

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would not be able to alert the driving public as to the location of the business located on an interior zoning lot.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as visibility will be maintained for the driving and walking public along the streets and driveways providing egress and ingress to the site. The proposed sign will not encroach on any public easements on the site.

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 zoning ordinance inasmuch as the total amount of signage permitted along the frontage will not be exceeded and the additional height above grade that this sign will be placed will lessen the impact of its size because it will be viewed from a greater distance.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a 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. Only one ground or pole sign larger than allowed by the sign code shall be permitted on this site and it shall be no larger than 150 square feet in size and shall be installed at the location indicated on the approved site plan which is approximately 70 feet north of the southwest corner of this zoning lot.
2. Prior to installing the pole sign, the applicant shall obtain a sign permit and shall comply with all code requirements including the requirement that the sign shall not project over public right-of-way, but excepting that of size which may be increased as permitted by this variance. The sign shall be installed within one year after the approval of this variance by the Board of Zoning Appeals.
3. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

SECRETARY'S REPORT

CASE NUMBER: BZA 30-94

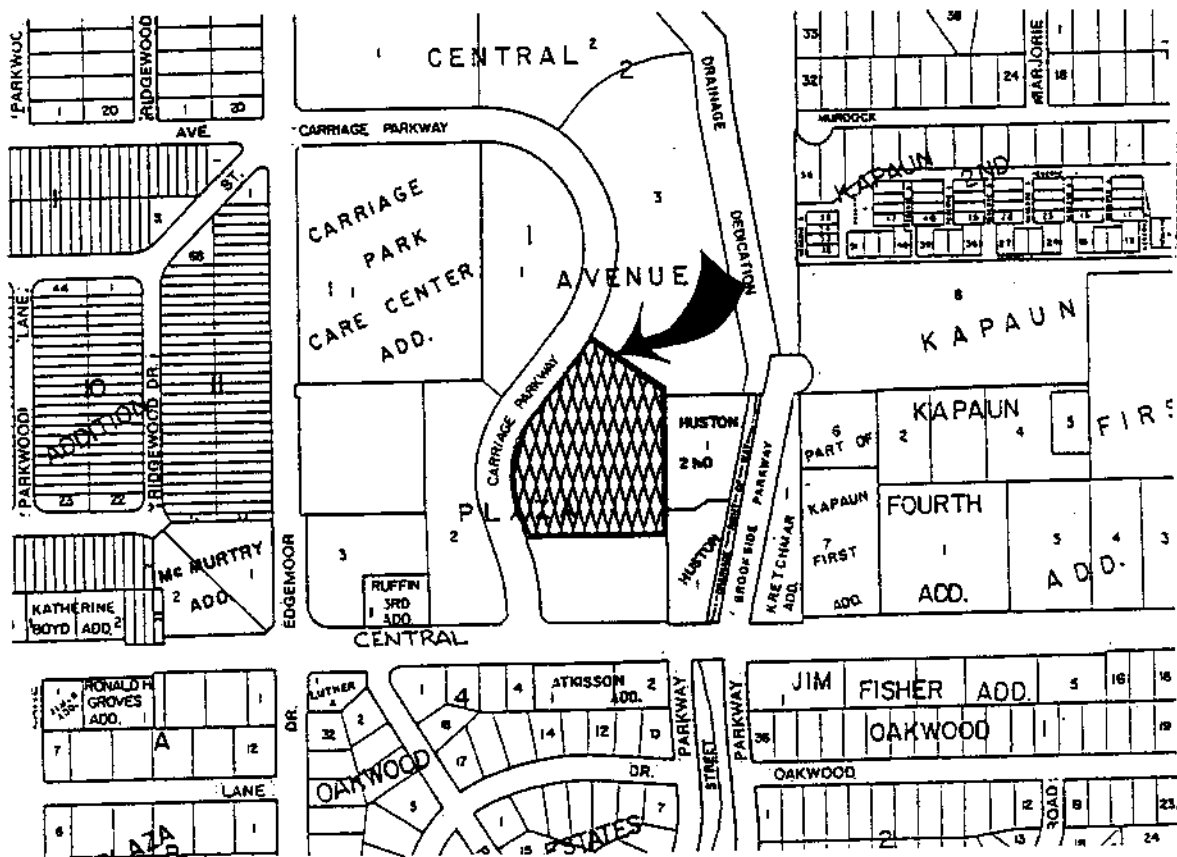
OWNER/APPLICANT: Phil G. Ruffin

REQUEST: Variance to increase permitted sign size from 50 to 150 square feet

CURRENT ZONING: "LC" Light Commercial

SITE SIZE: 3.73 Acres

LOCATION: 222 feet north of Central on east side of Carriage Parkway (620 N. Carriage Parkway)



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, Phil Ruffin, is requesting that the Drug Emporium be allowed to increase the size of a sign from the permitted size of 50 square feet to 150 square feet. The sign is to be placed on a parcel within the Central Avenue Plaza CUP (DP-126) located at the northeast corner of Central and Edgemoor. The applicant's site has 577.2 feet of frontage along Carriage Parkway. This amount of frontage per the sign code would permit up to 4 signs and the maximum area of any one sign cannot exceed 50 square feet. Carriage Parkway is considered an undesignated type of street which permits 0.5 square foot of total signage for every lineal foot of street frontage. This would provide this site with 288.6 square feet of signage if it were not for the required maximum size of the individual signs of 50 square feet and the maximum number of signs which must maintain 150 feet of separation. Therefore, this site frontage along Carriage Parkway is eligible under the sign code to have 4 signs, 50 square feet each in size up to 25 feet in height.

