Lot 2, East Side Center Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive & Longfellow (7701 E. Kellogg).

subject to the following conditions:

1. The only building signs located above the height limits specified in the sign code shall be installed on the entablature above the topmost windows.

2. The building signs approved by this variance shall be limited to one non-flashing, internally illuminated or non-illuminated logo (symbol or trademark) on each building face, PLUS non-flashing, internally illuminated or non-illuminated building identification letters on the north building face only. All sign sizes shall comply with the sign code, unless varied by the Board of Zoning Appeals.

ADOPTED AT WICHITA, KANSAS, this 23rd day of March, 1993.

Mitchell Faroh, President

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 6-93

WHEREAS, American National Bank of Wichita, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of four building signs to approximately 100 feet on property zoned the "LC" Light Commercial District (with DP-44) and legally described as follows:

Lot 2, East Side Center Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive & Longfellow (9701 E. Kellogg).

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 23, 1993, 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 the building on the property is eight stories tall, which is taller than most buildings in Wichita, and is visible from great distances in all directions, due to its proximity to Kellogg and to Rock Road; 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, west and east are commercially developed and the nearest residential property to the south is more than 350 feet away from any of the signs proposed by this variance. Furthermore, the lighting of the signs will be limited to internal illumination only and, at a distance of more than 350 feet, should not add measurably to the illumination already existing in this commercial 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 the applicant has made a substantial investment in this property in order to increase its presence in and support for the Wichita market and without building signs similar to those proposed, this presence would not be easily identifiable; 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 requested sign height is in character with the building and the limitations on lighting will keep the signs from being a distraction to motorists; 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 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 high-rise 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 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 four building signs to approximately 100 feet on property zoned the "LC" Light Commercial District (with DP-44) and legally described as follows:

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

March 24, 1993

Patrick J. Regan, Jr., President
American National Bank of Wichita
10222 W. Central
Wichita, KS 67212

Re: BZA 6-93 - Variance to increase the height of four building signs from 30 ft. to approx. 100 ft. above grade on the SE corner of Kellogg Drive and Longfellow (7701 E. Kellogg).

Dear Mr. Regan:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on March 23, 1993. 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: Larry Boggs, 318 S. Osage, 67212
Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

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, west and east are commercially developed and the nearest residential property to the south is more than 350 feet away from any of the signs proposed by this variance. Furthermore, the lighting of the signs will be limited to internal illumination only and, at a distance of more than 350 feet, should not add measurably to the illumination already existing in this commercial 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 the applicant has made a substantial investment in this property in order to increase its presence in and support for the Wichita market and without building signs similar to those proposed, this presence would not be easily identifiable.

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 signs from being a distraction to motorists.

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 high-rise 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 signs located above the height limits specified in the sign code shall be installed on the entablature above the topmost windows.

2. The building signs approved by this variance shall be limited to one non-flashing, internally illuminated or non-illuminated logo (symbol or trademark) on each building face, PLUS non-flashing, internally illuminated or non-illuminated building identification letters on the north building face only. All sign sizes shall comply with the sign code, unless varied by the Board of Zoning Appeals.

