



Wichita-Sedgwick County Metropolitan Area Planning Department

October 11, 2019

BEH 235 SF LLC
Attn: Amber
1065 N. Waterfront Parkway, Suite 250
Park City, KS 67206

Kaw Valley Engineering
Attn: Levi Bond
200 N. Emporia –Suite 100
Wichita, KS 67202

RE: BZA2019-00035 – City Variances to allow the flag sign (19'6" by 4'6") to extend four feet above the parapet and allow a roof sign (4" by 39'5") with four feet tall channel letters on property generally located at southwest of the intersection of North St. Francis Avenue and East 2nd Street (235 N. St. Francis Avenue)

Dear Applicants,

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on October 10, 2019. This resolution reflects the official action of the Board with the following conditions:

1. Allow the flag sign to extend four feet above the roof and allow the roof sign as per the approved sign graphics and specifications.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year.
3. The sign shall conform to all other requirements of the City of Wichita Sign Code.
4. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department.
5. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

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

Sincerely,

Kathy L. Morgan, Senior Planner
Current Plans Division

BZA RESOLUTION NO. BZA2019-35

WHEREAS, BEH235 SF LLC (owner); pursuant to Kansas Statutes Annotated 12-759, requests variances to allow the flag sign (19'6" by 4'6") to extend four feet above the parapet and allow a roof sign (4" by 39'5") with four feet tall channel letters on property generally located at southwest of the intersection of North St. Francis Avenue and East 2nd Street (235 N. St. Francis Avenue); legally described as follows:

Lots 34, 36, and 38 on 4th (now Saint Francis) Street, J.R. Mead'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 October 10, 2019, 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, there should not be any adverse harm to nearby properties; and

WHEREAS, the variance requested will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community; and

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, variances to allow the flag sign (19'6" by 4'6") to extend four feet above the parapet and allow a roof sign (4" by 39'5") with four feet tall channel letters on property generally located at southwest of the intersection of North St. Francis Avenue and East 2nd Street (235 N. St. Francis Avenue) and legally described as follows:

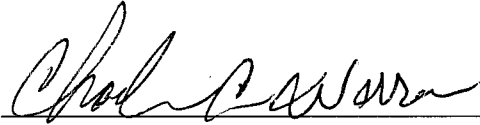
Lots 34, 36, and 38 on 4th (now Saint Francis) Street, J.R. Mead's Addition to Wichita, Sedgwick County, Kansas.

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

1. Allow the flag sign to extend four feet above the roof and allow the roof sign as per the approved sign graphics and specifications.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year.
3. The sign shall conform to all other requirements of the City of Wichita Sign Code.
4. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department.

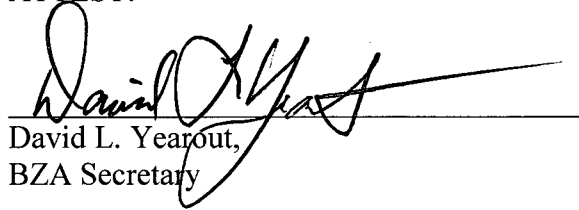
5. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, 10th Day of October, 2019



Charles A. Warren,
BZA Board Chair

ATTEST:



David L. Yearout,
BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2019-00035

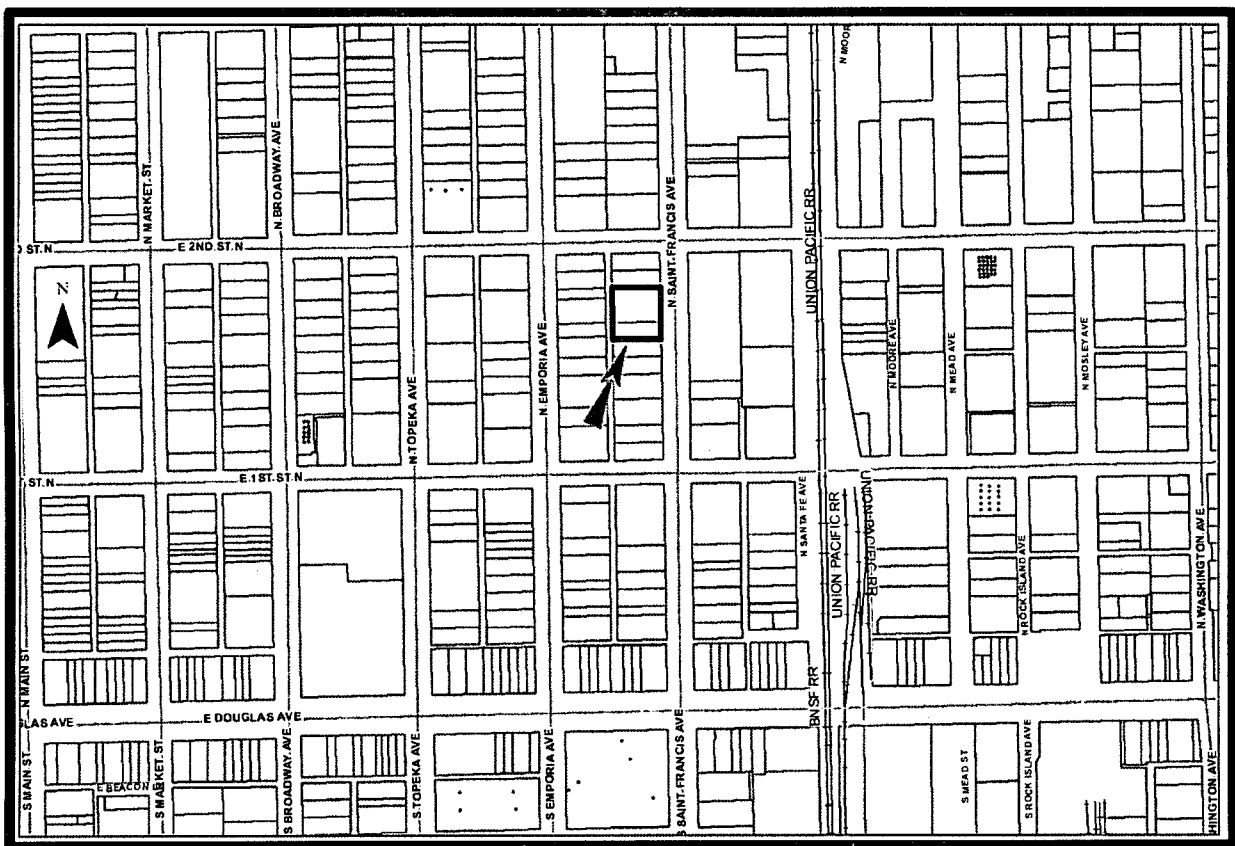
APPLICANT: BEH235 SF LLC (owner) / Kaw Valley Engineering, Levi Bond (agent)

