

~~100-161-77~~  
200' C1-3-12-80  
200' MAPD 3-12-80  
200' 4 Sec 3-12-80  
Record

Case No. BZA 71-79 - Donald Hollar - requests an exception to permit the establishment of a child day care center on property zoned "A" located on the north-west corner of St. Clair and

**ACTION**

BZA  
71-79

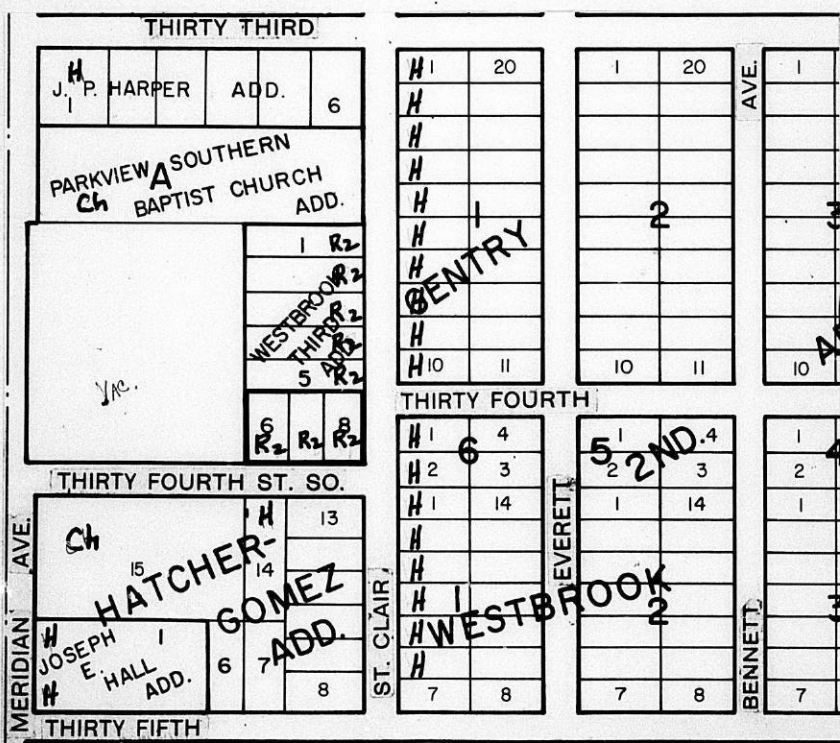
COMMITTEE Appc. 5-0 DATE 1/22/80  
M.A.P.C. \_\_\_\_\_  
B.C.C./B. CO. C. \_\_\_\_\_

Map No. 5343  
 Sec. \_\_\_\_\_  
 Twp. \_\_\_\_\_  
 Range \_\_\_\_\_

BZA- 71-79  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

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

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



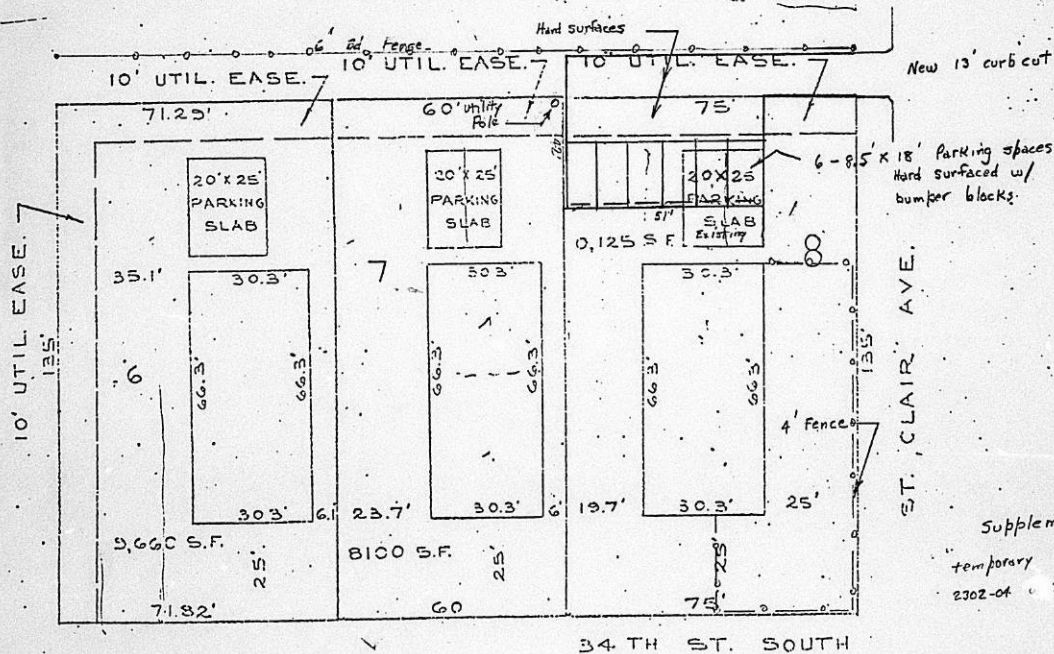
On said lot is a duplex which is a duplex which is a duplex which is in the state of ...  
 There are no encroachments on said lot by buildings on adjacent lots. no encroachments on

