

Case No. BZA 70-83 - Continuing Care, Inc. - Requests a variance to reduce the required number of off-street parking spaces, for a group home for mentally retarded adults, from 16 spaces to 2 spaces, on property

Checked
Shot 2-2-84
Record

57A1C

POSTED
12-22-83
G.E.L.

ACTION

B.Z.A. 70-83

~~APPROVED~~

1/24/84

DATE

200' 4" Sec. 2-2-84

Checked

Shot 2-2-84

Record

5747 C

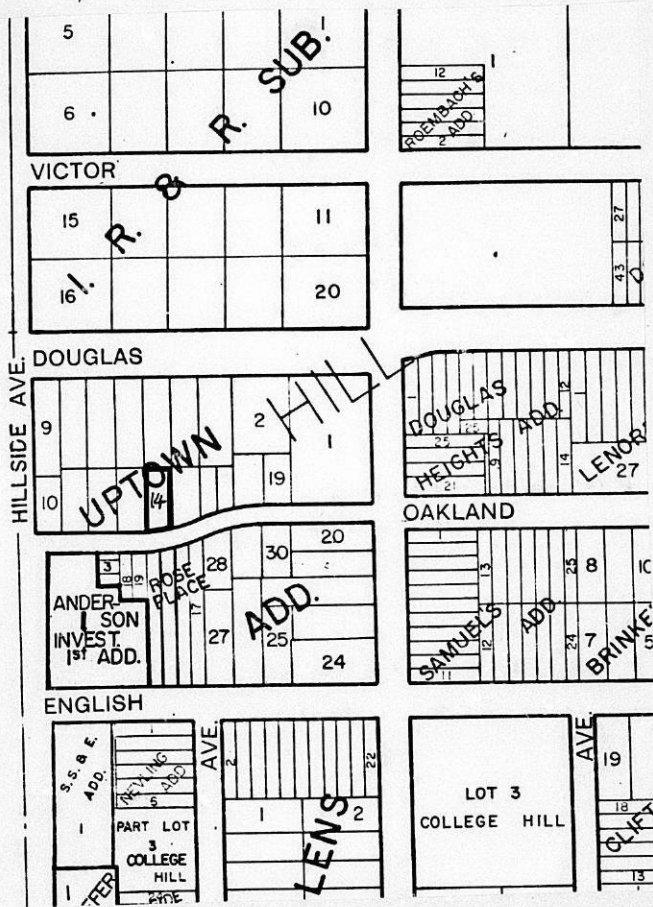
Case No. BZA 70-83 - Continuing Care, Inc. - Requests a variance to reduce the required number of off-street parking spaces, for a group home for mentally retarded adults, from 16 spaces to 2 spaces, on property

Map No. ~~5747~~ 5747 W 1/2 5647 E 1/2

BZA 70-23
Filed _____

AREA DATA:

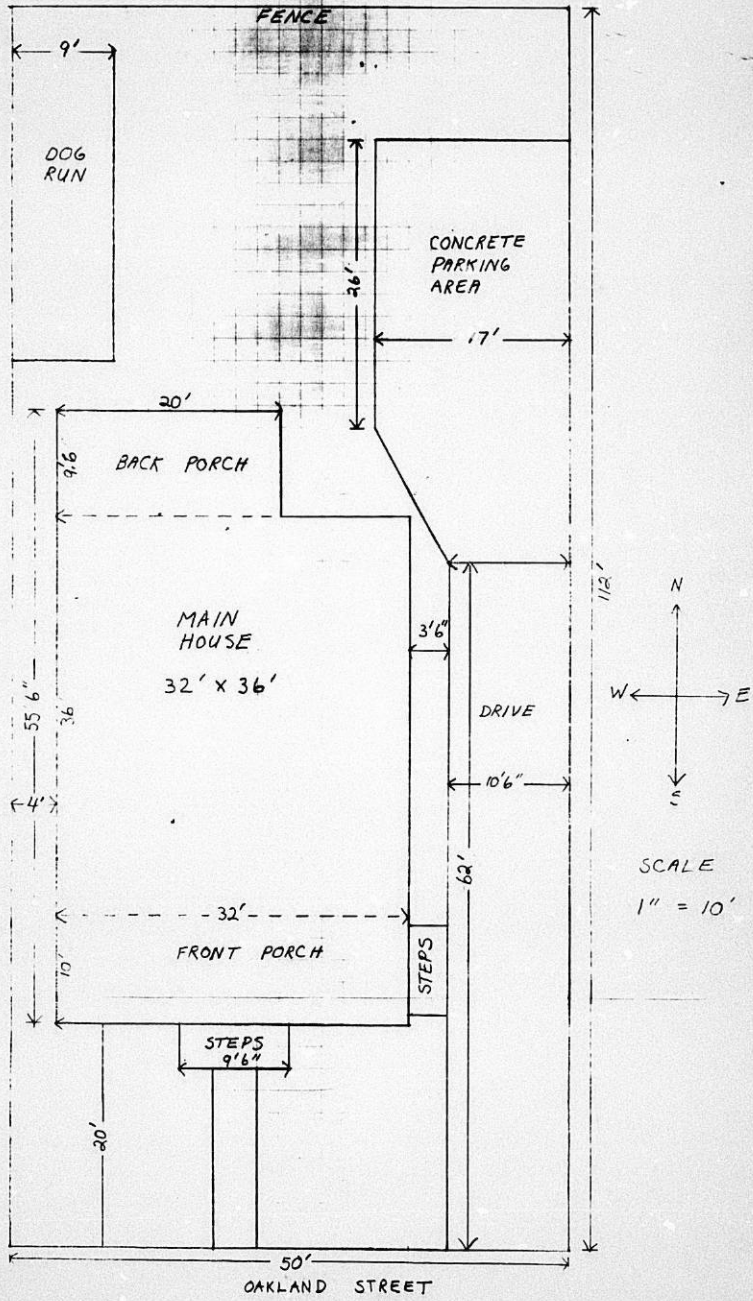
1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E B S B W B N C
3. Land Use: East Res South Res
West Res North Comm
4. Area (is) (~~is not~~) platted.



CONTINUING
CARE, INC.

3224 OAKLAND
50' X 122'

PARKING VARIANCE
REQUEST



January 25, 1984

Lori B. Hertlein
2723 Boulevard Plaza
Wichita, Ks. 67211

Re: BZA 70-83 - Request for Variance

Dear Ms. Hertlein:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 24, 1984.

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

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE January 20, 1984

TO Glen Lytle, Special Assistant for Zoning

FROM David Greer, CRS Management Intern

SUBJECT BZA 70-83 On the North side
of Oakland and East of
Hillside

CPO Council "G" considered the captioned case at its January 16th meeting and voted 5-1 to approve the variance to reduce the required number of off-street parking spaces from 16 to 2.

Mr. and Mrs. Bales, 1120 Barlow (landlords of property adjacent to the application area) were present and spoke in opposition to the variance. John R. Peters, applicant was present and spoke in support of the application.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered on January 24th.



