

12-27-60 BZA
Order case closed.

BZA 5-59 (9-54) (8-52)

GEARHART

BOARD OF ZONING APPEALS

DECEMBER 5, 1960

S. B. MAPLE, BUILDING INSPECTION SUPERINTENDENT
ALVIN J. KARETSKI, SECRETARY

BZA 5-59
GEARHART VARIANCE

THE VARIANCE EXTENSION GRANTED TO MRS.
FLORENCE GEARHART ON DECEMBER 22, 1959 EXPIRES ON
DECEMBER 17, 1960.

IT IS MY UNDERSTANDING THAT THE VARIANCE IS
NO LONGER REQUIRED; HOWEVER, NOTIFICATION FROM YOUR
OFFICE IS NECESSARY BEFORE THE STATUS OF THE VARI-
ANCE CAN BE FULLY DETERMINED.

MAY I PLEASE HAVE YOUR COMMENTS ON THE VARIANCE
SO THAT I MAY PRESENT THEM TO THE BOARD OF ZONING
APPEALS AT ITS DECEMBER 27, 1960 MEETING?

ALVIN J. KARETSKI
SECRETARY

AJK:BER

JANUARY 8, 1960

MRS. FLORENCE GEARHART
1643 S. EMPORIA
WICHITA, KANSAS

RE: BZA 9-54

DEAR MRS. GEARHART:

WE ARE ADVISED BY THE OFFICE OF THE CITY CLERK THAT NO APPEAL HAS BEEN FILED WITH RESPECT TO THE DECISION OF THE BOARD OF ZONING APPEALS DATED DECEMBER 22, 1959. THE DECISION OF THE BOARD OF ZONING APPEALS IS THEREFORE FINAL AND THE EXTENSION HAS BEEN GRANTED TO EXPIRE DECEMBER 17, 1960.

VERY TRULY YOURS,

LELAND R. EDMONDS,
SECRETARY

C.C. S. B. MAPLE

December 24, 1959

Mrs. Florence Gearhart
1643 S. Emporia
Wichita, Kansas

Re: BZA 5-59 (9-54)

Dear Mrs. Gearhart:

This is to advise you that the Board of Zoning Appeals of the City of Wichita considered your request for an extension of the variance to use the property at 1643 S. Emporia as a child day-care center. The Board considered this matter at its meeting of December 22, 1959 and approved your request for extension.

Under the provisions of Section 21-27 of the Code of the City of Wichita as amended in May, 1959, decisions of the Board of Zoning Appeals are subject to appeal to the City Commission provided that subject appeal be filed within ten (10) days of the date of the decisions of the Board. If no appeal is filed requiring that the matter be heard by the Board of City Commissioners, the decision of the Board of Zoning Appeals will then be final.

The ten day appeal period in this matter would expire on January 1, 1960. Inasmuch as this is a legal holiday and is followed by two additional non-work days, the appeal period will end on January 4, 1960. If an appeal has not been filed on or before that date the Board's decision will become final and you will receive a copy of a resolution for your information and files officially extending your variance until December 17, 1960.

Yours very truly,

Leland R. Edmonds
Secretary

LRE:njj

BOARD OF ZONING APPEALS

December 24, 1959

C. H. Funk, City Clerk

Leland R. Edmonds, Secretary

BZA 5-59 (9-54)

Attached is one copy of a resolution for BZA, case No. 5-59. This resolution indicates the action taken by the Board of Zoning Appeals at its meeting of December 22, 1959.

Under the provisions of Section 21-27 of the Code of the City of Wichita, this decision of the Board of Zoning Appeals is appealable to the Board of City Commissioners within a period of ten days from the date of the action of the Board. Accordingly, it appears that an appeal could be filed no later than January 4, 1960. If an appeal is not filed on or before that date, the decision of the Board will be final.

Leland R. Edmonds
Secretary

LRE:njj

#1-INSTRUCTIONS TO DELIVERING EMPLOYEE

Deliver *ONLY* to addressee Show address where delivered
(Additional charges required for these services)

RETURN RECEIPT
 Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE *(must always be filled in)*
Franklin D. Roosevelt

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

DATE DELIVERED *DEC 7 1959* ADDRESS WHERE DELIVERED *(only if requested in item #1)*

CBS-16-71348-4 GPO

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO *Mrs. Florence Garbart* POSTMARK OR DATE *12-4-59*

STREET AND NO. *1643 S. Comaria*

CITY AND STATE *Wichita Kansas*

If you want a return receipt, check which
 It shows to whom and when delivered *It shows to whom, when, and address where delivered* *20¢ fee*

No: 6386318

POD Form 3900 July 1955 Replaces previous editions of this form which MAY be used.

POST OFFICE DEPARTMENT
OFFICIAL BUSINESS

QUALITY FOR PRIVATE USE TO AVOID
PAYMENT OF POSTAGE, 3800

POSTMARK OF
DELIVERING OFFICE

INSTRUCTIONS: Fill in items below and complete #1 on other side, when applicable. Moisten gummed ends and attach to back of article. Print on front of article RETURN RECEIPT REQUIRED.

