

BZA 16-63 - Knapp Outdoor Advertising & Wesley Motor Hotel request variance to permit roof sign at NE corner of Kellogg & Hillside

ACTION

S/D COMMITTEE App. DATE 6-25-63

M.A.P.C. _____

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

RESOLUTION NO. 16-63

WHEREAS, Knapp Outdoor Advertising Corporation, 440 North Water, Wichita, Kansas, and Wesley Motor Hotel, 3258 East Central, Wichita, Kansas, has filed an application for a variance as provided in Section 2.12.590.2, Code of the City of Wichita, to allow two roof signs to be erected on top of the store at 3215 East Kellogg, and to allow a directional sign, giving the location to the Wesley and St. Joseph Hospitals under the sponsorship of the Wesley Motor Hotel, on property generally located at the northeast corner of Kellogg and Hillside, and legally described as:

Lots 2 and 4, Hillside Subdivision in Grandview Addition, in the City of Wichita, Sedgwick County, Kansas; and

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, in regular meeting, consider said application on June 25, 1963; and

WHEREAS, the Board of Zoning Appeals has determined it has jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.2, Code of the City of Wichita; and

WHEREAS, the property is zoned "LC" Light Commercial, and it is the interpretation of the Superintendent of Central Inspection that in such districts roof signs and general advertising signs are not permitted as a use by right; further, only those signs which advertise only services, articles or products offered within the building located upon the premises whereon the building is located are permitted; and

WHEREAS, the Board has found that the proposed roof sign would be in violation of the Zoning Ordinance without the variance requested; and

WHEREAS, the Board of Zoning Appeals has found that the request for variance arises from a condition which is unique and which is not ordinarily found in the same zoning district in that this particular location is the only location (Wesley and St. Joseph hospitals both being located on Hillside), where the public could directly benefit from the directions on the signs referring to both hospital locations and further, to be of optimum benefit to the public, the signs must be located on a heavily traveled thoroughfare (Kellogg carries 26,000 vehicles per day); furthermore, Kellogg is a state highway and is traveled by many tourists coming through the City, some of which may be in need of a hospital; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance as approved, would not adversely affect the rights of adjacent property owners inasmuch as no one objected to the proposed signs and further, the immediate area, both to the east and west is well developed or has been zoned for light commercial purposes; furthermore, in view of the uses in this immediate area, the property is actually in a transition from a light commercial to a commercial usage; however, there are not any performance standards or enough restrictions in the "C" Commercial District to allow the property to be zoned commercial at this time; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the enforcement provisions of the Zoning Ordinance will constitute an unnecessary hardship upon the public if the signs are not provided for in that Kellogg is a heavily traveled street and is used by tourists who may be in need of a hospital, and without the signs being located at this corner would not be cognizant of the location of Wesley Hospital, St. Joseph Hospital and the Wesley Motor Hotel; and further, the strict application of the enforcement provisions of the Zoning Ordinance will constitute an unnecessary hardship upon the property owner in that the property has a low economic yield because of a lack of off-street parking, and without the signs being located on this building would be without remuneration which he so desperately needs; and

WHEREAS, the Board of Zoning Appeals has found that this variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

WHEREAS, as shown above, each of the four conditions required by Section 2.12.590.2, Code of the City of Wichita, to be present before a variance can be granted, have been found to exist.

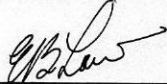
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, Kansas, that the request for a variance from the strict enforcement provisions of the Zoning Ordinance to allow two roof signs (10' x 40') to be erected on the building located at 3215 East Kellogg, legally described as:

Lots 2 and 4, Hillside Subdivision in Grandview Addition to the City of Wichita, Sedgwick County, Kansas, and

generally located at the northeast corner of Hillside and Kellogg, be and the same is hereby approved, and the Superintendent of Central Inspection authorized to issue the appropriate permit, subject to the following:

1. The signs shall contain no moving, oscillating, revolving or blinking parts, moving messages or anything of a similar nature that would be a distraction to traffic on Kellogg.
2. The signs shall be erected according to the standard specifications of the Division of Central Inspection.
3. The sign shall be authorized only so long as at least 50% of the sign surface (each face) is devoted to providing direction to local hospitals.
4. The sign shall contain a message or legend giving directions to Wesley Hospital, Wesley Motor Hotel and St. Joseph Hospital.

