

Case No. BZA 33-80 - Wichita
Trane Air Conditioning Company -
requests a variance to reduce
the side yard setback from 15
feet to 0 feet for an on-site
ground or pole sign on property
zoned to the "Light Industrial"

B2A
33-80

ACTION

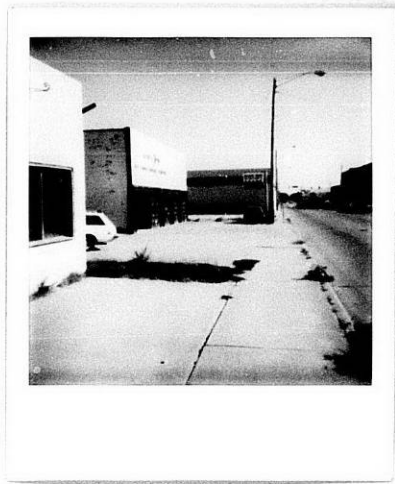
POSTED
8-13-80

COMMITTEE DENIED DATE 8-26-80

M.A.P.C. _____

B.C.C./B. CO. C. _____

Case No. B2A 33-80 - Wichita
Trane Air Conditioning Company -
requests a variance to reduce
the side yard setback from 15
feet to 0 feet for an on-site
ground or pole sign on property



OWEN H. BRADY - REALTOR
OFFICE 1511 2108 5TH FLOOR - WILMINGTON, DELAWARE 19802



20' ALLEY

EDGE OF BUILDING

EXTRA 50'

PROPERTY LINE

PROPERTY LINE



15'

PLACEMENT OF SIGN ACCORDING TO CODE

220

To be removed

PARKING AREA 50'

Existing Pole Sign

WASHINGTON

BZA-33-80

September 16, 1980

Bill Freidline
220 South Washington
Wichita, Kansas 67202

Re: Case No. BZA 33-80
Request for Variance

Dear Mr. Freidline:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 26, 1980, in connection with your request for a variance to reduce the side yard setback from 15 feet to 0 feet for an on-site ground or pole sign on property zoned the "E" Light Industrial District and generally located on the east side of Washington north of Waterman (220 South Washington).

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Enclosure

cc: Mike Darbyshire, 220 South Washington, Wichita 67202
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 33-80

WHEREAS, Wichita Trane Air Conditioning Company, 220 South Washington, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita to reduce the side yard setback from 15 feet to 0 feet for an on-site ground sign on property zoned the "E" Light Industrial District and legally described as follows:

Lots 42, 44, 46 and 48 on Washington, Hydes
Addition to Wichita, Sedgwick County, Kansas.
Generally located on the east side of Washington
north of Waterman (220 South Washington).

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 26, 1980, 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 not 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

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will adversely affect the rights of adjacent property owners or residents inasmuch as the location of the sign will interfere with the visibility of any building signs the adjacent property might wish to place on the building for identification; 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 the applicant can provide signage in compliance with the regulations; 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 sign would not encroach on or over public property; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the variance, if granted, would not provide the separation between signs as intended by the ordinance; and

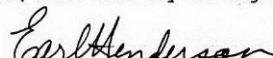
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted have not been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the side yard setback for an on-site sign on property zoned the "E" Light Industrial District and legally described as:

Lots 42, 44, 46 and 48 on Washington, Hydes
Addition to Wichita, Sedgwick County, Kansas.
Generally located on the east side of Washington
north of Waterman (220 South Washington).

be denied.

ADOPTED AT WICHITA, KANSAS, this 26th day of August, 1980.



Earl Henderson, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

August 28, 1980

Bill Freidline
226 South Washington
Wichita, Kansas 67202

Re: Case No. BZA 33-80
Request for Variance

Dear Mr. Freidline:

At the regular meeting of the Board of Zoning Appeals on August 26, 1980, your request for a variance to reduce the side yard setback from 15 feet to 0 feet for an on-site ground or pole sign on property zoned the "E" Light Industrial District and generally located on the east side of Washington north of Waterman (220 South Washington) was considered.

It was the action of the Board to deny your request.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Calbraith
Secretary

JHG:sad

cc: Mike Darbyshire, 220 South Washington, Wichita 67202
S. M. Wilkin, Jr., 557 Elpyco, Wichita 67218
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

CITIZEN PARTICIPATION

August 19, 1980

Glen Lytle, Special Assistant for Zoning

Stan Scott, CPO Administrative Aide

BZA 33-80: East Side of Washington
North of Waterman (220 South Washington)

On Monday, August 18, CPO Neighborhood Council "L" considered the captioned case, a request for a variance to reduce the sideyard setback requirement from 15 to 0 feet for an on-site ground or pole sign on property zoned "E" Light Industrial District.

