WICHITA – SEDGWICK COUNTY

W.SC

METROPOLITAN AREA PLANNING DEPARTMENT

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

September 7, 1999

Word of Life Ministries, Inc.
3811 N. Meridian
Wichita, KS 67204

RE: BZA 19-99 – Variance to permit a 96 square foot sign. On property generally located at the northwest corner of 37th Street North and Womer.

Dear Ladies and Gentlemen:

At its regular meeting on August 24, 1999, the Board of Zoning Appeals considered the above-captioned request. The action of the BZA was to APPROVE the request.

The action of the BZA is FINAL. Enclosed is a signed copy of the above-referenced BZA Resolution No. 19-99. If you have any questions concerning this case, please contact our office at 268-4421.

Sincerely,

Dale Miller
BZA Secretary

Cc: Spangenberg Phillips Architecture, %Brad Teeter, 224 E. Douglas, Fifth Floor, Wichita, KS 67202
Dorathea Sloan, 3929 N. Athenian, Wichita, KS 67204
Sherwood Glen, %Liz Weyman, 3921 Friar Lane, Wichita, KS 67204
Kurt Schroeder, Office of Central Inspection
Randy Sparkman, Office of Central Inspection
Paul Hays, Office of Central Inspection
J.R. Cox, Office of Central Inspection
Yolanda Anderson
File

Made with Recycled Paper

BZA RESOLUTION NO. 19-99

WHEREAS, Word of Life Ministries, Inc. (applicant/owner), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to permit a 96 foot sign on property zoned "MF-18" Multi-family Residential and legally described as follows:

> Lot 1, Block 1, Cherokee Sunrise West, an Addition to Wichita, Sedgwick County, Kansas, EXCEPT beginning at the Northeast corner of said Lot 1; thence South 03 degrees 56'40" East, a distance of 215.92'; thence South 00 degrees 01'21" West, a distance of 97.57'; thence North 90 degrees West, a distance of 756.18'; thence North 07 degrees 03'07" East; a distance of 15.80'; thence North 14 degrees 56'06" East, a distance of 130.85'; thence North 34 degrees 46'26" East, a distance of 123.37'; thence North 50 degrees 57'35" East, a distance of 139.65'; thence North 89 degrees 00'17" East, a distance of 131.60'; thence South 84 degrees 12'32" East, a distance of 195.30'; thence South 89 degrees 42'49" East, a distance of 200.99' to the point of beginning. Generally located at the northwest corner of 37th Street North and Womer.

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 24, 1999, 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. It is the opinion of staff that this property is unique inasmuch as it is a "U" shaped parcel with a large amount of arterial street frontage – inexcess of 317 feet. The application area and the church which owns the site also has at least five different uses on-site.

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. 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 applicant could ask for more intensive zoning in order to get the size of sign they

need. The requested sign is no larger than the maximum size for a "multi-tenant" sign in the City's office or neighborhood retail districts, which are intended to have use and signage requirements that are compatible with nearby residential areas.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application. It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the "MF-18" district only allows a 48 square foot sign. Given the large number of uses conducted by the applicant, a 48 square foot sign advertising five activities would not be effective.

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. It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the granting of this variance allows the applicant to meet its signage needs without rezoning the property to a more intense zoning district.

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 the zoning ordinance. 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 regulations, inasmuch the variance allows for a sign of this size without requesting a more intense zoning district.

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.

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 permit a 96 square foot sign on property zoned "MF-18", Multi-family Residential and legally described as follows:

> Lot 1, Block 1, Cherokee Sunrise West, an Addition to Wichita, Sedgwick County, Kansas, EXCEPT beginning at the Northeast corner of said Lot 1; thence South 03 degrees 56'40" East, a distance of 215.92'; thence South 00 degrees 01'21" West, a distance of 97.57'; thence North 90 degrees

West, a distance of 756.18'; thence North 07 degrees 03'07" East; a distance of 15.80'; thence North 14 degrees 56'06" East, a distance of 130.85'; thence North 34 degrees 46'26" East, a distance of 123.37'; thence North 50 degrees 57'35" East, a distance of 139.65'; thence North 89 degrees 00'17" East, a distance of 131.60'; thence South 84 degrees 12'32" East, a distance of 195.30'; thence South 89 degrees 42'49" East, a distance of 200.99' to the point of beginning. Generally located at the northwest corner of 37th Street North and Womer.

subject to the following conditions:

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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 applicant shall be permitted one 96 square foot sign that is constructed substantially similar to the graphics submitted with this request.

