

Case No. BZA 1-86 - Starkey Sheltered Living, Inc. - requests an exception to permit the establishment of a group home for mentally retarded adults on property zoned the "RB" Four-family Dwelling District and generally located

POSTED 1-27-86 695.

ACTION

BZA. 1-86 APPROVED 2/25/86
DATE

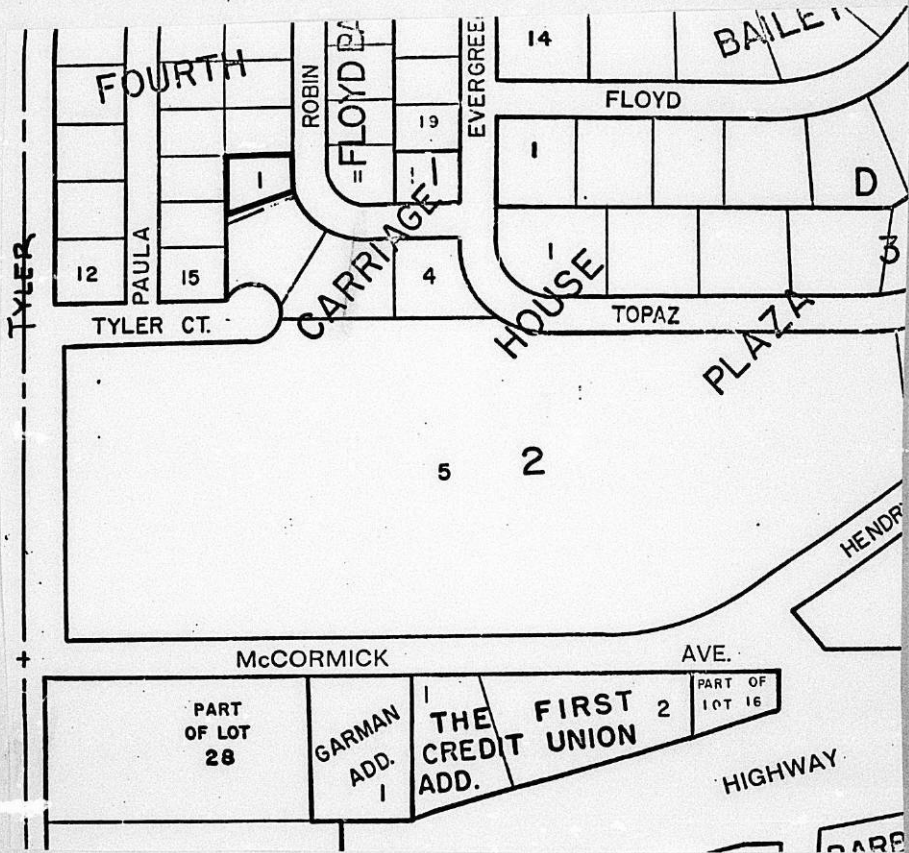
200' 4 Sec 4-11-86
Shot 4-17-86
Record ---

Map No. 4946 D

BZA 1-86
Filed _____

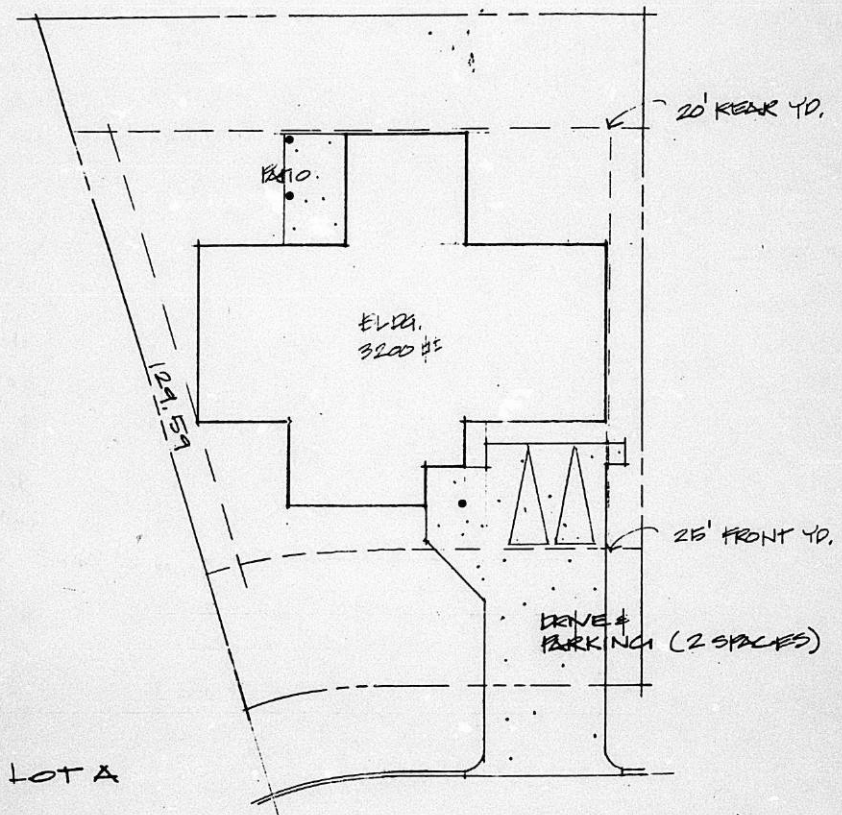
AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E "A" S "RB" W "A" N "A"
3. Land Use: East 2-F South Vac
West 2-F North 2-F
4. Area (is) (~~is not~~) platted.



