

Case No. BZA 9-85 - June Stough
Dresie - requests an exception to
permit the establishment of a day
care facility for a maximum of 10
elderly persons during normal work-
ing hours (7:00 a.m. to 6:00 p.m.)

POSTED
1-29-85

ACTION

BZA 9-85 APPROVED 2-26-85
DATE

2-7-86
200'4 Sec. 4-9-85
Shot 2-27-86
Record ✓

March 4, 1985

June Stough Dresie
P. O. Box 3644
Wichita, Ks.

Re: BZA 9-85 - Request for Exception

Dear Ms. Dresie:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 26, 1985.

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

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

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad
Encl.

cc: Jim Jorgensen, Acting Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 9-85

WHEREAS, June Stough Dresie, P. O. Box 3644, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a day care facility for a maximum of 10 elderly persons during normal working hours (7:00 a.m. to 6:00 p.m.) on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 23, 25, 27 and 29, Walter Morris and Sons 3rd Addition on First, now Second Street, to Wichita, Sedgwick County, Kansas. Generally located on the north side of Second Street between Martinson and Elizabeth Streets.

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 February 26, 1985, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of day care facilities on property zoned the "A" Two-family Dwelling District subject to the conditions outlined in Section 28.04.185. Code of the City of Wichita.

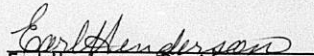
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a day care facility for a maximum of 10 elderly persons during normal working hours (7:00 a.m. to 6:00 p.m.) on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 23, 25, 27 and 29, Walter Morris and Sons 3rd Addition on First, now Second Street, to Wichita, Sedgwick County, Kansas. Generally located on the north side of Second Street between Martinson and Elizabeth Streets.

subject to the following conditions:

1. The facility shall comply with all State and City of Wichita regulations including building and related codes, health, fire and licensing codes.
2. The facility shall not provide care for more than 10 persons at any one time.
3. Any future additions or expansion of the facility shall be subject to reconsideration by the Board of Zoning Appeals.
4. Four off-street parking spaces, in accordance with the City of Wichita standards, shall be provided on the property.

ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1985.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE February 25, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT North side of Second Street
between Martinson & Elizabeth
Streets

CPO Council "0" considered the captioned case at its February 21st meeting and voted 8-0 to recommend that the exception to permit the establishment of a day care facility for 10 elderly adults that would be operated primarily during the normal working hours (7 a.m. to 6 p.m.) be denied for the following reasons:

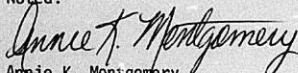
- 1) Opposed to a day care facility being established on a street (Second Street) that is so narrow and carries such a high volume of traffic.
- 2) The day care facility is not consistent with the historic designation that is adjacent to the property.
- 3) No representative for the day care facility was present to discuss the case with the Council and answer questions by the members.

No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at the February 26th meeting.


Shirley Mast
Administrative Aide III

Noted:


Annie K. Montgomery
CRS Director

RE: AGENDA ITEM NO. 9

SECRETARY'S REPORT CASE NO. BZA 9-85

APPLICANT: June Stough Dresie, P. O. Box 3644, Wichita, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 28.04.185 Code of the City of Wichita to permit the establishment of a day care facility for a maximum of ten elderly persons during normal working hours (7:00 a.m. to 6:00 p.m.)

GENERAL LOCATION: On the north side of Second Street between Martinson and Elizabeth Streets.

ZONING: Subject property is zoned the "A" Two-family Dwelling District as are the properties to the east, north and west. To the south is the "B" Multiple-family Dwelling District.

LAND USE: Subject property is presently a one-family dwelling. The adjacent properties were all developed as one-family dwellings.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.185 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception for the establishment of a day care facility for elderly adults that would be operated primarily during the normal working hours (7:00 a.m. to 6:00 p.m.). This would be for a maximum not to exceed ten persons at any one time. This would provide daytime care for elderly individuals either with restorative care or to supplement care generally provided by family members that need to work daily.

It should be noted that in the "A" Two-family Dwelling District, a nursing home or convalescent home for the aged, not to exceed five patients, is a permitted use. It is not determined by the applicant at this time whether the property will include full time nursing care, but in either case, the facility must be licensed by the State. The applicant's site plan indicates that the existing garage will be removed and that four off-street parking spaces can be provided on the property.

