

Case No. BZA 20-85 - Starkey Housing Inc. - requests an exception to permit the establishment of a group home for eight mentally retarded adults on property zoned the "RB" Four-family Dwelling District and generally located on the

2086
Permit
3-27-85 652

ACTION

B.Z.A. 20-85 APPROVE 4-23-85
DATE

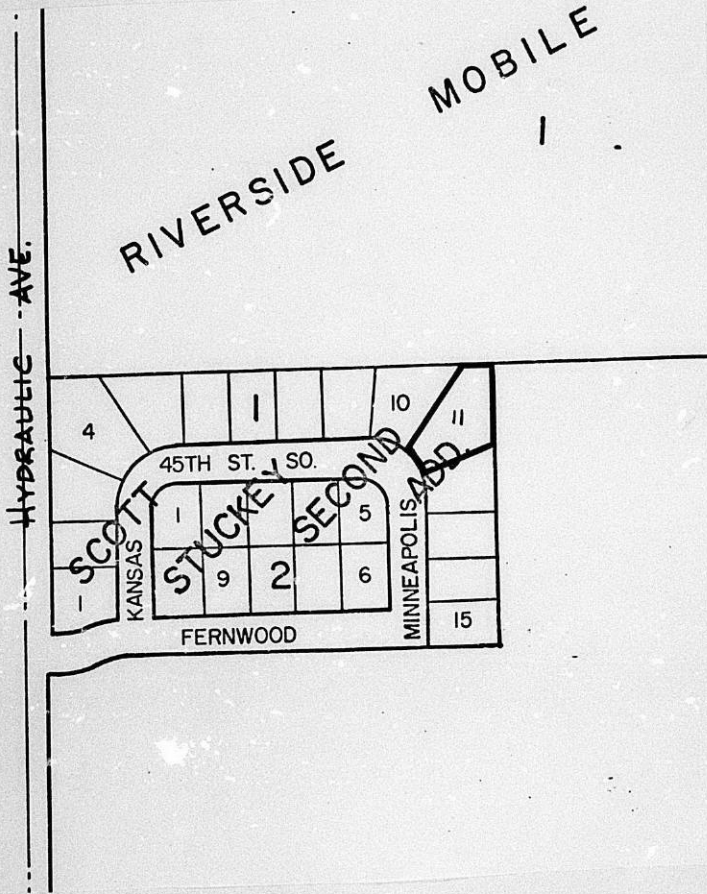
2004 Sec 5-31-85
Shot 6-18-85
Record ✓

Map No. 5642 C

BZA 20-85
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E AA S RB W RB N G
3. Land Use: East Vacant South Vacant
West Vacant North Mob. Home Pk
4. Area (is) (~~not~~) platted.



LOS ANGELES - CHICAGO - COLUMBIA, OH
MEMPHIS, TN
MINNEAPOLIS, MN
ST. LOUIS, MO
U.S.A.

Spaulding
No. 2433C

May 2, 1985

John C. Frye
Starkey Housing Inc.
144 South Young
Wichita, Ks.

Re: Case No.'s BZA 19-85 & BZA 20-85
Request for Exceptions

Dear Mr. Frye:

Enclosed are signed copies of the Resolutions adopted by the Board of Zoning Appeals on April 23, 1985.

These Resolutions reflect the official action of the Board to approve the requests, and set out the conditions of approval. These are 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: Monty Robson, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 20-85

WHEREAS, Starkey Housing, Inc., 144 South Young, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a group home for eight mentally retarded adults on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lot 11, Block 1, Scott Stuckey Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 45th Street South and east of Hydraulic.

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 23, 1985, consider said application; and

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

WHEREAS, the Board of Zoning Appeals has authority to permit the establishment of a group home for eight mentally retarded adults 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.

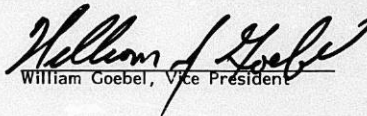
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a group home for eight mentally retarded adults on property zoned the "RB" Four-family Dwelling District legally described as follows:

Lot 11, Block 1, Scott Stuckey Second Addition to Wichita, Sedgwick County, Kansas. Generally located on the north side of 45th Street South and east of Hydraulic.


subject to the following conditions:

1. The facility shall comply with all State and local codes, and prior to the start of construction, the Health Department, Fire Department and Central Inspection shall approve the facility. The applicant shall secure all the necessary permits and licenses.
2. The applicant shall provide not less than 2 off-street parking spaces behind the front yard setback.
3. If at any time the facility is enlarged to accommodate more than 8 clients, the applicant shall submit an application for said expansion.