Mr. Sandy Wilkin, property owner to the north, appeared before the Council to express his opposition to the requested variance. Mr. Wilkin stated that the sign would be placed so close to his building that he would be unable to perform maintenance on the building. Mr. Wilkin also felt that such a sign would be unfair to his tenant, who is in the same type of business as the applicant. The applicant was not present.

While the Council could take no formal action due to a lack of a quorum, the consensus of the four Council members at the meeting was to recommend denial of the requested variance.

Please provide the Council's informal recommendation to the Board of Zoning Appeals when the case is considered August 26.


Stan Scott
CPO Administrative Aide

Noted:

⁵⁹
Sarah Gilbert
Assistant CP Coordinator

SS:rs

IMPORTANT MESSAGE

FOR Glen
DATE 8-6 TIME 1:45 P.M.

WHILE YOU WERE AWAY

Sandy Wilkin
OF miss Camp north of BZA 33-80

PHONE No. _____

TELEPHONED	PLEASE CALL
CALLED TO SEE YOU	WILL CALL AGAIN <input checked="" type="checkbox"/>
WANTS TO SEE YOU	RETURNED YOUR CALL

MESSAGE
Does not want sign adj. to his building -
will send letter

SIGNED by

202 S. Washington St.
Wichita, Kansas
August 7, 1980

Attn: Glen Lytle

Board of Zoning Appeals
Tenth Floor - City Hall
455 North Main
Wichita, Kansas 67202

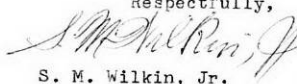
Dear Sir:

We own the property at 206 - 208 S. Washington. We do not approve of a variance in City Code on sign set back at 220 S. Washington. We would not be able to maintain our building properly.

We have 206 -208 S. Washington leased to C. K. Service HEATING and AIR CONDITIONING and do not feel it is fair to put a competitor's big sign against his building as he is trying to make a living too.

We feel this variance on City Code 2.12.590.B should not be allowed.

Respectfully,



S. M. Wilkin, Jr.

C.C.
CPO Office

RECEIVED

AUG 7 1980

METROPOLITAN PLANNING

ROUTE LYTLE

202 S. Washington St.
Wichita, Kansas
August 7, 1980

Attn: Glen Lytle

Board of Zoning Appeals
Tenth Floor - City Hall
455 North Main
Wichita, Kansas 67202

Dear Sir:

We own the property at 206 - 208 S. Washington. We do not approve of a variance in City Code on sign set back at 220 S. Washington. We would not be able to maintain our building properly.

We have 206 -208 S. Washington leased to C. K. Service HEATING and AIR CONDITIONING and do not feel it is fair to put a competitor's big sign against his building as he is trying to make a living too.

We feel this variance on City Code 2.12.590.B should not be allowed.

Respectfully,

S. M. Wilkin, Jr.

S. M. Wilkin, Jr.

C.C.
CPO Office

RECEIVED

AUG 7 1980

METROPOLITAN PLANNING
ROUTE LYTLE

SECRETARY'S REPORT
CASE NO. EZA 33-80

APPLICANT: Wichita Trane Air Conditioning Co., 220 South Washington, Wichita, Kansas.

AGENT: Mike Darbyshire, 220 South Washington, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.F, Code of the City of Wichita, to reduce the side yard setback from 15 feet to 0 feet for an on site ground or pole sign.

GENERAL LOCATION: On the east side of Washington and north of Waterman (220 South Washington).

ZONING: Subject property is zoned "E" Light Industrial as are all adjacent properties.

LAND USE: Subject property is occupied by a mechanical contractors office and warehouse. Property to the west is a Post Office and properties to the north and south are developed commercial.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.F, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

Page 2
BZA AGENDA
BZA 33-90
6-26-80

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to reduce the minimum distance a ground or pole sign is required to be located from an adjacent side property line from 15 feet to 0 feet. The purpose of the regulation is to create a minimum separation between signs on adjacent properties. In this particular instance the sign is to be located adjacent to the adjoining property owners building and will not be adjacent to the right-of-way line of Washington Avenue.

The applicant has indicated that the small existing sign adjacent to the south property line will be removed. The applicant also indicates that the installation of the new sign will better delineate the use of the parking area for customers of the applicant's business, whereas the customers of the adjoining business now use the parking. The location of the sign at the 15 foot distance would also interfere with the use of 2 of the off-street parking spaces.

