

between signs which may be reduced to 38 feet when one sign is a ground sign and one is a pole sign and the locations are as shown on the site plan submitted with this application.

2. The ground sign shall be limited to ten feet in height and 25 square feet in size and shall be placed west of the entrance drive.
3. The sign shall be installed within one-year or the resolution granting the variance shall become null and void.

SECRETARY'S REPORT

CASE NUMBER: BZA 24-94

OWNER/APPLICANT: Full House Properties, Inc.
AGENT: Larry W. Boggs, Boggs Sign Co. Inc.

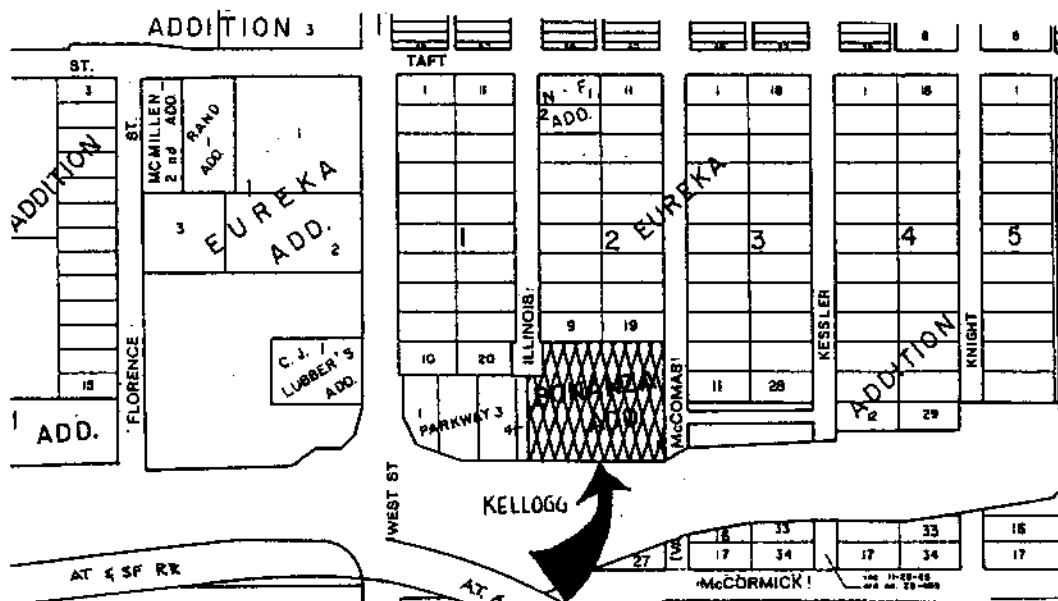
REQUEST:

1. Variance to increase the height of a building sign from 30 feet to 37 feet above grade.
2. Variance to increase the height of a pole sign from 30 feet to 42 feet.
3. Variance to reduce the distance separation between ground and/or pole signs from 150 feet to 38 feet.

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 2.4 Acres

LOCATION: North side of Kellogg Drive in an area west of McComas



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, Full House Properties, Inc., is developing property on the north side of Kellogg Drive in an area west of McComas as a site for a Hampton Inn. The structure to be placed on the site will be four stories in height and the building site is adjacent to an elevated section of Kellogg (U.S. Highway 54). The applicant has indicated that, due to the special circumstances created by their proximity to the elevated portion of Kellogg, they are requesting three variances to the sign ordinance in order to make their location known to the traveling public. Primary access to this site is from the one-way westbound Kellogg Drive frontage road.

Request No. 1 - Increase the height of a building sign from 30 feet to 37 feet above grade. The sign code requires that any building sign in the "LC" district shall not be more than thirty feet above grade or more than four hundred square feet in area. The applicant has indicated that the height of 37 feet is necessary to place the building sign above the canopy to make it architecturally appealing and to provide the best exposure to Kellogg traffic. The size of the proposed building signs is less than 1/4 the size allowed.