RECOMMENDATION:

Should the Board determine that the proposed use is appropriate at this location, then it is the recommendation of the Secretary that the application be approved subject to the following conditions:

1. The facility shall comply with all State and City of Wichita regulations including building and related codes, health, fire and licensing codes.
 2. The facility shall not provide care for more than 10 persons at any one time.
 3. Any future additions or expansion of the facility shall be subject to reconsideration by the Board of Zoning Appeals.
 4. Four off-street parking spaces, in accordance with the City of Wichita standards, shall be provided on the property.
-

BZA CASE NO. 9-85

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>1</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>33</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>36</u>	TOTAL NOTICES SENT <u>2-5-85</u>

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

February 5, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 9-85

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by June Stough Dresie, P. O. Box 3644, Wichita, Kansas requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting a exception to permit the establishment of a day care facility for a maximum of 10 elderly persons during normal working hours (7:00 a.m. to 6:00 p.m.) on property zoned the "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 23, 25, 27 and 29, Walter Morris and Sons 3rd Addition on First, now Second Street, to Wichita, Sedgwick County, Kansas. Generally located on the north side of Second Street between Martinson and Elizabeth Streets.

This application has been assigned Case BZA 9-85. It will be considered by the Board of Zoning Appeals on February 26, 1985 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

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

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 9-85

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant JUNE STOUGH DRESIE
 Mailing Address P.O. Box 3644 Phone 832-1165
 Name of Authorized Agent _____
 Mailing Address _____ Phone _____
 Relationship of applicant to property is that of _____
 (Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C,
 Code of the City of Wichita, Kansas, to permit the establishment of
A 4-Bed CARE HOME AND/OR A DAY CARE
FACILITY FOR ELDERLY TO BE CARED FOR DURING
NORMAL WORKING HOURS MON-FRI 8-5pm.
 on property zoned 1414 W. 2nd ST, on
 located "A" FAMILY - DUPLEX OR 2 FAMILY
 and legally described as: LOTS 23, 25, 27 and 29
WALTER MORRIS & SONS, 3RD ADDITION, on
FIRST NOW SECOND STREET.
 _____, in the City of Wichita.

- 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. 36-596); and that the appropriate fee is herewith tendered;
 - c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
 - d. 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.

Applicant June Stough Dresie

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
1:30 (a.m.p.m.), JAN 28, 1985, together with
 appropriate fee of 75.00.

Signed J. Lytle

January 25, 1985

Metropolitan Planning Commission
Wichita, Kansas

Dear Sirs,

I am requesting an exception to the "A" zoning on a property at 1414 West Second street, to allow me to care for four elderly persons in the house on a full-time basis, and to bring in several other elderly people during the day time, Monday Through Friday, so that they can be cared for while their primary care-giver has the opportunity for employment or other activities during normal working hours.

We will provide four parking stalls in back of the house, and a fenced in yard, so that any necessary wheel-chair ramps would not be visible from the street or other neighbors, in case of patients who are not ambulatory. Because of the proximity to the downtown area, this location is very desirable for this service, so that care-takers can bring in their elderly family member on the way to and from work.

There will be no signs or other objects that will distinguish this house from any other in the block, so that the family dwelling neighborhood will not be disrupted in any way.

These people are very quiet, so there will not be the noise of a nursery day care, nor any other visible signs of their presence. This is a much needed service in this area. Your consideration for a zoning exception would be greatly appreciated.

Sincerely,

June Stough Dresie
June Stough Dresie

OWNERSHIP LIST

Lot	Addition	Property Owner
North 50' of Lot 19	Walter Morris & Sons 3rd Addition, on First now Second ✓	C. R. Sullivan Lo Rayne Sullivan 314 N. Martinson Wichita, KS 67203
South 75' of Lot 19	"	Robert D. Morey d/b/a Moreys & Crow Bonding Company, Agent for Pearlless Insurance ✓ 9316 Briarwood Court Wichita, KS 67212
Lot 21	"	Kelly C. Grant Cathy D. Grant ✓ 1406 W. 2nd Wichita, KS 67203
Lots 23, 25, 27, & 29	"	June Stough Dresie Betty Jo Orpesa 5225 Sullivan Wichita, KS 67204 D
Lot 31	"	Jimmy E. Pickering Norma Jean Pickering ✓ 1700 Fabrique Wichita, KS 67218 <i>Returned 2-11-85</i>
Lots 33 & 35	"	Glenn E. Holmes Carolyn M. Holmes ✓ 320 Seville Wichita, KS 67209 AND Kenneth R. Holmes ✓ Bonnie Jo Holmes 2246 Columbine Wichita, KS 67204
Lots 37 & 39	"	H. D. Mills Joyce Mills ✓ 1508 W. 2nd Wichita, KS 27203
Lot 41	"	Charles B. Towle Castina L. Towle ✓ 1512 W. 2nd Wichita, KS 67203
Lots 9 & 11	Walter Morris & Sons 3rd Addition, on Martinson ✓	Charles W. Knight Juanita F. Knight ✓ 331 N. Martinson Wichita, KS 67203
Lots 13 & 15	"	Stephen Thomas Polan ✓ Dianna L. Polan 838 S. Water Wichita, KS 67213

