

BZA No. 9-73 Richard H. Rumsey
requests exception to permit a
boarding home on the ES of Well-
ington N of 18th St.

POSTED
4-10-73
MAY 11
C.I.
6-10-73

11

ACTION

BZA	COMMITTEE	DATE
	<i>Appraised July</i>	<i>4.24.73</i>
	<i>to conduct</i>	
	M.A.P.C.	
	B.C.C./B. CO. C.	

Map No. 5449
 Sec. B
 Twp. 27
 Range 1E

BZA- 9-73
 SCZ- _____
 CU- _____
 Filed _____

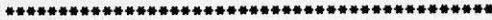
AREA DATA:
 1. Acres: 0.72 (140 ft. by 225 ft.)
 2. Adjoining Zoning: E RB S RB W B N RB
 3. Land Use: East SINGLE FAM South VACANT
 West SINGLE FAM North TWO FAM
 4. Sketch Plan Land Use is for: _____
 5. Present Land Use if for: SINGLE FAM
 6. Area (is) (is not) platted.

PHOTO DATA:
 Taken by _____ Date _____ Time _____



Send O.V. Kaufman - Attorney copy of agenda and staff report. Sent copies 4-18-73

RESIDENT HANDBOOK



CONTINUING CARE, INC.

TABLE OF CONTENTS

INTRODUCTION-----	0
YOUR ROOM-----	1
YOUR CLOTHES-----	1
PERSONAL ITEMS-----	2
BATHING-----	2
LINEN SERVICE-----	3
MEALS-----	3
RECREATION	
INSIDE HOME-----	3
BACK LAWN-----	4
INTER-CITY-----	4
AS AN INDIVIDUAL-----	5
YOUR HOUSE RESPONSIBILITIES-----	6
MEDICAL & FIRST AIDE-----	9
MEDICATION-----	11
HOME VISITS-----	11
TELEPHONE-----	11
YOUR HOUSEPARENTS-----	12
YOUR DIRECTOR-----	13

TABLE OF CONTENTS

INTRODUCTION 4

YOUR ROOM 1

YOUR BATH 1

PERSONAL ITEMS 2

EATING SERVICE 2

LAUNDRY SERVICE 3

MEALS 3

RECREATION 4

IN THE HOME 4

STATE LAWS 4

HEALTH CARE 4

AS AN INDIVIDUAL 5

YOUR HOUSE RESPONSIBILITIES 5

MEDICAL & FIRST AID 5

EMERGENCY 11

HOME VISITS 11

TELEPHONE 11

YOUR HOUSEPARENTS 12

YOUR DIRECTOR 12

INTRODUCTION

As a resident in a Continuing Care Home, you will be expected to conduct yourself in socially acceptable ways.

All of the items which follow have been prepared so that you and your fellow residents can achieve the greatest harmony in a group living home.

These guidelines are for your safety and personal well being. Read them carefully and if you have any questions, consult your houseparents.

(1)

YOUR ROOM

You may have one, two or possibly three room-mates. Your room is to be kept clean at all times, your bed should be made every morning before you leave for work, school, or job training.

You may have your own T.V., radio, fan, clock, etc. in your room. The T.V., radio and record players are to be kept at a low tone so you do not disturb the person in the next room. The person in the next room may have a night job and he needs his rest as much as you do. You may have pictures, etc. on your walls. Please do not put new nails in the walls if you can use existing ones.

YOUR CLOTHES

A clothing list is provided before admission. You will be able to wash your clothes once a week. In case you run out of clean clothes before your next scheduled time to wash, you may have an extra turn by asking your houseparents.

(2)

(2)

YOUR CLOTHES-CONTINUED

Keep your dirty clothes in a box in your closet. Do not put dirty clothes back into your drawer. Keep all clean clothes folded and in your drawers or on hangers in your closet. Washers, dryers and soap, irons and ironing boards are free for your use.

PERSONAL ITEMS

All items which you bring into the home are your total responsibility. Continuing Care will be responsible only for those items which you especially want your houseparents to keep in their custody for you. Should you lose something of value or suspect it is missing, report it to your houseparents immediately and they will assist you in locating your missing article.

BATHING

We would prefer that you take a bath every day of the week. Use deodorant and keep clean shaven.

BATHING-CONTINUED

You will be responsible for your own toilet articles as we do not supply them.

LINEN SERVICE

You will receive clean sheets and pillow cases once a week. Should you spill something on your bed you may receive an extra set by asking your houseparents.

MEALS

The houseparents will explain what times the meals are served. You should wash your hands before each meal and be in the dinning room on time.

RECREATION

INSIDE HOME

T.V. Rooms are available for all residents. You will soon find that you will not be able to watch your programs all the time. Taking turns on TV programs is a must. For those of you with your own TV's in your rooms, this will not be a problem.

RECREATION

INSIDE HOME-CONTINUED

Seperate rooms from your TV rooms are available for playing pool, cards, games, record players, etc.

BACK LAWN

Volley Ball, Badminton, Barbeques and games are available most of the time, depending on what the houseparents and residents feel they would like to do.

INTER-CITY

Your recreation co-ordinator for your home will schedule activities with you. Be sure to let him know what you are interested in doing. He will do his best to schedule outings in which the group has expressed interest. A typical months activities might include 2 swimming parties, 1 dance, 1 movie, a field trip to a point of interest in or out of town. These activities for the most part are free.

RECREATIONINTER-CITY-CONTINUED

Movies are one activity you can expect to pay for. Your activities for the month will cost about \$3.00. We also receive special rates to most civic functions so you will have this advantage also.

AS AN INDIVIDUAL

You may shop in the down town areas, attend the theater on your own, go for walks, etc.

Permission for these kinds of activities will depend upon how responsible you are and how you have full-filled your obligations to your house responsibilities.

