

Case No. BZA 22-87 - Omega Management requests a variance to increase the permitted gross surface area of an identification sign from 16 square feet to 50 square feet on property zoned the "R-6" General Residence District & generally located on the NE corner of Paines & Grove

POSTED 4-28-87 ⁶²²

ACTION

BZA 22-87 Approved 5/24/87
DATE

posted 10-21-87
Shot 10-22
5645B
-Record

Map No. 5645-B

BZA 22-87
Filed _____

AREA DATA:

1. Acres: _____ ft. by _____ ft.)
2. Adjoining Zoning: E "AA" S "AA" "LC" W "AA" N "AA"
3. Land Use: East 1-F South Comm., 1-F, Church
West 1-F North 1-F
4. Area (is) () platted.



LOS ANGELES COUNTY PLANNING DEPARTMENT
REGISTERED PROFESSIONAL PLANNERS
7700 CRENSHAW BLVD., SUITE 1000
LOS ANGELES, CALIFORNIA 90044
U.S.A.

Standard
No. 2153C

July 9, 1987

Tanglewood Custom Wood Signs
2205 West Douglas
Wichita, Kansas 67213

Re: BZA 22-87 - Request for Variance (At the northeast corner of
Pawnee and Grove (2510 E. Pawnee)

Dear Sir:

Enclosed is a signed copy of the Resolution adopted by the Board of
Zoning Appeals on May 26, 1987.

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.

If you have questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

GEL/lw

Enclosure

cc: Omega Management, 349 S. Hydraulic, Wichita, KS 67211
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

May 28, 1987

Tanglewood Custom Wood Signs
2205 West Douglas
Wichita, Kansas 67213

Re: BZA 22-87 - Request for Variance (Northeast corner of
Pawnee and Grove (2510 E. Pawnee).

Dear Sir:

At the regular meeting of the Board of Zoning Appeals on May 26, 1987, your request for a variance to increase the size of an identification sign from 16 square feet to 50 square feet was considered. It was the action of the Board to approve the variance subject to the following conditions:

1. Only one identification (ground) sign shall be permitted to be increased from 16 square feet to 50 square feet.
2. The identification sign shall be permitted to be increased in size as long as:
 - a) it is located as indicated on the associated site plan;
 - b) the existing sign is removed;
 - c) the maximum gross surface area is 50 square feet;
 - d) the maximum height is 20 feet; and
 - e) illumination is limited to indirect lighting in conformance with Section 28.04.139(A-5) of the zoning ordinance.
3. Prior to release of this resolution, and within 30 days, the portable sign shall be removed from the property.

Please notify this office when the portable sign has been removed so that the resolution authorizing the variance may be released.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith
Secretary

GEL:lw

cc: Omega Management, 349 S. Hydraulic, Wichita, KS 67211
Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

PL/0171/1

*LO asked Dick
Spokane to check
7-8-87 he said
requirements not on
premises.*

RESOLUTION CASE NO. 22-87

WHEREAS, Omega Management, 349 South Hydraulic, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted gross surface area of an identification sign from 16 square feet to 50 square feet on property zoned the "R-6" General Residence District and legally described as follows:

Lot 1, Chilton's Pawnee and Grove Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pawnee and Grove (2510 E. Pawnee).

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 May 26, 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 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 it is adjacent to an arterial street and is opposite from light commercial zoning which has less restrictive sign limitations than the application area; 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 property directly across the street is "LC" Light Commercial. Also, the sign will be a ground sign lighted with indirect light; 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 owner will be unable to provide adequate identification for the project to be readable from a four-lane arterial street; 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 increase in the size of the one sign is insignificant based on the frontage of the property along Pawnee and the location of the ground sign in relation to the driveway approaches and the distance to other residences in the area; 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 ordinance regulating signs is applicable to all multiple-family dwelling districts and does not take into consideration location of properties and nearby land use or zoning; 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.

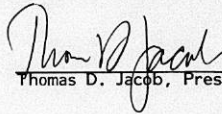
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the permitted gross surface area of an identification sign from 16 square feet to 50 square feet on property zoned the "R-6" General Residence District and legally described as follows:

Lot 1, Chilton's Pawnee and Grove Addition to Wichita,
Sedgwick County, Kansas. Generally located on the
northeast corner of Pawnee and Grove (2510 E. Pawnee).

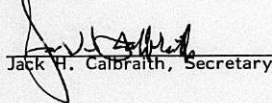
be approved subject to the following conditions:

1. Only one identification (ground) sign shall be permitted to be increased from 16 square feet to 50 square feet.
2. The identification sign shall be permitted to be increased in size as long as:
 - a) it is located as indicated on the associated site plan;
 - b) the existing sign is removed;
 - c) the maximum gross surface area is 50 square feet;
 - d) the maximum height is 20 feet; and
 - e) illumination is limited to indirect lighting in conformance with Section 28.04.139(A-5) of the zoning ordinance.
3. Prior to release of this resolution and within 30 days, the portable sign shall be removed from the property or this case shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of May, 1987.


