

SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 268-4421

June 30, 1994

Rose Schlender
1039 W. 31st Street North
Wichita, KS 67204

Re: BZA 20-94 - Request an exception to permit a group maternity home on property zoned "AA" One-Family Dwelling.

Dear Ms. Schlender

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on June 28, 1994. This resolution reflects the official action of the Board to grant your request and sets out the conditions of approval. It is forwarded to you for your information and files.

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

Sincerely yours,

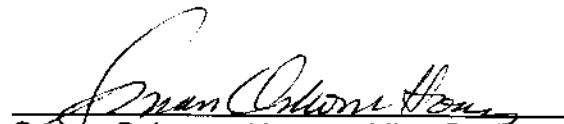
Lawrence P. Mitchell
Assistant Secretary
Board of Zoning Appeals

Enclosure
LO/hm


cc: Lisa M. Egan, Gerard House, Inc., 1127 North Emporia, 67214
Randy Sparkman, OCI
Paul Hays, OCI
Ray Sledge, OCI
Pat Burnett, Deputy City Clerk
Yolanda Anderson

5. The facility shall be licensed and in operation in accordance with all BZA requirements within one year after release of Resolution BZA 20-94, or the resolution shall become null and void unless extended by action of the Board following a request by the applicant.

ADOPTED AT WICHITA, KANSAS, this 28th day of June, 1994.


Susan Osborne-Howes, Vice-President

ATTEST:


Louise Olivarez, Secretary

BZA RESOLUTION NO. 20-94

WHEREAS, Rose Schlender and Gerard House Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, request an exception to permit a group maternity home on property zoned "AA" One-Family Dwelling and legally described as follows:

South 1/2 of Lot 57, Timmermeyer Gardens Addition, Wichita, Sedgwick County, Kansas. Generally located 1/2 block south of 31st Street North on the east side of Hood (3144 N. Hood).

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 June 28, 1994, 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 maternity home on property zoned the "AA" One-Family Dwelling, 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 a group maternity home on property zoned the "AA" One-Family Dwelling and legally described as follows:

South 1/2 of Lot 57, Timmermeyer Gardens Addition, Wichita, Sedgwick County, Kansas. Generally located 1/2 block south of 31st Street North on the east side of Hood (3144 N. Hood).

subject to the following conditions:

1. The maximum number of residents to be permitted in this group maternity boarding home facility shall not exceed ten clients (including infants), with six staff members. The licensing agencies (KDHE and SRS) shall determine the staff-to-client ratio. Any increase in the number of residents will require the submission and approval of an amended use exception application.
2. Off-street parking shall be provided as required by City Code (Section 28.04.140 through .143). Current Code requirement is one space for each house parent (resident staff), plus one space for each group boarding home resident who is permitted to drive. Except for handicapped parking which is required to be paved, the parking spaces and drives may be of crushed rock until such time as Hood is paved (at which time the parking and drives will also be required to be paved with concrete or asphalt). Prior to Hood being paved, should the applicant desire to pave any additional area other than the handicapped space(s), a drainage plan shall be submitted to the City Engineer for review and approval prior to paving.
3. Construction and operation of a group maternity home on this property shall comply with all applicable codes of the City of Wichita and with all regulations established by the licensing agencies (Kansas Department of Health and Environment and the Kansas Department of Social and Rehabilitation Services).
4. Within 90 days, a landscape plan which maintains the single family residential character of the neighborhood shall be submitted to the Board Secretary for review and approval.

ADJACENT ZONING AND LAND USE:

NORTH:	"AA"	One-Family Dwelling
SOUTH:	"AA"	One-Family Dwelling
EAST:	"AA"	One-Family Dwelling
WEST:	"AA"	One-Family Dwelling

RECOMMENDATION: Should the Board determine that the Gerard House Inc. group maternity home is appropriate at this location, it is recommended that the exception be approved, subject to the following conditions:

1. The maximum number of residents to be permitted in this group maternity boarding home facility shall not exceed ten clients (including infants), with six staff members. The licensing agencies (KDHE and SRS) shall determine the staff-to-client ratio. Any increase in the number of residents will require the submission and approval of an amended use exception application.
2. Off-street parking shall be provided as required by City Code (Section 28.04.140 through .143). Current Code requirement is one space for each house parent (resident staff), plus one space for each group boarding home resident who is permitted to drive.
3. Construction and operation of a group maternity home on this property shall comply with all applicable codes of the City of Wichita and with all regulations established by the licensing agencies (Kansas Department of Health and Environment and the Kansas Department of Social and Rehabilitation Services).
4. Within 90 days, a landscape plan which maintains the single family residential character of the neighborhood shall be submitted to the Board Secretary for review and approval.
5. The facility shall be licensed and in operation in accordance with all BZA requirements within one year after release of Resolution BZA 29-94, or the resolution shall become null and void unless extended by action of the Board following a request by the applicant.

