

Case No. BZA 28-82 - Starkey Development Center, Inc. - requests an exception to permit the establishment of a group home for mentally retarded adults on property zoned the "AA" One-family Dwelling District & generally located on the southwest corner of

*Posted
8-24-82*

ACTION

*BZA
28-82*

COMMITTEE *Approved* DATE *8-24-82*

3-1

~~MEMBER~~

~~MEMBER~~

*2004 Sec. 11-8-83
Checked 11-29
Set 12-1
Record 12-6*

Map No. 5644
 Sec. 3
 Twp. 28
 Range 1E

BZA- 28-02
 SCZ- _____
 CU- _____
 Filed _____

- AREA DATA: (IRREGULAR)
 1. Acres: _____ (185) ft. by 270 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 if for: SINGLE FAM
 6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____



LOS ANGELES COUNTY REGISTERED
 HASTINGS, MN
 No. 2193C

Spur.

29-82

XEROXED

CASE FILE

FOR BOOLE

9-24-82

[Handwritten signature]

INFORMATION

LOS ANGELES, CALIF. 90044
MEMPHIS, TENNESSEE 38102
U.S.A.

Star.
No. 2193C

BZA 29-82

BOARD OF ZONING APPEALS

CASE NO. 28-82

CITY OF WICHITA, KANSAS

FILED 7-27-82

APPLICATION FOR EXCEPTION

I. Name of Applicant Starkey Developmental Center, Inc.
144 South Young
Mailing Address Wichita, KS 67209 Phone (316) 942-4221
Name of Authorized Agent John C. Frye
144 South Young
Mailing Address Wichita, KS 67209 Phone (316) 942-4221
Contracted to
Relationship of applicant to property is that of purchase
(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 Group Home for Mentally
Retarded Adults

on property zoned AA
located at the intersection of Marion Road and Marquette
(1955 Marion Road)

and legally described as: Lots 23 & 24, Block 2,
Jennings Addition, 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 Starkey Developmental Center, Inc.

Authorized Agent John C. Frye

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:00 (a.m./p.m.), July 27, 1982 together with appropriate fee of 75.00.

Signed D. Lynn Shirley

PETITION

We the undersigned are property owners in the City of Wichita, Sedgwick County, Kansas. Our properties are located in the neighborhood of or adjoining property described as Lots 23 & 24, Block 2, Jennings Addition, Sedgwick County, Kansas. Generally located on the southwest corner of Marion Road and Minnesota (1955 Marion Road).

We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
1.	S. Oren Donnell	1938 Glen Oaks Dr	8-20-82
2.	Lang L. Dohm	1915 Glen Oaks Dr	8-20-82
3.	Pat Martin	1819 Glen Oaks Dr	8-20-82
4.	Phyllis Bishop	1813 Glen Oaks	8-20-82
5.	Richard Bishop	1813 Glen Oaks	8/20/82
6.	Walter Miller	1805 Glen Oaks	8/20/82
7.	W. J. Kennedy	1909 Glen Oaks	8-20-82
8.	Ed Kennedy	1909 Glen Oaks	8/20/82
9.	Thomas McCannon	1927 Glen Oaks Dr.	8/26/82
10.	Carl L. Burr	1939 Glen Oaks Dr.	8/20/82
11.	Beau L. Burr	1939 Glen Oaks Dr.	8/20/82
12.	Loretta M. Donnell	1938 Glen Oaks Dr.	8/20/82
13.	Patricia Ann Fleming	1933 Glen Oaks	8/20/82
14.	Debra Fleming	1933 Glen Oaks	8/20/82
15.	Sharon Spaans	1927 E. Carson	8/20/82
16.	R. C. Spaans	1927 E. Carson	8/21/82
17.	Margaret J. Adams	1921 Carson	8/21/82
18.	Robert J. Adams	1921 Carson	8/21/82
19.	Roberta Taravella	1915 Carson	8/21/82
20.	Anthony Taravella	1915 CARSON	8/21/82
21.	Georgette Wilton	1909 E. CARSON	8/21/82
22.	Mama L. Wilton	1909 E. Carson	8/21/82
23.	Delbert	1903 Carson	8/21/82
24.	Delbert Howard	1903 Carson	8/21/82
25.	Clara E. Warren	1933 Carson	8/21/82

PETITION

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We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	NAME	ADDRESS	DATE
1.	Mary A. Warren	1933 Carson	8-21-82
2.	Joe Miller	1805 Glen Oaks	8-21-82
3.	Margaret Clark	1903 Glen Oaks Dr	8/21/82
4.	Bladette Clark	1903 Glen Oaks Dr	8/21/82
5.	Juanita K. Korman	1932 Glen Oaks Dr	8-22-82
6.	Edsel B. Deming	1920 Glen Oaks Dr	8-22-82
7.	Ray E. Ludwig	1920 Glen Oaks Dr	8-22-82
8.	F. D. Magel	1914 Glen Oaks Dr	8/22/82
9.	Ray Goodenough	1902 Glen Oaks Dr	8/22/82
10.	Eleanor J. Goodenough	1902 Glen Oaks Dr	8/22/82
11.	Audy C. Vick	1942 Glen Oaks Dr	8/22/82
12.	H. Wayne Vick	1942 Glen Oaks Dr	8/22/82
13.	Rajian Magel	1914 Glen Oaks Dr	8/22/82
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City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

Because of job related or other important commitments I am unable to attend the zoning board meeting being held on August 24, 1982 at 1:30 p.m. However, this letter should serve as an official statement of my concern and opposition to any zoning exceptions presently being considered.

R.D. Mapel
Name

1914 Glen Oaks Dr
Address

8/22/82
DATE

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Wichita, Kansas 67202

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Edsel R. Dunning
Name

1920 Glen Oaks Dr
Address

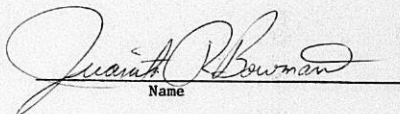
8-22-82
DATE

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City Building
455 N. Main
Wichita, Kansas 67202

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Name

1932 Glen Oaks Dr
Address

8-27-82
DATE

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455 N. Main
Wichita, Kansas 67202

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Gay E. Rensing
Name

1920 Glen St W
Address

8/24/82
DATE

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Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

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Ray Lee Goodridge
Name

1902 Glen Oaks Dr
Address

8-22-82
DATE

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City Building
455 N. Main
Wichita, Kansas 67202

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Eleanor J. Goodwyn
Name

1902 Glen Oaks Dr.
Address

8-22-82
DATE

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Wichita, Kansas 67202

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H. Wayne Jick
Name

1942 Glen Oaks Dr.
Address

8/22/82
DATE

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Clayton Wabel
Name

1914 GLEN OAKS DR
Address

8-22-82
DATE

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Loretta M. Donnell
Name

1938 Helen Oaks Dr.
Address

8/26/82
DATE

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Wichita, Kansas 67202

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Carl L. Buss
Name

1939 Glen Oaks Dr.
Address

8/20/82
DATE

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Wichita, Kansas 67202

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Thomas M^cCarson
Name

1927 Elm Oaks Dr.
Address

8/20/82
DATE

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455 N. Main
Wichita, Kansas 67202

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Dean Burr
Name

1939 Glen Oaks Dr.
Address

8/20/82
DATE

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Ma Kennedy
Name

1909 Glen Oaks Dr.
Address

8/20/82
DATE

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Innocent K. Miller
Name

1805 Glen Oaks
Address

8-20-82
DATE

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Wichita, Kansas 67202

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Edwin Bishop
Name

1813 New Oaks
Address

8-20-82
DATE

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Richard Bistof
Name

1813 Glen Oaks
Address

8/20/82
DATE

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Pat Martin
Name

1819 Glen Dale
Address

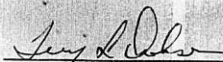
8.20.82
DATE

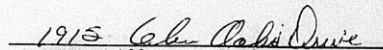
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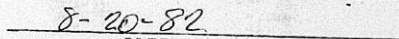
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Name


Address


DATE

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Della Howard

Name

1903 Carson

Address

8/21/82
DATE

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Clara E. Warren
Name

1933 Casson
Address

8/24/82
DATE

City of Wichita
Board of Zoning Appeals
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J. R. Carson
Name

1903 Carson
Address

8/21/82
DATE

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Prima L. Wilton
Name

1909 E. Carson
Address

DATE

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Ms Sharon L. Spaans
Name

1927 E. Carson
Address

8-20-82
DATE

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A. C. Spaans
Name

1927 E. Carson
Address

8-21-82
DATE

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Robert L. Adams
Name

1921 Cawon
Address

8-21-82
DATE

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Anthony Tarallo
Name

1915 CARSON
Address

8-21-82
DATE

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Wichita, Kansas 67202

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Roberta Savanella
Name

1915 Carson 67216
Address

8/21/82
DATE

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Maya S. Adams
Name

1921 Carson
Address

8/31-82
DATE

100% OF RESIDENT HOMEOWNERS - DENKER

PETITION

We the undersigned are property owners in the City of Wichita, Sedgwick County, Kansas. Our properties are located in the neighborhood of or adjoining property described as Lots 23 & 24, Block 2, Jennings Addition, Sedgwick County, Kansas. Generally located on the southwest corner of Marion Road and Minnesota (1955 Marion Road).

We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
1.	John E Osler	1912 Denker	8-18-82
2.	Brynda J. Osler	1912 Denker	8-18-82
3.	Walter S. Engle	1918 Denker	8/18/82
4.	Irma L. Engler	1918 Denker	8-18-82
5.	Kevin Spenny	1928 Denker	8-18-82
6.	Teri Sperry	1924 Denker	8-18-82
7.	Pat Stadler	1932 Denker	8-18-82
8.	Nicholas J. Stadler	1932 Denker	8-18-82
9.	Richard F. Drabing	1938 Denker	8-18-82
10.	Mary C. Drexling	1938 Denker	8-18-82
11.	Jane W. Right	1908 Denker	8-18-82
12.	Robert Q. Kelley	1901 Denker	8-18-82
13.	Mary H. Kollogg	1901 Denker	8-18-82
14.	Beverly Schmeisser	1922 Denker	8-19-82
15.	Jack M. Bauman	1935 Denker	8-19-82
16.	Lou B. Wilson	1931 Denker	8-19-82
17.	Lou E. Gardner	1939 Denker	8-21-82
18.			
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John E. Oster
Name

1912 Denver
Address

8-20-82
DATE

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Members of the Board:

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Because of job related or other important commitments I am unable to attend the zoning board meeting being held on August 24, 1982 at 1:30 p.m. However, this letter should serve as an official statement of my concern and opposition to any zoning exceptions presently being considered.

Mary C. Diebeling
Name

1938 Denker
Address

8-18-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

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Jack D. Baumann
Name

1935 Member
Address

8-19-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Patricia Stadler
Name

1932 Denker
Address

Aug. 18, 1982
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

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Robert Q. Kelley
Name

1901 Donkey
Address

8-18-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Jane W. Light
Name

1908 Denker
Address

8-19-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Beverly Schweisner
Name

1922 Denker
Address

8-19-82
DATE

100% Scott

PETITION

We the undersigned are property owners in the City of Wichita, Sedgwick County, Kansas. Our properties are located in the neighborhood of or adjoining property described as Lots 23 & 24, Block 2, Jennings Addition, Sedgwick County, Kansas. Generally located on the southwest corner of Marion Road and Minnesota (1955 Marion Road).

