

UNIQUENESS: It is the opinion of staff that this property is somewhat unique in that an elevated highway borders the front of the site, however, the elevation hinders the view of the sign only momentarily and only from one direction.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested may adversely affect the rights of adjacent property owners inasmuch as a 43-foot-tall Wichita Inn sign may block the view of other signs in the area, most of which are 35 feet in height.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign regulations will not constitute an unnecessary hardship upon the applicant inasmuch as the identification of this highway oriented use is sufficiently provided for by the existing 32-foot-tall pole sign.

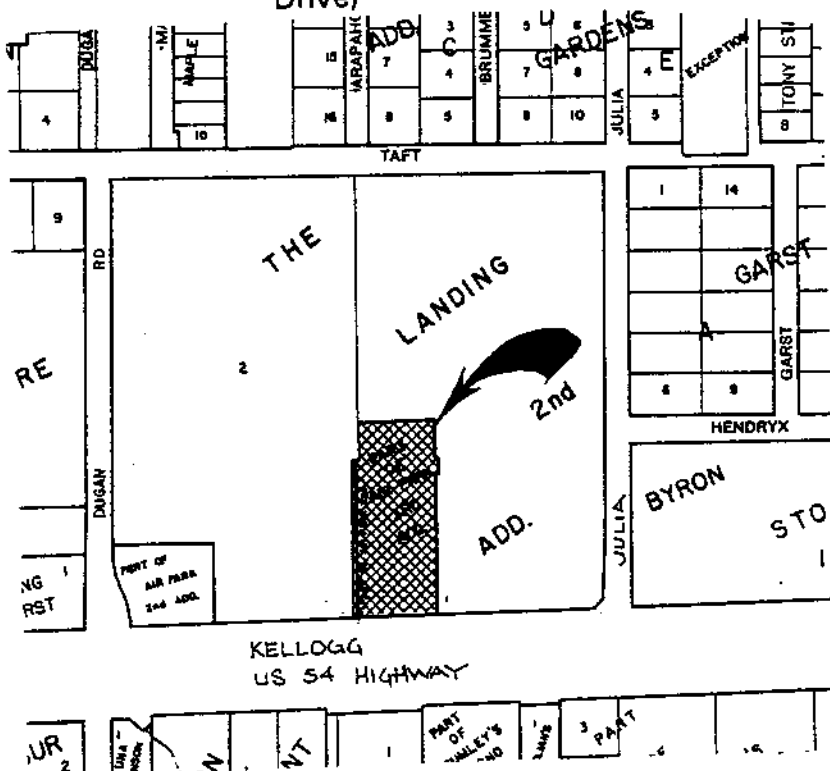
PUBLIC INTEREST: It is the opinion of staff that the requested variance would adversely affect the public interest inasmuch as the taller sign would not improve or protect the visual quality of the community.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would be opposed to the general spirit and intent of the sign regulations inasmuch as a 43-foot-tall sign at this location is excessive and more than necessary to provide adequate visibility of this business to the traveling public.

RECOMMENDATION: Since all five conditions necessary to the granting of a variance cannot be found to exist, it is the recommendation of the Secretary that the variance **NOT** be granted.

SECRETARY'S REPORT

CASE NUMBER: BZA 37-96
OWNER/APPLICANT: Lindy Andeel
AGENT: Everett Fettis
REQUEST: Variance to increase the height of a pole sign from 25' to 43'
CURRENT ZONING: "GC" General Commercial, with DP-150
SITE SIZE: 220' x 500'
LOCATION: North of Kellogg, West of Julia (6150 West Kellogg Drive)



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.

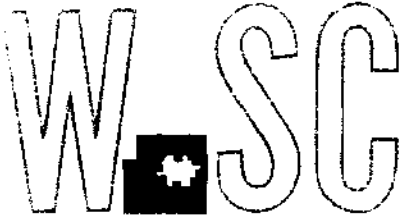
BACKGROUND: The applicant proposes to increase the height of the existing sign at the Wichita Inn on west Kellogg to 43 feet from its present height of 32 feet. The sign was installed prior to the 1990 sign code changes which reduced the height and size allowed for pole signs. Any structural change to an existing sign requires that it come into compliance with the current sign code. The current sign code would allow a maximum 300-square-foot, 25-foot-tall pole sign at this location

The Wichita Inn property is located within DP-150 which is considered one zoning lot with 1,205 feet of frontage along Kellogg. The frontage will accommodate 8 individual pole signs, with a separation of at least 150 feet. The total signage along this frontage cannot exceed 964 square feet and no one sign can be over 300 square feet. Currently there are four pole signs along this frontage with a total of 922 square feet of signage and no one sign being over 300 square feet. The sign in question is currently 32 feet tall and 288 square feet. If the variance is approved, the existing sign would be raised to 43 feet. The other three pole signs within DP-150 are each 35 feet tall. (Note: If this site was not part of a CUP but was considered as a separate zoning lot, it could have a total of 176 square feet of pole signage either on one 30-foot-tall pole or on two 25-foot-tall poles spaced at least 150 feet apart. The top portion of the Wichita Inn sign which has the motel name only, is 176 square feet in size.)

