

Case No. BZA 37-87 - Heartland Baptist Church requests variances to (1) increase the permitted height of identification sign letters from 15" to not more than 34"; & (2) increase the permitted

Revised 8-13-87 KK

**ACTION**

BZA 37-87 approved 8/25/87 DATE  
letter height variance;  
denied sign area variance

5148D

200'4Sec 9-23-87

Shot 10-25-87

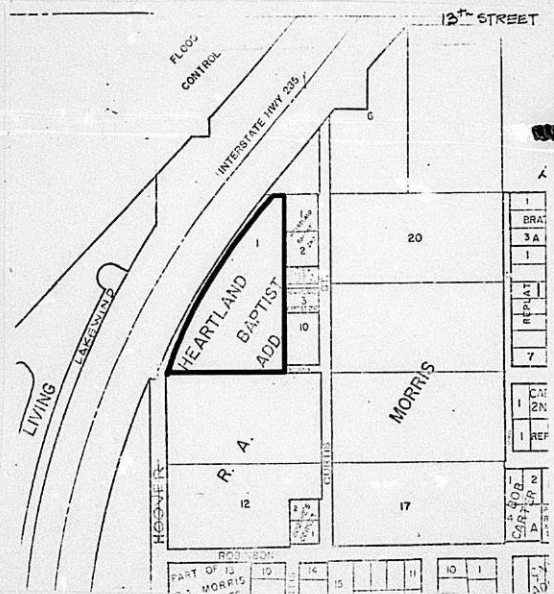
Record. ✓

Map No. 5148D

BZA 37-87  
Filed 7-27-87

AREA DATA:

1. Acres: 4.2 (          ft. by          ft.)  
2. Adjoining Zoning: E AA S AA W (highway) N AA  
3. Land Use: East single family, South undeveloped  
West highway North highway  
4. Area (is) (is not) platted.



**Shaw**  
No. 2153C  
HASTINGS, INC.  
LOS ANGELES - CHICAGO - DALLAS, TX  
HOUSTON - TYLER - OAK GROVE, CA  
U.S.A.

August 27, 1987

Heartland Baptist Church  
Donald Kellogg, Associate Pastor  
1230 N. Hoover  
Wichita, Kansas 67277

Re: BZA 37-87 - Variances for height of identification sign letters and gross surface area of a bulletin board sign

Dear Mr. Kellogg:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 25, 1987.

This Resolution reflects the official action of the Board to grant one of your requests (increase in identification sign letter height) and to deny the other request (increase in gross surface area of bulletin board sign) 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,

Louise Olivarez  
Assistant Secretary

LO/lw

Enclosure

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

RESOLUTION CASE NO. 37-87

WHEREAS, Heartland Baptist Church, 1230 N. Hoover, Wichita, Kansas 67277, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests variances to (1) increase the permitted height of identification sign letters from 15 inches to not more than 34 inches; and (2) increase the permitted gross surface area of a bulletin board sign from 25 square feet to not more than 140 square feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Heartland Baptist Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Hoover and I-235 in an area south of 13th Street.

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 August 25, 1987, 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 to increase the height of identification sign letters 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 two identification signs with 34-inch high letters have been permitted to exist at this location for several years and the need for a sign permit and compliance with the sign code is required now only because one of the signs was damaged in a wind storm and needs to be replaced; 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 the building on which the signs are located is several hundred feet away from any other property; 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 one remaining sign would have to be removed and new signs of a smaller size would have to be purchased and installed; 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 signs are attached flush with the face of the building and hence do not encroach any existing or needed easements or rights-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 the restriction on size of identification sign letters does not take into account the distance of the sign from adjacent roads; and

WHEREAS, the Board of Zoning Appeals has found that the variance to increase the gross surface area of a bulletin board sign 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 property is located adjacent to a high-speed highway with 700 linear feet of frontage along that highway; 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 the proposed sign location would be more than 250 feet away from any adjacent property; 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 not constitute unnecessary hardship upon the property owners represented in the application inasmuch as a bulletin board sign no larger than the permitted 25 square feet could still be read from Hoover which is the road providing access to the church and the identification signs on the church building are larger enough to be readable from the interstate highway; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired would adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the recent goals for community development have pointed out the need to reduce excess signage along the city's major entrance routes and the granting of this variance would be contrary to that goal; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired would be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as a sign of the size and height requested is more in the nature of a commercial advertising sign which is not intended for residential districts or for institutional uses in residential districts; and

WHEREAS, all 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 have been found to exist for the variance of the height of identification sign letters but have not been found to exist for the variance of the gross surface area of a bulletin board sign.

