

Case No. EZA 32-82 - Davis-Moore  
Oldsmobile, Inc. - requests a variance  
for the location of an on-site pole sign  
by reducing the distance between two  
signs on the same property from 150'  
to 136', and to reduce the distance  
from the adjacent property line for an

**ACTION**

*8-24-82*

DATE 8-24-82

COMMITTEE Appraisal

4-2

~~MEMO~~ \_\_\_\_\_

~~B. G. B. G. G.~~ \_\_\_\_\_

*58464*

*200' 4 Sec 10-29-82*  
*Checked 11-8-82*  
*Shot 11-10*  
*Recorded 11-11-82*

Map No. 5846  
 Sec. 25  
 Twp. 27  
 Range 1E

BZA- 32-82  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

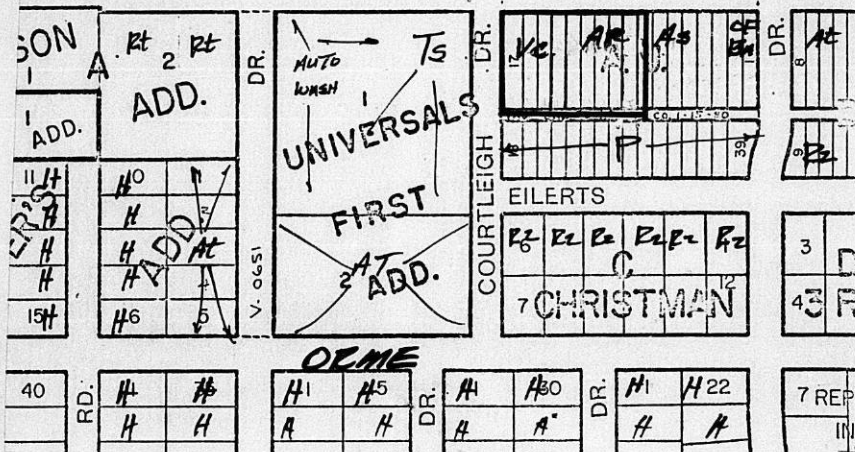
- Acres: 0.98 ( 170 ft. by 252 ft.)
- Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
- Land Use: East AUTO SALES South PARKING LOT  
 West TRAILER SALES North KELLOGG
- Sketch Plan Land Use is for: \_\_\_\_\_
- Present Land Use is for: AUTO REPAIR VAC (COMMERCIAL)
- Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

H	H	WAVERLY	H		BROOKSIDE	H	H	COURTLEIGH	H	TO	WINDSOR	
H	H		H	H		H	H		H	8H		
H	H		H	H		H	H		H			

**KELLOGG**



Survey  
 No. 2153C  
 MASTINGS INN  
 LOS ANGELES, CALIFORNIA  
 MCGREGOR TX LOCUST GROVE, GA  
 U.S.A.

32-82

August 25, 1982

Davis-Moore Oldsmobile, Inc.  
6215 East Kellogg  
Wichita, Ks. 67216

Re: Case No. RZA 32-82  
Request for Variance

Gentlemen:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 24, 1982.

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  
Enclosure

cc: Everett C. Pettis, 120 South Market, Wichita 67202  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Giesick, City Clerk

RESOLUTION NO. BZA 32-82

WHEREAS, Davis-Moore Oldsmobile, Inc., 6215 East Kellogg, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the distance between two on-site pole signs from 150 feet to 136 feet and to reduce the distance to an adjoining property line from 15 feet to 0 feet on property zoned the "LC" Light Commercial District and legally described as follows:

Lot 8, except the east 10 feet and Lots 9 thru 17 Block A, A. J. Christman Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Courtleigh Drive and Kellogg Drive (6215 East 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 August 24, 1982, 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 buildings on the property were constructed in conformance to the required 0 foot setback in the "LC" Light Commercial District, leaving only limited locations for pole signs which were erected on the property in compliance with existing regulations. Subsequent amendments now have made the signs nonconforming and there are no other locations on the property which would comply; 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 signs are existing and the distance to signs on the adjacent property will not be interfered with by the increase of the size of one sign; 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 there are no other locations on the property that a pole sign can be located in conformance with the present regulations; 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 not project over public right-of-way or utility 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 ordinance will allow for distance adjustments up to 30% when physical features of the property limit the spacing of signs, and the location of the driveway on the adjacent property provides for separation of signs; 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.

