

CASE NO. BZA 46-86 Wichita Housing Authority requests an exception to permit the establishment of a group home for 8 mentally retarded adults on property zoned "AA" One-family Dwelling & generally located on the south side of Front

**ACTION**

BZA 46-86 Deferred I.m.o. 10/28/86  
DATE

BZA APPROVED 11/25/86

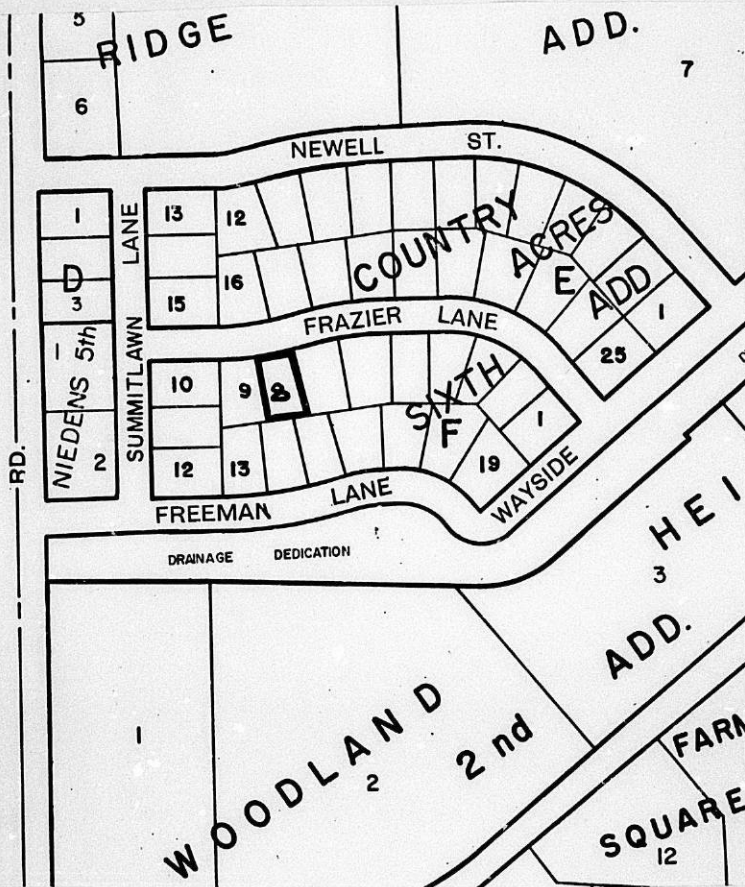
200 '14 Sec. 12-23-86  
Shot 130  
Record ✓

Map No. 5049D

BZA 46-86  
Filed \_\_\_\_\_

AREA DATA:

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



LOS ANGELES-CHICAGO LOGAN CO.  
MCGRAW-HILL BUILDING GROUP, INC.  
1934

**Standard**  
No. 2153C

December 2, 1986

Michael J. Fisher, Director  
Wichita Housing Authority  
455 North Main  
Wichita, Kansas 67202

Re: BZA 46-86 - Request for Exception (On the south side of Frazier  
Lane and east of Summitlawn Lane)

Dear Mr. Fisher:

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

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.

If you have questions concerning this matter, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:lw

cc: Pennington's Residential Homes, Inc., Route #2, Box 16, Valley  
Center, KS 67147  
Monty Robson, Superintendent of Central Inspection (2)  
Dale Rea, Deputy City Clerk

RESOLUTION CASE NO. 46-86

WHEREAS, Wichita Housing Authority, 455 North Main, 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 five mentally retarded adults on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 8, Block F, Country Acres 6th Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Frazier Lane and east of Summitlawn (7031 Frazier Lane).

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 November 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 and/or developmentally disabled individuals on property zoned the "AA" One-family Dwelling District; subject to the conditions outlined in Section 28.04.185.1, Code of the City of Wichita.

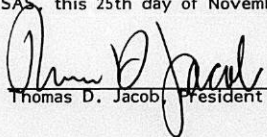
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a group home for five mentally retarded adults on property zoned the "AA" One-family Dwelling District and legally described as follows:

Lot 8, Block F, Country Acres 6th Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of Frazier Lane and east of Summitlawn (7031 Frazier Lane).

