



Wichita-Sedgwick County Metropolitan Area Planning Department

March 27, 2012

Richard Carroll
PO Box 312
Vallecito, CA 95251

Dustan Frankhauser
1100 McAlpine Ave.
Kansas City, KS 66105

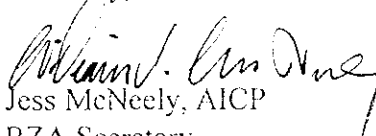
RE: BZA2012-10 – City variance request of the Sign Code to increase the size of a pole sign from 100 to 135 square feet in LC zoning (200 S. Rock Road).

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on March 27, 2012. This resolution reflects the official action of the Board, which was to deny the variance request. 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, AICP
BZA Secretary
Current Plans Division

cc: Rick Stubbs, Office of Central Inspections, 1-72
J R Cox Office of Central Inspection, 1-72
Pete Meitzner, WCC II Mailstop 1-13
Antione Sherfield, WCC II NA, Mailstop 1-135
John Germes, 8008 Lynwood, Wichita, KS 67207

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BZA RESOLUTION NO. BZA2012-10

WHEREAS, Richard Carroll (owner) Dustan Frankhauser (agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to Sec. 24.04.221 of the Sign Code to increase the size of a pole sign from 100 to 135 square feet for a restaurant; generally located east of Rock Road and north of Kellogg (200 S Rock Road).

BEG NW COR LOT 1 S 108.5 FT E 100 FT SE 23.62 FT E 183.3 FT N 125.2 FT W 300 FT TO
BEG BONNIE BRAE SECOND Addition, Wichita, Sedgwick County, Kansas.

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 March 27, 2012, 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 this property is not unique. The LC zoned application area has 108 feet of frontage along an arterial street and is therefore authorized a sign of up to 100 square feet for the one business on the site. Other properties in the immediate area are also zoned LC with similar sized lots and similar frontages.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance to increase the size of a monument sign would not adversely affect the rights of adjacent property owners. A 35% increase in sign size would most likely have no direct negative impact on adjacent property. The proposed sign is within the Sign Code 25-foot height limit, and therefore should have no impact on nearby residences.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the Sign Code would not constitute an unnecessary hardship upon the applicant. The applicant does not appear to have a sign visibility hardship that would require a variance for increased size. The applicant's letter states that the owner has already purchased the LED board, and would have a financial hardship if a new LED board were purchased. This is a self-created hardship, and is therefore not eligible for a variance. Also, the purpose of a variance (as stated in the variance application instructions provided to the applicant) is not for situations when complying with a particular code requirement is inconvenient or more expensive.

WHEREAS, the Board of Zoning Appeals has found that the requested variance to increase the size of a pole sign would most likely not directly impact the public interest. The requested 35% increase in sign size would not "adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare". However, approval of this variance could encourage surrounding property owners to seek increases in sign size, and the aggregate effect could impact the "harmonious development of the community" contrary to community established code limitations.

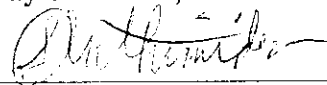
WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for increased sign size does oppose the general spirit and intent of the Sign Code. The Sign Code limits sign size based on street frontage, and makes a provision to ensure a minimum 100 square feet of signage. The spirit and intent of the sign code ensures adequate visibility and allows similarly zoned and sized lots similar sized signs.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are NOT found to be present for a variance to be granted.

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 Sec. 24.04.221 of the Sign Code to increase the size of a pole sign from 100 to 135 square feet for a restaurant; generally located east of Rock Road and north of Kellogg (200 S Rock Road), is DENIED.

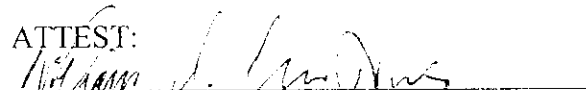
BEG NW COR LOT 1 S 108.5 FT E 100 FT SE 23.62 FT E 183.3 FT N 125.2 FT W 300 FT TO BEG BONNIE BRAE SECOND Addition, Wichita, Sedgwick County, Kansas.

ADOPTED AT WICHITA, KANSAS, this 27th Day of March, 2012.



BZA Board Chair, Steve Anthimides

ATTEST:



Jess McNeely, AICP
BZA Secretary