Wichita-Sedgwick County Metropolitan Area Planning Department

June 16, 2023

James McMaster
201 South St. Francis Ave., #503
Wichita, KS 67202

Kevin McMaster
PO Box 2684
Wichita, KS 67201

RE: BZA2023-00023 – Variance request in the County to increase the height of an existing billboard; generally located on the north side of East US-54/400 and within one-half mile west of South 127th Street East.

Dear Applicant,

At its regular meeting on **May 25, 2023,** 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 40 feet in height as shown on the site drawings submitted by the applicant and shall be developed in accordance with the approved site plan. 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 Sedgwick County Sign Code.

Please see the enclosed resolution for your records.

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. BZA2023-00023

WHEREAS, John and Nancy McMaster (owners); pursuant to Kansas Statutes Annotated 12-759, request a Variance to increase the height of an off-site sign from 35 feet to 40 feet on property legally described as follows:

SW1/4 SE1/4 EXC W 726 Ft & Exc TH PT Described in DOC #29613020 & EXC Hwy ON S, SEC 22-27-2E, 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 May 25, 2023, 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 height from 35 feet to 40 feet is necessitated by the increase in height of the adjacent highway when it was expanded. This is a unique situation that was not created by the property owners.

WHEREAS, increasing the height from 35 feet to 40 feet will not have an adverse effect on the rights of adjacent property owners or residents.

WHEREAS, the strict application of the restriction on sign constitute an unnecessary hardship on the applicant as a sign height of 35 feet does allow for reasonable visibility for motorist.

WHEREAS, granting the variance to increase the height of the sign will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community.

WHEREAS, granting the variance will not be opposed to the general spirit and intent of the 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 sign from 35 feet to 40 feet on property legally described as follows:

SW1/4 SE1/4 EXC W 726 Ft & Exc TH PT Described in DOC #29613020 & EXC Hwy ON S, SEC 22-27-2E, Sedgwick County, Kansas.

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

1. The sign shall not exceed 40 feet in height as shown on the site drawings submitted by the applicant and shall be developed in accordance with the approved site plan. 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 Sedgwick County Sign Code.

ADOPTED AT SEDGWICK COUNTY, KANSAS, this 16th Day of June 2023

Ann M. Fox, BZA Board Chair

ATTEST:

Scott Wadle,
BZA Secretary

Public notice

(Published in The Ark Valley News May 4, 2023.)

MAPC May 25, 2023
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on **Thursday, May 25, 2023, 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 at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation may also occur through virtual methods (specified at the end 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.**

BZA2023-00023: Variance request in the County to increase the height of an existing billboard; generally located on the north side of East US-54/400 and within one-half mile west of South 127th Street East.

BZA2023-00024: Variance request in the County for increase in height of Billboard; generally located 233 feet north of East Kellogg Drive and 723 feet east of intersection of South Zelta Street and East Lewis Street (12222 East Kellogg Drive).

ZON2023-00020: Zone change in the County from SF-20 Single-Family Residential District to GC General Commercial District for Vehicle Storage Yard; generally located west of North Ridge Road and approximately 650 feet south of West 45th Street North (4435 N. Ridge Road).

ZON2023-00022: Zone change request in the County from SF-20 Single-Family Residential District to LC Limited Commercial District; generally located on the southeast corner of West 45th Street North and North Ridge Road.

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 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.

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
Join Zoom Meeting
https://us06web.zoom.us/j/4089866967?pwd=a0k3bW0ySlBNbFJQTDFyV0xPVDBXUT09

Meeting ID: 408 986 6967
Passcode: 094136
One tap mobile
+16699006833,,4089866967#,,,,*094136# US (San Jose)
+17193594580,,4089866967#,,,,*094136# US

Meeting ID: 408 986 6967
Passcode: 094136
Find your local number: https://us06web.zoom.us/u/kc65codfb1

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 (316-268 4464) 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 May 4, 2023
Scott Wadle, Secretary
Wichita Sedgwick County Metropolitan Area Planning Commission

Affidavit of Publication

STATE OF KANSAS,
SEDGWICK COUNTY, ss.

Chris Strunk, being first duly sworn, deposes and says: That he is Publisher of The Ark Valley News, formerly The Valley Center Index, 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 yearly basis in Sedgwick County, Kansas, and that said newspaper is not a trade, religious or fraternal publication.

