Wichita-Sedgwick County Metropolitan Area Planning Department

February 19, 2021

JTS Investments, LLC
Joe Schmeidler
4823 S 135th Street West
Clearwater, KS 67206

RE: **BZA2021--00003** – City Variance to allow a 60-foot tall sign and a zero-foot setback on property zoned GC General Commercial; generally located northwest of East 37th Street North and North Hydraulic Avenue (3905 North Hydraulic)

Dear Applicants,

The official action of the Board of Zoning Appeals was to grant the requested variances. You will receive an executed copy of BZA2021-00003 Resolution adopted by the Board of Zoning Appeals on February 18, 2021 once it has been processed. The approval of the request is subject to the following conditions.

1. 1. The sign shall not exceed 60 feet in height as shown on the site drawings submitted by the applicant and shall be developed in accordance with the approved site plan and elevation drawings. Only one off-site sign will be allowed for this zoning lot.
2. The 20-foot building setback on the rear portion of the zoning lot shall be reduced only for the construction of the off-site billboard sign. All other structures shall adhere to all applicable setbacks.
3. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the signage and the signage shall be erected within one year.
4. The sign shall conform to all other requirements of the City of Wichita Sign Code.

If you have any questions concerning this matter, please call our office at (316)-268-4421.
Sincerely,

Philip Zevenbergen, AICP
Associate Planner

Copies to: MABCD
David Mollhagen, 2901 S Kansas Ave, Wichita, KS 67216
Lamar Advertising Company, 2901 S Kansas Ave, Wichita, KS 67216

BZA RESOLUTION NO. BZA2021-00003

WHEREAS, JTS Investments, LLC (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to permit the height of an off-site billboard sign to be increased to 60 feet and to permit a zero foot setback for the construction of the sign on property zoned GC General Commercial, and legally described as follows:

> The South 6 rods of Lot 37, in North Wichita Gardens, in Sedgwick County, Kansas, EXCEPT the following conveyed for highway purposes: Beginning at the Southwest corner of said Lot 37, thence East along the South line of said Lot, 83.7 feet; thence Northwesterly to a point on the North line of said South 6 rods, 69.4 feet East of the Northwest corner thereof; thence West along said North line to said Northwest corner, thence sough along the West line of said lot to the place of beginning.

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 February 18, 2021, 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 conditions of the request are unique to the subject property. In this case, the property is located along I-135, and KDOT, in conjunction with the City of Wichita, has acquired additional property for highway right-of-way for the expansion of the highway and nearby North Junction interchange. The City and KDOT are moving the applicant's property line further east from I-135, which is the basis for the variance requests. The applicant states that the property is unique in that if the taking had not taken place, the billboard would not need to be moved. The action taken is by the City and KDOT.

WHEREAS, waving the requirements will not adversely affect the rights of adjacent property owners. In this case, the applicant states that the variances will not adversely affect the rights of the adjacent property owners located along a state highway where billboards are common. The billboard has been in place at this location since 1978 and will remain over 350 feet from the nearest house.

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner. The applicant states that the hardship comes from KDOT and the City taking the land on which the sign sits for public good. The action taken by KDOT and the City is forcing the sign to be moved back further than its existing location. In addition, the 20 foot setback would require the sign to be moved even further than where the new property line is. This would cause the sign to be behind an obstruction and not visible from I-135.

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

WHEREAS, It is the opinion of Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; and

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 to permit the height of an off-site billboard sign to be increased to 60 feet and to permit a zero foot setback for the construction of the sign on property zoned GC General Commercial and legally described as follows:

> The South 6 rods of Lot 37, in North Wichita Gardens, in Sedgwick County, Kansas, EXCEPT the following conveyed for highway purposes: Beginning at the Southwest corner of said Lot 37, thence East along the South line of said Lot, 83.7 feet; thence Northwesterly to a point on the North line of said South 6 rods, 69.4 feet East of the Northwest corner thereof; thence West along said North line to said Northwest corner, thence sough along the West line of said lot to the place of beginning.

The variance is hereby GRANTED, subject to the following conditions:

1. The sign shall not exceed 60 feet in height as shown on the site drawings submitted by the applicant and shall be developed in accordance with the approved site plan and elevation drawings. Only one off-site sign will be allowed for this zoning lot.
2. The 20-foot building setback on the rear portion of the zoning lot shall be reduced only for the construction of the off-site billboard sign. All other structures shall adhere to all applicable setbacks.
3. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the signage and the signage shall be erected within one year.
4. The sign shall conform to all other requirements of the City of Wichita Sign Code.

ADOPTED AT WICHITA, KANSAS, this 18 Day of February, 2021.

