

in that direction. Furthermore, the lighting of the sign will be limited to internal illumination only and should not add measurably to the illumination of the general 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 30-foot building sign height limit would require the letters of the sign to be placed over room windows which would not be practical and would not complement the design of the structure or the structure would have to be redesigned to create a solid wall space large enough for a readable building sign..

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the requested sign height is in character with the building and the limitations on lighting will keep the sign from being a distraction to motorists or residents in the area.

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 the intent is to provide adequate but not excessive signage for all properties, but no provisions are made for building signs on mid-rise or highrise structures.

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 only building sign located above the height limits specified in the sign code shall be installed on the south face of the building.
2. The building sign approved by this variance shall be limited to non-flashing internally-illuminated or non-illuminated signs. The sign size shall comply with the sign code, unless varied by the Board of Zoning Appeals.
3. The sign shall be installed within one-year or the resolution granting this variance shall become null and void.

SECRETARY'S REPORT

CASE NUMBER: BZA 27-95

OWNER/APPLICANT: P & A Investments, L.L.C.

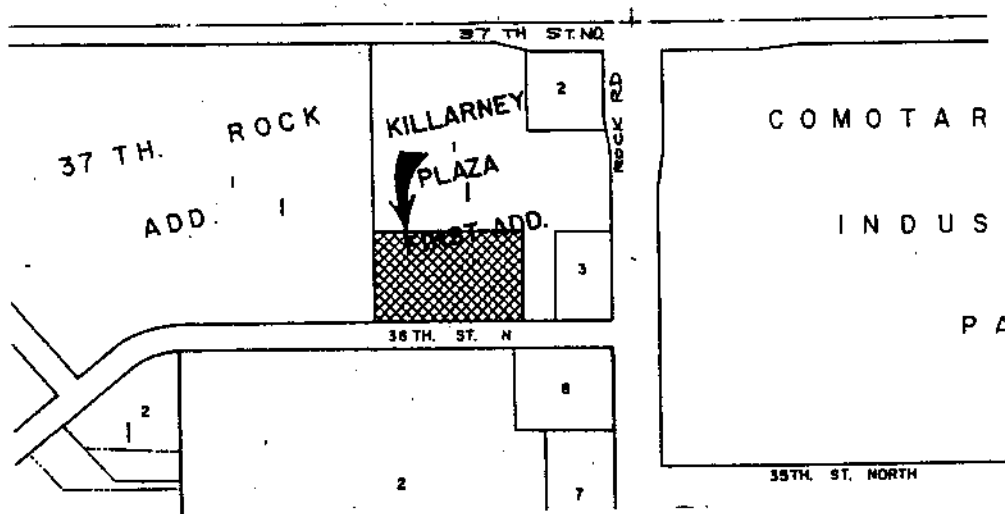
AGENT: Ed Dunn & Sons, Inc.

REQUEST: Variance to increase the height of a building sign from 30 feet to 46 feet.

CURRENT ZONING: "LC" Light Commercial.

SITE SIZE: 2 acres

LOCATION: On the north side of 36th Street North in an area west of Rock Road (7856 E. 36th Street North).



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 applicants, P & A Investments, L.L.C., are in the process of developing their property located on the north side of 36th Street North in an area west of Rock Road with a motel to be known as the Northrock Inn. The structure to be placed on the site will be four stories in height and will face south along the 36th Street North frontage. The applicant has indicated that due to the height of the structure, it is necessary to place the building sign above the top row of windows on the structure which is 46 feet above grade.

