

BZA 4-74 - St. Paul Pres. Church
requests Exception to permit
child care center at west side of
West St. bet. Edminster & 9th St

MADU
C.I. ✕
7-22-74

ACTION

DATE

BZA COMMITTEE - meeting deferred 3-26-74
~~meeting due to lack of quorum~~

M.A.P.C.

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

BZA

Approved

4-1-74

Map No. 5148
 Sec. 14
 Twp. 27
 Range 1W

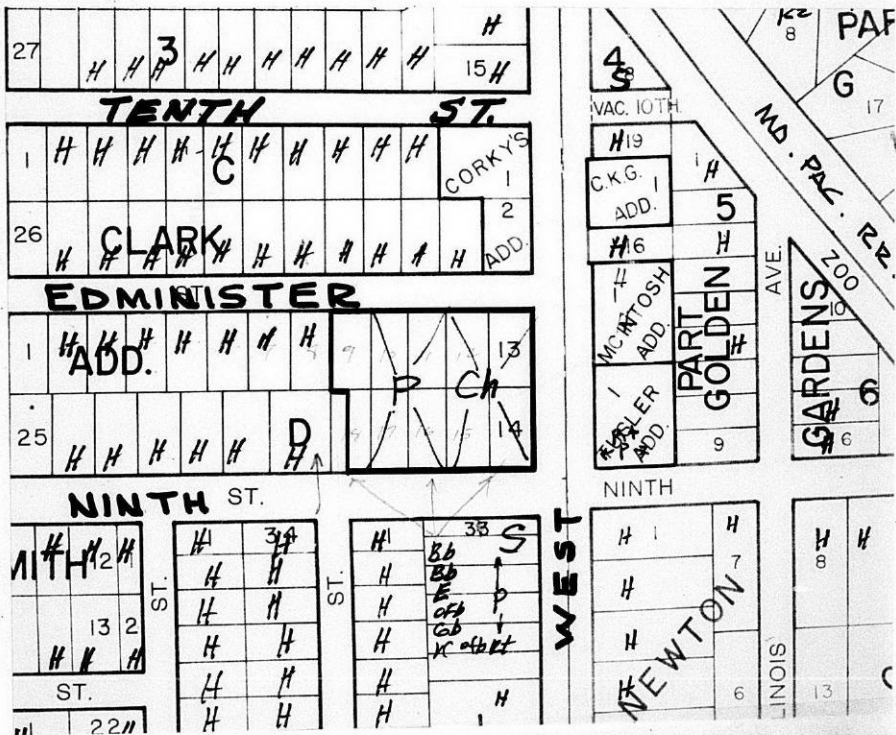
BZA- 5-74
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 2.12 (270 ft. by 343 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East _____ South SCHOOL CENTER
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: CHURCH & PARKING LOT
6. Area (is) (is not) platted. .

PHOTO DATA:

Taken by _____ Date _____ Time _____



RESOLUTION NO. BZA 4-74

WHEREAS, St. Paul Presbyterian Church, 1001 North West Street, Wichita, Kansas, by Thomas H. Fairhurst, 1001 North West Street, Wichita, Kansas, request 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:

Lots 9 through 18 inclusive, except the west 30 feet of Lot 18, Block D, E.B. Clark Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of West Street between 9th Street and Edminster 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 April 1, 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; and

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

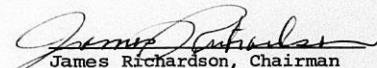
Lots 9 through 18 inclusive, except the west 30 feet of Lot 18, Block D, E.B. Clark Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of West Street between 9th Street and Edminster Street.

subject to the following conditions:

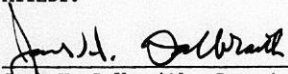
1. The center shall comply with all licensing requirements of the Kansas State Department of Health, including all building and fire safety regulations of the State of Kansas and the City of Wichita.
2. The Wichita-Sedgwick County Department of Community Health shall determine the maximum number of children 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 play area is within 100 feet of any occupied residence.

4. Off-street parking 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 1st day of April, 1974.


James Richardson, Chairman

ATTEST:



Jack H. Galbraith, Secretary

April 24, 1974

Ms. Karen Dalke
St. Paul Presbyterian Church
1001 North West Street
Wichita, Kansas 67203

Re: Case No. BZA 4-74 - Request
for an Exception and BEA 5-74 -
Request for a Variance

Dear Ms. Dalke:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on April 1, 1974, in connection with your request for an exception to permit the operation of a child care center, and your request for a variance to not require paving of the two required off-street parking spaces and the two required off-street loading spaces on property zoned the "AA" Single Family Dwelling District and generally located on the west side of West Street between Edminster and 9th Streets.

These Resolutions reflect the official action of the Board and sets out the conditions of approval. They are forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js
Encl.

