

Case No. BZA 1-85 - Edward G. Castleberry - requests an exception to permit the expansion of a group home for mentally retarded adults to allow up to 15 clients on property zoned the "RB" Four-family Dwelling District and generally located at [unclear]

Slot 5-2  
Record ✓

~~16-7-78~~  
~~16-7-78~~  
16-7-78  
Edward G. Castleberry

Placed 1-3-85

# ACTION

B.Z.A. LSE APPROVED 2-26-85  
DATE

200'14 Sec 4-8-85  
Slot 5-2  
Record

~~This under  
BZA #283~~

~~Superseded by~~ BZA 4-91

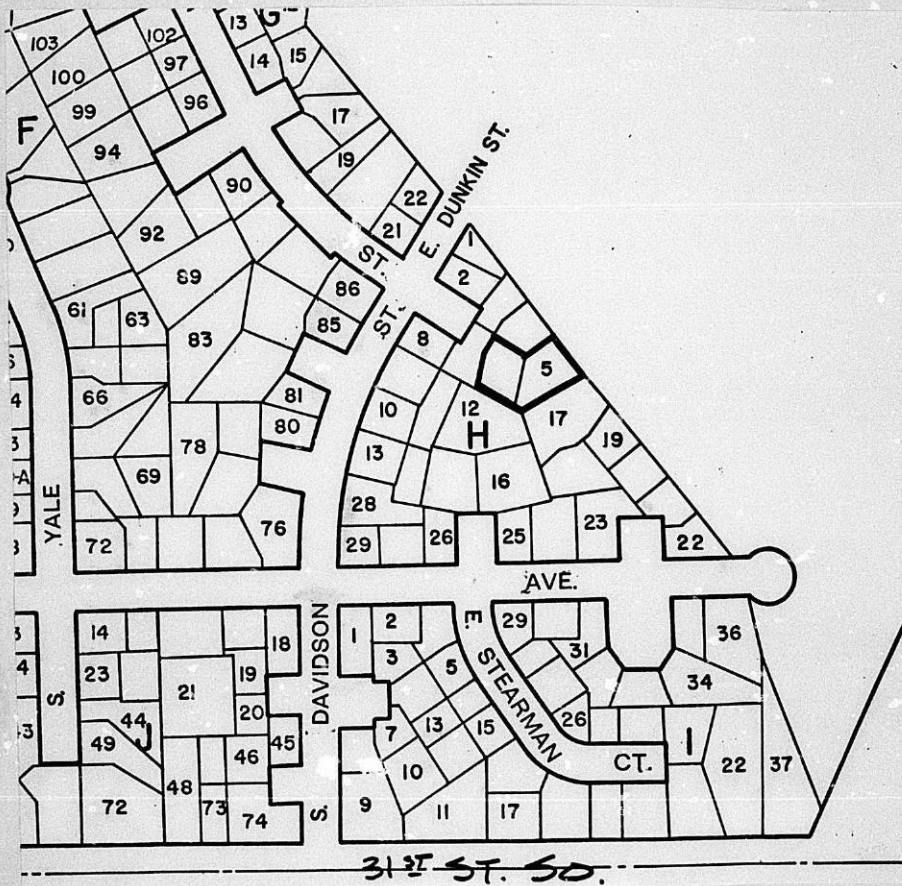
LSE No. BZA 1-85 - Edward G. Castleberry - requests an exception to permit the expansion of a group home for mentally retarded adults to allow up to 15 clients on property zoned the "R8" Four-family Dwelling District and adjacent...

Map No. 5744B

BZA 1-85  
Filed \_\_\_\_\_

AREA DATA:

1. Acres: \_\_\_\_\_ ( \_\_\_\_\_ ft. by \_\_\_\_\_ ft.)
2. Adjoining Zoning: E AA S RB W RB N RB
3. Land Use: East Park South 2-F  
West 2-F North 2-F
4. Area (is) (~~is not~~) platted.



