

SPIRIT AND INTENT: It is the opinion of staff that the granting of the variance requested 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% of the units and adequate parking will be provided for the specific use proposed, based on past experience.

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

1. Development of this property shall be in general compliance with the site plan as submitted for this variance with areas for 18 potential parking spaces being maintained as green space (landscaped or open) until such time as they are needed and paved for parking.
2. In the event this apartment project for the elderly does not develop within two years, or in the event such use later changes, this variance shall become null and void.

**BOARD OF ZONING APPEALS
WICHITA, KANSAS**

AGENDA ITEM NO. 4

September 25, 1990

SECRETARY'S REPORT

CASE NUMBER: BZA 18-90

OWNER/APPLICANT/AGENT: Investment Resources Corp. & International
Dunes Co. (owners)
Mennonite Housing Rehabilitation Services,
Inc. (applicant/contract purchaser)
Jeff Krehbiel Associates (agent/architect)

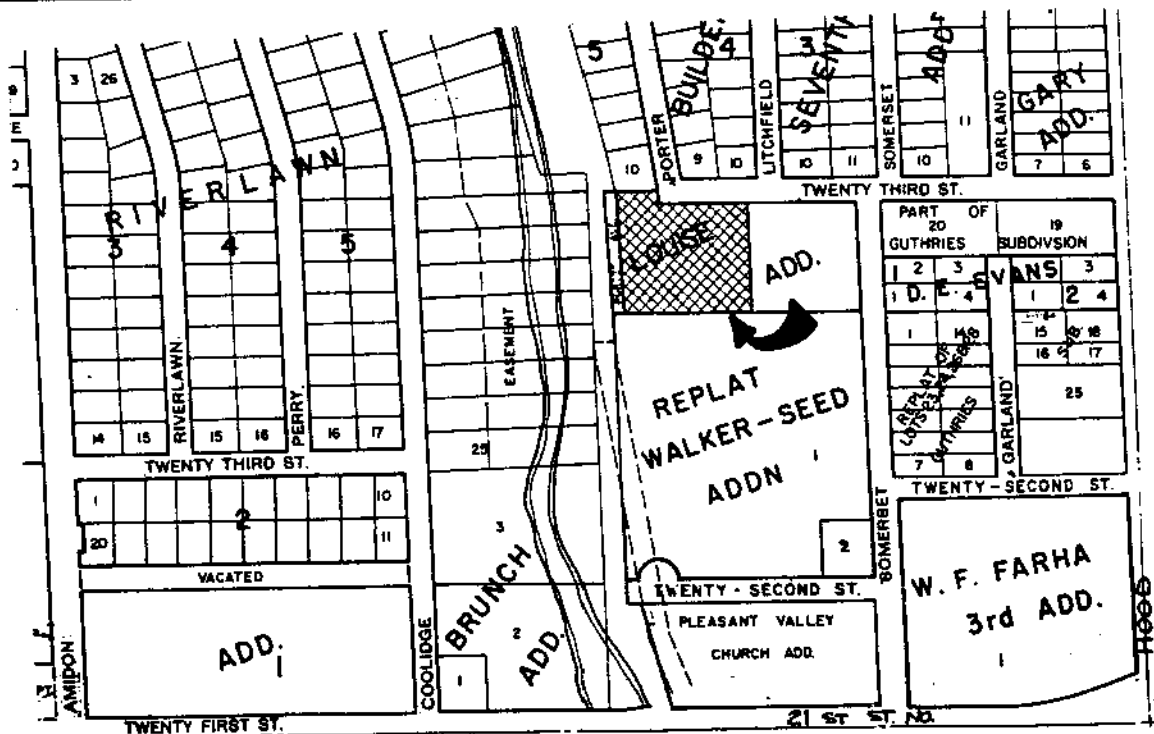
REQUEST: Variance to reduce required parking for 52
apartments for the elderly from 52 spaces to
34 spaces.

CURRENT ZONING: "B" Multiple-Family Dwelling District

SITE SIZE: 307± ft. x 266± ft.

LOCATION: South side of 23rd St. N. in an area west of
Somerset.

