

BZA APPROVED 10/28/86

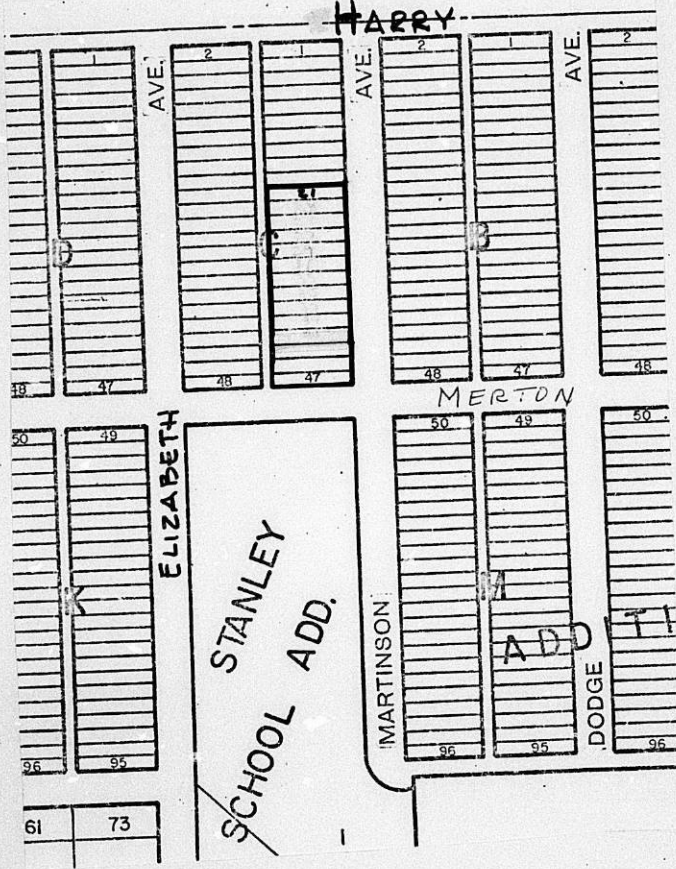
200'4 Sec 11-3-86
Shot 11-18
Record

Case No. BZA 36-86 - Martinson Avenue
Christian Church requests an exception
to permit the establishment of a child
day care center on property zoned the
"RB" Four-family Dwelling District &
generally located on the northwest
corner of Martinson & Merton.

Map No. 5345A

BZA 36-26
Filed _____

- AREA DATA:
1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "RB" S "RB" W "RB" N "RB"
3. Land Use: East 1-F South SCHOOL
West 1-F North 1-F
4. Area (is) (~~is not~~) platted.



Standard
No. 2153C
REGISTERED IN
LOS ANGELES - CHICAGO - LOGAN, OH
HOUSTON, TX - LOCUST GROVE, GA
U.S.A.

October 31, 1986

Norman Teagarden
1714 South Dodge
Wichita, Kansas 67213

Re: BZA 36-86 - Request for Exception

Dear Mr. Teagarden:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 28, 1986.

This Resolution reflects the official action of the Board to grant 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/lw

Enclosure

cc: Martinson Avenue Christian Church, 1653 S. Martinson, Wichita,
KS 67213
Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 36-86

WHEREAS, Martinson Avenue Christian Church, 1653 South Martinson, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child day care center on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Odd lots 25 thru 47 inclusive, Block C, in Princess Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Martinson and Merton (1653 S. Martinson).

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 October 28, 1986, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of a child day care center on property zoned the "RB" Four-family Dwelling District; subject to the conditions outlined in Section 28.04.185.2, Code of the City of Wichita.

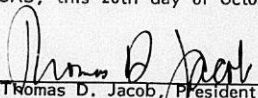
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a child day care center on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Odd lots 25 thru 47 inclusive, Block C, in Princess Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Martinson and Merton (1653 S. Martinson).

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, however, under no circumstance shall this number exceed 50 without additional public hearings and approval by the Board.
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 12, one off-street loading space shall be provided for each ten children or major fraction thereof.

ADOPTED AT WICHITA, KANSAS, this 28th day of October, 1986.


Thomas D. Jacob, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services

DATE October 10, 1986

TO Glen Lytle, Special Assistant for Zoning
FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 36-86: Northwest
corner of Martinson
and Merton (1653 S.
Martinson).

On Thursday, October 9, CPD Council Area "0" considered the above captioned case, a request for an exception to permit the establishment of a child care center on property zoned the "R8" Four-family Dwelling District.

