



Wichita-Sedgwick County Metropolitan Area Planning Department

October 24, 2022

Pistotnik Law Offices, LLC
Attn: Brian Collignon
311 South Hillside Avenue
Wichita, KS 67211

RE: BZA2022-00038 – Variance request in the City to permit a sign area increase from 32 square feet to 42 square feet to increase visibility of sign and to permit an LED sign on property zoned GO General Office, located on the west side of South Hillside Ave and within one-half mile south of Eat Douglas Ave (311 S. Hillside).

Dear Applicant,

The official action of the Board of Zoning Appeals was as follows:

1. **Grant** the request for the LED sign subject to the following conditions:

- 1) The administrative adjustment is for adding a new variable/electronic message component to a proposed new pole sign. All other signage on the site shall otherwise conform to the Sign Code unless a separate adjustment or variance is approved. Only one pole sign is allowed along the frontage of this property.
- 2) The sign shall be in general conformance with the approved elevation and site plan. The sign shall be permitted and installed within one year from the date of approval. ****Please submit a revised site plan and elevation illustrating the LED sign that is in conformance with the sign area standards of the sign code****
- 3) Portable signage shall not be permitted on the subject property.
- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Sign Code Variance, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Sign Code, may, with the concurrence of the Planning Director, declare that the Sign Variance is null and void.

2. **DENY** the variance request to increase the sign area from 32 square feet to 42 square feet.

Please see the enclosed resolution. If you have any questions concerning this matter, please call our office at (316)-268-4421.

Sincerely,

Philip Zevenbergen, AICP
Current Plans, Division Manager

Copies to:

MABCD
311 Hillside, LLC
2130 N. Clear Creek, Wichita, KS 67230



Wichita-Sedgwick County Metropolitan Area Planning Department

October 7, 2022

Pistotnik Law Offices, LLC
Attn: Brian Collignon
311 South Hillside Avenue
Wichita, KS 67211

RE: BZA2022-00038 – Variance request in the City to permit a sign area increase from 32 square feet to 42 square feet to increase visibility of sign and to permit an LED sign on property zoned GO General Office, located on the west side of South Hillside Ave and within one-half mile south of East Douglas Ave (311 S. Hillside).

Dear Applicant,

The official action of the Board of Zoning Appeals was as follows:

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 - 2) The sign shall be in general conformance with the approved elevation and site plan. The sign shall be permitted and installed within one year from the date of approval. ****Please submit a revised site plan and elevation illustrating the LED sign that is in conformance with the sign area standards of the sign code****
 - 3) Portable signage shall not be permitted on the subject property.
 - 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Sign Code Variance, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Sign Code, may, with the concurrence of the Planning Director, declare that the Sign Variance is null and void.
2. **DENY** the variance request to increase the sign area from 32 square feet to 42 square feet.

If you have any questions concerning this matter, please call our office at (316)-268-4421.

Sincerely,

Philip Zevenbergen, AICP
Current Plans, Division Manager

Copies to: MABCD
311 Hillside, LLC
2130 N. Clear Creek, Wichita, KS 67230

BZA RESOLUTION NO. BZA2022-000038

WHEREAS, 311 Hillside, LLC (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to permit and LED sign on property located at 311 South Hillside Avenue; legally described as follows:

Lot 1, Kirkpatrick and Sprecker Addition, 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 May 6, 2021, 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 request will not detrimentally impact the existing uses in surrounding areas. Properties to the north, east, and south are zoned GO General Office District and developed with an insurance office and medical offices. Properties to the west are zoned TF-3 Two-Family Residential District and are developed with single-family homes. Within one-quarter mile north of the subject site, several GO-zoned properties (144, 200, 201, and 251-257 South Hillside) have had Administrative Adjustments approved to permit LED signs of office uses. There have been no sign variances approved in the immediate vicinity.

WHEREAS, the request is compatible with existing or permitted uses on abutting sites. Allowing a new pole sign with an electronic display will not negatively affect surrounding uses.

WHEREAS, the request will not have a detrimental effect on public health, safety or welfare. There will be no encroachment into public right-of-way or easements; there should be no impact on the public health, safety, or welfare, nor will properties or improvements in the vicinity be materially injured.

