

POSTED  
6-23-67

ACTION

By a COMMITTEE

*deferred*

DATE

*7-25-67*

M.A.P.C.

*denied*

*8-22-67*

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

BZA 21-67 - E. V. Yingling requests  
Appeal to Decision by Central Inspec-  
tion for signs in an area south of  
Central and east of Woodlawn

September 7, 1967

Mr. Richard C. Harris  
600 Fourth National Bank Bldg.  
Wichita, Kansas 67202

Dear Mr. Harris:

Re: Case No. BZA 21-67 - Request for  
an appeal from the decision of  
the Superintendent of Central  
Inspection

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 22, 1967, in connection with your application for an appeal from the decision of the Superintendent of Central Inspection concerning two signs on property zoned "B" Multiple Family and generally located in an area south of Central and east of Woodlawn. This Resolution reflects the official action of the Board to deny your request as pointed out in the signed Resolution enclosed.

If you have any questions concerning this matter, please call.

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:kkj  
Attachment

cc: Ralph Eberly, City Clerk  
Glen Lytle, Superintendent of Central Inspection  
E. V. Yingling, Jr., d/b/a The Way Station, 6615 East  
Central, Wichita

RESOLUTION NO. BZA 21-67

WHEREAS, E. V. Yingling, Jr., d/b/a The Way Station, 6615 East Central, Wichita, by Richard C. Harris or Benjamin C. Langel, 600 Fourth National Bank Building, Wichita, Kansas, pursuant to Section 2.12.590.1, Code of the City of Wichita, has appealed from the decision of the Superintendent of Central Inspection who has refused to issue permits to erect two signs which he feels violate Section 28.04.180.5, Exceptions to Use Regulations - Generally, Code of the City of Wichita; and

WHEREAS, the appellant contends that it was the intent of the original plat that subject property be utilized with the commercial on the west side of the alley, that inasmuch as only an alley separates subject property from the commercial and that the ownership on both sides of the alley is the same, the property on both sides of the alley is for all practical purposes a unified lot and, therefore, the signs should be permitted under Section 28.04.180.5, Code of the City of Wichita; and

WHEREAS, subject property is zoned "B" Multiple Family and is legally described as follows:

The East 4 ft. of the West 10.2 ft. North 2 ft. of Parking Reserve "B" and the West 10 ft. of the East 15.5 ft. of the South 25 ft. of Parking Reserve "B" in Cresthill Manor, an Addition to Wichita, Kansas. Generally located in an area south of Central and east of Woodlawn.

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 22, 1967, consider said application; and

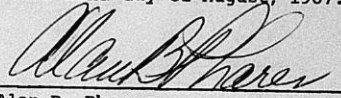
WHEREAS, the Board of Zoning Appeals has jurisdiction to consider said request for an appeal under the provisions of Section 2.12.590.1, Code of the City of Wichita; and

WHEREAS, the Board determined that unified means joined together, united or made one and inasmuch as subject property is separated from the commercial to the west by a public right-of-way, the tracts cannot be unified and, therefore, the signs violate Section 28.04.180.5, Code of the City of Wichita; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that the appeal be denied on property zoned "B" Multiple Family and legally described as:

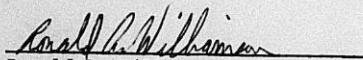
The East 4 ft. of the West 10.2 ft. North 2 ft. of Parking Reserve "B" and the West 10 ft. of the East 15.5 ft. of the South 25 ft. of Parking Reserve "B" in Cresthill Manor, an Addition to Wichita, Kansas. Generally located in an area south of Central and east of Woodlawn.

ADOPTED AT WICHITA, KANSAS, this 22nd day of August, 1967.



Alan B. Phares  
Temporary Chairman

ATTEST:



Ronald A. Williamson  
Assistant Secretary

August 23, 1967

Mr. Richard C. Harris  
600 Fourth National Bank Bldg.  
Wichita, Kansas 67202

Dear Mr. Harris:

Re: Case No. BZA 21-67 - Request for  
an appeal from the decision of  
the Superintendent of Central  
Inspection

At the regular meeting of the Board of Zoning Appeals on August 22, 1967, your request for an appeal from the decision of the Superintendent of Central Inspection, who has refused to issue permits to erect two signs which he feels violate the zoning ordinance, on property zoned "B" Multiple Family and located in an area south of Central and east of Woodlawn, was considered.

It was the action of the Board to deny this appeal inasmuch as it was their opinion that the tract was divided by a public right-of-way and, therefore, the lot was not unified, and the signs were in violation of Section 28.04.180.5, Code of the City of Wichita.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the Chairman and Secretary of the Board have signed it. If you have any questions, please call.

