

LEAVENWORTH BOARD OF ZONING APPEALS

Monday, August 21, 2023 – 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS

AGENDA

CALL TO ORDER:

1. Roll Call/Establish Quorum
2. Approval of Minutes: July 17, 2023 **Action:** Motion

OLD BUSINESS:

None

NEW BUSINESS:

1. **WELCOME NEW MEMBERS DANIEL BOLLING AND DAVID RAMIREZ**
2. **ELECTION OF VICE CHAIRPERSON**
3. **2023-21 BZA – 4650 NEW LAWRENCE RD**
Hold a public hearing for Case No. 2023-21 BZA – 4650 New Lawrence Rd, wherein the petitioner is seeking a variance from Section 4.04.B of the adopted Development Regulations to allow more than two accessory structures on a property zoned R1-25, Low Density Single Family Residential District.

ADJOURN



**BOARD OF ZONING APPEALS MINUTES
MONDAY, JUNE 26, 2023, 6:00 P.M.
COMMISSION ROOM, CITY HALL
LEAVENWORTH, KANSAS**

CALL TO ORDER:

Board Members Present

Mike Bogner
Kathy Kem
Jan Horvath
Dick Gervasini

Board Member(s) Absent

City Staff Present

Michelle Baragary
Bethany Falvey

Chairman Bogner called the meeting to order at 6:00 p.m. and noted a quorum was present.

APPROVAL OF MINUTES: June 26, 2023

Chairman Bogner asked for comments, changes or a motion on the June 26, 2023 minutes presented for approval. Commissioner Gervasini moved to approve the minutes as presented, seconded by Commissioner Horvath and approved by a vote of 4-0.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2023-20 BZA – 200 S BROADWAY STREET

Hold a public hearing for Case No. 2023-20 BZA – 200 S Broadway Street, wherein the petitioner is seeking a variance to section 8.11 of the adopted Development Regulations to allow a projecting sign to encroach in the right-of-way by 6 feet.

Chairman Bogner called for the staff report.

City Planner Bethany Falvey stated the applicant, Lori McPherson with Flatland Realty LLC, is requesting a variance from section 8.11 of the adopted Development Regulations to allow a projecting sign to encroach into the right-of-way by 6 feet. The property is zoned GBD, General Business District.

Per section 8.11 of the adopted Development Regulations:

Projecting signs shall not project from the wall greater than a distance of six feet or encroach in a public right-of way in OBD, GBD, I-1 or I-2 and shall maintain eight feet of clearance from grade. Projecting signs in the CBD may encroach in the right-of-way, but shall be constructed of approved nonflammable, safety material, shall maintain eight feet of clearance to grade, and shall not be closer than five feet to a curb line.

Based on the drawings and information provided, the sign will provide 8' of ground clearance and extend from the wall 6 feet. The property line goes right up to the building. The proposed sign is a 4' x 4' double-sided aluminum lighted projecting sign.

Chairman Bogner asked for questions about the staff report.

Chairman Bogner asked if the proposed sign is an exact replica of the previous sign that was there.

Staff responded in the negative.

Chairman Bogner stated the majority of the sign variance requests have been existing nonconforming signs that the applicants want to continue using but the request brought before the Board tonight is for a sign that has been gone for a long time, and is bigger than the original.

Ms. Falvey stated the proposed sign is much larger than the projecting sign that was previously there. Ms. Falvey used Google Maps to show the most recent projecting sign dated April 2019. The image the applicant submitted with the application is from a long time ago.

Commissioner Gervasini stated the image the applicant submitted was when the building was Perry L. Black Oldsmobile back in 1978 or 1979.

Commissioner Kem asked if the property owner is able to use the existing roof sign.

Ms. Falvey responded in the negative stating it is an existing nonconforming sign, and is larger than what is allowed.

Planning Assistant Michelle Baragary further added a roof sign shall not exceed the highest point of the roof.

Commissioner Kem asked if the applicant could request a variance for the roof sign.

Ms. Falvey responded in the affirmative.

Commissioner Kem asked if the applicant will need to remove the roof sign if they do not plan on using it.

Ms. Falvey stated the sign will need to be removed because that business (Herken's Automotive) has been gone more than six months.

Chairman Bogner asked if the proposed sign meets the current sign regulations with just the exception of the projection into the right-of-way.

Ms. Falvey responded in the affirmative.

Chairman Bogner asked if any of the previous projecting signs at this exact location on the building were as large as the proposed sign.

Ms. Falvey responded in the negative.

Referring to the letter from the property owner, Commissioner Kem asked about the statement "City stated the sidewalks were owned by the property owner and not the city".

Ms. Falvey stated that does not pertain to this case, and that the Public Works Department regulates sidewalks. However, property owners are responsible for adjacent sidewalks.

Commissioner Kem asked for clarification that the property owner is responsible for the sidewalks but do not own the sidewalks. Otherwise, the sign would be projecting out over his property. Commissioner Kem asked for clarification that the statement made in the letter is incorrect, and that the property owner does not own the sidewalks.

Ms. Falvey responded in the affirmative stating the sidewalks are in the public right-of-way, and are not owned by the property owner.

Commissioner Horvath asked if the property pays to replace the sidewalks.

Ms. Falvey stated it is just like in residential districts where you have where your property line reaches, and then there is the right-of-way that includes the sidewalk and the grass between the road and the sidewalk.

