



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Maxson Capital Assets LLC
Attn: Justin Maxson
1912 East 123rd Street
Olathe, KS 66061

September 2, 2025

RE: BZA2025-00047 – Variance request in the City to allow a sign to be within the required setbacks on property zoned LC Limited Commercial District, generally located on the east side of South Oliver Avenue, within 900 feet north of South George Washington Boulevard (2600 South Oliver Street).

Dear applicant;

At its regular meeting on **August 14, 2025**, the official action of the Board of Zoning Appeals was to **GRANT** the requested variance. 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. The sign shall not exceed 25 feet in height.
3. The sign shall conform to all other requirements of Section 24.04.221 of the Wichita Sign Code.
4. 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 black ink that reads 'Christina Rieth'.

Christina Rieth
Current Plans
Associate Planner

CC: MABCD
Ferris Consulting, via email

BZA RESOLUTION NO. BZA2025-00047

WHEREAS, Maxson Capital Assets LLC (owner); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the distance to the property line for a sign on property zoned LC Limited Commercial District and AFBP-O Air Force Base Protective Overlay, generally located on the east side of South Oliver Avenue, within 900 feet north of South George Washington Boulevard, legally described as follows:

Beginning at a point on the west line of the Northwest Quarter of Section 1, Township 28 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, and 1244 feet north of the southwest corner of the Northwest Quarter of said Section 1; thence parallel with the south line of said Northwest Quarter of Section 1 to the northwesterly right-of-way line of the Kansas Turnpike Authority; thence southwesterly along the northwesterly right-of-way line of the Kansas Turnpike Authority to the point where the easterly line of McDermott Addition intersects the northwesterly right-of-way line of the Kansas Turnpike Authority; thence northwesterly along the easterly line of McDermott Addition and the easterly line of Chilton Addition, a distance of 309.65 feet to the northeast corner of Chilton Addition; thence west along the north line of Chilton Addition and said north line extended west a distance of 307.8 feet to the west line of said Northwest Quarter of Section 1; thence north along the west line of said Northwest Quarter of Section 1, a distance of 30 feet to the point of beginning, except the west 50 feet of the north 30 feet thereof for street purposes.

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 14, 2025, 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 to reduce the distance to the property line for a sign is unique to the property and is not an action created by the owner; and

WHEREAS, granting the Variance will not adversely affect the rights of adjacent property owners; and

WHEREAS, the strict application of the Code constitutes an unnecessary hardship on the property owner; and

WHEREAS, granting the Variance will not affect the public safety, health, order, and convenience; and

WHEREAS, granting the Variance is not opposed to the spirit and intent of the Code.

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 reduce the distance to the property line for a sign on property zoned LC Limited Commercial District and AFBP-O Air Force Base Protective Overlay, generally located on the east side of South Oliver Avenue, within 900 feet north of South George Washington Boulevard, legally described as follows:

Beginning at a point on the west line of the Northwest Quarter of Section 1, Township 28 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, and 1244 feet north of the southwest corner of the Northwest Quarter of said Section 1; thence parallel with the south line of said Northwest Quarter of Section 1 to the northwesterly right-of-way line of the Kansas Turnpike Authority; thence southwesterly along the northwesterly right-of-way line of the Kansas Turnpike Authority to the point where the easterly line of McDermott Addition intersects the northwesterly right-of-way line of the

Kansas Turnpike Authority; thence northwesterly along the easterly line of McDermott Addition and the easterly line of Chilton Addition, a distance of 309.65 feet to the northeast corner of Chilton Addition; thence west along the north line of Chilton Addition and said north line extended west a distance of 307.8 feet to the west line of said Northwest Quarter of Section 1; thence north along the west line of said Northwest Quarter of Section 1, a distance of 30 feet to the point of beginning, except the west 50 feet of the north 30 feet thereof for street purposes.

