



Wichita-Sedgwick County Metropolitan Area Planning Department

January 1, 2024

Innes Block LLC
c/o Sudha Tokala
105 South Broadway
Suite 1040
Wichita, KS 67202

Ferris Consulting
c/o Greg Ferris
PO Box 572
Wichita, KS 67201

RE: BZA2023-00008: Variance in the City to allow a rooftop sign in the CBD Central Business District on property located on the northwest corner of South Broadway Avenue and East William Street (230 East William).

Dear Applicants,

The official action of the Board of Zoning Appeals was to grant the requested variance. You will receive an executed copy of the BZA2023-00008 Resolution adopted by the Board of Zoning Appeals on April 13, 2023 once it has been processed. The approval of the request is subject to the following conditions:

1. The sign shall be constructed in substantial conformance with the approved site plan and conceptual images.
2. A sign permit shall be obtained. If needed, building permits shall be obtained from MABCD for the construction of the sign structure.

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

Sincerely,

A handwritten signature in cursive script that reads 'Christina Rieth'.

Christina Rieth, Associate Planner
Metropolitan Area Planning Department
271 West 3rd Street
Wichita, KS 67202

Copies to: Jeff Vanzandt, City Law
MABCD

BZA RESOLUTION NO. BZA2023-00008

WHEREAS, Innes Block LLC (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to allow a roof top sign on property located on the northwest corner of South Broadway Avenue and East William Street (230 East William Street); legally described as follows:

Lots 2, 4, 6, 8, 10, and 12, on Lawrence, now Broadway Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas, together with the East Half of the vacated alley adjoining said lots on the West.

AND

Lots 8, 10, and 12, on Market Street, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas, together with the West Half of the vacated alley adjoining said lots on the East.

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 April 13, 2023, 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 conditions of the request are unique to the subject property; and

WHEREAS, waiving the requirements will not adversely affect the rights of adjacent property owners; and

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner; and

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

WHEREAS, it is the opinion of Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; 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, a Variance to allow a roof top sign on property located on the northwest corner of South Broadway Avenue and East William Street (230 East William Street); legally described as follows:

Lots 2, 4, 6, 8, 10, and 12, on Lawrence, now Broadway Avenue, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas, together with the East Half of the vacated alley adjoining said lots on the West.

AND

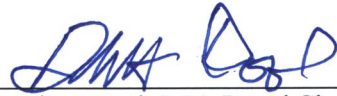
Lots 8, 10, and 12, on Market Street, Greiffenstein's Addition to Wichita, Sedgwick County, Kansas, together with the West Half of the vacated alley adjoining said lots on the East.

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

1. The sign shall be constructed in substantial conformance with the approved site plan and conceptual images.

2. A sign permit shall be obtained. If needed, building permits shall be obtained from MABCD for the construction of the sign structure.

ADOPTED AT WICHITA, KANSAS, this 1st day of JANUARY, 2024.



Robert Dool, BZA Board Chair

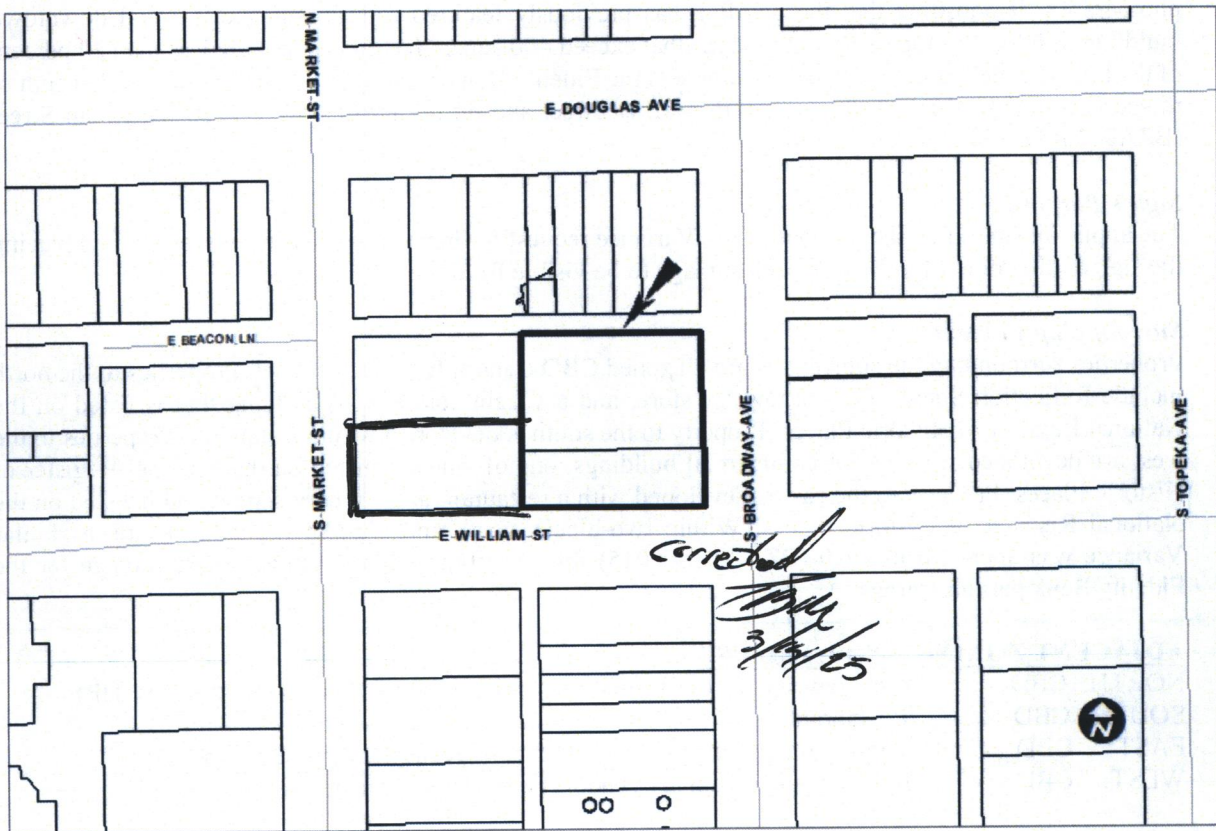
ATTEST:



Scott Wadle,
BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2023-00008 (City)
OWNER/APPLICANT: Innes Block LLC (Owner/Applicant), Ferris Consulting (Agent)
REQUEST: Variance to allow rooftop sign and increase sign square footage
CURRENT ZONING: CBD Central Business District
SITE SIZE: 0.54 acres
LOCATION: Located on the northwest corner of South Broadway Avenue and East William Street (230 East William Street)



JURISDICTION: The Board has jurisdiction to consider the Variance request under the provisions of Section 24.04.250 of the Sign Code for the City of 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 a Variance to the Wichita Sign Code to install a rooftop sign and increase the maximum sign square-footage for a sign on a structure in the CBD Central Business District zoning district. The applicant would like to construct a roof top sign on the south side of the building for their business in order to be visible from the elevated Kellogg freeway farther south.

Section 24.04.197 of the sign code states the following regarding signs permitted in the CBD zoning district:

1. Illuminated On-Site Ground or Pole Signs are permitted by Section 24.04.221;
2. Illuminated Building Signs, provided that these signs shall be limited in total area of 20 percent of each building elevation, and no individual sign shall exceed 400 square feet in area;
3. Roof Signs, except for Balloon Signs, shall not be permitted except by a variance approved by the Board of Zoning Appeals; and
4. Balloon Signs as permitted by Section 24.04.235

Item 3 specifically prohibits roof top signs unless approved by a Variance, and item 2 limits the size of signs to 20 percent of the building elevation or a total of 400 square feet, whichever is smaller. The requests for a rooftop sign and the increase in sign area require the Variance. The proposed illuminated rooftop sign will measure 55'-3" in width by 8'-4" in height, for a total square footage of 460 square feet, which would be a 15 percent increase. The support system for the signage will have a maximum height of 18'-7".

The requested signage was previously approved by the Wichita Historic Preservation Board (HPC2022-00055) because it is a historic building listed on the National Register of Historic Places. Historic photographs demonstrate that the building has previously featured rooftop signage. Several downtown buildings exhibit roof top signs and/or signs that exceed 400 square feet in area but are less than 20 percent of the building elevation. One recent example is the Fidelity Bank sign located two blocks directly south of the subject site on the east side of South Market Street and on the north side of East Waterman Street (BZA2020-00015).

Sign's Purpose

The applicant states that the purpose of the Variance request for increasing the area of the sign and placing the sign on the roof is for the proposed signage to be visible from the Kellogg freeway.

Surrounding Context

Properties surrounding the subject site are all zoned CBD Central Business District. Properties to the north include Reflection Square Park, a jewelry store, and a vacant commercial building that is listed on the National Register of Historic Places. Property to the south is developed with a restaurant. Properties to the west are developed with vacant commercial buildings, one of which is listed on the National Register of Historic Places. Property to the east is developed with a restaurant and culinary school and is listed on the National Register of Historic Places. Within two-blocks south and west of the subject site, a similar Variance was approved in 2020 (BZA2020-00015) for a rooftop sign and larger square footage for the Fidelity Bank parking garage.

ADJACENT ZONING AND LAND USE:

NORTH: CBD	Park, jewelry store, vacant commercial building (Brown Building, NRHP)
SOUTH: CBD	Restaurant
EAST: CBD	Vacant commercial buildings (Wheeler Kelley Hagney Building, NRHP)
WEST: CBD	Restaurant and culinary school (Henry's Department Store, NRHP)

CASE HISTORY

- In 2019, the subject property was formally listed on the National Register of Historic Places (HPC2019-00036).
- In 2022, the Wichita Historic Preservation Board approved illuminated flag-mounted signage on the southeast corner of the building (HPC2022-00037).

- In July of 2022, the Wichita Historic Preservation Board approved the design for the rooftop signage that is proposed in this report (HPC2022-00055).

THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. Criteria: The request is unique to this property and was not created by the applicant. The applicant states that a unique condition exists due to the large size of the building that the signs will be placed on and its proximity to the Kellogg freeway.

Staff analysis:

Staff is in agreement that the maximum square footage allowed by the Wichita Sign Code (400 feet) would not look proportional to the large building where the sign will be placed. It is staff's opinion that signs exceeding 400 square feet (but not exceeding 20 percent of the building elevation) would be appropriate for the large buildings and so that they are visible from the Kellogg freeway. A similar rooftop sign was approved for the same reason (BZA2020-00015). Additionally, historic photographs demonstrate that a rooftop sign had been previously installed on the building.

2. Criteria: The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents. The applicant states that the new signs will have no adverse effect on the rights of the adjacent property owners because it will not be seen from the adjacent properties.