ADOPTED at Wichita, Kansas, this 25th day of June, 1963.


E. B. Law, Chairman

ATTEST:


Robert A. Lakin, Secretary

July 9, 1963

**Knapp Outdoor Advertising Corporation
440 North Water
Wichita, Kansas**

Gentlemen:

Subject: BZA 16-63

On July 1, 1963, we advised you that the Board of Zoning Appeals had approved subject application for a variance to permit the erection of a roof sign on top of a store building, on property legally described as

Lots 2 and 4, Hillside Subdivision in Grandview Addition, in the City of Wichita, Sedgwick County, Kansas, generally located at the northeast corner of Hillside and Kellogg.

We also advised that the Board's decision might be appealed to the City Commission, provided that such appeal was filed on or before July 5, 1963.

The City Clerk has advised that no appeal was filed on or before the date indicated, and the decision of the Board of Zoning Appeals is, therefore, final.

A copy of the resolution setting forth action of the Board is attached for your information and files.

Very truly yours,

Robert A. Lakin
Secretary

RAL:JWH:ber
Attachment

cc: Wesley Motor Hotel
3256 East Central

J. Edward Taylor
3333 East Central

Glen Lytle, Superintendent
Central Inspection

July 1, 1963

**Knapp Outdoor Advertising Corporation
440 North Water
Wichita, Kansas**

Gentlemen:

Subject: BEA 16-63

This is to advise you that at its regular meeting of June 25, 1963, the Board of Zoning Appeals of the City of Wichita considered the above case, which was your request for a variance to permit the erection of a roof sign on top of a store building, on property legally described as:

Lots 2 and 4, Hillside Subdivision in Grandview Addition, in the City of Wichita, Sedgwick County, Kansas,

which is generally located at the northeast corner of Hillside and Kellogg.

After discussion, it was the action of the Board of Zoning Appeals to approve this application, subject to the following:

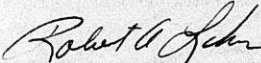
1. The signs shall contain no moving, oscillating, revolving or blinking parts, moving messages or anything of a similar nature that would be a distraction to traffic on Kellogg.
2. The signs shall be erected according to the standard specifications of the Division of Central Inspection.
3. The sign shall be authorized only so long as at least 50% of the sign surface (each face) is devoted to providing direction to local hospitals.
4. The sign shall contain a message or legend giving directions to Wesley Hospital, Wesley Motor Hotel and St. Joseph Hospital for all people desiring to make left turns at Kellogg and Hillside.

Page 2 - Knapp Outdoor Advertising Corporation
July 1, 1963

Section 2.12.610 of the Code of the City of Wichita provides that the decision of the Board of Zoning Appeals shall be final unless it is appealed to the Board of City Commissioners within ten days of the date of the Board's action. Accordingly, an appeal could be filed in this case on or before July 5, 1963.

Subsequent to the expiration of the appeal period, you will be advised whether or not an appeal has been filed. If no appeal has been filed on or before July 5, 1963, the decision of the Board will be final and the Superintendent of Central Inspection will be in a position to issue the appropriate permit.

Very truly yours,



Robert A. Lakin
Secretary

RAL:JWH:bar

cc: Wesley Motor Hotel
3258 East Central

J. Edward Taylor
3333 East Central

Board of Zoning Appeals

June 28, 1963

C. H. Funk, City Clerk
Robert A. Lakin, Secretary

BZA Case No. 16-63

Attached is a copy of BZA Resolution No. 16-63, covering action taken by the Board of Zoning Appeals on the above case.

This case was heard on June 25, 1963, and an appeal may be filed in your office on or before July 5, 1963.

If an appeal is filed, please advise.

Robert A. Lakin
Secretary

RAL:JWH:ber

Attachment

WESLEY
MEDICAL
CENTER

550 NORTH HILLSIDE • WICHITA 14, KANSAS • MU 5-2151

*Rec'd file
BZA*

June 14, 1963

Mr. Jim Levand
Wesley Motor Hotel
3258 East Central
Wichita, Kansas

Dear Mr. Levand:

Mr. Tom Faulkner, Public Relations Director for Wesley Medical Center, has discussed with me your proposal to install a large sign at the corner of Kellogg and Hillside. As I understand the situation, one-half of the sign will serve as advertising for the Wesley Motor Hotel. The other half will serve to direct travelers needing emergency care to either St. Joseph Hospital and Rehabilitation Center or Wesley Medical Center.

