CITY OF WICHITA BOARD OF ZONING APPEALS
AGENDA
Thursday, November 17, 2016
1:30 p.m.

The regular meeting of the City of Wichita Board of Zoning Appeals will be held on **Thursday, November 17, 2016**, in the Planning Commission Conference Room, Suite 203, 2nd Floor, 271 West Third St., Wichita, Kansas **no earlier than 1:30 p.m.**

1. **BZA2016-00043** - City variance request to reduce the interior side yard building setback and the front yard building setback for a carport on property zoned SF-5 Single-family Residential generally located north of 31st Street South and east of Meridian (2204 W. Greenfield).

2. **BZA2016-00044** - City variance request to eliminate the parking requirement for an existing commercial building to permit a change of occupancy for Ziggy's Pizza generally located south of 13th and west of River Boulevard (1059 N. Porter St.)

3. **BZA2016-00045** - City variance to allow an increase of a wall sign from 32 square feet to 63 square feet generally located north of Douglas Avenue on the east side of N. Rock Road (260 N. Rock Rd.)

BOARD OF ZONING APPEALS
SEDGWICK COUNTY, KANSAS

AGENDA ITEM NO. 1
November 17, 2016

SECRETARY'S REPORT

CASE NUMBER: BZA2016-00043

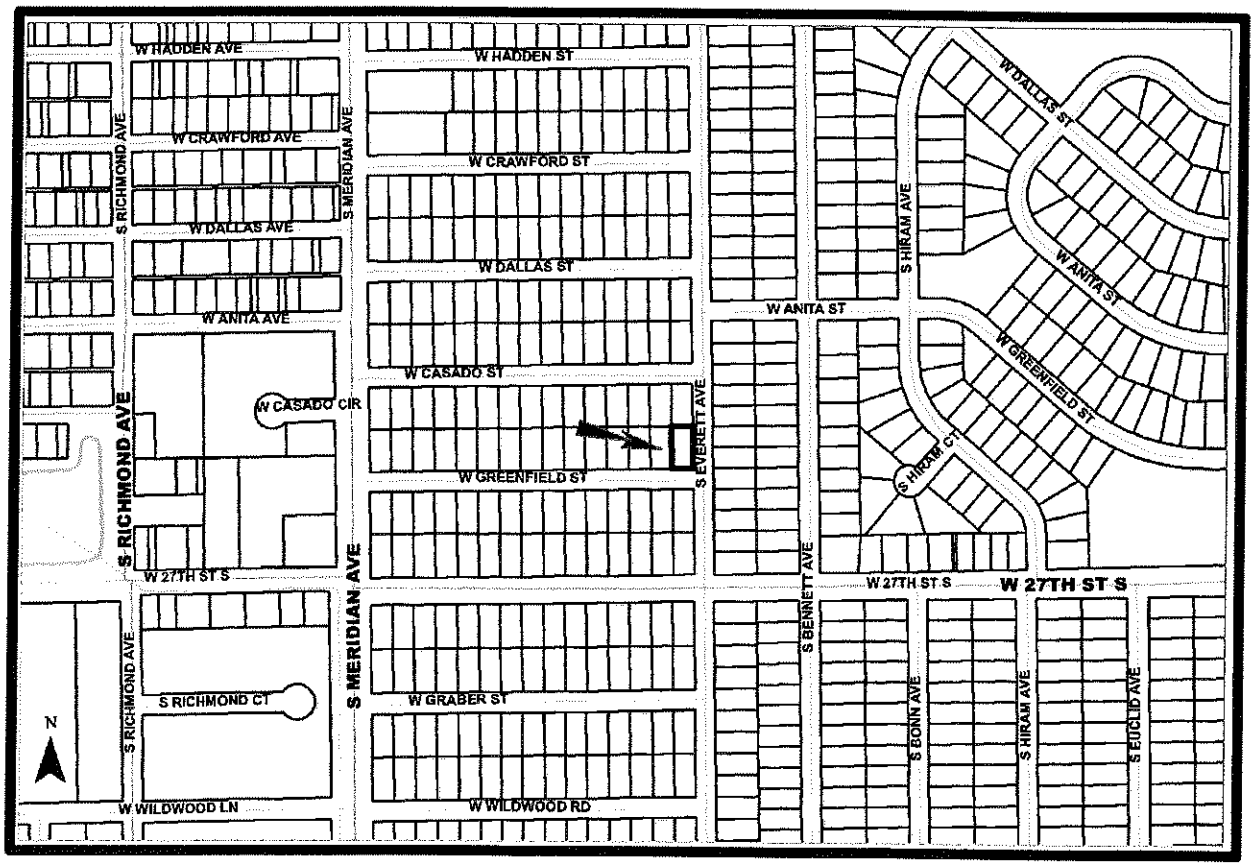
APPLICANT/AGENT: Derek T. Reynolds (Owner/Applicant)

REQUEST: Variances to reduce the front side setback from 25 feet to 4.5 feet and to reduce the side yard setback from 6 feet to 10 inches

CURRENT ZONING: SF-5 Single-Family Residential

SITE SIZE: 0.17 acres

LOCATION: North of 31st Street South and east of Meridian at 2204 W. Greenfield



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 is in the process of constructing a carport in front of a single-family residence located on the subject property (see attached site plan). According to the applicant (see attached written justification), a contractor was hired to construct the carport. The contractor indicated that the necessary building permit had been acquired. During construction a stop work order was issued by the Metropolitan Area Building and Construction Department because a building permit had not been acquired. Upon application for a building permit, the applicant discovered that the carport encroaches into the required front and side setbacks of the SF-5 Single-Family Residential zoning district.

The SF-5 zoning district requires a 25-foot front setback and a 6-foot side setback. As constructed, the carport is located 4.5 feet from the front property line and 10 inches from the side setback. Variances are required to reduce the front and side setbacks to permit the partially constructed carport to be completed.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Single-family residence
SOUTH	SF-5	Single-family residence
EAST	SF-5	Single-family residence
WEST	SF-5	Single-family residence

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property is in a neighborhood of homes constructed in the 1950s with single car garages. In such neighborhoods, there are limited opportunities to provide protect parking for multiple vehicles that is commonly desired today by residents. The Unified Zoning Code (UZC) has provisions for administrative adjustments that allow flexibility in setbacks for carports on such properties. Such flexibility could have been factored into the design of the applicant's project had the applicant's contractor applied for a building permit.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the adjacent property owners have indicated in writing (see attached) that they do not object to requested variances.

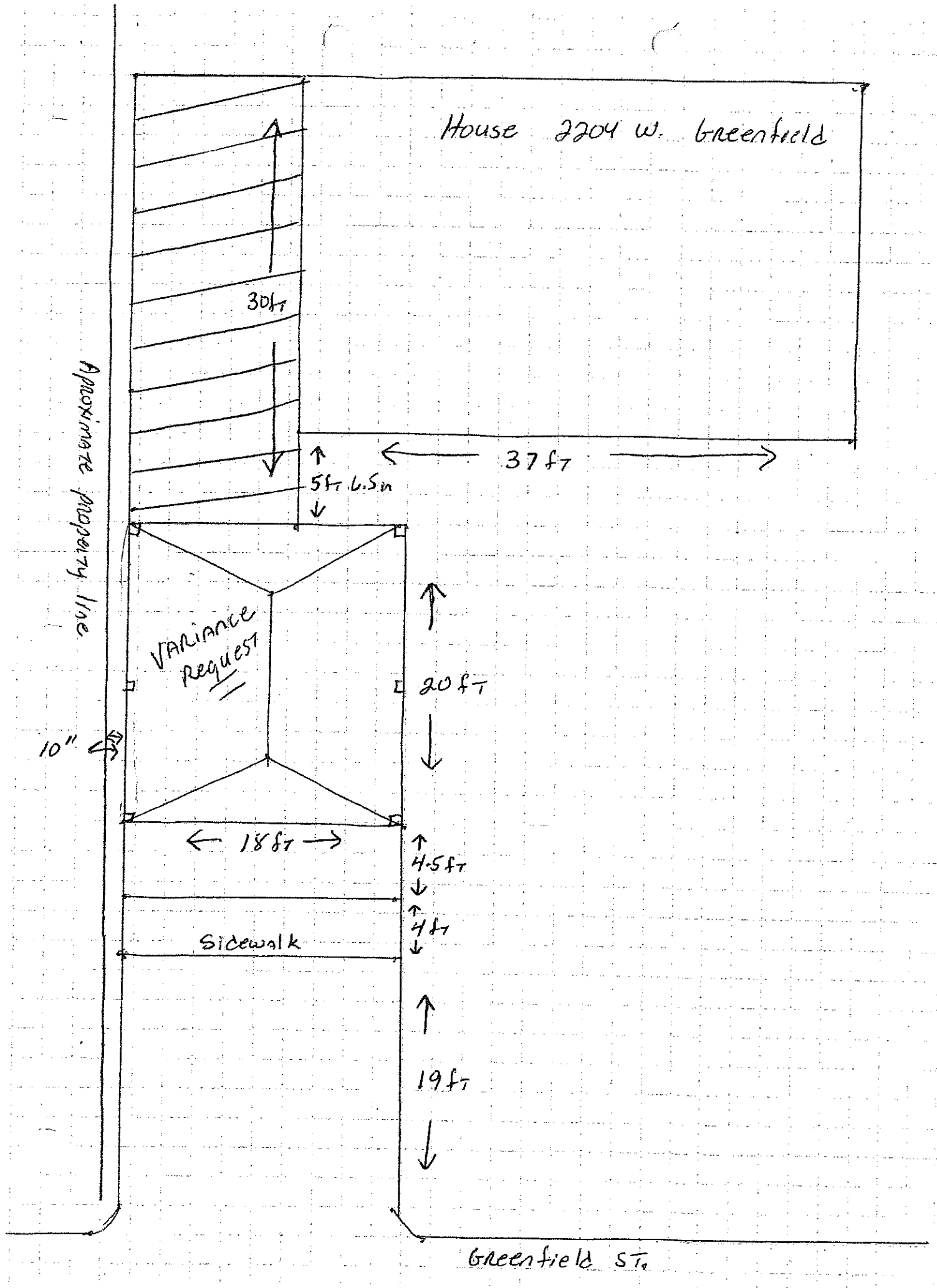
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as the applicant relied upon their contractor to acquire the necessary permits.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in supporting continued reinvestment in residential properties, including permitting upgrades of existing properties through the approval of variances.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the primary intent of the setback requirements is to maintain sufficient separation between structures to maintain fire safety and to provide for the circulation of light and air. The applicant has indicated that a firewall will be constructed adjacent to the side property line to provide necessary fire safety.

