Case No. BZA 32-87 - Kansas Newman College, requests a variance to increase the permitted gross surface area of a bulletin board sign from 25 square feet to 91 square feet on property zoned the "B" Multiple-family Dwelling District and generally located between Kellogg and McCormick in an area east of Sheridan.

Smead.
No. 2-153C
HASTINGS, MN
LOS ANGELES-CHICAGO LOGAN, OH
McGREGOR TX LOCUST GROVE GA
USA

Posted

ACTION

B.Z.A. 32-87 approved 7/28/87
DATE

5246 A

200'4 Sec 9-23-87

Shot 10-22-87

Record ✓

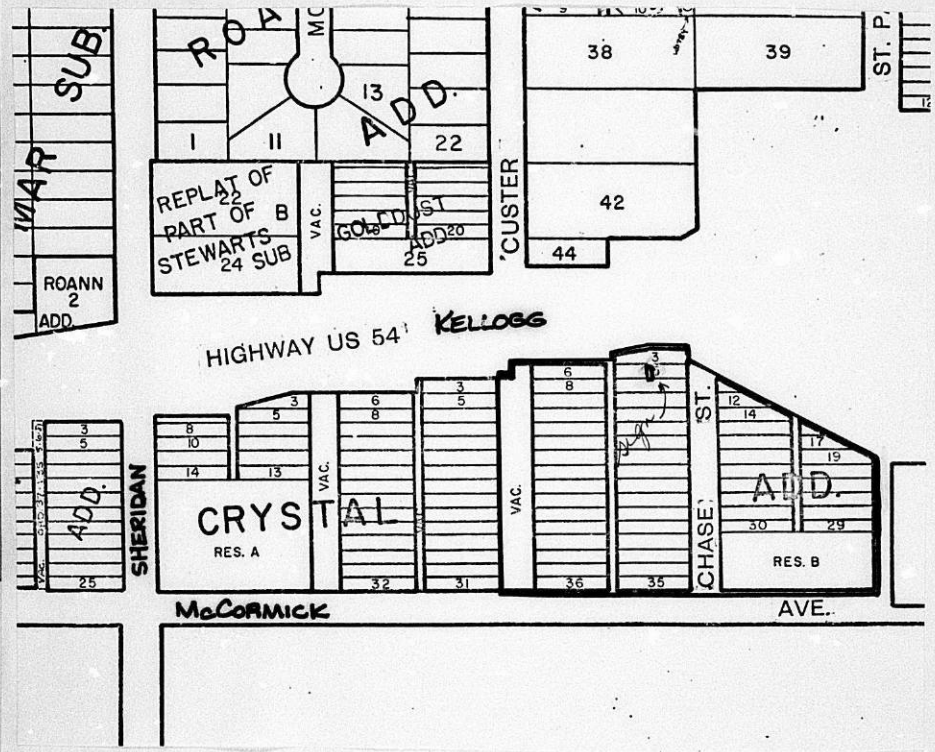
Case No. BZA 32-87 - Kansas Newman College, requests a variance to increase the permitted gross surface area of a bulletin board sign from 25 square feet to 91 square feet on property

Map No. 5246A

BZA 32-87
Filed 6-26-87

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E B S B W B N AA & r.o.w.
3. Land Use: East undeveloped & highway South college athletic field
   West undeveloped & college campus North highway
4. Area (is) (is not) platted.



Smead. No. 2-153C
HASTINGS, MN
LOS ANGELES-CHICAGO LOGAN, OH
McGREGOR TX LOCUST GROVE GA
USA

KANSAS
NEWMAN
COLLEGE

July 29, 1987

Kansas Newman College
Roger W. Sorochty
3100 McCormick Avenue
Wichita, Kansas 67213

Re: BZA 32-87 - Request for Variance (3100 McCormick)

Dear Mr. Sorochty:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 28, 1987.

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.

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

Sincerely,

Jack H. Galbraith
Secretary

GEL/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE July 20, 1987

TO Louise Oliverez, Principal Planner

FROM Stanley J. Scott, CP Coordinator

SUBJECT BZA 32-87: Between Kellogg and McCormick in an Area East of Sheridan

On Thursday, July 16, 1987, CPO West River Neighborhood Council 4A considered the captioned case, a request for a zoning variance to increase the permitted gross surface area of a bulletin board sign from 25 square feet to 91 square feet on property zoned "B" Multiple Family Dwelling District. The Council voted 9-0 to recommend approval of the requested variance.