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:kgg

cc: Ralph Eberly, City Clerk  
Glen Lytle, Superintendent, Central Inspection  
E.V. Yingling, Jr., d/b/a The Way Station, 6615 East  
Central, Wichita  
All protest petition signers

460

PARKING RESERVE "B", CRESTHILL MANOR WAY STATION SIGN

PAVED ALLEY

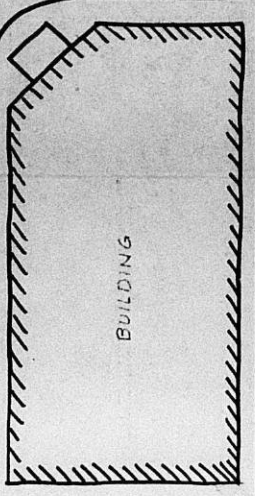
E. V. Vingling, Jr.  
Sign Permit Appeal

N  
1" = 30'

WAY STATION  
SIGN ON BRICK  
WALL

CARD ADD.

75'



415

PLOT PLAN  
CARD ADDITION & VICINITY  
LOCATION OF SIGNS



K. D. TAYLOR, P.E.  
6-15-67

460'

455'

WAY STATION SIGN

"B", CRESTHILL MANOR

PARKING RESERVE

25'

PAVED ALLEY

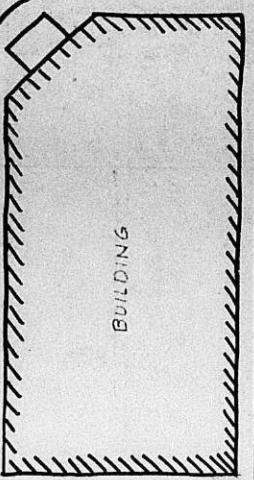
E. V. Yingling, Jr.  
Sign Permit Appeal

N  
1" = 30'

CARD ADD.

75'

BUILDING



415'

PLOT PLAN  
CARD ADDITION & VICINITY  
LOCATION OF SIGNS



K.C. TAYLOR, P.E.  
6-15-67

PARKING RESERVE "A"

25'

WALL

# THE CITY OF WICHITA



## DEPARTMENT OF LAW

OFFICE OF CITY ATTORNEY  
AMHERST 2-9211 — AREA CODE 316  
SUITE 808 — BROWN BUILDING  
WICHITA, KANSAS 67202

JOHN DEKKER, DIRECTOR OF LAW AND CITY ATTORNEY

ASSISTANT CITY ATTORNEYS  
EUGENE L. PIRTLE  
ARTHUR G. JOHNSON  
ROBERT A. THIESSEN  
H. JAY BETTER  
H. E. JONES

August 22, 1967

**Board of Zoning Appeals  
City Building Annex  
114 South Main  
Wichita, Kansas 67202**

**RE: Case No. BZA 21-67 - Request for  
an appeal from the decision of  
the Superintendent of Central  
Inspection**

**Gentlemen:**

The applicant has appealed from a decision of the Superintendent of Central Inspection, whereby, applicant was denied a permit to erect two signs in connection with the operation of his business known as the Way Station and located at 6615 East Central, Wichita, Kansas.

The Superintendent has raised two contentions with respect to the propriety of the signs:

First, the subject's property is not under common or unified ownership and contravenes section 28.04.180.5 of the Code of the City of Wichita. Subsequent to the hearing the undersigned has been furnished proper evidence establishing unified ownership with respect to the property.

Second, it is in contention of the Superintendent that inasmuch as the lot upon which the sign is located and the lot upon which the building is located are separated by an alley, there can be no unified lot as is contemplated by the cited ordinance.

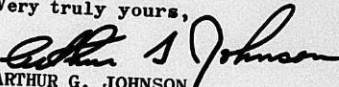
THE CITY OF WICHITA 2

BOARD OF ZONING APPEALS  
August 22, 1967

By definition, unified means joined together, united or made one. With this definition in mind, it does not appear that the lots which are separated by an alley (a public way) can be considered to be unified.

It is accordingly the opinion of the undersigned that the ruling of the Superintendent of Central Inspection be upheld.

