



Wichita-Sedgwick County Metropolitan Area Planning Department

October 24, 2022

Hakam and Samah Altohol
2508 N Brandon Cir
Wichita, KS 67226

Gordon Outdoor Advertising
205 S Main, STE 203
Broken Arrow, OK 74012

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

RE: BZA2022-00041 – Variance request in the City to increase the height of an off-site sign to 60 feet on property zoned GI General Industrial, generally located on the west side of North Hydraulic Avenue, within one-quarter mile north of East 37th Street North (4035 North Hydraulic).

Dear Applicant,

At its regular meeting on October 6, 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. Granting of the Variance is contingent upon approval of Conditional Use CON2022-00034.
2. 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.
3. The off-site sign shall adhere to all applicable setbacks.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year.
5. The sign shall conform to all other requirements of the City of Wichita Sign Code.

Please see the enclosed resolution. 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



Wichita-Sedgwick County Metropolitan Area Planning Department

October 7, 2022

Hakam and Samah Altohol
2508 N Brandon Cir
Wichita, KS 67226

Gordon Outdoor Advertising
205 S Main, STE 203
Broken Arrow, OK 74012

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

RE: BZA2022-00041 – Variance request in the City to increase the height of an off-site sign to 60 feet on property zoned GI General Industrial, generally located on the west side of North Hydraulic Avenue, within one-quarter mile north of East 37th Street North (4035 North Hydraulic).

Dear Applicant,

At its regular meeting on **October 6, 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. Granting of the Variance is contingent upon approval of Conditional Use CON2022-00034.
2. 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.
3. The off-site sign shall adhere to all applicable setbacks.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year.
5. 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. BZA2022-00041

WHEREAS, Hakam and Samah Altohol (owners); pursuant to Kansas Statutes Annotated 12-759, request a Variance to increase the height of an off-site/billboard sign to 60 feet on property located at 4035 North Hydraulic Avenue; legally described as follows:

The North half of Lot 33, North Wichita Gardens 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 6, 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 west part of the subject lot was purchased by the State (KDOT) for the expansion of the I-235 and I-135 interchange. When this property was purchased, it moved the west property line directly behind the tree line. The trees block the line of sight of the proposed sign. This request is unique to this property because it was created by the State's acquisition of the west part of the parcel. This was not created by the applicant.

WHEREAS, granting the additional height will not adversely affect the rights of adjacent property owners. The property is along the highway and the majority of the area is zoned industrial. The trees will screen the view of the sign from ground level. This Variance will not adversely impact the adjacent owners or residents.

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 his property to the maximum. This would create an unnecessary hardship on the applicant.

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 60 feet on property located at 4729 West 21st Street North; legally described as follows:

The North half of Lot 33, North Wichita Gardens Addition, Sedgwick County, Kansas.

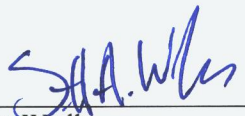
The variance is hereby **GRANTED**, subject to the following conditions:

1. Granting of the Variance is contingent upon approval of Conditional Use CON2022-00034.
2. 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.
3. The off-site sign shall adhere to all applicable setbacks.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year.
5. The sign shall conform to all other requirements of the City of Wichita Sign Code.

ADOPTED AT WICHITA, KANSAS, this 6th Day of OCTOBER 2022


Ann M. Fox, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary



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	316357	Print Legal Ad - IPL0089366		\$335.58	4	100 L

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

LEGAL PUBLICATION

Published in The Wichita Eagle on September 15, 2022
(One Time Only)

MAPC/BZA October 6, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 6, 2022, no earlier than 1:30 p.m., the Wichita-Sedgwick 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, 2nd 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 Wichita-Sedgwick County Metropolitan Area Planning Department at (316)268-4421.

BZA2022-00038: Variance request in the City to permit a sign area increase from 32 sq. ft. to 42 sq. ft. to increase visibility of sign and to permit an LED sign on property zoned GO General Office, located on the west side of South Hillside Ave and within one-half mile south of East Douglas Ave (311 S Hillside).

BZA2022-00041: Variance request in the City to increase the height of an off-site sign to 60 feet on property zoned LI Limited Industrial, generally located on the west side of Hydraulic Avenue, within one-quarter mile north of East 37th Street North (4035 North Hydraulic Avenue).

BZA2022-00042: Variance request in the City to increase the permitted height of a screening wall from 9 to 10 feet on property zoned SF-5 Single-Family Residential; generally located a quarter-mile east of the intersection of North Ridge Road and West 13th Street North.

CON2022-00032: Conditional Use request in the City for Day Care, General, located in SF-5 Single Family zoning district, approximately one-quarter mile east of the intersection of East Central Avenue and North Woodlawn Blvd (7011 East Central Avenue).

CON2022-00033: Conditional Use request in the City to amend CON2012-21 to allow outside music and dancing and amend CU-523 to modify hours of operation on property zoned LC Limited Commercial; generally located on the north side of West 21st Street North and within one block east of North Tyler Road (8550 & 8558 W 21st Street).

CON2022-00034: Conditional Use Request in the City to permit an off-site sign within 300 feet of residential property; on property zoned GI General Industrial; located between North Hydraulic and I-135 Highway and within one-quarter mile north of East 37th Street North (4035 N Hydraulic).

