

POSTED
3-6-75
M.M.D.
C.I.
C.M.P.
6-2-75

ACTION

BZA COMMITTEE _____ DATE 3.25.75

Approved

MAP.C. _____

B.C.C./R. CO. C. _____

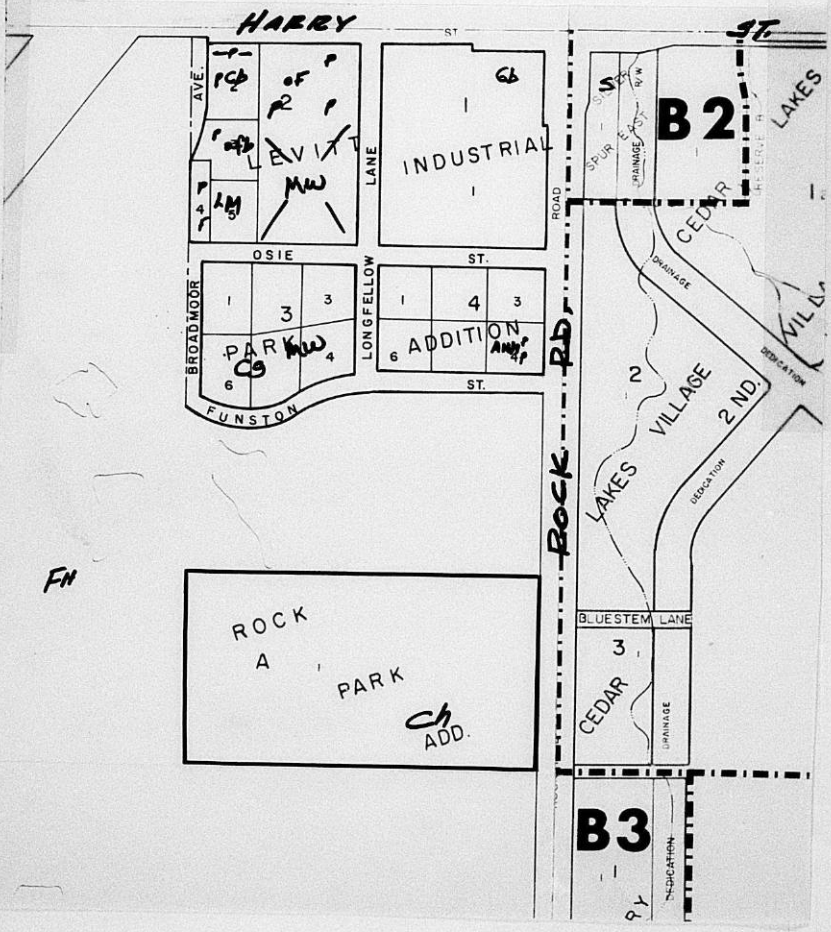
BZA 9-75 - Country Side Christian Church requests variance of sign ordinance on the west side of Rock Rd. in an area so. of Funston.

Map No. 5945
 Sec. 31
 Twp. 27
 Range 2E

BZA- 9-75
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 19.95 (670 ft. by 1260 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East UNDEVELOPED South UNDEVELOPED
 West Farm House North UNDEVELOPED
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: CHURCH
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



STANDARD MAP NO. 2153C
 S. H. HILL
 MADE IN U.S.A.

RESOLUTION NO. BZA 9-75

WHEREAS, Countryside Christian Church, 1919 South Rock Road, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to increase the gross surface area of a Bulletin Board Sign from the permitted 25 square feet to 368 square feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 1, Block A, Rock Park Addition, Wichita, Kansas. Generally located on the west side of Rock Road in an area between Harry and Pawnee.

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 March 25, 1975, 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 owner or the applicant inasmuch as the property is not located in an area that is likely to be developed as residential; also it is contiguous to the major street Rock Road; and the fact that the property has 690 feet of frontage may be considered unique in this zoning district; and

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 the proposed sign would be located approximately 225 feet from the nearest side property line and 40 feet from the front property line; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as they would be permitted by ordinance to place the same size letters that they desire for their sign, directly on the face of the church building, but due to the great distance the church sets back from the required front yard setback line this would not be a satisfactory solution to their need; and

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 due to the fact that the sign would set behind the front yard setback line and would be a considerable distance from either side property line; and

Resolution No. BZA 9-75
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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 Title 28 (Zoning Ordinance) inasmuch as the surrounding character of existing and possible land uses does not lend itself to residential development; and

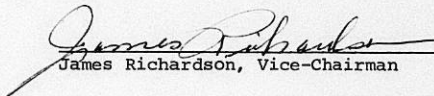
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the gross surface area of a Bulletin Board Sign from the permitted 25 square feet to 368 square feet on property zoned the "AA" Single Family Dwelling District and legally described as:

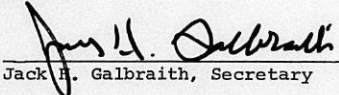
Lot 1, Block A, Rock Park Addition, Wichita,
Kansas. Generally located on the west side of
Rock Road in an area between Harry and Pawnee.

be approved subject to the sign not encroaching into the platted 35 foot front yard setback.