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 permitted height of identification sign letters from 15 inches to not more than 34 inches on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Heartland Baptist Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Hoover and I-235 in an area south of 13th Street.

be approved subject to the following conditions:

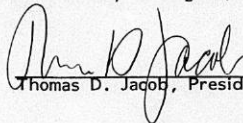
1. No more than two identification signs with letters larger than 15 inches shall be permitted on this site;
2. The identification signs authorized by this variance resolution shall be attached flush against the church building, one at each end.

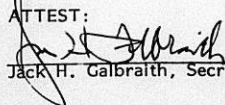
BE IT FURTHER RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the permitted gross surface area of a bulletin board sign from 25 square feet to not more than 140 square feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Heartland Baptist Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Hoover and I-235 in an area south of 13th Street.

not be approved.

ADOPTED AT WICHITA, KANSAS, this 25th day of August, 1987.

  
Thomas D. Jacob, President

ATTEST:  
  
Jack H. Galbraith, Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION DATE August 20, 1987

TO Louise Oliverez, Principle Planner  
FROM Stanley J. Scott, CP Coordinator

SUBJECT BZA 37-87: East side of  
Hoover and I-235 in an area  
south of 13th Street

On Wednesday, August 19, CPO Northwest Neighborhood council 5B considered the captioned case, a request for a zoning variance to (1) increase the permitted height of identification sign letters from 15 inches to not more than 34 inches; and (2) increase the permitted gross surface area of a bulletin board sign from 25 square feet to not more than 140 square feet on property zoned "AA" One Family Dwelling District. After discussion, the Council voted 6-1 to recommend approval of the requested variance.

Don Kellogg, Associate Pastor of the Heartland Baptist Church, was present to describe the request and respond to questions. No area residents or property owners were present. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

Please provided the Council's recommendation to the Board of Zoning Appeals when BZA 37-87 is considered.

SJS:dm

SECRETARY'S REPORT

CASE NUMBER: BZA 37-87

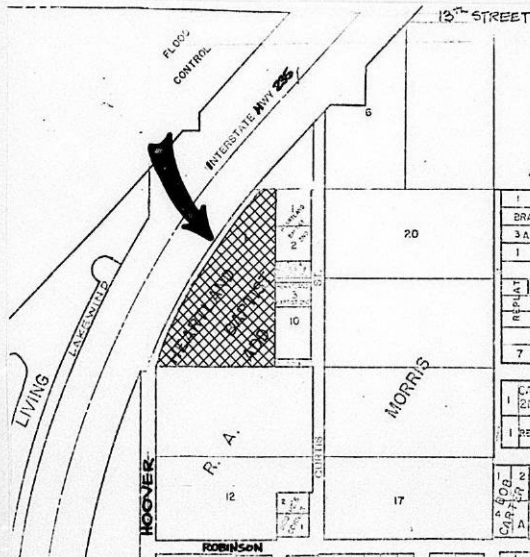
OWNER/APPLICANT/AGENT: Heartland Baptist Church (applicant)  
Donald Kellogg, Associate Pastor (agent)

REQUEST: Variances to (1) increase the permitted height of identification sign letters from 15 inches to not more than 34 inches; and (2) increase the permitted gross surface area of a bulletin board sign from 25 square feet to not more than 140 square feet.

CURRENT ZONING: "AA" One-family Dwelling District

SITE SIZE: 4± acres

LOCATION: On the east side of Hoover and I-235 in an area south of 13th Street.



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.

**BACKGROUND:** The applicant is requesting variances to (1) increase the permitted height of identification sign letters from 15 inches to not more than 34 inches; and (2) increase the permitted gross surface area of a bulletin board sign from 25 square feet to not more than 140 square feet on property zoned the "AA" One-family Dwelling District and developed with a church (Heartland Baptist Church). The church is located at 1230 North Hoover and is situated parallel to Hoover and I-235. A large identification sign with 34-inch high letters has been attached to each end of the building for a number of years. There is no record of permits having been issued for these signs. When applying for a permit to put up a new identification sign after one was blown down in a recent wind storm, the church learned of the sign code requirements as to size of letters.

