Lot 1, except the north 170 feet, Block A, South Glen Addition to Wichita, Sedgwick County, Kansas. Generally located south of 47th Street South in an area east of Broadway (607 E. 47th St. South).

subject to the following conditions:

1. The height of a pole sign on this property shall not exceed 40 feet and the size shall not exceed 160 square feet. The number of pole signs shall not exceed one.

2. The pole sign shall be located on the application area (not within the ingress/egress easement) in accordance with all applicable sign code and other City code provisions.

3. The applicant shall obtain a sign permit prior to installing the pole sign.

ADOPTED AT WICHITA, KANSAS, this 24th day of September, 1991.

Randy Phillips, President

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 21-91

WHEREAS, Amber Patel, 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 25 ft. to 40 ft. and increase the size from 100 sq. ft. to 178 sq. ft. on property zoned the "C" Commercial District and legally described as follows:

Lot 1, except the north 170 feet, Block A, South Glen Addition to Wichita, Sedgwick County, Kansas. Generally located south of 47th Street South in an area east of Broadway (607 E. 47th St. South).

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 September 24, 1991, 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 its lack of direct street frontage limits its permitted pole sign size to a maximum of 100 square feet and its pole sign height to 25 feet, but existing development will block any sign shorter than 40 feet or smaller than 160 square feet; 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 pole sign is to be located in the northeast corner of the site and will not block the view of any other existing sign in the area; 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 will constitute unnecessary hardship upon the property owners represented in the application inasmuch as a 25-foot-tall sign would not have good visibility from the west, due to the existing K-Mart building which is situated about 40 feet closer to 47th Street than the motel, and because a 100-square-foot sign would would appear even smaller, due to its distance back from the road (170± feet); and

WHEREAS, the Board of Zoning Appeals has found that the requested variance to a 178-square-foot size is unwarranted, due to the fact that the designed sign is only 160 square feet and has further found that a variance to a 40-foot-tall, 160-square-foot sign would not adversely affect the public interest, but in fact serves the public interest because the public needs to know about service business such as this motel; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired would not be opposed to the general spirit and intent of the Zoning Ordinance for the same reasons stated above because the intent is to identify businesses as best they can.

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 a variance to increase the height of a pole sign from 25 ft. to 40 ft. and increase the size from 100 sq. ft. to 160 sq. ft. on property zoned the "C" Commercial 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

October 3, 1991

Amber Patel
803 S. Broadway
Wichita, KS 67211

Re: BZA 21-91 - Variance to increase the height of a pole sign from 25 ft. to 40 ft. and increase the size from 100 sq. ft. to 160 sq. ft. on property zoned the "C" Commercial District, located south of 47th Street South in an area east of Broadway (607 E. 47th St. South).

Dear Ms. Patel:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on September 24, 1991. 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.

If you have any questions concerning this matter, please contact our office.

Sincerely,

Louise Olivarez

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: F.S.C. Sign Co., ATTN: Olando, 1925 N. Broadway, 67214
Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

which would be permitted if this property had frontage on 47th and therefore would not adversely affect the public because it would preserve the intent and purpose of the sign code.

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, but that a sign height increase to 30 feet and a sign size increase to 156 or 160 square feet would not be opposed to the general spirit and intent of the zoning ordinance for the same reasons stated above for the public interest.

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 variances of the height and size of a pole sign be granted, subject to the following conditions:

1. The height of a pole sign on this property shall not exceed 30 feet and the size shall not exceed 160 square feet. The number of pole signs shall not exceed one.

2. The lot split application filed last June by the contract seller of this site shall be completed before a sign permit or occupancy permit is issued for this property because it is not a distinct zoning lot until the lot split has been recorded in accordance with the Subdivision Regulations.

3. The pole sign shall be located on the application area (not within the ingress/egress easement) in accordance with all applicable sign code and other City code provisions.

