

LEAVENWORTH COUNTY PLANNING COMMISSION

Agenda for a Regular Meeting of 5:30 P.M., Wednesday, August 13, 2025
County Courthouse - 300 Walnut Street - Leavenworth, Kansas 66048

www.leavenworthcounty.gov

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Roll Call**
4. **Oath of Office**
5. **Approval of Minutes**
6. **Secretary's Report**
7. **Declarations: (if necessary)**
 - A. Declarations of receipt of communications by Planning Commissioners
 - B. Disclosure of ex-parte communications for each hearing item
 - C. Declarations of abstention from specific agenda items by a Commissioner
8. **Approval of Agenda**
9. **Consent Agenda**
 - A. Case DEV-25-046 Final Plat – Heritage Farms**

Consideration of a Final Plat for a tract of land in the Northwest Quarter of Section 7, Township 12 South, Range 21, East of the 6th P.M., Leavenworth County, Kansas.
Also known as 23685 Cantrell Road
PID: 223-07-0-00-00-002.00
 - B. Case DEV-25-078 Final Plat – Herrzin Acres 2**

Consideration of a Final Plat for tracts of land in the Southwest Quarter of Section 28, Township 9 South, Range 22, East of the 6th P.M., Leavenworth County, Kansas.
Also known as 00000 Gilman Road
PID: 108-28-0-00-00-011.09
10. **Regular Agenda**
 - A. Case DEV-25-056 Tract Split – Frederickson**

Consideration of an exception of a tract split for a tract of land in the Northwest 1/4 of Section 29, Township 9 South, Range 22, East of the 6th P.M., Leavenworth County, Kansas.
Also known as 00000 Stranger Road
PID: 109-29-0-00-00-003.00

B. Case DEV-25-076 Tract Split – Lavery/Walker

Consideration of an exception of a tract split for tracts of land in the Northeast Quarter of Section 17, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 17208 & 17200 Eisenhower Road

PID: 104-17-0-00-00-020.00 & 104-17-0-00-00-019.00

C. Case DEV-25-074 Rezoning – Van Zee

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning on the following described property: Tracts of land in the Northeast Quarter of Section 9, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas and a tract of land in the Northwest Quarter of Section 10, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 21443 Springdale Road

PID: 112-09-0-00-00-001.00 & 112-10-0-00-00-006.00

*****Public Hearing Required*****

*****Public Comment limited to five minutes per person*****

Adjournment of Planning Commission

11. Board of Zoning Appeals

12. Roll Call

13. Regular Agenda

A. Case DEV-25-077 Variance - Pitts

Consideration of a Variance request from Article 41, Section 6 Exhibit B of the Leavenworth County Zoning & Subdivision Regulations on the following described property: A tract of land in the Southeast Quarter of the Southeast Quarter of Section 22, Township 10 South, Range 21 East of the 6th P.M., Leavenworth, Kansas.

Also known as 21280 207th Street

PID: 145-22-0-00-00-010.00

*****Public Hearing Required*****

*****Public Comment limited to five minutes per person*****

Adjournment of the Board of Zoning Appeals

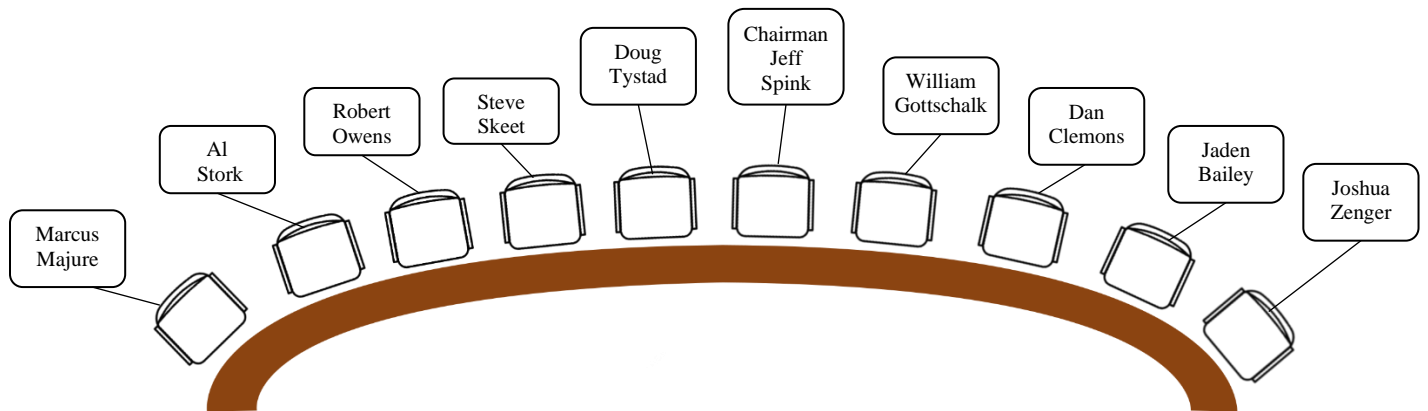
Upcoming meeting dates:

**Wednesday, September 10, 2025, 5:30 PM
Regular Planning Commission Meeting**

For More Information

If you have any questions or need to make special arrangements for a meeting,
please call or stop by the Planning and Zoning Department.
Contact Dawn Chamberlain – 913-684-0465

Planning Commission Seating Chart 2025



LEAVENWORTH COUNTY PLANNING COMMISSION
MINUTES OF THE REGULAR MEETING
July 9, 2025

The complete recorded meeting can be found on the County's YouTube channel.

The Planning Commission meeting was called to order at 5:30 p.m.

Pledge of Allegiance

Members present: Joshua Zenger, Jaden Bailey, Dan Clemons, William Gottschalk, Allan Stork, Doug Tystad and Jeff Spink

Members absent: Marcus Majure, Robert Owens, and Steve Skeet.

Staff present: John Jacobson-Director, Amy Allison-Deputy Director, Misty Brown-County Counselor, Jon Khalil-Deputy County Counselor

New Member Oath of Office

New Planning Commissioner Joshua Zenger was sworn in. Re-appointed Commissioners Jeff Spink, Douglas Tystad and William Gottschalk were sworn in.

Chair/Vice-Chairperson Elections

Commissioner Tystad motioned to appoint Commissioner Gottschalk as new Chairman, which was declined. Commissioner Tystad motioned to appoint Commissioner Bailey, which was also declined. Commissioner Tystad motioned to appoint Commissioner Spink, which was accepted. All commissioners seconded and voted in favor.

Commissioner Bailey motioned to appoint Commissioner Tystad as new Co-Chairman. Commissioner Gottschalk seconded. All Commissioners voted unanimously in favor.

Approval of Minutes

Commissioner Spink motioned to approve the minutes. Commissioner Bailey seconded.

ROLL CALL VOTE - Motion to approve the minutes passed 4/0 (2 abstained, 3 absent).

Secretary's Report. Amy Allison stated there were four items on the Consent Agenda, all of which were plats. Ms. Allison stated there are also four items on the Regular Agenda, two were platting actions and two are Public Hearings.

Approval of Agenda

Commissioner Clemons motioned to approve the agenda and Commissioner Bailey seconded.

ROLL CALL VOTE - Motion to approve the agenda passed 6/0 (3 absent).

Declarations. None.

Regular Agenda

A. Case DEV-25-061 Boundary Line Adjustment Exception – Willis

Consideration of a Boundary Line Adjustment for a tract of land in Southeast Quarter of Section 30, Township 8 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 18860 182nd Street

Staff Report. Amy Allison stated the applicant is proposing to divide the property into two separate lots. The property has a single-family home with some accessory structures. Based upon the current regulations, this would require an Exception for Lot 2.

Commissioner Tystad asked if Lot 2 does not have public access. Ms. Allison responded that the Applicant has road frontage on State Avenue; however, according to KDOT, no new access would be granted. The surveyor has provided an access easement on the southern portion on Lot 1 that would provide access to 187th Street for the rear parcel.

Surveyor Joe Herring spoke about the unique nature of the parcel indicating that the goal was to include the pond with Lot 2 which exceeds the lot-width to lot-depth requirement.

Commissioner Bailey motioned to approve the Exception and Commissioner Zenger seconded.

ROLL CALL VOTE - Motion to approve the first Exception passed, 6/0. (3 absent).

B. Case DEV-25-062 & 063 Preliminary and Final Plat – Sarlls 3rd Addition

Consideration of a Preliminary and Final Plat for a replat of Lot 2, Sarlls 2nd Addition, Leavenworth County, Kansas.

Also known as 12051 214th Street

Staff Report: Amy Allison stated that the property owner is requesting a replat and the request involves a Cross Access Easement. This request does require an exception for lot depth to lot width. If the exception request is approved, it will comply with the zoning and subdivision regulations.

Krystal Voth of Atlas Land Consulting spoke about the unique property and the items to be addressed to make the 2-lot replat as uniform as possible.

Commissioner Tystad motioned to approve the Exception. Commissioner Clemons seconded.

ROLL CALL VOTE - Motion to approve the Exception passed, 6/0. (3 absent).

Commissioner Tystad motioned to approve the Replat. Commissioner Bailey seconded.

ROLL CALL VOTE - Motion to approve the Exception passed, 6/0. (3 absent).

C. Case DEV-25-070 Rezoning – Porth Trust

Consideration of a rezoning request from RR-5 zoning district to RR-2.5 zoning on the following described property: The Southwest Quarter of Section 28, Township 11 South, Range 22 East of the 6th P.M., Leavenworth, Kansas.

Also known as 17210 Hemphill Road

Staff Report: Amy Allison stated the request is concerning two parcels, one of which is only the western portion of the east tract. Further Land Use map for the area recommends RR-2.5 which is compliant with the request. Staff recommends approval based upon the request's compliance with the Golden Factors.

Chairman Stork opened the public hearing.

Krystal Voth of Atlas Land Consulting stated that the request to rezone is for family estate planning and that the parents have passed away and there are several siblings involved. The family is requesting the rezone to match the nearby parcels.

No one spoke in favor nor in opposition of the request.

Chairman Stork closed the public hearing.

Commissioner Clemons motioned to approve the rezone request and Commissioner Tystad seconded.

ROLL CALL VOTE - Motion to approve the Rezone request passed, 6/0. (3 absent).

D. Case DEV-25-069 Special Use Permit – Freedom Storage

Consideration of a Special Use Permit request for a Boat & RV Storage facility on the following described property: a tract of land in the Northeast Quarter of Section 15, Township 10 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

Also known as 22617 155th Street

Staff Report: Amy Allison presented the request for a Special Use Permit for a Freedom Boat and RV storage, which is an existing business that has been in operation for over 28 years. Ms. Allison explained that if the property is sold, the new owner must re-apply for the SUP. The applicant is preparing to purchase the property and intends to continue the same use under the same conditions. Staff has reviewed based upon the Golden Factors and recommends approval.

Chairman Stork opened the public hearing.

Realtor Kim Brown, agent for the Buyer, spoke about the “ready and willing buyer” that has been obtained in the potential purchase of the property.

Commissioner Tystad asked questions regarding the status of the purchase and if potential new owners have intent to grow the business of storing RV's and boats. Ms. Brown confirmed the potential new owners are aware of the conditions of the SUP including types of storage, operating hours, etc. Ms. Brown added that the potential new owners have no plans to change the existing model or operations.

Director John Jacobson added that if the new owners change the scope of business, a new SUP application would be required as part of the existing SUP conditions. Mr. Jacobson added that the new owners would be bound by the current SUP criteria.

Ms. Brown reiterated that the new potential owners understand the conditions of the SUP and plan to proceed in purchasing the property.

Neighbor Kenneth Shannon spoke in favor of the request, considering the nature of the business would remain the same.

Surrounding property owner Jake Heller raised the same concerns. Mr. Heller stated he would be in favor of the new owner on the condition there are no changes to the operations.

Surrounding property owner Denise Barber also stated that she is in favor of the new owner and is not concerned unless the business operations change.

No one opposed of the request.

Chairman Stork closed the public hearing.

Commissioner Tystad addressed the surrounding neighbors on their concerns by stating that one of the ways the County enforces the conditions of a Special Use Permit is through public support.

Commissioner Tystad motioned to approve the request for the Special Use Permit as it does comply with Golden Factors. Commissioner Gottschalk seconded.

ROLL CALL VOTE - Motion to approve the Special Use Permit passed, 6/0. (3 absent).

Commissioner Bailey motioned for adjournment and Commissioner Clemons seconded.

Adjournment of Planning Commission at 6:09pm.

Upcoming meeting dates:

Wednesday, August 13, 2025, 5:30 PM
Regular Planning Commission Meeting

For More Information

If you have any questions or need to make special arrangements for a meeting,
please call or stop by the Planning and Zoning Department.
Contact Dawn Chamberlain – 913-364-5750

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-25-046 Final Plat Heritage Farms

August 13, 2025

REQUEST: *Consent Agenda*

☐ Preliminary Plat ☒ Final Plat

STAFF REPRESENTATIVE:

JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 23685 Cantrell Rd.



APPLICANT/APPLICANT AGENT:

Larry Hahn
Hahn SURVEYING
PO Box 186
Basehor, KS 66007

PROPERTY OWNER:

10MM LLC
15264 254th St.
Lawrence, KS 66044

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RR-2.5

LEGAL DESCRIPTION:

A Major Subdivision in the Northwest Quarter of Section 7, Township 12 South, Range 21, East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-046 Final Plat for Heritage Farms, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-046 Final Plat for Heritage Farms to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 91.10 ACRES

PARCEL ID NO:

223-07-0-00-00-002

BUILDINGS:

Existing House and Outbuildings

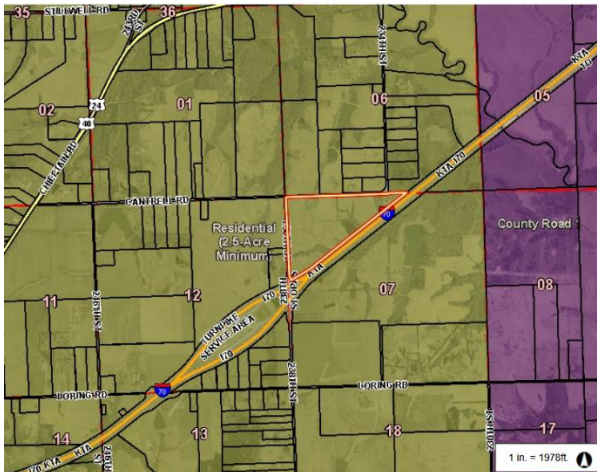
PROJECT SUMMARY:

Request for a final plat approval to subdivide property located at 23685 Cantrell Road (223-07-0-00-00-002) as Lots 01 through 12 of Heritage Farms.

ACCESS/STREET:

238th Street & Cantrell Road - Local,
Gravel \pm 24'

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: FD# 2

WATER: N/A

ELECTRIC: EVERGY

NOTICE & REVIEW:

STAFF REVIEW:

8/6/2025

NEWSPAPER NOTIFICATION:

N/A

**NOTICE TO SURROUNDING
PROPERTY OWNERS:**

N/A

STANDARDS TO BE CONSIDERED: <i>Type content in each if necessary (delete this afterwards)</i>			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		Met	Not Met
35-40	Preliminary Plat Content	N/A	
40-20	Final Plat Content	X	
41-6	Access Management	X	
41-6.B.a-c.	Entrance Spacing	X	
41-6.C.	Public Road Access Management Standards	X	
43	Cross Access Easements	N/A	
50-20	Utility Requirements	X	
50-30	Other Requirements	X	
50-40	Minimum Design Standards	X	
50-50	Sensitive Land Development	N/A	
50-60.	Dedication of Reservation of Public Sites and Open Spaces	N/A	

STAFF COMMENTS:

The applicant is proposing to divide a 91.10-acre parcel into 12 lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). All lots range in size from 5 acres to approximately 17 acres. All lots meet the requirements for the RR-5 zoning district. Fall Leaf Road is an existing road right-of-way without improvements. Until Fall Leaf Road has been vacated through the appropriate process, Lots 1,2,3 and 7 will not be entitled to building permits.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available. If the infrastructure is not available to support fire hydrants, a letter from the Water District stating such must be provided prior to any building permit being issued.
5. Lots 1,2,3, and 7 shall not be entitled to building permits until such time that Fall Leaf road has been vacated.
6. The developer must comply with the following memorandums:
Email – Dylan Ritter (FD# 2), dated May 9, 2025

PROPOSED MOTIONS:

Approve case DEV-25-046, a request to plat the property located at 23685 Cantrell Rd. into a 12-lot subdivision in conformance with the Zoning and Subdivision Regulations with a majority vote; or

Motion: Chairman, I find that the subdivision request complies with the Zoning and Subdivision Regulations and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-046 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.

Deny case DEV-25-046, a request to plat the property located at 23685 Cantrell Rd. into a 12-lot subdivision not in conformance with the Zoning and Subdivision Regulations with a majority vote; or

Motion: Chairman, I find that the subdivision request does not comply with the Zoning and Subdivision Regulations (list Article and Section #) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-046.

Table the case to a date and time certain for additional information.

Motion: Chairman, I move to table Case No. DEV-25-046 to (Date and Time) requesting additional information for (STATE THE REASON(S)).

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Road Map (A minimum of 1/4 mile)

D: Memorandums

FINAL PLAT APPLICATION
Leavenworth County Planning and Zoning Department,
300 Walnut St., County Courthouse
Leavenworth, Kansas
913-684-0465
913-684-0398 Fax

Office Use Only	
CAMA No.: _____	Date Received: _____
Township: _____	
Planning Commission Meeting Date: _____	
Project No.: _____	Date Paid: _____

APPLICANT/AGENT INFORMATION	OWNER INFORMATION
NAME _____	NAME <u>JEREMY R. ROBBINS / 10MM, LLC</u>
ADDRESS _____	ADDRESS <u>15264 254TH STREET</u>
CITY/ST/ZIP _____	CITY/ST/ZIP <u>LAWRENCE, KS. 66044</u>
	<u>brobs79@yahoo.com</u>
PHONE _____ EMAIL _____	PHONE <u>913-231-6177</u> EMAIL _____
CONTACT PERSON _____	CONTACT PERSON <u>BEN ROBBINS</u>

GENERAL INFORMATION

Subdivision Name: HERITAGE FARMS

Legal Description (S-T-R 1/4 Section): NW 1/4 SECTION 7-T12S-R21E

Zoning: RR- 5.00

Surveyor and/or Engineer Firm: HAHN SURVEYING

Contact Person: LARRY HAHN

Address: PO BOX 186 BASEHOR, KANSAS 66007

Phone : 913-547-3405 Fax : _____ Email : hahnsurvey@gmail.com

SUBDIVISION INFORMATION		
Gross Acreage: <u>90.71 ACRES</u>	Number of Lots: <u>12</u>	Minimum Lot Size: <u>5.01 ACRES</u>
Maximum Lot Size: <u>17.40 ACRES</u>	Zoning: <u>RR - 5.0</u>	Density: _____
Open Space Acreage: _____	Water District: <u>N/A</u>	Proposed Sewage: <u>ON SITE</u>
Fire District: <u>#2</u>	Electric Provider: <u>EVERGY</u>	Natural Gas Provider: <u>PROPANE</u>
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Phase Number: _____	
Is any part of the site designated as Floodplain? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, what is the panel number: _____		

I, the undersigned am the owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for Final Plat approval as indicated above.

Signature: [Signature] Date: 4/8/25

ATTACHMENT A-2



COMMITMENT FOR TITLE INSURANCE
Issued by
FIRST NATIONAL TITLE INSURANCE COMPANY

Transaction Identification Data for Reference Only:

Issuing Office: Buyer(s) Side: Continental Title Company - 1204 State Ave, Ste C, Tonganoxie, KS 66086
Closer: Chelsea Barnett | Phone: (913)845-2035 | Fax: (913)845-2028

Issuing Office: Seller(s) Side: Continental Title Company - 1204 State Ave, Ste C, Tonganoxie, KS 66086
Closer: Chelsea Barnett | Phone: (913)845-2035 | Fax: (913)845-2028

CTC File No.: 25474759

Property Address: 23685 Cantrell Rd, Tonganoxie, KS 66086

SCHEDULE A

1. Commitment Effective Date: 30th day of January, 2025 at 8:00 A.M.

2. Policy to be issued:

(a) 2021 ALTA Owner Policy

Proposed Policy Amount: \$900,000.00
Premium: \$1,735.00

Proposed Insured: Robbins Acquisitions Inc

(b) 2021 ALTA Loan Policy

Proposed Policy Amount: \$720,000.00
Premium: \$870.00

Proposed Insured: Contractually Obligated Lender

3. The estate or interest in the Land at the Commitment Date is: Fee Simple.

4. The Title is, at the Commitment Date, vested in:

Linda Kahn, Trustee, or their successors in trust under the Linda Kahn Living Trust Under Agreement Dated July 25, 2024, or any amendments thereto and James E. Kahn

5. The Land is described as follows:

All that part of the Northwest Quarter of Section 7, Township 12 South, Range 21 East of the 6th P.M., lying North and West of the Kansas Turnpike, in Leavenworth County, Kansas, subject to that part in street or road

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by First National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2021 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.



LESS AND EXCEPT that part deeded to The State of Kansas, by and through The Kansas Turnpike Authority in Document No. 2010R04510 described as follows:

A tract of land located in the Northwest Quarter of Section 7, Township 12 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas more particularly described as follows: Commencing at the Southwest corner of the Northwest Quarter of said Section 7; thence on an assumed bearing of North 02°15'07" West along the West line of said Northwest Quarter a distance of 312.88 feet to the existing right of way line of the Kansas Turnpike Authority, and the point of beginning: thence continuing along said West line, North 02°15'07" West a distance of 277.22 feet; thence North 87°49'14" East a distance of 20.00 feet; thence South 14°18'37" East a distance of 51.14 feet; thence South 02°10'46" East a distance of 212.41 feet to the existing, North Right of Way line of the Kansas Turnpike Authority; thence along said North line along a curve to the right having a radius of 4403.66 feet, a chord which bears South 61°50'07" West a distance of 33.81 feet, an arc distance of 33.81 feet to the point of beginning

This page is only a part of a 2021 ALTA® Commitment for Title Insurance issued by First National Title Insurance Company. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I—Requirements; and Schedule B, Part II—Exceptions; and a counter-signature by the Company or its issuing agent that may be in electronic form.

Copyright 2021 American Land Title Association. All rights reserved.

The use of this Form (or any derivative thereof) is restricted to ALTA licensees and ALTA members in good standing as of the date of use. All other uses are prohibited. Reprinted under license from the American Land Title Association.

AMERICAN
LAND TITLE
ASSOCIATION



OWNER AUTHORIZATION

I/WE JEREMY R. ROBBINS, 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 the lawful, owner(s) in fee simple absolute of the following described real property

See Exhibit A attached hereto and incorporated herein by reference.
2. I/We the undersigned, have previously authorized and hereby authorize LARRY HAHN
HAHN SURVEYING (Hereinafter referred to as "Applicant"), to act on my/our behalf
for the purpose of making application with the Planning Department of Leavenworth County, Kansas, 23685 CANTRELL ROAD
(common address) the subject real property, or
portion thereof, and which authorization includes, but is not limited to, all acts or things whatsoever
necessarily required of Applicant in the application process.
3. I/We the Undersigned, hereby agree to protect, defend, indemnify and hold the Board of County
Commissioners of Leavenworth County, Kansas, its officers employees and agents (hereinafter
collectively referred to as the 'County'), free and harmless from and against any and all claims, losses,
penalties, damages, settlements, costs, charges, professional fees or other expenses or liabilities, whether
false, fraudulent, meritless or meritorious, of every kind and character arising out of or relating to any
and all claims, liens, demands, obligations, actions, proceedings, or causes of action of every kind and
character (hereinafter "claims"), in connection with, relating to, or arising directly or indirectly out of
this authorization and the actions taken by the Applicant and the County in reliance thereof. I, the
Undersigned, hereby further agree to investigate, handle, respond to, provide defense for and defend any
such claims at my sole expense and agree to bear all other costs at my sole expense and agree to bear all
other costs and expenses related thereto, even if such claims are groundless, false or fraudulent.
4. 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 below.

