



Wichita-Sedgwick County Metropolitan Area Planning Department

July 27, 2005

Randy Stepanek
BCS Development
7920 W. 21st
Wichita, KS 67205

RE: BZA2005-33 – Variance to Section 24.04.193.1 of the Sign Code to increase the maximum area of a ground sign from 98.72 square feet to 192 square feet. Generally located east of Maize Road, north of Maize Court. (2556 North Maize Court) (District V)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **July 26, 2005**. 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 'Dale Miller'.

Dale Miller, Manager
Current Plans Division

DLM/rms

Cc: Marvin Schellenberg, 7926 W. 21st, Wichita, KS 67205
Sharon Dickgrafe, Law Department, Mail Stop 1-132
Herb Shaner, OCI, Mail Stop, 1-72

ADOPTED AT WICHITA, KANSAS, this 26nd DAY of JULY 2005.



BZA Board Chair (Interim)

ATTEST:



Dale Miller, BZA Secretary

BZA RESOLUTION NO. 2005-00033

WHEREAS, BCS Development LLC c/o Randy Stepanek (Owner/Applicant); Marvin Schellenberg (Agent) pursuant to Section 2.12.590.B, Code of the City of Wichita, requests Variance to Section 24.04.193.1 of the Sign Code to increase the maximum area of a ground sign from 98.72 square feet to 192 square feet on property zoned "NR" Neighborhood Retail legally described as follows:

Lot 1, Block 1 and Reserve B, Chadsworth Plaza Addition, Wichita, Sedgwick County, Kansas.
Generally located east of Maize Road, north of Maize Court. (2556 North Maize Court)

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 July 26, 2005, 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 somewhat unique, inasmuch as the proposed signage is for multiple-businesses and lots located along a cul-de-sac. Three of the lots do not have section line road frontage and without the proposed signage it could be difficult to find the businesses.

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 the Maize Road is a rapidly development commercial corridor containing a multitude of signs. The proposed signage meets setback requirements and height limitations, which should minimize any negative impacts to adjacent property.

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, given the sits rectangular shape with the narrow distance fronting the section line road and the cul-de-sac access to the easternmost three lots.

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 variances would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale in relation to the size of the property and proposed businesses.

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 variances 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 and the services provided within the facility while balancing these identification needs with the needs for high-quality community aesthetics.

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, variance be granted to Section 24.04.193.1. of the Sign Code to increase the maximum area of a ground sign from 98.72 square feet to 192 square feet on property zoned "NR" Neighborhood Retail Office legally described as follows:

Lot 1, Block 1 and Reserve B, Chadsworth Plaza Addition, Wichita, Sedgwick County, Kansas.
Generally located east of Maize Road, north of Maize Court. (2556 North Maize Court)

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

1. All signage on the subject property shall conform to the requirements of the Sign Code except that there be a variance granted to permit ground or pole signage up to 192 square feet to be located on two signs with no individual ground or pole sign to exceed 96 square feet
2. The signs permitted by the variances shall be placed in the general location illustrated on the approved site plan and shall be of a design, size, and height illustrated on the approved elevation drawings.
3. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within two years of the granting of the variances, 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.

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 Maize Road is a rapidly development commercial corridor containing a multitude of signs. The proposed signage meets setback requirements and height limitations, which should minimize any negative impacts to adjacent property.

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, given the sits rectangular shape with the narrow distance fronting the section line road and the cul-de-sac access to the easternmost three lots.

PUBLIC INTEREST: It is the opinion of staff that the requested variances would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale in relation to the size of the property and proposed businesses.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variances 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 and the services provided within the facility while balancing these identification needs with the needs for high-quality community aesthetics.

RECOMMENDATION: It is staff's opinion that the proposed signage is appropriate. Should the Board determine that conditions necessary to the granting of the variances exist, then it is the recommendation of the Secretary that the variances to increase the area of ground or pole signs be GRANTED, subject to the following conditions:

1. All signage on the subject property shall conform to the requirements of the Sign Code except that there be a variance granted to permit ground or pole signage up to 192 square feet to be located on two signs with no individual ground or pole sign to exceed 96 square feet
2. The signs permitted by the variances shall be placed in the general location illustrated on the approved site plan and shall be of a design, size, and height illustrated on the approved elevation drawings.
3. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the granting of the variances, 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: BZA2005-00033

