

ACTION

DATE 9.25.73

DZA COMMITTEE Approved

M.A.P.C. _____

B.C.C./B. CO. C. _____

BZA 29-73 Linda G. Lanning request
an EXCEPTION to permit the opera-
tion of a child care center at the
NW corner of Rutan Av. & English

Posted
9-7-73
C.I.V.
MAY

ACTION

DZA COMMITTEE Approved DATE 9.25.73
M.A.P.C. _____
B.C.C./B. CO. C. _____

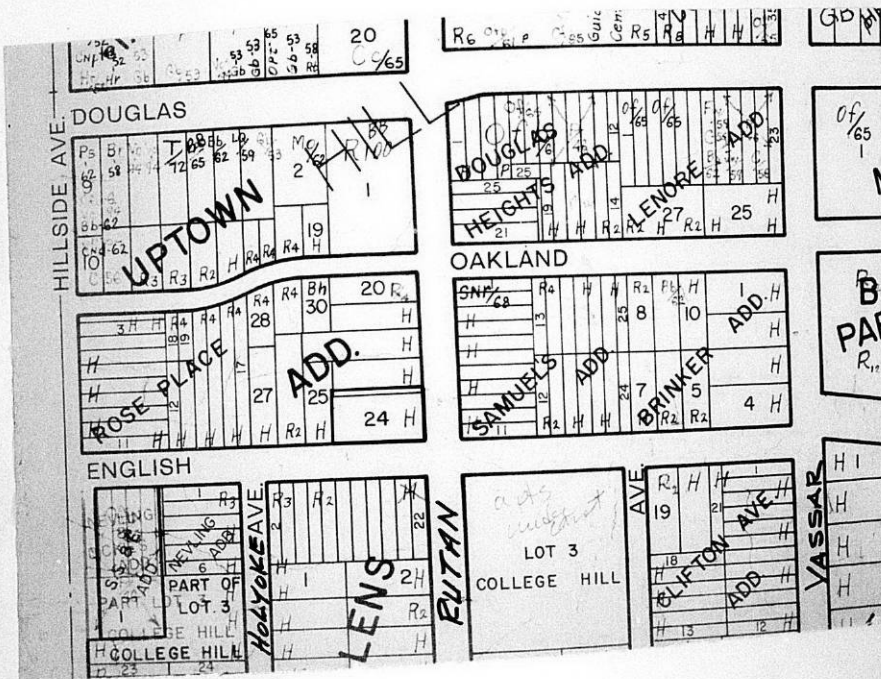
BZA 29-73 Linda G. Lanning request
an EXCEPTION to permit the opera-
tion of a child care center at the
NW corner of Rutan Av. & English

Map No. 5747
 Sec. 23
 Twp. 27
 Range 1E

BZA- 29-73
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 0.32 (92 ft. by 153 ft.)
 2. Adjoining Zoning: E "AA" S "AA" W "A" N "A"
 3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: _____
 6. Area (is) (is not) platted: _____
 Existing zoning "A"

PHOTO DATA:
 Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 29-73

WHEREAS, Linda G. Lanning, 145 South Rutan Avenue, Wichita, Kansas, 67213, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the operation of a child care center on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lot 24 and the South 10 feet of Lot 23, in Uptown Addition, Wichita, Sedgwick County, Kansas.
Generally located at the Northwest corner of Rutan Avenue and English 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 September 25, 1973, 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 operation of a child care center on property zoned the "A" Two Family Dwelling District, subject to the conditions outlined in Section 28.04.185.2, 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 operation of a child care center on property zoned the "A" Two Family Dwelling District, and legally described as follows:

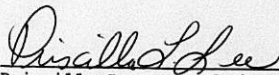
Lot 24 and the South 10 feet of Lot 23, in Uptown Addition, Wichita, Sedgwick County, Kansas.
Generally located at the Northwest corner of Rutan Avenue and English Street.

subject to the following conditions:


1. 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.
2. The Wichita-Sedgwick County Department of Community Health shall determine the maximum number of children to be permitted in the center.
3. 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 is within 100 feet of any occupied residence.
4. Off-street parking 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.