STATE OF KANSAS
COUNTY OF LEAVENWORTH

Douglas

[Signature]
JEREMY R. ROBBINS

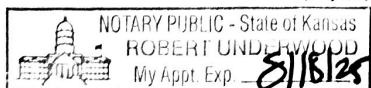
The foregoing instrument was acknowledged before me on this 9th day of April, 2025
by Robert Underwood

My Commission Expires: 8/18/25

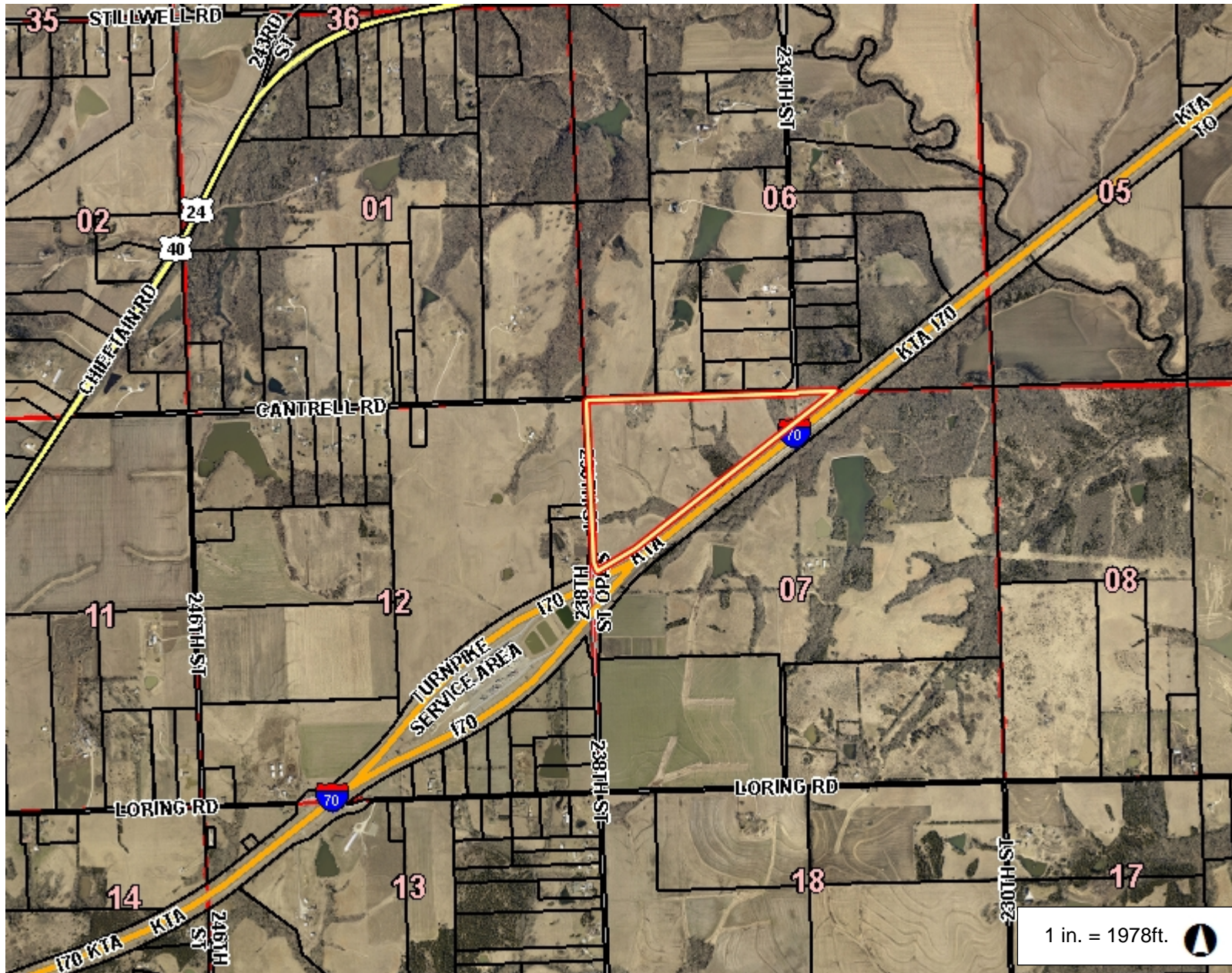
Notary Public

8/18/25

ATTACHMENT B



Leavenworth County, KS



Legend

- Parcel
- City Limit Line
- Major Road**
 - <all other values>
 - 70
- Road**
 - <all other values>
 - PRIVATE
- Railroad
- Section**
 - Section Boundaries
 - County Boundary

Notes

3,956.7 0 1,978.33 3,956.7 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS



Legend

- Parcel
- City Limit Line
- Major Road**
 - <all other values>
 - 70
- Road**
 - <all other values>
 - PRIVATE
- Railroad
- Section**
- Section Boundaries
- County Boundary
- Zoning**
 - B-1
 - B-2
 - B-3
 - I-1
 - I-2
 - I-3
 - MXD
 - PC
 - PI
 - PR-1
 - PR-2
 - PR-3
 - PUD

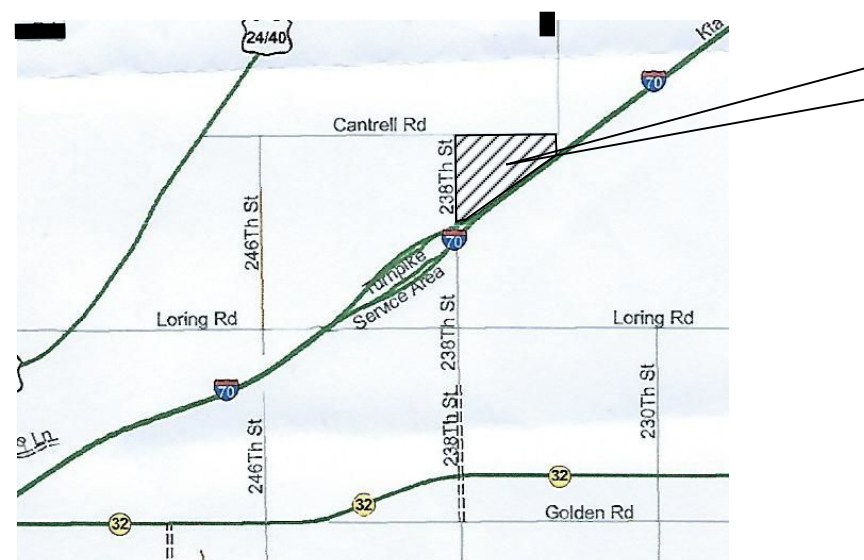
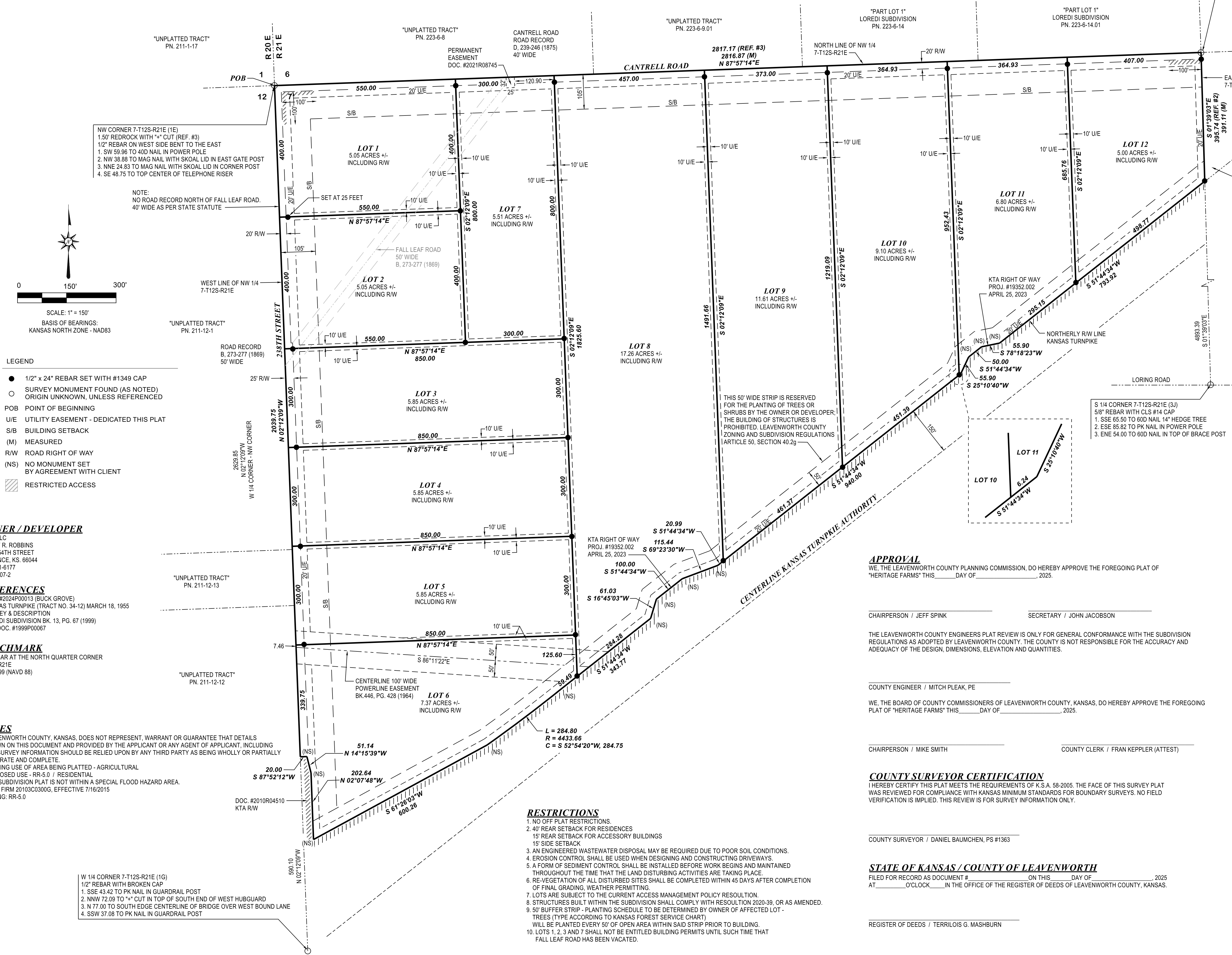
Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

HERITAGE FARMS
A SUBDIVISION IN THE NORTHWEST QUARTER
FRACTIONAL SECTION 7-T12S-R21E OF THE 6TH P.M.
LEAVENWORTH COUNTY, KANSAS
FINAL PLAT

08-04-25
Olsson Review -
No Further
Comment



TITLE REPORT DESCRIPTION / CONTINENTAL TITLE NO. 25474759
ALL THAT PART OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE 6TH P.M., LYING NORTH AND WEST OF THE KANSAS TURNPIKE, IN LEAVENWORTH COUNTY, KANSAS, SUBJECT TO THAT PART IN STREET OR ROAD.
LESS AND EXCEPT THAT PART DEEDED TO THE STATE OF KANSAS, BY AND THROUGH THE KANSAS TURNPIKE AUTHORITY IN DOCUMENT NO. 2010R04510 DESCRIBED AS FOLLOWS:
A TRACT OF LAND LOCATED IN THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 12 SOUTH, RANGE 21 EAST OF THE 6TH P.M., LEAVENWORTH COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 7; THENCE ON AN ASSUMED BEARING OF NORTH 02°15'07" WEST ALONG THE WEST LINE OF SAID NORTHWEST QUARTER A DISTANCE OF 312.88 FEET TO THE EXISTING RIGHT OF WAY LINE OF THE KANSAS TURNPIKE AUTHORITY, AND THE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID WEST LINE, NORTH 02°15'07" WEST A DISTANCE OF 277.22 FEET; THENCE NORTH 87°49'14" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 14°18'37" EAST A DISTANCE OF 51.14 FEET; THENCE SOUTH 02°10'46" EAST A DISTANCE OF 212.41 FEET TO THE EXISTING, NORTH RIGHT OF WAY LINE OF THE KANSAS TURNPIKE AUTHORITY; THENCE ALONG SAID NORTH LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 4403.66 FEET, A CHORD WHICH BEARS SOUTH 61°50'07" WEST A DISTANCE OF 33.81 FEET, AN ARC DISTANCE OF 33.81 FEET TO THE POINT OF BEGINNING.

SURVEYORS DESCRIPTION
ALL THAT PART OF THE NORTHWEST QUARTER OF FRACTIONAL SECTION 7-T12S-R21E OF THE 6TH P.M., LYING NORTH AND ADJACENT OF THE KANSAS TURNPIKE, LEAVENWORTH COUNTY, KANSAS, AS SURVEYED BY LARRY T. HAHN, PS #1349, APRIL, 2025, MORE FULLY DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 7;
THENCE, N 87°57'14"E, 2816.87 FEET ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER TO THE NORTH QUARTER CORNER OF SAID SECTION 7;
THENCE, S 01°39'03"E, 391.11 FEET ALONG EAST LINE OF SAID NORTHWEST QUARTER
TO THE NORTHERLY RIGHT OF WAY LINE OF KANSAS TURNPIKE;
THENCE, S 51°44'34"W, 793.92 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, S 78°18'23"W, 55.90 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, S 51°44'34"W, 50.00 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, S 25°10'40"W, 55.90 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, S 51°44'34"W, 940.00 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, S 69°23'30"W, 115.44 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, S 51°44'34"W, 100.00 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, S 16°45'03"W, 61.03 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, S 51°44'34"W, 343.77 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, ON A CURVE TO THE RIGHT HAVING A RADIUS OF 4433.66 FEET AND AN ARC LENGTH OF 284.80 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE, SAID CURVE HAVING A CHORD OF S 52°54'20"W, 284.75 FEET;
THENCE, S 61°26'03"W, 600.26 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, N 02°07'48"W, 202.64 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, N 14°15'39"W, 51.14 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE;
THENCE, S 87°52'12"W, 20.00 FEET ALONG SAID NORTHERLY RIGHT OF WAY LINE TO THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 7;
THENCE, N 02°12'09"W, 2039.75 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.
CONTAINS 90.30 ACRES, MORE OR LESS, INCLUDING ROAD RIGHT OF WAY.
RELATIVE: 1.85, 144

CERTIFICATION AND DEDICATION
THE UNDERSIGNED PROPRIETOR STATE THAT ALL TAXES ON THE ABOVE DESCRIBED TRACT OF LAND HAVE BEEN PAID AND THAT HE HAS CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT WITH SHALL BE KNOWN AS "HERITAGE FARMS".

EASEMENTS SHOWN ON THIS PLAT ARE HEREBY DEDICATED FOR PUBLIC USE. THE RIGHTS OF WAY WHICH ARE SHOWN WITH DASHED LINES ON THE ACCOMPANYING PLAT AND SAID EASEMENTS MAY BE EMPLOYED TO LOCATE AND MAINTAIN SEWERS, WATER LINES, GAS LINES, POLES AND WIRES AND ANY OTHER FORM OF PUBLIC UTILITY NOW AND HEREAFTER USED BY THE PUBLIC, UNDER AND ALONG THE STRIPS MARKED "UTILITY EASEMENT" OR "UE".

BUILDING LINES OR SETBACK LINES (S/B) ARE HEREBY ESTABLISHED AS SHOWN ON THE ACCOMPANYING PLAT AND NO BUILDING OR PORTION THEREOF SHALL BE BUILT OR CONSTRUCTED BETWEEN THIS LINE AND THE STREET LINE.

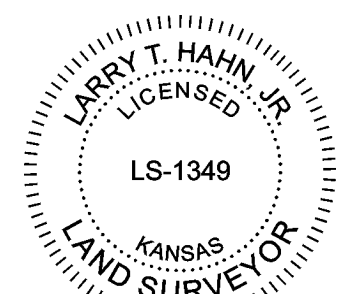
IN TESTIMONY WHEREOF:
I, THE UNDERSIGNED OWNER OF "HERITAGE FARMS", HAVE SET MY HAND THIS _____ DAY OF _____, 2025.

JEREMY R. ROBBINS
10MM, LLC

STATE OF KANSAS / COUNTY OF LEAVENWORTH
ON THIS _____ DAY OF _____, 2025, BEFORE ME APPEARED JEREMY R. ROBBINS, KNOWN TO ME TO THE SAME PERSON DESCRIBED HEREIN AND WHO EXECUTED THE SAME AS HIS FREE ACT AND DEED.
IN WITNESS WHEREOF, I HAVE SET MY HAND AND AFFIXED MY NOTARIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

NOTARY PUBLIC

MY COMMISSION EXPIRES



LARRY T. HAHN, PS #1349

THIS IS TO CERTIFY THAT IN THE MONTH OF APRIL, 2025, THIS SURVEY WAS MADE UNDER MY DIRECT SUPERVISION AND THAT SAID SURVEY MEETS OR EXCEEDS THE KANSAS MINIMUM STANDARDS FOR BOUNDARY SURVEYS.

HAHN SURVEYING
PO BOX 184
BASEHOR, KANSAS 66007
(913) 547-3405
hahnsurvey@gmail.com

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Monday, May 12, 2025 1:27 PM
To: Schweitzer, Joshua
Subject: RE: DEV-25-045 Preliminary Plat Heritage Farms - Hahn

We have not received any complaints on this property. Lot 7 should show the existing septic system to ensure it remains on the same lot as the home it services.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Monday, May 12, 2025 8:06 AM
To: 'djacobson@turnpike.com' <djacobson@turnpike.com>; Magaha, Chuck <cmagaha@lvsheriff.org>; Dedeker, Andrew <adedeker@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; San, Soma <SSan@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-25-045 Preliminary Plat Heritage Farms - Hahn

Good Morning,

The Leavenworth County Department of Planning and Zoning has received a request for a Preliminary Plat for a 12-lot subdivision located at 223-07-0-00-002.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by May 27th.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212

Schweitzer, Joshua

From: David Jacobson <DJacobson@ksturnpike.com>
Sent: Friday, May 23, 2025 9:39 AM
To: Schweitzer, Joshua
Cc: Jacobson, John; Allison, Amy; Kristina Eichkorn
Subject: RE: DEV-25-045 Preliminary Plat Heritage Farms - Hahn

Follow Up Flag: Follow up
Flag Status: Flagged

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Joshua,

KTA is preparing for a project to widen I-70 to six-lanes from East Lawrence to the Tonganoxie Interchange. Tracts of new right-of-way will be required for the widening project. The property that is being platted will be impacted. Please give us a call next week to discuss when you return to the office.

David E. Jacobson, P.E.

Kansas Turnpike Authority | Director of Engineering
3918 SW Topeka Blvd. | Topeka, KS 66609
w: 785.274.3650
m: 785.224.9106



From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Tuesday, May 13, 2025 8:38 AM
To: David Jacobson <DJacobson@ksturnpike.com>
Cc: Jacobson, John <JJacobson@leavenworthcounty.gov>; Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: FW: DEV-25-045 Preliminary Plat Heritage Farms - Hahn

CAUTION: This email is from an external source. Think before clicking links, opening attachments, or providing information in response.

Sir,

As discussed on the phone, attached a Preliminary plat application that we received for a parcel of land that is located along the I-70 corridor. Let me know if you have any comments that you would like to provide for this. The Parcel ID number is listed below.

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212

Schweitzer, Joshua

From: Dedেকে, Andrew <adedeke@lvsheriff.org>
Sent: Thursday, July 24, 2025 10:56 AM
To: Schweitzer, Joshua
Subject: RE: DEV-25-079/080 Preliminary & Final Plat Big Timber Ranch - Herring

We do not foresee any problems.

From: Schweitzer, Joshua
Sent: Thursday, July 24, 2025 10:44 AM
To: Magaha, Chuck ; Dedেকে, Andrew
Subject: FW: DEV-25-079/080 Preliminary & Final Plat Big Timber Ranch - Herring

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Gentlemen,

Please see below for case details.

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Thursday, July 24, 2025 9:40 AM
To: Magaha, Chuck; Dedেকে, Andrew; Miller, Jamie <JMiller@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Mitch Pleak' <mpleak@olsson.com>; Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhilil@leavenworthcounty.gov>; San, Soma <ssan@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-25-079/080 Preliminary & Final Plat Big Timber Ranch - Herring

Good Morning,

The Leavenworth County Department of Planning and Zoning has received a request for a Cross Access Easement for a 3-lot subdivision located at 145-21-0-00-00-007 and 145-21-0-00-00-012.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by August 7th.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Schweitzer, Joshua

From: Ryan McCallister <Ryan.McCallister@evergy.com>
Sent: Friday, May 9, 2025 11:24 AM
To: Johnson, Melissa; Design Group Lawrence Service Center; 'Dylan Ritter'; 'kritter@lvcofd2.com'
Cc: 'larry hahn'; PZ
Subject: RE: [EXTERNAL]Heritage Farms, Preliminary Plat

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Internal Use Only

Hello,

I see no issues with evergy being able to provide power to each lot this subdivision. The utility easements are great.

Thanks!

Ryan McCallister
Evergy
Distribution Designer
ryan.mccallister@Evergy.com
O (785) 865-4844

From: Johnson, Melissa <MJohnson@leavenworthcounty.gov>
Sent: Friday, May 9, 2025 9:36 AM
To: Design Group Lawrence Service Center <designgrouplawrenceservicecenter@evergy.com>; 'Dylan Ritter' <dritter@lvcofd2.com>; 'kritter@lvcofd2.com' <kritter@lvcofd2.com>
Cc: 'larry hahn' <hahnsurvey@gmail.com>; PZ <PZ@leavenworthcounty.gov>
Subject: [EXTERNAL]Heritage Farms, Preliminary Plat

This Message Is From an External Sender

This message came from outside your organization.

[Report Suspicious](#)

Folks,

A preliminary plat has been submitted to our office. The two items missing is the Fire District response and the Electric response. Please review and determine if you would like to make a comment on this.

Thank you,

Melissa Johnson
Planner I
Leavenworth County
Planning & Zoning Department
Leavenworth County Courthouse
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048

Schweitzer, Joshua

From: Dylan Ritter <dritter@lvcofd2.com>
Sent: Friday, May 9, 2025 6:12 PM
To: Ryan McCallister
Cc: Johnson, Melissa; Design Group Lawrence Service Center; kritter@lvcofd2.com; larry hahn; PZ
Subject: Re: [EXTERNAL]Heritage Farms, Preliminary Plat

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Leavenworth County Fire District #2 suggests that three fire hydrants be located at a minimum for this development. The distance between fire hydrants should not exceed 1000'.

It would appear that the following locations would roughly be within 1000' of each hydrant.

- 1 fire hydrant placed on the NW corner of LOT #1
- 1 fire hydrant placed between LOTS 3 and 4
- 1 fire hydrant placed between LOTS 9 and 10

We have no other comments or concerns outside of the fire hydrants.

Thank you

Dylan Ritter
Assistant Chief
Leavenworth County Fire District #2
100 Main Street
P.O. Box 270
Linwood, KS, 66052
(913) 339-8973

On Fri, May 9, 2025 at 11:24 Ryan McCallister <Ryan.McCallister@evergy.com> wrote:

Internal Use Only

Hello,

I see no issues with evergy being able to provide power to each lot this subdivision. The utility easements are great.

Thanks!

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-25-078 Herrzin Acres 2

August 13, 2025

REQUEST: *Consent Agenda*

☐ Preliminary Plat ☒ Final Plat

STAFF REPRESENTATIVE:

JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 00000 Gilman Rd.



APPLICANT/APPLICANT AGENT:

JOE HERRING
HERRING SURVEYING
315 N. 5th Street
Leavenworth, KS 66048

PROPERTY OWNER:

LRN LLC
16630 Gilman Road
Leavenworth, KS 66048

CONCURRENT APPLICATIONS:

NONE

LAND USE

ZONING: R-1(43)

FUTURE LAND USE DESIGNATION:

Residential 3 unit per Acre

LEGAL DESCRIPTION:

Tracts of land in the Southwest Quarter of Section 28, Township 9 South, Range 22, East of the 6th P.M., in Leavenworth County Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-078, Final Plat for Herrzin Acres 2, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-078, Final Plat for Herrzin Acres 2 for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 8.22 ACRES

PARCEL ID NO:

108-28-0-00-00-011.09

BUILDINGS:

N/A

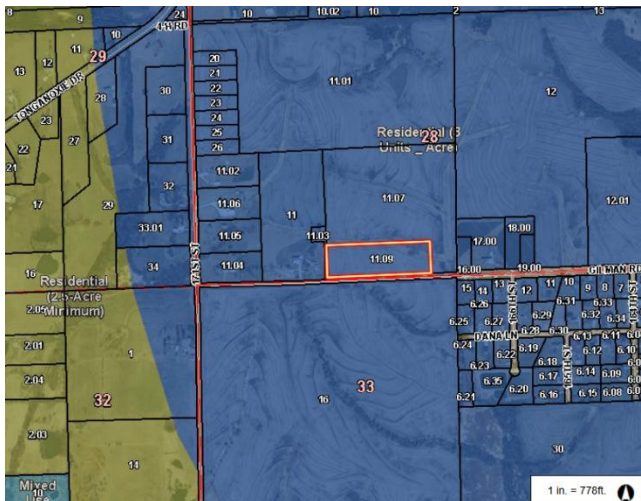
PROJECT SUMMARY:

Request for a Final plat approval to subdivide property located at 00000 Gilman Rd (108-28-0-00-00-011.09) as Lots 01 through 07 of Herrzin Acres 2.

ACCESS/STREET:

Gilman Rd. - Local, paved \pm 28'

Location Map: FUTURE LAND USE DESIGNATION



UTILITIES

SEWER: PRIVATE SEPTIC

FIRE: FD# 1

WATER: RWD 8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW:

8/6/2025

NEWSPAPER NOTIFICATION:

N/A

**NOTICE TO SURROUNDING
PROPERTY OWNERS:**

N/A

STANDARDS TO BE CONSIDERED: <i>Type content in each if necessary (delete this afterwards)</i>			
Leavenworth County Zoning and Subdivision Standards: Preliminary Review		Met	Not Met
35-40	Preliminary Plat Content	N/A	
40-20	Final Plat Content	X	
41-6	Access Management	X	
41-6.B.a-c.	Entrance Spacing	X	
41-6.C.	Public Road Access Management Standards	X	
43	Cross Access Easements	N/A	
50-20	Utility Requirements	X	
50-30	Other Requirements	X	
50-40	Minimum Design Standards	X	
50-50	Sensitive Land Development	N/A	
50-60.	Dedication of Reservation of Public Sites and Open Spaces	N/A	

STAFF COMMENTS:

The applicant is proposing to divide a 8.22 acre parcel into seven (7) lots. The Subdivision is classified as a Class C with all lots lying within the Rural Growth Area of Leavenworth County. Staff is supportive of a waiver of the requirement to connect to a sanitary sewer system as sanitary sewers are not located within 660' of the subdivision (see condition 3). Lots 1 – 7 will be approximately 1.01 acres in size. All lots meet the requirements for the R-1(43) zoning district.

PROPOSED CONDITIONS:

1. Building permits shall be required for any new construction.
2. Erosion control shall be used when designing and constructing driveways. A form of sediment control shall be installed before work begins and maintained throughout the time that the land disturbing activities are taking place. Re-vegetation of all disturbed sites shall be completed within 45 days after completion of final grading weather permitting.
3. A waiver for the use of private septic systems within this subdivision is granted with this approval.
4. At time of development, fire hydrants shall be required, if necessary infrastructure is available.
5. The developer must comply with the following memorandums:
Memo – Emergency Management, dated August 6, 2024
Memo – RWD 8, dated March 11, 2024

PROPOSED MOTIONS:

Approve case DEV-25-078, a request to plat the property located at 00000 Gilman Rd into a 7-lot subdivision in conformance with the Zoning and Subdivision Regulations with a majority vote; or

Motion: Chairman, I find that the subdivision request complies with the Zoning and Subdivision Regulations and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-078 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.

Deny case DEV-25-078, a request to plat the property located at 00000 Gilman Rd into a 7-lot subdivision not in conformance with the Zoning and Subdivision Regulations with a majority vote; or

Motion: Chairman, I find that the subdivision request does not comply with the Zoning and Subdivision Regulations (list Article and Section #) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-078.

Table the case to a date and time certain for additional information.

Motion: Chairman, I move to table Case No. DEV-25-078 to (Date and Time) requesting additional information for (STATE THE REASON(S)).

