

~~POSTED~~  
~~11-5-81~~

ACTION

<sup>6218</sup>  
COMMITTEE APPROVED DATE 11-24-81

M.A.P.C. \_\_\_\_\_

B.C.C./B. CO. C. \_\_\_\_\_

5248 B

200'4 Sec 5-3-82  
Checked 5-24  
Shot 5-26-82  
Recorded 6-18-82

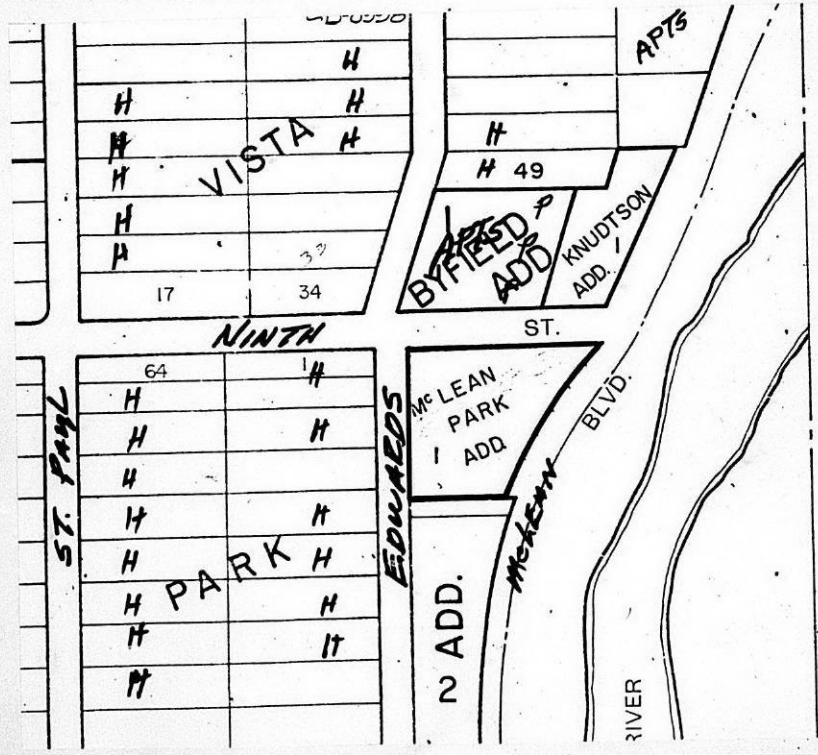
Case No. BZA 55-81 - DeWitt & Associates - requests a variance to reduce the required number of off-street parking spaces from 91 to 51 on property zoned the "BB" Office District and generally located on the southwest corner of Ninth & McLean.

Map No. 5248  
 Sec. 13  
 Twp. 27  
 Range 1W

BZA- 55-81  
 SCZ- \_\_\_\_\_  
 CU- \_\_\_\_\_  
 Filed \_\_\_\_\_

- AREA DATA:
1. Acres: 1.78 ( 257 ft. by 302 ft.)
  2. Adjoining Zoning: E \_\_\_\_\_ S \_\_\_\_\_ W \_\_\_\_\_ N \_\_\_\_\_
  3. Land Use: East ARKANSAS RIVER South UNDEVELOPED  
 West SINGLE FAM North APARTMENTS
  4. Sketch Plan Land Use is for: \_\_\_\_\_
  5. Present Land Use if for: \_\_\_\_\_
  6. Area (is) (is not) platted.

PHOTO DATA:  
 Taken by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_



**Booker/Freund**  
Engineers Architects Planners

Booker/Freund Associates, Inc.  
111 West Douglas  
Suite 412  
Wichita, Kansas 67202  
(316) 263-6121

May 6, 1982

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

Attention: Mr. Glen E. Lytle  
Special Assistant for Zoning

In re: Height Limitation  
BB Zone for 90-Unit High Rise  
Turnkey Project - 9th. &  
McLean Boulevard  
Booker Project No. E-2024  
Booker/Freund Project No. K-9047

Dear Mr. Lytle:

This is to confirm our conversation by telephone yesterday. We discussed the need to resite the proposed high rise on 9th. and McLean in accordance with the requirements of the "BB" zone.