Commissioner Horvath stated the city is the only agency that may repair the sidewalks but believes the property owner has to pay for it.

Chairman Bogner asked if there is a regulation on maximum height for anything that overhangs sidewalks.

Ms. Falvey responded the ground clearance is 8 feet, which the proposed sign meets.

Commissioner Kem asked what the future land use is for this property.

Ms. Falvey responded public/semi-public.

Chairman Bogner asked if the owner of the building is making this request or will this space be a rental space.

Ms. Falvey responding the owner is requesting it.

Chairman Bogner remembers approving a parking variance request last year for this property.

Commissioner Gervasini asked if there are any plans to widen Broadway Street.

Ms. Falvey responded not that she is aware of.

Commissioner Kem asked that if the variance request were denied, the applicant would still be permitted a wall sign or window sign.

Ms. Falvey responded in the affirmative further stating the applicant could apply for both a wall and window sign.

Chairman Bogner asked if the justification for this request includes the uniqueness of the business.

Commissioner Kem stated it is the uniqueness of the lot not the business.

Commissioner Gervasini asked for clarification that there is a requirement to takedown the sign on the roof.

Ms. Falvey stated it is a violation of the sign code, and can be written up as a violation.

Commissioner Horvath asked what the size was of the previous projecting sign.

Ms. Falvey brought up Google Maps to view the most recent projecting sign that was in that location.

Viewing the sign, Commissioner Kem stated the sign previous projecting sign was tiny.

With no further questions about the staff report, Chairman Bogner asked the applicant if he would like to speak.

Eric McPherson stated his wife owns Flatland Realty, LLC, and he is her partner in this business. Referring to the original Oldsmobile sign, Mr. McPherson stated he has been trying to track one down to purchase, and they are a 42" round sign. The sign he is proposing is a 48" round projecting sign. They purchased this building with the goal to make it look like it used to, and have done extensive remodeling.

Mr. McPherson further stated it has been brought up several times that he cannot use the existing roof sign. Stated it would be a great expense to him. The lowest quote he has received to remove the roof sign is \$12,000.

With no further questions, Chairman Bogner opened the public hearing. With no one wishing to speak, Chairman Bogner closed the public hearing and called for discussion among the commissioners.

With no further discussion, Chairman Bogner read the following criteria regarding the Board's authority and reviewed each item.

BOARD OF ZONING APPEALS AUTHORITY:

The Board's authority in this matter is contained in Article 11 (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

Variances: To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing the special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of

the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.

2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.

- a) *The Board shall make a determination on each condition, and the finding shall be entered in the record.*
- b) *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.*

Vote 2-2

Commissioners Gervasini and Horvath voted in the affirmative.

Commissioners Bogner and Kem voted in the negative. Commissioner Kem stated she has a hard time with the second portion of the above condition that states “and is not created by an action or actions of the property owner or the applicant”. Installation of the sign clearly is by the action of the applicant.

- c) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*

Vote 4-0

All board members voted in the affirmative.

- d) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*

Vote 2-2

Commissioners Gervasini and Horvath voted in the affirmative.

Commissioners Bogner and Kem voted in the negative.

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

Vote 4-0

All board members voted in the affirmative.

- f) *That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*

Vote 2-2

Commissioners Gervasini and Horvath voted in the affirmative.

Commissioners Bogner and Kem voted in the negative.

3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of the Development Regulations.

ACTION:

Approve or deny the request for a variance from section 8.11 of the Development Regulations to allow a projecting sign to encroach into the right-of-way by 6 feet at 200 S Broadway Street.

Chairman Bogner stated based on the findings, the board denied the variance to allow a projecting sign to encroach into the right-of-way by 6 feet at 200 S Broadway Street.

With no further business, Ms. Falvey thanked Chairman Bogner for his years of serving on this board, as he is resigning after tonight's meeting.

Commissioner Kem stated to Mr. McPherson that she wishes the board could every variance that comes through here but it's state statute (inaudible as Mr. McPherson loudly interrupted).

Commissioner Gervasini moved to adjourn, and passed 4-0.

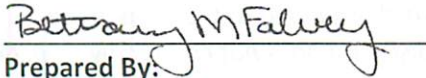
The meeting adjourned at 6:19 p.m.

Minutes taken by Planning Assistant Michelle Baragary.

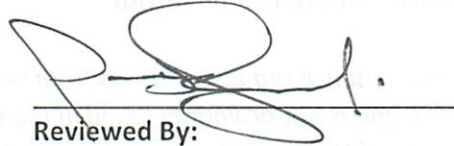
DRAFT

BOARD OF ZONING APPEALS AGENDA ITEM
VARIANCE REQUEST
2023-21-BZA
4650 NEW LAWRENCE ROAD

AUGUST 21, 2023



Prepared By:
Bethany Falvey,
City Planner



Reviewed By:
Paul Kramer,
City Manager

SUMMARY:

The applicant is requesting a variance to allow more than two accessory structures on a property zoned R1-25, Low Density Single Family Residential.

DISCUSSION:

The property located at 4650 New Lawrence Road, and is owned by Ronald and Danielle Trautman. The property is 5.6 acres in size, and is occupied by a single family home, with two detached outbuildings. The applicant is proposing to install a 22' x 52" above ground pool on the property in the side yard of the existing home.