ATTACHMENTS:

A: Application & Narrative

B: Zoning Maps

C: Memorandums

FINAL PLAT APPLICATION
Leavenworth County Planning and Zoning Department
300 Walnut St., Suite 212
Leavenworth, Kansas
913-684-0465

Office Use Only

Township: _____ Planning Commission Meeting Date: _____
Case No. _____ Date Received/Paid: _____
Zoning District _____ Comprehensive Plan Land Use Designation: _____

APPLICANT/AGENT INFORMATION

OWNER INFORMATION

NAME: 831 H2Z LLC NAME: _____
MAILING ADDRESS: 16630 Gilman Road MAILING ADDRESS _____
CITY/ST/ZIP: Leavenworth, KS 66048 CITY/ST/ZIP _____
PHONE: 913-651-3858 PHONE: _____
EMAIL: herringsurveying@outlook.com EMAIL _____

GENERAL INFORMATION

Proposed Subdivision Name: HERRZIN ACRES 2
Address of Property: 00000 Gilman Road
PID: _____ Urban Growth Management Area: N/A

SUBDIVISION INFORMATION

Gross Acreage: 8.22	Number of Lots: 7	Minimum Lot Size: 1.16 Ac
Maximum Lot Size: 1.16 Ac	Proposed Zoning: R1-43	Density: N/A
Open Space Acreage: N/A	Water District: RWD 8	Proposed Sewage: SEPTIC
Fire District: District 1	Electric Provider: Freestate	Natural Gas Provider: Propane
Covenants: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Road Classification: Local – Collector - Arterial – State - Federal	
List of all Requested Exceptions: <i>Exceptions may be granted per Article 56 or as otherwise stated in the Zoning & Subdivision Regulations.</i>	Cross-Access Easement Requested: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	1.	
	2.	
	3.	
	4.	
	5.	

Is any part of the site designated as Floodplain? ☐ Yes ☒ No if yes, what is the panel number:

I, the undersigned, am the owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a final plat approval as indicated above.

Signature: Joe Herring - digitally signed 7-16-25

Date:

ATTACHMENT A

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 07/18/2025

Dean Kippner

COUNTY CLERK

DOC #: 2025R05181
TERRILLOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
07/18/2025 11:54:02 AM
RECORDING FEE: 21.00
PAGES: 1

KANSAS QUIT-CLAIM DEED

THIS INDENTURE; Made on the 18th day of July, 2025 AD, by and between, 831 H2Z, LLC, Grantors of the County of Leavenworth, State of Kansas party of the first part, and 831 H2Z, LLC, Grantee of the County of Leavenworth, State of Kansas parties of the second part.

Tract of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 7, 2024, and more fully described as follows: Beginning at the Southeast corner of said Southwest Quarter; thence South 87 degrees 48'42" West for a distance of 266.23 feet along the South line of said Southwest Quarter; thence North 02 degrees 11'18" West for a distance of 340.50 feet; thence South 87 degrees 48'42" West for a distance of 1050.00 feet; thence North 01 degrees 34'27" West for a distance of 979.08 feet; thence North 87 degrees 45'55" East for a distance of 1320.21 feet to the East line of said Southwest Quarter; thence South 01 degrees 33'37" East for a distance of 1320.67 feet along said East line to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 31.78 acres, more or less, including road right of way.

AND

Tract of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 7, 2024, and more fully described as follows: Commencing at the Southeast corner of said Southwest Quarter; thence South 87 degrees 48'42" West for a distance of 266.23 feet along the South line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence continuing South 87 degrees 48'42" West for a distance of 1053.65 feet along said South line; thence North 01 degrees 34'27" West for a distance of 340.52 feet; thence North 87 degrees 48'42" East for a distance of 1050.00 feet; thence South 02 degrees 11'18" East for a distance of 340.50 feet to the point of beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 8.22 acres, more or less, including road right of way.

As per recorded survey by Herring Surveying Company Doc #2024S013

No Kansas Real Estate Sales Validation Questionnaire needed due to number 3

WITNESSETH, That the said party of the first part, for no considerations, to them given by the said parties of the second part (the receipt of which is hereby acknowledged) do by these presents, REMISE, RELEASE and FOREVER QUIT CLAIM unto the said parties of the second part, the following described lots, tracts or parcels of land, lying, being and situate in the County of Leavenworth and State of Kansas, to-wit:

TO HAVE AND TO HOLD THE SAME, with all the rights, immunities, privileges and appurtenances thereto belonging, unto the said parties of the second part and unto their heirs and assign forever; so that neither the said parties of the first part nor their heirs nor any other person or persons, for them or in their name or behalf, shall or will hereafter claim or demand any right or title to the aforesaid premises or any part thereof, but they and each of them shall, by these presents, be excluded and forever barred.

Joseph A. Herring
Joseph A. Herring - Member of 831 H2Z, LLC

Acknowledgement

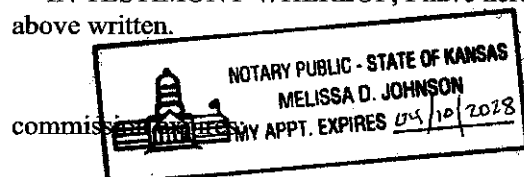
STATE OF Kansas)

)ss.

COUNTY OF Leavenworth)

BE IT REMEMBERED, That on this 18th day of July, A.D. 2025 before me, the undersigned, a Notary Public, in and for said County and State, came Joseph A. Herring, Member of 831 H2Z, LLC, who is personally known to me known to be the persons who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



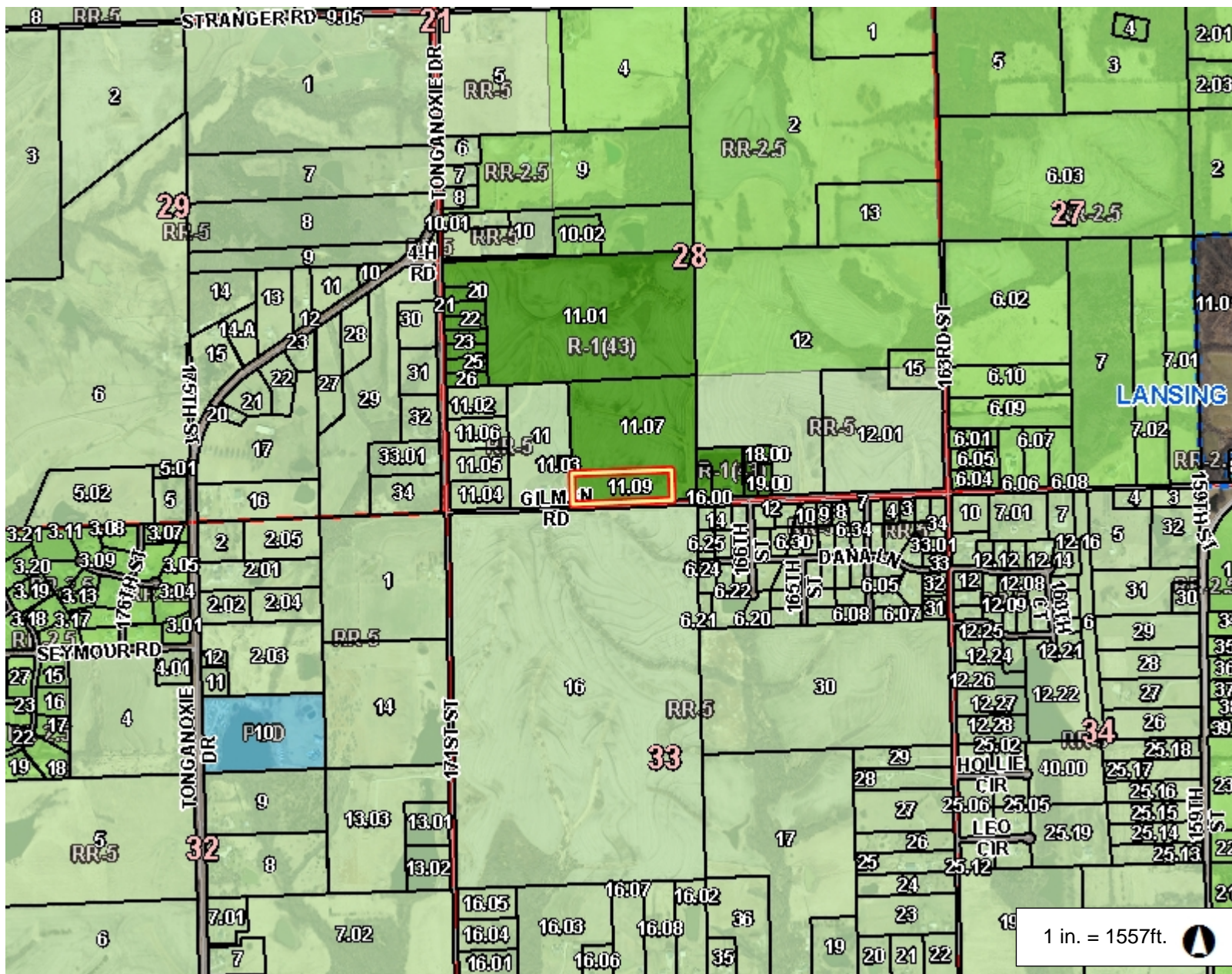
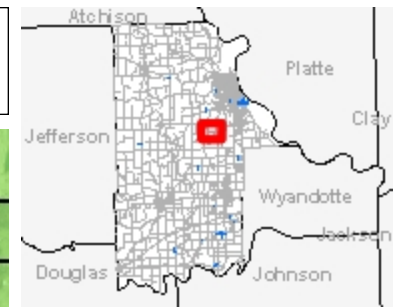
Melissa D. Johnson My
NOTARY PUBLIC Melissa D Johnson

646611b*x1

07/00/18:01:00



Leavenworth County, KS



Legend

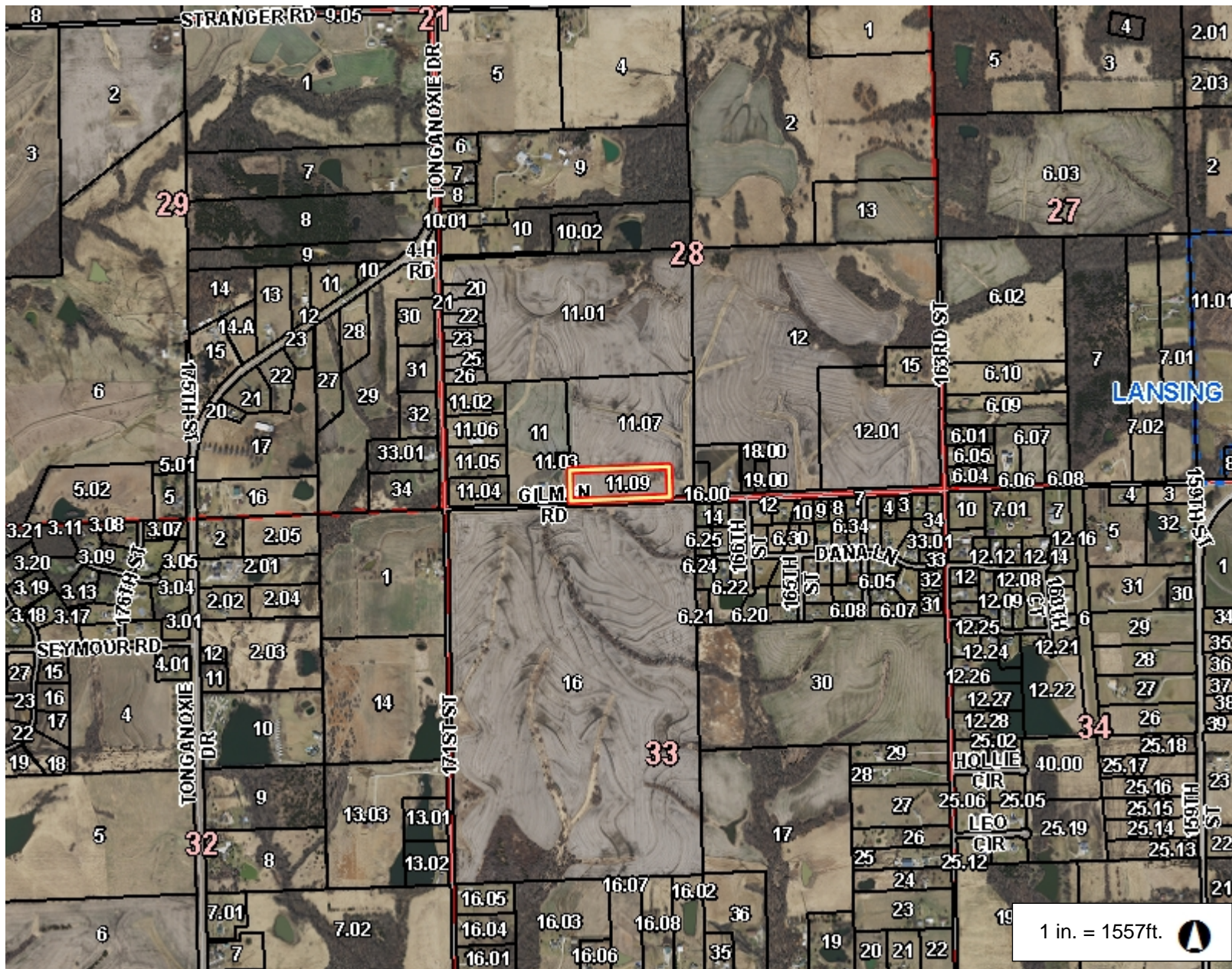
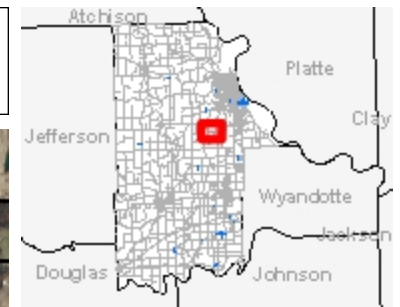
- Parcel Number
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3

Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

1 in. = 1557ft.



Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

HERRZIN ACRES 2

Tracts of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

FINAL PLAT

PREPARED FOR:
831 H2Z, LLC
16630 Gilman Road
Leavenworth, KS 66048
PID NO. 108-28-0-00-00-011.09

DESCRIPTION:
Tract of land in the Southwest Quarter of Section 28, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on March 7, 2024, and more fully described as follows:
Commencing at the Southeast corner of said Southwest Quarter; thence South 87 degrees 48'42" West for a distance of 266.23 feet along the South line of said Southwest Quarter to the TRUE POINT OF BEGINNING; thence continuing South 87 degrees 48'42" West for a distance of 1053.65 feet along said South line; thence North 01 degrees 34'27" West for a distance of 340.52 feet; thence North 87 degrees 48'42" East for a distance of 1050.00 feet; thence South 02 degrees 11'18" East for a distance of 340.50 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 8.22 acres, more or less, including road right of way. Error of Closure: 1 - 6342452

CERTIFICATION AND DEDICATION
The undersigned proprietors state that all taxes of the above described tract of land have been paid and that they have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision shall be known as: HERRZIN ACRES 2.

Easements shown on this plat are hereby dedicated for public use, the rights of way which are shown with dashed lines on the accompanying plat, and said easements may be employed to locate and maintain sewers, water lines, gas lines, poles and wires and any other form of public utility now and hereafter used by the public over, under and along the strips marked "Utility Easement" (U/E).

"Drainage Easements" or "D/E" shown on this plat are hereby dedicated for the purpose of constructing, using, replacing and maintaining a culvert, storm sewer, drainage ditch, or other drainage facility or tributary connections, including similar facilities, and appurtenances thereto, including the right to maintain, repair and replace the drainage facility and for any reconstruction and future expansion of such facility, together with the right of access for the same, is hereby dedicated for public use. Drainage Easements shall be kept clear of obstructions that impair the strength or interfere with the use and/or maintenance of storm drainage facilities. The maintenance and upkeep of said Easements shall be the responsibility of the individual owners of the lots whereupon said Easements are dedicated. Leavenworth County shall bear no responsibility for any maintenance and upkeep of said Easements.

Building Lines or Setback Lines (B.S.L.) are hereby established as shown on the accompanying plat and no building or portion thereof shall be built or constructed between this line and the street line.

IN TESTIMONY WHEREOF,
We, the undersigned owners of HERRZIN ACRES 2, have set our hands this _____ day of _____, 2025.

Joseph A. Herring, Member of 831 H2Z, LLC

NOTARY CERTIFICATE:
Be it remembered that on this _____ day of _____, 2025, before me, a notary public in and for said County and State came Joseph A. Herring, a member of 831 H2Z, LLC, to me personally known to be the same persons who executed the forgoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC
My Commission Expires: _____ (seal)

APPROVALS
We, the Leavenworth County Planning Commission, do hereby approve the foregoing plat of HERRZIN ACRES 2 this _____ day of _____, 2025.

Secretary
John Jacobson
Chairman
Jeff Spink

COUNTY ENGINEER'S APPROVAL:
The County Engineer's plat review is only for general conformance with the subdivision regulations as adopted by Leavenworth County. The County is not responsible for the accuracy and adequacy of the design, dimensions, elevations, and quantities.

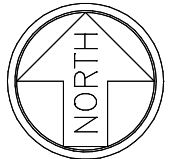
County Engineer - Mitch Pleak

COUNTY COMMISSION APPROVAL:
We, the Board of County Commissioners of Leavenworth County, Kansas, do hereby approve the foregoing plat of HERRZIN ACRES 2 this _____ day of _____, 2025.

Chairman
Michael Smith
County Clerk
Attest: Fran Keppler

REGISTER OF DEED CERTIFICATE:
Filed for Record as Document No. _____ on this _____ day of _____, 2025 at _____ o'clock ____ M in the Office of the Register of Deeds of Leavenworth County, Kansas,

Register of Deeds - TerriLois G. Mashburn



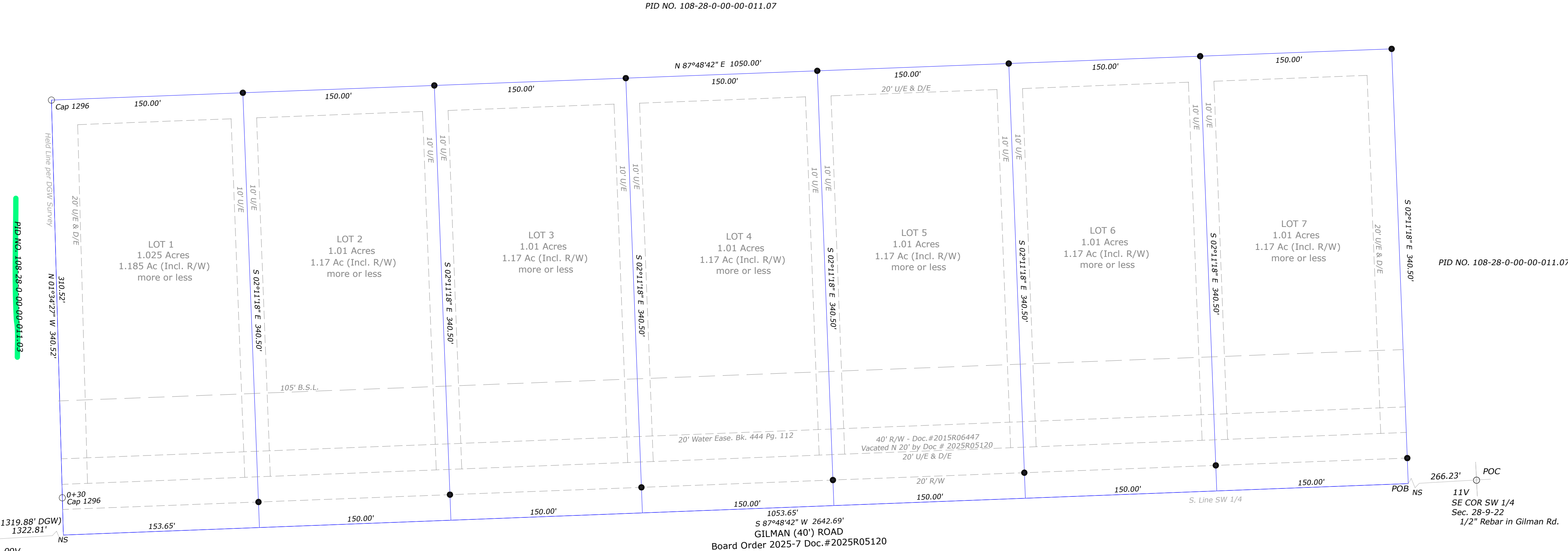
Scale 1" = 50'

Job # K-24-831 H2Z 2
June 3, 2025 Rev. 7-31-2025 (HHBSIS)
J Herring, Inc. (dba)
HERRING
SURVEYING
& COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@leamcash.com

I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363
County Surveyor

50 0 50 100 150
1" = 50'



ZONING:
R1-43 - Residential 1 Acre
Existing Use - Agriculture - Proposed Use Agriculture & Residential

NOTES:
1) This survey does not show ownership.
2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
3) All recorded and measured distances are the same, unless otherwise noted.
4) Error of Closure - See Record Description
5) Basis of Bearing - KS SPC North Zone 1501
6) Monument Origin Unknown, unless otherwise noted.
7) Proposed Lots for Residential Use.
8) Road Record - See Survey
9) Benchmark - NAVD88
Project Benchmark (BM) - NW COR SW 1/4 - 1/2" Rebar - 1037.9'
10) Easements, if any, are created hereon or listed in referenced title commitment.
11) Reference Recorded Deed Doc # 2025R05181
12) Utility Companies -
- Water - RWD 8
- Electric - Freestate
- Sewer - Septic / Lagoon
- Gas - Propane / Natural Gas
13) Reference Lawyer's Title File Number 49053 dated July 16, 2025.
14) Property is not in a Special Flood Hazard Area per FEMA FIRMS Map 20103C0250G dated July 16, 2015
15) Building Setback Lines as shown hereon or noted below
- All side yard setbacks - 10' (Accessory - 10')
- All rear yard setbacks - 30' (Accessory - 15')
16) Existing Structures, if any, not shown hereon.
17) Easements as per referenced Title Commitment are shown hereon, if any.
- RWD 8 Easement Book 444 Page 112 falls within the platted 20' U/E & D/E.
- Caporale Energy Corp Easement Book 634 Page 646 is non-productive.
18) Fence Lines do not necessarily denote the boundary line for the property.
19) Reference Surveys:
DGW - D.G.White - S-14 #88 NKA 1992S088
JAH - J.A.Herring HERRZIN ACRES - Doc # 2022P00037
Doc # 2008S006, Survey dated 2002, Doc #2021S082
Doc # 2024S013
RBD - R.B. Dill Survey Doc # 2017S0509

LEGEND:
● - 1/2" Rebar Set with Cap No.1296
○ - 1/2" Rebar Found, unless otherwise noted.
□ - Concrete Base around Point
△ - PK Nail Found in Place
() - Record / Deeded Distance
U/E - Utility Easement
D/E - Drainage Easement
B.S.L. - Building Setback Line
R/W - Permanent Dedicated Roadway Easement
BM - Benchmark
///// - No Vehicle Entrance Access
NS - Not Set this survey per agreement with client
POB - Point of Beginning
POC - Point of Commencing

08-06-25
PW Combined
Review - No
Further Comment



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of June 2024 through June 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Monday, July 21, 2025 3:01 PM
To: Schweitzer, Joshua
Subject: RE: DEV-25-078 Final Plat Herrzin Acres 2 - Herring

We have not received any complaints on this property, and we are not aware of any septic systems currently installed on it.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Schweitzer, Joshua
Sent: Friday, July 18, 2025 12:33 PM
To: Magaha, Chuck ; Dedeke, Andrew ; Miller, Jamie ; Noll, Bill ; McAfee, Joe ; 'Mitch Pleak' ; Brown, Misty ; Khalil, Jon ; San, Soma
Cc: PZ
Subject: DEV-25-078 Final Plat Herrzin Acres 2 - Herring

Good Afternoon,

The Leavenworth County Department of Planning and Zoning has received a request for a Final Plat for a 7-lot subdivision located at 108-28-0-00-00-011.09.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by August 1st.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465



Fire District No.1, County of Leavenworth

111 East Kansas Avenue, Lansing, KS. 66043

Monday June 17th, 2024

Mr. Joe Herring
C/O 831 H2Z, LLC.
16630 Gilman Road
Leavenworth, KS. 66048
PID NO. 108-28-0-00-00-011.08

Dear Mr. Herring,

Your preliminary plat plan for Herrzin Acres 2, located in the Southwest Quarter of Section 28, Township 09 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, has been reviewed. There are no noticed deficiencies per the 2006 editions of the *International Building Code (IBC)*, *International Fire Code (IFC)*, and *International Mechanical Code (IMC)* and the plans provided by Herring Surveying Company dated 06/02/2024. Any changes to the plans provided need to be reviewed by our office.

Michael L. Stackhouse,

Michael L. Stackhouse

Fire Chief
Fire District No.1, County of Leavenworth
111 E. Kansas Avenue
Lansing, Kansas 66043
Office: 913-727-5844

Rural Water District #8

P.O. Box 246
Leavenworth, KS 66048
Phone: 913-796-2164
Email: rwd8lv@gmail.com

March 11, 2024

To Whom it May Concern:

Joe Herring has requested water service to Lisisni Acres on 171st Street and Herrzin Acres 2nd Plat on Gilman Rd.

Water is available to these areas with proper application.

As of this date, proper application will include a copy of the warranty deed showing ownership. A payment of \$5,500.00 per benefit unit for the right to connect to the Rural Water District #8. The meter installation cost is approximately \$2,000.00 due prior to installation.

If you have any further questions, please contact me at 913-796-2164.

Sincerely,



Sandra Heim
Office Manager for RWD#8

"Serving our members quality water since 1967"



Schweitzer, Joshua

From: Joe Herring <herringsurveying@outlook.com>
Sent: Monday, June 10, 2024 4:09 PM
To: PZ
Subject: Herrzin Acres 2 - Freestate

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

See email chain below for possible service to Herrzin Acres 2

From: Gary Willits <gary.willits@freestate.coop>
Sent: Wednesday, March 27, 2024 12:34 PM
To: Joe Herring <herringsurveying@outlook.com>
Cc: Shauna Snyder <shauna.snyder@freestate.coop>
Subject: territory

Joe,
According to the written territory descriptions, FreeState Electric has the West ½ and the North ½ of the North/East 1/4 of section 28, in Township 9-S, Range 22-E.
So, the section of land that you are checking on along the North side of Gilman road is in FreeState's territory.

As far as cost to build a new power line along the South side of this property, some of that answer will depend on the neighbors. It will depend on where, how and if we can extend this new power line across the neighboring property at 16930 Gilman road. Will the owners of this property allow FreeState Electric to build a new power line on their property and will they agree to have some of their trees trimmed or removed to accommodate a new power line.

Or will FreeState Electric have to build the new power line from the electric service for the rural water tower at 16894 Gilman road.

