CITY OF WICHITA

SEDGWICK COUNTY KANSAS

Wichita-Sedgwick County Metropolitan Area Planning Department

December 18, 2024

Fidelity Bank, N.A.
100 East English Street
Wichita, KS 67202

RE: BZA2024-00077 – Variance request in the City to allow a temporary 2,120-square-foot wall graphic on the east elevation of a property zoned CBD Central Business District, generally located on the northeast corner of South Main Street and East English Street (100 East English).

Dear applicant;

At its regular meeting on **December 12, 2024**, 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 condition:

1. The site is to be developed in general conformance to the approved site plan.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Christina Rieth

Christina Rieth
Current Plans
Associate Planner

CC: MABCD
Luminous Neon LLC, attn: Chuck Carson, *via email*

BZA RESOLUTION NO. BZA2024-00077

WHEREAS, Fidelity Bank (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to allow a 2,120-square-foot sign on property zoned CBD Central Business District, generally located on the northeast corner of South Main Street and East English Street; legally described as follows:

> Lots 38, 40, 42, and 44, and one half of the vacated alley adjacent to the east, on Main Street, Greiffenstein's 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 December 12, 2024, 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 Variance arises from the condition that the sign is unique to this property; and

WHEREAS, granting the Variance will not adversely affect the rights of adjacent property owners and will not create light pollution onto other properties; and

WHEREAS, the strict application of the Code constitutes an unnecessary hardship because a sign that has the maximum square footage allowed by the Wichita Sign Code a will look disproportionate to the building's large elevation; and

WHEREAS, granting the Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community, since it abuts a reserve and further promotes the harmonious development of the community; and

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 allow a 2,120-square-foot sign on property zoned CBD Central Business District, generally located on the northeast corner of South Main Street and East English Street; legally described as follows:

> Lots 38, 40, 42, and 44, and one half of the vacated alley adjacent to the east, on Main Street, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas.

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

(1) The sign shall only be installed for a maximum of ninety (90) days.

(2) The sign shall be in general conformance with the approved elevation and site plan.

(3) The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to install the sign, which shall be installed within one year. The approved shall conform to all other applicable requirements of the Wichita Sign Code unless a separate Variance or Adjustment is granted.

ADOPTED AT WICHITA, KANSAS, this 3rd **day of** JANUARY**, 2025.**

Bryan Frye, BZA Board Chair

ATTEST:

Scott Wadle,
BZA Secretary

McClatchy

The Beaufort Gazette
The Belleville News-Democrat
Bellingham Herald
Centre Daily Times
Sun Herald
Idaho Statesman
Bradenton Herald
The Charlotte Observer
The State
Ledger-Enquirer

Durham | The Herald-Sun
Fort Worth Star-Telegram
The Fresno Bee
The Island Packet
The Kansas City Star
Lexington Herald-Leader
The Telegraph - Macon
Merced Sun-Star
Miami Herald
El Nuevo Herald

The Modesto Bee
The Sun News - Myrtle Beach
Raleigh News & Observer
Rock Hill | The Herald
The Sacramento Bee
San Luis Obispo Tribune
Tacoma | The News Tribune
Tri-City Herald
The Wichita Eagle
The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	612665	Print Legal Ad-IPL02045660 - IPL0204566	OFFICIAL HEARING NOTI	$126.18	2	75 L

Attention: Mandy Hebert

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

MHEBERT@wichita.gov

OCA 150004
Published in The Wichita Eagle on November 20, 2024
(One Time Only)
MAPC/BZA December 12 , 2024
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, December 12, 2024, 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 in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. 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. Full notice can be found at www.wichita.gov/LegalNotices.

BZA2024-00075: Variance request in the City to reduce minimum building separation from three feet to one foot for raised beam hot tub on property zoned SF-5 Single-Family Residential, located one-third mile east of West Webb Road and one-half mile north of East 21st Street North (9023 E Woodspring Street).

BZA2024-00077: Variance request in the City to allow a temporary 2,120-square-foot wall graphic on the east elevation of a property zoned CBD Central Business District, generally located on the northeast corner of South Main Street and East English Street (100 East English).

CON2024-00242: Conditional Use to allow Daycare, General on property zoned SF-5 Single-Family Residential District to allow up to 100 children on site, generally located on the north side of East 15th Street North, between North Pershing Avenue and North Oliver Avenue (4640 East 15th Street North).