Roger Sorochty, representing Kansas Newman College, was present to describe the request and respond to questions from the Council. Mr. Sorochty presented drawings to illustrate the planned expansion of the sign. No area residents or property owners were present to address the request. Council members were provided the notice to adjoining property owners and a map of the area.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 32-87 is considered.

SJS:dm

BACKGROUND: The applicant is requesting a variance to increase the permitted gross surface area of a bulletin board sign from 25 square feet to 91 square feet on property zoned the "B" Multiple-family Dwelling District and located on the south side of Kellogg just west of K-42 highway. The applicant owns approximately 8 acres north of McCormick with ¼-mile of frontage along Kellogg. The five acres in the application area is either passive or recreational open space. An identification sign with only the name of the college is now on the site. The applicant desires to revise the sign to include an area for changeable lettering. The 7½-foot tall stone-like base would remain, without any lettering, and a 6½-foot by 14-foot lighted sign would be added atop that. The sign would be two-faced with the college name permanently at the top and an area for changeable lettering below.

ADJACENT ZONING AND LAND USE:

NORTH	AA	Highway and church
SOUTH	B	College campus
EAST	B	Undeveloped and highway
WEST	B	Undeveloped and college campus

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the frontage of the property is almost ¼-mile in length and is along a highway with high-speed traffic which requires larger signs for readability than would be required for streets with lower speed limits.

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 properties to the west, south and east are owned by the applicant and property to the north, across the highway right-of-way, is also a large institutional use with buildings set well back from the highway.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the 25-square-foot sign size limitation would preclude the use of any bulletin board sign on Kellogg because at that size it would be unreadable from the highway.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the proposed sign will not interfere with any needed right-of-way or easements.

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 ordinance inasmuch as the regulations for most uses located on major streets allow for larger signs based on length of street frontage, whereas the residential districts do not have such a provision for an increase above the basic square footage.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the staff that the variance be granted subject to the following conditions:

1. Only one sign shall be permitted along the Kellogg frontage of the application area and this sign shall be no larger than 91 square feet gross surface area, excluding the 112-square-foot stone-like base which shall not be permitted any lettering.

2. The sign shall be permitted to be lighted with indirect white light only.

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

July 6, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 32-87

As required by law, all property owners of record within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals are to be notified of the public hearing. An application has been filed by Kansas Newman College, 3100 McCormick Avenue, Wichita, Kansas 67213, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to increase the permitted gross surface area of a bulletin board sign from 25 square feet to 91 square feet on property zoned the "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

> All Lots and Reserve B, excluding the west 615.65 feet more or less, and excluding state highway r.o.w. as condemned in cases CC A-29960, CC A-48014 and CC A-56857, all in Crystal Addition to Wichita, Sedgwick County, Kansas. Generally located between Kellogg and McCormick in an area east of Sheridan.

This application has been assigned Case No. BZA 32-87. It will be considered by the Board of Zoning Appeals on July 28, 1987, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest in or objections to the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "4A" will consider this case at their meeting to be held on Thursday, July 16, 1987, at 7 p.m., at the Stanley/Aley Community Center, 1749 South Martinson. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 4
JULY 28, 1987

SECRETARY'S REPORT

CASE NUMBER: BZA 32-87

OWNER/APPLICANT/AGENT: Kansas Newman College (owner)
Roger W. Sorochty (agent)

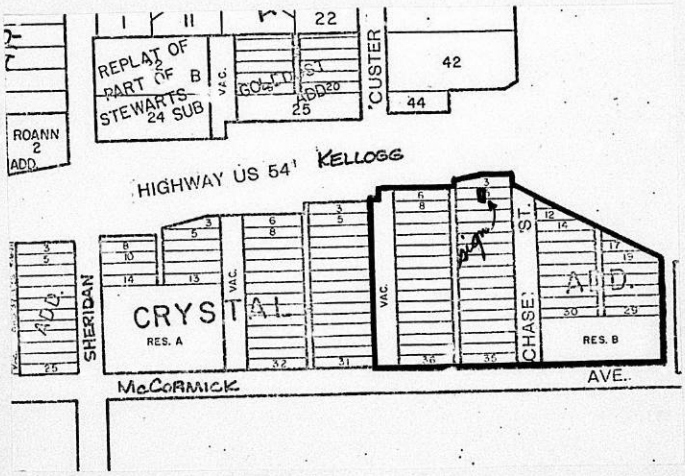
REQUEST: Variance to increase the permitted gross surface area of a bulletin board sign from 25 square feet to 91 square feet.

