



Wichita-Sedgwick County Metropolitan Area Planning Department

September 3, 2015

Clear Channel Outdoor
3405 N. Hydraulic
Wichita, KS 67219

Sunstar Wichita, Inc.
5500 W. Kellogg
Wichita, KS 67209

RE: BZA2015-00037 – City sign code variance request to reduce the distance between off-site signs from 330 feet to 265 feet and to reduce the setback of the off-site sign to zero feet, generally located at the northeast corner of Kellogg and Hoover (5500 W. Kellogg).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **September 3, 2015**. This resolution reflects the official action of the Board, it is forwarded for your information and files.

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

Sincerely,

Derrick Slocum
Asst. BZA Secretary

cc: Tom Stolz, MABCD
Mike Gable, MABCD
JR Cox, MABCD
Jeff Blubaugh, WCC IV CM
Case Bell, CL IV

BZA RESOLUTION NO. BZA2015-00037

WHEREAS, Sunstar Wichita Inc. (Applicant) and Clear Channel Outdoor Inc. (Agent) pursuant Kansas Statutes Annotated 12-759, request a sign code variance request to reduce the distance between off-site signs from 330 feet to 265 feet and to reduce the setback of the off-site sign to zero feet on the front property line on GC General Commercial zoned property; generally located northeast corner of Kellogg and Hoover (5500 W. Kellogg).

Legal Description: The South 200 feet of the West 200 feet of Lot 1, Western 2nd 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 September 3, 2015, 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; and

WHEREAS, the Board of Zoning Appeals has found that this property is unique, inasmuch that the applicant has the site that contains a legally conforming billboard that abuts the west-bound access ramp from I-235 to west-bound Kellogg. With the loss of a portion of the applicant's property to right-of-way, the site is just deep enough to permit an off-site sign within the limits of the site. A variance is the most reasonable solution to reducing building setbacks and sign separation that would permit the re-installation of a billboard on the site.

WHEREAS, the Board of Zoning Appeals has found that the requested variances would not adversely affect the rights of adjacent property owners, inasmuch because there has been a billboard on the property for several years and so the variance is not facilitating the installation of a new use. Land surrounding the site is either GC General Commercial, right-of-way or is owned by KDOT.

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 without the requested variance, the applicant would not be able to re-install a full size, off-site billboard. Presumably such a restriction would significantly reduce the economic value of the sign.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, inasmuch that the requested variance promotes the public interest to the extent that billboards provide an alternate approach to advertising in radio, television or print media.

WHEREAS, the Board of Zoning Appeals has found that granting the variance would not be opposed to the general spirit and intent of the zoning regulations, inasmuch the requested variance does not oppose the general spirit and intent of the Zoning Code which is to protect the public health, safety and welfare.

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a variance to be granted.

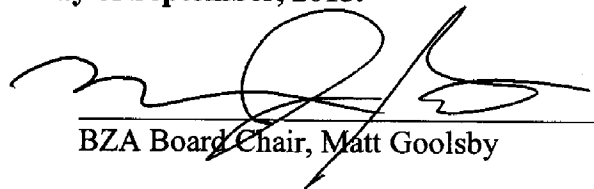
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, request a sign code variance request to reduce the distance between off-site signs from 330 feet to 265 feet and to reduce the setback of the off-site sign to zero feet on the front property line on GC General Commercial zoned property; generally located northeast corner of Kellogg and Hoover (5500 W. Kellogg).

Legal Description: The South 200 feet of the West 200 feet of Lot 1, Western 2nd Addition to Wichita, Sedgwick County, Kansas.

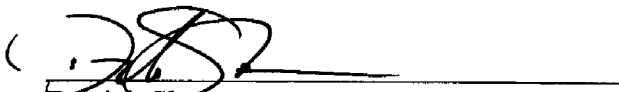
The variance is hereby GRANTED, subject to the following conditions:

1. The front building setback shall be reduced to zero and the off-site sign separation shall be reduced to 265 feet, but only for a billboard. All other uses on the site shall comply with applicable zoning, building, fire, sign and other applicable codes.
2. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time 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 3rd Day of September, 2015.


