

4-58 - Genevieve Amberg Starkey,  
appellant. Property at 556  
South Bleckley Drive





Starkey - 552 S. Chickley Drive  
looking toward East Southeast  
from the back of the  
southeast corner of your house.

Starkey - 552 S. Chickley Drive  
looking toward East Northwest  
from West Southwest

Starkey - 552 S. Chickley Drive  
looking toward East Northwest  
from West Southwest

Starkey - 552 S. Chickley Drive  
looking toward East Southeast  
from West Northwest

March 25, 1958

City Planning Commission  
City Building Annex  
Wichita, Kansas

Gentlemen

I would like to have my name removed from the  
petition circulated by Genevieve Starkey for  
rezoning, as the facts were not clearly  
presented.

*Kathryn Wilens*

We the undersigned after reading the Petition for an Appeal of Genevieve Amberg Starkey, 556 South Bleckley Drive, do not desire a change in zoning or an exception to the zoning rule permitting a dance instruction studio in our district which is now zoned "A".

Duane P. Wittmer, 549 So. Bleckley Drive  
Janet D. Wittmer, 549 So. Bleckley Drive.  
F. W. Robison 543 So. Bleckley Dr.  
Lorraine Robison 543 So. Bleckley Dr.  
Anne Shipku 537 So. Bleckley Dr.  
Wayne Shipku 537 So. Bleckley Dr.  
Mrs W J Bentley 556 Elpyco  
W J Bentley 556 Elpyco.  
Audis Thomas 544 Elpyco  
Mrs. S. R. Wilson 550 Elpyco  
Doris R. Wilson 551 Elpyco  
Bina Thomas 544 Elpyco.  
Pauline S. Henderson 538 S. Bleckley Dr.  
C. Henderson 538 S. Bleckley Dr.  
Shirley Cox 5007 East Crowl  
Betty Rohlsack 550 S. Bleckley Dr.  
C. R. Rohlsack 550 So. Bleckley Dr.  
Lettie J. Clinton-Strange 5011 E. Crowl  
George C. McNeill Jr. 533 So Pinecrest  
Mrs George C McNeill Jr. 533 So. Pinecrest  
Albert M. Andrews 602 S. Bleckley  
Kathryn Wiens 555 S. Pinecrest  
Blue Carney 5012 Bleckley Ct.

Handwritten signature  
Lansberg

J. B. Corney  
Mrs. James D. Grainger  
James D. Grainger

5012 Blackley Ct.  
5006 Blackley Ct.  
5006 Blackley Ct.

L. L. Dale we do not desire any change from  
"A" zoning 5017 E. Orange

Mrs. Mrs. Claude Gardner  
549 So. Pinecrest

5006 Blackley Ct.  
5006 Blackley Ct.

*[Faint, illegible handwritten text, possibly bleed-through from the reverse side of the page.]*

B - Hold for BZA  
Case

549 So. Bleckley Drive,  
Wichita 18, Kansas.  
February 8, 1958.

Mr. L.R. Edmonds,  
Secretary of Planning Commission,  
City Building,  
Wichita 2, Kansas.

Dear Sir:

This letter is in reference to a petition brought to us on February 3, 1958 by Mrs. Sylvia Purvis for the Genevieve Starkey dancing school at 556 South Bleckley Drive. On this petition it states that the signers do not object to the dancing school, and that there will be no rezoning. Because it stated no rezoning, we signed. It was later brought to my attention that Mrs. Starkey intends to hire assistants. In doing this, she is asking for special privileges, if she is granted this special privilege, what is to prevent others in the area from doing the same thing, already the neighborhood is overrun with cars from her school, trash is being thrown on the lawns, etc. Also she will be going against the zoning laws for the neighborhood.

"e do not object to Mrs. Starkey teaching students in her home. But we do object to it getting to such mammoth proportions that the neighborhood becomes unsightly with cars, trash, etc. Mrs. Purvis who brought the petition lives on another street, and thus is not bothered with the cars. Many of the signers on the petition do not live in this block. So why should they care what happens in this block?

Now that we know the true situation we the following signers wish to have our names scratched from the petition in the interest of keeping a better neighborhood.

Sincerely,

Janet D. Wittmer  
Duane D. Wittmer

Mrs C.R. Rohrbach  
C.R. Rohrbach

549 So. Bleckley Drive.  
549 SO BLECKLEY DRIVE

550 So. Bleckley Drive  
550 So Bleckley Dr



We, the undersigned, do endorse and approve the continuance of Mrs. Genevieve Starkey's teaching dance, and of her employing her assistants to continue to conduct her school as it is now being operated in her residence at 556 S. Bleckley Drive. There will be no re-zoning.

