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 size of a pole sign from 101 square feet to 288 square feet on property zoned the "E" Light Industrial District and legally described as follows:

Lot 3, Block 1, Eureka Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Florence between Taft & Kellogg (550 S. Florence).

be denied, but that a variance to increase the size of a pole sign from 101 square feet to 155 square feet on this same property be approved, subject to the following conditions:

1. The applicant shall obtain a sign permit from the City prior to installation of the sign;

2. The applicant shall comply with all applicable codes regarding installation and maintenance of the sign;

3. The applicant shall install on the application area a pole sign of the size approved by the Board within one year (by March 31, 1993), or the resolution authorizing this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 31st day of March, 1992.

Larry Overstreet, President
Pro Tem

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 6-92

WHEREAS, Tahoe, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a pole sign from 101 square feet to 288 square feet on property zoned the "E" Light Industrial District and legally described as follows:

Lot 3, Block 1, Eureka Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Florence between Taft & Kellogg (550 S. Florence).

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 March 31, 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 this property is unique in that it is located on a street which is only one block long in the middle of an industrially-zoned area with limited access to its market; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance to a 288-square-foot pole sign will adversely affect the rights of adjacent property owners or residents inasmuch as this size sign will be larger than other pole signs located on non-arterial streets in this area, but the Board of Zoning Appeals has found that the granting of a variance to a 155-square-foot sign will not adversely affect the rights of adjacent property owners or residents inasmuch as a 155-square-foot pole sign would not be the largest sign in the area and would be consistent with other pole signs on non-arterial streets in this area; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 24 (Sign Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as a 101-square-foot pole sign would not be large enough to be visible on this site, which is located away from the intersection and it would also be a hardship because the Days Inn motel chain has standard sign sizes, with 101 square feet not being a standard size; and

WHEREAS, the Board of Zoning Appeals has found that the variance to a 288-square-foot sign will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that a 288-square-foot sign would create an excessive sign display for this relatively small industrially-zoned lot and would set a precedent for signs significantly larger than the code allows, but the Board of Zoning Appeals has found that a variance to a 155-square-foot pole sign will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that a 155-square-foot pole sign would not set a precedent as there are many others of this general size in the area; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of Title 24 (Sign Ordinance) inasmuch as one of the stated purposes of the sign code is to encourage signs which are harmonious to the buildings and sites which they occupy and a 288-square-foot pole sign would not be harmonious with this small motel or its one-acre lot, but the Board of Zoning Appeals has found that the granting of a variance to a 155-square-foot pole sign would not be opposed to the general spirit and intent of Title 24 inasmuch as a 155-square-foot pole sign would be harmonious with the size of this motel property and with the surrounding uses and signs; and

WHEREAS, all five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted cannot be found to exist for a 288-square-foot pole sign, but can be found to exist for a 155-square-foot pole sign,

WICHITA — SEDGWICK COUNTY

W-SC

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1668
(316) 268-4421

April 9, 1992

Robert Patel
Tahoe, Inc.
550 S. Florence
Wichita, KS 67209

Re: BZA 5-92 - Variance to increase the height of a pole sign
and
[redacted] - Variance to increase the size of a pole sign
at 550 S. Florence

Dear Mr. Patel:

Enclosed are signed copies of the above-referenced BZA resolutions adopted by the Board of Zoning Appeals on March 31, 1992. These resolutions reflect the official action of the Board and set out the conditions of approval. They are being forwarded to you for your information and files.

Please contact the City's Office of Central Inspection (phone 268-4479) to obtain a sign permit before installing your sign. If I can be of assistance, please let me know.

Sincerely,

Louise Olivarez

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

UNIQUENESS: It is the opinion of staff that this property is not unique for a one-acre, industrially-zoned lot on a local industrial street, but may have some degree of uniqueness in the fact that it is developed with a highway-oriented use, although it does not have good access or visibility from the highway.

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 all adjacent properties are zoned light industrial and are used for commercial or industrial purposes and have a variety of sign sizes.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance will not constitute an unnecessary hardship upon the applicant inasmuch as other types of signs are available for use on this site, specifically building signs and a portable sign, and 101 square feet should be sufficient to display the name of this motel.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would adversely affect the public interest inasmuch as a 288-square-foot pole sign would not preserve the visual quality of the community and would create an excessive sign display for this relatively small industrially-zoned lot.

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 one of the stated purposes of the sign code is to encourage signs which are harmonious to the buildings and sites which they occupy and a 288-square-foot pole sign would not be harmonious with this small motel or its one-acre lot.