2. The applicant shall comply with all other requirements of the sign code.

3. If any of the foregoing conditions are not met, this variance will be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of August, 1999.

Floyd Pitts, President

ATTEST:

Lisa Verts, Assistant Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 2
July 27, 1999
August 24, 1999

SECRETARY'S REPORT

CASE NUMBER: BZA 19-99

OWNER/APPLICANT: Word of Life Ministries, Inc.

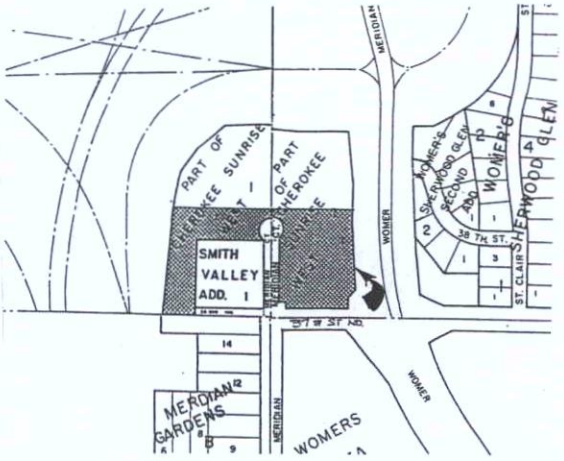
AGENT: Spangenberg Phillips Architecture / Brad Teeter

REQUEST: Variance to permit a 96 square foot sign

CURRENT ZONING: MF-18, Multi-family Residential

SITE SIZE: 5 acres

LOCATION: Northwest corner of 37th Street North and Womer



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 applicantion area is five acres of "U" shaped platted property located west of Womer and north of 37th Street North. The site is owned by Word of Life Ministries and has developed the western portion of the application area with a school and parking. Word of Life Ministries has built a church building and parking on "LC", Limited Commerical zoned land which abuts the application area on three sides. In addition to the K-12 school and church, the church also provides childcare, preschool, bible college and counseling services. The church is wanting to place an identification sign on the undeveloped portion of their ownership which is zoned "MF-18", Muliti-family Residential advertising all these activities. The application area has over 317 feet of frontage on Womer, an arterial street.

The applicant is proposing to install a 16 foot 8 inch tall by eight foot wide, internally lit aluminum sign. Only the upper 12 feet of the sign would contain space for copy so it is classified as a request for a 96 square foot sign. The base of the sign is to be masonry. (See attached graphics.) The sign would be located at the northwest corner of the intersection of Womer and 37th Street North. The site also has also has approximately 280 feet of frontage on 37th Street North.

The sign code permits "MF-18" zoned uses one 48 square foot sign when the use is located along a collector, arterial or expressway. Maximum height of these signs is to be 20 feet, and shall be limited to indirect or internal illumination of white light only.

At the July 27th meeting, the BZA deferred the request to the next meeting on the basis that a neighborhood representative who was protesting the applicantion indicated there may have been confusion at the CPO and neighborhood meetings over the exact size of the sign. The Board asked the applicant to meet with the neighborhood to see if any misconceptions exist. The appicants met with the neighbors, and agreed to a sign eight feet wide and 14 feet tall. The CPO voted to approve the request.

ADJACENT ZONING AND LAND USE:

NORTH	"MF-18", Multi-family Residential; vacant
SOUTH	"LC", Limited Commercial; vacant
EAST	"SF-6", Single-family Residential; arterial street, residences
WEST	"LC", Limited Commerical; church

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as it is a "U" shaped parcel with a large amount of arterial street frontage – inexcess of 317 feet. The application area and the church which owns the site also has at least five different uses on-site.

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 applicant could ask for more intensive zoning in order to get the size of sign they need. The requested sign is no larger than the maximum size for a "multi-tenant" sign in the City's office or neighborhood retail districts, which are intended to have use and signage requirements that are compatible with nearby residential areas.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the "MF-18" district only allows a 48 square foot sign. Given the large number of uses conducted by the applicant, a 48 square foot sign advertising five activities would not be effective.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the granting of this variance allows the applicant to meet its signage needs without rezoning the property to a more intense zoning district.