CURRENT ZONING: "B" Multiple-family Dwelling District

SITE SIZE: 5 acres (±)

LOCATION: Between Kellogg and McCormick in an area east of Sheridan.

PROPOSED USE: Kansas Newman College sign.



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 the State Statutes are found to exist.

BZA 32-87 SR

RESOLUTION CASE NO. 32-87

WHEREAS, Kansas Newman College, 3100 McCormick Avenue, Wichita, Kansas 67213, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted gross surface area of a bulletin board sign from 25 square feet to 91 square feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

> All Lots and Reserve B, excluding the west 615.65 feet more or less, and excluding state highway r.o.w. as condemned in cases CC A-29960, CC A-48014 and CC A-56857, all in Crystal Addition to Wichita, Sedgwick County, Kansas. Generally located between Kellogg and McCormick in an area east of Sheridan.

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 July 28, 1987, 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 frontage of the property is almost ¼-mile in length and is along a highway with high-speed traffic which requires larger signs for readability than would be required for streets with lower speed limits; 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 properties to the west, south and east are owned by the applicant and property to the north, across the highway right-of-way, is also a large institutional use with buildings set well back from the highway; 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 owners represented in the application inasmuch as the 25-square-foot sign size limitation would preclude the use of any bulletin board sign on Kellogg because at that size it would be unreadable from the highway; 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 proposed sign will not interfere with any needed right-of-way or easements; and

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 regulations for most uses located on major streets allow for larger signs based on length of street frontage, whereas the residential districts do not have such a provision for an increase above the basic square footage; 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 permitted gross surface area of a bulletin board sign from

25 square feet to 91 square feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

> All Lots and Reserve B, excluding the west 615.65 feet more or less, and excluding state highway r.o.w. as condemned in cases CC A-29960, CC A-48014 and CC A-56857, all in Crystal Addition to Wichita, Sedgwick County, Kansas. Generally located between Kellogg and McCormick in an area east of Sheridan.

be approved subject to the following conditions:

1. Only one sign shall be permitted along the Kellogg frontage of the application area and this sign shall be no larger than 91 square feet gross surface area, excluding the 112-square-foot stone-like base which shall not be permitted any lettering.

2. The sign shall be permitted to be lighted with indirect white light only.

ADOPTED AT WICHITA, KANSAS, this 28th day of July, 1987.

Thomas D. Jacob, President

ATTEST:

Jack H. Galbraith, Secretary

BZA CASE NO. 32-87

2 NOTICES SENT TO APPLICANT/AGENT

14 LEGAL ADVERTISEMENT SENT TO MAPC & BZA

1 NOTICES SENT TO CPO

-0- NOTICES SENT TO ADJOINING PROPERTY OWNERS

3 TOTAL NOTICES SENT 7/6/87

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

CASE NO. _____

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant KANSAS NEWMAN COLLEGE

Mailing Address 3100 McCormick Avenue, 67213 Phone 942-4291

Name of Authorized Agent Roger W. Sorochty

Mailing Address 3100 McCormick Avenue, 67213 Phone 942-4291 ext. 127

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

II. The variance requested is to enlarge the College sign from the 16 square feet currently permitted to a total of ~~36~~ 31 square feet (a total of ~~40~~ 35 square feet beyond the current zoning). See attached narrative for additional explanation.

for property located between McCormick Avenue and Kellogg (U.S. Highway 54) on the campus of Kansas Newman College.

and legally described as: All lots and Rreserve B excluding the west 615.65 feet more or less and excluding the state highway CC A-29960, CC A-48014 and CC A-56857 in the Crystal Addition (See attached platt).

in the City of Wichita; and which is presently zoned B-Multiple Family Dwelling.

