

Case No. 47-87 - Bishop Carroll High School requests a variance to increase the size of a bulletin board sign from 25 sq ft to 48 sq ft on property zoned "AA" One-family Dwelling & generally

47-87

ACTION

B.Z.A. 47-87 *Approved* 4-1 11/24/87
DATE

APTD

200'4 Sq 12-15-87

Shot 1-27-88

Record ✓

DATA SHEET

MAP NO.: 4947D

CASE NO. BZA 47-87

(CPO 5A, 11/18/87)

REQUEST: Variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet.

EXISTING ZONING: "AA" One-family Dwelling District.

GENERAL LOCATION: On the south side of Central in an area west of Woodchuck (8101 W. Central).

APPLICANT: Bishop Carroll High School
 ADDRESS: 8101 W. Central, Wichita, KS 67212

PHONE: 722-5108

AGENT: James G. McNiece
 ADDRESS: 4601 W. 11th St., Wichita, KS 67212

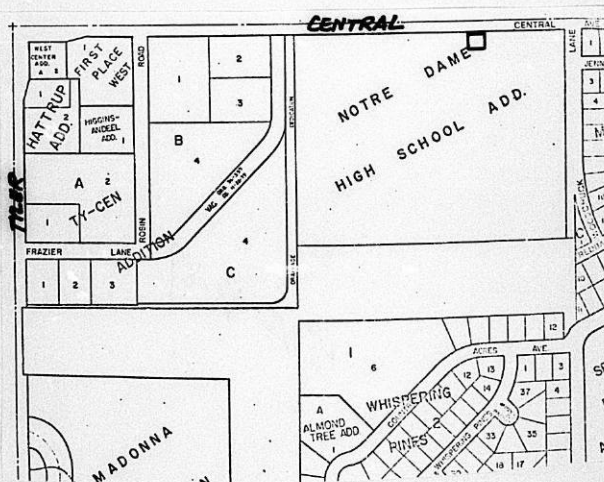
PHONE: 943-5108

AREA DATA

Acres: (ft. by ft.)

Adjacent Zoning and Land Use:

North	LC & BB (in DP-11)	_____
South	AA	_____
East	AA	_____
West	AA	_____



PL1-0066

LOS ANGELES, CHICAGO, LOS AN, OH
 MCGREGOR, TX, LOS ANGELES, E. CA
 U.S.A.

S
 No. 2-153C



November 25, 1987

mailed 12-3-87

James G. McNiece
4601 West 11th Street
Wichita, Kansas 67212

FILE COPY

Re: BZA 47-87 - Variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet. On the south side of Central in an area west of Woodchuck (8101 W. Central).

Dear Mr. McNiece:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 24, 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,

Louise Olivarez
Assistant Secretary

LO/lw

Enclosure

cc: Bishop Carroll High School, 8101 W. Central, Wichita, KS 67212
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION NO. BZA 47-87

WHEREAS, Bishop Carroll High School, 8101 W. Central, Wichita, Kansas 67212, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

The North 100 feet of the West 100 feet of the East 530 feet of Lot 1, Notre Dame High School Addition, Sedgwick County, Kansas. Generally located on the south side of Central in an area west of Woodchuck (8101 W. Central).

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 November 24, 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 entire frontage on Central for the Bishop Carroll High School site is over $\frac{1}{4}$ -mile long and is across from and adjacent to a mixture of land uses which include apartments, restaurants and medical offices, all of which have signs larger than the one being requested by this application; 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 nearest residences are over 500 feet away from the sign and non-residential uses across Central to the north have their own, larger signs which will not in any way be obstructed by this school sign; 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-foot sign limitation in the "AA" district is insufficient to provide adequate public notification of school events on a major arterial such as Central and on property with over $\frac{1}{4}$ -mile of frontage; 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 does not encroach any needed street right-of-way or utility easements nor does it obstruct any line of vision for the vehicular traveling public; 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 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.

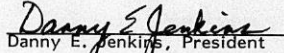
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

The North 100 feet of the West 100 feet of the East 530 feet of Lot 1, Notre Dame High School Addition, Sedgwick County, Kansas. Generally located on the south side of Central in an area west of Woodchuck (8101 W. Central).

be approved subject to the following conditions:

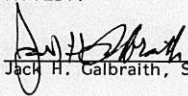
1. Only one "bulletin board" sign shall be permitted along the Central Avenue frontage of the Bishop Carroll High School site and this sign shall be no taller than 20 feet nor larger than 48 square feet.
2. The sign shall be permitted to be lighted only internally and with white light only.
3. The sign shall announce only events associated with Bishop Carroll High School.

