

Case No. BZA 42-83 - E.G. and N. J. Castleberry - requests an exception to permit the establishment of a group home for the mentally retarded on property zoned the "RB" Four-family Dwelling District and generally

Revised
2-28-83
S.E.C.

ACTION

B.Z.A. 42-83 Approved 2-23-83
DATE

200' Sec. 2-27
Checked and 2-26
Shot 2-28-83
Record ✓

Approved by
SB-1 4281

ACTION

B.Z.A. ~~42-83~~ Approved 8-23-83
DATE

Noted
7-28-83
C.E.L.

200'4Sec. 9-22
Checked at 9-26
Shor 9-28-83
Record ✓

Case No. BZA 42-83 - E.G. and N. J. Castleberry - requests an exception to permit the establishment of a group home for the mentally retarded on property zoned the "R4" Four-family Dwelling District and generally

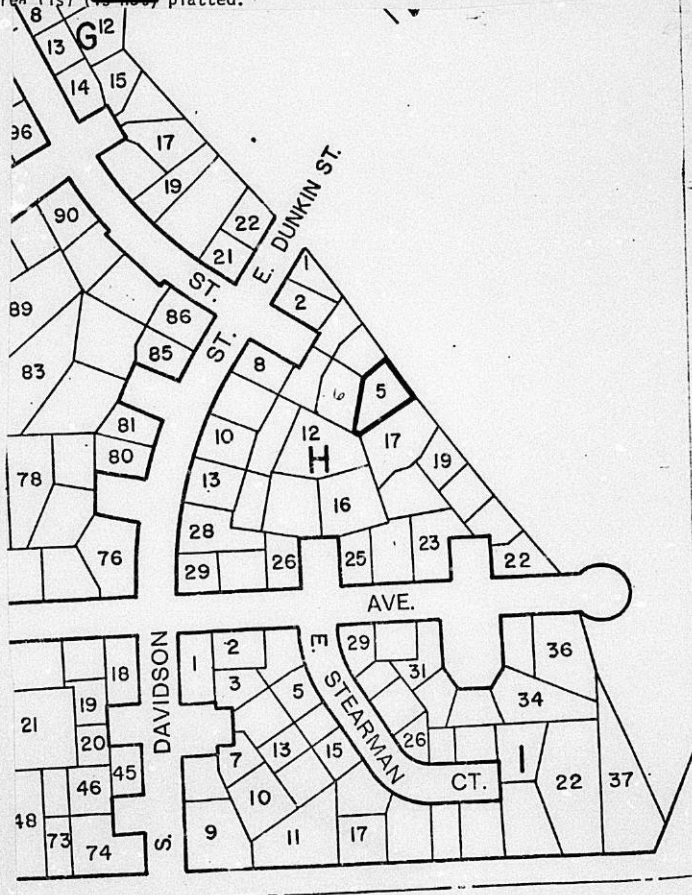
Superseded by
BZA 1-85

Map No. 5744

BZA 42-83
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E RB S RB W RB N RB
3. Land Use: East Res South Res
West Res North Res
4. Area (is) (~~4.000~~) platted.



Steward
No. 2-153C
HASTINGS, MINN.
L.C. ANDERSON, REGISTERED LAND SURVEYOR
REGISTERED PROFESSIONAL SURVEYOR
U.S.A.

August 30, 1983

E. G. & N. J. Castleberry
3110-3112 Davidson
Wichita, Ks. 67210

Re: BZA 42-83 - Request for Exception

Dear Mr. & Mrs. Castleberry:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on August 23, 1983.

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

RESOLUTION NO. BZA 42-83

WHEREAS, E. G. and N. J. Castleberry, 3110-3112 Davidson, 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 mentally retarded adults on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lot 5, Block H, Planeview Subdivision No. 2, being a subdivision in Section 2, Township 28 South, Range 1 East, Sedgwick County, Kansas. Generally located to the rear of a court on the east side of Davidson (3110-3112 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 August 23, 1983, 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 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.

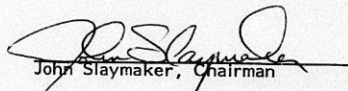
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a group home for mentally retarded adults on property zoned the "RB" Four-family Dwelling District legally described as follows:

Lot 5, Block H, Planeview Subdivision No. 2, being a subdivision in Section 2, Township 28 South, Range 1 East, Sedgwick County, Kansas. Generally located to the rear of a court on the east side of Davidson (3110-3112 Davidson).

