

BZA Case No. 23-76 - Northeast  
Day Care Learning center, request  
a variance to permit 2 off-street  
parking spaces in front of 1838  
N. Lorraine, property which is  
generally located on the east

*By Applicant at meeting  
Case closed*

POSTED  
7-13-76  
*[Signature]*

# ACTION

BZA23-76 COMMITTEE Deferred DATE 7-27-76

~~M.A.R.C.~~ Deferred 8-24-76

~~B.C.C./B.C.C.R.~~ Withdrawn 9-28-76  
by Applicant at meeting  
Case closed

BZA Case No. 23-76 - Northeast Day Care Learning center, request a variance to permit 2 off-street parking spaces in front of 1838 N. Lorraine, property which is generally located on the east

Map No. 5649  
 Sec. 10  
 Twp. 27  
 Range 1E

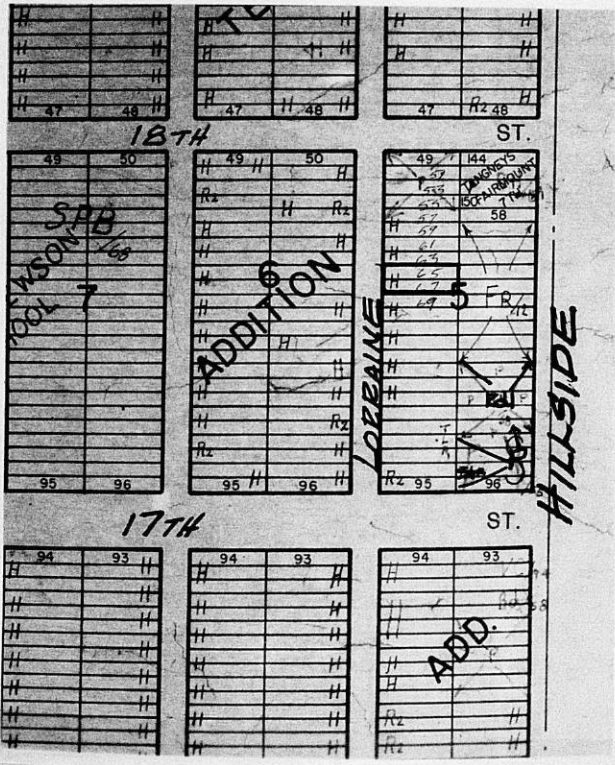
BZA- 23-76  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( 50 ft. by 140 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East FRATERNITY HOME South SINGLE FAM  
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

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



**Smead**  
 No. 2-153C  
 HASTINGS, IN. LOS ANGELES  
 LOGAN OH. MADISON, TX U. S. A.

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXX

September 29, 1976

Tenth Floor, City Hall  
455 North Main Street

Mrs. Alma Grant  
3712 East 13th Street  
Wichita, Kansas 67208

Re: Board of Zoning Appeals  
Case Numbers BEA 22-76;  
BEA 23-76; and BEA 33-76

Dear Mrs. Grant:

At the regular meeting of the Board of Zoning Appeals on Tuesday, September 28, 1976, your requests for an exception to permit the establishment of a child care center, (Case No. BEA 22-76), and variance (Case No. BEA 23-76) to reduce the required front yard setback from 25 feet to 0 feet for off-street parking purposes only, and variance (Case No. BEA 33-76) to reduce the required on-site parking spaces from 2 spaces to 6 spaces on property zoned the "A" Two Family Dwelling District, and generally located on the east side of Lorraine in an area between 17th and 18th Streets were considered.

The action of the Board was as follows:

CASE NO. BEA 22-76 - The action was to approve this exception request subject to the following conditions:

1. The applicant shall obtain Board approval of Case No. BEA 33-76.
2. The center shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita.
3. The Department of Community Health shall determine the maximum number of children to be permitted in the center, which shall not exceed 15 children.
4. Outdoor play shall be limited to the hours between 7:30 a.m. and 6:30 p.m., when any part of the fenced play area

Mrs. Alma Grant

September 29, 1976

is within 100 feet of any occupied residence.

5. One off-street parking space shall be provided on the premises for each teacher and employee plus one off-street parking space for each vehicle used in the operation of the child care center, or the applicant shall obtain a variance of this requirement.
6. 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. The location of these spaces shall be approved by the Superintendent of Central Inspection.

