



**Wichita-Sedgwick County Metropolitan Area Planning Department**

July 10, 2018

Greg Ferris  
Ferris Consulting  
PO Box 573  
Wichita, KS 67201

**RE: BZA2018-00020 – City variance to permit an off-premises sign for League 42 on property zoned GI General Industrial generally located on the north side of East 17th Street North and west of I-135 (1212 East 17th Street North).**

Dear Mr. Ferris,

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on June 21, 2018. This resolution reflects the official action of the Board and is forwarded for your information and files.

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

Sincerely,

Kyle C. Kobe  
Associate Planner

Attachment – Resolution

Copies to: MABCD  
League 42, Attn: Bob Lutz, 250 N. Water Ste. 300, Wichita, KS 67202  
Sandra Faye Hardy, 2720 W Anita, Wichita, KS 67217

**BZA RESOLUTION NO. BZA2018-00020**

**WHEREAS**, Greg Ferris with Ferris Consulting (Agent) on behalf of League 42 and Sandra Faye Hardy (Applicants); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to allow an off-site sign at 1212 East 17<sup>th</sup> Street North and legally described as follows:

Legal Description: Lot 9 Except the North 9 feet; All Odd Lots 11 thru 25 including the North 5 feet of Lot 27 and one-half the Vacated Street Adjacent on the East and one-half the vacated Alley Adjacent on W. Cherry now Indiana Avenue; D.W. Jones Addition to Wichita, Sedgwick County, Kansas

**WHEREAS**, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

**WHEREAS**, the Board of Zoning Appeals did, at the meeting of May 10, 2018, consider said application; and

**WHEREAS**, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

**WHEREAS**, the fact that the application is for a use taking place across the street in the park (the proximity to which is the trigger to this request), is for a non-profit group, and its proximity to the interstate and industrial land uses – when taken together, constitutes a uniqueness not found in other places or caused by the applicants themselves.

**WHEREAS**, given the distance from the site where the variance is being proposed and the nearest residential development, there should be no adverse effects on residential uses. Further, the residential development to the south contains the park that this sign is for, and the nearby industrial uses should not be negatively affected at all.

**WHEREAS**, without this sign League 42 will face a financial hardship due to the fact that the revenue generated from this sign is needed to keep League 42 financially solvent.

**WHEREAS**, approving this request is in the public interest due to the fact that it will benefit League 42, which itself is a benefit to the area. Without the services of League 42, the surrounding area would suffer as a result of not having this use available to kids in the area.

**WHEREAS**, the intent of this portion of the Sign Code is to limit view of off-site signs from parks. Given that the portions of the park not affiliated with League 42 are the appropriate distance away and there is adequate natural screening and buffering from existing trees, the spirit and intent of the code is not being violated.

**WHEREAS**, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to allow an off-site sign at 1212 East 17<sup>th</sup> Street North and legally described as follows:

Legal Description: Lot 9 Except the North 9 feet; All Odd Lots 11 thru 25 including the North 5 feet of Lot 27 and one-half the Vacated Street Adjacent on the East and one-half the vacated Alley Adjacent on W. Cherry now Indiana Avenue; D.W. Jones Addition to Wichita, Sedgwick County, Kansas

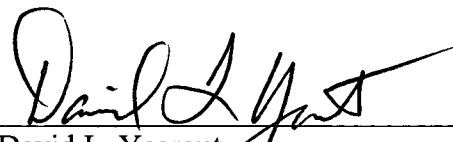
The variances are hereby GRANTED, subject to the following conditions:

- The sign shall be constructed in substantial conformance with the approved site plan as it pertains to the siting of the structure itself.
- A sign permit shall be obtained for this sign, and all relevant codes pertaining to off-site signs shall apply, save for those related to the subject of this Variance request.
- If needed, building permits shall be obtained from MABCD for the construction of the sign structure.
- The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 21<sup>st</sup> Day of June 2018.

  
\_\_\_\_\_  
BZA Board Chair, Joseph A. Johnson

ATTEST:

  
\_\_\_\_\_  
David L. Yearout  
BZA Secretary

**SECRETARY'S REPORT**

CASE NUMBER: BZA2018-00020

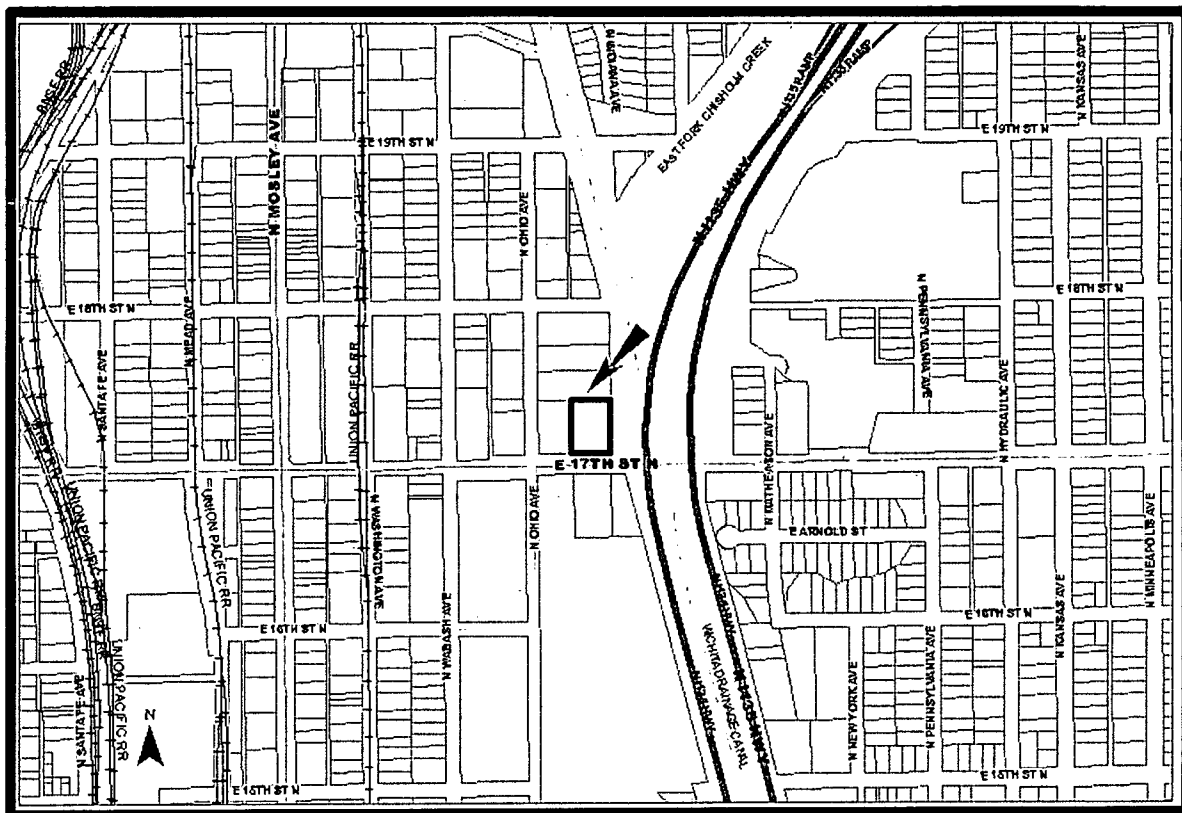
APPLICANT: Greg Ferris with Ferris Consulting (agent), Bob Lutz with League 42 and Sandra Faye Hardy (applicants)

REQUEST: Variance to allow an off-site sign for League 42

CURRENT ZONING: GI General Industrial

SITE SIZE: .82 acres

LOCATION: Generally located on the north side of East 17<sup>th</sup> Street North and west of I-135 (1212 East 17<sup>th</sup> Street North)



**JURISDICTION:** The Board has jurisdiction to consider the variance request under the provisions Section V-G of the Unified Zoning Code for Wichita/Sedgwick County, and as 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 has requested this variance to allow an off-site sign at 1212 East 17<sup>th</sup> Street North due to the proximity the sign has to residentially zoned park land. The Sign Code for the City of Wichita states that any sign of this type must be located at least 600 feet from parks or residentially zoned land.

The proposed sign would be built and owned by League 42, who uses McAdams Park (just across East 17<sup>th</sup> Street North) as their home park, who will have acquired the land the sign is to be placed on via contract between them and the property owner. League 42 would then utilize the services of a local sales/marketing agency to determine the advertising that would take place on the sign itself. The proceeds from the sales of the ad space would go to League 42 and would act as an extra funding mechanism for the baseball league.

The applicant has indicated that, subject to approval, the top of the proposed sign would be about 20 feet taller than the driving surface on I-135. This height would be achieved via an Administrative Adjustment. The plan for the sign is that the northern facing side (the side facing away from the park) would be electronic and the southern facing side (the side facing the park) would be a traditional billboard face.

The situation is unique in that the park that is triggering the need for the Variance is the home of the entity which is requesting the service that needs the Variance. The location of the sign is in close proximity to I-135, which would be the direction that the billboard faced.

If approved the applicant would still be required to follow all proper permitting procedures for a sign of this type. This variance pertains only to waiving the minimum proximity requirement that such signs have with park and residential land uses.

**ADJACENT ZONING AND LAND USE:**

|       |      |                           |
|-------|------|---------------------------|
| NORTH | GI   | Warehouse/Office Building |
| SOUTH | SF-5 | McAdams Park              |
| EAST  | GI   | I-135                     |
| WEST  | GI   | Warehouse/Office Building |

**CASE HISTORY:** This property was platted as the D.W. Jones Addition on 18 March 1887.

**UNIQUENESS:** The applicant states that the fact that the application is for a use taking place across the street in the park and therefore needs the sign to be nearby, is for a non-profit group, and its proximity to the interstate and industrial land uses – when taken together, constitutes a uniqueness not found in other places or caused by the applicants themselves.

**ADJACENT PROPERTY:** The applicant states that given the distance from the site where the variance is being proposed and the nearest residential development, there should be no adverse effects on residential uses. Further, the residential development to the south contains the park that this sign is for.

**HARDSHIP:** The applicant states that without this sign League 42 will face a financial hardship due to the fact that the revenue generated from this sign is needed to keep League 42 financially solvent.

**PUBLIC INTEREST:** The applicant states that approving this request is in the public interest due to the fact that it will benefit League 42, which itself is a benefit to the area. Without the services of League 42, the surrounding area would suffer as a result of not having this use available to kids in the area.

**SPIRIT AND INTENT:** The applicant states that the intent of this portion of the Sign Code is to limit view of off-site signs from parks. Given that the portions of the park not affiliated with League 42 are the appropriate distance away and there is adequate natural screening and buffering from existing trees.

**RECOMMENDATION:** Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance to allow for one off-site sign for League 42 be **GRANTED**, subject to the following conditions:

- The sign shall be constructed in substantial conformance with the approved site plan as it pertains to the siting of the structure itself.
- A sign permit shall be obtained for this sign, and all relevant codes pertaining to off-site signs shall apply, save for those related to the subject of this Variance request.
- If needed, building permits shall be obtained from MABCD for the construction of the sign structure.
- The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

**Report Attachments:**

1. Aerial Map
2. Zoning Map
3. Applicant's Narrative
4. Site Plan

# SITE PLAN

APPROVED 6-21-18 BY SK

