



Wichita-Sedgwick County Metropolitan Area Planning Department

August 23, 2011

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

RE: BZA2011-00032 – City variance request to move a permitted off-site sign closer to the right-of-way for better visibility; generally located south of Waterman, along the east side of Washington (320 S. Washington).

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **AUGUST 23, 2011**. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Derrick Slocum'.

Derrick Slocum, Asst BZA Secretary
Current Plans Division

cc: Remington Investment Group, LLC, 3629 N. Hydraulic, Wichita, KS 67219
Kurt Schroeder, Office of Central Inspections, 1-72
Paul Hays, Office of Central Inspections, 1-72
J R Cox Office of Central Inspection, 1-72
Lavonta Williams WCC IV Mailstop 1-13
LaShonda Games, WCC IV NA, Mailstop 1-135

BZA RESOLUTION NO. BZA2011-00032

WHEREAS, Remington Investments Group, LLC., (Owner/Applicant) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section III-B.20.d (3) of the Unified Zoning Code to reduce the front setback on property zoned "LI" Limited Industrial; generally located south of Waterman, along the east side of Washington (320 S. Washington).

Lot 104, EXCEPT the North 10' thereof and all of Lots 106 and 108; Washington Ave. Hunters Subdivision 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 August 23, 2011, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique, inasmuch as the condition requiring the variance was created by the City of Wichita. The City has widened Washington over the years creating a situation where the existing buildings lost any front yards they had, thus pushing the setbacks farther into the properties. The buildings obstruct the view lines to the proposed permitted off-site sign.

WHEREAS, the Board of Zoning Appeals has found that the granting the requested variance to allow an off-site sign to be constructed within the twenty-foot building setback will not adversely affect the rights of adjacent property owners, inasmuch the reduction in the setback will have no impact on the adjacent businesses. The entire block is zoned LI, and all of the uses are either industrial or commercial in nature. The sign code does not allow the sign to obscure any on-site signs, so there should be no issues with the visibility of other properties. Moving the sign fifteen feet closer to Washington will not have an adverse affect on adjacent property owners.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the code would constitute a hardship upon the applicant, inasmuch in that the view of the off-site sign from the street would be obstructed by surrounding structures if the twenty-foot setback was strictly enforced.

WHEREAS, the Board of Zoning Appeals has found that the requested variance to allow an off-site sign to be constructed within the twenty-foot building setback will not adversely affect the public interest, inasmuch as on-site signs in Wichita are allowed to be up to 300 square-feet, which is also the size of the sign in this request. An on-site sign would not be required to have any setback, which demonstrates that there would be no adverse effect to the public.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch the sign will be similar to the on-site sign one half-block north of the subject site.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to Section III-B.20.d (3) of the Unified Zoning Code to reduce the front setback on property zoned "LI" Limited Industrial; generally located south of Waterman, along the east side of Washington (320 S. Washington).

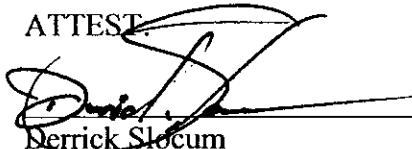
Lot 104, EXCEPT the North 10' thereof and all of Lots 106 and 108; Washington Ave. Hunters Subdivision to Wichita, Sedgwick County, Kansas.

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

1. The site shall be developed in substantial conformance with the approved amended site plan and elevation drawings.
2. The applicant shall obtain all necessary permits necessary to construct the signage and the signage shall be erected during the one year period of the variance being granted, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 23th Day of August, 2011.


BZA Board Chair, Dwight Greenlee

ATTEST.

Derrick Slocum
Assistant BZA Secretary

BZA APPLICATION COUNTY CONTROL 00126468
AMENDED SITE PLAN 9/20/2011

97

1" = 20'

