

POSTED 12-29-88
KR

BZA 55-88 - Jack R. Hunt requests var.
to increase the height of a pole sign
from 40 to 55 ft. on prop. zoned "E" &
"LC", generally located at the NE corner

ACTION

B.Z.A. 55-88 Deferred 1 month 12/20/88
DNL

BZA 55-88 (as amended) 2-2 vote 1/24/89

Deferred 1 month 2/28/89
at applicant's request

Approved as amended 3/28/89
5-0

2004 Sec 4-7-89
Checked Lo
Sheet 413 87

POSTED 12-29-88
100

ACTION

B.Z.A. 55-88 Deferred 1 month 12/30/88
DATE

BZA 55-88 (as amended) 2-2 vote 1/24/89

Deferred 1 month 2/28/89
at applicant's request

Approved as amended 3/28/89
5-0

200'4Sec 4-7-89

Checked Lo

Shot 4-13-89

Record ✓

BZA 55-88 - Jack R. Hunt requests var.
to increase the height of a pole sign
from 40 to 55 ft. on prop. zoned "p" &
"C", generally located at the NE corner

DATA SHEET

MAP NO.: 5246D

CASE NO. BZA 55-88

(CPO 4A, 12/15/88)

REQUEST: Variance to increase the height of a pole sign from 40 feet to 55 feet. *45 ft as amended*

EXISTING ZONING: "E" Light Industrial & "LC" Light Commercial

GENERAL LOCATION: Northeast corner of West Street & Kellogg Drive.

APPLICANT: Jack R. Hunt
 ADDRESS: 321 E. William, Ste. 100 PHONE: 264-0112
 Wichita, KS 67202

APPLICANT: Willie C's of Wichita, Inc. *attn Bill Rowe*
 ADDRESS: 1320 E. Kellogg Drive PHONE: 262-3424
 Wichita, KS 67211

AGENT: Larry Boggs
 ADDRESS: Boggs Signs, Inc. PHONE: 263-2224
 318 S. Osage
 Wichita, KS 67213

AREA DATA

Acres: *368 215*
 400 ft. by 200 ft.

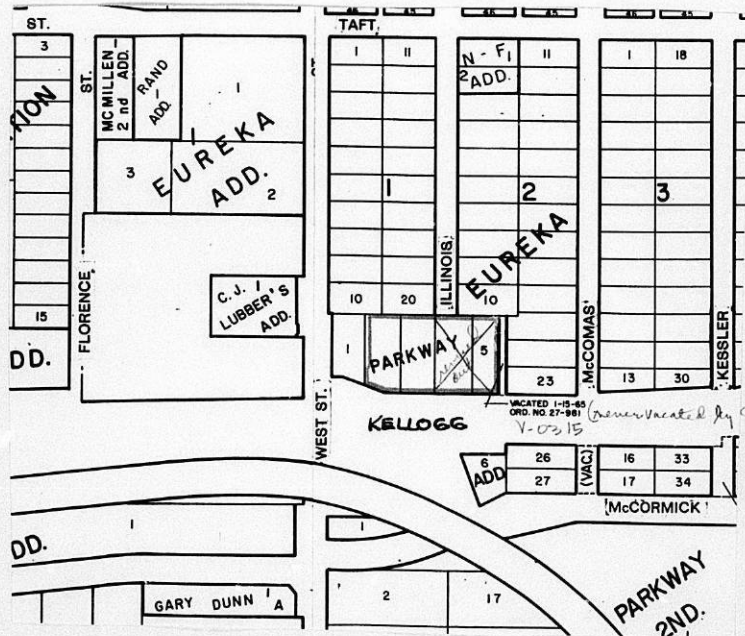
Adjacent Zoning and Land Use:

North "E" & "LC"

South "E"

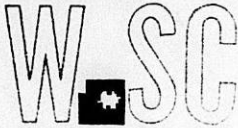
East "LC"

West "E"



HASTINGS MN
 LOS ANGELES-CHICAGO-LODAN OH
 REGREOR TX-LOUCAST GROVE GA
 USA

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

April 10, 1989

Bill Rowe
Willie C's of Wichita, Inc.
1320 E. Kellogg Drive
Wichita, KS 67211

Re: BZA 55-88 - Variance to increase the height of a pole sign
from 40 to 45 feet (666 S. West St.).

Dear Mr. Rowe:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on March 28, 1989. 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.

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Larry Boggs, Boggs Signs, Inc., 318 S. Osage, Wichita, 67213
Jack Hunt, 321 E. William, Ste. 100, Wichita, 67202
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

BZA RESOLUTION NO. 55-89

WHEREAS, Jack R. Hunt, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of a pole sign from 40 to 45 feet (as amended) on property zoned the "E" Light Industrial District and legally described as follows:

Lots 2 and 3, Parkway Addition to Wichita, Kansas, except the west 15 feet of the north 136.53 feet and the west 10 feet of the south 60.2 feet of said Lot 2. Generally located at the northeast corner of West Street and Kellogg Drive.

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 meetings of December 20, 1988, January 24, 1989, and March 28, 1989, 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 height of Kellogg over West Street is approximately 25 feet which reduces the visibility of normal-height signage along this property from eastbound and northbound traffic; 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 the proposed sign location is at least 140 feet from any other business; 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 would constitute an unnecessary hardship upon the applicant inasmuch as there is a variable rise in the overpass on west Kellogg which reduces visibility of signs for a business at this location;

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 there are higher signs in the area which will continue to exist even with the upcoming deadline for compliance with the sign regulations of the zoning ordinance; 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 five feet is a slight increase, but still provides better exposure for a business lower than the elevated expressway; 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 have been found to exist.

