

Case No. BZA 89-84 - Starkey Developmental Center, Inc., - requests an exception to permit the establishment of a group home for mentally retarded adults on property zoned the "AA" One-family dwelling district and generally located on the east side of

POSTED
11-24-84 GCL

ACTION

BZA. ~~89-84~~ APPROVED 1-22-85
DATE

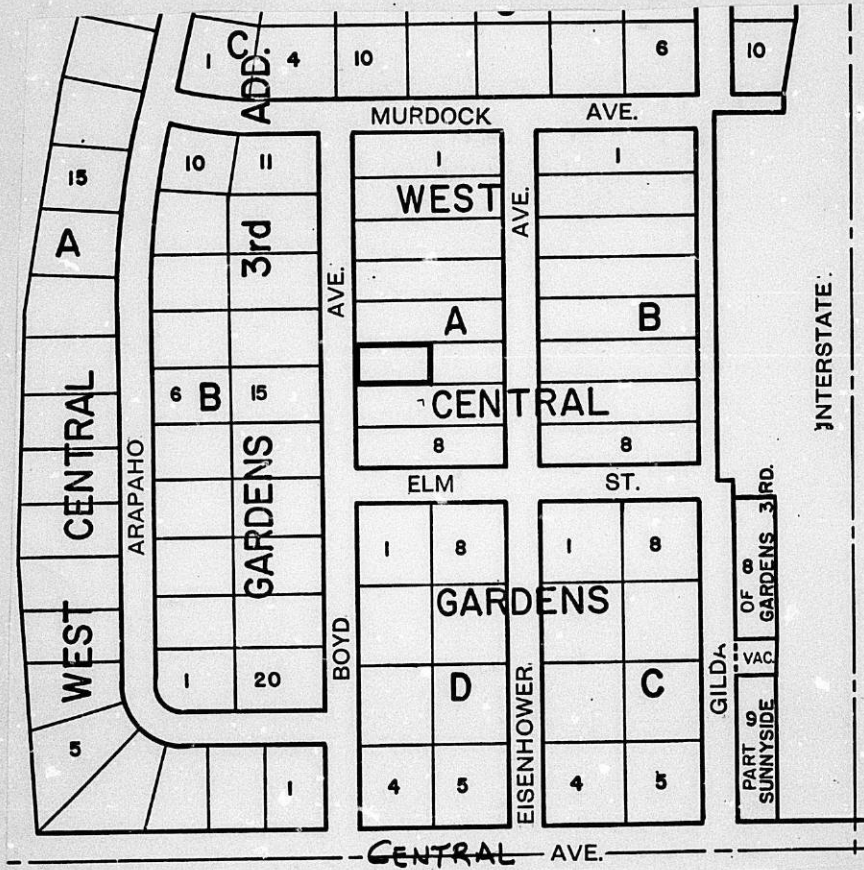
2004 Sec 3-5-85
Shot ✓
Record 3-19-85

Map No. 5048 B

BZA 89-84
Filed _____

AREA DATA:

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



Shirley
No. 2153C
HASTINGS, MN
LOS ANGELES CHICAGO LOS AN. OH
McMORRIS, TX, ACCUST. DRIVE, GA
U.S.A.

March 7, 1985

John C. Frye
Starkey Developmental Center, Inc.
14th North Young
Wichita, Kansas

Re: BZA 89-84 - Request for Exception

Dear Mr. Frye:

Please note that this is a copy of the corrected BZA Resolution 89-84 to replace one that was transmitted to you on January 29, 1985. As you will note, the number of clients to be permitted on the property at 728 North Boyd is 8, in lieu of the 5 stated in condition number three on the previously furnished resolution.

I apologize for any inconvenience this might have caused.

Sincerely,

Glen E. Lytle
Assistant Secretary

Encl.

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

January 29, 1985

John C. Frye
Starkey Developmental Center, Inc.
144 North Young
Wichita, Kansas

Re: BZA 89-84 - Request for Exception

Dear Mr. Frye:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on January 22, 1985.

This Resolution reflects the official action of the Board to approve your request, 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: Mr. & Mrs. Wayne Lykes, 737 Boyd, Wichita 67212
Jim Jorgensen, Acting Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 89-84

WHEREAS, Starkey Development Center, Inc., 144 South Young, Wichita, Kansas, requests an exception as provided in Section 2.12.590.C, Code of the City of Wichita, to permit the establishment of a group home for mentally retarded adults on property zoned the "AA" One-family Dwelling District and legally described as follows:

West ½ of Lot 6, Block A, West Central Gardens Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Boyd between Elm and Murdock (728 North Boyd).

