

BZA 36-88 - M/Mrs. A.J. GROCHOWSKY req. variance to reduce req. lot area from 6000 to 5,360 sq. ft. on prop zoned "AA" on N side 3rd St. east of Flora (5406W3rd)

Posted 8-26-88 KH

**ACTION**

BZA. 36-88 Approved 8/23/88  
DATE

SATD

2004 Sec 9-19-88  
Checked \_\_\_\_\_  
Not 9-21-88  
Record 9-21-88

Posted 8-26-88 KC

BZA 36-88 - M/Mrs. A.J. GROCHOWSKI req.  
variance to reduce req. lot area from  
6000 to 5,360 sq. ft. on prop zoned "A1"  
on N side 3rd St. east of Flora (5/06/83)

# ACTION

B.Z.A. 36-88 Approved 8/23/88  
DATE

547D

200'4 Sec 9-19-88

Checked \_\_\_\_\_

Shot 9-21-88

Record 9-21-88

DATA SHEET

MAP NO.: 5147D

CASE NO. BZA 36-88

(CPO 5B, 8/17/88)

REQUEST: Variance to reduce the required lot area from 6,000 sq. ft. to 5,360 sq. ft.

EXISTING ZONING: "AA" One-Family Dwelling District

GENERAL LOCATION: North side of Third Street in an area east of Flora (5406 W. Third Street)

APPLICANT: Mr. & Mrs. A. J. Grochovsky  
 ADDRESS: 702 N. Doris  
 Wichita, KS 67212

PHONE: 942-3417

AGENT: Terra Tech Land Surveying, Inc., c/o Michele R. Hall  
 ADDRESS: 245 W. Dewey  
 Wichita, KS 67202

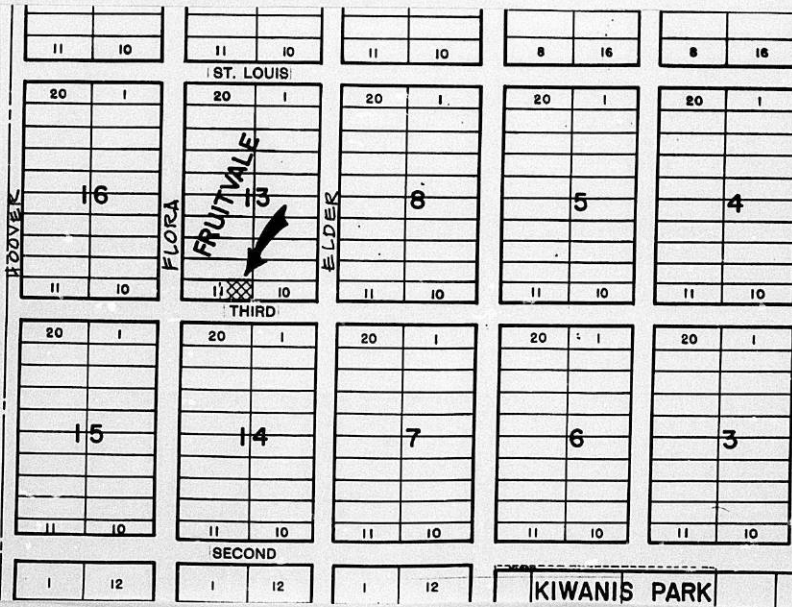
PHONE: 267-0744

AREA DATA

Acres: 60 ft. by 89.34 ft.

Adjacent Zoning and Land Use:

North "AA" \_\_\_\_\_  
 South "AA" \_\_\_\_\_  
 East "AA" \_\_\_\_\_  
 West "AA" \_\_\_\_\_



No. 2-153C  
 HASTINGS AND  
 LOS ANGELES CHICAGO COLUMBIA  
 MEMPHIS NEW YORK ST. LOUIS SAN  
 SEATTLE  
 U.S.A.

BZA RESOLUTION NO. 36-88

WHEREAS, Mr. & Mrs. A. J. Grochowsky, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required lot area from 6,000 sq. ft. to 5,360 sq. ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 11, Block 13, FRUITVALE PARK, Wichita, Sedgwick County, Kansas, except the west 100 feet thereof. Generally located on the north side of Third Street in an area east of Flora (5406 W. Third 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 August 23, 1988, 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 both dwellings have existed for more than 50 years and were present on the property when zoning was first established in 1954. If the "A" Two-Family Dwelling District had been established at that time, only 3,500 sq. ft. of lot area would be required for each dwelling unit; 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 two dwelling units on subject Lot 11 already exist and both will remain as single-family dwellings; 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 mortgage company financing this sales transaction has stated they will not approve the individual loans without formal lot split approval, and lot split approval cannot be given unless a variance of the minimum lot size of the zoning district is granted or a zone change to the "A" district is approved; 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 street right-of-way and utility easements exist and both dwellings are connected to municipal water and sanitary sewer; 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 setbacks from the structure to the property boundary line can still be maintained and the requested reduction in lot size is only about a 10% reduction and is not as great as would be permitted if a zone change to the "A" Two-family Dwelling District were requested and approved; 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.

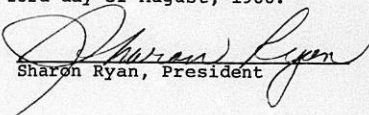
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the required lot area from 6,000 sq. ft. to 5,360 sq. ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 11, Block 13, FRUITVALE PARK, Wichita, Sedgwick County, Kansas, except the west 100 feet thereof. Generally located on the north side of Third Street in an area east of Flora (5406 W. Third Street).

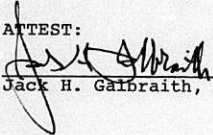
subject to the following condition:

1. Any additional construction on this site shall comply with all applicable setback requirements.

ADOPTED AT WICHITA, KANSAS, this 23rd day of August, 1988.

