



Wichita-Sedgwick County Metropolitan Area Planning Department

July 28, 2000

REVISEDcc

FILE COPY

Commercial Equity, Inc.
%Paul Hoover
250 N. Water #300
Wichita, KS 67202

RE: BZA 2000-00021 – Variance to allow a building sign without 150 feet of parking lot between buildings. Generally located north of 21st Street North on the east side of Tyler.

Dear Mr. Hoover:

At its regular meeting July 25, 2000, the Board of Zoning Appeals considered the above-captioned request. The action of the BZA was to DENY the request. Unless this action is appealed within 30 days the action of the BZA will be considered final.

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,

Lisa Van de Water
Senior Planner

LV/rs

Cc: Architectural Desinger, John H. Tasset, 207 N. Pershing, Wichita, KS 67208
Ron's Sign Company, %Jerry Treat and John Saindor, 1329 S. Handley, Wichita, KS 67213
Dana L. Brown, DAB District V, Mail Stop 1-135
Bob Martz, City Council Member District V, Mail Stop 1-13
J.R. Cox, Office of Central Inspection, Mail Stop 1-072
Yolanda Anderson (Resolution only)

SECRETARY'S REPORT

CASE NUMBER: BZA2000-00021

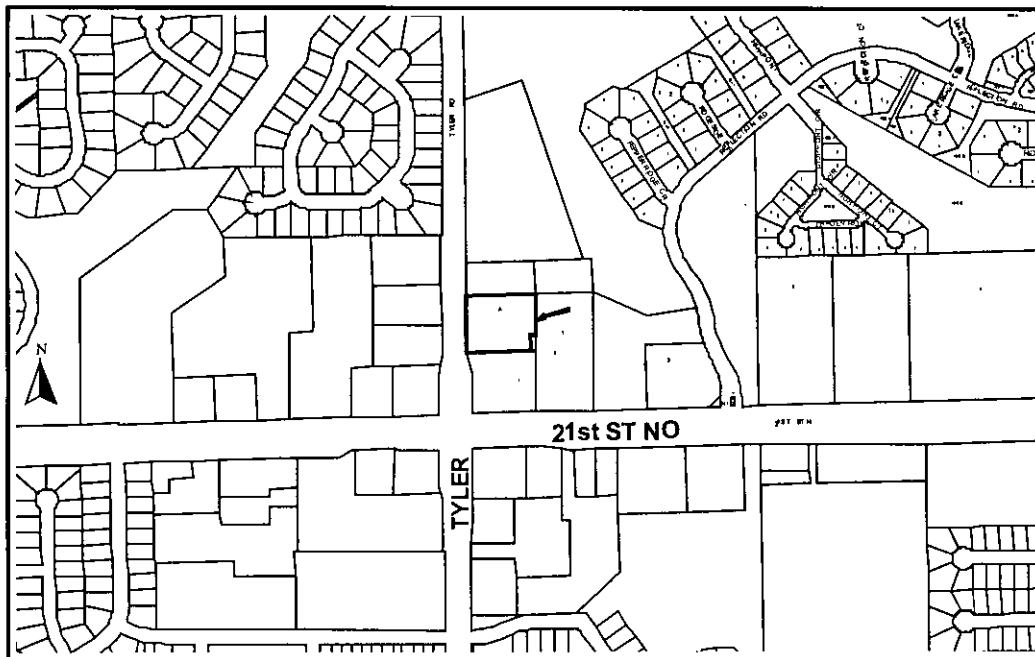
OWNER/APPLICANT: Commercial Equity, Inc., c/o Paul Hoover

AGENT: Ron's Sign Company, c/o Jerry Trent

REQUEST: Variance to allow a building sign without 150 feet of parking lot between buildings.

CURRENT ZONING: "LC" – Limited Commercial

LOCATION: Generally located north of 21st Street North on the east side of Tyler.



JURISTITION: 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 applicant is requesting a variance for proposed building sign on the south elevation of an Old Chicago Restaurant under construction north of 21st Street North on the east side of Tyler. The south elevation of this building is less than 150 feet from the building to the south (Restaurant & Retail), which triggers the need for this variance. The space between the two structures (approximately 100 feet) is used for parking and driveway.

Per the Sign Code Ordinance, three building signs per business per elevation are permitted for elevations with street frontage or 150 feet of parking in front of the elevation to be signed. The total square footage of all signs must not be greater than 20 percent of the given elevation, nor shall any individual sign be greater than 400 square feet. This sign meets the size requirements, but does not have the requisite 150 feet of paved area in front of the south elevation. Building signs are permitted on elevations with no frontage and as little as 50 feet of parking, but the sign size is limited to 15 square feet and a maximum height of 12 feet.

The building sign proposed for this location is a 128 square foot sign on the south elevation of the building. Per the sign code the commercial strip center is permitted a 30-foot tall, 200 square foot pole or monument sign along Tyler. In fact the applicant has been issued a permit for a Tenant Board for this location that is 20 feet tall and 10 feet wide. The applicant is also permitted a building sign along the Tyler measuring no more than 20 percent of the tenant lease area front elevation. The applicant has received a permit for two building signs along the Tyler frontage for this tenant – one measuring 136 square feet and the other measuring 34 square feet, which will be placed over the entry way to the restaurant. Per the Sign Code, the applicant still has the opportunity to erect a 15 square foot sign on the south elevation, which would be in line with the scale of the parking area that exists to the south and would still facilitate identification of the restaurant for patrons using that parking area.