LOS ANGELES-CINCINNATI-LOGAN OH
HASTINGS, MN
ROBINSON, TX
ST. LOUIS, MO
ST. PETERSBURG, FL
U.S.A.

No. 2155C
Star



LOT A

← S. ROBIN RD. →

PRELIM. PLOT PLAN
1" = 20'

BZA 1-86
STARKEY GROUP HOME
1-24-86

February 28, 1986

Starkey Sheltered Living, Inc.
ATTN: John C. Frye
144 South Young
Wichita, Kansas 67209

Re: BZA 1-86. On the west side of Robin Road and one block south of
University

Dear Mr. Frye:

Enclosed is a signed copy of the Resolution adopted by the Board of
Zoning Appeals on February 25, 1986.

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/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)
Do. Gisick, City Clerk

RESOLUTION CASE NO. 1-86

WHEREAS, Starkey Sheltered Living, Inc., 144 South Young, Wichita, Kansas, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception 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 1, Except that portion beginning at the S.E. corner thence northerly 4.44 feet, thence southwesterly 129.59 feet to West line, thence South 8.69 feet to the southwest corner, thence northeasterly 132.33 feet to beginning; Block 2, Carriage House Plaza 2nd Addition to Wichita Sedgwick County, Kansas. Generally located on the west side of Robin Road and one block south of University.

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 25, 1986, 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 eight mentally retarded adults on property zoned the "RB" Four-family Dwelling District subject to the conditions outlined in Section 28.04.183.5, Code of the City of Wichita.

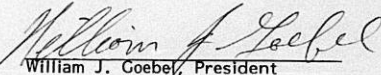
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a group home for eight mentally retarded adults on property zoned the "RB" Four-family Dwelling District legally described as follows:

Lot 1, Except that portion beginning at the S.E. corner thence northerly 4.44 feet, thence southwesterly 129.59 feet to West line, thence South 8.69 feet to the southwest corner, thence northeasterly 132.33 feet to beginning; Block 2, Carriage House Plaza 2nd Addition to Wichita Sedgwick County, Kansas. Generally located on the west side of Robin Road and one block south of University.

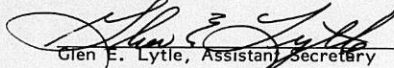
subject to the following conditions:

1. The facility shall comply with all State and local codes, and prior to the start of construction, the Health Department, Fire Department and Central Inspection shall approve the facility. The applicant shall secure all the necessary permits and licenses.
2. The applicant shall provide not less than two off-street parking spaces behind the front yard setback.
3. If at any time the facility is enlarged to accommodate more than eight clients, the applicant shall submit an application for said expansion.
4. This exception shall apply to the use of the structure as a group home for mentally retarded adults. Any change in use is subject to compliance with all provisions of the zoning ordinance.

ADOPTED AT WICHITA, KANSAS, this 25th day of February, 1986.


William J. Goebel, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION DATE February 20, 1986

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 1-86 West Side of Robin
and One Block South of University

CPO Council "B" considered the captioned case at its February 18th meeting and voted 7-0 to recommend approval of the exception to permit the establishment of a group home for mentally retarded adults.

Dale Koehn was present representing Starkey Sheltered Living, Inc. Koehn described the request, responded to questions from the Council and presented site plans of the proposed building. No adjoining property owners or area residents were present concerning the case.