LOS ANGELES CHILLAGO LOGAN OH  
MCBERGON, TX-OCUST GROVE, GA  
USA.

**S**  
Standard  
No. 2-153C

March 4, 1985

Edward G. Castleberry  
3110-3112 Davidson  
Wichita, Ks. 67210

Re: BZA 1-85 - Request for Exception

Dear Mr. Castleberry

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on February 26, 1985.

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: Jim Jorgensen, Acting Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 1-85

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 expansion of a group home for mentally retarded adults on property zoned the "RB" Four-family Dwelling District and legally described as follows:

Lots 5 and 6, Block H, Plainview Subdivision to Wichita, Sedgwick County, Kansas. Generally located to the south and east of Davidson Court (3110-12-14 and 16 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 February 26, 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 expansion 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.

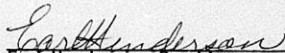
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the expansion of a group home for mentally retarded adults on property zoned the "RB" Four-family Dwelling District legally described as follows:

Lots 5 and 6, Block H, Plainview Subdivision to Wichita, Sedgwick County, Kansas. Generally located to the south and east of Davidson Court (3110-12-14 and 16 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 for the group home for mentally retarded adults.
2. Any enlargement of the structure shall not permit more than 15 clients to be housed therein.
3. There shall be not less than four parking spaces provided for this facility.
4. Resolution BZA 42-83 shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 26th day of February, 1985.

  
Earl Henderson, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE      February 22, 1985

TO      Glen Lytle, Special Assistant for Zoning

FROM      Stanley J. Scott, CP Coordinator

SUBJECT      BZA 1-85: South and East of  
Davidson Court (3110-12-14-16  
Davidson)

On Thursday, February 21, 1985, CPO Neighborhood Council Area "D" considered the captioned case, a request for a zoning exception to permit the expansion of a group home for mentally retarded adults to allow up to 15 clients on property zoned "RB" Four-Family Dwelling District. After discussion, the Council voted 6-0 to recommend denial of the requested exception.

Neither the applicant or agent were present. No area residents or property owners were in attendance. Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

In voting to recommend denial of the request, the Council noted that when BZA 42-83 was considered in August of 1983, the Council had voted to support staff comments recommending that no enlargement of the present structure shall be permitted that would increase the number of clients. The Council also noted that without the attendance of the applicant there were too many unanswered questions regarding the request to recommend approval.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 1-85 is considered on Tuesday, February 26.



Stanley J. Scott  
CP Coordinator

SJS:dm

Noted:



Annie K. Montgomery  
CRS Director

**RECEIVED**

FEB 25 1985

METROPOLITAN PLANNING

ROUTE

RE: AGENDA ITEM NO. 1

SECRETARY'S REPORT  
CASE NO. BZA 1-85

APPLICANT: Edward G. Castleberry, 3110-3112 Davidson,  
Wichita, Kansas.

AGENT: None

REQUEST: Exception pursuant to Section 28.04.185 Code  
of the City of Wichita to permit the expansion  
of a group home for mentally retarded adults.

GENERAL LOCATION: On the south end of Davidson Court.

ZONING: Subject property is zoned the "RB" Four-family  
Dwelling District as is all adjacent developed  
property.

LAND USE: Subject property is occupied by an existing  
group home and another two-family dwelling.  
Adjacent properties are also developed with  
two-family dwellings. To the east is park  
and open space.

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 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to connect the existing group home to an adjacent two-family dwelling and expand the number of clients to 15. The original approval for a group home for mentally retarded adults was approved on August 23, 1983 for a maximum of 10 clients. The applicants have acquired the adjacent property and want to move their residence to the adjoining duplex and convert their present living space to additional space for clients.

At the time the initial application for the facility was filed, the neighbors expressed their concern over the proposed use, and particularly the number of clients in the facility. It should be noted that the applicant has indicated that the maximum number will not exceed 15, and this will have to be approved by the State licensing regulations.

