

**CITY OF WICHITA BOARD OF ZONING APPEALS**

**AGENDA**

**Thursday, November 19, 2015**

**1:30 p.m.**

The regular meeting of the Wichita Board of Zoning Appeals will be held on **Thursday, November 19, 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 September, 3, 2015 BZA Minutes.
  
2. **BZA2015-00055** - City BZA sign code variance request to allow a pole sign within 2 feet of the front property line on property zoned LC Limited Commercial, generally located north of West Maple Street, along the west side of South West Street (225 S. West St.).  
Planner: Derrick Slocum
  
3. **BZA2015-00060** - City BZA Sign Code Variance request to increase the size of a building sign from 400 to 960 square feet in CBD Central Business District ("CBD") zoning, generally located west of North Market Street and north of East Douglas Avenue (125 N. Market St.).  
Planner: Derrick Slocum
  
4. **Discussion of Revised Bylaws**. Draft handed out at last meeting for review and revision.

**CITY OF WICHITA BOARD OF ZONING APPEALS**

**MINUTES**

**September 3, 2015**

The regular meeting of the City of Wichita Board of Zoning Appeals was held on Thursday, September 3, 2015 at 1:30 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: Matt Goolsby; Chair; David Dennis; David Foster and Lowell E. Richardson. Debra Miller Stevens; M.S. Mitchell and Bill Ramsey were absent. Staff members present were: W. David Barber, Interim Director; Dale Miller, Current Plans Manager; Derrick Slocum, Administration Supervisor; Jeff Vanzandt, Assistant City Attorney and Maryann Crockett, Recording Secretary.

1. Approval of June 18, BZA Minutes.

**MOTION:** To approve the June 18, 2015 BZA Minutes.

**FOSTER** moved, **RICHARDSON** seconded the motion, and it carried (3-0-1). **DENNIS** – abstained.

Approval of the July 23 BZA minutes.

**MOTION:** To approve the July 23, 2015 BZA Minutes.

**RICHARDSON** moved, **FOSTER** seconded the motion, and it carried (3-0-1). **DENNIS** – abstained.

Approval of the August 20, 2015 BZA minutes.

**MOTION:** To approve the August 20, 2015 BZA Minutes.

**DENNIS** moved, **RICHARDSON** seconded the motion, and it carried (4-0).

2. **BZA2015-00029** - City variance request to reduce the rear yard setback on Lots 1, 3 and 25 from 20 feet to 9 feet for the construction of duplexes on property described as:

Lots 1, 2, 3, 4, 5, 23 EXCEPT the Northwesterly 14 feet of lot 23, together with lots 24 and 25, Block E, Country Acres 6<sup>th</sup> 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 three subject lots are currently vacant. Lots 1 and 25 are 59 feet x 119 feet and Lot 3's northeast property line is 71 feet, southeast line 119 feet, southwest line 49 feet and northwest line at 114 feet. In the TF-3 Two-family Residential zoning district, the Unified Zoning Code (UZC) requires a rear setback of 20 feet, a 6 foot interior side setback and a 15 foot street side setback, which for Lots 1 and 25, would be the Wayside Lane frontage. The applicant desires to build 38-foot wide by 85-foot long duplexes on these three lots, which is only possible with a rear setback reduction of eleven feet. For Lots 1 and 25, the fifteen foot side yard street setback reduces the amount of space to build to the side, thus the additional length of the structure and the request of the rear setback reduction. For Lot 3, the lot has a unique shape where the widest part of the lot fronts the road and then tapers down 22 feet in the rear creating a site for a narrower and longer structure, thus the need for the rear yard setback reduction on Lot 3. Therefore, the applicant requests a variance to reduce the rear yard setback from 20 feet to 9 feet (see the attached applicant's letter and site plan). The lots in question, planned for the duplex development, have always been undeveloped, with the earliest aerial pictures of that area showing the sites as being undeveloped.

Immediately surrounding properties are zoned SF-5 Single-family Residential, TF-3 Two-family Residential or MF-18 Multi-family Residential to the west and south and developed with single-family residences and duplex dwellings. Properties to the east and north are zoned TF-3, MF-18 and LC Limited Commercial and are developed with a YMCA, duplexes or undeveloped land.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC	YMCA, fitness center
SOUTH:	MF-18	Duplexes
EAST:	MF-18	Duplexes
WEST:	SF-5	Single-family residences

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

**UNIQUENESS:** It is staff's opinion that this property is unique. The property was rezoned to TF-3 with a lot split providing lots large enough for duplexes. However, due to the zoning setback requirements in the TF-3 zone district, those with side street frontage have a narrower buildable area, thus redesigning the duplexes to fit the lots. Lot 25 has a unique design with the width of the lot reducing from the front to the rear.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested variance for rear yard setback reductions for the three lots would not adversely affect the rights of adjacent property owners. The proposed setback reduction is adjacent to the related lots and would not impact adjacent property on other developments. All surrounding properties do meet the 15-foot street side setback requirement, but these three lots in question will match in rear setback.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant. Without the requested rear yard setback variance, the applicant could not feasibly improve the property with a two-family dwelling.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance for a setback reduction will not adversely affect the public interest, as further improving this property is in the public interest. The setback variance will not encroach into any public right-of-ways or easements.

**SPIRIT AND INTENT:** It is staff's opinion that granting the requested variance for a setback reduction does not oppose the general spirit and intent of the Zoning Code. Rear yard building setbacks are intended to ensure adequate separation between structures. In this case, the structures will still not encroach into the utility setback in the rear yards and will still provide 18 feet of separation between structures.

**RECOMMENDATION:** It is staff's opinion that the requested variance of the Zoning Code to reduce the rear yard setback on Lots 1, 3 and 25 from 20 feet to 9 feet for the construction of duplexes is appropriate for these sites. 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 site shall be developed in conformance with the approved site plan.
2. The rear yard building setback reduction shall apply to Lots 1, 3 and 25 shown on the site plan only. Any future buildings shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. The site shall meet building code, fire code and all other applicable code requirements. 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.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

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

**DENNIS** moved, **RICHARDSON** seconded the motion, and it carried (4-0).

3. **BZA2015-00037** - City sign code variance request to reduce the distance between off-site signs from 330 feet to 265 feet and to reduce the setback of the off-site sign to zero feet on the front property line on property described as:

The S 200 feet of the West 200 feet of lot 1, Western 2<sup>nd</sup> 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 application area is .91 acres located north of West Kellogg, on the east side of North Hoover that contains an existing billboard. The Kansas Department of Transportation (KDOT) will be expanding and improving the West Kellogg/I-235 interchange, and has acquired additional right-of-way which currently 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 the remaining piece of land located just north of the billboard's current location. However, the new proposed location of the sign would place it on the front property line and place it within 265 feet of another off-site sign. Billboards are treated as structures, and are required to observe building setback standards and also, the sign code requires that off-site signage have a separation of at least 330 feet. The site is zoned General Commercial (GC) that has the following setbacks: front-20 feet; rear-0 feet; interior side-0 or five feet and street side-0 feet. The Kellogg frontage is the application area's front yard. The subject site has 200 feet of frontage along Kellogg. The applicant is requesting a zero building setback from the application area's front yard (Kellogg) and a reduction of the required 330 foot separation between off-site signs.