  
Sharon Ryan, President

ATTEST:

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

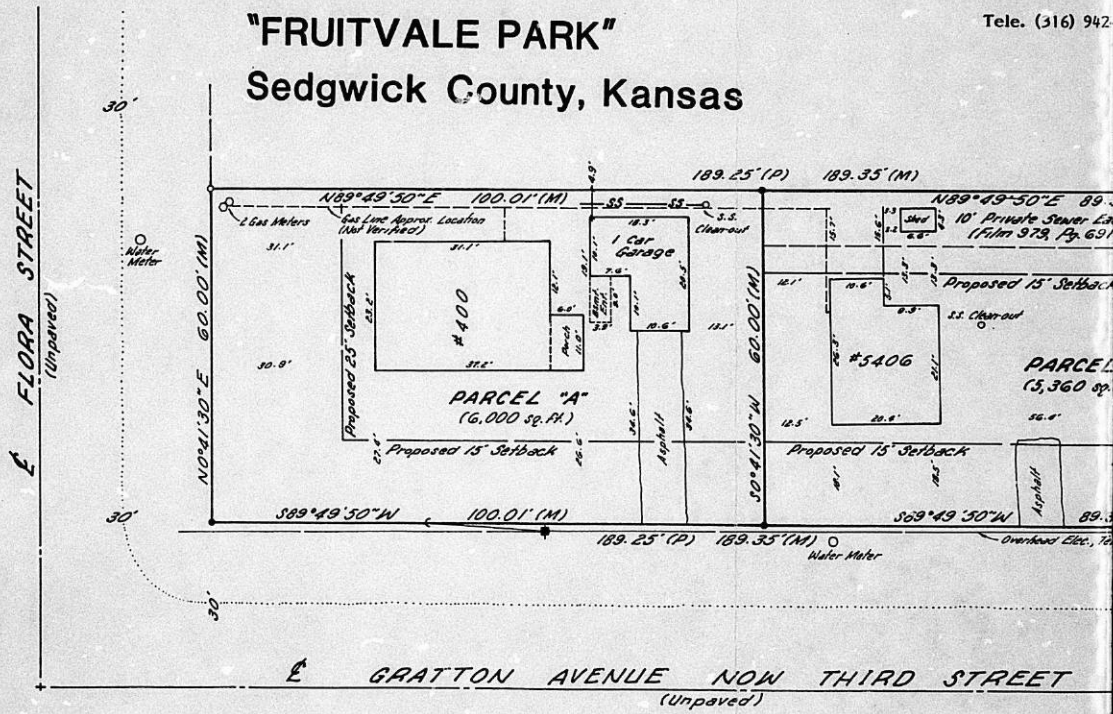
TERRA TECH

LAND SURVEYING INC.

245 West Dewey  
Wichita, Kansas 67202-3607  
(316) 267-0744 / 267-2348

# LOT SPLIT LOT 11, BLOCK 13 "FRUITVALE PARK" Sedgwick County, Kansas

APPLICANTS: Mr. & Mrs. A.  
702 N. Doris  
Wichita, Kansas  
Tele. (316) 942-



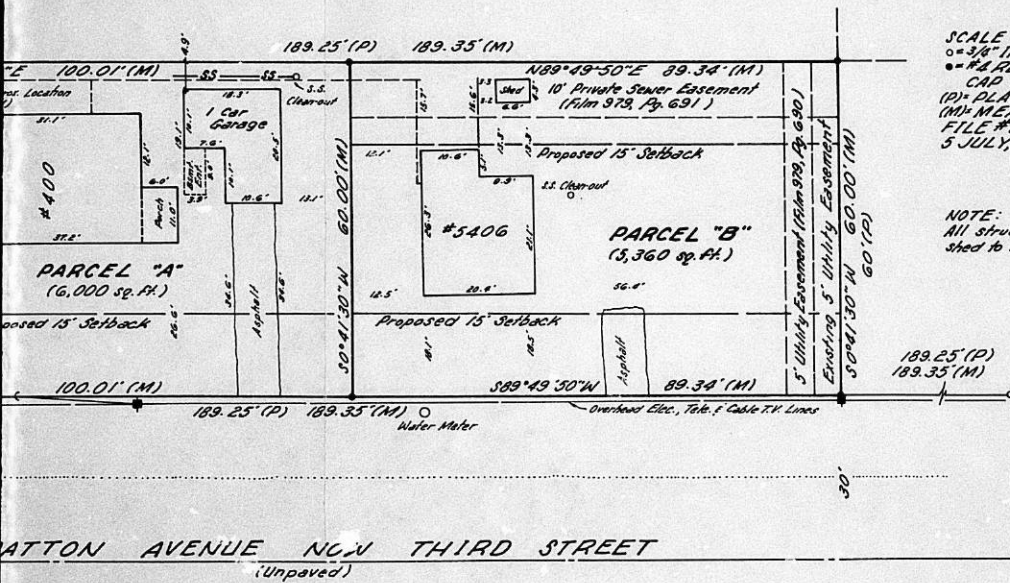
**NOTE:**  
According to City records, water meters tie into a 6" AC Water Main which is 10' East of and parallel with the West line of Flora Street.

**NOTE:**  
According to City records, Sanitary Sewer (Lateral 123, Sub. 5, S.S. 22, dated 9-16-1959) is an 8" VCP main approximately centered in the 10' Utility Easement between Lots 10 & 11 in Block 13.