Lot	Addition	Property Owner
Lot 1 and the North 10' of Lot 3	Farmer & Thomas Addition on Martinson	✓ M. R. Terry Wilma Terry 1325 McLean Blvd. NW Wichita, KS 67203
South 15' of Lot 3 and all Lot 5	"	✓ Ambrose A. Herrman Alice A. Herrman 255 N. Martinson Wichita, KS 67203
Lots 7 & 9	"	Francis R. Martin Regina Martin Address Unknown
Lot 11	"	✓ Carolyn Mae Busenitz 247 N. Martinson Wichita, KS 67203
Lot 2 and the North 10' of Lot 4	Farmer & Thomas Addition on Elizabeth	✓ Robert D. Becker Elaine F. Becker Address Unknown Interest in Property: Robert C. Huffman Margie M. Huffman 1401 Murray Ave. Wichita, KS 67212
South 15' of Lot 4 and all Lot 6	"	✓ LeRoy L. Frazier Sandra M. Frazier 252 N. Elizabeth Wichita, KS 67203
Lots 8 & 10	"	✓ Austin C. Shumate Jr. Donna Rae Shumate 250 N. Elizabeth Wichita, KS 67203
Lot 12	"	✓ John Charles Cleaver Mary A. Cleaver 248 N. Elizabeth Wichita, KS 67203
East 100' of Lots 1 & 2	Junction Town Co. Addition	✓ Jess W. Etter Judi A. Etter 257 N. Elizabeth Wichita, KS 67203
West 40' Lots 3 & 4	"	Same As Above
East 100' of Lots 3 & 4	"	✓ James A. Magee Stella May Magee 255 N. Elizabeth Wichita, KS 67203
Lot 5	"	Alvin C. Rose Beverly S. Rose Address Unknown
West 40' Lots 1 & 2	"	✓ Johnie Hazen Christena I. Hazen 1511 W. 2nd Wichita, KS 67203

<u>Lot</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 17 & 19	Walter Morris & Sons 3rd Addition, on Martinson	✓ Hang Hoan Dinh Nhuan Duc Dinh 321 N. Martinson Wichita, KS 67203
Lots 21 & 23	"	Heavy Equities Address Unknown
Lot 20	"	✓ Wilbur F. Neal Velma E. Neal 1314 N. Sheridan Wichita, KS 67203
Lots 22 & 24	"	✓ James V. Paxton Vera Paxton 2055 Porter Ave. Apt. 218 Wichita, KS 67203
Lots 10 & 12	Walter Morris & Sons 3rd Addition, on Elizabeth	✓ William M. Yates Maxine Yates 604 Chase Wichita, KS 67213
Lots 14 & 16	"	✓ Charlie E. Drinkard Laura J. Drinkard 334 N. Elizabeth Wichita, KS 67203
Lots 18 & 20	"	✓ Richard Edwin Kinder Jacqueline D. Kinder 3226 S. Osage Wichita, KS 67217
Lots 22 & 24	"	✓ C. H. Ramsey Doris Ramsey c/o Doris Endicott 220 S. Martinson Wichita, KS 67213
Lot 11	"	✓ James E. Young 331-331½ N. Elizabeth Wichita, KS 67203
Lots 13 & 15	"	✓ Roger Scott Kandt Cindy Rae Kandt 528 N. Sheridan Wichita, KS 67203
Lots 17 & 19	"	✓ Robert Lee Loyd Alta K. Goodman 1510 S. Sabin Wichita, KS 67212
Lots 21 & 23	"	✓ Nathan W. Jordan Dora Beth Jordan 2215 S. Mosley Wichita, KS 67211

Tract Description

Property Owner

Tract in the Northeast Quarter of Section 19, Township 27, Range 1 East beginning at the Southeast Corner of Lot 21 First Street now Second Street in Walter Morris & Sons 3rd Addition; thence North 125' to the Northeast Corner of said Lot 21; thence East 100' to the West line of Martinson Avenue; thence South 125' to the North line of said First Street now Second Street; thence West along the North line of said First now Second to point of beginning.

Kelly C. Grant
Cathy D. Grant
1406 W. 2nd
Wichita, KS 67203

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tract within a 200 foot radius of:

Lots 23, 25, 27 and 29, First now Second Street, Walter Morris and Sons Third Addition to Wichita, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 28th day of January, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND
TITLE COMPANY, INC.