We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
1.	<u>Edith Oales</u>	<u>1927 Scott</u>	<u>8-21-82</u>
2.	<u>Jim Oales</u>	<u>1927 Scott</u>	<u>8-21-82</u>
3.	<u>Donald & Ruth</u>	<u>1921 Scott</u>	<u>8-21-82</u>
4.	<u>J. Anderson</u>	<u>1915 Scott</u>	<u>8-21-82</u>
5.	<u>Malvin & Abnerich</u>	<u>1909 Scott</u>	<u>8-21-82</u>
6.	<u>Richard K Wright</u>	<u>1903 Scott</u>	<u>8-21-82</u>
7.	<u>Mrs F. H. Pearce</u>	<u>1902 Scott</u>	<u>8-21-82</u>
8.	<u>Mrs Wm J. Duvain</u>	<u>1908 Scott</u>	<u>8-21-82</u>
9.	<u>Edward H. Coverdill</u>	<u>1939 SCOTT</u>	<u>8-21-82</u>
10.	<u>Mr & Mrs Thomas Grounds</u>	<u>1933 Scott</u>	<u>8-21-82</u>
11.	<u>Verley Harris</u>	<u>1932 Scott</u>	<u>8-21-82</u>
12.	<u>Velva Doyle</u>	<u>1914 Scott</u>	<u>8-21-82</u>
13.	<u>Opel L. Baxter</u>	<u>1938 Scott</u>	<u>8-21-82</u>
14.	<u>Elizabeth Malone</u>	<u>1926 Scott</u>	<u>8-21-82</u>
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City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

Because of job related or other important commitments I am unable to attend the zoning board meeting being held on August 24, 1982 at 1:30 p.m. However, this letter should serve as an official statement of my concern and opposition to any zoning exceptions presently being considered.

Velma Doyle
Name

1914 Scott
Address

8-21-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

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Orvel D. Butler

Name

1938 South

Address

8-21-82

DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

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Beverly Malone
Name

1926 Stitt
Address

August 21, 1982
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

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Jim Osler
Name

1927 Scott
Address

8-21-82
DATE

PETITION

We the undersigned are property owners in the City of Wichita, Sedgwick County, Kansas. Our properties are located in the neighborhood of or adjoining property described as Lots 23 & 24, Block 2, Jennings Addition, Sedgwick County, Kansas. Generally located on the southwest corner of Marion Road and Minnesota (1955 Marion Road).

We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
1.	Ray A. Inge	2751 So. Minnesota	8-19-82
2.	Clay E. Hayes	2747 So. Minnesota	8-19-82
3.	Roselynn Hayes	2747 So. Hayes	8-19-82
4.	Phyllis Jones	2731 So. Minnesota	8-19-82
5.	Raf Jones	2731 So. Minnesota	8-19-82
6.	Laurie Wilson	2727 So. Minnesota	9-19-82
7.	Paul D. Wilson	2727 So. Minnesota	8-19-82
8.	Eleanor Dilloga	2737 So. Minnesota	8-19-82
9.	Monica J. Dilloga	2737 So. Minnesota	8-19-82
10.	D. C. Morrison	2741 So. Minnesota	8-19-82
11.	Helen L. Morrison	2741 So. Minnesota	8-19-82
12.	Vernon E. Cromack	2728 S. Minnesota	8-21-82
13.	Virginia L. Cromack	2728 S. Minnesota	8-21-82
14.	Alfred E. Hannel Jr	2712 S. Minnesota	8-22-82
15.	Paul Hannel	2712 S. Minnesota	8-22-82
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people at 2721 So. Minnesota out of town over a week.

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Paul D. Wilson
Paul D. Wilson
Name

2727 So. Massachusetts
Address
Wichita KS 67216
8/20/82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

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Mr. + Mrs. M. J. Gallego
Name

2737 S. Minnesota
Address

8-19-82
PATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Mr. & Mrs. W.C. Thurston
Name

2741 So. Minnesota
Address

8-19-82
DATE

PETITION

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We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
1.	Diep Hoc Vu	2738 S Minnesota	8-18-82
2.	Hoc the Vu	2738 S Minnesota	8-18-82
3.	John R. Stouffer	2752 S Minnesota	8-18-82
4.	Clara R. Stouffer	" "	" "
5.	Jean A. Charaplan	2722 So. Minnesota	8-18-82
6.	Linda Pringle	2702 S. Minnesota	8-18-82
7.	Robert W. Pringle	2702 S Minnesota	8-18-82
8.	John D. Pringle	2668 S. Minnesota	8-18-82
9.	Jean M. Neugent	2708 S Minnesota	8-18-82
10.	Roger J. Neugent	2708 S. Minnesota	8-18-82
11.	Gregory J. Neugent	2742 So. Minnesota	8-18-82
12.	Judith R. Pinkston (Boggs)	2732 S Minnesota	8-20-82
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City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Jan Neugent
Name

2708 S. Minnesota
Address

8-18-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Jean R. Champion
Name

2722 So. Minnesota
Address

Aug. 18, 1982
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

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~~Mr. J. A. Mitchell Foster~~
Name

2742 50th Minnesota
Address

8/18/82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Roger J. Neugent
Name

2708 S. Minnesota
Address

8-18-82
DATE

PETITION

We the undersigned are property owners in the City of Wichita, Sedgwick County, Kansas. Our properties are located in the neighborhood of or adjoining property described as Lots 23 & 24, Block 2, Jennings Addition, Sedgwick County, Kansas. Generally located on the southwest corner of Marion Road and Minnesota (1955 Marion Road).

We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	NAME	ADDRESS	DATE
263-3045	1. Glenn J. Corbin	2616 Southeast Drive	8-18-82
	2. Jean A. Corbin	2616 Southeast Drive	8-18-82
	3. Rola A. Petersen	2608 Southeast Drive	8-18-82
264-1817	4. Loren C. Petersen	2608 Southeast Dr.	8-18-82
263-7788	5. Mary Jo Jack	2638 Southeast Ct	8-18-82
	6. Charles J. Jack	2638 Southeast Ct	8-18-82
267-2455	7. Leta E. Hurston	2632 Southeast Ct	8-18-82
	8. Pauline S. Hurston	2632 Southeast Ct	8-18-82
	9. Vernon K. Nydegger	2656 Southeast Ct	8-18-82
263-6774	10. R. Jean Nydegger	2656 S.E. Ct.	8-18-82
	11. Jimmy W. Hillman	2650 S.E. Ct.	8-18-82
265-0572	12. Betty J. Hillman	2650 S.E. Ct	8-18-82
267-5063	13. Lowell L. Felling	2628 Southeast Drive	8-19-82
	14. Jack E. Felt	1921 MARION	8-19-82
267-3645	15. Gary L. Murphy	2622 S.E. Dr	8-19-82
	16. Rola K. Murphy	2622 Southeast Dr	8-19-82
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City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Broderick L. Newton
Name

2632 S.E. COURT
Address

8-21-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Mr. & Mrs. Janet A. Sawyer
Name
Carol A. Sawyer

2554 S.E. Ave.
Address

8-21-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

Because of job related or other important commitments I am unable to attend the zoning board meeting being held on August 24, 1982 at 4:30 p.m. However, this letter should serve as an official statement of my concern and opposition to any zoning exceptions presently being considered.

Mrs. Lala A. Petersen
Lara C. Petersen
Name

2608 Southeast Drive
Address

August 18, 1982
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Dary J. Murphy
Name

1677 S.E. DRIVE
Address

8-19-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Jean L. Carbin

Name

Jean L. Carbin

2616 Southeast Drive

Address

8-18-82

DATE

PETITION

We the undersigned are property owners in the City of Wichita, Sedgwick County, Kansas. Our properties are located in the neighborhood of or adjoining property described as Lots 23 & 24, Block 2, Jennings Addition, Sedgwick County, Kansas. Generally located on the southwest corner of Marion Road and Minnesota (1955 Marion Road).

We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	NAME	ADDRESS	267-1843	DATE
1.	Charles W. Ealy	2532 S. Minnesota		8/20/82
2.	Ann Farley	2526 S. Minnesota	265-5937	8/20/82
3.	Sue Clemeier	2500 S. Minnesota	265-5969	8/20/82
4.	Cindy & Steve Gais	2502 S. Minnesota	263-1954	8/18/82
5.	Larry Thompson	2457 S. Minnesota	262-8999	8/20/82
6.	Paul R. Meyer	2451 S. Minnesota	265-4863	8-20-82
7.	Dorothy M. Meyer	2451 S. Minnesota		
8.	Donald B. Williams	2445 S. Minnesota	264-5978	8-20-82
9.	Dorlene M. Williams	2445 S. Minnesota		8-20-82
10.	Thelma H. Byfield	2433 S. Minnesota		8-20-82
11.	Fenzil S. Degeert	2433 S. Minnesota		8-10-82
12.	Mrs Wayne Hutton	2409 So Minnesota		8-20-82
13.	Wayne B. Hutton	2409 So Minnesota		
14.	Betty H Beach	2415 So Minnesota	2648511	
15.	Ronald C. Bell	2652 So. Minnesota		8-21-82
16.	Joe Lopez	2574 S. Minnesota		8-22-82
17.	Glennora Lopez	2514 So. Minnesota	263-6769	8-22-82
18.	Ann L. Brown	2651 S. Minnesota	2648507	8-22-82
19.	Mer Elmer J. North	2403 So. Minnesota	269-3467	
20.	Ann O'Neal	2526 So Minnesota	263-8775	
21.				
22.				
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PETITION