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

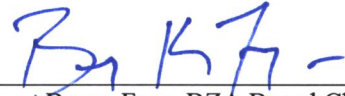
1. The sign shall be constructed in substantial conformance with the approved site plan and conceptual images.
2. The sign shall conform to all requirements of Section 24.04.220(j). of the Wichita Sign Code.
3. A sign permit shall be obtained. If needed, building permits shall be obtained from MABCD for the construction of the sign structure.

ADOPTED AT WICHITA, KANSAS, this 22 Day of August 2025.

ATTEST:



Scott Wadle,
BZA Secretary



Bryan Frye, BZA Board Chair

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Cols	Depth
41100	IPL0255988	Legal Ad - IPL0255988	MAPC Public Hearing	2.0	190.0L

ATTENTION: CITY OF WICHITA/PLANNING DEPT IP
271 WEST THIRD ST., 2ND FL, SU 203
WICHITA, KS 67202
MHEBERT@wichita.gov

**OCA 150004
MAPC/BZA August 14, 2025
OFFICIAL HEARING NOTICE**

NOTICE IS HEREBY GIVEN that on **Thursday, August 14, 2025, no earlier than 1:30 p.m.**, the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421. **Full notice can be found at www.wichita.gov/LegalNotices.**

BZA2025-00046: Variance request in the City to reduce building to building setback from 3 feet to 16 inches in the SF-5 Single-family Residential District, generally located on the west side of South Delrose Avenue and within 360 feet west of South Oliver Avenue (285 South Delrose Avenue).

BZA2025-00047: Variance request in the City to allow a sign to be within the required setbacks on property zoned LC Limited Commercial District, generally located on the east side of South Oliver Avenue, within 900 feet north of South George Washington Boulevard (2600 South Oliver Street).

CON2025-00093: Conditional Use amendment in the City to extend Entertainment Establishment hours on Fridays and Saturdays on property zoned LC Limited Commercial, generally located on the north side of West Pawnee Avenue and within 300 feet east of South Seneca Street (1040 West Pawnee Avenue).

CON2025-00094: Conditional Use request in the City to have Group Residence, Limited on property zoned SF-5 Single-Family Residential District to have up to 12 residents on site, generally located on the south side of East Peach Tree Lane, within 200 feet west of South Woodlawn Boulevard (6321 East Peach Tree Lane).

CUP2025-00022: Amendment to CUP DP-67 to allow Warehouse, Self-Service Storage and change development standards for Parcel 3B, generally located on the east side of North Woodlawn Boulevard and within one-quarter mile south of East 21st Street North.

DER2024-00006: Pursuant to K.S.A. 12-757 et. Seq., amendment of the Unified Zoning Code regarding the Day Care, General Use in Residential Zoning Districts, will be considered.

DER2025-00019: Repeal of the existing Airport Hazard Zoning Code and adoption of the new Airport Hazard Zoning Code, will be considered.

PUD2025-00015: Zone Change request in the City from LI Limited Industrial and LC Limited Commercial to PUD to create the Douglas Flats PUD #146, generally located on the southwest corner of West Douglas Avenue and South Exposition Street (109 South Exposition Street).

PUD2025-00016: Zone Change request in the City from LI Limited Industrial to PUD Planned Unit Development to create the Proctor Family Indoor Athletic Facility PUD #147, generally located on the west side of East 28th Street North and within 575 feet west of North Greenwich Road (11010 East 28th Street North).

VAC2025-00024: Vacation request in the City to vacate a 20-foot platted alleyway for private maintenance, generally located south of East Douglas Avenue, between South Kansas Avenue and South Minneapolis Avenue and north of East English Street.

VAC2025-00025: Vacation request in the City to vacate a utility easement; generally located west of South Seneca Street and 1,100 feet south of West Pawnee Avenue.

VAC2025-00026: Vacation request in the City to vacate a utility easement and drainage easement; generally located 1,000 feet west of North Maize Road and 1,300 feet north of West 21st Street North.

VAC2025-00027: Vacation request in the City of 15-foot-wide x 125-foot-long public alley to the west of Lot 51 and the east of Lot 49, Matinson's 4th Addition, generally located south of West Douglas Avenue.