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 January 22, 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 establishment of a group home for mentally retarded adults 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.

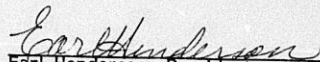
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this application be approved to permit the establishment of a group home for mentally retarded adults on property zoned the "AA" One-family Dwelling District legally described as follows:

West ½ of Lot 6, Block A, West Central Gardens Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Boyd between Elm and Murdock (728 North Boyd).

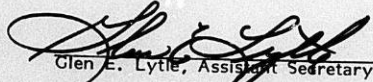
subject to the following conditions:

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 3 off-street parking spaces.
3. If at any time the facility is enlarged to accommodate more than 8 clients, the applicant shall submit an application for said expansion.

ADOPTED AT WICHITA, KANSAS, this 22nd day of January, 1985.


Earl Henderson, President

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation DATE January 17, 1985

TO Glen Lytle, Special Assistant for Zoning

FROM Shirley Mast, Administrative Aide III

SUBJECT BZA 89-84 East side of Boyd
between Elm and Murdock -
728 North Boyd

CPO Council "N" considered the captioned case at its January 16th meeting and voted 5-0 to recommend that the exception to permit the establishment of a group home for mentally retarded adults on the property at 728 North Boyd be approved.

Dale Koehn was present representing Starkey Development Center. One adjoining property owner was present and voiced concern to the establishment of the group home.

Please advise the Board of Zoning Appeals of the Council's recommendation when the case is considered on January 22nd.

Shirley Mast
Shirley Mast
Administrative Aide III

SM:dm

Noted:

Annie K. Montgomery
Annie K. Montgomery
CRS Director

SECRETARY'S REPORT
CASE NO. BZA 89-84

APPLICANT: Starkey Developmental Center, Inc., 144 North Young, Wichita, Kansas.

AGENT: John C. Frye, 144 North Young, Wichita, Kansas.

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

GENERAL LOCATION: On the east side of Boyd between Elm and Murdock.

ZONING: Subject property is zoned the "AA" One-family Dwelling District as are the properties to the north, east and west and to the south is "A" Two-family.

LAND USE: Subject property is occupied by a one-family dwelling as are most 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 convert the existing residence to a group home for the housing of 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, three off-street parking spaces are being provided. The house manager will have an automobile at the home and on occasion 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 three spaces 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 3 off-street parking spaces.
 3. If at any time the facility is enlarged to accommodate more than 8 clients, the applicant shall submit an application for said expansion.
-

BZA CASE NO. 89-84

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>1</u>	LEGAL ADVERTISEMENT SENT TO MAPC
<u>1</u>	NOTICES SENT TO CPO
<u>20</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>23</u>	TOTAL NOTICES SENT <u>12-31-84</u>

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

December 31, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 89-84

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 Developmental Center, 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 "AA" One-family Dwelling District. A legal description of the applicant's property is as follows:

West 1/2 of Lot 6, Block A, West Central Gardens Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Boyd between Elm and Murdock (728 North Boyd).

This application has been assigned Case BZA 89-84. It will be considered by the Board of Zoning Appeals on January 22, 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. 89-84

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR EXCEPTION

I. Name of Applicant Starkey Developmental Center, 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 Planning on Purchasing
(Owner, Tenant, Lessee, Other) cont. purchaser

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 AA

located 728 N. Boyd

and legally described as: West 1/2 of Lot 6, Block A West

Central Gardens Addition Key No. D-18378-1

_____, 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 Starkey Developmental Center, Inc.

Authorized Agent John C. Frye

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,
10:00 (a.m./p.m.), Dec. 20, 1984, together with
appropriate fee of 75.00.

Signed [Signature]

Starkey Developmental Center, Inc.

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

Preschool
School
Adult/Work Activity
Adult/Residential

December 19, 1984

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

Dear Mr. Galbraith:

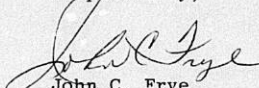
Starkey Developmental Center, Inc. and the City of Wichita are making plans to purchase the property at 728 N. Boyd for a Group Home.

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 program.

We are requesting an exception to the present Zone of AA Single family for the West 1/2 of Lot 6, Block A West Central Gardens Addition, Sedgwick County, Kansas. The Board of Zoning Appeals has the jurisdiction to grant exception 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 requirements of this Section and the one mentioned above. We are also requesting a Wavier on the parking since all our clients will not be able to receive a Drivers License. The home has six (6) parking places.

