

Case No. BZA 49-77 - Dillon  
Real Estate Co., Inc.,  
Requests a variance to waive  
the required screening along  
the south property line  
(southeast corner of  
[unclear] and Volusia)

Posted  
1-12-78  
M  
MAYOR  
C.I.  
1-19-78  
M

# ACTION

BZA 49-77 COMMITTEE Approved DATE 12-20-77

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

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

Case No. BZA 49-77 - Dillon  
Real Estate Co., Inc.,  
Requests a variance to waive  
the required screening along  
the south property line  
(southeast corner of  
[redacted] and Valhalla)

Map No. 5647  
 Sec. 22  
 Twp. 27  
 Range 1E

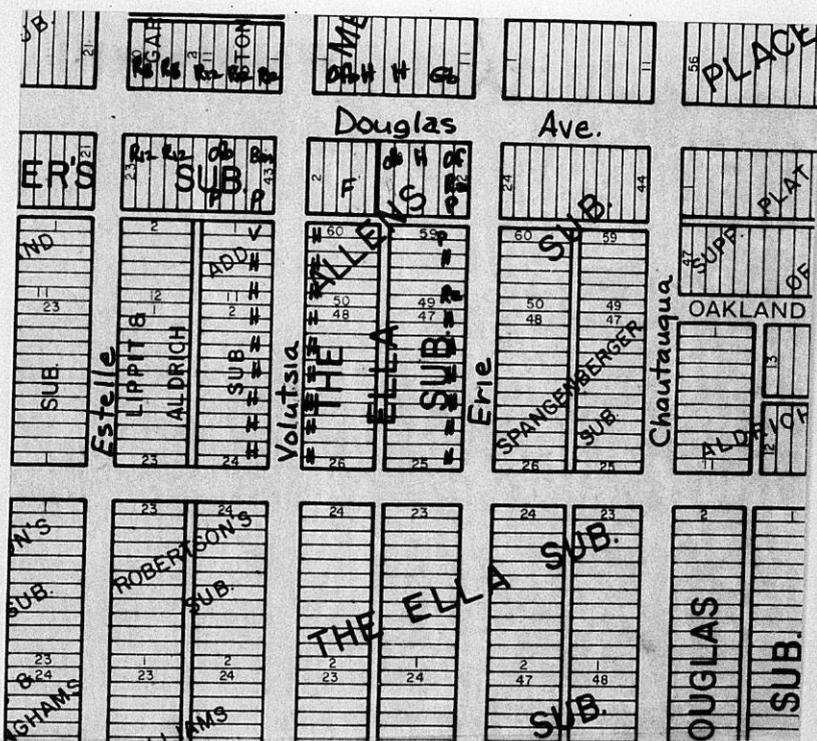
BZA- 49-77  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.27 ( 125 ft. by 130 ft.)  
 2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_  
 3. Land Use: East OFFICE South SINGLE FAM  
 West PARKING LOT North OFFICE BLDG.  
 1. Sketch Plan Land Use is for: \_\_\_\_\_  
 5. Present Land Use if for: FOOD STORE  
 5. Area (is) (is not) platted.

PHOTO DATA:

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



HASTINGS, MINN. LOS ANGELES, CALIF.  
 LOAN ON - INDEMNITY, TX U.S.A.

**S**  
 No. 2-153C

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

November 28, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 49-77

An application has been filed by Dillon Real Estate Company, Inc., 2700 East Fourth Street, Hutchinson, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the required screening adjacent to the south property line on property zoned "LC" Light Commercial District, and legally described as follows:

Lots 2, 4, 6, 8 and the west 20 feet of Lot 10, on Douglas Avenue, Allen's Subdivision of Lots 1 and 2, Richland's Second Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Douglas and Volutsia (2809 E. Douglas).

This application has been assigned Case No. BZA 49-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 20, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

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

Jack H. Galbraith  
Secretary

May 8, 1978

Ms. Mary Pittman  
C.P.O. Administrative Aide  
City Hall  
455 North Main Street  
Wichita, Kansas 67202

Re: Kwik Shop #748, 2809 East Douglas, Wichita, Kansas.

Dear Ms. Pittman:

It is the intent of this letter to inform you that Kwik Shop, Inc. will erect a fence on the back property line at this location as was proposed by your C.P.O. group at a meeting on December 6, 1977.

This fence will be approximately 74' long and will begin at a point on the line and the west edge of the building. It will be 4' high from the beginning to a point 20' east of the west property line. From that point to the property line, the fence cannot be higher than 3' which is to comply with a city requirement that the fence not be higher so as to provide visibility to motorists using the alley.

After I had the opportunity to check out the problem, which I was informed of by our phone conversation, and your letter of May 3rd, I learned that Kwik Shop's representatives, Mr. Collins and Mr. Schwetye, had discussed the fence with the members of the C.P.O. and had committed us to the 3 or 4 foot fence, however, I was never informed (for some unknown reason) of that agreement.

When I received notice of the granting of the variance from the city of Wichita, who I thought had the authority to make these decisions, I naturally determined that we would not build a fence here until the fence on the south side of the alley was removed, the condition for granting the variance. I am enclosing copies of this information from the city for your information.

The plans for the fence are out for bids. It is our hope that this can be completed within 3 weeks. I also hope that our action (even though late) can restore your committee's and your faith in our company.

OPERATING STORES IN KANSAS, NEBRASKA & IOWA



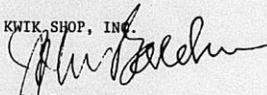
Ms. Mary Pittman  
May 8, 1978  
Page 2

Mr. Rick Gould, the Kwik Shop Area Merchandiser at this location, is working with the store manager, Arlyn Baird, and the neighborhood on the litter problem as was mentioned in your letter.

If you have any questions, please don't hesitate to contact me.

Sincerely,

KWIK SHOP, INC.

  
John Baldwin  
President

JB:an

Enclosures

cc: E. H. Denton - City Manager, Wichita  
Larry Dodson - Secretarial Board of Zoning Appeals  
Bob Collins - Architect  
Ray E. Dillon, Jr. - President, Dillon Companies  
Richard W. Dillon - Vice President, Dillon Companies  
Thom Schwetye - Manager of Construction & Equipment  
Doug Chrislip - Vice President, Director of Operations  
Bill Taylor - Division Manager  
Rick Gould - Area Merchandiser  
Arlyn Baird - Store Manager

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

COPY  
CASE NO. \_\_\_\_\_  
FILED \_\_\_\_\_

**APPLICATION FOR VARIANCE**

- I. Name of Applicant HILLON REAL ESTATE COMPANY, INC.  
Mailing Address 2700 East Fourth Street Phone (316) 665-5511  
Hutchinson, Kansas 67501  
Name of Authorized Agent Robert L. Collins  
Mailing Address 222 North Quentin Phone 682-4036  
Wichita, Kansas 67208  
Relationship of applicant to property is that of Lessee  
(Owner, Tenant, Lessee, Other)
- II. The variance requested is screening requirement along the rear  
property line of the property leased by the Applicant and the  
residential land use to the south  
for property located south east corner of Volusia and East  
Douglas (2501 East Douglas)  
and legally described as: lots 2, 4, 6, 8, & West 20 feet of lot 10  
on Douglas Avenue, Highlands Second Addition to the City of  
Wichita, Sedgwick County, Kansas.  
in the City of Wichita; and which is presently zoned LC.
- 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.

