

NORTH ↗

BZA 10-96

WICHITA -- SEDGWICK COUNTY:



METROPOLITAN AREA PLANNING
DEPARTMENT

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

September 4, 1996

Mr. Freddy Magana
3025 N. Rock Road
Wichita, KS 67226

RE: BZA 10-96 Variance to reduce the depth of parking area required to permit a building sign from 150' to 61' on property located on the west side of Rock Road, south of 30th Street North (3025 N. Rock Road).

Dear Mr. Magana:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on August 27, 1996. This resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. It is forwarded to you for your information and files now that signatures have been obtained. 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: Northrock Properties Management, c/o C.C. Theophine, Box 2529, Stillwater, OK 74076
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson, MAPD

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 depth of parking area required to permit a building sign from 150 feet to 61 feet on property zoned the "LC" Limited Commercial and legally described as follows:

Lot 4, Block 1, Northrock Crossing, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Rock Road, south of 30th Street North. (3025 N. Rock Road)

subject to the following conditions:

1. Only three building signs shall be permitted on the north face of the building and their size shall total no more than 64 square feet.
2. The building signs approved by this variance shall be limited to signs painted onto the face of the building.
3. The resolution 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 27th day of August, 1996.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 10-96

WHEREAS, Northrock Properties Management, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the depth of parking area required to permit a building sign from 150 feet to 61 feet on property zoned "LC" Limited Commercial and legally described as follows:

Lot 4, Block 1, Northrock Crossing, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Rock Road, south of 30th Street North. (3025 N. Rock Road)

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 27, 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 inasmuch as the site has been developed with a structure which has integrated the company logo into its color and painting scheme; 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 signs are directed to the side of another business, are relatively small in size and are painted on the building and therefore should not be detrimental to other uses that exist in the area; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the sign ordinance of which variance is requested would constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would have to paint the entire building to remove the existing signs and then would not be able to fully utilize the company's national advertizing campaign to support the use; 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 signs are relatively small in size, are less than twelve feet above grade, and are not internally illuminated; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired would not be opposed to the general spirit and intent of the sign ordinance inasmuch as these signs exist as an integral part of the building design and they have existed on this property for a year with no complaint from any public or private interest; 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 have been found to exist.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations **will not** constitute an unnecessary hardship upon the applicant inasmuch as there is adequate signage on the site to alert the public as to the location of this business.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the signs are relatively small in size, are less than twelve feet above grade, and are not internally illuminated.

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 code inasmuch as placing a sign on a building which is not provided for by the sign code and which cannot be justified as to all five factors necessary for a variance would not be preserving the visual qualities of the community or eliminating excessive signage.

RECOMMENDATION: Since all five factors necessary to the granting of a variance cannot be found to exist, it is the recommendation of the Secretary that the variance of reducing the depth of parking area from 150 feet to 61 feet **not be** granted. However, should the Board be able to justify all five factors, the following conditions of approval should be considered:

1. Only three building signs shall be permitted on the north face of the building and their size shall total no more than 64 square feet.
2. The building signs approved by this variance shall be limited to signs painted onto the face of the building.
3. The resolution 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.

file copy

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 5
August 27, 1996

SECRETARY'S REPORT

CASE NUMBER: BZA 10-96

OWNER/APPLICANT: Northrock Properties Management

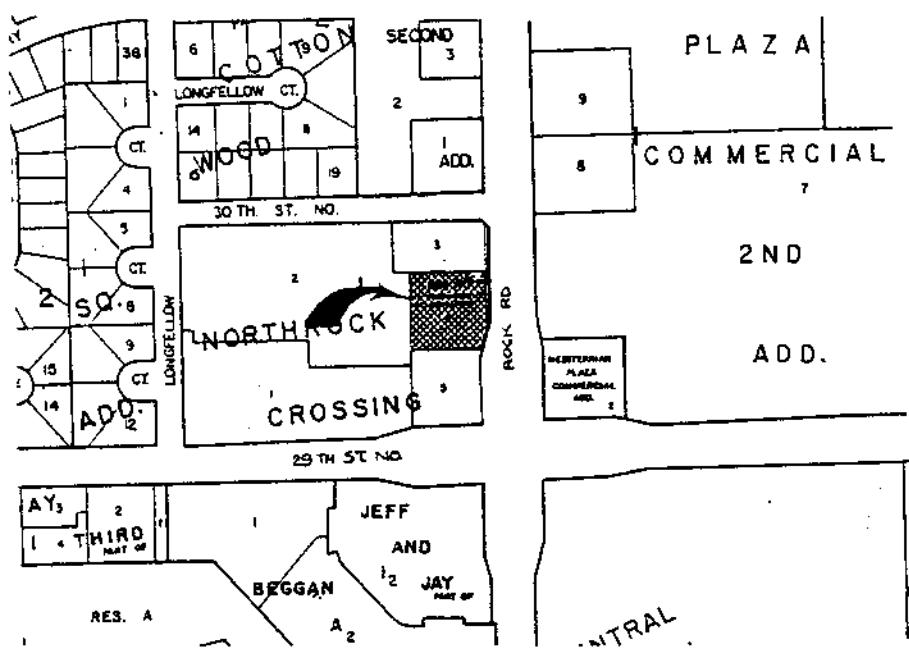
AGENT: Freddy Magana

REQUEST: Variance to reduce the depth of parking area required to permit a building sign from 150 feet to 61 feet.

CURRENT ZONING: "LC" w/DP-109

SITE SIZE: 1.0 Acre

LOCATION: West side of Rock Road, south of 30th Street North.



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, Northrock Properties Management, has developed a parcel within DP-109 with an El Chico restaurant. The site is an interior lot that has frontage on Rock Road. The applicant has indicated that when the site was developed a painted nationally known logo (building sign) and two smaller signs were placed on the north side of the restaurant in such a manner as to blend in with the rest of the building.

The sign code in the "LC" district requires that there shall be no more than three signs for each business on each building elevation having street frontage or fronting onto a parking area with a depth of 150 feet or more. The signs shall be limited in total area to twenty percent of each building elevation but no more than four hundred square feet in area and no more than thirty feet above grade. In this request the applicant is requesting that existing building signs be permitted to remain on a building elevation which does not front onto a parking area with a depth of 150 feet or more.

The building signs on the north face of the building front onto the applicant's parking area which has a depth of 61 feet. Therefore, the applicant's request is to reduce the depth of parking area required to permit building signs from 150 feet to 61 feet. The existing logo sign is 58 square feet in size and is 9 feet 8 inches above grade and is located on the west side of the north face. The two smaller signs (three square feet each) are located on the upper half of the east side of the north face. The distance between the north face of the El Chico restaurant and the south face of the financial institution being constructed north of the application area is approximately 115 feet.

ADJACENT ZONING AND LAND USE:

NORTH	"LC" Financial Institution
SOUTH	"LC" Restaurant (Boston Market)
EAST	"LC" Retail, Financial Institution (Wal-Mart, Fidelity Savings)
WEST	"LC" Retail (Sear's, Barnes & Noble, and Pacific Linen)

UNIQUENESS: It is the opinion of staff that this property is not unique inasmuch as many commercial properties have been developed on interior lots that provide public services which do not have signs on the sides of buildings that do not front onto a parking lot depth of 150 feet or more as required by the sign code.

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 signs are directed to the side of another business, are relatively small in size and are painted on the building and therefore should not be detrimental to other uses that exist in the area.