



Wichita-Sedgwick County Metropolitan Area Planning Department

October 29, 2012

C&J LLC c/o Jerry Allen
2877 Benjamin
Wichita, KS 67204

Clear Channel Outdoor
Attn: David Mollhagen
3405 N. Hydraulic
Wichita, KS 67219

RE: BZA2012-50 – City variance request of the Sign Code to decrease the amount of required GC General Commercial (“GC”) zoning in a mile for an off-site sign from 500 to 250 feet, and to increase the allowed height of an off-site sign from 30 to 42 feet, generally located between Hoover and I-235, north of 9th street (1025 N Hoover).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on October 23, 2012. 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,

Jess McNeely, AICP
BZA Secretary
Current Plans Division

cc: Rick Stubbs, Office of Central Inspections
JR Cox, Office of Central Inspection
Janet Miller, WCC VI CM
Terri Dozal, WCC VI NA

City Hall • 10th Floor • 455 North Main • Wichita, Kansas 67202-1688

T 316.268.4421 F 316.268.4390

www.wichita.gov

BZA RESOLUTION NO. BZA2012-50

WHEREAS, C&J LLC c/o Jerry Allen (owner), and Clear Channel Outdoor (agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Sign Code to decrease the amount of required GC General Commercial ("GC") zoning in a mile for an off-site sign from 500 to 250 feet, and to increase the allowed height of an off-site sign from 30 to 42 feet; generally located between Hoover and I-235, north of 9th street (1025 N Hoover).

Legal Description:

LOT 1 EXC BEG 155.34 FT W & 22.78 FT S NE COR TH S 54 FT W 40 FT N 54 FT E 40 FT
TO BEG RAY ALLEN ADD

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 23, 2012, 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. The legal-nonconforming sign adjacent to I-235 would continue to be used, and would not require moving if the City and State did not need this property for right-of-way.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variances will not adversely affect the rights of adjacent property owners. This off-site sign has been present at the current location and height for over 25 years, with no apparent impact on nearby residences. The only change to the existing sign will be moving it 15.89 feet to the east, a change that will not be noticeable to the surrounding properties. The sign is perpendicular to I-235, and does not directly face any residences.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Code would constitute an unnecessary hardship upon the applicant. Without the requested variance of the Sign Code requirement for 500 feet of GC zoning in a mile, the applicant could not re-build this sign. Presumably, the applicant requires the existing 42-foot height for the sign, as moving the sign 15.89 feet to the east will cause the building on the site to partially obscure the sign from northbound traffic on I-235. The 42-foot height will make the sign visible over the existing building. Also, the future bridge crossing I-235 north of this site will partially obscure this sign from southbound traffic on I-235. Permitting the sign at the current 42-foot height should mitigate this hardship on the applicant.

WHEREAS, the Board of Zoning Appeals has found that the requested variances will not adversely affect the public interest. Conversion of the existing sign site to right-of-way is certainly in the public interest, and permitting the legal-nonconforming off-site sign to remain is not contrary to the public interest.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance does not oppose the general spirit and intent of the Code. The spirit and intent of the Sign Code is for adequate visibility of signs without negative impacts on surrounding properties. This variance request simply allows an existing off-site sign, with no apparent impact on surrounding properties, to continue to exist.

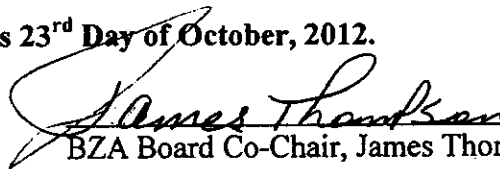
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

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 of the Sign Code to decrease the amount of required GC General Commercial ("GC") zoning in a mile for an off-site sign from 500 to 250 feet, and to increase the allowed height of an off-site sign from 30 to 42 feet; generally located between Hoover and I-235, north of 9th street (1025 N Hoover).

