

BZA Case No. 5-77 - WUANITA  
HEMPHILL requests exception to  
permit a child care center on  
the northeast corner of Calla-  
han and Thurman

POSTED  
3-4-77  
C.I.V.  
MARD  
7-6-77  
CA

# ACTION

BZA 5-77 COMMITTEE

Approved

DATE  
3-22-77

M.A.P.C.

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

BZA Case No. 5-77 - MINNITA  
HEMPHILL requests exception to  
permit a child care center on  
the northeast corner of Calla-  
han and Thurman

Map No. 4849  
 Sec. 8  
 Twp. 27  
 Range 1W

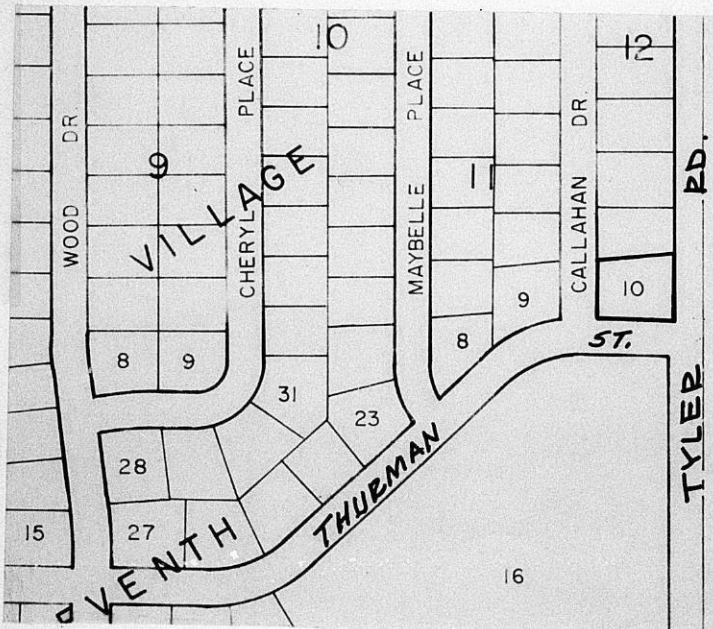
BZA- 5-77  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

AREA DATA:

1. Acres: 0.33 ( 112 ft. by 132 ft.)
2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
3. Land Use: East UNDEVELOPED South UNDEVELOPED  
 West UNDEVELOPED North UNDEVELOPED
4. Sketch Plan Land Use is for: \_\_\_\_\_
5. Present Land Use if for: \_\_\_\_\_
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



*Vacant all directions  
 Farm land east*

**S**  
 No. 2-153C  
 MARTIN, INC. - LOS ANGELES  
 LOCAL CH. ENGINEER, T. U. S. A.

X,

RESOLUTION NO. BZA 5-77

WHEREAS, Waunita Hemphill, 346 Decker, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 10, Block 12, Westlink Village, 11th Addition, Sedgwick County, Kansas. Generally located at the northwest corner of Thurman Street and Tyler Road.

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 March 22, 1977, 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 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.

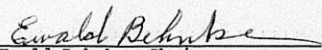
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District and legally described as follows:

Lot 10, Block 12, Westlink Village, 11th Addition, Sedgwick County, Kansas. Generally located at the northwest corner of Thurman Street and Tyler Road,

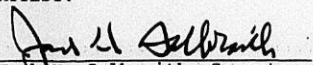
subject to the following conditions:

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.
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 22nd day of March, 1977.

  
Ewald Behnke, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXXXXXXXXXXXXXXXX~~

April 4, 1977

455 North Main Street  
Tenth Floor, City Hall

Ms. Wuanita Hemphill  
346 Decker  
Wichita, Kansas 67235

Re: Case No. BEA 5-77  
Request for exception

Dear Ms. Hemphill

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on March 22, 1977, in connection with your request for an exception to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District and generally located at the northwest corner of Tyler Road and Thurman 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 our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:LD:bh  
Encl:

cc: Don Gisick, City Clerk  
Robert Feldner, Supt., Central Inspection  
Joe Donnelly, Maintenance, Central Inspection  
Leola Lindahl, Health Department

XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX  
XXXXXXXXXXXXXXXXXXXX

March 18, 1977

Ms. Waunita Hemphill  
346 Decker  
Wichita, Kansas 67235

Re: Case No. BZA 5-77  
Request for Exception

Dear Ms. Hemphill:

At the regular meeting of the Board of Zoning Appeals on Tuesday, March 22, 1977, your request for an exception to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District, and generally located at the northwest corner of Tyler Road and Thurman Street was considered.

It was the action of the Board to grant this request 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.
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.

Ms. Waunita Hemphill  
346 Decker  
Wichita, Kansas  
March 23, 1977

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.