REGISTERED NO. *City of Wichita*

CERTIFIED NO. *Board of Savings Appeals*

INSURED NO. *104 South Main*

CITY, ZONE AND STATE
Wichita, Kansas

POD Form 3811 Jan. 1958

CB-16-71848-A

RECEIPT FOR CERTIFIED MAIL—15¢

SENT TO
Mrs. I. Jensen Gearhart

STREET AND NO.
1643 S. Emporia

CITY AND STATE
Wichita Kansas

POSTMARK OR DATE
12-4-59

No 6386318

If you want a return receipt, check which of the following:

7c shows to whom and when delivered

3c shows to whom, when, and address where delivered

20c fee

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

THE CITY OF WICHITA

OFFICE OF BUILDING INSPECTION DIVISION

DATE December 10, 1959

File

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

FROM S. B. Maple, Superintendent of Building Inspection

SUBJECT *BZA* Case 9-54

This office has made a reinspection of the premises at 1643 South Emporia whereat Mrs. Florence Gearhart operates a child care home under the provisions of the Board of Zoning Appeals resolution 9-54.

As near as can be determined the conditions existing at this place are substantially the same as on November 14, 1958, when a like inspection was made.

It is determined that there are no violations of the Wichita building code.

S. B. Maple
S. B. Maple
Superintendent of Building Inspection

SEM MG



BOARD OF ZONING APPEALS

DECEMBER 14, 1959

BOARD OF ZONING APPEALS MEMBERS

LELAND R. EDMONDS, SECRETARY

BZA 9-54

MRS. FLORENCE GEARHART OF 1543 SOUTH EMPORIA, WICHITA, KANSAS, APPLIED FOR A VARIANCE TO USE HER HOME AT THE ABOVE ADDRESS AS A CHILD CARE CENTER. THIS VARIANCE WAS ORIGINALLY GRANTED BY THE BOARD OF ZONING APPEALS ON NOVEMBER 10, 1952.

WHEN IT WAS FIRST GRANTED THE BOARD PRESCRIBED THAT THE ORIGINAL APPROVAL SHOULD BE VALID FOR A PERIOD OF TWO YEARS AND THAT ON EACH SUBSEQUENT YEAR THE SECRETARY TO THE BOARD WOULD BE EMPOWERED TO EXTEND THIS APPROVAL FOR A PERIOD OF ONE YEAR. THE LAST EXTENSION WAS GRANTED BY THE SECRETARY TO EXPIRE ON DECEMBER 17, 1959.

AT THE TIME THIS MATTER WAS CONSIDERED BY THE SECRETARY IN 1958 THE BOARD OF ZONING APPEALS WAS REQUESTED TO RELIEVE THE SECRETARY OF THE RESPONSIBILITY OF EXTENDING THE PERMIT AT HIS DISCRETION. THIS ACTION WAS REQUESTED BECAUSE IT WAS BELIEVED THAT THIS WAS AN UNWARRANTED GRANT OF POWER TO AN ADMINISTRATIVE OFFICE AND ON THIS BASIS THE BOARD OF ZONING APPEALS CONCURRED AND RULED THAT FUTURE APPROVALS FOR EXTENSION SHOULD BE HEARD BY THE BOARD.

ACCORDINGLY, MRS. GEARHART NOW REQUESTS THE BOARD OF ZONING APPEALS TO GRANT AN EXTENSION OF THE ORIGINAL VARIANCE FOR ONE ADDITIONAL YEAR, SUCH EXTENSION TO EXPIRE ON DECEMBER 17, 1960.

LELAND R. EDMONDS,
SECRETARY

LRE:son

BOARD OF ZONING APPEALS

DECEMBER 14, 1959

S. B. MAPLE, BUILDING INSPECTION SUPT. AND
JIM AIKEN, PUBLIC HEALTH ENGINEER
LELAND R. EDMONDS, SECRETARY

BZA 9-54

MRS. FLORENCE V. GEARHART, 1643 SOUTH EMPORIA HAS APPLIED FOR
AN EXTENSION OF ONE YEAR FOR THE VARIANCE GRANTED IN 1952, TO
OPERATE A CHILD CARE CENTER AT 1643 SOUTH EMPORIA.

MAY WE PLEASE HAVE YOUR COMMENTS CONCERNING THE ADVISABILITY OF
THIS EXTENSION AT YOUR EARLIEST CONVENIENCE. THE MEETING WILL
BE CONSIDERED BY THE BOARD OF ZONING APPEALS ON DECEMBER 22, 1959.

LELAND R. EDMONDS,
SECRETARY

LRE:SDH

BZA 9-54

November 10, 1959

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

Dear Sir:

As specified in Resolution 9-54, adopted by the Board of Zoning Appeals, regarding the operation of a Group Care Center located at 1643 South Emporia St., Wichita 11, Kansas.

The (b) section of the last paragraph of the adopted Resolution states as follows: And that this variance can be extended at the end of two years and each year thereafter by the Secretary of the Board of Zoning Appeals, upon written request from the appellant as long as said appellant owns and operates this child care center.

ADOPTED at Wichita, Kansas, this seventeenth day of December, 1954.

This is to notify you of my request for the continuance of this variance by the Board of Zoning Appeals for an additional year, as I am still the owner, and the operator of the Child Care Center myself, as stated above. This request for an extension of the variance will become effective, as of the seventeenth day of Dec. 1959, until the seventeenth day of December, 1960.

Mr. Edmonds, upon your advice, I am sending you this letter to be presented to the Board of Zoning Appeals. It is my desire to continue operation in this place, upon receipt of consent of the Board of Zoning Appeals. Thanking you for your kindness and consideration in this matter.

