

Lot 1, Block 1, Northwest Village Fifth Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 13th Street in an area east of Tyler (8338 W. 13th Street).

subject to the following conditions:

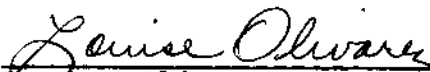
1. The applicant shall obtain a sign permit prior to installing the ground identification sign. The sign shall be installed in accordance with all applicable provisions of the Wichita sign code, except that the message area may be increased to 54.38 square feet.
2. The ground identification sign dimensions, construction materials and location shall be substantially in compliance with the plans submitted with this application and approved by the Board.
3. The approved ground identification sign of up to 54.38 square feet in size shall be installed within one year following BZA approval or this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 25th day of February, 1992.



Mitchell Faroh, President Pro Tem

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 1-92

WHEREAS, HCA Wesley Rehab Hospital, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted size of a ground sign from 32 sq. ft. to 54.38 sq. ft. on property zoned the "BB" Office District and legally described as follows:

Lot 1, Block 1, Northwest Village Fifth Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 13th Street in an area east of Tyler (8338 W. 13th Street).

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 February 25, 1992, 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 it is significantly larger than most single-tenant office-zoned sites and has 500 feet of frontage on 13th Street, which is a four-lane arterial with a 40 m.p.h. speed limit; 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 requested sign will be located approximately 250 feet from any other property to the east or west and approximately 30 feet north of the curb on 13th. Therefore, it will not interfere with any sight distance requirements for any adjacent property or for the public travelling on 13th Street or exiting the hospital; 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 32-square-foot identification sign is insufficient in size to accommodate the logo and full name of this facility if the letters are to be large enough to be easily read from traffic on 13th Street; and

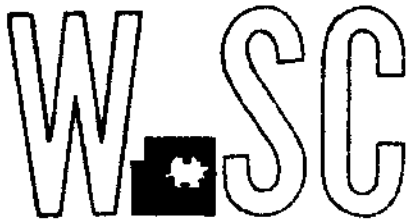
WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that the sign will be a ground sign located approximately 30 feet north of the 13th Street curb, will not interfere with any sight distance requirements, and will be in scale with the size of hospital facility on the site; 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 a 54.38-square-foot ground identification sign will be in harmony with the size of the building and size of lot and will provide adequate but not excessive identification of the property use; 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 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 permitted size of a ground sign from 32 sq. ft. to 54.38 sq. ft. on property zoned the "BB" Office District and legally described as follows:

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
456 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

February 25, 1992

Bryce Maugans
HCA Wesley Rehab Hospital
727 N. Waco, Suite 565
Wichita, KS 67203

Re: BZA 1-92 - Variance to increase the permitted size of a ground sign from 32 sq. ft. to 54.38 sq. ft. on property zoned "BB" Office, located on the north side of 13th Street in an area east of Tyler Road (8338 West 13th Street).

Dear Mr. Maugans:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on February 25, 1992. 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.

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 contact our office.

Sincerely,

Louise Olivarez
Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Ken Holland, Ed Dunn & Sons, 4500 W. Harry, 67209
Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Dick Jonker, OCI

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 requested sign will be located approximately 250 feet from any other property to the east or west and approximately 30 feet north of the curb on 13th. Therefore, it will not interfere with any sight distance requirements for any adjacent property or for the public travelling on 13th Street or exiting the hospital.

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 32-square-foot identification sign is insufficient in size to accommodate the logo and full name of this facility if the letters are to be large enough to be easily read from traffic on 13th Street.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the sign will be a ground sign located approximately 30 feet north of the 13th Street curb, will not interfere with any sight distance requirements, and will be in scale with the size of hospital facility on the site.

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 zoning ordinance inasmuch as a 54.38-square-foot ground identification sign will be in harmony with the size of building and size of lot and will provide adequate but not excessive identification of the property use.

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 applicant shall obtain a sign permit prior to installing the ground identification sign. The sign shall be installed in accordance with all applicable provisions of the Wichita sign code, except that the message area may be increased to 54.38 square feet.
2. The ground identification sign dimensions, construction materials and location shall be substantially in compliance with the plans submitted with this application and approved by the Board.
3. The approved ground identification sign of up to 54.38 square feet in size shall be installed within one year following BZA approval or this variance shall become null and void.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2

February 25, 1992

SECRETARY'S REPORT

CASE NUMBER: BZA 1-92

OWNER/APPLICANT/AGENT: HCA Wesley Rehab Hospital (applicant/lessee)
Ed Dunn & Sons, Inc. (agent)

