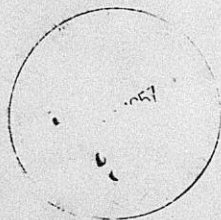


3-57 NAEGELE ADVERTISING COMPANY



CASE NO. 3-57

Date March 11, 1957

ZONING APPEALS PETITION

ACCEPTED AS TO FORM by the WICHITA BOARD OF ZONING APPEALS

Receipt No. 53172
(Purchasing Department)

by Catherine Tompkins

Case No. 3-57

Filed 3-11 19 57

FROM REFUSAL AND/OR
APPEAL FOR VARIANCE OR EXCEPTION

TO: The Board of Zoning Appeals
Room 205, City Building
Wichita, Kansas

The undersigned Naegele Adv. Co., Inc. of Kansas hereby appeals from the decision of the Building Inspection Superintendent where in a Building Permit is refused under Section 21-14 and 21-22 to rebuild two billboards at the premises located at 1601 South Hydraulic (see Exhibit A). This permit was denied for the reason that "such work would be beyond the conditions contained in Sec. 21-22 of the Zoning Ordinance" (see ^{Exhibit B)}

The plans, application, and all data heretofore filed with said Building Inspection Superintendent 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.

Appellant

*Naegels Adv Co Inc of Kansas
by Steve Price pres.*

Appellant Naegele Adv. Co., Inc. Address 440 N. Water St., Wichita, Ks.

Owner _____ Address _____

Lessee _____ Address _____

(This appeal shall be filed with a ^{430.00}~~45.00~~ fee within ninety days after the date of the decision of the Building Inspector.)

DELIVERING EMPLOYEE Deliver ONLY to addressee. (Does not apply to Certified mail.)
 Show address where delivered.

Received from the Postmaster the Registered, Certified, or Insured Article, the number of which appears on the face of this return receipt.

1. NAEGELE ADVERTISING CO., INC.
(Signature or name of addressee)

2. Yvona M. Davis
(Signature of addressee's agent—Agent should enter addressee's name as per ONE above)

Date of Delivery MAR 21 1957, 19__
1

No 730771

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO Mr. Steve Price, President	POSTMARK OR DATE
STREET AND NO. Naegele Adv. Company	
CITY AND STATE 440 N. Water, Wichita, Ks.	
<small>If you want a return receipt, check which it shows to whom and when delivered</small> <input type="checkbox"/> <small>to whom</small> <input type="checkbox"/> <small>when, and address where delivered</small>	<small>If you want restricted delivery, check here</small> <input type="checkbox"/> <small>20¢ fee</small>

POD Form 3800 July 1955 Replaces previous editions of this form which MAY be used.

POST OFFICE DEPARTMENT OFFICIAL BUSINESS		PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, 500 (GPO)	
RETURN TO		POSTMARK OF DELIVERING OFFICE	
REGISTERED NO.	NAME OF SENDER Geo. J. Fisher, Dir. of Serv		
CERTIFIED NO.	STREET AND NO. OR P. O. BOX 205 City Building		
INSURED NO.	POST OFFICE Wichita, Kansas		
	STATE		

POD Form 3811
July 1955

U. S. GOVERNMENT PRINTING OFFICE : 1955 550904-00

No 730771

RECEIPT FOR CERTIFIED MAIL—15¢		POSTMARK OR DATE
SENT TO Mr. Steve Price, President		
STREET AND NO. Naegele Adv. Company		
CITY AND STATE 440 N. Water, Wichita, Ks.		
If you want a return receipt, check which <input type="checkbox"/> 7¢ shows to whom and when delivered		If you want restricted delivery, check here <input type="checkbox"/> 20¢ fee
<input type="checkbox"/> 21¢ shows to whom, when, and address where delivered		

POD Form 3800
July 1955

Replaces previous editions of this form which MAY be used.

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

March 20, , 1957

Mr. Steve Price, President
Naegele Adv. Company, Inc. of Kansas
440 North Water St.
Wichita, Kansas

Dear Mr. Price _____ :

Your appeal, under the Zoning Ordinance, relative to premises at
1601 South Hydraulic

_____ has been given Board of Zoning Appeals Case No. 3-57 _____.

All inquiries and references should always be made to that Case
Number when you seek information from the Secretary.

