POSTED
4-9-81

ACTION

BZA 13-81

		DATE
COMMITTEE	APPROVED Subj. to conds. –	4-28-81
M.A.P.C.		
B.C.C./B. CO. C.		

Applicant has no further interest – case closed 11-2-81

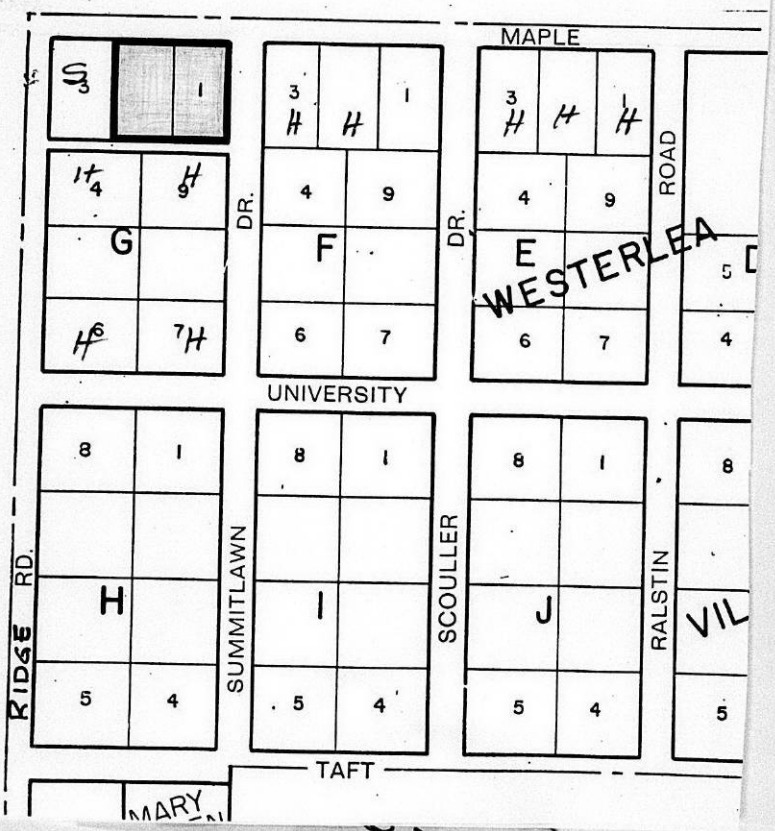
BZA 13-81 - Donald C. and Barbara A. Taylor - requests an exception to permit the establishment of a child day care center on property zoned the "AA" One-family Dwelling District and located at the southwest corner of

Map No. 5046
Sec.
Twp.
Range

BZA- 13-81
SCZ-
CU-
Filed

AREA DATA:
1. Acres: 0.92 (190 ft. by 200 ft.)
2. Adjoining Zoning: E "AA" S "AA" W "AA" N "LC"
3. Land Use: East Resid. South Resid.
West N.C. Service Station North Vacant.
4. Sketch Plan Land Use is for:
5. Present Land Use if for:
6. Area (is) (is not) platted.

PHOTO Taken



THE CITY OF WICHITA

BOARD OF ZONING APPEALS
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202
(316) 268-4421

RECEIVED
NOV 2 1981
METROPOLITAN PLANNING
ROUTE ☐ Lytle
☐

September 24, 1981

Mr. Donald C. Taylor
2725 Country Club Circle
Independence, Kansas 67301

Re: BZA 13-81
Request for Exception

Dear Mr. Taylor:

On April 30, 1981 a letter setting forth the action of the Board of Zoning Appeals on your requested exception was mailed to you. As of this date I have not received the application for the vacation of the alley or a petition for the paving of Summitlawn.

It would appear that you no longer have an interest in pursuing the establishment of a child day car center on this property. If this is the case, please advise so that we may close the file.

Sincerely,

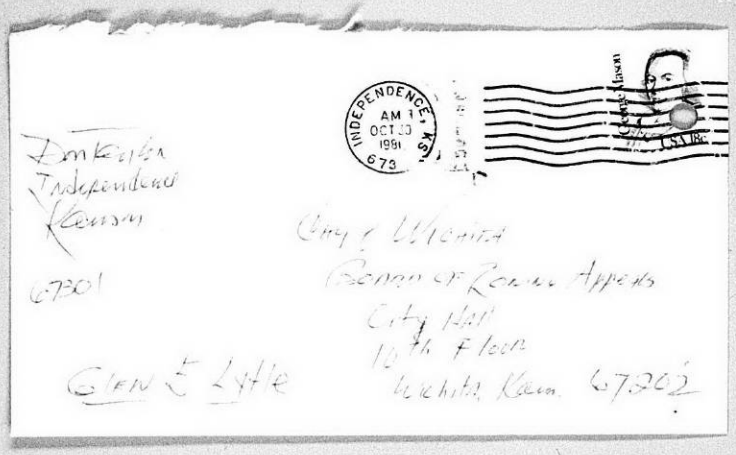
Glen E. Lytle
Assistant Secretary

GEL:sad

DEAR GLEN,
WE ASSUMED YOU WERE AWARE THE INFAMOUS BILL KING PULLED A "FAST ONE" AND REFUSED TO SELL HIS SHARE OF THE PROPERTY, HE HAD OBVIOUSLY INDICATED AN OK OR WE WOULD NOT HAVE GONE TO ALL THE TROUBLE WE DID - ANYWAY, WE BELIEVED KING USED US TO TRY TO GET THE PROPERTY RE-ZONED.
OUR BEST TO YOU! THANK YOU

Don & Barb Taylor

OUR WORST TO MR KING!



