



Wichita-Sedgwick County Metropolitan Area Planning Department

August 17, 2017

Ferris Consulting
PO Box 573
Wichita, KS 67201

RE: BZA2017-00031 – City variance to increase sign area from 160 square feet to 227 square feet-7940 W. Kellogg.

Dear Mr. Ferris:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals for their action on August 10, 2017. This resolution reflects the official action of the Board and 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 that reads 'D.M. Clements'.

David M. Clements, AICP
BZA Secretary

CMC/mc
Attachment - Resolution

cc: MABCD

BZA RESOLUTION NO. BZA2017-00031

WHEREAS, Farm Credit Services (Applicant); Ferris Consulting and Miracle Sign Co (Agents) pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to allow an increase in sign area from 160-square feet to 227-square feet for a new on-site sign at 7940 W. Kellogg and legally described as follows:

Legal Description: Lot 4 Ridge Plaza 2nd Addition, 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 August 10, 2017, 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. West Kellogg Street is a major commercial highway/arterial that carries a large traffic volume at higher speeds. A larger sign will be more readily understood and recognized by motorists than a smaller sign. It should also be pointed that the sign ordinance includes special provisions for larger and taller signs along an expressway like West Kellogg Street, and this variance request is not out of character with other special exceptions in the code.

WHEREAS, nearby properties are all similar commercial uses in the LC district along West Kellogg Street. There is a great variety of sign heights and areas in the vicinity of the subject property, and this variance request will result in a sign that is similar to many signs in the area.

WHEREAS, the restrictions of the sign regulations would not permit a sign of sufficient size for advertising and identity on this highway corridor. A conforming sign size would create a hardship for the applicant in that appropriate advertising could not be achieved at the location. Readability is particularly important for an electronic message center.

WHEREAS, it is the opinion of the BZA that the requested variance would not adversely affect the public interest, health, safety or welfare. The proposed sign would not be out of character with the area, and the larger sign will provide better identification and visibility for motorists.

WHEREAS, granting of the variance requested would not be opposed to the general spirit and intent of the sign regulations. It is reasonable to allow a larger sign at this location as the sign is similar to many existing signs in this major commercial corridor.

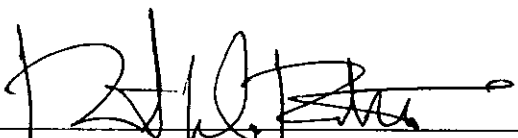
WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a Variance to allow an increase in sign area from 160-square feet to 227-sqaure feet for a new on-site sign at 7940 W. Kellogg and legally described as follows:

Legal Description: Lot 4 Ridge Plaza 2nd Addition, Sedgwick County, Kansas.


The variances are hereby GRANTED, subject to the following conditions:

1. The sign shall be as depicted in the drawing as submitted by Miracle Signs, dated 6/23/17, or as approved by the Director of Planning prior to the issuance of a sign permit.
2. Only one on-site sign shall be permitted on the property.
3. The applicant shall obtain all permits necessary sign permits for the on-site sign.
- 4.. 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.



BZA Board Chair, David W. Foster

ATTEST:



David M. Clements, AICP
BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2017-00031

