



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

September 20, 2002

Westwood Presbyterian Church
%Bob Reinke
8007 W. Maple
Wichita, KS 67209

RE: BZA 2002-00047 – 1) Variance to Section 24.04.190.11 of the Sign Code to permit a bulletin board sign for a church along an arterial street to exceed 48 square feet in size; and 2) Variance to Section 24.04.190.11 of the Sign code to permit a bulletin board sign for a church to be lighted by a method other than indirect white light. Generally located at the southwest corner of Maple and Woodchuck.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on August 27, 2002, 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.

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

Sincerely,

Scott Knebel
Assistant BZA Secretary

SK/rms

cc: Miracle Signs, %Lori Wyatt, 361 N. Broadway, Wichita, KS 67218
City Council Member District V, Bob Martz, Mail Stop 1-13
Dana L. Brown, N.A. V, Mail Stop 1-135
Sharon Dickgrafe, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2002-00047

WHEREAS, Westwood Presbyterian Church c/o Bob Reinke (owner/applicant); Miracle Signs c/o Lori Wyatt (agent), pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to Section 24.04.190.11 of the Sign Code to allow a bulletin board sign for a church along an arterial street to exceed 48 square feet in size; and to allow a bulletin board sign for a church to be lighted by a method other than indirect white light and legally described as follows:

Lot 1, Westwood Presbyterian Church Addition, Sedgwick County, Kansas. Generally located at the southwest corner of Maple and Woodchuck.

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, 2002, 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. It is the opinion of the Board that this property is unique, inasmuch as the property is several times larger than the typical lot found in the "SF-5" Single-Family zoning district. Additionally, the property has 230 feet of frontage along an arterial street, which is not typical for a property found in the "SF-5" zoning district.

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 the Board that the granting of the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as no adjacent residential properties will have a direct view of the sign. Additionally, non-conforming signage for Mary Benton School to the east, which is of similar size and lighting method as proposed for the church, has existed in the neighborhood for numerous years with no noticeable adverse impacts on adjacent properties.

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 the Board that the strict application of the provisions of the sign regulations will constitute an unnecessary hardship upon the applicant, inasmuch as the church is located in a heavily traveled area where numerous schools and churches have existing non-conforming signs of similar size and lighting method as proposed for the church, and the applicant's ability to relay information regarding events is severely limited in such an environment if the church is only permitted one small sign with indirect white lighting.

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 the Board that the requested variances would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale and has minimal lighting. Additionally, the proposed signage is of a more tasteful design than portable signage that is currently permitted for special events on the subject property.

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 the Board that the granting of the variances requested would not oppose the general spirit and intent of the Sign Code inasmuch as the regulations for most uses located along major streets allow for larger signs based on the length of the street frontage; whereas, residential zoning districts do not have such a provision for an increase in sign square footage based on the length of the street frontage. Additionally, the lighting regulations for signs on residentially-zoned property are intended for instances where the sign is located within a residential neighborhood in close proximity to residences, rather than along a major streets and removed from residences.

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.

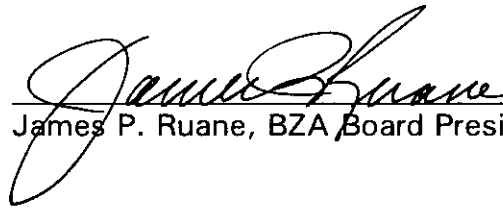
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that variances to Section 24.04.190.11 of the Sign Code to allow a bulletin board sign for a church along an arterial street to exceed 48 square feet in size; and to allow a bulletin board sign for a church to be lighted by a method other than indirect white light and legally described as follows:

Lot 1, Westwood Presbyterian Church Addition, Sedgwick County, Kansas. Generally located at the southwest corner of Maple and Woodchuck.