Staff analysis:

The sign will likely be seen by adjacent property owners. However, it is staff's opinion that the granting of the Variance will not adversely affect the rights of adjacent property owners or residents. Staff also recognizes that approval of this Variance and others like it could have detrimental effects on property owners with competing signs that are held to the standards of the Sign Code.

3. Criteria: The strict application of the provisions of the sign code would constitute an unnecessary hardship on the applicant. The applicant states that the strict application of the code will result in an unnecessary hardship because the Code's maximum square footage at four hundred (400) square feet will have little to no effectiveness as a sign. Because of the building's large elevations, the sign will be too small to compete for the eye's attention.

Staff analysis:

Staff agrees with the above statement. It is staff's opinion that signs under four hundred (400) square feet will look disproportionate to the buildings' large elevations. Denial of a rooftop sign may result in a loss of opportunity for the applicant should the sign not be visible from the Kellogg freeway.

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 that there is no adverse effect to the items listed in this criterion. The signs will not be placed in any way to violate any of the previously mentioned items.

Staff analysis:

It is staff's opinion that granting the Variance will not have a significant adverse effect on the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of 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 that the Variance desired is not opposed to the general spirit and intent of the applicable code. The intent of the Code is for the Board of Zoning Appeals to evaluate rooftop signs on a case-by-case basis.

Staff analysis:

It is staff's opinion that the sign already meets one of the two criteria for building wall signs of not exceeding twenty (20) percent of the building wall elevation, which is in concordance with the general spirit and intent of the sign code.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, the recommendation of Staff is that the Variance to allow for one rooftop sign that exceeds the 400 square foot size **meets** 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 conditions:

1. The sign shall be constructed in substantial conformance with the approved site plan and conceptual images.
2. A sign permit shall be obtained. If needed, building permits shall be obtained from MABCD for the construction of the sign structure.

Report Attachments:

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

Applicant's Variance Justification

FERRIS CONSULTING

PO BOX 573 WICHITA, KS 67201
PHONE 316-516-0808 EMAIL ferrisco@aol.com

February 6, 2023

Scott Wadle, Director
Metropolitan Area Planning Department
271 W. 3rd St., 2nd Floor
Wichita, KS 67202

RE: A Variances for the property located at 230 N. William to Sign Code Section 24.04.197, (3); roof top sign in CBD zoning

Dear Scott:

The property located at 230 N. William has been converted to the College of Osteopathic Medicine. This building was once the home of the Innes Department Store. The building has a rich and iconic heritage. It stands as a symbol of downtown in the minds of many Wichitans.

The Sign Code of the City of allows a rooftop sign in Central Business District zoning only with a variance from the Board of Zoning Appeals. The BZA has granted these signs from time to time in particular situations. This request is similar to some of those requests. However, it is also very unique.

The Variance request meets the all the criteria for the Board of Zoning Appeals to grant a Variance. These are:

- **The request is unique to this property and was not created by the applicant.** The Innes Building itself fits the definition of unique. There is no other building in the City of Wichita that represents the history of downtown Wichita like this building. Its architecture, visual image from Kellogg and other parts of downtown, and its historic registration proves this property is unique. A photo showing the original Innes Building, with a rooftop sign, is attached to this application. The applicant did not create the uniqueness of this property.
- **The granting the Variances will not adversely affect the rights of adjacent property owners or residents.** There is nothing in this application that will have any impact on adjacent property owners. The sign will not be seen from the adjacent properties.
- **The strict application of the provisions of the Sign Code would constitute an unnecessary hardship on the applicant.** The College of Osteopathic Medicine is creating a new institution downtown. The believe it is important that they be visible from Kellogg. Not granting the request would create an unnecessary hardship on the College.
- **The Variances will not adversely affect the public health, safety, morals, order convenience, prosperity, general welfare, or the**

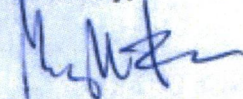
harmonious development of the community. This sign was reviewed by the Historic Preservation Board and overwhelmingly supported. They believe it helps to develop this property and creates an anchor for this part of downtown. The Board said the sign was tasteful and in harmony with the historic nature of the structure. There is nothing in this application that will have a negative impact on the community.

- **The granting of this Variance will not be opposed to the general spirit and intent of the Sign Code.** The Sign Code specifically states that these signs are allowed with a Variance. Unlike most variances that must be interpreted within the Code, this one is specifically called out. The intent of the Code is for the BZA to evaluate these on a case by basis.

We believe the requested Variance should be granted because it meets all five conditions required for the granting of a Variance.

Please let me know if you have any questions.

