

CITY OF WICHITA BOARD OF ZONING APPEALS

AGENDA

Thursday, December 17, 2015

1:30 p.m.

The regular meeting of the Wichita Board of Zoning Appeals will be held on **Thursday, December 17, 2015**, in the Planning Department Conference Room, 10th Floor, Wichita City Hall, 455 North Main, Wichita, Kansas **no earlier than 1:30 p.m.**

1. Approval of the November 5 and November 19, 2015 BZA Minutes.
2. **BZA2015-00065** - City BZA variance request to the Sign Code to increase wall signage from 32 square feet to 64 square feet on property zoned GO General Office and located west of North Rock Road and north of 13th Street North (1701 N. Rock Rd.).
Planner: Derrick Slocum

CITY OF WICHITA BOARD OF ZONING APPEALS

MINUTES

November 5, 2015

The regular meeting of the City of Wichita Board of Zoning Appeals was held on Thursday, November 5, 2015 at 2:02 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present David Dennis; Chair; David Foster; Matt Goolsby; Bill Ramsey; Lowell E. Richardson and Debra Miller Stevens. Staff members present were: Dale Miller, Director; Derrick Slocum, Secretary; Jeff Vanzandt, Assistant City Attorney and Maryann Crockett, Recording Secretary

1. Revised Bylaws.

CHAIR DENNIS referred the handout which was a Draft Revised Bylaws to be reviewed at the next Board Meeting. He mentioned that there is an issue with the election of the Chair and Vice Chair as currently set up. He asked Board members to bring any changes, revisions, etc. to the Board Meeting.

2. BZA2015-00049 - Wilton and Tina Dod (owners) and Kaw Valley Engineering: c/o Tim Austin (Agent) request a City BZA Variance to reduce setback to zero feet along 2nd Street and an administrative adjustment to reduce required on-site parking to 6 stalls on property described as:

Lots 1, 2, 3 and 4. 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 subject site is zoned LC Limited Commercial ("LC") and is triangular in shape, with 140 feet of street frontage along 2nd Street to the north, 115 feet of frontage along Vine St. to the east, 160 feet of frontage along the railroad right of way to the south and a scant 43 foot long west property line. The 2nd Street frontage is the street side of the subject site, with the setback requirement of 10 feet. The existing structure on the site was built in 1945 and due to its close proximity to the railroad right of way, Vine St. right of way and with the property only being 43 feet wide to the west, the only viable area to expand is the area north of the existing structure, with frontage along 2nd Street. The applicant is also requesting a reduction of the required 8 parking spaces, down to 6 spaces. This request is based on the related information that the property has a limited area to place off-street parking spaces.

The proposed use for this building expansion is an office warehouse combination and this variance request would allow the owner to expand their existing warehouse space due to increased business. This variance request would allow the applicant more area on the subject site to expand the existing structure for the increased warehouse space and also allow space for

parking, the required parking of which is needing to be reduced by just two spaces (8 spaces to 6 spaces.) Properties to the east of the subject site, along 2nd Street are also built up to the sidewalk along 2nd Street.

Property south of the site is primarily railroad right of way, but south of the right of way is property zoned LC and developed with a single-family residence. Property to the north, across 2nd Street, is zoned LI Limited Industrial ("LI") and is developed with a manufacturing operation. Property to the east, across Vine St., is zoned SF-5 Single-family Residential ("SF-5") and TF-3 Two-family Residential ("TF-3") and is developed with a single-family residence and a multi-family residential structure, respectfully. Property to the west is zoned LC and is currently vacant. Most surrounding properties were developed between 1910 and 1950, prior to the current zoning code setback requirements. This particular stretch of 2nd Street, between Vine Street and Athenian Avenue is developed with warehousing and manufacturing type uses.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Manufacturing
SOUTH:	LC	Single-family residence
EAST:	SF-5 and TF-3	Single-family and Multi-family residences
WEST:	LC	Vacant

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

UNIQUENESS: It is staff's opinion that this property is unique in that orientation of the site (being triangular in shape) and location (street intersection at the north part of the property and railroad right of way along the south side of the property) can limit the development and expansion possibilities on the subject site. The property is further unique in that the platted right of way along 2nd Street North has a full 15 feet of spacing between the property line and paved curb, allowing for more than adequate separation between buildings and the street.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for a street side setback and parking reduction would not adversely affect the rights of adjacent property owners. The proposed setback reduction is adjacent to street right of way and would not impact adjacent property. Also, due to the nature of the use and the orientation of the subject site, only up to 6 parking spaces would be needed. This reduction and low need of parking would also reduce any traffic volume to and from 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. Without the requested street side setback and parking reduction variance, the applicants could not feasibly improve the property due to the difficult location and orientation of the subject site.