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 permit an LED sign on property located at 311 South Hillside Avenue; legally described as follows:

Lot 1, Kirkpatrick and Sprecker Addition, Wichita, Sedgwick County, Kansas.

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

- 1) The request is for adding a new variable/electronic message component to a proposed new pole sign. All other signage on the site shall otherwise conform to the Sign Code unless a separate adjustment or variance is approved. Only one pole sign is allowed along the frontage of this property.
- 2) The sign shall be in general conformance with the approved elevation and site plan. The sign shall be permitted and installed within one year from the date of approval.
- 3) Portable signage shall not be permitted on the subject property.
- 4) If the Zoning Administrator finds that there is a violation of any of the conditions of the Sign Code Variance, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Sign Code, may, with the concurrence of the Planning Director, declare that the Sign Variance is null and void.

ADOPTED AT WICHITA, KANSAS, this 6TH Day of OCTOBER, 2022



Ann M. Fox, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary



Beaufort Gazette
Belleville News-Democrat
Bellingham Herald
Bradenton Herald
Centre Daily Times
Charlotte Observer
Columbus Ledger-Enquirer
Fresno Bee

The Herald - Rock Hill
Herald Sun - Durham
Idaho Statesman
Island Packet
Kansas City Star
Lexington Herald-Leader
Merced Sun-Star
Miami Herald

el Nuevo Herald - Miami
Modesto Bee
Raleigh News & Observer
The Olympian
Sacramento Bee
Fort Worth Star-Telegram
The State - Columbia
Sun Herald - Biloxi

Sun News - Myrtle Beach
The News Tribune Tacoma
The Telegraph - Macon
San Luis Obispo Tribune
Tri-City Herald
Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
16399	316357	Print Legal Ad - IPL0089366		\$335.58	4	100 L

Attention: MANDY HEBERT
CITY OF WICHITA/PLANNING DEPT
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202

LEGAL PUBLICATION

OGCA 1800064
Published in The Wichita Eagle on September 15, 2022
(One Time Only)

MAFPC/BZA October 6, 2022
OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, October 6, 2022, no earlier than 1:30 p.m., the WichitaSedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held virtually; public participation is available in multiple ways; those without technology options can participate by going to the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202 (specified at the bottom of this notice). If you have any questions regarding the meeting or items on this notice, please call the WichitaSedgwick County Metropolitan Area Planning Department at (316)268-4421.

