

2014 Sec. 12-1385

Sheet 1-16-86

Record -

CASE NO. BZA 55-85 - Ruth Crissman requests an exception to permit the establishment of a group home for adult outpatients & their families on property zoned "A" Two-family Dwelling District & generally located on the NW corner of

Post 80  
10-24-85

ACTION

B.Z.A. 55-85 Approved

11/26/85  
DATE

5798C

2004 Sec. 12-1385

Shot 1-16-86

Record -

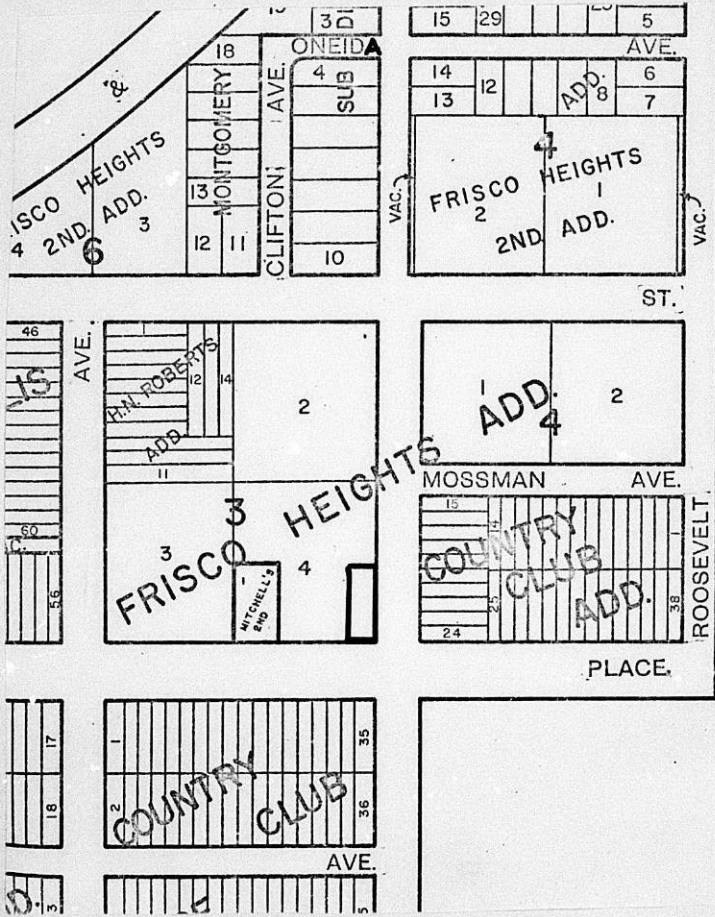
CASE NO. BZA 55-85 - Ruth Grissman re-  
quests an exception to permit the es-  
tablishment of a group home for adult out-  
patients & their families on property  
zoned "A" Two-family Dwelling District  
& generally located on the NW corner of

Map No. 5748 C

BZA 55-85  
Filed \_\_\_\_\_

AREA DATA:

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



Standard  
No. 2-153C  
PLATTING, INC.  
LOS ANGELES - CHICAGO - HOUSTON, OH  
HOUSTON, TX - LOCUST GROVE, GA  
U.S.A.

December 3, 1985

Craig Schultz  
205 East Central  
Wichita, Kansas 67202

Re: BZA 55-85 Request for Exception

Dear Mr. Schultz:

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

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,

Glen E. Lytle  
Assistant Secretary

GEL:lw  
Encl.

cc: Monty Robson, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk  
Ruth Crissman, 3442 Country Club Place, Wichita, KS 67208

RESOLUTION CASE NO. 55-85

WHEREAS, Ruth Crissman, 3442 Country Club Place, 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 adult outpatients and their families while undergoing treatment for cancer in Wichita and providing a cancer support group on property zoned the "A" Two-family Dwelling District and legally described as follows:

The east 50 feet of the south 131.65 feet of Lot 4, Block 3, Frisco Heights Addition to Wichita Sedgwick County, Kansas. Generally located on the northwest corner of Yale and Country Club Place (3442 Country Club Place).

