CITY OF WICHITA

Wichita-Sedgwick County Metropolitan Area Planning Department

Rana Zayed
3450 N Ridgewood St. Apt. 923
Wichita, KS 67220

December 31, 2019

RE: **BZA2019-00049** – City Variance request to permit a reduction in the parking requirement for Group Residence, Limited from 6 to 2 (with CON2019-00046) on property zoned SF-5 Single Family Residential and generally located 215 feet east of North Edgemoor Drive and one block south of East 13th Street North (5516 Polo Dr).

Dear Applicant,

At its regular meeting on **December 19, 2019**, the Wichita - Sedgwick County Board of Zoning Appeals considered the above captioned request. The action of the BZA was to **APPROVE** the request.

Enclosed is a signed copy of the above referenced BZA Resolution adopted by the Board of Zoning Appeals. This resolution reflects the official actions of the Board and is forwarded for your information and files.

Part of the resolution indicates one condition that must be met in order for the variance to take effect.

1. A revised site plan shall be submitted to Planning for approval by the Planning Director 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.
4. The resolution authorizing this Variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

This is a reminder that the zoning notification signs should now be removed from the property. If you have any questions concerning this application, please contact our office at 268-4421.

Sincerely,

Philip Zevenbergen
Associate Planner

Copies to: MABCD
Rami Zayed, 1926 Lawrence Ct, Kansas City, KS 66103
Lambsdale- Glen Burdick, 1148 N Parkwood, Wichita, KS 67208

BZA RESOLUTION NO. BZA2019-00049

WHEREAS, Rana Zayed (Applicant); pursuant to Kansas Statutes Annotated 12-759, requests a Variance to reduce the parking requirement for Group Residence, Limited from six spaces to two spaces at 5516 Polo Drive, and legally described as follows:

Lot 9, Block 1, McEwen Estates 1st 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 December 19, 2019, 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. In this case, Rosewood Cottage provides a residential setting for elderly members of the community to have a unique and alternative approach to traditional institutional care. Residents of Rosewood Cottage do not drive, and do not bring vehicles with them when they are admitted. This will never change, as the levels of care admitted are ones that do not allow for driving, and the residents do not have the cognitive or physical capacity to continue to drive.

WHEREAS, the conditions of the request will not adversely affect the rights of adjacent property owners. In this case, since the residents of Rosewood Cottage do not drive, the only vehicles that will be present on the driveway of the home will be vehicles of staff and/or family members visiting a resident. Rosewood Cottage is staffed by two individuals at any given time. The average length of a visit by a family member is approximately thirty minutes. I request to reduce the parking requirement to two vehicles, given this information. This will not adversely impact the rights of adjacent property owners or residents. Additionally, the home adjacent to the property from the west side is a licensed Home Plus, as is the home directly south of that property.

WHEREAS, the strict application of the applicable Code will constitute unnecessary hardship. In this case, the residents who call Rosewood Cottage home benefit from having social interaction with other residents, staff, and family visitors. Reducing the numbers in any way opens the door to potential isolation of our elderly residents, which will inevitably lead to rapid decline in their medical conditions which are mostly dementia at a certain level. Rosewood Cottage is a unique home, and unique haven of care. This strict application of the code would undeniably produce hardship for all involved, whether directly or indirectly.

WHEREAS, the conditions of the request will not adversely affect the public interest. In this case, it will only allow for Rosewood Cottage to be able to utilize its uniqueness to its full extent in providing a safe, and community based, environment for residents in their end stages of life.

Helping to give back community and connection to the residents in this very sensitive stage of life. Reducing the parking requirement to two will help Rosewood Cottage to foster the appropriate community for its residents.

WHEREAS, the granting of the variance is not in opposition to the general spirit and intent of the applicable Code. In this case, with the residents of Rosewood Cottage not able to drive or even bring vehicles to the community, granting this variance and reducing the parking limit, will not be opposed to the general spirit and intent of the applicable code. Two staff members at any given time, and an occasional visitor for approximately thirty minutes will be all that occupy the off-street parking.

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 six spaces to two spaces at 5516 Polo Drive, and legally described as follows:

Lot 9, Block 1, McEwen Estates 1st Addition, Wichita, Sedgwick County Kansas.

The variances are hereby GRANTED, subject to the following conditions:

1. A revised site plan shall be submitted to Planning for approval by the Planning Director 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.
4. The resolution authorizing this Variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

ADOPTED AT WICHITA, KANSAS, this 20th Day of December 2019.

