

BZA 9-88: Affiliated Property Services  
INC. Requests variance to increase per-  
mitted sign size from 32 sq. ft. to 64 sq  
ft. at the NW corner of 27th St. South &  
Seneca. (Zoned "BB") 2757 S. Seneca

200 1/4 Soc. 4-7-88  
Checked SP  
Shot 5-12  
Revised ✓

4

Posted

# ACTION

B.Z.A.

Agree sub to  
Conditions 3-1

3/22/88  
DATE

200 1/4 Sec 4-7-88

Checked Lo

Shot 5-12

Record ✓

BZA 9-88: Affiliated Property Services  
Inc. requests variance to increase per-  
mitted sign size from 32' x 24' to 64' x 48'  
ft. at the NW corner of 2741 St. 19 South, 8  
Seneca, (Zoned 'BBI') 2757 S. Seneca

DATA SHEET

MAP NO.: 5344A

CASE NO. BZA 9-88

(CPO 4B, 3/15/88)

REQUEST: Variance to increase the permitted sign size from 32 square feet to 64 square feet

EXISTING ZONING: "BB" Office District

GENERAL LOCATION: Northwest corner of Seneca and 27th Street South (2757 S. Seneca)

APPLICANT: Affiliated Property Services, Inc.  
 ADDRESS: 1035 N. Emporia, Suite 140, Wichita, KS 67214      PHONE: 268-6810

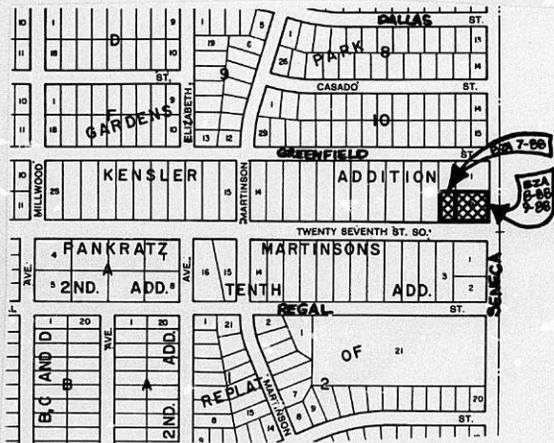
AGENT: Joel M. Pollack  
 ADDRESS: 1035 N. Emporia, Suite 140, Wichita, KS 67214      PHONE: 268-6810

AREA DATA

Acres: (130 ft. by 133 ft.)

Adjacent Zoning and Land Use:

North	BB	<u>S.F.</u>
South	AA	<u>Church</u>
East	LC	<u>Service station</u>
West	AA	<u>S.F.</u>



Syntex  
 No. 2-153C  
 HASTINGS, ILL.  
 LOS ANGELES, CHICAGO, LOGAN, OH.  
 MCNEEGOR 75, LEB, WEST GROVE, CA  
 U.S.A.



BZA INSPECTION SHEET

MAP NO.: 5344A

CASE NO. BZA 9-88

REQUEST: Variance to increase the permitted sign size from 32 square feet  
to 48 square feet (as amended)

EXISTING ZONING: "BB" Office District

GENERAL LOCATION: Northwest corner of Seneca and 27th Street South  
(2757 S. Seneca)

APPLICANT: Affiliated Property Services, Inc.

ADDRESS: 1035 N. Emporia, Suite 140, Wichita, KS 67214      PHONE: 268-6810

AGENT: Joel M. Pollack

ADDRESS: 1035 N. Emporia, Suite 140, Wichita, KS 67214      PHONE: 268-6810

-----  
HEARING DATE: 3/22/88

BZA ACTION: Approve, subject to conditions specified in BZA resolution.

FOLLOW-UP DATE: None

RESPONSE BY CID:

PL/0374/1

THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

April 4, 1988

Joel M. Pollack  
Affiliated Property Services, Inc.  
1035 N. Emporia, Suite 140  
Wichita, KS 67214

Re: BZA 9-88 - Variance to increase permitted sign size from 32  
square feet to 48 square feet

Dear Mr. Pollack:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on March 22, 1988. 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,

*Jack H. Galbraith*  
Jack H. Galbraith  
Secretary

JHC/jcm  
Enclosure

cc: Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Zoning Administrator  
Dale Rea, Deputy City Clerk