You as the developer would have to pay the infrastructure cost of the new power line extension. The portion of the new power line which you would have to pay for would be poles, primary wire, grounding, guys and anchors. You would NOT be responsible for any of the transformers, meter loops or meters, this equipment would be the responsibility of the individual lot owners.

You will be responsible for the removal of any trees, which need to be removed for the construction of a new power line.

Underground primary could also be an option to extend a power line to the new lots. Typically, a primary underground power line is about twice as expensive as a primary overhead line. Also, you would have to provide a 4' deep ditch and then back fill this ditch after FreeState personnel installed the electric cable in the ditch. You will also have to install a caution tape when back filling the ditch. FreeState Electric will provide the caution tape.

If you have any other questions please let us know.

Thanks,
Gary Willits
785-691-9297

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

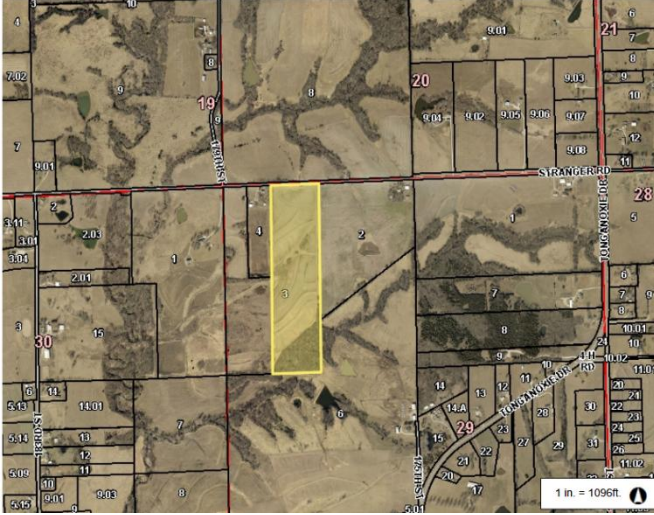
CASE NO: DEV-25-066 Frederickson Tract Split Exception

August 13, 2025

REQUEST: Exception from Zoning and Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

STAFF REPRESENTATIVE:
JOSH SCHWEITZER
Development Planner

SUBJECT PROPERTY: 00000 Stranger Rd.



APPLICANT/APPLICANT AGENT:
Joe Herring
Herring Surveying Company
315 N. 5th St.
Leavenworth, KS 66048

PROPERTY OWNER:
Bryce & Jill Frederickson
17821 Stranger Rd.
Leavenworth, KS 66048

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RR-2.5

LEGAL DESCRIPTION:

A tract of land in the Northwest 1/4 of Section 29, Township 9 South, Range 22, East of the 6th p.m., Leavenworth County, Kansas.

SUBDIVISION: N/A

FLOODPLAIN: N/A

PROPERTY INFORMATION

ACTION OPTIONS:

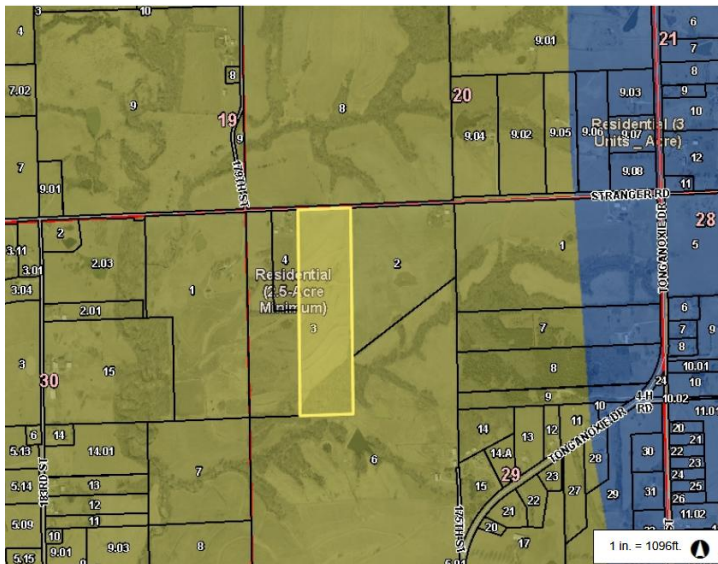
1. Approve Case DEV-25-066, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
2. Deny Case No.DEV-25-066, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
3. Modify Case No DEV-25-066, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)

PARCEL SIZE: 40.6 Acres

PARCEL ID NO:
109-29-0-00-00-003

BUILDINGS:
N/A

Location Map: Future Land Use Designation



ACCESS/STREET:
Stranger Rd: Local, ±22' Wide, Gravel

UTILITIES

SEWER: N/A

FIRE: High Prairie

WATER: RWD#8

ELECTRIC: FREESTATE

NOTICE & REVIEW:

STAFF REVIEW: 08/05/2025

NEWSPAPER NOTIFICATION:
N/A

**NOTICE TO SURROUNDING
PROPERTY OWNERS:**
N/A

FACTORS TO BE CONSIDERED: Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)
<i>Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.</i>
<p>1. That there are special circumstances or conditions affecting the property;</p> <ul style="list-style-type: none"> Regardless of how the property were to be split one of the tracts of land would need an exception to the lot-depth to lot-width requirement. The proposed drawing appears to be the best layout to where it meets the spirit of the regulations.
<p>2. That the exception is necessary for the reasonable and acceptable development of the property in question;</p> <ul style="list-style-type: none"> It is reasonable to believe that the proposed development allows for the best use of land based upon the layout of the property.
<p>3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.</p> <ul style="list-style-type: none"> Granting the exception does not appear to cause any issues with public welfare or injurious to adjacent properties.

STAFF COMMENTS:

The applicants are requesting an exception to the Lot-depth to lot-width requirement due to Tract 1 exceeding the 1:4 ration by approximate 1,220 feet. Tract 2 is being created with meeting the minimum RR-5 zoning district requirements. To allow for tract 1 to have the largest amount of road frontage, bringing it closer to meeting the lot-depth to lot-width requirement.

EXCEPTIONS:

The applicant has requested an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width. The criteria for the acceptance of an exception is as follows:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to the adjacent property.

Motion: The Planning Commission hereby (approves/denies) an exception from Article 50, Section 40.3.i. – Lot-Depth to Lot-Width of the Zoning & Subdivision Regulations for Case DEV-25-066, as submitted by the application, based on a finding that all three criteria for an exception has been met.

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums

LOT/TRACT SPLIT APPLICATION

Leavenworth County Planning Department

300 Walnut, St., Suite 212

County Courthouse

F.S. Leavenworth, Kansas 66048

913-684-0465

H.P.

R008

F.S.

469

Office Use Only

PID: 109-29 003.00Date Received: 04.05.2025Township: High Prairie

Case No. _____

Legal description _____

Zoning District RR 5.Comprehensive Plan land use designation 2.5 min acre**APPLICANT/AGENT INFORMATION****OWNER INFORMATION**NAME Joe Herring/Herring Surveying CoNAME Frederickson, Bryce & JillADDRESS 315 N 5th St.ADDRESS 17821 Stranger RdCITY/ST/ZIP Leav., KS. 66048CITY/ST/ZIP Leav., KS 66048PHONE 913-651-3858

PHONE _____

EMAIL herringssurveying@outlook.com

EMAIL _____

PROPERTY INFORMATIONAddress of property 109-29 003.00Parcel size 70.50

Existing structures _____

Current use of the property Residential**PROPOSED USE INFORMATION**Proposed land use Residential

Proposed Lot/Tract 1 Size

35.57

Proposed Lot/Tract 2 Size

5.03

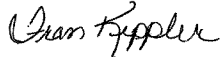
I, the undersigned, am the (circle one) owner, duly authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a Tract/Lot Split as indicated above.

Signature _____

Date _____

ATTACHMENT A

ENTERED IN TRANSFER RECORD IN
MY OFFICE THIS DAY 02/14/2025



COUNTY CLERK

DOC #: 2025R00937
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
02/14/2025 01:38:53 PM
RECORDING FEE: 38.00
PAGES: 2

Please return to:

TX0017875

Kansas Secured Title, Inc. - Leavenworth

GENERAL WARRANTY DEED
(Statutory)

Colleen M. McGuire, a single person

convey and warrant to

Bryce Frederickson aka Bryce Eric Frederickson and Jill Frederickson, as joint tenants with
the right of survivorship and not as tenants in common

all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas,
to-wit:

Tract A:

A tract of land in the West 1/2 of the Northwest 1/4 of Section 29, Township 9 South,
Range 22 East of the 6th P.M., all in Leavenworth County, Kansas more fully
described as follows: Beginning at a point 660.16 feet East of the Northwest corner
of said Section 29; thence East 660.16 feet; thence South 01°38'44" West 2647.85
feet; thence North 89°53'36" West 671.50 feet; thence North 01°38'49" East 1326.98
feet; thence North 02°08'16" East 1320.00 feet to the Point of Beginning, less that
part used for public road.

Tract B:

A tract of land in the West 1/2 of the Northwest 1/4 of Section 29, Township 9 South,
Range 22 East of the 6th P.M., all in Leavenworth County, Kansas more fully
described as follows: Beginning at the Northwest corner of said Section 29; thence
East along the North section line 330.80 feet; thence South 02°06'16" West 1320.00
feet; thence East 330.80 feet; thence South 1320.00 feet to a point on the South
section line; thence West 660.00 feet along said section line to the Southwest corner
of said quarter section; thence North 2640.00 feet to the Point of Beginning, less
that part used for public road.

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the
taxes and assessments that may be levied, imposed or become payable hereafter.

AFFIDAVIT
Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

we Bryce Frederickson and Jill Frederickson

Being dully sworn, dispose and say that we are the owner(s) of said property located at -
0000 Stranger Road, and that we authorize the
following people or firms to act in our interest with the Leavenworth County Planning
and Zoning Department for a period of one calendar year. Additionally, all statements
herein contained in the information herewith submitted are in all respects true and correct
to the best of our knowledge and belief.

Authorized Agents (Name, Address, Telephone)

1) Joseph A. Herring - Herring Surveying Company 315 N. 5th Street, Leavenworth,
KS 66043, 913 651-3858

2)

Signed and entered this 17th day of February, 2025

Bryce & Jill Frederickson 17821 Stranger Rd
Print Name, Address, Telephone 785-969-8566

Signature

STATE OF KANSAS)

) SS

COUNTY OF LEAVENWORTH)

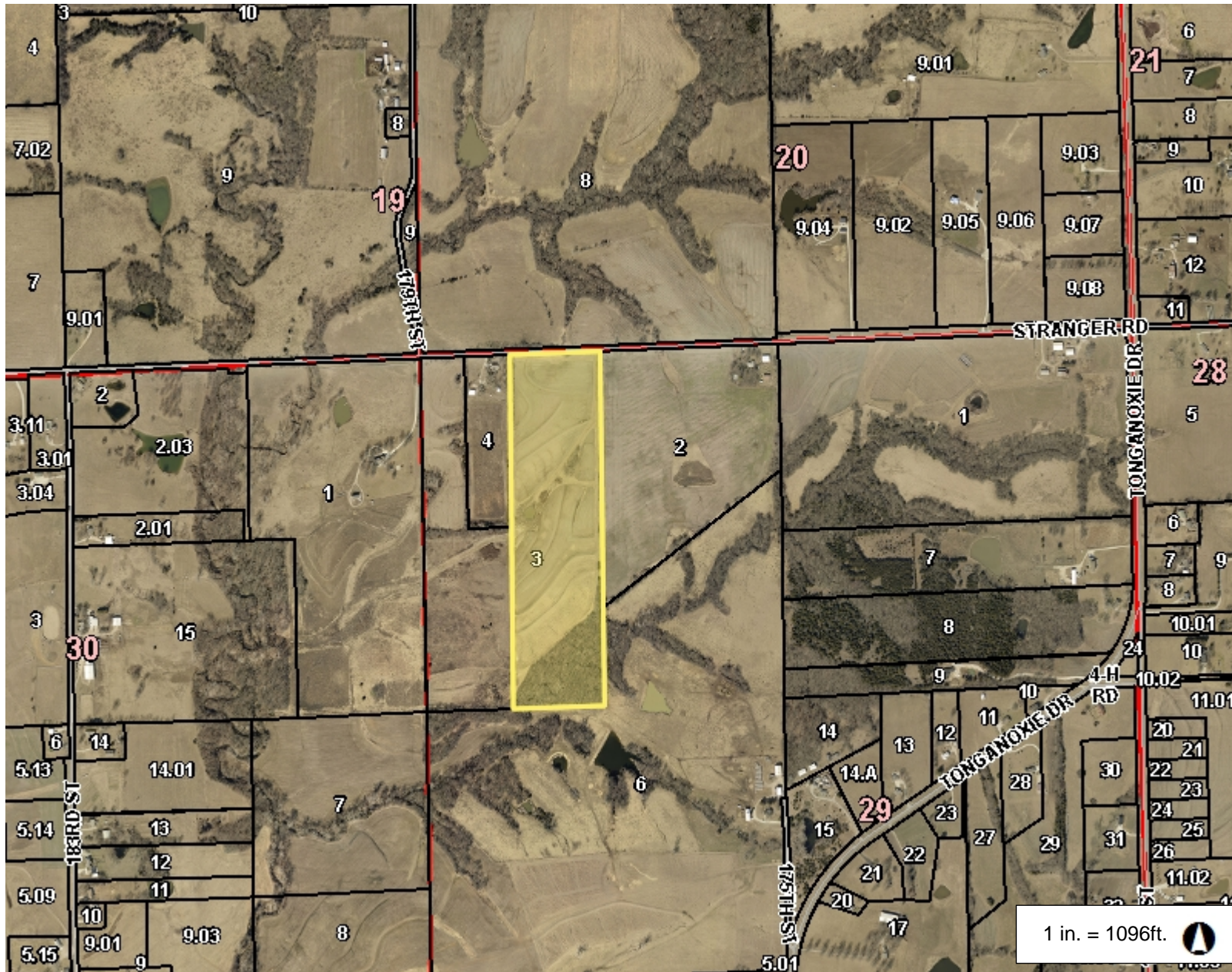
Be it remembered that on this _____ day of _____, 20____, before me, a notary public in and
for said County and State came _____ to me
personally known to be the same persons who executed the forgoing instrument of writing, and
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand
and affixed my notary seal the day and year above written.

NOTARY PUBLIC _____

My Commission Expires: _____

(seal)

Leavenworth County, KS



Legend

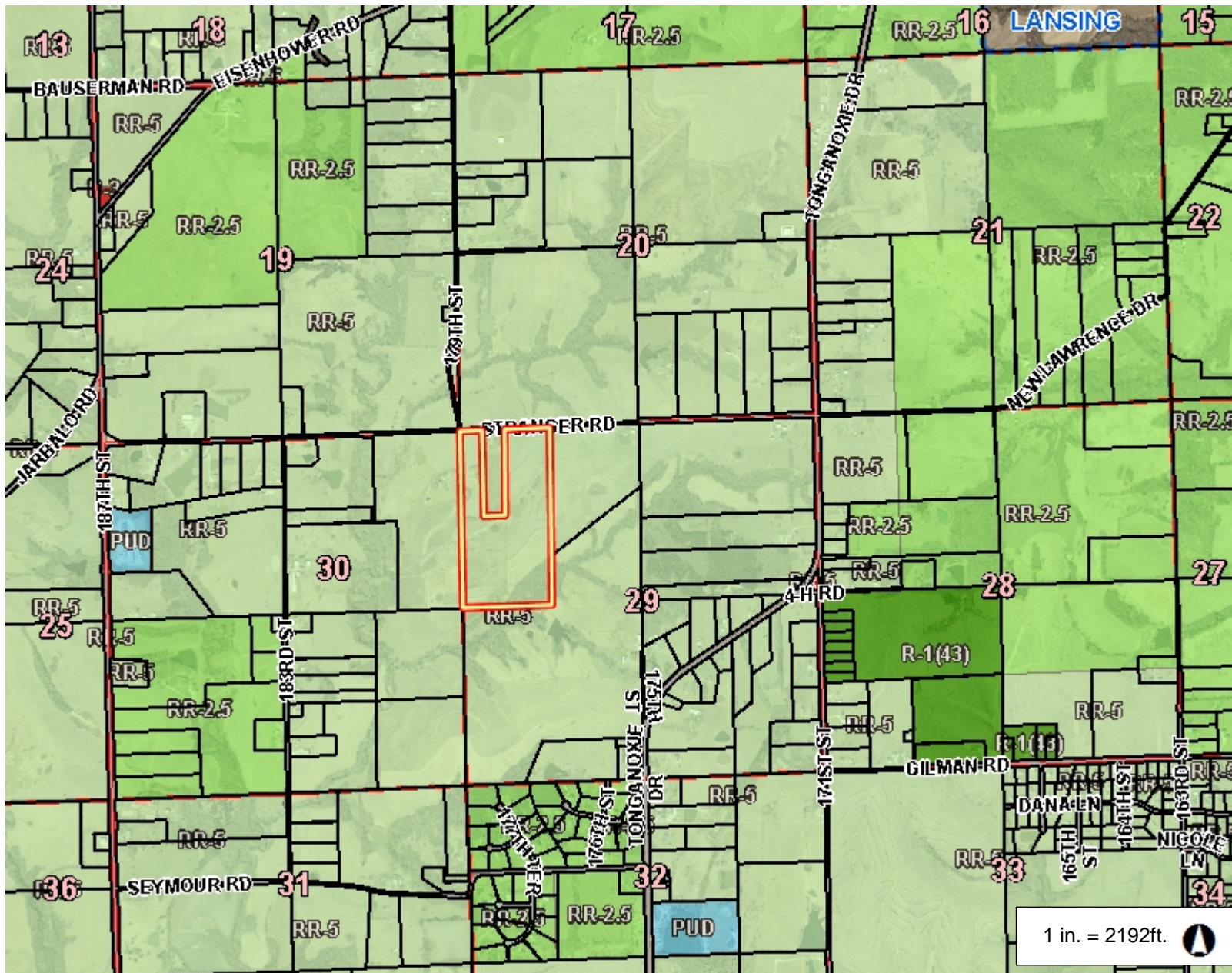
- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Leavenworth County, KS



Legend

- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning**
 - B-1
 - B-2
 - B-3
 - I-1
 - I-2
 - I-3
 - MXD
 - PC
 - PI
 - PR-1
 - PR-2
 - PR-3
 - PUD

Notes

4,384.2 0 2,192.11 4,384.2 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

ARTICLE 56 – EXCEPTIONS

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.
Parent tract is 40 acres - larger tract retains majority of right of way.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
Yes - Allows for better use of property keeping majority of right of way with largest tract
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.
No

CERTIFICATE OF SURVEY

Tracts of land in the Northwest Quarter of Section 29, Township 9
South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

TRACT SPLIT

PREPARED FOR:

FREDERICKSON, BRYCE & JILL
17821 STRANGER RD
LEAVENWORTH, KS 66048
PID NO. 109-29-0-00-00-003

RECORD DESCRIPTION: Doc #2025R00937

Tract A:

A tract of land in the West 1/2 of the Northwest 1/4 of Section 29, Township 9 South, Range 22 East of the 6th P.M., all in Leavenworth County, Kansas more fully described as follows: Beginning at a point 660.16 feet East of the Northwest corner of said Section 29; thence East 660.16 feet; thence South 01°38'44" West 2647.85 feet; thence North 89°53'36" West 671.50 feet; thence North 01°38'49" East 1326.98 feet; thence North 02°08'16" East 1320.00 feet to the Point of Beginning, less that part used for public road.

SURVEYOR'S DESCRIPTION:

TRACT 1:

Tract of land in the Northwest Quarter of Section 29, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on May 28, 2025, and more fully described as follows: Commencing at the Northwest corner of said Northwest Quarter; thence North 87 degrees 43'52" East for a distance of 659.65 feet along the North line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 43'52" East for a distance of 360.04 feet along said North line; thence South 00 degrees 42'39" East for a distance of 730.00 feet; thence North 87 degrees 43'52" East for a distance of 300.11 feet; thence South 00 degrees 42'39" East for a distance of 1914.38 feet to the South line of said Northwest Quarter; thence South 87 degrees 41'35" West for a distance of 671.64 feet along said South line; thence North 00 degrees 43'16" West for a distance of 1325.19 feet; thence North 00 degrees 12'10" West for a distance of 1320.00 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 35.57 acres, more or less, including road right of way. Error of Closure: 1 - 1005185

TRACT 2:

Tract of land in the Northwest Quarter of Section 29, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on May 25, 2025, and more fully described as follows: Commencing at the Northwest corner of said Northwest Quarter; thence North 87 degrees 43'52" East for a distance of 1019.69 feet along the North line of said Northwest Quarter to the TRUE POINT OF BEGINNING; thence continuing North 87 degrees 43'52" East for a distance of 300.11 feet along said North line; thence South 00 degrees 42'39" East for a distance of 730.00 feet; thence South 87 degrees 43'52" West for a distance of 300.11 feet; thence North 00 degrees 42'39" West for a distance of 730.00 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 5.03 acres, more or less, including road right of way. Error of Closure: 1 - 999999

RATIFICATION BY COUNTY STAFF

This tract split, as described and shown above, has been submitted to and approved by the following County Staff persons this ____ day of ____ 2025.

Planning Commission Chairperson _____
Jeff Spinks

NOTARY CERTIFICATE

Be it remembered that on this ____ day of ____ 2025, before me, a notary public in and for said County and State came Jeff Spinks, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

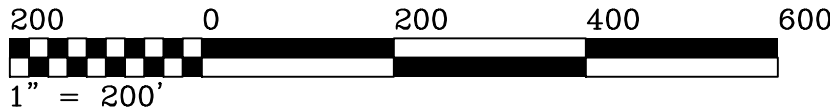
NOTARY PUBLIC _____

My Commission Expires: _____
(seal)



Scale 1" = 200'

Job # K-25-1877
May 28, 2025 Rev 7-21-25



I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Reviewed 2025.07.22 No Comments

Daniel D. Herring, PS-1296
County Surveyor

PID # 109-30...001

PID # 109-29...004

TRACT 1
35.57 Acres
more or less
Incl. R/W

PID # 109-29...002

PID # 109-29...006

PID # 109-29...006

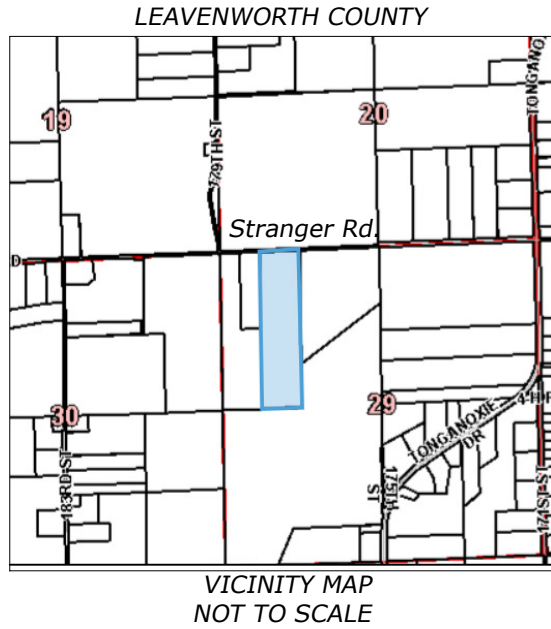
ZONE:
- RR-5 Acres

NOTES:

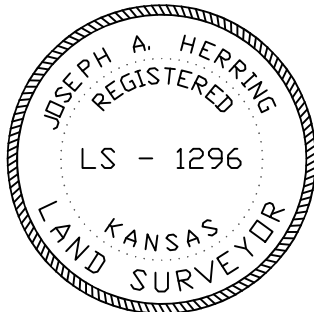
- 1) This survey does not show ownership or easements, per agreement with client
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Description
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys -
KH - K.Herring Survey Bk. S-9 #102, 1972 NKA1972S102
AAM - A.Matzedar Bk. S-8 #118 1967 NKA1967S118
- 8) Road Records - See Survey
- 9) Referenced Deed Document # 2025R00937
- 10) Survey prepared without the benefit of a title commitment.
- 11) Fence Lines do not necessarily denote property lines.
- 12) Structures are shown in approximate location.
- 13) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C050G dated July 16, 2015
- 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
- 15) An exception to Article 50, Section 40.3.i. Lot-Depth to Lot-Width has been granted for Tract 1.

LEGEND:

- - 1/2" Rebar Set with Cap No.1296
- - 1/2" Rebar Found, unless otherwise noted.
- POB - Point of Beginning
- POC - Point of Commencing
- ~ - Tree/Brush Line
- NS - Not Set this Survey per agreement with client



07T
SE COR NW 1/4
Sec. 29-9-22
Rebar with Alum. Cap Found



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of March through May 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Wednesday, June 18, 2025 8:38 AM
To: Schweitzer, Joshua
Subject: RE: DEV-25-066 Tract Split for Frederickson

We have not received any complaints on this property, and we are not aware of any septic systems currently installed on it.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, June 6, 2025 8:15 AM
To: Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-25-066 Tract Split for Frederickson

Good Afternoon,

The Department of Planning and Zoning has received a request for a tract split for the property located at 109-29-0-00-00-003.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 23, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at PZ@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

Schweitzer, Joshua

From: McAfee, Joe
Sent: Wednesday, June 11, 2025 8:19 AM
To: Schweitzer, Joshua; Baumchen, Daniel; Noll, Bill
Cc: PZ
Subject: RE: DEV-25-066 Tract Split for Frederickson

Josh,
PW Engineering has no comment on the TS.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Friday, June 6, 2025 8:15 AM
To: Baumchen, Daniel <DBaumchen@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-25-066 Tract Split for Frederickson

Good Afternoon,

The Department of Planning and Zoning has received a request for a tract split for the property located at 109-29-0-00-00-003.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by June 23, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at PZ@leavenworthcounty.gov

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

CASE NO: DEV-25-076 Lavery/Walker Boundary Line Adjustment Exception

August 15, 2025

REQUEST: Exception from Zoning and Subdivision Regulation Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

STAFF REPRESENTATIVE:

Amy Allison
Deputy Director

SUBJECT PROPERTY: 17208 & 17200 Eisenhower Road

APPLICANT/APPLICANT AGENT:

Joe Herring
Herring Surveying Company
315 N. 5th St.
Leavenworth, KS 66048

PROPERTY OWNER:

Edward Lavery & Kimberly Krauss
17208 Eisenhower Road
Leavenworth KS 66048

Tony Walker
17200 Eisenhower Road
Leavenworth KS 66048

CONCURRENT APPLICATIONS:

N/A

LAND USE

ZONING: RR-2.5

FUTURE LAND USE DESIGNATION:
Mixed Residential

SUBDIVISION: N/A

FLOODPLAIN: N/A

PROPERTY INFORMATION

PARCEL SIZE: 8.23 & 8.49 Acres

PARCEL ID NO:

104-17-0-00-00-020.00 & 104-17-0-00-00-019.00

BUILDINGS:

Two single-family residences and accessory structures

LEGAL DESCRIPTION:

Tracts of land in the Northeast Quarter of Section 17, Township 9 South, Range 22 East of the 6th p.m., Leavenworth County, Kansas.