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 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 establishment of a group home for adult outpatients and their families while undergoing treatment for cancer in Wichita and providing a cancer support group on property zoned the "A" Two-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 adult outpatients and their families while undergoing treatment for cancer in Wichita and providing a cancer support group on property zoned the "A" Two-family Dwelling District and legally described as follows:

The east 50 feet of the south 131.65 feet of Lot 4, Block 3, Frisco Heights Addition to Wichita Sedgwick County, Kansas. Generally located on the northwest corner of Yale and Country Club Place (3442 Country Club Place).


subject to the following conditions:

1. This exception shall only permit the use of the property as a group home for out of the city cancer patients receiving outpatient treatment at one of the Medical facilities in Wichita.
2. The owners shall provide not less than four off-street parking spaces on the property two of which may be located in the garage.
3. Should at any time a change in the use of the property occur, this resolution shall become null and void.
4. Only the patients and their immediate family members shall be permitted to occupy the group home, and the number shall not exceed five at any time.
5. No sign shall exceed two square feet in area and shall be mounted on the building.

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

  
William J. Goebel, President

ATTEST:

  
Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation      DATE      November 20, 1985

TO      Glen Lytle, Special Assistant for Zoning

FROM      Barry L. Carroll, Administrative Aide III

SUBJECT      BZA 55-85: Northwest corner of  
Yale and Country Club Place  
(3442 Country Club Place)

On Tuesday, November 19, 1985, CPO Council "I" considered the above captioned case, a request for an exception to permit the establishment of a group home for adult outpatients and their families while undergoing treatment for cancer in Wichita and provision of a cancer support group on property zoned "A" Two-Family Dwelling District. Council members were provided the notice to adjoining property owners, and a map of the area.

The applicant, Ruth Crissman was not present to describe the request and respond to questions from the Council. In attendance were two area residents who requested clarification regarding the specifics of the request. Council members read portions of the Staff comments to the area residents and alleviated their concerns. None of the area residents present opposed this request.

Council members were very supportive of the proposed use and voted unanimously (8-0) to support the request.

Please provide the Council's recommendation to the MAPC and City Commission when case BZA 55-85 is considered.

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

BLC:dm

Noted:

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

RECEIVED

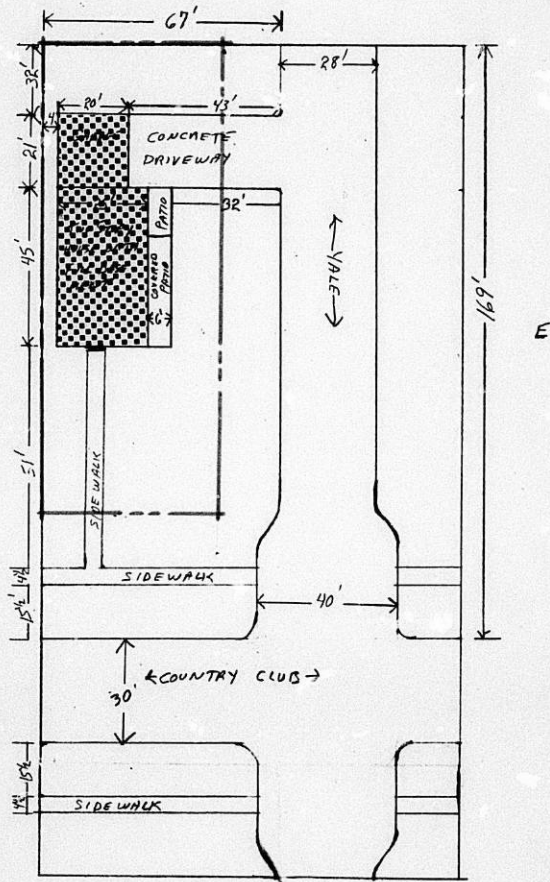
NOV 21 1985

METROPOLITAN PLANNING

ROUTE

N  
PROPOSED VICTORY IN THE VALLEY  
RESIDENCE

SCALE 1/32" = 1'



