

Case No. BZA 57-83 - Continuing Care, Inc. - requests a variance to reduce the required number of off-street parking spaces from 13 to 2, on property zoned the "B" Multiple-family Dwelling District and generally located on the east side of Market

POSTED
10-25-83

ACTION

B.Z.A. 57-83 APPROVED 11-22-83
DATE

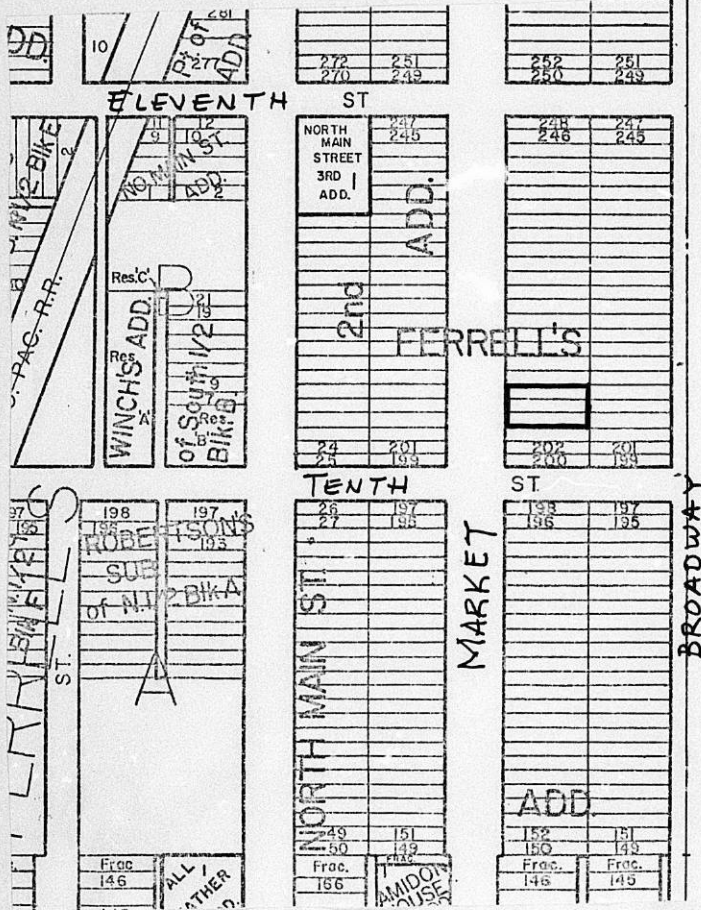
800 1/4 Sec 12-1-83
Checked 12-1
Shot 12-1
Record 12-6

Map No. 5448

BZA 57-83
Filed _____

AREA DATA:

1. Acres: _____ (_____ ft. by _____ ft.)
2. Adjoining Zoning: E LC S B W B N B
3. Land Use: East Comm South Res
West Res. North Res
4. Area (is) (~~is not~~) platted.



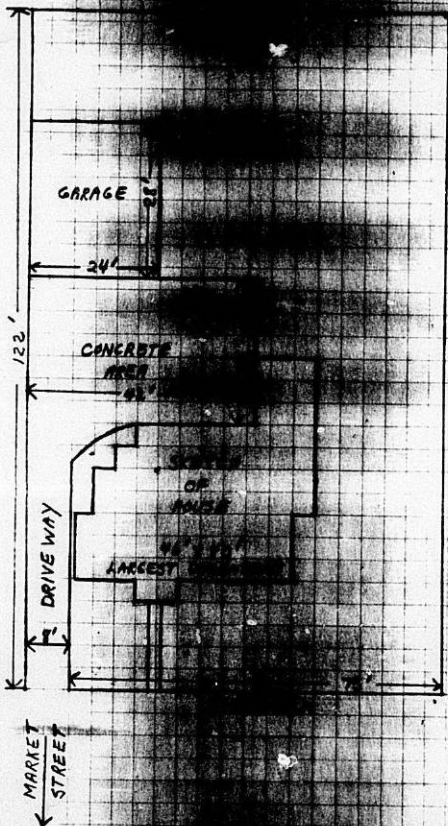
LOS ANGELES COUNTY PUBLIC WORKS DEPARTMENT
MAPPING DIVISION
1100 WEST 10TH STREET, S.F. 94118
U.S.A.