Request No. 2 - Increase the height of a pole sign from 30 feet to 42 feet. The sign code requires that no ground or pole sign in the "LC" district shall exceed a height of 25 feet unless permitted signs along a street frontage of the zoning lot are not fully utilized. In this case the applicant is giving up the right to a third sign, to increase the height of one of the requested signs from 25 feet to 30 feet. Therefore, the applicant is then requesting that this sign be permitted to be increased another 12 feet in height to make it more visible from Kellogg.

Request No. 3 - Reduce the distance separation between ground and/or pole signs from 150 feet to 38 feet. The sign code requires that when more than one ground or pole sign is permitted on a zoning lot that there shall be a minimum distance of 150 feet along the same street frontage between the signs. The applicant is requesting a small ground sign, designed as an entrance sign no more than 10 feet in height, which would alert the westbound traffic on the frontage road of the entrance and which would be located across the approach from the tall pole sign only 38 feet away. A ground sign is one whose face is less than six feet above ground level; a pole sign is one whose face is not less than six feet above ground level.

The requested ground sign would be used to alert the driving public as to the shared south entrance of Willie C's restaurant and the Hampton Inn. The property (Willie C's) to the west has an existing 45-foot-tall pole sign. This sign was granted a height variance in 1988 by the BZA to allow the sign to be placed at 45 feet in height rather than the permitted 40 feet. This variance was granted under the old sign code before the current sign code was adopted in May, 1990.

The current sign code makes exception for the height of "off-site" signs located adjacent to elevated portions of a highway structure, as they may be erected to a height of fourteen feet above the top of the railing or barrier along the traffic deck.

The Kellogg overpass is approximately 25 feet above grade as it crosses West Street. The railing adds an additional 3 1/2 feet to the overall height. If the elevated highway structure criterion were to be applied to the Hampton on-site pole sign, its height could be 42 1/2 feet. However, as an on-site sign, it is permitted only a height of 30 feet because one additional potential sign is being eliminated (5-foot increase over the basic 25-foot height for each sign eliminated).

ADJACENT ZONING AND LAND USE:

NORTH	"AA & LC"	Single Family Dwelling
SOUTH	"E"	Highway (US 54)
EAST	"AA"	Single Family Dwellings & undeveloped land
WEST	"E"	Restaurant (Willie C's)

REQUEST NO. 1: Variance to increase the height of a building sign from 30 feet to 37 feet above grade.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the height of Kellogg is elevated in front of the property, which reduces the visibility of normal height signage along this property from eastbound traffic.

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 proposed building sign is located on the south face of the building and will not block the view of adjacent property signs, nor illuminate any adjacent properties.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign ordinance may constitute an unnecessary hardship upon the applicant inasmuch as there is a variable rise in the overpass on west Kellogg which does reduce the visibility of the sign if placed within 30 feet of the ground.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the added 7 feet in height will allow the sign to be above the elevated portion of Kellogg rather than at a lower height which might be blocked from view of the traveling public.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the sign ordinance inasmuch as 7 feet is a slight increase, but still provides better exposure for a business lower than the elevated expressway.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. Prior to installing the requested building sign, the applicant shall obtain a sign

permit and shall comply with all sign code requirements except that the height of the sign may be up to 37 feet above grade. The sign shall be installed on the south face of the building as indicated on the elevation drawing submitted with the application.

2. This building sign may be illuminated but shall not have flashing or moving lights or any parts which create the illusion of movement.
3. The sign shall be installed within one-year or the resolution granting this variance shall become null and void.

REQUEST NO. 2: Variance to increase the height of a pole sign from 30 feet to 42 feet.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the height of Kellogg is elevated in front of the property, which reduces the visibility of normal height signage along this property from eastbound traffic.

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 proposed pole sign location is at least 250 feet from any other pole sign and the existing pole sign to the west is 45 feet in height.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign ordinance may constitute an unnecessary hardship upon the applicant inasmuch as there is a variable rise in the overpass on West Kellogg which does reduce the visibility of signs or portions of signs which are at or below the height of the overpass.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the added 12 feet in height is the minimum needed to allow the hotel sign to be above the elevated portion of Kellogg and visible to eastbound traffic.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the sign ordinance inasmuch as the taller sign is still harmonious to the site due to the elevated roadway along the frontage.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. Prior to installing the requested pole sign, the applicant shall obtain a sign permit and shall comply with all sign code requirements except that the height of the sign may be up to 42 feet.

