

Posted
5-9-79
✓ M.A.P.C. - 200
6-15-79

ACTION

BZA
16-79

COMMITTEE

Approved

DATE

5-22-79

M.A.P.C.

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

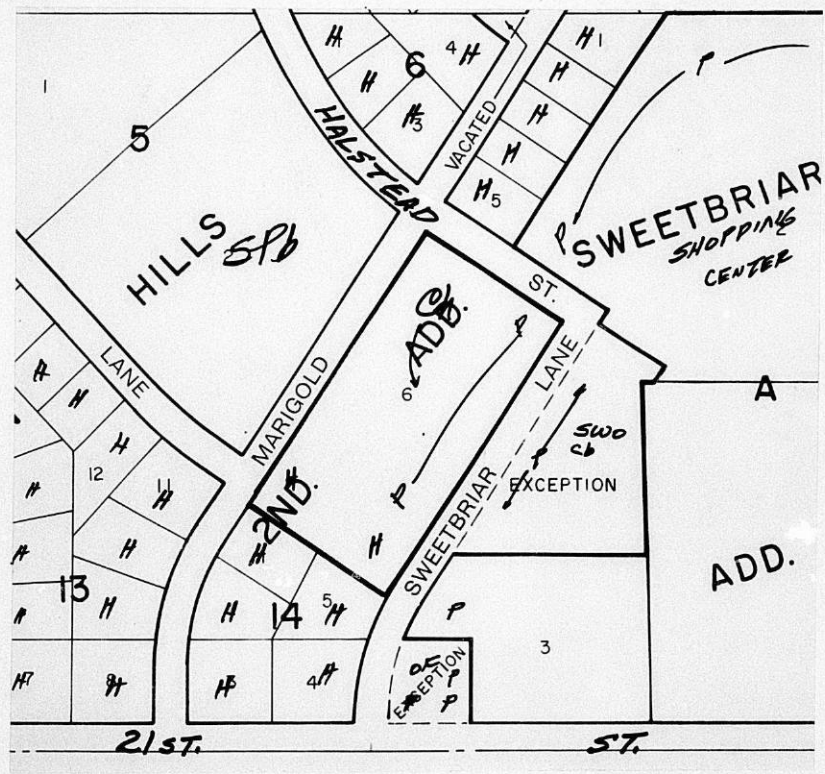
Case No. 16-79 Riverside Nursery
School requests exception to
establish a child care center
on property zoned "AA" Single
Fam. and generally located in
an area north of 13th St. bounded

No. 5350
 P. 6
 P. 27
 Page 1E

BZA- 16-79
 SCZ- _____
 CU- _____
 Filed _____

SA DATA:
 Acres: 4.0 (300 ft. by 580 ft.)
 Adjoining Zoning: E _____ S _____ W _____ N _____
 Land Use: East SWIMMING POOL (CLUB) South SINGLE FAM
 West ELEMENTARY SCHOOL North SINGLE FAM PARKING LOT
 Sketch Plan Land Use is for: _____
 Present Land Use if for: SINGLE FAM + CHURCH
 Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



RESOLUTION No. BZA 16-79

EXCEPTION

WHEREAS, Riverside Nursing School
2135 W. 13th Street
W.K.

requests 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 in the Presbyterian Church

on property zoned "AA" single-family
and legally described as follows:

Lot 6, Block 14 of Benjamin Hills
Second addition to Wichita,
Sedgewick County, Kansas

Generally located approximately one block north
of 21st Street on the west side of Marigold.

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 May 22, 1979, 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 "AA" single-family

subject to the conditions outlined in Section 28.04 185.2 of the 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

for the operation of a child care center

on property zoned "AA" single-family and legally described as follows:

Lot 6, Block 14, of Benjamin Hills
Second Addition to Wichita,
Sedgewick County, Kansas

Generally located one block north of 21st Street
on the west side of Margold.

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 May, 1977.

JRK
Chairman

ATTEST:

JHG
Secretary/
~~Assistant Secretary~~

May 25, 1979

Rodney E. Busey
Attorney
Century Plaza Building
Wichita, Kansas 67202

Re: Case No. EEA 16-79
Request for Exception

Dear Mr. Busey:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on May 22, 1979, in connection with your request for an exception to permit the operation of a child care center on property zoned the "AA" Single Family Dwelling District and generally located approximately one block north of 21st Street on the west side of Marigold (2258 Marigold).

This Resolution reflects the official action of the Board to approve this 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:bbc
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk
Leola Lindahl, Health Department
Laura Phillips, 3113 S. Mt. Carmel, 67217
Riverside Nursery School, 2135 W. 13th, 67203

RESOLUTION NO. BZA 16-79

WHEREAS, Riverside Nursery School, 2135 W. 13th Street, Wichita, Kansas, requests 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:

Lot 6, Block 14, Benjamin Hills 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located in an area north of 21st Street, bounded by north and Sweetbriar on the east (2258 Marigold).