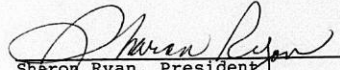
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the height of a pole sign from 40 to 45 feet (as amended) on property zoned the "E" Light Industrial District and legally described as follows:

Lots 2 and 3, Parkway Addition to Wichita, Kansas, except the west 15 feet of the north 136.53 feet and the west 10 feet of the south 60.2 feet of said Lot 2. Generally located at the northeast corner of West Street and Kellogg Drive.

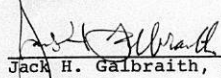
be approved subject to the following conditions:

1. Only one pole sign shall be permitted on this zoning lot;
2. The sign size shall be no larger than approximately 250 square feet as indicated on the revised plan submitted with this application.

ADOPTED AT WICHITA, KANSAS, this 28th day of March, 1989.


Sharon Ryan, President

ATTEST:


Jack H. Galbraith, Secretary

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1888
(316) 268-4561

March 29, 1989

Mr. Bill Rowe
Willie C's of Wichita, Inc.
1320 E. Kellogg Drive
Wichita, KS 67211

Re: BZA 55-88 (as amended) - Request for variance of pole sign
height from 40 feet to 45 feet. (666 S. West St.)

Dear Mr. Rowe:

At the regular meeting of the Board of Zoning Appeals on
March 28, 1989, your request for a variance of pole sign height
from 40 to 45 feet was considered. It was the action of the
Board to grant the request, subject to the following conditions:

1. Only one pole sign shall be permitted on this
zoning lot.
2. The sign size shall be no larger than approximately
250 square feet as indicated on the revised plan
submitted with this application.

A copy of the resolution setting forth the official action of the
Board will be forwarded to you as soon as we have obtained the
Board President's signature.

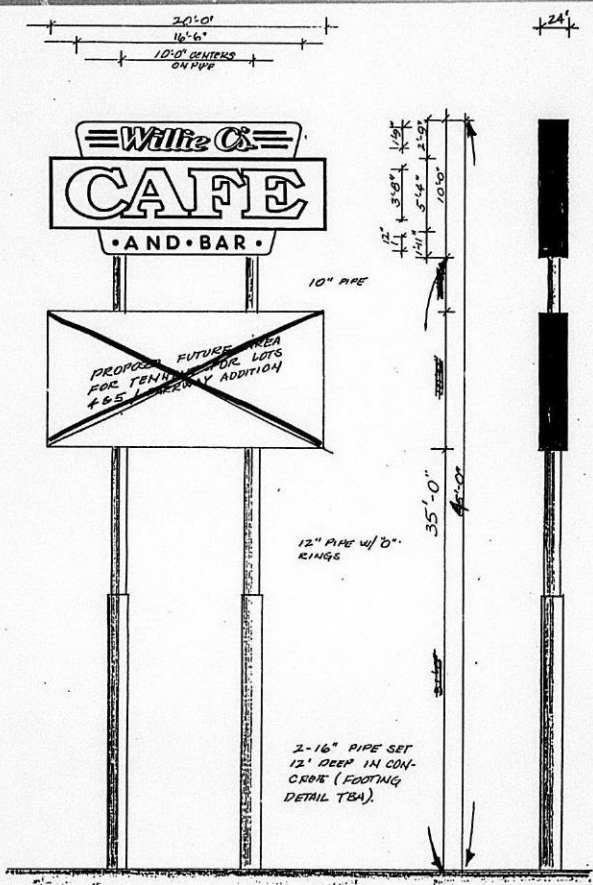
This is a reminder that if you still have zoning adjustment signs
posted on the property, they should now be removed. If you have
any questions, please call our office.

Sincerely yours,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm

cc: Jack R. Hunt, 321 E. William, Suite 100, 67202
Larry Boggs, Boggs Signs, Inc., 318 S. Osage, 67213
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk



no reader panel

FAST & WEST ELEVATION

WEST ELEVATION

BZA 55-88
REVISED

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1068
(316) 268-4561

March 1, 1989

Mr. Bill Rowe
Willie C's of Wichita, Inc.
1320 E. Kellogg Drive
Wichita, KS 67211

Re: BZA 55-88 (as amended) - Request for variance of pole sign
height from 40 to 45 feet at NE corner of West Street and
Kellogg Drive.

Dear Mr. Rowe:

The Board of Zoning Appeals, at its regular meeting on
February 28, 1989, was scheduled to consider the above-captioned
case, but deferred the matter for one month as requested by
Mr. Boggs. This matter will appear on the Board's March 28,
1989, agenda.

*because
they were
only 4 members
present*

If you have any questions concerning this case, please call our
office.

Sincerely,

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm

cc: Larry Boggs, Boggs Signs, 318 S. Osage, 67213
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

January 26, 1989

Mr. Bill Rowe
Willie C's of Wichita, Inc.
1320 E. Kellogg Drive
Wichita, KS 67211

Re: BZA 55-88 (as amended) - Request for variance of pole sign
height from 40 feet to 45 feet.

