Wichita-Sedgwick County Metropolitan Area Planning Department

March 8, 2021

Luminous Neon Art and Sign Systems
1429 W. 4th Avenue
Wichita, KS 67213

RE: BZA2021-00001 - City Variance for 3 new signs on a new apartment building with leasing office on B Multi-Family zoned lot; generally located within 1500 feet east of North Hillside Avenue on the south side of East 17th Street North 93607 E. 17th Street).

Dear Applicant,

The official action of the Board of Zoning Appeals was to grant the requested variance. The BZA2021-00001 Resolution adopted by the Board of Zoning Appeals on March 4, 2021 is attached. The approval of the request is subject to the following conditions.

1. Signage shall be in substantial conformance with the approved site plan and included elevations.
2. 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.
3. 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.

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

Matthew Williams, AICP
Associate Planner

Copies to: MABCD
Innovation Communities, 3020 N. Cypress Ste. 120, Wichita, KS

BZA RESOLUTION NO. BZA2021-00001

WHEREAS, Innovation Communities (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests Variances to allow building signs that exceed two square feet in area, identification signs with letters exceeding 15 inches in height, identification signs that project more than two inches from the surface to which they are attached, and an adjustment to allow illuminated signs on property zoned OW Office Warehouse, and legally described as follows:

> All of Lots 1 and 3, and Lot 5, except the South 20 feet thereof, on Harvard Avenue, L.R. Gordon 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 March 4, 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 original building for this complex at 3945 East 17th St 100 is zoned 'LC' and these signs were allowed by-right whereas the new buildings in this complex are zoned 'B' and the signs are not allowed by-right.

WHEREAS, waving the requirements will not adversely affect the rights of adjacent property owners. In this case, two other buildings three blocks to the east on 17th Street have the same signage. 17th Street in this location has several student housing options and the signage will not be out of character for the area.

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner. The existing City Sign Code regulations would limit the size of the signs to two square feet which is not sufficient. Visibility of signage at that size would prove difficult from 17th Street.

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, in the case of Variances to allow building signs that exceed two square feet in area, identification signs with letters exceeding 15 inches in height, identification signs that project more than two inches from the surface to which they are attached, and an adjustment to allow illuminated signs on property zoned OW Office Warehouse, and legally described as follows:

All of Lots 1 and 3, and Lot 5, except the South 20 feet thereof, on Harvard Avenue, L.R. Gordon Addition to Wichita, Sedgwick County, Kansas.

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

1. Signage shall be in substantial conformance with the approved site plan and included elevations.

2. 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.

3. 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 4th Day of March, 2021.

Michael Greene, BZA Board Chair

ATTEST:

Scott Wadle,
BZA Secretary

SITE PLAN

APPROVED 3/9/21 BY MW

Seventeenth
3607 E 17th St . 17th St N.
Wichita, KS 67208
Variance application site plan
02/03/2021 Rev 1

N

New apartment Leasing office:
3607 E 17th St

New Leasing office to go here East of new bldg:

Existing apartment buildings:
3945 E. 17th St. Bldg. 100, & Bldg. 300
Existing signs on E. & W. elevations Bldg 100
Existing sign on N. Elev Bldg. 300