**ADJACENT ZONING AND LAND USE:**

NORTH:	GC	Hotel
SOUTH:	GC (& Kellogg)	Bar (Expressway)
EAST:	GC	Hotel Parking Lot
WEST:	GC	Restaurant

*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 the site that contains a legally conforming billboard that abuts the west-bound access ramp from I-235 to west-bound Kellogg. With the loss of a portion of the applicant's property to right-of-way the site is just deep enough to permit an off-site sign within the limits of the site. A variance is the most reasonable solution to reducing building setbacks and sign separation 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 GC General Commercial, 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, off-site 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 and the off-site sign separation shall be reduced to 265 feet, 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.

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

**DENNIS** moved, **RICHARDSON** seconded the motion, and it carried (4-0).

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Other Business – Public Comment

**CHAIR GOOLSBY** announced that a citizen requested to speak to the BZA regarding an issue. He said although the Board cannot take any action, they can receive and file his comments.

**RICHARD HENDRICKS, 2331 N. CARDINAL** said he wanted to make members of the board and other City officials aware of a severe violation of the zoning laws at 2828 Benjamin Drive. He said his neighbor constructed two buildings and a pool. He said one of the buildings sits more than 15 feet within the 20 foot setback and 4 feet within a utility easement. He said Planning Staff told him because the building sits over water and sewer lines, it poses a danger to anyone connected to those water and sewer lines. He said no permits were issued for the structures, no inspections were conducted and there are no contractors of record. He said a permit for demolition was issued first, and shortly after that, a retroactive building permit was issued. He stated that he believes the building permit has fraudulent information in the public record and asked Board Members to familiarize themselves with the permit.

**HENDRICKS** said the property is currently for sale and any future buyer stands to be defrauded. He said because of the problem with the water and sewer lines the City may need to demolish the building to take care of any issue. He said Westar power poles are also located within the easement in question. He concluded by stating that this is an intolerable situation for himself and my wife and they felt the more people who know about it in city government, the better.

**CHAIR GOOLSBY** asked if the Board needed to make a motion to receive and file the information.

**FOSTER** asked Mr. Hendricks if he paid for the survey by Savory and Company.

**HENDRICKS** replied yes.

**HENDRICKS** said he hand delivered a letter to Mr. Stoltz and then sent e-mails to Mr. Meyer and Mr. Longnecker and other people and none of his e-mails were answered. He said Mr. Meyer actually visited the property with an inspector.

**RICHARDSON** requested clarification about where Mr. Hendricks lives in relationship to the lot in question and also asked if the encroaching building was a pool house.

**HENDRICKS** said his home is located at the rear of 2828 Benjamin. He added that he has never been in the yard, but the retroactive building permit refers to the building as a "pool cabana".

**JEFF VANZANDT, ASSISTANT CITY ATTORNEY** indicated that the Board could take no other action on this item other than to receive and file Mr. Hendrick's comments. He said this was not the proper procedure for filing a complaint.

**HENDRICKS** asked what form would be appropriate to ask that zoning laws be followed.

**CHAIR GOOLSBY** explained that this was the Board of Zoning Appeals and if Mr. Hendricks was the owner of the property that does not conform to zoning, then this body would review the situation and possibly make an exception.

**MILLER** indicated that the Zoning Code is enforced by the MABCD. He referred to legal counsel and said he does not know if there was any other recourse other than filing a case in District Court if Mr. Hendricks is unhappy with the way things are being done.

**HENDRICKS** said as long as he has a copy of the minutes of this meeting he will be happy to take the issue to District Court.

**RICHARDSON** asked staff to clarify what would have happened if this variance had been done properly. He also asked if neighbors are given notice on variances.

**MILLER** briefly indicated that the property owner would have had to file for a vacation of the platted setback, which would have gone to the Subdivision Committee and Planning Commission for review and approval. He said surrounding property owners are given individual notices of variances and a sign is also posted on the property.

**VANZANDT** said there are some administrative procedures to address MABCD which he said he could explain to Mr. Hendricks after this meeting.

**MOTION:** To receive and file.

**GOOLSBY** moved, **DENNIS** seconded the motion, and it carried (4-0).

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Other Business - Department Director Candidates

**RICHARDSON** said he understands the City is interviewing candidates for head of the Planning Department. He asked if the Planning Commission has any input in the process.

**INTERIM DIRECTOR BARBER** indicated that two Planning Commissioners (John McKay and Debra Miller Stevens) are on the interview panel; however, he does not know how they were selected to participate in the interview process.

**RICHARDSON** said his point was the Planning Commission has a vested interest in who is selected to head the Planning Department. He said he also understands that the selection of a new Planning Director is a joint City/County decision.

**BARBER** suggested that any concerns be addressed to the City and County Manager's Offices since they are in charge of the hiring process.

**RICHARDSON** said "for the record" he thinks the Planning Commission should have more involvement.

The City of Wichita Board of Zoning Appeals adjourned at 1:48 p.m.

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

I, Dale Miller, Secretary of the City of Wichita Board of Zoning Appeals do hereby certify that the foregoing copy of the minutes of the meeting of the City of Wichita 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.

\_\_\_\_\_  
Dale Miller, Secretary  
City of Wichita Board of Zoning Appeals

**SECRETARY'S REPORT**

CASE NUMBER: BZA2015-00055

APPLICANT/AGENT: Thair Qaki (Owner); MFA & Associates, LLC, c/o: Fadel Alsondi (Agent/Applicant)

REQUEST: City BZA sign code variance request to allow a pole sign within 2-feet of the front property line on property zoned LC Limited Commercial ("LC").

CURRENT ZONING: LC Limited Commercial ("LC")

SITE SIZE: .24 acres

LOCATION: North of West Maple Street, along the west side of South West Street (225 S. West St.)