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 one of which shall be behind the front yard setback.
3. If at any time the facility is enlarged to accommodate more than five clients, the applicant shall submit an application for said expansion.
4. This exception shall only apply to the use for mentally retarded and/or developmentally disabled individuals that do not drive vehicles.

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

  
Thomas D. Jacob, President

ATTEST:  
  
Glen E. Lytle, Assistant Secretary

October 29, 1986

Michael J. Fisher, Director  
Wichita Housing Authority  
455 North Main  
Wichita, Kansas 67202

Re: BZA 46-86 - Request for Exception (On the south side of Frazier  
Lane and east of Summitlawn Lane)

Dear Mr. Fisher:

At the regular meeting of the Board of Zoning Appeals on October 28, 1986, your request for an exception was considered. It was the action of the Board to defer this matter for 30 days. This matter will be the second case on the agenda for consideration at the November 25, 1986 meeting.

If you have any questions, please call our office.

Sincerely yours,

Glen E. Lytle  
Assistant Secretary

GEL:lw

cc: Pennington's Residential Homes, Inc., Route #2, Box 16, Valley  
Center, KS 67147

THE CITY OF WICHITA

OFFICE OF Citizen Rights & Services

DATE October 9, 1986

TO Glen Lytle, Special Assistant for Zoning

FROM Barry L. Carroll, Administrative Aide III

SUBJECT BZA 44-86 & BZA 45-86 & BZA 46-86:  
North side of Frazier Lane  
and east of Summitlawn  
(7028, 7015 & 7031 Frazier  
Lane).

On Wednesday, October 8, CPO Council Area "A" considered the above captioned cases, a request for an exception to permit the establishment of three (3) group homes for mentally retarded adults on property zoned the "AA" One-Family Dwelling District.

Council members were provided the notice to adjoining property owners, and a map of the area. Due to the similarity of the requests, the Council elected to consider all three proposals jointly and make only one formal recommendation. After extensive discussion, the Council voted 6-0 to recommend approval of the requests.

The agent, Michael Fisher, was present to discuss the specifics of the proposals. Mr. Fisher stated that Pennington Residential Homes wished to establish three group homes based upon a purchase-of-care agreement with S.R.S. Mr. Fisher also noted that transportation and 24 hour supervision would be provided residents in each group homes.

None of the area residents present expressed opposition to the request. Mr. Fisher stated that the Wichita Housing Authority had not yet notified the residents regarding the plans for the group homes. He also stated that W.H.A. had plans to do so in the immediate future.

Council member were very supportive of the proposals. Council members suggested that the neighbors be notified and offered to meet with the neighbors during a regular council meeting if deemed necessary by Mr. Fisher.

Please provide the Council's recommendation to the MAPC and City Commission when cases BZA 44-86, BZA 45-86 and BZA 46-86 are considered.

*Barry L. Carroll*  
Barry L. Carroll  
Administrative Aide III

BLC:blc

Noted:

*Annie K. Montgomery*  
Annie K. Montgomery  
CRS Director

RECEIVED

OCT 09 1986

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_

SECRETARY'S REPORT  
CASE NO. BZA 46-86

APPLICANT: Wichita Housing Authority, 455 N. Main, Wichita, KS 67202, and Pennington's Residential Homes, Inc., Route #2, Box 16, Valley Center, KS 67147

AGENT: Michael J. Fisher, WHA Director, 455 N. Main, Wichita, KS 67202

REQUEST: Exception pursuant to Section 28.04.185.1 Code of the City of Wichita to permit the establishment of a group home for five mentally retarded and/or developmentally disabled individuals.

GENERAL LOCATION: On the south side of Frazier Lane and east of Summitlawn Lane.

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are all adjacent properties.

LAND USE: Subject property is occupied by a one-family dwelling as are all adjacent properties.

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 28.04.185.1 can be complied with.

COMMENTS BY THE SECRETARY:

The applicant is requesting an exception in order to occupy a one-family dwelling as a group home for five mentally retarded and/or developmentally disabled individuals. The housing for these individuals is being provided by Pennington's Residential Homes, Inc., in agreement with the Local Housing Authority. Mr. Edward Pennington has provided facilities for these type of individuals for over 16 years.

It should be noted that the clients are not permitted to have vehicles and, therefore, the need for parking is negligible. At the present time, two vehicles can be parked on the driveway, and the general neighborhood is developed so that curb side parking of two spaces per home is the norm.

