

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421
FAX (316) 268-4390

February 25, 1998

Mt. Olive Christian Church
c/o Jack E. Caldwell, Trustee
2430 Yellowstone Ct.
Wichita, KS 67215

RE: BZA 1-98 - Variance to increase the size of a pole sign from 48 square feet to 80 square feet on property zoned "SF-6" Single-Family Residential and generally located on the north side of Pawnee, east of Hillside (3700 E. Pawnee).

Dear Mr. Caldwell:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on February 24, 1998. 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.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please call our office.

Sincerely yours,

Keith Gooch, Assistant Secretary
Board of Zoning Appeals

KG/sah

cc: Maxine Longstaff, 644 S. Holyoke, Wichita, KS 67218
C. J. Johnson, 4028 Countryside, Wichita, KS 67218
Ed Pearmain, 13300 E. 53rd St. N., Wichita, KS 67228
J. R. Cox, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, City Clerk
Yolanda Anderson, MAPC (resolution only)

BZA RESOLUTION NO. BZA 1-98

WHEREAS, Mt. Olive Christian Church, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a pole sign from 48 square feet to 80 square feet on property zoned "SF-6" Single-Family Residential and legally described as follows:

Lot 1, Mount Olive Addition and a tract of land beginning at the 1540.5 feet east of the southwest corner of the Southwest Quarter, north 333.8 feet, east 130.5 feet, south 333.6 feet, west 130.5 feet to the beginning except for the south 50 feet for Pawnee, Section 35-27-1 E. Generally located on the north side of Pawnee, east of Hillside (3700 E. Pawnee).

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 February 24, 1998, 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 owners or the applicant inasmuch as there is a small hill on the west side of Pawnee which does obstruct the sight line of travelers going east on Pawnee. Therefore, the increased size of the sign will allow the church to advertise upcoming events in a much more efficient manner; 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 all residential property surrounding this site is located at least 150 feet from the proposed sign. Therefore, staff feels this sign will have minimal impact on the neighborhood; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of the zoning ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as other signage would affect the neighboring properties more so than the one 80 square foot sign the applicant is proposing; 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, inasmuch as the sign will not obstruct any views of the neighborhood nor affect vehicles along Pawnee. Actually, this will decrease the footage and number of signs permitted on this site, which should be beneficial to the public interest; 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 the zoning ordinance inasmuch as this request lowers the number of signs and square footage permitted on the site.

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.

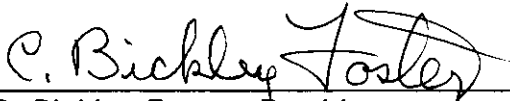
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to increase the size of a pole sign from 48 square feet to 80 square feet on property zoned "SF-6" Single-Family Residential and legally described as follows:

Lot 1, Mount Olive Addition and a tract of land beginning at the 1540.5 feet east of the southwest corner of the Southwest Quarter, north 333.8 feet, east 130.5 feet, south 333.6 feet, west 130.5 feet to the beginning except for the south 50 feet for Pawnee Section 35-27-1 E.

subject to the following conditions:

1. Prior to installing the proposed sign the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless another variance is granted by the Board, except that the size of the sign may be up to 80 square feet.
2. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.
3. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application. No portable sign shall be permitted along the Pawnee frontage for this property.
4. The sign shall be installed within one year or the resolution granting this variance shall become null and void.
5. This variance authorizing a larger sign may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions of approval.

ADOPTED AT WICHITA, KANSAS, this 24th day of February, 1998.


C. Bickley Foster, President

ATTEST:


David L. Yearout, AICP, Interim Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA 1-98