5. 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.

ADOPTED AT WICHITA, KANSAS, this 25th day of September, 1973.


Priscilla L. Lee, Chairman

ATTEST:


Jack H. Galbraith, Secretary

THE CITY OF WICHITA



FIRE DEPARTMENT
THIRD AND WATER STREETS
WICHITA, KANSAS 67202

September 10, 1973

TO WHOM IT MAY CONCERN:

Re: Fire Evaluation of Child Care Center Located at 145 S. Rutan

As of September 6, 1973, all deficiencies noted on Fire Evaluation dated June 4, 1973 have been corrected. The facility meets all fire requirements at this time.

THE WICHITA FIRE DEPARTMENT

A handwritten signature in cursive script, appearing to read "Dolan M. Martin".

Dolan M. Martin
Fire Prevention Training Instructor

DMM:pp

THE CITY OF WICHITA



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THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS
CENTRAL INSPECTION DIVISION
262-0611 — AREA CODE 316
CITY BUILDING ANNEX
104 S. MAIN — WICHITA, KAN. 67202

September 4, 1973

Mr. Gary Lanning
145 South Rutan
Wichita, Kansas 67218

Dear Sir:

An inspection of the building at 145 South Rutan was made for the purpose of determining any corrections necessary to allow a change of occupancy from a dwelling to a day care center for children.

The following requirements must be met before the building can be approved for this purpose:

1. Install a 1-hour fire rated ceiling in the basement (5/8 fire code sheetrock or equivalent)
2. The door to the basement from the first floor must be a 1-hour fire rated door (1 3/4 solid wood door or equivalent)
3. An application for a "Change of Occupancy" must be filed with this department.

When these corrections are made, please call for another inspection so that the change of occupancy can be approved.

Sincerely,

Bill Earleywine

Bill Earleywine
Inspector

BE:ml

cc: Fire Prevention Division

THE CITY OF WICHITA



DEPARTMENT OF PUBLIC WORKS
CENTRAL INSPECTION DIVISION
262-0611 — AREA CODE 316
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Bill Earleywine

Bill Earleywine
Inspector

BE:nl

cc: Fire Prevention Division

THE CITY OF WICHITA



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When these corrections are made, please call for another inspection so that the change of occupancy can be approved.

Sincerely,

Bill Earleywine

Bill Earleywine
Inspector

BE:ml

cc: Fire Prevention Division

November 1, 1973

Linda G. Lanning
145 South Rutan Avenue
Wichita, Kansas 67213

RE: Case No. BEA 29-73
Request for Exception

Dear Ms. Lanning:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 25, 1973, in connection with your request for an exception to permit the operation of a child care center on property zoned the "A" Two Family Dwelling District, and generally located at the Northwest corner of Rutan Avenue and English Street.

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 any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rv
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

October 3, 1973

Linda G. Lanning
145 South Rutan Avenue
Wichita, Kansas 67213

RE: Case No. BEA 29-73
Request for Exception

Dear Ms. Lanning:

At the regular meeting of the Board of Zoning Appeals on September 25, 1973, your request for an exception to permit the operation of a child care center on property zoned the "A" Two Family Dwelling District, and generally located at the Northwest corner of Rutan Avenue and English Street, was considered.

It was the action of the Board to approve this request as requested.

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.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rv

cc: Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT
CASE NO. BZA 29-73

APPLICANT: Linda G. Lanning, 145 South Rutan Avenue, Wichita, Kansas, 67213

AGENT: None

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the operation of a child care center on property zoned the "A" Two Family Dwelling District.

GENERAL LOCATION: Generally located at the Northwest corner of Rutan Avenue and English Street.

LAND USE: Subject property contains a family day care home. To the north, west, and east are single family homes. The property to the south is undeveloped. Apartments are under construction to the southeast.

ZONING: Subject property is zoned the "A" Two Family Dwelling District, as is that property to the north and west. To the south and east there is "AA" One Family Dwelling zoning.

