

Rosler
12-28-82

Case No. BZA 52-82 - Steve Clark dba Brookwood Apartments - requests a variance to increase the size of an identification sign from 16 sq. ft. to 55 sq. ft., and to increase the number of signs from one to two on

ACTION

B.Z.A. 52-82 APPROVED 12-28-82
DATE

6045D

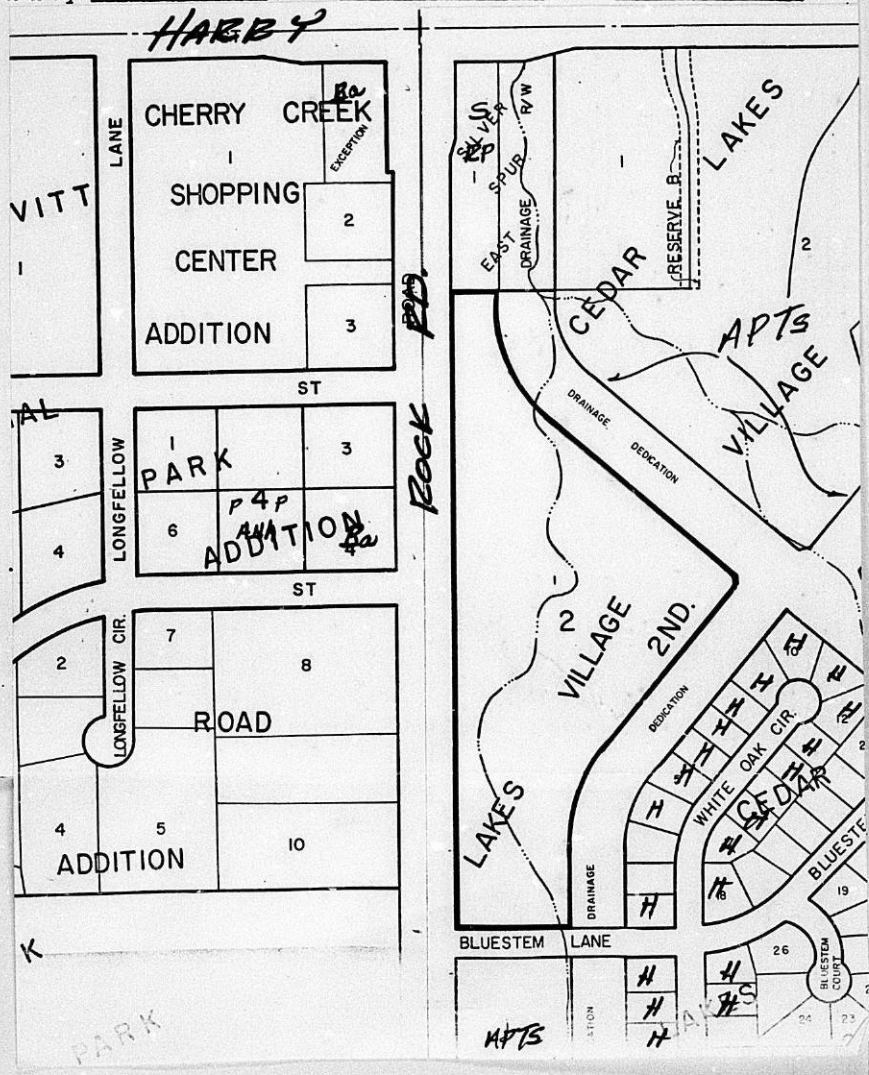
200'4 Sec 1-4-83
Checked 1-5-83
Sect 1-27-83
Recorded 1-31-83

Map No. 6045
 Sec. 32
 Twp. 27
 Range 2.E

BZA- 52-82
 SC2- _____
 CU- _____
 Filed _____

- AREA DATA:
1. Acres: 11.2 (IRREGULAR) 680 ft. by 1460 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM & APARTMENTS South APARTMENTS
 West BANK North SHOPPING CENTER
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use is for: UNDEVELOPED
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



Shepard
 No. 2153C
 HASTINGS, MN
 105 ANGLICAN CHURCH
 MEMPHIS, TN, LOCUST GROVE, GA.
 U.S.A.

December 30, 1982

Steve Clark
d/b/a Brookwood Apartments
P. O. Box 18125
Wichita, Ks. 67218

Re: EKA 52-82 - Request for Variance

Dear Mr. Clark:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 28, 1982.