Said newspaper is a weekly published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of more than five years prior to the first publication of said notice; and has been admitted at the post office of Valley Center 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 consecutive weeks, the first publication thereof being made as aforesaid on the 4th day of May, 2023, with subsequent publications being made on the following dates:

_____, 2023 _____, 2023
_____, 2023 _____, 2023
_____, 2023 _____, 2023

_____

Subscribed and sworn to before me this 4th day of May, 2023.

_____
Notary Public

My commission expires _____.

Additional copies _____

Printer's fee $ _____.

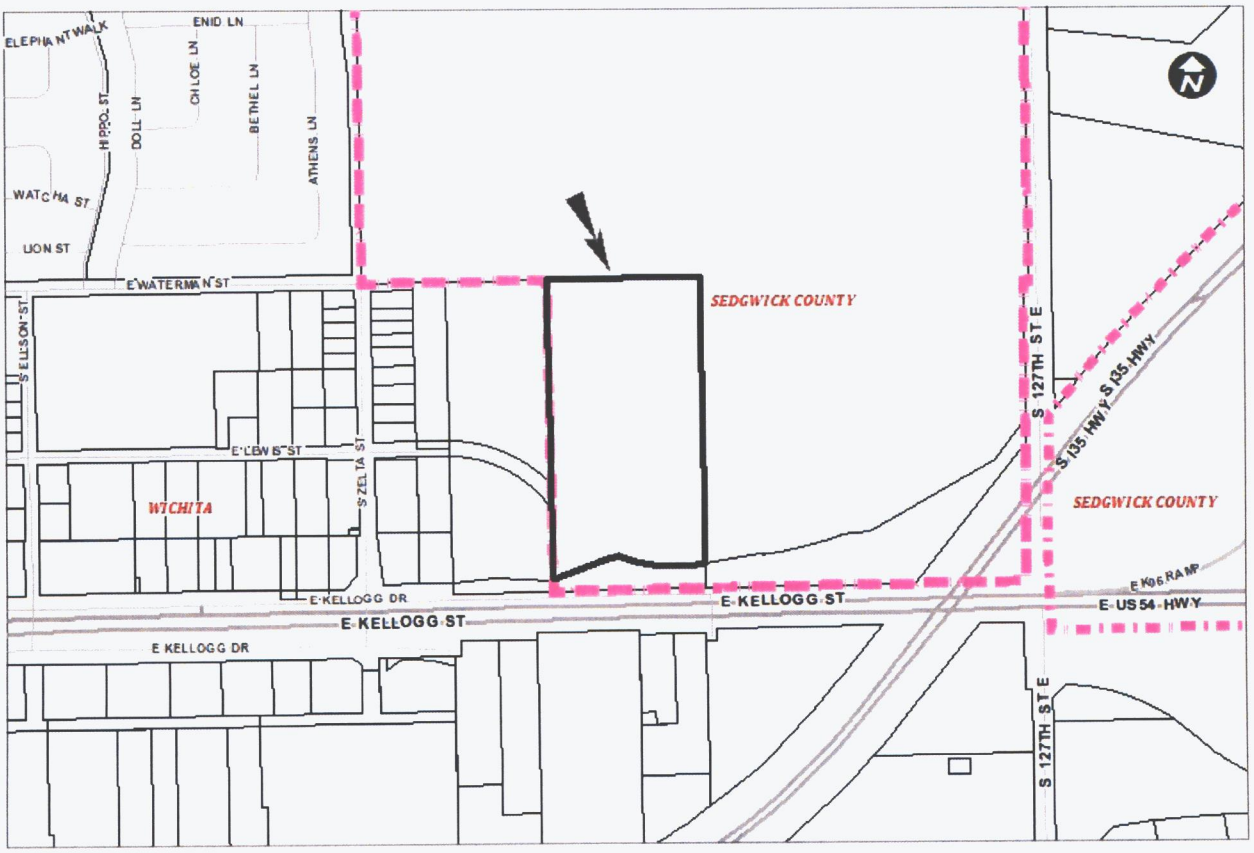
Lisa K Strunk NOTARY PUBLIC COMMISSION EXPIRES 4/24/24 State of Kansas

Wichita-Sedgwick County Zoning Board of Appeals
May 25, 2023

AGENDA ITEM NO. 2

SECRETRY'S REPORT

CASE NUMBER:	BZA2023-00023 (County)
APPLICANT:	James L. McMaster (Applicant) / Kevin M. McMaster (Agent)
REQUEST:	Variance to allow an increase in the height of an off-site sign to 40 feet.
CURRENT ZONING:	SF-5 Single-Family Residential District
SITE SIZE:	15.62 acres (subject site), 0.014 acres (area around sign)
LOCATION:	Generally located on the north side of US-54/400 and within one-half mile west of South 127th Street East.