It is the opinion of the Secretary that part of the confusion of the use of the parking spaces is due to the fact that the off-street parking area is not surfaced in accordance with the standards as set forth by the zoning ordinance. The lot is sand which appears to constantly be on the sidewalk and there are no barriers to prevent the driving over the sidewalk area. It is the opinion of the Secretary that the parking area should be surfaced and marked in accordance with the conditions of the zoning ordinance.

UNIQUENESS:

It is the opinion of the Secretary that the requested variance arises from a condition unique to this property inasmuch as the building and parking area have been in existence for a number of years and the placement of a sign at the 15 foot distance would interfere with the limited number of customer parking spaces.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of this variance would not adversely affect the rights of the adjacent property owners inasmuch as the sign would be located adjacent to the building to the north.

HARDSHIP:

It is the opinion of the Secretary that a hardship may exist if the strict application of the zoning ordinance is applied inasmuch as the sign would interfere with the accessibility of two parking spaces that now exist.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of this request would not be opposed to the public interest inasmuch as

Page 3
BZA 33-80
BZA AGENDA
8-26-80

the sign will not encroach on or over public property or be located in a manner to be a hazard.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the sign will be located approximately ten feet in back of the front property line and generally in line with the adjacent building.

RECOMMENDATION:

Should the Board determine that the five conditions necessary to the granting of a variance can be found to exist, it is therefore recommended that the variance be granted subject to the following conditions:

1. The applicant shall submit an off-street parking plan to the Superintendent of Central Inspection for approval. Said plan shall include all improvements as required by the zoning ordinance. This plan shall be filed with the Secretary prior to the release of the Resolution.
2. All improvements as determined by the Superintendent of Central Inspection as to surfacing, barriers etc. shall be completed within 120 days of the approval of the plan.
3. The on-site ground or pole sign shall not be located closer than ten feet to the right-of-way line of Washington Avenue.

MICROFILMED
FROM THE BEST
AVAILABLE COPY

Mace

INSPECTOR'S REPORT

for	
by	
L	
V	
I	
NOV 22 1971	

Arch's Supt. _____ Type Const. _____ Occupancy _____

INSPECTOR **BUD MACE**

680 S Washington 34707
Pete Laughlin
Bud White Co., Inc
Install - suspended, wall or floor heater.

10-27-71 \$4.00

**NOV 22 1971
COMPLETE**

INSPECTOR'S REPORT

for	
by	3 OCT 19 1956
	2 DEC 12 1956
	3 NOV 24 1956
	3 MAR 14 1956

Arch's Supt. _____ Type Const. III Occupancy Group F

INSPECTOR **C. L. McLean**

228 South Washington 65069
Lambert & Lamballe 65069
Kennedy Bros.
Break windows - 7 off street parking places
10-15-56

OCT 19 1956
NOV 18 1956
DEC 18 1956
MAR 14 1956

INSPECTOR'S REPORT

contractor	
undation	
wing	3 11-5-72
door	
wh	3 1-9-73
bois	
ce	
wing	
TRNG	

Arch's Supt. _____ Type Const. _____ Occupancy _____

INSPECTOR **BILL EARLEYWINE**

220 S. Washington 65993
B. B. Friedman
Craig Lawrence
Remodel - offices - adding partitions 4/8"
sheetrock both sides - lower ceilings
\$5100.00

10-17-72

*Inspect glass areas to put
in place - instructed
don't let go.*

INSPECTOR'S REPORT

for	
by	3 MAY 4 1959
by	3 COMPLETS JUN 9 1959
by	3 COMPLETS JUN 9 1959

Arch's Supt. _____ Type Const. _____ Occupancy Group _____

INSPECTOR **C. L. McLean**

680 S. Washington 34707
Pete Laughlin &
W. C. Droney
Kennedy Bros.
Add to, adding 16' x 27', \$750.00
4-22-59

MAY 4 1959
JUN 9 1959

COMPLETE

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

August 6, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 33-80

An application has been filed by Wichita Trane Air Conditioning Company, 220 South Washington, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the side yard setback from 15 feet to 0 feet for an on-site ground or pole sign on property zoned the "E" Light Industrial District and legally described as follows:

Lots 42 and 44 on Washington and Lots 46 and 48 on Washington, Hydes Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Washington North of Waterman (220 South Washington).

