



Wichita-Sedgwick County Metropolitan Area Planning Department

February 8, 2019

RGJ LLC
Attn: Johnny Steven
8801 E. Kellogg Drive
Wichita, KS 67207

Ferris Consulting
Attn: Greg Ferris
P.O. Box 573
Wichita, KS 67201

RE: BZA2018-00072- City variance to allow a 300 square foot on-site sign with overall height of 30 feet on LC Limited Commercial zoned property; generally located on the frontage road on the south side of US 54/400 – Kellogg; approximately 1,200 feet east of South Oliver Avenue (5119 E. Kellogg)

Dear Applicants,

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on January 24, 2019. 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,

Kathy L. Morgan, Senior Planner
Current Plans Division

Copies to: MABCD
B, Council Member District III
Maddy Campbell, CSR District III

Attachment – Resolution

BZA RESOLUTION NO. BZA2018-00072

WHEREAS, RBJ, LLC (Applicants); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to increase the square footage and height of an existing on-site sign to redevelop property located at 5119 East Kellogg; legally described as follows:

Legal Description: The North 175 feet of Lot 1, Davis-Moore Tenth Addition, 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 January 24, 2019, 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 Board of Zoning Appeals has found there will not be any adverse harm to nearby properties; and

WHEREAS, the Board of Zoning Appeals has found the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community; and

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

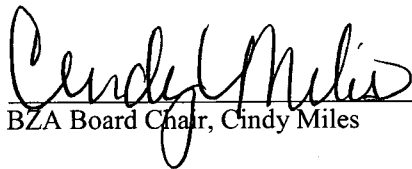
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to increase the square footage of an on-site sign to 300 square feet and increase the height to 30 feet; legally described as follows:

Legal Description: The North 175 feet of Lot 1, Davis-Moore Tenth Addition, Wichita, Sedgwick County, Kansas.

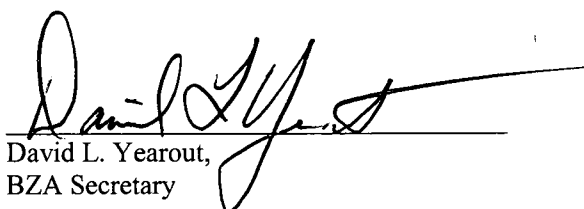
The variances are hereby GRANTED, subject to the following conditions:

1. The approval shall be to replace the existing sign with the proposed 300 square foot, 30 foot tall sign as shown on the site drawings submitted by the agent and shall be developed in accordance with the approved site plan and elevation drawings. Only one ground sign will be allowed for this zoning lot.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
3. The sign shall conform to all other requirements of the City of Wichita Sign Code.
4. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department

ADOPTED AT WICHITA, KANSAS, this 24th Day of January, 2019.


BZA Board Chair, Cindy Miles

ATTEST:


David L. Yearout,
BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2018-00072