ADOPTED AT WICHITA, KANSAS, this 24th day of November, 1987.



Danny E. Jenkins, President

ATTEST:



Jack H. Calbraith, Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE November 19, 1987

TO Louise Oliverez, Principal Planner

FROM Barry L. Carroll, Administrative Aide III ^{BLC}

SUBJECT BZA 47-87: Sout side of Central
 in an area west of Woodchuck

On Wednesday, November 19, CPO Westside Neighborhood Council 5A considered the captioned case, a request for a variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet on property zoned the "AA" One-Family Dwelling District. Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After a brief discussion, the Council voted 8-0 to recommend approval of the request.

Jim McNiece, Principal of Bishop Carroll High School, was present to describe the request and respond to questions from the Council. According to Mr. McNiece, the sign contractor failed to secure a variance prior to erecting the sign, as per their agreement. Consequently, Mr. McNiece noted, the variance was needed in order to comply with the City's zoning regulations. There was no one present present to speak either in favor or in opposition to the request.

Please provide the Council's recommendation to the MAPC and City Council when BZA 47-87 is considered.

BLC:blc

RECEIVED

NOV 20 1987

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT

CASE NUMBER: BZA 47-87

OWNER/APPLICANT/AGENT: Bishop Carroll High School (applicant)
James G. McNiece (agent)

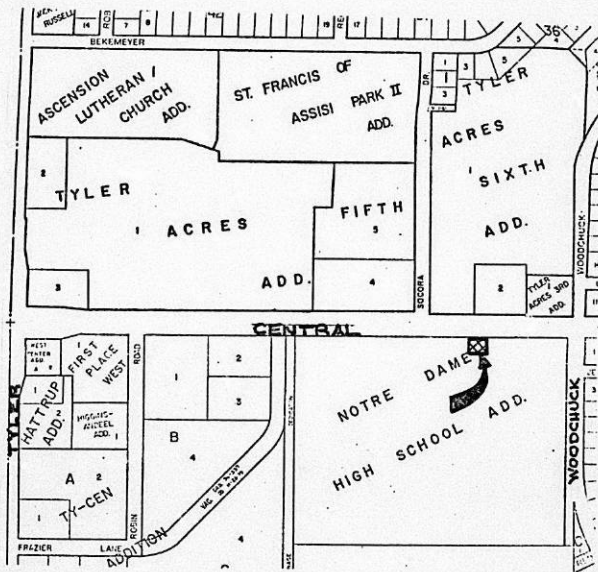
REQUEST: Variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet.

CURRENT ZONING: "AA" One-family Dwelling District.

SITE SIZE: 100' x 100' (a portion of a 29-acre lot)

LOCATION: On the south side of Central in an area west of Woodchuck (8101 W. Central).

PROPOSED USE: Bishop Carroll High School 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 47-87 SR

BACKGROUND: The applicant is requesting a variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet on property zoned the "AA" One-family Dwelling District and located on the south side of Central in an area west of Woodchuck (east of Tyler). Bishop Carroll High School occupies the 29-acre platted lot and currently has one 4-foot tall identification sign located 120 feet back from Central. The new sign is only 18 feet from the Central Avenue right-of-way and provides space for changeable messages. The sign was donated to the school by the Booster Club but the sign company which installed the sign for them failed to get the necessary sign permit prior to installation. The single pole supporting the sign is 12 feet tall and the message board atop the pole is 6 feet tall by 8 feet long. The sign is perpendicular to Central thus enabling each of the two sign faces to be read by the public while traveling along Central.

ADJACENT ZONING AND LAND USE:

NORTH	LC & BB (in DP-11)	Medical offices
SOUTH	AA	High school
EAST	AA	High school & single family houses
WEST	AA	High school & apartment complex

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the entire frontage on Central for the Bishop Carroll High School site is over $\frac{1}{4}$ -mile long and is across from and adjacent to a mixture of land uses which include apartments, restaurants and medical offices, all of which have signs larger than the one being requested by this application.

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 nearest residences are over 500 feet away from the sign and non-residential uses across Central to the north have their own, larger signs which will not in any way be obstructed by this school sign.

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-foot sign limitation in the "AA" district is insufficient to provide adequate public notification of school events on a major arterial such as Central and on property with over $\frac{1}{4}$ -mile of frontage.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the sign does not encroach any needed street right-of-way or utility easements nor does it obstruct any line of vision for the vehicular traveling public.

