

BZA 6-73 Housing Authority of the City of Wichita requests variance to reduce the required parking spaces at the NE corner of Greenway Blvd. and West 2nd Street

Posted  
5-27  
M.A.P.C.  
C.I.V.  
6-18-73

ACTION

BZA COMMITTEE Approved subject to conditions  
DATE 4-24-73

~~M.A.P.C.~~ \_\_\_\_\_  
~~B.C.C./B.C.O.C.~~ \_\_\_\_\_



May 22, 1973

The Housing Authority of the City of Wichita  
1631 East 17th Street  
Wichita, Kansas 67214

Subject: Case No. BEA 6-73 - Request for Variance

Dear Sirs:

Enclosed is a signed copy of the Resolution adopted by the Board of Zoning Appeals on April 24, 1973, in connection with your request to reduce the required number of off-street parking spaces from 97 to 73 spaces, on property zoned the "C" Commercial District and generally located at the Northeast corner of Greenway Boulevard and West 2nd Street.

This Resolution reflects the official action of the Board to approve your request and sets out the condition of approval. It is forwarded to you for your information and files.

If you have any questions concerning this matter, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rv  
enclosure

cc: Gordon B. Compton, Housing Coordinator, 1631 East 17th 67214  
Robert Feldner, Supt. of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

RESOLUTION NO. BZA 6-73

WHEREAS, the Housing Authority of the City of Wichita, 1631 East 17th Street, Wichita, Kansas, 67214, 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 97 to 73 spaces, on property which has been approved for the "C" Commercial District, and legally described as follows:

Lot 11 on Riverview in Stewart and Burn's Addition, Lots 37, 39, 41, 43, and 22, 24, 26, 28, and 30 Riverview, in Waterman's Addition to Waterman's Addition, Wichita, Sedgwick County, Kansas, and Reserve "G" in Park Plaza First Addition, Wichita, Sedgwick County, being platted as Lot 1, Block 1 and Lot 1, Block 2, of Park Plaza Second Addition. Generally located at the Northeast corner of Greenway Boulevard and West 2nd Street.

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 April 24, 1973, 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 due to the fact that the property will be developed for apartments for the elderly. The occupants of such complexes for the most part do not own or drive cars. Therefore, one parking space per dwelling unit would not be necessary; 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 additional parking will not be needed to accommodate the tenants; and

WHEREAS, the Board of Zoning Appeals has found 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 inasmuch as in order to receive a building permit, the Housing Authority would have to process a special application to HUD for funds to pave the additional parking spaces, with no assurance that such funds would receive approval; all funds are presently frozen, and the dollar allowance for this project cannot be increased; in addition, green space would be destroyed in order to obtain the required parking spaces; 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, because

the number of parking spaces the applicant proposes to provide will adequately serve the complex and the Housing Authority office; 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) in that the parking requirement of one space per dwelling unit does not take into consideration apartment complexes to be occupied exclusively by the elderly, most of whom do not own or drive automobiles; 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.

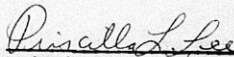
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita, that this request for a variance to reduce the required number of off-street parking spaces from 97 to 73 spaces, on property which has been approved for the "C" Commercial District, and legally described as:

Lot 11 on Riverview in Stewart and Burn's Addition, Lots 37, 39, 41, 43, and 22, 24, 26, 28, and 30 Riverview, in Waterman's Addition to Waterman's Addition, Wichita, Sedgwick County, Kansas, and Reserve "G" in Park Plaza First Addition, Wichita, Sedgwick County, being platted as Lot 1, Block 1 and Lot 1, Block 2, of Park Plaza Second Addition. Generally located at the Northeast corner of Greenway Boulevard and West 2nd Street.

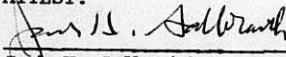
be approved subject to the following condition:

1. In the event the apartment house for the elderly is not developed or in the event such uses are later changed, the variance will be considered null and void.

ADOPTED AT WICHITA, KANSAS, this 24th day of April, 1973.

  
Priscilla L. Lee, Chairman

ATTEST:

  
Jack H. Galbraith, Secretary

April 25, 1973

The Housing Authority of the City of Wichita  
1631 East 17th Street  
Wichita, Kansas 67214

Subject: Case No. EZA 6-73 - Request for Variance

Dear Sirs:

At the regular meeting of the Board of Zoning Appeals on April 24, 1973, your request for a variance to reduce the required number of off-street parking spaces from 97 to 73 spaces, on property zoned the "C" Commercial District and generally located at the Northeast corner of Greenway Boulevard and West 2nd Street, was considered.

It was the action of the Board to approve this request subject to the following condition:

1. In the event the apartment house for the elderly is not developed or in the event such uses are later changed, the variance will 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.

If you have any questions, please call our office.