FILE COPY

RESOLUTION NO. BZA 9-88

WHEREAS, Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted sign size from 32 square feet to 64 square feet (amended to 48 square feet) on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

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 March 22, 1988, 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 site is across the street from "LC" zoning, which can have signs of greater size than proposed, and the proposed medical facility requires maximum visibility so that the general public may be provided prompt medical treatment; 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 sign is to be located near the southeast corner of the lot, more than 100 feet from the nearest residence, which is to the north, and the property to the east is light commercial in use, while the property to the south is an institutional use; 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 a 32 square-foot size limitation would require either the reduction of the size of letters below that needed for good visibility on a major arterial street or the deletion from the sign of the upper and lower portions of the cross, which is part of the logo of this church-affiliated medical center; 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 be permitted to encroach any street right-of-way (including contingent right-of-way) or utility 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 signs permitted in the "BB" District are generally for offices of a purely business nature, as opposed to a medical facility, which often has some need for immediate recognition by the public; 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.

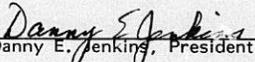
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the size of sign from 32 square feet to 48 square feet be approved on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County,  
Kansas. Generally located at the northwest corner of  
Seneca and 27th Street South (2757 S. Seneca).

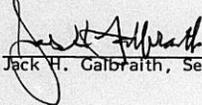
subject to the following conditions:

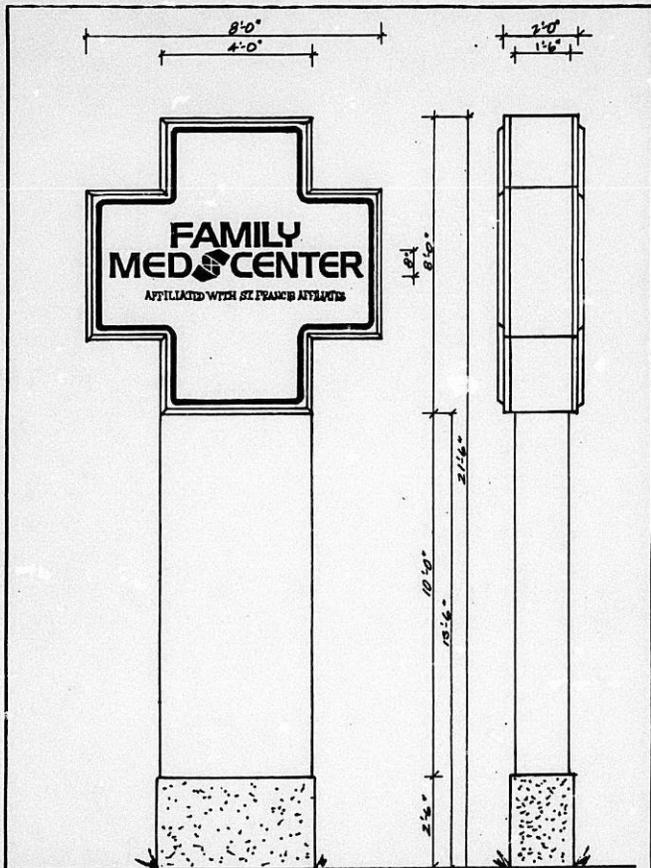
1. Only one pole sign shall be erected on Lot 2, Kensler Addition, and may not exceed 48 square feet in size.
2. The sign shall be placed at approximately the location shown on the site plan submitted with this application and dated February 16, 1988, EXCEPT that it shall not encroach the 10-foot contingent street dedication for Seneca.
3. Other than size, the pole sign shall comply with all other requirements for signs in the "BB" District, as specified in Section 28.04.139 of the Zoning Ordinance.

ADOPTED AT WICHITA, KANSAS, this 22nd day of March, 1988.

  
\_\_\_\_\_  
Danny E. Jenkins, President

ATTEST:

  
\_\_\_\_\_  
Jack H. Calbraith, Secretary



BZA 9-88

FACEB3C B	HEALTH CONCEPTS, INC. 1038 N. EMPORIA	
	DATE: 12-10-87 FAMILY MED CENTER	
	2757 S. SENECA WICHITA, KS	

WICHITA

FILE COPY

  
BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
(316) 268-4421

March 23, 1988

Mr. Joel M. Pollack  
Affiliated Property Services, Inc.  
1035 N. Emporia, Ste. 140  
Wichita, KS 67214

Re: BZA 9-88 - Variance to increase permitted sign size from 32 sq. ft.  
to 48 sq. ft.

