

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the sign ordinance may constitute an unnecessary hardship upon the applicant inasmuch as instructions could not be provided to the public directing them to the location of the housing development which cannot be viewed from the arterial street which serves the subdivision.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as visibility will be maintained for the driving and walking public and the proposed sign will not encroach into the public easements on the site.

**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 sign regulations inasmuch as the location of the proposed subdivision identification sign will aid clients in identifying the location of the subdivision and will not be an excessive sign display.

**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 a variance is granted by the Board, except that the sign may be placed on a developed parcel.
2. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

**SECRETARY'S REPORT**

CASE NUMBER: BZA 3-96

OWNER/APPLICANT: Covenant Presbyterian Church Inc., & Socora Village Company

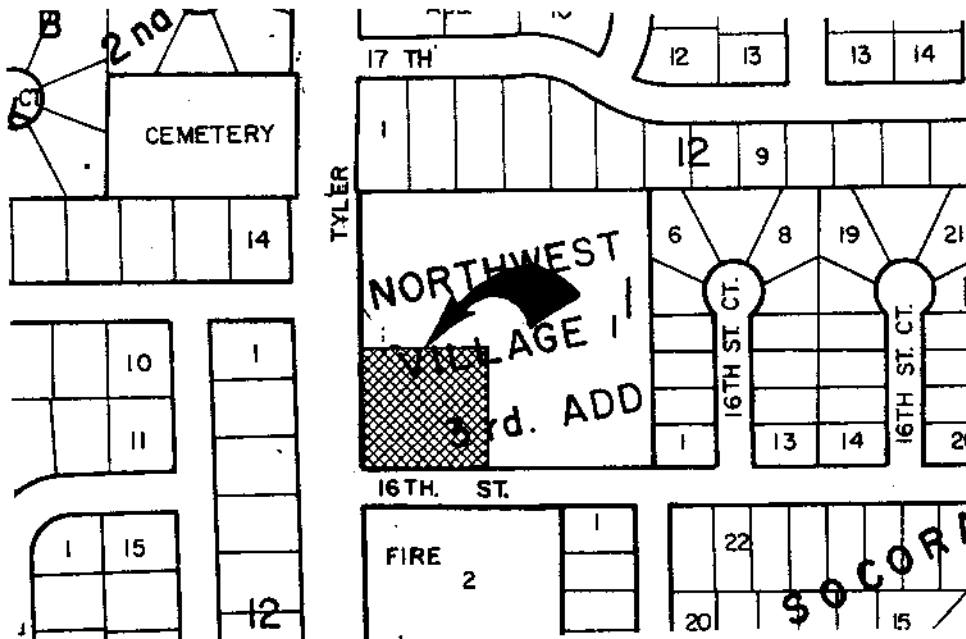
AGENT: Jay Maxwell and Larry A. Chambers

REQUEST: Variance to allow an off-site subdivision identification project title sign on a developed parcel.

CURRENT ZONING: "AA" One Family Dwelling

SITE SIZE: 0.92 Acres

LOCATION: Northeast corner of 16th Street North and Tyler (1750 N. Tyler)



**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 exit.

**BACKGROUND:** The Covenant Presbyterian Church currently has a church facility located on the northeast corner of Tyler Road and 16th Street North. They are requesting permission to allow the placement of an off-site subdivision identification project title sign on their property. The subdivision identification sign would be for the Socora Village subdivision development which is located east of Tyler on 16th Street North. The Socora Village Company does not own any property on Tyler Road on which they could locate a sign to inform the driving public as to the location of their sales office and model homes.

The sign code permits up to two off-site project title signs for subdivision identification subject to the following limitations: 1. Time period, two years; however, the superintendent of Central Inspection may grant extensions every six months until all lots in the subdivision are sold provided the sign is adequately maintained; 2. Unlighted or indirectly lighted from an external source only and constructed with neither reflective nor luminous materials; 3. Sign permit shall be issued only after the final subdivision plat has been duly recorded; 4. Maximum area of each sign shall not exceed 200 square feet; 5. Maximum height twenty feet. The sign code also requires that project title signs be located on an undeveloped lot. In this case the applicant desires to locate the project title sign on a large platted lot which has been developed with a church. The proposed location of the sign would be in the southwest corner of the application area near the northeast corner of 16th Street north and Tyler Road. The sign would be oriented so that it would be viewed by the public driving north and south on Tyler Road.

