

7-26-78

Post 100
8-4-78
M.H.P.
C.I.
P.D.
10-9-78

ACTION

DATE 8-22-78

deferred
approved
for appeal

BZA B2 COMMITTEE

DATE 9-26-78

BZAM.A.P.G.

B.C.C./B. CO. C. _____

Case No. BZA 32-78 - Builders, Inc., (Willow Creek Manor, Inc.) request a variance to permit a reduction in car parking ratio for Section 8 highrise apartment building to be reduced by 50% on ~~projects generally located on~~

Map No. 5846
 Sec. 25
 TWP. 27
 Range 1E

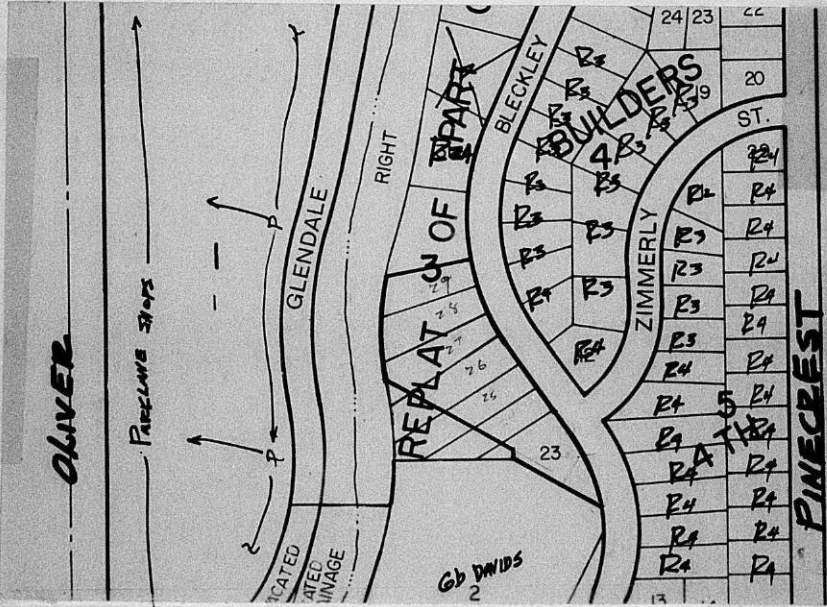
BZA- 32-78
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 1.9 (200 ft. by 550 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East MULTI FAM South DAVIDS
 West DRAINAGE DITCH North Mult. Family
4. Sketch Plan Land Use is for: _____
5. Present Land Use if for: UNDEVELOPED
6. Area (is) (is not) platted.

PHOTO DATA:

Taken by _____ Date _____ Time _____



No. 2153C
 S. H. HASTING & SONS
 ENGINEERS
 LOS ANGELES, CALIF.
 HASTING, HAN - LOS ANGELES
 LOCAL CH - McBRIDE, TX U.S.A.

Westpark Towers
100 units
50 cars

60 units (3) others
33 cars Dodge City
35 " M. Pherson
20 " "

Greenway Manor ⊗
from 97 to 73

86 apartments 11 for LHA offices
43 for residents
19 for visitors

1973 Interlog Enumer
65+ Wichita avg. 1.08 autos
per household as compared
to 1.58 for all Wichita households

Charles Porter
Investment Resources Inc.
264-0616

Westpark Towers

HUD normally recommends

100
50 people
own cars

50% 60 units

33
35
20

Westpark Towers - 13th Street - City

100 units
50 have cars

Greenway Manor

86 units
Dick Cole estimates 75%
have cars (64)

11 - LHA Offices
43 - Resident parking
19 - visitor parking

BZA reduced from 97 to 73

Osage Manor - Augusta

42 units
8 have cars

(may be misleading because
mgr. said when facility
opened in 1970 almost
everyone had cars - now
they are that much older
and cost of maintaining
cars has gone up)

Ottawa, Dodge City & Mifflin

60 units in each
33 cars
35 cars
20 cars

Trip observations
rates
6.1 conventional
3.3 elderly

RESOLUTION NO. BZA 32-78

WHEREAS, Willow Creek Manor, Inc., 1000 Parklane, 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 101 to 50 spaces on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 23, 24, 25, 26, 27, 28 and 29, Block 3, Replat of Part of Builder's Fourth Addition to Wichita, Kansas, except that part described as commencing at the Southeast corner of said Lot 23; thence Northwesterly along the southerly line of said Lot 23, 180.26 feet for a place of beginning; thence continuing Northwesterly along the last described line extend 10 feet; thence with a deflection to the right of 90 degrees a distance of 15 feet; thence Northwesterly to a point on the westerly line of said Lot 27, 33.62 feet southerly from the northwest corner thereof; thence southerly along the westerly line of said Lots 27, 26, and 25, 145.45 feet to the southwesterly most corner of said Lot 25; thence east 221.45 feet to beginning. Generally located on the west side of Bleckley Drive in an area north of Boston.

