



**Wichita-Sedgwick County
Metropolitan Area
Planning Department**

Mary Sambou
7964 E. Caribou Pl
Bel Aire, KS 67226

March 14, 2024

RE: BZA2024-00005 – Variance to allow a reduction in required parking from 12 to four spaces and an allowance to park within the front setback; generally located north of West 50th Court South and one-quarter mile east of South Seneca Street (742 West 50th Court South).

Dear Applicant,

At its regular meeting on **March 13, 2024**, the official action of the Board of Zoning Appeals was to **GRANT** the requested variances. The approval of the request is subject to the following conditions:

1. A revised site plan shall be submitted to Planning for approval by the Planning Department within 30 days of approval. Any construction shall strictly adhere to the approved site plan.
2. Residents within the care of this facility are prohibited from having personal vehicles at the facility.
3. All State, County, and any other applicable permits, inspections, and standards shall be met.

If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

A handwritten signature in black ink, appearing to read 'Brad Eatherly'.

Brad Eatherly
Current Plans
Senior Planner

CC: MABCD

BZA RESOLUTION NO. BZA2024-00005

WHEREAS, Mary Sambou (owner); pursuant to Kansas Statutes Annotated 12-759, request a Variance to reduce the parking requirement for Group Residence, Limited from 12 spaces to 4 spaces and permit parking with the front setback on property located at 742 West 50th Court South; legally described as follows:

Lot 37, Block 1, Sycamore Pond Addition, Wichita, Sedgwick County, Kansas.

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 14, 2024, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Kansas Statutes Annotated 12-759 *et. seq.*; and

WHEREAS, the conditions of the request are unique to the subject property; and

WHEREAS, waiving the requirements will not adversely affect the rights of adjacent property owners; and

WHEREAS, the strict application of the applicable Code will constitute an unnecessary hardship upon the property owner; and

WHEREAS, it is the opinion of the Board of Zoning Appeals that the requested variance would not adversely affect the public interest, health, safety or welfare; and

WHEREAS, it is the opinion of the Board of Zoning Appeals that the spirit and intent of the Zoning Code is being met in this case; and

WHEREAS, each of the five conditions required by Kansas Statutes Annotated 12-759, are found to be present for a Variance to be granted.

NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals, pursuant to Kansas Statutes Annotated 12-759, a Variance to reduce the parking requirement for Group Residence, Limited from 12 spaces to 4 spaces and permit parking with the front setback on property located at 742 West 50th Court South, on property located at 2425 North Gentry Drive; legally described as follows:

Lot 37, Block 1, Sycamore Pond Addition, Wichita, Sedgwick County, Kansas.

The variance is hereby **GRANTED**, subject to the following conditions:

1. A revised site plan shall be submitted to Planning for approval by the Planning Department within 30 days of approval. Any construction shall strictly adhere to the approved site plan.
2. Residents within the care of this facility are prohibited from having personal vehicles at the facility.
3. All State, County, and any other applicable permits, inspections, and standards shall be met.

ADOPTED AT WICHITA, KANSAS, this 14th Day of March 2024



Robert Dool, BZA Board Chair

ATTEST:



Scott Wadle,
BZA Secretary



The Beaufort Gazette
 The Belleville News-Democrat
 Bellingham Herald
 Centre Daily Times
 Sun Herald
 Idaho Statesman
 Bradenton Herald
 The Charlotte Observer
 The State
 Ledger-Enquirer

Durham | The Herald-Sun
 Fort Worth Star-Telegram
 The Fresno Bee
 The Island Packet
 The Kansas City Star
 Lexington Herald-Leader
 The Telegraph - Macon
 Merced Sun-Star
 Miami Herald
 El Nuevo Herald

The Modesto Bee
 The Sun News - Myrtle Beach
 Raleigh News & Observer
 Rock Hill | The Herald
 The Sacramento Bee
 San Luis Obispo Tribune
 Tacoma | The News Tribune
 Tri-City Herald
 The Wichita Eagle
 The Olympian

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
23834	521838	Print Legal Ad-IPL01603430 - IPL0160343	OCA 150004-MAPC/BZA	\$186.74	3	74 L

Attention: MANDY HEBERT

CITY OF WICHITA / MABCD
 271 W 3RD ST N
 3RD FLOOR STE 301
 WICHITA, KS 67202
 kgonzalez@wichita.gov

OCA 150004

Published in The Wichita Eagle on February 22, 2024

(One Time Only)
 MAPC/BZA March 14, 2024
 OFFICIAL HEARING NOTICE

NOTICE IS HEREBY GIVEN that on Thursday, March 14, 2024, no earlier than 1:30 p.m., the Wichita-Sedgwick County Metropolitan Area Planning Commission/Board Zoning Appeals will consider the following applications. The meeting will be held in person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, KS 67202. Public participation is encouraged (see instructions below). Virtual participation is not available. If you have any questions regarding the meeting or items on this notice, please call the Wichita-Sedgwick County Metropolitan Area Planning Department at (316) 268-4421.

BZA2024-00005: Variance request in the City to reduce the required parking for Group Residence, Limited from 12 to 8 parking spaces on property zoned TF-3 Two-Family Residential District, generally located north of West 50th Street South and one-quarter mile east of South Seneca Street (742 West 50th Court South).

CON2024-00004: Conditional Use request in the City to allow an Accessory Apartment in the SF-5 Single-Family District, generally located on the east side of South Kessler Street and within one-quarter mile north of West Maple Street (210 South Kessler Street).

CON2024-00006: Conditional Use request in the City to allow Group Residence, Limited on property zoned TF-3 Two-Family Residential District to allow a HomePlus for up to 12 people, generally located north of West 50th Street South and one-quarter mile east of South Seneca Street (742 West 50th Court South).

VAC2024-00007: Vacation request in the City to vacate 15 feet of the 25 feet platted setback along the north property line on property zoned SF-5 Single-Family Residential, generally located on the southwest corner of West 61st Street North and North Custer Street.