This would entail moving the building parallel to McLean Boulevard and further south on the property. In doing so, the distance from the platted building setbacks to the main structure will be increased to 28'-6". In this way the rule of allowing one foot, vertical distance, for one foot horizontal distance can be utilized to allow us to increase the height 28'-6".

In addition this will not change the existing parking variance, Case No. BZA55-81, provided that you are submitting a revised site plan showing the required 62 car parking and another site plan showing the ultimate 91 car parking, should usage change.

If you are in agreement with this letter, please signify by signing below. If there are any problems, please do not hesitate to contact us.

Very truly yours,

BOOKER/FREUND ASSOCIATES, INC.

*Gerald R. Carter*

Gerald R. Carter, AIA  
Assistant Project Manager

*Glen E. Lytle*  
Glen E. Lytle, Special Assistant for Zoning

GRC:cat

March 23, 1982

Mr. Gerald R. Carter  
Booker/Freund Associates  
111 West Douglas, Suite 412  
Wichita, Kansas 67202

Re: BZA Case No. 55-81  
Request for Variance  
Off-street Parking

Dear Mr. Carter:

Enclosed herewith is a copy of the Resolution approved by the Board on November 24, 1981 authorizing a variance of the off-street parking. This will reduce the required parking for 91 dwelling units from 91 spaces down to 62 spaces.

The copy of the site plan showing that 94 spaces can be provided on the site in conformance with the City of Wichita standards is being placed in the file. Should at some point in time the building is converted to housing for any purpose except the elderly, it would be necessary to comply with the requirement of the ordinance.

If you have any questions, please give me a call at 268-4421.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:sad  
Encl.

cc: DeWitt and Associates, 1256 South Barnes, Box 3378, Springfield, Mo. 65804  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Gisick, City Clerk

RESOLUTION NO. BZA 55-81

WHEREAS, DeWitt and Associates, 1246 South Barnes, Box 3378, Springfield, Missouri 65804, requests a variance to reduce the required off-street parking spaces from 91 to 51 for a high-rise apartment project for the elderly on property zoned the "BB" Office District and legally described as follows:

Lot 1, McLean Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Ninth and McLean.

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 November 24, 1981, 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 the proposed use is for housing of the elderly and for the most part the occupants do not drive vehicles; 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 amount of parking being provided should adequately serve the proposed use; 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 the requirement to provide more parking than is needed will require the expenditure of money that would be wasted on surfacing that would not be used; 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 adequate parking will be provided to keep parking off of the adjacent streets; 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 ordinance does not take into consideration the use of the property by the elderly that do not drive; 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.

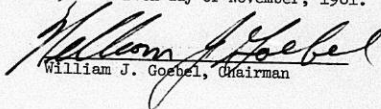
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to reduce the required parking from 91 spaces to 51 spaces on property zoned the "BB" Office District and legally described as:

Lot 1, McLean Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Ninth and McLean.

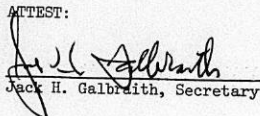
be approved for a reduction from 91 to 62 subject to the following conditions:

1. The variance to reduce the required off-street parking from 91 spaces to 62 spaces shall only apply to the project developed as housing for the elderly. Should the use be changed to any other use, the resolution shall become null and void and parking shall be required as set forth in the zoning ordinance.
2. The applicant shall submit a parking plan showing evidence that all 91 spaces could be provided in the event the project would ever be converted to conventional housing.

ADOPTED AT WICHITA, KANSAS, this 24th day of November, 1981.

  
William J. Goebel, Chairman

ATTEST:

  
Jack H. Galbreith, Secretary

**Booker/Freund**  
Engineers Architects Planners

Booker/Freund Associates, Inc.  
111 West Douglas  
Suite 412  
Wichita, Kansas 67202  
(316) 263-6121

March 19, 1982

The City of Wichita  
Board of Zoning Appeals  
455 North Main  
Wichita, Kansas 67202

Attention: Mr. Glen Lytle  
Special Assistant for Zoning

Re: Case No. BZA 55-81  
Request for Variance  
Off Street Parking

Dera Mr. Lytle:

On December 1, 1981, Mr. Jack Galbraith advised me of the action of the Board of Zoning Appeals on November 24, 1981 to approve the requested variance subject to the submission of an off-street parking plan showing the required 91 spaces on the property.