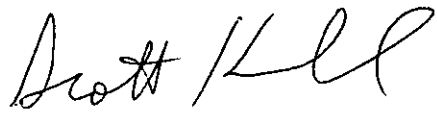
The variances are hereby **GRANTED**, subject to the following conditions:

1. The sign shall be placed in a location that is in substantial conformance with the approved site plan.
2. The sign shall be limited to 80 square feet in area, 8.5 feet in overall height, and internal illumination by white light for the message board portion of the sign only.
3. The sign shall be of a design that is in substantial conformance with the approved elevation rendering and photo simulation.
4. Portable signage shall not be permitted on the subject property.
5. 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 variances, unless such time period is extended by the Board.
6. The resolution authorizing these variances 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 27th DAY of AUGUST, 2002.


James P. Ruane, BZA Board President

ATTEST:


Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2002-00047

OWNER/APPLICANT: Westwood Presbyterian Church c/o Bob Reinke

AGENT: Miracle Signs c/o Lori Wyatt

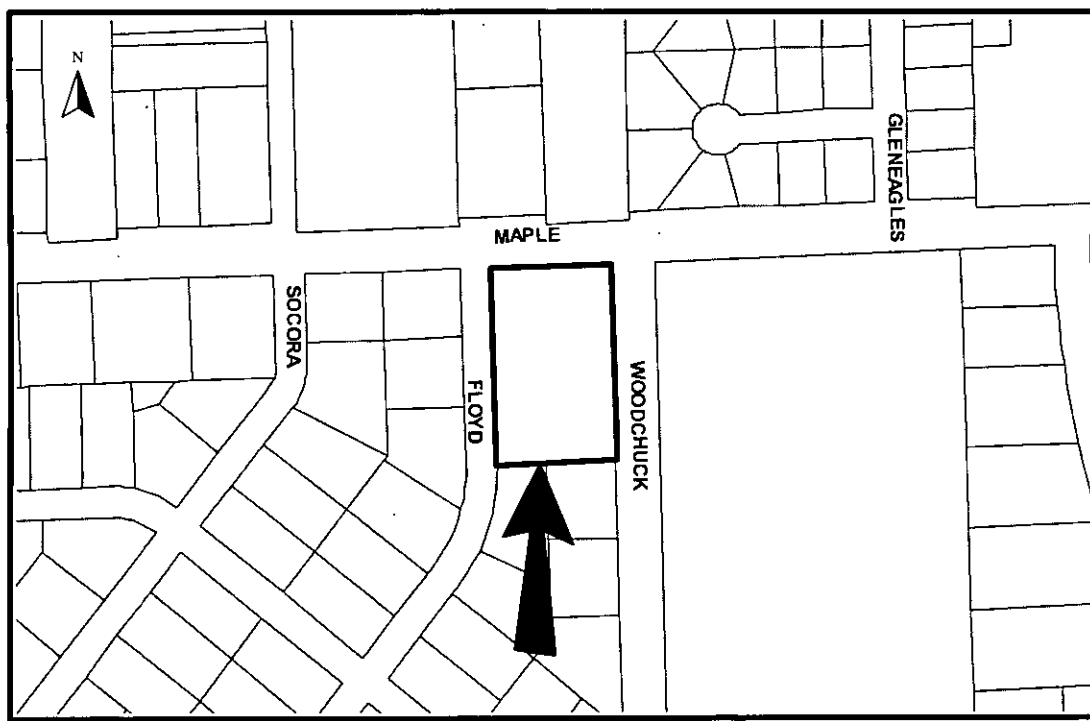
REQUEST:

1. Variance to Section 24.04.190.11 of the Sign Code to permit a bulletin board sign for a church along an arterial street to exceed 48 square feet in size;
2. Variance to Section 24.04.190.11 of the Sign Code to permit a bulletin board sign for a church to be lighted by a method other than indirect white light;

CURRENT ZONING: "SF-5" Single-Family

SITE SIZE: 2.04 Acres

LOCATION: Southwest corner of Maple and Woodchuck



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 is requesting two variances on property zoned "SF-5" Single-Family. The applicant proposes to modify an existing a ground sign for Westwood Presbyterian Church, which is located at the southwest corner of Maple and Woodchuck. The attached site plan shows the location of the existing sign along Maple. The existing sign is a 48 square foot monument sign that reads "Westwood Presbyterian Church." The applicant proposes to add a 32 square-foot, internally-illuminated message board with 6-inch high changeable letters to the top of the existing monument sign. The proposed signage is illustrated in an elevation rendering and a photo simulation that are attached.

