

Case No. BZA 21-79 - Donrey
Outdoor Advt. requests variance
to install an off-site sign on
property zoned "LC" and general
located on the north side of
Central approx. 300'

FOOTED
5/27/79

ACTION

COMMITTEE *Approved* DATE *6-26-79*

BZA
21-79

M.A.P.C. _____

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

FOOTED

July 6, 1979

Kenneth Francisco
Donrey Outdoor Advertising Company
3405 N. Hydraulic
Wichita, Kansas 67219

Re: Case No. BZA 21-79
Request for Variance

Dear Mr. Francisco:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on June 26, 1979, in connection with your request for a variance to install an off-site sign in the "LC" Light Commercial District by varying the 70' requirement of the designated mile to be adjacent to the "LC", "C", "E" or "F" zoning and located approximately 300 feet west of the Big Ditch on the north side of Central Avenue.

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

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

RESOLUTION NO. BZA 21-79

WHEREAS, Donrey Outdoor Advertising Company, 3405 North Hydraulic, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to install an off-site sign by varying the 70% requirement of the designated mile to be adjacent to "LC", "C", "E" or "F" zoning, on property zoned the "LC" Light Commercial District, and legally described as follows:

Beginning at a point on the South line of the Southwest Quarter of Sec 15, Twp 27 S, Range 1 West of the 6th P.M., Sedgwick County, Ks., 764.78 feet West of the Southeast corner of said SW 1/4, thence North 200 feet; thence West parallel to the South line of said SW 1/4 to a point on the East line of a tract of land deeded to John T. Arnold & Associates by deed recorded on Film 268 page 790; thence Southeasterly along said East line to a point on the South line of said SW 1/4; thence East along said South line to the place of beginning, except the South 55 feet for street purposes. Generally located on the north side of Central approximately 300 feet west of the Big Ditch.

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 June 26, 1979, 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 area used by the flood control right-of-way will be used for the designated purpose from now on and the zoning will probably remain the most restrictive classification. The remaining portion of the designated mile contains 82% "LC" zoning and the established zoning policy would increase the zoning to 100% of the remaining portion of the designated mile.

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 immediate adjacent properties are vacant and the erection of one sign located at the normal building setback line would not interfere with future development on adjacent properties.

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 this will be the only designated mile on West Central that will permit the location of an off-site sign.

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 general area is not an area that is proliferated with a large number of signs.

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 intent of the regulations is to provide reasonable distribution of areas throughout the community for off-site advertising.

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 install an off-site sign by varying the 70% requirement of the designated mile to be adjacent to "LC", "C", "E" or "F" zoning, on property zoned the "LC" Light Commercial District, and legally described as:

Beginning at a point on the South line of the Southwest Quarter of Sec 15, Twp 27 S, Range 1 West of the 6th P.M., Sedgwick County, Ks., 764.78 feet West of the Southeast corner of said SW 1/4, thence North 200 feet; thence West parallel to the South line of said SW 1/4 to a point on the East line of a tract of land deeded to John T. Arnold & Associates by deed recorded on Film 268 page 790; thence South-easterly along said East line to a point on the South line of said SW 1/4; thence East along said South line to the place of beginning, except the South 55 feet for street purposes. Generally located on the north side of Central approximately 300 feet west of the Big Ditch

be approved subject to the following conditions:

1. The off-site sign shall not exceed 600 square feet in surface area nor exceed a height of 30 feet above grade.
2. No portion of the sign shall extend closer than 35 feet from the right-of-way line of Central.
3. The sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.
4. This shall be the only off-site sign permitted in the designated mile until such time as additional zoning is granted to comply with the 70% requirement.

ADOPTED AT WICHITA, KANSAS, this 26th day of June, 1979.


Mary L. Koplitz, Chairman

ATTEST:


Jack H. Galbraith, Secretary

June 27, 1979

Kenneth Francisco
Donrey Outdoor Advertising Company
3405 N. Hydraulic
Wichita, Kansas 67219

Re: Case No. BZA 21-79
Request for Variance

Dear Mr. Francisco:

At the regular meeting of the Board of Zoning Appeals on June 26, 1979, your request for a variance to install an off-site sign in the "LC" Light Commercial District by varying the 70% requirement of the designated mile to be adjacent to the "LC", "C", "E" or "F" zoning and located approximately 300 feet west of the Big Ditch on the north side of Central Avenue.