This application has been assigned case No. BZA 33-80, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 26, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4390 and ask for Lynn Shirkey or 268-4394 and ask for Glen Lytle.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith
Secretary

BZA CASE NO. 33-80

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

9 NOTICES SENT TO ADJOINING PROPERTY OWNERS

22 TOTAL NOTICES SENT 8-6-80

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. BZA 33-80
FILED 7-23-80

APPLICATION FOR VARIANCE

I. Name of Applicant Wichita Trans Air Conditioning Co.
Mailing Address 220 S. Washington Phone 65-2841
Name of Authorized Agent Mike Darbyshire
Mailing Address 220 So. Washington Phone 524-3301
Relationship of applicant to property is that of Lessee
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the setback from 15 feet to 0 feet
to place an outdoor sign at the north
edge of the property line.

*Sent
Darbyshire
copy of ownership
list as requested
per phone conversation
w/ Shirley 7-30-80.*

for an on-site ground or pole sign
for property located on the east side of Washington north of Waterman
(220 S. Washington)
Wichita, KANSAS

and legally described as: Lots 42 and 44 on Washington AND lots
46 and 48 on Washington, Hydes Addition to Wichita, Sedgwick
County, KS.

in the City of Wichita; and which is presently zoned 5* Light Industrial.

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 2.12.500 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 Wichita Trans Air Conditioning Co
Authorized Agent Mike Darbyshire

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:30 (~~a.m.~~-p.m.), July 23, 1980 together with appropriate fee of 150.00.

Signed [Signature]

OWNERSHIP LIST

Description	Owner
Lots 24 & 26 on Washington Ave., Abbott's Addition	Reid Parker & Darlene Parker 1026 Wicker Lane 67212
N 18.6' of Lot 2, Blk A, English's Subdivision	Reid Parker & Darlene Parker 1026 Wicker Lane 67212
S 5' of Lot 2, all Lots 4, 6, 8 & N 10' Lot 10, Block A, English's Subdivision	Aetna Trust under agreement dated August 24, 1966, W. E. Lusk, Jr. Trustee 15849 Stratford Row 67230
S 15' of Lot 10 all Lots 12, 14 & 16, Blk A, English's Subdivision	Wichita Eagle & Beacon Publishing Co., Inc. 825 East Douglas 67202
Lots 2, 4, 6, 8, 10, 12, 14 & 16, Blk B, English's Subdivision	Kessler Bros., Inc. address unknown
Lot 31, Ida Ave. Hydes Addition	Othal D. Vrana 800 Peterson Ave. 67212
Lots 33, 35, 37, 39, 41 & N 15' of Lot 43, Ida Ave. Hydes Addition	Frank Symonds address unknown
S 10' of Lots 43, all of Lot 45 & N 15' of Lot 47, Ida Ave. Hydes Addition	Cora L. Bonnell 217 Ida 67211
S 10' of Lot 47, all of Lots 49, 51, 53, 55, 57 & 59, Ida Ave. Hydes Addition	Dennis A. & Penny K. Main 516 Floyd St. 67209
Lots 61 & 63, Ida Ave., Hydes Addition	The Kansas Elks Training Center for Handicapped, Inc. 1004 East Waterman 67211
Lots 30 & 32, Washington Ave., Hydes Addition	Arthur M. Jessup & Nadine Jessup Freeman address unknown
Lots 34, 36, 38 & 40 Washington Ave. Hydes Addition	S. M. Wilkin, Jr. & Kathleen K. 557 Elpyco 67218
Lots 42, 44, 46 & 48, Washington Ave. Hydes Addition	Billy Elroy Freidline & Marie Kathleen Freidline, Trustee of the Billy Elroy Freidline Trust 220 S. Washington 67202
Lots 50, 52, 54, 56, 58, 60, 62 & 64, Washington Ave. Hydes Addition	The Kansas Elks Training Center for Handicapped, Inc. 1004 East Waterman 67211

*Returned 8-7-80
Reason to
Parker Roofing
& Siding
1847 S. W. 10th
D*



SECURITY IS KNOWING
Title Insurance • Escrow Closings • Abstracts

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 radius of: Lots 42, 44, 46, and 48,
on Washington, Hyde's Addition to Wichita,
Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 22nd day of July, 1980 at 7:00 o'clock A. M.

THE SECURITY ABSTRACT & TITLE CO., INC.