Standard
No. 2133C

1112 MARKET

12x21

NORTH
←



SCALE
1" = 20'

November 28, 1983

Lori B. Hertlein
Continuing Care, Inc.
2723 Boulevard Plaza
Wichita, Kansas

Re: BZA 57-83 - Request for Variance

Dear Ms. Hertlein:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on November 22, 1983.

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: Robert Feldner, Superintendent of Central Inspection (2)
Don Gisick, City Clerk

RESOLUTION NO. BZA 57-83

WHEREAS, Continuing Care, Inc., 2723 Boulevard Plaza, Wichita, Kansas, requests a variance as provided in Section 2.12.590.B, Code of the City of Wichita, to reduce the required number of off-street parking spaces from 13 to 2 on property zoned the "B" Multiple-family Dwelling District and legally described as follows:

Lots 206, 208 and 210 on Market Street in Hyde and Ferrel's Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Market Street between 10th and 11th Streets (1112 North Market).

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 22, 1983, consider said application; and

WHEREAS, the Board of Zoning Appeals has proper jurisdiction to consider said request for a variance under the provisions of Section 2.12.590.B, Code of the City of Wichita; and

WHEREAS, the Board of Zoning Appeals has found that the variance arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant inasmuch as the proposed use will demand less parking than was anticipated by the zoning regulation for most rooming houses generally occupied by the public; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents inasmuch as the reduction of the number of off-street parking spaces for the proposed use should not create any on-street parking congestion; and

WHEREAS, the Board of Zoning Appeals has found that the strict application of the provisions of Title 28 (Zoning Ordinance) of which variance is requested will constitute unnecessary hardship upon the property owners represented in the application inasmuch as the applicant would be required to provide and surface an off-street parking lot that would not be used by the occupants of the dwelling; and

WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare due to the fact that the reduction of off-street parking (for the proposed use) should not create any on-street congestion; and

WHEREAS, the Board of Zoning Appeals has found that the granting of the variance desired will not be opposed to the general spirit and intent of Title 28 (Zoning Ordinance) inasmuch as the purpose of the required parking is to provide enough space for the normal number of automobiles for a given use. In this case the clients do not drive or have vehicles; and

WHEREAS, each of the five conditions required by Section 2.12.590.B, Code of the City of Wichita, to be present before a variance can be granted has been found to exist.

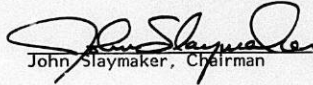
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required number of off-street parking spaces from 13 to 2 on property zoned the "B" Multiple-family Dwelling District and legally described as:

Lots 206, 208 and 210 on Market Street in Hyde and Ferrel's Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Market Street between 10th and 11th Streets (1112 North Market).

be approved subject to the following conditions:

1. The reduction of the number of off-street parking spaces from 13 spaces to 2 spaces shall only apply to the use of a group home for mentally handicapped adults.
2. Any change of occupancy to any other use shall null and void this resolution.

ADOPTED AT WICHITA, KANSAS, this 22nd day of November, 1983.


John Slaymaker, Chairman

ATTEST:


Glen E. Lytle, Assistant Secretary

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE November 22, 1983

TO Glen Lytle, Special Assistant for Zoning

FROM Stan Scott, Administrative Aide III

SUBJECT BZA 57-83: East Side of Market
between 10th and 11th Streets
(1112 North Market)

On Monday, November 21st, CPD Neighborhood Council "L" considered the captioned case, a request for a variance to reduce the required number of off-street parking spaces from 10 to 2 on property zoned "B" Multiple-Family Dwelling District. After extensive discussion, the Council voted 5-2 to recommend approval of the requested variance subject to staff comments.

Lori Hertlein, Continuing Care, Inc., appeared before the Council to describe the request and respond to questions from the Council and public. Ms. Hertlein stated that the house will be used as a home for 12 mentally retarded adults and that parking would only be needed for staff members and occasional visitors.

Two area property owners and two representatives of the Midtown Citizens Association appeared before the Council to express their opposition to the variance. Jack and Norma Scheall, 1063 N. Market, expressed concern regarding the possible hazards related to traffic. Cindy Sundell-Guy and Bob Hollowell, Midtown Citizens Association, expressed opposition to the placement of another group home in the Midtown Neighborhood.

