

Case No. BZA 53-86 - West Side Christian Church requests a variance to increase the gross surface area of an identification sign from 32 sq feet to 160 sq feet on property zoned the "RB" Office District and generally located on the south side of Douglas between

Posted  
11-25-86 GEL

**ACTION**

BZA. 53-86 APPROVED 12/23/86  
DATE

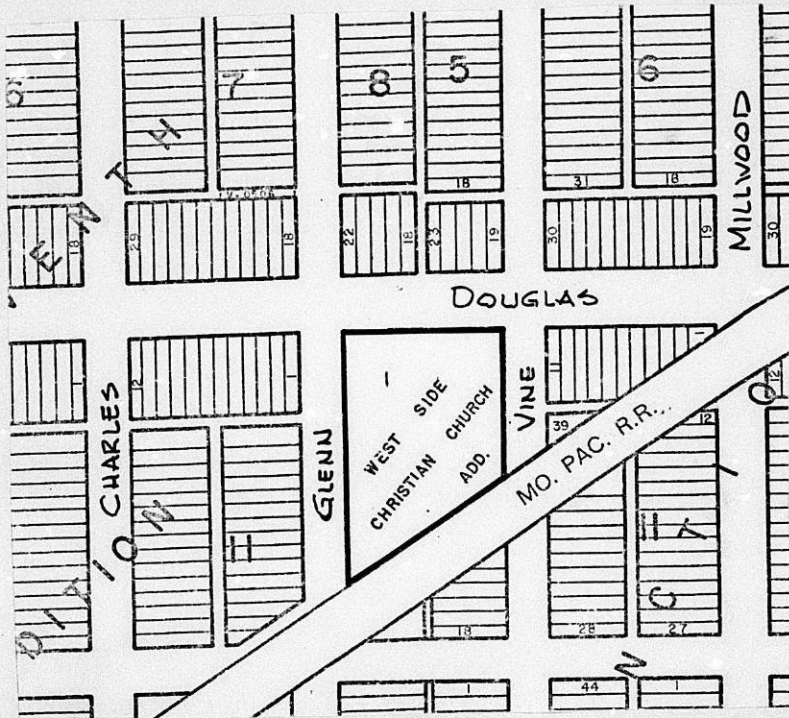
200'4 Sec 1-27-87  
Shot 1-30  
Revised ✓

Map No. 5347C

BZA 53-86  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)  
2. Adjoining Zoning: E E S B W B&LC N CAE  
3. Land Use: East Comm. & Res. South Res.  
West Comm. & Res. North Comm.  
4. Area (is) (~~is not~~) platted.



**Shimada**  
No. 2153C  
HASTINGS, MN  
LOS ANGELES, CHICAGO, LOGAN, OH  
MEMPHIS, TX, LOUCREST GROVE, GA  
U.S.A.

December 23, 1986

David McCord, Senior Minister  
West Side Christian Church  
181<sup>st</sup> West Douglas  
Wichita, Kansas 67213

Re: BZA 53-86 - Request for Variance

Dear Rev. McCord:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 23, 1986.

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,

Glen E. Lytle  
Assistant Secretary

GEL/lw

Enclosure

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

RESOLUTION CASE NO. 53-86

WHEREAS, West Side Christian Church, 1819 West Douglas, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the gross surface area of an identification sign from 32 square feet to 160 square feet on property zoned the "BB" Office District and legally described as follows:

Lot 1 West Side Christian Church Addition to Wichita Sedgwick County, Kansas. Generally located on the south side of Douglas between Glenn and Vine (1819 W. Douglas).

