

BZA 10-92 Secretary's Report

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2. The applicant shall install on the application area a pole sign of the height approved by the Board within one year (by April 28, 1993), or the resolution authorizing this variance shall become null and void.
3. Only one pole sign taller than 35 feet (a maximum of 50 feet in height) shall be permitted on this property.

April 28, 1992

SECRETARY'S REPORT

CASE NUMBER: BZA 10-92

OWNER/APPLICANT/AGENT: Mike and Saroj Bhukhan (owners/applicants)  
Rod L. Richardson, Attorney (agent)

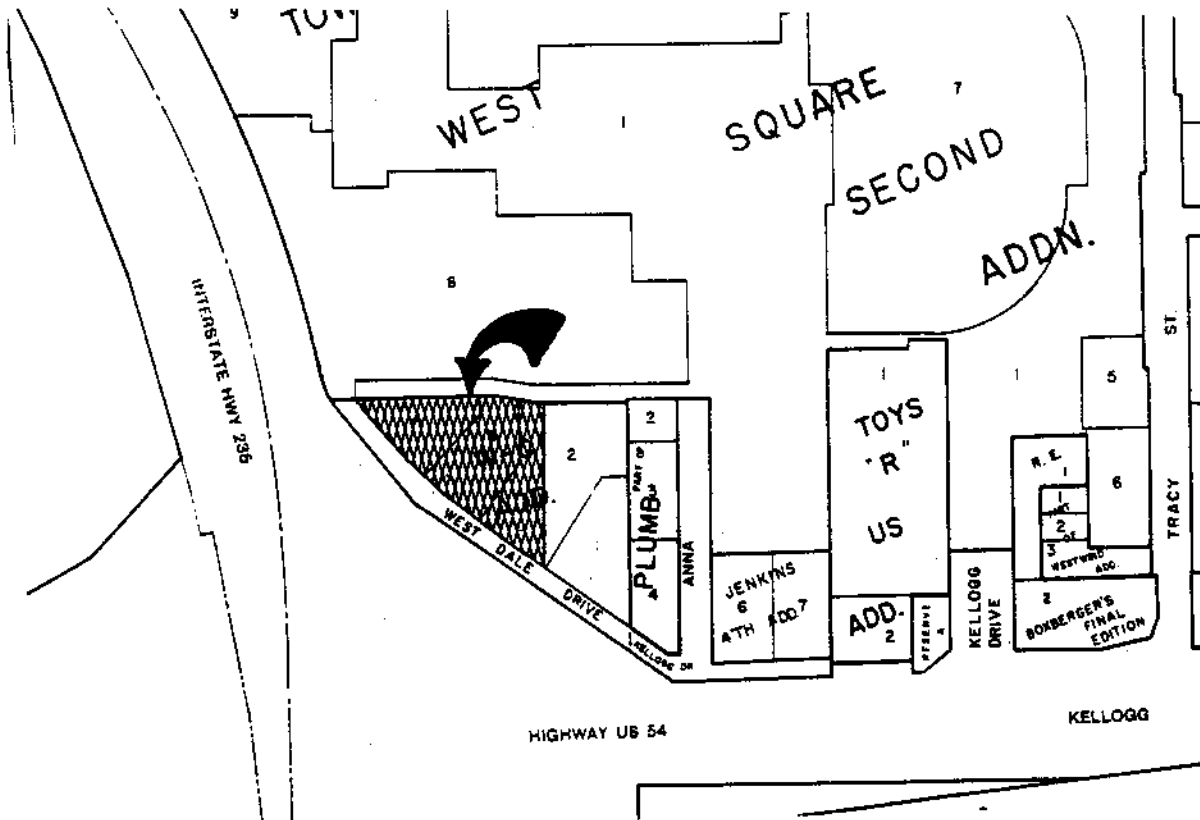
REQUEST: Variance to increase the height of a pole sign from 35 feet to 50 feet.

CURRENT ZONING: "E" Light Industrial District

SITE SIZE: 2 acres

LOCATION: East of I-235 and north of U.S. 54 at 658 Westdale

PROPOSED USE: Hotel with sign



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 the State Statutes, are found to exist.