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 28.04.185.2, can be complied with.

COMMENTS BY THE SECRETARY:

Under Section 28.04.185.2, Code of the City of Wichita, the Board of Zoning Appeals is authorized, by special permit, to grant exceptions authorizing child care centers (defined as day nurseries providing care for 7 or more children), to be located in the "AA", "A", "RB", "R-5", and "R-6" residential zoning districts, subject to the following conditions and requirements:

1. All centers shall comply with the 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, Kansas.

2. 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 is within 100 feet of any occupied residence.

3. 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.

4. 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.

5. Before applying for an exception, evidence of being able to comply with all the standards must be submitted for review.

6. The Board of Zoning Appeals shall take into consideration the proximity and location of other such facilities within the neighborhood so as not to change the character of the area or impact a given area with such uses.

7. The Board of Zoning Appeals may include additional conditions as deemed necessary to provide for orderly development.

The applicant is requesting an exception to permit the operation of a child care center for approximately 17 children on property zoned the "A" Two Family Dwelling District. In the statement of justification, the applicant states that for the past three years she has operated a child care center with a capacity of nine children (the maximum number permitted by the Zoning Ordinance in residential zoning districts other than "B" prior to the recent amendment), and has had to turn away numerous applicants. She has acquired larger facilities and wishes to expand the operation to meet "the increasing need for more quality child care facilities in this area for working parents."

The applicant has submitted a plot plan showing the required number of off-street parking and loading spaces which has been approved by the Traffic Engineering Division. The Department of Community Health, and the Department of Public Works have inspected the premises and set forth the conditions which must be met to bring the facility into compliance with state and local codes and licensing requirements.

BZA Case No. 29-73
Secretary's Report
Page 3

The Fire Prevention Division has submitted a letter stating all deficiencies have been corrected, and the facility meets all fire requirements at this time. It should be noted, however, that another day care center exists in "B" Multiple Family zoning at 134 South Rutan, which is across the street to the east and at the north end of this same block.

RECOMMENDATION:

It is the recommendation of the Secretary that the exception to permit the operation of a child care center be approved subject to the following conditions:

1. 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.
2. The Wichita-Sedgwick County Department of Community Health shall determine the maximum number of children to be permitted in each center.
3. 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 is within 100 feet of any occupied residence.
4. Off-street parking 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.
5. 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.

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

August 31, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 29-73

An application has been filed by Linda G. Lanning, 145 South Rutan Avenue, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the operation of a child care center on property zoned the "A" Two Family Dwelling District, and legally described as follows:

Lot 24 and the South 10 feet of Lot 23, in Uptown Addition, Wichita, Sedgwick County, Kansas.
Generally located at the Northwest corner of Rutan Avenue and English Street.

This application has been assigned Case No. BZA 29-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 25, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

10 notices sent to Planning Comm 9.7.73
18 " " " Property Owners 9.7.73

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Linda G. Lanning
Mailing Address 145 S. Rutan Ave ⁶⁷²¹³ Phone 683-8350
Name of Authorized Agent N/A
Mailing Address N/A Phone N/A
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
28.04.185, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit the installation or construction
of Child Care Center
_____ on property zoned
A, located 145 S. Rutan Ave.
_____ and legally described as:
L 24 + S 10' of L 23, UpTown Addition
_____, in the City of Wichita.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
 - 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;
 - That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
 - 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 Linda G. Lanning
Authorized Agent N/A

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, _____ (a.m. - p.m.), _____, 19____, together with appropriate fee of \$50.00.