Included with this letter is our proposed parking scheme for 94 cars, 3 more than required. This scheme show that all of the required stalls can be included on site and still keep our desired landscaping plan intact.

I hope that this will be sufficient to allow the Resolution of the Board of Zoning Appeals to proceed without any further problems. If you have any further questions, regarding this project, please do not hesitate to contact me.

Very truly yours,  
Booker/Freund Associates, Inc.



Gerald R. Carter, AIA  
Project Architect

Enclosures

cc: DeWitt and Associates  
Bob Messel

**RECEIVED**

MAR 22 1982

METROPOLITAN PLANNING  
ROUTE  Lytle

January 27, 1982

Jerry Carter, Project Architect  
Booker/Fruend Associates  
111 West Douglas  
Wichita, Kansas 67202

Re: Case No. EZA 55-81  
Request for Variance  
of Off-Street Parking

Dear Mr. Carter:

On December 1, 1981, Mr. Jack Galbraith advised you of the action of the Board of Zoning Appeals on November 24, 1981 to approve the requested variance subject to the submission of an off-street parking plan showing the required 91 spaces on the property.

To this date, such a plan showing the required spaces that are in compliance with the off-street parking standards has not been submitted. Until this plan is submitted, the Resolution effecting the action of the Board will be withheld, thereby any permit for the construction of the project should not be issued.

If I can be of any assistance in this matter, please give me a call at 268-4421.

Sincerely,

Glen E. Lytle  
Special Assistant for Zoning

GEL:sad

cc: Robert Feldner, Superintendent of Central Inspection  
Devitt and Associates, Box 3378, 1256 S. Barnes, Springfield, Mo. 65804

December 1, 1981

Jerry Carter, Project Architect  
Bocker/Fruand Associates  
111 West Douglas  
Wichita, Kansas 67202

Re: Case No. BEA 55-81  
Request for Variance

Dear Mr. Carter:

At the regular meeting of the Board of Zoning Appeals on November 24, 1981 your request for a variance was considered.

It was the action of the Board to approve your request subject to the following conditions:

1. The variance to reduce the required off-street parking from 91 spaces to 62 spaces shall only apply to the project developed as housing for the elderly. Should the use be changed to any other use, the resolution shall become null and void and parking shall be required as set forth in the zoning ordinance.
2. The applicant shall submit a parking plan showing evidence that all 91 spaces could be provided in the event the project would ever be converted to conventional housing.

Please note the two conditions above. Release of the Resolution will be subject to the site plan set forth in condition number two that is in compliance with the off-street parking standards of the City.

If you have any questions, please call our office.

Sincerely yours,

Jack H. Galbraith  
Secretary

GEL:sad

cc: DeWitt and Associates, 1246 South Barnes, Box 3378, Springfield,  
Mo. 65804  
Robert Feldner, Superintendent of Central Inspection (2)  
Don Oisiek, City Clerk

**THE CITY OF WICHITA**

OFFICE OF CITIZEN PARTICIPATION

DATE November 20, 1981



TO Glen Lytle, Special Assistant for Zoning

FROM Robert Tillman, Administrative Aide III

SUBJECT BZA 55-81 (Southwest corner  
of Ninth and McLean)

On Wednesday, November 18th, CPO Neighborhood Council "N" considered the captioned case and voted 5-3 to recommend denial of the variance request to reduce the required number of off street parking spaces from 91 to 51 on property zoned the "BB", Office District. The Council voted 7-2 to recommend that a minimum of 75 parking spaces be provided on the property. The Council also agreed with the BZA Secretary's recommendation that the applicant shall submit a parking plan showing evidence that all 91 spaces could be provided in the event the project would ever be converted to conventional housing.