Name	Address
1. Mrs Robert Sherwood	631 S. Bleckley
2. Robert Sherwood	631 S Bleckley Dr.
3. Mrs Harry Hidaka	632 S. Bleckley Drive
4. Harry Hidaka	632 S Bleckley Dr
5. Sylvia J. Purves	627 So. Bleckley Dr.
6. K. L. Pinkstaff	5002 Bleckley Ct.
7. Rebecca Pinkstaff	5002 Bleckley Ct.
8. Charles Van Curen	637 S. Bleckley
9. Ann C. Van Doren	637 S. Bleckley
10. Mrs. M. J. Giamore	621 S Bleckley
11. Mrs Wm. L. Beck	617 S. Bleckley Dr.
12. Wm. L. Beck	617 S. Bleckley Dr.
13. Mrs. C. J. Kassin	611 So. Bleckley Dr.
14. Carl S. Lincoln	611 So. Bleckley Dr.
15. Ed Andrews	602 So. Bleckley Dr.
16. Matt Sealman	5018 Bleckley Court
17. Mrs James Granger	5006 Bleckley Court
18. Mr. James D. Granger	5006 Bleckley Ct.
19. N. K. Griswold	621 S Bleckley Dr
20. Mrs H. N. Gray	544 So Bleckley Dr
21. Mrs W. F. Nyellor	607 So Bleckley Dr
22. Mrs A. M. Andrews	602 So. Bleckley Dr.
23. Matt Sealman	5018 Bleckley Ct.
24. Wm. J. W. Patterson	4949 East One
25. Chas R. Rothback	550 So Bleckley Dr.
26. Betty Rothback	550 So. Bleckley Dr.

We, the undersigned, do endorse and approve the continuance of Mrs. Genevieve Starkey's teaching dance, and of her employing her assistants to continue to conduct her school as it is now being operated in her residence at 556 S. Bleckley Drive. There will be no re-zoning.

Name - - - - -	Address - - - - -
1. Mrs R E Standley	5021 East Orme
2. R. Standley	5021 E. Orme
3. Mrs. Louis Brantner	4919 E. Orme
4. Mrs. Clara Wentworth	4911 E. Orme.
5. Mrs. Alice Carney	5012 Bleckley Ct.
6. Mrs. G. B. Casady	5012 B. Lepley Ct.
7. Mrs. Janet D. Wittmer	549 So. Bleckley Drive
8. Susan D. Wittmer	549 So Bleckley Drive
9. Mildred L. York	4925 E. Orme
10. Maldo Clock	4925 E. Orme.
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We, the undersigned, do endorse and approve the continuance of Mrs. Genevieve Starkey's teaching dance, and of her employing her assistants to continue to conduct her school as it is now being operated in her residence at 556 S. Eleckley Drive. There will be no re-zoning.

Name *Genevieve Starkey* ----- Address *556 S. Eleckley Drive* --

1. *I approve, providing it conforms to legal regulations*
2. *and no further increase in activities, & numbers of students attending is allowed. No change in zoning from "A" zone is condoned.*
3. *J. H. Dale 5017 E. Crane*
3. *Marquerite L. Dale 5017 E. Crane*

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Feb. 11, 1958

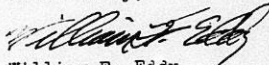
Dear Mr Bell:

Mrs. Starkey has just written me in regard to her school.

Being familiar with Mrs. Starkey's Dancing School, I feel that her school is respectable and reputable. From my experience as a teacher in the public schools, I feel that a school of this type builds self confidence and character in the youth of our country. During the years my family and I lived at 5021 E. Orme, we found the Starkeys' to be good neighbors and a fine family.

I, as a property owner across the street from Mrs. Starkey, have no objection of her school if it does not change her A zoning. The only problem is the people parking and blocking my driveway. I am sure this can be corrected.

Yours truly,

  
William F. Eddy

We, the undersigned, have no objection to the granting of Mrs. Starkey's request for special permission to continue to employ her assistants in her dance school; with no zoning change.

Name	Address
<i>Genevive Starkey</i>	<i>556 S. Blackley</i>
1. <i>Marietta A. Gordon</i>	<i>920 N. Redgewood</i>
2. <i>Ed Starkey</i>	<i>515 S. Ponderosa</i>
3. <i>Mrs Robert J. Feitz</i>	<i>521 So Pinecrest</i>
4. <i>Mrs Geo McNeill</i>	<i>533 S Pinecrest</i>
5. <i>Mrs. M. Schenberg</i>	<i>539 S Pinecrest</i>
6. <i>Mrs Arthur W. The</i>	
7. <i>Arthur The</i>	
8. <i>S. J. Sandberg</i>	<i>605 So. Pinecrest</i>
9. <i>Red Harney</i>	<i>582 S. Blackley</i>
10. <i>Mrs Ted Flipping</i>	<i>543 S Pinecrest</i>
11. <i>Mrs R. G. Hayes</i>	<i>609 So Pinecrest</i>
12. <i>Milton Kenner</i>	<i>441 So Parkway -</i>
13. <i>Mrs Ralph Hard</i>	<i>3020 S Vine</i> <i>1611 W Manor Road</i>
14. <i>Kathryn Wrens</i>	<i>344 E 3rd</i>
15. <i>Clara Gardner</i>	<i>549 N. Pinecrest</i>
16. <i>Bertie Gardner</i>	<i>549 N. Pinecrest</i>
17. <i>Mrs Jean Stawell</i>	<i>157 N. Batten</i>
18. <i>Ed Starkey</i>	<i>555 S<sup>th</sup> Blackley</i>
19.	
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YOUNG WOMEN'S CHRISTIAN ASSOCIATION

