

Case No. BZA 58-84 - Linda G. Lanning - requests an exception to permit the expansion of a child day care center in the "AA" One-family Dwelling District and generally located on the west side of Hillside in an area between Mr. Vernon & Clark (2021 S. Hillside)

Posted
8-2-84 9:56

ACTION

B.Z.A. 58-84 Approved 8-29-84

DATE

200' 1/4 Sec 9-7-84

Shed 9-18

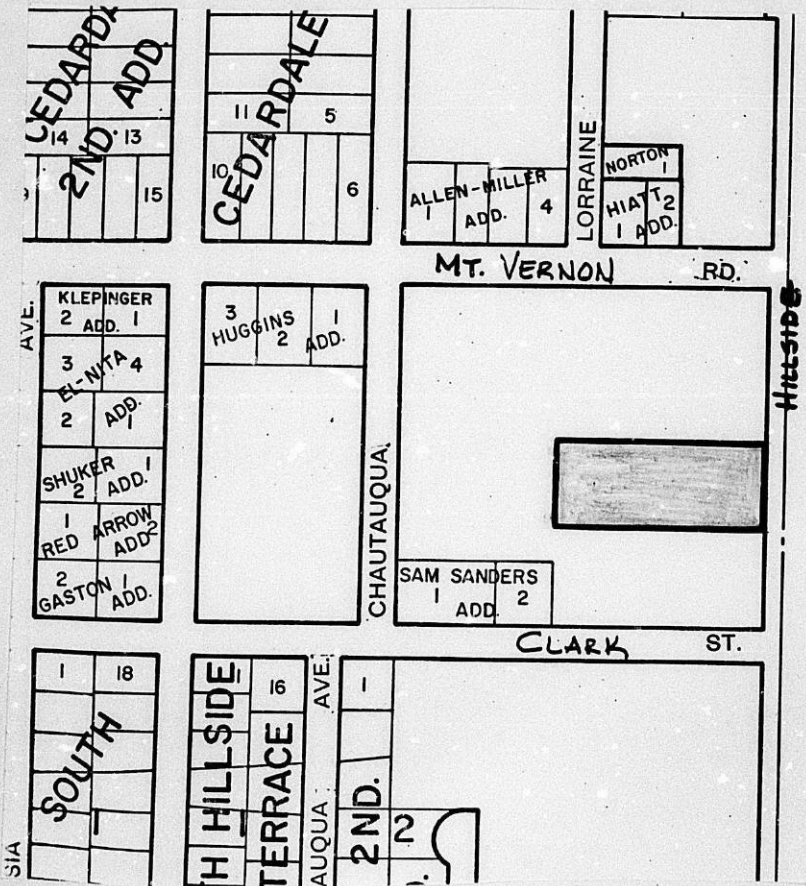
Recorded

Map No. 5645 B

BZA 58-84
Filed _____

AREA DATA:

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



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

No. 2153C

Signal

August 29, 1984

Linda C. Lanning
2380 South Erie
Wichita, Ks. 67211

Re: BZA 58-84 - Request for Exception

Dear Ms. Lanning:

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 58-84

WHEREAS, Linda G. Lanning, 2380 South Erie, 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:

Beginning 30 feet west and 313 feet south of the northeast corner of the southeast quarter of Section 34-27-1E, thence west 382.5 feet, thence south 160 feet, thence east 382.5 feet, thence north 160 feet to the point of beginning. Generally located on the west side of Hillside in an area between Mt. Vernon and Clark (2021 South Hillside).

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:

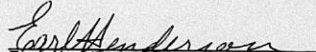
Beginning 30 feet west and 313 feet south of the northeast corner of the southeast quarter of Section 34-27-1E, thence west 382.5 feet, thence south 160 feet, thence east 382.5 feet, thence north 160 feet to the point of beginning. Generally located on the west side of Hillside in an area between Mt. Vernon and Clark (2021 South Hillside).

subject to the following conditions:

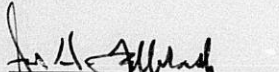
1. The center shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita.
2. The Department of Community Health shall determine the maximum number of children to be permitted in the center, provided the number shall not exceed 120.
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. One off-street loading space shall be provided for each 10 children or major fraction thereof.
6. The location of the spaces and the driveway widths shall be in conformance to the plan approved by the Traffic Engineer and shall be surfaced and improved as required by Section 28.04.143 of the zoning ordinance.