The accompanying plat is a true and correct exhibit of said ...  
 plat is a true and correct exhibit of said ...  
 y for mortgagee title insurancing plat is a true a title insurance only.  
 see title insurance o

71-79

# 603  
 # 604

*K. C. Taylor*  
 K. C. TAYLOR, Consulting Engineer



Supplemental Plan for  
 temporary operation of  
 2302-04 34th

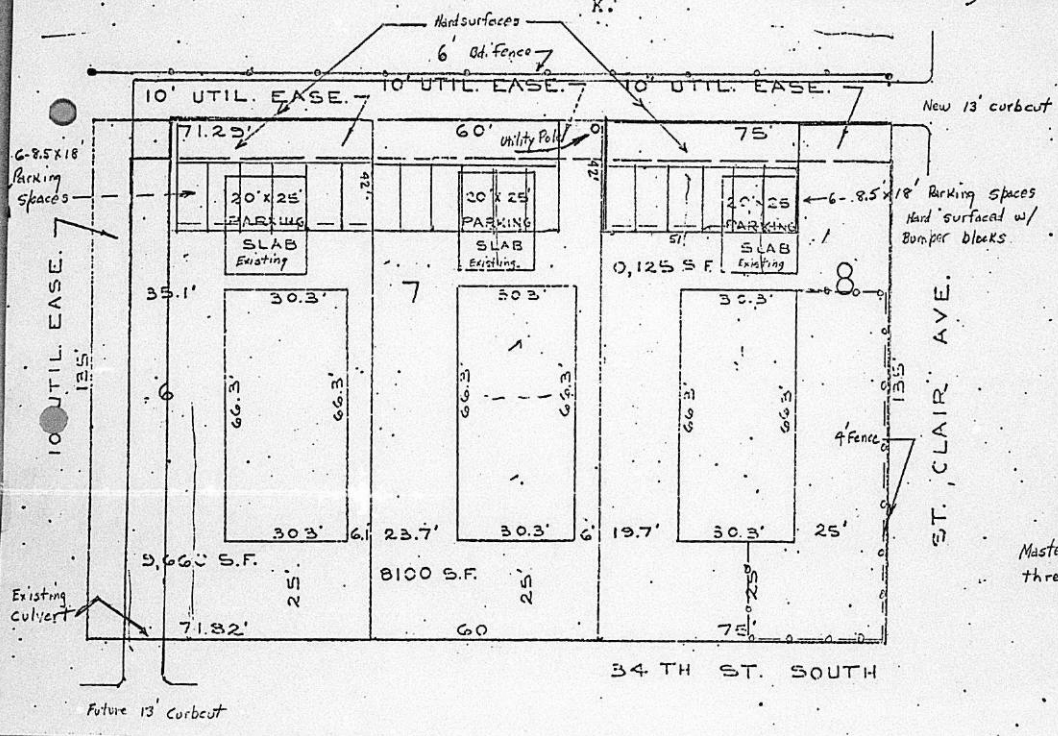
On said lot is a duplex which is encroachments on said lot by buildings on adjacent lots.  
 There are no encroachments on said lot by buildings on adjacent lots.  
 no encroachments on

