

Case No. BZA 70-84 - Presbyterian Manor - requests a variance to increase the gross area of an identification sign from 16 sq. ft. to 44 sq. ft. on property zoned the "B" Multiple-family Dwelling District and generally located on the north side.

POSTED
9-20-84 AOL

700'4 Sec 10-30-84
Shelx 11-14
Record ✓

ACTION

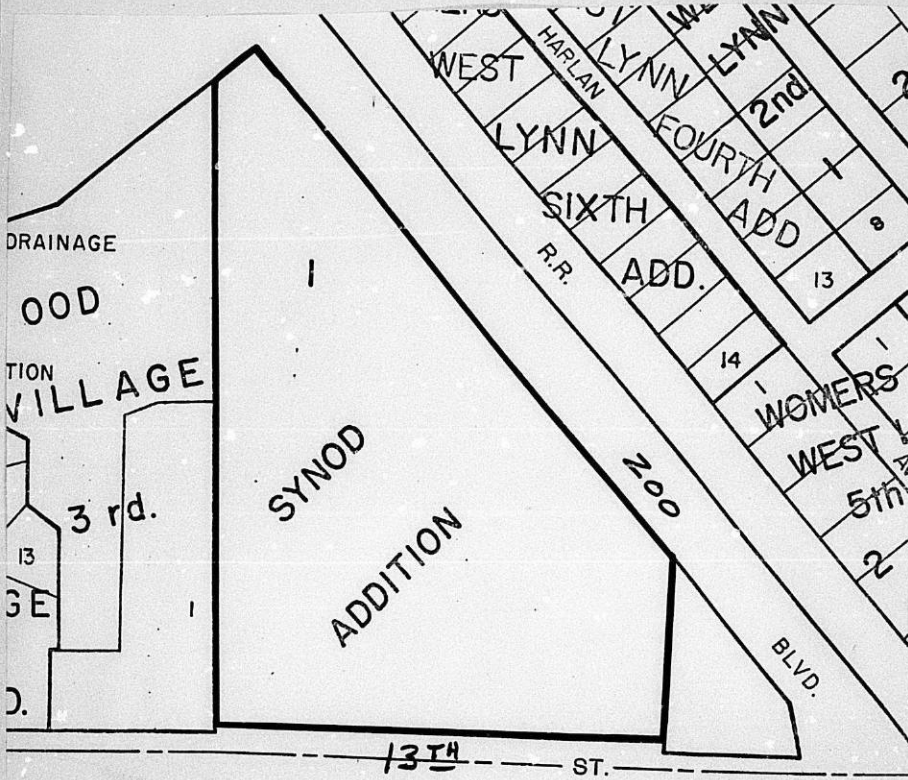
BZA. 70-84 APPROVED 10-23-84
DATE

Map No. 5149-B

BZA 70-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S AA W R-5 N AA
3. Land Use: East Res South Res
West APTS North Res & R.R.
4. Area (is) (~~is not~~) platted.



LOG ANGELO, INC. - CHICAGO, ILLINOIS, U.S.A.
MEMBER OF THE NATIONAL ASSOCIATION OF REALTORS

Shelby
No. 2153C

October 25, 1984

Presbyterian Manor
4700 West 13th Street
Wichita, Ks. 67212

Re: BZA 70-84 - Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 23, 1984.

This Resolution reflects the official action of the Board to approve your request and sets out the conditions of approval. It is forwarded to you for your information and files.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: David K. Reimer, 915 North Ridgewood, Wichita
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 70-84

WHEREAS, Presbyterian Manor, 4700 West 13th Street, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to increase the gross area of an identification sign from 16 square feet to 44 square feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lot 1, Synod Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 13th Street and southwest of Zoo Boulevard (4700 West 13th).

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 October 23, 1984, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as it has over 1200 feet of frontage adjacent to a major street that has no vehicular access thereto, and the distance of the sign to the nearest residential property will exceed 250 feet; 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 located across the railroad track and an arterial street from the rear of the residences to the northeast and the erection of a lighted sign at this location that is 44 square feet in area should not be detrimental to the adjoining properties 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 erection of a sign of 16 square feet will not be adequate to identify such a large parcel on a major 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 sign properly located, will not interfere with any needed right-of-way or 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 regulation for limiting the size of signs in residential districts does not take into account the possibility of large parcels such as this adjacent to an arterial street; 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.