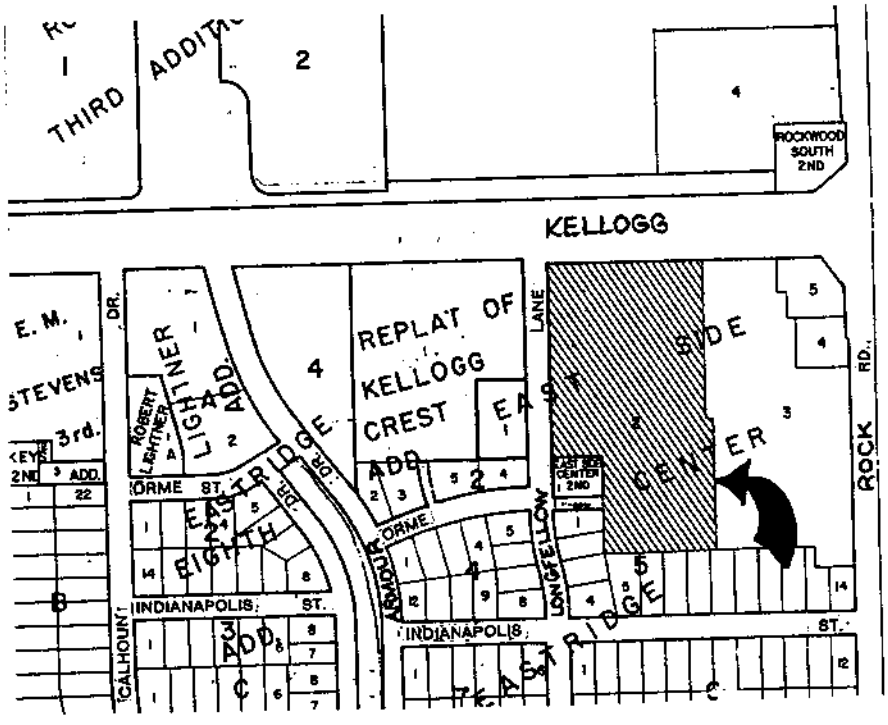
BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 5

March 23, 1993

SECRETARY'S REPORT

CASE NUMBER:	BZA 6-93
OWNER/APPLICANT/AGENT:	Market Parking, Inc. (owner) American National Bank of Wichita (applicant) Larry Boggs, Boggs Signs (agent)
REQUEST:	Variance to increase the height of four building signs to approximately 100 feet.
CURRENT ZONING:	"LC" Light Commercial District with DP-44
SITE SIZE:	6 acres
LOCATION:	Southeast corner of Kellogg Dr. & Longfellow (7701 E. Kellogg)
PROPOSED USE:	Four identification signs at the top of the building, one on each face of the building.



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: American National Bank of Wichita has a long-term lease with the new owners of the eight-story building at 7701 E. Kellogg, formerly known as the East Side Financial Center. They are desirous of changing the name of the building to "American Financial Center." Although there are other tenants in the building, American National Bank is a major tenant and the building owners have consented to this building name designation.

The sign code permits illuminated building signs in the "Light Commercial" district with the following limitations: no more than three signs for each business on each building elevation having street frontage or fronting onto a parking area with a depth of 150 feet or more; total signage area limited to 20% of each building elevation with no sign larger than 400 square feet nor taller than 30 feet. This building's north, west and south elevations have either street frontage or more than 150 feet of parking adjacent thereto. The east elevation has no street frontage and a parking lot depth of less than 150 feet, which further restricts any building signs on that building face to 15 square feet in area and 12 feet above grade. These sign restrictions, with only minor changes, have been part of the development regulations since 1974, when a sign code was first adopted. Several recently-constructed multi-story buildings, such as the Marriott hotel and the office building at 29th and Rock Road, have obtained variances to permit building signs at heights greater than 12 or 30 feet.

All four proposed building signs are approximately 100 feet above grade, on the uppermost portion of each building face. Each sign will consist of an eight-foot-diameter logo, while the north face sign will also contain the words "American Financial Center." The logos are 50.25 square feet in size; the lettering on the north face contains an additional 315± square feet of sign area. This variance (case BZA 6-93) addresses the sign heights only. Case BZA 7-93 addresses the size of the east logo. All signs are to be internally illuminated with non-flashing white light. The letters are to be of red material, while the logos are to be red, white and blue.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Shopping center
SOUTH	"AA"	One-family dwellings
EAST	"LC"	Hotel and restaurants
WEST	"LC" w/BZA	Car dealership

UNIQUENESS: It is the opinion of staff that this property, and specifically this building, is unique inasmuch as it is eight stories tall, which is taller than most buildings in Wichita, and is visible from great distances in all directions, due to its proximity to Kellogg and to Rock Road.