CASE NO. BEA 23-76 - No action was necessary inasmuch as the case was withdrawn by the applicant. The case is therefore considered to be withdrawn and closed.

CASE NO. BEA 33-76 - The action was to approve this variance subject to the following conditions:

1. Written consent of the owners of the land on which the off-street parking is to be provided shall be obtained from the owner of the land.
2. If the authorized utilization of the parking on the property to the west is withdrawn, the applicant is to advise the Board, and the exception, Case No. BEA 22-76, and variance, Case No. BEA 33-76, shall be considered null and void unless a variance application for parking is re-filed and approved by the Board within 90 days.

Resolutions setting forth the official actions of the Board are 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.

Very truly yours,

Jack Galbraith  
Secretary

JG:ld:bb

cc: Michael Cragert, Carvey Bldg, 67202  
Henry Burlingh, 1642 N. Kansas, 67214  
Norma Tolson, 1251 N. Grove, 67214  
Robert J. Schleiter, 130 S. Greenwich, #313, 67206  
Don Gimick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Central Inspection



~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXX~~

August 25, 1976

Tenth Floor, City Hall  
455 North Main Street

Ms. Alma Grant  
3712 East 13th Street  
Wichita, Kansas 67208

Subject: Case No. BEA 22-76  
Request for Exception  
Case No. BEA 23-76  
Request for Variance  
Case No. BEA 33-76  
Request for Variance

Dear Ms. Grant:

At the regular meeting of the Board of Zoning Appeals on Tuesday, August 24, 1976, your requests for variances and an exception on property zoned the "A" Two Family Dwelling District and generally located on the east side of Lorraine in an area between 17th and 18th Streets were scheduled for consideration. Your request that these cases be deferred to the Board's next meeting was relayed to the Board.

The action of the Board was to defer these three cases to the next regularly scheduled meeting of September 28, 1976.

If you have any questions, please call our office.

Yours very truly,

Larry Dehson  
Assistant Secretary

LD:bh

cc: Henry Burleigh, 1642 N. Kansas, 67214  
Norma Tolson, 1251 N. Grove, 67214  
Robert J. Schleiter, 139 S. Greenwich, #313, 67206  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Central Inspection

**THE CITY OF WICHITA**

**OFFICE OF CITIZEN PARTICIPATION**

**DATE** July 22, 1976



**TO** Larry Dobson, Metropolitan Area Planning Department

**FROM** David Furnas, Citizen Participation Coordinator

**SUBJECT** BZA 22-76

Council Area "K" at its meeting July 20, 1976, voted to approve the exception that would allow the day care center to be located in the 1800 block of North Lorraine (BZA 22-76).

The Council also voted to approve the variance to allow for the necessary parking space. 23-76

Council Area K's reason for offering this advice to the BZA is that more day care facilities are needed for working mothers and students living in this area of the city.

If you have any questions regarding this matter, please do not hesitate to call.

David Furnas  
Citizen Participation Coordinator

DF:WG:sm



July 29, 1976

Ms. Alma Grant  
3712 East 13th Street  
Wichita, Kansas 67208

Subject: BIA Case No. 22-76  
Request for Exception  
BEA Case No. 23-76 ✓  
Request for Variance


Dear Ms. Grant:

At the regular meeting of the Board of Zoning Appeals on July 27, 1976, your requests for an exception (BIA Case No. 22-76) and a variance (BEA Case No. 23-76) on property zoned the "A" Two Family Dwelling District and generally located on the east side of Lorraine between 17th and 18th Streets were considered.

Motions to deny these requests ended in 2-2- moot votes. The cases are, therefore, carried over to the next regularly scheduled meeting of August 24, 1976, to be reconsidered at that time.

If you have any questions, please call our office.

Very truly yours,

  
Larry Dobson  
Assistant Secretary

LD:hh

cc: Henry Burleigh, 1642 North Kansas, 67214  
Norma Tolson, 1251 N. Grove, 67214  
Robert J. Schleiter, 130 S. Greenwich, #313, 67206  
Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Connelly, Central Inspection

**SECRETARY'S REPORT**  
**CASE NO. BZA 23-76**

**APPLICANT:** Alma Grant, 3712 E. 13th Street, Wichita, Kansas.

**AGENT:** Henry Burleigh, 1642 North Kansas, Wichita, Kansas.

**REQUEST:** Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required front yard setback from 25 feet to 0 feet, for off-street parking purposes only.