YOUR HOUSE RESPONSIBILITIES

1. Keeping yourself neat and clean.
 - A. Bathe every day.
 - B. Use deodorant.
 - C. Shave every day.
 - D. Wash your hair regularly and keep it trimmed. This will impress your employer, not only on the job but in interviews also.
 - E. Brushing your teeth twice daily is very important. Clean teeth give you a likable smile.
 - F. Check your fingernails. Dirt and grime will accumulate after long hours of work.
2. Keeping your room neat and clean.
 - A. Make your bed every morning.
 - B. Put papers and trash in your trash basket.
 - C. Keep food out of your dressers and closets. Food will attract bugs which could make your room become a poor place to live and sleep.
 - D. Mop your floor regularly.
 - E. Keep your dresser top clear of papers, food and trash. This will help your room to look neat.
3. Attending to your assigned weekly chores such as dishwashing, cleaning tables, mopping the floors, etc.
4. You will let the houseparents know when you leave the house, where you are going, and when you will return.
5. You must not be out of the house past the time limit set by your houseparents.

(7)

YOUR HOUSE RESPONSIBILITIES-CONT'D.

6. A savings account at the bank is required. Initially you will need \$5.00 to start it and you should deposit at least \$1.00 a month. The account is to be in your name alone. Houseparents will help you if you need it.

7. Treat your fellow residents with respect. If you are having difficulty with someone report it to your houseparents, they will help you solve the problem. To show you how taking a problem into your own hands can result in disaster, the following situation is recalled: Mary was having constant fights with her room-mate. Day after day things kept getting worse and Mary began to have problems on her job because of the fighting with her room-mate. One day she hit her room-mate. In the heat of an argument, this really threw things into confusion. Finally, one of the residents suggested that Mary might talk with her houseparents about this problem.

(8)

YOUR HOUSE RESPONSIBILITIES-CON'T.

Mary never thought to ask for help. She went to the houseparents and they seemed to help Mary considerably just by talking with her and giving her some helpful hints on coping with some of her misunderstandings about her room-mate and why she couldn't get along. After several days of talking with her houseparents for 10 to 20 minutes at a time, Mary began to feel better about her room-mate and the problems she had created on her job began to disappear. Your houseparents are happy to help you in any way they can.

8. Treat your houseparents with respect, they are here to help you. If you feel, after a reasonable period of time, that they are too hard on you, contact the Director, and he will set up a meeting with you and your houseparents to work the problem out.

YOUR HOUSE RESPONSIBILITIES-CONT'D.

9. Your individual houseparents will have their own rules as to where you can eat snacks, smoke, etc. You will be expected to follow these rules as you would in your own home. Make your house a nice place to live by doing your share to help. If you feel some one is free loading, don't handle the problem yourself. Let your houseparents know and they will take the necessary steps to solve the problem.

MEDICAL & FIRST AIDE

Continuing Care, Inc. has several Doctors on call 24 hours a day for your protection. Should you feel sick or have an accident report it to your houseparents immediately, they will take the necessary action to insure your safety. Another example comes to mind about Jim who never got sick. Jim didn't like bothering the houseparents with his problems.

MEDICAL & FIRST AIDE-CONT'D.

One day Jim woke up with a sore throat. He didn't pay any attention to it for several days. Finally his throat began to hurt so bad that he started taking aspirin for the pain. This did not work and he ended up sick in bed for one week, missing his work and a whole weeks pay. The houseparents asked Jim how long he had felt this way and Jim suddenly realized that he should have told his houseparents about the sore throat at the very beginning. By telling the houseparents about the sore throat when it first started bothering him, Jim could have saved himself considerable time and money. Remember, your houseparents will get you the proper medical care that you need, regardless of how serious you might think the problem is.

(11)

MEDICATION

If your Doctor has prescribed medication for you, it will be your responsibility to keep it in a safe place in your room and take it as prescribed. Should you need help the houseparents can keep your medication and give it to you as prescribed.

HOME VISITS

Your home visits will be worked out on an individual basis. Depending on your own personal experience and what effect they have had on you. After taking these things into consideration, a decision will be made as to whom and how often you may visit.

TELEPHONE

A public telephone for your personal use is centrally located in the home for your convenience. A time limit is set per call because of the number of residents who will have access to this phone. You may call your friends, relatives, etc. on this phone.

(12)

TELEPHONE-CONT'D.

The business phone, which is only used by your houseparents, may be used by you in emergency cases only.

YOUR HOUSEPARENTS

Your houseparents are trained and experienced. They are available 24 hours a day. Should you need help with a personal problem, money management, or just someone to talk with, they will be glad to assist you.

After you learn to feel more comfortable in your new surroundings, you will find your houseparents to be an important part of molding your future as an independent person.

YOUR DIRECTOR

The Director is responsible for your total program. He requires that your houseparents perform their duties in a respectful and responsible manner. Since your houseparents have shown their ability to perform their tasks in a satisfactory manner to your fellow residents and to other staff persons in this field of work, you should learn to feel quite confident in their ability to help you. Should you feel for some reason that you are being mistreated in any manner, the office door of Continuing Care is always open to you. We will work with you in any way we can.

May 23, 1973

Mr. Richard H. Runsey
1041 North Waco
Wichita, Kansas 67203

Subject: Case No. BEA 9-73 - Request for Exception

Dear Mr. Runsey:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 24, 1973, in connection with your request to permit a group boarding home for children 13 through 16 years of age, on property zoned the "R3" Four Family Dwelling District and generally located on the East side of Wellington North of 18th Street.

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 any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rw

enclosure

cc: Bob Powers, 308 West 32nd Street South, 67217
Ferry Cooper, 1801 Wellington Place 67203
O. J. Kaufman, Suite 830, 1st National Bank Bldg. 67202
Robert Feldner, Supt. of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 9-73

WHEREAS, Richard H. Rumsey, 1041 North Waco, Wichita, Kansas, 67203, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit a group boarding home for children 13 through 16 years of age, on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lots 21, 23, 25, 27, 29, 31, 33, 35, and 37, Block 3 of the Fairview Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the East side of Wellington South of 18th Street.