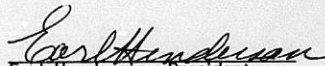
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to increase the gross area of an identification sign from 16 square feet to 44 square feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lot 1, Synod Addition to Wichita, Sedgwick County,
Kansas. Generally located on the north side of
13th Street and southwest of Zoo Boulevard (4700
West 13th).

be approved subject to the following conditions:

1. The permitted gross area of the sign may be increased from 16 square feet to 44 square feet only as long as the sign is located facing Zoo Boulevard.
2. The sign shall not be located in the 30 foot easement that parallels Zoo Boulevard.
3. The sign may be internally illuminated with white light only.

ADOPTED AT WICHITA, KANSAS, this 23rd day of October 23, 1984.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE October 15, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Stanley J. Scott, CP Coordinator

SUBJECT BZA 70-84: North side of 13th
Street and southwest of Zoo
Boulevard (4700 West 13th Street)

On Wednesday, October 10, CPO Neighborhood Council "M" considered the captioned case, a request for a zoning variance to increase the gross area of an identification sign from 16 square feet to 44 square feet on property zoned "B" Multiple Family Dwelling District. The Council voted 7-0 to recommend approval of the request subject of MAPD staff comments.

Sandy Bichel, representing Presbyterian Manor, was present to describe the request and respond to questions. No area residents or property owners were present. Council members were provided the notice to adjoining property owners and a map of the area. CPO staff described MAPD staff comments regarding the 30 foot setback and non-illumination from 11 p.m. to 7 a.m.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 70-84 is considered on Tuesday, October 23.

Stan Scott

Stanley J. Scott
CP Coordinator

SJS:dm
Noted:

Annie K. Montgomery
Annie K. Montgomery
CKS Director

RECEIVED

OCT 15 1984

METROPOLITAN PLANNING

ROUTE

RE: AGENDA ITEM NO.

SECRETARY'S REPORT
CASE NO. BZA 70-84

APPLICANT: Presbyterian Manor, 4700 West 13th Street,
Wichita, Kansas.

AGENT: David K. Reimer, 945 North Ridgewood, Wichita,
Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of
the City of Wichita, to increase the gross area
of an identification sign from 16 square feet
to 44 square feet.

GENERAL LOCATION: On the north side of 13th Street and south-west
of Zoo Boulevard.

ZONING: Subject property is zoned the "B" Multiple-family
Dwelling District. Properties to the east, south
and north are the "AA" One-family Dwelling District.
To the west is the "R-5" General Residence District.

LAND USE: Subject property is developed as apartments, adult
health care and retirement center. Properties to
the east, south and north are residential. Property
to the west is developed with apartments.

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 gross area of an identification sign so that the property can be better identified from Zoo Boulevard, which is the main arterial adjacent to the property. The basic permitted area for a sign to identify an institutional use in the "B" Multiple-family District is 16 square feet. In this case, with a frontage along Zoo Boulevard being nearly 1200 feet, it would not be out of scale to allow a greater area for an identification sign.

The property is platted as one large lot with all vehicular access being from the front of the complex on 13th Street. The property has dedicated complete access control on Zoo Boulevard and also has a 30 foot easement along the entire length of the property which prevents the erection of any structures in the easement. This will prevent the erection of the sign for a distance of 30 feet from this property line which is contrary to the location of the sign as proposed by the applicant. Since the property is separated by a street and railroad which exceeds 200 feet, the sign may be kept lighted at any hour.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as it has over 1200 feet of frontage adjacent to a major street that has no vehicular access thereto, and the distance of the sign to the nearest residential property will exceed 250 feet.

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 located across the railroad track and an arterial street from the rear of the residences to the northeast and the erection of a lighted sign at this location that is 44 square feet in area should not be detrimental to the adjoining properties.

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 erection of a sign of 16 square feet will not be adequate to identify such a large parcel on a major street.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the sign property located, will not interfere with any needed right-of-way or 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 regulation for limiting the size of signs in residential districts does not take into account the possibility of large parcels such as this adjacent to an arterial street.

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 permitted gross area of the sign may be increased from 16 square feet to 44 square feet only as long as the sign is located facing Zoo Boulevard.
2. The sign shall not be located in the 30 foot easement that parallels Zoo Boulevard.
3. The sign may be internally illuminated with white light only.



