

ROUTED
3-14-74
MAP
CID

BZA 5-74 - St. Paul Pres. Church
requests variance to increase park-
ing & off-street loading spaces
on the west side of West Street
between Edminster and 9th Street.

ACTION

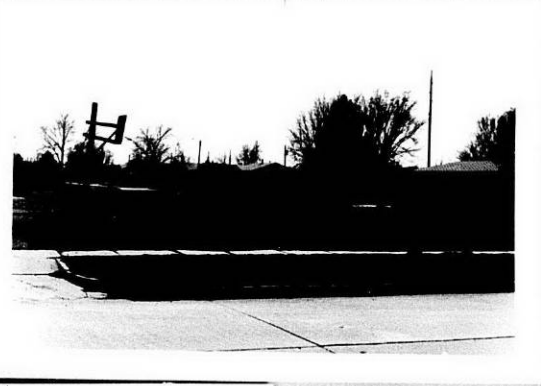
BZA COMMITTEE meeting deferred 3-26-74
meeting due to
lack of quorum 4-1-74

DATE

M.A.P.G.

B.C.C./B.C.O.C.

BZA Approved 4-1-74



December 18, 1973

Robert A. Lakin, Director of Planning

Jack H. Galbraith, Chief Planner

Child Care Center - 1001 North West Street

When we were originally contacted by Reverend Fairchild of the St. Paul United Presbyterian Church, 1001 North West Street, about the requirement by the Department of Public Works that the entire parking lot be paved in the process of securing a change of occupancy permit and approval of a Board of Zoning Appeals exception for a day care center, we raised the possibility that the existing gravel parking lot might be a legal nonconforming use, and only those parking spaces required for the day care center would have to be paved. However, upon checking our annexation maps, part of the property is shown to have been annexed in 1953, with the remainder annexed in 1955. The church was not constructed until 1957 according to building permit records. Thus, the presence of a gravel parking lot was not a legal nonconforming use and the church has been in violation since it was constructed.

In the course of several discussions, we also considered the possibility of a zone change to "B" Multiple family for that portion of the property utilized by the church to a classification which would permit the child care center by right. Because of the large ownership of the church, this would have probably entailed replatting - an additional expense, which would not have solved the paving problem.

When Fred Linde and Reverend Fairchild raised the issue of the possibility of obtaining a variance of the zoning ordinance requirement to pave off-street parking, we requested the Director of Law to provide a legal opinion as to whether or not the Board of Zoning Appeals had the jurisdiction to consider and grant such a request. (Copies of this memo and the Law Department's reply are attached.) Although Assistant City Attorney H. R. Kuhn responded that the Board has the jurisdiction to consider such a variance, he agreed that the granting of a variance of this type would be limited by the applicant's ability to fulfill the statutory conditions (i.e., uniqueness, no adverse effect on adjacent property, etc.).

When the applicant attempted to file a Board of Zoning Appeals application last week, he was advised that the parking plan had to first be approved by the Division of Traffic Engineering. Bill McKinley advised this morning that Paul Graves says that Mr. Linde and Rev. Fairhurst met with him last week and presented him a

Page 2 - Robert A. Lakin
December 18, 1973

parking plan of 4 spaces (20x40) next to their building with no support of paved circulation aisle to the spaces. He advised that he could not approve such a plan, but that his decision could be appealed to the Board of City Commissioners.

Bill McKinley also advised that both Mr. Linde and Rev. Fairhurst have raised questions as to what is meant by the text "or otherwise surfaced with an all-weather surface treated to prevent dust". This statement is in Section 28.04.143.1.1 and applies to "dwellings" only. The section of the text that applies to parking lots (Section 28.04.143.1.2) reads as follows:

- 1.2 All off-street parking lots and loading areas and all driveways on private property providing ingress, except as provided in 1.1 above, shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing, and shall be maintained in good condition and free of all weeds, dust, trash and other debris.

Assuming that their contention is that they can provide an alternate surfacing material, and Central Inspection does not approve the material, perhaps that is then appealable to the Board of Zoning Appeals.

Inasmuch as the parking plans were not approved, the Board of Zoning Appeals application was returned to Rev. Fairhurst at his request.

Attached are copies of Fred Linde's correspondence regarding this problem.

