

Case No. BZA 48-82 - Kansas Children's Service League - Request a variance to increase the number of permitted identification signs from 1 to 2 on property zoned the "BB" Office District and generally located on the southwest

*Posted
11-4-82*

11-23-82
DATE

52487

ACTION

Approved

B.Z.A. 48-82

*2004 Sec 12-9-82
checked 12-10
shot 12-13-82
Recorded 12-17
MK*

Map No. 52AB
 Sec. 13
 Twp. 27
 Range 1A

BZA- 48-82
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

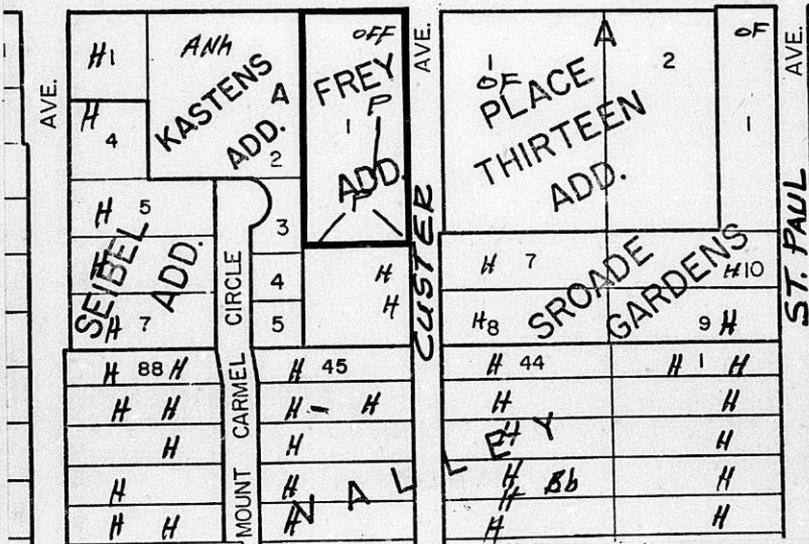
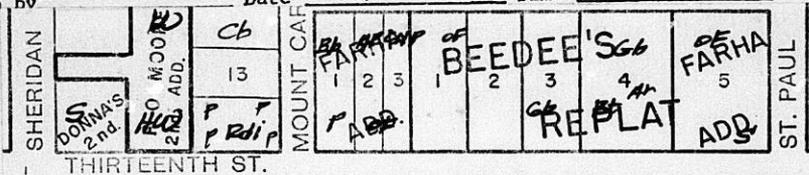
1. Acres: _____ (200 ft. by 420 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East OFFICE South SINGLE FAM
 West ANNUAL HOSPITAL North OFFICE
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: OFFICE
 6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____

Date _____

Time _____



LOS ANGELES CHICAGO CO. PLAN OR
 RECORDS TELEPHONE UNIT 2A
 U.S.A.

Standard
 No. 2, 133C

48-82

November 24, 1982

Kansas Children's Service League
P. O. Box 517
Wichita, Kansas 67201

Re: Case No. BZA 48-82
Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 23, 1982.

This Resolution reflects the official action of the Board to approve your request and sets out the condition of approval. 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: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 48-82

WHEREAS, the Kansas Children's Service League, P. O. Box 517, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to vary the number of permitted on-site ground or pole signs from one to two on property zoned the "BB" Office District and legally described as follows:

Lot 1, Frey Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Custer and 13th Street (1365 North Custer).

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 November 23, 1982, 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 the property is the only one in the area that is not zoned the "LC" Light Commercial District which would permit the requested sign; 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 all adjacent properties are zoned "LC" Light Commercial which permits the signs as requested.

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 applicant would be required to seek a zoning change at a much greater cost than the variance procedure, even though it would be in conformance to the established zoning policy; 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 additional sign will not interfere with any public right-of-way or easements, nor will the sign create any sight obstructions; 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 limitation for number of signs in the "BB" Office District is to limit the signage for a district that is generally located in close proximity to residential 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 number of permitted on-site ground or pole signs from one to two on property zoned the "BB" Office District and legally described as:

Lot 1, Frey Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Custer and 13th Street (1365 North Custer).

be approved subject to the following condition:

1. The sign shall not exceed 32 square feet and shall not be located closer than 6 feet to the property line of 13th Street.

ADOPTED AT WICHITA, KANSAS, this 23rd day of November, 1982.