PUBLIC INTEREST: It is staff's opinion that the requested variance for a setback and parking reduction will not adversely affect the public interest, as further improving this property is in the public interest and the proposed setback reduction will not impact the public right of way.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for a setback and parking reduction does not oppose the general spirit and intent of the Zoning Code. Street side building setbacks are intended to ensure adequate separation between structures and the public right-of-way. In this case, the right-of-way has 15 feet of separation between the private property line and the paved street.

RECOMMENDATION: It is staff's opinion that the requested variance of the Zoning Code to reduce the street side setback requirement from 10 feet to 0 feet and to reduce the parking requirement from 8 spaces to 6 spaces is appropriate for this site. 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. Any other future construction on this site shall conform to Zoning Code required setbacks unless a separate Administrative Adjustment or Variance is approved.
3. Any addition shall meet building code, fire code and all other applicable code requirements.
4. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

FOSTER asked staff about procedure since each of the variances has unique conditions, should the Board vote separately.

DIRECTOR MILLER asked staff if the conditions are tied together.

SLOCUM said he believed it would make more sense to approve the conditions separately.

RICHARDSON referred to the site drawing and asked for clarification of the building setback from Vine Street.

FOSTER asked about the zero setback and if triangular site lines were investigated.

SLOCUM said he drove the intersection and added that there are other properties along Second Street with zero setback. He said the site still has 15 or more feet between the building and the curb.

SCOTT SERVICE, KAW VALLEY ENGINEERING, 200 NORTH EMPORIA, SUITE 100 AGENT FOR THE APPLICANT said they agree with staff comments.

MOTION: To approve subject to staff recommendation and reduction of street side setback from ten (10) feet to zero feet.

RICHARDSON moved, **GOOLSBY** seconded, the motion, and it carried (6-0).

MOTION: To approve subject to staff recommendation and reduction of parking requirement from eight (8) spaces to six (6) spaces.

RICHARDSON moved, **GOOLSBY** seconded, the motion, and it carried (6-0).

3. **BZA2015-00050** - Marina Point Office Park, LLC (Owner/Applicant) and Kaw Valley Engineering: c/o Tim Austin (Agent) request a City BZA Variance to allow an additional sign on Lot 2, Marina Lake Fifth Addition on property described as:

Lot 2, Marina Lake Fifth 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 2.20 acres located south of 21st St. North, just north of the Arkansas River, along the west side of North Amidon. The applicant is requesting a variance to allow an additional sign on Lot 2, Marina Lake Fifth Addition zoned NR Neighborhood Retail ("NR"), a part of CUP-DP 23, Marina Lakes Commercial Community Unit Plan. Currently, the frontage is only allowed to have two signs, with the maximum square footage of 382 square feet between the two signs (as approved by BZA 7-84). The two signs currently on site only total 169 square feet, almost half of the square footage allowed. The applicant would like to add the additional sign and take advantage of the square footage available as stipulated in BZA 7-84. The proposed sign would only add an additional 36 square feet, keeping the total square footage well below the 382 square feet that is allowed. So while an additional sign may be located on the site, the combined total square footage of the three signs would fall under the maximum allowable square footage by 177 square feet. The subject site has approximately 380 feet of frontage along North Amidon Avenue.

The site to the north is zoned LC Limited Commercial ("LC") (part of DP-23) and is developed with a shopping center complex. The property to the south is zoned GO General Office ("GO") (part of DP-23) and is developed with an office complex. The property to the east of the subjects site (across North Amidon Avenue) is zoned GO and is developed with a shopping center. The property to the west of the site is zoned B Multi-family Residential ("B") (part of DP-23) and is developed with an apartment complex.

ADJACENT ZONING AND LAND USE:

NORTH:	LC	Shopping Center
SOUTH:	GO	General Office Building
EAST:	GO	Shopping Center
WEST:	B	Apartment Complex

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 site currently contains two signs as stipulated in the last variance decision (BZA 7-84) but the maximum allowable square footage has not been exhausted. The applicant will be able to put the proposed 36 square foot sign on site while being able to keep the square footage below the maximum and keeping enough space between the other signs 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 the sign will be small, out of sight lines and remain below maximum allowable square footages. The property surrounding the site is predominately commercial in nature.

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 install a business sign on the site. Presumably such a restriction would significantly reduce the economic value of the site and business.

PUBLIC INTEREST: It is staff's opinion that the requested variance promotes the public interest to the extent that the sign would provide visibility for a local business.

