



FILE COPY

Wichita-Sedgwick County Metropolitan Area Planning Department

December 6, 2002

Westlink Christian Church
%Larry Wren and Justin Eklund
8810 W. 10th
Wichita, KS 67212

RE: BZA2002-63 – Variances to increase the size of a bulletin board sign for a church for 48 square feet to 84 square feet and to allow a portion of the sign to be an LED reader board with changing messages. Generally located south of 21st Street North and west of Maize Road.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on November 19, 2002, this resolution reflects the official action of the Board to grant your requests and sets out the conditions of approval. It is forwarded to you for your information and files.

Sincerely,

Scott Kriebel
Assistant BZA Secretary

SK/rms

cc: Trimark Signworks, %Larry Boggs, 319 S. Oak, Wichita, KS 67213
Schaefer, Johnson, Cox Architecture, %Kenton Cox, Emprise Center, 257 N. Broadway,
Wichita, KS 67202-2317
Paul Daemen, 1851 N. Denene, Wichita, KS 67212
City Council Member District V, Bob Martz, Mail Stop 1-13
Dana L. Brown, N.A. V, Mail Stop 1-135, E-mail
Sharon Dickgrafe, Law Department, Mail Stop 1-132
J. R. Cox, OCI, 1-72

BZA RESOLUTION NO. 2002-00063

WHEREAS, Westlink Christian Church c/o Larry Wren and Justin Ekland, (owner/applicant) Trimark Signworks c/o Larry Boggs, (agent) pursuant to Section 2.12.590.B, Code of the City of Wichita, request variances to Section 24.04.190(11) of the Sign Code to increase the maximum permitted size of bulletin board sign for a church along an arterial street frontage from 48 square feet to 81 square feet and to permit lighting of a bulletin board sign by a method other than indirect white light on property zoned "SF-5" Single-family Residential and legally described as follows:

Lot 1, Westlink Christian Church Addition, Wichita, Sedgwick County, Kansas. Generally located south of 21st Street North and west of Maize Road (2001 N. Maize Rd.)

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 November 19, 2002, 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. It is the opinion of the Board that this property is unique, inasmuch as the property is 34.6 acres in size, which is several times larger than the a typical church site. Additionally, the property has over 1,000 feet of frontage. Neither the size of the property nor the length of street frontage is typical for a property found in the "SF-5" zoning district.

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance will not adversely affect the rights of adjacent property owners or residents. It is the opinion of the Board that the granting of the variance requested will not adversely affect the rights of adjacent property owners, inasmuch as the sign will be located a substantial distance from residential properties and in close proximity to commercial properties with similar signage.

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. It is the opinion of the Board that the strict application of the provisions of the zoning regulation will constitute an unnecessary hardship upon the applicant, inasmuch as the church is located along an arterial street, and the church's ability to relay information regarding events is severely limited if the church is only permitted a 48 square-foot sign with indirect white lighting along its Maize Road frontage.

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. It is the opinion of the Board that the requested variance would not adversely affect the public interest, inasmuch as the sign will not contain flashing or moving images and therefore would be harmonious with the development of the area. Also, the sign would promote use of the building as a community center.

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. It is the opinion of the Board that the granting of the variance requested would not oppose the general spirit and intent of the Sign Code inasmuch as the sign will be low-profile and is within the intent of the Sign Code to allow a church to identify and promote events.

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.

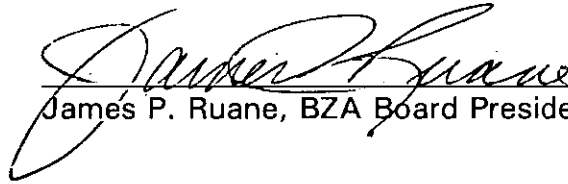
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B, Code of the City of Wichita, that variances to Section 24.04.190(11) of the Sign Code to increase the maximum permitted size of bulletin board sign for a church along an arterial street frontage from 48 square feet to 81 square feet and to permit lighting of a bulletin board sign by a method other than indirect white light on property zoned "SF-5" Single-family Residential and legally described as follows:

Lot 1, Westlink Christian Church Addition, Wichita, Sedgwick County, Kansas. Generally located south of 21st Street North and west of Maize Road (2001 N. Maize Rd.)

