CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

September 23, 2021

Lamar Advertising
David Mollhagen
2901 S Kansas Ave
Wichita, KS 67216

RE: BZA2021-00024 – County Variance to increase off-site sign 20 feet above guard rail on I-35; generally located 1,400 feet west of South Rock Road and 700 feet south of East Harry Street (7303 E Harry).

Dear Applicant,

The official action of the Board of Zoning Appeals was to grant the requested variance. The BZA2021-00024 Resolution adopted by the Board of Zoning Appeals on September 9, 2021 is attached. The approval of the request is subject to the following conditions.

1. 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.
2. The sign shall conform to all other requirements of the Sedgwick County 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
Dane Wadley, 7303 E Harry, Wichita, KS 67207

BZA RESOLUTION NO. BZA2021-000024

WHEREAS, Dane Wadley (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to increase the height of an off-site sign from 35 feet to 48 feet on property located at 7303 East Harry Street; legally described as follows:

> That part of the West Half of the Northeast Quarter of Section 31, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, North of an East-West line 1,320 feet North of the Half section line of said Section, and lying south and east of the right-of-way of the Kansas Turnpike, 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 September 9, 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 request to permit a increase the height of an off-site sign is appropriate considering the Kansas Turnpike (I-35) is elevated over Harry Street near this location.

WHEREAS, granting the increase in sign height will not adversely affect the rights of adjacent property owners. There are already two other billboard signs along this side of the highway. The area is a commercial area with no residential properties nearby.

WHEREAS, the strict application of zoning code would cause an unnecessary hardship because the applicant is required to relocated a sign from the I-135 frontage due to highway expansion. If they are not able to relocated the sign, the reduction of the return on investment and redevelopment of the property would create an unnecessary hardship.

WHEREAS, granting the variance to increase the height of the off-site sign is in the public interest and will not adversely affect surrounding properties.

WHEREAS, the spirit of the UZC is to protect adjoining property owners from adverse impacts that would negatively affect their properties. When considering all of the factors of the request, this variance will not detract from the adjacent uses and maintain the intent of the UZC.

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 increase the height of an off-site sign from 35 feet to 48 feet on property located at 7303 East Harry Street; legally described as follows:

> That part of the West Half of the Northeast Quarter of Section 31, Township 27 South, Range 2 East of the 6th P.M., Sedgwick County, Kansas, North of an East-West line 1,320 feet North of the Half section line of said Section, and lying south and east of the right-of-way of the Kansas Turnpike, Sedgwick County, Kansas.

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

1. 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.
2. The sign shall conform to all other requirements of the Sedgwick County Sign Code.

ADOPTED AT WICHITA, KANSAS, this 9 **Day of** September **, 2021**

Michael C. Greene, BZA Board Chair

ATTEST:

Scott Wadle,
BZA Secretary

Affidavit of Legal Publication

STATE OF KANSAS)

ss.

County of Sedgwick)

Emily Gillihan, being first duly sworn, deposes and says:
That he/she is Legal Manager of

The Derby Informer

a weekly newspaper printed in the State of Kansas, and published in and of general circulation in Sedgwick County, Kansas, with a general paid circulation on a weekly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published on Wednesdays, and has been so published continuously and uninterrupted in said county and state for a period of more than one year prior to the first publication of said notice, and has been admitted at the post office of Derby, Kansas, in said county as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for **1 week** the first publication thereof being made as aforesaid on the **18th** day of **August** 2021, with subsequent publications being made on the following dates:

N/A

Emily Gillihan
Legal Manager

Subscribed and sworn to before me this 18th day of August, 2021.

Rhonda Cott
Notary Public

Rhonda Cott
NOTARY PUBLIC
STATE OF KANSAS
My Appt. Exp. 2-20-23

Legal Publication

OCA 150004
Published in The Derby Informer on August 18, 2021

MAPC September 9, 2021
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, September 9, 2021 no earlier than 1:30 p.m.**, the WichitaSedgwick County Metropolitan Area Planning Commission (Planning Commission) will consider the following applications. The meeting will be held virtually, public participation is available in multiple ways, those without technology options can participate by going to Wichita City Hall Building – 1st Floor Council Chambers – 455 N. Main Street, Wichita, Kansas 67202 (specified at the bottom of this notice). **If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316) 2684421.**

BZA2021-00024 - County Variance to increase off-site sign 20 feet above guard rail on I-35; generally located 1,400 feet west of South Rock Road and 700 feet south of East Harry Street (7303 E Harry)

CON2021-00032 - County Conditional Use for a Single Vehicle Recreational Vehicle Campground on property zoned RR Rural Residential; Generally located on the west side of South 143rd Street East and within one-half mile north of East 79th Street South (7801 S 143rd E).

VAC2021-00030 - County request to vacate a portion of a platted 60-foot street side yard setback on RR Rural Residential zoned property generally located south of East 53rd Street North, east of North 159th Street East on the northeast corner of North Stone Post Street & East Evening Shade Street (City of Wichita's Three-Mile Ring Subdivision Jurisdiction BoCC # I)

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Wichita City Hall Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting.

