

PUBLIC INTEREST: It is the opinion of staff that the requested variance to a 70-foot-tall sign would adversely affect the public interest inasmuch as a 70-foot sign would not preserve the visual quality of the community and would create an excessive sign display.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance to a 70-foot-tall sign as requested would be opposed to the general spirit and intent of the sign ordinance inasmuch as one of the stated purposes of the sign code is to encourage signs which are harmonious to the buildings and sites which they occupy and a 70-foot-tall pole sign would not be harmonious with this two-story motel or its one-acre lot, nor would it be harmonious with the surrounding uses and signs.

RECOMMENDATION: Since all five conditions necessary to the granting of a variance cannot be found to exist, it is the recommendation of the Secretary that the variance to a 70-foot-tall sign be denied.

SECRETARY'S REPORT

CASE NUMBER: BZA 5-92

OWNER/APPLICANT/AGENT: Tahoe, Inc. (owner/applicant)  
Robert Patel (agent)

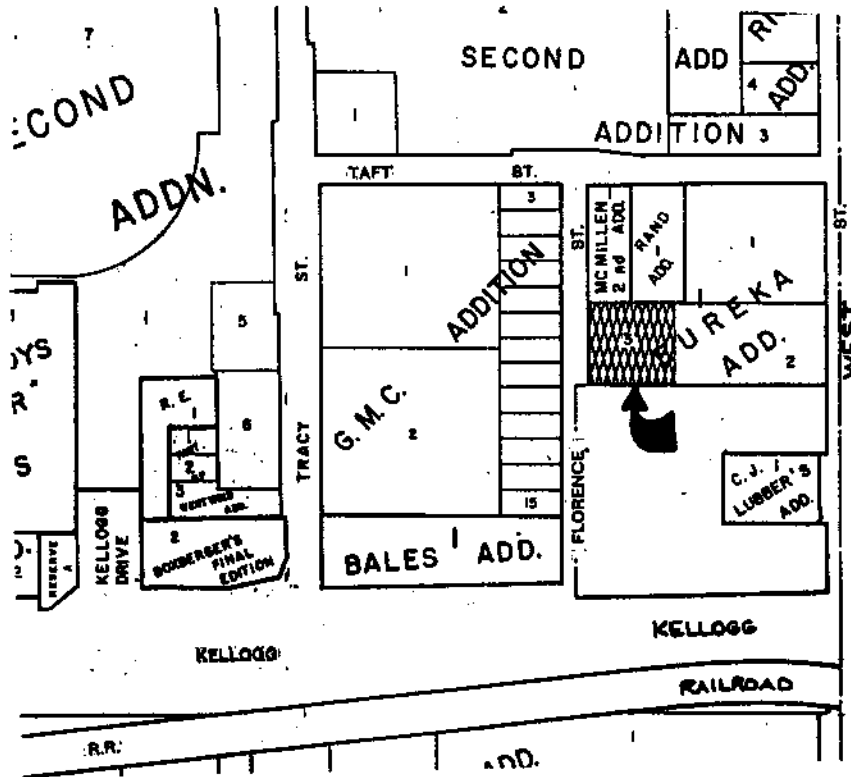
REQUEST: Variance to increase the height of a pole sign from 30 feet to 70 feet.

CURRENT ZONING: "E" Light Industrial District

SITE SIZE: 202 ft. x 210 ft.

LOCATION: East side of Florence between Taft and Kellogg (550 S. Florence).

PROPOSED USE: New sign for existing motel



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:** Tahoe, Inc., represented by Robert Patel, has recently purchased The Country Inn at 550 S. Florence. This is a small, two-story motel constructed about nine years ago. The site and all adjacent properties are in the "E" Light Industrial zoning district. The site has never had good visibility or good access from Kellogg, but the applicant believes that the Kellogg/West Street intersection improvements made a few years ago, which resulted in the elevation of Kellogg over West Street to a height of 25 feet, have made identification of this motel even more difficult. The motel is located approximately 700 feet north of the centerline of Kellogg, a distance equivalent to one downtown city block measured north-south or two downtown city blocks measured east-west.

The existing motel sign is approximately 30 feet tall and is constructed mostly of wood with the name of the motel above and a small reader board message area below. Mr. Patel has stated that this motel has just recently become associated with the Days Inn motel chain and will be needing to install a new sign. The face of a sign can be completely changed without requiring compliance with the new sign code height and size limitations, provided the same framework is used. However, if the existing sign frame is altered, as proposed in this case, the new sign must comply with all height and size regulations of the new sign code, adopted in May 1990. This sign code permits two 25-foot-tall pole signs or one 30-foot-tall pole sign on this property.

Mr. Patel has stated he tried to find a nearby off-site location closer to Kellogg where he could erect a motel sign, but apparently this mile already has the maximum number of off-site signs allowed. He engaged Ed Dunn and Sons sign company to determine the height of sign necessary to achieve visibility from a far enough distance to allow exiting from Kellogg before coming to the West Street overpass. Gary Dunn stated in a letter and phone conversation that a sign height of 70 feet is necessary for westbound traffic visibility at the Kellogg exit east of West Street. He stated the sign could be about 8 feet lower and still be visible to eastbound traffic at the exit west of West Street. Because the motel is so far north of Kellogg, its view from Kellogg is blocked by numerous buildings and two large billboards.

The applicant is wanting Kellogg visibility of a sign which would be located a one-fourth mile straight sight distance from the exit and at a 30° angle to the left of eastbound travelers. The exit for westbound travelers is one-half mile from the sign location and the line of sight crosses numerous houses, apartment buildings, commercial buildings, trees and signs.

Purposes of the sign regulations stated in Section 28.04.020 of the sign ordinance include, among others: ".... to encourage signs which, by their location and design, are harmonious to the buildings and sites they occupy, and which eliminate excessive and confusing sign

displays; to provide an opportunity to achieve a reasonable balance between the need of the sign and outdoor advertising industries while improving and preserving the visual qualities of the community; ...." It is the opinion of the Secretary that a 70-foot-tall sign on the application area would not be in harmony with other nearby signs or with the application site itself, nor would it preserve or improve the visual quality of the community. The hardship was created by the original owner/developer of the motel who chose to build a highway-oriented use at a location which, even prior to construction of the West Street overpass, did not have good access to or visibility from Kellogg, the major street in the area. Although the sign ordinance speaks of achieving a reasonable balance between the need for advertising and the need to preserve visual quality, the main issue here is whether or not Lot 3, Eureka Addition, whose sole frontage is on Florence, has any right to "advertise" to Kellogg traffic, unless such advertisement is a coincidental result of the advertisement needed and provided on Florence. Being associated with a national motel chain will be beneficial to this motel, as it can utilize the motel chain's directory as a means of informing guests of its location and how it can be accessed. It was suggested to the applicant that he contact the Kansas Department of Transportation to discuss the possibility of having a small motel logo on Kellogg/West intersection exit signs.

ADJACENT ZONING AND LAND USE:

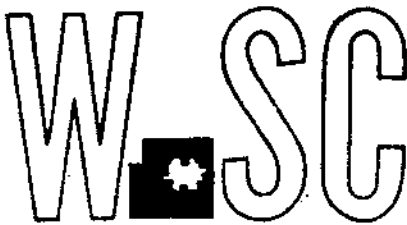
NORTH	"E"	Rand Graphics
SOUTH	"E"	Sauder-Lygrisse GMC truck sales
EAST	"E"	Red Lobster Restaurant
WEST	"E"	K-Mart

UNIQUENESS: It is the opinion of staff that this property is not unique for a one-acre, industrially-zoned lot on a local industrial street, but may have some degree of uniqueness in the fact that it is developed with a highway-oriented use, although it does not have good access or visibility from the highway.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance to a 70-foot-tall sign as requested will adversely affect the rights of adjacent property owners inasmuch as a 70-foot sign will be substantially taller than other signs in the area, and will attract attention away from other signs.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute a hardship upon the applicant inasmuch as a 30-foot-tall sign is not tall enough to provide visibility from Kellogg, which is the main traffic artery in this area; however, the hardship was created by a former owner who chose to develop a motel at this location without good highway visibility or access and the applicant should have been aware of the sign code requirements when he purchased the property.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4421

April 9, 1992

Robert Patel  
Tahoe, Inc.  
550 S. Florence  
Wichita, KS 67209

Re: [REDACTED] - Variance to increase the height of a pole sign  
and  
BZA 6-92 - Variance to increase the size of a pole sign  
at 550 S. Florence

Dear Mr. Patel:

Enclosed are signed copies of the above-referenced BZA resolutions adopted by the Board of Zoning Appeals on March 31, 1992. These resolutions reflect the official action of the Board and set out the conditions of approval. They are being forwarded to you for your information and files.

Please contact the City's Office of Central Inspection (phone 268-4479) to obtain a sign permit before installing your sign. If I can be of assistance, please let me know.

Sincerely,

*Louise Olivarez*  
Louise Olivarez, Secretary  
Board of Zoning Appeals

LO:jcm  
Enclosure

cc: Paul Hays, OCI  
J.R. Cox, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk



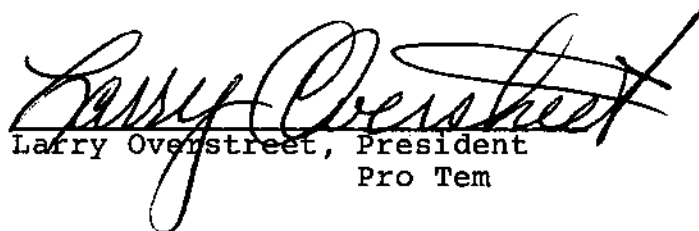
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the height of a pole sign from 30 feet to 70 feet on property zoned the "E" Light Industrial District and legally described as follows:

Lot 3, Block 1, Eureka Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Florence between Taft & Kellogg (550 S. Florence).

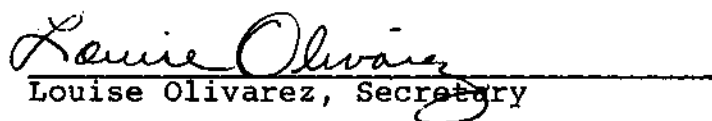
be denied, but that a variance to increase the height of a pole sign from 30 feet to 45 feet on this same property be approved, subject to the following conditions:

1. The applicant shall obtain a sign permit from the City prior to installation of the sign;
2. The applicant shall comply with all applicable codes regarding installation and maintenance of the sign;
3. The applicant shall install on the application area a pole sign of the height approved by the Board within one year (by March 31, 1993), or the resolution authorizing this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 31st day of March, 1992.

  
Larry Overstreet, President  
Pro Tem

ATTEST:

  
Louise Olivarez, Secretary

BZA RESOLUTION NO. 5-92

WHEREAS, Tahoe, Inc., 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 30 feet to 70 feet on property zoned the "E" Light Industrial District and legally described as follows:

Lot 3, Block 1, Eureka Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Florence between Taft & Kellogg (550 S. Florence).

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 31, 1992, 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 unique in that it is located on a street which is only one block long in the middle of an industrially-zoned area with limited access to its market; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance to a 70-foot-tall sign as requested will adversely affect the rights of adjacent property owners or residents inasmuch as a 70-foot sign will be substantially taller than other signs in the area, and will attract attention away from other signs, but the Board of Zoning Appeals has found that the granting of a variance to a 45-foot-tall sign will not adversely affect the rights of adjacent property owners inasmuch as a 45-foot-tall sign will be no taller than adjacent signs; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 24 (Sign Ordinance) of which variance is requested may constitute unnecessary hardship upon the property owners represented in the application inasmuch as a 30-foot-tall sign is hidden by the Kellogg "flyover" and by other signs; and

WHEREAS, the Board of Zoning Appeals has found that the requested variance to a 70-foot-tall sign would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that a 70-foot sign would set a precedent for unusually tall signs, but the Board of Zoning Appeals has found that the granting of a variance to a 45-foot-tall sign would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that a 45-foot-tall sign would not set a precedent as there are many others of this height in the area; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance to a 70-foot-tall sign as requested would be opposed to the general spirit and intent of Title 24 (Sign Ordinance) inasmuch as one of the stated purposes of the sign code is to encourage signs which are harmonious to the buildings and sites which they occupy and a 70-foot-tall pole sign would not be harmonious with this two-story motel or its one-acre lot, nor would it be harmonious with the surrounding uses and signs, but the Board of Zoning Appeals has found that the granting of a variance to a 45-foot-tall sign would not be opposed to the general spirit and intent of Title 24 inasmuch as a 45-foot-tall sign would be harmonious with the size of this motel property and with the surrounding uses and signs; and

WHEREAS, all five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted cannot be found to exist for a 70-foot-tall sign, but can be found to exist for a 45-foot-tall sign,