



Wichita-Sedgwick County Metropolitan Area Planning Department

10/29/2007

St. Mary's American Syrian Orthodox Church
344 S Martinson
Wichita KS 67213

Ferris Consulting
PO Box 573
Wichita KS 67201

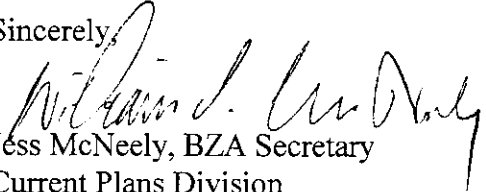
RE: BZA2007-53 Variance to allow a sign within the 50-foot sight triangle of an intersection.

Dear Ladies and Gentlemen:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on **October 23, 2007**. This resolution reflects the official action of the Board. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office at 268-4421.

Sincerely,


Jess McNeely, BZA Secretary
Current Plans Division

JM/ya

Cc Sharon Dickgrafe, Law Dept, 1-132
Herb Shaner, OCI, 1-72
Paul Gray, WCC District IV, 1-13
Kurt Schroeder, OCI, 1-72

BZA RESOLUTION NO. 2007-00053

WHEREAS, St. Mary's Syrian Orthodox Church, variance request to allow a sign within the 50-foot sight triangle of an intersection

Lots 2 & 4, Martinson Avenue, Lawrence's 4th Addition, Wichita, Sedgwick County, Kansas.

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 **October 23, 2007**, 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 of the Zoning 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, inasmuch as the church was constructed in 1932, which predates sign regulations. There was a sign, which was removed due to structural issues, that was located in the approximate place where the proposed sign will be located. The side yard is narrow and the existing platted setback would place the sign in such a way as to be near or against the building, thus, reducing the sign's designed purpose of advertising along Maple Avenue.

WHEREAS, the Board of Zoning Appeals has found that the granting of the sign variance requested would not adversely affect the rights of adjacent property owners, inasmuch as the sign is being placed where a sign was previously located. The location of the sign will have no impact on surrounding properties since the sign would be located along Maple and Martinson, and the surrounding properties include a parking lot, another church and a fraternal organization. There are no residential structures within 175 feet of the proposed location of the sign.

WHEREAS, the Board of Zoning Appeals has found that the strict application of the of the sign code would constitute an unnecessary hardship upon the applicant, inasmuch as complying with the sign regulations would place the proposed sign against the church building, thus, creating increased maintenance and drainage issues. Making the sign look out of place and reducing the effectiveness of the sign in terms of advertising would negatively impact the visual appearance of the sign if the strict application of the sign code were adhered to.

WHEREAS, the Board of Zoning Appeals has found that the requested variance would not adversely affect the public interest, inasmuch as the Traffic Engineer of the City of Wichita believes the sign will not cause any visual impact at this intersection and as long as the vision triangle is maintained, there should be no visual obstructions. The sign will not impact any visual line from Martinson to Maple or from Maple to Martinson.

WHEREAS, the Board of Zoning Appeals has found that granting the variance requested would not be opposed to the general spirit and intent of the zoning regulations, inasmuch as among the stated intentions of the regulations is to promote traffic safety. Planning Staff and the City Traffic Engineer do not see any negative impacts in terms of sight disruption or traffic patterns. Requiring compliance with the sign regulations would result in a sign that would have a negative appearance in relation to the existing church and would not sufficiently identify the church to the public.

WHEREAS, each of the five conditions required by Section 2.12.590.B of the Zoning Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

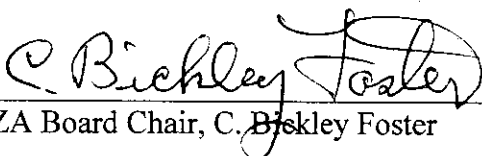
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Section 2.12.590.B of the Zoning Code, City of Wichita, variance be granted to allow a sign within the 50-foot sight triangle of an intersection legally described as follows:

Lots 2 & 4, Martinson Avenue, Lawrence's 4th Addition, Wichita, Sedgwick County, Kansas. Generally located northeast of the intersection of Maple and Martinson (334 S. Martinson.)