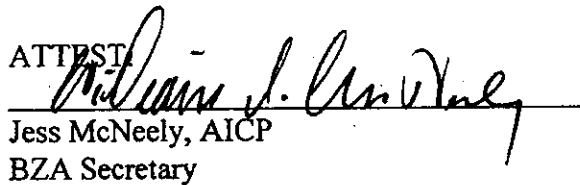
The variance is hereby **GRANTED**, subject to the following conditions:

1. The sign shall be developed in conformance with the approved site plan and elevation drawing, and shall be located 15.89 feet from the present location.
2. The applicant shall obtain all permits necessary to construct the sign and the sign 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.

ADOPTED AT WICHITA, KANSAS, this 23rd Day of October, 2012.


BZA Board Co-Chair, James Thompson

ATTEST


Jess McNeely, AICP
BZA Secretary

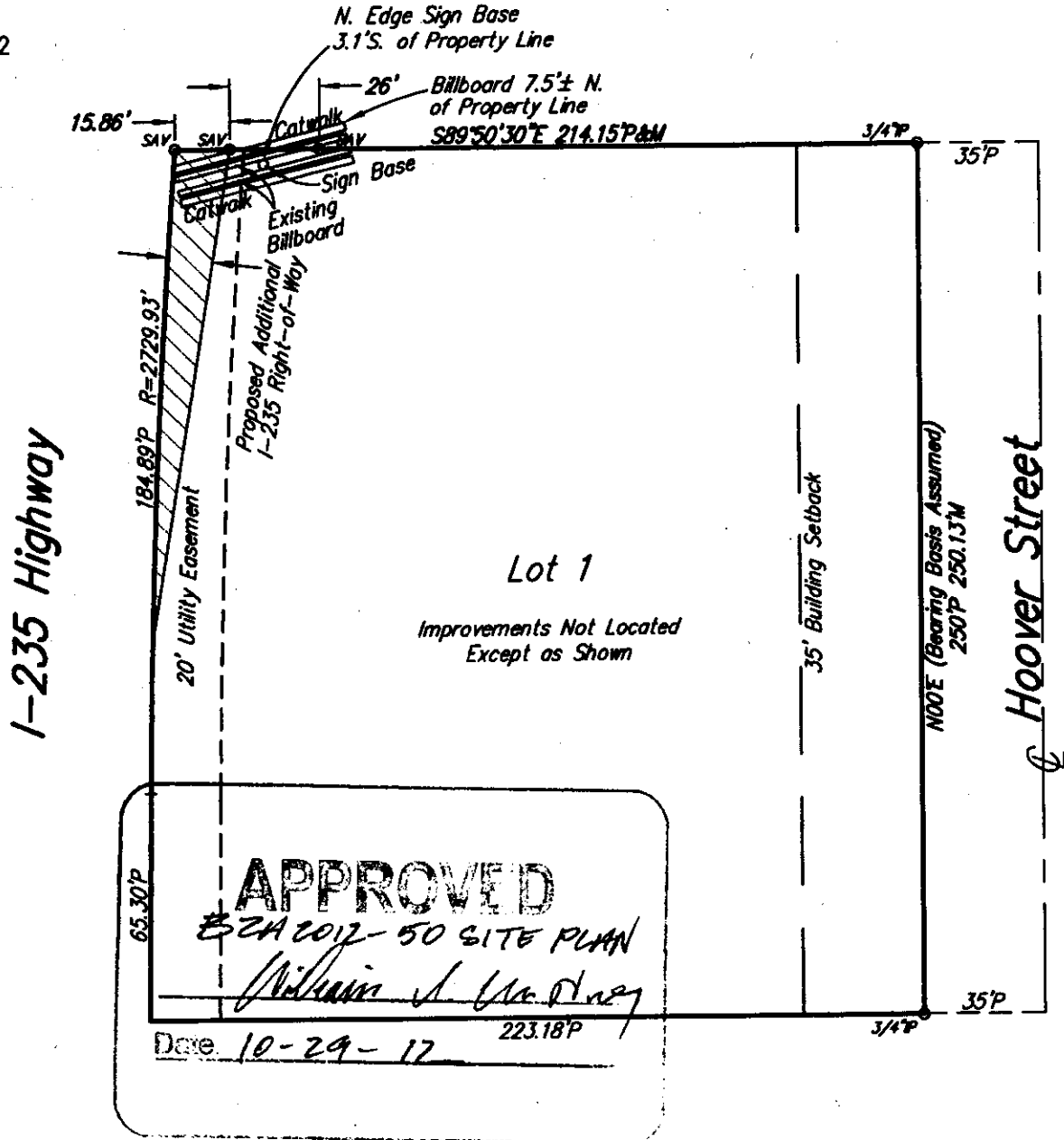


Savoy Company, P.A.

433 S. Hydraulic
Wichita, KS 67211-1911

PH (316) 265-0005
FAX (316) 265-0275
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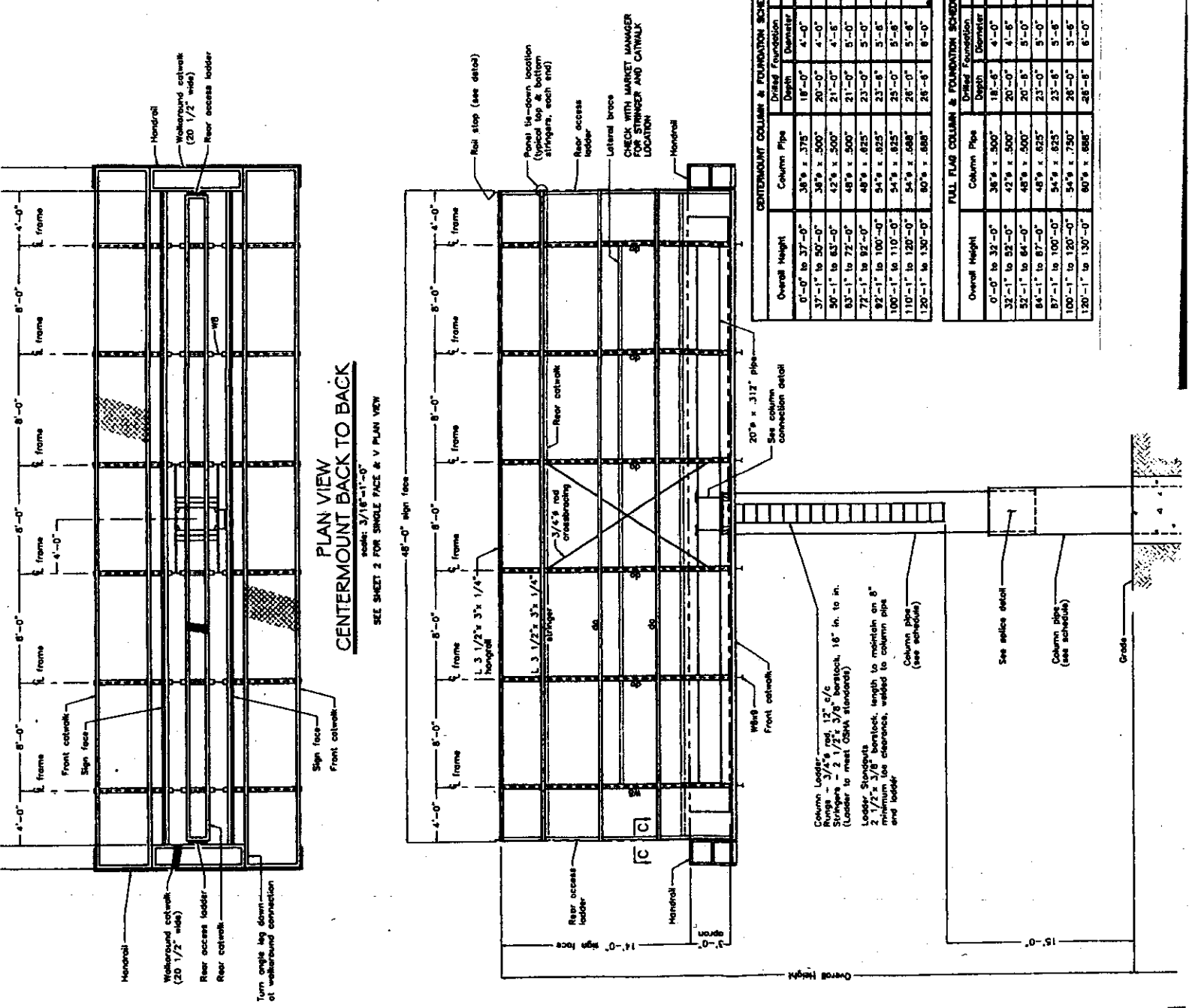
PROJECT NO. 12GG13053 S