In the "SF-5" Single-Family zoning district, Section 24.04.190.11 of the Sign Code permits a church to have a 48 square foot bulletin board sign along an arterial street frontage. The applicant is requesting a variance to increase the size of the existing 48 square-foot sign to 80 square feet. Section 24.04.190.11 of the Sign Code also limits the lighting of bulletin board signs in the "SF-5" Single-Family zoning district to indirect white light. The applicant is requesting a variance to permit the message board portion of the sign to have internal illumination. The applicant submitted the attached statement pertaining to the five conditions for granting the variance requested.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-5"	Single-family
SOUTH	"SF-5"	Single-family
EAST	"SF-5"	School
WEST	"SF-5"	Single-family

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is several times larger than the typical lot found in the "SF-5" Single-Family zoning district. Additionally, the property has 230 feet of frontage along an arterial street, which is not typical for a property found in the "SF-5" zoning district.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variances requested will not adversely affect the rights of adjacent property owners, inasmuch as no adjacent residential properties will have a direct view of the sign. Additionally, non-conforming signage for Mary Benton School to the east, which is of similar size and lighting method as proposed for the church, has existed in the neighborhood for numerous years with no noticeable adverse impacts on adjacent properties.

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 church is located in a heavily traveled area where numerous schools and churches have existing non-conforming signs of similar size and lighting method as proposed for the

church, and the applicant's ability to relay information regarding events is severely limited in such an environment if the church is only permitted one small sign with indirect white lighting.

PUBLIC INTEREST: It is the opinion of staff that the requested variances would not adversely affect the public interest, inasmuch as the signage is tasteful in design, is of an appropriate scale and has minimal lighting. Additionally, the proposed signage is of a more tasteful design than portable signage that is currently permitted for special events on the subject property.

