



Wichita-Sedgwick County Metropolitan Area Planning Department

12/20/2006

Cotillion Ballroom
11120 W. Kellogg
Wichita KS 67209

Brian Kirkland
Miracle Signs
3611 N Broadway
Wichita KS 67219

RE: BZA2006-00086 City variances to allow an on-site sign 35 feet in height (instead of 25), and allow 160 sq. ft. sign (instead of 100 ft.), and waive separation distance of 150 feet.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **December 19, 2006**. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,


Jess McNeely, BZA Secretary
Current Plans Division

JM/ya

Cc Sharon Dickgrafe, Law Dept, 1-132
Herb Shaner, OCI, 1-72
Bob Martz, WCC District V, 1-13
Greg Ferris, PO Box 573, Wichita KS 67201

BZA RESOLUTION NO. 2006-00086

WHEREAS, The Cotillion Ballroom (applicant), and Greg Ferris (agent); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests three variances: 1. Variance to the Sign Code section 24.04.221(6) to waive the required 150-foot separation between signs; 2. Variance to the Sign Code section 24.04.221(3) to increase the permitted height of a sign from 25 feet to 35 feet; 3. and Variance to the Sign Code section 24.04.221(4) to increase the permitted size of a site from 100 square feet to 160 square feet in "GC" General Commercial zoning.

Commencing at a point on the north line of U.S. Highway 54 as condemned in Case A-38302, 596.72 feet west of the east line of the west half of the west half of the Southeast Quarter of Section 30, Township 27S, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence north parallel to the east line of said west half of said west half of said Southeast Quarter, 70 feet to a point of beginning; thence west at right angles, 15 feet; thence north at right angles, 30 feet; thence east at right angles, 15 feet; thence south 30 feet to the point of beginning.

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 December 19, 2006, 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 conditions which are unique. The applicant's building and parking are not visible from Kellogg due to significant separation. The applicant's facility regularly hosts live entertainment which attracts visitors from the greater surrounding region; these visitors may not be familiar with the facility location. The Kellogg widening project relocated the applicant's sign to a small parcel, next to a taller, neighboring sign. The applicant's 25-acre site has an access drive with only 63 feet of frontage along Kellogg, allowing for the minimum 100 square foot sign in GC zoning along an expressway.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variances would not adversely affect the rights of adjacent property owners, as immediately surrounding properties are commercial uses fronting a highway. The requested variances will result in replacing a sign at the same location, with no increase in size, and an increase in height equal to the neighboring sign several feet away.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the sign code regulations would constitute an unnecessary hardship upon the applicant. The applicant's original sign was removed because of a public need to expand Kellogg. The applicant's resulting limited space in which to place a sign does not meet sign code requirements for sign separation, and limits the applicant to a minimum size. Also, the sign code limits the applicant to a visibility limiting height at this location.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest. The proposed sign will have no more impact on the public than the original permitted sign at this location. Likewise, it is in the public interest to adequately direct the public to the applicant's site.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not oppose the general spirit and intent of the Sign Code. The purpose of the sign code is to eliminate potential hazards, and balance visibility needs with aesthetic concerns. The applicant's proposed sign is not excessive in size or height for this location, and will serve the necessary function of directing the public to the applicant's location.

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, pursuant to Section 2.12.590.B, Code of the City of Wichita, a variance to the Sign Code section 24.04.221(6) to waive the required 150-foot separation between signs; a variance to the Sign Code section 24.04.221(3) to increase the permitted height of a sign from 25 feet to 35 feet; and a variance to the Sign Code section 24.04.221(4) to increase the permitted size of a site from 100 square feet to 160 square feet in "GC" General Commercial zoning, on property legally described as follows:

Commencing at a point on the north line of U.S. Highway 54 as condemned in Case A-38302, 596.72 feet west of the east line of the west half of the west half of the Southeast Quarter of Section 30, Township 27S, Range 1 West of the 6th P.M., Sedgwick County, Kansas; thence north parallel to the east line of said west half of said west half of said Southeast Quarter, 70 feet to a point of beginning; thence west at right angles, 15 feet; thence north at right angles, 30 feet; thence east at right angles, 15 feet; thence south 30 feet to the point of beginning.

