

Case No. 44-87 - Frazier Construction  
requests a variance to delete the  
screening requirement along the east &  
south property lines on property zoned

**ACTION**

B.Z.A. 44-87 Approved 5-0 4/28/87  
DATE

5448A

2nd '4 Sec 12-15-87

Spot 1-27-88

Record ✓

DATA SHEET

MAP NO.: 5448A

CASE NO. BZA 44-87

(CPO 1A, 11/17/87)

REQUEST: Variance to delete the screening requirement along the east and south property lines

EXISTING ZONING: "OC" Office Commercial District

GENERAL LOCATION: On the east side of Main Street in an area north of 9th Street (1020 N. Main).

APPLICANT: Frazier Construction Company, c/o Harry J. Fraizer, Jr.

ADDRESS: P. O. Box 17164, Wichita, KS 67217

PHONE: 943-2306

AGENT: Same

ADDRESS:

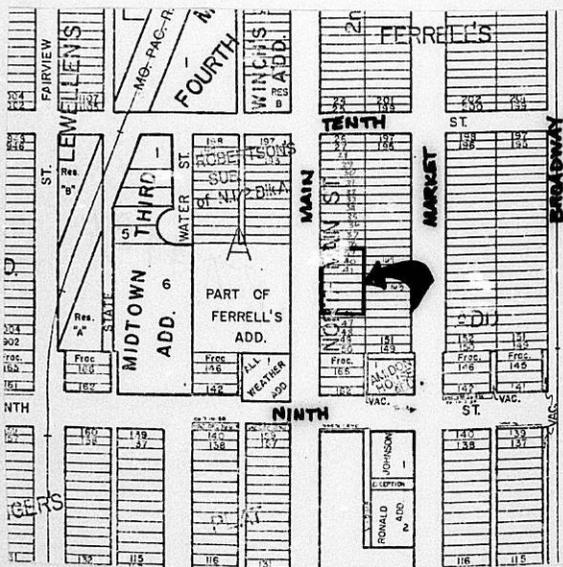
PHONE:

AREA DATA

Acres: (ft. by ft.)

Adjacent Zoning and Land Use:

North	B	_____
South	B	_____
East	B	_____
West	B	_____



PL1-0066

The Standard  
 No. 2153C  
 HASTINGS, MN  
 LOS ANGELES, CHICAGO, LOGAN, OH  
 McNEER, TX, LOCUST GROVE, GA  
 U.S.A.

LOOK WEST  
SCREEN FENCE ON  
SOUTH PROP LINE

POLAROID • E603591X

LOOK EAST  
SCREEN FENCE  
ON SOUTH PROP.  
LINE

POLAROID • E603591X

LOOK NORTH  
TREES ON EAST  
PROP LINE

POLAROID • E603591X

LOOK EAST  
TREES ON EAST  
PROP LINE

POLAROID • E603591X

LOOK SOUTH  
TREES ON EAST  
PROP LINE

POLAROID • E603591X



November 25, 1987

*mailed 12-3-87*

Harry J. Frazier, Jr.  
Frazier Construction Company  
P. O. Box 17164  
Wichita, Kansas 67217

FILE COPY

Re: BZA 44-87 - Variance to delete the screening requirement along the east and south property lines at 1020 N. Main

Dear Mr. Frazier:

Enclosed is a signed copy of the above-referenced BZA Resolution adopted by the Board of Zoning Appeals on November 24, 1987. 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. Please note condition #2 which requires all trash containers and ground level mechanical structures to be screened.

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

Sincerely,

Louise Olivarez  
Assistant Secretary

LO/lw

Enclosure

cc: Monty Robson, Superintendent of Central Inspection (2)  
Dale Rea, Deputy City Clerk

RESOLUTION NO. BZA 44-87

WHEREAS, Frazier Construction Company, P. O. Box 17164, Wichita, KS 67217, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to delete the screening requirement along the east and south property lines on property zoned the "OC" Office Commercial District and legally described as follows:

Lots 39, 40, 41, 42, 43, 44, 45, and the north 17 feet of Lot 46, on Main Street, in North Main Street 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area north of 9th Street (1020 North Main).