The agent for the applicant and a representative of the Local Housing Authority was present to speak in support of the case. Three area residents David Allen, 767 N. Edwards, S.R. Fleischauer, 771, N. Edwards and Loyd Clapp, 763 N. Edwards, were present and spoke on behalf of the neighborhood residents within the affected area. They expressed that they were not opposed to the variance, but they were interested in knowing if Edwards street would be paved with 50% of the cost to be paid by the area residents.

Please provide the Council's recommendation to the Board of Zoning Appeals when the case is considered at their November 24th meeting.

*Robert Tillman*

Robert Tillman  
Administrative Aide III

RT:dm

Noted:

*Sarah Gilbert/cm*

Sarah Gilbert  
CP Coordinator

SECRETARY'S REPORT  
CASE NO. EZA 55-81

APPLICANT: DeWitt and Association, 1240 South Barnes, Box 3376, Springfield, Mo. 65804

AGENT: Booker/Fruend Assoc., 111 West Douglas, Wichita, Kansas

REQUEST: Variance pursuant to Section 2.12.590.B, Code of the City of Wichita, to reduce the required off-street parking spaces from 91 to 51.

GENERAL LOCATION: On the southwest corner of Hinth & McLean.

ZONING: Subject property is zoned the "BB" Office District as are the properties to the north and south. To the west is "AA" One-family Dwelling District.

LAND USE: Subject property is vacant. Property to the south is vacant and the Osteopathic Hospital. To the north apartments. To the west Single-family Dwellings.

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 and the Board may grant the request when all five conditions as required by the State Statutes are found to exist.

COMMENTS BY THE SECRETARY:

The applicant is requesting a variance of the required number of off-street parking spaces from 91 to 51 for the construction of an apartment building for the elderly. The applicant stipulates that the requirement of one off-street parking space for each dwelling unit is excessive for an apartment complex for use only by the elderly.

It should be noted that there have been two previous variances granted for the reduction of parking for the housing of the elderly. In one case, the reduction was approximately 25%, and the other a reduction of 40%. This request is for a reduction of 44% of the required parking.

In the previous case, where there was a reduction of 40%, the applicant was required to show evidence that all 100% of the parking could be provided on the property in the event the building would at some point of time be changed to housing for all ages. It would seem appropriate that this project should also include that requirement.

UNIQUENESS:

It is the opinion of the Secretary that this property is somewhat unique inasmuch as the proposed use is for housing for the elderly and for the most part the occupants do not drive vehicles.

ADJACENT PROPERTY:

It is the opinion of the Secretary that the granting of the variance requested will not adversely affect the rights of adjacent property owners inasmuch as the amount of parking being provided should adequately serve the proposed use.

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 applicant inasmuch as the requirement to provide more parking than is needed will require the expenditure of money that would be wasted on parking and never be used.

PUBLIC INTEREST

It is the opinion of the Secretary that the requested variance would not adversely affect the public interest inasmuch as the adequate parking will be provided to keep all vehicles for parking off the public streets.

SPIRIT AND INTENT:

It is the opinion of the Secretary that the granting of the variance requested would not be opposed to the general spirit and intent of the zoning ordinance inasmuch as the ordinance does not take into consideration the use of property by the elderly that do not own or drive vehicles.

RECOMMENDATION:

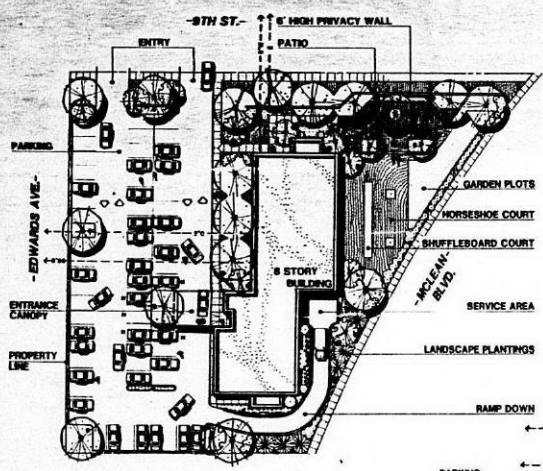
Should the Board determine that all five conditions necessary to the granting of a variance can be found to exist, then it is the recommendation of the Secretary that the variance be granted subject to the following conditions:

1. The variance to reduce the required off-street parking from 91 spaces to 51 spaces shall only apply to the project developed as housing for the elderly. Should the use be changed to any other use, the resolution shall become null and void and parking shall be required as set forth in the zoning ordinance.
2. The applicant shall submit a parking plan showing evidence that all 91 spaces could be provided in the event the project would ever be converted to conventional housing.

