

POSTED
9-6-78
MHPDV
C.I.V.
10-9-78

Case No. BZA 35-78 Gerontrol
Investments request variance to
reduce off-street parking on
property generally located
at 4925 Shadyway

ACTION

BZA 35-78 COMMITTEE DATE
Approved for 9-26-78
450 p.c.
M.A.P.C. _____
B.C.C./B. CO. C. _____

Map No. 5849
 Sec. 12
 Twp. 27
 Range 1E

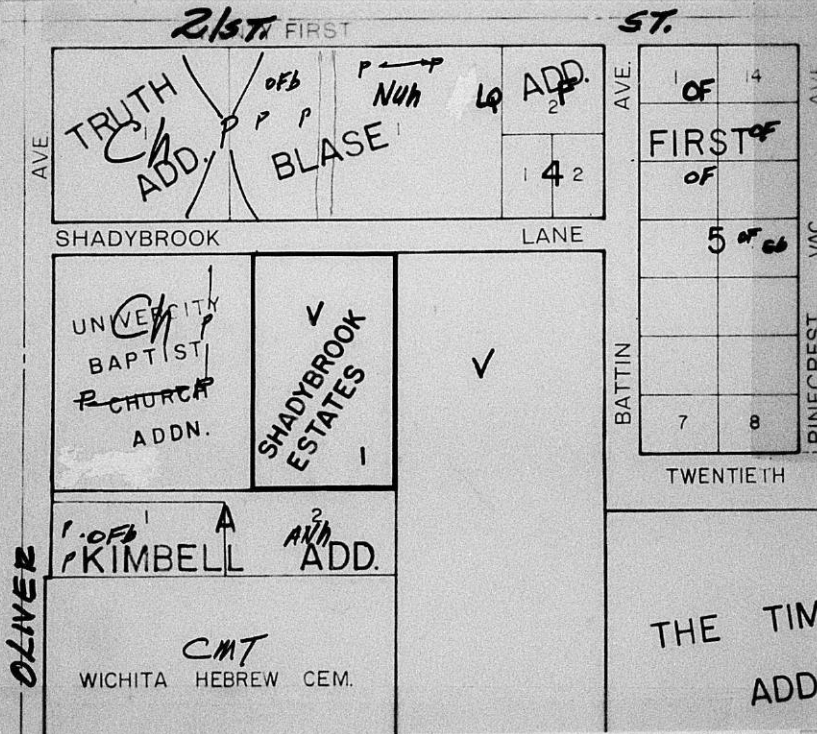
BZA- 35-78
 SCZ- _____
 CU- _____
 Filed _____

AREA DATA:

1. Acres: 2.4 (250 ft. by 425 ft.)
2. Adjoining Zoning: E _____ S _____ W _____ N _____
3. Land Use: East Undeveloped South ANIMAL HOSPITAL
 West CHURCH North NURSING HOME
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 _____



HASTING, INC. LOS ANGELES
 No. 2153C
 LOSTAN CH. MEMPHIS, TN, U.S.A.

October 3, 1978

James E. Albertson, Jr.
434 N. Market
Suite 210
Wichita, Kansas 67202

Re: Case No. BZA 35-78
Request for Variance

Dear Mr. Albertson:

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 reduce the required off-street parking spaces from 78 to 40 spaces on property zoned the "B" Multiple Family District and generally located on the south side of Shadybrook Lane in an area east of Oliver (4925 Shadybrook Lane).

This Resolution reflects the official action of the Board to approve a variance to 47 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 Dobson
Assistant Secretary

LD:bbc
Enclosures

cc: Robert Feldner, Superintendent of Central Inspection
Joe Donnelly, Housing and Zoning Administrator
Don Gisick, City Clerk

RESOLUTION NO. BZA 35-78

WHEREAS, Gerontol Investments, Ltd., 424 N. Market, Suite 210, 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 78 to 40 on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lot 1, Block A, Shadybrook Estates, Wichita, Sedgwick County, Kansas. Generally located on the south side of Shadybrook Lane in an area east of Oliver (4925 Shadybrook Lane).