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:ead
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 52-82

WHEREAS, Steve Clark, dba Brookwood Apartments, P. O. Box 18125, Wichita, Kansas, requests variances as provided in Section 2.12.590.B, Code of the City of Wichita, to increase the size of an identification sign from 16 square feet to 55 square feet and to increase the number of signs from one to two on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 1, Block 2, Cedar Lakes Village Second Addition to Wichita, Sedgwick County, Kansas.
Generally located on the east side of Rock Road and south of Harry Street (1770 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 December 28, 1982, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the 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 it is in excess of 11 acres in size and is adjacent to an arterial street which is opposite from commercial and industrial zoning where sign limitations are not as restrictive as the application area; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variances will not adversely affect the rights of adjacent property owners or residents inasmuch as the adjacent property to the north is "LC" Light Commercial and the distance from the identification sign to the property to the south is over 700 feet; 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 owner will be unable to provide adequate identification for the project; 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 increase of the size of one sign is insignificant based on a frontage adjacent to an arterial street; 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 ordinance regulating signs is applicable to all multiple-family dwelling districts and does not take into consideration the size and location of properties; 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 variances to increase the size of an identification sign from 16 square feet to 55 square feet and to increase the number of signs from one to two on property zoned the "AA" One-family Dwelling District and legally described as:

Lot 1, Block 2, Cedar Lakes Village Second
Addition to Wichita, Sedgwick County, Kansas.
Generally located on the east side of Rock
Road and south of Harry Street (1770 South
Rock Road).

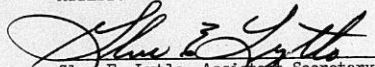
be approved subject to the following conditions:

1. The identification sign shall be permitted to be increased from 16 square feet to 55 square feet including the masonry base.
2. The identification ground sign shall not be constructed closer than 6 feet to the right-of-way line of Rock Road.
3. The additional sign located near the clubhouse and office shall not exceed 16 square feet.

ADOPTED AT WICHITA, KANSAS, this 28th day of December, 1982.


Tom Jacob, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE December 22, 1982

TO Glen Lytle, Special Assistant for Zoning

FROM Clemencia Prieto, Administrative Aide III

SUBJECT BZA 52-82 East side of Rock Road
and South of Harry Street

Due to the lack of a quorum, CPD Area "H" did not meet on December 20th and will be unable to forward a recommendation on an application for a variance to increase the size of an identification sign from 16 square feet to 55 square feet, and to increase the number of signs from one to two, on property zoned "AA" One-Family Dwelling District.

Clemencia L. Prieto
Clemencia L. Prieto
Administrative Aide III

CLP:dm

RECEIVED

DEC 22 1982

METROPOLITAN PLANNING

ROUTE

SECRETARY'S REPORT
CASE NO. BEA 52-82

APPLICANT: Steve Clark, d/b/a Brookwood Apartments, P. O. Box 18125, Wichita, Ks.

AGENT: Same

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to increase the size of an identification sign from 16 square feet to 55 square feet and to increase the number of signs from one to two.

GENERAL LOCATION: On the east side of Rock Road and South of Harry Street.

ZONING: Subject property is zoned "AA" One-family Dwelling District and is in a C.U.P. permitting apartments. Property to the north and west is "IC". To the east and south "AA". Also to the west is "E" Light Industrial.

LAND USE: Subject property is an apartment complex. Property to the north and west is commercial and vacant. To the east and south residential.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita and the Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the limitations of the Zoning Ordinance related to signs permitted for apartment development in the "B" Multiple-family Dwelling District. Although the property is located in the "AA" One-family Dwelling District, the property is part of a Community Unit Plan which has permitted the development of apartments on the application area and limited the signs on such parcel to that permitted in the "B" Multiple-family Dwelling District. This limitation is for one identification sign not to exceed 16 square feet.

The applicant wishes to install an identification at the main entrance at Rock Road that will be a double face sign with a gross surface area of 55 square feet, including the stone base. Also the applicant is requesting a second sign to be located near the clubhouse and office which would be less than 16 square feet.

Contrary to the applicant's statement of justification, the restriction of the "AA" One-family Dwelling District is not applicable, but the restriction of the "B" Multiple-family District is set forth on the C.U.P., and limits the size of the sign to 16 square feet. Prior to an ordinance amendment for signs in 1974, the limitation was 6 square feet on this property.