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, 1987, 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 screening in the form of trees already exists along the east property line and the property to the south is a medical office use rather than a residential use and is therefore compatible with subject application area and does not need the protection of a screening fence; 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 existing landscape screen on the east plus the requirement for a solid fence around any trash receptacles or mechanical structures will provide sufficient buffer for the residences to the east; and the non-residential use of the property to the south precludes the need for a screening fence along the south line of the application area; 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 for a screening fence along the east line would necessitate leaving a narrow strip of land between the new fence and the existing chain link fence on the properties to the east which would create maintenance problems and be visually unattractive. Also the requirement for a fence on the south would be an unnecessary expense due to the non-residential nature of the property to the south; 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 the elimination of the screening fences would not create a visual blight; 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 adequate buffers already exist where needed to protect properties to the east and south; 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.

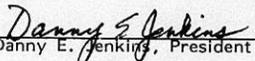
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request for a variance to delete the screening requirement along the east and south property lines on property zoned the "OC" Office Commercial District and legally described as follows:

Lots 39, 40, 41, 42, 43, 44, 45, and the north 17 feet of Lot 46, on Main Street, in North Main Street 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area north of 9th Street (1020 North Main).

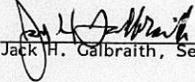
be approved subject to the following conditions:

1. The existing trees along the east property line shall be maintained in good condition so as to provide a visual screen and if at any time the trees are removed or destroyed, for any reason, while the properties to the east remain residentially zoned and utilized, they shall be replaced with similar size and type materials.
2. All trash containers and ground level mechanical structures shall be enclosed by a solid fence or wall of sufficient height to hide such structures from view (when viewed from ground level).

ADOPTED AT WICHITA, KANSAS, this 24th day of November, 1987.

  
\_\_\_\_\_  
Danny E. Jenkins, President

ATTEST:

  
\_\_\_\_\_  
Jack H. Galbraith, Secretary

THE CITY OF WICHITA

OFFICE OF Citizen Participation

DATE November 20, 1987

TO Louise Olivarez, Principle Planner

FROM Stanley J. Scott, CP Coordinator *Stan Scott*

SUBJECT BZA 44-87: East Side of  
Main Street in an area north  
of 9th Street (1020 North Main)

On Tuesday, November 17, 1987, the CPO North Central Neighborhood Council 1A considered the captioned case, a request for a zoning variance to delete the screening requirement along the east and south property lines on property zoned "OC" Office Commercial District. Following discussion, the Council voted 7-0 to concur with MAPD staff's recommendation (approval), subject to conditions 1 and 2.

Bill Kenney, agent for the applicant, was present to describe the request and respond to questions. No area residents or property owners were present, however a letter from Dale Smith (Midtown Citizens Association) was presented. The letter stated that MCA's Executive Board recommends that "to protect the residential property to the east, it is imperative that screening be provided on the east property line of 1020 North Main while deleting the need for screening on the south property line.

In voting to recommend approval of the variance, the Council noted letters from property owners to the east and the existing chain link fence and volunteer trees and shrubs.

Please provide the Council's recommendation and comments to the Board of Zoning Appeals when BZA 44-87 is considered.

SJS:dmi

RECEIVED

NOV 20 1987

METROPOLITAN PLANNING

ROUTE  \_\_\_\_\_  
 \_\_\_\_\_



**BACKGROUND:** The applicant is requesting a variance to delete the screening requirement along the east and south property lines of a site zoned "OC" which is adjacent to properties zoned "B". The site is on the east side of Main Street north of 9th Street. A few months ago this site requested and received approval of a variance in the lot coverage from 40 percent to 44 percent. A new office building is now under construction. Solid screening is required along the north, east and south property lines because of adjacent residential zoning. A screening fence will be provided along the north line adjacent to the single-family residence. An existing chain link fence with volunteer trees and shrubs interwoven into the wire exists along the east property line. If this applicant is required to install a solid fence, the trees and shrubs would have to be removed or severely pruned, or the screening fence would have to be installed several feet off the property line thus creating a narrow "no man's land" where debris and weeds would accumulate. Multi-family rental properties exist to the east and two owners have submitted letters supporting the requested screening waiver. Along the south property line there used to be a solid fence which was installed by the owner to the south when the medical office building was constructed years ago. A site inspection on November 13 revealed that this fence has been recently removed and a two-foot tall pipe rail installed between the properties. As long as the property to the south continues to be used for offices rather than residential uses, there should be no need for a screening fence along the south property line.