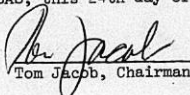
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the distance between two on-site pole signs from 150 feet to 136 feet and to reduce the distance to an adjoining property line from 15 feet to 0 feet on property zoned the "LC" Light Commercial District and legally described as:

Lot 8, except the east 10 feet and Lots 9 thru 17  
Block A, A. J. Christman Third Addition to Wichita,  
Sedgwick County, Kansas. Generally located on the  
southeast corner of Courtleigh Drive and Kellogg  
Drive (6215 East Kellogg).

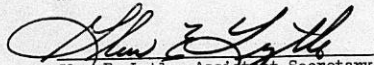
be approved subject to the following conditions:

1. The size of the sign along the east property line shall not exceed 200 feet of gross surface area, nor project over public right-of-way nor exceed 30 feet in height.
2. No additional ground or pole signs shall be permitted within 35 feet of the public right-of-way along Kellogg Drive.

ADOPTED AT WICHITA, KANSAS, this 24th day of August, 1982.

  
Tom Jacobb, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** August 18, 1982

**TO** Glen Lytle, Special Assistant for Zoning  
**FROM** Shirley Mast, Administrative Aide III



**SUBJECT** BZA 32-82 Southeast corner  
of Courtleigh Drive and  
Kellogg - 6215 East Kellogg

CPO Council "C" considered the captioned case at their August 16th meeting and voted 6-0 to recommend approval of the variance for the location of an on-site pole sign by reducing the distance between two signs on the same property from 150 feet to 135 feet, and to reduce the distance from the adjacent property line for an on-site pole from 15 feet to 0 feet.

Everett Pettis, agent for the applicant was present and discussed the case with the Council and four adjoining property owners. The property owners did not voice an opinion on the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at their August 24th meeting.

*Shirley Mast*  
Shirley Mast  
Administrative Aide III

Noted:

*Sarah Gilbert*  
Sarah Gilbert  
CP Coordinator

SECRETARY'S REPORT  
CASE NO. BZA 32-82

APPLICANT: Davis-Moore Oldsmobile, Inc., 6215 East Kellogg, Wichita, Kansas.

AGENT: Everett C. Pettis, 120 South Market, Wichita, Ks.

REQUEST: Variance pursuant to Section 212.590.B, Code of the City of Wichita, to reduce the distance between on-site pole signs from 150 feet to 136 feet, and to reduce the setback of an on-site sign from the adjacent property from 15 feet to 0 feet.

GENERAL LOCATION: On the south side of Kellogg between Courtleigh Drive and Fabrique (6215 East Kellogg).

ZONING: Subject property is zoned the "LC" Light Commercial District. Property to the north is "AA" One-family, to the south is "E" Multiple-family and to the east and west is "LC" Light Commercial.

LAND USE: Subject property is occupied by an automobile agency. To the east an office building. To the west and south is additional area used by the automobile agency, and to the north is residential.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 212.590.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 for the expansion of an existing sign which is not located in conformance with the present zoning regulations. The ordinance requires that there shall be a distance, along the street, of 150 feet between on-site ground or pole signs on the same property. It also requires there be at least 15 feet from any on-site ground or pole sign from an adjoining property line. At the present time, only 136 feet separate the two pole signs and the east sign is immediately adjacent to the east property line which does not comply with the 15 foot requirement.