The variances are hereby GRANTED, subject to the following conditions:

1. The sign shall be placed in a location that is in substantial conformance with the approved site plan.
2. The sign shall be limited to 81 square feet in total area, with no more than 51 square-feet for an internally-illuminated, red-light L.E.D. display. The sign shall be of a design that is in substantial conformance with the approved elevation rendering.
3. No flashing, scrolling, or moving images or text shall be displayed on the sign. The message displayed on the sign may change, but it shall not change more than once every 60 seconds.
4. Portable signage shall not be permitted on the site.
5. The applicant shall obtain all permits necessary to construct the sign and the sign shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the Board.
6. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 19th DAY of NOVEMBER, 2002.


James P. Ruane, BZA Board President

ATTEST:


Scott Knebel, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2002-00063

OWNER/APPLICANT: Westlink Christian Church c/o Larry Wren and Justin Ekland

AGENT: Trimark Signworks c/o Larry Boggs

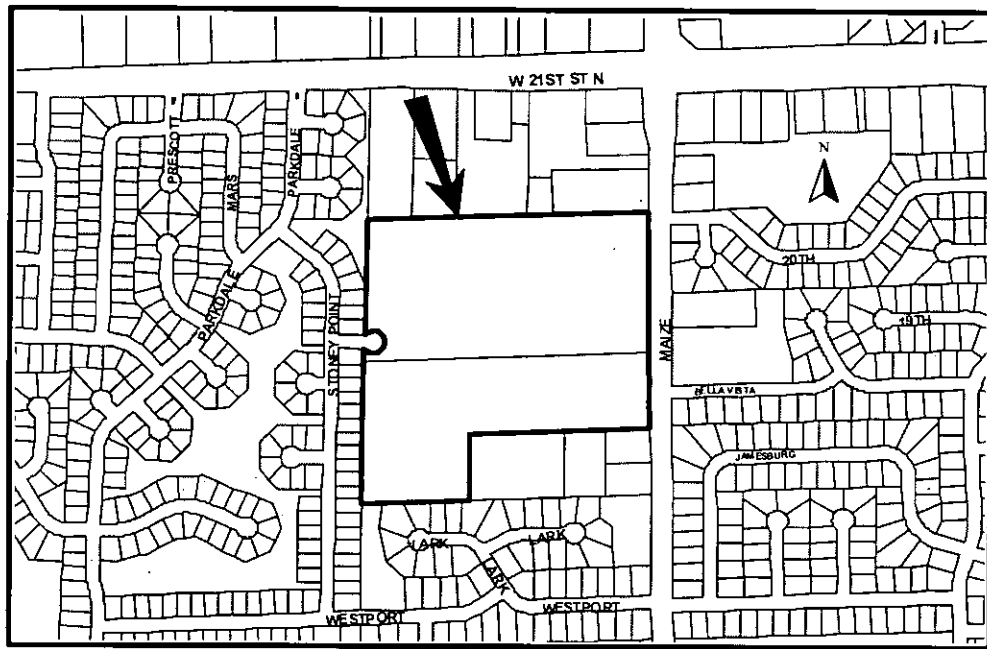
REQUEST:

1. Variance to increase the maximum permitted size of bulletin board sign for a church along an arterial street frontage from 48 square feet to 84 square feet; and
2. Variance to permit lighting of a bulletin board sign by a method other than indirect white light.

CURRENT ZONING: "SF-5" Single-Family

SITE SIZE: 34.6 Acres

LOCATION: South of 21st Street North and west of Maize Road (2001 N. Maize Rd.)



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 is requesting two variances on property zoned "SF-5" Single-Family. The subject property is currently being developed with Westlink Christian Church. The first variance is to increase the maximum permitted size of bulletin board sign for a church along an arterial street frontage from 48 square feet to 84 square feet. The second variance is to permit lighting of a bulletin board sign by a method other than indirect white light.

Westlink Christian Church has requested a bulletin board sign along its Maize Road frontage in the location shown on the attached site plan. The proposed sign, as illustrated in the attached diagram, consists of total of approximately 84 square feet, with approximately 30 square feet with the name of the church in 9-inch letters and approximately 54 square feet for an electronic L.E.D. reader board that would display changeable messages about church events. The applicant submitted the attached statement pertaining to the five conditions for granting the variances requested.

Section 24.04.185(1)(c) of the Sign Code defines a bulletin board sign as an on-site sign containing the name of the institution or organization, which may include names of persons connected with it; announcements of persons, events, or activities occurring on site; and a greeting or similar message. In the "SF-5" Single-Family zoning district, Section 24.04.190(11) of the Sign Code permits a church to have a 48 square foot bulletin board sign along an arterial street frontage. Section 24.04.190(11) of the Sign Code limits the lighting of bulletin board signs in the "SF-5" Single-Family zoning district to indirect white light. Section 24.04.190(13) of the Sign Code permits churches to use portable signs to announce special events.