PROPOSED USE: Apartments for the elderly



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

BACKGROUND: The applicant is requesting a variance to reduce the number of required off-street parking spaces from 52 to 34 in connection with the proposed construction of a 52-unit apartment building for the elderly. The applicant's architect states that in his experience with approximately 10 housing projects for the elderly throughout the state, on the average less than 50% of the residents have automobiles. Spaces for visitor parking must be considered, however. Several previously approved parking variances for housing projects for the elderly in Wichita have reduced parking to an amount equal to 1/2 space per unit (for residents), plus 1 space per 10 units (for visitors). Using those calculations for this 52-unit project would result in a requirement for 32 spaces. The applicant is proposing 34 spaces and has submitted a site plan showing that number. The plan also indicates that an additional 18 spaces could be provided if later found to be needed or if the apartment project ever converts to apartments for the non-elderly.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	One-family dwellings
SOUTH	"B"	Apartments
EAST	"B"	Apartments (for the elderly)
WEST	"AA"	Little Arkansas River

UNIQUENESS: It is the opinion of staff that this property is unique inasmuch as occupancy of the apartment building will be restricted to the elderly, many of whom do not own or drive cars.

ADJACENT PROPERTY: It is the opinion of staff that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as based on similar types of housing projects, adequate parking will be provided on site without the need to park on adjacent public streets or private parking lots, and it has been demonstrated by the applicant's site plan that parking in accordance with the code could be provided, should this facility ever become a conventional (non-elderly) apartment building.

HARDSHIP: It is the opinion of staff that the strict application of the provisions of the zoning ordinance may constitute an unnecessary hardship upon the applicant inasmuch as experience has shown that the parking needs for an apartment project for the elderly are less than for a conventional apartment project and to require 1 space per unit, as specified by code, is an unnecessary expense and deprives the area of beneficial green space.

PUBLIC INTEREST: It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as 34 spaces will adequately serve the parking needs of the elderly residents and their visitors without the necessity of utilizing adjacent public streets for parking.

WICHITA — SEDGWICK COUNTY



METROPOLITAN AREA PLANNING
DEPARTMENT

CITY HALL — TENTH FLOOR
455 NORTH MAIN STREET
WICHITA, KANSAS 67202-1688
(316) 266-4561

September 27, 1990

Tom Bishop
Mennonite Housing Rehabilitation
Services, Inc.
2145 N. Topeka
Wichita, KS 67214

Re: BZA 18-90 - Variance to reduce the required parking for 52
apartments for the elderly from 52 spaces to 34 spaces on
property zoned the "B" Multiple-Family Dwelling District,
located on the south side of 23rd St. N. in an area west of
Somerset.

Dear Mr. Bishop:

Enclosed is a signed copy of the above-referenced BZA resolution
adopted by the Board of Zoning Appeals on September 25, 1990.
This resolution reflects the official action of the Board to
grant your request and sets out the conditions of approval. It
is forwarded to you for your information and files.

This is a reminder that the zoning adjustment signs should now be
removed from the property. If you have any questions concerning
this matter, please contact our office.

Sincerely,


Louise Olivarez, Secretary
Board of Zoning Appeals

LO:jcm
Enclosure

cc: Jeff Krehbiel Associates, 1300 E. Lewis, 67211
Paul Hays, CID
Lance Flowers, CID
Pat Burnett, Deputy City Clerk

Lot 1, except the east 260 feet thereof, Block A, Louise Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 23rd Street North in an area west of Somerset.

subject to the following conditions:

1. Development of this property shall be in general compliance with the site plan as submitted for this variance with areas for 18 potential parking spaces being maintained as green space (landscaped or open) until such time as they are needed and paved for parking.
2. In the event this apartment project for the elderly does not develop within two years, or in the event such use later changes, this variance shall become null and void.

ADOPTED AT WICHITA, KANSAS, this 25th day of September, 1990.



Keith A. Alter, President

ATTEST:



Louise Olivarez, Secretary

BZA RESOLUTION NO. 18-90

WHEREAS, Mennonite Housing Rehabilitation Services, Inc., pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce required parking for 52 apartments for the elderly from 52 spaces to 34 spaces on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

Lot 1, except the east 260 feet thereof, Block A, Louise Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 23rd Street North in an area west of Somerset.

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 25, 1990, 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, 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 inasmuch as based on similar types of housing projects, adequate parking will be provided on site without the need to park on adjacent public streets or private parking lots, and it has been demonstrated by the applicant's site plan that parking in accordance with the code could be provided, should this facility ever become a conventional (non-elderly) apartment building; 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 apartment project for the elderly are less than for a conventional apartment project and to require 1 space per unit, as specified by code, is an unnecessary expense and deprives the area of beneficial green space; and

