



Wichita-Sedgwick County Metropolitan Area Planning Department

November 19, 2015

MFA & Associates, LLC
9301 E. Shannon Woods Cir.
Wichita, KS 67226

Thair Qaki
225 S. West St.
Wichita, KS 67213

RE: BZA2015-00055 – City BZA sign code variance request to allow a pole sign within 2-feet of the front property line on property zoned LC Limited Commercial ("LC"); generally located North of West Maple Street, along the west side of South West Street (225 S. West St.)

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **November 19, 2015**. 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,

A handwritten signature in black ink, appearing to read 'Derrick Slocum'.

Derrick Slocum
BZA Secretary

cc: Tom Stolz, MABCD
JR Cox, MABCD
Jeff Blubaugh, WCC IV CM
Rebecca Fields, CSR IV

BZA RESOLUTION NO. BZA2015-00055

WHEREAS, Thair Qaki (Owner); MFA & Associates, LLC, c/o: Fadel Alsondi (Agent/Applicant pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Sign Code to allow a pole sign within 2-feet of the front property line on property zoned LC Limited Commercial ("LC"); generally located North of West Maple Street, along the west side of South West Street (225 S. West St.)

Legal Description:

Lot 6 and the south 20 feet of Lot 7, except the east 10 feet for street, Block 1, Westborough 2n Addition to 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 November 19, 2015, 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, inasmuch as, this was one of the last commercially developed properties on this stretch of West Street and other commercial uses have already had their signs in place, like the restaurants north and south of the subject site. This situation and the fact that this particular property has a shorter frontage than many of the other properties along West Street limits the possible locations the on-site sign can be placed on the property.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for the on-site sign placement would not adversely affect the rights of adjacent property owners, inasmuch as, the property is surrounded by other commercial uses with similar signage and in its current location; the subject sign does not obscure any of the adjacent on-site signs. However, if the sign was forced to be moved further north on the site; the sign would obscure the on-site sign on the property north of the subject site.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the sign code could constitute a hardship upon the applicant, inasmuch as, with the size of the subject site, the orientation of the structure, driveway and parking lot and the location of the existing on-site sign on the property to the north, abiding to the sign code setback requirement would be a hardship for the property owner.

WHEREAS, the Board of Zoning Appeals has found that the requested variance for an on-site sign setback reduction would not adversely affect the public interest, inasmuch as, adequate identification and successful use of this property are in the public interest.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for an on-site sign setback reduction does not oppose the general spirit and intent of the Sign Code, inasmuch as, the Sign Code setback restriction does not take into consideration surrounding properties existing signage location and varying frontages of properties. The spirit and intent of the sign code is for adequate identification of buildings and uses, and this variance request is consistent with that spirit and intent.

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 allow a pole sign within 2-feet of the front property line on property zoned LC Limited Commercial ("LC"); generally located North of West Maple Street, along the west side of South West Street (225 S. West St.)

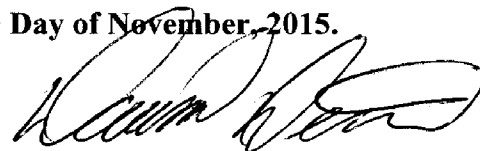
Legal Description:

Lot 6 and the south 20 feet of Lot 7, except the east 10 feet for street, Block 1, Westborough 2n Addition to Wichita, Sedgwick County, Kansas.

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

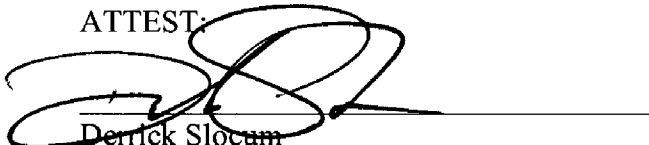
1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to construct and maintain the signage.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 19th Day of November, 2015.