VAC2024-00008: Vacation request in the city to vacate a drainage easement by separate instrument on property zoned LI Limited Industrial, located on the south side of West Harry Street, and one-half mile west of South Meridian Avenue (1801 S. Sheridan St.).

ZON2024-00003: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential, generally located south of West 50th Street South and within a half-mile east of South Seneca Street.

ZON2024-00004: Zone Change request in the City from SF-5 Single Family Residential to TF-3 Two-Family Residential for duplex development, located within one-quarter mile west of South Seneca Street and on the south side of West Haskell Avenue (1509 West Haskell Avenue).

ZON2024-00005: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential for duplex development, located 375- north of West 29th Street North and on the east side of North Hood Avenue.

ZON2024-00007: Zone Change request in the City from SF-5 Single-Family Residential to TF-3 Two-Family Residential for duplex development on property located on the east side of South Meridian Avenue and within one-quarter mile south of West 55th Street South.

ZON2024-00008: Zone Change request in the City from SF-5 Single-Family Residential and TF-3 Two-Family Residential to TF-3 Two-Family Residential and MF-29 Multi-Family Residential on property located on the east side of South Rock Road, one-half mile north of East 39th Street North.

Complete legal descriptions are available for public inspection at the Metropolitan Area Planning Department, 271 W. Third St., 2nd Floor, Wichita, Kansas 67202. As provided in Section V of the Wichita-Sedgwick County Unified Zoning Code, the same will then and there be discussed and considered by the said MAPC, and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed changes to the zoning regulations will be considered by the MAPC as by law provided.

Options to participate:

1) Attend In-Person at the Ronald Reagan Building, 271 West Third Street, 2nd Floor, Wichita, Kansas 67202. Self-paid parking is available nearby. If you have any written or visual materials you wish to present, please contact Planning Department Graphics staff (316-268-4464) by 5:00 PM, 3 days prior to the meeting.

2) Submit Comments Ahead of Time regarding items on the Planning Commission agenda to the Wichita-Sedgwick County Metropolitan Area Planning Department (Planning Department) - using the contact information below. The comments received ahead of the submission deadline will be shared with the MAPC, prior to or during the meeting. Planning Departments staff make efforts to share all comments but may not be able to share those received after the deadlines below. Please be sure to provide ample time for delivery. Written Comments should be submitted by 5:00 PM the day before the meeting. Video and Audio Comments (mp3, etc.) formats be submitted at least 3 days prior to the MAPC meeting. The comments should indicate which item they pertain to and be less than three (3) minutes in duration.

Email: Planning@wichita.gov

Mailing Address:

Wichita-Sedgwick County Metropolitan Area Planning Department

Attn: Scott Wadle

271 W. 3rd Street - Suite 201

Wichita, KS 67202

Phone: 316.268.4421

Fax: 316.858.7764

3) If you need accommodations pursuant to the ADA, please contact Planning Staff within one week prior to the scheduled meeting.

Option to View Remotely (Not Participate)

The meeting will be streamed live and recorded. Virtual comment is not available. To view the live stream or recording, follow the link: <https://www.wichita.gov/Planning>.

WITNESS MY HAND on February 22, 2024

Scott Wadle, Secretary

Wichita-Sedgwick County

Metropolitan Area Planning Commission

IPL0160343

Feb 22 2024

In The STATE OF KANSAS
 In and for the County of Sedgwick

1 insertion(s) published on:

02/22/24

STATE OF KANSAS)

SS

County of Sedgwick)

Stefani Beard, of lawful age, being first duly sworn, depose and saith: That he is Record Clerk of The Wichita Eagle, a daily newspaper published in the City of Wichita, County of Sedgwick, State of Kansas, and having a general paid circulation on a daily basis in said County, which said newspaper has been continuously and uninterruptedly published in said County for more than one year prior to the first publication of the notice hereinafter mentioned, and which said newspaper has been entered as second class mail matter at the United States Post Office in Wichita, Kansas, and which said newspaper is not a trade, religious or fraternal publication and that a notice of a true copy is hereto attached was published in the regular and entire Morning issue of said The Wichita Eagle from 02/22/2024 to 02/22/2024.