It was the action of the Board to approve this request subject to the following conditions:

1. The off-site sign shall not exceed 600 square feet in surface area nor exceed a height of 30 feet above grade.
2. No portion of the sign shall extend closer than 35 feet from the right-of-way line of Central.
3. The sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.
4. This shall be the only off-site sign permitted in the designated mile until such time as additional zoning is granted to comply with the 70% requirement.

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.

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June 27, 1979
BZA 21-79

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:bbc

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

THE CITY OF WICHITA
OFFICE OF

DATE June 21, 1979

TO Jack Galbraith, Chief Planner
FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 21-79: Off Site Sign at Central
and the Big Ditch

CPO Council "A" considered the captioned case on June 20, 1979, and voted 7-1 to recommend denial of the requested variance.

The Council felt that to grant the variance would establish a precedent for the erection of numerous signs in the area, which the majority of the Council felt would not be in the best interest of the public.

Therefore, the Council recommended strict application of the provisions of the zoning ordinance for reasons of aesthetics.

Please inform the Board of Zoning Appeals of this recommendation when they consider the case on June 26.

Gail Williams

Gail Williams
CPO Administrative Aide

GW:jw

Noted: *Sarah Gilbert*
Sarah Gilbert
Assistant CP Coordinator



SECRETARY'S REPORT
CASE NO. BZA 21-70

APPLICANT: Donrey Advertising Company, 3405 N. Hydraulic, Wichita, Kansas

AGENT: Kenneth Francisco, 3405 N. Hydraulic, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to install an off-site sign in the "LC" Light Commercial District by varying the 70% requirement of the designated mile to be adjacent to the "LC", "C", "E" or "F" zoning.

GENERAL LOCATION: Approximately 300 feet west of the Big Ditch on the north side of Central Avenue.

ZONING: The subject property is zoned "LC" Light Commercial as is the property to the west and north. The property to the east is zoned "AA" Single Family Dwelling District and to the south "A" Two Family Dwelling District.

LAND USE: The subject property is undeveloped as is the property to the east and south. There is some commercial development on part of the "LC" property to the west near Ridge Road.

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).

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Case No. BZA 21-79
BZA AGENDA
6-26-79

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance from the strict application of that portion of the zoning ordinance that permits the erection of off-site signs in the "LC" Light Commercial District. The ordinance states that in order to erect an off-site sign in the "LC" district, at least 70 percent of the designated mile must be adjacent to the "LC", "C", "E" or "F" zoning district.

The designated mile in question is West Central Avenue from Ridge Road to Hoover. The particular location proposed for the off-site sign is on property on the north side of Central approximately 300 feet west of the Big Ditch.

At the time the provisions for off-site signs to be located in the "LC" district were adopted into the ordinance, it was intended that off-site signs not be permitted in areas that were considered residential. At that time, certain criteria for the use of major streets for such advertising was established and it was determined that when a large portion of the street was zoned commercial it could be assumed to be developed as commercial. A figure of 70 percent was determined to be predominantly zoned commercial for a designated mile.

The designated mile in this particular instance is intersected by a drainage way (Big Ditch) using approximately one-fourth of the mile and will more than likely remain as "AA" Single Family. Using the method set forth in the ordinance for determining proper zoning adjacent to the center line of the designated mile, 3250 feet (or 61.5%) is adjacent to "LC" zoning. By removing the portion of the mile used by the flood control right-of-way, 82 percent of the remaining portion of the mile is adjacent to "LC" zoning. It should be further mentioned that a zoning policy has been established along Central to look with favor on "LC" zoning on the entire mile which would be 75 percent of the mile excluding the Big Ditch area.

UNIQUENESS:

It is the opinion of the Secretary that this is a unique situation inasmuch as the area used by the flood control right-of-way will be used for the designated purpose from now on and the zoning will probably remain the most restrictive classification.

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 immediate adjacent prop-

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BZA AGENDA
6-26-79

erties are vacant and the erection of one sign located at the normal building setback line would not interfere with future development on adjacent 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 this will be the only designated mile on West Central that will permit the location of an off-site sign.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance requested would not adversely affect the public interest inasmuch as the general area is not an area that is proliferated with a large number of signs.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the intent of the regulations is to provide reasonable distribution of areas throughout the community for off-site advertising.