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 April 24, 1973, 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 boarding home for children 13 through 16 years of age, on property zoned the "RB" Four Family Dwelling District, subject to the conditions outlined in Section 28.04.185, 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 boarding home for children 13 through 16 years of age, on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

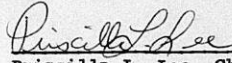
Lots 21, 23, 25, 27, 29, 31, 33, 35, and 37, Block 3 of the Fairview Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the East side of Wellington South of 18th Street.

subject to the following conditions:

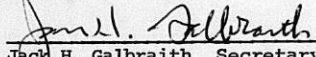
1. The house and its sanitary facilities shall be brought into compliance with all state and local codes prior to occupancy.
2. The facility shall be limited to no more than 12 children from 13 through 16 years of age. Prior to the occupancy of the structure by the group boarding home, however, the Health Department will establish the maximum number of occupants permissible within the home.
3. The facility shall comply with the regulations of the Kansas State Board of Health governing the licensing of group boarding homes for children and the licensing requirements of other authorized state agencies. The program shall be sanctioned by the Juvenile Court, the Sedgwick County Welfare Department and other appropriate state or local agencies.

4. Upon the termination of the use of the property by Continuing Care No. 2, Inc. as a group boarding home for children 13 through 16, or if the approved use does not commence within 6 months of the date of approval, then this resolution for approval shall be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of April,
1973.


Priscilla L. Lee, Chairman

ATTEST:


Jack H. Galbraith, Secretary

April 25, 1973

Mr. Richard H. Rumsey
1041 North Waco
Wichita, Kansas 67203

Subject: Case No. SEA 9-73 - Request for Exception

Dear Mr. Rumsey:

At the regular meeting of the Board of Zoning Appeals on April 24, 1973, your request for an exception to permit a group boarding home for children 13 through 16 years of age, on property zoned the "R2" Four Family Dwelling District, and generally located on the East side of Wellington North of 18th Street, was considered.

It was the action of the Board to approve this request subject to the four conditions listed in the Secretary's Report and listed as follows:

1. The house and its sanitary facilities shall be brought into compliance with all state and local codes prior to occupancy.
2. The facility shall be limited to no more than 12 children from 13 through 16 years of age. Prior to the occupancy of the structure by the group boarding home, however, the Health Department will establish the maximum number of occupants permissible within the home.
3. The facility shall comply with the regulations of the Kansas State Board of Health governing the licensing of group boarding homes for children and the licensing requirements of other authorized state agencies. The program shall be sanctioned by the Juvenile Court, the Sedgwick County Welfare Department and other appropriate state or local agencies.

Mr. Richard H. Rumsey
Page 2

4. Upon the termination of the use of the property by Continuing Care No. 2, Inc. as a group boarding home for children 13 through 16, or if the approved use does not commence within 6 months of the date of approval, then this resolution for approval shall be considered null and void.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith
Secretary

JHG:rv

cc: Bob Powers
Perry Cooper, 1801 Wellington Place 67203
O. J. Kaufman, Suite 830, 1st National Bank Bldg. 67202
Robert Feldner, Supt of Central Inspection
Ralph Eberly, City Clerk
Joe Donnelly, Central Inspection

SECRETARY'S REPORT
Case No. BZA 9-73

APPLICANT: Richard H. Rumsey, 1041 North Waco, Wichita, Kansas, 67203

AGENT: None

REQUEST: Exception pursuant to Section 2.12.590.C, Code of the City of Wichita to permit a group boarding home for children 13 through 16 years of age.

GENERAL LOCATION: Generally located on the east side of Wellington Place South of 18th Street

LAND USE: Subject property and those to the north, east and south are developed with single family homes. The property to the west is utilized by the Wichita Fellowship Club.

ZONING: Subject property is zoned the "RB" Four Family Dwelling District, as are those properties to the east, south, and north. The property to the west is zoned the "B" Multiple Family Dwelling District.

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 28.04.183, Code of the City of Wichita, can be complied with.

COMMENTS BY THE SECRETARY:

On November 24, 1972, the zoning ordinance was amended to provide for the establishment of group boarding homes for children and half-way house group homes for adults (Ordinance No. 32-412). The Board of Zoning Appeals was given the authority to grant exceptions to authorize rehabilitation homes to be located in the "AA", "A", and "RB" residential zoning districts, subject to the following conditions:

1. The home and its sanitary facilities shall comply with all state and local codes.
2. The Board shall determine the number of occupants permitted based on the sleeping capacity of the facility and the number of required parking spaces for each individual case.

3. The use shall comply with the regulations of either the Kansas State Board of Health, or the licensing requirements of other authorized State agencies; and the program shall be sanctioned by appropriate State or local agencies, or local United Way, Health Planning or Comprehensive Planning Agencies.
4. The Board shall take into consideration the proximity and location of other such rehabilitation facilities within the neighborhood so as not to change the character of the area with such uses.
5. The Board of Zoning Appeals may include additional conditions as deemed necessary to provide for orderly development.

At its regular meeting of March 22, 1973, the Metropolitan Area Planning Commission considered an application for a change of zoning from the "RB" Four Family Dwelling District to the "B" Multiple Family District for subject property (Z-1504). It was the action of the Planning Commission to recommend that the "B" classification not be approved, and that the applicant be encouraged to file for a Board of Zoning Appeals exception for a group boarding home for children.

Accordingly, Richard H. Rumsey is requesting an exception to permit a halfway house sponsored by Continuing Care No. 2, Inc. for youths who have been adjudicated by the Sedgwick County Juvenile Court on property zoned the "RB" Four Family Dwelling District. Continuing Care No. 2, Inc. presently operates Broadway Manor (for mentally retarded girls), Marianna House (for mentally retarded boys) and Rebecca House (for juvenile girls) in Wichita. In addition, there are two coeducational homes for mentally retarded children in Salina also operated by Continuing Care.

According to the guidelines submitted by the Continuing Care organization, the group home would be a residential facility for children 13 through 16 years of age referred by the Sedgwick County Juvenile Court and/or the Sedgwick County Welfare Department Placement Supervisor. The guidelines provide for house-parents and outline policies regulating recreation, guests, and visiting, study time, dating and employment.

The property for which the exception is requested has been evaluated by the Department of Community Health and approved for 12 children. Copies of this statement and the evaluation from the Wichita Fire Department listing several modifications which must be made to bring the house into compliance with City codes

are attached.

From viewing the site in the field, there appears to be ample yard for play area. While there seems to be adequate driveway parking area for the houseparents and occasional guests, it should be pointed out that the street in front of the house is a sand street with curb and gutter. Furthermore, the applicant does not state whether or not those children who are 16 years of age will be permitted to own and drive cars.