I further understand that the portion of the sign relating to the two hospitals is not to be construed as advertising or an endorsement of either hospital, but is merely included as a public service to those persons travelling through the city who might be seeking emergency treatment. We are happy to join with St. Joseph Hospital in endorsing your plan to incorporate this public service announcement in your billboard advertising, providing we will have a chance to approve of the wording prior to the installation of the sign.

Mr. Levand, we do sincerely appreciate your contacting us prior to the installation of this sign and along with St. Joseph Hospital we endorse your project.

Cordially,

Roy C. House
Roy C. House
Administrator

RCH:TFP:el

"YOUR NEED IS OUR CONCERN. WE CARE"

SECRETARY'S REPORT

CASE NO. BZA 16-63

GENERAL DESCRIPTION AND LOCATION

The area involved in this case is located at the northeast corner of Kellogg and Hillside. The property in question is currently occupied by an upholstering shop and sewing machine sales and service store.

The property represented in this application is zoned "LC" Light Commercial. To the north is "LC" Light Commercial and "A" Two Family zoning. To the east, south and west is "LC" Light Commercial.

To the north of subject property is a clothing store, an office and a food store. To the east is a barber shop, vacant building and a service station. There is a drive-in restaurant and single family dwellings immediately to the west. Directly to the south there are two service stations, an office building and barber shop.

REQUEST

The request is for a variance to

- a. Allow two roof signs to be erected on the top of the store at 3215 East Kellogg
- b. To allow a directional sign giving the location to the Wesley and St. Joseph's hospitals under the sponsorship of the Wesley Motor Hotel.

GENERALLY

In the statements of justification which is included as Attachments #1 and #1A to this report, the applicants point out

that it is their intention (if the variance is granted) to erect two roof signs on the store at the northeast corner of Kellogg and Hillside. The signs will contain messages showing the distance to the Wesley Medical Center and to St. Joseph Hospital. It will also include a reference to Wesley Motor Motel. Each sign will be 10 feet by 400 feet (400 square feet).

COMMENTS BY THE SECRETARY

The ordinance creating the Board of Zoning Appeals grants the Board jurisdiction to hear three types of cases - appeals, variances and exceptions. The Secretary feels that the intent of the ordinance insofar as it relates to variances, was to allow the Board to vary or modify such requirements as height, setback, lot area, lot width and similar requirements to the zoning ordinance, and not to allow the granting of permission to use property in a different manner or for a different use than that permitted by the zoning ordinance. To allow a different use than that specified in the zoning ordinance would be, in affect, the amendment of the zoning ordinance by a Board that does not have legislative powers to do so.

It is the opinion of the Secretary that the proposed sign is not only a roof sign, but is a general advertising sign or billboard type sign since it does not pertain to an activity conducted within the building on which the sign is to be located.

If this type of sign is desired by the property owner, then he has two proper remedies. One is to request a change in zoning to that district category which permits roof signs and general advertising signs. This is the "C" Commercial District. The other alternate is to amend the text of the ordinance to allow roof signs and general advertising signs in "LC". The first part, i.e. permission for roof signs, is now underway. The latter change, however, is not being considered.

In the "LC" Light Commercial district, roof signs and billboards are not permitted as a use by right. Further, only those signs which advertise only services, articles or products offered within the building located upon the premises whereon the building is located are permitted in the "LC" district. The applicant has applied for a variance to allow a use to exist in the light commercial district that is a use first permitted in the "C" Commercial district.

The Secretary is of the opinion that the zoning ordinance should not be amended by the granting of "use variances". Therefore, it is the Secretary's opinion and recommendation that the Board of Zoning Appeals should not take jurisdiction in this case.

ADDITIONAL COMMENTS

In the event the Board does take jurisdiction in this case, the Board must first find that all four of the following conditions are present before granting the request of the applicants:

- A. The variance arises from such condition which is unique and which is not ordinarily found in the same zoning district.
- B. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
- C. Strict application of the enforcement provisions of this zoning ordinance would constitute an unnecessary hardship upon the property owner represented in the appeal.
- D. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

UNIQUENESS

The applicants are of the contention that this particular location is the only location where the public could directly benefit from the directions on the signs referring to hospital locations.