Council members were provided the notice to adjoining property owners, and a map of the area. After extensive discussion, the Council voted 9-0 to recommend approval of the request.

Glenda Wilcox was present to explain the specifics of the request. According to Ms. Wilcox, a Head Start center is being proposed that would serve 36 children and their parents.

The Council was very supportive of the Head Start program and of the request.

Please provide the Council's recommendations to the Board of Zoning Appeals when case BZA 36-86 is considered.

Barry L. Carroll

Barry L. Carroll
Administrative Aide III

B.L.C.:blc

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

RECEIVED

OCT 10 1986

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 36-86

APPLICANT: Martinson Avenue Christian Church, 1653 S. Martinson, Wichita, KS.

AGENT: Norman Tegarden, 1714 S. Dodge, Wichita, KS.

REQUEST: Exception pursuant to Section 28.04.185.2 Code of the City of Wichita to permit the establishment of a child day care center.

GENERAL LOCATION: On the northwest corner of Martinson and Merton.

ZONING: Subject property is zoned the "RB" Four-family Dwelling District as are all adjacent properties.

LAND USE: Subject property is occupied by the existing church and parking. Properties to the east, north and west are residential. To the south an elementary school.

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 applicants are requesting an exception to permit the establishment of a child day care center in the existing church facilities. This facility would be operated by the Wichita Head Start Program to serve 36 children per session. The hours of operation would be 8:00 a.m. to 5:00 p.m. Monday through Friday.

It should be noted that the existing facilities can provide more than adequate off-street parking and loading to comply with the requirements of the zoning ordinance. In addition, the fenced play area is located in an area that should not be a detriment to the neighborhood.

It should be noted that although the present proposal is a maximum of 36, without some limitation on numbers of children by the Board, facilities could be expanded to increase this number without further consideration by the Board. In some cases a significant increase in the number of children could create a great impact on a residential neighborhood. It is the Secretary's opinion that a maximum number should be established. It is suggested that no more than 50 children be permitted at this location even though additional space could be provided in the building to accommodate a greater number.

RECOMMENDATION:

Should the Board determine that the proposed child day care facility would be appropriate at this location, then it is the Secretary's opinion that the exception 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, however, under no circumstance shall this number exceed 50 without additional public hearings and approval by the Board.
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 12, one off-street loading space shall be provided for each ten children or major fraction thereof.

BZA CASE NO. 36-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>19</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>22</u>	TOTAL NOTICES SENT <u>10/6/86</u>

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

October 6, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 36-86

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 Martinson Avenue Christian Church, 1653 South Martinson, 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 establishment of a child day care center on property zoned the "RB" Four-family Dwelling District. A legal description of the applicant's property is as follows:

Odd lots 25 thru 47 inclusive, Block C, in Princess Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of Martinson and Merton (1653 S. Martinson).

This application has been assigned Case No. BZA 36-86. It will be considered by the Board of Zoning Appeals on October 28, 1986 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.

Glen E. Lytle
Assistant Secretary

BZA CASE NO. 36-86

____ NOTICES SENT TO APPLICANT/AGENT
14 LEGAL ADVERTISEMENT SENT TO MAPC & BZA
____ NOTICES SENT TO CPO
____ NOTICES SENT TO ADJOINING PROPERTY OWNERS
____ TOTAL NOTICES SENT _____

*No notices sent to property owners
AS THERE WAS NO OWNERSHIP LIST.*

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

August 29, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 36-86

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 Martinson Avenue Christian Church, requesting an exception.

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

Lots 21 thru 47, Block C, on Martinson Avenue,
Princess Addition to Wichita, Sedgwick County, Kansas.
Generally located on the northwest corner of Martinson
and Merton (1653 S. Martinson).

This application has been assigned Case No. BZA 36-86. It will be considered by the Board of Zoning Appeals on September 23, 1986 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.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 36-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Martinson Avenue Christian Church
 Mailing Address 1653 South Martinson Phone 262-4125
 Name of Authorized Agent Norman Tegarden
 Mailing Address 1714 S. Dodge St. 245-2457 Phone 262-4125
 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 care center to be operated by the Wichita Head Start Program between the hours of 8:00 A.M. and 5:00 P.M. Monday through Friday *45 students*
_____ on property zoned RB (residential)
 located 1653 South Martinson and legally described as: The Martinson Avenue Christian Church, Princess Addition, Block C - Martinson Avenue: Lots 43, 45, 47, 25 thru 47 *Owner*
_____ 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. 39-285); and that the appropriate fee is here-with 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 Martinson Avenue Christian Church
 Authorized Agent Norman Tegarden

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:30 (a.m./p.m.), Aug 22, 1986.
 together with appropriate fee of 300.00.