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. 36-596); 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.

Applicant KANSAS NEWMAN COLLEGE

Authorized Agent Roger W. Sorochty
Roger W. Sorochty

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:30 (a.m./p.m.), Fri., 6-26-87, 1987, together with appropriate fee of $300.00.

Signed Barbara Harris, Senior Planner

T9-402(Ci)

PL1-0028

NEWMAN
KANSAS NEWMAN COLLEGE

June 25, 1987

TO: The Board of Zoning Appeals

FROM: Kansas Newman College

SUBJECT: Request for Variance for a Sign on the Campus of Kansas Newman College

The following information is being submitted to support our request for a variance for the size of a sign on the campus of Kansas Newman College. As required, the application is completed and the $300 fee is attached.

We do not have a certified listing from an abstract company listing current mailing addresses of all property owners within 200 feet of the property involved. This was decided based on a conversation with Louise Aliverez based on the fact that the legal description of the property involved is surrounded on the west and south by other parcels owned by the College and on the north and east by U.S. Highway 54 and K-42 and their rights of way. The attached platt of the area and computer print-out describing the property provided by the County Clerk's Office will substantiate that.

We believe that this request meets all of the five conditions set forth by the Board and therefore request that the variance be granted.

A. Drawing (1) is a sketch of our current sign.

B. Picture (1A) is a photograph from approximately the same angle.

C. Drawing (2) shows what we are requesting: The College name would be eliminated. A 6½' x 14' lighted marqee sign would be installed on top of the existing structure after removing the top part of the chimney-like structure. The same view would be seen from the east, looking west. The message would be changed using removable lettering. The College's name would be permanent. The total square footage of the sign would be 91 square feet on each side. This is 75 square feet above the 16 permitted and is the amount of variance we are requesting. It is 56 square feet larger than the area now taken up by the College name.

If the Board feels this size would be inappropriate (although we feel it is needed for a message to be seen from Kellogg), we would be willing to reduce it somewhat.

D. Drawing (3) is a close-to-scale drawing of the area and coincides with the platt blue prints (attachment 4). Drawing (3) shows the placement of the sign and the distances of frontage on Kellogg.

E. Blue Print (4) shows the platt of this area. The sign is located just about in the center of lot 5 which has a diamond around it to show the location.

3100 McCormick Avenue • Wichita, Kansas 67213-2097 • 316-942-4291

NEWMAN
KANSAS NEWMAN COLLEGE

June 25, 1987

TO: The Board of Zoning Appeals

FROM: Kansas Newman College

SUBJECT: Request for Variance for a Sign on the Campus of Kansas Newman College

The following information is being submitted to support our request for a variance for the size of a sign on the campus of Kansas Newman College. As required, the application is completed and the $300 fee is attached.

We do not have a certified listing from an abstract company listing current mailing addresses of all property owners within 200 feet of the property involved. This was decided based on a conversation with Louise Aliverez based on the fact that the legal description of the property involved is surrounded on the west and south by other parcels owned by the College and on the north and east by U.S. Highway 54 and K-42 and their rights of way. The attached platt of the area and computer print-out describing the property provided by the County Clerk's Office will substantiate that.

We believe that this request meets all of the five conditions set forth by the Board and therefore request that the variance be granted.

A. Drawing (1) is a sketch of our current sign.

B. Picture (1A) is a photograph from approximately the same angle.

C. Drawing (2) shows what we are requesting: The College name would be redesigned as shown. A 4' x 8' lighted message board would be installed on top of the existing structure. The same view would be seen from the east, looking west. The message would be changed using removable lettering. The total square footage of the message board and College name would be 56 square feet on each side. This is 40 square feet above the 16 permitted and is the amount of variance we are requesting.

D. Drawing (3) is a close-to-scale drawing of the area and coincides with the platt blue prints (attachment 4). Drawing (3) shows the placement of the sign and the distances of frontage on Kellogg.

E. Blue Print (4) shows the platt of this area. The sign is located just about in the center of lot 5 which has a diamond around it to show the location.