The Secretary has taken the position that the term "uniqueness" means that the variance desired must arise from some condition which is not ordinarily found in the same zoning district, i.e. physical characteristics, odd and irregular shaped lots, unusual or unique topography, unusual platting, etc.

In view of this interpretation, the Secretary is of the opinion that the variance desired did not arise from conditions which are unique because there are no exceptional circumstances applicable to the property or use in question which do not apply generally to other property in the same zone and neighborhood.

If the proposed use is considered unique as a public service use, it should be remembered that the sign as proposed is still, in part, an advertising sign.

ADJACENT PROPERTY

The applicants are of the contention that the signs would in no way disturb adjacent property owners or any existing improvements.

The Secretary concurs with the applicant that the signs should in no way affect the rights of adjoining property.

HARDSHIP

It is suggested that the term "hardship" be construed to mean that the property cannot be used for the purpose for which it is zoned. It is the belief of the Secretary that this property can be used for the purpose for which it is zoned because almost all the frontage along Kellogg immediately to the east and west is being used for light commercial purposes.

The applicants are of the opinion that hardship exists for the reason that the use of the property has a low economic yield because of the lack of available parking. They also suggest that the proposed use would bring added revenue to the owner.

The Secretary is of the opinion that the justification of hardship by the applicants does not meet the criteria as above outlined for the term "hardship".

PUBLIC INTEREST

It has been suggested by the applicants that the variance desired will in no way adversely affect the public interest but will, rather, enhance the interest of the public by providing them with the directions, distance, etc to hospital locations.

The Secretary is of the opinion that the applicants' contention may well be true; however, it should be pointed out that signs of this size and magnitude can also be distracting to traffic. It should well be noted that there are three schools in this immediate area and any distraction to motorists could be very hazardous to children crossing the street.

In view of the foregoing review of the conditions necessary in the granting of a variance, it is the recommendation of the Secretary that all four conditions have not been found to exist. Therefore, it is recommended that this application be denied.

CONDITIONS IN THE EVENT OF APPROVAL

In event the Board takes jurisdiction and finds all four conditions to exist and wishes to approve the application, the Secretary recommends that the following conditions be attached:

1. The signs shall contain no moving, oscillating, revolving or blinking parts, moving messages or anything of a similar nature that would be a distraction to traffic on Kellogg.

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Case No. BZA 16-63

2. The signs shall be erected according to the standard specifications of the Division of Central Inspection.
3. The sign shall be authorized only so long as at least 70% of the sign surface (each face) is devoted to providing direction to local hospitals.

Attachments

- #1 - Letter of Justification
- #1A - Letter of Justification
- #2 - Location Map

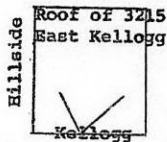
The Applicants are applying for a Variance from Sec. 28.1.24 and 28.2.1 relative to Advertising signs in areas zoned "LC".

The applicants are aware of a pressing need for signs indicating to the traveling public the location and availability of hospitals. They desire to construct two roof signs on top of the store building at 3215 East Kellogg, commonly referred to as the Northeast Corner of Hillside and Kellogg. This will contain messages showing the distance North to Wesley Medical Center and South to St. Joseph Hospital. The signs would also include reference to Wesley Motor Hotel. Each sign would be 10 by 40 feet.

The Board of Zoning Appeals can assume jurisdiction of this matter for the following reasons:

- a) The variance is unique in that it is the only location where the public could directly benefit from the directions on the sign referring to hospital location.
- b) The variance will not adversely affect the rights of adjacent property owners because the signs do not disturb adjacent owners and do not obstruct any present existing adjacent improvements.
- c) The present enforcement provisions will constitute an unnecessary hardship on the applicant for the reason that the existing use of the property has a low economic yield to the owner because of lack of available parking and the proposed use will bring added revenue to the owner.
- d) The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare but will enhance these values by providing the public service messages that are described above. Many people who travel through Wichita would benefit when in need of hospitalization.

A picture of the existing building and a sketch showing the location of the proposed signs follows:



For these reasons applicants feel the variance should be allowed by the Board of Zoning Appeals.