CUP2024-00030: CUP Amendment to CUP DP-45 to allow Entertainment Establishment in the City for events with entertainment and alcohol associated with a fitness club on Parcel 3B, generally located on the northwest corner of East Central Avenue and North Woodlawn Boulevard (6100 East Central Avenue).

CUP2024-00040: CUP Amendment in the City to CUP DP-194 to allow Entertainment Establishment on Parcel 2B for karaoke, generally located on the east side of North Penstemon Street, within 450 feet north of East 29th Street North (3030 North Penstemon).

CUP2024-00041: CUP Amendment Request in the City to CUP DP-278 to allow Entertainment Establishment in Parcel A, adjust parking requirements, maximum building coverage, and remove architectural controls for Parcels A and C, generally located on the southwest corner of West 29th Street North and North Maize Road.

PUD2024-00024: Zone change request in the City from GC General Commercial to Planned Unit Development #135 to create the Empower PUD for an Entertainment Establishment, generally located on the southwest corner of West 21st Street North and North Market Street (2157 North Market Street).

PUD2024-00025: Zone change request in the City from SF-5 Single-Family Residential to Planned Unit Development to create the Northeast Substation PUD #136 to expand existing electric substation, generally located on the east side of North Woodlawn Boulevard, within one-half mile south of East 21st Street North.

VAC2024-00051: Vacation request in the City to vacate the north 40 feet building setback along Wilshere Terrace on property zoned SF-5 Single-Family, located approximately 187 feet southeast of the intersection of South Bedford Terrace and East Wilshere Terrace (1046 South Bedford Terrace).

VAC2024-00052: Vacation request in the City to vacate platted access control on property zoned PUD Planned Unit Development #52, generally located on the south side of West MacArthur Boulevard, within 675 feet west of South Meridian Avenue (2611 West Macarthur).

VAC2024-00053: Vacation request in the City to vacate the south 20 feet of a platted utility easement on property zoned PUD Planned Unit Development #122, generally located east of North Hillside Avenue and north of Kansas Highway 254.

ZON2024-00052: Zone Change request in the City from SF-5 Single-Family Residential and TF-3 Two-Family Residential to MF-18 Multi-Family Residential, generally located on the west side of North Doris Street and within 120 feet north of West 2nd Street North (317 & 321 North Doris Street).

ZON2024-00054: Zone Change request in the City from SF-5 Single-Family Residential to MF-18 Multi-Family Residential; located on the northeast corner of North Hoover Street and West Robinson Street.

ZON2024-00055: Zone Change in the city from B Multi-Family to LI Limited Industrial, generally located on the west side of Santa Fe Avenue and within 250 feet south of East 13th Street North (1331 North Santa Fe Avenue).

ZON2024-00056: Zone change request in the City from NR Neighborhood Retail District with Protective Overlay #375 to LC Limited Commercial District, generally located on the east side of North Hillside Avenue, within 700 feet south of East Central Avenue.

IPL0204566
Nov 20 2024

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

1 insertion(s) published on:
11/20/24

STATE OF KANSAS)
SS
County of Sedgwick)

Mary Castro, 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 11/20/2024 to 11/20/2024.

Mary Castro

I certify (or declare) under penalty of perjury that the foregoing is true and correct.
DATED: 11/20/2024

Margaret K. Wilson

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

NOTARY PUBLIC STATE OF TEXAS
MARGARET KATHLEEN WILSON
My Notary ID # 134916732
Expires May 24, 2028