OWNER/APPLICANT: Mt. Olive Christian Church

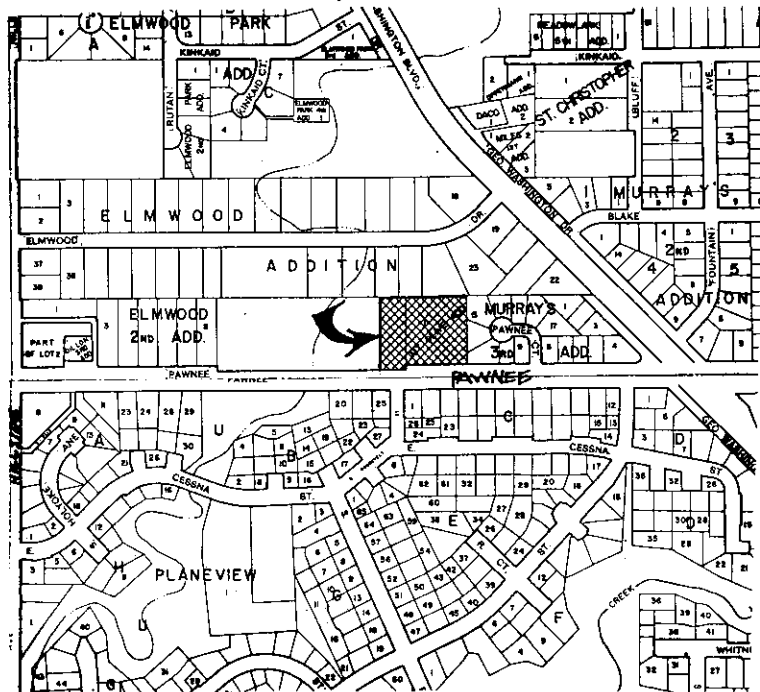
APPLICANT: Mt. Olive Christian Church, c/o Jack E. Caldwell,
Trustee

REQUEST: Variance to increase the size of a pole sign from 48
square feet to 80 square feet

CURRENT ZONING: "SF-6" Single-Family Residential

SITE SIZE: 2.71 acres

LOCATION: On the north side of Pawnee, east of Hillside (3700
E. Pawnee)



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 State Statutes, are found to exist.

BACKGROUND: The applicant, Mt. Olive Christian Church, is requesting a variance in order to increase the area of a permitted pole sign from 48 square feet to 80 square feet on a 2.71 acre tract located north of Pawnee and east of Hillside. This variance would allow the Church to place a reader board below the existing sign.

According to the interpretation of the Office of Central Inspection, the Church currently is allowed two 48 square foot signs per the sign code. This is due to the Church having more than 380 feet of frontage along Pawnee. The sign code allows two signs for an "interior zoning lot of one hundred eighty feet or more... For each additional one hundred fifty feet of frontage above these minimums, one additional sign may be erected." However, the Church has requested to only have one sign of 80 square feet instead of the permitted two signs for a maximum of 96 square feet.

The area to the north, east and west is zoned "SF-6" Single-Family zoning district and has single-family homes built on this land. To the south, across Pawnee, the area is zoned "MF-29" Multi-Family and built with duplexes.

ADJACENT ZONING AND LAND USE:

NORTH	"SF-6"	Single-Family Homes
SOUTH	"MF-29"	Duplexes
EAST	"SF-6"	Single-Family Homes
WEST	"SF-6"	Single-Family Homes

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as the site is permitted two 48 square foot signs, however, the applicant is only requesting one 80 square foot sign. Additionally, there is a small hill on the west side of Pawnee which does obstruct the sight line of travelers going east on Pawnee. Therefore, the increased size of the sign will allow the church to advertise upcoming events in a much more efficient manner.

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 all residential property surrounding this site is located at least 150 feet from the proposed sign. Therefore, staff feels this sign will have minimal impact on the neighborhood.