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. The intent of the original variance was to minimize any negative impacts in regards to excess signage. This request does not drastically increase the square footage of the signs that are existing and would still be under the allowable maximum square footage.

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 additional sign will need to be place in accordance to the approved site plan.
2. There will be no change in the maximum allowed square footage of 382 square feet as approved by BZA 7-84.
3. Only three signs will be permitted on the subject site unless another adjustment or variance is required.
4. The applicant shall obtain all permits necessary to build the sign.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

RICHARDSON asked Staff if the Board was being asked to approve another sign or is the proposed sign location also part of the approval.

SLOCUM clarified that this application is a request for an additional sign. He said the original CUP stipulated only one sign at the location. He added that approval of the sign location was part the site plan submitted by the applicant.

SCOTT SERVICE, KAW VALLEY ENGINEERING, 200 NORTH EMPORIA, SUITE 100, AGENT FOR THE APPLICANT.

FOSTER mentioned the graphic showing the potential sign included in the packet. He said it was at a different angle and located further south. He asked if they considered the utility boxes and the height of the parked vehicles. He said it looks like one half of the sign is blocked. He mentioned the possibility of some sort of height flexibility and changing the sign square footage, since the applicant is well below what is allowed.

SERVICE stated that he wasn't involved in looking at the sign location or height so he doesn't know if the utility boxes were considered. He mentioned that the applicant obviously wants visibility. He said they would appreciate the opportunity for some height flexibility.

RICHARDSON suggested moving the sign farther south and that the Board could offer that flexibility without increasing the size of the sign.

SERVICE asked about approval of the application contingent on staff approval of a revised site plan.

MOTION: To approve subject to staff recommendation and approval of a revised site plan.

RICHARDSON moved, **GOOLSBY** seconded the motion, and it carried (6-0).

4. **BZA2015-00051** - First Church of the Nazarene, c/o: Brent Vanhook (Owner/Applicant) request a City variance to expand an existing non-conforming residential structure on property zoned LI Limited Industrial on property described as:

Lot 17, Brookside 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 0.17 acres located south and west of the intersection of East Lewis Street and South Lulu Avenue, just north of the Kellogg Expressway. The applicant is requesting a variance to allow an addition on a non-conforming structure. The subject site is zoned LI Limited Industrial ("LI") and is currently developed with a single-family residence. The residence was built in 1920 prior to the current zoning code requirements. The current LI zone district does not allow residential uses by right or through a Conditional Use. This variance is for the existing residential structure to remain on the site in the LI zone district, with the proposed additions, and to have it listed as a non-conforming use structure. The proposed additions would not encroach into any setbacks or easements and would continue to be used as a single-family residence. The First Church of the Nazarene, which owns the house and does utilize the residence, owns all the land north, south, east (across Lulu) and west of the subject site.

The properties north and south of the subject site is zoned LI and both are currently vacant. Property directly west of the site is also zoned LI and is developed with an office warehouse combination use. The property east of the subject site (across Lulu) is zoned GC General Commercial ("GC") and is developed with the main church/place of worship campus of the First Church of the Nazarene. The residential use on the subject site is the only residence on this block of Lulu Street, between Lewis Street and Kellogg Drive.

ADJACENT ZONING AND LAND USE:

NORTH:	LI	Vacant
SOUTH:	LI	Vacant
EAST:	GC	Church/Place of Worship
WEST:	LI	Office/Warehouse

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 site currently contains a single-family residence, which has been on the site since the 1920's and before the property was zoned LI. In the past, this area was residential in nature but has transitioned to a more commercial and light industrial area. This residence is a left over that is still occupied and used as a residential dwelling.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance would not adversely affect the rights of adjacent property owners because the structure has been at this location longer than the majority of the surrounding uses and the existing use of the subject site is much less intense than that of the surrounding uses.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants because without the requested variance, the applicant would have to remove the viable and currently occupied use when the use has no negative impacts on the surrounding properties and the only thing the applicants are proposing is to add a couple additions to the structure, which would also not encroach into any easements or setbacks.

PUBLIC INTEREST: It is staff's opinion that the requested variance promotes the public interest to the extent that the use would remain residential in nature thus keeping an older viable part of the current local housing stock.

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. The intent of the variance is to keep an existing structure on the subject site, even though the current zoning does not allow the existing use and predates the current zoning. This request does not increase the current non-conformance of the subject site and will actually improve the condition of the existing use.

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 site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary for any improvements.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

There were no public comments.

MOTION: To approve subject to staff recommendation.

RAMSEY moved, **MILLER STEVENS** seconded the motion, and it carried (6-0).

