

Case No. BZA 69-85 - Amidon St. Baptist Church requests an exception to permit the establishment of a child day care center on property zoned the "AA" One-family Dwelling District & generally located on the east side of Amidon & south of 26th Street (2634 Amidon).

Posted
11-19-85 nsl

ACTION

B.Z.A. 69-85 Deferred to Jan 12/19/86
DATE

BZA - Approved - 1/21/86

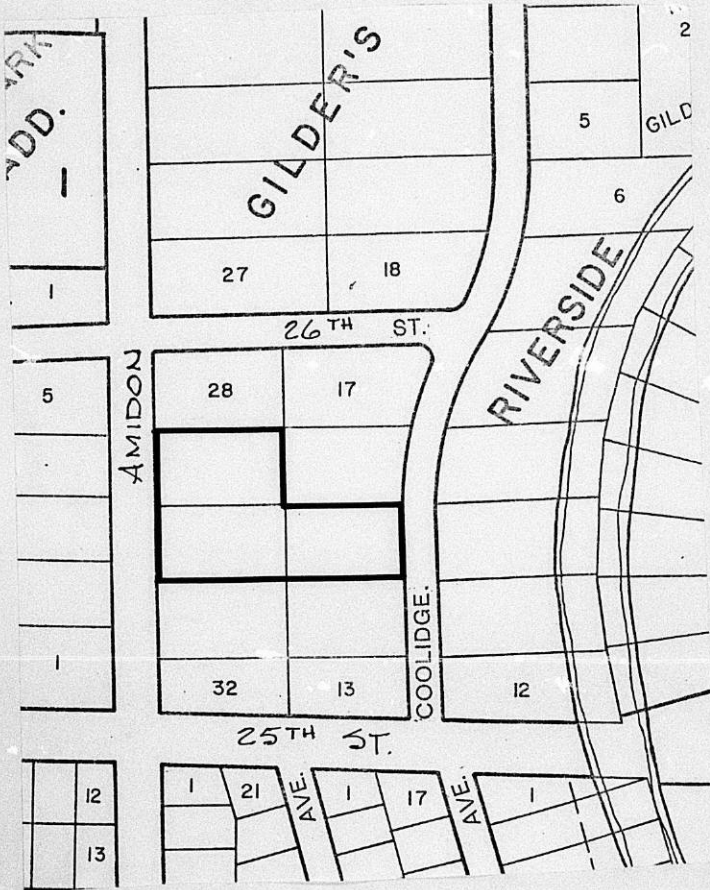
200'4 Sec 2-13-86
Shot 2-27-86
Record ✓

Map No. 5350A

BZA 69-85
Filed _____

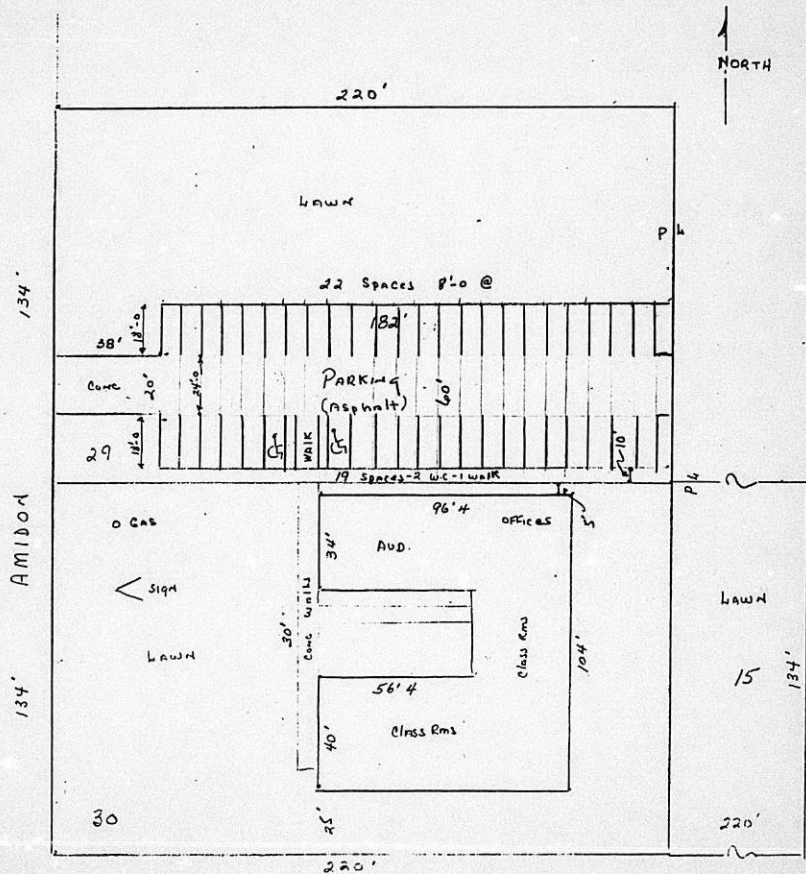
AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S BB & AA W AA N LC & AA
3. Land Use: East 1-F South Vac. & 1-F
West 1-F North Vacant & 1-F
4. Area (is) (~~is not~~) platted.



