ADJACENT PROPERTY: It is the opinion of staff that the granting of variances to increase the size of sign to a 3-foot by 4-foot oval (approximately 9 sq. ft.) and to permit the sign to be placed near the front property line will not adversely affect the rights of adjacent property owners inasmuch as the sign will not block the view from any adjacent residence or driveway and will be made of wood and unlighted, with only the name of the studio as the message.

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 a 2-square-foot sign mounted flat on the face of the dwelling would be almost unnoticeable when viewed from Central Avenue, which is more than 75 feet away.

PUBLIC INTEREST: It is the opinion of staff that the requested variances would not adversely affect the public interest inasmuch as the size and location, as well as the message, will not be disruptive to traffic on Central and will not encroach any street right-of-way or utility easements.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the sign provision of the home occupation regulations is to allow limited identification of home occupations in residential districts other than the single-family district, but due to the distance of the house from the road and the amount and speed of traffic on Central, a sign closer to the road and larger than 2 square feet is necessary to identify the home occupation.

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 variances to the size and location of a home occupation sign be granted, subject to the following conditions:

1. The sign shall be oval-shaped, no larger than 3 feet by 4 feet, and elevated no more than 18 inches above the ground; constructed of wood; and unlighted, with the name of the business as the only message on the sign.

2. The sign shall be located within 10 feet east or west of the existing front walk (private) and no closer to the public sidewalk than 10 feet.

3. The applicant shall obtain a sign permit from the Office of Central Inspection prior to installing the sign.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 9

September 24, 1991

SECRETARY'S REPORT

CASE NUMBER: BZA 20-91

OWNER/APPLICANT: Kim Weigand

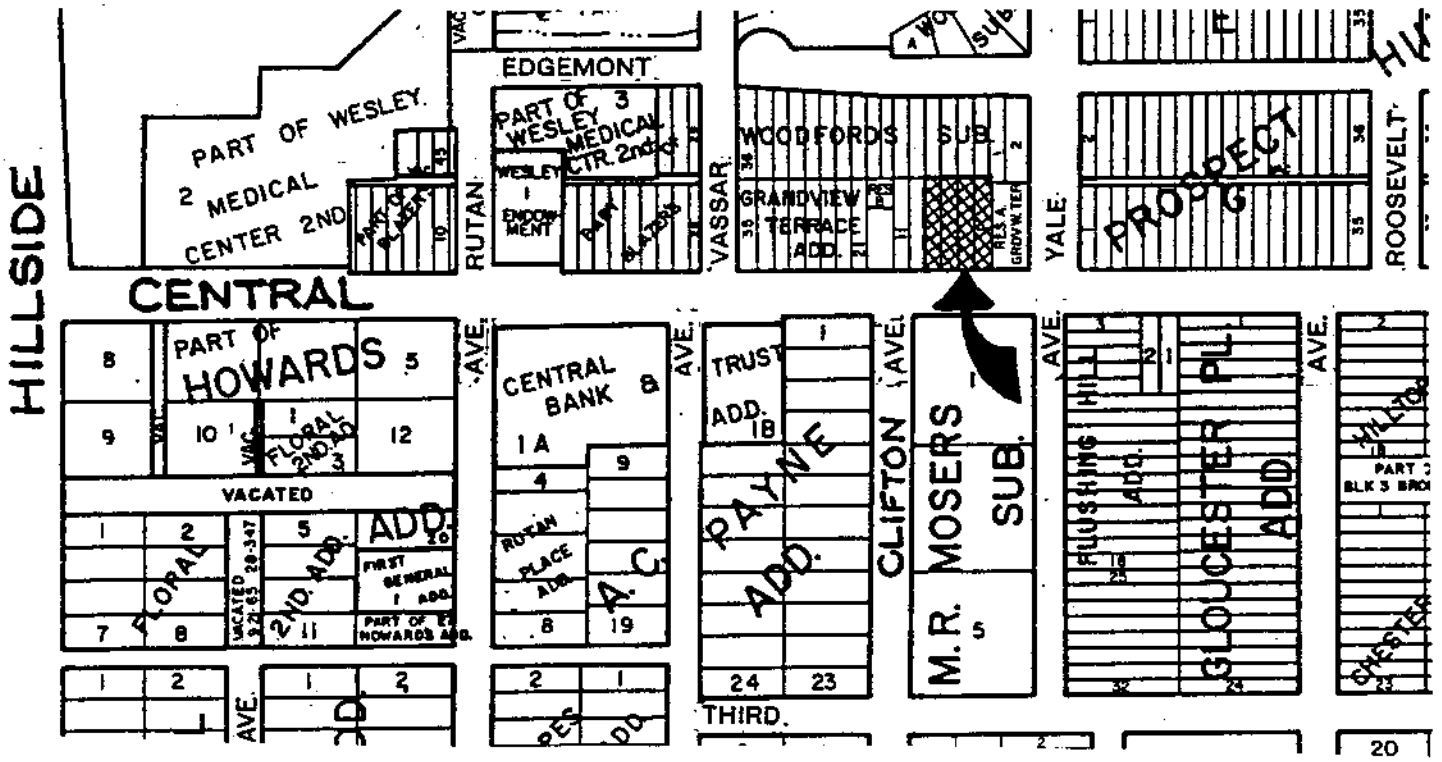
REQUEST: Variance to increase the size of a home occupation sign from 2 sq. ft. to 15 sq. ft. and a variance of the location requirement to allow a freestanding sign near the front property line, rather than mounted flat against the face of the dwelling.

CURRENT ZONING: "A" Two-Family Dwelling District

SITE SIZE: 103 ft. x 140 ft.

LOCATION: North side of Central in an area west of Yale

PROPOSED USE: Photography studio (home occupation)



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.