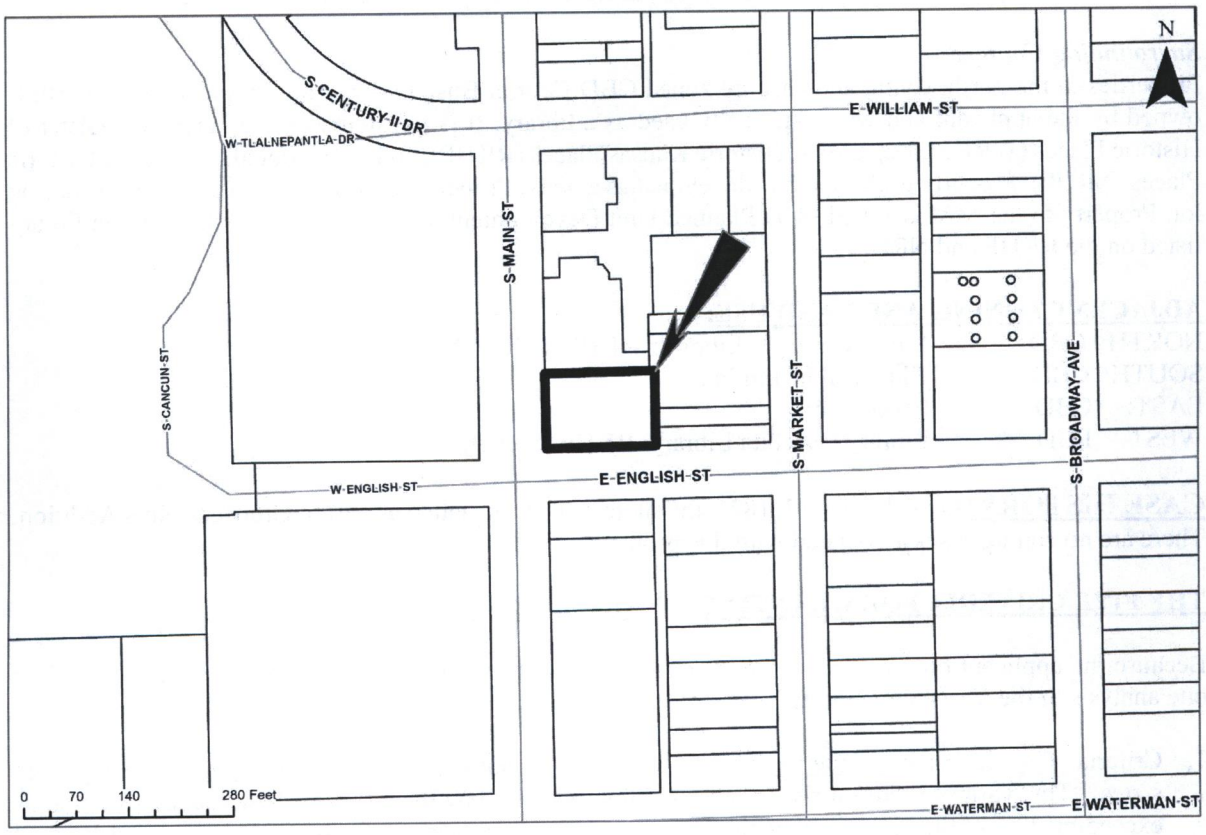
Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Wichita-Sedgwick County Zoning Board of Appeals
December 12, 2024

AGENDA ITEM NO: 3

SECRETARY'S REPORT

CASE NUMBER:	BZA2024-00077 (City)
OWNER/APPLICANT:	Fidelity Bank (Applicant)/Luminous Neon, LLC (Agent)
REQUEST:	Variance to increase the maximum square footage limit for a temporary building wall sign
CURRENT ZONING:	CBD Central Business District
SITE SIZE:	0.34 acres
LOCATION:	Generally located on the northeast corner of South Main Street and East English Street (100 East English Street).



JURISDICTION: The Board has jurisdiction to consider the Variance request under the provisions of Section 24.04.250 of the Sign Code for Wichita, 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 three Variances from the City of Wichita's Sign Code for a temporary wall sign:

1. Increase the maximum square footage of a temporary building sign from 200 square feet to 2,120 square feet; and
2. Increase the maximum building coverage of a temporary building sign from 20 percent to 31 percent; and
3. Extend the maximum time allowed from thirty days to six months.

Section 24.04.230.f(2) permits temporary building signs to a total area of 200 square feet, and the provisions outlined in Section 24.04.190 of the Wichita Sign Code limits the maximum time for sign installation to thirty days. The proposed sign shall measure 53 feet by 40 feet against a building façade that is 6,840 (72' x 95') square feet in size. This results in a sign that covers 31 percent of the building's façade. The applicant would like to place the sign on the building's east elevation, facing North Market Street.

Sign's Purpose

The applicant states, "It is the desire of Fidelity Bank (property owner) to be granted a Variance to allow for a perforated vinyl wall graphic to be installed on the east elevation of [a] building located at the property address above. The intent is for the wall graphics to be visible from the Intrust Bank Arena during the upcoming national events to be held there during February and March. This is a temporary installation to be up mid-January through the end of June 2025, at which time the graphic will be removed."