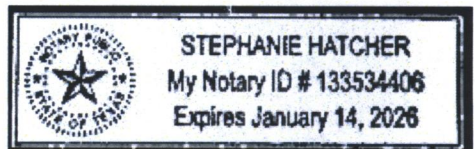
Stefani Beard

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

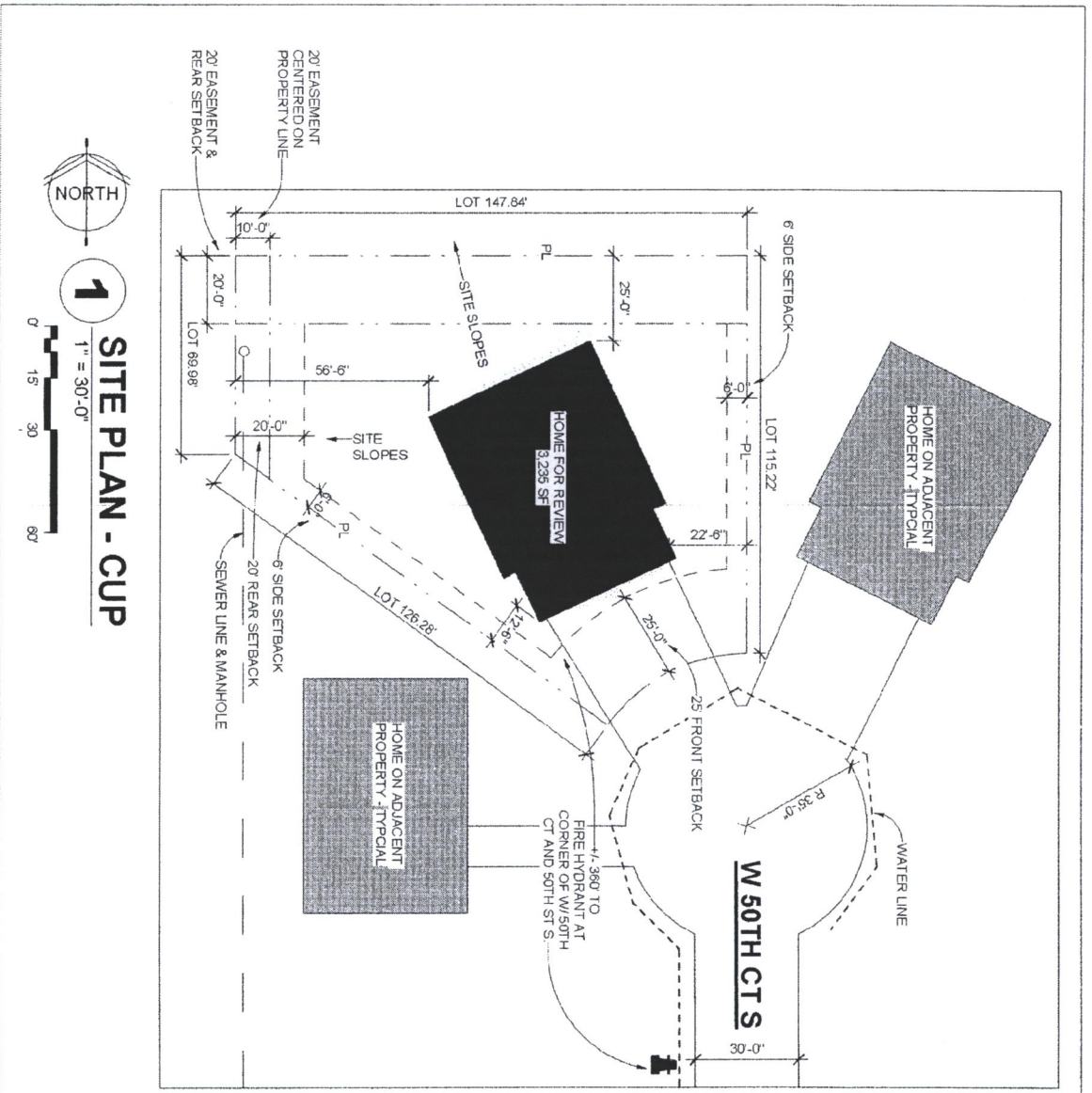
DATED: 02/28/2024

Stephanie Hatcher

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!



1 SITE PLAN - CUP
 1" = 30'-0"
 0 15 30 60'

CONDITIONAL USE PERMIT FOR BEST CARE HOME PLUS

APPLICANTS:
 MARY SAMBOU, BEST CARE - OWNER
 DAVID STAUTH, KANSAS CODE PLANS - ARCHITECT

ADDRESS:
 742 & 744 W 50TH ST S
 WICHITA, KS 67217

YEAR BUILT:
 2023

LEGAL DESCRIPTION:
 LOT 37 BLOCK 1
 SYCAMORE POND ADD

ZONING:
 THE LOT IS ZONED TF-3 TWO FAMILY.

SETBACKS:
 FRONT SETBACK: 25'
 REAR SETBACK: 20'
 SIDE SETBACKS: 6'

EASEMENTS:
 THERE IS A 20' DRAINAGE AND UTILITY EASEMENT CENTERED ON THE WEST PROPERTY LINE. THERE IS A 20' DRAINAGE AND UTILITY EASEMENT ON THE NORTH PROPERTY LINE.

PARKING:
 THERE IS SPACE FOR 6 CARS IN THE DRIVEWAY.

MODIFICATIONS BY CONDITIONAL USE:
 THERE WILL BE NO CHANGES TO THE EXTERIOR OF THE HOME AS PART OF THE CONDITIONAL USE.

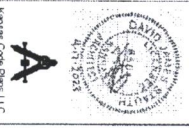
SITE PLAN

APPROVED 9/5/24 BY JSC

CUP.1

BEST CARE HOME PLUS

742 / 744 W 50TH ST SOUTH
 WICHITA, KS 67217



Best Care Home Plus, LLC
 2821 NARBOROUGH BLVD
 WICHITA, KS 67210
 P: 313 323 9518
 F: 313 323 9518
 WWW.BESTCAREHOMEPLUS.COM

NO.	DATE	BY	REVISION
1	08/23/24	JSC	ISSUE FOR PERMIT

Project No: 2893
 Client Name: MARY SAMBOU
 Project Name: BEST CARE HOME PLUS
 Date: 08/23/24
 Designer: JSC
 Checker: JSC
 Title: ARCHITECT

SECRETARY'S REPORT

CASE NUMBER: BZA2024-00005 (City)

