

BZA 40-75 - Furr's Cafeterias,  
Inc. requests variance of sign  
ordinance at south side of Harry  
in an area east of Roosevelt.

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

POSTED  
8-6-75

MAP ✓  
C.I. ✓  
2-6-76  
CA

# ACTION

DATE

B3a COMMITTEE *to be reconsidered* 8-26-75  
*approved* - 9-23-75

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

BZA 40-75 - Furr's Cafeteria,  
Inc. requests variance of sign  
ordinance at south side of Harry  
in an area east of Roosevelt.

5745

Map No. 5745  
Sec. 35  
Twp. 27  
Range 1E

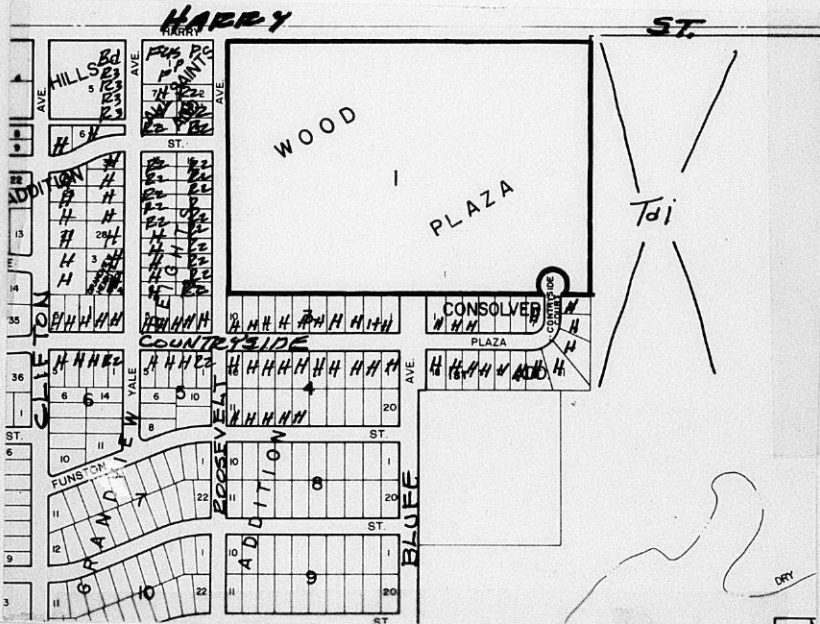
BZA- 40-75  
SCZ- \_\_\_\_\_  
CU- \_\_\_\_\_  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: 26.93 ( 900 ft. by 1300 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East DRIVE-IN THEATER South SINGLE FAM  
West TWO FAM North MULTI MALL
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: SHOPPING CENTER
6. Area (is) (is not) platted.

PHOTO DATA:

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



  
 NATIONAL MAP-LINE SERVICES  
 No. 2153C  
 LOUISIANA - MISSISSIPPI - TEXAS - ALABAMA

SECRETARY'S REPORT  
CASE NO. BZA 40-75

APPLICANT: Furr's Cafeterias, Inc., P.O. Box 6747, Lubbock, Texas.

AGENT: La Vern Vinson, P.O. Box, 6747 Lubbock, Texas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to permit the erection of an additional on sight Ground Sign

GENERAL LOCATION: South side of Harry Street in an area east of Roosevelt.

LAND USE: Subject property is zoned the "LC" Light Commercial District as is the property to the north. Properties to the east and south are zoned the "AA" Single Family Dwelling District. West is the "LC" and "A" Two Family Dwelling District.

LAND USE: Subject property is developed with 'The Mall' shopping center. South is developed with single family residences. North is developed with various retail businesses. West is developed with duplexes and a commercial building. East is a drive-in theatre.

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

Secretary's Report  
Case No. EZA 40-75  
Page Two

- 5 That granting the variance desired will not be opposed to the general spirit and intent of Title 23 (zoning ordinance.)

COMMENTS BY THE SECRETARY

The applicants are requesting a variance from the provisions of Section 28.04.139 (K.1) and (K.4) Code of the City of Wichita. These provisions regulate the number of free standing signs permitted on a zoning lot and also regulate the amount of surface area permitted for those signs.

The applicants have leased space in The Mall Shopping Center to operate a cafeteria, and are desirous of erecting a ground sign along the Harry Street frontage to advertise their business.

Subject property is zoned the "LC" Light Commercial District which permits the erection of on-site ground or pole signs. The number of signs permitted on a zoning lot is regulated by the amount of street frontage of the lot. The maximum permitted area for on-site ground or pole signs is based upon the street classification of the street. In this case Harry Street is classified as an arterial street, which would permit a maximum area of 150 sq. ft. per sign. The frontage along Harry is sufficient to permit seven 150 sq. ft. signs, or if larger than 150 sq. ft. signs are desired, a combining of signs can be permitted thereby allowing a 50 percent area increase for each sign that is eliminated, up to a maximum allowable sign area not to exceed 300% of the permitted area, which in this case would be 450 sq. ft. There are four existing pole signs along the Harry Street frontage, three of which exceed the 150 sq. ft. area size. By using the procedure just discussed of combining two or more signs to permit an increase in sign area these four existing signs would be equivalent to ten individual pole or ground signs as compared to the permitted number of seven. The applicants are now requesting a variance to permit an additional sign, fifty sq. ft. in size.

