

Case No. 46-77 - Children's Corner Child Care Center, Inc., requests a variance to reduce off-street loading/unloading from 4 spaces to 0 spaces on property generally located on the east

Filed
9-29-77
C.I.
M.P.
11-2-77

ACTION

DATE

BZA 46-77 COMMITTEE *Approved* *12-25-77*

M.A.P.C. _____

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

Map No. 5744
 Sec. 2
 Twp. 28
 Range 1E

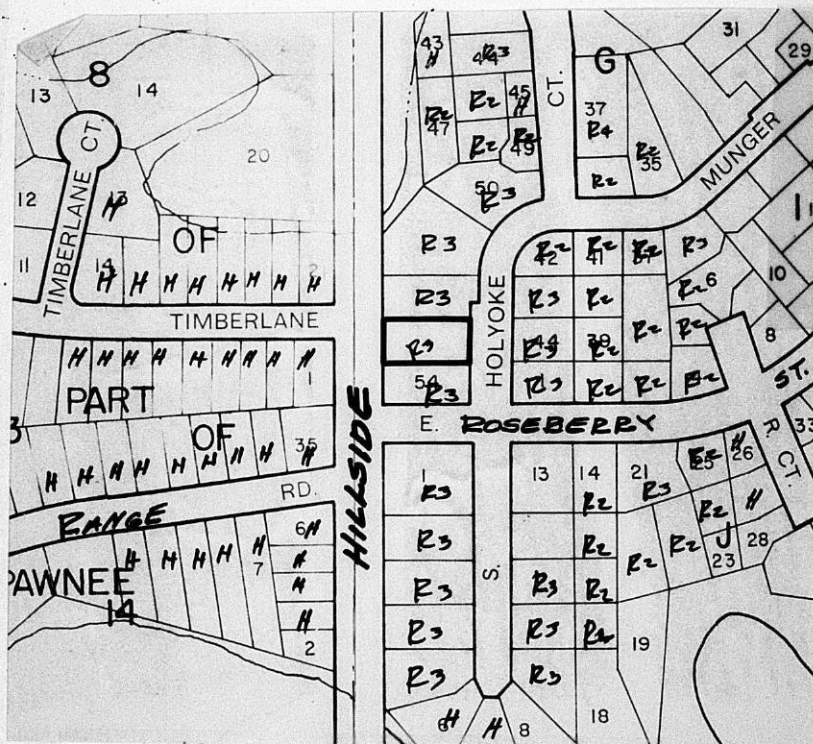
BZA- 46-77
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.27 (80 ft. by 150 ft.)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East THREE FAM South THREE FAM
 West SINGLE FAM North THREE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: THREE FAM
 6. Area (is) (is not) platted.

PHOTO DATA:

taken by _____ Date _____ Time _____



HASTINGS, M. LOS ANGELES
 LOOK ON - MORTGAGE, TX, U. S. A.

Smith
 No. 2153C

RESOLUTION NO. BZA 46-77

WHEREAS, Children's Corner Child Care Center, Inc., 967 Parklane, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street loading spaces from 4 spaces to 0 spaces on property zoned the "RB" Four Family Dwelling District and legally described as follows:

Lot 53, Block G, in Plainview Subdivision, #1 Sedgwick County, Kansas. Generally located between Hillside and Holyoke Court in an area north of East Roseberry 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 October 25, 1977, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner inasmuch as this child care center would be located in a low income area of the city catering to the families residing there. It may be reasonable to expect that a disproportionate number of the parents and center employees would utilize the nearby public transportation facilities; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as public right-of-way would undoubtedly be utilized for loading and unloading of children much in the same way public right-of-way is utilized throughout this area for off-street parking; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (zoning ordinance) of which variance is requested, will constitute unnecessary hardship upon the property owner represented in the application inasmuch as the capacity of the center would have to be reduced to a level commensurate with the available parking area. This would probably mean limiting the enrollment to 24 children which is not financially feasible; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the four previous conditions have been found to exist; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street loading spaces from 4 spaces to 0 spaces on property zoned the "RB" Four Family Dwelling District and legally described as:

Lot 53, Block G, in Plainview Subdivision, #1 Sedgwick County, Kansas. Generally located between Hillside and Holyoke Court in an area north of East Roseberry Street,

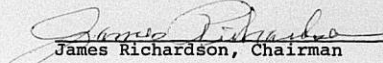
be approved subject to the following conditions:

1. The number of off-street loading spaces shall be reduced from 4 spaces to 1 space.

RESOLUTION NO. BZA 46-77
Page 2

2. The loading area and driveways on subject property shall be surfaced with concrete or asphalt.

ADOPTED AT WICHITA, KANSAS, this 25th day of October, 1977.


James Richardson, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

October 31, 1977

Tenth Floor, City Hall
455 North Main Street

Mrs. Carol Poteete, Director
Children's Corner Child Care, Inc.
967 Parklane
Wichita, Kansas 67218

Re: Request for Variance
Case No. BZA 46-77

Dear Mrs. Poteete:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on Tuesday, October 25, 1977, in connection with your request for a variance to reduce the required number of off-street loading spaces from 4 spaces to 0 spaces on property zoned the "RB" Four Family Dwelling District, and generally located between Hillside and Holyoke Court in an area north of East Roseberry Street.

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 any questions concerning this matter, please call.

Sincerely yours,

Larry Dobson
Assistant Secretary

LD:bh

cc: Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator

XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXX

City Hall, 10th Floor
435 N. Main Street

October 26, 1977

Ms. Carol Poteste, Director
Children's Corner Child Care Center, Inc.
967 Parklane
Wichita, Kansas 67218

Re: Request for Variance
Case No. BEA 46-77

Dear Mrs. Poteste:

At the regular meeting of the Board of Zoning Appeals on Tuesday, October 25, 1977, your request for a variance to reduce the required number of off-street loading spaces from 4 spaces to 0 spaces on property zoned the "RB" Four Family Dwelling District and generally located between Hillside and Holyoke Court in an area north of East Roseberry Street was considered.

The action of the Board was to approve this request subject to the following conditions:

1. The number of off-street loading spaces shall be reduced from four spaces to one space.
2. The loading area and driveways on subject property shall be surfaced with concrete or asphalt.

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 contact our office.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bh
cc: Susan Loomis, State Department of Social Rehabilitation
Services, State Office Building, Topeka, Kansas 66612

Carol Potsets

October 26, 1977

Don Fisher, Savage Real Estate, Inc., 6225 E. Kellogg, 67218
Don Gisick, City Clerk
Robert Feldner, Supt., Central Inspection
Joe Donnelly, Housing and Zoning Administrator

THE CITY OF WICHITA
OFFICE OF CITIZEN PARTICIPATION

DATE October 25, 1977



TO Larry Dobson, Secretariat, Board of Zoning Appeals

FROM Mary Pitman, CPO Administrative Aide

SUBJECT BZA 45-77 and 46-77

At their meeting on October 24, 1977, CPO Neighborhood Council "D" discussed the captioned requests for an exception to permit the establishment of a child care center on property zoned "RB" Four-family and for a variance to reduce the required loading spaces from 4 to 0.

The members of Council "D" emphasized that child care facilities were greatly needed in Planeview. The Council unanimously voted to recommend that both the variance and the exception requested be granted.

Mary Pitman
Mary Pitman
CPO Administrative Aide

MP:sm

Noted:

David L. Furnas
David Furnas
Citizen Participation Coordinator

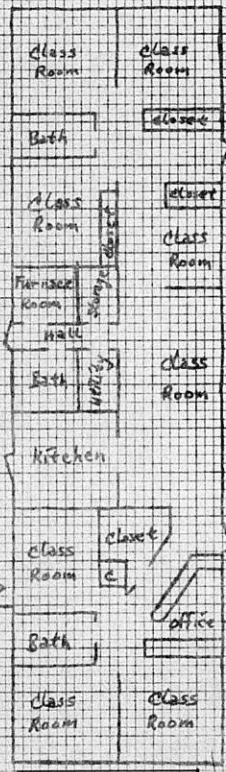
1 inch = 10 feet = 1 cm Sq.