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NAME	ADDRESS	DATE
1. <u>James R. McFarland</u>	<u>2612 S. Minnesota 267-3532</u>	<u>8/19/82</u>
2. <u>Elaine McFarland</u>	<u>2612 S. Minnesota 267-3532</u>	<u>8/19/82</u>
3. <u>Aldrich R. Koska</u>	<u>2508 S. Minnesota 265-0279</u>	<u>8/19/82</u>
4. <u>Nelen M. Koska</u>	<u>2508 S. Minnesota 265-0279</u>	<u>8/19/82</u>
5. <u>Ethel B. Sims</u>	<u>2601 S. Minnesota 264-4870</u>	
6. <u>Don J. Rudy</u>	<u>2565 S. Minnesota 265-7470</u>	
7. <u>Donald Schilling</u>	<u>2608 S. Minnesota 265-5369</u>	<u>8/19/82</u>
8. <u>Marvin A. Schlegel</u>	<u>2608 S. Minnesota 265-5369</u>	<u>8/19/82</u>
9. <u>Sarah J. Neatong</u>	<u>2602 S. Minnesota 264-6630</u>	<u>8/19/82</u>
10. <u>William S. Keenan</u>	<u>2640 S. Minnesota 265-1504</u>	<u>8-20-82</u>
11. <u>Alvin F. Ackers</u>	<u>2640 S. Minnesota 265-1504</u>	<u>8/20/82</u>
12. <u>Carl F. Chase</u>	<u>2646 S. Minnesota 265-3742</u>	<u>8-20-82</u>
13. <u>Jeffrey A. Runkel</u>	<u>2618 S. Minnesota 267-4489</u>	<u>8/20/82</u>
14. <u>Walter Runkel</u>	<u>2618 S. Minnesota 267-4489</u>	<u>8-20-82</u>
15. <u>Henry Lee Hanson</u>	<u>2635 S. Minnesota 267-2450</u>	<u>8/20/82</u>
16. <u>William Hanson</u>	<u>2635 S. Minnesota 267-2450</u>	<u>8-20-82</u>
17. <u>Donald L. Howard</u>	<u>2658 S. MINNESOTA 262-5970</u>	<u>8-20-82</u>
18. <u>James W. McGuire</u>	<u>2633 S. Minnesota 262-7122</u>	<u>8-20-82</u>
19. <u>Emil Brueggeman</u>	<u>2622 S. Minnesota 262-6719</u>	<u>8-20-82</u>
20. <u>Virginia Brueggeman</u>	<u>2622 S. Minnesota 262-6719</u>	<u>8/20/82</u>
21. <u>Fred Fern</u>	<u>2554 S. Minnesota 264-3472</u>	<u>8-20-82</u>
22. <u>Maxine Fern</u>	<u>2554 S. Minnesota 264-3472</u>	<u>8-20-82</u>
23. <u>H. I. Baugherty</u>	<u>2544 S. Minnesota 263-5965</u>	<u>8-20-82</u>
24. <u>C. M. Baugherty</u>	<u>2544 S. Minnesota 263-5965</u>	<u>8-20-82</u>
25. <u>J. W. Wright</u>	<u>2538 S. Minnesota 265-0179</u>	<u>8-20-82</u>

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Because of job related or other important commitments I am unable to attend the zoning board meeting being held on August 24, 1982 at 1:30 p.m. However, this letter should serve as an official statement of my concern and opposition to any zoning exceptions presently being considered.

Ann Marie
Name

2536 So Minnesota
Address

August 23, 1982
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

Because of job related or other important commitments I am unable to attend the zoning board meeting being held on August 24, 1982 at 1:30 p.m. However, this letter should serve as an official statement of my concern and opposition to any zoning exceptions presently being considered.

Gene Lopez
Name

2514 S. Minnesota
Address

8/20/82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Mrs. Elmer J. Hirth
Name

2403 So. Minnesota
Address

8-22-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

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Ronald C. Bell
Name

2652 S. Mennisata
Address

8-21-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Larry Thompson
Name

2457 S. Minnesota Wichita
Address

20 Aug 82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Sue Okener

Name

250 So. Minnesota

Address

Aug 20 1982

DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Fred Hein

Name

2550 S. Munnick

Address

8-20-82

DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Martin Schrag

Name

2608 S. Minnesota, Wichita

Address

8-19-82

DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Donald R. Howard
Name

2658 S. MINNESOTA
Address

8-20-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Maxine Klein
Name

2550 So. Minnesota
Address

8-20-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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AP Parsley
Name

2526 S. Main
Address

8/20/82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

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Charles W. Estep
Name

2532 S. Minnesota
Address

8/20/82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

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Floyd J. Wright
Name

2528 S. Minnesota
Address

8/30/82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

As a concerned resident of the neighborhood affected by the re-zoning case number BZA 28-82 presently being considered by your board, I would like to go on record as being opposed to the zoning exception proposed in the above case.

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James W. McQuire
Name

2633 S. Minnesota
Address

August 20 1982
DATE

PETITION

We the undersigned are property owners in the City of Wichita, Sedgwick County, Kansas. Our properties are located in the neighborhood of or adjoining property described as Lots 23 & 24, Block 2, Jennings Addition, Sedgwick County, Kansas. Generally located on the southwest corner of Marion Road and Minnesota (1955 Marion Road).

We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	NAME	ADDRESS	DATE
1.	Marta E. Reed	1921 Marion	8/19/82
2.	Kathleen Penney	1932 Marion	8/20/82
3.	Robert W. Jensen	1932 Marion	8/20/82
4.	Larry A. Jensen	1928 Marion	8/20/82
5.	Lorraine R. Jensen	1928 Marion	8-20-82
6.	Lawrence M. Healy	1917 Marion	8-20-82
7.	Sylvia M. Healy	1917 Marion	8-20-82
8.	Mike Petersen	2609 SE Olive	8-20-82
9.	Carl Dux	1933 Marion	8-20-82
10.	Mary Helen Dux	1933 Marion	8-20-82
11.	John E. Dux	1911 Marion	8-20-82
12.	Donna J. Gogarth	1908 Marion	8-20-82
13.	Henry A. Gogarth	1908 Marion	8-20-82
14.	James E. Gogarth	1938 Marion	8-21-82
15.	Alfred G. Gogarth	1938 Marion Rd	8-21-82
16.	Elizabeth J. Harris	1958 Marion Rd.	8-21-82
17.	Leonard L. Harris	1958 Marion Rd.	8-21-82
18.	Boyd W. Taylor	1952 Marion Rd	8-21-82
19.	Susan E. Taylor	1952 Marion Rd.	8-21-82
20.	Jack A. Clausen	2554 S.E. Dr.	8-21-82
21.	Carol A. Clausen	2554 S.E. Dr.	8-21-82
22.	J. W. Isaac	1945 Glen Oaks	8-22-82
23.	Debbie Chappin	1948 Marion Rd.	8-22-82
24.	Chris Chappin	1948 Marion Rd.	8-22-82
25.			

1927 Marion - Vacant

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Henry a. Bogarth.
Name

1908 Marion Road.
Address

Wichita Kansas.

6-20-82.

DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Walter E. Johnson
Name

1911 Marion Rd
Address

8-20-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

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Marion C. [Signature]
Name

1921 Marion
Address

8-20-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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David E. Dickson
Name

1938 Marion Road
Address

August 21, 1982
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Larry C. Francis
Name

1928 Marion Rd.
Address

8-10-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Gene M. Fox
Name

1933 Marion
Address

8-20-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

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Lawrence M. Kelly
Name

1917 Marion
Address

20 Aug 82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Robert W. Jennings
Name

1932 Marion, Wichita
Address

8-20-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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Chris J. DeChapin
Name

1948 Marian Rd.
Address

8/22/82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

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Mike Petersen
Name

2608 Southeast Dr
Address

8-20-82
DATE

PETITION

We the undersigned are property owners in the City of Wichita, Sedgwick County, Kansas. Our properties are located in the neighborhood of or adjoining property described as Lots 23 & 24, Block 2, Jennings Addition, Sedgwick County, Kansas. Generally located on the southwest corner of Marion Road and Minnesota (1955 Marion Road).

We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
1.	<i>Madeline Powell</i>	<i>2446 S. Minneapolis</i>	<i>8-20-82</i>
2.	<i>Mrs. Charles Woodrow</i>	<i>1812 New Lake Dr.</i>	<i>8-22-82</i>
3.	<i>Robert Jones</i>	<i>2434 S. Minneapolis</i>	<i>8-22-82</i>
4.	<i>Genneth Paul</i>	<i>2422 S. Minneapolis</i>	<i>8-22-82</i>
5.	<i>Donna Meier</i>	<i>2422 S. Minneapolis</i>	<i>8-22-82</i>
6.	<i>Ray Hummingway</i>	<i>2416 S. Minneapolis</i>	<i>8-22-82</i>
7.			
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21.			
22.			
23.			
24.			
25.			

*people at 2448 So. Minneapolis not-home
2-houses Vacant*

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

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Gerardine Woodrow
Name

1822 Glen Oaks Dr.
Address

8-22-82
DATE

PETITION

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We are opposed to an exception that has been requested by the Starkey Development Center, Inc. Case #BZA 28-82 has been assigned to said application.

	<u>NAME</u>	<u>ADDRESS</u>	<u>DATE</u>
1.	John Suttles	2750 Southeast Dr	8-19-82
2.	Patty Suttles	2750 Southeast Dr.	8-19-82
3.	Russell Booth	2760 S.E. DR.	8-19-82
4.	Ed Minterren	2746 Southeast Dr	8-19-82
5.	Lute Clear	1726 Louthain Dr.	8-19-82
6.	Pam Duncanson		
7.	Robert G. Fryer	2756 Southeast Dr	8/21/82
8.	Mary Napawan	2756 S.E. Dr.	8/21/82
9.			
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City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
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Russell T. Booth
Name

2760 S.E. DR.
Address

8-19-82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

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Robert E. Goyt
Name

2756 Southeast Dr.
Address

8/21/82
DATE

City of Wichita
Board of Zoning Appeals
City Building
455 N. Main
Wichita, Kansas 67202

Members of the Board:

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E. M. Ferren

Name

2746 Southeast Drive

Address

Aug. 19, 1982

DATE

THE CITY OF WICHITA
OFFICE OF LAW DEPARTMENT

DATE March 26, 1984

TO - Jack Galbraith, Secretary, Board of Zoning Appeals
Klenton Toothaker, Contracts Analyst

FROM Joe M. Bogle, Jr., Assistant City Attorney

SUBJECT Appeal from Board of Zoning Appeals, BZA 28-82, - Starkey Developmental Center, Inc., Harris, et al. vs. City of Wichita and Board of Zoning Appeals - 82 C 2406

I have recently received notice from the attorney for the plaintiffs in the above-captioned case that they have dismissed their lawsuit against the City and the BZA with prejudice. Apparently, the problem that they had anticipated in the neighborhood did not occur.

For whatever reason, the lawsuit has been dismissed and the problem appears to now be resolved. Attached is a copy of the journal entry of dismissal for your files.

Joe M. Bogle, Jr.
Joe M. Bogle, Jr.
Assistant City Attorney

JMB:kj

Attachment

PS: Klenton, if convenient, could you notify Starkey of the dismissal of the lawsuit.

RECEIVED

MAR 27 1984

METROPOLITAN PLANNING
ROUTE _____
□ _____

In the District Court within and for Sedgwick County
In the Eighteenth Judicial District of the State of Kansas

LEONARD and JO ANNE HARRIS, et al.

 Plaintiff(s)
 Case No. 82 C 2406

VS.

CITY OF WICHITA, et al.

 Defendant(s)
 Division 7

JOURNAL ENTRY OF DISMISSAL

Now, on this 13 day of March, 1984,
 the same being a regular day of the District Court, this cause comes on to be heard on the motion of the
plaintiff to dismiss this cause with _____ prejudice at the cost of the plaintiff
 IT IS THEREFORE ORDERED AND ADJUDGED by the Court that this cause be and the same is hereby
 dismissed with _____ prejudice at the cost of the plaintiff, herein,
 taxed at \$ _____ for which amount let execution issue.