245 West Dewey  
 Wichita, Kansas 67202-3807  
 (316) 267-0744 / 267-2348

**SPLIT**  
**BLOCK 13**  
**"SUNSHINE PARK"**  
 Wichita County, Kansas

APPLICANTS: Mr. & Mrs. A. J. Grochowsky  
 702 N. Doris  
 Wichita, Kansas 67212  
 Tele. (316) 942-3417



SCALE: 1" = 20'  
 • 3/4" IRON PIPE FOUND  
 • #4 REBAR WITH I.D.  
 CAP SET  
 (P) = PLATTED  
 (M) = MEASURED  
 FILE #881037  
 5 JULY, 1988

NOTE:  
 All structures to remain;  
 shed to be relocated.

BZA 36-88

NOTE:  
 According to City records, Sanitary Sewer  
 Lateral 125, Sub. 5, S.S. 22, dated 9-16-1959  
 is an 8" VCP main approximately centered  
 in the 10' Utility Easement between Lots 10  
 & 11 in Block 13.

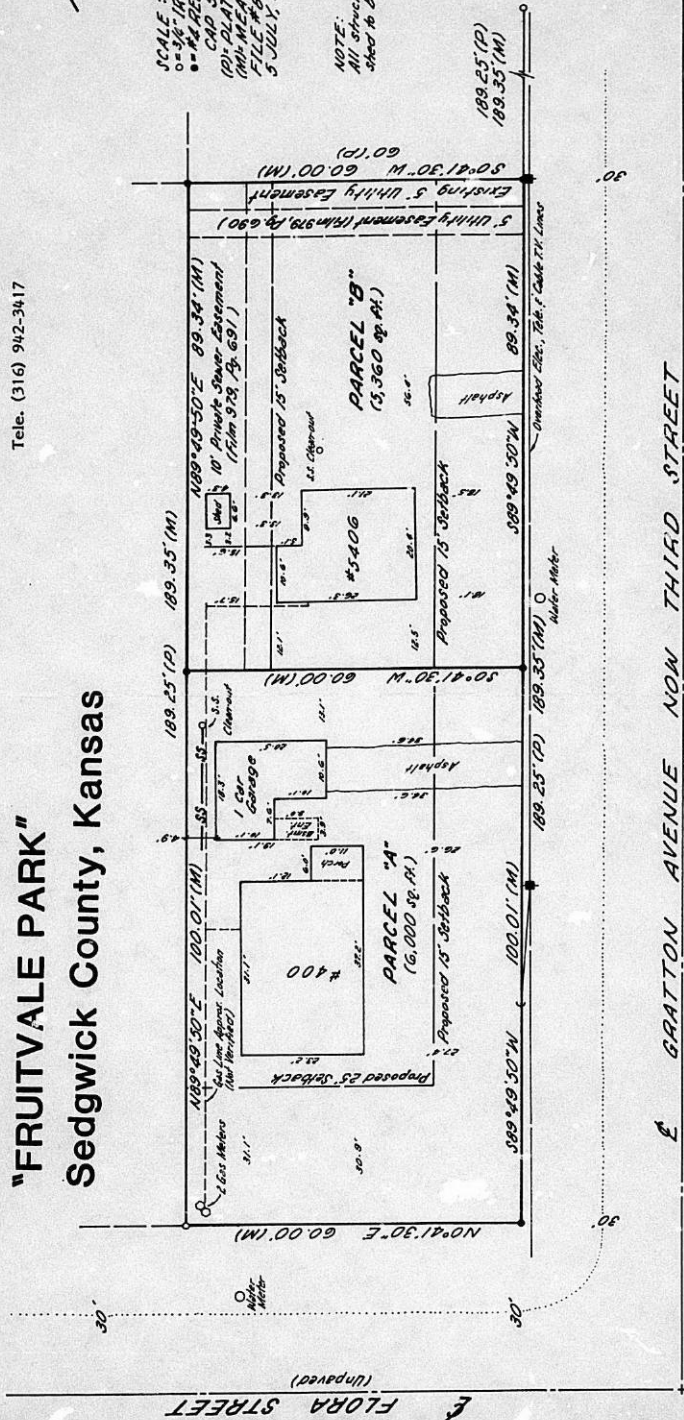
# LOT SPLIT LOT 11, BLOCK 13 "FRUITVALE PARK"

## Sedgwick County, Kansas

APPLICANTS: Mr. & Mrs. A. J. Grochowsky  
702 N. Doris  
Wichita, Kansas 67212  
Tele. (316) 942-3417



FLORA STREET  
(Unpaved)



SCALE: 1" = 20'  
0 = 3/8" IRON PIPE FOUND  
● = #2 REBAR WITH I.D.  
CAP SET  
(90) PLATTED  
(10) MEASURED  
FILE # 891037  
5 JULY, 1988

NOTE:  
All structures to remain  
shd to be relocated.

NOTE:

According to City records, water meters lie into a 6" AC  
water main which is 10' East of and parallel with the  
West line of Flora Street.

NOTE:

According to City records, sanitary sewer  
(water) 12.5' dia. 5' s.s. 22' dia. 9" 16" (1959)  
is an 8" VCO main approximately centered  
in the 10' Utility Easement between Lots 10  
& 11 in Block 13.