ADMINISTRATION BUILDING  
140 NORTH TOPEKA 2



MARY B. TALBERT BRANCH  
818 NORTH WATER 5

WICHITA, KANSAS

February 10, 1958

Mr. Carl Bell, Jr.  
802 Schweiter Building  
Wichita 2, Kansas

Dear Mr. Bell:

It is a matter of great concern to us to learn that there is a possibility that Mrs. Genevieve Starkey may be unable to continue her service at the YWCA. - This would be a genuine misfortune for us. Mrs. Starkey has given a great deal of help in developing our Health Education program. In addition, she has cheerfully given assistance without pay in the area of public relations, television programs, etc., and is planning a series of talks to the Y-Teen clubs in the schools.

We are aware of the fact that Mrs. Starkey would probably be better off financially to carry on her profession in her own home. But it will work a hardship on the YWCA if she is unable to work with us here.

Sincerely,

*Irene M. Dean*

Irene M. Dean  
Executive Director

IMD:vo



A RED FEATHER  
SERVICE

2507

**COMMUNITY ARTS COUNCIL**

**137 NORTH HILLSIDE . . . . .**

**Wichita 8, Kansas**

March 1, 1958

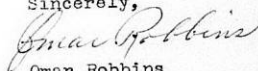
TO WHOM IT MAY CONCERN:

Genevieve Starkey is a Charter Member of the Community Arts Council.

During the past six years, since our founding, she has voluntarily given much of her time and services, without recompense, to this organization.

We regard her as one of our most valued members in our endeavors to sponsor the cultural activities and development in Wichita.

Sincerely,



Omar Robbins  
(President)

OR:wj

February 28, 1958

Mrs. Genevieve Starkey  
556 So. Bleckley  
Wichita, Kansas

Dear Mrs. Starkey:

A few feet of the property owned by Bleckley, Inc. comes within a certain radius of your residence. We have been asked to express an opinion regarding objections of ours, if any, of your conducting dancing classes there.

We seem so little affected that we have hesitated to voice an opinion when other, closer folks may be definite one way or another.

We have no objection to your classes, but would go along with the opinion of your more immediate neighbors.

Very truly yours,

BLECKLEY, INC.

*Kean Tilford*  
Kean Tilford  
President

KT@gr

24 February 1958

TO WHOM IT MAY CONCERN:

I owned and resided on the property located at 602 S. Bleckley Drive from June 1954 until August 1957. During this period, I was assigned to the duty of Professor of Air Science at the University of Wichita.

My family, who resided at this address with me, consisted of my wife and 4 children, who ranged in ages from 2 $\frac{1}{2}$  years to 12 years. Naturally, I was vitally interested in the neighborhood from the standpoint of raising my family in a wholesome environmental atmosphere.

I am happy to report that during this period of time the dance lessons conducted by Mrs. R. W. Starkey at 556 S. Bleckley Drive, did not detract or interfere with the neighborhood community.

Sincerely,



ELMON R. COBB  
Box 247  
Greenville AFB, Mississippi

I have no objection to the granting of Mrs. Starkey's request for permission to use her assistants in her teaching dance; retaining the present A-zoning property status.

Jack B. Muesler

BOARD OF ZONING APPEALS  
FOURTH FLOOR, CITY BUILDING ANNEX  
104 South Main  
Wichita, Kansas

March 17, 1958

NOTICE TO AFFECTED PROPERTY OWNERS

An appeal has been filed by Genevieve Amberg Starkey,  
556 South Bleckley Drive, Wichita, Kansas  
as provided by Section 21-27, Volume I of the City Code. The  
appellant desires permission to use the residence located in an  
"A" zoning district at 556 South Bleckley Drive as a dance  
instruction studio.

This appeal has been given Case No. 4-58, and a hearing  
will be held by the Board of Zoning Appeals on Friday,  
March 28, 1958, at 1:30 p.m. on the Fourth Floor of the  
City Building Annex, 104 South Main, Wichita, Kansas  
at which time you may appear, if you so desire, either in person  
or by agent or attorney.

By order of the Board of Zoning Appeals.

Leland R. Edmonds  
Leland R. Edmonds, Secretary  
Board of Zoning Appeals

NOTICES MAILED MONDAY, MARCH 17, 1958

Jack Lee Hodge  
2224 Prince

Kenneth L. Pinkstaff  
5002 Bleckley Court

Mr. & Mrs. Milton Krenka  
3020 South Vine

Elmon R. Cobb  
Barbara L. Cobb  
602 South Bleckley

Mr. & Mrs. Claude Gardner  
549 South Pinecrest

Shirley T. Cox  
5007 East Orme

Kathryn Louise Wiens  
3442 East Third

Bettie L. Strange  
5011 East Orme

Charles R. Rohrback, Jr.  
550 South Bleckley Drive

Laverne L. Dale  
5017 East Orme

Mr. & Mrs. Bruce H. Nail  
6101 East Gilbert

William F. Eddy  
5021 East Orme

J. C. Henderson  
538 South Bleckley Drive

Ralph B. Hard  
16114 Manor Road

James C. Bligh  
3801 East Skinner

Woodrow W. Goodwin  
920 North Ridgewood

F. W. Robison  
543 South Bleckley

Genevieve Amberg Starkey  
556 South Bleckley Drive  
(CERTIFIED MAIL)