JURISDICTION: The Board has jurisdiction to consider the Variance request under the provisions Section 6-341.g of the Sedgwick County 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 35 feet to 40 feet for an existing billboard sign on property zoned Single-Family Residential District, generally located on the north side of US-54/400 and within one-half mile west of South 127th Street East. The billboard abuts the westbound lanes of the US-54/400.

As seen on the site plan, the sign is located on the southwest corner of the subject site. The two-sided sign advertises to both westbound and eastbound US-54/400 traffic. Section 6-346.b of the Sedgwick County Sign Code does not permit the placement of a billboard in the SF-5 Single-Family Residential District. In 2015, a Variance was granted (BZA2015-00039) to permit the placement of a billboard in the SF-5 Single-Family Residential District.

The applicant states that the need for the increase in height is necessitated by the recent highway expansion of US-54/400, which elevated portions of the highway. The elevation of the highway at this location was increased during expansion to accommodate a bridge over South Zelta Street

Section 6-346.j of the Sedgwick County Sign Code allows billboard signs to be up to 35 feet in height in all permitted zoning districts. The request for 40 feet would be a 14 percent increase. The Sedgwick County Sign Code does not permit an Administrative Adjustment to increase the height of sign to 20 feet over an adjacent, elevated highway.

The applicant indicates that the subject sign will be rebuilt with a static sign face for eastbound traffic and a digital sign face for westbound traffic. The proposed signs to the east will have static sign faces versus digital displays. The Kansas Department of Transportation provided guidance from K.S.A. 68-2234 (e)(D) which states: "*Automatic changeable facing signs. The sign is not placed within 1,000 feet of another automatic changeable facing sign on the same side of the highway, with the distance being measured along the nearest edge of the pavement and between points directly opposite the signs along each side of the highway.*" The Sedgwick County Sign Code allows digital displays to be 500 feet apart. The applicant's proposal meets both of these standards.

Sign's Purpose
The purpose of the sign is to advertise messages, goods, and services along the US-54/400 corridor.

Surrounding Context
Property to the north and west is zoned SF-20 Single-Family Residential District and LC Limited Commercial District, is under common ownership with the subject site, is in unincorporated Sedgwick County, and is undeveloped. Property to the south, across US-54/400 is right-of-way associated with the highway interchange between US-54/400 and I-35 (Kansas Turnpike). Property to the west is zoned OW Office Warehouse District, is in the City of Wichita, and is developed with outdoor storage and warehousing. On this OW-zoned property, in 2020, an Administrative Adjustment was approved (BZA2020-00030) to permit the increase in height for an on-site sign to be 20 feet above the elevated highway. This on-site sign was increase in height from 35 feet to 50 feet. This height increase was permitted because Section 24.04.251.2(h) of the Wichita Sign Code permits up to a 20-foot increase in height of a sign adjacent to an elevated highway by Administrative Adjustment.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-20	Undeveloped
SOUTH:	N/A	Right-of-way
EAST:	SF-20 and LC	Undeveloped
WEST:	OW	Warehousing

CASE HISTORY: In 2015, a Variance was granted (BZA2015-00039) to permit a billboard on property zoned SF-5 Single-Family Residential District. The property is unplatted. If the Variance is granted, platting is not required for the reconstruction of a billboard.

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 Variance is necessary because of the elevation of East Kellogg (US-54/400) including the dividing barrier between directional lanes. The elevating of the highway at this location was not created by an action of the property owner.

   Staff analysis:
   Staff agrees that the circumstances were not created by the applicant. US-54/400 was recently elevated at this location. The Sedgwick County Sign Code does not allow the increase in height of a sign adjacent to an elevated highway to be done by Administrative Adjustment.