Further, you are notified to appear before the Board of Zoning
Appeals either in person, or by agent or attorney, for a hearing of
your case on Friday, March 29, _____, 1957, at 1:30 p.m.
In Room 201 of the City Building

_____ .
Respectfully,

Secretary, Board of Zoning Appeals

cc: Robert Hill, Attorney
901 First National Bank Bldg.
Wichita, Kansas

BOARD OF ZONING APPEALS

Room 205, City Building
Wichita 2 Kansas

NOTICE TO PROPERTY OWNERS

March 19, 19 57

An appeal has been filed by Robert Hill, Attorney
(address) 901 First National Bank Building on behalf of
Neegele Advertising Co., Inc. (address) 440 North Water St.
as provided by Section 21-22 Vol. I of the City Code. The
appellant desires to rebuild two billboards at 1601 South
Hydraulic

on the premises located at 1601 South Hydraulic.

This appeal has been given Case No. 3-57 and a hear-
ing will be held by the Board of Zoning Appeals on Friday
March 29, at 1:30 p.m. in Room 201 of the City
Building, at which time you may appear, if you so desire,
either in person or by agent or attorney.

By order of the Board of Zoning Appeals.

Geo. J. Fisher
Secretary, Board of Zoning Appeals

ct

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS.
 SEDGWICK COUNTY)

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:

Property with a radius of 200' of: That part of Lots 7, 8, 9, in Gardner's Sub. of Lot 1, Schweiter's 2nd Addition, desc. as: Beg. at a point 10' E of the NW corner of Lot 7; thence S. 20'; th. in Northeasterly direction to a point 65' South of the NE corner of Lot 9; th. N 65'; thence West to Beginning, in 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:

LOT	STREET	ADDITION	OWNER
1	Harry	Gardner's Sub.	I. D. & Reba M. Barber, ux <i>2105 E. Kantanaga, Wichita</i>
2	"	"	" " "
3	"	"	Ray H. & Frances L. Stromer, ux <i>1607 E. Harry, Wichita</i>
4	"	"	" " "
5	"	"	William Alex & Madeline Mary Scott, ux <i>531 E. McArthur, Wichita</i>
6(W 15')	"	"	" " "
7(S 65' of E 15')	"	"	Standard Oil Co. of Indiana <i>715 East 10th St., Wichita</i>
8(S 65')	"	"	" " "
9(S 65')	"	"	" " "
10(S 65')	"	"	" " "
11(S 65')	"	"	" " "
12(S 65')	"	"	" " "
7(N 75' of E 15')	"	"	Jewel Joan Hurst <i>157 N. Brandegee, Wichita</i>
8(N 75')	"	"	" " "
9(N 75')	"	"	" " "

LOT	STREET	ADDITION	OWNER
13	Greenwood	Gardner's Sub.	John H. & Twila J. Grissinger, ux <i>1616 Greenwood Ave., Wichita</i>
15	" "	" "	" "
17	" "	" "	Edward O. & Minnie A. Townsend, ux <i>1624 Greenwood Ave., Wichita</i>
19	" "	" "	" "
14	Hydraulic	" "	Dean Thomas <i>1615 S. Hydraulic, Wichita</i>
16	" "	" "	" "
18	" "	" "	Vincent A. & Lola M. Coddington, ux <i>133 S. Green, Wichita</i>
20	" "	" "	" "
22	" "	" "	Herbert D & Florine M. Craft, ux <i>1625 S. Hydraulic, Wichita</i>
S. 5' of vac. alley adj. on N to Lot 14- Hydraulic			
		" "	Dean Thomas <i>1615 S. Hydraulic, Wichita</i>
10' vac. alley adj. Lots 1-2-3-4-5-6- Harry St.			
		" "	Standard Oil Co. of Indiana <i>715 E. 10th St., Wichita</i>
N. 5' of vac. alley adj. Lots 7-8-9-10-11-12- Harry St-			
88	Greenwood	McCormick	Raymond D. & Charlena M. Bounous, ux <i>3502 E. English, Wichita</i>
90	" "	" "	" "
92	" "	" "	" "
94	" "	" "	" "
96	" "	" "	" "
87	Hydraulic	" "	Emil J. & Melvin F. Beilman <i>2509 E. Muldock, Wichita 1314 Catti, Wichita</i>
89	" "	" "	Albert L. & Gladys M. Warner, ux <i>1014 Fule, Wichita</i>
91	" "	" "	" "
93	" "	" "	" "
95	" "	" "	" "

