CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 24, 2009

Total Security Inc.

3210 W Kellogg
Wichita, KS 67213

Heartland Home Health & Hospice c/o Dean McDowell

3210 W Kellogg
Wichita, KS 67213

Ron's Sign Co. c/o John Saindon
1329 S Handley
Wichita, KS 67213

RE: BZA2009-20 Variance of the Sign Code to increase the height of a pole sign from 22 to 26.4 feet, and to increase the size from 32 to 118 square feet, with an electronic message board, in GO zoning for an office use. Generally located north of Kellogg and west of Sheridan (3210 W Kellogg).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on June 23, 2009. Also enclosed is an approved site plan and elevation drawing. Please submit a landscape plan which meets condition #2. 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, AICP
Senior Planner

JMC/yja

Cc Jeff Vanzandt, Law Dept, 1-132
JR Cox, OCI, 1-72
Paul Gray, CM District IV

BZA RESOLUTION NO. 2009-20

WHEREAS, Total Security Inc. (owner), Heartland Home Health & Hospice c/o Dean McDowell (applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance of the Sign Code to increase the height of a pole sign from 22 to 26.4 feet, and to increase the size from 32 to 118 square feet, with an electronic message board, in GO zoning for an office use, generally located north of Kellogg and west of Sheridan (3210 W Kellogg).

Lot 2, Roann 2nd Addition to Wichita Sedgwick County, KS.

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 June 23, 2009, 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 conditions that are unique. As GO zoned property, the site has frontage along the Kellogg expressway which could accommodate commercial zoning and associated increased signage. Likewise, the site size could accommodate multiple tenants, which would increase the allowable sign size. The applicant is a single tenant whose land use is accommodated under the current GO zoning.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners. Property due east and west of the sign, in view of the sign face, is also zoned GO. Mitigating landscaping along the west property line could ensure that the sign does not affect nearby residences west of the site. The existing building on the site will screen the sign from the residential property north of the site.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the sign code would constitute a hardship upon the applicant. The sign code 32 square foot pole sign size limit and 22-foot height limit does anticipate freeway frontage and necessary visibility.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest at this location. The requested sign size is consistent with commercial zoning signage with this frontage, and the height increase is 20%, a common range for administrative adjustments in other situations. Adequate visibility of this sign from Kellogg is in the public interest. Maintaining GO zoning on this site is more compatible than commercial zoning with the single-family neighborhood to the north and west of the site.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the Sign Code regulations. The Sign Code restriction for pole sign size and height in GO zoning does not take into consideration freeway frontage. The spirit and

intent of the sign code is for adequate identification of facilities without negative effects on residences, 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 to increase the height of a pole sign from 22 to 26.4 feet, and to increase the size from 32 to 118 square feet, with an electronic message board in GO zoning for an office use, generally located north of Kellogg and west of Sheridan (3210 W Kellogg).

Lot 2, Roann 2nd Addition to Wichita Sedgwick County, KS.

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

1. The sign shall be developed in conformance with the approved site plan and elevation drawing.
2. The applicant shall submit a landscape plan, to be approved by staff. The landscape plan shall demonstrate evergreen trees, consistent with the landscape code, spaced 20 feet on center along the southern 80 feet of the west property line.
3. No animated, flashing or moving images or text shall be displayed on the sign; the sign shall not make copy or graphics changes faster than once per second.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
5. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 23rd Day of June, 2009.

BZA Board Chair, Dwight Greenlee

ATTEST:

Jess McNeely, AICP
BZA Secretary