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 September 28, 1978, 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 occupancy of the apartment building will be restricted to the elderly, the majority of whom do not own or drive cars; 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 required parking can be provided on the site in the event the type of occupancy should later change; 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 experience has shown that the parking needs for an elderly housing project are less than those normally required, and to require the total parking deprives the area of additional green space; 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 less than required parking would adequately serve the needs of an apartment building restricted to elderly residents; 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 parking requirements do not distinguish between a conventional apartment complex and one where elderly residents occupy 100 percent of the units; 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 a variance to reduce the required number of off-street parking spaces from 101 to 60 spaces, on property zoned the "B" Multiple Family Dwelling District and legally described as:

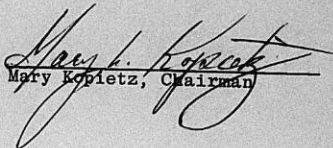
Lots 23, 24, 25, 26, 27, 28 and 29, Block 3, Replat of Part of Builder's Fourth Addition to Wichita, Kansas, except that part described as commencing at the Southeast corner of said Lot 23; thence Northwesterly along the southerly line of said Lot 23, 180.26 feet for a place of beginning; thence continuing Northwesterly along the last described line extend 10 feet; thence with a deflection to the right of 90 degrees a distance of 15 feet; thence Northwesterly to a point on the westerly line of said Lot 27, 33.62 feet southerly from the northwest corner thereof; thence southerly along the westerly line of said Lots 27, 26, and 25, 145.45 feet to the southwesterly most corner of said Lot 25; thence east 221.45 feet to beginning. Generally located on the west side of Bleckley Drive in an area north of Boston.

be approved subject to the following conditions:

1. The applicants shall provide a parking plan showing the potential for locating 101 off-street parking spaces to serve this apartment project.
2. In the event the apartment project for the elderly is not developed or in the event such use later changes, this variance shall be considered null and void.
3. A solid or semi-solid wall, five to eight foot in height, constructed of brick, stone, masonry, architectural tile or other similar material shall be erected along the southern property line, beginning at the point where the existing concrete block wall ends and continuing westerly long the southern property line to the west property line. Said wall shall not be interrupted except for an emergency vehicular accessway, not exceeding 14 feet, which shall be gated with a solid wood gate that shall be kept closed at all times except for emergencies, and use for occasional maintenance and use by moving vans. One point for pedestrian access, not exceeding 4 feet, shall also be permitted and shall be gated with a solid wood gate.

Resolution No. BZA 32-78
Page 3

ADOPTED AT WICHITA, KANSAS, this 28th day of September,
1978.


Mary Kopietz, Chairman

ATTEST:


Larry Dobson, Assistant Secretary

October 5, 1978

Mad Lou
Willow Creek Manor, Inc.
1000 Parklane
Wichita, Kansas 67218

Re: Case No. MZA 32-78
Request for Variance

Dear Mr. Lou:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on September 26, 1978, in connection with your request for a variance to permit the reduction of off-street parking spaces from 101 to 50 on property zoned the "B" Multiple Family Dwelling District, and generally located on the west side of Bleckley Drive in an area north of Boston (1301 E. Bleckley Drive).

This Resolution reflects the official action of the Board to approve a variance to 50 spaces 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,

Larry Debeon
Assistant Secretary

LD:bbs
Enclosure

cc: Lawrence Wells, 254 Laura, Suite 205, 67211
Builders, Inc., 1000 Parklane, 67218
Howard Boys, 3415 E. Skinner, 67218
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

September 27, 1978

Bud Leu
Willow Creek Manor, Inc.
1000 Parklane
Wichita, Kansas 67218

Re: Case No. BZA 32-78
Request for Variance

Dear Mr. Leu:

At the regular meeting of the Board of Zoning Appeals on Tuesday, September 26, 1978, your request for a variance to permit the reduction of off-street parking spaces from 101 to 60 on property zoned the "B" Multiple Family Dwelling District, and generally located on the west side of Bleckley Drive in an area north of Boston (1301 S. Bleckley Drive), was considered.

