

Case No. BZA 36-83 - Edward L. Pennington, R.R.#2, Box 16, Valley Center, Kansas, requests an exception to permit the establishment of a rehabilitation home for mentally retarded developmentally disabled or

POSTED  
7-11-83  
aet.

**ACTION**

B.Z.A. 36-83 APPROVED 7-26-83  
DATE

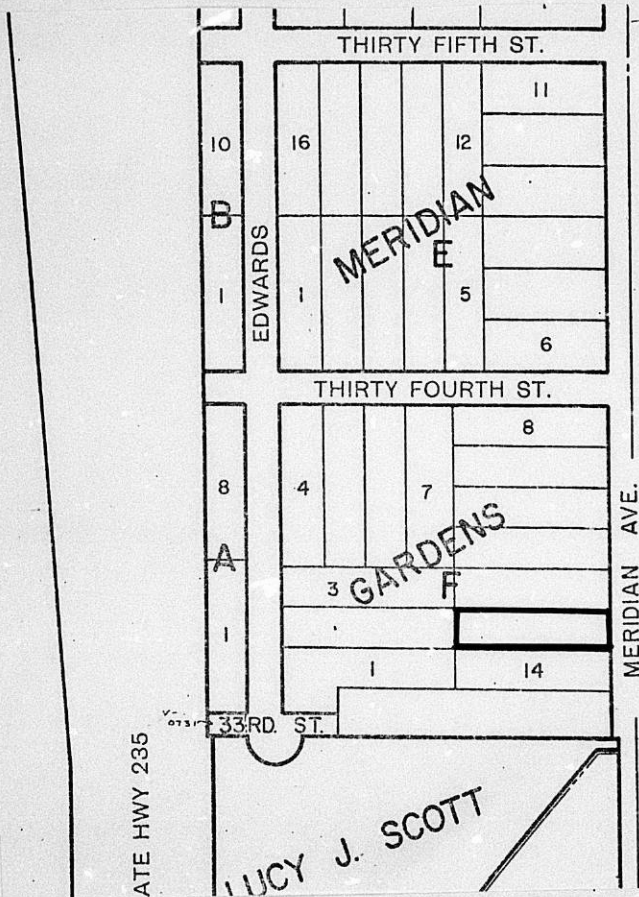
POSTED 8-15-83  
Checked Kent  
Shot 9-28  
Record —

Map No. 5251 A

BZA 36-83  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)  
2. Adjoining Zoning: E AA S AA W B N AA  
3. Land Use: East Yaa- South I-F  
West \_\_\_\_\_ North I-F  
4. Area (is) (~~is not~~) platted.



**Shirley**  
No. 2153C  
HASTINGS, MN  
LOS ANGELES, CHICAGO, LOGAN, OH  
MCKESSON, TX, COAST GROVE, GA  
USA

August 8, 1983

Edward L. Pennington  
R.R.#2, Box 16  
Valley Center, Ks.

Re: BZA 36-83 - Request for Exception

Dear Mr. Pennington:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on July 26, 1983.

This Resolution reflects the official action of the Board to approve your request, and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely,

Glen E. Lytle  
Assistant Secretary

GEL:sad  
Encl.

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

RESOLUTION NO. BZA 36-83

WHEREAS, Edward L. Pennington, R.R.#2, Box 16, Valley Center, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a group home for mentally retarded adults on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 13, Block F, Meridian Gardens Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Meridian and south of 34th Street North (3421 North Meridian).

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 July 26, 1983, 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.

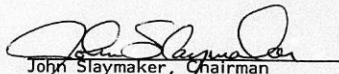
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a group home for mentally retarded adults on property zoned the "AA" One-family Dwelling District legally described as follows:

Lot 13, Block F, Meridian Gardens Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Meridian and south of 34th Street North (3421 North Meridian).

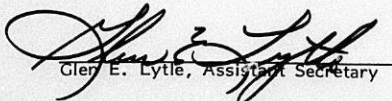
subject to the following conditions:

1. The facility shall comply with all State and Local regulations, and the applicant shall obtain all necessary permits and licenses to convert the one-family dwelling to a group home for not to exceed 14 mentally retarded adults, and the necessary houseparents.
2. The applicant shall provide not less than two off-street parking spaces. Such parking spaces and all drives providing ingress and egress shall be surfaced in conformance with Section 28.04.143 of the zoning ordinance.
3. No enlargement of the present structure shall be permitted that would increase the number of clients.

ADOPTED AT WICHITA, KANSAS, this 26th day of July, 1983.

