



# Department of Planning + Urban Design

Unified Government of Wyandotte County • Kansas City, Kansas

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**To:** Board of Zoning Appeals  
**From:** Planning and Urban Design Staff  
**Date:** May 9, 2022  
**Re:** Appeal BOZA2022-026

## GENERAL INFORMATION

**Applicant:**  
Angela Chase

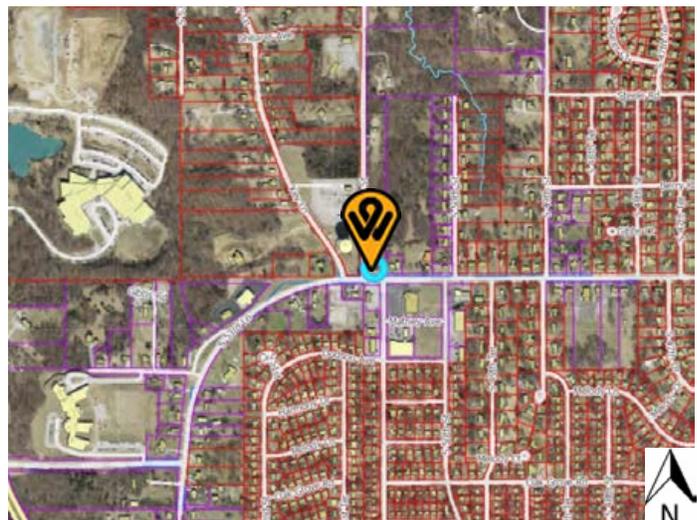
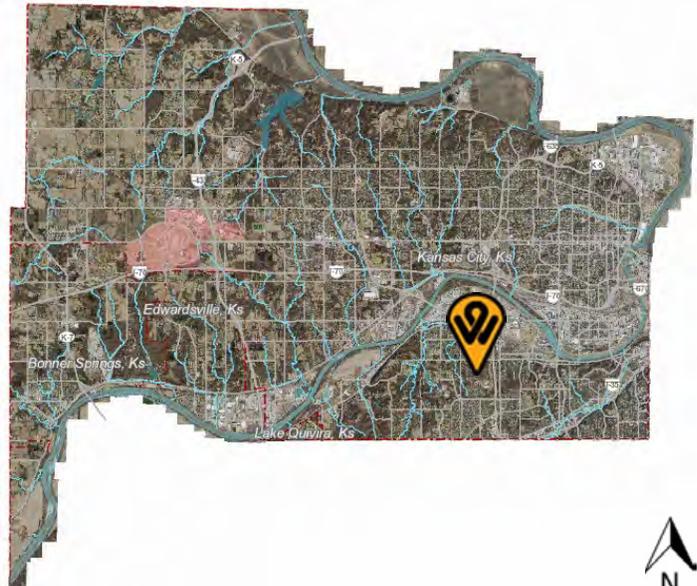
**Status of Applicant:**  
Representative  
5048 Gibbs Road,  
Kansas City, Kansas 66106

**Requested Action:**  
Approval of a variance.

**Date of Application:**  
March 25, 2022

**Purpose:**  
Variance 1: This appeal has been filed to grant a variance from the maximum depth-to-width ratio for a lot. Section 27-280(b) states that the depth of a lot shall not exceed three (3) times the width. The appellant is requesting a subdivision that will create one (1) lot, Tract 1, with a depth-to-width ratio of 3.70:1, a violation of 23%.

Variance 2: This appeal has been filed to grant a variance from the minimum size of a residential lot that abuts a major street.



**Purpose (cont.):**

Variance 2 (cont.): Section 27-280(f) states that a residential lot facing or receiving access onto a street designated as a major street must have a minimum lot size of five (5) acres. The new lots created receive access from Gibbs Road, which is designated as a Collector Street per Section 27-763(f)(14). The appellant is requesting a lot (Tract 1) of 0.44 acres and a lot (Tract 2) of 0.34 acres, a violation of 4.56 acres and 4.66 acres, respectively.

Variance 3: This appeal has been filed to grant a variance from the minimum frontage of a residential lot that abuts a major street. Section 27-280(f) states that a residential lot facing or receiving access onto a street designated as a major street must have a minimum frontage of 300 feet. The two (2) lots created receive access from Gibbs Road, which is designated as a Collector Street per Section 27-763(f)(14). The appellant is requesting a lot (Tract 1) with a frontage of 81.5 feet and a lot (Tract 2) with a frontage of 63.5 feet, a violation of 218.5 feet and 236.5 feet, respectively.

