CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

October 21, 2022

Central Christian Church
2900 North Rock Road
Wichita, KS 67226

Greg Ferris Consulting
Attn: Greg Ferris
PO Box 573
Wichita, KS 67201

RE: BZA2022-00045 – Variance request in the City to increase the height of an off-site sign to55 feet, generally located on the south side of East 37th Street North and within one-block west of North Hydraulic Avenue (1441 East 37th Street North).

Dear Applicant,

At its regular meeting on **October 20, 2022,** the official action of the Board of Zoning Appeals was to **GRANT** the requested variance. The approval of the request is subject to the following conditions.

1. The sign shall not exceed 55 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 off-site sign shall adhere to all applicable setbacks.
3. The applicant shall obtain all permits necessary 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
Current Plans, Division Manager

Copies to: MABCD

BZA RESOLUTION NO. BZA2022-00045

WHEREAS, Central Christian Church / His Helping Hands (owner); pursuant to Kansas Statutes Annotated 12-759, request a Variance to increase the height of an off-site/billboard sign to 65 feet on property located at 1441 east 37th Street North; legally described as follows:

Lot 1, His Helping Hands Addition, 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 October 20, 2022, 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 an increase in building height is appropriate considering the uniqueness of the site. The property on which the original sign was located was acquired by the Kansas Department of Transportation causing the location of the sign to move west. Future highway expansion will cause a heigh increase of the highway, and the sign will have to increase in height to be visible.

WHEREAS, granting the additional height will not adversely affect the rights of adjacent property owners. The property is in an area of GI General Industrial zoning with highway frontage.

WHEREAS, the strict application of zoning code height restriction constitute an unnecessary hardship on the applicant. Without the additional height, the sign will not be visible. This will make the sign impractical. That would result in a loss of revenue to the property owner and have negative impact on their ability to utilize the property to bring revenue to the non-profit.

WHEREAS, granting the variance to permit the additional building height is in the public interest and will not adversely affect surrounding properties. There are signs along the Interstate in this near area. Development of off-site signs along highways is expected and encouraged when located in General Industrial zoning by the Sign Code Regulations. There is no negative impact on the public, and this Variance will not impact the development of the community.

WHEREAS, granting the variance will not be opposed to the general spirit and intent of the sign code. The Sign Code has many provisions to allow signs to be seen from the Interstate. It allows increased height to create visibility. This is usually because of the elevation of the highway. However, the natural features of the area create the need for the additional height. This does not conflict with the spirit and intent of the Sign Code. Therefore, the request is not opposed to the general spirit and intent of the Sign Code.

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/billboard sign to 55 feet on property located at 1441 east 37th Street North; legally described as follows:

Lot 1, His Helping Hands Addition, Sedgwick County, Kansas.

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

1. The sign shall not exceed 55 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 off-site sign shall adhere to all applicable setbacks.
3. The applicant shall obtain all permits necessary 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 10th **Day of** November **2022**

Ann M. Fox, BZA Board Chair

ATTEST:

Scott Wadle,
BZA Secretary

McClatchy

Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee
The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald
el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi
Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	323434	Print Legal Ad - IPL0091495		$154.35	2	92 L

Attention: MANDY HEBERT

CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

LEGAL PUBLICATION
OCA 150004
Published in The Wichita Eagle on September 29, 2022
(One Time Only)
MAPC/BZA October 20, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 20, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals 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 the Ronald Reagan Building, 271 West Third Street, 2 nd Floor, 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.

BZA2022-00045: Variance request in the City to increase the height of an off-site sign to 55 feet; generally located on the south side of East 37th Street North, within one block west of North Hydraulic Avenue (1441 E 37th Street North).

CON2022-00037: Conditional Use in the City to allow Multi-Family on property zoned TF-3 Two-Family Residential District, generally located on the west side of North Fairview Avenue, within one block north of West 13th Street North (1419 North Fairview).

CON2022-00038: Conditional Use request in the City to permit Group Residence, General on property zoned TF-3 Two-Family Residential (with ZON2022-00053 for B Multi-Family Residential); generally located one block south of West 21st Street North and one block west of North Waco Avenue (2041 N Jackson).

ZON2022-00052: Zone change request in the City from SF-5 Single-Family Residential District to MH Manufactured Housing District; generally located on the south side of U.S. Highway 54, within one-quarter mile east of South 167th Street West (16315 W. US Hwy 54).

ZON2022-00053: Zone change request in the City from TF-3 Two-Family Residential to B Multi-Family (with CON2022-00038 for Group Residence, General); on property generally located one-block south of West 21st Street North and one-block west of North Waco Avenue (South of 2041 N Jackson).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. 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.

Options to participate (see below):
1) Participate virtually
2) Attend in-person at the Ronald Reagan Building
3) Submit comments ahead of time

Participate Virtually
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 Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202.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.

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

WITNESS MY HAND on September 29, 2022
Scott Wadle, Secretary
WichitaSedgwick County
Metropolitan Area Planning Commission
IPL0091495
Sep 29 2022

In The STATE OF KANSAS
In and for the County of Sedgwick

No. of Insertions: 1
Beginning Issue of: 09/29/2022
Ending Issue of: 09/29/2022

STATE OF KANSAS)
SS
County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 09/29/2022 to 09/29/2022.

H. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 09/29/2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County

STEFANI SCOTT BEARD
My Notary ID # 131768951
Expires October 23, 2022

Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!


E 37th St N
N
1441 E. 37th St N
New Property Line
Existing Property Line
New Sign
Existing Sign
515' to Park
559' to Park
SITE PLAN
APPROVED 11/10/22 BY
Site Plan Sign Variance
Height of Off-site Sign
1441 E. 37th St. N
Ferris Consulting 09-09-22