

CASE NO. BZA 56-86 - Woodlawn Development Company requests a variance to increase the permitted height of four building signs from 30' to 60' above grade on property zoned "LC" Light Commercial & generally located on the

POSTED
12-26-86 GBC

ACTION
BZA 56-86 APPROVED 12/21/87
DATE

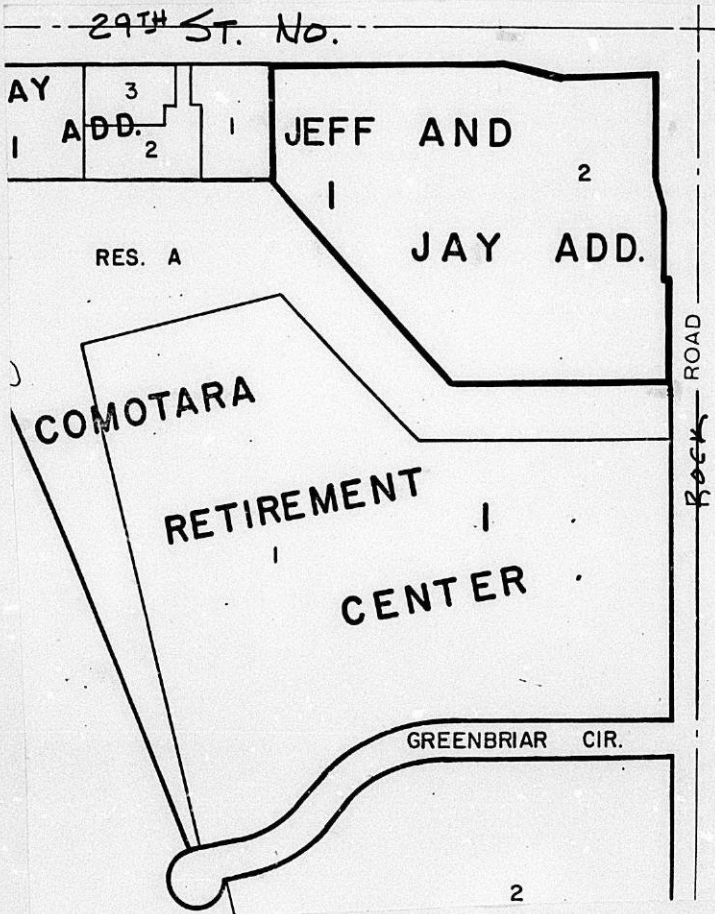
2004 Sec 1-9-87
Checked
Shot 5/1/87
Record

Map No. 5950A

BZA 56-86
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "AA" S "AA" W "BB & AA" N "LC"
3. Land Use: East Church South APT.
West Undev. North Undev.
4. Area (is) (~~to not~~) platted.



LOS ANGELES
MCGREGOR 17 LOCUST GROVE CA
U.S.A.

Shimoda
No. 2153C

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE January 15, 1987

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 56-86: Southwest corner
of 29th Street North and Rock
Road (2959 N. Rock Road)

On January 15, 1987, CPO Council Area "I" considered the captioned case, a request for a variance to increase the permitted height of four building signs from 30 feet to 60 feet above grade on property zoned the "LC" Light Commercial District. Council members were provided the notice to adjoining property owners and a map of the area. After a brief discussion, the Council voted 7-0 to recommend approval of the request.

Applicant, George Ablah, and Larry Boggs (Boggs Sign Company) were present to describe the request. According to Mr. Ablah, the hotel currently is zoned "LC" Light Commercial District, which does not permit signage over 30 feet above grade. Mr. Ablah explained that a variance is need to allow sign placement on the building in question.

The Council was supportive of the request.

Please provide this information to the Board of Zoning Appeals when case BZA 56-86 is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:blc

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

JAN 16 1987

METROPOLITAN PLANNING

ROUTE _____

January 28, 1987

Donald J. Ablah
Woodlawn Development Company
151 North Main, Suite 300
Wichita, Kansas 67202

Re: BZA 55-86 - Request for Variance On the southwest corner of
29th Street North and Rock Road (2959 N. Rock Road).

Dear Mr. Ablah:

Enclosed is a signed copy of the Resolution adopted by the Board of
Zoning Appeals on January 27, 1987.