By

Mary Gable

Sr. Vice-President

BOARD OF ZONING APPEALS
Tenth Floor - City Hall
455 North Main, Wichita, Kansas 67202

February 5, 1985

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

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

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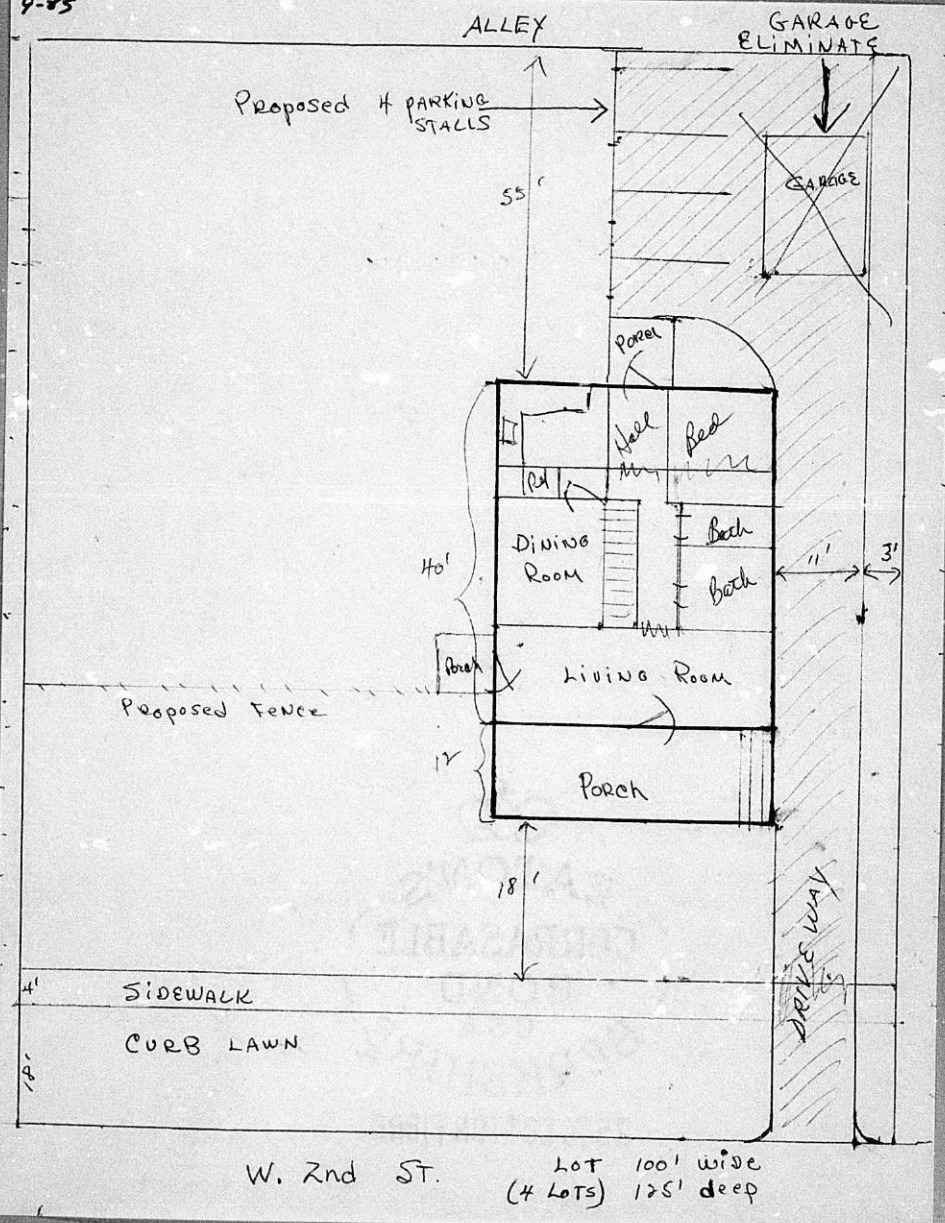
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Jack H. Galbraith
Secretary

9-85



W. 2nd St. LOT 100' wide
 (4 LOTS) 125' deep

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 79-021 PAYMENT NOTICE
 City of Wichita

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

DESCRIPTION	AMOUNT
<i>City of Wichita</i>	<i>\$ 95.00</i>

NAME *June Stouck Dressis*

ADDRESS *P.O. Box 2044*

FUND *95-20000-103* DUE DATE

COMMENTS

DATE *Jan 22 1985* BY *J. R. Pickering*

RECEIVED

FEB 11 1985
 METROPOLITAN PLANNING
 ROUTE *rd*

WICHITA
 FEB-085
 20
 8485

WICHITA - SEDGWICK COUNTY

W SC

METROPOLITAN AREA PLANNING
 DEPARTMENT
 CITY HALL - TENTH FLOOR
 455 NORTH MAIN STREET
 WICHITA, KANSAS 67202

*72A
9-85*

Jimmy R. Pickering
 Norma Jean Pickering
 1703 Fabrique
 Wichita, KS 67218

PIC 03X 20090651 02/09/85

RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 FORWARDING ORDER EXPIRED