Stephen B. Plummer
 Attorney for Plaintiff

Joe M. Boghe
 CIVIL-NO. 9 (5/82)



Clerk of the District Court. The above
 is a true and correct copy of the original instrument
 filed on the 13 day of March, 1984
 and recorded in this Court of the Eighteenth Judicial
 District, Sedgwick County, Kansas.
 Dated this 13 day of March, 1984
 Clerk of the District Court
 By Michael Corrigan
 MICHAEL CORRIGAN
 JUDGE

B7A 2882

Sent to: Lucille Miller
1538 Arizona

not right one.

Law Offices of Rumsey & Richey

Richard H. Rumsey, P.A.

Keith D. Richey

Stephen B. Plummer



1041 North West
Wichita, Kansas 67203

262-4481

262-8421

October 29, 1982

Mr. Joe M. Bogle, Jr.
Assistant City Attorney
City Hall, 13th Floor
455 North Main
Wichita, Kansas 67202

Re: Harris, et al. v. City of Wichita, et al.;
Taylor v. City of Wichita, et al.

Dear Joe:

After Judge Beasley dissolved the temporary restraining order and permitted the City to disburse the Community Development Block Grant funds to Starkey Developmental Center, Inc., on Tuesday, I had the opportunity to meet with a number of my clients and to discuss this matter further. At this meeting, I apprised them of their options, which include the possibility of an appeal, further litigation in both cases, outright capitulation, or some combination of such options. Instead, the clear consensus was to make a final attempt to informally resolve this matter in a manner that will be acceptable to the City, to Starkey Developmental Center, and to the residents of Jennings Addition.

The residents of Jennings Addition do not concede that the City, the Board of Zoning Appeals, or Starkey Developmental Center handled this matter with the grace and diplomacy which this situation required. On the other hand, the residents are similarly convinced that the City, Starkey Center, and Jennings Addition can only suffer if the present battle is prolonged. The residents of Jennings Addition would prefer to welcome the Starkey client's into the neighborhood, if certain minor conditions are met, than to continue the present state of hostility which needlessly exists.

In the spirit of compromise and cooperation, the residents of Jennings Addition offer various alternative proposals, none of which should be construed as an admission that we believe our position is unsound in either lawsuit. The proposals are as follows:

1. Starkey should be permitted to use the residence as a single-family dwelling, as defined in the zoning ordinance, without relying on the exception granted by the Board of Zoning Appeals.

Mr. Joe M. Bogle, Jr.
October 29, 1982
Page Two

This would permit Starkey to house four residents and two houseparents in the home, but would not permit them to house eight residents there, as is the present plan. Frankly, our position on the zoning appeal is very sound, and, if so, the occupancy of the home would be limited to four persons. This proposal has a further benefit to Starkey and, secondarily, to the City. If we prevail on our appeal and the Court rules that permanent group homes for mentally retarded adults is not a "halfway house," local agencies are thereby burdened with a ruling that will effectively prevent the Board of Zoning Appeals from ever granting an exception of this type again. Mr. Frye has already publicly stated that his organization is willing to utilize the facility for four residents, and therefore this proposal should satisfy him.

2. In the alternative, Starkey should be permitted to utilize the residence as a single-family dwelling but with the restrictions placed on the usage by the Board of Zoning Appeals. The residents of Jennings Addition do not want the occupancy of the residence increased, and Mr. Frye assured the Board that Starkey could abide by this restriction. On the other hand, the neighbors do not want Starkey to be compelled to fence the property in the manner suggested by the Board. The neighbors do not fear the Starkey clients, and they certainly do not want a fenced "garrison" within their neighborhood. This proposal would probably require setting aside the exception and imposing certain conditions on the use of the property, but I am certain we can draft a settlement agreement that satisfies everyone in that regard.

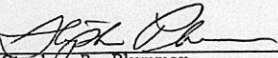
Mr. Frye has always maintained that Starkey merely wants a home for developmentally retarded adults as part of a neighborhood environment. If so, the proposals set forth above should satisfy that objective. The residents of Jennings Addition, on the other hand, have consistently voiced their concern that this group home is merely the initial phase of a plan to construct a large-scale facility in their neighborhood. The other residents of Jennings Addition live in single-family dwellings; the Starkey group home should be no different. If the residents of the neighborhood can be given relatively minimal assurances that the character of their neighborhood will remain intact, I can assure you that we will curtail our opposition and will accept the new residents of Jennings Addition as neighbors.

Mr. Joe M. Bogle, Jr.
October 29, 1982
Page Three

By copy of this letter I am informing Mr. Frye of our proposals. I would appreciate hearing from you within the next ten days so that I can make plans either to litigate this matter or otherwise resolve it.

Yours truly,

LAW OFFICES OF RUMSEY & RICHEY

By: 
Stephen B. Plummer

SBP:njs

cc: Mr. John Frye
Mr. and Mrs. Leonard Harris
Mr. and Mrs. Roger Taylor

LAW OFFICES OF RUMSEY AND RICHEY

RICHARD H. RUMSEY, P.A.
KEITH D. RICHEY
STEPHEN B. PLUMMER
1041 North Wood
Wichita, Kansas 67203
(316) 262-4481

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS

FILED
SEP 31 2 52 PM '82
BY

LEONARD HARRIS and
JO ANNE HARRIS,

Plaintiffs,

-vs-

CITY OF WICHITA

Defendant.

Case NO. 82 C 2406

SEDGWICK COUNTY
SHERIFF'S DEPT.
18TH JUDICIAL DISTRICT

SEP -9 P 2:40

RECEIVED

REQUEST FOR PRODUCTION OF DOCUMENTS

The plaintiffs hereby request, pursuant to K.S.A. 60-234, that the defendant City of Wichita produce and permit the plaintiff to inspect and copy each of the following documents and tangible objects containing information within the scope of K.S.A. 60-226(b) and which are in the possession, custody, or control of the City of Wichita or its political subdivisions, boards, or agencies:

1. Each and every document, regardless of designation, filed with the City of Wichita by Starkey Developmental Center, Inc., requesting or supporting the grant of an exception from the zoning ordinances of the City of Wichita regarding the following property:

Lots 23 and 24, Block 2, Jennings Addition, Sedgwick County, Kansas (commonly known as 1955 Marion Road, and generally located on the southwest corner of Marion Road and Minnesota Avenue).

2. Each and every document, including writings, drawings, graphs, charts, photographs, recordings, and other data compilations, presented to the Board of Zoning Appeals and considered by them in rendering a decision in Case No. BZA 28-82 on or about August 24, 1982.



3. The final order of the Board of Zoning Appeals, specifically including findings of fact and conclusions of law, documenting the Board's decision in Case No. BZA 28-82, decided on or about August 24, 1982. This request specifically includes the minutes of that meeting and any other record of the proceedings, whether written, recorded, or otherwise.

The plaintiffs respectfully request that the above-described documents be produced no later than the 15th day of October, 1982, at the office of the plaintiffs' attorney, 1041 North Waco, Wichita, Kansas 67203.

Respectfully submitted,

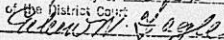
LAW OFFICES OF RUMSEY & RICHEY

By: 

Stephen B. Plummer

Attorney for the Plaintiffs



I, _____, Clerk of the District Court. The above is a true and correct copy of the original instrument filed on this 31 day of Aug., 1982, and recorded in this Court of the Eastern District, Sedgewick County, Kansas. Dated this 9 day of Sept., 1982.
Clerk of the District Court
By: 

copy to City Clerk 9-10-82

RECEIVED
OFFICE OF CITY CLERK
SEP 10 1982
 DG _____ DR _____
 Agenda _____ JE _____
 File _____

LAW OFFICES OF RUMSEY AND RICHEY
RICHARD H. RUMSEY, P.A.
KEITH D. RICHEY
STEPHEN B. PLUMMER
1041 North Waco
Wichita, Kansas 67203
(316) 262-4481

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

RECEIVED
SEP 10 1982
DEPT. OF LAW

LEONARD HARRIS and
JO ANNE HARRIS,

Plaintiffs,

-vs-

Case No. 82 C 2406

CITY OF WICHITA,

Defendant.

SEP -9 P 2:40
SUPERIOR COUNTY
18th JUDICIAL DISTRICT

NOTICE OF DISCOVERY

The plaintiffs hereby notify the Court that it has submitted a Request for Production of Documents and a Request for Admissions for response by the defendant in accordance with the rules of civil procedure. The Request for Admissions contains space for inclusion of answers thereon in order to permit the filing of both the Request and the answers at the same time. The plaintiffs respectfully request a response from the defendant in accordance with the rules of civil procedure. The plaintiffs respectfully request that the Sheriff of Sedgwick County serve these documents on the City Clerk, City Hall, 455 North Main, Wichita, Kansas, and make his return pursuant to law.

Respectfully submitted,
LAW OFFICES OF RUMSEY & RICHEY

By Stephen B. Plummer
Stephen B. Plummer
Attorney for the Plaintiffs



Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument filed on the 9 day of Sept, 1982 and recorded in the Court of the Eighteenth Judicial District, Sedgwick County, Kansas.
Dated this 7 day of Sept, 1982
Clerk of the District Court
By Richard H. Fudge

LAW OFFICES OF RUMSEY AND RICHEY

RICHARD H. RUMSEY, P.A.
KEITH D. RICHEY
STEPHEN B. PLUMMER
1041 North Waco
Wichita, Kansas 67203
(316) 262-4481

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT



LEONARD HARRIS and
JO ANNE HARRIS,

Plaintiffs,

-vs-

CITY OF WICHITA,

Defendant.

Case No. 82 C 2406

REQUEST FOR ADMISSIONS

COME NOW the plaintiffs and, pursuant to K.S.A. 60-236,
request the defendant City of Wichita to admit or deny the truth of the
following statements:

1. Admit or deny that one member of the present Board of
Zoning Appeals is an insurance broker for Century 21, Inc.

ANSWER:

2. Admit or deny that Starkey Developmental Center, Inc.,
requested an exception from the zoning ordinances of the City of Wichita
regarding the property described in paragraph 3 of the plaintiffs' Petition
for the exclusive purpose of establishing a "rehabilitation" facility,
pursuant to the provisions of Section 28.04.185 of the ordinances of the
City of Wichita.

ANSWER:

3. Admit or deny that Starkey Developmental Center, Inc.,
intends to use the above-mentioned property as a permanent group home for
mentally retarded adults.

ANSWER:

City Attorney

RECEIVED
SEP 10 1982
DEPT. OF LAW
18th JUDICIAL DISTRICT
SEP 9 1982
10:40

3/77

Copy to C Atty 8/30/82

Form 1 and 2

For Clerk's Use Only

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS

LEONARD HARRIS and
JO ANNE HARRIS,

Plaintiff

vs.