The size and location of the property, along with the proposed location of the signs are unique inasmuch as the property is in excess of 11 acres and located adjacent to an arterial street and across the street from commercial and industrial zoning. Also, only one access point is located adjacent to Rock Road, the arterial street. The second sign is located within the complex and visible only from the private drive.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is in excess of 11 acres in size and is adjacent to an arterial street which is opposite from commercial and industrial zoning where sign limitations are not as restrictive as the application area.

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 to the north is "LC" Light Commercial and the distance from the sign to property on the south is over 700 feet.

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 owner will be unable to provide adequate identification for the project.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the increase in the size of the one sign is insignificant based on the frontage of the property along Rock Road.

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 ordinance regulating signs is applicable to all multiple-family dwelling districts and does not take into consideration the size and location of properties.

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. The identification sign shall be permitted to be increased from 16 square feet to 55 square feet including the masonry base.
2. The identification ground sign shall not be constructed closer than 6 feet to the right-of-way line of Rock Road.
3. The additional sign located near the clubhouse and office shall not exceed 16 square feet.

BZA CASE NO. 52-82

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

16 NOTICES SENT TO ADJOINING PROPERTY OWNERS

28 TOTAL NOTICES SENT 12-8-82

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

December 8, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 52-82

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Steve Clark, dba Brookwood Apartments, P. O. Box 18125, 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 size of an identification sign from 16 square feet to 55 square feet and to increase the number of signs from one to two on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Block 2, Cedar Lakes Village Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Rock Road and south of Harry Street (1770 South Rock Road).

This application has been assigned Case No. BZA 52-82. It will be considered by the Board of Zoning Appeals on December 28, 1982 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

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

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 52-82

CITY OF WICHITA, KANSAS

FILED 11-24-82

APPLICATION FOR VARIANCE

I. Name of Applicant Steve Clark d/b/a Brookwood Apartments

Mailing Address P.O. Box 18125
Wichita, Kansas 67218 Phone 684-0533

Name of Authorized Agent Steve Clark

Mailing Address same as above Phone same

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

II. The variance requested is to increase the size of an identification sign from 16 square feet to 5 square feet and to increase the entrance sign and office/clubhouse sign, at

number of signs from one to two Brookwood Apartments, a new residential multi-family development, on the east side of Rock Road and south of Henry for property located at (1770 S. Rock Road) Wichita, Kansas

and legally described as: Lot 1, Block 2, Cedar Lakes

Village Second Addition to Wichita, Sedgwick

County, Kansas

in the City of Wichita; and which is presently zoned "AA" as part of the Cedar Lakes CUP.

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 Clark
Steve Clark

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2.00 (____ p.m.), Nov. 24, 1982 together with appropriate fee of 75.00

Signed A. Lytle

Layman L. Clark
Stephen L. Clark



Investment Property
Property Management
Construction & Development

REALTORS

TELEPHONE (913) 694-0883
POST OFFICE BOX 18185

4301 EAST KELLOGG, WICHITA, KANSAS 67218

November 23, 1982

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

Re: Sign Variance Request
Brookwood Apartments
1770 S. Rock Road
Wichita, Kansas

Gentlemen:

The above property is located in the Cedar Lakes Village CUP, which was zoned AA, Single Family, at the time it was platted, with an overall density restriction. Therefore, the sign ordinance provisions for single family are being applied to the total tract, even though portions of the tract were intended for higher density development.

Brookwood Apartments are presently under development on Lot 1, Block 2, of the Cedar Lakes Second Addition, which was originally intended for the higher density use, and so approved. The total Lot 1 area is in excess of 11 acres, and has over 1,400 feet of frontage on Rock Road.


By this letter and our application we hereby request the Boards consideration of a less restrictive interpretation of the sign

Page 2.
November 23, 1982
Board of Zoning Appeals

ordinances total allowable sign square footage be applied to the above property. Specifically, the main entrance sign has been designed to have a total of 32 square feet. A smaller clubhouse sign would be placed in front of the office and clubhouse building. Other than directional and building number signs which are to be placed directly on the buildings, these are the only free standing signs planned for the development. Attached are drawings of both of these signs.

Your consideration and approval of the use of these two signs, which are in excess of the total square footage of 16 square feet which we are told now applies under the single family provision of the code, will be appreciated.