Ms. Karen Dalke
April 24, 1974

cc: Rev. Thomas Fairhurst
St. Paul Presbyterian Church
1001 N. West Street
Wichita, Kansas 67203

Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

April 5, 1974

Ms. Karen Dalke
St. Paul Presbyterian Church
1001 North West Street
Wichita, Kansas 67203

Re: Case No. BZA 4-74 - Request
for an Exception and BZA 5-74 -
Request for a Variance

Dear Ms. Dalke:

At the regular meeting of the Board of Zoning Appeals on April 1, 1974, your request for an exception to permit the operation of a child care center, and your request for a variance to not require paving of the two required off-street parking spaces and the two required off-street loading spaces on property zoned the "AA" Single Family Dwelling District and generally located on the west side of West Street between Edminster and 9th Streets, was considered.

It was the action of the Board to approve these requests subject to the conditions as listed in the Secretary's report.

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 call our office.

Sincerely,

Jack H. Galbraith
Secretary

JHG:js

Ms. Karen Dalke
April 5, 1974
Page Two

cc: Rev. Thomas Fairhurst
St. Paul Presbyterian Church
1001 N. West Street
Wichita, Kansas 67203

Mr. Fred Linde, Grievance Officer
Robert Feldner, Superintendent of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

March 26, 1974

Thomas H. Fairhurst, Pastor
St. Paul Presbyterian Church
1001 North West Street
Wichita, Kansas 67203

Re: Case No. BZA 4-74-request
for an exception and BZA 5-74
Request for a variance

Dear Rev. Fairhurst:

Due to lack of a quorum the regular meeting of the Board of Zoning Appeals which was scheduled for March 26, 1974, was deferred to Monday, April 1, 1974. The meeting will be held in Room 401 City Building Annex, 104 South Main Street, at 1:30 p.m.

At that time the above captioned cases will be considered by the Board. If you have any questions concerning this matter, please call.

Sincerely,

Martha McMurry
Assistant Secretary
Board of Zoning Appeals

MM:js

cc: Fred Linde,
Grievance Officer

SECRETARY'S REPORT

CASE NO. BZA 4-74

APPLICANT: St. Paul Presbyterian Church, 1001 North West Street, Wichita, Kansas 67203.

AGENT: Thomas H. Fairhurst, same address.

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

GENERAL LOCATION: West side of West Street between 9th Street and Edminster Street.

LAND USE: Subject property contains a church and associated parking area. To the north and west are single family homes. The property to the east is developed with a restaurant and general commercial uses. The property to the south contains a service station and small shopping center.

ZONING: Subject property is zoned the "AA" Single Family Dwelling District, as is the property to the west. The property to the east is zoned the "LC" Light Commercial District. Property to the north is zoned the "AA" classification, the "B" Multiple Family Dwelling District, and the "BB" Office District. To the south are the "LC" and "AA" zoning districts.

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, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

The St. Paul Presbyterian Church is requesting an exception to permit the operation of a child care center in the church facilities. The statement of justification submitted by the applicant describes the operation as one that will accommodate approximately sixteen children for 2½ hours on Monday, Wednesday and Friday afternoons. There is ample parking and off-street loading space available in

Secretary's Report
BZA 4-74

the church parking lot. However, this lot is not paved and therefore a variance to waive the paving requirement has been filed in conjunction with this request. 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.

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 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 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 play area is within 100 feet of any occupied residence.
4. Off-street parking 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.

December 10, 1973

Mr. Jack Galbraith, Secretary
Board of Zoning Appeals
City Building Annex
104 South Main
Wichita, Kansas 67202

Gentlemen:

We request an exception to zoning regulation number 28.04.020.

The cited zoning code prohibits, under Section E, Number 6, "Nursery Schools and Day Care Centers Having More Than Four Students at a Time." It is this regulation for which we make application for exemption.

Our church occupies a "AA" zone as does the property surrounding us to the North, West and South. We will be prepared to testify before the Board of Zoning Appeals when it next meets and to present our arguments in support of our application.

Should any additional information or documents be required, please advise me.

Sincerely,



Rev. Thomas H. Fairhurst, Pastor
St. Paul's United Presbyterian Church
1001 North West Street
Wichita, Kansas

Telephone Number: 943-3712

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

March 5, 1974

NOTICE TO ADJOINING PROPERTY OWNERS:

An application has been filed by St. Paul Presbyterian Church, 1001 North West Street, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting 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:

Lots 9 through 18 inclusive, except the west 30 feet of Lot 18, Block D, E.B. Clark Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of West Street between 9th Street and Edminster Street.

This application has been assigned Case No. BZA 4-74, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 26, 1974, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas. If you desire, you may write to the Board of Zoning Appeals at 104 South Main to express your opinion on this matter. You are also welcome to speak or be represented by a spokesman at the Board of Zoning Appeals meeting when this matter will be considered.