**ADJACENT ZONING AND LAND USE:**

NORTH	B	Single-family residence
SOUTH	B	Medical office building parking lot
EAST	B	Multi-family dwellings
WEST	B	School

**UNIQUENESS:** It is the opinion of staff that this property is unique inasmuch as screening in the form of trees already exists along the east property line and the property to the south is a medical office use rather than a residential use and is therefore compatible with subject application area and does not need the protection of a screening fence.

**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 the existing landscape screen on the east plus the requirement for a solid fence around any trash receptacles or mechanical structures will provide sufficient buffer for the residences to the east; and the non-residential use of the property to the south precludes the need for a screening fence along the south line of the application area.

**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 the requirement for a screening fence along the east line would necessitate leaving a narrow strip of land between the new fence and the existing chain link fence on the properties to the east which would create maintenance problems and be visually unattractive. Also the requirement for a fence on the south would be an unnecessary expense due to the non-residential nature of the property to the south.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as the elimination of the

screening fences would not create a visual blight.

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 adequate buffers already exist where needed to protect properties to the east and south.

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 existing trees along the east property line shall be maintained in good condition so as to provide a visual screen and if at any time the trees are removed or destroyed by the owner of this application area while the properties to the east remain residentially zoned and utilized, a 5-to-8-foot screening fence shall then be constructed along the east property line.
2. All trash containers and ground level mechanical structures shall be enclosed by a solid fence or wall of sufficient height to hide such structures from view (when viewed from ground level).

BZA CASE NO. 44-87

<u>1</u>	NOTICES SENT TO APPLICANT/AGENT
<u>14</u>	LEGAL ADVERTISEMENT SENT TO MAPC & BZA
<u>1</u>	NOTICES SENT TO CPO
<u>5</u>	NOTICES SENT TO BZA
<u>2</u>	NOTICES SENT TO CITY MANAGER AND CITY COUNCIL REPRESENTATIVE TO DISTRICT
<u>14</u>	NOTICES SENT TO ADJOINING PROPERTY OWNERS
<u>23</u>	TOTAL NOTICES SENT <u>10-30-87</u>

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

October 30, 1987

**NOTICE OF PUBLIC HEARING:**

**CASE NO. BZA 44-87**

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 Frazier Construction Company requesting a variance.

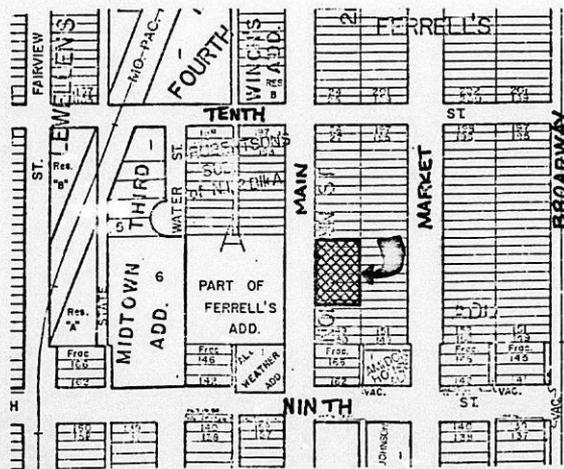
Pursuant to Section 2.12.590.B, of the Code of the City of Wichita, the applicant is requesting a variance to delete the screening requirement along the east and south property lines on property zoned the "OC" Office Commercial District. A legal description of the applicant's property is as follows:

Lots 39, 40, 41, 42, 43, 44, 45, and the north 17 feet of Lot 45, on Main Street, in North Main Street 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area north of 9th Street (1020 North Main).

