

Case No. BZA 47-83 - Superior Plumbing
of Hichita, Inc. - requests variances
to (1) reduce the side yard setback
for a ground sign from 15' to 0'; and
(2) to reduce the distance between
ground or pole signs on the same

POSTED
8-26-83
R.B.

ACTION

BZA 47-83 APPROVED 9-27-83
DAME

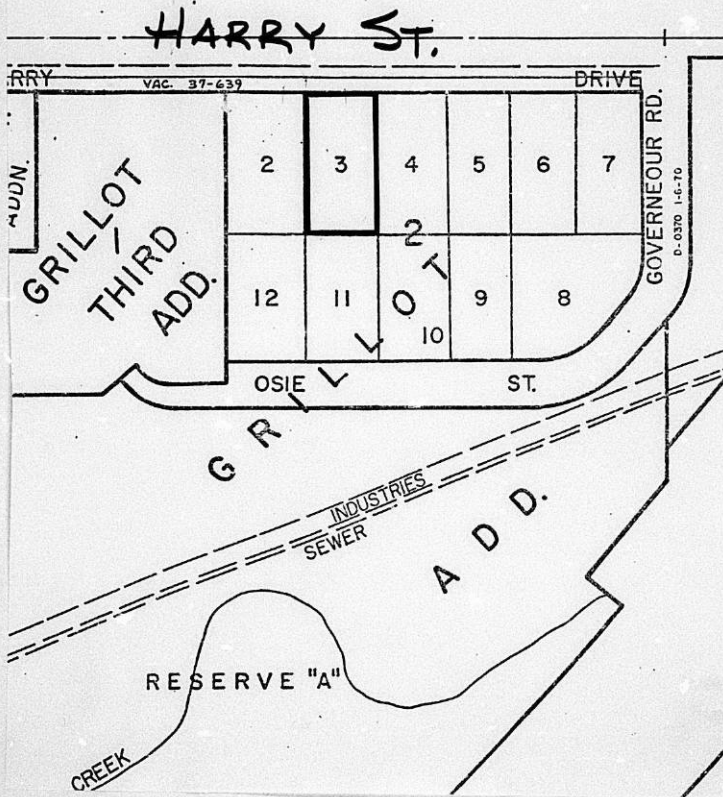
Joe's Sec
Checked 11-29
Spot 12-1
Record 12-6

Map No. 5945

BZA 47-83
Filed

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E C S' C W C N C
3. Land Use: East _____ South _____
West _____ North _____
4. Area (is) (~~is not~~) platted.



LOS ANGELES CHICAGO LOGAN, OH
MCGREGOR, TX, LOCUST GROVE, GA
U.S.A.

Speed.
No. 2,153C

September 30, 1983

Superior Plumbing of Wichita, Inc.
6837 East Harry
Wichita, Kansas

Re: BZA 47-83 - Request for Variances

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 27, 1983.

This Resolution reflects the official action of the Board to approve 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,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Archie Conduff, 200 Ceymarie, Wichita 67209
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 47-83

WHEREAS, Superior Plumbing of Wichita, Inc., 6837 East Harry, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the side yard setback for a ground sign from 15' to 0'; and (2) reduce the distance between two ground signs on the same property from 50' to 44' on property zoned the "C" Commercial District and legally described as follows:

Lot 3, Block 2, Grillott Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Harry Street and west of Gouverneur Road (6837 East Harry).

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 September 27, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said requests for variances 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 variances arise 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 recent improvement of Harry Street and the vacation of 30 feet of Harry Drive created a traffic situation between the two properties that necessitated a barrier be installed that eventually was converted to a sign. This type of vacation is highly unusual where development has already occurred; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permits for the variances will not adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent property owner has agreed to the installation of the barrier between the two properties, and the fact that the ground sign does not exceed a height of 3 feet it does not in anyway interfere with the pole sign on the adjacent properties; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variances are requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the sign is not objectionable and the distances to the two closest pole signs is such that they are not affected by the ground sign, and to require the elimination of the signage could be considered somewhat of a hardship; and

WHEREAS, the Board of Zoning Appeals has found that the variances desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the sign location does not interfere with any public right-of-way or easements; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variances desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the reduction between the two ground or pole signs on the same property is minimal and the fact that the same property is minimal and the fact that the sign does not exceed a height of three feet, it does not interfere with any signage that exists on the adjacent property; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before variances can be granted have been found to exist.