DRAWN BY  
BZA 55-25-B

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

November 4, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 55-85

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 Ruth Crissman, 3442 Country Club Place, 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 adult outpatients and their families while undergoing treatment for cancer in Wichita and providing a cancer support group on property zoned "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

The east 50 feet of the south 131.65 feet of Lot 4, Block 3, Frisco Heights Addition to Wichita Sedgwick County, Kansas. Generally located on the northwest corner of Yale and Country Club Place (3442 Country Club Place).

This application has been assigned Case No. BZA 55-85. It will be considered by the Board of Zoning Appeals on November 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.

Glen E. Lytle  
Assistant Secretary

RE: AGENDA ITEM NO 3

SECRETARY'S REPORT  
CASE NO. BZA 55-85

APPLICANT: Ruth Crissman, 3442 Country Club Place,  
Wichita, Kansas.

AGENT: Craig Schultz, 205 East Central, 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 adult  
outpatients while undergoing treatment for  
cancer in Wichita and providing a cancer  
support group.

GENERAL LOCATION: On the northwest corner of Yale and Country  
Club Place.

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

LAND USE: Subject property is a one-family dwelling as  
 are the majority of dwellings in the  
 neighborhood.

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 to convert an existing one-family dwelling into a group home for adult outpatients while undergoing treatment for cancer in Wichita. In addition, there will be provided, to some degree, a cancer support group for those staying at the home. The occupants will, for the most part, be transported to and from the Hospital for their treatments, so the need for parking will be negligible.

It should be noted that the applicant recently had applied for "B" Multiple-family zoning which would permit the use outright, however, after the Planning Commission heard the objections to the zoning it was requested that the applicant try to secure an exception thru the Board of Zoning Appeals under Section 28.04.185.1 of the ordinance. Although this Section of the ordinance had not been used for such lodging in the past, it would be a use that is very similar to other uses listed in this Section.

The applicant states that a house manager will live on the premises with a maximum of five persons that will be undergoing radiation or chemotherapy at a medical facility in Wichita. In most instances, they will not remain over the weekends, but will return to their homes out across the state. It is anticipated that only two or three cars will ever be at the facility at any given time.

The Board should first determine if the use is appropriate at this location, and then must establish conditions of approval. It is the prerogative of the Board to determine the required number of off-street parking spaces for each individual group home. In the past the group homes that have been considered were for mentally retarded adults that did not drive vehicles. In this case, it is difficult to determine the actual demand that will be created by this home. The applicant is suggesting that two spaces can be provided in the garage and two on

the driveway. There is sufficient rear yard that additional parking could be provided.

RECOMMENDATION:

Should the Board determine that the proposed use is appropriate, then it is the Secretary's opinion that the exception be approved subject to the following conditions:

1. This exception shall only permit the use of the property as a group home for out of the city cancer patients receiving outpatient treatment at one of the Medical facilities in Wichita.
2. The owners shall provide not less than four off-street parking spaces on the property two of which may be located in the garage.
3. Should at any time a change in the use of the property occur, this resolution shall become null and void.

BZA CASE NO. 55-85

<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>17</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>20</u>	TOTAL NOTICES SENT <u>11/5/85</u>

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

November 4, 1985

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 55-85

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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 adult outpatients and their families while undergoing treatment for cancer in Wichita and providing a cancer support group on property zoned "A" Two-family Dwelling District. A legal description of the applicant's property is as follows:

The east 50 feet of the south 131.65 feet of Lot 4, Block 3, Frisco Heights Addition to Wichita Sedgwick County, Kansas. Generally located on the northwest corner of Yale and Country Club Place (3442 Country Club Place).