David Greer
CRS Management Intern

DG:sm

RECEIVED

JAN 24 1984

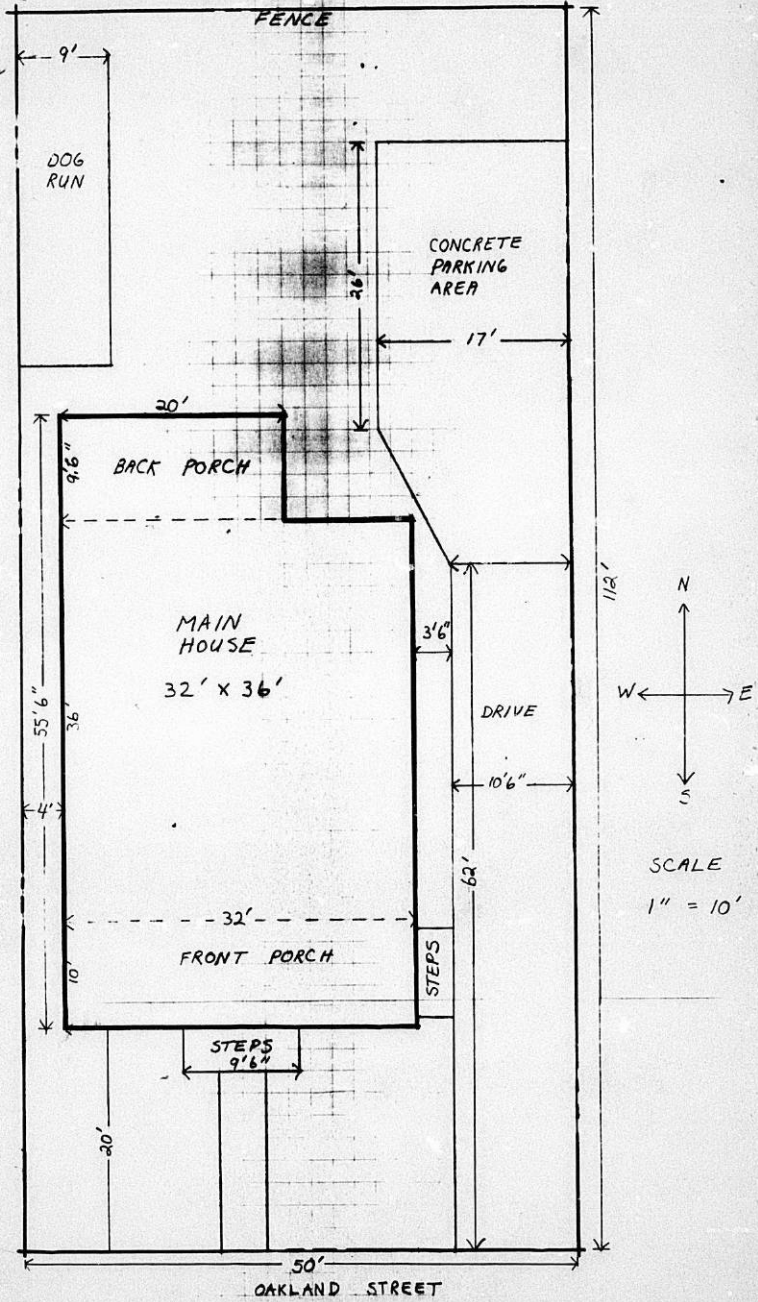
METROPOLITAN PLANNING

ROUTE _____

CONTINUING
CARE, INC.

3224 OAKLAND
50' X 122'

PARKING VARIANCE
REQUEST



January 12, 1984

To the Board of Zoning Appeals
Re: Case # PZ # 70-83

This is to register my objection to granting the request of Continuing Care, Inc. for a variance from 16 to 2 parking spaces for Lot 14, Uptown Uddn.

This property is located next door West of my property and I can attest to the fact that Oakland simply cannot accommodate any more on street parking. I am sure that the sponsors of this project would indicate that most, if not all of their residents will be without autos, but such contention provides no protection for the changes which may occur and there will certainly be deliveries of supplies, pickup and waiting for passengers, visitors, etc.

Sincerely,

James E. Lansdowne, II
Carey - 3228 Oakland

James E. Lansdowne, II

J. E. Lansdowne
917 North Yale
Phone 685-3007
Wichita, Kansas 67208



Board of Zoning Appeals
Tenth Floor - City Hall
455 N. Main
Wichita, Ks 67202

RESOLUTION NO. BZA 70-83

WHEREAS, Continuing Care, Inc., 2723 Boulevard Plaza, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 16 to 2 on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lot 14, Uptown Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland and east of Hillside.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of January 24, 1984, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the proposed use will demand less parking than was anticipated by the zoning regulation for most rooming houses generally occupied by the public; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the reduction of the number of off-street parking spaces for the proposed use should not create any on-street parking congestion; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would be required to provide and surface an off-street parking lot that would not be used by the occupants of the dwelling; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the reduction of off-street parking (for the specific use) should not create any on-street congestion; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the purpose of the required parking is to provide enough space for the normal number of automobiles for a given use. In this case the clients do not drive or have vehicles; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 16 to 2 on property zoned the "B" Multiple-family Dwelling District and legally described as:


Lot 14, Uptown Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland and east of Hillside.

C
O
P
Y


be approved subject to the following conditions:

1. The reduction of the number of off-street parking spaces from 16 spaces to 2 spaces shall only apply to the use of a group home for mentally handicapped adults.
2. Any change of occupancy to any other use shall null and void this resolution.