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 subject property is primarily used for agricultural purposes and the adjacent property owners are the Kansas Turnpike Authority and businesses. The sign is approximately 1,600 feet from the nearest residential property. No billboard is either currently visible nor will be visible to any existing or intended residential property. No resident will be adversely affected if the Variance is granted.

   Staff analysis:
   Staff does not anticipate significant negative impacts to abutting residential properties.

3. Criteria: The strict application of the provisions of the sign code would constitute an unnecessary hardship on the applicant: The applicant states that the strict application of the Code (maximum of 35 feet) will constitute an unnecessary hardship on the property owner and applicant by making the past and existing billboards not reasonably viewable by motorists and therefore not economically viable.

   Staff analysis: The applicant did not submit an exhibit documenting how the current elevation of the sign is not visible to motorists on either direction of US-54/400. A site visit concluded that the sign is visible even to eastbound traffic overtop of the center divider, which is the highest point of obstruction on the highway.

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 billboards inform the motoring public and afford local, regional, and national businesses to provide information to the public. Marketing and advertising will not adversely affect the public in the manner stated in this criterion.

   Staff analysis: Staff concurs that the granting of an increase in height from 35 feet to 40 feet will not adversely affect the public or harmonious development as a 50-foot sign was approved administratively on the property to the west in the City of Wichita.

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 general spirit and intent of the applicable Code is to balance the effect of the sign on surrounding property owners and residents with the existing or planned development in the area. Increasing the maximum height of the sign by five feet is not opposed to the general spirit and intent of the applicable Code.

Staff analysis: Staff concurs that an increase in height from 35 feet to 40 feet meets the general spirit and intent of the Code. The Sedgwick County Sign Code does not provide opportunity to have the height of signs increased to 20 feet above an elevated highway by Administrative Adjustment. The requested height is in character with nearby signs along the US-54/400 corridor.

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 billboard sign to 40 feet be GRANTED, subject to the following conditions:

1. The sign shall not exceed 40 feet in height as shown on the site drawings submitted by the applicant and shall be developed in accordance with the approved site plan. 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 Sedgwick County Sign Code.

Attachments:

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

STATEMENT OF
FIVE CONDITIONS FOR VARIANCE

Summary

The applicant is requesting a variance to increase the height of 4 billboards along the North side of Kellogg between the Zelta flyover and the K-96 interchange. While it is one property (approximately 123 acres), there are two separate applications because there are two separate parcels/property descriptions. The first application is for sign 1. The second application is for signs 2, 3, and 4.

a. The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action of the property owner or the applicant.

The requested variance as the maximum height of billboards is necessary because of the elevation of both the Kellogg flyover and traffic dividing barrier. The height of the Kellogg flyover is not found in the same zone or district and was not created by any action of the property owner or applicant.

b. The granting of the permit for the variance will not adversely affect the rights of the adjacent property owners or residents.

The property is used primarily for agricultural purposes and the adjacent property owners are the Kansas Turnpike Authority and businesses. It is approximately 1600 feet from the nearest billboard to the closest adjacent residential property. No billboard is either currently or will be visible to any existing or intended residential property. No resident will be adversely affected if the variance is granted.

c. The strict application of the provision of the applicable Code from which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.