ZON2025-00033: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential; generally located on the south side of West 50th Street South and approximately one-third mile east of South Seneca Street.

ZON2025-00034: Zone Change request in the City from SF-5 Single Family Residential to TF-3 Two-family Residential to allow duplex development, generally located on the east side of East Harding Avenue and within 150 feet south of East Central Avenue (440 North Harding Avenue).

ZON2025-00035: Zone Change request in the City from LC Limited Commercial District to GO General Commercial, generally located 300 feet west of North Ridge Road and 300 feet north of West Central Avenue.

ZON2025-00036: Zone Change request in the City from GO General Office District to LC Limited Commercial District, generally located on the northwest corner of West Maple Street and North 135th Street (13610 West Maple Street).
IPL0255988
Jul 23 2025

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

the undersigned, of lawful age, being first duly sworn, depose 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.

1.0 insertion(s) published on:
07/23/25 Print

[Print Tearsheet Link](#)

[Marketplace Link](#)

Russ Davis



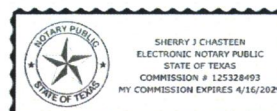
Russ Davis

Sherry J Chasteen



Sworn to and subscribed before
me on

Jul 23, 2025, 10:40 AM EDT



Online Notary Public. This notarial act involved the use of online audio/video communication technology. Notarization facilitated by SIGNIX®

SECRETARY'S REPORT

CASE NUMBER: BZA2025-00047 (City)

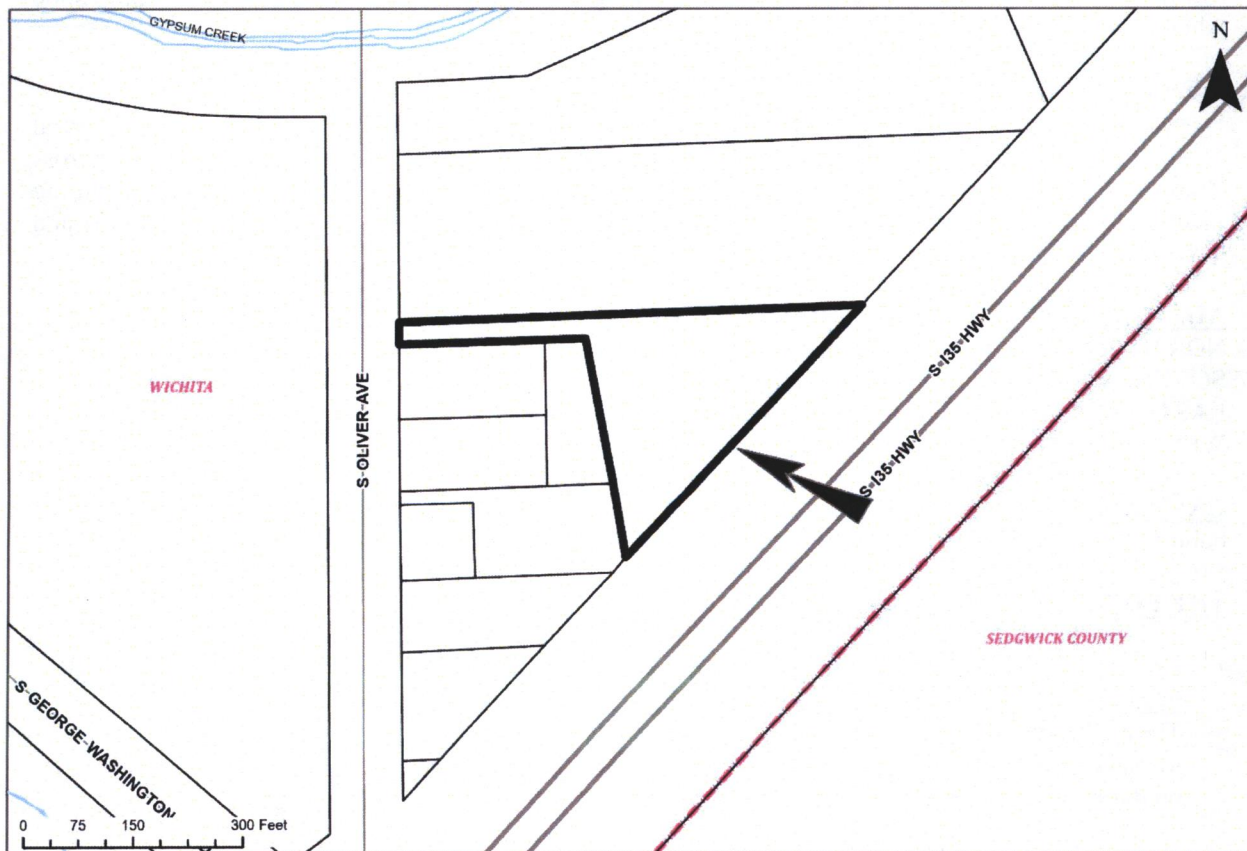
OWNER/APPLICANT: Maxson Capital Assets LLC (Applicant)/ Ferris Consulting (Agent)