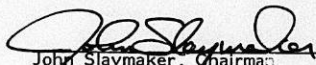
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that these requests for variances to (1) reduce the side yard setback for a ground sign from 15' to 0'; and (2) reduce the distance between two ground signs on the same property from 50' to 44' on property zoned the "C" Commercial District and legally described as follows:

Lot 3, Block 2, Grillott Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Harry Street and west of Gouverneur Road (6837 East Harry).

be approved subject to the following conditions:

1. The sign shall not be increased in height or area and shall be unlighted.
2. The applicant shall secure a permit for the sign as required by Central Inspection.
3. Only the existing sign shall be permitted by these variances.

ADOPTED AT WICHITA, KANSAS, this 27th day of September, 1983.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION **DATE** September 22, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruthof, Administrative Aide III

SUBJECT BZA 47-83, 6837 East Harry

At its September 19th meeting, CPO Neighborhood Council "F" considered the captioned request for variances to 1) reduce the side yard setback for a ground sign from 15 feet to 0 feet; and 2) reduce the distance between two ground or pole signs on the same property from 50 to 44 feet on property zoned "C" Commercial District. Archie Conduff, the applicant, was present to review the case. No area property owners were present concerning the case.

The Council voted, 5-4, to recommend that the variance be denied. Members in opposition noted that this was a variance request made after the sign had been installed in violation of city ordinances. They also observed that the denial of the variances would not adversely affect the applicant because only the letters, not the structure, would be removed.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on September 27th.


Dean Kruthof
Administrative Aide III

DK:sm

RECEIVED

SEP 26 1983

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 47-83

APPLICANT: Superior Plumbing of Wichita, Inc., 6837 East Harry, Wichita, Kansas.

AGENT: Archie Conduff, 200 Ceymarie, Wichita, Kansas.

REQUEST: Variances pursuant to Section 2.12.590.B, Code of the City of Wichita, to (1) reduce the side yard setback for a ground sign from 15 feet to 0 feet; and (2) reduce the distance between ground and pole signs on the same property from 50 feet to 44 feet.

GENERAL LOCATION: On the south side of Harry and west of Gouverneur (6837 East Harry).

ZONING: Subject property is zoned the "C" Commercial District as are the properties to the west, east and south. Property to the north is "LC" Light Commercial.

LAND USE: Subject property is developed commercially as are the properties in all directions except to the north which is occupied by church property.

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 two separate variances in order to legalize a ground sign that has been erected along the west property line. Any sign located adjacent to another property line must not be less than 15 feet. The distance between two ground or pole signs on the same property shall not be less than 50 feet. The two signs are a distance of 44 feet apart. In order to legalize the sign, it is necessary for the applicant to obtain the two variances.

It should be noted that when the structure was first installed, it was placed as a traffic barrier to prevent vehicles from cutting across between the two properties. After several months, the applicant decided the structure could be used for two purposes and lettered the structure as an identification sign. Central Inspection then cited the owner for the violation.

The purpose of the sign distances in the ordinance is to reduce the number of permitted signs and to also provide separation at the property lines to prevent a sign on one property from interfering with the visibility of a sign on the adjacent property. In this case the sign is less than 3 feet high and the two adjacent signs are pole signs that should not be affected by the variance requested.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the recent improvement of Harry Street and the vacation of 30 feet of Harry Drive created a traffic situation between the two properties that necessitated a barrier be installed that eventually was converted to a sign. This type of vacation is highly unusual where development has already occurred.

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 adjacent property owner has agreed to the installation of the barrier between the two properties, and the fact that the ground sign does not exceed a height of 3 feet it does not in anyway interfere with the pole sign on the adjacent properties.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance does not constitute an unnecessary hardship upon the applicant inasmuch as the structure could remain as a traffic barrier without signage; however, the visual appearance of the sign is not objectionable and the distances to the two closest pole signs is such that they are not affected by the ground sign, and to require the elimination of the signage could be considered somewhat of a hardship.

