

Case No. BZA 7-84 - Marina Point Offices - Requests a variance to increase the permitted area of two ground or pole signs from 32 sq. ft. each to a total combined sign area of 382 sq.ft. of gross surface area on property zoned the "BB" Office District and the

POSTED
1-30-84
GEL

ACTION

BZA 7-84 APPROVED

3-28-84
DATE

200'4 Sec 9-7-84

Shel 7-18

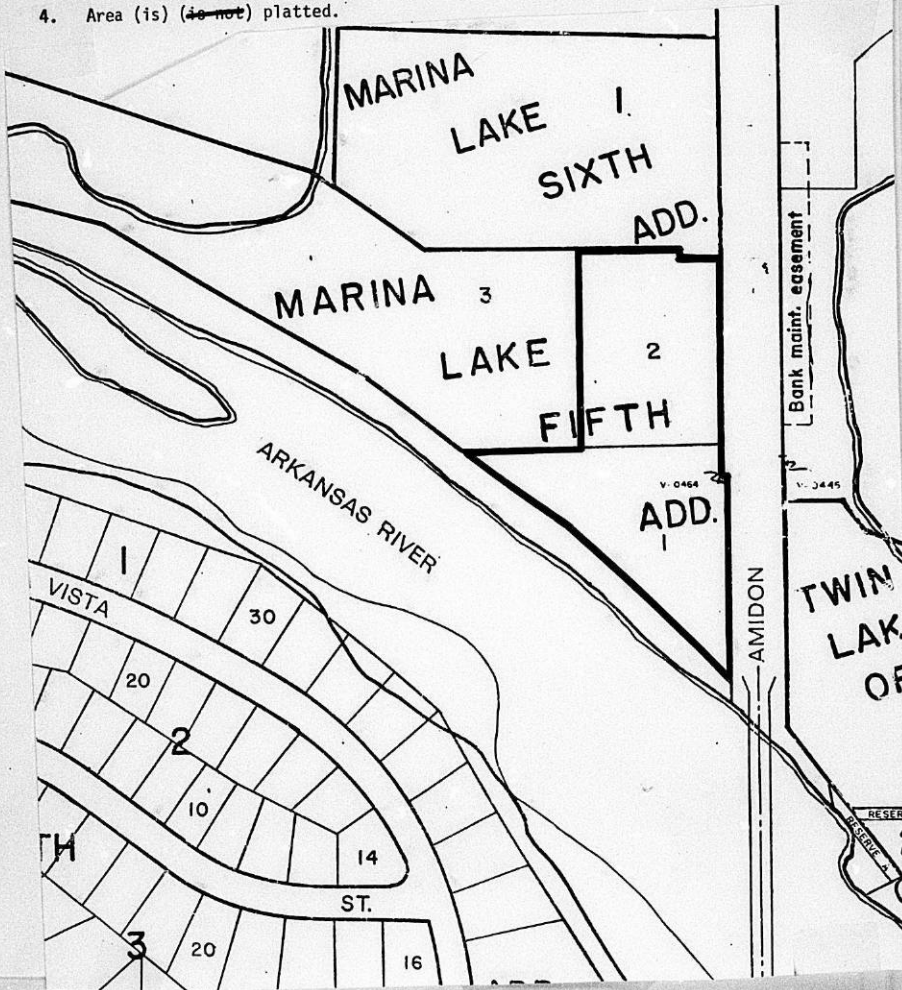
Recorded

Map No. 5349

BZA 7-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E BB S AA W B & AA N LC
3. Land Use: East OFF. South Res.
West Vacant North Comm
4. Area (is) (~~is not~~) platted.



Stinson
No. 2-153C
REGISTERED MAP-LOS ANGELES
COUNTY, CALIFORNIA
LAWSON, CHASE & ASSOCIATES, INC.
LOS ANGELES, CALIFORNIA, U.S.A.

September 6, 1984

Marina Point Offices
1999 North Amidon
Wichita, Kansas

Re: BZA 7-84 - Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 28, 1984.

