

LAWRENCE BOARD OF ZONING APPEALS

AGENDA

**FEBRUARY 2, 2017 – 6:30 P.M., CITY COMMISSION MEETING ROOM, FIRST FLOOR
OF CITY HALL AT SIXTH AND MASSACHUSETTS STREET, LAWRENCE, KANSAS**

CALL THE MEETING TO ORDER

TAKE A ROLL CALL TO DETERMINE IF THERE IS A QUORUM OF MEMBERS PRESENT

ITEM NO. 1 COMMUNICATIONS

- a) Acknowledge communications to come before the Board.
- b) Board member disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.
- c) Announce any agenda items that will be deferred.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the January 5, 2017 meeting of the Board.

BEGIN PUBLIC HEARING:

ITEM NO. 3 VARIANCE FROM THE EXTERIOR SIDE YARD BUILDING SETBACK FOR A RESIDENTIAL DWELLING; 1501 OAK HILL AVENUE [DRG]

B-16-00560: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 20 feet exterior side yard building setback standard required by Section 20-601(a) of the City Code for the RS5 (Single-Dwelling Residential) District. The applicant is seeking the variance from this code standard to allow for extra buildable envelope width on the 46.3 feet wide corner lot. The property is located at 1501 Oak Hill Avenue. Submitted by J. Dean Grob, Grob Engineering Services, LLC, for Bruce D. and Sharon L. Livingston, the property owners of record.

ITEM NO. 4 VARIANCE FROM THE ACCESSORY DWELLING UNIT BUILDING SIZE STANDARD AND PROPERTY OWNER OCCUPANCY REQUIREMENT; 737 ELM STREET [DRG]

B-17-00001: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance from the code permitted maximum size accessory dwelling unit defined in Section 20-2-2(1)(i) of the City Code. The code standard limits the size of an accessory dwelling unit to no more than 33 percent of the living area of the primary dwelling or 960 square feet, whichever is less. The living area in the principal dwelling is 532 square feet which limits the size of an accessory dwelling unit to 177 square feet. The proposed size of the accessory dwelling unit is 780 square feet. The second request is a variance from the property owner occupancy requirement in RS Districts per Section 20-534(2)(iv) of the City Code. The property is located at 737 Elm. Submitted by Susan Raines, the property owner of record.

Deferred by Applicant

ITEM NO. 5 **APPEAL OF AN ADMINISTRATIVE DECISION INVOLVING THE DENIAL OF EVIDENCE TO SUPPORT REGISTRATION OF A 5-UNIT NON-CONFORMING RESIDENTIAL USE AT 433 OHIO STREET [DRG]**

B-16-00522: Consider an appeal filed by Paul R. Horvath, Morning Star Management, LLC, representing Jason E. Horvath, property owner of record of the real property at 433 Ohio Street. The appeal challenges an administrative determination, issued by letter dated November 21, 2016, from Ms. Sandra Day, AICP, Planner II, in the City of Lawrence Planning and Development Services Department, which determined the documentation provided to staff was not sufficient to certify registration of the property, located at 433 Ohio Street, as a five-unit non-conforming residential use. The appeal was filed under the guidelines of Section 20-1311 in the Land Development Code of the City of Lawrence, Kansas, 2015 edition. Reasons for filing this appeal are cited by the appellant in their appeal packet dated December 7, 2016, and received in the Planning Office on December 7, 2016.

ITEM NO. 6 **MISCELLANEOUS**

- a) Consider any other business to come before the Board.

From: [Susan Raines](#)
To: [David Guntert](#)
Subject: 737 Elm
Date: Tuesday, January 24, 2017 12:52:43 PM

Dear Mr. Guntert,

After our conversation this morning I believe it is wise to postpone presenting my request for a variance to the zoning board until March 2, 2017.

I greatly appreciate your time this morning as we covered so many aspects of this project and the codes that affect the final building of the accessory dwelling at 737 Elm in North Lawrence.

Please do not hesitate to call or email me with any further questions or concerns.

Thank you!

Sincerely,

Susan Raines

Susan Raines
Executive Director
Bowlus Fine Arts & Cultural Center
205 E. Madison Avenue
Iola, KS 66749
620.365.4765 main
620.365.4775 direct
www.bowluscenter.org
susan.raines@bowluscenter.org



This email has been checked for viruses by Avast antivirus software.
www.avast.com

LAWRENCE BOARD OF ZONING APPEALS
Meeting Minutes of January 5, 2017 – 6:30 p.m.

Members present: Gardner, Holley, Mahoney, Wisner
Staff present: Cargill, Crick, Guntert

ITEM NO. 1 COMMUNICATIONS

- a) Acknowledge communications to come before the Board.

Mr. David Guntert said staff received a communication from the applicant for Item 3, which was withdrawn.

- b) There were no abstentions.
c) There were no items deferred.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the November 3, 2016 meeting of the Board.

ACTION TAKEN

Motioned by Holley, seconded by Mahoney, to approve the minutes from the November 3, 2016 meeting of the Board.

Motion carried 2-0-2.

BEGIN PUBLIC HEARING:

**ITEM NO. 3 VARIANCE FROM THE REAR YARD BUILDING SETBACK FOR A
RESIDENTIAL DWELLING DECK ADDITION; 315 HEADWATERS DRIVE
[DRG]**

B-16-00380: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 30 feet minimum rear yard building setback standard in an RS7 (Single-Dwelling Residential) District which is required by Section 20-601(a) of the City Code. The applicant is seeking a variance from this code standard to allow the construction of a 10 feet deep deck addition that will reduce the rear yard building setback to a minimum of 20 feet. The property is located at 315 Headwaters Drive. Submitted by Doug Hassig, President of R&H Builders, Inc., who is the property owner of record. Deferred from the October 6th and November 3rd meetings by the applicant.

**ITEM NO. 4 VARIANCE FROM THE FRONT YARD BUILDING SETBACK FOR A
RESIDENTIAL DWELLING DECK ADDITION; 2534 MAVERICK LANE
[DRG]**

B-16-00481: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 25 feet front yard building setback standard required by Section 20-601(a) of the City Code for the RS7 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard to allow for construction of a 10 feet deep deck addition that will reduce the front yard building setback to a minimum of 12 feet. The property is located at 2534 Maverick Lane. Submitted by William Morris, who is the property owner of record.

STAFF PRESENTATION

Guntert presented the item.

Gardner asked if there were any pictures of the property at eye level.

Guntert offered to pull up a street view.

They discussed surrounding properties.

No public comment

ACTION TAKEN

Motioned by Gardner, seconded by Holley, to close public comment for the item.

Unanimously approved 4-0.

BOARD DISCUSSION

Mahoney said he has no problems with the request.

ACTION TAKEN

Motioned by Gardner, seconded by Wisner, to approve the variance based on findings in the staff report.

Unanimously approved 4-0.

**ITEM NO. 5 VARIANCE FROM THE ACCESSORY BUILDING SETBACK STANDARDS;
401 LOUISIANA STREET [JSC]**

B-16-00515: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to allow an accessory pergola structure to be located in front of the 20 feet front yard building setback as required by Section 20-533(3) and Section 20-601(a) of the City Code in the RS5 (Single-Dwelling Residential) District. The second request is to allow the proposed pergola to extend into the required 20 feet exterior side yard setback established in Section 20-601(a) of the City Code. The property is located at 401 Louisiana Street. Submitted by Sean Bergin and Ann Lavaty, who are the property owners of record.

STAFF PRESENTATION

Crick presented the item.

Wisner asked why the right-of-way for 4th Street is so significant.

Crick said staff isn't sure, but at the time it was built they felt the width was necessary.

Gardner asked as if the right-of-way could be reduced.

Crick said it's possible.

Holley asked if this project would remove any trees.

Crick said it would not.

Holley asked if the notification radius was calculated from the center or perimeter of the property.

Crick said its calculated 400 feet from the perimeter of the property.

Holley asked if 400 Louisiana Street has been notified.

Crick said that is correct.

No public comment

ACTION TAKEN

Motioned by Mahoney, seconded by Holley to close public comment for the item.

Unanimously approved 4-0.

BOARD DISCUSSION

They agreed there was no issue with the request and that the setback from 4th Street is excessive.

ACTION TAKEN

Motioned by Gardner, seconded by Wisner, to approve the variance based on findings in the staff report.

Unanimously approved 4-0.

ITEM NO. 6 MISCELLANEOUS

a) Consider any other business to come before the Board.

ACTION TAKEN

Motioned by Gardner, seconded by Wisner, to approve the 2017 BZA Schedule.

Unanimously approved 4-0.

ADJOURN 6:52 PM

**ITEM NO. 3 VARIANCE FROM THE EXTERIOR SIDE YARD BUILDING SETBACK FOR
A RESIDENTIAL DWELLING; 1501 OAK HILL AVENUE [DRG]**

B-16-00560: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a variance from the 20 feet exterior side yard building setback standard required by Section 20-601(a) of the City Code for the RS5 (Single-Dwelling Residential) District. The applicant is seeking the variance from this code standard to allow for extra buildable envelope width on the 46.3 feet wide corner lot. The property is located at 1501 Oak Hill Avenue. Submitted by J. Dean Grob, Grob Engineering Services, LLC, for Bruce D. and Sharon L. Livingston, the property owners of record. **The legal description for each application is found in the respective project case file which is available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.**

B. REASON FOR REQUEST

Applicant's Request – "The variance requested is from the exterior side yard setback for an existing platted lot. The lot is 46.3 feet wide, faces Oak Hill Avenue and abuts Summit Street. Lot 37 is part of the plat of "Fairfax" which was completed in 1917. The alley behind Lot 37 was vacated many years back and ½ of the vacated alley was added to Lot 37 providing a depth ranging from 142.3' to 150.9'. Without the requested variance, the buildable envelope width would be 21.3' (46.3' minus 20' exterior side yard and 5' interior side yard). The existing house has been condemned and either needs to be renovated or razed. The owner believes the 21.3' is too restrictive on allowable building width if the existing structure is razed and a new modern day structure is desired on Lot 37. If the variance is granted, a 31.3' wide building envelope would be achievable, which is similar to a typical RS5 lot."

C. ZONING AND LAND USE

Current Zoning & Land Use: RS5 (Single-Dwelling Residential) District; residential dwelling and a detached accessory building on two platted lots

Surrounding Zoning and Land Use: RS5 District in all directions; single-dwelling residential homes on double lots to the north, east and west. Single-dwelling residential homes on single lots to the south.

D. ZONING ORDINANCE REQUIREMENTS

Section 20-601(a), "DENSITY AND DIMENSIONAL STANDARDS; OCCUPANCY LIMITS, Residential Districts," provides the minimum building setbacks, density, coverage and building height standards for each residential zoning district. The code required minimum building setbacks for structures in the RS5 (Single-Dwelling Residential) District and what is proposed by the applicant follow:

South lot line (Front lot line – Oak Hill Ave.) – 20' required; 20' minimum proposed
North lot line (Rear lot line) – 20' required; 81' existing

East lot line (Interior side lot line) - 5' required; existing - approx. 10' encroachment onto adjacent lot in this development parcel;
proposed – 5' on Lot 37

West lot line (Exterior side lot line) – 20' required; 10' proposed

E. SPECIFIC ANALYSIS

Section 20-1309(g)(1) in the Development Code lists the five requisite conditions that have to be met for a variance to be approved.

1. The variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.

Applicant response: "With present building setback regulations, corner lots are generally larger in width to accommodate the wider exterior yard setback. At the time of platting (1917), there were not the setback requirements that there are today. There are numerous homes in the neighborhood that have setbacks less than present regulations."

Building Setback:

The subject property is located in Fairfax Addition, which was platted in 1917. Most lots in this plat were created with 40' wide street frontage and 132' lot depth. The lots fronting Oak Hill Avenue between Prairie Avenue and Elmwood Street were platted as 46.3' wide lots, for reasons unknown to staff. According to the Douglas County Appraiser's property record card, the existing residence was built circa 1920 which predates the City's first zoning regulations adopted in 1927.

The existing dwelling has been condemned by the City and either needs to be repaired or demolished. Since the parcel consists of two platted lots, the applicant would like the option of possibly being able to build two homes on the property. If the variance request is approved, the existing home will either be demolished so a new dwelling structure can be built on Lot 37 or it will be moved to the corner lot and remodeled to make it code compliant. The home is approximately 28' wide, which makes it necessary to seek the reduced exterior side yard setback even to relocate the existing dwelling.

There are other developed corner lots in the neighborhood that appear to have structures that are not code compliant with the City's current zoning setback standards. Therefore, what the applicant is requesting is not unique to this property alone, it is a common development pattern in this neighborhood which existed when the applicant purchased their property circa 2002 or 2003.

Finding – The property was developed around 1920, which is prior to the City's adoption of the first zoning ordinance in 1927. The subdivision was platted in 1917. Other properties in the neighborhood appear to have been developed with residential dwellings that are noncompliant with regard to the City's current zoning setbacks. The owner purchased the property in 2002 or 2003 with all existing site improvements.

2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

Applicant response: *"Granting of this variance would not affect the rights of adjacent property owners as the lot abuts street right-of-way on two sides. The owner believes that the reduced set back would not affect the views to adjacent property to the north on Summit Street."*

Building Setback:

Granting the requested exterior side yard building setback, may affect the property owner to the north because the residential dwelling will be located closer to the exterior side property line (Summit Street) than the residential dwelling to the north. However, in staff's opinion, the effect of a reduced exterior side setback on the adjacent north property can be mitigated by keeping an extra deep rear building setback from the north property line.

The property (1500 Oak Hill Avenue) on the southeast corner of Summit and Oak Hill Avenue is a single platted lot with similar lot frontage and depth. The dwelling structure on that property appears to share a similar building setback along Summit Street as what the applicant has requested in their variance application. Other examples of this same development pattern can be found in the neighborhood. To staff's knowledge, the reduced building setback has not been problematic for residents and property owners in the neighborhood.

Finding -- Granting a variance reducing the code required 20' exterior side yard building setback to a minimum of 10' from Summit Street property line, which is necessary for the relocation of the existing residential structure or construction of a new residential dwelling on Lot 37, will not have an adverse effect upon the rights of adjacent property owners or residents.

3. That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Applicant response: *"Strict adherence to the exterior side yard setback requirement would not allow for the existing house to be relocated, nor possible construction of a new residence of similar size if razed. Redevelopment of the site as two lots would not be possible without the requested variance. The compact nature of the property creates hardship for the reconstruction of the proposed house."*

Building Setback:

In staff's opinion, strict adherence to the code required building setbacks is a hardship for the property owner because of the platted lot size and size of the existing dwelling structure. The existing dwelling is approximately 28 feet wide thus making it impossible to relocate on Lot 37 (corner lot) and be code compliant with all building setbacks.

However, the property owner may decide the structure is too far gone and cannot be moved and renovated on its own lot. If that is the owner's decision then other building design options become available that may not require a variance, or maybe not as much setback variance, from the code required 20' exterior side yard setback.

Finding -- Strict adherence to the code required 20' exterior side yard building setback is an unnecessary hardship for the property owner if they intend to move and renovate the existing residential dwelling onto the corner lot (Lot 37). If the existing residential structure is demolished, the property owner has design options that may eliminate the need for a setback variance or maybe reduces the amount of variance needed.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Applicant response: *"The owner believes that granting the reduction in exterior side yard setback would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Vehicular access is provided for this lot to the adjacent streets and residential neighborhoods. The owner believes that granting the reduction in exterior side yard setback would not affect the safety of the traveling public nor obscure the view of nearby residents."*

Building Setback:

In staff's opinion, granting the requested variance for a 10' exterior side yard building setback instead of the code required 20' setback will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The proposed exterior side building setback is not uncommon within this neighborhood area. To staff's knowledge, this development pattern has not caused an adverse effect to the public health, safety, morals, order, convenience, prosperity or general welfare. All new construction will have to adhere to the City's building and life safety codes.

Finding -- Granting a 10' variance for the exterior side yard building setback will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. The proposed setback is not uncommon in the neighborhood.

5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.

Applicant response: *"Granting of the variance would not be opposed to the general spirit and intent of the development code. There are numerous reductions in front and exterior side yard setbacks within the surrounding properties and the code addresses compatibility with adjacent properties."*

Building Setback:

In staff's opinion, reducing the exterior side yard building setback to a minimum of 10 feet is not opposed to the general spirit and intent of the development code. New infill development on lots that were platted prior to the city adopting zoning and subdivision regulations occasionally may require relief from today's zoning codes. Other properties in the neighborhood are developed with similar exterior side yard setbacks so the desired variance is not out of character with the existing development pattern.

Finding – A 10' exterior side yard building setback on the subject property is not opposed to the general spirit and intent of the code. The proposed setback is compatible with the development pattern found on other property in this neighborhood.

Conclusion:

Building Setback:

Staff's analysis finds the request meets the five conditions set forth in Section 20-1309(g)(1) of the Development Code the Board must find existing to grant a variance for the exterior side yard building setback provided the property owner decides to save the existing residential dwelling by moving it to Lot 37 and remodeling it to be City Building Code compliant.

If the decision is made by the property owner to demolish the existing residential dwelling, staff believes the 3rd condition necessary for supporting a variance is not satisfied. The applicant has not sufficiently established that no other design options exist for this lot to be developed in accordance with the current zoning setback, or at least not as much of a setback reduction.

Recommendation:

Staff recommends approval of the exterior side yard building setback variance, which is necessary for relocating the existing residential dwelling structure to Lot 37, based upon the findings in the staff report that conclude the request meets the 5 conditions outlined in Section 20-1309(g)(1) needed for variance approval. Staff's recommendation includes the following condition:

- 1) The Board of Zoning Appeals action is centered upon the existing residential dwelling being moved to Lot 37 and renovated to be City Building Code compliant. The variance is not valid for new residential construction on Lot 37.



