

LAWRENCE BOARD OF ZONING APPEALS

AGENDA

OCTOBER 6, 2016 – 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.

ELECTION OF OFFICERS FOR 2016-2017

Accept nominations for and elect Chair and Vice-Chair for the coming year.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the August 4, 2016 meeting of the Board.

BEGIN PUBLIC HEARING:

ITEM NO. 3 OUTDOOR LIGHT CONTAINMENT VARIANCE FOR A NEW AUTOMOTIVE SALES DISPLAY LOT; SW CORNER OF W. 29TH STREET AND IOWA STREET [DRG]

B-16-00338: 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 Outdoor Lighting Standards relating to Spillover Light, which is listed in Section 20-1103(d)(3)(ii) of the City Code. This code provision states that spillover light from a development site shall not exceed foot-candles measured at the lot line onto public street rights-of-way or other properties in a nonresidential zoning district. The property is located on the southwest corner of W. 29th Street between Iowa Street and the Iowa Street frontage road. Submitted by David Hamby, P. E. with BG Consultants, Inc., for AFAD, Inc., the property owner of record. Deferred from the September 1 meeting by the applicant.

ITEM NO. 4 AUTOMOTIVE SALES DISPLAY AREA VARIANCE FROM A PUBLIC STREET RIGHT-OF-WAY; 2851 IOWA STREET [JSC]

B-16-00339: 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 to reduce the code required 15 feet minimum off-street parking area setback from public street rights-of-way, which is required by Section 20-908(c) of the City Code, to a minimum of 0 feet along the property frontage on W. 28th Terrace and Iowa Street frontage road. The property is located at 2851 Iowa Street. Submitted by David Hamby, P. E. with BG Consultants, Inc., for AFAD, Inc., the property owner of record. Deferred from the September 1 meeting by the applicant.

ITEM NO. 5 **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.

ITEM NO. 6 **MISCELLANEOUS**

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

From: [David Hamby](#)
To: [David Guntert](#)
Cc: [Jeff Crick](#)
Subject: RE: Status of the two Briggs Automotive BZA variance requests
Date: Wednesday, September 14, 2016 4:10:03 PM

David,

Please defer both items one more month as we still have a few items pending which will affect what we need to do. Thank you.

David Hamby, P.E., CFM

Vice President



1405 Wakarusa Drive | Lawrence, KS 66049

T: 785.749.4474 x 2106 | F: 785.749.7340

Web: www.bgcons.com | [Map](#) | [Email](#)

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From: David Guntert [mailto:dguntert@lawrenceks.org]
Sent: Monday, September 12, 2016 2:22 PM
To: David Hamby <david.hamby@bgcons.com>
Cc: Jeff Crick <jcrick@lawrenceks.org>
Subject: Status of the two Briggs Automotive BZA variance requests

David,

Can you give me an update on what is happening with the two variance requests submitted for Briggs Automotive. Are there any revisions you will be making to the applications that we need to be aware of? Do you still want to keep them on the October 6th agenda? I will be mailing property owner notification letters out on both requests this Wednesday unless I hear from you otherwise.

Thanks for keeping us informed.

David R. Guntert, Planner II - dguntert@lawrenceks.org
Planning and Development Services | www.lawrenceks.org
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3158 | fax (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>."



LAWRENCE BOARD OF ZONING APPEALS
Meeting Minutes of August 4, 2016 – 6:30 p.m.

Members present: Fertig, Gascon, Holley, Mahoney, Wilbur
Staff present: Cargill, Crick, Guntert

ITEM NO. 1 COMMUNICATIONS

There were no communications to come before the Board.

No Board members disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.

There were no agenda items that will be deferred.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the April 7th and May 5, 2016 meetings of the Board.

ACTION TAKEN

Motioned by Fertig, seconded by Gascon, to approve the minutes from the April 7th meeting of the Board, with a correction to reflect Mahoney's attendance.

Unanimously approved 5-0.

Motioned by Mahoney, seconded by Holley, to approve the minutes from the May 5th meeting of the Board.

Unanimously approved 5-0.

BEGIN PUBLIC HEARING:

**ITEM NO. 3 FRONT AND EXTERIOR SIDE YARD SETBACK VARIANCES FOR AN
ADDITION TO EXISTING RESIDENTIAL DWELLING; 316 N 8TH STREET
[DRG]**

B-16-00279: 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 reduce the 25 feet minimum front setback requirement listed in Section 20-601(a) of the City Code to a minimum of 13 feet for an existing porch and 20.37 feet for a proposed house addition. The second request is for a variance to reduce the 25 feet minimum exterior side setback requirement listed in Section 20-601(a) of the City Code to a minimum of 16 feet for the north building line of the existing carport and garage and 19 feet for the existing home. The property is located at 316 N. 8th Street. Submitted by James and Holly Balch, the property owners of record.

STAFF PRESENTATION

Gunttert presented the item.

Holley asked if there is any scenario that would not allow the owners to rebuild as is.

Guntert said the code allows redevelopment of the property if it is less than 60% of the assessed property value, any more than that would require compliance with building setbacks or a new variance request.

APPLICANT PRESENTATION

Mr. James Balch said they've been living in the house since 2000 and felt it was time to add some square footage.

Ms. Holly Balch said their only storm shelter is an old cellar, so they plan to add one with the addition.

No public comment

ACTION TAKEN

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

Unanimously approved 5-0.

BOARD DISCUSSION

Holley said the plan looks great and is appropriate for the neighborhood.

Mahoney agreed.

ACTION TAKEN

Motioned by Wilbur, seconded by Gascon, to approve the variance based on the staff report.

Unanimously approved 5-0.