ADOPTED AT WICHITA, KANSAS, this 25th day of March, 1975.


James Richardson, Vice-Chairman

ATTEST:


Jack H. Galbraith, Secretary

May 1, 1975

Mr. Floyd Campbell
Claude Neon Federal Co., Southwest
P. O. Box 11163
Wichita, Kansas 67202

Subject: Case No. BZA 9-75
Request for Variance

Dear Mr. Campbell:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 25, 1975, in connection with your request for a variance to increase the gross surface area of a Bulletin Board Sign from the permitted 25 square feet to 368 square feet on property zoned the "AA" Single Family Dwelling District, and generally located on the west side of Rock Road in an area between Harry and Pawnee.

This Resolution reflects the official action of the Board to approve this request. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js
Encl.

cc: Countryside Christian Church, 1919 S. Rock Road, 67207
Robert Feldner, Superintendent of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection

March 31, 1975

Mr. Floyd Campbell
Claude Neon Federal Co., Southwest
P. O. Box 11163
Wichita, Kansas 67202

Subject: Case No. BEA 9-75
Request for Variance

Dear Mr. Campbell:

At the regular meeting of the Board of Zoning Appeals on March 25, 1975, your request for a variance to increase the gross surface area of a Bulletin Board Sign from the permitted 25 square feet to 368 square feet on property zoned the "AA" Single Family Dwelling District, and generally located on the west side of Rock Road in an area between Harry and Pawnee was considered.

It was the action of the Board to approve this request subject to the sign not encroaching into the platted front yard setback.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:LD:xme

cc: Robert Feldner, Superintendent of Central Inspection
Don C. Gisick, City Clerk
Joe Donnelly, Central Inspection
Countryside Christian Church, 1919 South Rock Road, 67207

SECRETARY'S REPORT

CASE NO. BEA 9-75

APPLICANT: Country Side Christian Church, 1919 South Rock Road, Wichita, Kansas.

AGENT: Claude Neon Federal Co. Southwest, P. O. Box 11163, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to increase the gross surface area of a Bulletin Board Sign from the permitted 25 square feet to 368 square feet.

GENERAL LOCATION: West side of Rock Road in an area between Harry and Pawnee.

ZONING: Subject property is zoned the "AA" Single Family Dwelling District as is the property to the north; to the east across Rock Road is the "BB" Office District and the "AA" District. South and west is the City/County line; county zoning to the south is the "R-1" Suburban Residential District and west is the "C" General Commercial District.

LAND USE: Subject property is occupied by a church and associated parking; all surrounding properties are vacant.

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 of the following conditions are found to exist:

1. That the variance requested 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 owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Secretary's Report
Case No. BZA 9-75
Page Two

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance)

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance of the maximum gross surface area permitted for a Bulletin Board sign. The recently adopted Sign Ordinance permits Bulletin Board Signs in all zoning districts with the provision that the sign not exceed 25 square feet gross area and can be lighted only by indirect white lights. The applicant proposes a sign that has been architecturally designed to compliment the design of the church building and large enough to permit the installation of 14½" letters reading "The Home of Countryside Christian Church". The sign would be mounted on a base, with the highest end of the sign being 11 feet 9 inches above the ground, sloping down to 7 feet 8 inches at the lower end. The sign would be 38 feet 8 inches long and is proposed to be placed perpendicular to Rock Road and would set back approximately 40 feet from the east property line (this would be five feet behind the platted front yard setback line). Subject property has a frontage of 690 feet. The sign would be positioned between the two driveways serving the property and would be a distance of approximately 225 feet from the south property line and 465 feet from the north property line.

In the applicant's letter of justification they point out that with the amount of frontage they have, they would be permitted a 450 square foot sign if they were commercially or industrially zoned. The tract of land immediately adjacent to the north, although zoned "AA" has been proposed for future industrial use. This property is similar in size with subject property, having a frontage of 650 feet. With commercial or industrial zoning a 450 square foot sign would be permitted on this adjacent property. Property to the south is not in the city limits and is not likely to be developed for residential purposes as it is owned by the Cessna Aircraft Corporation.