Very truly yours,

  
ARTHUR G. JOHNSON  
Assistant City Attorney

AGJ:sjs

cc: John Dekker, City Attorney

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

August 1, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 21-67

An application has been filed by E. V. Yingling, Jr., d/b/a The Way Station, 6615 East Central, Wichita, by Richard C. Harris, or Benjamin C. Langel, 600 Fourth National Bank Building, Wichita, Kansas, pursuant to Section 2.12.590.1, Code of the City of Wichita, request an appeal from the decision of the Superintendent of Central Inspection, who has refused to issue permits for two signs erected on property zoned "B" Multiple Family and legally described as follows:

The East 4 ft. of the West 10.2 ft. North 2 ft. of Parking Reserve "B" and the West 10 ft. of the East 15.5 ft. of the South 25 ft. of Parking Reserve "B" in Cresthill Manor, an Addition to Wichita, Kansas. Generally located in an area south of Central and east of Woodlawn.

This application has been assigned Case No. BZA 21-67, and was deferred at the last regular meeting and will be reconsidered at the meeting of August 22, 1967, 1:30 p.m. This case will be heard by the Board of Zoning Appeals in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

July 26, 1967

Mr. Richard C. Harris  
600 Fourth National Bank Bldg.  
Wichita, Kansas 67202

Dear Mr. Harris:

Re: Case No. BZA 21-67 - Request for  
an appeal from the decision of  
the Superintendent of Central  
Inspection

At the regular meeting of the Board of Zoning Appeals on July 25, 1967, your request for an appeal from the decision of the Superintendent of Central Inspection, who has refused to issue permits to erect two signs which he feels violate the zoning ordinance, on property zoned "B" Multiple Family and located in an area south of Central and east of Woodlawn, was considered.

It was the action of the Board to defer this matter until the next regular meeting of August 22, 1967, to permit the Legal Counsel for the Board to investigate this matter and provide the Board members with a legal opinion.

If you have any questions, please call.

Very truly yours,

Ronald A. Williamson  
Assistant Secretary

RAW:kkq

cc: Ralph Eberly, City Clerk  
Glen Lytle, Superintendent of Central Inspection  
E.V. Yingling, Jr., d/b/a The Way Station, 6615 East  
Central, Wichita

All protest petition signers

Mr. Jack H. Galbraith, Secretary  
Board of Zoning Appeals  
Room 402, City Building Annex  
104 South Main Street  
Wichita, Kansas

Re: Case No. BZA 21-67

Gentlemen:

We owners of property within 200 feet of the real estate involved in the above noted appeal from the decision of the Superintendent of Central Inspection, do hereby indicate our protest and opposition to the application filed requesting the reversal of the decision of the Superintendent of Central Inspection. We respectfully urge the Board of Zoning Appeals to enforce the decision of said Superintendent of Central Inspection relating to the matters involved, which decision, we believe, is in harmony and conformation with the applicable Ordinances of the City of Wichita.

Phillip L. Robson  
Phillip L. Robson

Charlotte M. Robson  
Charlotte M. Robson  
427 St. James

B. A. Dinwiddie, III  
E. A. Dinwiddie, III

Dorothy W. Dinwiddie  
Dorothy W. Dinwiddie  
421 St. James

Noble L. Whiting

M. Jane Whiting  
415 St. James

Virginia T. Osborn  
Virginia T. Osborn  
407 St. James

William S. Sargeant  
William S. Sargeant

Faye E. Sargeant  
Faye E. Sargeant  
401 St. James

Alfred B. Beard  
Alfred B. Beard

Mabel A. Beard  
Mabel A. Beard  
335 St. James

Joseph E. McNeill  
Joseph E. McNeill

Eileen D. McNeill  
Eileen D. McNeill  
340 Whitfield Pl.

James V. Jackson  
James V. Jackson

Marjorie F. Jackson  
Marjorie F. Jackson  
346 Whitfield Pl.

Floyd E. Turner  
~~W. Jay Gutter~~ FLOYD E. TURNER  
341 ST. JAMES PLACE  
Virginia S. Turner  
Virginia S. Turner  
Deason Bldg.

Richard J. Harwood  
Richard J. Harwood

Letha P. Harwood  
Letha P. Harwood  
420 St. James

Eugene W. Mollohan

Mildred Mollohan  
414 St. James

Ray K. Brown  
Ray K. Brown

Ethyl L. Brown  
Ethyl L. Brown  
408 St. James

Albert M. Andrews

Patricia L. Andrews  
402 St. James

Francis E. Barr

Esther H. Barr  
334 St. James

Melvin J. Saffier

Annabelle Saffier  
501 St. James

Mr. Jack H. Galbraith, Secretary  
Board of Zoning Appeals  
Room 402, City Building Annex  
104 South Main Street  
Wichita, Kansas