Thomas D. Jacob, President

ATTEST:


Jack H. Calbraith, Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE May 22, 1987

TO Glen Lytle, Special Assistant for Zoning

FROM CPO Office ^{BLC}

SUBJECT BZA 22-87: Northeast corner of
Pawnee and Grove (2510 East Pawnee)

On Thursday, May 21, CPO Council 3B considered the above captioned case, a request for a variance to increase the permitted gross surface area of an identification sign from 16 to 50 square feet on property zoned the "R-6" General Residence District. Council members were provided the notice to adjoining property owners, a map of the area and MAPD staff comments. After extensive discussion, the Council voted 5-2 to recommend approval of the request subject to staff comments.

The agent, Steve Goebert, was present to describe the request and respond to questions from the Council. According to Mr. Goebert, a larger sign was needed for an apartment complex. Mr. Goebert explained that the proposed sign would be permanent, made of redwood, and would be part of an overall landscaping effort to upgrade the apartment's image.

D.L. Kitsmiller, 2412 South Poplar, expressed his opposition to the request based upon the following concerns: 1) that the sign would decrease motorists visibility and that 2) there was no justification for erecting a larger sign.

Council members suggested that the City conduct a study on traffic entering and exiting the apartment complex and noted that perhaps the east entrance should become an "in" only opening and the west and "out" only opening. Additionally, members would like the portable sign on the west end of the property removed following the construction of the permanent sign.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 22-87 is considered.

BLC:dm

RECEIVED

MAY 22 1987

METROPOLITAN PLANNING

ROUTE

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

May 1, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 22-87

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Omega Management, 349 South Hydraulic, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to increase the permitted gross surface area of an identification sign from 16 square feet to 50 square feet on property zoned the "R-6" General Residence District. A legal description of the applicant's property is as follows:

Lot 1, Chilton's Pawnee and Grove Addition to Wichita, Sedgwick County, Kansas. Generally located on the northeast corner of Pawnee and Grove (2510 E. Pawnee).

This application has been assigned Case No. BZA 22-87. It will be considered by the Board of Zoning Appeals on May 26, 1987 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council "3B" will consider this case at their meeting to be held on Thursday, May 21, 1987, at 7 p.m., at Mt. Vernon Presbyterian Church, 3700 East Mt. Vernon. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.

Glen E. Lytle
Assistant Secretary

SECRETARY'S REPORT
CASE NO. BZA 22-87

APPLICANT: Omega Management, 349 S. Hydraulic, Wichita, KS 67211

AGENT: Tanglewood Custom Wood Signs, 2205 W. Douglas, Wichita, KS 67213

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to increase the size of an identification sign from 16 square feet to 50 square feet.

GENERAL LOCATION: On the northeast corner of Pawnee and Grove.

ZONING: Subject property is zoned the "R-6" Residence District. Property to the north, east and west is "AA" Single-Family Dwelling District and to the south is "AA" and "LC" Light Commercial District.

LAND USE: Subject property is an apartment complex. Single-family residences are located in all directions. Also to the south is commercial development and a church.

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.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the limitations of the Zoning Ordinance related to signs permitted for apartment development in the "R-6" General Residence District. Section 28.04.139.D of the Zoning Ordinance limits: the area of identification signs to 16 square feet, the maximum height to 20 feet and only white light with indirect or internal illumination.

The applicant proposes to install a 5-foot by 10-foot (50 square foot) sandblasted ground sign along Pawnee approximately 10 feet north of the sidewalk and approximately 75 feet from one driveway and 95 feet from the other. The location of the applicant's property and the proposed location of the sign are unique inasmuch as the apartment complex is located adjacent to an arterial street and across the street from light commercial zoning. The property's frontage along Pawnee is 520 feet and the sign would be located approximately 250 feet from the intersection of Grove and Pawnee.

Other signs for apartment projects, where similar conditions have existed, have been approved by the Board. This has particularly been true when the location is in close proximity to "LC" Light Commercial zoning and adjacent to an arterial street. In this case, the only residence directly affected by the proposed sign is immediately adjacent to the "LC" zoning and is more directly affected by the sign located adjacent thereto.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is adjacent to an arterial street and is opposite from light commercial zoning which has less restrictive sign limitations than the application area.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the property directly across the street is "LC" Light Commercial. Also, the sign will be a ground sign lighted with indirect light.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the owner will be unable to provide adequate identification for the project to be readable from a four-lane arterial street.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the increase in the size of the one sign is insignificant based on the frontage of the property along Pawnee and the location of the ground sign in relation to the driveway approaches and the distance to other residences in the area.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the ordinance regulating signs is applicable to all multiple-family dwelling districts and does not take into consideration location of properties and nearby land use or zoning.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a 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. Only one identification (ground) sign shall be permitted to be increased from 16 square feet to 50 square feet.
2. The identification sign shall be permitted to be increased in size as long as:
 - a) it is located as indicated on the associated site plan;
 - b) the existing sign is removed;
 - c) the maximum gross surface area is 50 square feet;
 - d) the maximum height is 20 feet; and
 - e) illumination is limited to indirect lighting in conformance with Section 28.04.139(A-5) of the zoning ordinance.