Applicant Hillon Real Estate Co., Inc.  
Robert L. Collins  
Authorized Agent Robert L. Collins

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

\_\_\_\_\_  
Signed

4. THE NECESSARY CONSIDERATION OF THE APPLICANT IN THIS REQUEST IS FOR THE SAFETY AND GENERAL WELFARE OF HIS EMPLOYEES, CUSTOMERS AND ADJOINING NEIGHBORS. HE FEELS THAT THE INSTALLATION OF THE SECOND FENCE WILL NOT SERVE THE BEST INTERESTS OF THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.

5. THE LIGHT COMMERCIAL LAND USE OF THE APPLICANT'S PROPERTY WILL BE SCREENED BY THE EXISTING FENCE AND LANDSCAPING AND WILL NOT OPPOSE THE GENERAL SPIRIT AND INTENT OF TITLE 28.

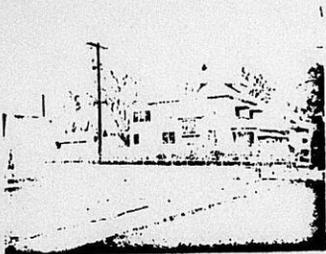
THE APPLICANT IS A LEADER IN HIGH-PRICED CONVENIENCE STORES IN KANSAS, MISSOURI AND IOWA. HIS EXPERIENCES WITH SIMILAR SITUATIONS HAS BROUGHT ABOUT THIS REQUEST FOR ZONING VARIANCE. HE RESPECTFULLY REQUEST YOUR CONSIDERATION.

Applicant Millon Real Estate Co., Inc.  
Robert L. Collins  
Authorized Agent Robert L. Collins

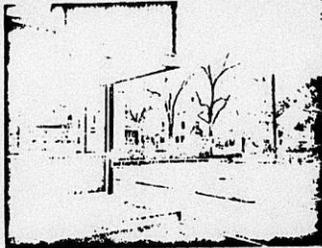
OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals \_\_\_\_\_ (a.m. - p.m.), \_\_\_\_\_ 19 \_\_\_\_\_ together with appropriate fee of \$50.00.

T9-402

\_\_\_\_\_  
Signed



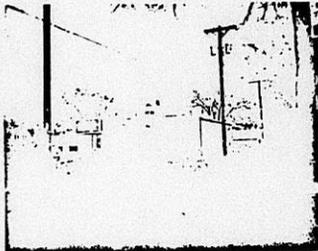
LOOKING SOUTHEAST



LOOKING SOUTHWEST



LOOKING EAST



LOOKING NORTHEAST

*Frank L. Schmitt* FOR DEE. CO. INC.  
Applicant Dillon Real Estate Co., Inc.

*Robert L. Collins*  
Authorized Agent Robert L. Collins

2.  
NC.

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

T9-402

\_\_\_\_\_  
Signed

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

November 23, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 49-77

An application has been filed by Dillon Real Estate Company, Inc., 2700 East Fourth Street, Hutchinson, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the required screening adjacent to the south property line on property zoned "LC" Light Commercial District, and legally described as follows:

Lots 2, 4, 6, 8 and the west 20 feet of Lot 10, on Douglas Avenue, Allen's Subdivision of Lots 1 and 2, Michland's Second Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Douglas and Volusia (2809 E. Douglas).

This application has been assigned Case No. BZA 49-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 20, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

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

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

AGENDA

DECEMBER 10, 1977

The regular meeting of the Board of Zoning Appeals will be held on December 20, 1977, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, beginning at 1.30 p.m.

The following items will be considered:

1. Approval of minutes of October 25, 1977.  
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2. Adoption of Closing and Meeting Date Schedule for 1978.  
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3. Introduction of new member.  
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4. Case No. BZA 47-77  
Request: Variance.  
Reason: To reduce the required front yard setback from 20 feet to 0 feet for off-street parking purposes only.  
Existing Zoning: "B" Multiple Family Dwelling District.  
Location: East side of N. Main street, in an area north of 5th Street (1010 North Main).  
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5. Case No. BZA 48-77  
Request: Exception.  
Reason: To permit the establishment of an off-street parking lot.  
Existing Zoning: "A" Two Family Dwelling District.  
Location: East side of Erie, in an area south of Douglas (118 S. Erie).  
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6. Case No. BZA 49-77

Request: Variance  
Reason: To waive the required screening adjacent to the south property line.  
Existing Zoning: "LC" Light Commercial District.  
Location: Southeast corner of Douglas and Volusia (3809 E. Douglas).

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7. Case No. BZA 50-77

Request: Exception.  
Reason: To permit the establishment of a self-service car wash operation.  
Existing Zoning: "LC" Light Commercial District.  
Location: Northeast corner of Mallogg and Lock Road.

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8. Case No. BZA 51-77

Request: Variance.  
Reason: To reduce the required number of off-street parking spaces from 27 spaces to 23 spaces.  
Existing Zoning: "D" Multiple Family Dwelling District (approved for "DB" Office zoning).  
Location: Southeast corner of Douglas and Clifton (3705 East Douglas).

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9. Case No. BZA 52-77

Request: Variance.  
Reason: To waive the required screening adjacent to the west property line.  
Existing Zoning: "LC" Light Commercial District.  
Location: Southeast corner of Broadway and Osie (1701 South Broadway).

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10. Other matters:

Jack E. Galbraith  
Secretary

Handwritten mark: *han*

sssksksksksksk  
~~XXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~

Tenth Floor, City Hall  
455 North Main

December 21, 1977

Mr. Robert L. Collins  
222 North Quentin  
Wichita, Kansas 67208

Re: Case No. BZA 49-77  
Request for Variance

Dear Mr. Collins:

At the regular meeting of the Board of Zoning Appeals on December 20, 1977, your request for a variance to waive the screening requirement adjacent to the south property line on property zoned the "LC" Light Commercial District and generally located at the southeast corner of Douglas and Volusia was considered.

It was the action of the Board to grant the request subject to the following condition:

1. In the event the screening is removed from the property south of subject property, the applicants shall comply with the screening requirements of the zoning ordinance pertaining to screening of the south property line.

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.