Respectfully submitted
J. Edward Taylor, Jr.
BZA 16-63 - Attachment #1

J. EDWARD TAYLOR, JR.
Attorney at Law
3333 East Central-Suite 714
Wichita 8, Kansas
Telephone MU 2-3193

June 14, 1963

Mr. Robert A. Lakin
Secretary
Board of Zoning Appeals
104 South Main
Wichita, Kansas

Re: BZA 16-63

Dear Mr. Lakin,

In further support of the above application for a variance I would like to submit that one of the primary needs for a sign of the type requested is to assist the motoring public in any emergency health situation they might encounter on the road.

As you know, this is a major intersection on a major east-west highway and the latest traffic count taken in June, 1962 shows that 26,311 vehicles travel Kellogg at this point in a 24 hour period. I submit that the construction of this sign with the public service messages indicating the location of two major health facilities would be very beneficial to the motoring public. There has been some recent publicity on the city ambulance facilities as you know and I feel that anything that assists the public in locating hospitals is a benefit.

Very truly yours,

/s J. Edward Taylor, Jr.

BZA 16-63
Attachment #1A

BZA CASE NO. 16-63

NOTICES MAILED JUNE ¹³ 22, 1963:

Knapp Outdoor Advertising Corporation
440 North Water

Wesley Motor Hotel
3258 East Central

Paul E. and Olive L. Spears
516 South Hillside

J. Edward Taylor, Jr.
3333 East Central

The American Oil Company
Bitting Building

Ned Steck
4006 East Gilbert

James W. and Ethel Eileen Bailey
513 South Holyoke

Lloyd J. Thomas
2906 Aloma

Skelly Oil Company
911 East Orme

Gladys L. Allen
438 South Hillside

J. F. and Hazel Lunsford
436 South Hillside

Cecil G. and Ruby I. Pierce
945 Woodrow Avenue

Earl H. Yates
2509 South Mosley

Evalyn Edwards
627 West 18th Street
Pueblo, Colorado

W. L. and Martha W. Anderson
#24 Woodlawn Boulevard

Opal J. Cotton
449 South Hillside

Willie Mae Russell
445 South Hillside

Ray Elmer, Sr., and Jessie Ruth Smith
439 South Hillside

J. W. and Elizabeth Schrader
437 South Hillside

J. EDWARD TAYLOR, JR.
ATTORNEY AT LAW
3333 EAST CENTRAL - SUITE 714
WICHITA 8, KANSAS
TELEPHONE MU 2-3193
June 14, 1963

Mr. Robert A. Lakin
Secretary
Board of Zoning Appeals
104 South Main
Wichita, Kansas



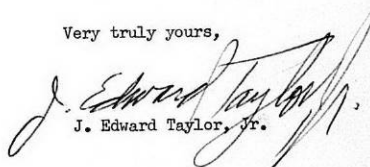
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As you know, this is a major intersection on a major East-West highway and the latest traffic count taken in June, 1962 shows that 26,311 vehicles travel Kellogg at this point in a 24 hour period. I submit that the construction of this sign with the public service messages indicating the location of two major health facilities would be very beneficial to the motoring public. There has been some recent publicity on the city ambulance facilities as you know and I feel that anything that assists the public in locating hospitals is a benefit.

Very truly yours,


J. Edward Taylor, Jr.

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

June 13, 1963

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 16-63

An application has been filed by J. Edward Taylor, attorney, 3333 East Central, Wichita, Kansas, on behalf of Knapp Outdoor Advertising Corporation, 440 North Water, Wichita, Kansas, and Wesley Motor Motel, 3258 East Central, Wichita, Kansas, requesting a variance as provided in Section 2.12.590.2, Code of the City of Wichita, to Sections 28.04.090.A.1.24 and 28.04.090.A.2.1, to permit the construction and location of a roof sign on an existing building giving directions from that location to Wesley Medical Center, St. Joseph's Hospital and Rehabilitation Center and Wesley Motor Hotel, on property legally described as:

Lots 2 and 4, Hillside Subdivision in Grandview Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the northeast corner of Hillside and Kellogg.

This application has been assigned Case No. BZA 16-63. A hearing will be held by the Board of Zoning Appeals on Tuesday, June 25, 1963, at 2 p.m. in Room 401 City Building Annex, 104 South Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Robert A. Lakin
Secretary

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
Sedgwick County,)

The undersigned duly bonded and qualified abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft
of: Lots 2 & 4, Hillside Avenue, Hillside
Subdivision of Block 3, of Grandview Addition
to Wichita, Kansas.