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 December 23, 1986, 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 is adjacent to an arterial street and that all adjacent properties are either zoned commercial or industrial which permits up to two square feet of gross surface area for each lineal foot of frontage for an identification sign; 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 adjoining properties in the area are developed commercially and the installation of a sign exceeding the 32 square feet permitted by the "BB" Office District should not interfere with the other signage in the area; 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 applicant would be required to seek a change of zoning that would be comparable to the adjoining properties along Douglas in order to construct the sign. This would be an additional expense even though it would almost certainly be granted due to the character of the neighborhood; 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 increase in the permitted sign area would not interfere with any easements nor would the sign be located in an area that is needed for street right-of-way; 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 ordinance does not take into consideration the location of properties located in the "BB" Office District when such are surrounded by commercial or industrial development; 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.

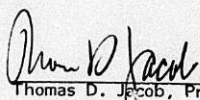
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the gross surface area of an identification sign from 32 square feet to 160 square feet on property zoned the "BB" Office District and legally described as follows:

Lot 1 West Side Christian Church Addition to Wichita Sedgwick County, Kansas. Generally located on the south side of Douglas between Glenn and Vine (1819 W. Douglas).

be approved subject to the following conditions:

1. The gross surface area of an identification sign may be increased from 32 square feet to 160 square feet.
2. Said sign shall be located facing the direction of travel along Douglas Avenue.
3. The sign may be internally lighted or indirectly lighted as permitted by the ordinance for the "BB" Office District, but without flashing or blinking lights.

ADOPTED AT WICHITA, KANSAS, this 23rd day of December, 1986.

  
Thomas D. Jacob, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE December 12, 1986

TO Glen Lytle, Special Assistant for Zoning  
FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 53-86: South side of  
Douglas between Glenn and Vine

On Thursday, December 12, CPO Council Area "O" considered the above captioned case, a request for a variance to increase the gross area of an identification sign from 32 square feet to 160 square feet.

Larry Boggs (Boggs Sign Co.) was present to describe the request and respond to questions from Council members and area residents. Mr. explained that he had been contacted by members of the church who had requested a larger sign. Mr. Boggs stated that the sign would be located on the northeast corner of the property (Vine & Douglas) so to be less obtrusive to the neighborhood.

Council members felt that the number of square footage requested for the sign was much too large and that the sign would be inappropriate for the neighborhood.

Please provide these comments to the Board of Zoning Appeals when case BZA 53-86 is considered.

*Barry L. Carroll*  
Barry L. Carroll  
Administrative Aide III

BLC:dm

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

**RECEIVED**

DEC 12 1986

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_

\_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. BZA 53-86

APPLICANT: West Side Christian Church, 1819 W. Douglas,  
Wichita, KS

AGENT: David McCord, 1819 W. Douglas, Wichita, KS

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the  
City of Wichita, to increase the gross area of an  
identification sign from 32 square feet to 160 square  
feet.

GENERAL LOCATION: On the south side of Douglas between Glenn and  
Vine.

ZONING: Subject property is zoned the "BB" Office District.  
Property to the east is "E" Light Industrial and "C"  
Commercial. To the west is "LC" Light Commercial  
and to the south is "B" Multiple-family Dwelling  
District.

LAND USE: Subject property is as a church. To the north, east  
and west is commercial development. To the south  
are primarily one-family dwellings across the railroad  
tracks.

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.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to increase the gross area of an identification sign to be located near the corner of Vine and adjacent to the right-of-way of Douglas. This sign will be to better identify the location of the church.

It should be noted that when the church was constructed a number of years ago, the zoning was changed from "C" and "E" to "BB". This was required because of the provisions of the ordinance related to exclusive industrial development that were adopted in 1962, which in effect restricts the use of industrial property to primarily commercial and industrial uses.

Signs in the commercial and industrial districts are far more lenient than the "BB" Office District relating to identification signs. In this case the property is located adjacent to an arterial street and has a frontage of nearly 300 feet. If this property had been retained as "C" Commercial zoning, they would have been permitted an identification sign of 500 square feet. Although the majority of the area is developed with commercial uses, most do not occupy a full block or have the need for such a large sign. In this case the proposal is for a 160 square foot sign that is double faced and has a maximum height of 24 feet.