3100 McCormick Avenue • Wichita, Kansas 67213-2097 • 316-942-4291

F. Attachment (5A) is the computer print-out which shows the legal description of the piece of property the sign is on. A red line has been drawn around it on the platt blue print.

G. Attachment (5B) is the print-out which shows the legal description of the property to the west (also owned by the College). A brown line has been drawn around it on the blue print platt.

All of the property south of McCormick is the College campus.

Having described the location, the fact that we do not adjoin any other property and having described what we propose to do, the following will address the conditions which must be met for the Board to grant the request.

1. We have a unique condition since the College's property stretches for approximately 1,400 feet along Kellogg with our current sign approximately in the middle of this frontage. For cars moving along this section of Kellogg at 50 MPH, we need a sign that is large enough for the people to see.

2. Since all the adjoining property of the parcel the sign is on is either owned by the College or is highway and right-of-way, no other property owner or residents would be adversely affected.

3. Strict application of the provisions of Title 28 would not permit a sign large enough for the College to put up a message that could be easily seen by passing motorists. This would cause the College a hardship in that we could not effectively let the community know of our services.

4. Because of the vast, open stretch of frontage along Kellogg, we see no way in which the requested variance would adversely affect the public health, safety, order, convenience, prosperity or general welfare. The type of messages displayed would, in no way, adversely affect the public morals.

5. Based on our understanding of Title 28, we believe that this request would be in keeping with the general spirit and intent of Title 28. This is based on conversations with Mr. Dick Jonker and Mr. John Galbraith.

This constitutes our request. Thank you for your thoughtful consideration.