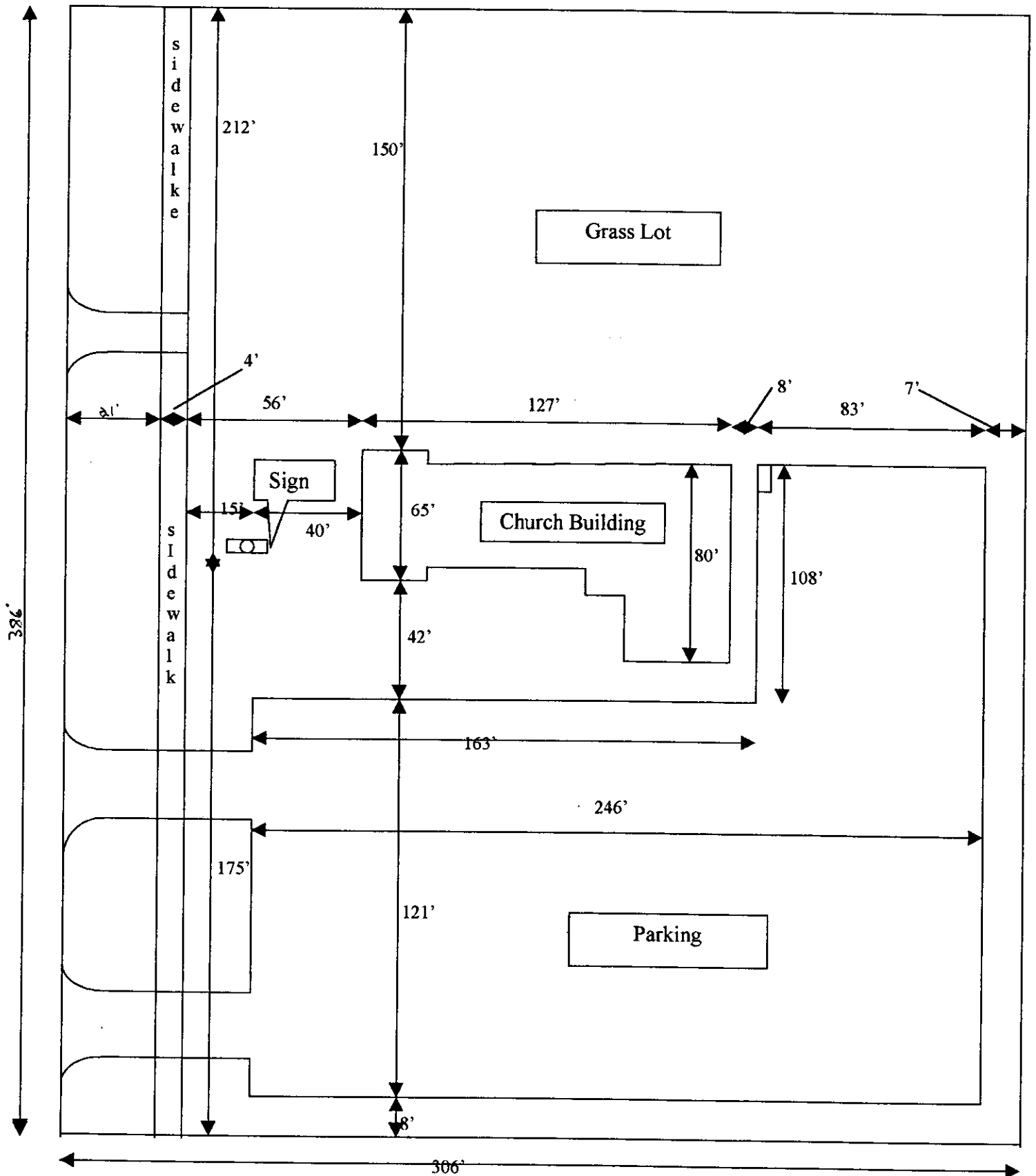
HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations may constitute an unnecessary hardship upon the applicant inasmuch as the applicant could place two 48 square feet signs on the property. This would affect the neighboring properties more so than the one 80 square foot sign the applicant is proposing.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the sign will not obstruct any views of the neighborhood nor affect vehicles along Pawnee. Actually, this will decrease the footage and number of signs permitted on this site, which should be beneficial to the public interest.

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 regulations inasmuch as this request lowers the number of signs and square footage permitted on the church site.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the 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. Prior to installing the proposed sign the applicant shall obtain a sign permit and shall comply with all sign code requirements, unless another variance is granted by the Board, except that the size of the sign may be up to 80 square feet.
2. The sign may be illuminated but shall not have flashing or moving lights or any parts which move or create the illusion of movement.
3. The sign shall be constructed substantially in compliance with the elevation drawing and site plan location drawing as submitted with this application. No portable sign shall be permitted along the Pawnee frontage for this property.
4. The sign shall be installed within one year or the resolution granting this variance shall become null and void.
5. This variance authorizing a larger sign may be declared null and void upon a finding by the Board that the applicant has failed to comply with any of the foregoing conditions of approval.



Mount Olive Christian Church
3700 E. Pawnee