ADOPTED AT WICHITA, KANSAS, this 24th day of January, 1984.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

RESOLUTION NO. BZA 70-83

WHEREAS, Continuing Care, Inc., 2723 Boulevard Plaza, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 16 to 2 on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lot 14, Uptown Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland and east of Hillside.

WHEREAS, proper notice as required by ordinance and by the rules of the Board of Zoning Appeals has been given; and

WHEREAS, the Board of Zoning Appeals did, at the meeting of January 24, 1984, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the proposed use will demand less parking than was anticipated by the zoning regulation for most rooming houses generally occupied by the public; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the reduction of the number of off-street parking spaces for the proposed use should not create any on-street parking congestion; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would be required to provide and surface an off-street parking lot that would not be used by the occupants of the dwelling; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the reduction of off-street parking (for the specific use) should not create any on-street congestion; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the purpose of the required parking is to provide enough space for the normal number of automobiles for a given use. In this case the clients do not drive or have vehicles; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.


NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 16 to 2 on property zoned the "B" Multiple-family Dwelling District and legally described as:

Lot 14, Uptown Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland and east of Hillside.

be approved subject to the following conditions:

1. The reduction of the number of off-street parking spaces from 16 spaces to 2 spaces shall only apply to the use of a group home for mentally handicapped adults.
2. Any change of occupancy to any other use shall null and void this resolution.

ADOPTED AT WICHITA, KANSAS, this 24th day of January, 1984.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

SECRETARY'S REPORT
CASE NO. BZA 70-83

APPLICANT: Continuing Care, Inc., 2723 Boulevard Plaza,
Wichita, Kansas.

AGENT: Lori B. Hertlein, 2723 Boulevard Plaza,
Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the required
number of off-street parking spaces from 16
spaces to 2 spaces.

GENERAL LOCATION: On the north side of Oakland and east of Hillside.

ZONING: Subject property is zoned the "B" Multiple-family
Dwelling District as are the properties to the
south, west and east. Property to the north is
"C" Commercial.

LAND USE: Subject property is a residential structure to
be used as a group home for mentally handicapped
adults. Property to the north is commercial.
Properties to the west, south and east are
residential.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required number of off-street parking spaces from 16 spaces to 2 spaces. This requirement is based on one space for the dwelling and one space for each roomer or boarder at the facility. In this case the requirement would be 16 spaces.

This facility will provide residential services and training for 15 mentally handicapped adults in a group home setting. One employee will reside there overnight, and an additional employee will be at the home during daytime hours to provide training. Both employees drive their own vehicles and no agency vehicle is used at this location. In accordance with the site plan submitted by the applicant, a two car slab is located in the rear yard and additional parking can be provided if needed to the rear of the house.

The use of the property is a permitted use in the "B" Multiple-family Dwelling District and the lot is of sufficient size to provide some additional parking at the rear of the house. However, with only two cars to be at the house under normal circumstances, the request can be justified, particularly when the clients do not have vehicles or driver's licenses.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the proposed use will demand less parking than was anticipated by the zoning regulation for most rooming houses generally occupied by the public.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the reduction of the number of off-street parking spaces for the proposed use should not create any on-street parking congestion.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be required to acquire additional land to provide and surface an off-street parking lot that would not be used by the occupants of the dwelling.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of off-street parking (for the proposed use) should not create any on-street congestion.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the purpose of the required parking is to provide enough space for the normal number of automobiles for a given use. In this case the clients do not drive or have vehicles.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The reduction of the number of off-street parking spaces from 16 spaces to 2 spaces shall only apply to the use of a group home for mentally handicapped adults.
 2. Any change of occupancy to any other use shall null and void this resolution.
-

BZA CASE NO. 70-83

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
	LEGAL ADVERTISEMENT
<u>10</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>22</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>24</u>	TOTAL NOTICES SENT <u>1-4-84</u>

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

January 4, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 70-83

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 Continuing Care, Inc., 2723 Boulevard Plaza, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces, for a group home for mentally retarded adults, from 16 spaces to 2 spaces, on property zoned "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 14, Uptown Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of Oakland and east of Hillside.