Surrounding Context

Properties to the north, south, and east are zoned CBD Central Business District. Property to the north is owned by the applicant and was historically used as a library. It is registered on the Wichita Register of Historic Places (WRHP), Register of Historic Kansas Places (RKHP), and the National Register of Historic Places (NRHP). Property to the south is developed as a bank. Property to the east is developed as a parking lot. Property to the west is zoned PUD Planned Unit Development and is developed with a vacant library listed on the RKHP and NRHP.

ADJACENT ZONING AND LAND USE:

NORTH:	CBD	Bank (Carnegie Library: WRHP, RKHP, NRHP)
SOUTH:	CBD	Financial institution
EAST:	CBD	Parking lot
WEST:	PUD	Library (Wichita Library: RKHP, NRHP)

CASE HISTORY: On February 17, 1871, the subject site was platted as part of Greiffenstein's Addition. There are no zoning cases associated with this property.

THE FIVE CRITERIA FOR GRANTING A VARIANCE:

Because the applicant only provided one set of criteria for the Variance case, Planning staff is providing one analysis of the Variance requests.

1. Criteria: The request is unique to this property and was not created by the applicant. The applicant states: "This variance request rises from conditions set forth by the city sign code that any wall signs exceeding 20% of the building elevation, or 400 square feet maximum, in the CBD zoning district shall not be permitted except by variance approved by the Board of Zoning Appeals. Condition not created by neither the property owner, nor applicant."

   Staff analysis:
   Staff is not in agreement with this analysis. The rules and regulations set forth by the Wichita Sign Code differ from conditions that prompt a Variance. Furthermore, the applicant has not described how

the situation is unique to the property in question. Staff cannot provide an analysis on the remainder of this criterion.

2. Criteria: The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents. The applicant states, "Granting this variance request will not adversely affect adjacent property owners. The graphic's position on the building structure will only face other commercial properties, will not be illuminated, and is not near any residential areas."

   Staff analysis:
   Staff agrees with the above statement. It is staff's opinion that the granting of the permit will not adversely affect the rights of adjacent property owners. As a non-illuminated sign, it will not cause light pollution onto other properties.

3. Criteria: The strict application of the provisions of the sign code would constitute an unnecessary hardship on the applicant. The applicant states, "The applicant (Fidelity Bank) and its acting agent (Luminous Neon, LLC) feel that the sign code restrictions constitute hardship for the following reasons: allowing the graphic at the size proposed would make it visible for patrons and participants of the two national events (US National Figure Skating Championships and the NCAA Men's basketball tournament) that will bring many visitors to the city's downtown area during the time requested. Placing a graphic of this nature, at allowable size, would be very small against the 6,840 sq. ft. building surface, and not be legible to the targeted audience. The graphic's primary intent is to serve as a positive message for the entire city. The Fidelity Bank logo is just a very small portion of the overall graphic design."

   Staff analysis:
   Staff agrees with the above statement. It is staff's opinion that a sign that has the maximum square footage allowed by the Wichita Sign Code a will look disproportionate to the building's large elevation.

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, "It is our opinion that granting this variance request will not have any negative impact on the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community. In fact, the granting of the variance will create a positive effect on the community and visitors to the downtown area during the requested time period. This type of 'sign' will be a signature statement during the national events."

   Staff analysis:
   Staff agrees with the above statement. It is staff's opinion that granting the Variance will not have an adverse effect on the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community. The applicant's sign aims to promote the company and the City of Wichita as a whole, which is considered to be a gain to the community.

5. Criteria: The granting of the Variance will not be opposed to the general spirit and intent of the sign code. The applicant states, "The granting of the variance desired will not be in opposition to the general spirit and intent of the sign code as this will only be a temporary display, not a permanent one."

   Staff analysis:
   Staff does not agree with the above statement. The Wichita Sign Code allows for temporary signage for up to 30 days, and it allows up to 200 square feet of signage (or 20 percent of a building elevation, whichever is less). The requests to increase the square footage and increase the allotted time for display are exponentially larger than what the Code allows. It is staff's opinion that these requests are thus in opposition to the spirit and intent of the Sign Code.

LEGAL CONSIDERATIONS: The Board of Zoning Appeals has the following options for actions.

1. Approval – The Board of Zoning Appeals can find that all five conditions necessary to the granting of a Variance exists and can approve the requested Variance. Any vote by the BZA to approve a Variance requires a majority plus one (1) vote of members present and voting, per the BZA bylaws.

