

BZA 15-70 - Children's Center, Inc.
request VARIANCE to reduce side
yard setback from 25 ft. to 11 ft
at 205 N. Pershing.

POSTED
5-8-70

5-26-70 Closed at Applicant's
Request

Map No. 5747
 Sec. 23
 Twp. 27S
 Range 1E

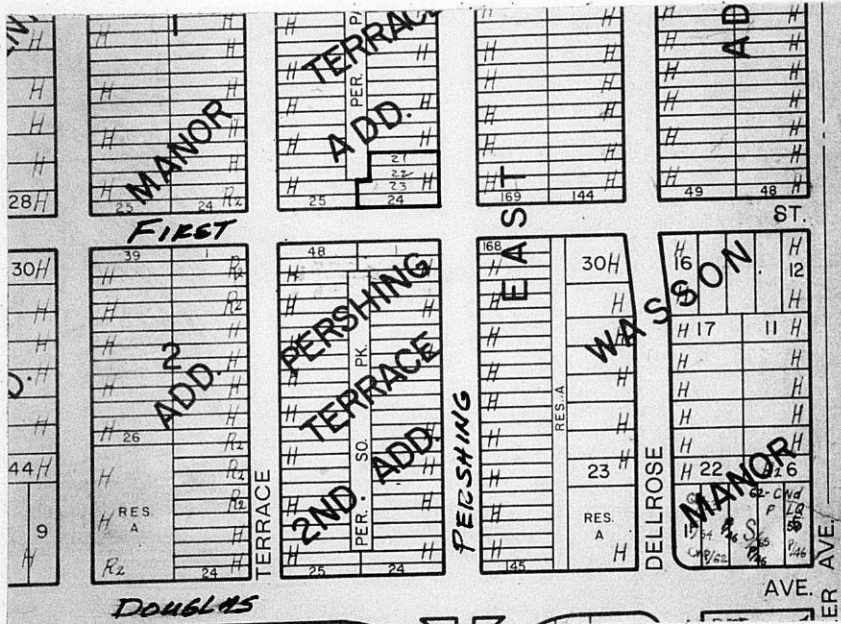
BZA 15-70
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 0.3 (17 ft. by 50 ft. by 120 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East SINGLE FAM South SINGLE FAM
 West SINGLE FAM North SINGLE FAM
4. Sketch Plan Land Use is for: _____
5. Present Land Use is for: SINGLE FAM
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



Section - File

MARTZ, WENDELKEN, BONWELL & FRY
ATTORNEYS AT LAW
408 BROWN BUILDING
WICHITA, KANSAS 67202

HENRY E. MARTZ
CLYDE WENDELKEN
W. A. BONWELL, JR.
ELLIOTT FRY
TYRUS C. KAUFMAN

May 26, 1970

318 FORM 3-7598

Mrs. Nedra Sandwich
Children's Center, Inc.
2308 East Central
Wichita, Kansas

Dear Mrs. Sandwich:

Several neighbors asked I write to thank you for the civility demonstrated by yesterday's letter to the Board of Zoning Appeals. Also asked for relay was that several neighbors would keep a lookout for possible new locations and would endeavor to locate prospective purchasers for Mr. and Mrs. Lake's property.

Yours truly,

Clyde Wendelken

Clyde Wendelken

CW/af

cc: Mr. Jack H. Galbraith ✓
Arthur G. Johnson, Esq.





CHILDREN'S CENTER
Wichita, Kansas
2308 East Central F03-7216

May 25, 1970

Board of Zoning Appeals
Wichita, Kansas

Sir:

Due to opposition from adjoining property owners, we respectfully request that our Application For Variance on the property at 205 North Pershing be withdrawn and considered closed. To pursue the matter further would lead to an incompatible atmosphere, which is not the intention nor philosophy of the Children's Center.

We do wish, at this time, to thank you along with others for any consideration and effort toward housing the children in larger and suitable quarters.