It is the Secretary's opinion that the proposal is not out of character with the adjoining area and should not be objectionable in any way. This is just slightly larger than the permitted sign area for a commercial use established on an arterial street with a 60-foot frontage.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the frontage is adjacent to an arterial street and that all adjacent properties are either zoned commercial or industrial which permits up to two square feet of gross surface area for each lineal foot of frontage for an identification sign.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the adjoining properties in the area are developed commercially and the installation of a sign exceeding the 32 square feet permitted by the "BB" Office District should not interfere with the other signage in the area.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be required to seek a change of zoning that would be comparable to the adjoining properties along Douglas in order to construct the sign. This would be an additional expense even though it would almost certainly be granted due to the character of the neighborhood.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the increase in the permitted sign area would not interfere with any easements nor would the sign be located in an area that is needed for street right-of-way.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the ordinance does not take into consideration the location of properties located in the "BB" Office District when such are surrounded by commercial or industrial development.

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:

1. The gross surface area of an identification sign may be increased from 32 square feet to 160 square feet.
2. Said sign shall be located facing the direction of travel along Douglas Avenue.
3. The sign may be internally lighted or indirectly lighted as permitted by the ordinance for the "BB" Office District, but without flashing or blinking lights.

BZA CASE NO. 53-86

<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>28</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>31</u>	TOTAL NOTICES SENT <u>12/3/86</u>

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

December 2, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 53-86

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 West Side Christian Church 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 gross surface area of an identification sign from 32 square feet to 160 square feet on property zoned the "BB" Office District. A legal description of the applicant's property is as follows:

Lot 1 West Side Christian Church Addition to Wichita Sedgwick County, Kansas. Generally located on the south side of Douglas between Glenn and Vine (1819 W. Douglas).

This application has been assigned Case No. BZA 53-86. It will be considered by the Board of Zoning Appeals on December 23, 1986 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 or objections regarding 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.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Glen E. Lytle  
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 53-86

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant West Side Christian Church  
Mailing Address 1819 W. Douglas, Phone 263-5269  
Name of Authorized Agent David McCord  
Mailing Address 1819 W. Douglas Phone 263-5269  
Relationship of applicant to property is that of Minister of Church  
(Owner, Tenant, Lessee, Other)

II. The variance requested is To erect a larger free standing sign  
than is allowed by ordinance in BB Office District.

To increase the gross area of a ground sign from  
32 sq ft to 160 sq ft  
for property located 1819 W. Douglas, Wichita, KS 67211

and legally described as: Beginning 72 feet North of the NE/c of Lot 32,  
Bower Addition in the SW $\frac{1}{4}$  of Section 19, Township 27 South, Range 1 East,  
th. North 71.3 feet to the South line of the r/o/w of the St. Louis &  
Pt. Scott Railroad now Missouri-Pacific Railroad; th. SW'ly along the (over)  
in the City of Wichita; and which is presently zoned BB.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - 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. 39-285); and that the appropriate fee is herewith tendered;
  - 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.
  - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant West Side Christian Church

Authorized Agent David McCord

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:02 (~~5~~ p.m.), Nov. 21, 1986, together with appropriate fee of 300.00.

Signed 

November 21, 1986

Mr. Glen Lytle, Special Asst. of Zoning  
Board of Zoning Appeals  
455 N. Main  
Tenth Floor  
Wichita, KS 67202

Dear Mr. Lytle,

I am the minister of West Side Christian Church. After much discussion in several committees within our church, we have arrived at the decision that we feel we need better visual exposure to notify the public of our existence and help in spreading God's word.

We decided to ask Larry Boggs of Boggs Sign Co., Inc. for his help in designing an exterior identification sign to suit our needs. Everyone was pleased with the job their company did for Broadway Christian Church.