Hillsdale

Fence to Fence 82'

78.85'

Play Area



Play Area

Play Area

149.05'

143.05'

26'

27'

Parking for 3

Parking for 3

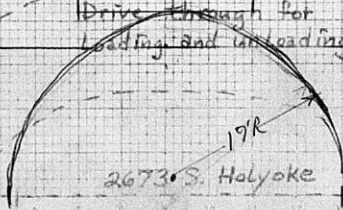
④ ⑤ ⑥

① ② ③

⑦

Property Line

Drive through for loading and unloading



SECRETARY'S REPORT
CASE NO. SEA 46-77

APPLICANT: Children's Corner Child Care Center, Inc., 967 Parklane, Wichita, Kansas.

AGENT: Carol Poteete, 967 Parklane, Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street loading spaces from 4 spaces to 0 spaces.

GENERAL LOCATION: Between Hillside and Holyoke Court in an area north of East Roseberry Street (2673 S. Holyoke).

ZONING: Subject property is zoned the "RB" Four Family Dwelling District as are properties to the north, south, and east. West is the "AA" Single Family Dwelling District.

LAND USE: Subject property and those to the north, south and east are all developed with 3-family dwelling units. West is single family residential development.

JURISDICTION:

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

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 23 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 23 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to reduce the number of required off-street loading spaces for a child care center from 4 spaces to 0 spaces.

SECRETARY'S REPORT

Case No. BZA 46-77

Page 2

Child care centers are required to provide off-street loading space at a ratio of 1 space for each 10 children or major fraction thereof. The proposed capacity of subject child care center is 36 children which would require 4 off-street loading spaces.

As mentioned in the previous Secretary's report, subject property is located in the Plainview area of the city and is a 'through lot', having frontage on both Hillside and Holyoke. The applicants prefer to limit access to the property from the Holyoke side due to the high traffic volume on Hillside. Throughout the Plainview area parking frequently occurs on public right-of-way adjacent to the streets and in the front yard setbacks of the various dwellings. In some instances these areas are graveled and in others they are simply grass or bare ground. This is not to suggest that parking or loading spaces should be permitted in these areas, but this is the situation that exists. In the immediate vicinity of subject property there are no curbs separating the roadway from adjacent public right-of-way. In other areas there are rolled curbs and gutters.

The applicants hope to hire some of their help from the Plainview area and expect much of the clientele to be generated from this vicinity. Likewise, it is expected that some of these parents will walk their children to the center and then catch the bus at the nearby corner to go on to work.

The applicants have adequate space to provide the required six off-street parking spaces on site but do not have enough area to provide the 4 loading/unloading spaces. However, by constructing a circle driveway in front of the structure it appears that one loading/unloading space could be provided.

UNIQUENESS:

It is the opinion of the Secretary that it is difficult to determine that uniqueness exists, but it may be unique that this child care center would be located in a low income area of the city catering to the families residing there. It may be reasonable to expect that a disproportionate number of the parents and center employees would utilize the nearby public transportation facilities.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the requested variance may not adversely affect the rights of adjacent property owners inasmuch as public right-of-way would undoubtedly be utilized for the loading and unloading of children much in the same way public right-of-way is utilized throughout this area for off-street parking.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the capacity

SECRETARY'S REPORT
Case No. BZA 46-77
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of the center would have to be reduced to a level commensurate with the available parking area. This would probably mean limiting the enrollment to 24 children which may not be financially feasible.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance desired may not adversely affect the public interest inasmuch as the need for this child care service may outweigh the absence of approved loading/unloading space.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance desired may not be opposed to the general spirit and intent of the zoning ordinance if the previous four conditions are found to exist.

