



Wichita-Sedgwick County Metropolitan Area Planning Department

January 31, 2003

Raju Sheth
Hotel Enterprises Group, Inc.
6245 W. Kellogg
Wichita, KS 67209

RE: BZA2002-72 – Variance to Section 24.04.221 (3) of the Sign Code to increase the maximum permitted height of a pole sign for a motel from 25 feet to 30 feet on property zoned “GC” General Commercial. Generally located south of Kellogg and east of Dugan.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on January 28, 2003, this resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. 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,

Scott Knebel
Assistant BZA Secretary

SK/rms

CC: Bill Gale, WCC, District IV, Mail Stop 1-13
Aaron Hamilton, N.A. IV, Mail Stop 1-135
Sharon Dickgrafe, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2002-00072

WHEREAS, Hotel Enterprise Group, Inc. c/o Raju Sheth (owner/applicant) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Section 24.04.221(3) of the Sign Code to increase the maximum permitted height for a pole sign for a motel from 25 feet to 30 feet on property zoned "LC" Limited Commercial and legally described as follows:

Lot 1, excluding the south 17 feet, Variant Addition, Wichita, Sedgwick County, Kansas. Generally located south of Kellogg and east of Dugan (6245 W. 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 January 28, 2003, 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. It is the opinion of the Board that this property is unique, inasmuch as the property is located adjacent to the apex of a freeway overpass and overhead freeway signs, which severely limit the visibility of the property from the freeway.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not adversely affect the rights of adjacent property owners or residents. It is the opinion of the Board that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as all adjacent properties are developed with commercial uses and many of the adjacent commercial businesses have signs of a similar height or taller than permitted by the variance.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of the Board that the strict application of the provisions of the zoning regulation will constitute an unnecessary hardship upon the applicant, inasmuch as the lack of visibility of the property was created by the construction of the freeway

overpass and the installation for freeway signs that block the view of the applicant's pole sign

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. It is the opinion of the Board that the requested variance would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale, and has minimal lighting.

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 zoning ordinance. It is the opinion of the Board that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as a stated intent of the Sign Code is to provide an opportunity to achieve a reasonable balance between the need for a sign and preserving the visual qualities of the community. In this instance, the need for a five foot increase in sign height to provide visibility from the freeway will provide a reasonable balance with the visual qualities of the community, especially since the sign on the subject property will be smaller and shorter than signs for adjacent businesses.

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, that a variance to Section 24.04.221(3) of the Sign Code to increase the maximum permitted height for a pole sign for a motel from 25 feet to 30 feet on property zoned "LC" Limited Commercial and legally described as follows:

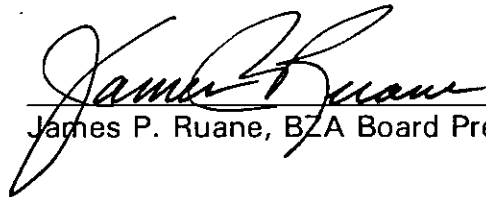
Lot 1, excluding the south 17 feet, Variant Addition, Wichita, Sedgwick County, Kansas. Generally located south of Kellogg and east of Dugan (6245 W. Kellogg).

The variance is hereby **GRANTED**, subject to the following conditions:

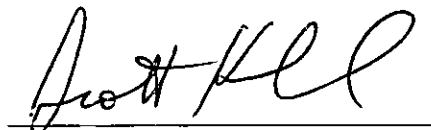
1. The pole sign on the subject property shall comply with all regulations of the Sign Code, except that the sign shall be permitted to be a maximum of 30 feet in height.
2. The pole sign on the subject property shall be limited to 70 square feet in area and shall be of a design that is in substantial conformance with the approved elevation rendering.

3. The applicant shall obtain all permits necessary to construct the signage, and the signage shall be erected within one year of the granting of the variance, unless such time period is extended by the Board.
4. The resolution authorizing the variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 28th DAY of JANUARY, 2003.


James P. Ruane, BZA Board President

ATTEST:


Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2002-00072

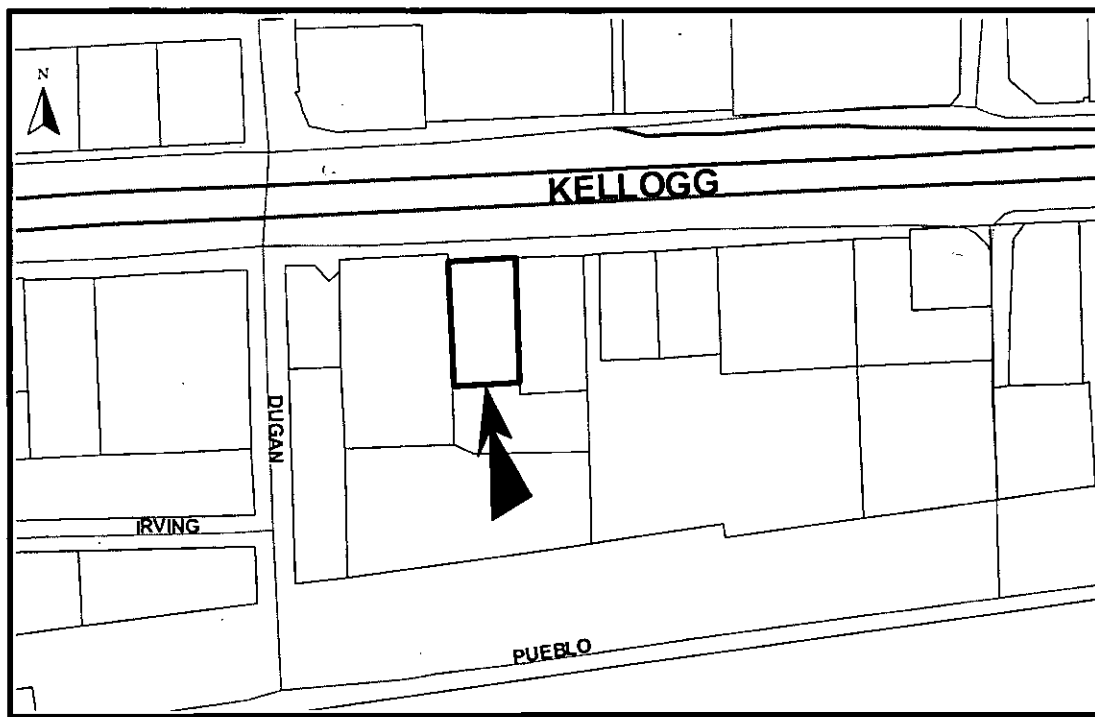
OWNER/APPLICANT: Hotel Enterprise Group, Inc. c/o Raju Sheth

REQUEST: Variance to Section 24.04.221(3) of the Sign Code to increase the maximum permitted height of a pole sign for a motel from 25 feet to 30 feet

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 1.1 Acres

LOCATION: South of Kellogg and east of Dugan



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 applicant is requesting a variance to Section 24.04.221(3) of the Sign Code to increase the maximum permitted height of a pole sign from 25 feet to 30 feet. The subject property is located south of Kellogg and east of Dugan at 6245 W. Kellogg. The subject property is zoned "GC" General Commercial and is currently developed with a Super 8 motel. At the time the application was submitted, the brand of the motel was Ramada Limited.

The applicant proposes to modify an existing pole sign to increase its height from 25 feet to 30 feet. The applicant recently reduced the size of the pole sign from 124 square feet to 70 square feet when the brand of the motel was changed to Super 8. Attached to this report are elevation renderings of the former and proposed new signs showing the size and height of each sign.

The applicant has submitted an extensive justification statement (attached) for the requested variance to permit the sign height increase. Essentially, the Kellogg overpass at Dugan and the associated highway signage have blocked visibility of the motel sign from Kellogg. The applicant indicates that the motel is listed on six highway exit signs on Kellogg and I-235, but customers still have significant difficulty finding the motel due to the sign not being visible from Kellogg. The result has been a significant decrease in the amount of business since the Kellogg overpass at Dugan was constructed. The applicant indicates that other motels in the area with more visible signage have not experienced a loss in business since the overpass was constructed.

In the "GC" General Commercial zoning district, Section 24.04.221(3) of the Sign Code limits the maximum height of a pole sign to 25 feet but provides for an increase in height of five feet for each permitted sign that is not utilized up to a maximum height of 35 feet. Since the subject property has only 124 feet of lot frontage, only one pole sign is permitted on the lot. Were the subject property to have at least 180 feet of lot frontage, two pole signs would be permitted and one could not be utilized, thus allowing a five-foot increase in sign height. Therefore, the need for the variance arises from subject property having 56 feet less lot frontage than necessary for a 30-foot high pole sign.

ADJACENT ZONING AND LAND USE:

NORTH	"GC"	Retail
SOUTH	"GC"	Office
EAST	"GC"	Restaurant
WEST	"GC"	Vacant

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is located adjacent to the apex of a freeway overpass and overhead freeway signs, which severely limit the visibility of the property from the freeway.

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 developed with commercial uses and many of the adjacent commercial businesses have signs of a similar height or taller than permitted by the variance.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as the lack of visibility of the property was created by the construction of the freeway overpass and the installation for freeway signs that block the view of the applicant's pole sign.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale, and has minimal lighting.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as a stated intent of the Sign Code is to provide an opportunity to achieve a reasonable balance between the need for a sign and preserving the visual qualities of the community. In this instance, the need for a five foot increase in sign height to provide visibility from the freeway will provide a reasonable balance with the visual qualities of the community, especially since the sign on the subject property will be smaller and shorter than signs for adjacent businesses.

RECOMMENDATION: It is staff's opinion that the signage requested is appropriate for the intended purpose of relaying the location of the motel from the freeway. Should the Board determine that the five conditions necessary for the granting of the variances exist, then it is the recommendation of the Secretary that the variances be GRANTED, subject to the following conditions:

1. The pole sign on the subject property shall comply with all regulations of the Sign Code, except that the sign shall be permitted to be a maximum of 30 feet in height.
2. The pole sign on the subject property shall be limited to 70 square feet in area and shall be of a design that is in substantial conformance with the approved elevation rendering.