BZA Board Chair, Matt Goolsby

ATTEST:


Derrick Stocum
Asst. BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00037

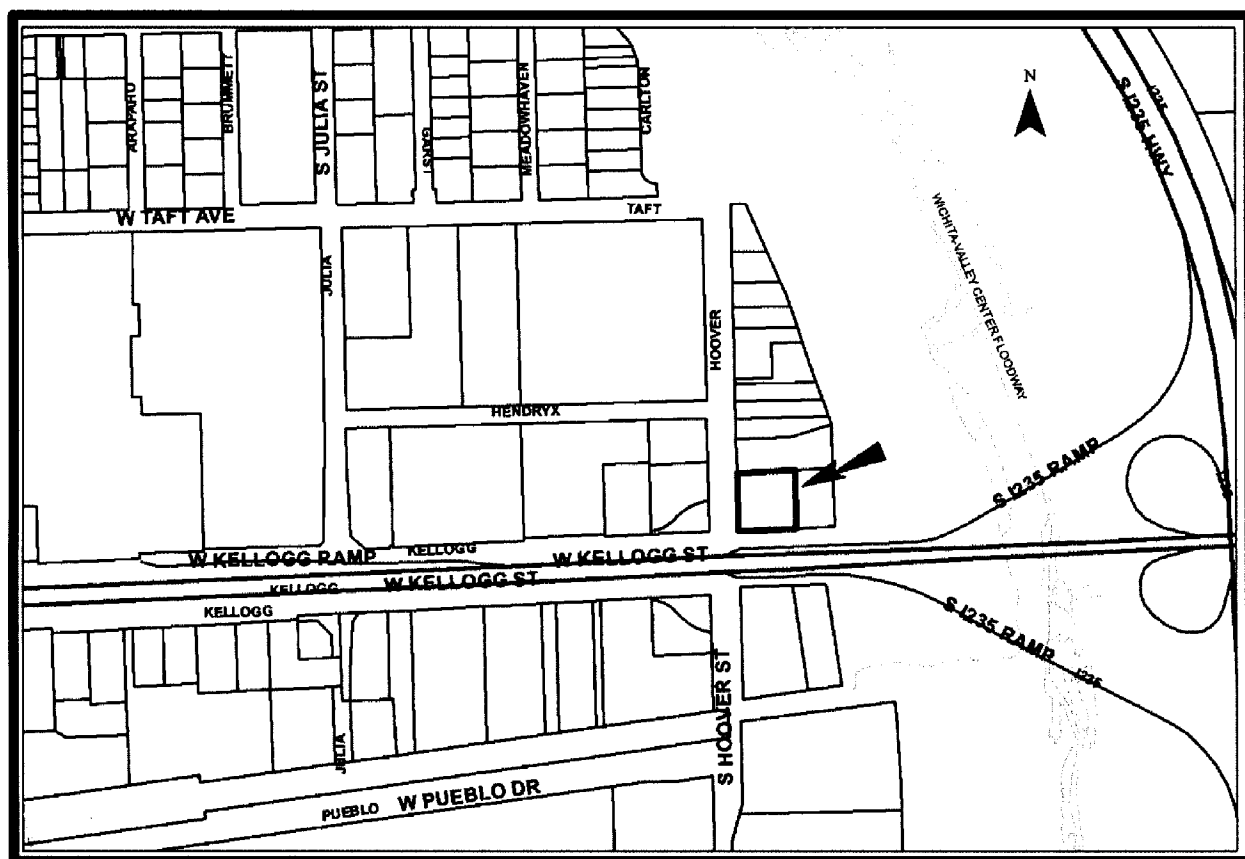
APPLICANT/AGENT: Sunstar Wichita Inc. (Applicant)
Clear Channel Outdoor Inc. (Agent)

REQUEST: City sign code variance request to reduce the distance between off-site signs from 330 feet to 265 feet and to reduce the setback of the off-site sign to zero feet on the front property line.