JHG:ber

Attachment

RESOLUTION NO. BZA 5-74

WHEREAS, St. Paul Presbyterian Church, 1001 North West Street, Wichita, Kansas, by Thomas H. Fairhurst, 1001 North West Street, Wichita, Kansas, request a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to not require paving of the two off-street parking spaces and the two off-street loading spaces on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lots 9 through 18 inclusive, except the west 30 feet of Lot 18, Block D, E.B. Clark Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of West Street between 9th Street and Edminster Street.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of April 1, 1974, 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 the church has utilized the existing gravel parking area since 1957, and it would be unreasonable to require the paving of two parking and two unloading spaces for the use of the child care center when ample parking already exists for the church and its activities; 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 parking lot does not appear to have had an adverse effect on adjacent properties in the past, and to require the paving of two parking and two unloading spaces located adjacent to the church in the interior of a gravel lot would not appear to make a significant change in the over-all situation; 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 ample parking and loading spaces adjacent to the church already exist; 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 inasmuch as adequate parking for the facility already exists; 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 adequate graveled parking has existed for the church for approximately 17 years; and

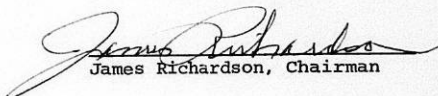
WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to not require paving of the two off-street parking spaces and the two off-street loading spaces associated with the operation of a child care center in the existing church facilities, on property zoned "AA" Single Family Dwelling District, and legally described as:

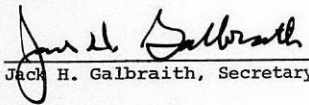
Lots 9 through 18 inclusive, except the west 30 feet of Lot 18, Block D, E.B. Clark Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of West Street between 9th Street and Edminster Street.

be approved.

ADOPTED AT WICHITA, KANSAS, this 1st day of April, 1974.


James Richardson, Chairman

ATTEST:


Jack H. Galbraith, Secretary

April 24, 1974

Ms. Karen Dalke
St. Paul Presbyterian Church
1001 North West Street
Wichita, Kansas 67203

Re: Case No. EZA 4-74 - Request
for an Exception and EZA 5-74 -
Request for a Variance

Dear Ms. Dalke:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on April 1, 1974, in connection with your request for an exception to permit the operation of a child care center, and your request for a variance to not require paving of the two required off-street parking spaces and the two required off-street loading spaces on property zoned the "AA" Single Family Dwelling District and generally located on the west side of West Street between Edminster and 9th Streets.

These Resolutions reflect the official action of the Board and sets out the conditions of approval. They are forwarded to you for your information and files.

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

Sincerely,

Jack H. Galbraith
Secretary

JHG:js
Encl.

Ms. Karen Dalke
April 24, 1974

cc: Rev. Thomas Fairhurst
St. Paul Presbyterian Church
1001 N. West Street
Wichita, Kansas 67203

Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

April 5, 1974

Ms. Karen Salke
St. Paul Presbyterian Church
1001 North West Street
Wichita, Kansas 67203

Re: Case No. BZA 4-74 - Request
for an Exception and BZA 5-74 -
Request for a Variance

Dear Ms. Salke:

At the regular meeting of the Board of Zoning Appeals on April 1, 1974, your request for an exception to permit the operation of a child care center, and your request for a variance to not require paving of the two required off-street parking spaces and the two required off-street loading spaces on property zoned the "AA" Single Family Dwelling District and generally located on the west side of West Street between Edminster and 9th Streets, was considered.

It was the action of the Board to approve these requests subject to the conditions as listed in the Secretary's report.