REQUEST: Variances to allow a roof sign and a flag sign above the parapet wall

CURRENT ZONING: CBD Central Business District

SITE SIZE: 0.49 acre

LOCATION: Generally located at the southwest corner of the intersection of North St. Francis Avenue and East 2nd Street



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions Section V-G of the Unified Zoning Code for Wichita/Sedgwick County, 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 subject property, 235 North St. Francis Avenue, is located at the southwest corner of the intersection of North St. Francis Avenue and East 2nd Street. The applicant is requesting variances to allow the flag sign (19'6" by 4'6") to extend four feet above the parapet and allow a roof sign (4" by 39'5") with four feet tall channel letters. (See attached sign graphics)

The Sign Code of the City of Wichita, Section 24.04.197.3 states "Roof Signs, except for Balloon Signs, shall not be permitted except by a variance approved by the Board of Zoning Appeals.

Properties surrounding the site are zoned CBD Central Business District and are developed with retail and commercial service businesses. There is a vacant, surfaced lot immediately north of the building and a surface parking lot at the southeast corner of the intersection of North St. Francis Avenue and East 2nd Street. There are no other roof signs in the area.

ADJACENT ZONING AND LAND USE:

NORTH:	CBD	Commercial
SOUTH:	CBD	Commercial
EAST:	CBD	Public surface parking lot
WEST:	CBD	Commercial

CASE HISTORY: The subject property was platted as the J.R. Meads Addition, which was recorded with the Register of Deeds on September 26, 1870. This building was part of the original Coleman Plant and later used as the Coleman Factory Retail Shop and historic exhibition of early Coleman products.

UNIQUENESS: It is staff's opinion that this property is unique. The landscaping trees along the west side of North St. Francis Street blocks the visibility of signage on the front of the building from northbound and southbound traffic. The roof mounted sign will provide visibility for traffic on westbound 2nd Street.

ADJACENT PROPERTY: It is staff's opinion that granting the roof sign and the flag sign that extend four feet above the parapet at this location will not adversely affect the rights of adjacent property owners. There will be no visibility of the signs from the commercial district east of the site because of the elevated train tracks.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code would constitute an unnecessary hardship upon the applicant. Identification of the location of an eatery/restaurant use is critical to market the new business. The variance of the sign code would allow flexibility for the new business to market itself to the downtown commercial area.

PUBLIC INTEREST: The speed of traffic on North St. Francis Avenue and East 2nd Street is 30 miles per hour. The sign will roof mounted sign and the flag mounted sign will not present a safety distraction.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for increased sign size would not oppose the general spirit and intent of the Sign Code. The Sign Code recognizes the necessity for some latitude for commercial signage in the CBD zoning district.

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 variances to variances to allow the flag sign (19'6" by 4'6") to extend four feet above the parapet and allow a roof sign (4" by 39'5") with four feet tall channel letters as proposed be GRANTED, subject to the following conditions:

1. Allow the flag sign to extend four feet above the roof and allow the roof sign as per the approved sign graphics and specifications.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year.
3. The sign shall conform to all other requirements of the City of Wichita Sign Code.
4. The applicant shall obtain all permits necessary from the Metropolitan Area Building and Construction Department.

5. The resolution authorizing this variance may be declared null and void upon findings by the Zoning Board of Appeals that the applicant has failed to comply with any of the foregoing conditions.

Report Attachments:

1. Applicant rationale for variance
2. Proposed Sign designs



CHOCOLATE FACTORY

CocoaDolce
LOUNGE

THE SWEET LOUNGE