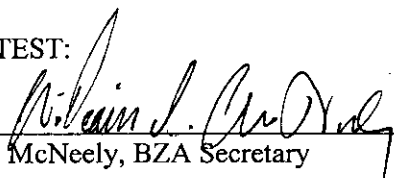
The variances are hereby GRANTED, subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the the variance approval, unless such time period is extended by the BZA.
3. The resolution authorizing this variance may be reviewed for compliance with conditions by the BZA; the board may then make recommendations to staff regarding enforcement of conditions.

ADOPTED AT WICHITA, KANSAS, this 19th Day of December 2006.


BZA Board Chair, Bickley Foster

ATTEST:


Jess McNeely, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2006-86

OWNER/APPLICANT: Cotillion Ballroom (Applicant)

AGENT: Greg Ferris (Agent)

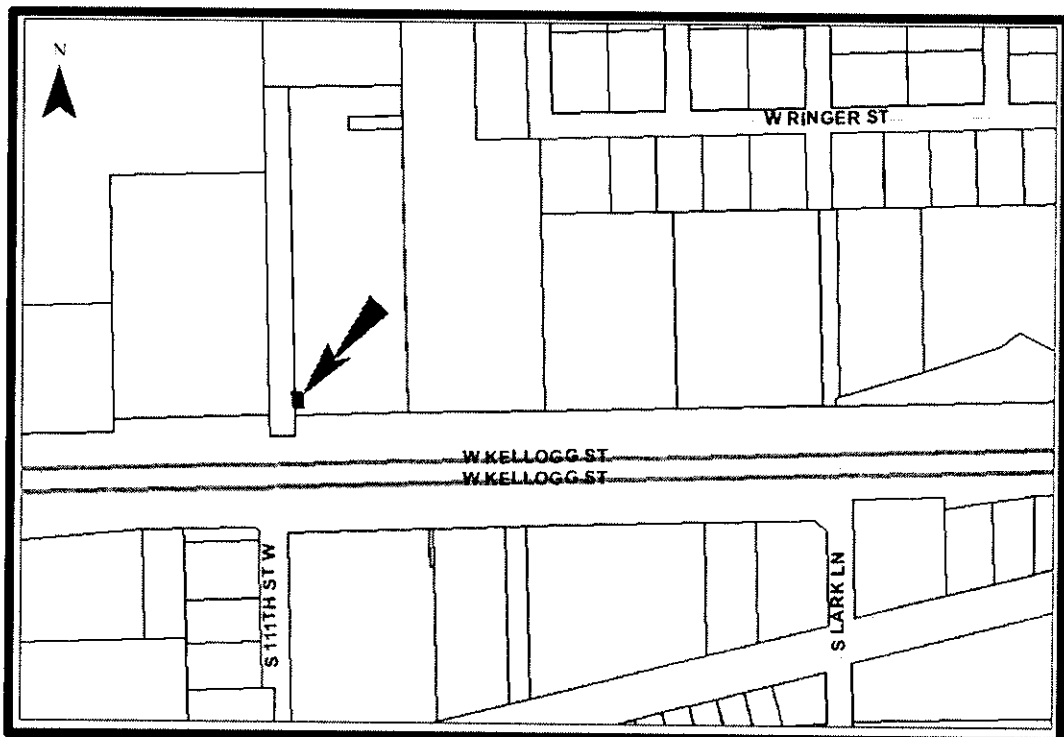
REQUEST:

1. Variance to the Sign Code section 24.04.221(6) to waive the required 150-foot separation between signs.
2. Variance to the Sign Code section 24.04.221(3) to increase the permitted height of a sign from 25 feet to 35 feet.
3. Variance to the Sign Code section 24.04.221(4) to increase the permitted size of a site from 100 square feet to 160 square feet.