ACTION OPTIONS:

1. Approve Case DEV-25-076, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
2. Deny Case No.DEV-25-076, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio); or
3. Modify Case No DEV-25-076, Exception from Zoning & Subdivision Regulation Article 50, Section 40.3.i. (Lot-Depth to Lot-Width Ratio)

Location Map: Future Land Use Designation

ACCESS/STREET:

Eisenhower RD: Arterial, ±25' Wide, Paved

UTILITIES

SEWER: N/A

FIRE: High Prairie

WATER: RWD#8

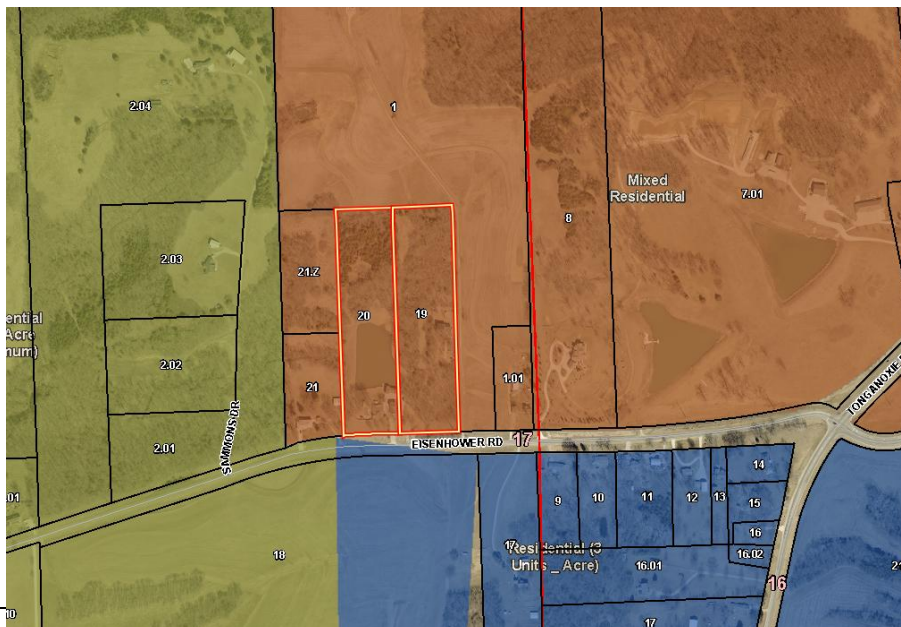
ELECTRIC: Freestate

NOTICE & REVIEW:

STAFF REVIEW: 8/8/2025

NEWSPAPER NOTIFICATION:
N/A

**NOTICE TO SURROUNDING
PROPERTY OWNERS:**
N/A



FACTORS TO BE CONSIDERED: Article 50, Section 40.3.i (Lot-Depth to Lot-Width Ratio)

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulation would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted condition; or that these conditions would result in inhibiting the achievement of the objectives of these regulations.

1. That there are special circumstances or conditions affecting the property;

- The current depth of both lots match what is proposed in the Boundary Line Adjustment, however, the lots are comprised of multiple legal descriptions that are being combined into two parcels with this action.
- Due to this action, the tracts do not comply with the regulations but the conditions on the ground will not change.

2. That the exception is necessary for the reasonable and acceptable development of the property in question;

- As stated above, the existing tracts (combined for taxing purposes and under single ownership) will be officially amending the legal description to combine parcels into one legal description. Currently, the back tracts of land have no road frontage, and with the approval of this request, those parcels will be combined with tracts that do.
- Functionally, this request will not change the conditions on the ground but will bring non-compliant tracts into conformance with the Zoning & Subdivision Regulations.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to adjacent property.

- Granting the exception does not appear to cause any issues with public welfare or injurious to adjacent properties.

STAFF COMMENTS:

The Boundary Line Adjustment request arises from the two owners wishing to swap land in order to bring a building into compliance with the Zoning Regulations. However, during review of the existing legal descriptions of the property, it was determined that each tract is comprised of two legal descriptions. This survey action will not only bring the building into compliance with the land transfer, but if the exception were to be approved, bring two non-compliant tracts (no frontage) into compliance as well. The lot-depth to lot-width regulation is in place to reduce the creation of piano key lots. In function, both parcels as they exist do not comply with the lot-depth to lot-width standard now. Our office is not aware of any issues that the current layout of these tracts has inflicted public. If approved, this request would allow the tracts to remain in the current configuration with updated legal descriptions that addresses non-conformities with the County's Regulations.

ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums

Department of Planning and Zoning
Leavenworth County Kansas

BOUNDARY LINE ADJUSTMENT APPLICATION

OWNERSHIP INFORMATION

TRACT 1

Name LAVERY, EDWARD H III & KRAUSS, KIMBERLY S

Address 17208 EISENHOWER RD

City/St/Zip LEAVENWORTH, KS 66048

Phone N/A

Email N/A

Book/Page Existing Deed 2025R01099

Applicant/Agent Contact Email herringsurveying@outlook.com

TRACT 2 (Add separate sheet for additional parcels)

Name _____

Address _____

City/St/Zip LEAVENWORTH, KS 66048

Phone N/A

Email N/A

Book/Page Existing Deed 2013R00577

EXISTING TRACT INFORMATION

Parcel Numbers PID NO. 104-17-0-00-00-020

Tract 1

PID NO. 104-17-0-00-00-019

Tract 2

I, the undersigned, am the owner or **duly authorized agent**, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for a boundary line approval as indicated above.

Signature: Joe Herring - digitally signed July 6, 2025 Date: 7/6/25

Signature _____ Date _____

Owner/Agent, Tract 1

Signature _____ Date _____

Owner/Agent, Tract 2

Received by Planning and Zoning Office

Case No. _____

Existing Zoning _____

Office Staff: _____ Date Received: _____

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I Tony Walker and Paula Walker

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
17200 Eisenhower Rd, Leavenworth, KS and that we authorize the
following people or firms to act in our interest with the Leavenworth County Planning
and Zoning Department for a period of one calendar year. Additionally, all statements
herein contained in the information herewith submitted are in all respects true and correct
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring - Herring Surveying Company 315 N. 5th Street, Leavenworth,
KS 66048. 913-651-3858

2)

Signed and entered this 15 day of MARCH, 2025

Tony Walker

Print Name, Address, Telephone

17200 Eisenhower Rd Leavenworth KS
913-375-8555 66048

[Signature]

Signature

STATE OF KANSAS)

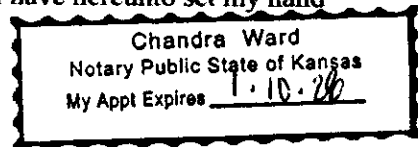
) SS

COUNTY OF LEAVENWORTH)

Be it remember that on this 15th day of March, 2025, before me, a notary public in and
for said County and State came Tony Walker & Paula Walker to me
personally known to be the same persons who executed the forgoing instrument of writing, and
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand
and affixed my notary seal the day and year above written.

NOTARY PUBLIC Chandra Ward

My Commission Expires: Jan. 10. 2028



(seal)

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I Edward H. Lavery, III and Kimberly S. Krauss

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
17208 Eisenhower Rd., Leavenworth, KS 66048, and that we authorize the
following people or firms to act in our interest with the Leavenworth County Planning
and Zoning Department for a period of one calendar year. Additionally, all statements
herein contained in the information herewith submitted are in all respects true and correct
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth,
KS 66048, 913-651-3858

2)

Signed and entered this 19th day of march, 2025

Edward H. Lavery, III Kimberly S. Krauss 17208 Eisenhower Rd.,
Print Name, Address, Telephone 913-351-5631, 913-306-4599 Leavenworth, KS

[Signature]
Signature

[Signature]

STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)



Be it remember that on this 19th day of march 2025 before me, a notary public in and
for said County and State came Edward H. Lavery, III & Kimberly S. Krauss to me
personally known to be the same persons who executed the forgoing instrument of writing, and
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand
and affixed my notary seal the day and year above written.

NOTARY PUBLIC [Signature]

My Commission Expires: 8-8-2027

(seal)



* 2 0 1 3 R 0 0 5 7 7 3 *

Doc #: 2013R00577

STACY R. DRISCOLL/REGISTER OF DEEDS
LEAVENWORTH COUNTY

RECORDED ON

01/17/2013 10:16AM

RECORDING FEE: 16.00

INDEBTEDNESS: 0.00

PAGES: 3

Entered in the transfer record in my office this

17 day of Jan, 2013

by [Signature] County Clerk

[this space for recording information]

After Recording Return to:

SL# 3019394 HSC#969926

ServiceLink, a Division Of Chicago Title

Insurance Company

4000 Industrial Boulevard

Aliquippa, PA 15001

Mail Tax Statements To:

Tony Walker *

17200 Eisenhower Rd

Leavenworth, KS 66048

Property Address:

17200 Eisenhower Rd

Leavenworth, KS 66048

Property Tax ID=: 1041700000019 00001

SPECIAL WARRANTY DEED

This Special Warranty Deed, executed this 30 day of Oct, 2012, by and between **Federal Home Loan Mortgage Corporation, a United States Corporation**, of 5000 Plano Parkway, Carrollton, TX 75010, hereinafter called Grantor and **Tony Walker** [Signature], whose post office address is 17200 Eisenhower Rd, Leavenworth, KS 66048, hereinafter called Grantee;

Wherever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.

WITNESSED: That said Grantor, for the consideration of the sum of **One Hundred Twenty Five Thousand and XX/100 Dollars (\$125,000.00)**. In hand paid by Grantee, the receipt whereof is hereby acknowledged, have this day bargained, conveyed and sold to the said Grantee forever, the following described lot, piece or parcel of land, situate, lying and being in Leavenworth County, Kansas, to-wit:

COV# 0039
10 ✓ Taxes *
JS

All that certain parcel of land situate in the County of Leavenworth, State of Kansas, being a:

Tract in the East Half of the Northeast Quarter of Section 17, Township 9, Range 22, Leavenworth County, Kansas, described as:

Beginning at a point 12.0 feet North and 404.0 feet S 89°47' 15" V from the Southeast Corner of said Northeast Quarter; thence N 00° 12' 45" V 600.0 feet; thence S 89° 47' 15" W 300.0 feet; thence S 00° 12' 45" E 600.0 feet; thence N 89° 47' 15" E 300.0 feet along the North right-of-way line of County Road 10 to point of beginning, as per survey dated August 28, 1984 by Ken Herring, Surveyor.

AND the East 300 feet of a tract described as: Beginning at a point 612.0 feet N 00° 12' 45" W and 404.0 feet S 89° 47' 15" W from the Southeast Corner of said Northeast Quarter; thence S 89° 47' 15" W 907.77 feet; thence N 00° 40' 47" V 575.01 feet; thence N 89° 47' 15" E 912.51 feet; thence S 00° 12' 45" E 575.00 feet to point of beginning. Less part taken or used for road.

Commonly Known As: 17200 Eisenhower Rd, Leavenworth, KS 66048

This deed warrants title only against claims held by, through, or under the grantor, or against encumbrances made or suffered by the grantor, and it cannot be held to warrant title generally against all person.

Grantor does further covenant and bind itself, and its successors and assigns to warrant and forever defend the title to the property to the said Grantee(s) against the lawful claims of the persons claiming by, through or under the Grantor, but no further or otherwise.

And the said Grantor covenant with the Grantee, his successors and assigns, that it is lawfully seized and possessed of the premises above conveyed, and have a good and lawful right to sell and convey the same.

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantors hereby covenant with said Grantees that the Grantors are lawfully seized of said land in fee simple; that the Grantors have good right and lawful authority to sell and convey said land.

IN WITNESS WHEREOF, first party has hereunto set a hand and seal the day and year first written above.

Federal Home Loan Mortgage Corporation, by
Chicago Title Insurance Company, its attorney
in fact ☒

By: [Signature]

Its: ALP

Cherri Springer

POA Recorded 1/16/2007 BK 1003 PG 0661 ☒

Signed, sealed and delivered in our presence:

[Signature]
Witness

[Signature]
Second Witness

Carinne Reed
Printed Name

Peter Karavaniz
Printed Name

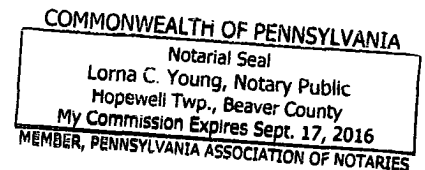
STATE OF PA
COUNTY OF BEAVER

On this 30 day of Oct, 2012 before me personally
appeared Cherri Springer, to me personally known, who,
being by me duly sworn, did say that he/she is the
ALP of Chicago Title Insurance, and that said
instrument was signed in behalf of said corporation, by authority of its Board Of Directors;
and said Cherri Springer acknowledged said instrument to be
the free act and deed of said corporation.

In Testimony Whereof, I have hereunto set my hand and affixed my official seal in the
County and State aforesaid, the day and year first above written.

Lorna C. Young
Notary Public

9-17-2016
My Commission Expires



Pursuant to K.S. A 79-1437s, a real estate validation

Questionnaire is not required due to Exception No. ____
(complete if applicable)

Prepared By:
ServiceLink, LP
4000 Industrial Blvd
Aliquippa, PA 15001

Gian Kippner

COUNTY CLERK

Mail Tax Statement to:
Edward H. Lavery, III
Kimberly S. Krauss
17208 Eisenhower Rd.
Leavenworth, KS 66048

Property Address: 17208 Eisenhower Rd.
Leavenworth, KS 66048

DOC #: 2025R01099
TERRILOIS MASHBURN
REGISTER OF DEEDS
LEAVENWORTH COUNTY, KANSAS
RECORDED ON:
02/25/2025 02:27:33 PM
RECORDING FEE: 38.00
PAGES: 2

JOINT TENANCY QUIT CLAIM DEED Pursuant to K.S.A. 79-1437(e), a real estate validation questionnaire is not required due to exemption no. 9.

GRANTOR Edward H. Lavery, III, a single person,

CONVEYS and QUITCLAIMS TO

Edward H. Lavery, III, a single person, and Kimberly S. Krauss, a single person,

As JOINT TENANTS and not as tenants in common, with full rights of survivorship, the whole estate to vest in the survivor in the event of the death of either, all of the following described real estate in the County of Leavenworth, State of Kansas, to-wit:

See attached Exhibit A, commonly known as 17208 Eisenhower Road, Leavenworth, Kansas 66048.

This conveyance is made subject to easements, restrictions, reservations and covenants of record, if any.

Dated this 25th day of February, A.D. 2025.

Edward H. Lavery, III
GRANTOR (signature)

Edward H. Lavery, III
(Printed Name)

STATE OF KANSAS, COUNTY OF LEAVENWORTH

Be it remembered that before me, a notary public in and for the State and County aforesaid, personally appeared Edward H. Lavery, III, known to me to be the same person who executed the within document and who acknowledged the execution of same as a free act and deed. In witness whereof, I have hereunto set my hand and affixed my official seal the day and year last above written.



Luke Terrell
NOTARY PUBLIC (signature)

Luke Terrell
(Printed Name)

My commission expires: 8-8-2027

EXHIBIT A
PROPERTY DESCRIPTION

A tract of land in the East half of the Northeast Quarter of Section 17, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at a point 12.0 feet North and 704.00 feet South 89° 47' 15" West from the Southeast corner of said Northeast Quarter; thence South 89° 47' 15" West 300.0 feet along the North line of County Road 10; thence North 00° 12' 45" West 600.0 feet; thence North 89° 47' 15" East 300.0 feet; thence South 00° 12' 45" East 600.0 feet to the point of beginning, less any part thereof taken or used for road or street purposes,

AND ALSO:

A tract of land in the East Half of the Northeast Quarter of Section 17, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at a point 612.00 feet North 00° 12' 45" West and 404.0 feet South 89° 47' 15" West from the Southeast corner of said Northeast Quarter; thence South 89° 47' 15" West 907.77 feet; thence North 00° 40' 47" West 575.01 feet; thence North 89° 47' 15" East 912.51 feet; thence South 00° 12' 45" East 575.00 feet to beginning, less and except the East 300 feet thereof,

AND ALSO LESS AND EXCEPT:

A tract in the East Half of the Northeast Quarter of Section 17, Township 9 South, Range 22 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at a point 612.0 feet North 00° 12' 45" West and 1,004 feet South 89° 47' 15" West from the Southeast corner of said Northeast Quarter; thence North 00° 12' 45" West 575.0 feet; thence South 89° 47' 15" West to the West line of the East Half of said Northeast Quarter; thence South 00° 40' 47" East 575.01 feet; thence North 89° 47' 15" East 307.77 feet to the point of beginning.

Reference being made to the unrecorded Survey dated August 28, 1984, Job No. 1274a, by Ken Herring, LS-126, as to all of the above.

CERTIFICATE OF SURVEY

Tracts of land in the Northeast Quarter of Section 17, Township 9
South, Range 22 East of the 6th P.M., Leavenworth County, Kansas.

BOUNDARY LINE ADJUSTMENT

PID NO. 104-17...001

PREPARED FOR:

LAVERY,EDWARD H III & KRAUSS,KIMBERLY S
17208 EISENHOWER RD
LEAVENWORTH, KS 66048
PID NO. 104-17-0-00-00-020

WALKER, TONY
17200 EISENHOWER RD
LEAVENWORTH, KS 66048
PID NO. 104-17-0-00-00-019

SURVEYOR'S DESCRIPTION:

TRACT 1:

A Tract of land in the Northeast Quarter of Section 17, Township 9 South, Range 22 East of the 6th P.M. Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on July 6, 2025, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence South 87 degrees 55'15" West for a distance of 703.96 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence South 87 degrees 55'15" West along said South line for a distance of 295.86 feet; thence North 02 degrees 05'41" West for a distance of 1213.41 feet; thence North 88 degrees 22'43" East for a distance of 278.81 feet; thence South 02 degrees 06'34" East for a distance of 559.22 feet; thence South 14 degrees 12'32" East for a distance of 283.23 feet; thence South 06 degrees 51'33" West for a distance of 273.37 feet; thence South 02 degrees 06'34" East for a distance of 105.00 feet to the point of beginning, Together with and subject to covenants, easements, and restrictions of record. Said property contains 8.23 acres, more or less, including road right of ways. Error of Closure - 1 : 999999

TRACT 2:

A Tract of land in the Northeast Quarter of Section 17, Township 9 South, Range 22 East of the 6th P.M. Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on July 6, 2025, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence \ South 87 degrees 55'15" West for a distance of 404.31 feet along the South line of said Northeast Quarter to the TRUE POINT OF BEGINNING; thence continuing South 87 degrees 55'15" West along said South line for a distance of 299.65 feet; thence North 02 degrees 06'34" West for a distance of 105.00 feet; thence North 06 degrees 51'33" East for a distance of 273.37 feet; thence North 14 degrees 12'32" West for a distance of 283.23 feet; thence North 02 degrees 06'34" West for a distance of 559.22 feet; thence North 88 degrees 22'43" East for a distance of 328.30 feet; thence South 01 degrees 32'45" East for a distance of 1208.61 feet; to the point of beginning, Together with and subject to covenants, easements, and restrictions of record. Said property contains 8.49 acres, more or less, including road right of ways. Error of Closure - 1 : 999999

TRANSFER TRACT A:

A Tract of land in the Northeast Quarter of Section 17, Township 9 South, Range 22 East of the 6th P.M. Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on July 6, 2025, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence South 87 degrees 55'15" West for a distance of 703.96 feet along the South line of said Northeast Quarter; thence North 02 degrees 06'34" West for a distance of 105.00 feet to the TRUE POINT OF BEGINNING; thence North 02 degrees 06'34" West for a distance of 468.84 feet; thence South 14 degrees 12'32" East for a distance of 203.32 feet; thence South 06 degrees 51'33" West for a distance of 273.37 feet to the point of beginning; Together with and subject to covenants, easements, and restrictions of record. Said property contains 0.23 acres, more or less, including road right of ways. Error of Closure - 1 : 104884

TRANSFER TRACT B:

A Tract of land in the Northeast Quarter of Section 17, Township 9 South, Range 22 East of the 6th P.M. Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on July 6, 2025, more fully described as follows: Commencing at the Southeast corner of said Northeast Quarter; thence South 87 degrees 55'15" West for a distance of 703.96 feet along the South line of said Northeast Quarter; thence North 02 degrees 06'34" West for a distance of 573.84 feet to the TRUE POINT OF BEGINNING; thence North 14 degrees 12'32" West for a distance of 79.91 feet; thence North 02 degrees 06'34" West for a distance of 559.22 feet; thence North 88 degrees 22'43" East for a distance of 16.75 feet; thence South 02 degrees 06'34" East for a distance of 637.22 feet; to the point of beginning; Together with and subject to covenants, easements, and restrictions of record. Said property contains 0.23 acres, more or less, including road right of ways. Error of Closure - 1 : 164445

RATIFICATION BY COUNTY STAFF

This tract split, as described and shown above, has been submitted to and approved by the following County Staff persons this _____ day of _____ 2025.

Planning Chairperon _____
Jeff Spink

NOTARY CERTIFICATE

Be it remember that on this _____ day of _____ 2025, before me, a notary public in and for said County and State came Jeff Spink, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

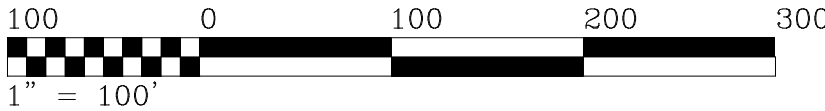
NOTARY PUBLIC _____

My Commission Expires: _____
(seal)



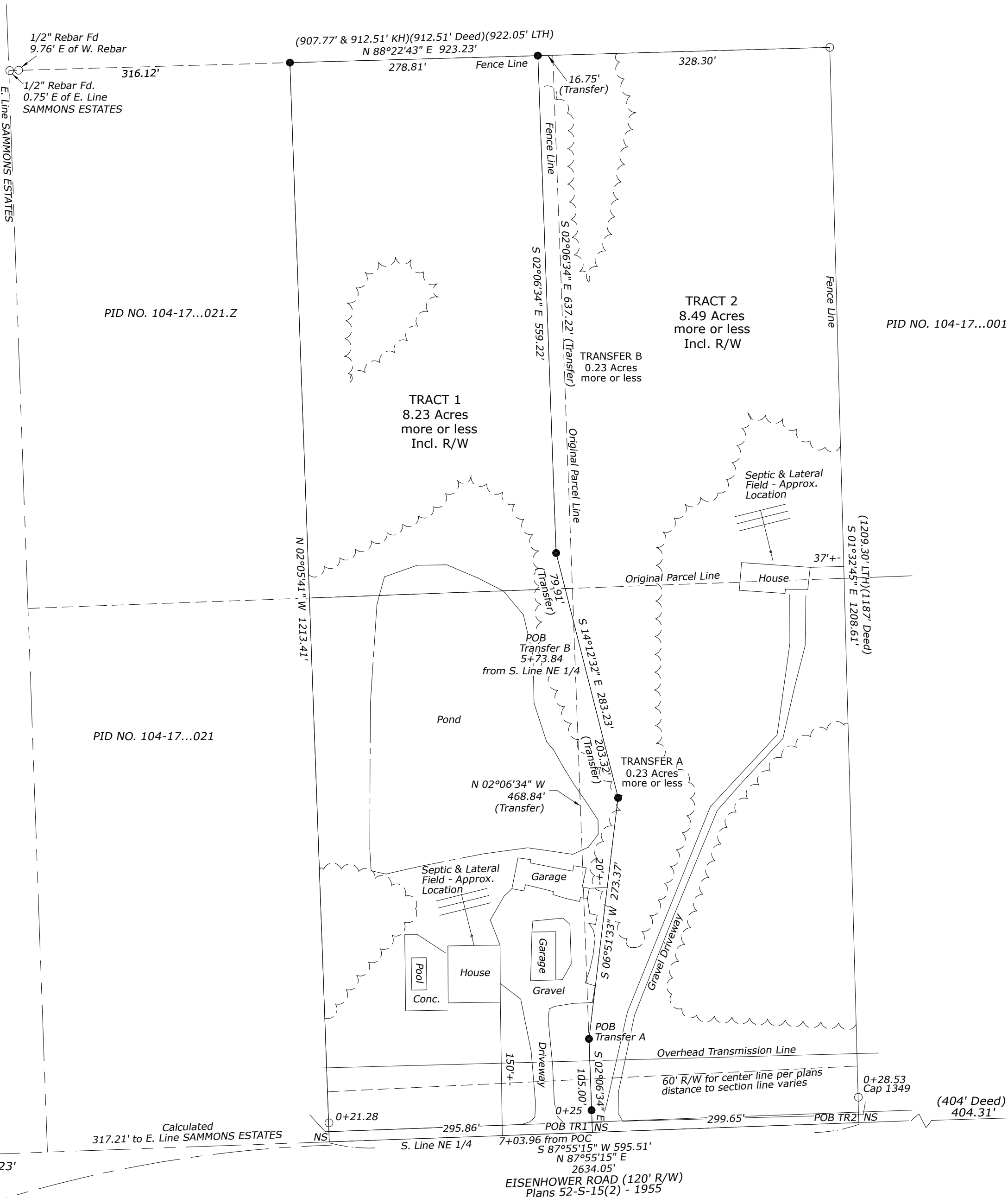
Scale 1" = 100'

Job # K-25-1889
July 6, 2025 Rev. Aug. 8, 2025



I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363
County Surveyor



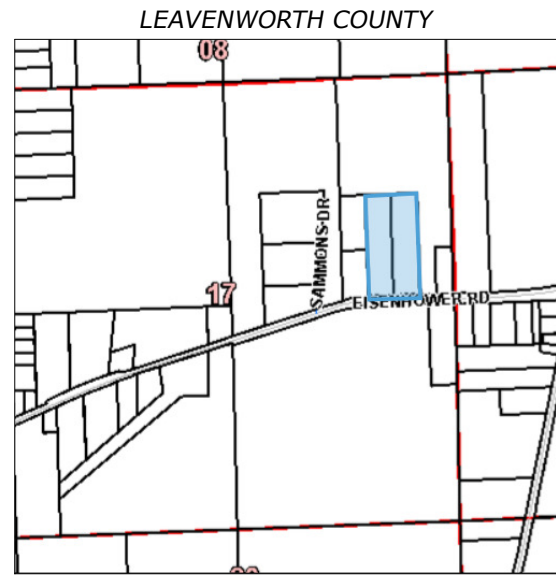
ZONE: RR-2.5

NOTES:

- 1) This survey does not show ownership or easements, per agreement with client
- 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
- 3) All record and measured distances are the same, unless otherwise noted.
- 4) Error of Closure - See Surveyor's Description
- 5) Basis of Bearing - KS SPC North Zone 1501
- 6) Monument Origin Unknown, unless otherwise noted.
- 7) Referenced Surveys -
KH - K.Herring Survey Bk 13 Pg 70, 1984 NKA1984S070
JAH - J.A.Herring Plat SAMMONS ESTATES Doc. #2021P00011
LTH - L.T.Hahn Survey Doc. #2017S035
- 8) Road Records - See Survey
- 9) Referenced Deed Document #2013R00577 #2025R01099
- 10) Survey prepared without the benefit of a title commitment.
- 11) Fence Lines do not necessarily denote property lines.
- 12) Structures are shown in approximate location.
- 13) Property is not in a Special Flood Hazard Area per FEMA FIRM Map 20103C0150G dated July 16, 2015
- 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.
- 15) Exception to regulation Article 50, Section 40.3.i. Lot-width to lot-depth was granted by the Leavenworth County Planning Commission for Tracts 1 and 2.

