

CASE NO 4-49

The City of Wichita

City Planning Commission

205 CITY BUILDING
WICHITA 2, KANSAS

April 8, 1949

Mr. C. J. Peckham
Rich Neon Company, Inc.
116 Mathewson
Wichita, Kansas

Dear Mr. Peckham:

At the meeting of the Board of Zoning Appeals on March 8, 1949, your appeal, Case No. 4-49, was presented. This was an appeal from the Building Inspector's refusal to grant a permit for the erection of a roof sign on the Dairy Queen Building located at 2716 East Central.

After careful consideration it was the unanimous decision of the Board that this appeal be denied because of lack of jurisdiction since the exception or variance desired does not arise from some condition which is not ordinarily found in the same zoning district.

If there are any questions concerning the decision of the Board, please feel free to call the Planning Office, room 304 of the City Building.

Very truly yours,

Eugene N. Smith
Secretary

CERTIFICATE OF OWNERSHIP

Certificate of ownership on the property within a 200 ft radius of
76-78-80-82 on Central Ave in Mossman's 2nd Addition.

LEGAL DESCRIPTION

OWNER



Lots in Central Ave Addition.	
Lots 90 & 92 on Central Avenue	W.F. Jones & Lila
Lots 94 & 96 on " "	Merle N. Slease
Lots 2 & 4 on Volutsia Ave	John D. Dwyer & Betty Ruth
Lots 6 & 8 on " "	Barbara M. Wright
Lots 10 & 12 " "	Florence Mayall
Lots 14 & 16 " "	W.A. & Elsa M. Hutcheson
Lots in Mossman's 2nd Addition.	
Lots 64 & 66 on Central Ave	C.E. Trego & Velma C.
Lots 68 & 70 on " "	Beacon Publishing Co.
Lots 72 & 74 on " "	Beacon Publishing Co.
Lots 76-78-80-82 " "	Walter Morris
Lots 84-86-88 " "	M. Dwight Hanson
Lots 1 & 3 on Estelle Avenue	Ralph M. Scarbrough & Rachael
Lots 5 & 7 on " "	Mary B. Moret
Lots 9 & 11 on " "	Eva Shults & Harold J. Lyon
Lots 13 & 15 on " "	Homer Moss & Frances C.
Lots 2 & 4 on " "	Elsie May Salser
Lots 6 & 8 on " "	Geo Landers & Pauline
Lots 10 & 12 " "	Nolan Barb & Berdie A.
Lots 14 & 16 " "	Irene Greasart & Edna
Lots in Maple Grove Addition.	
Lots 13 & 15 on Central Avenue	A.E. Bence & Clara E.
Lots 17 & 19 on " "	Madge J. Lemmen
Lots 21 & 23 on " "	W.T. Cackrell & W.T.

-Continued

Lots 25 & 27 on Central Avenue	Mitchell J. Hardman & Grace E.
South 50 ft of Lots 29-31-33 on Central Avenue	W.C. Tull & Esther
North 50 ft of Lots 29-31-33 on Central Avenue	Charles W. Pence
The South 50 ft of the North 100 ft of Lots 29-31-33 on Central Avenue	Preston B. Youle
Lots 35 & the West 15 ft of Lot 37 on Central Avenue	Wilbur B. Meller & George L. Baker
The East 10 ft Lot 37 on Central Avenue	D.R Mullett & Effie A. ^{Woods}
Lots 1 & 3 on Volutsia Ave	J.M. Neal & Maryan D.
Lots 2 & the North 10 ft Lot 4 on Volutsia Ave	Richard H. Morgan & Ira B.
The South 15 ft of Lot 4 on Volutsia Ave.	Ruth Keen
Lots 1 & 3 on Estell Ave	S.S. Whitehead & Gladys
Lots 2 & 4 " " "	Lucile Andrews
Lots in Duckworth Addition.	
Lots A & B on Estelle Ave	Jno W. & Mary Jane Howard
Lots C & D on Estelle Ave	Willard H. Vllom & Jane I.
Lots E & F on Estelle Ave	M. I. Baker

THE GUARANTEE ABSTRACT COMPANY INC., hereby certifies that a search of the records in the office of the Register of Deeds of Sedgwick County, Kansas relative to the property owners within a 200 ft radius of Lots 76-78-80-82 on Central Ave in Mossman's 2nd Add. and that the above and foregoing is a true exhibit of such owners.

WITNESS Our Hand And Seal This The 7th Day of March A.D. 1949.

THE GUARANTEE ABSTRACT COMPANY INC.