Section 4.04.B. of the Development Regulations states:

No more than two detached accessory structures shall be allowed per building lot or parcel whichever is larger in area.

Pools are defined as a permitted accessory use/structure.

BOARD OF ZONING APPEALS AUTHORITY:

The Board's authority in this matter is contained in Article XV (Board of Zoning Appeals), Section 11.03.B (Powers and Jurisdictions – Variances)

Variances: To authorize in specific cases a variance from the specific terms of these Development Regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these Development Regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these Development Regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the Development Regulations of the City of Leavenworth, Kansas in such district. Rather, variances shall only be granted for the detailed requirements of the district such as area, bulk, yard, parking or screening requirements.

1. The applicant must show that his property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or where by reason of exceptional topographical conditions or other extra-ordinary or exceptional circumstances that the strict application of the terms of the Development Regulations of the City of Leavenworth, Kansas actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.
2. A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met. The Board shall make a determination on each condition, and the finding shall be entered in the record.
 - a) *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant.*
 - b) *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.*
 - c) *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.*
 - d) *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare;*
 - e) *That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*
3. In granting a variance, the Board may impose such conditions, safeguards, and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these Development Regulations.

ACTION:

- Approve or deny the variance to allow installation of an above ground pool at 4650 New Lawrence Road.



BOARD OF ZONING APPEALS
CITY OF LEAVENWORTH, KANSAS

OFFICE USE ONLY

Case No.: 2023-21 BZA
Application No. 13734
Fee (non-refundable) \$350.00
Filing Date 7/6/23
Hearing Date 8/21/23
Publication Date 7/27/23

PETITION

Property Zoning: R1-25
Location of Subject Property: 4650 NEW LAWRENCE RD
Legal Description: (Attach full legal description provided by the REGISTER OF DEEDS OFFICE)
Petitioner: RONALD & DANIELLE TRAUTMAN
Petitioner Address: 4650 NEW LAWRENCE RD LEAVENWORTH
Email: TRAUTMANRD@AOL.COM Telephone: 913-775-0033
Petitioner's Interest in Property: OWNERS

Purpose of Petition: VARIANCE to allow more than 2 accessory structures per parcel. Above ground pool will be a third accessory structure.

- Appeal of Administration Decision _____ Date of Decision _____
Section 11.03.A
- Variance: Section 4.04.B.2
Section 11.03.B
- Exception:
Section 11.03.C

Site Plan or drawing attached (hard & digital copy): Yes No

I, the undersigned, certify that I am the legal owner of the property described above and that if this request is granted, I will proceed with the actual construction in accordance with the plans submitted within four (4) months from the date of filing or request in writing an extension of time for the Board's consideration

Property Owner Name (print): RONALD & DANIELLE TRAUTMAN

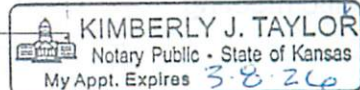
Signature: [Signature] Date: 6-22-23

State of Kansas

County of Leavenworth

Signed or attested before me on June 27, 23 by Kim J. Taylor

Notary Public: [Signature]



My appointment expires: 03.8.26 (Seal)

NOTE: All signatures must be in black or blue ink. Signature of owner(s) must be secured and notarized.
Check list below...

<input checked="" type="checkbox"/>	Supporting documentation: Site plan, plot plan, a drawing and any other pertinent data
<input checked="" type="checkbox"/>	Full legal description of subject property obtained from the Register of Deeds Office (913-684-0424)
<input checked="" type="checkbox"/>	Certified list of property owners within two hundred (200) feet of the subject property – County GIS Department 913-684-0443
<input checked="" type="checkbox"/>	A filing fee of Three Hundred- fifty dollars (\$350)

CITY OF LEAVENWORTH BOARD OF ZONING APPEALS

APPLICATION AND PROCEDURES (Applicant please read carefully)

1. Applications for hearings may be obtained at the office of the Secretary, Board of Zoning Appeals, Community Development Department, City Hall.
2. The applicant is responsible for completing the application in full.
3. The application must be accompanied by a plot plan, a drawing and any other pertinent data which would assist the Board of Zoning Appeals in understanding what the applicant desires.
4. The application must be accompanied by a current list of names and addresses of the owners and the tax identification number of all properties within 200 ft. of the exterior boundaries of the property considered in the application. If the property is adjacent to the city limits, the area shall be expanded to 1,000 ft. of property owners outside the city limits. The applicant shall obtain a certified ownership list from the **GIS Department of Leavenworth County (913-684-0443 or 913-684-0448)**.
5. An application for an appeal to an administrative decision, interpretation or determination must be filed within ten (10) days after the decision, interpretation or determination has been rendered and furnished to the appellant in writing.
6. A filing fee of three hundred fifty dollars (\$350) shall be paid to the City Clerk at the time the application is filed.
7. Upon receipt of the properly executed petition with accompanying documents, the City Clerk shall forward the same to the Board of Zoning Appeals Secretary, who will schedule the hearing for the next regular meeting of the Board of Zoning Appeals and publish the legal notice for this hearing.
8. The appellant and all property owners within 200' of the property subject to the variance or appeal will be notified in writing of the date of the public hearing by the BZA Secretary.
9. Petitions will take a minimum of 45 days for complete action. The amount of time will depend on when the petition is filed in respect to the Board of Zoning Appeals' regularly scheduled meeting.

