

**SEDGWICK COUNTY BOARD OF ZONING APPEALS
PLANNING AGENDA
JUNE 10, 2008**

The Sedgwick County Board of Zoning Appeals meeting was held at 3:30 p.m. on Tuesday, June 10, 2008, in the Planning Department Conference Room, Tenth Floor of City Hall, 455 N Main, Wichita, Kansas.

BOARD MEMBERS PRESENT:

BRAD HAWTHORNE, TOM LINDSAY, GRANT TIDEMANN, and JOHN S. DAILEY.

BOARD MEMBER ABSENT:

JANA MULLEN

STAFF PRESENT:

**JESS MCNEELY, BZA Secretary and Senior Planner;
MARYANN CROCKET, Recording Secretary
BOB PARNACOTT, County Attorney;
GLEN WILTSE and KELLY DIXON, County Code Enforcement.**

Selection of Officers

- Chair:
- Vice Chair
- Secretary

MOTION: To elect **JESS MCNEELY**, Planning Staff, Secretary.

TIDEMANN moved, **LINDSAY** seconded the motion, and it carried (4-0).

MOTION: To elect **TOM LINDSAY** Vice Chair.

TIDEMANN moved, **DAILEY** seconded the motion, and it carried (4-0).

MOTION: To elect **GRANT TIDEMANN** Chair.

LINDSAY moved, **HAWTHORNE** seconded the motion, and it carried (4-0).

Adoption of amended By-Laws

MOTION: To adopt the amended by-laws as recommended by staff.

LINDSAY moved, **TIDEMANN** seconded the motion, and it carried (4-0).

TIDEMANN Officially called the meeting to order at 3:30 p.m.

Approval of the February 20, 2007, Minutes.

MOTION: To approve the February 20, 2007, minutes, as amended. typographical error correction to Tidemann name were noted.

LINDSAY moved, **TIDEMANN** seconded the motion, and it carried **(4-0)**.

TIDEMANN Announces case **BZA2008-18**

JESS MCNEELY, Planning Staff presented the staff report.

APPLICANT/AGENT: Cedar Pointe Baptist Church c/o Wayne Pearmain (owner)
REQUEST: County BZA Variance request to permit an electronic message board sign (10 square feet) in SF-20 Single-family Residential zoning.
CURRENT ZONING: SF-20 Single-family Residential
SITE SIZE: 9.06 acres
LOCATION: Generally located south of 31st Street South and west of Webb (9221 E 31st Street S).

BACKGROUND: The applicant requests a variance to permit a 10 square foot electronic message board sign in SF-20 Single-family Residential (“SF-20”) zoning. The County Sign Code does permit bulletin board signs of up to 25 square feet in SF-20 zoning (one currently exists on this site); however, the County Sign Code does not permit electronic message board signs in SF-20 zoning. The site is developed with a church, which is a permitted use in SF-20. The City of Wichita sign code permits electronic message board signs as an administrative adjustment for institutional uses in residential zoning.

Property north and west of this site is zoned SF-20 and either vacant or used for agriculture. Further west is a nursery and garden center. Southwest and southeast of the site are single-family residences. East of the site is vacant SF-20 zoned property, and an LC Limited Commercial (“LC”) zoned funeral home and cemetery at the Webb intersection. No residences directly face the sign location.

ADJACENT ZONING AND LAND USE:

NORTH	SF-20	Vacant, agriculture
SOUTH	SF-20	Agriculture, single-family residential
EAST	SF-20, LC	Vacant, funeral home and cemetery
WEST	SF-20	Agriculture, single-family residential, nursery and garden center

The five criteria necessary for approval as they apply to variances requested.

UNIQUENESS: It is staff's opinion that this property is unique within the unincorporated county and within the SF-20 zoning district. The SF-20 zoned property is unique as it developed with a church, it is located on the fringe of Wichita urban development, and it is located on an arterial street.

ADJACENT PROPERTY: It is staff's opinion that granting the requested variance for an electronic message board sign would not adversely affect the rights of adjacent property owners, as no residential properties directly face the sign location, and other surrounding properties are vacant, or used for agriculture or other non-residential uses.

HARDSHIP: It is staff's opinion that the strict application of the provisions of the sign code would constitute a hardship upon the applicant. Churches with the nearby City of Wichita are permitted electronic message board signs through an administrative process while this location within the county is not. Also, this portion of 31st Street South is an arterial street, with significant traffic; this property owner may not be able to adequately inform drivers of church announcements without an electronic message board type sign.

PUBLIC INTEREST: It is staff's opinion that the requested variance for an electronic message board sign would not adversely affect the public interest, as improved sign communication from this site would serve in the community interest, and the requested sign is within size restrictions. With conditions limiting the sign's visual movement, the proposed sign should not detract from the immediate area, or serve as a distraction.

SPIRIT AND INTENT: It is staff's opinion that granting the requested variance for an electronic message board sign does not oppose the general spirit and intent of the Sign Code, as the signage will make it easier for this property to communicate announcements, without negatively affecting surrounding properties. This variance request is consistent with signs approved for similar institutions within the Wichita area.

RECOMMENDATION: It is staff's opinion that the requested variance for an electronic message board sign is appropriate. Should the Board determine that the conditions necessary to the granting of the variance exist, the Secretary then recommends that the variance to permit an electronic message board sign in SF-20 zoning be GRANTED, subject to the following conditions:

1. The site shall be developed in conformance with the approved site plan and elevation drawings.
2. No portable or temporary signs shall be permitted on the property.
3. The electronic message board sign shall not display animated or video content; messages on the electronic message board sign shall not change faster than once per second.
4. The applicant shall obtain all permits necessary to construct the signage and the signage shall be erected within one year of the variance granting, unless such time period is extended by the BZA.
5. The above conditions are subject to enforcement by any legal means available to Sedgwick County.

MCNEELY Are there any questions of staff on this item?

DAILEY asked about the actual dimensions of the sign. He mentioned that the current sign is 64 inches to top. He said the variance goes to about 6 feet, which currently is allowed for monument type signs. He asked if this variance would roll all that into one.

MCNEELY stated that the variance would roll that into this request. He said the proposed sign is 10 square feet; however, the applicant is present to speak.

DAILEY You mentioned a portable sign, is it the portion we can see behind the sign or is it an additional sign?

MCNEELY No, we are referring to that one. The older bulletin board that you see behind here is one that you have to stick the letters onto. It is now common for churches to use the electronic message board rather than changing out letter by letter, as well as high winds used to blow the letters off. You may ask the applicant any questions you like.

WAYNE PEARMAIN, APPLICANT, asked if the board had any questions for him. He said the LED sign will add approximately 20 inches to the top of the current sign.

DAILEY It looks like it is 8 foot by 2 foot. What is the width?

PEARMAIN It is 7 foot long.

TIDEMANN asked if the applicant was alright with staff conditions listed in the staff report.

PEARMAIN Agrees to the conditions set by staff.

DAILEY asked for more details about the proposed signage such as how it will move or change sentences, and how they will travel across the LED sign?

PARAMAIN said there will be no major videos, but scrolled sentences across the sign, but not changing like a video.

MCNEELY clarified that a still image with no change of scrolling text or image faster than one second wouldn't violate the conditions listed in the staff report.

TIDEMANN Is there anyone here to speak in opposition? Seeing none, we will close the comments and speak with the board only.

MOTION: To approve subject to staff recommendation and conditions.

LINDSAY moved, **DAILEY** seconded the motion, and it carried (4-0).

TIDEMANN Any other items for the board to consider? Since none, I move to adjourn.
Adjourned at 3:55 p.m.