The applicants further state that for identification of the church a building sign would not be adequate, due to the setback the building maintains, which is approximately 240 feet from the

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Case No. BZA 9-75
Page Three

front property line. This type of identification would permit letters less than 15 inches in height to be attached to the building as a part of the architectural design of the building, and had the church been constructed closer to the front yard setback line this method could have realistically been utilized. The speed limit on Rock Road in front of the church is 45 m.p.h., which may or may not be a factor in the consideration of this request.

UNIQUENESS

It is the opinion of the Secretary that uniqueness may exist inasmuch as, although the property is zoned the "AA" Single Family Dwelling District, it is not located in an area that is likely to be developed as residential; also it is contiguous to the major street Rock Road; and the fact that the property has 690 feet of frontage may be considered unique in this zoning district.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not adversely affect adjacent property owners inasmuch as the proposed sign would be located approximately 225 feet from the nearest side property line and 40 feet from the front property line.

HARDSHIP

It is the opinion of the Secretary that an unnecessary hardship may be placed upon the applicant if the zoning ordinance were strictly enforced inasmuch as they would be permitted by ordinance to place the same size letters that they desire for their sign, directly on the face of the church building, but due to the great distance the church sets back from the required front yard setback line this would not be a satisfactory solution to their need.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as the sign would set behind the front yard setback line and would be a considerable distance from either side property line.

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SPIRIT AND INTENT

It is the opinion of the Secretary that the spirit and intent of the zoning ordinance, in this case, is to provide an institution or organization, located in a residential zoning district, a means of identifying their organization without infringing upon or changing the character of the residential neighborhood. It is the further opinion of the Secretary that the requested variance may not be opposed to that spirit and intent inasmuch as the surrounding character of existing and possible land uses does not lend itself to residential development.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, it is recommended that the request to increase the gross surface area of a Bulletin Board Sign from the permitted 25 square feet to 368 square feet be approved subject to the sign not encroaching into the platted 35 foot front yard setback.


Cessna® AIRCRAFT COMPANY

CABLE ADDRESS
CESSCO-WICHITA

Wichita, Kansas 67201

March 12, 1975

Mr. Jack H. Galbraith, Secretary
Board of Zoning Appeals
104 South Main Street
Wichita, Kansas 67202

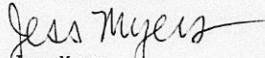
Re: Case No. BZA 9-75

Dear Mr. Galbraith:

This is to acknowledge receipt of your notice concerning the pendency of BZA 9-75. Please be advised that The Cessna Aircraft Company does not oppose the granting of the Countryside Christian Church application to increase the size of their bulletin board sign.

Please contact me promptly if this application is amended. Thank you for your assistance.

Cordially yours,


Jess Myers
Assistant Secretary

JM/cs



BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 3, 1975

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 9-75

An application has been filed by Country Side Christian Church, 1919 South Rock Road, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to increase the gross surface area of a Bulletin Board Sign from the permitted 25 square feet to 368 square feet on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 1, Block A, Rock Park Addition, Wichita, Kansas. Generally located on the west side of Rock Road in an area between Harry and Pawnee.

This application has been assigned Case No. BZA 9-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 25, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

3-4-75 - 9 Notices mailed to adjacent property owners
3-4-75 - 10 Notices mailed to MAPC

BOARD OF ZONING APPEALS

CASE NO. 9-75

CITY OF WICHITA, KANSAS

FILED 2-25-75

APPLICATION FOR VARIANCE

I. Name of Applicant Country Side Christian Church

Mailing Address 1919 South Rock Road Phone 686-7206

Name of Authorized Agent Claude Neon Federal Co. Southwest

Mailing Address P. O. Box 11163 Phone 264-7318

Relationship of applicant to property is that of Contractor
(Owner, Tenant, Lessee, Other)

II. The variance requested is to increase the total allowable footage of 25 ft. for a billboard as per Section 28.04.139 C-11 of the City Code of Wichita, Kans. to increase the total footage as per section 28.04.139 K-1 of the City Code of Wichita, Kans. to 368 sq. feet

for property located 1919 South Rock Road

and legally described as: Lot 1, Block A, Rock Park Addition

in the City of Wichita; and which is presently zoned AA

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Country Side Christian Church

Applicant

Claude Neon Federal Co. Southwest

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:15 (a.m. (p.m.)), 2/25 1975 together with appropriate fee of \$50.00.