ITEM NO. 4 **ST JOHN'S CATHOLIC CHURCH AND SCHOOL BUILDING ADDITIONS; 1208 KENTUCKY STREET [JSC]**

B-16-00281: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is to reduce the front and rear building setbacks for two separate building additions being planned for the St. John the Evangelist Catholic Church and School campus. Section 20-601(a) of the City Code requires a minimum front and rear yard building setback of 25 feet. The applicant is requesting a 0 feet setback along the property's Kentucky Street frontage (front setback) and a 10.9 feet setback along Vermont Street (double frontage lot rear setback). The property is located at 1208 Kentucky Street. Submitted by Dan Sabatini, Sabatini Architects, for Roman Catholic Archdiocese of Kansas City, the property owner of record.

STAFF PRESENTATION

Crick presented the item.

Fertig asked if the approval has any conditions.

Crick said no.

Mahoney asked if staff received any correspondence from neighbors regarding the project.

Crick said no.

Fertig asked if Crick could point to which house is being relocated.

Crick located the house on the displayed map.

Holley asked if there are other zoning classifications more appropriate for the site.

Crick said GPI would be a less fitting zoning category because it would typically be used for a City Hall or a water tower installation, while the RM32 permits this use. Short of commercial zoning, which would be a stretch, this is the best zoning classification.

APPLICANT PRESENTATION

Ms. Katie Nichols, Sabatini Architects, clarified the proposed new location of the house and the boundaries of the addition.

Wilbur asked if they are losing any parking.

Nichols said the site plan proposes additional parking- they're losing some of the north parking lot but replacing those spaces.

ACTION TAKEN

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

Unanimously approved 5-0.

BOARD DISCUSSION

Wilbur said it is a clever solution to a restricted area.

Fertig agreed, adding that they are dealing with several challenges, including parking and historic review. She said she was surprised they didn't receive any feedback from neighbors.

ACTION TAKEN

Motioned by Mahoney, seconded by Gascon, to approve the variance based on the staff report.

Unanimously approved 5-0.

ITEM NO. 5 MISCELLANEOUS

a) There was no other business to come before the Board.

**ITEM NO. 5 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. **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 – *"Would like to enlarge deck by 10 feet into the 30 feet rear yard setback."*

C. ZONING AND LAND USE

Current Zoning & Land Use: RS7 (Single-Dwelling Residential) District; residential dwelling

Surrounding Zoning and Land Use: RS7 District to the north, south and east; vacant lots to the north; single-dwelling residential homes to the south; and a single-dwelling residential home and vacant lots to the east

OS (Open Space) District to the west; future city park with a large detention pond, pedestrian path, etc.

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 residential zoning districts. The code required minimum rear yard building setback for structures in the RS7 (Single-Dwelling Residential) District and what is being requested by the applicant follows:

West lot line (Rear lot line) – 30' required; 30' existing and 20' 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: *"Due to the shortened lots along the park edge in combination with the required minimum house square footage, the deck space is insufficient."*

Building Setbacks:

The subject property was residentially developed in the past year with a new single-family home. The lot is a very similar size to other lots along the west side of Headwaters Drive; several lots to the south are presently in different stages of residential construction. This lot is a perfect rectangle having a front and rear lot dimension of 72.18 feet and side lot lines of 115.00 feet. Nothing is unique about the lot that creates an obstacle to conform with the code required building setbacks. In staff's opinion, the applicant's request seeking to reduce the 30 feet rear yard setback to a minimum of 20 feet in order to be able to expand the size of the existing deck is solely due to decisions made by the property owner.

Finding – The property was recently developed with a single-family residential home. The lot is not unique in size, shape, etc. when compared to other nearby lots in this subdivision. The applicant chose to build a house with a floor plan that is deeper than it is wide which left no room to extend the deck further from the back of the dwelling without encroaching into the code required rear yard setback.

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

Applicant response: *"No, there are no adjacent neighbors due to the pond and walking trail."*

Building Setbacks:

In staff's opinion, granting a rear yard building setback only for the deck encroachment will not have any adverse effect upon the rights of adjacent property owners or residents. Due to the location of the deck, there will be no impact upon either side yard associated with the dwelling; only the rear yard setback will be reduced.

Directly behind the property is a large tract of land deeded to the City by the developers of this subdivision. Tract 'A' is identified on the final plat for public parkland and recreation paths, but it also includes a drainage easement. Currently, this area has a large detention pond, which collects stormwater runoff from this development, and a pedestrian path. Tract 'A' is identified as a future city park.

Finding -- Granting the variance for a reduced rear yard setback, if restricted to only apply to the proposed deck expansion, will not have any adverse effect upon the rights of adjacent property owners or residents. The project will not extend the deck closer to the side lot lines.

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: *"Homes in the neighborhood and price range are expected to include larger entertainment areas in order to enjoy the park pond and trails."*

Building Setbacks:

In staff's opinion, strict adherence to the code required 30 feet rear yard building setback is not an unnecessary hardship for the property owner. The applicant should have been aware

of the code required building setbacks when building permit plans were filed with the City. Section 20-602(e)(6)(vii) in the Development Code allows uncovered patios and decks to be located in required setbacks provided they are not more than 2.5 feet above ground level. Therefore, the owner has other options available to create outdoor entertainment space that is code compliant.

Finding -- Strict adherence to the code required 30 feet rear yard building setback is not an unnecessary hardship for the property owner. Other options are available to create outdoor entertainment space that is code compliant.

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

Applicant response: "No."

Building Setbacks:

In staff's opinion, granting the requested variance for the rear yard building setback will adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. This property is located in a newly developing residential subdivision. Since development of this lot began, other new residential homes have been started on lots to the south of the subject property on the west side of Headwaters Drive. Those lots are similar in size to this lot and none of them have required a variance. Approval of a reduced rear yard for an elevated deck addition changes the development pattern of the rear yards and it may lead to other property owners seeking similar variances. The public open space behind these lots should not be used as a substitute for the code required rear yard setback.