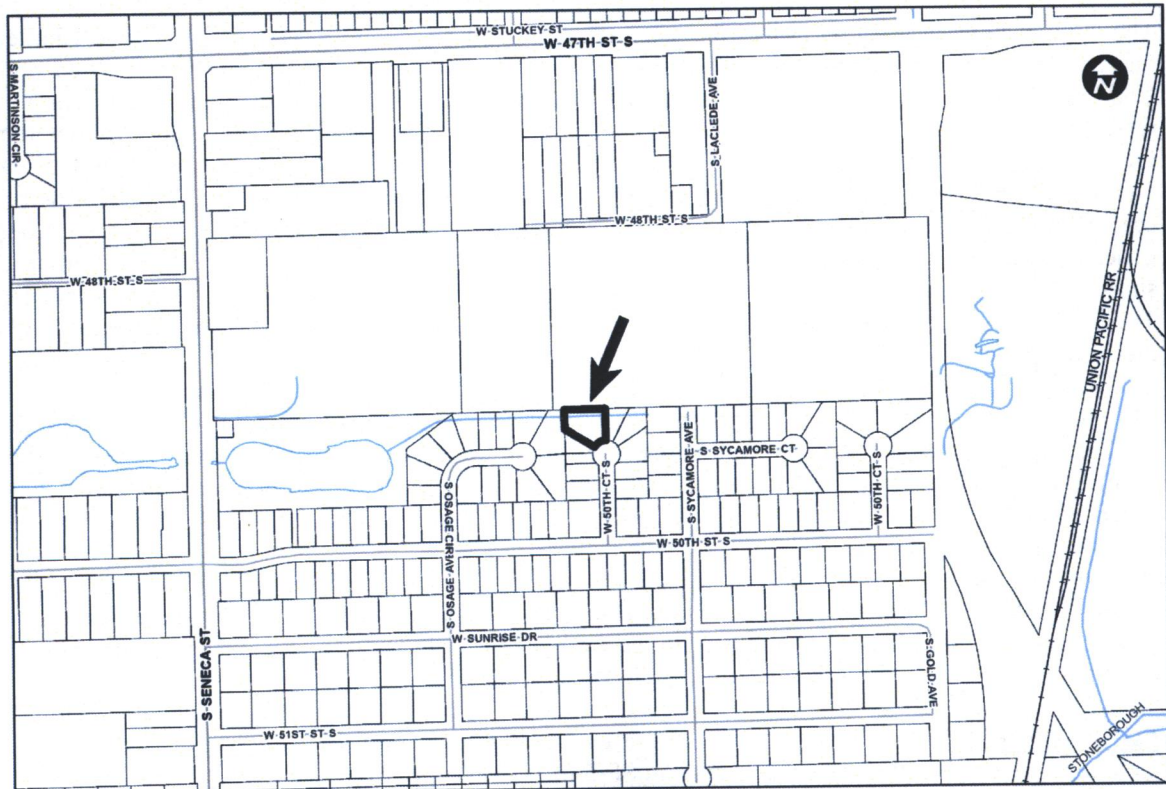
APPLICANTS: Mary Sambou

REQUEST: Reduce the parking requirement for Group Residence, Limited from 12 spaces to 4 spaces and allowance to park within front setback.

CURRENT ZONING: TF-3 Two-Family Residential District

SITE SIZE: 0.37 acres

LOCATION: Generally located north of West 50th Court South and one-quarter mile east of South Seneca Street (742 West 50th Court South).



JURISDICTION: The Board has jurisdiction to consider the Variance request under the provisions outlined in Kansas Statutes Annotated 12-759. The Board may grant the request when all five conditions, as required by the statutes, are found to exist.

BACKGROUND: The applicant is requesting:

- 1) A Variance to reduce the parking requirement for Group Residence, Limited from twelve (12) spaces to four (4) spaces; and
- 2) a Variance to allow vehicle parking within the front setback.

These requests are being heard concurrently with CON2024-00006 - a Conditional Use request for Group Residence, Limited on this property zoned TF-3 Two-Family Residential District (TF-3). The applicant is proposing to open a Home Plus Group Home on the property. The request for Group Residence, Limited would allow the facility to house up to 15 persons including staff. The applicant stated they intend to house 12 residents. The Kansas Department for Aging and Disability Services (KDADS) generally defines Home Plus as “any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage...who...need personal care or supervised nursing care to help with limitations in activities of daily living” (see attached full definition).

The Unified Zoning Code states that the off-street parking requirement for Group Residence, Limited is one per bedroom (per Sec.IV-A.4.). The facility is proposed to have 12 bedrooms. The Unified Zoning Code defines the typical uses of a Group Residence as “fraternity or sorority houses, dormitories, residence halls, boarding or lodging houses, children’s homes, and emergency shelters for the homeless or victims of crime, abuse, or neglect.” The typical uses of a Group Residence describe uses that would typically need a larger defined off-street parking requirement. The applicants indicate that all residents are care-dependent and therefore do not drive or own vehicles. The applicant has also indicated that generally, the only vehicles parked on site will be for staff (maximum of two at any given time). As shown in the photographs below, the driveway was built in front of what was two, two-car garages. Therefore, the subject site’s driveway can accommodate four (4) vehicles. However, all four (4) of the driveway spaces are in the 25’ front setback.

The Unified Zoning Code states that off-street parking spaces shall not occupy any part of a required front yard setback (per Sec. IV-A.6.a). The applicant has built-out/finished the original garage spaces for extra living quarters. The applicant has indicated that providing parking on the side or rear yards is not a preferred option because it would compromise the neighborhood’s residential ambiance.

Property to the north is zoned SF-5 Single-Family Residential District (SF-5) and is undeveloped. Property to the east is zoned TF-3 and is developed with a duplex. Property to the south is zoned TF-3 and is developed with a duplex. Property to the west is zoned SF-5 and is developed with a single-family dwelling.

CASE HISTORY: On July 6, 2006, the site was platted as part of the Sycamore Pond Addition. On October 6, 2020, a Zone Change request from SF-5 to TF-3 was approved (ZON2020-00007).

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Undeveloped
SOUTH:	TF-3	Duplex
EAST:	TF-3	Duplex
WEST:	SF-5	Single Family Residence

REQUIRED PARKING REDUCTION VARIANCE
THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. Criteria: The request is unique to this property and was not created by the applicant:

Applicant Narrative: The applicant states that “The residence is intended to offer care for the elderly without driving capabilities. Our caregiving staff only requires two parking spaces, and the property currently accommodates up to four cars, exceeding our parking needs.”

Staff Analysis: Staff agrees that the situation of providing housing for individuals, and likely adults, who cannot drive is unique and not normally found in other situations with a Group Residence use.

2. Criteria: The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents:

Applicant Narrative: The applicant states that “Granting the Variance will not negatively impact the neighboring property owners or residents. Our staff will only have two cars parked daily, and with the current four parking spaces, we possess sufficient capacity to meet our needs without causing any disruptions to adjacent property owners or residents.”

