

Case No. BZA 57-81 - Wichita Federal Savings - requests a variance of the permitted number of identification signs from 1 to 2, on property zoned the "BB" Office District and generally located on the southeast corner of Central and Robin Road (8525 N. Central)

POSTED
12-14-81

ACTION

COMMITTEE APPROVED DATE 12-22-81

M.A.P.C. _____

B.C.C./B. CO. C. _____

12-14-81
BZA

4947 D

200 'A Sec 12-31-81
1-4-82
Checked 1-4-82
Shor 1-5-82
Recorded

Map No. 4947
 Sec. 26
 Twp. 27
 Range 16

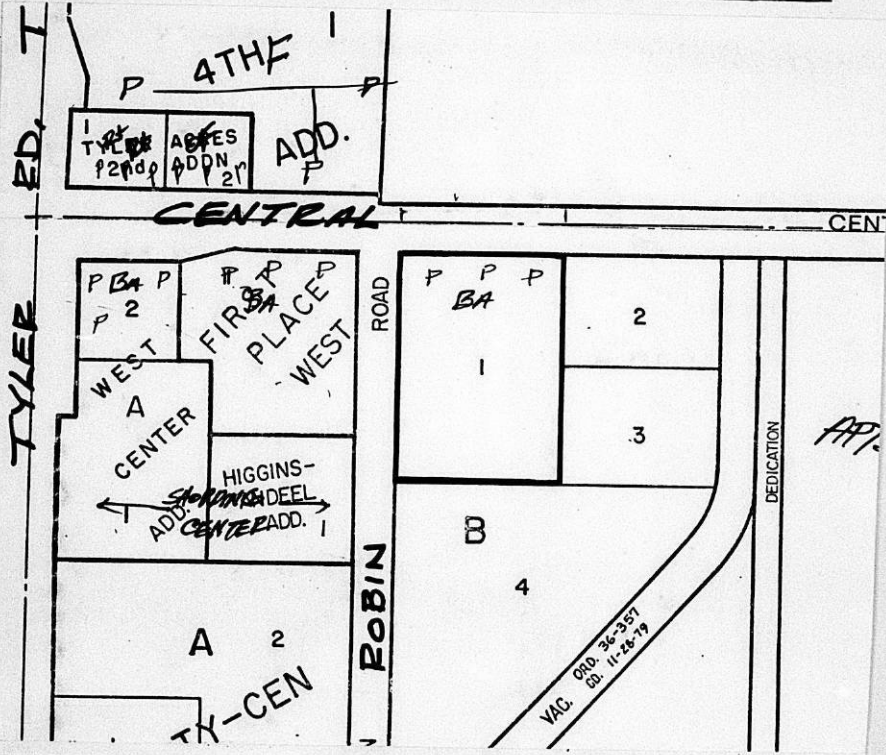
BZA- 57-81
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 2.62 (285 ft. by 400 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East UNDEVELOPED South UNDEVELOPED
 West BANK North UNDEVELOPED
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: SAVINGS & LOANS
6. Area (is) (is not) platted. _____

PHOTO DATA:

Taken by _____ Date _____ Time _____



LOS ANGELES-CHEMICAL LOGAN CH
 MCGREGOR, TX, LOCUST GROVE, GA
 U.S.A.

SHAW-WALKER
 No. 2153C
 S. H. H. H.

December 23, 1981

Wichita Federal Savings
340 South Broadway
Wichita, Kansas 67202

Re: Case No. BZA 57-81
Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 22, 1981.

This Resolution reflects the official action of the Board to approve your request. 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:sd
Enclosure

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

RESOLUTION NO. EZA 57-81

WHEREAS, Wichita Federal Savings, 340 South Broadway, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to increase the number of permitted identification signs from 1 to 2 on property zoned the "BB" Office District and legally described as follows:

Lot 1, Block B, TY-CEN Addition, to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Central and Robin Road (8525 West Central).

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 22, 1981, 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 located immediately across Robin Road from "LC" Light Commercial Zoning and also across Central from property that has been approved for "LC" Light Commercial zoning and is sufficiently large enough to accommodate two identification signs; 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 will be set back nearly 15 feet from the street right-of-way line of Robin Road and nearly 300 feet from the south property line; 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 two driveway approaches on Robin Road without any indication of the use of the property by an identification sign adjacent to the street; 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 installation of the additional identification sign adjacent to Robin Road will not interfere with any 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 regulations for signs in the "BB" Office District does not take into consideration the development of large lot parcels where there is sometimes a need for additional signage; 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.