In addition to the above requirements, certain applications require additional information as follows:

1. Appeals

	a. An application for an appeal shall be filed within ten (10) days after a ruling has been made by an administrative official and furnished to the appellant in writing.
	b. A copy of the written ruling of the administrative official which the applicant believes to be in error shall be submitted.
	c. A clear and accurate written description of the proposed use, work or action in which the appeal is involved and a statement justifying the appellant's position.
	d. Where necessary, a plot plan, drawn to scale, in duplicate, showing existing and proposed plans for the area in question shall be submitted.

2. Variances

	a. The applicant shall submit a statement, in writing, justifying the variance requested, indicating the enforcement provisions of the specific regulations from which the variance is requested, and outline in detail the manner in which it is believed that this application will meet each of the five conditions as set out in Section 11.03.B.2 (a)-(f) of this article.
	b. The applicant shall submit two (2) hard copies and one (1) digital copy of a sketch drawn to scale and showing the lot or lots included in the application, the structure existing thereon, and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the Board in consideration of the application should be included.

3. Exceptions

	a. The applicant shall submit a statement in writing justifying the exception applied for and indicating under which article and section of the Zoning Ordinance the Board of Zoning Appeals is believed to have jurisdiction.
	b. The applicant shall prepare and submit at the time of filing the application: two (2) hard copies and one (1) digital copy of a detailed site plan drawn to scale showing all existing and proposed structures, property lines with dimensions, parking spaces, points of ingress and egress, driveways and any other information which would be helpful to the Board in consideration of the application.

In granting a variance the Board must find as follows: (from the Development Regulations under Section 11.03.B.2)

1. *The applicant must show that his property was acquired in good faith and whereby reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the Zoning Ordinance, or whereby reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the Zoning Ordinance actually prohibits the use of his property in the manner similar to that of other property in the zoning district where it is located.*

2. *A request for a variance may be granted, upon a finding of the Board that all of the following conditions have been met.*

- a. *The Board shall make a determination on each condition, and the finding shall be entered in the record.*
- b. *That the variance requested arises from such condition which is unique to the property in question and is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;*
- c. *That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents;*
- d. *That the strict application of the provisions of the Development Regulations from which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application;*
- e. *That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare;*
- f. *That granting of the variance desired will not be opposed to the general spirit and intent of the Development Regulations.*

3. *In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood and to carry out the general purpose and intent of these Development Regulations.*

Michelle Baragary

From: Ron Trautman <trautmanrd@aol.com>
Sent: Thursday, July 6, 2023 4:05 AM
To: Michelle Baragary
Subject: 4650 new lawrence rd.

Good Morning, Can you tell me if this will be ok to answer the conditions? Any recommendations would be greatly appreciated.

Ron and Danielle Trautman
4650 New Lawrence Rd
Leavenworth, KS 66048

Our property is unique due to the size. We have 5.81 acres that requires more equipment and storage to maintain everything. One open ended shed that holds the tractor, implements, and a boat. The other shed holds a riding mower, yard and garden tools. Most city residents with an average lot can purchase a 10'x10' shed and keep all their lawn equipment in it. A 10'x10' shed does not count as a structure.

The three structure ordinance unfairly put a hardship on larger land owners who require the extra equipment and storage to maintain their property. To add a recreational item like an above ground pool would put us over the three structure limit. Adding an above ground pool will not adversely affect any adjacent property owners or residents. The closest property is over 90' away from the pool location.

We will comply with all city codes and upon granting a variance, the pool permit can be issued and also a fence permit. The city has recommended for safety that we put up a 48" fence with a locked gate.

***** THIS EMAIL CAME FROM AN EXTERNAL SOURCE. PLEASE BE CAUTIOUS WHEN CLICKING ON LINKS OR ATTACHMENTS.**



Tools

Leavenw...

WKID: 4326 Lat/Long ▲

Lat: 39.27413° N
Lon: 94.94524° W

60ft

Scale 1: 880

Go

I want to...

Tools



Leavenw...

WKID: 4326 Lat/Long ▲

Lat: 39.27474° N
Lon: 94.94398° W

30ft

CERTIFICATE OF SURVEY

Tracts of land in the Southeast Quarter of Section 10, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas.

PREPARED FOR:
Ronald and Danielle Trautman
4650 New Lawrence Road
Leavenworth, KS 66048
PID NO. 202-10-00-00-014

Exp. # 202506
FRANKLIN HAWKSWORTH
REGISTERED SURVEYOR
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
24/2/2021 11:17 AM
RECORDING FEE: \$1.00
PAGE 1

LOT SPLIT

SURVEYOR'S DESCRIPTION

TRACT 1:
A tract of land in the Southeast Quarter of Section 10, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 88 degrees 06'55" East for a distance of 36.19 feet along the South line of said Southeast Quarter to the TRUE POINT OF BEGINNING, said point being on the East right of way of 20th Street Trafficway, as it exists today; thence North 01 degrees 51'03" West for a distance of 457.43 feet along said right of way; thence North 88 degrees 04'47" East for a distance of 1051.18 feet along the South line of DOYAL SUBDIVISION to the centerline of New Lawrence Avenue, as it exists today; thence South 22 degrees 45'04" West for a distance of 431.47 feet along said centerline; thence South 29 degrees 07'09" West for a distance of 88.56 feet along said centerline to the South line of said Southeast Quarter; thence South 88 degrees 06'55" West for a distance of 826.01 feet along said South line to the point of beginning. Said property contains 10.13 acres, more or less, including road right of way.
Error of Closure: 1 - 81886