Staff Analysis: It is in staff’s opinion that if the associated Conditional Use for Group Residence, Limited is granted, requiring the applicant to provide the minimum number of parking spaces per the standards of the Unified Zoning Code will have greater detrimental impacts to surrounding properties. If the applicant is required to provide 12 off-street parking spaces, it will degrade the residential character of the subject site, which will negatively impact the surrounding properties.

3. Criteria: The strict application of the provisions of the zoning code would constitute an unnecessary hardship on the applicant:

Applicant Narrative: The applicant states that “Seeking a variance from the stringent application of the Code’s requirement for twelve parking spaces is essential due to the unnecessary hardship it poses. Expanding parking in the backyard would compromise the neighborhood’s residential ambiance, and we aim to avoid such unsightliness. Additionally, utilizing the backyard for parking would deprive our readers of a space they use for gardening, resting, and relaxation, particularly in the beautiful summer months, which significantly enhances their quality of life.”

Staff Analysis: Staff agrees that providing the minimum required parking spaces for a Group Residence, Limited on this site would cause a hardship on how the applicant and residents currently enjoy the property. Because the site is zoned TF-3, no off-street parking is permitted in the front setback. Therefore, all the parking would have to be in the backyard, which would reduce the outdoor space currently available to those who reside at the home. Providing additional parking on the site could also have significant cost implications.

4. Criteria: The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community:

Applicant Narrative: The applicant states “The requested variance, aiming to decrease the parking requirement from twelve to four, ensures that no alterations will be necessary on the property and that the proposed Variance maintains the current status quo without any modifications.”

Staff Analysis: It is staff's opinion that granting the Variance will promote harmonious development by not requiring this property to provide a large parking area, which would detract from the neighborhood setting.

5. Criteria: The granting of the Variance will not be opposed to the general spirit and intent of the Unified Zoning Code:

Applicant Narrative: The applicant states that "Approving the requested Variance aligns with the overall spirit and intent of the applicable Code, as our residence exclusively serves the elderly who no longer own or drive cars. Mandating parking space for twelve cars would diminish the property's and neighborhood's atmosphere. While I acknowledge that other Group Residences may house individuals who drive, our unique situation warrants consideration. To maintain harmony and be less disruptive to the property, I believe the spirit and intent of the Code prioritizes harmonious development over merely meeting minimum standards."

Staff Analysis: It is staff's opinion that granting the Variance upholds the spirit and intent of the Unified Zoning Code and promotes harmonious development with the surrounding residential properties.

PARKING IN FRONT SETBACK VARIANCE
THE FIVE CRITERIA FOR GRANTING A VARIANCE:

1. Criteria: The request is unique to this property and was not created by the applicant:

Applicant Narrative: The applicant states that “The property layout poses challenges for sufficient parking without encroaching on the front setback. Allowing parking within the current setback would enable the applicant to accommodate up to four cars as some as the neighbors currently do. The facility caters to elderly individuals without driving capabilities and who do not own cars. The applicant only requires two parking spaces for the caregiving staff.”

Staff Analysis: Staff does not agree that the request is unique to this property and was not created by the applicant. Staff does agree that the situation of providing care for residents who do not drive vehicles of their own is unique and not normally found in other situations with a Group Residence use. However, staff believes that the hardship the applicant faces was brought on by the applicant by remodeling the garage spaces that would have served as legal parking spaces.

2. Criteria: The granting of the Variance will not adversely affect the rights of the adjacent property owners or residents:

Applicant Narrative: The applicant states that “granting the Variance will not negatively affect the adjacent properties. Staff will only have two cars parked at the property daily, and with the current four parking spaces, we possess sufficient capacity to meet our needs without causing any disruption to adjacent property owners or residents.”

Staff Analysis: It is in staff’s opinion that if the associated Conditional Use for Group Residence, Limited is granted, granting the Variance to allow vehicles to park within the front setback will not adversely affect the rights of adjacent property owners.

3. Criteria: The strict application of the provisions of the zoning code would constitute an unnecessary hardship on the applicant:

Applicant Narrative: The applicant states that “Seeking a variance to allow for parking in the front setback is essential due to the potential unnecessary hardship it poses. The property layout poses challenges for expanding parking towards the back of the property. Also, expanding parking in the backyard would compromise the neighborhood's residential ambiance, and we aim to avoid such unsightliness. Additionally, utilizing the backyard for parking would deprive our residents of a space they use for gardening, resting, and relaxation, particularly in the beautiful summer months, which significantly enhances their quality of life.”

Staff Analysis: Staff agrees that if the applicant is required to provide four parking spaces outside of the front setback area, it would mean providing parking on either the side yard or the rear yard. Either alternative would not be harmonious with the surrounding character of the neighborhood.

4. Criteria: The Variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, general welfare, or harmonious development of the community:

Applicant Narrative: The applicant states that “The requested variance for parking in the front set back, ensures that no alterations will be necessary on the property. This will not adversely impact public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community. Essentially, the proposed adjustment maintains the current status quo without any modifications.”

Staff Analysis: It is staff's opinion that granting the Variance will promote harmonious development by not requiring this property to provide a large parking area on the side or rear yards., which would detract from the neighborhood setting.

5. Criteria: The granting of the Variance will not be opposed to the general spirit and intent of the Unified Zoning Code:

Applicant Narrative: The applicant states "Approving the requested variance aligns with the overall spirit and intent of the applicable Code, as our residence exclusively serves the elderly who no longer own or drive cars. Disallowing parking in the 25ft front setback would force our caregiving staff to park on the street which will disrupt the property and neighborhood atmosphere and impede adjacent property owners from adequately enjoying their properties. While I acknowledge that it's important to ensure no parking within the front setback, due to the layout of the current property and the fact that we will be using a fraction of the space, we hope our unique situation warrants consideration. To maintain harmony and be less disruptive to the property and neighborhood, I believe the spirit and intent of the Code prioritizes harmonious development over merely meeting minimum standards."