It was the action of the Board to approve a variance reducing the required off-street parking to 60 spaces, subject to the following conditions:

1. The applicants shall provide a parking plan showing the potential for locating 101 off-street parking spaces to serve this apartment project.
2. In the event the apartment project for the elderly is not developed or in the event such use later changes, this variance shall be considered null and void.
3. A solid or semi-solid wall, five to eight foot in height, constructed of brick, stone, masonry, architectural tile or other similar material shall be erected along the southern property line, beginning at the point where the existing concrete block wall ends and continuing westerly along the southern property line to the west property line. Said wall

Page Two
September 27, 1978
Mr. Bud Leu
Re: BZA 32-78

shall not be interrupted except for an emergency vehicular accessway, not exceeding 14 feet, which shall be gated with a solid wood gate that shall be kept closed at all times except for emergencies, and use for occasional maintenance and use by moving vans. One point for pedestrian access, not exceeding 4 feet, shall also be permitted and shall be gated with a solid wood gate.

A Resolution setting forth the official action of the Board is being prepared and you will be mailed a copy as soon as the signatures of the Chairman and Secretary have been obtained.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bbc

cc: Lawrence Wells, 254 Laura, Suite 205, 67211
Builders, Inc., 1000 Parklane, 67218
Howard Boys, 3415 E. Skinner, 67218
Gilbert Noggle, 5051 E. Lincoln, 67213
Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

THE CITY OF WICHITA

OFFICE OF CITIZEN PARTICIPATION

DATE August 22, 1978

TO Larry Dobson, Secretariat, Board of Zoning Appeals

FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 32-78

At its meeting of August 21, 1978, CPO Council "F" considered the captioned case and voted 7-0 to recommend denial of the requested variance.

The Council's recommendation is based upon opposition of adjacent property owners, as expressed by representatives of the Parklane Towers Property Owners Association; inadequate off-street parking in the area as evidenced at present by considerable on-street parking; and the possibility that the apartment complex involved may revert to uses other than for elderly housing.

Please provide this recommendation to the BZA when they consider the case on August 22.

Gail Williams

Gail Williams
CPO Administrative Aide

GW:sm

cc: Howard Boys, Chairperson, Council "F"

Noted:

David B. Furnas

David Furnas
Citizen Participation Coordinator

ELDERLY HOUSING PARKING

Location	No. of Units	No. of Resident Cars	Comments
● Wichita - Greenway Manor	86	64	No. of resident cars estimated by LHA Staff
Wichita - Westpark Towers	100	50	
Augusta - Osage Manor	42	8	In 1970, when facility first opened, almost all residents had cars
● Ottawa -	60	33	
Dodge City -	60	35	
M=Pherson -	60	20	
	408	210	overall 51% cars to units ratio



REGION VII
Federal Office Building
911 Walnut Street
Kansas City, Missouri 64106

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

INSURING OFFICE
444 S.E. QUINCY
TOPEKA, KANSAS 66683

Lee

July 18, 1978

IN REPLY REFER TO:

7.5F (DW)

Mr. Willard W. Garvey
Builders, Inc.
1000 Parklane
Wichita, Kansas 67218

Dear Mr. Garvey:

Subject: Project No. 102-35109 LB/PN/WAH
KS40-0011-009
Willow Creek Manor
Wichita, Kansas

Considering the situation as outlined in your July 14, 1978, letter, the revised site dimensions as shown on the site plan by Lawrence E. Wells dated July 5, 1978, will be acceptable.

We do feel it would be beneficial to reduce the parking to 50% and provide more green area adjacent to Bleckley Street.

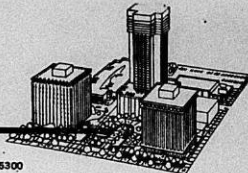
Sincerely,

Charles W. Davis
Fred A. Mann
Director



AMORTIBANC INVESTMENT COMPANY, INC.