Variance 4: This appeal has been filed to grant a variance from the interior side yard setback in the R-1 District. Section 27-454(d)(2)b requires an interior side yard setback of seven (7) feet. The appellant is requesting a lot (Tract 1) with an interior side yard setback of zero (0) feet, and a lot (Tract 2) with an interior side yard setback of six (6) feet and four (4) inches, a violation of seven (7) feet and eight (8) inches, respectively.

Variance 5: This appeal has been filed to grant a variance from the corner side yard setback in the R-1 District. Section 27-454(d)(2)c requires a corner side yard setback of 25 feet. The appellant is requesting one (1) lot, Tract 1, with a corner side yard setback of 20.5 feet, a violation of four and one-half (4.5) feet.

**Property Location:**

5044 and 5048 Gibbs Road  
Kansas City Kansas 66106

**Commission Districts:**

Commissioner At-Large, District #2: Tom Burroughs  
District #6 Commissioner: Angela Markley

**Existing Zoning:**

R-1 Single Family District

**Adjacent Zoning:**

**North:** R-1 Single Family District

**South:** CP-1 Planned Limited Business District  
**East:** R-1 Single Family and A-G Agriculture Districts  
**West:** R-1 Single Family District

**Adjacent Uses:** **North:** Vacant property  
**South:** Food mart  
**East:** Single-family residence  
**West:** Kansas City, Kansas water tower

**Neighborhood Characteristics:** The subject property is within the Turner Statistical Neighborhood and is not within a neighborhood group. There are some commercial properties along Gibbs Road, to the southeast of the subject property. On the north side of Gibbs Road and along the collector streets the neighborhoods are zoned for single-family residences.

**Total Tract Size:** 0.78 Acre (Total)  
0.44 Acre (Tract 1)  
0.34 (Tract 2)

**Master Plan Area:** The subject property is within the City-Wide Master Plan.

**Master Plan Designation:** The City-Wide Master Plan designates this property as Low-Density Residential. Low-Density Residential discourages all industrial uses. The cultural principles of the Low-Density Residential land use designation state that land use polices are geared to protect against industrial, commercial, and multi-family encroachment into established single-family neighborhoods.

**Major Street Plan:** The Major Street Plan classifies Gibbs Road as a Collector Street. The Major Street Plan classifies South 51<sup>st</sup> Street as a Collector Street.

**Parking Requirement:** Section 27-454(e) requires two (2) off-street parking spaces premises for each single-family dwelling, at least one (1) of which shall be in a garage or carport. Each proposed lot features a primary residence with a garage; Tract 1 has an attached garage that can hold at least one (1) vehicle and a paved driveway that can hold at least one (1) vehicle, and Tract 2 has a detached garage that can hold at least one (1) vehicle and a partially paved driveway that can hold at least one (1) vehicle. The remainder of the driveway on Tract 2 must be paved in order for a vehicle to access

the covered detached garage in a manner compliant with Section 27-675.

- Advertisement:** The Wyandotte Echo – April 14, 2022  
Letters to Property Owner – April 15, 2022
- Public Hearing:** May 9, 2022
- Public Support:** None to date.
- Public Opposition:** None to date.

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## **RELATED ENFORCEMENT AND ACTION ITEMS**

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### **Noise or Disturbance Complaints:**

1. The current property owner has not received any noise or disturbance complaints.

### **Building, Zoning, or Code Enforcement Complaints:**

1. Previous property owners received the following code enforcement citations:
  - September 19, 2016 – Vehicles Parked on an Unimproved Surface
  - January 18, 2016 – Inoperable Vehicle Parked on the Property
2. The current property owner has received the following code enforcement citation:
  - February 17, 2022 – Siding in Need of Repair

### **Outstanding or Related Permits and Cases:**

1. The current property owner has no outstanding Building Permits.
2. The current property owner has an outstanding Code Inspection case: STR22-0133, opened February 17, 2022 (siding in need of replacement/repair).

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## **STATUTORY REQUIREMENTS/FACTORS TO BE CONSIDERED**

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1. ***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 which is not created by an action or actions of the property owner or the applicant.***

Variations 1-5: The residences on the subject property addressed 5044 Gibbs Road and 5048 Gibbs Road were constructed in 1940 and 1953, respectively. It is likely—although not fully confirmed—that all construction and additions met the contemporary Zoning Code at the time of construction and therefore hold legal non-conformance status. The subject property must be subdivided to place each residence on a separate parcel in order to be eligible for federally backed mortgage loans. The fact that two (2) distinct and separate single-family residences—each with a detached accessory structure—were either constructed

on one (1) parcel or were previously combined further makes this a unique situation that is not ordinarily found in the same zone or district.