In considering the proximity and location of other rehabilitation facilities within the neighborhood, it should be noted that the Wichita Fellowship Club for the rehabilitation of alcoholics operates out of three buildings to the west of Wellington Place. Considering the number of such uses already in existence in the area, it is difficult to assess whether or not the granting of the exception would actually change the character of the neighborhood. It has been the general position that like uses should face each other and in this instance, compatible uses would be on both sides of Wellington Place.

RECOMMENDATION:

Although the Secretary has mixed feelings regarding the proximity of other rehabilitation centers and the adequacy of parking facilities, the house itself seems to be appropriate for this type of use. If the Board should determine that the property for which the exception is requested satisfies the requirements of Section 28.04.185, Code of the City of Wichita, then approval should be subject to the following conditions:

1. The house and its sanitary facilities shall be brought into compliance with all state and local codes prior to occupancy.
2. The facility shall be limited to no more than 12 children from 13 through 16 years of age. Prior to the occupancy of the structure by the group boarding home, however, the Health Department will establish the maximum number of occupants permissible within the home.
3. The facility shall comply with the regulations of the Kansas State Board of Health governing the licensing of group boarding homes for children and the licensing requirements of other authorized state agencies. The program shall be sanctioned by the Juvenile Court, the Sedgwick County Welfare Department and other appropriate state or local agencies.

Page 4 - Secretary's Report
BZA Case No. 9-73

4. Upon the termination of the use of the property by Continuing Care No. 2, Inc. as a group boarding home for children 13 through 16, or if the approved use does not commence within 6 months of the date of approval, then this resolution for approval shall be considered null and void.

PERRY COOPER

1801 Wellington Place
Wichita, Kansas 67203

April 23, 1973

Mr. Jack H. Galbraith, Secretary
Zoning Board of Appeals
Room 402 City Building Annex
Wichita, Kansas 67202

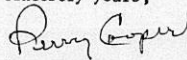
Reference: Case No. BZA 9-73

Dear Mr. Galbraith:

Attached hereto is a Copy of Opinion from my attorney based on the Secretary's report of the Metropolitan Area Planning Commission action in Zoning Case No. Z 1504 at their March 22, 1973, meeting.

Would ask that this Opinion from my attorney be placed before the Zoning Board of Appeals for their consideration in their action on Case BZA 9-73 on April 24, 1973, at 1:30 p.m.

Sincerely yours,


Perry Cooper

PC:m1
Enc.

LAW OFFICES OF
WEIGAND, CURFMAN, BRAINERD, HARRIS & KAUFMAN

SUITE 830 FIRST NATIONAL BANK BUILDING
WICHITA, KANSAS 67202

263-9111
AREA CODE 315

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TOM G. JOHNSON
JACK SCOTT MUNTEER
DENNIS L. GILLEN
VAN R. DELHOTAL

April 23, 1973

Mr. Perry Cooper
1801 Wellington Place
Wichita, Kansas 67203

RE: Case No. BZA 9-73, before the
Board of Zoning Appeals for an
Exception by Richard H. Rumsey

Dear Mr. Cooper:

I have reviewed the copy of the Application for Exception with the various exhibits attached, which you obtained from the Board of Zoning Appeals office and furnished to me. The Application is made pursuant to Section 2.12.590C of the Code of the City of Wichita, Kansas, which grants to the Board of Zoning Appeals the right to grant Exceptions as provided in Title 28 of the City Code. The Exception is requested pursuant to Section 28.04.185 of the Code of the City of Wichita, Kansas, copy of which has heretofore been furnished to you, which provides for rehabilitation homes in "RB" zoning districts including group boarding homes for children subject to a finding by the Board of Zoning Appeals of five (5) conditions which must exist.

You will recall that we opposed the attempt on the part of Mr. Rumsey to obtain a change of zoning in the area from "RB" to "B" because we strongly felt that such a change of zoning would be a further encroachment on the residential character of the area and would open the door to further deterioration of the area.

You will further recall that at the time the Planning Commission denied the change of zoning, we stated on the record that we would not oppose the specific use requested if Mr. Rumsey would make Application for Exception to the Board of Zoning Appeals and set forth all of the facts and abide by the conditions which the Board of Zoning Appeals would place upon the Exception

April 23, 1973

if granted based upon the information furnished. However, review of Mr. Rumsey's Application for Exception discloses that he continues to talk about zoning change and that the surrounding property is compatible to the requested zoning. The continuing reference to zoning change in the Application tends to confuse the entire issue; and, while we would not oppose the specific use subject to the proper conditions placed upon the use by the Board of Zoning Appeals, we certainly are entitled to continue our opposition to any suggestion that the zoning should be changed.

We have received the Secretary's Report concerning this Application, which will be before the Board of Zoning Appeals on April 24, and find that the Secretary's Report clarifies many of the questions raised by the Application. The Secretary's Report refers to the requirement that the house and its sanitary facilities be brought into compliance with all state and local codes, that the facility be limited to no more than twelve (12) children from thirteen (13) to sixteen (16) years of age, subject to the further limitation that the Health Department might establish a lesser number to be the maximum number of occupants permissible in the home and that the facility comply with the regulations of the proper licensing agency.

One pertinent factor, which is only mentioned in the Secretary's Report, is the question as to whether or not the proximity and location of other such rehabilitation facilities within the neighborhood is such that an additional facility might change the character of the area or impact the given area with such uses.

I feel that the Board should keep in mind that between 17th and 18th Streets on the West side of Wellington Place are two facilities run for the rehabilitation of alcoholics by the Wichita Fellowship Club, one of which is for the rehabilitation of alcoholic women and the other of which is for the rehabilitation of alcoholic men. In addition, just on the North side of 18th Street at the Northwest corner of Wellington Place and 18th Street is a third rehabilitation facility for alcoholics, this one being for men, run by the Wichita Fellowship Club.

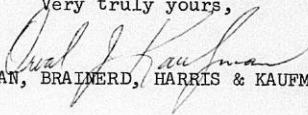
I believe that the Board of Zoning Appeals should give very careful consideration, in light of those three uses in the neighborhood, as to whether or not the proper placement of a group boarding home for thirteen (13) to sixteen (16) year old girls is immediately across the street. If so, the Board of Zoning Appeals might wish to impose additional conditions in granting an Exception with respect to automobile usage, parking, etc.