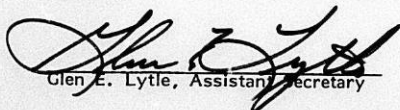
subject to the following conditions:

1. The facility shall comply with all State and Local regulations and the applicant shall obtain all necessary permits and licenses to convert the dwelling to a group home for mentally retarded adults.
2. No enlargement of the present structure shall be permitted that would permit the number of clients to exceed ten.
3. Prior to the release of the resolution, the applicant shall submit a survey of the property locating all existing structures and utility easements. Should any portion of the easements be encroached upon, the applicant shall file the appropriate vacation application.

ADOPTED AT WICHITA, KANSAS, this 23rd day of August, 1983.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

Donn C. Armstrong

PROFESSIONAL LAND SURVEYOR



945 N. PINECREST
WICHITA, KS 67208
1-316-263-0082

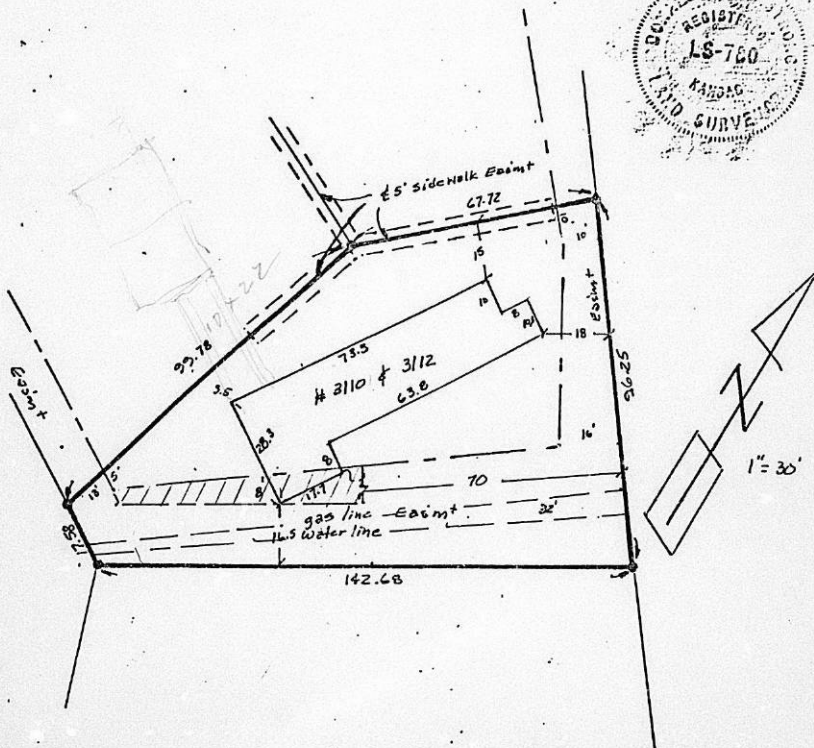
STATE OF KANSAS))
COUNTY OF SEDGWICK)) .SS

I, DONALD C. ARMSTRONG, A REGISTERED LAND SURVEYOR IN SAID STATE AND COUNTY DO HEREBY CERTIFY THAT I HAVE CAUSED TO BE SURVEYED THE FOLLOWING: LOT 5, BLOCK H, PLANEVIEW SUBDIVISION NUMBER 2, SEDGWICK COUNTY, KANSAS.

THE ACCOMPANYING SKETCH IS A TRUE AND CORRECT EXHIBIT OF SAID SURVEY.

DATE OF SURVEY: AUGUST 29, 1983

Donn C. Armstrong
DONALD C. ARMSTRONG R.L.S. #780



Easement Vacation
Legal Description

The South easement on lot 5, Block H, Planeview Subdivision No. 2,
to Sedgwick County, Kansas, except the South 16.5 feet thereof, and
the East 70.0 feet thereof.

