

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

subject to the following conditions:

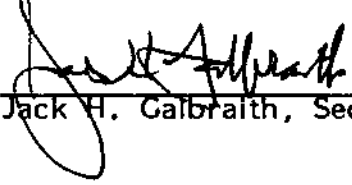
1. Only one pole sign shall be erected on Lot 2, Kensler Addition, and may not exceed 48 square feet in size.
2. The sign shall be placed at approximately the location shown on the site plan submitted with this application and dated February 16, 1988, EXCEPT that it shall not encroach the 10-foot contingent street dedication for Seneca.
3. Other than size, the pole sign shall comply with all other requirements for signs in the "BB" District, as specified in Section 28.04.139 of the Zoning Ordinance.

ADOPTED AT WICHITA, KANSAS, this 22nd day of March, 1988.



Danny E. Jenkins, President

ATTEST:



Jack H. Galbraith, Secretary

RESOLUTION NO. BZA 9-88

WHEREAS, Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted sign size from 32 square feet to 64 square feet (amended to 48 square feet) on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

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 22, 1988, 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 site is across the street from "LC" zoning, which can have signs of greater size than proposed, and the proposed medical facility requires maximum visibility so that the general public may be provided prompt medical treatment; 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 sign is to be located near the southeast corner of the lot, more than 100 feet from the nearest residence, which is to the north, and the property to the east is light commercial in use, while the property to the south is an institutional use; 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 will constitute unnecessary hardship upon the property owners represented in the application inasmuch as a 32 square-foot size limitation would require either the reduction of the size of letters below that needed for good visibility on a major arterial street or the deletion from the sign of the upper and lower portions of the cross, which is part of the logo of this church-affiliated medical center; and

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 the sign would not be permitted to encroach any street right-of-way (including contingent right-of-way) or utility easements; 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 the signs permitted in the "BB" District are generally for offices of a purely business nature, as opposed to a medical facility, which often has some need for immediate recognition by the public; 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 has 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 size of sign from 32 square feet to 48 square feet be approved on property zoned the "BB" Office District and legally described as follows:

WICHITA



BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

April 4, 1988

Joel M. Pollack
Affiliated Property Services, Inc.
1035 N. Emporia, Suite 140
Wichita, KS 67214

Re: BZA 9-88 - Variance to increase permitted sign size from 32
square feet to 48 square feet

Dear Mr. Pollack:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 22, 1988. This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Jack H. Galbraith
Secretary

JHG/jcm
Enclosure

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

FILE COPY

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance for sign size from 32 square feet to 48 square feet may not be opposed to the spirit and intent of the zoning ordinance inasmuch as the signs permitted in the "BB" district are generally for offices of a purely business nature as opposed to a medical facility which often has some need for immediate recognition by the public.

RECOMMENDATION: Should the Board determine that the sign variance from 32 to 48 square feet is appropriate for this site, it is recommended that the variance be approved subject to the following conditions:

1. Only one pole sign shall be erected on Lot 2, Kensler Addition and it may not exceed 48 square feet in size.
2. The sign shall be placed at approximately the location shown on the site plan submitted with this application and dated February 16, 1988, EXCEPT that it shall not encroach the 10-foot contingent street dedication for Seneca.
3. Other than size, the pole sign shall comply with all other requirements for signs in the "BB" District as specified in Section 28.04.139 of the Zoning Ordinance.

SECRETARY'S REPORT

CASE NUMBER: BZA 9-88

OWNER/APPLICANT/AGENT: Affiliated Property Services, Inc. (applicant)
Joel M. Pollack (agent)