By

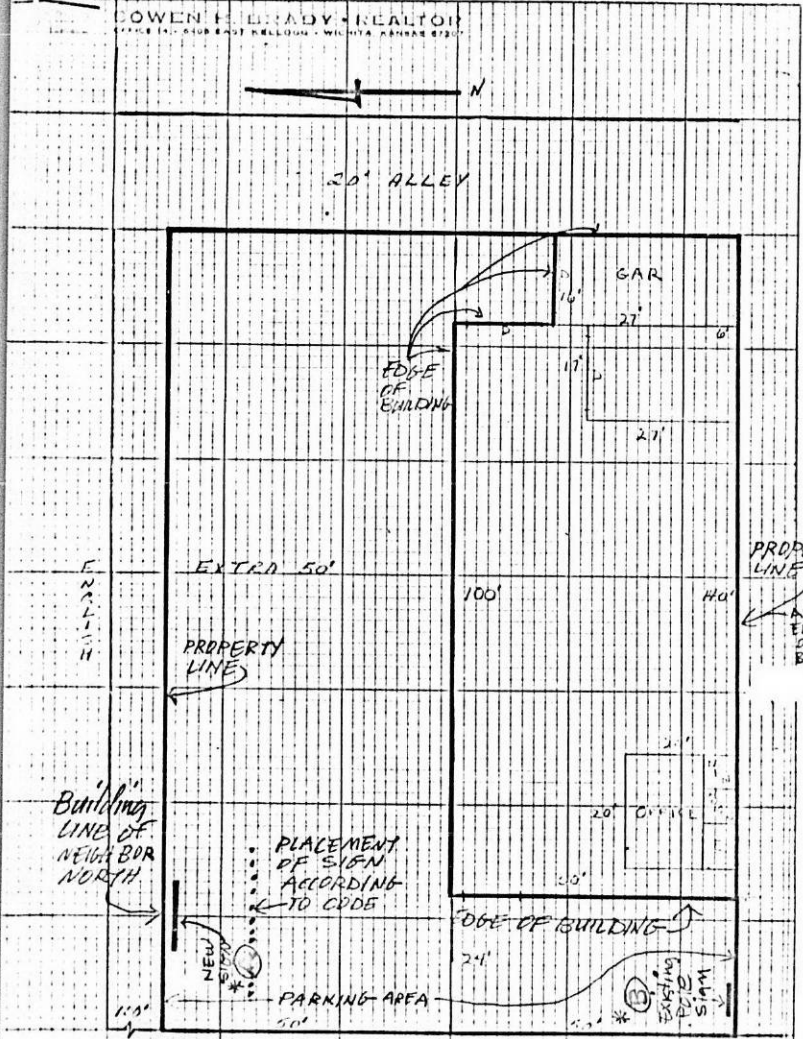
Vice President

Order No. 289839
ct/fs

DOWEN & LEVADY REALTOR
OFFICE 141. 100 EAST WASHINGTON - WICHITA KANSAS 67202



20' ALLEY



BUILDING LINE OF NEIGHBOR NORTH

PROPERTY LINE

PROPERTY LINE AND EDGE OF BUILDING

PLACEMENT OF SIGN ACCORDING TO CODE

NEW SIGN

PARKING AREA 50'

EXISTING SIGN

WASHINGTON
PLOT PLAN
200 SOUTH WASHINGTON

THIS DIAGRAM PERTAINS TO ITEM A IN INSTRUCTIONS TO APPLICANT

See diagram for further explanation of A and B

See A on diagram

The building owner on the north has given permission for placing sign next to his building. (Approximately 12" to 24" away from neighbors building). This location will solve parking problems that exist for both owners. Placing sign 15' away from property line would prohibit the use of 2 (two) parking spaces. Placing sign closer to building would also reduce the possibility of greater wind damage in case of storm or other acts of God.

Installation of the new identification sign would justify removal of existing pole sign (see B of diagram) thus beautifying and reducing clutter that now exists in front of building.

The above explanation pertains to item 3 of Application Form..

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 2-21 PAYMENT NOTICE
City of Wichita

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

Planning

DESCRIPTION	AMOUNT
<i>City of Wichita</i>	<i>150.00</i>
NAME <i>Wichita Roofing & Sheet Metal Co</i>	
ADDRESS <i>1347 S. Washington</i>	
FUND <i>11-4-1-0071-001-1-1000</i>	DUE DATE
COMMENTS	
DATE <i>June 22, 1980</i>	BY <i>[Signature]</i>

WICHITA - SEDGWICK COUNTY
W S C
33-80

BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

PAR 26 060701N1 08/07/80
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

Reid & Darlene Parker
1026 Wicker Lane
Wichita, Kansas 67212

*Reid & Darlene Parker
8-11-80
Parker Roofing & Sheet Metal Co
1347 S. Washington
365-2512*

*815-80
8-2-80*

WICHITA
AUG-5 1980
KANSAS
15:00
Post Office
Southeast Station