



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

May 1, 2000

City of Wichita  
C/o Bishop Gilkey  
1405 N. Pinecrest  
Wichita, KS 67208

**FILE COPY**

**RE: BZA 2000-00003 – 1) Variance to allow a roof top building identification sign.  
Generally located north of 21<sup>st</sup> Street North and east of Oliver.**

Dear Mr. Gilkey:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on April 25, 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,

Lisa Van de Water  
Assistant Secretary  
Board of Zoning Appeals

LV/rs

Cc: City of Wichita, C/o Norman Jakovac  
Wilson Darnell Mann, P.A., c/o Chip Parker, 105 N. Washington, Wichita, KS 67202  
City Council Member District I, George Rogers Mail Stop 1-13  
J.R. Cox, Office of Central Inspection  
Yolanda Anderson (Resolution only)

**BZA RESOLUTION NO. 2000-00003**

**WHEREAS**, City of Wichita, c/o Norman Jakovac; Bishop Gilkey; Wilson Darnell Mann, P.A., c/o Chip Parker, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to allow a roof top building identification sign on property zoned "LC" Limited Commercial and legally described as follows:

Lot 2, University Gardens 2nd Addition, Wichita, Sedgwick County, Kansas.  
Generally located north of 21<sup>st</sup> Street North and east of 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 April 25, 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 bermed on the west and south per the Community Unit Plan, and slopes down from the arterial streets. Also, there is a substantial setback in addition to a freestanding building closer to the intersection that further reduces the visibility of the subject property. For persons traveling along 21<sup>st</sup> Street North, this prevents visibility of the portion of the building that would normally be used for signage. The increased height of a roof-top sign will facilitate identification of this building.

**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 the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch as this sign and mounting structure will serve to enhance the image of the building, which should make the site more appealing to potential tenants. Vacant buildings can increase the perception of blight to neighboring properties and potential occupants; improved

signage should improve occupancy. Additionally, the lighting of the sign should not negatively impact nearby properties.

**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 and C.U.P. constitutes an unnecessary hardship upon the applicant, inasmuch as the building signage permitted in the "LC" zoning district would not be adequate for the identification of this multi-tenant use.

**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 sign would facilitate better identification of this property for persons traveling along 21<sup>st</sup> Street North and no residents would be directly impacted.

**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 Community Unit Plan and the original zoning regulation, inasmuch as the requested signage would allow for identification of the use from 21<sup>st</sup> Street North.

**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.

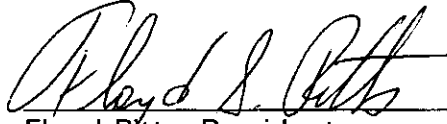
**NOW, THEREFORE, BE IT RESOLVED** by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to allow a roof top building identification sign on property zoned "LC" Limited Commercial and legally described as follows:

Lot 2, University Gardens 2nd Addition, Wichita, Sedgwick County, Kansas.  
Generally located north of 21<sup>st</sup> Street North and east of Oliver.

**RECOMMENDATION:** 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 allow a roof top sign be APPROVED, subject to the following conditions:

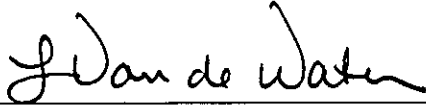
1. The applicant shall obtain all necessary permits for the installation of the approved sign.
2. The additional sign approved by this variance shall be placed on the southwest corner of the subject building, as indicated on the submitted elevation and plan drawings.
3. The additional sign approved by this variance shall be limited to a non-flashing internally-illuminated sign and shall conform to the submitted elevation drawing and sign design.
4. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 25<sup>th</sup> DAY of APRIL, 2000.



