

ACTION

87281
10-27-81

COMMITTEE APPROVED DATE 10-27-81

M.A.P.C. _____

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

POSTED
10-27-81

5647A

2004 Sec. 11-4-81
checked 11-5-81
Shor 11-9-81
Recorded 11-19-81

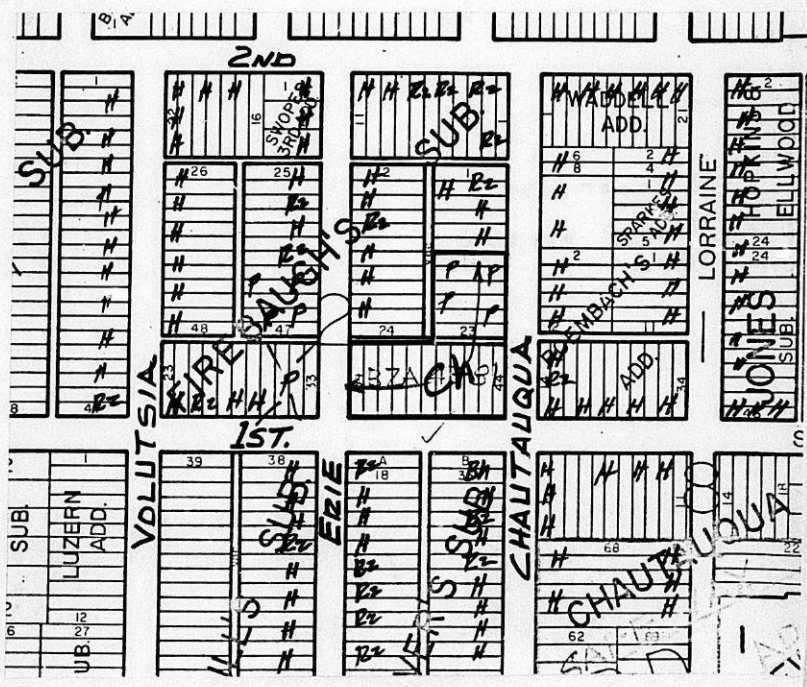
Case No. BZA 43-81 - College Hill United Methodist Church - requests an exception to permit the establishment of a pre-school (child day care center) on property zoned "A" Two-family Dwelling District and generally located between Erie & Chautauqua on the north

Map No. 5647A
 Sec. 22
 Twp. 27
 Range 1E

BZA- 43-81
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:
 1. Acres: 1.3 (275 ft. by 290 ft.) (IRREGULAR)
 2. Adjoining Zoning: E _____ S _____ W _____ N _____
 3. Land Use: East SINGLE FAM & TWO FAM South TWO FAM BOARDING
 West PARKING LOT & SINGLE FAM North SINGLE FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: CHURCH
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



al 'A'
 72-81

S
 No. 2-153C
 HASTINGS, MN
 LOS ANGELES, CHICAGO, LOGAN, OH
 McREGOR, TX, LOCUST GROVE, GA
 U.S.A.

October 30, 1981

John H. Gibson, Attorney
1030 First National Bank Bldg.
Wichita, Kansas 67202

Re: Case No. MA 43-81
Request for Exception

Dear Mr. Gibson:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on October 27, 1981.

This Resolution reflects the official action of the Board to approve your 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:sad
Enclosure

cc: College Hill United Methodist Church, 2930 E. First, Wichita 67214
Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 43-81

WHEREAS, College Hill United Methodist Church, 2930 East First, 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 Day Care Center on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 13-23, odd, Chautauqua Avenue, and Lots 34-44, odd and even, First Street, all in Firebaugh's Sub-division of Block 2, Chautauqua Addition, Sedgwick County, Kansas. Generally located between Erie and Chautauqua on the north side of First Street (2930 East First 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 October 27, 1981, 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 Day Care Center on property zoned the "A" Two-family Dwelling District subject to the conditions outlined in Section 28.04.185.2, Code of the City of Wichita.