BZA2022-00038: Variance request in the City to permit a sign area increase from 32 sq. ft. to 42 sq. ft. to increase visibility of sign and to permit an LED sign on property zoned GO General Office, located on the west side of South Hillside Ave and within one-half mile south of East Douglas Ave (311 S Hillside).
BZA2022-00041: Variance request in the City to increase the height of an off-site sign to 60 feet on property zoned LI Limited Industrial, generally located on the west side of Hydraulic Avenue, within one-quarter mile north of East 37th Street North (4035 North Hydraulic Avenue).
BZA2022-00042: Variance request in the City to increase the permitted height of a screening wall from 9 to 10 feet on property zoned SF-5 Single-Family Residential; generally located a quarter-mile east of the intersection of North Ridge Road and West 13th Street North.
CON2022-00032: Conditional Use request in the City for Day Care, General, located in SF-5 Single Family zoning district, approximately one-quarter mile east of the intersection of East Central Avenue and North Woodlawn Blvd (7011 East Central Avenue).
CON2022-00033: Conditional Use request in the City to amend CON2012-21 to allow outside music and dancing and amend CU-523 to modify hours of operation on property zoned LC Limited Commercial; generally located on the north side of West 21st Street North and within one block east of North Tyler Road (6550 & 8558 W 21st Street).
CON2022-00034: Conditional Use Request in the City to permit an off-site sign within 300 feet of residential property; on property zoned GI General Industrial; located between North Hydraulic and I-135 Highway and within one-quarter mile north of East 37th Street North (4035 N Hydraulic).
CON2022-00035: Conditional Use request in the City for Vehicle and Equipment Sales, Outdoor (associated with ZON2022-00046) for a used car dealership on property zoned LC Limited Commercial; located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 N Hillside Ave).
CUP2022-00041: Request in the City to Amend the Hanley Community Unit Plan DP-154 to permit a carwash on Parcel 7, zoned LC Limited Commercial; located on the east side of North Webb Road within one-quarter mile south of East 21st Street North (2110 North Webb Rd).
CUP2022-00042: Request in the City to amend the City DP-136 to increase the height of an existing call tower from 120 feet to 137 feet on property zoned GC General Commercial; located within one-quarter mile north of East Central Avenue and within one-quarter mile east or North Edgemoor.
CUP2022-00043: Request in the City to Amend Parcel 5 of the Tallgrass East Business Park CUP DP-192 to convert a medical office into a general office use (with ZON2022-00048), located within one-block east of North Webb Road and one-half mile south of K-96 Highway (8727 E Shannon Woods Cir).
CUP2022-00044: Request in the City to amend the LC Limited Commercial zoned Community Unit Plan DP-279 to sign all Parcels and Reserves with the replat of Cross Points 2nd Addition, and revise provisions for signage totals and size, access drives, landscaping, height of buildings and architectural control on certain parcels; generally located on the southeast side of East 21st Street North and North Greenwood Road.
VAC2022-00028: Request in the City to Vacate a portion of a platted setback on LI Limited Industrial zoned property; generally located on the southwest corner of East 36th Street North and North Webb Road.
VAC2022-00029: Request in the City to Vacate platted sanitary sewer easements on property zoned LI Limited Industrial; generally located 1200 feet south of the K-96 Highway and North Hoover Road, on the east side of North Hoover Road.
VAC2022-00030: Request in the City to Vacate utility easements in Limited Commercial (LC) zoning in CUP DP-250 for site development; generally located on the west side of North Ridge Road and on the north side of West 37th Street North.
ZON2022-00040: Zone change request in the City from SF-5 Single-Family Residential and MH Manufactured Housing to MF-18 Multi-Family Residential on property located on the west side of South 167th Street West and within one-quarter mile north of West Maple Street.
ZON2022-00045: Zone Change request in the City from LC Limited Commercial District with PO #175 to GC General Commercial District with PO #397 to allow development of vacant parcels; generally located east of South Seneca Street within one-half mile of West Henry Street.
ZON2022-00046: Zone Change request in the City from MF-29 Multi-Family Residential to LC Limited Commercial with CON2022-00035) for Vehicle and Equipment Sales, Outdoor, located on the east side of North Hillside Avenue and within one-block north of East 13th Street North (1414 North Hillside).
ZON2022-00047: Zone Change request in the City from LC Limited Commercial to CBD Central Business District to redevelop the site in a consistent manner with surrounding properties; generally located on the south side of West Douglas Avenue, within two-block east of South Seneca Street (801 W Douglas).
ZON2022-00048: Zone change request in the City from B Multi-Family Residential to GO General Office associated with CUP2022-00043 a minor amendment to Community Unit Plan DP-192 to allow general office use on Parcel 5, generally located within one-block east of North Webb Road and one-half mile south of K-96 Highway (8727 E Shannon Woods Cir).
ZON2022-00050: Zoning change request in the City from SF-5 Single-Family Residential District to TF-3 Two-Family Residential District to build duplexes; generally located on the east side of South Greenwood Road, within one-quarter mile south of East Henry Street.
ZON2022-00051: Zone change request in the City from TF-3 Two-Family Residential District to MF-18 Multi-Family Residential District; generally located on the southwest corner of West Burton Avenue and South Meridian Avenue (201 South Meridian).

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the WichitaSedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAFPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAFPC as by law provided.

PLEASE NOTE THIS MEETING IS CONSIDERED AN EMERGENCY MEETING OF THE WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING COMMISSION DUE TO COVID-19, WHICH WILL IMPOSE SPECIAL PROCEDURES TO PARTICIPATE IN THE PUBLIC HEARING. THESE ARE AS FOLLOWS:

The meeting will be conducted "virtually" using Go-To-Meeting. You have multiple options to participate: 1) submit comments ahead of time, 2) participate remotely, or 3) attend in-person at the Ronald Reagan Building (see below).