Respectfully Submitted,



Stephen L. Clark

SLC/st

Enclosure

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

All the owners within 200 feet of:

Lot 1 Block 2 Cedar Lakes Village Second Addition to Wichita, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

| Lot | Block | Addition | Owner |
|---------------------|-------|--------------------------------------|---|
| 1 | 2 | Cedar Lakes Village Second Addition. | ✓ D Brookwood Apartments PO Box 18125 67218 Wichita, Ks |
| 1 | 3 | " " | ✓ Luis A. Casado Vera J. Casado John W. McKay Dorothy McKay 236 S. Topeka 67212 |
| SWstly 60 Feet 2 | 1 | Cedar Lakes Village Third Addition. | ✓ Lightner Development Company 219 N. Market 67212 |
| 2 | 1 | " " | ✓ Harriett Morris 128 S. Dellrose 67218 |
| Lot 1 | | Silver Spur East Add. | " " " |
| Lot 1 Blk A | | Rock Park Addition | ✓ Woodlawn Christian Church Inc. 1919 S. Rock Road 67207 |



The West 220 ft of E 227.5
ft of Lot 8 Rock Road Add.

~~Farmers Insurance Company~~

Lots 9 & 10 Rock Road Addition.

~~Kathryn B. Gould~~

| | | |
|---------------------|------------------------------------|---|
| Lot 1 Blk 1 | Levitt Industrial Park Add. | Land Enterprises Co ✓ P.O. Box 18358 67218 Wichita, Ks. |
| Lot 3 Bk 4 | " " | State Farm Automobile Ins. Co. |
| Lot 4 Block 4 | " " | Kansas Federal Credit Union |
| Lot 1 Blk 3 | Cedar Lakes Village Fourth Add. | ✓ Craig L. Cross Mary K. Cross 1849 White Oak Circle |
| 2 | " " " | Richard T. Hurd ✓ Carol L. Hurd 6260 Woodlawn |
| 3 | " " " | Richard L. Millspau ✓ Andrea L. Millspau |
| 4 | " " " | Verlyn K. Anderson ✓ Delores L. Anderson 1833 White Oak Circle 67207 |
| 5 | " " " | Kenneth W. Harris ✓ Laurie J. Harris 1829 White Oak Circle 67207 |
| 6 | " " " | William E. Mansfield ✓ Marilyn E. Mansfield 1823 White Oak Circle 67207 |
| 7 | " " " | Jimmy C. Magers ✓ Gaynell Magers 1819 White Oak Circle 67207 |
| 8 | " " " | Nick S. Stevens ✓ 10 Hampton Rd. |
| 9 Exc SW 10 feet | " " " | Garnett L. Hill ✓ Patricia Hill 1809 White Oak Circle 67207 |
| SW 10' 9 all 10 | " " " | Joseph A. Sauer ✓ Karol J. Sauer 1803 White Oak Circle 67207 |
| 1 1 | " " | Larry D. Raitt ✓ Linda K. Raitt 8205 Bluestem 67207 |
| 2 1 | " " | Sharon D. Bailey ✓ 1910 White Oak 67207 |

Dated this 23rd day of November 1982 at 7:00 A.M.

FIDELITY TITLE COMPANY INC.

Order No. 58694



**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 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 |
|-------------|--------|
| Planning | 95.00 |