SECRETARY'S REPORT

CASE NUMBER: BZA 20-94

OWNER/APPLICANT: Rose Schlender (Owner/Seller) and Gerard House Inc. (Contract Purchaser)

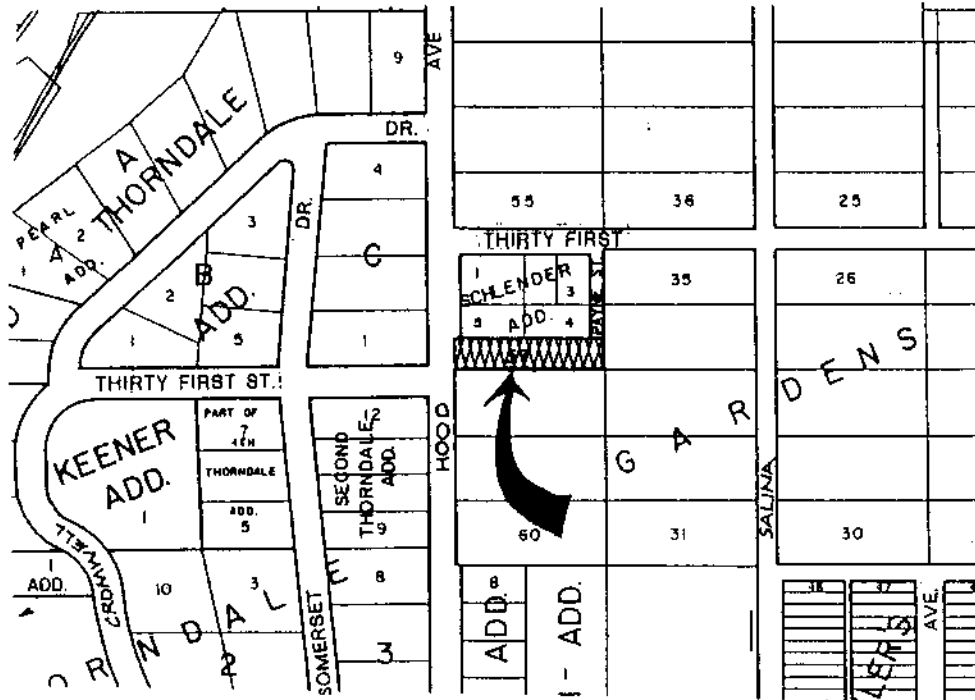
AGENT: Lisa M. Egan and James Gumnick PhD.

REQUEST: Exception to permit group maternity home on property zoned "AA" One Family Dwelling.

CURRENT ZONING: "AA" One Family Dwelling

SITE SIZE: .47 Acres

LOCATION: 200 feet south of 31st Street North on the east side of Hood (3144 North Hood)



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

BACKGROUND: The applicant, Gerard House, Inc., is the contract purchaser of the south 1/2 of Lot 57, Timmermeyer Gardens Addition, Gerard House, Inc. is requesting an exception be granted for a group maternity home in a "AA" One Family Dwelling District. Gerard House, Inc. is a non-profit program sponsored by St. Francis Regional Medical Center and St. Joseph Medical Center. They plan to maintain the 3144 North Hood property as a licensed residential maternity group living situation serving 10 or less individuals. The applicant presently provides a residential and educational program as well as support and referral services for the young women in the City of Wichita and the surrounding areas and have been in operation since 1988. The program has out grown its existing facilities and the Hood property will provide more office and living space for clients.

Clients of the program are supervised by paid staff on a 24-hour basis, seven days a week. There are three residential day staff, one residential night staff and two residential weekend staff. The applicant's site plan indicates off-street parking for 10 vehicles plus a two car garage.

In October, 1990, BZA 20-90 and April, 1992, BZA 9-92, the Board of Zoning Appeals considered and approved an exception to permit a group boarding home for children at this location as well as other areas located south of 31st Street North east of Hood (1043 and 1055 West 31st Street North). The applicant for these requests was Kurt Schlender, Narrow Doors Ministries. These approved exceptions were later declared null and void on October 26, 1993, by the Board of Zoning Appeals for non-compliance with several of the required conditions of approval. Since the original request was declared null and void, the new applicant, Gerard House Inc., must apply for and receive approval of an exception to use the property as a site for a group home.

The operation of a group boarding home is regulated by the SRS and the Health Department. The location is regulated by the local zoning code. The SRS and Health Department determine the number of occupants for which a group boarding home will be licensed based on several factors, including bedroom space and number of qualified staff. The Board of Zoning Appeals can also set a limit on the number of occupants, based on bedroom space and appropriate land use. The SRS and Health Department will not issue licenses for more than permitted by the BZA use exception.

The Health Department and SRS have inspected the property, it has been determined that there is sufficient space for 14 clients, although the applicant will have 10 or less clients being served at any given time. The site plan indicates that there will be sufficient off-street parking spaces to meet the proposed exception use. Current parking code requirements are one space for each house parent (resident staff), plus one for each group boarding home resident who is permitted to drive.