Sincerely,

Roger W. Sorochty

Dr. Roger W. Sorochty
Dean of Student Development

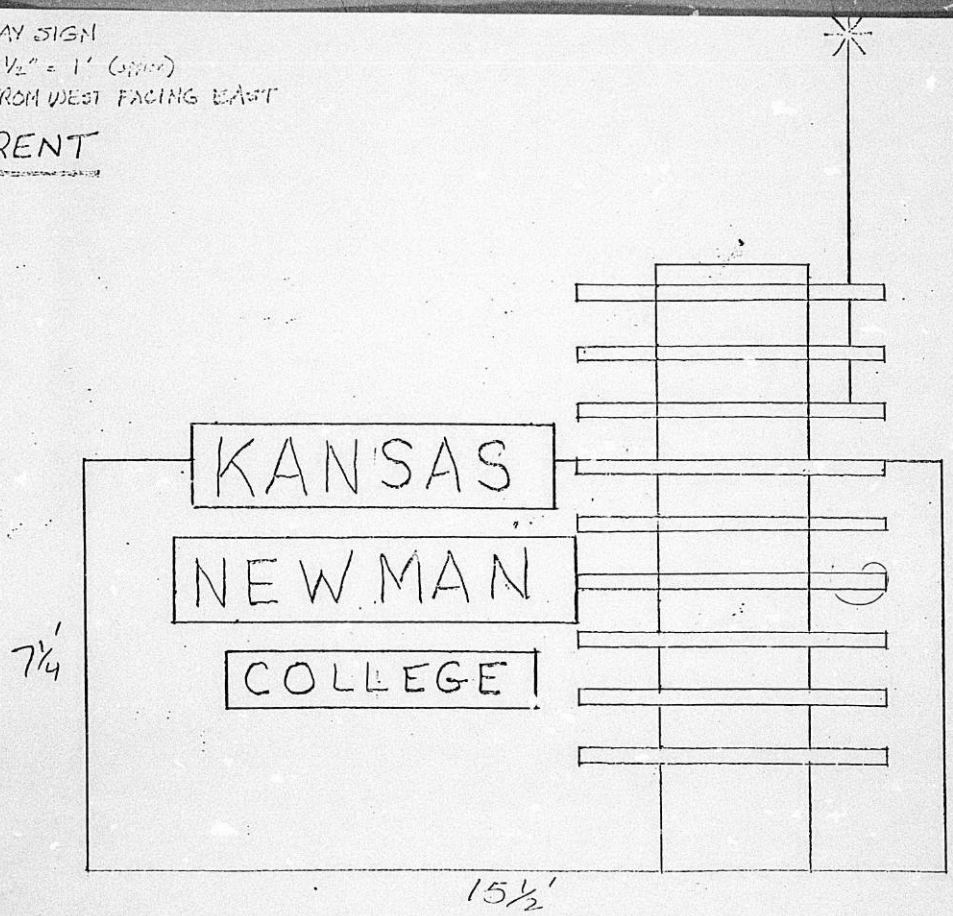
RWS/bn

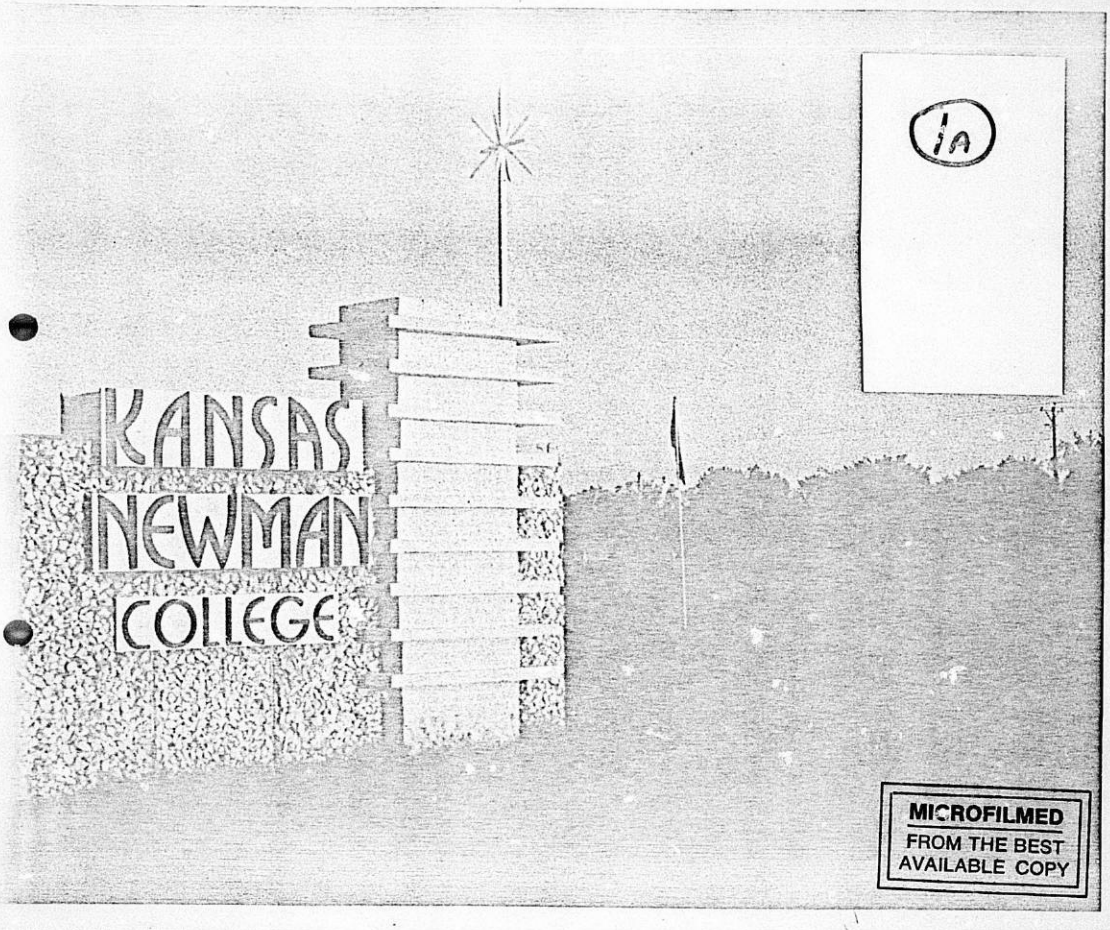
attachments