This Resolution reflects the official action of the Board to grant 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/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 56-86

WHEREAS, Woodlawn Development Company, 151 North Main, Suite 300, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted height of four building signs from 30 feet to 66 feet above grade on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 2, Block 1, Jeff and Jay Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of 29th Street North and Rock Road (2959 N. 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 January 27, 1987, 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 location of the building on the property places the signs at least 500 feet from any residential development which is a condition not generally found adjacent to most "LC" Light Commercial Districts; 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 distance from the lighted sign to any residential development should eliminate any problems related to the height of the signs above the 30-foot limitation; 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 issuance of the permits for the existing signs was created by Central Inspection and the building construction is such that the installation of signs below 66 feet is virtually impossible due to window locations; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the location of the signs on the building will not in anyway affect the use of easements or public right-of-way; 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 distance of the building, where the signs are to be located, is a distance away from any residential development far in excess of the distance generally found at most "LC" Light Commercial properties in the city; 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.

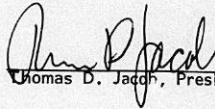
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the permitted height of four building signs from 30 feet to 66 feet above grade on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 2, Block 1, Jeff and Jay Addition to Wichita,
Sedgwick County, Kansas. Generally located on the
southwest corner of 29th Street North and Rock Road
(2959 N. Rock Road).

be approved subject to the following conditions:

1. The four individual building signs shall not exceed 75 square feet of gross surface area each.
2. The top of each sign shall not exceed a height of 66 feet above grade.
3. This variance shall apply only to this one building located on the property.

ADOPTED AT WICHITA, KANSAS, this 27th day of January 1987.


Thomas D. Jach, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services DATE January 15, 1987

TO Jack Galbraith, Chief Planner, Current Plans

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 56-86: Southwest corner
of 29th Street North and Rock
Road (2959 N. Rock Road)

On January 15, 1987, CPO Council Area "I" considered the captioned case, a request for a variance to increase the permitted height of four building signs from 30 feet to 60 feet above grade on property zoned the "LC" Light Commercial District. Council members were provided the notice to adjoining property owners and a map of the area. After a brief discussion, the Council voted 7-0 to recommend approval of the request.

Applicant, George Ablah, and Larry Boggs (Boggs Sign Company) were present to describe the request. According to Mr. Ablah, the hotel currently is zoned "LC" Light Commercial District, which does not permit signage over 30 feet above grade. Mr. Ablah explained that a variance is need to allow sign placement on the building in question.

The Council was supportive of the request.

Please provide this information to the Board of Zoning Appeals when case BZA 56-86 is considered.

Barry L. Carroll
Barry L. Carroll
Administrative Aide III

BLC:blc

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED
JAN 16 1987
METROPOLITAN PLANNING
ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 56-86

APPLICANT: Woodlawn Development Company, 151 N. Main, Suite 300, Wichita, KS 67202

AGENT: Donald J. Ablah, same.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to increase the height of four permitted building signs from 30 feet to 66 feet above grade.

GENERAL LOCATION: On the southeast corner of Rock Road and 29th Street North (2959 N. Rock Road).

ZONING: Subject property is zoned the "LC" Light Commercial District as is the property to the north. To the east and south is "AA" One-family Dwelling District. To the west is "AA" One-family and the "BB" Office District.

LAND USE: Subject property is occupied by an existing office building, a retail building and a restaurant. To the east a church. To the south are apartments and to the north and west is undeveloped.

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 to increase the height of four permitted building signs from 30 feet to 66 feet above grade. These signs will be located on the four faces of the building which is oriented at a 45 degree angle with the adjacent streets. The faces of the building not adjoining the street are at least 400 feet from the property to the southwest that is zoned residential. It should also be noted that there is a drainage reserve of 100 feet or more that separates the application area and the area that is developed as residential. This then increases the distance to 500 feet from the building where the signs are to be located and the apartments to the south.

In this particular case, the permits for the existing signs on the building were issued in error by Central Inspection. The signs presently installed have not proven satisfactory to the owner as they are not readable at any distance. The applicant is now desirous of replacing the signs with individual letters and have been advised by Central Inspection that a variance of the height limitation must be obtained in order to replace the signs.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as location of the building on the property places the signs at least 500 feet from residential development which is not generally found in the "LC" Light Commercial District.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the distance from the lighted sign to any residential development should eliminate any problems related to the height of the signs above the 30-foot limitation.