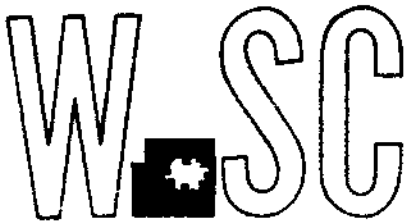
**ADJACENT ZONING AND LAND USE:**

NORTH	"AA"	Church and Single Family Homes
SOUTH	"BB"	Office Building and undeveloped land
EAST	"AA"	Single Family Homes
WEST	"AA"	Single Family Homes

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as it is the southwest portion of a 4.75-acre platted lot which is developed with a church facility whose buildings are located generally on the north one-half of the platted lot and whose parking lot is located generally on the south one-half of the platted lot.

**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 there are currently no signs located north or south of the applicants site that would be impacted by the proposed subdivision identification sign.

WICHITA — SEDGWICK COUNT.



METROPOLITAN AREA PLANNING  
DEPARTMENT

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

March 28, 1996

Mr. Larry Chambers  
c/o Socora Village Company  
104 S. Broadway Suite 200  
Wichita, KS 67202

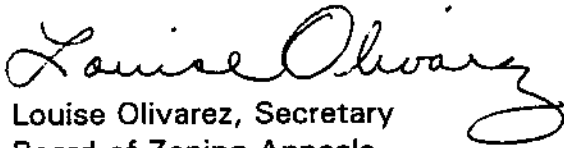
**RE: BZA 3-96 - Variance to allow an off-site subdivision identification sign on a developed parcel on property generally located at the northeast corner of 16th Street North and Tyler (1750 N. Tyler).**

Dear Mr. Chambers:

Enclosed is a signed copy of the above-referenced BZA Resolution approved by the Board of Zoning Appeals on March 26, 1996. 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,

  
Louise Olivarez, Secretary  
Board of Zoning Appeals

Enclosure

LO/hm

cc: Jay Maxwell, Pres.; Board of Trustees; Covenant Presbyterian Church; P O Box 2335; Wichita, KS 67201  
J. R. Cox, OCI  
Paul Hayes, OCI  
Ray Sledge, OCI  
Pat Burnett, Deputy City Clerk  
Yolanda Anderson, MAPD

**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 allow an off-site subdivision identification project title sign on a developed parcel on property zoned the "AA" One-Family Dwelling District (now SF-6 Single-Family District) and legally described as follows:

The west 200 feet of the south 200 feet of Lot 1, Block 1, Northwest Village 3rd Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of 16th Street North and Tyler (1750 N. Tyler).

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 a variance is granted by the Board, except that the sign may be placed on a developed parcel.
2. The sign shall be installed within one year or the resolution granting this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of March, 1996.

  
Randy Phillips, Vice President

ATTEST:

  
Louise Olivarez, Secretary

## BZA RESOLUTION NO. 3-96

**WHEREAS**, Covenant Presbyterian Church Inc. & Socora Village Company, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to allow an off-site subdivision identification project title sign on a developed parcel on property zoned "AA" One-Family Dwelling District (now SF-6 Single-Family District) and legally described as follows:

The west 200 feet of the south 200 feet of Lot 1, Block 1, Northwest Village 3rd Addition to Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of 16th Street North and Tyler (1750 N. Tyler).

**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 March 26, 1996, 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 the property is the southwest portion of a 4.75-acre platted lot which is developed with a church facility whose buildings are located generally on the north one-half of the platted lot and whose parking lot is located generally on the south one-half of the platted lot; 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 there are currently no signs located north or south of the applicants' site that would be impacted by the proposed subdivision identification sign; and