LEGEND:

- - 1/2" Rebar Set with Cap No.1296
- - 1/2" Rebar Found, unless otherwise noted.
- POB - Point of Beginning
- POC - Point of Commencing
- ~ - Tree/Brush Line
- NS - Not Set this Survey per agreement with client



POC
9L
SE Cor NE 1/4
Section 17-9-22
1/2" Pipe



I hereby certify that this survey was made by me, or under my direct supervision, on the ground during the dates of May through July 2025 and this map or plat is correct to the best of my knowledge.

Joseph A. Herring
PS # 1296

ARTICLE 56 – EXCEPTIONS

Where in the case of a particular proposed subdivision, it can be shown that strict compliance with the requirements of these regulations would result in extraordinary hardship to the subdivider because of unusual topography or other non-self-inflicted conditions; or that these conditions would result in inhibiting the achievement of the objectives of these regulations; the Planning Commission may vary, modify or waive the requirements so that substantial justice may be done and the public interest secured; provided, that such variance, modification or waiver will not have the effect of nullifying the intent and purpose of these regulations or interfering with carrying out the Comprehensive Plan.

In recommending such variance or exception, the Planning Commission shall find the following:

1. That there are special circumstances or conditions affecting the property.
2. That the variance or exception is necessary for the reasonable and acceptable development of the property in question.
3. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

Exception for Width to Depth for Tract 1 and 2

- 1) Both Tract 1 and 2 exist with width to depth ratio issues. Neither tract adjusted their width or depth in this process.
- 2) Yes it is necessary for the realignment to eliminate encroachments on subject properties.
- 3) It will not be detrimental to the public welfare or injurious to adjacent property.

BOUNDARY LINE ADJUSTMENT

WALKER, TONY
17200 EISENHOWER RD
LEAVENWORTH, KS 66048
PID NO. 104-17-0-00-00-019

SRR

Joseph A. Herring
PS # 1296

**LEAVENWORTH COUNTY
PLANNING COMMISSION
STAFF REPORT**

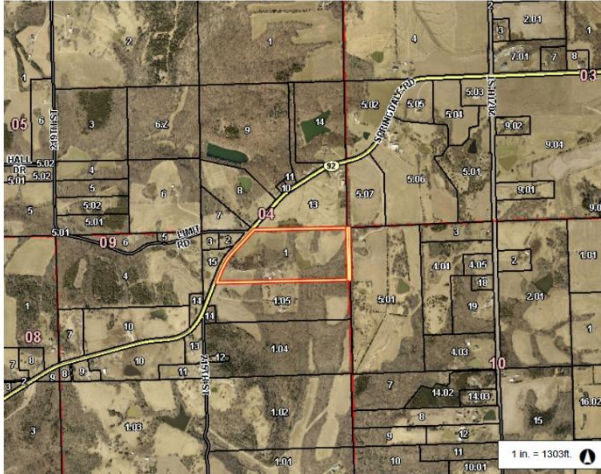
CASE NO: DEV-25-074 Van Zee Rezone

August 13, 2025

REQUEST: *Public Hearing Required*

☒ ZONING AMENDMENT ☐ SPECIAL USE PERMIT
☐ TEMPORARY SPECIAL USE PERMIT

SUBJECT PROPERTY: 21443 Springdale Rd.



STAFF REPRESENTATIVE:

JOSHUA SCHWEITZER
Development Planner

APPLICANT/APPLICANT AGENT:

Joe Herring
Herring Surveying Company

PROPERTY OWNER:

Scott & Michelle Van Zee
21443 Springdale Rd.
Easton, KS 66020

CONCURRENT APPLICATIONS:
N/A

LAND USE

ZONING: RR-5 to RR-2.5

FUTURE LAND USE
DESIGNATION: RR-2.5

SUBDIVISION: N/A

FLOODPLAIN: N/A

LEGAL DESCRIPTION:

Tracts of land in the Northeast quarter of Section 9, Township 9 South, Range 21 East of the 6th PM, in Leavenworth County, Kansas

STAFF RECOMMENDATION: APPROVAL

PROPERTY INFORMATION

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-074, Rezone for Van Zee, to the Board of County Commission, with or without conditions; or
2. Recommend denial of Case No. DEV-25-074, Rezone for Van Zee, to the Board of County Commission for the following reasons; or
3. Continue the hearing to another date, time, and place.

PARCEL SIZE: 45 & .80 ACRES

PARCEL ID NO:
112-09-0-00-00-001 & 112-10-0-00-00-006

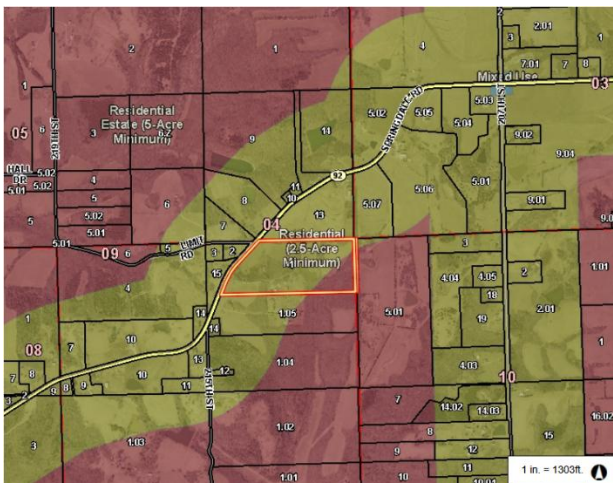
BUILDINGS:
Existing House & Outbuildings

PROJECT SUMMARY:

Request to rezone parcels at 17210 Hemphill Rd & 00000 Linwood Road (PID: 188-28-0-00-00-010 & 188-28-0-00-00-011).

ACCESS/STREET:
Springdale Rd, State, Paved, $\pm 28'$;

Location Map: Future Land Use Designation Map



UTILITIES

SEWER: SEPTIC

FIRE: Alexandria

WATER: RWD #5

ELECTRIC: Freestate

NOTICE & REVIEW:

STAFF REVIEW: 8/5/2025

NEWSPAPER NOTIFICATION:
7/17/2025

NOTICE TO SURROUNDING
PROPERTY OWNERS:
7/23/2025

FACTORS TO BE CONSIDERED: <i>Type content in each if necessary (delete this afterwards)</i>		
The following factors are to be considered by the Planning Commission and the Board of County Commissioners when approving or disapproving this Rezone request:	Met	Not Met
1. Character of the Neighborhood: <i>Density:</i> Surrounding parcels range in size from one acre to more than 78 acres. The area is not densely populated. <i>Nearby City Limits:</i> Easton is more than four miles to the northwest. <i>Initial Growth Management Area:</i> This parcel is located within the Rural Growth Area.	X	
2. Zoning and uses of nearby property: <i>Adjacent Uses:</i> Most of the adjacent parcels are residential and agricultural in nature. <i>Adjacent Zoning:</i> All adjacent properties are zoned RR-5, but there are properties that are 1-3 acres in size that does match current zoning.	X	
3. Suitability of the Property for the uses to which is has been restricted: The property is suitable for rural residences and agricultural uses.	X	
4. Extent to which removal of the restrictions will detrimentally affect nearby property: <i>Nearby properties are unlikely to be negatively impacted as the proposed rezoning remains rural residential.</i>	X	
5. Length of time the property has been vacant as zoned: <input type="checkbox"/> Vacant: <input checked="" type="checkbox"/> Not Vacant: The parcel has an existing house and outbuildings	X	
6. Relative gain to economic development, public health, safety and welfare: The rezoning does not impact economic development, public health, safety or welfare. In the event the parcel were to be developed as a rural subdivision, an additional number homes could potentially be constructed which may have a positive impact on economic development.	X	
7. Conformance to the Comprehensive Plan: <i>Future Land Use Map:</i> Rural Residential – 2.5 acre <i>Section 4 Land Use and Development Plan Strategies:</i> The proposed use is compatible with the future land use designation.	X	

STAFF COMMENTS:

The applicants are requesting a rezoning from Rural-Residential 5 to Rural-Residential 2.5 for both parcels. Surrounding parcels are residential and agricultural in nature but are primarily 5 acres or greater in size. However, there are properties within the 1000-foot buffer zone that have 1-3 acres, which does not match the current zoning. The Comprehensive Plan identifies the future land use of this area as RR-2.5. When taking all factors into account, staff is supportive of the request.

PROPOSED MOTIONS:

1. Approve case DEV-25-074, a request to rezone the property at 21443 Springdale Rd. (as presented) from RR-5 to RR-2.5 with Findings of Fact with a majority vote; or

Motion: Chairman, I find that the rezoning request complies with the Golden Factors and move to recommend approval to the Board of County Commissioners of the request as outlined in Case DEV-25-074 based on the recommendation of Planning Staff and the findings as set forth in the Staff Report.

2. Deny case DEV-25-074, a request to rezone the property at 21443 Springdale Rd (as presented) from RR-5 to RR-2.5 without Findings of Fact with a majority vote; or

Motion: Chairman, I find that the rezoning request does not comply with Golden Factors (LIST FACTORS) and move to recommend denial to the Board of County Commissioners as outlined in Case DEV-25-074.

3. Table the case to a date and time certain for additional information.

Motion: Chairman, I move to table Case No. DEV-25-074 to (Date and Time) requesting additional information for (STATE THE REASON(S)).

ATTACHMENTS:

A: Application & Narrative

B: Zoning Map

C: Memorandums

REZONING APPLICATION

Leavenworth County Planning Department
300 Walnut, St., Suite 212
County Courthouse
Leavenworth, Kansas 66048
913-684-0465

Office Use Only

Township: _____ Date Received: _____
Planning Commission Date _____
Case No. _____ Date Paid _____
Zoning District _____ Comprehensive Plan Land Use Designation _____

APPLICANT/AGENT INFORMATION

NAME Joe Herring
ADDRESS 315 North 5th Street
CITY/ST/ZIP Leavenworth, KS 66048
PHONE 913-651-3858
EMAIL herringsurveying@outlook.com
CONTACT PERSON Joe

OWNER INFORMATION (If different)

NAME VAN ZEE, SCOTT R & MICHELLE J
ADDRESS 21443 SPRINGDALE RD
CITY/ST/ZIP Easton, KS 66020
PHONE N/A
EMAIL N/A
CONTACT PERSON Joe

PROPOSED USE INFORMATION

Proposed Land Use Agriculture and Rural Residential
Current Zoning RR-5 Requested Zoning RR 2.5
Reason for Requesting Rezoning To match future use plan while creating 2 new build site for family and keeping the majority of the property with the current farm.

PROPERTY INFORMATION

Address of Property 21443 SPRINGDALE RD
Parcel Size 45 Acres
Current use of the property Agriculture and Rural Residential
Present Improvements or structures Agriculture Structures and Residence
PID 112-09-0-00-00-001

I, the undersigned am the (*owner*), (*duly authorized agent*), (*Circle One*) of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for rezoning as indicated above.

Signature Joe Herring - digitally signed 6-30-25 Date 6/30/25

ATTACHMENT A

Entered in the transfer record in my office this

31 day of March 2017
Janet Klamm
County Clerk
by B. Jones

Kansas Secured Title
360 Santa Fe
Leavenworth, KS 66048

TX0011658

GENERAL WARRANTY DEED
(Statutory)

John L. Robinson and Genise L. Robinson, husband and wife

convey and warrant to

Scott R. Van Zee and Michelle J. Van Zee, husband and wife, as joint tenants with the right of survivorship and not as tenants in common all the following REAL ESTATE in the County of LEAVENWORTH, and the State of Kansas, to-wit:

PARCEL I

The Northeast Quarter of Section 9, Township 9 South, Range 21 East of the Sixth P.M., less one and a half acres, more or less, described as follows: Beginning at a point 78 rods North of the Southwest corner of said Quarter Section; thence East 13 rods; thence South 18 rods; thence West 13 rods to the West boundary line of said Quarter Section; thence North 18 rods on the West line of said Quarter Section to the place of beginning. Also excepting a 10 acre tract, more or less, or that part lying North and West of Kansas State Highway 92, less any part taken or used for road, in Leavenworth County, Kansas.

Also excepting:

A tract of land in the South Half of the Northeast Quarter of Section 9, Township 9 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, more fully described as follows: Beginning at the Southwest corner of said Northeast Quarter; thence North 01° 57' 31" West, an assumed bearing, for a distance of 1,000.00 feet along the West line of said Northeast Quarter to the Southwest corner of cemetery tract recorded in Deed Book 469, Page 785; thence North 87° 45' 57" East for a distance of 2650.46 feet along the South line of said cemetery tract and extending Eastward to the East line of said Northeast Quarter, said point being a 1/2" Bar with Cap No. 1296; thence South 02° 26' 37" East for a distance of 1,000.00 feet along said East line to the Southeast corner of said Northeast Quarter, said point being a survey stone found; thence South 87° 45' 57" West for a distance of 2658.93 feet along the South line of said Northeast Quarter to the point of beginning.

0359

And also excepting:

A tract of land in the Northeast Quarter of Section 9, Township 9 South, Range 21 East of the 6th P.M. Leavenworth County, Kansas, more fully described as follows: Commencing at the Southwest corner of said Northeast Quarter; thence North 01° 57' 31" West, an assumed bearing, for a distance of 1,000.00 feet along the West line of said Northeast Quarter to the Southwest corner of the Bethel Cemetery property recorded in Deed Book 469, Page 785; thence North 87° 45' 57" East for a distance of 214.00 feet along the South line of said Bethel Cemetery to the TRUE POINT OF BEGGING; thence North 01° 57' 31" West for a distance of 297.00 feet along the East line of said Bethel Cemetery to a 1/2" Bar with Cap No. 1296; thence South 87° 45' 57" West for a distance of 182.76 feet along the North line of said Bethel Cemetery to the existing center line of said K-92 Highway as established from the center line markings: thence Northeasterly for a distance of 459.78 feet along said existing center line of said Highway as established from the center line markings; thence North 87° 45' 57" East for a distance of 2434.97.10 feet to the East line of said Northeast Quarter, said point being a 1/2" Bar with Cap No. 1296; thence South 02° 26' 37" East for a distance of 720.00 feet along said East line to a 1/2" Bar with Cap No. 1296; thence South 87° 45' 57" West for a distance of 2436.46 feet to the point of beginning. Intent of above legal description to described a tract of land being bounded on the West by the Easterly right-of-way of K-92 Highway, on the South by property owned by Joel Uptain, and bordering the lines of the Bethel Cemetery property deeded in Book 469, Page 785. K-92 is a state highway that has a 66 foot right-of-way. No recorded information was discovered from the Leavenworth County Register of Deeds, KDOT or the Kansas Bureau of Right-of-ways referencing the deed for said right-of-way. The above legal description describes the center line of the existing pavement and center line markings of said K-92 Highway. As per survey dated March 6, 2002 by Herring Surveying #K-01-111.

AND

PARCEL II

A strip of land 30 feet wide and the full length North and South off the West side of the Northwest 1/4 of Section 10, Township 9 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

LESS

The South 1720 feet of the West 30 feet of the Northwest 1/4 of Section 10, Township 9 South, Range 21 East of the 6th P.M., in Leavenworth County, Kansas.

for the sum of one dollar and other good and valuable consideration.

EXCEPT AND SUBJECT TO: Easements, restrictions and assessments of record, and all the taxes and assessments that may be levied, imposed or become payable hereafter.

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner
COUNTY OF LEAVENWORTH
STATE OF KANSAS

We/I Scott Van Zee and Michelle Van Zee

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
21443 Springdale Rd Easton KS 66020, and that we authorize the
following people or firms to act in our interest with the Leavenworth County Planning
and Zoning Department for a period of one calendar year. Additionally, all statements
herein contained in the information herewith submitted are in all respects true and correct
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring - Herring Surveying Company 315 N. 5th Street, Leavenworth,
KS 66048, 913-651-3858

2)

Signed and entered this 22 day of April, 2025
Michelle Van Zee, 21443 Springdale Rd Easton KS 66020 620-546-7821
Scott Van Zee 21443 Springdale Rd Easton KS 66020 630-546-4131

Print Name, Address, Telephone

Scott Van Zee Michelle Van Zee
Signature

STATE OF KANSAS)

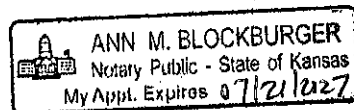
) SS

COUNTY OF LEAVENWORTH)

Be it remembered that on this 22 day of April, 2025, before me, a notary public in and
for said County and State came Scott & Michelle Van Zee to me
personally known to be the same persons who executed the forgoing instrument of writing, and
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand
and affixed my notary seal the day and year above written.

NOTARY PUBLIC

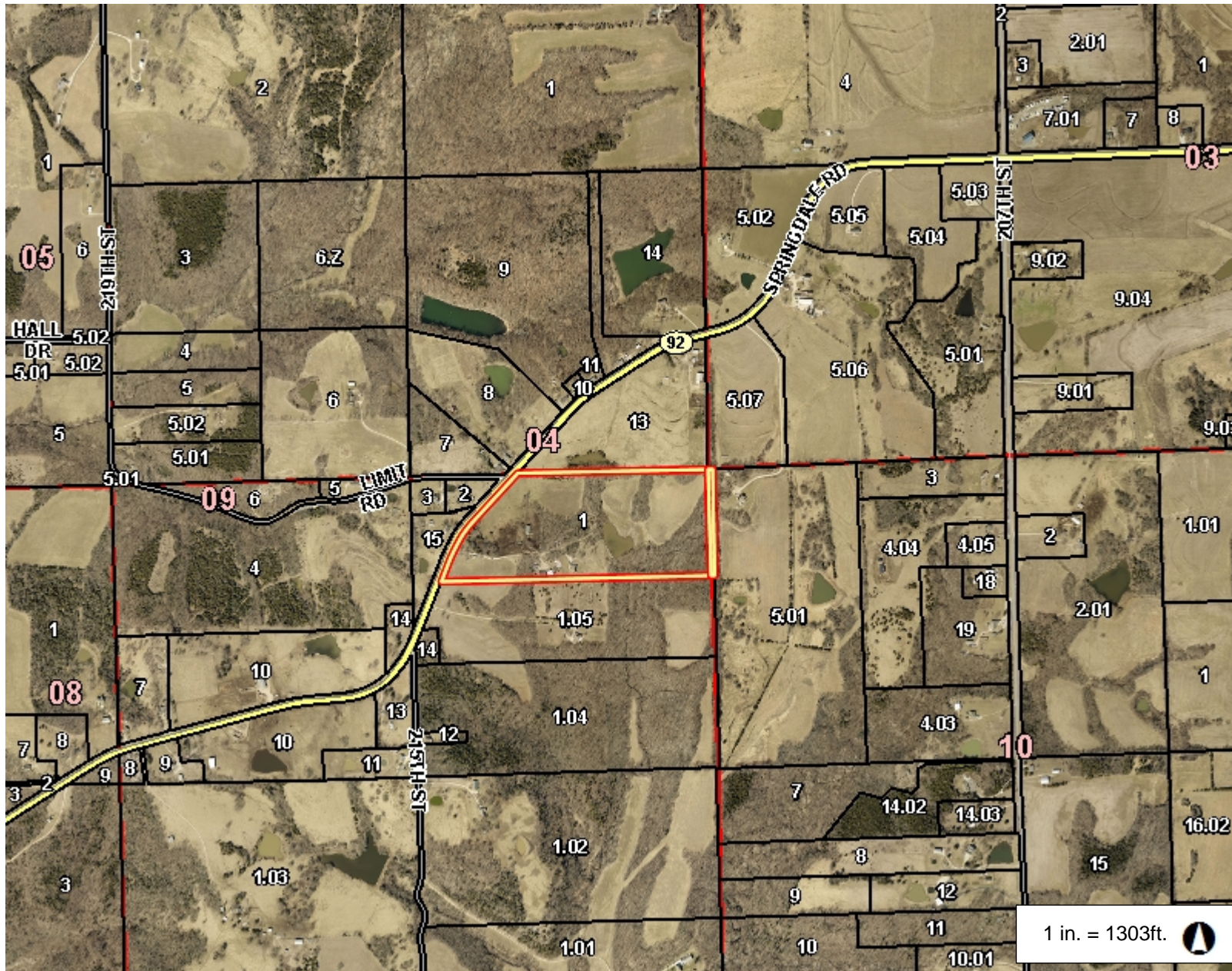
Ann M. Blockburger



My Commission Expires: 07/21/2027

(seal)

Leavenworth County, KS



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary

Notes

1 in. = 1303ft.

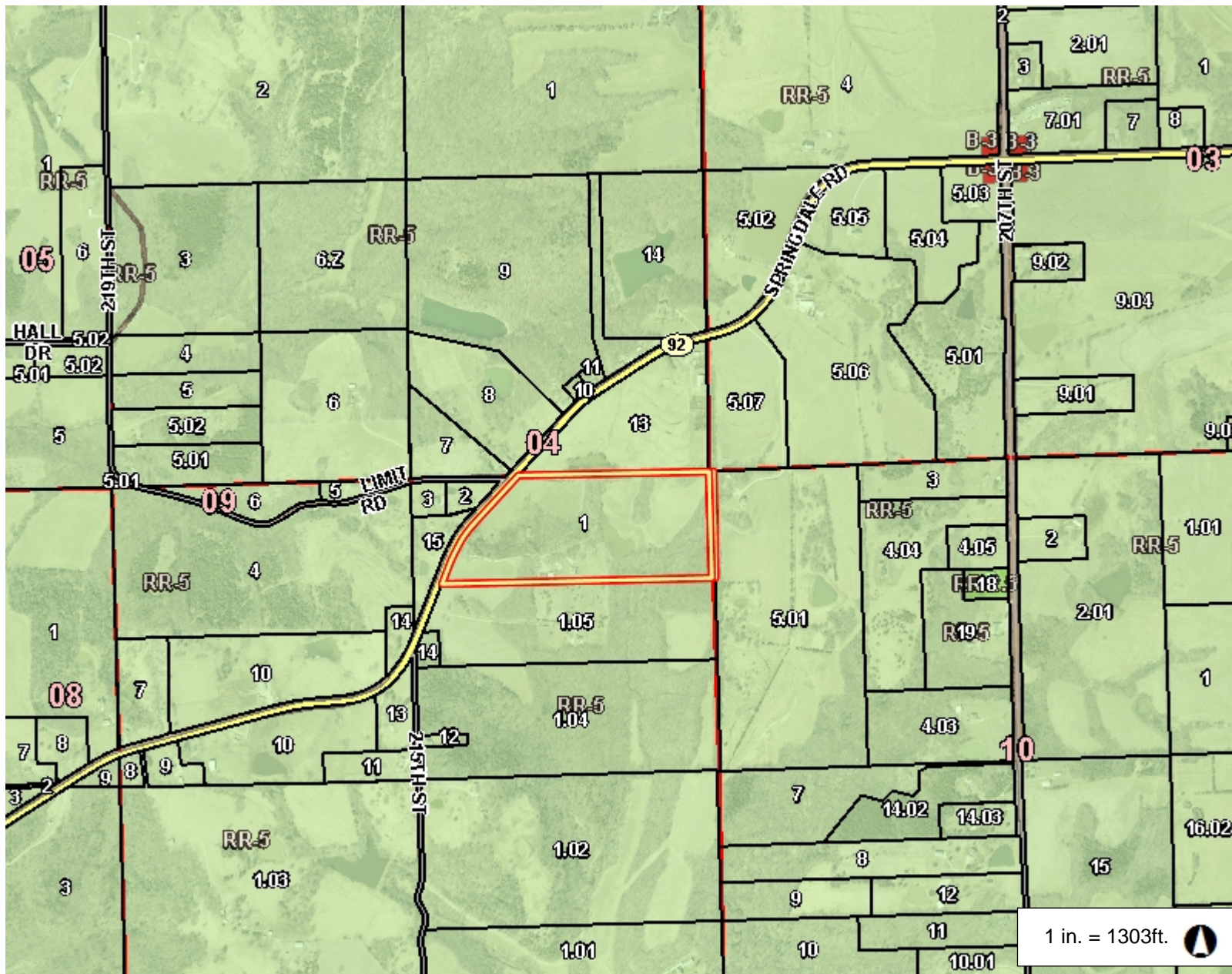


2,606.3 0 1,303.15 2,606.3 Feet

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

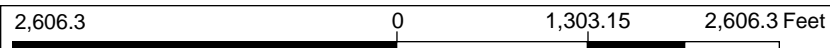
Leavenworth County, KS



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
 - <all other values>
 - 70
- Road
 - <all other values>
 - PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
 - B-1
 - B-2
 - B-3
 - I-1
 - I-2
 - I-3
 - MXD
 - PC
 - PI
 - PR-1
 - PR-2
 - PR-3

Notes



This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

20

, KS 66020-



Schweitzer, Joshua

From: McAfee, Joe
Sent: Monday, July 7, 2025 2:11 PM
To: Schweitzer, Joshua; Brown, Misty; Khalil, Jon; Noll, Bill
Cc: PZ
Subject: RE: DEV-25-074 Rezone for Van Zee (Herring)

Josh,
PW Engineering has no comment on the RZ.

