BZA RESOLUTION NO. 4-91

WHEREAS, Edward & Nava Jo Castleberry, pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit expansion of an approved group home for mentally and/or physically handicapped adults from 15 residents to a maximum of 20 residents on property zoned the "RB" Four-Family Dwelling District and legally described as follows:

Lots 5 and 6, Block H, Planeview Subdivision No. 2, Wichita, Sedgwick County, Kansas. Generally located on the east side of Davidson, two blocks north of 31st Street South (3112 & 3114 Davidson).

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 March 26, 1991, 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 expansion of an approved group home for mentally and/or physically handicapped adults from 15 residents to a maximum of 20 residents on property zoned the "RB" Four-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 expansion of an approved group home for mentally and/or physically handicapped adults from 15 residents to a maximum of 20 residents on property zoned the "RB" Four-Family Dwelling District and legally described as follows:

Lots 5 and 6, Block H, Planeview Subdivision No. 2, Wichita, Sedgwick County, Kansas. Generally located on the east side of Davidson, two blocks north of 31st Street South (3112 & 3114 Davidson).

subject to the following conditions:

1. This use exception is for the residences at 3112 and 3114 Davidson and shall permit a total maximum of 20 mentally and/or physically handicapped adults. Until additions are made to one or both of these buildings, the actual number of residents which can be accommodated will be fewer than 20.

2. The facility shall comply with the regulatory requirements of a federal, state or local governmental agency and shall obtain all necessary permits and licenses.

3. The parking pad between 3106 and 3112 Davidson and the parking pad in front of 3112 Davidson shall remain to provide parking for the group home facility.

ADOPTED AT WICHITA, KANSAS, this 26th day of March, 1991.

Randy Phillips, Vice President

ATTEST:

Louise Olivarez, Secretary

WICHITA — SEDGWICK COUNTY
W-SC
METROPOLITAN AREA PLANNING DEPARTMENT
CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4561

March 27, 1991

Edward & Nava Jo Castleberry
3106 Davidson
Wichita, KS 67210

Re: BZA 4-91 - Exception to permit expansion of an approved group home for mentally and/or physically handicapped adults from 15 residents to a maximum of 20 residents on property zoned the "RB" Four-Family Dwelling District, located on the east side of Davidson, 2 blocks north of 31st Street South. (3112 & 3114 Davidson)

Dear Mr. & Mrs. Castleberry:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on March 26, 1991. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be removed from the property. If you have any questions concerning this matter, please contact our office.

Sincerely,

Louise Olivarez

Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Paul Hays, OCI
Lance Flowers, OCI
Pat Burnett, Deputy City Clerk

BACKGROUND: In 1983, a use exception was granted to permit a group home for 10 mentally retarded adults at 3112 Davidson (BZA 42-83). In 1985, the adjacent structure at 3114 Davidson was added to the group home facility and the number of permitted residents was increased to 15 (BZA 1-85). Four parking spaces were required. The site plan submitted with this current application shows not only the location of the buildings in this application (3112 and 3114 Davidson), but other residences also served by the parking court which provides 20 parking spaces. There is parking for an additional 3 or 4 vehicles between the buildings at 3106 and 3112 Davidson. The applicants own 3104 and 3106 Davidson, as well as 4052 Dunham. The Dunham residence is a group home, but due to the limited number of residents does not require a use exception. The applicants live at 3106 Davidson. There are resident managers in each of these group homes. The SRS is the licensing agency for the two homes at 3112 and 3114 Davidson. The Dunham home is under the licensing provisions of the Health Department.

The applicants have one recreational vehicle which they use for transportation of the residents when there are planned group home outtings. When not in use, it is parked on the concrete pad adjacent to 3106. The group home residents do not drive vehicles. There is sufficient parking in the parking court for the group home managers, as well as the residents of adjacent one- and two-family dwellings. Although all current group home residents are mentally handicapped, the applicants have stated that they would like the flexibility of providing for physically handicapped individuals as well. They are aware of the need for certain changes in the structures to accommodate wheelchairs, etc. and these would have to be made before the SRS would license them for physically handicapped care.

ADJACENT ZONING AND LAND USE:

NORTH	"RB"	One-family and two-family dwellings
SOUTH	"RB"	One-family and two-family dwellings
EAST	"AA"	Public park
WEST	"RB"	One-family and two-family dwellings

RECOMMENDATION: Should the Board determine that an increase in the permitted number of residents in the existing group homes is appropriate at these locations, it is recommended that the exception be approved, subject to the following conditions:

1. This use exception is for the residences at 3112 and 3114 Davidson and shall permit a total maximum of 20 mentally and/or physically handicapped adults. Until additions are made to one or both of these buildings, the actual number of residents which can be accommodated will be fewer than 20.