Dear Mr. Rowe:

At the regular meeting of the Board of Zoning Appeals on January 24, 1989, the above-captioned amended variance request was considered. The motion to approve resulted in a 2-2 vote and therefore this matter will be considered again at the February 28th meeting of the Board in hopes that a majority decision can be reached. At least three votes for or three votes against a motion are required to determine any action by the Board of Zoning Appeals.

We will send you a copy of the February agenda about one week prior to the meeting. If you have any questions regarding this matter, please call.

Sincerely,

Louise Olivarez
Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:sm

cc: Jack R. Hunt, 321 E. William, Ste. 100, Wichita, KS 67202
Larry Boggs, Boggs Signs, Inc., 318 S. Osage, Wichita, KS
67213

Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 3

January 24, 1989

REVISED SECRETARY'S REPORT

CASE NUMBER: BZA 55-88

OWNER/APPLICANT/AGENT: Jack R. Hunt (owner/applicant)
Willie C's of Wichita, Inc., ATTN: Bill Rowe (lessee/applicant)
Boggs Signs, Inc., ATTN: Larry Boggs (agent)

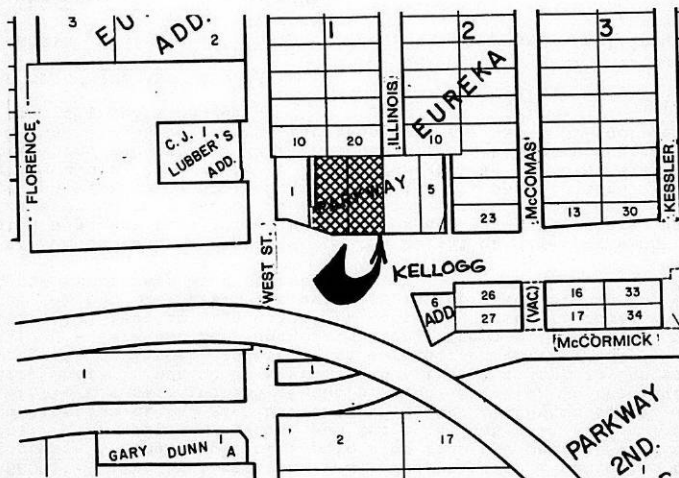
REQUEST: Variance to increase the height of a pole sign from 40 feet to 45 feet (as amended).

CURRENT ZONING: "E" Light Industrial District

SITE SIZE: 175 ft. x 215 ft. (more or less)

LOCATION: Northeast corner of West St. & Kellogg Dr.

PROPOSED USE: Pole sign



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: The applicants have amended their application to request an increase in the height of a pole sign from the permitted 40 feet to 45 feet. The original request was for a 55-foot-tall sign. The proposed location of the sign has changed to the southwest corner of the new Willie C's site instead of the original location in the southeast corner, where it was to be shared with a future tenant to the east. The sign is no longer proposed with a reader board, but only the "Willie C's Cafe and Bar" identification. The applicants feel the additional 5 feet in sign height is necessary to be readable above the raised Kellogg overpass. The overpass is approximately 25 feet above grade as it crosses West Street.

The sign code makes exceptions for the height of off-site signs located adjacent to elevated portions of a highway structure, as they may be erected to a height of 14 feet above the traffic deck. If this criterion were to be applied to the Willie C's on-site sign, its height would be limited to 39 feet. However, as an on-site sign, it is permitted a height of 40 feet because 2 additional potential signs are being eliminated (5-foot increase over the basic 30-foot height for each sign eliminated).

ADJACENT ZONING AND LAND USE:

NORTH	"E"	Strip commercial center and single-family residences
SOUTH	"E"	Highway interchange
EAST	"LC"	Undeveloped
WEST	"E"	Access road

UNIQUENESS: It is the opinion of staff that this property is somewhat unique inasmuch as the height of Kellogg over West Street is approximately 25 feet, which reduces the visibility of normal-height signage along this property from eastbound and northbound traffic.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested may not adversely affect the rights of adjacent property owners inasmuch as the proposed sign location is at least 140 feet from any other business.

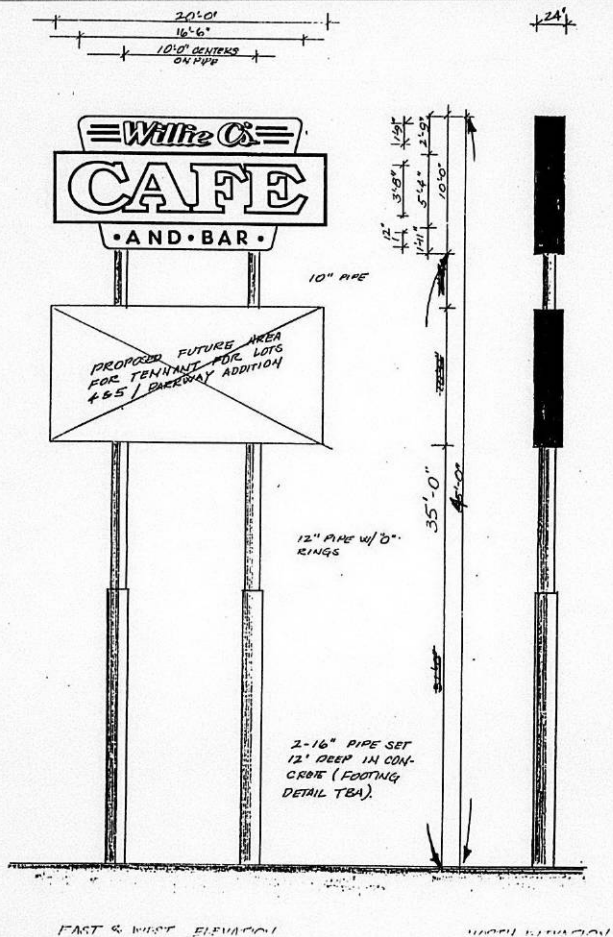
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance would not constitute an unnecessary hardship upon the applicant inasmuch as an increase in height from 30 feet to 40 feet is already permitted by the zoning ordinance by reducing the number of signs permitted, and a 40-foot sign height permits at least 15 feet of sign area above the overpass.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would adversely affect the public interest inasmuch as one of the goals for community enhancement is to beautify the entrance into downtown from the airport, and taller commercial signs which are visible from greater distances are not in keeping with this community goal.