Mr. Perry Cooper - Page 3

April 23, 1973

I am writing this letter in duplicate and sending it to you with the Secretary's Report so that you may attach a copy of this letter to your letter to the Secretary, if you wish the factors set out in this letter to be considered by the Board of Zoning Appeals at their Hearing on April 24, 1973.

Very truly yours,



of WEIGAND, CURFMAN, BRAINERD, HARRIS & KAUFMAN

OJK:jam

in duplicate

Enclosures

Law Offices
Rumsey & Cox
Richard H. Rumsey, P.A.
H. Clay Cox

Waco Avenue at Ninth Street
Wichita, Kansas 67209
Offices also in Cheney, Kansas
262-4481 - 262-1851

April
18,
1973

Wichita-Sedgwick County
Metropolitan Area Planning Commission
City Building Annex
104 South Main St.
Wichita, Kansas

Attention: Martha McMurray

In re: Application for Exception
Applicant - Richard H. Rumsey
Property - 1838 Wellington Place, Wichita, Kansas

Gentlemen:

We are enclosing herewith letter under date of April 16, 1973 from Judge Michael Corrigan of the Sedgwick County Juvenile Court, and letter under date of April 17, 1973 from the Sedgwick County Social Welfare Board, both in regard to their association with Continuing Care, Inc.

We trust that these will answer your requirements in regard to the captioned matter.

Yours very truly,

LAW OFFICES OF RUMSEY AND COX

BY: 
Richard H. Rumsey, P. A.

R
*
D

Enc.





**COUNTY OF SEDGWICK
JUVENILE COURT**

MICHAEL CORRIGAN, JUDGE

COUNTY COURTHOUSE, WICHITA, KANSAS, 67203 TELEPHONE 268-7241
DON W. AWTREY MARY A. FEIL LEWIS HEARNE E. HAROLD COOK MARSHA SPANGLER
CHIEF PROBATION OFFICER DEPUTY CHIEF PROBATION OFFICER DIRECTOR-EXTRA COURT SERVICES INTAKE SUPERVISOR COURT CLERK

April 16, 1973

Metropolitan Area Planning Committee
City Annex Building
Wichita, Kansas

To: Metropolitan Area Planning Committee:

The Sedgwick County Juvenile Court has had many young women placed in the Continuing Care residential home and have found the services of that much needed community facility to be staffed with highly motivated and professional personnel.

Very truly yours,

Michael Corrigan,
Judge
Sedgwick County Juvenile Court

MC/cm





SEDGWICK COUNTY SOCIAL WELFARE BOARD

Please reply to
Family & Children's Service Sections
SEDGWICK COUNTY SOCIAL WELFARE BOARD
820 W. 2ND. STREET, WICHITA, KANSAS 67203

535 NORTH MAIN STREET
P. O. BOX 1620, WICHITA, KANSAS 67201

April 17, 1973

Metropolitan Area Planning Committee
City Annex Building
Wichita, Kansas

Gentlemen:

It is our understanding that Continuing Care #2, Inc. is requesting a zoning change at 1838 Wellington Place to enable them to complete plans for moving their Rebecca Home for teenaged girls from 1735 South Broadway to that address.

The Rebecca Home is used by this Agency for the placement of adjudicated adolescent girls between the ages of 13 and 16 years. Their staff has been most successful in working with these girls. At present there are eight girls in residence, some of whom have been there over one year and are making excellent progress.

We feel that the move to a larger house will be greatly beneficial to their program.

Sincerely,

Elizabeth Albright
(Mrs.) Elizabeth Albright
Social Worker

Mary McCubbin
(Mrs.) Mary McCubbin
Unit Supervisor, Children's Services

MMcC:EA:mh

ELMER S. PETERS, Member
TAMM E. BUSH, Member
TOM SCOTT, Chairman
MARVIN H. ROSENE, Welfare Director
ELIZABETH C. TROSDOZO, Supervisor of Social Services
WILLIAM M. PLANK, Fiscal Officer
KENNETH S. BECK, Attorney
ROBERT S. FUGLIA, Attorney



CONTINUING CARE NO. 2, INC.
GUIDELINES OF HALFWAY HOUSE
FOR YOUTHS WHO HAVE BEEN ADJUDICATED
BY JUVENILE COURT

1. Goals - to re-socialize into his/her peer group and own home or make it on his/her own through employment.
 2. Qualifications to enter:
 1. Anyone 13 through 16 years of age who is under the jurisdiction of the Sedgwick County Juvenile Court.
 2. Must be referred by Sedgwick County Juvenile Court and or Sedgwick County Welfare Department Placement Supervisor.
 3. Application Packet filled out
 - a. Legal statement signed
 - b. Social History
 - c. Current physical prior to admission
 - d. Financial arrangements completed
 - e. School transcript
 - f. Must transfer to Junior High School or High School in district of Halfway House
 3. Admissions and Termination Committee will determine eligibility for the youth to enter and terminate. This committee will meet monthly to review the progress of each individual resident. This committee will include the Director of Continuing Care No. 2, Inc., one person from the Sedgwick County Juvenile Court, one person from the Sedgwick County Welfare Office, one person from the public school system, the houseparents plus one knowledgeable person about each given case.
- HOUSEPARENTS WILL INSTILL A HOMELIKE ATMOSPHERE BY PROVIDING SINCERE LOVE AND UNDERSTANDING COMBINED WITH FAIR AND CONSISTENT DISCIPLINE.

4. HOUSEPARENTS

- a. Responsible to Director of Continuing Care No. 2, Inc.
- b. Transportation to doctors, recreation, etc. will be provided, (resident will provide own personal transportation to shopping or any personal trips to town.)
- c. Group or emergency transportation provided by houseparents.

5. Appropriate behavior - learning responsibilities of general housekeeping such as help housemother with cooking, setting table, washing dishes, washing and cleaning own room, clothes and any other personal articles, yardwork, observing hours, having a respectful attitude towards houseparents, self and others.

6. Recreation and free time:

Group Recreation - will not be rated as heavily as individual recreation but resident must practice appropriate behavior.

Types: scheduled and supervised by houseparents.