Finding – Granting a variance for the rear yard building setback adversely affects the public health, safety, morals, order, convenience, prosperity or general welfare. The conditions surrounding this request are self-created by the applicant. The request is inconsistent with the general purpose for establishing building setback standards.

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

Applicant response: "No. This variance would not create more impervious surface and would not impede upon any neighbors or easements."

Building Setbacks:

In staff's opinion, this setback variance is opposed to the general spirit and intent of the Development Code with regard to the purpose for building setbacks. Setbacks are established in residential zoning districts to help create a consistent streetscape along public streets; to maintain adequate open space on a lot for lawns and trees; for air and sunlight in the home; and, to allow room for recreation activities outside the home.

Finding -- The variance request is opposed to the general spirit and intent of the city code. The variance request is directly due to a decision by the applicant to build a residential dwelling style that used all of the available lot depth leaving no room for a larger elevated deck. No unusual or unique property conditions exist that make it impossible to comply with the code required rear yard setback.

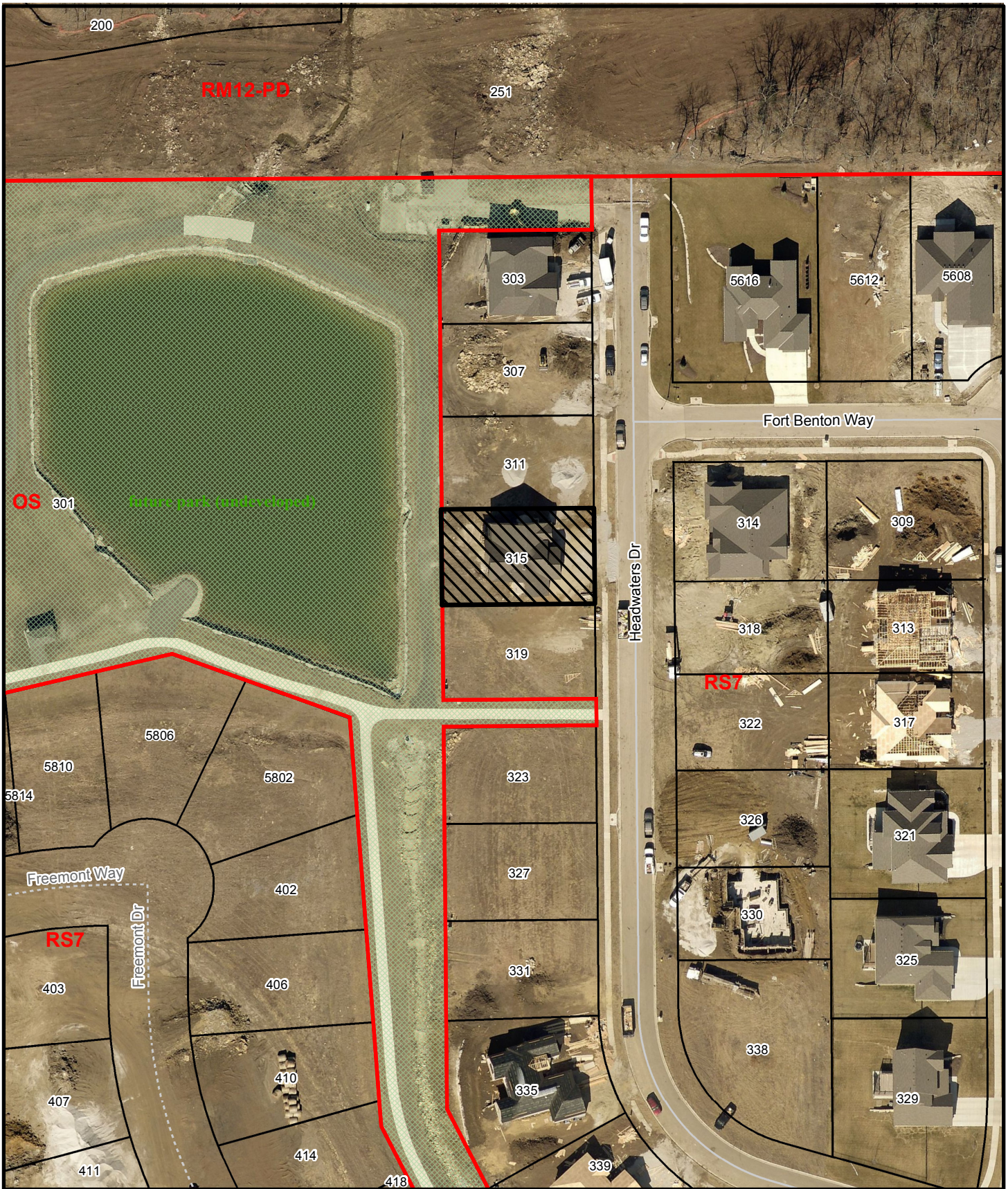
Conclusions:

Building Setback:

Staff's analysis finds this request does not meet 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 rear yard building setback. Specifically, the request fails to meet conditions 1, 3, 4 and 5. The property is not unique in its shape or size; the variance request is a result of self-created decisions made by the applicant; and, there is no unnecessary hardship to the applicant if the zoning setback standard for the rear yard is preserved.

Recommendation:

Staff recommends denial of the rear yard building setback variance based upon the findings in the staff report that conclude the applicant's request failed to meet all 5 conditions outlined in Section 20-1309(g)(1) needed for variance approval.