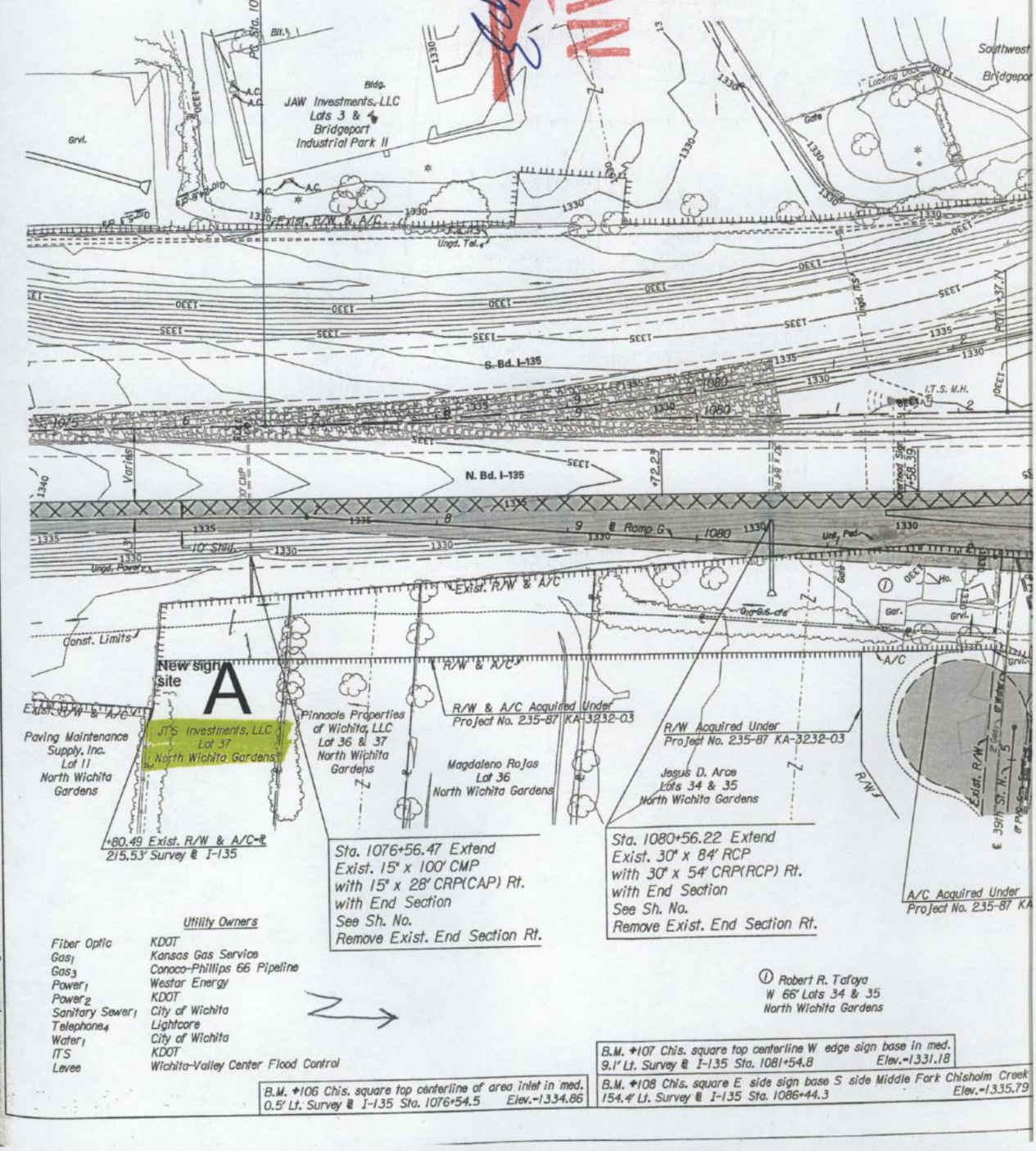
Michael Greene, BZA Board Chair

ATTEST:

Scott Wadle,
BZA Secretary

SITE PLAN

APPROVED
BY
2/26/24



Utility Owners	
Fiber Optic	KDOT
Gas1	Kansas Gas Service
Gas3	Conoco-Phillips 66 Pipeline
Power1	Westar Energy
Power2	KDOT
Sanitary Sewer1	City of Wichita
Telephone4	Lightcore
Water1	City of Wichita
ITS	KDOT
Levee	Wichita-Valley Center Flood Control

B.M. +106 Chis. square top centerline of area inlet in med.
0.5' Lt. Survey ℄ I-135 Sta. 1076+54.5 Elev.=1334.86

B.M. +107 Chis. square top centerline W edge sign base in med.
9.1' Lt. Survey ℄ I-135 Sta. 1081+54.8 Elev.=1331.18

B.M. +108 Chis. square E side sign base S side Middle Fork Chisholm Creek
154.4' Lt. Survey ℄ I-135 Sta. 1086+44.3 Elev.=1335.79

REFERENCES NOTED	BY	DATE
REFERENCES CHECKED	G. Ryman - PEC	2019
	K. Farlow - PEC	2019

Drawn By : Glenn Ryman
File : ka323202rpl-015.dgn
Plotted : 10/25/2019