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: Alan McHenry, 1318 Stackman, Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 7-84

WHEREAS, Marina Point Offices, 1999 North Amidon, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to increase the permitted area of two ground or pole signs from 32 square feet to a combined total of 382 square feet on property zoned the "BB" Office and the "OC" Office Commercial District and legally described as follows:

Lots 1 and 2, Marina Lakes 5th Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Amidon and approximately 1400 feet south of 21st Street (1919-1999 North Amidon).

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 February 28, 1984, 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 adjacent to an arterial street and the distance to any residential property is approximately 700 feet. Also shape, size and access to the total development is primarily at one location and the installation of two signs in lieu of a possible 15 signs would be unique; 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 nearest residence is over 700 feet to the south and the installation of the signs will be over 350 feet further north than the applicant could install a sign under present regulations; 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 applicant has a large tract of ground that is developed as an office park, and without a variance would be restricted to a maximum sign area of 32 square feet for any one sign; 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 there would not be an increase in the permitted sign area nor would the total square footage exceed that of the zoning districts based on the allowable area per linear feet of frontage; 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 regulation was developed primarily for the sign provisions for small tracts where such development would be in close proximity to residential properties, whereas the intent is not fully appropriate based on the proposed application; 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 area of two ground or pole signs from 32 square feet to a combined total of 382 square feet on property zoned the "BB" Office and the "OC" Office Commercial District and legally described as:

Lots 1 and 2, Marina Lakes 5th Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Amidon and approximately 1400 feet south of 21st Street (1919-1999 North Amidon).


be approved subject to the following conditions:

1. Prior to the release of the resolution authorizing any sign permits the applicant shall provide a copy of the lease limitations on individual signs by the tenants, and a drawing showing the location and design of the signs to the Secretary for approval.
2. The gross area of the two signs permitted by this variance shall not exceed 382 square feet, nor shall either sign exceed a height of 30 feet.
3. Under no circumstance shall more than two signs be permitted on the application area.

ADOPTED AT WICHITA, KANSAS, this 28th day of February, 1984.


Carl Henderson, Vice President

ATTEST:


Glen E. Lytle, Assistant Secretary

February 29, 1984

Marina Point Offices
1999 North Amidon
Wichita, Kansas

Re: BZA 7-84 - Request for Variance

Gentlemen:

At the regular meeting of the Board of Zoning Appeals on February 28, 1984, your request for a variance was considered. It was the action of the Board to approve your request subject to the following conditions:

1. Prior to the release of the resolution authorizing any sign permits the applicant shall provide a copy of the lease limitations on individual signs by the tenants, and a drawing showing the location and design of the signs to the Secretary for approval.
2. The gross area of the two signs permitted by this variance shall not exceed 382 square feet, nor shall either sign exceed a height of 30 feet.
3. Under no circumstance shall more than two signs be permitted on the application area.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as you have complied with condition number one above.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc Alan McHenry, 1318 Stackman, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE February 17, 1984

TO Glen Lytle, Special Assistant for Zoning

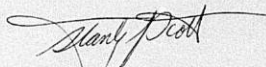
FROM Stanley J. Scott, CP Coordinator

**SUBJECT BZA 7-84: West Side of Amidon,
1400 feet south of 21st Street
North (1919-1999 N. Amidon)**

On Wednesday, February 15th, CPO Neighborhood Council "M" considered the captioned case, a request for a zoning variance to increase the permitted area of two ground or pole signs from 32 sq. ft. each to a total combined sign area of 382 sq. ft. of gross area on property zoned "BB" Office District and "OC" Office Commercial District. Noting no opposition, the Council voted 8-0 to not oppose the requested variance.

Alan McHenry, agent for the applicant, was present to describe the request and respond to questions from the Council. Mr. McHenry presented the Council a drawing of the largest of the two proposed signs. Council members were provided the notice to adjoining property owners, a map of the area, and a verbal review of MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 7-84 is considered on Tuesday, February 28th.



Stanley J. Scott
CP Coordinator

SJS:sm

RECEIVED

FEB 22 1984

METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 7-84

APPLICANT: Marina Point Offices, 1999 North Amidon,
Wichita, Kansas.