Submit Comments Ahead of Time

You can submit comments regarding items on the Planning Commission agenda to the WichitaSedgwick County Metropolitan Area Planning Department (Planning Department). Comments must be received by the Planning Department no later than 5pm 3 days prior to the meeting. Please be sure to provide ample time for delivery. The comments can be submitted in the following formats: email; letter; video; and audio message (mp3, etc.). The comment should indicate which item they pertain to and be less than three (3) minutes in duration. The comments should be submitted to Planning Department staff using the contact information below. The comments received ahead of the submission deadline will be shared with the MAFPC, prior to or during the meeting.

Email - Planning@wichita.gov

Mailing Address - WichitaSedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone - 316.268.4421

Fax - 316.268.7764

Participate Remotely

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/65154411>

You can also dial in using your phone.

United States: +1 (671) 317-3112

Access Code: 651-544-141

Join from a video-conferencing room or system.

Dial in or type: 67.217.95.2 or Inroomlink.gotomeeting.com

Meeting ID: 651 544 141

Or dial directly: 651544141@67.217.95.2 or 67.217.95.2#651544141

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/651544141>

Attend In-Person

You may also participate in the hearing in-person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. The in-person option is primarily intended for those without other technology options, and who have not previously submitted recorded audio or video comments. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-2684464) by 5pm, 3 days prior to the meeting.

WITNESS MY HAND on September 15, 2022

Scott Wadle, Secretary

WichitaSedgwick County

Metropolitan Area Planning Commission

IPL0089366

Sep 15 2022

In The STATE OF KANSAS
In and for the County of Sedgwick

No. of Insertions: 1

Beginning Issue of: 09/15/2022

Ending Issue of: 09/15/2022

STATE OF KANSAS)

SS

County of Sedgwick)

Hayley Martin, of lawful age, being first duly sworn, deposeth and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 09/15/2022 to 09/15/2022.