2. The facility shall comply with the regulatory requirements of a federal, state or local governmental agency and shall obtain all necessary permits and licenses.

3. The parking pad between 3106 and 3112 Davidson and the parking pad in front of 3112 Davidson shall remain to provide parking for the group home facility.

BOARD OF ZONING APPEALS
WICHITA, KANSAS

AGENDA ITEM NO. 5

March 26, 1991

SECRETARY'S REPORT

CASE NUMBER: BZA 4-91

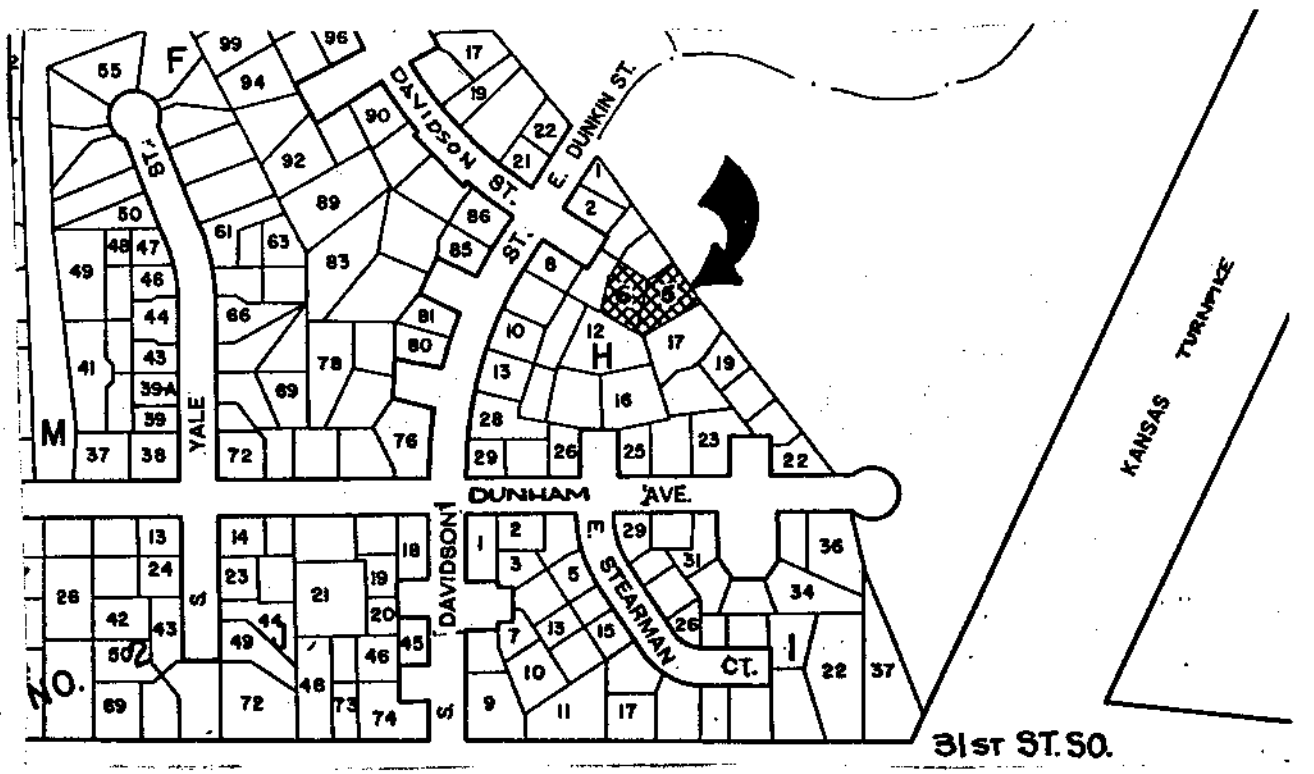
OWNER/APPLICANT/AGENT: Edward & Nava Jo Castleberry (owner/applicant)

REQUEST: Exception to permit expansion of an approved group home for mentally and/or physically handicapped adults from 15 residents to a maximum of 20 residents.

CURRENT ZONING: "RB" Four-Family Dwelling District

SITE SIZE: 1/3± acre

LOCATION: East side of Davidson, two blocks north of 31st St. South.



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.