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

If you have any questions, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

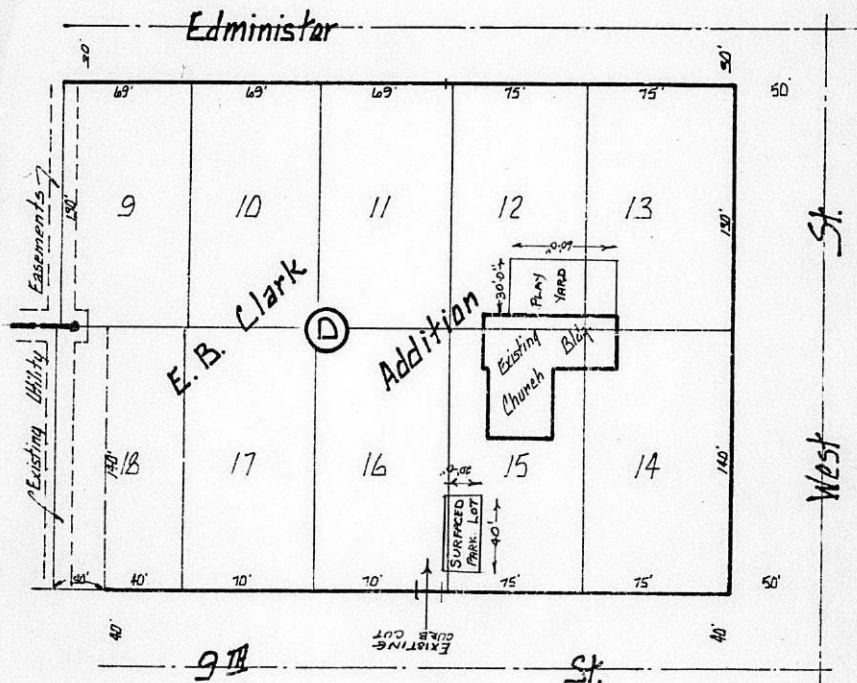
Ms. Karen Dalke
April 5, 1974
Page Two

cc: Rev. Thomas Fairhurst
St. Paul Presbyterian Church
1001 N. West Street
Wichita, Kansas 67203

Mr. Fred Linde, Grievance Officer
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

Legal Description

Odd and even lots 9 to 18 inclusive, except the West 30' of lot 18, Blk D E. B. Clark Addn.



Plot of Map

St. Paul's United Presbuteman Church
1001 N. West Street

March 26, 1974

Thomas H. Fairhurst, Pastor
St. Paul Presbyterian Church
1001 North West Street
Wichita, Kansas 67203

Re: Case No. BZA 4-74-request
for an exception and BZA 5-74
Request for a variance

Dear Rev. Fairhurst:

Due to lack of a quorum the regular meeting of the Board of Zoning Appeals which was scheduled for March 26, 1974, was deferred to Monday, April 1, 1974. The meeting will be held in Room 401 City Building Annex, 104 South Main Street, at 1:30 p.m.

At that time the above captioned cases will be considered by the Board. If you have any questions concerning this matter, please call.

Sincerely,

Martha McMurry
Assistant Secretary
Board of Zoning Appeals

MM:js

cc: Fred Linde,
Grievance Officer

SECRETARY'S REPORT

CASE NO. BZA 5-74

APPLICANT: St. Paul Presbyterian Church, 1001 North West Street, Wichita, Kansas 67203.

AGENT: Thomas H. Fairhurst, same address.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to not require paving of the two off-street parking spaces and the two off-street loading spaces.

GENERAL LOCATION: West side of West Street between 9th Street and Edminster Street.

ZONING: Subject property is zoned the "AA" Single Family Dwelling District, as is the property to the west. The property to the east is zoned the "LC" Light Commercial District. Property to the north is zoned the "AA" classification, the "B" Multiple Family Dwelling District, and the "BB" Office District. To the south are the "LC" and "AA" zoning districts.

LAND USE: Subject property contains a church and associated parking area. To the north and west are single family homes. The property to the east is developed with a restaurant and general commercial uses. The property to the south contains a service station and small shopping center.

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.

Secretary's Report
BZA 5-74

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:

St. Paul's United Presbyterian Church is requesting a variance to not require paving of the two required off-street parking spaces and the two required off-street loading spaces associated with the church's application for an exception to permit the operation of a child care center in the church facilities. Section 28.04.185.2, Code of the City of Wichita, requires that one off-street parking space be provided on the premises for each teacher and employee plus one space for each vehicle used in the operation of the center. The ordinance further requires that when the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or major fraction thereof. Rev. Fairhurst, the agent for the applicant, advises that the child care center is planned for approximately 16 children with two teachers, and the church will not operate any vehicles for transportation of the children. Two off-street parking spaces and two off-street loading spaces will therefore have to be provided in conjunction with the center. Section 28.04.143.2, Code of the City of Wichita, requires that all off-street parking lots and loading areas and driveways on private property shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing, and shall be maintained in good condition and free of all weeds, dust, trash and other debris.

In the statement of justification Rev. Fairhurst explains that the church occupies a large tract and has off-street parking facilities for more than 100 automobiles. He states that from time to time the parking area has been covered with crushed limestone and the surface is currently compacted and hard. He points out that there have been no complaints from adjoining residential property owners about the parking lot. In viewing this property in the field it was observed that ample parking and loading space directly accessible to the building does exist.

