



Wichita-Sedgwick County Metropolitan Area Planning Department

06/24/2008

Maray Properties, Inc. c/o Ray Walsh
3508 W 53rd Street
Shawnee Mission, KS 67205

Trimark Signworks attn Jim Atherton
319 Oak
Wichita, KS 67213

RE: BZA2008-22 City sign variance to increase the height of a freestanding sign from 25' to 42' feet on property zoned LI Limited Industrial, generally located northeast of the Kellogg/1-235 interchange.

Dear Applicants:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **June 24, 2008**. 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,

A handwritten signature in black ink, appearing to read 'Jess McNeely'.

Jess McNeely, AICP
BZA Secretary
Current Plans Division

JM/ya

Cc Sharon Dickgrafe, Law Dept, 1-132
Herb Shaner, OCI, 1-72
Paul Hays, WCC District IV, 1-13
Kurt Schroeder, OCI, 1-72
JR Cox, OCI, 1-72

BZA RESOLUTION NO. 2008-22

WHEREAS, Maray Properties Inc. (Owner/Applicant); pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to the Sign Code to increase the height of a freestanding sign from 25 to 42 feet in LI Limited Industrial zoning, generally located on the northwest corner of Westdale Drive and Anna Avenue and northeast of the Kellogg/1-235 interchange.

Lot 4; Plumb Addition, 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 June 24, 2008, 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 conditions that are unique, as the property is visible from elevated portions of highway but does not abut elevated portions of highways. The site is also unique in that taller surrounding signs are permitted due to Community Unit Plan standards and previous variances, yet this site is one stand-alone property without the benefit of shared, increased signage height.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not adversely affect the rights of adjacent property owners. The requested 17-foot height increase would not adversely affect the rights of adjacent property owners, as all surrounding properties are commercially zoned and developed along highway frontage. Also, several adjacent properties have taller signs than this requested sign height. Finally, the requested sign height will not affect the visibility of surrounding signs.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the sign regulations would constitute an unnecessary hardship upon the applicant, as the 25-foot height limit prevents this sign from achieving the same level of visibility as surrounding signs.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest at this location, as increased visibility of this sign will aid customers in finding the site. The requested sign height is appropriate relative to the surrounding sign heights of 35, 42.5, and 50 feet.

WHEREAS, the Board of Zoning Appeals has found that granting the requested variance would not be opposed to the general spirit and intent of the zoning and sign regulations. The sign height increase will make it more visible from nearby highways. The sign code intends for signs near elevated highways to be allowed increased height for sufficient visibility, this site is in a unique location with highway visibility without directly abutting an elevated highway. This variance request is consistent with the Community Unit Plan and previous variances in the immediate area.

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, are found to be present for a variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B,

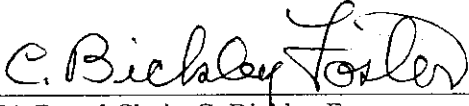
Code of the City of Wichita, a variance to the Sign Code to increase the height of a freestanding sign from 25 to 42 feet in LI Limited Industrial zoning, generally located on the northwest corner of Westdale Drive and Anna Avenue and northeast of the Kellogg/1-235 interchange.

Lot 4; Plumb Addition, Sedgwick County, Kansas.

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

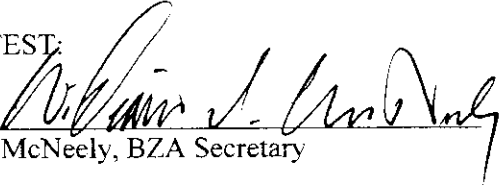
1. The site shall be developed in conformance with the approved site plan and elevation drawings.
2. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 24th Day of June 2008.



BZA Board Chair, C. Bickley Foster

ATTEST:

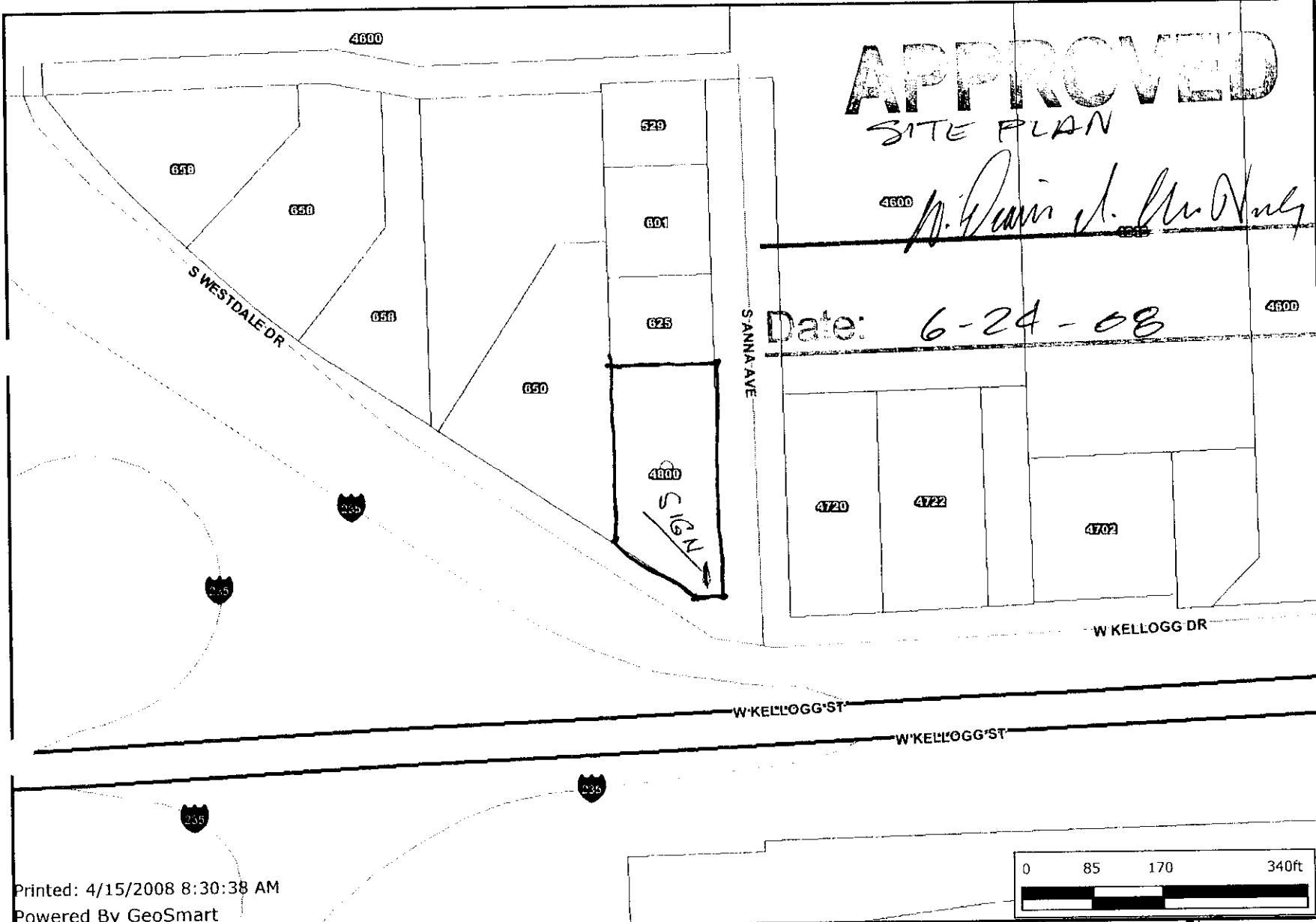


Jess McNeely, BZA Secretary



BZA 2008-22

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