BZA 55-88
Page 3

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as even the maximum height for off-site signs has been limited to 14 feet above the deck of an elevated road.

RECOMMENDATION: It is the opinion of the Secretary that all five conditions necessary to the granting of a variance cannot be found to exist, and it is the recommendation of the Secretary that the variance be denied.



BZA 55-88
 REVISED

THE CITY OF WICHITA

TO: Louise Olivarez, Principal Planner

DATE: January 20, 1989

FROM: Stanley J. Scott, CP Coordinator *[Signature]*

SUBJECT: BZA 55-88: Northeast Corner of
West Street and Kellogg Drive

On Thursday, January 19, 1989, CPO West River Neighborhood Council 4A considered the captioned case, an amended request by Willie C's of Wichita, Inc. for a zoning variance to increase the height of a pole sign from 40 feet change to 45 feet on property zoned the "E" Light Industrial District. Following discussion, the Council voted 6-0-1 (one abstaining) to recommend approval of the requested variance.

Bill Rowe (applicant) and Larry Boggs (agent) were present to describe the request and respond to questions from the Council. Mr. Rowe explained that the variance is requested allow construction of a pole sign for the new Willie C's that will be visible from the new Kellogg overpass at West Street.

No area residents or property owners were present to address the request. Council members were provided the notice of public hearing, a map of the area, site plan and MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 55-88 is considered on Tuesday, January 24, 1988.

SJS

CITY MANAGERS AESTHETIC REVIEW TEAM - Project Review Form

PROJECT TITLE Willie C's Sign Variance Application		DATE REVIEWED 12/5/88
LOCATION West Street and Kellogg, N.E. Corner		
DESIGN FIRM:		PRESENTED BY: Jack H. Galbraith, Chief Planner
RESPONSE DATE: 12/19/88	RESPONSE COORDINATOR: Stephen Perry	STAFF LIAISON: Jack Galbraith, M.A.P.D.

COMMENTS:

Galbraith explained the current zoning ordinance signage restrictions, with the note that current sign regs would allow 30 feet in height with an additional 5 feet for every permitted sign that is eliminated. Three signs are permitted; if applicant constructs one, a 40-foot sign would be allowed. Willie C's requests a variance to allow 55 feet.

Reasons given for asking for variance include sight visibility from the 25-foot high overpass adjacent to their site and a greater lead distance visibility. CART comments indicate a unanimous consensus to deny additional height. Reasons for denial are based on belief that the sign ordinances are too loose and we should work to tighten them. To allow Willie C's to go beyond current regs would set a precedent that we do not want to do. A variance here would also create a hardship on businesses nearby on West Street who were not allowed greater heights. The property was purchased knowing the overpass would be constructed and the visibility constraints existed. "No variance" was the unanimous consensus. There is no aesthetic benefit to raising sign height, moreover aesthetics of expressway would be diminished by allowing taller signage adjacent to roadway.

RECOMMENDATIONS:



January 3, 1989

RECEIVED

JAN 04 1988

METROPOLITAN PLANNING

ROUTE _____

Louise Olivarez
Assistant Secretary
Board of Zoning Appeals
City Hall-Tenth Floor
455 N. Main St.
Wichita, KS 67202-1688

Dear Ms. Olivarez:

This is to advise you that we are amending our request for variance as follows:

1. Reduce requested height from 55' to 45'.
2. We plan on using this sign only for Willie C's Cafe. Any future tenant on the East parcel will address its signage needs independently.

In regards to the five variance requirements:

1. Uniqueness

This property is unique in that the raised highway effectively shortens the permitted signage by 25 feet.

2. Adjacent Property

We believe there would be no unfair advantage to the new business because our principal frontage is on Kellogg, and our land rent economics are based on that fact. If we fail to achieve visibility from Kellogg, we will in fact be at a disadvantage (higher rent with no compensating visibility).

3. Hardship

If the request is denied, we will have poor visibility on Kellogg, and we believe this constitutes a hardship.

Office: 1320 East Kellogg Drive • Wichita, Kansas 67211
316-262-3424

Affiliated Companies:
Willie C's Cafe & Bar, Inc.
Willie C's of Wichita, Inc.
Willie C's Cafe & Bar of Wichita, A Limited Partnership
Rowe & Partners Real Estate

4. Public Interest

We believe that the increased visibility will add to the viability of the businesses, create new jobs, and increase the tax base.