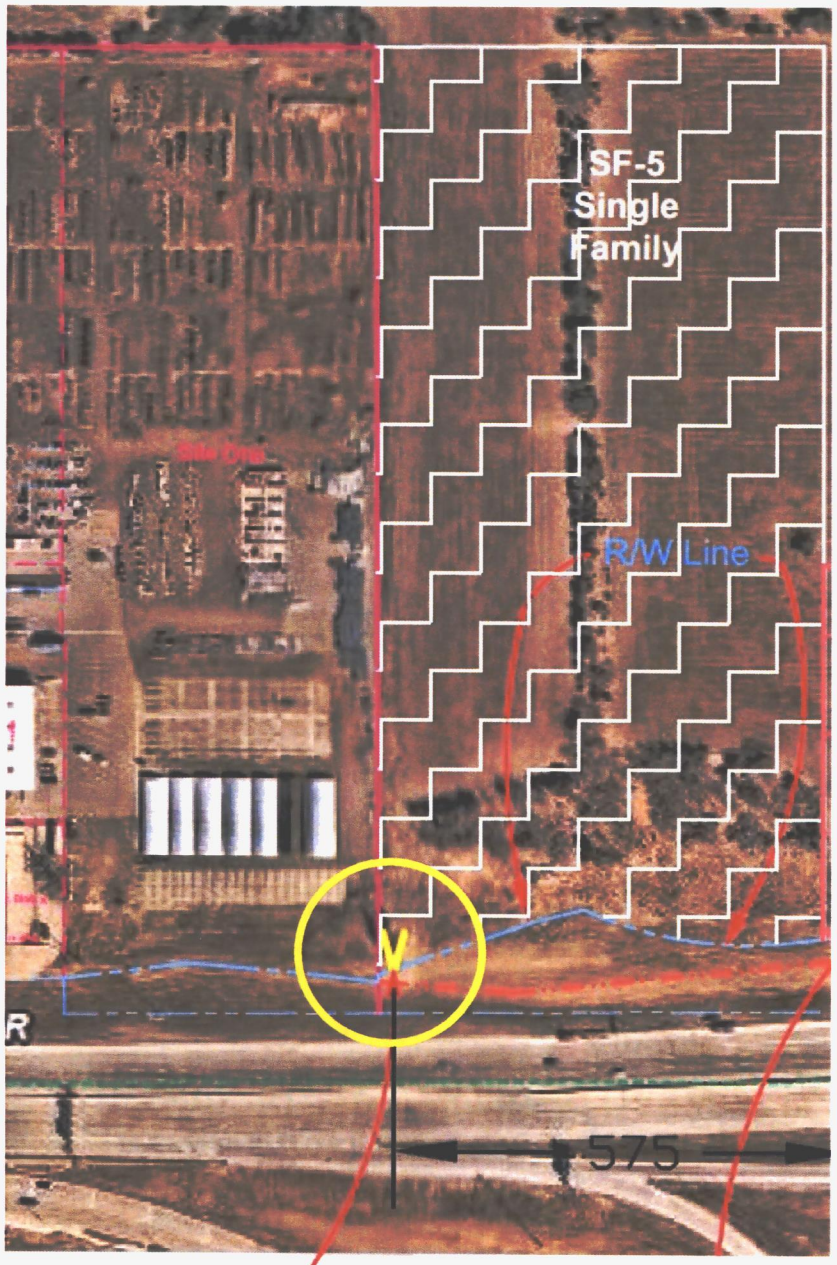
The strict application of the code [maximum height 35 feet, Sec. 6-245(j)] will constitute an unnecessary hardship on the property owner and applicant by making the past and existing billboards not reasonably viewable by the motorists and therefore not economically viable.

d. The variance desired will not adversely affect the public health, safety morals, order, convenience, prosperity, general welfare, or the harmonious development of the community.

Billboards inform the motoring public and afford local, regional, and national businesses to provide information to the public. Marketing and advertising will not adversely affect the public health, safety morals, order, convenience, prosperity, general welfare, and will promote the harmonious development of the community.

e. Granting the variance desired will not be opposed to the general spirit and intent of the applicable Code.