**B-16-00560: Variance from the Exterior Side Yard Building Setback
for a New Residential Dwelling; 1501 Oak Hill Avenue**

Lawrence Planning & Development Services Dept
January 11, 2017



Subject Property
Scale: 1 Inch = 100 Feet



**APPLICATION FOR
VARIANCE FROM UNNECESSARY HARDSHIP**

RECEIVED

DEC 29 2016

City County Planning Office
Lawrence, Kansas

OWNER INFORMATION

Name(s) Bruce Livingston
Contact Bruce Livingston
Address 567 E 1300 Road
City Baldwin City State KS ZIP 66006
Phone (785) 749-2886 Fax ()
E-mail sales@signdsignlawrence.com Mobile/Pager (785) 423-4796

APPLICANT/AGENT INFORMATION

Contact J. Dean Grob
Company Grob Engineering Services, LLC
Address 3210 Mesa Way, Suite A
City Lawrence State KS ZIP 66049
Phone (785) 856-1900 Fax (785) 856-1901
E-mail jdgrob@grobengineering.com Mobile/Pager (785) 766-3740
Pre-Application Meeting Date N/R Planner Sheila Stogsdill

PROPERTY INFORMATION

Present Zoning District RS5 Present Land Use Single Family Resident
Proposed Land Use Single Family Resident
Legal Description (*may be attached*) Lot 37, Fairfax & 1/2 Vacated Alley
Address of Property 1501 Oak Hill Avenue
Total Site Area 6,786 S.F.
Number and Description of Existing Improvements or Structures 1 residence nearly centered on
lots 37 and 36



Description of variance requested:

The variance requested is from the exterior side yard setback for an existing platted lot. The lot is 46.3 feet wide, faces Oak Hill Drive and abuts Summit Street. Lot 37 is part of the plat of "Fairfax" which was completed in 1917. The alley behind Lot 37 was vacated many years back and 1/2 of the vacated alley was added to Lot 37 providing a depth ranging from 142.3' to 150.9'. Without the requested variance, the buildable envelope width would be 21.3' (46.3' minus 20' ext. side yard and 5' int. side yard). The existing house has been condemned and either needs to be renovated or razed. The owner believes the 21.3' is too restrictive on allowable building width if the existing structure is razed and a new modern day structure is desired on Lot 37. If the variance is granted, a 31.3' wide building envelope would be achievable, which is similar to a typical RS5 lot.



UNNECESSARY HARDSHIP CRITERIA

The Board of Zoning Appeals may approve a zoning variance if it finds that all of the following criteria have been met. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to each criterion to the best of your knowledge. (Attach additional sheets if needed.)

1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant:

With present building setback regulations, corner lots are generally larger in width to accommodate the wider exterior yard setback. At the time of platting (1917), there were not the setback requirements that there are today. There are numerous homes in the neighborhood that have setbacks less than present regulations.

2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:

Granting of this variance would not affect the rights of adjacent property owners as the lot abuts street right-of-way on two sides. The owner believes that the reduced set back would not effect the views to adjacent property to the north on Summit Street.



3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:

Strict adherence to the exterior side yard setback requirement would not allow for the existing house to be relocated, nor possible construction of a new residence of similar size if razed. Redevelopment of the site as two lots would not be possible without the requested variance. The compact nature of the property creates hardship for the reconstruction of the proposed house.

4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:

The owner believes that granting the reduction in exterior side yard setback would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.

Vehicular access is provided for this lot to the adjacent streets and residential neighborhoods. The owner believes that granting the reduction in exterior side yard setback would not effect the safety of the traveling public nor obscure the view of nearby residents.



5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code:

Granting of the variance would not be opposed to the general spirit and intent of the development code. There are numerous reductions in front and exterior side yard setbacks within the surrounding properties and the code addresses compatibility with adjacent properties.

SIGNATURE

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for variances as indicated above.

Signature(s):

J. Dean Hob

Date

12-28-16

Date

Date

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



OWNER AUTHORIZATION

I/WE Bruce Livingston, hereby referred to as the "Undersigned", being of lawful age, do hereby on this _____ day of _____, 20 __, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize J. Dean Grob, Grob Engineering Services, LLC (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding 1501 Oak Hill Avenue (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Bruce Livingston
Owner

Owner

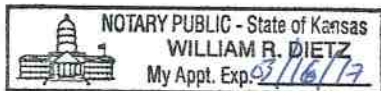
STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this 27th day of DECEMBER, 20 10,

by BRUCE LIVINGSTON

My Commission Expires: MARCH 16, 2017

[Signature]
Notary Public



PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

Radius of Notification

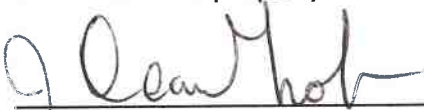
The Ownership list shall include the record Owner of the subject property and all Owners of property located within 200 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense. Allow 10 business days** to receive the map.

THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.



Signature

12-28-16

Date

J. Dean Grob

Printed Name



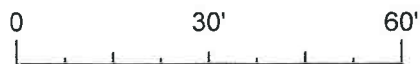
Note to Applicant:

Replace this page with "Exhibit A, Legal Description".

Lot 37, Fairfax & 1/2 Vacated Alley

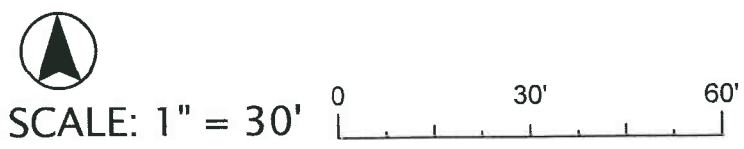


SCALE: 1" = 30'



1501 Oak Hill Ave

Exterior Sideyard Setback Variance Request



1501 Oak Hill Ave
Exterior Sideyard Setback
Variance Request

Google Maps 1501 Oak Hill Ave

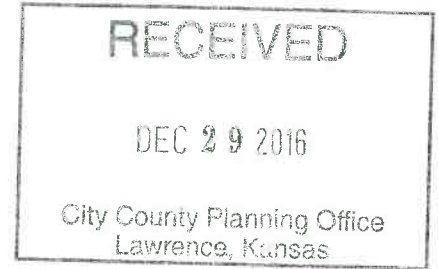


Google Maps 1401 Summit St





*Site Planning & Land Development
Civil Engineering, Design & Consulting*



LETTER OF TRANSMITTAL

Date: **December 28, 2016**
To: **Sheila Stogsdill**
Lawrence Douglas County Planning Office
6 East 6th Street
Lawrence, Kansas 66044
From: **J. Dean Grob**
RE: **1501 Oak Hill Ave – Hardship Variance Submittal**

We are sending you

☒ Attached ☐ Under separate cover ☐ Via _____

the following:

☐ Change Order ☐ Drawings ☐ Prints ☐ [] _____
☐ Samples ☐ Specifications ☒ Submittals

Copies	Date	Description
1	12/28/16	Variance from Unnecessary Hardship Application and Fee Check
1	12/28/16	Site Plan showing variance request
1	12/28/16	Site Plan showing variance request with aerial image
1	12/27/16	Certified Ownership List
1	12/28/16	CD with submittal

These are transmitted:

☒ for your review and comment ☒ for your use ☐ for your approval
☐ as requested ☐ for quotation ☐ no exceptions taken
☐ copies for distribution ☐ return

Comments

Sheila,
I hope everything is in order.
Call or email with questions
Dean

cc:

Owner

ITEM NO. 5 **APPEAL OF AN ADMINISTRATIVE DECISION INVOLVING THE DENIAL OF EVIDENCE TO SUPPORT REGISTRATION OF A 5-UNIT NON-CONFORMING RESIDENTIAL USE AT 433 OHIO STREET [DRG]**

B-16-00522: Consider an appeal filed by Paul R. Horvath, Morning Star Management, LLC, representing Jason E. Horvath, property owner of record of the real property at 433 Ohio Street. The appeal challenges an administrative determination, issued by letter dated November 21, 2016, from Ms. Sandra Day, AICP, Planner II, in the City of Lawrence Planning and Development Services Department, which determined the documentation provided to staff was not sufficient to certify registration of the property, located at 433 Ohio Street, as a five-unit non-conforming residential use. The appeal was filed under the guidelines of Section 20-1311 in the Land Development Code of the City of Lawrence, Kansas, 2015 edition. Reasons for filing this appeal are cited by the appellant in their appeal packet dated December 7, 2016, and received in the Planning Office on December 7, 2016.

MATTER BEFORE THE BZA

The only question before the Board of Zoning Appeals is: **Did Staff err when it issued a written determination that 5 dwelling units cannot be certified as a legal nonconforming use based on a review of the evidence provided by the appellant and the zoning history of the property?**

REASON FOR THE APPEAL

Section 20-1311 of the Land Development Code states, "Unless specifically provided for otherwise in this Development Code, the **Board of Zoning Appeals is authorized to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official** in the administration or enforcement of the provisions of this Development Code." *Emphasis added.*

Over a 6 month period of time, the appellant and City staff have been exchanging communications and information trying to establish whether the current number of dwelling units in the converted residential dwelling structure was legally created during a time period when the zoning of the property would have supported 5 dwelling units. On November 21, 2016, Planning and Development Services Department staff notified the property owner that the documentation they provided to the City was insufficient to conclude the subject property was ever zoned to legally permit 5 dwelling units on the combined property land area. Therefore, staff could not certify the property is a legal nonconforming use if the owner submitted an application for registration of a nonconforming use with the City. A copy of the letter is attached.

On December 7, 2016, the applicants' representative, Paul R. Horvath, filed an "Application for Appeal of Administrative Decision to the Board of Zoning Appeals," challenging the determination made by Planning Staff. Included with the application is a letter from Mr. Horvath, which outlines a number of points why they believe staff's determination is wrong. The appeal was timely filed in the Planning Office, **within 10 working days after the administrative determination was issued**, in accordance with Section 20-1311(b) of the Land Development Code. *Emphasis added.*

CURRENT ZONING AND LAND USE

Current Zoning & Land Use:	RS5 (Single-Dwelling Residential) District; residential dwelling converted to apartments.
Surrounding Zoning and Land Use:	<p>RS5 (Single-dwelling Residential) District to the north, south and east; North -- vacant undeveloped parcel serving as open space/yard area for single dwelling residential use to the north of it.</p> <p>South – single dwelling residential use.</p> <p>East – Open space behind a residential home at 444 Ohio Street, BNSF Railroad tracks and right-of-way, and Burcham Park to the east of the railroad right-of-way.</p> <p>RS7 (Single-Dwelling Residential) District and RS5 District to the west; single-dwelling residential homes and a vacant undeveloped parcel between 424 and 432 Louisiana Street</p>

PROPERTY HISTORY

- Circa 1856 – Original Townsite of Lawrence was established by the Trustees of Lawrence Townsite. The plat laid out the city street network, park sites, and lots for development by those settling in Lawrence. The subject property, which is today legally described as Lot 9 & Lot 7, less the North 40' thereof, on Ohio Street is shown on this plat.
- Circa 1920 - Residential dwelling constructed on the property according to the Douglas County Appraiser's Office records. A 1918 Lawrence KS Sanborn Map shows a residential structure on Lot 9 and a smaller accessory structure near the alley on Lot 7.
- Property has been sold and conveyed by deed to new owners as two full platted lots since at least 1901 [Lot 7 & 9] according to a non-exhaustive search of property deeds recorded at the Douglas County Register of Deeds Office.
- 1926 - City of Lawrence adopts its first zoning regulations by the approval of Ordinance No. 1537 on May 27, 1926. The zoning of this area was established as U-1 (Dwelling House) District, which permitted "Dwellings", defined as a "building arranged, intended or designed to be occupied by not more than two families." Apartments, boarding and lodging houses were not permitted in the U-1 District. Further, the 1926 Zoning Ordinance identified "Height and Area" districts on the zoning map which established the setback, height, and lot area per family standards applied to the zoning of the property. The subject property was classified in Zone B, which required a minimum of 2,500 square feet per family. Based on the 1926 Zoning Ordinance, each lot would have been eligible for development of a "Dwelling" occupied by not more than two families.
- 1949 - The City adopts Ordinance No. 2227 on November 14, 1949, which replaces the former zoning regulations and Official Zoning Districts Map of the City of Lawrence, Kansas. Zoning of the subject property was District B, Second Dwelling House District. Apartment buildings were not permitted in this district. Density requirement was 3,000

square feet per family and one half of the alley could be considered part of the total lot area.

- 1966 - City adopts Ordinance No. 3500, which replaces the old zoning regulations. The entire city was rezoned to new zoning districts with a new Official Zoning Districts Map. The subject property was in an area zoned RM-1 (Multiple-Family Residential) District. In this district, multi-dwelling structures were permitted based upon a density standard of 3,500 square feet of lot area per dwelling unit. If Lots 7 & 9 were developed together as one development parcel, the land area would have permitted a total of 3 dwelling units.

An exception provision in the 1966 code allowed an existing lot of record in an RM-1 District to use a 20 percent reduction of the lot area per dwelling unit standard. However, the exception provision (Section 20-1502) could not be used if "adjoining undeveloped land fronting on the same street was under the same ownership" on the effective date of Ordinance No. 4361 (January 30, 1973).

The residential dwelling structure at 433 Ohio Street is fully contained within the property boundaries of Lot 9.

The following code provision is from the 1966 Zoning Ordinance, as amended since its adoption. This code provision addresses the continuance of non-conforming uses.

ARTICLE 13. GENERAL PROVISIONS

20-1301. CONTINUING EXISTING NON-CONFORMING USES.

Except as hereinafter specified, any non-conforming use of a building or structure; or a non-conforming building, structure and use thereof existing at the time of the enactment of this Ordinance may be continued, even though such use or building may not conform with provisions of this Ordinance for the district in which it is located: *Provided that this section does not apply to any use or building established in violation of any zoning ordinance previously in effect in Lawrence unless said use or building now conforms with this Ordinance.* (Code 1979, 20-1001; Ord. 5034) *[Emphasis added]*

- 1978 - Pinckney Neighborhood Plan was approved by the City. The neighborhood plan identified areas in the neighborhood that should be evaluated for possible rezoning to more compatible districts that match the predominant land use pattern. This area was included in a rezoning recommendation to downzone from RM-1 District to RS-2 (Single-Family Residential) District.

Following legal notice and the code required public hearings, the City Commission approved zoning request Z-8-28-78 and passed Ordinance No. 4985 on March 27, 1978 rezoning a large number of lots in the neighborhood to RS-2 District. This action created nonconforming uses on some lots that were legally developed with more than one dwelling unit.

- 1996 - The appellant purchases Lots 7 & 9 on contract from Allen D. Colebank.

- 1997 - Property Deed for Lot 9 to Mr. Horvath was filed at the Douglas County Register of Deeds.

- 1998 - Property Deed for Lot 7 (undeveloped lot) to Mr. Horvath was filed at the Douglas County Register of Deeds.
- 1998 - The North 40' of Lot 7 is sold and deeded to Ms. Bender from Mr. Horvath. *This voluntary action by the appellant further compounds the nonconformity of this property by reducing the total development parcel square footage of Lots 7 & 9 from 11,700 square feet to 7,020 square feet. [Emphasis added]*
- 2006 - The City adopts Ordinance No. 7985, Land Development Code, which replaces the old 1966 Zoning Ordinance. In addition, the city adopts Ordinance No. 7986 as the Official Zoning District Map pursuant to the newly adopted Land Development Code.
- A number of new zoning district categories were created in the Land Development Code, including a new RS5 (Single-Dwelling Residential) District which is intended to address smaller lot sizes common in the older development areas in the City. A large area in Pinckney Neighborhood, including the subject property, was rezoned as RS5 District.
- 2014 - The City issued a Rental Dwelling License to the property owner for 5 dwelling units in the property addressed as 433 Ohio Street on July 21, 2014 with an expiration date of May 31, 2015.
- It is important to note that the issuance of an RLSF, RLMF or RLMA (Master License) rental license for dwelling units and structures containing multiple dwelling units only establishes compliance with the licensing requirements of Chapter 6, Article 13, Section 6-1303(a) of the City Code, 2015 Edition, and amendments thereto, governing the renting, leasing, or letting of Residential Rental Property. The issuance of an RLSF, RLMF or RLMA rental license does not establish or authenticate that such dwelling units and structures are otherwise in compliance with the City's Land Development Code found at Chapter 20 of the City Code, 2015 Edition, and amendments thereto.
- 2015 - The Rental Dwelling License was renewed by the City on June 1, 2015 with an expiration date of April 30, 2016.
- April 2016 - A request to the Planning Office was received from Jeff Hatfield seeking information regarding the property's conformance as a multi-dwelling use in the RS5 District. Ms. Sandra Day, AICP, Planner II, researched the zoning history of this property for Mr. Hatfield. On April 11, 2016, a letter was sent to Mr. Hatfield which concluded 5 dwelling units in the residential dwelling converted to apartments was never permitted by any previous zoning regulations adopted by the City. *Two dwelling units was the maximum density that can be documented to have been permitted to be developed on Lot 9. [Emphasis added]*
- May 2016 - City staff members met with Jason Horvath, Paul Horvath, and Jack Klinknett on May 13th to further discuss the zoning conformity of this multi-family residential use property and what documentation needs to be provided for staff to determine the land use density was established at a time prior to the City's adoption of zoning regulations or when the zoning laws would have permitted a density of 5 dwelling units.

On May 19th, staff mailed a response letter to Jason Horvath concluding the past zoning of the property would support a maximum of 2 dwelling units on each lot. At no time

since the City established zoning regulations (1927) was this property zoned to allow a density of 5 dwelling units.