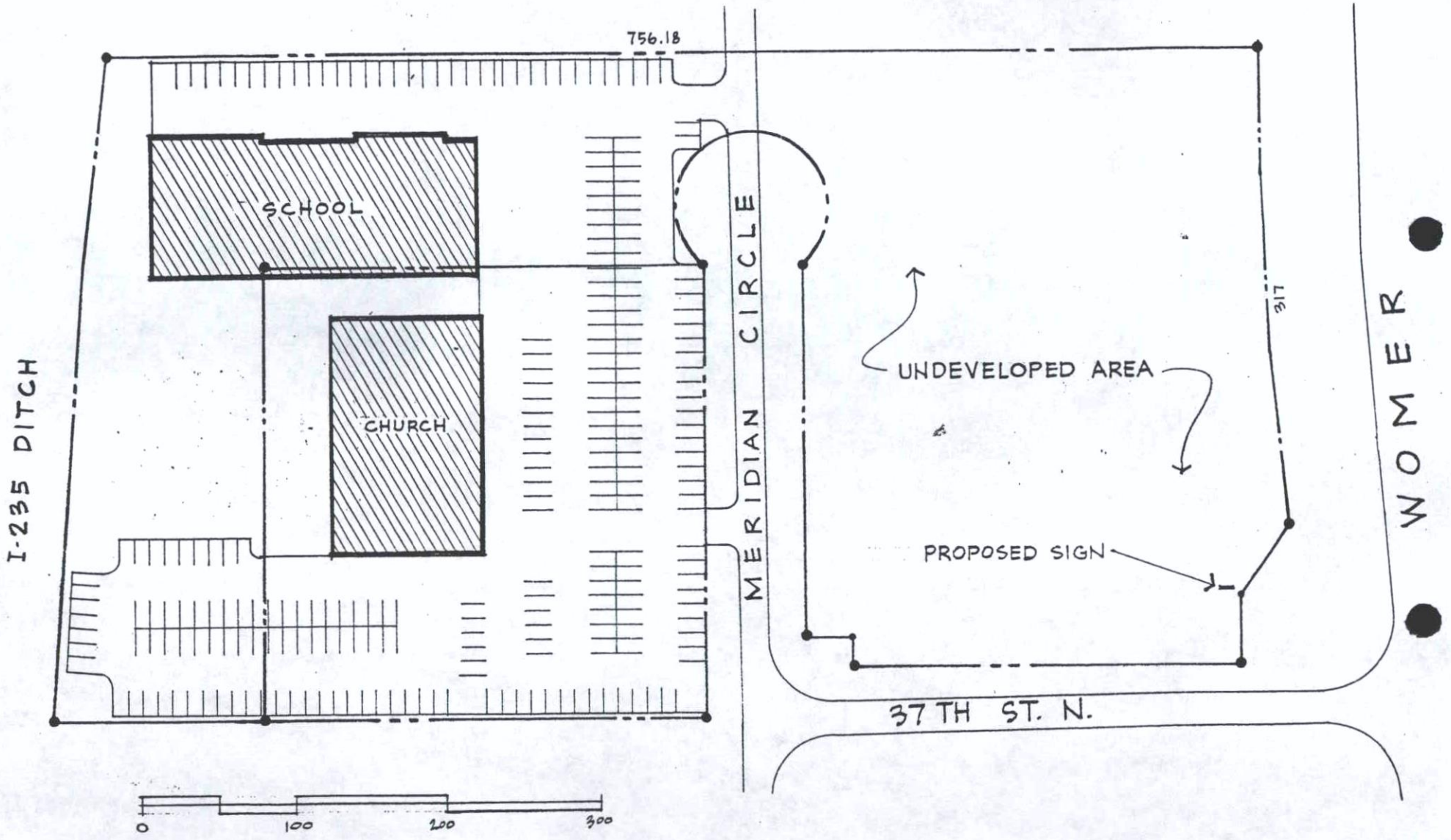
SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch the variance allows for a sign of this size without requesting a more intense zoning district.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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 applicant shall be permitted one 96 square foot sign that is constructed substantially similar to the graphics submitted with this request.

2. The applicant shall comply with all other requirements of the sign code.

3. If any of the foregoing conditions are not met, this variance will be considered null and void.



SITE PLAN

WORD OF LIFE

WICHITA, KANSAS