Larry Robson
Signed

O W N E R S H I P L I S T

| Lot | Block | Addition | Property Owner |
|--|-------|-------------------------------------|--|
| 1 | A | Rock Park Addition | ✓ Woodlawn Christian Church Inc. 1919 South Rock Road 67207 |
| The West Half of the Northeast Quarter of Section 31-27-2E | | | ✓ Ray G. Harris, deceased c/o Charles W. Harris 7303 East Harry 67207 |
| The Southeast Quarter of the Northeast Quarter of Section 31-27-2E except that portion platted as Rock Park Addition and except that portion platted as Levitt Industrial Park | | | ✓ Levitt Jewelry Company, Inc. 3945 East Harry 67218 |
| The Southeast Quarter of Section 31-27-2E | | | ✓ Cessna Aircraft Company 5800 East Pawnee 67218 |
| Lot 1 | Blk 3 | Cedar Lakes Village 2nd Addition | ✓ Luis W. Casado & Vera J. 302 N. Main 67202 |
| 1 | Blk 2 | Same | ✓ Harriett Morris 1401 West River Boulevard 67203 |
| The North 234 feet of Lot 1, Block 1, Cherry Creek Hills Addition | | | ✓ Boettcher-Lieurance-Griffith Apartments Inc. c/o Arn, Mullins, Unruh & Kuhn R. H. Garvey Building 67202 |

The Security Abstract & Title Company, Inc., hereby certifies the foregoing to be a true and correct list of property owners of:

A 200 foot radius of: Lot 1, Block A,
Rock Park Addition, Sedgwick County,
Kansas

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 24th day of February, 1975 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Sable

Vice President



CLAUDE NEON FEDERAL CO. S. W. / P. O. BOX 11163 / 139 CLEVELAND / WICHITA, KANSAS 67202

February 25, 1975

Board of Zoning Appeals
City of Wichita
Wichita, Kansas

Gentlemen:

The Claude Neon Federal Company as an agent for the Country-side Christian Church located at 1919 South Rock Road, Wichita, Kansas, requests that a variance be allowed to increase the total allowable footage of 25 square feet for a bill board, which is applicable at this location in a AA Zone, as per Section 28.04.139 C-11 of the City Code of Wichita, Kansas.

It is desired to increase the total footage as per Section 28.04.139 K-1 of the City Code of Wichita to permit a structure of 368 square feet as per the proposed drawing. The maximum footage for this frontage would be 450 square feet. This request is based on the frontage being 690.6 feet and that the adjacent properties are all commercially zoned. There are no adjacent residence nor is it anticipated that there would be in the future. The property to the south is outside the city limits and development in this area would probably be aircraft oriented.

WICHITA, KANSAS
(316) 264-7318

OKLAHOMA CITY
(405) 235-6438



CLAUDE NEON FEDERAL CO. S. W. / P. O. BOX 11163 / 139 CLEVELAND / WICHITA, KANSAS 67202

Board of Zoning Appeals
February 25, 1975
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The two Entrance and Exit driveways into the church are on Rock Road, which has a speed limit of 45 miles per hour. It is felt that a legible sign would deter fast traffic, permitting closer observation when approaching or driving in front of the Church. Adequate identification on the building would be impossible due to the footage allowable and also the set-back of the building, which is approximately 230' from Rock Road.

As per the enclosed sketch of the proposed display, the overall size requirements for the background are dictated by the area necessary to lay out the maximum size letters permissible. The background of the display will be of brick construction and has been architecturally designed to complement the design of the building and to permit the installation of 14½" letters reading THE HOME OF COUNTRYSIDE CHRISTIAN CHURCH. It is our opinion that a structure of this type, being of permanent construction and architecturally pleasing, be permitted for necessary identification of the Church.

Respectfully,
CLAUDE NEON FEDERAL CO. SOUTHWEST

Floyd K. Campbell
Floyd K. Campbell, Gen. Mgr.

WICHITA, KANSAS
(316) 264-7318

OKLAHOMA CITY
(405) 235-6438

FORM 3-021

PAYMENT NOTICE
City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

| | | | |
|--------------|-------------|-------------|-------------|
| Bldg & Elev. | Elec. | Elev. Insp. | Exam. Fees |
| Hse. Mvr. | Hse. Moving | Licse. | Mech. |
| Oil Well | Pav. Cuts | Plan. | Plbg. Cert. |
| Sanitation | Sewer | Signs | Sidewalk |
| Street | Trailer | | |

| | |
|-------------|--------|
| DESCRIPTION | AMOUNT |
|-------------|--------|

| | |
|-----------------|-------|
| 22A application | 4,000 |
|-----------------|-------|

Name _____

Address _____

Type _____ Due Date _____

Comments: _____

Date _____ By _____

IMPORTANT MESSAGE

FOR Rory D.
DATE 10th TIME 2:50 A.M. P.M.