On contacting Mr. Boggs and telling him of our intent, we found out that our church property is zoned BB Office District. While we realize that our property does not need to be zoned even this high for our needs, we feel the ordinance for Free-Standing signs would restrict us to a smaller sign than we desire.

We have a solid block of frontage on Douglas between Vine and Glenn. To the west of our property and across Douglas to the north, all the property is zoned Light Commercial. To our east on Vine and Douglas going eastward, most of the frontage is zoned Light Industrial.

According to the City of Wichita sign ordinance 28.04.080, Section E, BB district is limited to 32 square feet of free standing sign with a 30' height limit.

It is our request that the Board of Zoning Appeals grant us a variance in the ordinance to allow us to erect the free standing sign as per sketch number PSWCC-512-410-6685, which has a total of 160 square feet including the pole covers, which are strictly an architectural embellishment with a total height of 24'. We feel this would make a nice addition to our property and would let everyone know of our existence.

We pray that God will grant you the wisdom to act fairly on our request.

Sincerely,

*David M. McCord*

David M. McCord

DM/jv

DAVID McCORD  
Senior Minister

JAMES ALLISON  
Associate

PHIL HAAS  
Associate

WESTSIDE

OWNERSHIP LIST

Lot	Block	Add.tion	Property Owner
Lot 1		West Side Christian Church Addition	✓ West Side Christian Church 1819 W. Douglas Wichita, KS 67213
Lot 19 & the East 18 feet of Lot 20	Block 5	Junction Town Company Addition	<i>dup</i> S. E. Laham 2182 W. 18th Wichita, KS 67203
The West 10 feet of Lot 20, all of Lot 21, & the East 9 feet of Lot 22	Block 5	"	<i>dup</i> Sam Laham 2182 W. 18th Wichita, KS 67203
The West 19 feet of Lot 22 & all of Lot 23	Block 5	"	✓ Samuel E. Laham Delia Laham 2182 W. 18th Wichita, KS 67203
Lot 27	Block 6	"	✓ Victor LeRoy Clark 1718 W. Douglas Wichita, KS 67203
Lot 28	Block 6	"	✓ Paul L. McGlynn Neoma M. McGlynn 129 N. Richmond Wichita, KS 67203
Lots 29 & 30	Block 6	"	✓ William M. Bugner Sandra S. Bugner c/o Thompson Assoc. P.O. Box 12032 Wichita, KS 67277
Lot 7	Block 11	"	✓ S. Wynema James 405 N. St. Paul Wichita, KS 67203
Lots 8 & 9	Block 11	"	✓ John Lloyd Brown Frances M. Brown 626 S. Glenn Wichita, KS 67213
Lots 10 & 11	Block 11	"	<i>dup</i> John Lloyd Brown Frances Marie Brown 626 S. Glenn Wichita, KS 67213
Lots 32 & 33	Block 11	"	✓ Lucille Anderson Rex E. Anderson c/o Dale Carr Rt. 1, Box 100 Mulvane, KS 67110