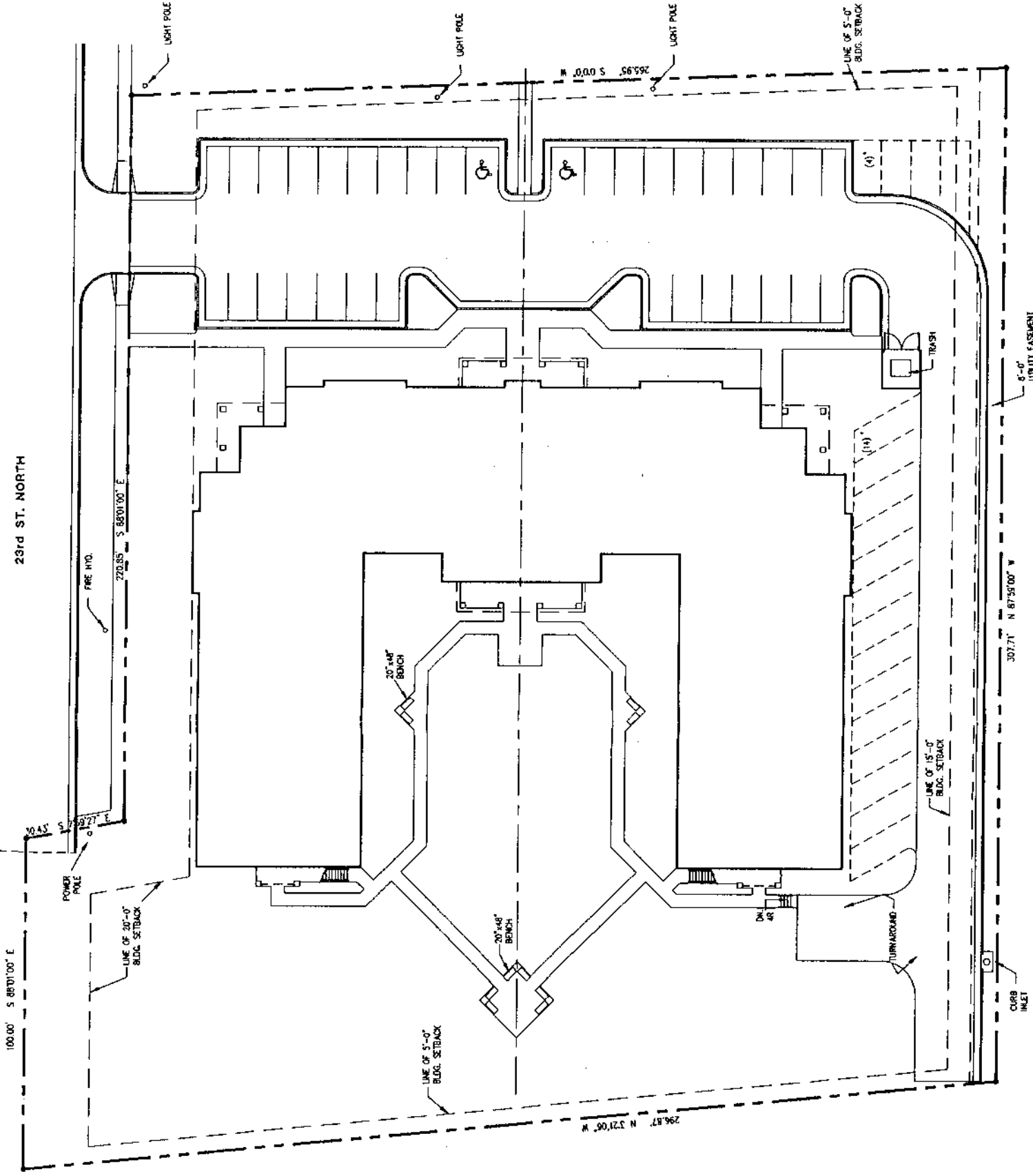
WHEREAS, the Board of Zoning Appeals has found that the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare, due to the fact that 34 spaces will adequately serve the parking needs of the elderly residents and their visitors without the necessity of utilizing adjacent public streets for parking; 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% of the units and adequate parking will be provided for the specific use proposed, based on past experience; 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 be approved for a variance to reduce required parking for 52 apartments for the elderly from 52 spaces to 34 spaces on property zoned the "B" Multiple-Family Dwelling District and legally described as follows:

PORTER



BZA 18-90

A PROPOSED SITE PLAN



PARKING
 REQUIRED - 52 SPACES
 PROVIDED (PROPOSED) - 34 SPACES
 * 18 STALLS SHOWN DOTTED IN AND DESIGNATED WITH AN ASTERISK ARE REQUESTED TO BE DELETED BY VARIANCE.

Approved
 9/25/90