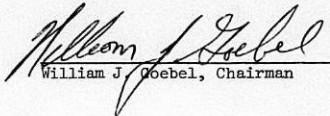
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a Child Day Care Center on property zoned the "A" Two-family Dwelling District and legally described as follows:

Lots 13-23, odd, Chautauqua Avenue, and Lots 34-44, odd and even, First Street, all in Firebaugh's Sub-division of Block 2, Chautauqua Addition, Sedgwick County, Kansas. Generally located between Erie and Chautauqua on the north side of First Street (2930 East First Street).

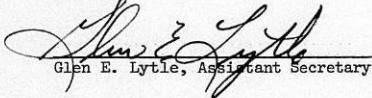
subject to the following conditions:

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

ADOPTED AT WICHITA, KANSAS, this 27th day of October 1981.


William J. Goebel, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION DATE October 23, 1981

TO Jack Galbraith, Chief Planner, Current Plans

FROM Clemencia L. Prieto, Administrative Aide III

SUBJECT BZA 43-81: North side of First
 Street between Erie and Chautauqua.

CPO Council "K" considered the captioned case at its October 20th meeting and voted 6-0 to recommend approval of the exception request to permit the establishment of a pre-school on property zoned "A", Two Family Dwelling District.

No one was present to speak in support or opposition to the application.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered.

Clemencia L. Prieto
Clemencia L. Prieto
Administrative Aide III

CLP:dm

Noted:

Sarah Gilbert

Sarah Gilbert
CP Coordinator

RECEIVED

OCT 26 1981

METROPOLITAN PLANNING
ROUTE 45

SECRETARY'S REPORT
CASE NO. BZA 43-81

APPLICANT: College Hill United Methodist Church, 2930 East First, Wichita, Kansas 67214

AGENT: John H. Gibson, 1030 First National Bank Bldg., Wichita, Kansas 67202

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 a residential zoning district.

GENERAL LOCATION: On the north side of First Street between Erie and Chautauqua (2930 East First Street).

ZONING: Subject property is zoned "A" Two-family Dwelling District, as are all adjacent properties.

LAND USE: Subject property is occupied by a church. Properties to the north, east and south are developed residential. Property to the west is the church parking lot.

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 Day Care Center in the "AA" One-family Dwelling District which is to be located in the existing church. The church has an adequate parking and loading area to comply with the regulations to accommodate a child care facility. There is also adequate area on the north of the property for the required play area that will be fenced.

The Health Department has approved the facility subject to compliance with the requirements of the Fire, Health and Central Inspection. The facility is presently in operation pending this approval for a permanent occupancy permit.

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

BZA CASE NO. 43-81

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

39 NOTICES SENT TO ADJOINING PROPERTY OWNERS

52 TOTAL NOTICES SENT 10-7-81

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 43-81
FILED 9-4-81

APPLICATION FOR EXCEPTION

- I. Name of Applicant College Hill United Methodist Church
Mailing Address 2930 East First Wichita, Ks Phone 683-4643
Name of Authorized Agent John H. Gibson, agent & attorney
Mailing Address 1030 First Nat. Bank Bldg. Phone 264-7321
Relationship of applicant to property is that of owner
(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 pre-school (child day care center)

on property zoned "A"
located between Erie and Chautauqua ^{the north side of} on First Street (2930
East First Street, Wichita, Kansas)
and legally described as:
Lots 13-23, odd, Chautauqua Avenue, and Lots 34-44, odd and even,
First Street, all in Firebaugh's Sub Division of Block 2,
Chautauqua addition, 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. 36-596); 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 College Hill United Methodist Church

Authorized Agent John H. Gibson
John H. Gibson, Attorney &
Agent

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:40 (a.m.-p.m.); Sept. 4, 1981 together with appropriate fee of _____.