Re: Case No. BZA 21-67

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Phillip L. Robson	Marjorie F. Jackson 346 Whitfield Pl.
Charlotte M. Robson 427 St. James	H. Jay Setter
E. A. Dinwiddie, III	Virginia L. Setter Beacon Bldg.
Dorothy W. Dinwiddie 421 St. James	Richard J. Harwood
Noble L. Whiting	Letha P. Harwood 420 St. James
M. Jane Whiting 415 St. James	Eugene W. Mollohan
Virginia T. Osborn 407 St. James	Mildred Mollohan 414 St. James
William S. Sarjeant	Ray K. Brown
Faye E. Sarjeant 401 St. James	Ethyl L. Brown 408 St. James
Alfred B. Beard	Albert M. Andrews
Mabel A. Beard 335 St. James	Patricia L. Andrews 402 St. James
Joseph E. McNeill	Francis E. Barr
Eileen D. McNeill 340 Whitfield Pl.	Esther H. Barr 334 St. James
James V. Jackson	Melvin J. Saffier
	Annabelle Saffier 501 St. James

Mr. Jack H. Galbraith, Secretary  
Board of Zoning Appeals  
Room 402, City Building Annex  
104 South Main Street  
Wichita, Kansas

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334 St. James

James V. Jackson

Melvin J. Saffler

Annabelle Saffler  
501 St. James

6615 EAST CENTRAL • WICHITA, KANSAS 67206 (DOWN THE ALLEY) • AC 316-MU3-6537



**THE WAY STATION**

*I concur with  
Mrs Gungling  
completely  
sincerely*

MARGARET KNUDSEN  
322 ST. JAMES  
67206

Dear Neighbor:

You may have received a notice from Jack H. Galbraith, secretary for the Board of Zoning Appeals, 104 South Main, regarding our appeal from the decision of the City to refuse to issue permits for the two signs which we presently have identifying the location of The Way Station.

This is not an attempt to erect additional signs, but simply our request for permission to retain what is already in existence. We have already been forced to remove our identifying sign on Woodlawn and, I might add, have felt the effect of this reduced location identification.

If you have not seen these signs, one is located on Central just east of the Tri-J building, and the other is across the street from our building entrance. Because our shop is somewhat difficult to locate, we feel it is essential to our future that we be allowed to retain this very minimum exposure.

We hope the Way Station is an attractive addition to Wichita, and we certainly wish to do nothing to detract from values in this area. We don't believe we have. If you agree, a card to Mr. Galbraith to that effect might be helpful, and certainly would be appreciated.

Sincerely,

*Dorcas Gungling*



WHERE YOU EXPECT THE UNUSUAL . . .

SECRETARY'S REPORT

CASE NO. BZA 21-67

APPLICANT: E. V. Yingling, Jr., d/b/a The Way Station, 6615 East Central, Wichita

AGENT: Richard C. Harris or Benjamin C. Langel, 600 Fourth National Bank Building, Wichita, Kansas

REQUEST: An appeal pursuant to Section 2.12.590.1, Code of the City of Wichita, appealing from decision of the Superintendent of Central Inspection who has refused to issue permits to erect two signs which he feels violate the zoning ordinance.

GENERAL LOCATION: In an area south of Central and east of Woodlawn

ZONING: Subject property is zoned "B" Multiple Family, to the north is "RB" to the east and south is "AA" and to the west is "LC"

LAND USE: Subject property is used for off-street parking, to the east and south are single family dwellings, to the north is off-street parking, and to the west is general offices and businesses

JURISDICTION

The Board has jurisdiction to consider the appeal under the provisions outlined in Section 2.12.590.1, Code of the City of Wichita.

COMMENTS BY THE SECRETARY

The applicant is appealing the decision of the Superintendent of Central Inspections who has determined that the two signs which have been installed are in violation of the ordinance. The Section of the ordinance which is in question is Section 28.04.180.5 which reads as follows:

"In order to allow shopping center and other office, commercial, and industrial activities to erect and maintain advertising signs which advertise only those services, articles, or products offered within the building located upon the same unified lot or other unplatted

July 25, 1967

tract upon which the sign will be located, the Superintendent of Central Inspection is hereby authorized to issue permits for such signs when located in the "A", "RB", "B" or "BB" zoning districts and when the lot or unplatted tract is held under a unified ownership whether it be single ownership, partnership, trust or corporation, or is divided into two or more zoning districts on which the main use or uses are located in a zoning district less restrictive than the district in which the sign is to be located."