This application has been assigned Case No. BZA 44-87. It will be considered by the Board of Zoning Appeals on Tuesday, November 24, 1987 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 in or objections to 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.

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

**NOTE:** We have been advised by the Citizen Participation Organization staff that CPO North Central Neighborhood Council "1A" will consider this case at their meeting to be held on Tuesday, November 17, 1987, at 7 p.m. at the Evergreen Recreation Center, 2700 North Woodland. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



( \_\_\_\_\_ ) Published in The Daily Record, October 30, 1987

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 24th day of November, 1987, the Board of Zoning Appeals of the City of Wichita, Kansas, in the Board Room, First Floor, City Hall, 455 North Main, Wichita, Kansas will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 44-87 - Frazier Construction Company, P. O. Box 17164, Wichita, KS 67217, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to delete the screening requirement along the east and south property lines on property zoned the "OC" Office Commercial District and legally described as follows:  
  
Lots 39, 40, 41, 42, 43, 44, 45, and the north 17 feet of Lot 46, on Main Street, in North Main Street 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area north of 9th Street (1020 North Main).
2. Case No. BZA 45-87 - Mr. & Mrs. Jerry Harp, 1142 N. Main, Wichita, Kansas 67203, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the required front yard setback from 20 feet to 15 feet on property zoned the "B" Multiple Family Dwelling District and legally described as follows:  
  
Lot 3, Midtown 2nd Addition to Wichita, Sedgwick County, Kansas. Generally located on the east side of Main Street in an area south of 11th Street (1142 N. Main).
3. Case No. BZA 46-87 - James and Joan Schmeidler, 2601 S. Ellis, Wichita, Kansas 67216, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to reduce the rear yard setback from 20 feet to 10 feet on property zoned the "AA" One-family Dwelling District and legally described as follows:  
  
Lot 22, Block 1, Murray's Addition to Wichita, Sedgwick County, Kansas. Generally located on the southwest corner of Ellis and Marion (2601 S. Ellis).
4. Case No. BZA 47-87 - Bishop Carroll High School, 8101 W. Central, Wichita, Kansas 67212, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the size of a bulletin board sign from 25 square feet to 48 square feet on property zoned the "AA" One-family Dwelling District and legally described as follows:

The North 100 feet of the West 100 feet of the East 530 feet of Lot 1, Notre Dame High School Addition, Sedgwick County, Kansas. Generally located on the south side of Central in an area west of Woodchuck (8101 W. Central).

5. Case No. BZA 48-87 - Ray Ellis, 4725 Nell Road, Dallas Texas, 75234, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a self-service car wash on property partially zoned the "LC" Light Commercial District and the balance approved for the "LC" Light Commercial District and legally described as follows:

Lot 2, Pawnee Sub Addition and Lots 10, 12 and 14 on Topeka Avenue in Hilbish and Hettinger's Addition, Wichita, Kansas (being replatted as Lot 1, Block A, Kenyon's Korner, an Addition to Wichita, Sedgwick County, Kansas). Generally located on the northeast corner of Topeka and Pawnee.

As provided in City Ordinances hereinabove described and Section 2.12.560 et. seq., Code of the City of Wichita, Sedgwick County, Kansas, the same will then and there be discussed and considered by the said Board of Zoning Appeals and all persons interested in said matters will be heard at this time concerning their views and wishes in the premises, and any protest against any of the provisions of the exceptions and the variances will be considered by the Board of Zoning Appeals as by law provided.

WITNESS my hand this 29th day of October, 1987.

\_\_\_\_\_  
Jack H. Galbraith, Secretary

W. R. KENNEY CO.

COMMERCIAL RENTALS  
BUILDERS - DEVELOPERS

October 30, 1987

Mr. Ron Gessl  
Executive Vice President  
Delta Dental Plan of Kansas, Inc.  
1010 North Main  
Wichita, Kansas 67203

*This seems to be a  
letter from the former  
owner of the application  
area to the manager of  
the medical office building  
to the south. Re: the  
fence between the  
properties.*

Dear Ron:

This letter is to confirm our recent conversation regarding separation of our properties. I would propose that the fence between our properties be replaced with a four inch pipe rail, approximately twenty-four (24) inches in height with a five foot riser at the west end for the purpose of sign attachment. This work is to be done at our expense.