Duane D. Wittmer  
549 South Bleckley

C. David Burrus  
Virginia Burrus  
555 South Bleckley

Walter J. Bentley  
556 Elpyco

Darvin R. Wilson  
550 Elpyco

R. G. House, M.D.  
441 South Pershing

Cleo K. Sandberg  
532 South Bleckley

Euna C. Lawson  
3212 East English

Charles M. Tomlinson  
5018 Bleckley Court

N. Jean Stowell  
157 North Battin

James D. Grainer  
5006 Bleckley Court

Cash   
Check

The City



of Wichita

N<sup>o</sup> 1153

Wichita, Kansas 3-7-58

\$ 30<sup>00</sup>

Received of Amberg-Starky Danu Studio

The Sum of Thirty<sup>100</sup> DOLLARS

Being For 21-12712 - Board of zoning appeals

Department R # 9914

WAR-758

05342

A TR -

30.00

Conita Savage  
Collector

Cashiers Official Receipt

BEFORE THE BOARD OF ZONING APPEALS OF THE CITY OF WICHITA

In Re Appeal of  
GENEVIEVE AMBERG STARKEY,  
Appellant } No.

APPEAL STATEMENT

Comes now Genevieve Amberg Starkey, the appellant herein, and for her statement of appeal from the order of S. B. Maple, Chief Building Inspector, dated January 28, 1958, whereby the application of appellant for permission to use the residence located in the "A" zoning district at 556 South Bleckley Drive as a dance instruction studio was refused, said appellant sets forth as follows:

(a) An accurate description of the proposed work or use:

1. The appellant desires to continue to operate, on said premises, a dance instruction studio, in which there is taught educational and therapeutic dance. The basement of appellant's home is the only part of the property used in this operation. It is sound proofed and so located as to not cause disturbances or annoyances to the neighborhood. Both the educational and therapeutic aspects of dance instruction are given by appellant to students ranging in age from the pre-school to the adult, although the larger student group falls into general area of young people.

By educational dance is meant the teaching of: Rhythmic, mental and physical coordination; cultural and artistic dance appreciation and dance participation; facility and grace of motion; and discipline and control of body in harmony with the best standard of classic and established dance technics.

By therapeutic dance, the appellant means, strategic exercises for correction, strengthening, developing stamina, resiliency, flexibility, muscle tone, orthopedic and postural correction, physiotherapy for physical, mental, nervous, emotional, convalescent polio, orally handicapped, arthritis, neuritis, congenital hip, clubfoot, tuberosity of the navicular, knock-knees, bowlegs, pronation, flatfeet, weak arches, ankles, mongoloid, epileptic, sightless, deaf, and like maladies or abnormalities or otherwise disturbed persons, as recommended by physicians, surgeons, psychologists, etc.

Classes in the dance studio are held between the hours of 9:00 A.M. and 8:00 P.M.

2. The proposed work or use includes the employment of worthy and talented students, not exceeding three in number, to assist in instruction so that they may progress more rapidly and gain experience as a performer and/or dance teacher. The appellant desires to use student help not to exceed a total of 8 hours of the 26 hours of instruction given in appellant's dance studio. The use of these student assistants releases the appellant for those hours to attend to her duties as director of the dance instruction program at the YWCA, and other outside community activities, and also provides, that substitute help for appellant in the event her illness or illness in her family prevents her from teaching a scheduled lesson. These student assistants are compensated by the giving of credit on fees owed by them to appellant for their dance instruction.

3. Appellant further desires to employ a piano accompanist for those lessons which require special musical accompaniment. Appellant contends that in the case of instruction for the very young pre-school student who is learning to coordinate a rhythmic sound or beat with fluid, consistent physical motion, piano accompaniment is more strategic, because the piano can "stay with" the student's movements, however erratic they might be. This type of accompaniment is vitally important in much of the therapeutic work as well as the educational. The pianist would only be used a total of 12 hours of the 26 instructional hours in a week, beyond which appellant uses phonograph recordings which she operates herself.

4. Appellant would stress that she does not desire to change the work she has been doing in her home in any way, or to enlarge or increase it. In summary, she wishes to continue the operation of a "home occupation" as defined by Sec. 21-8 of the Wichita City Code, except that she wishes to employ student help and a piano accompanist for the limited hours set out above. As more particularly discussed below, appellant's reason for use of student help is primarily that it enables her to carry on numerous civic activities, including her YWCA work.

(b) The principal points under which the building inspector issued a refusal are as follows, quoting verbatim from said refusal:

"...it is necessary that this use be a home occupation in order to be allowed in this zone. This school as it is being operated is not a home occupation, since there are others being employed in the operation besides those who use the premises as their home."