Tom Jacob, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE November 19, 1982

TO Glen Lytle, Special Assistant for Zoning

FROM Robert Tillman, Administrative Aide III

SUBJECT BZA 48-82: Generally located
on the Southwest corner of Custer
and 13th Street (1365 N. Custer)

On Wednesday, November 17th, CPO Neighborhood Council Area "N" considered the captioned case and voted 6-0 to recommend approval of BZA 48-82, a variance request to increase the number of permitted identification signs from 1 to 2 on property zoned the "BB" Office District.

Ray Schoering represented the applicant and spoke to the Council. There were no area residents present to speak in support or opposition to the request.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at its November 23rd meeting.



Robert Tillman
Administrative Aide III

SECRETARY'S REPORT
CASE NO. BZA 48-82

APPLICANT: Kansas Children's Service League, P. O. Box 517,
Wichita, Kansas.

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B, Code of
the City of Wichita, to increase the number of
permitted identification signs from one to two.

GENERAL LOCATION: On the southwest corner of Custer and 13th Street
(1365 North Custer).

ZONING: Subject property is zoned the "BB" Office District.
Properties to the west, north and east are zoned
"LC" Light Commercial. The property to the south
is "AA" One-family Dwelling District.

LAND USE: Subject property is an office building and
associated parking. Properties to the west, east
and north are developed as commercial. To the
south is residential.

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 and 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 in order to erect a second identification sign on the property at a location that would be visible to the traffic along 13th Street. The building faces Custer Street and the only identification is directed toward traffic along Custer.

It should be noted that since the property was zoned "BB" additional property in the area has been zoned "LC" Light Commercial. This is in conformance with the adopted policy to look with favor of "LC" in this area. This creates uniqueness to the property inasmuch as it is the only parcel in the general vicinity that is not "LC" which would permit the number of signs requested by the applicant.

The applicant is not proposing to install a large pole sign, but is proposing to construct a lighted ground sign that will be located approximately eight feet south of the north property line. This should not create any sight obstructions for traffic on public or private property.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is the only one in the general area that is not zoned "LC" which would permit the number of signs requested by the applicant.

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 all adjacent properties are zoned "LC" Light Commercial and the sign location should be in keeping with the general area.

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 applicant would be required to seek a zoning change at a much greater cost than the variance procedure, even though it would be in conformance to the established zoning policy.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the additional sign will not interfere with any public right-of-way or easements, nor will the sign create any sight obstructions.

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 limitation for number of signs in the "BB" Office District is to limit the signage for a district that is generally located in close proximity to residential 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 condition:

1. The sign shall not exceed 32 square feet and shall not be located closer than 6 feet to the property line of 13th Street.

BZA CASE NO. 48-82

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

17 NOTICES SENT TO ADJOINING PROPERTY OWNERS

29 TOTAL NOTICES SENT 11-3-82

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

November 3, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. EZA 48-82

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 Kansas Children's Service League, P. O. Box 517, 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 number of permitted identification signs from 1 to 2 on property zoned the "BB" Office District. A legal description of the applicant's property is as follows:

Lot 1, Frey Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Custer and 13th Street (1365 North Custer).

This application has been assigned Case No. EZA 48-82. It will be considered by the Board of Zoning Appeals on November 23, 1982 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.

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.

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

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 48-82

CITY OF WICHITA, KANSAS

FILED 10-26-82

APPLICATION FOR VARIANCE

I. Name of Applicant Kansas Children's Service League

Mailing Address P.O. Box 517, Wichita, Phone 942-4261
Ks. 67201

Name of Authorized Agent N/A

Mailing Address N/A Phone N/A

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is To vary the number of identifying^{gation}
signs from one (1) to two (2).

on the south^{west} corner of Custer and 13th Street
for property located (1365 N. Custer.) Wichita, Ka. 67209

and legally described as:
"Lot 1, ~~in~~ Frey Addition to City of Wichita, Ks." ^{sub to}

in the City of Wichita; and which is presently zoned "BB".