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 variances to reduce the front setback from 25 feet to 4.5 feet and the side setback from 6 feet to 10 inches be GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan.
2. The setback reduction shall apply only to a carport. All other structures or additions on the subject property shall conform to the setbacks permitted by the Unified Zoning Code unless a separate Zoning Adjustment or Variance is granted.
3. The carport shall be constructed with siding that has a minimum one hour fire rating on west side of the structure.
4. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.


House 2204 W. Greenfield
30ft
37ft
5ft 6.5in
Approximate property line
VARIANCE REQUEST
20ft
10"
18ft
4.5ft
4ft
Sidewalk
19ft
Greenfield St.
EVERETT ST.

Wichita Board of Zoning Appeals

Planning Department

Tenth Floor, City Hall

455 N Main St., Wichita, KS 67202

Derek T. & Pamela S Reynolds

2204 W Greenfield

Wichita, KS 67217

Re: Variance request to allow a structure in front of setback.

This letter is accompanying an application for a variance to allow the deviation from specific regulations, as outlined in the following paragraphs, for a carport at the above address, 2204 W. Greenfield, Wichita, KS 67217.

- Prior to starting work on the structure two other estimates were obtained before settling on the current builder. Prior to this agreement one of the contractors stated he had checked with the city and there would not be a problem with the size of the structure. This information was then relayed to the current contractor and we relied in good faith in an agreement with the contractor that they were to acquire all necessary permits and approvals for the building of the structure. This was not discovered until a stop work order was submitted by Willie Lynn on 9/26/2016 at 10:00 am, at which time all work on said structure was stopped and immediately we went to get a permit to allow the work to be completed. It was then found that we needed to go to the planning department for further information on obtaining a permit. After speaking with Kathy Morgan at the Metropolitan Planning Department we were instructed that a variance application would need to be filed and brought to the Wichita Board of Zoning Appeals.
- Signed statements accompany this letter from the owner(s) of the adjacent property and the current residents, adjacent to our property, showing no objection to the structures encroachment. In fact a fence had been on the property line with no objection from owner or resident in the past.
- This hardship is peculiar to the property, not general to the neighborhood or community. There is no other place within the property that this structure could be placed for the purpose of protecting our vehicles from environmental damage.
    - Included in this application is a photo of two residents in our neighborhood at 3121 S. Everett and 3134 S. Everett that have metal structures 15 to 20 feet in front of front setbacks and within 4 to 6 feet of inside sidewalk. Also included is a photo of the structure in which the variance is requested.
- The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located. Also the proximity of the structure to the property boundary would not endanger the adjacent property owner's structures to damage as a result of fire.

- The structure does not interfere with fire department access or other emergency responders access to the property. A fire wall will be constructed on the structures side adjacent to the neighbor's property, per City Code and the recommendations of Mike Meier and William Longnecker. The material will consist of Dens-Glass Gold Fireboard which has a 1 hour fire rating and will cover the interior and exterior of the structure. The exterior will then be sided with Smart lap siding.

- That the proposed variance will not:
  - Impair an adequate supply of light and air to adjacent property;
  - Substantially increase the hazard from fire or other dangers to said property or adjacent property;
  - Otherwise impair the public health, safety, comfort, morals or general welfare of the inhabitants of the Town/City;
  - Diminish or impair property values within the neighborhood;
  - Create a nuisance; or
  - Result in an increase in public expectations.

- That the variance requested is the minimum variance that will make possible the reasonable use of the land, building or structure.