**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 is requesting a variance for an existing on-site sign on property zoned LC Limited Commercial ("LC") on the west side of South West Street and north of West Maple Avenue (225 S. West St.) Currently, the existing on-site sign is setback approximately 1-1/2 feet from the south property line. The site has, within the past year, been redeveloped from a residential property along West Street into a commercial retail use. The site is located between two restaurants, with the restaurant to the north having its on-site sign 13-feet from its south property line and the restaurant to the south has its on-site sign on its south property line. Due to the relatively small frontage, if the applicant were to move their on-site sign any further north of its current location, it would either be in the middle of the existing drive-way onto the site or will obscure the view of both the applicant's sign and the restaurant's sign to the north.

Section 24.04.221 of the Sign Code limits on-site ground or pole signs to not project over the public right-of-way, and shall be located not closer to an adjacent property line than one-third the frontage of the zoning lot or fifteen feet, whichever is less. The applicant wishes to keep the existing on-site sign at its current location, which is 1-1/2 feet north of its south property line. Due to the relatively small street frontage, orientation of structures and driveways on the site and the location of adjacent properties on-site signs, the current location of the existing on-site sign is in its most viable location. See the attached graphics and letter from the applicant.

The property north of the subject site is zoned LC and is developed with a restaurant. Property south of the subject site is zoned GC General Commercial ("GC") and is developed with a restaurant. Property to the east of the subject site, across West Street, is zoned LC and is also developed with a restaurant. Property to the west of the subject site is zoned TF-3 Two-family Residential ("TF-3") and is developed with a single-family residence.

**ADJACENT ZONING AND LAND USE:**

NORTH	LC	Restaurant
SOUTH	GC	Restaurant
EAST	LC	Restaurant
WEST	TF-3	Single-family Residence

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

**UNIQUENESS:** It is staff's opinion that this property is unique, inasmuch as, this was one of the last commercially developed properties on this stretch of West Street and other commercial uses have already had their signs in place, like the restaurants north and south of the subject site. This situation and the fact that this particular property has a shorter frontage than many of the other properties along West Street limits the possible locations the on-site sign can be placed on the property.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested variance for the on-site sign placement would not adversely affect the rights of adjacent property owners, inasmuch as, the property is surrounded by other commercial uses with similar signage and in its current location; the subject sign does not obscure any of the adjacent on-site signs. However, if the sign was forced to be moved further north on the site; the sign would obscure the on-site sign on the property north of the subject site.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the sign code could constitute a hardship upon the applicant, inasmuch as, with the size of the subject site, the orientation of the structure, driveway and parking lot and the location of the existing on-site sign on the property to the north, abiding to the sign code setback requirement would be a hardship for the property owner.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance for an on-site sign setback reduction would not adversely affect the public interest, inasmuch as, adequate identification and successful use of this property are in the public interest.

**SPIRIT AND INTENT:** It is staff's opinion that granting the requested variance for an on-site sign setback reduction does not oppose the general spirit and intent of the Sign Code, inasmuch as, the Sign Code setback restriction does not take into consideration surrounding properties existing signage location and varying frontages of properties. The spirit and intent of the sign code is for adequate identification of buildings and uses, and this variance request is consistent with that spirit and intent.

**RECOMMENDATION:** It is staff's opinion that the requested setback reduction for an on-site sign for the subject site is appropriate. If the Board determines that the necessary conditions to grant a variance exist, the Secretary recommends that the variance for a setback reduction to 1-1/2 feet from the south property line for an on-site sign in LC zoning 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 construct and maintain the signage.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

**Att. Planning Department**

**Board of Zoning Appeals**

**Ref. Variance for street Sign**

**Located on 225 S. West Street**

**Wichita, Kansas 67213**

**We are requesting a Variance to have the street sign along West Street to be within Two (2) feet from the south property line.**

**We believe that this variance meets the five conditions required for getting this variance as follows:**

- 1. The Variance requested arises from which is unique to the property being too narrow, and is not created by an action of the property owner or his agent.**
- 2. The granting of the permit for variance will not affect the right of adjacent property owners.**
- 3. The provisions of the applicable code will not constitute an unnecessary hardship upon the property owner.**
- 4. The variance requested will not affect the public health, safety morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.**
- 5. Granting the variance will not be opposed to the general spirit and intent of the applicable code.**



