

POSTED
6-6-77
JMT

ACTION

BZA 25-77 COMMITTEE
BZA
M.A.P.C.

Next Vote - September 6-28-77
DATE 7-26-77
Denial

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

BZA Case No. 25-77 - OMEGA LAND-OWNERS, ASSOC., ET AL, request variance from the requirement for screening by planting, fencing or earth berms on property generally located on the west side of Bluff, North of

Map No. 5750
 Sec. 2
 Twp. 27
 Range 1E

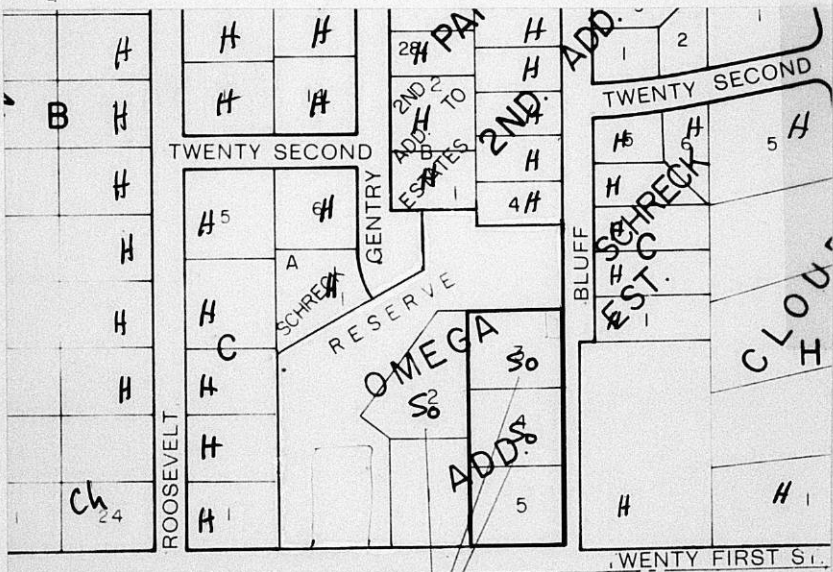
BZA- 25-77
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East Single Family South University
 West Vacant & (society under const.) North Single Family
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: under construction for societies
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



HASTING, INC. LOS ANGELES
 LOGAN CHAMBERSON, TX. U. S. A.

Synroad®
 No. 2-153C

Mrs. Tom Swaney
1401 Aldrich Dr.
Wichita, Kansas 67230

July 17, 1978

Mr. Robert Lakin
Director of Planning
MHPD
10th Floor City Hall
Wichita, Kansas 67230



Dear Mr. Lakin:

Please be advised that future correspondence to Omega Landowners Association should be addressed to me until otherwise noted.

We are pleased to have an approved plan which will be implemented by the

Univercity very shortly.

Thank you for your
patience in this matter.

Sincerely,
Mr. Tom Swaney

June 28, 1978

Mr. Joseph R. Schulte
Landscape Architect
Wichita State University
Office of Director of Physical Plant
1845 Fairmount
Wichita, Kansas 67208

Re: Omega Addition Screening and Landscape Plan (BZA 77-25)

Dear Mr. Schulte:

We have received and reviewed your amended plan to provide screening and landscape treatment in the Omega Addition located on the northwest corner of 21st Street and Bluff.

On the basis of our review, we find that your choice of plant materials and fencing is an acceptable method of meeting the screening requirements of the City's zoning ordinance. Due to the delays that have been experienced to date in meeting the screening requirements, we encourage you to install the proposed material as soon as possible.

We will by copy of this letter advise the Superintendent of Central Inspection of the receipt and acceptance of your landscaping and screening plan. It may be desirable for you to forward copies of the plan to each of the sororities to which it applies.

If you have any questions concerning this item, please contact our office.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:RLY:et

Mr. Joseph R. Schulte
June 28, 1978
Page Two

cc:
Robert Feldner, Superintendent of Central Inspection
Dr. George Platt, Director, Planning & Institutional Studies,
Wichita State University, P. O. Box 113, Wichita, Kansas 67208
Omega Land Owners Association, 4Cornelia Calvert, 6032 Legion,
Wichita, Kansas 67204
Randy Putnam, 1845 Campus, Box No. 2, Wichita State University,
1845 Fairmount, Wichita, Kansas 67208
John Foulston, Attorney at Law, 700 Fourth Financial Center,
Wichita, Kansas 67202