5. Spirit and Intent

- A. The ordinance provides for variances in unique situations so that judgements can be made that make good sense. Clearly this situation is unique.
- B. There are other signs higher than the one we have requested in the immediate area, so this variance will still allow for uniformity within this area.
- C. The height requested is within the maximum height restrictions contemplated by the code, so we're not asking for a height in excess of that allowed in other similar cases.

Thanks for your help.

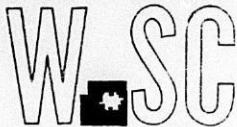
Sincerely,

Bill Rowe M.G.

Bill Rowe
President
Willie C's of Wichita, Inc.

BR;mg

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1668
(316) 258-4551

December 20, 1988

Mr. Bill Rowe
Willie C's of Wichita, Inc.
1320 E. Kellogg Drive
Wichita, KS 67211

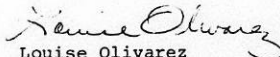
Re: BZA 55-88 - Request for variance of pole sign height from 40
feet to 55 feet.

Dear Mr. Rowe:

At the regular meeting of the Board of Zoning Appeals on
December 20, 1988, the above-captioned variance request was con-
sidered. After much discussion, the Board deferred action on the
matter for 30 days to allow time for you to contact Joe Donnelly,
Zoning Administrator, to discuss the allowable height for a pole
sign for your leased lots only, if the sign were located at the
southwest corner of your property. It was the general consensus
of those present that one 40-foot sign would be permitted for
your property at that location. Signage for a future tenant or
tenants on lots to the east could better be determined in the
future when we know what business(es) will be located there.

Please let us know by January 12, 1989, whether you intend to
withdraw your request, amend your request, or ask for the Board
to take action on the original request. If you have any ques-
tions about this matter, please call.

Sincerely,


Louise Olivarez
Assistant Secretary
Board of Zoning Appeals

LO:jcm

cc: Jack R. Hunt, 321 E. William, Ste. 100, Wichita, KS, 67202
Larry Boggs, Boggs Signs, Inc., 318 S. Osage, Wichita, 67213
Monty Robson, Superintendent of Central Inspection
Joe Donnelly, Zoning Administrator, CID
Dale Rea, Deputy City Clerk

FILE COPY

THE CITY OF WICHITA

TO: Louise Olivarez, Principal Planner

DATE: December 16, 1988

FROM: Stanley J. Scott, CP Coordinator *[Signature]*

SUBJECT: BZA 55-88: Northeast Corner of
West Street and Kellogg Drive

On Thursday, December 15, 1988, CPO West River Neighborhood Council 4A considered the captioned case, a request by Willie C's of Wichita, Inc. for a zoning variance to increase the height of a pole sign from 40 feet change to 55 feet on property zoned the "E" Light Industrial District. Following extensive discussion, the Council voted 4-1-1 (one opposed, one abstaining) recommend denial of the requested variance.

Bill Rove (applicant) and Larry Boggs (agent) were present to describe the request and respond to questions from the Council. Mr. Rove explained that the variance is requested allow construction of a pole sign for the new Willie C's that will be visible from the new Kellogg overpass at West Street.

In voting to recommend denial of the request the Council concurred with the recommendations and comments contained in MAPD staff comments. As an alternative to the proposed sign and associated variance, one Council member suggested a "cantilevered" sign.

No area residents or property owners were present to address the request. Council members were provided the notice of public hearing, a map of the area and MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 55-88 is considered on Tuesday, December 20, 1988.

SJS

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. _____

December 20, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 55-88

OWNER/APPLICANT/AGENT: Jack R. Hunt (owner/applicant)
Willie C's of Wichita, Inc., ATTN: Bill Rowe (lessee/applicant)
Boggs Signs, Inc., ATTN: Larry Boggs (agent)

REQUEST: Variance to increase the height of a pole sign from 40 feet to 55 feet.

CURRENT ZONING: "E" Light Industrial & "LC" Light Commercial

SITE SIZE: 368 ft. x 215 ft. (more or less)

LOCATION: Northeast corner of West St. & Kellogg Dr.

PROPOSED USE: Pole sign



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: The applicants are requesting an increase in the permitted height of a pole sign from 40 feet to 55 feet. The 40-foot permitted height is obtained by eliminating two potential pole signs and increasing the height of this one proposed sign by 5 feet for each sign eliminated [see 28.04.139.K.(3)]. Without this reduction in number of signs, the maximum height would be 30 feet. Based on the Kellogg frontage of the application area, three pole signs, each up to 30 feet tall, totaling 736 square feet, would be permitted. Additional signage is permitted on West Street. It is intended that the proposed sign be shared by the site on which Willie C's Cafe is being constructed and two lots to the east, all of which are under one ownership at this time.

ADJACENT ZONING AND LAND USE:

NORTH	"E" & "LC"	Parking lots & single-family residences
SOUTH	"E"	Highway interchange
EAST	"LC"	Apartments
WEST	"E"	Access road

UNIQUENESS: It is the opinion of staff that this property is somewhat unique inasmuch as the height of Kellogg over West Street is approximately 25 feet, which reduces the visibility of normal-height signage along this property from eastbound and northbound traffic.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested may adversely affect the rights of adjacent property owners inasmuch as there are numerous other restaurants along West Street north of Kellogg which have signs in accordance with the height restrictions, and a taller sign for this restaurant may give an unfair advantage to this business.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance would not constitute an unnecessary hardship upon the applicant inasmuch as an increase in height from 30 feet to 40 feet is already permitted by the zoning ordinance by reducing the number of signs permitted, and a 40-foot sign height permits at least 15 feet of sign area above the overpass.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would adversely affect the public interest inasmuch as one of the goals for community enhancement is to beautify the entrance into downtown from the airport, and taller commercial signs which are visible from greater distances are not in keeping with this community goal.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the zoning regulations is to maintain some uniformity between properties, and granting a taller sign for this property is not maintaining uniformity with existing commercial signs in the area.