Donald C. Armstrong

Donald c. Armstrong R.L.S. #780

August 24, 1983

E. G. & N. J. Castleberry
3110-3112 Davidson
Wichita, Ks. 67210

Re: BZA 42-83 - Request for Exception

Dear Mr. & Mrs. Castleberry:

At the regular meeting of the Board of Zoning Appeals on August 23, 1983, your request for an exception. It was the action of the Board to approve your request subject to the following conditions:

1. The facility shall comply with all State and Local regulations and the applicant shall obtain all necessary permits and licenses to convert the dwelling to a group home for mentally retarded adults.
2. No enlargement of the present structure shall be permitted that would permit the number of clients to exceed ten.
3. Prior to the release of the resolution, the applicant shall submit a survey of the property locating all existing structures and utility easements. Should any portion of the easements be encroached upon, the applicant shall file the appropriate vacation application.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon condition number 3 has been complied with.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle
Assistant Secretary

GEL:sad
cc Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 19, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 42-83: Rear of Court on
the East Side of Davidson
(3110-3112 Davidson)

On Thursday, August 18, 1983, CPO Neighborhood Council "D" considered a request by E.G. and N.J. Castleberry for a zoning exception to permit the establishment of a group home for the mentally retarded on property zoned "RB" Four-Family Dwelling District. After discussion, the Council voted to make the following recommendations: 1) that no enlargement of the present structure shall be permitted that would increase the number of clients (6-1 vote); that the applicant furnish a site plan showing the relationship of this property to adjoining properties (7-0 vote); and 3) that the requested exception be approved (7-0 vote).

The applicants were present to describe their request and respond to questions from the Council and area residents. Five area residents were present to receive information and express their concerns regarding the home. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

Please provide the Council's recommendations to the Board of Zoning Appeals when BZA 42-83 is considered on Tuesday, August 23rd.


Stan Scott
Administrative Aide III

RECEIVED

AUG 19 1983

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 42-83

APPLICANT: E. G. & N. J. Castleberry, 3110-3112 Davidson,
Wichita, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 28.04.185.1, Code
of the City of Wichita to permit the establish-
ment of a group home for mentally retarded adults.

GENERAL LOCATION: On the east side of Davidson and to the rear of
the court.

ZONING: Subject property is a two-family dwelling as are
most adjacent properties. To the east is a park.

LAND USE: Subject property is zoned the "RB" Four-family
Dwelling District as are all adjacent properties
except to the east which is "AA" One-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 28.04.183.5 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to increase the number of mentally retarded adults that can be housed on the property. At the present time, the applicants provide care for 4 mentally retarded adults under the general provision that a dwelling may provide lodging for not to exceed 4 lodgers or boarders.

In order to be a licensed home for 5 or more clients in the "RB" Four-family Dwelling District, it is necessary to secure an exception thru the Board of Zoning Appeals before the state will issue the license. The licensing regulations, along with Fire, Health and Central Inspection, will determine the maximum number of clients that would be permitted in the structure. The applicant does not indicate that a determination has been made on the maximum number of clients that will be housed at this property. The applicant has also failed to furnish a site plan showing the relationship of this property to the adjoining properties which may or may not be pertinent to this request.

RECOMMENDATION:

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

1. The facility shall comply with all State and Local regulations and the applicant shall obtain all necessary permits and licenses to convert the dwelling to a group home for mentally retarded adults.
2. No enlargement of the present structure shall be permitted that would increase the number of clients.

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

August 2, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 42-83

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 E.G. & N.J. Castleberry, 3110-3112 Davidson, 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 the mentally retarded on property zoned the "RB" Four-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 5, Block H, Planeview Subdivision No. 2, being a subdivision in Section 2, Township 28 South, Range 1 East, Sedgwick County, Kansas. Generally located to the rear of a court on the east side of Davidson (3110-3112 Davidson).

This application has been assigned Case BZA 42-83. It will be considered by the Board of Zoning Appeals on August 23, 1983, 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

BZA CASE NO. 42-83

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>9</u>	NOTICES SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>21</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>32</u>	TOTAL NOTICES SENT <u>8/3/83</u>

BOARD OF ZONING APPEALS

CASE NO. 42-83

CITY OF WICHITA, KANSAS

FILED 7-25-83

APPLICATION FOR EXCEPTION

I. Name of Applicant E.G. & N.J. Castleberry

Mailing Address 3110-3112 Davidson Phone 686-0891

67210

Name of Authorized Agent Same

Mailing Address Same 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 2.12.590.C, Code of the City of Wichita, Kansas, to permit the establishment of Congregate Home

on property zoned RB,

located @ 3110-3112 Davidson; Wichita, Ks. 67210

and legally described as: Lot 5, Block 4, Plainview Subdivision

No. 2, being a Subdivision in Section 2, Township 18

South, Range 1 East of the 6th P.M., Sedgwick

Co., Kansas., in the City of Wichita.