The applicants point out that they are located on the south (back) side of the Mall with no direct outside entrance and no identification on the exterior of the shopping center building. They stress that street identification is very important to their operation. It should be noted that the zoning regulations would permit the applicant to place an illuminated building sign on the face of the Mall regardless of whether they have a direct outside entrance. Another alternative would be to reduce the size of some of the larger existing signs to lower the equivalent

Secretary's Report  
Case No BZA 40-75  
Page Three

number of signs on the property to six, which would then permit the erection of the desired sign.

The four existing pole signs were erected prior to the adoption of the new sign ordinance. The applicants have submitted a site plan showing the location of the existing signs and the proposed location of the requested sign.

UNIQUENESS

It is the opinion of the Secretary that it is difficult to determine that this request arises from a condition which is unique to this property, and is not ordinarily found in other "LC" zoned property inasmuch as any multi-tenant use of "LC" property could be in a similar situation of having utilized either the permitted number of signs or the total permitted square footage of sign area.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not necessarily have an adverse effect on adjacent property owners inasmuch as there is no adjacent residential property to consider, and the sign itself would be placed in accordance with set-back and distance separation provisions of the ordinance.

HARDSHIP

It is the opinion of the Secretary that it is difficult to determine that the strict application of the zoning ordinance would constitute an unnecessary hardship upon the property owner represented by this application inasmuch as they would not be deprived of a reasonable use of the property and could use other methods of identifying or advertising this business.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not necessarily cause an adverse effect on the public interest inasmuch as the sign itself would not encroach on public property and would be much smaller than the individual signs permitted.

Secretary's Report  
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Page Four

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance desired would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the total (equivalent) number of signs on subject property already exceeds the number permitted, and the granting of the variance would just add to the visual clutter of the numerous existing signs in the general area, which is directly opposed to the intent behind the development of the recently adopted sign regulations.

RECOMMENDATION

It is the opinion of the Secretary that the five conditions necessary to the granting of this variance cannot be found to exist, and therefore, it is recommended that this request be denied.

~~SHAFER~~

Jur's Cafeteria

MARK  
BROTHERS

<u>EXISTING SIGNS</u>	<u>SIZE</u>	<u>EQUIV. # OF SIGNS</u>
WARDS	384	4
SHOPPING CENTER & CINEMA	360	3
BANK	70	1
GOODYEAR & CORKY'S	179	2

*Contrary to the sense of the sign  
regulation recently developed*

BZA 40-75

RESOLUTION NO. BZA 40-75

WHEREAS, Furr's Cafeterias, Inc., P.O. Box 6747, Lubbock, Texas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to permit the erection of an on-site Pole or Ground Sign, 50 square feet in area on property zoned the "LC" Light Commercial District and legally described as follows:

Block 1, Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas, except the north 10 feet thereof, dedicated for Harry Street and except Countryside Plaza Court. Generally located on the south side of Harry Street in an area east of Roosevelt.

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, at the meeting of August 26, 1975, considered said application; and did, because a motion to approve the request resulted in a tie (2-2) vote, defer this case until September 23, 1975; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of September 23, 1975, 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 applicants negotiated the lease for their cafeteria space prior to the adoption of the sign ordinance, and could have obtained a permit for their sign at that time; 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 there is no adjacent residential property to consider and the sign itself would be placed in accordance with set-back and distance separation provisions of the ordinance; 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 owner represented in the application, inasmuch as the applicants have no other means of identifying the location of their food business to the public traveling on the major street Harry; 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 itself would not encroach on public property and would be much smaller than the individual signs permitted; 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 four previous conditions have been found to exist; 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.

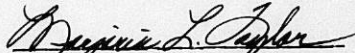
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to permit the erection of an on-site Pole or Ground Sign, 50 square feet in area, on property zoned the "LC" Light Commercial District and legally described as follows:

Block 1, Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas, except the north 10 feet thereof, dedicated for Harry Street and except Countryside Plaza Court. Generally located on the south side of Harry Street in an area east of Roosevelt.

Be approved as requested subject to the following conditions:

1. The bottom of the sign shall maintain a 10 foot clearance above grade.
2. This variance shall be approved for this applicant only and is not transferrable to another tenant or the property owner. If this applicant vacates the premises they shall be responsible for the removal of all visible evidence of the sign apparatus.

ADOPTED AT WICHITA, KANSAS, this 23rd day of September, 1975.

  
Marjorie L. Taylor, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

October 16, 1975

Mr. Bill Suggs  
1336 Tanglewood  
Odessa, Texas 79761

Dear Mr. Suggs:

Subject: Case No. BZA 40-75  
Request for Variance

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 23, 1975, in connection with your request for a variance to permit the erection of an additional on-sight ground sign on property zoned the "LC" Light Commercial District and generally located on the south side of Harry in an area east of Roosevelt.

