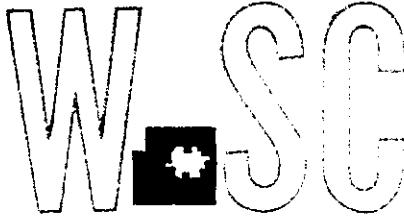


WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

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

June 25, 1997

Taco Grande, Inc.  
P.O. Box 780066  
Wichita, KS 67278-0066

**RE: BZA 10-97 - Variance to increase the size of a sign from 32 square feet to 100 square feet on property zoned "GO" General Office and generally located on the southwest corner of Oliver and Morris**

Dear Sirs:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on June 24, 1997. 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.

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, Secretary  
Board of Zoning Appeals

LPM/sah

cc: John Lay, George Lay Signs, Inc., 1016 N. Waco, Wichita, KS 67203  
J. R. Cox, OCI  
Paul Hays, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk  
Yolanda Anderson, MAPC (resolution only)

## **BZA RESOLUTION NO. 10-97**

**WHEREAS**, Taco Grande, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a sign from 32 square feet to 100 square feet on property zoned "GO" General Office and legally described as follows:

Lot 1, except the south 76.35 feet thereof, Taco Grande Addition,  
Wichita, Sedgwick County, Kansas. Generally located Southwest corner  
of Oliver and Morris (801 S. Oliver).

**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 June 24, 1997, 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 the site is located within two different zoning districts, yet it is being developed with a single use; 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 residential property to the north, which is impacted by the signs location, is owned by the applicant and is separated from the site by a public street right-of-way; 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 the size of the site with the proposed use somewhat limits the location of signage on the site. If the sign were to be located within the zoning "LC" zoning on the site, the service isles would have to be relocated or reduced in number; 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 sign will not extend into any public right-of-way or 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 the zoning ordinance inasmuch as a 100 square foot sign at this location would not be excessive and would harmonize with the scale of signage in the general area.

**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 size of a sign from 32 square feet to 100 square feet on property zoned "GO" General Office and legally described as follows:

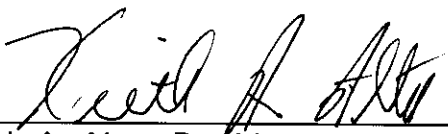
Lot 1, except the south 76.35 feet thereof, Taco Grande Addition,

Wichita, Sedgwick County, Kansas.

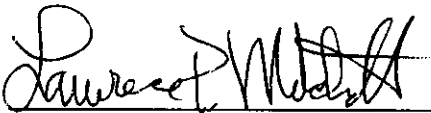
subject to the following conditions:

1. Prior to installing the proposed sign the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless another variance is granted by the Board, except that the size of the sign may be up to 100 square feet.
2. The applicant shall continue to use and maintain the north 30 feet of the site as a landscaped area to buffer the site from the residential property to the north.
3. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.
4. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application.
5. The sign shall be installed within one year or the resolution granting this variance shall become null and void.
6. This variance authorizing a larger 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 24th day of June, 1997.

  
\_\_\_\_\_  
Keith A. Alter, President

ATTEST:

  
\_\_\_\_\_  
Lawrence P. Mitchell, Secretary

BOARD OF ZONING APPEALS  
WICHITA, KANSAS

AGENDA ITEM NO. 4  
June 24, 1997

**SECRETARY'S REPORT**

CASE NUMBER: BZA 10-97

OWNER/APPLICANT: Taco Grande, Inc.