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

Variance 1: This variance request is for a pre-existing condition that has run with the subject property since as early as 1953. Each newly created lot follows the informal, but pre-existing, boundaries of each residence and their respective yards, so each residence already had effective boundary or yard dimensions that did not meet the current three (3)-to-one (1) depth-to-width ratio. Therefore, the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

Variance 2: These variance requests are for pre-existing conditions that have run with the subject property since as early as 1953. The sizes of the lots are consistent with the nearby residential lots. In fact, lots at least five (5) acres in size would not fit the character of the properties along this portion of Gibbs Road. Therefore, the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

Variance 3: These variance requests are for pre-existing conditions that have run with the subject property since as early as 1953. There will not be any additional driveways added, so no additional entry points to Gibbs Road will be created and the neighboring properties will not be affected. Therefore, the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

Variance 4: These variance requests are for pre-existing conditions that have run with the subject property since as early as 1953. The respective interior setbacks are pre-existing and only affect the other parcel created from the subdivision. Therefore, the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

Variance 5: This variance request is for a pre-existing condition that has run with the subject property since as early as 1953. The violating corner side yard setback is across South 51<sup>st</sup> Street from a water tower and BPU facility and is not adjacent to another parcel that is not a part of BOZA2022-026. Therefore, the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

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

Variance 1: Strict application of this provision of the zoning ordinance would prevent the subject property from being subdivided. If the subject property

cannot be subdivided, then it will be much more difficult for the applicant to sell the residences, as any potential buyer would be precluded from using a federally backed loan. Additionally, potential buyers may not wish to purchase both residences. Therefore, strict application will constitute an unnecessary hardship upon the applicant.

Variations 2-3: Strict application of these provisions of the zoning ordinance would prevent the subject property from being subdivided, and even then, the subject property would not be able to satisfy the minimum lot and minimum frontage requirements. If the subject property cannot be subdivided, then it will be much more difficult for the applicant to sell the residences, as any potential buyer would be precluded from using a federally backed loan. Additionally, potential buyers may not wish to purchase both residences. Therefore, strict application will constitute an unnecessary hardship upon the applicant.

Variations 4-5: Strict application of these provisions of the zoning ordinance would require for part of each residence to be demolished in order to meet the required setbacks. Such demolitions would damage the aesthetic and integrity of the original structures and would be addressing a non-conformity that has existed for as long as 69 years. Therefore, strict application will constitute an unnecessary hardship upon the applicant.

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

Variations 1-5: All of the requested variations come from non-conforming conditions that have existed as early as 1953. While on paper some variations may be created or exacerbated (i.e., the three (3)-to-one (1) depth-to-width ratio, minimum lot sizes and frontages, and interior side yard setbacks), but as no additional development will be constructed, no effects will be experienced by the public. The requested variations, therefore, will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

**5. *The granting of the variance desired will not be opposed to the general spirit and intent of the zoning ordinance.***

Variance 1: The spirit and intent of Section 27-280(b) is to allow for parcels that are proportional. As parcel depth and overall parcel size are more closely correlated than are parcel width and overall parcel size, this proportional restraint on parcel depth is meant to create parcels that are wide enough to be built on and which shall be more likely to be similar to other nearby parcels in the neighborhood. The size and shape of the proposed parcels will indeed remain within the acceptable range of the surrounding neighborhood. Therefore, the granting of the variance requested will not be opposed to the general spirit and intent of the zoning ordinance.

Variance 2-3: The spirit and intent of Section 27-280(f) is to allow for large parcels that are perceived as more likely to retain value. As the existing non-conformity of two (2) residences on one (1) R-1-zoned parcel would limit potential

buyers to only those who can obtain a private loan or pay in cash, the market value of the subject property could significantly decrease if the variances are not approved, and the subject property allowed to be subdivided. Therefore, the granting of the variances requested will not be opposed to the general spirit and intent of the zoning ordinance.

Variance 4: The spirit and intent of Section 27-454(d)(2)b is to allow for light and air between buildings and parcels. For Tract 1 (5048 Gibbs Road), the encroaching structure is a covered deck; for Tract 2 (5044 Gibbs Road) the primary residence encroaches on the interior side yard setback by eight (8) inches. Furthermore, the residence at 5044 Gibbs Road sit further back from the public right-of-way than does the residence at 5048 Gibbs Road; this mismatch allows for more light and air on each property than if both residences complied with the Zoning Code, but had the same front yard setback. Therefore, the granting of the variances requested will not be opposed to the general spirit and intent of the zoning ordinance.