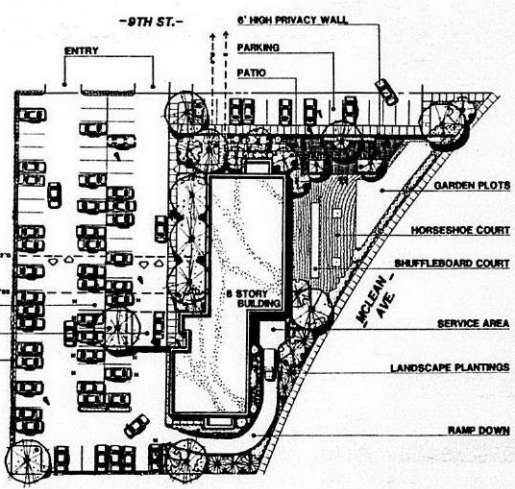


ELDERLY HOUSING TURNKEY  
 80 JUNIOR  
 WICHITA, KANSAS  
 D. WITTE & ASSOCIATES, INC.

|         |  |
|---------|--|
| DATE    |  |
| BY      |  |
| CHECKED |  |
|         |  |



SITE PLAN - SCHEME A - 51 CAR SPACES



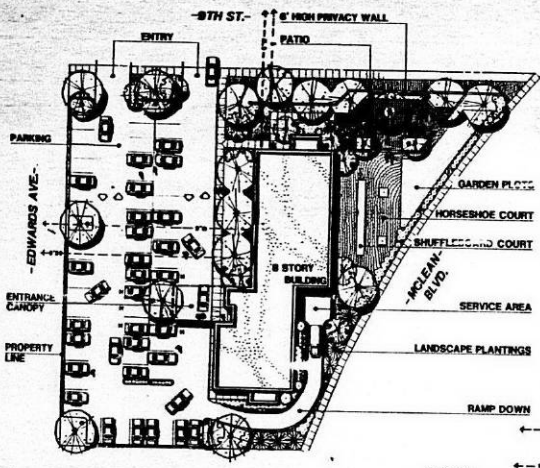
SITE PLAN - SCHEME B - 96 CAR SPACES



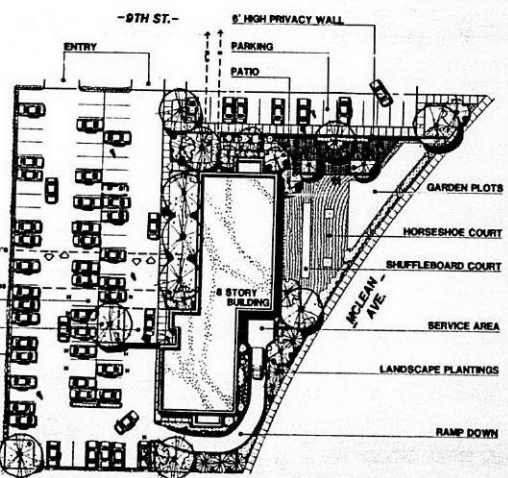
**SITE AREA**  
 1.48 acres  
 63,898 sq ft