ADJACENT ZONING AND LAND USE:

NORTH	"LC" & "GC"	Gymnastics studio, self-storage, retail, restaurant
SOUTH	"SF-5", "GC" & "NO"	Single-family, construction contractor, office
EAST	"SF-5" & "NO"	Church, single-family
WEST	"SF-5"	Single-family

The five conditions necessary for approval apply to both variances requested.

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the property is 34.6 acres in size, which is several times larger than the a typical church site. Additionally, the property has over 1,000 feet of frontage. Neither the size of the property nor the length of street frontage is typical for a property found in the "SF-5" zoning district.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will adversely affect the rights of adjacent property owners, inasmuch as the character of the area immediately surrounding the proposed location of the sign is predominately residential in character and the sign would be directly visible from nearby residential properties. Since the proposed L.E.D. reader board would be brightly lit in vivid colors at all hours of the day and night, would create distracting motion from the

changing of messages, and would be of sufficient size to be visible from residences at a significant distance, it is the opinion of staff that such a sign should be limited to an area that is commercial in character and permitting such a sign within an area that is predominately residential in character would lead to adverse impacts on the rights of adjacent property owners. However, a 32 square-foot, static-display message board with internally illuminated white light and hand-changeable letters is more appropriate for an area with a residential character since it is not a brightly lit, does not display vivid colors, does not create distracting motion, and is of a more a more limited size as to be less visible from residences in the area. Therefore, it is the opinion of staff that variances for a static-display sign rather than an L.E.D. reader board would not adversely affect the rights of adjacent property owners.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulation will constitute an unnecessary hardship upon the applicant, inasmuch as the church is located along an arterial street, and the church's ability to relay information regarding events is severely limited if the church is only permitted a 48 square-foot sign with indirect white lighting along its Maize Road frontage.