BZA CASE NO. 22-87

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>4</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>7</u>	TOTAL NOTICES SENT <u>5/6/87</u>

APPLICATION FOR VARIANCE

I. Name of Applicant Omega Management
Mailing Address 349 S. Hydraulic, Wichita, KS Phone 263-2215
Name of Authorized Agent Tanglewood Custom Wood Signs
Mailing Address 2205 W. Douglas Wichita, KS Phone 943-9341
Relationship of applicant to property is that of Management Company
(Owner, Tenant, Lessee, Other)

II. The variance requested is to increase the permitted area of an
identification sign from 16 square feet to 50 square feet

for property located on the northeast corner of Pawnee and Grove, Wichita, KS.

and legally described as: South 70 feet - East 73 feet - West 322 feet -
Lot 1 of Chiltons Pawnee and Grove addition
Building 100.

in the City of Wichita; and which is presently zoned "R-6".

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 Steve Goewert

Steve Goewert
Omega Management

Authorized Agent Mel Atkins

Mel Atkins
Tanglewood Signs

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
4:07 (a.m./p.m.), Apr. 27, 1982, together with appropriate
fee of \$200.00.

Signed [Signature]



April 24, 1987

Board of Zoning Appeals
City of Wichita
Wichita, Kansas

Re: Sandblasted Sign

We are respectfully requesting a variance on the captioned for The Willows Apartment complex located at 2510 East Pawnee, Wichita, Kansas, covering two (2) full blocks of property facing Pawnee.

The current B zone allowing sixteen (16) square foot of signage is not adequate exposure for the area the complex covers. The present sign is so small that it cannot be seen by the public, therefore losing prospective occupants.

We are requesting a permit for a 5' x 10' sandblasted ground sign to be placed in the center of the complex property. Approximately 75' from one driveway and 95' from another. The sign will be tastefully done and would not adversely affect either the adjacent property owners or the general public in any way.

We appreciate your consideration and help on this delima for the complex owners.

TANGLEWOOD CUSTOM WOOD SIGNS

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

RECORD OWNERS WITHIN 200 FEET OF:

South 70 feet of the East 73 feet of the West 322 feet of Lot 1, CHILTON'S PAWNEE AND GROVE ADDITION, Wichita, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTIONS

RECORD OWNERS

Lot 1, CHILTON'S PAWNEE AND GROVE ADDITION,

✓ John G. & Janice L. Wurth
23 S. Lakeview Drive
Goddard, Kansas 67052

Lot 1, Block A, MITTEN'S ADDITION,

✓ Larry K. & Marilyn K. Kuhlman
1014 W. Pawnee
Wichita, Kansas 67213

All that part of Lot 1, Block B, Pawnee Avenue Church of God SHADY DELL, described as 2611 E. Pawnee
Follows: Beginning at the North- west corner of said Lot 1; thence South 172.02 feet; thence North- easterly to a point 70 feet South of the Northeast corner of said Lot 1; thence North to the Northeast corner of said Lot 1; thence West 74 feet to the point of beginning. Wichita, Kansas 67211

Fidelity  Title
COMPANY, INC.

DESCRIPTIONS

RECORD OWNERS

Lot 1, Block B, SHADY DELL,
EXCEPT that portion of said Lot
1, described as beginning at
the Northwesterly corner of said
Lot; thence South along West line
of said Lot 1, a distance of 172.02
feet; thence in a Northeasterly
direction to a point in the
Easterly line of said Lot 1 and
70 feet South of the Northeast
corner of said Lot 1; thence
North along the Easterly line of
said Lot 1 a distance of 70
feet to the Northeast corner of
said Lot 1; thence West 74 feet
more or less to point of beginning,

D. L. & Joyrene V. Kitsmiller
2412 S. Poplar Drive
Wichita, Kansas 67211

Lot 1, Block A, CHURCH OF GOD
ADDITION,

Pawnee Avenue Church of God, Inc.
2611 E. Pawnee
Wichita, Kansas 67211

A tract of land in the North-
east Quarter of Section 3,
Township 28 South, Range 1
East, described as follows:
Beginning at a point on the
Section line and 19 1/6 rods
East of the Northwest corner
of said Northeast Quarter,
said point being on top of the
left bank of Chisholm Creek,
thence East 169.7 feet; thence
with an angle to to the right
of 90°, for a distance of 314
feet to the top of the left
bank of said Chisholm Creek;
thence Northwesterly along the
tope of said bank to the place
of beginning.

Pawnee Avenue Church of God
2611 E. Pawnee
Wichita, Kansas 67211



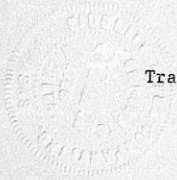
Dated in Wichita, Kansas, this 16th day of April, 1987
at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

Medina L. Satter

By
Administrative Secretary

Tracer No. 73816



Fidelity  **Title**
COMPANY, INC.