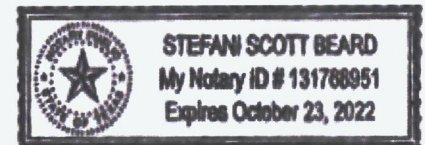
M. Hayley

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

DATED: 09/15/2022

Stefani Beard

Notary Public in and for the state of Texas, residing in
Dallas County

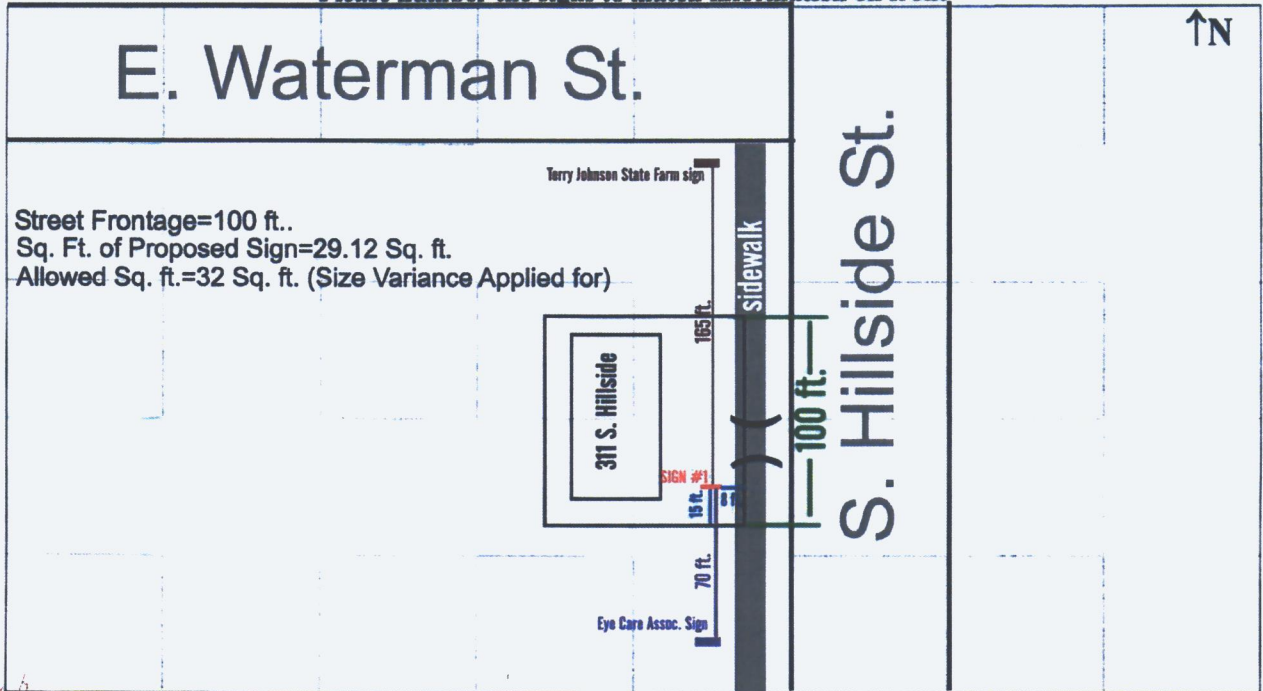


Extra charge for lost or duplicate affidavits.
Legal document please do not destroy!

Site Plan: Locate signs and street name (In City of Wichita, Refer to Ordinances 24.04.200 - [driveways] & 24.04.220 [T] [intersections]). Include all existing sign locations, distances, separations, square footages, etc.)

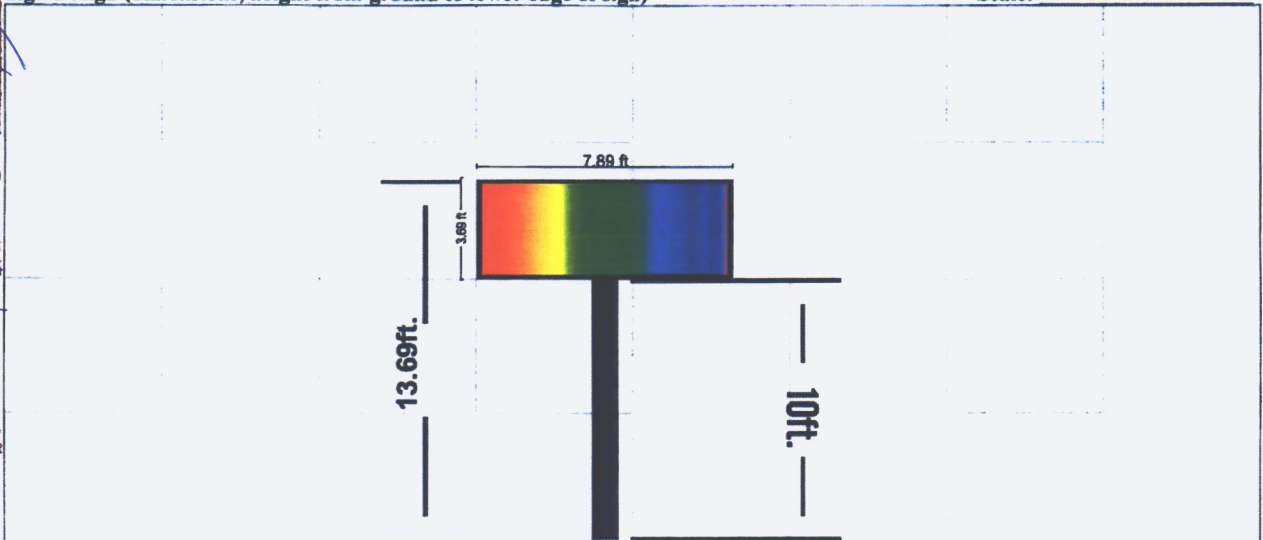
FAILURE TO SHOW ALL REQUIRED MEASUREMENTS AND INFORMATION SHALL BE CAUSE TO REJECT THIS PERMIT APPLICATION

Please number the signs to match information on front



Sign Design (dimensions, height from ground to lower edge of sign)

Scale: 1"=5ft.



I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other federal, state, or local law regulating construction or the performance of construction.

Signature

Date

3-4-23

OFFICE USE ONLY

Final Inspection by _____

Date _____

SITE PLAN

BZA 22-38

APPROVED 3/21/23 BY [Signature]