Presbyterian Manors of Mid-America

P.O. Box 727

Newton, Kansas 67114

(316) 283-5403

RECEIVED

OCT 5 1984

METROPOLITAN PLANNING

ROUTE _____

October 4, 1984

Mr. Glen E. Lytle
City of Wichita, Board of Zoning Appeals
455 N. Main
City Hall, 10th. Floor
Wichita, KS 66202

Dear Mr. Lytle:

In answer of your answer of your letter received in our offices today, the fence at the Wichita Presbyterian Manor is 3" inside the property line.

If we can be of further help, please write or call.

Thank you,

Janice M. Good

Janice M. Good
Administrative Assistant
For David Reimer
Assistant Properties Manager

jg

A mission agency of the Presbyterian Church

October 3, 1984

David Reimer
Assistant Director of Properties
Presbyterian Manors of Mid-America
P. O. Box 727
Newton, Ks. 67114

Re: Case No. BZA 70-84
Request for Variance

Dear Mr. Reimer:

I am in receipt of the site plans for the location of the proposed sign on Presbyterian Manor at 4700 West 13th Street in Wichita. It is difficult to determine by your site plan the exact location of the sign as the fence is not shown, nor are there any dimensions on the site plan.

In reviewing our recent aerial photographs, it is difficult to determine if your fence is installed at the property line adjacent to Zoo Boulevard. As I pointed out to you on one of your visits to the office, there is a 30 foot easement along the entire length of your property adjacent to Zoo Boulevard. This precludes the erection of any structures such as buildings or signs in the easement, and it will be necessary to locate your sign behind the easement.

I would appreciate you verifying the location of the fence, if it is located on the property line, at your earliest convenience so that the staff report may be prepared.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad



Presbyterian Manors of Mid-America

P.O. Box 727

Newton, Kansas 67114

(316) 283-5403

September 28, 1984

Mr. Glen Lytle
Metropolitan Area Planning Dept.
City Hall, Tenth Floor
455 North Main Street
Wichita, KS 67202

Dear Mr. Lytle:

On September 27, I brought two copies of the Wichita Presbyterian Manor site plan to your office. It is my understanding that you now possess all necessary materials for our variance request. I also understand our variance request will be heard October 23, at 1:30pm in the board room at City Hall. If I am misinformed regarding any matter, please contact me at your convenience.

Yours truly,

David Reimer
Assistant Director of Properties

DR:jg

RECEIVED

OCT 1 1984

METROPOLITAN PLANNING

ROUTE

A mission agency of the Presbyterian Church

BZA CASE NO. 70-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>10</u>	NOTICES SENT TO CPO
<u>16</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>19</u>	TOTAL NOTICES SENT <u>10-3-84</u>

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

October 3, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 70-84

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by Presbyterian Manor, 4700 West 13th Street, Wichita, Kansas, requesting a variance.

Pursuant to Section 7.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to increase the gross area of an identification sign from 16 square feet to 44 square feet on property zoned the "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Synod Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 13th Street and southwest of Zoo Boulevard (4700 West 13th).

This application has been assigned Case BZA 70-84. It will be considered by the Board of Zoning Appeals on October 23, 1984 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

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

Jack H. Galbraith
Secretary

5749 B

BOARD OF ZONING APPEALS

CASE NO. 70-84

CITY OF WICHITA, KANSAS

FILED 9-20-84

APPLICATION FOR VARIANCE

I. Name of Applicant Presbyterian Manor

Mailing Address 4700 West 13th. 67212 Phone 942-7456

Name of Authorized Agent David K. Reimer

Mailing Address 945 N. Ridgewood, 67208 WORK Phone 1-283-5403
682-9449

Relationship of applicant to property is that of Assistant Director of Properties
(Owner, Tenant, Lessee, Other) Presbyterian Manors of Mid-America

II. The variance requested is to increase the gross area of an
identification sign from 16 square feet to 44 square feet
for signage along Zoo Blvd. - See
Artwork. 44 square feet instead of 16 square feet as now is our

limit.
on the north side of 13th Street and southwest of Zoo Blvd. (School
for property located Northwest of 13th. and Zoo Blvd. (4700 W. 13th)

and legally described as: One acre, more or less, lying adjacent
and immediately north of the south 630 feet of Lot 1, Synod
addition to Wichita, Sedgwick County, Kansas.

in the City of Wichita; and which is presently zoned "B"
~~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.