From: Schweitzer, Joshua
Sent: Tuesday, July 1, 2025 9:58 AM
To: Magaha, Chuck ; Miller, Jamie ; Dedeke, Andrew ; Brown, Misty ; Khalil, Jon ; Noll, Bill ; McAfee, Joe ; 'Steven Taylor [KDOT]' ; 'bolson642@gmail.com' ; 'tmgoetz@stjoewireless.com' ; 'rwd5leavenworthctyks@gmail.com' ; 'linedepartment@freestate.coop'
Cc: PZ
Subject: DEV-25-074 Rezone for Van Zee (Herring)

Good Morning,

The Department of Planning and Zoning has received an application for a rezoning regarding the property at 21443 Springdale Rd. from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by July 16, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov .

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

Schweitzer, Joshua

From: Anderson, Kyle
Sent: Wednesday, July 9, 2025 10:05 AM
To: Schweitzer, Joshua
Subject: RE: DEV-25-074 Rezone for Van Zee (Herring)

Follow Up Flag: Follow up
Flag Status: Flagged

We have not received any complaints on this property.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Schweitzer, Joshua
Sent: Tuesday, July 1, 2025 9:58 AM
To: Magaha, Chuck ; Miller, Jamie ; Dedeke, Andrew ; Brown, Misty ; Khalil, Jon ; Noll, Bill ; McAfee, Joe ; 'Steven Taylor [KDOT]' ; 'bolson642@gmail.com' ; 'tmgoetz@stjoewireless.com' ; 'rwd5leavenworthctyks@gmail.com' ; 'linedepartment@freestate.coop'
Cc: PZ
Subject: DEV-25-074 Rezone for Van Zee (Herring)

Good Morning,

The Department of Planning and Zoning has received an application for a rezoning regarding the property at 21443 Springdale Rd. from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by July 16, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov.

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212

Schweitzer, Joshua

From: Dedেকে, Andrew
Sent: Tuesday, July 1, 2025 10:13 AM
To: Schweitzer, Joshua
Subject: RE: DEV-25-074 Rezone for Van Zee (Herring)

The sheriff's office has no objection.

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Tuesday, July 1, 2025 9:58 AM
To: Magaha, Chuck <cmagaha@lvsheriff.org>; Miller, Jamie <JMiller@leavenworthcounty.gov>; Dedেকে, Andrew <adedেকে@lvsheriff.org>; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; 'bolson642@gmail.com' <bolson642@gmail.com>; 'tmgoetz@stjoewireless.com' <tmgoetz@stjoewireless.com>; 'rwd5leavenworthctyks@gmail.com' <rwd5leavenworthctyks@gmail.com>; 'linedepartment@freestate.coop' <linedepartment@freestate.coop>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: DEV-25-074 Rezone for Van Zee (Herring)

Good Morning,

The Department of Planning and Zoning has received an application for a rezoning regarding the property at 21443 Springdale Rd. from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by July 16, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov.

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

Schweitzer, Joshua

From: Tim Goetz <tmgoetz@stjoewireless.com>
Sent: Wednesday, July 2, 2025 8:57 AM
To: Schweitzer, Joshua
Cc: RWD5 Leavenworth Cty KS; Joe Herring
Subject: RE: DEV-25-074 Rezone for Van Zee (Herring)

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

RWD #5 does have a water main running parallel to Springdale Rd. I didn't see it on the drawing. Ask Joe Herring to show water easement. Thanks. If you have any questions please call me at 913-704-5899

From: "Schweitzer, Joshua"
Sent: 7/1/25 9:58 AM
To: "Magaha, Chuck" , "Miller, Jamie" , "Dedeke, Andrew" , "Brown, Misty" , "Khalil, Jon" , "Noll, Bill" , "McAfee, Joe" , "Steven Taylor [KDOT]" , "bolson642@gmail.com" , "tmgoetz@stjoewireless.com" , "rwd5leavenworthctyks@gmail.com" , "linedepartment@freestate.coop"
Cc: PZ
Subject: DEV-25-074 Rezone for Van Zee (Herring)

Good Morning,

The Department of Planning and Zoning has received an application for a rezoning regarding the property at 21443 Springdale Rd. from RR-5 to RR-2.5.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by July 16, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov .

v / r

Joshua J. Schweitzer

Development Planner

Leavenworth County Planning & Zoning

300 Walnut St, Suite 212

Leavenworth County, Kansas 66048

(913) 684-0465

Schweitzer, Joshua

From: Steven Taylor [KDOT] <Steven.Taylor@ks.gov>
Sent: Monday, July 14, 2025 11:05 AM
To: Schweitzer, Joshua
Subject: RE: DEV-25-074 Rezone for Van Zee (Herring)

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

No Comments.

Steve Taylor Utility Coordinator
O:913-942-3049

Kansas Department of Transportation
District 1 Area 3
650 north K-7 Highway
Bonner Springs, Ks.
Steven.taylor@ks.gov | www.ksdot.gov
Follow Us: [Facebook](#) | [X \(formerly Twitter\)](#)



CONFIDENTIALITY AND PRIVILEGE NOTICE

This email message, including attachments, if any, is intended for the person or entity to which it is addressed and may contain confidential and/or privileged information. Any unauthorized review, use or disclosure is prohibited. If you are not the intended recipient, please contact the sender and destroy the original message, including all copies.

From: Schweitzer, Joshua
Sent: Monday, July 14, 2025 10:37 AM
To: Steven Taylor [KDOT] ; 'bolson642@gmail.com' ; 'linedepartment@freestate.coop'
Cc: Jacobson, John ; Allison, Amy
Subject: FW: DEV-25-074 Rezone for Van Zee (Herring)

EXTERNAL: This email originated from outside of the organization. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Just following up to see if you wanted to provide any comments for the above mentioned case.

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212

Schweitzer, Joshua

From: Gary Willits <gary.willits@freestate.coop>
Sent: Wednesday, July 16, 2025 6:59 AM
To: Schweitzer, Joshua
Subject: RE: DEV-25-074 Rezone for Van Zee (Herring)

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

FreeState Electric is fine with this property rezone request.
Thank you,
Gary Willits

Gary Willits
Staking Engineer



1-800-794-1989 | www.freestate.coop

From: Line Department
Sent: Tuesday, July 15, 2025 7:09 AM
To: Gary Willits
Subject: FW: DEV-25-074 Rezone for Van Zee (Herring)

From: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Sent: Monday, July 14, 2025 10:37 AM
To: 'Steven Taylor [KDOT]' <Steven.Taylor@ks.gov>; 'bolson642@gmail.com' <bolson642@gmail.com>; Line Department <linedepartment@freestate.coop>
Cc: Jacobson, John <JJacobson@leavenworthcounty.gov>; Allison, Amy <AAllison@leavenworthcounty.gov>
Subject: FW: DEV-25-074 Rezone for Van Zee (Herring)

Just following up to see if you wanted to provide any comments for the above mentioned case.

v / r

Joshua J. Schweitzer
Development Planner
Leavenworth County Planning & Zoning
300 Walnut St, Suite 212
Leavenworth County, Kansas 66048
(913) 684-0465

Schweitzer, Joshua

From: Frederick Hersey <fhersey@gmail.com>
Sent: Wednesday, July 23, 2025 2:10 PM
To: Schweitzer, Joshua
Subject: Re: DEV-25-074 Rezone for Van Zee (Herring)

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Mr. Schweitzer,

I've served as the fire chief of Alexandria since October. The wildland-urban interface presents a persistent challenge for fire departments. Open fields—such as 45 acres with a single house—are relatively straightforward to defend. Our focus is on protecting the structure and preventing the fire from jumping nearby roads.

However, when more parcels are introduced, that same land demands significantly greater manpower to safeguard each home. Compounding the issue, many property owners allow brush and debris to accumulate between parcels, which increases the available fuel load.

Last year, a fire broke out in the field behind the Walmart in Leavenworth. Under red flag conditions, that fire quickly threatened more than 20 homes. The surrounding houses directly bordered the burning field, placing them squarely in the path of the advancing flames. Leavenworth doesn't have enough fire protection to extinguish 20 homes simultaneously.

I hope that helps.

v/r,

Fred

On Wed, Jul 23, 2025 at 1:56 PM Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov> wrote:

Sir,

Also, I have two follow on questions. Will you be taking over as the fire chief for the Alexandria Township? The next question is could you describe what you mean by “significant exposure to wildland-urban interface?”

v / r

Joshua J. Schweitzer

Development Planner

Leavenworth County Planning & Zoning

300 Walnut St, Suite 212

Leavenworth County, Kansas 66048

(913) 684-0465

From: Frederick Hersey <fhersey@gmail.com>
Sent: Wednesday, July 23, 2025 12:52 PM
To: Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov>
Subject: Re: DEV-25-074 Rezone for Van Zee (Herring)

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

I apologize, this is my first time working with zoning. I'm fine with the proposed two plots at 2.5 with the remaining partial being at 5. I'm concerned about converting 45 acres to 2.5. It comes down to density generating either an exposure issue with structure fire or significant exposure to wildland-urban interface. There is also a lack of fire hydrants to offset the additional fire load.

v/r,

Fred

On Wed, Jul 23, 2025 at 12:37 PM Schweitzer, Joshua <JSchweitzer@leavenworthcounty.gov> wrote:

Sir,

The concept drawing that was attached is what they were proposing to do with the land. I believe they are splitting property off for family.

v / r

Joshua J. Schweitzer

Development Planner

Leavenworth County Planning & Zoning

**LEAVENWORTH COUNTY
BOARD OF ZONING APPEALS
STAFF REPORT**

CASE NO: DEV-25-077 Pitts (**PUBLIC HEARING REQUIRED**)

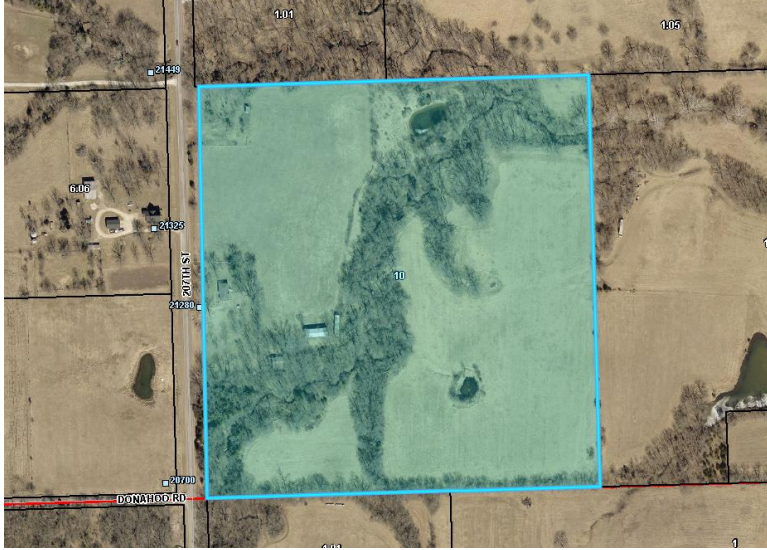
August 13, 2025

REQUEST: Variance from Zoning and Subdivision Regulations Art 41, Section 6 Exhibit B

STAFF REPRESENTATIVE:

Amy Allison
Deputy Director

SUBJECT PROPERTY: 21280 207th Street



APPLICANT/APPLICANT

AGENT:

JOE HERRING
Herring Surveying Co
315 N 5th Street
Leavenworth KS 66048

PROPERTY OWNER:

Helen E Pitts Revocable Trust
21280 207th Street
Tonganoxie KS 66086

CONCURRENT APPLICATIONS:

DEV-25-051 Tract Split

LAND USE

ZONING: RR-5

FUTURE LAND USE DESIGNATION:
RESIDENTIAL (2.5 acre minimum)

SUBDIVISION: N/A

FLOODPLAIN: Zone A

LEGAL DESCRIPTION:

A tract of land in the Southeast ¼ of the Southeast ¼ of Section 22, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas

PROPERTY INFORMATION

PARCEL SIZE: 38.5 Acres

PARCEL ID NO:
145-22-0-00-00-010.00

BUILDINGS:
Single-family residence and
accessory structures

ACCESS/STREET:
207th Street, County Arterial
±24' WIDE, PAVED

UTILITIES

SEWER: SEPTIC

FIRE: Stranger

WATER: RWD 9

ELECTRIC: Freestate

NOTICE & REVIEW:

STAFF REVIEW: 7/17/2025

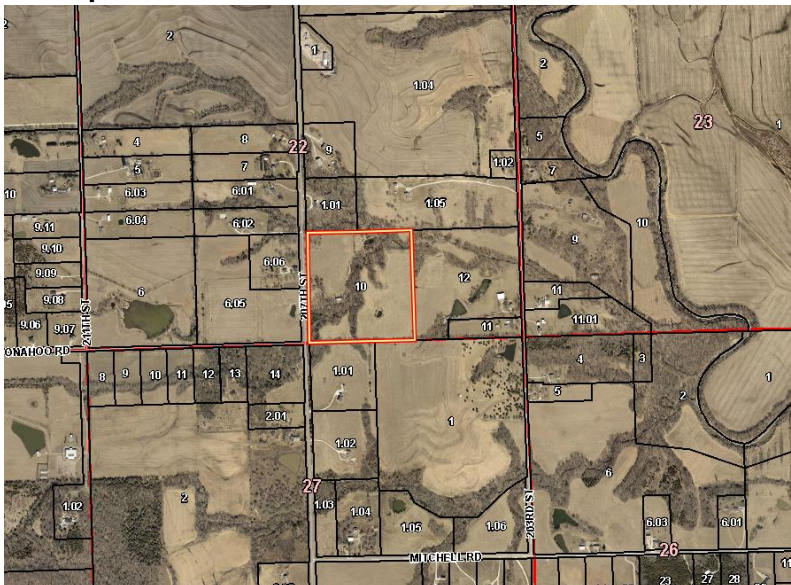
NEWSPAPER NOTIFICATION:
7/23/2025

NOTICE TO SURROUNDING
PROPERTY OWNERS:
7/22/2025

ACTION OPTIONS:

1. Recommend approval of Case No. DEV-25-, variance from the required road frontage; or
2. Recommend denial of Case No. DEV-25-, variance from the required road frontage; or
3. Continue the hearing to another date, time, and place.

Location Map:



FACTORS TO BE CONSIDERED:

A request for a variance may be granted in such individual case upon finding that all of the following conditions have been met (KS Statute 12-759)

- 1. The variance requested arises from such condition which is unique and which is not ordinarily found in the same zoning classification, and is created by the zoning regulations and not by an action of the property owner or the applicant;**

Developed properties with existing non-compliant field entrances are fairly common within the County. Once a property is further developed, an additional use or intensification of a use must become compliant with the current regulations at the time of modification. Desire to intensify a non-compliant use is an action of the owner, not a hardship created by the Zoning Regulations.

- 2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents;**

Allowing for the field entrance to be re-classified as a residential entrance will not only make the existing residential entrance of this property non-compliant with the spacing requirement, it will also make both entrances on the property to north non-compliant as well (see image below). If the northern property owner would like to modify their entrances in the future, they may have difficulty meeting the entrance spacing requirement.

- 3. The strict application of the provisions of the zoning regulations of which variance is requested will constitute unnecessary hardship upon the property owner represented in the application:**

As noted in the Public Works response, the owners can still utilize the existing residential entrance as a shared entrance for both proposed tracts of land. The property does have over 1322.05 feet of road frontage. Their road frontage can accommodate two entrances if the southern entrance was moved.

- 4. The variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare; and;**

The entrance spacing requirements are in place to insure safe access on public roadways. The larger spacing requirement allows additional time for vehicles accessing the roadway to view oncoming traffic which reduces the chance of collision. These viewsheds are more critical on high-volume roadways, which a Major Arterial Road is the highest classification of roadway for Leavenworth County roads. While there are existing entrances that are not compliant with the spacing requirement, if their grandfathered status is modified, such as subdividing further lots or tracts, their entrances must be brought into conformance with the regulations.

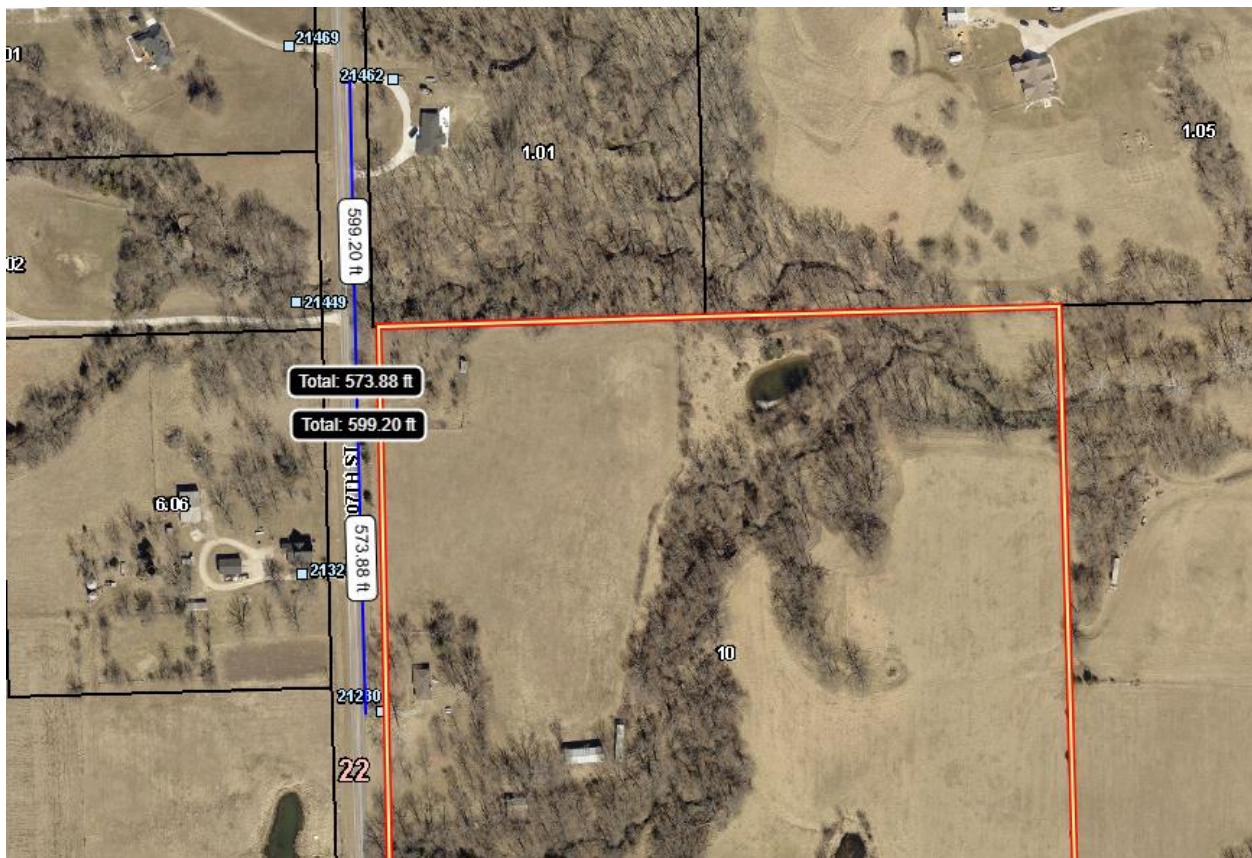
- 5. Granting the variance desired will not be opposed to the general spirit and intent of the zoning regulations**

The spirit and intent of the Zoning Regulations is to ensure new development within the county is designed in a manner to protect the safety of the public and protect the rights of adjoining property owners. This request reduces the spacing requirement for three entrances which increases the risk of collision and it would make both entrances of the adjoining property owner non-compliant.

STAFF COMMENTS:

The applicant is requesting a variance from Article 41, Section 6 Exhibit B, Requirements for Driveway Entrance Spacing. The parcel in question is fronted by 207th Street, which is designated a County Arterial Roadway. Furthermore, 207th Street is a high-volume roadway due to more than 1,000 trips generated per day on this section of road. Due to those two classifications, the roadway is considered a Major Arterial road and the driveway entrance spacing is 660 ft. between driveways. Spacing is

determined from driveways located on the same side of the road. This parcel currently has one residential entrance located approximately in the middle of their road frontage. An additional field entrance is located approximately 570 feet to the north of the residential entrance. The field entrance was originally installed as an entrance for an accessory dwelling unit. In 2005, it was noted that the occupancy of the ADU was in violation of County Regulations and the owners vacated the residence and removed the ADU from the parcel. Since no residence was re-established within 12 months of the removal of the ADU, the field entrance lost all development rights as a residential entrance, converting to a field entrance classification. The owners would now like to subdivide the parcel into two tracts via Tract Split. During the review of the Tract Split it was noted that the existing field entrance is not compliant with the roadway spacing requirement. Because the entrance lost its grandfathered status, use of the entrance as a residential entrance must now comply with current Zoning & Subdivision Regulations. Due to the existing driveway locations along the East side of 207th Street, no additional residential entrances can be placed north of the existing residential entrance. The applicant can share the existing entrance to benefit the proposed northern tract or change the location of the southern entrance to meet the requirement.



ATTACHMENTS:

- A: Application & Narrative
- B: Zoning Map
- C: Memorandums

BOARD OF ZONING APPEALS APPLICATION

Leavenworth County Planning and Zoning
300 Walnut, Suite 212
Leavenworth, Kansas 66048
913-684-0465

Office Use Only

Case No. _____
PID: _____
Township _____
BZA Hearing Date _____
ACTION _____ Date Received _____ Date Paid _____
Zoning District _____
Comprehensive Plan land use designation _____

APPLICANT/AGENT INFORMATION

NAME _____ Joe Herring
ADDRESS _____ 315 North 5th Street
CITY/ST/ZIP _____ Leavenworth, KS 66048
PHONE _____ 913-651-3858
EMAIL _____ herringsurveying@outlook.com

OWNER INFORMATION (If different)

NAME _____ HELEN E PITTS TRUST
ADDRESS _____ 21280 207th St
CITY/ST/ZIP _____ Tonganoxie, KS 66086
PHONE _____ N/A
EMAIL _____ N/A

GENERAL INFORMATION

Description of Appeal or Variance – Attach narrative addressing the Factor to be Considered (last page of application packet) to this application.

PROPERTY INFORMATION

Address of Property _____ 21280 207th Street
Parcel size _____ 40 Acres
Present improvements or structures _____ Residence and Ag Structures
Current use of the property? _____ Agriculture and Rural Residential Development

I, the undersigned, am the (circle one) owner/authorized agent, of the aforementioned property situated in the unincorporated portion of Leavenworth County, Kansas. By execution of my signature, I do hereby officially apply for an appeal/variance as indicated above.

Signature _____ Joe Herring - digitally signed 7-8-25 _____ Date _____ 7-8-25

ATTACHMENT A

Written Narrative Requirements

Written Narrative Description: A written narrative description of the proposed variance must be submitted that addresses:

FACTORS TO BE CONSIDERED

A request for a variance may be granted in such individual cases, upon finding that all the following conditions have been met (KS Statutes 12-759).

- (A) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;
- (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 zoning regulations of which 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 the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

(A) Property is a 40 Acre tract that has a residence constructed in 1968. In the early 90's a second driveway was constructed to the north and an accessory dwelling unit was placed in that area. The residence existed using the driveway for over 10 years while the son and his girlfriend resided at the location. The son passed and in 2005 Leavenworth County Planning & Zoning Department presented the owners a letter responding to a complaint that a non-family member was residing in the structure. The girlfriend was removed from the residence and the structure was removed from the location per the provided letter with statements of fines that could be assessed to the owners. No part of the letter addressed the removal of the existing driveway which still exists to date. Upon the passing of Helen Pitts it was determined in the trust that the land was to be divided into 2 equal tracts and dedicated to the appropriate parties. Each tract would have an existing entrance located on the proposed division.

ATTACHMENT C

(B) It will not - the driveway has again been in existence for over 30 years of which it was used for a residence for over 10 years. It will not affect adjacent owners since all should be aware of the entrance. Property to the North was Split in 2019 and has a circle driveway that was not questioned or realigned during the division of that property.

(C) Yes it would. Current suggestion by public works is to share the driveway that serves the existing house. This would cause a driveway to be constructed through the hill in front of the house or to wrap around the back of the house dividing that property with the new driveway. Would devalue the existing property and create an undesirable situation.

(D) It will not. Refer to statement (B) along with the acknowledgement that many of the driveways along 207th Street have a spacing less than 660 feet and under 300 feet in many instances.

(E) It does not. Driveways were constructed prior to the access management requirements. Have been allowed to remain since their installations.

AFFIDAVIT

Authorization of Contractors or Individuals to Act as Agents of a Landowner

COUNTY OF LEAVENWORTH

STATE OF KANSAS

Stephen J Pitts, Trustee
We/I For Helen E. Pitts and _____

Being dully sworn, dispose and say that we/I are the owner(s) of said property located at -
21280 207th Street Tonganoxie Ks., and that we authorize the
following people or firms to act in our interest with the Leavenworth County Planning
and Zoning Department for a period of one calendar year. Additionally, all statements
herein contained in the information herewith submitted are in all respects true and correct
to the best of our knowledge and belief.

Authorized Agents (full name, address & telephone number)

1) Joseph A. Herring – Herring Surveying Company 315 N. 5th Street, Leavenworth,
KS 66048, 913-651-3858

2)

Signed and entered this _____ day of _____, 20__.

Stephen J Pitts 21249 203rd Street Tonganoxie Ks.
Print Name, Address, Telephone 785-691-7124

Stephen J Pitts
Signature

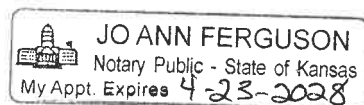
STATE OF KANSAS)
) SS
COUNTY OF LEAVENWORTH)

Be it remember that on this 12th day of March 2025 before me, a notary public in and
for said County and State came STEPHEN J PITTS to me
personally known to be the same persons who executed the forgoing instrument of writing, and
duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand
and affixed my notary seal the day and year above written.