Their application for a variance also includes the request for a large bulletin board sign at the entrance to their parking lot off Hoover. That bulletin board sign is described as being an internally lighted 7-foot by 14-foot sign with the name of the church in permanent letters, below which is a 4-foot by 10-foot sign with space for changeable letters, all of which is supported eight feet above ground level by two poles. The overall height of this "bulletin board" sign is 20 feet. The church has indicated a desire for the sign to be large enough to be read by travelers on I-235. Staff believes that two identification signs with 34-inch tall letters should be sufficient notice to the traveling public of the nature of this facility.

ADJACENT ZONING AND LAND USE:

NORTH	(N.A.)	Highway
SOUTH	AA	Undeveloped
EAST	AA	Single-family
WEST	(N.A.)	Highway

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In consideration of the requested variance to increase the permitted height of identification sign letters from 15 inches to not more than 34 inches, the following comments are submitted for the Board's consideration:

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as the two identification signs with 34-inch high letters have been permitted to exist at this location for several years and the need for a sign permit and compliance with the sign code is required now only because one of the sign was damaged in a wind storm.

**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 the building on which the signs are located is several hundred feet away from any other property.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the one remaining sign would have to be removed and new signs of a smaller size would have to be purchased and installed.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the signs are attached flush

with the face of the building and hence do not encroach any existing or needed easements or rights-of-way.

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 ordinance inasmuch as the restriction on size of identification sign letters does not take into account the distance of the sign from adjacent roads.

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In consideration of the requested variance to increase the permitted gross surface area of a bulletin board sign from 25 square feet to not more than 140 square feet, the following comments are submitted for the Board's consideration:

UNIQUENESS: It is the opinion of staff that it is difficult to find uniqueness of the property other than it being located adjacent to a high-speed highway with 700 linear feet of frontage along that highway.

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 the proposed sign location would be more than 250 feet away from any adjacent property.

HARDSHIP: It is the opinion of staff that no unnecessary hardship would exist if the applicant were required to limit the size of the bulletin board sign to 25 square feet in that such a sign could still be read from Hoover which is the road providing access to the church and the identification signs on the church building are larger enough to be readable from the interstate highway.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would adversely affect the public interest in that recent goals for community development have pointed out the need to reduce excess signage along the city's major entrance routes and the granting of this variance would be contrary to that goal.

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested would be opposed to the general spirit and intent of the zoning ordinance inasmuch as a sign of the size and height requested is more in the nature of a commercial advertising sign which is not intended for residential districts or for institutional uses in residential districts.

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RECOMMENDATION: It is recommended that the variance to increase the permitted height of identification sign letters from 15 inches to not more than 34 inches be granted subject to the following conditions:

1. No more than two identification signs with letters larger than 15 inches shall be permitted on this site;
2. The identification signs authorized by this variance resolution shall be attached flush against the church building, one at each end.

It is further recommended that the variance to increase the permitted gross surface area of a bulletin board sign from 25 square feet to not more than 140 square feet NOT be granted as the five required conditions cannot be justified.

BZA CASE NO. 37-87

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>12</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>14</u>	TOTAL NOTICES SENT <u>8/3/87</u>



*Legn*

*Mail applicant's info to their P.O. Box but use the 1230 N. Hoover address on the legal advertisement*

APPLICATION FOR VARIANCE

HEARTLAND BAPTIST CHURCH *(aka West Wichita Missionary Baptist Church, Inc.)*  
Hoover 12132 Wichita, Ks 67277 Phone 943-9551  
Donald W. Kellogg *(Associate pastor)*  
Same Phone 945-7314

Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to permit the two signs now on the building to be 96 square feet. In addition, to permit, one lighted sign, 100 square feet or less, twenty feet from Hoover Road in the grass area, on the north side of the entrance, using the words "HEARTLAND BAPTIST CHURCH", on both sides, and providing moveable letters with two posts.  
for property located 1230 N. Hoover, Wichita, Ks. 67212

and legally described as: Lot 1, Heartland Baptist Addn.  
Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned AA - One Family dwelling district.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. 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. 36-596); and that the appropriate fee is herewith tendered;
- c. 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.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant HEARTLAND BAPTIST CHURCH

Authorized Agent Donald W. Kellogg, Assoc. Pastor

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:45 (a.m./p.m.), 7-27, 1987, together with appropriate fee of 300.00.