Yours very truly



Larry Johnson  
Assistant Secretary

LW:bh

cc: Dillon Neal Estate Company, Inc., 2700 E. 4th, Hutchinson  
67501

Don Gisiok, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator

METRO BOARD OF ZONING APPEALS  
DEPARTMENT

CITY HALL - TENTH FLOOR  
436 NORTH MAIN STREET  
WICHITA, KANSAS 67202  
CITY 268-4541

Mr. Robert L. Collins  
222 North Quentin  
Wichita, Kansas 67208

268-4421  
January 5, 1978

Re: Case No. BZA 49-77  
Request for Variance

Dear Mr. Collins:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 20, 1977, in connection with your request for a variance to waive the screening requirement adjacent to the south property line on property zoned the "LC" Light Commercial District and generally located at the southeast corner of Douglas and Volusia.

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

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

Very truly yours,

*Larry Dobson*  
Larry Dobson  
Assistant Secretary

LD:bh

cc: Dillon Real Estate Company, Inc., 2700 E. 4th, Hutchinson  
67501  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

RESOLUTION NO. BZA 49-71

WHEREAS, Dillon Real Estate Company, Inc., 2706 East Fourth Street, Hutchinson, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to waive the required screening adjacent to the south property line on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 2, 4, 6, 8 and the west 20 feet of Lot 10 on Douglas Avenue, Allen's Subdivision of Lots 1 and 2, Richland's Second Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Douglas and Volusia (2809 E. Douglas).

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 December 20, 1977, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as subject property is already effectively screened from the residential properties to the south by an existing fence and clipped hedge; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the existing fence on the south side of the alley will visually screen the commercial development, while leaving the alley visible from the north which should provide for better security to the neighborhood; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application inasmuch as the result which is desired to be achieved by screening is already accomplished by the existing fence on the south side of the alley; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the construction of the second fence on this alley could create an unfavorable security situation for area businesses and residences alike; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the single family residence required to be screened from the commercial development is already screened by their own fence; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to waive the required screening adjacent to the south property line on property zoned "LC" Light Commercial District, and legally described as follows:

Lots 2, 4, 6, 8 and the west 20 feet of Lot 10 on Douglas Avenue, Allen's Subdivision of Lots 1 and 2, Richland's Second Addition to the City of Wichita,

Sedgwick County, Kansas. Generally located at the  
southeast corner of Douglas and Volusia (2809 E.  
Douglas).

be approved subject to the following condition:

1. In the event the screening is removed from the property south  
of subject property, the applicants shall comply with the re-  
quirements of the zoning ordinance pertaining to screening of  
the south property line.

ADOPTED AT WICHITA, KANSAS, this 20th day of December, 1977.

ATTEST:

Larry Dobson  
Larry Dobson, Assistant Secretary

James Richardson  
James Richardson, Chairman



COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to waive the screening requirement adjacent to the south property line, which is a boundary line between the "LC" Light Commercial District and the "A" Two Family Dwelling District.

Section 28.04.160.K of the City Code provides that property developed for commercial use, when such use is established adjacent to any residential district, shall provide screening along all side or rear lot lines adjacent to the residential zoning district to extend to within 20 feet of street right-of-way. When fencing is used for the screening, it must be at least 6 and not more than 8 foot in height, except that screening within 20 foot of street right-of-way must be reduced to 3 foot in height.

Subject property, located at the southeast corner of Douglas and Volutsia, is bordered on the south by a paved alley which separates it from a single family residence to the south. It is along this south property line that the applicants are requesting a waiver of the screening requirements. The south side of the alley is defined by a six foot high board fence, except for the east 35 feet which is landscaped with a 3 to 4 foot high clipped hedge. The applicants contend that a fence along their south property line, 15 feet from the above described fence, will create a tunnel effect which could create a security and vandalism problem not only for subject property but for adjoining neighbors.

A pipe rail fence approximately 1 foot high now exists along the southern property line, which would prohibit vehicular traffic from utilizing the alley for access to subject property.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness may be found to exist in this situation inasmuch as subject property is already effectively screened from the residential properties to the south by an existing fence and clipped hedge.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the requested variance may not adversely affect the rights of adjacent property owners inasmuch as the existing fence on the south side of the alley will visually screen the commercial development, while leaving the alley visible from the north which should provide for better security to the neighborhood.

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 applicant inasmuch as the result which is desired to be achieved by screening is already accomplished by the existing fence on the south side of the alley.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the requested variance would not adversely affect the public interest inasmuch as the construction of the second fence on this alley could create an unfavorable security situation for area businesses and residences alike.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested may not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the single family residence required to be screened from the commercial development is already screened by their own fence.

RECOMMENDATION:

If the Board finds the above five conditions to exist, it is recommended that the variance be granted subject to the following conditions:

1. In the event the screening is removed from the property south of subject property, the applicants shall comply with the requirements of the zoning ordinance pertaining to screening of the south property line.

-----  
At this point  
The request to fence  
still exists

THE CITY OF WICHITA

CITY OF WICHITA COMMUNITY DEVELOPMENT BOARD  
CITY HALL - 3RD FLOOR  
124 N. GARDNER STREET  
WICHITA, KANSAS 67202  
(316) 258-4514



May 3, 1978

Mr. John Baldwin, President  
Kwik-Shoppe, Inc.  
2700 E. 4th Street  
Hutchinson, Kansas 67501

Dear Mr. Baldwin:

As you may know, neighbors in the area of your Kwik-Shoppe at Douglas and Volusia in Wichita are very concerned by what would appear to be the reluctance of the Dillons Stores to fulfill their promise to build a fence on the south property line of the Kwik-Shoppe.

On the basis of the reputation of the Dillons Stores in our community, the CPO Council and the residents trusted the representatives of Dillons who told them a fence would be built. The residents and Council are now beginning to feel that their confidence in the Dillons Corporation was misplaced.

On December 6, 1978, your Manager of Construction and Equipment Tom Schwetye and your architect Bob Collins met with residents at a CPO Neighborhood Council Area "K" meeting to discuss the waiver of screening requirements that Dillons had requested from the Board of Zoning Appeals for their Kwik Shoppe. Residents indicated that they wanted to see a three or four-foot fence built on the south property line instead of a six-foot fence, as required by City Code. The Dillons representatives promised that such a lower fence would be built and that Dillons would do whatever they could to live in harmony with their neighbors. As you can see from the attached memo to the Board of Zoning Appeals, the CPO Council recommended that the waiver requested by Dillons be granted, subject to the agreement which had been reached between Dillons and the neighbors.

