



FILE COPY

**Wichita-Sedgwick County Metropolitan Area Planning Department**

September 27, 2000

Newman University  
%Mark Dresselhaus  
3100 McCormick  
Wichita, KS 67213

**RE: BZA 2000-00034 – 1) Variance to increase the maximum area of a building sign from 48 square feet to 132.5 square feet; and 2) Variance to increase the maximum height of a building sign from 20 feet to 30 feet in overall height. Generally located north of McCormick and east of Sheridan (3100 W. McCormick).**

Dear Mr. Dresselhaus:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on September 26, 2000, 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,

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

Scott Knebel  
BZA Assistant Secretary

SK/rs

Cc: Boggs Sign Co., %Ray Katzer, and Larry Boggs, 319 S. Oak, Wichita, KS  
67213  
Brian W., Silcott, DAB District IV, Mail Stop 1-135  
Bill Gale, City Council Member District IV, Mail Stop 1-13  
J.R. Cox, Office of Central Inspection, Mail Stop 1-72

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**BZA RESOLUTION NO. 2000-00034**

**WHEREAS**, Newman University, c/o Mark Dresselhaus (Owner/Applicant) Boggs Sign Co., c/o Ray Katzer (Agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a 1) A variance to increase the maximum area of a building sign from 48 square feet to 132.5 square feet; and 2) A variance to increase the maximum height of a building sign from 20 feet to 30 feet in overall height on property zoned "B" Multi-Family Residential legally described as follows:

Odd Lots 1 thru 31, inclusive, on vacated Custer Street and Even Lots 4 thru 36, inclusive, on vacated Custer Street and Odd Lots 1 thru 35, inclusive, on Chase Street, in Crystal Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located north of McCormick and east of Sheridan (3100 W. McCormick).

**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 September 26, 2000, 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. It is the opinion of staff that this property is unique, inasmuch as the property is located along a major expressway with high traffic speeds and is partially blocked from view by a freeway overpass. Further, the proposed identification sign is for an entire university campus rather than just for the building to which it would be attached. The Newman University campus comprises over 80 acres with almost 2,000 feet of frontage along Kellogg, which is a much larger scale development than is typically found in the "B" Multi-Family zoning district.

**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 staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the view of the sign will be either obstructed by the Kellogg overpass or will be an indirect side view from properties approximately 1,000 feet away.

**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 staff that the strict application of the provisions of the zoning regulation will constitute an unnecessary hardship upon the applicant, inasmuch as the facility is not readily identified from Kellogg, especially when traveling westbound over the K-42 overpass, and the identification sign proposed is for an entire university campus rather than just the building to which it would be attached.

**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 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.

**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 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 to locate the facility.

**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 1) A variance to increase the maximum area of a building sign from 48 square feet to 132.5 square feet; and 2) A variance to increase the maximum height of a building sign from 20 feet to 30 feet in overall height on property zoned "B" Multi-Family Residential and legally described as follows:

Odd Lots 1 thru 31, inclusive, on vacated Custer Street and Even Lots 4 thru 36, inclusive, on vacated Custer Street and Odd Lots 1 thru 35, inclusive, on Chase Street, in Crystal Addition to Wichita, Kansas, Sedgwick County, Kansas. Generally located north of McCormick and east of Sheridan (3100 W. McCormick).

**RECOMMENDATION:** It is staff's opinion that the signage requested would be appropriate for identification of a large university campus. Should the Board determine that conditions necessary to the granting of the variance exist, then it is the recommendation of the Secretary that the variances to increase the size and height of the sign be GRANTED, subject to the following conditions:

1. The sign shall be placed in a location that is in substantial conformance with those shown on the attachments submitted with this application.
2. The sign shall be limited to 132.5 square feet in area and 30 feet in overall height.
3. The applicant shall obtain all permits necessary to construct the sign and the sign shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
4. 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.