**Applicant's Signature (owner)**

**By**

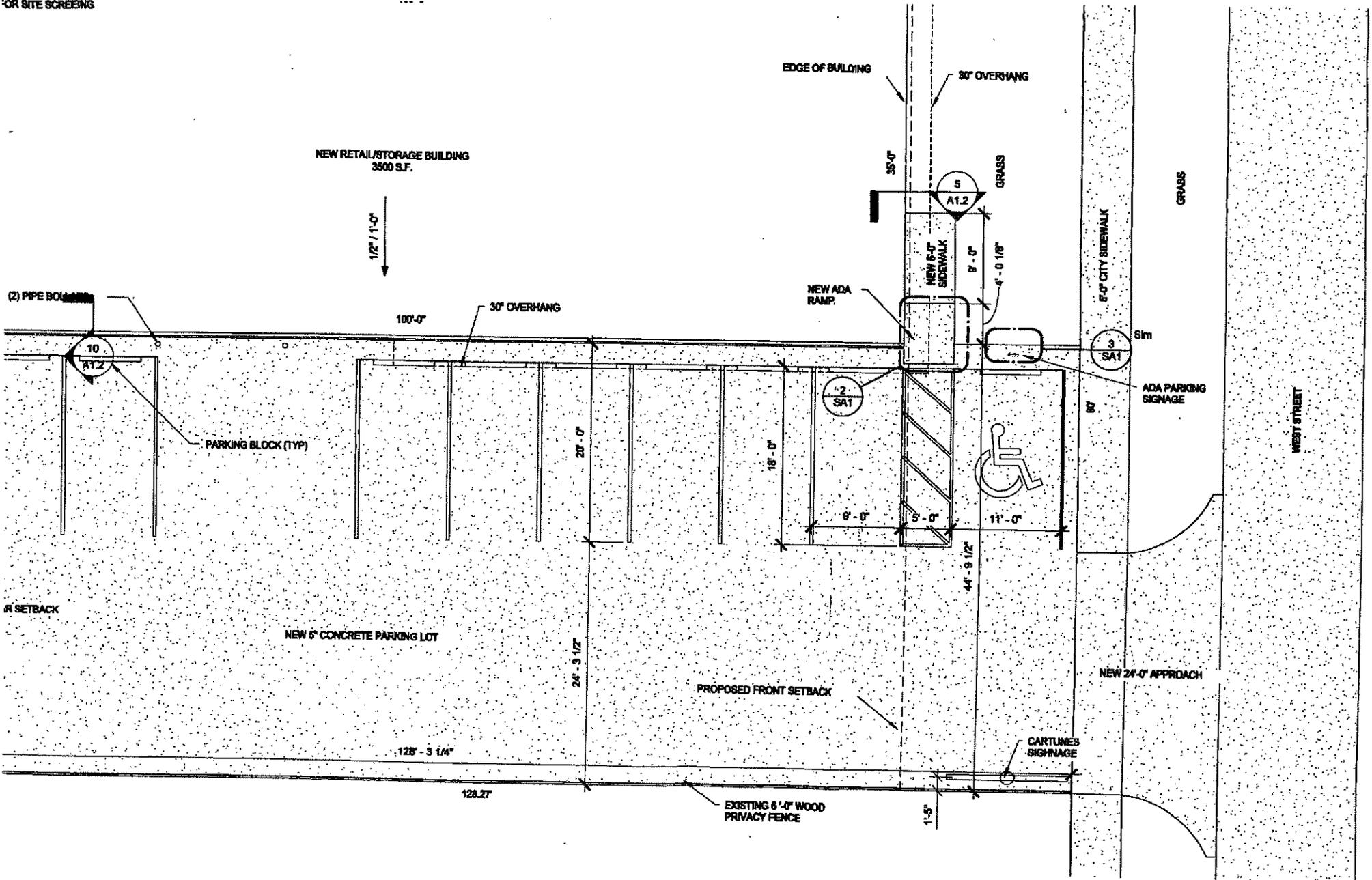


**Authorized Agent**

OR SITE SCREENING

NEW RETAIL/STORAGE BUILDING  
3500 S.F.

1/2" / 1'-0"



(2) PIPE BOLLARDS

100'-0"

30° OVERHANG

PARKING BLOCK (TYP)

NEW 5' CONCRETE PARKING LOT

R SETBACK

128'-3 1/4"

128.27'

PROPOSED FRONT SETBACK

EXISTING 6'-0" WOOD  
PRIVACY FENCE

EDGE OF BUILDING

30° OVERHANG

35'-0"

NEW ADA  
RAMP

5  
A1.2

GRASS

NEW 6'-0"  
SIDEWALK

8'-0"

4'-0 1/8"

5'-0" CITY SIDEWALK

GRASS

3m

3  
SA1

ADA PARKING  
SIGNAGE

WEST STREET

8'

44'-9 1/2"

NEW 24'-0" APPROACH

CARTLINES  
SIGNAGE

1'-5"

**SECRETARY'S REPORT**

CASE NUMBER: BZA2015-00060

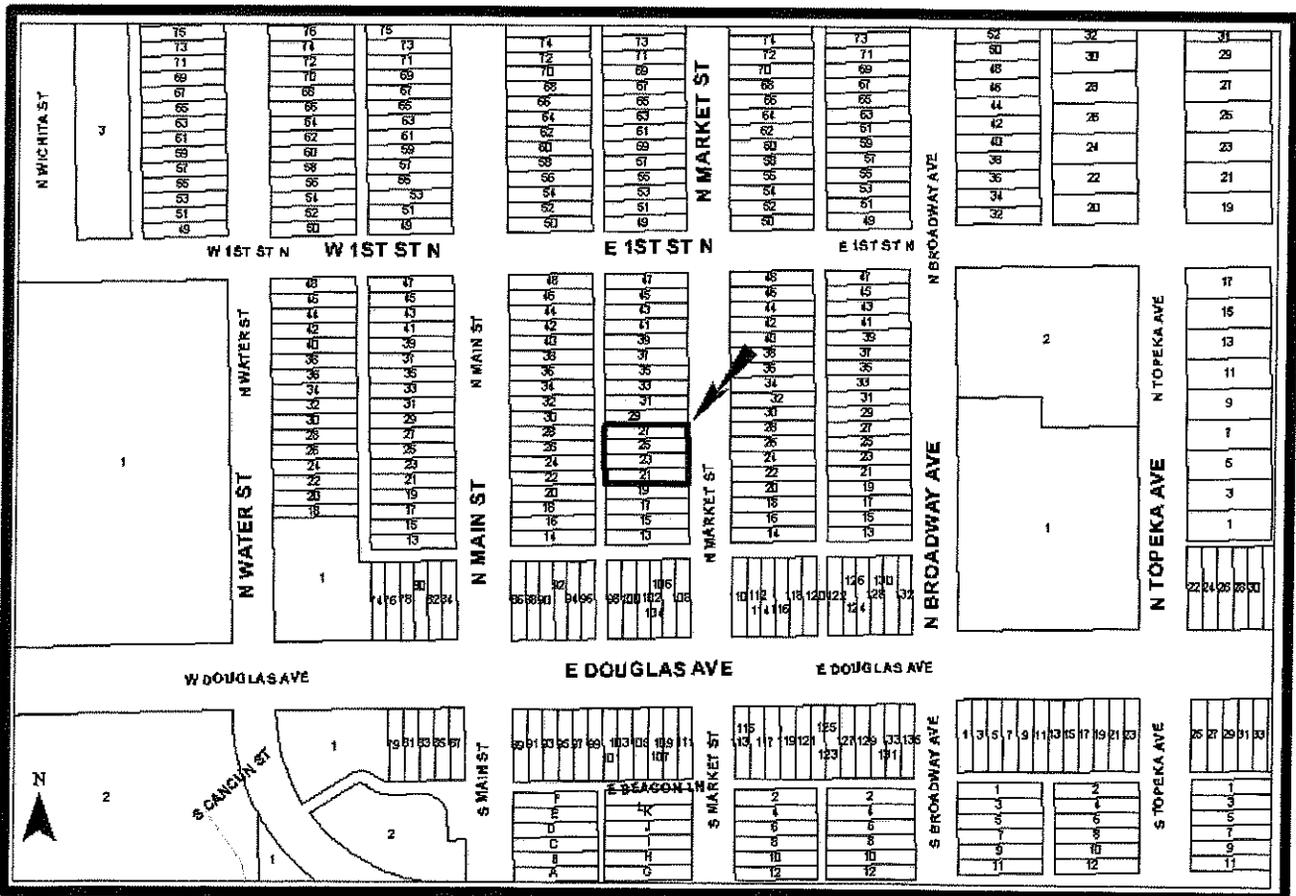
APPLICANT/AGENT: Security National Life Insurance (Owner); Odegard Sign, c/o: Gaylen Davenport (Agent/Applicant)

REQUEST: City BZA Sign Code Variance request to increase the size of a building sign from 400 to 960 square feet in CBD Central Business District ("CBD") zoning.