TRACT 2:

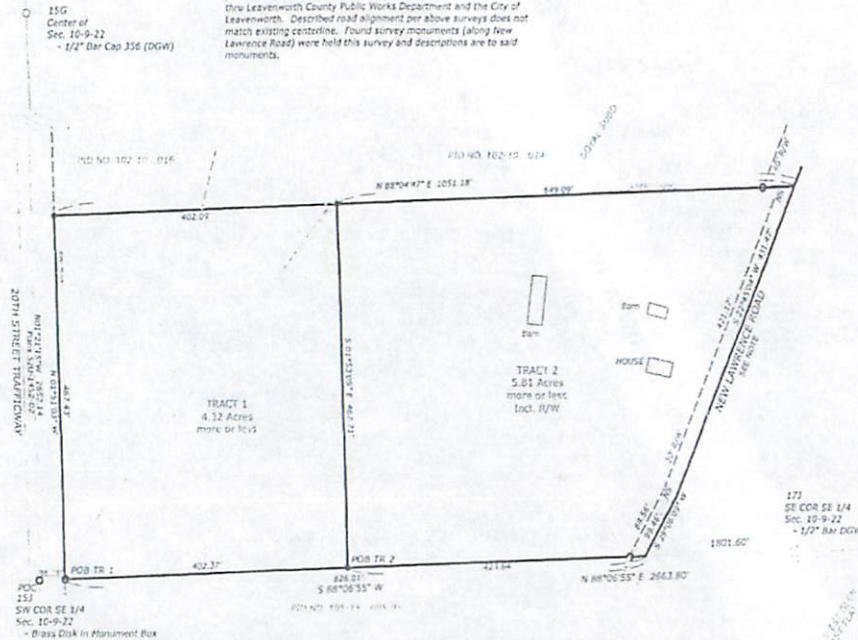
A tract of land in the Southeast Quarter of Section 10, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 88 degrees 06'55" East for a distance of 36.19 feet along the South line of said Southeast Quarter to the TRUE POINT OF BEGINNING, said point being on the East right of way of 20th Street Trafficway, as it exists today; thence North 01 degrees 51'03" West for a distance of 457.43 feet along said right of way; thence North 88 degrees 04'47" East for a distance of 452.09 feet along the South line of DOYAL SUBDIVISION; thence South 01 degrees 53'05" East for a distance of 457.71 feet to the South line of said Southeast Quarter; thence South 88 degrees 06'55" West for a distance of 402.32 feet along said South line to the point of beginning. Said property contains 4.32 acres, more or less.
Error of Closure: 1 - 56331

TRACT 3:

A tract of land in the Southeast Quarter of Section 10, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 88 degrees 06'55" East for a distance of 436.56 feet along the South line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence North 01 degrees 53'05" West for a distance of 487.71 feet to the South line of DOYAL SUBDIVISION; thence North 88 degrees 04'47" East for a distance of 649.09 feet along said South line to the centerline of New Lawrence Avenue, as it exists today; thence South 22 degrees 45'04" West for a distance of 431.47 feet along said centerline; thence South 29 degrees 07'09" West for a distance of 88.56 feet along said centerline to the South line of said Southeast Quarter; thence South 88 degrees 06'55" West for a distance of 423.64 feet along said South line to the point of beginning. Said property contains 5.81 acres, more or less, including road right of way.
Error of Closure: 1 - 427739

SURVEYOR'S NOTE:

Location and described centerline of New Lawrence Road as per previous surveys by the Lawrence Group (R.L. Ubben), Roger B. Dill, and Larry J. Hahn. Southern portion of said road is an intersection of the described lines per referenced surveys to the North and WEST GLEN, 1ST PLAT to the South - described road centerlines did not align. No record of this portion of road was recovered through document research and research thru Leavenworth County Public Works Department and the City of Leavenworth. Described road alignment per above surveys does not match existing centerline. Found survey monuments (along New Lawrence Road) were held this survey and descriptions are to said monuments.



LEGEND
● - 1/2" Bar Set with Cap No. 1296
○ - 1/2" Bar Found, unless otherwise noted
() - Record / Deeded Distance
POB - Point of Beginning
POC - Point of Commencing
C - Centerline
NS - Not Set this Survey per Agreement with Client



NOTES:

- This survey does not show ownership or easements.
- All distances are calculated from measurements or measured this survey, unless otherwise noted.
- All record and measured distances are the same, unless otherwise noted.
- Error of Closure - See Surveyor's Description
- Basis of Bearing - KS SPC North Zone 1501
- Point Origin Unknown, unless otherwise noted.
- Referenced Surveys -
Recorded Plats - MOONLIGHT LAKE, DEER TRAIL SUBDIVISION, WEST GLEN, 1ST PLAT, DOYAL SUBDIVISION, LEAVENWORTH BUSINESS CENTER
(1AH) - J.A. Herring Survey 20180315, 20180507
(RLU) - R.L. Ubben Survey S-15-00-B-3;
(RBD) - R.B. Dill Survey 20155022 & 2009
(REB) - R.E. Bacon Survey Book S-8 #37 1570
(SIS) - J.H. Sloan Survey Book S-7 #11 1963
- Road Records - See survey
- Referenced Deed Book 647 Page 1454, Book 636 Page 1611
- Survey prepared without the benefits of a TOC commitment.
- Fence lines do not necessarily denote property lines.
- Structures are shown in approximate location.
- Property is not in a Special Flood Hazard Area per FEMA FIRM Map 2210C0129C & dated July 16, 2015
- Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.