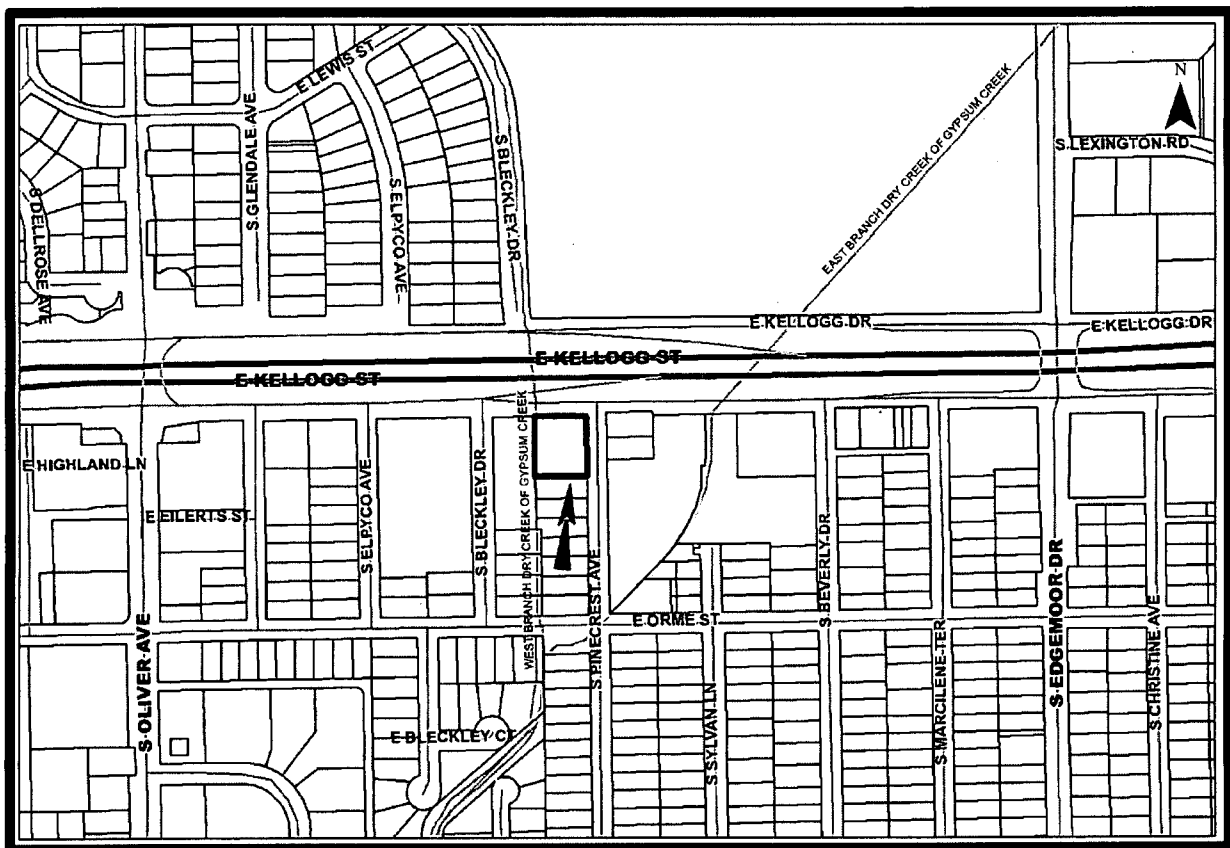
APPLICANT: RBJ, LLC – Johnny Steven (Owner) / Ferris Consulting – Greg Ferris (Agent)

REQUEST: Variance to allow an increase in the size to 300 square feet and height to 30 feet of an existing non-conforming on-site sign

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.6 acre

LOCATION: Generally located on the frontage road on the south side of Kellogg/US 54/400, approximately 1,200 feet east of South Oliver (5119 E. Kellogg Street)



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 subject property, 5119 E. Kellogg St., is located at the corner of Kellogg and S. Pinecrest Ave. There is an existing sign on the Northeast corner of the property. The applicant will leave the sign at the existing location and modify its size and height.

The existing sign appears to be a non-conforming sign. It was on the property when the applicant purchased the property last year. The variance will remove any non-conformance issues and allow the increases requested. The existing sign is approximately 202 square feet and 23 feet tall. Because the sign is non-conforming, no major changes can be made to the sign. Since the property has a different owner and uses, he would like to modify the sign.

The Sign Code of the City of allows the size of a sign to be 80% of the linear footage of a parcel along a highway. The property has a frontage along Kellogg of 150 linear feet, which would restrict the sign to 120 square feet. The proposed sign is slightly less than 300 square feet.

The area with frontage along Kellogg is a mix of commercial, retail, institutional, and office uses. On the north side of Kellogg is the Robert Dole Veterans Administration campus and TF-3 Two-Family Residential zoning west of the hospital campus. Located south of the subject property are GO General Office, MF-29 Multi-Family and TF-3 Two-Family Residential zoning district. There are many signs along Kellogg that exceed the requirements of 24.04.221 (4). Signs in the LC zoning district, along freeways, are allowed to a maximum of 300 square feet if there is adequate frontage. The applicant is limiting the number of pole signs to one on the property. If the frontage was 165 feet instead of 150 feet, he would be allowed to increase the height to 30 feet.