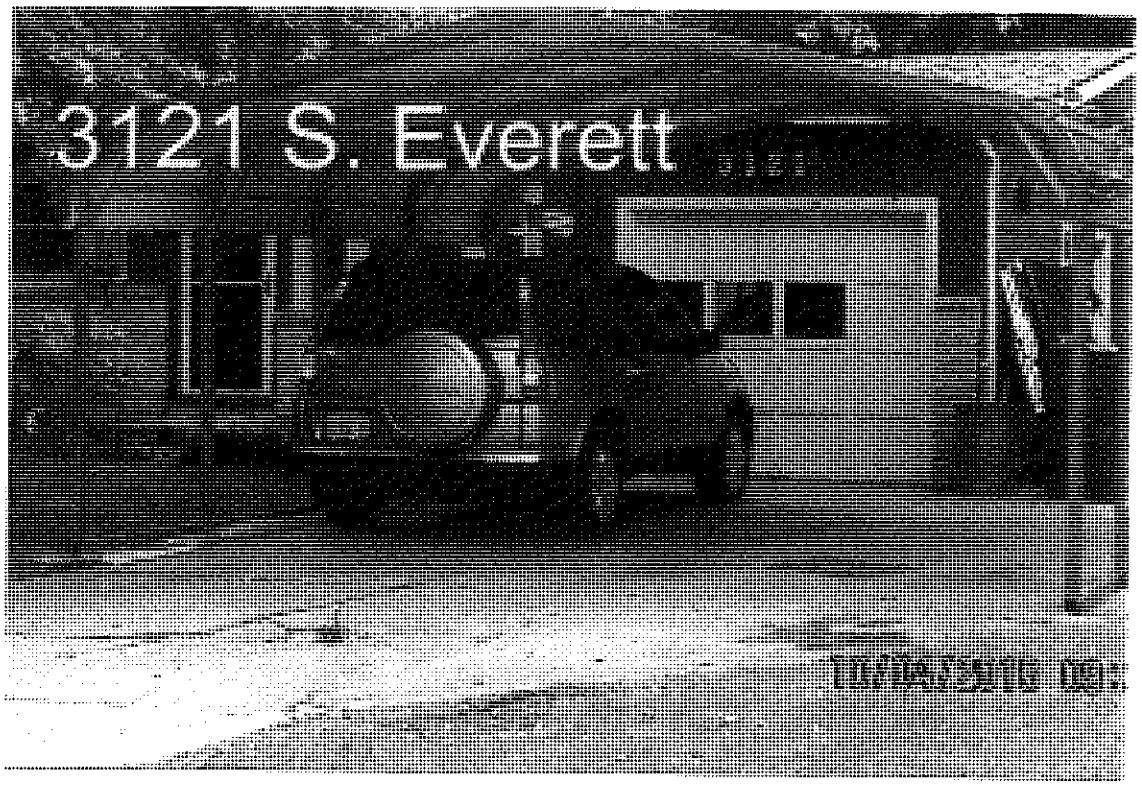
Sincerely,

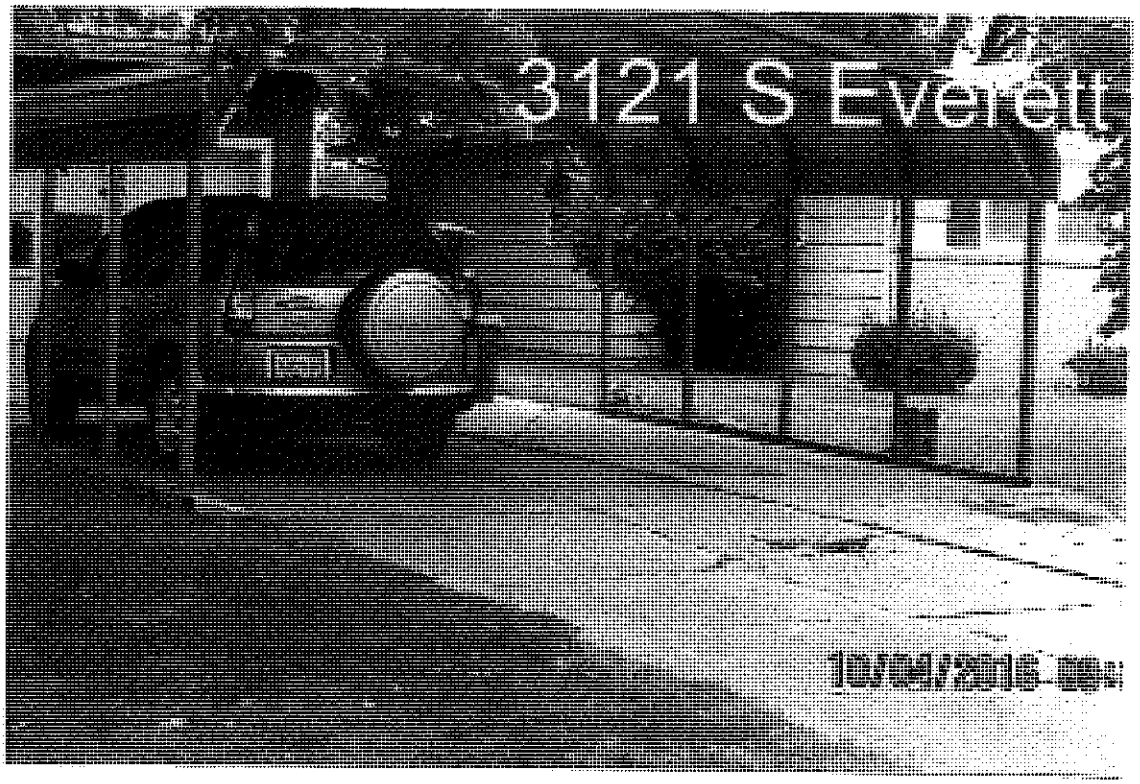
Derek T. Reynolds

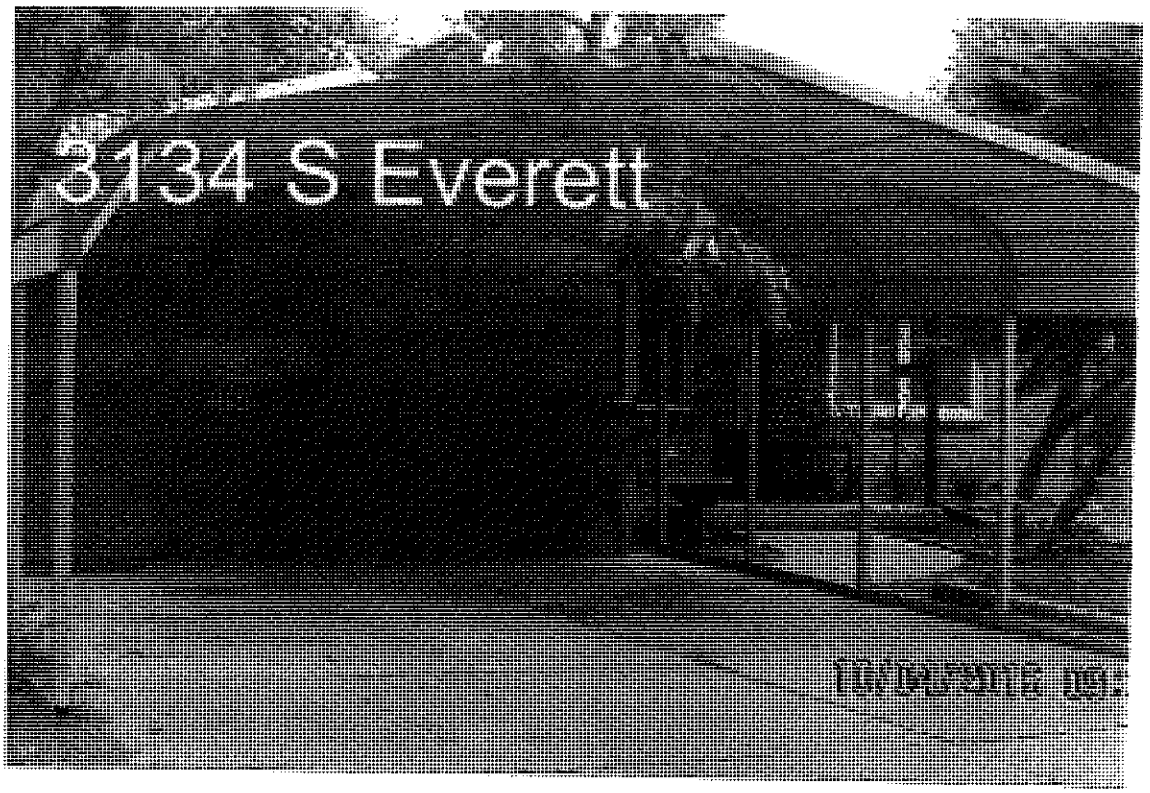
Derek T. Reynolds 10/8/2016

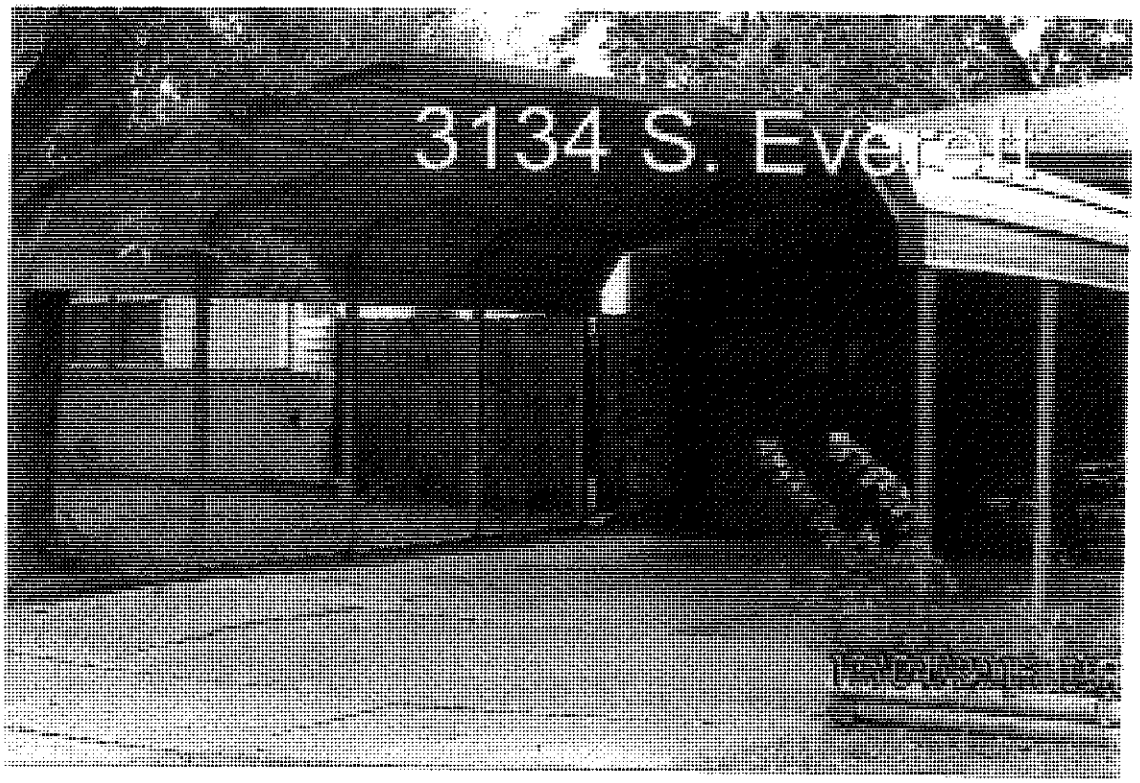
Pamela S. Reynolds

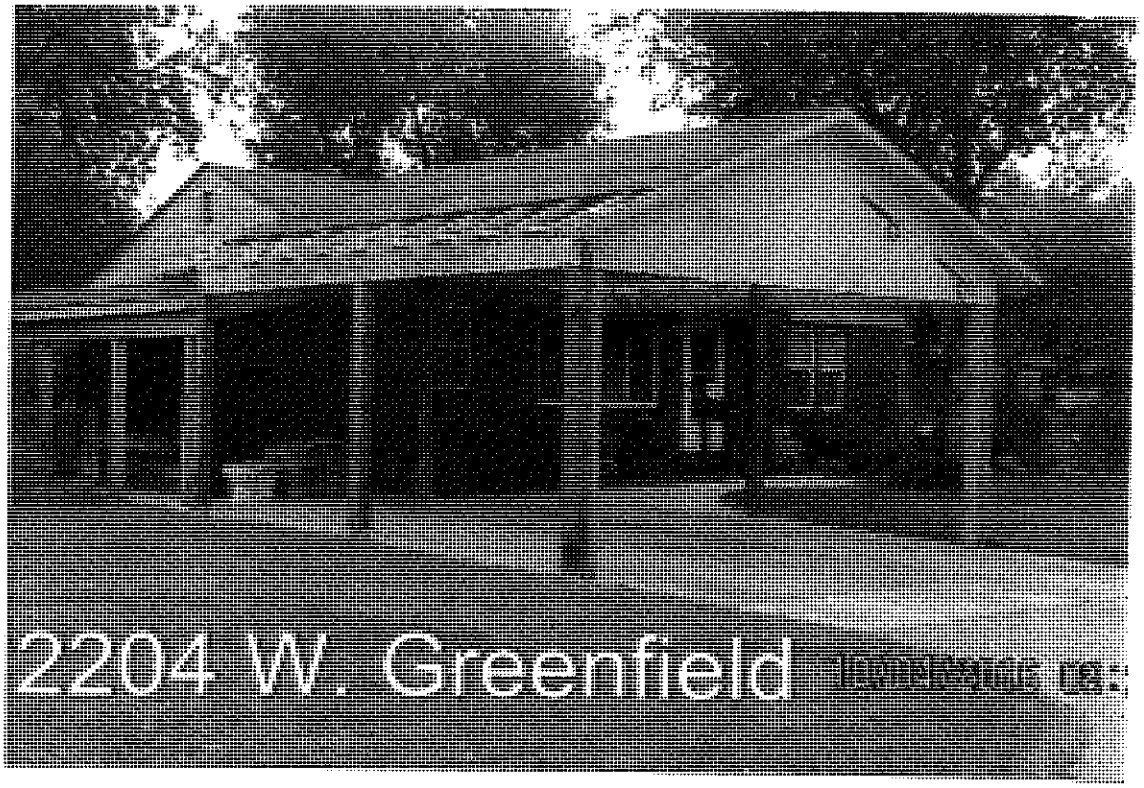
Pamela S Reynolds 10-8-2016

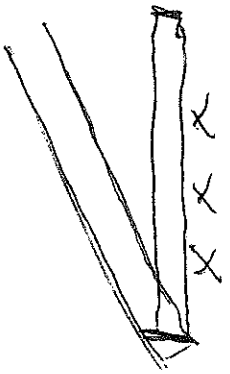

3121 S. Everett

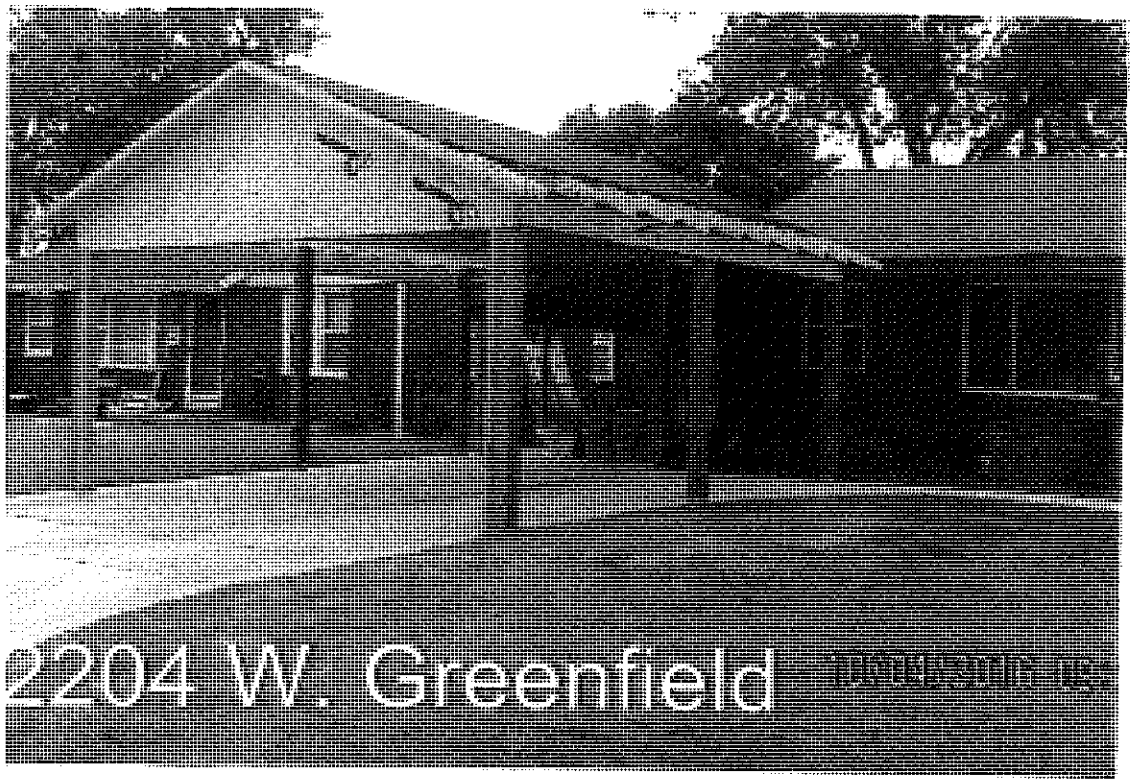

3121 S Everett


3134 S Everett


3134 S. Everett


2204 W. Greenfield




2204 W. Greenfield

To the Wichita Area Board of Zoning Appeals 10/5/2016