Council members were provided the notice to adjoining property owners, a map of the area, and MAPD staff comments.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 57-83 is considered on Tuesday, November 22nd.



Stan Scott
Administrative Aide III

SS:dm

RECEIVED

NOV 22 1983

METROPOLITAN PLANNING

ROUTE _____

SECRETARY'S REPORT
CASE NO. BZA 57-83

APPLICANT: Continuing Care, Inc., 2723 Boulevard Plaza,
Wichita, Kansas.

AGENT: Lori B. Hertlein, 2723 Boulevard Plaza,
Wichita, Kansas.

REQUEST: Variance pursuant to Section 2.12.590.B, Code
of the City of Wichita, to reduce the
required number of off-street parking spaces
from 13 spaces to 2 spaces.

GENERAL LOCATION: On the east side of Market Street between
10th & 11th Street.

ZONING: Subject property is zoned the "B" Multiple-
family Dwelling District as are the
properties to the south, west and north.
Property to the east is "LC" Light Commercial.

LAND USE: Subject property is a residential structure
to be used as a group home for mentally
handicapped adults. Property to the east is
commercial. Properties to the west, south
and north are residential.

JURISDICTION:

The Board has jurisdiction to consider the variance request under the provisions outlined in Section 2.12.590.B, Code of the City of Wichita. The Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required number of off-street parking spaces from 13 spaces to 2 spaces. This requirement is based on one space for the dwelling and one space for each roomer or boarder at the facility. In this case the requirement would be 13 spaces.

This facility will provide residential services and training for 12 mentally handicapped adults in a group home setting. One employee will reside there overnight, and an additional employee will be at the home during daytime hours to provide training. Both employees drive their own vehicles and no agency vehicle is used at this location. In accordance with the site plan submitted by the applicant, a two car garage is located in the rear yard and additional parking can be provided if needed on the paved area to the rear of the house.

The use of the property is a permitted use in the "B" Multiple-family Dwelling District and the lot is of sufficient size to provide the parking at the rear of the house. However, with only two cars to be at the house under normal circumstances, the request can be justified, particularly when the clients do not have vehicles or driver's licenses.

UNIQUENESS:

It is the opinion of the Secretary that this property is unique inasmuch as the proposed use will demand less parking than was anticipated by the zoning regulation for most rooming houses generally occupied by the public.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the reduction of the number of off-street parking spaces for the proposed use should not create any on-street parking congestion.

HARDSHIP:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as the applicant would be required to provide and surface an off-street parking lot that would not be used by the occupants of the dwelling.

PUBLIC INTEREST:

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the reduction of off-street parking (for the proposed use) should not create any on-street congestion.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the purpose of the required parking is to provide enough space for the normal number of automobiles for a given use. In this case the clients do not drive or have vehicles.

RECOMMENDATION:

Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The reduction of the number of off-street parking spaces from 13 spaces to 2 spaces shall only apply to the use of a group home for mentally handicapped adults.
2. Any change of occupancy to any other use shall null and void this resolution.

BZA CASE NO. 57-83

1 NOTICES SENT TO APPLICANT/AGENT

10 ~~NOTICES~~ ^{LEGAL ADV.} SENT TO MAPC

1 NOTICES SENT TO CPO

23 NOTICES SENT TO ADJOINING PROPERTY OWNERS

25 TOTAL NOTICES SENT 11-3-83

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

November 3, 1983

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 57-83

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 Continuing Care, Inc., 2723 Boulevard Plaza, Wichita, Kansas, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces from 13 to 2, on property zoned "B" Multiple-family Dwelling District. A legal description of the applicant's property is as follows:

Lots 206, 208 and 210 on Market Street in Hyde and Ferrel's Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Market Street between 10th and 11th Streets (1112 North Market).