III. The applicant herein, or his authorized agent, acknowledges:

- a. That he has received an instruction sheet concerning the filing and hearing of this matter;
- b. 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;
- c. That all documents are attached hereto as noted in paragraphs 2, 3, and 4 of the instructions;
- d. 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 E. G. & N. J. Castleberry
Nax J. Castleberry

Authorized Agent Same

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:00 (a.m.), July 25, 1983 together with appropriate fee of 75.00.

Signed [Signature]

3112 Davidson
Wichita, Kas. 6720
August 17, 1953

Board of Zoning Appeals
City of Wichita
Wichita, Kas.

Dear Sir:

Under the advice of Mr. Lytle, we are writing a brief letter of our intentions (in the future) of our congragrate home, providing an exception is granted in the zoning of our property at 310-312 Davidson.

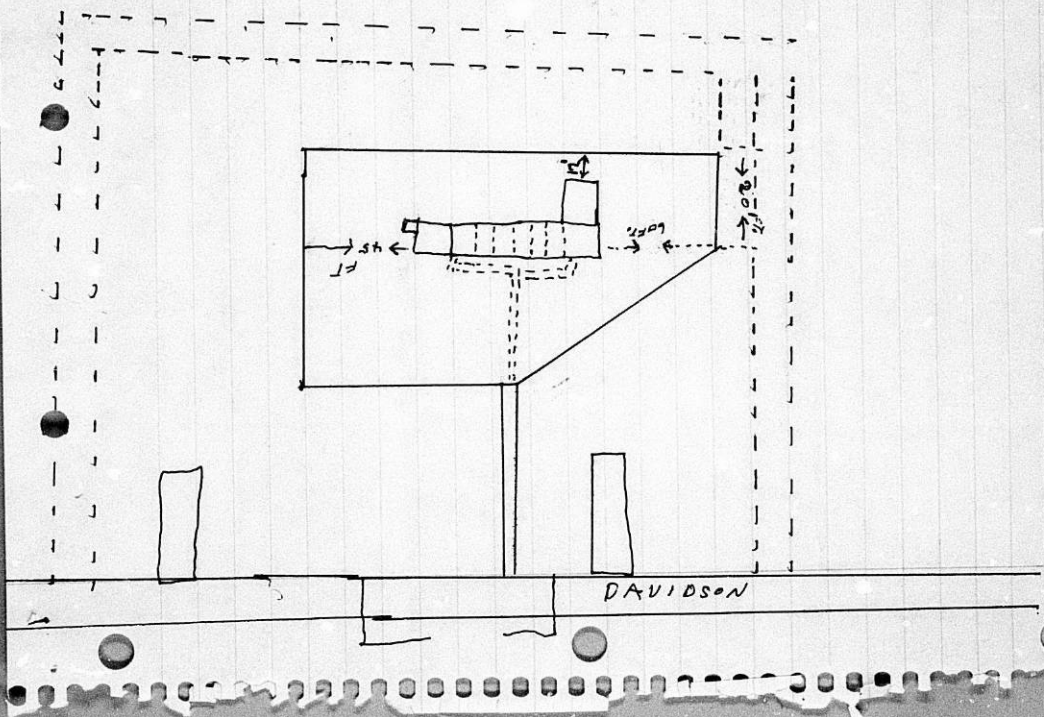
As stated in our previous letter, our home has been remodeled inside and outside, with a chain-link & privacy fence surrounding our property. We are now licensed for fewer clients. The maximum clients permitted under the business we will be applying for is ten. At the present time, our floor space will accomodate only six clients.

By looking at the rough sketch of our property, which I am enclosing, you will note an 8' X 10' addition onto the N.E. end of the house. We would like to bring this addition on over the full width of our house sometime in the future, if all goes well. We are asking that Recommendation #2 of the "Secretary's Report" be deleted from the records.

The few neighbors we have discussed this with, say they think it is a noble gesture to help the handicapped. We have had no complaints up to now.

Thanks you for your consideration in
this matter.

Yours truly,
Edward Carlberg
Nava Jo Carlberg



3110 Davidson
Wichita, Ks. 67210
July 20, 1983

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

Dear Mr. Chairman:

Please find enclosed an application for an exception in the zoning of our property located at, 3110-3112 Davidson, Wichita, Ks. This request is made in order that we may have a congregated home for the handi-capped.

