Lots 2 and 3, Parkway Addition to Wichita, Kansas, except the west 15 feet of the north 136.53 feet and the west 10 feet of the south 60.2 feet of said Lot 2. Generally located at the northeast corner of West Street and Kellogg Drive.

be approved subject to the following conditions:

1. Only one pole sign shall be permitted on this zoning lot;

2. The sign size shall be no larger than approximately 250 square feet as indicated on the revised plan submitted with this application.

ADOPTED AT WICHITA, KANSAS, this 28th day of March, 1989.

Sharon Ryan, President

ATTEST:

Jack H. Galbraith, Secretary

BZA RESOLUTION NO. 55-88

WHEREAS, Jack R. Hunt, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of a pole sign from 40 to 45 feet (as amended) on property zoned the "E" Light Industrial District and legally described as follows:

> Lots 2 and 3, Parkway Addition to Wichita, Kansas, except the west 15 feet of the north 136.53 feet and the west 10 feet of the south 60.2 feet of said Lot 2. Generally located at the northeast corner of West Street and Kellogg Drive.

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 meetings of December 20, 1988, January 24, 1989, and March 28, 1989, 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 to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the height of Kellogg over West Street is approximately 25 feet which reduces the visibility of normal-height signage along this property from eastbound and northbound traffic; and

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 inasmuch as the proposed sign location is at least 140 feet from any other business; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested would constitute an unnecessary hardship upon the applicant inasmuch as there is a variable rise in the overpass on west Kellogg which reduces visibility of signs for a business at this location;

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, due to the fact that there are higher signs in the area which will continue to exist even with the upcoming deadline for compliance with the sign regulations of the zoning ordinance; and

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 Title 28 (Zoning Ordinance) inasmuch as five feet is a slight increase, but still provides better exposure for a business lower than the elevated expressway; and

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 have been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the height of a pole sign from 40 to 45 feet (as amended) on property zoned the "E" Light Industrial District and legally described as follows:

WICHITA — SEDGWICK COUNTY

W-SC

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1668
(316) 268-4561

April 10, 1989

Bill Rowe
Willie C's of Wichita, Inc.
1320 E. Kellogg Drive
Wichita, KS 67211

Re: BZA 55-88 - Variance to increase the height of a pole sign from 40 to 45 feet (666 S. West St.).

Dear Mr. Rowe:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on March 28, 1989. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

Sincerely,

Louise Olivarez

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Larry Boggs, Boggs Signs, Inc., 318 S. Osage, Wichita, 67213
Jack Hunt, 321 E. William, Ste. 100, Wichita, 67202
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as even the maximum height for off-site signs has been limited to 14 feet above the deck of an elevated road.

RECOMMENDATION: It is the opinion of the Secretary that all five conditions necessary to the granting of a variance cannot be found to exist, and it is the recommendation of the Secretary that the variance be denied.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3

January 24, 1989

REVISED SECRETARY'S REPORT

CASE NUMBER: BZA 55-88

OWNER/APPLICANT/AGENT: Jack R. Hunt (owner/applicant)
Willie C's of Wichita, Inc., ATTN: Bill Rowe (lessee/applicant)
Boggs Signs, Inc., ATTN: Larry Boggs (agent)