2. Denial – The Board of Zoning Appeals can find that the requested Variance does not meet the five criteria required to grant a Variance. Any vote by the BZA to deny a Variance requires a simple majority of members present and voting.

RECOMMENDATION: Staff finds that the requested Variance for the increase in sign area **does not meet** the five criteria required to grant a Variance.

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 following Variance for the increase in sign area is granted with the following considerations:

(1) The sign shall only be installed for a maximum of seventy (70) days.

(2) The sign shall be in general conformance with the approved elevation and site plan.

(3) The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department to construct the three building wall signs, and the signs shall be erected within one year. The approved shall conform to all other applicable requirements of the Sedgwick County Sign Code unless a separate Variance or Adjustment is granted.

Report Attachments:

- Applicant's letter requesting Variance
- Sign Exhibits and Site Plans
- Aerial Map
- Zoning Map
- 2035 Future Growth Concept Map
- Site Photos

Applicant's Variance Justification

REQUEST FOR A VARIANCE TO ALLOW A LARGE VINYL GRAPHIC TO BE INSTALLED ON EAST ELEVATION OF BUILDING

LOCATED AT 100 E ENGLISH ST – WICHITA, KS 67202

Conditions and Circumstances relating to the variance request for sign over allowable size:

1. **This variance request rises from conditions set forth by the city sign code that any wall signs exceeding 20% of building elevation, or 400 sq ft maximum, in the CBD zoning district shall not be permitted except by a variance approved by the Board of Zoning Appeals. Condition not created by neither the property owner, nor applicant.**

It is the desire of Fidelity Bank (property owner) to be granted a variance to allow for a perforated vinyl wall graphic to be installed on the east elevation of building located at the property address above. The intent is for the wall graphics to be visible from the Intrust Bank Arena area during the upcoming national events to be held there during February and March. This is a temporary installation to be up mid-January through the end of June 2025, at which time the graphic will be removed. Reference design number CC-J27795, dated 10/29/2024, submitted with variance application.

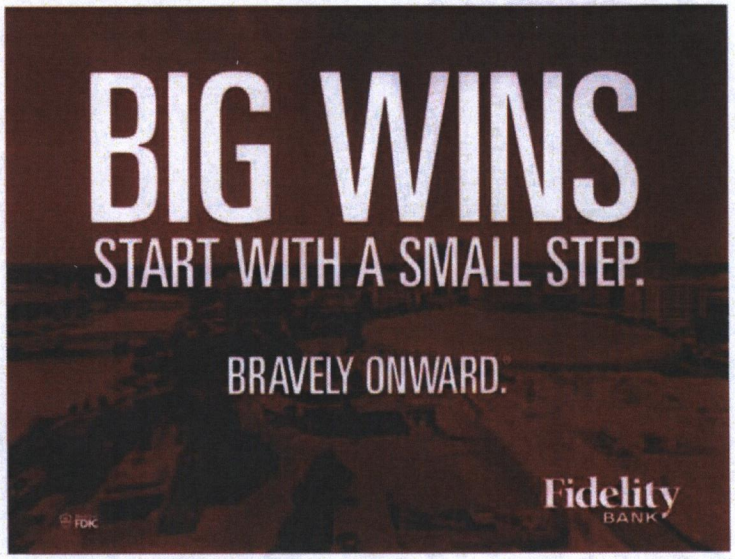
2. **Granting this variance request will not adversely affect adjacent property owners. The graphic's position on the building structure will only face other commercial properties, will not be illuminated, and is not near any residential areas.**

3. **The applicant (Fidelity Bank) and its acting agent (Luminous Neon, LLC.) feel that the sign code restrictions constitute hardship for the following reasons: Allowing the graphic at the size proposed would make it visible for patrons and participants of the two national events (US National Figure Skating Championships and the NCAA Men's basketball tournament) that will bring many visitors to the city's downtown area during the time requested. Placing a graphic of this nature, at allowable size, would be very small against the 6,840 sq ft building surface, and not be legible to the targeted audience. The graphic's primary intent is to serve as a positive message for the entire city. The Fidelity Bank logo is just a very small portion of the overall graphic design.**