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 issuance of the permits for the existing signs was created by Central Inspection and the building construction is such that the installation of signs below 60 feet is virtually impossible.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the location of the signs on the building will not in anyway affect the use of easements or public right-of-way

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 distance of the building, where the signs are to be located, is away from any residential development far in excess of the location of most "LC" Light Commercial properties in the city.

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 four individual building signs shall not exceed 75 square feet of gross surface area each.
2. The top of each sign shall not exceed a height of 66 feet above grade.
3. This variance shall apply only to this one building located on the property.

BZA CASE NO. 56-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>4</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>4</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>7</u>	TOTAL NOTICES SENT <u>4/6/87</u>

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

January 5, 1987

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 56-86

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 Woodlawn Development Company, 151 North, Main, Suite 300, 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 height of four building signs from 30 feet to 60 feet above grade on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 2, Block 1, Jeff and Jay Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of 29th Street North and Rock Road (2959 N. Rock Road).

This application has been assigned Case No. BZA 56-86. It will be considered by the Board of Zoning Appeals on January 27, 1987 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.

Glen E. Lytle
Assistant Secretary

APPLICATION FOR VARIANCE

I. Name of Applicant Woodlawn Development Company
Mailing Address 151 N. Main, Suite 300, Wichita, KS 67202 Phone 269-4000
Name of Authorized Agent Donald J. Ablah
Mailing Address 151 N. Main, Suite 300, Wichita, KS 67202 Phone 269-4000
Relationship of applicant to property is that of Owner ~~Representative~~
(Owner, Tenant, Lessee, Other)

II. The variance requested is: To increase the height of a permitted building sign
from 30 feet to ⁶⁰ feet above grade, per page 1054-4 City Sign Zoning Code 28.04.139,
Section G-2.

on the southwest corner of Rock Road and 29th Street.
for property located (2959 N. Rock Road)

and legally described as: 200-foot Radius of Lot 2, Block 1, Jeff & Jay Addition,
an Addition to Wichita, Sedgwick County, Kansas.

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

- 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.

WOODLAWN DEVELOPMENT CO.
Applicant [Signature]
Authorized Agent DONALD J. ABLAH
ATTY. IN FACT

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
3:15 ~~fee~~ (p.m.), DEC 24, 1986 together with appropriate
fee of 300.00.

Signed [Signature]

WOODLAWN DEVELOPMENT COMPANY
Suite 300
151 North Main
Wichita, Kansas 67202

December 23, 1986

Mr. Glen Lytle, Special Asst. of Zoning
Board of Zoning Appeals
455 North Main Tenth Floor
Wichita, Kansas 67202

Dear Mr. Lytle:


My name is Don Ablah, Owner's Representative for Woodlawn Development Company, owners of the property located at 2959 North Rock Road. On the property we have a five story office building, with a shopping center to the south and west.

It is the desire of the owners of Health Care Plus (EQIOCPB) to have individual channel letter lighted graphics on four sides of our building. We have great visibility from all four directions, but unless we install the letters on the upper rim of the building (as Per drawing EBE-3024-2), it is simply exterior identification instead of becoming a monument and landmark to the area.

Our present zoning is Light Commercial, which limits the height of wall signs to 30' above grade (page 1054-4, City Sign Zoning Code 28.04.139, Section G-2). We own the property about 300' to the south of the building, 300' to the west of the building, all the frontage across 29th to the north and east. To the east of our property, across Rock Road is the Central Christian Church. We do not feel the proposed signage would constitute unnecessary hardship on anyone, nor would the diffused lighting in an individual letter cast any unwanted light on anyone.

We appreciate your patience and understanding in taking your time to hear our request. If you have any questions, please feel free to call.