Email	Planning@wichita.gov
Mailing Address	Wichita-Sedgwick County Metropolitan Area Planning Department Attn: **Scott Wadle** 271 W. 3rd Street – Suite 201 Wichita, KS 67202
Phone	316.268.4421
Fax	316.858.7764

Participate Remotely
Please join my meeting from your computer, tablet or smartphone.
https://global.gotomeeting.com/join/651544141
You can also dial in using your phone.
United States: +1 (571) 317-3112
Access Code: 651-544-141

Join from a video-conferencing room or system.
Dial in or type: 67.217.95.2 or inroomlink.goto.com
Meeting ID: 651 544 141
Or dial directly: 651544141@67.217.95.2 or 67.217.95.2##651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: https://global.gotomeeting.com/install/651544141

Attend In-Person
You may also participate in the hearing in-person at the Wichita City Hall Council Chambers (455 N. Main Street, Wichita, KS 67202). Please note that security screening is required for public access to the building, self-paid parking is available nearby, and COVID-19 protocols are in place. For more information please visit www.wichita.gov/visitcityhall. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

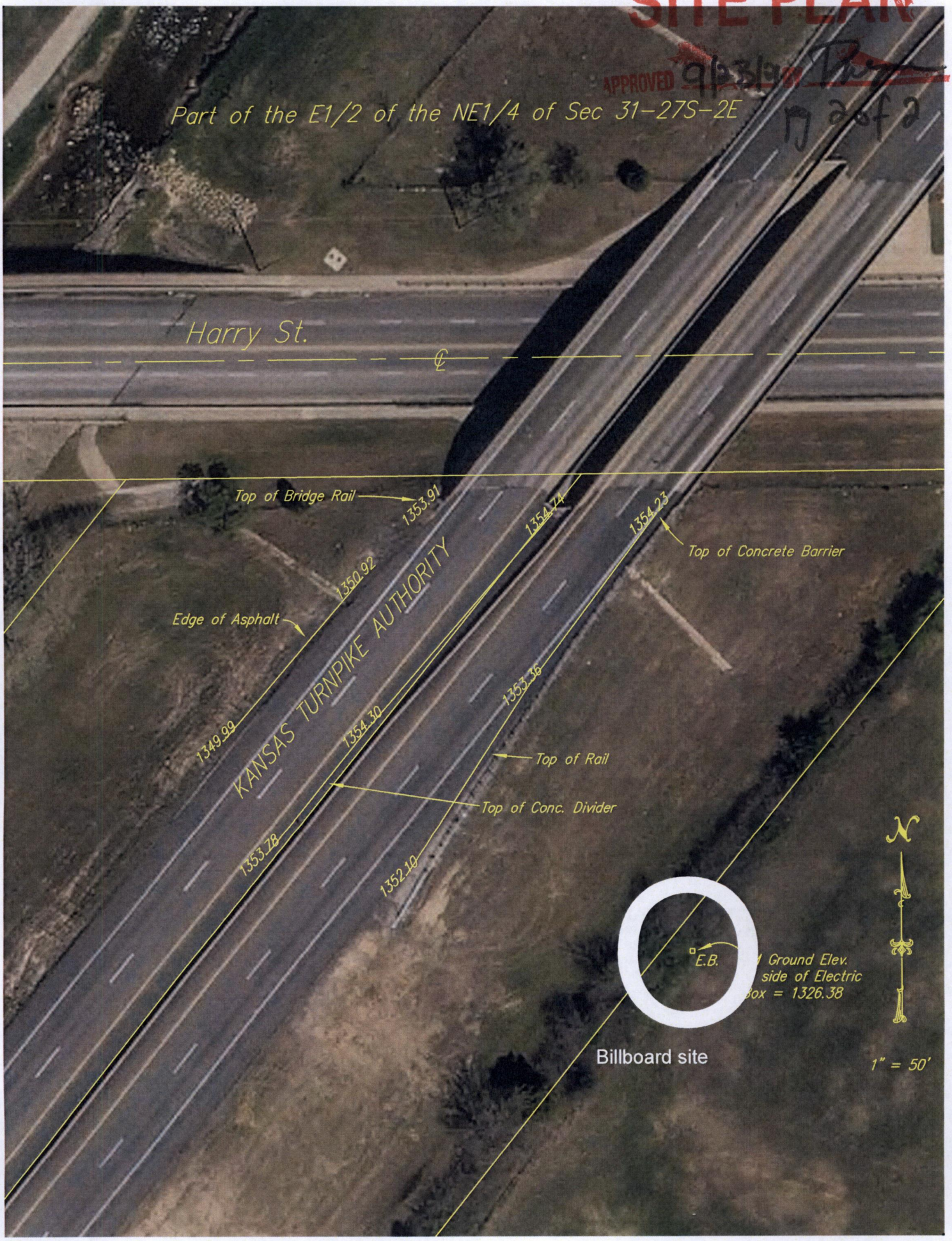
WITNESS MY HAND on August 18, 2021
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission

Official Hearing Notice - MAPC - September 9, 2021

Printer's Fee: $48.44
Additional copies: $_____

SITE PLAN

APPROVED 9/23/19 [illegible]



SITE PLAN

APPROVED 9/23/21 BY

Pg 1 of 2