CURRENT ZONING: CBD Central Business District ("CBD")

SITE SIZE: .32 acres

LOCATION: West of North Market Street and north of East Douglas Avenue (125 N. Market St.)



**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 proposes to install a 960 square foot sign on the south building elevation near the top of the office building located at 125 North Market. The applicant has submitted the attached site plan and building elevation rendering to illustrate the proposed signage. The applicants have also submitted an attached statement that pertains to the five conditions for granting the requested variance.

Section 24.04.197 of the Sign Code limits building signs in CBD Central Business District ("CBD") zoning to a maximum of 20 percent of a building façade, and a maximum of 400 square feet per sign. The applicant wishes to install just one 960 square foot building sign at the top of the approximately 52,500 square foot south façade of the office building. The multi-story building façade faces south downtown Wichita, looking towards Kellogg. The sign, which will consist of nine individual channel letters with white face and one blue logo face, will equal the total 960 square feet, which exceeds the 400 square foot limitation, however, not the 20% of the building façade limit. 20% of the south building façade would be approximately 10,500 square feet. The applicant is proposing just this one sign and using the total allocated building signage square footage from all facades (sides and front 3 x 400 sq. ft. = 1,200 sq. ft.) for the square footage for the proposed sign on the south façade.

Numerous signs in the CBD exceed the 400 square foot sign limitation and 20 percent of building facades exist within the CBD. Most notably is The Intrust Bank Arena, southeast of the site, which was granted a BZA sign variance in 2008 exceeding the 400 square foot limit. The Arena also has a digital screen sign visible through a south facing glass wall which exceeds 400 square feet; the digital sign is not regulated by the sign code because it is inside the building. Similarly, glass enclosed skywalks in the CBD have signs exceeding 400 square feet, but are inside the building and did not require a sign permit. Numerous legal non-conforming (or grandfathered) signs in the CBD exceed the 400 square foot limitation. Many of these are painted wall signs which have existed for decades. Also, temporary banner signs exist in the CBD without the Sign Code size limitations.

All properties surrounding this site are also zoned CBD, the site is not visible from any existing residences. All properties surrounding the application area are used for offices, parking, and retail.

**ADJACENT ZONING AND LAND USE:**

NORTH	CBD	Office Building
SOUTH	CBD	Parking Garage
EAST	CBD	Office Building
WEST	CBD	Surface Parking

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

**UNIQUENESS:** It is staff's opinion that this property is unique, inasmuch as, the building location is almost directly in the middle of the downtown core and one of the high rise buildings in the area without building signage. Currently a couple buildings have large building signage; The Hyatt, High Touch and Intrust Bank Arena to name a few. The building sign on the blank south building façade is unique in that it is primarily letters with a small corporate logo.

**ADJACENT PROPERTY:** It is staff's opinion that granting the requested variance for building sign size increase would not adversely affect the rights of adjacent property owners, inasmuch as, the properties facing this sign, or with visibility of this sign are other office buildings and Kellogg further to the south. All surrounding properties are zoned CBD and none are developed with residences.

**HARDSHIP:** It is staff's opinion that the strict application of the provisions of the sign code could constitute a hardship upon the applicant, inasmuch as, the 400 square foot building sign size limit would not allow the applicant to make optimal use of a large blank wall façade facing other office buildings.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance for a building sign size increase would not adversely affect the public interest, inasmuch as, adequate identification and successful use of this property are in the public interest. Visually enlivening the downtown area is in the public interest. The Project Downtown Master Plan does not address building signage.

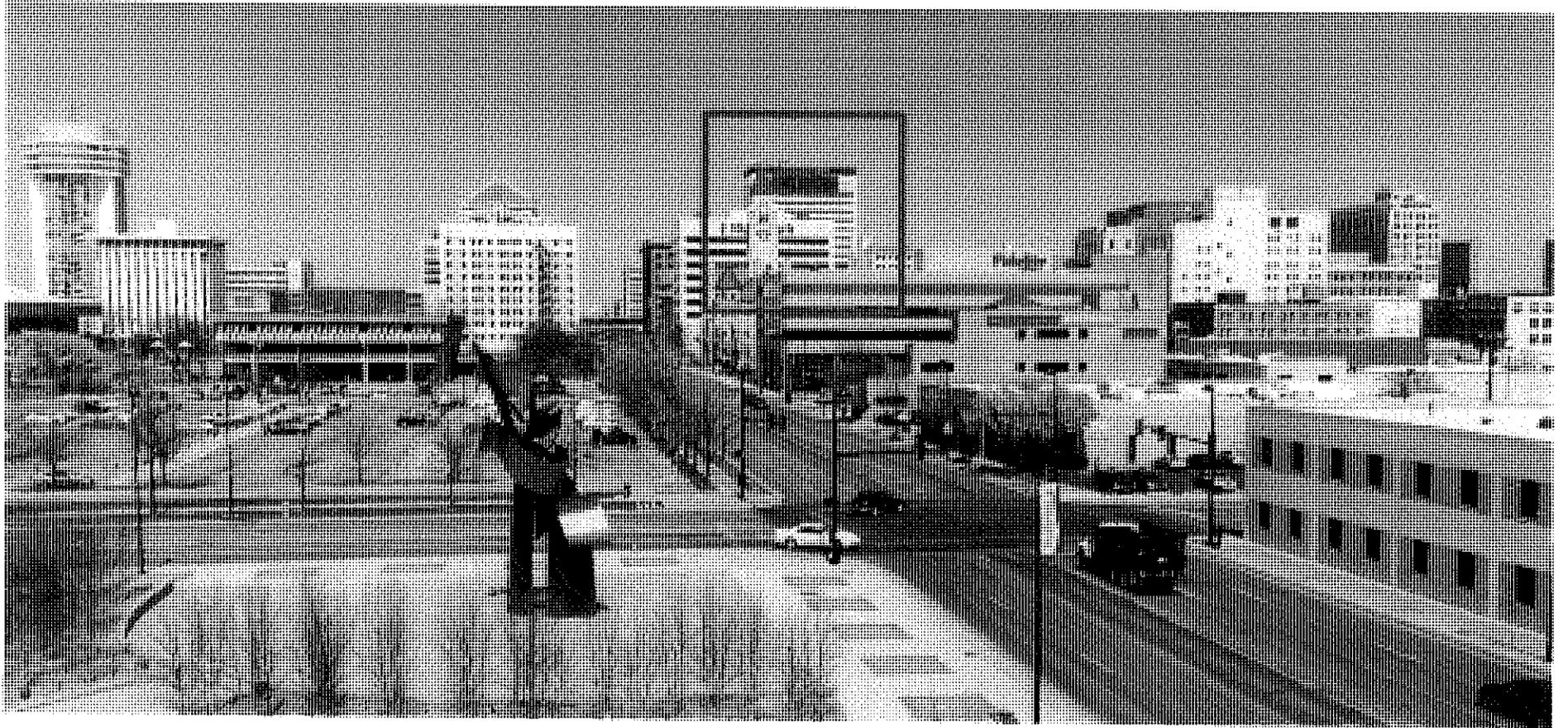
**SPIRIT AND INTENT:** It is staff's opinion that granting the requested variance for increased building sign size does not oppose the general spirit and intent of the Sign Code, inasmuch as, the Sign Code restriction for building sign size does not take into consideration the scale of this blank wall or area it faces. The spirit and intent of the sign code is for adequate identification of buildings, aesthetically proportional to the given buildings; this variance request is consistent with that spirit and intent.