Mark A. Savoy

Land Surveyors

Brian N. Savoy

APPROVED
 BZA 2012-50 ELEVATION
William J. Van Noy
 Date: 10-29-12



CENTERMOUNT COLUMN & FOUNDATION SCHEDULE

Overall Height	Column Pipe	Depth	Diameter	Drilled Foundation	Depth	Length	Width
0'-0" to 37'-0"	36" x 375"	18'-0"	4'-0"	13'-0"	10'-0"	5'-0"	
37'-1" to 50'-0"	36" x 500"	20'-0"	4'-0"	13'-6"	12'-0"	6'-0"	
50'-1" to 63'-0"	42" x 500"	21'-0"	4'-6"	14'-6"	12'-0"	6'-0"	
63'-1" to 72'-0"	48" x 500"	21'-0"	5'-0"	15'-0"	13'-0"	6'-6"	
72'-1" to 82'-0"	48" x 625"	23'-0"	5'-0"	16'-0"	14'-0"	7'-0"	
82'-1" to 100'-0"	54" x 825"	23'-6"	5'-6"	17'-0"	14'-0"	7'-0"	
100'-1" to 110'-0"	54" x 825"	25'-0"	5'-6"	17'-0"	14'-0"	7'-6"	
110'-1" to 120'-0"	54" x 888"	26'-0"	5'-6"				
120'-1" to 130'-0"	60" x 888"	26'-6"	6'-0"				

FULL FLAG COLUMN & FOUNDATION SCHEDULE

Overall Height	Column Pipe	Depth	Diameter	Drilled Foundation	Depth	Length	Width
0'-0" to 32'-0"	36" x 300"	18'-6"	4'-0"	13'-0"	8'-0"	5'-0"	
32'-1" to 52'-0"	42" x 500"	20'-0"	4'-6"	14'-6"	10'-0"	6'-8"	
52'-1" to 64'-0"	48" x 500"	20'-8"	5'-0"	15'-0"	11'-6"	9'-0"	
64'-1" to 87'-0"	48" x 625"	23'-0"	5'-0"	16'-0"	13'-0"	9'-6"	
87'-1" to 100'-0"	54" x 825"	23'-6"	5'-6"	17'-0"	13'-0"	9'-0"	
100'-1" to 120'-0"	54" x 825"	26'-0"	5'-6"	17'-6"	15'-0"	9'-6"	
120'-1" to 130'-0"	60" x 888"	26'-6"	6'-0"				

