CITY OF WICHITA

**Wichita-Sedgwick County Metropolitan Area Planning Department**

April 21, 2000

Messiah Baptist Church
Attn: Pastor Mark Hoover
12200 E. 21st Street North
Wichita, KS 67206

**Re: Time extension for Variance BZA 11-99, generally located north of 21st Street North and east of K-96.**

Dear Mr. Hoover:

I have considered your request for an extension on the one-year time limit stated in BZA 11-99. I understand that budget constraints have limited your ability to install the sign permitted by this variance within the original one-year time limit. Therefore, I am granting a one-year extension retroactive from April 13, 2000. However, should the sign not be installed within one year of April 13, 2000, the resolution granting this variance shall become null and void.

Sincerely,

Dale Miller

Dale Miller, Secretary
Board of Zoning Appeals

DM:lv

cc: Randy Sparkman, Office of Central Inspection

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

FILE COPY

April 27, 1999

Messiah Baptist Church
Attn: Dan Kubish
2000 South Hillside
Wichita, Kansas 67211

**RE: Request a variance to increase the permitted sign from 20 feet to 30 feet and allow the sign to be interior lit on property zoned "SF-6" Single-Family Residential. On property generally located at 21st and K-96.**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on April 13, 1999. This resolution reflects the official action of the Board to grant your request 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,

Dale Miller

Dale Miller
Secretary
Board of Zoning Appeals

DM/rs

cc: Enclosure
J. R. Cox, OCI
Paul Hayes, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)

**BZA RESOLUTION NO. 11-99** FILE COPY

**WHEREAS**, Messiah Baptist Church (owner), Dan Kubish, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted sign height from 20 feet to 30 feet; and a variance to allow the sign to be interior lit on property zoned "SF-6", Single-family Residential and legally described as follows:

> Lot 1, Block A, Messiah Baptist church 4th Addition. Generally located Northeast corner of east 21st Street and K-96 Highway.

**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 April 13, 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 inasmuch as it is a 40 acre site is adjacent to an elevated interchange segment of a divided 4-lane highway. The church is located near the middle of the tract, some 700 hundred feet from the intersection of 21st Street and K-96. Approval of the additional height and internal lighting would help church members to locate the church more easily due to the elevated 21st Street and K-96 intersection.

**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 it will not adversely affect the rights of adjacent property owners, inasmuch as the signs will be located along 21st Street North, which is a designated "4-lane arterial" by the 2020 Transportation Plan and K-96 Highway which is designated as a 4-lane Freeway. Due to the interchange, it is anticipated that 21st Street in this immediate area will develop with nonresidential use. A school already exists to the south and Limited Commercial zoning has been approved to the east of the site. A taller sign and two internally lit signs will not negatively impact adjacent properties. The signs are designed to be architecturally compatible with the church building and do not contain any distracting or objectionable features.

FILE COPY

**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 inasmuch as the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant, inasmuch as the signs will help new church members and those seeking the church who may not be familiar with its location to locate this new facility, particularly from a high speed facility like K-96.

**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 requested variance would not adversely affect the public interest, inasmuch as the signage will help people locate the facility. A 30 foot tall sign is not as tall a sign as would be permitted if this site where zoned for commercial uses.

**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 inasmuch as the granting of the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as the sign code is intended to provide enough signage that citizens can identify destinations while at the same time minimizing unnecessary clutter and distraction that could jeopardize safe and efficient circulation. Increasing the height of one sign by ten feet at the intersection of a proposed expressway and an existing freeway, and allowing that same sign and one other sign on the same site to be internally lit, will not violate the spirit and intent of the sign code.

**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.

FILE COPY

**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 increase the permitted sign height from 20 feet to 30 feet; and a variance to allow the sign to be interior lit on property zoned "SF-6", Single-family Residential and legally described as follows:

Lot 1, Block A, Messiah Baptist church 4th Addition. Generally located Northeast corner of east 21st Street and K-96 Highway.

subject to the following conditions:

1. Prior to installing the proposed sign, the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless another variance is granted by the Board, except that the height of the pole sign may be 30 feet.

2. The signs may be internally illuminated, but shall not have any flashing or moving lights or any parts which move or create the illusion of movement.

3. The signs shall be constructed substantially in compliance with the elevation drawings submitted with this application. No portable signs shall be permitted along 21st Street North and K-96 Highway frontages.

4. The signs shall be installed within one year or the resolution granting this variance shall be null and void.

5. This variance authorizing a larger sign 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 of approval.

6. The location of the pole sign will be limited to 125 feet from the centerline of the right-of-way. The monument sign can exists where it is recommended on this plan. And the illumination is approved for both signs.

FILE COPY

ADOPTED AT WICHITA, KANSAS, this 13th day of April, 1999.

Floyd Pitts, Assistant Chair

ATTEST:

Dale Miller, AICP, Secretary

Ron's Sign Co.
267-8914 ▼ WICHITA, KS.
FOR ALL YOUR SIGN NEEDS

13' 2"