OWNER/APPLICANT: BCS Development LLC c/o Randy Stepanek

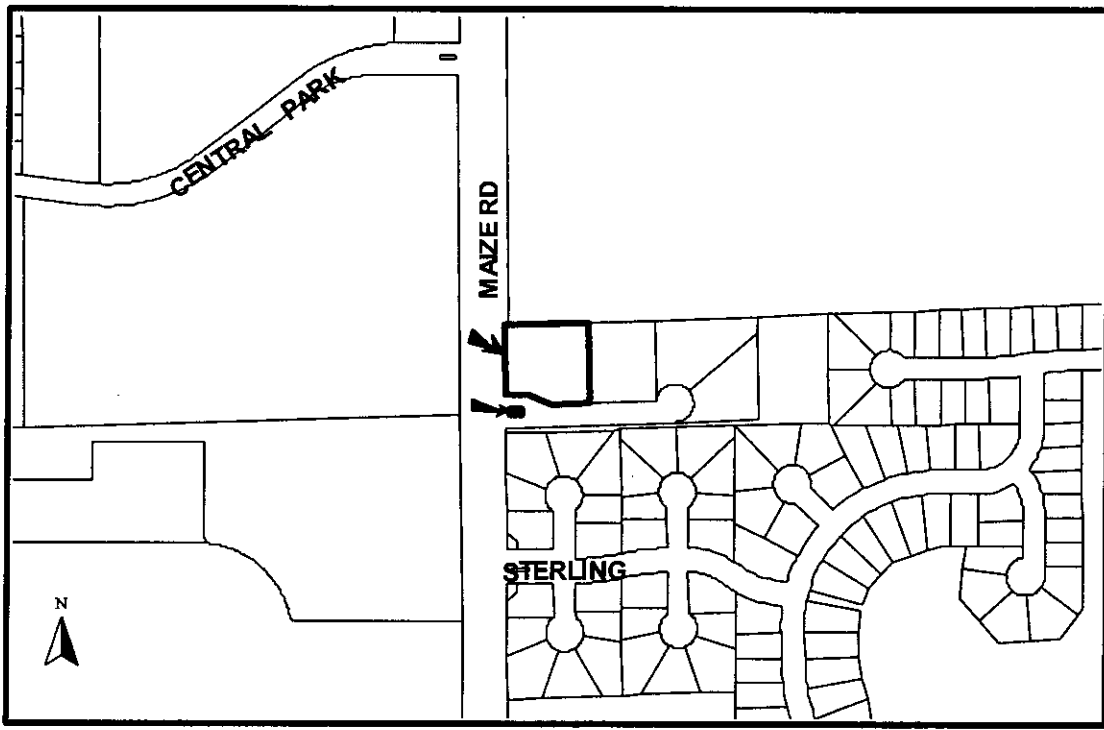
AGENT: Marvin Schellenberg

REQUEST: Variance to Section 24.04.193.1. of the Sign Code to increase the maximum area of a ground sign from 98.72 square feet to 192 square feet.

CURRENT ZONING: "NR" Neighborhood Retail

SITE SIZE: 1.03 acres

LOCATION: East of Maize Road, north of Maize Court
(2556 North Maize Court)



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 application area is a 1.02-acre platted – Chadsworth Plaza Addition - site zoned "NR" Neighborhood Retail that is located north of Maize Court, east of Maize Road. Chadsworth Plaza Addition is a four lot addition with three different zoning districts assigned to the four lots. NR, Neighborhood Retail, GO, General Office and NO, Neighborhood Office. Maize Court provides access to the eastern most three lots.

Maize Court is a cul-de-sac street containing a median (Reserve B) that connects to Maize Road, and heads east a short distance. A 96 square-foot, 20-foot 5-inch tall entry monument sign has previously been located in the median that counts against the total allowed area (98.72 square feet) of ground or pole signage allowed on the application area. The applicant is seeking to add 93.28 square feet of additional sign area to be located on a second (allowed by code) multi-tenant 20-foot 5-inch tall 96 square-foot pole or ground sign. The sign is to be located in the northwest corner of the site.

The sign code allows individual tenants in a multi-tenant zoning lot sharing the same sign structure to have up to 24 square feet each, up to a maximum of 96 square feet. Sign height is limited to 22 feet. Only one ground or pole sign is permitted for any office or business, however when more than one business is located on a zoning lot, additional signs may be permitted when a distance separation of 150 feet along the street frontage is maintained, and maximum sign area allowed on multi-tenant lots cannot exceed .5 square feet times the frontage. The additional requested sign meets the separation requirement, however, the lot is restricted to a maximum of 98.72 square feet allowed for the zoning lot. With the existing 96 square foot sign located in the median there is only 2.72 square feet of additional signage available without an adjustment or variance. The applicant is seeking to add an additional 93.28 square feet of sign area to the zoning lot.

The variance requested is to Section 24.04.193.1. of the Sign Code to increase the maximum area of a ground signage permitted from 98.72 square feet to 192 square feet to be located on two signs with no individual ground or pole sign to exceed 96 square feet.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-5" Single-family; large-lot residential
SOUTH	"SF-5" Single-family; residential
EAST	"SF-5" Single-family; residential
WEST	"LC" Limited Commercial; developing commercial

The five criteria necessary for approval apply to all variances requested.

UNIQUENESS: It is the opinion of staff that this property is somewhat unique, inasmuch as the proposed signage is for multiple-businesses and lots located along a cul-de-sac. Three of the lots do not have section line road frontage and without the proposed signage it could be difficult to find the businesses.