RECOMMENDATION: Since all five conditions necessary to the granting of a variance cannot be found to exist, it is the recommendation of the Secretary that the variance to a 288-square-foot pole sign be denied.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 6

March 31, 1992

SECRETARY'S REPORT

CASE NUMBER: BZA 6-92

OWNER/APPLICANT/AGENT: Tahoe, Inc. (owner/applicant)
Robert Patel (agent)

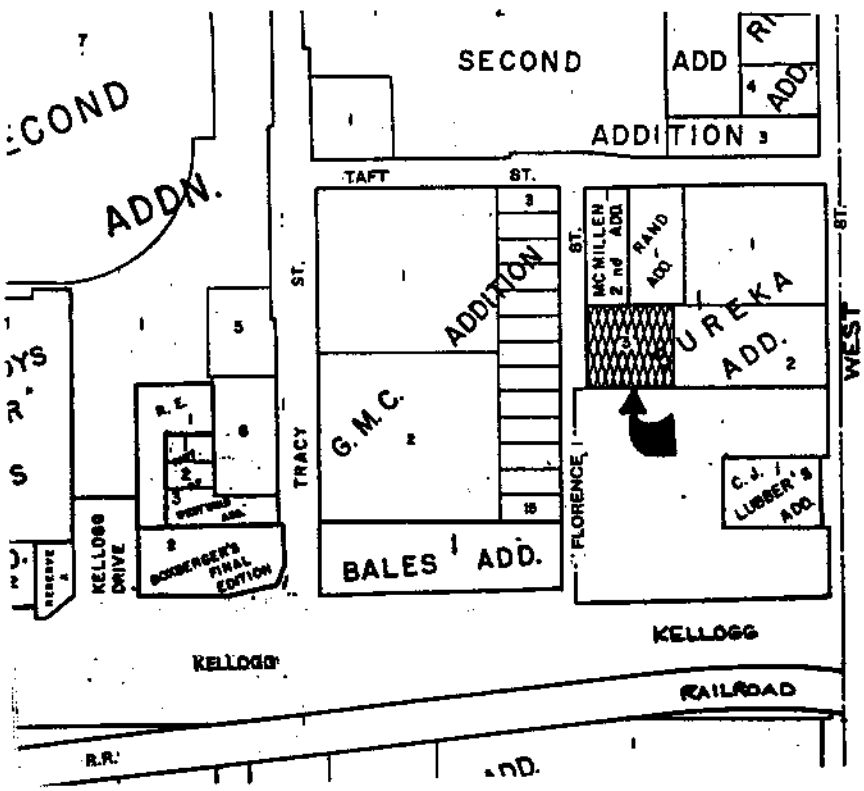
REQUEST: Variance to increase the size of a pole sign from 101 square feet to 288 square feet.

CURRENT ZONING: "E" Light Industrial District

SITE SIZE: 202 ft. x 210 ft.

LOCATION: East side of Florence between Taft and Kellogg (550 S. Florence).

PROPOSED USE: New sign for existing motel



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: See staff report for BZA 5-92 for preliminary background information.

Florence Avenue is an "undesignated" street on the official transportation plan, extending only one block between Kellogg and Taft. However, because the zoning on both sides of Florence is "E" Light Industrial, the sign limitations are the same as those for a collector street. Therefore, this 202-foot-wide application lot is permitted a 101-square-foot sign (0.5 feet per linear foot of lot frontage, with 150 sq. ft. maximum for any one sign). The existing Country Inn sign, installed in 1983, has 150 square feet in the upper portion where the motel name and logo are located, and about 40 square feet in the lower reader board portion. The reader board apparently was added at some later date without a sign permit, as 150 square feet total was the maximum size permitted under the old sign code and no variance was requested for the additional reader board area.

When this sign size variance request was filed, Mr. Patel did not know what the new name of the motel would be, but thought a 288-square-foot sign (12 ft. x 24 ft.) would be adequate. On March 19, 1992, he advised staff that the motel would be a Day's Inn and that he hoped to utilize one of their standard signs. According to Mr. Patel, their smaller sign is 21 feet long and slightly less than 11 feet tall. Because the Days Inn signs are not retangular, but are rounded on the top to portray the sun, the square footage of this smaller sign would be about 155 square feet. A larger Days Inn sign is 28 feet long and 14.5 feet tall, or approximately 282 square feet total. It is not known whether there are other available standard pole sign sizes.

Properties located in the "E" Light Industrial District are permitted the use of building signs as well as portable signs, but it is not known whether the applicant intends to utilize either of these types of signs. Building signs may cover as much as 20% of each building elevation, as long as no individual sign exceeds 400 square feet. Portable signs are limited to one per business and not to exceed 60 square feet.

With Florence being a local industrial street only one block long and with the availability of other types of signs for this property, including building signs and a portable sign, it is the Secretary's opinion that a 288-square-foot pole sign is excessive in size and that the permitted 101-square-foot pole sign should be adequate in size to display the name of the motel.

ADJACENT ZONING AND LAND USE:

NORTH	"E"	Rand Graphics
SOUTH	"E"	Sauder-Lygrisse GMC truck sales
EAST	"E"	Red Lobster Restaurant
WEST	"E"	K-Mart