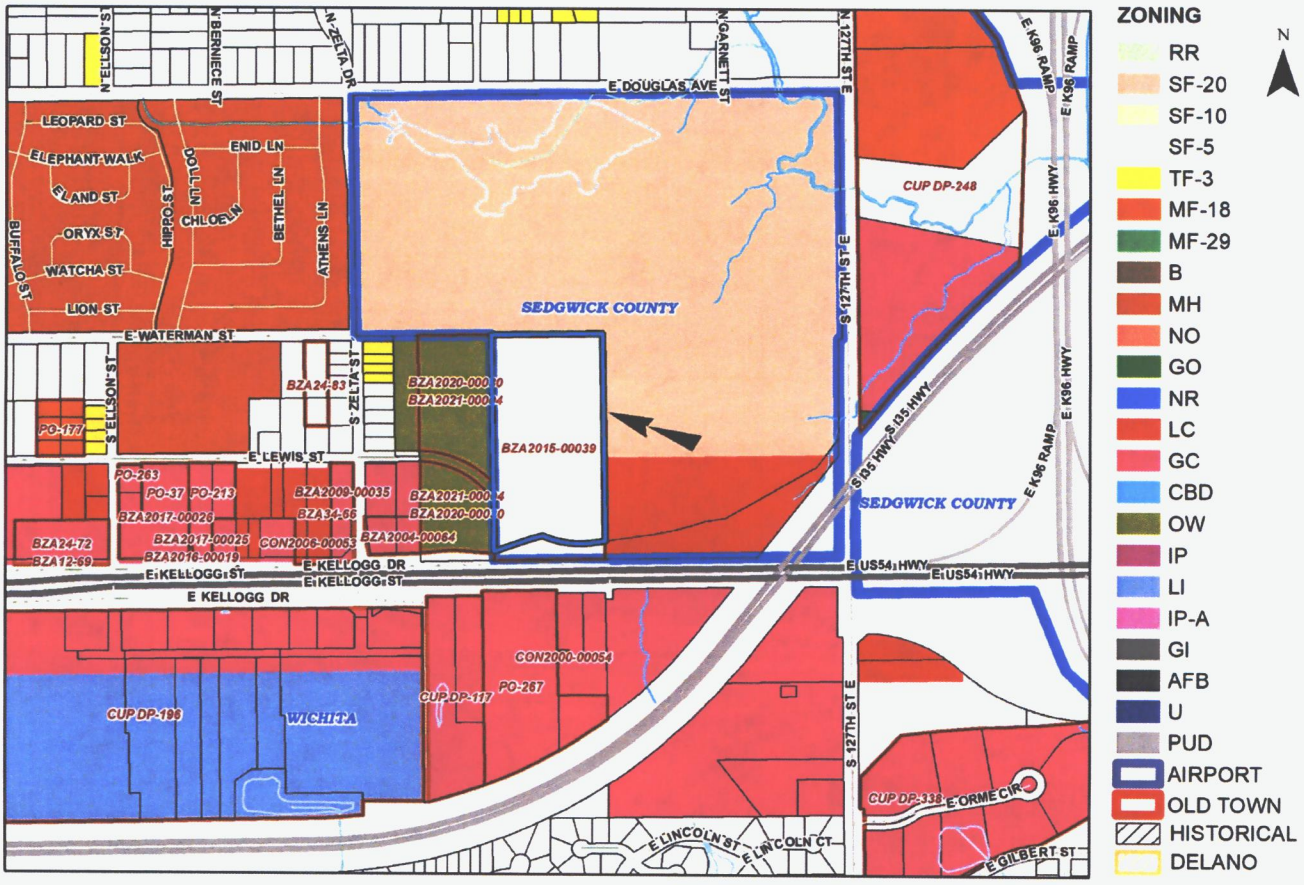
The general spirit and intent of the applicable Code is to balance the effect of the sign on surrounding property owners and residents with the existing or planned development in the area. Increasing the maximum height of the signs by 5 to 15 feet will not be opposed to the general spirit and intent of the applicable Code.



Current 14'x48'
35' High Sign.
WB Digital, EB Static
Mile marker 223.55
Proposed to raise to 40'
& replace EB Stacic
with a Digital

SITE PLAN


HIPPO ST
DOLL LN
CHLOE LN
BETHEL LN
ATHENS LN
E WATERMAN ST
E LEWIS ST
WICHITA
S ZELTA ST
SEDGWICK COUNTY
S 127TH ST E
S 135 HWY
SEDGWICK COUNTY
E KELLOGG DR
E KELLOGG ST
E KELLOGG ST
E KELLOGG DR
E US54 HWY
S 135 HWY
S 127TH ST E
N