Charles A. Warren, BZA Board Chair

ATTEST:

David L. Yearout,
BZA Secretary

Wichita-Sedgwick County Zoning Board of Appeals
December 19, 2019

AGENDA ITEM NO. 2

SECRETARY'S REPORT

CASE NUMBER: BZA2019-00049

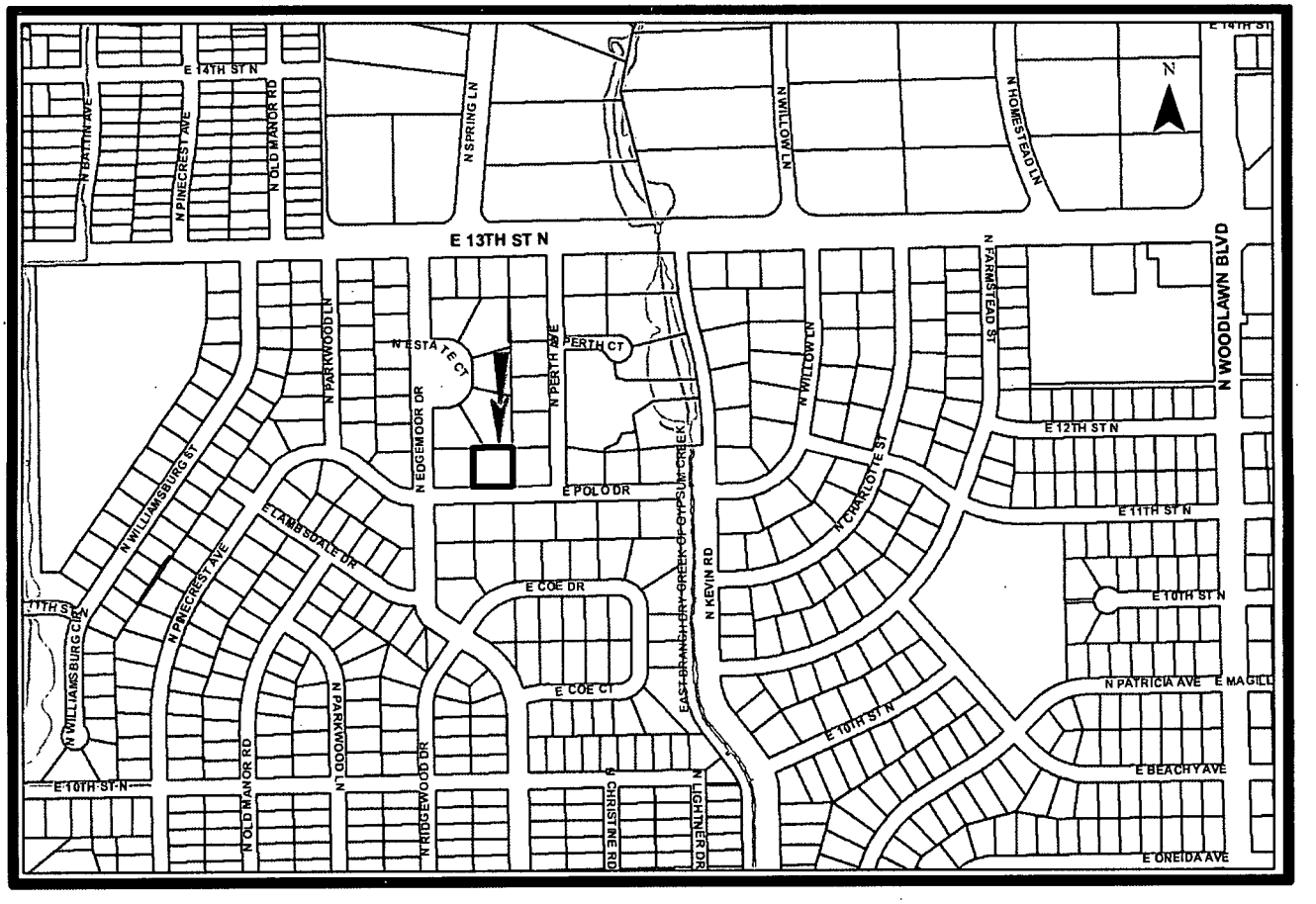
APPLICANTS: Rami Zayed, Rana Zayed

REQUEST: Reduce the parking requirement for Group Residence, Limited from 6 spaces to 2 spaces.

