

Case No. BZA 55-84 - Gideon Baptist Church - requests an exception to permit the location of a child day care center in the "AA" One-family Dwelling District and generally located

POSTED
7-26-84 651

ACTION

B.Z.A. 55-84 Approved 8-28-84
DATE

200'sec 9-7-84

Shot 9-18

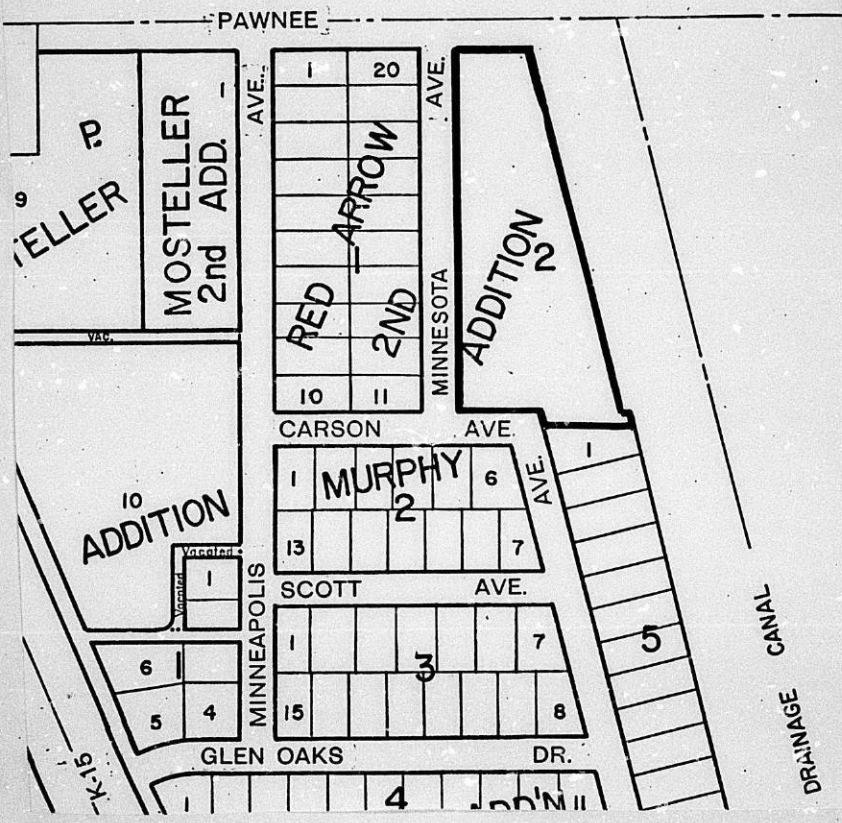
Record ✓

Map No. 5644 D

BZA 55-84
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E _____ S AA W AA N LC & AA
3. Land Use: East Hwy South Res
West Res. North Comm
4. Area (is) (is not) platted.



LOS ANGELES, CHICAGO, LOGAN, OH
MCKESSON, TX, LOCUST GROVE, GA
U.S.A.

Shepard
No. 2-153C

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

August 7, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 55-84

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 Gideon Baptist Church, 2209 East Pawnee, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the location of a child day care center on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Block 2, Red Arrow 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Pawnee and Minnesota (2209 East Pawnee).

This application has been assigned Case BZA 55-84. It will be considered by the Board of Zoning Appeals on August 28, 1984 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

August 31, 1984

Rev. Dennis Burns
Gideon Baptist Church
2209 East Pawnee
Wichita, Kansas

Re: BZA 55-84 - Request for Exception

Dear Rev. Burns:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 28, 1984.

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: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 55-84

WHEREAS, Gideon Baptist Church, 2209 East Pawnee, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the expansion of a child day care center on property zoned the "AA" One-family Dwelling District and legally described as follows:

Block 2, Red Arrow 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Pawnee and Minnesota (2209 East Pawnee).

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 August 28, 1984, 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 expansion of a child day care center on property zoned the "AA" One-family Dwelling District subject to the conditions outlined in Section 28.04.185.2, Code of the City of Wichita.

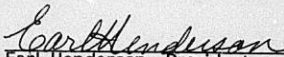
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the expansion of a child day care center on property zoned the "AA" One-family Dwelling District legally described as follows:

Block 2, Red Arrow 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the southeast corner of Pawnee and Minnesota (2209 East Pawnee).

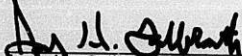
subject to the following conditions:

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 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. 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.
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.
6. All required off-street parking, loading, and driveways providing ingress and egress shall be surfaced in conformance with Section 28.04.143 of the zoning ordinance.
7. One identification sign for the child care facility not exceeding eight square feet shall be permitted, provided such sign shall be unlighted and located not closer than six feet to the property line.

ADOPTED AT WICHITA, KANSAS, this 28th day of August, 1984.