RECOMMENDATION:

If the Board determines that the above five conditions can be found to exist, it is the Secretary's recommendation that the variance be granted subject to the following conditions:

1. The off-site sign shall not exceed 600 square feet in surface area nor exceed a height of 30 feet above grade.
2. No portion of the sign shall extend closer than 35 feet from the right-of-way line of Central.
3. The sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.

BZA CASE NO. 21-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

4 NOTICES SENT TO ADJOINING PROPERTY OWNERS

16 TOTAL NOTICES SENT 6-6-79

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

June 6, 1979

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 21-79

An application has been filed by Donrey Outdoor Advertising Company, 3405 N. Hydraulic, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita requesting a variance to install an off-site sign by varying the 70% requirement of the designated mile to be adjacent to "LC", "C", "E" or "F" zoning, on property zoned the "LC" Light Commercial District, and legally described as follows:

Beginning at a point on the South line of the Southwest Quarter of Sec 15, Twp 27 S, Range 1 West of the 6th P.M., Sedgwick County, Ks., 764.78 feet West of the Southeast corner of said SW 1/4, thence North 200 feet; thence West parallel to the South line of said SW 1/4 to a point on the East line of a tract of land deeded to John T. Arnold & Associates by deed recorded on Film 268 page 790; thence Southeasterly along said East line to a point on the South line of said SW 1/4; thence East along said South line to the place of beginning, except the South 55 feet for street purposes. Generally located on the north side of Central approximately 300 feet west of the Big Ditch.

This application has been assigned case No. BZA 21-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 26, 1979, 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.

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
CITY OF WICHITA, KANSAS

CASE NO. 21-79
FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Donrey Outdoor Advertising Company
Mailing Address 3405 N. Hydraulic, Wichita, KS. 67219 Phone 838-0871
Name of Authorized Agent ~~Ken~~ Kenneth Francisco
Mailing Address Same Phone N/A Same
Relationship of applicant to property is that of Lessee
(Owner, Tenant, Lessee, Other)

II. The variance requested is To install an off-site sign in the "LC"
district ^{by varying the requirement} where ~~less than~~ 70% of the designated mile ^{to be adjacent to} "LC", "C", "E" or "F" zoning.

for property located approximately 300 feet west of the Big Ditch
on the north side of Central.

Beginning at a point on the South line of the
and legally described as: Southwest Quarter of Sec 15, Twp 27 S, Range 1
West of the 6th P.M., Sedgwick County, KS., 764.78 feet West of the Southeast
corner of said SW $\frac{1}{4}$, thence North 200 feet; thence West parallel to the South line
of said SW $\frac{1}{4}$ to a point on the East line of a tract of land deeded to John T. Arnold
& Associates by deed recorded on Film 268 page 790; thence Southeasterly along
said East line to a point on the South line of said SW $\frac{1}{4}$; thence East along said South
line to the place of beginning, except the South 55 feet for street purposes
in the City of Wichita; and which is presently zoned "LC".

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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;
 - 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.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Kenneth Francisco
Applicant

N/A Kenneth Francisco
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:00 (a.m. - p.m.), May 16 19 79 together with appropriate fee of \$50.00.

T9-402

Shirley E. Lytle
Signed

DONREY OUTDOOR ADVERTISING COMPANY

3405 NORTH HYDRAULIC
WICHITA, KANSAS 67219
316-838-0871

The existing sign code permits off-site advertising in the Light Commercial districts providing that at least seventy percent of the designated mile be zoned "LC", "C", "E" or "F", or any combination thereof. (28.04.140)

The designated mile in question is on West Central between Hoover and Ridge Road. Approximately 1600 feet in this mile is the Flood Control Ditch. This leaves 3,680 feet of zonable land. This mile has 5,280 feet in it, 70% of that is 3,696 feet. Approximately 3,000 feet of this mile is zoned Light Commercial now. That's over 81% of the zonable portion of the mile. This is a very unique situation.

At the present time Donrey has no signs in the entire north-western edge of the city. Our distribution is severely limited and we are suffering substantial monetary losses because of this.

The structure we propose to build will be a modern, painted bulletin, designed to harmonize with the area.