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 Jerry J. Coppel, Executive Director
Kansas Children's Service League

Authorized Agent Jerry J. Coppel

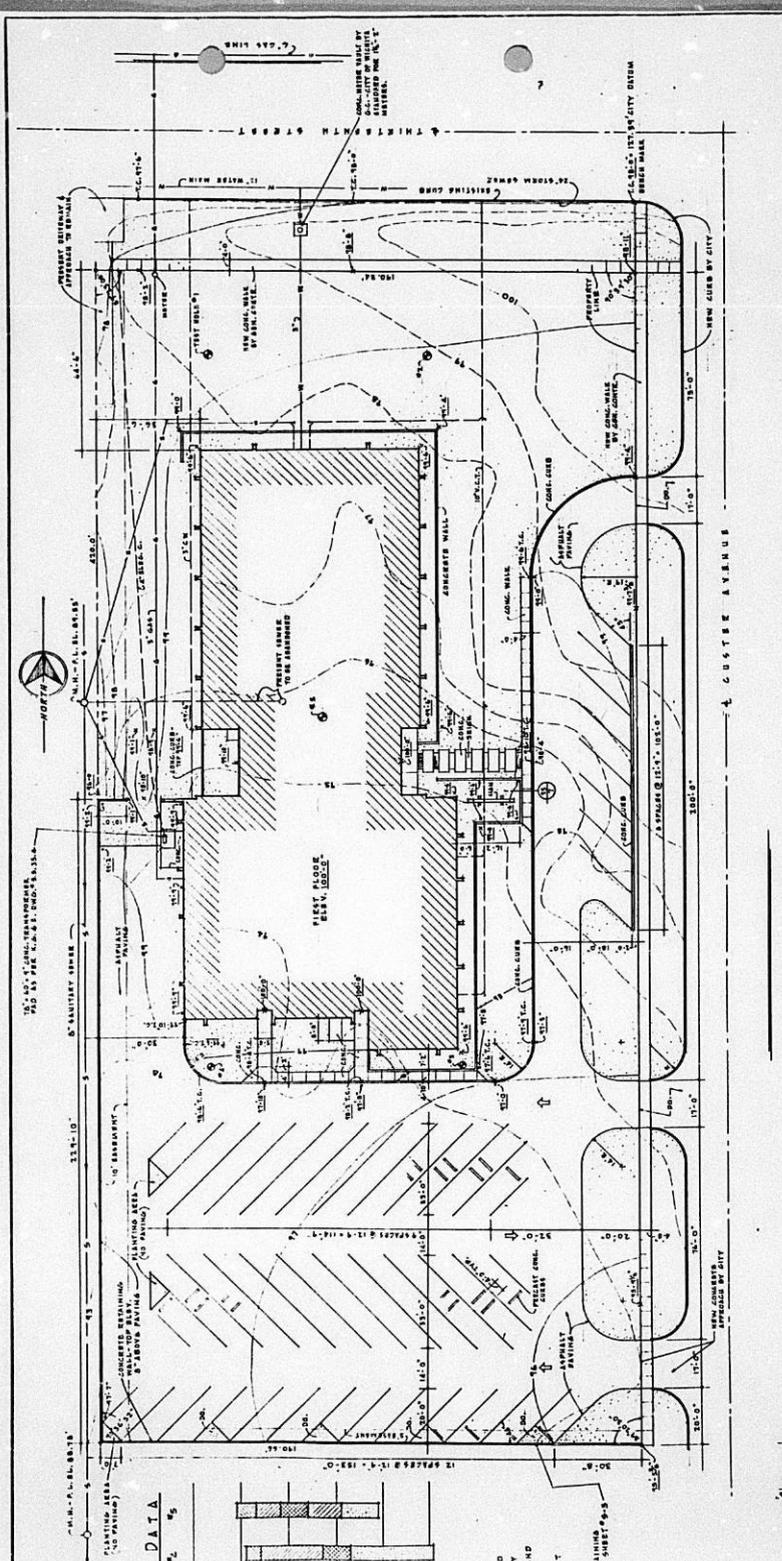
OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:00 (a.m.-p.m.), Oct. 26, 1982, together with appropriate fee of 150.00

Signed J. Lytle

3. VARIANCE JUSTIFICATION

The Kansas Children's Service League requests a variance in the provision on signs so that we can have one visible from 13th Street. We believe this variance complies with the conditions set forth in Section 2.12.590.B as follows:

1. The variance request arises from the unique site which places the entrance to our building on rarely used Custer Street out of sight from busy 13th Street. The selection of this site and the intended use of the building at the time of construction 12 years ago did not foresee the increase in Wichita based clientele coming to the building (see 3. below).
2. Granting a permit for this variance will not adversely affect the rights of adjacent property owners. The sign would be set back far enough so that it would not interfere with the visibility of and accessibility to either the adjacent property on the east or that on the west. Adjacent property on the south would not be affected because of the tremendous distance involved.
3. We believe strict application would constitute an unnecessary hardship on these youth and families we serve as a non-profit child welfare agency. The types of social services we provide now differ greatly from what the agency did when the building was built. We now serve over 1000 Wichita families each year, many of whom need to come to the office for counseling after 5:00 p.m. The building was originally designed for services for infants and children in foster care or adoptive homes and who would seldom come to the office.
4. The sign would not adversely affect public health, safety, morals, order, convenience, propriety or general welfare. It would be set back far enough from 13th Street so that traffic could be seen from cars stopping at the stop sign. The sign would display no message - merely the name of the agency and the United Way symbol. It would prove a real convenience to anyone trying to find us from 13th Street.
5. Granting the variance would not be opposed to the general spirit and intent of Title 28 in that only one sign would actually be visible from 13th Street.



NOTES:
 1. NEW CONC. WALK ALONG EAST PROPERTY LINE
 2. TO BE SET BY GENERAL CONTRACTOR BEFORE AT APPROVAL
 3. ALL GRADES NOTED ON PLAN (E.L.S.) ARE FINISH GRADES

5' x 11" SHEET
 S I T E P L A N
 1" = 20'-0"

DATA



BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Kansas Children's Service League
Mailing Address P.O. Box 517, Wichita, Phone 942-4261
Ks. 67201
Name of Authorized Agent N/A
Mailing Address N/A Phone N/A
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is To vary the number of identifying
signs from one (1) to two (2).

for property located 1365 N. Custer, Wichita, Ks. 67203

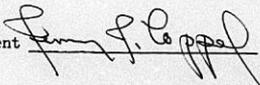
and legally described as: _____
"Lot 1, in Frey Addition to City of Wichita, Ks."

in the City of Wichita; and which is presently zoned "BB".

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- 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 Jerry J. Coppel, Executive Director
Kansas Children's Service League

Authorized Agent 

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, _____ (a.m.-p.m.), _____, 19____, together with appropriate fee of _____.

Signed _____

3. VARIANCE JUSTIFICATION

The Kansas Children's Service League requests a variance in the provision on signs so that we can have one visible from 13th Street. We believe this variance complies with the conditions set forth in Section 2.12.590.B as follows:

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2. Granting a permit for this variance will not adversely affect the rights of adjacent property owners. The sign would be set back far enough so that it would not interfere with the visibility of and accessibility to either the adjacent property on the east or that on the west. Adjacent property on the south would not be affected because of the tremendous distance involved.
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5. Granting the variance would not be opposed to the general spirit and intent of Title 28 in that only one sign would actually be visible from 13th Street.

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:
 Lot 1, FREY 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.)

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 1,	FREY	Kansas Children's Service League 1365 North Custer Wichita, Kansas 67203
Lots 2, 3, and 4, and Lot 5, except that part described as beginning at the Northwest corner thereof; thence South along the West line of said Lot 5, 42.87 feet; thence East to a point on the East line of said Lot 5, said point being 42.32 feet South of the Northeast corner of said Lot 5; thence North, 42.32 feet to the Northeast Corner of said Lot 5; thence West 90 feet to the place of beginning, Block A	KASTENS	James L. & Patricia B. Kastens 3059 West 13th Street Wichita, Kansas 67203

Fidelity  Title
 COMPANY, INC.

LOTS AND BLOCKS

ADDITION

RECORD OWNERS

The North 260 feet of the West 95 feet; and the North 90 feet of the South 200 feet of the East 100 feet of the West 195 feet of Lot 1, Block A,

PLACE THIRTEEN

Max A. Calvin and Leon S. Talbott
✓ 2969 West 13th Street
Wichita, Kansas 67203

The South 130 feet of the West 95 feet and the East 100 feet of the West 195 feet of the South 110 feet of Lot 1, Block A,