Following the BZA's decision to grant the waiver, negotiations continued on the building of the fence, between a carpenter in the neighborhood (Greg Fisher) and Tom Schwetye. However, as soon as the three-month deadline for appeal of a BZA decision had been passed, the residents were given the impression that the fence would never be built. They returned to the CPO Council "K" to express their concern. Both the residents and the Council realize that they may have been naive to trust in the word of Dillons representatives and not to obtain a written agreement. Indeed, the Council is considering publicizing the case throughout the entire CPO organization so that all Councils will in the future take precautions to get written agreements, when working with companies such as Dillons.

In the meantime, Council "K" has asked that I forward the attached petition

THE CITY OF WICHITA

Mr. John Baldwin, President

Page 2

May 3, 1978

and photographs of the trash in the alley to you. The Council also asked that I invite you to attend the next meeting of Area "K", which will be on Tuesday, May 16, 1978 at 7 p.m. Neighborhood Council Area "K" meets at the Brotherhood Presbyterian Church at the corner of 13th and Grove in Wichita.

If you desire to be present at the meeting, please call me at 268-4519 to confirm your attendance. (I will need to know by May 10, 1978 in order to schedule you on the agenda.) I should note that the Council has also asked me to forward copies of the petition and photographs to the Wichita-Sedgwick County Health Department and the City Manager.

*Mary Pitman*

Mary Pitman,  
CPO Administrative Aide

attachments

cc E. H. Denton, City Manager  
\* Larry Dobson, Secretariat, Board of Zoning Appeals  
Bob Collins, Architect  
Dick Dillon, Vice-President, Dillon Companies, Inc.  
Ray E. Dillon, Jr., Chairman of the Board, Dillon Companies, Inc.  
Tom Schwetye, Manager of Construction and Equipment  
CPO Neighborhood Council Area "K"  
Greg Fisher, 124 S. Volutsia

CITIZEN PARTICIPATION

December 7, 1977

Larry Dobson, Secretariat, Board of Zoning Appeals

Mary Pitman, CPO Administrative Aide

BZA 49-77 (Southeast corner of  
Douglas and Volutsia)

At their meeting on December 6, 1977, CPO Neighborhood Council Area "K" considered the captioned request for a waiver of screening requirements.

Three neighbors attended the meeting, in addition to two representatives of the applicant. The neighbors stated that they wanted to see a fence required on the applicant's south property line, to screen the alley; however, they did not want a six-foot fence. They recognized that the tunnel effect of two six-foot fences along both sides of the alley could aggravate existing problems of loitering youths, vandalism, and littering. However it was felt that a three-foot fence on the applicant's property line might be some protection from littering, and would at minimum afford a psychological comfort to residents, who fear the encroachment of commercial business in their neighborhood.

The applicant's representatives expressed a willingness to cooperate as much as possible with the residents and to work out a compromise.

CPO Council "K" voted unanimously to recommend that the applicant's request for a waiver be granted, subject to an agreement being reached between the Dillons Company and the residents.

Please convey this recommendation to the Board of Zoning Appeals when they consider this case on December 20, 1977.

Mary Pitman  
CPO Administrative Aide

MP:sm

Noted:

\_\_\_\_\_  
David Furnas  
Citizen Participation Coordinator

Members of the area "K" Citizens Notification Organization

I, as a resident (and/or) business person within the area near Volusia and Douglas. I am of the following opinion concerning whether, or not, I would prefer the Dillons Corp. (an owners of the properties, located at Volusia and Douglas) to construct a 4 (four) foot fence along the Kwik-Shop's south boundary line, for the purpose of preventing, as much as possible, their litter from being blown into the adjacent neighborhood. I have heard that on, or near Dec. 6, 1977 the Dillons Corp. applied for, and later received, a waiver which removed the normal requirement for construction of a 6 (six) foot fence on the property in question. And that this waiver was granted with the cooperation of some local residents who, along with a city and representative, and an architect saw a possible visibility hazard in the alley just south of the Kwik-Shop, arising from a 6 (six) foot fence. However, the cooperation of the residents in obtaining this waiver was on the condition that Dillons would erect a fence of lower height so that litter from the Kwik-Shop would still be prevented, to some degree, from being blown into the neighborhood. Recently however, there seems to have arisen a serious question as to whether or not Dillons intends to honor their agreement with the local residents, now that Dillons has received their waiver. This opinion is based upon a recent telephone conversation with a Dillons representative.

Concerning this issue I am of the following opinion:

Name	Address	I would prefer a fence be erected on the area in question	I would not care to have a fence in this area	I have no preference, or would not care to state an opinion.
Gene Schauer	116 S. Volusia	YES		
Eric Fisher	124 So Volusia	Yes		
Marie Eaton	153 S. Volusia	yes		
Michelle Melugin	1405 Ostland	yes		
John Woyne	1575 Volusia	yes		
John Woyne	121 So Volusia	Yes		
Ray Krueger (Mrs W.S.)	118 S. Volusia	YES		
Paul M. Watts	131 S. Volusia	yes		
Dore Kaufman	135 So Volusia	yes		
John D. Hill	112 S. Volusia	Yes		
David Bondre	136 S. Deltona	yes		
Merle Margrave	142 S. Volusia	yes		
Frank Kelly	347 S. Chaut.	Yes		
Joe Yancy	2821 1/2 S. Douglas	Yes		

WICHITA-SEDGWICK COUNTY  
DEPARTMENT OF COMMUNITY HEALTH  
1900 EAST NINTH, WICHITA, KANSAS

ENVIRONMENTAL REQUEST FOR SERVICE

LOCATION <b>Alley parallel to and south of Douglas between Volutsia and Eric</b>	CORRECT ADDRESS
NAME	OCCUPANT OR AGENT
REQUESTEE <b>CPO Neighborhood Council Area "K"</b>	PROPERTY OWNER
ADDRESS <b>13th floor, City Hall, 455 N. Main</b>	ADDRESS
PHONE <b>268-4516</b>	PHONE
DATE <b>5/3/78</b>	WICHITA <input type="checkbox"/> OTHER CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> CENSUS TRACT <input type="checkbox"/>
TAKEN BY <b>Mary Pittman (CEO)</b>	IMPROVED <input type="checkbox"/> UNIMPROVED <input type="checkbox"/> UNOCCUPIED <input type="checkbox"/> ZONING
SELF INITIATED	TYPE OF STRUCTURE
REFERRED TO <b>Larry Honton</b>	DISTRICT <b>3</b>
CONDITION REPORTED:	SINGLE FAMILY <input type="checkbox"/> DUPLEX <input type="checkbox"/> 3 FAMILY <input type="checkbox"/> 4 FAMILY <input type="checkbox"/> MULTI-FAMILY <input type="checkbox"/> MOBILE HOME <input type="checkbox"/> INDIVID. PARKING <input type="checkbox"/>
	INDUST <input type="checkbox"/> GOVERN <input type="checkbox"/> COMMERCIAL <input type="checkbox"/> AGR. <input type="checkbox"/>

**Background:**

In December, CPO Neighborhood Council Area "K" considered a request from the Kwik Shoppe

(at Douglas and Volutsia) for a waiver from the requirement that they screen their commercial property with a fence. Residents appeared to speak against the granting of the waiver. It was finally agreed that a four-foot fence would be built along the Kwik Shoppe south property line. (There is a six-foot fence on the other side of the alley.) The neighbors did not obtain any agreement from the Dillona Company in writing. For several months the company has given the impression that the fence would be built to the satisfaction of the neighbors. However, now that the three-month deadline for appealing a BZA decision has past, the Dillona Company does not seem to be willing to build the fence. At their last meeting, CPO Council "K" requested that I notify the Health Department about the trash in the alley, and forward the attached photograph and petition as well.