BZA 55-88
Page 3

RECOMMENDATION: It is the opinion of the Secretary that all five conditions necessary to the granting of a variance cannot be found to exist, and it is the recommendation of the Secretary that the variance be denied.

BZA CASE NO. 55-88

- 15 LEGAL ADVERTISEMENTS SENT TO MAPC & BZA
- 3 NOTICES SENT TO APPLICANT/AGENT
- 10 NOTICES SENT TO ADJOINING PROPERTY OWNERS
- 5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 11/29/88

- 1 NOTICE SENT TO CPO
- 2 NOTICES SENT TO CITY MANAGER & CITY COUNCIL REPRESENTATIVE TO DISTRICT
- 5 NOTICES TO MAPD STAFF -

Jack Galbraith
Louise Olivarez
Bob Young
Forrest Nagley
Karen Crook

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

November 28, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 55-88

As required by law, all property owners of record within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals are to be notified of the public hearing. An application has been filed by Jack R. Hunt, requesting a variance.

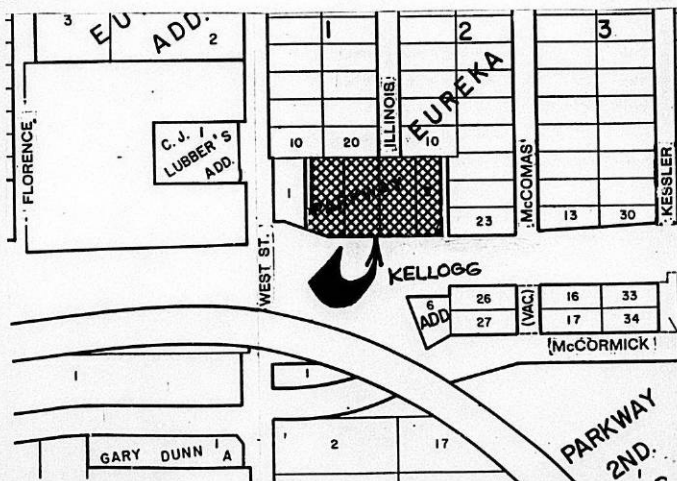
Pursuant to Section 2.12.590.B, Code of the City of Wichita, the applicant is requesting a variance to increase the height of a pole sign from 40 feet to 55 feet on property zoned the "E" Light Industrial and "LC" Light Commercial Districts. A legal description of the applicant's property is as follows:

Lots 2, 3, 4 and 5 of Parkway Addition to Wichita, Kansas, except the west 15 feet of the north 136.53 feet and the west 10 feet of the south 60.2 feet of said Lot 2. Generally located at the northeast corner of West Street and Kellogg Drive.

This application has been assigned Case No. BZA 55-88. It will be considered by the Board of Zoning Appeals on Tuesday, December 20, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main, Wichita, Kansas. If you have no interest in or objections to the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO West River Neighborhood Council "4A" will consider this case at their meeting to be held on Thursday, December 15, 1988, at 7:00 p.m. at the Stanley/Aley Community Center, 1749 South Martinson. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



() Published in The Daily Reporter, 11/29/88

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 20th day of December, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 N. Main, Wichita, Kansas, will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 54-88 - Edgar W. & Janice M. Dwire, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit the extraction of raw materials (sand) for a period of 36 months on property zoned the "AA" One-Family Dwelling District and legally described as follows:

SW/4 NW/4 Section 29, Township 26 South, Range 1 East of the 6th Principal Meridian, Sedgwick County, Kansas, lying west of the Wichita-Valley Center Flood Control right-of-way, except the north 1,000 feet thereof, and except the west 50 feet for street; AND

NW/4 SW/4 29-26S-1E except highway r.o.w. and except that part platted as Sherwood Village Addition; AND

NE/4 SW/4 29-26S-1E lying west of the Wichita-Valley Center Flood Control r.o.w., except highway r.o.w. Generally located on the east side of Seneca, north of I-235.

2. Case No. BZA 55-88 - Jack R. Hunt, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of a pole sign from 40 feet to 55 feet on property zoned the "E" Light Industrial and "LC" Light Commercial Districts and legally described as follows:

Lots 2, 3, 4 and 5 of Parkway Addition to Wichita, Kansas, except the west 15 feet of the north 136.53 feet and the west 10 feet of the south 60.2 feet of said Lot 2. Generally located at the northeast corner of West Street and Kellogg Drive.

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 29th day of November, 1988.

Jack Galbraith, Secretary
Board of Zoning Appeals



Louise Olivarez
Board of Zoning Appeals
455 N. Main, Tenth Floor
Wichita, KS 67202

Dear Ms. Olivarez:

My name is Bill Rowe, President of Willie C's of Wichita, Inc., lessee of the property located at 666 S. West Street. We have started construction for our new facility (Willie C's Restaurant) on the lots #2 and #3 of the Parkway addition, also on lot #20 of the Eureka Gardens addition.

