behind the platted building setback line and does not interfere with any needed right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the regulations is to prevent the location of accessory structures in the normally required setbacks (front yards) in residential areas.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following condition:

1. This variance shall only apply to the location of a swimming pool to be located closer to the front property line that the house, and provided further, the pool shall not be located closer to the front property line than the 30-foot setback line.

LYTLE stated that CPO recommended (8-0) to approve.

The applicant was present, but offered no additional comments. No one spoke in opposition.

> MOTION: JENKINS moved, KOPIETZ seconded, that the five conditions set out in Section 2.12.590.B, of the Code as necessary for the granting of the variance have been found to exist and that the variance to permit the location of an accessory structure (swimming pool) in front of the main structure on the property be granted subject to the condition set out in the Secretary's Report. Motion passed 4-0.

The official action of the board is reflected in the adoption of Resolution No. BZA 13-86 which includes the following conditions of approval:

1. This variance shall only apply to the location of a swimming pool to be located closer to the front property line that the house, and provided further, the pool shall not be located closer to the front property line than the 30-foot setback line.

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4. Case No. BZA 14-86 - Charter Hospital of Wichita; c/o Charter Medical Corporation, 577 Mulberry Street, Macon, Georgia, 31298, pursuant to Section 2.12.590.B, Code of the City of Wichita; requests a variance to

permit the construction of an identification sign to a maximum of 90 square feet gross surface area (including base) in lieu of the permitted 32 square feet on property zoned the "BB" Office District and legally described as follows:

> Lot 3, except the east 143 feet thereof, East Turnpike Entrance Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Orme and east of Eastern (8901 East Orme).

LYTLE showed slides of the application area and reviewed the following comments from the Secretary's Report.

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 the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to increase the gross area of an identification sign from 32 square feet to a maximum of 90 square feet which will include the structural support of the sign. The actual sign will be a double face sign with a gross surface area of 50 square feet.

It should be noted that the property is a large lot of approximately 10 acres in size with a frontage of 636 feet on Orme Street. It is located between the Kansas Turnpike on the south of the chevrolet dealership that fronts on Kellogg. The sign will be located 250 feet east of any residential development to the west and should not have any adverse affect on any adjacent property.

Since the distance from the sign to any residential property exceeds 200 feet, the sign may be illuminated at all hours. The height of the sign is less than 10 feet which is well under the maximum limitation of 30 feet.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it has over 600 feet of frontage adjacent to a street that has office zoning or light commercial for the majority of both sides of the street which exceeds a distance of 1200 feet.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the sign will be located across the street from another large parcel of ground that is zoned the "BB" Office District and the erection of a larger sign should not have any adverse affect.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the erection of a sign of 32 square feet will not be adequate to identify such a large project on ten acres.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the sign property located, will not interfere with any needed right-of-way or easements.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as regulation for limiting the size of signs in the office district does not take into account the possibility of large parcels for office or institutional development.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The permitted gross area of the sign may be increased from 32 square feet to 90 square feet including the supporting masonry base.

2. The sign may be internally illuminated with white light only.

LYTLE stated that CPO recommended (7-0) to approve.

The agent for the applicant was present. No one spoke in opposition.

> MOTION: KOPIETZ moved, HENDERSON seconded, that the five conditions set out in Section 2.12.590.B, of the Code as necessary for the granting of the variance have been found to exist and that the variance to increase the gross area of an identification sign from 32 square feet to 90 square feet including the supporting structure be granted subject to the conditions set out in the Secretary's Report. Motion passed 4-0.

The official action of the board is reflected in the adoption of Resolution No. BZA 14-86 which includes the following conditions of approval:

1. The permitted gross area of the sign may be increased from 32 square feet to 90 square feet including the supporting masonry base.

2. The sign may be internally illuminated with white light only.

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5. Case No. BZA 15-86 - Phillips 66 Company, c/o PT, RE & C, 101 North Robinson, Oklahoma City, Oklahoma, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the construction of an automatic carwash on property zoned the "LC" Light Commercial District and legally described as follows:

> The South 165 feet of West 165 feet of Lot 8, Block "A" Schallmo Addition to Wichita, Sedgwick County, Kansas, being replatted as PPCo. Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pawnee and Seneca.

LYTLE showed slides of the application area and reviewed the following comments from the Secretary's Report.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.183.4 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to construct an automatic car wash on the property in conjunction with the development of the corner with a self-serve gasoline station and convenience store. This requires approval of the Board for the automatic car wash facility in the "LC" Light Commercial District.

The applicant's site plan indicates that adequate holding spaces can be provided so that on-site circulation can be maintained so as to not interfere with on-street traffic in the area. The car wash also contains a dryer which will eliminate the majority of problems with drainage of moisture beyond the exit of the car wash.

The intersection of Pawnee and Seneca has recently been improved. Access to the site will be provided by two driveway approaches to each street. No circulation will be provided between this property and the adjacent properties.