**GENERAL LOCATION:** East side of Lorraine in an area between 17th and 18th Streets.

**LAND USE:** Subject property is developed with a single family residence as are the properties to the north and south. West is a parking lot and east is a fraternity house.

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

**JURISDICTION:**

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

This case is associated with the previous case, BZA 22-76, filed by the same applicant on the same property. The variance requested is to reduce the required front yard setback from 25 feet to 0 feet for off-street parking purposes only.

As mentioned in the previous case, the applicant needs to be able to utilize the front yard area for parking to comply with the off-street parking requirements for a proposed child care center.

The house located on subject property appears to be a conversion which means what was once an attached garage has been remodelled into living area, and by ordinance, one off-street parking space is permitted to occupy the existing driveway when located in the required front yard. It is not clear whether two or three teachers and employees would be working at the center, but assuming only two spaces are required, an additional driveway or slab would have to be constructed to provide the required additional space. As mentioned in the previous report, this is a narrow 50 foot lot located between other narrow lots, all developed with single family residences. Except for the parking lot across the street for a halfway house and a parking lot at the extreme north end of the block utilized by the Lutheran Social Service, the remainder of the block is developed with single family homes and two family dwellings. In 1967 the Board of Zoning Appeals denied a request for an exception to permit an off-street parking lot near the south end of this block.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to find uniqueness to exist in this instance inasmuch as the applicant is simply trying to overdevelop a limited site.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the requested variance could adversely affect the rights of adjacent property owners inasmuch as more paving of this narrow front yard will deprive the neighborhood of the landscaped area required.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance could create an unnecessary hardship upon the applicant if the child care center was otherwise considered to be an appropriate use for the neighborhood.

PUBLIC INTEREST:

It is the opinion of the Secretary that it is difficult to determine the effect on the public interest, but that the parking space would encroach into the setback normally maintained as a landscaped yard.

Secretary's Report  
Case No. BZA 23-76  
Page 3

SPIRIT AND INTENT:

It is the opinion of the Secretary that the intent of the parking regulations, both as to the number of spaces required and the provisions of not parking in the front yard of residential zoning districts, is to assure that an adequate amount of land is provided for the intended use so as to not have an adverse affect on surrounding properties which occurs with overdevelopment of a site. This request seems opposed to that intent.

RECOMMENDATION:

It is the opinion of the Secretary that all five of the above conditions cannot be found to exist and therefore, recommends that the application be denied.

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

July 6, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 23-76

Alma Grant, 3712 East 13th Street, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required front yard setback from 25 feet to 0 feet for off-street parking purposes only on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lots 65 and 67, Block 5, College Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Lorraine in an area between 17th and 18th Streets.

This application has been assigned Case No. BZA 23-76, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 27, 1976, at 1:30 p.m., in the Public Meeting Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

WICHITA-SEDGWICK COUNTY

DATE

**METROPOLITAN AREA PLANNING DEPARTMENT**

July 12, 1976

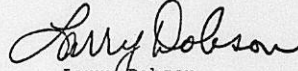
BZA 23-76

TO David L. Furnas, CPO Coordinator  
FROM Larry Dobson, Assistant Secretary, BZA  
SUBJECT Notice of upcoming Board of Zoning Appeals cases.

Attached are notices of six new cases to be considered at the Board of Zoning Appeals meeting of July 27, 1976.

The sketch maps of the area, which are normally provided with the notices, have not been prepared as of this date but will be available to the area coordinators upon request.

Sincerely,



Larry Dobson  
Assistant Secretary

LD:el  
Att.

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

July 6, 1976

NOTICE TO ADJOINING PROPERTY OWNERS:

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Jack H. Galbraith  
Secretary

20 notices sent to adjoining property owners  
10 notices sent to members of MAPC  
30 notices sent on 7-6-76

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR VARIANCE

I. Name of Applicant Alma Grant  
 Mailing Address 3712 East 13th St Phone 6856611  
2625218  
 Name of Authorized Agent Wichita Family Child Day Care Center  
Mrs Henry Burleigh  
 Mailing Address 1642 North Kansas Phone 2641228  
 Relationship of applicant to property is that of owner  
 (Owner, Tenant, Lessee, Other)

II. The variance requested is 1 off street employee  
parking areas in front of house.

for property located 1838 North Lorraine

and legally described as: College Terrace Addition  
lots 65 & 67 block 5

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

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.