WICHITA STATE UNIVERSITY

Office of Director of Physical Plant

WICHITA, KANSAS 67208
PHONE 689-3444

June 27, 1978

Mr. Robert A. Lakin
Director of Planning
Metropolitan Area Planning Dept.
City Hall - Tenth Floor
455 North Main Street
Wichita, KS 67202



Dear Mr. Lakin:

Attached are four (4) copies of the landscape plan for the Omega Addition located at 21st and Bluff. We are submitting the plan for your final approval. The modifications listed in your January 26th letter to Mr. Randy Putnam have been considered and the following changes have been made:

1. The size and condition of the materials to be planted have been indicated on the drawing.
2. Berms and plant materials have been omitted from the right-of-way.
3. No berms or plant materials will be located in the twenty foot wide emergency fire access and public utility easement running east and west along the north line of lot No. 3.
4. To satisfy Section 28.04.020 of the Code of the City of Wichita, a six (6) foot fence will be provided along the parking areas as a solution to the screening requirements.
5. Water will be provided from the sorority house faucets.

If you have any questions concerning the landscape plan, please contact me at your convenience.

Sincerely,

A handwritten signature in cursive script that reads "Joseph R. Schulte".

Joseph R. Schulte
Landscape Architect

Attachments
cc: Randy Putnam
Armin Brandhorst
George Platt

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

May 22, 1978

TO Robert Feldner, Superintendent of Central
Inspection
FROM Larry Dobson, Assistant Secretary, Board
of Zoning Appeals
SUBJECT Non-compliance with Board of Zoning Appeals
Conditions

On a recent field check, taken May 17, 1978, the following items were observed to be in apparent violation of BZA action:

1. Case No. BZA 20-77, Mt. Olivet Methodist Church, 3515 South Elizabeth; conditions numbered (2), (4) and (5) of the approved resolution have not been complied with. These conditions deal with landscaping and fencing of a parking area.
2. Case No. BZA 25-77, Omega Landowners Association, c/o Cornelia Calvert, 6032 Legion; this was a case denied by the BZA wherein the applicants were requesting a variance of the screening requirement adjacent to the east property line for a group of sorority houses located at the northwest corner of 21st and Bluff. At least two of the sororities are occupied and no screening has been provided. You received a copy of Robert Lakin's January 26, 1978 response to Randy Putnam concerning a landscape plan submitted to comply with the screening requirements. As of this date we have not received a revised landscape plan for consideration.
3. Case No. BZA 33-77, Plymouth Congregational Church, 202 North Clifton (original applicant was Jo Zakas), for property at the southwest corner of First Street and Clifton; condition number (3) of the approved resolution has not been complied with relative to the planting of trees in the street right-of-way along First and Clifton.
4. Case No. BZA 56-77, Immanuel Lutheran Church, 909 S. Market; landscaping required by condition number (2) of the approved resolution has not yet been planted and a three foot high fence along the east 20 feet of the south property line has not been installed as required by condition number (5).

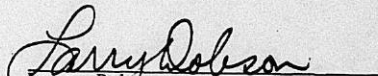
Each of the above stated cases involves non-compliance with landscaping requirements imposed by the Board of Zoning Appeals. If planting of materials is not accomplished immediately, we will be faced with waiting until fall for much of the planting. Would appreciate your taking whatever action is necessary to assure that

Robert Feldner, Superintendent of Central Inspection
Page 2
May 22, 1978

the stated areas of non-compliance are brought into compliance with the official resolutions of the Board or in the case of BZA 25-77, that the screening requirements of the ordinance be enforced.

If you have any questions or if I can of any assistance to your staff, please advised.

Sincerely yours,



Larry Dobson
Assistant Secretary
Board of Zoning Appeals

LD:bh

cc: Joe Donnelly, Housing and Zoning Administrator

January 26, 1978

Mr. Randy Putnam
1845 Campus Box No. 2
Wichita State University
1845 Fairmount
Wichita, Kansas 67208

Dear Mr. Putnam:

We are in receipt of and reviewed your proposed landscape screening plan for Omega Addition on the northwest corner of 21st Street and Bluff. We have conferred with the office of the Superintendent of Landscape and Forestry and it is our opinion that the following modifications need to be made to the landscape screening proposals prior to plan approval.