Floyd Pitts, President

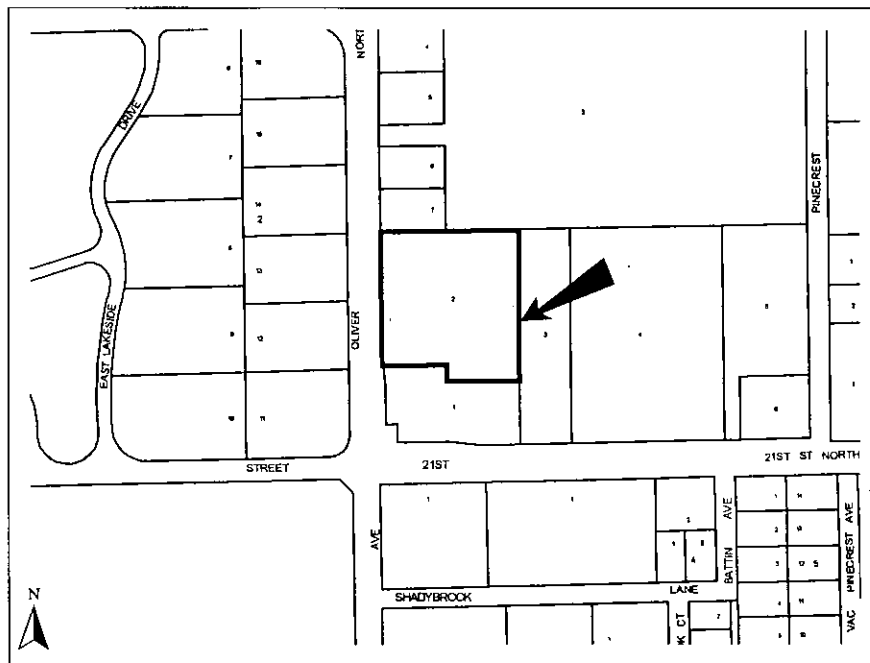
ATTEST:



Lisa Van de Water, BZA Assistant Secretary

**SECRETARY'S REPORT**

CASE NUMBER: BZA2000-00003  
OWNER/APPLICANT: City of Wichita, c/o Norman Jakovac; Bishop Gilkey  
AGENT: Wilson Darnell Mann, P.A., c/o Chip Parker  
REQUEST: Variance to allow a roof top building identification sign  
CURRENT ZONING: "LC" – Limited Commercial  
SITE SIZE: ± 3 Acres  
LOCATION: North of 21<sup>st</sup> Street North and east of Oliver



**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 applicant is requesting a variance for a roof top sign on a "mini-mall" building located in the University Gardens Community Unit Plan (CUP) located at the northeast corner of 21<sup>st</sup> Street North and Oliver. This building was originally constructed as a Dillon's food market. Since that time the single occupant has vacated the site and the building has been partitioned into individual tenant spaces with the majority of the tenant spaces opening into a mall-type concourse.

The requested sign, if approved by the BZA, will be attached to grid-like architectural feature that has been constructed on the southwest corner of the existing building. The requested sign will have illuminated letters approximately 30 inches tall that spell out "University Plaza" on the west and south sides of the architectural feature. In addition to the identification sign, the structure will have an illuminated clock standing above the proposed sign.

The site has such a severe change in topography that the buildings are virtually invisible from the intersection of 21<sup>st</sup> Street North and Oliver. The proposed signage would provide increased visibility for the center from the intersection.

The University Gardens CUP was approved March 4, 1986. In that CUP, General Provision #2 stated: "Signs as permitted by zoning ordinance." Signage requirements were removed from the Zoning Ordinance in 1990 when a separate Sign Code Ordinance was adopted.

Within the Sign Code Ordinance, roof top signs are only permitted by variance in the "GC" General Commercial, "LI" Limited Industrial, "CBD" Central Business District, and "GI" General Industrial districts. This variance request is outside of those guidelines, but permissible within the authority of the Board of Zoning Appeals as a variance from the specific terms of the City of Wichita Sign Code, since the Sign Code permits properties in CUPs to be treated differently than non-CUP properties.

**ADJACENT ZONING AND LAND USE:**

NORTH	"SF-6" and "B" – Tall Oaks apartments
SOUTH	"LC" – Dentist office, church and commercial uses (south of 21 <sup>st</sup> )
EAST	"LC" – retail and self-storage
WEST	"SF-6" – single-family residential

**UNIQUENESS:** It is the opinion of staff that this property is unique, inasmuch as the property is bermed on the west and south per the Community Unit Plan, and slopes down from the arterial streets. For persons traveling along 21<sup>st</sup> Street North, this prevents visibility of the portion of the building that would normally be used for signage. The increased height of a roof-top sign will facilitate identification of this building.

**ADJACENT PROPERTY:** It is the opinion of staff the granting of the variance requested would not adversely affect the rights of adjacent property owners, inasmuch as this sign

and mounting structure will serve to enhance the image of the building, which should make the site more appealing to potential tenants. Vacant buildings can increase the perception of blight to neighboring properties and potential occupants; improved signage should improve occupancy. Additionally, the lighting of the sign should not negatively impact nearby properties.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning regulation and C.U.P. constitutes an unnecessary hardship upon the applicant, inasmuch as the building signage permitted in the "LC" zoning district would not be adequate for the identification of this multi-tenant use.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the sign would facilitate better identification of this property for persons traveling along 21<sup>st</sup> Street North.

**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 Community Unit Plan and the original zoning regulation, inasmuch as the requested signage would allow for identification of the use from 21<sup>st</sup> Street North.