Dear Mr. Pollack:

At the regular meeting of the Board of Zoning Appeals on March 22, 1988, your request for a variance was considered. It was the action of the Board to approve the application, subject to the following conditions:

1. Only one pole sign shall be erected on Lot 2, Kensler Addition, and it may not exceed 48 square feet in size.
2. The sign shall be placed at approximately the location shown on the site plan submitted with this application and dated February 16, 1988, EXCEPT that it shall not encroach the 10-foot contingent street dedication for Seneca.
3. Other than size, the pole sign shall comply with all other requirements for signs in the "BB" District, as specified in Section 28.04.139 of the Zoning Ordinance.

The Resolution setting forth the official action of the Board will be mailed to you after we obtain signatures of the President and Secretary.

If you have any questions, please call our office.

Sincerely yours,

  
Louise Olivarez  
Assistant Secretary

LO/jcm

cc: Monty Robson, Superintendent of Central Inspection  
Dale Rea, Deputy City Clerk  
Joe Donnelly, Zoning Administrator

THE CITY OF WICHITA

OFFICE OF Citizen Participation                      DATE    March 21, 1988

TO            Louise Olivarez, Principal Planner

FROM        Shirley Mast, Administrative Aide III *Shirley Mast*

SUBJECT     BZA 7-88: North side of 27th Street South in an area west of Seneca: 1118 West 27th Street South (Exception)

BZA 8-88: Northwest corner of Seneca and 27th Street South 2757 South Seneca (Variance)

BZA 9-88: Northwest corner of Seneca and 27th Street South 1757 South Seneca (Variance)

On Tuesday, March 15, 1988, South CPO Council 4B considered the captioned cases, 1) BZA 7-88, a request for an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single Family Dwelling District; 2) BZA 8-88, a request for a variance to reduce the rear yard setback on the west from 15 feet to 5 feet on property zoned the "BB" Office District; and 3) BZA 9-88, a request for a variance to increase the permitted sign size from 32 square feet to 64 square feet on property zoned the "BB" Office District. Members were provided with copies of the Notice of Public Hearings and MAPD staff reports. Following discussion, the Council voted 6-0 with one abstention due to a conflict of interest to recommend approval of the requested exception and variances.

Tom Jacobs, Affiliated Property Services, Inc., representative, Joel M. Pollack (agent), and Mike Mirt, Architectural Engineer, were present to describe the requests and respond to questions.

The following persons were present to receive information about the requests:

George W. Houston, Business Manager of St. Ames Church/School  
2801 South Seneca  
Clark Lindstrom, 1109 Greenfield  
Larry Overstreet, 1310 West 30th Street South

The residents stated they had no objections to the requests although Mr. Overstreet expressed concern about the aesthetics of the sign.

It should be noted there was brief discussion about traffic signalization being needed at 27th Street and South Seneca, (particularly) with the establishment of the Family Physician's Clinic. All the parties involved (Tom Jacobs, Joel Pollack, the area residents and 4B Council members voiced support for a traffic light at the intersection of 27th and Seneca).

Please provide the Council's recommendations to the Board of Zoning Appeals when the cases are considered at the March 22nd meeting.

SM:dm

SECRETARY'S REPORT

CASE NUMBER: BZA 9-88

OWNER/APPLICANT/AGENT: Affiliated Property Services, Inc. (applicant)  
Joel M. Pollack (agent)

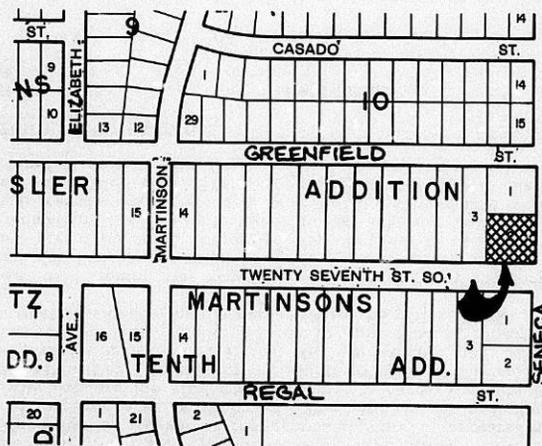
REQUEST: Variance to increase the permitted sign size from 32 square feet to 64 square feet

CURRENT ZONING: "BB" Office District

SITE SIZE: 133.2 feet by 140 feet (less 10-ft. contingent dedication)

LOCATION: Northwest corner of Seneca and 27th Street South

PROPOSED USE: Family physician clinic with associated pole sign



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.

