to the site. The proposed sign will not encroach into any public easements associated with the site. The proposed sign will be compatible in height and size with other signs in this general vicinity.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the sign ordinance inasmuch as a 5-foot increase in height is a slight increase and an 87.5-square-foot increase in size would be within the sign code standard if the zoning lot had been located adjacent to the expressway.

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. Prior to installing the requested pole sign, the applicant shall obtain a sign permit and shall comply with all sign code requirements except that the size of the sign permitted may be up to 187.5 square feet and the height of the sign may be up to 30 feet above grade.

2. This pole sign may be illuminated but shall not have flashing or moving lights or any parts which create the illusion of movement.

3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 6
December 28, 1994

SECRETARY'S REPORT

CASE NUMBER: BZA 41-94

OWNER/APPLICANT: Ewing Industries, Wichita Westgate Ltd. Partnership

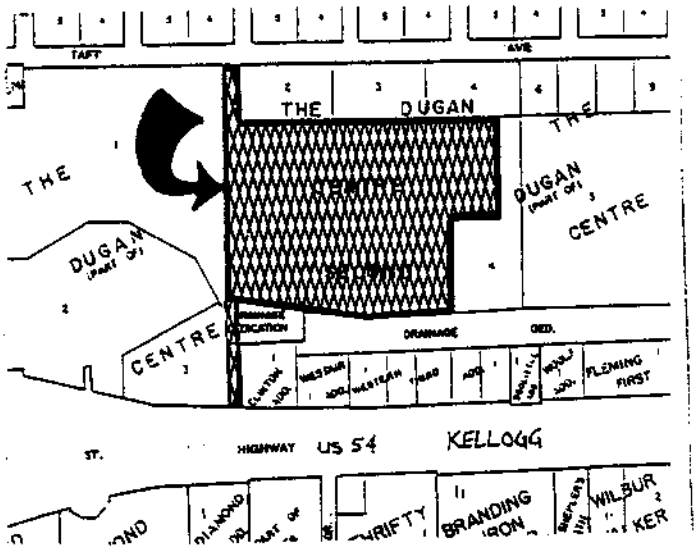
AGENT: Everett C. Fettis

REQUEST:
1. Variance to increase the height of a pole sign from 25 feet to 30 feet.
2. Variance to increase the size of a pole sign from 100 square feet to 187.5 square feet.

CURRENT ZONING: "C" Commercial

SITE SIZE: 13.77 Acres

LOCATION: North side of Kellogg Drive in an area west of Dugan Road.



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, Ewing Industries -- Wichita Westgate, LTD., is developing property located in an area north of Kellogg, south of Taft and west of Dugan Road. The site is an internal lot of DP-151, Dugan Center Community Unit Plan, which does not have frontage on either Kellogg Drive or Taft except for an access road on the west side of the lot to both Kellogg Drive and Taft.

The current sign code based on 67.5 feet of Kellogg Drive frontage will permit the placement of one pole sign, 100 square feet in size at a height of 25 feet. The applicant is requesting permission to increase the size of the sign to 187.5 square feet and to also increase the height to 30 feet. If the parcel were located on Kellogg, its width of 895 feet would have permitted five signs at 25 feet in height with a total of 716 square feet. The site will contain several businesses and the requested signage will be used to direct the driving public to these establishments.

ADJACENT ZONING AND LAND USE:

NORTH:	"AA" & "C"	-	Single-Family Dwellings and undeveloped land
SOUTH:	"C"	-	Office (Ryan International Airlines & Shelter Insurance
EAST:	"C"	-	Retail (Builder's Square)
WEST:	"C"	-	Undeveloped land

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site is located within a C.U.P. which only has 67.5 feet of frontage on Kellogg Drive but the actual developed site is approximately 895 feet by 661 feet.