T9-403

Signed _____

WICHITA - SEDGWICK COUNTY



DEPARTMENT OF COMMUNITY HEALTH
1900 E. 9TH ST.—WICHITA, KAN. 67214
May 30, 1973

Mrs. Linda G. Lanning
646 South Rutan
Wichita, Kansas 67218

Re: 145 South Rutan

At your request the property at 145 South Rutan was evaluated with the Fire Prevention Division on May 29, 1973, for a group care center. The results of my evaluation are as follows:

Living Room: 419.8 square feet of floor area; 19% window area; accommodations for eleven children. *11.994285*

Dining Room: 217.0 square feet; 19.8% window area; accommodations for six children. *6.2*

Deficiencies found that must be corrected before acceptable for group care:

1. Glass doors on book cases shall be removed.
2. Fireplace shall be provided with a protective covering.
3. A guard shall be provided over glass in front door, 24 inches from bottom of glass upward.
4. Steps shall be provided for stool and lavatory.
5. Second stool and lavatory (child-size) shall be installed if zoning change is secured to have more than 12 children.
6. South half of yard shall be fenced.

Due to zoning restrictions of this property, your maximum number of children would only be 9 at the present time. To be approved for 9, deficiencies 1 through 4 must be corrected. To have 17 children a zoning waiver must be secured and approved by the City Commission. Should this be done, all deficiencies plus the second stool and lavatory shall be installed.

WICHITA—SEDGWICK COUNTY

Mrs. Linda G. Lanning
May 30, 1973
Page 2

Please feel free to contact me should you have any questions regarding this evaluation at 268-8351.

Maurice W. Bales
Maurice W. Bales
Public Health Sanitarian

MWB/jmk

cc: David Bergen
Leola Lindahl

THE CITY OF WICHITA



FIRE DEPARTMENT
THIRD AND WATER STREETS
WICHITA, KANSAS 67202

June 4, 1973

Mrs. Gary Lanning
646 South Rutan
Wichita, Kansas 67218

Dear Mrs. Lanning:

Re: Evaluation of Proposed Child Care located at 145 S. Rutan

The following deficiencies were noted:

1. Provide receptacle covers for all outlets where children will be.
2. Provide fire extinguisher from your existing child care home.
3. Provide a pressure-temperature relief valve for the water heater.
4. Provide a solid core door to the basement.
5. Provide flame-spread treatment for the carpet.
6. Provide flameproofing of curtains and drapes.
7. Provide a manual fire alarm system.

If you have any questions, please contact me at the Fire Prevention Division,
262-4451, Extension 43.

Sincerely,

THE WICHITA FIRE DEPARTMENT

Dolan M. Martin
Fire Prevention Training Instructor

DMM:pp

cc: Wichita-Sedgwick County Health Dept.

August 17, 1973

Board of Zoning Appeals
City of Wichita, Kansas

STATEMENT OF JUSTIFICATION

Under Ordinance No. 32-702, Section 28.04.185, Paragraph 2 of the Code of the City of Wichita, Kansas, we request exception and authorization to operate a licensed child care center at 145 S. Rutan. Our justification is the increasing need for more quality child care facilities in this area for working parents. For the past three years that I have operated a child care center with a capacity of nine children, I have been continuously operating at capacity and have had to turn away numerous applicants. Now that I have acquired larger facilities, I feel that there is sufficient justification for exception.

Linda D. Lanning

LINDA G. LANNING
145 S. Rutan Ave
Wichita, Kansas, 67218

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Property lying within a radius of 200 ft of:
 Lot 24 & the South 10 ft of Lot 23, in Uptown
 Addition, Wichita, Sedgwick County, Kansas.


 Fidelity
 Title
 Company
 inc.

And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

| LOT | BLK. STREET | ADDITION | OWNER |
|-------------------------|-------------|---------------|---|
| 20, | Rutan | <u>UPTOWN</u> | ✓ Hazel E. Lucas Bjork 233 S. Rutan 67218 |
| 21, | " | | ✓ Arthur E. Barnes Madelyn M. Barnes, ux 135 S. Rutan 67218 |
| 22, | " | | ✓ Jack V. Crawley Ruth Lucille Crawley, ux 139 S. Rutan 67218 |
| 23, exc S 10'. | " | | notice sent 9.10.73 277 ✓ Jen-Rentals, Inc. Harry Bankford 141 S. Rutan |
| S 10' Lot 23, all 24, " | | | D Gary L. Lanning Linda G. Lanning, ux 646 S. Rutan 67218 |
| 25, | English | | ✓ Adm. Veterans Affairs, 5500 E. Kellogg 67218 |
| 26, | " | | ✓ Bernard P. Dette Irene M. Dette, ux 239 S. Fountain 67218 |
| 27, | " | | ✓ Marguerite M. Dodson Leo D. Detweiler Marie Julien Lindsay Leon A. Dodson, Jr. 3232 E. English @ 7218 |