Signed [Signature]

TO: The Board of Zoning Appeals
City of Wichita, Kansas

FROM: The Martinson Avenue Christian Church
and
The Wichita Head Start Program

RE: Special use permit for the church property at 1635 South Martinson

The Board of Zoning Appeals is asked to approve use of the licensable portion of the church building at 1653 South Martinson as a child care center, as provided for in Section 2.12.590.C of the Code of the City of Wichita, Kansas. If approved, this center would be operated by the Wichita Head Start Program to serve 36 children per session, between the hours of 8:00 A.M. and 5:00 P.M., Monday through Friday. The location of the church building, driveways, parking, and fenced playground are such that the operation of the center would not disrupt the neighborhood.

The Head Start "Parents' and Children's Resource Center" plans to provide transportation to the center for many of the children and parents to be enrolled there. Off-street driveways would accommodate safe loading and unloading of children, while the church's parking lot will accommodate cars driven by staff and parents, as well as the program's vehicles. Owners of surrounding residences can be assured that traffic to and from the "Resource Center" would not impinge on their property.

A play yard has been fenced for the children's safety, in a location both convenient to the church building and separated from neighboring residences. It can be seen that the changes in the neighborhood that might arise from the operation of a child care center at this location would be minor. In fact, with Stanley Elementary School/Community Center located just south of the church, any increase in activity which might be generated by this center would be hardly noticeable.

If approved for this location, the Head Start "Parents' and Children's Resource Center" would offer expanded services to a number of children and families from across Wichita. By housing this worthwhile operation, the Martinson Avenue Christian Church would be supporting an important community service, without impinging upon its neighbors. Timely approval of this request by the Board of Zoning Appeals is requested to further this service plan.

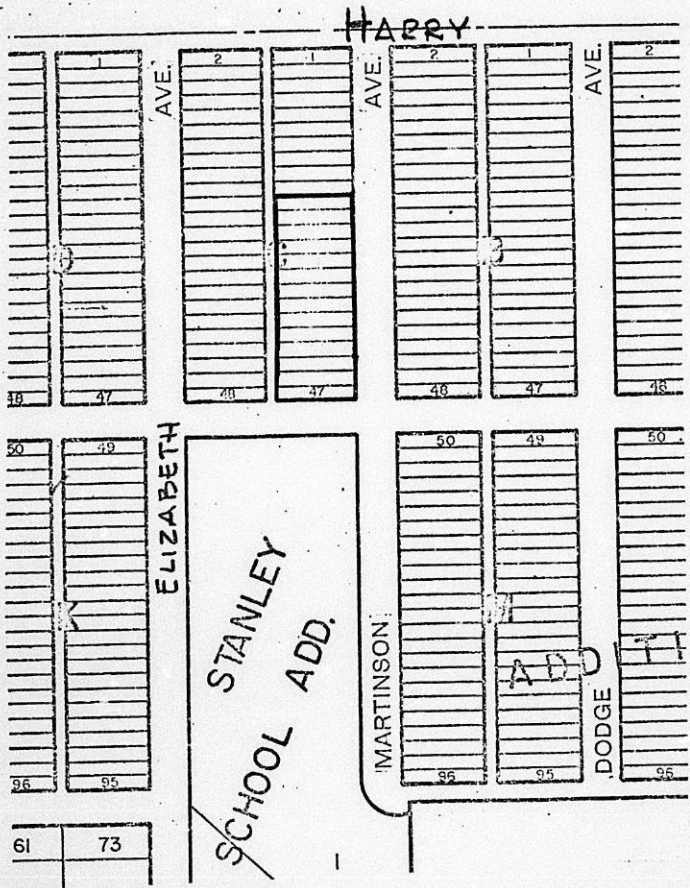
Thank you.