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 Secretary that the variance be granted subject to the following conditions:

BZA 47-87 SR

1. Only one "bulletin board" sign shall be permitted along the Central Avenue frontage of the Bishop Carroll High School site and this sign shall be no taller than 20 feet nor larger than 48 square feet.
2. The sign shall be permitted to be lighted only internally and with white light only.
3. The sign shall "advertise" only events associated with Bishop Carroll High School.

BZA CASE NO. 47-87

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>5</u>	NOTICES SENT TO BZA
<u>2</u>	NOTICES SENT TO CITY MANAGER AND CITY COUNCIL REPRESENTATIVE TO DISTRICT
<u>4</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>14</u>	TOTAL NOTICES SENT <u>10/30/87</u>

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

October 30, 1987

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 47-87

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 Bishop Carroll High School requesting a variance.

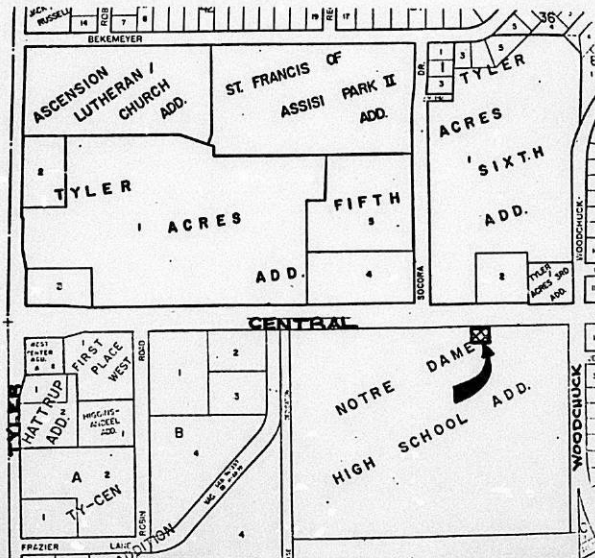
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

The North 100 feet of the West 100 feet of the East 530 feet of Lot 1, Notre Dame High School Addition, Sedgwick County, Kansas. Generally located on the south side of Central in an area west of Woodchuck (8101 W. Central).

This application has been assigned Case No. BZA 47-87. It will be considered by the Board of Zoning Appeals on Tuesday, November 24, 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 Westside Neighborhood Council "5A" will consider this case at their meeting to be held on Wednesday, November 18, 1987, at 7:00 p.m., at the American National Bank, 10222 West Central. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



() Published in The Daily Record, October 30, 1987

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 24th day of November, 1987, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 44-87 - Frazier Construction Company, P. O. Box 17164, Wichita, KS 67217, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to delete the screening requirement along the east and south property lines on property zoned the "OC" Office Commercial District and legally described as follows:

Lots 39, 40, 41, 42, 43, 44, 45, and the north 17 feet of Lot 46, on Main Street, in North Main Street 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area north of 9th Street (1020 North Main).
2. Case No. BZA 45-87 - Mr. & Mrs. Jeffery Harp, 1142 N. Main, Wichita, Kansas 67203, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required front yard setback from 20 feet to 15 feet on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lot 3, Midtown 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area south of 11th Street (1142 N. Main).
3. Case No. BZA 46-87 - James and Joan Schmeidler, 2601 S. Ellis, Wichita, Kansas 67216, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 22, Block 1, Murray's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Ellis and Marion (2601 S. Ellis).
4. Case No. BZA 47-87 - Bishop Carroll High School, 8101 W. Central, Wichita, Kansas 67212, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

The North 100 feet of the West 100 feet of the East 530 feet of Lot 1, Notre Dame High School Addition, Sedgwick County, Kansas. Generally located on the south side of Central in an area west of Woodchuck (8101 W. Central).

5. Case No. BZA 48-87 - Ray Ellis, 4725 Nall Road, Dallas Texas, 75234, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a self-service car wash on property partially zoned the "LC" Light Commercial District and the balance approved for the "LC" Light Commercial District and legally described as follows:

Lot 2, Pawnee Sub Addition and Lots 10, 12 and 14 on Topeka Avenue in Hilbish and Hettinger's Addition, Wichita, Kansas (being replatted as Lot 1, Block A, Kenyon's Korner, an Addition to Wichita, Sedgwick County, Kansas). Generally located on the northeast corner of Topeka and Pawnee.

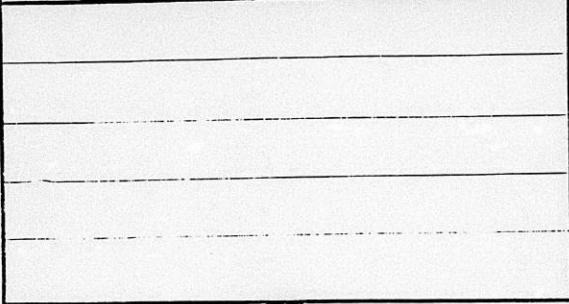
As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand this 29th day of October, 1987.