Very truly yours,

Jack H. Galbraith  
Secretary

JHG:rv

cc: Gordon B. Compton, Housing Coordinator, 1631 East 17th 67214  
Robert Feldner, Supt of Central Inspection  
Ralph Eberly, City Clerk  
Joe Donnelly, Central Inspection

SECRETARY'S REPORT  
CASE NO. BZA 6-73

APPLICANT: The Housing Authority of the City of Wichita,  
1631 East 17th Street, Wichita, Ks. 67214

AGENT: Gordon B. Compton, Housing Coordinator, 1631 East 17th  
Street, Wichita, Ks. 67214

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 97 to 73 spaces.

GENERAL LOCATION: Generally located at the Northeast corner of  
Greenway Boulevard and West Second Street.

ZONING: The properties to the north are zoned the "E" Light  
Industrial District and the "B" Multiple Family Dwelling District.  
Subject property has been approved for the "C" Commercial Dis-  
trict (Z-1478), and remaining surrounding properties are zoned  
"E".

LAND USE: While a portion of the subject property contains a  
vacant commercial building, the majority of it is undeveloped.  
To the south is a bus maintenance garage; to the west is unde-  
veloped property (proposed Inner Loop R/W), and K G & E. East  
is an office and building materials supply company; and north  
is a building materials supply company and undeveloped proper-  
ty.

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 appli-  
cation.

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:

In January of 1973 a zone change from the "E" Light Industrial District to the "C" Commercial District was approved for subject property to permit the construction of a high-rise apartment complex for the elderly. The complex will contain 86 apartments and the Housing Authority offices will occupy an additional 2,592 square feet of the building. By the provisions of Section 28.04.141 of the Zoning Ordinance, the applicant would be required to provide a total of 97 off-street parking spaces for the project.

On a national scale, the Department of Housing and Urban Development (HUD) recommends a car parking ratio of from 20% to 50% for housing projects for the elderly, and will not fund parking in excess of 50%. The applicant explains in the statement of justification that this situation arises from the fact that the occupants of such complexes for the most part do not own or drive cars. Therefore, one parking space per dwelling unit would not be needed, and the cost for installing unneeded parking spaces is not justified under public housing guidelines. In addition, the Housing Authority cites a study it made of the number of cars owned and driven by the elderly occupants of its leased housing program, involving approximately 300 units, which revealed that less than 10% of the tenants owned or drove a car.

The plot plan submitted by the applicant provides for 73 parking spaces. The Zoning Ordinance requires 11 parking spaces for the amount of floor space to be occupied by the Housing Authority offices. Using the 50% figure, which is the maximum for which HUD funds are available, 43 parking spaces would be allocated for residents, and the remaining 19 spaces would be available for visitors. The applicant states that this is well above the normal amount of parking provided for projects of this nature in other cities.

Uniqueness:

It is the opinion of the Secretary that this is a unique situation because the property will be developed for apartments

for the elderly. The occupants of such complexes for the most part do not own or drive cars. Therefore, one parking space per dwelling unit would not seem to be necessary.

Adjacent Property:

It is the opinion of the Secretary that the granting of this variance will not adversely affect the rights of the adjacent property owners because the additional parking will not be needed to accommodate the tenants. The Urban Renewal Agency owns the property to the north of the building site and is purchasing the property to the east of the parking area. To the west is undeveloped property, proposed Inner-Loop right-of-way, and K G & E. Although the property to the north of the parking area is privately owned, the applicant's statement of justification states that the owners have concurred in URA's plans for the application area.

Hardship:

It is the opinion of the Secretary that strict application of the provisions of Title 28 will create a hardship on the applicant as, in order to receive a building permit, the Housing Authority would have to process a special application to HUD for funds to pave the additional parking spaces, with no assurance that such funds would receive approval. All funds are presently frozen, and the dollar allowance for this project cannot be increased. In addition, green space would be destroyed in order to obtain the required parking spaces.

Public Interest:

It is the opinion of the Secretary that granting the requested variance will not adversely affect the public interest because the number of parking spaces the applicant proposes to provide will adequately serve the complex and the Housing Authority office.

Spirit and Intent:

It is the opinion of the Secretary that the variance requested will not oppose the general spirit and intent of Title 28 in that the parking requirement of one space per dwelling unit does not take into consideration apartment complexes to be occupied exclusively by the elderly, most of whom do not own or drive automobiles.

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BZA Case No. 6-73

RECOMMENDATION:

It is the opinion of the Secretary that all five of the conditions necessary to the granting of the variance can be found to exist and therefore, it is recommended that the variance to reduce the required number of off-street parking spaces from 97 to 73 spaces be approved.

