

200 1/4 8-2-85 PM

SHOT 9-5-85

RECORD ✓

Case No. BZA 40-85 - Fidelity Management Corp., requests a variance to increase the permitted area of an identification sign from 16 sq. ft. to not to exceed 35 sq. ft. on property zoned the "R-6" General Residence District and generally

Posted
6-26-85 ksl

ACTION

B.Z.A. 16-85 APPROVED 7-23-85
DATE

200 ^{1/4} 8-2-85 PM
SHOT 9-5-85
RECORD ✓

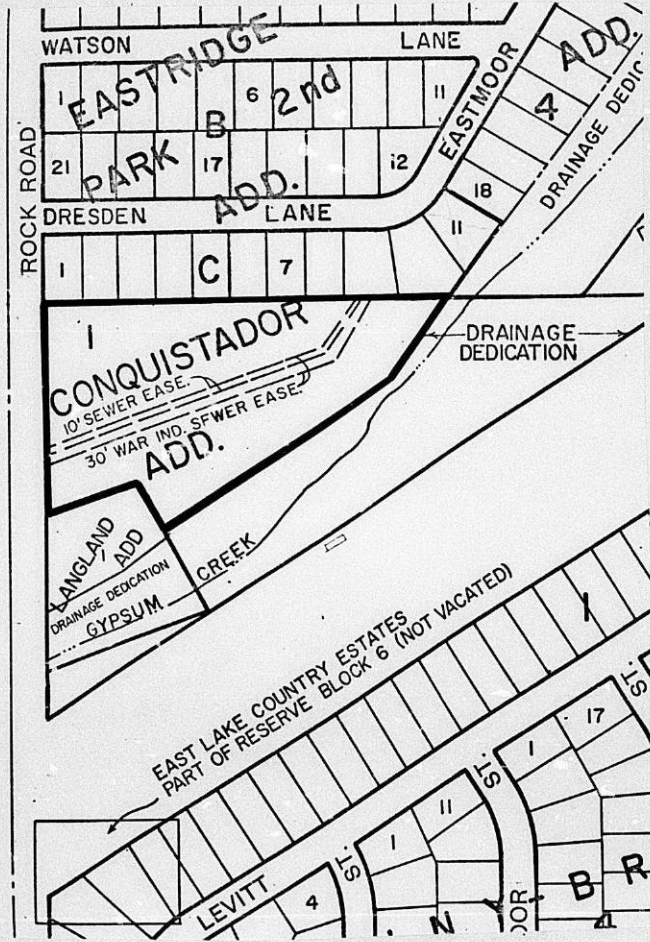
Case No. BZA 40-85 - Fidelity Management Corp., requests a variance to increase the permitted area of an identification sign from 16 sq. ft. to not to exceed 35 sq. ft. on property zoned the "R-6" General Residence District and generally

Map No. 6046C

BZA 40-85
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S AA W LC & M N AA
3. Land Use: East Turnpike South Comm. & Turnpike
West Comm. & Frst. North I-F
4. Area (is) (~~is not~~) platted.



LOS ANGELES-CHICAGO-LOAN, OR
MEMPHIS, TENNESSEE BRANCH, OR
U.S.A.

Shaw
No. 2183C

July 26, 1985

Steve Geobert
Fidelity Management Corp.
229 South Market
Wichita, Ks.

Re: BZA 40-85 - Request for Variance

Dear Mr. Geobert:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 23, 1985.

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
Encl.

cc: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 40-85

WHEREAS, Fidelity Management Corporation, 229 South Market, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to increase the permitted gross surface area of an identification sign from 16 square feet to 35 square feet on property zoned the "R-6" General Residence District and legally described as follows:

Lot 1, Conquistador Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Rock Road and south of Dresden (920 South Rock Road).

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 July 23, 1985, 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 located on an arterial street and is located immediately adjacent to, and across the street from, properties in the "LC" Light Commercial District; 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 only property not zoned light commercial or developed other than residential is the property located immediately to the north, and the sign will be located approximately 200 feet to the rear of the house that faces to the north; 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 only other alternative to the variance would be to seek a zoning change to the light commercial category which is an inappropriate method of resolving the sign issue; 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 location of the proposed sign will not interfere with any right-of-way or easements; 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 sign regulations for most uses located on major streets allow for larger signs based on length of frontage whereas the "R-6" General Residence District does not make such a provision; 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 35 square feet on property zoned the "R-6" General Residence District and legally described as follows:

Lot 1, Conquistador Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Rock Road and south of Dresden (920 South Rock Road).

be approved subject to the following condition:

1. Only one identification sign shall be permitted on the property and shall not exceed 35 square feet of gross surface area.

