

BZA 35-75 - Richard Rudzinski re-  
quests Exception for day care  
center on ~~west~~ side of Glendale  
in an area no. of Eighth Street.

*ROUTED*  
*7-9-75*  
*M.A.P.C.*  
*C.I.V.*  
*10-23-75*  
*CH*

ACTION

DATE

*BZA* COMMITTEE *Approved* *7-22-75*

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_



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

June 30, 1975

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 35-75

An application has been filed by Robert W. Heckard and Richard Rudzinski, 5825 Oakwood, 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 "RB" Four Family Dwelling District and legally described as follows:

The north 15 feet of Lot 7, all of Lot 8 and the south 30 feet of Lot 9, Block 1, East Highlands North Addition to Wichita, Sedgwick County, Kansas.  
Generally located on the east side of Glendale in an area north of Eighth Street.

This application has been assigned Case No. BZA 35-75, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 1975, 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

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Jack H. Galbraith  
Secretary

THE UNIVERSITY OF CHICAGO  
DIVISION OF THE PHYSICAL SCIENCES  
DEPARTMENT OF CHEMISTRY  
5708 SOUTH CAMPUS DRIVE  
CHICAGO, ILLINOIS 60637

July 1, 1954

LETTER TO WASHINGTON NATIONAL ACADEMY

Dear Mr. Chairman:

The work recently carried out in the Department of Chemistry concerning the structure of the nucleus of the heavy elements is the subject of the attached report. The general features of the subject are described in the report and the details of the experimental work are given in the appendix. The results of the work are summarized in the report and the details of the experimental work are given in the appendix.

Very truly yours,  
Robert Serber

R E S O L U T I O N N O . B Z A 3 5 - 7 5

WHEREAS, Robert W. Heckard, 152 North Old Manor, and Richard Rudzinski, 5825 Oakwood, Wichita, Kansas, request 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 "RB" Four Family Dwelling District, and legally described as follows:

The north 15 feet of Lot 7, all of Lot 8 and the south 30 feet of Lot 9, Block 1, East Highlands North Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Glendale in an area north of Eighth 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 July 22, 1975, 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 "RB" Four Family Dwelling District subject to the conditions outlined in Section 28.04.185.B, 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 "RB" Four Family Dwelling District, and legally described as follows:

The north 15 feet of Lot 7, all of Lot 8 and the south 30 feet of Lot 9, Block 1, East Highlands North Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Glendale in an area north of Eighth 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. Prior to occupancy of the site for a child care center/school, the applicant shall reconstruct the curb returns, entrance and exit ways, install paving connecting the two drives and properly sign the points of ingress and egress, all in conformance with the plot plan approved by the Traffic Engineering Division.

6. When the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or fraction thereof.

ADOPTED AT WICHITA, KANSAS, this 22nd day of July, 1975.

  
Marjorie L. Taylor, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

August 25, 1975

Richard Rudzinski  
5025 Oakwood  
Wichita, Kansas 67208

Subject: Case No. BEA 35-75 -  
Request for an Exception

Dear Mr. Rudzinski:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 22, 1975, in connection with your request for an exception to permit the operation of a child care center on property zoned the "RB" Four Family Dwelling District and generally located on the west side of Glendale in an area north of Eighth Street.

This Resolution reflects the official action of the Board to approve this 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,

Jack H. Galbraith  
Secretary

JHG:el  
Encl.

CC: Robert W. Beckard, 152 North Old Manor, 67208  
Robert Feldner, Superintendent of Central Inspection  
Donald C. Gisick, City Clerk  
Joe Donnelly, Central Inspection  
Leola Lindhall, Health Department

August 25, 1975

Richard Rudzinski  
5825 Oakwood  
Wichita, Kansas 67208

Subject: Case No. BEA 35-75 -  
Request for an Exception

Dear Mr. Rudzinski:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 22, 1975, in connection with your request for an exception to permit the operation of a child care center on property zoned the "RB" Four Family Dwelling District and generally located on the west side of Glendale in an area north of Eighth Street.

This Resolution reflects the official action of the Board to approve this 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,

Jack H. Galbraith  
Secretary

JHG:el  
Encl.