Alma Grant  
 Applicant

\_\_\_\_\_  
 Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:50 (a.m. - p.m.), 6-25 1976 together with appropriate fee of \$50.00.

Sally Dobson  
 Signed

Alma Grant  
Northeast Day Care Learning Center  
1838 North Lorraine  
Wichita, Kansas

Re: Proposed Nursery School

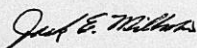
Dear Mrs. Grant:

Reference is made to my telephone conversation with you June 17, 1976. At this time, it was re-iterated the need for your clearance with the Planning Department in the zoning variance requirement prior to any structural remodeling. The circle drive and off street parking will be required if the variance is granted, but this work should not be initiated prior to their approval.

The report dated May 26, 1976 shall be reviewed by your contractor and all work shall be completed and approved by the departments of the City of Wichita prior to the operations of a nursery school.

If any additional information is desired, please contact this office at 268-8351.

Sincerely,



Jack E. Milburn, Supervisor  
Institutional Services

cc: Larry Dobson, Planning  
Jack Miller, Central Inspection  
Dolan Martin, Fire Department  
Leola Lindhal

Wichita-Sedgwick County Department of Community Health  
1900 East Ninth Street - Wichita, Kansas 67214 (316) 268-8201

3712 E. 13th Street  
Wichita, Kansas 67208  
June 24, 1976

To Whom It May Concern:

This is a request for a variance in zoning to create the North-east Day Care Learning Center at 1838 N. Lorraine, Wichita, Kansas 67214, The need being for parking in accordance with Chapter 28.04.141 of the Title 28, the Code of the City of Wichita, Kansas, Zoning Ordinance. There is space providing 2 off-street parking spaces according to the attached diagram. In addition to the diagram is a communique from Residential Homes from Boys, Inc. which uses the parking lot across from the intended learning center, giving the use of two off-street parking spaces to employees of said center.

This variance arises from the uniqueness of the property, a day care learning center which should be an asset to the neighborhood. The strict application of Title 28 would make it impossible for adequate staff parking. Moreover, the variance would in no way adversely affect the public health, safety, morals, etc. as delineated in the directive on Variances. Rather it would enhance same, and be in adherence to the general spirit and intent of Title 28.

Sincerely yours,

*Alma Grant*  
*R. T. Schleiter (program director)*

Alma Grant  
R. T. Schleiter (program director)

**RESIDENTIAL HOMES FOR BOYS, INC.**

ADMINISTRATIVE OFFICES:

MAPLE HOUSE  
1825 W. MAPLE  
WICHITA, KANSAS 67213  
(316) 255-7966

LORRAINE HOUSE  
1843 N. LORRAINE  
WICHITA, KANSAS 67214  
(316) 686-0981

6/24/76

Permission to park two cars in the Lorraine House paved parking lot, Monday thru Friday has been granted to the Northeast Day Care Learning Center.

Gary E. Tommer



Lorraine House  
Director

FORM 223-1

**PAYMENT NOTICE**  
City of Wichita

**PAY AT TREASURER'S OFFICE - FIRST FLOOR**

|              |             |             |             |
|--------------|-------------|-------------|-------------|
| Bldg & Elev. | Elec.       | Elev. Insp. | Exam. Fees  |
| Hse. Mvr.    | Hse. Moving | Licse.      | Mech.       |
| Oil Well     | Pav. Cuts   | Plan.       | Pibg. Cert. |
| Sanitation   | Sewer       | Signs       | Sidewalk    |
| Street       | Trailer     |             |             |

| DESCRIPTION |          | AMOUNT |
|-------------|----------|--------|
|             |          |        |
|             |          |        |
|             |          |        |
| Name        |          |        |
| Address     |          |        |
| Type        | Due Date |        |
| Comments:   |          |        |
|             |          |        |
|             |          |        |
| Date        | By       |        |
|             |          |        |