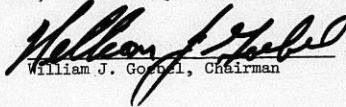
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the number of permitted identification signs from 1 to 2 on property zoned the "BB" Office District and legally described as:

Lot 1, Block B, TY-CEN Addition, to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Central and Robin Road (8525 West Central).

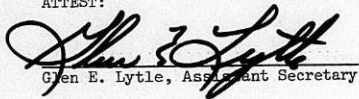
be approved subject to the following condition:

1. One additional identification sign may be located adjacent to Robin Road as shown by the drawing submitted with the application and identified as Addendum II, Site Plan, and Addendum III, Sign Elevation and Details.

ADOPTED AT WICHITA, KANSAS, this 22nd day of December, 1981.


William J. Gorbil, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE December 17, 1981



TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruihof, Administrative Aide III

SUBJECT BZA 57-81, 8525 West Central

During its December 16th meeting, CPD Neighborhood Council Area "A" considered the captioned variance request to increase the number of permitted identification signs from one to two on property zoned "BB", Office District. No area residents attended the meeting concerning the case.

The Council voted unanimously, 5-0, to recommend that the requested variance be approved.

Please inform the Board of Zoning Appeals of the Council's recommendation when time case is considered by them on December 22nd. If you have any questions, please call me at 4516. Thank you.

Dean Kruihof
Dean Kruihof
Administrative Aide III

DK:dm

Noted:

Sarah Gilbert
Sarah Gilbert
CP Coordinator

RECEIVED
DEC 21 1981
METROPOLITAN PLANNING
ROUTE 4516

SECRETARY'S REPORT
CASE NO. EZA 57-81

APPLICANT: Wichita Federal Savings, 340 South Broadway,
Wichita, Kansas

AGENT: Graphic Systems of Wichita, Inc., 313 Ida,
Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to permit the number of
identification signs be increased from 1 to 2.

GENERAL LOCATION: On the southeast corner of Central and Robin
Road (8525 West Central).

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

LAND USE: Subject property is occupied by an office build-
ing. Property to the west is developed commercial.
To the north is vacant.

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 permitted number of identification signs to allow the second sign adjacent to Robin Road as is installed adjacent to Central Avenue. This variance would then permit a second identification sign not to exceed the 32 square feet permitted in the "BB" Office District.

It should be noted that the area adjacent to both Central and Robin are grassed areas and other landscaping and the addition of the second sign in such a landscaped area should not be undesirable. Also the property is immediately across the street from "LC" Light Commercial zoning to the west which permits a greater number of signs.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it is located immediately across Robin Road from "LC" Light Commercial Zoning and also across Central from property that has been approved for "LC" Light Commercial zoning and is sufficiently large enough to accommodate two identification signs.

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 sign will be set back nearly 15 feet from the street right-of-way line of Robin Road and nearly 300 feet from the south property line.

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 two driveway approaches on Robin Road without any indication of the use of the property by an identification sign adjacent to the street.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the installation of the additional identification sign adjacent to Robin Road will not interfere with any easements.

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 regulations for signs in the "BB" Office District does not take into consideration the development of large lot parcels where there is sometimes a need for additional signage.

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 condition:

1. One additional identification sign may be located adjacent to Robin Road as shown by the drawing submitted with the application and identified as Addendum II, Site Plan, and Addendum III, Sign Elevation and Details.

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

December 2, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA-57-81

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 Wichita Federal Savings, 340 South Broadway, 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 permit the number of permitted identification signs from one to two on property zoned "BB" Office District. A legal description of the applicant's property is as follows:

Lot 1, Block B, TY-CEN Addition, to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Central and Robin Road (8525 West Central).