- ✓ 1. Please indicate the size and condition (i.e. bare root, balled, burlapped, etc.) of the materials to be planted.
- ✓ 2. The finished grade contours of the proposed berms should not extend into the street right-of-way as indicated along Bluff.
- ✓ 3. Shrubbery as indicated along Bluff in front of the parking areas should not be located in the street right-of-way.
- ✓ 4. Street trees are permitted in the street right-of-way if they are of a single trunk upright variety that do not present a significant sight or access obstruction. The pines suggested in your plan tend to grow in a conical form from the ground level upward, thereby creating undesirable visual and/or access obstructions. The pines are, therefore, not recommended for placement in the street right-of-way.
- ✓ 5. There is a twenty foot wide emergency fire access and public utility easement running east and west along the north line of lot No. 3. It will, therefore, not be possible to place the landscape materials and earthen berms as they are now proposed within the easement and on the plan. You may desire to locate these materials further to the north.


Page Two
Mr. Randy Putnam
January 26, 1978

6. In relation to comments 2, 3, and 4 above, it is apparent that the required screening along the parking areas which extend to the eastern property line cannot be accomplished by using landscape materials or berms in the public right-of-way. Section 28.04.020 of the Code of the City of Wichita defines screening as either decorative fencing, evergreen vegetation or landscaped earth berms. Decorative fencing, therefore, appears to be the only remaining option for providing the required screening. The Code further specifies that when fencing is used for screening purposes, it shall be not less than six feet, nor more than eight feet in height. You may wish to redesign your landscape screening plan and incorporate sections of a decorative fence along the parking areas as a solution to the screening requirements.
7. There should be some indication on the face of the plan of the means by which water would be supplied to the proposed plant materials

After you have considered the above comments and adjusted your plans accordingly, please forward four copies of your revised plan to our office for review.

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

Sincerely,


Robert A. Lakin
Director of Planning

RAL:RLY:el

cc: Robert B. Feldner, Superintendent of Central Inspection
John Foulston, 700 Fourth Financial Center, 67202
Dr. George Platt, Director, Planning & Institutional
Studies, Wichita State University, Box #113, 67208
Omega Landowners Association, % Cornelia Calvert
6032 Legion, 67204

RESOLUTION NO. BZA 25-77

WHEREAS, Omega Landowners Association and the members thereof, c/o Cornelia Calvert, 6032 Legion, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to waive the screening requirement adjacent to the east property line on property zoned the "AA" Single Family Dwelling District, and "U" University District, and legally described as follows:

Lots 3, 4, and 5, Omega Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Bluff, north of 21st Street.

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 June 28, 1977, consider said application; and did, after failure to obtain three affirmative votes on a motion to approve the application, defer said application to its next meeting of July 26, 1977; 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 east property line in question, although adjacent to a public street, is a designated rear property line; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will adversely affect the rights of adjacent property owners or residents inasmuch as the neighborhood would have unobstructed view of unbuffered parking lots and sorority activities; 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 not constitute unnecessary hardship upon the property owner represented in the application inasmuch as proper screening and lighting would provide the best security for the residents and visitors of these sorority houses; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will adversely affect the public health, safety, morals, order, convenience and prosperity or general welfare; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as unbuffered parking lots adjacent to public streets are not compatible in a residential district where landscaped front yard setbacks are required; 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 not 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 waive the screening requirement adjacent to the east property line on property zoned the "AA" Single Family Dwelling District and "U" University District and legally described as:

RESOLUTION NO. BZA 25-77
Page 2

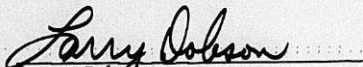
Lots 3, 4, and 5, Omega Addition, Wichita, Sedgwick
County, Kansas. Generally located on the west side
of Bluff, north of 21st Street,

be denied.

ADOPTED AT WICHITA, KANSAS, this 26th day of July, 1977.


Jerry W. Cole
Chairman

ATTEST:


Larry Dobson
Assistant Secretary



Notice brick walls
along back of house.

Someone leaving the
front entrance
would have to
pass brick wall
to get to parking



Notice how easy
to hide from women
leaving the back door.





WICHITA STATE UNIVERSITY

WICHITA, KANSAS 67208
PHONE 689-3450

SECURITY
1806 N. Harvard
Box 3

July 25, 1977

Dr. Robert M. Holmer
2246 N. Bluff
Wichita, Kansas 67220

Dear Dr. Holmer:

I have inspected the area surrounding and containing the new sorority houses in the vicinity of 21st Street and Bluff in regards to security, lighting, fencing, and/or another type of screening. I have also talked with the W.S.U. Police who advised members of Tri Delta Sorority against planting a hedge at the rear of their property adjacent to Bluff Street. The W.S.U. Police Officer who gave that advice stated that he was referring to a smooth evergreen type of hedge which would provide very little protection against intruders while, at the same time, providing an area for concealment for a person who might possess evil intentions toward sorority residents or their property.