INDEPENDENCE, KS
AM 1
OCT 30
1981
673

Don Keller
Independence
Kansas

67301

City of Wichita
Board of Rowing Appeals
City Hall
10th Floor
Wichita, Kans. 67202

Glen E Lytle

September 24, 1981

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Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

April 30, 1981

Mr. Donald C. Taylor
2725 Country Club Circle
Independence, Kansas 67301

Re: Case No. BZA 13-81
Request for Exception

Dear Mr. Taylor:

At the regular meeting of the Board of Zoning Appeals on April 28, 1981, your request for an exception to permit the construction of a Child Day Care Center on property zoned the "AA" One-family Dwelling District and located on the southwest corner of Maple and Summitlawn was considered.

It was the action of the Board to approve your request subject to the following conditions:

1. The maximum capacity of the facility shall be determined by the Department of Community Health, however, this shall not exceed 50 children at any one time.

2. 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.

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. Five off-street loading spaces shall be provided.

6. The required parking and loading spaces shall be paved with concrete, asphalt or other comparable material.

7. The facility shall be of an architectural design to be residential in appearance.

8. A solid screening fence, not less than 6 feet in height, shall be located along the south property line; provided however any fence located within the 30 feet front yard setback shall be reduced to 3 feet in height.

9. Only one sign shall be permitted and shall not exceed 16 square feet in gross surface area. If the sign is lighted, it shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.

10. The applicant shall agree to circulate and sign a petition for the paving of the 300 block of Summitlawn prior to the release of the resolution.

11. The applicant shall attempt to file necessary signatures for the vacation of the alley between Summitlawn and Ridge Road.

12. Two copies of a final development plan shall be submitted to the Secretary for approval prior to the release of the resolution.

As you will note, the resolution will not be released effectuating the action of the Board until conditions 10, 11 and 12 have been completed. The Department of Engineering can assist you in preparing a paving petition for Summitlawn. Also I would suggest that the property owner to the east, Mr. Bill Goebel, indicated he would assist you in securing the necessary signatures for the paving.

I am enclosing a vacation application that can be used in securing the signatures of all abutting property owners adjacent to the alley between Summitlawn and Ridge Road. If you have any questions with this, please feel free to contact our office.

Once the conditions requisite to the release of the resolution have been completed, we will mail you a copy of same.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:sad

cc: James Arthur, P. O. Box 18824, Wichita, Kansas
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION **DATE** April 20, 1981

TO Glen Lytle, Special Assistant for Zoning

FROM Dean Kruithof, Administrative Aide III

SUBJECT BZA 13-81: Southwest corner of Maple and Summitlawn

Due to lack of a quorum, CPO Council "A" will be unable to forward a recommendation to the BZA concerning the captioned case. The applicant and several area residents attended this meeting. The Council members present held an unofficial neighborhood meeting to discuss the case.

Please inform the BZA of the situation when the case is considered by them on April 28th. Thank you.

Dean Kruithof
Dean Kruithof
Administrative Aide III

DK:dm

Noted:

Sarah Gilbert
Sarah Gilbert
CP Coordinator

SECRETARY'S REPORT
CASE NO. BZA 13-81

APPLICANT: Donald C. & Barbara A. Taylor, 2725 Country Club Circle, Independence, Ks.

AGENT: James T. Arthur, P. O. Box 18824, Wichita, Kansas

REQUEST: Exception pursuant to Section 28.04.185.2, Code of the City of Wichita to permit the establishment of a Child Day Care Center in the "AA" One-family Dwelling District.

GENERAL LOCATION: On the southwest corner of Maple and Summitlawn.

ZONING: Subject property is zoned "AA" One-family Dwelling District as are the properties to the east, south and west. Property across Maple to the north is zoned "LC" Light Commercial.

LAND USE: Subject property is vacant. Properties to the east and south are developed as one-family dwellings. Property to the west is a nonconforming service station. Property to the north is partially developed with medical offices.

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 construction of a Child Day Care Center in the "AA" One-family Dwelling District. The applicant intends to construct a new two-story structure which will provide for living quarters on the second floor with the first floor to be used as the Child Care Center. As of the date of the writing of this report, the Secretary has only been furnished a preliminary site plan that shows that there is adequate area on the site to accomodate such a facility.

The site plan indicates that the building will be oriented to the east and the access to all the parking and loading spaces will be from Summitlawn. The loading and parking spaces will be located in back of the 30 foot platted setback, both on Maple and Summitlawn.

