

## **SPECIAL USE APPLICATION CITY OF BEL AIRE, KANSAS**

An application to vary the provisions of the zoning regulations is a "Special Use". A site plan is required as part of every variance application submitted to City Hall, 7651 E. Central Park Ave, Bel Aire Kansas 67226. Attention: Planning & Zoning. This document will be used for meetings and public hearings regarding your request and should be neat, legible, well labeled, and drawn to scale. The site plan must contain the following elements:

1. **Sheet Size:** The site plan should be no larger than 11" x 17" and no smaller than 8 ½" x 11". Site plans for larger projects (greater than 6 acres), may be larger, with the approval of City Staff.
2. **Title:** A brief description of the Special Use.
3. **Applicant Name:** Name of the applicant and the agent who prepared the drawing, if applicable.
4. **North Arrow:** Indicate the north direction with respect to the project, Lot, or structure.
5. **Scale:** The scale should be adequate to portray the project, Lot, or structure on the sheet size required. For example, a Lot that is 70 feet by 100 feet can adequately be portrayed at a scale of 1" = 20' (in inch equals 20 feet) on an 11" x 17" sheet of paper. The scale should not be smaller than 1" = 20' and 1" = 50' for larger properties.
6. **Dimensions:** In addition to adequate scale representation, all key features (lot, buildings, driveways, etc.) on the site plan shall have dimensions in feet noted for all sides.
7. **Legal Description:** Legal description of Lot(s) or parcels requiring a Special Use. This description can be in the form of Lots and Blocks.
8. **Existing Conditions:** Indicate all structures and features as they exist on the property. These should be drawn to scale, as described above, and shall include, but not be limited to:
  - All structures and buildings
  - Parking Spaces
  - Fences
  - Significant trees or stands of trees
  - Other landscaping
  - Floodplains
  - Water area or features
  - Significant topographical features
  - Utilities, above and below ground
  - Drainage patterns

9. All required zoning setbacks and easements: Using a dashed line, indicate all required zoning setbacks and utility, drainage, or other easements relative to the project, Lot(s), or structure.

10. All roads/streets adjacent to the property and access points off of those roads: Indicate all roads/streets, including the rights-of-way that surround or intersect the property, including alleys. Indicate all points of access (driveways) from the streets to the project, Lot (s), or structure. Indicate how each road/street is developed, e.g. paved, dirt, undeveloped.

11. Surrounding structures and uses if appropriate: Indicate surrounding uses and zoning as they apply to the request.

12. Modifications by the Special Use: Indicate any modifications to the existing structures or features that will result if the Special Use request is approved. If these modifications or additions are extensive, a second site drawing might be necessary so as not be confused with the existing conditions. These modifications or new features may include, but are not limited to:

- Buildings
- Structures
- Parking areas
- Vehicular drives
- Pedestrian walks
- Location and height of light fixtures
- Location of trash receptacles and loading areas
- Landscaped areas

13. An application shall be accompanied by a current abstractor's certificate containing a legal description of the area in the application as well as the name and address of the owner, and shall include the names and mailing addresses (with zip codes) of all property owners within the prescribed distance measured from the perimeter of the application area.

14. An application for Special Use shall be accompanied by the appropriate filing fee, (\$250.00) and is payable to the City of Bel Aire.

### APPLICATION

This form MUST be completed and filed at City Hall, Bel Aire, Kansas, 7651 E. Central Park, Bel Aire, Kansas 67226. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application and filing fee is required for each application. A preapplication conference with City Staff is recommended before filing this application.

Continuance of the hearing, provided written request is filed two days prior to the date of the scheduled hearing and every attempt to notify all persons previously notified either by mail or telephone.

Conditions placed on permitted Special Use \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Security bond is required

Approved

Rejected

Name of owner CELESTINE FOTECK

Address 5353 N TOBEN CT Telephone 316-932-3615

Agent representing the owner DAVID STAUTH - ARCHITECT (PREPARED PLANS)

Address 2627 N BEACON HILL CT,  
WICHITA KS 67220 Telephone 316-393-8576

1. The application area is legally described as Lot(s) 8; Block(s) 1,  
ROCK SPRING 3RD Addition, Bel Aire, Kansas. If appropriate, a metes and  
bounds description may be attached.

2. The application area contains 0.259 acres.

3. This property is located at (address) 5353 N TOBEN CT which is generally located at (relation to nearest streets) N 53RD ST & TOBEN ROAD.