0 5 10 20

BUILDING 320 S WASHINGTON

PARKING
LOT 320 S.
WASHINGTON

PROPERTY LINE

10'x30' OFF SITE
SIGN

CITY PERMIT # SGN2011-00253

LOT 104 (EX N 10') AND
LOT 106 & 108

WASHINGTON AVE HUNTERS SUBDIVISION

PROPERTY LINE

PARKING LOT FOR 350 S. WASHINGTON

APPROVAL

BUILDING 350 S. WASHINGTON

ACTION

BZA 13212011-00092

10/4/11
JHE

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4
August 23, 2011

SECRETARY'S REPORT

CASE NUMBER: BZA2011-00032

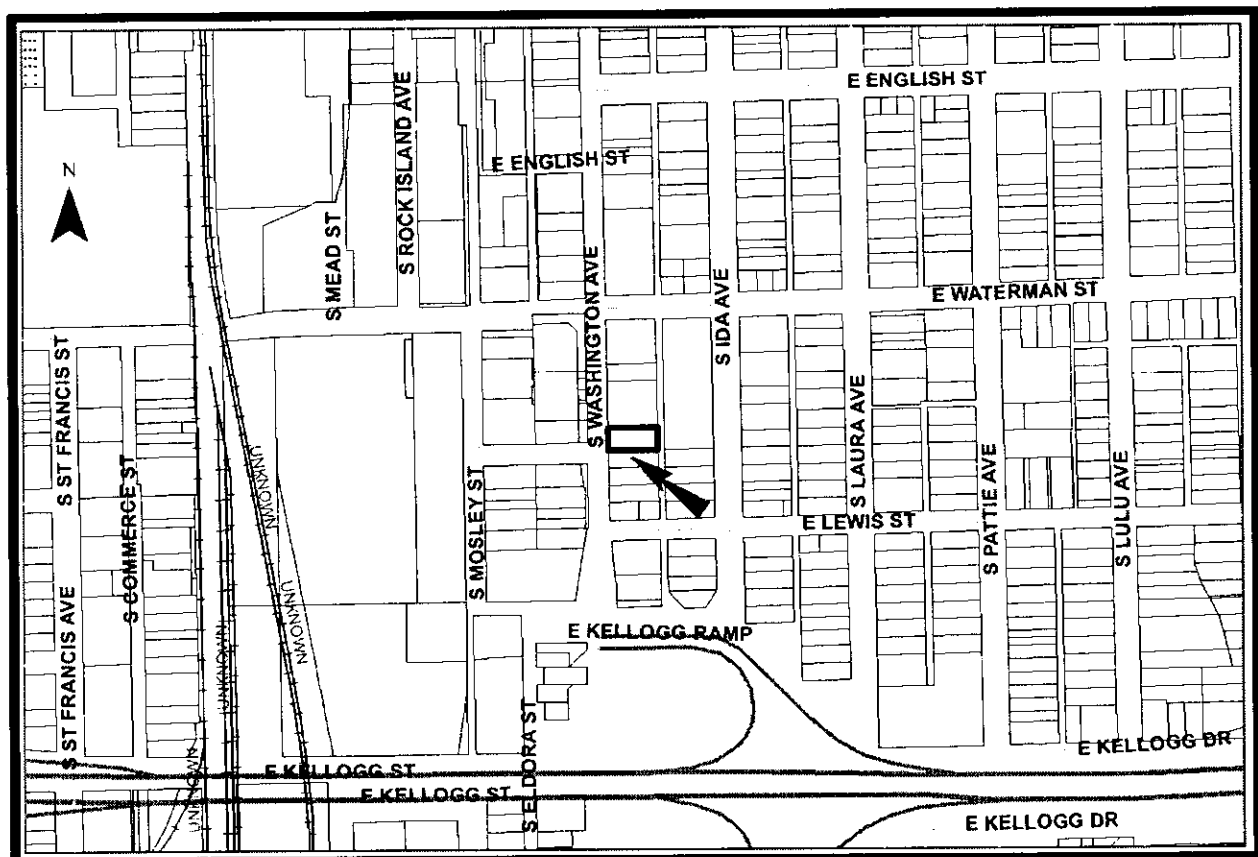
APPLICANT/AGENT: Remington Investments Group, LLC. (Owner, Applicant)
Ferris Consulting, c/o Greg Ferris (Agent)

REQUEST: City variance request to move a permitted off-site sign closer to the right-of-way for better visibility.

CURRENT ZONING: LI Limited Industrial ("LI")

SITE SIZE: 0.20 acres

LOCATION: Generally located south of Waterman, along the east side of Washington (320 S. Washington).



JURISDICTION: The Board has jurisdiction to consider the Variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions, as required by State Statutes, are found to exist.

BACKGROUND: The applicant requests a Variance to reduce the LI Limited Industrial (“LI”) front setback from 20 feet to five feet. The applicant is proposing to construct an off-site junior billboard on the subject property, located south of Waterman Street, along the east side of Washington Avenue. The proposed off-site sign is proposed to be set back five feet from Washington Avenue. The zoning regulations for the LI zoning district require a 20-foot front setback along Washington Avenue. Therefore, the applicant is requesting a variance to reduce the front setback along Washington Avenue from 20 feet to five feet.

Surrounding properties are zoned LI Limited Industrial (“LI”) or CBD Central business District (“CBD”). Property north and south of the subject site is zoned LI, and is developed with a warehouse-storage combination. Property east of the subject site is zoned LI, and is developed with a commercial printing operation. Property west of the subject site, across Washington Avenue, is zoned CBD and is developed with a warehouse-office combination and service garage.

ADJACENT ZONING AND LAND USE:

NORTH	LI	Warehouse-Office Combination
SOUTH	LI	Warehouse-Office Combination
EAST	LI	Commercial Printing
WEST	CBD	Warehouse-Office Combination and Service Garage

The five criteria necessary for approval as they apply to Variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the condition requiring the variance was created by the City of Wichita. The City has widened Washington over the years creating a situation where the existing buildings lost any front yards they had, thus pushing the setbacks farther into the properties. The buildings obstruct the view lines to the proposed permitted off-site sign.

ADJACENT PROPERTY: It is staff’s opinion that granting the requested variance to allow an off-site sign to be constructed within the twenty-foot building setback will not adversely affect the rights of adjacent property owners, inasmuch the reduction in the setback will have no impact on the adjacent businesses. The entire block is zoned LI, and all of the uses are either industrial or commercial in nature. The sign code does not allow the sign to obscure any on-site signs, so there should be no issues with the visibility of other properties. Moving the sign fifteen feet closer to Washington will not have an adverse affect on adjacent property owners.

HARDSHIP: It is staff’s opinion that the strict application of the provisions of the code would constitute a hardship upon the applicant, inasmuch in that the view of the off-site sign from the street would be obstructed by surrounding structures if the twenty-foot setback was strictly enforced.

PUBLIC INTEREST: It is staff’s opinion that the requested variance to allow an off-site sign to be constructed within the twenty-foot building setback will not adversely affect the public interest, inasmuch as on-site signs in Wichita are allowed to be up to 300 square-feet, which is also the size of the sign in this request. An on-site sign would not be required to have any setback, which demonstrates that there would be no adverse effect to the public.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch the sign will be

similar to the on-site sign one half-block north of the subject site.

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 for a front setback reduction from twenty-feet to five-feet for a permitted off-site sign to be closer to the right-of-way for better visibility be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.