

Posted
3-12-80
12-20-79
200' MAPD
✓ 200' CI 342-80
✓ 200' 4 Sec 2-1-80
Bund

75-79 ACTION

COMMITTEE APPR. DATE 1-22-80

M.A.P.C. _____

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

MADP
1/4
2-1-80

Case No. BZA 75-79 - Dr. Brad E. Dopps - requests a variance to increase the permitted sign size from 16 sq.ft. to 32 sq.ft. on property zoned "R" Multiple

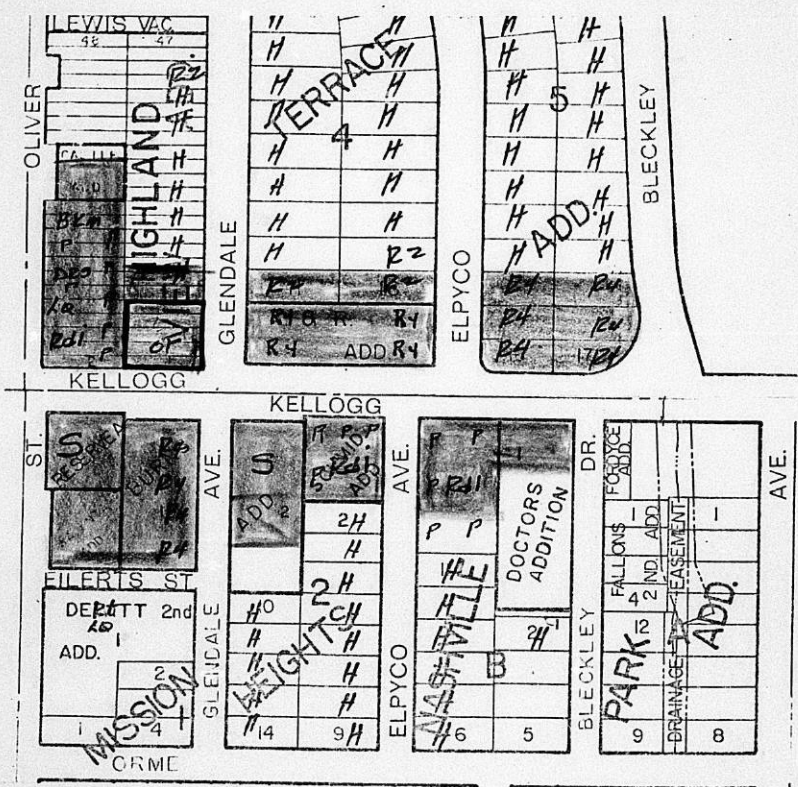
Map No. 5847
 Sec. 24
 Twp. 27
 Range 1E

BZA 75-79
 SCZ- _____
 CU- _____
 Filed _____

*Travis
 get idea from
 2977*

- AREA DATA:
1. Acres: 0.39 (120 ft. by 145 ft.)
 2. Adjoining Zoning: E LC S LC W LC N B
 3. Land Use: East _____ South MULTI-FAM
 West RESTAURANT North SINGLE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: OFFICE
 6. Area (is) (is not) platted. _____

PHOTO DATA:
 Taken by _____ Date _____ Time _____



SMITHSONIAN
 No. 2-153C
 HASTINGS, SAN LOS ANGELES
 LOS AN, CALIF. WORKBOOK, 7 1/2 X 11, 1/4

January 30, 1980

Dr. Brad E. Dopps
4311 East Kellogg
Wichita, Kansas

Re: Case No. BEA 75-79
Request for Variance

Dear Dr. Dopps:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 22, 1980, in connection with your request for a variance to increase the permitted sign size from 16 square feet to 32 square feet on property zoned the "B" Multiple-family Dwelling District and generally located at the northwest corner of Kellogg and Glendale (4211 East Kellogg).

This Resolution reflects the official action of the Board to approve this 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:sad
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 75-79

WHEREAS, Dr. Brad E. Dopps, 4211 E. Kellogg, Wichita, Kansas requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to increase the permitted sign size from 16 square feet to 32 square feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 1, 3, 5, 7, and 9, Glendale Avenue, Highland View Addition, to the City of Wichita, Kansas. Generally located at the Northwest corner of Kellogg and Glendale (4211 E. Kellogg).