AGENT: Alan McHenry, 1318 Stackman, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to increase the permitted
area of two ground or pole signs from 32 square
feet each to a combined total of 382 square feet.

GENERAL LOCATION: On the west side of Amidon and approximately 1400
feet south of 21st Street (1919-1999 North Amidon).

ZONING: Subject property is zoned the "BB" Office and "OC"
Office Commercial District. Property to the west
is "B" Multiple-family, to the south "AA" One-
family, to the north is "LC" Light commercial and
to the east is "BB" Office District.

LAND USE: Subject property is occupied by two multi-tenant
office buildings. Property to the west is vacant,
to the north is commercial, to the east is an
office complex and to the south are one-family
dwellings.

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 from the strict application of the limitation provisions of the zoning ordinance to permit the erection of two identification signs on the property to exceed the maximum of 32 square feet each. Justification for the request is the elimination of the permitted number of signs along Amidon to be restricted to the two proposed signs in lieu of a possible maximum of one sign for each 50 feet of frontage adjacent to Amidon that is nearly 750 feet. The applicant is restricting the use of individual ground or pole signs for the tenants and is providing a larger sign for the identification of the office park and the future apartment complex to the west. The signs will be located near the major entrance to the property.

The application area is a part of a Community Unit Plan that consists of commercial, office and residential development. The property to the north is zoned "LC" Light Commercial so does not have the sign limitations that applies to the "BB" and "OC" districts. This portion of the total development has been placed in the more restrictive districts in order to maintain a more acceptable use across the river from the residences to the south. The location of the signs will be approximately 700 feet to the nearest residential property to the south, so the increase in the size of two signs should not be detrimental to these residences, particularly when the applicant could place a number of smaller signs at the same height much closer.

The applicant's future plans include one additional office structure to the west, but this will not occur unless approved with an amendment to the C.U.P., by the governing body. The applicant intends to identify all uses on the property with the two proposed signs.

The applicant proposes to utilize the total square footage limitation based on the entire Amidon frontage which is one-half square foot of signage for each linear foot of frontage. The overall affect would be far better than the introduction of individual 32 square feet signs at a distance of 50 feet between signs.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the property is adjacent to an arterial street and the distance to any residential property is approximately 700 feet. Also shape, size and access to the total development is primarily at one location and the installation of two signs in lieu of a possible 15 signs would be unique.

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 nearest residence is over 700 feet to the south and the installation of the signs will be over 350 feet further north than the applicant could install a sign under present regulations.

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 has a large tract of ground that is developed as an office park, and without a variance would be restricted to a maximum sign area of 32 square feet for any one sign.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as there would not be an increase in the permitted sign area nor would the total square footage exceed that of the zoning districts based on the allowable area per linear feet of frontage.

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 regulation was developed primarily for the sign provisions for small tracts where such development would be in close proximity to residential properties, whereas the intent is not fully appropriate based on the proposed application.

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. Prior to the release of the resolution authorizing any sign permits the applicant shall provide a copy of the lease limitations on individual signs by the tenants, and a drawing showing the location and design of the signs to the Secretary for approval.
 2. The gross area of the two signs permitted by this variance shall not exceed 382 square feet, nor shall either sign exceed a height of 30 feet.
 3. Under no circumstance shall more than two signs be permitted on the application area.
-

BZA CASE NO. 7-84

2 NOTICES SENT TO APPLICANT/AGENT

10 LEGAL ADVERTISEMENT
~~NOTICES~~ SENT TO MAPC

1 NOTICES SENT TO CPO

2 NOTICES SENT TO ADJOINING PROPERTY OWNERS

5 TOTAL NOTICES SENT 2-8-84

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

February 8, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 7-84

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 Marina Point Offices, 1999 North Amidon, 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 two ground or pole signs from 32 square feet each to a total combined sign area of 382 square feet of gross surface area on property zoned "BB" Office District and the "OC" Office Commercial District. A legal description of the applicant's property is as follows:

Lots 1 and 2, Marina Lakes 5th Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Amidon and approximately 1400 feet south of 21st Street (1919-1999 North Amidon).