INVESTIGATION:	DATE	CONTACTS REQUESTEE <input type="checkbox"/>	OTHER (SPECIFY e.g. PERSON RESPONSIBLE)
----------------	------	---------------------------------------------	-----------------------------------------

CONDITIONS FOUND:



ACTION TAKEN:	CONSULTATION <input type="checkbox"/>	NOI <input type="checkbox"/>	PERSONAL LETTER <input type="checkbox"/>	CERT. LETTER <input type="checkbox"/>	SUMMONS <input type="checkbox"/>	EXTENSION <input type="checkbox"/>	PERMIT APPROVED <input type="checkbox"/>
JUNK VEHICLE STICKER <input type="checkbox"/>	OTHER (SPECIFY)	RECHECK DATE	COMPLIANCE <input type="checkbox"/>				

SIGNED

ENVIRONMENTALIST

*JB*

April 10, 1978  
File #8239

*Called Fred on 4/12/78  
and he realized that a zone  
change was not involved.  
JHO*

Mr. John Baldwin  
The Dillon Companies  
2700 East 4th Street  
Hutchinson, Kansas 67501

Dear Mr. Baldwin:

We have had conversations with owners of residential properties adjoining your new Quik Shop store at the corner of Volutsia and Douglas in Wichita.

I understand from our conversations that the neighbors originally expressed opposition to the store. However, in consideration of promises which allegedly were made by you and Mr. Schwettye, the opposition was withdrawn. One of the alleged commitments, I understand, was the construction of a four foot fence as a barrier between the parking lot and neighboring residences. In consideration of the alleged promises, and others, opposition to a requested zoning change, among the items, was withdrawn.

?  
*Dispute have  
a case?*

Although the commitment was verbal, the property owners accepted it at face value. At the present time, we understand your firm has decided a fence will not be installed. This is proving distressing to the persons surrounding the store because in the opinion of several of the people the need for the fence is more than justified based upon the experiences they have with traffic in and out of the store's lot.

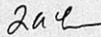


Mr. John Baldwin  
April 10, 1978  
Page Two

In consideration of neighborhood harmony, would it be practical for you to reopen the question of the fence and give it serious consideration?

We look forward to hearing from you.

Sincerely,



Fredrick A. Linde,  
Grievance Officer

FL:lc

cc: ✓ Bob Lakin, Planning Department  
Bob Feldner, Central Inspection

RESOLUTION NO. BZA 49-77

WHEREAS, Dillon Real Estate Company, Inc., 2700 East Fourth Street, Hutchinson, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to waive the required screening adjacent to the south property line on property zoned the "LC" Light Commercial District and legally described as follows:

Lots 2, 4, 6, 8 and the west 20 feet of Lot 10 on Douglas Avenue, Allen's Subdivision of Lots 1 and 2, Richland's Second Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Douglas and Volutsia (2809 E. Douglas).

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 December 20, 1977, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as subject property is already effectively screened from the residential properties to the south by an existing fence and clipped hedge; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the existing fence on the south side of the alley will visually screen the commercial development, while leaving the alley visible from the north which should provide for better security to the neighborhood; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application inasmuch as the result which is desired to be achieved by screening is already accomplished by the existing fence on the south side of the alley; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the construction of the second fence on this alley could create an unfavorable security situation for area businesses and residences alike; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the single family residence required to be screened from the commercial development is already screened by their own fence; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to waive the required screening adjacent to the south property line on property zoned "LC" Light Commercial District, and legally described as follows:

Lots 2, 4, 6, 8 and the west 20 feet of Lot 10 on Douglas Avenue, Allen's Subdivision of Lots 1 and 2, Richland's Second Addition to the City of Wichita,

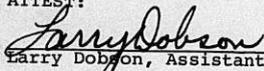
Sedgwick County, Kansas. Generally located at the southeast corner of Douglas and Volutsia (2809 E. Douglas).

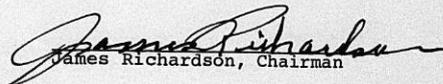
be approved subject to the following condition:

1. In the event the screening is removed from the property south of subject property, the applicants shall comply with the requirements of the zoning ordinance pertaining to screening of the south property line.

ADOPTED AT WICHITA, KANSAS, this 20th day of December, 1977.

ATTEST:

  
Larry Dobson, Assistant Secretary

  
James Richardson, Chairman

BOARD OF ZONING APPEALS

January 5, 1977

Mr. Robert L. Collins  
222 North Quentin  
Wichita, Kansas 67208

Re: Case No. BZA 49-77  
Request for Variance

Dear Mr. Collins:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on December 20, 1977, in connection with your request for a variance to waive the screening requirement adjacent to the south property line on property zoned the "LC" Light Commercial District and generally located at the southeast corner of Douglas and Volutsia.

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

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

Very truly yours,

Larry Dobson  
Assistant Secretary

LD:bh

cc: Dillon Real Estate Company, Inc., 2700 E. 4th, Hutchinson  
67501

Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk

sssksksksksksk  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

Tenth Floor, City Hall  
455 North Main

December 21, 1977

Mr. Robert L. Collins  
222 North Quentin  
Wichita, Kansas 67208

Re: Case No. B2A 49-77  
Request for Variance

Dear Mr. Collins:

At the regular meeting of the Board of Zoning Appeals on December 20, 1977, your request for a variance to waive the screening requirement adjacent to the south property line on property zoned the "LC" Light Commercial District and generally located at the southeast corner of Douglas and Volutsia was considered.

It was the action of the Board to grant the request subject to the following condition:

1. In the event the screening is removed from the property south of subject property, the applicants shall comply with the screening requirements of the zoning ordinance pertaining to screening of the south property line.

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.

Yours very truly,

Larry Dobson  
Assistant Secretary

LD:bh  
cc: Dillon Real Estate Company, Inc., 2700 E. 4th, Hutchinson  
67501  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Housing and Zoning Administrator

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE December 7, 1977



TO Larry Dobson, Secretariat, Board of Zoning Appeals

FROM Mary Pitman, CPO Administrative Aide

SUBJECT BZA 49-77 (Southeast corner of  
Douglas and Volutsia)

At their meeting on December 6, 1977, CPO Neighborhood Council Area "K" considered the captioned request for a waiver of screening requirements.