-
5. **BZA2015-00053** – City request for a variance of a street side yard setback on property located midway between Harry Street and Mt. Vernon Road, west of Webb Road, on the southwest corner of Cooper and Skinner Streets (associated with VAC2015-00047).

VICE CHAIR DENNIS announced that the case has been deferred indefinitely.

The City of Wichita Board of Zoning Appeals adjourned at 2:15 p.m.

State of Kansas)
Sedgwick County) ss

I, Derrick Slocum, 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.

Derrick Slocum, Secretary
City of Wichita Board of Zoning Appeals

CITY OF WICHITA BOARD OF ZONING APPEALS

MINUTES

November 19, 2015

The regular meeting of the City of Wichita Board of Zoning Appeals was held on Thursday, November 19, 2015 at 1:30 p.m., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita, Kansas. The following members were present: David Dennis; Chair; David Foster; Matt Goolsby; John McKay; Lowell E. Richardson; Bill Ramsey and Debra Miller Stevens. Staff members present were: Dale Miller, Director; Derrick Slocum, Secretary; Jeff Vanzandt, Assistant City Attorney and Maryann Crockett, Recording Secretary.

1. Approval of the September, 3, 2015 BZA Minutes.

MOTION: To approve the September 3, 2015 BZA Minutes.

RAMSEY moved, **GOOLSBY** seconded the motion, and it carried (6-0-1).
MCKAY – Abstained.

2. **BZA2015-00055** – Thair Qaki (Owner); MFA & Associates, LLC, c/o Fadel Alsondi (Agent/Applicant) request a City BZA sign code variance to allow a pole sign within 2 feet of the front property line on property zoned LC Limited Commercial on property described as:

Lot 6 and the South 20 feet of lot 7 EXCEPT the East 10 feet for street, Block 1; Westborough 2nd 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 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.

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

MOTION: To approve subject to staff recommendation.

MCKAY moved, **RAMSEY** seconded the motion, and it carried (7-0).

3. **BZA2015-00060** – Security National Life Insurance (Owner); Odegard Sign, c/o Gaylen Davenport (Agent/Applicant) request a City BZA Sign Code Variance to increase the size of a building sign from 400 to 960 square feet in CBD Central Business District ("CBD") zoning on property described as:

Lots 21, 23, 25 and 27, Market St., Greiffenstein's Original Town 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 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.

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

MOTION: To approve subject to staff recommendation.

MCKAY moved, **RAMSEY** seconded the motion, and it carried (7-0).

Meeting temporarily adjourned at 1:33 p.m.
Meeting reconvened at 3:25 p.m.

4. **Discussion of Revised Bylaws.** Draft handed out at last meeting for review and revision.

JEFF VANZANDT, ASSISTANT CITY ATTORNEY asked if Board Members had questions on anything or was there anything they wished to change.

RICHARDSON referred to Article II, Item C. regarding the quorum being a majority of the total.

VANZANDT said certain items require a quorum (4 votes to pass) such as denial of a requested variance.

MCKAY said that information can be provided at the BZA meeting.

SLOCUM said the Planner will usually put the required number of votes in the Staff Report.

FOSTER mentioned a typographical error on in Article II, Item A, 4th line down "...earlier than 1:30 p.m..." He referred to Item D. regarding notification of the Secretary if a member is unable to attend a meeting.

CHAIR DENNIS mentioned Article I, Item A. regarding election of a Vice Chair. He asked for nominations for Vice Chair.

GOOLSBY nominated **LOWELL RICHARDSON** for Vice Chair, **RAMSEY** seconded the nomination and **RICHARDSON** was elected Vice Chair by acclamation (7-0.).

RICHARDSON mentioned Article II, Item H. regarding ex parte communications. He said it says members shall refrain from "any form" of ex parte communication.

VANZANDT said staff would look at that language and revise it in accordance with State Law.

SLOCUM reported that the next City BZA will be held December 17, 2015 and the revised Bylaws will be presented at that time.

GOOLSBY asked about board officer term limits.

DIRECTOR MILLER indicated it was a City Ordinance

VANZANDT indicated that term limits were part Section 2, of the City Code.

GOOLSBY requested that **VANZANDT** e-mail him that Section of the Code because he believes there are several boards in violation of that ordinance. He commented that changing the name on plats every year must be trying for staff.

The City of Wichita Board of Zoning Appeals adjourned at 3:40 p.m.

State of Kansas)
Sedgwick County) SS

I, Derrick Slocum, 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.