GARVEY CENTER ■ 300 WEST DOUGLAS ■ WICHITA, KANSAS 67202 ■ 316 - 261-5300



July 7, 1978

Learned and Foley, P.A.
Suite 350, R. H. Garvey Building
300 West Douglas
Wichita, KS 67202

RE: Project No. 102-35109 L8/PM/VAH
KS 40-0011-009
Willow Creek Manor
Wichita, Kansas

Dear Ed:

During Lawrence Wells' visit to Topeka for discussion of the above project, a question was raised about the retaining wall to be built in accordance with the P.U.C. approval along the property line between David's leased area and the Willow Creek Manor site.

When the David's property was mortgaged by Lutheran Mutual Life Ins. Co. this wall situation was considered a requirement to be met prior to loan closing. At that time, however, the total area development plan had not been finalized particularly as to the grading and the building locations. Because of the impracticality of installing the wall under the then prevailing circumstances, Lutheran Mutual established a cash escrow in the amount of \$950, or 150% of the estimated cost of installing the wall.

As correspondent for Lutheran Mutual, we have kept that company fully apprised of the time schedule for completion of Willow Creek Manor. As the apartments reach the final site work stage, Builders, Inc. plans to build the wall as required under the Lutheran Mutual escrow arrangement. When Amortibanc Investment Company inspects the wall construction and certifies to Lutheran Mutual that their requirement has been met, the escrowed funds will be released to Builders, Inc.

It should be noted that the wall itself will be located on the David's property and not on the Willow Creek Manor site. It also is evident that the proper installation of the wall is in the best interest of Builders, Inc. for two reasons: the proper grading plan for both properties will be enhanced by the wall and the release of the funds being held by Lutheran Mutual.



REAL ESTATE LOANS AND INSURANCE

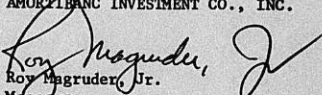


Page Two
Learned and Foley, P.A.

I trust that this information will be satisfactory to the FHA in connection with satisfying themselves that the wall situation will be handled properly at the appropriate time. If there are any questions in connection with this, please let me know.

Sincerely,

AMORTIFRANC INVESTMENT CO., INC.


Roy Magruder, Jr.
Manager
Income Property Finance

RMJ:deo

cc: Lawrence Wells
Bud Leu
R. Dennis O'Connor ✓

SUPPLEMENTAL SECRETARY'S REPORT

Case No: BZA 32-78

APPLICANT: Willow Creek Manor, Inc., 1000 Parklane,
Wichita, Kansas

REQUEST: Variance to reduce required parking from 101
to 50 spaces

Due to the lack of a quorum to consider this case at the August 22, 1978 BZA meeting, the case was deferred to the September 26, 1978 meeting.

In response to questions raised in the original Secretary's Report, the applicants have submitted a site plan which shows that the required parking could be provided on the site in the event it were ever needed.

Although recognizing that the parking needs of an apartment building for the elderly will not require the same off-street parking facilities needed for a conventional apartment project, the Secretary has been unable to determine from any local or area sources that an overall 50 percent parking reduction is a supportable level of parking for such projects. Our information, gained from six local and area elderly housing projects would support that, on an average, about 50 percent of the units would be occupied by persons owning or driving a car. But in addition to occupant parking there is certainly a need for guest or visitor parking and in the opinion of the Secretary, consideration should be given to providing additional spaces for this purpose over and above the proposed 50 spaces.

It is recommended that a variance be granted to reduce the parking requirements from 101 spaces to 60 spaces subject to conditions #2 and #3 as listed in the original Secretary's Report.

August 23, 1978

Willow Creek Manor, Inc.
1000 Parklane
Wichita, Kansas 67218

Re: Case No. BZA 32-78
Request for Variance

Gentlemen:

The request for a variance to reduce the required number of off-street parking spaces from 101 to 50 spaces on property zoned the "B" Multiple Family Dwelling District, generally located on the west side of Bleckley Drive in an area north of Boston, scheduled for hearing at the regular meeting of the Board of Zoning Appeals, was not heard inasmuch as a voting quorum of three members could not be attained to act on this case.

The case was deferred to the next regularly scheduled meeting of the Board on September 26, 1978. If you have any questions, please call our office.

Very truly yours,

Larry Dobson
Assistant Secretary

LD:bbc

cc: Mr. Howard Boys, CPO Area "F" Council, 3415 E. Skinner, 67218
Mr. Lawrence E. Wells, 254 Laura, Suite 205, 67218
Ray Bruggeman, Director of Public Works
Robert Feldner, Supt. of Central Inspection.
Joe Donnelly, Housing & Zoning Administrator
Don Gisick, City Clerk

SECRETARY'S REPORT
CASE NO. BZA 32-78

APPLICANT: Willow Creek Manor, Inc., 1000 Parklane,
Wichita, Kansas

AGENT: Lawrence E. Wells, 254 Laura, Suite 205,
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 101
spaces to 50 spaces.