ADOPTED AT WICHITA, KANSAS, this 23rd day of April, 1985.


William Goebel, Vice President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation
Division of CRS

DATE April 11, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Stanley J. Scott, CP Coordinator

SUBJECT BZA 20-85: NORTH SIDE OF
45TH STREET SOUTH AND EAST
OF HYDRAULIC

On Tuesday, April 9, CPO Neighborhood Council "D" considered the captioned case, a request for a zoning exception to permit the establishment of a group home for eight (8) mentally retarded adults. After discussion, the Council voted 5-1 to recommend approval of the request.

Dale Koehn and Marty Crane, Starkey Development Center, were present to describe the request and respond to questions. Council members were provided the notice to adjoining property owners and a map of the area. No area residents or property owners were in attendance.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 20-85 is considered on Tuesday, April 23.



Stanley J. Scott
CP Coordinator

AKM/SJS/glw

Noted:



Annie K. Montgomery
CRS Director

RECEIVED

APR 17 1985

METROPOLITAN PLANNING

ROUTE _____

RE: AGENDA ITEM NO. 6

SECRETARY'S REPORT CASE NO. BZA 20-85

APPLICANT: Starkey Housing Inc., 144 South Young, Wichita, Kansas.

AGENT: John C. Frye, Starkey Housing Inc., 144 South Young, Wichita, Kansas.

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

GENERAL LOCATION: On the north side of 45th Street South and east of Hydraulic.

ZONING: Subject property is zoned the "RB" Four-family Dwelling District as are the properties to the south and west. To the north is "C" Mobile Home District and to the east is "AA" One-family Dwelling District.

LAND USE: The application area is vacant as is the property to the east. To the west and south are vacant lots. To the north is a mobile home park.

JURISDICTION:

The Board has jurisdiction to consider this request under the provisions outlined under Section 2.12.590.C, Code of the City of Wichita. The Board may grant the exception provided the conditions set out in Section 28.04.185.1 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to construct a group home for the housing of 8 mentally retarded adults and a house manager. The clients live in the home and are trained at other locations to function in society. None of the clients are capable of securing drivers licenses so the need for parking is minimal. In accordance with the applicant's site plan, two off-street parking spaces are being provided behind the front yard setback which will allow for additional parking on the driveway. The house manager will have an automobile at the home and on occasion the house manager will have a van on the premises for the transportation of the clients. Normally the off-street parking requirement for such a group home is one space for the residence plus one space for each roomer or boarder. In this case the requirement would be nine spaces, but in the approval of the exception the Board can determine the number of off-street parking spaces to protect the adjacent property owners. In this instance, as in the past, the need for parking is minimal and two spaces plus the driveway should be adequate.

RECOMMENDATION:

Should the Board determine that the use is appropriate at this location, then it is the opinion of the Secretary that the exception be approved subject to the following conditions:

1. The facility shall comply with all State and local codes, and prior to the start of construction, the Health Department, Fire Department and Central Inspection shall approve the facility. The applicant shall secure all the necessary permits and licenses.
 2. The applicant shall provide not less than 2 off-street parking spaces behind the front yard setback.
 3. If at any time the facility is enlarged to accommodate more than 8 clients, the applicant shall submit an application for said expansion.
-

BZA CASE NO. 20-85

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>10</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>3</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>5</u>	TOTAL NOTICES SENT <u>4-3-85</u>

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

April 3, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 20-85

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 Starkey Housing, Inc., 144 South Young, Wichita, Kansas, requesting an exception.

Pursuant to Section 2.12.590.C, of the Code of the City of Wichita, the applicant is requesting an exception to permit the establishment of a group home for eight mentally retarded adults on property zoned "RB" Four-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 11, Block 1, Scott Stuckey Second Addition
to Wichita, Sedgwick County, Kansas. Generally
located on the north side of 45th Street South
and east of Hydraulic.

This application has been assigned Case BZA 20-85. It will be considered by the Board of Zoning Appeals on April 23, 1985 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested exception, you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, either in person or by agent or attorney.