Secretary's Report
BZA 5-74

Rev. Fairhurst also points out that the church has been operating since 1957 without paved parking; and he states that it would be a hardship on the church to pave two parking spaces and two loading spaces for the use of the day care center when ample parking and loading areas already exist.

UNIQUENESS:

It is the opinion of the Secretary that if uniqueness exists it would be because the church has utilized the existing gravel parking area since 1957, and it would be unreasonable to require the paving of two parking and two unloading spaces for the use of the child care center when ample parking already exists for the church and its activities.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the permit for the variance to not require the applicant to pave the parking area for the child care center would not have an adverse effect on adjacent properties inasmuch as the existing parking lot does not appear to have had an adverse effect on adjacent properties in the past, and to require the paving of two parking and two unloading spaces located adjacent to the church in the interior of a gravel lot would not appear to make a significant change in the over-all situation.

HARDSHIP:

It is the opinion of the Secretary that it would seem to be an unnecessary hardship upon the property owner to require paving of two parking and unloading spaces for the day care center when ample parking and loading spaces adjacent to the church already exist.

GENERAL WELFARE:

It is the opinion of the Secretary that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare inasmuch as adequate parking for the facility already exists.

Secretary's Report
BZA 5-74

SPIRIT AND INTENT

It is the opinion of the Secretary that if the Board finds that the four previous conditions exist which are necessary to the granting of the variance, approval of the variance would not be opposed to the general spirit and intent of Title 28 (zoning ordinance) since adequate graveled parking has existed for the church for approximately 17 years.

RECOMMENDATION

The Secretary recommends that the Board approve the request for a variance to not require the paving of the two off-street parking spaces and the two off-street loading spaces associated with the operation of a child care center in the existing church facilities.

*Martha for BZA
Case*

November 14, 1973

Ralph Wulz, City Manager

Robert A. Lakin, Director of Planning

Reverend Tom Fairhurst
(Child Day Care Centers)

I think the Grievance Officer and others may be correct that the paving of parking lots may not influence the nature or quality of care given to children. He overlooks the larger problem pertaining to off-street parking areas throughout the total community. If the zoning ordinance was and is being correctly administered, hardsurface parking is a requirement for off-street parking areas that are required under the zoning ordinance throughout the entire City of Wichita. This includes not only churches, but all commercial, industrial and apartment activities. The reason for this is quite simple. Failure to provide a hard surface allows one of two conditions to exist. A parking lot then becomes muddy and tracks mud into the streets, which requires additional amounts of street sweeping maintenance; or, if sanded and chatted, provides a continuing source of blow material and dust, which is normally unsatisfactory for commercial and industrial areas, and particularly for operations located in residential neighborhoods.

If the church does not have a paved parking lot already, it would be my initial thought that they are probably in violation under their initial building permit. I know this has been a problem over the years with the administration of the zoning ordinance by Central Inspection and that there have been several churches which, when building their facilities, didn't have enough money to pave their parking lot and promised to do it at some later date. In many of those instances, that later date has never occurred yet.

I am opposed to any change of the zoning ordinance which would bring us back a situation that has largely been corrected through the community, except in those few rare instances. Paved parking lots are a benefit for this specific use and particularly to the adjacent properties.

RAL:ber

cc: Dr. Mervyn Silverman, Director of Community Health
Ray Bruggeman, Director of Public Works
Robert Feldner, Superintendent of Central Inspection
Fred Linde, Community Grievance Officer

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE November 7, 1973



TO Administrators Addressed
FROM Ralph Wulz, City Manager

SUBJECT Reverend Tom Fairhurst
(Child Day Care Centers)

Your attention is invited to the attached copy of a memo dated November 6, 1973, from the Grievance Officer to Commissioner Shanahan.

It is being provided so that you will be aware of Mr. Linde's recommendation concerning parking requirements in connection with child day care centers.



Ralph Wulz
City Manager

RW/fmp

Attachment

cc: Dr. Mervyn Silverman, Director of Community Health
Robert A. Lakin, Director of Planning ✓
Ray W. Bruggeman, Director of Public Works
Robert Feldner, Superintendent of Central Inspection





ON SAFETY
PHASE II

THE CITY OF WICHITA

OFFICE OF Grievance Officer

DATE November 6, 1973
File #1600

TO The Honorable Glenn J. Shanahan, City Commissioner

FROM Fredrick Linde, Grievance Officer

SUBJECT Reverend Tom Fairhurst.