This application has been assigned Case BZA 70-83. It will be considered by the Board of Zoning Appeals on January 24, 1984 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 variance 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. 70-83
FILED 12-22-83

APPLICATION FOR VARIANCE

- I. Name of Applicant Continuing Care, Inc.
Mailing Address 2723 Boulevard Plaza, Wichita, KS 67211 Phone 316-686-2301
Name of Authorized Agent Lori B. Hertlein
Mailing Address 2723 Boulevard Plaza, Wichita, KS 67211 Phone 316-686-2301
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)
- II. The variance requested is Reduce number of parking spaces from
sixteen (16) to two (2)

for property located 3224 Oakland, Wichita, Kansas

and legally described as: Lot 14, Uptown Addition, Wichita,
Sedgwick County, Kansas

in the City of Wichita; and which is presently zoned B-Multi family

- 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 2.12.530 of the Code of the City of Wichita (Ordinance No. 36-596) and that the appropriate fee is herewith tendered;
 - 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.
 - That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Continuing Care, Inc.

Authorized Agent Lori B. Hertlein

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:30 (a.m. - p.m.), DEC 22, 1983 together with appropriate fee of \$75.00.

Signed [Signature]

Continuing Care, Inc.



RESIDENTIAL SERVICES FOR HANDICAPPED ADULTS
2723 BOULEVARD PLAZA • WICHITA, KANSAS 67211 • (316) 686-2301

December 21, 1983

Board of Zoning Appeals
City of Wichita
Wichita, Kansas 67201

Dear Board Members:

Continuing Care, Inc. is a private not-for-profit corporation providing residential services and training to mentally handicapped adults; in operation since 1968. We currently have two group homes in Wichita and three in Salina. The agency is licensed as a "Community Agency for Mentally Retarded and Other Handicapped Persons" by the Kansas Department of Social and Rehabilitation Services.

The agency is in the process of getting a change of occupancy permit to relocate an existing group home to 3224 Oakland. This facility will serve a capacity of fifteen (15) mentally handicapped adults, as does the residence we are moving from.

The agency is requesting the Board of Zoning Appeals to grant a variance of zoning ordinance 28.04.141 item 3.1. This ordinance requires that up to 16 parking spaces be provided, one for the facility and one for each of the persons living there. Our request is that the number of parking places required be reduced to two (2).

The reasons for this request are:

- None of our clients drive, have driver's licenses or a vehicle.
- The agency itself does not own or lease any vehicles; so there is no need for space for an agency vehicle.
- The only persons having vehicles who would be at the facility on a regular basis are staff members. One staff will be at the residence overnight and an additional person is there during waking hours to provide training to the clients.

We appreciate the Board's consideration of this matter and hope our request will be approved. Thank you.

Sincerely,

Lori B. Hertlein

Lori B. Hertlein
Executive Director

OWNERSHIP LIST

<u>Legal Description</u>	<u>Owner/Address</u>
Lot 2, Uptown Addition	✓ The Hillcrest Apartment Building Company 115 S. Rutan Wichita, Kansas 67218
Lot 3 and 4, Uptown Addition	✓ Ali R. Raisdana 629 N. Stratford Wichita, Kansas 67206
Lot 5, Uptown Addition	✓ Donald Walenta 7918 Dublin Ct. Wichita, Kansas 67206
Lot 6, Uptown Addition	✓ Kenneth F. & LaDonna C. Schumaker 2348 N. Richmond Wichita, Kansas 67204
Lots 7 and 8, Uptown Addition	Uptown Company, a limited partnership No Address Available
Lot 9, Uptown Addition	✓ T. J. Armstrong 410 S. College Mulvane, Kansas 67110 Mary Theresa Kruse No Address Available William Gerald Armstrong ✓ No Address Available try 9600 E. 47th So.
Lots 10, 11 and 12, Uptown Addition	Don D. & Loretta C. Rutherford 320 S. Socora Wichita, Kansas 67209
Lot 13, Uptown Addition	Harold G. Oltjenbruns No Address Available
Lot 14, Uptown Addition	✓ Alfred McGregor Campbell, Jr. & Shirley K. 5530 Porter Wichita, Kansas 67204
Lot 15, Uptown Addition	✓ James E. Lansdowne, II and Lorriene V. Lansdowne, as trustees of the Lansdowne Living Trust and James E. Lansdowne, III and James F. Lansdowne, II, as trustees of the James F. Lansdowne, III Living Trust 2516 F. Central Wichita, Kansas 67214
Lots 16 and 17, Uptown Addition	D Darold G. Oltjenbruns No Address Available
Lot 18, Uptown Addition	✓ Edith M. Jones and Arthur Gerald Jones 428 S. Glenn Wichita, Kansas 67213 ✓ Susan Elizabeth Gaffey No Address Available Mary L. von Merveldt ✓ No Address Available try 1912 Mentor
Lot 19, Uptown Addition	✓ A. P. Crawford & The Hillcrest Apartment Building Company 115 S. Rutan Wichita, Kansas 67218
Lot 22, Uptown Addition	✓ W. D. & Ruth T. Clements No Address Available 446 Hangerford Haysville