FT. SMITH, AR • LITTLE ROCK, AR • WICHITA, KS • LAS VEGAS, NV • RENO, NV • ALBUQUERQUE, NM • OKLAHOMA CITY, OK • TULSA, OK • SPOKANE, WA

City of Wichita Policy

Policy No. 19-4
August 21, 1978
Supersedes: December 30, 1975

Subject: Zoning Policies

- c. Edgemoor to Woodlawn - That the existing zoning classifications be retained, except look with favor on no higher density than the "R-5" General Residential District for the 620 feet of frontage that is presently zoned "AA".
 - d. Woodlawn to Webb Road - That the existing zoning classifications be retained.
2. South side of Central:
- a. Terrace to Oliver - Look with favor on the "BB" Office District on the west half of the block (approximately 150 feet) between Terrace and Pershing; with the balance of the frontage remaining as "LC" Light Commercial.
 - b. Oliver to Edgemoor - That the existing residential zoning classification be retained between Bleckley and Pinecrest; and look with favor on the balance of the frontage being zoned "LC" Light Commercial.
 - c. Edgemoor to Woodlawn - That the existing residential, office, and light commercial classifications be retained, and that conversions of single family homes to offices and more intensive uses not be looked upon with favor.
 - d. Woodlawn to Webb Road - That the existing zoning classifications be retained.
3. Where there are additional parking needs, it is recommended that such be accomplished through the parking exception provisions of the Board of Zoning Appeals rather than extending either the "B" Multiple Family or the "BB" Office District into the adjoining neighborhoods.

Central Avenue between West Street and I-235
(MAPC adopted 02-22-73)
(BCC concurred 03-13-73)
(BCC approved 12-30-75)

1. Look with favor on "LC" Light Commercial zoning along Central in the area from West Street to I-235 Bypass.

Central Avenue between I-235 and the Flood Control Structures
(MAPC adopted 04-19-77)
(BCC approved 05-10-77)

1. Look with favor on "LC" Light Commercial zoning adjacent to Central in the area from I-235 west to the Wichita-Valley Center Flood Control right-of-way.

City of Wichita, Kansas

City of Wichita Policy

Policy No. 19-4
August 21, 1978
Supersedes: December 30, 1975

Subject: Zoning Policies

- c. Edgemoor to Woodlawn - That the existing zoning classifications be retained, except look with favor on no higher density than the "R-5" General Residential District for the 620 feet of frontage that is presently zoned "AA".
 - d. Woodlawn to Webb Road - That the existing zoning classifications be retained.
2. South side of Central:
- a. Terrace to Oliver - Look with favor on the "BB" Office District on the west half of the block (approximately 150 feet) between Terrace and Pershing; with the balance of the frontage remaining as "LC" Light Commercial.
 - b. Oliver to Edgemoor - That the existing residential zoning classification be retained between Bleckley and Pinecrest; and look with favor on the balance of the frontage being zoned "LC" Light Commercial.
 - c. Edgemoor to Woodlawn - That the existing residential, office, and light commercial classifications be retained, and that conversions of single family homes to offices and more intensive uses not be looked upon with favor.
 - d. Woodlawn to Webb Road - That the existing zoning classifications be retained.
3. Where there are additional parking needs, it is recommended that such be accomplished through the parking exception provisions of the Board of Zoning Appeals rather than extending either the "B" Multiple Family or the "BB" Office District into the adjoining neighborhoods.

Central Avenue between West Street and I-235
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1. Look with favor on "LC" Light Commercial zoning along Central in the area from West Street to I-235 Bypass.

Central Avenue between I-235 and the Flood Control Structures
(MAPC adopted 04-19-77)
(BCC approved 05-10-77)

1. Look with favor on "LC" Light Commercial zoning adjacent to Central in the area from I-235 west to the Wichita-Valley Center Flood Control right-of-way.