| LOT | BLK. | ST. | ADDITION | OWNER |
|--|----------------|-----|----------------------|---|
| 16 & 17, (N 90') | <u>ENGLISH</u> | | <u>ROSE PLACE</u> | Mark & Muriel N. Clifton, ux No Address Available |
| 16 & 17, (exc N 90') | | | | ✓ W. E. & Willojeane McKnight 3230 E. English 67218 ux |
| 2, 4, 6, (N87') | <u>English</u> | | <u>B. D. ALLEN'S</u> | ✓ Robert Ellis Linder Mari Jo Elaine Linder, ux 3205 E. English 67218 |
| 2, 4, 6, (S 53') | " | | | ✓ Herbert L. Bidwell 236 Circle Dr. 67218 |
| 8 & 10, | " | | | ✓ Edith F. Buehne, sgle. 220 S. Holyoke 67218 |
| 12, 14, 16, 18, 20, 22, | " | | | ✓ Carl & Tola Chuzy, ux 6572 E. Central 67206 |
| 1 & 2, | <u>Holyoke</u> | | <u>NEVLING'S</u> | ✓ Donald R. Kreps Barbara E. Young, jt. 3223 E. English 67218 |
| 1 & 2, | <u>Rutan</u> | | <u>SAMUEL'S</u> | ✓ Daniel R. Aikman No Address Available |
| 3 & 4, | " | | | ✓ Terry J. & Wilma D. Bolling 138 S. Rutan 67218 ux |
| 5, 6 & N $\frac{1}{2}$ Lot 7, | " | | | ✓ Robert E. & Joan Bennett, ux 142 S. Rutan 67218 |
| S $\frac{1}{2}$ Lot 7, all Lots 8 & 9, | " | | | ✓ Ruth T. Greene No Address Available |
| 10 & 11, | " | | | ✓ Max Millard Menges G. Sue Menges, ux 150 S. Rutan 67218 |
| 12 & 14, | <u>English</u> | | | ✓ Lloyd N. & Helen E. Farris, 3416 E. English 67218 ux |
| 3, | <u>Rutan</u> | | <u>COLLEGE HILL</u> | ✓ Urban Conatruction & Development, Inc. 786 N. Ridge Rd. 67212 |

Dated at Wichita, Kansas this 21st day of
August, 1973 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By Arthur N. Howe
V. P. OEM

Tracer # 20901

Form 223-021

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. | Plbg. Cert. |
| Sanitation | Sewer | Signs | Sidewalk |
| Street | Trailer | | |