9 $\frac{1}{2}$ '

5'

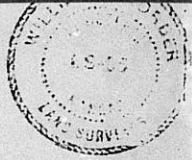
The Willows



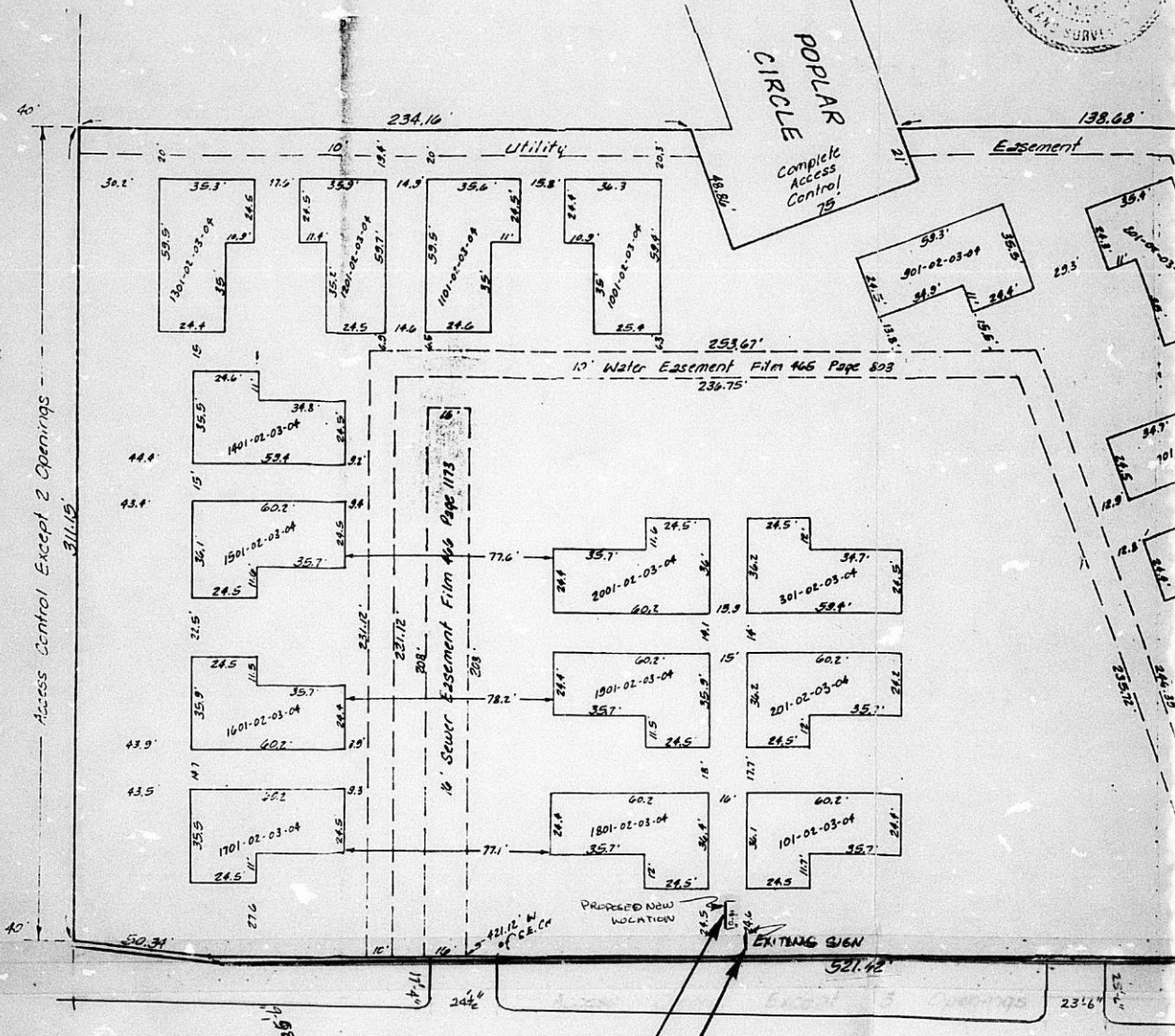
2 Bedroom Apartments

B2A 22-87

Surveyor



POPLAR
CIRCLE
Complete
Access
Control
75'



Access Control Except 2 Openings
311.65'