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 22, 1980, 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 subject property is zoned the "B" Multiple-family zoning district in an area along a major expressway where requests for "LC" Light Commercial zoning have been looked upon with favor, which permits much larger signs than the applicant is requesting; 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 proposed sign will be compatible with other uses in the general area; 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 commercial signs and activities and traffic volume in this area tend to make a 16 square foot sign ineffective in meeting the applicant's stated sign needs; 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 will have to be positioned on the site so as to not create a visual obstruction to vehicular or pedestrian traffic; 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 applicant could likely obtain a change of zoning to "BB" which permits the size of sign desired by the applicant; and

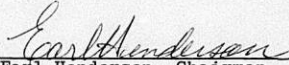
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

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 sign size from 16 square feet to 32 square feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 1, 3, 5, 7, and 9, Glendale Avenue,
Highland View Addition, to the City of
Wichita, Kansas. Generally located at
the Northwest corner of Kellogg and
Glendale (4211 East Kellogg).


be approved.

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1980 .



Earl Henderson, Chairman

ATTEST:



Glen E. Lytle, Assistant Secretary

January 24, 1980

Dr. Brad E. Dopps
4221 East Kellogg
Wichita, Kansas

Re: Case No. BZA 75-79
Request for Variance

Dear Dr. Dopps:

At the regular meeting of the Board of Zoning Appeals on Tuesday, January 22, 1980, your request for a variance to increase the permitted sign size from 16 square feet to 32 square feet on property zoned "B" Multiple-family and generally located on the northwest corner of Kellogg and Glendale (4211 East Kellogg) was considered.

It was the action of the Board to approve this request.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE January 22, 1980

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, CPO Administrative Aide

SUBJECT BZA 75-79: Northwest corner
of Glendale and Keilogg

At their meeting of January 21, 1980 CPO Council "G" considered the captioned case. There was no one present to speak for or against the application.


After comments and discussion regarding size requirements of signs, a motion was made by the Council to recommend approval of the variance request to increase the permitted sign size from 16 square feet to 32 square feet at the above location which resulted in a moot vote (3-3).

Please provide this information to the BZA when the case is considered at the January 22, 1980 meeting.


Shirley Mast
CPO Administrative Aide

SM:m1

Noted:


Sarah Gilbert
Assistant CP Coordinator

SECRETARY'S REPORT
CASE NO. BEA 75-76

APPLICANT: Dr. Brad E. Dopps, 4211 E. Kellogg,
Wichita, Kansas

AGENT: None

REQUEST: Variance pursuant to Section 2.12.590.B,
Code of the City of Wichita, to increase
the permitted sign size from 16 square
feet to 32 square feet.

GENERAL LOCATION: Northwest corner of Kellogg and Glendale
(4211 E. Kellogg).

ZONING: Subject property is zoned "B" Multiple-
family as is the property to the north.
South, east and west is zoned "LC" Light
Commercial.

LAND USE: Subject property is developed with a
chiropractor's office building. North
is a single-family residence. South and
east are four-plex developments. West
is drive-in restaurant and liquor store.

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 of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

Page 2
BZA AGENDA
1-22-80

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance to permit a 32 square foot identification sign on subject property zoned the "B" Multiple-family Dwelling District. Section 28.04.139 D permits identification signs in this district, but limits the size to 16 square feet in area and 20 feet in height.

It should be noted that subject property is bounded on the east and west by "LC" Light Commercial zoned properties which permits identification signs of 150 square feet in area.

The variance requested arises from the need of the applicant to have signage that can be seen by patients and properly direct them to the building location as well as a directory for the doctors office at this location.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness may exist in this instance inasmuch as subject property is zoned the "B" Multiple-family zoning district in an area along a major expressway where requests for "LC" Light Commercial zoning have been looked upon with favor, which permits much larger signs than the applicant is requesting.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the variance requested would not adversely affect the rights of adjacent property owners inasmuch as the proposed sign will be compatible with other uses in the general area.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as commercial signs and activities and traffic volume in this area tend to make a 16 square foot sign ineffective in meeting the applicant's stated sign needs.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public inasmuch as the sign will have to be positioned on the site so as to not create a visual obstruction to vehicular or pedestrian traffic.