We the undersigned and residents of 2210 W. Greenfield St and adjacent to the property 2204 W Greenfield have no objection to the encroachment of property line. In no way does it impede our residence and we do not for see any problems in the future.

M Postow 10-6-16

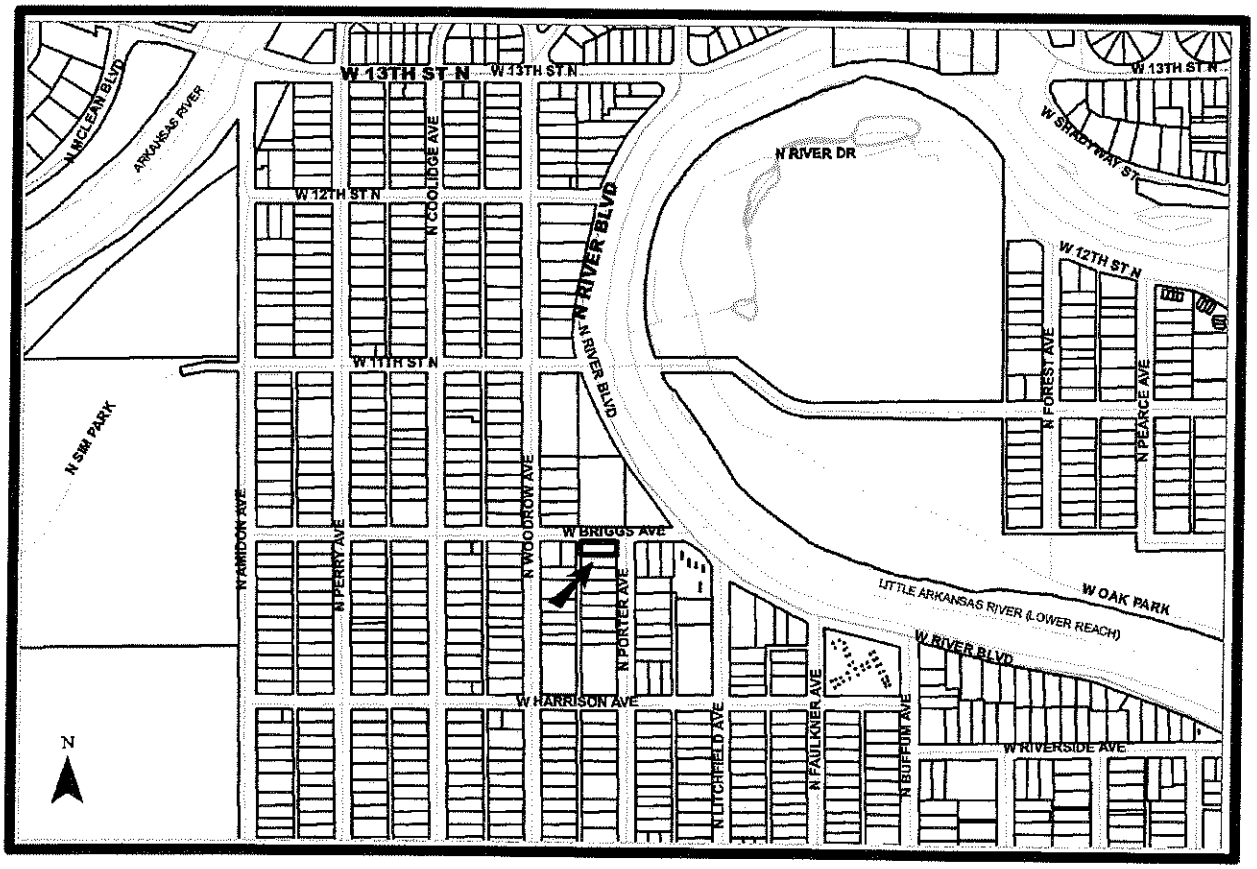
[illegible] 10-6-16

BOARD OF ZONING APPEALS
SEDGWICK COUNTY, KANSAS

AGENDA ITEM NO. 2
November 17, 2016

SECRETARY'S REPORT

CASE NUMBER:	BZA2016-00044
APPLICANT/AGENT:	Don D. Rutherford (Owner/Applicant); Christopher Clark (Agent)
REQUEST:	Variance to eliminate the parking requirement
CURRENT ZONING:	LC Limited Commercial
SITE SIZE:	0.16 acres
LOCATION:	South of 13th Street North and west of River Boulevard at 1059 N. Porter