AGENDA ITEM NO.
October 23, 2012

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SECRETARY'S REPORT

CASE NUMBER: BZA2012-50

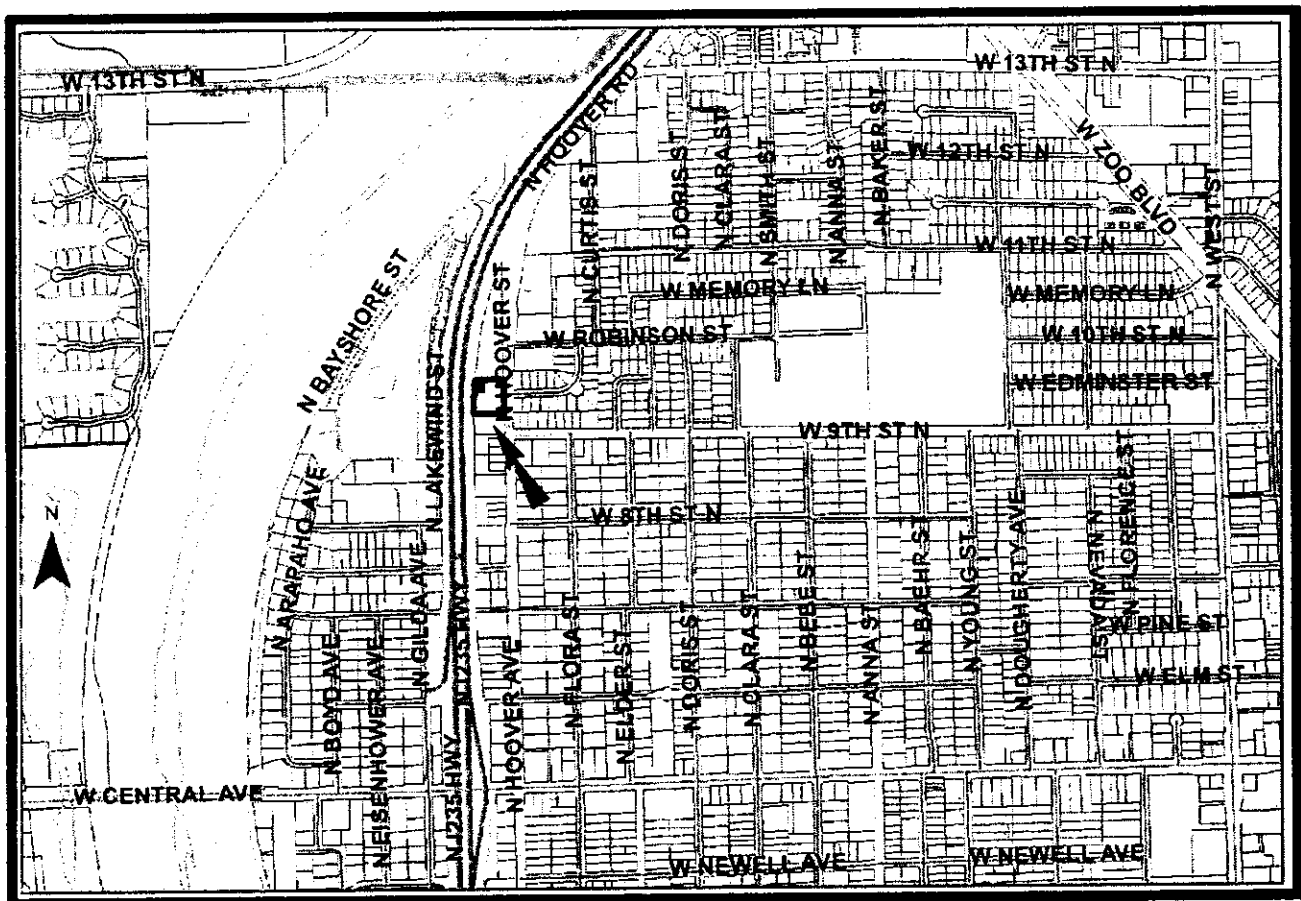
APPLICANT/AGENT: C&J LLC, c/o Jerry Allen (owner), Clear Channel Outdoor (agent)

REQUEST: City variance request of the Sign Code to decrease the amount of required GC General Commercial ("GC") zoning in a mile for an off-site sign from 500 to 250 feet, and to increase the allowed height of an off-site sign from 30 to 42 feet.

