

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 additional height above grade which has been approved for this sign lessens the impact of its size because it will be viewed from a great 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. The only sign permitted larger than allowed by the sign code on the east building face shall be installed on the entablature above the topmost windows.
2. The larger sign approved by this variance shall be limited to a non-flashing internally-illuminated or non-illuminated logo (symbol or trademark).

March 23, 1993

SECRETARY'S REPORT

CASE NUMBER: BZA 7-93

OWNER/APPLICANT/AGENT: Market Parking, Inc. (owner)  
American National Bank of Wichita (applicant)  
Larry Boggs, Boggs Signs (agent)

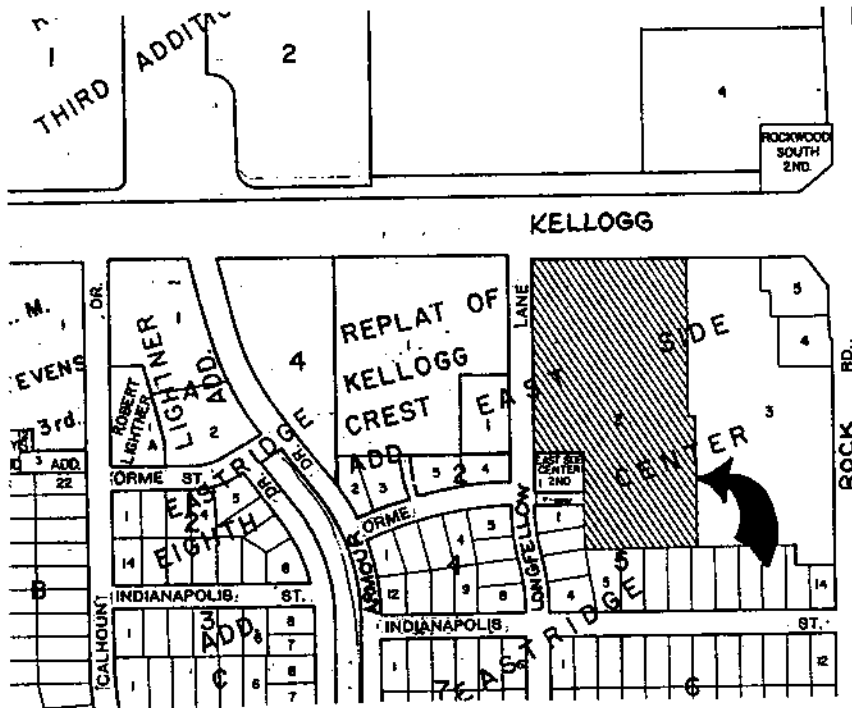
REQUEST: Variance to increase the size of a building sign on the east face of the building from 15 square feet to 50.25 square feet.

CURRENT ZONING: "LC" Light Commercial District with DP-44

SITE SIZE: 6 acres

LOCATION: Southeast corner of Kellogg Drive and Longfellow (7701 E. Kellogg)

PROPOSED USE: One 8-foot-diameter building sign logo to be installed at the top of the east face of the 8-story building



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:** This variance request is filed in conjunction with case BZA 6-93, which requested greater heights for proposed building signs at 7701 E. Kellogg. The building sign sizes proposed for the north, west and south faces of the building are all within the 400-square-foot limit specified in the sign code. The sign size limit for the east building face is much smaller -- only 15 square feet -- because the east side of this building is neither adjacent to a street nor adjacent to a parking lot with 150 feet or more of depth. There is only 52.5 feet of parking lot and access drive on the east side of this building. The same size logo is proposed for the east face as for the other four faces -- 50.25 square feet -- which is the area of an eight-foot-diameter circle. Each logo is to be red, white and blue in color and internally illuminated with non-flashing white light.

**ADJACENT ZONING AND LAND USE:**

NORTH	"LC"	Shopping center
SOUTH	"AA"	One-family dwellings
EAST	"LC"	Hotel and restaurants
WEST	"LC" w/BZA	Car dealership

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the four faces of the eight-story building are almost identical; however, a 50.25-square-foot logo is permitted by the sign code on the north, west and south faces, but not on the east face because the east face does not front on a street or on a 150±-foot-deep parking lot as do the other faces.

**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 sign will be approximately 100 feet above the ground and the only nearby building of similar height is a hotel 300 feet to the southeast with windows facing north and south, but not west toward this proposed sign.

**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 15-square-foot logo would be insufficient to adequately identify this structure when approaching from the east, and the scale of a 15-square-foot logo, in relation to the size of this 8-story building, as well as the comparison to the 50-square-foot logos on the other three sides of the building permitted under existing zoning regulations would appear architecturally incorrect and would diminish the overall design of the structure.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest but would, in fact, serve the public interest by providing adequate building identification from a sufficient distance to permit planned access to the site.

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

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

March 24, 1993

Patrick J. Egan, Jr., President  
American National Bank of Wichita  
10222 W. Central  
Wichita, KS 67212

Re: BZA 7-93 - Variance to increase the size of a building sign  
from 15 sq. ft. to 50.25 sq. ft. on the SE corner of Kellogg  
Drive and Longfellow (7701 E. Kellogg).

Dear Mr. Egan:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on March 23, 1993. 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 contact our office.

Sincerely,

  
Louise Olivarez, Secretary  
Board of Zoning Appeals

LO:jcm  
Enclosure

cc: Larry Boggs, 318 S. Osage, 67212  
Paul Hays, OCI  
J.R. Cox, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk

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 size of a building sign on the east face of the building from 15 sq. ft. to 50.25 sq. ft. on property zoned the "LC" Light Commercial District (with DP-44) and legally described as follows:

Lot 2, East Side Center Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive & Longfellow (7701 E. Kellogg).

subject to the following conditions:

1. The only sign permitted larger than allowed by the sign code on the east building face shall be installed on the entablature above the topmost windows.
2. The larger sign approved by this variance shall be limited to a non-flashing internally-illuminated or non-illuminated logo (symbol or trademark).

ADOPTED AT WICHITA, KANSAS, this 23rd day of March, 1993.

  
\_\_\_\_\_  
Mitchell Faroh, President

ATTEST:

  
\_\_\_\_\_  
Louise Olivarez, Secretary

BZA RESOLUTION NO. 7-93

WHEREAS, American National Bank of Wichita, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a building sign on the east face of the building from 15 sq. ft. to 50.25 sq. ft. on property zoned the "LC" Light Commercial District (with DP-44) and legally described as follows:

Lot 2, East Side Center Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Kellogg Drive & Longfellow (7701' E. Kellogg).

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 March 23, 1993, 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 owner or the applicant inasmuch as the four faces of the eight-story building are almost identical; however, a 50.25-square-foot logo is permitted by the sign code on the north, west and south faces, but not on the east face because the east face does not front on a street or on a 150+-foot-deep parking lot as do the other faces; 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 sign will be approximately 100 feet above the ground and the only nearby building of similar height is a hotel 300 feet to the southeast with windows facing north and south, but not west toward this proposed sign; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as a 15-square-foot logo would be insufficient to adequately identify this structure when approaching from the east, and the scale of a 15-square-foot logo, in relation to the size of this 8-story building, as well as the comparison to the 50-square-foot logos on the other three sides of the building permitted under existing zoning regulations would appear architecturally incorrect and would diminish the overall design of the structure; 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 but would, in fact, serve the public interest by providing adequate building identification from a sufficient distance to permit planned access to 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 Title 28 (Zoning Ordinance) inasmuch as the additional height above grade which has been approved for this sign lessens the impact of its size because it will be viewed from a great 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.