CC: Robert W. Heckard, 152 North Old Manor, 67208  
Robert Feldner, Superintendent of Central Inspection  
Donald C. Gisick, City Clerk  
Joe Donnelly, Central Inspection  
Leola Lindhall, Health Department

July 23, 1975

Richard Rudzinski  
5825 Oakwood  
Wichita, Kansas 67208

Subject: Case No. BZA 35-75 -  
Request for an Exception

Dear Mr. Rudzinski:

At the regular meeting of the Board of Zoning Appeals on July 22, 1975, your request for an exception to permit the operation of a child care center on property zoned the "RB" Four Family Dwelling District and generally located on the west side of Glendale in an area north of Eighth Street, was considered.

It was the action of the Board to approve this request subject to the five conditions recommended in the Secretary's Report except that Condition #2 was changed to read as follows:

The Wichita-Sedgwick County Department of Community Health shall determine the maximum number of children to be permitted in the center.

In addition, Condition #6 was added which reads as follows:

When the capacity of the child care center exceeds twelve, one off-street loading space shall be provided for each ten children or fraction thereof.

Richard Rudzinski  
July 23, 1975

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

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

Sincerely,

Jack H. Galbraith  
Secretary

*Done*

JHG:js

cc: Robert W. Heckard, 152 North Old Manor, 67208  
Robert Feldner, Superintendent of Central Inspection  
Donald Gisick, City Clerk  
Joe Donnelly, Central Inspection

July 19, 1975

Mr. Jack H. Galbraith, Secretary  
Board of Zoning Appeals

Re: Case No. BZA 35-75

Dear Jack:

In the Secretary's Report for our case you recommend that one of the conditions under which our request be approved is that the number of children not exceed ten. If this recommendation is accepted, the zoning exception would be of little value to us, for such a restriction would make our program unfeasible.

We appreciate the importance of establishing some outside limits for the size of a child care center to be permitted under a zoning exception; however, we do not believe it necessary to restrict us to a maximum of ten children. Moreover, we surmise that your stipulation on size may be mainly attributable to the lack of a clearer statement from us on the matter.

Therefore, we apologize for our omission, offer some additional information for your consideration, and respectfully request that you change this part of your recommendation.

As you are aware, what we are really establishing is a Montessori school, and we are faced with the necessity of obtaining a zoning exception only because we will have more than six children who are under the age of six.

As is indicated in the Health Department's report, the Glendale building will accommodate up to thirty-six children for child care center licensure purposes. And, if our understanding of regulations pertaining to elementary schools is correct, the building could accommodate an even larger number of children for that purpose.

When submitting our request for a zoning exception, we assumed that we would be able to accommodate a total of at least thirty-six children and that the specific number of children age 3 thru 5 would depend on the number of older children enrolled. And, if this were the case we would be able to attain our optimum enrollment plan and also have some needed flexibility in moving toward it.

Our optimum enrollment plan for use of the Glendale building is as follows:

Children age 3 thru 5	--	20 in a morning session (8:30 - 11:30 a.m.)
		20 in an afternoon session (1:00-4:00 p.m.)
Children age 6 and older	-	16 in an all-day session (8:30 a.m.-3:00 p.m.)

In reaching and maintaining this optimum enrollment there are several basic factors requiring some flexibility on the number of younger children to be enrolled at any given time:

- (1) Beginning with about five older children who have had an appropriate background for our school, the size of this group will have to be built primarily from children coming out of our own younger group. Thus it may require several years to reach the optimal number of children in this group.

- (2) The required staffing for the younger children is one teacher for each ten children. We will be starting with only two teachers but will plan to add a third teacher even before the adult-child ratio would require such.
- (3) For the sake of the very nature and quality of our educational program, as well as for the economic necessity of striving for full utilization of our teaching staff, we will be aiming at an over-all total of twenty children right from the start. And this means that if we have five older children we would want fifteen younger ones.
- (4) As the number of older children increased from the size of the initial group, we would of course have to decrease the number of younger children in order to maintain the total of twenty children, until such time as we are able to add the third teacher.
- (5) Once we reach the point of having three teachers we would then be aiming at a total of thirty-six children. But, again, the particular composition of younger and older children could, we would hope, be flexible enough to allow any further time needed for reaching the optimum composition of 20 younger and 16 older children.

There is one further matter which may have had some bearing on your consideration of the size of operation to be permitted. In your report you indicate that only three of the four units in the building would be utilized for the school. Undoubtedly we failed to communicate clearly on this point also, for it is our intention to use the entire building -- eventually, if not even right from the start.

When the various agencies inspected the building we did ask that they tell us what would be necessary if initially we left one of the units for use as an apartment. But, again, we were simply trying to allow some flexibility in the event we did not require the total available space for our beginning enrollment.