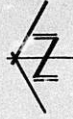
GRATTON AVENUE NOW THIRD STREET  
(Unpaved)

BZA 36-88

# LOT SPLIT LOT 11, BLOCK 13 "FRUITVALE PARK"

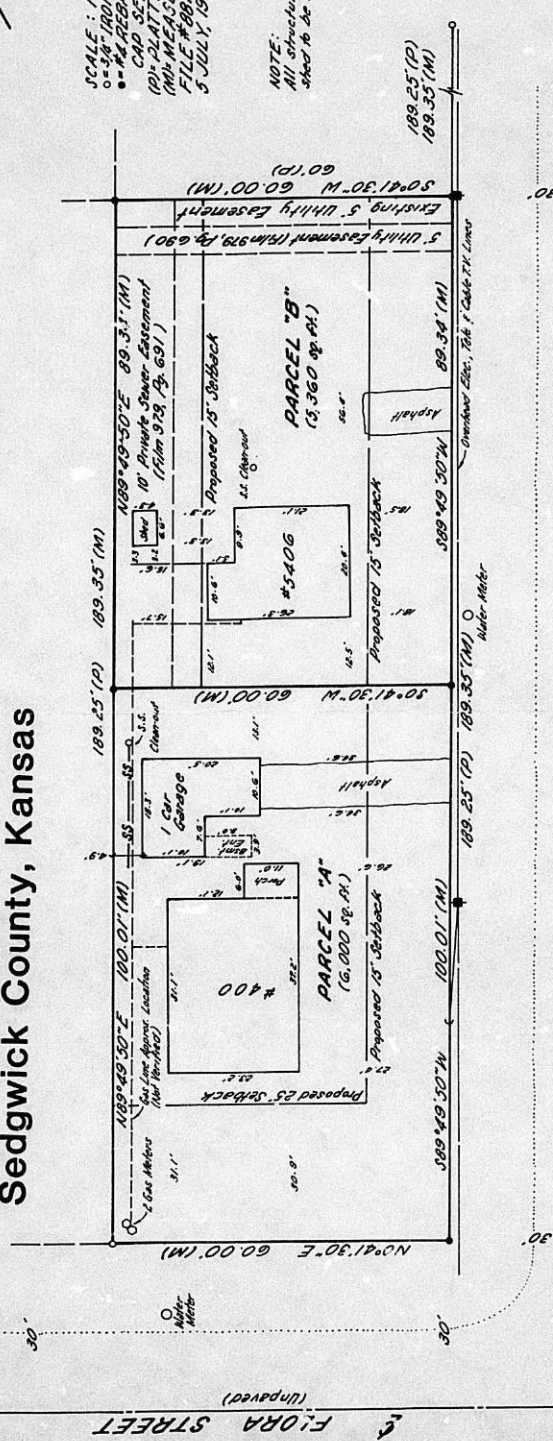
## Sedgwick County, Kansas

APPLICANTS: Mr. & Mrs. A. J. Grochowsky  
702 N. Doris  
Wichita, Kansas 67212  
Tele. (316) 942-3417



SCALE: 1" = 20'  
•• 3/4" IRON PIPE FOUND  
•• REBAR WITH I.D.  
CAP SET  
(N) - PLATTED  
(M) - MEASURED  
FILE #891037  
5 JULY 1988

NOTE:  
All structures to remain;  
shed to be relocated.



GRATTON AVENUE NOW THIRD STREET  
(Unplatted)

BZA 36-88

NOTE:

According to City records, water meters tie into a 6" AC Water Main which is 10' East and parallel with the West line of Flora Street.

NOTE:

According to City records, Sanitary Sewer (Sheet) 125, Sub. 5, S.S. 22, dated 9-16-1959 is an 8" VCD main approximately centered in the 10' Utility Easement between Lots 10 & 11 in Block 13.

**BZA INSPECTION SHEET**

MAP NO.: 5147D

CASE NO. BZA 36-88

(CPO 5B, 8/17/88)

REQUEST: Variance to reduce the required lot area from 6,000 sq. ft. to 5,360 sq. ft.

EXISTING ZONING: "AA" One-Family Dwelling District

GENERAL LOCATION: North side of Third Street in an area east of Flora (5406 W. Third Street)

APPLICANT: Mr. & Mrs. A. J. Grochowsky  
ADDRESS: 702 N. Doris  
Wichita, KS 67212

PHONE: 942-3417

AGENT: Terra Tech Land Surveying, Inc., c/o Michele R. Hall  
ADDRESS: 245 W. Dewey  
Wichita, KS 67202

PHONE: 267-0744

-----  
HEARING DATE: 8/23/88

BZA ACTION: *Approve*

FOLLOW-UP DATES: *none*

RESPONSE BY MAPD:

RESPONSE BY CID:

WICHITA - SEDGWICK COUNTY



METROPOLITAN AREA PLANNING  
DEPARTMENT

CITY HALL - TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688  
(316) 268-4561

August 24, 1988

Michele R. Hall  
Terra Tech Land Surveying, Inc.  
245 W. Dewey  
Wichita, KS 67202

Re: BZA 36-88 - Variance to reduce required lot area from 6,000  
sq. ft. to 5,360 sq. ft. at 5406 W. Third Street

Dear Ms. Hall:

Enclosed is a signed copy of the above-referenced BZA resolution adopted by the Board of Zoning Appeals on August 23, 1988. 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.

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

Sincerely,

*Louise Olivarez*  
Louise Olivarez  
Assistant Secretary  
Board of Zoning Appeals

LO/jcm  
Enclosure

cc: Mr. & Mrs. A. J. Grochowsky, 702 N. Doris, Wichita, KS,  
67212  
Monty Robson, Superintendent of Central Inspection  
Joe Donnelly, Zoning Administrator, CID  
Dale Rea, Deputy City Clerk

FILE COPY

BZA RESOLUTION NO. 36-88

WHEREAS, Mr. & Mrs. A. J. Grochowsky, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required lot area from 6,000 sq. ft. to 5,360 sq. ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 11, Block 13, FRUITVALE PARK, Wichita, Sedgwick County, Kansas, except the west 100 feet thereof. Generally located on the north side of Third Street in an area east of Flora (5406 W. Third 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 August 23, 1988, 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 both dwellings have existed for more than 50 years and were present on the property when zoning was first established in 1954. If the "A" Two-Family Dwelling District had been established at that time, only 3,500 sq. ft. of lot area would be required for each dwelling unit; 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 two dwelling units on subject Lot 11 already exist and both will remain as single-family dwellings; 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 mortgage company financing this sales transaction has stated they will not approve the individual loans without formal lot split approval, and lot split approval cannot be given unless a variance of the minimum lot size of the zoning district is granted or a zone change to the "A" district is approved; 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 street right-of-way and utility easements exist and both dwellings are connected to municipal water and sanitary sewer; 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 setbacks from the structure to the property boundary lines can still be maintained and the requested reduction in lot size is only about a 10% reduction and is not as great as would be permitted if a zone change to the "A" Two-family Dwelling District were requested and approved; 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.