PROPOSED SIGN NEW LOCATION
APPROX 10'-6" BACK FROM SIDEWALK

EXISTING SIGN

Surveyor



2510 E. PAWNEE

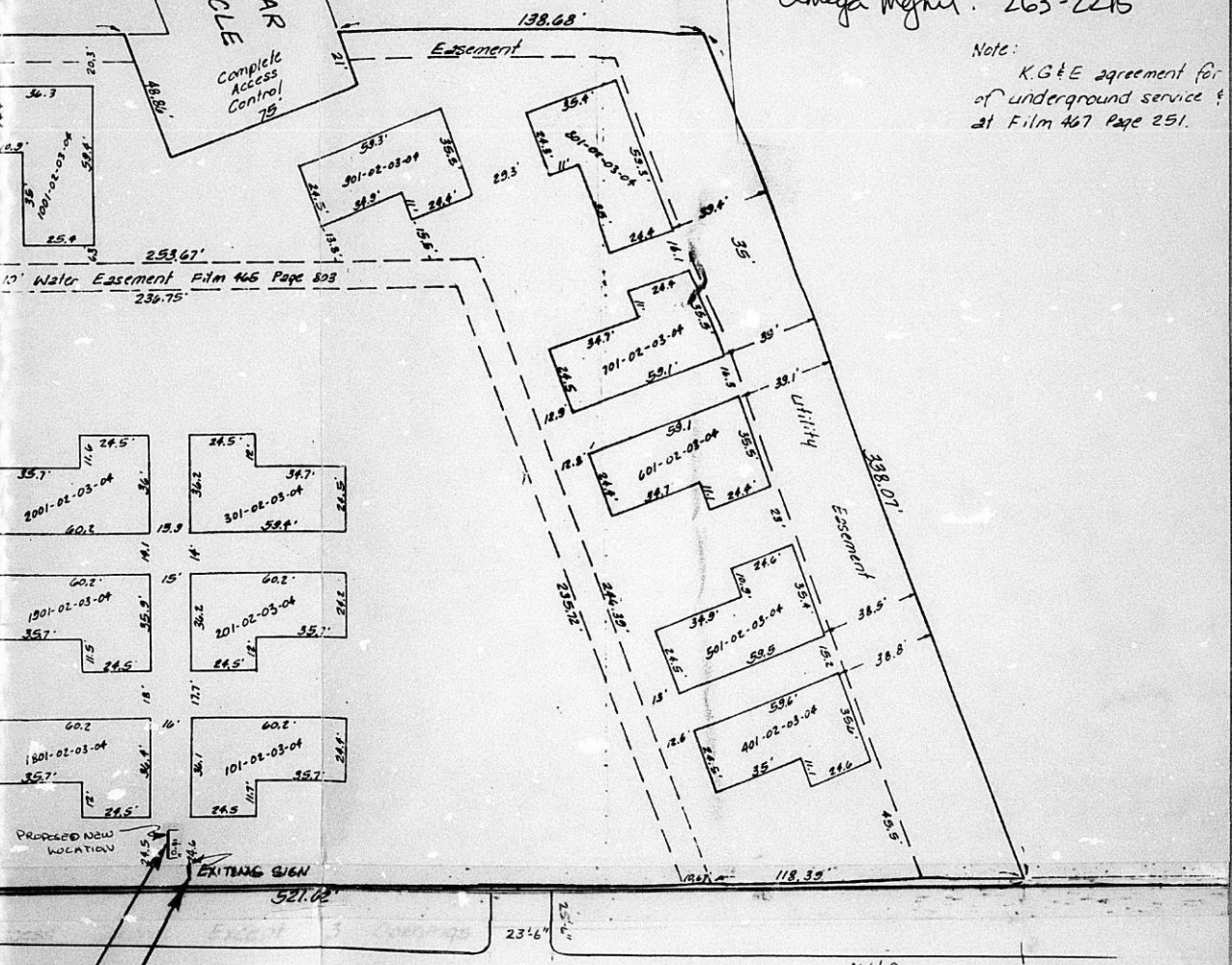
1"=40'

The Willows Apts
Omega Mgmt. 263-2215

Note:
K.G. & E. agreement for
of underground service &
at Film 467 Page 251.