The accompanying plat is a true and correct exhibit of said plat is a true and correct exhibit of said  
 map for mortgagee title insuring plat is a true and correct exhibit of said  
 see title insurance of

7/17/79

see # 603  
 # 604

*K. C. Taylor*  
 K. C. TAYLOR, Consulting Engineer



Master Plan for all three duplexes

THE CITY OF WICHITA

OFFICE OF CENTRAL INSPECTION DIVISION

DATE February 1, 1980

**RECEIVED**

FEB 1 1980

METROPOLITAN PLANNING

ROUTE  File  
 \_\_\_\_\_

TO Glen E. Lytle, Special Assistant for Zoning

FROM Sam L. Mobley, Building Code Administrator

SUBJECT 2302-04 West 34th Street South  
BZA 71-79

On January 25, 1980, Mr. Don D. Hollar deposited a cash bond in the amount of \$2,188 with the City to guarantee the installation of the required off street hard surfaced parking at subject location.

*Sam L. Mobley*

Sam L. Mobley  
Building Code Administrator

SLM:mm1

January 30, 1980

Donald D. Hollar  
514 Union Center Building  
Wichita, Kansas

Re: Case No. BZA 71-79  
Request for Exception

Dear Mr. Hollar:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 22, 1980, in connection with your request for an exception to permit the establishment of a child day care center on property zoned the "A" Two-family Dwelling District and generally located on the northwest corner of St. Clair and 34th Street South.

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:sad  
Enclosure

cc: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Don Gisick, City Clerk  
Sam Mobley, Central Inspection  
Leola Lindahl, Health Department

RESOLUTION NO. BZA 71-79

WHEREAS, Donald D. Hollar, 514 Union Center Building, 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 6, 7 and 8, Westbrook Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of St. Clair and 34th Street South.

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 January 22, 1980, 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 6, 7 and 8, Westbrook Third Addition to Wichita, Sedgwick County, Kansas. Generally located on the northwest corner of St. Clair and 34th Street South

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 applicant shall sign the petition for the paving of 34th Street South.
7. All driveways, off-street parking and loading spaces shall be surfaced in accordance with the requirements of the zoning ordinance.

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1980.

  
Earl Henderson, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

January 24, 1980

Mr. Donald D. Hollar  
514 Union Center Building  
Wichita, Kansas 67202

Re: Case No. BZA 71-79  
Request for Exception

Dear Mr. Hollar:

At the regular meeting of the Board of Zoning Appeals on January 22, 1980, your request for an exception to permit the establishment of a child day care center on property zoned "A" Two-family dwelling district and generally located at the northwest corner of St. Clair and 34th Street South was considered.

It was the action of the Board to approve 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.
6. The applicant shall sign the petition for the paving of 34th Street South.

7. All driveways, off-street parking and loading spaces shall be surfaced in accordance with the requirements of the zoning ordinance.

A Resolution setting forth the official action of the Board is being prepared.

As you will note, condition number 7 sets forth that "all driveways, off-street parking and loading spaces shall be surfaced in accordance with the requirements of the zoning ordinance". As you will recall early last December, I stressed this condition to you prior to you filing your application. Since that date, the weather has been unseasonably warm which should not have prevented you from making said improvements.

As I pointed out to you earlier, the zoning ordinance does have a provision that will allow you to apply for a temporary occupancy permit when circumstances not under the control of the owner occurs. In accordance with Section 28.04.220D, such request for a temporary occupancy permit shall be accompanied by a performance guarantee and a schedule for completion of all required improvements to the site. It also requires a written grant of the right of entry on the premises by the City of Wichita or its designee for the purpose of completing the improvements shall be executed by the owner at the time of and in conjunction with the filing of the performance guarantee.

Upon notification of compliance with this provision of the zoning ordinance by Central Inspection, we will release the Resolution approving the establishment of a child day care center on the property.