B-16-00380: Variance from the Code Required 30 Feet Rear Yard Building Setback for an Elevated Deck Addition on the Residential Dwelling Located at 315 Headwaters Drive

Lawrence Planning & Development Services Dept
September 14, 2016



Subject Property
Scale: 1 Inch = 100 Feet



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/>

APPLICATION FOR
VARIANCE FROM UNNECESSARY HARDSHIP

RECEIVED

SEP 01 2016

City County Planning Office
Lawrence, Kansas

OWNER INFORMATION

Name(s) DOUG HASSIG
Contact _____
Address 1216 BEL-AIR CT
City LAWRENCE KS State KS ZIP 66049
Phone (785) 865-6529 Fax (785) 841-2140
E-mail DSHASSIG@GMAIL.COM Mobile/Pager (785) 865-6529

APPLICANT/AGENT INFORMATION

Contact SAME AS ABOVE
Company _____
Address _____
City _____ State _____ ZIP _____
Phone (_____) _____ Fax (_____) _____
E-mail _____ Mobile/Pager (_____) _____
Pre-Application Meeting Date _____ Planner _____

PROPERTY INFORMATION

Present Zoning District _____ Present Land Use _____
Proposed Land Use _____
Legal Description (*may be attached*) LOT 4 BLOCK 3 OREGON TRAIL ADDITION
Address of Property 315 HEADWATERS
Total Site Area OPPROX. 8250SF.
Number and Description of Existing Improvements or Structures _____



**City of Lawrence
Douglas County**

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<http://www.lawrenceks.org/pds/>

Description of variance requested:

WOULD LIKE TO ENLARGE DECK BY 10' INTO THE 30' REAR YARD SETBACK



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:

DUE TO THE SHORTENED LOTS ALONG THE PARK EDGE IN COMBINATION WITH THE
REQUIRED MINIMUM SQUARE HOUSE FOOTAGE THE DECK SPACE IS INSUFFICIENT

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

NO == THERE ARE NO ADJACENT NEIGHBORS DUE TO THE POND AND WALKING TRAIL



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:

HOMES IN THE NEIGHBORHOOD & PRICE RANGE ARE EXPECTED TO INCLUDE LARGER
ENTERTAINMENT AREAS IN ORDER TO ENJOY THE PARK POND & TRAILS.

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

NO



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Douglas County**
PLANNING & DEVELOPMENT SERVICES

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<http://www.lawrenceks.org/pds/>

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

NO. THIS VARIANCE WOULD NOT CREATE MORE IMPERVIOUS SURFACE
AND WOULD NOT IMPEDE UPON ANY NEIGHBORS. OR EASEMENTS

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): [Signature] Date 9/1/2016

Date _____

Date _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



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

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OWNER AUTHORIZATION

I/WE DOUG HASSIG President, R&H Builders, Inc, hereby referred to as the "Undersigned", being of lawful age, do hereby on this 1ST day of SEPTEMBER, 20 16, 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 _____ (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 _____ (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.

DOUG HASSIG

Owner

Doug Hassig
Owner

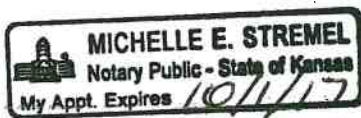
STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this 1ST day of SEPTEMBER, 20 16

