CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

June 11, 2008

Cedar Pointe Baptist Church, Inc. attn. Wayne Pearmain
9221 E 31st Street S
Wichita, KS 67210

RE: **BZA2008-18 – County BZA Variance request to permit an electronic message board sign (10 square feet) in SF-20 Single-family Residential zoning. Generally located south of 31st Street South and west of Webb (9221 E 31st Street S).**

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the County Board of Zoning Appeals on June 10, 2008, and an approved site plan and elevation. 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,

Jess McNeely, AICP
Senior Planner

JMC/yja

Cc: Gwen Welshimer, BOCC, District V, Mail Stop County Suite 320
Bob Parnacott, County Law Dept., Mail Stop, County Suite 359
Glen Wiltse, County Code Enforcement, 1144 S. Seneca, Wichita, KS 67213

BZA RESOLUTION NO. 2008-18

WHEREAS, Cedar Pointe Baptist Church c/o Wayne Pearmain (Owner/Applicant); pursuant to Kansas Statutes Annotated 12-759 *et. seq.*, requests a variance to Section 6-346(b)(1) of the County Sign Code to permit an electronic message board sign (10 square feet) in SF-20 Single-family Residential zoning on the following property:

LOT 1, CEDAR POINTE ADDITION, SEDGWICK COUNTY, KANSAS. Generally located south of 31st Street South and west of Webb (9221 E 31st Street S).

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 June 10, 2008, consider said application; and

WHEREAS, the Sedgwick County Board of Zoning Appeals 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 within the unincorporated county and within the SF-20 zoning district. The SF-20 zoned property is unique as it developed with a church, it is located on the fringe of Wichita urban development, and it is located on an arterial street.

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, as no residential properties directly face the sign location, and other surrounding properties are vacant, or used for agriculture or other non-residential uses.

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 as Churches with the nearby City of Wichita are permitted electronic message board signs through an administrative process while this location within the county is not. Also, this portion of 31st Street South is an arterial street, with significant traffic; this property owner may not be able to adequately inform drivers of church announcements without an electronic message board type sign.

WHEREAS, the Sedgwick County Board of Zoning Appeals has found that the variance desired would not adversely affect the public interest, as improved sign communication from this site would serve in the community interest, and the requested sign is within size restrictions. With conditions limiting the sign's visual movement, the proposed sign should not detract from the immediate area, or serve as a distraction.

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 Sign Code, as the signage will make it easier for this property to communicate announcements, without negatively affecting surrounding properties. This variance request is consistent with signs approved for similar institutions within the Wichita area.

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

NOW, THEREFORE, BE IT RESOLVED by the Sedgwick County Board of Zoning Appeals, pursuant to

Kansas Statutes Annotated 12-759 *et. seq.*, a variance to Section 6-346(b)(1) of the County Sign Code to permit an electronic message board sign (10 square feet) in SF-20 Single-family Residential zoning on the following property:

LOT 1, CEDAR POINTE ADDITION, SEDGWICK COUNTY, KANSAS. Generally located south of 31st Street South and west of Webb (9221 E 31st Street S).

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

1. The site shall be developed in conformance with the approved site plan and elevation drawings.
2. No portable or temporary signs shall be permitted on the property.
3. The electronic message board sign shall not display animated or video content; messages on the electronic message board sign shall not change faster than once per second.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
5. The above conditions are subject to enforcement by any legal means available to Sedgwick County.

ADOPTED AT WICHITA, KANSAS, this 10th DAY of June, 2008.