Page 3
EZA AGENDA
1-22-60

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the applicant could likely obtain a change of zoning to "BB" which permits the size of sign desired by the applicant.

RECOMMENDATION:

It is the opinion of the Secretary that the above five conditions can be found to exist and it is therefore recommended that this variance be approved.

BZA CASE NO. 75-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

17 NOTICES SENT TO ADJOINING PROPERTY OWNERS

29 TOTAL NOTICES SENT 1-2-80

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

January 2, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 75-79

An application has been filed by Dr. Brad E. Dopps, 4211 E. Kellogg, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to increase the permitted sign size from 16 square feet to 32 square feet on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 1, 3, 5, 7, and 9, Glendale Avenue, Highland View Addition, to the City of Wichita, Kansas. Generally located on the northwest corner of Glendale and Kellogg (4820 East Kellogg).

This application has been assigned case No. BZA 75-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 22, 1980, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney. If you have any questions about this application, please call 268-4421 and ask for Lynn Shirkey or Glen Lytle.

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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 75-79

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant DR. BRAD E. POPPS

Mailing Address 4211 E. Kellogg Phone 685-2242

Name of Authorized Agent ✓

Mailing Address _____ Phone _____

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

II. The variance requested is to increase the permitted
sign size from 16 square feet to 32 square
feet

for property located on the northwest corner of
Glendale and Kellogg (4820 E. Kellogg)

and legally described as: Lots 1, 3, 5, 7 and 9, Glendale Ave.,
Highland View Addition, to the City of
Wichita, Kansas

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

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. 24-606); 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.

Dr. Brad Popp
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 10:30 (a.m. - ~~p.m.~~), DEC. 20 19 79 together with appropriate fee of \$50.00.

T9-402

L. Lytle
Signed

Brad E. Dopps, D.C.

CHIROPRACTOR

December 20, 1979

Dear Sirs:

We have been constructing a chiropractic office on the north-west corner of Glendale and Kellogg in the Highland View addition.

Our property is zoned "B", multiple family and is bounded on the east and west by "LC". Our initial desire was to leave the property zoned "B", however we have ran into a small problem. The sign we have designed is 32 sq. ft., which is suitable for "BB" zoning, however "B" zoning will only allow a 16 sq. ft. sign. This restriction presents us with several possibilities.

1. We can apply for a variance to the restriction. Since there is "LC" zoning to the east, west and most of Kellogg in that area we would not be interfering a residential neighborhood with an oversized sign.

This is the most appealing possibility since we are so close to our date to move in the new office. If rezoning is necessary it would be months after we moved in before the sign could be installed. It would be an expense we don't need.

2. Apply for rezoning.

We feel that a sign this size is necessary due to fast moving traffic and the size of the other area signs.

Please give our request for a variance of the restriction special consideration. It is the best answer for the problem that we can personally arrive at.

Dr. Brad Dopps

Dr. Brad Dopps

4211 EAST KELLOGG

685-2242

WICHITA, KANSAS 67218

STATEMENT OF OWNERSHIP

STATE OF KANSAS }
 SEDGWICK COUNTY } SS

The undersigned duly bonded and qualified abstractor 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:

Within 200 Feet of Lots 1, 3, 5, 7, and 9, Glendale Avenue, HIGHLAND VIEW ADDITION to the City of Wichita, 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.)

LOTS	STREET	ADDITION	OWNERS AND ADDRESSES
1, 3, 5, 7 & 9,	Glendale	HIGHLAND VIEW	<i>done</i> Lawrence A. Kunkel 440 E. Kellogg Wichita, Kansas 67218
11, 13, & the South 15 Feet of Lot 15	Glendale	HIGHLAND VIEW	<i>resent to 401 S. Glendale</i> H. Mack & Nancy A. Vanderlip 321 S. Crestway Avenue Wichita, Kansas 67218
North 10 Feet of Lot 15 & All of Lot 17 & 19	Glendale	HIGHLAND VIEW	William S. Hutchison 453 S. Glendale Wichita, Kansas 67218
21, 23, & South 7½ Feet of 25	Glendale	HIGHLAND VIEW	Earle H. & Rheola C. Butler 447 S. Glendale Wichita, Kansas 67218
North 17½ Feet of 25	Glendale	HIGHLAND VIEW	Dianne McCarthy 217 N. Crestway Wichita, Kansas 67208