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 would be restricted to the elderly, many 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 as long as the reduction adequately meets loading/unloading and guest parking needs in addition to occupant parking; and also if the use ever reverts to a conventional apartment building, there is space to provide the total required parking; 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 requirements 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 78 to 47 on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

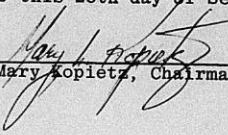
Lot 1, Block A, Shadybrook Estates, Wichita, Sedgwick County, Kansas. Generally located on the south side of Shadybrook Lane in an area east of Oliver (4925 Shadybrook Lane).

be approved subject to the following condition;

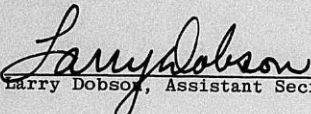
1. In the event the apartment project for the elderly is not developed or in the event such use later changes, this variance shall be considered null and void.

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

ATTEST:



Mary Kapietz, Chairman



Larry Dobson, Assistant Secretary

September 27, 1978

James E. Albertson, Jr.
434 N. Market
Suite 210
Wichita, Kansas 67202

Re: Case No. BZA 35-78
Request for Variance

Dear Mr. Albertson:

At the regular meeting of the Board of Zoning Appeals on Tuesday, September 26, 1978, your request for a variance to reduce the required off-street parking spaces from 78 to 40 spaces on property zoned the "B" Multiple Family District and generally located on the south side of Shadybrook Lane in an area east of Oliver (4925 Shadybrook Lane), was considered.

It was the action of the Board to approve a variance to reduce the required off-street parking to 47 spaces subject to the following condition:

1. 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.

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: 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 September 25, 1978

TO Larry Dobson, BZA Secretary

FROM Gail Williams, CPO Administrative Aide

SUBJECT BZA 35-78 (4925 Shadybrook Lane)

On September 19, 1978, CPO Council "I" considered the captioned case and recommended, by a vote of 4-2, that the requested variance be approved.

A majority of the Council members felt that yard space should be maximized and that HUD statistics indicate that the requested variance is reasonable.

Please provide this information to the Board of Zoning Appeals when the case is considered on September 26.

Gail Williams

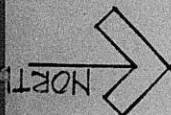
Gail Williams
CPO Administrative Aide

GW:sm

Noted:

David L. Furnas

David Furnas
Citizen Participation Coordinator



14 PKG. STALLS

6 PKG. STALLS

57'-0"

20 PKG. STALLS

20 PARKING STALLS

57'-0"

20 PKG. STALLS

PARKING PLAN - 80 STALLS
1" = 20'-0"

SHADYBROOK ESTATES - 7712
ALBERTSON ARCHITECTS - PLANNERS

SECRETARY'S REPORT

CASE NO. BZA 35-78

APPLICANT: Gerontol Investments, Ltd., 434 N. Market, Suite 210, Wichita, Kansas

AGENT: James R. Albertson, Jr., 434 N. Market, Suite 210, 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 78 to 40 spaces.

GENERAL LOCATION: South side of Shadybrook Lane in an area east of Oliver (4925 Shadybrook Lane).

ZONING: Subject property is zoned the "B" Multiple Family Dwelling District as is the property to the east. North is the "LC" Light Commercial District. West is the "AA" Single Family Dwelling District. South is the "BB" Office District.

LAND USE: Subject property is vacant as is the property to the east. North is an office building and a nursing home. West is a church. South is an animal hospital.

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 78 to 40 spaces in connection with the proposed construction of a 78 unit apartment building for the elderly.

Subject property is one of the Wichita sites selected by HUD for Section 8 housing for the elderly. The property is a 250 by 425 foot vacant tract located on the south side of Shadybrook Lane in an area east of Oliver. The project proposed for this location contains 78 one bedroom units.