REQUEST: Variance to reduce distance to property line for a sign

CURRENT ZONING: LC Limited Commercial District; AFBP-O Air Force Base Protective Overlay

SITE SIZE: 1.67 acres

LOCATION: Located on the east side of South Oliver Avenue, within 900 feet north of South George Washington Boulevard (2600 South Oliver Avenue).



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 pole sign in the LC Limited Commercial District (LC) zoning. The subject site is generally located on the east side of South Oliver Avenue, within 900 feet north of South George Washington Boulevard (2600 South Oliver Avenue). The site is also located within the AFPB-O Air Force Base Protective Overlay, which limits the height of all structures to 25 feet. The 1.67-acre property is developed with three commercial buildings.

Section 24.04.221 (6) of the Wichita Sign Code does not allow on-site ground or pole signs to be located closer to an adjacent property line than one-third the frontage of the zoning lot or fifteen (15) feet, whichever is less. The applicant is requesting to construct a sign between the existing driveway and the south property line. The west property line is 30 feet in width, of which the existing driveway occupies approximately 22 feet. In this case, one-third of the linear street frontage (10 feet) is smaller than the alternative 15 feet. Based on the width of the driveway, the remaining space to erect a pole sign is less than 10 feet.

There was previously a nonconforming pole sign on site that was removed for the construction of the new sign base in the same location. Removing the non-conforming sign requires any new sign to be installed per the current Sign Code standards. The sign is four feet in height and eight feet in width. The sign is divided into three parts: the top third reads "CONTRACTOR" and is 8 ¾" in height, the middle third reads "STATION" and is 11 ½" in height, and the bottom third reads "2600" and is 6 ¼" in height. Staff does not have information on the dimensions of the sign base.

Sign's Purpose

The purpose of the Variance request is to install a pole sign on the property for wayfinding and identification where there is street frontage.

Surrounding Context

Property to the north is zoned GC General Commercial District and is developed with strip commercial retail. Property to the south is zoned LC and is developed with a car dealership. Property to the east, across Highway I-35, is zoned LI Limited Industrial District and is developed with an aircraft manufacturing facility. Property to the west, across South Oliver Avenue, is zoned LC with Protective Overlay #151 and developed with a government office building.

ADJACENT ZONING AND LAND USE:

NORTH: CBD	Commercial retail
SOUTH: CBD	Vehicle and equipment sales
EAST: CBD	Manufacturing facility
WEST: CBD	Office building

CASE HISTORY: The subject site is not platted. Platting is required if the owner files a commercial building permit. There are no zoning cases associated with this site.

THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. Criteria: The Variance requested arises from a condition that is unique to the property and is not created by an action of the property owner or applicant.

The applicant states: "While the property is 1.67 acres it only has a 30-foot frontage. This is very unique to parcels in the City. The location of utilities further complicates this parcel. This configuration predates the ownership by the applicant and therefore is not created by the applicant."