by Michelle E Stremel

My Commission Expires: 10/1/17

Michelle E Stremel
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

9/01/2016
Date

DOUG HASSIG

Printed Name

315 HEADWATERS DRIVE

LEGAL

LOT #4 BLOCK #3

2ND PLAT, CITY OF LAWRENCE

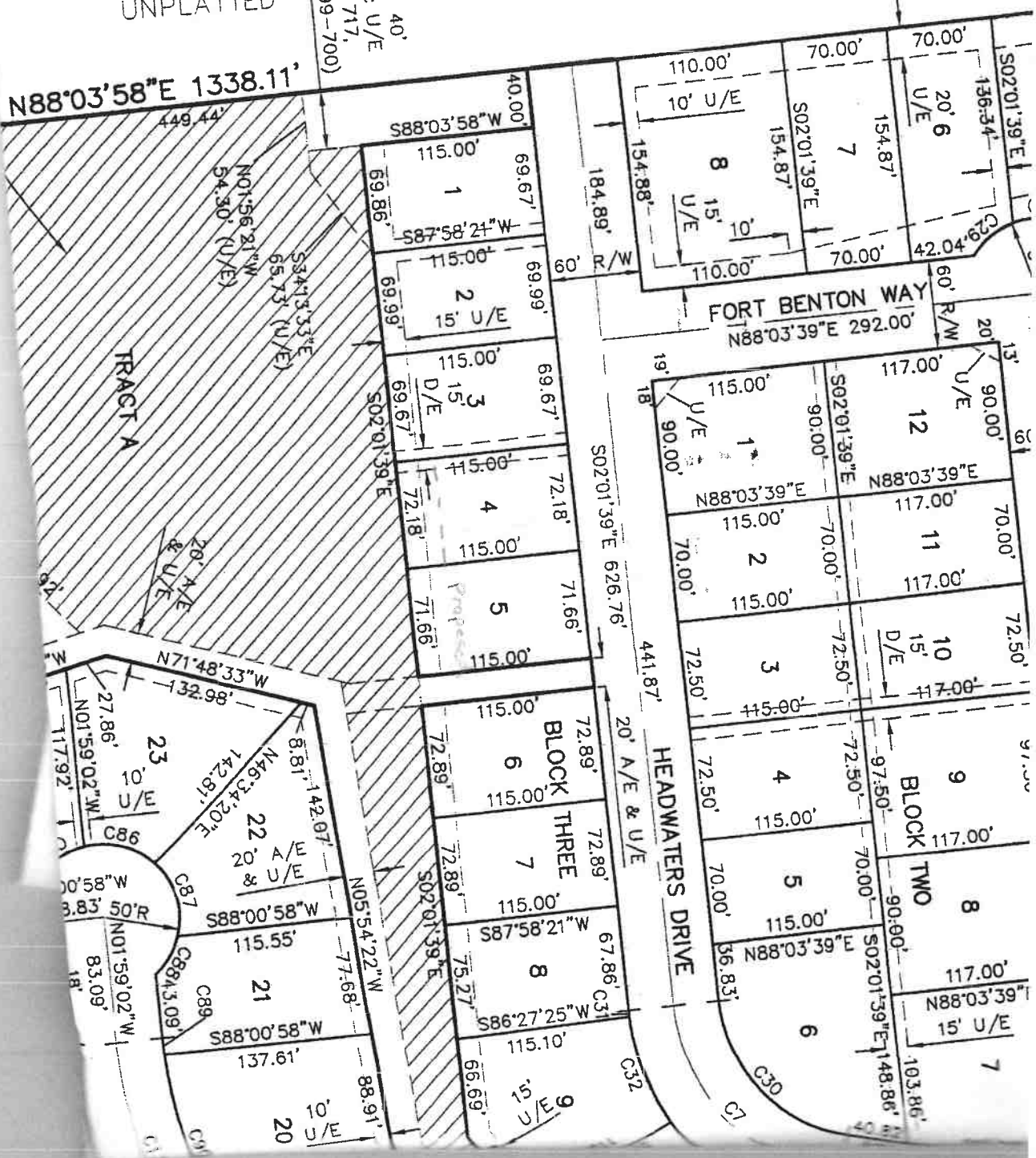
COUNTY OF DOUGLAS

STATE OF KANSAS

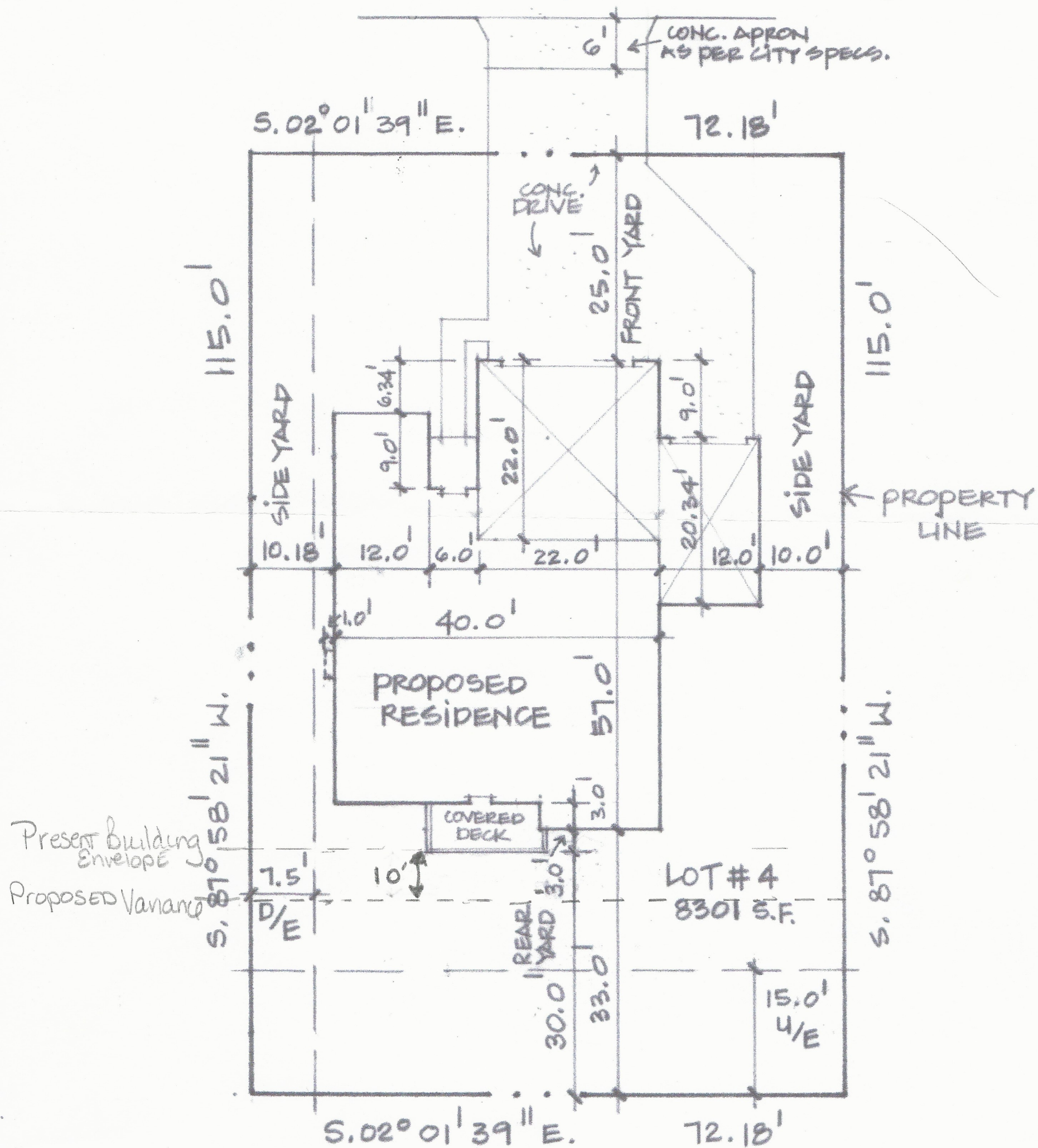
UNPLATTED

EXIST. 40'
A/E & U/E
(BK. 717,
PGS. 699-700)

N88°03'58"E 1338.11'



HEADWATERS DRIVE 315



SITE PLAN

SCALE: 1" = 20' 0"



LEGAL:

LOT #4, BLK. #3
 OREGON TRAIL ADDITION
 2ND PLAT, CITY OF LAWRENCE
 COUNTY OF DOUGLAS, STATE

LEGAL DESCRIPTION

A REPLAT OF LOTS 1-9, BLOCK 1, LOTS 1-13, BLOCK 2, LOTS 1-47, BLOCK 3, LOTS 1-14, BLOCK 4, LOTS 1-19, BLOCK 5, LOTS 1-10, BLOCK 6, AND LOTS 1-11, BLOCK 7, IN OREGON TRAIL ADDITION, A SUBDIVISION IN THE CITY OF LAWRENCE, DOUGLAS COUNTY, KANSAS, CONTAINS 41.730 ACRES, MORE OR LESS, EXCLUSIVE OF EXISTING RIGHT-OF-WAY AND TRACTS A & B.