4. The applicant shall obtain a sign permit prior to installing the pole sign.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

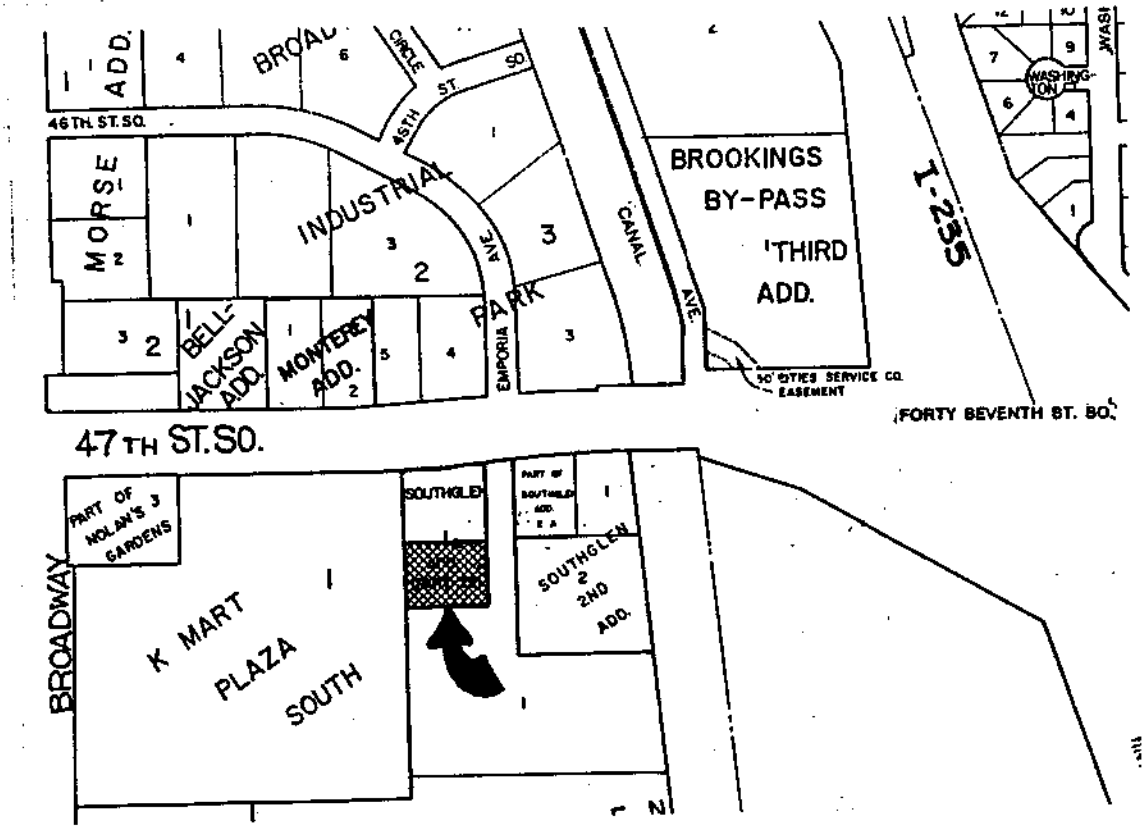
AGENDA ITEM NO. 3

September 24, 1991

SECRETARY'S REPORT

CASE NUMBER:	BZA 21-91
CONTRACT PURCHASER/ APPLICANT:	Amber Patel
REQUEST:	Variance to increase the height of a pole sign from 25 ft. to 40 ft. and increase the size from 100 sq. ft. to 178 sq. ft.
CURRENT ZONING:	"C" Commercial District
SITE SIZE:	3/4 acre
LOCATION:	South of 47th Street South in an area east of Broadway (607 East 47th Street South).

PROPOSED USE:



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 applicant is one of the contract purchasers of this application area, which is the south half of a platted 1½-acre commercial lot south of 47th Street South in an area between Broadway and the Turnpike. This property's access to 47th Street is by way of a 70-foot-wide ingress/egress, utility and drainage easement adjacent to the east property line. A lot split application was filed in June, but has not been approved because the required lot grading plan has never been submitted. Completion of this lot split application should be a requirement of any approved variance for development of this site.