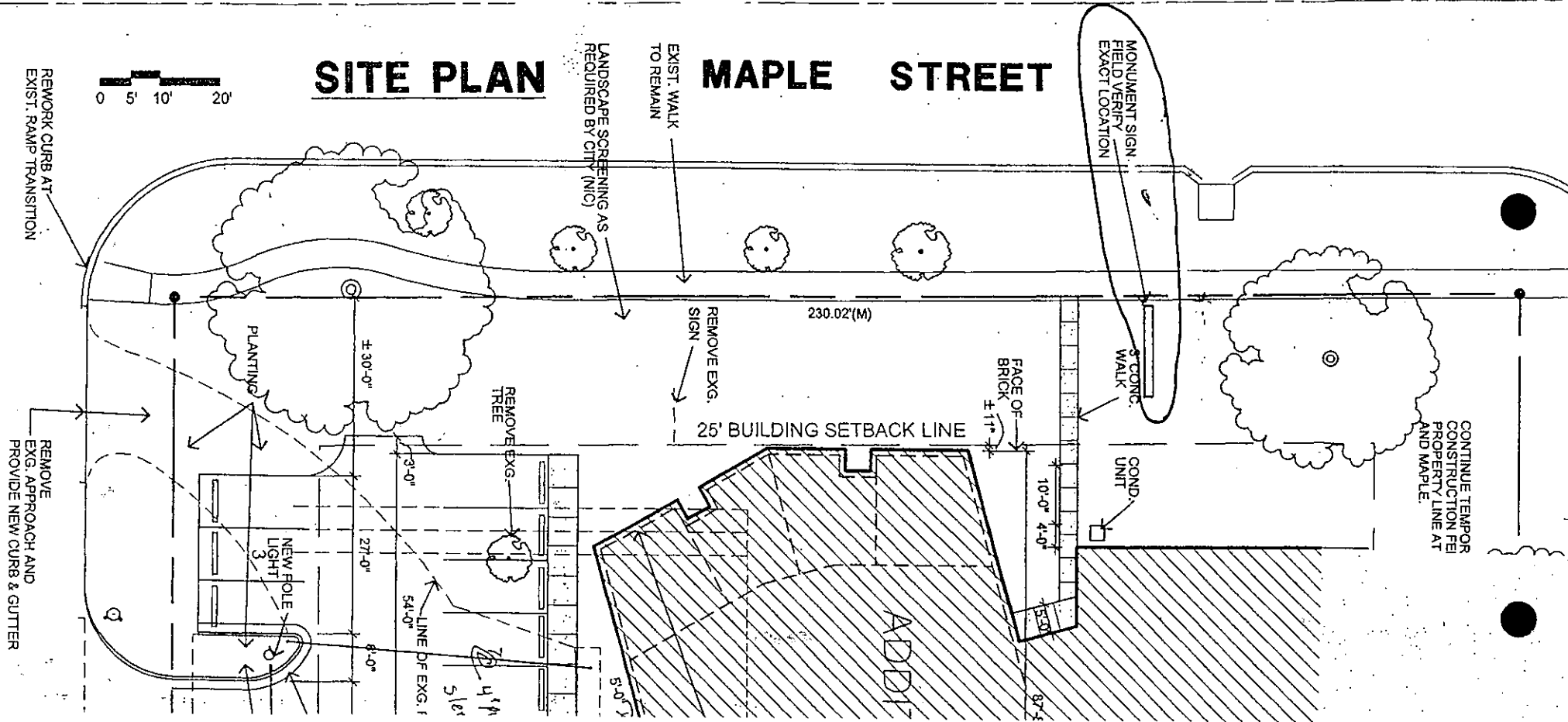
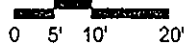
SPIRIT AND INTENT: It is the opinion of staff that the granting of the variances requested would not oppose the general spirit and intent of the Sign Code inasmuch as the regulations for most uses located along major streets allow for larger signs based on the length of the street frontage; whereas, residential zoning districts do not have such a provision for an increase in sign square footage based on the length of the street frontage. Additionally, the lighting regulations for signs on residentially-zoned property are intended for instances where the sign is located within a residential neighborhood in close proximity to residences, rather than along a major streets and removed from residences.

