



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

April 30, 2004

Rodney Steven
Genesis Health Club
6100 E. Central #3
Wichita, KS 67208

RE: BZA2004-00022 – Variance to increase the maximum square footage of a building sign from 68 square feet to 264 square feet on property zoned “GO” General Office. Generally located north of Central and east of Socora. (District V)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on April 27, 2004, this resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. 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,

A handwritten signature in black ink, appearing to read 'Scott Knebel'.

Scott Knebel
Senior Planner

SK/rs

Cc: Greg Ferris, Ferris Consulting, P O Box 573, Wichita, KS 67201
Bob Martz, WCC, District V, Mail Stop 1-13
Sharon Dickgrafe, Law Department, Mail Stop 1-132
Herb Shaner, OCI, Mail Stop 1-72
Kurt Schroeder, OCI, Mail Stop 1-72

BZA RESOLUTION NO. 2004-00022

WHEREAS, Genesis Health Club c/o Rodney Steven (Owner); Ferris Consulting, c/o Greg Ferris; pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to increase the maximum square footage of a building sign from 68 square feet to 264 square feet on property zoned "GO" General Office legally described as follows:

Lots 3, 4 and 5 and that part of Lot 1 beginning at the Southwest corner of Lot 3; thence east 197.54 feet; thence Northeast 214.01 feet along the Southeasterly line of Lot 5; thence East 171.21 feet; thence Southeast 119 feet; thence South 335.24 feet to a curve; thence along said curve 160.06 feet; thence west 425.44 feet; thence North 54 feet; thence East 11 feet; thence North 141 feet; thence East 19 feet; thence North 31 feet; thence West 288.73 feet more or less to the West line; thence North 52.61 feet; thence East 119.99 feet; thence North 150 feet to beginning, Tyler Acres Sixth Addition, an Addition to Sedgwick County, Kansas. Generally located north of Central and east of Socora. (854 N. Socora)

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 April 27, 2004, 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. It is the opinion of the Board that this property is unique, inasmuch as the property is located off of the major roadway and is positioned behind other buildings which shield the fitness center. Further this use was formerly associated with Via Christi which has offices on Central, providing an identity for the fitness center on Central. Now that the fitness center is not part of Via Christi, the fitness center is in a somewhat unique location, hidden by Via Christi's offices.

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. It is the opinion of the Board that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as adjacent properties are constructed with similar office type buildings or are residential uses which cannot see the proposed signage.

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. It is the opinion of the Board that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as the facility is not readily identified from Central. There are other buildings in the area of similar scale and appearance. The fitness center is located behind these other buildings. Additional signage would make it easier to locate the fitness center.

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. It is the opinion of the Board that the requested variance would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale, and has minimal lighting.

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. It is the opinion of the Board that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as the signage will make it easier for customers to locate the facility and reasonably balances the need for the sign with the preservation of the visual qualities of the community.

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.

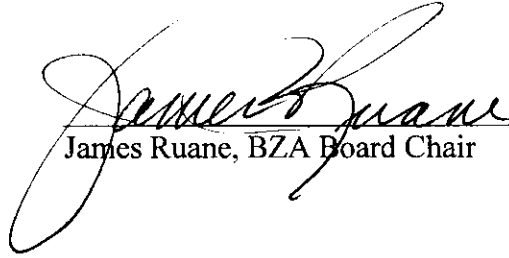
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that a variance be granted to increase the maximum square footage of a building sign from 68 square feet to 264 square feet on property zoned "GO" General Office legally described as follows:

Lots 3, 4 and 5 and that part of Lot 1 beginning at the Southwest corner of Lot 3; thence east 197.54 feet; thence Northeast 214.01 feet along the Southeasterly line of Lot 5; thence East 171.21 feet; thence Southeast 119 feet; thence South 335.24 feet to a curve; thence along said curve 160.06 feet; thence west 425.44 feet; thence North 54 feet; thence East 11 feet; thence North 141 feet; thence East 19 feet; thence North 31 feet; thence West 288.73 feet more or less to the West line; thence North 52.61 feet; thence East 119.99 feet; thence North 150 feet to beginning, Tyler Acres Sixth Addition, an Addition to Sedgwick County, Kansas. Generally located north of Central and east of Socora. (854 N. Socora)

The variance is hereby GRANTED, subject to the following conditions:

1. Signage on the subject property shall conform with the Sign Code and variances granted by BZA Resolution No. 2000-00001, except that the 68 square-foot building sign permitted by BZA Resolution No. 2000-00001 shall be permitted to be a maximum of 264 square feet in area.
2. Within 30 days of the granting of the variance, the applicant shall obtain a permit from the Office of Central Inspection for the sign permitted by this variance, including paying a double permit fee as required by the Sign Code for failing to obtain the appropriate permit prior to installing the sign.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 27th DAY of APRIL, 2004.