ADJACENT ZONING AND LAND USE:

NORTH:	No Zoning	Kellogg Street US 54/400
SOUTH:	LC	Paved parking Lot
EAST:	LC	Commercial Strip Center
WEST:	LC	Medical office

CASE HISTORY: The subject property was platted as Davis-Moore 10th Addition, which was recorded with the Register of Deeds on February 5, 1993. BZA19-92 required the replatting of the subject property and re-zoned the property from LC and RB Four-Family Residential to LC and allow used auto sales on the property. BZA19-92 further superseded and made null and void by BZA88-84 which allowed auto leasing on the subject property.

UNIQUENESS: It is staff's opinion that this property is unique. The property is along Kellogg, the major highway through the City. The City has improved this section of Kellogg to a highway with no exits except at the major roads. The speed of the roadway was also increased. Because of these changes, properties along Kellogg have limited access and must make drivers aware of their location well in advance to alert them to exit. The City's action, not the property owner, necessitates additional signage.

ADJACENT PROPERTY: It is staff's opinion that granting the increase in sign size at this location will not adversely affect the rights of adjacent property owners. The sign will not be visible to the residential properties to the north and south of the subject site. The entire south side of the Kellogg corridor in this mile is commercial and/or office uses. There are no properties that will be negatively impacted by the variance.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code would constitute an unnecessary hardship upon the applicant. Without the increased size, the visibility of the sign will be difficult and place an unnecessary hardship on the applicant. Because of the non-conforming status of the sign, any major changes in the sign would not be allowed.

PUBLIC INTEREST: The Variance will actually have a positive effect on public safety. Studies clearly show that signs that are easily visible from a roadway improve a driver's attentiveness. When a driver must look away from the roadway to read an obscured sign it creates a dangerous situation. The area is mostly developed, so there will be no impact on the harmonious development of the community.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for increased sign size would not oppose the general spirit and intent of the Sign Code. The Sign Code recognizes the balance between the public view and the ability to see a sign. The square footage is equal to or less than other signs along the Kellogg corridor.

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 increase an existing sign to 300 square foot and 30 foot in height as proposed be GRANTED, subject to the following conditions:

1. The approval shall be to replace the existing sign with the proposed 300 square foot, 30 foot tall sign as shown on the site drawings submitted by the agent and shall be developed in accordance with the approved site plan and elevation drawings. Only one ground sign will be allowed for this zoning lot.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
3. The sign shall conform to all other requirements of the City of Wichita Sign Code.
4. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department
5. 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.