Derrick Slocum, Secretary
City of Wichita Board of Zoning Appeals

DRAFT

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00065

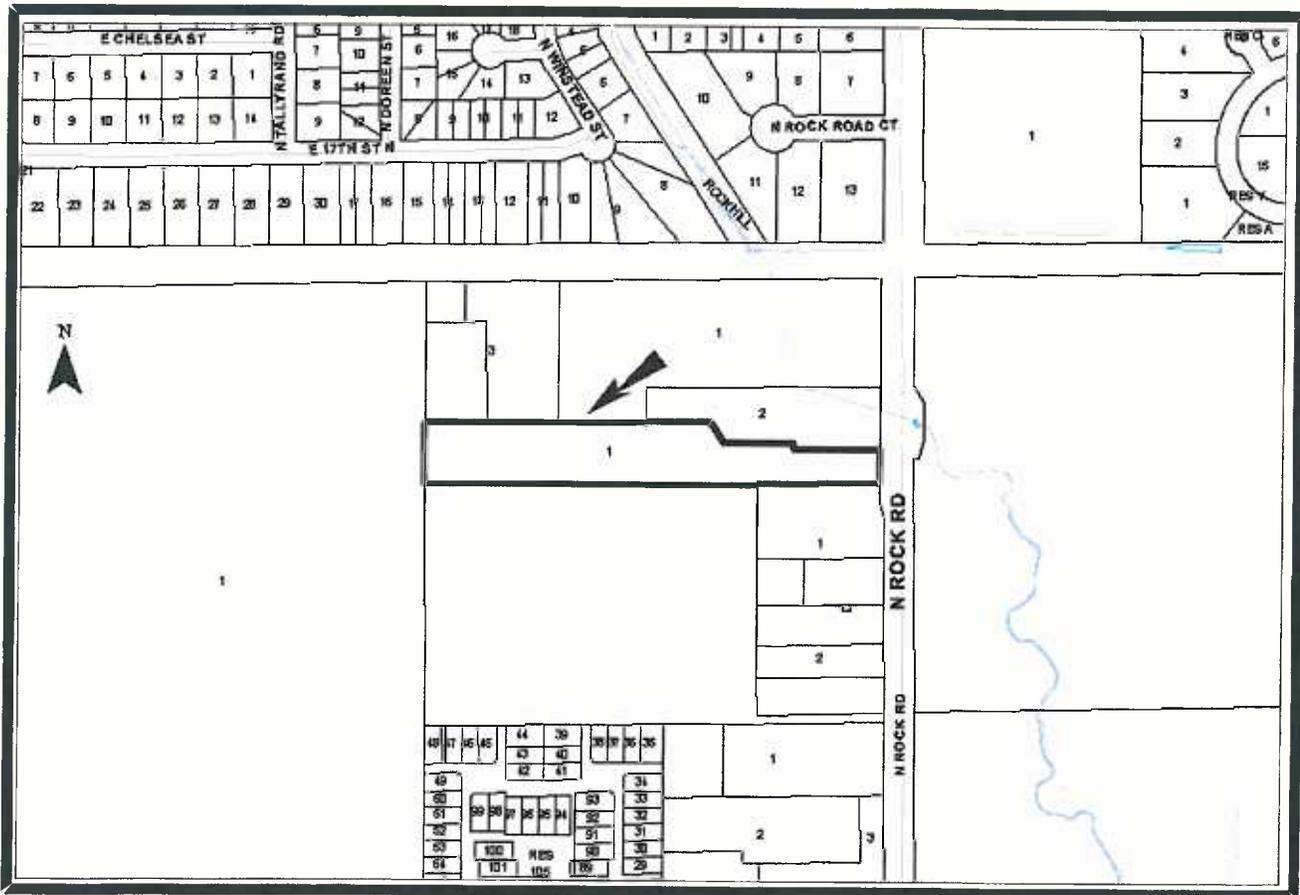
APPLICANT/AGENT: Security Portfolio, LLC (Owner);
Greg Ferris Consulting, c/o Greg Ferris (Agent/Applicant)

REQUEST: City BZA Sign Code Variance request to increase building wall signage from 32 square feet to 64 square feet.

CURRENT ZONING: GO General Office ("GO")

SITE SIZE: 4.17 acres

LOCATION: Along the west side of North Rock Road and mid-mile between East 13th Street North and East 21st Street (1701 N. Rock Rd.)



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 an additional building sign on the north elevation of the existing building, matching the existing 32 square foot sign currently fronting North Rock Road. This request would increase the allowable building signage in the GO General Office (“GO”) zone district by 32 square feet. The applicant has submitted the attached site plan and building elevations to illustrate the proposed signage.