Yours very truly,

Jack H. Galbraith  
Secretary

JHG:LD:hh

cc: Don Gisick, City Clerk  
Robert Feldner, Superintendent, Central Inspection  
Joe Donnelly, Maintenance, Central Inspection

THE CITY OF WICHITA  
OFFICE OF CITIZEN PARTICIPATION

DATE March 17, 1977

TO Jack Galbraith, Chief Planner, Current Plans, MAPD  
FROM Evelyn Pittman, CPO Administrative Aide

SUBJECT Case No. BZA 5-77, Thurman Street  
and Tyler Road



At their regular meeting on March 16, 1977, CPO Council "A" discussed the aforementioned case. The applicant and area residents were present. The applicant reviewed plans for development of the site and answered questions from residents and Council members.

The Council voted unanimously to recommend approval of the variance for the intended use.

Your consideration of this recommendation will be appreciated.

*Evelyn Pittman*  
Evelyn Pittman  
CPO Administrative Aide

EP:rh

NOTED:

*DF*  
\_\_\_\_\_  
David Furnas  
CPO Coordinator

SECRETARY'S REPORT  
CASE NO. BZA 5-77

APPLICANT: Waunita Hemphill, 346 Decker, Wichita,  
Kansas.

AGENT: Same.

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

GENERAL LOCATION: Northwest corner of Tyler Road and Thurman  
Street.

LAND USE: Subject property is vacant as are all sur-  
rounding properties. The land across Tyler  
Road to the east is farm land.

ZONING: Subject property is zoned the "AA" Single  
Family Dwelling District as are properties  
to the north, east and west. The property  
to the south is zoned the "R-5" General  
Residence District.

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 establishment of a child care center in the "AA" Single Family Dwelling District. Subject property is a large corner lot (105' x 135'), bordered on three sides by streets; Callahan on the west, Thurman on the south, and Tyler Road on the east.

The applicant is planning to build a three bedroom single family home on this lot, with a basement designed for a child care center. The center is described as a pre-school which would operate in two, two hour sessions. The approximate times of the sessions would be 9:30 a.m. to 11:30 a.m. and 1:00 p.m. to 3:00 p.m., Monday through Friday. Each session is proposed to accommodate a maximum of 24 children.

The site plan furnished by the applicant and approved by the Division of Traffic Engineering indicates that ample off-street parking and loading space will be provided. The plan shows that the house will be oriented toward the west (Callahan Drive) and the required parking and play area will be provided east of the house toward Tyler Road, with access to the parking from Thurman Street. This property is in a subdivision that is just beginning

SECRETARY'S REPORT  
Case No. BZA 5-77  
Page 2

to develop, therefore, all nearby properties are vacant. The property to the south is zoned the "R-5" General Residence District and could be expected to develop with some type of multiple family housing. All other surrounding properties are zoned the "AA" Single Family Dwelling District.

The applicant's effort to plan this house, with the specific needs of a child care center in mind, would in the opinion of the Secretary, provide a structure for a combination use which would be compatible with the future single and multiple family development in the area.

The applicant has contacted the various regulating agencies dealing with child care centers and states she will comply with the regulations and codes which apply to the construction of this home to permit the use of the basement for a child care center. Prior to the licensing of this proposed center, the Health, Fire, and Public Works representatives would inspect the finished structure to determine that compliance with the regulations has been accomplished.

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 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. 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.
-

7 notices sent to applicant and/or agent and adjoining property owners  
10 notices sent to MAPC members  
1 notice to CPO - David Furnas

18 total notices sent on BZA 5-77, 2-28-77

*file*

BOARD OF ZONING APPEALS  
TENTH FLOOR - CITY HALL  
455 North Main Street, Wichita, Kansas 67202

February 28, 1977

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 5-77

An application has been filed by Waunita Hemphill, 346 Decker, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit the establishment of a child care center on property zoned the "AA" Single Family Dwelling District, and legally described as follows:

Lot 10, Block 12, Westlink Village, 11th Addition, Sedgwick County, Kansas. Generally located at the northwest corner of Thurman Street and Tyler Road.

This application has been assigned Case No. BZA 5-77, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, March 22, 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

BOARD OF ZONING APPEALS

CASE NO. \_\_\_\_\_

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Maunita Hemphill (Mrs.)  
346 Decker  
Mailing Address Wichita 67235 Phone 722-6415

Name of Authorized Agent Mrs. Maunita Hemphill  
346 Decker  
Mailing Address Wichita 67235 Phone 722-6415

Relationship of applicant to property is that of Contract to Buy  
(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 Child Care Center in the Basement of  
a one (1) Family Dwelling on property zoned  
AA, located NE corner of Callahan and Thurman  
and legally described as:  
Westlink 11th Addition, Lot 10, Block 12

\_\_\_\_\_ in the City of Wichita.