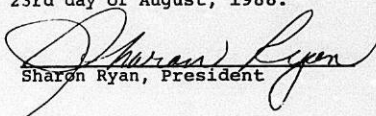
NOW, THEREFORE, BE IT RESOLVED by the Board of Zoning Appeals of the City of Wichita that this request be approved for a variance to reduce the required lot area from 6,000 sq. ft. to 5,360 sq. ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 11, Block 13, FRUITVALE PARK, Wichita, Sedgwick County, Kansas, except the west 100 feet thereof. Generally located on the north side of Third Street in an area east of Flora (5406 W. Third Street).

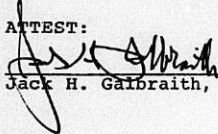
subject to the following condition:

1. Any additional construction on this site shall comply with all applicable setback requirements.

ADOPTED AT WICHITA, KANSAS, this 23rd day of August, 1988.

  
Sharon Ryan, President

ATTEST:

  
Jack H. Gaibraith, Secretary

THE CITY OF WICHITA

TO: Louise Oliverez, Principle Planner

DATE: August 18, 1988

FROM: Stanley J. Scott, CP Coordinator *[Signature]*

SUBJECT: BZA 36-88: Generally located  
on the north side of Third  
Street in an area east of  
(5406 West 3rd Street)

On Wednesday, August 17, 1988, CPO Northwest Neighborhood Council 58 considered the captioned case, a request for a zoning variance to reduce the required lot area from 6,000 square feet to 5360 square feet on property zoned "AA" One-Family Dwelling District. Following brief discussion, the Council voted 6-0 to recommend approval of the request.

The applicants, Mr. and Mrs. A. J. Grochovsky, were present to describe the request and respond to questions from the Council. Mr. and Mrs. Grochovsky explained that the variance is necessary to allow the "splitting" of a lot which has two single-family residences on it. No area residents or property owners were present to address the request. Council members were provided the notice of public hearing, map of the area, MAFD staff comments, and site plan.

Please provide the Council's recommendation to the Board of Zoning Appeals when BZA 36-88 is considered.

SJS

**RECEIVED**

AUG 18 1988

METROPOLITAN PLANNING

ROUTE

**BOARD OF ZONING APPEALS  
WICHITA, KANSAS**

AGENDA ITEM NO. 2  
August 23, 1988

SECRETARY'S REPORT

CASE NUMBER: BZA 36-88

OWNER/APPLICANT/AGENT: Mr. & Mrs. A. J. Grochowsky  
(owners/applicants)  
Terra Tech Land Surveying, Inc. (agent)

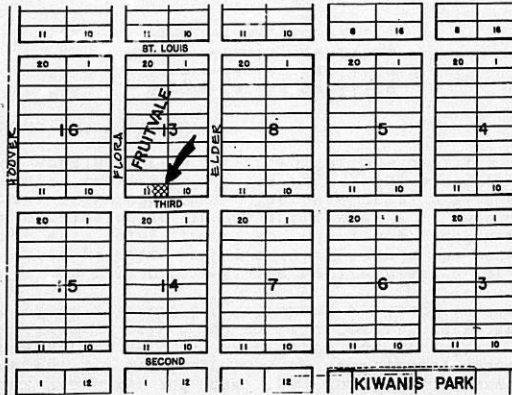
REQUEST: Variance to reduce the required lot area from  
6,000 sq. ft. to 5,360 sq. ft.

CURRENT ZONING: "AA" One-Family Dwelling District

SITE SIZE: 5,360 sq. ft.

LOCATION: North side of Third Street in an area east of  
Flora (5406 W. Third)

PROPOSED USE: Single-family residence



**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 applicants are requesting a variance of the minimum required lot area in the "AA" district in order to permit the "splitting" of a lot which has two single-family residences on it. The dwellings were constructed in 1930, when this area was in the County and not subject to any zoning or subdivision regulations. The area was subsequently annexed and zoned "AA" in 1954. A survey of the entire 11,360 sq. ft. lot indicates the westernmost house and garage can maintain adequate setbacks on a 6,000 sq. ft. site. The easternmost house would have only 5,360 sq. ft. for its total area and it is this portion of the platted lot for which variance is sought.

The applicants, in trying to sell the entire platted lot as a whole, stated they faced problems making a sale because the more attractive interest rates were being offered to "owner occupied" homes and this property was considered an "investment property". They now want to sell two "owner occupied" homes. The only other option available to the applicants is to seek "A" zoning for this property, wherein a lot size of 3,500 square feet is permitted for one dwelling unit.

ADJACENT ZONING AND LAND USE:

NORTH	"AA"	Single-family dwelling
SOUTH	"AA"	Single-family dwelling
EAST	"AA"	Single-family dwelling
WEST	"AA"	Single-family dwelling

**UNIQUENESS:** 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 both dwellings have existed for more than 50 years and were present on the property when zoning was first established in 1954. If the "A" Two-family Dwelling District had been established at that time, only 3,500 square feet of lot area would be required for each dwelling unit.

