2. The facility shall comply with all state and local codes. The applicant shall obtain all necessary permits and licenses.

3. The facility shall maintain not less than one off-street parking space behind the front yard setback line.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 6

November 28, 1989

SECRETARY'S REPORT

CASE NUMBER: BZA 42-89

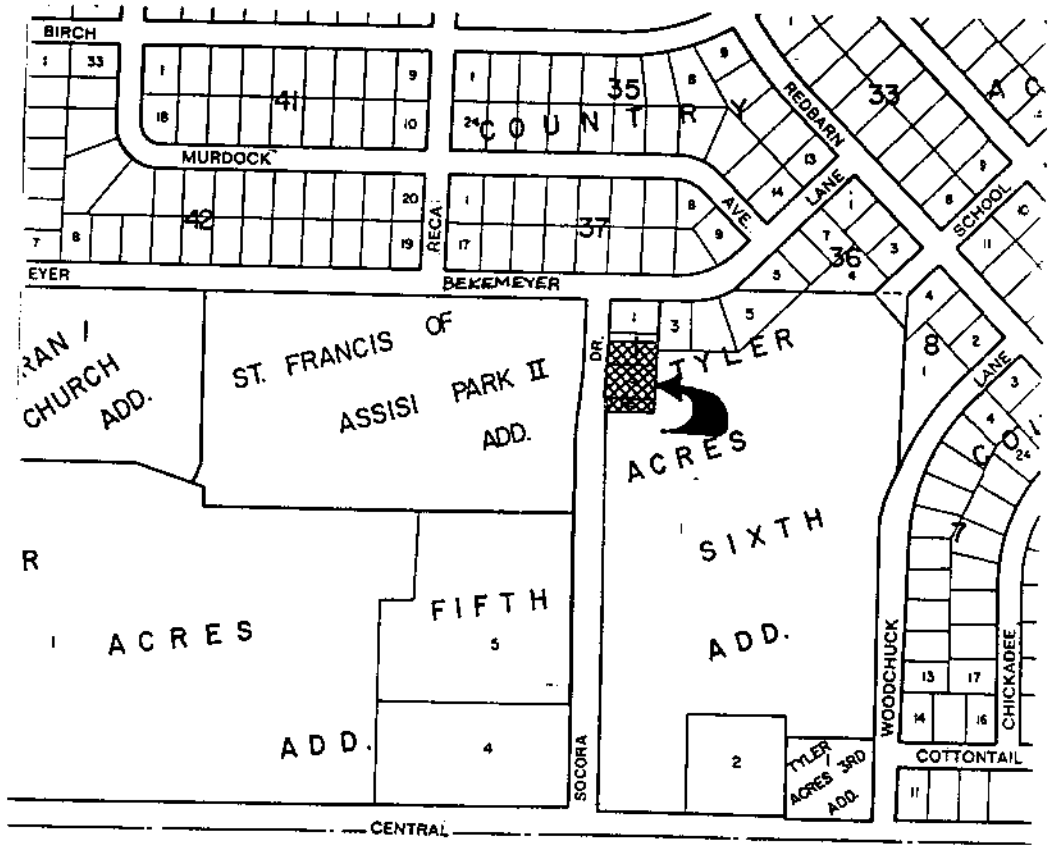
OWNER/APPLICANT/AGENT: Holy Family Center Group Homes, Inc. (owner/applicant)
Larry Oeding (agent)

REQUEST: Exception to permit a group home for 5 to 6 mentally retarded adults.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 120 ft. x 170.5 ft. (0.47 acre)

LOCATION: East side of Socora in an area south of Bekemeyer (856 N. Socora).



JURISDICTION: The Board has jurisdiction to consider this request under the provisions outlined in 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.

BACKGROUND: The applicant, Holy Family Center Group Homes, Inc., is in the process of purchasing this property from the Catholic Diocese. The house was formerly used as a convent for nuns at St. Francis Parrish and has 7 bedrooms, 2-1/2 baths, large living room, large dining room, large kitchen and large finished basement. The lot itself is almost 1/2-acre in size with a partially fenced back yard. The house has only a one-car garage, although a double-wide driveway exists in front of the garage. The group home will be staffed at all times by a house parent or parents. Only the house parent(s) will have cars.