Reverend Fairhurst, who is Pastor of a Presbyterian Church at 1001 North West Street, was referred to the Grievance Office by you on November 5. Reverend Fairhurst asked our help in coping with the current regulations under Ordinance 32-702. This is the provision in the zoning regulation which requires child day care centers, licensed by the State Health Department, to provide adjacent and paved parking areas for teachers and employees.

In the case of Reverend Fairhurst's church, the Wichita Sedgwick County Health Department is attempting to require the church to pave their entire parking lot; an undertaking estimated to cost some \$20,000.

This was not the intention of the State Law and seems completely unnecessary and frivolous. This is the second occurrence of almost the same character and I see no advantage in making this requirement. Only a very small fraction of the parking lot would ever be required for the day care center people and it simply imposes an impossible condition upon the church.

I have advised Reverend Fairhurst to immediately file a request for a variance with the Board of Zoning Appeals and I will help him draw up the request and present it.

It is my opinion at this time that these requirements should be reviewed by the City Commission because a paved and adjacent parking lot does not influence the nature or quality of the care given to the children.

Fredrick Linde

Fredrick Linde,
Grievance Officer

FL:pc



THE CITY OF WICHITA
OFFICE OF Grievance Office

DATE February 7, 1974

TO The Honorable Glenn J. Shanahan, Commissioner
FROM Fredrick A. Linde, Grievance Officer

SUBJECT St. Paul's United Presbyterian Church-
Child Day Care Center.

ZERO in
ROUTING
ON SAFETY
PHASE II
RW
NGT
FEB-8 1974
EK
FILE

5476
CALCULATED

I have just talked to Reverend Tom Fairhurst, Pastor of St. Paul's United Presbyterian Church on North West Street. This is the small church which has been stymied in its application for a license to operate a child day care center in the church premises. We last wrote about it on December 13 at which time we summed up the experiences we have had with Reverend Fairhurst and also had some ideas about amendments to the present code. On December 18, Reverend Fairhurst appeared before the Board of City Commissioners and the Commission adopted a motion by Commissioner Stevens to refer the matter to the City Manager with the recommendation that the present ordinance be amended to permit the operation of a day care center in facilities similar to those of the church.

The principal deterrent preventing the license is the absence of the required hard surfaced automobile parking spaces (For the St. Paul's Church, four.) The day care center appears to be a highly desirable and well operated activity and seems to be a logical extension of the usual community activities of the church. Any requirement to pave for parking would impose a financial load upon the congregation which, by all odds, cannot be handled within their present resources.

Since Reverend Fairhurst's appearance before the Commission, he has been curious as to the final outcome of the December 18 motion. He very much wants to be in compliance with the regulations. Would it be possible to look into this so that the St. Paul's Church can continue their activities and be in compliance?

Advised Fairhurst of meeting with Linde and reminder for Thursday 2/14/74
FL:pc - -

FL
Fredrick Linde,
Grievance Officer



February 11, 1974

Fred Linde, Grievance Officer

Jack H. Galbraith, Chief Planner

Child Day Care Center
1001 North West Street

As we discussed this morning by telephone, and as I called to your attention on January 16, 1974, Bob Lakin and I thought that perhaps we could resolve the paved parking requirements of the church on West Street and the related use of the child day care center by having the church apply for a variance of the required number of parking spaces for the child care center use. I am of the opinion that the Board of Zoning Appeals might justify such a request on the facts involved, particularly that the church now has a graveled parking lot and that it would not be practical for them to pave only those required spaces for the child care center use.

As we left it, you are going to try to set up a meeting with the minister and myself so that we can discuss the two applications - the exception for the child care center use and the variance of the required parking spaces. As I stated, these two applications can be processed under one filing fee.

Please contact me as to the date and time of the meeting.

JHG:ber

cc: Bob Finch
Assistant City Manager

THE CITY OF WICHITA
OFFICE OF CITY MANAGER

DATE January 18, 1974



TO Robert A. Lakin, Director of Planning

FROM Ralph Wulz, City Manager

SUBJECT Child Day Care Center
1001 North West Street

You are familiar with the request made on the public agenda of December 8, 1973, by Reverend Tom Fairhurst for exception to zoning requirements for operation of a Child Day Care Center at the St. Paul Presbyterian Church, 1001 West Street. As you know the Commission expressed the desire for action which would permit the continued operation of the day care facility.

I concur in your suggestion to file an application for variance with the Board of Zoning Appeals. Please follow through with this matter as we have discussed.