Signed G. Lynn Shirley

JOB SITE INSPECTION REC

POST THIS CARD A OR NEAR FRONT OF JOB SITE

2930 EAST 1ST ST
SI-910

STREET ADDRESS _____

NATURE OF WORK _____ BUILDING PERMIT NO. _____ ZONE DIST. _____ TYPE _____

OWNER _____ FIRE ZONE _____ OCCUPANCY _____

CONTRACTOR _____

INSPECTOR MUST SIGN APPROPRIATE SPACE

	INSPECTION	DATE	INSPECTOR		INSPECTION	DATE	INSPECTOR
Foundation				Wall Covering			
Subsoil				Lath & Plaster			
Footings				Wallboard			
Foundation Walls				Insulation			

DO NOT POUR CONCRETE UNTIL ABOVE IS SIGNED

Concrete Floor Slabs				Miscellaneous			
Electrical (groundwork)				Sewer			
Plumbing (groundwork)				Refrigeration			
Reinforcing				Electrical Underground			
Perimeter Heating							

DO NOT POUR CONCRETE UNTIL ABOVE IS SIGNED

Rough Electrical				Final Building	8-25-81	JR	
Rough Plumbing				Electrical			
Gas Piping				Plumbing			
Heating & Ventilating				Htg., Vent. & A/C			

ABOVE MUST BE SIGNED BEFORE FRAME INSPECTION

Roofing				Site Work			
Framing	8-25-81		JR	Parking Lot			
				Screening			
				Sidewalks			
				Grading			

ABOVE MUST BE SIGNED BEFORE WALLS ARE COVERED

CERTIFICATION: The above job has been inspected as noted and is hereby entitled to be issued a CERTIFICATE of OCCUPANCY as noted.

CERTIFICATE OF OCCUPANCY * Temporary Partial Full

Conditions: 1. 4 days temp & shoring on G-FIRS

8-25-81
Jack Hubby

MICROFILMED FROM THE BEST AVAILABLE COPY

STREET ADDRESS

Certificate of Occupancy

City of Wichita, Kansas

Central Inspection Division

This Certificate issued pursuant to the requirements of Section 306 of the Uniform Building Code certifying that at the time of issuance this structure received all required inspections and to the best of our knowledge and belief was in compliance with the various ordinances of the City regulating building construction or use. This Certificate in no way warrants or guarantees workmanship in the structure and the City will not be liable for any noncompliance with the code.

Robert Feldner
Superintendent of Central Inspection

By

Jack Kirby

Date

12-25-77

POST IN A CONSPICUOUS PLACE

OWNERSHIP LIST

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 34 and 35	First	Firebaugh's Subdivision of Block 2, Chautauqua Addition	College Hill Methodist Episcopal Church 2930 E. 1st St. 67214
Lots 36 and 37	"	"	Same as above
Lots 38 and 39	"	"	Same as above
Lots 40 and 41	"	"	Same as above
The North 42 feet of Lots 42, 43, and 44	"	"	Same as above
Lots 42, 43, 44, except the North 42 feet	"	"	Same as above
Lot 27 and the West 14 feet of Lot 28	"	"	Gary Lee Inghram ✓ Sherry A. Inghram 2812 E. 1st 67214
The East 11 feet of Lot 28, and all of Lot 29	"	"	Eugene P. Michael ✓ Leora H. Michael 2816 E. 1st St.
Lots 30, 31, 32, and 33	"	"	Trustees of College Hill Methodist Episcopal Church 2930 E. 1st Street 67214
Lots 29 and 31	Erie	"	✓ Chlorus E. Lingafelter Eva N. Lingafelter 237 N. Erie 67214
Lots 33 and 35	"	"	LeRoy Spitzer ✓ Mary M. Spitzer 229 N. Erie 67214