This application has been assigned Case BZA 7-84. It will be considered by the Board of Zoning Appeals on February 28, 1984 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
CITY OF WICHITA, KANSAS

CASE NO. 7-84
FILED 1-30-84

APPLICATION FOR VARIANCE

I. Name of Applicant Marina Point Offices
Mailing Address 1999 N. Amidon, Suite 222 Phone 832-0840
Name of Authorized Agent Alan McHenry
Mailing Address 1318 Stackman Phone 265-1872

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

II. The variance requested is, ^{to increase the permitted area of one pole or} the inclusion in one sign of the available ^{ground sign from 32 square feet to 382 square feet.} sign area instead of multiple signages.

for property located ^{approx. 1200 feet} on the west side of Amidon, with a width of 21'-5"
(1919, 1968 and 1999 N. Amidon)

and legally described as: Lots 1, 2 and 3 Marina Lakes 5th Addn
to Wichita, Sedgwick County, Kansas.

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

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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;
- 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.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Jane Baker

Authorized Agent Alan McHenry

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 (a.m.-p.m.), JAN 30, 1984 together with appropriate fee of 150.00.

Signed L. Lytle

Alan M. McHenry Architect
Wichita, Kansas 265-1872

January 29, 1984

Board of Zoning Appeals
Metropolitan Area Planning Department
City Hall - 10th Floor
455 North Main
Wichita, KS 67202

Gentlemen:

RE: Signage at 1919 and 1999 N. Amidon, Marina Point Offices

It is our desire to erect one sign at the entrance road to the office buildings covering all tenant listings, rather than 4' x 8' signs at 50' all the way along Amidon. We believe this to be much more attractive, a great aid to the person attempting to find a tenant and the elimination of a potential traffic hazard.

This variance is requested to section 28.04.139(E) of the zoning ordinance.

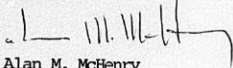
This variance arises from the fact that the properties are on a major arterial street and that this entrance is the entrance to all the properties. This location is also exactly opposite the present large signage at the Ritchie properties. This entrance was a requirement of the original C.U.B.

This variance should increase the attractiveness, legibility and useability of adjacent property owners. The proposed location is more than 700 feet in any direction from any residential areas and over 1100 feet from the adjacent residential areas on Amidon.

The requesting properties constitute 765' of frontage on Amidon. Strict application of the ordinance would allow approximately 15 signs which we believe would be extremely unfortunate. The proposed sign will conform to the ordinance maximum height of 30' and size of one-half sq. ft. per lineal foot, or 382 SF.

The proposed sign would, we believe, be the best of the possible alternatives. It would be an asset to the area in beauty and an improvement over current adjacent improvements which is, we believe, the spirit and intent of the zoning ordinance.

Sincerely,



Alan M. McHenry

Enclosure

cc Mr. Gene G. Baker

OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
Lot 1, Marina Lake Fifth Addition	D Marina Point Second Limited Partnership Suite 222 1999 N. Amidon 67203
Lot 2, Marina Lake Fifth Addition	D Marina Point First Limited Partnership Suite 222 1999 N. Amidon 67203
Lot 3, Marina Lake Fifth Addition	D Marina Point Phase III, Joint Venture Suite 222 1999 N. Amidon 67203
Lot 1, Marina Lake Sixth Addition	Midwest Properties, Inc. (Improvements only) c/o Robert Poley 35 Essex Street Hackensack, NJ
	Clear Lakes, Inc. Address Unknown <i>addressed parties 7/14-2/16/04</i> <i>not right one 2-10-84</i>
The South 100 feet of the West 130 feet of Block 1, Lakeview Estates Addition	Lakeview Development Co. c/o Ritchie Paving 1900 N. Amidon 67203
	Regis Homes, Inc. Address Unknown (Escrow Agreement)
The West 98 feet of Lot 6, Lakeview Estates 2nd Addition, except that part platted as Twin Lakes Office Park	Same as above