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 0.01 Acres

LOCATION: North of Kellogg and west of Maize Road (11120 W Kellogg).



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 application area is a live music venue featuring local and national artists. The building sits over 1,000 feet north of Kellogg, with no visibility from Kellogg. The applicant historically had a sign along the Kellogg frontage, which was removed with the widening of Kellogg. In 2002, the applicant erected the current 168 square foot sign immediately north of the neighboring truck company sign. The images provided by the applicant demonstrate that the truck company 168 square foot sign is 35 feet tall, 10 feet taller than the applicant's current 25-foot tall sign. The applicant wishes to replace their 168 square foot sign with a 160 square foot sign, see the attached elevation. The applicant has a 63-foot wide private drive frontage along Kellogg, which under the sign code grants the minimum sign size of 100 square feet. The sign code limits the applicant's sign to 25 feet in height. Because the applicant's sign site is limited, the sign would be less than the code required 150-foot separation from the neighboring truck company sign. The surrounding area is zoned "GC" General Commercial. Surrounding land uses include truck sales to the east, and a nursery/garden center to the west.

ADJACENT ZONING AND LAND USE:

NORTH	"GC"	Entertainment facility
SOUTH	"GC"	Kellogg/US 54
EAST	"GC"	Truck sales
WEST	"GC"	Nursery and garden center

UNIQUENESS: It is staff's opinion that this property is unique for several reasons. The applicant's building and parking is not visible from Kellogg due to significant separation. The applicant's facility regularly hosts live entertainment which attracts visitors from the greater surrounding region; these visitors may not be familiar with the facility location. The Kellogg widening project relocated the applicant's sign to a small parcel, next to a taller, neighboring sign. While the applicant has a 25-acre site, their access drive frontage along Kellogg is only 63 feet wide, allowing for the minimum 100 square foot sign in GC zoning along an expressway.

ADJACENT PROPERTY: It is staff's opinion that the requested variances will not adversely affect the rights of adjacent property owners, as immediately surrounding properties are commercial uses fronting a highway. The requested variances will result in replacing a sign at the same location, with no increase in size, and an increase in height equal to the neighboring sign several feet away.

HARDSHIP: It is staff's opinion that the strict application of sign regulations would constitute an unnecessary hardship upon the applicant. The applicant's original sign was removed because of a public need to expand Kellogg. The applicant's resulting limited space in which to place a sign does not meet sign code requirements for sign separation, and limits the applicant to a minimum size. Also, the sign code limits the applicant to a visibility limiting height at this location.

PUBLIC INTEREST: It is staff's opinion that the requested variance would not adversely affect the public interest, as the proposed sign will have no more impact on the public than the original permitted sign at this location. Likewise, it is in the public interest to adequately direct the public to the applicant's site.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance would not oppose the general spirit and intent of the Sign Code. The purpose of the sign code is to eliminate potential hazards, and balance visibility needs with aesthetic concerns. The applicant's proposed sign is not excessive in size or height for this location, and will serve the necessary function of directing the public to the applicant's location.

RECOMMENDATION: Should the Board determine that the conditions necessary to grant the variance exist, the Secretary recommends approval of a variance to the Sign Code section 24.04.221(6) to waive the required 150-foot separation between signs, and a variance to section 24.04.221(3) to increase the permitted height of a sign from 25 feet to 35 feet, and a variance to section 24.04.221(4) to increase the permitted size of a site from 100 square feet to 160 square feet. The Secretary recommends that these variances be GRANTED subject to the following conditions:

1. The site shall be developed in substantial conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the the variance approval, unless such time period is extended by the BZA.
3. The resolution authorizing this variance may be reviewed for compliance with conditions by the BZA; the board may then make recommendations to staff regarding enforcement of conditions.