Sincerely,

Nedra Sandwich
(Mrs.) Nedra Sandwich ^{MH}
Director, Psychologist

NS:mh
cc: Elaine Sparks



SECRETARY'S REPORT
CASE NO. EZA 15-70

APPLICANT: Children's Center, Inc., 2308 East Central, Wichita, Kansas

AGENT: Mrs. Nedra Sandwich, 2308 East Central, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required side yard setback adjacent to the north property line from 25 feet to 11 feet

GENERAL LOCATION: Northwest corner of Pershing and First Streets

ZONING: Subject property is zoned "AA"-Single Family as are those properties to the north, east, south, and west.

LAND USE: Subject property is occupied by a single family residence as are those properties to the north, south, east, and west.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five of the following conditions are found to exist:

1. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and

5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicant, Children's Center, Inc., is requesting a variance of the side yard setback adjacent to the north property line from 25 feet to 11 feet on property zoned "AA"-Single Family in order to utilize the existing residence as a private school having an enrollment of approximately 50 students.

Section 28.04.040.A.4 of the zoning ordinance permits this type of use in the "AA" zoning district provided that private schools shall have a curriculum equivalent to and substantially the same as that of a public elementary or high school. The ordinance further provides that a side yard width of not less than twenty-five (25) feet on the side of the lot adjoining another building site shall be provided for all schools, libraries, churches, community houses and other public or semi-public buildings used, constructed or enlarged in the "AA"-Single Family Dwelling District.

It is the opinion of the Secretary that when the zoning ordinance was written, permitting private schools in the "AA" zoning district, it was not necessarily the intent or purpose to encourage the conversion of residential structures to schools in the midst of areas zoned and developed for residential purposes. This would appear particularly true in instances such as this where the site area (100 feet x 139 feet) is limited and open space for playgrounds, etc. is inadequate.

A brochure which has been submitted with the application indicates that children from the elementary school level through high school will be attending this facility in the event the variance request is granted. Under the terms of the zoning ordinance the following off-street parking requirements would have to be complied with:

- a. Elementary schools; One space for each teacher and employee, at capacity.
- b. High Schools; One space for each teacher and employee, plus one space for each ten students, at capacity.

Although the plot plan submitted by the applicant does not indicate the required off-street parking spaces, it would appear that there may be room to satisfy the requirements of the ordinance.

UNIQUENESS:

It is the opinion of the Secretary that there is nothing unique about the variance requested inasmuch as the house maintains the required residential setback, however, it does not maintain the required 25 foot side yard setback as provided by other schools, churches and public buildings.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance would have an adverse effect on adjacent properties inasmuch as it would permit the development of a more intense use in a single family area.

HARDSHIP:

It is the opinion of the Secretary that if the variance is not granted it would not create a hardship for the applicant inasmuch as purchase of the property is based on approval of this variance request by the Board of Zoning Appeals and other properties could be purchased throughout the City for the use proposed.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of the variance would affect the public interest inasmuch as traffic congestion could be created by the arrival and departure of cars and buses on this major one-way street (First Street) and on Pershing, a low volume residential street.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance would be opposed to the spirit and intent of Title 28 inasmuch as it would allow the conversion of a residential structure on a site which does not maintain the setback required of other schools.

RECOMMENDATION:

It is the opinion of the Secretary that all five conditions necessary to the granting of the variance cannot be found to exist and therefore it is recommended that the request not be approved.

LAW OFFICES OF
BOYER, DONALDSON & STEWART
WICHITA FEDERAL SAVINGS BUILDING
340 SOUTH BROADWAY
WICHITA, KANSAS 67202

JOHN E. BOYER
GEORGE J. HONDROS (1910-1962)
PAUL J. DONALDSON
KENNETH R. STEWART
JAMES R. HANSON
ROBERT L. SMITH

AMHERST 4.7321
AREA CODE 316

May 14, 1970

Mr. Lynn Shirkey
Assistant Planner
City Annex Building
104 South Main
Wichita, Kansas 67202

Re: Case No. BZA 15-70

Dear Mr. Shirkey:

We are returning to you your copy of The
Children's Center.

Thanks for letting us use it.