The applicant has recently extended the dealership to include Dodge cars and trucks and in doing so must install a sign on the property. In order to accomplish this, it is intended to remove the AMC logo on the small sign and install the Dodge sign at this location. An AMC identification sign will be installed on the roof as a permitted building sign which is allowed by the ordinance.

The location of the buildings on the property preclude the separation of the signs as required by the ordinance. Also the location of building signs on the building must not project over public right-of-way since it is adjacent to a highway.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the buildings on the property were constructed in conformance to the required 0 foot setback in the "LC" Light Commercial District, leaving only limited locations for pole signs which were erected on the property in compliance with existing regulations. Subsequent amendments now have made the signs nonconforming and there are no other locations on the property which would comply.

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 signs are existing and the distance to signs on adjacent properties will not be interfered with by the increase in the size of the one sign.

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 there are no other locations on the property that a ground or pole sign can be located in conformance to the present regulations.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the sign will not project over public right-of-way or utility 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 ordinance will allow for distance adjustments up to 30% when physical features of the property limit the spacing of signs, and the location of a driveway on adjacent property provides for adequate separation of signs.

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 size of the sign along the east property line shall not exceed 200 square feet of gross surface area, nor project over public right-of-way nor exceed 30 feet in height.
2. No additional ground or pole signs shall be permitted within 35 feet of the public right-of-way along Kellogg Drive.

BZA CASE NO. 32-82

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

47 NOTICES SENT TO ADJOINING PROPERTY OWNERS

60 TOTAL NOTICES SENT 8-4-82

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

August 24, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 32-82

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 Davis-Moore Oldsmobile, Inc., 6215 East Kellogg, 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 for the location of an on-site pole sign by reducing the distance between two signs on the same property from 150 feet to 136 feet, and to reduce the distance from the adjacent property line for an on-site pole sign from 15 feet to 0 feet on property zoned the "LC" Light Commercial District. A legal description of the applicant's property is as follows:

Lot 8, except the east 10 feet and Lots 9 thru 17, Block A, A. J. Christman Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Courtleigh Drive and Kellogg Drive (6215 East Kellogg).

This application has been assigned Case No. BZA 32-82. It will be considered by the Board of Zoning Appeals on August 24, 1982 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

BOARD OF ZONING APPEALS

CASE NO. 32-82

CITY OF WICHITA, KANSAS

FILED 7-26-82

APPLICATION FOR VARIANCE

I. Name of Applicant DAVIS-MOORE OLDSMOBILE, INC.

Mailing Address 6215 E. KELLOGG Phone 685

Name of Authorized Agent EVERETT FETTIS

Mailing Address 120 S. MARKET Phone 267-7251

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

II. The variance requested is to reduce the distance  
between on-site pole signs from 150 feet  
to 136 feet and to reduce the setback from the  
side property line from 15 feet to 0 feet  
 for property located on the south side of Kellogg Drive  
between Courtlough Dr. and Fabrique Dr.  
 and legally described as: Lot 3, except the 10 feet  
lots 9 thru 17, Block A,  
A.J. Christman's 3<sup>rd</sup> Addn, to Wichita,  
Sedgwick County, Kansas

*see above*

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

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 Davis Moore Oldsmobile, Inc

Authorized Agent Everett C. Fettis

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 3:00 ~~pm~~ pm, July 26, 1982 together with appropriate fee of 150.00