Three neighbors attended the meeting, in addition to two representatives of the applicant. The neighbors stated that they wanted to see a fence required on the applicant's south property line, to screen the alley; however, they did not want a six-foot fence. They recognized that the tunnel effect of two six-foot fences along both sides of the alley could aggravate existing problems of loitering youths, vandalism, and littering. However it was felt that a three-foot fence on the applicant's property line might be some protection from littering, and would at minimum afford a psychological comfort to residents, who fear the encroachment of commercial business in their neighborhood.

The applicant's representatives expressed a willingness to cooperate as much as possible with the residents and to work out a compromise.

CPO Council "K" voted unanimously to recommend that the applicant's request for a waiver be granted, subject to an agreement being reached between the Dillons Company and the residents.

Please convey this recommendation to the Board of Zoning Appeals when they consider this case on December 20, 1977.

*Mary Pitman*

Mary Pitman  
CPO Administrative Aide

MP:sm

Noted:

*David Furnas*

David Furnas  
Citizen Participation Coordinator

SECRETARY'S REPORT  
CASE NO. BEA 49-77

APPLICANT: Dillon Real Estate Company, Inc., 2700 E. Fourth Street, Hutchinson, Kansas.

AGENT: Robert L. Collins, 222 N. Quentin, 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 south property line.

GENERAL LOCATION: Southeast corner of Douglas and Volutsia.

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

LAND USE: Subject property is developed with a convenience food store. North is an insurance office and a single family residence. South is a single family residence. Both east and west are developed with office buildings.

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 south property line, which is a boundary line between the "LC" Light Commercial District and the "A" Two Family Dwelling District.

Section 28.04.160.K of the City Code provides that property developed for commercial use, when such use is established adjacent to any residential district, shall provide screening along all side or rear lot lines adjacent to the residential zoning district to extend to within 20 feet of street right-of-way. When fencing is used for the screening, it must be at least 6 and not more than 8 foot in height, except that screening within 20 foot of street right-of-way must be reduced to 3 foot in height.

Subject property, located at the southeast corner of Douglas and Volutsia, is bordered on the south by a paved alley which separates it from a single family residence to the south. It is along this south property line that the applicants are requesting a waiver of the screening requirements. The south side of the alley is defined by a six foot high board fence, except for the east 35 feet which is landscaped with a 3 to 4 foot high clipped hedge. The applicants contend that a fence along their south property line, 15 feet from the above described fence, will create a tunnel effect which could create a security and vandalism problem not only for subject property but for adjoining neighbors.

A pipe rail fence approximately 1 foot high now exists along the southern property line, which would prohibit vehicular traffic from utilizing the alley for access to subject property.

UNIQUENESS:

It is the opinion of the Secretary that uniqueness may be found to exist in this situation inasmuch as subject property is already effectively screened from the residential properties to the south by an existing fence and clipped hedge.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the requested variance may not adversely affect the rights of adjacent property owners inasmuch as the existing fence on the south side of the alley will visually screen the commercial development, while leaving the alley visible from the north which should provide for better security to the neighborhood.

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 applicant inasmuch as the result which is desired to be achieved by screening is already accomplished by the existing fence on the south side of the alley.

SECRETARY'S REPORT

Case No. BZA 49-77

Page 3

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the requested variance would not adversely affect the public interest inasmuch as the construction of the second fence on this alley could create an unfavorable security situation for area businesses and residences alike.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested may not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the single family residence required to be screened from the commercial development is already screened by their own fence.

RECOMMENDATION:

If the Board finds the above five conditions to exist, it is recommended that the variance be granted subject to the following conditions:

1. In the event the screening is removed from the property south of subject property, the applicants shall comply with the requirements of the zoning ordinance pertaining to screening of the south property line.
-

23 notices sent to adjoining property owners and applicant or agent  
10 notices sent to MAPC member  
1 notice to CPO  
34 total notices sent on BZA 49-77, 11/28/77

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

November 23, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 49-77

An application has been filed by Dillon Real Estate Company, Inc., 2790 East Fourth Street, Hutchinson, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the required screening adjacent to the south property line on property zoned "LC" Light Commercial District, and legally described as follows:

Lots 2, 4, 6, 8 and the west 20 feet of Lot 10, on Douglas Avenue, Allen's Subdivision of Lots 1 and 2, Richland's Second Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Douglas and Volutsia (2309 E. Douglas).

This application has been assigned Case No. BZA 49-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 20, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

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

Jack H. Galbraith  
Secretary

BOARD OF ZONING APPEALS

CASE NO. BZA 49-77

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant DILLON REAL ESTATE COMPANY, INC.

Mailing Address 2700 East Fourth Street Phone (316) 665-5511  
Hutchinson, Kansas 67501

Name of Authorized Agent Robert L. Collins

Mailing Address 222 North Quentin Phone 682-4036  
Wichita, Kansas 67208

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

II. The variance requested is screening requirement along the rear  
property line of the property leased by the Applicant and the  
residential land use to the south.

for property located south east corner of Volutsia and East  
Douglas (2809 East Douglas).

and legally described as: Lots 2,4,6,8, & West 20 feet of Lot 10  
(Allen's Subdivision of Lots 1 and 2,  
on Douglas Avenue, Richlands Second Addition to the City of  
Wichita, Sedgwick County, Kansas.

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

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.

*S/E corner of Douglas & Volutsia map Sheet*

Robert L. Collins FOR DRE.CO.WC.  
Applicant Dillon Real Estate Co., Inc.  
Robert L. Collins  
Authorized Agent Robert L. Collins

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:00 (a.m) - p.m.), 11-21 19 77 together with appropriate fee of \$50.00.

T9-402

Larry Dobson  
Signed

STATEMENT JUSTIFYING THE VARIANCE REQUESTED

IN ACCORDANCE WITH THE "INSTRUCTIONS TO APPLICANT" A VARIANCE IS REQUESTED FROM THE FOLLOWING ENFORCEMENT PROVISIONS OF THE CITY OF WICHITA ZONING ORDINANCE.

SPECIFICALLY, THAT SECTION OF THE ORDINANCE PERTAINING TO THE SCREENING AND LANDSCAPING OF COMMERCIAL DEVELOPMENT WHEN ESTABLISHED ON PROPERTY ADJACENT TO ANY RESIDENTIAL ZONING DISTRICT. (ORDINANCE NO. 34-714, PUBLISHED IN THE DAILY RECORD NOVEMBER 9, 1976).

AS REQUIRED BY SECTION 2.12.590.B CODE OF THE CITY OF WICHITA THE FOLLOWING IS SUBMITTED AS JUSTIFICATION FOR THE REQUESTED VARIANCE.