POPLAR
CIRCLE

Complete
Access
Control
75

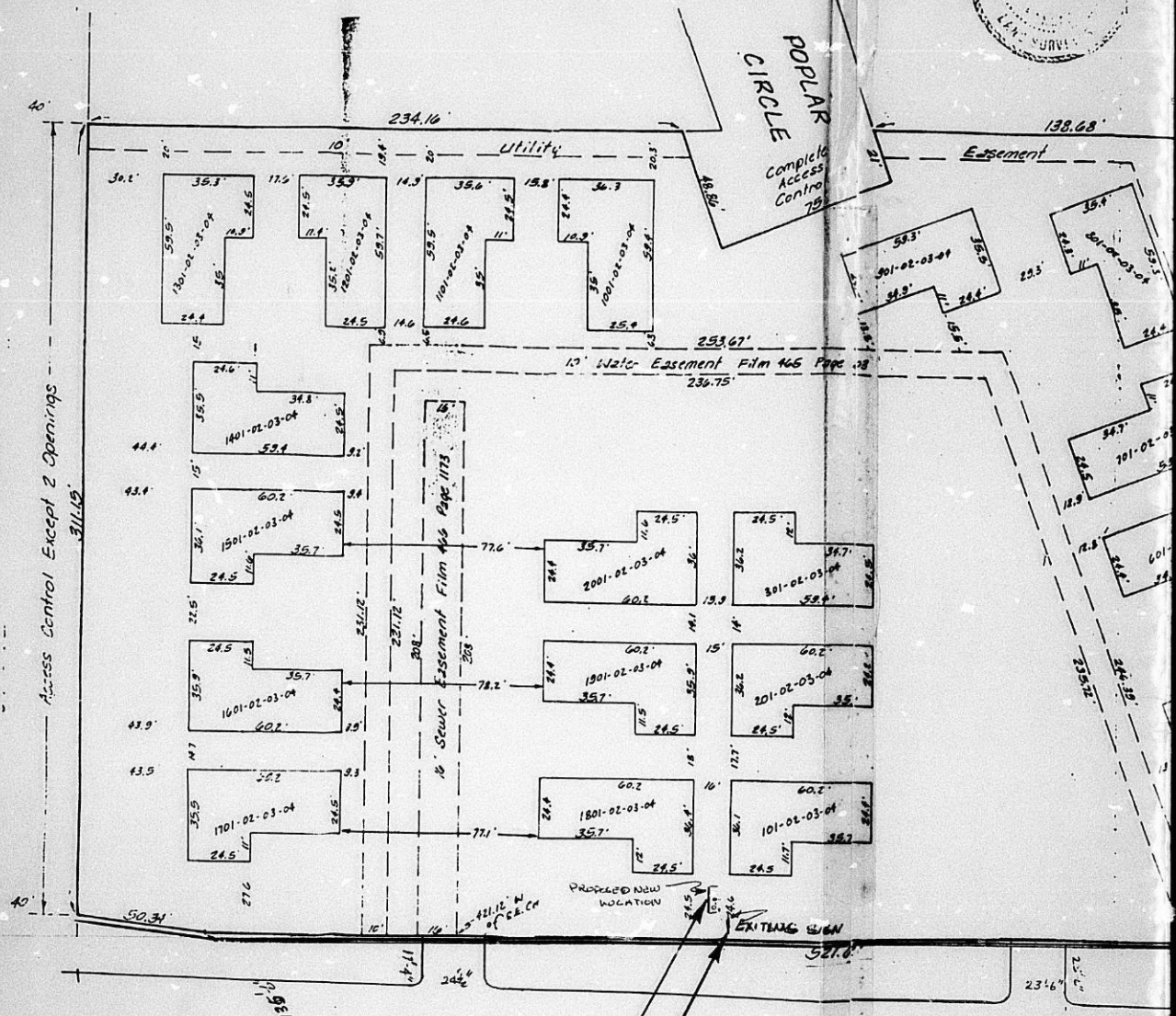




SURVEY

POPLAR
CIRCLE

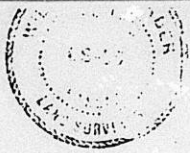
Complete
Access
Control
75'



Access Control Except 2 Openings
311.12'