Sincerely yours,

Florence V. Gearhart
Mrs. Florence V. Gearhart
1643 South Emporia Street
Wichita 11, Kansas



NOVEMBER 18, 1959

MRS. FLORENCE GEARHART
1643 SOUTH EMPORIA STREET
WICHITA 11, KANSAS

DEAR MRS. GEARHART:

SUBJECT: BZA 9-54

THIS WILL ACKNOWLEDGE RECEIPT OF YOUR LETTER OF NOVEMBER 10 CONCERNING SUBJECT BOARD OF ZONING APPEALS PROCEEDINGS. IN THIS LETTER YOU INDICATE A DESIRE TO CONTINUE OPERATION OF A GROUP CARE CENTER AT 1643 SOUTH EMPORIA STREET AND ACCORDING TO THE LATEST BOARD OF ZONING APPEALS ACTION THIS WILL BE SUBJECT TO REVIEW OF THE BOARD.

YOU WILL RECALL THAT ORIGINALLY THIS WAS SUBJECT TO THE REVIEW AND APPROVAL OF THE SECRETARY OF THE BOARD OF ZONING APPEALS, BUT APPROXIMATELY ONE YEAR AGO THE BOARD ACTED TO REVIEW THIS MATTER ITSELF IN FUTURE YEARS.

SUBSEQUENT TO THE LAST HEARING OF THIS MATTER BY THE BOARD OF ZONING APPEALS, A NEW ORDINANCE HAS BEEN ADOPTED PROVIDING FOR THE ORGANIZATION AND FUNCTIONING OF THE BOARD. THIS ORDINANCE NOW REQUIRES THAT ADVERTISING AND PUBLIC NOTICES BE GIVEN NO LESS THAN 15 DAYS PRIOR TO THE DATE OF HEARING BEFORE THE BOARD. THIS ALSO REQUIRES THAT YOU SHOULD SUBMIT TO THIS OFFICE A CERTIFIED LISTING OF THE NAMES AND ADDRESSES OF THE OWNERS OF ALL PROPERTY WITHIN 200 FEET OF THE PROPERTY INVOLVED IN THE APPEAL.

THE FIRST DATE ON WHICH THIS MATTER COULD BE HEARD BY THE BOARD OF ZONING APPEALS WILL BE DECEMBER 22, 1959. THIS IS APPROXIMATELY FIVE DAYS AFTER THE EXPIRATION DATE OF THE PRESENT VARIANCE. THE BUILDING INSPECTION SUPERINTENDENT ADVISES THAT HIS DEPARTMENT WILL HOLD ANY ACTION IN ABEYANCE UNTIL AFTER THE BOARD OF ZONING APPEALS HEARING ON DECEMBER 22.

THE CERTIFIED LISTING OF OWNERSHIP REFERRED TO ABOVE SHOULD BE SUBMITTED TO THIS OFFICE NO LATER THAN DECEMBER 1, 1959. THIS LISTING CAN BE OBTAINED FROM ANY OF THE LOCAL ABSTRACTERS WHOSE NAMES APPEAR IN THE YELLOW PAGES OF THE TELEPHONE BOOK. UPON

PAGE 2 - Mrs. FLORENCE GEARHART
NOVEMBER 18, 1959

RECEIPT OF THE CERTIFIED LISTING, THE MATTER WILL BE ADVERTISED
AND SCHEDULED FOR HEARING AND NOTICES MAILED IN ACCORDANCE WITH
THE REQUIREMENTS OF THE ORDINANCE.

IF YOU HAVE ANY QUESTIONS CONCERNING THIS MATTER, PLEASE DO
NOT HESITATE TO CALL ON US.

VERY TRULY YOURS,

LELAND R. EDMONDS
SECRETARY

LRE:BER

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

BZA 9-54
90.8

OFFICE OF METROPOLITAN PLANNING

DATE NOVEMBER 10, 1959

TO THE FILES

FROM LELAND R. EDMONDS, SECRETARY, BOARD OF ZONING APPEALS

SUBJECT BZA 9-54

IN BOARD OF ZONING APPEALS CASE 9-54, THE BOARD AUTHORIZED THE OPERATION OF A NURSERY HOME SUBJECT TO RE-EXAMINATION AND REPORT ANNUALLY. SINCE THE MATTER WAS LAST CONSIDERED, THE BOARD OF ZONING APPEALS ORDINANCE HAS BEEN REVISED.

IN THE REVISED ORDINANCE, PROVISION IS NOW MADE FOR ADVERTISING FOR A 15 DAY PERIOD AND GIVING NOTICES BY MAIL FOR A 15 DAY PERIOD PRIOR TO THE HEARING.

THE QUESTION ASKED MR. CURFMAN ON NOVEMBER 10, 1959, CONCERNED THE APPLICABILITY OF THE NEW ORDINANCE ON A PREVIOUSLY CONSIDERED APPLICATION.

MR. CURFMAN ADVISED THAT, IN HIS OPINION, NOTICES AND ADVERTISING SHOULD BE HAD TO AVOID ANY QUESTION OF CONSTITUTIONALITY OF DUE NOTICE IN THIS CASE.



LELAND R. EDMONDS
SECRETARY

LRE:BER

November 6, 1958

Mrs. Florence V. Gearhart
1643 South Emporia Street
Wichita 11, Kansas

Subject: DZA 8-52 and
BZA 9-54

Dear Mrs. Gearhart:

This will acknowledge receipt of your letter of October 27, 1958. The letter was addressed to Mr. George J. Fisher, Secretary of the Board of Zoning Appeals. In as much as Mr. Fisher is no longer employed by the City of Wichita, the letter has come to my attention as the new Secretary of the Board of Zoning Appeals.