**BACKGROUND:** The applicants, Mike and Saroj Bhukhan, have recently purchased the Imperial Suites hotel at 658 Westdale Drive. It is now the Comfort Suites and a new face for the pole sign is proposed. Before installing the new sign face, however, the applicants would like to increase the height of the sign to provide better visibility for people trying to reach the hotel once they have exited the highway.

The existing pole sign is 40 feet tall, having been installed in about 1984 when the sign code permitted heights up to 55 feet based on lot frontage. The current sign code has a 35-foot height limit. People unfamiliar with the street system in this area have a very difficult time finding the hotel once they are down at ground level, east or southeast of the hotel. The pictures submitted by the applicant also indicate that northbound travelers on I-235 cannot see the sign in time to exit on Kellogg Avenue East, due to the elevated interchange.

When the hotel was constructed eight years ago, the nearest access point from I-235 or Kellogg was at the major entrance road into Towne West from Kellogg, just east of the Town and Country Restaurant. Even then, one had to go north several hundred feet and make a U-turn to get back to Westdale Drive. With the freeway changes in more recent years, the access point has been moved east to West Street, where one must get on the frontage road and travel west more than ¼-mile, being careful not to end up on Tracy, westbound Kellogg or northbound I-235 before finally arriving at the hotel. This hotel location is at an additional disadvantage because Westdale Drive curves northwest away from Kellogg, thus further removing the sign from east-west visibility. An additional ten feet in sign height should help alleviate this problem. The current 40-foot pole sign is barely taller than this three-story hotel, which is 37 feet from the ground to the top of the gable roof.

The location of this pole sign is more than 350 feet from any other business and even if the sign is moved east, closer to the hotel entrance drive, it should still have no adverse effect on any other business in the area, due to the angular alignment of Westdale Drive in relation to the buildings.

This application is similar to a sign height variance reviewed by the Board last month for which a 15-foot height increase (from 30 feet to 45 feet) was granted for a motel located 700 feet north of Kellogg on Florence. It also is similar to a 1985 case (BZA 6-85) for a motel in an industrial area southeast of the KTA/47th Street South interchange in which a variance to 50 feet was approved.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LC"	Towne West shopping center
SOUTH	N/A	Highway interchange and railroad
EAST	"E"	Office building
WEST	N/A	Interstate highway and flood control right-of-way

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is adjacent to highways on two sides and is developed with a highway-dependent business, but the point of access from these highways into the local street system which serves this site is more than ¼-mile away, which creates a greater-than-normal need for identification. Also, the north-south highway adjacent on the west side of the property is elevated and a 35- or even 40-foot-tall sign is not visible to northbound traffic until the exit ramp has been passed.

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 site is somewhat isolated, being adjacent to another business on only one side (not counting the large shopping center parking lot on the north) and a 50-foot-tall pole sign will not interfere nor compete with visibility of the adjacent use, which is an office building.

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 a 35-foot-tall sign (or even a 40-foot-tall sign as now exists) is not tall enough to provide visibility for travelers who are trying to keep this business in sight long enough to traverse the more than ¼-mile from highway exit to site entrance, nor is it tall enough to be visible to northbound travelers on I-235 in time to exit at Kellogg Avenue East, due to the grade change at this highway interchange.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as a 50-foot-tall pole sign would not set a precedent for the height of signs adjacent to elevated roadways and would provide much needed identification for the public trying to find this highway-dependent business.

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 one of the stated purposes of the sign code is to encourage signs which are harmonious to the buildings and sites which they occupy and a 50-foot-tall pole sign would be harmonious with this three-story building, which is located on a two-acre site adjacent to an elevated interstate highway and a freeway.

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. The applicant shall obtain a sign permit from the City prior to installation of the sign and shall comply with all applicable codes regarding installation and maintenance of the sign.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

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

May 11, 1992

Rod L. Richardson  
Wallance, Saunders, Austin,  
Brown & Enochs  
P.O. Box 12290  
Overland Park, KS 66282

Re: BZA 10-92 - Variance to increase the height of a pole sign  
from 35 ft. to 50 ft. (current sign, installed under former  
sign code, is 40 ft. tall) on property zoned "E" Light  
Industrial, located east of I-235 and north of U.S. 54 at  
658 Westdale Drive.