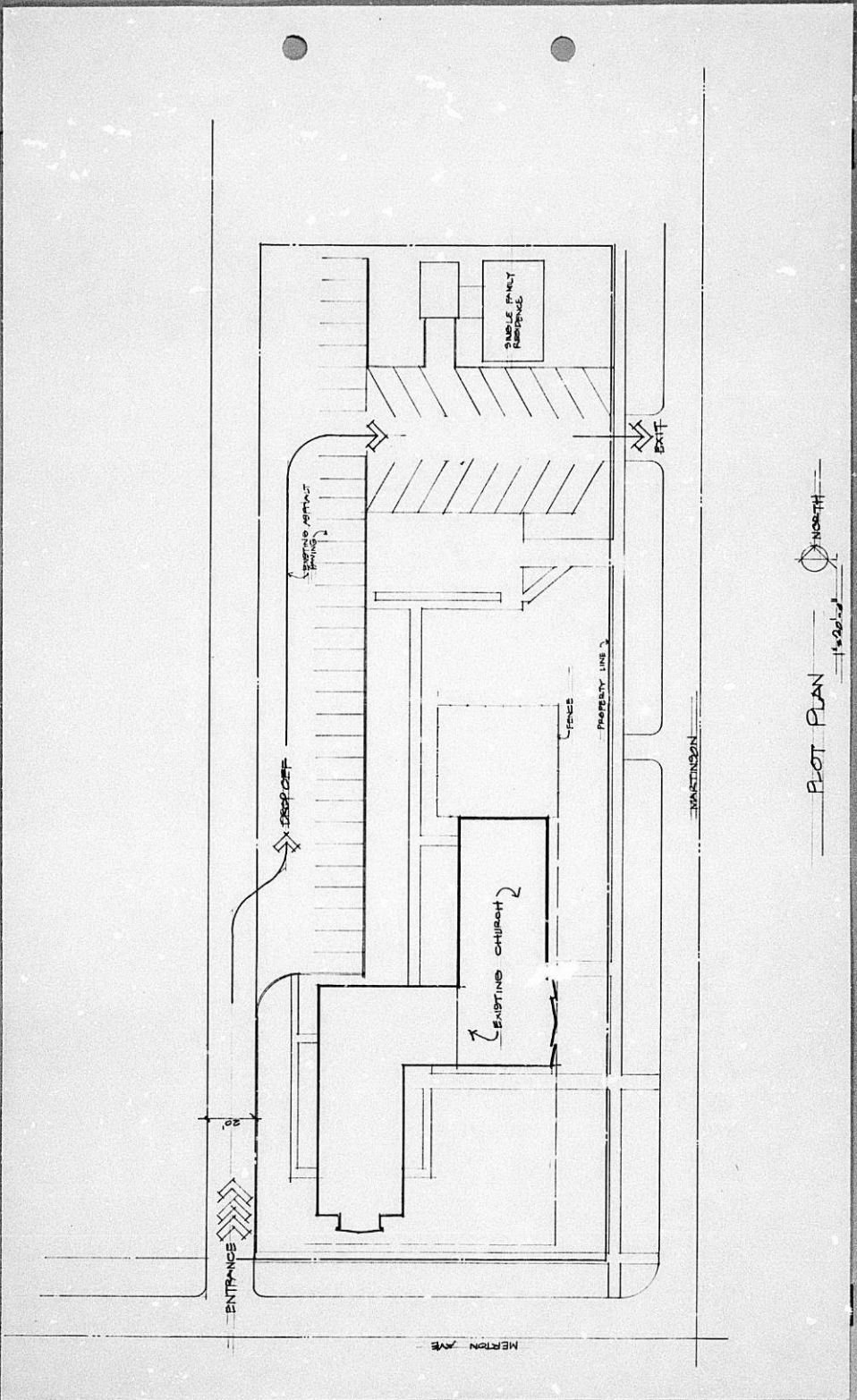
Map No. 5345A

BZA 6-26
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "RB" S "RB" W "RB" N "RB"
3. Land Use: East I-F South SCHOOL
West I-F North I-F
4. Area (is) (~~is not~~) platted.





PLOT PLAN $1/8"=20'-0"$ $1/8"=20'-0"$
 HICORTH

CERTIFICATE OF OWNERSHIP

GUARANTEE TITLE COMPANY INC. has searched the public records and finds the following to be a true and correct list of the property owners as evidenced by the last deed of record within a 200 foot radius off and including the following described property, viz:

Odd lots 25 through 47 inclusive, Block c, in Princess Addition to wichita, Sedgwick County, Kansas.

NOTE: Addresses are furnished as a courtesy only and are not certified.