SIGNATURES

OWNERS OF LOTS 1-9, BLOCK 1, LOTS 1-13, BLOCK 2, LOTS 1-47, BLOCK 3, LOTS 1-14, BLOCK 4, LOTS 1-19, BLOCK 5, LOTS 1-10, BLOCK 6, AND LOTS 1-11, BLOCK 7, IN OREGON TRAIL ADDITION

JOHN M. MCGREW, MANAGER
OREGON TRAIL HOLDINGS LC

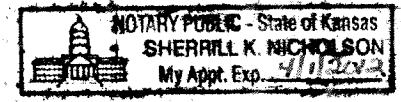
ROGER D. JOHNSON, MANAGER
OREGON TRAIL HOLDINGS LC

ACKNOWLEDGEMENT

STATE OF KANSAS
COUNTY OF DOUGLAS

BE IT REMEMBERED THAT ON THIS 7th DAY OF May, 2009, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME JOHN M. MCGREW, MANAGER, OREGON TRAIL HOLDINGS LC AND ROGER D. JOHNSON, MANAGER, OREGON TRAIL HOLDINGS LC WHO IS (ARE) PERSONALLY KNOWN TO ME TO BE THE SAME PERSON(S) WHO EXECUTED THE FOREGOING INSTRUMENT OF WRITING AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.



Sherrill K. Nicholson
NOTARY PUBLIC

MY COMMISSION EXPIRES

APPROVED AS A MINOR SUBDIVISION UNDER THE SUBDIVISION REGULATIONS OF THE CITY OF LAWRENCE AND THE UNINCORPORATED AREA OF DOUGLAS COUNTY

Scott McCullough
PLANNING DIRECTOR
DATE 05/13/2009
SCOTT MCCULLOUGH

REVIEWED IN COMPLIANCE WITH K.S.A. 58-2005.

Michael D. Kelly, P.L.S. #669
DOUGLAS COUNTY SURVEYOR

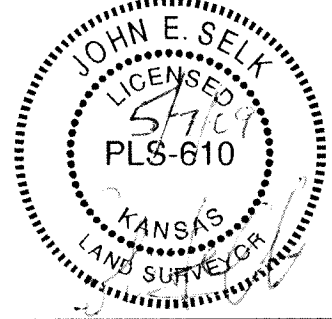
FILING RECORD

STATE OF KANSAS
COUNTY OF DOUGLAS

THIS IS TO CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN THE OFFICE OF THE DOUGLAS COUNTY REGISTER OF DEEDS ON THIS 15th DAY OF May, 2009, AND IS DULY RECORDED AT 10:18 AM, IN PLAT BOOK 7-18 PAGE 341.

CERTIFICATION

I HEREBY CERTIFY THAT THE PLATTED AREA SHOWN HEREON IS THE RESULT OF A FIELD SURVEY PERFORMED UNDER MY DIRECT SUPERVISION IN THE MONTH OF APRIL, 2005 AND THAT THIS SURVEY CONFORMS TO THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS. THE SURVEY DOES NOT CERTIFY OWNERSHIP OR EASEMENTS, NOR SHALL IT BE CONSTRUED TO CERTIFY THAT GOVERNING SETBACK REQUIREMENTS, BUILDING CODES, SUBDIVISION REGULATIONS OR ZONING ORDINANCES WILL BE MET NOW OR AT ANY TIME, HENCEFORTH.



JOHN E. SELK, P.E., P.L.S. #610
1310 WAKARUSA DRIVE
LAWRENCE, KANSAS 66049
(785) 843-7530

NOTES

STREET TREES SHALL BE PROVIDED IN ACCORDANCE WITH THE MASTER STREET TREE PLAN FILED WITH THE REGISTER OF DEEDS. BOOK 1049, PAGE 515.

THE CITY IS HEREBY GRANTED A TEMPORARY RIGHT OF ENTRY TO PLANT THE REQUIRED STREET TREES PURSUANT TO SECTION 20-811(g) OF THE CITY SUBDIVISION REGULATIONS.

BASIS OF BEARINGS FOR THIS PLAT IS NAD83-MODIFIED STATE PLANE COORDINATES. (KANSAS NORTH ZONE)

ERROR OF CLOSURE = 1 : 1,405.034.

TRACTS 'A' AND 'B' HAVE BEEN CONVEYED TO THE CITY OF LAWRENCE (VIA WARRANTY DEED, BOOK 1024, PAGE 132) GENERALLY FOR PUBLIC PARKLAND/RECREATION PATH PURPOSES (INCLUDING EASEMENTS AS SHOWN).

SINGLE-FAMILY AND DUPLEX DRIVEWAY ACCESS TO/FROM OVERLAND DRIVE, GEORGE WILLIAMS WAY AND STONERIDGE DRIVE IS PROHIBITED.

MULTI-FAMILY DRIVEWAY ACCESS (LOT 17, BLOCK FIVE) IS LIMITED TO ONE TO/FROM GEORGE WILLIAMS WAY (TO BE SHARED WITH THE PROPERTY IMMEDIATELY TO THE SOUTH) AND ONE TO/FROM OVERLAND DRIVE.