Signed Lenise Oliveira

APPLICATION FOR VARIANCE

I. Name of Applicant HEARTLAND BAPTIST CHURCH *(aka West Wichita Missionary Baptist Church, Inc.)*  
Mailing Address 1230 N. Hoover  
P.O. Box 12132 Wichita, Ks 67277 Phone 943-9551  
Name of Authorized Agent Donald W. Kellogg *(Associate pastor)*  
Mailing Address Same Phone 945-7314  
Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to permit the two signs now on the building to be 96 square feet. In addition, to permit, one lighted sign, 100 square feet or less, twenty feet from Hoover Road in the grass area, on the north side of the entrance, using the words "HEARTLAND BAPTIST CHURCH", on both sides, and providing moveable letters with two posts.  
for property located 1230 N. Hoover, Wichita, Ks. 67212

and legally described as: Lot 1, Heartland Baptist Adn.  
Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned AA - One Family dwelling district;

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. 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. 36-596); and that the appropriate fee is herewith tendered;
- c. 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.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant HEARTLAND BAPTIST CHURCH

Authorized Agent Donald W. Kellogg, Assoc. Pastor

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
Fee of 3.45 (a.m. (p.m.)), 7-27, 1987, together with appropriate  
300.00.

Signed Louise Olivier

HEARTLAND BAPTIST CHURCH  
1230 N. Hoover / PO Box 12132  
Wichita, ks. 67277  
July 27, 1987

Board of Zoning Appeals  
City of Wichita, Kansas.

To Whom it May Concern:

150 #

The variance requested is to permit the two signs now on the building to remain. They have letters, 34 inch, on a 96 square foot, three-part sign, as picture shows. In addition, we also ask permission for one internally lighted sign, with three foot letters, 100 square feet or less, twenty feet from Hoover Road in grass area on North side of the entrance, using the words "Heartland Baptist Church", with moveable letters underneath the name. The sign is to have two posts with the bottom section eight feet above the ground. Overall sign is to be 14' by 17' as per layout.

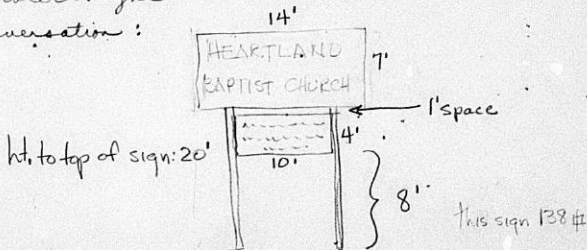
The purpose of the sign is to promote Church attendance and to enable people to see the sign from the By-Pass, since very little traffic goes by on Hoover Road.

APPLICANT - Heartland Baptist Church

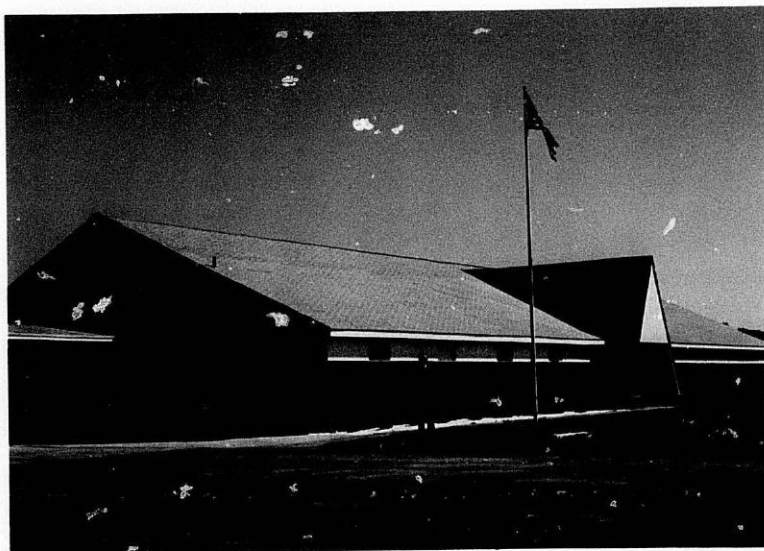
Authorized Agent - Donald W. Kellogg,  
Associate Pastor

*Donald W. Kellogg*

Info from  
John Knast of Storer Signs 264-3972  
7-27-87 phone conversation:



**HEARTLAND BAPTIST CHURCH**  
**1230 NORTH HOOVER**  
**WICHITA, KANSAS 67212**



→ Sign above is 96 Square Feet = Same size  
on opposite end of building ←

**"THE CHURCH WITH A HEART"**

BZA 37-87

Variances to increase the ~~maximum~~  
permitted height of identification sign letters from 15 inches  
to ~~not~~ more than 34 inches; and to (2) increase  
the ~~maximum~~ permitted gross surface area of  
a bulletin board sign from 25 square feet to  
not more than 150 square feet.  
140

Generally located on the east side of Hoover  
and I-235 in an area south of 13<sup>th</sup> Street.