Examination of the records on subject cases indicates that at their meeting of September 17, 1954, the Board of Zoning Appeals took action as follows:

"Now, therefore, be it resolved by the Board Of Zoning Appeals that an extension be granted to a variance given on November 10, 1952 for the use of the premises at 1643 South Emporia as a Child Day Care Center for a period of two (2) years under the conditions that the maximum number of children not exceed (20); that the appellant must fully comply with the requirements of the City Building Code and State Board of Health; and that this variance can be extended at the end of two (2) years and each year thereafter by the Secretary of the Board of Zoning Appeals upon written request from the appellant as long as said appellant owns and operates this Child Day Care Center."

Further examination of the minutes of this meeting indicate that it was the intention of the Board of Zoning Appeals that the Secretary should issue such an extension only after the premises had been duly inspected by the Health Department and be the Building Inspection Superintendent; to verify that all conditions are still being met.

Copies of this letter are being forwarded to Mr. Aiken of the City-County Health Department and to Mr. Maple of the Building Inspection Superintendent's office. By this copy, each of them is being requested to conduct the investigation considered appropriate,

Mrs. Florence V. Gearhart-----Page 2

and forward their replies to me at their earliest convenience. When replies have been received from these departments, you shall be notified of their findings and of the action which it will be possible for me to take as Secretary of the Board of Zoning Appeals.

Very truly yours,

Leland R. Edmonds
Secretary of the
Board of Zoning Appeals

LRE:hp

cc: Mr. Jim Aiken
City-County Health Department
1900 East Ninth Street
Wichita, Kansas

Mr. S. B. Maple
Building Inspection Superintendent
104 South Main
Wichita, Kansas

*1 Copy of letter to each of
subject cases -*

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING COMMISSION

CITY BUILDING ANNEX 104 S. MAIN STREET WICHITA 2, KANSAS

December 5, 1958

Mrs. Florence V. Gearhart
1643 South Emporia
Wichita, Kansas

Dear Mrs. Gearhart:

Subject: BZA 8-52 and 9-54

In your letter of October 27, 1958 you requested that the Secretary of the Board of Zoning Appeals grant an extension of one year to you for the operation of a child care center at 1643 South Emporia. As I indicated to you on November 6, 1958, the City-County Health Department and the Building Inspection Superintendent were requested to investigate your property and report to me on their findings.


On November 18, 1958, a report was received from the Building Inspection Superintendent indicating that his inspection had been made and that renewal of the permit appeared to be appropriate. On November 13, 1958, a memorandum from the City-County Health Department indicated that from the health standpoint a renewal would be appropriate.

Therefore, we are pleased to advise you that the variance has been extended for one year, expiring December 17, 1959.

Upon the expiration of the permit on December 17, 1959, your case will be placed before the Board of Zoning Appeals so that that body may in the future take appropriate action with respect to the renewal of your permit. In other words, the Secretary of the Board will not, after this year, have the responsibility for reviewing the permit as an administrative function.

If you have any question concerning the handling of this matter, please do not hesitate to call on us.

Very truly yours,


Leland R. Edmonds
Secretary, Board of
Zoning Appeals

LRE:br
cc: S. B. Maple

8-52

CITY OF WICHITA
BOARD OF ZONING APPEALS
ROOM 402, CITY BUILDING ANNEX
104 SOUTH MAIN
WICHITA, KANSAS

NOTICE TO ADJOINING PROPERTY OWNERS

AN APPLICATION FOR A (AN) VARIANCE HAS BEEN FILED BY FLORENCE
GEARHART OF 1643 SOUTH EMPORIA, WICHITA, KANSAS
ADDRESS

AS PROVIDED BY SECTION 21-27 OF THE CODE OF THE CITY OF WICHITA. THE
APPLICANT DESIRES TO EXTEND VARIANCE GRANTED ON NOVEMBER 10, 1952 BY THE
BOARD OF ZONING APPEALS TO USE HOME AS A CHILD DAY CARE CENTER.

ON PROPERTY LOCATED AT 1643 SOUTH EMPORIA
WICHITA, KANSAS AND LEGALLY DESCRIBED AS LOT(S) 9,11,13,15,17 BLOCK (S)
Koenig's ADDITION AND WHICH IS
LOCATED IN A _____ ZONING DISTRICT.

THIS APPLICATION HAS BEEN ASSIGNED CASE No. 9-54. A HEARING WILL
BE HELD BY THE BOARD OF ZONING APPEALS ON TUESDAY, DECEMBER 22, 1959
AT 1:30 P.M., IN ROOM 401, CITY BUILDING ANNEX, 104 SOUTH MAIN, WICHITA,
KANSAS, AT WHICH TIME YOU MAY APPEAR, IF YOU SO DESIRE, EITHER IN PERSON
OR BY AGENT OR ATTORNEY.

Leland R. Edmonds
LELAND R. EDMONDS, SECRETARY
BOARD OF ZONING APPEALS

BOARD OF ZONING APPEALS

CITY OF WICHITA, KANSAS

NOTICE OF HEARING OF APPEAL

DECEMBER 3, 1959

DEAR Mrs. GEARHART :

Your application for a (an) VARIANCE (appeal, variance, exception) under provisions of Paragraph _____, Section 21-27, Code of the City of Wichita, and relating to premises located at: 1643 SOUTH EMPORIA

has been given Board of Zoning Appeals Case No. 9-54.

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

Further, you are notified that you may appear before the Board of Zoning Appeals either in person, or by agent or attorney, for a hearing of your case on Dec. 22, 1959, at 1:30 p.m. in Room 401, City Building Annex, 104 South Main, Wichita, Kansas.