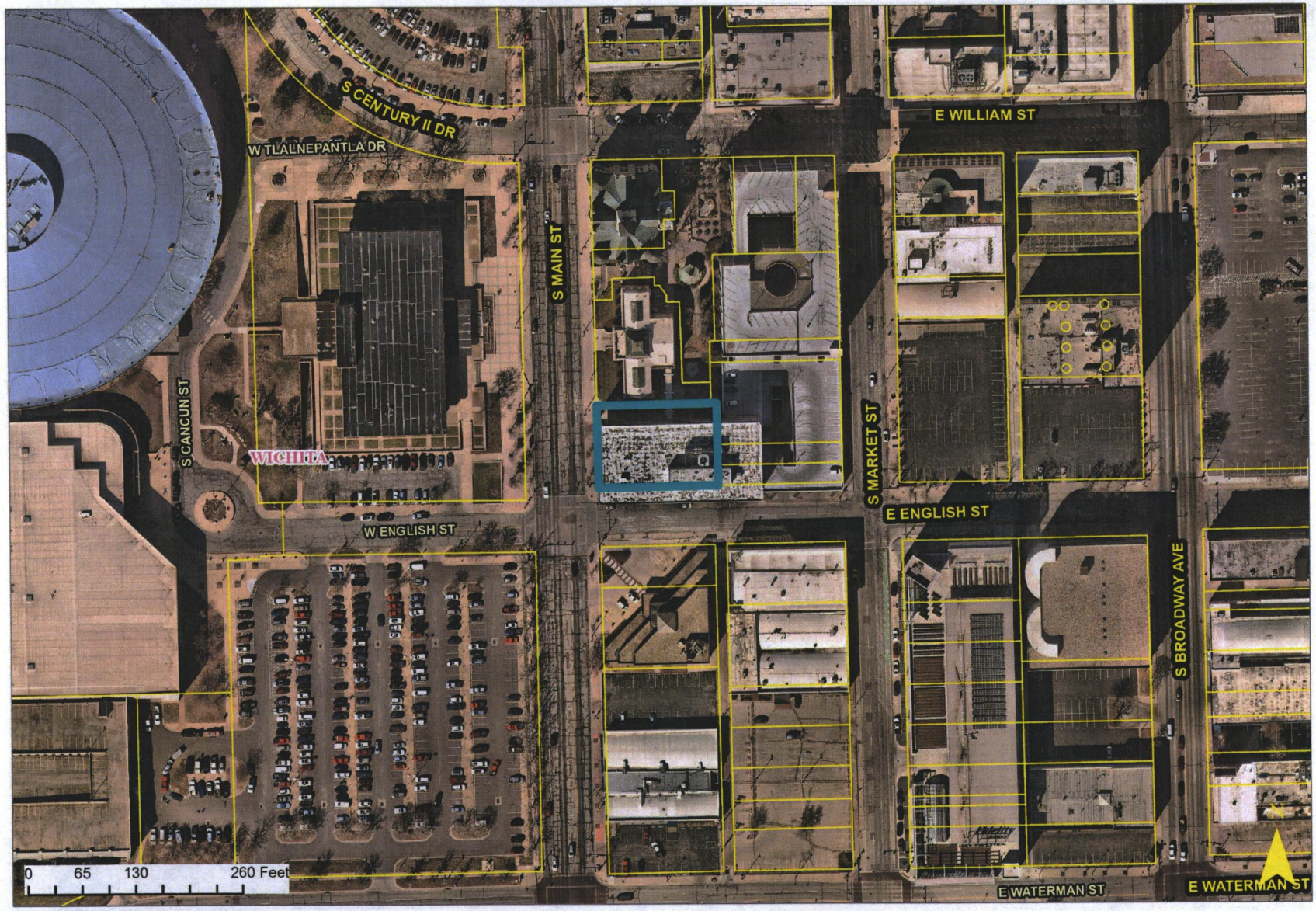
4. **It is our opinion that granting this variance request will not have any negative impact on the public health, safety morals, order, convenience, prosperity, general welfare, or the harmonious development of the community. In fact, the granting of this variance will create a positive effect on the community and visitors to the downtown area during the requested time period. This type of "sign" will be a signature statement during the national events.**