Approved by the Planning and Zoning Department of the City of Leavenworth, Leavenworth County, Kansas, on this 14th day of April, 2021.

[Signature]
City Planner

COUNTY REVIEWER CERTIFICATION

I hereby certify that this document has been reviewed by me and a Deputy Field for survey information only.
[Signature]
Joseph L. Tuma, KS PS No. 1212
Leavenworth County, Reviewer

I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of January thru March 2021 and this map or plan is correct to the best of my knowledge.

Joseph A. Herring
KS # 1296



Scale 1" = 100'

Job # K 21-1441
March 7, 2021 Rev. April 19, 2021

J. L. HERRING SURVEYING COMPANY
315 North 5th Street, Leav. KS 66044
Ph. 813.651.0588 Fax 813.651.0361
Email: jlherring@jlsurveying.com



LOT SPLIT

SURVEYOR'S DESCRIPTION:

PARENT TRACT:

A tract of land in the Southeast Quarter of Section 10, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 88 degrees 06'55" East for a distance of 36.19 feet along the South line of said Southeast Quarter to the TRUE POINT OF BEGINNING, said point being on the East right of way of 20th Street Trafficway, as it exists today; thence North 01 degrees 51'03" West for a distance of 467.43 feet along said right of way; thence North 88 degrees 04'47" East for a distance of 1051.18 feet along the South line of DOYAL SUBDIVISION to the centerline of New Lawrence Avenue, as it exists today; thence South 22 degrees 45'04" West for a distance of 431.47 feet along said centerline; thence South 29 degrees 06'09" West for a distance of 88.56 feet along said centerline to the South line of said Southeast Quarter; thence South 88 degrees 06'55" West for a distance of 826.01 feet along said South line to the point of beginning, Said property contains 10.13 acres, more or less, including road right of way.

Error of Closure: 1 - 81886

TRACT 1:

A tract of land in the Southeast Quarter of Section 10, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 88 degrees 06'55" East for a distance of 36.19 feet along the South line of said Southeast Quarter to the TRUE POINT OF BEGINNING, said point being on the East right of way of 20th Street Trafficway, as it exists today; thence North 01 degrees 51'03" West for a distance of 467.43 feet along said right of way; thence North 88 degrees 04'47" East for a distance 402.09 feet along the South line of DOYAL SUBDIVISION; thence South 01 degrees 53'05" East for a distance of 467.71 feet to the South line of said Southeast Quarter; thence South 88 degrees 06'55" West for a distance of 402.37 feet along said South line to the point of beginning,

Said property contains 4.32 acres, more or less.

Error of Closure: 1 - 56531

TRACT 2:

A tract of land in the Southeast Quarter of Section 10, Township 9 South, Range 22 East of the 6th P.M., City of Leavenworth, Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 88 degrees 06'55" East for a distance of 438.56 feet along the South line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence North 01 degrees 53'05" West for a distance of 467.71 feet to the South line of DOYAL SUBDIVISION; thence North 88 degrees 04'47" East for a distance of 649.09 feet along said South line to the centerline of New Lawrence Avenue, as it exists today; thence South 22 degrees 45'04" West for a distance of 431.47 feet along said centerline; thence South 29 degrees 06'09" West for a distance of 88.56 feet along said centerline to the South line of said Southeast Quarter; thence South 88 degrees 06'55" West for a distance of 423.64 feet along said South line to the point of beginning, Said property contains 5.81 acres, more or less, including road right of way.

Error of Closure: 1 - 427739

old legal description

STATUTORY WARRANTY DEED
JOINT TENANCY

W/CO
11
v/2

Bill Carl Wiehe and Mary E. Wiehe, a/k/a Mary L. Wiehe, husband and wife
of Leavenworth County, Kansas, Conveys and warrants to
Ronald D. Trautman and Danielle R. Trautman, husband and wife
of Leavenworth County, Kansas, as joint tenant with rights of survivorship and not as tenants in common.

SEE LEGAL DESCRIPTION ATTACHED

*****THIS IS BEING RE-RECORDED TO CORRECT THE LEGAL DESCRIPTION*****



Entered in the transfer record in my office this
12 day of Aug, 2013
Janet F. Leland
County Clerk

Doc #: 2013R07784
STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY
RECORDED ON
08/12/2013 12:21PM
RECORDING FEE: 12.00
INDEBTEDNESS: 0.00
PAGES: 2

121
mcuf

Said property situated in Leavenworth County, Kansas, and
For the sum of one dollar and other good and valuable considerations

This 12TH day of APRIL, 1999

Bill Carl Wiehe
Bill Carl Wiehe
Mary E. Wiehe, a/k/a Mary L. Wiehe
Mary E. Wiehe, a/k/a Mary L. Wiehe

State of Kansas, Leavenworth County, ss.

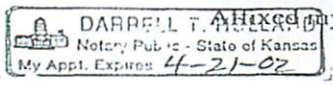
BE IT REMEMBERED, That on this 12TH day of APRIL, A.D. 1999

Before me, a Notary Public in and for said county and state, came Bill Carl

Wiehe and Mary E. Wiehe, a/k/a Mary L. Wiehe, husband and wife

To me personally known to be the same person s who executed the foregoing
instrument, and t he y duly acknowledged the execution of the same.