DESCRIPTION	OWNER/ADDRESS
<u>PRINCESS ADDITION</u>	
<u>Block B</u>	
Lots 10 and 12	✓ Donald J. Hobbs Joni A. Hobbs 1610 S. Martinson Wichita, Kansas 67213
Lots 14 and 16	✓ Ronald C. McCoy Maysel M. McCoy 1622 S. Martinson Wichita, Kansas 67213
Lots 18, 20, 22 and 24	✓ Ronald C. McCoy Maysel M. McCoy 1622 S. Martinson Wichita, Kansas 67213
Lots 26, 28 and North Half Lot 30	✓ Oliver A. Tussey Geneva Tussey 1628 S. Martinson Wichita, Kansas 67213
The South Half of Lot 30 all of Lots 32 and 34	✓ Arnold N. Ruhter Arvada M. Ruhter 1638 S. Martinson Wichita, Kansas 67213
Lots 36, 38 and 40	✓ Gerhart Ronald Tonn Pamela Yvonne Tonn 13600 E. 37th St. North Wichita, Kansas 67228
Lots 42 and 44	✓ Hiram B. McGee Mary Ann McGee 1652 S. Martinson Wichita, Kansas 67213
Lots 46 and 48	✓ Wilbert B. Linnebur 4831 W 79th Street South Wichita, Kansas 67231
<u>Block C</u>	
Lots 9 and 11	✓ Charles L. Pettegrew Box 35 Conway Springs, Kansas 67013
Lots 10, 12, 14 and 16	✓ Harley R. Allen Mildred M. Allen 1610 S. Elizabeth Wichita, Kansas 67213

OWNERSHIP LIST (continued)

DESCRIPTION	OWNER/ADDRESS
<u>PRINCESS ADDITION</u>	
<u>Block C</u>	
Lots 13 and 15	✓ E. L. Neff Frances L. Neff 502 Burchwood Bay Rd. Hot Springs, Arkansas 71913
Lots 17, 19, 21 and 23	✓ Martinson Avenue Christian Church 1653 S. Martinson Wichita, Kansas 67213
Lots 18 and 20	✓ W. M. Nafziger Elizabeth Nafziger c/o Larry Holley 1620 S. Elizabeth Wichita, Kansas 67213
Lots 22 and 24	✓ Lawrence Thies Rosalie Thies 1230 E. 87th South Wichita, Kansas 67233
Lots 25 and 27	✓ The Kansas Christian Missionary Society a Kansas Corporation c/o Martinson Avenue Christian Church of Wichita 1653 S. Martinson Wichita, Kansas 67213
Lots 26 and 28	✓ Frederick J. Jelich Sue E. Jelich 1630 S. Elizabeth Wichita, Kansas 67213
Lots 29, 31 and 33	✓ Martinson Avenue Christian Church of Wichita, Kansas 1653 S. Martinson Wichita, Kansas 67213
Lots 30 and 32	✓ Gerald A. Wiewel Hazel Wiewel 1634 S. Elizabeth Wichita, Kansas 67213
Lots 34, 36 and 38	✓ L. N. Youngers Christina Youngers 1636 S. Elizabeth Wichita, Kansas 67213
Lots 35, 37 and 39	✓ The Martinson Avenue Christian Church 1653 S. Martinson Wichita, Kansas 67213
Lots 40, 42, 44, 46 and 48	✓ The Administrator of Veterans Affairs Wichita Regional Office 901 George Washington Blvd. Wichita, Kansas 67211
Lots 41, 43, 45 and 47	✓ Martinson Avenue Christian Church 1653 S. Martinson Wichita, Kansas 67213

OWNERSHIP LIST (continued)

DESCRIPTION

OWNER/ADDRESS

PRINCESS ADDITON

Block M

Lots 50 and 52

∩ Wanita Linnebur
Wilbert Linnebur
4831 W. 79th Street South
Wichita, Kansas 67231

Lots 54 and 56

∩ Wanita Linnebur
Wilbert Linnebur
4831 W. 79th Street South
Wichita, Kansas 67231

Lots 58 and 60

✓ Bernard W. Hamilton
Betty J. Hamilton
1712 S. Martinson
Wichita, Kansas 67213

STANLEY SCHOOL ADDITION

Lot 1

✓ Unified School District No. 259
a Quasi Municipality
428 S. Broadway
Wichita, Kansas 67202

Dated this 9th day of September 1986 at 7:00 A.M.

GUARANTEE TITLE CO., INC.

Connie L. Douthitt
Connie L. Douthitt Vice President

No. 5554

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-021 PAYMENT NOTICE
 City of Wichita

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

Planning

DESCRIPTION	AMOUNT
City 020 Excess	\$ 300.00
NAME	MONTWORTH CHURCH
ADDRESS	1652 E. MONTWORTH
FUND	155-40710-003
COMMENTS	
DATE	Aug 22, 1986
BY	[Signature]

*

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

Roll # 3