**BACKGROUND:** The applicant is requesting a variance to increase the size of a sign in the "BB" District from 32 square feet to 64 square feet. Only the portion of the sign which conveys the message is counted in the square foot calculation. Upon further review of the proposed sign, it appears that only 48 square feet of message area is proposed. The sign is for a family physician clinic which will also provide some minor emergency care. The sign is the same one utilized on other Med Center sites around town such as the one at 7150 East Harry. The overall height of 21½ feet is well within the 30-foot height limitation. Most of the east side of Seneca in this area is zoned "LC" which permits much greater signage than is permitted in the office district.

In 1968, when "BB" zoning was requested for this lot, an additional ten feet of right-of-way for Seneca was acquired contingent upon the need for the right-of-way for any street purpose. The owner may continue to use this 10-foot area until the dedication becomes effective. It is already paved for parking purposes. It is recommended, however, that no signs be placed within the 10-foot contingent dedication area. There is ample room on site to place the sign west of this ten-foot street dedication.

**ADJACENT ZONING AND LAND USE:**

NORTH	"BB"	One-family dwelling
SOUTH	"AA"	Church
EAST	"LC"	Service station
WEST	"AA"	One-family dwelling (parking lot requested)

**UNIQUENESS:** It is the opinion of staff that this property may be unique in that it is across the street from "LC" zoning which can have signs of greater size than proposed, and the proposed medical facility requires maximum visibility so that the general public may be provided prompt medical treatment.

**ADJACENT PROPERTY:** It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the sign is to be located near the southeast corner of the lot more than 100 feet from the nearest residence which is to the north and the property to the east is light commercial in use while the property to the south is an institutional use.

**HARDSHIP:** It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as a 32 square foot size limitation would require either the reduction of the size of letters below that needed for good visibility on a major arterial street or the deletion from the sign of the upper and lower portions of the cross which is part of the logo of this church-affiliated medical center.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the sign would not be permitted to encroach any street right-of-way (including contingent r.o.w.) or utility easements.

**SPIRIT AND INTENT:** It is the opinion of staff that the granting of the variance for sign size from 32 square feet to 48 square feet may not be opposed to the spirit and intent of the zoning ordinance inasmuch as the signs permitted in the "BB" district are generally for offices of a purely business nature as opposed to a medical facility which often has some need for immediate recognition by the public.

**RECOMMENDATION:** Should the Board determine that the sign variance from 32 to 48 square feet is appropriate for this site, it is recommended that the variance be approved subject to the following conditions:

1. Only one pole sign shall be erected on Lot 2, Kensler Addition and it may not exceed 48 square feet in size.
2. The sign shall be placed at approximately the location shown on the site plan submitted with this application and dated February 16, 1988, EXCEPT that it shall not encroach the 10-foot contingent street dedication for Seneca.
3. Other than size, the pole sign shall comply with all other requirements for signs in the "BB" District as specified in Section 28.04.139 of the Zoning Ordinance.

STATE OF KANSAS  
FILED FOR RECORD  
MAY 6 1968

9255  
KANSAS DEEDS  
OFFICE OF DEEDS

Charles P. Hillier  
Deputy

APR 30 1968

BZA 7-88

CONTINGENT DEDICATION

D-6732

WHEREAS, Tom C. Gray and Lesteen Gray, residents of Wichita, Sedgwick County, Kansas, are the owners of the following described property, to-wit:

Lot 2, KENSLER ADDITION to Wichita,  
Sedgwick County, Kansas,

Original Compared  
with Record

which real property is now in the process of being rezoned to a "BB" classification; and,

WHEREAS, the City of Wichita anticipates in the future the necessity of acquiring additional street right-of-way for Seneca Street, which additional right-of-way will include a portion of the above-described real property; and,

WHEREAS, Tom C. Gray and Lesteen Gray, desire to continue the use of said additional right-of-way pending effectiveness of the dedication as hereinafter stated:

NOW, THEREFORE, in consideration of the premises and contingent upon the "BB" zoning, and for the purposes as hereinafter stated, Tom C. Gray and Lesteen Gray hereby dedicate to the public for street purposes the following described real property, to-wit;

The East ten (10) feet of Lot 2, KENSLER ADDITION to  
Wichita, Sedgwick County, Kansas,

PROVIDED, However,

1. That neither the public nor the City of Wichita shall be privileged or entitled to the use of the area herein dedicated for maintenance, excavation or fill, paving, installation of utilities and other similar street uses, until and unless the same is actually needed for the purposes as herein stated.