HIGHWAY SIGN
SCALE: 1/2" = 1' (1:24)
VIEW: FROM WEST FACING EAST

CURRENT

1





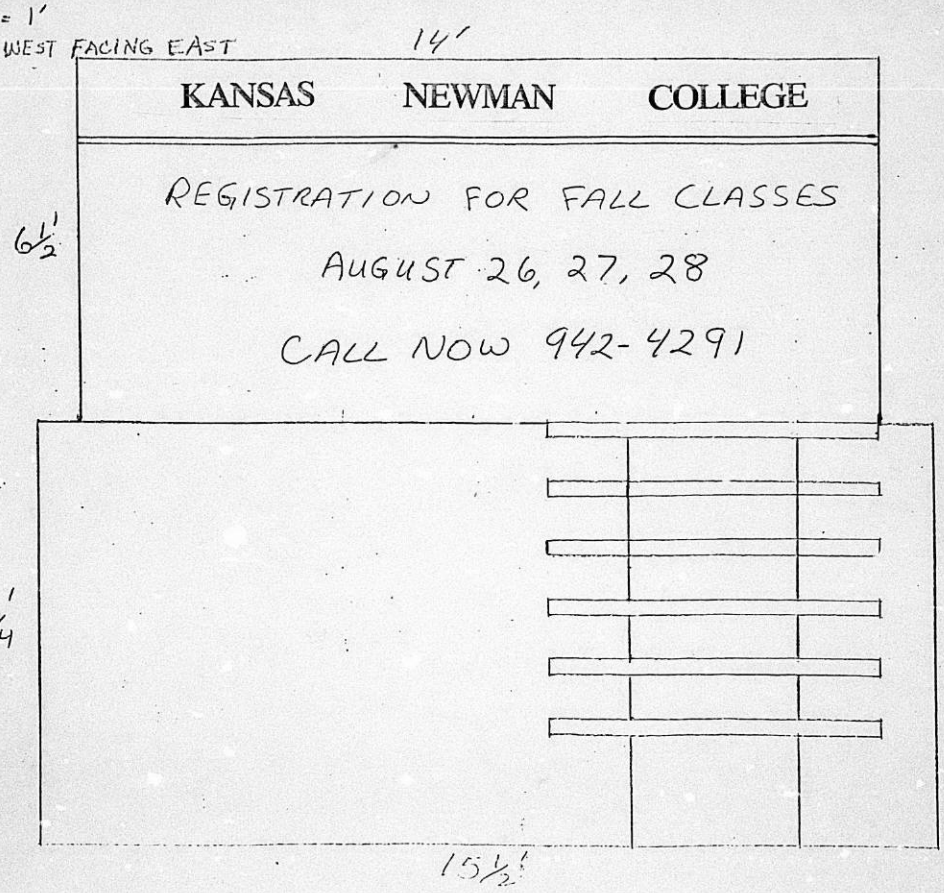
1A

MICROFILMED
FROM THE BEST
AVAILABLE COPY

SCALE, 1/2" = 1'

