

Case No. BZA 2-77 - VICTOR G. FUHR  
requests a variance to permit the  
erection of a 15 sq. ft. sign de-  
signating a home occupation on  
property located at the southeast  
corner of Hillside and Grand.

*POSTED*  
*2-18-77*  
*C.I.*  
*MAY 11*  
*7-6-77*

ACTION

*Case BZA 2-77* COMMITTEE *Approved* DATE *3-22-77*

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

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

Map No. 5746  
 Sec. 26  
 Twp. 27  
 Range 1E

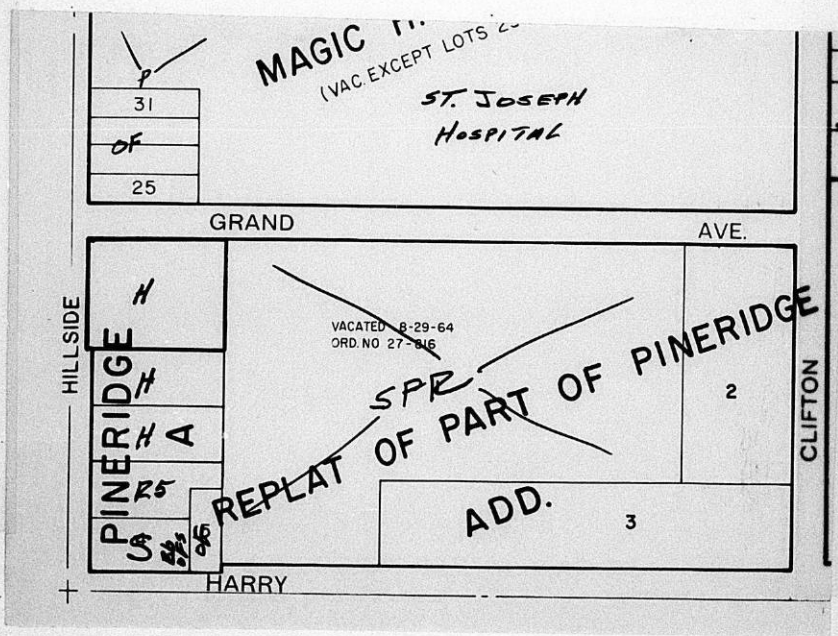
BZA- 2-77  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( 200 ft. by 241 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East SCHOOL South SINGLE FAM  
 West SINGLE FAM North MEDICAL CENTER
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use is for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

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



SIMPSON  
 No. 2-153C  
 NATIONAL MAP LOT ANGLETS  
 CORNER ON - HARRISON, TX. U. S. A.

RESOLUTION NO. BZA 2-77

WHEREAS, Victor G. Fuhr, 1502 South Hillside, Wichita, Kansas, requests a variance as provided in Section 2.12.590. B, Code of the City of Wichita, to increase the gross surface area of an identification sign for a home occupation from the permitted two (2) square feet to fifteen (15) square feet, and to permit the location of said sign on the property other than mounted flat against the main face of the dwelling on property zoned the "A" Two Family Dwelling District, and legally described as follows:

A tract in the Southwest Quarter of Section 26, Township 27, Range 1, East of the 6th P.M., described as: Beginning 432 feet North of the Southwest corner of said Southwest Quarter, thence north 200 feet, East 191.66 feet, South 200 feet, thence West to beginning. Generally located at the southeast corner of Hillside and Grand.

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 March 22, 1977, 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 a gap of three blocks in the normal sequential street numbering, the two different named streets going east and west at this intersection and the greater setback this house maintains, all make for difficult identification of a home occupation carried on in the premises; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the single family residence to the south would be over 200 feet from the location of the sign, and the homes located across Hillside to the west are oriented toward Boston and should not be affected by the proposed sign; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested, will constitute an unnecessary hardship upon the property owner represented in the application inasmuch as an identification sign as permitted for home occupations will not adequately identify the home occupation of this property for the reasons previously stated; 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 can be placed on the property so that it does not interfere with visibility at the intersection of Grand and Hillside; 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 subject property is located on an arterial street, near the hospital and high traffic commercial areas where this type of small unlighted sign would not be out of character with the general area; 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 increase the gross surface area of an identification sign for a home occupation from two square feet to fifteen square feet, and to permit the location of said sign on the property other than mounted flat against the main face of the dwelling, on property zoned the "A" Two Family Dwelling District, and legally described as follows:

A tract in the Southwest Quarter of Section 26, Township 27, Range 1, East of the 6th P.M., described as: Beginning 432 feet North of the Southwest corner of said Southwest Quarter, thence north 200 feet, East 191.66 feet, South 200 feet, thence West to beginning. Generally located at the southeast corner of Hillside and Grand,

be approved subject to the following conditions:

1. The location of the sign shall be no closer than 50 feet from the centerline of Grand and no closer than 32 feet from the centerline of Hillside.
2. The size of the sign shall not be larger than 15 square feet in gross surface area (two-sided sign with 15 square feet on each side), with the top of the sign being no more than six feet above ground level. The sign shall be non-illuminated.
3. The applicant shall submit a letter withdrawing Zone Case Z-1873.

ADOPTED AT WICHITA, KANSAS, this 22nd day of March, 1977.

Ewald Behnke  
Ewald Behnke, Chairman

ATTEST:

Jack H. Galbraith  
Jack H. Galbraith, Secretary

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

455 North Main Street  
Tenth Floor, City Hall

April 4, 1977

Mr. Victor G. Fuhr  
1502 S. Hillside  
Wichita, Kansas 67211

Re: Case No. BZA 2-77  
Request for variance

Dear Mr. Fuhr:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 22, 1977, in connection with your request for a variance to increase the gross surface area of an identification sign for a home occupation from 2 square feet to 15 square feet, and to permit the location of said sign on the property other than mounted flat against the main face of the dwelling on property zoned the "A" Two Family Dwelling District, and generally located at the southeast corner of Hillside and Grand.

This Resolution reflects the official action of the Board to grant the request and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:bh  
Encl.

cc: Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Maintenance, Central Inspection

*Robert*

March 29, 1977  
1502 S. Hillside  
Wichita, Kans.  
67211

Board of Zoning Appeals  
Tenth Floor, City Hall  
455 North Main  
Wichita, Kansas 67202



Dear Sirs:

In as much as I was granted Permission to erect a sign, I wish to withdraw zoning petition Z-1873.

Sincerely yours,

*Victor G. Fuhr*

Victor G. Fuhr



XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

799th Floor City Hall  
199 North Main Street  
Wichita, Kansas

March 23, 1977

Mr. Victor G. Fuhr  
1502 S. Hillside  
Wichita, Kansas 67211

Dear Mr. Fuhr:

At the regular meeting of the Board of Zoning Appeals on Tuesday, March 22, 1977, your request for a variance to increase the gross surface area of an identification sign for a home occupation from two square feet to fifteen square feet, and to permit the location of said sign on the property other than mounted flat against the main face of the dwelling on property zoned the "A" Two Family Dwelling District and generally located at the southeast corner of Hillside and Grand was considered.

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

1. The location of the sign shall be no closer than 50 feet from the centerline of Grand and 32 feet from the centerline of Hillside.
2. The size of the sign shall not be larger than 15 square feet in gross surface area, with the top of the sign being no more than six feet above ground level. The sign shall be non-illuminated.
3. The applicant shall submit a letter withdrawing Zone Case Z-1873.

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

Mr. Victor G. Fuhr

March 23, 1977

as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith  
Secretary

JHG:bh

cc: Don Gisick, City Clerk  
Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Maintenance, Central Inspection

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE March 8, 1977

Dobson



TO Jack Galbraith, Chief Planner, Current Plans, MAPD  
FROM Evelyn Pittman, CPO Administrative Aide

SUBJECT Case No. BZA 2-77, southeast corner  
of Hillside and Grand

At their regular meeting on March 7, 1977, CPO Council "G" discussed the fore-mentioned case. The applicant had previously considered a zone change from "A" Two Family to "BB" Office District for the property. The Council voted to reaffirm their previous position and recommended denial of the request for the following reasons:

1. Approval of application would adversely affect traffic in the area.
2. Create hazards for children walking to All Saints School.
3. Adversely affect the character of the area.
4. All residents (7) who appeared before the Council were in opposition.

Your consideration of this recommendation will be appreciated.

*Evelyn Pittman*  
Evelyn Pittman  
CPO Administrative Aide

Noted:

David Furnas, CPO Coordinator

EP:sm

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

**DATE** March 22, 1977



**TO** Larry Dobson, Metropolitan Area Planning Department

**FROM** Mary Pitman, CPO Administrative Aide

**SUBJECT** BZA 2-77; Southeast Corner of  
Hillside and Grand

CPO Neighborhood Council Area "F" voted 5-4 at their meeting on March 21, 1977, to support Mr. Fuhr's request for a variance to permit a sign advertising his home occupation. (Size: 15 square feet)

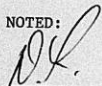
Please provide this information to the Board of Zoning Appeals when they consider this case.

*Mary Pitman*

Mary Pitman  
CPO Administrative Aide

MP:rh

NOTED:

  
\_\_\_\_\_  
David Furnas  
CPO Coordinator

SECRETARY'S REPORT  
CASE NO. BZA 2-77

APPLICANT: Victor G. Fuhr, 1502 S. Hillside, Wichita, Kansas.

AGENT: None.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to increase the gross surface area of an identification sign for a home occupation from two square feet to fifteen square feet, and to permit the location of said sign on the property other than mounted flat against the main face of the dwelling.

GENERAL LOCATION: Southeast corner of Hillside and Grand.

ZONING: Subject property is zoned the "A" Two Family Dwelling District as are those properties to the east, south and west. Property to the north is "B" Multiple Family Dwelling District.

LAND USE: Subject property is developed with a single family residence, as are the properties to the south and west. To the north is an office building, and to the west is a church and school.

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

SECRETARY'S REPORT  
Case No. BZA 2-77  
Page 2

COMMENTS BY THE SECRETARY:

On December 9, 1976, the Metropolitan Area Planning Commission considered a zone change request on this property for this same property owner. The requested change was from the "A" Two Family Dwelling District to the "BB" Office District for the stated purpose of being able to erect an identification sign to identify a school of dress design being operated as a home occupation in the single family residence located on the site. The Planning Commission deferred action on the request so that the applicant might pursue the possibility of obtaining a variance from the provisions governing signs for home occupations in "A" zoning.

Home occupations in "A" zoning are permitted by ordinance to display identification signs with the following restrictions: "No sign shall be permitted larger than two square feet, provided that it shall not be illuminated and shall be mounted flat against the main face of the dwelling or building involved." The applicant is requesting a variance to increase the gross surface area of a sign from two square feet to fifteen square feet and to permit the sign to be located other than flat against the building.

The applicant points out three factors which make his address and subsequently the home occupation difficult to identify. The street address for this property is 1502 S. Hillside. Across the street to the north is a medical office building whose address is prominently displayed on the building as 1148. There are no 1200, 1300 or 1400 blocks on South Hillside. Secondly, the property is located on the southeast corner of Hillside and Grand, with the applicant's driveway located on Grand. The intersection on Hillside is identified by two signs, one for Grand to the east, and one for Boston which goes to the west. Thirdly, the applicant's home sets back from Hillside approximately 140 feet, with a substantial increase in elevation from that of the street. This makes it most difficult to place identification on the house which could be readily viewed from the street.

The applicant has submitted a drawing of his proposed sign, showing the size to be approximately 3 foot by 5 foot, standing at a total height of about six feet above ground level. This sign size was determined by the applicant, with advice from a sign company, to be the smallest effective size needed to identify his home occupation. The exact location of the sign on the property has not been determined as of this writing, but it will be near the northwest corner of the property. The applicant has indicated he will be able to furnish the Board the distances he would like the sign to be from Hillside and Grand at the Board meeting.

The Board may determine that a sign smaller than the requested 15 square feet would provide effective identification for this home occupation.

SECRETARY'S REPORT

Case NO. BZA 2-77

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UNIQUENESS:

It is the opinion of the Secretary that the requested variance arises from conditions unique to the property inasmuch as a gap of three blocks in the normal sequential street numbering, the two different named streets going east and west at this intersection and the greater setback this house maintains, all make for difficult identification of a home occupation carried on in the premises.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of this variance would not adversely affect the rights of adjacent property owners inasmuch as the single family residence to the south would be over 200 feet from the location of the sign, and the homes located across Hillside to the west are oriented toward Boston and should not be affected by the proposed sign.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the property owner due to the fact that an identification sign as permitted for home occupations will not adequately identify the home occupation of this property for the reasons previously stated.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect the public interest as long as the sign does not interfere with motorist visibility at the intersection of Grand and Hillside.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance may not be opposed to the general spirit and intent of the zoning ordinance inasmuch as subject property is located on an arterial street, near the hospital and high traffic commercial areas where this type of small unlighted sign would not be out of character with the general area.

RECOMMENDATION:

If the Board concurs that the five conditions necessary to the granting of a variance can be found to exist, it is recommended that the variance be granted subject to the following conditions:

SECRETARY'S REPORT  
Case No. BZA 2-77  
Page 4

1. The exact location of the sign shall be determined by the Board and located on a site plan, showing the distance in feet from the applicant's west and north property lines.
  2. The size of the sign shall not be larger than 15 square feet in gross surface area, with the top of the sign being no more than six feet above ground level. The sign shall be non-illuminated.
  3. The applicant shall submit a letter withdrawing Zone Case Z-1873.
-

BOARD OF ZONING APPEALS  
TENTH FLOOR - City Hall  
455 North Main, Wichita, Kansas 67202

March 1, 1977

CORRECTED NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 2-77

The notice you recently received on the above-captioned case contained two errors as described below:

The variance requested is to increase the gross surface area of an identification sign rather than to reduce the size.

The property is generally located at the southeast corner of Hillside and Grand rather than the southwest corner.

The time and place of the Board of Zoning Appeals meeting was correct as previously reported.

Jack H. Galbraith  
Secretary

14 notices sent to applicant and/or agent and adjoining property owners  
10 notices sent to MAPC members  
1 notice sent to CPO-David Furnas  
25 Total notices sent on 2-28-77, BZA 2-77

3-1 Corrected notices  
to people listed above  
(Gaylor on MAPC)

100

BOARD OF ZONING APPEALS  
TENTH FLOOR- CITY HALL  
455 North Main, Wichita, Kansas 67202

February 28, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 2-77

An application has been filed by Victor G. Fuhr, 1502 S. Wichita, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the gross surface area of an identification sign for a home occupation from the permitted two (2) square feet to fifteen (15) square feet, and to permit the location of said sign on the property other than mounted flat against the main face of the dwelling, on property zoned the "A" Two Family Dwelling District, and legally described as follows:

A tract in the Southwest Quarter of Section 26, Township 27, Range 1, East of the 6th P.M., described as: Beginning 432 feet North of the Southwest corner of said Southwest Quarter, thence north 200 feet, East 191.66 feet, South 200 feet, thence West to beginning. Generally located at the southwest corner of Hillside and Grand.

This application has been assigned Case No. BZA 2-77, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 22, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant VICTOR G. FUHR

Mailing Address 1502 S. HILLSIDE Phone LE4-2977

Name of Authorized Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

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

II. The variance requested is WE WOULD LIKE TO BE PERMITTED

TO INSTALL A 15 FT SIGN NEAR THE STREET  
DESIGNATING OUR HOME OCCUPATION LOCATION

for property located IN THE SOUTHEAST CORNER  
OF HILLSIDE AND GRAND

and legally described as: Beginning 432 feet north of the corner  
of the southwest quarter east 241.66 ft. north 200 ft. west

241.66 ft. and south to Beginning Sec 26-27-1E.

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

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Victor G. Fuhr  
Applicant

\_\_\_\_\_  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 2:30 (a.m. - P.M.), 2-10 1977 together with appropriate fee of \$50.00.

no filing fee  
T9-402 ed

Larry Dobson  
Signed  
S/E corner Hillside & Grand map 5746

Wichita, Kans.  
Feb 9, 1977

Petition for variance

My wife operates a school of dress design in our home at 1502 S. Hillside.

You are perhaps aware of the fact that there are no 1200, 1300, or 1400 blocks on South Hillside.

Across the street to the north of us is a medical center which has the street number 1148 prominently displayed on two separate signs. This causes many of her initial contacts to wind up south of Harry Street.

To further complicate matters our entry is on Grand. The intersection on Hillside has two signs. One for Grand to the east, and one for Boston to the west.

We feel that under these circumstances we have a need and a right for proper identification. Present zoning codes for zone "A" would permit us a non illuminated sign not to exceed two square feet mounted flat against the main building. Such a sign would be illegible from Hillside due to the hill between the street and the house and the distance of approximately 150 feet. We request permission to erect a fifteen square foot sign on our property near the corner of Hillside and Grand. According to the Miracle Sign Co. this would be the smallest possible sign that would effectively designate our location.

We feel that such a sign properly installed and maintained would not adversely affect the neighborhood.

*Victor J. Huber*



OWNERSHIP LIST

Lot Block	Addition	Property Owner
25	Magic Hill Addition	✓ Albert L. Pipkin ✓ 1148 South Hillside 67211
27	Same	Same
29	Same	Same
15	Schweiter's 10th Addition	✓ Harry B. Lancelot Jr. and ✓ C. Ernestine Lancelot 3125 Grail 67211
E15' 17	Same	✓ Melba L. Regier ✓ 3126 East Boston 67211
16	Same	Same
E30' 18	Same	✓ John H. Hoblit and Marjorie F. ✓ 3120 East Boston 67211
W45' 17	Same	Same
10	Same	✓ J. Ellis Farmer and Katherine M. ✓ 3119 East Boston 67211
11	Same	✓ Vera Mae Stevens ✓ 3125 East Boston 67211
12	Same	Same
13	Same	✓ Andrew C. Tinney and Marie V. ✓ 1431 South Hillside 67211
14	Same	Same
15	Same	✓ Charles J. Schuler and Rose M. ✓ 3120 Wilma 67211
8	Same	✓ Melba L. Mowrer ✓ 550 W. Central, Apt. 1409 67202
1	Pineridge Addition	✓ Bettina Bellance Pierpoint ✓ 1528 South Hillside 67211
2	Same	✓ Loretta L. Hartung ✓ 1530 South Hillside 67211
1	Replat of Part of Pineridge Addition	✓ Catholic Diocese of Wichita ✓ 424 North Broadway 67202

Property

Property Owner

Lot 1

Sister of St. Joseph 2nd Add.

✓ The Sisters of St. Joseph  
of Wichita  
✓ 3712 East Lincoln 67211

A tract in the Southwest Quarter of Section 26,  
Township 27 South, Range 1 East of the 6th P.M.,  
described as: Beg. 432 feet North and 30 feet  
East of the Southwest corner of the Southwest  
Quarter of Section 26; thence East  $241 \frac{2}{3}$  feet;  
thence North 200 feet; thence West  $241 \frac{2}{3}$  feet;  
thence South 200 feet to point of beginning

D Victor G. Fuhr and Letizia  
1502 South Hillside 67211

5