Respectfully,

Secretary, Board of Zoning Appeals

OWNERSHIP LIST

LOT	LOT	STREET	ADDITION	OWNER
N. 90' Reserve A			Strongs & Roger's Addition	Harry Street Improvement Co. Inc.
S. 100' Reserve A			" "	N. R. Longenecker <i>1846 S. Water</i>
6		Topeka Ave	" "	Merite N. Lygrisse Bernice Lygrisse <i>1857 N. Fishing Ave.</i>
8		" "	" "	W. A. Shrum Roberta Shrum <i>5617 Rackwood rd.</i>
10		" "	" "	" "
12		" "	" "	Robert J. Hein Alberta M. Hein <i>232 Clara Ave.</i>
14		" "	" "	" "
5		Emporia Ave	" "	Vern J. McCaslin Jennie J. McCaslin <i>2178 N. Riverside Blvd.</i>
7		" "	" "	Harold E. Powell Ruth Powell <i>10630 Carr</i>
9--		" "	" "	" "
11		" "	" "	J. D. Liming Henrietta Liming <i>1615 S. Emporia</i>
13		" "	" "	" "
8		" "	" "	N. R. Longenecker <i>1846 S. Water</i>
10		" "	" "	" "
12		" "	" "	" "
14		" "	" "	" "
2		Topeka Ave	Koenigs Addition	J. J. Labat Dorothy Labat <i>1610 S. Topeka</i>
4		" "	" "	" "
6		" "	" "	Faith Baptist Church <i>1321 W. 33rd South</i>
8		" "	" "	" "
10		" "	" "	Ada E. Bricker Naomi Alma Wimp <i>501 Thirk</i> <i>16505 Topeka</i>
N $\frac{1}{2}$ -12		" "	" "	" "
S $\frac{1}{2}$ -12		" "	" "	Ruth Doolin
14		" "	" "	" "
16		" "	" "	Lester E. Roll Viva Inez Roll <i>1646 S. Topeka</i>
18		" "	" "	" "
1		Emporia Ave	" "	Darl G. White Winnie White <i>1623 S. Emporia</i>
3		" "	" "	" "
5		" "	" "	W. A. Zahourek Zola Zahourek <i>2201 E. 12th</i>

LOT	STREET	ADDITION	OWNER
7	Emporia Ave	Koenigs Addition	W. A. Zahourek Zola Zahourek 2201 E. 12 th
9	"	"	Denver V. Gearhart Florence Gearhart 1643 S. Emporia
11	"	"	"
13	"	"	"
15	"	"	"
17	"	"	"
2	"	"	James A. McMahan Ravie Mae McMahan 1616 S. Emporia
4	"	"	"
6	"	"	"
8	"	"	"
10	"	"	"
12	"	"	Maude Fanning 1632 S. Emporia
14	"	"	"
16	"	"	Oscar E. Hendren Oma Hendren 1640 S. Emporia
18	"	"	"
Res. A.			City of Wichita & Sedgwick County
2	Topeka Ave	South Topeka Avenue Addition	Edna E. Boylan Richard G. Boylan <i>noted address 1650 S. Topeka Ave</i>
4	"	"	"
6	"	"	A. L. Bendure Loula M. Bendure 1624 S. Topeka
N $\frac{1}{2}$ -8	"	"	"
S.12 $\frac{1}{2}$ '-8	"	"	D. O. Kennedy Rose Kennedy 1625 S. Topeka
10	"	"	"
12	"	"	Richard Earl Sweet Pauline M. Sweet 801 Redman Lane
14	"	"	"
16	"	"	"
1	Emporia Ave	Chase Addition	Gray R. Porterfield Opal C. Porterfield 1645 S. Emporia
3	"	"	"
5	"	"	David E. Cadmus 1647 S. Emporia
7	"	"	"

LOT	STREET	ADDITION	OWNER
9	Emporia Avenue	Chase Addition	B. R. Chilcoat Augusta Chilcoat " 1651 S. Emporia "
11	" "	" "	" " " "
13	" "	" "	" " " "
15	" "	" "	Joe W. Laughlin " 1657 S. Emporia "
2	" "	" "	" " " "
4	" "	" "	Archie M. Ailshie Dorothy A. Ailshie " 1324 Marlboro "
6	" "	" "	" " " "
8	" "	" "	Clyde E. Runyon Eva E. Runyon " 1652 S. Emporia "
10	" "	" "	" " " "
12	" "	" "	Elliott Chase " "
14	" "	" "	" "
16	" "	" "	" "

We hereby certify the foregoing to be a true and correct List of Property Owners within a 200 foot radius of: Lots 9, 11, 13, 15, 17 on Emporia Avenue, in Koenig's Addition to Wichita, Sedgwick County, Kansas, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, on this the 20th day of November A. D. 1959 at 7:00 A. M.

THE SECURITY ABSTRACT AND TITLE CO INC

By *Samuel P. Brown*

Vice President

WICHITA-SEDGWICK COUNTY

METROPOLITAN AREA PLANNING COMMISSION

CITY BUILDING ANNEX 104 S. MAIN STREET WICHITA 2, KANSAS

December 5, 1958

Mrs. Florence V. Gearhart
1643 South Emporia
Wichita, Kansas

Dear Mrs. Gearhart:

Subject: BZA 8-52 and 9-54

In your letter of October 27, 1958 you requested that the Secretary of the Board of Zoning Appeals grant an extension of one year to you for the operation of a child care center at 1643 South Emporia. As I indicated to you on November 6, 1958, the City-County Health Department and the Building Inspection Superintendent were requested to investigate your property and report to me on their findings.

On November 18, 1958, a report was received from the Building Inspection Superintendent indicating that his inspection had been made and that renewal of the permit appeared to be appropriate. On November 13, 1958, a memorandum from the City-County Health Department indicated that from the health standpoint a renewal would be appropriate.