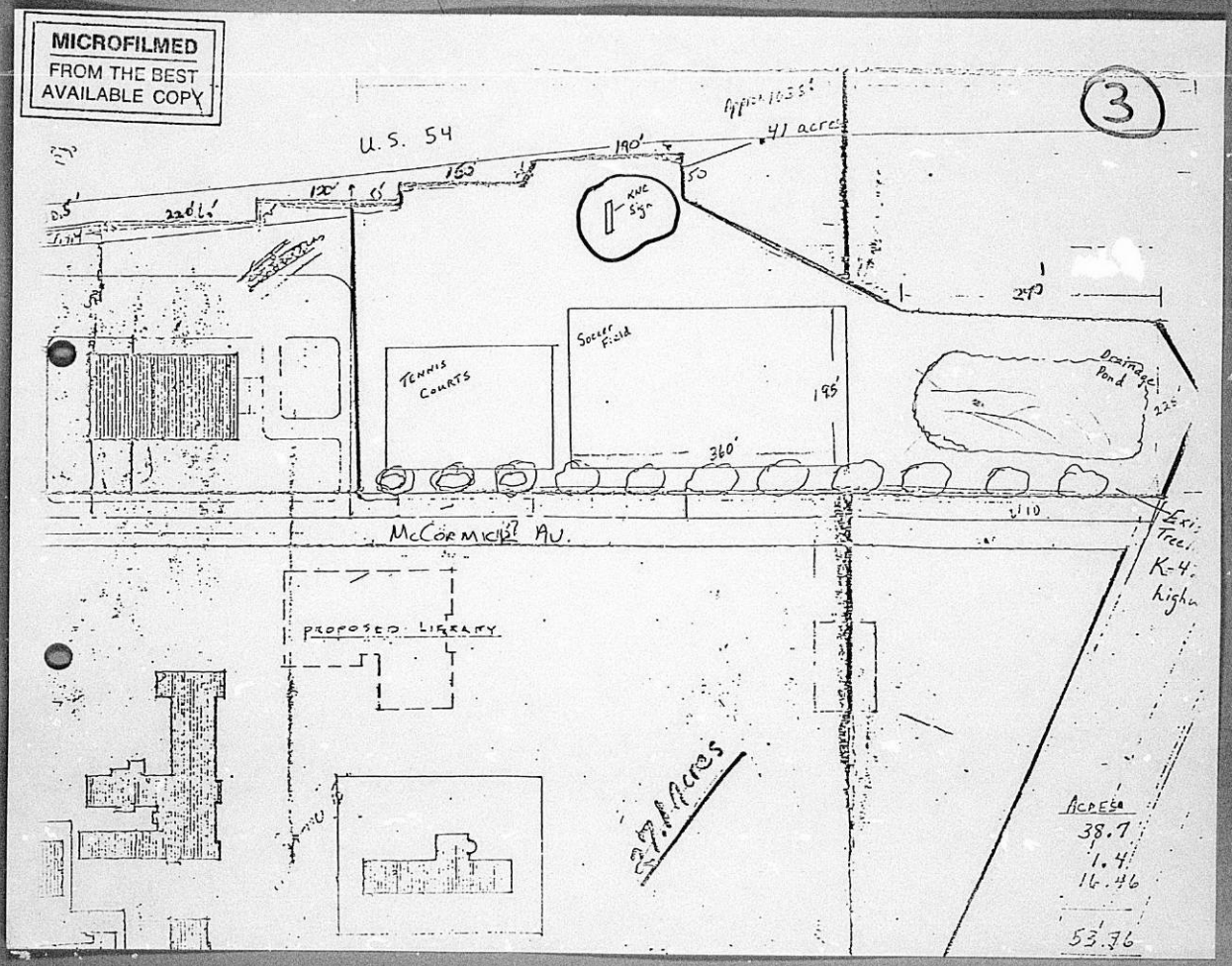
VIEW: FROM WEST FACING EAST

(2)



BZA 32-87 proposed

MICROFILMED
FROM THE BEST
AVAILABLE COPY



5A

PF1-MENU,PF10-NAME XREF,PF11-ADDR XREF
KEY: -D -06603- - PROP.ADDR
OWNR: SACRED HEART COLLEGE
MAIL: % KS NEWMAN COLLEGE
3100 MC CORMICK
WICHITA KS 67213

MC CORMICK AVE
LOAN CO:
GENERAL TAX:
SPECIAL TAX:
TOTAL TAX:
NO CURRENT YEAR TAX RECORD

FRONT: 4.6 DEPTH: 0 DESCRIPTION YR SQFT DESCRIPTION YR SQFT
100% LAND: 23,250
100% IMPROVE: 0
100% TOTAL: 23,250
ALL LOTS & RES B EXC W 615.65 FT M-L & EXC ST HWY CC A-29960 &
CC A-48014 & CC A-56857 CHRYSTAL ADD.
EXEMPT 1248-1

5B

PF1-MENU,PF10-NAME XREF,PF11-ADDR XREF
KEY: -D -06603-0001- PROP.ADDR
OWNR: SACRED HEART COLLEGE
MAIL: % KS NEWMAN COLLEGE
3100 MC CORMICK
WICHITA KS 67213

W MC CORMICK AVE
LOAN CO:
GENERAL TAX:
SPECIAL TAX:
TOTAL TAX:
NO CURRENT YEAR TAX RECORD

FRONT: 3.5 DEPTH: 0 DESCRIPTION YR SQFT DESCRIPTION YR SQFT
100% LAND: 17,650
100% IMPROVE: 0
100% TOTAL: 17,650
W 615.65 FT M-L EXC HWY CHRYSTAL ADD.
EXEMPT 1248-1

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29 1

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT

NAME

ADDRESS

FUND | DUE DATE

COMMENTS

DATE | BY