The Superintendent of Central Inspection maintains that there are two primary points of contention in regard to this section of the ordinance. The first point is that the signs are not located on the same unified lot as the building and the second point is that the property is not under a unified ownership. Briefly, the situation is that a large lot was platted with an alley adjacent to its east and south sides and adjacent to the east and south side of the alley a 25 foot parking reserve was also platted and zoned "B" Multiple Family. The two signs which are in violation were installed in the "B" zoned area which is the parking reserve and it should be noted that the signs were installed without application for a sign permit.

In order for the Board to make a decision in this particular case, it will first have to determine what is meant by a unified lot in the zoning ordinance. In this particular situation, an alley runs through the tract of land dividing it into two separate lots and it is therefore the contention of the Department of Central Inspections that the lot is therefore not unified and the signs are not legal. It should also be pointed out at this time that when the ordinance was amended to permit the signs in adjacent buffer zones, it was the intent of the ordinance to permit signs when the zoning was established to serve as a front setback. At one time the Planning Commission did have a policy of zoning the front portion of the lot "B" or "BB" in order to establish a setback so that buildings would not be built on the right-of-way line. The problem then arose whether the signs could be placed in the "B" or "BB" districts and at that time the ordinance was amended. It is therefore, the opinion of the Secretary that the ordinance is clear and that the interpretation of the Superintendent of Central Inspections is accurate in that the lot is not unified inasmuch as it has been separated by a public right-of-way.

July 25, 1967

According to the ownership list, the sign, which is located in the southeast corner of the parking reserve, is not located on property which is on the same ownership as the structure which it serves. Therefore, this sign is clearly in violation of Section 28.04.180.5 which states: "The Superintendent of Central Inspection is hereby authorized to issue permits for such signs when located in "A", "RB", "B", or "BB" zoning districts and when the lot or unplatted tract is held under a unified ownership whether it be a single ownership, partnership, trust or corporation and is divided into two or more zoning districts in which the main use or uses are located in a zoning district less restrictive than the district in which the sign is to be located."

Attached is the applicant's statement of justification.

Recommendation

It is the opinion of the Secretary that this is not a unified lot inasmuch as the two tracts of land are separated by a public way and also that a portion of one of the tracts is under separate ownership and, therefore, the signs are in violation. It is, therefore, the recommendation of the Secretary that the appeal not be granted.

**FRANK BARR**  
334 ST. JAMES PLACE  
WICHITA, KANSAS 67206

July 18, 1967.

Mr. Jack H. Galbraith, Sec'y,  
Board of Zoning Appeals,  
104 S. Main, Wichita, Ks.

Dear Mr. Galbraith:

We received the notice of the hearing regarding  
the appeal of The Way Station. This involved the  
location of two signs.

We do not believe these signs to be objectionable  
and would be pleased to see their request for a permit  
approved. Mrs. Barr and I are very familiar with this location  
as we have lived in the area for a number of years.

Sincerely,

*Frank Barr*



BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

July 7, 1967

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 21-67

An application has been filed by E. V. Yingling, Jr., d/b/a The Way Station, 6615 East Central, Wichita, by Richard C. Harris, or Benjamin C. Langel, 600 Fourth National Bank Building, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, request an appeal from the decision of the Superintendent of Central Inspection, who has refused to issue permits for two signs erected on property zoned "B" Multiple Family and legally described as follows:

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This application has been assigned Case No. BZA 21-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1967, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

July 7, 1967

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Secretary

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main  
Wichita, Kansas

July 7, 1967

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Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS  
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104 South Main  
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July 7, 1967

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An application has been filed by E. V. Yingling, Jr., d/b/a The Way Station, 6615 East Central, Wichita, by Richard C. Harris, or Benjamin C. Langel, 600 Fourth National Bank Building, Wichita, Kansas, pursuant to Section 2.12.590.2, Code of the City of Wichita, request an appeal from the decision of the Superintendent of Central Inspection, who has refused to issue permits for two signs erected on property zoned "B" Multiple Family and legally described as follows:

The East 4 ft. of the West 10.2 ft. North 2 ft. of Parking Reserve "B" and the West 10 ft. of the East 15.5 ft. of the South 25 ft. of Parking Reserve "B" in Cresthill Manor, an Addition to Wichita, Kansas. Generally located in an area South of Central and east of Woodlawn.

This application has been assigned Case No. BZA 21-67, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 25, 1967, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

STATEMENT OF APPELLANT

Appellant is requesting appropriate permits to maintain two wooden signs that are presently located on the north and south ends of "Caro Addition", a small tract containing a single lot which is located east of Woodlawn and abuts on the south edge of Central. Caro Addition is entirely a commercial shopping area and adjoins and is a part of a large commercial area that extends to Woodlawn. These signs were erected inadvertently prior to the prosecution of this appeal and have been removed pending the outcome of this appeal by acquiescence of the Superintendent of Central Inspection.