Therefore, the applicant is requesting a variance in the height of a building sign for this site from 30 feet to 46 feet above grade. The sign code requires that any building sign in the "LC" district shall not be more than 30 feet above grade or more than 400 square feet in area. The applicant has indicated that the height of 46 feet is necessary to place the building sign above the windows to make it architecturally appealing. The size of the proposed building sign is 300 square feet, which is 3/4 of the size allowed. The building sign height restriction, with only minor changes, has been part of the development regulations since 1974 when the sign code was first adopted. Several recently constructed multi-story buildings, such as the Marriott Hotel, the office building at 29th and Rock Road, and the American National Bank of Wichita near Kellogg and Rock as well as the Hampton Inn near Kellogg and West Street have obtained variances to permit building signs at heights greater than allowed by the code.

The building sign will be facing south away from the property to the west which is developed with apartments. The property to the south is either developed with commercial uses or is expected to develop with commercial uses.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Undeveloped Land
SOUTH:	"LC" Undeveloped Land
EAST:	"LC" Undeveloped Land
WEST:	"R-6" Apartment Complex

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the building being proposed for the site is four stories tall, which is taller than most buildings in the area, and it will be visible to the motorist on Rock Road from a major distance.

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 properties to the north, east, and south are either undeveloped or commercially developed and the nearest residential property to the west will not have the sign faced

Mr. Lindy Andeel

Page 2

January 24, 1996

Ray Sledge, OCI

Pat Burnett, Deputy City Clerk

Yolanda Anderson, MAPD



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

January 24, 1996

Lindy Andeel
P & A Investments, L.L.C.
358 North Rock Road
Wichita, KS 67206

RE: BZA 27-95 - Variance to increase the height of a building sign from 30 feet to 46 feet (7856 E. 36th Street North).

Dear Mr. Andeel:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on January 23, 1996. 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 call our office.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/hm

cc: Ed Dunn & Sons Sign, Inc., 4500 W. Harry, Wichita, KS 67209
Paul Hays, OCI
Randy Sparkman, OCI

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 building sign from 30 feet to 46 feet on property zoned the "LC" Light Commercial District and legally described as follows:

The west 382.51 feet of the south 230 feet of Lot 1, Block 1, Killarney Plaza 1st Addition, Wichita, Sedgwick County, KS. Generally located on the north side of 36th Street North in an area west of Rock Road (7856 E. 36th North).

subject to the following conditions:

1. The only building sign located above the height limits specified in the sign code shall be installed on the south face of the building.
2. The building sign approved by this variance shall be limited to non-flashing internally-illuminated or non-illuminated signs. The sign size shall comply with the sign code, unless varied by the Board of Zoning Appeals.
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 23rd day of January, 1996.


Keith Alter, President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 27-95

WHEREAS, P & A Investments, L. L. C. pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of a building sign from 30 feet to 46 feet on property zoned the "LC" Light Commercial District and legally described as follows:

The west 382.51 feet of the south 230 feet of Lot 1, Block 1, Killarney Plaza 1st Addition, Wichita, Sedgwick County, KS. Generally located on the north side of 36th Street North in an area west of Rock Road (7856 E. 36th North).

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 January 23, 1996, 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 owners or the applicant inasmuch as the building being proposed for the site is four stories tall, which is taller than most buildings in the area, and it will be visible to the motorist on Rock Road from a major distance; and