Staff analysis:

Staff agrees with the statement. The shape of the property, as well as its narrow street frontage, is not an action created by the applicant. In order to advertise the property, the applicant is limited on options for signage placement. The frontage along South Oliver Avenue is the only means of access to the subject site. Adherence to the Sign Code would require a sign to obstruct the driveway.

2. Criteria: The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents.

The applicant states: "The entire area is commercial with no residential uses near the property. The proposed location is 30 feet from the north property line and has no effect on that property. The property to the south has their sign near their drive which is over 150 feet from the proposed sign. The granting of the Variance will have no impact on property owners in the area."

Staff analysis:

Staff agrees with the statement. The proposed sign is not likely to obstruct or interfere with the visibility of signage and other features on nearby buildings due to its placement and dimensions. Though the proposed sign is only 30 feet from the nearest sign to the north, the proposed sign is taller and would not impede visibility of the neighboring sign. Furthermore, the site had a pole sign in the same approximate location for many years prior.

3. Criteria: The strict application of the provisions of the sign code would constitute an unnecessary hardship on the applicant.

The applicant states: "If the Variance is not granted the applicant cannot have a sign that is visible from the street. This would create an unnecessary hardship for the applicant."

Staff analysis:

Staff agrees with the above statement. The pole signage allows wayfinding and advertising. Building wall signs on the interior of the property may not be as effective for these purposes. Strict application of the Sign Code would also require the sign to be placed at a location that would obstruct the driveway, which is the sole means of access to the site.

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: "The sign will not have any effect on public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community."

Staff analysis:

Staff agrees with the above statement. It is staff's opinion that the proposed signage will not affect the community in regards to the above criteria. Historically, the site had a pole sign at the same approximate location for many years.

5. Criteria: The granting of the Variance will not be opposed to the general spirit and intent of the sign code.

The applicant states: "This provision of the Sign Code is to protect neighboring properties from signs too close to their property lines. However, this is a commercial area and only the south property is impacted. Since their drive and sign is over 150 feet from the proposed sign, that property is not impacted. The Sign Code generally allows any parcel to have a sign. Therefore, this request is not opposed to the general spirit and intent of the Sign Code."

Staff analysis:

Staff agrees with the above statement. While the monument signs for the property to the north are less than 150 feet from the proposed pole sign, they are located on a different property, which is not against the spirit and intent of the Wichita Sign Code.

RECOMMENDATION: The recommendation of staff is that the Variance to allow for a ground sign less than 15 feet from the property line **meets** the five criteria required to grant a Variance, subject to the following conditions:

1. The sign shall be constructed in substantial conformance with the approved site plan and conceptual images.
2. The sign shall not exceed 25 feet in height.
3. The sign shall conform to all other requirements of Section 24.04.221 of the Wichita Sign Code.
4. 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
- Historic Photo of Former Pole Sign

Applicant's Variance Justification

FERRIS CONSULTING

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

July 2, 2025

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

RE: A Variance to Sign Code Section 24.04.221. 6, Location on Property of a Pole Sign in LC Zoning, located at 2600 S. Oliver

Dear Scott:

Contractor Station is seeking to construct a sign on its property located at 2600 S. Oliver. The property has 30 feet of frontage along Oliver that is the drive to his property to the East. The applicant would like to construct a sign for his property. The Sign Code Section 24.04.221. 6, requires that a sign be 15 feet from the property line. This would put the sign in the middle of the drive. However, putting the sign in the drive would violate the International Building Code used by the City for drive widths. There also is a water line along one part of the property. The proposed location for the sign is the only location that is feasible.

A previous owner had a non-conforming sign in the same place that the applicant proposes to construct the new sign. However, the new sign would exceed 50% of the value of that sign. Therefore, reconstruction of the non-conforming sign is not allowed.