CON2022-00035: Conditional Use request in the City for Vehicle and Equipment Sales, Outdoor (associated with ZON2022-00046) for a used car dealership on property zoned LC Limited Commercial; located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 N Hillside Ave).

CLUP2022-00041: Request in the City to Amend the Hanley Community Unit Plan DP-154 to permit a carwash on Parcel 7, zoned LC Limited Commercial; located on the east side of North Webb Road within one-quarter mile south of East 21st Street North (2110 North Webb Rd).

CLUP2022-00042: Community Unit Plan Amendment request in the City to DP-126 to increase the height of an existing cell tower from 120 feet to 137 feet on property zoned GO General Commercial; located within one-quarter mile north of East Central Avenue and within one-quarter mile east of North Edgemoor.

CLUP2022-00043: Request in the City to Amend Parcel 5 of the Tallgrass East Business Park CUP DP-192 to convert a medical office into a general office use (with ZON2022-00046), located within one-block east of North Webb Road and one-half mile south of K-96 Highway (9727 E Shannon Woods Cir).

CLUP2022-00044: Request in the City to amend the LC Limited Commercial zoned Community Unit Plan DP-279 to align all Parcels and Reserves with the replot of Cross Points 2nd Addition, and revise provisions for signage totals and size, access drives, landscaping, height of buildings and architectural control on certain parcels; generally located on the southeast side of East 21st Street North and North Greenwood Road.

VAC2022-00028: Request in the City to Vacate a portion of a plat setback on LI Limited Industrial zoned property; generally located on the southwest corner of East 39th Street North and North Webb Road.

VAC2022-00029: Request in the City to Vacate platting sanitary sewer easements on property zoned LI Limited Industrial; generally located 1200 feet south of the K-96 Highway and North Hoover Road.

VAC2022-00030: Request in the City to Vacate utility easements in Limited Commercial (LC) zoning in CUP DP-250 for site development; generally located on the west side of North Ridge Road and on the north side of West 37th Street North.

ZON2022-00040: Zone change request in the City from SF-5 Single-Family Residential and MH Manufactured Housing to MF-18 Multi-Family Residential on property located on the west side of South 167th Street West and within one-quarter mile north of West Maple Street.

ZON2022-00045: Zone Change request in the City from LC Limited Commercial District with PO #175 to GC General Commercial District with PO #397 to allow development of vacant parcels; generally located east of South Seneca Street within one-half mile of West Harry Street.

ZON2022-00046: Zone Change request in the City from MF-29 Multi-Family Residential to LC Limited Commercial (with CON2022-00035) for Vehicle and Equipment Sales, Outdoor, located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 North Hillside).

ZON2022-00047: Zone Change request in the City from LC Limited Commercial to CBD Central Business District to redevelop the site in a consistent manner with surrounding properties; generally located on the south side of West Douglas Avenue, within two-block east of South Seneca Street (801 W Douglas).

ZON2022-00048: Zone change request in the City from S Multi-Family Residential to GO General Office associated with CUP2022-00043 a minor amendment to Community Unit Plan DP-192 to allow general office uses on Parcel 5, generally located within one-block east of North Webb Road and one-half mile south of K-96 Highway (9727 E Shannon Woods Cir).

ZON2022-00050: Zoning change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District to build duplexes; generally located on the east side of South Greenwood Road, within one-quarter mile south of East Harry Street.

ZON2022-00051: Zone change request in the City from TF-3 Two-Family Residential District to MF-18 Multi-Family Residential District; generally located on the southwest corner of West Burton Avenue and South Meridian Avenue (201 South Meridian).

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 Wichita-Sedgwick 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 Ronald Reagan 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 - 316.658.7764

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 (671) 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.gotomeeting.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 witness materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on September 15, 2022
Scott Wadle, Secretary
Wichita-Sedgwick County
Metropolitan Area Planning Commission
IPL0089366
Sep 15 2022

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

No. of Insertions: 1

Beginning Issue of: 09/15/2022

Ending Issue of: 09/15/2022

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 09/15/2022 to 09/15/2022.

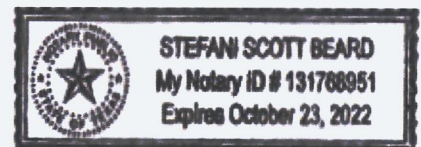
M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 09/15/2022

Stefani Beard

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



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

SECRETARY'S REPORT

CASE NUMBER: BZA2022-00041 (City)