**RECOMMENDATION:** It is staff's opinion that the requested sign size for this building is appropriate, given the scale of the building and its location and purpose. Several sign variances in the CBD make it clear that a 400 square foot sign limitation does not meet the sign needs of all buildings and situations. If the Board determines that the necessary conditions to grant a variance exist, the Secretary recommends that the variance for a building sign to exceed the 400 square foot size limitation for a building sign in CBD zoning be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

### Variance Statement - Required Conditions

- A- Correct, this sign being proposed has a sq footage larger than the 400 Sq foot single sign allowed. We are requesting that the 1200 sq ft allowed for a total of three signs on a building be considered to be placed all into the one New York Life sign totaling 960 sq feet on one single elevation at 125 N. Market Street.
- B- No, it will not adversely affect the rights of the adjacent property owners or residents. Our sign is not and will not block any surrounding property or surrounding property advertisement.
- C- No hardship to owner. Signs exist in the city that is the same or exceeds this requested sign shape and size.
- D- No, it will not adversely affect the public health, safety morals, order, convenience, prosperity, general welfare or the harmonious development of the community. This is a standard sign that is being fabricated and installed with no hazardous material. The sign will be installed in the west parking lot, will not impede on traffic or the citizens and there will be netting and padding provided during the installation.
- E- No, granting this variance will not set a precedence & will maintain the general spirit. The intent of the applicable code will be upheld in the fullest.



**123, 125, & 127 N. MARKET WICHITA, KANSAS**

State of Kansas )  
 County of Sedgewick )  
 June 27, 1947

**LEGAL DESCRIPTION:**

Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34, Block 1, Subdivision 1, City of Wichita, Kansas, together with certain other adjacent lots 10 on the north, and certain lots 10 on the east, back facing Market Street, north of the alley on the east of Douglas Street.

**LAND AREA:**  
 11,714.4 Square Feet

**DRIVEWAYS:**

This property has two drive entrances to Market Street and two drive entrances to the north-south alley.  
 The two drive entrances to Market Street are shown on the Survey Map, and the two drive entrances to the north-south alley are shown on the Survey Map.

**UTILITIES COMPANY EXCEPTIONS:**

Exemptions to the title relate to various waterworks, sewers, conduits and loading systems which cannot be detailed on the survey drawings.

**EASEMENTS AND UTILITIES:**

There are no easements of right for utility purposes across this property, (all utility easements are included in the public street and alley right-of-ways).

**NOTES:**

The utility locations represented on this survey were established on both field observation and information from the various utility companies. If any modification or extension is planned for this site, the various utility companies should be contacted to verify their locations to the field prior to final design or construction.

**STRUCTURES AND ENCROACHMENTS:**

This site contains a building which fronts upon 123, 125, and 127 North Market Street. The north end of the building connects with adjacent property, and encroaches on the alley to the north-south alley to the east. The north-south alley is 10 feet wide and the building encroaches on it to the east by 1.5 feet. The east-south corner of the building encroaches on the alley to the east by 1.5 feet. The west-south corner of the building encroaches on the alley to the east by 1.5 feet.

As the building is well located generally on the property, and the encroachment on the alley is not over 1.5 feet, and the building is well located on the alley, the Surveyor has shown the building as it is, and has not shown the building as it would be if the building were to be moved to the alley. The Surveyor has shown the building as it is, and has not shown the building as it would be if the building were to be moved to the alley. The Surveyor has shown the building as it is, and has not shown the building as it would be if the building were to be moved to the alley.

**SETBACK LINES:**

There are no setback lines required by the plat, zoning or city ordinances.

**PARKING:**

A portion of this building is parking space, which contains six parking spaces.

**FLOODPLAIN NOTE:**

According to the FEMA Flood Insurance Risk Map, Community Flood Number 28279 002 S, Effective Date: May 11, 1938, this property is within an area designated as Zone B.

The following is the information given on said map for a Zone B:

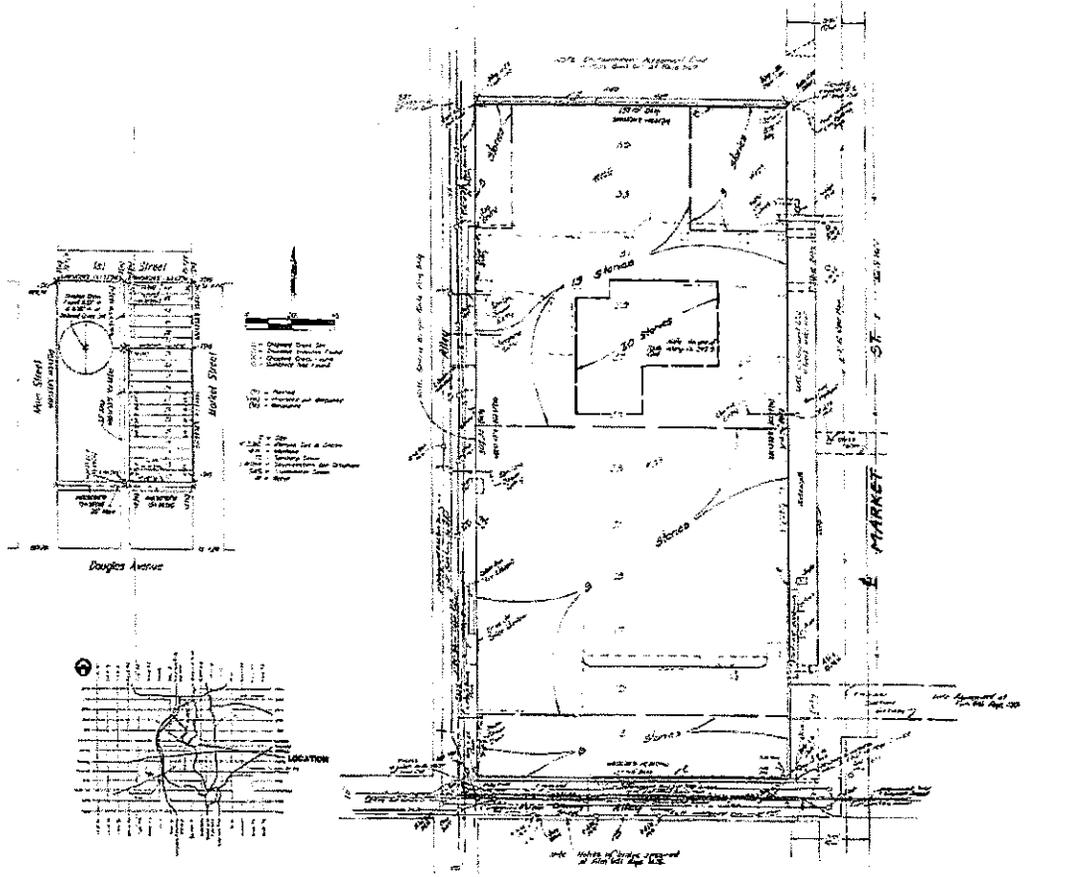
Areas between banks of the river and the levee, and the levee itself, or the levee area subject to frequent flooding with average depths less than one (1) foot in areas where the water is less than one (1) foot deep, and areas subject to frequent flooding with average depths less than one (1) foot in areas where the water is less than one (1) foot deep.

This area is protected from the non-potential annual floods (100-year flood) by levee, dike, or other structures subject to periodic failure or overtopping during larger floods.

**BENCH MARKS; CONTROL LINES; WATERCOURSE FLOW; RAILROAD TRACKS; AVERAGE SOIL CONDITIONS; AND MINERAL RIGHTS:**

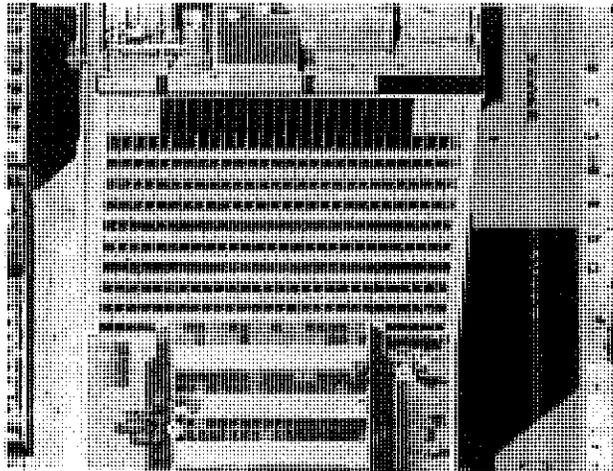
This property is entirely covered by buildings. The adjacent terrain is flat with drainage consisting of both surface and subsurface. There are no natural watercourses or surface water bodies existing or proposed on this property. Soil conditions cannot be shown, mineral rights are not indicated on this survey.

We, the undersigned, being a duly qualified and sworn Surveyor of the State of Kansas, do hereby certify that the above is a true and correct copy of the original survey map and plat as the same were filed in the office of the Register of Deeds for the County of Sedgewick, Kansas, on this 27th day of June, 1947.



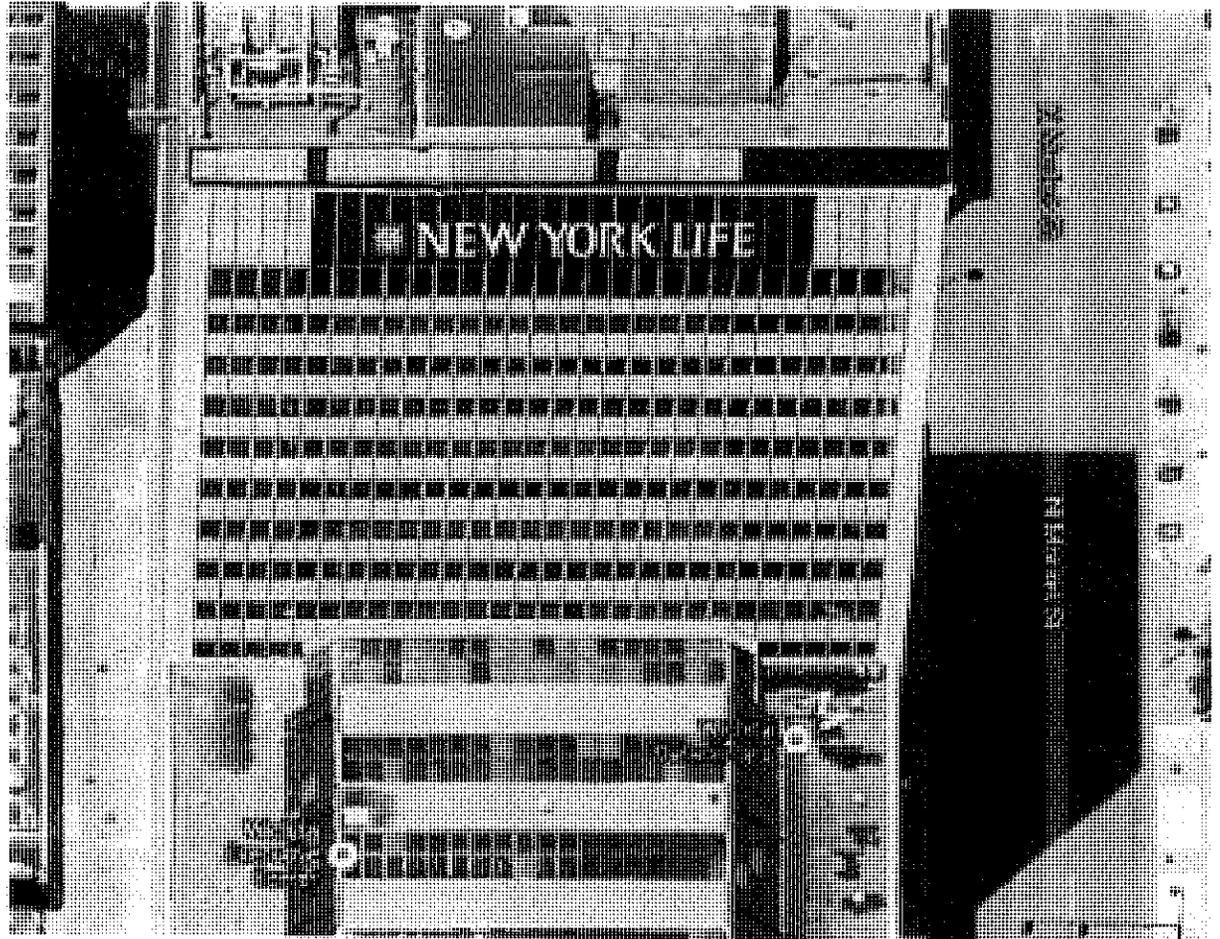
One set of 9 individual channel letters with white flex face.  
 Logo blue flex face. Letters internally-illuminated with white LEDs.  
 and mounted to fascia with custom brackets, requiring survey and engineering  
 prior to final design approval.