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
All Lots 34, 35 & 36, and Lot 37, exc. the North 23 feet	Block 11	Junction Town Company Addition	✓ Catholic Diocese of Wichita 424 N. Broadway Wichita, KS 67202
Lot 30	Block 11	"	✓ Robert E. Fox Donna J. Fox 1343 Chipper Lane Wichita, KS 67212
The North 23 feet of Lot 37 & all of Lot 38	Block 11	"	✓ William J. Bugner Frances G. Bugner 122 S. Vine Wichita, KS 67213
Lots 13 & 14	Block 12	"	✓ Christina Landis 145 S. Vine Wichita, KS 67213 and Elwood W. Landis Address Unknown and Janet L. Feder ✓ 390 Riverside Drive New York, N.Y. 10025
Lot 15 & the North 15 feet of Lot 16	Block 12	"	✓ John W. McKay Jr. Dorothy L. McKay 7200 N. Oliver Wichita, KS 67220
The South 10 feet of Lot 16 & all of Lots 17 & 18	Block 12	"	✓ Douglas L. Davis Mary Kay Davis 151 S. Vine Wichita, KS 67213
The South 14.52 feet of Lot 32		Bower Addition	✓ Martin F. Flanigan 204 S. Glenn Wichita, KS 67213
Lots 18, 19, 20 & 21	Block 7	Martinson's 7th Addition	✓ St. Joseph Federal Credit Union 1902 W. Douglas Wichita, KS 67203
The East 25 feet of Lot 18	Block 8	"	<i>dyg</i> Sam E. Laham Delia May Laham 2182 W. 18th Wichita, KS 67203
The West 2 feet of Lot 18, all of Lots 19 & 20 & the East 4 feet of Lot 21	Block 8	"	<i>dyg</i> Sam E. Laham 2182 W. 18th Wichita, KS 67203
The West 23 feet of Lot 21 & all of Lot 22	Block 8	"	<i>dyg</i> S. E. Laham Delia May Laham 2182 W. 18th Wichita, KS 67203

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 1 & 2	Block 11	Martinson's 7th Addition	✓ Etta N. Bodenhamer 1901 W. Douglas Wichita, KS 67213
Lots 3 & 4	Block 11	"	✓ Nola M. Bond Wanda L. Hero 1905 W. Douglas Wichita, KS 67213
Lot 5	Block 11	"	✓ L. A. Schisler Helen E. Schisler 1911 W. Douglas Wichita, KS 67213
Lots 28, 29 & 30	Block 11	"	✓ C. E. Nessley 149 S. Glenn Wichita, KS 67213
Lots 31 & 32	Block 11	"	✓ Ernest N. Landwehr Kathryn E. Landwehr 139 S. Glenn Wichita, KS 67213
Lots 33 & 34	Block 11	"	✓ Doris Gorges 133 S. Glenn Wichita, KS 67213
Lots 35 & 36	Block 11	"	✓ Junius H. Scott Dorothy G. Scott 125 S. Glenn Wichita, KS 67213
Lots 37 & 38	Block 11	"	✓ William R. Gorges Florence M. Gorges 15823 High View Dr. Goddard, KS 67052 and Richard E. Gorges Doris E. Watkins d/b/a Gorges & Watkins Plumbing Co. 507 Charles Mulvane, KS 67110
Lots 39 & 40	Block 11	"	✓ Leslie L. Ortman Hope J. Ortman 5209 E. Elm Wichita, KS 67208
The South 11 feet of Lot 41	Block 11	"	Same As Above
The North 14 feet of Lot 41 & all of Lot 42	Block 11	"	✓ Gary Orth Ethel Orth 119 S. Glenn Wichita, KS 67213

Tract Description

Property Owner

Beginning 72 feet North of the NE/c of Lot 32, Bower Addition in the SW¼ of Section 19, Township 27 South, Range 1 East; th. North 71.3 feet to the South line of the r/o/w of the St. Louis & Ft. Scott Railroad now Missouri-Pacific Railroad; th. SW'ly along the r/o/w to the North line of Burton Avenue; th. East to the point of beginning.

Elizabeth Hayden  
✓ 1816 Burton  
Wichita, KS 67213  
and  
Dorothy J. Baines  
Address Unknown

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tract within a 200 foot radius of:

Lot 1, West Side Christian Church Addition  
to Wichita, Kansas, Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 18th day of November, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

*Mary Gable*

By

Sr. Vice-President

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 29-

**PAYMENT NOTICE**  
 City of Wichita

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

DESCRIPTION	AMOUNT
CITY BZA VAC.	\$ 300.00
NAME WESTWOOD CHRISTIAN CHURCH	
ADDRESS 1717 W. DUNLAP	
FUND 155-4000-103	DUE DATE
COMMENTS	
DATE 4/21/76	BY [Signature]

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm

Roll # 3