PUBLIC INTEREST:

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

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variances requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as reduction between the two ground or pole signs on the same property is minimal and the fact that the same property is minimal and the fact that the sign does not exceed a height of three feet, it does not interfere with any signage that exists on the adjacent property.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of the variances can be found to exist, then it is the recommendation of the Secretary that the variances be granted subject to the following conditions:

1. The sign shall not be increased in height or area and shall be unlighted.
 2. The applicant shall secure a permit for the sign as required by Central Inspection.
-

BZA CASE NO. 47-83

2 NOTICES SENT TO APPLICANT/AGENT

— ~~NOTICES SENT TO MAPC~~
front
Legal Adv.

1 NOTICES SENT TO CPO

6 NOTICES SENT TO ADJOINING PROPERTY OWNERS

9 TOTAL NOTICES SENT 9-7-83

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

September 7, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 47-83

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 Superior Plumbing of Wichita, Inc., 6837 East Harry, Wichita, Kansas, requesting two variances.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting two variances to (1) reduce the side yard set-back for a ground sign from 15 feet to 0 feet; and (2) reduce the distance between two ground or pole signs on the same property from 50 feet to 44, on property zoned "C" Commercial District. A legal description of the applicant's property is as follows:

Lot 3, Block 2, Grillott Addition to Wichita,
Sedgwick County, Kansas. Generally located
on the south side of Harry Street and west
of Gouverneur Road (6837 East Harry).

This application has been assigned Case BZA 47-83. It will be considered by the Board of Zoning Appeals on September 27, 1983 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 variances, 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. 47-83

CITY OF WICHITA, KANSAS

FILED 8.26.83

APPLICATION FOR VARIANCE

I. Name of Applicant Superior Plumbing of Wichita, Inc.

Mailing Address 6837 E. Harry Phone 684-8349

Name of Authorized Agent Archie Conduff

Mailing Address 200 Ceymarie Phone 942-0394

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

II. The variances requested (1) To reduce the side yard setback for a ground sign from 15 feet to 0 feet; and (2) To reduce the distance between ground or pole signs on the same property from 50 Feet to 44 feet.
for property located 6837 E. Harry
Wichita, Kansas

and legally described as: Lot 3 Block 2
Grillot Addition to Wichita, Sedgwick County, Kansas

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

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 Archie Conduff

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals. 3:00 (a.m.-p.m.), August 26, 1983 together with appropriate fee of 300.00.

Signed H. Lytle

Superior Plumbing of Wichita, Inc.

