



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

April 27, 2006

LJT Acquisition Corp. c/o Tracey L. Dexter  
PO Box 7707  
Wichita, KS 67277

**RE: BZA2006-23 – Variance to Section 24.04.196.4 of the Sign Code to permit a roof sign, visible from aircraft only, at the Lear Jet facility in the “LI” Limited Industrial zoning district. Generally located east of Tyler and North of Harry. (District V)**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on April 25, 2006. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

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

Sincerely,

Jess McNeely, Secretary  
Current Plans Division

JM/ya

Cc: Clear Channel Outdoor, David Mollhagen, 3405 N. Hydraulic, Wichita, KS. 67219  
George Lay Signs, Inc., David Vernia, 1016 N Waco, Wichita, KS. 67203  
Bob Martz, District V, Wichita City Council 1-13  
Sharon Dickgrafe, Law Department, Mail Stop 1-132  
Herb Shaner, OCI, Mail Stop, 1-72

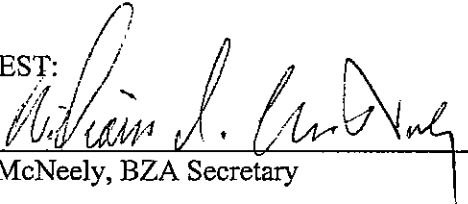
The variance is hereby **GRANTED**, subject to the following conditions:

1. All signage on the subject property shall conform to the requirements of the Sign Code except that there be a variance granted to permit a roof sign on building #6 of the Bombardier Learjet manufacturing facility.
2. The roof sign shall not be visible from ground view.
3. The sign permitted by the variance shall be placed in the general location illustrated on the approved site plan and shall be of a design and size conforming to the approved elevation.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the granting of the variance, unless such time period is extended by the BZA.
5. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 25<sup>th</sup> Day of April, 2006.

  
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BZA Board Chair, Bickley Foster

ATTEST:

  
\_\_\_\_\_  
Jess McNeely, BZA Secretary

**BZA RESOLUTION NO. 2006-00023**

**WHEREAS**, LJT Acquisition Corp, (Owner/Applicant); David Vernia, George Lay Signs, Inc. (Agent) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variance to Section 24.04.196.4 of the Sign Code to permit a roof sign, visible from aircraft only, at the Lear Jet Facility.

Lot 1, Block A, Gates Learjet Addition, Sedgwick County, Kansas. Generally located east of Tyler and north of Harry (1 Learjet Way).

**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 April 25, 2006, 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 the variance arises from such condition which is unique. It is the opinion of the Board that this property is somewhat unique, inasmuch as the facility manufactures aircraft adjacent to the airport, with a desire to identify the facility to aircraft. Likewise, the proposed signage is unique in that it is proposed for identification from aircraft only, not from ground view.

**WHEREAS**, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners, inasmuch as the sign will not be visible from surrounding properties or streets.

**WHEREAS**, the Board of Zoning Appeals has found that the strict application of the provisions of the sign regulations will constitute a hardship upon the applicant, given the applicant's desire for identification by aircraft.

**WHEREAS**, the Board of Zoning Appeals has found that the variance would not adversely affect the public interest, inasmuch as the signage will not be visible from ground view, and will only be visible from aircraft.

**WHEREAS**, the Board of Zoning Appeals has found that the granting of the variance would not oppose the general spirit and intent of the Sign Code inasmuch as the signage will facilitate identification by aircraft, while the sign code regulations are based on visibility from ground view.

**WHEREAS**, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, variance be granted to Section 24.04.196.4. of the Sign Code legally described as follows:

Lot 1, Block A, Gates Learjet Addition, Sedgwick County, Kansas. Generally located east of Tyler and north of Harry (1 Learjet Way).

**SPIRIT AND INTENT:** It is the opinion of staff that granting the requested variance would not oppose the general spirit and intent of the Sign Code inasmuch as the signage will facilitate identification by aircraft, while the sign code regulations are based on visibility from ground view.

**RECOMMENDATION:** It is staff's opinion that the proposed signage is appropriate. Should the Board determine that conditions necessary for granting the variance exist, then it is the recommendation of the Secretary that the variance to permit a roof sign in "LI" Limited Industrial zoning be GRANTED, subject to the following conditions:

1. All signage on the subject property shall conform to the requirements of the Sign Code except that there be a variance granted to permit a roof sign on building #6 of the Bombardier Learjet manufacturing facility.
2. The roof sign shall not be visible from ground view.
3. The sign permitted by the variance shall be placed in the general location illustrated on the approved site plan and shall be of a design and size conforming to the approved elevation.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the granting of the variance, unless such time period is extended by the BZA.
4. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