Sincerely,



Gregory Ferris

CUSTOMER: KansasCOM

SIGN TYPE: Roof Logo



6 FOOT TALL LETTERS



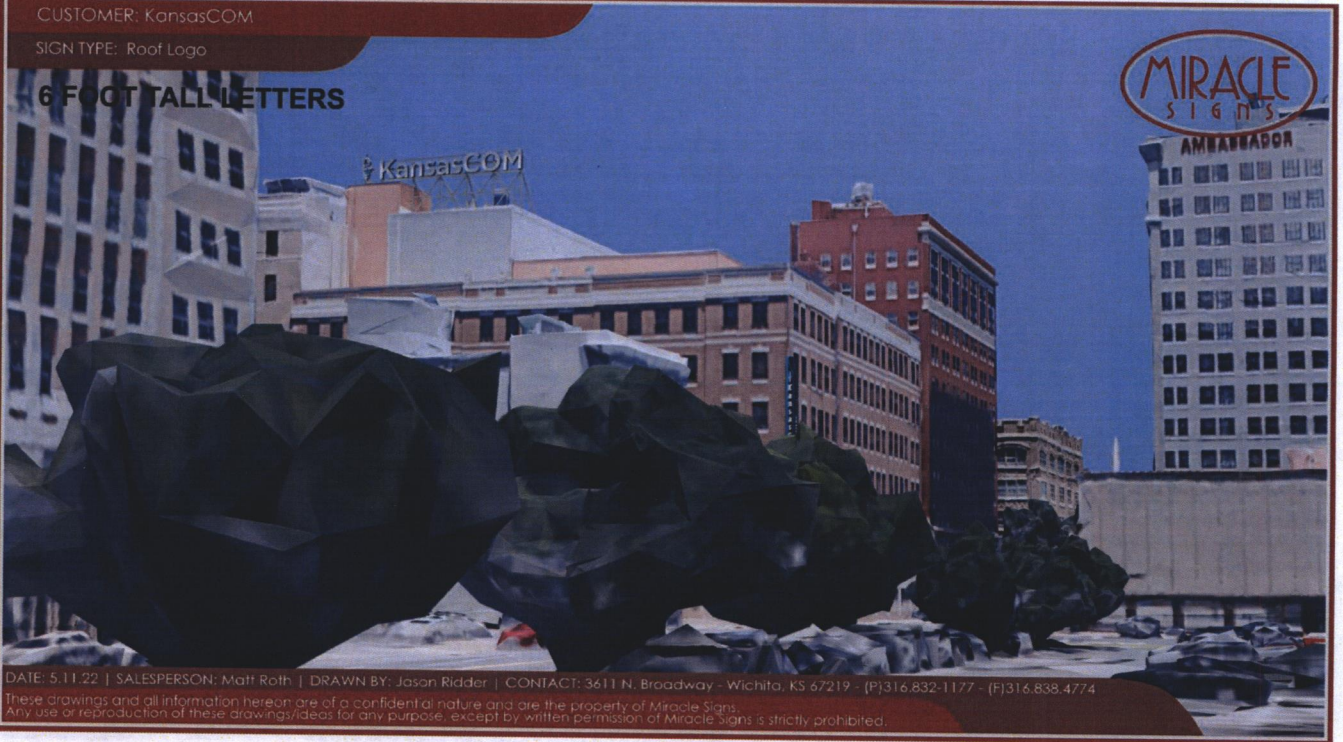
DATE: 5.11.22 | SALESPERSON: Matt Roth | DRAWN BY: Jason Ridder | CONTACT: 3611 N. Broadway - Wichita, KS 67219 - (P)316.832-1177 - (F)316.838.4774