**PARKING**  
 SCHEME A-51 CAR SPACES (5 24'x12'x18' HANDICAPPED SPACES)  
 SCHEME B-96 CAR SPACES (19 24'x12'x18' HANDICAPPED SPACES)

|                 |   |                           |                |             |
|-----------------|---|---------------------------|----------------|-------------|
| <b>BUILDING</b> | 3 STORY BUILDING                            | 10,048 sq ft              | CONCRETE SPACE | 5,000 sq ft |
|                 | WHEELCHAIR BARRETT                          | 4,200 sq ft               |                | 5,276 sq ft |
|                 |   | 84,000 sq ft of 600 sq ft |                |             |
|                 | 80 - ONE (1) BEDROOM APARTMENTS for ELDERLY | sq ft 800 of 800 sq ft    |                |             |
|                 | 1 - ONE (1) BEDROOM APARTMENT for MANAGER   | sq ft 800 of 800 sq ft    |                |             |
|                 | 170 (2) BEDROOM APARTMENTS for ELDERLY      | sq ft 136 of 136 sq ft    |                |             |
|                 | MANAGEMENT SPACE                            | sq ft 800 of 800 sq ft    |                |             |
|                 | MAINTENANCE SPACE                           | sq ft 800 of 800 sq ft    |                |             |



**SITE PLAN - SCHEME A - 51 CAR SPACES**



**SITE PLAN - SCHEME B - 96 CAR SPACES**



|                 |  |                          |  |
|-----------------|--|--------------------------|--|
| <b>BUILDING</b> | 6 STORY BUILDING   | 10,040 sq ft floor       |  |
|                 | APARTIAL BASEMENT  | 4,290 sq ft basement     |  |
|                 |  | 84,844 gross sq ft bldg. |  |
|                 | 86 - ONE (1) BEDROOM APARTMENTS for ELDERLY of gross 525 sq ft | net 325 sq ft            |  |
|                 | 1 - ONE (1) BEDROOM APARTMENT for MANAGER of gross 500 sq ft   | net 325 sq ft            |  |
|                 | 5 - TWO (2) BEDROOM APARTMENTS for ELDERLY of gross 725 sq ft  | net 525 sq ft            |  |
|                 | MANAGEMENT SPACE   | 5700 sq ft               |  |
|                 |  | net 526 sq ft            |  |
|                 | COMMUNITY SPACE  | 5700 sq ft               |  |
|                 |  | net 5,273 sq ft          |  |
|                 | MAINTENANCE SPACE  | 5700 sq ft               |  |
|                 |  | net 552 sq ft            |  |

**SITE AREA**  
1.68 ACRES  
62,900 sq ft

**PARKING**  
SCHEME A-51 CAR SPACES (8 and 12.5'x18' HANDICAPPED SPACES)  
SCHEME B-96 CAR SPACES (8 and 12.5'x18' HANDICAPPED SPACES)

|         |  |
|---------|--|
| DATE    |  |
| BY      |  |
| CHECKED |  |
| DATE    |  |

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

November 4, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. BZA 55-81

As required by law, all property owners of record, within 200 feet of a property to be considered for an exception or variance by the Board of Zoning Appeals, are to be notified of the public hearing. An application has been filed by DeWitt and Associates, 1246 South Barnes, Box 3378, Springfield, Missouri, requesting a variance.

Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to reduce the required number of off-street parking spaces from 91 to 51 on property zoned the "BB" Office District. A legal description of the applicant's property is as follows:

Lot 1, McLean Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Ninth and McLean.

This application has been assigned Case No. BZA 55-81. It will be considered by the Board of Zoning Appeals on November 24, 1981 at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main Street, Wichita, Kansas. If you have no interest or objections regarding the requested variance you have no obligation to appear or comment. If you desire to appear at the Board meeting, you are invited to do so, 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.

If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith  
Secretary

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

November 4, 1981

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Lot 1, McLean Park Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Ninth and McLean.

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If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack E. Galbraith  
Secretary

BZA CASE NO. 55-81

2 NOTICES SENT TO APPLICANT/AGENT

10 NOTICES SENT TO MAPC

1 NOTICES SENT TO CPO

10 NOTICES SENT TO ADJOINING PROPERTY OWNERS

23 TOTAL NOTICES SENT 11-4-81

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

November 4, 1981

NOTICE TO ADJOINING PROPERTY OWNERS:

CASE NO. EZA 55-81

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If you have any questions about the application, please feel free to call the Wichita-Sedgwick County Metropolitan Area Planning Department at 268-4421.