This application has been assigned Case BZA 57-83. It will be considered by the Board of Zoning Appeals on November 22, 1983 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 variance, 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
CITY OF WICHITA, KANSAS

CASE NO. 57-83
FILED 10-24-83

APPLICATION FOR VARIANCE

I. Name of Applicant Continuing Care, Inc.
Mailing Address 2723 Boulevard Plaza Phone 686-2301
Wichita, Kansas 67211
Name of Authorized Agent Lori B. Hertlein
Mailing Address 2723 Boulevard Plaza Phone 686-2301
Wichita, Kansas 67211
Relationship of applicant to property is that of Lessee
(Owner, Tenant, Lessee, Other)

II. The variance requested is Reduce number of parking spaces from
13 to 2.

for property located on the east side of Market Street between
10th and 11th streets, (1112 North Market)

and legally described as: Lots 206, 208, 210 except east 22 feet
Market Street. Hyde and Ferrells Addition and east 22 feet of lots
206, 208, 210 Market Street Hyde and Ferrells addition to Wichita.

in the City of Wichita; and which is presently zoned B-Multi family

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- That he has been advised of the fee requirements established by Section 2.12.530 of the Code of the City of Wichita (Ordinance No. 36-596) and that the appropriate fee is herewith tendered;
- 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.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant Continuing Care, Inc.

Authorized Agent Lori B. Hertlein
Escutor's Director

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, 4:30 (a.m.-p.m.), Oct 24, 1983, together with appropriate fee of 75.00.

Signed H. Lytle



Continuing Care, Inc.

RESIDENTIAL TRAINING FOR DEVELOPMENTALLY DISABLED ADULTS
2723 BOULEVARD PLAZA • WICHITA, KANSAS 67211 • (316) 686-2301

October 24, 1983

Board of Zoning Appeals
City of Wichita
Wichita, Kansas 67201

Dear Board Members:

Continuing Care, Inc. is a private not-for-profit corporation providing residential services and training to mentally handicapped adults; in operation since 1968. We currently have one group home in Wichita and three in Salina. The agency is licensed as a "Community Agency for Mentally Retarded and Other Handicapped Persons" by the Kansas Department of Social and Rehabilitation Services.

The agency is in the process of getting a change of occupancy permit to open a new group home at 1112 North Market. This new facility will serve a capacity of (twelve) 12 mentally handicapped adults.

As part of the process in getting the type of occupancy at this address changed the agency is requesting the Board of Zoning Appeals to grant a variance of zoning ordinance 28.04.141 item 3.1. This ordinance would require that up to 13 parking places be provided, one for the facility and one for each of the persons living there. Our request is that the number of parking places required be reduced to two (2).

The reasons for this request are:

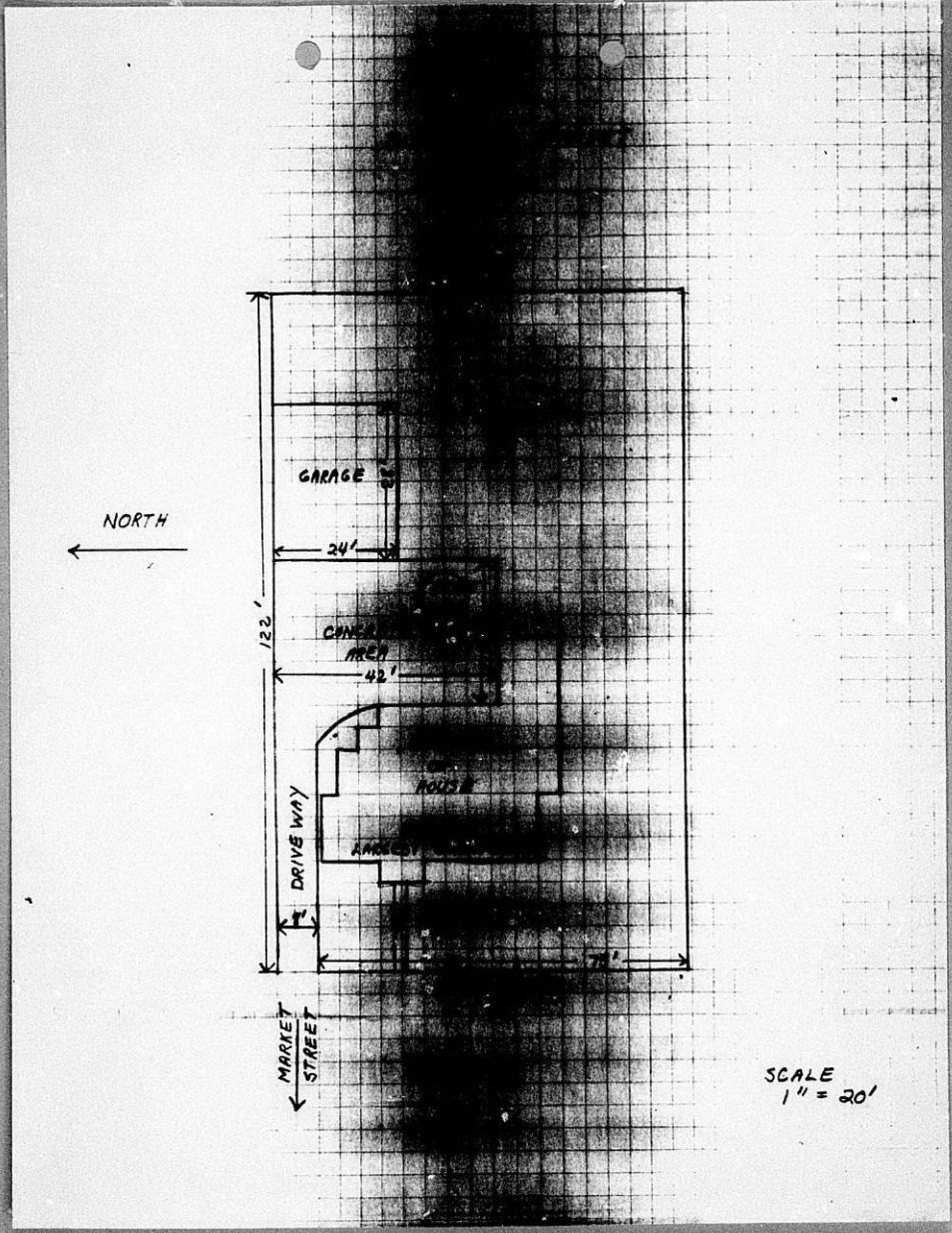
- None of our clients drive, have driver's licenses or a vehicle.
- The agency itself does not own or lease any vehicles; so there is no need for a space for an agency vehicle.
- The only persons having vehicles who would be at the facility on a regular basis are staff members. One staff person will be at the residence overnight and an additional person is there during waking hours to provide training to the clients.

We appreciate the Board's consideration of this matter and hope our request will be approved. Thank you.

Sincerely,

Lori B. Hertlein

Lori B. Hertlein
Executive Director



SCALE
1" = 20'

OWNERSHIP LIST

<u>Legal Description</u>	<u>Owner/Address</u>
Lot 195, on Market Street, Hyde and Ferrell's Addition	✓ Francis I. Smith P.O. Box 11421 Wichita, Ks. 67202
Lots 195 and 197, on Market Street, Hyde and Ferrell's Addition	✓ Jack J. Scheall 1063 North Market Wichita, Ks. 67214
Lots 196 and 198, on Market Street, Hyde and Ferrell's Addition	✓ Hardee's Lease Partners 1980 & Robert D. Rash & Assoc., Inc. First Security Bank Bldg. Garland, Tx 75042
Lots 199, 201 and S2'5" of 203, on Market Street, Hyde and Ferrell's Addition	✓ Robert A. Pickens 1101 Forrest Wichita, Ks. 67203
Lots 200, 202 and 204, on Market Street, Hyde and Ferrell's Addition	✓ Larry A. Beham 1104 North Market Wichita, Ks. 67214
E 22' of Lots 206, 208 and 210, on Market Street, Hyde and Ferrell's Addition	✓ Larry A. Janssen 1112 North Market Wichita, Ks. 67214
Lots 206, 208 and 210, except the E 22', on Market Street, Hyde and Ferrell's Addition	D Larry A. Janssen 1112 North Market Wichita, Ks. 67214
Lots 207 and 209 on Market Street, Hyde and Ferrell's Addition	✓ John G. Hale 626 Springdale Wichita, Ks. 67230
Lots 211 and 213, on Market Street, Hyde and Ferrell's Addition	✓ Linda G. Weir-Enegren 205 West 18th Wichita, Ks. 67203
Lots 212 and 214, except the East 40.7 feet, on Market Street, Hyde and Ferrell's Addition	✓ Christopher T. Wimberly 1116 North Market Wichita, Ks. 67214
East 40.7 feet of Lots 212 and 214, on Market Street, Hyde and Ferrell's Addition	✓ James R. Koontz 1111 North Broadway Wichita, Ks. 67214
Lot 216, except the E47' and Lot 218, except the E47' of S21' and S20' of Lot 220, ON Market Street, Hyde and Ferrell's Addition	✓ Murray Investment Corp. 5580 L.B.J. Freeway Dallas, Tx 75240
E47' lot 216 and E47' of S21' of Lot 218, on Market Street, Hyde and Ferrell's Addition.	D James R. Koontz 1111 North Broadway Wichita, Ks. 67214
N5' lot 220 and lot 222 and S10' of Lot 224, on Market Street, Hyde and Ferrell's Addition	✓ Zula E. Stirling, 1124 North Market Wichita, Ks. 67214 <i>returned - no other add. available</i>
Lots 215 and 217, on Market Street, Hyde and Ferrell's Addition	✓ Danny R. Bober 1121 North Market Wichita, Ks. 67214