ZONING
RR
SF-20
SF-10
SF-5
TF-3
MF-18
MF-29
B
MH
NO
GO
NR
LC
GC
CBD
OW
IP
LI
IP-A
GI
AFB
U
PUD
AIRPORT
OLD TOWN
HISTORICAL
DELANO
N
N ELLSON ST
N BERNIECE ST
N ZELTA DR
E DOUGLAS AVE
N GARNETT ST
N 127TH ST E
E K96 RAMP
E K96 HWY
LEOPARD ST
ELEPHANT WALK
ELAND ST
ORYX ST
WATCHA ST
LION ST
BUFFALO ST
HIPPO ST
DOLLY LN
CHLOE LN
ENID LN
BETHEL LN
ATHENS LN
E WATERMAN ST
S ELLSON ST
S ZELTA ST
E LEWIS ST
SEDGWICK COUNTY
CUP DP-248
BZA24-83
BZA2020-00010
BZA2021-00004
BZA2015-00039
PO-177
PO-263
PO-37
PO-213
BZA2009-00035
BZA2021-00004
BZA2020-00010
BZA2017-00026
BZA34-66
BZA24-72
BZA12-69
BZA2017-00025
CON2006-00063
BZA2004-00064
BZA2016-00019
E KELLOGG ST
E KELLOGG DR
E US54 HWY
S 135 HWY
CON2000-00054
PO-267
CUP DP-117
CUP DP-198
WICHITA
CUP DP-338
E ORME CIR
E LINCOLN ST
E LINCOLN CT
E GILBERT ST