WHILE YOU WERE AWAY

MR. Jean Myers

OF Osawatomie

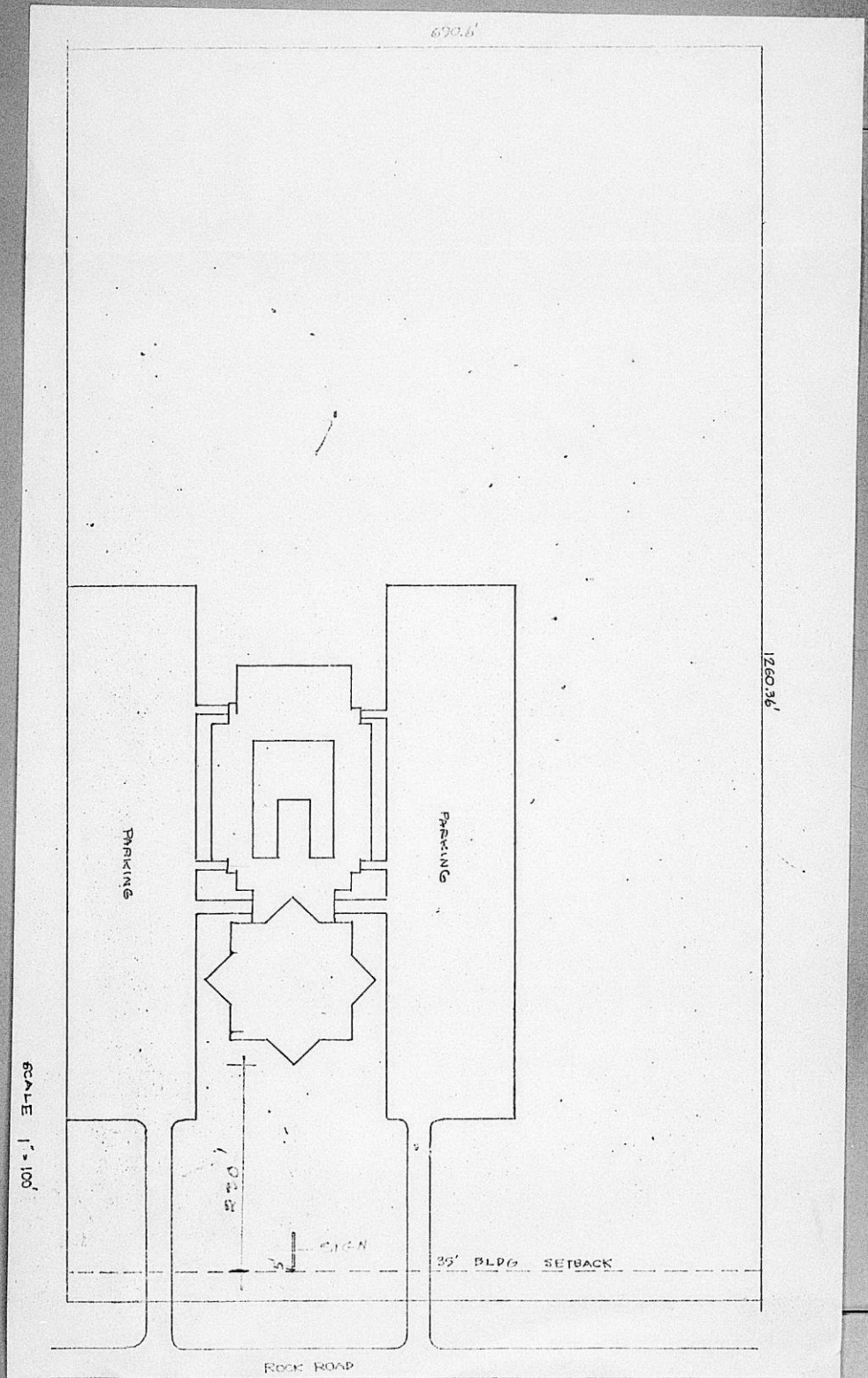
PHONE No. 685-9111 Ex 5541

| | | | |
|-------------------|-------------------------------------|--------------------|-------------------------------------|
| TELEPHONED | <input checked="" type="checkbox"/> | PLEASE CALL HIM | <input checked="" type="checkbox"/> |
| CALLED TO SEE YOU | <input type="checkbox"/> | WILL CALL AGAIN | <input type="checkbox"/> |
| WANTS TO SEE YOU | <input type="checkbox"/> | RETURNED YOUR CALL | <input type="checkbox"/> |

MESSAGE _____

SIGNED TM

690.6



1250.36'

SCALE 1" = 100'

Rock Road

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1