ADOPTED AT WICHITA, KANSAS, this 23rd day of July, 1985.


William J. Goebel, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE July 23, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 40-85: East side of Rock
Road south of Dresden
(920 S. Rock Road)

On Monday, July 22, CPO Council "H" considered the above captioned case, a request for a variance to increase the permitted area of identification sign from 16 square feet no to exceed 35 square feet on property zoned "R-6" General 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 3-2 (Allen abstain) to recommend denial of the request.

The agent, Steve Geobert, was present to describe the request and respond to questions from the Council members. There were no area residents present to either oppose or support the request.

Council members did not feel that the additional increase in signage was warranted. Additionally, Council members would have liked to have heard from the agent regarding the specifics of the request.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 40-85 is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

JUL 23 1985

METROPOLITAN PLANNING
ROUTE _____

AGENDA ITEM NO. 5

SECRETARY'S REPORT CASE NO. BZA 40-85

APPLICANT: Fidelity Management Corporation, 229 South Market, Wichita, Kansas.

AGENT: Steve Gilbert, Fidelity Management Corporation, 229 South Market, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to increase the area of an identification sign from 16 square feet to 35 square feet.

GENERAL LOCATION: On the east side of Rock Road and south of Dresden (920 South Rock Road).

ZONING: Subject property is zoned the "R-6" General Residence District. Properties to the east and north are "AA" One-family Dwelling District. To the south and west is "AA" One-family and "LC" Light Commercial.

LAND USE: Subject property is developed with apartments. To the north are one-family dwellings. To the south is commercial development and the turnpike and to the west is a fire station and commercial development.

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 permitted area for an identification sign from 16 square feet to 35 square feet in order to install a new sign along Rock Road. The applicant has indicated that the present sign will be removed.

The applicant has indicated that the need for a larger sign is to compete in the market place created by other improvements and the updating of this property and other projects in the community. In this particular case, the property is located on a major street (Rock Road) and is across the street and immediately north of properties developed with light commercial uses. Those properties in the "LC" District are permitted two square feet of sign area for each front foot of property on Rock Road. The subject property is "R-6" and is limited to 16 square feet, but if it were zoned "LC", the limitation would be 600 square feet.

Other requests on major streets have been granted for apartment complexes when such sites are located in close proximity to commercial development and the properties are of sufficient size to accommodate the increase without creating an adverse affect on the adjacent residential properties. It is the Secretary's opinion that this request is in the category of other requests that have been granted.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located on an arterial street and is located immediately adjacent to, and across the street from, properties in the "LC" Light Commercial District.

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 only property not zoned light commercial or developed other than residential is the property located immediately to the north, and the sign will be located approximately 200 feet to the rear of the house that faces to the north.

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 only other alternative to the variance would be to seek a zoning change to the light commercial category which is an inappropriate method of resolving the sign issue.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the location of the proposed sign will not interfere with any right-of-way or easements.

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 regulations for most uses located on major streets allow for larger signs based on length of frontage whereas the "R-6" General Residence District does not make such a provision.

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. Only one identification sign shall be permitted on the property and shall not exceed 35 square feet of gross surface area.
-

BZA CASE NO. 40-85

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>29</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>31</u>	TOTAL NOTICES SENT <u>7-3-85</u>

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

July 3, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 40-85

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 Fidelity Management Corporation, 229 South Market, 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 area of identification sign from 16 square feet to not to exceed 35 square feet on property zoned the "R-6" General Residence District. A legal description of the applicant's property is as follows:

Lot 1, Conquistador Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Rock Road and south of Dresden (920 South Rock Road).

This application has been assigned Case BZA 40-85. It will be considered by the Board of Zoning Appeals on July 23, 1985 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. 40-85

CITY OF WICHITA, KANSAS

FILED 6-24-85

APPLICATION FOR VARIANCE

I. Name of Applicant Fidelity Management Corp.
 Mailing Address 229 South Market Phone 265-1265
 Name of Authorized Agent Steve Cedert
 Mailing Address 229 South Market Phone 265-1265
 Relationship of applicant to property is that of Property Management
 (Owner, Tenant, Lessee, Other)

II. The variance requested is to increase the area of an
identification sign from 16 square feet to not
to exceed 35 square feet.
 for property located on the east side of Rock Road
and south of Dresden (920 S. Rock Road)
 and legally described as: Lot 1 Conquistador Addition
to Wichita, Sedg Co., Ks

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 Cedert

Authorized Agent [Signature]

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:30 (~~4~~ p.m.), June 24, 1985, together with appropriate fee of 150.