Staff Analysis: It is staff's opinion that granting the Variance upholds the spirit and intent of the Unified Zoning Code and promotes harmonious development with the surrounding residential properties.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the Variance to reduce required parking can be found to exist, the recommendation of Staff is that the Variance to reduce the off-street parking requirement from 12 spaces to four (4) spaces be **GRANTED**; The recommendation of Staff is that the request to allow required parking within the front setback **does not meet** the five criteria required to grant a Variance.

Should the Board determine that all five conditions necessary to the granting of the Variance to park within the front setback can be found to exist, Staff recommends the following conditions of approval:

1. A revised site plan shall be submitted to Planning for approval by the Planning Department within 30 days of approval. Any construction shall strictly adhere to the approved site plan.
2. Residents within the care of this facility are prohibited from having personal vehicles at the facility.
3. All State, County, and any other applicable permits, inspections, and standards shall be met.

Staff Report Attachments:

1. KDADS Definition of Home Plus
2. Parking Requirement Variance Justification submitted by Applicant
3. Parking in Front Yard Setback Variance Justification submitted by Applicant
4. Site Plan
5. Aerial Map
6. Zoning Map
7. Land Use Map
8. Site Photos

Home Plus as Defined by the Kansas Department for Aging and Disability Services (KDADS)
www.kdads.ks.gov

"Home Plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations. The level of care provided to residents shall be determined by preparation of the staff and rules and regulations developed by the Kansas department for aging and disability services. An adult care home may convert a portion of one wing of the facility to a not less than five-bed and not more than 12-bed home plus facility provided that the home plus facility remains separate from the adult care home and each facility must remain contiguous. Any home plus that provides care for more than eight individuals after the effective date of this act shall adjust staffing personnel and resources as necessary to meet residents' needs in order to maintain the current level of nursing care standards. Personnel of any home plus who provide services for residents with dementia shall be required to take annual dementia care training.

Application for Variance – Best Care Home Plus LLC

- a) This residence is intended to offer care for the elderly without driving capabilities. Our caregiving staff only requires two parking spaces, and the long driveway of the property can currently accommodate up to four cars, exceeding our parking needs.
- b) Granting the permit for the variance will not negatively impact the rights of neighboring property owners or residents. Our staff will only have two cars parked at the property daily, and with the current four parking spaces, we possess sufficient capacity to meet our needs without causing any disruption to adjacent property owners or residents.
- c) Seeking a variance from the stringent application of the Code's requirement for 12 parking spaces and also parking in the 25 ft front setback is essential due to the potential unnecessary hardship it poses. Expanding parking in the backyard would compromise the neighborhood's residential ambiance, and we aim to avoid such unsightliness. Additionally, utilizing the backyard for parking would deprive our residents of a space they use for gardening, resting, and relaxation, particularly in the beautiful summer months, which significantly enhances their quality of life.
- d) The requested variance, aiming to decrease the parking requirement from 12 to 4 and allowance for parking in the front set back, ensures that no alterations will be necessary on the property. This will not adversely impact public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community. Essentially, the proposed adjustment maintains the current status quo without any modifications.
- e) Approving the requested variance aligns with the overall spirit and intent of the applicable Code, as our residence exclusively serves the elderly who no longer own or drive cars. Disallowing parking in the 25ft front setback and mandating parking space for twelve cars would diminish valuable space that significantly boosts the morale of our residents and disrupt the property's and neighborhood's atmosphere. While I acknowledge that other group homes may house individuals who drive, our unique situation warrants consideration. To maintain harmony and be less disruptive to the property, I believe the spirit and intent of the Code prioritizes harmonious development over merely meeting minimum standards.

Mary Sambou, RN
Operator – Best Care Home Plus

742 W 50th S South
Wichita KS 67217

Application for Variance – Best Care Home Plus LLC

- a) The property layout poses challenges for sufficient parking without encroaching on the front setback. Allowing parking within the current setback would enable us to accommodate up to four cars as some of our neighbors currently do. However, as the facility caters to elderly individuals without driving capabilities and who don't own cars, we only require two parking spaces for our caregiving staff.
- b) Granting the permit for the variance will not negatively impact the rights of neighboring property owners or residents. Our staff will only have two cars parked at the property daily, and with the current ability to park up to four cars, we possess sufficient capacity to meet our needs without causing any disruption to adjacent property owners or residents.
- c) Seeking a variance to allow for parking in the front setback is essential due to the potential unnecessary hardship it poses. The property layout poses challenges for expanding parking towards the back of the property. Also, expanding parking in the backyard would compromise the neighborhood's residential ambiance, and we aim to avoid such unsightliness. Additionally, utilizing the backyard for parking would deprive our residents of a space they use for gardening, resting, and relaxation, particularly in the beautiful summer months, which significantly enhances their quality of life.
- d) The requested variance for parking in the front set back, ensures that no alterations will be necessary on the property. This will not adversely impact public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious development of the community. Essentially, the proposed adjustment maintains the current status quo without any modifications.
- e) Approving the requested variance aligns with the overall spirit and intent of the applicable Code, as our residence exclusively serves the elderly who no longer own or drive cars. Disallowing parking in the 25ft front setback would force our caregiving staff to park on the street which will disrupt the property and neighborhood atmosphere and impede adjacent property owners from adequately enjoying their properties. While I acknowledge that it's important to ensure no parking within the front setback, due to the layout of the current property and the fact that we will be using a fraction of the space, we hope our unique situation warrants consideration. To maintain harmony and be less disruptive to the property and neighborhood, I believe the spirit and intent of the Code prioritizes harmonious development over merely meeting minimum standards.