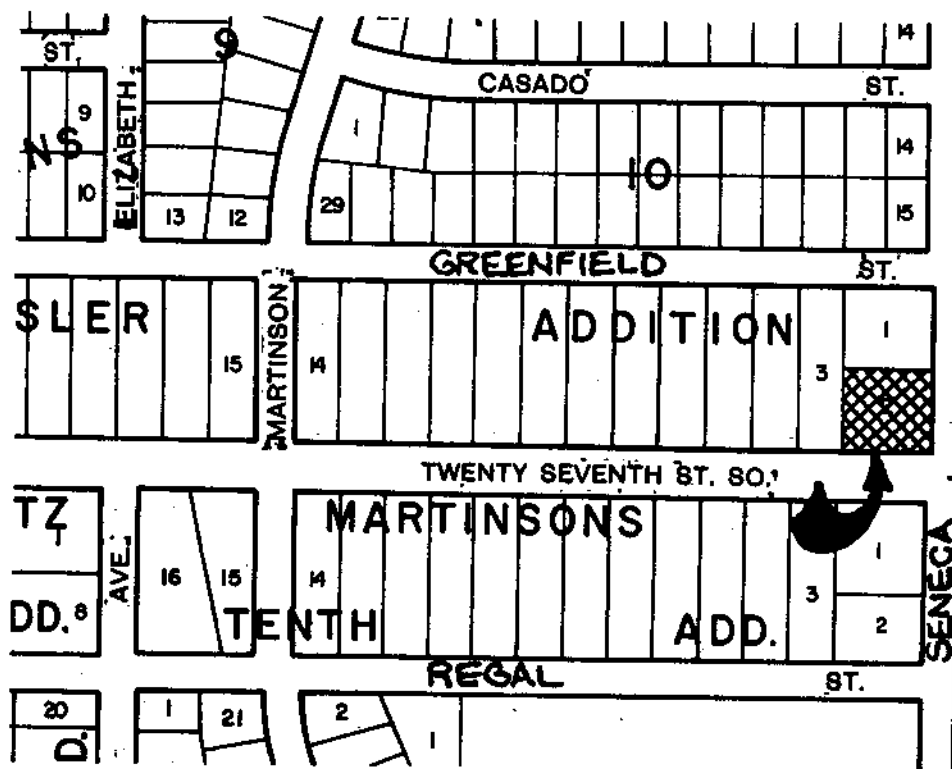
REQUEST: Variance to increase the permitted sign size from
32 square feet to 64 square feet

CURRENT ZONING: "BB" Office District

SITE SIZE: 133.2 feet by 140 feet (less 10-ft. contingent
dedication)

LOCATION: Northwest corner of Seneca and 27th Street South

PROPOSED USE: Family physician clinic with associated 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 applicant is requesting a variance to increase the size of a sign in the "BB" District from 32 square feet to 64 square feet. Only the portion of the sign which conveys the message is counted in the square foot calculation. Upon further review of the proposed sign, it appears that only 48 square feet of message area is proposed. The sign is for a family physician clinic which will also provide some minor emergency care. The sign is the same one utilized on other Med Center sites around town such as the one at 7150 East Harry. The overall height of 21½ feet is well within the 30-foot height limitation. Most of the east side of Seneca in this area is zoned "LC" which permits much greater signage than is permitted in the office district.

In 1968, when "BB" zoning was requested for this lot, an additional ten feet of right-of-way for Seneca was acquired contingent upon the need for the right-of-way for any street purpose. The owner may continue to use this 10-foot area until the dedication becomes effective. It is already paved for parking purposes. It is recommended, however, that no signs be placed within the 10-foot contingent dedication area. There is ample room on site to place the sign west of this ten-foot street dedication.

ADJACENT ZONING AND LAND USE:

NORTH	"BB"	One-family dwelling
SOUTH	"AA"	Church
EAST	"LC"	Service station
WEST	"AA"	One-family dwelling (parking lot requested)

UNIQUENESS: It is the opinion of staff that this property may be unique in that it is across the street from "LC" zoning which can have signs of greater size than proposed, and the proposed medical facility requires maximum visibility so that the general public may be provided prompt medical treatment.

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 is to be located near the southeast corner of the lot more than 100 feet from the nearest residence which is to the north and the property to the east is light commercial in use while the property to the south is an institutional use.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as a 32 square foot size limitation would require either the reduction of the size of letters below that needed for good visibility on a major arterial street or the deletion from the sign of the upper and lower portions of the cross which is part of the logo of this church-affiliated medical center.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the sign would not be permitted to encroach any street right-of-way (including contingent r.o.w.) or utility easements.