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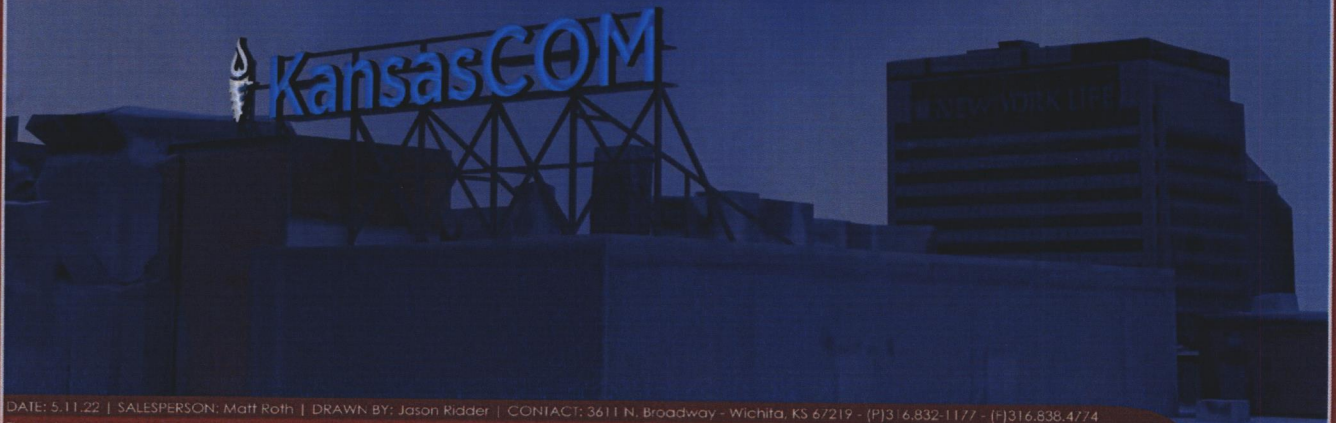
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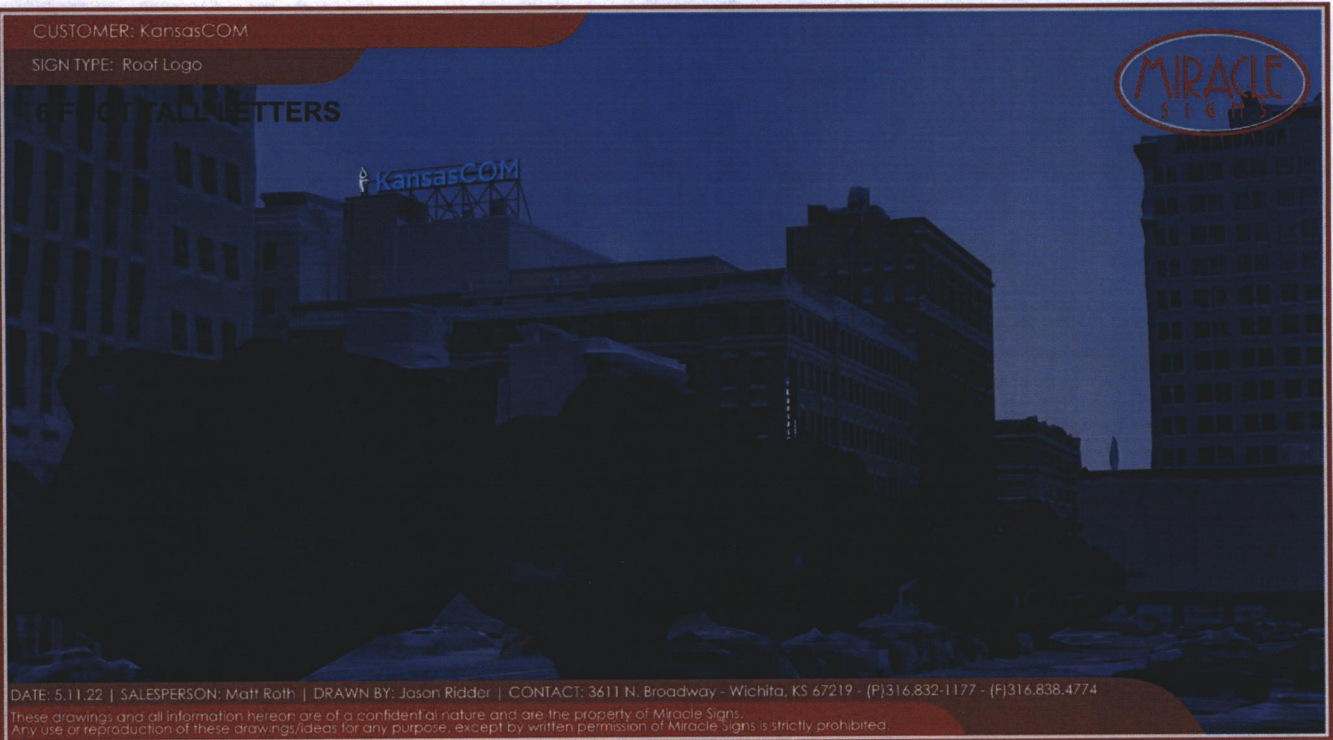
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6 FT. TALL LETTERS