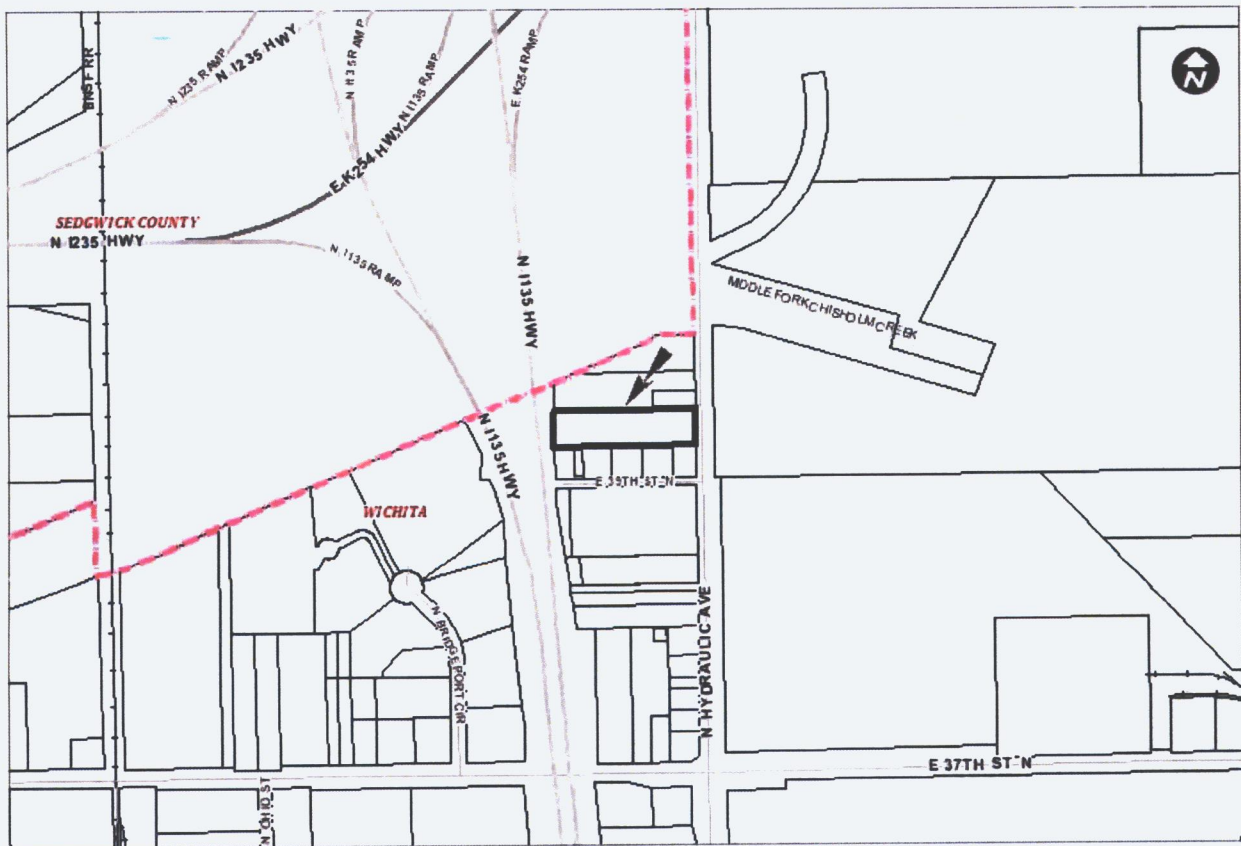
APPLICANT: Hakam and Samah Altohol, Gordon Outdoor Advertising (Applicants) / Ferris Consulting (Agent)

REQUEST: Variance to allow an increase in the height of an off-site sign to 60 feet.

CURRENT ZONING: GI General Industrial

SITE SIZE: 2.41 acres

LOCATION: Generally located between I-135 Highway and North Hydraulic, within one-quarter mile north of East 37th Street North (4035 N Hydraulic).



JURISDICTION: The Board has jurisdiction to consider the Variance request under the provisions Section 24.04.250 of the Wichita Sign Code, 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 applicant is requesting a Variance to increase the permitted height from 30 feet to 60 feet for a proposed 14-foot by 48-foot off-site billboard sign on property zoned GI General Industrial District generally located on the west side of North Hydraulic, within one-quarter mile north of East 37th Street North (4035 North Hydraulic). The east side of the site is developed as an auto sales lot and vehicle repair. The proposed sign would be located on the west side of the property along the I-135 Highway frontage. This Variance request is being considered concurrently with a Conditional Use request (CON2022-00034) to permit the off-site sign within 300 feet of residential zoning. Granting of the Variance to increase the height of the sign is contingent upon approval of the Conditional Use to permit the sign.

Section 24.04.222.(3) of the City Sign Code allows off-site billboard signs to be up to 30 feet in height in the GI General Industrial District. The request for 60 feet would be double the height of that permitted by the Code. The sign will adhere to a 20-foot front setback since the subject property abuts rights-of-way on both the front and the rear. The attached sign exhibit illustrates that the required placement of the sign places it behind existing mature trees, which are located on the property line and will obstruct the view from motorists on northbound I-135. Because the trees are located on the property line, ownership of the tree is unknown and the ability of the applicant to trim the tree to avoid the obstruction is limited. The placement of the sign meets the minimum 330-foot separation requirements between off-site signs per the Sign Code. The sign will be approximately 850 feet north of the nearest off-site billboard sign on the east side of the highway. There are no off-site billboard signs on the west side of the highway at this location.

The Highway Beautification Highway Advertising Act of 1972 (K.S.A. 68-2231 *et seq*) revised in 2006 allows for the Secretary of Transportation to control outdoor advertising signs (billboards) adjacent to the federal-aid primary system in existence on June 1, 1991. Section 68-2234.(b).(5) of this Act states that *the height of any portion of the sign structure, excluding cutouts or extensions, as measured vertically from the adjacent edge of the road grade of the main traveled way shall not exceed 50 feet*. A 60-foot-tall sign is permitted so long as the elevation at which it is constructed is 10 feet below the adjacent edge of the road grade as stated in the Statute so that the absolute height of the sign above the road grade does not exceed 50 feet. Staff recommends a condition that, if approved, all applicable permits are required prior to construction.