At present, we have license for four clients. We have applied to, S.R.S. for license for five or more clients. There seems to be a great need for these types of homes. S.R.S. has informed us that since our zoning is RB, we will need this exception from you before they can issue us these license.

In the past year, we have invested approximately, \$12,000.00 to upgrade and remodel our property for the purpose of caring for these types of people. My wife is a registered nurse, and is in the home full-time. I am planning to go back to school to further my education. Since this will be our source of livelihood for sometime, and because we enjoy working with these types of people, we would appreciate your consideration in this matter.

Thank you.

Yours truly,

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 1	H	Planeview Subdivision No. # 2	✓ Vi Hon Tran 209 East 9th Street 67214
Lot 2	H	"	✓ Charles V. Petrie Juanita F. Petrie 3100 Davidson 67210
Lot 3	H	"	✓ Dao Hieu Nguyen Phu Kieu Huong 3104 S. Davidson 67210
Lot 4	H	"	✓ Zoe Hilker 146 N. Glendale 67208 ✓ Notice of Interest in property filed by Noi Soukamneuth Uikhit Soukamneuth 4112 Dunham 67210
Lot 5	H	"	D Edward G. Castleberry Nava Jo Castleberry 3112 S. Davidson 67210
Lot 6	H	"	✓ Raymond C. Tronsgard Phyllis J. Tronsgard 3114 S. Davidson 67210
Lot 7	H	"	✓ Dennis C. Luginbill Janice L. Luginbill 3118 S. Davidson 67210
Lot 8	H	"	✓ Gilbert R. Ware Kathleen L. Ware 3120 S. Davidson 67210
Lot 9	H	"	✓ Donald E. Russell 1420 Bluffview 67218
Lot 10	H	"	✓ Jimmie L. Lolley Mary Jane Lolley (dec) 2710 S. Sycamore 67217

Lot	Block	Addition	Property Owner
Lot 11	H	Planeview Subdivision No. # 2	Edwin F. Sanders Marie A. Sanders 3128 S. Davidson 67210
Lot 12	H	"	Larry D. Schneider Shirley G. Schneider 3501 West Fairhaven 67217
Lot 14	H	"	George Beran 3184 S. Davidson 67210
Lot 15	H	"	James A. Walston Norma lee Walston 4618 Pattie 67216
Lot 16	H	"	A. E. Henning 2810 Aloma 67211
Lot 17	H	"	Jerry D. Cowell Betty J. Cowell 4136 Dunham 67210
Lot 18	H	"	Kenneth F. Erbert Marilee F. Erbert 2596 S. Roosevelt 67210
Lot 19	H	"	Augusta O. Green 1915 West MacArthur 67217
Lot 20	H	"	George A. Lovett 3093 S. Rutan 67210
Lot 23	H	"	Harold J. Henning Joan C. Henning <u>Address Unknown</u> Interest in Property filed by Noi Soukamneuth Vikhit Soukamneuth 4112 Dunham 67210

Lot	Block	Addition	Property Owner
Lot 24	H	Planeview Subdivision No. # 2	✓ William T. Mertens Laurine M. Mertens 4100 Dunham 67210
Lot 25	H	"	✓ Lawrence D. Smith Norma A. Smith 2220 S. Crestway 67218
			✓ The City of Wichita 455 N. Main 67202

That part of the Southeast Quarter of Section 2 Township 28 South, Range 1 East, lying South and West of the Southerly right of way of George Washington Blvd, except Planeview Subdivision #. 2, and except property for school purposes known as Macarthur School, and except that part taken for Kansas Turnpike.

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

Lot 5, Block H, Plainview Subdivision No. 2, being a Subdivision in Section 2, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas.

as shown by the last deed of record on file in the Office of the Register of deeds, Sedgwick County, Kansas, on the 14th day of July, 1983, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

Mary Gable
Vice-President

Order No: 322654
ap

MICROFILMED
FROM THE BEST
AVAILABLE COPY

FORM 29-0.

PAYMENT NOTICE
City of Wichita

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

DESCRIPTION	AMOUNT
CONCRETE PAVEMENT	147.00

NAME E. C. COTTLEBERRY

ADDRESS PLANNING DIVISION

FUND 155-40071-000 DUE DATE

COMMENTS

DATE 4/25/83 BY [Signature]