Signed [Signature]

FIDELITY MANAGEMENT CORPORATION



REQUEST FOR VARIANCE FROM SIGN ORDINANCE

Property: Conquistador Apartments
920 S. Rock Rd. Wichita

Fidelity Management, as agent for owners, requests a variance from the following sign ordinance:

Maximum size of 16 square feet.

To allow the placing of a 32 square foot sign.

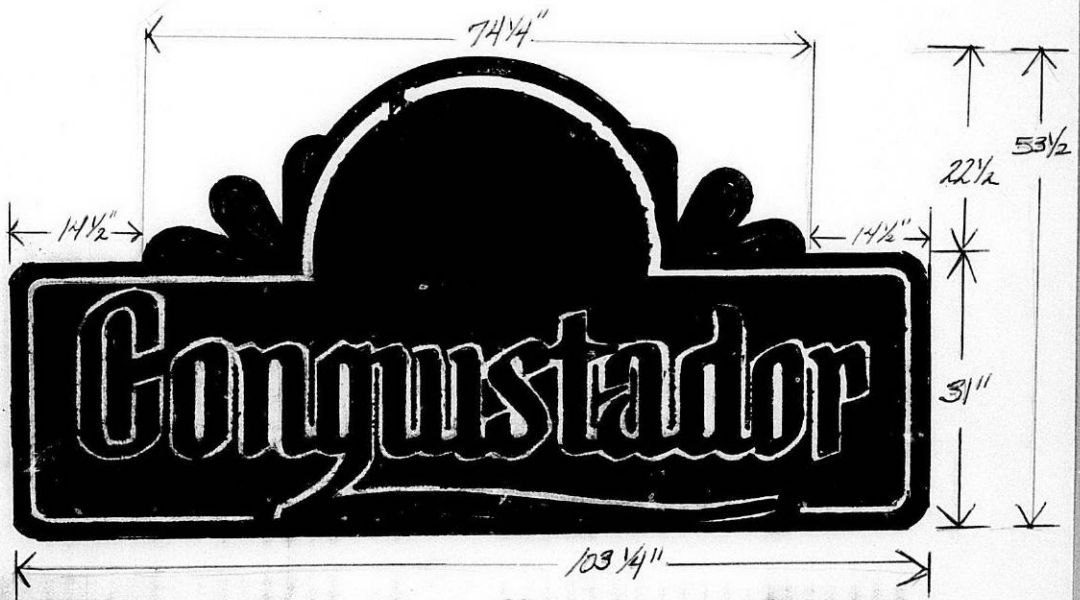
Our request for this variance is based on the following points unique to the property:

- 1) The surroundings are nearly entirely commercially zoned,
- 2) the large size of the property, and the long frontage distance necessitates a larger sign for better identification,
- 3) competition in a marketplace of high-quality larger apartment signs,
- 4) the completion of a series of remodeling projects presently underway to improve and update the property.

The sign would be attractively constructed using "etched redwood", with quality landscaping and placed on the ground. The size and design would be very similar to that used at Buttonwood Tree Apartments.

Sign must 4' in front of existing Fence wall
1 1/2' above ground (to bottom of sign)

28.02 sqft



OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 1		Conquistador Addition	✓ H. Marvin Bastian 62 Norfolk Wichita, KS 67206 AND ✓ Frank M. Kessler 53 Via Verde Wichita, KS 67230
Lot 1		Langland Addition	Floyd W. Langland Esther Langland <u>Address Unknown</u>
Lot 1		Hall-King 2nd Addition	City of Wichita 455 N. Main Wichita, KS 67202 <i>back slip</i>
Lot 1 & the North ¼ of vacated Maryland Dr. adjacent on South		Hall-King Addition	M. W. Sing Woo Li Sing ✓ 3015 Menlo Dr. Wichita, KS 67211
Lot 1	Block A	Broadmoor Addition	City of Wichita 455 N. Main Wichita, KS 67202
Lot 6 and the East 15' of Lot 7		Eastridge 12th Addition	Alvin N. Dierking Wilma J. Dierking ✓ 7920 E. Lincoln Wichita, KS 67207
West 45' of Lot 7		"	Lonnie I. Daetwiler Deloma P. Daetwiler ✓ 7914 E. Lincoln Wichita, KS 67207
Lot 12	Block 2	Eastridge Park 2nd Addition	John E. Kirkham ✓ Beatrice K. Kirkham 8038 Dresden Ln. Wichita, KS 67207
Lot 13	Block 2	"	John H. Hill ✓ Caroline U. Hill 8034 Dresden Ln. Wichita, KS 67207
Lot 14 exc. the West 2'	Block 2	"	Danny L. Guthrie ✓ Sharon K. Guthrie 8030 Dresden Ln. Wichita, KS 67207
West 2' of Lot 14 & Lot 15 exc. the West 2'	Block 2	"	Charles G. Burnett ✓ Dorothy J. Burnett 8026 Dresden Ln. Wichita, KS 67207
West 2' of Lot 15 & all of Lot 16	Block 2	"	✓ Hazel E. Quick John D. Quick 8022 Dresden Ln. Wichita, KS 67207
Lot 17	Block 2	"	✓ Dorothy J. Davis Arthur C. Davis 8018 Dresden Ln. Wichita, KS 67207

