

9/27/2007

Friends University
2100 University
Wichita KS 67213

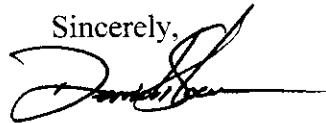
RE: BZA2006-00038 – City Sign Variance to add a 5 foot pediment top to the new sign display (SGN2007-00861)

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the City Board of Zoning Appeals on **September 25, 2007**. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,



Jess McNeely, Senior Planner
Current Plans Division

JMC/yja

Cc: Mary Wilson, 1016 N Waco, Wichita KS 67203
Kurt Schroeder, Office of Central Inspections
Paul Hays, Office of Central Inspections
Randy Sparkman, Office of Central Inspections
J R Cox, Office of Central Inspections

BZA RESOLUTION NO. 2007-00038

WHEREAS, Friends University (Owner) / Mary Wilson, George Lay Signs (Agent); Variance to Board of Zoning Appeals case BZA20-95 to increase the maximum permitted height of a pole sign from 30 feet to 35 feet

Lots 1 & 2 of the Friends University 2nd Addition in Wichita, Sedgwick County, Kansas.

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 September 25, 2007, 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 of the Zoning 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, inasmuch as the site is being used for “university” purposes, located adjacent to a cross-country highway, that has buildings placed on the historic register. Impacts to properties listed on the historic register require design review for compatibility. It is felt that the addition of the triangle shaped pediment will make the sign more compatible with the university’s aesthetic and historical status.

WHEREAS, the Board of Zoning Appeals has found that the granting the requested variance for increased sign area and height will not adversely affect the rights of adjacent property owners, inasmuch as all adjacent properties are developed with university uses and the nearest residential uses are located across the Kellogg (US-54) flyover.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the of the sign code would constitute an unnecessary hardship upon the applicant, inasmuch as the addition of a 5-foot pediment to the sign will enable the sign to more effectively fit in with the character to the historic environs in which the sign will be located, the pediment will not detrimentally effect nearby properties and the pediment will not be a visual obstruction to vehicles on Kellogg. The university desires to maintain the historic character of their campus, and the current signs rectangular shape is less desirable when compared to the proposed sign height and design.

WHEREAS, the Board of Zoning Appeals has found that the requested variance for increased sign size and height would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale, and has minimal lighting.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance for increased sign size and height would not oppose the general spirit and intent of the Sign Code, inasmuch as a stated intent of the Sign Code is to provide an opportunity to achieve a reasonable balance between the need for a sign and preserving the visual qualities of the community. In this instance, the need for a five-

foot increase in sign height to provide a pediment will finish the top of the sign and provide a reasonable balance with the visual qualities of the community.

WHEREAS, each of the five conditions required by Section 2.12.590.B, of the Zoning 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, pursuant to Section 2.12.590.B. of the Zoning Code, City of Wichita, variance be granted to increase the maximum permitted height of a pole sign from 30 feet to 35 feet legally described as follows:

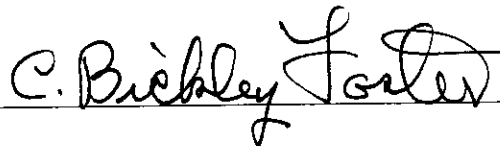
Lots 1 & 2 of the Friends University 2nd Addition in Wichita, Sedgwick County, Kansas;
generally located northeast of the corner of Bonn & Kellogg Dr.

The variance is hereby **GRANTED**, subject to the following conditions:

1. The pole sign on the subject property shall comply with all regulations of the Sign Code and the conditions set forth in BZA20-95, except that the sign shall be permitted to be a maximum of 35 feet in height.
2. The pole sign on the subject property shall be of a design that is in substantial conformance with the approved elevation rendering.
3. The applicant shall obtain all permits necessary to construct the signage, and the signage shall be erected within one year of the granting of the variance, unless the Board extends such time period.
4. The resolution authorizing the variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 25th day, September, 2007.

BZA Board Chair, Bickley Foster



ATTEST:



For: Jess McNeely, BZA Secretary and/or
Dale Miller, Current Plans Manager

SECRETARY'S REPORT

CASE NUMBER: BZA2007-00038

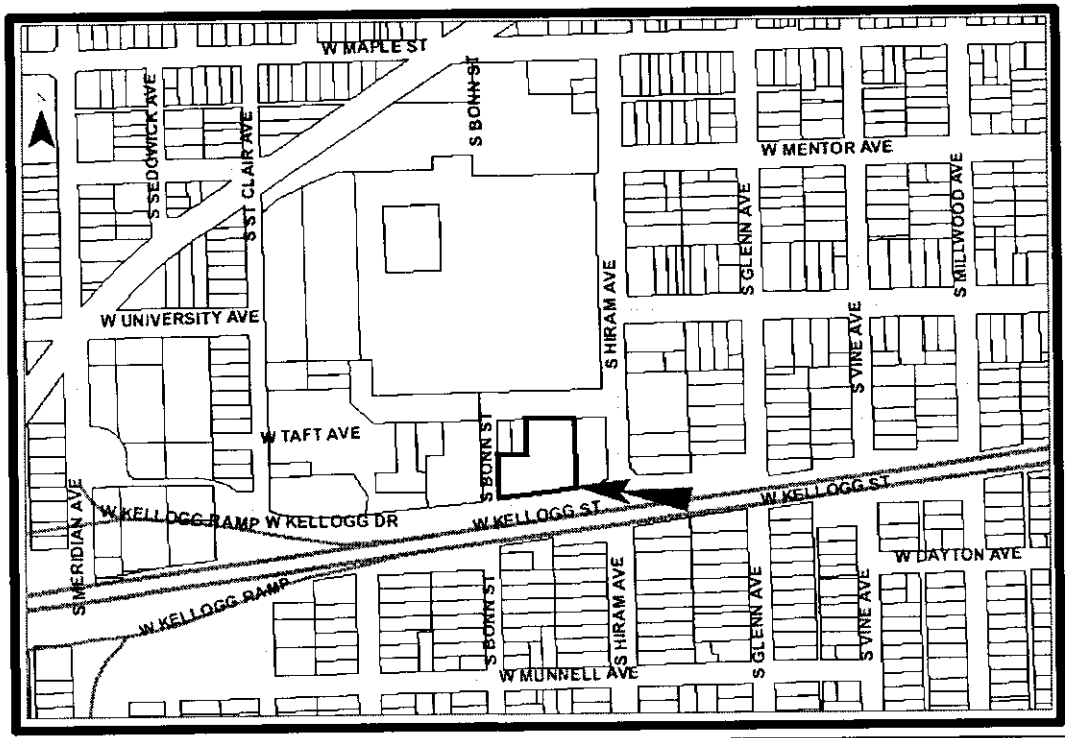
OWNER/APPLICANT: Friends University (Owner) / Mary Wilson (Agent)

REQUEST: Variance to Board of Zoning Appeals case BZA20-95 to increase the maximum permitted height of a pole sign from 30 feet to 35 feet

CURRENT ZONING: "U" University District

SITE SIZE: 1.41 Acres

LOCATION: Northeast of the corner of Bonn & Kellogg Dr.



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, Friends University, is operating an educational institution in an area generally bounded by Highway 54 (Kellogg) on the south, Maple

on the north, Glenn on the east and Meridian on the west. Kellogg Drive is located adjacent to Kellogg and provides for east/west circulation along the south portion of the campus. The application area is located at the northeast corner of Bonn and Kellogg Drive. The university already has a variable message LED sign, 30-feet tall at this location. The applicant desires to replace the existing LED sign and add an architectural feature to the top of the rectangular-shaped LED sign, which would make the sign 35-feet tall. The underlying zoning of the site is "U" University and the sign code restricts signs for institutional uses within this zoning category to a height not to exceed 25-feet.

The subject sign has previously been approved for a variance (BZA 20-95) to increase the height from the sign code requirement of 20-feet to 30-feet and to increase the total square footage from the sign code required 48 square feet to 184 square feet, prior to the site being rezoned to "U" University. This application is for a variance to increase the height from the approved 30-feet to 35-feet, which would allow for the addition of a 5-foot triangle-shaped pediment on top of the rectangle shaped LED reader board. Increased square footage of the sign is not required to be addressed in this variance application since the sign code eliminates the inclusion of the square footage of architectural details when considering the size of the sign for permitting purposes.

The 5-foot pediment will not contain any advertising or lighting and has been recommended by the Historic Preservation Board because they feel that this particular detail is appropriate for the historic environs, which the sign is located in. The applicant has submitted a justification statement (attached) for the requested variance to permit the sign height increase. It is the applicants intent to re-use the existing sign support structure, that eliminated the possibility of reducing the support structure by 5-feet.

ADJACENT ZONING AND LAND USE:

NORTH	"U"	University/College
SOUTH	"MF-29"	Single-family Residence
EAST	"U"	University/College
WEST	"U"	University/College

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the site is being used for "university" purposes, located adjacent to a cross-country highway, that has buildings placed on the historic register. Impacts to properties listed on the historic register require design review for compatibility. It is felt that the addition of the triangle shaped pediment will make the sign more compatible with the university's aesthetic and historical status.

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 all adjacent properties are developed with university uses and the nearest residential uses are located across the Kellogg (US-54) flyover.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as the addition of a 5-foot pediment to the sign will enable the sign to more effectively fit in with the character to the historic environs in which the sign will be located, the pediment will not detrimentally effect nearby properties and the pediment will not be a visual obstruction to vehicles on Kellogg. The university desires to maintain the historic character of their campus, and the current signs rectangular shape is less desirable when compared to the proposed sign height and design.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale, and has minimal lighting.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as a stated intent of the Sign Code is to provide an opportunity to achieve a reasonable balance between the need for a sign and preserving the visual qualities of the community. In this instance, the need for a five-foot increase in sign height to provide a pediment will finish the top of the sign and provide a reasonable balance with the visual qualities of the community.

RECOMMENDATION: It is staff's opinion that the additional 5-foot pediment requested for an approved sign is appropriate for the intended purpose additional architectural detail within historic environs. Should the Board determine that the five conditions necessary for the granting of the variances exist, then it is the recommendation of the Secretary that the variance be GRANTED, subject to the following conditions:

1. The pole sign on the subject property shall comply with all regulations of the Sign Code and the conditions set forth in BZA20-95, except that the sign shall be permitted to be a maximum of 35 feet in height.
2. The pole sign on the subject property shall be of a design that is in substantial conformance with the approved elevation rendering.
3. The applicant shall obtain all permits necessary to construct the signage, and the signage shall be erected within one year of the granting of the variance, unless the Board extends such time period.
4. The resolution authorizing the variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.