

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

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.

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  
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

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.

**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)

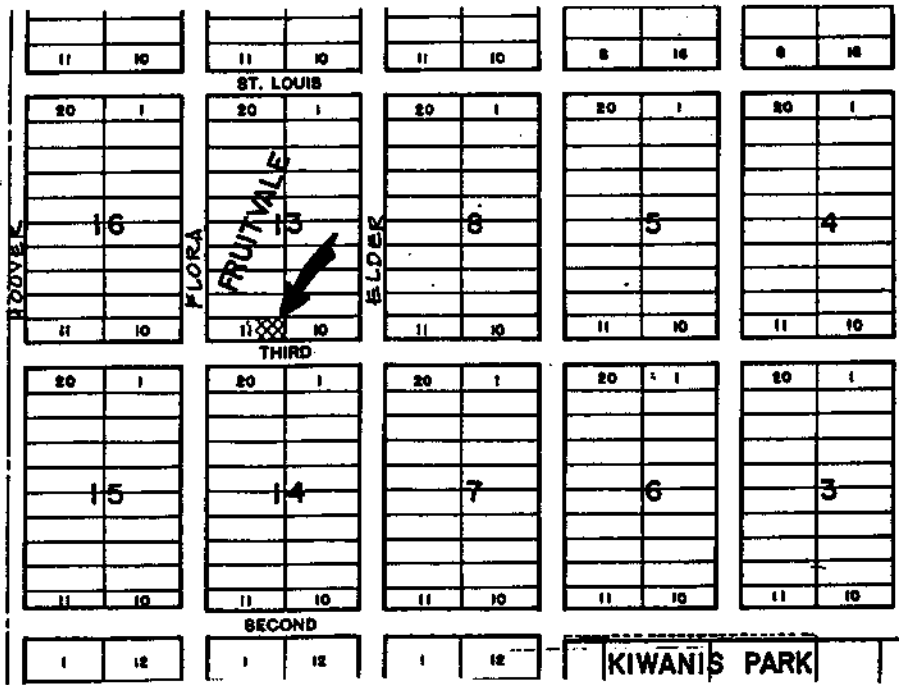
**REQUEST:** Variance to reduce the required lot area from  
6,000 sq. ft. to 5,360 sq. ft.

**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.