7. One identification sign 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.
8. Upon the release of the resolution, Resolution BZA 20-70 shall become null and void.

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 16, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 58-84 West side of Hillside
in an area between Mt. Vernon and
Clark - 2021 South Hillside

CPO Council "E" considered the captioned case at its August 15th meeting and voted 7-0 to recommend that the exception to permit the expansion of a child day care center be approved subject to the conditions outlined in the MAPD Secretary's report.


The applicant was present to discuss the case with the Council. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at its August 28th meeting.


Shirley Mast
Administrative Aide III

SM:sm

Noted:


Annie K. Montgomery
CRS Director

RE: AGENDA ITEM NO. //

SECRETARY'S REPORT CASE NO. BZA 58-84

APPLICANT: Linda G. Lanning, 2380 South Erie, Wichita, Kansas.

AGENT: None

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

GENERAL LOCATION: On the west side of Hillside between Mt. Vernon and Clark (2021 South Hillside).

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

LAND USE: Subject property is occupied by a one-family dwelling and a separate building presently used as a child day care center. Properties to the north and east are churches. Property to the west is a one-family dwelling.

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 to permit the expansion of a previously approved child day care facility into the existing dwelling on the property. The previous approval included only the 35 foot by 63 foot building located to the west of the residence that was originally constructed as a shop for a contractor in violation of the zoning ordinance. In order to utilize the building in some way it was originally converted to a small school and then to a child day care center in 1974.

At the present time the facility accommodates slightly less than 50 children. It is estimated that the existing facility plus the conversion of the one-family dwelling will accommodate a maximum of nearly 120 children. This number will be determined by the licensing limitations based on the state laws and the local building and health department regulations.

The site is a large unplatted tract in a block that is all zoned the "AA" One-family Dwelling District. Only two of the properties are platted, the remainder of the block is unplatted. The existing home is located on the property nearly 100 feet from the right-of-way line of Hillside which provides adequate area for the majority of the required off-street parking and loading in front of the building without violating the 25 foot front yard setback.

The site is located immediately south of a church and across the street from a church and a one-family dwelling. The increase in the number of children at this facility should not impact the area providing the required parking and loading spaces are installed with adequate ingress and egress driveways. The site plan submitted and approved by the traffic engineer's office will provide more off-street parking and loading than will be required for 120 children. The applicant states that the maximum number of children permitted by the size of the structures will be less than 120 students.

RECOMMENDATION:

Should the Board determine that the proposal to expand the child day care facility into the residence is appropriate, then it is the recommendation of the Secretary that the application 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, provided the number shall not exceed 120.
 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. One off-street loading space shall be provided for each 10 children or major fraction thereof.
 6. The location of the spaces and the driveway widths shall be in conformance to the plan approved by the Traffic Engineer and shall be surfaced and improved as required by Section 28.04.143 of the zoning ordinance.
 7. One identification sign 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. 58-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>12</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>14</u>	TOTAL NOTICES SENT <u>8-7-84</u>

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 58-84

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 Linda G. Lanning, 2380 South Erie, 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 expansion 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:

Beginning 30 feet west and 313 feet south of the northeast corner of the southeast quarter of Section 34-27-1E, thence west 382.5 feet, thence south 160 feet, thence east 382.5 feet, thence north 160 feet to the point of beginning. Generally located on the west side of Hillside in an area between Mt. Vernon and Clark (2021 South Hillside).