2. That until such time as the area hereby dedicated is actually used for the purposes of street right-of-way, including any or all of those uses as stated above, Tom C. Gray and Lesteen Gray shall be permitted the continued use of said additional right-of-way.

City Clerk  
L. W. ... City Clerk

BOOK 1456 PAGE 555

This dedication herein expressed, conditioned as aforesaid, shall be accepted by the City of Wichita upon approval of "BB" zoning and upon the recording of this instrument. Upon the recording hereof, this instrument shall constitute a public dedication and a covenant running with the land binding upon Tom C. Gray and Lesteen Gray, their successors and assigns, conditioned as aforesaid. Acceptance by the City of Wichita of this Contingent Dedication denotes its acquiescence and agreement to all of the terms and provisions hereof.

IN WITNESS WHEREOF, Tom C. Gray and Lesteen Gray have caused this instrument to be executed and delivered to the City of Wichita, Kansas, on this 9th day of April, 1968.

Tom C. Gray  
TOM C. GRAY

Lesteen Gray  
LESTEEN GRAY

STATE OF KANSAS )  
                          )SS:  
SEDGWICK COUNTY)

BE IT REMEMBERED, that on this 9th day of April, 1968, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came Tom C. Gray and Lesteen Gray, who are personally known to me to be the same persons who executed the above and foregoing instrument of writing, and said Tom C. Gray and Lesteen Gray duly acknowledged the execution of the same as their free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.

Carol M. Palmer  
Notary Public CAROL M. PALMER

My commission expires:

April 16, 1968



BZA CASE NO. 9-88

- 15 LEGAL ADVERTISEMENT SENT TO MAPC & BZA
- 1 NOTICES SENT TO APPLICANT/AGENT
- 18 NOTICES SENT TO ADJOINING PROPERTY OWNERS
- 5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 2-26-88

- 1 NOTICES SENT TO CPO
- 2 NOTICES SENT TO ~~CITY MANAGER~~ CITY COUNCIL REPRESENTATIVE TO DISTRICT
- 4 NOTICES TO MAPD STAFF
  - Jack Galbraith
  - Louise Olivarez
  - ~~Barbara Harris~~ *Bob Young*
  - Karen Crook

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

February 26, 1988

NOTICE OF PUBLIC HEARING:

CASE NO. BZA 9-88

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 Affiliated Property Services, Inc., requesting a variance.

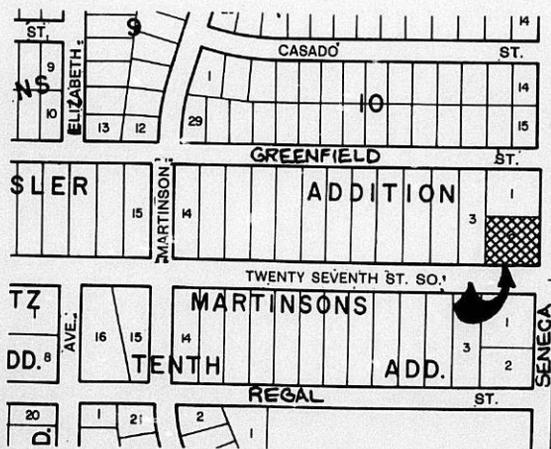
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to increase the permitted sign size from 32 square feet to 64 square feet on property zoned the "BB" Office District. A legal description of the applicant's property is as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

This application has been assigned Case No. BZA 9-88. It will be considered by the Board of Zoning Appeals on Tuesday, March 22, 1988 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 in or objections to 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.