1. swimming
2. bowling
3. skating
4. dances
5. parties
6. picnics
7. field trips
8. community volunteer work for resident to participate in:
 - a. Several hours in a day-care center for retarded children
 - b. Help non-profit organizations such as Wichita Jaycees
Wichita Sedgwick County Association for Retarded Children, and others; fund raising projects or making items such as clothing, toys, etc. for needy people.

- c. Candy Stripers in Hospitals
- d. Senior Activity Center, Red Cross, Wichita Historical Museum,
Volunteer Service Bureau.

Individual Recreation - requires an overall look at resident's behavior in house, school or work.

Types: any of group activities plus no resident is to leave the house without companionship of another resident. Individual recreation commences when resident has been in the house for 3 weeks.

- 7. Guests and visiting - to be determined at staffing.
- 8. Study time - in evening hours after chores are done.
- 9. Phone calls - There will be one phone for residents only, all calls are to be limited to 10 minutes each.
- 10. Dating - will be a special privilege after a good period of time and the resident has proven himself/herself very dependable.
- 11. Employment - full time, summer only - part-time, winter or summer. Jobs are to be planned with a Welfare worker and Continuing Care No. 2, Inc.
If a resident remains on a job whether it be full or part-time, for several months and it looks like he/she will have a future with this job, arrangements will be made to have the resident help pay for his room and board.

SEDGWICK COUNTY



DEPARTMENT OF COMMUNITY HEALTH
1900 E. 9TH ST. - WICHITA, KAN. 67214

March 2, 1973

Robert Povers
P.O. Box 1975
Wichita, Kansas

Re: Group Boarding Home for Children, 1838 Wellington Place, Wichita, Kansas

An evaluation was made of the home at 1838 Wellington Place on February 20, 1973. There is sufficient floor space available for twenty (20) occupants on the second floor and ample space on the ground floor for house parents. Zoning for this home is "RB", Four-Family Dwelling, which limits the number of occupants to nine (9). Distribution of occupants is as follows:

1. Bedroom #1, 2nd Floor, Southwest

Room size -- 390 square feet, 3,120 cubic feet.
Window area -- 12% of floor area.
Occupants -- Six (6).

2. Bedroom #2, 2nd Floor, South-Central

Room size -- 154 square feet, 1,232 cubic feet.
Window area -- 18% of floor area.
Occupants -- Two (2).

3. Bedroom #3, 2nd Floor, Southeast

Room size -- 279 square feet, 2,232 cubic feet.
Window area -- 20% of floor area.
Occupants -- Four (4).

4. Bedroom #4, 2nd Floor, East

Room size -- 172 square feet, 1,376 cubic feet.
Window area -- 12% of floor area.
Occupants -- Two (2).

SEDCWICK COUNTY

Robert Powers
March 2, 1973
Page 2

5. Bedroom #5, 2nd Floor, Northwest

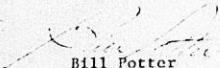
Room size -- 161 square feet, 1,288 cubic feet.
Window area -- 18% of floor area.
Occupants -- Two (2).

6. Bedroom #6, 2nd Floor, North

Room size -- 252 square feet, 2,016 cubic feet.
Window area -- 12% of floor area.
Occupants -- Four (4).

This house has sufficient space for living room, dining room and kitchen area to accommodate at least twelve (12) children.

If I may be of any further assistance to you, please contact me at the Health Department, 268-8351.


Bill Potter
Public Health Sanitarian

RP/jmk

cc: David Bergen
Leola Lindahl, R.N.

WICHITA

February 22, 1973

Mr. Robert M. Powers
Executive Director
P. O. Box 1975
Wichita, Kansas 67201

Dear Bob:

Subject: Fire evaluation - 1838 Wellington Place

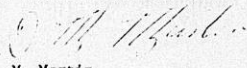
The following items must be completed before this property can be occupied as a home for continuing care:

1. Provide a 1-3/4 inch solid core door to the basement.
2. Swing exit door between the kitchen and garage in the way of egress.
3. Build a one-hour wall around the front stairway upstairs (5/8 sheet-rock both sides of the studs) and provide with a solid core door and swing in way of egress.
4. Install a bannister on the rear exit stairway.
5. Provide a door (solid core) between the kitchen and rear exit; swing door toward the stairway.
6. Provide proper fire extinguishers for each floor.
7. Seal off the existing laundry chute on each floor.

If you have any questions concerning any of these items, please call me.

Sincerely,

THE WICHITA FIRE DEPARTMENT


D. M. Martin
Fire Prevention Training Instructor

DMM:pp

Bill Potter, Public Health Sanitarian, said that his letter of approval - although unclear - means that the house is approved for 12 children. He added that state regulations would only allow 10, unless they get a "variance" waiver, etc. from State Welfare Dept. The group (Mr. Powers) indicated to Potter that they want to seek approval for 12.

BOARD OF ZONING APPEALS
Room 402 City Building Annex
104 South Main Street
Wichita, Kansas 67202

April 13, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 9-73

An application has been filed by Richard H. Rumsey, 1041 North Waco, Wichita, Kansas, 67203, pursuant to Section 2.12.590.C, Code of the City of Wichita, requesting an exception to permit a group boarding home for children 13 through 16 years of age, on property zoned the "RB" Four Family Dwelling District, and legally described as follows:

Lots 21, 23, 25, 27, 29, 31, 33, 35, and 37, Block 3 of the Fairview Addition to the City of Wichita, Sedgwick County, Kansas. Generally located on the East side of Wellington North of 18th Street.

This application has been assigned Case No. BZA 9-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 24, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith
Secretary

18 notices sent to Property Owners 4.13.73
8 notices to MAPC 4.13.73

BOARD OF ZONING APPEALS
CITY OF WICHITA, KANSAS

CASE NO. 9-73
FILED March 27, 1973

APPLICATION FOR EXCEPTION

I. Name of Applicant Richard H. Rumsey
Mailing Address 1041 North Waco, Wichita, Kansas Phone 262-4481
Name of Authorized Agent N/A
Mailing Address N/A Phone
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other).