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 May 22, 1979, considered 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 of the 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 for the operation of a child care center on property zoned the "AA" Single Family Dwelling District and legally described as follows:

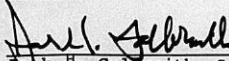
Lot 6, Block 14, Benjamin Hills 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located in an area north of 21st Street, bounded by Marigold on the west, Halstead on the north and Sweetbriar on the east (2258 Marigold).


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.

ADOPTED AT WICHITA, KANSAS, this 22nd day of May, 1979.

ATTEST:


Jack H. Galbraith, Secretary


Mary J. Kopietz, Chairman

SECRETARY'S REPORT
CASE NO. BZA 16-79

APPLICANT: Riverside Nursery School, 2135 W. 13th Street,
Wichita, Kansas

AGENT: Laura Phillips, 3113 S. Mt. Carmel, Wichita,
Kansas

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

GENERAL
LOCATION: Approximately one block north of 21st Street
on the west side of Marigold (2258 Marigold).

ZONING: Subject property is zoned the "AA" Single
Family Dwelling District as are properties
to the north and west. Property to the east
is zoned "B" Multiple Family Dwelling District
and "LC" Light Commercial District.

LAND USE: Subject property is developed as a church.
East is a recreation club and commercial
development. West is an elementary school.
North is single family and parking for Sweet-
briar Shopping Center. South is residential.

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 Riverside Nursery School is requesting an exception to
permit the operation of a child care center in the church facil-
ities of the Trinity Presbyterian Church.

The center would provide preschool child care with a maximum of
30 children with 3 teachers. This is a new location for a nursery
school that has been in existence for twenty years and is nonprofit.
It operates only a limited number of hours, 8:30 a.m. to 12:00 noon,
Monday through Friday, and observes the same calendar as the Public
Schools.

The Department of Community Health, the Department of Housing
and Economic Development, 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 for licensing.

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:

Case No. BZA 16-79

BZA AGENDA

5-22-79

Page 2

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.

BZA CASE NO. 16-79

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

15 NOTICES SENT TO ADJOINING PROPERTY OWNERS

28 TOTAL NOTICES SENT 5-7-79

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

CASE NO. BZA 16-79

NOTICE TO ADJOINING PROPERTY OWNERS:

May 7, 1979

An application has been filed by Riverside Nursery School, 2135 West 13th Street, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests 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 6, Block 14, Benjamin Hills 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located in an area north of 21st Street, bounded by Marigold on the west, Walstead on the north and Sweetbriar on the east (2258 Marigold).

This application has been assigned case No. BZA 16-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 22, 1979, 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. 16-79

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Riverside Nursery School ⁰³ ✓

Mailing Address 2135 West 13th Phone 942-9534

Name of Authorized Agent Laura Phillips ✓

Mailing Address 3113 S. Mt. Carmel Phone 943-5261

Relationship of applicant to property is that of tenant
(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 Riverside Nursery School on property zoned AA, located 2258 Marigold

and legally described as: Benjamin Hills

Second Addition, Lot 6 (six), Block 14 (fourteen)

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 Riverside Nursery School

Authorized Agent Laura Phillips
Pres. of the Board

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 1:50 (a.m. - ~~p.m.~~ April 30, 1979, together with appropriate fee of \$50.00

Signed Michael R. Meach
bounded by Marigold on the west, Halstead on the north, and Sweetbriar on the east in T9-403 area north of 13th Street. 2258 Marigold

MILLERS FALLS

The provision of the zoning ordinance under which the Board of Zoning Appeals is believed to have jurisdiction is 28.04.185, paragraph 2.

The building is a church, Trinity Presbyterian Church, that is presently zoned AA. We would like to use the facilities for a half day session (8:30 a.m. to 12 noon), five days per week (Monday through Friday) for a nursery school.

The nursery school is non-profit; its purpose is to be a benefit to the community. It provides a place for children ages three (3) and four (4) years of age to play and interact with a group of children their own age while they learn important social, physical, and academic skills in an enjoyable way. The facilities would be very good for a preschool as they are not otherwise used on the particular days and time involved. It is also the hope of the Church that this might bring more families into the Church. Young children are better off in a church and residential area than a commercial area, in terms of location of a nursery school.

The nursery school has been in existence at its present location for twenty (20) years and is highly respected. It is hoping to relocate for several reasons: 1) rent raise at the present location would necessitate a tuition raise that would cause undue financial hardship on the parents of the children enrolled, 2) the proposed facilities would give the school more room, 3) the proposed facilities are more centrally located in terms of the residential area served by the nursery school.

The school is in session from 9:15 a.m. to 11:45 a.m., Monday through Friday. It follows the public school calendar, thus observing the same holidays, school breaks, and in-service training days.

The three-year-old group of children meets two (2) days per week, Tuesday and Thursday. Maximum enrollment for this age group is twenty-four (24) children. There are three teachers. The four-year-old group of children meets three (3) days per week, Monday, Wednesday, and Friday. Maximum enrollment is 30 (thirty) children with three teachers.

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
 SEDGWICK COUNTY) SS

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:

LOT 6, BLOCK 14, BENJAMIN HILLS 2ND ADDITION

ALL OWNERS WITHIN 200 FEET.



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.)