4. State why the proposed Special Use will not cause substantial injury to the value of other property in the neighborhood, how it is to be designed within district regulations:

THE HOME IS A TWO-FAMILY DUPLEX. THE OWNER WILL LIVE IN ONE HALF AND OPERATE A GROUP HOME FOR THE ELDERLY (RESIDENTIAL BOARD AND CARE HOME) IN THE OTHER HALF OF THE HOME. THE HOME IS EXISTING AND THERE WILL BE NO ADDITIONS TO THE HOME. THE RESIDENTS DO NOT DRIVE, THEREFORE THE NUMBER OF CARS WILL BE FOR STAFF AND VISITORS, AND SINCE MOST OF THE STAFF LIVE NEXT DOOR, THEY'LL BE PARKED IN THE ADJACENT PARKING AREA, THEREFORE OVERALL THE NUMBER OF VEHICLES SHOULD NOT EXCEED 1-2 AT A TIME AND WOULD APPEAR NO DIFFERENT FROM OTHER HOMES ON THE STREET. THE HOME WILL NOT HAVE SIGNAGE OUT FRONT, NOR WILL IT NEED A RAMP SINCE THE HOME IS ON GRADE, THEREFORE THE HOME WILL NOT HAVE ANY DIFFERENT APPEARANCE FROM OTHER HOMES NEARBY AND WOULD NOT STICK OUT.

5. County control number: PIN:30013164

6. NAMES OF OWNERS - For land inside the city limits, an ownership list of the names, addresses and zip codes of the owners of record of real property located within 200 feet of the exterior boundary of the area described in the application both within the city limits and extending outside the city limits when necessary.

If such area is located adjacent to but within the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area.

If such area is located outside the city limits, the ownership list shall extend for 1,000 feet in the unincorporated area and, if the latter extends into the city limits, then such owners for 200 feet inside the city must also be included on the list.

The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or other directly associated with the property may also be listed if they desire to be advised of the proceedings.

1. Applicant CELESTINE FOTECK Phone 316-932-3615  
Address 5353 N TOBEN CT Zip Code 67226

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

2. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Applicant \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

Agent \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_ Zip Code \_\_\_\_\_

The applicant certifies that the foregoing information is true and correct to the best of their knowledge and acknowledges that the Planning Commission and/or Governing Body shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

Authentisign  
CELESTINE FOTECK 11/03/25  
Applicant's Signature BY Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.



**AFFIDAVIT OF PUBLICATION**

State of Kansas, Sedgwick County, ss:

Melissa Krehbiel, City Clerk

Being first duly sworn, deposes and says:

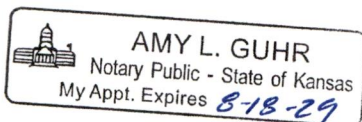
That I, Melissa Krehbiel, City Clerk of the City of Bel Aire, Kansas, has published the attached notice on the City of Bel Aire website, [www.belaireks.gov](http://www.belaireks.gov), which website is designated as the official City newspaper for the City of Bel Aire, Kansas by Charter Ordinance No. 25, effective August 6, 2024.

That the attached Official Notice of Special Use Hearing is a true copy thereof and was published on such website beginning on the 20<sup>th</sup> day of November, 2025.

  
\_\_\_\_\_  
Signature

SUBSCRIBED AND SWORN to before me this 20<sup>th</sup> day of November, 2025.

  
\_\_\_\_\_  
Notary Public



(seal)

**City of Bel Aire**  
Melissa Krehbiel – City Clerk  
7651 East Central Park Avenue  
Bel Aire, Kansas 67226  
316-744-2451  
[www.belaireks.gov](http://www.belaireks.gov)

(Notification Posted on the City of Bel Aire Website, the designated official City newspaper for the City of Bel Aire on November 20, 2025)

## OFFICIAL NOTICE OF SPECIAL USE HEARING

### TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

Notice is Hereby Given that on December 11, 2025, the City of Bel Aire Planning Commission will consider the following Special Use case in the order placed on the agenda after 6:30 p.m. in the City Council Chamber at City Hall in Bel Aire, Kansas:

**SP-25-01.** Special Use Case to Allow a Group Home-Limited Use in One-Half of a Two-Family Duplex Unit.

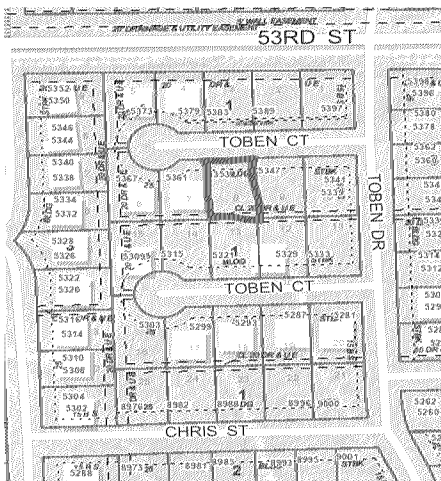
**Legal Description:** Lots 8, Block 1- Rock Spring 3<sup>rd</sup> Addition, Bel Aire, Sedgwick County, Kansas.