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 proposes to remodel an existing commercial building in order to open a Ziggy's Pizza restaurant (see attached site plan). The existing building has no off-street parking. The Unified Zoning Code requires that when the value of remodeling exceeds 50 percent of the building's value then the UZC off-street parking requirement must be met.

In the case of the subject property, 35 off-street parking spaces are required for remodeled the building (see attached written justification). The UZC allows off-street parking to be provided off-site, and the applicant has an agreement (see attached) with the church located across Briggs Avenue to the north to provide the 35 required parking spaces. However, the church is zoned TF-3 Two-Family Residential, and the UZC requires off-site parking to have the same or more intensive zoning than is required for the use served. Additionally, off-site parking has to be secured by a permanent deed restriction, and the church is unwilling to provide such a restriction. Therefore, a variance is required to eliminate the parking requirement for the subject property in order for it to be remodeled.

ADJACENT ZONING AND LAND USE:

NORTH	TF-3	Church
SOUTH	LC	Single-family residence
EAST	LC	Duplex
WEST	TF-3	Single-family residence

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property is in the historic Riverside neighborhood that was developed primarily in the 1920s with pockets of commercial buildings and a mixture of residential housing types. Since much of the neighborhood was developed prior to the City of Wichita establishing zoning, many of the properties in the neighborhood do not conform to one or more the UZC development standards such as parking, screening, or setbacks.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the property has existed in the neighborhood for many decades without providing any off-street parking, and the applicant has secured access to ample off-street parking with an adjacent property to the north.

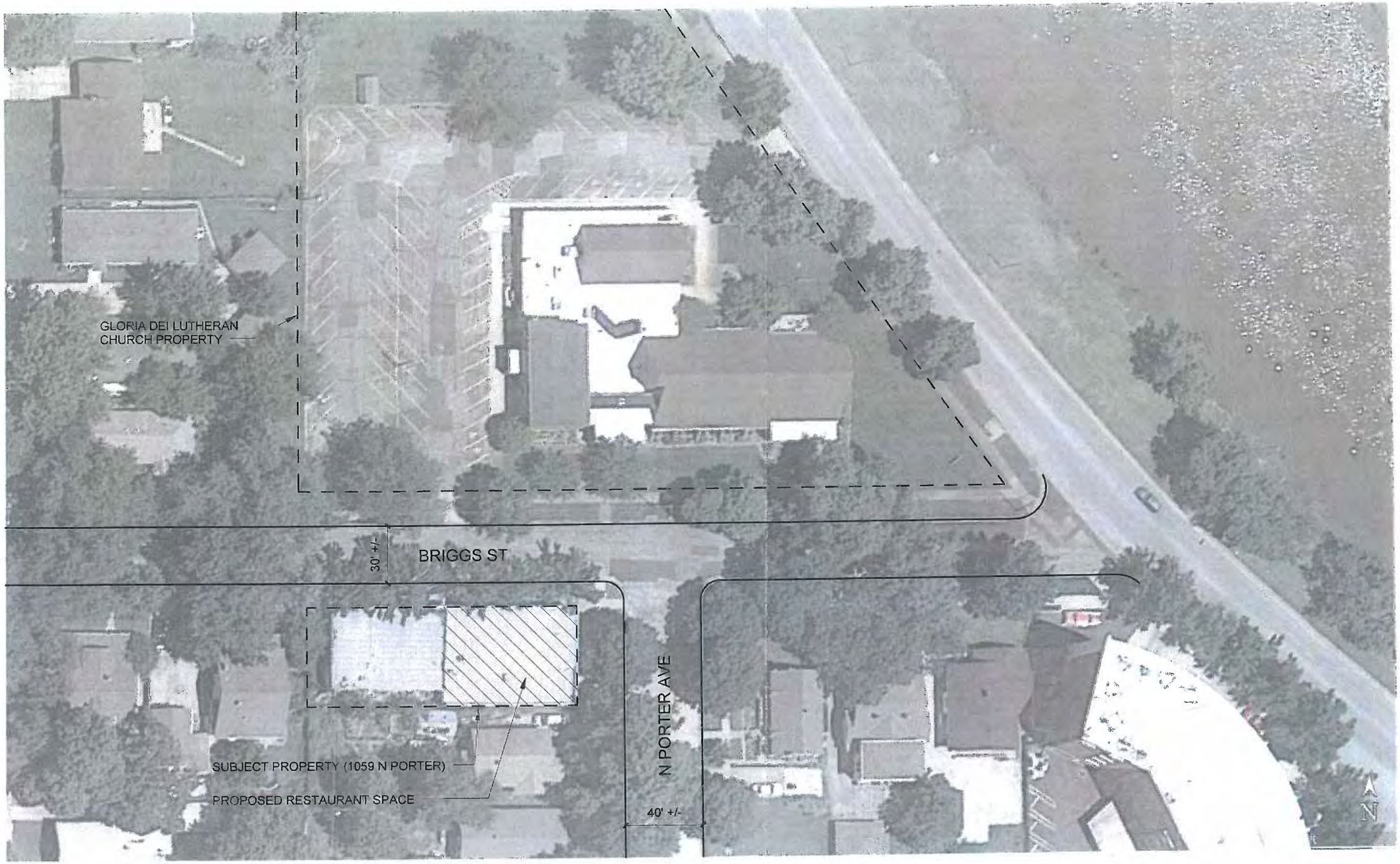
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as the property cannot be improved by greater than 50 percent of its value without meeting the UZC parking requirement. The ability to make economic use of a commercial building long-term requires periodic remodeling as tenants change.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in supporting continued reinvestment in historic neighborhoods, including permitting upgrades of existing properties through the approval of variances, especially when non-conformities with UZC development standards are prevalent in the neighborhood.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the primary intent off-street parking requirements is to ensure that parking from one property does not encroach upon another. Additionally, the UZC permits off-site parking similar to agreement the applicant has with the adjacent church, and the applicant's off-site parking agreement meets the spirit and intent of the UZC.

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 a variance to eliminate the parking requirement be GRANTED, subject to the following conditions:

1. A copy of the executed Parking Lot Use Agreement with Gloria Dei Lutheran Church shall be submitted to the Planning Department prior to the issuance of a building permit.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.



1 SITE PLAN
1" = 50'-0"

0' 25' 50' 100' 200'

DATE:
09/27/16

NOTE: THESE DRAWINGS ARE CONCEPTUAL AND SHALL NOT BE USED FOR CONSTRUCTION.

OWNER:
RUTHERFORD DONALD D TEST TRUST

PROJECT:
ZIGGY'S PIZZA RIVERSIDE

CLARKITECTURE
CLARKITECTURE.NET
(316) 302-4472
7701 E KELLOGG DR. SUITE 630
WICHITA, KS 67207

September 27, 2016

Re: Statement Regarding Five Conditions Required for Granting a Variance

To Whom It May Concern:

As required by item #7 of the *Instructions for Filing an Application (Variance)*, this written statement shall outline in detail the manner in which the application meets the five conditions which are required for granting a variance.

Condition (a): *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.*

The condition of the property is such that an existing historic building was constructed with zero setbacks from the lot lines. As a result, there is no area on the property where off-street parking, as required by *Wichita-Sedgwick County Unified Zoning Code*, could be provided. Ordinarily, Light Commercial (LC) District properties include setbacks on the front, rear and street sides. It is assumed that the property was developed and permitted under similar circumstances to the Central Business District (CBD), given its similar age and proximity to the CBD, where properties zoned CBD are not required to provide any off-street parking under the current Zoning Code.

Condition (b): *The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

There is no foreseeable infringement on the rights of the adjacent property owners or residents as a result of waiving the parking requirement for this property.