If you have any questions, please give me a call at 268-4394.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:sad

CC: Robert Feldner, Superintendent of Central Inspection  
Joe Donnelly, Housing and Zoning Administrator  
Sam Mobley, Central Inspection  
Don Gisick, City Clerk  
Leola Lindahl, Health Department

**THE CITY OF WICHITA**  
**OFFICE OF CITIZEN PARTICIPATION**

**DATE** January 22, 1980

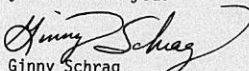
**TO** Jack Galbraith, Chief Planner

**FROM** Ginny Schrag, CPO Administrative Aide

**SUBJECT** BZA 71-79

At their January 21 meeting, CPO Area "C" Council considered the captioned case. The Council voted 5-0 to recommend approval of the request for an exception to permit the establishment of a child day care center on property zoned "A", Two-family. There are currently nine members on the Area "C" Council.

Please inform the members of the Board of Zoning Appeals of the Councils' action when the BZA considers the case on January 22. Thank you.

  
Ginny Schrag  
CPO Administrative Aide

GS:rs

NOTED:

  
Sarah Gilbert  
Assistant CP Coordinator

SECRETARY'S REPORT  
CASE NO. BZA 71-79

APPLICANT: Donald D. Hollar, 514 Union Center Bldg.,  
Wichita, Kansas.

AGENT: same

REQUEST: Exception pursuant to Section 2.12.590.C, Code  
of the City of Wichita to permit the establish-  
ment of a child day care center on property  
zoned the "A" Two-family dwelling district.

GENERAL LOCATION: On the northwest corner of St. Clair and 34th  
Street South.

ZONING: "A" Two-family dwelling district.

LAND USE: Property to the west is vacant. To the north are  
two-family dwellings. To the east and south are  
single-family and vacant lots.

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 23.04.135(2) can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception to permit the establish-  
ment of a child day care center in existing two-family dwellings  
located on the north side of 34th Street South and immediately west  
of St. Clair Street.

The applicant is planning to develop this child day care center  
in stages, and the first phase will be to convert only one duplex.  
He has submitted one application for the conversion of all three  
duplexes on the property so that it will not be necessary to file  
additional applications to expand the center at a later date.

The applicant has indicated that there is sufficient space on  
the property to comply with the off-street parking and loading,  
and also to provide the necessary play area. The applicant has  
contacted the various regulating agencies and has indicated his  
willingness to comply with all state and local regulations.

It should be pointed out that 34th Street is unimproved and  
there is an opportunity to obtain a valid petition for paving as  
the property to the west is being platted. Because of the increase  
in traffic expected, the street should be paved.

PAGE 2  
BEA 71-79  
BEA AGENDA  
1-22-30

The Secretary believes this to be a desirable location for the establishment of a child day care center.

RECOMMENDATION:

If the Board determines that the proposed use is appropriate for the area, the exception should 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 applicant shall sign the petition for the paving of 34th Street South.
7. All driveways, off-street parking and loading spaces shall be surfaced in accordance with the requirements of the zoning ordinance.

BZA CASE NO. 71-79

1 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

16 NOTICES SENT TO ADJOINING PROPERTY OWNERS

28 TOTAL NOTICES SENT 1-2-80

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

January 2, 1980

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 71-79

An application has been filed by Donald D. Hollar, 514 Union Center Bldg., 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 day care center on property zoned "A" Two-family Dwelling District, and legally described as follows:

Lots 6, 7 and 8, Westbrook Third Addition  
to Wichita, Sedgwick County, Kansas.  
Generally located on the northwest  
corner of St. Clair and 34th Street South.

This application has been assigned case No. BZA 71-79, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, January 22, 1980, 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. If you have any questions about this application, please call 268-4421 and ask for Lynn Shirkey or Glen Lytle.

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

**DONALD D. HOLLAR**

SUITE 514 - UNION CENTER  
WICHITA, KANSAS 67202

PHONE (316) 265-5659

PETROLEUM GEOLOGIST

INVESTMENTS

December 12, 1979

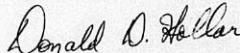
Board of Zoning Appeals  
Wichita, Kansas 67202

Re: Application for Exception  
Instructions to Applicants  
Board of Zoning Appeals

Gentlemen:

Please refer to the first paragraph under number three (#3) of the captioned. This statement in writing is made 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 located on the Northwest corner of St. Clair and 34th Street, South on Property Zoned "A". A detailed plot plan is attached hereto to satisfy the second paragraph under said number three (#3).