The property that we are building on is on a track of land owned by Jack Hunt, which includes our land, and lots #4 and #5 of the Parkway Addition to the East. The zoning gives the property the ability to have one sign structure at a height of 40' for both tenants, with a maximum of 600 square feet of sign face. (according to 28.04.139, section K, zoning for Sign Regulations).

Due to the new Kellogg overpass extending over West Street at a height of approximately 25', it is our desire to ask the Board of Zoning Appeals to allow us to extend the height of the proposed sign structure to 55' above grade. There will be only one pole structure for our business and any future tenant for the adjoining property.

We propose to erect the structure between lots #3 and #4, next to Kellogg, which will be over 200' from the closest adjoining property. Mr. Hunt owns the property to the East (an apartment complex), and there is nothing but business property to the West, Southwest and South. We feel that the East/West exposure would not constitute unnecessary hardship on anyone.

We feel it is imperative to have long distance visibility to both the East bound and West bound traffic for this venture to survive. By letting both tenants install approximately 600 square feet of signage within 15' of visibility area (between 25' and 40" above grade) severely limits us.

We are proposing this drawing of print #WC1020 for the top of this structure. Some future tenant would occupy the bottom portion which could take from 200 to 300 square feet of sign area.

Office: 1320 East Kellogg Drive • Wichita, Kansas 67211
316-262-3424

Affiliated Companies:
Willie C's Cafe & Bar, Inc.
Willie C's of Wichita, Inc.
Willie C's Cafe & Bar of Wichita, A Limited Partnership
Rowe & Partners Real Estate

We do not feel that granting the variance desired would be against the general intent of the ordinance, which would normally allow 40' above grade. In our case, we are only allowed 15' of exposure due to the overpass.

I am in advance thanking you for your time and understanding on this matter.

Sincerely,


Bill Rowe

BR:njl

RECEIVED

DEC 06 1988

METROPOLITAN PLANNING

ROUTE _____



Jack R. Hunt
REALTORS

5 December 1988

Ms. Louise Olivarez
Board of Zoning Appeals
455 North Main, Tenth Floor
Wichita, Kansas 67202

Re: BZA 55-88

Dear Ms. Olivarez:

Mr. Rowe of Willie C's has indicated you need formal notice from us setting forth our agreement with the zoning exception requested. Our company owns land directly east and north of the subject property. We do support the requested action by the Board of Zoning Appeals to grant a variance to increase the height of the pole sign to 55 feet.

In order for any business to do well, it is imperative that it have good visibility. The lack of visibility was a factor in the Travelers' Inn (which was located at West and Kellogg) going out of business.

It would be of benefit to the City of Wichita to have Willie C's prosper at this location as it would generate additional tax revenues for the City of Wichita and, we believe, it would also generate more tourism and convention business.

We respectfully request that the variance requested be granted.

Sincerely,

JACK R. HUNT REALTORS COMPANY

By 
Jack R. Hunt, President

/cp



Society of Exchange Counselors

Certified Commercial - Investment Member



EXCHANGE INCOME AND INVESTMENT PROPERTIES COAST TO COAST

321 E. WILLIAM, SUITE 201, WICHITA, KANSAS 67202

316 / 264-0112

11-23-88
(Wed.)

I talk Larry Baggs
11-23-88 that I needed
either Jack Hunt's
signature on the application
OR a letter from him
stating he was aware of
the request and agreed
to it. (The current applicant
is lease of only a portion of the
application area). Also told him
I wanted to set the file up
with Jack Hunt as applicant
He said this would be no
problem and he, Renee or Hunt
would see me Monday AM
or would have a letter to me
by Monday or Tuesday.

over

11-30-88 (Wed.)

Bill Rame came in to give me a copy of Willie C's lease agreement. I told him I had no doubt that Willie C's was leaving part of the application area; what I needed was some ^{for the filing of the application} OK from the land owner of the balance of the application area. Rame said he had discussed this with the owner, Jack Hunt, and Hunt knows all about the request. He said Hunt's secretary was preparing a letter which I should get soon.

12-5-88

Still no letter from Hunt. I called J. Boggs to ask when I would get it. He said he would contact Rame and get it hand delivered to me today. I told him Hunt's co-signature on the application would be sufficient.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 55-88

owner ① Applicant: Jack R. Hunt
321 E. William Suite 100
Wichita, KS 67202 264-0112
APPLICATION FOR VARIANCE

lessee ② Applicant Willie C's of Wichita, Inc. attn Wm. C. Rowe, Jr
Address 1320 E. Kellogg Dr., Wichita, KS Zip Code 67211 Phone 262-3424

agent ③ Agent William C. Rowe, Jr. Larry Boggs
Boggs Signs, Inc. 318 S. Osage 67213 263-2224
Address 1320 E. Kellogg Dr., Wichita, KS Zip Code 67211 Phone 262-3424

Relationship of applicant to property is that of Lessee
(Owner, Tenant, Lessee, Other)

II. The variance requested is an increase in the height of a pole sign from 40' to 55'
to be increase in height from 40' to 55' above grade for Kellogg Drive

by prop. on property zoned E-Light Industrial & Light Commercial which is
400 ft by 200 ft (or acres) in size, legally described as: Lot #20,
Block #1, Eureka Gardens and Lots #2, #3, #4, and #5 of Parkway Addition Wichita, Kansas
with the exception of the West 15 feet of the North 136.53 feet and except the
West 10 feet of the South 60.2 feet of Lot #2.

and located at (666 S. West Street) the northeast corner of West Street and
Kellogg Drive.
in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 39-285); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

see V-1558

Applicant William C. Rowe

Authorized Agent William C. Rowe

OFFICE USE ONLY:

Map No. 5246D Zoning: (N) E¹LC (S) E (E) LC (W) E CPO 4A 12-15

Received in Office of Secretary, Board of Zoning Appeals, 11-21, 19 88, together with appropriate fee of 30.00 (a.m./p.m.).