It should be noted that the Citizen Participation Organization Area Council may consider this case at its next meeting. Additional information about such a meeting may be obtained by calling the CPO Office, 268-4516.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. 20-85

CITY OF WICHITA, KANSAS

FILED 3-22-85

APPLICATION FOR EXCEPTION

I. Name of Applicant Starkey Housing, Inc.
Mailing Address 144 S. Young Phone 942-4221
Name of Authorized Agent John C. Frye
Mailing Address 144 S. Young, Wichita, Ks. 67209 Phone 942-4221
Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. Application is made for an exception as provided in Section 2.12.590.C,

Code of the City of Wichita, Kansas, to permit the establishment of
a Group Home up to 8 clients who are primarily mentally retarded.

We also request a waiver on parking

on property zoned RB4 Family

located ^{the north-south part of} 45th Street South & Hydraulic

and legally described as: Lot 11, Block 1, Scott Stuckey Second
Addition, 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. 36-596); and that the appropriate fee is herewith tendered;
- That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- That he has been advised of his right to bring action in the District Court of Sedgwick County to appeal the decision of the Board.

Applicant Starkey Housing, Inc.

Authorized Agent John C. Frye
John C. Frye

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
5.00 (a.m.-p.m.), MAR 22, 1985, together with
appropriate fee of 75.00.

Signed [Signature]

Starkey
Developmental Center, Inc.

144 South Young
Wichita, Kansas 67209
(816) 942-4221

Preschool
School
Adult/Work Activity
Adult/Residential

March 21, 1985

Mr. Jack Galbraith, Secretary
Board of Zoning Appeals
City of Wichita, Kansas
City Hall - 435 N. Main
Wichita, Ks. 67202

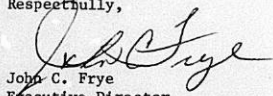
Dear Mr. Galbraith:

Starkey Housing, Inc., a division of Starkey Developmental Center, Inc. has an option to purchase the Real Estate Property at 45th Street South and Hydraulic to construct a Group Home for eight (8) mentally retarded adult clients. The structure will meet all local life safety codes and the state social and rehabilitation requirements for programs.

We are requesting an exception to the present zone of RB 4 family for Lot 11, Block 1, Scott Stuckey Second Addition, Wichita. The Board of Zoning appeals has the jurisdiction to grant exception under Section 28.04-185 Rehabilitation Homes, "1" Rehabilitation Homes. The Board of Zoning Appeals may, by special permit, grant exception and authorize rehabilitation homes for children "A" or "RB" Residential Zoning District." We understand that we are to meet the requirements of this section and the one mentioned above. We are also requesting a waiver on the parking since all our clients will not be able to secure a driver's license.

If you have any questions, please contact Dale D. Koehn.

Respectfully,


John C. Frye
Executive Director

:bf



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:

Record Owners within 200 feet of:
Lot 11, Block 1, SCOTT STUCKEY
SECOND ADDITION, Wichita, Sedgwick
County, Kansas.



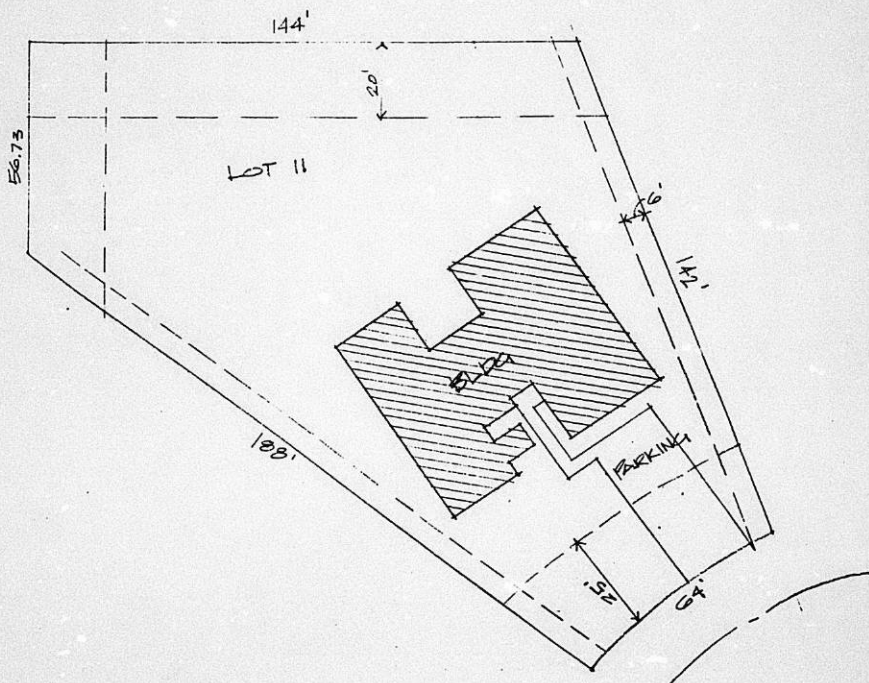
And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTIONS

RECORD OWNERS

Lot 11, Block 1, SCOTT STUCKEY SECOND ADDITION,	Frank Dean & Gloria Jean Stuckey and John Martin & Nancy Carolyn Holmes and Scott Stuckey 4805 S. Minneapolis Wichita, Kansas 67216
Lots 8 and 9, Block 1, SCOTT STUCKEY SECOND ADDITION,	Scott & Effie Stuckey 4805 S. Minneapolis Wichita, Kansas 67216
Lots 10, 12, 13 and 14, Block 1, and Lots 3, 4, 5, 6 and 7, Block 2, SCOTT STUCKEY SECOND ADDITION,	Frank Dean & Gloria Jean Stuckey and John Martin & Nancy Carolyn Holmes and Scott Stuckey 4805 S. Minneapolis Wichita, Kansas 67216
RIVERSIDE MOBILE HOME PARK,	Riverside Mobile Home Park, Inc. 4560 S. Hydraulic Wichita, Kansas 67216

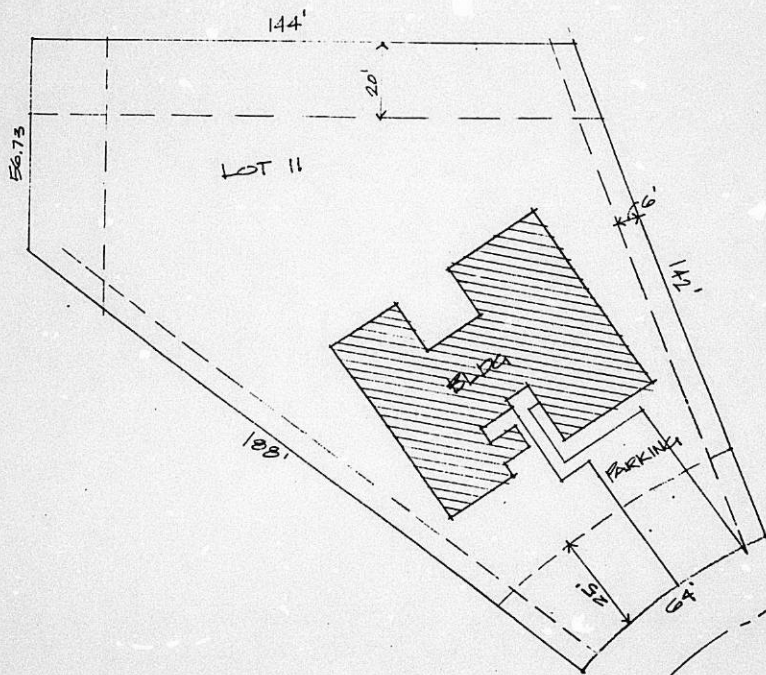
Fidelity  Title
COMPANY, INC.



SITE PLAN BLDG "B"
 1" = 30'

BZA 20-85

45TH STREET SO.