Variance 5: The spirit and intent of Section 27-454(d)(2)c is to allow for a sufficient buffer between a single-family residence and the public right-of-way, both for the perceived comfort of the resident and in order to ensure the sight distance triangle at the corresponding intersection is not obstructed by the residence. The residence at 5048 Gibbs Road has a corner side yard setback of over 20 feet, and there is additional green space buffering in the public right-of-way between the subject property and the paved road. This allows for sufficient space between the road and the residence and does not encroach on the sight distance triangle. Therefore, the granting of the variance requested will not be opposed to the general spirit and intent of the zoning ordinance.

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## **PREVIOUS ACTIONS**

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- SP-2011-8, a Special Use Permit for the keeping of one (1) horse on a parcel between one (1) and five (5) acres

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## **NEIGHBORHOOD MEETING**

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The applicant received neighborhood comments by receiving letters or phone calls through the date of April 25, 2022. Attached is the list of persons who attended the meeting, minutes, affidavit and/or submitted comments to the applicant.

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## **KEY ISSUES**

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Property Maintenance Compliance Citations  
Unpaved Driveway

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## **STAFF COMMENTS AND SUGGESTIONS**

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## Planning and Urban Design Comments:

### General

- 1) Provide a revised site plan/plot plan with measured front yard setbacks.

**Staff Response:** The applicant has submitted a revised site plan demonstrating all required setbacks. This revised plan can be found under “Subdivision Plan of 5044 and 5048 Gibbs Road” in the *Attachments* section of this report.

- 2) In the northeast corner of the proposed Tract 2, there is an accessory building encroaching on the subject property from the adjacent parcel. Will this accessory building be removed to a compliant location or demolished?

**Applicant Response:** *The removal of the barn encroachment will not be completed by the Board Meeting scheduled May 9th, 2022. I understand a lot split will not be approved until this condition is satisfied.*

**Staff Response:** This demolition must occur before the variances included in BOZA2022-026 can be made effective and before the subject property can be subdivided as demonstrated in the report, specifically under “Subdivision Plan of 5044 and 5048 Gibbs Road” in the *Attachments* section.

- 3) A portion of the direct route between the driveway apron on Gibbs Road and the detached garage at 5044 Gibbs Road is not entirely paved. Per Section 27-676, the full extent of the driveway, from the public right-of-way to the entrance of the garage, must be paved (either concrete, asphalt, or pavers) in compliance with UG standards. The driveway must be paved before the administrative lot split (subdivision) of the subject property can be completed.

**Applicant Response:** *The paving of the driveway will not be completed by the Board Meeting scheduled May 9th, 2022. I understand a lot split will not be approved until this condition is satisfied.*

**Staff Response:** Paving the driveway must occur before the variances included in BOZA2022-026 can be made effective and before the subject property can be subdivided as demonstrated in the report, specifically under “Subdivision Plan of 5044 and 5048 Gibbs Road” in the *Attachments* section.

- 4) No additional driveways may be installed on the subject property, other than the driveway paving requirement for 5044 Gibbs Road as mentioned in above in “Planning and Urban Design Comments: General #1”.

- 5) All outstanding violations as cited by the Property Maintenance Compliance Division must be satisfactorily completed before the administrative lot split (subdivision) of the subject property can be completed.

**Applicant Response:** *I have spoken with Ryan Dyer regarding the sales contract pending for the property. He is closing the current Case No. by May 9th.*

**Staff Response:** All outstanding Property Maintenance Compliance violation cases must be closed before the variances included in BOZA2022-026 can be made effective and before the subject property can be subdivided as demonstrated in the report, specifically under “Subdivision Plan of 5044 and 5048 Gibbs Road” in the *Attachments* section.

- 6) A retroactive building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process.

**Applicant Response:** *I have submitted the Building Permit Application on April 28, 2022 and tried to contact Todd Yergovich on 3 occasions and have not heard back from him. I don't foresee this process being decided before the Board Meeting scheduled May 9th, 2022. I understand a lot split will not be approved until this condition is satisfied.*

### **Planning Engineering Comments**

- 1) Items that require plan revision or additional documentation before engineering can recommend approval:
  - a. None
- 2) Items that are conditions of approval:
  - a. None
- 3) Comments that are not critical to engineering's recommendations for this specific submittal, but may be helpful in preparing future documents:
  - a. None

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## **STAFF RECOMMENDATION**

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Staff recommends that the Board of Zoning Appeals **APPROVE** Appeal **BOZA2022-026** subject to all comments and suggestions outlined in this staff report, and summarized by the following conditions:

- 1) **Any encroaching structures must be demolished or removed up to the boundary line of any current parcels or the boundary line of any parcels created by a subsequent subdivision;**
- 2) **A portion of the direct route between the driveway apron on Gibbs Road and the detached garage at 5044 Gibbs Road is not entirely paved. Per Section 27-676, the full extent of the driveway, from the public right-of-way to the entrance of the garage, must be paved (either concrete, asphalt, or pavers) in compliance with UG standards. The driveway must be paved before the administrative lot split (subdivision) of the subject property can be completed;**
- 3) **No additional driveways may be installed on the subject property, other than the driveway paving requirement for 5044 Gibbs Road as mentioned in above in “Planning and Urban Design Comments: General #1”;**
- 4) **All outstanding violations as cited by the Property Maintenance Compliance Division must be satisfactorily completed before the administrative lot split (subdivision) of the subject property can be completed;**

- 5) A retroactive building permit is required for a permanent structure greater than 120 square feet. Please contact the Building Inspection Division at (913) 573-8620 to begin that process;
- 6) All exterior lighting on the building must be hooded or controlled to direct light 90 degrees downward. No light may cast light or glare off the property or onto the public street; and,
- 7) Approval of this case by the Board of Zoning Appeals, and the conditions of approval contained herein, has been granted independent of any and all covenants, conditions, and restrictions (CC&R) of the plat or subdivision within which the subject property is located. It is the responsibility and duty of the applicant and/or landowner to ensure that the exercise of variance(s) approved, or any portion thereof, do(es) not violate the applicable and enforceable CC&R of the plat or subdivision within which the subject property is located.

## ATTACHMENTS

Aerial Map  
 Zoning Map  
 Land Use Map  
 Five Statutory Requirements Answered by the Applicant (unavailable)  
 Neighborhood Meeting Materials  
 Subdivision Plan of 5044 and 5048 Gibbs Road  
 Staff Site Visit Photographs, Dated May 5, 2022

## REVIEW OF INFORMATION AND SCHEDULE

<u>Action</u>	<u>Board of Zoning Appeals</u>
Public Hearing	
Variance	May 9, 2022

**STAFF CONTACT:**      **Michael Farley**  
                                          [mfarley@wycokck.org](mailto:mfarley@wycokck.org)

## MOTIONS

I move the Kansas City, City Board of Zoning Appeals **APPROVE** Appeal **BOZA2022-026** as meeting all the requirements of the City code and being in the interest of the public health, safety, and welfare, subject to such modifications as are necessary to resolve to the satisfaction of City Staff and all comments contained in the Staff Report; and the following additional requirements of the Kansas City, Kansas City Planning Commission:

1. \_\_\_\_\_;

2. \_\_\_\_\_;

3. \_\_\_\_\_;

**OR**

I move the Kansas City, Kansas City Board of Zoning Appeals **DENY** Appeal **BOZA2022-026** as it is not in compliance with the City Code, as it will not promote the public health, safety, and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.

# AERIAL MAP



# ZONING MAP





FIVE STATUTORY REQUIREMENTS ANSWERED BY THE APPLICANT

[NOT CURRENTLY AVAILABLE]

## NEIGHBORHOOD MEETING MATERIALS

*Mailed 4-13-22  
Approved by Janet Parker*

April 12, 2022

Dear Neighbor,

Subject: Neighborhood Meeting re 5044/5048 Gibbs Rd. KCKS 66106  
File No.: BOZA2022-026

I have filed an application with the Department of Urban Planning and Land Use. The purpose of this variance is to split 5044 Gibbs Rd. and 5048 Gibbs Rd. into two separate parcels. Currently both properties are setting on one large corner lot. The variance requirements read as follows:

1. Proposed Tract 1: 5048 Gibbs Rd. Corner side yard (25 feet required), interior side yard (7 feet); depth-to-width ratio (no more than 3:1 allowed), newly created lot minimum (5 acres required), and newly created lot frontage (300 feet required); and,
2. Proposed Tract 2: 5044 Gibbs Rd. Both interior side yards (7 feet required on both sides), newly created lot minimum (5 acres required), and newly created lot frontage (300 feet required).

The original build of these houses more than 45 years ago did not comply with the current variance requirements creating the need for an approval by Urban Planning and Land use in order to split the properties.

As required, I am having an open neighborhood meeting via email and phone. Please feel free to contact me any time prior to April 25, 2022 until 7:00pm to discuss any questions or concerns you may have. Your comments will be duly noted and presented to Urban Planning and Land Use by April 27, 2022.

You can reach me at the following contacts:

Email: [angeechase@gmail.com](mailto:angeechase@gmail.com)  
Phone: (913)206-3112

Sincerely,

Angela Chase, Daughter of Sam and Ellen Bell

## NEIGHBORHOOD MEETING MATERIALS, CONT.

April 26, 2022

Department of Urban Planning and Land Use  
Unified Government Wyandotte County  
Re: BOZA2022-026  
5044 & 5048 Gibbs Rd.