- III. The applicant herein, or his authorized agent, acknowledges:
- That he has received an instruction sheet concerning the filing and hearing of this matter;
  - 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;
  - That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions.
  - 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 Mrs. Maunita Hemphill

Authorized Agent (same)

OFFICE USE ONLY: Received in the office of the Secretary, Board of  
Zoning Appeals, 3:00 (a.m. (p.m.)), 2-22, 19 77,  
together with appropriate fee of \$50.00

Signed Larry Dobson

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

APPLICATION FOR EXCEPTION  
BY: MRS. WAUNITA HEMPHILL

This Exception is for Westlink 11th Addition, Lot 10, Block 12, where plans are to build a house with a Child Care Center in the basement. This lot was selected because of the location. The large plot south across Thurman is zoned for multiple dwelling. Also, the flow of traffic in and out will be good at this location.

I would like to construct a three bedroom brick house that from all outward appearances will look like only a home. The basement, however, is designed for a pre-school which is regulated by the regulations for Child Care Centers. This is for a pre-school only, a two hour session in the morning and a two hour session in the afternoon.

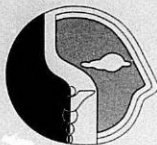
The plot plans shows three off-street parking spaces for children and one for the director-teacher. I will be an assistant teacher and will be living in the house.

I have spent much effort in trying to learn of all the requirements for this structure. After contacting the various regulating agencies of Wichita, I believe the attached documents will show that we will meet the building codes, Fire Department and Health Department requirements in the proposed structure.

*24 children in 2 sessions - 2 hrs. each*

*9:30 - 11:30*

*1:00 - 3:00*



January 28, 1977


Mrs. Dwane Hemphill  
346 Decker  
Wichita, Kansas 67235

Dear Mrs. Hemphill:

RE: BUILDING HOME & HAVING GROUP CARE IN BASEMENT.

Mrs. Pat Garland, Kansas State Department of Health & Environment, called the local Health Department, January 21, 1977. She informed me you can have a part day care center for one unit of children in the basement, and at the same time live upstairs.

Sincerely,

  
(Mrs.) Leola Lindahl, R.N.  
Care Home Supervisor

LL:rr

Wichita-Sedgwick County Department of Community Health  
1900 East Ninth Street-Wichita, Kansas 67214 (316)268-8201

 100% recycled paper

CITY OF WICHITA, KANSAS  
CENTRAL INSPECTION DIVISION  
PLANS APPROVAL REQUIREMENT

Mrs. Maunita Hemphill

Project: Child Care Center Basement Plans

Location: \_\_\_\_\_

Date Plans Submitted: \_\_\_\_\_

The preliminary building plans, ~~plans~~ ~~specifications~~, dated undated have been reviewed. Items to be included as requirements for this project are listed below. These are routine requirements that are sometimes overlooked during construction. You may add these requirements to the plans or you may authorize the list of requirements below for specifications to be attached to and considered part of the plans. Indicate your preference in the appropriate box below. If one or more of the items are already included on the plans, no change will be necessary for those already shown. If there is an omission of any requirement on the submitted plans or if an omission occurs during the review of the plans, such omission shall in no way authorize any violation of the codes, ordinances or regulations of the City of Wichita. If the plans for this project are required to be certified by a Kansas licensed architect or engineer, all additional submissions or instructions shall bear the architect's or engineer's certification seal. Please contact us if you wish to discuss this matter or if we can be of assistance to you. Final approval of the plans will be withheld until we receive your signed instructions or your additional submissions.

I will change the plans to include item numbers \_\_\_\_\_ listed below.

Item numbers \_\_\_\_\_ listed below shall be specifications for the construction of this project without additional changes to the plans.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_ Title: \_\_\_\_\_

Addresses: Please sign the original and return to this office.

Item No.

This examination is based only on a partial plan and does not imply a complete examination of specifications and plans. The following list of requirements are based on a C-3 occupancy in the basement and an I occupancy on the main floor. Prior to the issuance of a building permit, complete plans shall be submitted for formal examination. All code requirements of the City of Wichita shall be met.

1. Provide light and ventilation per Section 605 of the Uniform Building Code. Area of windows shall be a minimum of 1/8 of the floor area of which  $\frac{1}{2}$  shall be operable. Artificial light and ventilation may be provided in lieu of above requirement.
2. Provide 1 hour protection on \_\_\_\_\_ all walls and ceilings between the 1st story and the basement area below. Doors penetrating the 1 hour separation shall be self-closing noncombustible or 1 3/4 inch solid wood core. Walls and soffits of enclosed usable space under stairs shall be protected on the enclosed side as required for one-hour fire-resistive construction.
3. The occupancy is established as C-3 day care center and automatic fire extinguishing is required for basements or cellars larger than 1500 square feet. Provide plans prior to installation.