PROPOSED SIGN NEW LOCATION
APPROX 10'-5" BACK FROM SIDEWALK

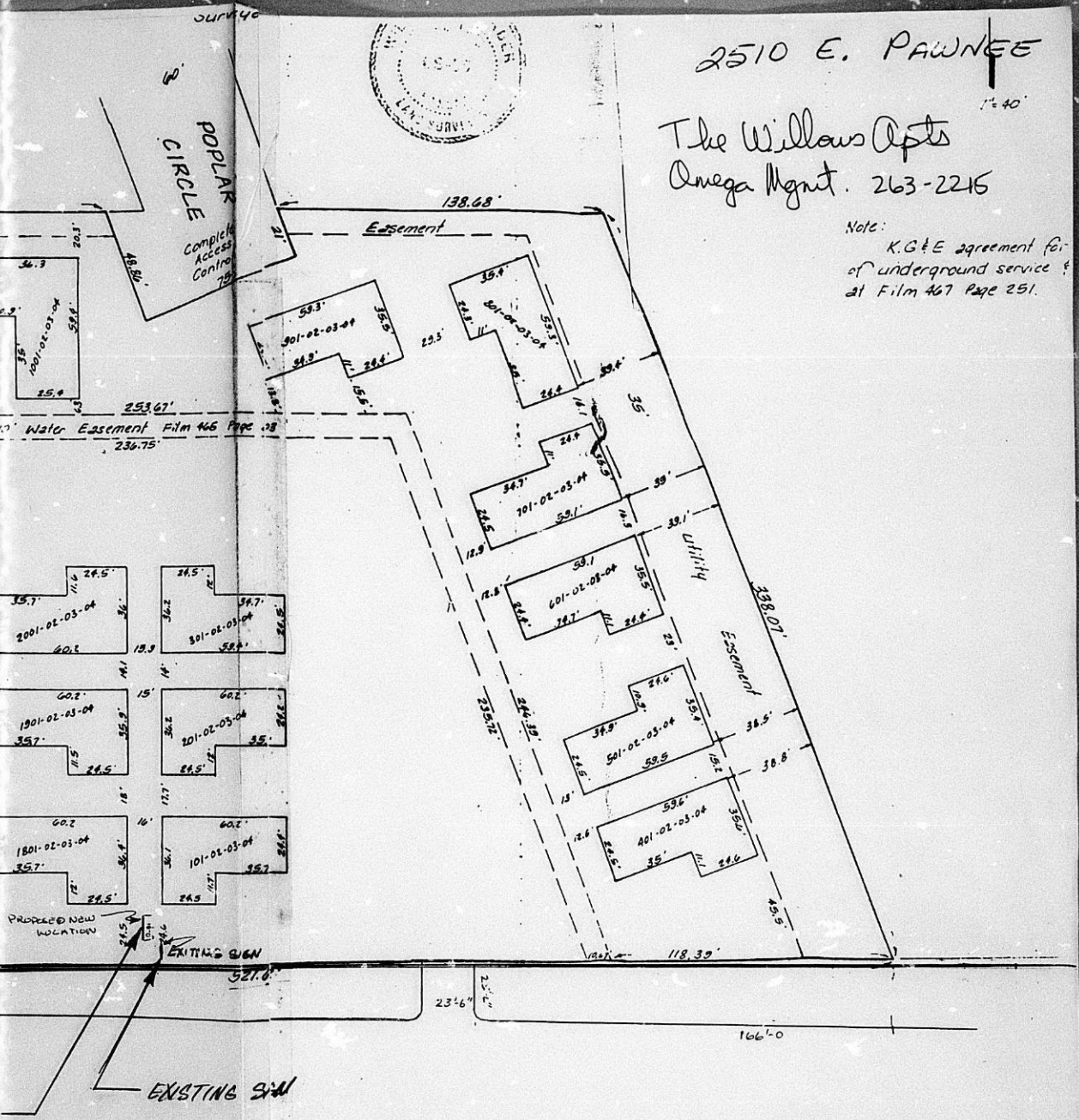
EXISTING SIGN



2510 E. PAWNEE

The Willows Apts
Omega Mgmt. 263-2216

Note:
K.G.E agreement for
of underground service
at Film 467 Page 251.



POPLAR
CIRCLE

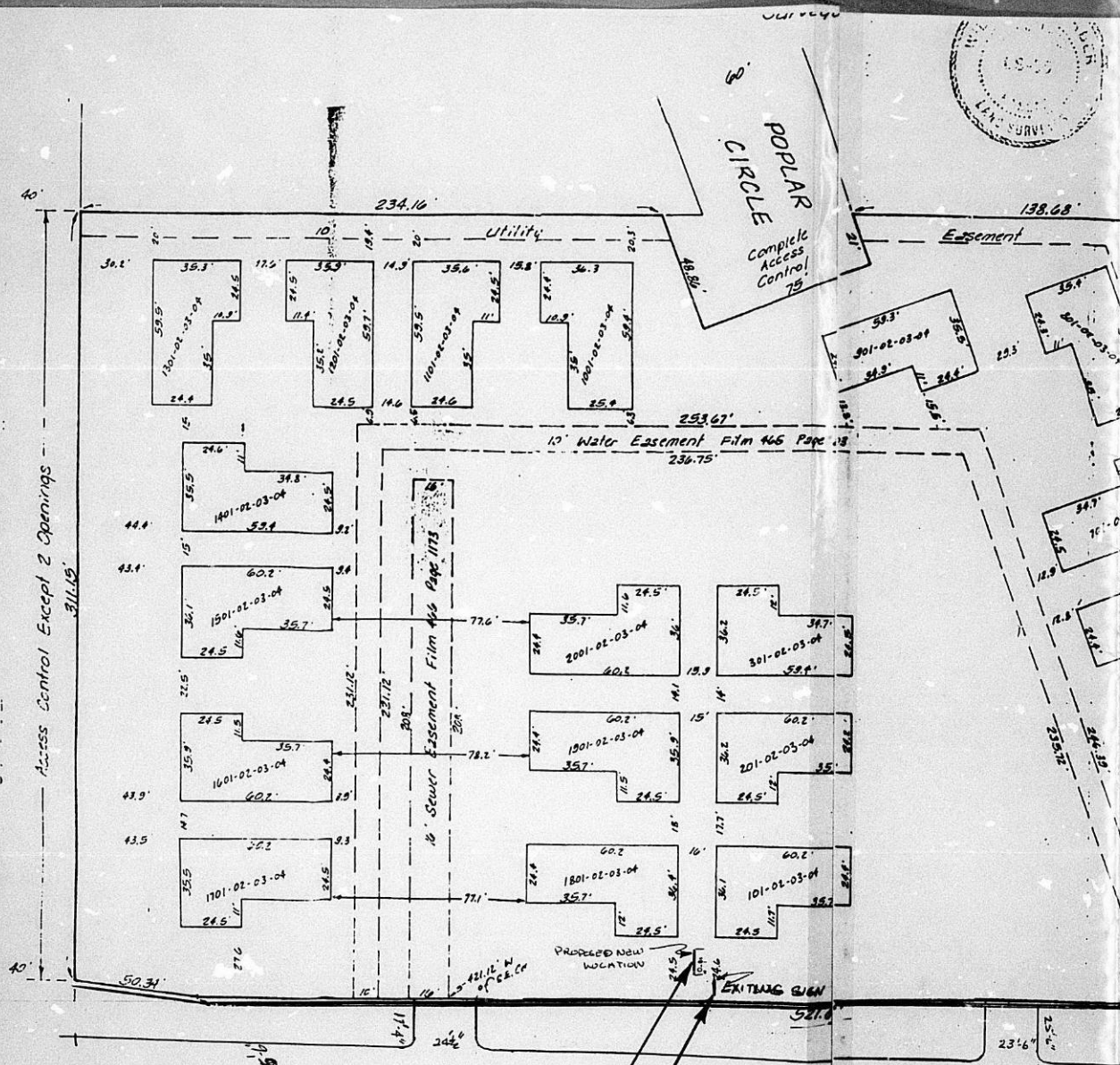
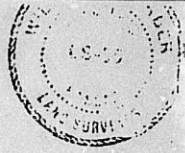
Complete
Access
Control
79'