OWNERSHIP LIST

Property Description		Property Owner
Lot 7, except Floodway A-31849 and except Condemnation Case A-77197	R. A. Morris Tracts	✓ Roland R. Allen Ruth M. Allen 2505 E. Murdock Wichita, KS 67214
The South 217 feet of Lot 6	"	✓ Donald F. Lively Helen L. Lively 1432 Rita Wichita, KS 67213
Beginning at the NE/c of Lot 11; th. South 162 feet; th. West 135 feet; th. North 162 feet; th. East 135 feet to the p.o.b.	"	✓ Chester D. Lacy Barbara J. Lacy 427 N. Doris Wichita, KS 67212
The South 168 feet of the West 35 feet of the East 305 feet of Lot 11	"	✓ Homer L. Shults Roma E. Shults 14431 Maple Wichita, KS 67235
The W $\frac{1}{2}$ of Lot 11 and the North 162 feet of the West 170 feet of the East 305 feet of Lot 11	"	✓ West Wichita Missionary Baptist Church 1230 N. Hoover Wichita, KS 67212
The South 168 feet of the East 270 feet of Lot 11	"	Ⓟ R. R. Allen Ruth M. Allen 2505 E. Murdock Wichita, KS 67214
Lot 18	"	✓ Lewis L. Harris Louie D. Harris 1160 Curtis Wichita, KS 67212
The N $\frac{1}{2}$ of Lot 19 except the East 330 feet and except the West 10 feet dedicated for street	"	✓ Donald L. McElroy Barbara I. McElroy 1232 N. Curtis Wichita, KS 67212
The S $\frac{1}{2}$ of Lot 19 except the West 330 feet and except the West 10 feet dedicated for street	"	✓ John A. Warren Sandra K. Warren 1055 N. Curtis Wichita, KS 67212
The W $\frac{1}{2}$ of Lot 10	"	✓ Ray F. Graham Clara E. Graham 1250 Curtis Wichita, KS 67212
The North 10 feet of the East 145 feet of Lot 10 and the South 70 feet of the East 145 feet of Lot 9, except the East 10 feet	"	✓ Richard A. Beyer Sharon K. Beyer 1221 N. Curtis Wichita, KS 67212

Property Description	R. A. Morris Tracts	Property Owner
The South 155 feet of the East 145 feet of Lot 10 except the South 30 feet and except the East 10 feet	R. A. Morris Tracts ✓	Babe Ray Kennedy Virginia Louise Kennedy 1201 Curtis Wichita, KS 67212
The North 75 feet of the South 230 feet of the East 145 feet of Lot 10 except the East 10 feet	"	Same As Above
Lot 1	Heartland Baptist Second Addition ✓	West Wichita Missionary Baptist Church, Inc. 1230 N. Hoover Wichita, KS 67212
Lot 2	"	Billy I. Widler Marion E. Widler 1242 Curtis Wichita, KS 67212
Lot 3	"	Ernest L. Smith Edith E. Smith 1211 Curtis Wichita, KS 67212
Lot 1 <i>application area</i>	Heartland Baptist Addition ✓	West Wichita Missionary Baptist Church, Inc. 1230 N. Hoover Wichita, KS 67212

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

Lot 1, Heartland Baptist Addition to Wichita, 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 30th day of June, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