Part of Lot 1, Twin Lakes Office Park described as: Beginning at the Southeast corner of said Lot 1; thence West along the South Line of said Lot 1, 335.06 feet to a point being the point of curvature of a curve to the left having a central angle of 90° and a radius of 60 feet;

(continued on next page)

PAGE 2

Property Description

thence along said curve 73.86 feet;
Thence West 159.3 feet to the South-
west line of said Lot 1; thence North-
west along the Southwest line 66.42 feet;
thence with an angle of 80°06'30" to the
right, 270 feet; thence at an angle of 26°
27'20" to the left, 81.95 feet; thence with
an angle of 26°27'20" to the right, 106.49 feet,
to the Northeast line of said Lot 1; thence
Southeast along the Northeast line Of said
Lot 1, 316.57 feet to the Northeast corner of
said Lot 1; thence South 240 feet to the point
of beginning.

Property Owner

Foxborough, a general
✓ partnership
1884 The Alameda
San Jose, CA 95126

Part of Lot 1, Twin Lakes Office Park,
described as the exception to the
above described property

ⓓ Lakeview Development Co.
c/o Ritchie Paving
1900 N. Amidon 67203

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

A 200 foot radius of:
Lots 1 and 2, Marina Lake Fifth Addition,
Wichita, Kansas, Sedgwick County, Kansas

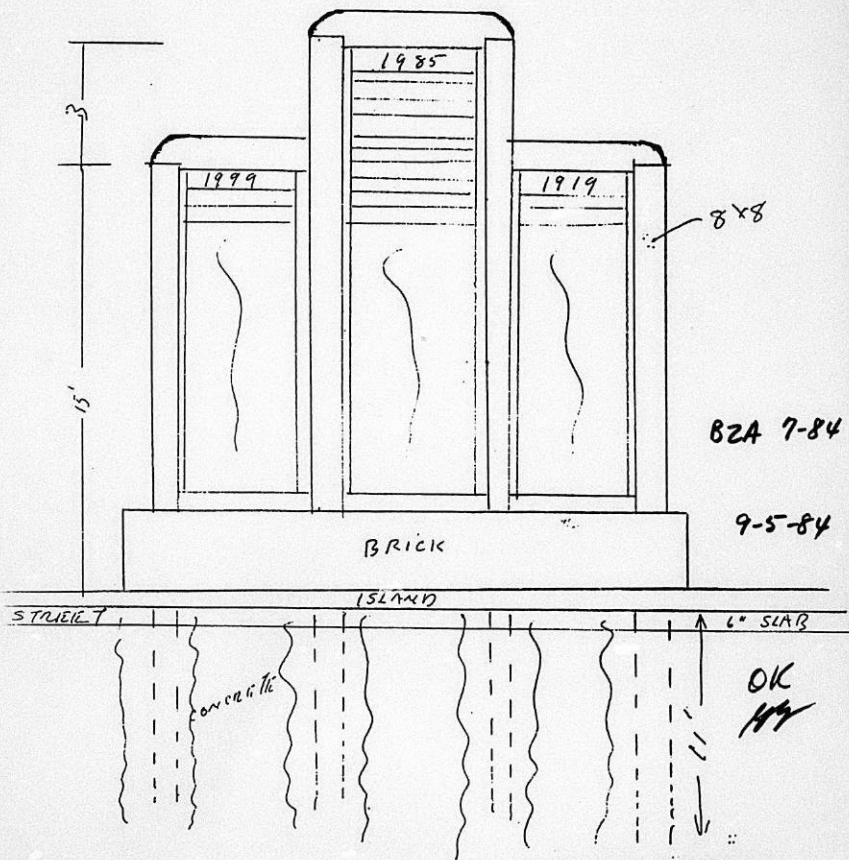
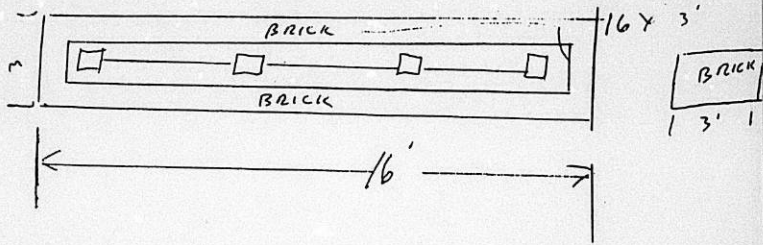
as shown by the last deed of record on file in the Office of the
Register of Deeds, Sedgwick County, Kansas, on the 27th day of
January, 1984 at 7:00 o'clock A.M.