In my opinion, screening of the proper type would present little or no problem if adequate lighting existed between the houses and the screen. My first recommendation for screening would be a redwood or cedar fence with a minimum height of 6'. If a hedge is planted for screening purposes, it should be a thorny type of hedge, planted to mature dense to insure difficulties to an intruder trying to force his way through or conceal himself. Another screening possibility which would provide maximum protection, and yet serve screening needs, is a 8' high chain link fence with vegetation such as an ivy planted to mature and cover the fence.

I have verbally recommended to W.S.U. Administrators previously that the entire sorority area be fenced and adequate lighting to the rear of the houses be installed.

If I can be of further assistance, please don't hesitate to call me.

Sincerely,

A handwritten signature in cursive script that reads "Milton L. Myers".

Milton L. Myers, Director
W.S.U. Department of Security & Traffic

MLM:bk

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

August 10, 1977

Mr. John Foulston
Foulston, Siefkin, Powers and Eberhardt
700 Fourth Financial Center
Wichita, Kansas 67202

Re: Case No. BZA 25-77
Request for Variance

Dear Mr. Foulston:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on Tuesday, July 26, 1977, in connection with your request for a variance to waive the screening requirement adjacent to the east property line on property zoned the "AA" Single Family Dwelling District and "U" University District, and generally located on the west side of Bluff.

This Resolution reflects the official action of the Board to deny your request. It is forwarded to you for your files and information.

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

Sincerely yours,

Larry Dobson
Assistant Secretary

LD:hh

cc: Omega Landowners Association, c/o Cornelia Calvert, 6032
Legion, 67204
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX

July 27, 1977

Tenth Floor, City Hall
455 North Main Street

Mr. John Foulston
Foulston, Siefkin, Powers and Eberhardt
700 Fourth Financial Center
Wichita, Kansas 67202

Re: Case No. BZA 25-77
Request for Variance

Dear Mr. Foulston:

At the regular meeting of the Board of Zoning Appeals on July 26, 1977, your request for a variance to waive the screening requirement adjacent to the east property line on property zoned the "AA" Single Family Dwelling District and "U" University District and generally located on the west side of Bluff was considered.

It was the action of the Board to deny the request.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bh

cc: Col. C. J. Pottebaum, 6503 E. Murdock, 67206
Omega Landowners Association, c/o Cornelia Calvert, 6032 Legion,
67204
Robert Holmer, 2246 N. Bluff, 67220
Bill Wentz, 2263 N. Bluff, 67220
Mr. and Mrs. Richard Isaakson, 2252 North Bluff
Dr. George Platt, Director, Land Use Planning, WSU, 67208
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator

WICHITA STATE UNIVERSITY
PLANNING AND
INSTITUTIONAL STUDIES



WICHITA, KANSAS 67208
AREA CODE 316
689-3015

July 6, 1977



Mr. Jack Galbraith
Metropolitan Area Planning Department
455 N. Main
Wichita, KS 67202

Re: BZA Case No. 22-77

Dear Jack:

The neighbors in the vicinity of Omega Addition have asked me to relate my understanding of commitments made concerning screening the sorority parking lots. The subject of screening was discussed with the sororities as early as 1973 when the site at Omega Addition was first considered. It was pointed out to them that we would have to secure a zoning change and that to do this we would need the cooperation of the area residents. One of the concerns of the residents was proper screening of parking lots and storage areas (for homecoming floats, etc.) from the neighborhood.

We worked very hard to obtain the consent of the area residents for the zoning change. They were given assurance that screening for parking areas would be provided. As a result they did not oppose the new zoning.

In my opinion, a very clear commitment was made for screening.

Sincerely,

A handwritten signature in cursive script, appearing to read "G. Platt".

George M. Platt
Director
Planning and Institutional Studies

GMP:mh

Tenth Floor, City Hall
455 North Main Street

July 1, 1977

Mr. John Foulston
Foulston, Siefkin, Powers & Eberhardt
700 Fourth Financial Center
Wichita, Kansas 67202

Re: Case No. BZA 25-77
Request for Variance

Dear Mr. Foulston:

At the regular meeting of the Board of Zoning Appeals on June 28, 1977, your request for a variance to waive the screening requirement adjacent to the east property, line on property zoned the "AA" Single Family Dwelling District, and "U" University District and generally located on the west side of Bluff in an area north of 21st Street was considered.

A motion to approve your request resulted in a vote of two in favor and one opposed. The Rules and Regulations under which the Board operates requires an affirmative vote of three Board members to dispose of any application. Therefore, this case will be scheduled for reconsideration at the Board's next meeting of July 26, 1977, at 1:30 p.m., in the Board Room of City Hall.