If additional information is desired so that you may be fully informed on this matter, please call the Metropolitan Area Planning Department at 262-0611, Extension 205.

Jack H. Galbraith
Secretary

33 Notices to Adjoining Property Owners mailed 3-5-74
10 Notices mailed to m & c

December 10, 1973

Mr. Jack Galbraith, Secretary
Board of Zoning Appeals
City Building Annex
104 South Main
Wichita, Kansas 67202

Gentlemen:

We request an exception to zoning regulation number 28.04.020.

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Our church occupies a "AA" zone as does the property surrounding us to the North, West and South. We will be prepared to testify before the Board of Zoning Appeals when it next meets and to present our arguments in support of our application.

Should any additional information or documents be required, please advise me.

Sincerely,



Rev. Thomas H. Fairhurst, Pastor
St. Paul's United Presbyterian Church
1001 North West Street
Wichita, Kansas

Telephone Number: 943-3712

SUPPLEMENTAL INFORMATION SUPPORTING THE APPLICATION OF THE
ST. PAUL UNITED PRESBYTERIAN CHURCH FOR A
VARIANCE TO THE PRESENT CITY CODE,
Section 28.04.185, Sub 2.3 & 2.4.

St. Paul's United Presbyterian Church seeks approval of its application to operate a child day care center in the church facilities. The cited Sub-Sections to Chapter 28.04.185 require, (1) two all weathered surface off-street parking spaces (2) off-street loading and unloading spots. We request these two requirements be varied to zero and zero, respectively.

The church occupies a large tract and has off-street parking facilities for more than 100 automobiles. From time to time, the parking area has been covered with crushed limestone and today the surface is compacted and hard. There have been no complaints from any of the adjoining residential property owners. All parking at the present time is behind the church structure and the loading and unloading spots are directly accessible to the building entrance.

The church has been operating since 1957. The average number of children to be accommodated is approximately 16 and they will all be transported to and from our facilities by family car or in a few cases, on foot accommodated by parents. The church will not operate any vehicles for the transportation of the children. The center would be open on Monday, Wednesday and Friday from approximately 1:00 to 3:30 p.m.

Reverend Thomas H. Fairhurst, Pastor
St. Paul United Presbyterian Church

22
28 JAN 1973

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 4-74
FILED 2-14-74

APPLICATION FOR EXCEPTION

I. Name of Applicant ST. PAUL PRESBYTERIAN CHURCH
Mailing Address 1001 N. WEST ST. (67203) Phone 943-3712
Name of Authorized Agent THOMAS H. FAIRHURST
Mailing Address SAME Phone _____
Relationship of applicant to property is that of _____
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section 2.12.90.C, Code of the City of Wichita, Kansas, to permit the establishment of CHILD DAY CARE CENTER

_____ on property zoned AA, located 1001 N. WEST ST. (67203) and legally described as: ODD AND

See ownership list how legal

EVEN LOTS 9 TO 18 INCLUSIVE, EXCEPT THE WEST 30' OF LOT 18, BLK. D, E.B. CLARK ADDN. _____, 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. 24-606); 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 ST. PAUL PRESBYTERIAN CHURCH
Authorized Agent Thomas H. Fairhurst

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 2:00 (a.m. - p.m.), February 14, 19 74, together with appropriate fee of \$50.00

Signed Martha M. Murray


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:

Property lying within a radius of 200 ft of:
 Lots 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18,
 except the West 30 ft of Lot 18, Block "D", in
 E. B. Clark Addition to Wichita, Sedgwick
 County, Kansas.


 Fidelity
 Title
 Company.
 inc.

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.)

LOT	BLK.	ADDITION	OWNER
6,	D	<u>E. B. CLARK</u>	Dennis Howard Grady, sgle. 4115 Edminster ✓ 67212
7,	D		James S. & Claudia Meyer, ux 4109 Edminster ✓ 67212
8,	D		<i>returned 3.11.74</i> Robert L. Copeland Jackie A. Copeland, ux 4103 Edminster ✓ 67212
9, 10, 11, 12, 13, 14, D 15, 16, 17 & 18 exc W 30 ft.			The Board of American Missions of the United Presbyterian Church of North America. 1001 N. West St. 67203
W 30 ft Lot 18, all 19, D			Ernest B. Clark 4102 W. 9th St. ✓ 67212
20,	D		Ronald Dean Baird ✓ Patricia A. Baird, ux 4114 W. 9th St. 67212
7,	C		Harold G. Dennis, Jr. ✓ Marie E. Dennis, ux 429 LaClede Ave. 67213
8,	C		Robert G. Moldenhauer ✓ LaVonna J. Moldenhauer, ux 4103 W. 10th St. 67212