Applicant Presbyterian Manor

Authorized Agent David K. Reimer

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
11:00 (a.m./p.m.), SEPT 20, 1984, together with
appropriate fee of 1500.

Signed A. Lytle



Presbyterian Manors of Mid-America

P.O. Box 727

Newton, Kansas 67114

(316) 283-5403

September 18, 1984

Dear Board of Zoning Appeals:

Wichita Presbyterian Manor, a non-profit continuing care facility, respectfully requests your review of our case as it relates to signage limits in areas zoned BB.

At present, we have no sign along Zoo Boulevard between 13th. and I-235. As stated in Zone BB provisions, we are limited to one sign 16 square feet.

We believe that a 2 x 8 foot sign, for example, would be inadequate for the following reasons:

- 1) Zoo Boulevard is a busy trafficway, a 2 x 8 sign on our property would not catch the eye of passersby.
- 2) Our complex attracts many people, largely those who are elderly. The elderly especially have need of a large sign to find our location.
- 3) Since we are affiliated with the Presbyterian Church, our title Wichita Presbyterian Manor takes a great deal of space when displayed in a legible fashion.
- 4) To set back on our property, the sign needs to be larger in order to be seen.

We believe this situation to be unique to our location, as well as our complex which will accommodate 200 people upon completion of final construction. We are not advertising as such, but just trying to inform passersby of our location.

As you will note in our artist's rendering of the sign, it is aesthetically pleasing. We intend for the sign to be constructed in good taste, and we will always maintain the sign so as not to create an eyesore for anyone.

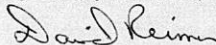
A mission agency of the Presbyterian Church

September 18, 1984
Board of Zoning Appeals
Page 2

We believe the sign will not adversely affect other surrounding residents because it can not be seen from any other dwelling, and the area in question is not a private residential off-street (the type of streets Zone BB provisions intends to protect), but rather a 40 mph 4-lane roadway used by suburb commuters into Wichita, and trash trucks transporting refuse to the landfill. It should be noted that the sign will be visible to surrounding residences if residents are standing on their roofs. The high ground of the railroad tracks will block any viewing by neighbors to the east.

We will assume all responsibility for constructing and maintaining the sign. It will cause no hardship on any other party or resident. We also will continue to police the litter along Zoo Boulevard, and work to keep all of our property attractive.

Respectfully submitted,



David Reimer
Assistant Properties Manager

DR:jg

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 1		Synod Addition	City of Wichita 455 N. Main Wichita, KS 67202
Lot 8	Block 1	Replat of Lot 1 & Part of Lots 2 & 32 R. A. Morris Tracts & Lot 5, R. A. Morris Gardens Addition	Keith McFall Rhoda McFall 4801 W. 13th Wichita, KS 67212
Lot 9	"	"	Charles A. O'Hara Carol E. O'Hara 4815 W. 13th Wichita, KS 67212
Lot 10	"	"	David A. Gahman Connie D. Gahman 4821 W. 13th Wichita, KS 67212
Lot 11	"	"	Jerald L. Wilken Melvina N. Wilken 4827 W. 13th Wichita, KS 67212
Lot 12	"	"	Leonard D. Jackson Sandra G. Jackson 1360 N. Anna St. Wichita, KS 67212
Lot 2	Block A	Replat of Part of R. A. Morris Gardens Addition	Billy M. Watkins Pamela J. Watkins 4515 W. 13th Wichita, KS 67212
Lot 3	"	"	Fred H. Shiney Mystel N. Shiney 4521 W. 13th Wichita, KS 67212
Lot 4	"	"	Daniel J. Edwards Karen K. Edwards 4523 W. 13th Wichita, KS 67212
Lot 5	"	"	Same As Above
Lot 6	"	"	Delbert P. Leivian Regina A. Leivian 4621 W. 13th Wichita, KS 67212
Lot 7	"	"	Same As Above
Lot 8	"	"	William T. Routon, Jr. Merri C. Routon 4627 W. 13th Wichita, KS 67212