The applicant is proposing, as permitted by the sign code, not to utilize two of their permitted signs which will allow them to increase the height of one sign from 25 feet to 35 feet. This according to the applicant will make the sign more visible to the driving public along Carriage Parkway and Central Avenue. The application area is 222 feet north of Central with two intervening businesses located on Central. Access to the Drug Emporium site is off of Carriage Parkway and also off of Central Avenue by way of an access easement between the two businesses which front onto Central.

ADJACENT ZONING AND LAND USE:

NORTH	"LC"	Retail Center
SOUTH	"LC"	Taco Bell and Blockbuster Video
EAST	"LC" & "BB"	Office Park
WEST	"LC"	Braums and Retail Center

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site is located within a Community Unit Plan with a free standing building that is not adjacent to an arterial roadway which makes locating the business by the driving public difficult and the arterial street frontage of the lot has been split off and has been sold to a separate entity.

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 sites adjacent to the north, south and west are already developed with signs and a new sign located on the application area will not block the view of the adjacent property signs.



METROPOLITAN AREA PLANNING
DEPARTMENT

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

October 26, 1994

Mr. Phil G. Ruffin
1522 S. Florence
P. O. Box 17087
Wichita, KS 67217

Re: BZA 30-94 - Variance to increase permitted sign size from 50 to 150 square feet.

Dear Mr. Ruffin:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on October 25, 1994. 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 yours,

Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LPM/hm

cc: Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
J. R. Cox, OCI
Pat Burnett, Deputy City Clerk
Yoland Anderson, MAPD

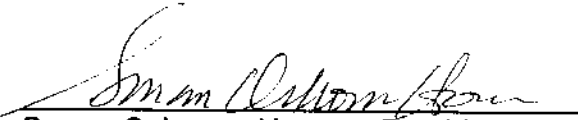
described as follows:

Lot 4, Block 2, Central Avenue Plaza, an Addition to Wichita, Sedgwick County, Kansas; except the south 222 feet. Generally located 222 feet north of Central on the east side of Carriage Parkway (620 N. Carriage Parkway).

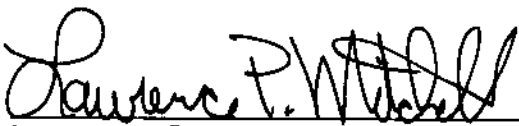
subject to the following conditions:

1. Only one ground or pole sign larger than allowed by the sign code shall be permitted on this site and it shall be no larger than 150 square feet in size and shall be installed at the location indicated on the approved site plan which is approximately 70 feet north of the southwest corner of this zoning lot.
2. Prior to installing the pole sign, the applicant shall obtain a sign permit and shall comply with all code requirements including the requirement that the sign shall not project over public right-of-way, but excepting that of size which may be increased as permitted by this variance. The sign shall be installed within one year after the approval of this variance by the Board of Zoning Appeals.
3. The resolution authorizing this variance may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 25th day of October 1994.


Susan Osborne-Howes, President

ATTEST:


Lawrence P. Mitchell, Assistant Secretary

BZA RESOLUTION NO. 30-94

WHEREAS, Phil G. Ruffin, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase permitted sign size from 50 to 150 square feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 4, Block 2, Central Avenue Plaza, an Addition to Wichita, Sedgwick County, Kansas; except the south 222 feet. Generally located 222 feet north of Central on the east side of Carriage Parkway (620 N. Carriage Parkway).

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 October 25, 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 site is located within a Community Unit Plan with a free standing building that is not adjacent to an arterial roadway which makes locating the business by the driving public difficult and the arterial street frontage of the lot has been split off and has been sold to a separate entity; 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 sites adjacent to the north, south and west are already developed with signs and a new sign located on the application area will not block the view of the adjacent property signs; 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 the applicant would not be able to alert the driving public as to the location of the business located on an interior zoning lot; 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 visibility will be maintained for the driving and walking public along the streets and driveways providing egress and ingress to the site. The proposed sign will not encroach on any public easements on the site; 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 total amount of signage permitted along the frontage will not be exceeded and the additional height above grade that this sign will be placed will lessen the impact of its size because it will be viewed from a greater distance; 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 permitted sign size from 50 to 150 square feet on property zoned the "LC" Light Commercial and legally