

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

December 27, 2004

David Redfern  
Value Place South LLC  
8621 E. 21<sup>st</sup> N. 180  
Wichita, KS 67206

**RE: BZA2004-00084 – Variance to increase the permitted size of a pole sign for a hotel from 10 square feet to 166 square feet on property zoned “GC” General Commercial. Generally located north of 47<sup>th</sup> Street South and west of Broadway. (4665 S. Broadway).**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **December 14, 2004**. This resolution reflects the official action of the Board. 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 Knébel'.

Scott Knébel  
Senior Planner

SK/rms

Cc: Greg Ferris, Ferris Consulting, P O Box 573, Wichita, KS 67201  
Paul Gray, WCC, District IV, Mail Stop 1-13  
Sharon Dickgrafe, Law Department, Mail Stop 1-132  
Herb Shaner, OCI, 1-72

**BZA RESOLUTION NO. 2004-00084**

**WHEREAS**, Value Place South LLC, c/o David Redfern (Owners/Applicants); Ferris Consulting c/o Greg Ferris and Miracle Sign Company c/o Joe Poston (Agents) pursuant to Section 2.12.590.B, Code of the City of Wichita, request a Variance to increase the permitted size of a pole sign for a hotel from 100 square feet to 166 square feet on property zoned "GC" General Commercial legally described as follows:

Lot 1, Block 1, Pay Day Motors Addition to Wichita, Sedgwick County, Kansas. The North 150 feet of the South 180 feet, except the East 226 feet thereof, Block 1, J. George Addition, Wichita, Sedgwick County, Kansas. The South 30 feet of Lot 1, J. George Addition, Wichita, Sedgwick County, Kansas. Generally located north of 47<sup>th</sup> Street south and west of Broadway (4665 S. Broadway).

**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 December 14, 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 this property is not unique inasmuch as it is common for hotels to be developed at the rear of commercial developments with other commercial uses located in front of the hotel. The subject property has street frontage and is permitted a pole sign, and there is nothing unique about the configuration or location of the property that would dictate the need for a larger pole sign than permitted by the Sign Code. The building is visible from the street, as is building signage, and a 100 square foot sign is sufficiently large to identify the entrance to the property.

**WHEREAS**, the Board of Zoning Appeals has found that the granting of the variance requested will adversely affect the rights of adjacent property owners, inasmuch as the signage along Broadway is relatively controlled with the adjacent signs being smaller than the sign proposed for the subject property. The proposed sign will increase visual clutter along the street and make it more difficult for the signs of adjacent businesses to be seen, especially since the proposed sign would be located only about 35 feet from the nearest other sign, which is over four times closer than the signs would be permitted to be located together were the area developed as a unified development.

**WHEREAS**, the Board of Zoning Appeals has found that the strict application of the provisions of the Sign Code does not constitute an unnecessary hardship upon the applicant, inasmuch as the Sign Code permits a 100 square-foot pole sign, which is of sufficient size to be visible to traffic along Broadway in order to locate the entrance to the business. It is the opinion of staff that a Variance for the proposed sign is being requested as a matter of convenience as the sign design is the same as is proposed for use at another location for the same hotel chain. The sign could be redesigned, or different sign could be used entirely, to meet the 100 square-foot requirement.

**WHEREAS**, the Board of Zoning Appeals has found that the requested variance would adversely affect the public interest, inasmuch as the proposed scale of the sign is out of character with area, which contains signs of a smaller size and with a greater separation than proposed. The applicant has proposed the same size sign for another location of the same hotel chain that has over 300 feet of freeway frontage and for which traffic must see the sign in time to take an exit to reach the property. Using the same size sign for the subject property is a good indication that the proposed sign is significantly larger than needed to identify an entrance along an arterial street and is significantly out of scale with the area. The public has an interest in the orderly development of commercial properties that are harmonious with surrounding developments, and granting the requested variance would hinder this public interest.

**WHEREAS**, the Board of Zoning Appeals has found that the granting of the variance requested is opposed to the general spirit and intent of the Sign Code, inasmuch as the purposes of the Sign Code include eliminating excessive sign displays and balancing the need for a sign while preserving the visual qualities of the community. The proposed sign constitutes an excessive display as it will be larger than existing signs located on adjoining properties and is 66% larger than permitted by the Sign Code. A 100 square-foot sign is permitted for the subject property and is of sufficient size to identify the entrance to the property. Therefore, a 100 square-foot sign sufficiently reaches the balance between the need for a sign and preserving the visual qualities of the community, and granting the Variance for the proposed 166 square-foot sign would exceed this balance.

**WHEREAS**, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, as necessary for the granting of a variance have not been found to exist, the variance is denied.

**ADOPTED AT WICHITA, KANSAS, this 14th DAY of December, 2004.**

  
James Ruane, BZA Board Chair

ATTEST:

  
Scott Knebel, BZA Secretary

**SECRETARY'S REPORT**

CASE NUMBER: BZA2004-00084

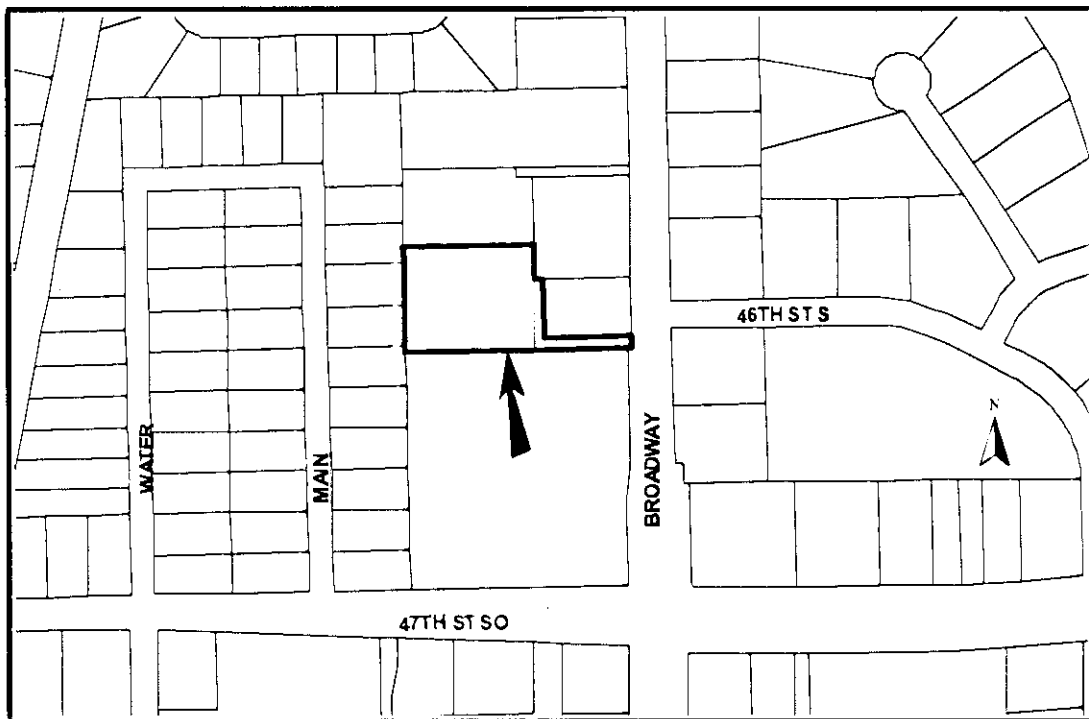
APPLICANT/AGENT: Value Place South LLC c/o David Redfern (Owner/Applicant); Ferris Consulting c/o Greg Ferris and Miracle Sign Company c/o Joe Poston (Agents)

REQUEST: Variance to increase the permitted size of a pole sign for a hotel from 100 square feet to 166 square feet

CURRENT ZONING: "GC" General Commercial

SITE SIZE: 2.26 acres

LOCATION: North of 47<sup>th</sup> Street South and west of Broadway (4665 S. Broadway)



**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 owns Value Place, an extended-stay hotel generally located north of 47<sup>th</sup> Street South and west of Broadway at 4665 S. Broadway (see attached site plan). The subject property is zoned "GC" General Commercial, has 30 feet of street frontage, and is permitted a 100 square-foot ground or pole sign by Section 24.04.221.4 of the Sign Code. According to the applicant (see attached written justification), a 166 square-foot pole sign (see attached rendering) is needed for the subject property. A variance is the only method by which the proposed sign may be permitted on the subject property.

**ADJACENT ZONING AND LAND USE:**

NORTH	"GC"	Auto parts store, vacant commercial property
SOUTH	"GC"	Grocery store
EAST	"GC"	Auto parts store, retail center
WEST	"SF-5"	Single-family residences

**UNIQUENESS:** It is the opinion of staff that this property is not unique inasmuch as it is common for hotels to be developed at the rear of commercial developments with other commercial uses located in front of the hotel. The subject property has street frontage and is permitted a pole sign, and there is nothing unique about the configuration or location of the property that would dictate the need for a larger pole sign than permitted by the Sign Code. The building is visible from the street, as is building signage, and a 100 square foot sign is sufficiently large to identify the entrance to the property.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variance requested will adversely affect the rights of adjacent property owners, inasmuch as the signage along Broadway is relatively controlled with the adjacent signs being smaller than the sign proposed for the subject property. The proposed sign will increase visual clutter along the street and make it more difficult for the signs of adjacent businesses to be seen, especially since the proposed sign would be located only about 35 feet from the nearest other sign, which is over four times closer than the signs would be permitted to be located together were the area developed as a unified development.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the Sign Code does not constitute an unnecessary hardship upon the applicant, inasmuch as the Sign Code permits a 100 square-foot pole sign, which is of sufficient size to be visible to traffic along Broadway in order to locate the entrance to the business. It is the opinion of staff that a Variance for the proposed sign is being requested as a matter of convenience as the sign design is the same as is proposed for use at another location for the same hotel chain. The sign could be

redesigned, or different sign could be used entirely, to meet the 100 square-foot requirement.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would adversely affect the public interest, inasmuch as the proposed scale of the sign is out of character with area, which contains signs of a smaller size and with a greater separation than proposed. The applicant has proposed the same size sign for another location of the same hotel chain that has over 300 feet of freeway frontage and for which traffic must see the sign in time to take an exit to reach the property. Using the same size sign for the subject property is a good indication that the proposed sign is significantly larger than needed to identify an entrance along an arterial street and is significantly out of scale with the area. The public has an interest in the orderly development of commercial properties that are harmonious with surrounding developments, and granting the requested variance would hinder this public interest.

**SPIRIT AND INTENT:** It is the opinion of staff that the granting of the variance requested is opposed to the general spirit and intent of the Sign Code, inasmuch as the purposes of the Sign Code include eliminating excessive sign displays and balancing the need for a sign while preserving the visual qualities of the community. The proposed sign constitutes an excessive display as it will be larger than existing signs located on adjoining properties and is 66% larger than permitted by the Sign Code. A 100 square-foot sign is permitted for the subject property and is of sufficient size to identify the entrance to the property. Therefore, a 100 square-foot sign sufficiently reaches the balance between the need for a sign and preserving the visual qualities of the community, and granting the Variance for the proposed 166 square-foot sign would exceed this balance.

**RECOMMENDATION:** It is the recommendation of the Secretary that that all five conditions necessary to the granting of the variance do not exist and that the requested Variance be denied.