CITY OF WICHITA,
(Please obtain service upon the City Clerk,
City Building, 455 North Main, Wichita,
Kansas)

Defendant

FILE	<input type="checkbox"/>
INDEXED	<input type="checkbox"/>
DR	<input type="checkbox"/>
JE	<input type="checkbox"/>
ADJUDICATED	<input type="checkbox"/>
AUG 30 1982	
OFFICE OF CITY CLERK	
RECEIVED	

Case No. 3202400

PURSUANT TO CHAPTER 60
KANSAS STATUTES ANNOTATED

SUMMONS

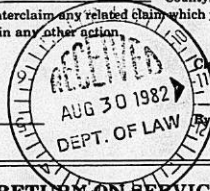
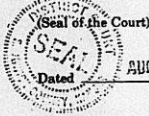
To the above-named Defendant:

You are hereby summoned to defend an action brought in the District Court of SEDGWICK

County, and required to serve upon Stephen B. Plummer, plaintiff's attorney,

whose address is 1041 North Waco, Wichita, Kansas 67203, a pleading to the petition which is herewith served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the petition. Your pleading also must be filed with the

District Court of SEDGWICK County. As provided in K.S.A. 1975 Supp. 60-213 (a), as amended, your answer must state as a counterclaim any related claim which you may have against the plaintiff, or you will thereafter be barred from making such claim in any other action.



Clerk of the District Court of Sedgwick County, Kansas

By Norma J. Robinson, Deputy

RETURN ON SERVICE OF SUMMONS

I hereby certify that I received the foregoing summons at _____ o'clock _____ M. on the _____

day of _____, 19 _____, and I served the same in the following manner:

(1) By delivering on the _____ day of _____, 19 _____, a copy of the summons, copy of the petition, and copy of _____ to each of the within-named defendants _____

(2) By leaving on the _____ day of _____, 19 _____, for each of the within-named defendants _____

A copy of the summons, a copy of the petition, and _____ at the respective dwelling place or usual place of abode of said defendants with some person of his or her family of suitable age and discretion.

(3) Corporate or Partnership Return: On the _____ day of _____, 19 _____, by _____

(4) After diligent search and inquiry was unable to find the within-named defendant _____

on the _____ day of _____, 19 _____

All done in _____ County, Kansas.

Sheriff _____ of _____ County, Kansas

By _____ Deputy.

LAW OFFICES OF RUMSEY AND RICHEY

RICHARD H. RUMSEY, P.A.
KETH D. RICHEY
STEPHEN B. PLUMMER
1041 North Waco
Wichita, Kansas 67203
(316) 262-4461

**IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT**

LEONARD HARRIS and
JO ANNE HARRIS,

Plaintiffs,

VS.

CITY OF WICHITA,

Defendant.

82C2406

Case No.

PURSUANT TO K.S.A. CHAPTER 60



P E T I T I O N

COME NOW the plaintiffs, Leonard and Jo Anne Harris, and for their cause of action against the defendant state and allege:

1. The plaintiffs are residents of Wichita, Sedgwick County, Kansas.

2. The defendant is a municipal corporation located in Sedgwick County, Kansas.

3. On or about August 4, 1982, Starkey Developmental Center, Inc., filed an application with the Board of Zoning Appeals requesting an exception from the zoning ordinances of the City of Wichita, pursuant to Section 2.12.5500. A legal description of the applicant's property is as follows:

Lots 23 and 24, Block 2, Jennings Addition,
Sedgwick County, Kansas (commonly known as
1955 Marion Road, and generally located on
the southwest corner of Marion Road and
Minnesota Avenue).

4. The application for the exception came on for hearing before the Board (Case No. BZA 26-62) on August 26, 1982. At that time, the Board heard statements of interested parties, including testimony by the applicant indicating that they were seeking the exception for the purpose of establishing a permanent group home for mentally

retarded adults on the subject property. After hearing testimony of the parties, the Board entered an order granting the exception, subject to certain conditions.

5. In entering their order, the Board ignored the manifest objections of neighboring property owners; ignored the residents' concern regarding increased traffic; ignored the special characteristics of the neighborhood; and otherwise acted in an arbitrary, capricious, and unreasonable manner.

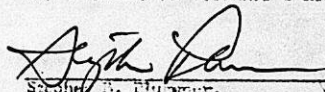
6. In entering the order, the Board also acted in a manner contrary to the provisions of the zoning ordinances of the City of Wichita. In particular, the Board granted an exception for a permanent residence facility, whereas the zoning ordinances, specifically Section 23.04.135, provides only that an exception can be granted for a "rehabilitation" facility such as a group boarding home for children or a "halfway house." The facility in question does not satisfy the definition of a "halfway house" as defined in Section 23.04.020. As a result, the Board's order is ultra vires and void.

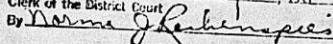
WHEREFORE, the plaintiffs pray that the Court will render a judgment finding that the Board's order was arbitrary, capricious, unreasonable, and beyond the scope of the Board's power and authority; that the Court will invalidate the Board's order granting an exception to the applicant, Starksy Developmental Center, Inc.; that the Court will grant them the costs of this action; and that the Court will grant such other and further relief as the Court deems just and equitable under the circumstances.

Respectfully submitted,

LAW OFFICES OF RUMSEY & RICHEY




Stephen P. Hummer,
Attorney for the Plaintiffs

Certificate of Clerk of the District Court. The above is a true and correct copy of the original instrument filed on the 25 day of Aug, 1982, and retained in this Court of the Eighteenth Judicial District, Sedgewick County, Kansas.
Dated this 25 day of Aug, 1982.
Clerk of the District Court
By 

Law Offices of Rumsey & Richey

Richard H. Rumsey, P.A.

Keith D. Richey

Stephen B. Plummer

September 1, 1982

City Clerk
City Hall
455 North Main
Wichita, Kansas 67202

Re: Leonard and Jo Anne Harris vs. City of Wichita


Dear Sir:

Enclosed is Amended Petition which I filed with the Court this week.

Please forward the same to the Legal Department.

Yours very truly,

LAW OFFICES OF RUMSEY & RICHEY

BY: 
Stephen B. Plummer

SBP:njs

Enc.

RECEIVED
OFFICE OF CITY CLERK

SEP 3 1982

DG DR
 Agent JC
 File

Office of the City Manager

EHD SH
 R3 To TH
 RT MLC

SEP 7 1982

Copies To

Send To DOCK

File North Main

Wichita, Kansas 67203

262-4481

262-8421

RECEIVED

SEP 8 1982

METROPOLITAN PLANNING
ROUTE Little



LAW OFFICES OF RUMSEY & RICHEY
RICHARD H. RUMSEY, P.A.
KEITH D. RICHEY
STEPHEN B. PLUMMER
1041 North Waco
Wichita, Kansas 67203-3998
(316) 262-4481

RECEIVED
OFFICE OF CITY CLERK
SEP 3 1982
LG _____ CR _____
JE _____

IN THE EIGHTEENTH JUDICIAL DISTRICT
DISTRICT COURT, SEDGWICK COUNTY, KANSAS
CIVIL DEPARTMENT

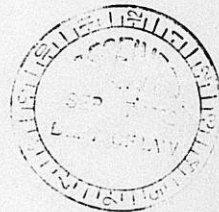
LEONARD HARRIS and)
JO ANNE HARRIS,)
Plaintiffs,)
VS.) Case No. 82 C 2406
CITY OF WICHITA,)
Defendant.)

AMENDED PETITION

COME NOW the plaintiffs and incorporate by reference the allegations contained in their Petition and further state and allege:

1. The following residents and/or property owners in Jennings Addition, Wichita, Sedgwick County, Kansas, have expressed their desire to and do hereby join in the above-captioned case as plaintiffs, and they request that the caption of the case be amended accordingly to reflect their participation:

- A. Ethel B. Sims
2601 South Minnesota
Wichita, Kansas 67216
- B. Ralph E. and Pearl Hannah, Jr.
2712 South Minnesota
Wichita, Kansas 67216
- C. Robert L. Foley
1509 Blue Sage Circle
Wichita, Kansas 67230
- D. Walter S. and Irma L. Engle
1918 Denker
Wichita, Kansas 67216
- E. James W. McGuire
2633 South Minnesota
Wichita, Kansas 67216
- F. Mrs. Larry R. Fleming
1933 Glen Oaks Drive
Wichita, Kansas 67216
- G. Gerry M. and Betty J. Hilber
2650 Southeast Court
Wichita, Kansas 67216



CO
PY

COPY

- H. Robert W. and Cathleen Tennery
1932 Marion Road
Wichita, Kansas 67216
- I. Mr. and Mrs. Carl L. Burr
1939 Glen Oaks Drive
Wichita, Kansas 67216
- J. Mr. and Mrs. Marlin Schrag
2608 South Minnesota
Wichita, Kansas 67216
- K. Donald R. and Elaine McFarland
2612 South Minnesota
Wichita, Kansas 67216
- L. Earl M. and Mary Ellen Saxon
1933 Marion Road
Wichita, Kansas 67216
- M. Jeffrey A. Runberg
4529 South Glenn
Wichita, Kansas 67217
- N. Fred and Maxine Hein
2550 South Minnesota
Wichita, Kansas 67216
- O. Lawrence M. and Patricia G. Neely
1917 Marion Road
Wichita, Kansas 67216
- P. Mr. and Mrs. Grant F. Tolberd
2552 South Minnesota
Wichita, Kansas 67216
- Q. Mrs. M. R. Champlin
2722 South Minnesota
Wichita, Kansas 67216
- R. Richard and Mary C. Dreiling
1938 Denker
Wichita, Kansas 67216
- S. John D. and Patricia L. Sutter
2750 Southeast Drive
Wichita, Kansas 67216
- T. Louella Falling
2658 Southeast Drive
Wichita, Kansas 67216
- U. E. Oren and Loretta M. Bonnell
1938 Glen Oaks Drive
Wichita, Kansas 67216
- V. Emil J. and Virginia L. Brueggemann
2622 South Minnesota
Wichita, Kansas 67216
- W. Harlan S. and Leota E. Heuston
2632 Southeast Court
Wichita, Kansas 67216

X. Charles Leon and Mary Jo Jack
2638 Southeast Court
Wichita, Kansas 67216

Y. Vernon K. and Reva J. Nydegger
2656 Southeast Court
Wichita, Kansas 67216

WHEREFORE, the plaintiffs pray that the Court will grant the relief prayed for in the original Petition and that the caption in the above-named case will be amended to reflect their participation in the same.

Respectfully submitted,

LAW OFFICES OF RUMSEY & RICHEY

BY: 

Stephen B. Plummer,

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 1 day of SEPT,

1982, I mailed a true and correct copy of the foregoing Amended Petition to the City Clerk, City Hall, 455 North Main, Wichita, Kansas 67202, postage prepaid.



Stephen B. Plummer

COPY

Give the Handicapped a Chance

9-8-82

I am the mother of a 32-year-old who attends Starkey Developmental Center Work Activity Program. I have driven a school bus for Starkey for 12 years, and I am a work-trainer in the workshop.

I cannot understand why those people do not want a home for handicapped people in their neighborhood. Handicapped people live in other neighborhoods with their parents, and it has not lowered the value of property. My son has been well accepted in our neighborhood.

These clients are a wonderful bunch of people. They love you for every little thing you do for them.

I would not change my son for any "normal" son, because he does not take drugs or go out and kill or rape anyone. He has been taught right from wrong, is a church-going person and believes in God.

He did not ask to be born handicapped, but has accepted it. Here is where the Golden Rule could be used. If these were your children, I would be helping to find homes for them.