Background (building fascia) to be covered with black vinyl.



EXISTING ELEVATION

NOT TO SCALE



PROPOSED ELEVATION

NOT TO SCALE



**ADART**  
 700 Parker Sq STE 205  
 Flower Mound, TX 75028  
 T. 800.675.6353

**Project:** NEW YORK LIFE

**Location:** East Kellogg Street  
 Wichita Kansas

**Date:** 9/29/15

**Sales:** BA **Designer:** RH/ etw

**File Name:** New York Life-WichKa KS-R2

**Revision**

01-7/16/15-rh-added blue trimcap  
 02-10/5/15-add details / layout

**Approvals**

**Customer:**

**Landlord:**

**CONCEPTUAL DRAWINGS ONLY:**

Dimensions are approximate & may change due to construction factors  
 or exact old conditions. Colors shown are as close as printing will allow.  
 Always follow written specifications.

**ALL RIGHTS RESERVED:**

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 planned for you by AD ART. It may not be shown to anyone outside your  
 organization, and may not be reproduced in any manner without prior  
 consent.

SHEET

1

106'-0" (1280')

200'-0" (2400') MAX. A.F.E.  
 9'-0" (108")  
 6'-0" (72")



# NEW YORK LIFE

## 108" - ILLUMINATED CHANNEL LETTERS : LAYOUT

SCALE: 1/8" = 1'-0"  
 1000.96 SQ. FT.

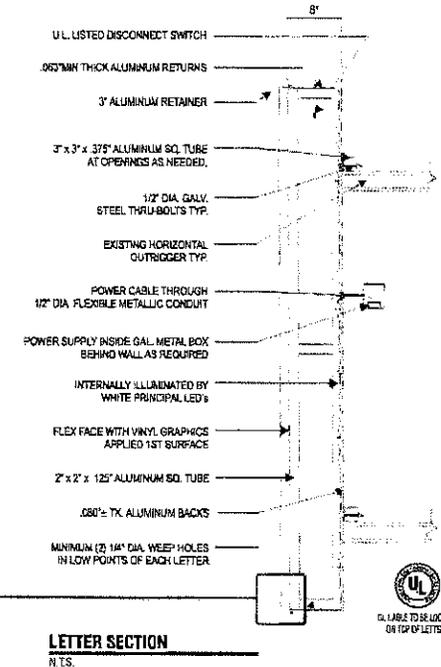
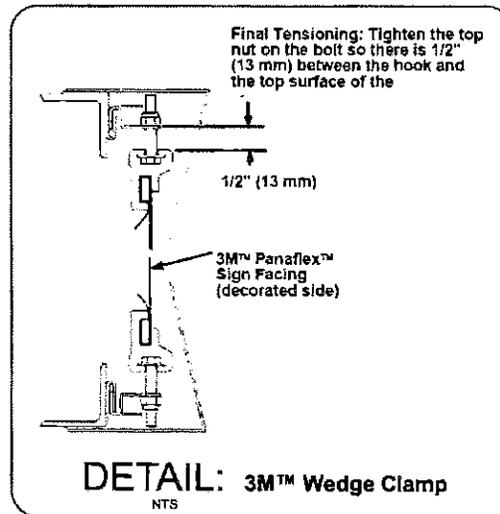
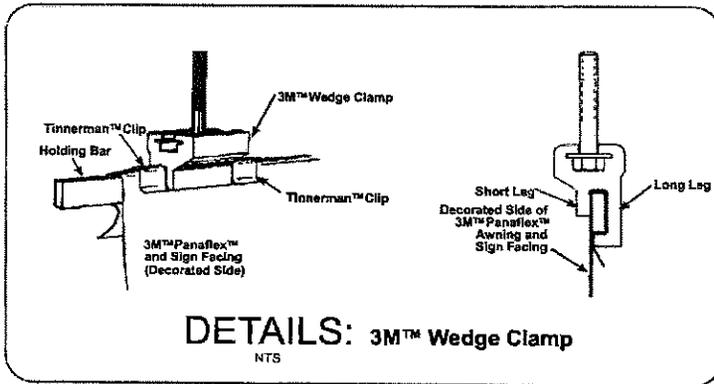
(1) REQUIRED - FABRICATE AND INSTALL NEW CHANNEL LETTERS

NOTE: PRODUCTION READY ART REQUIRED PRIOR TO MANUFACTURING

### COLOR SPECS

- BLUE VINYL, TRIMCAP, & RETURNS TO MATCH NEW YORK LIFE BLUE
- WHITE FACES & WHITE LED's

VERIFY COLORS PRIOR TO MANUFACTURING



**ADART**  
 700 Parker Sq STE 205  
 Flower Mound, TX 75028  
 T. 800.675.6353

Project: NEW YORK LIFE	
Location: East Kellogg Street Wichita Kansas	
Date: 9/29/15	Designer: RH / etw
Sales: SA File Name: New York Life-Wichita KS-R2	

Revision	
01-7/16/15-rh-added blue trimcap	
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