Legal Description

Owner/Address

Lot 26, Uptown Addition

✓ Bernard P. & Irene M. Dette
239 S. Fountain
Wichita, Kansas 67218

Lot 27, Uptown Addition

✓ ~~Marguerite M. Dodson & Leo E. Detwiler~~
No Address Available

Lot 28, Uptown Addition

✓ L. M. & Ethel S. Fahn
3231 Oakland
Wichita, Kansas 67218

Lot 29, Uptown Addition

✓ Christian H. & Rosellen U. Loper
643 S. Hillside
Wichita, Kansas 67211

Lot 30, Uptown Addition

✓ G. Jay Kelly
3247 Oakland
Wichita, Kansas 67218

Lot 1, Anderson Investment First Addition

✓ Geoffrey Fngn
9211 E. Hary
Wichita, Kansas 67207

The East 40.4 feet of Lots 3 and 4, and the East 40.4 feet of the South 15 feet of Lot 2, Rose Place Addition

✓ Virginia Fielding
3211 Oakland
Wichita, Kansas 67218

The North 131.75 feet of Lots 14 and 15 on Maple Street, except that part taken for Oakland Avenue and that part of Lots 16 and 17 on Maple Street described as follows: Beginning at the intersection of the South side of Oakland Avenue and the West side of said Lot 18; thence Running South 90 feet; thence East to the East line of said Lot 17; thence North along the East line of said Lot 17 to the South line of Oakland Avenue; thence West along the South line of Oakland Avenue to the place of beginning, in Rose Place, an Addition to Wichita, Sedgwick County, Kansas.

✓ D Darold G. Oltjenbruns
No Address Available

Lots 16 and 17, Rose Place, an Addition to Wichita, except that portion on both lots described as: Beginning at the intersection of the South side of Lakland Avenue and the West side of Lot 16; thence South 92 feet; thence East to the East line of Lot 17; thence North along the East line of Lot 17, to the South line of Oakland Avenue; thence West along the South line of Oakland Avenue to the place of beginning, in Sedgwick County, Kansas.

✓ Dennis W. & Judith Chadwick
No Address Available 3230 E. English St.

The South 145 feet of Lots 14 and 15, on Maple Street, Rose Place Addition.

✓ Bernard P. & Irene M. Dette
239 S. Fountain
Wichita, Kansas 67218

The South 90 feet of Lots 18 and 19, Rose Place Addition

✓ Walter J. & Bonnie J. Huy
1142 Gouverneur Ct.
Wichita, Kansas 67207

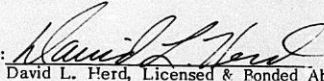
Columbian National Title Insurance of Wichita, Inc., hereby certifies the foregoing to be a true and correct list of all property owners within a 200 foot radius of the following described property:

Lot 14,
Uptown Addition to Wichita,
Sedgwick County, Kansas.

according to the last deeds filed of record in the Register of Deeds Office, Sedgwick County, Kansas, as of December 16, 1983 at 7:00 a.m. Addresses as given are furnished as a service and are not certified. Liability hereunder is limited to the amount of the fee paid herefor.

Columbian National Title Insurance of
Wichita, Inc.

By:



David L. Herd, Licensed & Bonded Abstracter