The applicants emphasize that, statistically, a large percentage of the apartments will have a single occupant and that the percentage of the elderly who drive is lower than the general population. Therefore, they are requesting a variance from the off-street parking requirement of one space for each dwelling unit. On a national scale, the Department of HUD normally recommends a car parking ratio of not more than 50 percent (one-half space for each dwelling unit).

A site plan submitted with the application shows the location of the proposed 40 off-street parking spaces, north of the apartment building. The plan as proposed would leave an open, unpaved front yard of approximately 95 feet in depth. It is assumed this area would be landscaped, although it has not been discussed with the applicants. As part of the application a supplemental parking plan was submitted which shows that the total required number of spaces can be accommodated on the site by extending the parking area an additional 57 feet into the front yard area. This would still leave approximately a 40 foot front yard area. The applicants state that if additional parking were ever required or needed the paving of the expansion area could be accomplished.

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 cannot 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 loading/unloading areas for the benefit of those who do not own their own car, but are dependent on others for transportation. It is the opinion of the Secretary that some consideration should be given to additional spaces for these purposes.

UNIQUENESS:

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

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of a variance of off-street parking requirements will not adversely affect the rights of adjacent property owners or residents as long as the reduction adequately meets loading/unloading and guest parking needs in addition to occupant parking; and also if the use ever reverts to a conventional apartment building, there is space to provide the total required parking.

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 applicants inasmuch as experience has shown that the parking requirements for an elderly housing project are less than those normally required and to require the total parking deprives the area of additional green space.

PUBLIC INTEREST:

It is the opinion of the Secretary that the granting of a variance would not adversely affect the public interest inasmuch as less than required parking would adequately serve the needs of an apartment building restricted to elderly residents.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of a variance would not be opposed to the general spirit and intent of the 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.

RECOMMENDATION:

It is the opinion of the Secretary that the five conditions necessary to the granting of a variance can be found to exist for a reduction in the number of off-street parking spaces. However, the Secretary is of the opinion that a certain number of spaces should be provided for visitors, deliverymen, service-

Case No. BZA 35-78
Page 4

men and loading/unloading purposes. Therefore, it is recommended that a variance be approved to reduce the required number of spaces from 78 to 47 spaces subject to the following condition:

1. 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.

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

August 31, 1978

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 35-78

An application has been filed by Gerontol Investments, Ltd., 424 N. Market, Suite 210, 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 78 to 40 on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lot 1, Block A, Shadybrook Estates, Wichita, Sedgwick County, Kansas. Generally located on the south side of Shadybrook Lane in an area East of Oliver (4925 Shadybrook Lane).

This application has been assigned Case No. BZA 35-78 and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, September 26, 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

11 notices sent to adacent property owners, applicant, and/or agent
10 notices sent to MAPC
1 notice sent to CPO

17 total notices sent on BZA 33-80, August 31, 1978

BOARD OF ZONING APPEALS

CASE NO. _____

CITY OF WICHITA, KANSAS

FILED _____

APPLICATION FOR VARIANCE

I. Name of Applicant GERONTOL INVESTMENTS, LTD. ✓ *67202*

Mailing Address 434 N. Market, Suite 210 Phone 264-8315

Name of Authorized Agent James R. Albertson, Jr. ✓

Mailing Address 434 N. Market Suite 210 Phone 264-8315

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

II. The variance requested is (To reduce required off-street parking from 78 to 40) variance from the requirements of the Off-Street

Parking regulations of the City of Wichita. We propose to furnish thirty eight
(38) off-street parking spaces, complying in every other way with City of Wichita

Parking Regulations.
for property located 4925 Shadybrook Lane

and legally described as: Lot 1, Block A, Shadybrook Estates

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.

James R. Albertson, Jr.
Applicant James R. Albertson, Jr.,

James R. Albertson, Jr.
Authorized Agent James R. Albertson, Jr.

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 7:15 (a.m. (p.m.)), 8-25 19 78
together with appropriate fee of \$50.00.