### **NEIGHBORHOOD MEETING REPORT**

The neighborhood meeting was conducted by an informative letter mailed April 13, 2022. The deadline for receiving comments by telephone and/or email ended April 25, 2022 at 7pm.

#### COMMENTS:

Teresa Johnson, daughter of Pam & Ralph Johnson (both deceased)  
5032 Gibbs Rd.  
April 19, 2022 @ 5:22pm

Teresa called to say she received the letter and asked what it was about. I explained the details re the lot split, the property not meeting current variant code standards therefore requiring this variance approval. She had no objection and then continued more conversation as a concerned neighbor about the passing of long time neighbors, Howard & Ellen Bell, my parents.

There were no other responses via phone or email to report.

Angela Chase  
(913)206-3112

NEIGHBORHOOD MEETING MATERIALS, CONT.

AFFIDAVIT – NEIGHBORHOOD MEETING

STATE OF KANSAS )  
 ) SS:  
COUNTY OF WYANDOTTE )

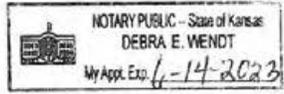
Comes now ANGELA CHASE, of lawful age, sound mind and upon his/her oath states as follows:

1. That I am the petitioner for Petition # BOZA2022-026
2. That I conducted a neighborhood meeting on April 15 thru April 25, 2022 *VIA Letter*
3. Attached are the minutes/summary of the meeting and a copy of the notice mailed to the property owners on the list provided by the Urban Planning and Land Use Department.

Further affiant saith not.

Angela Chase  
Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this 26<sup>th</sup> day of April, 2022  
My commission expires 14 of June, 2023



Debra E. Wendt  
Notary Public

# SUBDIVISION PLAN OF 5044 AND 5048 GIBBS ROAD

**LOT SPLIT SURVEY**  
 5048 Gibbs Road, Kansas City, Kansas 66106  
 5044 Gibbs Road, Kansas City, Kansas 66106

**TITLE POLICY:**  
 No Title Information was provided for this survey.

**OWNER:**  
 Howard Bell  
 5048 Gibbs Road  
 Kansas City, KS 66106

**LEGAL DESCRIPTIONS:**

**PARENT TRACT:**  
 (As Described in Transfer on Death Deed recorded as Doc. No. 2018R-13117 in the Wyandotte County, Kansas Register of Deeds Office)

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 11, RANGE 24, THENCE NORTH 265.2 FEET; THENCE EAST 166.18 FEET; THENCE SOUTH 265.2 FEET; THENCE WEST 166.1 FEET TO THE POINT OF BEGINNING, SUBJECT TO ANY PART THEREOF IN STREET, ROAD OR HIGHWAY.

**TRACT 1:**

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 11, RANGE 24, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE N 2° 02' 12" W, ALONG THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25, A DISTANCE OF 265.20 FEET; THENCE S 87° 33' 48" E, A DISTANCE OF 101.56 FEET; THENCE S 2° 02' 12" E, A DISTANCE OF 265.20 FEET; TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE S 87° 33' 48" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25, A DISTANCE OF 101.56 FEET; TO THE POINT OF BEGINNING, CONTAINING 26,933 GROSS SQUARE FEET, EQUAL TO 0.6183 GROSS ACRES, MORE OR LESS, ALL SUBJECT TO THAT PART THEREOF DEDICATED FOR STREET PURPOSES.

**TRACT 2:**

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 25, TOWNSHIP 11, RANGE 24, IN KANSAS CITY, WYANDOTTE COUNTY, KANSAS, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 25; THENCE N 87° 33' 48" E, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25, A DISTANCE OF 101.56 FEET; TO THE POINT OF BEGINNING; THENCE N 2° 02' 12" W, A DISTANCE OF 265.20 FEET; THENCE N 87° 33' 48" E, A DISTANCE OF 63.58 FEET; THENCE S 2° 02' 12" E, A DISTANCE OF 265.20 FEET; TO A POINT ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE S 87° 33' 48" W, ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 25, A DISTANCE OF 63.58 FEET; TO THE POINT OF BEGINNING, CONTAINING 16,861 GROSS SQUARE FEET, EQUAL TO 0.3871 GROSS ACRES, MORE OR LESS, ALL SUBJECT TO THAT PART THEREOF DEDICATED FOR STREET PURPOSES.