Sign's Purpose

The purpose of the sign is to advertise messages, good, and services along the I-135 corridor.

Surrounding Context

Property to the north is zoned SF-5 Single-Family Residential District and is developed with a single-family dwelling and accessory structures on a two-acre lot. The single-family dwelling is developed approximately in the middle of the side east-to-west. The proposed sign will be approximately 185 feet from this structure. Properties to the east and south are zoned GI General Industrial District. Property to the east, across North Hydraulic, is an agricultural field. Properties to the south are developed with single-family dwellings with accessory structures along East 39th Street North. The proposed sign will be approximately 153 feet from the nearest dwelling. Property to the west is the I-135 Highway right-of-way, which was recently expanded to accommodate improvements to the North Junction (I-135, I-235/K-96, K-254 interchange).

The nearest off-site billboard is approximately 850 feet south of the subject site. In 2021, the site of this sign (3905 North Hydraulic) was approved for a Variance to increase the height of the off-site billboard to 60 feet to permit the sign to be above the mature tree line.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Large Lot Single Family Residential
SOUTH:	GI	Single Family Residential
EAST:	GI	Agricultural Field
WEST:	None	I-135 Highway

CASE HISTORY: In 1922, the property was platted as part of the North Wichita Gardens Addition.

THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. Criteria: The request is unique to this property and was not created by the applicant. The applicant states that the west part of the subject lot was purchased by the State (KDOT) for the expansion of the I-235 and I-135 interchange. When this property was purchased, it moved the west property line directly behind the tree line. The trees block the line of sight of the proposed sign. This request is unique to this property because it was created by the State's acquisition of the west part of the parcel. This was not created by the applicant.

Staff analysis:

Staff agrees that the circumstances were not created by the applicant. KDOT's acquisition of right-of-way from the subject property moved the west property line farther east creating this situation much like it did for the property located at 3905 North Hydraulic. The trees are located on the property line and does not give this property owner clear authority to trim them in order to increase the visibility of a shorter sign.

2. Criteria: The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents. The applicant states that the property is along the highway and the majority of the area is zoned industrial. The trees will screen the view of the sign from ground level. This Variance will not adversely impact the adjacent owners or residents.

Staff analysis:

Staff does not anticipate significant negative impacts to abutting residential properties. The sign will be screened from the nearest house to the south by the existing trees.

3. Criteria: The strict application of the provisions of the sign code would constitute an unnecessary hardship on the applicant. The applicant states that 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 his property to the maximum. This would create an unnecessary hardship on the applicant.

Staff analysis:

As the applicant stated, strict application of the Sign Code would render the sign impractical or possibly move the applicant to remove the obstructing mature trees if they are on his property. In 2021, an increase in height to 60 feet for an off-site billboard sign was approved for a property 850 feet south to raise the sign above existing, mature trees. The applicant is also assuming that the associated Conditional Use (CON2022-34) will be approved in order to permit the sign to be constructed all together.

4. Criteria: The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community. The applicant states that 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.

Staff analysis:

Staff agrees that development of off-site billboard signs along Interstates are generally more common than in other locations. Staff does not anticipate an increase in height of the proposed sign to have significant negative impacts on surrounding properties. The loss of mature trees to enable a billboard would likely be more detrimental to the general welfare of the community in this area.

5. Criteria: The granting of the Variance will not be opposed to the general spirit and intent of the sign code. The applicant states that 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.

Staff analysis:

Staff agrees that increasing the height of an off-site billboard sign at this location and raising it above the existing trees is in conformance with the spirit and intent of the Sign Code.

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 the permitted height of the off-site billboard sign to 60 feet for the construction of the sign be GRANTED, subject to the following conditions:

1. Granting of the Variance is contingent upon approval of Conditional Use CON2022-00034.
2. 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.
3. The off-site sign shall adhere to all applicable setbacks.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year.
5. The sign shall conform to all other requirements of the City of Wichita Sign Code.

Attachments:

1. Applicant's Variance Justification
2. Sign Elevation Exhibit
3. Site Plan
4. Areal Map
5. Zoning Map
6. Land Use Map
7. Site Photos

FERRIS CONSULTING

PO BOX 573 WICHITA, KS 67201
PHONE 316-516-0808 EMAIL ferrisconsult.com

August 23, 2022

Scott Wadle, Director
Metropolitan Area Planning Department
271 W. 3rd St., 2nd Floor
Wichita, KS 67202

RE: Board of Zoning Appeals Variances to Section 24.04.222, (3) of the Sign Code of the City of Wichita to allow an off-site sign to be 60 feet tall.

Dear Scott:

The applicant owns the 4025 N. Hydraulic. He has a lease the site to have an off-site sign at this location. The applicant is seeking to construct a 14-foot by 48-foot off-site sign with along Interstate 135. The sign would be located near the middle of the parcel. The applicant seeks to construct a sign that is 60 feet tall. This height is needed to be over the height of the trees and structures. The Sign Code Section 24.04.222 (3) allows signs to be 30 feet tall. The attached simulation demonstrates that a 30' sign cannot be seen.