Yours very truly,


Donald J. Ablah
Attorney in Fact

DJA:1b

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 2	Block 1	Jeff and Jay Addition	✓ Woodlawn Development Company Suite 300 151 N. Main Wichita, KS 67202
Lots 1 & 2	Block 1	Jeff and Jay Second Addition	Same As Above
Lot 3, Block 1, except that part of Lots 3 and 4, described as follows: Beginning at a point on the South line of 29th Street North, said point being 470.0 feet East of the NW/c of said Lot 4; th. E'ly along said South line bearing N 89°04'12" E, 165.00 feet; th. S 00°55'48" E, 35.00 feet; th. S 89°04'12" W, 145.00 feet; th. N 00°55'48" W, 105.00 feet to the point of beginning.		"	Same As Above
Lot 1	Block 1	Comotara Retirement Center Addition	✓ City of Wichita 435 N. Main Wichita, KS 67202
Reserve A	Block 1	"	✓ Wesley Medical Endowment Foundation 151 N. Main Wichita, KS 67202
Lot A		Central Christian Addition	✓ Central Christian Church of Wichita 2900 N. Rock Road Wichita, KA 67226
That portion of Lot 1, Block 4, described as: Beginning at the SW/c of Lot 1, Block 4; th. along the East line of Longfellow bearing N 0°55'48" W, 561.95 feet to the South line of 30th Street North; th. along said South line bearing N 89°04'12" E, 352.00 feet; th. S 0°55'48" E, 120.00 feet; th. S 89°04'12" W, 120.00 feet; th. S 0°55'48" E, 436.12 feet to the North line of 29th Street North; th. South 87°37'51" W, 232.07 feet to the point of beginning.		Cottonwood Square Addition	✓ James G. Gould P.O. Box 8640 Wichita, KS 67208
Lot 1, Block 4, except foregoing described portion.		"	✓ Kathryn B. Gould P.O. Box 8640 Wichita, KS 67208

Tract Description

Property Owner

The South 200 feet of the West 950 feet of the SW $\frac{1}{4}$ of Section 32, Township 26 South, Range 2 East, except part dedicated for street on the South and except part platted as The Renaissance Addition.

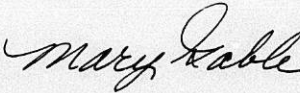
Woodlawn Development
Company
Suite 300
151 N. Main
Wichita, KS 67202

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

Lot 2, Block 1, Jeff and Jay Addition,
an Addition to Wichita, Sedgwick County,
Kansas.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 22nd day of December, 1986, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By 

Sr. Vice-President

Order No: 372231

nj

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-1 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
City 620 4000	11000

NAME Wichita Dev Co.

ADDRESS 11 N. Main St. Wichita, Kan.

FUND 40000-103 DUE DATE

COMMENTS

DATE 11/24/76 BY [Signature]

Since 1962
WICHITA, KANSAS
(316) 253-2224



DESIGNED BY
DRAWN BY

WICHITA, KANSAS

DATE: 3/8/70
SCALE: 1/2"=1'-0"