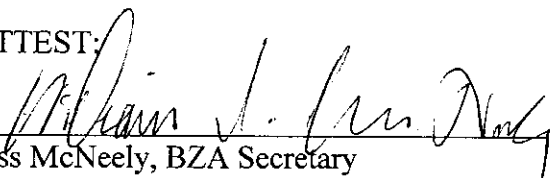
The variance is hereby **GRANTED**, subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

ADOPTED AT WICHITA, KANSAS, this 23rd, Day of October, 2007.


BZA Board Chair, C. Bickley Foster

ATTEST:


Jess McNeely, BZA Secretary

SECRETARY'S REPORT

CASE NUMBER: BZA2007-00053

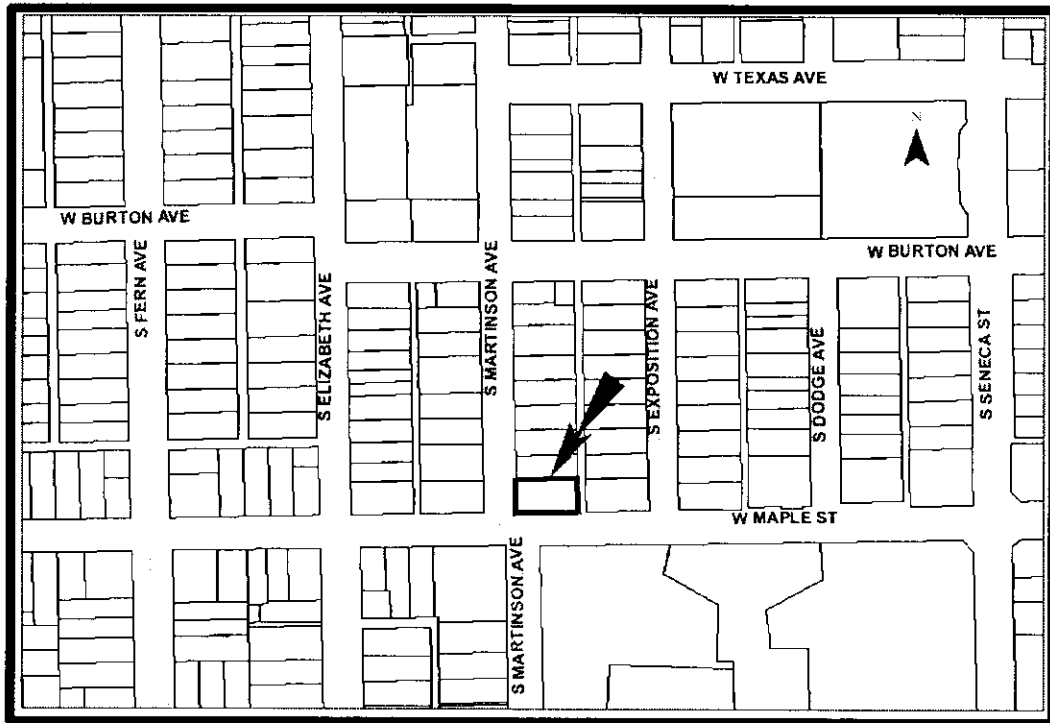
OWNER/APPLICANT: St. Mary's Syrian Orthodox Church

AGENT: Ferris Consulting, c/o Greg Ferris

REQUEST: Sign variance request to allow a sign within the 50-foot sight triangle of an intersection (Section 24.04.220(t) City of Wichita Sign Code.)

CURRENT ZONING: "SF-5" Single-Family Residential

LOCATION: Generally located northeast of the intersection of Maple and Martinson (334 S. Martinson)



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 requests a variance to allow a sign within the 50-foot sight triangle of an intersection. The St. Mary's Syrian Orthodox Church (applicant) is located on the 0.6-acre subject property at the northeast corner of S. Martinson and W. Maple.