**EXECUTION OF LOT SPLIT SURVEY:**

IN TESTIMONY WHEREOF, Howard Bell, owner of the above described Parent Tract as caused this instrument to be executed so that the property is divided as shown on this Lot Split Survey on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Howard Bell

**ACKNOWLEDGMENT:**

STATE OF KANSAS )  
 )  
 COUNTY OF WYANDOTTE )

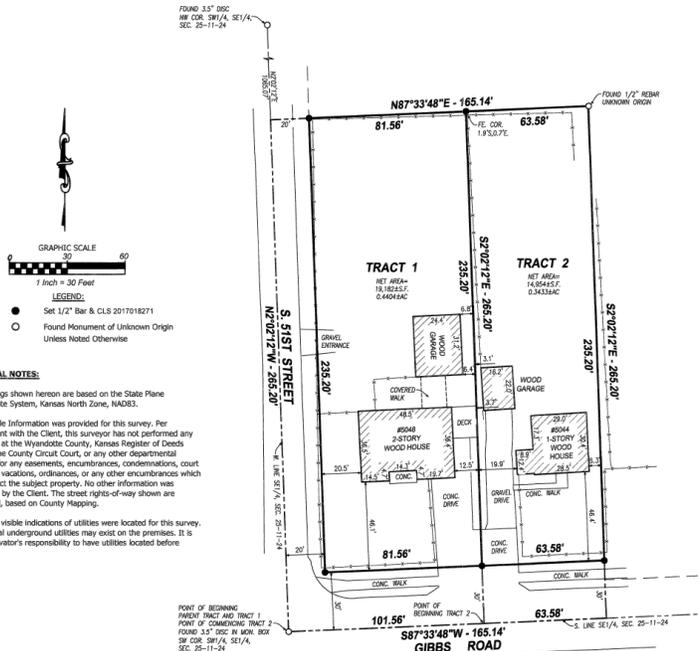
Be it remembered that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me appeared Howard Bell, to me personally known, who, after being duly sworn, did say that he is the owner of the Parent Tract and that he executed this instrument as his free act and deed.

Notary Public \_\_\_\_\_ My Commission Expires: \_\_\_\_\_  
 Printed Name \_\_\_\_\_

- LEGEND:**
- Set 1/2" Bar & GLS 2017018271
  - Found Monument of Unknown Origin Unless Noted Otherwise

**GENERAL NOTES:**

1. Bearings shown herein are based on the State Plane Coordinate System, Kansas North Zone, NAD83.
2. No Title Information was provided for this survey. Per agreement with the Client, this surveyor has not performed any research at the Wyandotte County, Kansas Register of Deeds Office, the County Circuit Court, or any other departmental records for any easements, encumbrances, condemnations, court decrees, vacations, ordinances, or any other encumbrances which may affect the subject property. No other information was provided by the Client. The street rights-of-way shown are assumed, based on County Mapping.
3. Only visible indications of utilities were located for this survey. Additional underground utilities may exist on the premises. It is the excavator's responsibility to have utilities located before digging.



**APPROVALS:**  
 APPROVED by the Unified Government of Wyandotte County / Kansas City, Kansas Planning Department this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Gunner H. Hand, Planning Director

This survey has been reviewed for filing, pursuant to K.S.A. 58-2003, 58-2005 and 58-2011, for content only and is in compliance with those provisions. No other warranties are extended or implied.

Brent E. Thompson, KS LS-1277, County Surveyor

**SURVEYORS CERTIFICATION:**

THIS IS TO CERTIFY that on February 4, 2022 this survey was made by me or under my direct supervision and that said survey meets or exceeds the "KANSAS HENDRUM STANDARDS" for boundary surveys pursuant to K.S.A. 74-7013(d).

REV. #	DATE	DESCRIPTION
1	02-25-22	PER CITY COMMENTS

**MARIN & SONS**  
 LAND SURVEYING & CONSULTING SERVICES, LLC  
 1000 W. 12TH ST., SUITE 100  
 KANSAS CITY, MO 64105  
 WWW.MARINANDSONS.COM