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,

Jack H. Galbraith  
Secretary

JHG:bh  
cc Furr's Cafeterias, Inc. P.O. Box 6747, Lubbock, Texas  
Fred Burlison, 13516 E. 67th, Tulsa, Oklahoma  
Robert Feldner, Supt., Central Inspection  
Donald Gisick, City Clerk  
Joe Donnelly, Central Inspection

September 25, 1975

Bill Suggs  
1356 Tanglewood  
Odessa, Texas 79761

Dear Mr. Suggs:

Subject: Case No. BEA 40-75  
Request for Variance

At the regular meeting of the Board of Zoning Appeals on September 23, 1975, your request for a variance to permit the erection of an additional on-sight ground sign on property zoned the "LC" Light Commercial District and generally located on the south side of Harry in an area east of Roosevelt, was considered.

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

1. The bottom of the sign shall maintain a 10 foot clearance above grade.
2. The variance shall be approved for this applicant only and is not transferrable to another tenant or the the property owner. If this applicant vacates the premises, they shall be responsible for the removal of all visible evidence of the sign apparatus.

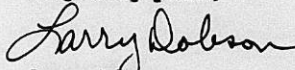
A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the

Page 2 - Bill Suggs  
Case No. MEA 40-75  
September 25, 1975

signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,



Larry Duggan  
Assistant Secretary

LDiel

cc: Furr's Cafeterias, Inc., P.O. Box 6747, Lubbock, Texas  
Fred Burleson, 13516 E. 67th, Tulsa, Oklahoma 74133  
— Floyd R. Campbell, Claude Neon Federal Co. SW, 139 Cleveland,  
Wichita, Ks., 67214  
Robert Feldner, Superintendent of Central Inspection  
Donald C. Gisick, City Clerk  
Joe Donnelly, Central Inspection

Case No. BZA 40-75

If the Board approves this variance request the following conditions are suggested as condition of approval:

1. The applicants shall not be permitted any additional identification signs on subject property, including otherwise permitted building signs and pole signs.
2. This variance shall be approved for this applicant only and is not transferrable to another tenant or the property owner. If this applicant vacates the premises they shall be responsible for the removal of all visible evidence of the sign apparatus.
3. The bottom of the sign shall maintain a 10 foot clearance above grade.

August 27, 1975

Mr. Bill Suggs  
1356 Tanglewood  
Odessa, Texas

Subject: Case No. BZA 40-75  
Request for Variance

Dear Mr. Suggs:

At the regular meeting of the Board of Zoning Appeals on August 26, 1975, your request for a variance to permit the erection of an additional on-sight ground sign on property zoned the "LC" Light Commercial District and generally located on the south side of Harry in an area east of Roosevelt, was considered.

A motion to approve your request ended in a tie vote of the Board (two in favor and two opposed). Since the Board failed to reach a decision on the matter, your case will be reconsidered by the Board at its next meeting scheduled for September 23, 1975. The Board Members specifically requested that you pursue the alternative methods of displaying identification for your business, as discussed at the meeting.

If you have any questions, please call our office.

Sincerely,

Larry Dobson  
Assistant Secretary

LD:el

cc: La Vern Vinson, P.O.Box 6747, Lubbock, Texas  
Donald C. Gisick, City Clerk  
Robert Feldner, Supt. Central Inspection  
Joe Donnelly, Central Inspection

**MELVIN SIMON  
& ASSOCIATES, INC.**



Merchants Plaza/P.O. Box 7033  
Indianapolis, Indiana 46207  
(317) 636-1600

**KEVIN A. SIMS**  
TENANT COORDINATOR  
PERIPHERAL DEVELOPMENT DEPARTMENT

SECRETARY'S REPORT  
CASE NO. BZA 40-75

APPLICANT: Furr's Cafeterias, Inc., P.O. Box 6747, Lubbock, Texas.

AGENT: La Vern Vinson, P.O. Box, 6747 Lubbock, Texas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to permit the erection of an additional on sight Ground Sign

GENERAL LOCATION: South side of Harry Street in an area east of Roosevelt.

LAND USE: Subject property is zoned the "LC" Light Commercial District as is the property to the north. Properties to the east and south are zoned the "AA" Single Family Dwelling District. West is the "LC" and "A" Two Family Dwelling District.

LAND USE: Subject property is developed with "The Mall" shopping center South is developed with single family residences. North is developed with various retail businesses. West is developed with duplexes and a commercial building. East is a drive-in theatre.

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

Secretary's Report  
Case No. EZA 40-75  
Page Two

5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance.)

COMMENTS BY THE SECRETARY

The applicants are requesting a variance from the provisions of Section 28.04.139 (K.1) and (K.4) Code of the City of Wichita. These provisions regulate the number of free standing signs permitted on a zoning lot and also regulate the amount of surface area permitted for those signs.

The applicants have leased space in The Mall Shopping Center to operate a cafeteria, and are desirous of erecting a ground sign along the Harry Street frontage to advertise their business.