The applicant is requesting a Variance to allow the placement of the sign. The Variance request meets all of 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.** While the property is 1.67 acres it only has a 30-foot frontage. This is very unique to parcels in the City. The location of utilities further complicates this parcel. This configuration predates the ownership by the applicant and therefore is not created by the applicant.
- **The granting the Variance will not adversely affect the rights of adjacent property owners or residents.** The entire area is commercial with no residential uses near the property. The proposed location is 30 feet from the north property line and has no effect on that property. The property to the south has their sign near their drive which is over 150 feet from the proposed sign. The granting of the Variance will have no impact on property owners in the area.
- **The strict application of the provisions of the Sign Code would constitute an unnecessary hardship on the applicant.** If the Variance is not granted the applicant cannot have a sign that is visible from the street. This would create an unnecessary hardship for the applicant.

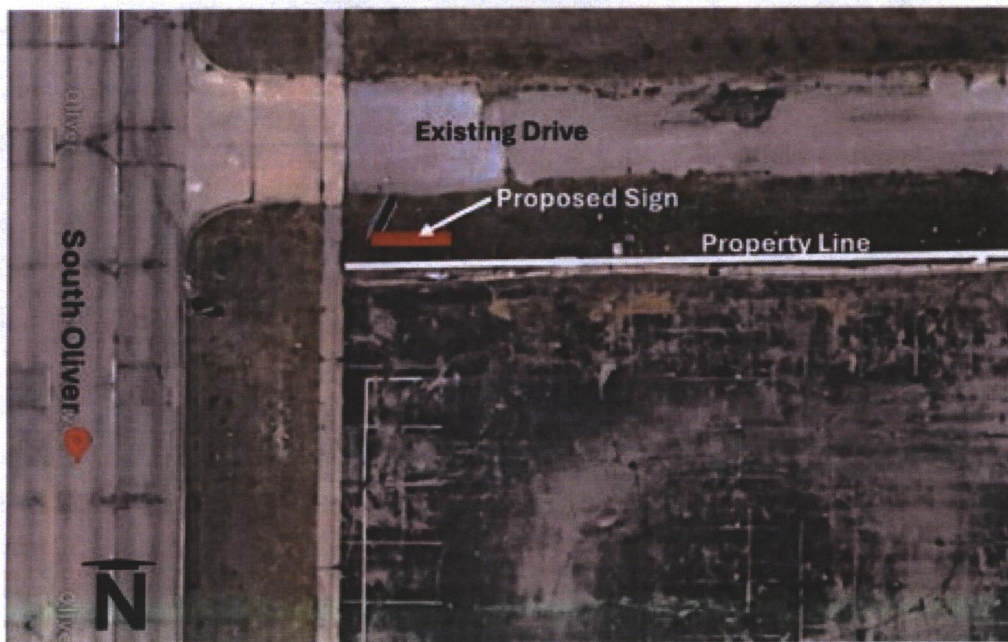
- **The Variances will not adversely affect the public health, safety, morals, order convenience, prosperity, general welfare, or the harmonious development of the community.** The sign will not have any effect on public health, safety, morals, order convenience, prosperity, general welfare, or the harmonious development of the community.
- **The granting of this Variance will not be opposed to the general spirit and intent of the Sign Code.** This provision of the Sign Code is to protect neighboring properties from signs too close to their property lines. However, this is a commercial area and only the south property is impacted. Since their drive and sign is over 150 feet from the proposed sign, that property is not impacted. The Sign Code generally allows any parcel to have a sign. Therefore, this request is not opposed to the general spirit and intent of the Sign Code.

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.