November 2016 - Additional documentation was provided to staff by Mr. Horvath in the form of historical records from 1961 – 1978 Polk, Cole's and Cross Reference City Directories; and, old newspaper ads from November 30, 1922 listing rooms and apartments for rent.

A written response was sent to Mr. Jason Horvath on November 21st, which concluded the evidence provided to staff was not sufficient to certify the development density on this property was established before zoning regulations were adopted by the City. The ads published in the Journal World newspaper advertised "Room for Rent" which is not the same thing as an apartment. In addition, following the City's adoption of zoning regulations dating back to 1927, the subject property has not been zoned for the number of dwelling units currently in this structure. Therefore, staff cannot "certify this property as a non-conforming use in accordance with the Development Code Section 20-1502."

LAND DEVELOPMENT CODE

ARTICLE 15 NONCONFORMITIES

20-1501 GENERAL

(a) Scope

The regulations of this article govern uses, [Structures](#), [Lots](#) and other situations that came into existence legally, but that do not conform to one or more requirements of this Development Code. These are referred to in this Development Code as "nonconformities." Nonconformities are legal situations and have legal status under this Development Code.

(b) General Policy

To encourage development consistent with this Development Code and provide [Landowners](#) with reasonable use of their land, it is the general policy of the City to allow uses, [Structures](#), [Lots](#) and other situations that came into existence legally, in conformance with then-applicable requirements, to continue to exist and be put to productive use, but to bring as many aspects of these situations into compliance with existing regulations over time as is reasonably possible. Provided, however, that where previously complying property no longer complies with the regulations of this Development Code solely as a result of a governmental taking or acquisition for right-of-way, [Easement](#) or other governmental use, the failure to comply created by the taking or acquisition shall not constitute a nonconformity.

(c) Intent

The regulations of this article are intended to:

- (1) recognize the interests of [Landowners](#) in continuing to use their property;
- (2) promote reuse and rehabilitation of existing [Buildings](#); and
- (3) place reasonable limits on the expansion and alteration of nonconformities that have the potential to adversely affect surrounding properties or the community as a whole.

(d) Authority to Continue

Any nonconformity that existed on the [Effective Date](#), or that becomes nonconforming upon the adoption of any amendment to this Development Code, may be continued in accordance with the provisions of this article.

(e) Determination of Nonconformity Status

The burden of proving, by clear and convincing evidence, that a nonconformity exists rests with the subject [Landowner](#).

(f) Repairs and Maintenance

(1) Incidental repairs and normal maintenance necessary to keep a nonconforming [Structure](#) in sound condition are permitted, unless those repairs are otherwise expressly prohibited by this Development Code.

(2) Nothing in this article will be construed to prevent [Structures](#) from being structurally strengthened or restored to a safe condition, in accordance with an official order of a public official.

(3) Change of Tenancy or Ownership

Nonconformity status runs with the land and is not affected by changes of tenancy, Ownership, or management.

20-1502 NONCONFORMING USES

(a) Definition

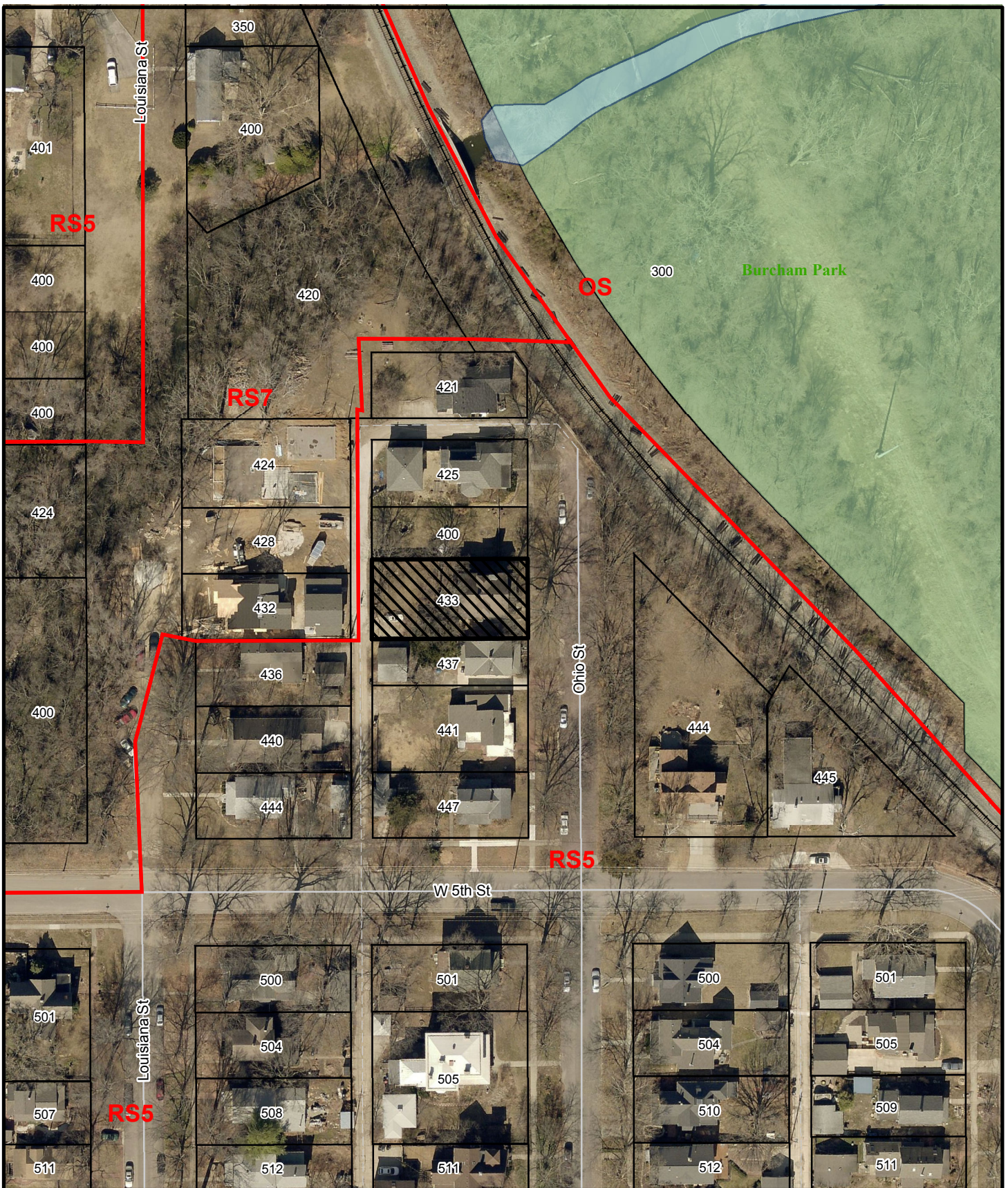
A nonconforming use is a land use that was legally established, but that is no longer allowed by the use regulations of the [Zoning District](#) in which it is located.

MATTER BEFORE THE BZA

The only question before the Board of Zoning Appeals is: **Did Staff err when it issued a written determination that 5 dwelling units cannot be certified as a legal nonconforming use based on a review of the evidence provided by the appellant and the zoning history of the property?**

ACTION REQUESTED:

Find no error was made in the conclusions and written notification, dated November 21, 2016, issued to Jason E. Horvath that sufficient evidence has not been provided to certify the property as a legal nonconforming use.



B-16-00522: Appeal of an Administrative Decision Involving the Denial of Evidence to Support Registration of a 5-Unit Non-Conforming Residential Use at 433 Ohio Street

Lawrence Planning & Development Services Dept
January 11, 2017



Subject Property

Scale: 1 Inch = 100 Feet



**APPLICATION FOR
APPEAL OF ADMINISTRATIVE DECISION TO THE
BOARD OF ZONING APPEALS (BZA)**

RECEIVED

DEC 07 2016

City County Planning Office
Lawrence, Kansas

OWNER INFORMATION (if relevant)

Name(s) JASON E HORVATH
Contact _____
Address 917 TENNESSEE
City LAWRENCE State KS ZIP 66044
Phone (785) 841 7877 Fax () SAME
E-mail _____ Mobile/Pager () N/A

APPLICANT/AGENT INFORMATION

Contact PAUL R HORVATH
Company MORNINGSTAR MCM
Address 917 TENNESSEE
City LAWRENCE State KS ZIP 66044
Phone (785) 841 7877 Fax ()
E-mail MORNINGSTARPAUL@GMAIL.COM Mobile/Pager ()
Pre-Application Meeting Date _____ Planner _____

PROPERTY INFORMATION (if relevant)

Present Zoning District _____ Present Land Use M-F
Proposed Land Use M-F
Legal Description (may be attached) LOT 7 & 9
Address of Property 433 OHIO
Total Site Area _____
Number and Description of Existing Improvements or Structures 5 UNIT APARTMENT HOUSE



City of Lawrence
Douglas County

PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County
Metropolitan Planning Office

6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
<http://www.lawrenceks.org/pds/>

Please indicate the reason for appeal:

(Alternatively, attach a letter to the Planning Director.)

see letter

SIGNATURE

I/We, the undersigned am/are the **(owner(s))**, **(duly authorized agent)**, **(circle one if relevant)** of the aforementioned property.

By execution of my/our signature, I/we do hereby officially apply for an appeal to the Board of Zoning Appeals as indicated above.

Signature(s):

Paul Hornath

Date

12/7/16

Date

Date

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____



**City of Lawrence
Douglas County**
PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County
Metropolitan Planning Office**

6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
<http://www.lawrenceks.org/pds/>

OWNER AUTHORIZATION

I/WE JASON E NORVATH, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 7th day of December, 2016, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize PAUL R NORVATH (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding 433 Ohio (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

[Signature] Owner [Signature] Owner

STATE OF CALIFORNIA
COUNTY OF San Diego

The foregoing instrument was acknowledged before me on this 7th day of December, 2016,

by Anthony Ty - Notary Public

My Commission Expires: 3/15/20

[Signature]
Notary Public





Morning Star Management, LLC.

917 Tennessee Ave, Lawrence, Kansas 66044
(785) 841-7827 morningstarpaul@gmail.com



Board of Zoning Appeals
Lawrence Douglas County
Metropolitan Planning Office
6 East 6th Street, P.O. Box 708
Lawrence, KS 66044-3351

Dear BZA,

Thank you for taking the time to consider our appeal regarding the zoning issue at 433 Ohio. Enclosed are the records that my son Jason and I have gathered regarding 433. I think some pivotal points to consider in dealing with the City are:

- Advertisements from the 1920s clearly show that at least part of the house was rented out. See attached copies from microfilm from this time period.
- Based on research we see in the various City directories that there was consistent evidence of 4-5 units in this property during the years 1966-1978, which according to the Planning Department are the significant years during which zoning changes occurred.
- In addition, photograph circa 1961 shows clearly 5 mailboxes on the building.
- Sister property to 433 Ohio, namely 1017 Rhode Island, which were built at approximately the same time in the early 1900s – and by brothers – are both configured into multiple apartments, suggesting they were both built as multiple units.
- When originally built, 433 Ohio was on multiple lots, which would've allowed for a greater apartment density than what the City is stating is allowed. I've attached a copy of a survey showing over 11,000 square foot lot size, which according to the City would've allowed for at least 4 units.
- Based on the Planning Department's own observation, as quoted here, 4 units would be permissible on this site: **"Between 1966 and 1978 the property was zoned RM-1. The minimum area per dwelling units was 3,500 SF. If you consider that the development included both Lots 7 and 9 for a total area of 11,700 SF then a total of 3.3 dwelling units could have been permitted. This could also have been read with section 20-1502 of the old code that allowed the lot area to be discounted (thus allowing a total of 4 units). There is no record of a site plan and any development less than 4 units was not required to have a site plan until sometime in the 80's I think."**
- 4 electrical meters. In my understanding, in order to secure 4 electric meters, there would need to be a permit drawn from the City. I would think that the City would have some checks and a balance to make sure it is appropriate and legal to issue a permit for multiple units. If not, in essence, this is saying that any property owner would have to be more versed at City code than the City itself. That the property owner would need, in essence, to be the zoning professional.

- City Licensing. We have been licensed to operate as 5 units. If, apparently, at any point in time a department of the city can decide that we are illegal, not only does the property owner lose here, but the tenants risk being displaced. In essence, the tenants have no assurance, even if a property is licensed, that they are occupying a legal space.
- Water Department Records. Ever since we've owned the property in the mid 1990s the City has been billing us as a 5 unit property. As I understand it, the city does their billing based on a confirmation of the number of kitchens in a particular property. Again, a case where the City has made some sort of legal pronouncement of 5 units existing. Again, the question is does the City take any responsibility for their actions? The question again becomes does the property owner need to be aware of all city and state laws?

In summary, I want to say that we have operated this property in good faith and, I think, as an asset to the neighborhood - and an asset to Lawrence in general in that we are providing for low-cost housing (2 apartments renting for under \$400 per month). This also raises the larger issue that affects hundreds, if not thousands, of properties in the older neighborhoods. I ask that the BZA would make a recommendation to the Planning Department for some sort of ordinance that might bridge the gap between 90-year old zoning laws and current reality. It seems many are concerned about low-cost housing; here is a very real opportunity to have a positive effect in preserving low-cost housing.

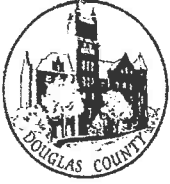
Sincerely,

A handwritten signature in dark ink, appearing to read "Paul Horvath", with a long, sweeping horizontal line extending from the bottom of the signature.

Paul R. Horvath
Director, Morning Star Management LLC
Agent for Jason E. Horvath

LEGAL DESCRIPTION:

OHIO STREET LT 9 & LT 7, LESS N40 FT THEREOF D 614/480 (U01867A & PORTION U01866A COMBINED 1998)



JAMIE SHEW
DOUGLAS COUNTY CLERK
1100 Massachusetts
Lawrence, KS 66044

Marni Penrod-Chief Deputy Clerk
Heather Dill-Deputy Clerk Elections

December 6, 2016

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 400 FT OF 433 OHIO ST
(U01867A) . 12/06/2016. REQUESTED BY LACEY.

JOHN R. NICHOLS
DOUGLAS COUNTY CLERK'S OFFICE
1100 MASSACHUSETTS ST
LAWRENCE, KS 66044

785-832-5147

jnichols@douglas-county.com

Douglas County Real Estate Division
County Clerk's Office. I do hereby certify
the Property Ownership listed hereto, to be
true and accurate.

POL WITHIN 400 FT OF 433 OHIO ST
(U01867A)