The building inspector referred to Sections 21-11 and 21-8 of the Zoning Ordinance in making his refusal.

(c) Appellant shows that the four jurisdictional conditions are present as follows:

1. That the exception or variance desired arises from some condition which is not ordinarily found in the same zoning district.

Appellant contends that this is an exceptional case in that the use of student employees or an accompanist does not increase in any way the volume of business in her dance studio. Appellant is clearly entitled to operate her dance studio as a "home occupation" under Sec. 21-8, and the employment of student assistance or an accompanist does not alter the number of patrons attending her studio. Obviously there would be few, if any, similar operations in "A" zoning throughout the city.

2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.

The appellant submits herewith, and attaches to this statement as Exhibit "A", a thermofax copy of the plats of this area upon which each property within a radius of 200 feet, as certified in the abstracter's ownership list, is marked with diagonal lines. The appellant has talked with the owners and occupants of all of these properties, where it has been possible to locate them. All of the properties where the consent of the owners and/or occupants to continuation of appellant's dance studio as outlined under paragraph (a) of this statement, are marked with "criss-cross" lines. The petitions to such effect signed by such owners and/or occupants, as well as others in the neighborhood, will be presented by the appellant at the hearing of this appeal. From a study of Exhibit "A" it will thus be seen that the interested persons in the neighborhood do not feel that their rights would be adversely affected by a granting of the permit for the variance. With the exception of one owner, all others who failed to sign the petitions and whose lots are not "criss-cross" do not state hostility to appellant's appeal and have stated that they do not intend to appear against it, but that they merely do not wish to sign papers of any sort.

Further, appellant wishes to state that, in this case, the granting of a variance to her as herein sought will not increase or decrease the volume of business that, under "A" zoning, she has the right to

carry on on this property as a "home occupation". She could clearly be present at all instructional periods during the day and have the same patrons and students, but she would have to discontinue her community activities in so doing.

With respect to traffic in the area occasioned by appellant's dance studio, appellant would show to the Board that she has always given explicit directions to her patrons not to block driveways or otherwise leave their cars so as to cause annoyance to others in the area. Mothers of children attending the dance studio are instructed to leave their children and not park their cars and wait for them, but to return when the lessons are completed to pick up the children. It is generally agreed by most of the neighbors (as shown by Exhibit "A") that excessive traffic is not caused by appellant's dance studio.

3. That the strict application of the terms of this ordinance will constitute unnecessary hardship upon the property owner represented in the appeal.

Appellant contends that the denial of being permitted to have student assistance, aside from withdrawing the personal aid to them, will

- a. Necessitate appellant's curtailing her activities for the outside endeavors in which she serves in various capacities:
  - (1) Working each week for the YWCA with the physical health education department and the young adult department, teaching, advising and lecturing. Performing the unscheduled extra-curricular activities (such as the personal appearances and the speeches to other outside groups) for the purpose of presenting and explaining the broad scope of worthwhile activities and facilities available to young Christian women at our local YWCA.
  - (2) Serving as the elected chairman of the dance committee composed of the Dance Teachers of Wichita in the Community Arts Council.
  - (3) Serving on the Community Arts Council, Board of Directors, the President's Committee and the Projects Committee of the Council, all of which are dedicated to the cultural growth of Wichita.
  - (4) Appellant's donated professional services to non-profit organizations, public schools, civic and public welfare programs, such as, Veterans Hospital, Chamber of Commerce, Sacred Heart Academy, American Legion, U.S.O., Children's Christmas Programs, DeMolay, Children's Theatre,

P.T.A., Scouts, Community Arts Council, Hypatia, Twentieth Century Club, Cerebral Palsy, McConnell Air Base (free dance lessons to children on the base, in the Base Recreation Center, and free dance entertainment programs for the enlisted men), and other charity, fund raising functions, and community public welfare groups.

- b. Disrupt the therapeutic training which essentially requires the consistent and uninterrupted regularity of work processes. In the event of emergency or my illness, and without substitute teachers, the vital work would have to be cancelled.

If appellant is not to be allowed to use a piano accompanist on the basis stated above, the developing of the realization and accomplishment of rhythm of motion for the handicapped student as well as the beginning dancer would be deterred and more difficult to project.

It should be stressed again that the use of student assistance and piano accompanist will not increase the volume of business in appellant's home occupation. If she cannot be allowed to use student assistance, it will be necessary that she discontinue her outside activities and remain in her studio full time under a strict and literal interpretation of "home occupation" as defined by ordinance. The attached copy of letter from the Executive Director of the YWCA (Exhibit "B") and the copy of letter from the President of Community Arts Council (Exhibit "C") demonstrate that appellant's outside work at YWCA and in the cultural activities of the city is considered to be of great value to the community. Appellant can make more money in her "home occupation" as her stipend for her YWCA activity is well below her regular charges for her professional services as a dance instructor and dance therapist, but she is genuinely and sincerely interested in the worthwhile activities of the YWCA and the Community Arts Council and hopes that she will not have to discontinue them. Also, appellant could continue her dance studio without a piano accompanist but does not feel that the same high quality of classroom technique will be maintained; the use or non-use of a piano accompanist will in no way affect the volume of business in appellant's "home occupation".