We believe that it should be quite satisfactory and reasonable for the Board of Zoning Appeals to set no further restriction on the number of children than is already controlled by the regulations pertaining to the licensing of child care centers. Hence, we request that you simply strike the phrase "not to exceed ten children" from the second condition recommended in your report.

However, if for some reason not presently understandable to us it is deemed necessary to place a further restriction on the number of children, we request that that limit be at least twenty children. For if all goes well with the development of our school we would have no need to exceed that number -- and if all does not go well, we could if absolutely necessary still operate within that limit.

Sincerely,

Richard Rudzinski

*Richard Rudzinski*

Robert W. Heckard

*Robert W. Heckard*

SECRETARY'S REPORT

CASE NO. BZA 35-75

APPLICANT: Richard Rudzinski, 5825 Oakwood, Wichita, Kansas,  
et.al.

AGENT: None

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit the establishment of a child care center.

GENERAL LOCATION: West side of Glendale in an area north of 8th St.

LAND USE: Subject property is occupied by a four-plex as are those properties to the north, south and west with duplexes to the east.

ZONING: Subject property is zoned "RB" Four Family as are those properties to the north, south and west. Property to the east is zoned "A" Two Family.

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 of the City Code can be complied with.

COMMENTS BY THE SECRETARY

The applicant is requesting an exception to permit the operation of a child care center in association with a proposed Montessori school for children between the ages of three and nine. For purposes of this report these remarks will be addressed to only that portion of the proposed operation that deals with the children from three through five years of age, which constitutes the request for the child care center. The remainder of the operation, defined as a private elementary school, is a permitted use on subject property and is not under consideration in this exception request.

Subject property contains a four-plex, three units of which will be utilized for the child care center-school with the remaining unit being utilized by the applicant and his wife as teachers for the facility.

The applicant proposes that the child care center would enroll a maximum of ten children in each of two daily sessions, Monday through Friday. The morning session would run from 8:30 a.m. to

Secretary's Report  
Case No. EZA 35-75  
Page Two

11:30 a.m. and the afternoon session would be from 1:00 p.m. to 4:00 p.m. The "school year" would correspond with the public school calendar and for next year would begin on August 25, 1975 through May 28, 1976 with the usual vacations and comprised of 180 school days. Both the applicant and his wife have a vast educational background and they are to be the only teachers and employees involved in the school.

The applicant in his letter of justification points out that the owner of subject property also owns the adjacent properties to the north and south. It is planned that subject property and the property to the north will make joint use of the two existing drive-ways, one for ingress and one for egress, thereby forming a circular drive by connecting the two. The applicants plot plan approved by the Traffic Engineering Division indicates this to be a satisfactory arrangement provided new curb returns are constructed with a 10 foot radius, are properly signed, and paving installed connecting the two drives. The plan also indicates the location of the required fenced play area and off-street parking.

The Department of Community Health, the Department of Public Works and the Fire Prevention Division have inspected the premises and set forth the conditions which must be met in order to bring the facility into compliance with state and local codes and licensing requirements.

#### 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 the center not to exceed ten children.
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.

Secretary's Report  
Case No. EZA 35-75  
Page Three

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. Prior to occupancy of the site for a child care center/school the applicant shall reconstruct the curb returns, entrance and exit ways, install paving connecting the two drives and properly sign the points of ingress and egress all in conformance with the plot plan approved by the Traffic Engineering Division.

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

July 2, 1975

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 35-75

You were recently mailed a Notice to Adjoining Property Owners concerning Case No. BZA 35-75, to be considered by the Board of Zoning Appeals at its meeting on Tuesday, July 22, 1975. The general location of the subject property was described as the east side of Glendale in an area north of Eighth Street. This description is in error and should be corrected to read: Generally located on the west side of Glendale in an area north of Eighth Street.

Jack H. Galbraith  
Secretary

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

June 30, 1975

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Jack H. Galbraith  
Secretary

6.30.75

<sup>26</sup>  
24 notices to adjacent property owners  
9 notices to maps

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,

All of the Owners within 200 feet of:

All of Lot 8, Block 1, and the North 10 feet of Lot 7 and the South 30 feet of Lot 9, Block 1, EAST HIGHLAND NORTH ADDITION, Sedgwick County, Kansas.



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.)