  
John Slaymaker, Chairman

ATTEST:

  
Glen E. Lytle, Assistant Secretary

**THE CITY OF WICHITA**

**OFFICE OF** CITIZEN PARTICIPATION      **DATE** July 15, 1983

**TO** Glen Lytle, Special Assistant for Zoning

**FROM** Stan Scott, Administrative Aide III

**SUBJECT** BZA 36-83: West Side of Meridian,  
South of 34th Street North

On Wednesday, July 13th, CPD Neighborhood Council "M" considered a request for a zoning exception to permit the establishment of a rehabilitation home for mentally retarded developmentally disabled or mentally handicapped adults on property zoned "AA" One-Family Dwelling District. The Council voted 8-0 to recommend approval of the requested exception.

The applicant, Edward L. Pennington, the home administrator, and representatives of the Kansas State Department of Social and Rehabilitation Services were present to describe the planned facility and respond to questions from the Council and area residents and property owners. Council members were provided the notice to adjoining property owners and a map of the area.

One area resident appeared before the Council to express concern whether the facility would in the future increase the number of persons in the facility from the current 12 to the licensed 21, whether the exception would impact the marketability of his property, and whether the exception applies to the property or the current owner.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 36-83 is considered on Tuesday, July 26th.



Stan Scott  
Administrative Aide III

SS:sm

**RECEIVED**

JUL 15 1983

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. BZA 36-83

APPLICANT: Edward L. Pennington, R.R.2, Box 16, Valley Center, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 28.04.185.1, Code of the City of Wichita to permit the establishment of a group home for mentally retarded adults.

GENERAL LOCATION: On the west side of Meridian and south of 34th Street North.

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

LAND USE: Subject property is a One-family Dwelling as are all adjacent properties.

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 to permit the establishment of a group home for mentally retarded adults on property located in the "AA" One-family Dwelling District. The use of this property for a number of years was for a similar use, however, the most recent use was as a one-family dwelling which eliminated the nonconforming use rights the structure might have carried.

The structure contains nine bedrooms, of which that portion consisting of two bedrooms will be occupied by the full-time houseparents. The remaining 7 bedrooms will provide accommodations for up to 14 clients who will be 18 years of age or older. All will be educatable or trainable to some degree and will be under 24 hour supervision. It has been the applicant's experience that most client's will not have a car and so the traffic will consist mainly of the transporting of the clients to and from places of training or to bus stops so they can proceed on their own.

It is unfortunate that the nonconforming use rights have expired due to conversion to a one-family dwelling, as the facility is too large for most families. The property is fully fenced and has adequate parking to provide for the vehicles associated with the use.

RECOMMENDATION:

Should the Board determine that the use is appropriate at this location, then it is the recommendation of the Secretary that the exception for a group home for mentally retarded adults be approved subject to the following conditions:

1. The facility shall comply with all State and Local regulations, and prior to occupancy, the applicant shall obtain all necessary permits and licenses to convert the one-family dwelling to a group home for not to exceed 14 mentally retarded adults, and the necessary houseparents.
2. The applicant shall provide not less than two off-street parking spaces. Such parking spaces and all drives providing ingress and egress shall be surfaced in conformance with Section 28.04.143 of the zoning ordinance.
3. No enlargement of the present structure shall be permitted that would increase the number of clients.

Glen:

Edward L. Pennington  
dropped these off for his  
case file —  
on Exception Case BZA.

7/1/83 2:42 pm.

Ede.

BZA CASE NO. 36-83

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>9</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>11</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>22</u>	TOTAL NOTICES SENT <u>7-6-83</u>

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

July 6, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 36-83

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 Edward L. Pennington, R.R.2, Box 16, Valley Center, 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 rehabilitation home for mentally retarded developmentally disabled or mentally handicapped adults, on property zoned "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 13, Block F, Meridian Gardens Addition to Wichita, Sedgwick County, Kansas. Generally located on the west side of Meridian and south of 34th Street North (3421 North Meridian).

This application has been assigned Case BZA 36-83. It will be considered by the Board of Zoning Appeals on July 26, 1983 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. 36-83  
FILED 6-27-83

APPLICATION FOR EXCEPTION

I. Name of Applicant Edward L. Pennington  
Mailing Address RR 2 Box 16 Valley Center, Mo 655-1921  
Name of Authorized Agent Self  
Mailing Address (same) Phone same  
Relationship of applicant to property is that of Contract  
(Owner, Tenant, Lessee, Other) Purchaser

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 rehabilitation home

*see  
above.*

on property zoned AA  
located on the west side of Meridian, and south of 34th Street No.  
3421 N. Meridian  
and legally described as: Lot 13, Block F, Meridian  
Gardens Addition, to White, Sedg Co., Mo.

