



Wichita-Sedgwick County Metropolitan Area Planning Department

FILE COPY

September 20, 2002

Leedwood Homes, Inc.
%Joe Lee
3500 N. Rock Rd.
Bldg. 2000 Suite 204
Wichita, KS 67226

RE: BZA 2002-00046 – Variance to Section 24.04.193 of the sign Code to allow more than one ground sign per business on a zoning lot on property zoned “GO” General Office. Generally located north of Kellogg and east of Edgemoor.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on August 27, 2002, this resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. 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,

Scott Knebel
Assistant BZA Secretary

SK/rms

cc: City Council Member District II, Joe Pisciotte, Mail Stop 1-13
Donte Martin, N.A. II, Mail Stop 1-13
Sharon Dickgrafe, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2002-00046

WHEREAS, Leewood & Associates at Village Square, LLC c/o Joe H. Lee, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section 24.04.193 of the Sign Code to allow more than one ground sign per business on a zoning lot and legally described as follows:

Lots 2, 3, 4, 5, Village Square Addition, Wichita, Sedgwick County, Kansas. Generally located north of Kellogg and east of Edgemoor.

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 27, 2002, 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 unique, inasmuch as the subject property has street frontage on three streets but the only entrance to the office park (other than through a residential neighborhood) is from an intersection where signage on the individual office lots is not visible.

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 or residents. It is the opinion of the Board that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the only residential use that directly faces the proposed signage is a duplex located along Ridgecrest, and the signage is of a scale and design that no detrimental impact on adjacent properties is anticipated.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of the Board that the strict application of the provisions of the sign regulation constitute an unnecessary hardship upon the applicant, inasmuch as strict application of the sign regulations would result in undesirable business locations because the location of individual businesses on each respective lot could not be determined only from a master sign for the office park.

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. It is the opinion of the Board that the requested variances would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale and has minimal lighting.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. It is the opinion of the Board that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code. Among the purposes of the Sign Code are: the encouragement of signage that is, by their location and design, harmonious to the building and sites which they occupy; a reasonable balance between the need for the sign and advertising while preserving the visual quality of the community; and to provide direction and identification to various businesses. The proposed signage would be harmonious to the sites it will occupy, will preserve the visual quality of the community while providing advertising for the businesses in the office park, and will serve to provide direction or identification of businesses that could not be achieved by signage consistent with the code.

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.

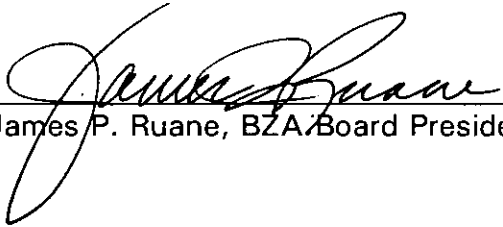
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance to Section 24.04.193 of the Sign Code to allow more than one ground sign per business on a zoning lot and legally described as follows:

Lots 2, 3, 4, 5, Village Square Addition, Wichita, Sedgwick County, Kansas. Generally located north of Kellogg and east of Edgemoor.

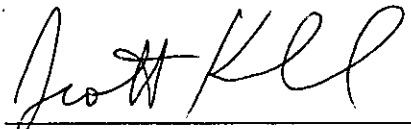
The variance is hereby **GRANTED**, subject to the following conditions:

1. The multi-tenant ground sign on Lot 2 shall be limited to a total of 84 square feet in size and no individual business shall have more than 24 square feet on the sign.
2. The ground signs on Lots 3-5 each shall be limited to a total of 32 square feet in size, and if the signs are multi-tenant signs, no individual business shall have more than 24 square feet on the sign.
3. The ground signs on Lots 2-5 shall be located in general conformance with the approved site plan; however, no sign shall be located closer than 15 feet to an adjacent property or closer than 150 feet to another sign.
4. The ground signs on Lots 2-5 shall be of a design that is in general conformance with the approved elevation renderings.
5. 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 variances, unless such time period is extended by the Board.
6. The resolution authorizing these variances 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 27th DAY of AUGUST, 2002.


James P. Ruane, BZA Board President

ATTEST:


Scott Knebel, BZA Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
August 27, 2002