Sincerely yours,



Larry Dobson
Assistant Secretary

LD:bh

cc: Omega Landowners Association, c/o Cornelia Calvert, 6032 Legion, 67204
Robert Holmer, 2246 N. Bluff, 67220
Bill Wentz, 2263 N. Bluff, 67220
Robert Feldner, Supt., Central Inspection
Don Gisick, City Clerk
Joe Donnelly, Housing and Zoning Administrator

WICHITA-SEDGWICK COUNTY

DATE

METROPOLITAN AREA PLANNING DEPARTMENT

June 29, 1977

TO "The Files"
FROM Jack H. Galbraith, Chief Planner
SUBJECT Case No. BZA 25-77

With regard to this case, inasmuch as my wife is president of the Alumni Chapter of one of the sororities involved, I shall refrain from discussing this case or participation in staff report preparation or discussion before the Board.



Jack H. Galbraith
Secretary
Board of Zoning Appeals

JHG:e1

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE June 28, 1977



TO Larry Dobson, Junior Planner, Current Plans
FROM Evelyn Pittman, CPO Administrative Aide

SUBJECT BZA 25-77


At a recent meeting CPO Council "I" reviewed the captioned subject with the Aide and area residents. Following a lively discussion, the Council voted unanimously to recommend denial of the variance request. To grant the variance would violate previous agreement between neighboring residents and the sorority and would also adversely affect adjacent residents, the Council reasoned.

Your assistance in forwarding this recommendation to the Board of Zoning Appeals will be appreciated.


Evelyn Pittman
CPO Administrative Aide

EP:rh

NOTES:


David Furnas
CPO Coordinator

SECRETARY'S REPORT
CASE NO. B2A 25-77

APPLICANT: Omega Landowners Association and the members thereof, c/o Cornelia Calvert, 6032 Legion, Wichita, Kansas.

AGENT: John E. Foulston, 700 Fourth Financial Center, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to waive the screening requirement adjacent to the east property line.

GENERAL LOCATION: West side of Bluff, north of 21st Street.

ZONING: Subject property is zoned the "AA" Single Family Dwelling District and the "U" University District as are properties to the north and west. East is "AA" Single Family Dwelling District. South is the "U" University District.

LAND USE: Two of the three lots included in the application area have sorority houses under construction, the third lot is vacant. East is single family residential; north is an open space reserve, and then single family residential; south is the WSU campus; east is another lot under construction with a sorority and undeveloped land.

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).

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to waive the screening requirement adjacent to the east property line in conjunction with the development of sorority houses and associated off-street parking spaces.

Subject property consists of three platted lots in Omega Addition, all of which have access to 21st Street via a drive easement on the west side of these lots. A 25 foot platted building setback line was established from this drive easement and complete access control was established along Bluff Avenue, a public street adjacent to the east side of subject property. Each of these three lots is to be developed as a sorority house, as are the lots to the west on the other side of the private drive.

The Superintendent of Central Inspection has made the determination that the front yard of these three lots is adjacent to Omega Avenue (the private drive easement). Parking areas proposed for the east side of the properties may extend to the property line adjacent to Bluff, inasmuch as this has been determined to be a rear yard, but if parking is within 25 feet of the property line screening must be provided adjacent to the east property line to effectively screen the development from the view of the residential district to the east, as provided for in Section 28.04.160.K of the City Code. This adjacent property to the east, is for the most part, the side yard of a single family home located on a large unplatted tract fronting on 21st Street. An existing hedge row is located along the west edge of this property, which will serve to partially screen subject property from their view. There is one single family home north of this unplatted tract which lies across Bluff from the northernmost lot in the application area and fronts onto Bluff.

The screening as required by the above mentioned Section 28.04.160.K is defined as follows: "Decorative fencing, evergreen vegetation or landscaped earth berms maintained for the purpose of concealing from view the area behind such fence, evergreen, vegetation, or berms. When fencing is used for screening, it shall be not less than six nor more than eight feet in height." The ordinance provides an exception whereby screening of institutional uses may be omitted whenever a 25 foot landscaped yard is maintained adjacent to the property line in question. However, the applicant's desire to utilize the rear yards for parking makes it necessary for them to comply with the screening provisions or obtain a variance from the requirement.

It is the opinion of the Secretary that although a sorority house by definition would have to be classified as an institutional use, the actual use and characteristic of a sorority house would be residential in nature and appearance, similar to a multiple family residence.