\_\_\_\_\_ , in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- That he has been advised of the fee requirements established by Section 2.12.580 of the Code of the City of Wichita (Ordinance No. 36-596); and that the appropriate fee is herewith tendered;
- That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.


Applicant Edward L. Pennington

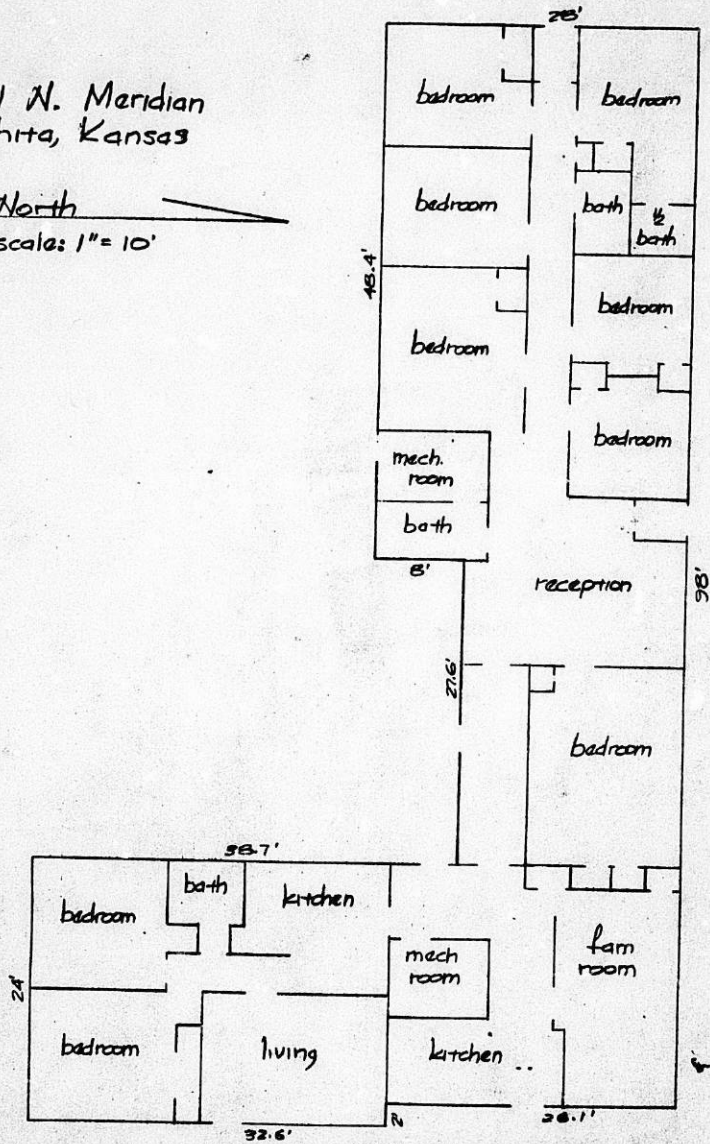
Authorized Agent Edward L. Pennington

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:30 (~~4:30~~ - P.M.), June 27, 1983  
together with appropriate fee of \$75.00.

Signed [Signature]

3421 N. Meridian  
Wichita, Kansas

North   
scale: 1" = 10'



Pennington's Residential Home Inc.  
Edward L. Pennington  
RR 2 Box 16  
Valley Center, Kansas 67147  
755-1921

Board Of Zoning Appeals  
City Of Wichita, Kansas  
Information Sheet  
Application For Exception

The use of the house at 3421 N. Meridian is proposed as a home for Mental Retarded (M/R), Developmentally Disabled (D/D), Mentally Ill (M/I), and or Mentally Handicapped (M/H), adults, 18 years and older. The homes square footage under SRS rules is large enough for 14 people in the East-West wing from the kitchen family room area to the west two bedrooms. The other section of house, two bedrooms, kitchen, living room and bathroom will be occupied 24 hours a day by live-in houseparent.

The residents of this home will all be educatable or trainable to some degree and will be under 24 hour supervision during the week and weekends.

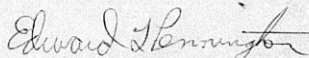
Residents will be transported to Wichita or bus stops by van or car owned by Edward L. Pennington. Live in houseparent will drive same vehicles.

It has been our experience at an existing home that we operate at 8401 N. Broadway, that residents very seldom own their own cars, until they move to apartments to live independantly. This should mean no increase in traffic or parking above normal family use.