CURRENT ZONING: SF-5 Single Family Residential

SITE SIZE: 0.49 acres

LOCATION: 250 feet east of North Edgemoor Drive and 1 block south of East 13th Street North



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 the reduction in the parking requirement for Group Residence, Limited from 6 to 2 on property addressed 5516 E Polo, which is generally located 250 feet east of North Edgemoor Drive and one block south of East 13th Street North. This case is being heard concurrently with CON2019-00046- a request for a Conditional Use for Group Residence, Limited on a property zoned SF-5 Single Family Residential.

The applicants currently operate the Rosewood Cottage which is a Home Plus Group Home on the property and house up to 8 residents in addition to two staff. The request for Group Residence, Limited would allow the facility to house up to 12 residents in addition to staff. 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 has 6 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 do not drive or own vehicles as they are care-dependent. Therefore the only vehicles parked on site will be for staff (maximum of two at any given time) in addition to visiting family members. The facility's driveway can only satisfy a portion of the parking requirement. Therefore, the applicant has filed this Variance application to reduce the parking requirement down to two spaces.

Properties north, south, east, and west are zoned SF-5 and are single family residences.

CASE HISTORY: The site is platted as Lot 9, Block 1, McEwen Estates 1st Addition in 1952.

ADJACENT ZONING AND LAND USE:

NORTH:	SF-5	Single Family Residence
SOUTH:	SF-5	Single Family Residence
EAST:	SF-5	Single Family Residence
WEST:	SF-5	Single Family Residence

UNIQUENESS: The applicant states the following regarding the uniqueness of the use on the subject property: Rosewood Cottage provides a residential setting for elderly members of the community to have a unique and alternative approach to traditional institutional care. Residents of Rosewood Cottage do not drive, and do not bring vehicles with them when they are admitted. This will never change, as the levels of care admitted are ones that do not allow for driving, and the residents do not have the cognitive or physical capacity to continue to drive.

ADJACENT PROPERTY: The applicant states that since the residents of Rosewood Cottage do not drive, the only vehicles that will be present on the driveway of the home will be vehicles of staff and/or family members visiting a resident. Rosewood Cottage is staffed by two individuals at any given time.

The average length of a visit by a family member is approximately thirty minutes. I request to reduce the parking requirement to two vehicles, given this information. This will not adversely impact the rights of adjacent property owners or residents. Additionally, the home adjacent to the property from the west side is a licensed Home Plus, as is the home directly south of that property.

HARDSHIP: The applicant states that the strict application of the code will induce unnecessary hardship upon the property owner. Based on the uniqueness of this property, and its function as a residential assisted living and memory care facility, this code produces unnecessary hardship on the property owner, the residents, and the staff of Rosewood Cottage. The residents who call Rosewood Cottage home benefit from having social interaction with other residents, staff, and family visitors. Reducing the numbers in any way opens the door to potential isolation of our elderly residents, which will inevitably lead to rapid decline in their medical conditions which are mostly dementia at a certain level. Rosewood Cottage is a unique home, and unique haven of care. This strict application of the code would undeniably produce hardship for all involved, whether directly or indirectly.

PUBLIC INTEREST: The applicant states that the variance desired will not affect the public health, safety, morals, order, convenience, prosperity, general welfare, or the harmonious develop of the community. It will only allow for Rosewood Cottage to be able to utilize its uniqueness to its full extent in providing a safe, and community based, environment for residents in their end stages of life. Helping to give back community and connection to the residents in this very sensitive stage of life. Reducing the parking requirement to two will help Rosewood Cottage to foster the appropriate community for its residents.

SPIRIT AND INTENT: The applicant states granting the variance desired will not be opposed to the general spirit and intent of the applicable Code. With the residents of Rosewood Cottage not able to drive or even bring vehicles to the community, granting this variance and reducing the parking limit, will not be opposed to the general spirit and intent of the applicable code. Two staff members at any given time, and an occasional visitor for approximately thirty minutes will be all that occupy the off-street parking.

RECOMMENDATION: Should the Board determine that all five conditions necessary to the granting of the variance can be found to exist, the recommendation of Staff that the variance to reduce the off-street parking requirement from 6 spaces to 2 spaces be ***GRANTED***, subject to the following conditions:

1. A revised site plan shall be submitted to Planning for approval by the Planning Director 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.
4. The resolution authorizing this Variance may be declared null and void upon findings by the Board that the applicant has failed to comply with any of the foregoing conditions.