The Variance request meets all of the criteria for the Board of Zoning Appeals to grant a Variance. These are:

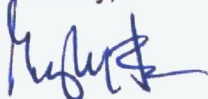
1. **These requests are unique to this property and were not created by the applicant.** The west part of the subject lot was purchased by the State for the expansion of the I-235 and I-135 interchange. When this property was purchased, it moved the West property line directly behind the tree line. These trees block the line of site of the proposed sign. This request is unique to this property because it was created by the State's acquisition of the West part of the parcel. This was not created by the applicant, but by the State's acquisition.
2. **The granting the Variance will not adversely affect the rights of adjacent property owners or residents.** The property is along the highway and the majority of the area is zoned industrial. The trees will screen the view of the sign from ground level. This variance will not adversely impact the adjacent owners or residents.
3. **The strict application of the provisions of the Sign Code would 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 his ability to utilize his property to the maximum. This would create an unnecessary hardship on the applicant.
4. **The Variance will not adversely affect the public health, safety, morals, order convenience, prosperity, general welfare, or the harmonious**

development of the community. There are signs along the Interstate in this near area. Development of off-signs 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.

5. **The granting of this 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 intent of the Sign Code. Therefore, the request is not opposed to the general spirit and intent of the Sign Code.

The application meets the five criteria for approving a variance before the BZA. Please let me know if you have questions.