If you have any questions, please contact Dale D. Koehn.

Respectfully,


John C. Frye
Executive Director



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:
The West Half of Lot 6, Block A,
WEST CENTRAL GARDENS ADDITION,
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

West Half of Lot 6, Block A, WEST CENTRAL GARDENS,	Merv. D. & Virginia E. Ragain 728 Boyd Wichita, Kansas 67212
East Half of Lot 3, Block A, WEST CENTRAL GARDENS,	Lee Kettner, Sr. 749 Eisenhower Wichita, Kansas 67212
West Half of Lot 3, Block A, WEST CENTRAL GARDENS,	Paul L. & Vera M. Schwader 740 Boyd Wichita, Kansas 67212
East Half of Lot 4, Block A, WEST CENTRAL GARDENS,	Nattaiee Strunk 745 N. Eisenhower Wichita, Kansas 67212
West Half of Lot 4, Block A, WEST CENTRAL GARDENS,	William D. & Kahtonna D. Stavig 736 Boyd Wichita, Kansas 67212



DESCRIPTIONS

RECORD OWNERS

East Half of Lot 5, Block A, WEST CENTRAL GARDENS,	— Benny H. & Joan G. Leonard 421 Howe Wichita, Kansas 67209
West Half of Lot 5, Block A, WEST CENTRAL GARDENS,	— Geoffrey G. Brown 215 S. Socora Wichita, Kansas 67212
East Half of Lot 6, Block A, WEST CENTRAL GARDENS,	— ^{returned 1-4-85} G. I. & Wanda M. Highland 3033 S. Seneca Wichita, Kansas 67217
East Half of Lot 7, Block A, WEST CENTRAL GARDENS,	— Billy J. & Pamela Ann Thresher 733 N. Eisenhower Wichita, Kansas 67212
West Half of Lot 7, Block A, WEST CENTRAL GARDENS,	— Pamela Marie Meyer 433 N. Willwood, #1 Wichita, Kansas 67203
East Half of Lot 8, Block A, WEST CENTRAL GARDENS,	— Gordon L. & Lola Mae Wheeler 615 Alexander Drive Haysville, Kansas 67060
West Half of Lot 8, Block A, WEST CENTRAL GARDENS,	— William C. & Betty V. Pinkston 2924 S. Hoover Wichita, Kansas 67215
West Half of Lot 4, Block B, WEST CENTRAL GARDENS,	— Niles David & Debra L. Barnett ADDRESS UNKNOWN
West Half of Lot 5, Block B, WEST CENTRAL GARDENS,	— Ben H. & Joan G. Leonard 421 Howe Wichita, Kansas 67209
Lot 6, Block B, WEST CENTRAL GARDENS,	— Cressie A. Linn 1901 W. 60th North Wichita, Kansas 67204
West Half of Lot 7, Block B, WEST CENTRAL GARDENS,	— Varlene Best 734 Eisenhower Wichita, Kansas 67212
West Half of Lot 8, Block B, WEST CENTRAL GARDENS,	— Harvey D. & Patricia L.P. Babendure ADDRESS UNKNOWN
Lot 12, Block B, WEST CENTRAL GARDENS THIRD ADDITION,	— Wayne E. & Anna B. Lynes ✓ 737 Boyd Wichita, Kansas 67212
Lot 13, Block B, WEST CENTRAL GARDENS THIRD ADDITION,	— Thomas & Alice J. Wooldridge 2915 S. Edwards Wichita, Kansas 67217
Lot 14, Block B, WEST CENTRAL GARDENS THIRD ADDITION,	— Jack M. & Beatrice Page 2511 Burns Wichita, Kansas 67204
Lot 15, Block B, WEST CENTRAL GARDENS THIRD ADDITION,	— Ed S. Wasniowski 725 Boyd Wichita, Kansas 67212


Fidelity
Title
Company,
inc.



DESCRIPTIONS

Lot 16, Block B, WEST CENTRAL
GARDENS THIRD ADDITION,

Lot 17, Block B, WEST CENTRAL
GARDENS THIRD ADDITION,

RECORD OWNERS

Doyle Lee & Juanita Nicholas
ADDRESS UNKNOWN

Leo D. & Dorothy P. Corn
717 Boyd
Wichita, Kansas 67212

Dated at Wichita, Kansas, this 11th day of December, 1984
at 7:00 A.M.

FIDELITY TITLE COMPANY, INC.