Subject property is zoned the "LC" Light Commercial District which permits the erection of on-site ground or pole signs. The number of signs permitted on a zoning lot is regulated by the amount of street frontage of the lot. The maximum permitted area for on-site ground or pole signs is based upon the street classification of the street. In this case Harry Street is classified as an arterial street, which would permit a maximum area of 150 sq. ft. per sign. The frontage along Harry is sufficient to permit seven 150 sq. ft. signs, or if larger than 150 sq. ft. signs are desired, a combining of signs can be permitted thereby allowing a 50 percent area increase for each sign that is eliminated, up to a maximum allowable sign area not to exceed 300% of the permitted area, which in this case would be 450 sq. ft. There are four existing pole signs along the Harry Street frontage, three of which exceed the 150 sq. ft. area size. By using the procedure just discussed of combining two or more signs to permit an increase in sign area these four existing signs would be equivalent to ten individual pole or ground signs as compared to the permitted number of seven. The applicants are now requesting a variance to permit an additional sign, fifty sq. ft. in size.

The applicants point out that they are located on the south (back) side of the Mall with no direct outside entrance and no identification on the exterior of the shopping center building. They stress that street identification is very important to their operation. It should be noted that the zoning regulations would permit the applicant to place an illuminated building sign on the face of the Mall regardless of whether they have a direct outside entrance. Another alternative would be to reduce the size of some of the larger existing signs to lower the equivalent

Secretary's Report  
Case No BZA 40-75  
Page Three

number of signs on the property to six, which would then permit the erection of the desired sign.

The four existing pole signs were erected prior to the adoption of the new sign ordinance. The applicants have submitted a site plan showing the location of the existing signs and the proposed location of the requested sign. ✓

UNIQUENESS

It is the opinion of the Secretary that it is difficult to determine that this request arises from a condition which is unique to this property, and is not ordinarily found in other "LC" zoned property inasmuch as any multi-tenant use of "LC" property could be in a similar situation of having utilized either the permitted number of signs or the total permitted square footage of sign area.

ADJACENT PROPERTY

It is the opinion of the Secretary that the granting of the variance would not necessarily have an adverse effect on adjacent property owners inasmuch as there is no adjacent residential property to consider, and the sign itself would be placed in accordance with set-back and distance separation provisions of the ordinance.

HARDSHIP

It is the opinion of the Secretary that it is difficult to determine that the strict application of the zoning ordinance would constitute an unnecessary hardship upon the property owner represented by this application inasmuch as they would not be deprived of a reasonable use of the property and could use other methods of identifying or advertising this business.

PUBLIC INTEREST

It is the opinion of the Secretary that the granting of the variance would not necessarily cause an adverse effect on the public interest inasmuch as the sign itself would not encroach on public property and would be much smaller than the individual signs permitted.

Secretary's Report  
Case No BZA 40-75  
Page Four

SPIRIT AND INTENT

It is the opinion of the Secretary that the granting of the variance desired would be opposed to the general spirit and intent of the zoning ordinance inasmuch as the total (equivalent) number of signs on subject property already exceeds the number permitted, and the granting of the variance would just add to the visual clutter of the numerous existing signs in the general area, which is directly opposed to the intent behind the development of the recently adopted sign regulations.

RECOMMENDATION

It is the opinion of the Secretary that the five conditions necessary to the granting of this variance cannot be found to exist, and therefore, it is recommended that this request be denied.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

August 1, 1975

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 40-75

An application has been filed by Furr's Cafeterias, Inc., P. O. Box 6747, Lubbock, Texas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance from the provisions of Section 28.04.139 (K.1 and K.4) Code of the City of Wichita, to permit the erection of an On-site Ground Sign on property zoned the "LC" Light Commercial District and legally described as follows:

Block 1, Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas, except the north 10 feet thereof, dedicated for Harry Street and except Countryside Plaza Court. Generally located on the south side of Harry Street in an area east of Roosevelt.

This application has been assigned Case No. BZA 40-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 26, 1975, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

8/6/75

71 Notices to property owners

9 Notices to MAPC



# CAFETERIAS

July 23, 1975

City of Wichita, Kansas  
Board of Zoning Appeals  
Room 402, City Building Annex  
104 South Main  
Wichita, Kansas 67202

Attention: Office of the Secretary

Re: Request for Variance

Board of Zoning Appeals:



We respectfully request that a variance be granted to allow us to install a free standing sign, in the parking lot, advertising our Cafeteria in The Mall Shopping Center. The Ordinance that we are asking a variance from is No. 33-588 Sections K.1 and K.4. Mr. Dewitt Flowers of the Inspection Department is familiar with the existing conditions. There are presently four free standing signs with a combined total sign area of approximately 500 square feet. Our proposed sign contains 50 square feet.

Our not being allowed a free standing sign near the street would result in unnecessary hardship for the following reasons.

1. We are inside the Mall ( on the back side ) with no direct outside entrance and no identification on the exterior of the Shopping Center building.
2. We operate seven days a week. Most of the other tenants are closed on Sunday.
3. We operate in seven mid-western states and have patrons who eat with us as they have occasion to travel. It is very important to our business that they can easily find our Cafeteria. We have prepared a brochure, copy enclosed, which helps travellers find us, see page eight, but it is important to have street identification so they can locate us easily.

cont. ....

