Agent)

REQUEST: City requested variance to the sign code to increase the sign area to 389 total square feet, to locate the sign perpendicular/parallel to frontages and to adjust the sign height to 40 feet next to an elevate roadway.

CURRENT ZONING: LC Limited Commercial ("LC")

SITE SIZE: 0.9 acre

LOCATION: Located south of Kellogg, on the east side of Hydraulic Avenue (530 S. Hydraulic Ave.)



**JURISDICTION:** The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

**BACKGROUND:** The applicant requests a variance to increase the sign area to 389 total square feet, to locate the sign perpendicular/parallel to frontages and to adjust the sign height to 40 feet next to an elevated roadway on property zoned LC Limited Commercial ("LC".) The applicant has been at this location for more than 30 years and has plans to revamp their current on-site sign. The subject site is in a unique position without any direct highway access to the site. In order to reach the site from the two highways, one has to either exit at Lincoln Street or Washington Avenue. When exiting at Lincoln Street (on I-135), a person would have to get on Hydraulic and travel a half mile north to the site. From exiting at Washington Avenue, a person would have to go south to Indianapolis Street for a half mile and then north on Hydraulic. Already, access to the subject site is already challenging and the on-site sign, while difficult, is only visible from eastbound and westbound Kellogg. It is not visible from I-135, with the best visibility being from the Kellogg/I-135 ramp. The sign is currently four-sided to take advantage of its unique position and the current square footage of the sign is 300 square feet, total. Currently the sign is 30 feet 6 inches above grade and 7 feet 6 inches above the overpass. The request for the height increase would bring the height above the overpass to around 18 feet. This is a common pole sign height throughout the City on commercial properties along arterial streets.

The proposed variance is to increase the sign area by 89 square feet, or around 23 square feet per side (four-sided sign). The other variance request is to allow the sign(s) to run parallel to the frontage. It is a four-sided sign and the unique location allows the site to have three frontages, thus, while the signs do run perpendicular to their respective frontages, the sign is also parallel to some of its frontage streets. Being wrapped up into these variance requests is an adjustment to the height of the sign by 9 feet 6 inches to bring the total sign height to 40 feet or 17 feet above the overpass ramp.

The subject site has commercial development to the west and residential development to the south, however to the north and east of the site is I-135 and Kellogg and their respective entrance and exit ramps. The property to the west is zoned OW Office Warehouse and is developed with a warehouse/storage facility (according to Sedgwick County's appraisal page), however at this time, the property appears to be vacant. Property to the south is zoned B Multi-family residential and is currently developed with a single-family residence on one site and a quadraplex the other site.

**ADJACENT ZONING AND LAND USE:**

NORTH:	Kellogg (US-54)
SOUTH:	B Single-family and Multi-family Residences
EAST:	I-135 Ramp
WEST:	OW Warehouse/Storage Facility

*The five criteria necessary for approval as they apply to the requested variance.*

**UNIQUENESS:** It is staff's opinion that this property is unique inasmuch that it does not have direct access from Kellogg or I-135 and the current location of the site makes it difficult to identify and access.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested sign variances will not adversely affect the rights of adjacent property owners, inasmuch as adjacent properties are zoned OW and B, With Kellogg and I-135 to the north and east of the site. The B zoned properties south of the subject site are blocked from viewing the sign by the principal structure on the subject site.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants, inasmuch that without the requested variance requests, the applicants sign would continue to not be visible from I-135, both directions. Also, the unique position of the site places it with three frontage streets and no matter if it's a two-sided or a four-sided sign, like the sign in question, the sign would be parallel to one or more street frontages. The overall location of the subject site and sign constitutes a hardship due to its limited accessibility and visibility. These sign improvements does, at least, improve the visibility of the subject site.

**PUBLIC INTEREST:** It is staff's opinion that the requested sign variances will not adversely affect the public interest, inasmuch as permitting a variance to an existing on-site sign to improve its visibility from Kellogg and I-135, which are limited access highways, is in the public interest.

**SPIRIT AND INTENT:** It is staff's opinion that granting the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch that the spirit and intent of the Sign Code is for adequate visibility of signs without negative impacts on surrounding properties. The variance request simply allows an existing on-site sign, with no apparent impact on surrounding properties, to continue to exist.