LOT	STREET	ADDITION	OWNER
94	Hydraulic	Walter Morris	H. H. Hurst
96	" "	" "	" <i>1577 1/2 Broadway, Wichita</i>
98	" "	" "	" "
100	" "	" "	" "
Reserve A	in	Linwood Park Add.-	City of Wichita

Dated at Wichita, Kansas, this 15th
day of February, 1957, at 7:00 A.M.

THE FIDELITY TITLE COMPANY, INC.

By Elaine M. Farrell
Sec. BB

No. 7093

APPEAL STATEMENT

I. In line with applicant's policy of improving the appearance of its advertising panels (see Exhibit C), it is proposed to modernize two poster panels located near the southwest corner of Harry and Hydraulic Streets. The panels as they now exist are shown in Exhibit "D" attached hereto. The location of the panels would not be altered. The panels would not be enlarged or extended. The facing would be changed to steel, the trim would be changed to plastic, the lighting would be changed to a slim line fixture, and the panel supports would be changed to single steel pipe uprights. (See Exhibit "E" for examples of how the panels would appear after such changes.)

II. The two panels involved are in a Light Commercial Zone and constitute a legal non-conforming use. The Building Inspector's refusal of a permit for the above work was based on a determination that "since the boards are to be practically all rebuilt, such work would be beyond the conditions contained in Sec. 21-22 of the Zoning Ordinance, which sets forth the changes that may be made to a non-conforming structure." Applicant believes that any of the proposed changes, taken singly, would fall within the provisions of Sec. 21-22, permitting "ordinary maintenance and repair . . . and such structural alterations . . . which are necessary to maintain the . . . structure in good condition" if "such alterations do not enlarge or change the general character of the" structure. That such changes are to be made simultaneously should not change the result -- certainly each of the proposed changes is necessary to maintain the panels in good condition and will not enlarge or change the general character of the panels.

III. If the Board of Zoning Appeals determines that the proposed changes are beyond those permitted by Sec. 21-22, then applicant respectfully requests the Board to grant an "exception and

variance" under Sec. 21-27 of the Zoning Ordinance.

1. The conditions and circumstances here involved are not ordinarily found in the same zoning district. Modernization of the panels is a problem peculiar to the type of structure involved, a type of structure entirely different from buildings and structures ordinarily found in the same zoning district. Also, ordinarily the proposed changes would not be necessary all at one time, the circumstances from which such need now arises being that applicant has recently acquired the panels involved from the company which had previously operated and maintained them, such company having operated the panels without taking any modernization steps one by one as the need arose.
2. Granting of the exception and variance would not adversely affect the rights of adjacent property owners or residents, but, to the contrary, would be of benefit to them by reason of the vastly improved appearance of the panels.
3. Strict application of Section 21-22, if deemed to not permit the proposed changes, will constitute unnecessary hardship upon applicant because it would prevent applicant from carrying out its program of modernizing all of its panels, such program being designed to improve the public appeal of such panels and enhance the value of same from the standpoint of the users.
4. Such exception and variance is not against the public interest, but, to the contrary, is consonant with the public interest, in that the improved appearance of the panels will be more attractive and in tune with the times, keeping pace with the general trend of keeping Wichita an up-to-date, growing, modern city.

EXHIBIT "A"



POSTER
PANELS



STA ON
STATION



HARRY
ST.