The applicants point out that the Security Police of Wichita State University have told them that screening constructed as required would create a dangerous situation. Because of this concern for the safety and welfare of the women utilizing these sororities, the applicants are requesting a waiver of the screening requirement.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness may be found to exist in this situation inasmuch as the rear yard of these properties lies adjacent to a public street; and that the use of the property will be of a residential nature rather than the common interpretation of an institutional use.

ADJACENT PROPERTY:

It is the opinion of the Secretary that it is difficult to determine that a complete waiver of screening would not adversely affect the rights of adjacent property owners or residents inasmuch as lights from vehicles entering and leaving the parking areas would shine directly toward the front of existing and future homes on the east side of Bluff.

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 applicants if they are required to establish screening which would pose a serious threat to the welfare of the women who will utilize these sororities.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare and may in fact be in the best public interest.

SPIRIT AND INTENT:

It is the opinion of the Secretary that it is difficult to determine that the granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance inasmuch as a complete waiver of screening is requested which would leave property owners to the east without any protection from the glare of headlights and the view of unbuffered parking lots.

RECOMMENDATION:

It is the opinion of the Secretary that it is difficult to determine that the five conditions exist for the granting of the variance as requested. It is the recommendation of the Secretary that if a variance is granted, consideration be given to the problem of headlight glare onto neighboring residential properties.

21 notices sent to agent and/or applicant

10 notices sent to MAPC members

1 notice to CPO

32 notices sent on BZA BZA 25-77, June 6, 1977

sent
6-8-77

1- G. Platt, WSA

1- Curtis D. Tenflinger, 22-50 71 Rosserett, 67220

1- C. Ahlberg WSA

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

June 7, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 25-77

An application has been filed by Omega Landowners Association and the members thereof, c/o Cornelia Calvert, 6032 Legion, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the screening requirement adjacent to the east property line on property zoned the "AA" Single Family Dwelling District, and "U" University District, and legally described as follows:

Lots 3, 4, and 5, Omega Addition, Wichita, Sedgwick County, Kansas. Generally located on the west side of Bluff, north of 21st St.

This application has been assigned Case No. BZA 25-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, June 28, 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, 263-4516.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Omega Landowners Association and the members thereof

See attached,
Mailing Address c/o Cornelia Calvert
6032 Lepron, Wichita, Ks. 67204 phone 838-1895
and see attached

Name of Authorized Agent Foulston, Siefkin, Powers & Eberhardt

Mailing Address 700 4th Financial Center, Wichita, Ks. 67202 phone 267-6371

Relationship of applicant to property is that of Association of owners/
owners
(Owner, Tenant, Lessee, Other)

II. The variance requested is from the requirement for screening by
planting, fence or earth berms along the east side of Lots 3, 4 & 5,
Omega Addition to the City of Wichita

for property located on Omega Drive north of 21st Street

and legally described as: Lots 3, 4 and 5, Omega Addition to
the City of Wichita, Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned U-AA
(See determination letter and statement justifying the variance attached.)

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.

OMEGA LANDOWNERS ASSOCIATION AND THE MEMBERS THEREOF (See attached)

Applicant
FOULSTON, SIEFKIN, POWERS & EBERHARDT
By John E. Foulston
Authorized Agent John E. Foulston

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 4:30 (a.m. - p.m.), 5:31 19 77
together with appropriate fee of \$50.00.

Map 5750
w. side of Bluff N of 21st

T9-402

Larry Dobson
Signed

MEMBERS OF OMEGA LANDOWNERS ASSOCIATION

Gamma Upsilon House Corp. of Delta
Gamma Fraternity Inc.
D 1944 N. Yale
Wichita, Kansas 67208

House Corp. Gamma Psi Chapter of
Alpha Chi Omega
D 3607 Clough
Wichita, Kansas 67208

Phi Ki House Corp. of Delta Delta Delta
D 3600 Clough
Wichita, Kansas 67208

Wichita Alumni Chapter of Alpha Phi Inc.
D 3616 Clough
Wichita, Kansas 67208

Beta Chi of Gamma Phi Beta Inc.
D 3620 Clough
Wichita, Kansas 67208

STATEMENT IN JUSTIFICATION OF THE VARIANCE

The Superintendent of Central Inspection has determined that there should be screening along the east side of Lots 3, 4 and 5, Omega Addition, to comply with the requirements of Ordinance No. 28.04.160K. The Security Police of Wichita State University has told the applicants that a screening constructed as strictly required by the zoning ordinance would create a dangerous situation. Applicants, because of the concern for safety and welfare, do not wish to erect the screening as required, and the superintendent has indicated that their failure to comply with his decision will result in his enforcing said ordinance by failing to issue a certificate of occupancy.