Earl Henderson, President

ATTEST:


Jack H. Galbraith, Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE August 20, 1984

TO Glen Lytle, Special Assistant for Zoning

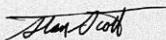
FROM Stanley J. Scott, CP Coordinator

SUBJECT BZA 55-84: Southeast Corner of
Pawnee and Minnesota (2209 East
Pawnee)

On Thursday, August 15, CPO Neighborhood Council "L" considered the captioned case, a request for a zoning exception to permit the location of a child day care center on property zone "AA" One-Family Dwelling District. After discussion, the Council voted 5-0 to recommend approval of the requested zone change subject to staff recommendations.

The applicant, Rev. Dennis Burns, was present to discuss the request and respond to questions from the Council. One area resident was present to receive information regarding the request. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

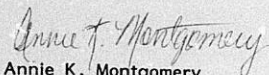
Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 55-84 is considered on Tuesday, August 28.



Stanley J. Scott
CP Coordinator

SJS:sm

Noted:



Annie K. Montgomery
CRS Director

RECEIVED
AUG 22 1984
METROPOLITAN PLANNING
ROUTE _____

RE: AGENDA ITEM NO. 8

SECRETARY'S REPORT CASE NO. BZA 55-84

APPLICANT: Gideon Baptist Church, 2209 East Pawnee, Wichita, Kansas.

AGENT: Rev. Dennis Burns, Gideon Baptist Church, 2209 East Pawnee, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.185.2, Code of the City of Wichita to permit the expansion of a child day care center in the "AA" One-family Dwelling District.

GENERAL LOCATION: On the southeast corner of Pawnee and Minnesota (2209 East Pawnee).

ZONING: Subject property and all adjacent properties are zoned the "AA" One-family Dwelling District.

LAND USE: Subject property is occupied by a church. Properties to the west and south are one-family dwellings. To the north is a small commercial building and a residence. To the east is the canal route highway.

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:

The applicant is requesting an exception in order to expand an existing child day care facility that has been operating at the location for a number of years even though never having been approved by the Board of Zoning Appeals. In the process of review for the proposed expansion, the applicant was notified that the facility should obtain the approval of the Board as an exception.

It should also be noted that in the review of the facility by Central Inspection it was noted that off-street parking required by building permits of the church facility had not been improved. The site plan submitted by the applicant indicates that these improvements are to be completed.

The child care facility is operated in the north building that is adjacent to Pawnee. The location of the outside play area is along the east which should eliminate any adverse affect on the residential property to the west.

RECOMMENDATION:

Should the Board determine that the proposed use is appropriate at this location, it is the recommendation of the Secretary that the application for a child day care facility 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 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. 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.
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7. One identification sign for the child care facility not exceeding eight square feet shall be permitted, provided such sign shall be unlighted and located not closer than six feet to the property line.

BZA CASE NO. 55-84

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</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>8-9-84</u>

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

August 7, 1984

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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. 55-84

CITY OF WICHITA, KANSAS

FILED 7-30-84

APPLICATION FOR EXCEPTION

I. Name of Applicant GIDEON BAPTIST CHURCH
 Mailing Address 2209 E. Pawnee 67211 Phone 265-5203
 Name of Authorized Agent REV. DENNIS BURNS
 Mailing Address 2209 E. Pawnee 67211 Phone 265-5203
 Relationship of applicant to property is that of Owner
 (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 CHILD DAY CARE CENTER

on property zoned The "AA" one-family dwelling district,
 located on the southeast corner of Pawnee & Minnesota
 and legally described as: Block 2, Red Arroyo 2nd Addition to
Wichita, Sedgwick Co. Ks.

_____, 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 Rev Dennis P Burns

Authorized Agent Gideon Baptist Church

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
4:08 (a.m./p.m.), July 30, 1984, together with
 appropriate fee of 200.00.

Signed [Signature]

O W N E R S H I P L I S T

<u>Property Description</u>	<u>Property Owner</u>
All Block 2, Red Arrow 2nd Addition	Gideon Baptist Church 2209 E. Pawnee 67211
Lot 1, Block 1, Red Arrow 2nd Addition	Rob Roy Gregg ✓ Rebecca R. Gregg 2404 S. Minneapolis 67216
Lot 2, Block 1, Red Arrow 2nd Addition	Charles Thomas Wright ✓ Beverly M. Wright 2410 S. Minneapolis 67216
Lot 3, Block 1, Red Arrow 2nd Addition	Kenneth R. Hurley ✓ Thelma I. Hurley 708 Elm St. Edmonds, Wa. 98020
Lot 4, Block 1, Red Arrow 2nd Addition	Kenneth F. Meier ✓ Donna L. Meier 2422 S. Minneapolis 67216
Lot 5, Block 1, Red Arrow 2nd Addition	George E. Plant, Trustee of the George E. Plant & Marjorie L. Plant Trust <u>Address unknown</u>
Lot 6, Block 1, Red Arrow 2nd Addition	Fred P. Mosteller ✓ Vivian I. Mosteller 2437 Minneapolis 67216
Lot 7, Block 1, Red Arrow 2nd Addition	Levi Montanye ✓ Norma Montanye 2440 S. Minneapolis 67216
Lot 8, Block 1, Red Arrow 2nd Addition	✓ Kenneth E. Powell Betty J. Powell 2446 S. Minneapolis 67216
Lot 9, Block 1, Red Arrow 2nd Addition	Lauren E. Birch ✓ Marjory H. Birch 2452 S. Minneapolis 67216
Lot 10, Block 1, Red Arrow 2nd Addition	✓ Shirley A. Lane 2458 S. Minneapolis 67216