The church is proposing to construct a monument sign that encroaches into the 50-foot intersection sight triangle. Section 24.04.220(t) of the Sign Code for the City of Wichita states; "no portions of a sign that is located within the triangle formed by the imaginary intersection of curb lines at the intersection of two streets, and extending for a distance of fifty feet each way from that imaginary intersection of a curb line of any corner lot, shall be permitted to extend closer than ten feet to grade of adjacent roadway surface." Therefore, due to the sign protruding into the sight triangle, Planning Staff and Traffic Engineering have directed the applicant to obtain a variance to allow the sign to be placed within the sight triangle. During that meeting, the Traffic Engineer did state that as long as the sign was outside of the vision triangle, as stated in Section 11.22.010 of the City of Wichita Municipal Code, that the sign did not present any immediate traffic safety concerns.

The application area is developed with a place of worship (church), with the church facility extending 3 lots north of the subject site. Property north of the site is zoned SF-5, Single-family Residential, developed as a single-family residence. East of the site is zoned SF-5 and TF-3, Two-family Residential, developed with a single-family residence and church. Property west of the subject site is zoned SF-5 and is developed with church parking and single-family residences. The property south of the subject site is zoned SF-5 and B, Multi-family Residential, and is developed with a church and fraternal organization.

ADJACENT ZONING AND LAND USE:

| | | |
|-------|------------|-------------------------------|
| NORTH | "SF-5" | Single-family Residence |
| SOUTH | "B" "SF-5" | Fraternal Institution, Church |
| EAST | "TF-3" | Duplex |
| WEST | "SF-5" | Parking |

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

UNIQUENESS: It is the opinion of staff that this property is unique, inasmuch as the church was constructed in 1932, which predates sign regulations. There was a sign, which was removed due to structural issues, that was located in the approximate place where the proposed sign will be located. The side yard is narrow and the existing platted setback would place the sign in such a way as to be near or against the building, thus, reducing the sign's designed purpose of advertising along Maple Avenue.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the sign variance requested would not adversely affect the rights of adjacent property owners, inasmuch as the sign is being placed where a sign was previously located. The location of the sign will have no impact on surrounding properties since the sign would be located

along Maple and Martinson, and the surrounding properties include a parking lot, another church and a fraternal organization. There are no residential structures within 175 feet of the proposed location of the sign.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning regulations constitutes an unnecessary hardship upon the applicant, inasmuch as complying with the sign regulations would place the proposed sign against the church building, thus, creating increased maintenance and drainage issues. Making the sign look out of place and reducing the effectiveness of the sign in terms of advertising would negatively impact the visual appearance of the sign if the strict application of the sign code were adhered to.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest, inasmuch as the Traffic Engineer of the City of Wichita believes the sign will not cause any visual impact at this intersection and as long as the vision triangle is maintained, there should be no visual obstructions. The sign will not impact any visual line from Martinson to Maple or from Maple to Martinson.

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 among the stated intentions of the regulations is to promote traffic safety. Planning Staff and the City Traffic Engineer do not see any negative impacts in terms of sight disruption or traffic patterns. Requiring compliance with the zoning regulations would result in a sign that would have a negative appearance in relation to the existing church and would not sufficiently identify the church to the public.

RECOMMENDATION: Should the Board determine that the conditions necessary for the granting of the sign variance exist, then it is the recommendation of the Secretary that the variance to allow a sign within the 50-foot sight triangle of an intersection be **APPROVED**, subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan.
2. The applicant shall obtain all permits necessary to construct the improvements, and the improvements shall be completed within one year of the granting of this variance, unless such time period is extended by the BZA.
3. The above conditions are subject to enforcement by any legal means available to the City of Wichita.