GENERAL LOCATION: West side of Bleckley Drive in an area north
of Boston.

ZONING: Subject property is zoned the "B" Multiple Family
Dwelling District as are properties to the north
and east. South is "B" and "LC" Light Commer-
cial. West is "AA" Single Family and "LC".

LAND USE: Subject property is undeveloped. Property to
the east is developed with fourplexes. North
is an apartment complex. West is a drainage
channel and then the Parklane Shopping Center.
South is a David's discount store.

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 of the following conditions are found to exist:

1. That the variance requested 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.
2. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
3. That the strict application of the provisions of Title 28 of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare; and
5. That granting the variance desired will not be opposed to the general spirit and intent of Title 28 (zoning ordinance).

COMMENTS BY THE SECRETARY:

The applicants are requesting a variance to reduce the number of required off-street parking spaces from 101 spaces to 50 spaces in connection with the proposed construction of a high-rise apartment building for the low income elderly.

Subject property, located directly north of the David's Parklane store, was one of the Wichita sites selected by HUD for Section 8 housing for the elderly. Under Section 8 guidelines, HUD and a developer enter into a contractual agreement whereby HUD agrees to pay a set amount for each low income elderly resident living in the apartments. The initial contract is for five years, after which there are three additional five year option periods which may be renewed by the developer. The project proposed for this location contains 100 rentable units with an additional unit being used for offices. The parking requirement as per the zoning ordinance is one space for each unit or in this case 101 parking spaces. The agent for the applicants states that a representative of HUD has requested that a maximum of 50 spaces be shown as a condition of approval for their site plan. On a national scale, the Department of HUD normally recommends a car parking ratio of no more than 50 percent.

The applicants justify their request on the basis that the residents who live in these apartments will be elderly. They submit that local and national studies support a 50% parking ratio as the maximum needed for this type of occupancy.

Willow Creek Manor, Inc., the applicant, is a wholly owned subsidiary of Builder's, Inc., which owns all of the surrounding properties. The applicants agent has stated that the required off-street parking could be provided on subject property and surrounding properties. It would appear that approximately 80 spaces could be accommodated on subject property, although such a plan has not been submitted. It is not known where the applicants would propose to provide the additional parking in the event this variance were denied or if the use should later revert to a conventional apartment complex. It is the opinion of the Secretary that this should be established before favorable consideration is given to this request.

SECRETARY'S REPORT
Case No. BZA 32-73
Page 3

The site plan submitted with the application shows the main entrance to the parking lot from Bleckley Drive, and also shows another driveway at the southwest corner of the site connecting subject property with the David's parking lot. It is the opinion of the Secretary that the commercial activity to the south should not have access through the parking lot of a residential development, especially in light of the fact that access control along Bleckley limits the David's property to two curb cuts, the northern one to be maintained as an emergency access with a chain across it. The plan also indicates that a fence would be constructed along the southern property line of subject property to tie in with an existing concrete block fence which exists along the eastern portion of this property line. The Parklane Community Unit Plan required that a wall be built along the property line separating the "LC" zoned property from the "B" Multiple Family property. This wall was never completed.

Uniqueness:

It is the opinion of the Secretary that this may be a unique situation inasmuch as occupancy of the apartment building will be restricted to the elderly, the majority of whom do not own or drive cars.

Adjacent Property:

It is the opinion of the Secretary that the granting of the variance desired will not adversely affect adjacent property owners or residents provided that the additional parking spaces can be provided if the type of occupancy should later change.

Hardship:

It is the opinion of the Secretary that the strict application of the provisions of the zoning ordinance will constitute an unnecessary hardship upon the applicants inasmuch as the additional parking over 50 spaces would be totally at the expense of the developer and would eliminate most of the "green" area on the site, when experience has shown that the extra parking is not needed for elderly residents.

Public Interest:

It is the opinion of the Secretary that the granting of this variance would not adversely affect the public interest inasmuch as the proposed parking would adequately serve the needs of elderly residents.

