



Wichita-Sedgwick County Metropolitan Area Planning Department

March 19, 2007

Chuck Hill
Cornejo & Sons
2060 E Tulsa
Wichita, KS 6716

RE: BZA2006-70 – Variance to Section 6-346(a)(4)d. of the County Sign Code to allow an increase in allowable sign area from eight square feet to 88 square feet for an existing business sign. Generally located south of 63rd Street South and east of Grove (6700 S Grove).

Dear Applicants:

The previous resolution copy you received reflected an incorrect hearing date. Enclosed is a copy of the corrected and signed BZA Resolution, adopted by the County Board of Zoning Appeals on **February 20, 2007**. This resolution reflects the official action of the Board. 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,

A handwritten signature in cursive script, appearing to read 'Jess McNeely'.

Jess McNeely, AICP

Senior Planner, Current Plans Division

JMC/yja

Cc: Bob Parnacott, County Law Dept., Mail Stop, County Suite 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

BZA RESOLUTION NO. 2006-70

WHEREAS, Cornejo and Sons, Inc. (Owners/Applicants); pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a variance to Section 6-346(a)(4)d. of the County Sign Code to allow an increase in allowable sign area from eight square feet to 88 square feet for an existing business sign.

Government Lots 2 and 3 and the Southwest Quarter of the Northeast Quarter of Section 34, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT that part condemned for the Wichita-Valley Center Flood Control in Case A-48670, AND EXCEPT a tract described as beginning 469.23 feet south of the Northwest corner of Government Lot 2 in the Northeast Quarter of said Section 34; thence south 333.67 feet; thence southeasterly 389.92 feet; thence northeasterly 231 feet; thence northeasterly 144.3 feet to Levee right-of-way; thence northwesterly 276 feet; thence northwesterly 528.5 feet, more or less to the place of beginning, AND EXCEPT that part described as beginning at the Southwest corner of the South Half of said Northeast Quarter; thence north along the West line of said Northeast Quarter, 137 feet; thence east at right angles, 319.97 feet; thence south at right angles 137 feet to the South line of the South Half of said Northeast Quarter; thence west at right angles along the South line of said Northeast Quarter; 320 feet to the point of beginning. Generally located east of Grove and south of 63rd Street South.

WHEREAS, proper notice as required by ordinance and by the rules of the Sedgwick County Board of Zoning Appeals has been given; and

WHEREAS, the Sedgwick County Board of Zoning Appeals did, at the meeting of February 20, 2007, consider said application; and

WHEREAS, the Sedgwick County Board of Zoning Appeals found that it has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the variance is unique based on the applicant's letter: *"This property is unique to the normal RR zoned property in that a conditional use permit has been issued which allows the applicant to operate a sand extraction operation on the property. Because a conditional use permit is always required for a sand pit operation, there was no need to obtain change of the underlying zoning of the property at the time the conditional use permit was obtained. The granting of the conditional use permit by the Board of County Commissioners establishes that this temporary use of the property for this industrial use is appropriate for the property. Based upon this determination by the BOCC, applicant submits that it is appropriate for the applicant to be allowed to erect and maintain a business sign that is within the restrictions for industrial zoned property."*

WHEREAS, the Sedgwick County 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 based on the applicant's letter: *"As can be seen from the site plan and other pictures submitted, the applicant's sign is not located directly adjacent to or across the street from any residential property. While it is true that the owners of the residential property to the south and west will drive by the sign on their way into their neighborhoods, applicant submits that the presence of the sign will in no way adversely affect the neighboring property values."*

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the strict application of the provisions of the Sign Code of which variance is requested will constitute an unnecessary hardship upon the

property owners represented in the application based on the applicant's letter: *"The only business sign allowed under the sign code in the RR district is an 8 square foot sign for a home occupation. A strict application of the code would not allow any sign at the entrance to the facility because the business is not a home occupation, and there is no other applicable "functional sign" category in Section 6-346 (a)(1) which would allow this lawful business to post an adequately sized business sign."*

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the variance desired would not adversely affect the public interest based on the applicant's letter: *"The sign for which this variance is sought is not lighted. As can be seen from the attached pictures, the area around the sign is landscaped and attractive. The sign is not gaudy or in any way offensive. Applicant submits that the granting of the variance will have no adverse impact upon any of the concerns set forth in item 4."*

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the granting of the variance desired would not be opposed to the general spirit and intent of the zoning regulations based on the applicant's letter: *"The sign code allows for ground signs for property zoned LC, GC, LI, or GI with a maximum square footage of 300 square feet for a ground sign, and a height limit of thirty five feet. Applicant's sign face is approximately 80 square feet, and the height of the outside frame is 11 feet above the surface. Given that the property has been approved for an industrial use, it is not opposed to the general spirit and intent of the sign code to allow a sign which complies with the size restrictions for industrial zoned property."*

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759 *et. seq.*, to be present before a variance can be granted has been found to exist by the Sedgwick County Board of Zoning Appeals.

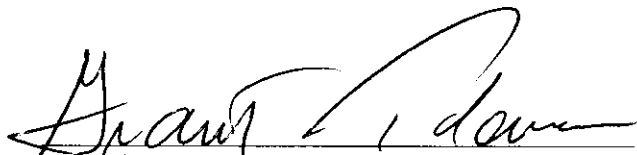
NOW, THEREFORE, BE IT RESOLVED by the Sedgwick County Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, variance to Section 6-346(a)(4)d. of the County Sign Code to allow an increase in allowable sign area from eight square feet to 88 square feet for an existing business sign on property zoned "RR" Rural Residential legally described as follows:

Government Lots 2 and 3 and the Southwest Quarter of the Northeast Quarter of Section 34, Township 28 South, Range 1 East of the Sixth Principal Meridian, Sedgwick County, Kansas, EXCEPT that part condemned for the Wichita-Valley Center Flood Control in Case A-48670, AND EXCEPT a tract described as beginning 469.23 feet south of the Northwest corner of Government Lot 2 in the Northeast Quarter of said Section 34; thence south 333.67 feet; thence southeasterly 389.92 feet; thence northeasterly 231 feet; thence northeasterly 144.3 feet to Levee right-of-way; thence northwesterly 276 feet; thence northwesterly 528.5 feet, more or less to the place of beginning, AND EXCEPT that part described as beginning at the Southwest corner of the South Half of said Northeast Quarter; thence north along the West line of said Northeast Quarter, 137 feet; thence east at right angles, 319.97 feet; thence south at right angles 137 feet to the South line of the South Half of said Northeast Quarter; thence west at right angles along the South line of said Northeast Quarter; 320 feet to the point of beginning. Generally located east of Grove and south of 63rd Street South.

The variance is hereby GRANTED, subject to the following conditions:

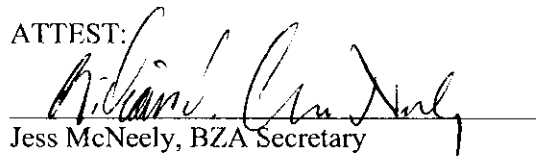
1. The sign shall be taken down when the sand pit business is no longer present.

ADOPTED AT WICHITA, KANSAS, this 20th DAY of February, 2007.

A handwritten signature in black ink, appearing to read "Grant Tideman", written over a horizontal line.

Grant Tideman, COBZA Board Chairman

ATTEST:

A handwritten signature in black ink, appearing to read "Jess McNeely", written over a horizontal line.

Jess McNeely, BZA Secretary