Very truly yours,

BOYER, DONALDSON & STEWART

By: *James R. Hanson*

JRH:pb
Enclosure



MARTZ, WENDELKEN, BONWELL & FRY
ATTORNEYS AT LAW
408 BROWN BUILDING
WICHITA, KANSAS 67202

HENRY E. MARTZ
CLYDE WENDELKEN
W. A. BONWELL, JR.
ELLIOTT FRY
TYRUS C. KAUFMAN

May 8, 1970

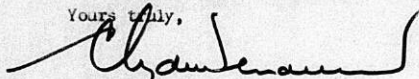
316 FOREST 3-7586

Mrs. Nedra Sandwich
Children's Center, Inc.
2308 East Central
Wichita, Kansas

Dear Mrs. Sandwich:

Response to your letter to Mr. Lygrisse and to the Notice, and with the consent of Messrs. Casado, Barrier, Updegraf and Bell, it seems fair to apprise you we intend to resist your Application absolutely and to publish our attitude in the area to enlist allies.

Yours truly,



Clyde Wendelken
(4601 E. 1st Street)

CH/af

cc: Mr. Jack H. Galbraith
Arthur G. Johnson, Esq.



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

May 6, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 15-70

An application has been filed by Children's Center, Inc., 2308 East Central, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required side yard setback adjacent to the north property line from 25 feet to 11 feet, on property zoned "AA"-Single Family, and legally described as follows:

Lots 21, 22, 23, 24 on Pershing Avenue in Pershing Terrace Addition to Wichita, Sedgwick County, Kansas. Generally located at the northwest corner of Pershing and First Streets.

This application has been assigned Case No. BZA 15-70, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 26, 1970, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

JACK H. GALBRAITH
Secretary

20 Notices Mailed 5-6-70

5747

BOARD OF ZONING APPEALS

CASE NO. 15-70

CITY OF WICHITA, KANSAS

FILED 4-30-70

APPLICATION FOR VARIANCE

I. Name of Applicant Children's Center, Inc. 6836589

Mailing Address 2308 East Central 67214 Phone FO3-7216

Name of Authorized Agent Mrs. Nedra Sandwich

Mailing Address 2308 East Central Phone FO3-7216

Relationship of applicant to property is that of Other
(Owner, Tenant, Lessee, Other)

II. The variance requested is to reduce the required sideyard setback adjacent to the north property line from 25 feet to 11 feet
premises as a school and the setback on the north is only 12 feet and the requirement is 25 feet.

for property located 205 North Pershing NW corner of Pershing & 1st

and legally described as: Lots 21, 22, 23, 24 on Pershing Ave
in Pershing Terrace Addition.

in the City of Wichita; and which is presently zoned "AA"

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 he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

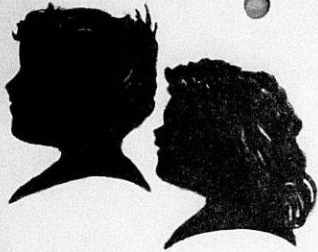
Children's Center
Applicant

Nedra Sandwich
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 3:00 (a.m. - P.M.), April 30 19 70
together with appropriate fee of \$50.00.

T9-402

L. L. Shirley PII
Signed



CHILDREN'S CENTER
Wichita, Kansas

3940 E. 13th St.
MU 4-5279

Sir:

We are requesting variance for the following reasons:

1. Variance request arises from a condition which is unique to property utilized for schools. The distance from property to property line is required to be 25 feet and the distance on the north side of this property is 12 feet. However, the distance to the next structure is 25 feet.
2. The adjoining property owners who have been contacted have posed no objections to the utilization of this building as a school.
3. It is impossible to utilize the premises for a school if conformance is required. It is difficult to find a building of sufficient size in a convenient location to house a school.
4. We do not believe that this variance will in any way adversely affect the health or safety of the environment.
5. We further do not believe that this variance will depose the spirit and intent of Title 28.
6. At the present time we have an enrollment of approximately 50 students. These students in part come by bus and in part by automobile. We have been previously housed in commercial areas and have had no complaints relative to traffic difficulties since the times of our heaviest traffic is brief and orderly. We anticipate that this will also be true should this variance be granted. There are a minimum number of all day employees so the parking will also not create a problem.