Condition (c): *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.*

The strict application of the off-street parking requirements set forth in the *Wichita-Sedgwick County Unified Zoning Code*, Article IV, Section A, shall indeed constitute an unnecessary hardship upon the property owner. Based on the proposed occupancy of the restaurant use, approximately 35 off-street parking spaces would ordinarily be required by the Zoning Code. A typical surface parking lot to accommodate 35 parking spaces would require an estimated 14,000 square feet of paved area, more than double the total area of the lot itself. Furthermore, under the current Zoning Code, Article III, Section B, an Indoor Restaurant is among the uses that "shall be permitted by-right" in the LC District.

Condition (d): *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 waiver of the parking requirement for this property will in no foreseeable way affect the public health, safety morals, order, convenience or general welfare of the community. It is reasonable to expect that such a waiver, which will allow a local restaurant to occupy the vacant property, may positively affect the nearby property values, thus benefitting the prosperity of the community. Furthermore, a restaurant use would be considered a higher and better use for the LC District than its current vacant status. Given that the property and surrounding area is zoned LC, enabling a restaurant to occupy the vacant property would contribute to the harmonious development of the community.

Condition (e): *Granting the variance will not be opposed to the general spirit and intent of the applicable Code.*

Two arguments shall be presented to describe why granting the variance will not be opposed to the general spirit and intent of the Zoning Code. First, the current Zoning Code requires no off-street parking to be provided for properties located in the CBD. Therefore, the general spirit and intent of the Zoning Code provides at least one directly comparable exception to the parking requirements. As previously noted, the original development of this property is similar in historic nature and location to the CBD.

Second, it can be assumed that the general spirit and intent of the Zoning Code is to provide off-street parking such that streets of all types are not used for dedicated parking. Although the adjacent streets (Briggs St and Porter Ave) are more generous in width than a typical local street (30 feet and 40 feet, respectively), the property owners of Gloria Dei Lutheran Church, located immediately north of Briggs St, have proposed an agreement to allow customers of the restaurant the use of their parking lot. A copy of this agreement is included in the Variance Application. The quantity of parking spaces available on the Church property far exceeds the estimated 35 off-street parking spaces required for the restaurant. However, the Church is not permitted to allow commercial parking because it is zoned TF-3. A waiver of the parking requirements for the subject property would in effect allow the Church to provide an "overflow" to relieve any street-side parking for the restaurant customers, without placing the Church at risk for citation because they would not be providing dedicated commercial parking.

Sincerely,

Christopher Clark, AIA, NCARB
Principal

CLARKITECTURE LLC
7701 E. Kellogg Dr., Suite 630 / Wichita, KS 67207
(316) 302-4472
clarkitecture.net

GLORIA DEI LUTHERAN CHURCH
PARKING LOT USE AGREEMENT

This agreement is entered into on this ___ day of December, 2015 between Gloria Dei Lutheran Church ("Church"), the owner of the property and parking lot at 1101 N. River Blvd., Wichita, Kansas 67203, and Ziggy's Pizza, LLC ("Ziggy's"), 3700 E. Douglas, Suite 100, Wichita, Kansas 67208.

WHEREAS, Ziggy's intends to operate a pizza business/restaurant located at 1059 Porter, Wichita, Kansas, 67203 across the street south of the Church property, and seeks permission to use the Church's parking lot for its customers' parking.

WHEREAS, the Church is agreeable to Ziggy's use of the Church parking lot for Ziggy's patrons, subject to the terms and conditions set forth herein, including provisions to protect the Church from any and all potential liability or losses it may incur by reason of Ziggy's use of the Church parking lot.

NOW, THEREFORE, in consideration for the benefit of using the Church's parking lot, Ziggy's agrees to abide by all of the covenants, terms and conditions of use set forth in this Agreement.

1. Ziggy's use of the Church parking lot shall be restricted to customer parking during Ziggy's regular business hours, except for those times and hours that conflict with the Church's use for worship services, weddings, funerals, or other designated Church events. Use of the Church's other facilities and property is neither intended nor granted.

2. **No parking will be allowed on Sunday mornings between 8:00 a.m. to 12:00 p.m.** For all other occasions and events, the Church will give notice to Ziggy's when its parking lot will be unavailable for Ziggy's customer parking. Ziggy's will be responsible for placing and displaying "No Parking" signage for Ziggy's customers at the Briggs street parking lot entrances during the time or period that parking is not permitted.

   For purposes of giving such notices and communicating with Ziggy's regarding use of the parking lot, the Church's representative(s) and contact information will be:

   Cathy Latta, Office Manager, (316) 263-0872, info@gloriadeiwichita.com; or
   Pastor Peter Jacobson, (316) 263-0872, pjacobson@cox.net.

   Ziggy's representative and contact information for purposes of receiving notices and communications from the Church regarding use of the parking lot will be:

   Joe Verbeckmoes, (316) 683-6826, joe@benchmarkegroup.com; or

Gary Hamilton, (316) 644-1585, gary@dondrutherfordandsons.com.

In the event both of the designated Ziggy's representatives are unavailable, the Church may give notice to Ziggy's by advising the on-site manager or an employee at the place of business. In the event the parties' above designated contact information should change, the parties agree to promptly provide the new contact information to each other.

3. Ziggy's agrees that it will not use the Church's parking lot for any unlawful purposes, and will obey all laws, rules, and regulations of all governmental authorities while using the Church's parking lot.

4. This use Agreement is for an indefinite duration and term. The Church reserves the right to terminate this use Agreement at any time, upon giving 30-days notice to Ziggy's at 3700 E. Douglas, Suite 100, Wichita, Kansas 67208 in writing or by e-mail at joe@benchmarkegroup.com and gary@dondrutherfordandsons.com. Ziggy's may also terminate this use Agreement by giving the Church 30-days notice in writing or by e-mail at pjacobson@cox.net. In the event Ziggy's Pizza, LLC ceases to operate the pizza business at 1059 Porter, Wichita, Kansas, this use Agreement shall be automatically terminated and void.

5. This Agreement and the parking lot usage rights hereunder are not assignable nor transferable to any other party by Ziggy's without the prior written consent of the Church. Any assignment or transfer made without the Church's consent will void this Agreement.

6. Ziggy's agrees to hold harmless and indemnify the Church (including the Church's agents, employees, representatives, and its insurers) from any and all liability or claims arising from any person or entity using the Church parking lot for Ziggy's purposes, including but not limited to actual and consequential damages, physical or bodily injury, emotional injury, loss of income, medical payments, property damage or loss, attorney's fees, expenses, and costs, which may result from the person or entity using the Church parking lot for Ziggy's purposes, regardless of whether such injury, loss, or damage results from the negligence of the Church or otherwise.

7. Ziggy's represents and warrants that it carries liability insurance with a minimum liability occurrence limit of $1,000,000 and $50,000 medical payments coverage. Ziggy's will provide a certificate of insurance to the Church at the time of execution of this use Agreement. The certificate of insurance shall show the Church as an "additional insured" on Ziggy's policy with respect to its use of the

Church parking lot. Ziggy's will provide a certificate of insurance with the above requirements upon each annual renewal or change of its liability insurance or upon the request of the Church. If a current certificate of insurance with these requirements is not provided or continuously maintained during Ziggy's use of the parking lot, the Church revokes its consent and authorization for Ziggy's use of the Church parking lot and may immediately terminate this use Agreement.

8. This Agreement contains the entire agreement of the parties with respect to Ziggy's use of the Church parking lot. It may not be modified except in writing and signed by both the Church and Ziggy's.