City of Wichita, Kansas  
July 23, 1975

Page II

4. Our street identification through out our operations, as well as highway advertising, all tie together with our standard logo to make our locations easily recognized.

For these and other less obvious reasons, we feel that you can consider our request favorably and grant us the variance.

Sincerely,  
FURR'S CAFETERIAS, INC.

*La Vern Vinson*

La Vern Vinson  
Director of Engineering

ELV:db

CC: Cliff Andrews

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

5745  
CASE NO. 40-75  
FILED 7-29-75

APPLICATION FOR VARIANCE

I. Name of Applicant  Furr's Cafeterias, Inc.  
Mailing Address P.O. Box 6747 Lubbock Tx Phone 806/747-2777  
Name of Authorized Agent  La Vern Vinson  
Mailing Address P.O. Box 6747 Lubbock Tx Phone 806/747-2777  
Relationship of applicant to property is that of Lessee  
(Owner, Tenant, Lessee, Other)

II. The variance requested is to permit the installation of a free  
standing sign within the parking lot.  
See proposed location on attached plot plan.  
for property located at 3985 East Harry Street  
and legally described as: See attached sheet

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.

FURR'S CAFETERIAS, INC.

Applicant

La Vern Vinson

Authorized Agent

La Vern Vinson

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:00 (a.m.  p.m.), 7-29 19 75  
together with appropriate fee of \$50.00.

T9-402-

Larry Dobson  
Signed

LEGAL DESCRIPTION  
THE MALL SHOPPING CENTER  
WICHITA, KANSAS

Block 1, Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas, except the north 10 feet thereof dedicated for Harry Street, also described as follows: Beginning at the NW corner of the NE $\frac{1}{4}$  of Section 35, 127S, R1E of the 6th P.M.; thence east on the north line of said NE $\frac{1}{4}$ , 665.5 feet; thence south 990 feet to a point 665 feet east of the west line of said NE $\frac{1}{4}$ ; thence west parallel to the north line of said NE $\frac{1}{4}$ , 665 feet to the west line of said NE $\frac{1}{4}$ ; thence west parallel to the north line of the NW $\frac{1}{4}$  of said Section 35, 650 feet; thence north parrallel to the east line of said NW $\frac{1}{4}$ , 990 feet to the north line of said NW $\frac{1}{4}$ ; thence east 640 feet to the point of beginning, except the north 60 feet thereof for Harry Street and except Countryside Plaza Court as platted in Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas.

LEGAL DESCRIPTION

THE MALL SHOPPING CENTER

WICHITA, KANSAS

Block 1, Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas, except the north 10 feet thereof dedicated for Harry Street, also described as follows: Beginning at the NW corner of the NE $\frac{1}{4}$  of Section 35, 127S, R1E of the 6th P.M.; thence east on the north line of said NE $\frac{1}{4}$ , 665.5 feet; thence south 990 feet to a point 665 feet east of the west line of said NE $\frac{1}{4}$ ; thence west parallel to the north line of said NE $\frac{1}{4}$ , 665 feet to the west line of said NE $\frac{1}{4}$ ; thence west parallel to the north line of the NW $\frac{1}{4}$  of said Section 35, 650 feet; thence north parallel to the east line of said NW $\frac{1}{4}$ , 990 feet to the north line of said NW $\frac{1}{4}$ ; thence east 640 feet to the point of beginning, except the north 60 feet thereof for Harry Street and except Countryside Plaza Court as platted in Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas.

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE CO., INC., hereby certifies the following to be a true and correct list of the property owners as shown by the last Deed of record in the Office of the Register of Deeds of Sedgwick County, Kansas, within a 200 foot radius of and including the following described property, viz:

THE MALL SHOPPING CENTER

Block 1, Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas. Except the North 10 feet thereof, dedicated for Harry St., also described as follows: Beginning at the NW corner of the NE/4 of Section 35-27S-R 1E of 6th P.M., thence E. on the North line of said NE/4, 665.5 feet; thence South 990 feet to a point 665 feet East of the West line of said NE/4; thence West parallel to the North line of said NE/4; 665 feet to the West line of said NE/4; thence West parallel to the North line of NW/4 of said Section 35, 650 feet; thence North parallel to the E. line of said NW/4, 990 feet to North line of said NW/4; thence East 640 feet to point of beginning. Except the North 60 feet thereof for Harry Street & Except Countryside Plaza Court as platted in Wood Plaza, an Addition to Wichita, Sedgwick County, Kansas.