City of Wichita, Kansas

OWNERSHIP LIST

Lot	Addition	Property Owner
Reserve B	Farmington Square Add.	Car-Ree Enterprises Inc. 6572 East Central 67206
<p>Commencing at the SW corner of Section 15-27-1W thence east along south section line a distance of 1494.40 feet to a point; thence left with an angle of 90°00', a distance of 40 feet to the point of beginning; thence continuing on the same line a distance of 400 feet to a point; thence right with an angle of 90°00' a distance of 150 feet to a point; thence right with an angle of 78° 24' a distance of 396.48 feet to a point; thence right with an angle of 98°36' a distance of 224.12 feet to a point; thence right with an angle of 3°00' a distance of 5.88 feet to the point of beginning</p>		
		Robert Louis Hayes and Louise Maxine Hayes 3227 Cromwell 67204
<p>A tract of land in the SW$\frac{1}{4}$ of Section 15-27-1W described as beginning at a point on the south line of said SW$\frac{1}{4}$, 1856.43 feet east of the SW corner thereof; thence west along the south line of said SW$\frac{1}{4}$, 121.97 feet; thence with an angle to the right of 78°25'15", a distance of 751.15 feet; thence with an angle to the left of 8°48'45" a distance of 528.14 feet; thence with an angle to the right of 23°27'45", a distance of 1409.5 feet; more or less, to the north line of said SW$\frac{1}{4}$ thence east along the north line of said SW$\frac{1}{4}$, 44.42 feet to a point 1537.6 feet east of the NW corner of said SW$\frac{1}{4}$; thence with an angle to the right of 85°00'30", a distance of 1800 feet; thence SEly 862 feet, more or less to beginning</p>		
		John T. Arnold Associates, Inc. Sutton Place, Suite 1000 67202
<p>All that part of the East half of the SW$\frac{1}{4}$ of Section 15-27-1W lying west of the west line of the WVCFC row, and east of a line described as commencing at the NW corner of said SW$\frac{1}{4}$; thence east along the north line of said SW$\frac{1}{4}$, 1537.6 feet for a place of beginning; thence with an angle to the right of 85°00'30" a distance of 1800 feet; thence SEly 862 feet more or less to a point 1856.43 feet east of the SW corner of said SW$\frac{1}{4}$, except beg. at a point on the south line of the SW$\frac{1}{4}$ of Section 15-27-1W, 30 feet west of the west line of the WVCFC row thence west along said line a distance of 238.4 feet, thence north 375 feet, thence east 224.8 feet, thence south to the point of beginning, and except that portion deeded to the City of Wichita for widening of Central Avenue</p>		
		Richard D. Hoskinson and Verda M. Hoskinson 990 N. Westlink 67212
<p>Beginning at a point 526.38 feet west of the SE corner of the SW$\frac{1}{4}$ of Section 15-27-1W, thence west 238.4 feet, thence north at right angles a distance of 375 feet, thence east 224.8 feet, thence south 375 feet to the point of beg., except south 55 feet for Central</p>		
		City of Wichita, 455 N. Main 67202



SECURITY IS KNOWING

Title Insurance • Escrow Closings • Abstracts

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: Beginning at a point on the south line of the SW $\frac{1}{4}$ of Section 15-27-1W, 764.78 feet west of the SE corner of said SW $\frac{1}{4}$, thence north 200 feet; thence west parallel to the south line of said SW $\frac{1}{4}$ to a point on the east line of a tract of land deeded to John T. Arnold & Associates by deeds recorded on Film 268 page 790; thence SEly along said east line to a point on the south line of said SW $\frac{1}{4}$; thence east along said South line to the place of beginning, except the South 55 feet for street

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 8th day of May, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 276427
wh

~~VARIANCE~~

RESOLUTION NO. BZA 21-79

WHEREAS, Dorsey Outdoor Advertising Company,
3405 North Hydraulic, Wichita, Kansas,

requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to _____ install an off-site sign by varying the 70% requirement of the designated mile to be adjacent to "IC", "C", "E" or "F" zoning, on property zoned the "LC" Light Commercial District, and legally described as follows:

Beginning at a point on the South line of the Southwest Quarter of Sec 15, Twp 27 S, Range 1 West of the 6th P.M., Sedgwick County, Ks., 764.78 feet West of the Southeast corner of said SW 1/4, thence North 200 feet; thence West parallel to the South line of said SW 1/4 to a point on the East line of a tract of land deeded to John T. Arnold & Associates by deed recorded on Film 268 page 790; thence Southeasterly along said East line to a point on the South line of said SW 1/4; thence East along said South line to the place of beginning, except the South 55 feet for street purposes. Generally located on the north side of Central approximately 300 feet west of the Big Ditch.

left up

the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of June 26, 1979, 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 area used by the flood control right-of-way will be used for the designated purpose from now on and the zoning will probably remain the most restrictive classification.

The remaining portion of the designated mile contains 32% LC zoning and the established zoning policy should increase the zoning to 100% of the remaining portion of the designated mile.

~~ADJACENT PROPERTY:~~

Variance Resolution
Page Two

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 immediate adjacent properties are vacant and the erection of _____ one sign located at the normal building setback line would not interfere with future development on adjacent properties.

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 owner represented in the application inasmuch as _____ this will _____ be the only designated mile on West Central that will permit the location of an off-site sign.

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 general area is not an area that is proliferated with a large number of signs.