2. No more than two pole or ground signs shall be permitted on the Kellogg Drive frontage of this application lot and only one shall be taller than 25 feet.
3. This pole sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.
4. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

REQUEST NO. 3: Variance to reduce the distance separation between ground and/or pole signs from 150 feet to 38 feet.

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is located along a frontage road which is a one-way westbound exit ramp for Kellogg and an entrance/direction sign should be positioned to allow the driving public to make a safe movement into a business.

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 proposed ground sign will not block the view of any signs on adjacent properties.

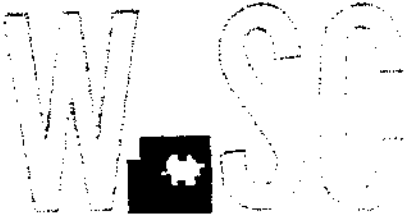
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign ordinance may constitute an unnecessary hardship upon the applicant inasmuch as entrance signs logically must be placed at driveway entrances and if the entrance/directional sign is located on the pole sign east of the entrance, rather than west of the entrance as requested, it may obstruct the view for traffic exiting the property.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as a small (10-foot) ground sign located within 38 feet of a tall (42-foot) pole sign should provide the information necessary for the driving public to safely access the business and will not block traffic visibility on the one-way westbound frontage road.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the sign ordinance inasmuch as the scale of the proposed sign and its location will aid motorists in identifying the limited access to these adjacent businesses and will not be an excessive sign display.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted, subject to the following conditions:

1. Prior to installing the requested ground sign, the applicant shall obtain a sign permit and shall comply with all sign code requirements except for the distance



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

August 24, 1994

Brad Downing, President
Full House Properties, Inc.
225 N. Market, Suite 200
Wichita, KS 67202

RE: BZA 24.94.1 Variance to increase the height of a building sign from 30 feet to 37 feet above grade.
BZA 24-94.2 Variance to increase the height of a pole sign from 30 feet to 42 feet.
BZA 24.94.3 Variance to reduce the distance separation between ground and/or pole signs from 150 feet to 38 feet.

Dear Mr. Downing:

Enclosed are signed copies of the above-referenced BZA Resolutions adopted by the Board of Zoning Appeals on August 23, 1994. These resolutions reflect the official action of the Board to grant your requests and sets out the conditions of approval. They are 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 yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/le

cc: Larry Boggs, 318 S. Osage, Wichita, KS., 67213
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

Lot 1, Bonanza Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg Drive in an area west of McComas.

subject to the following conditions:


1. Prior to installing the requested ground sign, the applicant shall obtain a sign permit and shall comply with all sign code requirements except for the distance between signs which may be reduced to 38 feet when one sign is a ground sign and one is a pole sign and the locations are as shown on the site plan submitted with this application.
2. The ground sign shall be limited to ten feet in height and 25 square feet in size and shall be placed west of the entrance drive.
3. The sign shall be installed within one-year or the resolution granting the variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of April, 1994.



Susan Osborne-Howes, President

ATTEST:



Lawrence Mitchell, Assistant Secretary

BZA RESOLUTION NO. 24-94.1

WHEREAS, Full House Properties, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of a building sign from 30 feet to 37 feet above grade on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Bonanza Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg Drive in an area west of McComas.

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 August 23, 1994, 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 inasmuch as the height of Kellogg is elevated in front of the property, which reduces the visibility of normal height signage along this property from eastbound traffic; and

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 inasmuch as the proposed building sign is located on the south face of the building and will not block the view of adjacent property signs, nor illuminate any adjacent properties; and

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 inasmuch as there is a variable rise in the overpass on west Kellogg which does reduce the visibility of the sign if placed within 30 feet of the ground; and

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, inasmuch as the added 7 feet in height will allow the sign to be above the elevated portion of Kellogg rather than at a lower height which might be blocked from view of the traveling public; and

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 inasmuch as 7 feet is a slight increase, but still provides better exposure for a business lower than the elevated expressway; and

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 increase the height of a building sign from 30 feet to 37 feet above grade on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Bonanza Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg Drive in an area west of McComas.