It is possible some of you will become parents or grandparents of a mentally handicapped child, but I

Public Forum

Original letters expressing all points of view are welcome. Letters must be signed and include the writer's true name, address and telephone number, if any. Only name and city will be published. Those letters accepted for publication are subject to editing and condensation. Shorter letters usually will be published more quickly.

certainly hope not. Please remember, this could be one of your children. What would you do? What would you want for your child?

We parents of retarded children and adults need everyone's help. Be compassionate and understanding in this complex world we live in.

VIDA BROWN
Wichita

The prejudgmental view the Leonard Harrises and their neighbors are projecting concerning the establishment of a group home for mentally retarded adults is appalling. A bit of intelligent research will show any homeowner documented evidence disproving the Harrises antiquated ideas of property value. They are basing their concerns on false fears and not upon facts.

The real underlying fear isn't the value of their home, but their understanding of mental retardation. A permanent condition, the mentally retarded do not exhibit psychotic or cause bad behavior that can be

exhibited by the mentally ill. The mentally ill can and sometimes often do exhibit psychotic and bad behavior.

The mentally retarded do not rape and pillage neighborhoods, nor do they take drugs, have drunken parties, illicit affairs, or abuse their children, as do some normal neighbors in high-value property homes.

If the Harrises don't understand the difference, they should take the time to find out and learn, instead of jumping with their preconceived, ignorant conclusions.

CONNIE MILLER
Wichita

Neighbors Fight Home for Retarded

By Barbara Cornell
Staff Writer

The 100-year-old south Wichita farmhouse probably has seen its share of history, but rarely could it have seen such a rabid fight.

Irate neighbors of the wood-shingled, rustic ranch-style home have filed suit against the city of Wichita, seeking to block an exemption to the city's zoning laws that would allow a permanent group home for eight mentally retarded adults there.

The lawsuit, filed Wednesday in Sedgwick County District Court, contends that the city's Board of Zoning Appeals acted "in an arbi-

"Our reputation is at stake, because we feel ... individuals who are handicapped have a right to move where they want to move."

— John Frye, Starkey executive director

trary, capricious and unreasonable manner" when it voted Tuesday to allow Starkey Developmental Center Inc. to buy the home at 1955 Marlon Road and use it for retarded Wichitans.

"You'll find a wide range of emotions. It varies from mild opposition to outright hostility," said attorney Stephen Plummer, who filed the

lawsuit for Leonard and Jo Anne Harris. The Harris property, at 1958 Marlon Road, is directly across from the wooded site.

John Frye, executive director of Starkey, said the home was needed. At least 27 retarded Wichitans are currently living in foster homes or with parents who are unable to care for them, he said.

"THAT MEANS these people, need homes, like tomorrow," he said.

He's worried that successful opposition to the Marlon Road site could have serious consequences.

"Our reputation is at stake, because we feel very strongly that individuals who are handicapped have a right to move where they want to move," he said.

The Harrises and other neighbors referred all questions Wednesday to Plummer. But about 60 people, most of them opponents of the Starkey plans, showed up at the Board

● HOME, 4D, Col. 1

4D THE WICHITA EAGLE-BEACON

Thursday, August 26, 1982



Santa Fabio/Staff Photographer

A group of neighbors have gone to court to block plans for this home at 1955 Marlon Road.

Home for Retarded Stirs Fight

● HOME, From 1D

of Zoning Appeals meeting Tuesday for an emotional debate. Plummer said a group of neighbors, dissatisfied with the board's 3-1 vote, met Tuesday night and decided to take their fight to court the next day.

The Harrises, he said, are acting on behalf of their neighbors — including young people with families and older people with paid-up mortgages — who don't want any more changes in their isolated middle-income neighborhood.

THE NEIGHBORHOOD, he said, already is bounded by three major highways — K-15, the Canal Route, and Pawnee — and the city built a sewage treatment plant nearby.

Plummer said the residents believed the Starkey home would hurt their property values. The neighborhood Citizen Participation Organiza-

tion narrowly opposed the zoning change.

Frye said the foundation encountered no problems from neighbors four years ago when it set up a similar home on the corner of Clara and Douglas. He said foundation plans to build two more homes also had been comfortably received. But he wasn't surprised by this week's opposition.

"Let's put it this way," Frye said. "It's not new, this attitude, if you look across the country where this has been done. But it's new for us."

He said Starkey had made an offer to buy the Marlon Road house with a \$115,000 Community Development Block Grant from the city. The application for the zoning exemption — which is a one-time exemption and not a zoning change — was a technicality, he said.

"IT'S EIGHT people with house parents, and that's no different from people who have large families," he said.

Angry neighbors told the board Tuesday it ignored citizen complaints and acted improperly. They said that city law only allowed such exceptions for temporary group residences, like halfway houses, and that the Starkey home would be a permanent home for its residents.

Jack Galbraith, chief planner for the city's current plans section, disagreed.

"Zoning ordinances of the city of Wichita provide that the board has jurisdiction to grant group homes in any residential district," Galbraith said. "The board has that authority. I think it's very clear the board does have jurisdiction."

August 24, 1982

Mr. John C. Frye
Starkey Development Center, Inc.
144 South Young
Wichita, Kansas 67209

Re: Case No. BIA 28-82
Request for Exception

Dear Mr. Frye:

Enclosed is a signed copy of the Resolution adopted by the Board of Senior Appeals on August 24, 1982.

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.

As you will note, condition number 5 reflects a security fence not less than 42" in height along the east and north. Discussion by the Board was to put the same height fence as now exists around the garden which was stated to be a 42" to 48" chain link fence. For appearance in the neighborhood, I would think that the fence would look best behind the hedge that now exists. And for ease of maintenance, to install it a few inches above the ground so that a person could rake under it, would certainly be an advantage.

It is our understanding that action has been filed in District Court relative to this case. It is not known how long action on this case will take.

If you have questions concerning this matter, please call our office.

Sincerely,

Glen E. Lytle
Assistant Secretary

GEL:jps
Enclosure
cc: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 28-82

WHEREAS, Starkey Development Center, Inc., 144 South Young, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to establish a group home for mentally retarded adults on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 23 and 24, Block 2, Jennings Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Marion Road and Minnesota (1955 Marion Road).

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 August 24, 1982, 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 group home for mentally retarded adults on property zoned the "AA" One-family Dwelling District subject to the conditions outlined in Section 28.04.185.1, Code of the City of Wichita..

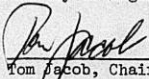
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a group home for 8 mentally retarded adults on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lots 23 and 24, Block 2, Jennings Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Marion Road and Minnesota (1955 Marion Road).

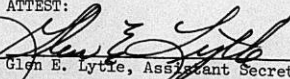
subject to the following conditions:

1. This resolution shall apply only to the Starkey Development Center, Inc., for the operation of this facility.
2. The facility shall comply with all State and local codes, and prior to occupancy, the applicant shall secure all necessary permits and licenses to convert the one-family dwelling to a group home for not to exceed 8 mentally retarded adults and their house parents.
3. The applicant shall provide not less than two off-street parking spaces. Such spaces and all drives providing ingress and egress shall be surfaced in accordance with Section 28.04.143 of the Zoning Ordinance.
4. No enlargement of the present structure shall be permitted.
5. A security type fence shall be installed on the property which shall be not less than a 42" chain link fence on the north and east and a screening type fence as defined by the Zoning Ordinance shall be required on the south and west property lines.

ADOPTED AT WICHITA, KANSAS, this 24th day of August, 1982.


Tom Jacob, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

8-19-82

Dear Board Member:

Re: Board Meeting - Aug 24, 82 1:30 PM - City Hall
Starky Development Center (Exception to zoning for
Home for Mentally Retarded Adults) 1955 Main Road
Lots 23 & 24 Block 2 Jennings addition

We are within 200' of the proposed "specification" and deeply disturbed about the effect on our property value for the following reasons.

This area is rather a small isolated residential area with houses very close to each other except the one in question ~~on this one~~ which Starky is wanting the zone exception for. It is a large lot with a very expensive house on it (for people who can pay a lot for their relatives to live in it).

We are bordered on the East side with the Canal Route 1235 which has made noise 24 hrs a day and hurts re-sale very much. We have K-15 on the West side of our area which is also very noisy & the train track along side of it. The sewage plant is a mile or so South & sometimes odor from that.

We pay as high property taxes as anyone else who lives in more desirable conditions & areas. If Starky puts this institutional type of facility, it would psychologically prevent people from buying in the area & would possibly open up more of this commercial type of homes to come into the area.

We feel there are lots of homes as good or better for their needs in good areas

in Wichita now.

Please put yourself in our place as a
home owner and vote against this exception.
so we have no more devaluation of our Property.

Thank You,

Mr & Mrs Jerry Hilber

26505E Ct

Wichita, Ks 67214

265-0572

August 19, 1982

Mr. Earl Henderson
6909 El Robelais
Wichita, KS 67209

Dear Mr. Henderson:

I wish to express my opposition to the exception, requested by Starkey Developmental Center, Inc., of the "AA" One-family Dwelling zoning of our district as it concerns the property at 1955 Marion Road.

One of the reasons for my opposition is increased traffic in a quiet community with many small children, a community which has only three accesses and which therefore requires a high concentration of traffic on two or three streets.

A major reason for my opposition, however, is the negative effect on my friends' and neighbors, and my property value which would be caused by this exception to our zoning. We have been informed by a realtor, that generally, any other use of the property than that of a "AA" One-family Dwelling will tend to have a detrimental effect on nearby property values. It would reduce the number of people who would want to buy the property nearby.

We believe that it is not necessary or wise to make the proposed exception to the zoning of our community, and we, therefore, request that you vote against it.

Sincerely,

Jean Champlin

Jean A. Champlin
2722 S. Minnesota
Wichita, KS 67216

CASE NUMBER BZA 28-82

August 19, 1982

Dear Mr. Henderson:

We wish to express our opposition to the exception, requested by Starkey Development Center, Inc., of the "AA" One-family Dwelling zoning of our district as it concerns the property at 1955 Marion Road.

One of the reasons for our opposition is increased traffic in a quiet community with many small children, a community which has only three accesses and which therefore requires a high concentration of traffic on two or three streets.

A major reason for our opposition, however, is the negative effect on our property value which would be caused by this exception to our zoning. We have been informed by a realtor, that generally, any other use of the property than that of a "AA" One-family Dwelling will tend to have a detrimental effect on nearby property values. It would reduce the number of people who would want to buy the property nearby.

We believe that it is not necessary or wise to make the proposed exception to the zoning of our community, and we therefore request that you vote against it.

Sincerely,

A. R. Koksal
Helen M. Koksal

BZA 28-82

Questions asked of the surrounding neighbors of the Starkey residence at 4,30 W. Douglas.

Do you feel that the value of your house has decreased or that you would have any problem selling your house because of the Starkey home?

Have you noticed any change in your neighborhood since the Starkey home has been in existence?

Have the residence of the Starkey home caused any problems since living there?

Names and addresses of people questioned.