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

NOTE: We have been advised by the Citizen Participation Organization staff that CPO Council 4B, South, will consider this case at their meeting to be held on Tuesday, March 15, 1988, at 7 p.m., at the National Guard Armory, 3617 South Seneca. Enter through Command Entrance, northwest corner of building. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



5. Case No. BZA 9-88 - Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted sign size from 32 square feet to 64 square feet on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

6. Case No. BZA 10-88 - Grace Presbyterian Church, 5002 E. Douglas, Wichita, Kansas 67208, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a pre-school on property zoned the "AA" One-family Dwelling District and legally described as follows:

A portion of Strieff Place, an Addition to Sedgwick County, Kansas, described as the south 22 feet of Lot 6 and all of Lots 7, 8, 9, and 11, Block 1, including half of vacated Coronado Place on the west but excluding the east 30 feet of Lots 6 thru 9 for street; Lot 10, Block 1, except the east 30 feet for street; the south 18 feet of Lot 4 and all of Lots 5, 6, 7, 8, 9, and 10, Block 2, including half of vacated Coronado Place on the east but excluding the west 40 feet of Lots 4 thru 9 for street; Lot 11, Block 2, except the west 40 feet for street. Generally located north of Douglas between Bleckley and Battin (5002 E. Douglas).

7. Case No. BZA 11-88 - MacArthur Park, Inc., 435 North Broadway, Wichita, Kansas 67202, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child day care center on property zoned the "A" Two-Family Dwelling District and legally described as follows:

Lot 1, Block A, New Hope Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Hydraulic approximately 1/3-mile south of MacArthur Road. (4244 South Hydraulic)

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand and seal this 26th day of February, 1988.

\_\_\_\_\_  
Jack H. Galbraith, Secretary

( \_\_\_\_\_ ) Published in The Daily Reporter, February 26, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 22nd day of March, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 5-88 - St. Francis Regional Medical Center, Inc., 929 N. St. Francis, Wichita, Kansas 67214, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a group home for pregnant girls on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lots 221 and 223 on Emporia Avenue, Stafford and Wrights addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the west side of Emporia in an area north of 10th Street (1127 N. Emporia).

2. Case No. BZA 6-88 - Eddy's Toyota of Wichita, Inc., 6631 E. Kellogg, Wichita, Kansas 67207, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of new and used car sales on property zoned the "LC" Light Commercial District and legally described as follows:

North 138 feet of Lot 2, Jim Burns Addition and Lot 1, Schmid Addition, Wichita, Sedgwick County, Kansas. Generally located on the south side of Kellogg between Glendale and Elpyco (4901 and 4925 E. Kellogg).

3. Case No. BZA 7-88 - Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of an off-street parking lot on property zoned the "AA" Single-family Dwelling District and legally described as follows:

Lot 3 except the North half, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 27th Street South in an area west of Seneca (1118 W. 27th Street South).

4. Case No. BZA 8-88 - Affiliated Property Services, Inc., 1035 N. Emporia, Suite 140, Wichita, Kansas 67214, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback (on the west) from 17 feet to 5 feet on property zoned the "BB" Office District and legally described as follows:

Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Seneca and 27th Street South (2757 S. Seneca).

APPLICATION FOR VARIANCE

I. Applicant AFFILIATED PROPERTY SERVICES, INC.  
Address 1035 N. EMPORIA, SUITE 140 Zip Code 67214 Phone (316)268-6810  
Agent JOEL M. POLLACK  
Address 1035 N. EMPORIA, SUITE 140 Zip Code 67214 Phone (316) 268-6810

Relationship of applicant to property is that of CONTRACT - PURCHASER OF PROPERTY  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to increase the <sup>permitted sign</sup> allowable size of our signage  
from 32 square feet to 64 square feet.

on property zoned BB which is  
130 ~~140~~ ft by 133 ft (or \_\_\_\_\_ acres) in size, legally described as:  
Lot 2, Kensler Addition to Wichita, Sedgwick County, Kansas

and located 2757 South Seneca (NW cor Seneca + 27th St. So)  
in the City of Wichita.

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. 39-285); 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 Affiliated Property Services Inc  
AFFILIATED PROPERTY SERVICES, INC.  
Authorized Agent Joel M Pollack  
JOEL M. POLLACK

OFFICE USE ONLY:

Map No. 5344A Zoning: (N) BB (S) AA (E) LC (W) AA CPO 4B <sup>3-15-88</sup>  
Received in Office of Secretary, Board of Zoning Appeals, 1 (a.m. (p.m.))  
2-17, 1988, together with appropriate fee of 150.00

Signed Paula Oliver

BZA 28088  
9-88

16 February 1988

Board of Zoning Appeals  
City of Wichita, Kansas  
455 North Main  
Wichita, Kansas 67202

