

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

November 21, 1996

Robert D. Love
Love Box Company, Inc.
P.O. Box 546
Wichita, Kansas 67201

RE: BZA 27-96 - Variance to increase the height of a sign from 35 feet to 45 feet and generally located on the northeast corner of 37th Street North and North Broadway Drive (410 E. 37th Street North)

Dear Mr. Love:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on November 19, 1996. This resolution reflect 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure

LPM/sah

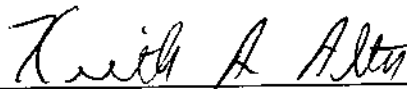
cc: Newell K. Hill, P.O. Box 546, Wichita, Kansas 67201
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

Beginning 111.34 feet east and 35 feet north of the southwest corner, Southwest Quarter, thence east 350.05 feet, thence north to the south line of Floodway, thence southwest to a point north of beginning, thence south to beginning; Section 28, Township 26 South, Range 1 East, Wichita, Sedgwick County, Kansas.

subject to the following conditions:

1. The pole sign shall be constructed substantially in compliance with the elevation drawing and site location drawing as submitted with this application.
2. Only one pole sign shall be raised to 45 feet and it shall be raised within one year or the resolution granting this variance shall become null and void.
3. The applicant shall remove the existing roof sign indicated on the site plan submitted with this application at the same time that the existing 35 foot pole sign is increased to the height of 45 feet.
4. This variance authorizing a taller pole sign may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions of approval.

ADOPTED AT WICHITA, KANSAS, this 19th day of November, 1996.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 27-96

WHEREAS, Robert D. Love of the Love Box Company pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of a sign from 35 feet to 45 feet on property zoned "GI" General Industrial and legally described as follows:

Beginning 111.34 feet east and 35 feet north of the southwest corner, Southwest Quarter, thence east 350.05 feet, thence north to the south line of Floodway, thence southwest to a point north of beginning, thence south to beginning; Section 28, Township 26 South, Range 1 East, Wichita, Sedgwick County, Kansas (410 E. 37th Street North).

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 November 19, 1996, 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 owners or the applicant inasmuch as there are nearby elevated structures and unusually low terrain in the area of the sign which obstructs vision of a 35-foot-tall sign; 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 surrounding property is primarily industrial and railroad right-of-way and there are no signs on surrounding property that would be obstructed if the existing pole sign is raised an additional ten feet in height; and

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 inasmuch as at its current height the sign is not visible from adjacent streets; 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, inasmuch as the surrounding land uses are primarily industrial and no adjoining property owners have expressed opposition to the proposed variance; 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 the zoning ordinance inasmuch as the intent is to provide adequate but not excessive signage for all properties; 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 be approved for a variance to increase the height of a sign from 35 feet to 45 feet on property zoned "GI" General Industrial and legally described as follows:

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as at its current height the sign is not visible from adjacent streets.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the surrounding land uses are primarily industrial and no adjoining property owners have expressed opposition to the proposed variance.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations inasmuch as the intent is to provide adequate but not excessive signage for all properties.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. The pole sign shall be constructed substantially in compliance with the elevation drawing and site location drawing as submitted with this application.
2. Only one pole sign shall be raised to 45 feet within one year or the resolution granting this variance shall become null and void.
3. The applicant shall remove the existing roof sign indicated on the site plan submitted with this application at the same time that the existing 35 foot pole sign is increased to the height of 45 feet.
4. This variance authorizing a taller pole sign may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions of approval.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. _____
November 19, 1996

SECRETARY'S REPORT

CASE NUMBER: BZA 27-96

OWNER/APPLICANT: Robert D. Love; Love Box Company

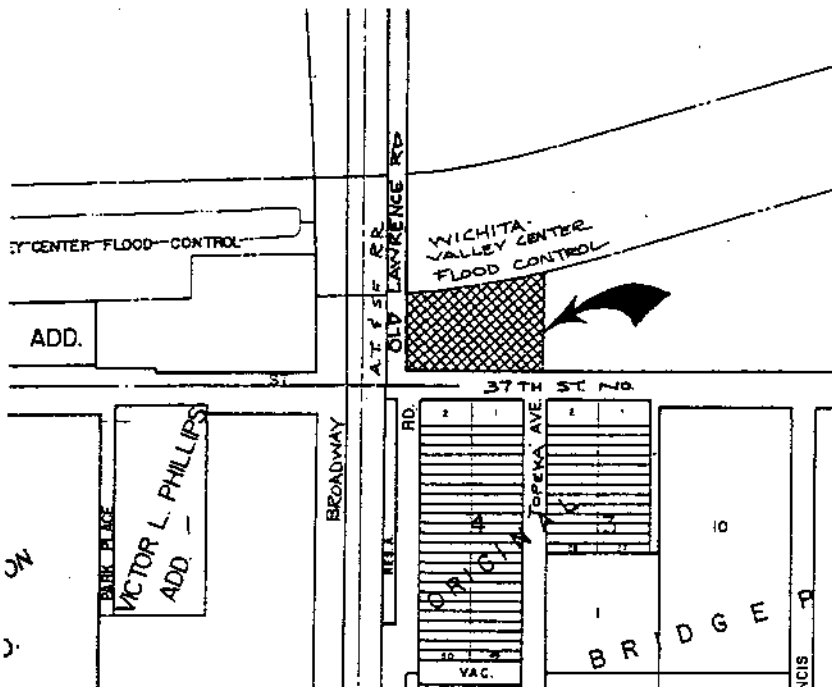
AGENT: Newell K. Hill

REQUEST: Variance to increase the height of a sign from 35' to 45'

CURRENT ZONING: "GI" General Industrial

SITE SIZE: 5.4 acres

LOCATION: Northeast corner of 37th Street North and North Broadway Drive (410 E. 37th N.)



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: The applicant, Love Box Company, is operating at 410 E. 37th Street North. The site has 800 feet of frontage on 37th Street North, and 198 feet of frontage on Old Lawrence Road with visibility from Broadway. An existing pole sign in the southwest corner of the site is presently 35-feet tall and 219 square feet in size.

The applicant is requesting to increase the height of the current sign at its present location to 45 feet. The current sign code limits pole signs to 25 feet in height, but permits an increase in height of 5 feet for each sign that is allowed but not utilized along a street frontage. This method does not permit any pole sign to exceed a height of 35 feet. The applicant's site has 800 feet of street frontage on 37th Street North. Therefore, 5 pole signs of 25 feet in height with the required 150 feet of separation could be placed along the frontage, but the applicant has given up the rights to two future signs to allow the existing sign to be at 35 feet in height. It is the contention of the applicant that due to the unusually low elevation of the property and other pre-existing features of the terrain, the current 35 foot sign is too low for good visibility. Along 37th Street North on the south side of the pole sign, a row of relatively young trees are beginning to obscure the sign at its present height. Along Broadway on the north side of the sign, a bridge abutment covers the lower portion of the sign, obstructing the view of the sign from the north.

The applicant has offered to remove a roof sign which is presently over the west side of the building, if the requested variance is granted. This sign measures approximately 5 feet by 7 feet and is approximately 29 feet above ground level.

ADJACENT ZONING AND LAND USE:

NORTH	"GI" Wichita-Valley Center Flood Control
SOUTH	"GI" Automobile body shop
EAST	"GI" Love Box Manufacturing
WEST	"GI" Railroad tracks

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as there are nearby elevated structures and unusually low terrain in the area of the sign which obstructs vision of a 35-foot-tall sign.

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 surrounding property is primarily industrial and railroad right-of-way and there are no signs on surrounding property that would be obstructed if the existing pole sign is raised an additional ten feet in height.