The applicant has indicated that the facility will be built for a capacity of 50 children. This will introduce quite an increase in traffic movements on Summitlawn, which at this time is an unimproved street. It would appear that the improvement of the street would be to the advantage of the applicant and to the adjoining property owners on Summitlawn.

RECOMMENDATION:

Should the Board determine that this use would be appropriate at this location, then it is the recommendation of the Secretary that the request for an exception to permit a Child Day Care Center on the property be approved subject to the following conditions:

1. The maximum capacity of the facility shall be determined by the Department of Community Health, however, this shall not exceed 50 children at any one time.

2. 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.

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.

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7. The facility shall be of an architectural design to be residential in appearance.

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9. Only one sign shall be permitted and shall not exceed 16 square feet in gross surface area. If the sign is lighted, it shall not be illuminated between the hours of 11:00 p.m. and 7:00 a.m.

10. The applicant shall agree to circulate and sign a petition for the paving of the 300 block of Summitlawn prior to the release of the resolution.

11. The applicant shall attempt to file necessary signatures for the vacation of the alley between Summitlawn and Ridge Road.

12. Two copies of a final development plan shall be submitted to the Secretary for approval prior to the release of the resolution.

BZA CASE NO. 13-81

2 NOTICES SENT TO APPLICANT/AGENT

9 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

12 NOTICES SENT TO ADJOINING PROPERTY OWNERS

24 TOTAL NOTICES SENT 4-6-81

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

APRIL 6, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 13-81

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 Donald C. & Barbara A. Taylor, 2725 Country Club Circle, Independence, Kansas 67301, 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 the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

> Lots 1 and 2, Block G, Westerlea Village Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Maple and Summitlawn.

This application has been assigned Case No. BZA 13-81. It will be considered by the Board of Zoning Appeals on April 28, 1981 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 variance 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

CITY OF WICHITA, KANSAS

CASE NO. 13-81

FILED 3-30-81

APPLICATION FOR EXCEPTION

I. Name of Applicant Donald C. and Barbara Ann Taylor

Mailing Address 2725 Country Club Circle Independence, Ks 67301 Phone

Name of Authorized Agent James T. Arthur

Mailing Address P.O. Box 18824, W.K. 67207 Phone 682-9066

Relationship of applicant to property is that of contr. purchaser
(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 a child day care center

on property zoned the "AA" One-Family Dwelling District,

located at the southwest corner of Maple and Summitlawn

and legally described as: Lots 1 & 2, Block 6, Westerlea Village Addition to Wichita, Sedgwick County, Kansas

, 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 Donald C. Taylor

Authorized Agent James T. Arthur

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 2:30 ~~(a.m.~~-p.m.), March 30, 1981, together with appropriate fee of 200.00.

Signed L. Lyth

O W N E R S H I P L I S T

Lot	Block	Addition	Property Owner
Lot 2 except the East ½, and Lot 3	F	Westerlea Village	Laura Howe Ralstin H. W. Ralstin 6807 Maple 67209 Mary Howe 6807 Maple 67209
Lot 4	F	"	William J. Goebel Janet O. Goebel 310 Summitlawn 67212
Lot 5	F	"	~~Ned L. Shuey~~ (dec.) Kenetta F. Shuey 338 Summitlawn 67212
Lot 1	G	"	William R. King Route # 1 Benton 67017 Merlin C. Burch No. 6, Harris Drive Rose Hill 67133
Lot 2	G	"	Same as above
Lot 3	G	"	Synergy Oil Co. Inc. 3330 W. Douglas 67203
Lot 4	G	"	John E. Nelson Barbara F. Nelson 326 S. Ridge Road 67209
Lot 5	G	"	Hammitt T. Pinaire 352 S. Ridge Road 67209
Lot 8	G	"	Joe A. Miller Lana M. Miller 339 Summitlawn 67212
Lot 9	G	"	Arden Ratzlaff Margaret Ann Ratzlaff 424 Summitlawn 67212

Lot	Addition	Property Owner
Lot 1	Willo-Esque Center Addition	Donald C. Slawson 200 Douglas Building 104 South Broadway 67202
Lot 1, Block A, except, beginning at the Southeast corner of said Lot, thence West along the South line of said Lot, 282 feet; thence North parallel with the East line of said Lot, 136 feet; thence East parallel with the South line of said Lot, 48 feet; thence Northeasterly 198.67 feet to a point 274 feet North of the South line of said Lot; thence East parallel with the South line of said Lot, 91.1 feet; to the East line of said Lot; thence South along East line 274 feet to beginning.	Willo-Esque Second Addition	Same as Above

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:

Lots 1 and 2, Block G, Westerlea
Village, Sedgwick County, Kansas.

as shown by the last deeds of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas on the thirty-first day of March, 1981 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.
By Mary Stable
Vice President

Order No. 297440
AP

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 2 21 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

NAME

ADDRESS

FUND DUE DATE

COMMENTS

DATE BY

*

This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 2