OWNERSHIP LIST Continued

Lots 219 and 221, on Market Street,
Hyde and Ferrell's Addition

✓ Chih Van Bui
1828 North Market
Wichita, Ks. 67214

Lots 223,225, and 227, on Market Street,
Hyde and Ferrell's Addition

✓ Jocie Marie Mott
1131 North Market
Wichita, Ks. 67214

N15' lot 224 and 226, on Market Street, Hyde
and Ferrell's Addition

✓ D. H. Hays
1128 North Market
Wichita, Ks. 67214

Lots 193,195 and 197, on Lawrence Ave, Hyde and
Ferrell's Addition.

① Hardee's Lease Partners 1980
%Robert D. Rash and Assoc., Inc.
First Security Bank Bldg.
Garland, Tx 75042

Lots 199,201 and 203, on Lawrence now Broadway,
Hyde and Ferrell's Addition

✓ Michael R. Santana
2521 Halstead
Wichita, Ks. 67204

Lots 205,207 and 209, on Lawrence now Broadway,
Hyde and Ferrell's Addition

✓ William T. Weir, Jr.
2325 Dogwood
Wichita, Ks. 67204

Lots 211,213,215 and 217, on Lawrence now Broadway,
Hyde and Ferrell's Addition

② James R. Koontz
1111 North Broadway
Wichita, Ks. 67214

Lots 219,221 and 223, on Lawrence now Broadway,
Hyde and Ferrell's Addition

✓ Sharon Warren
4120 East English
Wichita, Ks. 67218

Lots 225,227 and 229, on Lawrence now Broadway,
Hyde and Ferrell's Addition

✓ Cornelia E. Hutchinson
806 East Skinner
Wichita, Ks. 67211

South 125 feet of the West half of Harvey's Reserve,
Stafford and Wright's Addition

✓ Edra M. Weathers
%Phillip F. Forha
P.O. Box 18146
Wichita, Ks. 67218

North 73 feet of the East 150 feet of the West 165
feet of Harvey's Reserve, Stafford and Wright's
Addition

✓ Marlin E. Shenk
7702 North Pagent
Wichita, Ks. 67206

Lots 216,218,220,222,224,226,228 and 230, on Lawrence
Avenue, now Broadway, Stafford & Wright's Addition

✓ Mark 8 Inns
1120 North Broadway
Wichita, Ks. 67214

Columbian National Title Insurance of Wichita, Inc., hereby certifies the foregoing to be a true and correct list of all property owners within a 200 foot radius of the following described real property:

Lots 206,208 and 210 on Market Street, Hyde
Ferrell's Addition to Wichita, Sedgwick County,
Kansas.

according to the last deeds filed of record in the Register of Deeds Office, Sedgwick County, Kansas as of October 12, 1983 at 7:00 A.M. Addresses as given are furnished as a service and are not certified. Liability hereunder is limited to the amount of the fee paid herefor.

Columbian National Title
Insurance of Wichita, Inc.

By: Michael A. Thornbro
Michael A. Thornbro
Title Officer