Spirit and Intent:

It is the opinion of the Secretary that the granting of the variance desired would not be opposed to the general

SECRETARY'S REPORT
Case No. BZA 32-78
Page 4

spirit and intent of the zoning ordinance, if potential future compliance with the total parking requirement can be shown, inasmuch as the one space per dwelling unit requirement does not take into consideration a 100 percent occupancy of elderly persons, who do not own or drive cars at the same ratio as the total apartment dwelling public.

Recommendation:

If the applicants can detail the potential location of 101 approved off-street parking spaces to realistically serve this project, then the Secretary would be of the opinion that the five conditions necessary to the granting of a variance could be found to exist and would recommend approval of the request subject to the following conditions:

1. The applicants shall provide a parking plan showing the potential for locating 101 off-street parking spaces to serve this apartment project.
2. In the event the apartment project for the elderly is not developed or in the event such use later changes, this variance shall be considered null and void.
3. A solid or semi-solid wall, five to eight foot in height, constructed of brick, stone, masonry, architectural tile or other similar material shall be erected along the southern property line, beginning at the point where the existing concrete block wall ends and continuing westerly along the southern property line to the west property line. Said wall shall not be interrupted for vehicular access but may have points of pedestrian access.

Jay: Please send an
agenda, staff report and notes
to Austin Rising
5051 E. Janda 67215

Done - 8-14-78
D.

3 notices sent to agent applicant and adjoining property owner
10 notices to MAPC members
1 notice to sent
14 total notices sent on BZA 32-78, August 1, 1978

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

August 1, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 32-78

An application has been filed by Willow Creek Manor, Inc. (Builders, Inc.), 1000 Parklane, Wichita, Kansas, pursuant to Section 2.12.590.B, Code of the City of Wichita, requesting a variance to reduce the required number of off-street parking spaces from 101 to 50 spaces on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 23, 24, 25, 26, 27, 28 and 29, Block 3, Replat of Part of Builder's Fourth Addition to Wichita, Kansas, except that part described as commencing at the Southeast corner of said Lot 23; thence Northwesterly along the southerly line of said Lot 23, 180.26 feet for a place of beginning; thence continuing Northwesterly along the last described line extend 10 feet; thence with a deflection to the right of 90° a distance of 15 feet; thence Northwesterly to a point on the westerly line of said Lot 27, 33.62 feet southerly from the northwest corner thereof; thence southerly along the westerly line of said Lots 27, 26, and 25, 145.45 feet to the southwesterly most corner of said Lot 25; thence east 221.45 feet to beginning. Generally located on the west side of Bleckley Drive in an area north of Boston.

This application has been assigned Case No. BZA 32-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, August 22, 1978, at 1:30 p.m., in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas, at which time you may appear if you so desire, 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.

Jack H. Galbraith
Secretary

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant Builders, Inc. (Willow Creek Manor, Inc.)

Mailing Address 1000 Parklane 67218 Phone 685-4391

Name of Authorized Agent Lawrence E. Wells, Architect

Mailing Address 254 Laura, Suite 205 67211 Phone 262-3649

Relationship of applicant to property is that of Owner
(Owner, Tenant, Lessee, Other)

II. The variance requested is Allow car parking ratio of Section 8 high rise apartment building for elderly be reduced to 50%. This means 50 parking spaces for the 100 unit apartment building that is for low income elderly. This project has been approved by HUD and the City of Wichita. This has been done in the past for projects of this category.

NOTE: PLANS IN CENTRAL INSPECTION FOR BUILDING PERMIT.
for property located 1301 South Bleckley Drive

and legally described as: Lots 23, 24, 25, 26, 27, 28 & 29, Block 3, Replat of Part of Builders Fourth Addition to Wichita, Kansas.

use legal on site plan

in the City of Wichita; and which is presently zoned "B"

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. 24-606); and that the appropriate fee is herewith tendered;
- c. 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.
- d. That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Note: Willow Creek Manor, Inc. is wholly owned subsidiary of Builders, Inc. set up to comply with HUD requirements.

BUILDERS, INC. (Willow Creek Manor, Inc.)

Applicant

Lawrence E. Wells

Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 10:00 (a.m. - p.m.), 7-24 19 78 together with appropriate fee of \$50.00.

*W. side of Bleckley Drive
In an area N. of Boston*
T9-402

Larry Johnson

Signed

ATTACHMENT TO APPLICATION FOR VARIANCE

BUILDERS, INC., 1000 PARKLANE
(Willow Creek Manor, Inc.)