LOS ANGELES - CHICAGO - LOS AN, OH
HOUSTON, TX - LOCUST GROVE, GA
U S A

Shaw.
No. 2153C

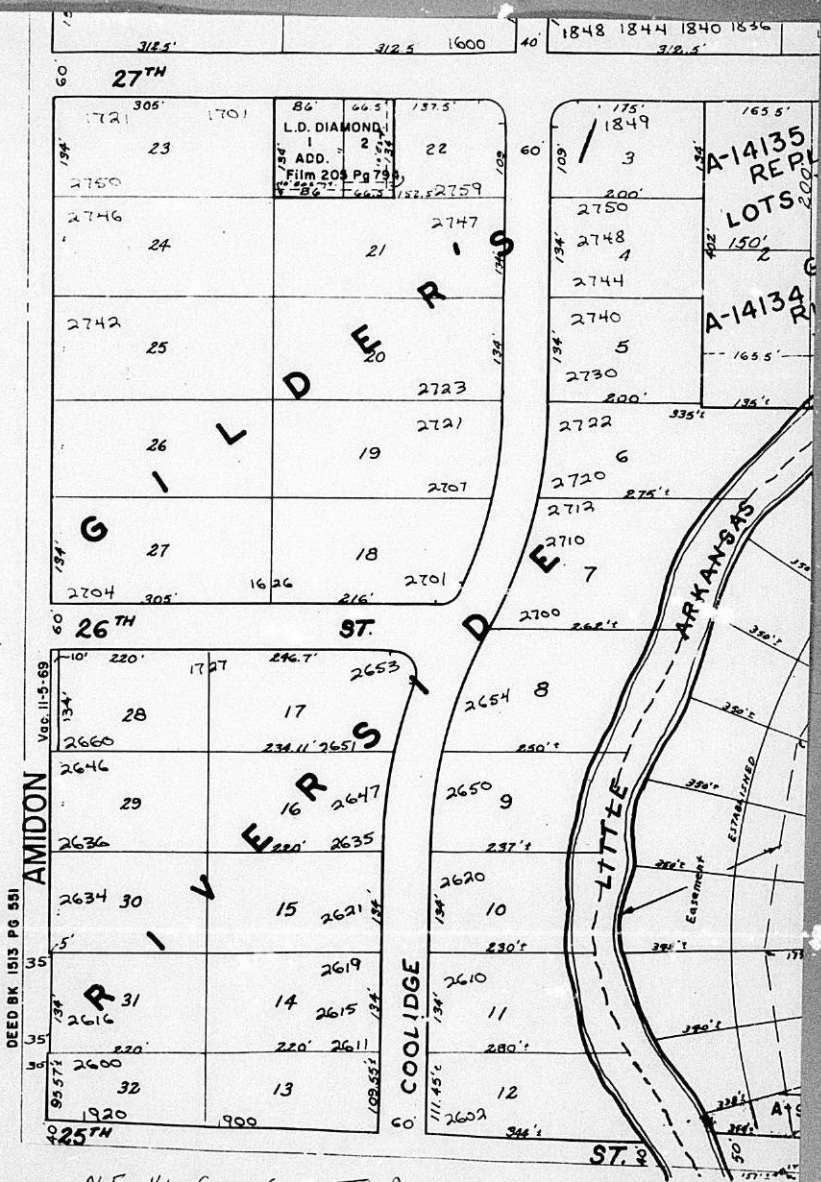


lots 15, 29, 30 of RIVERSIDE Addition
 N.E. 1/4 Sec 6, TWP 27, R.1.E.