Experience in the this type of business is form the time I was 16 years old working in a Nursing Home, 21 years old as administrator of Nursing Home until 1975 at which time I started a group living residential home, all at the 8401 N. Broadway address.

Property is totally fenced on all sides. Two sides are five foot wood fence, one side is a four foot chain link, and the house as other boundry.

Thank You

  
Edward L. Pennington

OWNERSHIP LIST

<u>Property Description</u>	<u>Property Owner</u>
Lot 1, Block F, Meridian Gardens	✓ Kelley R. Hardesty Betty Buckley 1424 S. Broadway Wichita, Kansas 67211
Lots 2 & 3, Block F, Meridian Gardens	Richard D. Campbell Gwendolyn Campbell ✓ 3422 N. Edwards Wichita, Kansas 67217
Lot 5, Block F, Meridian Gardens	Bernard H. Kramer Billie R. Kramer ✓ 626 McCandless Wichita, Kansas 67230
Lot 6, Block F, Meridian Gardens	Willard D. Schmidt Belvadene Schmidt ✓ <del>address unknown</del> <i>16140 Crestline Dr. 67228</i> same as above
Lot 7, Block F, Meridian Gardens	
Lot 10, & 11, Block F, Meridian Gardens	✓ Roland E. McNeal Hannah McNeal 3433 N. Meridian Wichita, Kansas 67203
Lot 12, Block F, Meridian Gardens	Frank G. Putnam Margaret E. Putnam ✓ 3427 N. Meridian Wichita, Kansas 67203
Lot 13, Block F, Meridian Gardens	Fidelity Savings Association of Kansas ✓ 1981 W. 21st Wichita, Kansas <del>67201</del> ✓ Kenneth L. Grubb <del>address unknown</del>
Lot 14, Block F, Meridian Gardens	Kenneth Atnip ✓ 3506 Countryside Plaza Wichita, Kansas 67218
Beginning at the southeast corner of Government Lot 2 in the Northeast Quarter of Section 36-26-1W; thence west 531.2 feet; thence north 82 feet; thence east 531.2 feet; thence south 82 feet to the point of beginning.	Harry William Mishler Peggy A. Mishler ✓ 3403 N. Meridian Wichita, Kansas 67203
Lot 1, Lucy J. Scott Addition	Louis D. Scott ✓ Lucy J. Scott 3945 N. Charles St. Wichita, Kansas 67204

Property Description

Property Owner

All of the west half of the northwest Quarter of Section 31-26-1E, south of the south right-of-way line of 35th Street North & north of the Big Ditch (A39338), except part platted in Womer Plaza & except a tract described as beginning 1311 feet south of the northwest corner of Government Lot 1, thence east 220 feet; thence south 235.5 feet; thence west 220 feet; thence north 235.5 feet to beginning.

Fourth National Bank & Trust Company, executor under will of Randle W. Womer  
100 N. Broadway  
Wichita, Kansas  
67202

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

Lot 13, Block F, Meridian Gardens, Sedgwick County, Kansas.

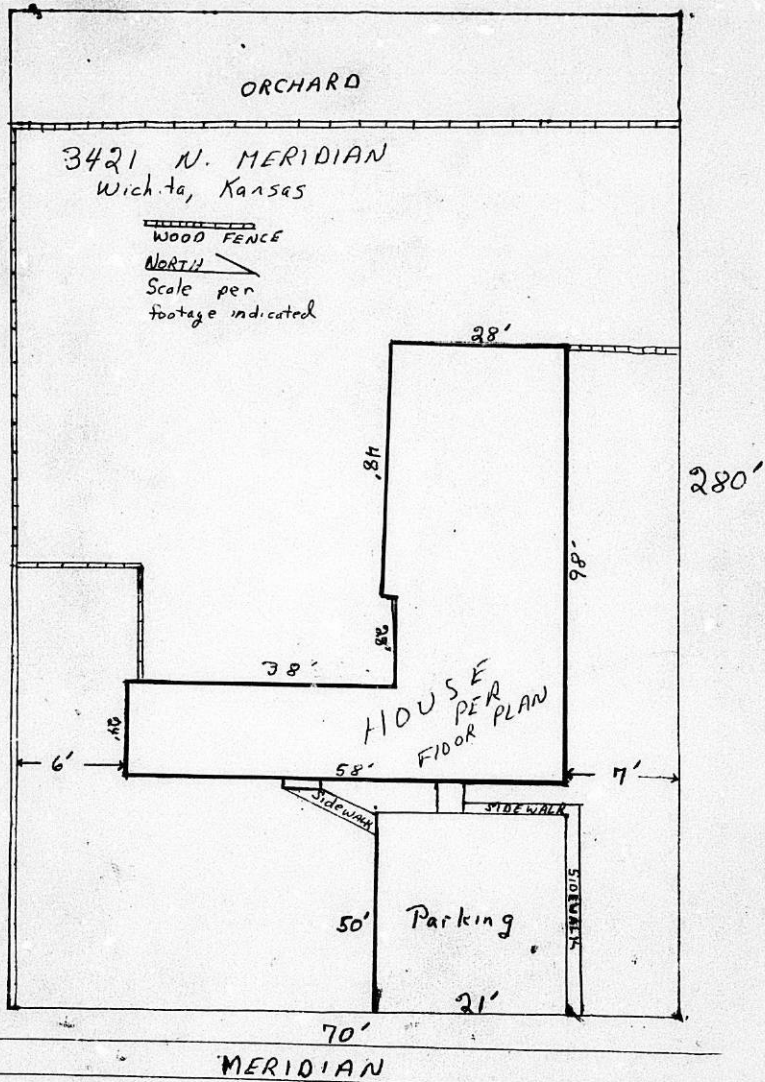
as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 24th day of June, 1983, at 7:00 O'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Gable*