**RECOMMENDATION:** Should the Board determine that all five conditions necessary to the granting of the Variance can be found to exist, then it is the recommendation of the Secretary that the Variance to the sign code to increase the sign area to 389 total square feet, to locate the sign perpendicular/parallel to frontages and to adjust the sign height to 40 feet next to an elevate roadway be GRANTED, subject to the following conditions:

1. The sign shall be developed in conformance with the approved site plan and elevation drawing.
2. The variance shall be to increase the sign area to 389 total square feet, to locate the sign perpendicular/parallel to frontages and to adjust the sign height to 40 feet next to an elevate roadway only; the sign shall conform to all other Sign Code requirements unless a separate variance or adjustment is granted.
3. The applicant shall obtain all permits necessary to update the sign and the sign shall be completed within one year of the variance granting, unless such time period is extended by the BZA.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.



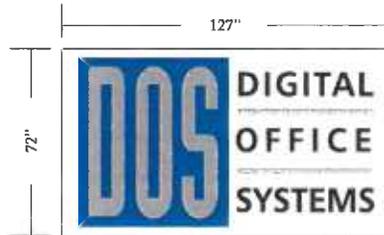
EXISTING

REMOVE AND DISPOSE OF ALL CABINETS.  
 ADD 10' EXTENSIONS TO ALL (4) 8X8 STEEL POLES (BLACK).  
 FAB AND INSTALL (4) NEW LIGHTED 7" ALUMINUM EXTRUSION  
 CABINETS TO THE POLES AS SHOWN.  
 CABINETS PAINTED WHITE AND PMS 288 BLUE WILL HAVE ROUTED .125 FACES  
 WITH PUSH THRU PLEX COPY AND HORIZONTAL BARS.  
 PUSH THRUS WILL HAVE PERF. BLACK DAY/NIGHT AND 3630-121 SILVER FIRST  
 SURFACE VINYL.  
 WHITE LED ILLUMINATION, 120 VOLTS.  
 FURNISH AND INSTALL (3) EMC UNITS BELOW THE CABINETS:  
 OPTION 1) WATCHFIRE 19MM COLOR (53" X 99").  
 OPTION 2) WATCHFIRE 25MM (53" X 99")

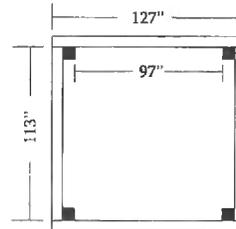
INSTALL SITE:  
 530 S. HYDRAULIC  
 ROSALIE SCHROEDER  
 262-7700



QTY: 2  
 FOR NORTH & SOUTH ELEVATIONS



QTY: 2  
 FOR EAST & WEST ELEVATIONS



OVERHEAD



NIGHTTIME



318 S. OSAGE  
 WICHITA, KANSAS  
 (316) 263-2224  
 FAX (316) 263-1463

**Job Name:**  
 Digital Office Systems

**Job Location:**  
 Wichita, KS

**Layout:**  
 digita02.cdr

**Production File:**  
 digita02.plt

**Contact:**  
 Tyler McFadden

**Scale:**

**Date:**  
 11-20-14

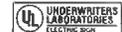
**Drawn by:**  
 G.Claussen

**Revisions:**  
 XXXX

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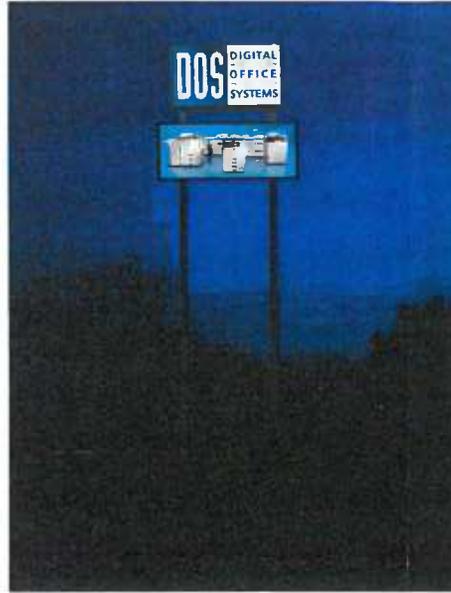
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Approved By \_\_\_\_\_ Date \_\_\_\_\_ Marketing Approval \_\_\_\_\_

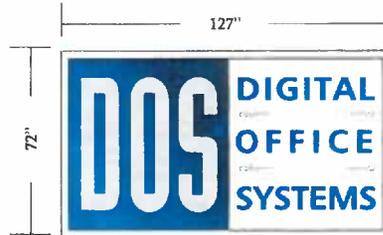
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 By signing this you verify the accuracy of all graphics shown with respect to sizes and content. The specifications are correct and represent our order requirements exactly.