Section 24.04.193(3) of the Sign Code limits building signs in GO zoning to a maximum of 32 square feet in area. The applicant wishes to install one additional 32 square foot sign building sign on the north elevation of the existing building. This proposed sign would face northward, being visible to southbound traffic on North Rock Road. The sign, which will consist of 20 individual channel letters with white face for eight letters and 12 yellow faced, will equal the total 64 square feet, with the existing building sign, and exceeds the 32 square foot limitation. The applicant is proposing just this one additional sign and while not along any frontage, the sign would be facing parking lots of existing LC Limited Commercial (“LC”) zoned properties and southbound Rock Road traffic.

This property has been zoned GO since the early 1980’s and in 1984 a variance (or at the time, an exception permit) was approved (BZA35-84) to allow the construction of a residential storage warehouse. Since the approval in 1984, businesses, residences and traffic has increase along this section of North Rock Road, increasing the need for businesses to have signage in order for traffic on Rock Road to be able to identify the location of existing businesses.

Properties north of the subject site are zoned LC and GC General Commercial (“GC”) and are developed with a grocery store, furniture store and additional warehousing. Property south of the site are zoned GC and SF-5 Single-family Residential (“SF-5”) and are developed with an outdoor vehicle sales operation and a large open parcel of land with communication towers. Property east of the site, across Rock Road, is zoned SF-5 and is currently undeveloped. Property west of the site is also zoned SF-5 and is developed with a junior high school, although the track and football field is in closest proximity to the subject site and the actual school building is approximately 2,110 feet southwest of the structure with the proposed additional building sign.

ADJACENT ZONING AND LAND USE:

NORTH	LC and GC	Grocery Store, Retail, Warehousing
SOUTH	GC and SF-5	Outdoor Vehicle Sales, Communication Towers
EAST	SF-5	Vacant Land
WEST	SF-5	Junior High School

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 property is in an area that is primarily commercial and Rock Road is one of the highest traffic volume arterials in Wichita. This is a narrow parcel between other larger commercial uses and is also the only property that is not commercially zoned along this one mile stretch of Rock Road. The previous variance in 1984 allows the existing use in this zoning district, thus making this property similar to the surrounding commercial uses. If the property was zoned either LC

Limited Commercial (“LC”) or GC General Commercial (“GC”) it would be allowed significantly more building signage and additional signage along Rock Road.

ADJACENT PROPERTY: It is staff’s opinion that granting the requested variance for an increase of building signage area would not adversely affect the rights of adjacent property owners, inasmuch as, the proposed sign is a building sign that will not be seen from property south, east or west of the site. The sign is small in nature and will have no visual impact on the surrounding properties and the property it will be facing is a parking lot for the adjacent grocery store.

HARDSHIP: It is staff’s opinion that the strict application of the provisions of the sign code would constitute a hardship upon the applicant, inasmuch as, the property’s visibility is limited due to the larger commercial uses on the north and south sides of the subject site. The lack of adequate signage has created a visual and economic hardship on the operators of the use.

PUBLIC INTEREST: It is staff’s opinion that the requested variance for an increase of building signage area 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 increased building signage area does not oppose the general spirit and intent of the Sign Code, inasmuch as, the Sign Code restriction is to limit signage in the GO zone district because those uses are often near residential uses. The Sign Code seeks to limit intrusion of signage into more restrictively zoned areas of the City. The Code also seeks to maximize visibility while limiting intrusion. Since this property is primarily commercial in use, as well as the surrounding properties, the location of this request does not violate the spirit and intent.

RECOMMENDATION: It is staff’s opinion that the requested building sign area increase for this building and site is appropriate, given the location of the building, scale of the building and proposed sign, surrounding uses and frontage along Rock Road. If the Board determines that the necessary conditions to grant a variance exist, the Secretary recommends that the variance to increase building wall signage from 32 square feet to 64 square feet in the GO General Office (“GO”) zone district 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.



1701 N Rock Rd



Legend

- Parcels

This information is not an official record, and cannot be used as such. The user should rely only upon official records available from the custodian of records in the appropriate City and/or County department. Some data provided here and used for the preparation of these maps has been obtained from public records not created or maintained by the City of Wichita.

1: 1,481



CUSTOMER: Security Self Storage

SIGN TYPE: Channel Letters



DATE: 05.26.15 | SALESPERSON: Brian Kirkland | DRAWN BY: Jason Ridder | CONTACT: 3611 N. Broadway - Wichita, KS 67219 - (P)316.832-1177 - (F)316.838.4774

These drawings and all information hereon are of a confidential nature and are the property of Miracle Signs.
Any use or reproduction of these drawings/ideas for any purpose, except by written permission of Miracle Signs is strictly prohibited.