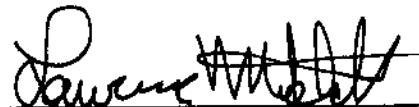
subject to the following conditions:

1. Prior to installing the requested building sign, the applicant shall obtain a sign permit and shall comply with all sign code requirements except that the height of the sign may be up to 37 feet above grade. The sign shall be installed on the south face of the building as indicated on the elevation drawing submitted with the application.
2. This building sign may be illuminated but shall not have flashing or moving lights or any parts which create the illusion of movement.
3. The sign shall be installed within one-year or the resolution granting this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of August, 1994.


Susan Osborne-Howes, President

ATTEST:


Lawrence Mitchell, Assistant Secretary

BZA RESOLUTION NO. 24-94.2

WHEREAS, Full House Properties, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the height of a pole sign from 30 feet to 42 feet on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Bonanza Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg Drive in an area west of McComas.

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 August 23, 1994, 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 inasmuch as the height of Kellogg is elevated in front of the property, which reduces the visibility of normal height signage along this property from eastbound traffic; and

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 inasmuch as the proposed pole sign location is at least 250 feet from any other pole sign and the existing pole sign to the west is 45 feet in height; and

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 inasmuch as there is a variable rise in the overpass on West Kellogg which does reduce the visibility of signs or portions of signs which are at or below the height of the overpass; and

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, inasmuch as the added 12 feet in height is the minimum needed to allow the hotel sign to be above the elevated portion of Kellogg and visible to eastbound traffic; and

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 inasmuch as the taller sign is still harmonious to the site due to the elevated roadway along the frontage; and

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 increase the height of a pole sign from 30 feet to 42 feet on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Bonanza Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg Drive in an area west of McComas.

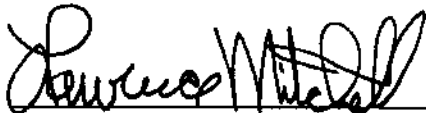
subject to the following conditions:

1. Prior to installing the requested pole sign, the applicant shall obtain a sign permit and shall comply with all sign code requirements except that the height of the sign may be up to 42 feet.
2. No more than two pole or ground signs shall be permitted on the Kellogg Drive frontage of this application lot and only one shall be taller than 25 feet.
3. This pole sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.
4. The 42 foot pole sign shall be limited to 200 square feet in area and shall be located in a single cabinet at the top of the pole.
5. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 23rd day of April, 1994.


Susan Osborne-Howes, President

ATTEST:


Lawrence Mitchell, Assistant Secretary

BZA RESOLUTION NO. 24-94.3

WHEREAS, Full House Properties, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the distance separation between ground and/or pole signs from 150 feet to 38 feet on property zoned the "LC" Light Commercial and legally described as follows:

Lot 1, Bonanza Addition, Wichita, Sedgwick County, Kansas. Generally located on the north side of Kellogg Drive in an area west of McComas.

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 August 23, 1994, 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 inasmuch as it is located along a frontage road which is a one-way westbound exit ramp for Kellogg and an entrance/direction sign should be positioned to allow the driving public to make a safe movement into a business; and

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 inasmuch as the proposed ground sign will not block the view of any signs on adjacent properties; and

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 inasmuch as entrance signs logically must be placed at driveway entrances and if the entrance/directional sign is located on the pole sign east of the entrance, rather than west of the entrance as requested, it may obstruct the view for traffic exiting the property; and

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, inasmuch as a small (10-foot) ground sign located within 38 feet of a tall (42-foot) pole sign should provide the information necessary for the driving public to safely access the business and will not block traffic visibility on the one-way westbound frontage road; and

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 inasmuch as the scale of the proposed sign and its location will aid motorists in identifying the limited access to these adjacent businesses and will not be an excessive sign display; and

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 reduce the distance separation between ground and/or pole signs from 150 feet to 38 feet on property zoned the "LC" Light Commercial and legally described as follows: