

3-58 - Naegele Advertising Co.  
Inc., appellant. Property at  
2449 North Arkansas

Case NO. 3-58

Filed 3-5-58 9:50 a.m.

APPEAL FOR VARTANCE OR EXCEPTION

TO: The Board of Zoning Appeals  
Fourth Floor, City Building Annex  
Wichita, Kansas

The undersigned Naegele Advertising Company, Inc. hereby appeals from the decision of the Building Inspection Superintendent wherein a Building Permit is refused under Section 21-14A-2.1 to remodel and relocate four (4) billboards at the premises located at 2449 North Arkansas.

This permit was denied for the reason that "this property is in the "LC" district. The billboards now located on this property are legally non-conforming. Section 21-22 of the ordinance does not permit the relocating and rebuilding of an existing non-conforming structure."

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

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

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

Naegele Advertising Company, Inc.  
Appellant By Steve Price  
President

Appellant Naegele Advertising Company, Inc. Address 440 North Water

Owner Hurst Investment Company Address 1826 East First Street

Lessee Naegele Advertising Company, Inc. Address 440 North Water

(This appeal shall be filed in duplicate, with a \$30.00 filing fee within ninety days after the date of the decision of the Building Inspector.)

**BILLBOARD APPLICATION**

Wichita, Kansas, 2-20-1955

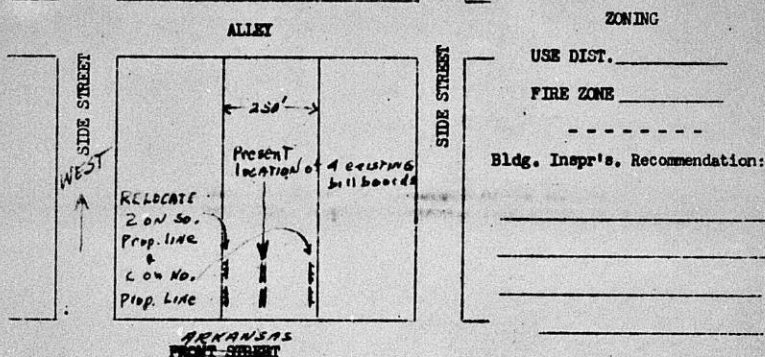
Application is hereby made to the Board of City Commissioners for permission to erect 1 billboard(s) at No. 2449 No. ARKANSAS in conformance with the specifications below. Materials and work will be done in compliance with all ordinances relating to billboards. Proper fee is attached hereto.

*Maegle Outdoor Advertising*  
 \_\_\_\_\_  
 Signature of Applicant

**SPECIFICATIONS**

Board to be supported by: Ground  Wall  Single Face   
 Double Face   
 Length of Board: ~~25'~~ 25' Height 10' Face Area 250 (10' x 25' 100 sq ft billboards)  
 Materials ALL STEEL Illuminated: Reflectors   
 Flood Lights   
 Neon

Indicate in diagram location of board(s) with reference to all property lines and existing structures: Give distances from such lines and structures.



City Manager's Recommendation: \_\_\_\_\_

~~Granted by Commission~~ \_\_\_\_\_ ~~Refused by Commission~~ \_\_\_\_\_

Return to ~~Manager~~ Manager Dept. after approval by Manager.  
 Public Works

Permit No.

**CITY OF WICHITA**  
Inspection Department

Application to the Building Inspector to Erect a sign at

No. 2449 No. Arkansas known as 4 billboards  
in conformance with the Specifications below and the diagram on the back hereof.

TYPE	LENGTH	WIDTH	TOTAL AREA	MATERIAL	ILLUMINATED	NOTATIONS
Wall						
Projecting						
Ground	<del>25</del> 12	<del>12</del>	250 sq	all steel	no	Remain to relocate
Roof Billboard						
Temporary						
Letters	NUMBER					
	HEIGHT					

Sign Hanger Target Printing & Sign Co. Inc. Date 2-20-58  
By Steve Price 23 (10)

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Naegels Outdoor Advertising Co. Owner Address 440 North Water  
To Same Applicant Address \_\_\_\_\_

Dear Sir:

Your application Dated February 20, 1958  
For a Permit for the rearrangement and erection of four billboards  
\_\_\_\_\_ at the premises designated as  
2449 North Arkansas

Is hereby refused on this 21st day of February, 1958,  
Under Section 21-14 A - 2.1 of the Zoning Ordinance.

For the reason that this property is in the "LC" district. The billboards  
now located on this property are legally non-conforming. Section 21-22 of  
the ordinance does not permit the relocating and rebuilding of an existing  
non-conforming structure.

REC'D FEB 24 1958

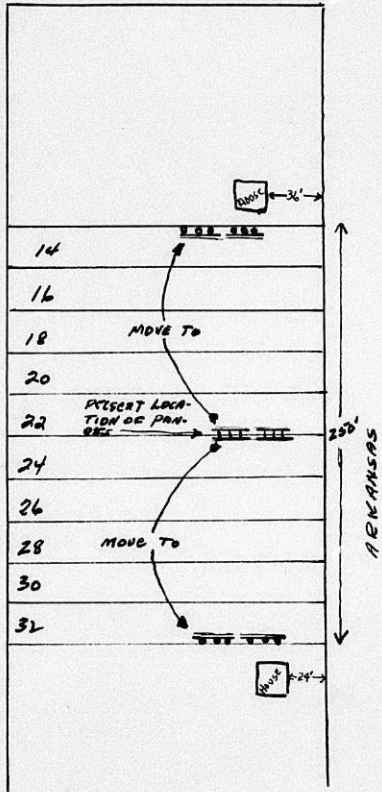
Respectfully,

*S. B. Maple*  
S. B. Maple  
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of  
Zoning Appeals (~~Room 304~~ <sup>Annex</sup> City Hall) within ninety (90) days after  
the date of this refusal. For further information, take this notice  
to the Planning Department, ~~Room 304~~ <sup>Annex</sup> City Hall  
4th Floor.

EXHIBIT "A"

24<sup>th</sup> ST



BOTH SIDES OF ARKANSAS ZONED "LC" FROM 21<sup>st</sup> ST. NORTH TO A POINT 150' NORTH OF 25<sup>th</sup> ST.

EXHIBIT "B"

2449 NO. ARKANSAS

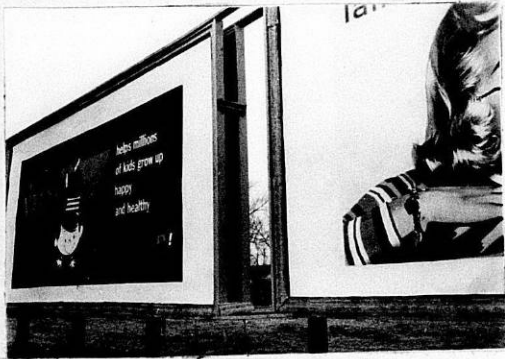
GENERAL AREA VIEWS



LOOKING NORTH

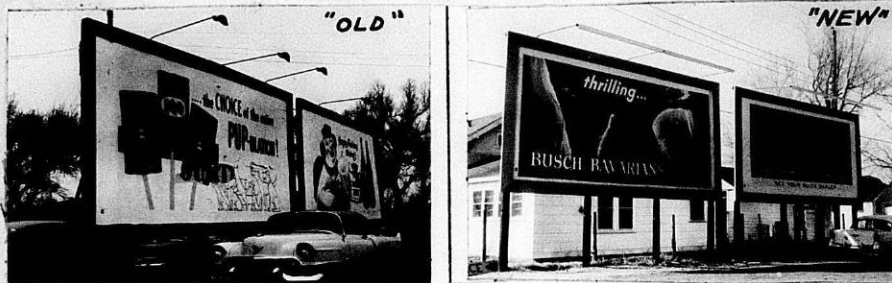


LOOKING SOUTH



SHOWING POOR  
PHYSICAL  
APPEARANCE  
OF EXISTING  
PANELS.





A COMPARISON . . . . .

of the OLD and the NEW

All new panels erected by NAEGELE are all steel - trim pipe uprights, plastic or enameled steel moulding and modern lighting.

EXHIBIT "C"



NE COR. HARRY AND HYDRAULIC

Reconstruction of these two panels authorized by the Zoning Board of Appeals March 16, 1954.

EXHIBIT "D"



NW Cor. 24th and Arkansas

Under the present zoning ordinance, painted wall displays (as above), and all other types of advertising signs except poster panels, are permitted in "LC" zones. This places the Naegele Company under a distinct handicap in that our paint competitors can sell painted sign coverage in "LC", but we cannot give the same advertiser poster coverage.

#### APPEAL STATEMENT

I. In line with applicant's policy of improving the appearance of its advertising panels, it proposed to modernize four poster panels located at 2449 North Arkansas. The panels have been located in the center of a vacant lot which has approximately 250 feet frontage on Arkansas. The owners of the property have leased 200 feet of the frontage for a filling station and 50 feet of the frontage for a drive-in ice cream stand. Therefore, applicant desires to relocate the four poster panels and modernize them at the same time. They would be moved from the center of the lot to each end of the lot, so that two panels would be at the north end of the lot, facing south, and two panels would be at the south end of the lot, facing north. The panels would not be enlarged; there would simply be two panels at each end of the lot in place of four at the center of the lot. Modernization of the panels would include changing the facing and trim from wood to steel. Exhibit "A" shows the present location and proposed location of the panels. Exhibit "B" shows the present panels (both from a distance and close up) and an example of how the panels look after modernization (except that it is not proposed to light the four panels involved in this appeal).

II. The four panels are in a Light Commercial Zone and constituted a legal non-conforming use. The Building Inspection Superintendent's refusal of a permit for the above work was based on a determination of "Section 21-22 of the ordinance does not permit the relocating and rebuilding of an existing non-conforming structure." Applicant believes that the permit could be issued under Section 21-22 -- it is a question of interpretation as to whether the proposed work constitutes "rebuilding" or "maintenance of the panels in good condition" -- certainly the proposed work will

not enlarge or change the general character of the panels. In this connection, applicant believes that it is significant that advertising panels are not permanent structures such as buildings and that consideration should be given to the fact that the language of the ordinance was undoubtedly chosen having in mind structures such as buildings.

Applicant respectfully suggests that the moving of the four panels from the center of the lot to each end of the lot is comparable to the moving of a building from one place on a lot to another. Surely, if the owner of a legally non-conforming one room building desired to shift the building's location on a lot, he would be permitted to do so, and if at the time of moving such building he strengthened its structure and refurbished its exterior by painting or otherwise, he would not be said to have enlarged or changed its general character -- and surely, it would not be said that to permit such a shift of the building would be against public policy or would adversely affect the rights of adjacent property owners or residents -- and surely, it would be unreasonable and a hardship on the owner of the building to refuse to permit him to make such a shift of his one room building. Applicant recognizes that the foregoing example is one which is not likely to confront the Board of Zoning Appeals in actuality, if for no other reason than the prohibitive cost of moving buildings -- but this simply points up the fact that in actuality poster panels are quite different from the permanent type of structures, i.e. buildings, for which the language of Section 21-22 was primarily designed. In short, applicant believes that it is unrealistic and unreasonable to rigidly apply to proposed work on legally non-conforming poster panels the same yard-sticks as are applied to proposed work on legally non-conforming buildings.

III. If the Board of Zoning Appeals determines that the proposed changes are beyond those permitted by Section 21-22, then

applicant respectfully requests the Board to grant an "exception and variance" under Section 21-27 of the Zoning Ordinance.

1. The conditions and circumstances here involved are not ordinarily found in the same zoning district. Modernization of the panels is a problem peculiar to the type of structure involved, a type of structure entirely different from buildings and structures ordinarily found in the same zoning district. Also, ordinarily the proposed changes would not be necessary all at one time, the circumstances from which such need now arises being that the panels had not been modernized step by step over the years by the company which maintained them prior to the time applicant acquired the panels from said company. In addition, with respect to the proposed relocation, the necessity therefor arises out of the fact that the owner of the land has leased the land for the aforementioned light commercial purposes, i.e. a filling station and ice cream drive-in, a circumstance not ordinarily found in the same zoning district. Applicant believes it is exceptional, rather than the rule, to find a vacant lot in an "LC" zone upon which there are poster panels which should be moved to a different location on the same lot to make way for development upon such lot. Applicant knows of only one other similar situation: At 1560 South Hydraulic it became necessary to relocate poster panels which were on a vacant lot in order that a filling station could be built on the lot -- permit to do so was denied by the Building Inspection Superintendent because the lot was zoned "LC" and although the existing panels were legally non-conforming the Zoning Ordinance did not permit reconstruction of the billboards. On March 16, 1954, the Board of Zoning Appeals authorized and directed the Building Inspector

to issue the permit. Exhibit "C" shows the panels at 1560 South Hydraulic as relocated and modernized after completion of the filling station.

2. Granting of the exception and variance would not adversely affect the rights of adjacent property owners or residents, but, to the contrary, would be of benefit to them by reason of the vastly improved appearance of the panels. In addition, with respect to the proposed relocation, the panels will be at a height which will not interfere with buildings on the adjoining tracts of land, and will to some extent serve as a buffer between adjacent houses and the filling station and drive-in which will be erected on the now vacant lot.
3. Strict application of Section 21-22, if deemed to not permit the proposed changes, will constitute unnecessary hardship upon applicant because it would prevent applicant from carrying out its program of modernizing all of its panels, such program being designed to improve the public appeal of such panels and enhance the value of same from the standpoint of the users. In addition, with respect to the proposed relocation, unnecessary hardship will result if applicant is not permitted to relocate the panels because applicant will be deprived of any poster panel coverage at this location. Such hardship is twofold: first, the increase of land zoned other than residential or light commercial has not kept pace with the growth of the city, and therefore it is extremely difficult for applicant to obtain replacement locations for its many lost locations, let alone find the number of new locations that are required because of the city's population growth; second, in this particular area the panels here involved are applicant's only means of maintaining competition (Exhibit "D" shows a

nearby sign advertising Armstrong's Ice Cream -- if applicant is deprived of the panels here involved, it cannot compete for Armstrong's advertising by offering poster panel coverage, nor can applicant provide poster panel coverage for Armstrong's competitors).

4. Such exception and variance is not against the public interest, but, to the contrary, is consonant with the public interest, in that the improved appearance of the panels will be more attractive and in tune with the times, keeping pace with the general trend of keeping Wichita an up-to-date, growing, modern city. Furthermore, many of applicant's panels are made available for public service advertising -- applicant cannot maintain the number of public service displays that it has in the past if it continues to lose panel locations such as the four panels here involved. (See Exhibit "B", showing one of the four panels here involved being used for a public service display.)

OWNERSHIP LIST

LOT	BLOCK	ADDITION	PROPERTY OWNERS & ADDRESS
2	5	Mascot	International Church of The Foursquare Gospel Inc. 2451 Arkansas, Wichita Kansas
4	"	"	"
6	"	"	"
8	"	"	"
10	"	"	"
12	"	"	"
14	"	"	Jewel Joan Hurst 157 N. Broadview, Wichita 8, Kansas
16	"	"	"
18	"	"	"
20	"	"	"
22	"	"	"
24	"	"	"
26	"	"	"
28	"	"	"
30	"	"	"
32	"	"	"
34	"	"	James Wemmer Bessie (Mariah Elizabeth) Wemmer 2411 N. Arkansas Wichita, Kansas
36	"	"	"
38	"	"	"
40	"	"	"
42	"	"	Helen M. Folkers 807 W. 2nd Wichita 12, Kansas
44	"	"	"
46	"	"	"
48	"	"	"
1	"	"	Effie E. Allred 2456 Shelton Wichita, Kansas
3	"	"	"

Continued -2-

5	5	Mascott	Oscar R. Hodges Vida M. Hodges 2452 Shelton Wichita 4, Kansas
7	"	"	"
9	"	"	Charlie Harold Howland Jessie Esther Howland 2448 Shelton Wichita, Kansas
11	"	"	"
13	"	"	Paul W. Kerr Rosemary L. Kerr 2442 Shelton Wichita, Kansas
15	"	"	"
17	"	"	J. H. Wright Beulah Minnie Wright 2440 Shelton Wichita, Kansas
19	"	"	"
21	"	"	John Cannon 2436 Shelton Wichita, Kansas
23	"	"	"
25	"	"	John Anson Wright Anna May Wright 2422 Shelton Wichita, Kansas
27	"	"	"
29	"	"	"
31	"	"	"
33	"	"	Joe R. Magness Katherine Magness 2414 Shelton Wichita 4, Kansas
35	"	"	"
37	"	"	"
39	"	"	W. O. Dennett Ada Dennett 2408 Shelton Wichita 4, Kansas
41	"	"	"
43	"	"	"
45	"	"	Robert R. Swartzlander Alice L. Swartzlander 738 Christine Road
47	"	"	"

Continued -3-

10	6	Mascot	Helen N. Lee Fred M. Lee (No address available)
12	"	"	"
14	"	"	Inez Creelman 2453 Shelton Wichita, Kansas
16	"	"	"
18	"	"	"
20	"	"	V. E. Shinpaugh Addie Shinpaugh 2046 N. Market Wichita, Kansas
22	"	"	"
24	"	"	Haskell Hendricks % H. D. Moore 2439 Shelton Wichita, Kansas
26	"	"	"
28	"	"	"
30	"	"	W. B. Dowell Mae Dowell 2435 Shelton Wichita, Kansas
32	"	"	"
34	"	"	Anna Mae Hawley Charles E. Hawley 2419 Shelton Wichita 4, Kansas
36	"	"	"
97	-	Rosenthal's Sub of Meyers and Snyder's Out-Lots to Wichita	F. J. Timmermeyer 2406 Arkansas Wichita, Kansas
99	"	"	"
101	"	"	"
103 S 5'	"	"	"
103 N 20'	"	"	Richard C. Ford % J. R. Ford 1902 E. 24th St. Wichita 14, Kansas
105 S 20'	"	"	"
105 N 5'	"	"	C. A. Tharp 2404 Arkansas Wichita, Kansas
107	"	"	"
109 S 10'	"	"	"

Continued -4-

109 N 15'

Rosenthal's Sub.  
of Meyers and Snyder's  
Out-Lots to Wichita

Ralph Tharp  
Esther Tharp  
2418 Arkansas  
Wichita Kansas

111

"

"

113

"

"

115

"

"

117

"

R. M. Wasmer  
Marie B. Wasmer  
2440 Arkansas  
Wichita, Kansas

119

"

"

121

"

Ralph M. Wasmer  
Marie B. Wasmer  
2440 Arkansas  
Wichita, Kansas

123

"

"

125

"

F. J. Zajic  
2436 Arkansas  
Wichita 4, Kansas

127

"

"

129

"

Lucy A. Atchley  
2446 N. Arkansas  
Wichita, Kansas

131

"

"

133

"

"

135

"

Treal H. Estes  
2452 Arkansas  
Wichita 4, Kansas

137

"

"

139

"

"

141

"

"

143

"

"

*Stem Price, 440 N. Water*

We hereby certify the foregoing to be a true and correct List of Property Owners for a two hundred foot radius of Lots 14 to 32 even inclusive, Block 5, Mascot Addition, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas and mailing addresses as shown by the tax rolls in the office of the County Treasurer of Sedgwick County, Kansas, on this the 28th day of February, A. D., 1958 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE CO., INC.

Order No. 46553

By

*Raymond Hill*  
Vice President

TELEPHONE COMMENTS OF TOM WOOD, ASSISTANT CITY ATTORNEY  
RELATIVE TO BOARD OF ZONING APPEAL CASES AS PRESENTED ON  
APRIL 25, 1958

CASE NO. 8-58

Mr. Wood notes two major questions:

1. Is it proper to consider the matter on April 25 because notices were mailed less than 10 days prior to the meeting.
2. Should the Board take jurisdiction in this case.

Mr. Wood notes in respect to question No. 1 that there is no ordinance or statutory requirement for notice and that the 10 day notice requirement is contained only in the rules and regulations of the Board itself. The ordinance says that notice shall be given if practical, and in this particular case notice has been given, although it is a 3 day notice rather than a 10 day notice.

Mr. Wood states that it is, in his opinion, proper for the Board to consider the matter on April 25 on the basis of the notice which has been given.

In answer to question No. 2, it is his opinion that the Board can take jurisdiction. He believes that only the first of the 4 conditions of jurisdiction is in any way questionable and he believes that the situation is sufficiently unique that the case qualifies under the provisions of No. 1.

-----  
CASES NO. 3-58 and 6-58

In both of these cases the question is one of jurisdiction. Mr. Wood made the following points relative to this matter:

1. It cannot be assumed that this use is against the best interest of the public welfare merely and solely because it is non-conforming.
2. Each case must be considered according to its affect upon the specific neighborhood in which it is located. He indicated the sign boards in one neighborhood might be against the public welfare because of the character of the neighborhood, whereas in a different neighborhood the signs would not be in opposition to the public welfare. The Board must determine in which of two categories these cases fall:

- (a) Is this an appeal from an order or determination by the Building Inspection Superintendent which would in essence only question the interpretation of the zoning ordinance as applied by the Building Inspection Superintendent?
- (b) Is this a request for an exception or variance to the provisions of the zoning ordinance?

If this is considered as a question of the correctness of interpretation, then the Board has the right to take jurisdiction under the provisions of 21-27 C1. If, on the other hand, this is a request for an exception or variance, then the Board would have jurisdiction only under 21-27 C2, which requires the findings as set forth in 21-27 C2, sub-paragraphs 1, 2, 3, and 4.

-----

CASE NO. 7-58

With respect to this case, Mr. Wood made the following comments:

1. The extent of the enlargement which has been requested necessitates consideration of this as a request for an exception or variance.
  2. The first of the four facts which must be found in order to take jurisdiction "probably is made by the fact that it is a non-conforming use."
  3. The question of jurisdiction probably will have to be resolved on the basis of findings of fact related to conditions 2 and 4 as set forth in 21-27 C2.
-

BOARD OF ZONING APPEALS  
FOURTH FLOOR, CITY BUILDING ANNEX

104 South Main  
Wichita, Kansas


April 15, 1958

NOTICE TO ADJOINING PROPERTY OWNERS

An appeal has been filed by Naegele Advertising Company,  
Inc., by Steve Price, President, 440 North Water, Wichita, Kansas,  
as provided by Section 21-27, Volume I of the City Code. The  
appellant desires to re-arrange and erect four billboards  
on the premises located at 2449 North Arkansas.

This appeal has been given Case No. 3-58, and a re-  
hearing will be held by the Board of Zoning Appeals on Friday,  
April 25, 1958, at 1:30 p.m. on the Fourth Floor of the 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.

By order of the Board of Zoning Appeals.

  
Leland R. Edmonds, Secretary  
Board of Zoning Appeals

BOARD OF ZONING APPEALS

NOTICES SENT TO ADJOINING PROPERTY OWNERS ON APRIL 16, 1958

PROPERTY OWNER	ADDRESS
Lucy A. Atchley	2446 Arkansas
E. J. Zajic	2436 Arkansas
Ralph Tharp	2418 Arkansas
C.A. Tharp	2404 Arkansas
Richard C. Ford	% J. R. Ford
	1902 E. 24th St.
F. J. Timmermeyer	2406 N. Arkansas
Anna & Charles E. Hawley	6528 E. Parkview
W. B. Dowell	2435 Shelton
Haskell Hendricks	% H. D. Moore
	2439 Shelton
V. E. & Addie Shinpaugh	2046 N. Market
Inex Creelman	2453 Shelton
Robert R. & Alice L. Swartzlander	738 Christine Road
Treal H. Estes	2452 Arkansas
W. O. & Ada Dennett	2408 Shelton
Joe R. & Katherine Magness	2414 Shelton
John A. & Anna M. Wright	2422 Shelton
John Cannon	2436 Shelton
J. H. & Beulah M. Wright	2440 Shelton
Paul W. & Rosemary L. Kerr	2442 Shelton
Charlie H. & Jessie E. Howland	2448 Shelton
Oscra R. & Vida Hodges	2452 Shelton
Effie E. Allred	2456 Shelton
Helen M. Folkers	807 W. 2nd St.
James Wemmer	2411 N. Arkansas
Bessie (Mariah Elizabeth) Wemmer	
Jewel Joan Hurst	157 N. Broadview
International Church of the Foursquare Gospel, Inc.	2451 Arkansas
Hurst Investment Co.	1826 E. 1st
Steve Price, President	
Naegele Advertising Co. Inc.	440 N. Water

*[Handwritten signature]*  
 Board of Zoning Appeals

**INSTRUCTIONS TO DELIVERING EMPLOYEE**

DELIVER ONLY TO ADDRESSEE (20¢ additional)

SHOW ADDRESS WHERE DELIVERED IN ITEM 4 BELOW (31¢ additional)

**RECEIPT**

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

1. SIGNATURE OR NAME OF ADDRESSEE  
*Steve Price*

2. SIGNATURE OF ADDRESSEE'S AGENT (Agent should write addressee's name in Item 1 above)

3. DELIVERY DATE

4.

**RECEIPT FOR CERTIFIED MAIL—15¢**

POSTMARK OR DATE

SENT TO  
 Steve Price, Pres. Naegele Adv.

STREET AND NO.  
 440 North Water

CITY AND STATE  
 Wichita, Kansas

If you want a return receipt, check which:

It shows to whom and when delivered

It shows to whom, when, and address where delivered

If you want restricted delivery, check here

20¢ fee

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

No 6386303

POST OFFICE DEPARTMENT OFFICIAL BUSINESS		PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE 100%	
		POSTMARK OF DELIVERING OFFICE	
INSTRUCTIONS.—Show name, address and number of article below. Check "Instructions to Delivering Employees" on other side, when applicable. Address (unopened ends and securely attach to back of article. See these front of article RETURN RECEIPT REQUESTED.		RETURN TO	
REGISTERED NO.	NAME OF SENDER Metropolitan Area Planning Commission		
CERTIFIED NO.	STREET AND NO. OR P. O. BOX City Bldg. Annex 104 South Main		
INSURED NO.	CITY, ZONE, AND STATE Wichita, Kansas		

**RECEIPT FOR CERTIFIED MAIL—15¢**

POSTMARK  
OR DATE

No. 6386303

SENT TO Steve Price, Pres. Naegele Adv. Co., Inc.	
STREET AND NO. 440 North Water	
CITY AND STATE Wichita, Kansas	
<input checked="" type="checkbox"/> If you want a return receipt, check which of the following: <input checked="" type="checkbox"/> It shows to whom and when delivered <input type="checkbox"/> It shows to whom, when, and address where delivered	<input type="checkbox"/> If you want restricted delivery, check here <input type="checkbox"/> 20¢ fee

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

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

April 15 \_\_\_\_\_, 19 58

Mr. Steve Price, President  
Naegele Advertising Company, Inc.  
440 North Water  
Wichita, Kansas

Dear Mr. Price \_\_\_\_\_:

Your appeal, under the Zoning Ordinance, relative to premises at  
2449 North Arkansas


Wichita, Kansas

has been given Board of Zoning Appeals Case No. 3-58.

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

Further, you are notified to appear before the Board of Zoning  
Appeals either in person, or by agent or attorney, for a <sup>re-</sup>hearing of  
your case on Friday, April 25th, 19 58, at 1:30 p.m.  
on 4th Floor, City Building Annex, 104 South Main, Wichita,  
Kansas.

Respectfully,

  
Secretary, Board of Zoning Appeals

BOARD OF ZONING APPEALS  
FOURTH FLOOR, CITY BUILDING ANNEX

104 South Main  
Wichita, Kansas


March 17, 1958

NOTICE TO AFFECTED PROPERTY OWNERS

An appeal has been filed by Naegele Advertising Company, Inc., by Steve Price, President, 440 North Water, Wichita, Kansas, as provided by Section 21-27, Volume I of the City Code. The appellant desires to re-arrange and erect four billboards on the premises located at 2449 North Arkansas.

This appeal has been given Case No. 3-58, and a hearing will be held by the Board of Zoning Appeals on Friday, March 28, 1958, at 1:30 p.m. on the Fourth Floor of the 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.

By order of the Board of Zoning Appeals.

  
Leland R. Edmonds, Secretary  
Board of Zoning Appeals

NOTICES MAILED ON MONDAY, MARCH 17, 1958 (28 notices to adjoining property owners)

Steve Price, President  
Naegele Advertising Company, Inc.  
440 North Water  
(CERTIFIED MAIL)

Hurst Investment Company  
1826 East First Street

International Church of the Foursquare Gospel, Inc.  
2451 Arkansas

Jewel Joan Hurst  
157 North Broadview

Robert R. Swartzlander  
Alice L. Swartzlander  
738 Christine Road

James Wemmer  
Bessie (Mariah Elizabeth) Wemmer  
2411 North Arkansas

Inez Creelman  
2453 Shelton

Helen M. Folkers  
807 West 2nd Street

V. E. Shinpaugh  
Addie Shinpaugh  
2046 North Market

Effie E. Allred  
2456 Shelton

Haskell Hendricks  
% H. D. Moore  
2439 Shelton

Oscar R. Hodges  
Vida M. Hodges  
2452 Shelton

W. B. Dowell  
Mae Dowell  
2435 Shelton

Charlie Harold Howland  
Jessie Esther Howland  
2448 Shelton

Anna Mae Hawley *Rec'd 3-21-58 to*  
Charles E. Hawley *6528 E. Parkview*  
2419 Shelton

Paul W. Kerr  
Rosemary L. Kerr  
2442 Shelton

F. J. Timmermeyer  
2406 North Arkansas

J. H. Wright  
Beulah Minnie Wright  
2440 Shelton

Richard C. Ford  
% J. R. Ford  
1902 East 24th Street

John Cannon  
2436 Shelton

C. A. Tharp  
2404 Arkansas

John Anson Wright  
Anna May Wright  
2422 Shelton

Ralph Tharp  
Esther Tharp  
2418 Arkansas

Joe R. Magness  
Katherine Magness  
2414 Shelton

R. M. Wasmer *notice returned*  
Marie B. Wasmer *3-21-58 (unknown*  
2440 Arkansas *at number)*

W. O. Dennett  
Ada Dennett  
2408 Shelton

E. J. Zajic  
2436 Arkansas

Treal H. Estes  
2452 Arkansas

Lucy A. Atchley  
2446 Arkansas

Cash   
Check

The City



of Wichita

Nº 718

Wichita, Kansas 3-5-1958

\$ 30<sup>00</sup>

Received of Fleeson, George, Coulson & Kelly, Attorneys

The Sum of thirty and no/100 DOLLARS

Being For 21-R-712 - Appeal case for Naegeler

Department Adv. Co. Inc R # 9909

Conita Savage  
Collector

MAR-5-58

05152

A TR -

30.00

Cashiers Official Receipt

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Naegle Outdoor Advertising Co. Owner Address 440 North Water  
To Same Applicant Address \_\_\_\_\_

Dear Sir:

Your application Dated February 20, 1958  
For a Permit for the rearrangement and erection of four billboards  
\_\_\_\_\_ at the premises designated as

2449 North Arkansas  
Is hereby refused on this 21st day of February, 1958,  
Under Section 21-14 A - 2.1 of the Zoning Ordinance.

For the reason that this property is in the "LC" district. The billboards  
now located on this property are legally non-conforming. Section 21-22 of  
the ordinance does not permit the relocating and rebuilding of an existing  
non-conforming structure.

REC'D FEB 24 1958.

Respectfully,

*S. B. Maple*  
S. B. Maple  
Chief Building Inspector

NOTE: Any appeal from this refusal must be filed with the Board of  
Zoning Appeals (~~Room 204~~ <sup>Annex</sup> City Hall) within ninety (90) days after  
the date of this refusal. For further information, take this notice  
to the Planning Department, ~~Room 204~~ <sup>Annex</sup> City Hall  
4th Floor.