Staff Report Attachments:

1. Area Map
2. Zoning Map
3. Land Use Map
4. Site Plan Submitted by Applicant
5. KDADS Definition of Home Plus

PROJECT INFORMATION

1. PROJECT DESCRIPTION:
THIS HOME IS A HOME PLUS AS REGULATED BY THE KANSAS DEPARTMENT OF AGEING AND DISABILITIES SERVICES (KDADS) AND HAS BEEN REVIEWED AS MEETING ALL REQUIREMENTS OF THE OFFICE OF THE KANSAS STATE FIRE MARSHAL (OSFM) AND THE NFPA LIFE SAFETY CODE 101 FOR AN R-4 OCCUPANCY ALLOWING UP TO 12 RESIDENTS IN A SINGLE HOME. THE HOME HAS BEEN LICENSED BY KDADS TO HAVE UP TO 12 RESIDENTS.

2. CONTACT AND APPLICANT INFO:

ARCHITECT:	OWNER:
DAVID STAUTH	RANA ZAYED
KANSAS CODE PLANS	ROSEWOOD COTTAGE
2627 N BEACON HILL CT	5516 POLO DR.
WICHITA, KS 67220	WICHITA, KS 67206
PH (316) 262-4700	PH (316) 737-6596

3. LEGAL DESCRIPTION:
LOT 9, BLOCK 1, FIRST ADDITION TO MCEWEN ESTATES, WICHITA, SEDGWICK COUNTY, KANSAS

THE REAL PROPERTY OR ITS ADDRESS IS COMMONLY KNOWN AS 5516 E POLO DRIVE, WICHITA, KS 67208-2752.

4. EXISTING CONDITIONS AND DIMENSIONS:
ALL STRUCTURES AND FEATURES OF THE SITE AS THEY EXIST ARE SHOWN ON THE SITE PLAN ALONG WITH CRITICAL DIMENSIONS FOR KEY FEATURES.

THE BUILDING IS NOT LOCATED IN A FLOOD PLAIN.

5. SURROUNDING STRUCTURES AND USES:
THE HOME IS LOCATED IN A NEIGHBORHOOD OF SINGLE-FAMILY HOMES, THE ADJACENT HOMES ARE INDICATED ON THE SITE PLAN (BY NOTE - SCALE OF THE PLAN IS TOO SMALL TO SHOW). THIS WAS A SINGLE FAMILY HOME AND WAS CONVERTED TO A "HOME PLUS" AS REGULATED BY KDADS, WHICH IS A SMALL RETIREMENT CARE HOME LOCATED IN A RESIDENTIAL AREA SO THAT RESIDENTS CAN LIVE IN A TRADITIONAL HOME ENVIRONMENT NEAR THEIR FAMILIES.