**SECRETARY'S REPORT**

CASE NUMBER: BZA2006-23

OWNER/APPLICANT: LJT Acquisition Corp

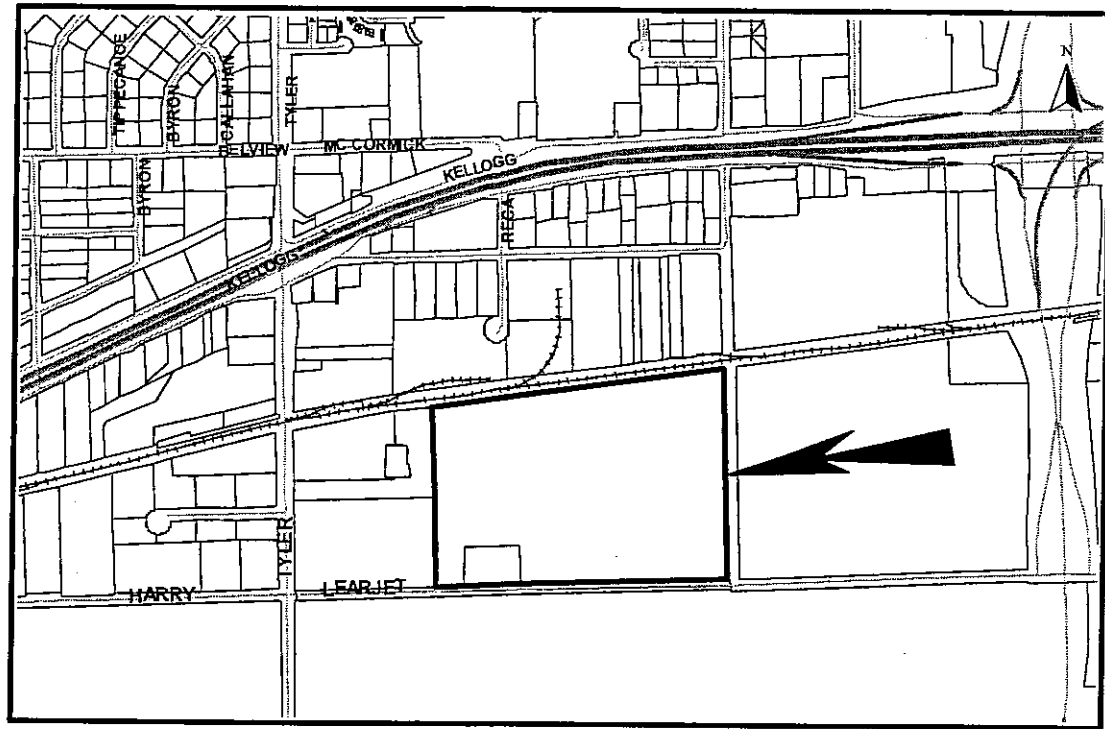
AGENT: David Vernia, George Lay Signs, Inc.

REQUEST: Variance to Section 24.04.196.4. of the Sign Code to permit a roof sign, visible from aircraft only, at the Lear Jet Facility.

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 53 acres

LOCATION: East of Tyler, north of Learjet  
(1 Learjet Way)



**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 application area is a 53-acre platted and developed site, zoned "LI" Limited Industrial, located north of Learjet Way and east of Tyler, adjacent to the Mid-Continent Airport. Learjet Way is a re-named portion of Harry Street. All surrounding property is zoned LI; manufacturing and warehousing uses exist north and west of the site. The Mid-Continent Airport exists south and east of the site. Southwest of the Tyler/Harry intersection is an "SF-5" Single-family Residential zoned public golf course.

The sign code prohibits roof signs in the LI zoning district. The applicant seeks a roof sign on top of a flat-roofed manufacturing building; the proposed sign is approximately 35 x 210 feet in size. Please see the attached graphics and letter. The sign's purpose is identification from the perspective of aircraft only; the sign would not be visible from the ground or surrounding properties.

The variance requested is to Section 24.04.196.4. of the Sign Code to permit a roof sign, visible from aircraft only, at the Lear Jet Facility.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LI" Limited Industrial; manufacturing and warehousing
SOUTH	"LI" Limited Industrial; airport
EAST	"LI" Limited Industrial; airport
WEST	"LI" Limited Industrial; manufacturing

*The five criteria necessary for approval apply to all variances requested.*

**UNIQUENESS:** It is the opinion of staff that this property is somewhat unique, inasmuch as the facility manufactures aircraft adjacent to the airport, with a desire to identify the facility to aircraft. Likewise, the proposed signage is unique in that it is proposed for identification from aircraft only, not from ground view.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the sign will not be visible from surrounding properties or streets.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, given the applicant's desire for identification by aircraft.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the signage will not be visible from ground view, and will only be visible from aircraft.