Fidelity
Title
Company,
inc.

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

Lot	Street	Addition	Owner
2	Hillside	Hillside Sub Blk 3, Grand View Add.	Florence C. Whitson X
4	"	" " " "	" " " No Address Available
6	"	" " " "	Ned Steck
8	"	" " " "	" " 4006 E. Gilbert
10	"	" " " "	Lloyd J. Thomas
12	"	" " " "	" " " 2906 Aloma
14	"	" " " "	Gladys L. Allen
16	"	" " " "	" " " 438 S. Hillside



Lot	Street	Addition	Owner
18	Hillside	Hillside Sub Blk 3, in Grand View Add.	J. F. & Hazel Lunsford, ux
20	"	" " " "	" " " 436 S. Hillside
1 (E 46')	Holyoke	" " " "	Cecil G. & Ruby I. Pierce, ux
3 (E 46')	"	" " " "	" " " " "
5 (E 46')	"	" " " "	" " " " "
7 (E 46')	"	" " " "	" " " " " 945 Woodrow Ave.
1 (E 42' W 84')	"	" " " "	Eula Mae Roff <i>X</i>
3	"	" " " "	" " "
5	"	" " " "	" " "
7	"	" " " "	" " " No Address Available
1 (E 21' W 42')	"	" " " "	Pauline Yates, sgle. <i>X</i>
3	"	" " " "	" " "
5	"	" " " "	" " "
7	"	" " " "	" " " No Address Available
1 (W 21')	"	" " " "	Earl H. Yates
3 (W 21')	"	" " " "	" " "
5 (W 21')	"	" " " "	" " "
7 (W 21')	"	" " " "	" " " 2509 S. Mosley
9	"	" " " "	Eula Mae Roff <i>sup</i>
11	"	" " " "	" " " No Address Available
13	"	" " " "	Frances Glass <i>no add</i>
15	"	" " " "	" "
17	"	" " " "	" "
19	"	" " " "	" " No Address Available
1	Hillside	Conlan's Sub of Lots 3 & 4, Imboden & Oliver's Add.	Evalyn Edwards 627 W 18th St., Pueblo, Colo.
3 (S 10')	"	" " " "	W. L. & Martha W. Anderson, ux # 24 Woodlawn Blvd.
3 (N 15')	"	" " " "	Opal J. Cotton
5	"	" " " "	" " " 449 S. Hillside
7	"	" " " "	Willie Mae Russell
9	"	" " " "	" " " 445 S. Hillside

Lot	Street	Addition	Owner
11	Hillside	Conlan's Sub of Lots 3 & 4, Imboden & Oliver's Addition	Ray Elmer, Sr., & Jessie Ruth Smith, ux
13	"	" " " "	" " " " " " 439 S. Hillside
15	"	" " " "	J. W. & Elizabeth Schrader, ux
17	"	" " " "	" " " " " " 437 S. Hillside
38	"	Underwood Addition	Paul E. & Olive L. Spears, ux 516 S. Hillside
40	"	" "	Will C. & Dolie C. Barrett, ux X
42	"	" "	" " " " " " No Address Available
44	"	" "	The American Oil Co. <i>Buying Bldg</i>
46	"	" "	" " " "
48	"	" "	" " " "
37	Holyoke	" "	James W. & Ethel Eileen Bailey, ux
39	"	" "	" " " " " " 513 S. Holyoke
41	"	" "	The Shamrock Properties, Inc.
43	"	" "	" " " "
45	"	" "	" " " "
47	"	" "	" " " "
1	Hillside	Sunnyside Add.	Skelly Oil Co. <i>911 E. Wm</i>
3	"	" "	" " " "
5	"	" "	" " " "
7	"	" "	" " " "

Dated at Wichita, Kansas this 5th day of June, 1963 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By *Arthur W. Wm* Sec. *Vice Pres* OEM

Tracer # 53953



BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR VARIANCE

I. NAME OF APPLICANT KNAPP OUTDOOR ADVERTISING CORPORATION & WESLEY MOTOR HOTEL

MAILING ADDRESS 440 No. Water, Wichita & 3258 E. Central PHONE FO35293 & MU2-1255

NAME OF AUTHORIZED AGENT J. Edward Taylor, Jr.