**General Location:** N. 53<sup>rd</sup> St. & Toben Road

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all the persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body, which, if approved under the City Zoning and Sub- Division regulations, would be effectuated by city code. The public hearing may be recessed and continued from time to time without notice.

DATED this 20 day of November 2025.

*/s/ Paula L. Downs*  
Bel Aire Planning Commission Secretary





## OWNERSHIP LIST

PROPERTY DESCRIPTION		PROPERTY OWNER
Lot 8, Blk 1 <b>Subject Property</b>	Rock Spring 3rd Addition	Celestine Fomez Foteck 5700 E. Mainsgate Rd., Apt. 1804 Wichita, KS 67220
Lots 1, 2, 3, & 4, Blk 1	“	Premier One Investments, LLC PO Box 781572 Wichita, KS 67278
Lot 5, Blk 1	“	Victoria Daley & Ian Daley 5371 N. Toben Ct. Wichita, KS 67226
Lots 6 & 7, Blk 1	“	Trinity Rentals, LLC PO Box 780405 Wichita, KS 67278
Lot 9, Blk 1	“	Connor P. Relph 5435 N. Toben Ct. Bel Aire, KS 67226
Lot 10, Blk 1	“	RKR, LLC 8550 NW Parallel St. Towanda, KS 67144
Lot 11, Blk 1	“	Nii Manor Nartey 5333 N. Toben Ct. Bel Aire, KS 67226
Lot 12, Blk 1	“	Mary Wairimu 5327 N. Toben Ct. Wichita, KS 67226
Lot 13, Blk 1	“	Cristian & Roxana Zidarita 1014 N. Cedar Downs Cir. Wichita, KS 67235



# Security 1<sup>st</sup> Title

Lot 14, Blk 1	“	Duy K. Nguyen & Binh T. Le 2201 S. Ironside Wichita, KS 67230
Lot 15, Blk 1	“	Anusone Phakdy 5309 N. Toben Ct. Wichita, KS 67226
Lot 17, Blk 1	“	Victor Okwo 5299 N. Toben Ct. Bel Aire, KS 67226
Lot 18, Blk 1	“	Pamela B. Flesher & John D. Flesher 12500 E. Four Oaks St. Wichita, KS 67226
Lot 19, Blk 1	“	Gary S. Goodson Revocable Trust 7306 E. Norfolk Dr. Wichita, KS 67206
Lot 5, Blk 3	Rock Spring 2nd Addition	Peters Family Homes, LLC 5326 N. Cypress St. Bel Aire, KS 67226
Lots 6 & 7, Blk 3	“	Premier One Investments, LLC PO Box 781572 Wichita, KS 67278
Lot 8, Blk 3	“	RKR, LLC 8550 NW Parallel St. Towanda, KS 67144



# Security 1<sup>st</sup> Title

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

**Lot 8, Block 1, Rock Spring 3rd Addition to Bel Aire, Sedgwick County, Kansas.**

as shown by the last deed of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 27th day of October, 2025, at 7:00 A.M.

SECURITY 1<sup>ST</sup> TITLE

By: 

LICENSED ABSTRACTER

Order: 3163188  
KJK

**From:** [Kyle Hart](#)  
**To:** [bstuart1127@gmail.com](mailto:bstuart1127@gmail.com); [Paula Downs](#)  
**Subject:** Public Comment on SP-25-01  
**Date:** Monday, December 8, 2025 8:37:55 AM

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**[External Sender]**

Good Morning,

I wanted to share some of my comments and concerns regarding the proposed Special Use Group Home application for 5353 N Toben Ct.

I am against allowing this special use permit for the following reasons:

1. Staff Report mentions that the applicant has spent time and effort to submit an application and has already acquired the materials for the conversion. That is entirely irrelevant and seems to imply the application should be approved due to this. It should not be the city's or resident's concern if the applicant created an undue hardship upon themselves by not following the correct legal process.
2. I think allowing this conversion sets a bad precedent for the city. If other applicants come forward requesting a special use permit under a similar set of circumstances, why would they then be denied when this one was approved? The City of Bel Aire already allows far too many deviances from the standard zoning ordinances in my opinion for sake of growth and development.
3. The applicant indicates the initial residents are old and do not drive. What work has the city done to ensure that is actually the situation and will remain so? What recourse does the city have if residents turnover and future residents each have their own vehicle causing parking and traffic issues for the surrounding residents? What recourse does the city have to ensure that this will continue to be used as a group home in the future and not for their family or friends to live there? It seems to me the only recourse is if a nuisance is caused then the burden is placed on those surrounding residences to file complaints for a future hearing with the city for the special use permit to be revoked. If the special use permit is revoked, do you then require the owner to convert the garage back to a garage?
4. The conversion permanently eliminates the possibility of any future homeowner to utilize the garage for parking thus ensuring there will be a parking or traffic burden on the neighborhood in the future. The conversion to add the additional bedrooms and remove the garage also creates a situation of functional obsolescence. The future value of this unit and likely surrounding units whose prices will factor this one as a comparable sale will no doubt be impacted by a property that will no doubt have a lower sales price on a square footage basis.