Therefore, we are pleased to advise you that the variance has been extended for one year, expiring December 17, 1959.

Upon the expiration of the permit on December 17, 1959, your case will be placed before the Board of Zoning Appeals so that that body may in the future take appropriate action with respect to the renewal of your permit. In other words, the Secretary of the Board will not, after this year, have the responsibility for reviewing the permit as an administrative function.

If you have any question concerning the handling of this matter, please do not hesitate to call on us.

Very truly yours,



Leland R. Edmonds
Secretary, Board of
Zoning Appeals

LRE:br
cc: S. B. Maple

9-54

December 5, 1958

Mrs. Florence V. Gearhart
1643 South Emporia
Wichita, Kansas

Dear Mrs. Gearhart:

Subject: BZA 8-52 and 9-54

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Very truly yours,

Leland R. Edmonds
Secretary, Board of
Zoning Appeals

LRE:br
cc: S. B. Maple

WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

CITY BUILDING ANNEX 104 S. MAIN STREET WICHITA 2, KANSAS

November 6, 1958

Mrs. Florence V. Gearhart
1643 South Emporia Street
Wichita 11, Kansas

file
Subject: BZA 8-52 and
BZA 9-54

Dear Mrs. Gearhart:

This will acknowledge receipt of your letter of October 27, 1958. The letter was addressed to Mr. George J. Fisher, Secretary of the Board of Zoning Appeals. In as much as Mr. Fisher is no longer employed by the City of Wichita, the letter has come to my attention as the new Secretary of the Board of Zoning Appeals.

Examination of the records on subject cases indicates that at their meeting of September 17, 1954, the Board of Zoning Appeals took action as follows:

"Now, therefore, be it resolved by the Board Of Zoning Appeals that an extension be granted to a variance given on November 10, 1952 for the use of the premises at 1643 South Emporia as a Child Day Care Center for a period of two (2) years under the conditions that the maximum number of children not exceed (20); that the appellant must fully comply with the requirements of the City Building Code and State Board of Health; and that this variance can be extended at the end of two (2) years and each year thereafter by the Secretary of the Board of Zoning Appeals upon written request from the appellant as long as said appellant owns and operates this Child Day Care Center."

Further examination of the minutes of this meeting indicate that it was the intention of the Board of Zoning Appeals that the Secretary should issue such an extension only after the premises had been duly inspected by the Health Department and be the Building Inspection Superintendent; to verify that all conditions are still being met.

Copies of this letter are being forwarded to Mr. Aiken of the City-County Health Department and to Mr. Maple of the Building Inspection Superintendent's office. By this copy, each of them is being requested to conduct the investigation considered appropriate.

Mrs. Florence V. Gearhart-----Page 2

and forward their replies to me at their earliest convenience. When replies have been received from these departments, you shall be notified of their findings and of the action which it will be possible for me to take as Secretary of the Board of Zoning Appeals.

Very truly yours,

Leland R. Edmonds
Secretary of the
Board of Zoning Appeals

LRE:hp

cc: Mr. Jim Aiken
City-County Health Department
1900 East Ninth Street
Wichita, Kansas

Mr. S. B. Maple
Building Inspection Superintendent
104 South Main
Wichita, Kansas

B-2A 9-54

October 27, 1958

Mr. George J. Fisher
Sec. of Board of Zoning Appeals
City Building
Wichita, Kansas

Dear Sir:

As specified in Resolution 9-54, adopted by the Board of Zoning Appeals, regarding the operation of a Group Care Center located at 1643 South Emporia St., Wichita 11, Kansas.

The (b) section of the last paragraph of the adopted Resolution states as follows: And that this variance can be extended at the end of two years and each year thereafter by the Secretary of the Board of Zoning Appeals, upon written request from the appellant as long as said appellant owns and operates this child care center.

ADOPTED at Wichita, Kansas, this seventeenth day of December, 1954.

This is to notify you of my request for the continuance of this variance by the Board of Zoning Appeals for an additional year, as I am still the owner, and the Operator of the Child Care Center myself, as stated above. This request for an extension of the variance will become effective, as of the seventeenth day of Dec. 1958, until the seventeenth day of December, 1959.

Thanking you for this courtesy, I remain

Respectfully yours,

Mrs. Florence V. Gearhart
Mrs. Florence V. Gearhart
1643 South Emporia Street
Wichita 11, Kansas



THE CITY OF WICHITA

OFFICE OF Building Inspection

DATE November 18, 1958

TO Leland Edmonds, Senior Planner

FROM S. B. Maple, Supt. Building Inspection

SUBJECT : BZA 8-52 and BZA 9-54,
643 S. Emporia

A re-inspection was made of this property on November 14, 1958 by C. L. McCaig, Asst. Supt. of Building Inspection, and a copy of his brief report is attached hereto. The report is self-explanatory as far as this Division is concerned.

S. B. Maple

S. B. Maple, Supt.
Building Inspection

SBM:jg
encl-



THE CITY OF WICHITA

OFFICE OF BUILDING INSPECTION

DATE November 14, 1958

TO S. B. Maple, Building Inspection Superintendent
FROM C. L. McCaig, Assistant Superintendent of Building Inspection
SUBJECT BZA 8-52 and BZA 9-54

An inspection was made November 14, 1958, at Mrs. Gearhart's Child Day Care Center, 1643 South Emporia, and we find the same conditions exist as at the time of her last appeal case. No violations of Building Code were noted. The number of children taken care of to be determined by the Health Department as per State requirements based on floor area per child.