Order No: 321898  
cf

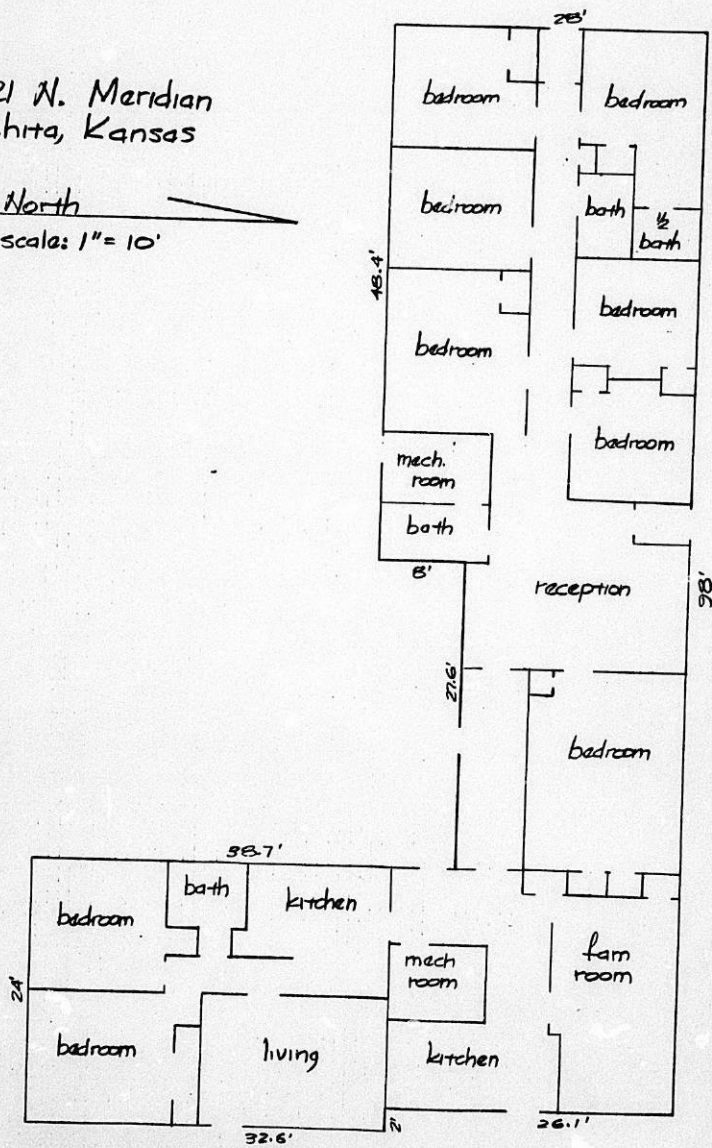


N.T.S.

B2A 36-23

3421 N. Meridian  
Wichita, Kansas

North   
scale: 1" = 10'



BZA 3683

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 25 21

**PAYMENT NOTICE**  
 City of Wichita

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

DESCRIPTION	AMOUNT
<i>Water 1224 Sewer 752</i>	

NAME *Frank Thomas*

ADDRESS *2001 N. 14th St. Wichita, Kan.*

FUND *1000000* DUE DATE

COMMENTS

DATE *1/17/71* BY *[Signature]*