**RECOMMENDATION:** 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 allow a roof top sign be APPROVED, subject to the following conditions:

1. The applicant shall obtain all necessary permits for the installation of the approved sign.
2. The additional sign approved by this variance shall be placed on the southwest corner of the subject building, as indicated on the submitted elevation and plan drawings.
3. The additional sign approved by this variance shall be limited to a non-flashing internally-illuminated sign and shall conform to the submitted elevation drawing and sign design.
4. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

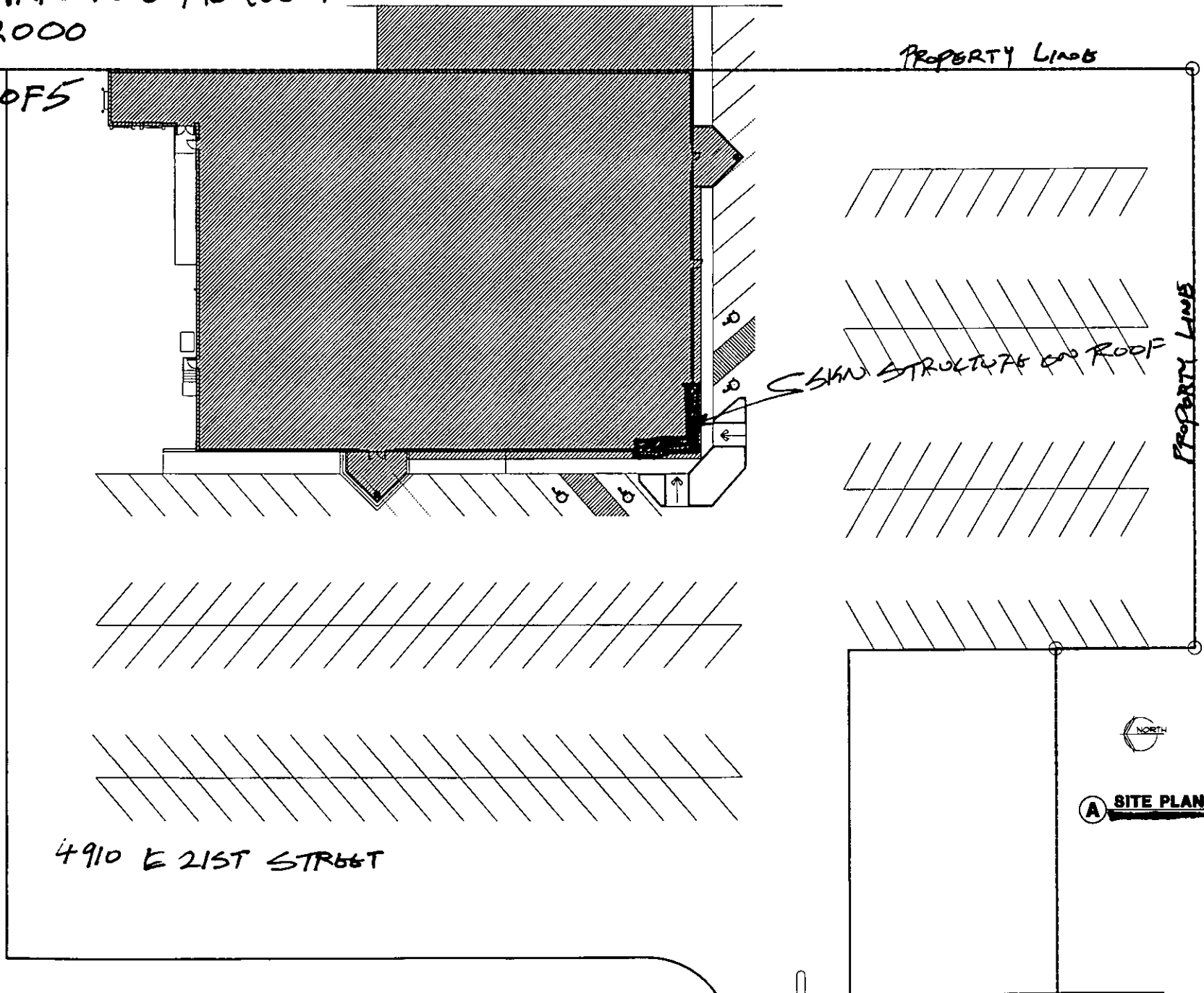
# UNIVERSITY PLAZA BUILDING IDENTIFIER STRUCTURE

## ZONING VARIANCE REQUEST

2/29/2000

SHEET 2 OF 5

PROPERTY LINE



4910 E 21ST STREET



A SITE PLAN