We are enclosing a copy of our brochure so you will know more of our activities.

Nedra Sandwick Signed
N4

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:

All owners within 200 feet of Lots 21, 22, 23, 24 on Pershing Ave in Pershing Terrace Addition.



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.)

LOTS	STREET	ADDITION	OWNER
13-14 & N $\frac{1}{2}$ 15	Pershing	Pershing Terrace	Mildred V. Burnham 229 N. Pershing 67208
S $\frac{1}{2}$ 15-16-17	"	" "	Robert M. Hobson Shirley I. Hobson 211 N. Pershing 67208
18-19-20	"	" "	Lois M. Lasset 207 N. Pershing 67208
21-22-23-24	"	" "	Loren E. Lake Helen M. Lake 205 N. Pershing 67208



LOTS	STREET	ADDITION	OWNER
35-36-37	Terrace	Pershing Terrace	✓ Herbert P. Lindsley 230 N. Terrace 67208
32-33-34	"	" "	✓ <i>Barbara S. Albright</i> Frank C. Harlow Doris L. Harlow <i>Mary J. Albright</i> 220 N. Terrace 67208
29-30-21	"	" "	✓ C. Robert Bell Janice L. Bell 216 N. Terrace 67208
25-26-27-28	"	" "	✓ A.F. Casado Ardeen B. Casado 302 N. Main 67208
1-2-3	PERSHING	Pershing Terrace 2nd Add	✓ M.N. Lygrisse 155 N. Pershing 67208
4-5-N $\frac{1}{2}$ 6	"	" "	✓ Donald D. Stultz Rebecca Jan Stultz 151 N. Pershing 67208
S $\frac{1}{2}$ 6-7-8	"	" "	✓ C. Lucian Gray Katherine L. Gray 145 N. Pershing 67208
41-42-S $\frac{1}{2}$ 43	Terrace	" "	✓ Paul E. Dannelley Jr. Delanine C. Dannelley 130 N. Terrace 67208
N $\frac{1}{2}$ 43-44-45	"	" "	✓ Adah Smith Rorabaugh 140 N. Terrace 67208
N5' 163-164 & S 10' 166		EAST LAWN ADD	✓ Nelson S. Remington Opal M. Remington 154 N. Pershing 67208
N 15' 166-167-168		" "	✓ Clyde Wendelkin Lucy I. Wendelkin 4601 E 1st St 67208
169-170 & S 10' 171		" "	✓ Martin E. Updegraf Cheri M. Updegraf 200 N Pershing 67208
N 15' 171 172-173-174 & Sly pt 176		" "	✓ John Robert Barrier Mary Ellen Barrier 216 N. Pershing 67208


Fidelity
Title
Company
inc.



LOTS	ADDITION	OWNER
Ntly pt 176-177 & S 5' 178	East Lawn Add.	✓ Fred E. Meisinger Dorothy G. Meisinger 218 N. Pershing
N 10' 178-179-180	" "	William G. Schroft Jennie F. Schroft

no address given

Dated at Wichita, Kansas this 23rd day of March 1970.


Fidelity
Title
Company,
inc.

4429

FIDELITY TITLE COMPANY INC.
By *C. E. Burt*
VP



(30039)

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

May 6, 1970

NOTICE TO ADJOINING PROPERTY OWNERS

Case No. BZA 15-70

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JACK H. GALBRAITH
Secretary

THE CITY OF WICHITA



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

RETURN
TO
WRITER



- Moved, left no address
- No such number
- Moved, not forwardable
- Addressee unknown

ALBRIGY
Frank C. Harlow
Doris L. Harlow
220 North Terrace
Wichita, Kansas 67208



FORM 273-021

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 Variance	60 ⁰⁰

Name James J. Muesch

Address 2500 E. 9th

Type P-71-C Due Date

Comments:

Date 4-20-70 By ks

CHILDREN'S CENTER
FO 3-7216



Children want to satisfy their needs. They want to be part of a group, to be successful and secure. Children need love and healthy group activities. They need to fully recognize and accept their limitations and to fully recognize and use their abilities. Children need reassurance in failure and encouragement for a good performance. Children can find these things and more at the Children's Center.