Very truly yours,



Donald D. Hollar

dd/hyl



2000 Plate

BOARD OF ZONING APPEALS

CASE NO. 71-79

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Donald D. HOLLAR

Mailing Address 514 Union Center Bldg <sup>67202</sup> Phone 265-5659

Name of Authorized Agent \_\_\_\_\_

Mailing Address \_\_\_\_\_ Phone \_\_\_\_\_

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 child day care center

\_\_\_\_\_ on property zoned

"A", located on the northwest corner of  
St. Clair and 34<sup>th</sup> St. So. and legally described as: Lots 6, 7 and 8  
Westbrook Traced 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. 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 Donald D. Hollar

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in the office of the Secretary, Board of Zoning Appeals, 9:30 (a.m. - ~~pm~~), DEC 14, 1979, together with appropriate fee of \$50.00

Signed J. Lytle

O W N E R S H I P   L I S T

Lot	Addition	Property Owner
lots 2 thru 8 inclusive	Westbrook 3rd Addition	<i>Dup.</i> Donald D. Hollar 514 Union Center Bldg. 67202
lot 8, Block 1	Gentry 2nd Addition	✓ Administrator of Vet. Affairs 5500 East Kellogg 67218
lot 9, Block 1	Same	Same
lot 10, Block 1	Same	✓ Louis Dale Anderson and Lonna L. Anderson 2220 West 34th St. South 67217
lot 1, Block 6	Same	✓ Billy Gene Coleman & Frances 2219 West 34th St. South 67217
lot 2, Block 6	Same	✓ Charlie H. Weaver & Wilda B. 3508 South St. Clair 67217
lot 3, Block 6	Same	✓ Lawrence Anthony Olick and Janice L. Olick 512 Turquoise Lane 67209
lot 4, Block 6	Same	✓ Haskell N. Harris & Velda R. 3503 South Everett 67217
lot 1, Block 1	Westbrook 2nd Addition	✓ George J. Settle 3717 Countryside Plaza 67218
lot 2, Block 1	Same	✓ Daniel Ray Cheney & Dolores M. 3522 South St. Clair 67217
lot 3, Block 1	Same	✓ Dewey J. Hughes & Marjorie A. 3526 South St. Clair 67217
lot 11	Hatcher-Gomez Addition	<i>address unknown</i> ✓ Marshall V. Wright & Linda M. 3711 Ross Parkway, Apt. 12 67210
lot 12	Same	✓ Dietrick Helmke & Elenor Helmke 2613 Bullinger Drive 67204
lot 14 and east 7½ ft lot 15	Same	✓ Robert G. Frazier & Ruby A. 2201 Euclid 67213
lot 15 except east 7½ ft	Same	✓ Reorganized Church of Jesus Christ of Latter Day Saints 1650 South Water 67213
lot 13	Same	✓ Charles Jesse Phillips & Donna L. 5103 East Murdock 67208

Tract

A tract beginning 545.1 feet north and 30 feet East of the SW corner of the NW $\frac{1}{4}$  of Section 7-28-1E, thence East 400 feet; thence North 435.6 feet; thence west 400 feet; thence South 435.6 feet to place of beginning

The South 150 feet of the following: Beg. 545.1 feet north and 30 feet east of the SW corner of the NW $\frac{1}{4}$  of Section 7-28-1E, thence north 150 feet; thence east 400 feet; thence south 150 feet; thence west 400 feet to pob.

Property Owner

✓ Parkview Baptist Church  
3430 South Meridian  
67217

✓ Sedgwick Association of  
Southern Baptists  
1147 North Emporia 67214

We hereby certify the foregoing to be a true and correct list of the property owners of:

A 200 foot radius of: Lots 6, 7 and 8  
Westbrook Third Addition, Sedgwick  
County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 5th day of December, 1979 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE COMPANY, INC.

By

*Mary Sable*

Vice President

Order No. 283821  
wh

On said lot is a duplex which is a duplex which is in the same title as the property  
 . There are no encroachments on said lot by buildings on adjacent lots. no encroachments on

The accompanying plat is a true and correct exhibit of said property for mortgagee title insurance only.  
 see title insurance only.

see # 603  
 # 604

*K. O. Taylor*  
 K. O. TAYLOR, Consulting Engineer