This application has been assigned Case No. BZA 57-81. It will be considered by the Board of Zoning Appeals on December 22, 1981 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

BZA CASE NO. 57-81

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

4 NOTICES SENT TO ADJOINING PROPERTY OWNERS

17 TOTAL NOTICES SENT 12-2-81

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 57-81
FILED 10-28-81

APPLICATION FOR VARIANCE

I. Name of Applicant Wichita Federal Savings
Mailing Address 340 S. Broadway 67202 Phone 265-3151
Name of Authorized Agent Graphics Systems of Wichita, Inc.
Mailing Address 313 Ida, Wichita, KS 67211 Phone 267-4171
Relationship of applicant to property is that of owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is to permit the number of permitted
deviation from limitation of one
from one to two
identification signs to allow two signs and allowance of 60 sq. ft. (total)
in lieu of 32 sq. ft. (Ref. section 28.04.139 Subsection (e), (1))
for property located on the southeast corner of Central and Robin Road
generally at 8525 West Central) Wichita, KS 67212

and legally described as: Lot 1, Block B, TY-CEN ADDITION, to Wichita,
Sedgwick County Kansas

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

Attached:

- Addendum I, Justification
- Addendum II, Site plan & proposed sign
- Addendum III, Sign elevation & details
- Addendum IV, Certified listing of owners

Applicant Robert W. Page
Authorized Agent Robert W. Page
Graphics Systems of Wichita, Inc. Robert W. Page

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:30 (a.m.)-p.m.), Oct. 28, 1981, together with appropriate fee of \$150.

Signed John Island

Application for Variance
Addendum I, Justification

It is requested that variance be granted from Chapter 24.04 Sign Regulations and Standards, Section 28.04.139, subsection (e), (1); regarding the limitation of one identification sign not to exceed thirty two square feet in area.

There currently exists one conforming building sign consisting of individual metal letters mounted to the north elevation of the building, facing Central and one unlighted identification sign of approximately 30 square feet positioned on the north side of the property facing east and west, visible to traffic on Central. (Sign #1 on the site plan)

The additional identification sign requested is to be identical to sign 1 (above) in construction and verbage. The additional identification sign (Sign #2 on the site plan) is to be constructed on the west side of the property, facing north and south, to be visible to traffic on the recently opened Robin Road.

The addition of sign #2 is to provide immediate identification of the facility to traffic on Robin Road, particularly that approaching from the South. In addition to matching the existing identification sign, the proposed sign is architecturally detailed to conform to the architecture and design of the facility, and will not be lighted.

It is felt that the addition of sign #2 preserves the existing environment of the area, poses no threat to other owners in the area, and conforms completely to the intent of Section 2.12.590B, Code of the City of Wichita.

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:

Record Owners within 200 feet of:
 Lot 1, Block B, TY-CEN ADDITION,
 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.)

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 1, Block B,	TY-CEN	Wichita Federal Savings & Loan Assn. 340 South Broadway Wichita, Kansas 67202
Lots 2, 3 and 4, and Vacated Streets adjacent, Block B,	TY-CEN	Northwest Wichita Associates, LTD., a Kansas Limited Partnership 4606 South Garnett Tulsa, Oklahoma 74117
Lot 2, Block A,	TY-CEN	B. F. P. Inc. %Bill Bachman 1901 West 13th Wichita, Kansas 67214
Lot 1,	TYLER ACRES FOURTH	Edward T. & Rita A. Neville 9625 Maple Wichita, Kansas 67209



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 1,	FIRST PLACE WEST	First National Bank in Wichita 8601 West Central Wichita, Kansas 67212
Lot 1,	HIGGINS-ANDEEL	Littell Inc. ADDRESS UNKNOWN
South 200 feet of Southwest Quarter of Southwest Quarter, lying East of Tyler Acres 4th Addition in Section 16, Township 27 South, Range 1 West,	<i>Dub</i>	Edward T. & Rita A. Neville Trustees for Gregory All Neville & Alvin Leon Neville 9625 Maple Wichita, Kansas 67209

DATED in Wichita, Kansas, this 21st day of October, 1981
at 7:00 A.M.



FIDELITY TITLE COMPANY, INC.

By *C. E. Bud Riddle*
Vice President

Tracer No. 55033

MICROFILMED
 FROM THE BEST
 AVAILABLE COPY

FORM 29-

PAYMENT NOTICE
 City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT

NAME	
Wichita Federal Savings	
ADDRESS	
340 S. ...	
FUND	DUE DATE
...	...
COMMENTS	
DATE	BY
12-28-71	...

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 2