PLACE THIRTEEN

H. Stan Chilton
✓ 3010 Grail Street
Wichita, Kansas 67211

The North 200 feet of the East 100 feet of the West 195 feet of Lot 1, Block A,

PLACE THIRTEEN

✓ Clara Olmstead
2965 West 13th Street
Wichita, Kansas 67203

Lot 7,

SROADE GARDENS

Enid S. & Jack L. Garren
✓ 1310 North Custer
Wichita, Kansas 67203

Lot 8,

SROADE GARDENS

Edward & Donna V. Tales
✓ 1300 North Custer
Wichita, Kansas 67203

Lot 44,

VALLEY ACRES

✓ Mary A. Thacker
1220 North Custer
Wichita, Kansas 67203

Lot 45, except the East 140 feet; and except the portion lying West of the following described line:
Beginning at a point on the South line and 30 feet East of the Southwest corner of said Lot 45; thence Northwesterly to a point on the North line and 18.75 feet East of the Northwest Corner of said Lot 45,

VALLEY ACRES

✓ Danny C. Ward
1230 North Mt. Carmel
Wichita, Kansas 67203

East 140 feet of Lot 45,

VALLEY ACRES

✓ Thomas I. & DeVara I. Elliott
1225 North Custer
Wichita, Kansas 67203

Lot 5,

SEIBEL

✓ Wilbur & Velma E. Neal
1314 North Sheridan
Wichita, Kansas 67203



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
The North 66.66 feet of Lot 6,	SEIBEL	✓ Floyd K. & Ruth E. Anderson 1310 North Sheridian Wichita, Kansas 67203
South 33.34 feet of Lot 6, and the North 33.34 feet of Lot 7,	SEIBEL	✓ Eugene F. & Dorothy I. Brown 1306 North Sheridian Wichita, Kansas 67203
South 66.66 feet of Lot 7 except for Street,	SEIBEL	✓ Thelma M. Patterson 1302 North Sheridian Wichita, Kansas 67203
Lots 1, 2 and 3, Block 1,	FARHA	Matthew Investment Inc. ADDRESS UNKNOWN
Lot 1,	BEEDEE'S REPLAT	Matthew Investment Inc. ADDRESS UNKNOWN
Lot 2,	BEEDEE'S REPLAT	✓ Richard R. & Mildred M. Ayes 2628 Benjamin Drive Wichita, Kansas 67204
Beginning 470 feet South of the Northeast corner of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter; thence South 86 feet; thence West 216 feet; thence North 86 feet; thence East 216 feet to beginning, except the East 25 feet for Street, Section 13, Township 27 South, Range 1 West, and the South 86 feet of the East 216 feet of the Northwest Quarter of the Northwest Quarter of the Northeast Quarter, except the East 25 feet for Street, Section 13, Township 27 South, Range 1 West,		✓ Sidney H. & Dorothy Ann Perry 1305 North Custer Wichita, Kansas 67203 <i>returned - left no address</i>
The North 100 feet of the South 150 feet of the East 100 feet of the West 430 feet of the Southwest Quarter of the Southeast Quarter, except for Street, Section 12, Township 27 South, Range 1 West, AND the East 49.5 feet of the West 330 feet of the North 100 feet of the South 150 feet of the Southwest Quarter of the Southeast Quarter, except for Street, Section 12, Township 27 South, Range 1 West,		✓ Northwest Commercial Investor %K of C Family Home Assn. 3202 West 13th Street, Suite 11 Wichita, Kansas 67203



LOTS AND BLOCKS

ADDITION

RECORD OWNERS

Lot 5, Block A, described as beginning at the Northwest corner thereof; thence South along the West line of said Lot 5, 42.87 feet; thence East to a point on the East line of said Lot 5, said point being 42.32 feet South of the Northeast corner of said Lot 5; thence North, 42.32 feet to the Northeast corner of said Lot 5; thence West 90 feet to the place of beginning.

KASTENS

✓ Ronald Ray & Janice J. Franks
1507 North West Street
Wichita, Kansas 66203

Dated in Wichita, Kansas, this 26th day of October, 1980,
at 7:00 A.M.



FIDELITY TITLE COMPANY, INC.

Medina L. Suttler
By Assistant Secretary

Tracer No. 58615



KCSL

KANSAS CHILDREN'S

SERVICE LEAGUE



3'

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 21-11 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

NAME _____
ADDRESS _____
FUND _____ DUE DATE _____
COMMENTS _____
DATE _____ BY _____

WICHITA - SEDGWICK COUNTY

W.S.C.

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

48-82

WICHITA, KS
NOV 3 '82
KANSAS

U.S. POSTAGE
20

Sidney H. & Dorothy A. Perry
1305 North Cuéster
Wichita, Ks. 67203

WICHITA, KS
NOV 13 1982

MAILED LEFT
NO ADDRESS
RETURN TO SENDER