ADJACENT ZONING AND LAND USE:

NORTH	"LC" – Retail, "Sherwin Williams Paints"
SOUTH	"LC" – Restaurant, Retail, Bank
EAST	"GC" – "Village Charter Tours"
WEST	"LC" – "Timberline Steakhouse"

UNIQUENESS: It is the opinion of staff that this property is not unique, inasmuch as the site has ample opportunity for signage and visibility along Tyler. The addition of a sign along the south elevation would not provide any additional visibility along 21st Street North or Tyler.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested would adversely affect the rights of adjacent property owners, inasmuch as it is above what is allowed for other commercial properties in this area.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the Sign Code does not constitute an unnecessary hardship upon the applicant, inasmuch as the applicant has ample opportunity for signage and identification with the existing regulation.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would adversely affect the public interest, inasmuch as the approved sign will add to visual clutter along Tyler and the adjacent properties.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would oppose the general spirit and intent of the Sign Code, inasmuch as the intent of the Sign Code was to reduce, where possible, the number of signs visible from public rights-of-way, while still allowing the identification of businesses along these rights-of-way. This restaurant will be easily identifiable from Tyler with the permitted signage.

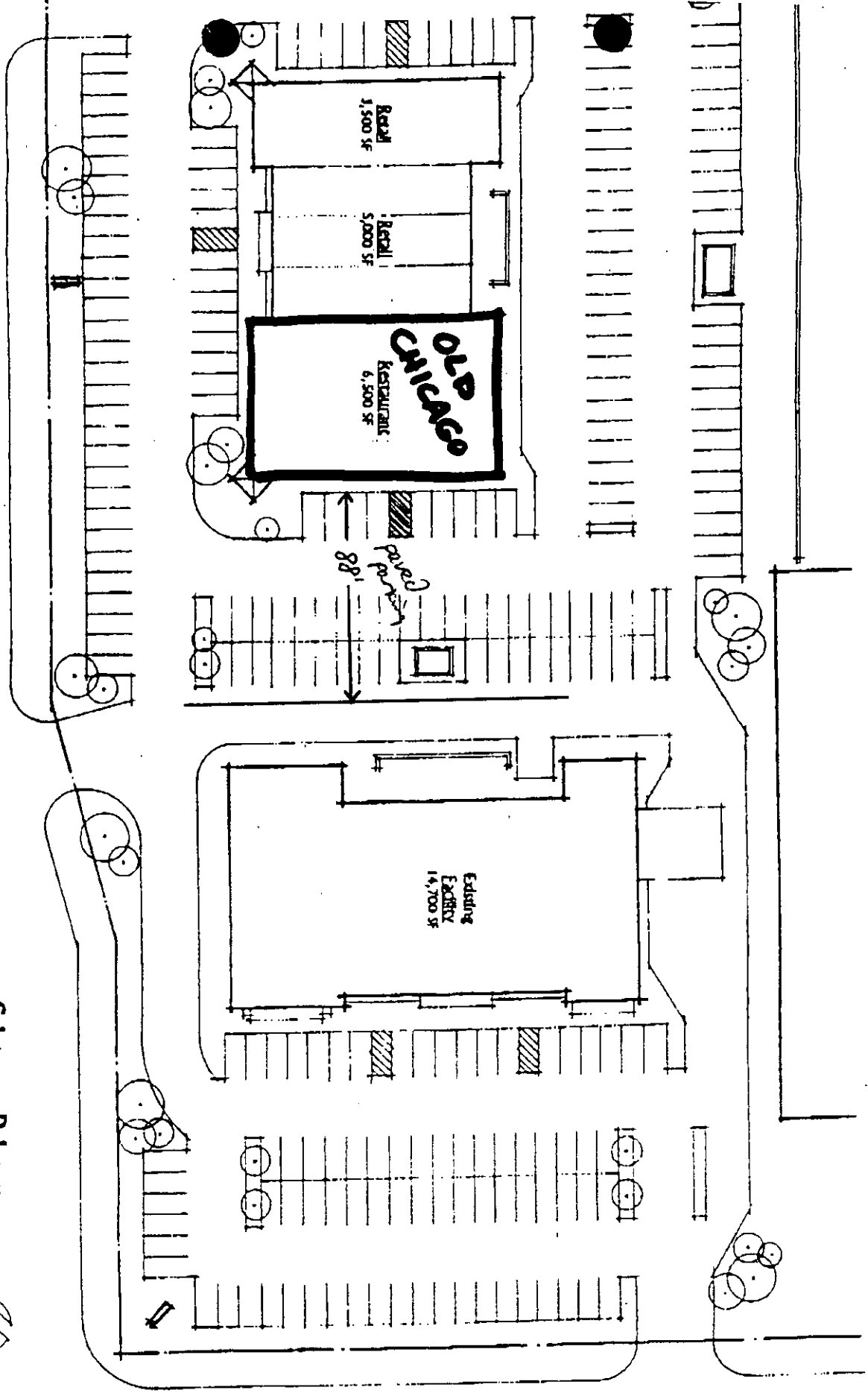
RECOMMENDATION: It is staff's opinion that this site has ample signage per the existing Sign Code regulations and the conditions necessary to granting the variance do not exist. It is the recommendation of the Secretary that the variance to allow a building sign on the south elevation be DENIED.

However, should the Board determine that conditions necessary to the granting of the variance do exist, then approval of this variance should be subject to the following conditions:

1. The applicant shall not be permitted a building sign along the Tyler frontage or the monument tenant sign shall be limited to 100 square feet.
2. The applicant shall obtain all necessary permits for the installation of the approved sign.
3. The sign approved by this variance shall be placed on the south building elevation.
4. The sign approved by this variance shall be limited to a non-flashing internally illuminated sign.
5. The sign shall be installed within one year or the resolution granting this variance shall become null and void

Tyler Road

Site Plan
1" = 40'-0"



21st Street North