Plot P1a - 1/4" = 10'

Amiod Street Baptist Church
 2634 Amiod
 Wichita, Ks 67204
 316 538 8947

BZA 69-85



NE 1/4 Sec. 6 TWP 29 R1E

February 5, 1986

Amidon Street Baptist Church
c/o Rev. Dennis A. Tracy
2634 Amidon
Wichita, Kansas 67204

Re: BZA 69-85. On the east side of Amidon between 25th and 26th
Streets North. (2634 Amidon)

Dear Rev. Tracy:

Enclosed is a signed copy of the Resolution adopted by the Board of
Zoning Appeals on January 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: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION CASE NO. 69-85

WHEREAS, Amidon Street Baptist Church, 2634 Amidon, Wichita, KS 67204 requests an exception pursuant to Section 28.04.185.2 Code of the City of Wichita to permit the establishment of a child day care facility in the "AA" One-family Dwelling District and legally described as follows:

Lots 15, 29 and 30, Gilders Riverside Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Amidon and south of 26th Street (2634 Amidon).

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 January 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 "AA" One-family Dwelling District subject to the conditions outlined in Section 28.04.183.5, Code of the City of Wichita.

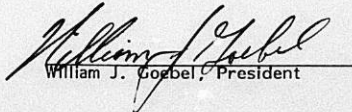
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a child day care facility in the "AA" One-family Dwelling District and legally described as follows:

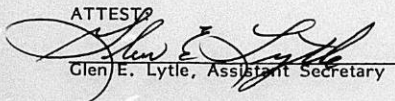
Lots 15, 29 and 30, Gilders Riverside Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Amidon and south of 26th Street (2634 Amidon).

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 twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.

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


William J. Goebel, President

ATTEST

Glen E. Lytle, Assistant Secretary

RE: AGENDA ITEM NO 2

SECRETARY'S REPORT CASE NO. BZA 69-85

APPLICANT: Amidon Street Baptist Church, 2634 Amidon, Wichita, KS 67204

AGENT: Rev. Dennis A. Tracy, same.

REQUEST: Exception pursuant to Section 28.04.185.2 Code of the City of Wichita to permit the establishment of a child day care facility in the "AA" One-family Dwelling District.

GENERAL LOCATION: On the east side of Amidon between 25th and 26th Streets North.

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are the properties to the east and west. To the north is "LC" Light Commercial on Amidon and to the north is "BB" Office District on Amidon.

LAND USE: Subject property is occupied by a church and associated parking. To the west and east are one-family dwellings. To the north and south are vacant tracts and one-family dwellings.

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 facility in the existing church building. This request is being made so that the facility can begin operation at this location later in the year. It is the Secretary's understanding that the person operating the facility will be moving from another location.

The facilities have been inspected by Central Inspection, Fire and Health and can comply with all health and safety regulations. Although no final determinations have been made, the present space to be used would limit the number of children to a maximum of 37.

It should be noted that although the present proposal is a maximum of 37, 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 twelve, one off-street loading space shall be provided for each ten children or major fraction thereof.

BZA CASE NO. 69-85

| | |
|-----------|-------------------------------------------|
| <u>1</u> | NOTICES SENT TO APPLICANT/AGENT |
| <u>15</u> | LEGAL ADVERTISEMENT SENT TO MAPC & BZA |
| <u>1</u> | NOTICES SENT TO CPO |
| <u>15</u> | NOTICES SENT TO ADJOINING PROPERTY OWNERS |
| <u>17</u> | TOTAL NOTICES SENT <u>1/14/86</u> |

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

January 13, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 69-85

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 Amidon Street Baptist Church, 2634 Amidon, 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 "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 15, 29 and 30, Gilders Riverside Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Amidon and south of 26th Street (2634 Amidon).

This application has been assigned Case No. BZA 69-85. It will be considered by the Board of Zoning Appeals on January 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

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

November 25, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 69-85

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 Amidon Street Baptist Church, 2634 Amidon, 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 "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 15, 29 and 30, Gilders Riverside Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Amidon and south of 26th Street (2634 Amidon).