The question arises as to why appellant does not operate her dance studio in a commercial area if she wishes to use other personnel. Simply stated, the reason is that appellant must be in a home occupation so that she may be immediately available or accessible when needed for medical assistance for one of her children who has a chronic illness.

Also, the income derived from this home occupation is necessary to pay the extra hospital and medical expenses incurred on account of this chronic illness.

4. That the exception or variance desired is not against the public interest.

Stated briefly, the variance desired, as set forth above, will enable appellant to continue to engage in the community activities set forth above. In doing so she does not increase the volume of her "home occupation" one iota more than if she were present to teach all classes herself. Appellant is thankful for her opportunities to contribute to the cultural life of Wichita. Since the granting of this variance would enable her to continue the contribution, it would clearly appear to be naught against the public interest. Appellant respectfully asks the Board to waive the value of her contributions through these outside activities to the cultural life of the community against the departure from a strict interpretation of the ordinance involved that this variance would mean, especially where the granting of a variance does not alter the complexion of the home occupation that appellant is privileged to carry on on this property.



Case NO. \_\_\_\_\_

Filed \_\_\_\_\_

APPEAL FOR VARIANCE OR EXCEPTION

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

The undersigned Genevieve Amberg Starkey hereby appeals from the decision of the Building Inspection Superintendent wherein a Building Permit is refused under Section 21-11 and 21-8 to Mrs. R. W. Starkey at the premises located at 556 South Bleckley Drive

This permit was denied for the reason that it is necessary that this use be a home occupation in order to be allowed in this zone. This school as it is being operated is not a home occupation, since there are others being employed in the operation besides those who use the premises as their home.

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

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

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

Appellant *Genevieve Amberg Starkey*  
Genevieve Amberg (Mrs. R. W.) Starkey

Appellant \_\_\_\_\_ Address 556 South Bleckley Drive

Owner Same Address \_\_\_\_\_

Lessee None Address \_\_\_\_\_

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

## OWNERSHIP LIST

LOT	BLOCK	ADDITION	PROPERTY OWNER
4	A	Nashville Park	Jack Lee Hodge Wanda Orlene Hodge
5	"	"	— Jack B. Molden <i>no address</i>
6	"	"	Milton Krenka Gladys G. Krenka
7	"	"	Claud Gardner Bertie B. Gardner
8	"	"	Kathryn Louise Wiens
9	"	"	Rodge W. Starkey Genevieve R. Starkey
10	"	"	Charles Russell Rohrback Jr. Betty Lorine Rohrback
11	"	"	Bruce H. Nall Clara E. Nall
12	"	"	J. C. Henderson Pauline S. Henderson
N 50'	B	"	— W. L. Ringo Jr. <i>no address</i> Josephine Ringo
S 10'			James C. Bligh Nancy M. Bligh
N 50'	"	"	"
S 10'	"	"	— Forrest Wilbur <i>no address</i> Mildred Lorraine Wilbur
N 50'	"	"	"
S 10'	"	"	At Duane D. Wittmer Janet D. Wittmer
N 55'	"	"	"
S 5'	"	"	"
5	"	"	— C. David Burras <i>558 S. Buckley</i> Virginia Burras
6	"	"	Walter J. Bentley Wanda Bentley
7	"	"	Darvin R. Wilson Patsy Ruth Wilson
8	"	"	R. G. House M. D. Ruthether
4		Fallon's 2nd	Cleo K. Sandberg Lillian F. Sandberg

continued page 2

6	Cain & Smith's Replat of part of Bk 3 in Beverly Manor	Euna C. Lawson
12	Stowells	Charles M. Tomlinson Vivian E. Tomlinson
E 2' 13	"	"
13 exc E 2'	"	M. Jean Stowell
14 exc W 2'	"	James D. Grainger Elizabeth Jean Grainger
W 2' 14	"	Kenneth L. Pinkstaff Alberta Pinkstaff
15	"	"
16	"	Elmon R. Cobb Barbara L. Cobb <i>102 &amp; Blockley</i>
17	"	Shirley T. Cox Mae Cox
18	"	Bettie L. Clinton Mark Allen Clinton Stephen Michael Clinton
19	"	Laverne L. Dale Marguerite L. Dale
W 64' 20	"	William Frank Eddy Evelyn Arlene Eddy
20 exc W 64'	"	Ken Stowell M. Jean Stowell
21	"	Ralph B. Hard Gladys Hard
22	"	Jaunita Alford Goodvin Woodrow W. Goodvin

We hereby certify the foregoing to be a true and correct list of property owners in a 200 foot radius of Lot 9 Block A, Nashville Park Addition to Wichita, Sedgwick County, Kansas, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this the 17th day of February 1957 A. D. at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE COMPANY INC.