6831 EAST HARRY - WICHITA, KANSAS 67207 - PHONE 684-8349

August 11, 1983

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

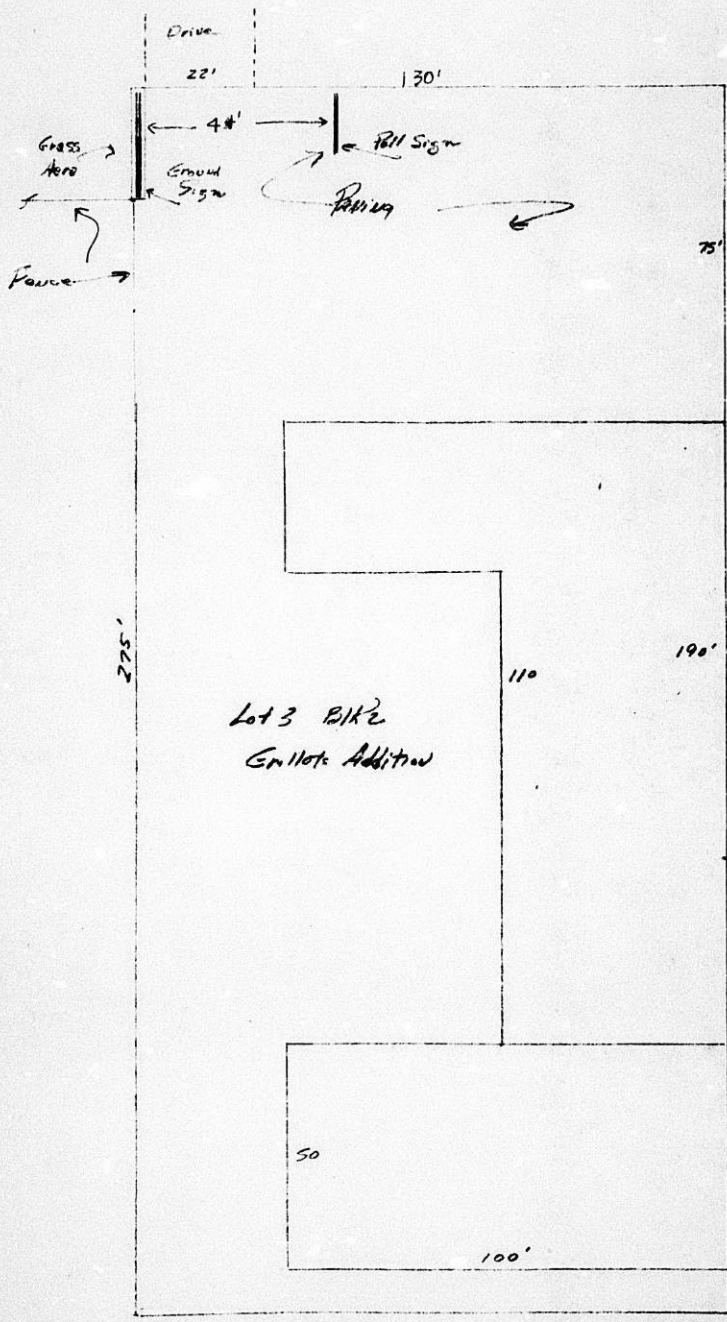
The variances requested are to reduce the side yard setback from 15 feet to 0 feet, and to reduce the distance between ground or pole sign on the same property from 50 feet to 44 feet.

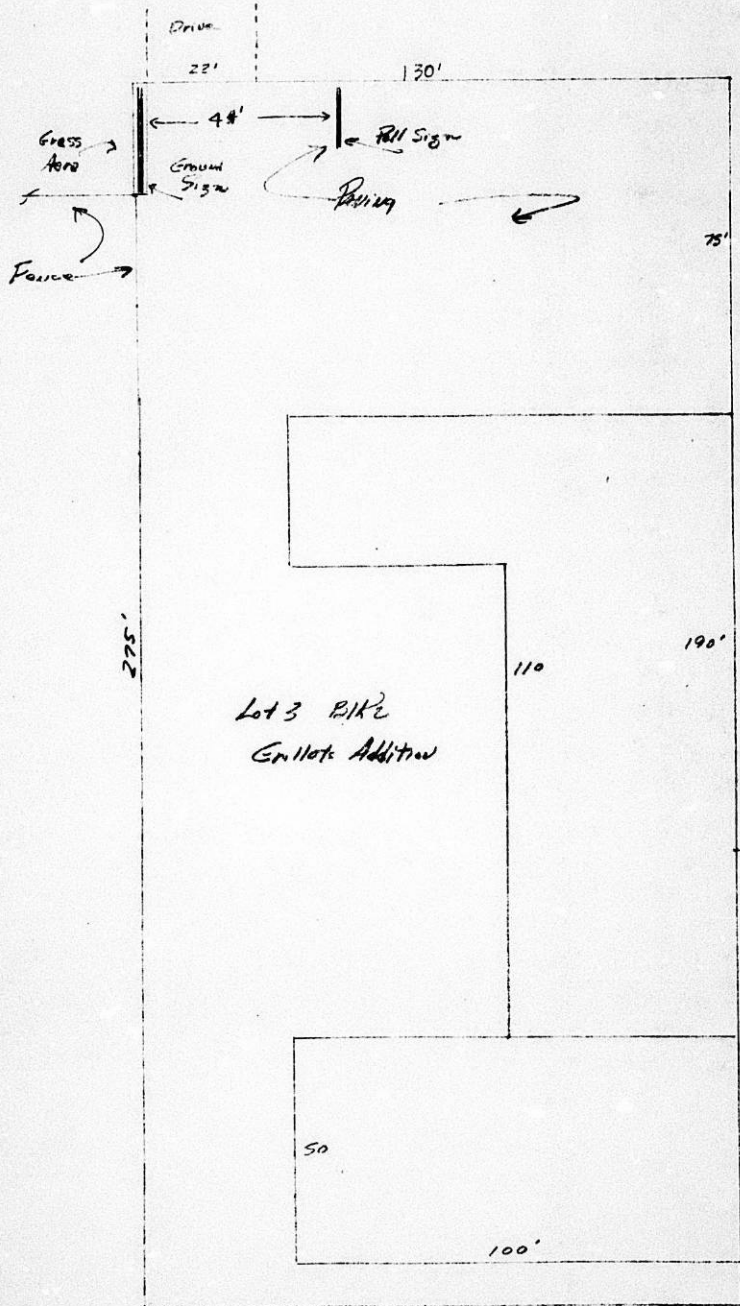
The installation of sign on the West property line, is also to serve as a barricade to keep motor vehicles off of grass area, from West to East and East to West.