NIGHTTIME



QTY: 2  
FOR NORTH & SOUTH ELEVATIONS

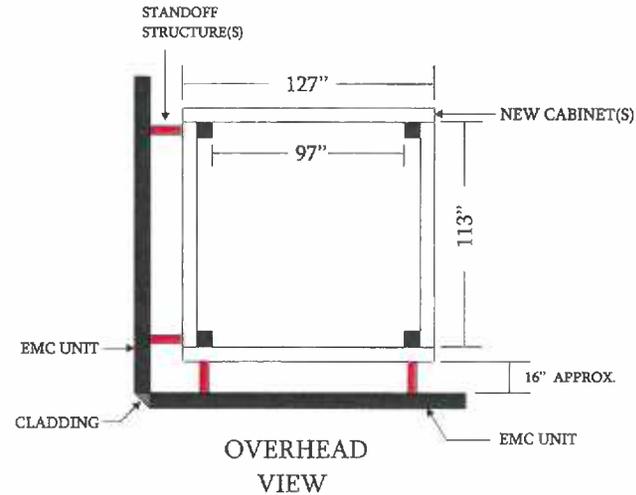


QTY: 2  
FOR EAST & WEST ELEVATIONS

# 19MM

REMOVE AND DISPOSE OF ALL CABINETS.  
 ADD 10' EXTENSIONS TO ALL (4) 8X8 STEEL POLES (BLACK).  
 FAB AND INSTALL (4) NEW LIGHTED 7" ALUMINUM EXTRUSION CABINETS TO THE POLES AS SHOWN.  
 CABINETS PAINTED WHITE WITH 3" RETAINERS WITH TRANSLUCENT FLEX FACES.  
 WHITE LED ILLUMINATION, 120 VOLTS.  
 FURNISH AND INSTALL (2) EMC UNITS BELOW THE CABINETS ON THE NORTH AND WEST ELEVATIONS:  
 WATCHFIRE COLOR 19MM 80 X 208 COLOR (65" X 159" X 8").  
 MOUNT EMC UNITS TO EXISTING 8" SQ. POLES WITH STANDOFF STRUCTURES AS SHOWN BELOW