This application has been assigned Case No. BZA 69-85. It will be considered by the Board of Zoning Appeals on December 17, 1985 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

No notices
sent as
ownership list
was not received

ew
12/4/86

November 20, 1985

Rev. Dennis A Tracy
Amidon Street Baptist Church
2634 Amidon
Wichita, Kansas 67204

RE: BZA 69-85 - Request for Exception (Child Day Care Center)

Dear Rev. Tracy:

I have tried to call you a number of times at the phone number given on your application for a child day care facility. I have advertised your request for public hearing at the meeting of December 17, 1985. It is necessary that we notify all property owners within 200 feet of the church property. We notify these property owners from a certified list to be furnished with the application. Unfortunately, I do not have such a list with your application.

It is necessary that I receive this list by Wednesday, November 27, 1985. For your information I am attaching a new instruction sheet on which this list is noted as a requirement. If you are unable to provide this list by that date, please advise so that we can schedule this request for the January 28, 1986 meeting.

If you have any questions, please give me a call at 268-4421.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL/lw

Attachment

BOARD OF ZONING APPEALS

CASE NO. 69-85

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant AMIDON STREET BAPTIST CHURCH
 Mailing Address 2634 Amidon, Wichita, Ks. Phone 838-8947
 Name of Authorized Agent Rev. Dennis A. Tracy
 Mailing Address 2634 Amidon, Wichita, Ks. Phone 838-8947
 Relationship of applicant to property is that of Pastor (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
Pre-School (35 students - max)

on property zoned AA
 located 2634 Amidon
 and legally described as:

| | | |
|---------------------|--------------------------|----------------------|
| <u>N 1/2 LOT 29</u> | <u>GILDERS RIVERSIDE</u> | <u>Exempt 840-8</u> |
| <u>S 1/2 LOT 29</u> | <u>GILDERS RIVERSIDE</u> | <u>Exempt 4102-0</u> |
| <u>LOT 15</u> | <u>GILDERS RIVERSIDE</u> | <u>Exempt 4103-0</u> |
| <u>LOT 30</u> | <u>GILDERS RIVERSIDE</u> | <u>Exempt 4102-0</u> |

_____ 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 AMIDON STREET BAPTIST CHURCH

Authorized Agent Rev. Dennis A. Tracy

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
10:15 (a.m./p.m.), OCT 30, 1985, together with
 appropriate fee of 300.00.

Signed [Signature]

August 22, 1985

10:00

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 LL Case No. 25 Date 8/16/85

Prospective Applicant

| Name | Address | Phone |
|--------------|-------------|----------|
| Dennis Tracy | 2634 Amidon | 838-8947 |

Prospective Site

| Address | Present Use | Proposed Use |
|---------------------------|-------------|--------------|
| 2634 Amidon | church | center |
| Owner | Address | Phone |
| Amidon St. Baptist Church | | |

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

The proposed preschool room has 1342 sq. ft., an area sufficient for 37 children. However, one toilet and lavatory must be provided for every 15 children. If only the two restrooms in the southeast corner of the church are used, enrollment will be limited to 30 children.

1) All electric outlets must be covered with receptacle covers when not in use.

cc: Leola Lindahl, P.H.
Jim Harris, Fire Dept.
Glen Lytle, Planning Dept.
Delores Mask, CID

Jerry F. Kinney
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

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 viz:

Record owners within 200 feet of: Lots 15, 29, and 30, GILDERS RIVERSIDE 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.)

DESCRIPTION

RECORD OWNERS

| | |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|
| The N $\frac{1}{2}$ of Lot 29, GILDERS RIVERSIDE ADDITION. | ✓ Rev. Dennis A. Tracy Amidon St. Baptist Church 2634 Amidon Wichita, Kansas 67204 |
| The S $\frac{1}{2}$ of Lot 29, GILDERS RIVERSIDE ADDITION. | ✓ Rev. Dennis A. Tracy Amidon St. Baptist Church 2634 Amidon Wichita, Kansas 67204 |
| Lot Number 30, GILDERS RIVERSIDE ADDITION. | ✓ Payne Street Baptist Church Rev. Dennis A. Tracy Amidon St. Baptist Church 2634 Amidon Wichita, Kansas 67204 |
| Lot 15, GILDERS RIVERSIDE ADDITION. | ✓ Rev. Dennis A. Tracy Amidon St. Baptist Church 2634 Amidon Wichita, Kansas 67204 |

Fidelity  Title
COMPANY, INC.