*S. Side of Shadybrook Lane
in an area east of Oliver.*

T9-402

Larry Dobson
Signed
*subj. to site plan and
ownership list by 8-28-78*



ALBERTSON ARCHITECTS PLANNERS

434 North Market

Wichita, Kansas 67202

August 25, 1978

Board of Zoning Appeals
Larry Dobson, Secretary
City Hall - 10th Floor
455 N. Main
Wichita, Kansas 67202

Dear Mr. Dobson:

RE: SHADYBROOK ESTATES
Elderly Housing Project
Shadybrook Lane
Wichita, Kansas
HUD Project No. KS40-0011-004
FHA Case No. 102-35115 L8/PM/WAH
Albertson Job No. 7712

The project referenced above is an apartment building of 78 one-bedroom units for the elderly.

Statistically, a large percentage of the apartments will have a single occupant.

The percent of the elderly who drive is lower than the general population. Therefore, we request a variance from the requirements of the Off-Street-Parking regulations of the City of Wichita for this project.

We propose to furnish forty (40) off-street parking spaces, complying in every other way with City of Wichita Parking Regulations. If in the event additional parking spaces were ever required, space is available for forty (40) additional parking spaces. (See attached.)

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in dark ink, appearing to read 'James R. Albertson, Jr.', is written over a horizontal line.

James R. Albertson, Jr., A.I.A.
ALBERTSON ARCHITECTS PLANNERS

/gf
Attachments

OWNERSHIP LIST

Lot	Addition	Property Owner
West 160 feet of Lot 1	Blase	✓ W. Michaelis, Jr. 3/4 H. Michaelis 1/4 241 N. Broadway 67202
East 330 feet of lot 1	same	<i>returned</i> ✓ National Heritage, Inc. 9200 Shelby Road Louisville, Kentucky 40243
lot 1, Block A	Kimbell	✓ Andeel & Andeel Properties 5900 E. Central 67208
lot 2, Block A	same	✓ Kenneth R. Kimbell Vicky J. Kimbell 2046 N. Oliver 67208
lots 2,3,7,8,9, Block 3 and lots 1 & 10, Block 3 except portion platted as Shadybrook Estates Addition	First Addition to Crestview Heights	✓ Cerebral Palsy Research Foundation of Kansas, Inc. 4320 E. Kellogg 67218
lots 8,9,10, 11 block 1 and lot 7, block 1 except portion platted as Shadybrook Estates Addition	same	same
lot 1, Block 4	same	✓ Estel L. Landreth Arlene Landreth 5107 E. 21st St. 67208
lot 1	Truth	✓ Unity Church, Inc. 2160 N. Oliver 67208
lot 1	University Baptist Church	✓ University Baptist Church 2130 N. Oliver 67208
Block 1	Wichita Hebrew Cemetery	✓ Board of Directors of The Hebrew Congregation of Wichita 1850 N. Woodlawn 67208
lot 1, Block A	Shadybrook Estates	✓ Cerebral Palsy Research Foundation of Kansas, Inc. 4320 E. Kellogg 67218

We hereby certify the foregoing to be a true and correct list of the property owners of:

200 foot radius of Lot 1, Block A,
Shadybrook Estates to Wichita,
Sedgwick County, Kansas

as shown by the last deeds of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas on this 25th day of August, 1978 at 7:00 o'clock A.M.

This certificate does not include the ownership of any lot or gravesite included within cemetery boundaries.

THE SECURITY ABSTRACT AND TITLE COMPANY, INC.

By

Mary Gable

Vice President

Order No. 268288
jc

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

August 31, 1978

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Case No. BZA 35-78

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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

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL - TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202

Ben

National Heritage, Inc.
9200 Shelby Road
Louisville, Ky. 40243



RETURNED
TO
SENDER
40207
MOVED - LEFT NO ADDRESS

FORM 20021

PAYMENT NOTICE
City of WichitaTreasurer's Office
20th Floor

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

DESCRIPTION	AMOUNT
BZA Variance Application	\$50.00
NAME James R. Albertson Jr.	
ADDRESS 434 N Market Suite 210	
FUND 110-00-000-40071	DUE DATE 003-000-000
COMMENTS	
DATE 8-25-78	BY <i>ed</i>

*

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

Roll # 1