This application has been assigned Case No. BZA 55-85. It will be considered by the Board of Zoning Appeals on November 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 268-442..

Glen E. Lytle  
Assistant Secretary

BZA 55-85 ENVELOPES

RALPH CRISSMAN  
RUTH CRISSMAN  
3442 COUNTRY CLUB PL  
WICHITA KS 67208

CRAIG SCHULTZ  
205 E CENTRAL  
WICHITA KS 67202

JAMES E LANSOWNE II  
LORRIENE V LANSOWNE TRUSTEES  
917 N YALE  
WICHITA KS 67208

MRS LAVONNE FRIEND  
99 CATALPA DR  
ATHERTON CA 94025

MRS KATHERINE MURPHY  
636 S QUENTIN  
WICHITA KS 67218

JAMES O FOSTER  
COENA L FOSTER  
3437 COUNTRY CLUB PL  
WICHITA KS 67208

JOHN W WARREN JR  
MARY D WARREN  
931 N YALE  
WICHITA KS 67208

LOIS E MCNELLY  
FRANK W MCNELLY  
3420 COUNTRY CLUB PL  
WICHITA KS 67208

HOWARD K MITCHELL  
DOROTHY C MITCHELL  
3426 COUNTRY CLUB PL  
WICHITA KS 67208

CECIL B LIVENWOOD  
VIVIAN D LIVENWOOD  
3423 COUNTRY CLUB PL  
WICHITA KS 67208

SUSAN K MOKEE  
3425 COUNTRY CLUB PL  
WICHITA KS 67208

MARIE S O'DELL  
ABREY O'DELL JR  
CO-TRUSTEES FOR  
MARIE S O'DELL AND  
AUBREY O'DELL  
5730 PARK HOLLOW DR  
WICHITA KS 67208

EDWARD A KERN SR  
HELEN R KERN  
3437 COUNTRY CLUB PL  
WICHITA KS 67208

WAYNE J HARRISON  
EDNA HARRISON  
3441 COUNTRY CLUB PL  
WICHITA KS 67208

BERTHA B SWAN  
922 N YALE  
WICHITA KS 67208

CLIFFORD GARY ROBERTSON  
LINDA R ROBERTSON  
918 N YALE  
WICHITA KS 67208

ALAN A MUELLER  
PAMELA S MUELLER  
910 N YALE  
WICHITA KS 67208

O C ESTES  
MILDRED T ESTES  
904 N YALE  
WICHITA KS 67208

BOARD OF COUNTY COMMISSIONERS  
525 N MAIN  
WICHITA KS 67203

**SHULTZ & WEBB, Chartered**

Attorneys at Law  
205 E. Central  
Wichita, Kansas 67202

Craig Shultz  
Dennis D. Webb

Telephone  
(316) 269-2284

October 23, 1985

TO WHOM IT MAY CONCERN:

This is written as a supplement to the Application For Exception to be presented to the Board of Zoning Appeals. Attached to the application is a plot-plan of the lot involved, a plot-plan of the street area including the lot involved, and an operational guide setting forth generally how this group home will be operated.

Under all of the circumstances, it is our request that this home be allowed to operate without a change in the zoning on the lot and with a waiver of any requirements for additional parking since it is truly anticipated that no more than two or three cars will ever be at the location at any given time, the large garage and driveway area would be adequate for parking without creating any eyesore to the neighborhood. Accordingly, we would request that exception as well.

If there are any additional questions, please advise. I'll be happy to obtain any information as may be necessary.