II. Application is made for an exception as provided in Section
28.04.185 2.12.580C, Code of the City of Wichita, Kansas
(Zoning Ordinance); to permit a group boarding home
for children 13 through 16 years of age
of a boarding home
_____ on property zoned
RB, located 1838 Wellington Place
_____ and legally described as: _____
OP Lots 21, 23, 25, 27, 29, 31, 33, 35 and 37, Block Three of the
Fairview Addition to the City of Wichita, Sedgwick County, Kansas
_____, 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. 24-606); 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.

CLAYTON SCUKA and MRS. SCUKA Applicant RICHARD H. RUMSEY
BY: Richard H. Rumsey, P. A. Authorized Agent Richard H. Rumsey, P. A.

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals, 11:30 (a.m. (p.m.)), March 27, 1973, together with appropriate fee of \$50.00.

T9-403

No Fee Required
J.H.S.

Signed

J. Salbrand

APPLICATION FOR EXCEPTION

Applicant - Richard H. Rumsey
Property - 1838 Wellington Place, Wichita, Kansas

The Wichita-Sedgwick County Metropolitan Area Planning Commission specifically approved and ratified the use proposed. However, rather than changing the zoning, they suggested that the matter be sent to the Board of Zoning Appeals with the Planning Commission's recommendation that the application be approved under the stipulated ordinance. The Planning Department recommended approval of the zoning change.

There were two parties objecting, one being a titleholder of record who advised that he would not object to the exception requested herein, but did object to the zoning change.

In connection with this application for exception, I wish to state the following:

- A. The requested zoning will allow the property to be zoned for its highest and best use.
- B. The surrounding property is compatible to the requested zoning.
- C. There is a desperate need in this community for this type of operation.

Enclosed herewith for your information are the following documents:

- A. Continuing Care No. 2, Inc. Guidelines;
- B. Copy of letter under date of March 2, 1973 from the Wichita-Sedgwick County Department of Community Health;
- C. Copy of letter under date of February 22, 1973 from the City of Wichita Fire Department;
- D. Copy of letter under date of March 23, 1973 from Mr. Jack H. Galbraith, Chief Planner of the Wichita-Sedgwick County Metropolitan Area Planning Commission; and
- E. Copy of letter under date of March 22, 1973 from Ronald J. Wilkinson, Corporate President of the Wichita Fellowship Club.

Richard H. Rumsey

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
COMMISSION

AMHURST 206111 - AREA CODE 316
CITY BUILDING ANNEX
104 S MAIN ST
WICHITA, KANSAS 67202

March 23, 1973

Mr. Richard H. Rumsey, Attorney
1041 North Waco
Wichita, Kansas 67203

Re: Z-1504 - "RB" to "B" -
East side of Wellington
between 17th and 18th

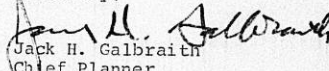
Dear Mr. Rumsey:

At its regular meeting on March 22, 1973, the Metropolitan Area Planning Commission considered the above-captioned zone change request. It was the action of the Commission to recommend that the "B" Multiple Family classification not be approved, and that the applicant be encouraged to file for a Board of Zoning Appeals exception for a residential rehabilitation home. The next closing date for filing a Board of Zoning Appeals case is March 27, 1973 for cases to be considered on April 24.

As you requested this date, and inasmuch as you are going to file an exception application for consideration at the Board of Zoning Appeals meeting of April 24, 1973, we will withhold forwarding this case to the City Commission until such time as the Board of Zoning Appeals meets. In the event they approve your exception request, you may desire to withdraw this zoning case. In the event you prefer that this case be forwarded to the City Commission, we will forward it for their consideration at their regular meeting of May 1, 1973, the meeting to be held in Room 201 City Building, 204 South Main, starting at 9:00 a.m.

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

Sincerely,


Jack H. Galbraith
Chief Planner

JHG:ber

cc: Mr. and Mrs. Clayton L. Scuka, 1839 Wellington Place 67203
Mrs. Lorraine F. Davis, 1844 Wellington Place 67203
O. J. Kaufman, Attorney, 830 1st Nat'l Bank Building 67202

LAW OFFICES

ALKIRE, CLAUSING, COLDSNOW, BUSH, & WILKINSON

E. LAEL ALKIRE
RICHARD B. CLAUSING
ROBERT A. COLDSNOW
THOMAS A. BUSH
RONALD J. WILKINSON
GILLARD COHEN

SUITE 570 FOURTH NATIONAL BANK BUILDING
AREA CODE 316 262-0473
WICHITA, KANSAS 67202

CHAS. G. YANKEY (1879-1953)
CHAS. F. McCLINTOCK (1913-1955)