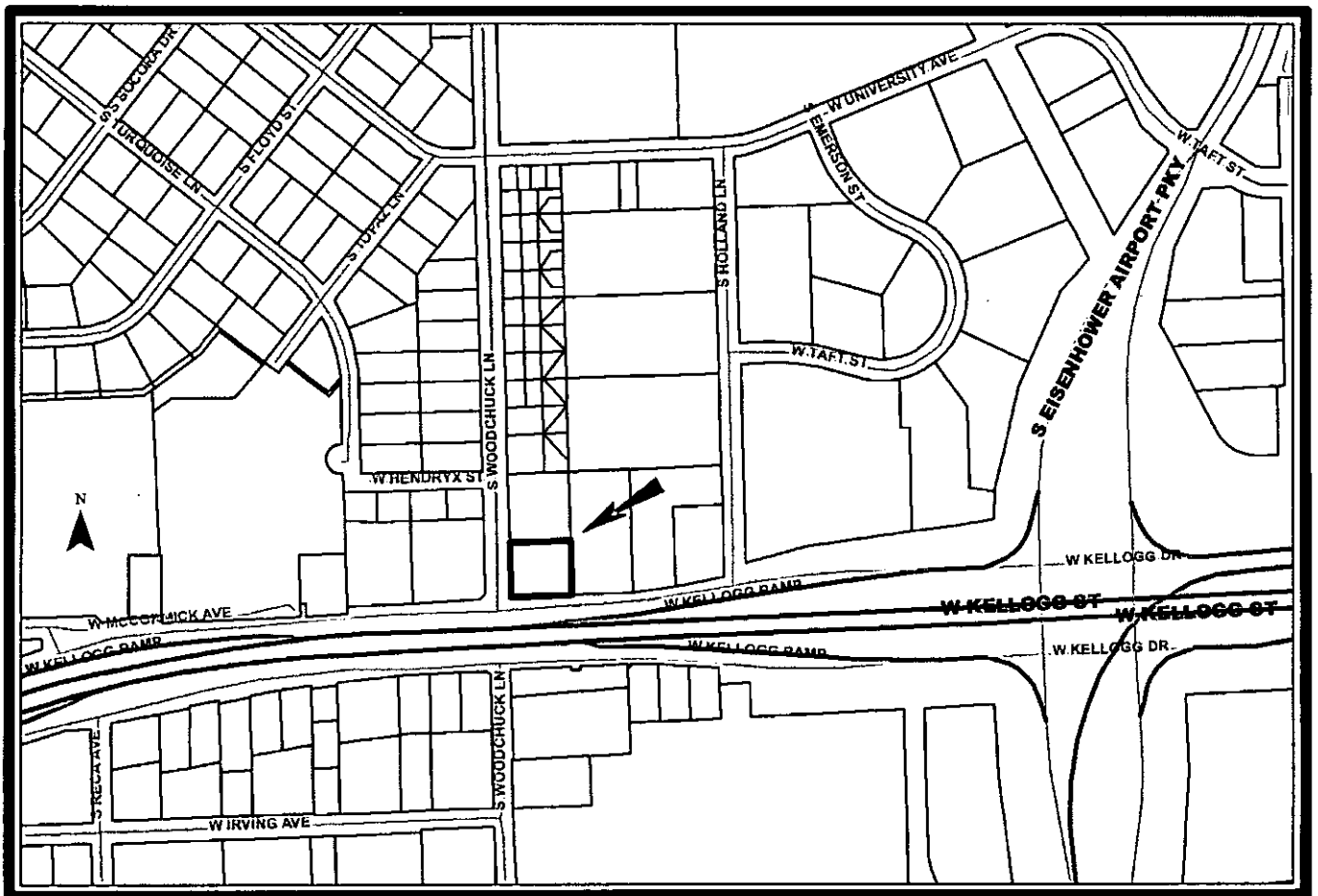
APPLICANT/AGENT: Farm Credit Services of Central KS. FLBA, DeVaughn James/Ferris Consulting, Miracle Sign Co.

REQUEST: Variance to increase permitted sign area for an on-site sign from 160-square feet to 227-square feet.

CURRENT ZONING: LC Limited Commercial

SITE SIZE: 0.83 acres

LOCATION: Generally located on the north side of West Kellogg Street, approximately 1500 feet west of Eisenhower Airport Parkway (7940 West Kellogg Street)



JURISDICTION: The Board has jurisdiction to consider the variance request under the provisions 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: This application was filed in order to allow an increase in permitted sign area from 160-square feet to 227-square feet for a new on-site sign at 7940 West Kellogg Street. The proposed sign would be 30 feet in height and includes an electronic message board. The sign will be placed along the frontage road of West Kellogg Street, and the variance was requested to allow a greater sign area due to the high volume and speed of traffic on West Kellogg Street.

The proposed sign with height, area, graphics and location are shown in the attachments.

The subject property has 200 feet of frontage along Kellogg Street. The sign regulations allow a maximum sign area of up 80 percent of the frontage along an arterial or expressway. This ratio would allow the 160-square foot maximum sign area. Also, the property also abuts Woodchuck Lane, and a second on-site sign would be permitted on this corner lot. The applicant intends to only erect one sign, and it is believed that this helps justify the variance request for the proposed sign.

Please see the attached narrative from the agent that provides additional information and an analysis of the variance approval factors.

ADJACENT ZONING AND LAND USE:

| | | |
|-------|----|----------------------------------|
| NORTH | LC | commercial |
| SOUTH | LI | West Kellogg Street right-of-way |
| EAST | LC | commercial |
| WEST | LC | commercial |

UNIQUENESS: The conditions of the request are somewhat unique to the subject property. West Kellogg Street is a major commercial highway/arterial that carries a large traffic volume at higher speeds. A larger sign will be more readily understood and recognized by motorists than a smaller sign. It should also be pointed that the sign ordinance includes special provisions for larger and taller signs along an expressway like West Kellogg Street, and this variance request is not out of character with other special exceptions in the code.

ADJACENT PROPERTY: Nearby properties are all similar commercial uses in the LC district along West Kellogg Street. There is a great variety of sign heights and areas in the vicinity of the subject property, and this variance request will result in a sign that is similar to many signs in the area.

HARDSHIP: The applicant explains that the restrictions of the sign regulations would not permit a sign of sufficient size for advertising and identity on this highway corridor. A conforming sign size would create a hardship for the applicant in that appropriate advertising could not be achieved at the location. Readability is particularly important for an electronic message center.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, health, safety or welfare. The proposed sign would not be out of character with the area, and the larger sign will provide better identification and visibility for motorists.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the sign regulations. It is reasonable to allow a larger sign at this location as the sign is similar to many existing signs in this major commercial corridor.