CURRENT ZONING: GC General Commercial

SITE SIZE: 1.28 acres

LOCATION: Generally located between Hoover and I-235, north of 9th street
(1025 N Hoover)



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 has a legal-nonconforming off-site billboard sign on the subject site. The sign is legal non-conforming because it is located in a mile with less than 500 feet of GC (or more intense) zoning, and because the sign is 42 feet tall, exceeding the height limit of 30 feet. The applicant's sign location will be taken for right-of-way for the 13th Street Floodway Crossing project, connecting 13th Street to I-235 over the Big Ditch. To rebuild the applicant's off-site sign 15.89 feet east of the present location, the applicant must get a variance of the Sign Code requirement for 500 linear feet of GC zoning in a mile. To rebuild the off-site sign at its present 42-foot height, the applicant must get a variance of the 30-foot height limitation. And, because of the sign location within 300 feet of residential zoning and development, the applicant's location requires approval by the Metropolitan Area Planning Commission (MAPC) through a separate action.

The application area is zoned GC and is developed with a manufacturing land use in a building south of the subject sign. The site was approved for a Conditional Use (CON2000-44) permitting a 150-foot tall wireless communication tower on the site, south of the subject sign. According to the applicant, the off-site sign was built in 1985.

All property north, south and east of the site is zoned SF-5 Single-family Residential ("SF-5") and is developed with single-family residences, with the exception of property to the north which is vacant. The nearest residences to the sign are approximately 238 feet due east of the sign. Some mixed multi and two-family residential zoning with duplex development exists further south of the site. West of the application area is I-235, further west is MF-18 Multi-family Residential ("MF-18") zoned land developed with multi-family housing. Hoover is currently an unpaved local road adjacent to the application area. The 13th Street Floodway Crossing project anticipates re-aligning and paving this portion of Hoover.

ADJACENT ZONING AND LAND USE:

NORTH	SF-5	Vacant
SOUTH	SF-5, TF-3, MF-29	Single-family residences, duplexes
EAST	SF-5	Single-family residences
WEST	MF-18	I-235, multi-family residences

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

UNIQUENESS: It is staff's opinion that this property is unique. The legal-nonconforming sign adjacent to I-235 would continue to be used, and would not require moving if the City and State did not need this property for right-of-way.

ADJACENT PROPERTY: It is staff's opinion that the requested variances would not adversely affect the rights of adjacent property owners. This off-site sign has been present at the current location and height for over 25 years, with no apparent impact on nearby residences. The only change to the existing sign will be moving it 15.89 feet to the east, a

change that will not be noticeable to the surrounding properties. The sign is perpendicular to I-235, and does not directly face any residences.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the Sign Code would constitute a hardship upon the applicant. Without the requested variance of the Sign Code requirement for 500 feet of GC zoning in a mile, the applicant could not re-build this sign. Presumably, the applicant requires the existing 42-foot height for the sign, as moving the sign 15.89 feet to the east will cause the building on the site to partially obscure the sign from northbound traffic on I-235. The 42-foot height will make the sign visible over the existing building. Also, the future bridge crossing I-235 north of this site will partially obscure this sign from southbound traffic on I-235. Permitting the sign at the current 42-foot height should mitigate this hardship on the applicant.

PUBLIC INTEREST: It is staff's opinion that the requested variances are not adverse to the public interest. Conversion of the existing sign site to right-of-way is certainly in the public interest, and permitting the legal-nonconforming off-site sign to remain is not contrary to the public interest.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variances does not oppose the general spirit and intent of the Sign Code. The spirit and intent of the Sign Code is for adequate visibility of signs without negative impacts on surrounding properties. This variance request simply allows an existing off-site sign, with no apparent impact on surrounding properties, to continue to exist.

RECOMMENDATION: Should the Board determine that the conditions necessary for the requested variances exist, the Secretary recommends that a variance to decrease the amount of required GC zoning in a mile for an off-site sign from 500 to 250 feet; and that a variance to increase the allowed height of an off-site sign from 30 to 42 feet be GRANTED, subject to the following conditions:

1. The sign shall be developed in conformance with the approved site plan and elevation drawing, and shall be located 15.89 feet from the present location.
2. The applicant shall obtain all permits necessary to construct the sign and the sign 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.