SECRETARY'S REPORT

CASE NUMBER: BZA2002-00046

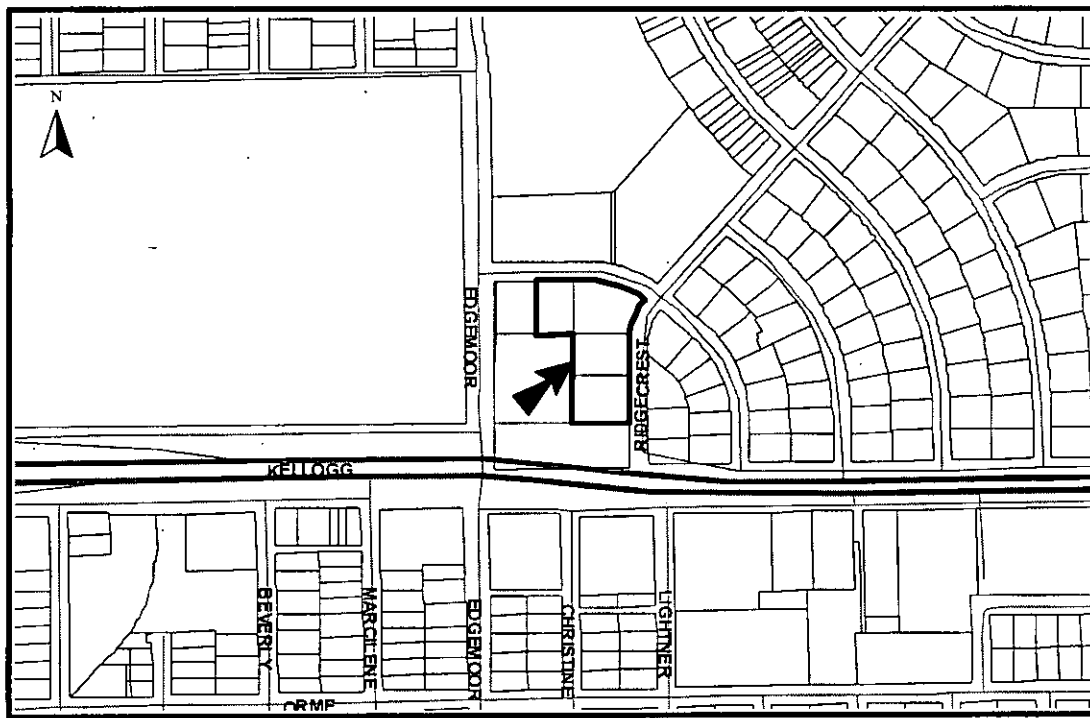
OWNER/APPLICANT: Leewood & Associates at Village Square, LLC c/o Joe H. Lee

REQUEST: Variance to Section 24.04.193 of the Sign Code to allow more than one ground sign per business on a zoning lot

CURRENT ZONING: "GO" General Office

SITE SIZE: 2.38 acres

LOCATION: North of Kellogg and east of Edgemoor



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 proposes to install an 84 square-foot, multi-tenant ground sign on Lot 2 (see attached site plan). Lot 2 is located on the south side of Lexington and east of Edgemoor, across the street from the police and fire station. The 84 square-foot, multi-tenant ground sign would have spaces for the names of businesses located on Lots 2-5 (see attached elevation rendering). Since Lots 3-5 also would have 32 square-foot ground signs for the business(es) located on each respective lot, each business would have two ground signs. Section 24.04.193 of the Sign Code limits each business located on a "GO" General Office zoning lot to one ground sign; therefore, the applicant has requested a variance to allow each business name to be on both the sign on Lot 2 and the sign on the individual lot on which the business is located.

The applicant submitted the attached statement pertaining to the five conditions for granting the variance requested. From the discussing the nature of the request with the applicant, the applicant indicates that the only entrance (other than through a residential neighborhood) to the Village Square Office Park is from Lexington and Edgemoor. If the only signage for businesses within the office park is located along Lexington on Lot 2, then customers would not know the location individual businesses within the office park due to limitations on the size and location of building signage. Therefore, the applicant has requested a variance to also allow each business to have a ground sign on the respective lot where the business is located.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-5" & "GO"	Police and fire station, Girl Scouts headquarters
SOUTH	"LC"	Various retail and auto-oriented businesses
EAST	"SF-5" & "TF-3"	Single-family residence and a duplex
WEST	"GO" & "LC"	Skaer Animal Clinic and Ultra Modern Pool & Patio

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the subject property has street frontage on three streets but the only entrance to the office park (other than through a residential neighborhood) is from an intersection where signage on the individual office lots is not visible.

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 only residential use that directly faces the proposed signage is a duplex located along Ridgecrest, and the signage is of a scale and design that no detrimental impact on adjacent properties is anticipated.

HARDSHIP: The applicant indicates that the provisions of the sign regulations constitute an unnecessary hardship because the sign regulations do not permit a

sign on the individual lot where the business is located as well as a master sign for the office park. It is the opinion of staff that the strict application of the provisions of the sign regulation constitute an unnecessary hardship upon the applicant, inasmuch as strict application of the sign regulations would result in undesirable business locations because the location of individual businesses on each respective lot could not be determined only from a master sign for the office park.

PUBLIC INTEREST: It is the opinion of staff that the requested variances would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale and has minimal lighting.

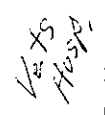
SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code. Among the purposes of the Sign Code are: the encouragement of signage that is, by their location and design, harmonious to the building and sites which they occupy; a reasonable balance between the need for the sign and advertising while preserving the visual quality of the community; and to provide direction and identification to various businesses. The proposed signage would be harmonious to the sites it will occupy, will preserve the visual quality of the community while providing advertising for the businesses in the office park, and will serve to provide direction or identification of businesses that could not be achieved by signage consistent with the code.

RECOMMENDATION: It is staff's opinion that the five conditions necessary for the granting of the variance exist; therefore, it is the recommendation of the Secretary that the variance to allow more than one ground sign per business on a zoning lot be GRANTED, subject to the following conditions:

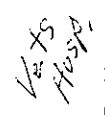
1. The multi-tenant ground sign on Lot 2 shall be limited to a total of 84 square feet in size and no individual business shall have more than 24 square feet on the sign.
2. The ground signs on Lots 3-5 each shall be limited to a total of 32 square feet in size, and if the signs are multi-tenant signs, no individual business shall have more than 24 square feet on the sign.
3. The ground signs on Lots 2-5 shall be located in general conformance with the approved site plan; however, no sign shall be located closer than 15 feet to an adjacent property or closer than 150 feet to another sign.
4. The ground signs on Lots 2-5 shall be of a design that is in general conformance with the approved elevation renderings.

5. 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 variances, unless such time period is extended by the Board.
6. The resolution authorizing these variances may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

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