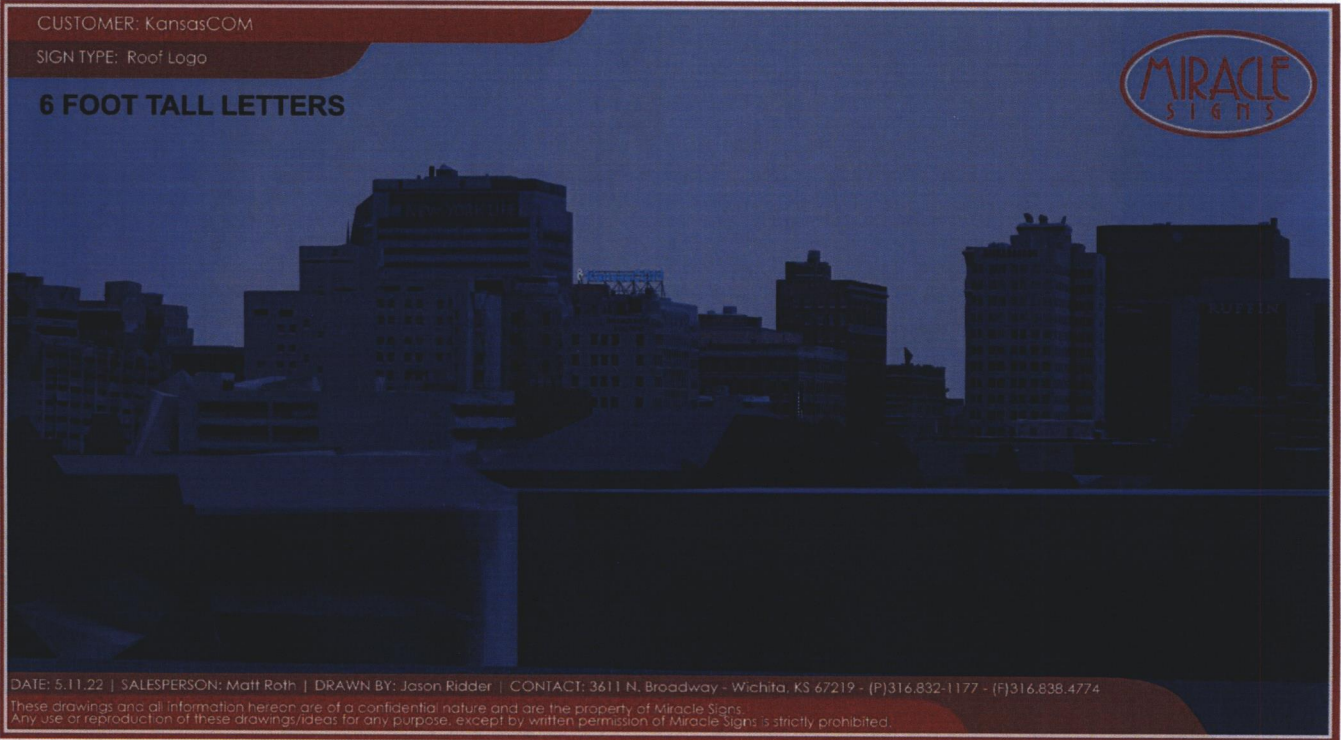
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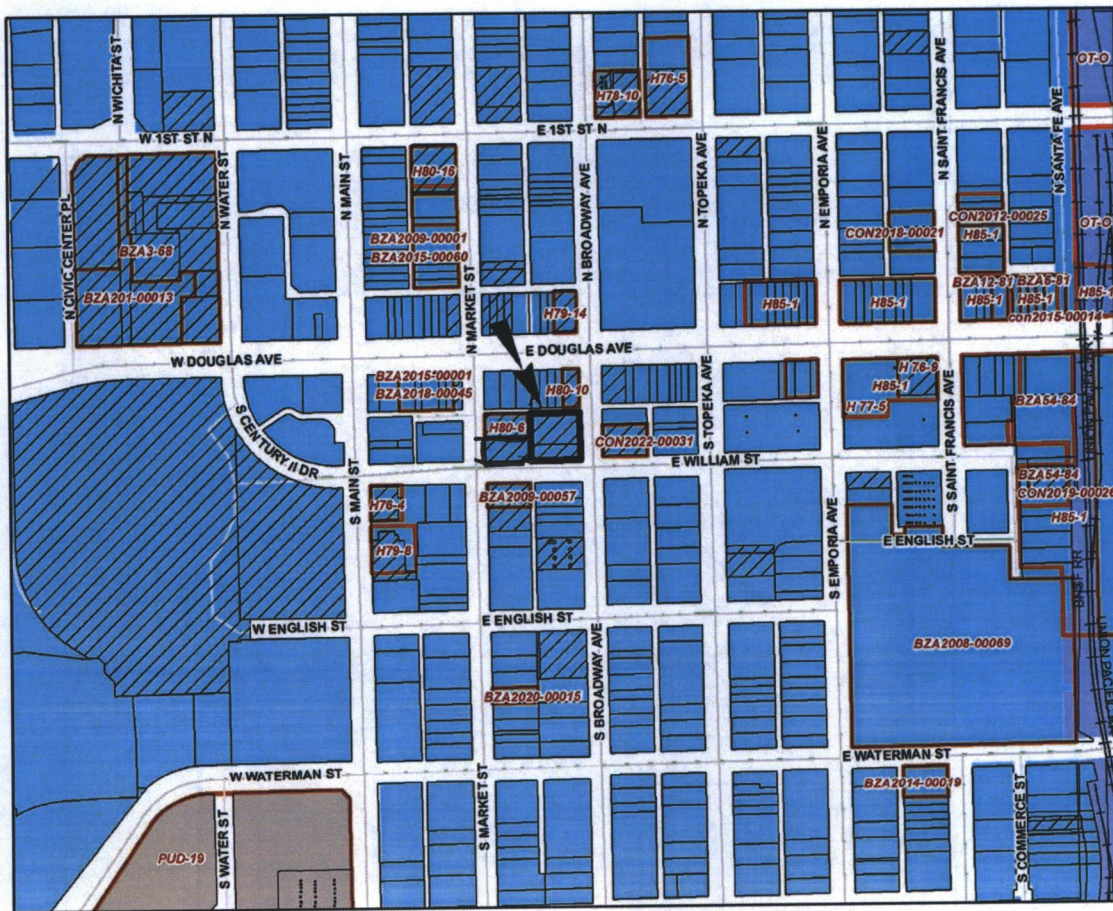