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
N 10' of Lot 7, & All Lot 8 & S 30' Lot 9	1	EAST HIGHLANDS NORTH	Robert W. & Janet M. Heckard 1248 North Crestway Wichita, Kansas 67208
2	1	EAST HIGHLANDS NORTH	M. W. Hellar 6 Brookfield Road Wichita, Kansas 67206
3	1	EAST HIGHLANDS NORTH	M. W. Hellar 6 Brookfield Road Wichita, Kansas 67206
4	1	EAST HIGHLANDS NORTH	Vera G. Stutsman 1002 North Brookfield Wichita, Kansas 67206

*Wendell Uhlend  
138 N. Parkerson*



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
5	1	EAST HIGHLANDS NORTH	Mary V. Williams 404 Waverly Drive Wichita, Kansas 67218
6	1	EAST HIGHLANDS NORTH	Dean L. & Rebecca P. Bussart & Bradford R. Bussart 902 North Oliver Wichita, Kansas 67208
7 except N10'	1	EAST HIGHLANDS NORTH	Robert W. & Janet M. Heckard 1248 North Crestway Wichita, Kansas 67208
9 except S30'	1	EAST HIGHLANDS NORTH	Robert W. & Janet M. Heckard 1248 North Crestway Wichita, Kansas 67208
10	1	EAST HIGHLANDS NORTH	M. W. Hellar 6 Brookfield Road Wichita, Kansas 67206
11	1	EAST HIGHLANDS NORTH	M. W. Hellar 6 Brookfield Drive Wichita, Kansas 67206
X 3	2	EAST HIGHLANDS NORTH	Allan C. Northcutt 550 Nims Wichita, Kansas 67203
4	2	EAST HIGHLANDS NORTH	Henry & Florence Boge 5628 Polo Drive Wichita, Kansas 67208
5	2	EAST HIGHLANDS NORTH	Charles B. & Alice P. Young 128 South Battin Avenue Wichita, Kansas 67218
6	2	EAST HIGHLANDS NORTH	Edith M. Hayden 835 Harding Avenue Wichita, Kansas 67208
7	2	EAST HIGHLANDS NORTH	Joe & Claryce Simon 4325 East Lewis Street Wichita, Kansas 67218
8	2	EAST HIGHLANDS NORTH	Vola B. Nicoll Address Unknown
9	2	EAST HIGHLANDS NORTH	Wilmetta R. Walline 4902 East 8th Street Wichita, Kansas 67208



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
10	2	EAST HIGHLANDS NORTH	Harold D. & Ruby L. Boles 903 Harding Avenue Wichita, Kansas 67208
11	2	EAST HIGHLANDS NORTH	William A. Scates Address Unknown
12	2	EAST HIGHLANDS NORTH	William O. & Ellen W. Yock 915 Harding Avenue Wichita, Kansas 67208
13	2	EAST HIGHLANDS NORTH	Earl F. Nyquist 921 Harding Avenue Wichita, Kansas 67208
14	2	EAST HIGHLANDS NORTH	James F. & Martha P. Sears 925 Harding Avenue Wichita, Kansas 67208
* 15	2	EAST HIGHLANDS NORTH	Loren B. Shaw 402 North Mission Wichita, Kansas 67206
1	5	EAST HIGHLANDS NORTH	Dean L. & Rebecca P. Bussart 1011 Patricia Street Wichita, Kansas 67208
10	5	EAST HIGHLANDS NORTH	Robert W. & Janet M. Heckard 1248 North Crestway Avenue Wichita, Kansas 67208
1	6	EAST HIGHLANDS NORTH	Eldo C. & M. J. Fowler 233 North Quentin Wichita, Kansas 67208
10 & 11 on Oliver		BELMONT PARK ADDITION	Ruth K. Carlson 232 South Pinecrest Wichita, Kansas 67218
12 on Oliver		BELMONT PARK ADDITION	Marian Sullivan Adams 927 North Oliver Wichita, Kansas 67208
13 on Oliver		BELMONT PARK ADDITION	Marian Sullivan Adams 927 North Oliver Wichita, Kansas 67208
14 on Oliver		BELMONT PARK ADDITION	Frank A. & Corinne Presson 3900 North Athenian Wichita, Kansas 67204