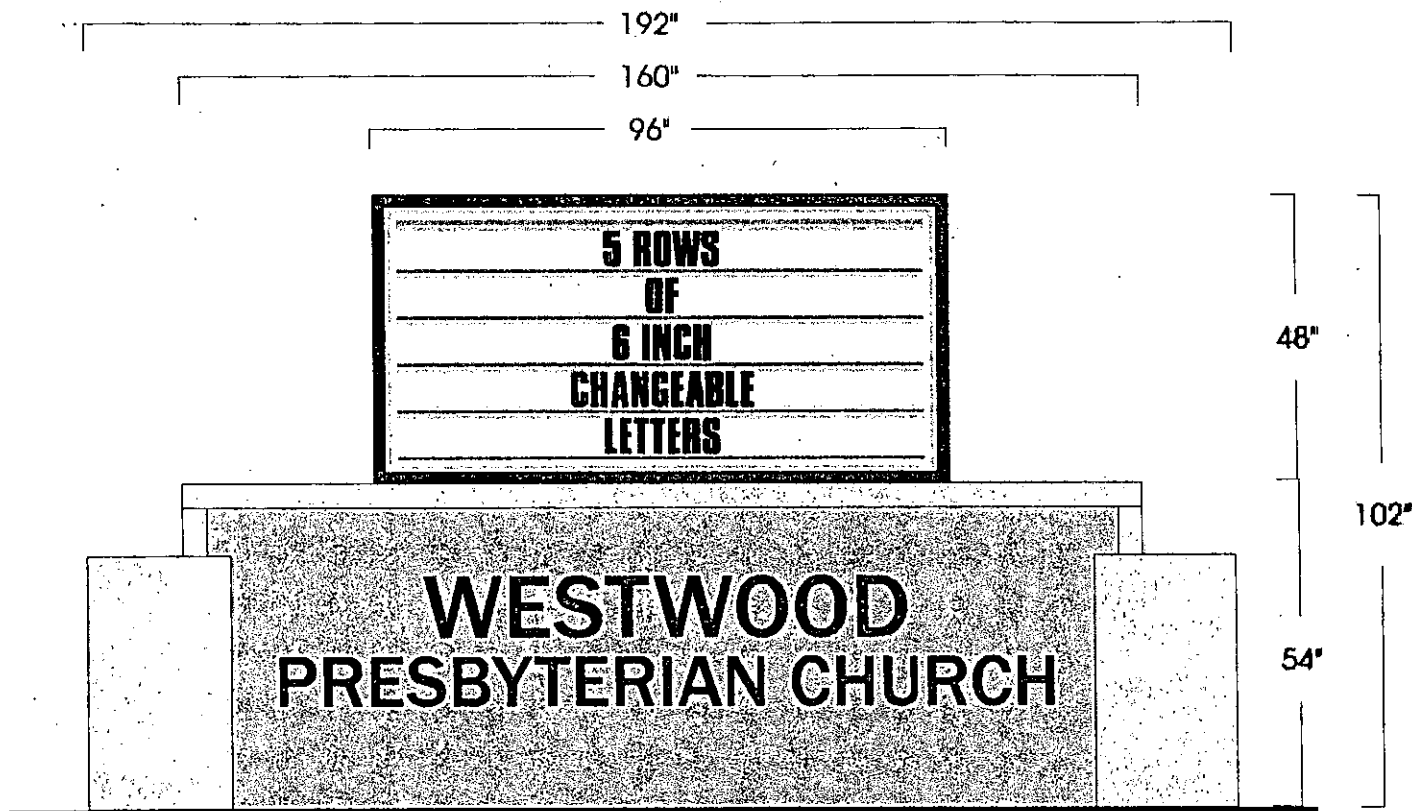
RECOMMENDATION: It is staff's opinion that the signage requested is appropriate for the intended purpose of relaying information regarding events at the church. Should the Board determine that the five conditions necessary for the granting of the variances exist, then it is the recommendation of the Secretary that the variances be GRANTED, subject to the following conditions:

1. The sign shall be placed in a location that is in substantial conformance with the approved site plan.
2. The sign shall be limited to 80 square feet in area, 8.5 feet in overall height, and internal illumination by white light for the message board portion of the sign only.
3. The sign shall be of a design that is in substantial conformance with the approved elevation rendering and photo simulation.
4. Portable signage shall not be permitted on the subject property.
5. 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 variances, unless such time period is extended by the Board.
6. The resolution authorizing these variances may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