6 FOOT TALL LETTERS





corrected *[Signature]*
3/15/15



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
- HISTORICAL
- DELANO



*Corrected
3/15/25*

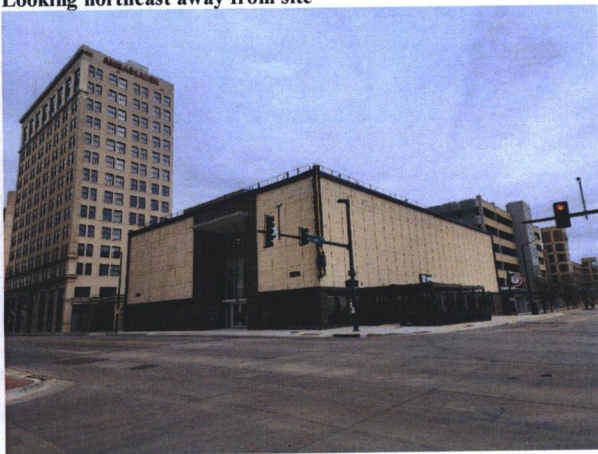
Looking west towards site



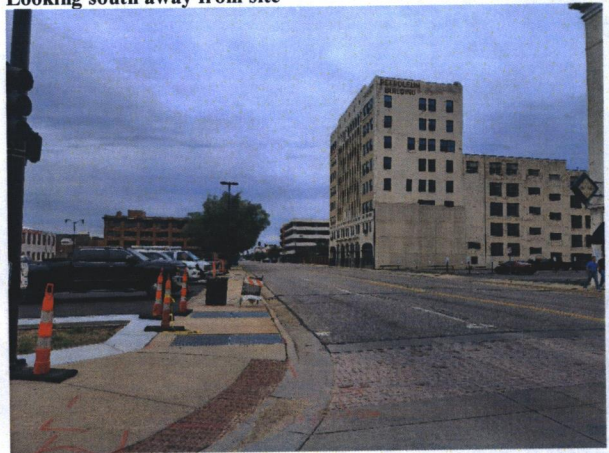
Looking north away from site



Looking northeast away from site



Looking south away from site



Looking north towards site



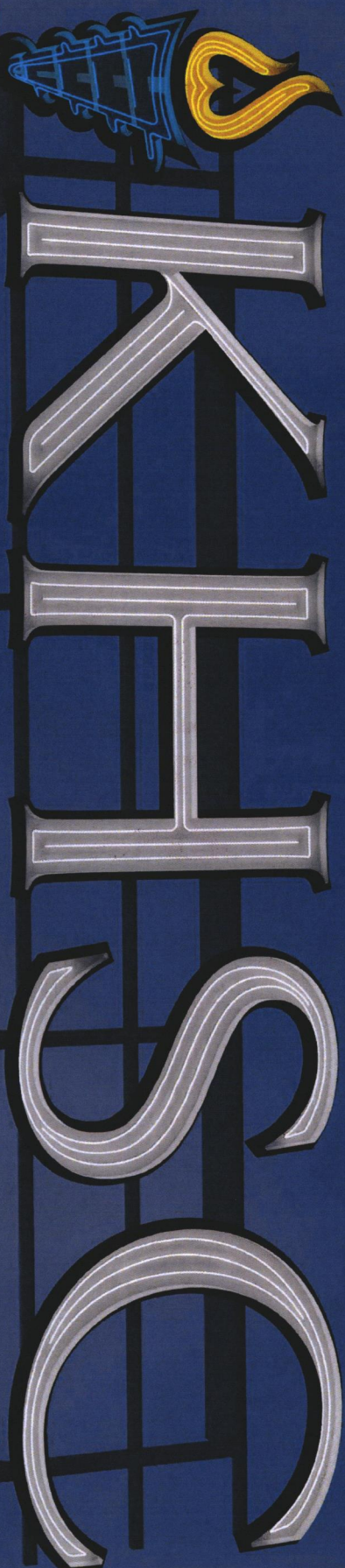
Historic photograph of Innes Department Store (c. 1937)





SITE PLAN

APPROVED 2-14 BY *CMR*



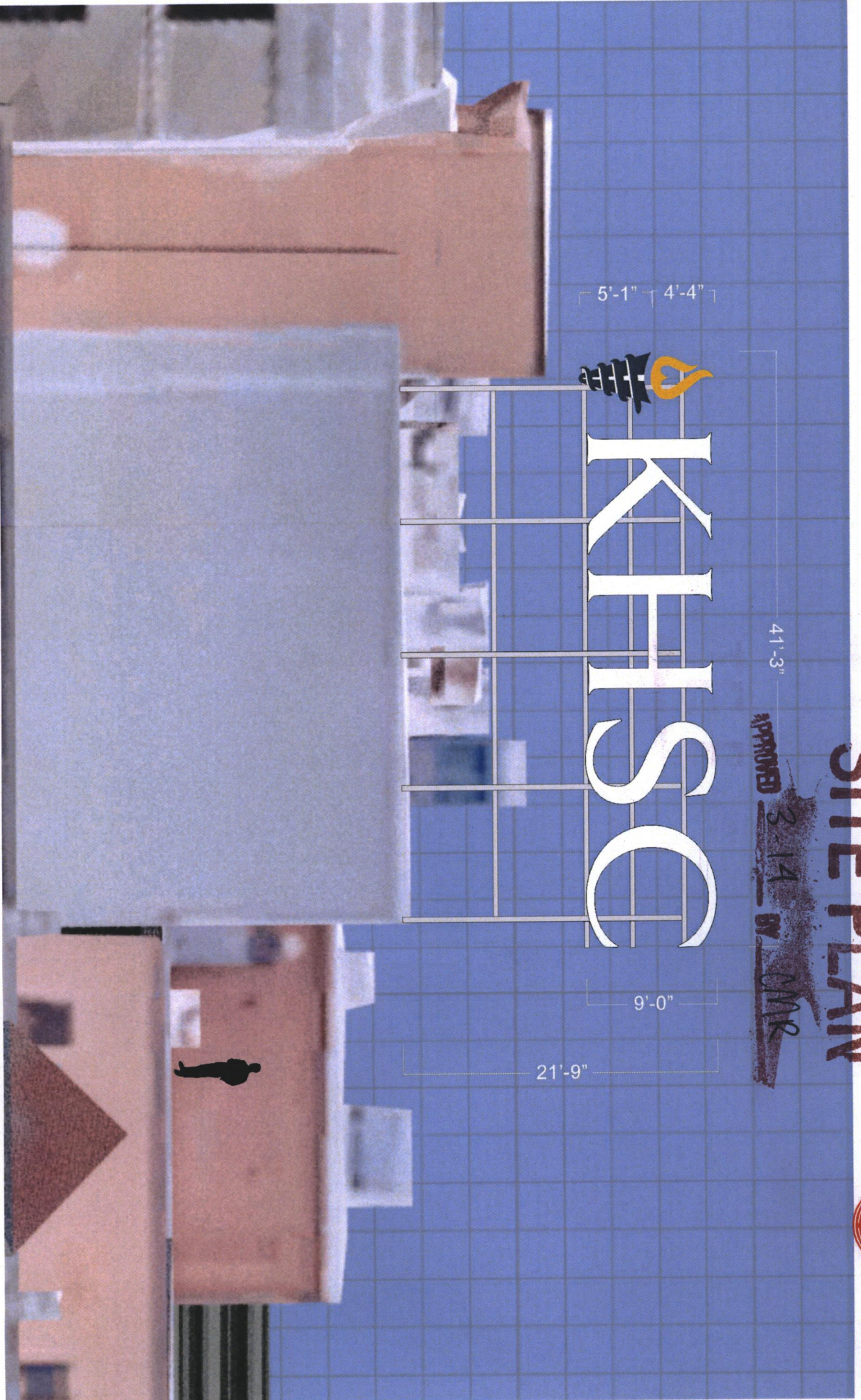
DATE: 06.12.23 | SALESPERSON: Matt Roth | DRAWN BY: Jason Ridder | CONTACT: 3611 N. Broadway - Wichita, KS 67219 - 316.832.1177