116 S. Bebe	Mrs. Shouc
4929 Douglas	Carl Miller
4925 Douglas	Mr. & Mrs. Hook
4900 Douglas	Mrs. Ann Latta
4832 Douglas	Mrs. Baird
5002 Douglas	Mr. & Mrs. CR Tyson
127 N. Clara	Mrs. Lynsky
124 N. Clara	Mrs. Floyd Stone
130 N. Clara	Wilma Walker

average selling price \$ 49905
price per sq. ft. average \$ 51.08

COMPETITIVE MARKET ANALYSIS

From Multi-List information

PREPARED FOR Starkey

ADDRESS 144 S. Young

DATE _____

YOUR HOME	Bdrms	Baths	Bsmt	Rec/FR	Dining	Garage	C/A	Fire- place	Sq. Ft.	Const.	Date Sold	AGE	Asking Price	Selling Price	Terms	Days on Mkt.	blks from REMARKS Starkey	
525 N Tracy	3	2	yes	yes	yes	2 at	yes	yes	1288	fr	9/1/81	new	64500	64500	cv.	30	5 blks. from	
154 N Tracy	2	1	yes	yes	L	2 at	yes	no	986	fr	12/21/81		5	59900	53000	cv.	118	1 blk
149 N Florence	2	1	yes	yes	no	2 at	yes	no	852	fr	12/10/81		3	51500	51200	ass	30	3 blks
108 N Tracy	3	1 1/2	yes	no	no	1	yes	no	1000	fr	2/1/82		5	49900	49900	cv	150	1 blk
362 N Baehr	2	1	yes	no	no	1	yes	no	864	fr	10/8/81	no	48950	48950	cv	60	4 blks N 2 W	
101 S. Nevada	2	2	yes	yes	yes	1	yes	no	910	fr	10/28/81		40	48900	48000	Eq	30	2
334 Nevada	3	1 1/2	no	no	no	1	yes	no	1184	fr	9/8/81		2	49900	48000	Eq	18	3n 1 E
146 N Nevada	2	1	yes	no	no	1	yes	no	914	br	8/27/81		2	46000	45500	Eq	15	1 N 1 E
356 N Baehr	2	1	yes	no	no	1	yes	no	864	fr	2/16/82	new	48850	45000	cv	180	1 N 1 E	
104 N Tracy	2	1	yes	no	no	1	yes	no	912	fr	8/28/81		5	48000	45000	ass	60	1N

Average days on market
69.1

COMPETITIVE MARKET ANALYSIS

Average selling price
\$53100
average price per sq. ft
\$42.82

PREPARED FOR _____

ADDRESS 1955 Marion Rd.

DATE _____

YOUR HOME	Bdrms	Baths	bsmt	Rec/ER	Dining	Garage	C/A	fire-place	Sq. Ft.	Const.	Date Sold	Days on Mkt	Asking Price	Selling Price	Terms	Days on Mkt.	REMARKS
2502 S. Minnesota	3	1 1/2	tril	yes	L	1	yes	no	1280	fr	7/5/80	25	52000	50750	FHA	120	
2457 S. Minnesota	3	1 1/2	yes	yes	L	2	att	yes	1059	Br	8/23/79	24	52500	51000	FHA	120	
1903 Carson	3	2	yes	no	no	1	yes	no	1050	fr	8/1	27	52000	52000	O C	7	
1903 Glen Oaks	3	2	yes	yes	L	1	yes	no	968	fr	9/17/81	29	58000	51000	cash	7	7 days our Co
2633 S Minnesota	3	2	tril	yes	L	1	yes	no	1480	fr	11/81	27	55000	55000	cv	90	by other Co
1928 Denker	3	1 1/2	tril	yes	L	1+1	yes	no	1379	fr	4/25/82	27	58750	58750	ass	7	aprox \$100000
1923 Denker	3	1	no	no	no	no	no	no	868	fr	1/81	27	38000	38000	ass		\$16400 on 8 1/2% FHA
1939 Scott	3	2	yes	yes	L	3	yes	yes	691	fr	11/81	24	74000	68500	cv	ap 100	
2554 Southeast Dr	3	1 1/2	tril	yes	L	1	yes	no	576	fr	9/15/81	23	53500	53000	cv	120	
1911 Marion Rd	3	1 1/2	tril	yes	L	1	yes	no	1050	fr	8/3/81	26	52000	52000	OC	7	

Average days on market
57.8

20

SEE MAP 21



MAP 21
 made by KANSAS BLUE PRINT CO INC
 wichita . kansas



GOLDEN REAL ESTATE

West Side Center, Suite #103
125 South West Street
Wichita, Kansas 67209
Business (316) 945-8261

August 24, 1982

To Whom It May Concern:

Golden Real Estate has been involved in numerous home sales in the general area of Dodge Elementary School. To the best of my knowledge, the fact that Starkey Residential Center is also in this general vicinity has not been a deciding factor as to whether or not people buy.

Sincerely,

CENTURY 21 GOLDEN REAL ESTATE

A handwritten signature in cursive script that reads "Marcy Philliman".

Marcy Philliman
Broker-Owner



MATT ECK REAL ESTATE, INC.

WEST OFFICE
5512 W. Central
Wichita, Kansas 67212
(316) 942-7402

EAST OFFICE
5626 E. Central
Wichita, Kansas 67208
(316) 684-0227

August 24, 1982

TO WHOM IT MAY CONCERN:

Our firm has been involved in several home sales in the Dodge Elementary School area where Starkey Residential Center is located. To the best of our knowledge, the fact that Starkey Residential Center is located in that area has not been detrimental to the area.

Sincerely yours,

CENTURY 21 MATT ECK REAL ESTATE, INC.
WEST OFFICE

A handwritten signature in cursive script that reads "Matt Eck".

Matt Eck
Broker

Each Office Is Independently Owned And Operated



THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 20, 1982



TO Glen Lytle, Special Assistant for Zoning

FROM Robert Tillman, Administrative Aide III

SUBJECT BZA 28-82: Generally
located on the Southwest
Corner of Marion Road and
Minnestoa (1955 Marion Road)

On Thursday, August 19th, CPD Neighborhood Council "D" considered the captioned case and voted 4-3 to recommend denial of BZA 28-82, a request for an exception to permit the establishment of a group home for mentally retarded adults on property zoned "A" One Family Dwelling District. The Council expressed concern for the number of neighborhood residents that opposed the request.

The applicant, Starkey Development Center, Inc. was represented by its agents John Frye, Executive Director of Starkey and Dale Koehn, Director of Residential Services. There were seventy-five (See attachment) area residents and property owners present. Three of which stated that they had no objection to the request.

Marvin and Nona Schrag stated that they were opposed to the request because it would increase traffic in the area, lower property values and they did not want to live next to an institution. Jerry Hilber stated that he was opposed because it would increase the traffic problems that already exist on K-15 and I-235. Anthony Taravella stated that he was opposed because present zoning already exist elsewhere for this type of request and there is no need to make this exception. Roger Taylor stated that he was opposed because when an exception of this type is granted, it would allow other exceptions to be approved. Carl Chase opposed because of the proposed clientele. Cindy Jones and Jeff Runberg stated that they did not want their property values decreased. Approximately seventy residents were generally opposed to the request and expressed concerns for the possible decrease in property value and proposed clientele of the group home.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at its August 24th meeting.

Robert Tillman

Robert Tillman
Administrative Aide III

RT:dm

Noted:

Sarah Gilbert / sm

Sarah Gilbert
CP Coordinator

CITIZEN PARTICIPATION ORGANIZATION
NEIGHBORHOOD COUNCIL AREA "D"

Guest List
Thursday, August 19, 1982

*Residents who spoke at the meeting.

John Frye	Starkey Development Center
Dale Koehn	" " "
Edna Johnson	4248 Whitney Lane
Roy Phillips	4248 Davidson
Margaret Cochran	2070 Capri
*Paul & Dorothy Moyer	2451 S. Minnesota
Don & Darlene Williams	2455 S. Minnesota
Jim & Betty Fletcher	352 S. Rutan
Charles & Mary Jo Jack	2628 Southeast Court
Leat & Halan Houston	2632 Southeast Court
Debi Garrison	2628 S. Minnesota
Steve & *Cindy Jones	2502 S. Minnesota
Mary & C.E. Warren	1933 Carson
*Carl Chase	2646 S. Minnesota
Roy Jones	2731 S. Minnesota
Paul & Louise Wilson	2727 S. Minnesota
Vernon & Virginia Cromwell	2728 S. Minnesota
Sarah Denton	2602 S. Minnesota
Donald & Elaine McFarland	2612 S. Minnesota
Pearl & Ralph Hannah, Jr.	2712 S. Minnesota
Joan Champlin	2722 S. Minnesota
Lala & Soren Peterson	2608 Southeast Drive
Aldrick & Helen Koksal	2508 S. Minnesota
Jimona Lopez	2514 S. Minnesota
Virginia Brueggemann	2622 S. Minnesota
Cathleen & Robert Tennery	1932 Marion Road
Tommie Francis	1928 Marion Road
W.D. Rickerson	2640 S. Minnesota
*Marvin & *Nona Schrag	2608 S. Minnesota
Patricia Neely	1917 Marion Road
Marte Neal	1921 Marion Road
Lovella Falling	2628 Marion Road
Leonard & *Jo Elizebeth Harris	1958 Marion Road
Earl & Mary Saxon	1933 Marion Road
Ethel Sims	2601 Denker
Dick Dreiling	1938 Denker
*Roger & Susan Taylor	1952 Marion Road
Lois Jordan	1939 Denker
John Osborne	2651 S. Minnesota
Henry & Delanes Harms	2635 S. Minnesota
James McGuire	2633 S. Minnesota
John & Betty Fleming	1933 Glen Oaks Drive
*Oren Donnell	1938 Glen Oaks Drive
Roger Newgent	2708 S. Minnesota
Thomas McCannon	1927 Glen Oaks Drive
Steve Mullen	2748 S. Minnesota
Olivia & *Jeff Runberg	2618 S. Minnesota

CPO Council Area "
Guest List
Thursday, August 19, 1982

Betty & *Jerry Hilber
Charlotte & Margaret Clark
Bert & Meta Prothero
Fred & Maxine Hein
Marguerite & N.T. Dougherty

2650 Southeast Court
1903 Glen Oaks Drive
2102 East Pawnee
2550 S. Minnesota
2544 S. Minnesota

SECRETARY'S REPORT
CASE NO. BZA 28-82

APPLICANT: Starkey Development Center, Inc., 144 South Young, Wichita, Kansas.

AGENT: John C. Frye, 144 South Young, Wichita, Kansas.

REQUEST: Exception pursuant to Section 28.04.185.1, Code of the City of Wichita to permit the location of a group home for mentally retarded adults in an existing residence.

GENERAL LOCATION: On the southwest corner of Marion Road and Minnesota. (1955 Marion Road)

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are all adjacent properties.

LAND USE: Subject property is occupied by a one-family dwelling. Adjacent properties are all developed as one-family dwellings.

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 28.04.185.1 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to establish a group home for eight mentally retarded adults and the house manager. This is a large existing one-family dwelling located on a corner lot in an established residential neighborhood. The structure is located on the largest lot in the neighborhood and complies with all of the required setbacks of the "AA" One-family Dwelling District for side and rear yards and is 50 feet or more from both Marion Road and Minnesota Avenue, the front yards.