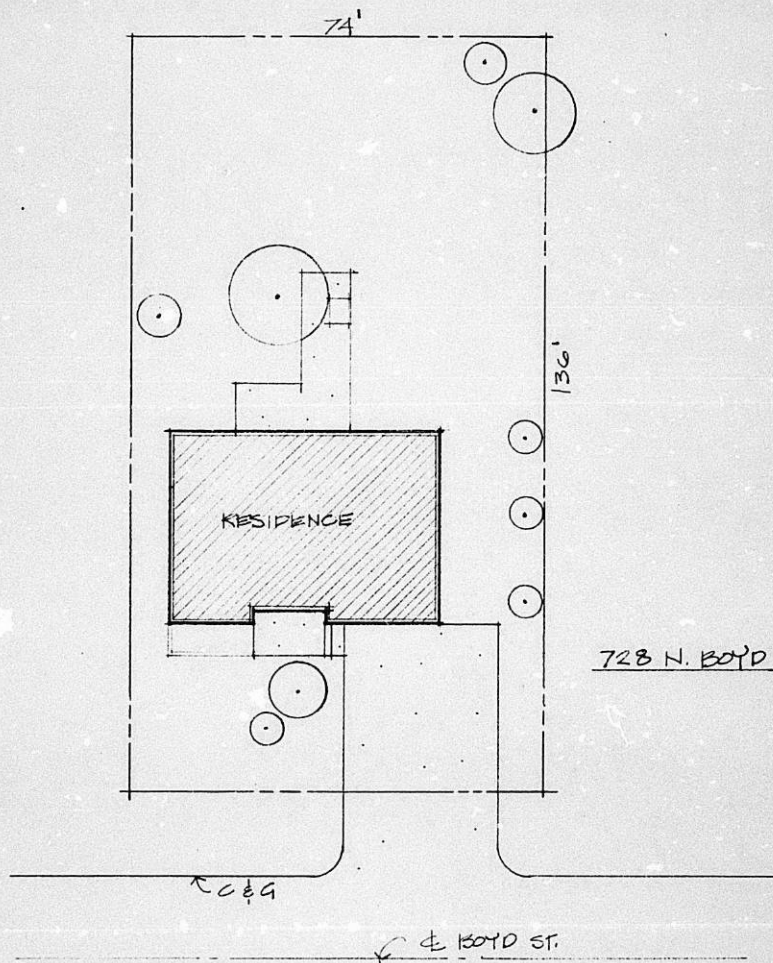
Adwin R. Suttle
By

Assistant Secretary

Tracer No. 68164


Fidelity
Title
Company,
inc.