JOINPIN	SYSICALACHES	owner1	owner2	owner3	address	city	state	zip	plate	PID	Quickrefid	situs
067-25-0-40-15-001.01-0	0.34435335	BERGIN SEAN	LAVATY ANN		401 LOUISIANA ST	LAWRENCE	KS	66044	U05829A	023-067-25-0-40-15-001.01-0	R4659	401 LOUISIANA ST
067-25-0-40-15-003.00-0	0.17217613	RENNER RICHARD E			408 LOUISIANA ST	LAWRENCE	KS	66044	U05831A	023-067-25-0-40-15-003.00-0	R4662	408 INDIANA ST
067-25-0-40-15-011.00-0	0.14283788	JANTZ NORMA M	DENTON JEANETTE		3613 SE HIGHLAND CT	TOPEKA	KS	66605	U05837	023-067-25-0-40-15-011.00-0	R4672	400 BLK LOUISIANA ST
067-25-0-40-15-004.00-0	0.14317382	WEST MICHAEL J	EULISS SARA K		618 W 4TH ST	LAWRENCE	KS	66044	U05838	023-067-25-0-40-15-004.00-0	R4663	414 INDIANA ST
067-25-0-40-15-010.00-0	0.1436179	BLACK JAMES T	BLACK MARJORIE L		400 LOUISIANA ST	LAWRENCE	KS	66044	U05839	023-067-25-0-40-15-010.00-0	R4671	400 BLK LOUISIANA ST
067-25-0-40-15-005.00-0	0.14359708	JANTZ NORMA M	DENTON JEANETTE		3613 SE HIGHLAND CT	TOPEKA	KS	66605	U05840	023-067-25-0-40-15-005.00-0	R4664	418 INDIANA ST
067-25-0-40-15-009.00-0	0.14360358	JANTZ NORMA M	DENTON JEANETTE		3613 SE HIGHLAND CT	TOPEKA	KS	66605	U05841	023-067-25-0-40-15-009.00-0	R4670	400 BLK LOUISIANA ST
067-25-0-40-15-006.00-0	0.14358089	JANTZ NORMA M	DENTON JEANETTE		3613 SE HIGHLAND CT	TOPEKA	KS	66605	U05842	023-067-25-0-40-15-006.00-0	R4665	420 INDIANA ST
067-25-0-40-15-007.00-0	0.57427372	RISLEY MARGUERITE V			424 INDIANA ST	LAWRENCE	KS	66044	U05843A	023-067-25-0-40-15-007.00-0	R4666	424 INDIANA ST
067-25-0-40-15-008.00-0	0.57422155	CITY OF LAWRENCE			PO BOX 708	LAWRENCE	KS	66044	U05847A	023-067-25-0-40-15-008.00-0	R4669	400 BLK LOUISIANA ST
067-25-0-40-15-007.02-0	0.28705256	ABERCROMBIE C F TRUSTEE			1225 LOT RD	WILSON	KS	67490	U05848BA	023-067-25-0-40-15-007.02-0	R4667	432 INDIANA ST
067-25-0-40-15-007.03-0	0.28708413	ABERCROMBIE C F TRUSTEE			1225 LOT RD	WILSON	KS	67490	U05852	023-067-25-0-40-15-007.03-0	R4668	400 BLK INDIANA ST
067-25-0-40-16-001.00-0	0.2844003	WILDCAT AMY T SMITH	WILDCAT PHILLIP D		PO BOX 652	LAWRENCE	KS	66044	U02075A	023-067-25-0-40-16-001.00-0	R4673	501 LOUISIANA ST
067-25-0-40-16-002.00-0	0.24677765	KLINKNETT CAROL			500 INDIANA ST	LAWRENCE	KS	66044	U02216A	023-067-25-0-40-16-002.00-0	R4674	500 INDIANA ST
067-25-0-40-16-020.00-0	0.12758291	BEESON RUSSELL C	BEESON CAROL L		507 LOUISIANA ST	LAWRENCE	KS	66044	U02079	023-067-25-0-40-16-020.00-0	R4692	507 LOUISIANA ST
079-30-0-30-08-003.00-0	0.27446968	BURNISON JOHN W			350 LOUISIANA ST	LAWRENCE	KS	66044	U02382	023-079-30-0-30-08-003.00-0	R14991	350 LOUISIANA ST
079-30-0-30-08-004.00-0	0.28145087	BLACK JAMES T	BLACK MARJORIE L		400 LOUISIANA ST	LAWRENCE	KS	66044	U02387	023-079-30-0-30-08-004.00-0	R14992	400 LOUISIANA ST
079-30-0-30-08-001.00-0	0.13332792	FINCH MADELINE	JANNEY HUGH		1627 37TH ST	SACRAMENTO	CA	95816	U02388	023-079-30-0-30-08-001.00-0	R14989	421 OHIO ST
079-30-0-30-08-015.00-0	0.13472039	BENDER SHELLIE			425 OHIO ST	LAWRENCE	KS	66044	U01865	023-079-30-0-30-08-015.00-0	R15004	425 OHIO ST
079-30-0-30-08-013.00-0	0.10776905	BENDER SHELLIE			425 OHIO ST	LAWRENCE	KS	66044	U01866A	023-079-30-0-30-08-013.00-0	R15002	400 OHIO ST
079-30-0-30-09-001.00-0	0.37170803	WEISGRAU SHELDON	VANHOUTEN STACEY		444 OHIO ST	LAWRENCE	KS	66044	U02389A	023-079-30-0-30-09-001.00-0	R15005	444 OHIO ST
079-30-0-30-08-013.01-0	0.16165249	HORVATH JASON E			109 E 17TH TER	LAWRENCE	KS	66044	U01867A	023-079-30-0-30-08-013.01-0	R15003	433 OHIO ST
079-30-0-30-08-012.01-0	0.09429843	HEIKILA CHRISTINA R	HALL MATTHEW T		437 OHIO ST	LAWRENCE	KS	66044	U01868A01	023-079-30-0-30-08-012.01-0	R15001	437 OHIO ST
079-30-0-30-08-007.00-0	0.13486564	CHRISTENSEN DELWIN			436 LOUISIANA ST	LAWRENCE	KS	66044	U02071	023-079-30-0-30-08-007.00-0	R14996	435 TENNESSEE ST
079-30-0-30-09-002.00-0	0.22768864	JAMES GEORGE W	MCCARTHY SUSAN E		625 OHIO ST	LAWRENCE	KS	66044	U02391	023-079-30-0-30-09-002.00-0	R15006	445 TENNESSEE ST
079-30-0-30-08-011.01-0	0.17512359	SCOTTER MELANIE			441 OHIO ST	LAWRENCE	KS	66044	U01870A	023-079-30-0-30-08-011.01-0	R15000	441 OHIO ST
079-30-0-30-08-007.01-0	0.1347107	MOORE HEATHER S			440 LOUISIANA ST	LAWRENCE	KS	66044	U02072	023-079-30-0-30-08-007.01-0	R14997	440 LOUISIANA ST
079-30-0-30-08-010.00-0	0.13470333	JACKSON JEAN			447 OHIO ST	LAWRENCE	KS	66044	U01871	023-079-30-0-30-08-010.00-0	R14999	447 OHIO ST
079-30-0-30-08-009.00-0	0.13470344	HORSCH BRIAN J TRUSTEE	HORSCH MARILYN J TRUSTEE		1580 E 350 RD	LECOMPTON	KS	66050	U02074	023-079-30-0-30-08-009.00-0	R14998	444 LOUISIANA ST
079-30-0-30-11-001.00-0	0.13386422	BEACH BARBARA TRUSTEE			501 TENNESSEE ST	LAWRENCE	KS	66044	U01662	023-079-30-0-30-11-001.00-0	R15028	501 TENNESSEE ST
079-30-0-30-11-002.00-0	0.13485352	SKRTIC THOMAS M			500 OHIO ST	LAWRENCE	KS	66044	U01873	023-079-30-0-30-11-002.00-0	R15029	500 OHIO ST
079-30-0-30-10-001.00-0	0.13434606	ADAMS CRAIG D			501 OHIO ST	LAWRENCE	KS	66044	U01872	023-079-30-0-30-10-001.00-0	R15007	501 OHIO ST
079-30-0-30-10-002.00-0	0.13432047	SCIOLI SUSAN	SCIOLI EMMA		143 7TH AVE #1	BROOKLYN	NY	11215	U02076	023-079-30-0-30-10-002.00-0	R15008	500 LOUISIANA ST
079-30-0-30-11-024.00-0	0.13348656	BECK ROBERT A	PETTLE AMY M		505 TENNESSEE ST	LAWRENCE	KS	66044	U01663	023-079-30-0-30-11-024.00-0	R15052	505 TENNESSEE ST
079-30-0-30-11-003.00-0	0.13481497	LANGHE MARK W	LANGHE LORI R		504 OHIO ST	LAWRENCE	KS	66044	U01875	023-079-30-0-30-11-003.00-0	R15030	504 OHIO ST
079-30-0-30-10-020.00-0	0.26869222	ARMITAGE KATIE H TRUSTEE	STOTLER MARK E		505 OHIO ST	LAWRENCE	KS	66044	U01876	023-079-30-0-30-10-020.00-0	R15027	505 OHIO ST
079-30-0-30-10-003.00-0	0.13432032	EDWARDS CARL N			504 LOUISIANA ST	LAWRENCE	KS	66044	U02078	023-079-30-0-30-10-003.00-0	R15009	504 LOUISIANA ST
079-30-0-30-11-023.00-0	0.12368075	WOODSON TERESA	SANDAL ABHIMANYU		509 TENNESSEE ST	LAWRENCE	KS	66044	U01664	023-079-30-0-30-11-023.00-0	R15051	505 TENNESSEE ST
079-30-0-30-11-004.00-0	0.13477669	SANFILIPPO EVANGELINE	IRVING ROBERT B JR		510 OHIO ST	LAWRENCE	KS	66044	U01877	023-079-30-0-30-11-004.00-0	R15031	510 OHIO ST
079-30-0-30-10-004.00-0	0.13431977	WELBORN ANDREA D	VAN DE RIET AMY E CO-TRUSTEE		512 OHIO ST	LAWRENCE	KS	66044	U02081	023-079-30-0-30-10-004.00-0	R15010	508 LOUISIANA ST
079-30-0-30-11-005.00-0	0.13473813	VAN DE RIET KEITH J CO-TRUSTEE	THOMPSON GEORGE		511 OHIO ST	LAWRENCE	KS	66044	U01879	023-079-30-0-30-11-005.00-0	R15032	512 OHIO ST
079-30-0-30-10-019.00-0	0.13434598	GLODICH ANN M	STINSON PHILIP T		512 LOUISIANA ST	LAWRENCE	KS	66044	U02084	023-079-30-0-30-10-019.00-0	R15026	511 OHIO ST
079-30-0-30-10-005.00-0	0.13431941	SCIOLI EMMA J			511 OHIO ST	LAWRENCE	KS	66044	U02084	023-079-30-0-30-10-005.00-0	R15011	512 LOUISIANA ST
079-30-0-30-07-001.00-0	20.03408074	CITY OF LAWRENCE	GLEESON MARY N		PO BOX 708	LAWRENCE	KS	66044	U02383A	023-079-30-0-30-07-001.00-0	R14988	300 LOUISIANA ST
079-30-0-30-08-005.02-0	0.14577349	GLEESON MARK G	STOGSDILL SHEILA M		925 W 29TH ST	LAWRENCE	KS	66046	U02386A	023-079-30-0-30-08-005.02-0	R336422	432 LOUISIANA ST
079-30-0-30-08-005.03-0	0.1924255	STOGSDILL MARK L	STOGSDILL SHEILA M		2630 ARKANSAS ST	LAWRENCE	KS	66046	U02386C	023-079-30-0-30-08-005.03-0	R337111	424 LOUISIANA ST
079-30-0-30-08-005.04-0	0.14577643	STOGSDILL MARK L	STOGSDILL SHEILA M		2630 ARKANSAS ST	LAWRENCE	KS	66046	U02386B	023-079-30-0-30-08-005.04-0	R337113	428 LOUISIANA ST
079-30-0-30-08-005.00-0	0.6992774	STOGSDILL MARK L			2630 ARKANSAS ST	LAWRENCE	KS	66046	U02386	023-079-30-0-30-08-005.00-0	R14993	420 LOUISIANA ST



PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

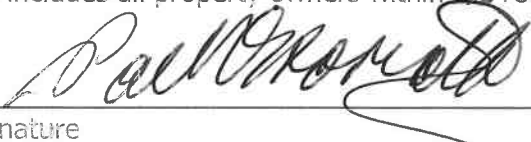
Radius of Notification

The Ownership list shall include the record Owner of the subject property and all Owners of property located within 200 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

- (a) was obtained from and certified by the Douglas County Clerk,
- (b) is current (**no more than 30 days old**), and
- (c) includes all property owners within the required notification radius of the subject property.



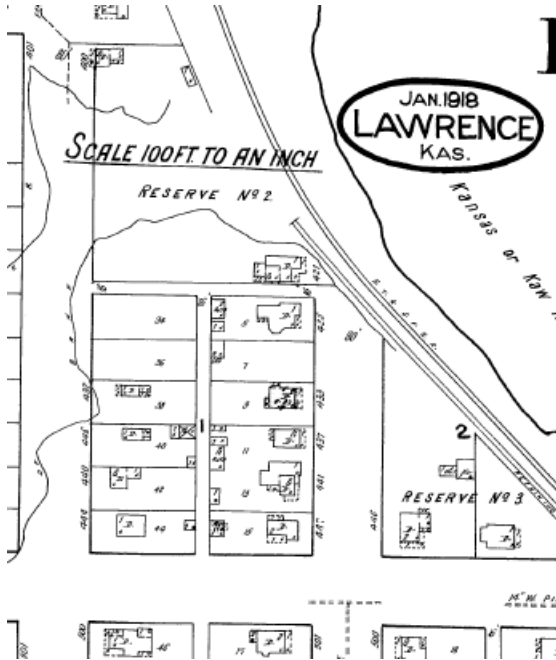
Signature

12/17/16
Date

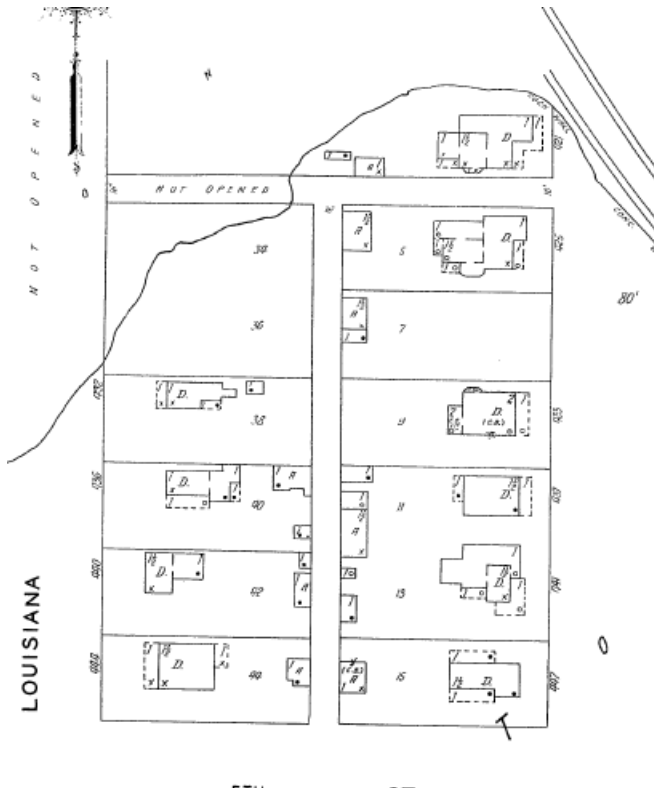
PAUL R HORVATH
Printed Name

400 Block Ohio Street

1918 Sanborn Map



1927 Sanborn Map



LAWRENCE, H.S.
R. Manager

ERS

YOUNG
KANSAS

MAINS

M. D.
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Res. Tol. 1901.

STAPLETON
STEELE.

1626: Res.

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U. Bldg. Tele-
and at Law-
St. Telephone
Phone 1745.

PATHS

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PHYSICIAN
Bartow. Calls
re 2337. Over
Store, 909 Mass.

NS

STER 126. 944
Steel.

THE KANSAS TEACHER PLACE.
WENT BUREAU
225 KANSAS AVENUE
KANSAS
Help Wanted—Female

WANTED—Experienced housewife girl.
Model Laundry, 1121 Third, street.

WANTED—Industrious, temperate, to house-
work, at one with other householders.
Salary guaranteed, \$10.00. Those that
desire, please send word. Address: The
Kansan, 1010 N. 1st St., Lawrence, Kan.

YOUNG LADY—experienced for posi-
tion in our educational department.
Permanent, good salary, advantages.
Apply, Adams, 1010 N. 1st, American
Bank, Third, Kansas City, Mo.

Positions Wanted—Male

WANTED—Man with "blood" cape to
drive on Toledo-Lawrence bus line.
See the Advertiser at intersection pla-
thorn.

MAN 30 years old wants work. Can
give best of references. 211 La.
Phone 3233 (day).

Positions Wanted

WANTED—Position by experienced
work in grocery store. D. E. care
Journal-World.

WANTED—Position for man with
experience in grocery store.
A. H. care Journal-World.

HOME LAUNDRY—washing of all
kinds. Satisfaction guaranteed. Phone
1341 Throck. 115 1/2nd. Called for and
delivered.

WASHING—Wanted—Family and
household washing a specialty. Phone
2260 White. Mrs. Throck. 8, Davis, 241
Leward.

Business Persons

WILL SERVE CHICKEN and turkey
dinner at 1 o'clock.
Phone 2191 White. Street corner be-
tween Second and Third.

WANTED—Trained and experienced with
give professional advice for permanent
business places in the city.

WANTED—Experienced work and good
pay.

Household Goods

MATTRESSES—recovered and re-
freshed, fasteners strong, returned, for-
warded, delivered. Phone 1322.
Lambertson Building Co.

HOUSEHOLD GOODS FOR SALE—
best, dressing table, chairs, buffet, and
other items. 1005 E. 1st. Phone
1322 White.

FOR SALE—4th-floor, modern, 10-room
house, with full bath, central heating,
gas, electric, and full kitchen. 1005 E. 1st.
Phone 1322 White.

FOR SALE—10-room, 10-bay, carriage,
phone 1322 White.

THE IDEAL CHRISTMAS GIFT
—Kansan-Vanguard Building, 915 Main.
for free demonstration.

Rooms for Rent

FOR RENT—sleeping or light house-
keeping rooms; also a room house for
rent. Phone 1111 Third.

FOR RENT—1 furnished room in
modern home. Phone 1000 White.

FOR RENT—2 rooms, furnished for
housekeeping in modern house. Phone
1322 White.

FOR RENT—3 furnished rooms at
101 La. near car line. Phone 1013
White.

FOR RENT—suite of 2 rooms, living
room with fire place and bathroom at
1325. Term. Board if desired. Phone
1322.

ROOM FOR TWO BOYS—1-room
furnished, kitchen and bath. Phone
1322.

FOR RENT—Two modern, front
rooms, suitable for bedroom and liv-
ing room. Hot water heat. 431 Ohio.
Phone 1322.

FOR RENT—2 rooms, furnished for
light housekeeping on the first floor.
Phone 1322 White. Street corner be-
tween Second and Third.

FURNISHED—bedroom room for rent;
also for a bathroom. In good condition.
For sale at 1013 E. 1st.

FOR RENT—Furnished, double room,
also kitchen. at 1417 Vt. Phone
1322.

Bell's Music Store

Real Estate—City

HERE ARE SOME GOOD ONES

Fifty Dangles—full modern, 10-
room, 2-bath, full kitchen, full bath,
full kitchen, full bath, full kitchen, full bath.
Full kitchen, full bath, full kitchen, full bath.

8 Rooms and Bath—full modern, full
kitchen, full bath, full kitchen, full bath.
Full kitchen, full bath, full kitchen, full bath.

New Bungalow—full modern, full
kitchen, full bath, full kitchen, full bath.
Full kitchen, full bath, full kitchen, full bath.

Suburban Peasantry Farm—9 rooms and
2-bath, full kitchen, full bath, full kitchen,
full bath, full kitchen, full bath.

New Bungalow—5 rooms and full
kitchen, full bath, full kitchen, full bath.
Full kitchen, full bath, full kitchen, full bath.

W. A. McELHINEY Phone 11
Office, 746 Main St. Phone 2711
Res. 1247 K. St.

STORE BUILDING—Two-story, brick
and stone, 23 by 32. Full kitchen, full bath,
full kitchen, full bath, full kitchen, full bath.

1100 DOWN, PRICE \$1,200
4-room house, full kitchen, full bath,
full kitchen, full bath, full kitchen, full bath.

FOR RENT—5-room house, modern,
full kitchen, full bath, full kitchen, full bath.
Full kitchen, full bath, full kitchen, full bath.

REAL ESTATE—Miscellaneous

FOR SALE—6-acre, new house, full
kitchen, full bath, full kitchen, full bath.
Full kitchen, full bath, full kitchen, full bath.