DESCRIPTIONRECORD OWNERS

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Lot 13, except the East 124 feet, GILDERS RIVERSIDE ADDITION. | Patricia Ann Brand Richard Lee Belew Dorothy L. Belew 1910 West 25th St. N. Wichita, Kansas 67204 |
| East 124 feet of Lot 13, GILDERS RIVERSIDE ADDITION. | City of Wichita 455 North Main Wichita, Kansas 67202 |
| The North 55 feet of Lot 14, GILDERS RIVERSIDE ADDITION. | Southwest Federal Savings and Loan % Capitol Federal Savings and Loan 130 North Market Wichita, Kansas 67202 |
| The South 79 feet of Lot 14, GILDERS RIVERSIDE ADDITION. | Ernest W. Trimble 2615 Coolidge Wichita, Kansas 67204 |
| Lot 16, except the South 62.4 feet, GILDERS RIVERSIDE ADDITION. | Jerry O. Hayworth Donna J. Timmermeyer 2647 North Coolidge Wichita, Kansas 67204 |
| The South 62.4 feet of Lot 16, GILDERS RIVERSIDE ADDITION. | Kevin L. and Brenda D. King 2626 West 9th Wichita, Kansas 67203 |
| Beginning at the Southeast Corner of Lot 17, thence West along the South line of Lot 17, 134.11 feet, thence North 58 feet, thence East parallel with the South line of Lot 17, a distance of 151 feet, thence 61 feet in a Southwesterly direction to point of beginning. | Robert L. and Doris M. Meek 2651 Coolidge Wichita, Kansas 67204 |
| Lot 17, except the part described above, GILDERS RIVERSIDE ADDITION. | Leon J. and Pauline N. Porter Address Unknown |
| Lot 27 Except West 100 feet of the South 125 feet of Lot 27, GILDERS RIVERSIDE ADDITION. | George Seferoglou (Contract Purch.) Vernon E. Galyardt 8325 East 61st St. N. Wichita, Kansas 67226 |
| The West 100 feet of the South 125 feet of Lot 27, GILDERS RIVERSIDE ADDITION. | K. S. Inc., a corporation 2601 North Broadway Wichita, Kansas 67219 |
| The West 100 feet of Lot 28, GILDERS RIVERSIDE ADDITION. | Robert M. and Norma L. Daniels 130 Miles Avenue Valley Center, Kansas 67147 |
| Lot 28, except the West 100 feet thereof, GILDERS RIVERSIDE ADDITION. | Vernon E. Galyardt 8325 East 61st St. N. Wichita, Kansas 67226 |
| Lot 31, except the West 35 feet dedeed for street, GILDERS RIVERSIDE ADDITION. | M. H. B., a Kansas general partnership Address Unknown |



DESCRIPTION

RECORD OWNERS

The East 80 feet of Lot 32, GILDERS
RIVERSIDE ADDITION.

✓ R. K. and Kathleen McCaffree
1002 Verda
Wichita, Kansas 67203

The West 140 feet of Lot 32, GILDERS
RIVERSIDE ADDITION.

✓ Harpool Brothers, Inc.
447 North Rock Island
Wichita, Kansas 67202

Lot 1, Block 1, NORTHWEST GARDENS.

✓ Michael J. and Wiladean R.
Savina
2603 Amidon
Wichita, Kansas 67204

Lot 2, Block 1, NORTHWEST GARDENS.

Urbana, Inc.
Address Unknown

Lot 3, Block 1, NORTHWEST GARDENS.

✓ Arthur F. and Austa S. Newton
2635 Amidon
Wichita, Kansas 67204

Lot 4, Block 1, NORTHWEST GARDENS.

✓ Harry H. and Ivy A. McLean
2645 Amidon
Wichita, Kansas 67204

Lot 5, Block 1, NORTHWEST GARDENS.

✓ Vernon E. Galyardt
2657 Amidon
Wichita, Kansas 67204



Dated at Wichita, Kansas, this 9th day of December, 1985

at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Medina A. Sutter*
Assistant Secretary

Tracer No. 73260

**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 200-021

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 1624 EXIST. | \$ 500.00 |
| NAME | Asst. Dir. of Public Works |
| ADDRESS | 2634 Arden |
| FUND | 155-4171-003 |
| COMMENTS | |
| DATE | 10/30/1975 |
| BY | [Signature] |