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 intent of the _____ regulations is to provide reasonable distribution of areas throughout the community for off-site advertising.

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 _____ install an off-site sign by varying the 70% requirement of the designated mile to be adjacent to "LC", "C", "E" or "F" zoning, on property zoned the "LC" Light Commercial District, and legally described as follows:

Beginning at a point on the South line of the Southwest Quarter of Sec 15, Twp 27 S, Range 1 West of the 6th P.M., Sedgwick County, Ks., 764.78 feet West of the Southeast corner of said SW 1/4, thence North 200 feet; thence West parallel to the South line of said SW 1/4 to a point on the East line of a tract of land deeded to John T. Arnold & Associates by deed recorded on Film 268 page 790; thence Southeasterly along said East line to a point on the South line of said SW 1/4; thence East along said South line to the place of beginning, except the South 55 feet for street purposes. Generally located on the north side of Central approximately 300 feet west of the Big Ditch.

Variance Resolution
Page Three

on property zoned the _____
and legally described as:

Generally located _____

be (~~approved~~) subject to the following conditions: *

ADOPTED AT WICHITA, KANSAS, this 26 day of
June 1979.

Mary Kopietz, Chairman

ATTEST:

Jack H. Galbraith Secretary/
Assistant Secretary

*

1. The off-site sign shall not exceed 600 square feet in surface area nor exceed a height of 30 feet above grade.
2. No portion of the sign shall extend closer than 35 feet from the right-of-way line of Central.
3. The sign shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.

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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
620 V. ...	300

NAME _____

ADDRESS _____

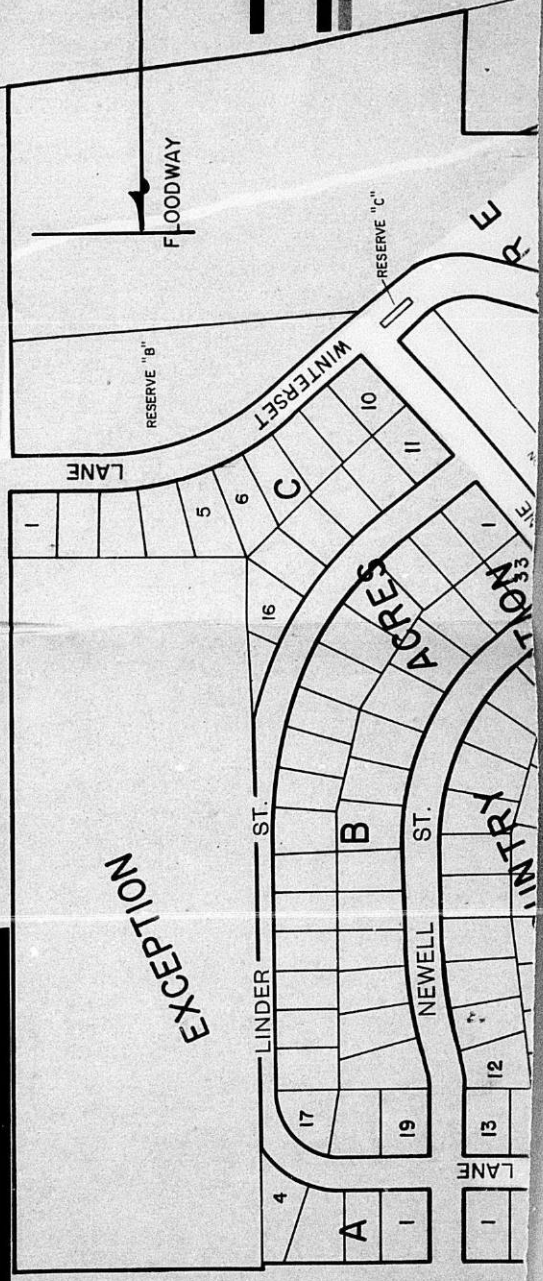
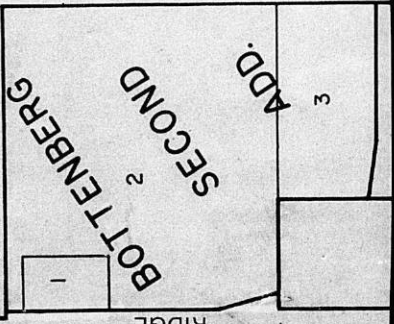
FUND 11-41071-632 DUE DATE _____