Lot	Addition	Property Owner
The East 72 feet of the West 218 feet of the North 150 feet of Lot 4	R. A. Morris Gardens	✓ Ralph Brumback Virginia K. Brumback 1350 Minisa Wichita, KS 67203
The West 74 feet of the North 150 feet of Lot 4	"	✓ Terrence C. Childs Sharon K. Childs 4647 W. 13th Wichita, KS 67212
The East 72 feet of the West 146 feet of the North 150 feet of Lot 4	"	✓ Chester P. Gentet Marjorie E. Gentet 4641 W. 13th Wichita, KS 67212
A tract in the Southeast Quarter of Section 11, Township 27 South, Range 1 West of the 6th P.M., in Sedgwick County, Kansas described as follows: Beginning at a point at the intersection of the West line of the Missouri-Pacific Railroad Right-of-Way, and the South line of said SE $\frac{1}{4}$, said point being 1370.3 feet West of the SE/c of said Section 11; thence West along the South line of said Section 11, a distance of 486.22 feet; thence North at right angles a distance of 547 feet to a point in the West line of the Missouri-Pacific Railroad Right-of-Way; thence in a Southeasterly direction along said West Right-of-Way to the point if beginning.		✓ Lawrence R. Hoskins Beverly A. Hoskins 4526 W. 13th Wichita, KS 67212
Lot 1	Westwood Village Third Addition	✓ Prairie Homes, Inc. 1431 Smith Circle Wichita, KS 67212

Page 3

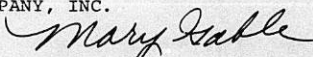
We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tract within a 200 foot radius of:

Lot 1, Synod Addition, to the City of
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 20th day of September, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE
COMPANY, INC.

By



Sr. Vice-President

Order No.: 338911
ns

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-11 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.