↑
WEST

HYDRAULIC AVE

EXHIBIT "A"



HARRY ST. - PAVED - 57'

CATCH BASIN

ASPHALT DRIVE

HYDRAULIC - PAVED - KANS 15'

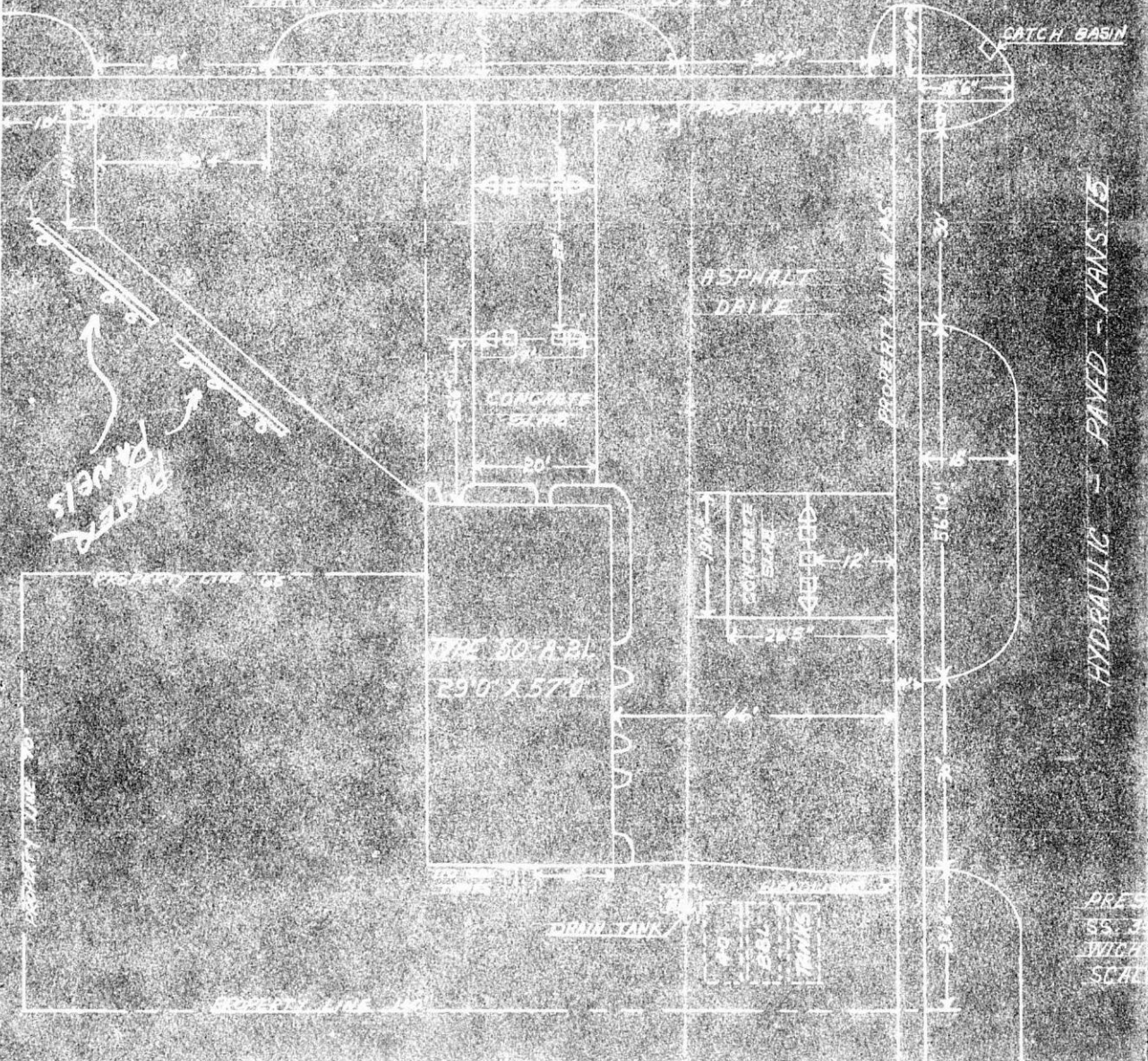
POVERTY PANELS

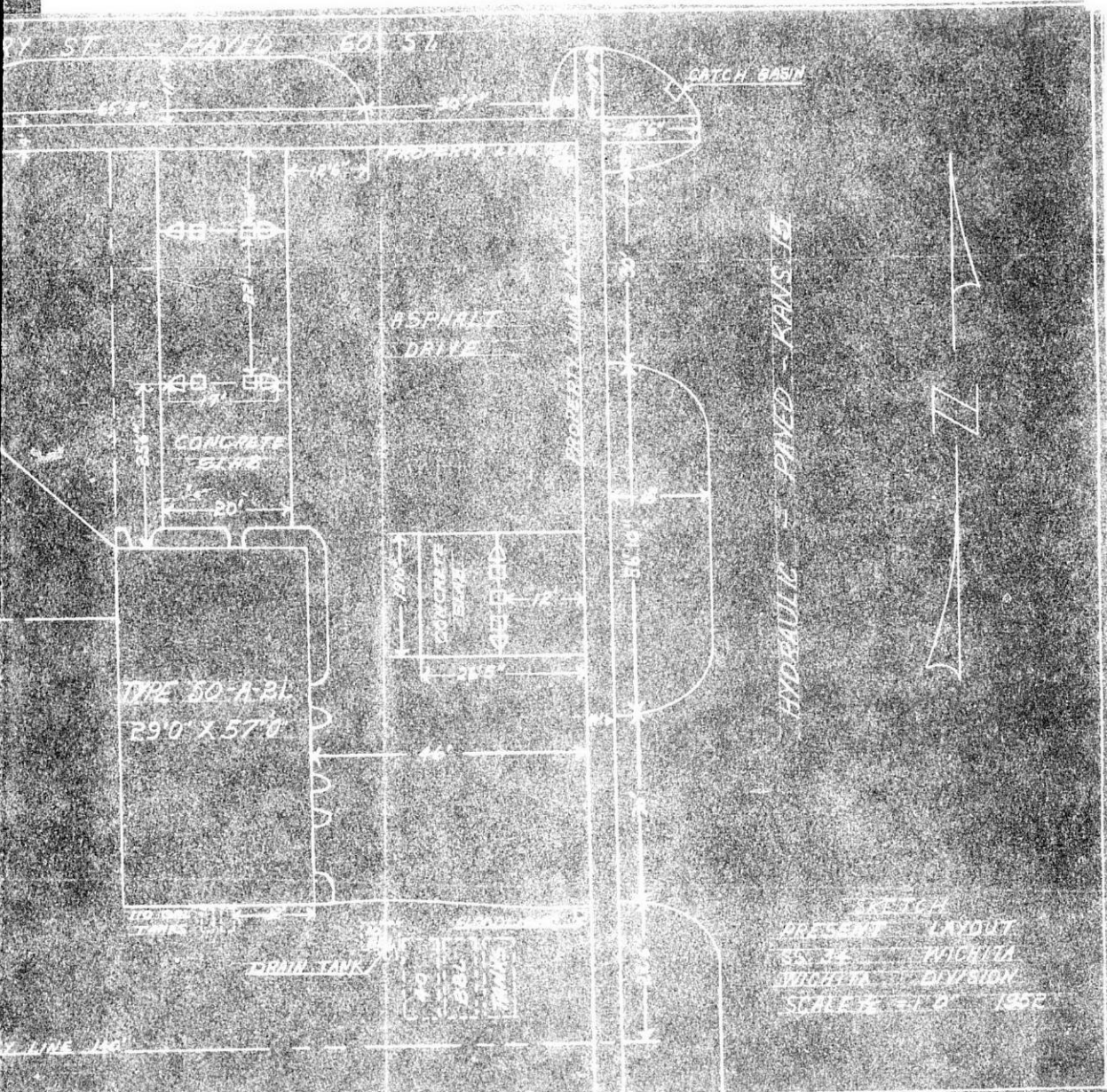
TYPE 50-A-BL
29'0" X 57'0"

CONCRETE
BASE

TRANS

PREP
SS 3"
WICH
SCALE





HYDRAULIC - PAVED - KANSAS



SKETCH
 PRESENT LAYOUT
 SA 34 NICHINA
 DIVISION
 SCALE 1/4" = 1' 0" 1952