SOILS INVESTIGATIONS SHALL BE PERFORMED BEFORE PRIMARY STRUCTURES ARE ERECTED ON LOTS WITH SLOPES GREATER THAN 3:1, OR NON-ENGINEERED FILL GREATER THAN 12 INCHES. A SOILS ENGINEER LICENSED BY THE STATE OF KANSAS SHALL PERFORM INVESTIGATIONS, AND A REPORT OF THE INVESTIGATION SHALL BE SUBMITTED TO THE CITY OF LAWRENCE CODES ENFORCEMENT DIVISION. OTHER LOTS MAY BE REQUIRED TO BE INVESTIGATED WHERE EXCAVATION REVEALS INDICATIONS OF UNSUITABLE CONDITIONS.

NO BUILDING PERMITS WILL BE ISSUED UNTIL THE COMPLETION OF GEORGE WILLIAMS WAY, STONERIDGE DRIVE OR OVERLAND DRIVE TO SERVE THE SUBDIVISION.

BUILDING PERMITS ISSUED WITHIN THIS SUBDIVISION SHALL BE LIMITED TO A MAXIMUM NUMBER OF DWELLING UNITS (BASED UPON AN UPDATED REVISIT IMPACT STUDY SHOWING ONLY ONE ACCESS INTO THE SUBDIVISION WITH LEVEL OF SERVICE OF 'C' OR BETTER, AT THE INTERSECTION OF GEORGE WILLIAMS WAY AND WEST 6TH STREET, OR STONERIDGE DRIVE AND WEST 6TH STREET) UNTIL SUCH TIME AS A SECOND ACCESS TO THE SUBDIVISION IS COMPLETED.

THE INDIVIDUAL PROPERTY OWNERS FOR LOTS 6-11 AND 14-15, BLOCK THREE, OREGON TRAIL ADDITION, ARE RESPONSIBLE FOR THE OWNERSHIP AND MAINTENANCE OF THE PRIVATE INDIVIDUAL SANITARY SEWER SERVICES LOCATED ON CITY PROPERTY (TRACT A).

THE DRAINAGE EASEMENTS WILL REMAIN FREE OF ANY NATURAL OR NON-NATURAL STRUCTURES OR VEGETATIVE BARRIERS (INCLUDING BUT NOT LIMITED TO TREES, SHRUBBERY, BERMS, FENCES, AND WALLS).

FURTHER DIVISION OR CONSOLIDATION OF ANY LOTS CONTAINED IN THIS MINOR SUBDIVISION IS PROHIBITED AND SHALL BE PROCESSED AS MAJOR SUBDIVISION(S).