Continued

-2-

<u>LOTS</u>	<u>STREET</u>	<u>ADDITION</u>	<u>OWNERS AND ADDRESSES</u>
All of 2,4 & South 10 Feet of 6, & North 15 Feet of 10, All of Lots 12,14,16	Oliver	HIGHLAND VIEW	Eleanor R. Sibbernson and Elsie Dehner <i>no</i> <i>Address Unknown</i>
North 15 of Lot 6, All of Lot 8 & South 10 Feet of Lot 10	Oliver	HIGHLAND VIEW	<input checked="" type="checkbox"/> R. C. Nuss P. O. Box 455 Jetmore, Kansas 67854
18,20,22 & 24	Oliver	HIGHLAND VIEW	<input checked="" type="checkbox"/> True B. Fretz's 310 S. Oliver Wichita, Kansas 67218
 South ½ of Lot 8 and North Half of Lot 9, Block 4		LINCOLN TERRACE	<input checked="" type="checkbox"/> Ronald D. & Dolores H. Crissman 450 S. Glendale Wichita, Kansas 67218
South Half of Lot 9, & North Half of Lot 10, Block 4		LINCOLN TERRACE	<input checked="" type="checkbox"/> Max B. & Reitha M. Thompson 458 S. Glendale Wichita, Kansas 67218
South Half of Lot 10 & All of Lot 11, Block 4		LINCOLN TERRACE	<input checked="" type="checkbox"/> Sherry Ruth Corbin 464 S. Glendale Wichita, Kansas 67218
Lot 1		A. AND R.	<input checked="" type="checkbox"/> Alfred A. Caro 356 N. Rock Road Wichita, Kansas 67206
Lot 1		CASTLE	<input checked="" type="checkbox"/> Emelia Manning 115 S. Belmont Apartment 1 Wichita, Kansas 67218
Lot 1		JIM BURNS	<input checked="" type="checkbox"/> J. Earnest Talley 535 W. Shore Wichita, Kansas 67209
North 138 Feet of Lot 2		JIM BURNS	<input checked="" type="checkbox"/> Rodney L. Steven 2333 McLean Blvd. Wichita, Kansas 67204
Reserve "A"		EILERTS	<input checked="" type="checkbox"/> Keith R. Eilerts, Etal 23 Beech Road Wichita, Kansas 67206
Lot 1		KAD-CO	<input checked="" type="checkbox"/> Davis-Moore Oldsmobile, Inc. 6215 E. Kellogg Wichita, Kansas 67218

Fidelity  Title
COMPANY, INC.

Continued

-3-

TRACT

OWNERS AND ADDRESSES

Beginning 100 Feet North, Southeast Corner Block 14, North 50.66 Feet, West 100 Feet, South 50 Feet, East to beginning and West 10 of East 100 Feet South 100 Feet of Block 14, LINCOLN HEIGHTS ADDITION AND South 100 Feet of East 90 Feet, Block 14 LINCOLN HEIGHTS

Walter Morris Investment Company, Inc.
128 S. Dellrose
Wichita, Kansas 67218

Dated at Wichita, Kansas this 30th day of May, 1979; at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *C. E. Bud Belden*
Vice-President

Tracer No. 46533



Fidelity  Title
COMPANY, INC.

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

ADDRESSEE
UNKNOWN
RETURN TO SENDER



RECEIVED

JAN 09 1980

VAN 2 METROPOLITAN PLANNING
ROUTE *Sub*
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD



*1-9-80
resent to:
461 S. Lindale*

*1-8-80
RH*

H. Mack & Nancy A. Vanderlip
321 S. Crestway Avenue
Wichita, Kansas 67218

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

ADDRESSEE
UNKNOWN
RETURN TO SENDER



Shirley



*Delivered
1804
1/2/80*

Lawrence A. Kunkel
4820 E. Kellogg
Wichita, Kansas 67218

**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.
Pibg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		

DESCRIPTION	AMOUNT

NAME _____

ADDRESS _____

FUND _____ DUE DATE _____

COMMENTS _____

DATE _____ BY _____