This application has been assigned Case BZA 58-84. 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

BOARD OF ZONING APPEALS

CASE NO. 58-84

CITY OF WICHITA, KANSAS

FILED 8-2-84

APPLICATION FOR EXCEPTION

I. Name of Applicant Linda G. Lanning
 Mailing Address 2380 So. Erie Phone 682-0039
683-8350
 Name of Authorized Agent _____
 Mailing Address _____ Phone _____
 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~~ ^{expansion of} of
a child day care center

on property zoned "AA" One-family Dwelling District
 located on the westside of Hillside and south of Mt. Vernon
 and legally described as: _____

_____ Beginning 30 feet west and 313 feet south of the
 northeast corner of the southeast quarter of
 Section 34-27-1E, thence west 382.5 feet, thence
 south 160 feet, thence east 382.5 feet, thence
 north 160 feet to the point of beginning.
 _____, 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 Linda G. Lanning

Authorized Agent _____

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
8:00 (a.m.), Aug 2, 1984, together with
 appropriate fee of 200.00.

Signed [Signature]

RESOLUTION NO. DZA 27-74

WHEREAS, Betty Flator, 2021 South Hillside, Wichita, Kansas requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the operation of a child care center on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Beginning 30 feet west and 313 feet south of the northeast corner of the southeast quarter of Section 34-27-1E, thence west 382.5 feet, thence south 160 feet, thence east 382.5 feet, thence north 160 feet to the point of beginning. Generally located on the west side of Hillside in an area between Mt. Vernon and Clark.

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 22, 1974, 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 "AA" Single Family Dwelling District subject to the conditions outlined in Section 28.04.185.2, Code of the City of Wichita.

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

Beginning 30 feet west and 313 feet south of the northeast corner of the southeast quarter of Section 34-27-1E, thence west 382.5 feet, thence south 160 feet, thence east 382.5 feet, thence north 160 feet to the point of beginning. Generally located on the west side of Hillside in an area between Mt. Vernon and Clark.

subject to the following conditions:

1. The applicant 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 prior to its utilization as a child care center.
2. The Wichita-Sedgewick County Department of Community Health shall determine the maximum number of children to be permitted in the center.

OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
A tract beginning 30 feet West and 313 feet South of the North east corner of the Southeast $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East of the 6th P.M., thence West 382.5 feet, thence South 160 feet, thence East 382.5 feet, thence North 160 feet to the point of beginning.	Gary Lynn Lanning Linda Gail Lanning 2021 S. Hillside 67211
A tract beginning at the Northeast corner of the Southeast $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East of the 6th P.M., thence West 412.5 feet, thence South 313 feet, thence East 412.5 feet, thence North 313 feet to the point of beginning, subject to the North 40 feet and the East 30 feet for street.	Board of Trustees ✓ South Wichita Church of God 3115 East Mt. Vernon 67211
A tract in the Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East, beginning at a point 35 feet South and 412.5 feet West of the North east corner of the Southeast $\frac{1}{4}$ of Section 34, thence South 146 feet, thence West 100 feet, thence North 146 feet, thence East 100 feet to the point of beginning.	Theo. Lickliger ✓ Selma Lickliger 3021 E. Mt. Vernon 67211
A tract beginning 35 feet South and 512.5 feet West of the North-east corner of the Southeast $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East, thence South 146 feet, thence West 169.5 feet, thence North 146 feet, thence East 169.5 feet to the point of beginning.	Frank Lee Wachholz ✓ Carol R. Wachholz 2010 S. Chautauqua 67211
A tract in the Northeast $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East, beginning 181 feet South and 412.5 feet West of the Northeast corner of the Southeast $\frac{1}{4}$ of Section 34, thence South 87.26 feet, thence West 99.5 feet, thence South 38 feet, thence West 170 feet, thence North 125.26 feet, thence East 269.5 feet to the point of beginning.	Linda M. Stanley ✓ Merrill Lance Chastain 2020 S. Chautauqua 67211

Property Description

A tract beginning 268.26 feet South and 412.5 feet West of the Northeast corner of the Southeast $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East, thence West 99.5 feet, thence South 38 feet thence West 170 feet, thence South 52 feet, thence East 269.5 feet, thence North 90 feet to the point of beginning.