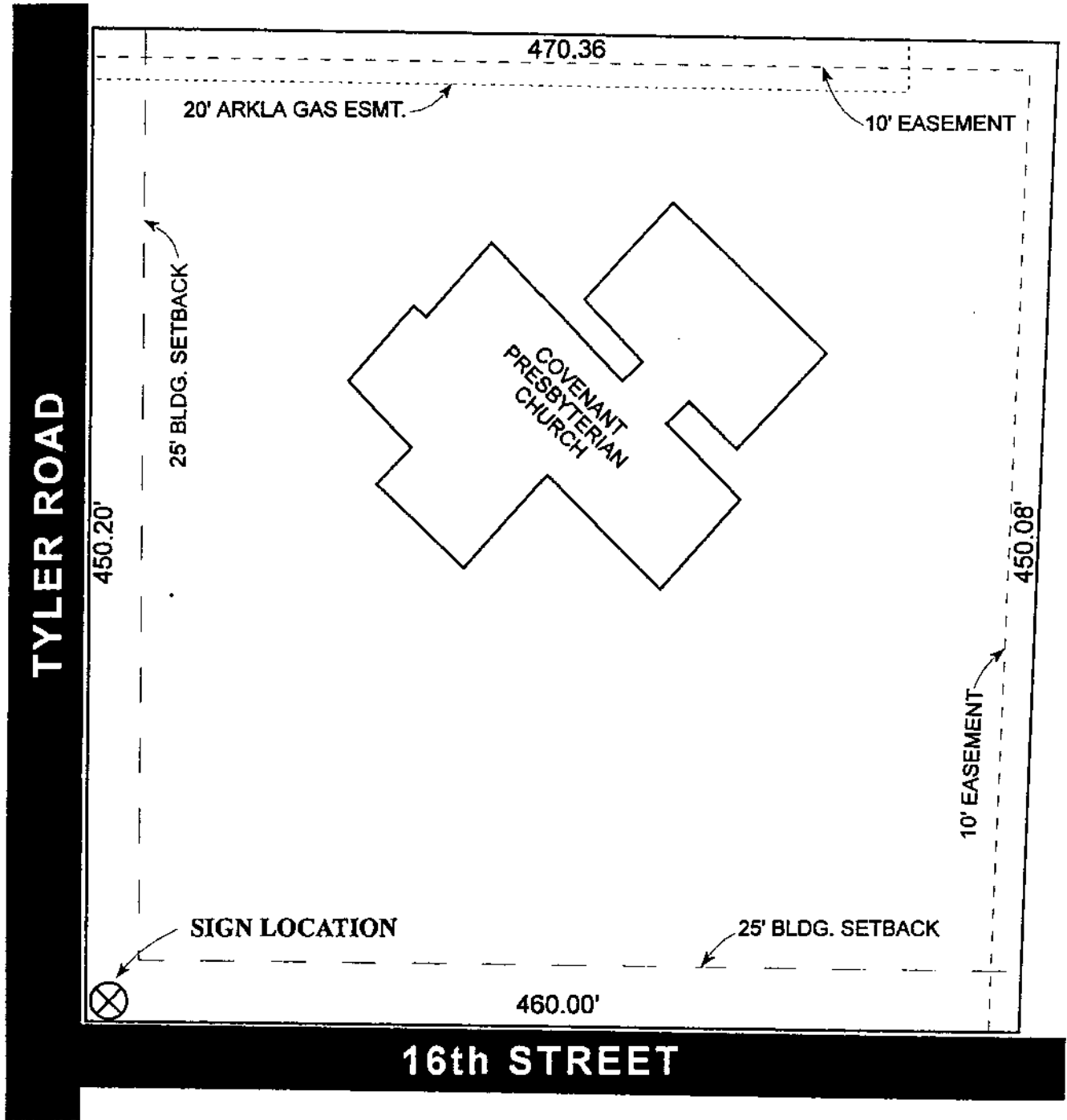
**WHEREAS**, the Board of Zoning Appeals has found that the strict application of the provisions of the sign ordinance of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as instructions could not be provided to the public directing them to the location of the housing development which cannot be viewed from the arterial street which serves the subdivision; 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 visibility will be maintained for the driving and walking public and the proposed sign will not encroach into the public easements on the site; 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 sign ordinance inasmuch as the location of the proposed subdivision identification sign will aid clients in identifying the location of the subdivision and will not be an excessive sign display; 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.

NORTHWEST VILLAGE  
3rd ADDITION  
LOT 1 BLOCK 1



SCALE: 1" = 70'



BZA 3-96  
Site Plan