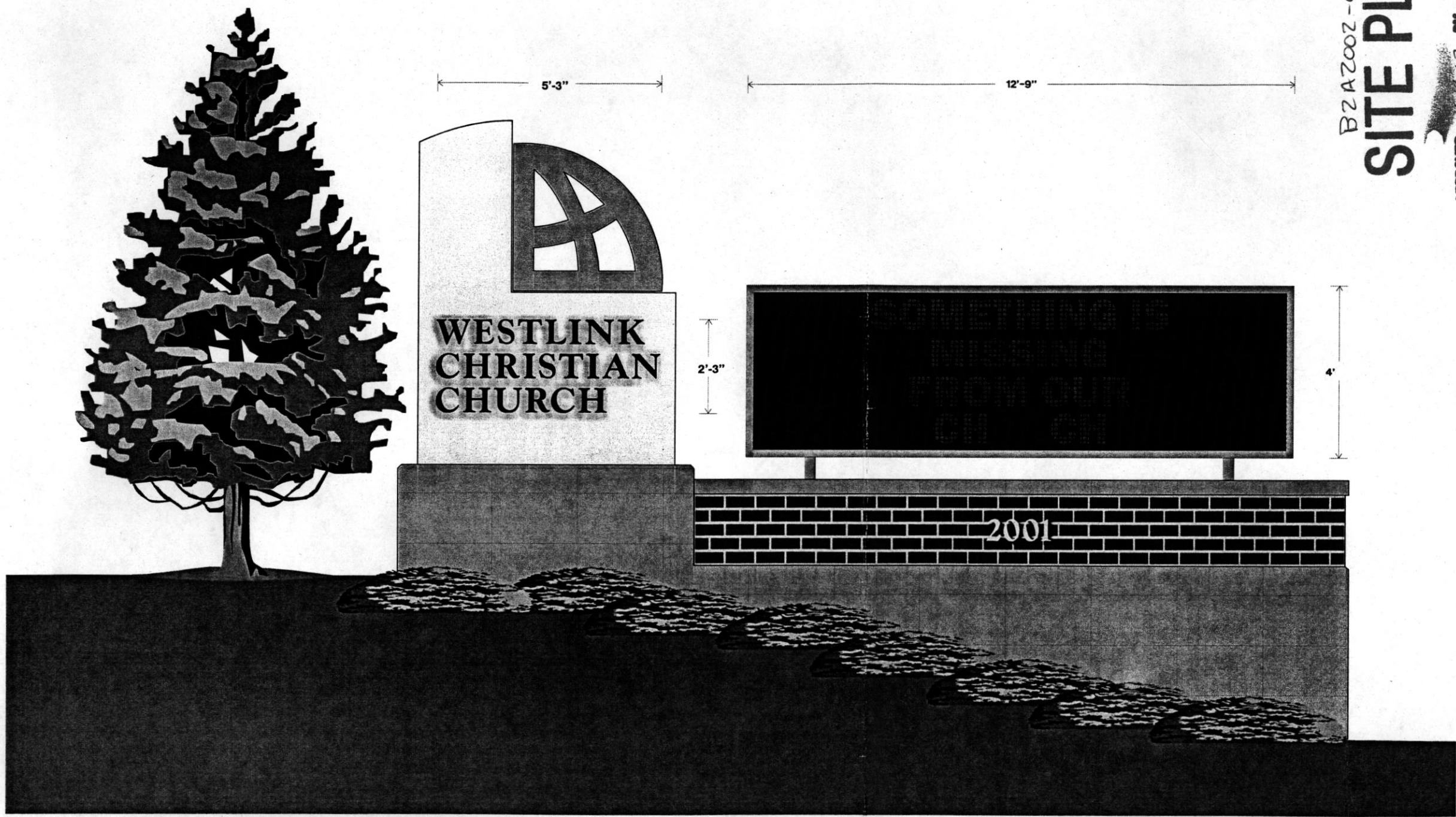
PUBLIC INTEREST: It is the opinion of staff that the requested variance would adversely affect the public interest, inasmuch as the sign would be located in an area that is predominately residential in character but the proposed sign has a commercial design and scale and is brightly lit with vivid colors that create distracting motion. Such a sign would be detrimental to the orderly and harmonious development of the surrounding area. However, were variances for a static-display message board as described in the "Adjacent Property" section to be granted, it is the opinion of staff that it would not adversely affect the orderly and harmonious development of the surrounding area since it would be of an appropriate design and scale and would have minimal lighting and no distracting motion.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would oppose the general spirit and intent of the Sign Code inasmuch as the proposed L.E.D. reader board portion of the sign does not meet the following purposes of the regulations: encouraging signs, which by their location and design, are harmonious to the sites they occupy; eliminating excessive sign displays; and achieving a reasonable balance between the need of the sign and preserving the visual qualities of the community. However, were variances for a static-display message board as described in the "Adjacent Property" section to be granted, it is the opinion of staff that it would not oppose the general spirit and intent of the Sign Code since it would be of an appropriate design and scale and would have minimal lighting and no distracting motion, thus achieving the purposes of the regulations.

RECOMMENDATION: It is opinion of staff that the variances for the sign requested do not meet three of the five conditions necessary for the granting of the variances. However, it is the opinion of staff that if the sign requested was modified to include a 32 square-foot, static-display message board with internally illuminated white light and hand-changeable letters rather than a 54 square-foot L.E.D. reader board, the other three

conditions necessary for the granting of the variances could be met. Should the Board determine that the five conditions necessary for the granting of the variances exist, then it is the recommendation of the Secretary that the variances to permit a larger bulletin board sign for a church along an arterial street frontage and to permit lighting of a bulletin board sign by a method other than indirect white light be GRANTED, subject to the following conditions:

1. The sign shall be placed in a location that is in substantial conformance with the approved site plan.
2. The sign shall be limited to 64 square feet in area, with no more than 32 square-feet for a static-display message board with internally illuminated white light and hand-changeable letters. The remainder of the sign shall be limited to indirect white light.
3. The design of the sign shall be approved by the Planning Director prior to the issuance of a sign permit.
4. Portable signage shall not be permitted on the site.
5. The applicant shall obtain all permits necessary to construct the sign and the sign shall be erected within one year of the issuance of the sign permit, unless such time period is extended by the Board.
6. The resolution authorizing this variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.



BZA 2002-00063
SITE PLAN

APPROVED 11-17-02 BY City BZA



319 S. OAK
 WICHITA, KANSAS
 (316) 263-2224
 FAX (316) 263-1463

Job Name
 Westlink Christian

Job Location:
 Wichita, Kansas

File Location:
 Graphics/Layout/w

File Name:
 westli01.CDR

Sales Contact:
 Larry Boggs

Scale:
 3/8" = 1'

DWG#
 23118

Drawn By:
 K. Kerr

Date: 10-15-02

Revisions:

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Approved By _____ Date _____

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