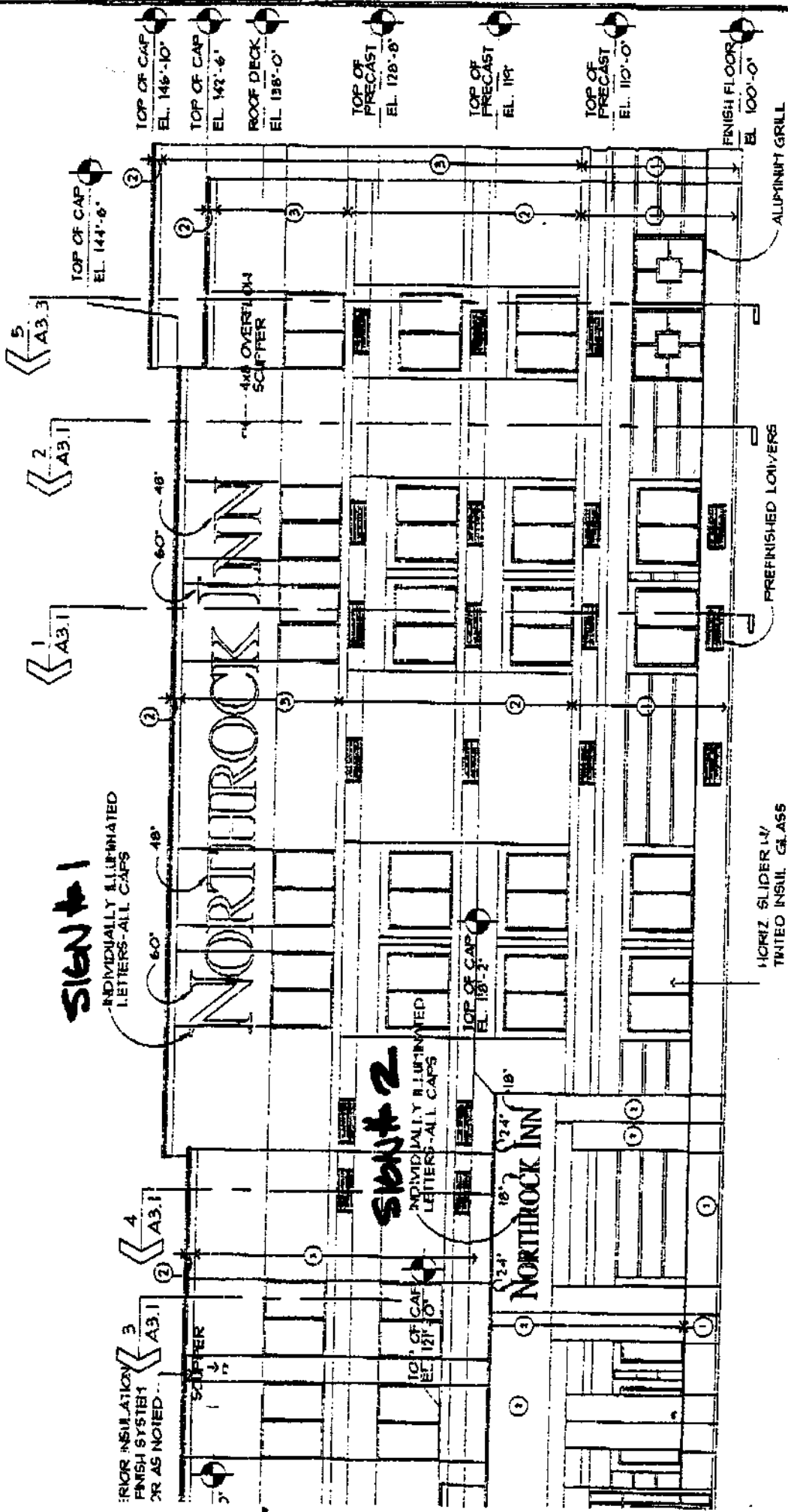
WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as all properties to the north, east, and south are either undeveloped or commercially developed and the nearest residential property to the west will not have the sign faced in that direction. Furthermore, the lighting of the sign will be limited to internal illumination only and should not add measurably to the illumination of the general area; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the sign ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as a 30-foot building sign height limit would require the letters of the sign to be placed over room windows which would not be practical and would not complement the design of the structure or the structure would have to be redesigned to create a solid wall space large enough for a readable building sign; 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, inasmuch as the requested sign height is in character with the building and the limitations on lighting will keep the sign from being a distraction to motorists or residents in the area; 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 the sign ordinance inasmuch as the intent is to provide adequate but not excessive signage for all properties, but no provisions are made for building signs on mid-rise or highrise structures; 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



SOUTH ELEVATION

1/8"=1'-0"

B2A 27-95