In my opinion, the housekeeping and environment was excellent at time of inspection.

Sincerely submitted,

C. L. McCaig

C. L. McCaig
Assistant Superintendent

CLM:jr



THE WICHITA-SEDGWICK COUNTY DEPARTMENT OF PUBLIC HEALTH

**OFFICE OF PUBLIC HEALTH ENGINEERING
DIRECTOR**

DATE November 13, 1958

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

FROM James F. Aiken, Jr.

SUBJECT EZA 8-52 and EZA 9-54
Group Care Center for Children
1643 South Emporia - Mrs. Florence Gearhart

In regards to your memo of November 6, 1958 concerning the continuation of this property being used as a child care facility under the appropriate zoning classification, our records indicate that the property and facilities are complying with the standards for a group care center of the Wichita-Sedgwick County Department of Public Health and the Kansas State Board of Health.

Our latest evaluation of this establishment was conducted on October 15, 1958. At that time, Mrs. Gearhart was caring for 18 children and the environmental health standards were satisfactory.

In relation to our continued evaluation of Mrs. Gearhart's property and operation, it would be satisfactory from the standpoint of the Health Department to continue the appropriate zoning.

James F. Aiken, Jr.
James F. Aiken, Jr.
Public Health Engineering Director
JFA:rc



October 17, 1957

Mrs. Florence V. Gearhart
1643 South Emporia Street
Wichita 11, Kansas

Dear Mrs. Gearhart:

Your written request dated September 26, 1957, to continue operation of your Child Care Center at 1643 South Emporia has been received.

Investigations show that all conditions specified in Resolution 9-54, adopted by the Board of Zoning Appeals on December 17, 1954 have been satisfied. However, the Resolution does specify, as I interpret it, that the variance can only be extended for a year at a time after the first two years have expired. Therefore, please be advised that the variance has been extended for one year, ending December 17, 1958. At that time a letter similar to your letter of September 26, 1957 should be again submitted if an extension for another year is desired.

Very truly yours,

BOARD OF ZONING APPEALS

Geo. J. Fisher
Secretary

File
GJF:ct
cc: Bldg. Insp. Supt.

Re,
attached



September 26, 1957

Mr. George J. Fisher
Secretary of Board of Zoning Appeals
City Building
Wichita, Kansas

Dear Mr. Fisher:

As specified in Resolution 9-54, adopted by the Board of Zoning Appeals, regarding the operation of a Group Care Center located at 1643 South Emporia, Wichita 11, Kansas.

The (b) section of the last paragraph of the adopted Resolution states as follows: And that this variance can be extended at the end of two years and each year thereafter by the Secretary of the Board of Zoning Appeals, upon written request from the appellant as long as said appellant owns and operates this child care center.

ADOPTED at Wichita, Kansas, this seventeenth day of December, 1954.

This is to notify you of my request for the continuance of this variance by the Board of Zoning Appeals for an additional year, as I am still the owner, and do operate the Child Care Center myself, as stated above. This request for an extension of the variance will become effective, as of the seventeenth day of Dec. 1957, until the seventeenth day of December, 1958.

Thanking you for this courtesy, I remain

Respectfully yours,

Florence V. Gearhart
Mrs. Florence V. Gearhart
1643 South Emporia Street
Wichita 11, Kansas

V. Edg.

September 21, 1956

Mrs. Florence V. Gearhart
1643 South Emporia Street
Wichita 11, Kansas

Dear Mrs. Gearhart:

Your written request dated September 10, ^{26, 1957} 1956, to continue operation of your Child Care Center at 1643 South Emporia has been received.

Investigations show that all conditions specified in Resolution 9-54, adopted by the Board of Zoning Appeals on December 17, 1954 have been satisfied. However, the Resolution does specify, as I interpret it, that the variance can only be extended for a year at a time after the first two years have expired. Therefore, please be advised that the variance has been extended for one year, ending December 17, 1957. At that time a letter similar to your letter of September 10, 1956 should be again submitted if an extension for another year is desired.

^{26, 1957} Very truly yours,

BOARD OF ZONING APPEALS

Geo. J. Fisher
Secretary

GJF:ct
cc: Chief Bldg. Insp.

*File in BZ 3, A.
case 9-54*

10/2/57 - Letter received from Mrs. Gearhart dated 9/10/57 for extension to Dec 1958 - Referred to Maple for rec. (FV)wk

September 21, 1956

Mrs. Florence V. Gearhart
1643 South Emporia Street
Wichita II, Kansas


Dear Mrs. Gearhart:

Your written request dated September 10, 1956, to continue operation of your Child Care Center at 1643 South Emporia has been received.

Investigations show that all conditions specified in Resolution 9-54, adopted by the Board of Zoning Appeals on December 17, 1954 have been satisfied. However, the Resolution does specify, as I interpret it, that the variance can only be extended for a year at a time after the first two years have expired. Therefore, please be advised that the variance has been extended for one year, ending December 17, 1957. At that time a letter similar to your letter of September 10, 1956 should be again submitted if an extension for another year is desired.

Very truly yours,

BOARD OF ZONING APPEALS


Geo. J. Fisher
Secretary

GJF:ct
cc: Chief Bldg. Insp.

THE CITY OF WICHITA

OFFICE OF BUILDING INSPECTION DIVISION

DATE

September 18, 1956

TO

Geo. J. Fisher, Director of Service

S. B. Maple, Building Inspection Supt.

SUBJECT

1943 SOUTH EMPORIA
CHILD CARE HOME



You have referred to me the request of Mrs. Florence V. Gearhart of 1643 South Emporia for the extension of time allowed her for the operation of her Child Care Home at this location.