Color photographs of the two signs are attached hereto and they clearly indicate the nature of the signs and their relation to surrounding properties. The sign located at the south end of the property is approximately three feet high and approximately five feet long. It is constructed of wood and supported by steel pipes. The sign at the north end of the property near Central Avenue is approximately six and one-half feet high and approximately four feet wide. This sign is also constructed of wood and is supported by a pre-existing brick wall.

The building in which appellant operates, The Way Station, is located at the rear or south end of the tract and cannot be readily seen from Central because there is another building between The Way Station and Central. For this reason, appellant finds it necessary to erect the two signs in question to assist prospective customers in locating The Way Station.

The portion of the tract on which The Way Station is built is zoned "LC" as is all of the area north of The Way Station to Central and west of The Way Station to Woodlawn.

The two signs, however, are located at the edge of the reserve parking area that surrounds this shopping center which is zoned "B".

The Superintendent of Central Inspection has refused sign permits for the two signs because in his opinion Section 28 of the Code of the City of Wichita does not permit the erection of these signs in "B" zoned areas.

Appellant contends that the Superintendent's decision failed to take into account subpart 5 of Section 28.04.180 which provides that:

"In order to allow shopping center and other office, commercial and industrial activities to erect and maintain advertising signs which advertise only those services, articles or products offered within the building located upon the same unified lot or other unplatted tract on which the sign will be located, the superintendent of central inspection is hereby authorized to issue permits for such signs when located in the "A," "RB," "B," or "BB" zoning districts and when the lot or unplatted tract is held under a unified ownership whether it be a single ownership, partnership, trust or corporation, and is divided into two or more zoning districts on which the main use or uses are located in a zoning district less restrictive than the district in which the sign is to be located. (Ord. No. 27-713, 1.)

Appellant's situation falls exactly within that ordinance. The two signs appellant wishes to maintain do not even advertise any goods or services and they certainly are restricted to the businesses located in the single building operated by appellant which is located on the same unified platted lot as the two signs.

The only possible question in this regard is whether the existence of the dedicated alley operates to destroy the single unified nature of the lot or tract in question. This alley is in actuality nothing more than a driveway which provides access to off-street parking, to The Way Station and to

the other businesses located within the shopping area. This alley is certainly not a public street and, for the purposes of this appeal, the property should therefore be considered to be a single tract of land under unified ownership within the meaning of 28.04.180.

Such a construction of the ordinance would reach the only fair result possible in this situation and would in no way have a deleterious or injurious effect upon the surrounding properties. This entire area was developed as a shopping and commercial area and appellant's business is undoubtedly one of the more attractive and tasteful businesses located within the area. Because of the manner in which the area was developed, it was necessary in order to develop the tract fully to build some sort of building in the southeast corner of the tract where it would not abut on either Woodlawn or Central. The Way Station is the type of business that is not dependent upon high visibility and does not generate a great deal of traffic so it was able to be located in this corner.

Prospective customers of The Way Station, however, do need some indication of where it is located, and it is for this purpose that the two signs in question are necessary. Neither of them contains advertising matter as such, but they merely serve to direct prospective customers and others to The Way Station. The sign located on The Way Station itself cannot adequately serve this purpose because the building is too far from Central and from Woodlawn and faces the wrong way.

Inasmuch as this entire tract was originally platted and developed as a commercial area, there can be little question concerning any injury to surrounding properties. The

sign on Central, as shown by the photographs, is located directly under several other signs advertising other goods and services available from persons and businesses located in the building that lies between The Way Station and Central. The sign at the rear-- which is directly across the parking lot from The Way Station-- is of attractive design and is mounted in such a manner that it too does not detract from the neighborhood. Neither sign is illuminated.

We thus have a situation where an extremely restrictive interpretation of the applicable ordinances might prevent the erection and maintenance of these two signs, but such an interpretation would serve no good purpose and would in no way benefit the surrounding property owners or the people of the City of Wichita. Such a construction would only operate to work an unnecessary hardship on the appellant and no contributory benefit to anyone.

If this appeal is allowed, on the other hand, this Board will enable appellant to utilize his property and carry on his entirely worthwhile and legitimate business in precisely the manner for which this entire area was designed, platted, zoned and developed. Permitting the erection and maintenance of these two signs is in no way contrary to the spirit and purpose of the zoning ordinances and is indeed entirely in harmony with the planned development of this entire area.