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 site to the west is undeveloped and at least 120 feet of separation will exist between the proposed sign and the existing sign on the property to the east. This should provide for sufficient separation so that both signs can be viewed without being blocked by the other.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would not be able to alert the driving public as to the location of the businesses located on an interior zoning lot.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as visibility will be maintained for the driving and walking public along the street and driveway providing egress and ingress

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

December 29, 1994

Ewing Industries
Wichita Westgate Ltd., Partnership
16660 Dallas Parkway
Suite 2200
Dallas, TX 75248

RE: BZA 41-94 Variance to increase the height of a pole sign from 25 feet to 30 feet above grade and a variance to increase the size of a pole sign from 100 square feet to 187.5 square feet.

Dear Sir:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on December 28, 1994. 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

LPM/le

cc: Everett C. Fettis, 120 S. Market, Wichita, KS 67202
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

increase in size would be within the sign code standard if the zoning lot had been located adjacent to the expressway.

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 of the City of Wichita that this request be approved for two variances to (1) increase the height of a pole sign from 25 feet to 30 feet above grade and (2) increase the size of a pole sign from 100 square feet to 187.5 square feet on property zoned "C" Commercial and legally described as follows:

> Lot 1, The Dugan Centre Second, an Addition to Wichita, Kansas, together with that part of Lot 3, The Dugan Centre, an Addition to Wichita, Kansas, described as beginning at the southeast corner of said Lot 3, thence north along the east line of said Lot 3, 221.5 feet to the south line of said The Dugan Centre Second Addition, thence 67.4 feet to the southwest corner thereof; thence south parallel with the east line of said Lot 3, 215.43 feet to the south line thereof; thence east along the south line of said Lot 3, 67.54 feet to the beginning. Generally located on north side of Kellogg Drive in an area west of Dugan Road.

subject to the following conditions:

1. Prior to installing the requested pole sign, the applicant shall obtain a sign permit and shall comply with all sign code requirements except that the size of the sign permitted may be up to 187.5 square feet and the height of the sign may be up to 30 feet above grade.

2. This pole sign may be illuminated but shall not have flashing or moving lights or any parts which create the illusion of movement.

3. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 28th day of December 1994.

Brad Teeter

Brad Teeter, Vice President

ATTEST:

Lawrence P. Mitchell

Lawrence P. Mitchell, Secretary

BZA RESOLUTION NO. 41-94

WHEREAS, Ewing Industries, Wichita Westgate Ltd. Partnership, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests two variances to (1) increase the height of a pole sign from 25 feet to 30 feet above grade and (2) increase the size of a pole sign from 100 square feet to 187.5 square feet on property zoned "C" Commercial and legally described as follows:

> Lot 1, The Dugan Centre Second, an Addition to Wichita, Kansas, together with that part of Lot 3, The Dugan Centre, an Addition to Wichita, Kansas, described as beginning at the southeast corner of said Lot 3, thence north along the east line of said Lot 3, 221.5 feet to the south line of said The Dugan Centre Second Addition, thence 67.4 feet to the southwest corner thereof; thence south parallel with the east line of said Lot 3, 215.43 feet to the south line thereof; thence east along the south line of said Lot 3, 67.54 feet to the beginning. Generally located on north side of Kellogg Drive in an area west of Dugan Road.

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 December 28, 1994, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for two variances 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 variances 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 owners or the applicant inasmuch as the site is located within a C.U.P. which only has 67.5 feet of frontage on Kellogg Drive but the actual developed site is approximately 895 feet by 661 feet.

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 site to the west is undeveloped and at least 120 feet of separation will exist between the proposed sign and the existing sign on the property to the east. This should provide for sufficient separation so that both signs can be viewed without being blocked by the other.

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 inasmuch as the applicant would not be able to alert the driving public as to the location of the businesses located on an interior zoning lot.

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, inasmuch as visibility will be maintained for the driving and walking public along the street and driveway providing egress and ingress to the site. The proposed sign will not encroach into any public easements associated with the site. The proposed sign will be compatible in height and size with other signs in this general vicinity.

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 inasmuch as a 5-foot increase in height is a slight increase and an 87.5-square-foot