BZA Chair, David Dennis

ATTEST:



Derrick Slocum
BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2015-00055

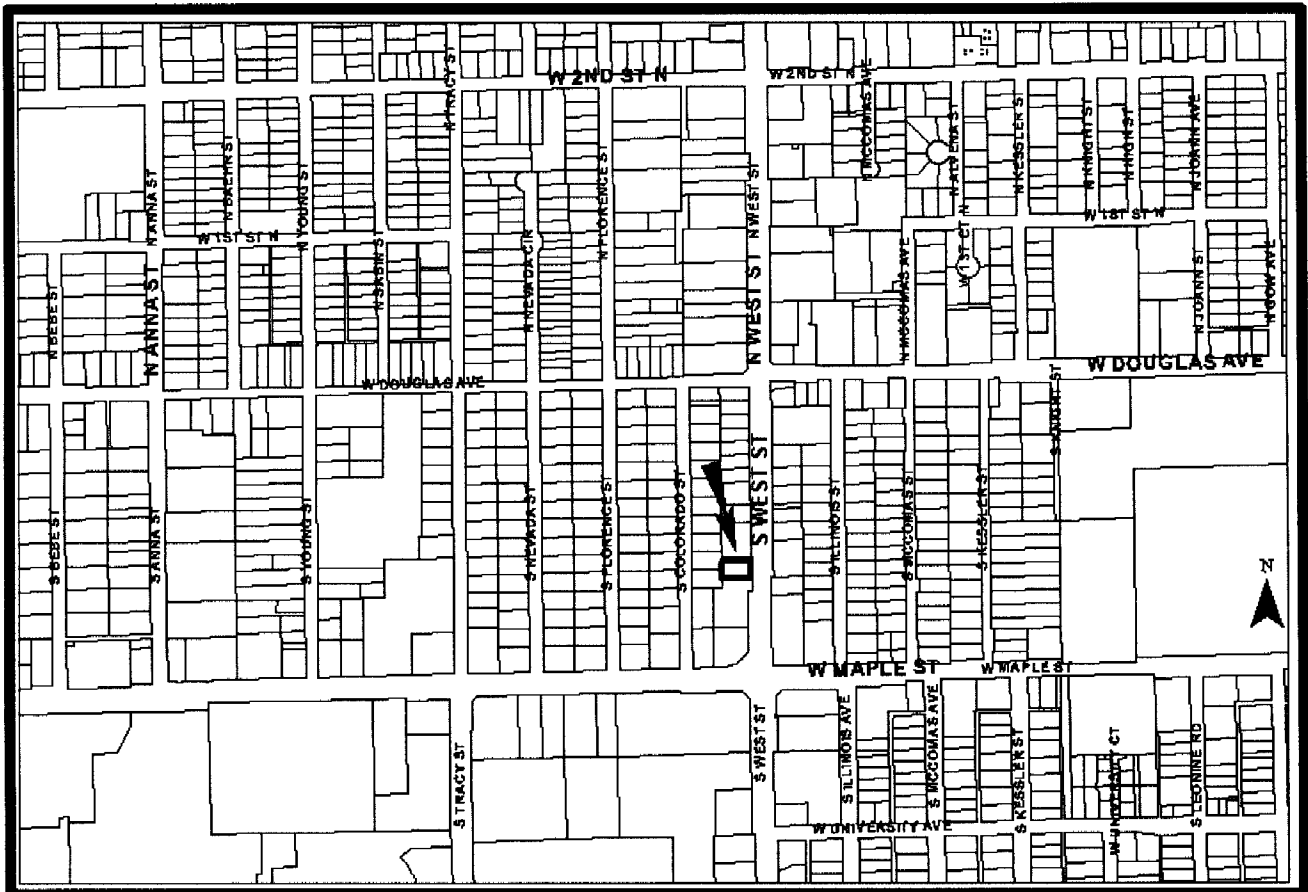
APPLICANT/AGENT: Thair Qaki (Owner); MFA & Associates, LLC, c/o: Fadel Alsondi (Agent/Applicant)

REQUEST: City BZA sign code variance request to allow a pole sign within 2-feet of the front property line on property zoned LC Limited Commercial ("LC").