The applicant indicates the reason for this request is that the improvements made to west Kellogg have increased the height of the highway in front of this property therefore obstructing the view of this sign from Kellogg. While it is true that Kellogg is now elevated about 15 feet in front of this motel, and about 22 feet at the Dugan overpass, the Wichita Inn sign is quite visible for eastbound traffic except for a few seconds as one approaches the Dugan overpass. At this point a vehicle is well beyond the highway exit which provides access to the businesses near Dugan Road. It is another business's pole sign (Scotsman Inn) rather than the elevated highway which blocks the view of the Wichita Inn sign for a few seconds when westbound on Kellogg. When this temporary blockage occurs, a vehicle would still have an opportunity to exit onto the access road which serves the business. The Secretary is of the opinion that the existing height of the Wichita Inn sign provides adequate, although not constant, visibility and that an increase in height to 43 feet is not justified.

ADJACENT ZONING AND LAND USE:

NORTH:	"GC" General Commercial; Wal-Mart and Sam's Discount Club
SOUTH:	"GC" General Commercial; Kellogg (U.S. 54 Highway)
EAST:	"GC" General Commercial; Wal-Mart Parking
WEST:	"GC" General Commercial; Sam's Discount Club Parking; McDonald's



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

December 19, 1996

Four of Wichita
Lindy Andeel
358 N. Rock Rd.
Wichita, Ks 67216

Re: BZA 37-96 - Request for a variance to increase the height of a pole sign from 25 feet to 43 feet on property generally located north of Kellogg, west of Julia (6150 W. Kellogg Dr.)

Dear Mr. Andeel:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on December 17, 1996. This resolution reflect the official action of the Board to deny your request to increase the height of the sign from 25 feet to 43 feet, but to approve increasing the height of the sign from 25 feet to 38 feet 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/sah

cc: Everett Fettis, 120 S. Market, #200, Wichita, Ks 67202
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPC (resolution only)

of the sign ordinance inasmuch as a 43-foot sign would be excessive signage for this situation, but the Board of Zoning Appeals has found that the granting of a variance to a 38-foot tall sign would not be opposed to the general spirit and intent of the sign code inasmuch as a 38-foot tall sign would not be excessive and would harmonize with the surrounding uses and signs; 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 cannot be found to exist for a 43-foot tall pole sign, but can be found to exist for a 38-foot tall pole sign.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the height of a pole sign from 25 feet to 43 feet on property zoned the "GC" General Commercial and legally described as follows:

Beginning at the southwest corner of Lot 1, Air Park 3rd Addition, Wichita, Sedgwick County, Kansas, thence east 200 feet, thence north 500 feet, thence west 200 feet, thence south 500 feet to the point of beginning, except part taken in Condemnation Case #94C1784;

and

Beginning 200 feet east and 362 feet north of the southwest corner of Lot 1, Air Park 3rd Addition to Wichita, Sedgwick County, Kansas; thence north 40 feet, thence east 5 feet, thence south 40 feet, thence west 5 feet to the point of beginning;

and

The east 20 feet of the south 400 feet of Lot 1, Air Park 2nd Addition to Wichita, Sedgwick County, Kansas; except part taken in Condemnation Case # 94C1784. Generally located north of Kellogg, west of Julia (6150 W. Kellogg Dr.).

be denied, but that a variance to increase the height of a pole sign from 25 feet to 38 feet on this same property be approved, subject to the following conditions:

1. Prior to increasing the height of the sign, the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless a variance is granted by the Board, except that the height of the sign may be up to 38 feet.
2. This sign may be illuminated but shall not have flashing or moving lights or any parts which move or 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 17th day of December, 1996



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 37-96

WHEREAS, Four of Wichita, Inc., (Lindy Andeel) 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 25 feet to 43 feet on property zoned "GC" General Commercial and legally described as follows:

Beginning at the southwest corner of Lot 1, 3rd Addition Air Park, Wichita, Sedgwick County, Kansas, thence east 200 feet, thence north 500 feet, thence west 200 feet, thence south 500 feet to the point of beginning, except part taken in Condemnation Case #94C1784;

and

Beginning 200 feet east and 362 feet north of the southwest corner of Lot 1, Air Park 3rd Addition to Wichita, Sedgwick County, Kansas; thence north 40 feet, thence east 5 feet, thence south 40 feet, thence west 5 feet to the point of beginning;

and

The east 20 feet of the south 400 feet of Lot 1, Air Park 2nd Addition to Wichita, Sedgwick County, Kansas; except part taken in Condemnation Case # 94C1784. Generally located north of Kellogg, west of Julia (6150 W. Kellogg Dr.).

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 December 17, 1996, 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 an elevated highway borders the front of the site, and reduces the visibility of the sign to the traveling public; and

WHEREAS, the Board of Zoning Appeals has found that the requested variance to a 43-foot tall sign would adversely affect the rights of adjacent property owners, inasmuch as a 43-foot tall sign would not improve the visual quality of the business area, but the Board of Zoning Appeals has found that the granting of a variance to a 38-foot tall sign would not adversely affect the rights of adjacent property owners inasmuch as the height of the sign would be similar to the height of other signs in the area and the sign has adequate separation from the other adjacent signs; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the sign code of which variance is requested may constitute unnecessary hardship upon the property owner represented in the application inasmuch as the identification of this highway oriented use is not sufficiently provided for by the existing 32-foot-tall pole sign; and

WHEREAS, the Board of Zoning Appeals has found that the requested variance to a 43-foot tall sign would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, inasmuch as a 43-foot tall sign would impact the visual quality of the area and would be in excess of the height needed to provide adequate visibility, but the Board of Zoning Appeals has found that the granting of a variance to a 38-foot tall sign would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that there are other signs in the area which are also at this height or greater; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance to a 43-foot tall sign as requested would be opposed to the general spirit and intent