DESCRIPTION AMOUNT

Name

Address

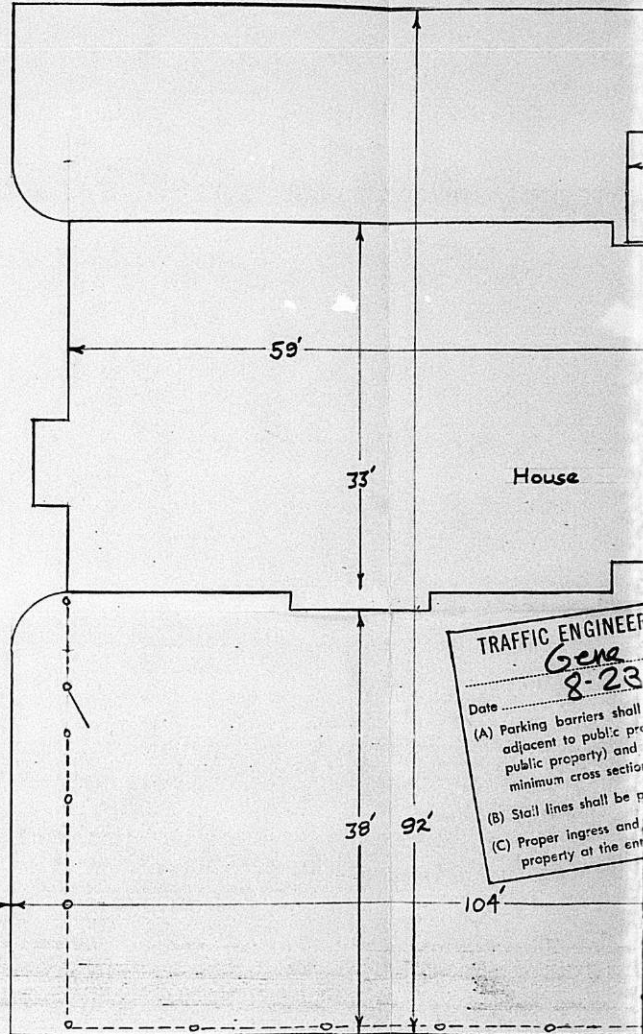
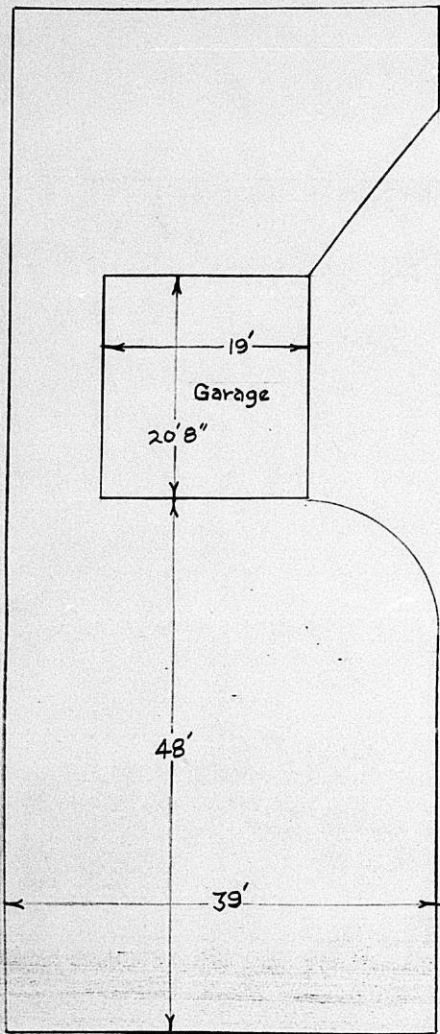
Type

Due Date

Comments:

Date

By

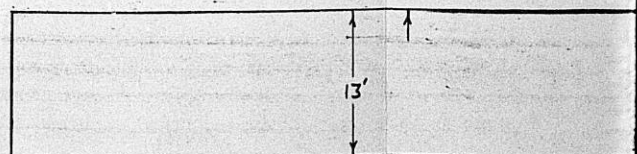
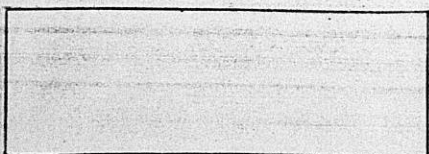


TRAFFIC ENGINEER
Gene
 8-23
 Date

(A) Parking barriers shall be provided adjacent to public property and shall have a minimum cross section of 4'.

(B) Stall lines shall be provided for all parking spaces.