Signed H. Lytle

B2A 32-82  
& 31-82

OWNERSHIP LIST

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
10	J	Second Addition to The Village	✓ Armando P. Simon & Sara V. Simon, 460 Waverly, 67218
11	J	"	✓ Jack E. Thomas, 443 S. Brookside, 67218
10	K	"	✓ Terry G. Peterson & Sally B. Peterson, 446 S. Brookside, 67218
11	K	"	✓ <del>Virginia K. Ahlf (Deceased) &amp; Shirley Ann Ahlf, 465 Courtleigh, 67218</del>
7	M	"	✓ Ferris N. Shadid & Ruth F. Shadid, 466 Courtleigh, 67218
West 42 ft. of the East 102 ft. of 1	A	Hudson Addition	✓ Arthur Lankin, 953 S. Greenwich Rd., 67207
East 60 ft. of 1 & the west 140 ft. of the north 130 ft. of 2	A	"	D Arthur Lankin, 953 S. Greenwich Rd., 67207
West 140 ft. of 2 exc. the north 130 ft. thereof	A	"	"
2 exc. the west 140 ft., & the west ½ of vacated Waverly Dr. adj. on the east	A	"	✓ Carney Family Partnership, 6572 E. Central, 67206
1	-	Low's Addition	D Arthur Lankin, 953 S. Greenwich Rd., 67207
1 thru 5, and the west 50 ft. of vacated Waverly Dr. adj. on the east	-	Driver's Addition	✓ Lindy Andeel, Suite 201 5900 E. Central, 67208 AND ✓ Kadco, a Partnership, Suite 201 5900 E. Central, 67208
6	-	"	✓ Howard C. Laswell & Mabel M. Laswell, 554 Lexington, 67218

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
7	-	Driver's Addition	✓ Edward D. Schmidt (Deceased) & Otilie H. Schmidt, 548 Lexington, 67218
8	-	"	✓ John R. Cushing, 542 Lexington, 67218
9	-	"	✓ Loretta L. McElhaney & Verl C. McElhaney, 536 Lexington, 67218
10	-	"	✓ Walter Smith (Deceased) & Ellen Louise Smith (Deceased)
11	-	"	✓ Darol J. Moseley & Lois W. Moseley, 1726 Lexington, 67218
12	-	"	✓ Bertha Juanita Peters, 537 Lexington, 67218
13	-	"	✓ Lilas L. Daniels & Betty L. Daniels, 543 Lexington, 67218
14	-	"	✓ Raymond W. Way & Clara M. Way, 549 Lexington, 67218
15	-	"	✓ James F. Lawrence (Deceased) & Elsie M. Lawrence, 555 Lexington, 67218
40	1	Prairie Park Addition	✓ Carroll M. Ragland & Betty L. Ragland, 601 Lexington, 67218
1	2	"	✓ Marvin R. Monroe & Fern E. Monroe, 604 Lexington, 67218
2	2	"	✓ Evelyn R. Whitted & Maxine E. Whitted, 610 Lexington, 67218
3	2	"	✓ Shirley Ann Jackson, 616 Lexington, 67218
33	2	"	✓ Robert O. Sloan & Fawn J. Sloan, 615 Waverly, 67218
34	2	"	✓ Earl L. Albrecht & Erma Z. Albrecht, 607 Waverly, 67218
35	2	"	✓ Darlene Marie Moody, 601 Waverly, 67218
1	3	"	✓ James Allen Ritter & Susan K. Ritter, 602 Waverly, 67218

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
2	3	Prairie Park Addition	✓ Martin D. Maddox & Carol Ann Maddox, 608 Waverly, 67218
3	3	"	✓ Howard L. Wilson & Mary Jean Wilson, 614 Waverly, 67218
13	3	"	✓ Floyd W. Hall & Rose V. Hall, 615 S. Brookside, 67218
14	3	"	✓ Walter S. Vail & Dorothy Ellen Vail, 607 S. Brookside, 67218
15	3	"	✓ Chris Cranmer & Evelyn Cranmer, 601 S. Brookside, 67218
1	4	"	✓ Kenneth Pung & Susan A. Nordmeyer, 602 S. Brookside, 67218
2	4	"	✓ Wilma G. Lee, 608 S. Brookside, 67218
3	4	"	M. Fern Warhurst, 614 S. Brookside, 67218 AND ✓ Evelyn K. Doyal, 1848 Jeanette, 67203
28	4	"	✓ Donald W. Chambers & Lynda S. Chambers, 613 Courtleigh, 67218
29	4	"	✓ Bruce D. Nelson & Linda M. Nelson, 607 Courtleigh, 67218
30	4	"	✓ Joyce Dieckgrafe a/k/a Joyce S. Dieckgrafe, 601 Courtleigh, 67218
5, 6, 7 & the east 10 ft. of 8	A	A.J. Christman 3rd Addition	✓ David L. Murfin, Suite 617, Union Center Bldg., 67202
8 exc. the east 10 ft., & all of 9 thru 13	A	"	✓ Marvin J. Gordon & Evelyne L. Gordon, <u>Address Unknown</u> <i>E. 1008 Dayton 67213</i>
14, 15, 16 & 17	A	"	✓ T.G. Davis & Robert W. Moore, 6215 E. Kellogg, 67218
18 thru 26, & the west 15 ft. of 27	A	"	✓ <del>Marvin J. Gordon &amp; Evelyne L. Gordon,</del> <u>Address Unknown</u>