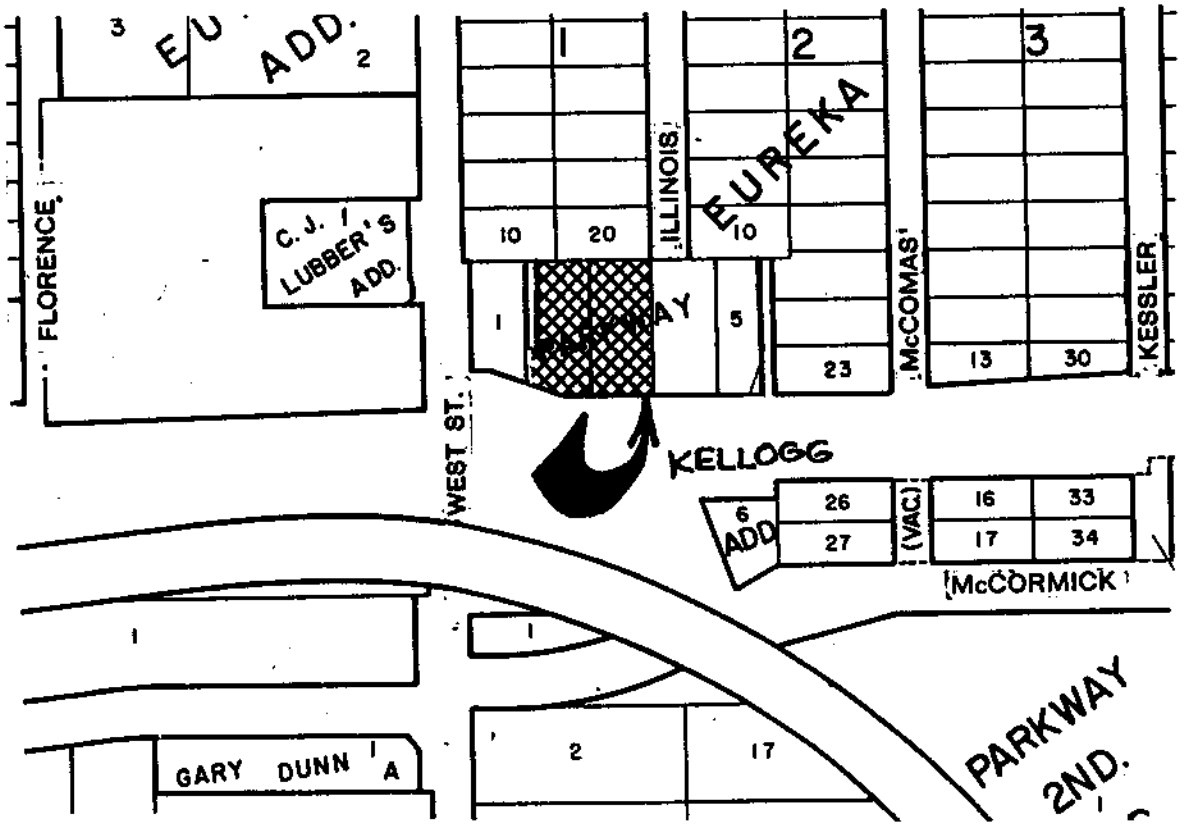
REQUEST: Variance to increase the height of a pole sign from 40 feet to 45 feet (as amended).

CURRENT ZONING: "E" Light Industrial District

SITE SIZE: 175 ft. x 215 ft. (more or less)

LOCATION: Northeast corner of West St. & Kellogg Dr.

PROPOSED USE: Pole sign



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.

BACKGROUND: The applicants have amended their application to request an increase in the height of a pole sign from the permitted 40 feet to 45 feet. The original request was for a 55-foot-tall sign. The proposed location of the sign has changed to the southwest corner of the new Willie C's site instead of the original location in the southeast corner, where it was to be shared with a future tenant to the east. The sign is no longer proposed with a reader board, but only the "Willie C's Cafe and Bar" identification. The applicants feel the additional 5 feet in sign height is necessary to be readable above the raised Kellogg overpass. The overpass is approximately 25 feet above grade as it crosses West Street.

The sign code makes exceptions for the height of off-site signs located adjacent to elevated portions of a highway structure, as they may be erected to a height of 14 feet above the traffic deck. If this criterion were to be applied to the Willie C's on-site sign, its height would be limited to 39 feet. However, as an on-site sign, it is permitted a height of 40 feet because 2 additional potential signs are being eliminated (5-foot increase over the basic 30-foot height for each sign eliminated).

ADJACENT ZONING AND LAND USE:

NORTH	"E"	Strip commercial center and single-family residences
SOUTH	"E"	Highway interchange
EAST	"LC"	Undeveloped
WEST	"E"	Access road

UNIQUENESS: It is the opinion of staff that this property is somewhat unique inasmuch as the height of Kellogg over West Street is approximately 25 feet, which reduces the visibility of normal-height signage along this property from eastbound and northbound traffic.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested may not adversely affect the rights of adjacent property owners inasmuch as the proposed sign location is at least 140 feet from any other business.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance would not constitute an unnecessary hardship upon the applicant inasmuch as an increase in height from 30 feet to 40 feet is already permitted by the zoning ordinance by reducing the number of signs permitted, and a 40-foot sign height permits at least 15 feet of sign area above the overpass.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would adversely affect the public interest inasmuch as one of the goals for community enhancement is to beautify the entrance into downtown from the airport, and taller commercial signs which are visible from greater distances are not in keeping with this community goal.