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

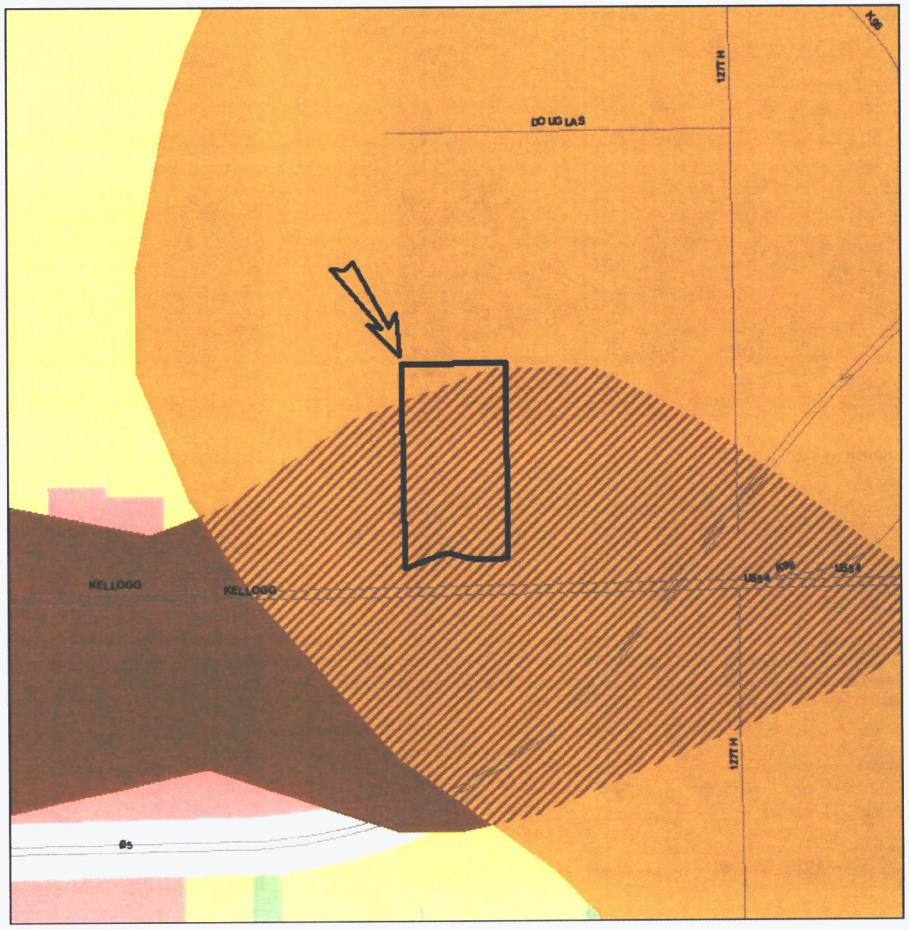
Statistical Development Areas

- 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
- Nghbd_Plan_Areas

N



Looking west at site



Looking north away from site

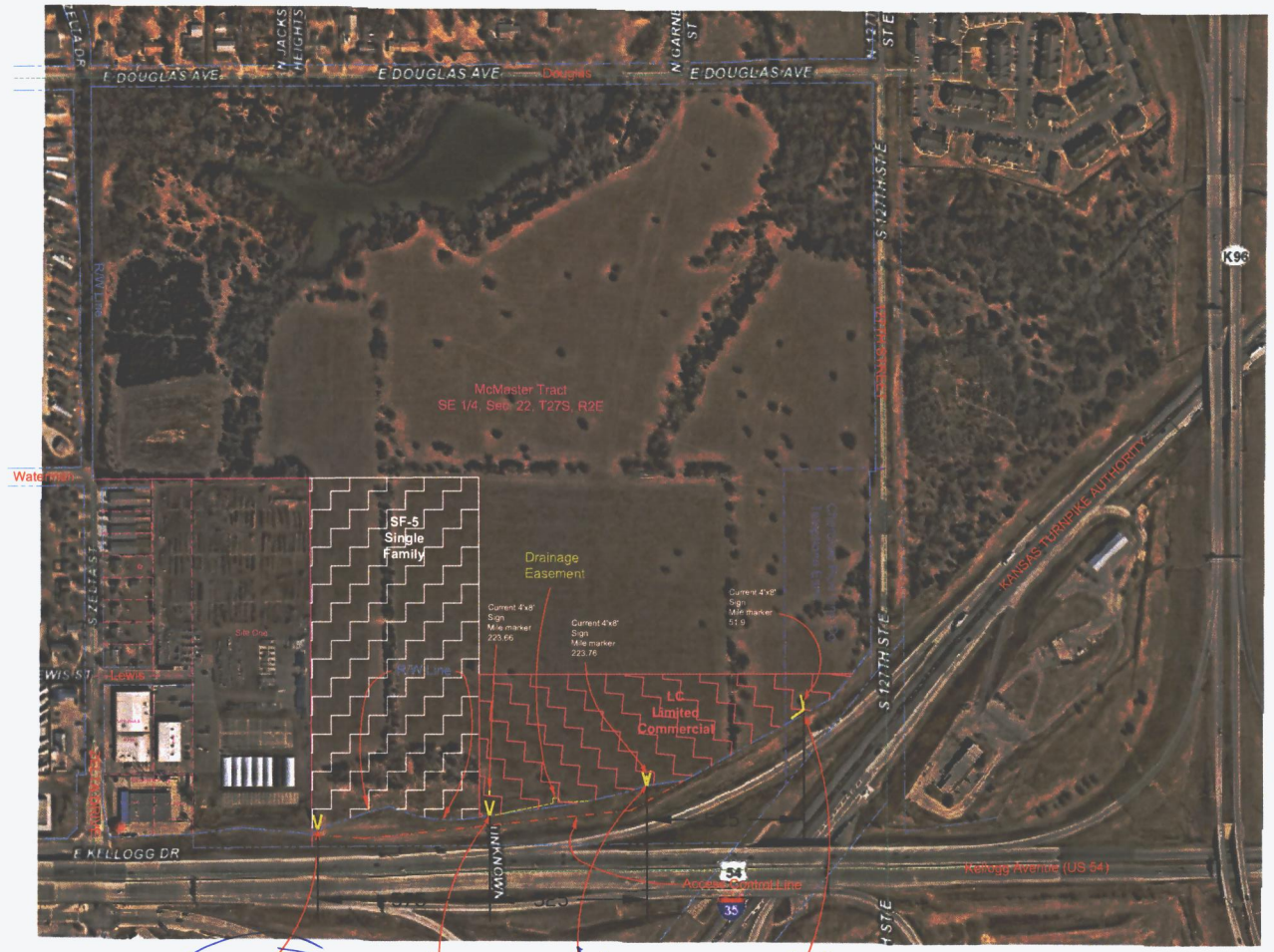


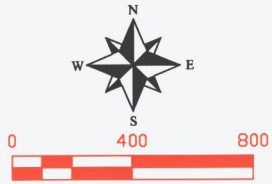
Looking south at sign



Looking east away from site







SITE PLAN

APPROVED 6/16/23 BZA 2023-23

BUGGA OUTDOOR
201 S. St. FRANCIS
UNIT 503
WICHITA, KS 67202
(843) 601-0907

Notes:

- Dimensions are in feet

MARK	DATE	DESCRIPTION

PROJ NO:	P - ?
SCALE:	Reference Scale on Print
DATE:	Apr 26, 2023
DESIGNED BY:	
DRAWN BY:	JLM
CHECKED BY	

SHEET TITLE

McMASTER TRACT
Showing current sign status & proposed variance request to current signs.

SHEET 1 OF 1