Jack H. Galbraith  
Secretary

# THE CITY OF WICHITA

November 10, 1981



DEPARTMENT OF HOUSING AND  
ECONOMIC DEVELOPMENT  
WICHITA HOUSING AUTHORITY  
337 RIVERVIEW  
WICHITA, KANSAS 67203  
(316) 268-4656

Mr. Lynn Shirkey, Planner  
Board of Zoning Appeal  
MAPD  
City Hall - 10th Floor  
455 N. Main  
Wichita, Kansas 67202

RECEIVED

NOV 12 1981

METROPOLITAN PLANNING  
ROUTE

Dear Mr. Shirkey:

REF: Case No. BZA55-81, 90 Unit Elderly High-rise to be Constructed at  
9th and McLean Blvd., Wichita, Kansas

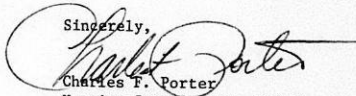
The Wichita Housing Authority has selected Dewitt and Associates, Inc.  
of Springfield, Mo. to develop a 90 unit high-rise through the Turnkey  
construction method.

The preliminary drawing submitted by Dewitt and Associates, Inc. called  
for 91 parking spaces. However, after serious review of the drawing  
and assessment of the current parking required at Greenway Manor High-  
rise (1/2 to 5/8 parking per family) we requested that the parking spaces  
for the 90 unit high-rise be decreased to approximately 60% and/or 51  
parking spaces.

The Wichita Housing Authority supports Dewitt and Associates' request for  
a zoning change for this facility.

Your consideration and granting of zoning change for this 90 unit high-  
rise would be appreciated.

Sincerely,

  
Charles F. Porter  
Housing Coordinator, P.H.M.

CFP/ok

cc: Lawrence E. Wells  
Gerald Carter  
Board of Housing Commissioners

BOARD OF ZONING APPEALS  
CITY OF WICHITA, KANSAS

CASE NO. 55-81  
FILED 10-26-81

APPLICATION FOR VARIANCE

I. Name of Applicant DeWitt and Associates  
1256 S. Barnes - Box 3378  
Mailing Address Springfield, MO 65804 Phone (417)881-4820  
Name of Authorized Agent Booker/Freund Associates, Inc.  
111 West Douglas - Suite 412  
Mailing Address Wichita, Kansas 67202 Phone (316)263-6121

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

II. The variance requested is to reduce the required number of off-street  
parking spaces from 91 to 51  
Reduction from 91 to 51 off-street

for property located on the southwest corner of  
Ninth and McLean

and legally described as: Lot 1, McLean Park Addition,  
Sedgewick County,  
Wichita, Kansas

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

III. The applicant herein, or his authorized agent, acknowledges:

- That he has received an instruction sheet concerning the filing and hearing of this matter;
- 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. 36-596); and that the appropriate fee is herewith tendered;
- That he has been advised of his right to bring action in the District Court of Sedgewick County to appeal the decision of the Board.
- That all documents are attached hereto as noted in paragraphs 2, 3, 4, and 5 of the instructions.

Applicant DeWitt and Associates

Authorized Agent Walter Freund  
Booker/Freund Associates, Inc.

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals, October 26, 1981 (a.m. p.m.), 4:10, 1981, together with appropriate fee of \$75.00.

Signed J. Lynn Shockey

**Booker/Freund**  
Engineers Architects Planners

Booker/Freund Associates, Inc.  
111 West Douglas  
Suite 412  
Wichita, Kansas 67202  
(316) 263-6121

October 26, 1981

The Board of Zoning Appeals  
City of Wichita, Kansas

Dear Board Members:

This letter is to accompany our application for a variance on zoning at property located at 9th. and McLean, Wichita, Kansas. The property is presently zoned BB and is intended for use for a low-income high rise for the elderly.

We are requesting that the off-street parking requirement be reduced from 91 to 51 off-street parking spaces. In the case of parking requirements for low-income/elderly, we have found that it is absolutely not necessary to provide one parking space per unit. A more reasonable figure is one-half to five-eighths. In this case we are requesting that the requirement be lowered to 51 spaces for the entire complex.

