

3. Case No. BZA 29-74 - Betty Flater, 2021 South Hillside Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception 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.

DOBSON pointed out the area on the map and reviewed the following report of the Secretary.

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 operation of a child care center in the "AA" Single Family Dwelling District. The facility proposed to be used is a large single family residence. The statement of justification submitted by the applicant describes the program as a child day care center, for forty children, that would meet the needs of working parents as an all day pre-school for their younger children and would provide a place to keep their elementary school age children before and after school.

The application area contains 1.4 acres and contains a large single family residence, that at one time housed a private school with an enrollment of approximately fifty students. The major street Hillside borders the east side of the property. Subject property has an existing circle driveway that would help to alleviate the problem of leaving and picking up children during the rush hour periods in the morning and afternoon.

The applicant has submitted a plot plan, approved by the Division of Traffic Engineering, which indicates that ample off-street parking and loading spaces will be provided. It should

be pointed out to the applicant that off-street parking spaces cannot encroach into the 25-foot front yard setback area. 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.

In checking with the Department of Community Health it has been determined that there are no other child care centers operating in the near vicinity of subject property. Therefore, the approval of this request would not, in the opinion of the secretary, change or alter the character of the general area.

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 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-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 7:00a.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 ten children or major fraction thereof.
6. The off-street parking and loading spaces cited in Conditions #4 and #5 above as well as associated drive-ways and circulation space, shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris. This paving condition

shall be performed prior to the occupancy of the premises as a child care center or by February 1, 1975, whichever comes first. In the event all conditions of approval are not met by February 1, 1975, subject resolution shall become null and void.

DOBSON continued that the structure to be used was not the single family home on the premises as shown in the Secretary's report, but rather a separate building adjacent to the west which was quite large (62' x 34') and was being remodeled for this specific use.

He mentioned letters of recommendation had been forwarded by an adjacent church and nearby school which pointed out the need for this type facility in the neighborhood.

BETTY FLATER, applicant, appeared to answer questions from the Board. TAYLOR asked if there was a working relationship between her school and the church next door. FLATER responded that her school was privately owned, and the church had only indicated their approval.

RICHARDSON asked if she was familiar with the recommendation of the Secretary and FLATER said she would abide with all conditions as listed in the report.

No one appeared in opposition to this request.

MOTION: TAYLOR moved, CLONTS seconded and it carried unanimously that this request for an exception to permit the operation of a child care center be approved, subject to the conditions listed in the Secretary's Report as shown by the adoption of the following resolution.

RESOLUTION NO. BZA 29-74

WHEREAS, Betty Flater, 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-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 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 ten children or major fraction thereof.
6. The off-street parking and loading spaces cited in Conditions #4 and #5 above as well as associated driveways and circulation space, shall be surfaced with concrete, asphaltic concrete, asphalt or other comparable surfacing and shall be maintained in good condition and free of all weeds, dust, trash and other debris. This paving condition shall be performed prior to the occupancy of the premises as a child care center or by February 1, 1975, whichever comes first. In the event all conditions of approval are not met by February 1, 1975, subject resolution shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 22nd day of October, 1974.

s/s James Richardson

JAMES RICHARDSON, Chairman

ATTEST:

s/s Larry Dobson

LARRY DOBSON, Assistant Secretary

Meeting adjourned at 2:00 p.m.

Jack H. Galbraith
Secretary