First published in the Lawrence
Daily Journal-World Nov. 15, 1922
in the Probate Court of Douglas
County, Kansas.

In the Matter of the Estate of Ed-
ward Carter, deceased

NOTICE OF FINAL SETTLEMENT
Creditors and all other persons in-
terested in the above estate are hereby
notified that I shall apply at the
next term of the Probate Court of
Douglas County, Kansas, on the 20th
day of December, 1922, for an allow-
ance for my services as executor of
said estate, and for attorney's fees
and other necessary expenses incurred
by me, and on that date shall make a
full and true settlement of the busi-
ness of said estate and apply for my
discharge as executor.

Myra Mae Carter, Ex-
ecutrix

First published in Lawrence Daily
Journal-World Nov. 22, 1922
in the Probate Court of Douglas
County, Kansas.

In the Matter of the Estate of Es-
tate of David D. Dwyer, deceased

NOTICE OF FINAL SETTLEMENT
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terested in the above estate are hereby
notified that I shall apply at the
next term of the Probate Court of
Douglas County, Kansas, on the 20th
day of December, 1922, for an allow-
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day of December, 1922, for an allow-
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said estate, and for attorney's fees
and other necessary expenses incurred
by me, and on that date shall make a
full and true settlement of the busi-
ness of said estate and apply for my
discharge as executor.

Myra Mae Carter, Ex-
ecutrix

KINDLING
The truck load for \$2. All
sh, Hickory and pine. The car
here in a few days, for per
der in new. Geo. Reynolds &
phone 25.

LIVE STOCK

ALE—1001 Holstein cow, fresh
days. T. V. Norrish, Route
10000, N.S.

ALE —27 head white faced
For feeders. Weighing 100-
0 and put pounds. Call Mrs. C. J.
1029 N. H. After 1 p. m.
one 335.

CATTLE, HOOSI—Veals, stock
young calves, milk cows,
stock cattle, pheasants, sows.
Lamb. Phone 2410.

ALE —27 head white faced
For feeders. Weight between
900 pounds. Call Mrs. C. J.
1029 N. H. After 1 p. m.
329.

ALE—large black sow and 12
L. Craig. Phone Vinland

MUSICAL INSTRUMENTS

ALE —Three-quarter Violin.
thing for a child taking les-
son. Buy at \$25. Terms of
all handy at phone 452.

ALE—Complete drumset with
Co. 1 condition. Also man's
ly overcoat, size 44, at a bar-
all 1431 White after 7 o'clock.

ALE—Plans. Phone 238

ALE—B 261 610 4-Cont silver
the best 22000000. Terms of
real bargain. Must dispose
quickly. Phone 452.

40NE—melody filter with
l. Muscher, practically new
condition, case. Phone 2612

FARM PRODUCTS

ALE—Sweet potatoes. If per
a long as they last. George
Phone 2555 Bine.

Red Globe onions 51.50 per
100 lbs. 100 lbs. 100 lbs.

FOR RENT — Four-room furnished
house, modern except heat. 805 No.
Phone 1965 Black.

ROOMS FOR RENT

FOR RENT—Pleasant rooms for light
housekeeping. 1037 Tenn. Phone 2621.

FOR RENT—Two front rooms over
250 Mass. A. C. Alch.

ROOMS FOR RENT—Strictly modern,
at 616 Ky.

FOR RENT — Furnished rooms for
light housekeeping. Inquire at 125
N. Y.

FOR RENT—3 unfurnished upstairs
rooms, suitable for light housekeeping.
Adults only. Call 2445 White.

FOR RENT — 3 unfurnished light
housekeeping rooms in modern house
and 1 room furnished for light house-
keeping. Call or phone 1129 after 6
p. m. 1129 N. Y.

FOR RENT—Your unfurnished rooms.
Phone 1291.

ROOM FOR RENT—Close in, nicely
furnished, furnace heated room. 723
L. I.

FOR RENT—Rooms by day, week or
month. Call Mrs. H. Phone
1029. Mrs. Glidden.

FOR RENT—3 good furnished rooms
on the second floor. 432 Ohio. Phone
31.

FOR RENT—Two cozy sleeping rooms
clean in modern home. Phone 2325
Blue.

FOR RENT—Furnished room for sleep-
ing in modern house. Phone 1654.
512 N. H.

FOR RENT—Very desirable southeast
room, close to University and bus-
ness district. Phone 2607 White. 306
West 12th.

APARTMENTS FOR RENT

FOR RENT—Furnished apartment in
modern home; also garage. 1041 V.L.

FOR RENT—Furnished 3-room apart-

ATTENTION GENTS, ON MON. 2 HOUR PREVIEW
phone 10. Bowersock Theatre.

LOST—Child's tan wooly shoe. Find
er return to Hook's Barber shop or
call 1577. Reward.

LOST — Saturday night automobile
driving license for left hand. Find-
er please phone 1000.

LOST — Slide rule, between 9th and
10th. Find the owner, Thursday.
Finder call 2019 Blue.

BUSINESS PERSONALS

SIGN PAINTING—We make anything
in signs and show cards. Thompson's
phone 452. 625 Mass.

PLASTER patches wanted. Call for
it. A. Herren at 511 N. H. Phone
2158.

FOR SALE—Best paying and located
produce and cream station in this
county. Sell reasonable; other busi-
ness. Howard Watts, 1124 Ky.

A. DELOOF will open a lunch room
October 21st in north side of Orphe-
um theatre building. Battered
hearts, tired chicken, pressed chicken,
club, etc.

WANTED—loan of \$1,200 at 6% with-
out commission. Security high class
city property. Address N. D. A. care
Journal-World.

R. C. CLOUD TRANSFER — Phone
110 or 514. Baggage, storage, moving.
Household goods for sale. 504 V.L.

HAULING of all kinds, any place,
anywhere, any time, wanted. Phone
2321 White.

COURTIER — Furniture upholster-
ing, refinishing, repairing, also over-
seas. 410 V.L. Phone 145.

Something is out? Use a Classi-
fied Advertisement.

100 SETS

OF

TUESDAY, NOV
west of Lawrence
owner. H. V. S

Market Basket

HERR
Quick-Guy
FLOOD!
Herrigle
1007 W. 6th St.

No!
It
What Y
Save Y
and
To
Journi
Wat

HURRAY! IVE
FLY TRAPT
US RICH!!





Portrait of a man, likely a political figure or local official.

Article text in the top right column, likely a news report or editorial.

Article text in the top right column, likely a news report or editorial.

Article text in the middle right column, likely a news report or editorial.

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Article text in the bottom right column, likely a news report or editorial.



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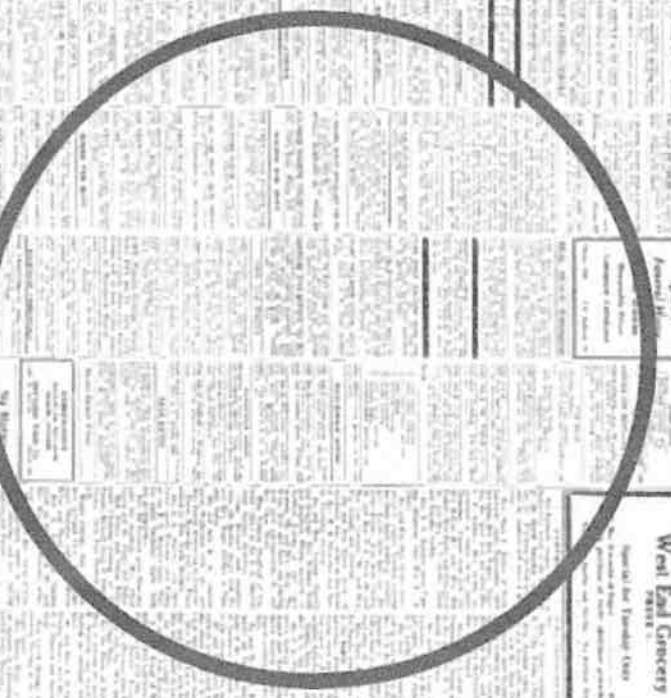
Article text in the bottom middle left column, likely a news report or editorial.

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Article text in the bottom middle left column, likely a news report or editorial.

Article text in the bottom middle left column, likely a news report or editorial.



KuKlux Klan
Sunday Eve.
Nov. 3

TANLAC
Dust-Free Wax
Standard Paint

MEET
A. J. ...
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PIRINIC SAIF

Headlines
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LAWRENCE DAILY JOURNAL-WORLD

LAWRENCE, KANSAS, THURSDAY, NOVEMBER 30, 1922

NUMBER 20

TEEN TOOK LEAD ON OPENING BAY

The Young Lady, C... and her friends...
 Paid their...

PLASTER IN THE KISS

Kisses that slip in the...
 when kissing for the...
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THE NEW YEAR

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PIGGLY WIGGLY BULLETIN

PIGGLY WIGGLY



SECTION COMPANY, INC.

- Project Development - Apts.

Tel. 843-0777

21
**OAK ST —FROM BEGINNING
OF N 8TH ST EAST**

ZIP CODE 66044

- N 3D ST INTERSECTS
- N 4TH ST INTERSECTS
- N 8TH ST INTERSECTS
- 32 Ford Paul © 843-3765
- 16★Viola Gig ©
- 35 Fugett Marion F © VI2-4582
- 76 Snow Charles R © VI3-5923
- N 9TH ST INTERSECTS
- 10 Vacant
- 11 Frazer Richd E © 843-0079

5
**AK HILL AV —FROM 1201 E
13TH EAST TO OAK HILL
CEMETERY**

ZIP CODE 66044

- E 13TH ST INTERSECTS
- 20 Witt C Richd
- PRAIRIE AV INTERSECTS
- 00 Wiebe Arnold J © VI3-7841
- 01 Vacant
- 04 Gile Esta P Mrs © VI3-4268
- 05 Kral Martha © 841-4383
- 06★Patton Don E © 843-7898
- 07 Yoder Jona P © 843-7849
- 08 Barnes Thurman T ©
843-6847
- 10 No Return
- 23 Vacant
- PROSPECT AV INTERSECTS
- 00★Gonzalez Ben 842-3965
- 04 Hutchinson Willard M ©
VI2-1433
- 05 Medlen Mike 842-2305
- 06 Elder Jack © 842-8066
- 12 Vacant
- 13 Atkinson Raymond A ©
VI3-3439
- 8★Crunet Chas A © VI3-2218
- SUMMIT ST INTERSECTS
- 10★Harmon Thos E ©
- 11 No Return
- 14★Hoffman Richd 842-9359
- 15 Stalkfleet Harry A ©
843-0472
- 6 Goodman Marvin L ©
VI3-0134
- 8 No Return
- 0★Mersmann Walter L
842-4671

1978 City
WARREN-McELWAIN Mortuary

LARRY K. McELWAIN - KEITH M. McELWAIN

Owners - Directors

120 W. 13th

843-1120

201

OAK HILL AV—Contd

- 1512★Young Clinton L 841-5497
- 1518 Dorsey James C © 843-6756
- ELMWOOD ST INTERSECTS
- 1605 Oak Hill Cemetery 843-3291
- Mier Vivian V Mrs 842-3496

27
**OAKMONT —FROM ST
ANDREWS DR E 1 BLOCK
WEST OF KASOLD**

ZIP CODE 66044

- 1708 Ernst Philip R 842-6756
- 1712 Orlowski Donald G ©
841-2736
- 1716 Loyd M W © 843-8229

2
**OHIO ST —FROM A POINT
NORTH OF 400 BLK W 4TH
ST SOUTH 1 WEST OF
TENNESSEE**

ZIP CODE 66044

- W 4TH ST INTERSECTS
- 421 Vacant
- 425 Bevans
- ★Asher Garry L 842-2940
- 433 Hawver Thomas J 841-5270
- 437 Stone Clarence W © 841-2905
- 441★Orlich Tony
- 444 Logan F N Mrs © 843-6036
- 447 Jackson Merle L © 843-5686
- 447½ Jackson Marion C
- W 5TH ST INTERSECTS
- 500 No Return
- 501 Langdon Jerome T ©
842-3969
- 504 Wolfe Naomi I Mrs ©
VI2-1919
- 505 Horowitz Floyd R © VI2-2362
- 510 Gentry Ralph 843-5609
- 511 Eldredge Charles C ©
841-2783
- 512 Ericsson T B © VI3-7687
- 515 West Bradford K © 843-8720
- 516a Vacant
- 516b Leland Lorrin 843-6391
- 519 Thompson Peter G ©
842-3745
- 520★Lavery Carol 842-1087
- 520½ No Return
- 524 Sapp Becky
- 529 Jewett Mavis Mrs © VI3-3815
- 530 Fry Joy 842-4887

- 533★Patton F V © 842-0553
- 533½★Wagner Greg
- 534★Evans Mark P 842-1119
- ★Harris Michl J 842-7674
- 536★Heinrich Carl 842-2425
- 539 Apartments

- 1 Boley S
- 2 Jordan Randall W
- 3★Adams Lisa 841-0837
- 4★Rexroad Susan 843-3647
- 545 Thornton Louise Mrs ©
VI3-7634
- W 6TH ST INTERSECTS
- 600 Unruh Keith 843-4562
- 603 Godwin Phillip A © 843-9504
- 610★Beynon W P © 843-0049
- 615 Mulford Newton 846-6981
- Rider Geo E 841-7493
- ★Donahue Pat 842-8704
- ★Fox Judy 842-6690
- 618 Gray Paul D © 842-8856
- 620 Rowlands Mary M Mrs ©
VI3-0190
- 622 Johnson Alf E © 842-4437
- 625 No Return
- 627 March Wm J © 842-5838
- 630 Mac Gregor Helen ©
VI3-1417
- 631 Vacant
- 636 Bodin G F Pat © VI3-3186
- 637 Forer Norman © 843-9321
- 638 Penny Paul B © 843-6700
- 640 Watkins Dan 842-8794
- 641 Wyatt Duane E © 842-1429
- 645★Bleau Steph E 843-5485
- Noland Keith ©
- 646 Mercer L Wayne © 842-3827

- 4
- W 7TH ST INTERSECTS
 - 700 Adams J Thomas © 842-8083
 - 701 Roberts Vance M Mrs ©
VI3-8342
 - Bankson Paul 843-8342
 - 704★Orth Lois ©
 - 705 Nelson Grace S Mrs ©
VI3-8320
 - 708 Pearson Gerald L © 843-6292
 - 709 No Return
 - 712★Schmidt David R 842-3838
 - 717★Artz Joe
 - Wright Chris 842-6962
 - 718 Johnson Henry L © 843-2130
 - 720★Gillespie Richd © 841-4549
 - 721 Norwood Helen E
 - 725 Childers James L © 842-1172

1413 E. 28th TERR.

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RICK'S DELIVERY & MOVING SERVICE