CITY OF WICHITA, KANSAS CENTRAL INSPECTION DIVISION  
3RD FLOOR - CITY HALL ANNEX - PHONE AM 2-8211

N: A 862

To Vico Ungling

Address 665 E Central Jan 30, 1967

You are hereby notified that the way side "Signs" (3)  
located at the above address is in violation of

City Ordinance No. 14-289 Code Chapt. 24.04 and you are

hereby ordered to Remove Signs. (These signs  
are illegal in this zoning)

This Notice Must Be Complied With On  
or Before Feb 10, 1967

GLEN E. LYTLE, <sup>Supr</sup> Central Inspection

By Bill Earlywine  
INSPECTOR

FORM 41-227 Refusing or neglecting to comply with this notice will be followed by prosecution.

BOARD OF ZONING APPEALS

CASE NO. Exp. 21-67

CITY OF WICHITA, KANSAS

FILED 6-16-67

APPEAL FROM ORDER OR DECISION OF THE  
SUPERINTENDENT OF CENTRAL INSPECTION

- I. Name of Appellant E. V. Yingling, Jr., d/b/a The Way Station  
Mailing Address 6615 East Central Phone MU 3-6537  
Name of Agent Richard C. Harris or Benjamin C. Langel  
Mailing Address 600 4th Nat'l. Bank Bldg. Phone AM 4-0372  
Relationship of applicant to property is that of Tenant  
(owner, tenant, lessee, other).

- II. The appellant herein appeals from a decision, determination or an order of the Superintendent of Central Inspection, as follows:

refusal to issue permits to erect two signs

for property located 6603 and 6615 East Central - In area S of Central & E of Woodlawn  
and legally described as Lot 1, Caro Addition to the City of Wichita  
to Cresthill Manor Addition  
to Cresthill Manor Addition  
Parking Reserve "A" + Parking Reserve "B"  
in the City of Wichita; and which is presently zoned B. The decision was rendered January 30, 1967, and refers to Section 28.04, of the Code of the City of Wichita.

- III. The appellant hereby declares that he has submitted the following required material, together with and as part of the appeal:

- A. A clear and accurate description of the proposed work or use.  
B. The order, requirement, decision or determination by the Superintendent of Central Inspection which the appellant believes to be in error, and the principal points supporting the appellant's allegation of errors;  
C. Specific reference to that section of the Zoning Ordinance under which it is claimed the permit should be issued;  
D. ~~Photographs and drawings of~~ Photographs and drawings of the proposed work or use in relation to the adjacent buildings and property;  
E. A certified listing from an abstract company of the names and current mailing addresses of owners of all property within a distance of 200 feet of the property affected by the appeal.

Applicant E. V. Yingling, Jr.

Authorized Agent Benjamin C. Langel

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 2:45 (a.m. - p.m.), June 16, 1967, together with appropriate fee of \$50.00.

Signed Ronald B. Williamson *RW*



STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 )  
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 lying within a radius of 200 ft of:

The East 4 ft of the West 10.2 ft North 2 ft of Parking Reserve "B" and the West 10 ft of the East 15.5 ft of the South 25 ft of Parking Reserve "B", in Cresthill Manor, an Addition to Wichita, Kansas.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz:

The East 225 ft of the West 640 ft of Lot 1, Blk A and the East 225 ft of the West 640 ft of Parking Reserve "A" in Cresthill Manor Add. ✓ P & M, Inc. 6555 E. Central 67206

Lot 1, Caro Addition. ✓ Caro Co., Inc. Nicholas Caro, Pres. 6631 E. Kellogg 67207

N 240 ft of Parking Reserve "B", Lot 1, Blk A, Cresthill Manor Add. ✓ Caro Co., Inc. 6631 E. Kellogg 67207

Res "B" exc N 240 ft & Parking Reserve "A" exc W 640 ft, Lot 1, Blk A, Cresthill Manor Addition. ✓ E. V. Yingling, Jr. # 22 Lakeside Blvd. 67207

Lot 2, Blk A, Cresthill Manor Addition. ✓ Phillip L. & Charlotte M. Robson 427 St. James 67206 ux

Lot 3, Blk A, Cresthill Manor Addition. ✓ E. A. III & Dorothy W. Dinwiddie 421 St. James 67206 ux

  
Fidelity  
Title  
Company,  
inc.