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SITE PLAN

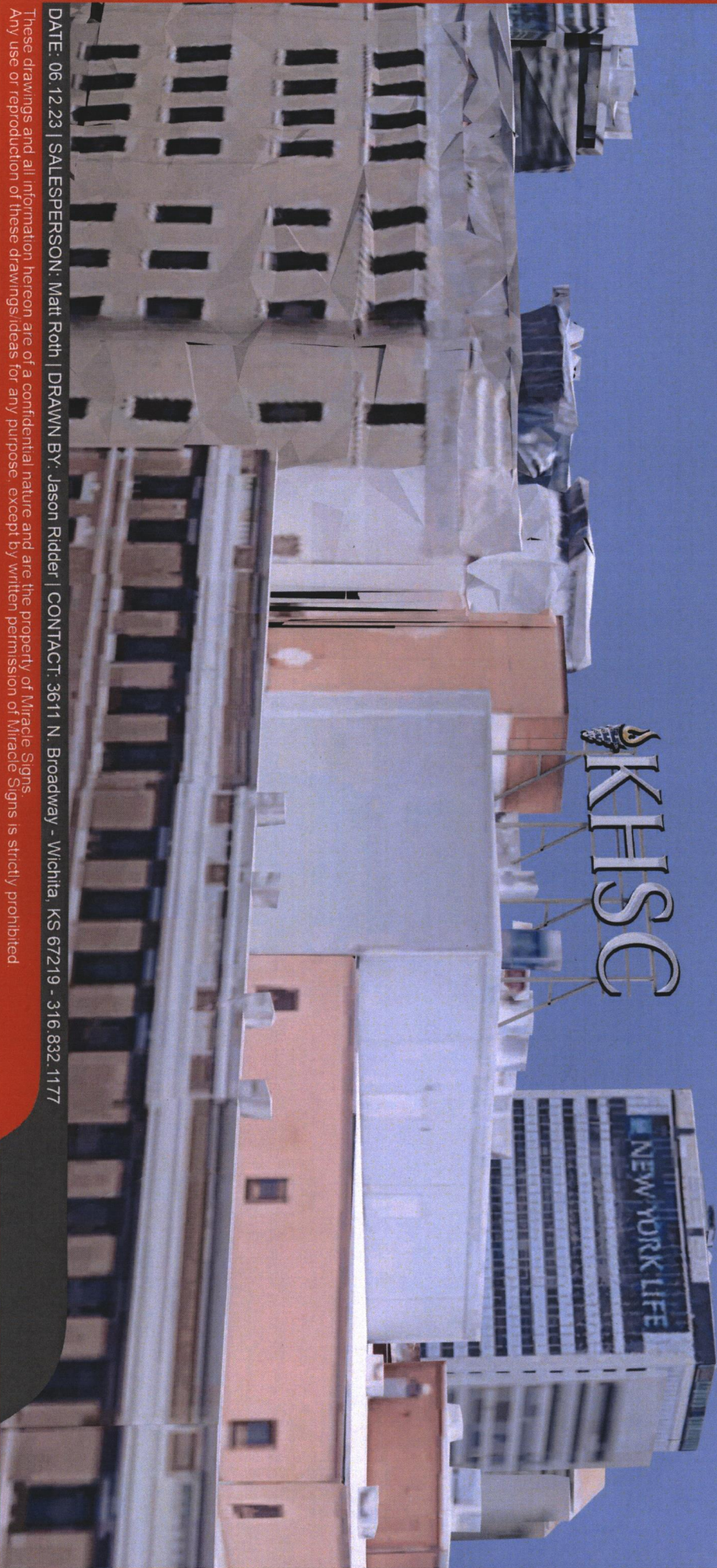


APPROVED 3/14 BY CMR





APPROVED 2-14-14 BY CMP
SITE PLAN



DATE: 06.12.23 | SALESPERSON: Matt Roth | DRAWN BY: Jason Ridder | CONTACT: 3611 N. Broadway - Wichita, KS 67219 - 316.832.1177

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SITE PLAN

APPROVED 3-14 BY CMR



KHSC

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BZA 2023.00008

Certificate of Mailing of Notice of Public Hearing

I, Mandy Hebert, certify that a true and correct copy of the attached Notice of Public Hearing was mailed, on this 22 day of March, 2023, U.S. mail, first class, postage prepaid, to all of the names and addresses indicated on the attached list.

Mandy Hebert