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 37 and 39	Erie	Firebaugh's Subdivision of Block 2, Chautauqua Addition	Michael E. Alexander ✓ Loretta J. Alexander 225 N. Erie 67214
Lots 41 and 43	"	"	D Trustees of College Hill Methodist Episcopal Church 2930 E. 1st St. 67214
Lots 45 and 47	"	"	Same as Above
Lot 2 Lot 4	"	"	✓ Oliver W. Holmes Martha Mae Holmes 240 N. Erie 67214
Lot 6 Lot 8	"	"	✓ Donald G. Horn and Mary J. Horn 236 N. Erie 67214
Lot 10 Lot 12	"	"	✓ Janelle Properties % Ron Smith 1013 Burrus St. 67207
Lot 14 Lot 16	"	"	✓ Jerry L. Philbrick 1725 N. Fairmount Apt. # 8 67208
Lot 18 Lot 20	"	"	D College Hill Methodist Church 2930 E. 1st St. 67214
Lot 22 Lot 24	"	"	Same as Above
Lots 1, 2,3, and 4, except the North 62 feet	Second	"	✓ Larry G. Way Rebecca S. Way 245 N. Chautauqua 67214
Lots 6 and Lot 7, and that part of Lot 5 described as beginning at the NW corner of Lt 5 (description continued on following page)	"	"	✓ Hal D. Schwarz 2917 E. 2nd St. 67214

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
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(continued from previous page)

thence East 17 feet, thence South parallel to the East line 83 feet, thence Southwesterly 20½ feet to a point 32 feet North and 3 feet East of the Southwest corner of said Lot 5, thence South 32 feet, West 3 feet to the Southwest corner of said Lot, thence North 130 feet to the point of beginning, also 20 feet of vacated Street adjacent on the North.

Part of Lot 5, described as beginning at the Northeast corner of Lot 5, thence West 8 feet, thence South parallel with the East line of Lot 5, 83 feet, thence Southwesterly 20.6 feet, thence South 32 feet to a point in the South line of Lot 5 and 22 feet West of the Southeast corner of Lot 5, thence East 22 feet to the Southeast corner of Lot 5, thence North to beginning, also that part of vacated 20 feet of Second Street adjacent on the North.	Firebaugh's Subdivision of Block 2, Chautauqua Addition	Ronald D. Ryan Raunda L. Ryan 820 Shady Way	67203
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Lot 8 Lot 9	Second Street	"	Glenn F. Jones Hazel P. Jones 2907 E. 2nd Street 67214
Lot 10 and 20 feet adjacent on North of 2nd Street	"	"	Amelia B. Dodge <u>Address Unknown</u>
Lot 1 Lot 3	Chautauqua	"	Travis G. Sharp (aka Travis Sharp) and Ann L. Sharp 8210 S. Washington 67233

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 5 Lot 7	Chautauqua	Firebaugh's Subdivision of Block 2, Chautauqua Addition	C. K. Smith and Molly E. Smith 402 N. Erie 67214
Lot 9 Lot 11	"	"	Marilyn L. Hansen Sherrill A. Davidson 229 N. Chautauqua 67214
Lot 13 Lot 15	"	"	College Hill Methodist Church 2930 East 1st Street 67214
Lots 17, 19 and the North 10 feet of Lot 21	"	"	Same as above
South 15 feet of Lot 21 and Lot 23	"	"	Same as above
Lot 1 Lot 3	Second Street	Waddell's Subdivision of Lot 2, Block One Chautauqua Addition	Paul B. O'Connell M. Irene O'Connell <u>Address Unknown</u>
Lot 6 Lot 8	Chautauqua	"	Brooks Bline 246 N. Chautauqua 67214
Part of Lot 2, described as beginning 75 feet North of the SW corner, thence North 50 feet, thence East 135 feet, thence South 50 feet, thence West 135 feet to point of beginning	Block 1	Chautauqua Addition	John Leonard Jochems Kathleen M. Jochems 240 N Chautauqua 67214