We are certain that this waiver will not adversely affect the rights of adjacent property owners. H.U.D. and the local housing authority do not wish to have that large an area for parking to maintain for the low-income complex. A letter will be forthcoming from H.U.D. and the local housing authority supporting this application.

We feel that the strict application of the provisions of Title 18 would constitute an unnecessary hardship upon the owner and the elderly. While 91 parking spaces can be placed on the site it seriously constricts the areas used by the elderly for recreation, gardening and other activities. The approval of the variance to 51 parking units will allow the site to be used to its maximum potential for the elderly.

We have considered this application for variance and are of the opinion that it will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare of the public.

We will appreciate your favorable consideration of this application for waiver.

Very truly yours,

BOOKER/FREUND

*Wilmer Freund*

Wilmer Freund, P.E. *WF*  
Authorized Agent

WF:cat

E-2024

OWNERSHIP LIST

| <u>Lot</u>                  | <u>Block</u> | <u>Addition</u>         | <u>Property Owner</u>  |
|-----------------------------|--------------|-------------------------|--|
| 1                           | -            | McLean Park Addition    | ✓ Cedar Lakes Apartments Inc.,<br>1901 W. 13th, 67203  |
| East 150<br>ft. of<br>1 & 2 | -            | Sim Park Gardens        | <del>Adolph Newton Hampton, Joe<br/>Elvis Hampton, Oval Donnell<br/>Hampton, Leroy Mitchell<br/>Hampton, Glen Darral Hamp-<br/>ton, &amp; Samuel Floyd Hampton<br/>Jr., <u>Addresses Unknown</u></del> |
| 3                           | -            | "                       | <del>Alice B. Miller (Deceased)</del>  |
| 4                           | -            | "                       | ✓ Ruth L. Easton, 911 N.<br>Edwards, 67203   |
| 5                           | -            | "                       | ?<br>✓ <u>Charlotte Gleason, Address<br/>Unknown</u> 4520 E. 25 <sup>th</sup> St. No.<br>67220   |
| 6                           | -            | "                       | ✓ Bruce L. Miller & Martha J.<br>Miller, 901 N. Edwards,<br>67203  |
| 7                           | -            | "                       | <del>J. J. Stinebaugh (Deceased)</del><br>✓ & Golda Stinebaugh, 819 N.<br>Edwards, 67203   |
| -                           | 2            | Osteopathic<br>Addition | ✓ Osteopathic Hospital of<br>Wichita, 2622 W. Central,<br>67203  |
| 33                          | -            | Park Vista<br>Addition  | <del>J. S. Dodson (Deceased) &amp;</del><br>✓ Margaret Ruth Dodson, 1540<br>N. Meridian, 67203   |
| 34                          | -            | "                       | ✓ Hugh Richards & Helen<br>Richards, 411 Rutland Rd.,<br>67206   |
| 1                           | -            | Byfield Addition        | ✓ McLean Apartments Inc., 2220<br>McLean Blvd. NW, 67204   |
| 1                           | -            | Knudtson Addition       | ✓ T-C Investment Corp., 1531<br>Caddy Lane, 67212  |

page 2

We hereby certify the foregoing to be a true and correct list of the property owners within a 200 foot radius of

Lot 1, McLean Park Addition, Wichita, Kansas,  
Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds of Sedgwick County, Kansas, on the 26th day of October, 1981, at 7:00 A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By

*Mary Kable*

Vice-President

Order No. 304071  
GE

**MICROFILMED**  
 FROM THE BEST  
 AVAILABLE COPY

FORM 2-021

PAYMENT NOTICE  
 City of Wichita

| 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. (P.W.) | Cement     | M.S.P. |
|       | Planning         |            |        |

| DESCRIPTION    | AMOUNT         |
|----------------|----------------|
|                |                |
|                |                |
|                |                |
| NAME _____     |                |
| ADDRESS _____  |                |
| FUND _____     | DUE DATE _____ |
| COMMENTS _____ |                |
| DATE _____     | BY _____       |

\*

This BZA. Case  
Has a Large Drawing  
On 35mm Microfilm  
Roll # 2