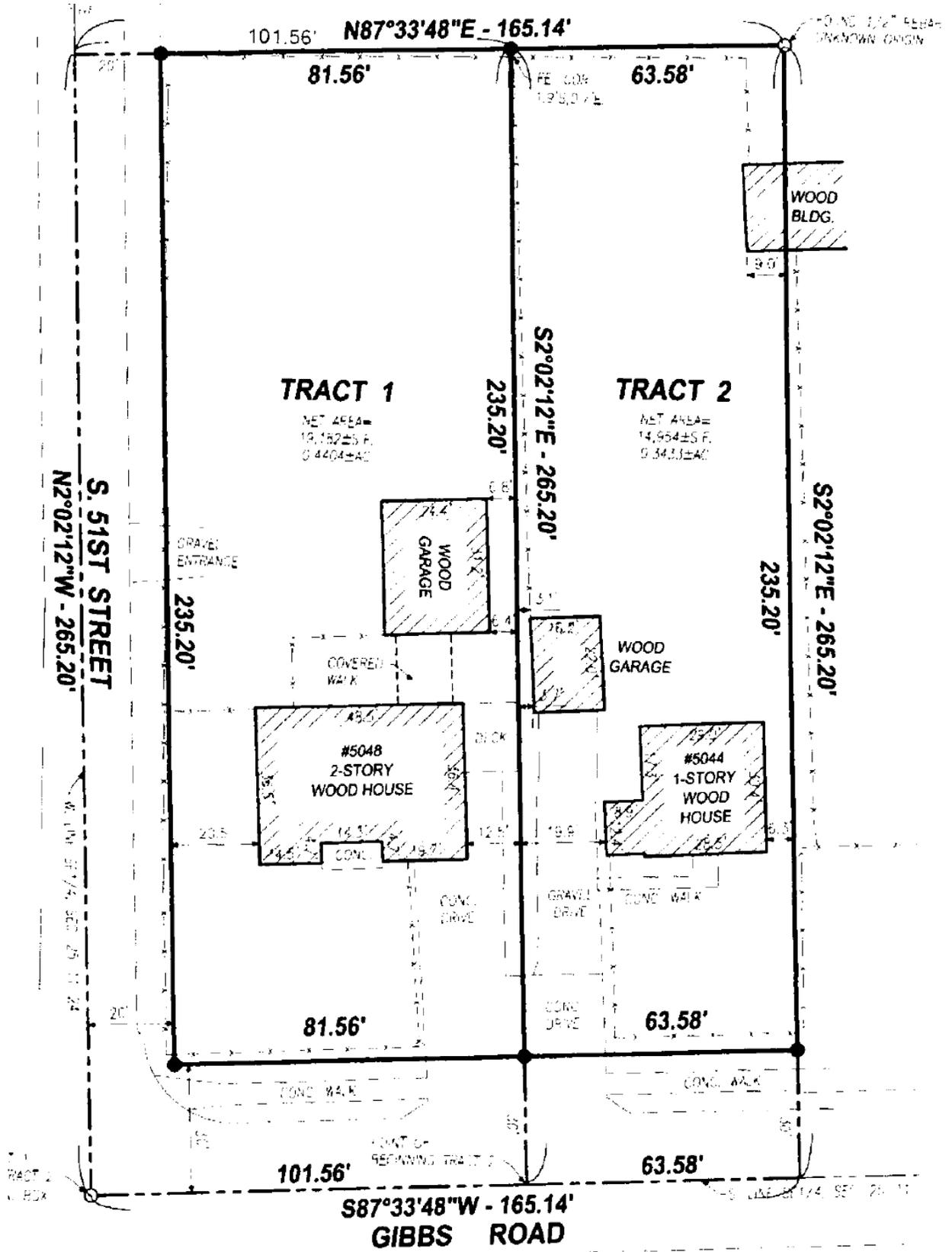
LOT SPLIT SURVEY  
 5048/5044 GIBBS ROAD  
 SE 1/4, SEC. 25-11-24  
 KANSAS CITY, WYANDOTTE COUNTY, KANSAS

**CLIENT INFORMATION:**  
 HOWARD BELL  
 5048 GIBBS ROAD  
 KANSAS CITY, KS 66106

**FILE #** 22-008 **FILE**  
**PROJECT #** 22-008  
**REVISION #**  
**DATE** 02-25-2022  
**SHEET #** 1 OF 1



**SUBDIVISION PLAN OF 5044 AND 5048 GIBBS ROAD, CONT.**



STAFF SITE VISIT PHOTOGRAPHS, DATED MAY 5, 2022



**Upper Left:** View of the subject property from Gibbs Road.

**Upper Right:** Closer view of the subject property. The driveway must be fully paved.

**Lower Left:** View of the existing primary residence at 5048 Gibbs Road and the corner lot setback, facing north.

**Lower Right:** View of the existing primary residence at 5048 Gibbs Road, the corner lot setback, and the rear yard, facing south.



STAFF SITE VISIT PHOTOGRAPHS, DATED MAY 5, 2022, CONT.



**Left:** A dilapidated accessory structure encroaching on the subject property, specifically the tract designated as 5044 Gibbs Road.

**Right:** View of the dilapidated accessory structure from South 51<sup>st</sup> Street. The accessory structure must be removed from the subject property.



**Left:** An existing accessory structure on the subject property. A retroactive building permit is required for each accessory structure that are to remain on the subject property.