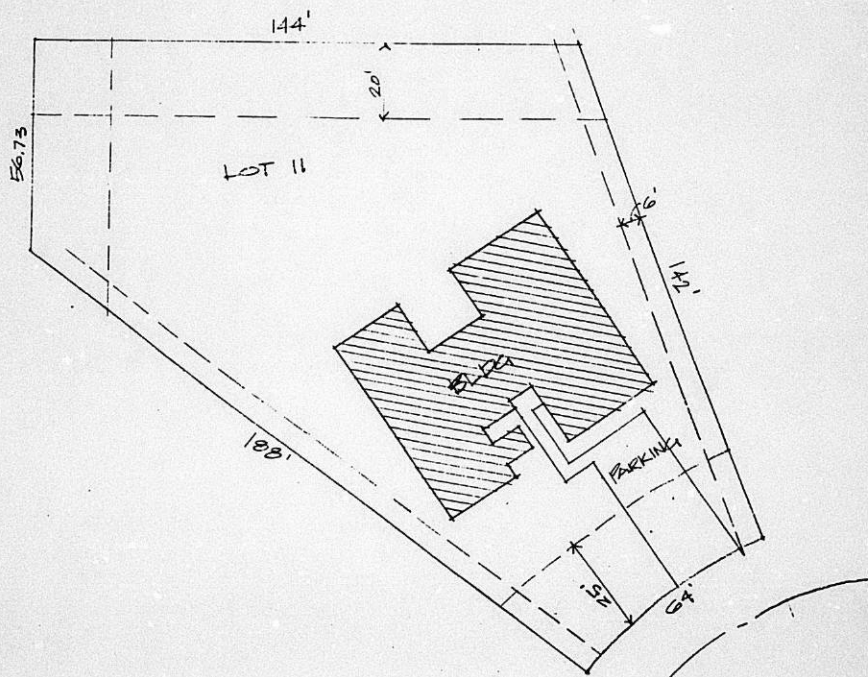


SITE PLAN Block "B"

1" = 30'



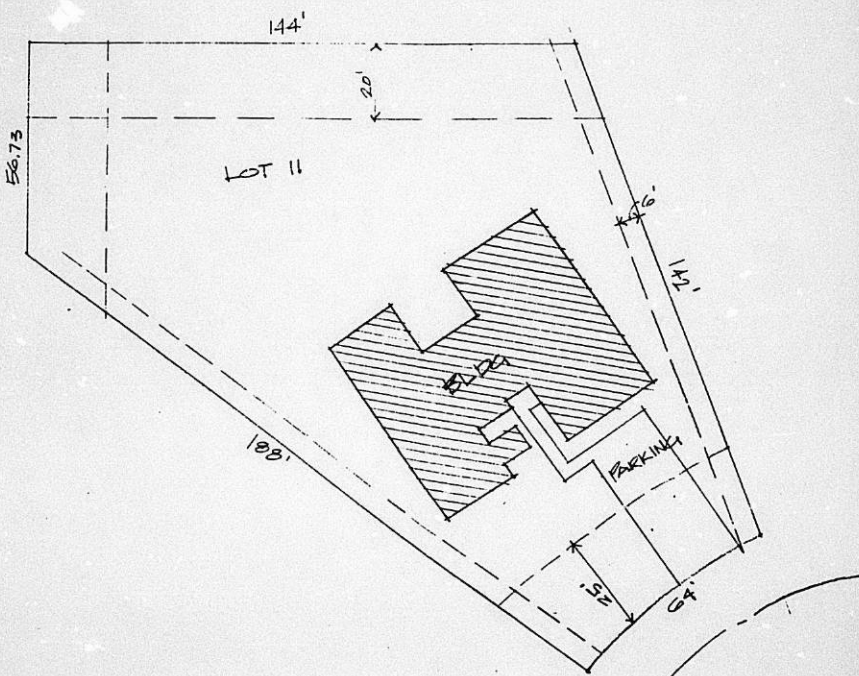
45TH STREET SO.



SITE PLAN 1/4" = 1" = 30'



45TH STREET SO.



SITE PLAN BLDG "B"
1" = 30'



45TH STREET SO.

DESCRIPTIONS

West 10 Acres of the East 15 Acres
of the Southwest Quarter of the
Southwest Quarter of Section 15,
Township 28 South, Range 1 East,

RECORD OWNERS

✓ Bill J. Morris
658 Wetmore Drive
Wichita, Kansas 67209

Dated at Wichita, Kansas, this 14th day of March, 1985 at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

Melissa L. Suttler

By

Assistant Secretary

Tracer No. 68375



**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-021

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION

AMOUNT

CITY BZA EXHIBIT # 7500

NAME
STARKER DEV. CORP. INC.

ADDRESS
144 S. Young

FUND
9574-110-003

DUE DATE

COMMENTS

DATE
12/22/1955

BY