Mary Sambou, RN
Operator – Best Care Home Plus LLC

742 W 50th S South
Wichita KS 67217

CONDITIONAL USE PERMIT FOR BEST CARE HOME PLUS

APPLICANTS:
MARY SAMBOU - BEST CARE - OWNER
DAVID STAUTH, KANSAS CODE PLANS - ARCHITECT

ADDRESS:
742.8 741W 50TH ST S
WICHITA, KS 67217

YEAR BUILT:
2023

LEGAL DESCRIPTION:
LOT 37 BLOCK 1
SYCAMORE POND ADD

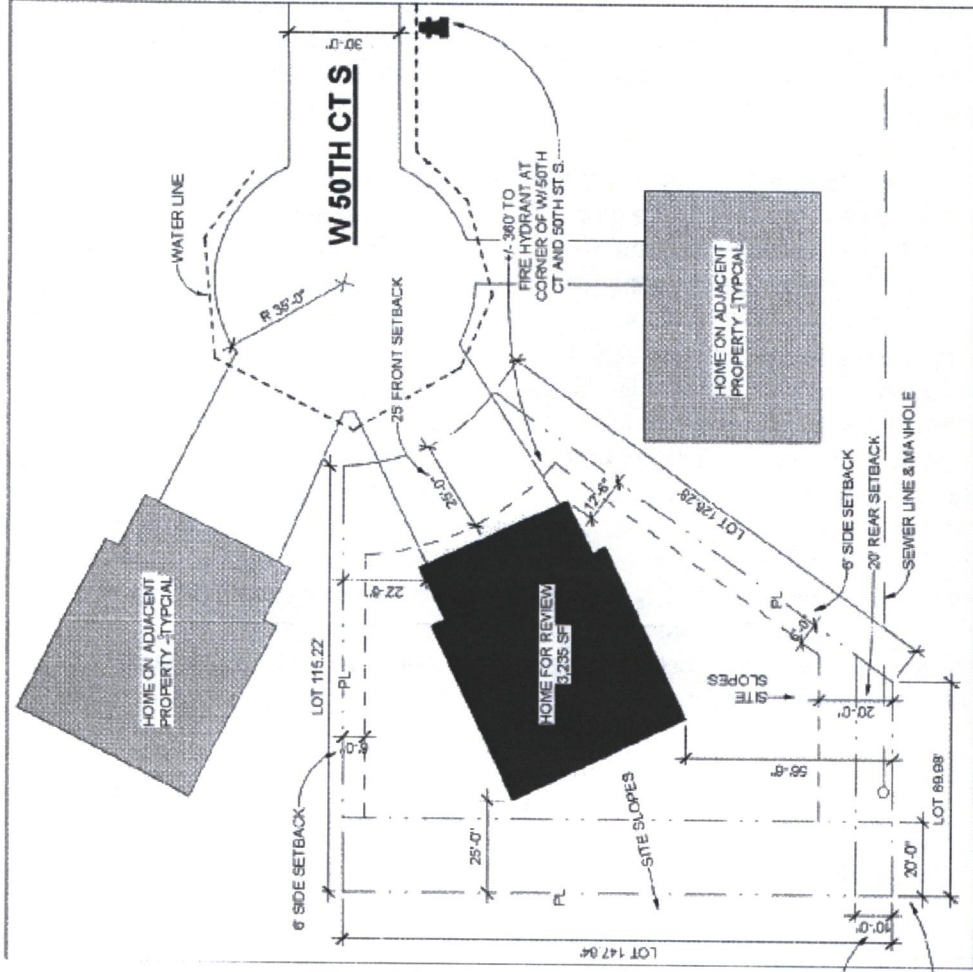
ZONING:
THE LOT IS ZONED TF-3 TWO FAMILY.

SETBACKS:
FRONT SETBACK: 25'
REAR SETBACK: 20'
SIDE SETBACKS: 6'

EASEMENTS:
THERE IS A 20' DRAINAGE AND UTILITY EASEMENT CENTERED ON THE WEST PROPERTY LINE.
THERE IS A 20' DRAINAGE AND UTILITY EASEMENT ON THE NORTH PROPERTY LINE.

PARKING:
THERE IS SPACE FOR 6 CARS IN THE DRIVEWAY.

MODIFICATIONS BY CONDITIONAL USE:
THERE WILL BE NO CHANGES TO THE EXTERIOR OF THE HOME AS PART OF THE CONDITIONAL USE.



A
 KANSAS ARCHITECTS
 2627 N. SHERWOOD BL.
 WICHITA, KS 67230
 T 316 333 3818
 F 316 333 3819
 www.davidstauth.com