NAME

ADDRESS

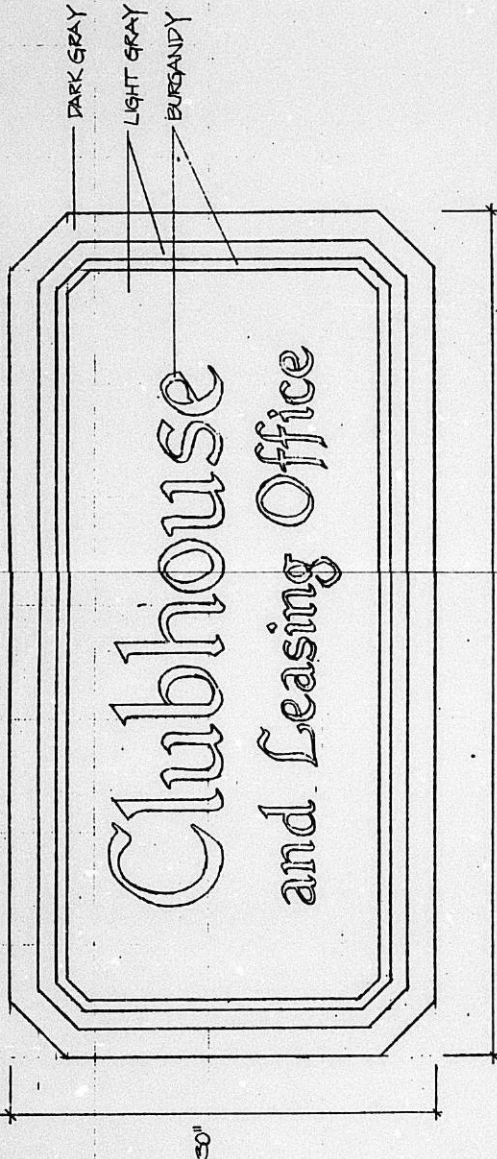
FUND

DUE DATE

COMMENTS

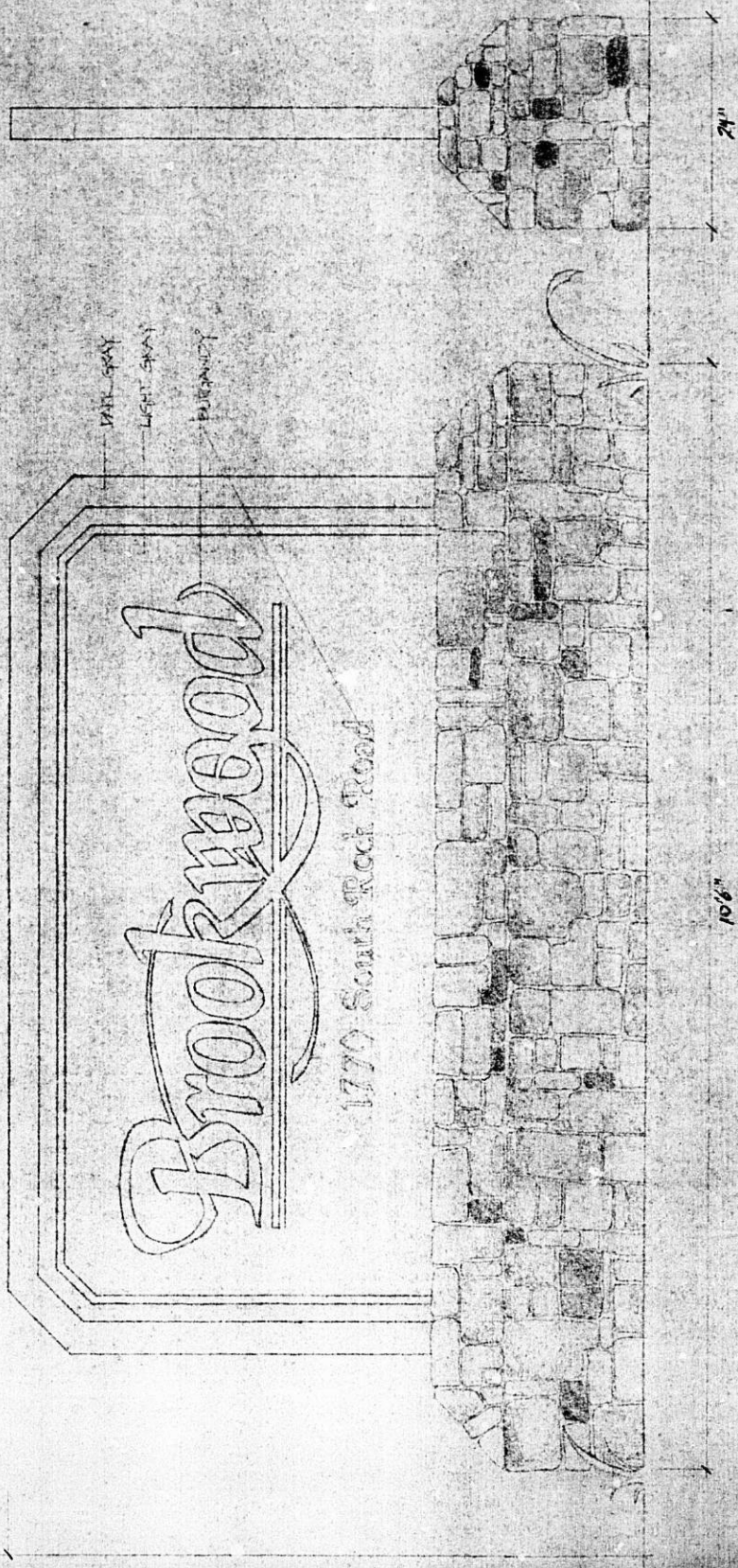
DATE

BY



CLUBHOUSE IDENTIFICATION

| | | | |
|---|------------------------|-----------------|--------------|
| GRAPHICSSYSTEMS 313 1DA WICHITA, KANSAS 67202 | JOB TITLE BUCK WOOD | JOB NO. DATE | SHT. DATE |
| | 312-297-8171 | | |