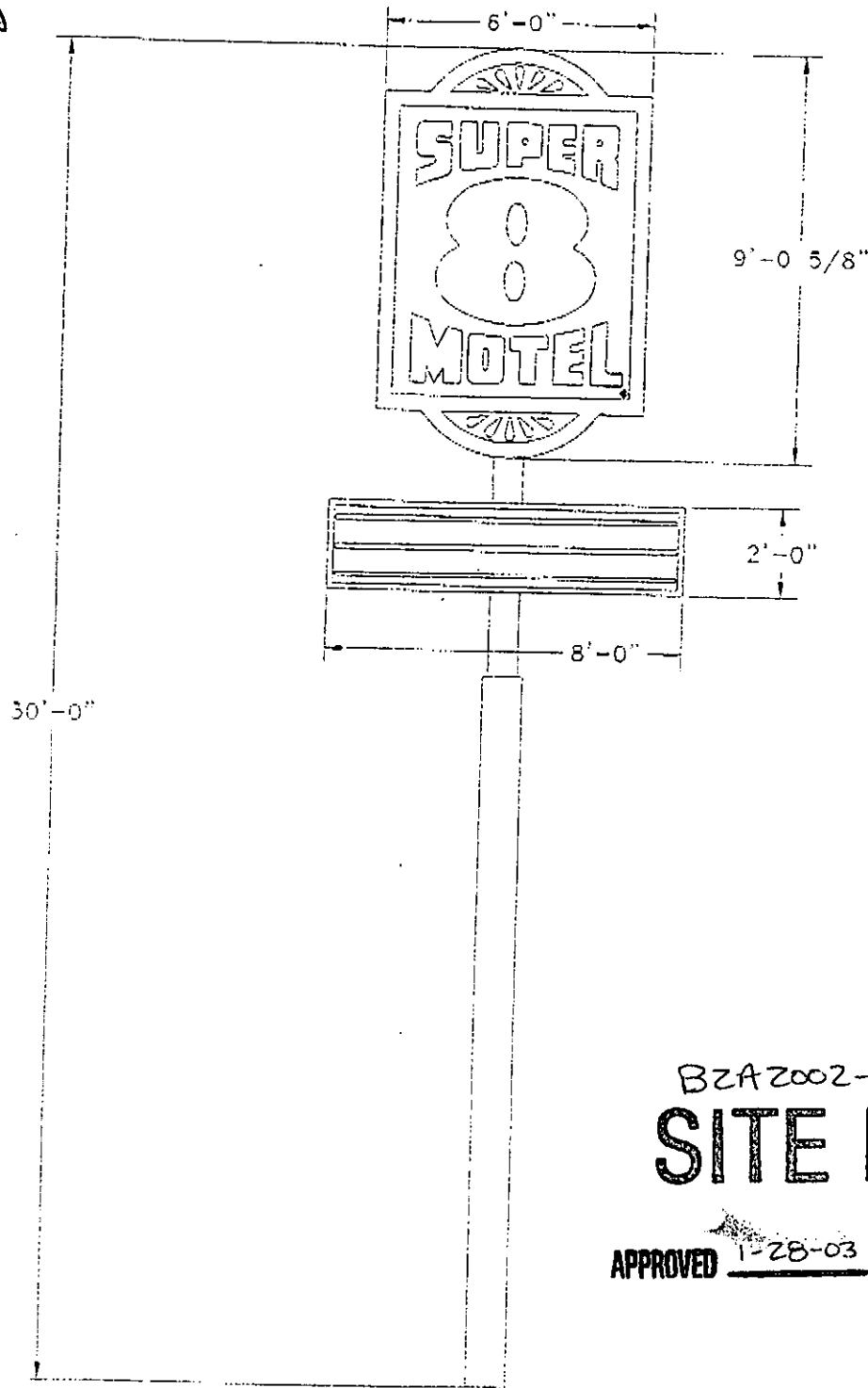
3. The applicant shall obtain all permits necessary to construct the signage, and the signage shall be erected within one year of the granting of the variance, unless such time period is extended by the Board.
4. The resolution authorizing the variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

DEC-11-2002 08:21

PERSONA INC.

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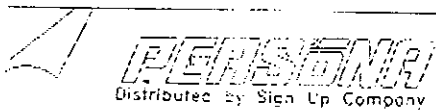
Proposed



BZAZ002-00072
SITE PLAN

APPROVED 1-28-03 BY City BZA

SCALE: 1/4" = 1'-0"



P.O. BOX 210 750 21st Southwest
Watertown, SD 57201 (605) 882-2244

CUSTOMER

SUPER 8 MOTELS, INC

TITLE
PYLON ELEVATION

SIZE
AS NOTED

LOCATION

DRWG. NO.
S183-02/141

DRAWN BY:
RMG

REVISIONS

SHEET
3 OF
3

DATE
11/12/02

APPR. BY:
BLL

DATE BY