BEST CARE HOME PLUS

742.8 741W 50TH ST SOUTH
 WICHITA, KS 67217

DATE: 03/14/24
 EXPIRES: 03/14/25

NO.	DATE	BY
1	03/14/24	MS

PROJECT NO.: 2383
 PROJECT NAME: BEST CARE HOME PLUS

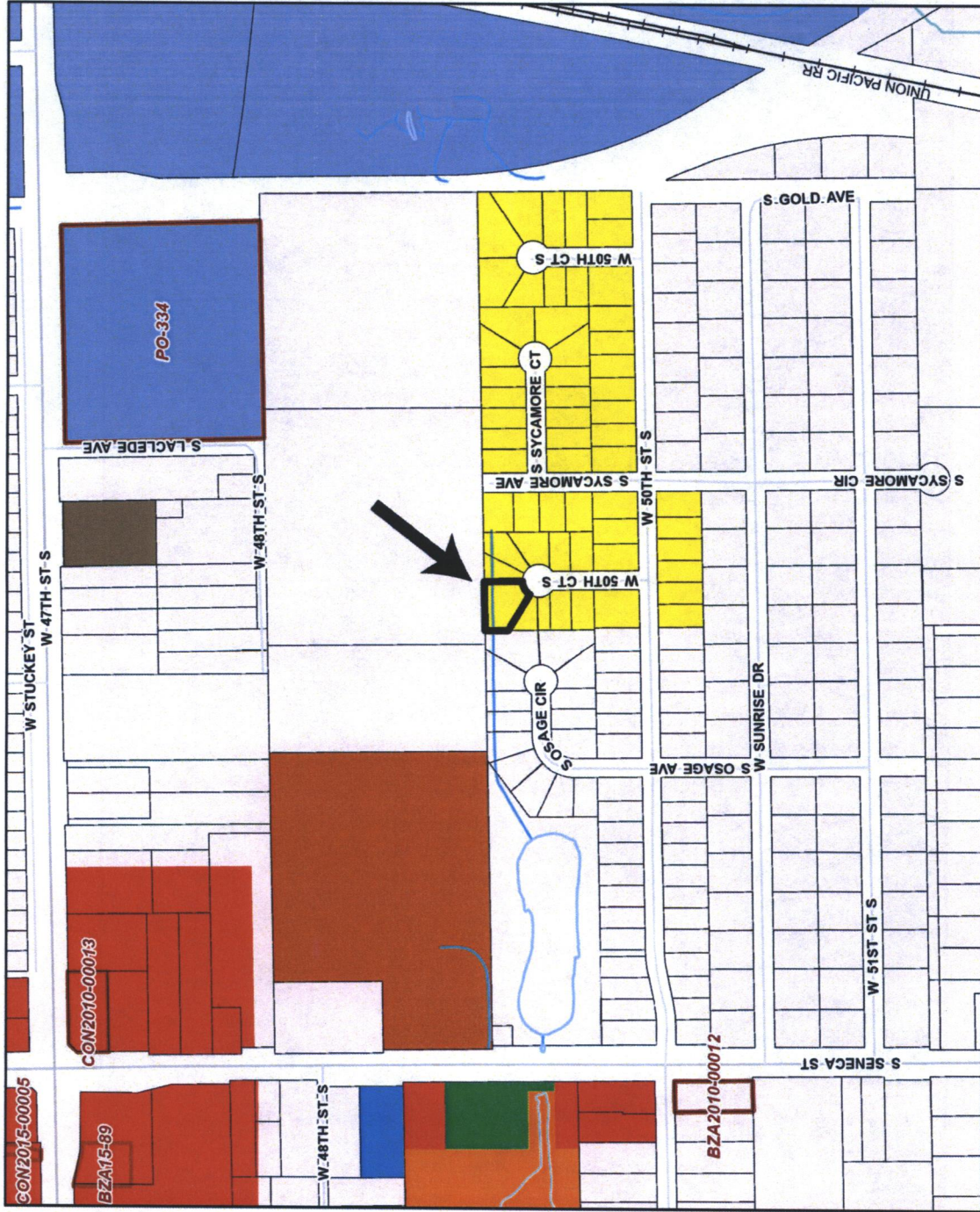
CUP.1



ZONING



RR	SF-20	SF-10	SF-5	TF-3	MF-18	MF-29	B	MH	NO	GO	NR	LC	GC	CBD	OW	IP	LI	IP-A	GI	AFB	U	PUD	AIRPORT	OLD TOWN	HISTORIC	DELANO	YES
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2035 Wichita Future Growth Concept Map

- Legend**
- Established Central Area
 - Residential and Employment Mix
 - New Employment
 - New Residential
 - Wichita City Limits
 - Other Cities
 - Northwest Bypass Right-of-Way
- Statistical Development Areas**
- Other Urban Growth Areas 2014
 - Other Urban Growth Areas 2014
 - Rural Growth Areas 2014
- LAND USE**
- Residential
 - Commercial
 - Industrial
 - Major Air Transportation & Military
 - Parks and Open Space
 - Agricultural or Vacant
 - Major Institutional
 - Neighborhood/Area Plans



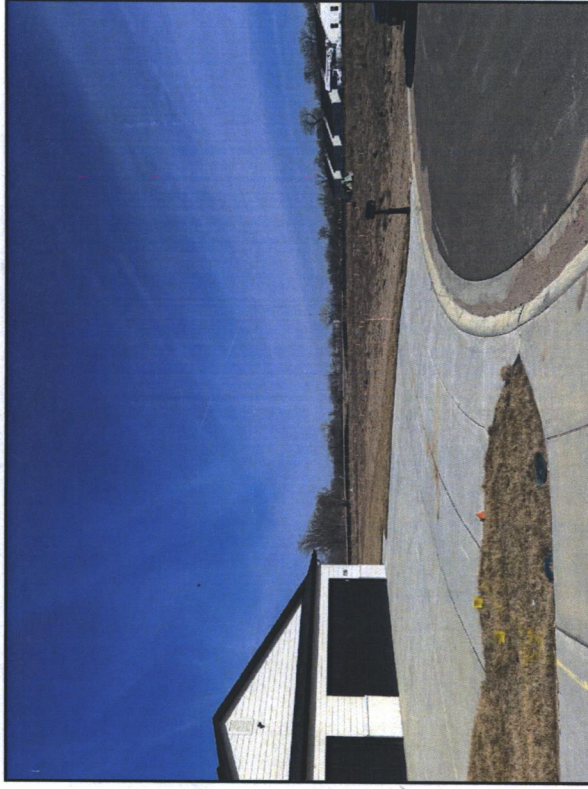
Map prepared by the City of Wichita, Kansas, Planning and Economic Development Department. The map is for informational purposes only and does not constitute a contract or any other legal instrument. The City of Wichita, Kansas, Planning and Economic Development Department is not responsible for any errors or omissions on this map. The City of Wichita, Kansas, Planning and Economic Development Department is not responsible for any damages, including consequential damages, arising from the use of this map. The City of Wichita, Kansas, Planning and Economic Development Department is not responsible for any actions taken based on the information provided on this map. The City of Wichita, Kansas, Planning and Economic Development Department is not responsible for any actions taken based on the information provided on this map.



Looking north into site



Looking east away from the site



Looking south away from site