Lot	Block	Addition	Property Owner
Lot 18 & the East 3' of Lot 19	Block 2	Eastridge Park 2nd Addition	✓ Maynard L. Nelson Esther G. Nelson 8014 Dresden Ln. Wichita, KS 67207
Lot 19, exc. the West 2' & exc. the East 3'	Block 2	"	✓ Leong T. Mar 8010 Dresden Ln. Wichita, KS 67207
West 2' of Lot 19 & all Lot 20	Block 2	"	✓ Neil H. Nave Mercedes B. Nave 8006 Dresden Wichita, KS 67207
Lot 21	Block 2	"	✓ Wilburn J. Ammons Ada Naome Ammons 8002 Dresden Ln. Wichita, KS 67207
Lot 1 exc. the East 2'	Block 3	"	✓ Jack B. Herber Lola D. Herber 8001 Dresden Ln. Wichita, KS 67207
East 2' of Lot 1 & all of Lot 2, & the West 1' of Lot 3	Block 3	"	✓ LaVera M. Childs 8005 Dresden Ln. Wichita, KS 67207
Lot 3 exc. the West 1' & the West 1' of Lot 4	Block 3	"	✓ Walter DeLozier Domenica A. DeLozier 8009 Dresden Ln. Wichita, KS 67207
East 2' of Lot 4 & Lot 5 exc. the East 1'	Block 3	"	✓ Russell D. Papen Elaine M. Papen 8017 Dresden Ln. Wichita, KS 67207
East 1' of Lot 5 & all of Lot 6	Block 3	"	✓ Loren Epperly Evelyn N. Epperly 8021 Dresden Ln. Wichita, KS 67207
Lot 7 & the West 3' of Lot 8	Block 3	"	✓ Donald G. Blunk Mildred I. Blunk 8025 Dresden Ln. Wichita, KS 67207
Lot 8, exc. the West 3'	Block 3	"	✓ Victor R. Randa Virginia Randa 8029 Dresden Ln. Wichita, KS 67207
Lot 9	Block 3	"	✓ Woodrow Pursseley Pauline M. Pursseley 8033 Dresden Wichita, KS 67207
Lot 10	Block 3	"	✓ Harold E. Harlow Thurma M. Harlow 8037 Dresden Wichita, KS 67207

Lot	Block	Addition	Property Owner
Lot 11	Block 3	Eastridge Park Second Addition	Melva Lou Smith Address Unknown
Lot 17	Block 4	Eastridge Park Addition	Garland D. Stricklin Beatrice D. Stricklin 830 Eastmoor Wichita, KS 67207
Lot 18	Block 4	"	Max W. Demuth Wilma M. Demuth 834 Eastmoor Wichita, KS 67207
Lots 1 & 2	Block A	Dwayne Addition	Dwayne Reynolds Margarita A. Reynolds 820 Mansfield Wichita, KS 67207
Lot 4, Blk. 3, exc. the West 1' & the exc. the East 2' of Lot 4, Blk. 3.		Eastridge Park 2nd Addition	Richard E. Gude Jacquelyn E. Gude 8013 Dresden Ln. Wichita, KS 67207

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lot 1, Conquistador Addition, Wichita,
Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 21st day of June, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

Mary Gable

By
Sr. Vice-President

Order No: 347898
nj

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

July 3, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

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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

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 021

PAYMENT NOTICE
City of Wichita

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

Planning

DESCRIPTION	AMOUNT
City 870 Var	150.00
NAME Kramer, Mervin Carl	
ADDRESS 229 So. MKI	
FUND 55-40710-003	DUE DATE
COMMENTS	
DATE June 24, 1985	BY [Signature]