9. This Agreement is governed by the law of the State of Kansas.

GLORIA DEI LUTHERAN CHURCH

By_____ Date_____
Jay York, Council President

ZIGGY'S PIZZA, LLC

By_____ Date_____
Joe Verbeckmoes, Managing Member

BOARD OF ZONING APPEALS
SEDGWICK COUNTY, KANSAS

AGENDA ITEM NO. 3
November 17, 2016

SECRETARY'S REPORT

CASE NUMBER: BZA2016-00045

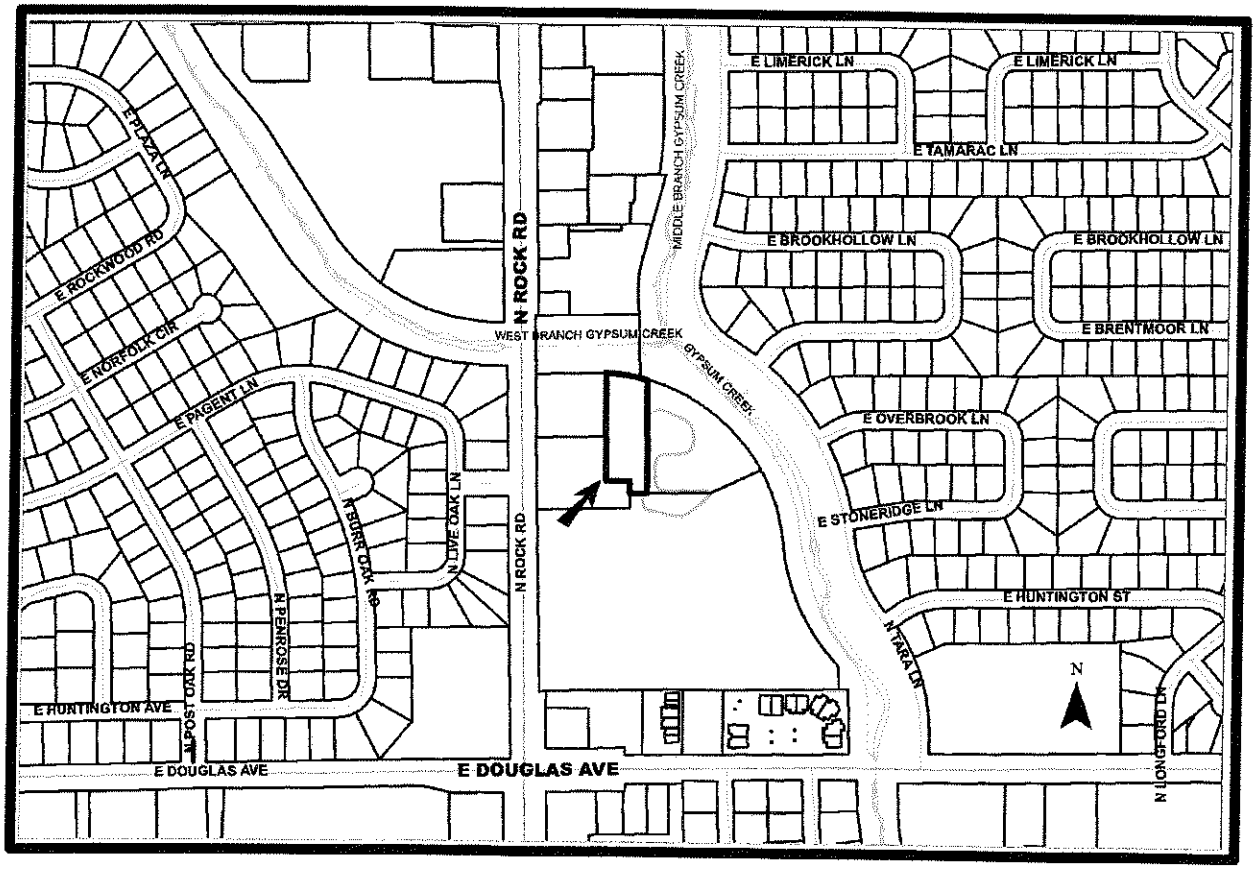
APPLICANT/AGENT: Don L. Miller Living Trust (Owner/Applicant); Freddy's Land LLC (Agent)

REQUEST: Variance to increase the size of a wall sign from 32 square feet to 63 square feet

CURRENT ZONING: GO General Office

SITE SIZE: 1.24 acres

LOCATION: North of Douglas Avenue and east of Rock Road at 260 N. Rock Road



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 corporate office for Freddy's Frozen Custard is located on a 1.24-acre tract zoned GO General Office on the east side of Rock Road north of Douglas Avenue at 260 N. Rock Road. The Wichita Sign Code limits wall signs on building in the GO district to a maximum of 32 square feet regardless of the size of the building or the distance of the building from the street. The applicant proposes a 63-square foot wall sign (see attached elevation drawing, site plan, and written justification) because the building is set back 300 feet from Rock Road and a 32-square foot would not be sufficiently visible from the street. A variance is required for the applicant's proposed wall sign.

ADJACENT ZONING AND LAND USE:

NORTH	LC	Strip center
SOUTH	GO	Office building
EAST	LC	Strip center
WEST	GO	Office building

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the property is located along a high-speed arterial street with a strip commercial development pattern. In such a development pattern, signage needs to be off sufficient size for motorists to locate their destination while operating their vehicle in a high-speed, high-traffic environment.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the adjacent properties are developed with office and commercial uses. A 63-square foot wall sign is common, if not small, in such an environment.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as the property is not reasonably visible to motorists with a wall sign of the size permitted in the GO district.

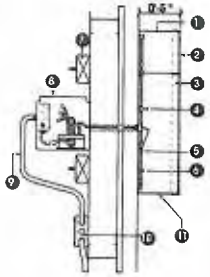
PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the public has an interest in safe and smooth traffic flow on high-speed, high-traffic arterial streets.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the sign regulations, inasmuch as the intent sign regulations is to encourage signs that are harmonious to the buildings and sites which they occupy. The proposed 63-square foot wall sign is harmonious to the building and site it occupies.

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 a variance to increase the size of a wall sign from 32 square feet to 63 square feet be GRANTED, subject to the following conditions:

1. The sign shall be generally consistent with approved elevation drawing.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be constructed within one year of the granting of the variance.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

SCALE - 3/8" = 1'-0"



CHANNEL LETTER DETAIL

1. Pre-Painted Semi-Gloss Alum. Returns (BLACK)*
2. Red Acrylic Faces.
3. 1" Jewelite Trim-Cap (BLACK)
4. Internal LED Illumination (GE RED)
5. Pre-Painted White Alum. Backs
6. Mount flush to fascia w/ non-corrosive all thread securement As Required Per Location
7. Blocking (as required per location)
8. GE Remote LED Power Supply as Required w/ Disconnect Switch
9. Double wire thru Sealtite conduit (6" from bottom of letters) to power supply in galvanized box behind wall - (Primary connection by others)
10. 120 volt G.C. or Landlord Supplied Power Supply
11. ¼" Dia. Weep Holes in Low Points of Letters/Elements

DESIGN TYPE

- [ ] INTERIOR
- [ ] EXTERIOR
- [ ] NEON DISPLAYS
- [ ] CHANNEL LETTERS
- [ ] NON-ILLUM SIGNAGE
- [ ] REV. CHANNEL LETTERS
- [ ] DUEL POLE SIGN
- [ ] SINGLE POLE SIGN
- [ ] MONUMENT SIGN
- [ ] DIRECTIONAL
- [ ] CHANGEABLE READER BOARD/ ELE. DISPLAYS

PROJECT TYPE

- [ ] NEW CONSTRUCTION
- [ ] REMODELING
- [ ] TENANT CHANGES
- [ ] LANDLORD IMPROVEMENTS
- [ ] CORPORATE CHANGES
- [ ] AMENDMENTS TO EXCISING SIGNAGE

This sign is intended to be installed in accordance with the requirements of Article 600 of the National Electric Code and/or other applicable local codes. This includes proper grounding and bonding of the sign.

NOTICE:

ALL GRAPHIC REPRODUCTIONS ARE SUBJECTED BY APPROVAL OF AUTHORIZED CLIENT. AS OF APPROVAL BY THE UNDERSIGNED & DATED PRIOR TO ANY FABRICATION OF PRODUCT, TRI CITY SIGN COMPANY HOLDS ALL AGREEMENTS FINAL AND TO CLIENT APPROVAL.

Signed_____ Date_____

Sales Rep_____ Date_____

TRI CITY SIGN COMPANY
Designing Your Future
169 North Elm Street, Grand Island, NE 68801
800.330.4779
www.tricitysign.com
© 2009 TRI CITY SIGN COMPANY

DRAWING NO.	5363
SALESPERSON:	Tim Marchese
DRAWN BY:	
Scale: As Noted.	INSPECTED BY:
Date: 09.08.16	
Revised:	

SURVEYOR'S CERTIFICATE

TO ALL PARTIES INTERESTED IN TITLE TO THE PREMISES SURVEYED

First American Title Insurance Company
Freddy's Land, LLC, a Kansas limited liability company

LEGAL DESCRIPTION:
That part of Lot 1, Block A, Rockborough Addition to Wichita, Sedgwick County, Kansas, described as commencing at the Southwest corner of said Lot 1; thence N 90°E, along the south line of said Lot 1, 320 feet to a corner of said Lot 1; thence N 00°E, along a Lot line of said Lot 1, 50 feet to a corner of said Lot 1 for a place of beginning; thence N 90°E, along the south line of said Lot 1, 57 feet; thence N 00°E, 396.18 feet to a point on the north line of said Lot 1, and being a point on a curve, having a radius of 645 feet; thence northwesterly, along the northerly line of said Lot 1 and said curve to the left, an arc distance of 138.91 feet to the intersection of a line 240 feet east of the west line of said Lot 1, (as measured at right angles to said west line); thence S 00°W, parallel with the west line of said Lot 1, 371.47 feet to a point 96 feet north of the southerly-most south line of said Lot 1; thence S 90°E, 80 feet; thence S 00°E, 46 feet to the place of beginning.

State of Kansas)
)SS
County of Sedgwick)

We, Baughman Company, P.A., Surveyors in aforesaid county and state do hereby certify to the aforesaid parties, that under the supervision of the undersigned, we did on the 26th day of June, 2012, perform a survey of the above described property.