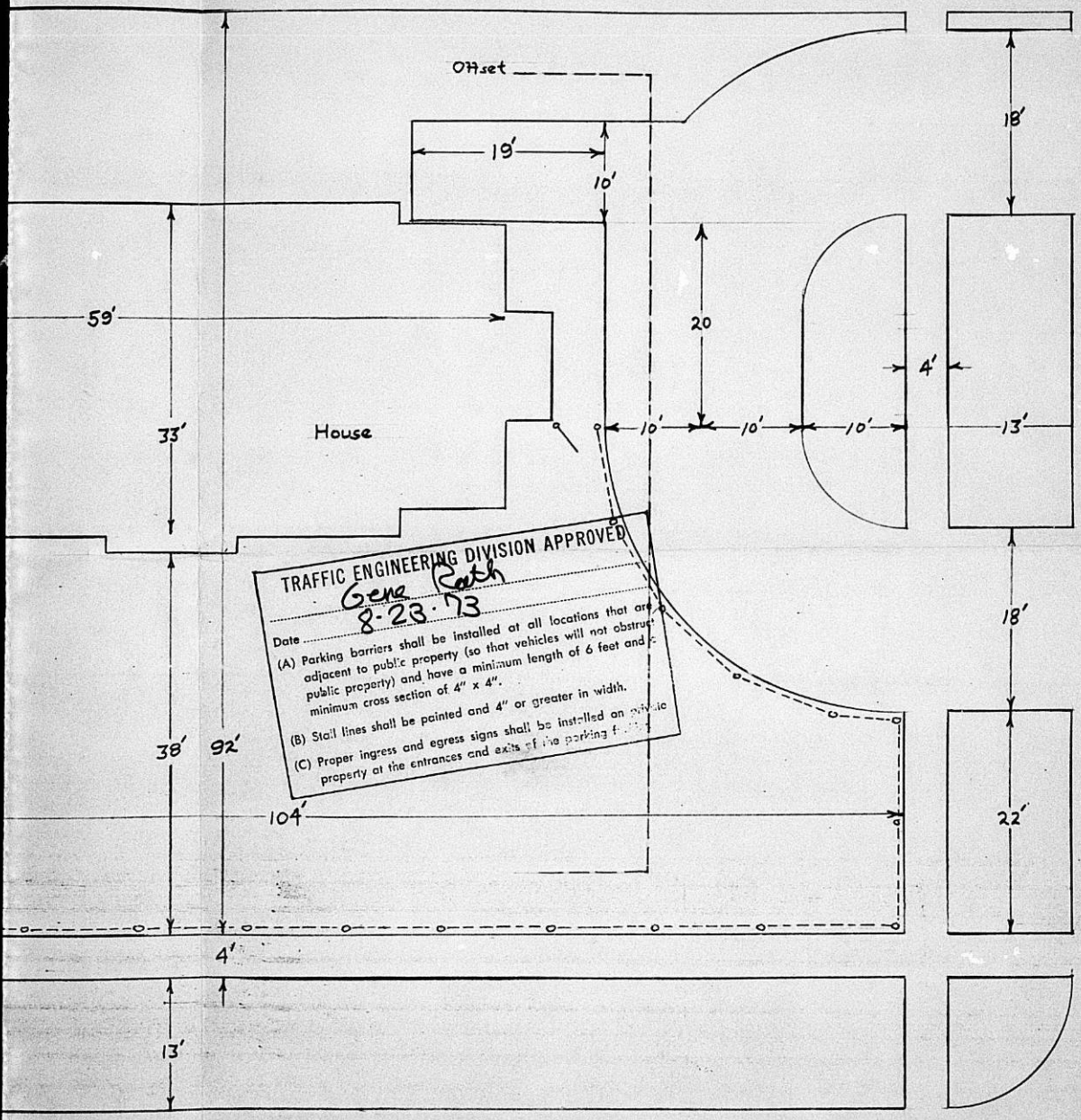
(C) Proper ingress and egress shall be provided for all property at the entrance.



English

Scale 1/10 inch = 1 foot

Lot size 152' x 92'



TRAFFIC ENGINEERING DIVISION APPROVED
Gene Rath
 8-23-73
 Date _____
 (A) Parking barriers shall be installed at all locations that are adjacent to public property (so that vehicles will not obstruct public property) and have a minimum length of 6 feet and a minimum cross section of 4" x 4".
 (B) Stall lines shall be painted and 4" or greater in width.
 (C) Proper ingress and egress signs shall be installed on private property at the entrances and exits of the parking facility.

145 s. Rutan

English