BACKGROUND: The applicant is a photographer residing at 3430 East Central with a photographic studio in her home. The home is situated 65 feet back from the sidewalk and 79 feet from the north curb. Homes on either side are much closer to the street, as are most homes on both sides of Central between Hillside and Oliver. Home occupation signs are permitted in this, the "A" Two-Family Dwelling District, but are limited to 2 square feet in size and must be mounted flat against the face of the building housing the home occupation. At such a distance from the road, a 2-square-foot sign would not be noticeable. The applicant has stated that customers often have difficulty finding her studio because the building is so far from the road and because the addressing of properties nearby is not very consistent, e.g., the block directly to the south is the 3600 block of east Central; four blocks directly east on the north side is the 4100 block. Location on an arterial street with consistently heavy traffic flow makes it difficult for a driver to slow down and search for an address. A sign larger than 2 square feet, even if located at the front property line, would be necessary, due to the speed and amount of traffic on Central.

A doctor's office located at the northeast corner of Central and Fountain, approved almost 30 years ago as a "use variance," has a 2-foot by 4-foot sign in its front yard, elevated about 2-1/2 feet above the lawn. This applicant has requested a 3-foot by 5-foot oval sign which would be elevated 1 to 2 feet. It is proposed to be made of wood, with the name "Prism Photography" carved into the oval. The sign is to be unlighted. Due to the oval shape, the total area of the sign would be less than 15 square feet, perhaps 10 to 12 square feet. In comparison with the sign on Fountain, even with an oval shape, 3 feet by 5 feet seems unnecessarily large if it is to be located near the front property line, rather than back by the building. A 3-foot by 4-foot oval sign (approximately 9 square feet) should be sufficient size for identification purposes.

No exact distance from the front property line was specified in the application. Since only 40 feet of right-of-way exists for Central, whereas 50 feet is the standard, the Secretary recommends the sign be no closer to the front property line than 10 feet so that it will not have to be moved if additional right-of-way is acquired in the future.

ADJACENT ZONING AND LAND USE:

NORTH	"A"	One-family dwelling
SOUTH	"A"	One-family dwelling
EAST	"A"	One-family dwelling
WEST	"A"	One-family dwelling

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the main dwelling in which the home occupation is located is situated over 75 feet back from the Central Avenue north curb. Adjacent structures are only set back approximately 25 feet from Central Avenue.

WICHITA — SEDGWICK COUNTY

W-SC

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1668
(316) 268-4561

October 3, 1991

Kim Weigand
3430 E. Central
Wichita, KS 67208

Re: BZA 20-91 - Variance to increase the size of a home occupation sign from 2 sq. ft. to a maximum of 10 sq. ft. and a variance of the location requirement to allow a freestanding sign near the front property line, rather than mounted flat against the face of the dwelling, on property zoned the "A" Two-Family Dwelling District, located on the north side of Central in an area west of Yale (3430 E. Central).

Dear Ms. Weigand:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on September 24, 1991. 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

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, OCI
J.R. Cox, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that a variance be approved to increase the size of a home occupation sign from 2 sq. ft. to a maximum of 10 sq. ft. and a variance of the location requirement be approved to allow a freestanding sign near the front property line, rather than mounted flat against the face of the dwelling on property zoned the "A" Two-Family Dwelling District and legally described as follows:

> Lots 1, 3, 5 and 7, Central Avenue, Woodford's Replat of Part of Grandview Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Central in an area west of Yale (3430 E. Central).

subject to the following conditions:

1. The sign shall be no larger than 10 square feet, with the top of the sign elevated no more than 4 feet above the ground; constructed of wood; unlighted; and with the name of the business as the only message on the sign.

2. The sign shall be located within 10 feet east or west of the existing front walk (private) and no closer to the public sidewalk than 10 feet.

3. The applicant shall obtain a sign permit from the Office of Central Inspection prior to installing the sign.

ADOPTED AT WICHITA, KANSAS, this 24th day of September, 1991.

Randy Phillips, President

ATTEST:

Louise Olivarez, Secretary

BZA RESOLUTION NO. 20-91

WHEREAS, Kim Weigand, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a home occupation sign from 2 sq. ft. to 15 sq. ft. and a variance of the location requirement to allow a freestanding sign near the front property line, rather than mounted flat against the face of the dwelling on property zoned the "A" Two-Family Dwelling District and legally described as follows:

> Lots 1, 3, 5 and 7, Central Avenue, Woodford's Replat of Part of Grandview Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Central in an area west of Yale (3430 E. 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 September 24, 1991, 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 main dwelling in which the home occupation is located is situated over 75 feet back from the Central Avenue north curb. Adjacent structures are only set back approximately 25 feet from Central Avenue; and

WHEREAS, the Board of Zoning Appeals has found that the granting of variances to increase the size of sign to a maximum of 10 square feet, with the top not over 4 feet above grade and to permit the sign to be placed near the front property line will not adversely affect the rights of adjacent property owners or residents inasmuch as the sign will not block the view from any adjacent residence or driveway and will be made of wood and unlighted, with only the name of the studio as the message; 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 a 2-square-foot sign mounted flat on the face of the dwelling would be almost unnoticeable when viewed from Central Avenue, which is more than 75 feet away and which is a four-lane arterial street with a 35 m.p.h. speed limit; 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 size and location, as well as the message, will not be disruptive to traffic on Central and will not encroach any street right-of-way or utility 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 intent of the sign provision of the home occupation regulations is to allow limited identification of home occupations in residential districts other than the single-family district, but due to the distance of the house from the road and the amount and speed of traffic on Central, a sign closer to the road and larger than 2 square feet is necessary to identify the home occupation; 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.