Applicants believe that the variance from the strict application is fully justified because:

1. The condition is unique in that the rear yards of the affected properties fall on Bluff Street and the use of the property is not the type of institutional use contemplated by the zoning ordinance, but yet no distinction is made within the ordinance to relieve landowners in situations such as this.
2. The granting of the variance will not adversely affect the rights of the adjacent property owners because the buildings which are being constructed by the members of the Landowners Association appear to be no more than large residential buildings and to have those in view of the adjacent property owners cannot be offensive.
3. The strict application of the provisions of the zoning ordinance will create an unnecessary hardship because the health and safety of the residents will be endangered.
4. The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, and in fact, will aid and further same.
5. The granting of the variance will not oppose the general intent and spirit of the zoning ordinance because the variance will not cause the adjoining property owners or public to be adversely affected by traffic, noise, lights, etc., and will preserve the integrity and unity of the neighborhood.

MAR 14 1977

THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS
CENTRAL INSPECTION DIVISION
CITY HALL — SEVENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

March 10, 1977

Mr. George Platt
Wichita State University Planning Office
1845 Fairmount
Wichita, Kansas 67208

Dear Mr. Platt:

Re: Sorority Parking Lots; Screening and Set Backs

You may recall our telephone conversation on Friday, March 4, that raised the question of required screening along those portions of sorority parking lots along Bluff north of 21st Street. These parking areas serve the Gamma Phi Beta, Alpha Phi and Delta Delta Delta Sororities.

I reviewed this question with Mr. Robert Feldner, Superintendent of Central Inspection Division, and Mr. Robert Lakin, Director of Metropolitan Area Planning Department. The known facts surrounding the question include

1. There is no required off street parking for any of the sororities since the university was to provide access to the school facility which was within 600 feet (immediately south of 21st Street)
2. The zoning is a "U-AA" combined district approved by the City Commission without a requirement for fencing or screening in their action of December 23, 1975.

SUPERINTENDENT OF CENTRAL INSPECTION268-4400
BUILDING CODE ENGINEER268-4468
PLAN EXAMINATION268-4477

HOUSING268-4481
ZONING268-4479
SIGNS268-4475

BUILDING & CONSTRUCTION268-4461
PLUMBING & MECHANICAL268-4470
ELECTRICAL & ELEVATOR268-4471

THE CITY OF WICHITA

March 10, 1977
Mr. George Platt
Re: Sorority Parking Lots
Page 2

3. The lots on which the above named sororities are planned or built extend from Omega Drive to Bluff and, thus, front on both the public street of Bluff and the private drive of Omega Avenue. The approved plat shows a 25' building set back along Omega Avenue and extending eastward along 21st Street to Bluff. No set back is shown along Bluff.
4. The screening requirements of Section 28.04.160 K call for screening or landscaping between institutional and residential properties.

In consideration of the foregoing, the superintendent made the determination that the front yard is adjacent to Omega Avenue; that off street parking is not required, but that where it is provided, it must be screened from the surrounding residential development; and that a set back will not be required along Bluff for parking purposes.

Screening may consist of planting, fence or landscaped earth berms for purposes of preventing a view of an area behind the screen. If planting is selected for screening, a landscape plan must be submitted to the Superintendent of Central Inspection and to the Director of the Planning Department for approval. If a fence is used, the height is to be not less than six or more than eight feet tall.

I have been told of the apprehension which members of the sorority have concerning screens, fences or similar separations providing a means of concealment for potential attackers who may assault them as they go to or from their autos. It appears that the question becomes one of whether a pleasant view to the neighbors is more important than the personal safety of the young women.

Although the Superintendent of Central Inspection is bound to make his interpretations consistent with the provisions of the ordinances as adopted, the sororities should be advised of their privilege to appeal his decision. The appeal should be addressed to the Board of Zoning Appeals through the Metropolitan Area Planning Department if they wish a review of the superintendent's decision.