Please provide the Council's recommendation to the Board of Zoning Appeals when case BZA 1-86 is considered at the February 25th meeting.

Shirley Mast
Shirley Mast
Administrative Aide III

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

AGENDA ITEM NO 2

SECRETARY'S REPORT CASE NO. BZA 1-86

APPLICANT: Starkey Sheltered Living, Inc., 144 South Young, Wichita, KS 67209

AGENT: John C. Frye, Starkey Housing, Inc. 144 South Young, Wichita, KS 67209

REQUEST: Exception pursuant to Section 28.04.185.1 Code of the City of Wichita to permit the establishment of a group home for eight mentally retarded adults.

GENERAL LOCATION: On the west side of Robin Road and one block south of University.

ZONING: Subject property is zoned the "RB" Four-family Dwelling District as is the property to the south. To the east, west and north is zoned the "A" Two-family Dwelling District.

LAND USE: The application area is vacant as is the property to the south. To the east, west and north are Two-family dwellings.

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 28.04.185.01 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to construct a group home for the housing of eight (8) mentally retarded adults and a house manager. The clients live in the home and are trained at other locations to function in society. None of the clients are capable of securing drivers licenses so the need for parking is minimal. In accordance with the applicant's site plan, two off-street parking spaces are being provided behind the front yard setback which will allow for additional parking on the driveway. The house manager will have a van on the premises for the transportation of the clients. Normally the off-street parking requirement for such a group home is one space for the residence plus one space for each roomer or boarder. In this case the requirement would be nine spaces, but in the approval of the exception the Board can determine the number of off-street parking spaces to protect the adjacent property owners. In this instance, as in the past, the need for parking is minimal and two spaces plus the driveway should be adequate.

RECOMMENDATION:

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

1. The facility shall comply with all State and local codes, and prior to the start of construction, the Health Department, Fire Department and Central Inspection shall approve the facility. The applicant shall secure all the necessary permits and licenses.
2. The applicant shall provide not less than two off-street parking spaces behind the front yard setback.
3. If at any time the facility is enlarged to accommodate more than eight clients, the applicant shall submit an application for said expansion.

BZA CASE NO. 1-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>15</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>10</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>13</u>	TOTAL NOTICES SENT <u>2-4-86</u>

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

February 4, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 1-86

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 Starkey Sheltered Living, Inc., 144 South Young, 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 mentally retarded adults on property zoned the "RB" Four-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 1, Except that portion beginning at the S.E. corner thence northerly 4.44 feet, thence southwesterly 129.59 feet to West line, thence South 8.69 feet to the southwest corner, thence northeasterly 132.33 feet to beginning; Block 2, Carriage House Plaza 2nd Addition to Wichita Sedgwick County, Kansas. Generally located on the west side of Robin Road and one block south of University.

This application has been assigned Case No. BZA 1-86. It will be considered by the Board of Zoning Appeals on February 25, 1986 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.

Glen E. Lytle
Assistant Secretary

BOARD OF ZONING APPEALS

CASE NO. 1-86

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Starkey Sheltered Living, Inc.
Mailing Address 144 S. Young Phone 942-4221
Name of Authorized Agent John C. Frye
Mailing Address 144 S. Young Phone 942-4221
Relationship of applicant to property is that of Owner-Option to purchase
(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 Group Home up to 8 clients who are primarily mentally retarded. Also wavier on parking

_____ on property zoned RB-4 family dwelling,
located South Robin Road and legally
described as: Lot 1 Exc. Beg S.E. Corner NLY 4.44 ft SWLY 129.59 ft to
W. Line S. 8.69 ft. to SW Corner NELY 132.33 ft. to Beg, Block 2
Carriage House Plaza 2nd add., 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. 39-285); 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 Starkey Sheltered Living, Inc.

Authorized Agent John C. Frye

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:15 (a.m./p.m.), Jan. 27, 1986, together with appropriate fee of 200.00.

Signed John C. Frye

Starkey Developmental Center, Inc.