If this meets with your approval please initial in the space provided.

Very truly yours,



W.R. Kenney

WRK/pjs



*received in MAPD 11-12-87  
Who submitted this?*

**H·R·K COMPANY**  
322 LAURA WICHITA, KS 67211

November 6, 1987

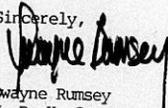
Frazier Construction Company  
Box 17164  
Wichita, Kansas 67217

Attn: Harry Frazier

Harry,

In reference to your BZA Case #44-87, the H. R. K. Company does not object to the omission of the fencing requirement on your Market property. We would prefer having the existing trees and shrubbery remain.

Sincerely,

  
Dwayne Runsey  
H. R. K. Company  
ct

*received in MAPD 11-12-87*

# FRAZIER

CONSTRUCTION CO.

3707 W. 30TH S. - P.O. BOX 17164 - WICHITA, KANSAS 67217 - PHONE 943-2306

October 19, 1987

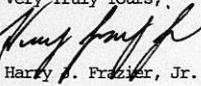
Ms. Louise Olivarez  
Metro Area Planning Department  
City Hall, Tenth Floor  
455 North Main Street  
Wichita, Kansas 67202

RE: Screening Variance Request  
1020 N. Main  
Wichita, Kansas

Ms. Olivarez:

As called for in previous correspondence pertaining to the above referenced project;  
find enclosed our letter from the east property owner. Their letter is self explaining.

Very Truly Yours,



Harry P. Frazier, Jr.

Enc: Hendrickson letter

RECEIVED

OCT 21 1987

METROPOLITAN PLANNING

ROUTE

**h**

**J. A. HENDRICKSON REALTY COMPANY**

NORTH MARKET  
1010 N. Main Suite #8 WICHITA, KANSAS 67202 • FO 3-6228

October 14, 1987

Frazier Construction Co.  
3707 W. 30th South  
Wichita, Kansas 67217

Re: Privacy fence at rear  
of 1029 N. Market.

Gentlemen:

This will confirm my conversation with your foreman regarding the Cities request that you put up a privacy fence back of your new building in the 1000 block N. Main, which backs up to our property at 1029 N. Market.

We have a chain link fence at the rear of our property and there are a number of trees along and in this fence at the present time. If you would put up a fence it would only create a space between the two fences that would be almost impossible to maintain.

Therefore, it is agreeable with us for you to forego putting up a privacy fence and leave the trees as they are. These trees give shade to the back apartment in the summer time and we see no reason for you to install a fence.

Yours very truly,  
J.A. Hendrickson Realty Co.

*Marie Bacon*  
Mrs. Marie Bacon Trustee



REAL ESTATE • PROPERTY MANAGEMENT • INSURANCE • SUBDIVIDERS • HOME BUILDERS • RENTALS



# FRAZIER

CONSTRUCTION CO.

3707 W. 30TH S. - P.O. BOX 17164 - WICHITA, KANSAS 67217 - PHONE 943-2306

October 12, 1987

Board of Zoning Appeals  
City of Wichita  
455 N. Main  
Wichita, Kansas 67202

RE: Office Building  
Screening Fences  
1020 N. Main  
Wichita, Kansas

Sirs:

With reference to the above mentioned project, we the undersigned request a variance from section 28.04.160(k), code of the City of Wichita. It was discussed with this office that the list of property from a previous request can be used for this.

In accord with your direction, find listed below our reply to the conditions listed in paragraph 3, sub paragraph number one through five.

This property is located at 1020 North Main and my request for the variance is as follows:

- I. To leave the existing trees as they are on the east property line. This would then void a new screening fence of any kind.
- II. To remove the existing screening fence on the south property line.