Re: Variance to reduce the Rear Yard  
Setback from 15 Feet to 5 Feet

- A.
  - 1. Uniqueness of the property is due to the corner location and two (2) platted front yard setbacks, and also the fact - that the property zoned AA to the West will be under the same ownership.
  - 2. The variance would not affect adjoining property owners due to the fact that it would still be over eighty (80) feet to the property on the west and the property to the north maintains the requested zoning setback.
  - 3. Hardship is derived due to the large setbacks and the desired size of the facilities.
  - 4. The general intent for the health, safety, and morals etc. of the general public will not be affected.
  - 5. It is not opposed to the general intent of the Zoning Ordinance since the front yard setback gives a choice of possible side yards.
  
- B. The Sign Ordinance Variance desired size request goes from 32 square feet by ordinance to 64 square feet.
  - 1. The sign being a monumental type and in conformance with another sign the owner has at the southeast and plans to put on its northwest location. The sign is aesthetically designed to fit into the property in the landscaped front yard as shown along Seneca.
  - 2. The sign will not affect adjoining property owners since it is at the south side of the lot, light commercial zoning is across the street, church property to the south, and is not visible to the property owners to the west.
  - 3. Hardship arises due to the fact that the owner wishes to properly identify for the community the medical services it provides.
  - 4. Public health and safety are in no way affected by the size of the sign or the location of the sign on the property.
  - 5. The variance does not oppose the general spirit and intent of the Zoning Ordinance because of the commercial nature of Seneca and all the related Commercial Zoning it has.



**AFFILIATED  
PROPERTY  
SERVICES, INC.**

JOEL M. POLLACK  
President

February 16, 1988

Board of Zoning Appeals  
City of Wichita  
455 N. Main  
Wichita, Kansas 67201

Gentlemen:

We respectfully request a variance be granted by the Board of Zoning Appeals under the jurisdiction of the Zoning Ordinance to allow the property at 2757 South Seneca, which is presently zoned BB, to increase the signage from 32 square feet to 64 square feet.

The applicant, Affiliated Property Services, Inc., is a subsidiary of St. Francis Health Corporation and an affiliate of St. Francis Regional Medical Center, Inc. The applicant is acquiring the subject property and the adjacent property, Lot 3, Kensler Addition, except the north half (N 1/2) for the purpose of establishing a Medical Clinic to serve the people of South Wichita with up to three family practice physicians. The clinic facility will be located entirely on Lot 2, Kensler Addition, which is presently zoned for that purpose. In order to provide adequate signage for an "urgent care" medical facility, we are requesting an increase in the allowable size of our sign.

We make this application in the belief that our request satisfies all necessary conditions for granting the variance and wish to provide the following information:

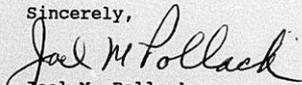
1. A Medical Clinic is a unique facility which requires maximum visibility so that the general public may be provided prompt medical treatment. The sign, being a monumental type, is in conformance with another sign the owner has at the Southeast Med Center, 7150 E. Harry Street and plans to put on its Northwest location. The sign is aesthetically designed to fit into the property in the landscaped front yard as shown along Seneca.

Board of Zoning Appeals  
February 16, 1988  
Page 2

2. The applicant is also the owner of the property to the West. The sign will not adversely affect the adjoining property owners since it is at the south side of the lot, light commercial zoning is across the street, church property to the south, and is not visible to the property owners to the west. We believe granting of the variance will not adversely affect the rights of the adjacent property owners or residents.
3. Hardship arises due to the fact that the owner wishes to properly identify for the community the medical services it provides. Not having adequate signage for this type of healthcare facility constitutes a hardship to the applicant.
4. In the opinion of the applicant, particularly considering its knowledge of the healthcare industry, the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.
5. We believe that granting the variance will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance).

The property will conform to all other requirements of the City of Wichita and, we believe, will make a significant positive contribution to the neighborhood.

Sincerely,

  
Joel M. Pollack  
President

JMP/fm

№ 00005

METROPOLITAN AREA PLANNING DEPARTMENT

Description 3 BZA signs for BZA 7-88  
8-88  
Name Affiliated Property Services Inc. 9-88  
Address 1035 N. Emporia  
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)  
Amount \$9<sup>00</sup>  
Date 2-17-88 Due Date 2-17-88 By SO

Form 00-000