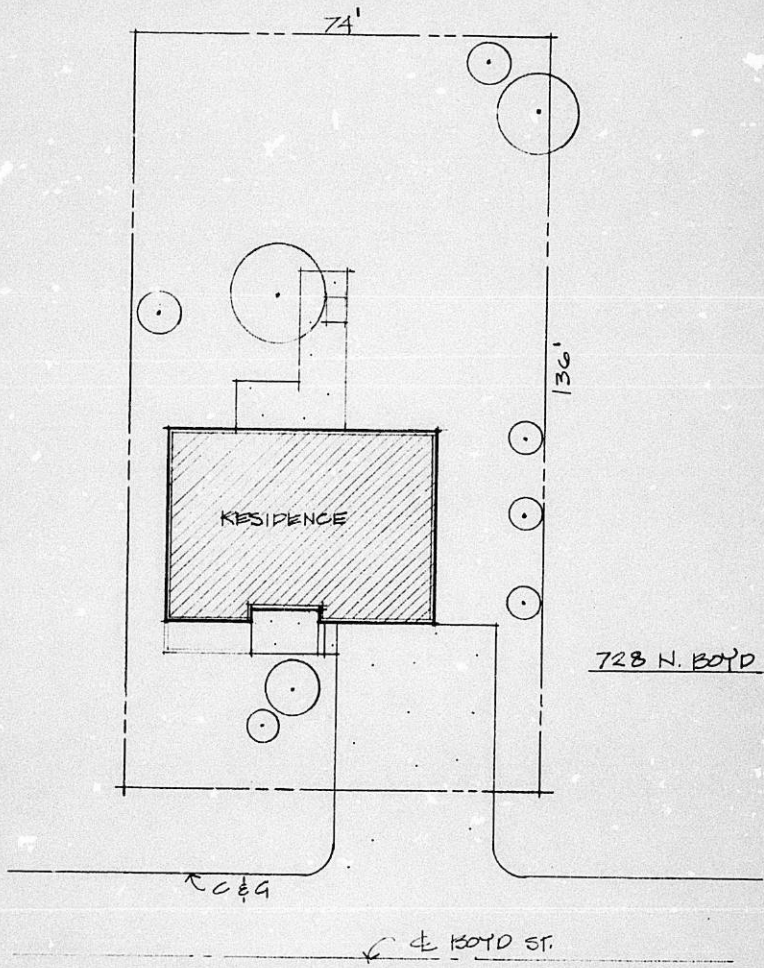




PLOT PLAN



STARKEY DEV. CENTER INC. 12-18-84



PLOT PLAN



STARKEY DEV. CENTER INC. 12-18-84

Document Name:
0336/M

Requestor's ID:
OP5PLAN

Author's Name:

Document Comments:

62

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

December 31, 1984

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 89-84

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Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS
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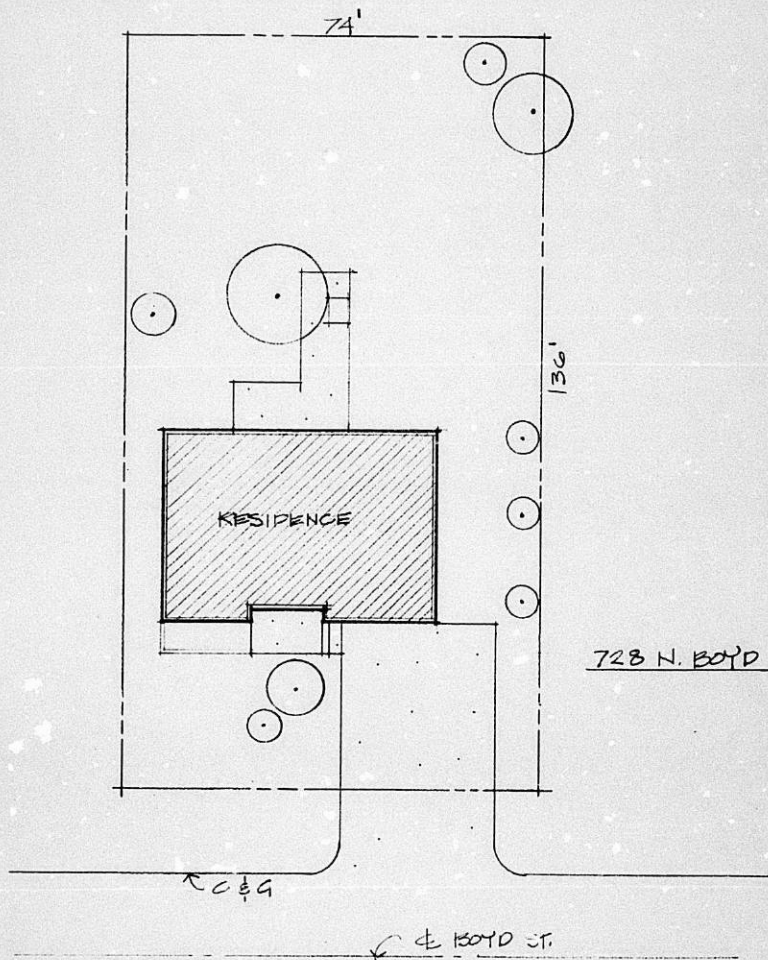
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Jack H. Galbraith
Secretary



PLOT PLAN



STARKEY DEV. CENTER INC. 12-18-84

BZA 89-84

**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
BGA LICHTON	\$ 75.00

NAME: STANLEY ADAMSON CLERK III
 ADDRESS: 144 SOUTH YOUNG WICHITA
 FUND: 795-4071 003 DUE DATE: 12/20/84
 COMMENTS:
 DATE: 12/21/84 BY: [Signature]

RECEIVED

JAN 04 1985

WICHITA - SEDGWICK COUNTY
W S C
 BOARD OF ZONING APPEALS
 CITY HALL - TENTH FLOOR
 455 NORTH MAIN STREET
 WICHITA, KANSAS 67202

METROPOLITAN PLANNING
 ROUTE ed

G. I. & Wanda M. Highland
 3033 S. Seneca
 Wichita, KS 67217

WICHITA
 DEC 21 84
 KANSAS
 20

HIG 33X 16021161 01/02/85

RETURN TO SENDER
 NOT DELIVERABLE AS ADDRESSED
 FORWARDING ORDER EXPIRED