RECOMMENDATION:

Should the Board determine that the expansion of this use at this location is appropriate, 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 for the group home for mentally retarded adults.
  2. Any enlargement of the structure shall not permit more than 15 clients to be housed therein.
  3. There shall be not less than four parking spaces provided for this facility.
  4. Resolution BZA 42-83 shall become null and void.
-

BZA CASE NO. 1-85

1

NOTICES SENT TO APPLICANT/AGENT

1

LEGAL ADVERTISEMENT SENT TO MAPC

1

NOTICES SENT TO CPO

22

NOTICES SENT TO ADJOINING PROPERTY OWNERS

25

TOTAL NOTICES SENT 2-5-85

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

February 5, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 1-85

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 Edward G. 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 expansion of a group home for mentally retarded adults to allow up to 15 clients on property zoned the "RB" Four-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 5 and 6, Block H, Plainview Subdivision to Wichita, Sedgwick County, Kansas. Generally located to the south and east of Davidson Court (3110-12-14 and 16 Davidson).

This application has been assigned Case BZA 1-85. It will be considered by the Board of Zoning Appeals on February 26, 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. 1-85

CITY OF WICHITA, KANSAS

FILED 1-2-85

APPLICATION FOR EXCEPTION

I. Name of Applicant Edward G. Castleberry  
Mailing Address 3110-12 Davidson Phone 686-0891  
Name of Authorized Agent self  
Mailing Address \_\_\_\_\_ 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 a change from a "Congregate Home" for the mentally retarded, (total occupancy up to ten) to a "Residential Home" (total occupancy up to fifteen) in accordance with the, State of Kansas, S.R.S. regulations. Also, permission to build a crosswalk from, 3110-12 Davidson to 3114-16 Davidson, which is our office and private living quarters.

on property zoned "RB" with an exception granted, August 24, 1983 for the establishment of a group home for the mentally retarded, located 3110-12 and 3114-16 Davidson, Wichita, Kansas 67210

and legally described as: Lots 5 and 6, Block H, Plainview Sub-division in Section 2, Township 28 South, Range 1 East, Sedgwick County, Kansas. Generally located to the rear of a court (3110-12 and 3114-16 Davidson) on the east side of Davidson. \_\_\_\_\_, 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. Castleberry

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:30 (a.m.p.m.), JAN 2, 1985, together with appropriate fee of 75.00.

Signed A. Lytle

OWNERSHIP LIST

Lot	Block	Addition	Property Owner
Lot 1	Block H	Planeview Subdivision #2, being a subdivision in Sec. 2-28S-1E	✓ Vi Van Tran 3755 E. Dunkin Wichita, KS 67210
Lot 2	Block H	"	✓ Charles V. Petrie Juanita F. Petrie Rt. 2 Douglass, KS 67039
Lot 3	Block H	"	✓ Dao Hieu Nguyen Phu Kieu Huong 3104 Davidson Wichita, KS 67210
Lot 4	Block H	"	Joe Hilker Address Unknown <i>d/o</i>
		Int. In Property:	✓ Noi Soukamneuth Vikhit Soukamneuth 4112 Dunham Wichita, KS 67210
Lot 5	Block H	"	D Edward G. Castleberry Nava Jo Castleberry 3112 Davidson Wichita, KS 67210
Lot 6	Block H	"	D Same As Above
Lot 7	Block H	"	✓ Dennis C. Luginbill Janice L. Luginbill 3118 Davidson Wichita, KS 67210
Lot 8	Block H	"	✓ Gilbert R. Ware Kathleen L. Ware 3120 Davidson Wichita, KS 67210
Lot 9	Block H	"	X Donald E. Russell Address Unknown
Lot 10	Block H	"	✓ Billy N. Jenkins Ila Faye Jenkins 3130 Davidson Wichita, KS 67210
Lot 11	Block H	"	✓ Edwin F. Sanders Marie A. Sanders 3128 Davidson Wichita, KS 67210
Lot 12	Block H	"	✓ Larry D. Schneider Shirley G. Schneider 3501 W. Fairhaven Rd. Wichita, KS 67217