**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 two dwelling units on subject Lot 11 already exist and both will remain as single-family dwellings.

**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 mortgage company financing this sales transaction has stated they will not approve the individual loans without formal lot split approval, and lot split approval cannot be given unless a variance of the minimum lot size of the zoning district is granted or a zone change to the "A" district is approved.

**PUBLIC INTEREST:** It is the opinion of staff that the requested variance would not adversely affect the public interest inasmuch as adequate street right-of-way and utility easements exist and both dwellings are connected to municipal water and sanitary sewer.

BZA 36-88

Page 3

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 setbacks from the structure to the property boundary lines can still be maintained and the requested reduction in lot size is only about a 10% reduction and is not as great as would be permitted if a zone change to the "A" Two-family Dwelling District were requested and approved.

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 condition:

1. Any additional construction on this site shall comply with all applicable setback requirements.

BZA CASE NO. 36-88

15 LEGAL ADVERTISEMENT SENT TO MAPC & BZA

2 NOTICES SENT TO APPLICANT/AGENT

15 NOTICES SENT TO ADJOINING PROPERTY OWNERS

5 NOTICES SENT TO BZA MEMBERS

NOTICES SENT 7/29/88

1 NOTICE SENT TO CPO

2 NOTICES SENT TO CITY MANAGER & CITY  
COUNCIL REPRESENTATIVE TO DISTRICT

5 NOTICES TO MAPD STAFF

Jack Galbraith  
Louise Olivarez  
Bob Young  
Karen Crook  
*Forrest*

PL1-0062

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

July 29, 1988

**NOTICE OF PUBLIC HEARING:**

**CASE NO. BZA 36-88**

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 Mr. and Mrs. A.J. Grochowsky requesting a variance.

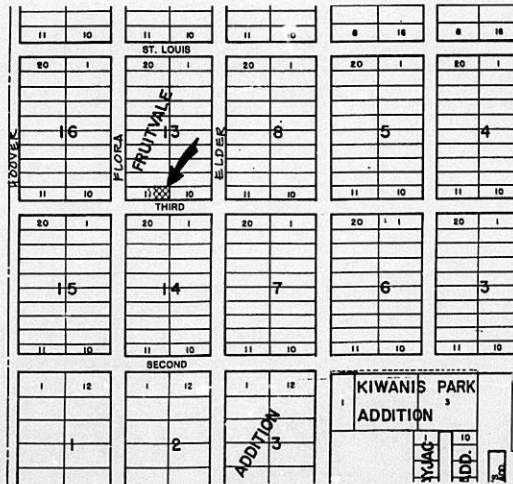
Pursuant to Section 2.12.590.B, Code of the City of Wichita, the applicants are requesting a variance to reduce the required lot area from 6,000 sq. ft. to 5,360 sq. ft. on property zoned the "AA" One-Family Dwelling District. A legal description of the applicant's property is as follows:

Lot 11, Block 13, FRUITVALE PARK, Wichita, Sedgwick County, Kansas, except the west 100 feet thereof. Generally located on the north side of Third Street in an area east of Flora (5406 W. Third Street).

This application has been assigned Case No. BZA 36-88. It will be considered by the Board of Zoning Appeals on Tuesday, August 23, 1988, at 1:30 p.m. in the Board Room, First Floor of City Hall, 455 North Main, 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 Council 5B will consider this case at their meeting to be held on August 17, 1988, at 7:15 p.m. at Orchard Community Center, 4808 W. 9th Street. Additional information regarding this CPO meeting may be obtained by calling the CPO office at 268-4516.



( \_\_\_\_\_ ) Published in The Daily Reporter, July 29, 1988

OFFICIAL NOTICE

NOTICE IS HEREBY given that on the 23rd day of August, 1988, the Board of Zoning Appeals of the City of Wichita, Kansas, meeting in the Board Room, First Floor, City Hall, 455 N. Main, Wichita, Kansas, will consider the following applications beginning at 1:30 p.m.

1. Case No. BZA 36-88 - Mr. and Mrs. A. J. Grochowsky, pursuant to Section 2.12.590.B, Code of the City of Wichita, request a variance to reduce the required lot area from 6,000 sq. ft. to 5,360 sq. ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot 11, Block 13, FRUITVALE PARK, Wichita, Sedgwick County, Kansas, except the west 100 feet thereof. Generally located on the north side of Third Street in an area east of Flora (5406 W. Third Street).

2. Case No. BZA 37-88 - Central Christian Church, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to increase the permitted size of a bulletin board sign from 25 sq. ft. to 48 sq. ft. on property zoned the "AA" One-Family Dwelling District and legally described as follows:

Lot A, Central Christian Addition, an addition to Wichita, Sedgwick County, Kansas. Generally located at the southeast corner of 29th Street North and Rock Road (2900 N. Rock Road).

3. Case No. BZA 38-88 - Sand Castle Professional Child Care, Inc., pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a child care center on property zoned the "R-5" General Residence District and legally described as follows:

Lot 2, Block 1, Killarney Plaza Second Addition, an Addition to Wichita, Sedgwick County, Kansas. Generally located on the south side of 36th Street North in an area west of Rock Road.

4. Case No. BZA 39-88 - Hilltop Evangelical Fellowship, pursuant to Section 2.12.590.B, Code of the City of Wichita, requests a variance to permit off-street parking spaces and circulation aisle to occupy part of the required front yard on property zoned the "B" Multiple Family Dwelling District and legally described as follows:

Lots 19, 20 and 22, Block A, Hilltop Manor, a replat of parts of Hilltop Manor and Hilltop Manor Second Addition, Wichita, Sedgwick County, Kansas. Generally located on the east side of Bluffview between Lincoln and Bayley.