The Children's Center is the only school which counsels children and at the same time schedules regular counseling sessions for parents. A mothers' study group holds weekly group sessions while many parents are scheduled for private meetings and later join in group activities.

2308 E. CENTRAL • WICHITA, KANSAS 67208

MRS. NEDRA SANDWICH



DIRECTOR

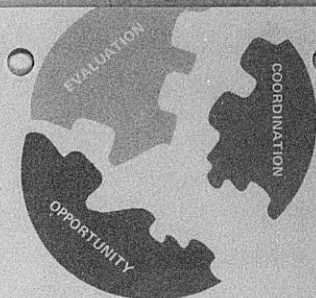
Mrs. Nedra Sandwich, who holds A.B. and Master of Clinical Psychology degrees from the University of Michigan, is director of The Children's Center.

Mrs. Sandwich, a wife and mother as well as a psychologist, gives her first hand insight into the problems parents face with their children as well as the theoretical problems. She has worked extensively with children who she describes as "the most interesting and challenging people in the world."

A native of Toledo, Ohio, Mrs. Sandwich began her career in the Child Guidance Centers under the Department of Mental Health of Michigan. From there she went to the VA Hospital at Chamblee, Georgia, and also served on the staff at Emory Medical School psychiatric department. Under the Veterans Administration she was transferred to the Wichita VA Hospital and went into private practice upon leaving there.

Association memberships have included American Psychological Association, Southern Society for Philosophy and Psychology, Kansas Psychological Association and the Wichita Psychological Association. Mrs. Sandwich is an active member of Christ Lutheran Church where she teaches Sunday School and has served on the Mayor's Committee for Community Action.

2308 E. CENTRAL • WICHITA, KANSAS 67208



The Children's Center



2308 E. CENTRAL
WICHITA, KANSAS

What happens to capable children who are underachieving?

QUESTION: How can we tell if our child is underachieving or actually just not as bright as the average child his age?

ANSWER: The first step is to have him evaluated. With the results from our numerous tests we can evaluate your child's Intelligence Quotient (IQ), ability, progress, emotional stability and other areas.

QUESTION: What can you do that a public school can't to keep my child from being bored with school?

ANSWER: We make learning a challenge for the individual. We stress individual learning and individual assignments when necessary. The teacher makes lesson plans with the individual student in mind, not the class as a whole.

QUESTION: My child is getting good grades in most of his subjects but seems far behind and confused with math. How can you help him?

ANSWER: Again, we stress individual learning. Your child would learn each subject at his own speed with special individual instruction in weak areas. Some students may be doing fourth or fifth grade reading, but only third grade math.

QUESTION: How do you grade?

ANSWER: We don't grade per the common definition of the public schools. Twice a year we administer national standardized tests to the students and report their progress in comparison to the previous tests.

QUESTION: If we enroll our seven year old son, will he have to attend this school until he reaches 14?

ANSWER: Certainly not. We don't want to keep children here beyond their point of need. The average time for a student to stay at Children's Center is two years. We provide an atmosphere of acceptance inside of which a child can learn to succeed and become self-reliant. Most of our children return to public schools in a relatively short time, knowing that if they need counseling or special services we are here to help, to aid them, for continuing progress.



The Children's Center offers..

GRADE AND ELEMENTARY

A complete program of individual instruction for each child from pre-schoolers to early teens. All the subjects of a public school are taught but with an eye toward definite motivation - - students are helped to enjoy their studies and to use them as a tool for getting information and opening doors to the world. Children's Center is completely certified by the State of Kansas as are all the instructors.