Our response to items one through five in paragraph three are:

1. On the east property line there is a four foot chain link fence existing. Through and around this fence are trees on one foot centers and growing some twenty feet in height. Most of these are growing in the fence proper. By placement of the screening fence as directed (on the property line) we would have to remove the chain link fence and all of the existing trees. Should we move the screening fence to the west some one to two feet, two conditions would happen. First we would have a void of some two feet that could not be maintained. Secondly, we would destroy the root system of many of the trees (holes for fence posts) and these would die. The property owner on the east side of our lot, has by letter stated that she wants the trees left alone. This is the condition that is particular to this site. Thusly, we would like the existing trees to act as the screening fence.

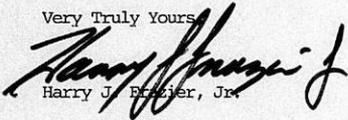
On the south property line, there exists a screening fence. This fence is on the north property line of the south property. It is one hundred and fifty feet + or - from the fence to the south building. With parking on the south and our parking meeting it, and both buildings being commercial, we feel that this fence does not fall under the building code and can be removed.

(continued from page 1)

2. Our building is adjacent to residential property on the north. We will place a screening fence in this location in strict accord with the code. The east property owner has stated she wants the trees and not a fence. The south property owner has stated his desire to remove the existing fence.
3. No matter how we place a screening fence on the east property line, it will kill and destroy trees that the property owner has stated she wants. Further, if placed properly (on or close to the property line), the chain link fence would have to be removed.  
  
By placing our concrete drive against the south parking lot, placement of a curb or bumper blocks to keep traffic from going from one lot to another, we do not see in any way that this would adversely affect the south owner in any way.
4. To approve our request for this variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare in any way. This applies to both requests.
5. This office both understands and accepts the code of the City of Wichita with reference to screening fences. This office will place a fence on the north property line. We are asking for a variance on the east due to conditions that exist and accepting the east property owners request to leave it as is. When commercial property abuts, when both owners state their desires to remove a fence that separates their parking areas, we do not feel that this is opposed to the general spirit and intent of title 28 (zoning ordinance).

Thanking you for any consideration you might give the undersigned, I remain

Very Truly Yours



Harry J. Bazier, Jr.

enc: Site plan (2 each)

*for 11-24-87 mtg.*

APPLICATION FOR VARIANCE

I. Name of Applicant Frazier Construction Company  
Mailing Address P.O. Box 17164 Wichita, Kansas 67217 Phone 943-2306  
Name of Authorized Agent Harry J. Frazier, Jr.  
Mailing Address P.O. Box 17164 Wichita, Kansas 67217 Phone 943-2306  
Relationship of applicant to property is that of Owner  
(Owner, Tenant, Lessee, Other)

II. The variance requested is a waiver of the screening requirement along  
to void the placement of a screening fence on the east  
property line and to remove the existing screening fence on the south-  
the east and south property lines

for property located on the east side of Main Street in an area north of 9<sup>th</sup> Street  
at 1020 North Main Wichita, Kansas

and legally described as: Lots 39, 40, 41, 42, 43, 44, 45 and the north 17 feet of  
Lot 46, on Main Street, in North Main Street 2nd Addition to Wichita, Kansas, Sedgwick  
County, Kansas

in the City of Wichita; and which is presently zoned OC

- 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. 36-596); 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.

Applicant *Harry J. Frazier, Jr.*

Authorized Agent \_\_\_\_\_

OFFICE USE ONLY: Received in Office of Secretary, Board of Zoning Appeals,  
(a.m./p.m.), Oct 13, 1987, together with appropriate  
fee of 300.00.