- Lot 4, Blk A, Cresthill Manor Addition. ✓ Noble L. & M. Jane Whiting, ux  
415 St. James 67206
- Lot 5, Blk A, Cresthill Manor Addition. ✓ Virginia T. Osborn, sgle.  
407 St. James 67206
- Lot 6, Blk A, Cresthill Manor Addition. ✓ William S. & Faye E. Sarjeant, ux  
401 St. James 67206
- Lot 7, Blk A, Cresthill Manor Addition. ✓ Floyd E. & Virginia S. Turner, ux  
341 St. James 67206
- Lot 8, Blk A, Cresthill Manor Addition. ✓ Alfred B. & Mabel A. Beard, ux  
335 St. James 67206
- Lot 18, Blk A, Cresthill Manor Addition. ✓ Joseph E. & Eileen D. McNeill, ux  
340 Whitfield Pl. 67206
- Lot 19, Blk A, Cresthill Manor Addition. ✓ James V., Jr. & Marjorie F. Jackson, ux  
346 Whitfield Pl. 67206
- Lot 1, Blk B, Cresthill Manor Addition. ✓ H. Jay & Virginia L. Setter, ux  
Beacon Bldg. 67202
- Lot 2, Blk B, Cresthill Manor Addition. ✓ Richard J. & Letha P. Harwood, ux  
420 St. James 67206
- Lot 3, Blk B, Cresthill Manor Addition. ✓ Eugene W. & Mildred Mollohan, ux  
414 St. James 67206
- Lot 4, Blk B, Cresthill Manor Addition. ✓ Ray K. & Ethyl L. Brown, ux  
408 St. James 67206
- Lot 5, Blk B, Cresthill Manor Addition. ✓ Albert M. & Patricia L. Andrews, ux  
402 St. James 67206
- Lot 6, Blk B, Cresthill Manor Addition. ✓ Francis E. & Esther H. Barr, ux  
334 St. James 67206
- W 160 ft of E 310 ft of Lot 8, Blk A, First Addition to Woodlawn Village. X Helen E. Springer, etal Trustees of Vickers' Trust Estates.  
*none found*
- E 150 ft of Lot 8, Blk A, First Add. to Woodlawn Village & Parking Reserve "B" in Replt Lots 1-7, Blk A, First Add. to Woodlawn Village. X J. & N. Enterprises, Inc. 5/6 int.  
*none found*
- ✓ Patrick C. Weigand 1/6 int.  
110 N. Main 67202
- Lot 14, in Replt Lots 1-7, Blk A, First Addition to Woodlawn Village. ✓ Melvin J. & Annabelle Saffier, ux  
501 St. James 67206

Dated at Wichita, Kansas this 27th day  
of June, 1967 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

BY Edwin M. Farrell \_\_\_\_\_ OEM  
Sec.

Tracer # 82504

Form 273-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg. & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
BZA 12 general	\$50.00

Name: *Chapman*  
 Address: *500 1st St, Wichita, Kansas*  
 Type: *R-71-C* Due Date: *6/16/67*

Comments:

Date: *6-16-67* By: *K. Halliway*



Sign located at north end of tract



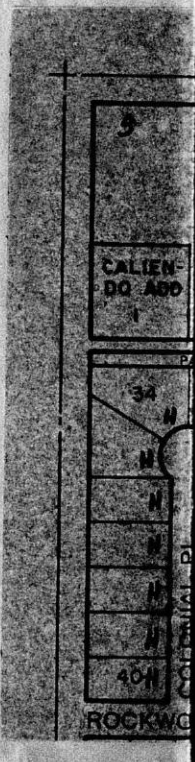
View of appellant's building from  
Central Avenue

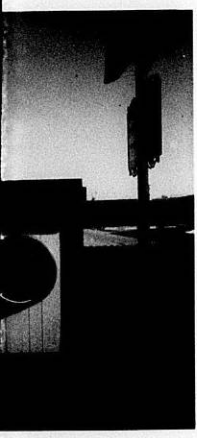


Map No. 5947  
 Sec. \_\_\_\_\_  
 Twp. \_\_\_\_\_  
 Range \_\_\_\_\_

- AREA DATA:
1. Acres: \_\_\_\_\_
  2. Adjoining Zone: \_\_\_\_\_
  3. Land Use: \_\_\_\_\_
  4. Sketch Plan: \_\_\_\_\_
  5. Present Land Use: \_\_\_\_\_
  6. Area (is) \_\_\_\_\_

PHOTO DATA:  
 Taken by \_\_\_\_\_





Map No. 5947  
 Sec. \_\_\_\_\_  
 Twp. \_\_\_\_\_  
 Range \_\_\_\_\_

BZA 21-67  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East Single family & vacant South Single family  
 West Medical office & vacant North vacant
4. Sketch Plan Land Use is for: Residential
5. Present Land Use is for: vacant
6. Area (is) (is not) platted.

PHOTO DATA:

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