Yours very truly,


Leland R. Johnson
Building Code Engineer

cc: ✓ Mr. Fred Braht
Mr. Larry Reynolds
Woodman-Van Doren
Mr. Robert Lakin

O W N E R S H I P L I S T

Lot	Block	Addition	Property Owner
1	A	Second Addition to Schreck Estates	✓ Perry F. Harris Jr. and Helen P. 2253 Gentry Drive 67220
1	C	Replat of Block C & D and Part of B, Second Add. to Schreck Estates	✓ Millard F. Hick, 2240 North Bluff 67220
2	C	Same	✓ Robert M. Holmer and Elizabeth K. 2246 North Bluff 67220
3	C	Same	✓ Richard L. Isakson and Marne B. 2252 North Bluff 67220
4	C	Same	✓ Walter R. Grundman and Naomi M. 2258 North Bluff 67220
4	B	Same	✓ James H. Chism and Geraldine Chism 2257 North Bluff 67220
1	C	Mona Lynn Estates	✓ Milo Wright and Mabel Wright 2200 North Roosevelt 67220
2	C	Same	✓ Russell W. Miller and L. Lorraine 2220 North Roosevelt 67220
3	C	Same	✓ James H. Petree and Sandra A. Petree 2230 North Roosevelt 67220
4	C	Same	✓ Curtis D. Terflinger and Marjorie A. 2250 North Roosevelt 67220
6	C	Same	✓ Aline W. Friedel 2277 Gentry Drive 67220
lot 1 & W $\frac{1}{2}$ private drive adjacent		Omega Addition	✓ Gamma Upsilon House Corp. of Delta Gamma Fraternity Inc. 1944 North Yale 67208
lot 2 & W $\frac{1}{2}$ private drive adjacent		Same	✓ House Corp. Gamma Psi Chapter of Alpha Chi Omega 3607 Clough 67208
lot 3 & E $\frac{1}{2}$ private drive adjacent		Same	✓ Phi Ki House Corp. of Delta Delta Delta 3600 Clough 67208
lot 4 & E $\frac{1}{2}$ private drive adjacent		Same	✓ Wichita Alumni Chapter of Alpha Phi Inc. 3616 Clough 67208

Lot	Addition	Property Owner
5 & E $\frac{1}{2}$ private drive adj.	Omega Addition	Beta Chi of Gamma Phi Beta Inc. 3620 Clough 67208
Reserve	Same	Board of Trustees, Wichita State University, 1845 Fairmount 67208
lot 1, Blk B exc. N 105'	Second Addition to Schreck Estates	Board of Trustees, Wichita State University, 1845 Fairmount 67208
S 80' of N 105' lot 1, Block B	Same	Godfrey B. Thomas and Iola M. Thomas 2278 Gentry Drive 67220

Beginning at the Southwest corner of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 2-27-1E North 412 feet, East 239.867 feet, South 412 feet, West 239.867 ft to beg.

Alfred M. Tocker and Lila Rodriguez
1035 N. Emporia Tocker
67214

Beg. at the NW corner of the NE $\frac{1}{4}$ of Section 11-27-1E, thence South along the West line of said NE $\frac{1}{4}$ 594.5 feet; thence East parallel with the North line of said NE $\frac{1}{4}$ 180 feet; thence with an angle to the left of 12°44'10" a distance of 270.15 feet; thence North a distance of 535.56 feet to a point on the North section line 2197.5 feet West of the East Section line; thence West 460.03 feet to point of beginning, subject to road row on the North 50 feet

State of Kansas - 7

The East 55 feet of a tract in the NW $\frac{1}{4}$ of Section 11-27-1E, described as: Beg. at the NE corner of said NW $\frac{1}{4}$, thence West 268.4 feet; thence South 600 feet; thence East 268.4 feet; thence North to pob.

State of Kansas - 7

Two tracts in the NW $\frac{1}{4}$ of Section 11-27-1E described as: Beg. 486.2 feet West of the NE corner of said NW $\frac{1}{4}$, thence West 217.8 feet, thence South 600 feet, thence East 217.8 feet, thence North 600 feet to beg. and

The University of Wichita, Wichita, Kansas 1845 Fairmount 67208

Beg. at point 268.4 ft West of NE corner of NW $\frac{1}{4}$ Section 11-27-1E, thence West 217.8 feet, thence South 600 ft, thence East 217.8 feet, thence North 600 feet to pob.

The University of Wichita, Wichita, Kansas 1845 Fairmount 67208



434 NORTH MAIN
WICHITA, KANSAS 67202
267-8371

The Security Abstract & Title Company, Inc.,
hereby certifies the foregoing to be a true and correct list
of property owners of:

A 200 foot radius of: Lots 1, 2,
3, 4 and 5, Omega Addition, Sedgwick
County, Kansas

as shown by the records on file in the Office of the Register of
Deeds of Sedgwick County, Kansas, on the 23rd day of May, 1977
at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 250896
wh

Form 223-

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
Variance	
Appx application	\$ 5000
BZA	

Name John Foulster

Address 700 4th Financial Center

Type AA 407103 Due Date

Comments:

Date 5-27-77 By [Signature]

*

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