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
15 on Oliver		BELMONT PARK ADDITION	Frank A. & Corinne Presson 3900 North Athenian Wichita, Kansas 67204
16 on Oliver		BELMONT PARK ADDITION	Lee & Esther E. Hardwick 917 North Oliver Street Wichita, Kansas 67208
17 on Oliver		BELMONT PARK ADDITION	Lee & Esther E. Hardwick 917 North Oliver Street Wichita, Kansas 67208
18 on Oliver		BELMONT PARK ADDITION	Merritt M. & Patricia M. Barnes 11850 East Clark Wichita, Kansas 67207
19 on Oliver		BELMONT PARK ADDITION	Merritt M. & Patricia M. Barnes 11850 East Clark Wichita, Kansas 67207
20 on Oliver		BELMONT PARK ADDITION	Merritt M. & Patricia M. Barnes 11850 East Clark Wichita, Kansas 67207
21 on Oliver		BELMONT PARK ADDITION	Douglas L. Selichnow 436 Indiana Wichita, Kansas 67214
22 on Oliver		BELMONT PARK ADDITION	Douglas L. Selichnow 436 Indiana Wichita, Kansas 67214
23 on Oliver		BELMONT PARK ADDITION	Lela L. Robinson 837 North Terrace Drive Wichita, Kansas 67208
24 on Oliver		BELMONT PARK ADDITION	Lela L. Robinson 837 North Terrace Drive Wichita, Kansas 67208



Dated at Wichita, Kansas, this 16th day of June, 1975;  
7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Anita Gray*  
Asst. Sec. ag

Tracer No. 29051



map 584P

BOARD OF ZONING APPEALS

CASE NO. 35-75

CITY OF WICHITA, KANSAS

FILED 6-24-75

APPLICATION FOR EXCEPTION

I. Name of Applicant Robert W. Heckard and Richard Rudzinski

Mailing Address 5825 Oakwood, 67208 Phone 686-8613

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

2.12.590.C, Code of the City of Wichita, Kansas, to permit

the establishment of a day care center

\_\_\_\_\_ on property zoned

"RB", located at 913 N. Glendale

\_\_\_\_\_ and legally described as: Lot 8, plus

the north 15' of lot 7, plus the south 30' of Lot 9, Block

1, EAST HIGHLANDS NORTH ADDITION to Wichita, Sedgewick

County, Kansas, 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. 24-606); 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 Sedgewick County to appeal the decision of the Board.

Applicant Robert W. Heckard  
Richard Rudzinski  
Authorized Agent RS

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 2:50 (a.m. - P.M.), June 24, 19 75, together with appropriate fee of \$50.00

Signed Michael P. Meek

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,

All the Owners within 200 feet of:

Lot 8, Block 1, EAST HIGHLANDS NORTH ADDITION to Wichita, Sedgwick County, Kansas.



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	BLOCK	ADDITION	OWNER & ADDRESS
8	1	EAST HIGHLANDS NORTH <i>sent to 1527th. old of manor</i>	Robert W. & Janet M. Heckard 1248 North Crestway Wichita, Kansas 67208 ✓ <i>Feb. 7. 3. 75</i>
2	1	EAST HIGHLANDS NORTH	M. W. Hellar 6 Brookfield Road Wichita, Kansas 67206 ✓
3	1	EAST HIGHLANDS NORTH	M. W. Hellar 6 Brookfield Road Wichita, Kansas 67206 ✓
4	1	EAST HIGHLANDS NORTH	Vera G. Stutsman 1002 North Brookfield Wichita, Kansas 67206 ✓
5	1	EAST HIGHLANDS NORTH	Mary V. Williams 404 Waverly Drive Wichita, Kansas 67218 ✓

Fidelity  Title  
 COMPANY, INC.

THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

RETURNED  
TO  
SENDER  
ADDRESSEE UNKNOWN  
MUNGER



35-75

Robert W. & Janet M. Heckard  
1248 N. Crestway  
Wichita, Ks. 67208



THE CITY OF WICHITA



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35-75

Robert W. & Janet M. Heckard  
1248 N. Crestway  
Wichita, Ks. 67208



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
6	1	EAST HIGHLANDS NORTH	Dean L. & Rebecca P. Bussart & Bradford R. Bussart 902 North Oliver Wichita, Kansas 67208
7	1	EAST HIGHLANDS NORTH	<i>rel. 7-3-75 made to 3100 Mc Cormick</i> Robert W. & Janet M. Heckard 1248 North Crestway Wichita, Kansas 67208
9	1	EAST HIGHLANDS NORTH	Robert W. & Janet M. Heckard 1248 North Crestway Wichita, Kansas 67208
10	1	EAST HIGHLANDS NORTH	M. W. Hellar 6 Brookfield Road Wichita, Kansas 67206
11	1	EAST HIGHLANDS NORTH	M. W. Hellar 6 Brookfield Drive Wichita, Kansas 67206
4	2	EAST HIGHLANDS NORTH	Henry & Florence Boge 5628 Polo Drive Wichita, Kansas 67208 <i>rel. 7-3-75</i>
5	2	EAST HIGHLANDS NORTH	Charles B. & Alice P. Young 128 South Battin Avenue Wichita, Kansas 67218
6	2	EAST HIGHLANDS NORTH	Edith M. Hayden 835 Harding Avenue Wichita, Kansas 67208
7	2	EAST HIGHLANDS NORTH	Joe & Claryce Simon 4325 East Lewis Street Wichita, Kansas 67218
8	2	EAST HIGHLANDS NORTH	XVola B. Nicoll XAddress Unknown
9	2	EAST HIGHLANDS NORTH	Wilmetta R. Walline 4902 East 8th Street Wichita, Kansas 67208
10	2	EAST HIGHLANDS NORTH	Harold D. & Ruby L. Boles 903 Harding Avenue Wichita, Kansas 67208
11	2	EAST HIGHLANDS NORTH	XWilliam A. Scates XAddress Unknown
12	2	EAST HIGHLANDS NORTH	William O. & Ellen W. Yock 915 Harding Avenue Wichita, Kansas 67208



Fidelity Title

COMPANY, INC.

THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

  
**ADDRESSEE UNKNOWN  
MUNGER**



Dear L. & Rebecca P. Bussart  
& Bradford R. Bussart  
902 N. Oliver  
Wichita, Ks. 67208

35-75



THE CITY OF WICHITA



BOARD OF ZONING APPEALS  
CITY BUILDING ANNEX  
104 S. MAIN ST.  
WICHITA, KANSAS 67202

  
**ADDRESSEE UNKNOWN  
MUNGER**



Dear L. & Rebecca P. Bussart  
& Bradford R. Bussart  
902 N. Oliver  
Wichita, Ks. 67208

35-75



THE CITY OF WICHITA



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35-75

Henry & Florence Boge  
5628 Polo Drive  
Wichita, Ks. 67208



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ADDRESSEE UNKNOWN  
MUNGER



35-75

Henry & Florence Boge  
5628 Polo Drive  
Wichita, Ks. 67208



LOT	BLOCK	ADDITION	OWNER & ADDRESS
13	2	EAST HIGHLANDS NORTH	Earl F. Nyquist 921 Harding Avenue Wichita, Kansas 67208
14	2	EAST HIGHLANDS NORTH	James F. & Martha P. Sears 925 Harding Avenue Wichita, Kansas 67208
1	5	EAST HIGHLANDS NORTH	Dean L. & Rebecca P. Bussart 1011 Patricia Street Wichita, Kansas 67208
10	5	EAST HIGHLANDS NORTH	Robert W. & Janet M. Heckard 1248 North Crestway Avenue Wichita, Kansas 67208
1	6	EAST HIGHLANDS NORTH	Eldo C. & M. J. Fowler Address Unknown 233 N. Quenton 0 <sup>9</sup>
11 on Oliver		BELMONT PARK ADDITION	Ruth K. Carlson 232 South Pinecrest Wichita, Kansas 67218
12 on Oliver		BELMONT PARK ADDITION	Marian Sullivan Adams 927 North Oliver Wichita, Kansas 67208
13 on Oliver		BELMONT PARK ADDITION	Marian Sullivan Adams 927 North Oliver Wichita, Kansas 67208
14 on Oliver		BELMONT PARK ADDITION	Frank A. & Corinne Presson 3900 North Athenian Wichita, Kansas 67204
15 on Oliver		BELMONT PARK ADDITION	Frank A. & Corinne Presson 3900 North Athenian Wichita, Kansas 67204
16 on Oliver		BELMONT PARK ADDITION	Lee & Esther E. Hardwick 917 North Oliver Street Wichita, Kansas 67208
17 on Oliver		BELMONT PARK ADDITION	Lee & Esther E. Hardwick 917 North Oliver Street Wichita, Kansas 67208
18 on Oliver		BELMONT PARK ADDITION	Merritt M. & Patricia M. Barnes 11850 East Clark Wichita, Kansas 67207
19 on Oliver		BELMONT PARK ADDITION	Merritt M. & Patricia M. Barnes 11850 East Clark Wichita, Kansas 67207