COMMENTS _____

DATE 5/16/77 BY _____

WICHITA

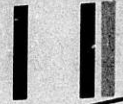
1
2
3
4
5
6
QUEEN



26.4%

61.5%

73.6%



EXCEPTION

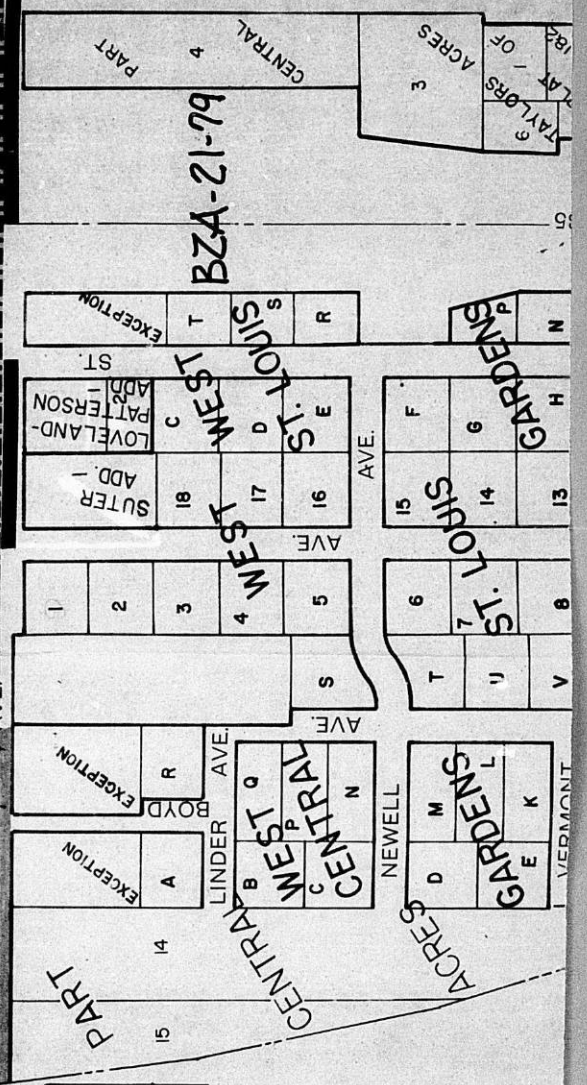
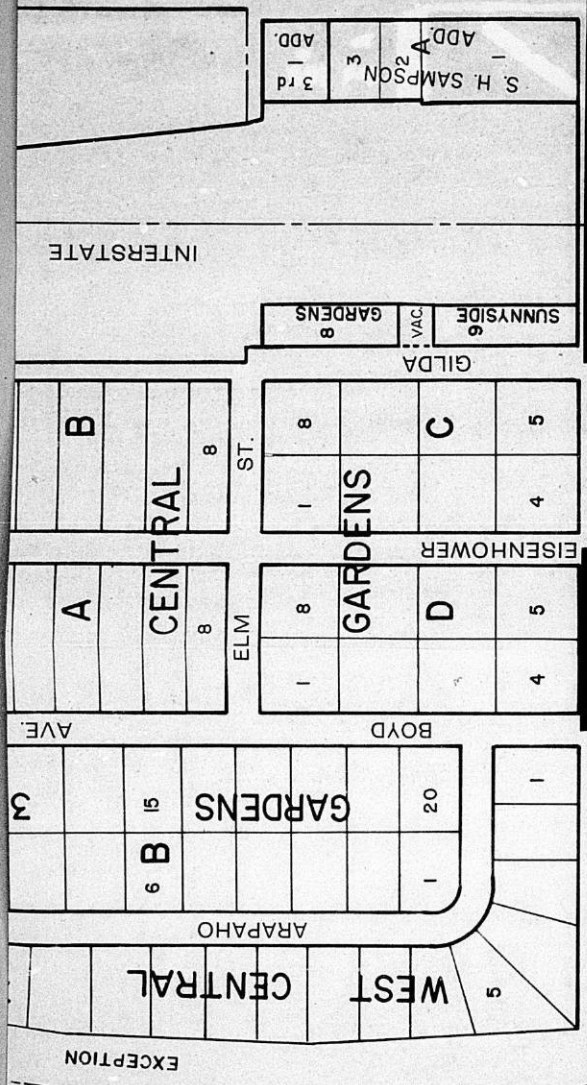
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WICHITA

26.4%

61.5%

73.6%



BZA-21-79