JULY 22, 1978

Note: Willow Creek Manor, Inc. is a wholly owned subsidiary of Builders, Inc., and was organized to comply with HUD requirements.

1. This request for variance is submitted because of the specific use for this piece of ground. The property will be developed for a high-rise apartment building for low income elderly persons of the City of Wichita. This specific project has been approved by the Local Housing Authority, the City of Wichita and the Department of HUD. On a national scale, the Department of HUD recommends a car parking ration beginning at 20% and not to exceed 50%. This is a situation created by the type of occupants who, for the most part, do not own or drive cars. Therefore, the parking is not justified under public housing guidelines for projects of this category. See also comments in 3 below.
2. The granting of this variance will not adversely affect the rights of the adjacent property owners as additional parking will not be required for tenant's use. In this instance, all of the adjacent property is owned by the Applicant, and should additional parking needs arise because of change in occupancy type, additional parking could be accomplished to comply with Title 28. There is space on the site for additional parking spaces at this time.
3. A strict application of the provisions of Title 28 will create a hardship on the Applicant as green space would need be destroyed to obtain additional parking spaces. HUD approval of the final plans of the project is being obtained concurrently with the application for a Building Permit. With the last 10 days, the Applicant was requested by Mr. Fred Mann of the Department of HUD to reduce the number of parking spaces from the 64 shown on the Site Plan to 50 maximum as a condition to approval of the Site Plan. This Application and the Attachment reflect that request.
4. The variance requested does not effect adversely the public health, safety, morals, order, convenience, prosperity or general welfare of the project, the project occupants or the owners of other property in the project area.
5. The variance requested will not oppose the general spirit and intent of Title 28. Title 28 requires adequate parking for the occupants of a building, in this case one car for each apartment. There are 100 rentable apartments in this project, one is being used for offices. The Architect for the Applicant has been involved in a number of projects of this nature about the state and locally. Parking requirements for these projects have not exceeded 50% in most cases. The Local Housing Authority recognizes the 50% figure as a maximum for parking requirements. Their studies show that far less than that percentage of their tenants in elderly projects own or drive cars and require parking spaces.

OWNERSHIP LIST

Lot	Addition	Property Owner
Lots 23,24,25,26,27,28,29, block 3 except that part commencing at the SE corner of said lot 23; thence NWly along the Southerly line of said lot 23, 180.26 feet for a place of beginning; thence continuing NWly along last described line extended 121.82 feet; thence SWly 118 feet more or less to a point on the west line of said lot 25, said point being 0.13 feet south of the NW corner of said lot 25; thence south 30.87 feet to the SWly most corner of said lot 25; thence east along the south line of said lots 25,24 and 23, 221.45 feet to the place of beginning	Replat of Builders Fourth	Willow Creek Manor, Inc. % Learned & Foley 300 West Douglas 67202
Exception above (platted into Parklane Addition)	same	Builders, Inc. 1000 Parklane 67218
lots 30 & 31, block 3	same	same
lots 7,8,9,10,11,12,13,14,15 block 4	Builders Fourth	same
lots 6,7,8,9,10,11,12,13 block 5	same	same
lot 1, block 1	Parklane	same
lot 2, block 2	same	same

We hereby certify the foregoing to be a true and correct list of the property owners of a 200 foot radius of Lots 23,24,25,26,27,28 and 29, in Replat of Part of Builders Fourth Addition to Wichita, Sedgwick County, Kansas, as shown by the last deeds of record filed in the Office of the Register of Deeds, Sedgwick County, Kansas on this 5th day of July 1978 at 7:00 o'clock A.M.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Gable
Vice President

Order No. 266242
jc

FORM 223-021

PAYMENT NOTICE
City of Wichita

Bldg.	Use of Str.	Code EKS	Copies
Elec	Elev. Insp.	Hse Moving	Lic.
Mech	Boiler Insp.	Pav. Cuts	Cert.
Plbg	Exam Fees	Sewer	Elev.
Signs	Plan Fee	Cement	M.S.P.

DESCRIPTION	AMOUNT
Plan R2A Variance	\$50

NAME Builders Inc.

ADDRESS 1000 Parkline

FUND 110-0000-40071-01 DUE DATE 9-000-001

COMMENTS

DATE 6-28-78 BY ed

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This BZA. Case
Has a Large Drawing
On 35mm Microfilm
Roll # 1