1. AS ILLUSTRATED BY THE ENCLOSED PHOTOS, A 6' HIGH PRIVACY FENCE EXISTS ALONG THE NORTH PROPERTY LINE OF THE ADJACENT PROPERTY TO THE SOUTH OF APPLICANT. A LANDSCAPED AREA (APPROXIMATELY 35 FEET) IS BETWEEN THE FENCE AND THE VOLUTSIA STREET PROPERTY LINE. THIS SITUATION IS UNIQUE TO THE PROPERTY IN QUESTION AND THE INSTALLATION OF A SECOND FENCE ON THE APPLICANT'S PROPERTY LINE WILL CREATE A CONDITION THAT WILL BE DIFFICULT TO SUPERVISE.
2. GRANTING THE REQUESTED VARIANCE SHOULD NOT ADVERSELY AFFECT THE RIGHTS OF ADJACENT PROPERTY OWNERS OR RESIDENTS, BUT CONVERSELY COULD PREVENT A SITUATION THAT WOULD BE VERY DETRIMENTAL TO THE CHARACTER OF THE NEIGHBORHOOD. SEE ITEM 4.
3. COMPLETING THE CONSTRUCTION AS REQUIRED BY THE SCREENING ORDINANCE WILL NOT CONSTITUTE UNNECESSARY HARDSHIP ON THE APPLICANT. HOWEVER, IF THE SITUATION DEVELOPS AS EXPECTED, AND THE "TUNNEL" BETWEEN THE FENCES BECOMES A SECURITY AND VANDALISM PROBLEM, IT WILL GREATLY AFFECT THE APPLICANT AND HIS ADJOINING NEIGHBORS.

4. THE PRIMARY CONCERN OF THE APPLICANT IN THIS REQUEST IS FOR THE SAFETY AND GENERAL WELFARE OF HIS EMPLOYEES, CUSTOMERS AND ADJOINING NEIGHBORS. HE FEELS THAT THE INSTALLATION OF THE SECOND FENCE WILL NOT SERVE THE BEST INTERESTS OF THE PUBLIC HEALTH, SAFETY, MORALS, ORDER, CONVENIENCE, PROSPERITY OR GENERAL WELFARE.
5. THE LIGHT COMMERCIAL LAND USE OF THE APPLICANT'S PROPERTY WILL BE SCREENED BY THE EXISTING FENCE AND LANDSCAPING AND WILL NOT OPPOSE THE GENERAL SPIRIT AND INTENT OF TITLE 28.

THE APPLICANT IS A LEADER IN NEIGHBORHOOD CONVENIENCE STORES IN KANSAS, NEBRASKA AND IOWA. HIS EXPERIENCES WITH SIMILAR SITUATIONS HAS BROUGHT ABOUT THIS REQUEST FOR ZONING VARIANCE. WE RESPECTFULLY REQUEST YOUR CONSIDERATION.

**ROBERT L. COLLINS**

**ARCHITECT**

Fourteen  
November  
1977

**RL  
C**

Office of the Secretary  
Board of Zoning Appeals  
Tenth Floor - City Hall  
455 North Main  
Wichita, Kansas 67202

Reference: Request for Zoning Variance  
KWIK Shop Building No. 748  
2809 East Douglas  
Wichita, Kansas  
Project Number: 077017

Gentlemen:

The following attachments constitute the "Application for Variance" from the screening requirement as outlined in Ordinance Number 34-714, as amended. We have submitted one (1) copy for your review. The following areas of consideration as outlined in "Instructions to Applicant" are included.

1. Completed "Application for Variance" dated 14 November 1977.
2. Certified listing of names and current mailing addresses of owners of all property within a distance of two hundred (200) ft. of the referenced property.
3. Statement justifying the variance requested.
4. Site plan showing existing conditions.
5. Application fee of fifty dollars (\$50.00) made payable to the City of Wichita.
6. Site photos illustrating the existing conditions.

Board of Zoning Appeals  
page two

If you should have any questions or need additional information regarding this Application, please do not hesitate to contact me.

Thank you for your consideration in this matter.

Sincerely,

ROBERT L. COLLINS & ASSOCIATES



Robert L. Collins

Enclosure

cc: Mr. Thomas R. Schwetye  
% Dillon Real Estate Company, Inc.

November 22, 1977

Robert C. Collins  
222 N. Quentin  
Wichita, Kansas 67208

Dear Mr. Collins:

Re: Variance Application for  
Waiver of Screening  
Requirement

I am in receipt of your variance application and \$50.00 filing fee on behalf of Dillon Real Estate Co., Inc.. This case will be scheduled for the December 20, 1977 Board of Zoning Appeals meeting.

Enclosed is your receipt for the \$50.00 filing fee.

Sincerely,

Larry Dobson  
Assistant Secretary

LD:gb  
Enclosure



LOOKING SOUTHEAST



LOOKING SOUTHWEST



LOOKING EAST



LOOKING NORTHEAST

## STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) SS  
 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:

All the record owners within 200 feet of:

Lots 2, 4, 6, 8 and the West 20 feet of Lot 10, on Douglas, Allen's Subdivision of Lots 1 and 2, Richland's Second Addition to the City of Wichita, Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
2, 4, 6, 8, & West 20' of Lot 10, on Douglas	ALLEN'S SUBDIVISION OF LOTS 1 & 2, RICHLAND'S SECOND	Merle N. Slease 3705 East Murdock Wichita, Kansas 67208
East 5' of Lot 10 & all of Lots 12 & 14, on Douglas	ALLEN'S SUBDIVISION OF LOTS 1 & 2, RICHLAND'S SECOND	Merle N. & Adalyn Slease 3705 East Murdock Wichita, Kansas 67208
16, 18, 20 & 22 on Douglas	ALLEN'S SUBDIVISION OF LOTS 1 & 2, RICHLAND'S SECOND	Wendell D. Waldie 3111 Aloma Street Wichita, Kansas 67211
50 & 52, on Volutsia	ALLEN'S SUBDIVISION OF LOTS 1 & 2, RICHLAND'S SECOND	Gregory Lee Fisher 1420 S. Greenwood Wichita, Kansas 67211
54 & 56, on Volutsia	ALLEN'S SUBDIVISION OF LOTS 1 & 2, RICHLAND'S SECOND	Wilmer E. & Kathryn G. Meyer 118 South Volutsia Wichita, Kansas 67211

Fidelity  Title  
 COMPANY, INC.