EXISTING SIGNAGE

SECURITY
Self-Storage

1701



WE WE
SELL SELL
BOXES BOXES





3811 N. Broadway Wichita, KS 67219
316 - 832-1177 fax: 316 - 638-4774

15F012 - Security Self Storage
1701 N. Rock Rd. - Wichita, Kansas - 67206

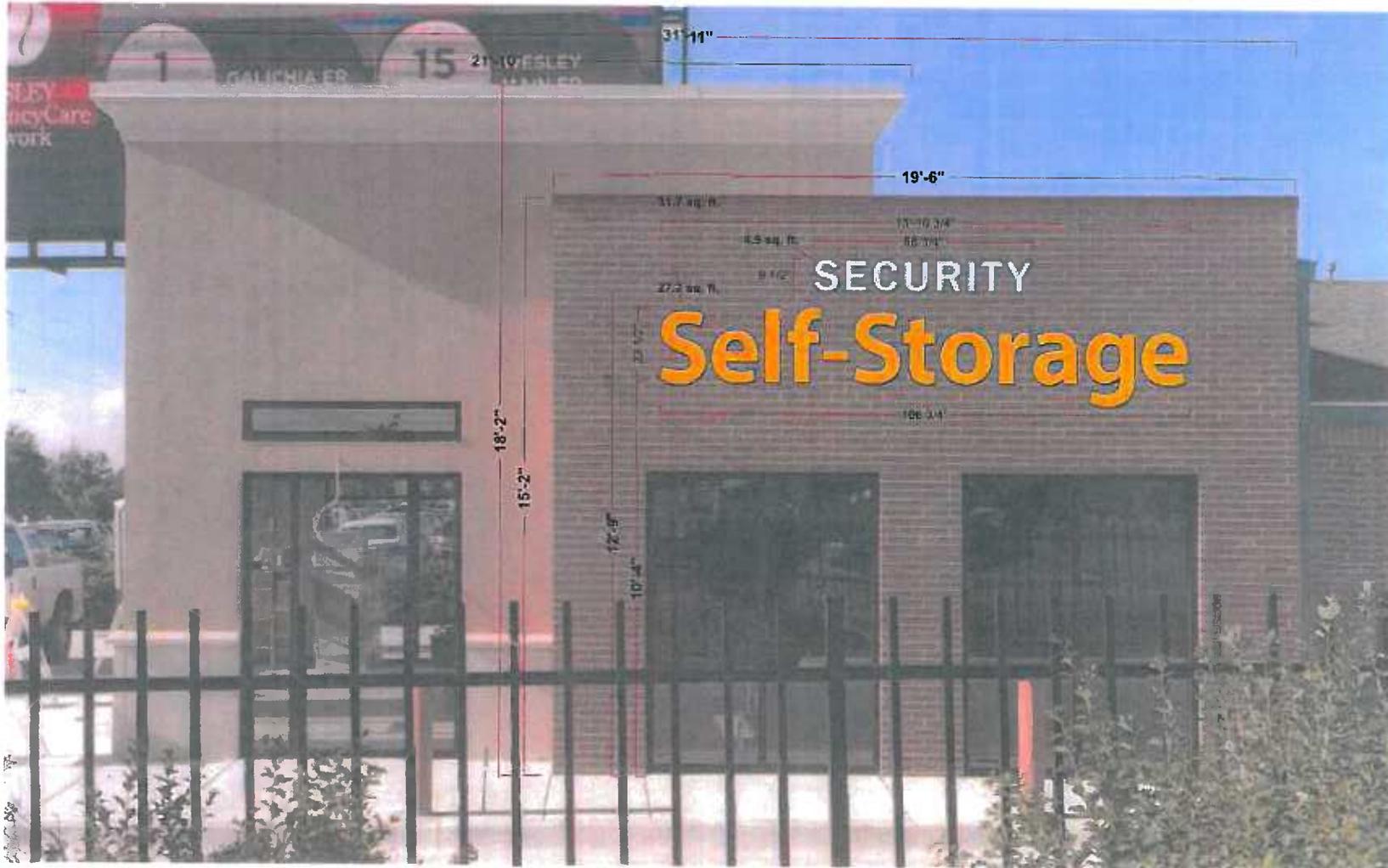
1 Set of Lighted
Channel Letters
for North Elevation

Date: 6-16-15	Drawing by: JN	Salesperson: Brien Kirkland
File Name: 15F012 Channel Letters North.cdr		
Disk Name: Z:\Jobs\15\Security Self Storage\Location\Rock Rd\Production\		

APPROVAL SIGNATURES:

3/8" = 1' Scale
Placement

Existing Building - North Elevation - with New Sign



CUSTOMER: Security Self Storage

SIGN TYPE: Channel Letters



SECURITY
Self-Storage

DATE: 05.26.15 | SALESPERSON: Brian Kirkland | DRAWN BY: Jason Pidder | CONTACT: 36 | N. Broadway - Wichita, KS 67219 - (P)316.832-1177 - (F)316.838.4774

These drawings and all information hereon are of a confidential nature and are the property of Miracle Signs. Any use or reproduction of these drawings/ideas for any purpose, except by written permission of Miracle Signs is strictly prohibited.