SITE PLAN

MAPLE STREET

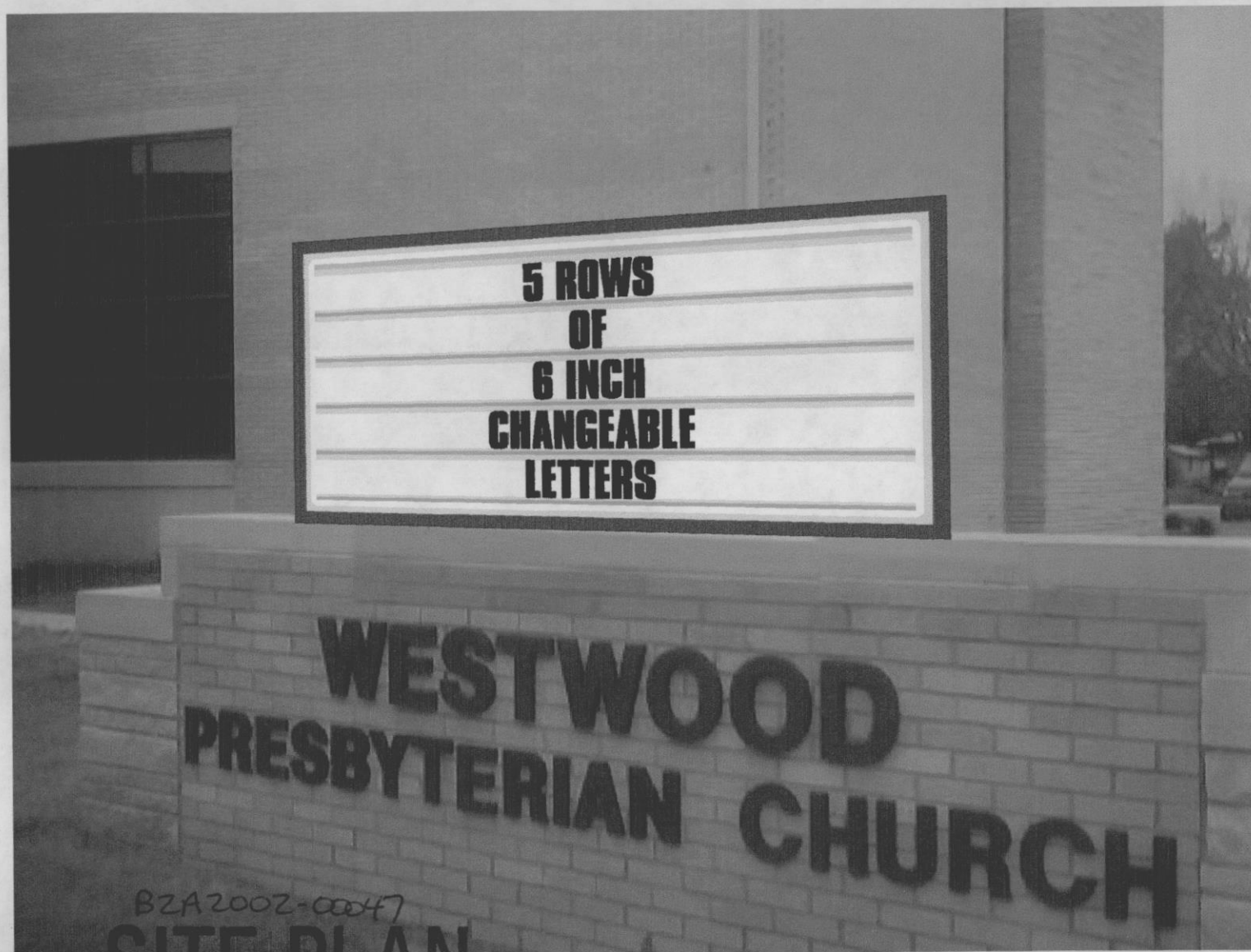




CUSTOMER: Westwood Presbyterian Church		SCALE: 3/8" = 1"	REV#:	APPR. DATE:	DESC:
DATE: 7/25/02	DRAWING # 1	APPROVAL SIGNATURES:			
FILE NAME: Monument.cdr					
DRAWN BY: John Nichols		SALESPERSON: Lori Wyatt			
DISK NAME:		C:\joba\w\Westwood			
SIGN TYPE: 4' x 8' change add					



361 N. Broadway Wichita, KS 67219
316-832-1177 fax: 316-838-4774



BZA2002-00047
SITE PLAN

APPROVED B-27-02 BY BZA

CUSTOMER: Westwood Presbyterian Church		SCALE: NTS	REV#:	APPR. DATE:	DESC:
DATE: 7/25/02	DRAWING # 1	DRAWN BY: John Nichols		SALESPERSON: Lori Wyatt	
FILE NAME: Monument.cdr		DISK NAME: C:\job\w\Westwood		APPROVAL SIGNATURES:	
SIGN TYPE: 4" x 8" change add					



361 N. Broadway Wichita, KS 67219
 316 - 832-1177 fax : 316 - 838-4774