CURRENT ZONING: GC General Commercial

SITE SIZE: 0.91 acres

LOCATION: At the northeast corner of Kellogg and Hoover (5500 W. Kellogg).



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 application area is .91 acres located north of West Kellogg, on the east side of North Hoover that contains an existing billboard. The Kansas Department of Transportation (KDOT) will be expanding and improving the West Kellogg/I-235 interchange, and has acquired additional right-of-way which currently contains the existing billboard. As a result of the KDOT purchase, the applicant is required to move the billboard out of KDOT's newly acquired right-of-way. The applicants are wishing to re-establish the billboard on the remaining piece of land located just north of the billboard's current location. However, the new proposed location of the sign would place it on the front property line and place it within 265 feet of another off-site sign. Billboards are treated as structures, and are required to observe building setback standards and also, the sign code requires that off-site signage have a separation of at least 330 feet. The site is zoned General Commercial (GC) that has the following setbacks: front-20 feet; rear-0 feet; interior side-0 or five feet and street side-0 feet. The Kellogg frontage is the application area's front yard. The subject site has 200 feet of frontage along Kellogg. The applicant is requesting a zero building setback from the application area's front yard (Kellogg) and a reduction of the required 330 foot separation between off-site signs.

ADJACENT ZONING AND LAND USE:

NORTH:	GC	Hotel
SOUTH:	GC (& Kellogg)	Bar (Expressway)
EAST:	GC	Hotel Parking Lot
WEST:	GC	Restaurant

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

UNIQUENESS: It is staff's opinion that the circumstances causing this request are unique in that the applicant has the site that contains a legally conforming billboard that abuts the west-bound access ramp from I-235 to west-bound Kellogg. With the loss of a portion of the applicant's property to right-of-way the site is just deep enough to permit an off-site sign within the limits of the site. A variance is the most reasonable solution to reducing building setbacks and sign separation that would permit the re-installation of a billboard on the site.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance would not adversely affect the rights of adjacent property owners because there has been a billboard on the property for several years and so the variance is not facilitating the installation of a new use. Land surrounding the site is either GC General Commercial, right-of-way or is owned by KDOT.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the code would constitute a hardship upon the applicants. Without the requested variance, the applicant would not be able to re-install a full size, off-site billboard. Presumably such a restriction would significantly reduce the economic value of the sign.

PUBLIC INTEREST: It is staff's opinion that the requested variance promotes the public interest to the extent that billboards provide an alternate approach to advertising in radio, television or print media.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance does not oppose the general spirit and intent of the Zoning Code which is to protect the public health, safety and welfare.

RECOMMENDATION: It is staff's opinion that the requested variance complies with the required criteria noted above. Should the Board determine that the criteria necessary to grant a variance exists, the Secretary recommends that the variance be GRANTED, subject to the following conditions:

1. The front building setback shall be reduced to zero and the off-site sign separation shall be reduced to 265 feet, but only for a billboard. All other uses on the site shall comply with applicable zoning, building, fire, sign and other applicable codes.
2. The applicant shall obtain all permits necessary to build the structure within one year of variance approval, unless such time is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

Side setback of zero.

The diagram is a technical site plan showing the layout of a proposed building and its relationship to surrounding infrastructure. The main features include:

- Proposed Building:** A large rectangular structure with a width of approximately 60 feet.
- Setbacks:**
 - Front setback: 265.70 ft
 - Side setback: 300.02 ft
 - Zero building set-back on street side
- Streets:**
 - S. Hoover Road (Stationing: Sta. 393+69.73 @ U.S. 54/400)
 - Kellogg Ave (Stationing: Sta. 398+00.00 Exte 4' x 4' x 214.4' RCB 50.0' Lt.)
- Utilities:** Electric and Communication lines are shown running parallel to the streets.
- Other Structures:** Existing buildings and structures are indicated with dashed lines and labels like "Exist. Bldg".
- Dimensions:** Various other dimensions are noted, such as 20 ft, 30 ft, 48' RCP, 36' RCP, and 48' RCP.