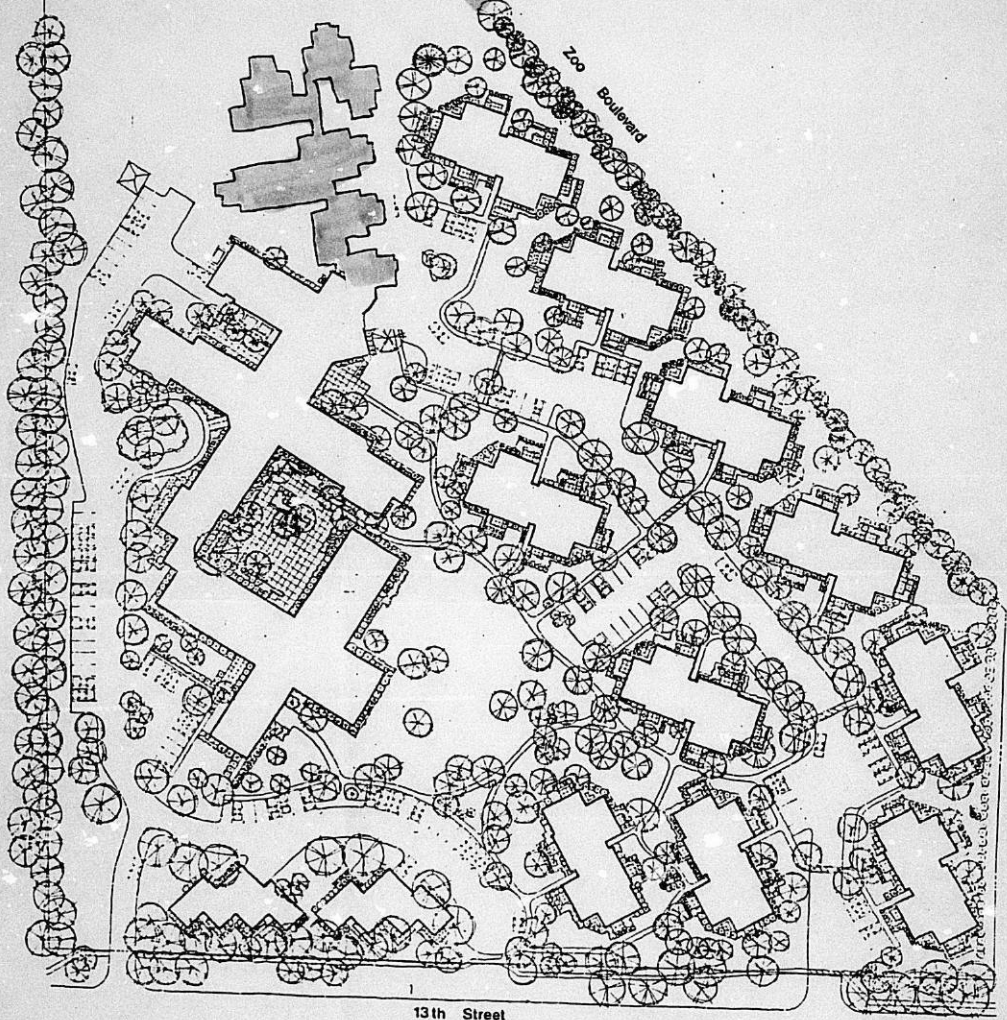
Planning

DESCRIPTION	AMOUNT
CITY BZA VAG.	150. ⁰⁰

NAME PRESTYERICH MARIE
 ADDRESS 4700 W. 13TH
 FUND 355-40021-005 DUE DATE _____
 COMMENTS _____
 DATE SEPT 20, 1954 BY JL G/ll

Ver
x
Sw
C

Location
for
10ft
back
sign
from
fence.

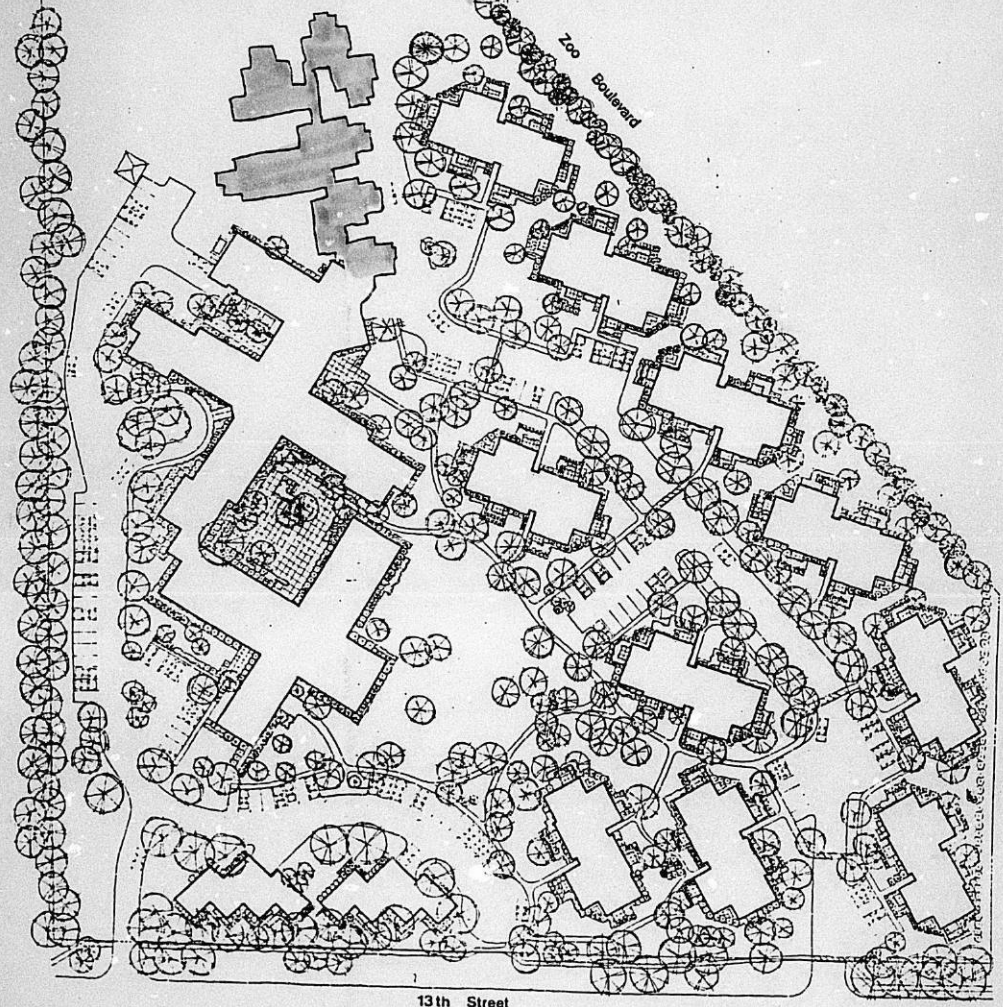


13th Street

BZA 70-84

Cost

location for
sign 10 ft
from fence



13th Street

*

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

Roll # 2