TESTING

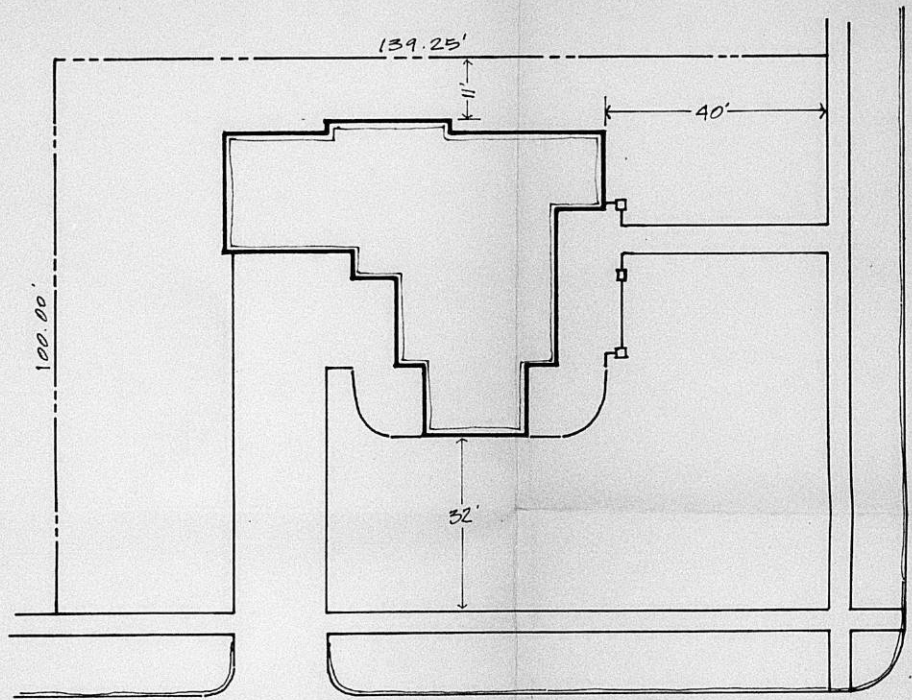
Evaluation and testing of students and adults is available whether enrolled at Children's Center or not. The progress of all enrolled students plus individual children is tested and evaluated with nationally recognized tests. Adults can also receive evaluation on their ability, vocational interests, emotional stability and IQ.

COUNSELING

Children's Center provides counseling and guidance for parents of both enrolled and non-enrolled students and individual and group counseling can be arranged. Mothers' study groups meet bi-weekly with a qualified psychologist to discuss their children, problems, family outlook and various other related subjects.

SUMMER SESSIONS

Summers find full classroom instruction for enrolled students plus a power reading course for high-school-age students to aid them in preparing for college. The course includes comprehension, speed reading and the how-to's of research. Many public school students attend summer sessions at Children's Center.

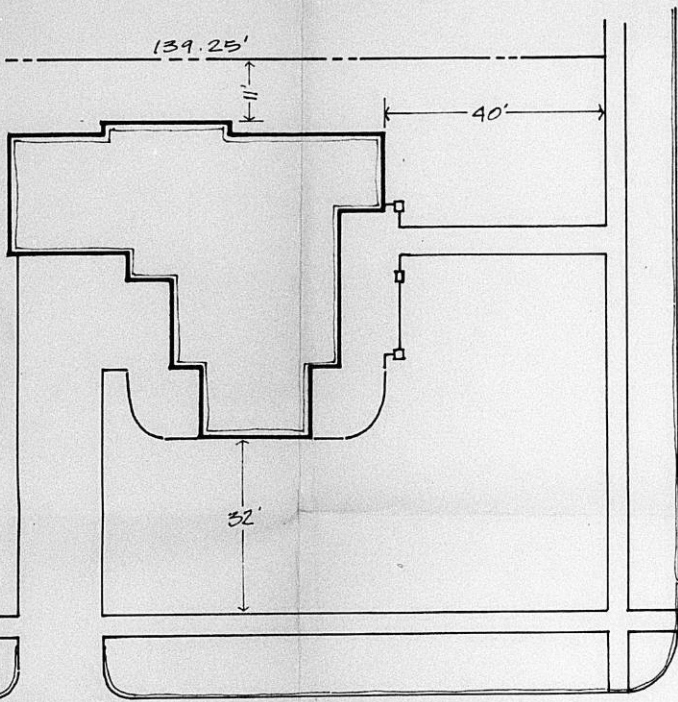


1ST STREET

SCALE 1"=20'



0002123



PERSHING AVE.

1ST STREET

SCALE 1"=20'