**Fidelity**  **Title**  
 COMPANY, INC.

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNER &amp; ADDRESS</u>
20 on Oliver		BELMONT PARK ADDITION	Merritt M. & Patricia M. Barnes 11850 East Clark Wichita, Kansas 67207
21 on Oliver		BELMONT PARK ADDITION	Douglas L. Selichnow 436 Indiana Wichita, Kansas 67214
22 on Oliver		BELMONT PARK ADDITION	Douglas L. Selichnow 436 Indiana Wichita, Kansas 67214
23 on Oliver		BELMONT PARK ADDITION	Lela L. Robinson 837 North Terrace Drive Wichita, Kansas 67208
24 on Oliver		BELMONT PARK ADDITION	Lela L. Robinson 837 North Terrace Drive Wichita, Kansas 67208



Dated at Wichita, Kansas, this 16th day of June, 1975;  
7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Orville Gray*  
Asst. Sec. ag

Tracer No. 28944

Fidelity  Title  
COMPANY, INC.

TO: THE BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

RE: ZONING EXCEPTION APPLICATION FOR A "DAY CARE CENTER"

It is our desire to establish a Montessori school at 913 N. Glendale. Because we will be enrolling more than six children under the age of six, the operation of our school necessarily falls under the regulations governing day care centers. It is our understanding that with improvements as noted in the letters of tentative approval from the Wichita-Sedgewick County Department of Public Health, the Central Inspection Division of the Department of public Works and the Fire Prevention Division of the Fire Department 913 N. Glendale would comply with all requirements for day care facilities but for the fact that the property is not zoned "B" but "RB". It is with this application that we request a zoning exception be granted as permitted and outlined under Section 2.12.590.C, Code of the City of Wichita.

It is our intent to enroll a maximum of 10 children this first year in each of two preschool classes which will be conducted between the hours of 8:30 am to 11:30 am and 1:00 pm to 4:00 pm daily excluding holidays, etc. Because of the special nature of this school, the children are not merely cared for during the three hours they are with us but they engage in meaningful activities which they themselves identify as their work and which occupies a large portion of their day. Thus it is that the periods of outdoor play for the preschoolers last approximately 30 minutes per session. The small number of children involved, the relatively brief play periods and the relatively large separation of the play area from adjacent buildings make it seem unlikely that we could be considered a nuisance in the neighborhood.

One special condition which exists is that 913 N. Glendale and the adjacent properties to the north and south all are owned by one of the co-applicants, Robert W. Heckard. As can be seen on the accompanying drawing of the property, we plan to utilize the driveway on the property at 923 N. Glendale as a one-way entrance for access to both 913 and 923 N. Glendale. The tenants at 923 N. Glendale will be restricted - by means of a condition in their rental agreement - from parking in that driveway so as to assure its use as an entrance to the school as well as to assure the accessibility by each of them to their own parking garage. As also shown, a portion of 903 N. Glendale is included in the fenced in area of the center as a matter of practicality.

Because 913 N. Glendale is located in a block devoted entirely to four-family dwellings on amply proportioned lots, because the buildings lining the east side of the 900 block of Glendale are two family dwellings, because Glendale itself is only two blocks long at this point, and because we will not be radically changing the character of the property, we feel confident that the permitting of a school such as the one we propose cannot have a deleterious impact on the neighborhood nor will it in any way unduly infringe on the rights of property owners in the vicinity of the school.

Sincerely,

Robert W. Heckard

*Richard Rudzinski*  
Richard Rudzinski

**CITY OF WICHITA**  
**DEPARTMENTS OF INSPECTION-FIRE-HEALTH**  
**WICHITA, KANSAS**

Inter-Departmental Referral Notice for Evaluation  
of  
Structures Proposed for Adult and Child Care

Agency Initiating Referral Health Dept. (Leola Lindahl) Case No. 19 Date 6-11-75

Prospective Applicant

Name Richard Rudzinski	Address 5826 Oakwood	Phone 686-8613
---------------------------	-------------------------	-------------------

Prospective Site

Address  913 Glendale	Present Use Four-plex  Proposed Use School and center
Owner  Robert Heckard	Address 152 North Old Manor
	Phone 683-7774

Preliminary Report of Improvements for Initial Approved Status

(add additional sheets as necessary)