NOTARY PUBLIC Joann Ferguson

My Commission Expires: 4-23-2028

(seal)



Prepared by:
G. Ronald Bates, Jr.
Attorney at Law
529 Delaware
Leavenworth, KS 66048
(913) 682-8882
ron@grbateslaw.com

Certification of Trust
Helen E. Pitts Revocable Trust Agreement dated August 17, 2006
now known as the
Helen E. Pitts Irrevocable Trust Agreement dated August 17, 2006
(Pursuant to K.S.A. 58a-1013)

Pursuant to the Kansas Uniform Trust Code, this Certification of Trust is signed by all the currently acting Trustees of the Helen E. Pitts Irrevocable Trust dated August 17, 2006, (formerly known as the Helen E. Pitts Revocable Trust Agreement dated August 17, 2006), who declares as follows:

1. The Helen E. Pitts Irrevocable Trust Agreement dated August 17, 2006 ("the trust") exists and was executed on said date.
2. The Settlor of the trust was Helen E. Pitts.
3. The trust became irrevocable on January 7, 2025, the date of death of Helen E. Pitts.
4. Pursuant to the terms of the trust, the current Trustee of the trust is Stephen J. Pitts who resides at 21249 203rd St., Tonganoxie, KS 66086.
5. The tax identification number of the trust is: 33-6769102.
6. Title to assets held in the trust shall be titled as:

Stephen J. Pitts, Trustee of the Helen E. Pitts Irrevocable Trust
Agreement dated August 17, 2006, (formerly known as the Helen E.
Pitts Revocable Trust Agreement dated August 17, 2006)
7. Any alternative description shall be effective to title assets in the name of the trust or to designate the trust as a beneficiary if the description includes the name of at least one initial or successor trustee, any reference indicating that property is being held in a fiduciary capacity, and the date of the trust.
8. Excerpts from the trust agreement that establish the trust, designate the Trustee and set forth the powers of the Trustee will be provided upon request. The powers of the Trustee include the power to acquire, sell, assign, convey, pledge, encumber, lease, borrow, manage and deal with real and personal property interests.
9. The trust has not been revoked, modified or amended in any way that would cause the

representations in this Certification of Trust to be incorrect.

Stephen J. Pitts, Trustee
Stephen J. Pitts, Trustee

STATE OF KANSAS)
) ss
COUNTY OF LEAVENWORTH)

This instrument was acknowledged before me on the 28th day of February, 2025, by Stephen J. Pitts as Trustee.

Jo Ann Ferguson
Notary Public

My commission expires: 4-23-2028



County of Leavenworth, Kansas Planning & Zoning Department

To: Ben C. & Helen Pitts
21280 207th Street
Tonganoxie, KS 66086

From: Tom Olson, Environmental Engineering Technician/Planner

Date: January 27, 2005

The Office of Planning and Zoning has responded to a complaint that you have a Manufactured Home on your property that is in violation of the Leavenworth County Zoning and Subdivision Regulations, Article 26- Manufacture Homes. Mobile home is located on parcel 145-22-0-00-00-010.00-0-0 in Leavenworth County Kansas. The Mobile home is being rented. Mobile home can only be used as an accessory dwelling for locating the elderly or the immediate family (parents and their children).

NOTICE TO CEASE AND DESIST

Mobile home to be removed within 14 days of receipt of this letter unless an affidavit is received that the accessory dwelling is being used for the above purpose. Any violation of the Zoning and Subdivision Regulations shall be deemed to be a misdemeanor and punishable by a fine not to exceed five hundred (\$500.00) dollars or by imprisonment for not more than six (6) months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

Please call this office if you have any questions on this matter, (913) 684-0465.

Tom Olson
Tom Olson
Environmental Engineering
Technician/Planner

*called 2/4/2005 - NEEDS MORE TIME - WILL BE CALLING
THE DIRECTOR 2/8/2005*

3/21/2005 MOBILE HOME REMOVED

KSCAMA AADM 1 LEAVENWORTH COUNTY

THO 1/25/0

5

DISPLAY, AA - NAME & DESC - 1 LVD=1011963 PARCEL 145-22-0-00-00-010.00-0-0

1

NUMBER OF SUBSIDIARY RECORDS 00

CITY/TOWNSHIP CODE ST STRANGER TOWNSHIP TAX UNIT 081

ORIGINAL TAX UNIT/DIST 081

SUBDIVISION CODE _____ CENSUS TRACT 000000 SCHOOL DIST 464

OLD ACCOUNT NUMBER 1: ST00075A2 2: _____ 3: _____

OWNER'S NAME PITTS, BEN C & HELEN

NAME (CONTINUED) _____

MAILING ADDRESS 21280 207TH ST

CITY/TOWN TONGANOXIE STATE KS ZIP+4 66086 - 0000

CARE/OF TAXPAYER _____

LOT(S) _____ BLOCK _____ SUBDIVISION _____

SUBDIVISION PLAT : BOOK _____ PAGE _____ SECTION 22 TOWNSHIP 10 RANGE 21

TRCT DESC 1: SW1/4SE1/4 LESS ROW 2: _____

3: _____ 4: _____

WIDTH DEPTH IRREG RET DEED CALC USED

LOT SIZE 0000 X 0000 ACREAGE: 0400 0000 0387 0387

DEED BOOK/PAGE 0463 / 0442 _____ / _____ _____ / _____ _____ / _____

PRESS CMD KEY 7 TO EXIT PARCEL

IELD 945

CK

MH OK

MR. PITTS IS DECEASED

PROPERTY

Kansas Department of Health and Environment
Office of Vital Statistics
CERTIFICATE OF DEATH

State File Number: 115-2025-01082

Decedent's Legal Name (First, Middle, Last):
HELEN ELENORA PITTS

Last Name Prior to First Marriage:
RUDDICK

Date of Death: 01/07/2025
Age: 92 YEAR(S)

Date of Birth: 06/23/1932

Sex: FEMALE

Social Security Number:
429-52-6638

Residence-Street Address:
21280 207TH STREET

City or Town:
TONGANOXIE

State or Foreign Country:
KANSAS

Zip Code:
66086

Place of Birth:
GARFIELD, ARKANSAS

Armed Forces:
NO

Marital Status:
WIDOWED

Surviving Spouse (Name prior to First Marriage):

Father/Parent Name Prior to First Marriage:
WILBUR L RUDDICK

Mother/Parent Name Prior to First Marriage:
LENA DYE

Place of Death:
NURSING HOME

Facility Name:
TONGANOXIE NURSING CENTER 1010 EAST ST

City or Town of Death:
TONGANOXIE

County of Death:
LEAVENWORTH

Zip Code:
66086

Method of Disposition:
BURIAL

Place of Disposition:
RUDDICK CEMETERY

Location of Disposition:
GARFIELD, ARKANSAS

Decedent's Occupation:
HOMEMAKER

Decedent's Industry:
OWN HOME

Decedent's Education:
SOME COLLEGE CREDIT, BUT NO DEGREE

Decedent's Race:
WHITE

Decedent's Ancestry:

Informant's Name:
STEPHEN JACK PITTS

Relationship to Decedent:
SON

Informant's Mailing Address:
21249 203RD STREET
TONGANOXIE, KANSAS 66086
UNITED STATES

Name and Address of Firm:
SISCO FUNERAL HOME INC 1312 N CURTIS AVE PEA RIDGE, ARKANSAS 72751

Cause of Death:
CARDIOPULMONARY ARREST
ACUTE RESPIRATORY FAILURE WITH HYPOXIA
ASPIRATION PNEUMONIA
ADVANCED DEMENTIA WITH DYSPHAGIA

Approximate Interval: Onset to Death
MINUTES
HOURS
DAYS
MONTHS

Other Significant Conditions:

Autopsy:
NO

Tobacco Contribute to Death?
NO

If Female:
NOT PREGNANT WITHIN THE PAST YEAR

Date of Injury:

Time of Injury:

Injury at Work:

Manner of Death:
NATURAL

Place of Injury:

Location of Injury:

How Injury Occurred:

Actual or Presumed Time of Death:
2300

Medical Certifier:
AHMED M MADI - MD

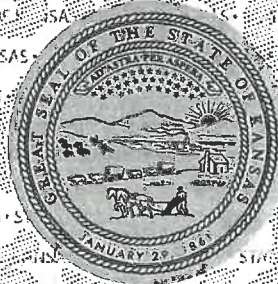
Date Certified:
01/15/2025

Date Filed By State Registrar:
01/21/2025

01/22/2025 V019464641101 PITTS 202504001082-5 REG M DR PND

This is a true and correct copy of the official record on file in the Office of Vital Statistics,
Topeka, Kansas, certified on the date stamped below.

2025 Jan 22 AM 07:33



Kay Haug

Kay Haug,
State Registrar
Office of Vital Statistics
Department of Health & Environment

N3328270

It is in violation of KSA 65-2422d(g) to prepare or issue any certificate which purports to be an
original, certified copy or abstract or copy of a certificate, except as authorized in the Uniform
Vital Statistics Act or rules and regulations adopted under this act.

CERTIFIED COPIES WILL BE PRODUCED ON WATERMARKED MULTI-COLOR SECURITY PAPER.

CERTIFICATE OF SURVEY

Tracts of land in the Southeast Quarter of Section 22, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

TRACT SPLIT

PREPARED FOR:
HELEN E PITTS TRUST
21280 207TH ST
TONGANOXIE, KS 66086
PID NO. 145-22-0-00-00-010

Parent Tract Description:
The Southwest Quarter of the Southeast Quarter of Section 22, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas.

SURVEYOR'S DESCRIPTION:
TRACT 1:
Tract of land in the Southeast Quarter of Section 22, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on May 4, 2025, and more fully described as follows: Commencing at the Southwest corner of said Southeast Quarter; thence North 01 degrees 38'02" West for a distance of 705.19 feet along the West line of said Southeast Quarter to the TRUE POINT OF BEGINNING; thence continuing North 01 degrees 38'02" West for a distance of 616.86 feet along said West line; thence North 88 degrees 31'47" East for a distance of 1319.32 feet; thence South 01 degrees 42'01" East for a distance of 762.95 feet; thence North 81 degrees 09'15" West for a distance of 823.86 feet; thence South 88 degrees 21'58" West for a distance of 510.07 feet to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 20.02 acres, more or less, including road right of way. Error of Closure: 1 - 305560

TRACT 2:
Tract of land in the Southeast Quarter of Section 22, Township 10 South, Range 21 East of the 6th P.M., Leavenworth County, Kansas, as written by Joseph A. Herring PS-1296 on May 4, 2025, and more fully described as follows: Beginning at the Southwest corner of said Southeast Quarter; thence North 01 degrees 38'02" West for a distance of 705.19 feet along the West line of said Southeast Quarter; thence North 88 degrees 21'58" East for a distance of 510.07 feet; thence South 81 degrees 09'15" East for a distance of 823.86 feet; thence South 01 degrees 42'01" East for a distance of 558.06 feet to the South line of said Southeast Quarter; thence South 88 degrees 29'03" West for a distance of 1320.85 feet along said South line to the point of beginning. Together with and subject to covenants, easements, and restrictions of record. Said property contains 20.02 acres, more or less, including road right of way. Error of Closure: 1 - 295488

RATIFICATION BY COUNTY STAFF
This tract split, as described and shown above, has been submitted to and approved by the following County Staff persons this ____ day of ____ 2025.

Planning Director _____
John Jacobson

NOTARY CERTIFICATE
Be it remembered that on this ____ day of ____ 2025, before me, a notary public in and for said County and State came John Jacobson, to me personally known to be the same persons who executed the foregoing instrument of writing, and duly acknowledged the execution of same. In testimony whereof, I have hereunto set my hand and affixed my notary seal the day and year above written.

NOTARY PUBLIC _____

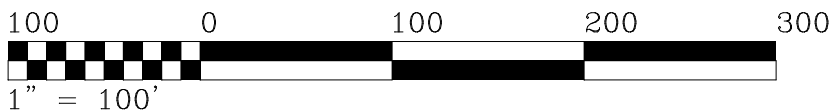
My Commission Expires: _____
(seal)



Scale 1" = 100'

Job # K-25-1886
May 4, 2025 Rev. 5/31/25

J.Herring, Inc. (dba)
HERRING
SURVEYING
COMPANY
315 North 5th Street, Leav., KS 66048
Ph. 913.651.3858 Fax 913.674.5381
Email - survey@teamcash.com



I hereby certify that this survey plat meets the requirements of K.S.A. 58-2005. The face of this survey plat was reviewed for compliance with Kansas Minimum Standards for Boundary Surveys. No field verification is implied. This review is for survey information only.

Daniel Baumchen, PS#1363
County Surveyor

PID NO. 145-22...001.01

PID NO. 145-22...001.05

15P
NW COR SE 1/4
Sec. 22-10-21
Alum Cap

N 01°38'02" W 2644.10'

N 01°38'02" W 616.86'

POB TR1 207th Street
Bk J Pg 113-121-95 R/W
Project Plans C-1392, 1954

W. Line SE 1/4

N 01°38'02" W 705.19'

POC TR1
POB TR2
15R
SW COR SE 1/4
Sec. 22-10-21
Alum Cap

0+50
Cap 1296

W. Line SE 1/4

N 01°38'02" W 2644.10'

N 01°38'02" W 616.86'

POB TR1 207th Street
Bk J Pg 113-121-95 R/W
Project Plans C-1392, 1954

W. Line SE 1/4

N 01°38'02" W 705.19'

POC TR1
POB TR2
15R
SW COR SE 1/4
Sec. 22-10-21
Alum Cap

0+50
Cap 1296

W. Line SE 1/4

TRACT 1
20.02 Acres
more or less
Incl. R/W

TRACT 2
20.02 Acres
more or less
Incl. R/W

PID NO. 148-27...001.01
LOT 1
LINCOLN FARMS ESTATES
Doc #2013P00004

PID NO. 148-27...001

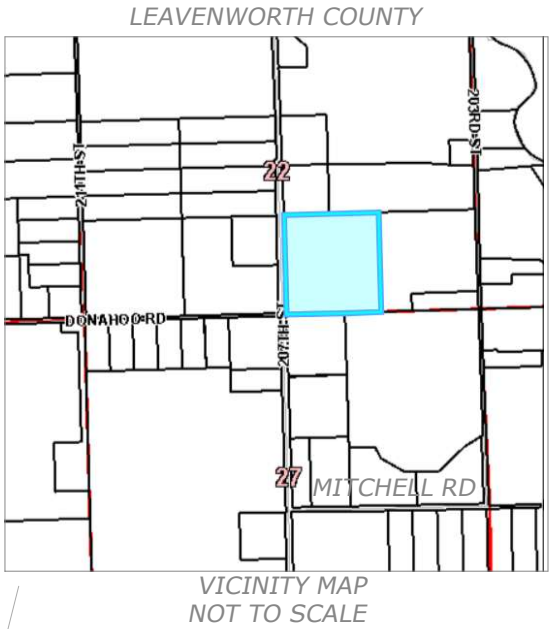


ZONING: RR-5

- NOTES:
- 1) This survey does not show ownership or easements, per agreement with client
 - 2) All distances are calculated from measurements or measured this survey, unless otherwise noted.
 - 3) All record and measured distances are the same, unless otherwise noted.
 - 4) Error of Closure - See Surveyor's Description
 - 5) Basis of Bearing - KS SPC North Zone 1501
 - 6) Monument Origin Unknown, unless otherwise noted.
 - 7) Referenced Surveys -
DGW - D.G.White - S-12 #60, 1988 NKA 1988S060
S-14 #87, 1992 NKA 1992S087
JAH - J.A.Herring - Doc # 2018S069
Doc # 2019S007, 019, & 025
LINCOLN FARMS ESTATES - Doc #2013P00004
 - 8) Road Records - See Survey
 - 9) Referenced Deed Book 463 Page 442
 - 10) Survey prepared without the benefit of a title commitment.
 - 11) Fence Lines do not necessarily denote property lines.
 - 12) Structures are shown in approximate location.
 - 13) Property is in a Special Flood Hazard Area Zone A per FEMA FIRM Map 20103C0225G dated July 16, 2015
 - 14) Utilities, if shown, are visible and above ground, except as noted. Easements may or may not exist.

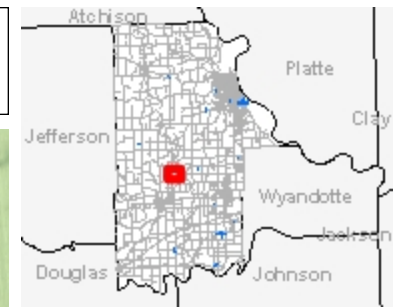
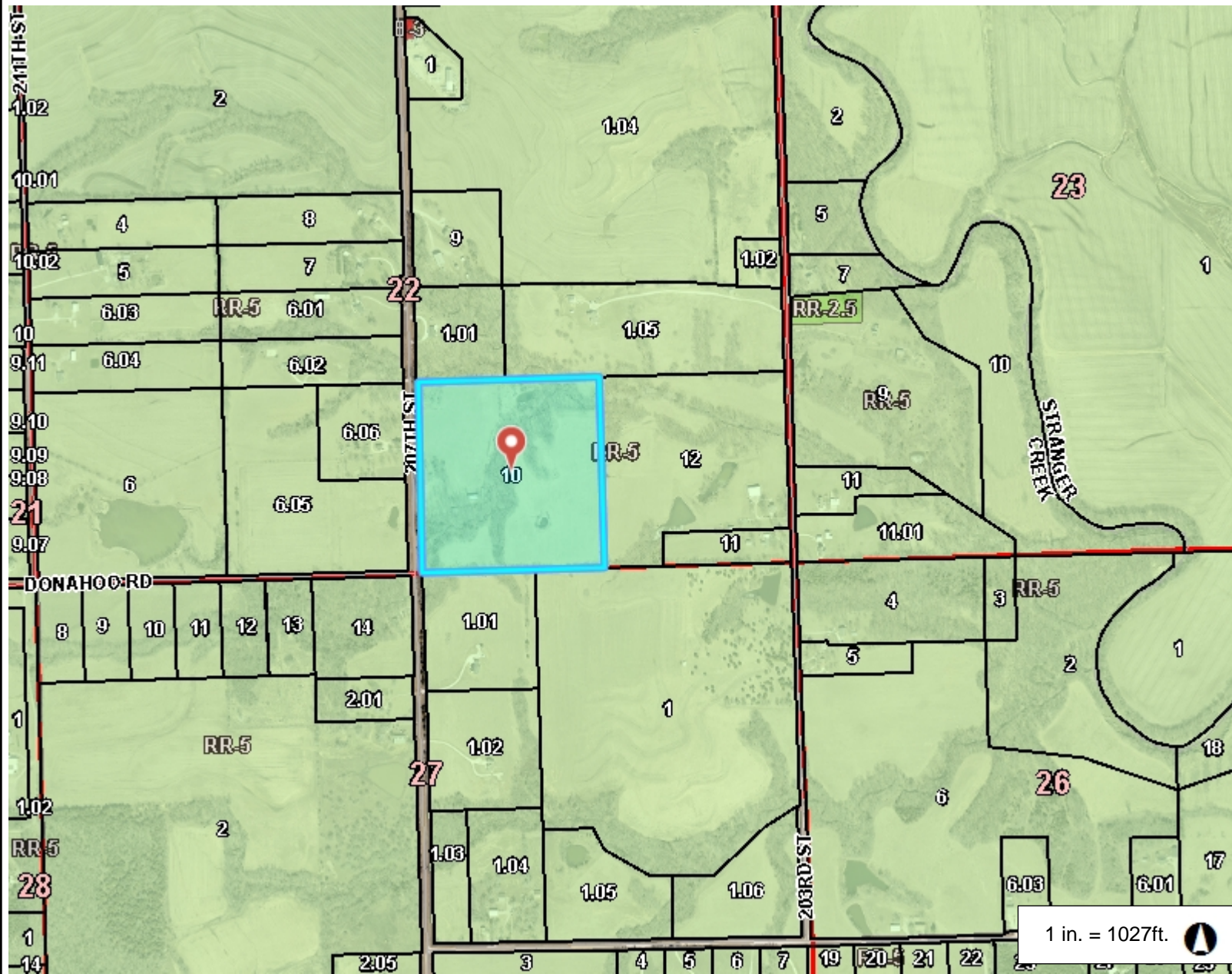
- LEGEND:
- - 1/2" Rebar Set with Cap No.1296
 - - 1/2" Rebar Found, unless otherwise noted.
 - POB - Point of Beginning
 - POC - Point of Commencing
 - ~ - Tree/Brush Line
 - NS - Not Set this Survey per agreement with client
 - X — Fence Line

PID NO. 145-22...012



17R
Southeast Corner
Sec. 22-10-21
1/2" Rebar

DEV-25-077 Pitts Variance



Legend

- Parcel Number
- Parcel
- City Limit Line
- Major Road
- <all other values>
- 70
- Road
- <all other values>
- PRIVATE
- Railroad
- Section
- Section Boundaries
- County Boundary
- Zoning
- B-1
- B-2
- B-3
- I-1
- I-2
- I-3
- MXD
- PC
- PI
- PR-1
- PR-2
- PR-3

Notes

This Cadastral Map is for informational purposes only. It does not purport to represent a property boundary survey of the parcels shown and shall not be used for conveyances or the establishment of property boundaries.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Allison, Amy

From: Anderson, Kyle
Sent: Wednesday, July 9, 2025 1:12 PM
To: Allison, Amy
Subject: RE: RE: DEV-25-077 Variance – Pitts

In the last 20 years we have not received any complaints on this property.

Kyle Anderson
Environmental Technician/Code Enforcement
Leavenworth County Planning & Zoning
300 Walnut St. Ste. 212
Leavenworth, KS 66048
913-684-1084

Disclaimer: This message and any attachments are intended only for the use of the recipient or their authorized representative. The information provided in this email is limited in scope and response detail by available information, current zoning and subdivision regulations. Depending on the level of development, the applicable regulations can change. Final approval cannot be granted until a complete application has been submitted, reviewed and approved by the governing body. Nothing in this message or its contents should be interpreted to authorize or conclude approval by Leavenworth County.

From: Allison, Amy <AAllison@leavenworthcounty.gov>
Sent: Wednesday, July 9, 2025 10:17 AM
To: 'Magaha, Chuck'; Brown, Misty <MBrown@leavenworthcounty.gov>; Khalil, Jon <jkhalil@leavenworthcounty.gov>; Noll, Bill <BNoll@leavenworthcounty.gov>; McAfee, Joe <JMcAfee@leavenworthcounty.gov>; 'Dedeke, Andrew'; 'stfdchief1760@gmail.com' <stfdchief1760@gmail.com>
Cc: PZ <PZ@leavenworthcounty.gov>
Subject: RE: DEV-25-077 Variance – Pitts

Good Morning,

The Department of Planning and Zoning has received a request for a Variance regarding the driveway spacing requirement for 21280 207th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, July 23, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP
Deputy Director
Planning & Zoning
Leavenworth County
913.364.5757

Disclaimer

Allison, Amy

From: Mark B <stfdchief1760@gmail.com>
Sent: Wednesday, July 9, 2025 10:24 AM
To: Allison, Amy
Cc: Magaha, Chuck; Brown, Misty; Khalil, Jon; Noll, Bill; McAfee, Joe; Dedeker, Andrew; PZ
Subject: Re: DEV-25-077 Variance – Pitts

Notice: This email originated from outside this organization. Do not click on links or open attachments unless you trust the sender and know the content is safe.

Stranger Township Fire Department has no issues with this variance.

Let me know if you have any questions.

Mark Billquist
Stranger Township Fire Chief

On Wed, Jul 9, 2025 at 10:17 AM Allison, Amy <AAllison@leavenworthcounty.gov> wrote:

Good Morning,

The Department of Planning and Zoning has received a request for a Variance regarding the driveway spacing requirement for 21280 207th Street.

The Planning Staff would appreciate your written input in consideration of the above request. Please review the attached information and forward any comments to us by Wednesday, July 23, 2025.

If you have any questions or need additional information, please contact me at (913) 684-0465 or at pz@leavenworthcounty.gov

Thank you,

Amy Allison, AICP

Deputy Director

Planning & Zoning

Leavenworth County

Written Narrative Requirements

Written Narrative Description: A written narrative description of the proposed variance must be submitted that addresses:

FACTORS TO BE CONSIDERED

A request for a variance may be granted in such individual cases, upon finding that all the following conditions have been met (KS Statutes 12-759).

- (A) That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or the applicant;
- (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 zoning regulations of which 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 the variance desired will not be opposed to the general spirit and intent of the zoning regulations.

(A) Property is a 40 Acre tract that has a residence constructed in 1968. In the early 90's a second driveway was constructed to the north and an accessory dwelling unit was placed in that area. The residence existed using the driveway for over 10 years while the son and his girlfriend resided at the location. The son passed and in 2005 Leavenworth County Planning & Zoning Department presented the owners a letter responding to a complaint that a non-family member was residing in the structure. The girlfriend was removed from the residence and the structure was removed from the location per the provided letter with statements of fines that could be assessed to the owners. No part of the letter addressed the removal of the existing driveway which still exists to date. Upon the passing of Helen Pitts it was determined in the trust that the land was to be divided into 2 equal tracts and dedicated to the appropriate parties. Each tract would have an existing entrance located on the proposed division. **ATTACHMENT C**

Situation is not unique. Situation is common and typically handled with a shared entrance or a Cross Access Easement.

(B) It will not - the driveway has again been in existence for over 30 years of which it was used for a residence for over 10 years. It will not affect adjacent owners since all should be aware of the entrance. Property to the North was Split in 2019 and has a circle driveway that was not questioned or realigned during the division of that property. The existing drive is an agriculture entrance. Ag entrances are not grandfathered when converted to a residential entrance. All residential drives shall comply with the 2020-37 Policy, as of 10/7/20.

(C) Yes it would. Current suggestion by public works is to share the driveway that serves the existing house. This would cause a driveway to be constructed through the hill in front of the house or to wrap around the back of the house dividing that property with the new driveway. Would devalue the existing property and create an undesirable situation. Public Works recommended a shared drive entrance on the proposed tract split line. This places the drive entrance at the top of the hill, providing the safest location while complying with policy.

(D) It will not. Refer to statement (B) along with the acknowledgement that many of the driveways along 207th Street have a spacing less than 660 feet and under 300 feet in many instances. Drives the applicant refers to were all in existence prior to Policy 2020-37 that established the minimum driveway spacing allowed on Major Arterial Streets as 660 feet.

(E) It does not. Driveways were constructed prior to the access management requirements. Have been allowed to remain since their installations. This is not a true statement. PW has not allowed drive situations that conflict with the 2020-37 Access Policy standards when a new building parcel is being created. This fully opposes the regulation general spirit and intent.

Public Works review comments of Access Management Variance are shown in blue text. Public Works does not support the variance.