This drawing is a true and correct exhibit of said survey based on actual measurements where the monuments are of the character and occupy the positions as indicated.

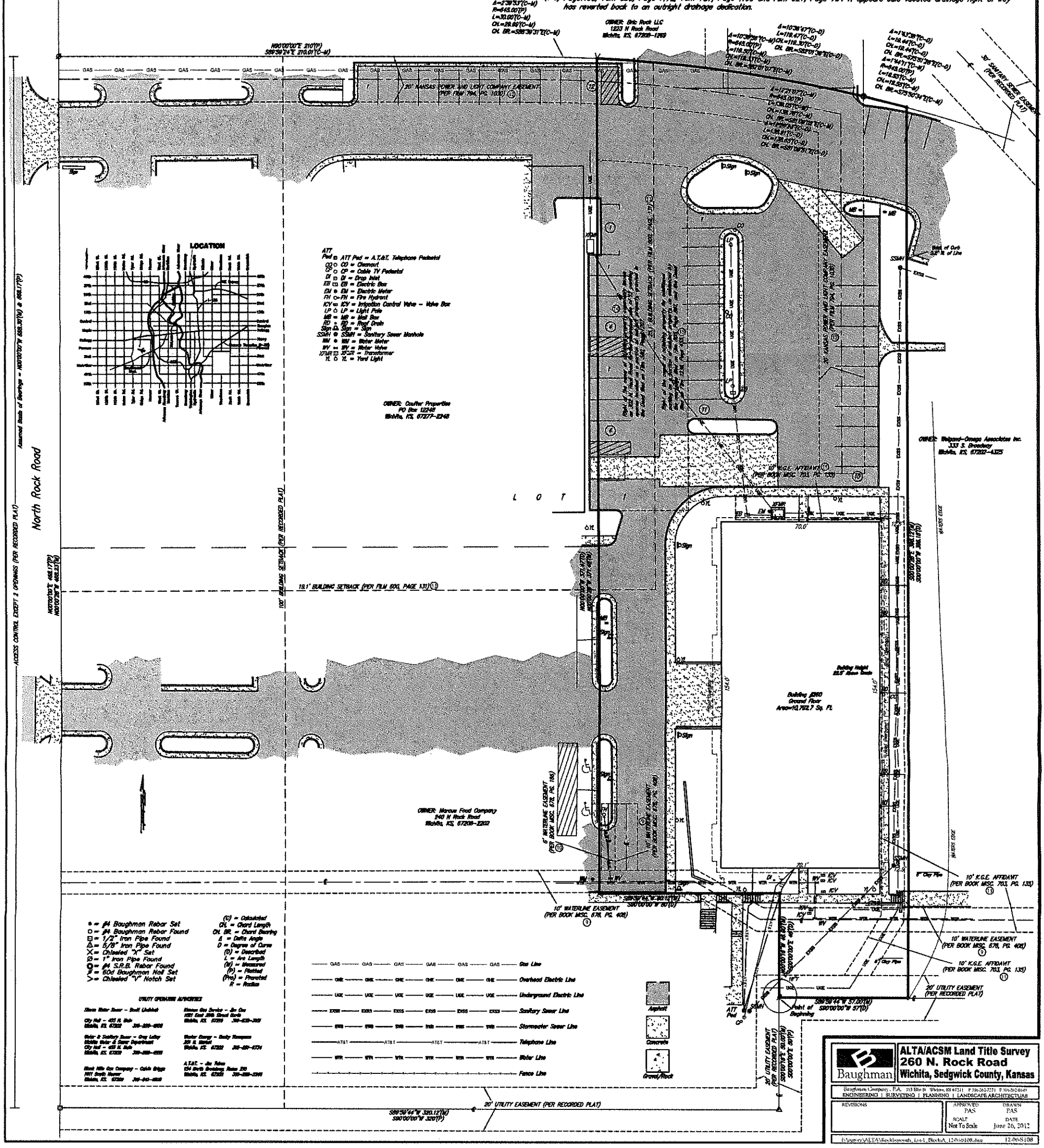
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 8, 9, 10, 11(a), 11(b) and 13 of Table A thereof.

PRESTON A. STEWART LICENSED LS-1386 KANSAS LAND SURVEYOR

Preston A Stewart #1386 Date

NOTES:
1. The utility locations represented on this survey were compiled by both field observation and information from the various utility companies. If any construction or relocation is planned for this site the various utility companies should be requested to verify their locations in the field prior to final design or construction. Any utilities not shown are due to no response to Kansas One Call "1-800-DIG-SAFE" ticket number 12212468.
2. Subject property contains 52,442.6 square feet, or 1.204 Acres.
3. The City of Wichita Building Inspection and Metropolitan Planning Department needs to be contacted to determine if there are any requirements to receive a building permit for subject property.
4. The existence of underground storage facilities, buried foundations, pipelines, or any other subsurface structure may be present. All visible above ground evidence of underground structures or appurtenances have been shown. Additional subsurface exploration work or detailed record data will be required to further delineate any subsurface conditions not defined by this survey.
5. According to scaled location on FEMA FIRM number 20173C0378E, effective February 2, 2007 subject property lies within Zone X.
6. Subject property has indirect access to Rock Road.
7. Any possible encroachments are shown on survey.
8. Title commitment provided to Baughman Company, P.A., by First American Title Insurance Company, commitment no. 2050704, effective May 17, 2012.

SCHEDULE B – SECTION II
EXCEPTIONS
8. The following matters shown on or disclosed by the recorded plat referred to in the legal description: utilities.
9. An easement for waterline recorded in/on Book Misc. 676, Page 408. Affects subject property and is shown on survey.
10. An easement for waterline recorded in/on Book Misc. 678, Page 166. Affects subject property and is shown on survey.
11. Affidavit by a Kansas Gas and Electric Company employee claiming right-of-way over a portion of subject property recorded in/on Book Misc. 703, Page 135. Affects subject property and is shown on survey.
12. An easement for utility, recorded as Film 794, Page 1030.
In favor of: Kansas Power and Light Company
Affects: A portion of subject property and is shown on survey.
13. The terms and provisions contained in the document entitled "Agreement" filed as Film 600, Page 131. Affects subject property and is shown on survey.
14. Right of the owner of adjoining property commonly known as 302 N. Rock Road for the perpetual use of 12 parking spaces located on a portion of subject property, granted in the Deed filed on Film 580, Page 1207. Affects subject property and is shown on survey.
15. Right of the owner of adjoining property for additional parking on a portion of subject property, as evidenced by the mortgage filed on Film 805, Page 861, and the Deed filed on Film 1236, Page 455. Affects subject property and is shown on survey.
16. The terms and provisions contained in the document entitled "Declaration of Reciprocal Parking and Access Easement" filed as Film 803, Page 646. Blanket in Nature
17. The terms and provisions contained in the document entitled "Declaration of Reciprocal Parking and Access Easement" filed as Film 907, Page 520. Blanket in Nature
18. The terms and provisions contained in the document entitled "Cross Easement and Maintenance Agreement" filed as Film 1273, Page 1883. Blanket in nature
NOTE: The above legal description includes a portion of the drainage dedication in Brookhollow First Addition which was vacated by the instrument filed on Film 690, Page 45. By the terms of the instruments filed on Film 690, Page 46; Film 695, Page1168; Film 695, Page 1172; Film 787, Page 1195 and Film 927, Page 794 it appears said vacated drainage right of way has reverted back to an outright drainage dedication.



Baughman

ALTA/ACSM Land Title Survey
260 N. Rock Road
Wichita, Sedgwick County, Kansas

Baughman Company, P.A. 315 Ellis St Wichita, KS 67211 P 316-262-7271 F 316-262-0140
ENGINEERING | SURVEYING | PLANNING | LANDSCAPE ARCHITECTURE

REVISIONS	APPROVED PAS	DRAWN PAS
	SCALE Not To Scale	DATE June 26, 2012

F:\survey\ALTA\Rockborough_Lot1_BlockA_12-06-S108.dwg 12-06-S108

10/4/2016

Regarding: Sign Code Adjustment

A. Our request is for a sign attached to the building. The building is positioned between 2 buildings on the north and south. The set back from Rock Road is 100 feet, which is where the fronts of these buildings are. The 260 building is set back 100 feet from the 2 buildings, therefore 300 feet from Rock Road.

B. The sign will be lite, but will only be illuminated from dusk- 9 pm.

C. The distance from Rock Road and the fact we are between 2 office buildings-the building on the south is tenant lease space. The building on the north is tenant lease space as well as retail. The building being set back will make it difficult for solicitors to find the 260 building between dusk to dark. The Freddy's office space occupies part of the building as well as leased tenant space that both have daily visitors.

D. We support the development of the community and do not believe our intention to add this sign adversely affects the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.

E. We have shortened the full business name of Freddy's Frozen Custard and Steakburgers to just Freddy's. The building is home to Freddy's home office as well as tenant lease space.