A tract beginning 412.5 feet West and 358.265 feet South of the Northeast corner of the Southeast $\frac{1}{4}$, thence South 161.6 feet, thence West 269.5 feet, thence North 161.6 feet, thence East 269.5 feet Section 34, Township 27 South, Range 1 East.

The West 100 feet of a tract beginning 30 feet West, and 473 feet South of the Northeast corner of the Southeast $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East, thence West 382.5 feet, thence South 160 feet, thence East 382.5 feet, thence North 160 feet to the point of beginning.

The West 100 feet of a tract beginning at a point 473 feet South of the Northeast corner of SE $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East, thence West 312.5 feet, thence South 160 feet, thence East 312.5 feet, thence North to the point of beginning.

A tract beginning 30 feet West and 473 feet South of the Northeast corner of the Southeast $\frac{1}{4}$ of Section 34, Township 27 South, Range 1 East thence West 182.5 feet, thence South 160 feet, thence East 182.5 feet, thence North 160 feet to the point of beginning.

Property Owner

✓ D Linda M. Stanley
2020 S. Chautauqua 67211

✓ D Merrill Lance Chastain
2020 S. Chautauqua 67211

✓ Francis M. Bradley
Dora A. Bradley
2038 S. Chautauqua 67211

✓ David Hill
Helen M. Hill
3100 E. Clark 67211

✓ Roland E. Barnaby
Lorna M. Barnaby
3130 E. Clark 67211

✓ Charles W. Murphy
Roberta J. Murphy
2045 S. Hillside 67211

Property Description

Property Owner

A tract beginning 561.5 feet South of the Northwest corner of the Southwest $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East, thence South 101.5 feet to the Southwest corner of the North half of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35, thence East on the South line 455.5 feet, thence North parallel with the West line of said Section 35, 101.38 feet to a point 561.38 feet South of the North line of said Southwest $\frac{1}{4}$, thence West 455.5 feet to beginning, except the South 20 feet of the East 49.5 feet, and the South 16 feet of the West 42 feet of the East 91.5 feet, and South 20 feet of the West 334 feet of the East 425.5 feet for street.

Messiah Baptist Church
2006 S. Hillside
67211

A tract beginning 460 feet South of the Northwest corner of the Southwest $\frac{1}{4}$ of Section 35, Township 27 South, Range 1 East, thence South 101.5 feet to a point 101.5 feet North of the Southwest corner of the North half of the Northwest Quarter of the Southwest Quarter of Section 35, thence East 455.5 feet to a point 101.38 feet North of the South line of the North half of the Northwest Quarter of the Southwest Quarter, thence North 101.38 feet to a point 460 feet South of the North line of said Southwest Quarter, thence West 455.5 feet to beginning, except the East 214.5 feet, and except the West 30 feet.

Donald Joseph Locke
Helena J. Locke
2040 S. Hillside
67211

Page 4

Messiah Baptist
Church Addition

Lot 1

A Messiah Baptist Church
2006 S. Hillside
67211

Messiah Baptist
Second Addition

Lot 1

Same as above

Sam Sanders Addition

Lot 1

George E. Torrey
✓ Naomi F. Torrey
2046 S. Chautauqua
67211

Lot 2

✓ Maurice A. Grant
Esther A. Grant
3005 E. Clark
67211

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

A tract beginning 30 feet West and 313 feet
South of the Northeast corner of the Southeast
Quarter of Section 34, Township 27 South, Range
1 East of the 6th P.M., thence West 382.5 feet,
thence South 160 feet, thence East 382.5 feet,
thence North 160 feet to the point of beginning.

as shown by the last deed of record on file in the Office of the
Register of Deeds, Sedgwick County, Kansas, on the 2nd day of August
1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Sable
Dr. Vice-President

Order No: 337330
ap

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 58-84

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Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the expansion 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:

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This application has been assigned Case BZA 58-84. 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

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-1

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 of Wichita	2000

NAME
 Planning Department

ADDRESS
 1000 S. Lincoln

FUND
 115-2000-1003

DUE DATE

COMMENTS

DATE
 April 2, 1974

BY
 [Signature]

*

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

Roll # 2