<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNERS & ADDRESSES</u>
2	5	Benjamin Hills 2nd	Board of Education Unified School Dist. #259 428 S. Broadway Wichita, Kansas 67202
3	6	Benjamin Hills 2nd	Michael E. & Cecilia L. Miller 2303 Marigold Wichita, Kansas 67204
4	7	Benjamin Hills 2nd	Ednice M. & W. Maxine Maple 2308 Marigold Wichita, Kansas 67204
5	7	Benjamin Hills 2nd	Jack E. & Elizabeth J. Green 2302 Marigold Wichita, Kansas 67204

Fidelity Title
 COMPANY, INC.



<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>	<u>OWNERS & ADDRESSES</u>
10	13	Benjamin Hills 2nd	<i>Retired 5-11-79 no listing</i> Thomas Lynn & Lisa Gay Taylor 3925 N. Clarence Ave Wichita, Kansas 67204
11	13	Benjamin Hills 2nd	Warren E. & Sandra Lee Carpenter 2483 Hyacinth Wichita, Kansas 67204
1	14	Benjamin Hills 2nd	Ward H. & Esther M. Blackford 2238 Marigold Wichita, Kansas 67204
2	14	Benjamin Hills 2nd	Mark W. & Beverly D. Dick 2552 W. 21st Street Wichita, Kansas 67203
3	14	Benjamin Hills 2nd	Bernard J. & Ralpholene N. Stambaugh 2206 Marigold Wichita, Kansas 67204
4	14	Benjamin Hillis 2nd	Anna McClean 2359 McLean Blvd. N.W. Wichita, Kansas 67204
5	14	Benjamin Hills 2nd	Norman E. & Dorothy W. Allerheiligen 2225 Sweetbriar Wichita, Kansas 67204
6	14	Benjamin Hills 2nd	Presbytery of Wichita, Synod. of Kansas 2258, Marigold Wichita, Kansas 67204



TRACT

OWNERS & ADDRESSES

Part of Block 16, Benjamin Hills Second Addition, Sedgwick County, Kansas, and part of Lot 3, Block A, Sweetbriar Addition and Replat of Part of Benjamin Hills Second Addition to Wichita, Sedgwick County, Kansas, Described as follows:

Reiss & Godness Inc.
2160 West 21st Street
Wichita, Kansas 67203

Beginning at the Southwest Corner of said Block 16, thence East along the South line of said Block 16, 150 ft.; thence North at right angles 184 ft.; thence West parallel with the South line of said Block 16 to the West line of said lot 3; Thence Southwesterly along the West line of said lot 3, and said Block 16, to Beginning.





TRACT

That part of Lot 3, Block A, in Sweetbriar Addition and Replat of Part of Benjamin Hills Second Addition to Wichita, Sedgwick County, Kansas, described as follows:

Beginning at the Northwest corner of said lot 3, Block A, thence East along the North line of said Lot 3, Block A, 346.76 feet to the Northeast corner of said Lot 3, Block A, thence South along the East line of said Lot 3, Block A 300 feet to the Southeast corner of Lot 3, Block A, thence West along the South line of Lot 3, Block A 325.2 feet to the Southwest corner of said lot, thence North to a point which is 116 feet South of the North line of Lot 3, Block A, thence West to the East line of Sweetbriar Lane thence Northeasterly along the East line of Sweetbriar Lane to the place of beginning.



OWNERS & ADDRESSES

✓ Don S. Peters & Walter J. Jones
285 S. Dellrose
Wichita, Kansas 67218

All of Lots 1 & 2, Sweetbriar Addition

D E. A. McLean
2359 McLean Blvd. N.W.
Wichita, Kansas 67204

(Fee Owner)

✓ Bonanza Inc.
3900 W. Kellogg Drive
Wichita, Kansas 67213

(Lessor under 99 year Lease)

Dated at Wichita, Kansas this 26th day of April, 1979;
at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *C. E. Rud Rieder*
Vice President

Tracer No. 46315

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

CASE NO. BZA 16-79

NOTICE TO ADJOINING PROPERTY OWNERS:

May 7, 1979

An application has been filed by Riverside Nursery School, 2135 West 13th Street, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests 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 6, Block 14, Benjamin Hills 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located in an area north of 21st Street, bounded by Marigold on the west, Halstead on the north and Sweetbriar on the east (2258 Marigold).

This application has been assigned case No. BZA 16-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, May 22, 1979, 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.

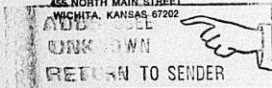
It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 263-4516.

Jack H. Galbraith
Secretary

WICHITA - SEDGWICK COUNTY



BOARD OF ZONING APPEALS
CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202



Ben

Thomas L. and Lisa G. Taylor
3925 N. Clarence
Wichita, Kansas 67204

No listing



**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FOF 9-021 PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code Bks	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Fav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Rev. (P.W.)	Cement	M.S.P.
	Planning		\$50.00

DESCRIPTION	AMOUNT
BZA amount of L. Taylor P. Fund	
NAME	
ADDRESS	
FUND	DUE DATE
COMMENTS	
DATE	BY

*

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