<u>DESCRIPTION</u>	<u>OWNER/OWNERS/ADDRESS</u>	
<u>WOOD PLAZA</u>		
Block 1	✓ George P. Consolver 1/4 443 S. Crestway	67218
	✓ James L. Consolver 1/4 614 Courtleigh Dr.	67218
	✓ Beal G. Consolver 1/4 3620 Country Club Place	67208
	✓ Walter C. Hilke 1/4 147 N. Bleckley Dr.	67208
<u>CONSOLVER FIRST ADDITION</u>		
Lot 1 & W. 20 ft. of Lot 2	✓ N.C. & Jean Consolver 4004 Countryside Plaza	67218
Lot 2 (E. 40 ft.) & W. 13.33 ft. of Lot 3	✓ Merlin K. & Lois Jean Meisinger 4010 Countryside Plaza	67218
Lot 3 (E. 46.67 ft.) & W. 6.67 ft. of Lot 4	✓ Willis B. & A. Leona Muth 4016 Countryside Plaza	67218
Lot 4 (Exc. W. 6.67 ft.)	✓ Lawrence A. & Joann Schippers 4022 Countryside Plaza	67218
Lot 5	✓ Clyde J. & Annabel Johnson 4028 Countryside Plaza	67218
Lot 6	✓ Harland D. & Margaret W. Basta 4034 Countryside Plaza	67218
Lot 7	✓ Mendell F. & Betty Butter 4040 Countryside Plaza	67218
Lot 8	✓ Duane Eugene & Billie J. Denny 922 Shady Way	67203

CONSOLVER FIRST ADDITION (continued)

Lot 9	Lawrence A. & Geraldine L. Bechtold ✓ 4057 Countryside Plaza 67218 <i>1106 S. Rowleson 67 207</i>
Lot 10	✓ Ralph E. & Margeen Kimzey 4051 Countryside Plaza 67218
Lot 11	✓ Fon J. & Mary Lou Bramhall 4045 Countryside Plaza 67218
Lot 12	✓ Richard L. & Darline B. Justice 4039 Countryside Plaza 67218
Lot 13	✓ Lawrence D. Baker, Jr. & Patricia Ann Baker 4033 Countryside Plaza 67218 <i>up known</i>
Lot 14	✓ Marion M. & Anne Marie Wimmer 4027 Countryside Plaza 67218
Lot 15	✓ Morris J. & Marion E. Engelstad 4021 Countryside Plaza 67218
Lot 16	✓ Byron C. & Joyce A. Hatcher 4015 Countryside Plaza 67218
Lot 17	✓ Clarence J. & Susan C. Mattal 4009 Countryside Plaza 67218
Lot 18	✓ David W. & Mildred D. Axton 1770 S. Bluff 67218

GRANDVIEW HEIGHTS

Block 3

Lot 1 & E. 5 ft. of Lot 2	✓ Cleo R. & Barbara A. Hanley 1765 S. Bluff 67218
W. 55 ft. of Lot 2 & E. 10 ft. of Lot 3	✓ Alfred W. & Arlena M. Yaple 3914 Countryside Plaza 67218
W. 50 ft. of Lot 3 & E. 10 ft. of Lot 4	✓ June A. Ewy 3908 Countryside Plaza 67218
W. 50 ft. of Lot 4 & E. 10 ft. of Lot 5	✓ Alfred R. & Mary Sue McNaughten 3902 Countryside Plaza 67218
W. 50 ft. of Lot 5 & E. 15 ft. Lot 6	✓ Mary L. Wike & Richard Phillip Wike 3832 Countryside Plaza 67218
W. 45 ft. Lot 6 & E. 15 ft. Lot 7	✓ William T. & Sarah F. Ross 3826 Countryside Plaza 67218
W. 45 ft. Lot 7 & E. 20 ft. Lot 8	✓ Velma J. Foster & Donald W. Foster 3820 Countryside Plaza 67218
W. 40 ft. Lot 8 & E. 10 ft. Lot 9	✓ Richard L. & Phyllis J. McComb 3814 Countryside Plaza 67218
W. 50 ft. Lot 9 & E. 5 ft. Lot 10	✓ William Max & Nadine Louise Reager 1709 S. Madison 67211
W. 55 ft. Lot 10	✓ Robert L. & Velma Jean Shallcross 3802 Countryside Plaza 67218

GRANDVIEW HEIGHTS (Continued)

Block 2

Lot 1	✓ Evelyn & V. S. Anderson 1/2 Ray E. Daffron & Maxine Lybrand 1/2 414 Pattie Ave. 67211
Lot 2	✓ John Duane & Barbara N. Fleming 3720 Countryside Plaza 67218
Lot 3	✓ William Earl Woodard, Jr. and Peggy D. Woodard 3822 E. Skinner 67218
Lot 6	✓ Patrick H. & Velma O. Frazier 1756 S. Yale 67218
Lot 7	✓ Harold G. & Roger N. Hunter 1748 S. Yale 67218
Lot 8	✓ Edith M. & Richard L. Hayden 835 Harding 67208
Lot 9	✓ Woodrow W. & Doris L. Wilson 1738 S. Yale 67218
Lot 10	✓ James F. & Gladys N. Lee 1732 S. Yale 67218
Lot 11	✓ R. J. King 1613 S. Hillside 67211
Lot 12(N.39 ft.) & S.26 ft. Lot 13	✓ Thomas G. & Judith K. Swaney 1714 S. Yale 67218
Lot 12 (Except N. 39 ft.)	lot 5-11-25 1401 ALDRICH DR. 67230 R. J. King 1613 S. Hillside 67211
N. 26 ft. of Lot 13 & S.39 ft. Lot 14	DWP R. J. King 1613 S. Hillside 67211
N.13 ft. of Lot 14; All of Lots 15-16-17-18-19-20 & 21	✓ R. A. King 1702 South Yale 67218
Lots 22-23-24 & 25	DWP R. J. King 1613 S. Hillside 67211

GRANDVIEW HEIGHTS

Block 4

Lot 1	✓ Wylie S. & Pamela Sue Ernatt 3921 Countryside Plaza 67218
Lot 2	✓ Jacob D. Kern, Jr. & Marie E. Kern 3915 Countryside Plaza 67218
Lot 3	✓ A. J. & Josephine E. Thesenga 3907 Countryside Plaza 67218
Lot 4	✓ Leonard M. & Mildred C. Heinz 3901 Countryside Plaza 67218
Lot 5	✓ Donald Lee & Earlyne A. Atherton 3831 Countryside Plaza 67218
Lot 6	✓ Charles L. & E. Jane Wilkinson 3825 Countryside Plaza 67218
Lot 7	✓ Carroll L. & Anne H. Showalter 3821 Countryside Plaza 67218

GRANDVIEW HEIGHTS (Continued)

Block 4

Lot 8 (W.10 ft.) & E. 55 ft. Lot 9	✓ Robert D. & Mildred Jay 3807 Countryside Plaza	67218
Lot 8 (E. 50 ft.)	✓ Francis J. & Alice Maddella Murray 3815 Countryside Plaza	67218
W. 5 ft. Lot 9 & All Lot 10	✓ David D. & Lois F. Crane 1770 S. Roosevelt	67218

ALL SAINTS ADDITION

Lot 1	✓ James B. & Phyllis F. Hickerson 3902 E. Mt. Vernon	67218
Lot 2	✓ Clyde R. & Rose B. Carnahan 300 Winterset La.	67209
Lot 3	✓ Grace Emma Brown & Mildred B. Brown 1621 S. Roosevelt	67218
Lot 4	✓ Clarence W. & E. Frances Rector 304 E. Indianapolis Apt. #2	67211
Lot 5	✓ Edward Meyer 1636 S. Yale	67218
Lot 6	✓ John D. & Reva J. Grady 1624 S. Yale	67218
Lot 7	✓ Frank L. & Violet B. Bible 1612 S. Yale	67218

MOR-ELL ADDITION

Lot 1	✓ Firestone Tire & Rubber Co. Attention: Mr. Suske 2001 Grand Ave, Kansas City, Mo. 64108	
Lot 2	✓ Thomas M. Ruane & Bernard R. Schwan 648 N. Armour St.	67206
Lot 3	✓ May's Company, Inc. 128 S. Dellrose	67218
Lot 4 (Except E. 165 ft.)	✓ Land Enterprises, Inc. 3900 E. Harry	67218
Lot 4 (E. 165 ft.)	✓ Max L. Cole 3841 West 13th	67203
Lot 5	✓ Minnesota Mutual Life Ins. Co. 434 North Oliver	67208
Lot 6	✓ Harvey W. Hefley, D.D.S. <del>8401 Tipperary St.</del> 200 S. Rock Road Wichita, Ko. 67207	67206

ST. JOSEPH MEDICAL PARK

Lot 1

X City of Wichita  
City Building Annex  
Wichita, Ks.

67202

RANDY ADDITION

Block A

Lot 1

✓ H. Stanley & Joyce E. Chilton  
3010 Grail Street

67211

Lot 2

D H. Stanley & Joyce E. Chilton  
3010 Grail Street

67211

Lot 3

D H. Stanley & Joyce E. Chilton  
3010 Grail Street

67211

A. R. B. ADDITION

Block A

Lot 1

✓ Kenneth P. & David H. Brasted  
230 South Market

67202

Dated this 5th day of May, 1975

GUARANTEE TITLE CO., INC.

No. 867

By Donald R. Hawkins  
Vice President

BZA 40-75

THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

La Vern Vinson  
P. O. Box 6747  
Wichita, Kansas 67202

*Subbock, Texas*

*Re-mailed 8/11/75*



*NO SUCH NUMBER*



*WNV*

BZA-40-75

THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

*RETURNED TO SENDER*  
*ADDRESSEE UNKNOWN*  
*MUNGER*

Harvey W. Hefley, D.D.S.  
8401 Tipperary St.  
Wichita, KS 67206

*Re-mailed 8/11/75* → *200 South Rock Road*  
*67207*



*joye*

*47*

BZA-40-75

THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

Thomas G. & Judith K. Swaney  
1714 S. Yale  
Wichita, Kansas 67218

*1401 Albridge Dr.*  
*67230*

*ret. 8/15*  
*mailed 8/15*



*ADDRESSEE UNKNOWN*  
*SOUTHEAST*

*Handwritten signature: Thomas G. Swaney*  
*1714 S. Yale Avenue*

BZA-40-75

THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

RETURNED TO SENDER  
ADDRESSEE UNKNOWN  
SOUTHEAST



Lawrence D. & Patricia A. Baker, Jr.  
4033 Countryside Plaza  
Wichita, Kansas 67218

*unknown*  
*not listed in:*  
*phone book*  
*cross reference on*  
*the directory - 81*



THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

Lawrence A. & Geraldine L. Bechtold  
4057 Countryside Plaza  
Wichita, Kansas 67218

*1106 S. Governor*  
*67207*

RETURNED TO SENDER  
ADDRESSEE UNKNOWN  
SOUTHEAST



BZA-40-75 *Re-mailed 8/11/75*

BZA 40-75

THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202



Furr's Cafeterias, Inc.

P. O. Box 6747

Wichita, Kansas 67202

*Lubbock, Texas.*

NO SUCH NUMBER  
WNN

*Re-mailed 8/11/75*

Form 33-021

**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

\_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

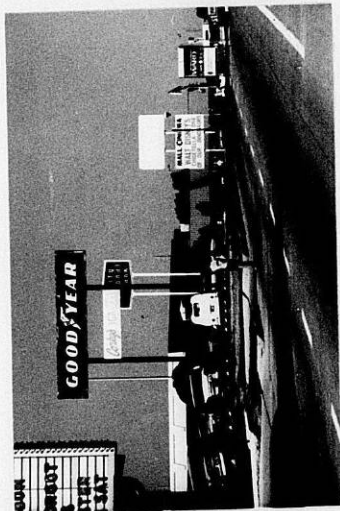
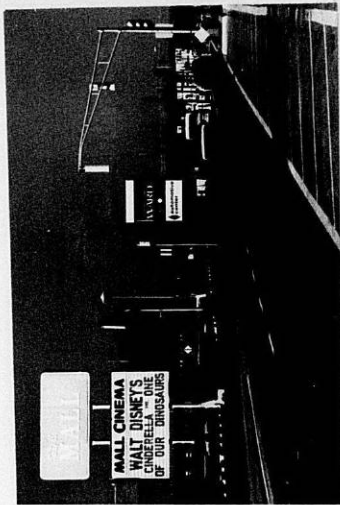
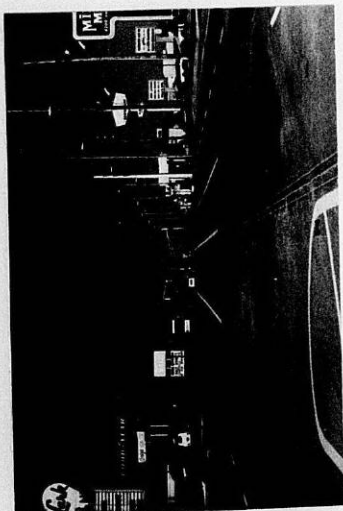
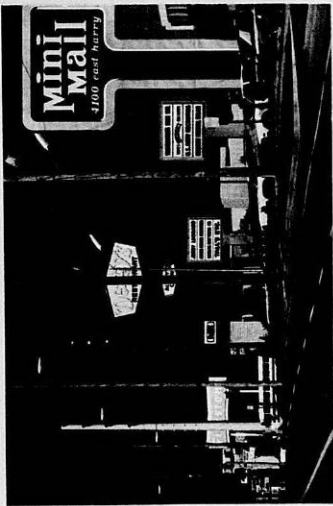
Type \_\_\_\_\_ Due Date \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

Date \_\_\_\_\_ By \_\_\_\_\_

7-31-75 \_\_\_\_\_

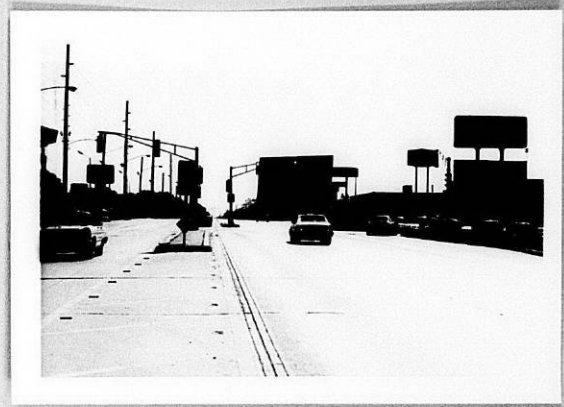
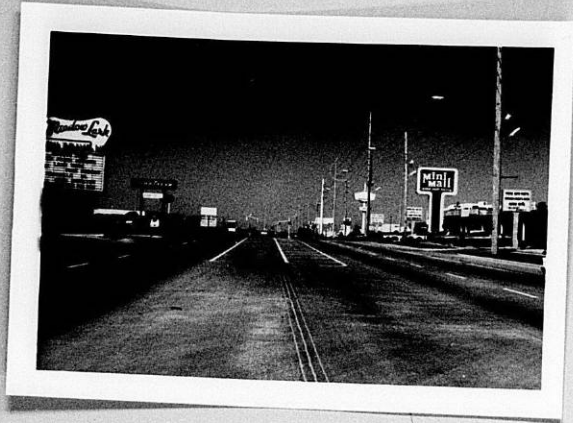


**Shred**  
No. 2-153C  
HASTINGS - LOS ANGELES  
LOSAN - McCREGOR, U.S.A.



PICTURE OF PROPOSED SIGN







\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 1