**SECRETARY'S REPORT**

CASE NUMBER: BZA2000-00034

OWNER/APPLICANT: Newman University c/o Mark Dresselhaus

AGENT: Boggs Sign Co. c/o Ray Katzer

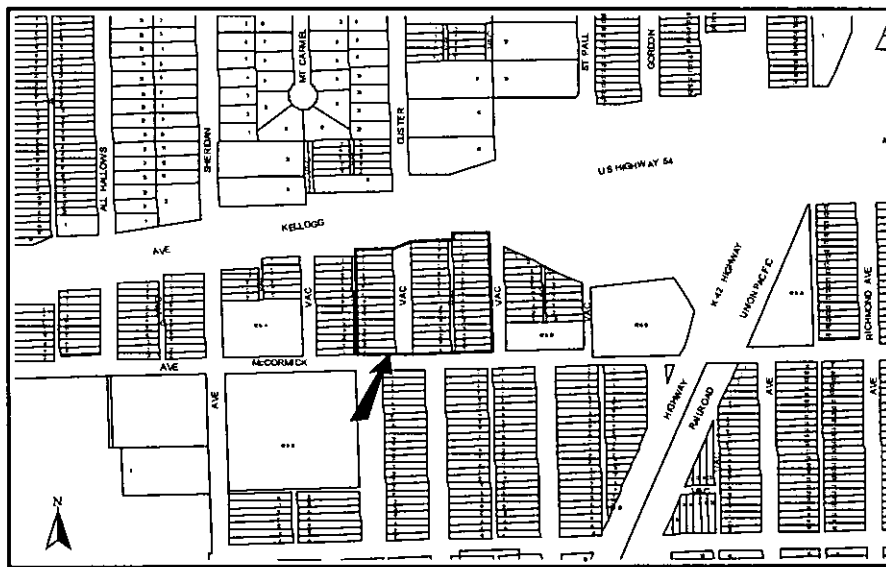
REQUEST:

1. Variance to increase the maximum area of a building sign from 48 square feet to 132.5 square feet; and
2. Variance to increase the maximum height of a building sign from 20 feet to 30 feet in overall height.

CURRENT ZONING: "B" Multi-Family

SITE SIZE: 5.22 Acres

LOCATION: North of McCormick and east of Sheridan (3100 W. McCormick)



**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 is requesting two variances. One variance is to increase the maximum area of a building sign from 48 square feet to 132.5 square feet, and the second variance is to increase the maximum height of a building sign from 20 feet to 30 feet in overall height. The sign is for Newman University, which is located south of the Kellogg overpass at Highway K-42. Newman University desires signage that would be visible from Kellogg to motorists traveling at 60 miles per hour. The applicant proposes a building sign on the north façade of the DeMattis Fine Arts Hall and O'Shaughnessy Sports Complex, which was recently constructed along Newman University's Kellogg frontage. The proposed sign would have 36-inch halo-illuminated letters that spell out "Newman" and 20-inch non-illuminated letters that spell out "University" (see attachments). The property is zoned "B" Multi-Family.

In the "B" Multi-Family zoning district, the Sign Code permits identification signs up to 25 square feet in area except along designated collector, arterial, or expressway streets, where the maximum sign area is 48 square feet. The Sign Code also permits signs up to 20 feet in height and limits signs to indirect or internal illumination of white light.

Newman University currently has one identification sign along its Kellogg Frontage. The existing sign is a pole sign that appears to meet the area and height requirements of the Sign Code for property zoned "B" Multi-Family. Due to the current sign's limited height and area, it is difficult to see the sign when traveling along Kellogg, especially when traveling westbound over the K-42 overpass.

The surrounding uses are mixed in nature and include institutional, multi-family, office, and industrial uses on property zoned "B" Multi-Family, "LI" Limited Industrial, and "GO" General Office. The proposed sign primarily would be visible from Kellogg and would be blocked from view from most adjacent properties by the Kellogg overpass. The multi-family property to the west and the industrial property to the east would have a side view of the proposed sign.

**ADJACENT ZONING AND LAND USE:**

NORTH	"GO"	Office, General
SOUTH	"B"	University
EAST	"B"	Multi-Family
WEST	"LI"	Freight Terminal

*The five criteria necessary for approval apply to both variances requested.*

**UNIQUENESS:** It is the opinion of staff that this property is unique, inasmuch as the property is located along a major expressway with high traffic speeds and is partially blocked from view by a freeway overpass. Further, the proposed identification sign is for an entire university campus rather than just for the building to which it would be attached. The Newman University campus comprises over 80 acres with almost 2,000 feet of frontage along Kellogg, which is a much larger scale development than is typically found in the "B" Multi-Family zoning district.

**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 view of the sign will be either obstructed by the Kellogg overpass or will be an indirect side view from properties approximately 1,000 feet away.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning regulation will constitute an unnecessary hardship upon the applicant, inasmuch as the facility is not readily identified from Kellogg, especially when traveling westbound over the K-42 overpass, and the identification sign proposed is for an entire university campus rather than just the building to which it would be attached.

**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 to locate the facility.

**RECOMMENDATION:** It is staff's opinion that the signage requested would be appropriate for identification of a large university campus. Should the Board determine that conditions necessary to the granting of the variance exist, then it is the recommendation of the Secretary that the variances to increase the size and height of the sign be GRANTED, subject to the following conditions:

1. The sign shall be placed in a location that is in substantial conformance with those shown on the attachments submitted with this application.
2. The sign shall be limited to 132.5 square feet in area and 30 feet in overall height.
3. The applicant shall obtain all permits necessary to construct the sign and the sign shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the BZA.
4. 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.