5. Case No. BZA 40-88 - Lawrence E. Hack, pursuant to Section 2.12.590.C, Code of the City of Wichita, requests an exception to permit the establishment of a mobile home on property zoned the "E" Light Industrial District and "AA" One-Family Dwelling District and legally described as follows:

The south three acres of the E 1/4 of the SW 1/4 of the SE 1/4 of Section 21, Township 28 South, Range 1 East of the 6th P.M., Sedgwick County, Kansas, except the East 180.37 feet thereof. Generally located on the north side of 55th St. South, 1/3-mile west of Hydraulic.

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 and seal this 29th day of July, 1988.

Jack H. Galbraith, Secretary  
Board of Zoning Appeals

12 July, 1988

Sedgwick County  
Board of Zoning Appeals  
City Hall - Tenth Floor  
455 North Main  
Wichita, Kansas 67202

Dear Board Members:

In order to effectively sell two homes located on Lot 11, Block 13, "FRUITVALE PARK", Sedgwick County, Kansas, it was requested that our clients, Mr. & Mrs. A. J. Grochowsky, apply for a Lot Split.

Since Lot 11 has only 11,360 square feet, we could not split this lot without making one parcel sub-standard in lot area. Parcel "B" is 640 square feet less than the required minimum of 6,000 square feet for "AA" zoning.

The applicants now request that they be granted a variance of the required minimum lot area that they may qualify for lot split approval.

I have addressed the five specific conditions outlined in Section 2.12.590.B as follows:

1. The uniqueness of this variance is that this is one of the few lots in this subdivision that has two homes existing on one platted lot. The homes were constructed in 1930. Even though there were multiple homes on this lot, it was zoned "A" single-family residential instead of "A" two-family residential when the zoning was applied to this property in 1954. Had the property been zoned "A", effecting the lot split would not create a parcel sub-standard in lot area.
2. The granting of this variance will not adversely affect the rights of adjacent property owners or residents because the use will continue to be single-family residential. There is no new construction nor expansion of existing structures planned for the near future.
3. The strict application of the provisions of Title 28 will constitute unnecessary hardship upon the owner represented in the application in that the mortgage company financing this transaction has stated that they will not approve the individual loans without formal lot split approval by the City of Wichita.

The applicants in trying to sell the property as a whole stated they faced problems making a sale because the more attractive interest rates were being offered to "owner occupied" homes and this property was being handled as "investment property". They now want to sell two "owner occupied" homes.

4. This variance will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare, since these homes have been in existence for almost sixty years and the usage of such is not expected to change.
5. The granting of this variance will not be opposed to the general spirit and intent of Title 28 as I interpret it.

For the Applicant;

TERRA TECH LAND SURVEYING, INC.

*Michele R. Hall*

Michele R. Hall, LS  
MRH/mh  
encl.

cc: Mr. & Mrs. A. J. Grochowsky, 702 N. Doris, Wichita,  
Kansas 67212 Tele. (316) 942-3417.

APPLICATION FOR VARIANCE

I. Applicant Mr. & Mrs. A. J. Grochowsky  
 Address 702 N. Doris, Wichita, Kansas Zip Code 67212 Phone 9423417  
 Agent Terra Tech Land Surveying, Inc. Att'n: Michele R. Hall  
 Address 245 W. Dewey, Wichita, Kansas Zip Code 67202 Phone 267-0744  
 Relationship of applicant to property is that of Owner  
 (Owner, Tenant, Lessee, Other)

II. The variance requested is <sup>a reduction</sup> of the required lot area from 6000 sq. ft. to 5,360 sq. ft.

on property zoned AA which is  
60 ft by 89.34 ft (or 5360 sq. ft.) in size, legally described as:

Lot 11, Block 13, "FRUITVALE PARK", Sedgwick County, Kansas, EXCEPT the West  
100 feet thereof.

and located on the north side of Third Street in an area east of Flora  
~~near the Northeast corner of Third Street and Flora Street~~  
(5406 W Third Street)

in the City of Wichita.

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. 39-285); 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 \_\_\_\_\_

Authorized Agent Michele R. Hall  
 Michele R. Hall LS#958

OFFICE USE ONLY:

Map No. 5147D Zoning: (N) AA (S) AA (E) AA (W) AA CPO 5B 8-17

Received in Office of Secretary, Board of Zoning Appeals, 10 (a.m./p.m.),  
7-12, 19 88, together with appropriate fee of 203.00.

Signed Louise Alvarez

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688



RECEIVED

AUG 04 1988

METROPOLITAN PLANNING  
ROUTE        

Peggy Sue Downs  
350 N. Flora  
Wichita, KS 67212

BZA 36-88

DDW 50 120132N1 08/01/88

RETURN TO SENDER  
NO FORWARDING ORDER ON FILE  
UNABLE TO FORWARD

Important! Notice of Meeting Enclosed

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING  
DEPARTMENT  
CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688

*Sent another notice to  
Leonard & Alois Keith at  
779 N. McComas Ave.  
on 8/5/88. - gem*



RECEIVED

AUG 04 1988

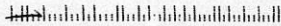
METROPOLITAN PLANNING  
ROUTE        

Leonard & Alois Thelma Keith  
421 N. Flora  
Wichita, KS 67212

BZA 36-88

*Valentine  
12/2  
Dr*

Important! Notice of Meeting Enclosed



WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688



BZA 36-88

Solis

RECEIVED

AUG 02 1988

METROPOLITAN PLANNING

ROUTE  Jan

Avis A. & Lance M. Warnacut  
349 N. Elder  
Wichita, KS 67212

SDL 49 12013271 FWD TIME EXPD  
SOLIS  
PO BOX 12512  
WICHITA KS 67277-2512  
RETURN TO SENDER

Important! Notice of Meeting Enclosed

WICHITA — SEDGWICK COUNTY

METROPOLITAN AREA PLANNING DEPARTMENT

CITY HALL — TENTH FLOOR  
455 NORTH MAIN STREET  
WICHITA, KANSAS 67202-1688



Return to Sender!  
No such person at this address!