CURRENT ZONING: LC Limited Commercial ("LC")

SITE SIZE: .24 acres

LOCATION: North of West Maple Street, along the west side of South West Street (225 S. West St.)



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 is requesting a variance for an existing on-site sign on property zoned LC Limited Commercial (“LC”) on the west side of South West Street and north of West Maple Avenue (225 S. West St.) Currently, the existing on-site sign is setback approximately 1-1/2 feet from the south property line. The site has, within the past year, been redeveloped from a residential property along West Street into a commercial retail use. The site is located between two restaurants, with the restaurant to the north having its on-site sign 13-feet from its south property line and the restaurant to the south has its on-site sign on its south property line. Due to the relatively small frontage, if the applicant were to move their on-site sign any further north of its current location, it would either be in the middle of the existing drive-way onto the site or will obscure the view of both the applicant’s sign and the restaurant’s sign to the north.

Section 24.04.221 of the Sign Code limits on-site ground or pole signs to not project over the public right-of-way, and shall be located not closer to an adjacent property line than one-third the frontage of the zoning lot or fifteen feet, whichever is less. The applicant wishes to keep the existing on-site sign at its current location, which is 1-1/2 feet north of its south property line. Due to the relatively small street frontage, orientation of structures and driveways on the site and the location of adjacent properties on-site signs, the current location of the existing on-site sign is in its most viable location. See the attached graphics and letter from the applicant.

The property north of the subject site is zoned LC and is developed with a restaurant. Property south of the subject site is zoned GC General Commercial (“GC”) and is developed with a restaurant. Property to the east of the subject site, across West Street, is zoned LC and is also developed with a restaurant. Property to the west of the subject site is zoned TF-3 Two-family Residential (“TF-3”) and is developed with a single-family residence.

ADJACENT ZONING AND LAND USE:

NORTH	LC	Restaurant
SOUTH	GC	Restaurant
EAST	LC	Restaurant
WEST	TF-3	Single-family Residence

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

UNIQUENESS: It is staff’s opinion that this property is unique, inasmuch as, this was one of the last commercially developed properties on this stretch of West Street and other commercial uses have already had their signs in place, like the restaurants north and south of the subject site. This situation and the fact that this particular property has a shorter frontage than many of the other properties along West Street limits the possible locations the on-site sign can be placed on the property.

ADJACENT PROPERTY: It is staff’s opinion that granting the requested variance for the on-site sign placement would not adversely affect the rights of adjacent property owners, inasmuch as, the property is surrounded by other commercial uses with similar signage and in its current location; the subject sign does not obscure any of the adjacent on-site signs. However, if the sign was forced to be moved further north on the site; the sign would obscure the on-site sign on the property north of the subject site.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code could constitute a hardship upon the applicant, inasmuch as, with the size of the subject site, the orientation of the structure, driveway and parking lot and the location of the existing on-site sign on the property to the north, abiding to the sign code setback requirement would be a hardship for the property owner.

PUBLIC INTEREST: It is staff's opinion that the requested variance for an on-site sign setback reduction would not adversely affect the public interest, inasmuch as, adequate identification and successful use of this property are in the public interest.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for an on-site sign setback reduction does not oppose the general spirit and intent of the Sign Code, inasmuch as, the Sign Code setback restriction does not take into consideration surrounding properties existing signage location and varying frontages of properties. The spirit and intent of the sign code is for adequate identification of buildings and uses, and this variance request is consistent with that spirit and intent.

RECOMMENDATION: It is staff's opinion that the requested setback reduction for an on-site sign for the subject site is appropriate. If the Board determines that the necessary conditions to grant a variance exist, the Secretary recommends that the variance for a setback reduction to 1-1/2 feet from the south property line for an on-site sign in LC zoning be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to construct and maintain the signage.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.