66044	610 C M HODGES	5 8426062	500 TOM SKRTIC	-8417829		
420 MICHAEL DARNEL	-8423709	611 G P AGNEW	9 8436003	501 JEROME T LANGDON	5 8423969	
420 PAUL DEGROOT JR	0 8424225	632 E A STARKWEATHER	1 8438636	504 IRA C WOLFE	8421919	
420 BRIAN EGBERT	-8412947	68 RESIDENCE	1300 A J WIEBE	8437841	505 FLOYD HOROWITZ	8422362
420 WESLEY FRAZIER	-8425494	1301	NP	505 MAX ROYLE	6 8422362	
420 HAROLD GODFREY	4 8438951	1304 WALTER GILE	8434268	510 RALPH GENTRY	8435609	
420 RON GOOSSEN	-8422360	1305 MARTY KRAL	-8414383	511 CHARLES C ELDREDGE	8412783	
420 MARILYN GRANT	6 8420361	1306 L C EVANS	2 8437698	512 MRS T V ERICSSON	8437687	
420 BOB GRINNEL	4 8422360	1307 JONA YODER	8437849	515 BRAD WEST	4 8438720	
420 RICHARD A GROUT	6 8432695	1308 THURMAN BARNES	8436847	516 LORRIN LELAND	6 8436391	
420 P HAMBY	6 8432811	1310 MARK A THOMPSON	-8414775	516 E LEONARD	6 8422004	
420 R J HANEY	5 8435382	1323	NP	519 PETER G THOMPSON	8423745	
420 S R HELLSTROM	6 8433337	1400 R L GONZALES	-8423965	520 GREG ISSITT	4 8429135	
420 ISSE HIDDLESTON	5 8438110	1404 WILLARD HUTCHINSON	2 8421433	520 MARCIA SINDEL	4 8429135	
420 MARY R HOLLADAY	6 8435791	1405 MIKE MEDLEN	6 8422305	520 C L ZILLNER	5 8421087	
420 K HUMMEL	-8416607	1406 JACK R ELDER JR	4 8428066	520 ALLEN THORNTON	-8413549	
420 J KEFFER	-8415913	1413 RAYMOND ATKINSON	8433439	524 DAN R HARTLEY	6 8426347	
420 KEVIN KESINGER	6 8427494	1418 CHARLES CRUMET	8432218	529 J M JEWETT	8433815	
420 LARRY LEOBETTER	-8416907	1500	NP	530 L BRADLEY	5 8438681	
420 JAMES J LONG	-8416595	1501 DEBBIE MCGREW	-8411398	530 J E FRY	6 8424887	
420 J C MARTIN	6 8417893	1501 JAN SHOWALTER	-8411398	533 VIRGIL PATTON	-8420553	
420 NORMAN MAST	-8421222	1504 RICK HOFFMAN	6 8429359	533 SAM MARKHAM	-8425083	
420 MARLIN MCCRARY	4 8431541	1505 HARRY L STALKFLEET	9 8430472	534 MARK P EVANS	-8421119	
420 GLEN MCMECHAN	6 8427498	1506 MARVIN L GOODMAN	8430134	534 DAVID K LANE	6 8435266	
420 CARL MENSCH	6 8428488	1508 DAVID A HADL	-8413171	536 CARL HEINRICH	-8422625	
420 MICHAEL OMALLEY	-8417412	1510 WALTER L MERSMANN	-8424671	536 RON MACDONALD	-8422625	
420 LLOYD W PUCKETT	6 8432656	1510 JOHN L WHITE	-8424671	539 L ADAMS	-8410837	
420 QUENTIN RAULSTEN	3 8420411	1512 CLINT YOUNG	-8415497	539 SUSAN BOLEY	5 8431808	
420 LELAND REGNIER	3 8428628	1518 JAMES C DORSEY	4 8436756	539 RANDALL W JORDAN	6 8416940	
420 JOHN W RICHARDSON	-8429117	1605 C L MIER	8423496	539 SUSAN REXROAD	-8433647	
420 GEOFF ROPER	-8427448	27 RESIDENCE		545 LOUISE THORNTON	8437634	
420 PAM ROTHWELL	-8434589	1127 THOMAS E CYR	8 5422723	600 KEITH J UNRUH	6 8434562	
420 C A SEARS	3 8439282	1127 RAYMOND C DEMINT	4 5422038	603	NP	
420 M J SLUSS	6 8424753	1129 DAVID L MILLIGAN	-5423416	1708 PHILIP R ERNST	6 8425756	
420 CAROL STOWE	2 8428033	1138 MRS FERN IRWIN	5422003	1708 MIKE MILLER	-8428289	
420 FREEMAN W STULTZ	-8436437	1139 CHARLES F COX	6 5423243	1716 M W LOYD	2 8438229	
420 DON TUCKER	6 8425948	1139 GEORGE W OBRIEN	4 5422825	3 RESIDENCE		
420 LONNIE WHITE	6 8423548	1202 DAVID L PARSONS	3 5422855	618 PAUL GRAY	4 8428856	
420 MARCIA D WILLIAMS	6 8438329	1212 WILLIAM G VANDRUFF	3 5422818	620 MRS R J ROWLANDS	8430190	
420 MELVIN WILLIAMSON	6 8439576	1213 LESTER MAHON	6 5423102	622 ALFRED E JOHNSON	8424437	
420 CHARLES H YOUNG	5 8438712	1218 CURT A KASTL	4 5423242	625 ROBERT E ANDERSON	-8425720	
445 ROBERT G EMBERS	-8433739	1228 CHARLES A WAGNER	6 5422519	626 J M GOODMAN	-8424575	
501 NOBLE LATHROM SR	8432692	1229 JOE L HANNA	5 5423180	627 WILLIAM MARCH	2 8425838	
503 J CAMPBELL	6 8420493	1234 DAVID DURKIN	-5422229	627 G L ROTHROCK	-8420618	
503 J M MEITL	6 8420493	1306 HARVEY D NICHOLSON	-5423680	630 HELEN MACGREGOR	8431417	
503 P J PORTER	-8420493	1311 ARLIS M ALLEN	-5422290	631 JEFFREY M MESSICK	-8424368	
509 W M MORROW	8430742	1311 LARRY WURTZ	6 5423202	636 G F BODIN	8433186	
517 DAVID L HIGGINS	-8423622	1314 LYLE WELLMAN	4 5423345	637 NORMAN FORER	5 8439321	
520 C LESSENDEN SR	8431537	1320 IVAN COCKROFT	3 5422435	638 PAUL B PENNY	8436700	
530 M K THORNHILL	1 8431470	1321 C R BAUMAN	-5423485	640 J HANSON	-8416597	

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NORTH

445	EMBERS ROBT G	843-3739
501	LATHROM NOBLE SR	843-2692
503	CAMPBELL J	842-0493
503	MEITL J M	842-0493
509	MORROW W M	843-0742
517	LEE STEVEN	843-9543
520	LESSENDEN CHESTER M	843-1537
530	THORNHILL M K	843-1470
534	COFFMAN FRED	843-6783
535	PUCKETT LARRY	843-4881
600	STOWE HAROLD E	843-7396
610	HODGES C M	842-6062
610	HODGES H L	842-6062
611	AGNEW O P	843-6003
632	STARKWEATHER E A	843-8636
900	LAWRENCE SAND CO	843-8717

OAK

802	FORD PAUL	843-3765
816	HAVERKAMP BRENDA	841-2962
865	FUGETT MARION F	842-4582
865	FUGETT MARION F	842-4582
876	SNOW CHAS R	843-5923

OAKHILL AVE

1220	CRUTCHFIELD SANDRA	842-1621
1300	WIEBE AJ	843-7841
1301	GARCIA STEVEN	842-4967
1304	GILE WALTER	843-4268
1305	WISDOM ROBERT A	842-7633
1306	EVANS L C	843-7698
1307	YODER JONA	843-7849
1308	BARNES THURMAN T	843-6847
1310	TARMAN GALEN	842-8795
1323	TRANSUE MARSHA	842-3656
1400	WACHS WILLIAM R	842-5506
1404	HUTCHINSON WILLARD	842-1433
1406	ELDER JACK R JR	842-8066
1412	DEMAREE DEBBIE	842-8887
1412	PETTIT RANDY	842-8887
1413	ATKINSON RAYMOND	843-3439
1418	CRUMET CHAS	843-2218
1501	HERRIG JOAN M	842-6058
1504	HOFFMAN RICK	842-9359
1505	STALKFLEET HARRY L	843-0472
1506	GOODMAN MARVIN L	843-0134
1510	THORPE LENORA MRS	842-0178
1512	STALKFLEET RONALD E	841-4192
1518	DORSEY JAMES C	843-6756
1605	LAWRENCE OAK HL CEM	843-3291
1605	MIER CLARENCE	842-3496
1605	OAK HILL CEMETERY	843-3291

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1708	ERNST PHILIP R	842-6756
1712	ORLOWSKI DONALD G	841-2736
1716	LOYD M W	843-8229

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421	BASTO PAT	843-7542
421	KRAL MARTY	841-4383
425	ASHER GARRY LEE	842-2940
433	BOLES EDGAR	843-3427

OHIO

433	DWYER LYN	841-2221
433	HAWVER THOS J	841-5270
433	SKUPNY ROBERT P	841-4604
437	STONE CLARENCE W	841-2905
441	VUTURO S B	841-5582
444	LOGAN F N	843-6036
447	JACKSON MERLE L	843-5686
500	DAVIS JAMES	841-6820
501	LANGOON JEROME T	842-3969
504	WOLFE IRA C	842-1919
505	HGROWITZ FRANCES	842-2362
505	HOROWITZ FLOYD	842-2362
505	ROYLE MAX	842-2362
510	GENTRY RALPH	843-5609
511	ELDRIDGE CHARLES C	841-2783
512	ERICSSON T V T MRS	843-7687
515	WEST BRAD	843-8720
516	LELAND LORRIN	843-6391
516	LEONARD E	842-2004
519	THOMPSON PETER G	842-3745
520	ISSITT GREG	842-9135
520	SINDEL MARCIA	842-9135
520	ZILLNER C L	842-1087
520 1/2	MILBRAOT DAVE	843-0197
520 1/2	MUNSON SCOTT	843-0197
524	HARTLEY DAN R	842-6347
529	JEWETT J M	843-3815
530	BRADLEY LAWRENCE	843-8681
530	FRY J E	842-4887
533	HARROD VIRGIL	842-1637
533 1/2	BRECK BARBARA E	842-4942
534	MORRIS R E	843-1846
536	BENNETT SHIRLEY C	842-8190
536	LEDOM B	841-1817
539	BOLEY SUSAN	843-1808
539	BOLEY SUSAN	842-7668
539	FEMEYER M	841-5895
545	THORNTON LOUISE	843-7634
600	UNRUH KEITH J	843-4562
603	GODWIN PHILLIP A-RES	843-9504
610	ROYSE K	841-4899
615	DIEHL LINDA	842-6033
615	MULFORD NEWTON D	841-6981
615	RIDER GEORGE	841-7493
618	GRAY PAUL	842-8856
620	ROWLANDS ROBT J MRS	843-0190
622	JOHNSON ALFRED E	842-4437
625	BUNCE W D	843-6063
626	FORD W T	843-4069
626	MCCORMICK DAVID	842-6675
627	MARCH WILLIAM	842-5838
630	MACGREGOR HELEN	843-1417
631	SEETIN SAML E MAJ	843-2203
631	SEETIN JOHN G	843-2203
636	BODIN G F	843-3186
637	FORER NORMAN	843-9321
638	PENNY PAUL B	843-6700
640	ASEL CARA	842-3365
640	WATKINS DAN	842-8794
641	WYATT DUANE E	842-1429
645	DAWSON DEBBIE	841-5959
645	TINCHER TALENA	841-5959
645 1/2	LODER ROGER	841-6219

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1240	HACKLER MILES	VI3-7865
1245	LOHMAN J D	VI3-5134
1246 1/2	HAFFERKAMP KATHERINE	
1246	LUNDSTROM J E	VI2-1454
1300 1/2	CLEPPER BRUCE	VI3-7388
1300	FERGUS LYLE E	VI3-2516
1301	GAINES LILLIE MRS	VI3-3780
1304	HUNSINGER HAROLD	VI3-3787
1310	STALLARD NORA E MRS	VI3-2485
1311	WHEATON DANA	VI3-2602
1312	LANE JUNE	VI2-3750
1315	FREEMAN ARNOLD	VI3-4352
1318	WYLIE BARBARA	VI3-5342
1320	HAMPTON MAY MONROE	VI3-7789
1323	IRVING N G	VI3-6205
1325	SIMS W S REV	VI3-6204
1328	WALKER L MRS	VI2-2778
1331	THOMAS ARTHUR B	
1333	GILLUM CALVIN L	VI3-6764
1336	JORDAN PEARL MRS	VI3-8322
1344	MCCRACKEN WILLARD L	VI3-8842
1344	PARKER HARRY L	
1345	ANTHONY JAS	VI3-6761
1346	SIZER M V	VI3-8323
1401	PETERS WM O JR	VI2-0703
1402	RICE E A	VI2-6595
1405	BROWNING ARTHUR D	VI3-6862
1406	SMILEY GLENN M	VI3-8318
1410	MATTHEWS STEPHEN A	VI2-6712
1414	WILKS WM A	VI2-0638
1415	DONOHU RAYMOND	VI3-8664
1422	WELCH ARCHIE G	VI3-3532
1423	VERHAGE MEREDITH B M	VI2-3468
1424	HUNSINGER DOUGLAS A	VI3-1310
1425	DENTON FRANCIS	VI3-3386

NORTH

200	HOLLIDAY SAND GRAVEL	VI3-8717
401	OGLE C W	VI3-8419
401	WILSON CHERYL	VI2-1629
419	WILSON LLOYD F	VI2-1629
445	SPENCER J FRANK	VI3-2026
501	EMBERS ROBT G	VI3-3739
509	LATHROM NOBLE SR	VI3-2692
509	MORROW W M	VI3-0742
509	SLIFER SADIE	VI3-8670
520	LESSENDEN CHESTER M	VI3-1537
534	COFFMAN FRED	VI3-6783
600	STOWE HAROLD E	VI3-7396
611	SHEPARD STANLEY	VI2-0194
622	PARKER VIRGINIA MRS	VI3-6647

JAK

802	DAVENPORT ANNA E	VI3-3765
802	FORD PAUL	VI3-3765
876	SNOW CHAS R	VI3-5923
900	HILLERS HARLAN	VI3-2367

OAK
901

shows 5
LONG JOHN C

PA
VI3-6

OAKHILL AVE

1220	WILSON EDITH	VI2-1
1300	BOYD DONALD L	VI2-6
1300	WIEBE AJ	VI3-7
1304	GILE WALTER	VI3-4
1306	AVEY BLANCHE MRS	VI3-7
1307	YODER JONA	VI3-7
1308	BARNES THURMAN T	VI3-6
1400	PIERATT CHAS	VI3-9
1404	HUTCHINSON WILLARD	VI2-1
1405	NILGES MARIE E	VI3-7
1406	VIRTUE JACK	VI2-3
1412	MORT CECIL	VI3-24
1413	ATKINSON RAYMOND	VI3-34
1418	CRUMET CHAS	VI3-22
1500	BOYLE CHERYLE	
1506	GOODMAN MARVIN L	VI3-01
1508	TOLIVER MARTIN L	VI3-89
1510	THORPE LENORA MRS	VI2-01
1512	MERKEL BERNICE	VI3-55
1518	RIDER DENNIS B	VI2-35
1605	LAW SEXTON OAK HILL	VI3-32
1605	MIER CLARENCE L	VI3-32

OHIO

421	RAY B H	VI2-39
425	MCCOY BESSIE	VI2-32
433	AVERY BLANCHE	VI3-77
433	LANIER BARBARA	VI2-63
433	LANIER RICHARD A	VI2-63
433	LARSON JOHN A	VI3-77
433	RHODES HOWARD	VI2-82
441	GARLINGHOUSE JOHN	VI2-06
444	SHERMAN H W	VI3-58
447	DALRYMPLE STEWART	VI3-39
447	JACKSON S R	VI3-154
500	GOFORTH HORACE SR	VI2-374
501	BRUNER HENRY	VI3-071
504	WOLFE IRA C	VI2-191
505	HORDWITZ FLOYD	VI2-236
510	GENTRY RALPH	VI3-560
512	ERICSSON T V MRS	VI3-768
515	PATTERSON DANL E	VI3-927
519	HATFIELD JOHN	VI3-016
524	ARDON RODOLFO	VI3-501
529	JEWETT J M	VI3-381
530	MALLORY MABEL	VI3-162
533	HARROD VIRGIL	VI2-163
533 1/2	STANBROUGH GRACE	VI3-834
534	WILKINS BARBARA	
539	CASEBOLT JOS E	VI2-718
539	MOAVENI MANSOUR	VI2-797
539	STEWART JOHN W	VI2-872
545	THORNTON LOUISE	VI3-763
600	HAMPTON CAROL	VI3-864

1964 Cross Ref + ST

55

shows 4

NEW YORK CONT'D

1204	Ice, J T	3-6843
1205	Brown, Kenneth V Rev	3-4676
1205	Friends Church Parsonage	3-4676
1208	Todd, Edgar R Mrs	3-0506
1208	Todd, Ronald L	3-0506
1212	Hayden, Charlie	3-1864
1215	Redmond, C E	3-2613
1218	Porter, Len	3-2144
1219	Sommer, Albert F	3-2119
1220	Griggs, E E	3-7766
1221	McNish, Irene	2-2468
1224	Johnson, Pat	3-7596
1225	Fugett, Marion F	3-0011
1226	Hoyer, Donald G	2-3332
1229	Jones, Virginia	2-3414
1230	Cobb, Hurman R	3-5395
1235	Ruff, D D	2-2598
1236	McLanahan, Cora	2-2467
1236	McRoy, Othal M	2-2467
1245	Lohman, J D	3-5134
1300	Doffelt, Jewel	3-2516
1300	Fergus, Lyle	3-2516
1300	Clepper, Bruce	3-7388
1304	Hunsinger, Harold	3-3787
1309	Wheller, Albert	3-1188
1310	Stallard, Nora E Mrs	3-2485
1311	Wheaton, Dana	3-2602
1312	Gibler, Norman	3-4174
1315	Freeman, Arnold	3-4352
1318	O'Brien, Clara	2-3295
1318	O'Brien, Harold	2-3295
1320	Hamp ton, May Monroe	3-7789
1323	Irving, N G	3-6205
1325	Sims, W S Rev	3-6204
1328	Walker, L Mrs	2-2778
1333	Starks, Bruce C	3-6764
1334	Williams, Etta J Mrs	3-3132
1336	Jordan, Pearl Mrs	3-8322
1345	Anthony, Jas	3-6761
1346	Sizer, G M	3-8323
1401	Peters, Wm Jr	2-0703
1402	Harper, Robt L	2-1217
1405	Browning, Arthur D	2-6862
1406	Smiley, Glenn M	3-8318
1409	Longfellow, Dennis A	2-0577
1410	O'Neill, J G	3-8319
1415	Donoho, Raymond	3-8644
1420	Puckett, Calvin G	3-2694
1422	Hoppe, Terry	3-3532
1422	Welch, Archie G	3-3532
1423	Verhage, Meredith B Mrs	2-3468
1424	Burns, Lee	3-7784
1425	Denton, Francis	3-3386
15th	Owens Garden Center	3-2004

NORTH

9th	Holliday Sand & Gravel pl	3-8717
200	Ogle, C W	3-8419
401	Wilson, Olyn	3-6944
419	Spencer, J Frank	3-2026
501	Lathron, Noble	3-9087
509	Slifer, Sadie	3-8670
517	Lathron, Elmer	2-1815
517	Lathron, Everett	2-1815
534	Coffman, Fred	3-6783
600	Stowe, Harold E	3-7396
611	Shepard, Stanley	2-0194
622	Parker, Virginia Mrs	3-6647

OAK

802	Davenport, Anna E	3-3765
865	Ewing, Edw	3-3174
876	Snow, Chas R	3-5923
900	Kiosow, Iwan	3-6206

OAK HILL

1220	Wilson, Edith	2-1256
1300	Wieber, A J	3-7841
1304	Gile, Walter	3-4268
1306	Avey, Blanche Mrs	3-7898
1307	Yoder, Jona	3-7849
1308	Barnes, Thurman T	3-6847
1310	Wickersham, Enoch	3-6705
1329	Gentry, Ralph	3-5609
1400	Pieratt, Chas	3-9404
1405	Parmely, Stephen M	3-2387
1406	Thomas, John M	3-0162
1413	Atkinson, Raymond	3-3439
1418	Crumet, Chas	3-2218
1505	Schweitzberger, Harold	3-3453
1506	Goodman, Marvin L	3-0134
1508	Morgan, Virgil L	2-3897
1510	Thorpe, Leora Mrs	2-0178
1512	Merkel, Bernice	3-5586
1518	Barnard, Dale A	3-8658
1605	City Office-Sexton Oak Hill Cemetary	3-3291
1605	Smith, Ed	3-3291

OHIO

433	Davey, Douglas	3-6502
433	Larson, John A	3-7795
433	Nichols, Jack	3-6502
433	Smith, Robt E	3-2769
441	Bidwell, Larry C	2-3013
444	Sherman H W	3-5894
447	Jackson, Mrs L M	3-1542
447	Swope, Patricia	2-9216
500	Coforth, Horace Sr	2-3746
501	Bruner, Henry	3-0716

1961 Polk City

HUNSINGER MOTOR & MARINE

920-22 MASSACHUSETTS VI. 3-0141

(See Yellow Page 71)

Consult
the
CLASSIFIED
LISTS
of the
DIRECTORY

If You
Would Find
What You
Wish to
Buy



TRAYLOR & CALVIN

INSURANCE
1026 MASS.