**BUILDING INSPECTION**

1. Board of Zoning Appeals approval.
2. Change of occupancy
3. One-hour separation between apartment and school
4. All exit doors must swing out (in direction of egress).
5. Fire alarm system must be installed per Section 810 of Uniform Building Code
6. If rear apartment area is included in school facilities, basement ceiling must be 5/8" fire code sheetrock or equivalent

7. Building permit required for cutting openings between apartment rooms for school

**PLUMBING INSPECTION**

1. Install 3/4" relief valve on hot water heater in proper position
2. Remove aluminum flex connector on range in basement

**ELECTRICAL INSPECTION**

1. Remove rubber cord to garage
2. Remove extension cord to basement light

3. The building area used for school can have only one service disconnect

**HEATING INSPECTION**

1. Licensed contractor to check floor furnaces for condition and operation.

*Bill Colquhoun*  
Agency Representative

Routing of Referral: Original (white copy) to Health; 1st copy (green) to Inspection;  
2nd copy (red) to Fire.  
Intra Agency Routing: Central Inspection-Zoning, Building, Plumbing, Electrical,  
Health-Environmental, Personal  
Routing of Preliminary Reports: Photocopies from Health to Inspection and Fire;  
Inspection to Health and Fire;  
Fire to Health and Inspection

6/16  
10:30 AM

CITY OF WICHITA  
DEPARTMENTS OF INSPECTION FIRE-HEALTH  
WICHITA, KANSAS

Inter-Departmental Referral Notice for Evaluation  
of  
Structures Proposed for Adult and Child Care

Agency Initiating Referral Health Dept. (Leola Lindahl) Case No. 19 Date 6-11-75

Prospective Applicant		
Name	Address	Phone
Richard Rudzinski	5826 Oakwood	686-8613

Prospective Site		
Address	Present Use	Four-plex
913 Glendale	Proposed Use	School and center
Owner	Address	Phone
Robert Heskard	152 North Old Manor	683-7774

Preliminary Report of Improvements for Initial Approval Status  
(add additional sheets as necessary)

Three units of this four plex are planned for use of the nursery school and a graded school. One unit will be used for living quarters.

Each unit contains 317 sq. ft. and is provided with one stool and one handwashing facility.

Available space will permit 9 children per unit.

The floor furnaces shall be equipped with protective guard.

Open electrical outlets within reach of children shall be provided with safety covers.

Hot water at handwashing facilities shall not exceed 120°.

Replace closure at outside stairway and provide safety cover for open window wells.

Fenced playground with adequate play equipment shall be adjacent to the nursery school- 100 sq. ft. per child shall be available with a minimum space for two units or at least 2400 sq. ft. of enclosure.

Furniture and fixtures shall be provided as needed for each operation.

Provide plans of remodeling - structure to be repaired and remodeled as prescribed by

*Jack E. Miller - Health*  
Agency Representative

Routing of Referral: Original (white copy) to Health; 1st copy (green) to Inspection; 2nd copy (red) to Fire.

Intra Agency Routing: Central Inspection-Zoning, Building, Plumbing, Electrical Health-Environmental, Personal

Routing of Preliminary Reports: Photocopies from Health to Inspection and Fire; Inspection to Health and Fire; Fire to Health and Inspection

Page 2

departments of Fire and Central Inspection.

*Jack E. Milburn*

Jack E. Milburn, Supervisor  
Institutional Services

JEM/ju

cc: Richard Rudzinski  
Jack Miller  
Dolan Martin  
Larry Dobson  
Leola Lindahl



Form 223-021

**PAYMENT NOTICE**  
City of Wichita

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

Bldg & Elev.	Elec.	Elev. Incp.	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 6/20/08

Comments: PA 409-102

Date 6/24/08 BY \_\_\_\_\_

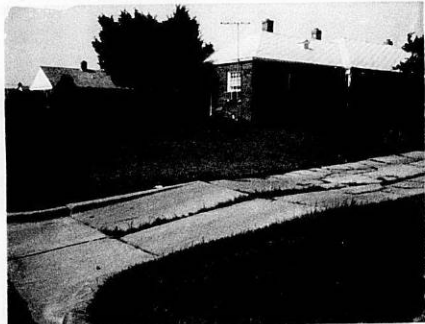
Looking W of drive S



Looking E of drive S



Looking S of drive S



Looking W of drive N



Looking W of drive N



\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 1