INSTALL SITE:  
 530 S. HYDRAULIC  
 ROSALIE SCHROEDER  
 262-7700



318 S. OSAGE  
 WICHITA, KANSAS  
 (316) 263-2224  
 FAX (316) 263-1463

**Job Name:**  
 Digital Office Systems

**Job Location:**  
 Wichita, KS

**Layout:**  
 digita02.cdr

**Production File:**  
 digita02.plt

**Contact:**  
 Tyler McFadden

**Scale:**

**Date:**  
 11-20-14

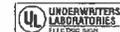
**Drawn by:**  
 G.Claussen

**Revisions:**  
 12-31-14, 1-7-15  
 1-14-15, 1-15-15  
 2-2-15

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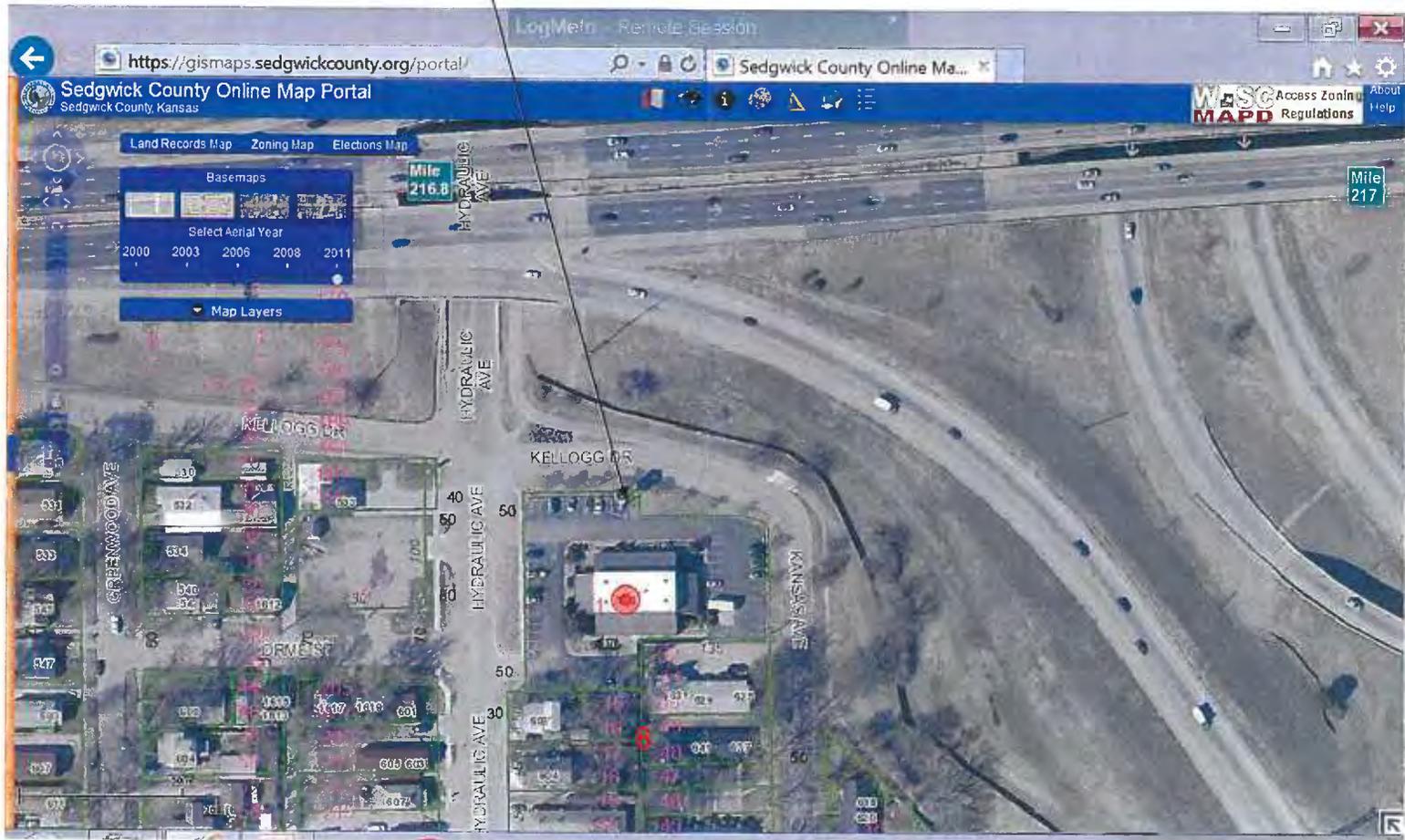


Approved By \_\_\_\_\_ Date \_\_\_\_\_ Marketing Approval \_\_\_\_\_

Please review this drawing carefully.  
 By signing this you verify the accuracy of all graphics shown with respect to size and content. The specifications are correct and represent our order requirements exactly.