REAL ESTATE
Viking 3-2772

Shows 5

150

OAK HILL AVENUE-Contd
1404 Hutchinson Willard M ©
1405 Parmely Stephen M ©
ΔVI3-2387
1406 Thomas John M ©
ΔVI3-0462
1412 Lindley Jack ΔVI3-1985
Beatty Jack
1413 Atkinson Raymond ©
ΔVI3-3439
1418 Crumet Chas A ©
ΔVI3-2218
Summit intersects
1501 McDonald Velma Mrs
1504 Sharp Darwin ©
ΔVI3-5574
1505 Schweitzerberger Harold
ΔVI3-3453
1506 Goodman Marvin L ©
ΔVI3-0134
1508 Dyson Homer R
ΔVI3-8969
1510 Thorpe Webster
ΔVI2-0178
1512 Curby Opal Mrs ©
ΔVI3-5586
1518 Barnard Dale A ©
ΔVI3-8658
Elmwood intersects
1605 Oak Hill Cemetery
ΔVI3-3291
Smith Edw ΔVI3-3291

2
OHIO-From ½ blk north of W
5th south to Kansas four
west of Massachusetts
233 Adams E Blair ΔVI3-4960
W 3d intersects
W 4th intersects
421 Newell Benny W © trucker
ΔVI3-7117
423 Skaggs Sherron ΔVI3-9093
425 McCoy Bessie M Mrs ©
ΔVI3-1219
433 Larson John A ΔVI3-7795
Aumiller Maurice
Marsell James jr
Long Le Roy
Ikenberry Ray L
437 Stone Clarence W ©
441 Hickman Kenneth L
ΔVI3-5940

444 Sherman Harold
ΔVI3-5894
447 Jackson Susan
ΔVI3-1542
Strohm Walte
ΔVI3-7410
W 5th intersects
500 Vacant
501 Bruner Henry
ΔVI3-0716
504 Wolfe Ira C ©
505 Anderson C Ro
ΔVI3-323:
510 Krysztof Stanle
ΔVI2-1553
511 Walker Carol
ΔVI3-652:
512 Bray Roy L ©
515 Norris Claude
ΔVI3-122
516 Hilton Willard
ΔVI3-155
519 Pattee Frank
ΔVI3-432
520 Wilson Mary
ΔVI3-366
Horn Ralph
Hill Delbert
rear Coan Edw
520½ Coon Edw V
524 Pollard Lewis
ΔVI3-623
529 Jewett J M ©
530 Mallory Mabe
ΔVI3-16:
Meyer Aller
ΔVI2-19:
Bliss John
533 Jennings Doug
ΔVI3-47:
534 Torres Ferns
ΔVI3-68:
536 Ricart Domin
ΔVI3-19
Friends Soc
Oread M
ΔVI3-19
539 Ball Lawrenc
ΔVI3-91
Bequette G
ΔVI2-18
545 Thornton Lov
ΔVI3-76

LOOK YOUR BEST-PERSONALIZED JET LIGHTNING SE
PROMPT FRIENDLY SERVICE-FREE PICK UP AND DELIVERY BY RADIO
LAUNDRY-SHIRTS-DRAPES and SLIPCOVERS-FUR S
1 HR. SERVICE-EVERYTHING RETURNED IN COMPLE
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1111 MASS TEL.



433 Ohio Street

JOINPIN 079-30-0-30-08-013.01-0

Current Legal OHIO STREET LT 9 & LT 7, LESS N40 FT THEREOF D 614/480 (U01867A & PORTION U01866A COMBINED 1998)

Existing Lot Area 7,041 SF (.16 Acres)

Existing density is 31.25 DU/AC [5 units/.16 Acres].

Appraisal Data Summary

- Year Built – 1920. Structure shown on 1918 Sanborn Map.
- Use – Dwelling converted to apartments
- 6 BR/ 5 units

No record of site plan

Adjacent to but not within *Pinckney* / Historic District

Floodplain – Zone X protected by Levee; not part of regulatory floodplain.

Zoning 2006 to current –RS5

Zoning prior to 2006 – RS2

Zoning 1978 to 2006 – RS2

- Z-8-28-78; Ordinance No. 4985; RM-1 to RS-2
- Zoning report shows 4 units, identified as non-conforming.

Zoning 1966 to 1978 – RM-1:

Multi-Dwelling uses permitted with 3,500 SF per unit. Maximum density allowed 3.3 dwelling units on 11,700 [must include all of Lot 7 and Lot 9]. Structure was not built “over platted lot line.”

Zoning 1949 – B District, second Dwelling. ***Apartment Building not permitted***. Density required 3,000 SF per family. Maximum density allowed 3.9 dwellings on 11,700 SF [must include all of Lot 7 and Lot 9 with not more than two units per lot].

- More than two units is non-conforming use.
- Two units could have been built on each lot.

Zoning 1927 – U-1 District which allows 1 and two family dwellings, ***but not apartment houses*** and it is in the B District which required not less than 2500 SF per family. Maximum density allowed 4.6 dwellings on 11,700 SF [must include all of Lot 7 and Lot 9 with not more than two units per lot].

- More than two units is non-conforming.
- Two units could have been built on each lot.

Lot Ownership

1998; N 40' Lot 7 Deed from Horvath to Bender [By selling off portion of lot owner created additional non-conforming lot by self-act.]

1998; Lot 7 Deed to Horvath

1997; Lot 9 Deed to Horvath

1996; Lot 7 & 9 Affidavit of Equitable Interest (Horvath purchasing on contract)

1927 Sanborn Map Shows Dwelling on Lot 9 and accessory structure on Lot 7.

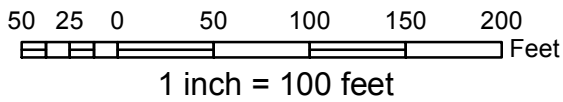
House Built 1920 – [Lot 9, Ohio Street]

1918 Sanborn Map Shows Dwelling on Lot 9 and accessory structure on Lot 7.

Platted per Original Town site 1870.

Use would have to have been built or converted prior to 1927 to meet the provisions of non-conforming.

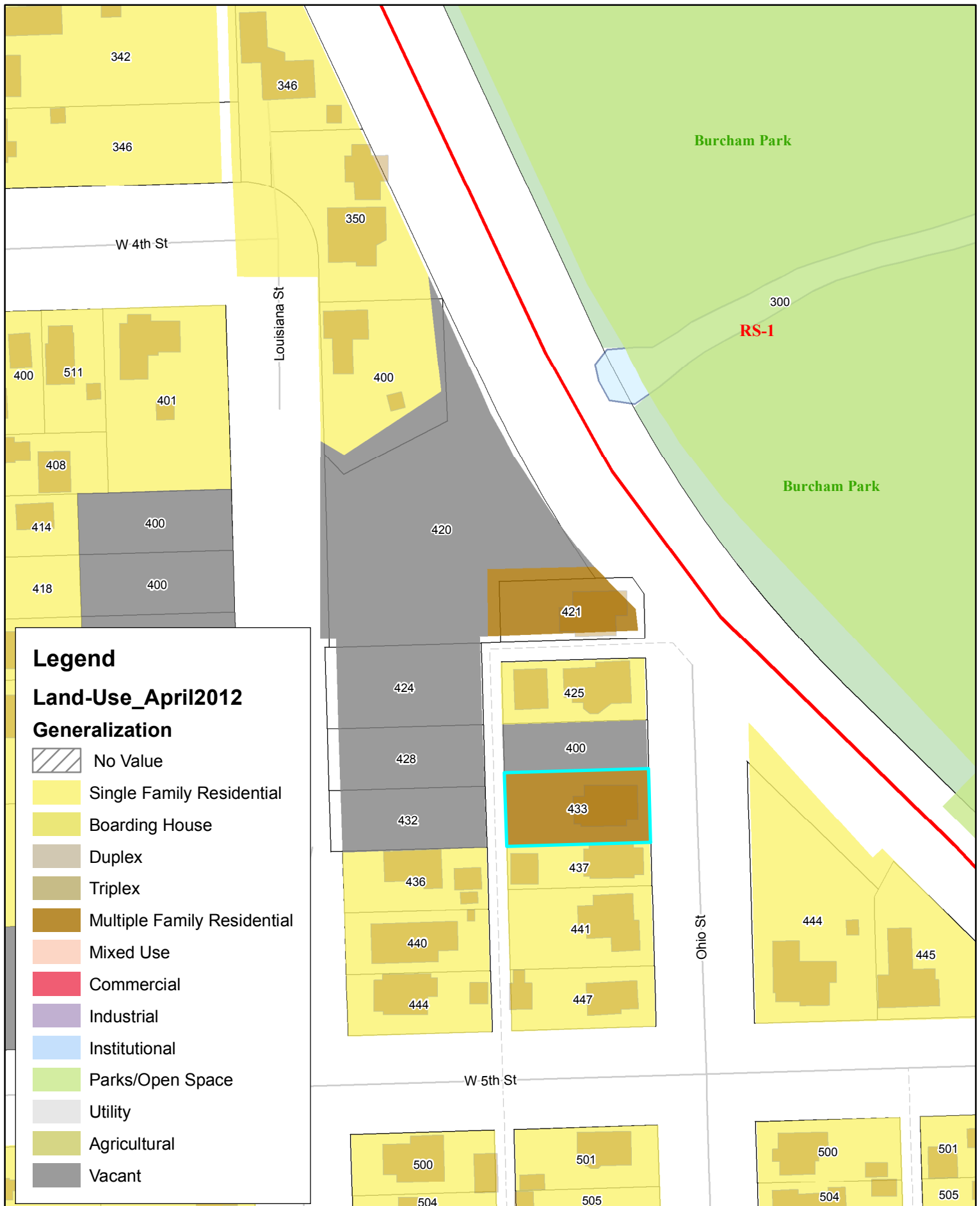
Except that 1978 staff report acknowledges the unit as having at least 4 units and a non-conforming use. This would still have exceeded the maximum density



DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 4/5/2016



From: [Sheila Stogsdill](#)
To: [Sandra Day](#)
Cc: [Lynne Zollner](#); [Brian Jimenez](#)
Subject: RE: ZC-16-00124 433 Ohio Street
Date: Monday, November 21, 2016 3:48:28 PM

Sandy –

I did a quick look at the property transfers that occurred with this property on the Reg of Deeds site to see when Shellie Bender acquired the N 40' of Lot 7.

It looks like the Horvath's bought Lot 7 & 9 on contract and finally owned both lots in 1998.

On June 30, 1998, the Horvath's sold the north 40' of Lot 7 to Shellie Bender. She had purchased Lot 5 in 1991.

IF the Horvath property was entitled to two units per lot, it seems they expanded their own nonconformity when they sold most of the north lot in 1998.

1991	Lot 5	Deed to Bender
1996	Lot 7 & 9	Affidavit of Equitable Interest (Horvath purchasing on contract)
1997	Lot 9	Deed to Horvath
1998	Lot 7	Deed to Horvath
1998	N 40' Lot 7	Deed from Horvath to Bender

[Sheila](#)

*"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey:
<http://lawrenceks.org/pds/survey/satisfaction>."*

From: Sandra Day
Sent: Monday, November 21, 2016 12:38 PM
To: Sheila Stogsdill
Cc: Lynne Zollner; Brian Jimenez
Subject: FW: ZC-16-00124 433 Ohio Street

All,

I am sending you this email so you are sort of in the loop. Mr. Horvath is convinced that this is or was a double lot. I am terrible with the deed searches but from the sanborn maps it seems that they were to parcels and I just do not see where he is getting two lots from. I think he is arguing that he should get up to 4 units because it was two lots.

I'm sure there is more to come. Scott looked over letter a couple times and I just sent it off to Mr.

Horvath.

ZC-16-00124.

Me.

From: Paul R. Horvath [<mailto:morningstarpaul@gmail.com>]
Sent: Monday, November 21, 2016 12:28 PM
To: Sandra Day
Cc: Jason Horvath (jason.e.horvath@gmail.com); klinknett@gmail.com; Brian Jimenez
Subject: Re: ZC-16-00124 433 Ohio Street

I understand you mean 2 units per lot? Please clarify this point. Thanks,Paul

On Mon, Nov 21, 2016 at 12:22 PM, Sandra Day <sday@lawrenceks.org> wrote:
Mr. Horvath,

Attached is a letter summarizing my review of the most recent information regarding the non-conforming use status of the property at 433 Ohio. Unfortunately the advertisements do not demonstrate the use of the property as a multi-dwelling (Apartment) but rather a single dwelling with rooms that were rented much like a boarding house or congregate living in today's code.

Based on my review this property could not have included more than two units historically per the various applicable zoning codes and the property size. Please let me know if you have any questions.

Sincerely

Sandy Day



Sandra L. Day, AICP, City/County Planner- sday@lawrenceks.org
Planning Division | www.lawrenceks.org/pds
P.O. Box 708, Lawrence, KS 66044
Office [\(785\) 832-3161](tel:(785)832-3161) | Fax [\(785\) 832-3160](tel:(785)832-3160)

*"Your opinion counts! Customer feedback helps us serve you better. Please tell us how we're doing by completing this short online Customer Satisfaction Survey:
<http://lawrenceks.org/pds/survey/satisfaction>."*

WARRANTY DEED, NO. 147

THIS INDENTURE, Made this 26th day of May in the year of our Lord Nineteen Hundred and Forty-two between Arling Graeber and Minnie Graeber his wife, Bernice Graeber a single woman, and Pearl Graeber a widow of --, in the County of -- and State of -- of the first part, and Harry Shepard of Lawrence, in the County of Douglas and State of Kansas of the second part: WITNESSETH, That the said part -- of the first part, in consideration of the sum of One Dollar and other valuable considerations -- DOLLARS to them duly paid, the receipt of which is hereby acknowledged, have sold, and by these presents do grant and convey unto the said part y of the second part his heirs and assigns all that tract or parcel of land situated in the County of Douglas and State of Kansas, described as follows, to-wit:

Lots Seven (7) and Nine (9) Ohio Street, Lawrence Kansas

Revenue Stamps \$4.40

STATE OF KANSAS)
Douglas County) SS.

Be it Remembered, That on this 16th day of June, A. D. 1942 before me, Sarah E. Stevenson, a Notary Public in and for said County and State came Bernice Graeber a single woman, and Pearl Graeber, a widow to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

(SEAL) My Commission Expires June 23, 1945

Sarah E. Stevenson
Notary Public

with all the appurtenances, and all the estate, title and interest of the said part ies of the first part therein. And the said above mentioned parties

do hereby covenant and agree that at the delivery hereof they are the lawful owner of the premises above granted, and seized of a good and indefeasible estate of inheritance therein, free and clear of all incumbrances

and that they will WARRANT AND DEFEND the same in the quiet and peaceable possession of the said part y of the second part his heirs and assigns forever against all persons lawfully claiming the same

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their hand s and seal s the day and year above written.

Signed, sealed and delivered in the presence of

Arling Graeber (Seal)

Minnie Graeber (Seal)

Bernice Graeber (Seal)

Pearl Graeber (Seal)

STATE OF ~~Kansas~~ California
Los Angeles County.) ss.

BE IT REMEMBERED, That on this 28 day of May A.D. 1942

before me, James A. Ferris a Notary Public in and for said County and State, came Arling Graeber and Minnie Graeber his wife

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year last above written.

(SEAL)

My Commission expires Feb 16th, 1944

James A. Ferris Notary Public

Notary Public in and for the County of

Los Angeles, State of California

Recorded on August 28, 1942 at 3:25 P.M.

Notary Public
Register of Deeds.

WARRANTY DEED, NO. 147

THIS INDENTURE, Made this 8th day of May in the year of our Lord Nineteen
Hundred and Forty-two between
Kenneth Graeber and Ruth Graeber his wife

of New York, in the County of New York and State of New York of the first part,
and Harry Shepard
of --, in the County of -- and State of -- of the second part:

WITNESSETH, That the said part ies of the first part, in consideration of the sum of
One Dollar and other valuable considerations DOLLARS
to them duly paid, the receipt of which is hereby acknowledged, have sold, and by these presents do grant and convey unto the
said part y of the second part his heirs and assigns all that tract or parcel of land situated in the County of Douglas and
State of Kansas, described as follows, to-wit:

Lots Seven (7) and Nine (9) Ohio Street Lawrence Kansas

STATE OF KANSAS, DOUGLAS COUNTY SS:

I, Bernice Graeber agent for the persons named as grantors in the deed to which this is attached
do solemnly swear that the actual consideration of this instrument was less than \$100.00.