Ralph Wulz
City Manager

RW/fmp

cc: Ray W. Bruggeman, Director of Public Works

Called Lakin on 1/16/74
Wrote him on 2/11/74



BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 5, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

An application has been filed by St. Paul Presbyterian Church, 1001 North West Street, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to not require paving of the two required off-street parking spaces and the two required off-street loading spaces on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lots 9 through 18 inclusive, except the west 30 feet of Lot 18, Block D, E.B. Clark Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of West Street between 9th Street and Edminster Street.

This application has been assigned Case No. BZA 5-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 26, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 62-0611, Extension 205.

Jack H. Galbraith
Secretary

*33 Notices to Adjoining Property Owners mailed 3-5-74
10 notices mailed to mapc*

BOARD OF ZONING APPEALS

CASE NO. 5-74

CITY OF WICHITA, KANSAS

FILED 2-14-74

APPLICATION FOR VARIANCE

St. Paul's United Presbyterian Church

I. Name of Applicant REV THOMAS H. FAIRHURST (agent)

Mailing Address 1001 N. WEST ST. Phone 943-3712

Name of Authorized Agent _____

Mailing Address _____ Phone _____

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

II. The variance requested is to not require paving of the 2 required
off-street parking spaces and the 2 required off-street
STREET LOADING SPACES (CODE 28.04.185
loading spaces
sub 2.3 & 2.4)

for property located 1001 N. WEST ST.

and legally described as: ST. PAUL'S UNITED

PREBYTERIAN CHURCH. Lots 9 through 18

inclusive, except the west 30 feet of Lot 18, Block D, E.B. Clark
Addition to Wichita, Sedgwick County, Kansas
in the City of Wichita; and which is presently zoned AM.

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.

Thomas H. Fairhurst (agent)
Applicant

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 8:00 (a.m. - p.m.), February 14 1974 together with appropriate fee of \$50.00.

T9-402

Marshall M. Mearns
Signed

SUPPLEMENTAL INFORMATION SUPPORTING THE APPLICATION OF THE
ST. PAUL UNITED PRESBYTERIAN CHURCH FOR A
VARIANCE TO THE PRESENT CITY CODE,
Section 28.04.185, Sub 2.3 & 2.4.

St. Paul's United Presbyterian Church seeks approval of its application to operate a child day care center in the church facilities. The cited Sub-Sections to Chapter 28.04.185 require, (1) two all weathered surface off-street parking spaces (2) off-street loading and unloading spots. We request these two requirements be varied to zero and zero, respectively.

The church occupies a large tract and has off-street parking facilities for more than 100 automobiles. From time to time, the parking area has been covered with crushed limestone and today the surface is compacted and hard. There have been no complaints from any of the adjoining residential property owners. All parking at the present time is behind the church structure and the loading and unloading spots are directly accessible to the building entrance.

The church has been operating since 1957. The average number of children to be accommodated is approximately 16 and they will all be transported to and from our facilities by family car or in a few cases, on foot accommodated by parents. The church will not operate any vehicles for the transportation of the children. The center would be open on Monday, Wednesday and Friday from approximately 1:00 to 3:30 p.m.

Reverend Thomas H. Fairhurst, Pastor
St. Paul United Presbyterian Church

SUPPLEMENTAL INFORMATION SUPPORTING THE APPLICATION OF THE
ST. PAUL UNITED PRESBYTERIAN CHURCH FOR A
VARIANCE TO THE PRESENT CITY CODE,
Section 28.04.185, Sub 2.3 & 2.4.

St. Paul's United Presbyterian Church seeks approval of its application to operate a child day care center in the church facilities. The cited Sub-Sections to Chapter 28.04.185 require, (1) two all weathered surface off-street parking spaces (2) off-street loading and unloading spots. We request these two requirements be varied to zero and zero, respectively.

The church occupies a large tract and has off-street parking facilities for more than 100 automobiles. From time to time, the parking area has been covered with crushed limestone and today the surface is compacted and hard. There have been no complaints from any of the adjoining residential property owners. All parking at the present time is behind the church structure and the loading and unloading spots are directly accessible to the building entrance.

The church has been operating since 1957. The average number of children to be accommodated is approximately 16 and they will all be transported to and from our facilities by family car or in a few cases, on foot accommodated by parents. The church will not operate any vehicles for the transportation of the children. The center would be open on Monday, Wednesday and Friday from approximately 1:00 to 3:30 p.m.

Reverend Thomas H. Fairhurst, Pastor
St. Paul United Presbyterian Church