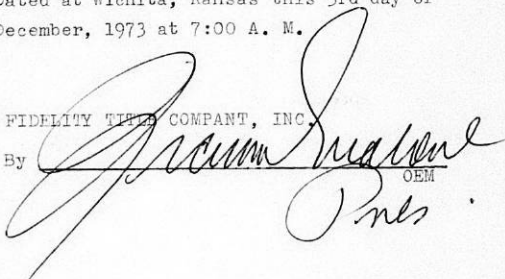
LOT	BLK.	ADDITION	OWNER
9,	C	<u>E. B. CLARK</u>	✓ Billy R. & Susan K. Kliewer, ux 4035 W. 10th St. 67212
10, exc E 6'	C		✓ Charles L. & Ina F. Baltzell, 4027 W. 10th St. 67212 ux
E 6' Lot 10, all 11, C			✓ Bill R. & Twyla N. Bolan, ux 4019 W. 10th St. 67212
15,	C		✓ Robert L. & Barbara Vance, ux 4010 Edminster 67212
16,	C		✓ Yale T. & Lorene A. Cook, ux 4018 Edminster 67212
17,	C		✓ J. Russell & Esther M. Frazier, 4026 Edminster 67212 ux
18,	C		✓ Ernest C. & Joyce J. M. Graves, 4034 Edminster 67212 ux
19,	C		✓ Clarence L. Howell Virginia E. Howell, ux 4102 Edminster 67212
20,	C		✓ Dale & Donna J. Reed, ux 4108 Edminster 67212
21,	C		X Frankie Charles Sturm Winnie M. Sturm, ux No Address Available
1,		<u>CORKY'S</u>	✓ L. H. & Winifred L. Edminster, 1051 N. West St. 67212 ux
2,			✓ George B. & Margaret Stokes, ux 4002 Edminster 67212
1,		<u>C. K. G. ADDITION</u>	X Air Capital Sporting Goods Co. No Address Available Inc.
1,	1	<u>McINTOSH</u>	✓ Thunderbird Stores, Inc. 1024 N. West St. 67212
1,		<u>TUSLER</u>	✓ O'Dell Looper, Trustee for Alec R. Champlin, Enid, Okla.
16,	5	<u>GOLDEN GARDENS</u>	✓ Air Capital Sporting Goods Co., No Address Available Inc., <i>1424 E 25th St. No.</i>
1,		<u>NEWTON GARDENS</u>	✓ Paul E. & Marie D. Rogers, ux 946 N. West St. 67212
2,			✓ Louis H. & Helen M. Valentin, ux 444 N. Meridian, Valley Center 67147
1,	1	<u>GALYARDT'S 1st.</u>	✓ Ben T. & Beatrice L. Sims, ux 918 N. Colorado 67212
2,	1		✓ Mary Edith Crist, sgle. 914 N. Colorado 67212
E 110 ft Lots 32 & 33 & E 110 ft of N 25 ft Lot 31,	1		✓ Skelly Oil Company 975 N. West St. 67212
S 25 ft Lot 31 & W 65 ft of N 25 ft Lot 31 & W 65 ft of Lots 32 & 33,	1		✓ Vernon E. Galyardt, sgle. 2659 N. Clarence 67204

LOT	BLK	ADDITION	OWNER
1 & N 7 ft Lot 2,	2	<u>GALYARDT'S 1st.</u>	✓ Ellen M. McHugh, sgle Ella McHugh, sgle. 918 N. Florence 67212
33,	2		✓ Marion Wayne Storrer Betty A. Storrer, ux 913 N. Colorado 67212
34,	2		✓ Dan J. & Marian L. Haley, ux 917 N. Colorado 67212

Dated at Wichita, Kansas this 3rd day of
December, 1973 at 7:00 A. M.

FIDELITY TITLE COMPANT, INC.

By



James J. ...
OEM

Tracer # 22062

Form 223-021

PAYMENT NOTICE

City of Wichita

PAY AT TREASURER'S OFFICE - FIRST FLOOR

Bldg & Elev.	Elec.	Elev. Insp.	Exam. Fees
Hse. Mvr.	Hse. Moving	Licse.	Mech.
Oil Well	Pav. Cuts	Plan.	Plbg. Cert.
Sanitation	Sewer	Signs	Sidewalk
Street	Trailer		

DESCRIPTION	AMOUNT
BZA	150.00

Name St. H. ...

Address 1001 W. ...

Type AA407103 Due Date 3-26-74

Comments:

Date 2-17-74 By M. Murray

THE CITY OF WICHITA



BOARD OF ZONING APPEALS
CITY BUILDING ANNEX
104 S. MAIN ST.
WICHITA, KANSAS 67202



NOT DELIVERABLE AS ADDRESSED
NO FORWARDING ORDER ON FILE
DELANO STATION



BZA 495



Robert L. Copeland
Jackie A. Copeland
4103 Edminster
Wichita, Kansas 67212