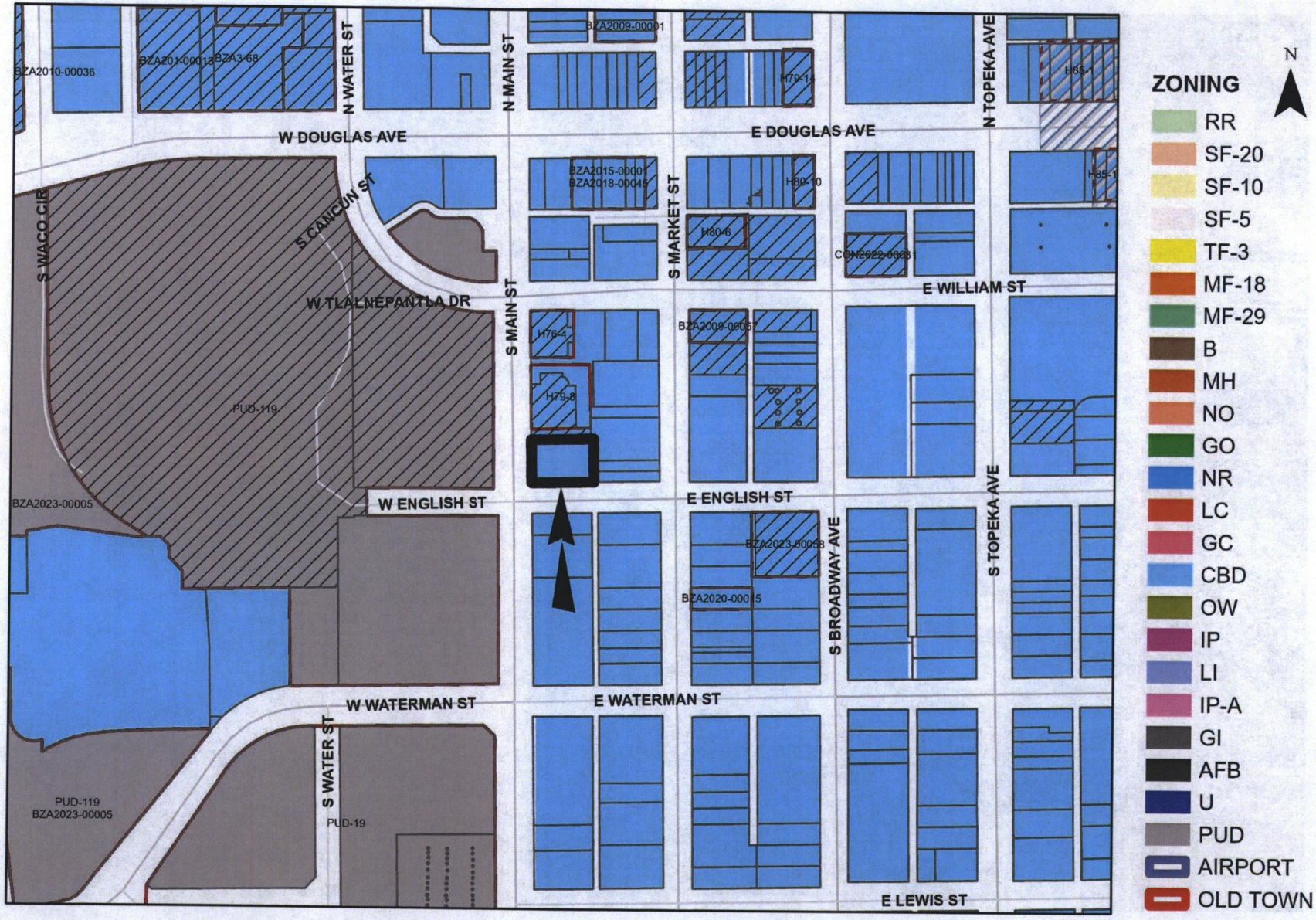
5. **The granting of the variance desired will not be in opposition of the general spirit and intent of the sign code as this will only be a temporary display, not a permanent one.**

Applicant-Provided Site Plan






S CENTURY II DR
W TLALNEPANTLA DR
E WILLIAM ST
S MAIN ST
S CANCUN ST
WICHITA
S MARKET ST
E ENGLISH ST
W ENGLISH ST
S BROADWAY AVE
0 65 130 260 Feet
E WATERMAN ST
E WATERMAN ST


BZA2010-00036
BZA201-00013
BZA3-68
N WATER ST
N MAIN ST
BZA2009-00001
H79-14
N TOPEKA AVE
H85-1
W DOUGLAS AVE
E DOUGLAS AVE
S WACO CIR
S CANCUN ST
BZA2015-00001
BZA2018-00045
S MARKET ST
H80-10
H80-6
H85-1
CON2022-00031
E WILLIAM ST
W TLALNEPANTLA DR
S MAIN ST
H76-4
H79-8
BZA2009-00057
PUD-119
BZA2023-00005
W ENGLISH ST
E ENGLISH ST
BZA2023-00058
BZA2020-00015
S BROADWAY AVE
S TOPEKA AVE
W WATERMAN ST
E WATERMAN ST
S WATER ST
PUD-119
BZA2023-00005
PUD-19
E LEWIS ST
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