MICHAEL D. WILSON
JOHN D. CLARK

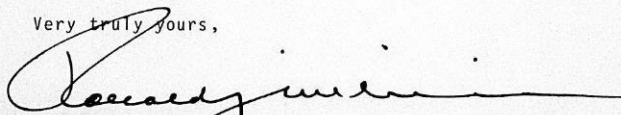
March 22, 1973

Metropolitan Area Planning Commission
104 South Main
Wichita, Kansas

Re: Zoning Request
1838 Wellington Place

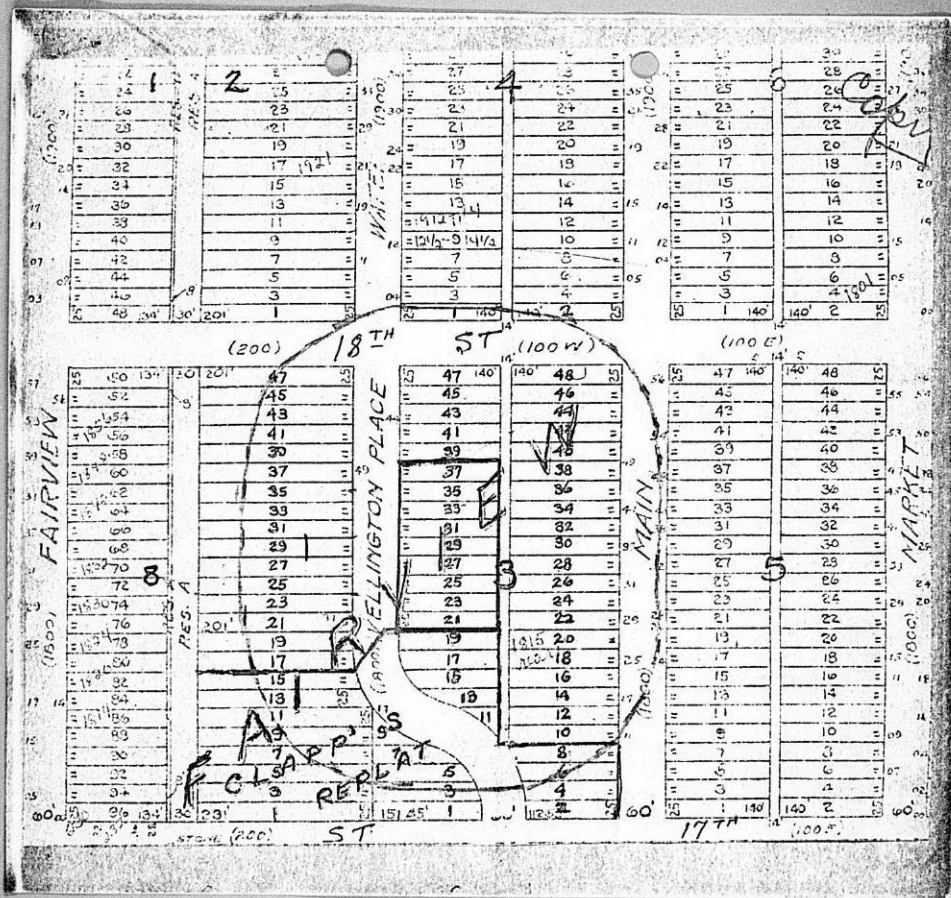
The Wichita Fellowship Club, which owns three houses across the street from the above shown residence, is in favor of the pending zoning application. We feel that the proposed use would be beneficial to and compatible with the existing character of the neighborhood.

Very truly yours,



Ronald J. Wilkinson
Corporate President
WICHITA FELLOWSHIP CLUB

/a



STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
 SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor 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:

Property lying within a radius of 200 ft. of:

21, 23, 25, 27, 29, 31, 33, 35, 37, in Block 3, in Fairview Addition, Wichita, Sedgwick County, Kansas.


Fidelity
Title
Company,
Inc.

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.)

LOT	BLK	ADDITION	OWNER
21, 23, 25, 27, 29, 31, 33, 35 & 37,	3	<u>FAIRVIEW</u>	✓ Clayton L. & Helen L. Soyka, ux 1839 Wellington Pl. 67203
39,	3		✓ Lucile Nodurft 426 S. Washington Siloam Springs, Ark. 72761
41, 43, 45, 47,	3		D E. J. Nodurft, 426 S. Washington, Siloam Springs, Ark. 72761
10 & 12,	3		✓ J. Vernon & Lena N. Kenneaster, 1715 N. St. Paul 67203 ux
14 & 16,	3		✓ Kate Casey 1717 Park Place 67203
18 & 20,	3		✓ Neva A. McDonald 1715 N. Waco 67203
22 & 24,	3		✓ Meritte & Lydia Powell, ux 1831 Park Pl. 67203
26 & 28,	3		✓ Ola Wiesner 1831 Park Pl. 67203



LOT	BLOCK	ADDITION	OWNER
30 & 32,	3	<u>FAIRVIEW</u>	✓ Paul L. & Grace D. Clark, ux 1837 Park Place 67203
34 & 36,	3		✓ Arthur & Catherine Bordin, ux 1841 Park Pl. 67203
38, 40 & S½ Lot 42,	3		✓ William E. & Vera Schroeder, ux 1849 Park Pl. 67203
N½ of 42, all 44, 46, 3 & 48,			✓ Mary E. Elder, wdo. Vera M. Tomlinson, William E. Elger & Mary Alice Parshall, & Dorothy J. Allen, jt. 1851 Park Pl. 67203
17, 19, 21, 23 & Res. 1 A, adj.			✓ Wichita Fellowship Club, Inc. 1845 Wellington Pl. 67203
25 & 27 & Res A adj. 1 29 & Res A adj.			✓ Roy E. Calvin 205 W 18th St. 67203
31, 33, 35, 37, 39, 41, 1 43, 45, 47 & Res A adj. exc E 170 ft of Lots 31, 33, 35, 37, 39, 41, 43, 45 & 47.			D Roy E. & Virginia E. Calvin, ux 205 W. 18th St. 67203
E 170 ft of Lots 31, 33 & Blk 1. E 170 ft of S½ Lot 35,			D Roy E. Calvin 205 W. 18th St. 67203
E 170 ft of N½ Lot 35 & E 170 ft of Lots 37, 39, 41, 43, 45, 47,	"		D Wichita Fellowship Club, Inc. 1845 Wellington Pl. 67203
W 100 ft of Lots 1 & 3,	"		✓ J. C. & Anice Fleming, ux 1813 Looman 67219
Lots 1 & 3, exc W 100 ft.	"		Hazel B. Hinnen No Address Available
Lots 2 & 4,	"		Joe & Eddith Whiteman, ux No Address Available
1 & 3,	"		D Wichita Fellowship Club, Inc. 1845 Wellington Pl. 67203
1, 3, 5, 7,	"	<u>CLAPP'S REPLAT</u>	✓ J. Perry & Gweldolyn Cooper, 1801 Wellington Pl. 67203ux
11, 13, 15, 17, 19,	"		D Clayton L. & Helen L. Souka, ux 1838 Wellington Pl. 67203
1, 3, 5, 7, exc W 14 ft & exc S 20 ft Lot 1,	"		D Wichita Fellowship Club, Inc. 1845 Wellington Pl 67203
9, exc W 14 ft, all Lots 11," 13, 15 & E 22 ft Res A adj.	"		D Wichita Fellowship Club, Inc.
Lot 9,	"		✓ Robert V. & Mary M. Kellogg, ux 1243 Forest 67203
Lots 2, 4, 6, 8,	"		✓ Park & Louise Wilcox, jt. 102 W 17th St. 67203

Dated at Wichita, Kansas, this 21st day
of February, 1973 at 7:00 A. M.

FIDELITY TITLE COMPANY, INC.

By C. E. Paul Ruddy
V. P. ~~GEN~~

Tracer # 17361