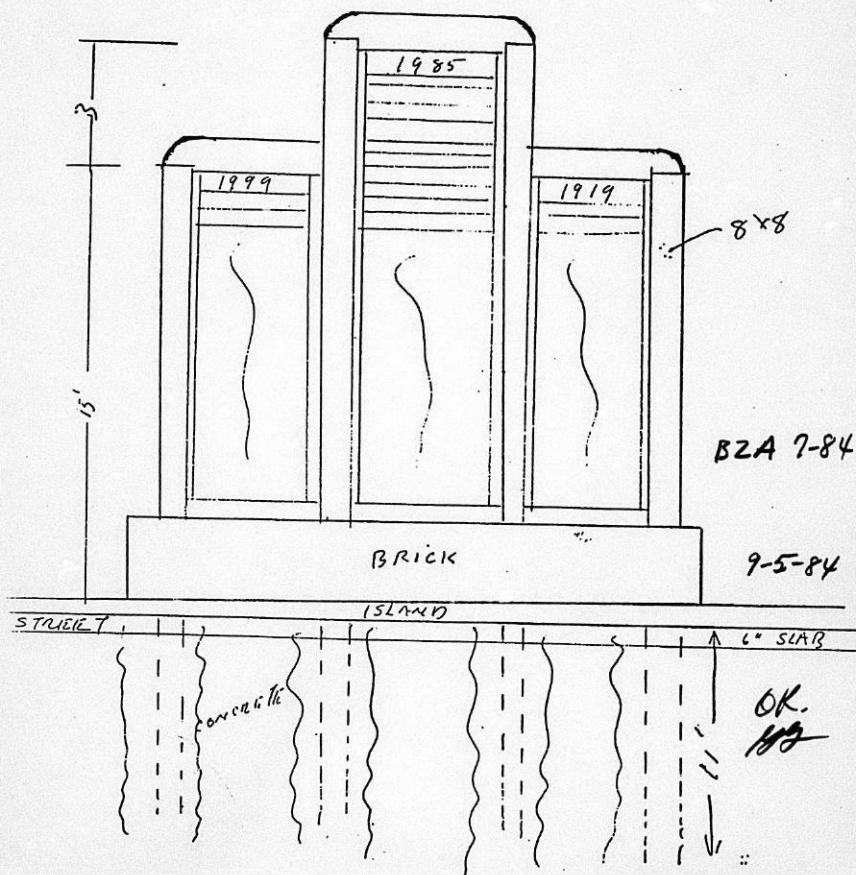
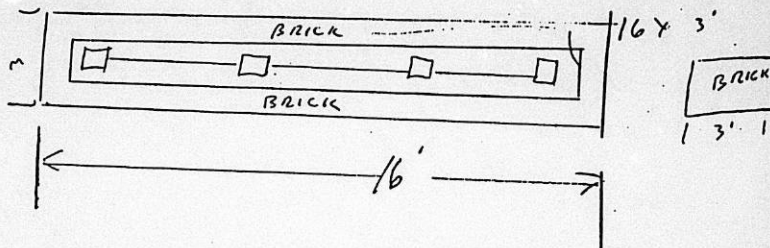
THE SECURITY ABSTRACT & TITLE CO., INC

By

John Lyon
Vice President

Order No: 329720
nb





**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 1-021 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
<i>Plan Rev. (P.W.)</i>	<i>100</i>

NAME *Boiler Canteen*

ADDRESS *1777 N. W. 10th*

FUND *100-1001-100*

COMMENTS

DUE DATE

DATE *Jan 30 1974*

BY *[Signature]*

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2