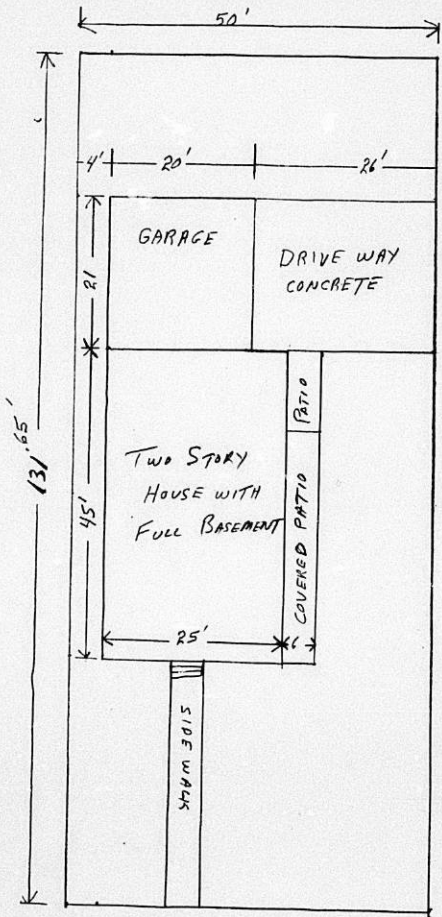
Very truly yours,

  
CRAIG SHULTZ

CS:ms  
Encl.

N

SCALE 1/16" = 1'



W

E

S

OPERATIONAL GUIDE  
VICTORY IN THE VALLEY HOSPITALITY HOUSE

The Hospitality House will be open to out of town cancer patients who are undergoing out patient radiation or chemotherapy treatments. The home will lodge a House Manager who will live in the home on a permanent basis.

Two of the smaller bedrooms will house individual cancer patients. The large bedroom will provide lodging for two or three other patients.

The home will be furnished with communal type cooking facilities and laundry area. Individual areas will be furnished for each person to store their own food supply, clothing, and misc.

Usually the person from out of town will be transported to Wichita by their spouse or a friend. Nearly always the driver or spouse will have to return home to work. At the most, two or three cars will be at the home location at any given time. On weekends the patients will nearly always return home so the house will be virtually empty from Friday until Monday.

The maximum number of patients occupying the home will be 5. Possibly a charge will be made to them, but if so it will be minimal.

BOARD OF ZONING APPEALS

CASE NO. 55-85

CITY OF WICHITA, KANSAS

FILED \_\_\_\_\_

APPLICATION FOR EXCEPTION

I. Name of Applicant Ruth Crissman  
Mailing Address 3442 Country Club Pl. Phone 682-2153  
Name of Authorized Agent Craig Schultz  
Mailing Address 205 E. Central Phone 269-2284  
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 group home for adult outpatients and their families while the patient is undergoing treatment for cancer, and providing a cancer support group on property zoned "A" Two-Family Dwelling Dist. located on the northwest corner of Yale and Country Club Pl. and legally described as: East 50 feet of the south 121.65' lot of Lot 4, Block 3, Frisco Heights Addn. to Wichita, Sedg. Co., Ks. 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 \_\_\_\_\_

Authorized Agent Craig Schultz

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 11:30 (a.m./p.m.), OCT 24, 1985 together with appropriate fee of 200.00.

Signed [Signature]