<u>Lot</u>	<u>Block</u>	<u>Addition</u>	<u>Property Owner</u>
The South 75 feet of the West 135 feet of Lot 2	1	Chautauqua Addition	✓ Fred Alva George, Jr. Melva S. George 234 N. Chautauqua 67214
The North 50 feet of Lots, 1, 2, 3, 4, 5, 6	First Street	Chautauqua Place Addition	✓ Clarence D. Barth Zelma Barth 156 N. Chautauqua 67214
The South 50 feet of the North 100 feet of Lots 1, 2, 3, 4, 5, 6	"	"	✓ Yuk Lam Tsui Chung Lau Tsui Sing Wah Tsui 152 N. Chautauqua 67214
The South 50 feet of Lots 1, 2, 3, 4, 5, 6	"	"	✓ William O. Long (dec.) Hazel H. Long 150 N. Chautauqua 67214
Lot 2 Lot 4	Chautauqua Street	Roembachs Subdivision of Lot 7, in Block 1, Chautauqua Addition	✓ Bernie Joseph Gabrick Sharon K. Gabrick 228 N. Chautauqua 67214
Lot 6 Lot 8	"	"	✓ Duane K. Klaassen 516 N. Westfield 67212
Lot 10 Lot 12	"	"	✓ Charles J. Fairleigh Jean A. Fairleigh 216 N. Chautauqua 67214
Beginning at a point 45 feet South of the NW corner of Lot 14, thence South 45 feet, East 95 feet, North 45 feet, West 95 feet to point of beginning, being a part of lots 14, 16, 18 and 20	First Street	"	✓ Roberta K. Durkin 204 N. Chautauqua 67214 Rosemary Struve <u>Address Unknown</u> ✓ <u>Frances D. Morgan</u> 255 N. Young <u>Address Unknown</u> Elaine B. Dixon <u>Address Unknown</u>

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
The North 45 feet of Lots 14, 16, 18, 20	First	Roembachs Subdivision of Lot 7, in Block 1, Chautauqua Addition	Ona M. Drake ✓ 208 N. Chautauqua 67214
The South 44.75 feet of Lots 14, 16, 18, and 20	First	"	Robert W. Byers ✓ F. Alene Byers 200 N. Chautauqua 67214
Lot 22 Lot 24	First	"	Victor J. Leis ✓ Rosaline Leis RFD #1, Rose Hill 67133
Lot 32 Lot 33	Chautauqua	Olivers Subdivision of Lots 3 and 6, Block 7, Chautauqua Addition	Terry A. Trimble ✓ Jimmie L. Trimble 149 N. Chautauqua 67214
Lot 34 Lot 35	"	"	Theodore J. Jeffries (dec.) ✓ Thelma Fay Jeffries 153 N. Chautauqua 67214
Lot 36 Lot B	"	"	Mary J. Riffle ✓ 248 S. Hydraulic 67211 John H. Moore (dec.)
Lot 14 Lot 15	Erie	"	Lena F. Crain ✓ 134 N. Erie 67214
Lot 16 Lot 17	"	"	Quang T. Le Fran ✓ Thi Le Tuy Fran 150 N. Erie 67214
Lot 18 Lot A	"	"	Larry D. Smith ✓ 152 N. Erie 67214

<u>Lot</u>	<u>Street</u>	<u>Addition</u>	<u>Property Owner</u>
Lot 26 Lot 28	Erie	Merrill's Subdivision of Lots 4 and 5, Block 7, Chautauqua Addition	Gary K. Stewart Marie A. Stewart 145 N. Erie 67214
Lots 30 and Lot 32	"	"	Kenneth R. Freed Donna R. Freed P. O. Box 354 Robinson, Illinois
Lot 34 Lot 36 Lot 38	"	"	Bill M. Whitehead Georgia M. Whitehead (dec.) 153 N. Erie 67214

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots within a 200 foot radius of:

Lots 13, 15, 17, 19, 21 and 23, on Chautauqua Avenue, and Lots 34 through 44, odd and even inclusive, on First Street, all in Firebaugh's Sub Division of Block 2, Chautauqua Addition to the City of Wichita, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas on the 28th day of August, 1981 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By *Mary Hable*
Vice-President

Order No: 302414
AP

5
*

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

Roll # 2