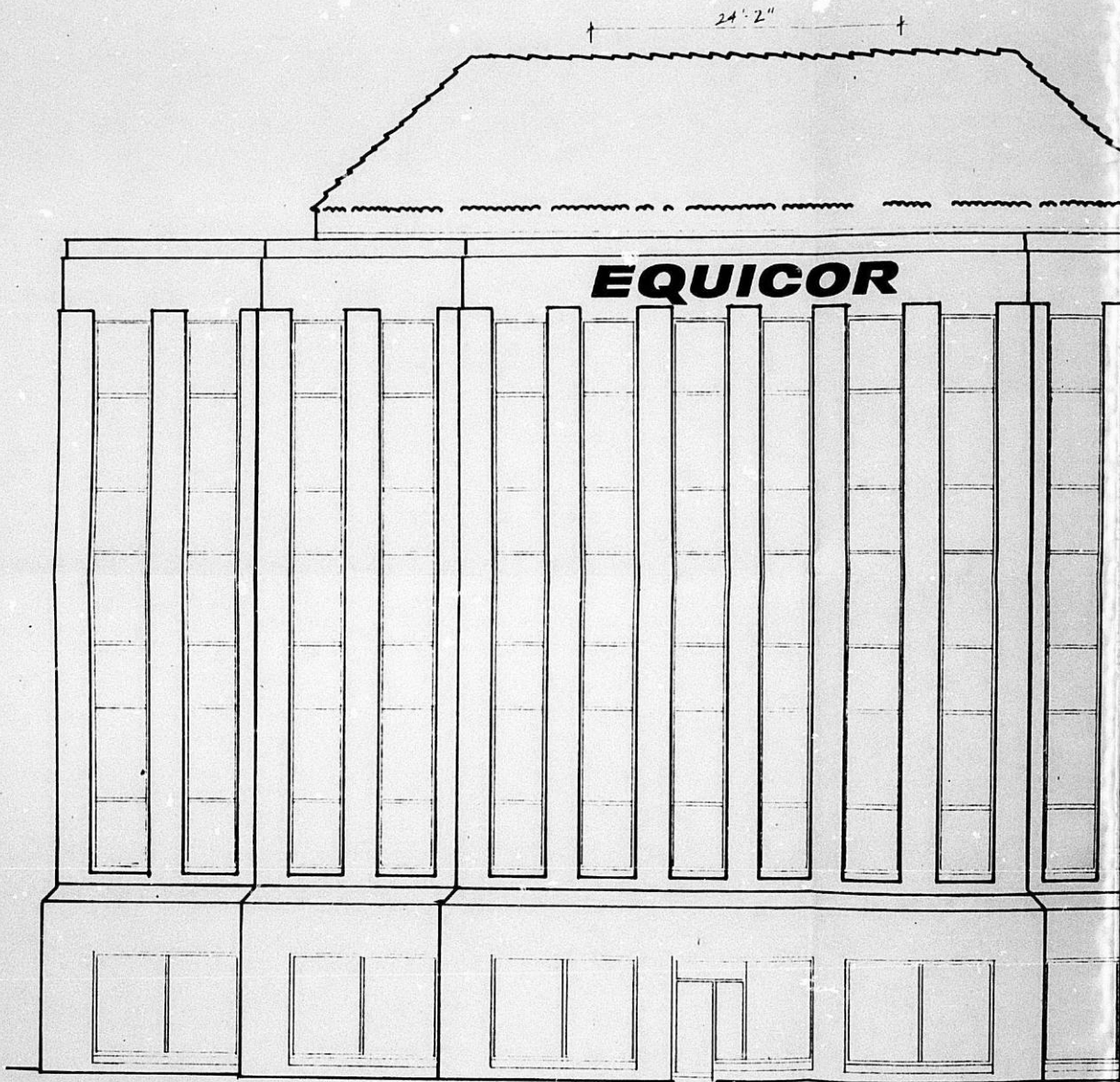
EQUICOR BUILDING / 2959 N. ROCK ROAD

47
EB 3024



CHANNEL LETTERS FOR ALL FOUR ELEVATIONS

INDIVIDUAL CHANNEL LETTERS: 5" DEEP .040 PRE-FINISHED BRONZE ALUMINUM RETURNS WITH .040 WHITE ALUMINUM BACKS. FACES ARE 3/16" 211-1 (ACRYLITE) ACRYLIC - RED WITH 1" GOLD TRIM GAP RETAINERS. INTERNAL ILLUMINATION BY 2 B 3 ROWS OF 15MM CLEAR RED NEON, POWERED BY 30MA. TRANSFORMERS HOUSED IN METAL TRANSFORMER BOXES PLACED REMOTELY ABOVE CEILING, BEHIND FASCIA. ALL HI-TENSION WIRE WILL BE RAN IN GREENFIELD WITH ALL PENETRATIONS BEING SEALED WITH CLEAR SILICONE. FASTENERS ARE 1/4", CADMIUM PLATED TRUSS BOLTS W/ BACKER PLATES. ALL DISPLAYS ARE WIRED, READY FOR ELECTRICAL CONNECTION BY YOUR ELECTRICAL CONTRACTOR.



SOUTHEAST ELEVATION

TYPICAL SIGN LOCATION FOR CHANNEL LETTERS FOR ALL FOUR ELEVATIONS

24'-2"

UICOR

2'-6"

WEST ELEVATION

CHANNEL LETTERS FOR ALL FOUR ELEVATIONS

Plastic-Moon
Signs & Printing
Trade Shows
Store Cards-Desktops
Posters-Screen Processing
318 S. OSAGE
WICHITA, KS. 67213
(316) 263-2224



EQVICOR BUILDING / 2959 N. ROCK RD. / WICHITA, KANSAS

DRAWN BY LB

REVISED

SCALE: 3/16"=1'-0"

DATE: 12-1-86

DRAWING NUMBER

EBE30242

*

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

Roll # 3