



**Wichita-Sedgwick County Metropolitan Area Planning Department**

November 5, 2015

Kaw Valley Engineering, Inc.  
200 N. Emporia  
Wichita, KS 67202

Marina Point Office Park, LLC  
1999 N. Amidon, Ste 375  
Wichita, KS 67203

**RE: BZA2015-00050** – City BZA variance to allow an additional sign on Lot 2, Marina Lake Fifth Addition, generally located south of West 21<sup>st</sup> Street North, along the west side of North Amidon Avenue (1999 N. Amidon Ave.)

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **November 5, 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,

A handwritten signature in black ink, appearing to read 'Derrick Slocum', written over a horizontal line.

Derrick Slocum  
BZA Secretary

cc: Tom Stolz, MABCD  
Mike Gable, MABCD  
JR Cox, MABCD  
Janet Miller, WCC VI CM  
Martha Sanchez, CL IV

**BZA RESOLUTION NO. BZA2015-00050**

**WHEREAS**, Marina Point Office Park, LLC (Applicant) and Kaw Valley Engineering, Inc. (Agent) pursuant to Kansas Statutes Annotated 12-759, request a sign code variance to allow an additional sign on Lot 2, Marina Lake Fifth Addition on NR Neighborhood Retail zoned property; generally located south of West 21<sup>st</sup> Street North, along the west side of North Amidon Avenue (1999 N. Amidon Ave.)

Legal Description: Lot 2; Marina Lake Fifth 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 November 5, 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 in that the site currently contains two signs as stipulated in the last variance decision (BZA 7-84) but the maximum allowable square footage has not been exhausted. The applicant will be able to put the proposed 36 square foot sign on site while being able to keep the square footage below the maximum and keeping enough space between the other signs 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 because the sign will be small, out of sight lines and remain below maximum allowable square footages. The property surrounding the site is predominately commercial in nature.

**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 because without the requested variance, the applicant would not be able to install a business sign on the site. Presumably such a restriction would significantly reduce the economic value of the site and business.

**WHEREAS**, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest to the extent that the sign would provide visibility for a local business.

**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, which is to protect the public health, safety and welfare. The intent of the original variance was to minimize any negative impacts in regards to excess signage. This request does not drastically increase the square footage of the signs that are existing and would still be under the allowable maximum square footage.

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

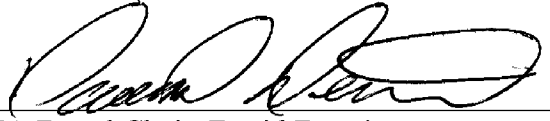
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, request a sign code variance request to allow an additional sign on Lot 2, Marina Lake Fifth Addition on NR Neighborhood Retail zoned property; generally located south of West 21<sup>st</sup> Street North, along the west side of North Amidon Avenue (1999 N. Amidon Ave.)

Legal Description: Lot 2; Marina Lake Fifth Addition to Wichita, Sedgwick County, Kansas.

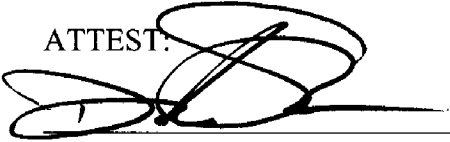
The variance is hereby **GRANTED**, subject to the following conditions:

1. The additional sign will need to be place in accordance to the staff approved revised site plan.
2. There will be no change in the maximum allowed square footage of 382 square feet as approved by BZA 7-84.
3. Only three signs will be permitted on the subject site unless another adjustment or variance is required.
4. The applicant shall obtain all permits necessary to build the sign.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

**ADOPTED AT WICHITA, KANSAS, this 5th Day of November, 2015.**

  
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BZA Board Chair, David Dennis

ATTEST:

  
\_\_\_\_\_  
Derrick Slocum  
BZA Secretary

**SECRETARY'S REPORT**

**CASE NUMBER:** BZA2015-00050

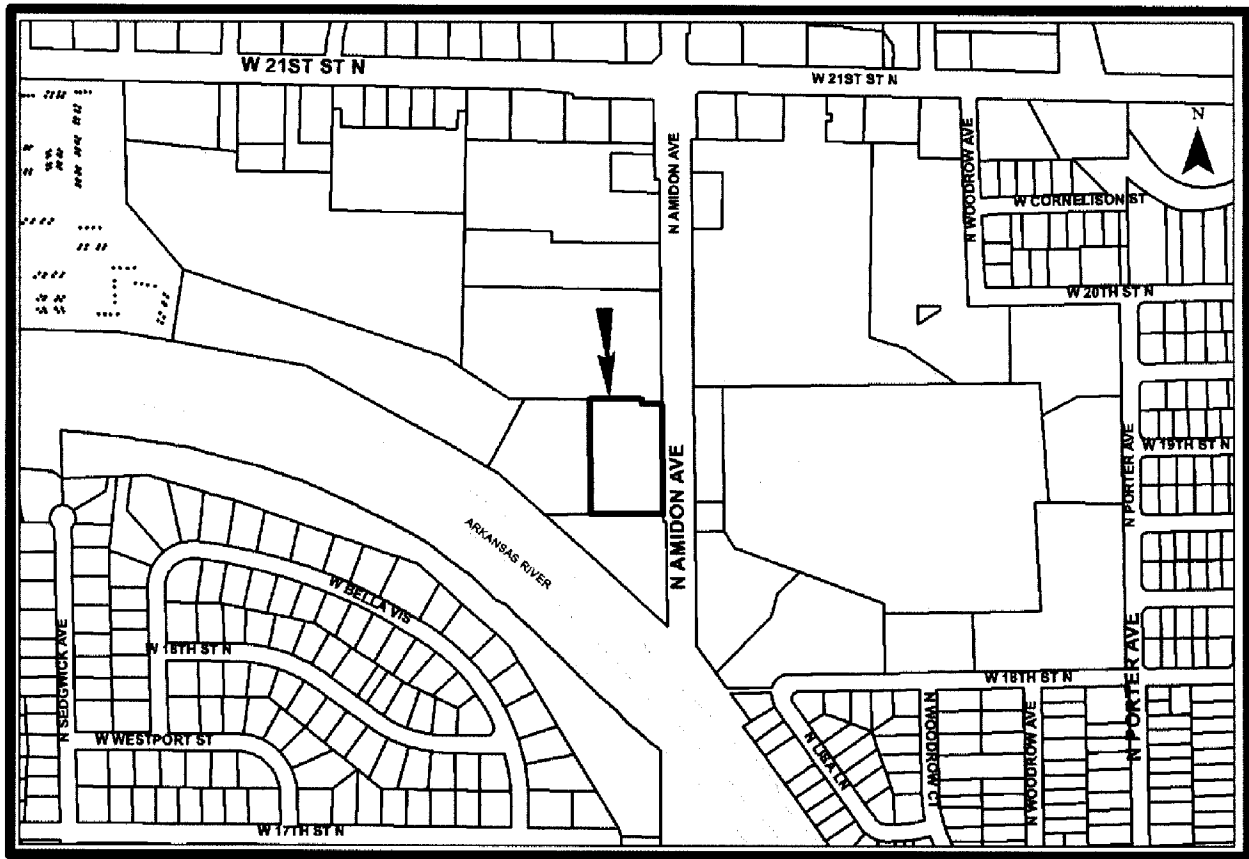
**APPLICANT/AGENT:** Marina Point Office Park, LLC (Owner/Applicant)  
Tim Austin (Agent)

**REQUEST:** City BZA variance to allow an additional sign on Lot 2, Marina Lake Fifth Addition.

**CURRENT ZONING:** NR Neighborhood Retail ("NR")

**SITE SIZE:** 2.23 acres

**LOCATION:** Generally located south of West 21<sup>st</sup> Street North, along the west side of North Amidon Avenue (1999 N. Amidon Ave.)



**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 2.20 acres located south of 21<sup>st</sup> St. North, just north of the Arkansas River, along the west side of North Amidon. The applicant is requesting a variance to allow an additional sign on Lot 2, Marina Lake Fifth Addition zoned NR Neighborhood Retail ("NR"), a part of CUP-DP 23, Marina Lakes Commercial Community Unit Plan. Currently, the frontage is only allowed to have two signs, with the maximum square footage of 382 square feet between the two signs (as approved by BZA 7-84). The two signs currently on site only total 169 square feet, almost half of the square footage allowed. The applicant would like to add the additional sign and take advantage of the square footage available as stipulated in BZA 7-84. The proposed sign would only add an additional 36 square feet, keeping the total square footage well below the 382 square feet that is allowed. So while an additional sign may be located on the site, the combined total square footage of the three signs would fall under the maximum allowable square footage by 177 square feet. The subject site has approximately 380 feet of frontage along North Amidon Avenue.

The site to the north is zoned LC Limited Commercial ("LC") (part of DP-23) and is developed with a shopping center complex. The property to the south is zoned GO General Office ("GO") (part of DP-23) and is developed with an office complex. The property to the east of the subjects site (across North Amidon Avenue) is zoned GO and is developed with a shopping center. The property to the west of the site is zoned B Multi-family Residential ("B") (part of DP-23) and is developed with an apartment complex.

**ADJACENT ZONING AND LAND USE:**

NORTH:	LC	Shopping Center
SOUTH:	GO	General Office Building
EAST:	GO	Shopping Center
WEST:	B	Apartment Complex

*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 site currently contains two signs as stipulated in the last variance decision (BZA 7-84) but the maximum allowable square footage has not been exhausted. The applicant will be able to put the proposed 36 square foot sign on site while being able to keep the square footage below the maximum and keeping enough space between the other signs 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 the sign will be small, out of sight lines and remain below maximum allowable square footages. The property surrounding the site is predominately commercial in nature.

**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 install a business sign on the site. Presumably such a restriction would significantly reduce the economic value of the site and business.

**PUBLIC INTEREST:** It is staff's opinion that the requested variance promotes the public interest to the extent that the sign would provide visibility for a local business.

**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. The intent of the original variance was to minimize any negative impacts in regards to excess signage. This request does not drastically increase the square footage of the signs that are existing and would still be under the allowable maximum square footage.

**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 additional sign will need to be place in accordance to the approved site plan.
2. There will be no change in the maximum allowed square footage of 382 square feet as approved by BZA 7-84.
3. Only three signs will be permitted on the subject site unless another adjustment or variance is required.
4. The applicant shall obtain all permits necessary to build the sign.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.