The applicant states that the group home will provide living quarters for up to 8 client's that will attend the workshop at Starkey Development Center on south Young five days a week. They will be transported to and from the center by van as the client's are unable to secure driver's licenses. This precludes the need for a parking space for each lodger at this location.

It should be noted that the circular driveway is gravel and not in compliance with the requirements for surfacing. Should the application be approved, this condition should be corrected.

RECOMMENDATION:

Should the Board determine that the proposed use is appropriate at this location, then it is the Secretary's recommendation that the exception be granted subject to the following conditions:

1. The facility shall comply with all State and local codes, and prior to occupancy, the applicant shall secure all necessary permits and licenses to convert the one-family dwelling to the group home.
2. The applicant shall provide not less than two off-street parking spaces. Such spaces and all drives providing ingress and egress shall be surfaced in accordance with Section 28.04.143 of the Zoning Ordinance.

BZA CASE NO. 28-82

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

37 NOTICES SENT TO ADJOINING PROPERTY OWNERS

50 TOTAL NOTICES SENT 8-4-82

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

August 4, 1982

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 28-82

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 Starkey Developmental Center, Inc., 144 South Young, Wichita, Kansas, 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 group home for mentally retarded adults on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 23 & 24, Block 2, Jennings Addition,
Sedgwick County, Kansas. Generally located
on the southwest corner of Marion Road and
Minnesota (1955 Marion Road).

This application has been assigned Case No. BZA 28-82. It will be considered by the Board of Zoning Appeals on August 24, 1982 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 exception 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. 28-82
FILED 7-27-82

APPLICATION FOR EXCEPTION

I. Name of Applicant Starkey Developmental Center, Inc.
144 South Young
Mailing Address Wichita, KS 67209 Phone (316) 942-4221
Name of Authorized Agent John C. Frye
144 South Young
Mailing Address Wichita, KS 67209 Phone (316) 942-4221
Contracted to
Relationship of applicant to property is that of purchase
(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 Group Home for Mentally
Retarded Adults

on property zoned AA
located at the southwest corner of Marion Road and Minnesota
(1955 Marion Road)

and legally described as: Lots 23 & 24, Block 2,
Jennings Addition, 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 Starkey Developmental Center, Inc.

Authorized Agent John C. Frye

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:00 (8:00 p.m.), July 27, 1982 together with appropriate fee of 75.00.

Signed G. Lynn Shirley

STARKEY DEVELOPMENTAL CENTER, INC.
144 South Young
Wichita, Kansas 67209
(316) 942-4221

July 21, 1982

MEMORANDUM

TO: Board of Zoning Appeals
FROM: Starkey Developmental Center, Inc.
SUBJECT: REQUEST FOR EXCEPTION TO A DOUBLE "AA" ZONE

Starkey has entered into a Purchase Contract to purchase the real estate property at 1955 Marion Road. Our plans are to develop this into a Group Home for Mentally Retarded Adults who are considered moderate to severely mentally retarded. The facility will have eight (8) clients and house manager. The clients will attend the workshop at Starkey Monday through Friday during the day.

The acquisition and the rehabilitation is funded by a Community Development Block Grant from the City of Wichita up to \$125,000. If other funds are needed, Starkey is in position to provide these funds.

The structure will meet the Life Safety Code and 504 Regulation for accessibility to handicapped as required by Central Inspection Division of the City of Wichita, Kansas, and we are requesting an exception for Lots 23 and 24, Block 2, Jennings Addition, Sedgwick County Kansas, which is Zone AA. The Board of Zoning Appeals has jurisdiction to grant exceptions under 28.04.185 Rehabilitation Homes: "1. Rehabilitation Homes. The Board of Zoning Appeals may, by special permit, grant exception and authorize rehabilitation homes such as group boarding homes for children "A" or "RB" residential zoning district." We understand that we are to meet the requirements stated in this section such as state and local codes, parking, etc. The clients who live in the home are unable to secure driver's licenses and none of them will have a car. The house manager will have his/her car and possibly there will be a van for house manager's use to transport the clients. We request that we be required to furnish only two (2) off-street parking spaces. This home will be licensed by the State Social and Rehabilitation Services and the State Board of Human Resources.

Page 2

Memorandum

To: Board of Zoning Appeals

From: Starkey Developmental Center, Inc.

Subject: Request for Exception to a Double "AA" Zone
July 21, 1982

This program will be funded by client fees, State Social and Rehabilitation Services and the County Mental Health Retardation Governing Board. Starkey always has contributions coming in which helps fund their programs.

If you have any questions, please contact: Dale D. Koehn, at 942-4221.

:jw

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstracter 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:

Record Owners within 200 feet of:
Lots 23 and 24, Block 2, JENNINGS
ADDITION, Sedgwick County, Kansas.



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>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
East 14 feet of Lot 7 and West 38 feet of Lot 8, Block 1,	JENNINGS	Robert W. & Cathleen F. Tennery 1932 Marion Road Wichita, Kansas 67216
East 12 feet of Lot 8 and all of Lot 9, Block 1,	JENNINGS	Robert L. Foley and David S. Pelton <i>ret.</i> 1938 Marion Road Wichita, Kansas 67216
Lot 10, Block 1,	JENNINGS	Robert E. & Joan C. Faust 1947 Marion Road Wichita, Kansas 67216
Lot 11 and West 2 feet of Lot 12, Block 1,	JENNINGS	Roger W. & Susan G. Taylor 1952 Marion Road Wichita, Kansas 67216
East 48 feet of Lot 12 and the West 12 feet of Lot 13, Block 1,	JENNINGS	Leonard L. & Elizabeth J. Harris 1958 Marion Road Wichita, Kansas 67216

Fidelity  Title
COMPANY, INC.

<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 12 except the West 12 feet, Block 1,	JENNINGS	✓ Bert & Ethel B. Sims 2601 S. Minnesota Wichita, Kansas 67216
Lot 1, Block 3,	JENNINGS	✓ Bruce W. & Sarah J. Denton 2602 S. Minnesota Wichita, Kansas 67216
Lot 2, Block 3,	JENNINGS	✓ Marlin D. Schrag 2608 S. Minnesota Wichita, Kansas 67216
Lot 3, Block 3,	JENNINGS	✓ Donald R. & Elaine McFarland 2612 S. Minnesota Wichita, Kansas 67216
Lot 4, Block 3,	JENNINGS	✓ Peter V. & Olivia Bono 2618 S. Minnesota Wichita, Kansas 67216
Lot 5, Block 3,	JENNINGS	✓ Emil J. & Virginia L. Brueggemann and Robert E. Brueggemann 2622 S. Minnesota Wichita, Kansas 67216
Lot 5, Block 2,	JENNINGS	✓ Harian S. & Leota E. Heuston 2632 Southeast Court Wichita, Kansas 67216
Lot 6, Block 2,	JENNINGS	✓ Charles Leon & Mary Jo Jack 2638 Southeast Court Wichita, Kansas 67216
Lot 7, Block 2,	JENNINGS	✓ John W. & Jani K. Sadowske 2644 Southeast Court Wichita, Kansas 67216
Lot 8, Block 2,	JENNINGS	✓ Jerry M. & Betty Hilber 2650 Southeast Court Wichita, Kansas 67216
Lot 9, except the West 2 feet, Block 2,	JENNINGS	✓ Vernon K. & Reva J. Nydegger 2656 Southeast Court Wichita, Kansas 67216
West 2 feet of Lot 9 and all of Lot 10, Block 2,	JENNINGS	✓ Antonio & Angela Gonzales 2662 Southeast Court Wichita, Kansas 67216
Lot 13, Block 2,	JENNINGS	✓ John E. & Brenda S. Osler 1912 Denker Wichita, Kansas 67216
Lot 14, except the East 1 foot, Block 2,	JENNINGS	✓ Walter S. & Irma L. Engle 1918 Denker Wichita, Kansas 67216


Fidelity
Title
Company,
inc.



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lots 26 and 27, Block 2,	JENNINGS	Mary Helen Saxon ✓ 1933 Marion Road Wichita, Kansas 67216
Lot 28, Block 2,	JENNINGS	Milton M. & Lucille E. Miller ? ADDRESS UNKNOWN <i>P. O. 3435 Illinois 1538 Arizona 67203</i>
Lot 29, Block 2,	JENNINGS	Marti Best ✓ 1921 Marion Road Wichita, Kansas 67216
East 1 foot of Lot 14 and all of Lot 15, Block 2,	JENNINGS	Jerry M. & Beverly S. ✓ Schmeissner 1922 Denker Wichita, Kansas 67216
Lots 19 and 20, Block 2,	JENNINGS	John W. & Susan K. Osborne ✓ 2651 S. Minnesota Wichita, Kansas 67216
Lot 21, Block 2,	JENNINGS	Henry L. & Delores M. Harms ✓ 2635 S. Minnesota Wichita, Kansas 67216
Lot 22, Block 2,	JENNINGS	James W. McGuire ✓ 1923 Denker Wichita, Kansas 67216
Lots 23 and 24, Block 2,	JENNINGS	Chester A. & Mary A. Swaney ✓ 1955 Marion Road Wichita, Kansas 67216
Lot 25, Block 2,	JENNINGS	John Bachman ✓ 1710 Coolidge Wichita, Kansas 67203
Lot 6, Block 3,	JENNINGS	Gary G. Garrison ✓ 2628 S. Minnesota Wichita, Kansas 67216
Lot 7 and the North 12.5 feet of Lot 8, Block 3,	JENNINGS	✓ Donald L. & Louise H. Chambers 2634 S. Minnesota Wichita, Kansas 67216
Lot 8 except the North 12.5 feet and the North 25 feet of Lot 9, Block 3,	JENNINGS	✓ Wilhelm D. & Alice F. Ackerson 2640 S. Minnesota Wichita, Kansas 67216
Lot 9 except the North 25 feet and the North 37.5 feet of Lot 10, Block 3,	JENNINGS	✓ Hercel L. & Iva Jo Bradley 2646 S. Minnesota Wichita, Kansas 67216
Lot 10 except the North 37.5 feet and all of Lot 11, Block 3,	JENNINGS	✓ Ronald E. & Dorothy J. Bell 2652 S. Minnesota Wichita, Kansas 67216


Fidelity
Title
Company,
inc.



<u>LOTS AND BLOCKS</u>	<u>ADDITION</u>	<u>RECORD OWNERS</u>
Lot 9, Block 4,	MURPHY	Betty Lou Fleming ✓ 1933 Glen Oaks Drive Wichita, Kansas 67216
Lot 10, Block 4,	MURPHY	✓ Carl L. & Margaret Burr 1939 Glen Oaks Drive Wichita, Kansas 67216
Lot 11, Block 4,	MURPHY	✓ L. W. & Mollie Haas 1945 Glen Oaks Drive Wichita, Kansas 67216
Lot 12, Block 5,	MURPHY	✓ Donald J. & Debra E. Brady 2568 S. Minnesota Wichita, Kansas 67216

Dated in Wichita, Kansas, this 16th day of July, 1982 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

Medina L. Sutter
By Asst. Secretary


Fidelity
Title
Company,
inc.

Tracer No. 58320



*

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

Roll # 2