



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

June 25, 2004

City of Wichita
Allen Bell
Director of Economic Development
Mail Stop 1-127
455 N. Main
Wichita, KS 67202

RE: BZA2004-00041 – Variance to allow a sign to face other than the direction of travel along the street on property zoned “LI” Limited Industrial. Generally located approximately 500 feet south of 29th Street North on the east side of Ridge Road. (2872 N. Ridge Rd.). (District V)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on June 22, 2004, 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
Senior Planner

SK/rs

Cc: Diana Williamson, Graphics Systems Inc., 313 Ida, Wichita, KS 67211
Bob Martz, WCC, District V, Mail Stop 1-13
Sharon Dickgrafe, Law Department, Mail Stop 1-132
Herb Shaner, OCI, 1-72

BZA RESOLUTION NO. 2004-00041

WHEREAS, City of Wichita c/o Allen Bell (Owner); Ritchie Companies (Applicant); Graphics Systems, Inc., c/o Diana Williamson; pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to allow a sign to face other than the direction of travel along the street on property zoned "LI" Limited Industrial legally described as follows:

Lot 1, Block 1, Lakeside Park Addition. Generally located approximately 500 feet south of 29th Street North on the east side of Ridge Road (2872 N Ridge Rd.)

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 June 22, 2004, 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 developed with a high-end office building containing low and minimal signage, which is not customarily found within the "LI" Limited Industrial zoning district.

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. 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 the sign has a significant setback from the road, has a low height, and is architecturally incorporated into the landscaping around the office building.

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 sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as the applicant would be required to remove the sign and replace it with a sign that is less compatible with the architecture of the property, which would entail significant expense for a less desirable result than the current 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.

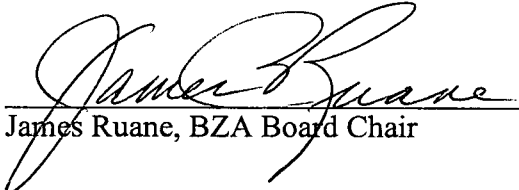
WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance. It is the opinion of the Board that that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as the slight curvature of the wall and the significant setback from the street make the sign visible from travelers along the street.

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.

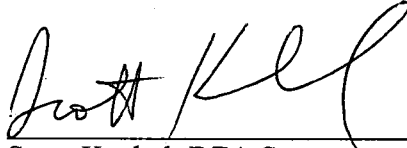
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance be granted to allow a sign to face other than the direction of travel along the street subject to complying with all other regulations of the Sign Code including receiving a sign permit on property zoned "LI" Limited Industrial described as follows:

Lot 1, Block 1, Lakeside Park Addition. Generally located approximately 500 feet south of 29th Street North on the east side of Ridge Road (2872 N Ridge Rd.)

ADOPTED AT WICHITA, KANSAS, this 22nd DAY of JUNE, 2004.


James Ruane, BZA Board Chair

ATTEST:


Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2004-00041

OWNER/APPLICANT: City of Wichita c/o Allen Bell (Owner); Ritchie Companies (Applicant)