Jack H. Galbraith, Secretary

8'

**BISHOP CARROLL
HIGH SCHOOL**

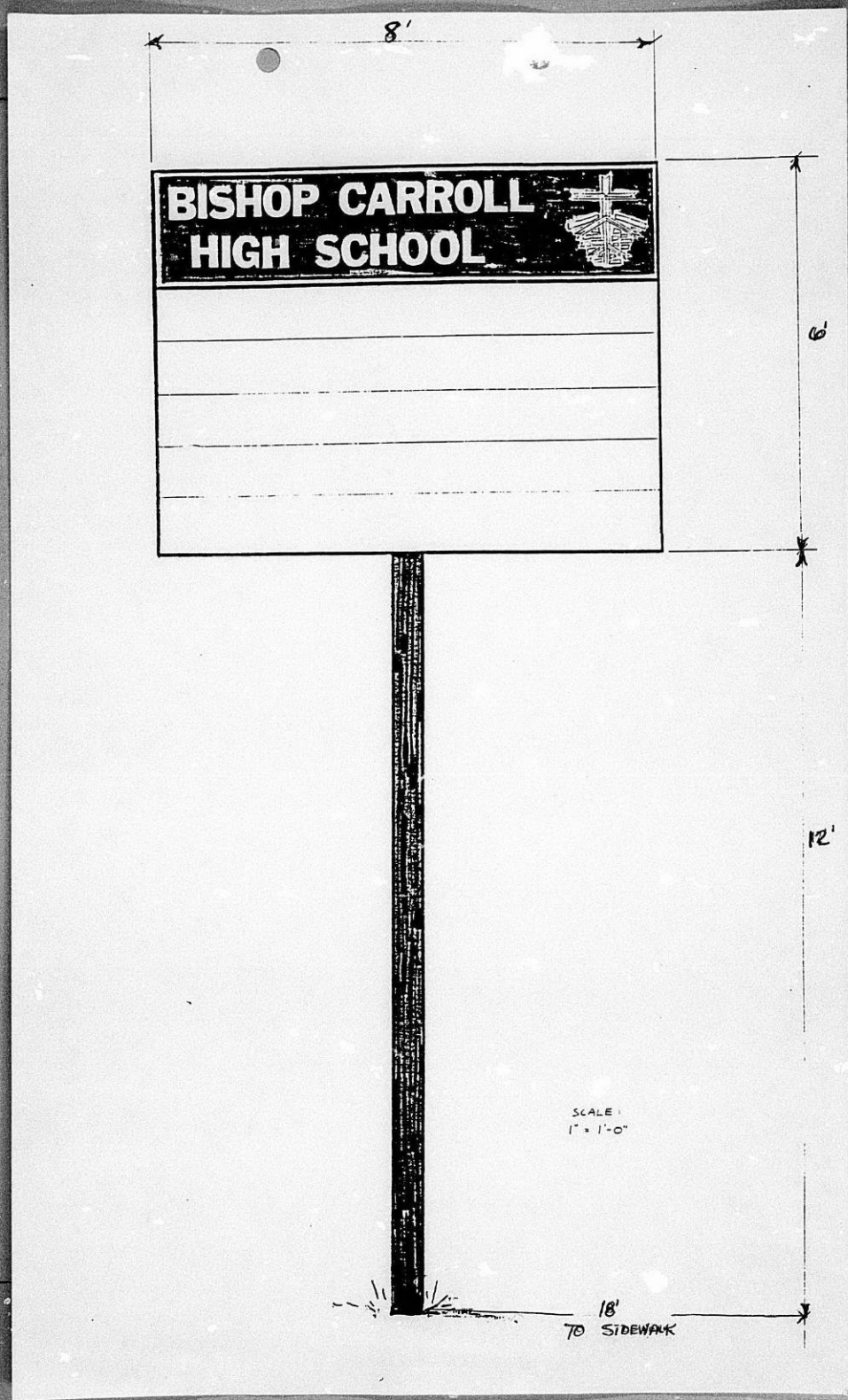


6'

12'

SCALE:
1" = 1'-0"

18'
TO SIDEWALK



BISHOP CARROLL HIGH SCHOOL

8101 WEST CENTRAL AVENUE

PHONE 722-2390

WICHITA, KANSAS 67212

October 27, 1987

Bishop Carroll High School requests a variance from the specific terms of Title 28 while respecting the spirit of Title 28 for public safety, welfare and justice. The following conditions support this request.