## OWNERSHIP LIST

Property Description	Addition	Property Owner
Beginning 150' South of the NE/c of Lot 4, Block 3; th. South 131.65' to the SE/c of said Lot 4; th. West 50'; th. North 131.65' to a point 150'; South of the North line of said Lot 4; th. East 50' to the p.o.b.	Frisco Heights	✓ Ralph Crissman Ruth Crissman 3442 Country Club Place Wichita, KS 67208
The South 112.5' of the North 150' of Lot 4, Block 3	"	✓ James E. Lansdowne II Lorriene V. Lansdowne, Trustees 917 N. Yale Wichita, KS 67208
The West 50' of the East 10 acres of Lot 4, Block 3, except the North 150'	<i>Ray Joe Murphy is 10-29-85 recently deceased. His daughter wants to be notified of any meetings.</i>	✓ Ray Joe Murphy <i>See note</i> 3440 Country Club Place Wichita, KS 67208
Tract beginning 100' West of the SE/c of Lot 4, Block 3; th. West 55'; th. North 131.65'; th. East 55'; th. South 131' to beginning.	✓ <i>Mrs. Lavonne Friend 99 Catalpa Drive Atherton, California 94025</i>	✓ James O. Foster Coena L. Foster 3437 Country Club Place Wichita, KS 67208 <i>14200 B2-601 67230</i>
The South 75' of Lot 2 the North 6.65' of the South 81.65' of the West 78.7' of Lot 2 and the North 37.5' of Lot 4, a in Block 3	<i>Also his ex-wife, who lives here in Wichita: ✓ Mrs. Katherine Murphy 636 S. Quentin 67218</i>	✓ John W. Warren Jr. Mary D. Warren 931 N. Yale Wichita, KS 67208
The East 80.7' of Lot 3, Block 3	"	✓ Lois E. McNelly Frank W. McNelly 3420 Country Club Place Wichita, KS 67208
Lot 1	Mitchell 2nd Addition	✓ Howard K. Mitchell Dorothy C. Mitchell 3426 Country Club Place Wichita, KS 67208
Lot 19	Country Club Place, on Country Club Place	✓ Cecil B. Livengood Nivian D. Livengood 3423 Country Club Place Wichita, KS 67208
Lots 21 & 23	"	✓ Susan K. McKee 3425 Country Club Place Wichita, KS 67208
Lots 25 & 27	"	✓ Marie S. O'dell Abrey O'dell Jr., Co-trustees for Marie S. O'dell AND Abrey O'dell Jr. Marie S. O'dell Co-trustees for Aubrey O'dell 5730 Park Hollow Drive Wichita, KS 67208

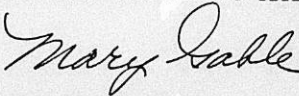
<u>Property Description</u>	<u>Addition</u>	<u>Property Owner</u>
Lots 29 & 31	Country Club Place, on Country Club Place	✓ Edward A. Kern Sr. Helen R. Kern 3437 Country Club Place Wichita, KS 67208
Lots 33 & 35	"	✓ Wayne J. Harrison Edna Harrison 3441 Country Club Place Wichita, KS 67208
Lots 15 & 16 and the North 7' of Lot 17	Country Club Addition, on Yale	✓ Bertha B. Swan 922 N. Yale Wichita, KS 67208
The South 18' of Lot 17, all of Lot 18 and the North 16' of Lot 19	"	✓ Clifford Gary Robertson Linda R. Robertson 918 N. Yale Wichita, KS 67208
The South 9' of Lot 19 & all of Lots 20 & 21	"	✓ Alan A. Mueller Pamela S. Mueller 910 N. Yale Wichita, KS 67208
Lots 22, 23 & 24	"	✓ O. C. Estes Mildred T. Estes 904 N. Yale Wichita, KS 67208
Lot 6, except streets and alleys dedicated or deeded to City of Wichita	Property of the Wichita Country Club	✓ Board of County Commissioners 455 N. Main Wichita, KS 67202

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

Beginning 150 feet South of the Northeast Corner of Lot 4, Block 3, Frisco Heights Addition to the City of Wichita; thence South 131.65 feet to the Southeast Corner of said Lot 4; thence West 50 feet; thence North 13.65 feet to a point 150 feet South of the North line of said Lot 4; thence East 50 feet to the point of beginning.

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 3rd day of September, 1985, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By   
Sr. Vice-President

Order No: 350750

nj

**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	Plar Rev. (P.W.)	Cement	M.S.P.

Planning

DESCRIPTION	AMOUNT
CITY BZA EXCPT. 7	200.00

NAME MULTZ & WEBB (INC)

ADDRESS 207 E. CENTRAL

FUND 46700-003 DUE DATE

COMMENTS

DATE Oct 24 1925 BY [Signature]