*Mary Gable*

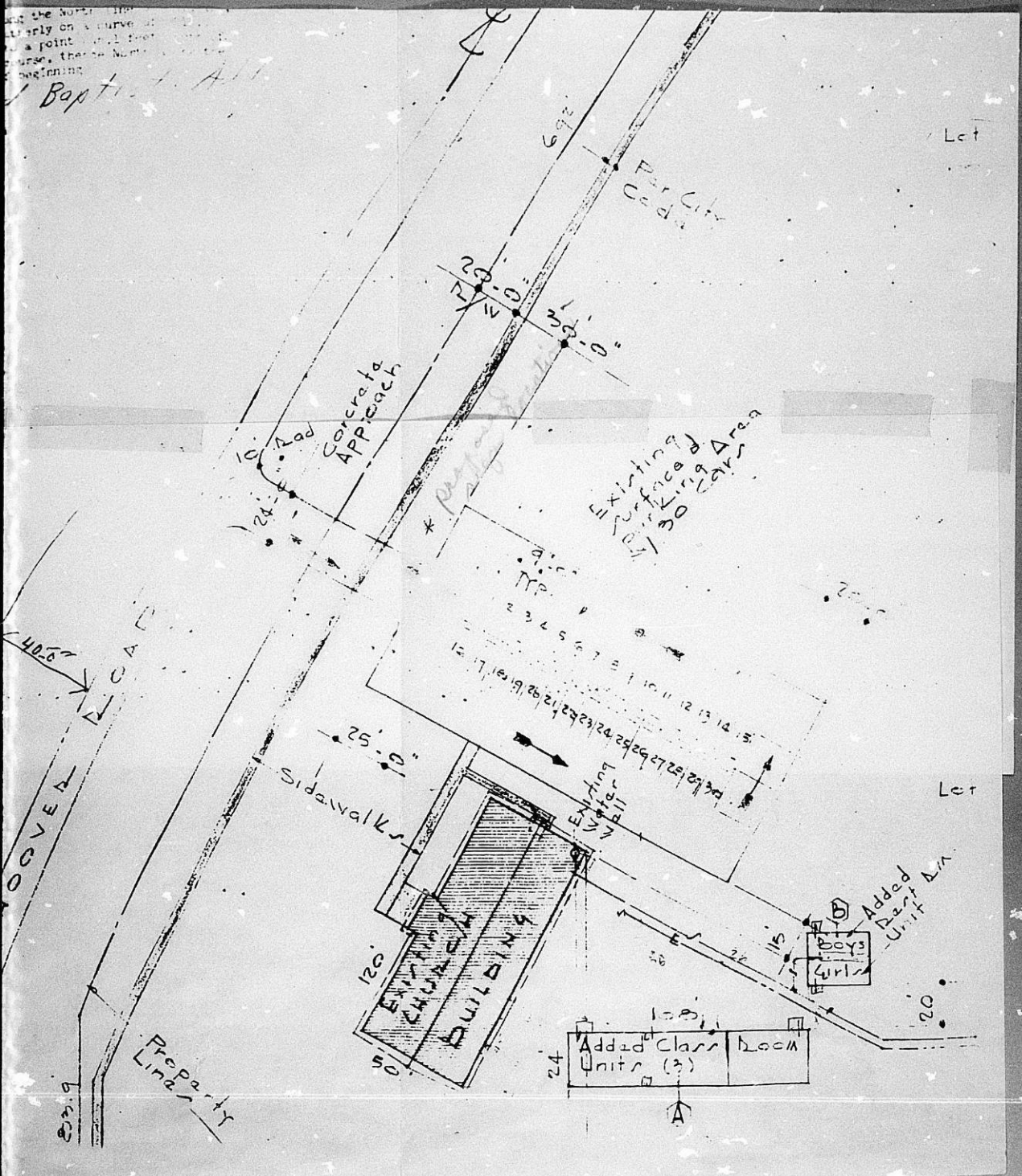
By  
Sr. Vice-President

Order No. 382820  
nj



at the North...  
terly on a curve of...  
a point...  
curve, the...  
beginning

Baptist A.M.



Let

Let

MOORE ROAD

EXISTING CHURCH BUILDING

Added Class Room

Boys  
Girls

Added Unit A.M.

Sidewalks

Existing Hall

24

115

20

Property Line

692

20'-0"

30'-0"

10'-0"

Concrete Approach

Existing Surface of 30' x 19' Area

25'-0"



23.9

A

**MICROFILMED  
FROM THE BEST  
AVAILABLE COPY**

FORM 021

PAYMENT NOTICE  
City of Wichita

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

DESCRIPTION	AMOUNT
BZA	
NAME	First of Pentecostal Church
ADDRESS	26. Box 1-133
FUND	11-711-112
COMMENTS	
DATE	7-27-37
BY	SL