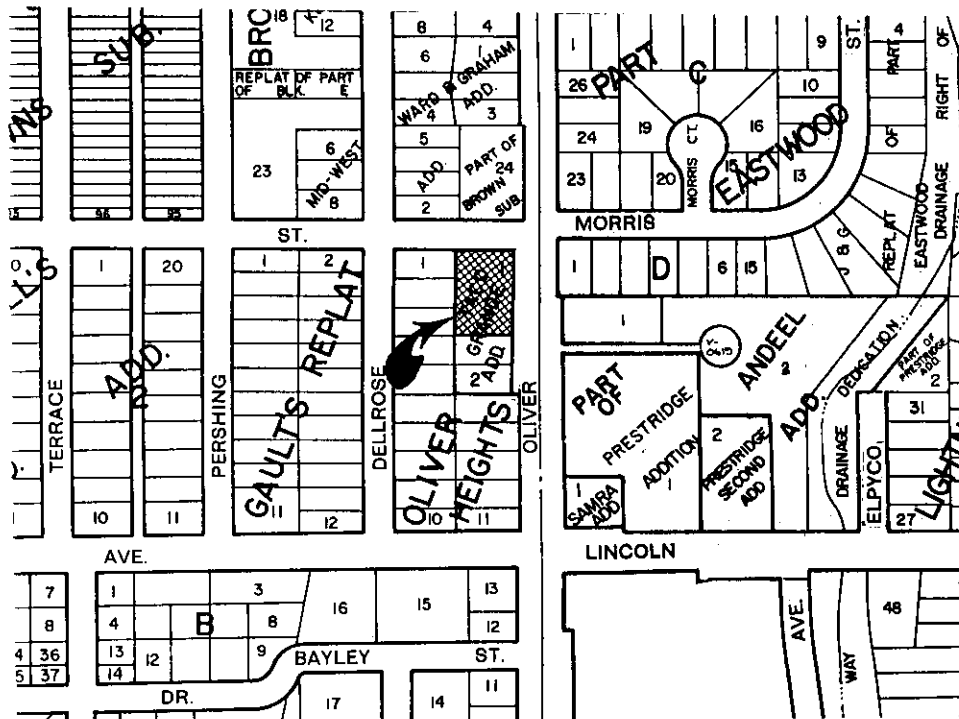
AGENT: John Lay, George Lay Signs Inc.

REQUEST: Variance to increase the size of a sign from 32 square feet to 100 square feet.

CURRENT ZONING: "GO" General Office

SITE SIZE: 0.48 acres

LOCATION: Southwest corner of Oliver and Morris (801 S. Oliver)



**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, Taco Grande, Inc., is developing the southwest corner of Oliver and Morris with a convenience store. The applicants site, 172.65' x 122', is zoned "LC" Limited Commercial except for the north 30 feet which is zoned "GO" General Office. The unique zoning pattern on this ownership was established in 1988 when the applicant requested a zoning change from "GO" to "LC" for the entire ownership. The request was granted, except the north 30 feet was retained as "GO" to buffer the site from the residential property to the north.

The applicant has indicated that due to layout of the site as necessitated by the positioning of the fuel tanks, canopy and pumps, the sign for the business should be located within the north 30 feet of the site. This places the proposed sign in the "GO" district which is more restrictive in the size and height of signs than the "LC" district. The sign code limits signs in the "GO" district to a maximum sign area of 32 square feet, on a single-tenant zoning lot, at a height not to exceed 22 feet. Therefore, the applicant is requesting an increase in the size of a pole sign from 32 square feet to 100 square feet within the "GO" district. If the sign was located on the "LC" portion of the applicant's site adjacent to Oliver, it could be up to 100 square feet in area and 25 feet in height.

The Planning Department would like to note for the record that we believe the number of separate messages proposed on this sign for a single business, despite it's varied products, is totally unnecessary and contrary to the spirit and intent of the sign ordinance. However, this same sign would be allowed just 20 feet further south. We hope that this type of signage can be prohibited in future amendments to the ordinance.

**ADJACENT ZONING AND LAND USE:**

|       |        |                                      |
|-------|--------|--------------------------------------|
| NORTH | "TF-3" | Single-Family Homes                  |
| SOUTH | "LC"   | Office (Corporate and Insurance)     |
| EAST  | "LC"   | Office (Family Psychological Center) |
| WEST  | "TF-3" | Single-Family Homes                  |

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the site is located within two different zoning districts, yet it is being developed with a single use.

**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 residential property to the north, which is impacted by the signs location, is owned by the applicant and is separated from the site by a public street right-of-way.

**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 the size of the site with the proposed use somewhat limits the location of signage on the site. If the sign were to be located within the zoning "LC" zoning on the site, the service isles would have to be relocated or reduced in number.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the sign will not extend into any public right-of-way or easements.

**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 a 100 square foot sign at this location would not be excessive and would harmonize with the scale of signage in the general area.

**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. Prior to installing the proposed sign the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless another variance is granted by the Board, except that the size of the sign may be up to 100 square feet.
2. The applicant shall continue to use and maintain the north 30 feet of the site as a landscaped area to buffer the site from the residential property to the north.
3. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.
4. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application.
5. The sign shall be installed within one year or the resolution granting this variance shall become null and void.
6. This variance authorizing a larger 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.