Lot	Block	Addition	Property Owner
Lot 13	Block H	Planeview Subdivision #2 being a sub- division in Sec. 2-28S-1E	George Beran Cleona M. Beran ✓ 3134 Davidson Wichita, KS 67210
Lot 14	Block H	"	George Beran Same Address As Above
Lot 15	Block H	"	James A. Walston ✓ Norma Lee Walston 4618 Pattie Wichita, KS 67216
Lot 16	Block H	"	✓ A. E. Henning 4018 Davidson Wichita, KS 67210
Lot 17	Block H	"	✓ Jerry D. Cowell Betty J. Cowell 4136 Dunham Wichita, KS 67210
Lot 18	Block H	"	✓ Kenneth F. Erbert Marilea F. Erbert 2596 S. Roosevelt Wichita, KS 67210
Lot 19	Block H	"	✓ Augusta Olivia Green Edsel Dennis Green 1915 W. MacArthur Rd. Wichita, KS 67217
Lot 20	Block H	"	George W. Lovett ✓ 3093 S. Rutan Ave. Wichita, KS 67210
		Int. in Property:	Christine A. Decker Address Unknown AND ✓ Carl M. Harrison 9005 Nantucket Circle Wichita, KS 67212
Lot 23	Block H	"	Harold J. Henning Joan C. Henning Address Unknown
		Int. in Property:	Noi Soutamneuth Vikhit Soutamneuth 4112 Dunham Wichita, KS 67210
Lot 24	Block H	"	✓ William T. Mertens Laurine M. Mertens 4100 Dunham Wichita, KS 67210
Lot 25	Block H	"	✓ Lawrence D. Smith Norma A. Smith 2220 S. Crestway Wichita, KS 67218

Tract Description	Property Owner
<p>Beg. at the SE/c of the SE<math>\frac{1}{4}</math> of Sec. 2, Twp. 28, Rge. 1E; th. N to intersection of the E line of the SD<math>\frac{1}{4}</math> and George Washington Blvd.; th. NW along Blvd. to W line of Ross Parkway; th. S and W to Roosevelt Drive; th. SE along Roosevelt Drive to Duncan; th. SW along Dunkin to Davidson Ave.; th. SE to point W of beginning; th. E to beginning, exc. 22.62 acres more or less, deeded to KTA and except part platted as Planeview School Addn. and except part of Planeview Subdivision No. 1 and part of Planeview Subdivision No. 2, except common center line of KTA r/o/w and 2059.32' NE'ly of S line of SE<math>\frac{1}{4}</math>; th. SE 150' for beg.; th. NE'ly 190.55'; th. SE'ly 644.69'; th. W'ly 153'; th. NW'ly 501' to beg. and exc. common center line of KTA r/o/w and 2076.32' NE'ly of S line of SE<math>\frac{1}{4}</math>; th. NW'ly 150 for beg.; th. NW'ly 827.51'; th. NE 50.17'; th. E'ly 300'; th. SE'ly 530' more or less to point 150' NW of center line of KTA; th. SW'ly 191.05' to beg. and except MacArthur School Site.</p>	<p>City of Wichita, a municipal corp. 455 N. Main Wichita, KS 67202</p>

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

Lots 5 and 6, Block H, Planeview Subdivision #2, being a subdivision in Section 2, Township 28 South, Range 1 East of the 6th P.M., in 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 31st day of December, 1984, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE  
COMPANY, INC.



**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 29 1971

**PAYMENT NOTICE**  
 City of Wichita

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

DESCRIPTION	AMOUNT
CITY OF WICHITA	93.52

NAME EDWARD G. CANTRELL  
 ADDRESS 3110-12 DRAKON W. K.  
 FUND 12-46671-003 DUE DATE \_\_\_\_\_  
 COMMENTS \_\_\_\_\_  
 DATE JAN 2, 1975 BY [Signature]