The property is located on a city bus route and is convenient to medical facilities, library, shopping, banking, restaurants and theaters. The structure has been inspected by the Health Department and the Fire Department and only a few minor changes will be necessary to meet their requirements.

In 1985, a group home for 10 physically handicapped adults was approved for 8316 Bekemeyer which is at the northeast corner of Reca and Bekemeyer, approximately 500 feet from this application site. In 1974, a group home for 10 children (10 to 18 years of age) was approved at 8400 W. Murdock which is at the northwest corner of Reca and Murdock, approximately 900 to 1,000 feet from this application area. Both of these homes are still in operation. Revisions to the state laws governing group homes in 1988 specify that "no such group home may be located within 1,000 feet of another such group home in areas zoned exclusively for single-family dwellings, unless the governing body of the municipality approves a closer location by a majority vote thereof." We are awaiting an opinion from the Law Department as to whether the Board of Zoning Appeals has been delegated this authority under the use exception provisions, or whether the City Council must give final approval for a group home to be located within 1,000 feet of an existing group home.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwelling
SOUTH	"BB"	Undeveloped
EAST	"BB"	Undeveloped
WEST	"AA"	Catholic school and church

RECOMMENDATION: Should the Board determine that a group home for 5 to 6 mentally retarded adults plus 1 to 2 house parents is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. This exception for a group home is for mentally retarded adults only and for a maximum of 6 at any one time, plus 1 or 2 house parents. Any expansion of the facility to accommodate more than 6 clients or clients other than mentally retarded adults will require a new BZA application.

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1669
(316) 268-4561

September 17, 1990

Lawrence Oeding
Holy Family Center Group Homes
310 W. Central, Suite 119
Wichita, KS 67202

Re: BZA 42-89 - Exception to permit a group home for 5-6 mentally handicapped adults plus house parents, located on the east side of Socora in an area south of Bekemeyer (856 N. Socora).

Dear Mr. Oeding:

This morning I was advised by Betty Marty of the SRS that her agency could issue a license for operation of a group home at 856 N. Socora upon completion of the remodeling, provided the zoning of this property is appropriate. I told her the Board of Zoning Appeals had approved a zoning use exception for a group home, subject to SRS licensing. I am releasing the BZA resolution now so that you will not have a problem getting an occupancy permit or the SRS license. For our files, I would like to receive a copy of the license once it has been issued.

Sincerely,

Louise Olivarez

Louise Olivarez
Principal Planner

LO:jcm
Enclosure

cc: Betty Marty, Wichita Area SRS, P. O. Box 1620, 67201-1620
Loren Deines, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

BZA RESOLUTION NO. 42-89

WHEREAS, Holy Family Center Group Homes, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit a group home for 5 to 6 mentally retarded adults on property zoned the "AA" One-Family Dwelling District and legally described as follows:

> Lot 2, except the north 17 feet, all of Lot 3, and vacated School Street on the south, Block 1, Tyler Acres First Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Socora in an area south of Bekemeyer (856 N. Socora).

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 November 28, 1989, 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 a group home for 5 to 6 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 a group home for 5 to 6 mentally retarded adults on property zoned the "AA" One-Family Dwelling District and legally described as follows:

> Lot 2, except the north 17 feet, all of Lot 3, and vacated School Street on the south, Block 1, Tyler Acres First Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Socora in an area south of Bekemeyer (856 N. Socora).

subject to the following conditions:

1. This exception for a group home is for mentally retarded adults only and for a maximum of 6 at any one time, plus 1 or 2 house parents. Any expansion of the facility to accommodate more than 6 clients or clients other than mentally retarded adults will require a new BZA application.

2. The facility shall comply with all state and local codes. The applicant shall obtain all necessary permits and licenses.

3. The facility shall maintain not less than one off-street parking space behind the front yard setback line.

4. The applicant shall provide a copy of the license from S.R.S. prior to the release of the resolution.

ADOPTED AT WICHITA, KANSAS, this 28th day of November, 1989.

Sharon Ryan, President

ATTEST:

Jack H. Galbraith, Secretary