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
East 10 ft. of 27, & all of 28, 29, & 30	A	A.J. Christman 3rd Addition	<i>D</i> David L. Murfin, Suite 617, Union Center Bldg., 67202
3	C	"	<input checked="" type="checkbox"/> La Mansion 1982 Ltd., 150 N. Pershing, 67208
4	C	"	<input checked="" type="checkbox"/> J.D. Costlow & Marilyn D. Costlow, 11025 E. Kinkaid, 67207
5 & the east 3 ft. of 6	C	"	<input checked="" type="checkbox"/> Robert L. Adams & Marjorie L. Adams, 1921 Carson, 67216
6 exc. the east 3 ft.	C	"	<input checked="" type="checkbox"/> Paul V. Shoreack, 1760 Gentry, 67208
7	C	"	<del>Gertrude E. Dimick (Deceased)</del>
8	C	"	<input checked="" type="checkbox"/> E.W. Schroeder & Margaret L. Schroeder, 6208 E. Orme, 67218
West 110 ft. of 1 & 2 exc. the south 160 ft. of Lot 2, and the west 20 ft. of the east 30 ft. of the north 100 ft. of vacated Waverly Dr. adj.	-	Universals 1st Addition	<input checked="" type="checkbox"/> Universal Service Stations Inc., 2824 Ohio, 67219
1 exc. the west 110 ft. & 2 exc. the south 160 ft. & the west 110 ft.	-	"	<del>Elizabeth F. Maloney, Address Unknown</del>
South 160 ft. of 2	-	"	<i>D</i> <del>Marvin J. Gordon &amp; Evelyne L. Gordon, Address Unknown</del>

page 5

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of

Lots 14 through 17, Block A, A.J. Christman Third Addition, an Addition in Wichita, Sedgwick County, Kansas

AND

Part of Lot 1, Universals First Addition to Wichita, Sedgwick County, Kansas, described as beginning at the Northeast Corner of said Lot 1; thence South 344.26 feet to the South line of Lot 1; thence West 240 feet; thence North 166.87 feet to to back of Universal Service Station; thence East 113.75 feet; thence North 177 feet; thence East 145 feet to the point of beginning

AND

Lot 2, Universals First Addition to Wichita, Sedgwick County, Kansas

AND

Lots 1 through 5 inclusive, Driver's Addition to Wichita, Sedgwick County, Kansas, together with the West 50 feet of vacated Waverly Drive adjacent on the East, and the West 20 feet of the East 30 feet of vacated Waverly Drive except the North 100 feet and except the South 300 feet

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 27th day of July, 1982, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Table*  
Vice-President

Order No. 311252  
GE

**MICROFILMED**  
 FROM THE BEST  
 AVAILABLE COPY

FORM 29-1

PAYMENT NOTICE  
 City of Wichita

Bldg.	Use of Str.	Code Eks	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

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

FUND _____	DUE DATE _____
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COMMENTS \_\_\_\_\_

DATE _____	BY _____
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