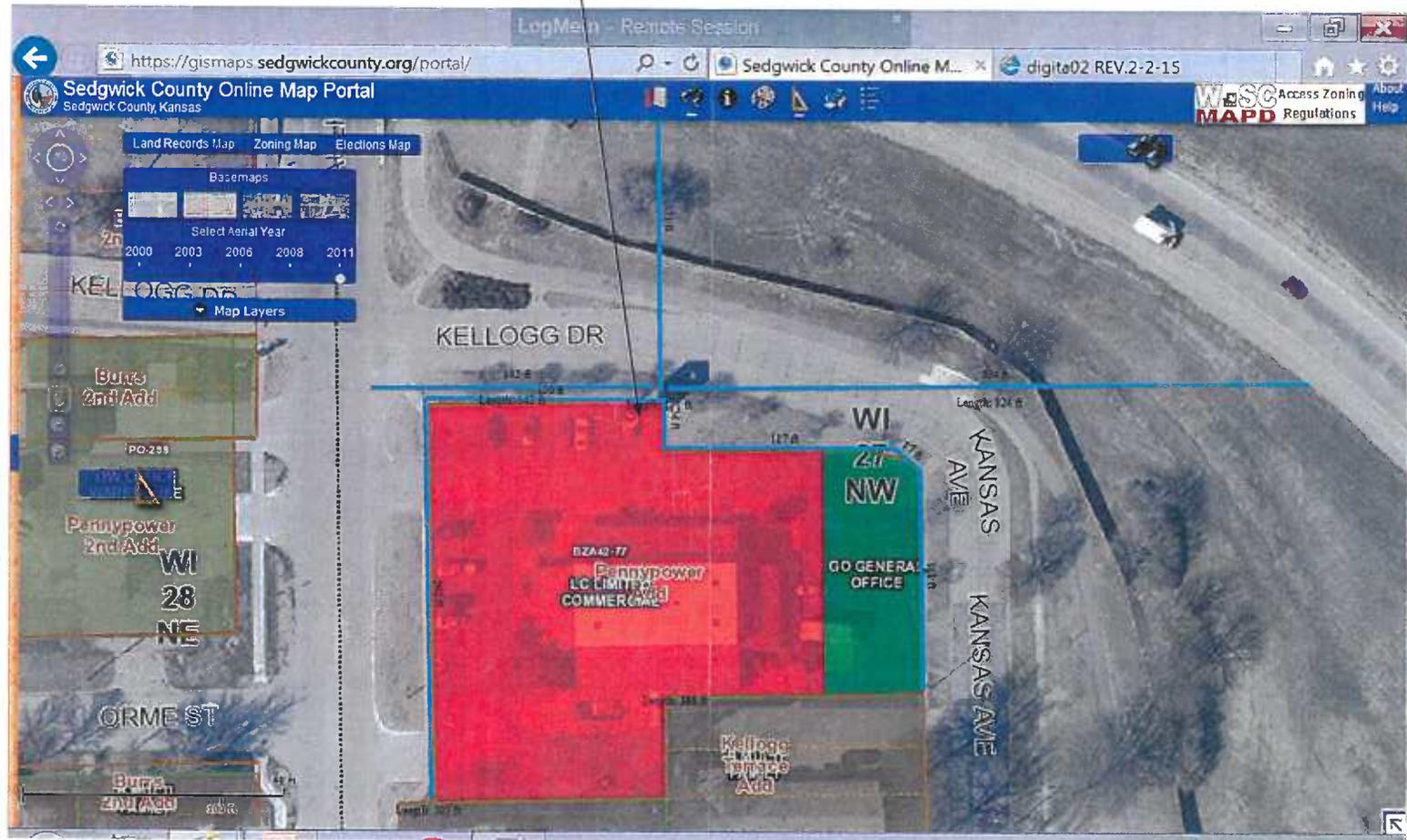
530 S. Hydraulic Ave, Digital Office Systems  
Limited Commercial

Pole sign



530 S. Hydraulic Ave, Digital Office Systems  
Limited Commercial

Four sided pole sign



530 S. Hydraulic Ave, Digital Office Systems  
Limited Commercial

Pole sign



**SECRETARY'S REPORT**

CASE NUMBER: BZA2015-00014

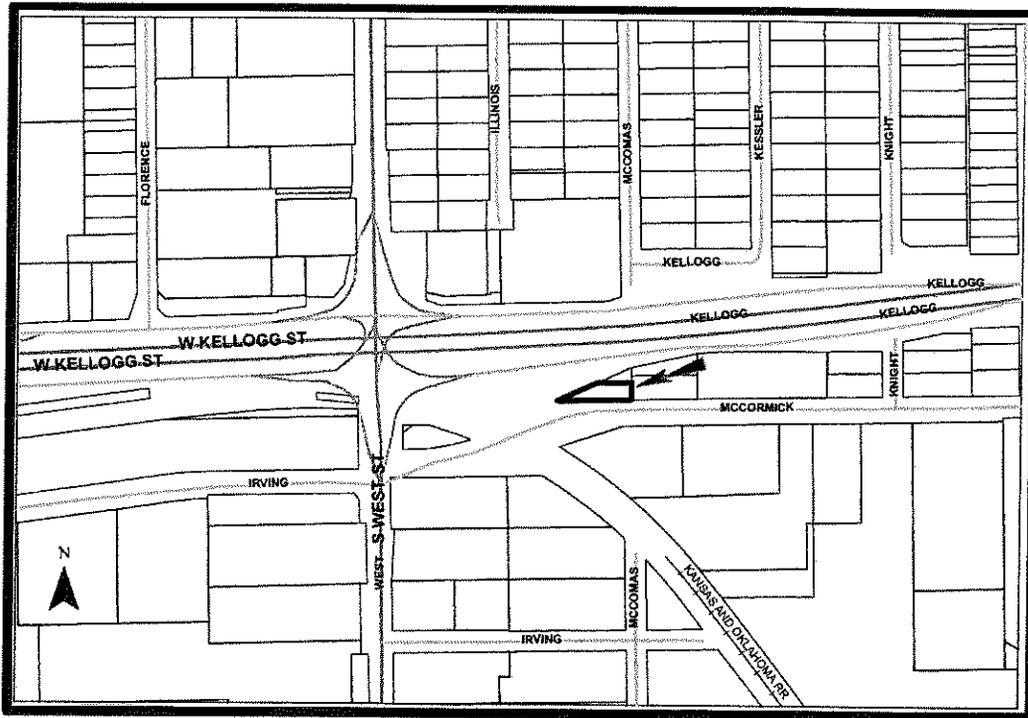
APPLICANT/AGENT: MKT Investments (Tracy McCune)