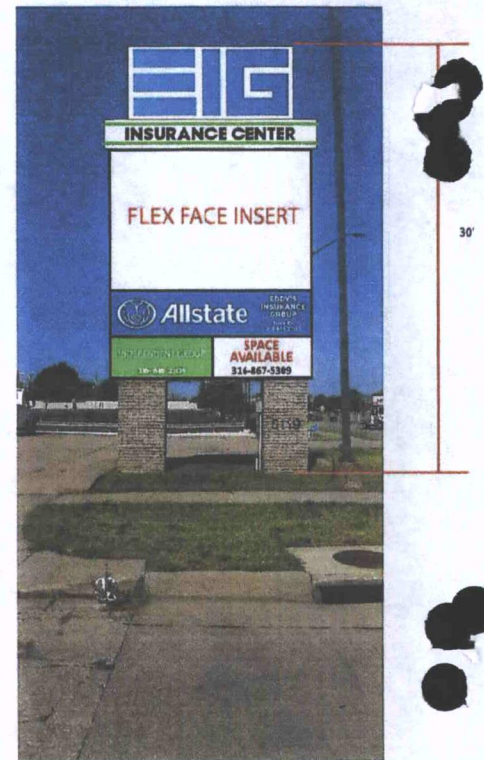
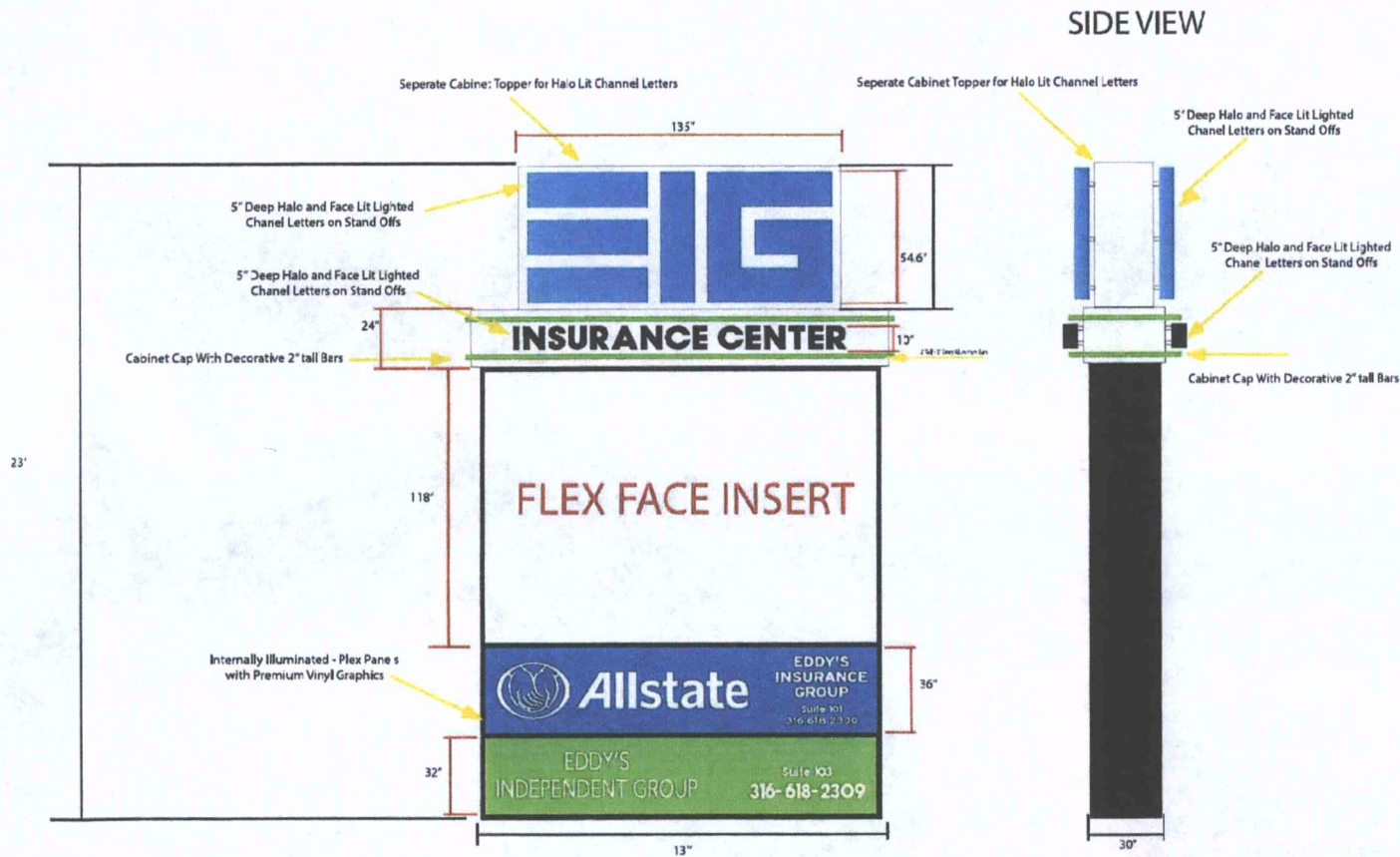
Report Attachments:

1. Site Plan
2. Existing Sign Plan
3. Proposed Sign Plan

Site Plan Variance 5119 E. Kellogg St.



SITE PLAN
APPROVED 1/24/2018
[Signature]



SITE PLAN

APPROVED 1/24/2019 BY *[Signature]*