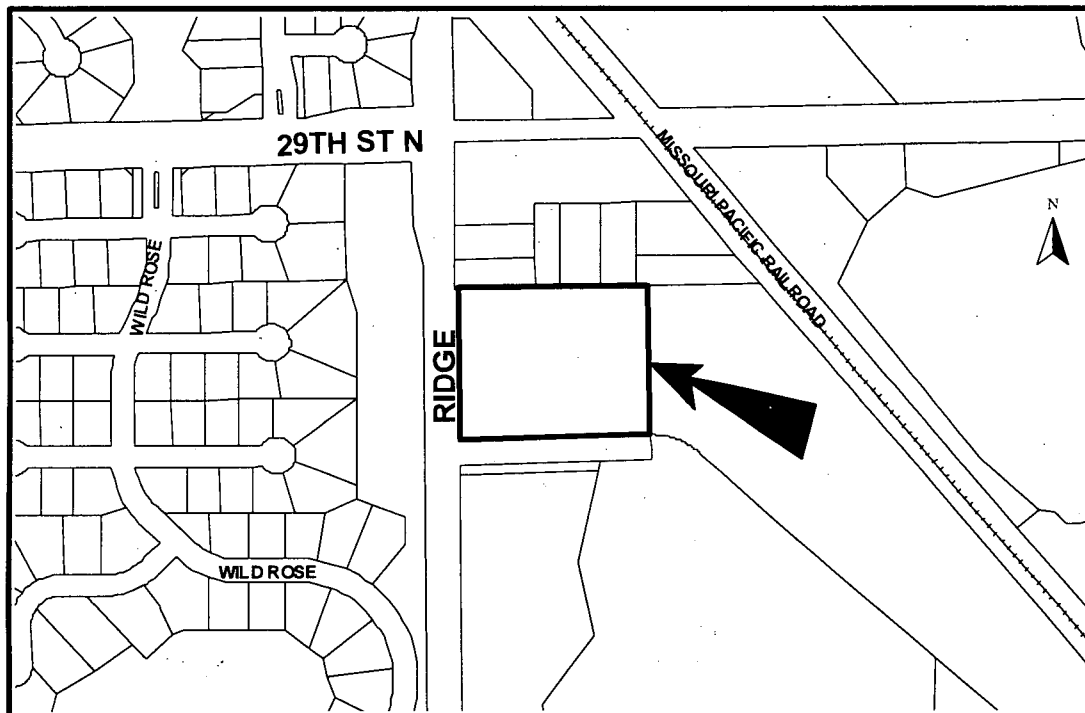
AGENT: Graphics Systems, Inc. c/o Diana Williamson

REQUEST: Variance to allow a sign to face other than the direction of travel along the street

CURRENT ZONING: "LI" Limited Industrial

SITE SIZE: 4.83 Acres

LOCATION: Approximately 500 feet south of 29th Street North on the east side of Ridge Road (2872 N. Ridge Rd.)



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: Ritchie Companies has an office building on 4.83 platted acres that is zoned "LI" Limited Industrial and is located approximately 500 feet south of 29th Street North on the east side of Ridge Road (2872 N. Ridge Rd.). The City of Wichita is the land owner due to industrial revenue bonds issued by the City to fund construction of the building; therefore, the applicant is technically the City of Wichita. The beneficiary of the application, however, is Ritchie Companies.

Ritchie Companies had Graphic Systems, Inc. install lettering with their business name on a three-foot high by 58-foot long concrete wall that is located in front of the office building and parallel to the Ridge Road (see attached photographs). No permit was acquired for the installation of the lettering, and the sign inspector subsequently determined that the lettering would not have been eligible for the issuance of a permit because it does not face the direction of travel along Ridge Road.

Section 24.04.221.1. of the Sign Code requires that a ground sign face the direction of travel along the street. Section 24.04.220(r) states that a sign faces the direction of travel along the street if the sign face is angled no more than 30 degrees from a line that is perpendicular to the street. Since the sign on the subject property is parallel to the street, a variance to Section 24.04.221.1. of the Sign Code is required to permit a sign that does not face the direction of travel along the street. The applicant submitted the attached written statement that addresses how the request meets the criteria for granting the variance requested.

ADJACENT ZONING AND LAND USE:

NORTH	"LI"	Single family
SOUTH	"LI"	Vacant
EAST	"LI"	Concrete plant
WEST	"SF-5"	Single family

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is developed with a high-end office building containing low and minimal signage, which is not customarily found within the "LI" Limited Industrial zoning district.

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 the sign has a significant setback from the road, has a low height, and is architecturally incorporated into the landscaping around the office building.

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 applicant would be required to remove the sign and replace it with a sign that is less compatible with the architecture of the property, which would entail significant expense for a less desirable result than the current 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 the slight curvature of the wall and the significant setback from the street make the sign visible from travelers along the street.

RECOMMENDATION: Should the Board determine that the conditions necessary for the granting of the variance exist, then it is the recommendation of the Secretary that a variance to allow the existing ground sign to face other than the direction of travel along the street be GRANTED subject to the sign complying with all other regulations of the Sign Code, including receiving a sign permit.