MAILING ADDRESS 3333 East Central, Wichita PHONE MU2-3193

RELATIONSHIP OF APPLICANT TO PROPERTY IS THAT OF Lessee
(OWNER, TENANT, LESSEE, OTHER)

II. THE VARIANCE REQUESTED is from 28.04.090; 28.1.24; and 28.2.1 to permit a roof sign on top of the existing store building for the purpose of giving directions from the intersection of Hillside and Kellogg to Wesley Medical Center and St. Joseph Hospital and Rehabilitation Center and to be sponsored by Wesley Motor Hotel.

FOR PROPERTY LOCATED AT 3215 E. Kellogg, Wichita, Kansas

AND LEGALLY DESCRIBED AS: Lots 2 and 4, Hillside Subdivision in Grandview Addition.

IN THE CITY OF WICHITA; AND WHICH IS PRESENTLY ZONED LC.

(GIVE METES AND BOUNDS DESCRIPTION BELOW IF APPROPRIATE):

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 APPEAL OF THE DECISION OF THE BOARD TO THE CITY COMMISSION WITHIN TEN (10) DAYS OF THAT DECISION;
- D. THAT ALL DOCUMENTS ARE ATTACHED HERETO AS NOTED IN PARAGRAPHS 3 AND 4 OF THE INSTRUCTIONS.

KNAPP OUTDOOR ADVERTISING CORPORATION
WESLEY MOTOR HOTEL

APPLICANT
J. Edward Taylor, Jr.
AUTHORIZED AGENT

OFFICE USE ONLY: RECEIVED IN OFFICE OF SECRETARY, BOARD OF ZONING APPEALS, 2:45 (A.M. / P.M.), June 5, 1963, TOGETHER WITH APPROPRIATE FEE OF \$50.00.



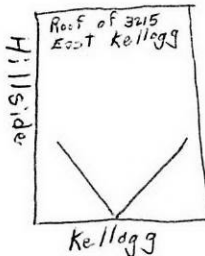
The Applicants are applying for a Variance from sec. 28.1.24 and 28.2.1 relative to Advertising signs in areas zoned "LC".

The applicants are aware of a pressing need for signs indicating to the traveling public the location and availability of Hospitals. They desire to construct two roof signs on top of the store building at 3215 E. Kellogg, commonly referred to as the Northeast Corner of Hillside and Kellogg. This will contain messages showing the distance North to Wesley Medical Center and South to St. Joseph Hospital. The signs would also include reference to Wesley Motor Hotel. Each sign would be 10 by 40 feet.

The Board of Zoning Appeals can assume Jurisdiction of this matter for the following reasons:

- a) The variance is unique in that it is the only location where the public could directly benefit from the directions on the sign referring to hospital location.
- b) The variance will not adversely affect the rights of adjacent property owners because the signs do not disturb adjacent owners and do not obstruct any present existing adjacent improvements.
- c) The present enforcement provisions will constitute an unnecessary hardship on the applicant for the reason that the existing use of the property has a low economic yield to the owner because of lack of available parking and the proposed use willbring added revenue to the owner.
- d) The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare but will enhance these values by providing the public service messages that are described above. Many people who travel through Wichita would benefit when in need of hospitalization.

A picture of the existing building and a sketch showing the location of the proposed signs follows:



For these reasons applicants feel the variance should be allowed by the Board of Zoning Appeals.

Respectfully submitted

J. Edward Taylor, Jr.



PAYMENT NOTICE

City Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bld'g & Elev. _____ Elec. _____ Elev. Insp. _____
 Exam Fees _____ Hse. Mvr. _____ Hse. Moving _____
 Licse. _____ Mech. _____ Oil Well _____ Pav. Cuts _____
 Plan. Pib'g. _____ Pib'g. Cert. _____
 Sanitation _____ Sewer _____ Signs _____ Sidewalk _____
 Street _____ Trailers _____

DESCRIPTION	AMOUNT	
<i>Fire Insurance</i>	<i>50.00</i>	
<i>1210</i>		

Name *Wichita Mutual*
 Address *2080 N. Hill*
 Type _____ Due Date *1-6-60*
 Comments _____
 Date *1-5-60* By *[Signature]*