144 South Young
Wichita, Kansas 67209
(316) 942-4221

Preschool
School
Adult/Work Activity
Adult/Residential

January 27, 1986

Mr. Jack Galbraith, Secretary
Board of Zoning Appeals
City of Wichita, Kansas
City Hall - 435 N. Main
Wichita, Ks. 67202

Dear Mr. Galbraith:

Starkey Sheltered Living, Inc., a corporation sponsored by the Starkey Developmental Center, Inc., has the option to purchase the following properties:

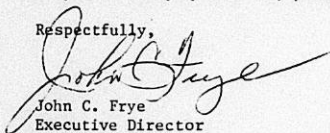
Lot 1 Exec Beg SE Cor NLY 4.44 ft SWLY 129.59 ft to W LI S 8.69 ft to SW Cor NELY 132.33 ft to Beg Block 2 Carriage House Plaza 2nd add. and Beg NE Cor Lot 3 W 75.78 ft SLY 133.15 ft to S. LI E 97.06 ft to SE Cor N. 130 ft to Beg Block 2, Carriage House Plaza 2nd add.

The plans are to house up to eight (8) mentally retarded adults. The structure will meet all local Life Safety Codes and the State Social and Rehabilitation requirements for programs.

We are requesting an exception to the Present Zone of "RB-4 family dwellings" for the above properties. The Board of Zoning appeals has the jurisdiction to grant exceptions under Section 28.04-185 Rehabilitation Homes, "1" Rehabilitation Homes. The Board of Zoning appeals may by special permit grant exceptions and authorize rehabilitation homes for children "A" or "RB" Residential Zoning District". We understand that we are to meet the requirement of this section and the one mentioned above. We are also requesting a waiver on the parking since all our clients will not be able to receive a drivers license. We will provide ^{two} four (4) parking spaces at each location.

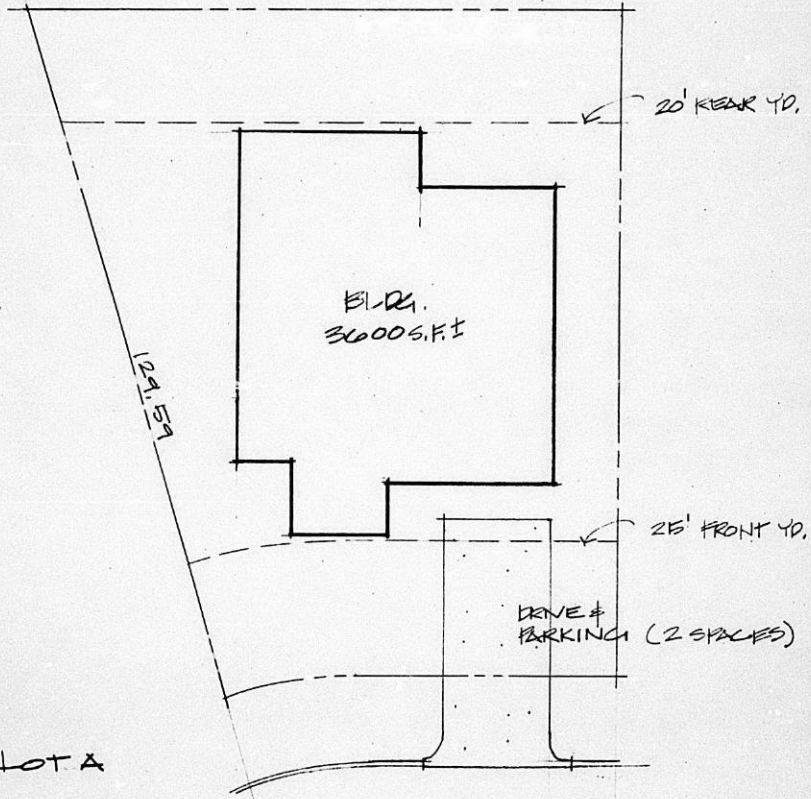
If you have any questions, please contact Dale D. Koehn, at the above number.

Respectfully,


John C. Fry
Executive Director

:bg





← S. ROBIN RD. →
PRELIM. PLOT PLAN
1" = 20'



STARKEY GROUP HOME
1-24-86

STATEMENT OF OWNERSHIP

STATE OF KANSAS)
) SS
SEDGWICK COUNTY)

The undersigned duly bonded and qualified abstractor within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas viz:

Record Owners within 200 feet of:
Lot 1, Block 2, CARRIAGE HOUSE
PLAZA SECOND ADDITION, Wichita,
Sedgwick County, Kansas.



And from such examination find that the owners thereof are as set opposite the description of the property below, viz: (Addresses as given are furnished as a service and not certified.)