DARK GRAY
 LIGHT GRAY
 BURNED

Brookwood

1779 South Red Road

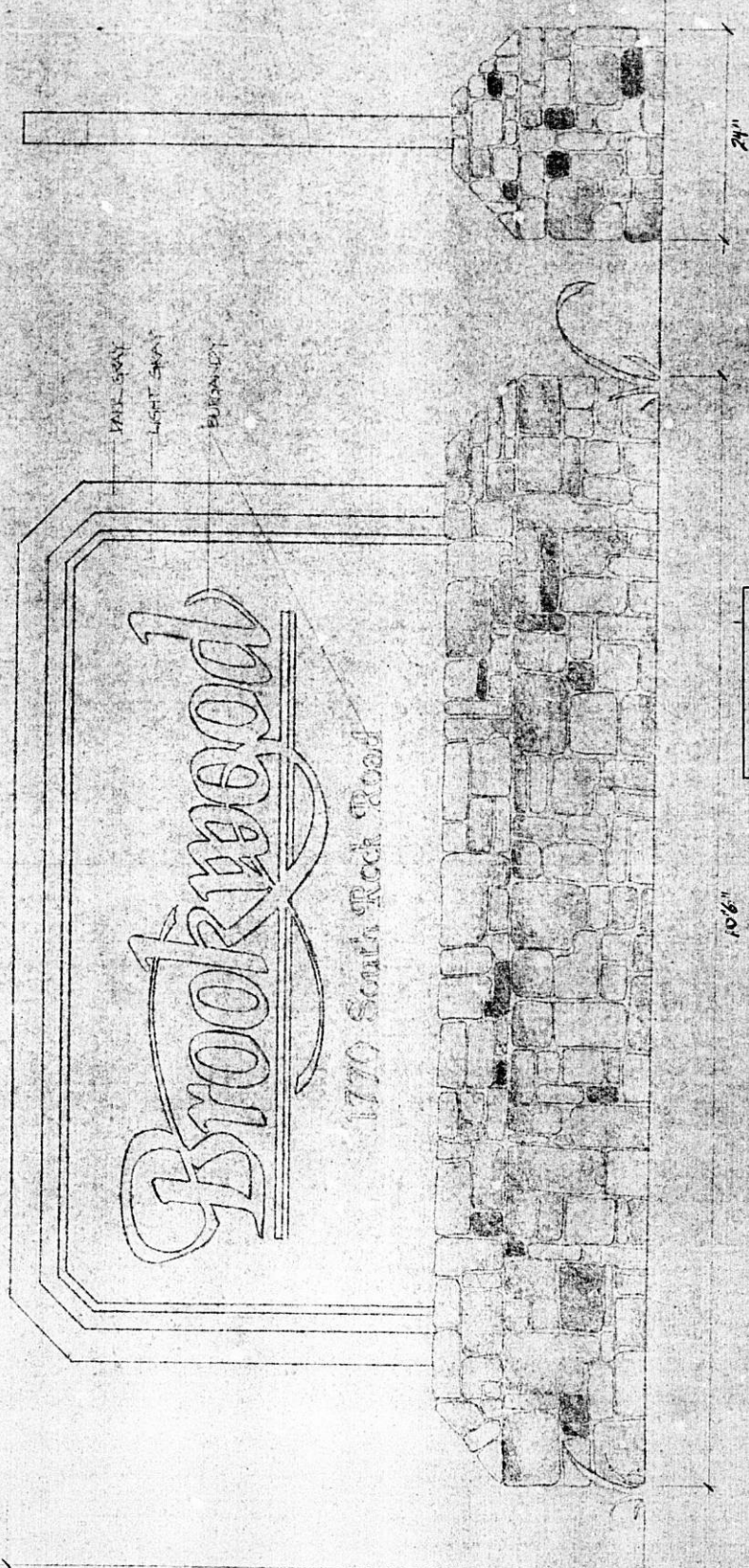
106"

1" = 1'

24"

72"

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY



DARK GRAY
 LIGHT GRAY
 BURMANITE

Brookwood
 1770 South Rock Road

24"

106"

1" = 1'

MICROFILMED
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4 x 8.5 = 34
 2 x 10.5 = 21

72"

*

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

Roll # 2