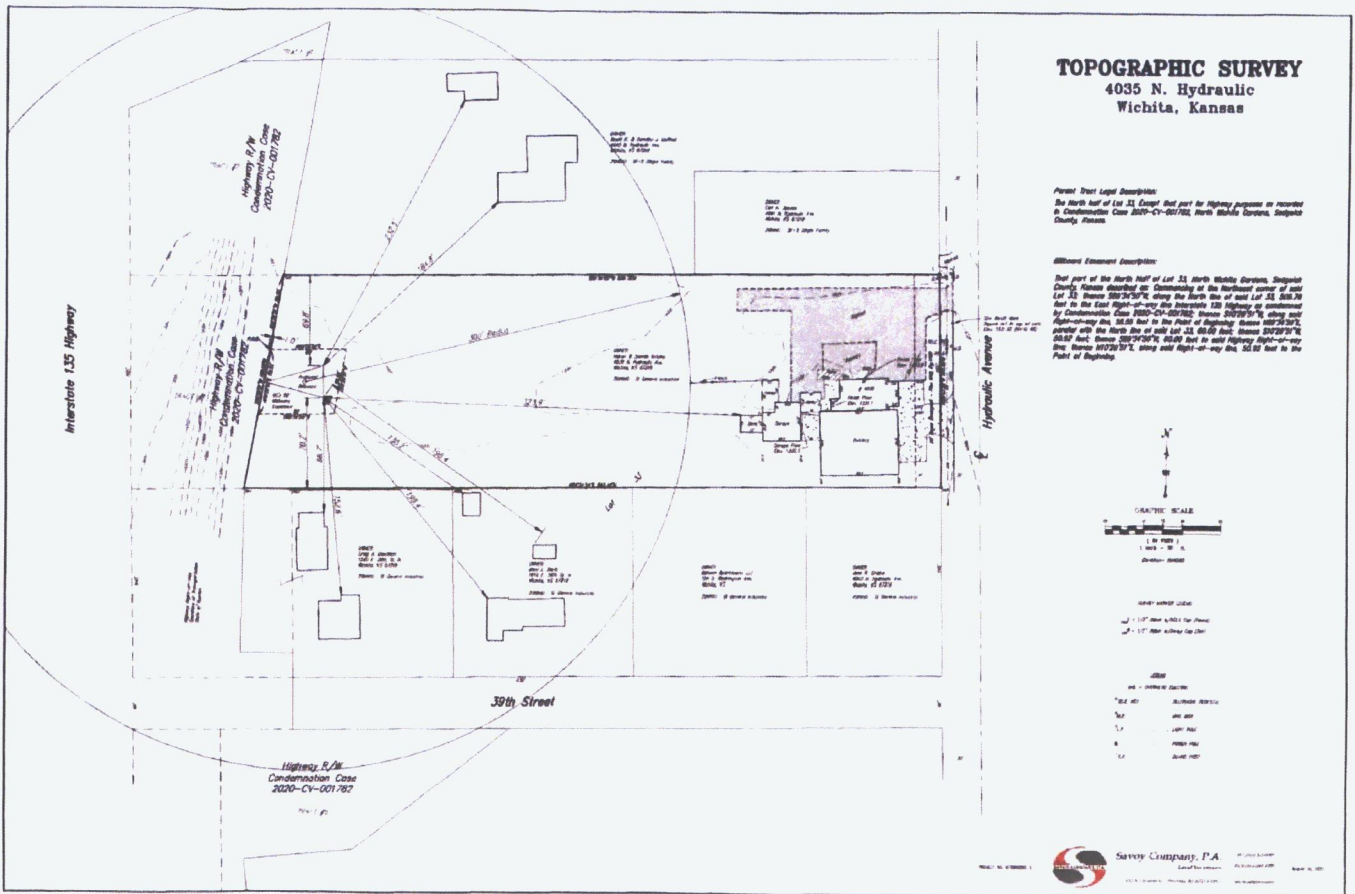
Sincerely,

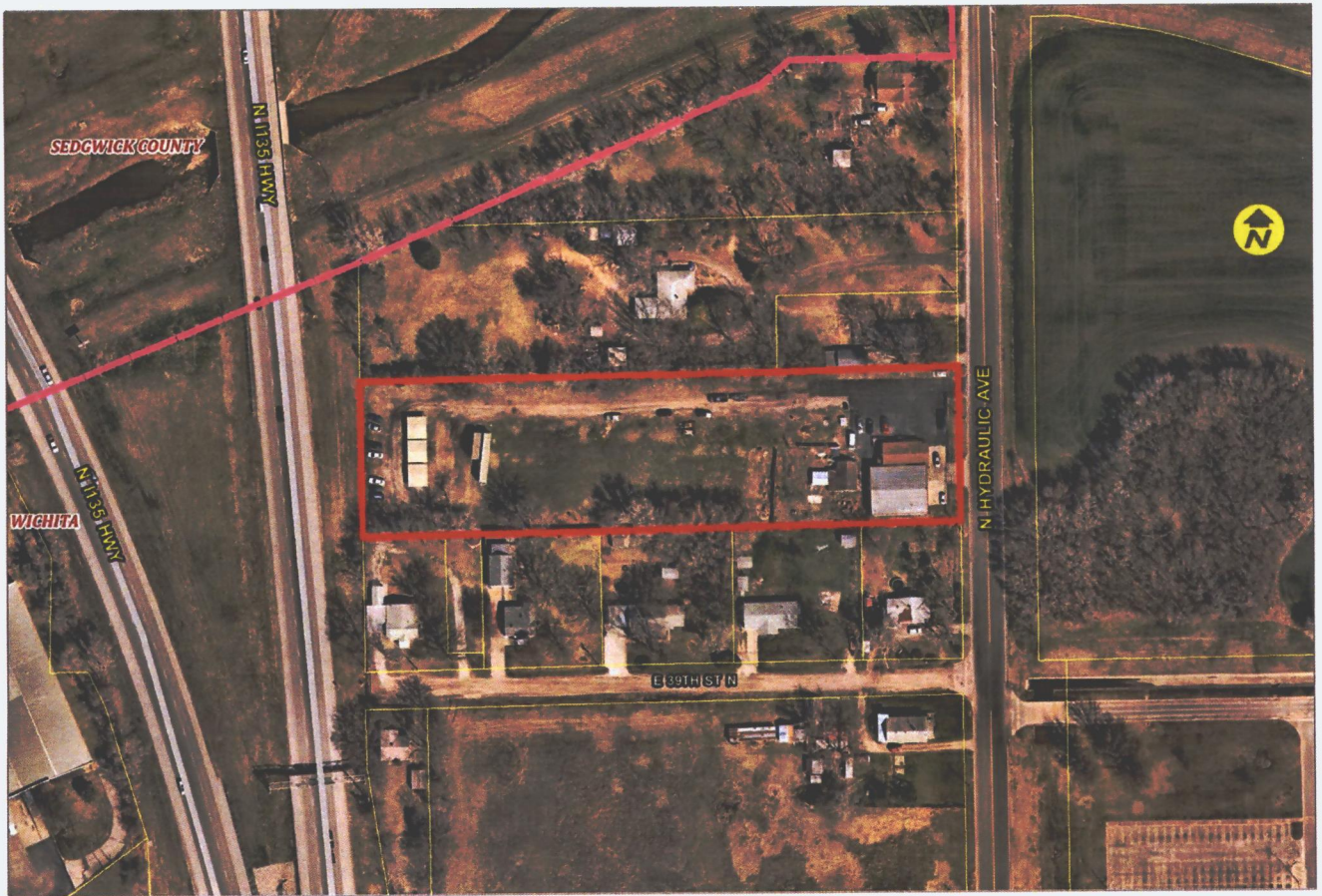
A handwritten signature in blue ink, appearing to read 'Gregory Ferris', with a stylized flourish at the end.