Signed Louise Alvarez

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688

RECEIVED

DEC 01 1988

METROPOLITAN PLANNING

ROUTE Jan

BZA 55-88

TRAVELERS INN

*Re-dest
12/1/88
-gem*

Hiway Apartments, Inc.
3900 W. Kellogg
Wichita, KS 67213

Important! Notice of Meeting Enclosed

TRA 00 123001A1 FWD TIME EXPD
:TRAVELERS INN
145 S MAIN
MOUNTAIN HOME AR 72653
RETURN TO SENDER

OWNERSHIP LIST

Legal Description	Property Owner
Lot 1, and the West 10 feet of Lot 2, and the East 5 feet of the West 15 feet of the North 136.53 feet of Lot 2, Parkway Addition, Wichita, Sedgwick County, Kansas.	City of Wichita 455 N. Main Wichita, Kansas 67202 <i>(Send to Steve Petrich Property Manager)</i>
The East 3 feet of the West 18 feet of the North 136.53 feet of Lot 2, Parkway Addition, Wichita, Sedgwick County, Kansas.	Jack R. Hunt Realtors Co. 321 E. William Suite 100 Wichita, Kansas 67202
The East 10 feet of the West 10 feet of Lot 2, except the North 136.53 feet; also the East 2 feet of the West 20 feet of the North 136.53 feet of Lot 2, Parkway Addition to Wichita, Sedgwick County, Kansas.	Hiway Inn, Inc. 3900 W. Kellogg Wichita, Kansas 67213
and Lot 2 except the West 20 feet and all of Lots 3, 4 & 5, Parkway Addition, Wichita, Sedgwick County Kansas, and West 1/2 vacated alley on East. <i>not included in application. Why not all of alley since it all came from Parkway Add.</i>	
Lot 6, Parkway Addition, Wichita, Sedgwick County, Kansas.	City of Wichita dup 455 N. Main Wichita, Kansas 67202
Lot 1, C.J. Lubbers Addition, Wichita, Sedgwick County, Kansas.	Clement Joseph Lubbers Mary Margaret Lubbers 540 S. Westfield Wichita, Kansas 67209
Lots 8, 9 & 10, Block 1, Eureka Gardens, Wichita, Sedgwick County, Kansas, except part taken for Highway.	James W. Thompson c/o Vern Lambertz Co. 812 N. Waco Wichita, Kansas 67213
Lot 18 Block 1 Eureka Gardens Addition Wichita, Sedgwick County, Kansas.	Fred N. Booher Ruby M. Booher 19822 W. Kellogg Dr. Wichita, Kansas 67052
Lot 19 " "	Patrick Orlin Heckman 557 S. Illinois Wichita, Kansas 67213
Lot 20 " "	Moore & Rapp, P.A. 313 S. Market Wichita, Kansas 67202
Lot 8 " "	dup Jack R. Hunt Realtors Co. 321 E. William Wichita, Kansas 67202
Lot 9 " "	Marlan T. Kirkland, Jr. Cynthia L. Kirkland 558 S. Illinois Wichita, Kansas 67213
Lot 10 " "	Hiway Apartments, Inc. 3900 W. Kellogg Wichita, Kansas 67213

Legal Description			Property Owner
Lot 18	Block 2	Eureka Gardens Addition, Wichita, Sedgwick County, Kansas.	Lottie A. Moody 555 S. Mc Comas Wichita, Kansas 67213
Lot 19	"	"	Erma W. Hallum 601 S. Mc Comas Wichita, Kansas 67213
Lot 20	"	"	Jack R. Hunt Realtors 321 E. William Wichita, Kansas 67202
Lots 21, 22 & 23 and $\frac{1}{2}$ vac alley on West	"	"	Jack R. Hunt Realtors 321 E. William Wichita, Kansas 67202
South 45 feet of Lot 26 and all of Lot 27, Block 2, Eureka Gardens Addition, Wichita, Sedgwick County, Kansas except the West one-half of vacated Mc Comas St.			City of Wichita 455 N. Main Wichita, Kansas 67202

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lots 2, 3, 4 and 5, Parkway Addition to
Wichita, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 17th day of November, 1988 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Gable

Sr. Vice-President

N: 00452

METROPOLITAN AREA PLANNING DEPARTMENT

Description City BZA application and 2 signs

Name Willie C's

Address 1320 E. Kellogg Dr. 67211

Fund No. (circle one) 755-40710-003 (fees) 755-40710-004
(books, xerox) 755-40710-026 (microfilm)

Amount 306.⁰⁰

Date 11-21-88 Due Date 11-22-88 By L.A.

Form 00-000

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 3