Grant Tideman, COBZA Board Chairman

ATTEST:

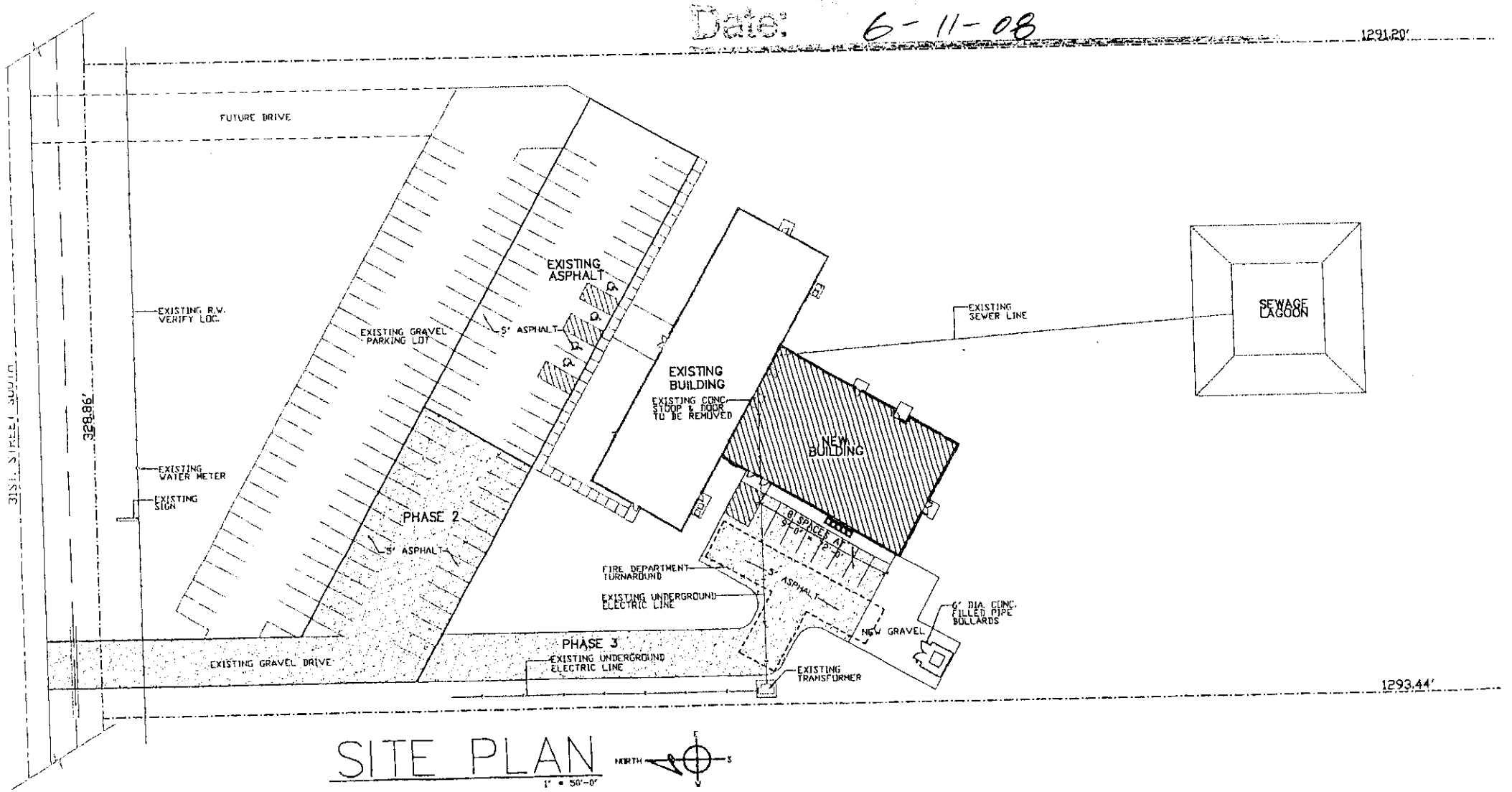
Jess McNeely, BZA Secretary

APPROVED

SITE PLAN BZA 2008-18

William L. Lindley

Date: 6-11-08



SITE PLAN

1" = 50'-0"

NORTH

CEDAR POINTE BAPTIST CHURCH ADDITION

FELLOWSHIP HALL / CLASSROOMS

9221 EAST 31ST STREET SOUTH

WICHITA KANSAS