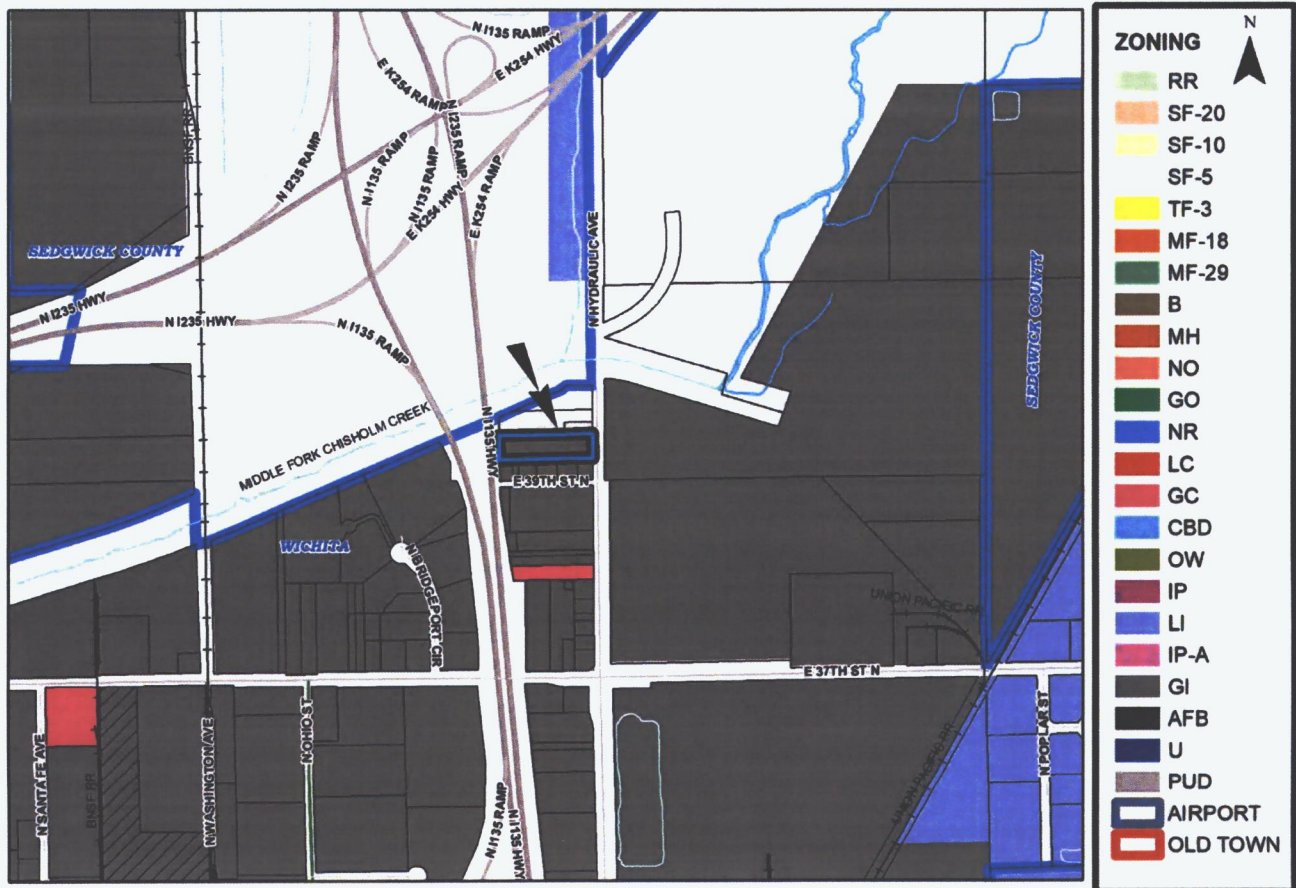
Gregory Ferris

Sign Exhibit









2035 Wichita Future Growth Concept Map

Legend

-  Established Central Area
-  Residential and Employment Mix
-  New Employment
-  New Residential
-  Wichita City Limits
-  Other Cities
-  Northwest Bypass Right-of-Way
- Statistical Development Areas**
 -  Other Urban Growth Areas 2014
 -  Other Urban Growth Areas 2014
 -  Rural Growth Areas 2014
- LAND USE**
 -  Residential
 -  Commercial
 -  Industrial
 -  Major Air Transportation & Military
 -  Parks and Open Space
 -  Agricultural or Vacant
 -  Major Institutional
 -  Ngbhd_Plan_Areas



WICHITA
KANSAS
2035 FUTURE GROWTH
CONCEPT MAP



21st Street North Corridor Revitalization Plan

Central Northeast Area Plan Update

Looking east at site from I-135—Showing tree on property line.