3611 N. Broadway Wichita, KS 67219
316-832-1177 fax: 316-838-4774

15F-01Z - Security Self Storage
1701 N. Rock Rd. - Wichita, Kansas - 67206

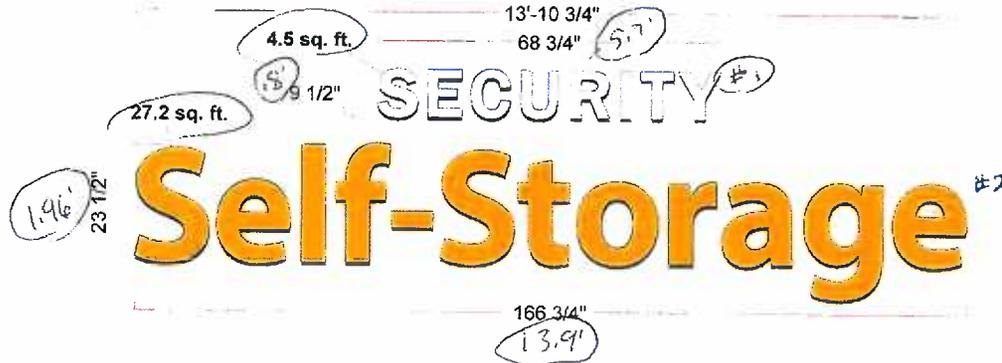
1 Set of Lighted Channel Letters for North Elevation

Date: 6-10-16	Drawing by: JN	Operator: KKKL
File Name: 15F012 Channel Letters North.cdr		
Disk Name: Z:/Jobs/S/Security Self Storage/Location/ Rock Rd/Production/		

APPROVAL SIGNATURES:
1/2" = 1' Scale
Production

31.7 sq. ft.

Sign Layout



Routed 3/16" White Acrylic Faces



1 Channel Letters Wall Sign - North:

- Routed .063" Alum. Backs
- Routed 3/16" White Acrylic Faces with Yellow Translucent Vinyl on "Self-Storage" and with 1" Blue Trimcap
- .040" Alum. Returns 5" Deep - Paint Bronze
- Internally Lighted with White LED Modules and 60w Power Supplies
- Install Flush to Wall as Shown

Paint Color:

- Akzo Nobel 313 Duranodic Bronze to Match Windows Trim

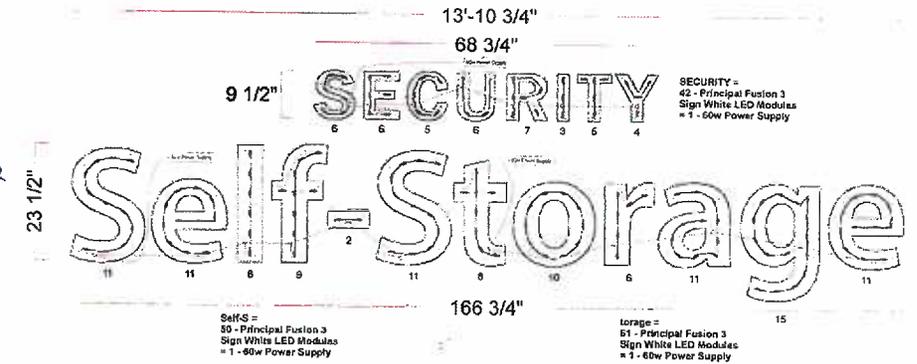
Vinyl Color:

- Oracal 8500-021 Yellow Translucent to Match PMS 108 C Yellow

Trimcap Color:

- Wagner Jewelite Blue 1" to Match PMS 287 C Blue

Setup for Production & Install



Routed .063" Alum. Backs - Prefinished White



• Colors may appear different on screen or copy printed
See PMS book or Paint samples for True Colors

Contact:
Name: Stephen, Rod
Phone: _____
Email: _____

Lighting:
White LED Modules: 153

Power Supplies Needed:
60w Power Supplies: 3

Power Demands:
60w Power Supplies: 3 x 1
= 3 amps
Total: 3 Amps