RECEIVED

AUG 04 1988

METROPOLITAN PLANNING

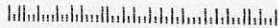
ROUTE  Jan

Mary Sue Hiebert  
355 N. Elder  
Wichita, KS 67212



BZA 36-88

Important! Notice of Meeting Enclosed



STATEMENT OF OWNERSHIP

STATE OF KANSAS )  
 ) §  
 SEDGWICK COUNTY )

The undersigned duly bonded and qualified Abstracter within and for the County and State aforesaid, does hereby certify:

That we have examined the records in the Office of the Register of Deeds of Sedgwick County, Kansas, with reference to the ownership of the following property in Sedgwick County, Kansas, viz:

Records owners within a 200 foot radius of:

Lot 11, Block 13, FRUITVALE PARK, Sedgwick County, Kansas, except the west 100 feet thereof.

And from such examination find that the owners thereof are as set out below: (Addresses, if shown, are furnished as a service and not certified.)

RECORD OWNER(S)

DESCRIPTION



August J. and Anita M. Grochowsky  
 400 North Flora  
 Wichita Kansas 67212 *dup*

Lot 11, Block 13, in Fruitvale Park,  
 Sedgwick County, Kansas

Mary J. Payne  
 433 North Elder  
 Wichita Kansas 67212

Lot 6, Block 13, Fruitvale Park Addition  
 to Wichita, Sedgwick County, Kansas.

Raymond L. and Donna J. Holle  
 431 North Elder  
 Wichita Kansas 67212

Lot 7, Block 13, in Fruitvale Park, in  
 Sedgwick County, Kansas

Clarence L. and Becky R. Greenfield  
 407 North Elder  
 Wichita Kansas 67212

Lots 8 and 9, Block 13, Fruitvale Park,  
 Sedgwick County, Kansas

Opal L. and Donna J. Brockman  
 401 North Elder  
 Wichita Kansas 67212

Lot 10, Block 13, in FRUITVALE PARK,  
 Sedgwick County, Kansas

Dan and Violet L. Bain  
 412 North Flora  
 Wichita Kansas 67212

Lot Twelve, Block Thirteen, Fruitvale  
 Park, Sedgwick County, Kansas

Otto O. and Alma Collins  
 418 North Flora  
 Wichita Kansas 67212

Lots Thirteen (13) and Fourteen (14)  
 In Block Thirteen (13) in Fruitvale  
 Park, Sedgwick County, Kansas

Margaret M. and Lewis M. McGill  
 428 North Flora  
 Wichita Kansas 67212

Lot 15, Block 13, Fruitvale Park,  
 Sedgwick County, Kansas

Mary Sue Hiebert  
 355 North Elder  
 Wichita Kansas 67212

All of Lot One (1), Block Fourteen (14),  
 Fruitvale Park Addition, Sedgwick County,  
 Kansas



RECORD OWNER (S)DESCRIPTION

Avis A. and Lance Michael Warnacut 349 North Elder Wichita Kansas 67212	Lot 2, Block 14, Fruitvale Park, Sedgwick County, Kansas
H. F. and Mary M. Bales 339 North Elder Wichita Kansas 67212	Lot 3, Block 14, Fruitvale Park, Sedgwick County, Kansas
Louis R. Lies %Lawrence N. Lies 242 South Young Wichita Kansas 67209	Lots 18 and 19, Block 14, FRUITVALE PARK, Sedgwick County, Kansas
Peggy Sue Downs 350 North Flora Wichita Kansas 67212	Lot 20, Block 14, Fruitvale Park, Wichita, Sedgwick County, Kansas.
John M. and Phyllis E. Griffith 657 Apache Wichita Kansas 67207	Lot 1, Block 15, Fruitvale Park, Wichita, Sedgwick County, Kansas
Leonard and Alois Thelma Keith 421 North Flora Wichita Kansas 67212	Lot 8, Block 16, Fruitvale Park
John F. and Letha LaMar 403 North Flora Wichita Kansas 67212	Lot Nine (9), Block Sixteen (16) Fruitvale Park, Sedgwick County, Kansas
John Faye and Letha A. Lamar 403 North Flora Wichita Kansas 67212 <i>dup</i>	Lot 10, Block 16, in FRUITVALE PARK, Sedgwick County, Kansas

Dated this 11th day of July, 1988 at 7:00 A.M., in Wichita, Kansas.

FIDELITY TITLE COMPANY, INC.

By

*Michael Saxon*

Assisant Vice-President

Tracer No. 83625

Nº 00265

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA variance  
Name A. G. or Anita Grochewsky  
Address 702 N. Dixie 67212  
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)  
Amount 200<sup>00</sup>  
Date 7-12-88 Due Date 7-12-88 By L.L.

Form 00-000

Nº 00266

METROPOLITAN AREA PLANNING DEPARTMENT

Description BZA sign (Grochewsky)  
Name Jenna - Tech  
Address 245 W. Dewey  
Fund No. (circle one) 755-40710-003 (fees) 755-40710-004  
(books, xerox) 755-40710-026 (microfilm)  
Amount 3<sup>00</sup>  
Date 7-12-88 Due Date 7-12-88 By L.L.

Form 00-000