1. Bishop Carroll High School property is zoned AA residential. The frontage of BC property that is adjacent to Central avenue is unique in length, being approximately 1425 feet from Woodchuck on the east to the western edge of BC property.

This length of frontage road we feel requires a sign of greater than 25 square feet.

Adjacent commercial property has signs well in excess of 48 square feet.

We feel that our sign will allow us greater visibility to the public and patrons.

2. Granting of the permit for the variance will not adversely affect the rights of adjacent property owners to the east because of the distance from Woodchuck is 495 feet. Nor is the sign visible to property owners along Woodchuck.
3. Strict application of the provisions of Title 28 of which a variance is requested will constitute an unnecessary hardship upon Bishop Carroll by not allowing the school to properly inform patrons and the public of the schools location and events. The present sign is located 120 feet from Central and only 4 feet high.
4. The variance desired will not adversely affect the public nor obstruct the flow of traffic. The sign is located approximately 52 feet from Central and 18 feet from the sidewalk.
5. The granting of the variance will not be opposed to the general spirit and intent of Title 28. Multi-family housing units are located to the west 1050 feet and have similar signs and notices. Residential housing to the east is located 500 feet and not in clear view of the sign. Commercial property to the north has signs much larger and higher.

for 11-24-87 mtg.

APPLICATION FOR VARIANCE

I. Name of Applicant Bishop Carroll High School
Mailing Address 8101 West Central Phone 722-2390
Name of Authorized Agent James G. McNiece
Mailing Address 4601 West 11th Street Phone 943-5108
Relationship of applicant to property is that of Principal
(Owner, Tenant, Lessee, Other)

II. The variance requested is an increase in size of a "bulletin board" sign from 25 square feet to 48 square feet. (Present requirements do not allow for adequate public notice. Adjoining properties (commercial and business) have large signs. Present Bishop Carroll High School sign is located 120 feet from central and is not noticeable by design or location. for property located on the south side of Central in an area west of Woodhucke (8101 West Central) Wichita, Kansas.
and legally described as:

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. 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 Sedgewick 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 Bishop Carroll High School

Authorized Agent *James G. McNiece*

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:05 (a.m./p.m.), 10-26, 1987, together with appropriate fee of \$ 300.

Signed *Barbara Harris*

N CC+BB in S AA E ~~AA~~ AA W ~~BB~~ AA DP-11 4947D
T9-402(Ci) CPO SA 11-18-87
PL1-0028

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC. hereby certifies the following to be a true and correct list of the property owners as shown by the last deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

leaf

The North 100 feet of the West 100 feet of the East 530 feet of Lot 1, Notre Dame High School Addition, Sedgwick County, Kansas.

Addresses as given are furnished as a courtesy only and are not certified.

DESCRIPTION	OWNER/ADDRESS	ZIP
<u>NOTRE DAME HIGH SCHOOL ADD.</u>		
Lot 1	✓ Catholic Diocese of Wichita 424 North Broadway Wichita	67202
<u>TYLER ACRES 3RD ADD.</u>		
Lot 1	✓ Edward T. Neville & Rita A. 9625 W. Maple Wichita	67209
<u>TYLER ACRES 6TH ADD.</u>		
All that part of Lot 1, Tyler Acres 6th Add., Wichita, Kansas, desc. as follows: Beg. at the SW/cor of Lot 2, in said Tyler Acres 6th Add.; th. Northerly, along the West line and the West line extended of said Lot 2, 480.21'; th. Westerly, 234.59' to a point on the West line of said lot 1, said point being 480' North of the SW/cor thereof; th. Southerly, along said West line, 480' to the point of beg.	Real Estate Only:	
	✓ Affiliated Property Services, Inc. Ste. #140, 1035 N. Emporia Wichita	67214
Lot 2	Buildings and Improvements:	
	✓ Socora West, a Kansas General Partnership C/O William C. Loewen 8200 West. Central Wichita	67212
	Edward T. Neville & Rita A. Neville, Trustees for Gregory Allen Neville, as to an undivided ½ interest & Edward T. Neville & Rita A. Neville, Trustees for Alvin Leon Neville as to an undivided ½ interest <i>dup</i> 9625 W. Maple Wichita	67209

Dated this 12th day of October, 1987 at 7:00 A.M.

GUARANTEE TITLE CO., INC.
By: *Ernie L.P. Smith*
Vice-President

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29 21

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 _____