Dear Mr. Richardson:

Enclosed is a signed copy of the above-referenced BZA resolution  
adopted by the Board of Zoning Appeals on April 28, 1992. 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.

Sincerely,

  
Louise Olivarez, Secretary  
Board of Zoning Appeals

LO:jcm  
Enclosure

cc: Mike & Saroj Bhukhan, c/o Comfort Suites, 658 Westdale, 67209  
Bruce Abbott, Wallace, Saunders, Austin, Brown & Enochs,  
301 N. Main, Suite 1820, 67202  
Dick Jonker, OCI  
Paul Hays, OCI  
J.R. Cox, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk

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.

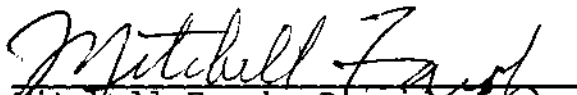
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to increase the height of a pole sign from 35 ft. to 50 ft. (current sign, installed under former sign code, is 40 ft. tall) on property zoned the "E" Light Industrial District and legally described as follows:

Lots 3 and 4, W-C Addition, Wichita, Kansas, and part of Lot 2 of said addition described as beginning 215.96 feet west of the northeast corner of said Lot 2; thence northwest 46.64 feet; thence south 160 feet more or less; thence southwest 170 feet; thence southeast 186.01 feet; thence north 387.08 feet to the point of beginning. Generally located east of I-235 and north of U.S. 54 at 658 Westdale Drive.

subject to the following conditions:

1. The applicant shall obtain a sign permit from the City prior to installation of the sign and shall comply with all applicable codes regarding installation and maintenance of the sign.
2. The applicant shall install on the application area a pole sign of the height approved by the Board within one year (by April 28, 1993), or the resolution authorizing this variance shall become null and void.
3. Only one pole sign taller than 35 feet (a maximum of 50 feet in height) shall be permitted on this property.

ADOPTED AT WICHITA, KANSAS, this 28th day of April, 1992.

  
Mitchell Faroh, President

ATTEST:

  
Louise Olivarez, Secretary

BZA RESOLUTION NO. 10-92

WHEREAS, Mike and Saroj Bhukhan, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to increase the height of a pole sign from 35 feet to 50 feet (current sign, installed under former sign code, is 40 ft. tall) on property zoned the "E" Light Industrial District and legally described as follows:

Lots 3 and 4, W-C Addition, Wichita, Kansas, and part of Lot 2 of said addition described as beginning 215.96 feet west of the northeast corner of said Lot 2; thence northwest 46.64 feet; thence south 160 feet more or less; thence southwest 170 feet; thence southeast 186.01 feet; thence north 387.08 feet to the point of beginning. Generally located east of I-235 and north of U.S. 54 at 658 Westdale Drive.

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 28, 1992, 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 and 24.04.250, 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 owner or the applicant inasmuch as the property is adjacent to highways on two sides and is developed with a highway-dependent business, but the point of access from these highways into the local street system which serves this site is more than 1/2-mile away, which creates a greater-than-normal need for identification. Also, the north-south highway adjacent on the west side of the property is elevated and a 35- or even 40-foot-tall sign is not visible to northbound traffic until the exit ramp has been passed; 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 site is somewhat isolated, being adjacent to another business on only one side (not counting the large shopping center parking lot on the north) and a 50-foot-tall pole sign will not interfere nor compete with visibility of the adjacent use, which is an office building; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 24 (Sign Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as a 35-foot-tall sign (or even a 40-foot-tall sign as now exists) is not tall enough to provide visibility for travelers who are trying to keep this business in sight long enough to traverse the more than 1/2-mile from highway exit to site entrance, nor is it tall enough to be visible to northbound travelers on I-235 in time to exit at Kellogg Avenue East, due to the grade change at this highway interchange; 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, due to the fact that a 50-foot-tall pole sign would not set a precedent for the height of signs adjacent to elevated roadways and would provide much needed identification for the public trying to find this highway-dependent business; 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 Title 24 (Sign Ordinance) inasmuch as as one of the stated purposes of the sign code is to encourage signs which are harmonious to the buildings and sites which they occupy and a 50-foot-tall pole sign would be harmonious with this three-story building, which is located on a two-acre site adjacent to an elevated interstate highway and a freeway; and