James Ruane, BZA Board Chair

ATTEST:


Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2004-00022

OWNER/APPLICANT: Genesis Health Clubs c/o Rodney Steven

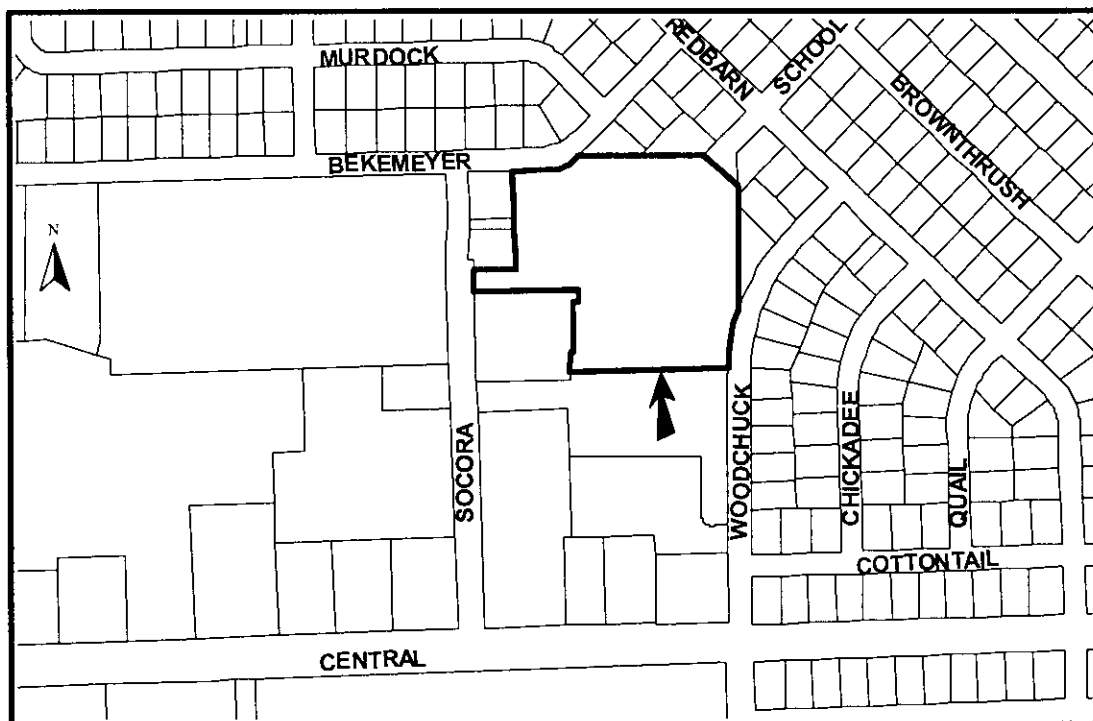
AGENT: Ferris Consulting c/o Greg Ferris

REQUEST: Variance to increase the maximum square footage of a building sign from 68 square feet to 264 square feet.

CURRENT ZONING: "GO" General Office

SITE SIZE: 7.17 Acres

LOCATION: North of Central and east of Socora (854 N. Socora)



JURISTITION: 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 Board granted sign variances (BZA2000-00001) for the subject property on March 28, 2000. One variance allowed a building sign with a maximum square footage of 68 square feet, which the applicant installed on the building. The applicant recently requested a sign permit to replace the 68 square-foot building sign with a 264 square-foot building sign. The request for the sign permit was denied because the proposed building sign exceeded the size permitted by the variance. The applicant subsequently installed the 264 square-foot building without a permit, and the existing "Genesis Health Clubs" sign on the building (see attached photograph) is illegal. Therefore, the applicant has requested a variance to allow the illegally-installed sign to remain and has submitted the attached letter dated March 20, 2004, that addresses how the request meets the criteria for granting a variance.

The facility currently has two directional signs. One is located on Central and the other is located on Socora. Even with these two signs, it is somewhat difficult to locate the correct building due to the fitness center's location and the proximity of the other office buildings located adjacent to the site.

The surrounding uses are mixed in nature and include residential, institutional, and office uses on property zoned "SF-5" and "GO". The uses facing the side of the building on which the sign is located are all non-residential. The residences are located on the rear and side of the fitness center and are not be able to see the sign.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-5"	Single-family residential
SOUTH	"GO"	Medical offices
EAST	"SF-5"	Single-family residential
WEST	"SF-5"	Church

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is located off of the major roadway and is positioned behind other buildings which shield the fitness center. Further this use was formerly associated with Via Christi which has offices on Central, providing an identity for the fitness center on Central. Now that the fitness center is not part of Via Christi, the fitness center is in a somewhat unique location, hidden by Via Christi's offices.

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 adjacent properties are constructed with similar office type buildings or are residential uses which cannot see the proposed signage.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as the facility is not readily identified from Central. There are other buildings in the area of

similar scale and appearance. The fitness center is located behind these other buildings. Additional signage would make it easier to locate the fitness center.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale, and has minimal lighting.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as the signage will make it easier for customers to locate the facility and reasonably balances the need for the sign with the preservation of the visual qualities of the community.

RECOMMENDATION: It is staff's opinion that the additional signage is appropriate for a building located on an interior lot that more than 900 feet away from Central. Should the Board determine that conditions necessary to the granting of the variance exist, then it is the recommendation of the Secretary that the variance to increase the maximum square footage of a building sign from 68 square feet to 264 square feet be GRANTED, subject to the following conditions:

1. Signage on the subject property shall conform with the Sign Code and variances granted by BZA Resolution No. 2000-00001, except that the 68 square-foot building sign permitted by BZA Resolution No. 2000-00001 shall be permitted to be a maximum of 264 square feet in area.
2. Within 30 days of the granting of the variance, the applicant shall obtain a permit from the Office of Central Inspection for the sign permitted by this variance, including paying a double permit fee as required by the Sign Code for failing to obtain the appropriate permit prior to installing the sign.
3. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.