4. Provide fire extinguishers as required by the Uniform Fire Code.
5. Provide Class C flame-spread wall and ceiling finish in room areas and Class B flame-spread wall and ceiling finish in exitways.
6. Provide a fire retardant roof covering.
7. Stairways shall be 44 inches in width. Maximum rise shall be  $7\frac{1}{2}$  inches and minimum run 10 inches. There shall be a floor or landing on each side of stairway doors. Where a door swings over a landing, the minimum length of landing shall be 5 feet. Exit doors shall swing in the direction of exit travel.
8. Provide sanitary facilities as per Uniform Building Section 805 and 1711 as amended.  
Note: Clear and unobstructed access of 29 inches is required.
9. Provide 1 drinking facility located outside of restroom.
10. Egress by means of a ramp or elevator must be provided for the physically handicapped.
11. When the occupant load (figured on a basis of 20 square feet per person) exceeds 50, an approved fire alarm shall be provided.
12. Garage shall be separated from dwelling by installation of materials approved for one-hour fire-resistive construction on the garage side extending to the roof sheathing and with a minimum 1-3/8 inch tight fitting solid wood door at all openings.

FIRE DEPARTMENT

13. State Regulation. Basements 2/3 below grade shall not be used for full day care. (Health Regulation 28-4-208, 1. D)  
\* Basements used for part-day care of auxiliary play space shall be adequately ventilated and have minimum of 6 foot 8 inches headroom.
14. No flammable materials shall be stored in area. N.F.P.A. Standard 30, Chap. 4.
15. Furnace or boiler room shall provide adequate outside air to maintain combustion level. N.F.P.A. Standard 54.
16. Protect wood frame one-hour.
17. All furnace and boiler rooms shall be protected with 1-hour fire rated partitions.
18. There shall be an approved fire door & frame (1-hour rating) leading to furnace.
19. A. Fire detection of combustion products type (minimum of 1 per floor).  
B. Manual pull box if 7 to 100 children are cared for at any 1 time in one building
20. A. Interiors shall have a flame-spread of 75 throughout. Class B 1-hour protected construction.  
B. Flammable decorations shall be flame retardant according to N.F.P.A. # 701.  
C. Carpeting shall meet A.S.T.M. E-84 with test results not to exceed 75 in all categories.

21. Compartment doors shall be provided and must be self-closing with automatic Hold Open devices. The doors shall be 36 inches in width.
  22. Exit stairways for frame construction shall be completely enclosed with 1-hour resistant construction.
  23. Special receptacle covers shall be used on all outlets where children under 5 years of age are in care.
  24. The basement shall be independent of upstairs, with only outside entrances.
  25. Stairs shall be continuous with no landings between floors and outside.
  26. Sliding door to exit shall be removed and 1-hour rated door & frame used.
  27. Basement windows shall be a minimum of 30 inches.
  28. Fire protection (Safety 1st) shall be in accordance with N.F.P.A. pamphlet #10.
- \* Part day care defined as only kept part of day either morning or afternoon.  
Full day care is defined as morning and afternoon, same children.

Dolores E. Mast  
Building Plans Examiner

10-15-76  
Date

DM:dh



434 NORTH MAIN  
WICHITA, KANSAS 67202  
267-8371

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
16	1	Westlink Village 11th Add.	✓ Luxury Living Inc. 9422 West Central 67212
6	11	Same	✓ Ed Cody Construction Inc. 510 South Evergreen Lane 67209
8	11	Same	Same
7	11	Same	✓ Carl B. Forshee and Cheryl 8802 Bekemeyer Lane 67212
9	11	Same	✓ Thurman W. Smith & Judy 1247 N. Gordon 67203
10	11	Same	Same
11	11	Same	✓ Chip Suter Inc., 1251 Reece Road Goddard, Kansas 67052
12	11	Same	Same
7,8 9,10	12	Same	D Thurman W. Smith and Judy 1247 N. Gordon 67203
		The West Half of the Southwest Quarter of Section 9-27-1W	✓ Howard Parker, deceased c/o Parker Oil Company, Inc. 123 N. Sycamore 67203

The Security Abstract & Title Company, Inc. hereby certifies the foregoing to be a true and correct list of property owners of:

A 200 foot radius of: Lot 10, Block 12,  
Westlink Village 11th Addition, Sedgwick  
County, Kansas

as shown by the records on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 18th day of February, 1977 at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Gable*

Vice President

Order No. 247356  
wh

Form 223

**PAYMENT NOTICE**

City of Wichita

**PAY AT TREASURER'S OFFICE - SECOND 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
220 Electric	1000
Asphalt	

Name

Howard H. Hurdall

Address

46 Baker

Type

As 4.71.3

Due Date

Comments:

Date

2-22-77

By

\*

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

Roll # 1