The house managers generally have a vehicle which should leave ample area for the parking of at least one vehicle on the driveway. The Board shall determine the parking requirement for each facility, and as has been approved in the past, two spaces has proved adequate.

RECOMMENDATION:

Should the Board determine that the use is appropriate at this location, 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 one of which shall be behind the front yard setback.
3. If at any time the facility is enlarged to accommodate more than five clients, the applicant shall submit an application for said expansion.
4. This exception shall only apply to the use for mentally retarded and/or developmentally disabled individuals that do not drive vehicles.

BZA CASE NO. 46-86

<u>2</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>-</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>3</u>	TOTAL NOTICES SENT <u>10/6/86</u>

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

October 6, 1986

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 46-86

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 Wichita Housing Authority, 455 North Main, 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 five mentally retarded adults on property zoned the "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

Lot 8, Block F, Country Acres 6th Addition to Wichita Sedgwick County, Kansas. Generally located on the south side of Frazier Lane and east of Summitlawn (7031 Frazier Lane).

This application has been assigned Case No. BZA 46-86. It will be considered by the Board of Zoning Appeals on October 28, 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 CPD 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. 46-86

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Wichita Housing Authority  
 Mailing Address 11th floor, 455 N. Main, Wichita Phone 264-0331  
 Name of Authorized Agent Michael J. Fisher, WHA Director  
 Mailing Address 11th floor, 455 N. Main, Wichita Phone 264-0331  
 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 group home for 5 mentally retarded

\_\_\_\_\_ on property zoned AA,  
 located 7031 Frazier Lane and legally described as: \_\_\_\_\_

Lot 8, Block F, Country Acres 6th Addition 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 Wichita Housing Authority  
 Authorized Agent [Signature]  
 Michael J. Fisher, WHA Director

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 10:00 (a.m./p.m.), Sept 30, 1986, together with appropriate fee of 200.00.

Signed [Signature]

**PENNINGTON'S RESIDENTIAL HOMES, INC.**

RURAL ROUTE 2 • BOX 16  
VALLEY CENTER, KANSAS 67147  
(316) 755-1921

Wichita Housing Authority  
307 N. Riverview  
Wichita, Kansas 67202

9-26-86

Re: Hud Housing

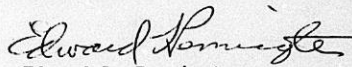
To: Mike Fisher

Pennington's is purposing to provide residential homes to Mentally Retarded and/or Developmentally Disabled individuals in the houses on Fraser in West Wichita. This is the only type of individuals we will serve or house at these locations.

We have a 16 year record of serving the mentally retarded population in Sedgwick County and have not, and will not, provide housing or halfway houses for convicts alcoholics or other substance abusers. This type of individual is not the class of people we have an expertise in serving.

We would like to request a waiver of parking requirements at these addresses as the individuals residing there will not have licenses or even be capable of driving. All transportation will be provided by our home for people living there, which will be one van and possibly one vehicle owned by staff, living in home.

Thank You




Edward L. Pennington  
Owner/Administrator  
Pennington's

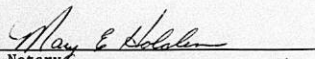
ELP/mlp

CERTIFICATION OF OWNERSHIP

This is to certify that the City of Wichita, Wichita Housing Authority is the owner of records of all property within 200 feet of 7031 Frazier Lane.

I certify that to the best of my knowledge, the above statement is true and correct. Furthermore, though the City of Wichita is the owner of record, all tenants will be notified of the application for exception and the proposed use of the property.

  
\_\_\_\_\_  
Michael J. Fisher,  
WHA Director

  
\_\_\_\_\_  
Notary  
Commission Expires Jan 1, 1988



**MICROFILMED**  
 FROM THE BEST  
 AVAILABLE COPY

FORM 29-021

PAYMENT NOTICE  
 City of Wichita

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

Planning

DESCRIPTION	AMOUNT
① C.I. BZA EXCEPT.	\$600 <sup>00</sup>

NAME PENNINGTON'S RES. HOMES, INC.

ADDRESS 1401 N. Broadway, Wichita, Ks

FUND 750-40710-003 DUE DATE

COMMENTS

DATE SEPT 30, 1986 BY [Signature]