Looking west at site from Hydraulic



Looking north at property south of site



Looking east a property south of site with 60-foot billboard



Looking south from East 39th Street at 60-foot Billboard



Looking east along East 39th Street



Looking west at property north of site





SITE PLAN

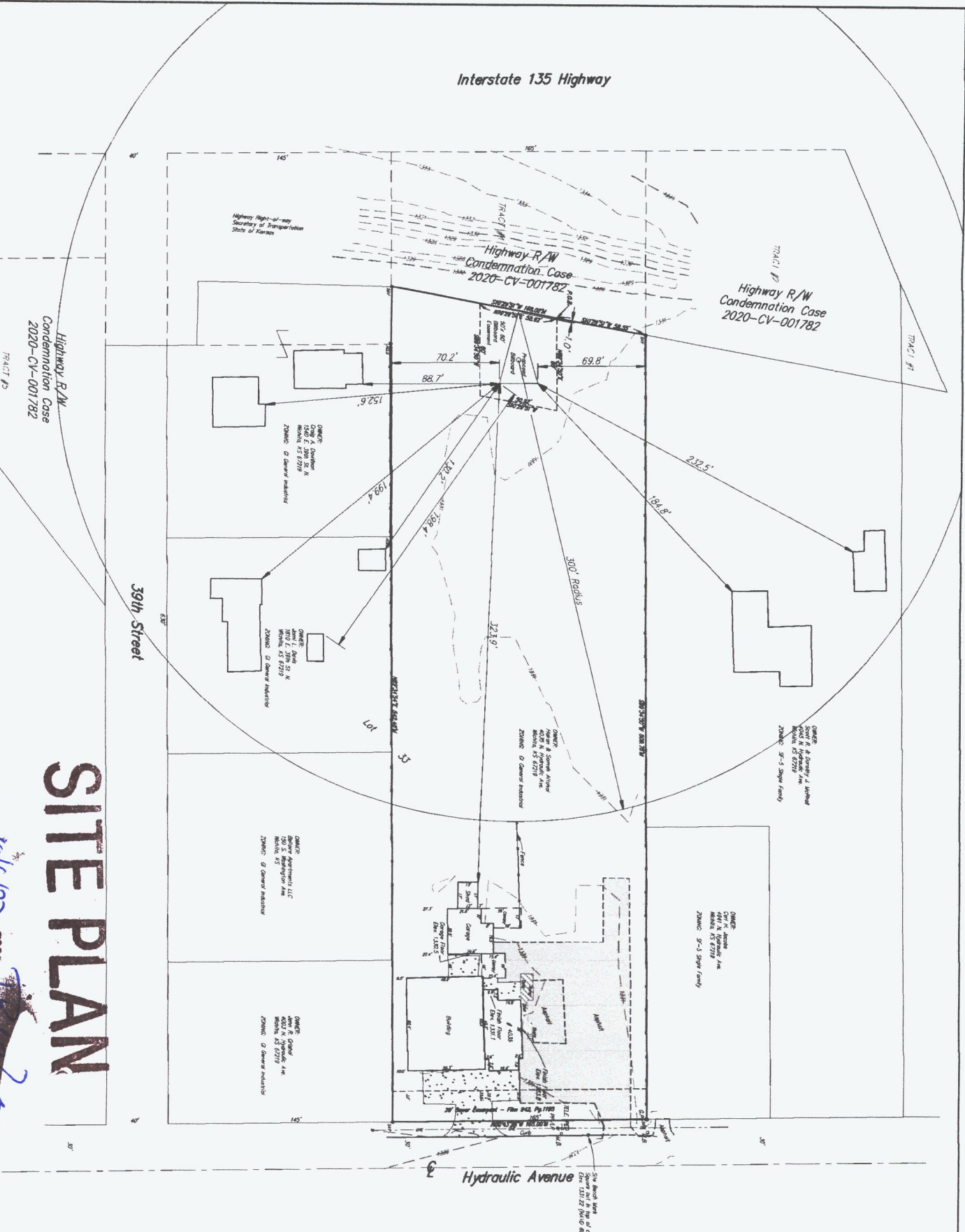
APPROVED 10/6/22 BY

BZA 22-11 2018 *Theresa L...*

TOPOGRAPHIC SURVEY
4035 N. Hydraulic
Wichita, Kansas

Parent Tract Legal Description:
The North half of Lot 13, Except that part for Highway purposes as recorded in Condemnation Case 2020-CV-001782, North Wichita Gardens, Sedgwick County, Kansas.

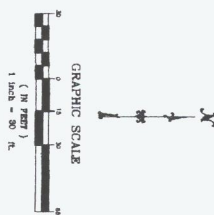
Billboard Easement Description:
That part of the North Half of Lot 13, North Wichita Gardens, Sedgwick County, Kansas described as: Commencing at the Northwest corner of said Lot 13; thence S89°34'50" E, along the Interstate 135 Highway as condemned by Condemnation Case 2020-CV-001782, thence S102°35'1" E, along said right-of-way line, 58.55 feet to the Point of Beginning; thence N87°34'50" E, parallel with the North line of said Lot 13, 60.00 feet; thence S102°35'1" E, 50.82 feet; thence S89°34'50" E, 60.00 feet to said Highway Right-of-way line, thence N102°35'1" E, along said right-of-way line, 50.82 feet to the Point of Beginning.



SITE PLAN

APPROVED

10/6/22
BZ+2022-41
10/8/22



- LEGEND
- ONE - OWNER'S EASEMENT
 - TWO - EASEMENT FOR HIGHWAY PURPOSES
 - THREE - EASEMENT FOR UTILITY PURPOSES
 - FOUR - EASEMENT FOR BILLBOARD PURPOSES
 - FIVE - EASEMENT FOR DRIVEWAY PURPOSES
 - SIX - EASEMENT FOR UTILITY PURPOSES
 - SEVEN - EASEMENT FOR BILLBOARD PURPOSES
 - EIGHT - EASEMENT FOR DRIVEWAY PURPOSES
 - NINE - EASEMENT FOR UTILITY PURPOSES
 - TEN - EASEMENT FOR BILLBOARD PURPOSES
 - ELEVEN - EASEMENT FOR DRIVEWAY PURPOSES
 - TWELVE - EASEMENT FOR UTILITY PURPOSES
 - THIRTEEN - EASEMENT FOR BILLBOARD PURPOSES
 - FOURTEEN - EASEMENT FOR DRIVEWAY PURPOSES
 - FIFTEEN - EASEMENT FOR UTILITY PURPOSES
 - SIXTEEN - EASEMENT FOR BILLBOARD PURPOSES
 - SEVENTEEN - EASEMENT FOR DRIVEWAY PURPOSES
 - EIGHTEEN - EASEMENT FOR UTILITY PURPOSES
 - NINETEEN - EASEMENT FOR BILLBOARD PURPOSES
 - TWENTY - EASEMENT FOR DRIVEWAY PURPOSES