BOARD OF ZONING APPEALS  
Room 402 City Building Annex  
104 South Main Street  
Wichita, Kansas 67202

April 13, 1973

NOTICE TO ADJOINING PROPERTY OWNERS:

Case No. BZA 6-73

An application has been filed by The Housing Authority of the City of Wichita, 1631 East 17th Street, Wichita, Kansas, 67214, 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 97 to 73 spaces, on property zoned the "C" Commercial District, and legally described as follows:

Lot 11 on Riverview in Stewart and Burn's Addition, Lots 37, 39, 41, 43, and 22, 24, 26, 28, and 30 Riverview, in Waterman's Addition to Waterman's Addition, Wichita, Sedgwick County, Kansas, and Reserve "G" in Park Plaza First Addition, Wichita, Sedgwick County, being platted as Lot 1, Block 1 and Lot 1, Block 2, of Park Plaza Second Addition. Generally located at the Northeast corner of Greenway Boulevard and West 2nd Street.

This application has been assigned Case No. BZA 6-73, and will be considered by the Board of Zoning Appeals at its meeting on Tuesday, April 24, 1973, at 1:30 p.m., in Room 401 City Building Annex, 104 South Main Street, Wichita, Kansas, at which time you may appear, if you so desire, either in person or by agent or attorney.

Jack H. Galbraith  
Secretary

2 notices sent to Property Owners 4.13.73  
8 notices to MAPC 4.13.73

BOARD OF ZONING APPEALS

CASE NO. 6-73

CITY OF WICHITA, KANSAS

FILED 3.23.73

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APPLICATION FOR VARIANCE

I. Name of Applicant The Housing Authority of the City of Wichita, Kansas  
 Mailing Address 1631 East Seventeenth Street 67214 Phone 262-0611 Ext. 373  
 Name of Authorized Agent Gordon B. Compton, Housing Coordinator  
 Mailing Address 1631 East Seventeenth Street 67214 Phone 262-0611 Ext. 373  
 Relationship of applicant to property is that of Purchaser from  
 (Owner, Tenant, Lessee, Other) Urban Renewal Agency.

II. The variance requested is Reduce the number of required car parking spaces  
from one for each apartment to one for each two apartments.  
This provides a 50% ratio.

*use:* To reduce the required number of off-street parking spaces from 97 to 73 spaces.  
 for property located Northeast corner of Greenway Boulevard  
and West Second Street Lots 37-39-41-43 and 22-24-26-28-30 Riverview in  
LEGAL: Lot 11 on Riverview in Stewart and Burns Addition  
Waterman's Addition to Waterman's Addition, Wichita, Sedgwick Co., Kas,  
and Reserve "G" in Park Plaza First Addition, Wichita, Kas. being platted as:  
and legally described as: Lot 1, Block 1 and Lot 1, Block 2 of  
Park Plaza Second Addition.

in the City of Wichita; and which is presently zoned C.

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.

The Housing Authority of the City of Wichita,  
Applicant Kansas

Gordon B. Compton  
Authorized Agent

OFFICE USE ONLY: Received in office of Secretary, Board of Zoning Appeals 11:05 (a.m.) - p.m.), March 23 19 73 together with appropriate fee of \$50.00. No fee required

L. Lynn Shierkey  
Signed

ATTACHMENT TO APPLICATION FOR VARIANCE

HOUSING AUTHORITY OF THE CITY OF WICHITA

DATE March 23, 1973

1. The request for variance is submitted because of the specific use for these two pieces of ground. The property will be developed for a high-rise apartment for elderly persons by the Housing Authority of the City. On a national scale, the Department of HUD recommends a car parking ration for this type of project of 20% to 50%, and will not fund in excess of that percentage. This is a situation created by the occupants who, for the most part, do not own or drive cars. Therefore, the parking would not be needed, and the cost for installing unneeded parking spaces is not justified under public housing guidelines.
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. No encroachment on adjacent land will be needed. The Urban Renewal Agency owns the ground to the north of building site. URA is also completing purchasing of the ground to the east of the parking area. The ground to the north of the parking area is privately owned. Those owners have concurred in our replatting of the ground.
3. A strict application of the provisions of Title 28 will create a hardship on the Housing Authority as green space would need be destroyed to obtain additional parking spaces. Also to pave the additional parking spaces, the Housing Authority would have to process a special application to Department of HUD for funds with no assurance that they would even be approved. All funds are presently frozen, and the dollar allowance for this project cannot be increased.
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 the building. The Housing Authority has made a study of the number of cars owned and driven by the elderly occupants of their leased housing program of approximately 300 units. This study revealed that less than 10% of their tenants did own or drive a car. The parking proposed provides for 73 parking spaces. The Housing Authority office occupies a portion of this new apartment building. In it are 2,592 square feet. This required 11 parking spaces. This leaves 62 parking spaces for tenants, visitors of tenants and persons visiting the LHA office. There will be 86 apartments in the building. Using 50% or 43 parking spaces for tenants, this leaves 19 spaces for visitors. This is well above the normal for projects of this nature about the country.

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