The sign is setting next to property line, it is 35 inches high at highest point, there is a pole sign 44 feet east of said sign.

Note in photographs that there isn't any obstruction of view upon entering or exiting drive from either direction. Sign is made of steel channel sitting on steel post.







OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
Lot 2, Block 2, Grilloot Addition	✓ Prairie Industries Inc. 1325 S. Mosley 9-19-83 57211 returned <i>Same address</i> by P.O. Box 11503 67202
Lot 3, Block 2, Grilloot Addition	D Archie Dean Conduff Patsy Ann Conduff 200 Ceymarie Circle 67209
Lots 4 & 5, Block 2, Grilloot Addition	✓ J. B. Hickerson Phyllis F. Hickerson 6905 E. Harry 67207
Lot 9, Block 2, Grilloot Addition	✓ Floyd B. Grilloot 814 S. Woodlawn Blvd. 67218
Lot 10, Block 2, Grilloot Addition	D J. B. Hickerson Phyllis F. Hickerson 6905 E. Harry 67207
Lot 11, Block 2, Grilloot Addition	D Archie Dean Conduff Patsy Ann Conduff 200 Ceymarie Circle 67209
Lot 12, Block 2, Grilloot Addition	D Prairie Industries Inc. 1325 S. Mosley 67211
Lot 1, Grilloot Third Addition	✓ R. D. Martens 100 N. Broadway Suite 755 67202
	✓ Colby B. Sandlian 435 N. Broadway Room 201 67202
Lot 22, Block 4, Eastlink Village Second Addition	✓ Faith Chapel 6808 E. Harry 67207
Lots 3, 4 & 5, Block 5, Eastlink Village Second Addition	Same as above

Page 2

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

Lot 3, Block 2, Grillot Addition
to Wichita, Kansas, 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 11th day of August, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Seale

Vice President

Order No: 323829
cf

**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
1132676 Planning # 30000	

NAME: Metropolitan Planning

ADDRESS: 1325 S Mosley

FUND: 267-1748 DUE DATE: 9-12-83

COMMENTS: 1132676

DATE: 9-26-83 BY: [Signature]

WICHITA - SEDGWICK COUNTY
W S C
BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

*324
47-83*

*NSN 113
1130*

*called 9-19-83
267-1748*

*P.O. Box
11503 67202*

*same address
in phone
book*

WICHITA, KANS. SEP 19 1983

WICHITA, KANS. SEP 7 1983 20:00

RECEIVED
SEP 12 1983
METROPOLITAN PLANNING
ROUTE _____

NO POSTAGE
NECESSARY
IF MAILED
IN THE
UNITED STATES

NO POSTAGE
NECESSARY
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IN THE
UNITED STATES

RETURN TO SENDER