MARTINSON AVENUE

6" WATER LINE

SIGN

LIP

Church Sidewalk

ST. MARY'S CHURCH

Existing Building

PROPOSED
NEW SIGN

City Sidewalk →

AC

AC

5' BUILDING SETBACK

N89° 44' 07" W 125' P 125.33' W

APPROVED
BZA 2007 SITE PLAN

W. Dennis L. Van Noy

11" V.C.P. SAN SEWER

MAPLE STREET

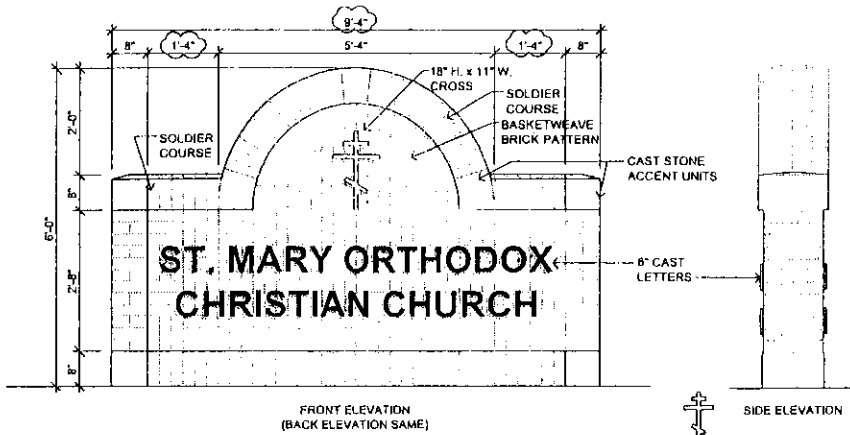
SS #1
Top 110.00
P 104.105 41(S)
P 104.104 36(N)
P 104.104 28(E)
P 104.104 23(W)

8" V.C.P. SAN SEWER

PROPERTY LINE
AFTER ALTY. VACATION

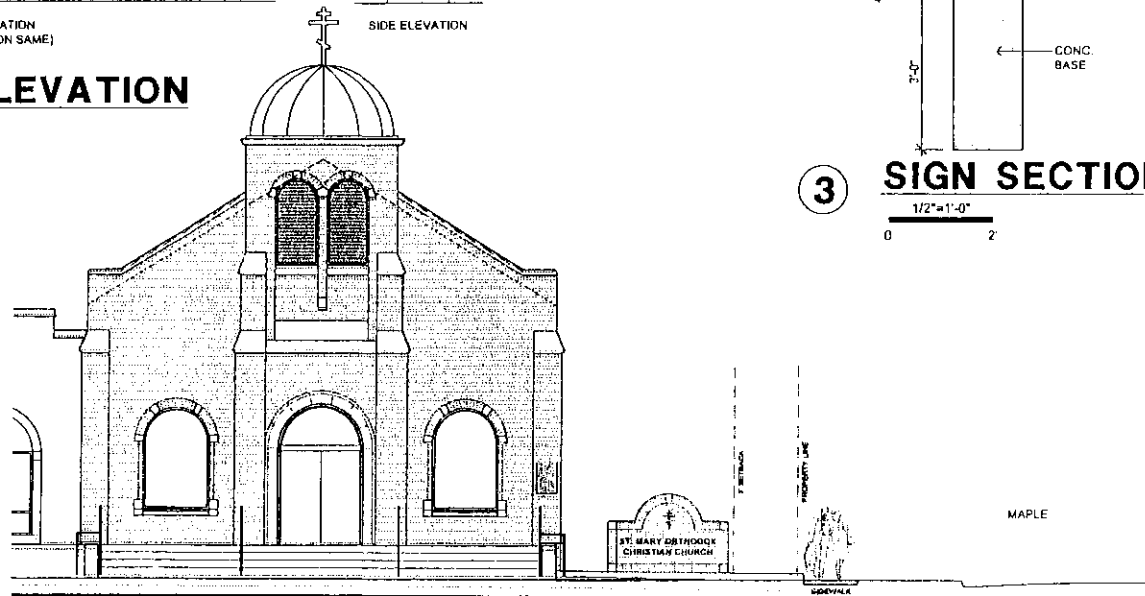
50' 0" 10'

Date: 10-29-07



2 SIGN ELEVATION

1/2" = 1'-0"
0 2

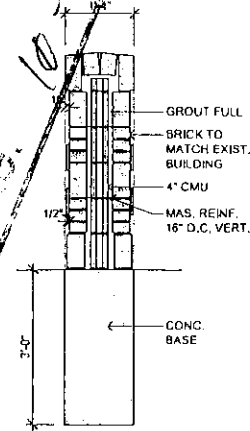


1 BUILDING ELEVATION

1/8" = 1'-0"
0 8'

APPROVED
B-214-2007-53

Date: 10-29-07



3 SIGN SECTION