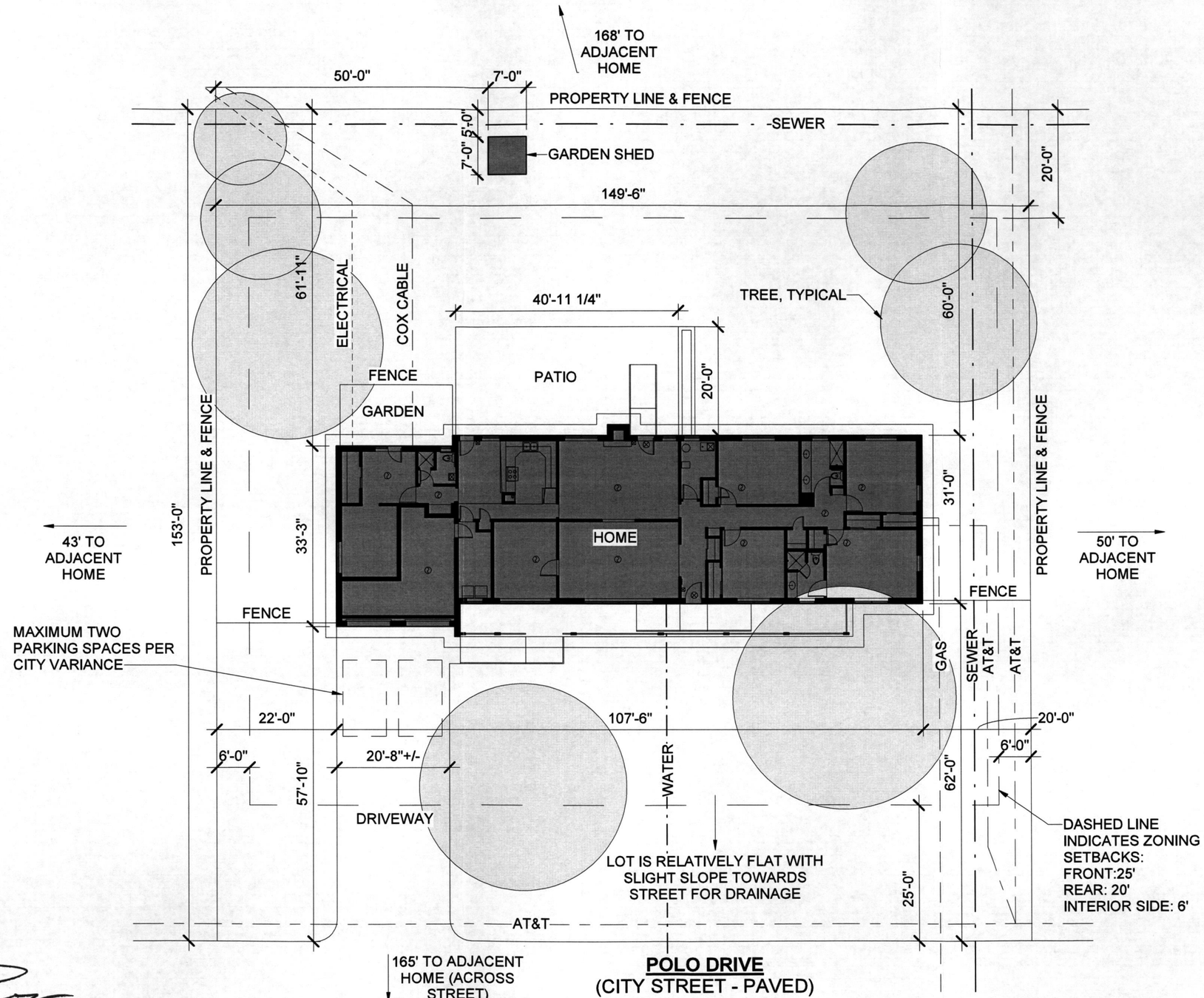
6. MODIFICATIONS BY THE CONDITIONAL USE:
NO MODIFICATIONS OR NEW STRUCTURES OR FEATURES WILL BE BUILT OR MADE TO THE EXISTING HOME OR ON THE LOT IF THE CONDITIONAL USE IS GRATED. NONE OF THE FEATURES OF THE HOME WILL CHANGE AS VISIBLE FROM THE STREET OR ADJACENT LOTS.

ADDITIONALLY, ALL RESIDENTS DO NOT DRIVE OR OWN VEHICLES AS THEY ARE CARE-DEPENDENT. THE ONLY CARS THAT WILL BE PARKED AT THE HOUSE ARE THOSE OF THE CARE-GIVERS (MAX 2) AND THE OCCASIONAL VISITING FAMILY MEMBER.

7. UTILITIES AND EASEMENTS:
ALL SITE UTILITIES INCLUDING WATER, SEWER, TELEPHONE, CABLE TV, ELECTRIC, AND GAS ARE SHOWN ON THE SITE PLAN.
THE REAL ESTATE TRANSACTION DOCUMENTS AND PROPERTY APPRAISAL INDICATE THAT THERE ARE NO ADDITIONAL EASEMENTS ON THE SITE/PROPERTY.

SITE PLAN

APPROVED 12/24/19 BY



NORTH

1 **SITE PLAN**

1" = 20'-0"

0' 10' 20 40'

DAVID JAMES STAUTH LICENSED 6504 KANSAS ARCHITECT
Oct 5, 2019

Kansas Code Plans LLC.
2627 N Beacon Hill Ct
Wichita, KS 67220
T 316.393.8576
KansasCodePlans.com

ROSEWOOD COTTAGE CONDITIONAL USE SITE PLAN

5516 POLO DRIVE
WICHITA, KS 67206

PRINTS ISSUED
OCTOBER 13, 2019

NO.	DATE	DESC.

KCP No. 19013
drawn: STAUTH
checked STAUTH

SITE PLAN
PROJECT INFO

SP.1

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