The sign code allows pole signs up to 25 feet in height, although if the number of permitted pole signs is reduced, the height can be increased 5 feet for every sign eliminated, up to a maximum 10-foot height increase. This site is permitted only one pole sign, however, and its size is limited to 100 square feet. The applicant believes that a taller and larger sign is necessary for the operation of the business, which is a motel. Her letter of justification includes statements that the K-Mart building to the west is 40 feet tall and blocks visibility from Broadway and 47th Street; a tall sign is needed to accommodate Turnpike traffic exiting from the east ramp ¼-mile away; the Comfort Inn to the east has a tall sign; and a taller sign would discourage vandalism.

A field check of the site reveals that the motel is not as hidden as one would think from just looking at a plat of the general area. It has good visibility, particularly from the east. The Taco Tico and KFC buildings north and northeast of the motel are small, with open parking lots surrounding them. The K-Mart building to the west is approximately 20 feet tall (the motel is 23 feet tall to the peak of the roof), but its location approximately 40 feet closer to the street than the motel does limit visibility somewhat from the west.

The Taco Tico sign is 35 feet tall and 190 square feet in size. The KFC sign is 30 feet tall and approximately the same size. Both of these signs were installed under the previous sign code, which allowed taller and larger pole signs than now permitted.

In 1985, the motel south and east of 47th and the Turnpike, now a Comfort Inn, was granted a variance for a 50-foot-tall sign 290 square feet in size. Under the sign code in effect at that time, the sign permitted without a variance would have been limited to 40 feet in height and 150 square feet in overall size. In 1989, a sign variance request filed by Coastal Mart for a site just east of the Comfort Inn was denied. They had requested an increase in height from 30 feet to 50 feet.

The applicant's elevation drawing of the proposed sign shows an 8' x 16' internally illuminated panel with the motel name and a separate 4' x 8' reader board panel below that for a total sign area of 160 square feet. If this building site, which is 195 feet wide, had 195 feet of frontage on 47th Street, an arterial, it would be permitted 156 square

feet of pole signage. Its 100-square-foot limitation is due to the fact that it has no frontage on a street, but is a separate zoning lot and, as such, is permitted one 25-foot pole sign no larger than 100 square feet (see Section 24.04.221 of City Code). Even if the site's 70-foot-wide access easement were considered as its street frontage, the size of sign would be limited to 100 square feet.

Based on the facts involved in this particular situation, the Secretary is of the opinion that the five required factors can be justified to allow some increase in sign height and size, but not to the extent being requested by the applicant.

ADJACENT ZONING AND LAND USE:

NORTH	"C"	Taco Tico
SOUTH	"C"	Undeveloped
EAST	"C"	Strip commercial center
WEST	"LC"	K-Mart

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as its lack of direct street frontage limits its permitted pole sign size to a maximum of 100 square feet and its pole sign height to 25 feet, whereas, if this 195-foot-wide zoning lot did have street frontage, it could have a pole sign 30 feet tall and 156 square feet in overall area (or two 25-foot-tall pole signs with a total area of 156 square 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 proposed pole sign is to be located in the northeast corner of the site and will not block the view of any other existing sign in the area.

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 a 25-foot-tall sign would not have good visibility from the west, due to the existing K-Mart building which is situated about 40 feet closer to 47th Street than the motel, and because a 100-square-foot sign would be much smaller than other signs in the area and would appear even smaller, due to its distance back from the road (170+ feet).

PUBLIC INTEREST: It is the opinion of staff that the requested variance to a 40-foot height and a 178-square-foot size might adversely affect the public interest inasmuch as that size and height of sign at this location is taller and slightly larger than necessary to provide the business with advertising and good visibility and would be contrary to several of the purposes of the sign code, which include eliminating excessive sign displays and preserving the visual qualities of the community. A lesser variance increase to 30 feet in height and 156 to 160 square feet in area is comparable to the height and size