10' Water Easement Film 466 Page 28
236.75'

PROPOSED NEW
LOCATION

EXISTING S/W

166'-0"



Access Control Except 2 Openings
311.65'

Utility

POPULAR
CIRCLE

Complete
Access
Control
75

Easement

10' Water Easement Film #46 Page 18
253.67'
236.75'

10' Sewer Easement Film #46 Page 17

PROPOSED NEW
LOCATION

EXISTING SIGN

EXISTING SIGN

PROPOSED SIGN NEW LOCATION
APROX 10'-5" BACK FROM SIDEWALK



2510 E. PAWNEE

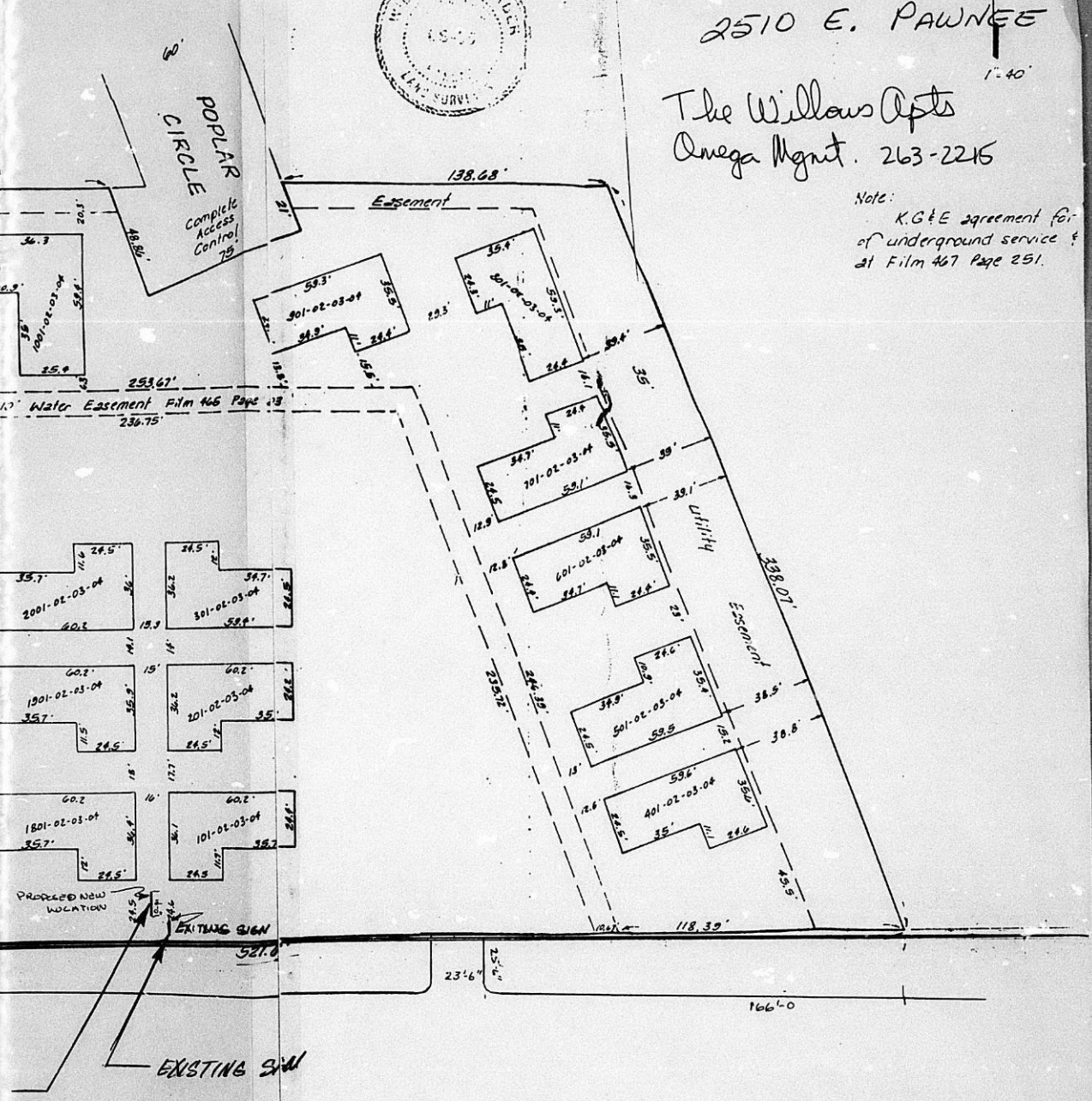
1'-40"

The Willows Apts
Omega Mgmt. 263-2215

Note:
K&E agreement for
of underground service at
at Film 467 Page 251.

POPULAR
CIRCLE

Complete
Access
Control
75'



Water Easement Film 465 Page 18

PROPOSED NEW
LOCATION

EXISTING SIGN
521.0

EXISTING SIGN

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 25-21 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
CITY B2A VAIL # 1002	

NAME OMEGA MANAGEMENT

ADDRESS 49 S HERRING

FUND 200-4678-103 DUE DATE

COMMENTS

DATE Aug 22 1997 BY [Signature]