BY

*K. R. ...*  
VICE PRESIDENT

ORDER NO. 46017  
jmb

*Leland Edmonds*

April 3, 1958

Re: 556 South Eleckley Drive

Mrs. Genevieve Amberg Starkey  
556 South Eleckley Drive  
Wichita, Kansas

Dear Madam:

This letter will confirm the fact that your appeal to the Board of Zoning Appeals for permission to operate a dance studio in your home at 556 South Eleckley Drive was denied by that Board on March 28, 1958.

Your appeal to that Board was from my decision that your business was not being operated as a "home occupation," since others were being employed in the conduct of the business.

Since the Board did not grant your appeal, this office has no alternative but to insist that your property be brought into compliance with the provisions of the Zoning Ordinance, and further that, since this violation is one of long standing, we insist that this matter be taken care of immediately.

I am sure that you fully understand the situation relative to this violation, but should we be able to assist you in any way, we will be glad to do so.

Yours very truly,

S. B. Maple  
Building Inspection Superintendent

SBM MJ

CC  
Carl A. Bell, Jr., Attorney  
Leland Edmonds, Sec., Zoning Board of Appeals  
E. N. Smith, Director of Public Works



NAMES AND ADDRESSES OF  
OWNERS AND RESIDENTS OF PROPERTY  
LISTED ON ABTRACTER'S LIST

PROPERTY DESCRIPTION	NAME & ADDRESS OF OWNER	NAME & ADDRESS OF OCCUPANT
Nashville Park Lot 4, Block A	Jack Lee Hodge, et al, ✓ 2224 Prince	Mr. & Mrs. George McNeil, 533 S. Pinecrest
Lot 5, Block A	Jack B. Molden ✓ (unknown)	Mrs. M. Schoenberg 539 S. Pinecrest
Lot 6, Block A	Mr. & Mrs. Milton Krenka, ✓ 3020 S. Vine	Ted Harvey 543 S. Pinecrest
Lot 7, Block A	Mr. & Mrs. Claude Gardner ✓ 549 S. Pinecrest	Same
Lot 8, Block A	Kathryn Louise Wiens ✓ 3442 E. Third	J. Harold Ashton 555 S. Pinecrest
Lot 10, Block A	Charles R. Rohrback, Jr. ✓ 550 S. Bleckley Dr.	Same
Lot 11, Block A	Mr. & Mrs. Bruce H. Nall ✓ 6101 E. Gilbert	Mrs. H. N. Fox 544 S. Bleckley
Lot 12, Block A	J. C. Henderson ✓ 538 S. Bleckley	Same
N50' Lot 1, Block B	W. L. Ringo, Jr. et al ✓ (unknown)	Kellogg Medical Center
S10' Lot 1, Block B, N50' Lot 2	James C. Bligh et al ✓ 3801 E. Skinner	Wayne N. Hipsher 537 S. Bleckley
S10' Lot 2 & N50' Lot 3, Block B	F. W. Robison 543 S. Bleckley	Same
S10' Lot 3 & Lot 4, Block B	Duane D. Wittmer et al ✓ 549 S. Pinecrest	Same
Lot 5, Block B	C. David Burrus et al ✓ (unknown)	Robert L. Louder 555 S. Bleckley
Lot 6, Block B	Walter J. Bentley et al ✓ 556 Elpyco	Same
Lot 7, Block B	Darvin R. Wilson et al ✓ 550 Elpyco	Same
Lot 8, Block B	R. G. House, M.D. et al ✓ 441 S. Pershing	Ardis B. Thomas 544 Elpyco
Fallon's 2nd Lot 4	Cleo K. Sandberg et al ✓ 532 S. Bleckley	Same
Cain & Smith's Lot 6	Euna C. Lawson ✓ 3212 E. English	Unknown

PROPERTY DESCRIPTION	NAME & ADDRESS OF OWNER	NAME & ADDRESS OF OCCUPANT
Stowells Add. Lot 12 & E2 <sup>#</sup> of 13	Charles M. Tomlinson et al 5018 Bleckley Ct.	Same
Lot 13 exc. E2 <sup>#</sup>	N. Jean Stowell 157 N. Battin	Mr. & Mrs. J. B. Carney 5012 Bleckley Ct.
Lot 14 exc. W2 <sup>#</sup>	James D. Grainger et al 5006 Bleckley Ct.	Same
W2 <sup>#</sup> of 14 & Lot 15	Kenneth L. Pinkstaff et al 5002 Bleckley Ct.	Same
Lot 16	Elmon R. Cobb et al ✓ (unknown)	Mr. & Mrs. A. M. Andrews 602 S. Bleckley
Lot 17	Shirley T. Cox et al ✓ 5007 E. Orme	Same
Lot 18	Bettie L. Clinton et al ✓ 5011 E. Orme	Same
Lot 19	Laverne L. Dale et al ✓ 5017 E. Orme	Same
W64 <sup>#</sup> of Lot 20	William F. Eddy et al ✓ 5021 E. Orme	Same
Lot 20 exc. W64 <sup>#</sup>	Ken Stowell et al ✓ (see above)	None
Lot 21	Ralph B. Hard et al ✓ 16114 Manor Rd.	Arthur Witzkee 605 S. Pinecrest
Lot 22	Woodrow W. Goodvin et al ✓ 920 N. Ridgewood	Mr. & Mrs. Ted Flippin 609 S. Pinecrest

COMMUNITY ARTS COUNCIL

March 1, 1958

TO WHOM IT MAY CONCERN:

Genevieve Starkey is a Charter Member of the Community Arts Council.