By

Vice-President

Order No. 14510

-R-

Wichita, Kansas
March 4, 1949

TO WHOM IT MAY CONCERN:

The Dairy Queen Company who have taken title to the property at 2716 E. Central and have constructed a building for the purpose of selling ice cream wish to install a neon display on the roof at this location and in view of the fact the City Zoning Committee have declared this a "limited commercial" and a "B" zone it is necessary to have the owners of adjoining properties either permit or object before an installation of this type can be made to comply with City requirements. Just east of this location and across the street there are roof signs and wall signs. However this particular block is in a "B" zone and the Dairy Queen have a standard display that they have been using in other locations and the question arises whether it would be a sign on a post or a sign on the roof. The post sign could be installed in accordance with city requirements. However this sign having been constructed for the roof to be architecturally in keeping with the building they would prefer to have it on the roof in preference to another location. They wish to comply with the city ordinance and not in any way have anything that is objectionable with adjoining property owners. If you have no objection to a roof sign at this location will you kindly sign below.

P.M. Dismore
517 N Volusia
Mrs. Fannie Stauter
2809 E. Central

Edna Burnett
532 N Estelle
Mrs. W.B. Warren
5207 Estelle
John A. Johnson
528 N Estelle

2817 E Central
Mrs. Ethel Dargatz
2837 E Central
2837 E Central

Mrs. John D. Dwyer - 520 N. Volusia
2814 E Central
(Blanche Christman)
Mrs. Esther Woodman
2630 E Central
Arthur Daret
2630 E Central
Dorothy Daret
2630 E Central
Mrs. R.M. Scarborough
515 N. Estelle
Mrs. Moret
519 N Estelle St.
Mrs. Harold Lyon
527 N. Estelle

D.W. Smith - owner
Billy R. Graham 2721 E. Central
William Barker Co. 4311 1/2 E. Central
John J. Samuel Beason 2704 2708
M.D. Hanson 2724 E Central East Central
L.H. Salter 516 N. Estelle
Frank L. Cohen 2717 E. Central Corner
Dr. W.F. Jones 2807 E Central Corner
Mrs. M. Harris Mulder 2807 E Central
E.W. Moore 509 N. " "
W. DeLright 504 N. Volusia " "
Mrs. Florence Grayall 528 N. Volusia

BOARD OF ZONING APPEALS

Case No. 4-49

Filed 3/3/, 1949

A P P E A L U N D E R T H E Z O N I N G O R D I N A N C E

TO THE BOARD OF ZONING APPEALS
Room 304, City Hall
Wichita, Kansas

The undersigned, Rich Neon Company, Inc., hereby appeals from the decision of the Building Inspector wherein a Building Permit is Refused For erection of a roof sign at the premises designated as
2716 East Central


OR

Order Or Decision Rendered Because under Sec. 19, Par. 2(X) of the
Zoning Ordinance, roof signs are not permitted in the "LC" districts.

The Plans, application, and all data heretofore filed with said Building Inspector are attached hereto and made a part of this appeal.

I have not made a previous application or appeal under the Zoning Ordinance affecting these premises.

I hereby declare that all the statements contained in all of the information transmitted herewith are true.


C. J. Peckham

Appellant.
Rich Neon Compan, Inc.

NAMES AND ADDRESSES

Appellant Rich Neon Company, Inc. Address 116 Mathewson
Owner Dairy Queen Company, Inc. Address 2700 West State, Kansas City,
Kansas
Lessee R. W. Bowman Address 2716 East Central

INSTRUCTIONS

1. This appeal must be typewritten and filed within ninety (90) days after the date of the decision of the Building Inspector from which this appeal is taken.
2. The appellant must file an explicit Typewritten statement setting forth:
 - (a) The principal points on which this appeal is made. These points shall be the same as those under which the Building Inspector issued a refusal, order, or decision.
 - (b) A clear and accurate description of proposed work or use.
 - (c) Specific reference to that Section of the Zoning Ordinance under which it is claimed permit should be issued.
 - (d) Names and addresses of all owners and residents within a distance of 200 feet of the property concerned.

CITY OF WICHITA
BUILDING INSPECTION DIVISION


To Rich Neon Company, Inc. Owner Address 116 Mathewson
To Same Applicant Address _____

Dear Sir:

Your Application Dated March 3, 1949
For a Permit for the erection of a roof sign
_____ at the premises designated as
2716 East Central

Is hereby refused on this 3rd day of March, 1949,
Under Section 19, Par. 2 (x) of the Zoning Ordinance.
For the reason that roof signs are not permitted in the Light Commercial
District.

Respectfully,


S. S. Maple
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of Zoning Appeals (Room 304, City Hall) within ninety (90) days after the date of this refusal. For further information, take this notice to the Planning Department, Room 304, City Hall.