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	282.05	425.00	257.92	N15°38'11"E
C2	127.85	425.00	127.37	N08°35'27"E
C3	134.19	425.00	133.64	N24°15'17"E
C4	255.42	500.00	252.66	S18°39'56"W
C5	138.05	500.00	137.61	S25°23'26"W
C6	117.37	500.00	117.11	S10°45'21"W
C7	174.00	135.00	162.20	S38°57'06"E
C8	151.80	560.00	151.33	S05°46'55"W
C9	263.93	500.00	260.87	S17°05'20"E
C10	205.41	275.00	200.67	N10°49'44"W
C11	62.03	300.00	61.92	N82°05'34"E
C12	86.84	420.00	86.69	S82°05'34"W
C13	157.83	340.00	156.42	S15°16'57"E
C14	157.83	340.00	156.42	N15°16'57"W
C15	164.33	750.00	164.00	N85°42'25"W
C16	164.33	750.00	164.00	N85°42'25"E
C17	393.90	1200.00	392.13	N82°34'48"W
C18	100.84	1200.00	100.81	N75°35'02"E
C19	245.50	750.00	244.40	S82°33'14"E
C20	153.79	1200.00	153.69	N88°18'44"W
C21	139.26	1200.00	139.19	N81°18'57"W
C22	153.79	750.00	153.01	N75°00'00"E
C23	169.75	750.00	169.39	S85°26'50"E
C24	113.56	500.00	113.32	S04°31'23"W
C25	64.08	500.00	64.04	S01°41'16"W
C26	46.36	50.00	44.72	N24°32'15"E
C27	44.11	50.00	42.70	N27°18'02"W
C28	46.55	50.00	44.88	N29°14'43"E
C29	34.17	50.00	33.51	S24°30'22"W
C30	135.33	105.00	126.46	S36°57'06"E
C31	4.36	165.00	4.36	S02°47'07"E
C32	76.74	165.00	76.05	S16°52'03"E
C33	78.99	165.00	78.23	S43°54'21"E
C34	52.57	165.00	52.35	S66°44'52"E
C35	89.39	395.00	89.20	N04°27'19"E
C36	94.10	395.00	93.87	N26°28'33"E
C37	18.98	530.00	18.98	S32°16'28"W
C38	91.45	530.00	91.34	S26°18'19"W
C39	88.26	530.00	88.16	S16°35'29"W
C40	72.06	530.00	72.00	S07°55'33"W
C41	80.76	470.00	80.66	S08°57'12"W
C42	30.36	50.00	29.89	S23°37'43"E
C43	48.34	50.00	48.48	S42°42'14"E
C44	42.22	50.00	40.97	N45°24'37"E
C45	44.87	50.00	43.38	N04°29'05"W
C46	45.59	50.00	44.03	N56°18'55"W
C47	38.43	50.00	37.49	S75°32'30"W
C48	99.29	470.00	99.11	S27°14'53"W
C49	34.72	455.00	34.71	N31°08'51"E
C50	86.31	455.00	86.18	N23°29'37"E
C51	93.01	455.00	92.85	N12°12'10"E
C52	66.50	455.00	66.44	N02°09'34"E
C53	34.09	685.00	34.09	N88°51'14"E
C54	45.35	710.00	45.35	S86°17'13"E
C55	136.61	710.00	136.40	S78°56'42"E
C56	3.18	710.00	3.18	S73°18'17"E
C57	79.48	1240.00	79.47	N75°00'46"W
C58	101.44	1240.00	101.41	N81°59'26"W
C59	50.33	1240.00	50.32	N85°29'49"W
C60	115.23	1240.00	115.18	N89°19'18"W
C61	15.40	710.00	15.40	N88°38'15"E
C62	125.19	710.00	125.03	S95°41'24"E
C63	98.83	790.00	98.77	N83°00'50"W
C64	74.26	790.00	74.24	N89°17'27"W
C65	179.57	245.00	175.58	N11°13'48"W
C66	77.90	50.00	70.26	N49°16'32"E
C67	46.66	50.00	44.98	S59°21'34"E
C68	51.00	50.00	48.82	S03°24'25"E
C69	74.26	50.00	67.62	S68°21'29"W
C70	112.18	530.00	111.97	S28°09'50"E
C71	102.62	530.00	102.45	S14°33'13"E
C72	64.97	530.00	64.93	S05°29'43"E
C73	64.71	590.00	64.68	S01°09'31"W
C74	54.14	590.00	54.12	S06°55'47"W
C75	44.22	50.00	42.80	S16°16'46"E
C76	69.04	50.00	63.69	S48°37'08"W
C77	68.76	50.00	63.47	S25°23'34"W
C78	67.74	50.00	62.67	N25°46'43"E
C79	40.00	530.00	39.99	S07°10'41"W
C80	64.75	530.00	64.71	S01°30'58"W
C81	36.95	270.00	36.92	N84°05'46"E
C82	18.88	270.00	18.88	N78°10'22"E
C83	31.72	450.00	31.72	S78°11'21"W
C84	50.05	450.00	50.02	S83°21'41"W
C85	39.05	50.00	38.06	S57°03'28"W
C86	49.86	50.00	47.82	N71°59'53"W
C87	53.67	50.00	51.13	N12°40'29"W
C88	28.86	50.00	28.46	N34°36'45"E
C89	11.56	310.00	11.56	S03°03'07"E
C90	132.35	310.00	131.34	S16°21'03"E
C91	41.39	370.00	41.37	N25°22'34"W
C92	102.38	370.00	102.05	N14°14'39"W
C93	27.98	370.00	27.98	N04°09'02"E
C94	30.67	310.00	30.66	N04°49'05"W
C95	113.24	310.00	112.61	N18°07'00"W
C96	32.19	370.00	32.18	S26°05'20"E
C97	93.86	370.00	93.61	S16°19'45"E
C98	45.71	370.00	45.68	S05°31'22"E
C99	79.47	390.00	79.33	S82°00'26"W
C100	17.75	330.00	17.75	N77°42'38"E
C101	50.48	330.00	50.43	N83°38'02"E
C102	89.44	470.00	89.30	S07°26'07"E
C103	124.85	470.00	124.48	S20°29'47"E
C104	33.81	470.00	33.80	S30°10'01"E
C105	64.25	305.00	64.13	N28°11'34"W
C106	71.40	305.00	71.24	N13°27'04"W
C107	88.58	305.00	88.27	N01°34'32"E
C108	101.56	790.00	101.49	S84°49'22"E
C109	49.78	790.00	49.78	S74°58'54"E
C110	91.87	1160.00	91.85	N75°26'43"W
C111	110.23	1160.00	110.18	N80°26'11"W
C112	118.66	1160.00	118.61	N89°03'11"W
C113	173.09	790.00	172.75	S85°42'25"E
C114	155.57	710.00	155.25	N85°42'25"W
C115	104.52	470.00	104.30	S04°39'33"W
C116	2.23	470.00	2.23	S01°00'51"E
C117	34.90	50.00	34.90	N85°07'09"W
C118	58.56	50.00	55.27	N18°25'57"E
C119	68.27	50.00	63.09	S88°53'46"E
C120	9.59	50.00	9.57	S44°17'06"E
C121	37.37	50.00	36.50	N56°21'25"E
C122	48.23	50.00	46.38	S74°36'10"E
C123	73.51	50.00	67.07	S04°51'13"E
C124	12.11	50.00	12.08	S01°00'51"E
C125	67.93	530.00	67.88	S01°41'16"W
C126	60.24	470.00	60.19	S01°41'16"W
C127	45.94	530.00	45.92	S00°29'58"W
C128	74.44	530.00	74.38	S07°00'22"W

MEBO TABLE		
BLOCK	LOT NO.	MEBO
BLOCK ONE	TWO	3
	TWO	4
	TWO	9
	TWO	10
	TWO	1
BLOCK TWO	THREE	2
	THREE	4
	THREE	6
	THREE	7
	THREE	8
BLOCK THREE	THREE	9
	THREE	10
	THREE	11
	THREE	12
	THREE	13
BLOCK FOUR	THREE	14
	THREE	15
	THREE	16
	THREE	17
	THREE	18
BLOCK FIVE	THREE	19
	THREE	20
	THREE	21
	THREE	22
	THREE	23
BLOCK SIX	THREE	24
	THREE	25
	THREE	26
	THREE	27
	THREE	28
BLOCK SEVEN	THREE	29
	THREE	30
	THREE	31
	THREE	32
	THREE	33
BLOCK EIGHT	THREE	34
	THREE	35
	THREE	36
	THREE	37
	THREE	38
BLOCK NINE	THREE	39
	THREE	40
	THREE	41
	THREE	42
	THREE	43
BLOCK TEN	THREE	44
	THREE	45
	THREE	46
	THREE	47
	THREE	48
BLOCK ELEVEN	THREE	49
	THREE	50
	THREE	51
	THREE	52
	THREE	53
BLOCK TWELVE	THREE	54
	THREE	55
	THREE	56
	THREE	57
	THREE	58
BLOCK THIRTEEN	THREE	59
	THREE	60
	THREE	61
	THREE	62
	THREE	63
BLOCK FOURTEEN	THREE	64
	THREE	65
	THREE	66
	THREE	67
	THREE	68
BLOCK FIFTEEN	THREE	69
	THREE	70
	THREE	71