During the past six years, since our founding, she has voluntarily given much of her time and services, without recompense, to this organization.

We regard her as one of our most valued members in our endeavors to sponsor the cultural activities and development in Wichita.

Sincerely,

Omar Hebbins  
(President)

OH:W

Exhibit "C"

B-2-A  
file

**BLAKE, JONES, BELL & MABEN**

ATTORNEYS AT LAW  
802 SCHWEITER BUILDING  
WICHITA 2, KANSAS  
AMHERST 2-1412

HAROLD L. BLAKE  
WILBUR H. JONES  
CARL A. BELL, JR.  
NORMAN G. MABEN

February 11, 1958

Mr. Leland Edmonds, Secretary,  
Board of Zoning Appeals,  
City Building Annex,  
Wichita, Kansas

Dear Sir:

As attorney for Mrs. Genevieve Starkey, 556 South Bleckley Drive, I want to explain to you why the appeal of Mrs. Starkey, which I have discussed with you by telephone, was not filed in time to appear on the docket of the Board of Zoning Appeals on February 21, 1958. I feel that you deserve an explanation of this on account of the courtesy provided by your office in calling me on February 10, 1958, and advising that an appeal should be filed on that date in order to make the February 21 docket.

Immediately after my conversation with you on February 7, by telephone, I ordered the requisite ownership list from the abstractor. Unfortunately, this was not received by February 10, but did come into this office on February 11. My office is now in the process of obtaining the addresses of all residents of this property as well as owners, in compliance with the Board's requirements for appeals. You may be sure that we will expeditiously file this appeal. We regret that it could not be filed in time to make the February 21 docket of the Board and that our lateness will necessitate consideration of the appeal by the Board at a subsequent date. My client will be agreeable to such subsequent date of hearing on her appeal that will be of accommodation to the members of the Board.

Respectfully,  
*Carl A. Bell, Jr.*  
Carl A. Bell, Jr.

CAB:daw



BLAKE, JONES, BELL & MABEN  
ATTORNEYS AT LAW  
802 SCHWEITER BUILDING  
WICHITA 2, KANSAS  
AMHERST 2-1412

March 7, 1958

HAROLD L. BLAKE  
WILBUR H. JONES  
CARL A. BELL, JR.  
NORMAN G. MABEN

Board of Zoning Appeals  
4th Floor  
City Building Annex  
104 South Main  
Wichita, Kansas

Re: Appeal of Genevieve  
Amberg Starkey

Gentlemen:

I hand you herewith all items as contained in your instructions to appellants necessary to file the appeal for a variance on behalf of my client, Genevieve Amberg Starkey. No compliance has been attempted with item three of the instructions, because it would appear that the other material would cover this, and there are no specific drawings that would be applicable, as in the case of proposed construction. However, if there is something that we should furnish on this, please do not hesitate to call upon me.

I will appreciate a notification as to the date this appeal will be set, as I have been retained by Mrs. Starkey to appear at the hearing on her behalf.

Very truly yours,

*Carl A. Bell, Jr.*

Carl A. Bell, Jr.

CAB:daw

Enclosures



BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

March 17th, 19 58

Mrs. Genevieve Amberg Starkey  
556 South Bleckley Drive  
Wichita, Kansas

Dear Mrs. Starkey :

Your appeal, under the Zoning Ordinance, relative to premises at  
556 South Bleckley Drive

Wichita, Kansas

has been given Board of Zoning Appeals Case No. 4-58.

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

Further, you are notified to appear before the Board of Zoning  
Appeals either in person, or by agent or attorney, for a hearing of  
your case on Friday, March 28, , 19 58, at 1:30 p.m.  
on the Fourth Floor of the City Building Annex, 104 South Main,  
Wichita, Kansas.

Respectfully,

Secretary, Board of Zoning Appeals

CITY OF WICHITA  
BUILDING INSPECTION DIVISION

To Mrs. E. W. Starkey Owner Address 556 South Bleckley Dr.

To Same Applicant Address \_\_\_\_\_

Dear Sir:

Your application Dated January 28, 1958

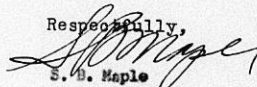
For ~~an Executive Order~~ permission to use the residence located in the "A"  
zoning district at the premises designated as  
556 South Bleckley Drive as a dance instruction studio

Is hereby refused on this 31st day of January, 1958,

Under Sections 21-11 and 21-8 of the Zoning Ordinance.

For the reason that it is necessary that this use be a home occupation in order  
to be allowed in this zone. This school as it is being operated is not a home  
occupation, since there are others being employed in the operation besides those  
who use the premises as their home.

Respectfully,



S. B. Maple  
Chief Building Inspector

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