*See EZA 3889*

Signed *Louise Owens* CPOIA 11.7

Map 5448A (N) B (S) B (E) B (W) B

OWNERSHIP LIST

*list from  
BZA 37-87 file*

North Main Street  
2nd Addition

Lot	Street	Addition	Property Owner
Lot 31 Lot 32	Main	"	✓ Steven B. Govert 15835 Sharon Lane Andover 67002
Lot 33 Lot 34	Main	"	✓ Samuel T. Luinstra Helen L. Luinstra as Co-Trustees of Samuel T. Luinstra and Helen L. Luinstra Trusts 1102 North Gow 67203
Lot 35 Lot 36	Main	"	✓ Norman E. Harris (dec.) Valerie A. Harris 1040 North Main 67203
Lot 37 Lot 38	Main	"	✓ Jose Lerma Frances Lerma 1038 North Main 67203
<i>afforestation area</i> Lot 39 Lot 40 Lot 41 Lot 42 Lot 43 Lot 44 Lot 45 and the North 17 feet of Lot 46	Main	"	✓ Frazier Construction Co. 3707 West 30th South 67217
			✓ D. Erik Hedstrom Linda Lee Hedstrom 7811 Donegal 67206
The South 8 feet of Lot 46, and all of Lot 47 Lot 48 Lot 49 Lot 50 Lot 51 Lot 52, and vacated ½ alley adjacent on the east of Lots 51 and 52	Main	"	

Lot	Street	Addition	Property Owner
		Hyde and Ferrell's Addition	
Lot 149 Lot 151	Market	"	✓ J. A. Hendrickson 1010 North Main 67203
Lot 153, and the South 14 feet of Lot 155		"	Same as above
The North 11 feet of Lot 155, and Lot 157 Lot 159 Lot 161 Lot 163	Market	"	✓ H-R-K Company 322 Laura 67211
Lot 165 Lot 167 Lot 169	Market	"	✓ J. A. Hendrickson 1010 North Main 67203
Lot 171 Lot 173 Lot 175	Market	"	✓ Farmers and Merchants State Bank of Derby 330 East Madison Derby 67037
Lot 177 Lot 179	Market	"	Alan A. Dyck Sharon K. Dyck Address unknown
Lot 181 Lot 183	Market	"	✓ Deral Thomas Kunce Shirley A. Kunce 1057 North Market 67214
Lot 185 Lot 187	Market	"	Same as above
		The Amidon House	
Lot 1		"	✓ The Amidon House partnership 1005 North Market 67214
A tract described as: beginning at the Northeast corner of Lot 145 on Chisholm Street, now Market Street in Mungers Original Town, now City of Wichita, thence West along the North boundary line of said Lot 145 to the Northwest corner of said Lot 145; thence North 10 feet; thence East parallel with the North boundary line of said Lot 145 to a point 10 feet North of the Northeast corner of said Lot 145; thence south 10 feet to the point of beginning, together with fractional lot adjacent now plated as a portion of The Amidon House.		"	Same as above

Lot	Street	Addition	Property Owner
<b>Mungers Original Town</b>			
Lot 166	Main	"	✓ D. Erik Hedstrom Linda Lee Hedstrom 7811 Donegal 67206
Lot 164			
Lot 162			
and the North 16.95 feet of vacated 9th street adjacent on the south of Lot 162.			
<b>All Weather Addition</b>			
Lot 1		"	✓ All Weather Products Company Inc. 1011 North Main 67203
<b>Park School</b>			
Park Elementary School at 1025 North Main			✓ Wichita Unified School Dist. #259 428 South Broadway 67202
<b>Robertson's Sub-Division</b>			
Lot 175	Main	"	Same as above
Lot 177	Main	"	✓ Kimmel Investment and Development Corporation 1059 North Main 67203
Lot 179			
Lot 181	Main	"	Same as above
Lot 183			
Lot 185	Main	"	Same as above
Lot 187			

We hereby certify the foregoing to be a true and correct list of the property owners of the hereinbefore described lots and tracts within a 200 foot radius of:

Lots 39, 40, 41, 42, 43, 44, 45, and the North 17 feet of Lot 46, on Main Street, North Main Street 2nd Addition to Wichita, Kansas, Sedgwick County, Kansas

as shown by the last deed of record on file in the Office of the Register of Deeds, Sedgwick County, Kansas, on the 30th day of July, 1987, at 7:00 o'clock A.M.

THE SECURITY ABSTRACT & TITLE CO. INC.

By *Mary Isable*  
Sr. Vice-President

**MICROFILMED**  
**FROM THE BEST**  
**AVAILABLE COPY**

FORM 2 21

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
9 310	
11 20 N. 7th	

NAME *F. J. ...*

ADDRESS *...*

FUND *...* DUE DATE *11-10-87*

COMMENTS

DATE BY