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



Darrell T. Leland
Notary Public

My notarial commission expires _____

BOOK 0770 PAGE 1772

LEGAL DESCRIPTION

Commencing at the Southwest corner of the Southeast Quarter of Section 10, Township 9, Range 22, thence running East on the South line of said Quarter Section 13 chains and 25 links to the center of the New Lawrence Road, thence North (variation 23° 25' East) along the center of said road 7 chains and 39 links, thence West 16 chains and 25 links to the West line of said Quarter Section, thence South 6 chains and 78 links to the place of beginning, contains 10 acres, more or less, less that part used for public road,

~~AND~~ ***LESS AND EXCEPT***

Beginning at a point on the South line of Section 10, Township 9, Range 22, 27.7 chains East of the Southwest corner of said Section, thence East 12.57 chains to the Southeast corner of the Southwest Quarter of said Section, thence North 15 chains, thence West 12.57 chains, thence South 14 chains to the place of beginning, containing 18.85 acres, more or less, less that part used for public road,

LESS

A parcel of land in the Southeast Quarter of Section 10, Township 9 South, Range 22 East of the Sixth Principal Meridian, City of Leavenworth, County of Leavenworth, State of Kansas, more particularly described as follows:

Beginning at the Southwest corner of said Southeast Quarter, thence on a bearing of North 00 degrees 20 minutes, 51 seconds East (this and all following bearings are assumed), along the Westerly line of said Southeast Quarter, a distance of 447.43 feet; thence on a bearing of North 89 degrees 50 minutes 35 seconds East, a distance of 32.88 feet; thence on a bearing of South 00 degrees 04 minutes 52 seconds East, a distance of 447.41 feet to a point on the Southerly line of said Southeast Quarter; thence on a bearing of South 89 degrees 50 minutes 35 seconds West, along said Southerly line, a distance of 36.23 feet to the point of beginning. The above described tract of land contains 15,468 square feet or 0.355 acres, more or less.

All in Leavenworth County, Kansas.

Entered in the transfer record in my office this
26 day of April, 19 99
Linda A. Schwan Burkholder
County Clerk