RECOMMENDATION:

It is the opinion of the Secretary that it is difficult to determine that the five conditions necessary to the granting of a variance exist, but if the Board determines that the conditions do exist, it is recommended that the variance be approved subject to the following conditions:

1. The number of off-street loading spaces shall be reduced from 4 spaces to 1 space.
 2. The loading area and driveways on subject property shall be surfaced with concrete or asphalt.
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BOARD OF ZONING APPEALS
TENTH FLOOR - CITY HALL
455 North Main Street, Wichita, Kansas 67202

September 30, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 46 77

An application has been filed by Children's Corner Child Care Center, Inc., 967 Parklane, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required number of off-street loading spaces from 4 spaces to 0 spaces on property zoned the "RB" Four Family Dwelling District and legally described as follows:

Lot 53, Block G, in Plainview Subdivision, #1 Sedgwick County, Kansas. Generally located between Hillside and Holyoke Ct. in an area north of East Roseberry Street.

This application has been assigned Case No. BZA 46-77 and will be considered by the Board of Zoning Appeals at its meeting of October 25, 1977, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire either in person or by agent or attorney.

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.

Jack H. Galbraith
Secretary

21 notices sent to adjoining property owners and applicant or agent
10 notices sent to MAPC member
1 notice to CPO
22 total notices sent on BZA 46-77, 9-30-77

1 notice sent 10/14/77 to Greer

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. _____
FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Children's Corner Child Care Center, Inc
Mailing Address 967 Parklane, Wichita Phone 682-6242
Name of Authorized Agent Carol Potete, Director
Mailing Address 967 Parklane, Wichita Phone 682-6242
Relationship of applicant to property is that of lessee
(Owner, Tenant, Lessee, Other)

II. The variance requested is to 28.04 185 B(4)
to reduce off-street loading/unloading from 4 spaces
to 0 spaces
for property located 2673 Holyoke

and legally described as: lot 53 Block G Plainview
Subdivision #1

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

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 24-606); and that the appropriate fee is herewith tendered;
- c. That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Children's Corner Child Care Center, Inc.
Applicant

Carol Potete, Director
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:30 (a.m. (p.m.)), 9-26 19 77
together with appropriate fee of \$50.00.

T9-402

Map 5744
E. side of Hillside
N. of Roseberry

Larry Dobson
Signed

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BZA 46-77
P1

Sept. 26th 1977

Dist. Board of Zoning Appeals
Dept. of Planning
City of Wichita

Gentlemen:

This letter is to request a variance to 28.04 185 @ (4) The request is to waive the 3 off street loading spaces and substitute the indented portion of Holyoke street for loading and unloading of children for the Child Day Care Center.

This location 2673 S. Holyoke is located in the Planview area of Wichita, and the need is great in this area for a day care center that would be near the parents homes. There would be many parents who would walk their children to the center without cars. Also it is intended to hire some of the attendants from the same area and they will be coming by bus, which loads and unloads approx. 75' from the center. Some will be walking to work therefore the need is reduced for parking space.

The economic level of the clients precludes the need for parking that would be needed in more affluent areas.

This will not in any way remove parking or rights of adjacent property owners or residents.


The street application of the provisions of Title 28 will make it impossible to use the property for a child care center, which is needed in this area.

This variance will in no way affect the health, safety, morals of the area. It will make it possible for a day care center in the area that will help the convenience, prosperity and general welfare of the people in the area.

The granting of the variance will not be opposed to the general spirit and intent of Title 28 (zoning Ordinance)

Children's Corner Child Care Center, Inc.

Carol M. Poteste
Director

BUILDERS	DEVELOPERS	REALTORS
DON FISHER Res. 683-8101		
SAVAGE		
6225 East Kellogg Wichita, Kansas 67218 (316) 686-7475		

FOR 23-021 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 Exp.	Cement	M. S. P.

DESCRIPTION	AMOUNT
624	5600
NAME	
ADDRESS	
FUND	DUE DATE
AA 407103	
COMMENTS	
DATE	BY
7-26-77	