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
58 & 60 on Volutsia	ALLEN'S SUBDIVISION OF LOTS 1 & 2, RICHLAND'S SECOND	✓ Homer E. Shriner 116 South Volutsia Wichita, Kansas 67211
49, 51 & 53 on Erie	ALLEN'S SUBDIVISION OF LOTS 1 & 2, RICHLAND'S SECOND	✓ Orion W. High 123½ South Erie Wichita, Kansas 67211
55, 57 & 59 on Erie	ALLEN'S SUBDIVISION OF LOTS 1 & 2, RICHLAND'S SECOND	✓ Wendell D. Waldie 3111 Aloma Street Wichita, Kansas 67211
35, 37, 39, 41 & 43, on Douglas	OLIVERS SUBDIVISION OF LOTS 1 & 2, BLOCK 1, RICHLAND ADDITION	✓ L. D. Murray et al P.O. Box 346 Newton, Kansas 67114
33 on Douglas	OLIVERS SUBDIVISION OF LOTS 1 & 2, BLOCK 1, RICHLAND ADDITION	✓ G. L. & Marian M. Yates 3816 East Lewis Wichita, Kansas 67218
1 & 3 on Volutsia	OLIVERS SUBDIVISION OF LOTS 1 & 2, BLOCK 1, RICHLAND ADDITION	✓ James T. Dye 146 North Battin Wichita, Kansas 67208
5 & 7 on Volutsia	OLIVERS SUBDIVISION OF LOTS 1 & 2, BLOCK 1, RICHLAND ADDITION	✓ Raymond B. Trotter 736 North Broadway Wichita, Kansas 67214
9 & 11 on Volutsia	OLIVERS SUBDIVISION OF LOTS 1 & 2, BLOCK 1, RICHLAND ADDITION	✓ Jane Dixon 121 South Volutsia Wichita, Kansas 67211
2 on Volutsia	LIPPITT AND ALDRICH'S SUBDIVISION OF LOT 8, BLOCK 1, RICHLAND'S FIRST ADDITION	✓ Paul M. & Imogene Watts 131 South Volutsia Wichita, Kansas 67211
46 & 48 on Volutsia	THE ELLA SUBDIVISION IN RICHLAND SECOND ADDITION	✓ Steven W. & Nancy Koch 130 South Volutsia Wichita, Kansas 67211
45 & 47 on Erie	THE ELLA SUBDIVISION IN RICHLAND SECOND ADDITION	✓ Maude Peterson 606 South Green Wichita, Kansas 67211
1, 3, 5, 7, 9, & 11	STONES SUBDIVISION OF EAST HALF OF LOT 4, BLOCK 6, CHAUTAUQUA ADDITION	✓ Hugh E. Richards 411 Rutland Road Wichita, Kansas 67206 & Richard H. Wells 1201 North Armour Street Wichita, Kansas 67206
13	STONES SUBDIVISION OF EAST HALF OF LOT 4, BLOCK 6, CHAUTAUQUA ADDITION	✓ Addie Griffith, single & Leslie W. Griffith 1243 Paige Street, Apt. #2 Wichita, Kansas 67207



**Fidelity**  **Title**  
COMPANY, INC.

*no new  
address  
found*



-3-

<u>LOTS</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
North 50' of Lots 1, 2, 3, & 4 and South 90' of Lots 1 & 2	MERRILL SUBDIVISION OF LOTS 4 & 5, BLOCK 7, IN CHAUTAUQUA ADDITION	✓ Larnard & Eva Smith 14401 LaGuna Drive Wichita, Kansas 67230
South 90 feet of Lots 3 & 4	MERRILL SUBDIVISION OF LOTS 4 & 5, BLOCK 7, IN CHAUTAUQUA ADDITION	✓ Lucinda Wyssenbach 2804 East Douglas Wichita, Kansas 67214
5 & West 16 2/3 feet of Lot 6	MERRILL SUBDIVISION OF LOTS 4 & 5, BLOCK 7, IN CHAUTAUQUA ADDITION	✓ Quang T. Le & Tuy Tran Real Estate Address: 2812 East Douglas Wichita, Kansas 67214
East 8 1/3 feet of Lot 6 & all of Lot 7, 8, 9, 10, & 11	MERRILL SUBDIVISION OF LOTS 4 & 5, BLOCK 7, IN CHAUTAUQUA ADDITION	✓ R. W. & Amelia C. Manning 115 South Belmont Wichita, Kansas 67218



Dated at Wichita, Kansas, this 15th day of November, 1977 at 7:00 o'clock A.M.

FIDELITY TITLE COMPANY, INC.

By *Carita Gray*  
Asst Sec. ag

Tracer No. 39945

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

November 28, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 49-77

An application has been filed by Dillon Real Estate Company, Inc., 2700 East Fourth Street, Hutchinson, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to waive the required screening adjacent to the south property line on property zoned "LC" Light Commercial District, and legally described as follows:

Lots 2, 4, 6, 8 and the west 20 feet of Lot 10, on Douglas Avenue, Allen's Subdivision of Lots 1 and 2, Richland's Second Addition to the City of Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of Douglas and Volutsia (2809 E. Douglas).

This application has been assigned Case No. BZA 49-77 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, December 20, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, either in person or by agent or attorney.

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

Jack H. Galbraith  
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

*Returned to sender*  
NOT DELIVERABLE AS ADDRESSEE  
NO FORWARDING ORDER ON FILE  
WASHINGTON  
Shriner  
116 South Volutsia  
Wichita, Kansas 67211



*correct as shown on plat list.*

*not in file*

**Important!**  
Notice of Meeting  
Enclosed

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

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Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS  
CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202

*Beth*  
NOT DELIVERABLE AS ADDRESSED  
NO FORWARDING ORDER ON FILE  
SOUTHEAST

Addie Griffith  
1243 Paige Street Apartment 2  
Wichita, Kansas 67207

Notice of Meeting  
Enclosed



FORM 223-1

PAYMENT NOTICE  
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan <u>Books</u>	Cement	M.S.P.

DESCRIPTION	AMOUNT
BZA Vacance Application	\$50.00
NAME <i>Dillon Real Estate Co Inc (Kans City)</i>	
ADDRESS <i>270 E. Franklin Street, Wichita</i>	
FUND <i>4409103</i>	DUE DATE
COMMENTS	
DATE <i>11-1-77</i>	BY <i>ED</i>

23

BZA 49-77

*Betty  
correct*

49-77

WICHITA - SEDGWICK COUNTY  
**W S C**

BOARD OF ZONING APPEALS  
 CITY HALL - TENTH FLOOR  
 455 NORTH MAIN STREET  
 WICHITA, KANSAS 67202

NOT DELIVERABLE AS ADDRESSED  
 NO FORWARDING ORDER ON FILE  
 SOUTHEAST

Addie Griffith &  
 Leelle W. Griffith  
 1243 Paige Street, Apt. #2  
 Wichita, Kansas 67207



*read*

**Important!**  
 Notice of Hearing  
 Enclosed

*resent  
 12-5*

\*

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

Roll # 1