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 variance to allow a 227-square foot on-site sign be *GRANTED*, subject to the following conditions:

1. The sign shall be as depicted in the drawing as submitted by Miracle Signs, dated 6/23/17, or as approved by the Director of Planning prior to the issuance of a sign permit.
2. The applicant shall obtain all permits necessary sign permits for the on-site sign.
3. 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. Applicants' Narrative
2. Sign elevations/details
3. Sign location

CUSTOMER: DeV Vaughn James

SIGN TYPE: LED EMC

7940 W. Kellogg



DATE: 6.23.17 | SALESPERSON: Brian Kirkland | DRAWN BY: Jason Ridder | CONTACT: 3611 N. Broadway - Wichita, KS 67219 - (P)316.832-1177 - (F)316.838.4774

These drawings and all information hereon are of a confidential nature and are the property of Miracle Signs. Any use or reproduction of these drawings/ideas for any purpose, except by written permission of Miracle Signs is strictly prohibited.

CUSTOMER: DeVaughn James

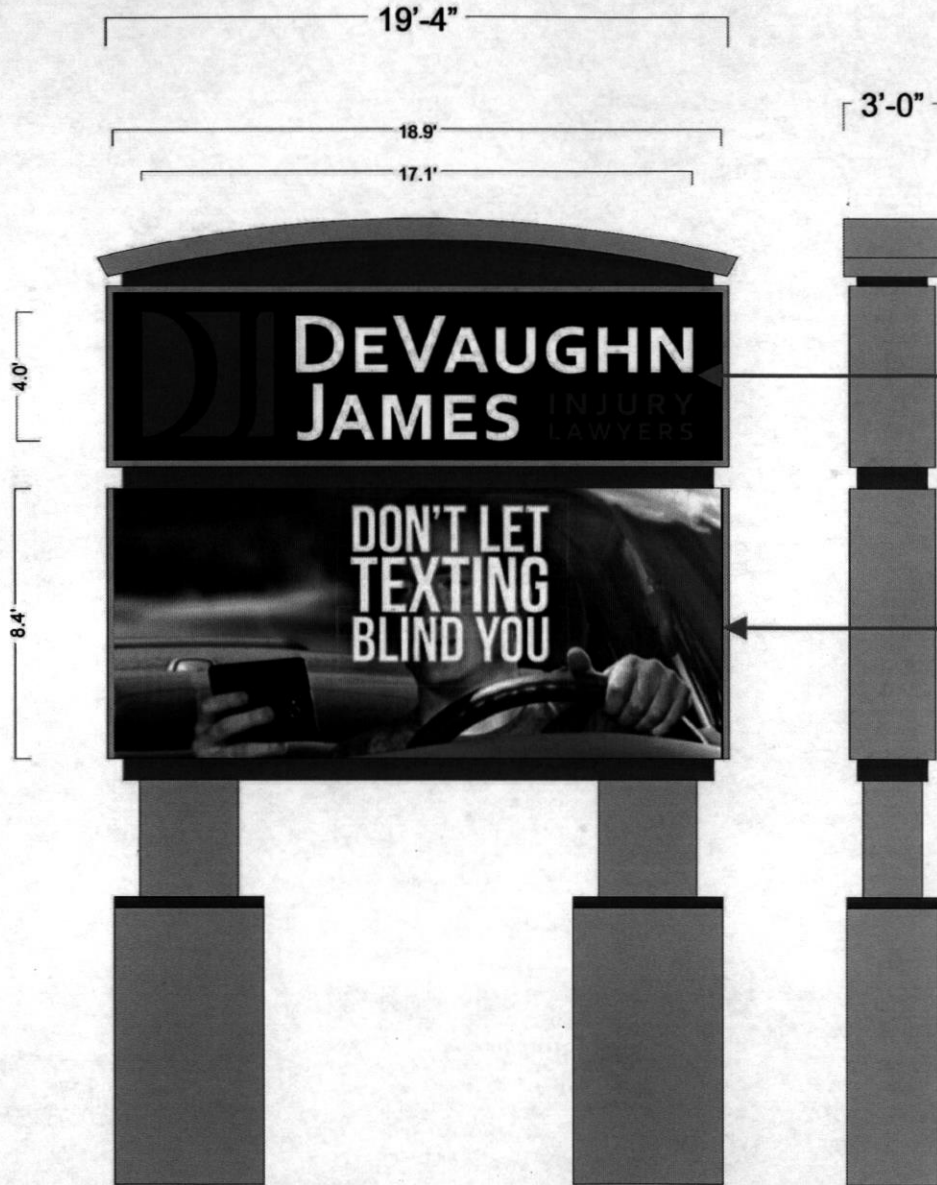
SIGN TYPE: LED EMC



Date: 8/10/17

Mc Clements

APPROVED



DEVAUGHN
JAMES INJURY
LAWYERS

DON'T LET
TEXTING
BLIND YOU

68.4 SQFT

158.8 SQFT

TOTAL: 227.2 SQFT