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
- 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
- Neighborhood & Area Plans
- Application Area

N



Looking east towards site



Looking north towards site



Looking south away from site



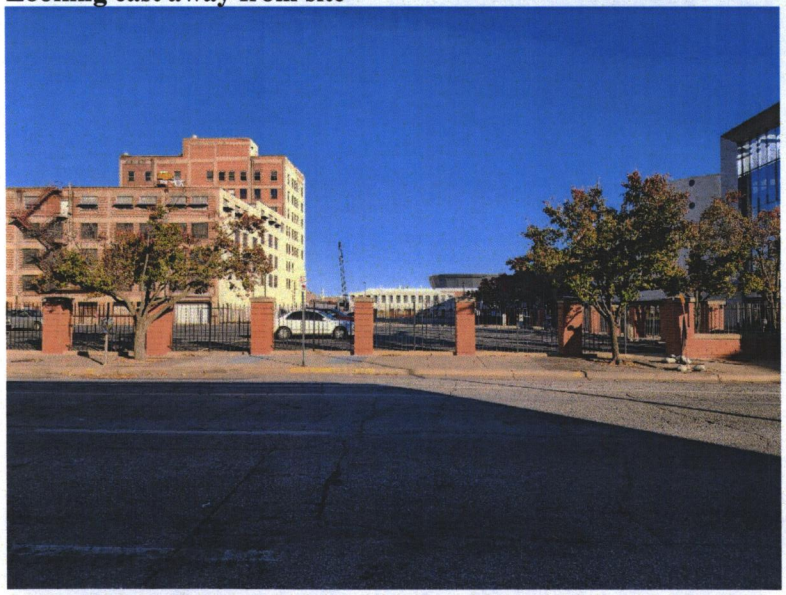
Looking west away from site

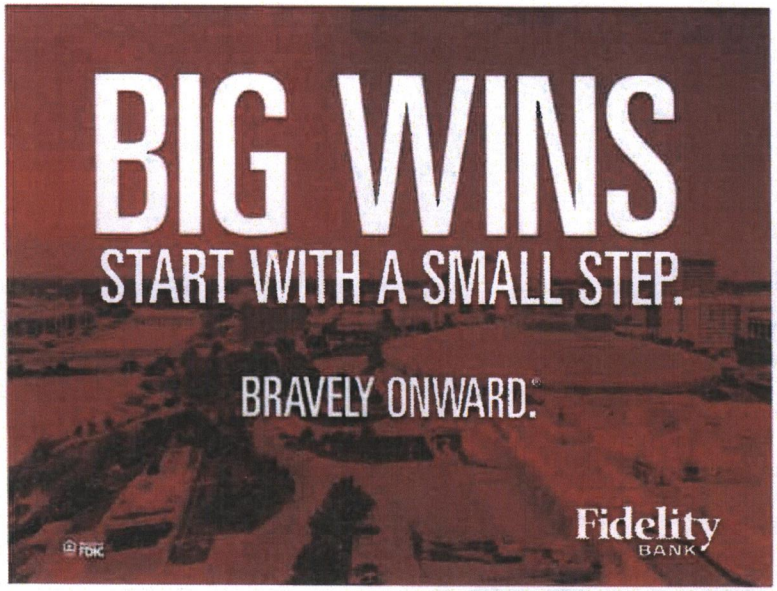


Looking west towards site



Looking east away from site





SITE PLAN

APPROVED 12/18 BY CMR



72' x 95'

"All noted dimensions are approximate and may be modified slightly during manufacturing to allow proper component usage".

SPECIFICATIONS:
Furnish and install (1) 40' (H) x 53' (W), perforated vinyl building graphic.

(Need Vector Graphics)

CUSTOMER: FIDELITY BANK NAME: TERRI ROSENHAMER LOCATION: Wichita, KS	DATE: 10/29/24 DESIGN NO.: CC-J27795 ARTIST: CA SCALE: 1/8"=1'
APPROVED: DATE:	

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ART & SIGN SYSTEMS

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