DESCRIPTIONS

RECORD OWNERS

Lot 1, Block 2, CARRIAGE HOUSE PLAZA SECOND ADDITION,	James D. Miner; Richard I. Darge & Marjorie M. Zwiesler %6606 W. Central Wichita, Kansas 67212
Lots 2, 3 and 4, Block 2, CARRIAGE HOUSE PLAZA SECOND ADDITION,	James D. Miner; Richard I. Darge & Marjorie M. Zwiesler %6606 W. Central Wichita, Kansas 67212
Lot 5, Block 2, CARRIAGE HOUSE PLAZA SECOND ADDITION,	Harold R. "Bud" White; G.M.P. Enterprises, Inc. & Union National Bank of Wichita and Reba L. Angle, Co-Trustees of the Bill E. Mesker Trust %316 Fairway Wichita, Kansas 67212
Buildings 523, 533 & 543, Part of Westwood Pines Condominium situated on Lots 9, 10 and 11, Block 2, Floyd Bailey Fourth Addition,	Rolland E. & Mildred V. Klaassen ADDRESS UNKNOWN

Fidelity  Title
COMPANY, INC.

DESCRIPTIONS

RECORD OWNERS

Lot 12, Block 2, FLOYD BAILEY
4TH ADDITION,

North American Investment
Co., Inc.
P.O. Box 626
Muskogee, Oklahoma 74401

Lots 10, 11, 12, 13, 14 and 15,
Block 3, FLOYD BAILEY 4TH ADDITION,

Bud & Joyce B. White;
Bill & Doris Jean Mesker;
Robert J. & Marna J. Moore;
James Duane Schwada and
Robert L. Sarna
3316 Fairway
Wichita, Kansas 67212

Lots 19, 20 and 21, Block 3, FLOYD
BAILEY 4TH ADDITION,

Major Enterprises, Inc.
6606 W. Central
Wichita, Kansas 67212

Lot 19, Block 4, FLOYD BAILEY 4TH
ADDITION,

Vernon S. & Janice E. Hahn
533 S. Evergreen Lane
Wichita, Kansas 67209

Lot 20, Block 4, FLOYD BAILEY 4TH
ADDITION,

Harry L, Jr. & Vivian M. Price
ADDRESS UNKNOWN



Lots 9 and part of Lot 10 described
as beginning at the Northwest corner
thereof; thence South along the
West line of said Lot 10, 46.07 feet;
thence East to a point on the East
line of said Lot 10, said point being
47.33 feet South of the Northeast
corner thereof; thence North 47.33
feet to the Northeast corner of said
Lot 10; thence West 118.6 feet to the
place of beginning, Block 2, FLOYD
BAILEY 5TH ADDITION,

Jerome D. Marcus
1415 Spring Drive
Wichita, Kansas 67208

Lot 10, Block 2, FLOYD BAILEY 5TH
ADDITION, EXCEPT that part described
as beginning at the Northwest corner
thereof; thence South along the West
line of said Lot 10, 46.07 feet;
thence East to a point on the East line
of said Lot 10, said point being 47.33
feet South of the Northeast corner
thereof; thence North 47.33 feet to the
Northeast corner of said Lot 10; thence
West 118.6 feet to the place of beginning,

E. L. & Judith A. Martin &
Linda J. Patterson
ADDRESS UNKNOWN

Lot 11, EXCEPT the East 53.73 feet,
Block 2, FLOYD BAILEY 5TH ADDITION,

Danny D. & Mary E. Schmedeman
3434 E. 9th
Wichita, Kansas 67208

The East 57.73 feet of Lot 11, Block
2, FLOYD BAILEY 5TH ADDITION,

Leslie A. George
804 S. Lightner
Wichita, Kansas 67218

DESCRIPTIONS

Lot 1, Block 1, CARRIAGE HOUSE
PLAZA SECOND ADDITION,

RECORD OWNERS

Jack R. & Sharon K. Sikes
543 S. Evergreen
Wichita, Kansas 67209

Dated at Wichita, Kansas, this 24th day of January, 1986
at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

By *Medina L. Sutter*
Assistant Secretary

Tracer #73299



**MICROFILMED
FROM THE BEST
AVAILABLE COPY**

FORM 29-021 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
2-02A EX. FTS.	400.00
NAME	STARKER DEV. CO. INC.
ADDRESS	144 S. 50th
FUND	755-4670-003
COMMENTS	
DATE	12/21/56
BY	[Signature]