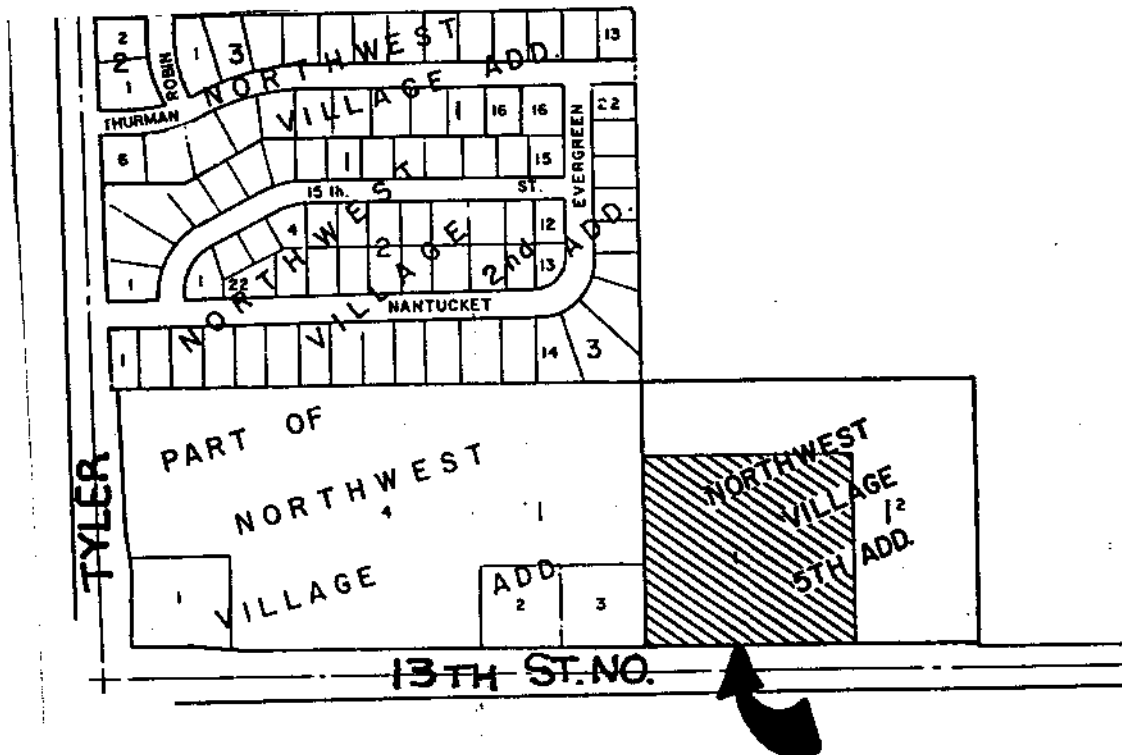
REQUEST: Variance to increase the permitted size of a ground sign from 32 sq. ft. to 54.38 sq. ft.

CURRENT ZONING: "BB" Office District

SITE SIZE: 500 ft. x 450 ft.

LOCATION: North side of 13th in an area east of Tyler
(8338 W. 13th)

PROPOSED USE: Rehabilitation hospital



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 sign code limits the size of ground or pole identification signs in the "BB" district to 32 square feet, regardless of property size, if the lot has only one tenant. Also, only one ground or pole sign is permitted for any business in the "BB" district. This application site is 5 acres in size with 500 feet of frontage on 13th Street, a paved, four-lane arterial with a 40 m.p.h. speed limit. The two-story 114,600-square-foot rehabilitation hospital now under construction will have only one tenant. If more than one tenant were to occupy this building, the sign size could be increased up to 96 square feet total. Last November, the Board approved a 96-square-foot sign for the new rehab hospital on Rock Road and Polo which is on a 9 $\frac{1}{4}$ -acre site.

The applicant is requesting permission for a ground identification sign measuring 14 feet 6 inches in length and 3 feet 8 inches in height. This 54-square-foot message area will rest on an 8-inch-tall base. According to the sign company which will manufacture and install the sign, the sign will have a bronze cabinet, a white face with bronze letters, and will be internally illuminated. The 10-inch-tall upper case letters will provide readability from a distance of 300 feet, while the 5-inch-tall lower case letters will provide readability from a distance of 150 feet. Assuming traffic is traveling at the permitted 40 m.p.h. speed limit, only 6.3 seconds will lapse from the time the larger letters become readable until the vehicle reaches the entrance drive. Letters any smaller than those proposed would probably not provide sufficient identification of this facility.

The sign will be double-faced and will be installed near the center of the 13th Street frontage, between the two driveways. A 10-foot-wide utility easement paralleling the south property line will require that the sign be located at least 10 feet north of the south property line. There is now about 30 feet between the property line and the north curb on 13th. After a decel lane has been constructed, there will still be approximately 20 feet between property line and curb.

There are only four freestanding signs along 13th Street in the half-mile east of Tyler. The sign nearest the hospital sign (600 feet to the west) is an 80-square-foot sign for a restaurant (now closed). The proposed hospital sign will be less than $\frac{3}{4}$ the size of this restaurant sign.

ADJACENT ZONING AND LAND USE:

NORTH	"BB"	Undeveloped
SOUTH	"AA"	Northwest High School
EAST	"BB"	Undeveloped
WEST	"LC"	Shopping center

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is significantly larger than most single-tenant office-zoned sites and has 500 feet of frontage on 13th Street, which is a four-lane arterial with a 40 m.p.h. speed limit.