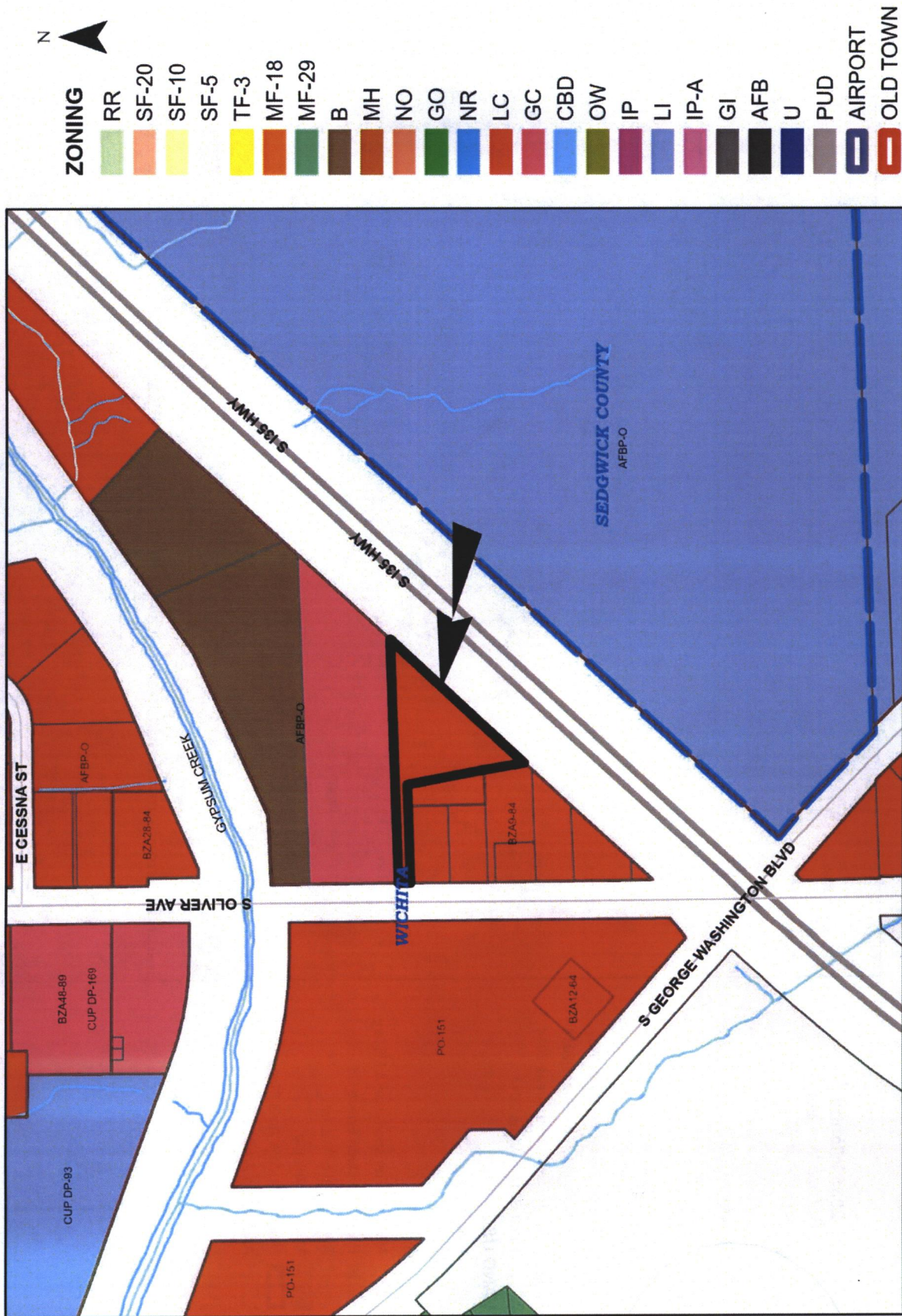
Sincerely,

Gregory Ferris



**2600 S. Oliver
Variance Request**





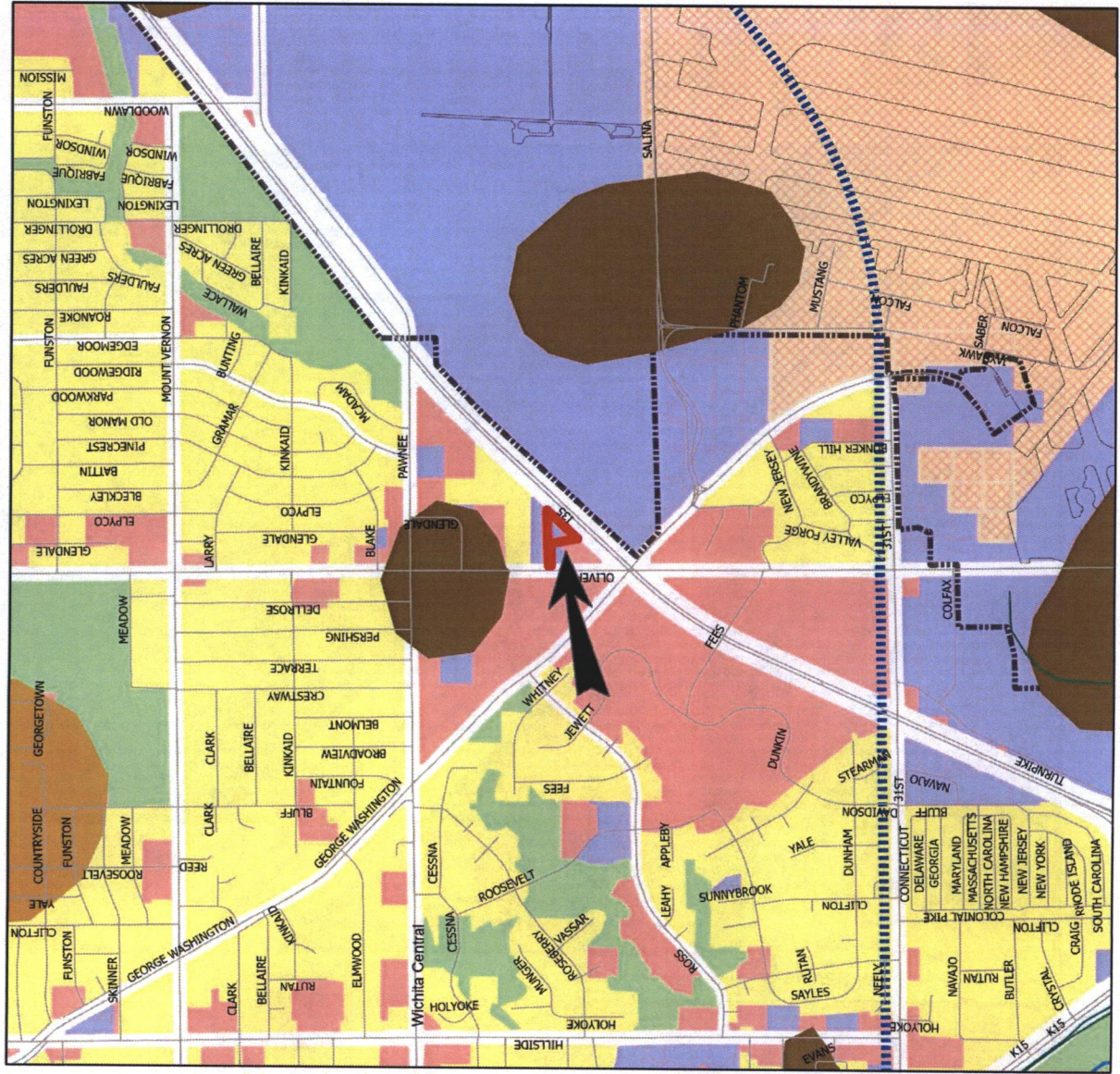
2035 Wichita Future Growth Concept Map

Legend

- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
 - Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- ### LAND USE
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood & Area Plans
 - Application Area



Map prepared by the City of Wichita, Kansas, Planning Department, in cooperation with the Wichita Area Council of Governments, 2014. The map is for informational purposes only and does not constitute a guarantee, warranty, or representation of any kind. The City of Wichita, Kansas, Planning Department, 2014.



Looking east towards site



Looking north away from site



Looking west away from site



Looking south towards site



Historic Street View of Former Pole Sign (Via Google Street View)