<u>Property Description</u>	<u>Property Owner</u>
Lot 11, Block 1, Red Arrow 2nd Addition	✓ Pamela A. Sterbenz 2457 S. Minnisota 67216
Lot 12, Block 1, Red Arrow 2nd Addition	✓ Paul Devore Moyer Dorothy M. Moyer 2451 S. Minnesota 67216
Lot 13, Block 1, Red Arrow 2nd Addition	✓ Donald B. Williams Darlene M. Williams 2445 S. Minnesota 67216
Lot 14, Block 1, Red Arrow 2nd Addition	✓ Helen M. Mastroly 2439 S. Minnesota 67216
Lot 15, Block 1, Red Arrow 2nd Addition	✓ Lenzil S. Seybert Thelma H. Seybert 2433 S. Minnesota 67216
Lot 16, Block 1, Red Arrow 2nd Addition	✓ Ivan Dean Wixson Barbara J. Wixson Address unknown
Lot 17, Block 1, Red Arrow 2nd Addition	✓ Fred E. Garton Wendelyn Garton Address unknown
Lot 18, Block 1, Red Arrow 2nd Addition	✓ Rex H. Beach Lucy S. Beach 2415 S. Minnesota 67216
Lot 19, Block 1, Red Arrow 2nd Addition	✓ Wayne B. Hutton Myrl L. Hutton 2409 S. Minnesota 67216
Lot 20, Block 1, Red Arrow 2nd Addition	✓ Elmer J. Werth Millicent Werth 2403 S. Minnesota 67216
Lot 1, Block 1, Adcock Addition	✓ Dale E. Hancock Aletha N. Hancock 5035 Larry Lane 67218
Lot 2, Block 1, Adcock Addition	Same as above
Lot 2, Block 2, Murphy Addition	✓ George H. Wilton Jr. Norma L. Wilton 1909 Carson St. 67216

<u>Property Description</u>	<u>Property Owner</u>
Lot 3, Block 2, Murphy Addition	Anthony Thomas Taravella Roberta M. Taravella ✓ 1915 Carson 67216
Lot 4, Block 2, Murphy Addition	Marjorie Lou Adams ✓ 1921 Carson 67216
Lot 5, Block 2, Murphy Addition	R. C. Spaans Sharon L. Spaans ✓ 1927 Carson 67216
Lot 6, Block 2, Murphy Addition	Cletis E. Warren ✓ Mary A. Warren 1933 Carson 67216
Lot 7, Block 2, Murphy Addition	Orvel L. Baxter Frances Baxter ✓ 1938 Scott 67216
Lot 8, Block 2, Murphy Addition	Wesley D. Harms Elizabeth L. Harms ✓ 1932 Scott 67216
Lot 9, Block 2, Murphy Addition	Beverly A. ¹⁶⁶³ Biggerstaff ^{Waiver 67218} ✓ Glenda Ann Hendrickson <u>Address unknown</u>
Lot 10, Block 2, Murphy Addition	Kenneth L. Harms D. Roberta Harms ✓ 1932 Scott 67216
Lot 1, Block 5, Murphy Addition	Rodney R. Tanner Georgiann Tanner ✓ 2502 S. Minnesota 67216
Lot 2, Block 5, Murphy Addition	Ross G. Tyson ✓ 2508 S. Minnesota 67216
Lot 3, Block 5, Murphy Addition	Simona Lopez Joseph A. Lopez ✓ 2514 S. Minnesota 67216
Lot 4, Block 5, Murphy Addition	Duane Clifford Ohlemeier ✓ Maxine N. Ohlemeier 2520 S. Minnesota 67216

Property Description

Property Owner

Beginning 1660 feet east of the southwest corner of the Southwest Quarter Sec. 34-27-1E; thence north 230 feet; thence east 75 feet; thence south 230 feet; thence west 75 feet to beginning.

Harold Jones
Betty D. Jones
408 Martha Ave.
Mulvane, Ks. 67110

That part of the Northeast Quarter of Gov. Lot 3 in Sec. 3-28-1E, west of the right of way of the Wichita Drainage Canal, a strip 100 feet wide measured at right angles to the drainage canal & located immediately west of & parallel to the west line of said right of way extended through the southwest Quarter & the southeast Quarter Lot 3, Sec. 3-28-1E.

buck City of Wichita
455 N. Main
67202

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

All of Block 2, Red Arrow 2nd Addition to
Wichita, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on this 30th day of July, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Stable
Sr. Vice President

Order No: 337134
cf

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 2021 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.
	Planning		

DESCRIPTION	AMOUNT
CITY BIA EXCEPT	200 ⁰⁰

NAME EIDEON BARTIST CH.

ADDRESS 2209 E. PANACE

FUND K-5-40071-003 DUE DATE

COMMENTS

DATE July 30, 1988 BY [Signature]

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm

Roll # 2