Since she certifies that she is the owner and operator of this business, thus complying with the provisions of the resolution of the Board of Zoning Appeals, I see no reason why such extension of time should not be granted.

I might further state that neither the Health Department nor this department has anything against the business that needs to be corrected.

A handwritten signature in cursive script, appearing to read "S. B. Maple".

S. B. Maple
Building Inspection Superintendent

SEM MG
Cc Tom Via

9/19 - write letter



September 10, 1956

Mr. George J. Fisher
205 City Building
Wichita 1, Kansas

Dear Sir:

In accordance with the Resolution 9-54, adopted by the Board of Zoning Appeals, regarding the operation of a Child Care Center located at 1643 South Emperia, Wichita 11, Kansas:

The (B) section of the last paragraph of the adopted Resolution states as follows: "and that this variance can be extended at the end of two years and each year thereafter by the Secretary of the Board of Zoning Appeals upon written request from the appellant as long as said appellant owns and operates this child care center."

ADOPTED at Wichita, Kansas, this seventeenth day of December, 1954.

This is to notify you of my request for the extension of this variance by the Board of Zoning Appeals, for an additional two years; as I am still the owner and operator of the child care center, as stated above. This request for an extension of the variance will become effective, as of the seventeenth day of December, 1956, until the seventeenth day of December, 1958.

Thanking you for this courtesy, I remain

Respectfully yours,

Mrs. Florence V. Gearhart
Mrs. Florence V. Gearhart
1643 South Emperia Street
Wichita 11, Kansas

*Subscribed and sworn
before this 10th day of September
1956-*

*My Commission expires
Febr 2 1957*

*Notary Public
Mary Daniels*

LIST OF PROPERTY OWNERS

LOT	STREET	ADDITION	PROPERTY OWNER
1 and 3	Emporia	Koenigs	Darl G. White & Winnie White <i>1623 So. Emporia</i>
5 & 7	"	"	Ralph E. Carrell & Martha L. Carrell <i>1625 So. Emporia</i>
9-11-13-15 & 17	"	"	Denver V. Gearhart & Florence V. Gearhart <i>1643 So. Emporia</i>
2 & 4	Topeka	"	J. J. Labat & Dorothy Labat <i>1618 So. Topeka</i>
6 & 8	"	"	Faith Baptist Church <i>1400 So. Broadway</i>
10 & N $\frac{1}{2}$ of lot 12	"	"	Robert Bricker <i>1630 So. Topeka</i>
S $\frac{1}{2}$ of 12 & all 14	"	"	Ruth Doolin <i>1630 So. Topeka</i>
16 & 18	"	"	Lester E. Roll <i>1646 So. Topeka</i>
2-4-6-8-10	Emporia	"	James A. McMahan & Ravie Mae McMahan <i>1616 So. Emporia</i>
12 & 14	"	"	Maude Fanning <i>1632 So. Emporia</i>
16 & 18	"	"	Oscar E. Hendren & Oma Hendren <i>1640 So. Emporia</i>
5	"	Strong & Roger's	Vern J. McCaslin & Jennie J. McCaslin <i>1744 Park Place</i>
7 & 9	"	"	Harold E. Powell <i>1611 So. Emporia</i>
11 & 13	"	"	J. D. Leming & Henrietta Leming
8 & 10	Topeka	"	W. A. Shrum & Roberta Shrum <i>5617 Rockwood</i>
12 & 14	"	"	Robert J. Hein & Alberta M. Hein <i>1608 So. Topeka</i>
8-10-12 & 14	Emporia	"	N. R. Longnecker <i>1610 So. Emporia</i>
2 & 4	"	Chase	Archie M. Ailshie & Dorothy A. Ailshie <i>1642 So. Emporia</i>
6 & 8	"	"	Clyde E. Runyon & Eva E. Runyon <i>452 S. Emporia</i>
10-12-14	"	"	Elliott Chase <i>1654 So. Emporia</i>
1 & 3	"	"	Gray R. Porterfield & Opal C. Porterfield <i>1645 So. Emporia</i>
5 & 7	"	"	Romana Boyd <i>1647 So. Emporia</i>
9 & 11	"	"	B. R. Chilcoat <i>1651 So. Emporia</i>
13 & 15	"	"	Joe W. Laughlin <i>1657 So. Emporia</i>

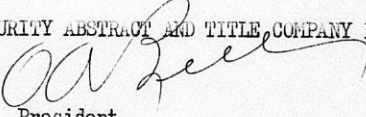
Continued -2-

LOT	STREET	ADDITION	PROPERTY OWNERS
2 & 4	Topeka	South Topeka Avenue	Edna E. Boylan & 1650 S. Richard G. Boylan Topeka
6 & N $\frac{1}{2}$ of 8	"	" " "	A.L. Bendure & Loula M. Bendure 1657 S. Topeka
S $\frac{1}{2}$ of 8 & all of 10	"	" " "	D.O. Kennedy & 1656 S. Topeka Rose Kennedy
12,14,16,	"	" " "	Richard E. Sweet 1658 S. Topeka

We hereby certify the foregoing to be a true and correct List of Property Owners for a 200 foot radius of lots 9,11,13,14,17 on Emporia Avenue Koenig's Addition to the City 1643 S. Emporia of Wichita Sedgwick County, Kansas, as shown by the records in the office of the Register of Deeds of Sedgwick County, Kansas, this 19th day of November, A.D., 1954.

THE SECURITY ABSTRACT AND TITLE COMPANY INCORPORATED

By


President

Order No. 9370