Thank you for your consideration.

Kyle Hart  
5990 Forbes Ct  
Bel Aire, KS

**From:** [Terry Cassidy](#)  
**To:** [Bstuart1127@gmail.com](mailto:Bstuart1127@gmail.com)  
**Cc:** [Paula Downs](#)  
**Subject:** Public Comment on SP-25-01 Group Home  
**Date:** Monday, December 8, 2025 1:54:17 PM

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**[External Sender]**

Hello –

Thank you for responding to my post in the IronGate Facebook group. I appreciate your comments regarding the Planning Commission 12-9-25 Agenda Item and have the following to add:

I am against approval of this special use permit for the property at 5353 N. Toben Court for the following reasons:

1. The group home use is out of character for the residential duplex model. Converting the garage to 3 bedrooms/living spaces and permanently eliminating the garage negates the use of the space for what it was intended: enclosed garage parking for vehicles. This would impact the surrounding properties and their values in the future when the property was sold or the group home was closed as it would necessitate on-street parking and potentially traffic congestion and crime.
2. Allowing this use opens the door for other group homes to request the same privilege in multi-family neighborhoods. If this application is approved, how does the Commission/City Council deny future requests for, as an example, a group home for wayward teenagers being reintegrated into society after incarceration? There is a common sentiment among many Bel Aire residential property owners that the City approves far too many duplex developments which diminish property values for single family owners. Yet, the City continues to approve duplex development applications. In addition to the massive Rock Springs duplex development, another example is the south side of 53<sup>rd</sup> Street between Woodlawn and Oliver which is one continuous mile of rental duplexes many which have been sold off by the original developer and are being resold by secondary investment buyers. This has negatively impacted the communities as it physically appears the properties are in non-compliance with original covenants and no one is enforcing those.
3. There is no enforcement mechanism in this special use permit to ensure that the occupants would be non-driving elderly individuals. How is this even defined let alone enforced?
4. The staff report indicates that denial of the application creates a hardship for the owner because they have invested money to acquire materials for the garage conversion. It shouldn't be the City's or property owners' concern that the owner created a hardship for themselves by not doing due diligence to research and follow the legal requirements. Ignorance of the law is no excuse.

I would be interested to know what the ownership is of the properties in the legally required notification area for this application. The staff report indicated one residential property owner

contacted the city with questions regarding the notification and the requested special use application. If the other properties are owned by the Rock Springs subdivision developer-owner, or a subsidiary of the developer with a vested financial interest, the opinion regarding the application would likely be quite different from that of individual single property owners who live near the proposed group home.

In my opinion, this special use application, like the recent AirBnB requests, does nothing to enhance the reputation, livability and property values in Bel Aire. Both open the door for additional enforcement problems for Code Enforcement and the Police Department. Why set the City up for potential unnecessary problems?

I appreciate your service on the Planning Commission and having worked in real estate/economic development for the City of Wichita understand the political complexities of your role.

Thank you for sharing my comments with the other Commissioners and entering my comments into the public record for this special use application.

Terry Cassady  
5957 Forbes  
Bel Aire, KS 67220

**From:** [LYNN PARKER](#)  
**To:** [Paula Downs](#)  
**Subject:** Public comments on group home SP-  
**Date:** Tuesday, December 9, 2025 6:29:01 PM

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**[External Sender]**

25-01

To whom it may concern:

I am voicing my concerns about the group home under consideration .

I'll be brief I don't see anything of any value except for the petitioners.

This isn't what the duplexs were designed for.

Modifications to existing duplex designs could and will lead to who knows what.

I can't imagine how 3 elderly residents living in a small space could thrive effectively. I can imagine that something like this will open up alot of possibilities for other purposes that most likely not be beneficial to the community.

To be concise this isn't in the "spirit " of duplex communities.

I could be more specific but Terry Cassady has presented a very good point and I totally agree with her presentation.

Lynn Parker  
5934 Forbes Ct.  
Bel Aire, Ks.  
[Sent from Yahoo Mail for iPhone](#)