Subscribed and sworn to before me this 28 day of August, 1942

Bernice Graeber

(SEAL) Com Exp. Dec 31, 1944

Pearl Enick

Notary Public

STATE OF New York
New York County SS

Be it Remembered, That on this 16 day of May A. D. 1942 before me, Mary E. McCue, a Notary Public
in and for said County and State, came Ruth Graeber to me personally known to be the same person who
executed the foregoing instrument of writing and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day
and year last above written.

(SEAL)

Mary E McCue

Notary Public

MARY E McCUE
Notary Public, N. Y. County
Clerks No. 22, Register's no. 4Mc73
Term expires March 30, 1944.

with all the appurtenances, and all the estate, title and interest of the said part y of the first part therein. And the said
Kenneth Graeber and Ruth Graeber his wife
do hereby covenant and agree that at the delivery hereof they are the lawful owner of the premises above
granted, and seized of a good and indefeasible estate of inheritance therein, free and clear of all incumbrances.

and that they will WARRANT AND DEFEND the same in the quiet and peaceable possession of the said part y of the second part
his heirs and assigns forever against all persons lawfully claiming the same

IN WITNESS WHEREOF, The said part ies of the first part have hereunto set their hands and seals the day and
year above written.

Signed, sealed and delivered in the presence of

Louis Lefkowitz

Kenneth Graeber

(Seal)

Ruth Graeber

(Seal)

STATE OF ~~KANSAS~~ New York

New York

ss.

BE IT REMEMBERED, That on this

11th

day of May

A.D. 1942,

before me,

Louis Lefkowitz

and State, came

Kenneth Graeber

to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowl-
edged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal, on the day and year
last above written.

(SEAL) My Commission expires 1943 Louis Lefkowitz Notary Public.
Louis Lefkowitz Notary Public, New York Co. Clerk No 225, Reg. No. A-1-395

Commission expires March 30, 1943

Recorded on August 28

1942 at 3:30 PM

Harold D. Bux

Register of Deeds.

This Indenture, Made this 23rd day of January in the year of our Lord one thousand Eight hundred and one between Bert Urbansky and his wife

of Lawrence in the County of Douglas and State of Kansas of the first part, and
L. A. Graber and Margaret Graber his wife
of the second part,

WITNESSETH, That the said part 1st of the first part, in consideration of the sum of fourteen hundred

DOLLARS, to him duly paid, the receipt of which is hereby acknowledged, he do sold, and by these presents do grant, and convey unto the said parties of the second part their heirs and assigns all that tract or parcel of land situated in the County of Douglas, and State of Kansas, described as follows, to wit:

lots numbered seven (7) and nine (9) on Ohio Street in the City of Lawrence
Ex. St. 110

with all the appurtenances, and all the estate, title and interest of the said part 1st of the first part therein. And the said Bert Urbansky do do hereby covenant and agree that at the delivery hereof he the lawful owner of the premises above granted, and seized of a good and indefeasible estate of inheritance therein free and clear of all incumbrances.

and that he will WARRANT AND DEFEND the same in the quiet and peaceable possession of the said parties of the second part their heirs and assigns forever against all persons lawfully claiming the same

IN WITNESS WHEREOF, The said part 1st of the first part has hereunto set his hand and seal the day and year first above written
Signed, sealed and delivered in the presence of Bert Urbansky [SEAL]

State of Kansas,
County of Douglas } ss.

BE IT REMEMBERED, That on this 23rd day of January A. D. 1901, before me, L. A. Graber a Notary Public, in and for said County and State, came Bert Urbansky



to me personally known to be the same person who executed the foregoing instrument, and duly acknowledged the execution of the same.

In WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last above written.

My Commission Expires Nov. 27, 1904

Recorded July 7 A. D. 1901 at 2 o'clock P. M.

L. A. Graber
Notary Public.
W. H. Saxman
Register of Deeds.

WARRANTY DEED**139196**

Alan Colebank, a single person

CONVEY(S) AND WARRANT(S) TO

Paul R. Horvath and Marianne Horvath
as joint tenants with the right of survivorship and not as tenants in common

**ALL THE FOLLOWING-DESCRIBED REAL ESTATE LOCATED
IN DOUGLAS COUNTY, KANSAS:**

Lot 7, on Ohio Street, in the City of Lawrence, in Douglas County, Kansas.

SUBJECT TO: Easements, restrictions and reservations of record, if any.

FOR THE SUM OF: One Dollar and other valuable consideration.

Dated May 15, 1996.

Alan Colebank aka Allen Colebank
Alan Colebank
by Ann Colebank, POA

STATE OF KANSAS, Douglas County, ss:

On this 15 day of May, 1996, before me, the undersigned, a Notary Public in and for the county and state aforesaid, personally appeared:

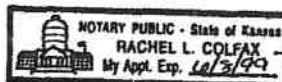
Alan Colebank, a single person

to me personally known to be the same person who executed the within and foregoing instrument of writing and acknowledged to me that the same was executed as a free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have set my hand and Notary Seal the day and year last above written.

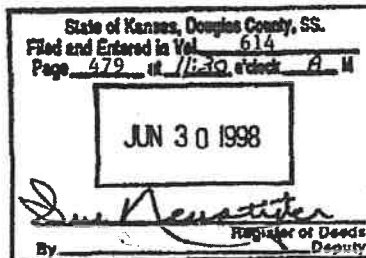
My Commission Expires:

6/3/99



Rachel L. Colfax
Notary Public

space below this line reserved for county officials



NU. 139196

INDEX

NUMERICAL INDEX

100-013



BOOK 614 PAGE 479

Entered in Transfer Record in my office this
1st day of June, A.D. 19 98
Paul R. Horvath County Clerk
uu MHL

WARRANTY DEED

Allen Colebank, also known as Allen D. Colebank, also known as Allen David Colebank,
a single person,

CONVEY(S) AND WARRANT(S) TO

Paul R. Horvath and Marianne Horvath,
as joint tenants with rights of survivorship and not as tenants in common,

ALL THE FOLLOWING-DESCRIBED REAL ESTATE LOCATED
IN DOUGLAS COUNTY, KANSAS:

Lot 9, on Ohio Street, in the City of Lawrence, Douglas County, Kansas.

NU. 125559

INDEX

NUMERICAL INDEX

100-013

SUBJECT TO: Easements, restrictions and reservations of record, if any,

FOR THE SUM OF: One Dollar and other valuable consideration.

Dated June 1, 1995.

State of Kansas, Douglas County, SS.	
Filed and Entered in Vol.	593
Page	152 at 3:35 o'clock P. M.
NOV 12 1997	
By <u>[Signature]</u> Register of Deeds Deputy	

Allen Colebank by AC, PNA
Allen Colebank, also known as
Allen D. Colebank also known as
Allen David Colebank,
by Ann Colebank, his attorney-in-fact

STATE OF KANSAS, DOUGLAS COUNTY, ss:

BE IT REMEMBERED, that on this 1st day of June, 1995, before me, the undersigned, a Notary Public in and for the county and state aforesaid, personally appeared Ann Colebank, as attorney-in-fact for Allen Colebank, also known as Allen D. Colebank, also known as Allen David Colebank, a single person, to me personally known to be the same person who executed the above and foregoing instrument of writing and duly acknowledged to me that the same was executed as a free and voluntary act and deed for the uses and purposes therein set forth.

IN WITNESS WHEREOF, I have set my hand and Notary Seal the day and year last above written.

My Appointment Expires:

April 8, 1996

[Signature]
Notary Public

space below this line reserved for county officials

Entered in Transfer Record in my office this
13th day of Nov., A.D. 1997
Patty James County Clerk
[Signature]





City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

6th St.
P.O. Box 708
Lawrence, KS 66044

www.lawrenceks.org/pds

PHONE 785-832-3150
TDD 785-832-3205
FAX 785-832-3160

April 11, 2016

Jeff Hatfield
Larry A. Hatfield Appraisals, LLC
P.O. Box 505
Lawrence, Kansas 66044

Sent via email: jeff@hatfieldappraisals.com

RE: **ZC-16-00124**: Zoning Certification letter for 433 Ohio, legally described as Lots 7 and 9 Ohio Street, Less the N. 40' of Lot 7, in the City of Lawrence, Douglas County, Kansas (PIN: 079-30-0-30-08-013.01-0)

Mr. Hatfield:

The following information is provided in response to your 4 April 2016 request for information regarding the parcel's conformance as a multi-dwelling use in the RS5 District in the City of Lawrence, Douglas County, Kansas.

433 Ohio Street is zoned RS5, Single-Dwelling Residential District – 5,000 square feet minimum lot size. The property was rezoned from RS-2 (single-Dwelling Residential) District to the current RS5 District in 2006. The property was zoned RS-2 from 1978 to 2006.

The property was rezoned from RM-1 to RS-2 in 1978 as part of a larger downzoning per ordinance 4985. The RM-1 district permitted multi-dwelling uses with a minimum 3,500 SF per unit. The property includes 7,041 SF and would have only accommodated two dwelling units. More than two units would have been non-conforming.

Staff reviewed the 1949 and 1927 Zoning Regulations.

- 1949 – B District, second Dwelling. Apartment Building not permitted. Density required 3,000 SF per family. Maximum density allowed 2.3 dwellings on 7,041 SF lot. More than two units are non-conforming.
- 1927 – U-1 District which allows one and two family dwellings, but not apartment houses and it is in the B District which required not less than 2500 SF per family. (2.8 dwelling on 7,041 SF). More than two units are non-conforming.



Section 20-1502 describes a nonconforming use as a land use that was legally established, but that is no longer allowed by the use regulations of the zoning district in which it is located.

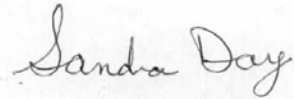
In all instances the use is found to be non-conforming with the zoning regulations. The use would have to have been established **prior to 1927** to include more than 4 dwelling units. The 1978 staff report discusses and indicates that the use existed at that time with 4 units. There is no documentation when a fifth unit was added. The 1978 staff report did not declare or acknowledge the use as a "legal nonconforming use."

Conclusion: The maximum number of units permitted that can be documented is two. The property owner would need to provide documentation showing continued use prior to 1927 for a multi-dwelling use.

I will be happy to review any additional documentation you may choose to provide regarding this property.

Please feel free to contact me should you have any additional questions at (785) 832-3163 or sday@lawrenceks.org.

Respectfully,

A handwritten signature in cursive script that reads "Sandra Day". The signature is written in dark ink on a light-colored, slightly textured background.



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

6 East 6th St.
P.O. Box 708
Lawrence, KS 66044

www.lawrenceks.org/pds

Phone 785-832-3150
Tdd 785-832-3205
Fax 785-832-3160

May 19, 2016

Jason E. Horvath
109 E 17th Terrace
Lawrence, KS 66044

RE: **ZC-16-00124**; 433 OHIO ST
079-30-0-30-08-013.01-0

Sent via email to: jason.e.horvath@gmail.com
moringstarpaul@gmail.com
klinknett@gmail.com

Dear Mr. Horvath:

This letter is to follow up our meeting on May 13, 2016. The subject property, 433 Ohio Street, is zoned RS5 (Single-Dwelling Residential) District. As we discussed, that district allows one detached residence located on an individual lot, unless a property owner can document a legal non-conforming use.

Based on the recent research completed by staff at the request of Jeff Hatfield in April 2016, the existing multi-dwelling use of the subject property was not found to be a legal non-conforming use under Section 20-1502 of the Land Development Code. However, staff did find that multi-dwelling uses would have been permitted on the subject property prior to 1927.

Based on staff's research, a duplex would have been allowed on the subject property between 1927 and 1966. In 1966, the property was rezoned to RM-1 (Multiple-Family Residential) District, with a maximum allowed density of 12 units per acre and 3,500 SF per unit required. The allowed density of the district and the size of the property would have only permitted two (2) units. More than two units would have been non-conforming.

The subject property as developed and reported includes five (5) dwelling units on a .16 acre parcel of land. The equivalent density is 31.25 dwelling units per acre. The property is surrounded by RS5 (Single-Dwelling Residential) District zoning to the north, south and east and RS7 (Single-Dwelling Residential) District zoning to the west.

If you can provide any additional documentation regarding the use of the subject property, I will be happy to review the information and provide a determination regarding the ability to

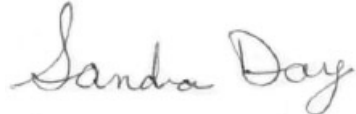


register the property as a legal non-conforming use. Some suggested sources include history of use found at Watkins Museum, review of Polk directories, and other similar sources.

Per our discussions of May 13, 2016, staff recommends that you provide additional documentation by June 6, 2016. Staff will meet with you following that date to further discuss options for the subject property.

Please feel free to contact me at 785-832-3161 or sday@lawrenceks.org with any questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Sandra Day". The ink is dark and the signature is fluid.

Sandra Day, AICP
Current Planner



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

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Jason E. Horvath
109 E 17th Terrace
Lawrence, KS 66044

November 21, 2016

RE: ZC-16-00124; 433 OHIO ST [Parcel No.: 079-30-0-30-08-013.01-0]
Legal Description: Ohio Street, Lot 9 and Lot 7 less the north 40'

Sent via email to: jason.e.horvath@gmail.com; morningstarpaul@gmail.com and
klinknett@gmail.com

Dear Mr. Horvath:

This letter is provided in response to additional documentation provided to the Planning Office regarding property at 433 Ohio Street and your request to register the property as a five-unit non-conforming residential use per Section 20-1502 of the Development Code.

Based on previous research for this property, the earliest possible date that an apartment (*Multi-Dwelling Residential*) use would have been permitted was in 1927. The additional documentation you provided for staff review consists of copies of pages from the Journal World Newspaper dated November 30, 1922. The paper included listings for both "Rooms for Rent" and "Apartments for Rent". The advertisements for 433 are listed as room for rent. It does not list how many. A "room for rent" does not constitute an "apartment".

Apartment uses were permitted on this property prior to 1927 and for a period between 1966 and 1978 subject to a maximum density based on the size of the property. Staff's research concluded that the documentable, maximum number, of dwelling units permitted for this property is two (2) dwelling units.

Sufficient documentation has not been provided to certify this property as a non-conforming use in accordance with the Development Code Section 20-1502; as a 5-unit *Multi-Dwelling Residence* (apartment building). Please feel free to contact me at 785-832-3161 or sday@lawrenceks.org with any questions or concerns.

Sincerely,

Sandra Day, AICP
Planner II



Property characteristics: 433 Ohio Street

- The legal description of the property includes all of a platted Lot 9 Ohio Street and the south 10' of Lot 7 Ohio Street for a combined area of 7,041 SF.
- This property is currently zoned RS5 (Single-Dwelling Residential) District.
- Existing structure includes five (5) dwelling units on a .1616 acre parcel
- The existing density is 31.25 dwelling units per acre.
- The use of the property as an apartment (Multi-Dwelling Residential) is not permitted in the RS5 District unless it can be clearly demonstrated that the use meets the requirements of the Land Development Code Section 20-1502 – Non-Conforming Use.

Analysis of Zoning Districts***1927 to 1966***

In both the 1949 and 1927 zoning maps the property was zoned for *One and Two-Family Dwellings*. This use continued to be allowed until 1966 when the property was rezoned to RM-1 (Multiple-Family Residential) District.

1966 to 1978

The RM-1 (Multiple-Family Residential) District allowed a density of 12 units per acre and 3,500 SF per unit required. Based on the property size of 7,041 SF (.1616 AC), a maximum of two total dwelling units would be permitted between 1966 and 1978.

1978 to 2006

The property was included in downzoning application for the neighborhood and rezoned from RM-1 to RS-2 (Single-Dwelling Residential) District by Ordinance 4985. The RS-2 District required a minimum 7,000 SF per unit and allowed only one *Detached Single-Family Residential* unit per lot.

2006 to Current

The property was rezoned to RS5 (Single-Dwelling Residential) District in 2006. This district requires a minimum 5,000 SF per unit and allows only one *Detached Single-Family Residential* unit per lot.



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Phone 785-832-3150
Tdd 785-832-3205
Fax 785-832-3160

November 21, 2016

Jason E. Horvath
109 E 17th Terrace
Lawrence, KS 66044

RE: **ZC-16-00124**; 433 OHIO ST
079-30-0-30-08-013.01-0

Sent via email to: jason.e.horvath@gmail.com
moringstarpaul@gmail.com
klinknett@gmail.com

Dear Mr. Horvath:

Please be advised that per section 20-1311 you may choose to appeal staff determination that the finding of 433 Ohio is not a non-conforming use per 20-1502, as stated in my letter dated November 21, 2016.

Appeals of administrative decisions shall be filed with the Planning director within 10 working days. The deadline for making an appeal of the administrative determination is Wednesday, **December 7, 2016**. Please be advised that our offices will be closed on Thursday and Friday, November 24th & 25, 2016. Regular office hours are between 8:00 A.M. and 5:00 P.M. Monday-Friday.

An application for an appeal is available on line at:
<https://assets.lawrenceks.org/assets/pds/planning/documents/form-appealBZA.pdf>.

When an appeal is filed staff will schedule a meeting with the Board of Zoning Appeals and provide property owner notice as required in section 20-1311 (e). Please feel free to contact me at 785-832-3161 or sday@lawrenceks.org with any questions or concerns.

Sincerely,

Sandra Day, AICP
Planner II



From: [Jim Black](#)
To: [David Guntert](#)
Subject: 433 Ohio St.
Date: Tuesday, January 31, 2017 3:12:03 PM

David-My name is Jim Black, son of Marge Black-400 Louisiana St. My parents have lived at 400 La. St. since 1949. Marge feels that this neighborhood, North of 6th St. needs to remain single family and not start breaking up these houses into multiple living units. Who authorized this landlord to breakup this house into so many living units? We will be out of town and not able to attend the Lawrence Board of Zoning Appeals meeting on Feb. 2nd. Thanks-Jim Black 785-766-0891