STATE OF KANSAS
COUNTY OF LEAVENWORTH
FILED FOR RECORD

1999 APR 26 P 4: 21

DORA I. PARMER
REGISTER OF DEEDS

City of Leavenworth Property Radius Search



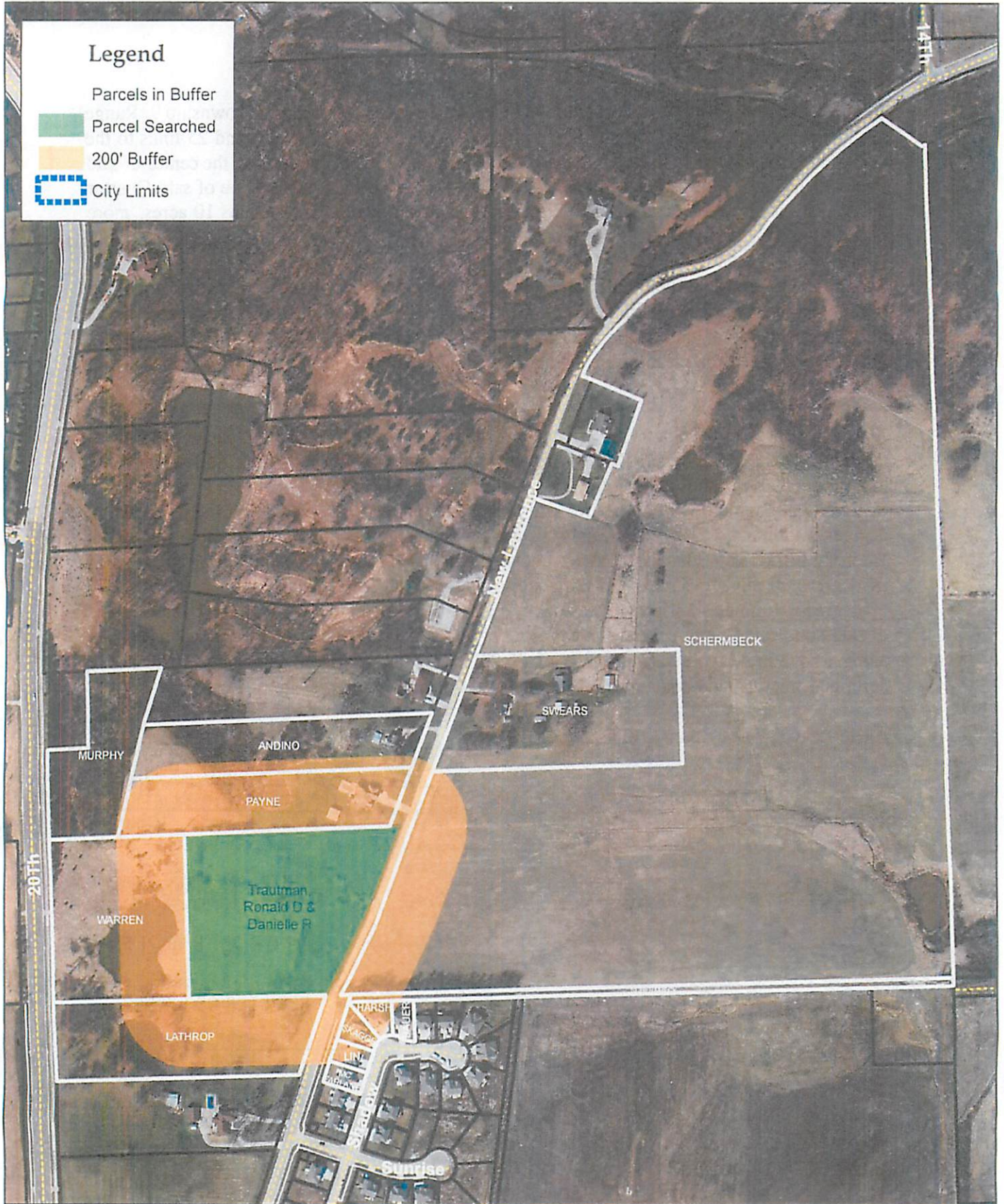
Legend

Parcels in Buffer

Parcel Searched

200' Buffer

City Limits



4650 NEW LAWRENCE RD LEAVENWORTH, KS 66048

2020 Aerial Photo

102-10-0-00-00-014.00-0

1 inch = 377 feet



Radius Search Report

Properties Found: 13

06/28/2023



Parcel #	Quick Ref.	Property Owner	Site Address	Mailing Address	Property Type
052-102-10-0-00-00-014.01-0	R308964	WARREN, SONDRA S; TRUST	00000 S 20TH ST, Leavenworth, KS 66048	1701 THORNTON ST LEAVENWORTH, KS 66048	Residential highest and best use
052-102-10-0-00-00-016.00-0	R13900	MURPHY,PATRICK M 1/2 INT & WILLIAMS, MAUREEN 1/2 INT	00000 S 20TH ST, Leavenworth, KS 66048	25343 NE BUTTEVILLE RD AURORA, OR 97002	Residential highest and best use
052-102-10-0-00-00-018.00-0	R13903	SWEARS,WILLIAM B & KATERI	4529 NEW LAWRENCE RD, Leavenworth, KS 66048	4529 NEW LAWRENCE RD LEAVENWORTH, KS 66048	Farming / ranch operation (with improvements)
052-102-10-0-00-00-018.03-0	R308425	SCHERMBECK, JOHN F; SCHWINN,LINDA R; KNAPP,CAROL A; SCHERMBECK, TIMOTHY R; ETAL	00000 NEW LAWRENCE RD, Leavenworth, KS 66048	23096 SPRINGDALE RD EASTON, KS 66020	Farming / ranch land (no improvements)
052-102-10-0-00-00-023.00-0	R13922	ANDINO, ROBERT G	4610 NEW LAWRENCE RD, Leavenworth, KS 66048	4610 NEW LAWRENCE RD LEAVENWORTH, KS 66048-5606	Single family residence (detached)
052-102-10-0-00-00-024.00-0	R13923	PAYNE,MARVIN E & CAROL L	4620 NEW LAWRENCE RD, Leavenworth, KS 66048	4620 NEW LAWRENCE RD LEAVENWORTH, KS 66048-5606	Farming / ranch operation (with improvements)
052-105-15-0-00-00-001.00-0	R14494	SCHERMBECK, JOHN F; SCHWINN,LINDA R; KNAPP,CAROL A; SCHERMBECK, TIMOTHY R; ETAL	00000 NEW LAWRENCE RD, Leavenworth, KS 66048	23096 SPRINGDALE RD EASTON, KS 66020	Farming / ranch land (no improvements)
052-105-15-0-00-00-002.03-0	R307410	MC FARLANE,JOSEPH	1632 SHADOW DR, Leavenworth,	1632 SHADOW DR LEAVENWORTH,	Single family residence

Parcel #	Quick Ref.	Property Owner	Site Address	Mailing Address	Property Type
		T JR & GWENDOLYN M	KS 66048	KS 66048	(detached)
052-105-15-0-00-00-002.04-0	R307411	LIN,PING & LI,YINFANG	1628 SHADOW DR, Leavenworth, KS 66048	1628 SHADOW DR LEAVENWORTH, KS 66048	Single family residence (detached)
052-105-15-0-00-00-002.05-0	R307412	SKAGGS,JAY D & CARY L	1624 SHADOW DR, Leavenworth, KS 66048	1624 SHADOW DR LEAVENWORTH, KS 66048	Single family residence (detached)
052-105-15-0-00-00-002.06-0	R307413	HARSH, MARTIN	1620 SHADOW DR, Leavenworth, KS 66048	1620 SHADOW DR LEAVENWORTH, KS 66048	Single family residence (detached)
052-105-15-0-00-00-002.07-0	R307414	BAUER,LUCAS CHRISTOPHER & ERIN MARISSA	1616 SHADOW DR, Leavenworth, KS 66048	1616 SHADOW DR LEAVENWORTH, KS 66048	Single family residence (detached)
052-105-15-0-00-00-005.01-0	R308895	LATHROP, DOUGLAS E & IRENE S	4676 NEW LAWRENCE RD, Leavenworth, KS 66048	4676 NEW LAWRENCE RD LEAVENWORTH, KS 66048	Single family residence (detached)