REQUEST: City variance to allow a billboard to be built with a zero front yard building setback due to I-235 and Kellogg interchange right-of-way acquisitions

CURRENT ZONING: LI Limited Industrial

SITE SIZE: .23 acres

LOCATION: At the southeast corner of South West Street and the West Kellogg eastbound entrance ramp (3801 West Kellogg)



**JURISDICTION:** The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

**BACKGROUND:** The application area is .23 acres located south of West Kellogg, east of South West Street and north of McCormick Avenue that contains an existing billboard. The Kansas Department of Transportation (KDOT) is making improvements to the West Kellogg-South West Street intersection, and has obtained ownership of the land which contains the existing billboard. As a result of the KDOT purchase, the applicant is required to move the billboard out of KDOT's newly acquired right-of-way. The applicants are wishing to re-establish the billboard on a remnant piece of land located just south of the billboard's current or former location. However, the remnant land is only 48 to 49 feet deep, which is too narrow to allow a 48-foot wide billboard to be built without encroaching into the front building setback. Billboards are treated as structures, and are required to observe building setback standards. The site is zoned Limited Industrial (LI) that has the following setbacks: front-20 feet; rear-0 feet; interior side-0 or five feet and street side-0 feet. The McCormick Avenue frontage is the application area's front yard. The site has 217 feet of frontage along McCormick Avenue. The applicant is requesting a zero building setback from the application area's front yard (McCormick Avenue) minimum 20-foot requirement.

**ADJACENT ZONING AND LAND USE:**

NORTH: LC and SF-5; Kellogg right-of-way, retail, restaurants and single-family uses  
SOUTH: LI; industrial and commercial  
EAST: LI; owned by KDOT  
WEST: LI; Kellogg right-of-way, industrial and commercial

*The five criteria necessary for approval as they apply to the requested variance.*

**UNIQUENESS:** It is staff's opinion that the circumstances causing this request are unique in that the applicant has a small site that contains a legally conforming billboard that abuts the east-bound access ramp from South West Street to east-bound Kellogg. With the loss of a portion of the applicant's property to right-of-way the site is just deep enough permit a 48-foot long sign within the limits of the site. A variance is the most reasonable solution to reducing building setbacks that would permit the re-installation of a billboard on the site.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested variance would not adversely affect the rights of adjacent property owners because there has been a billboard on the property for several years and so the variance is not facilitating the installation of a new use. Land surrounding the site is either right-of-way or is owned by KDOT.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants. Without the requested variance, the applicant would not be able to re-install a full size, 48-foot-long billboard. Presumably such a restriction would significantly reduce the economic value of the sign.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance promotes the public interest to the extent that billboards provide an alternate approach to advertising in radio, television or print media.

**SPIRIT AND INTENT:** It is staff's opinion that granting the requested variance does not oppose the general spirit and intent of the Zoning Code which is to protect the public health, safety and welfare.

**RECOMMENDATION:** It is staff's opinion that the requested variance complies with the required criteria noted above. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The front building setback shall be reduced to zero, but only for a billboard. All other uses on the site shall comply with applicable zoning, building, fire, sign and other applicable codes.

2. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.



10' Sho.

er Box Ret. Wall

30" RCP

100.08 ft

2

3

Electric

P.C.

L.P.

+34.65

**BILLBOARD**

MKT Investment  
TOL Lots 2 and 27  
Block 2,  
Eureka Gardens

+00.00 F

145.00' @

**PROPERTY LINE**

D.M.  
G.P.

+92.25

Fx RA

