

***CITY OF OSAGE CITY  
PLANNING AND ZONING***

**Regular Meeting  
December 18, 2024**

**7:00 PM**

**City Council Room – 221 S. 5<sup>th</sup> – Osage City, Kansas**

***GoToMeeting Information:***

Planning & Zoning Meeting

**Please join my meeting from your computer, tablet or smartphone.**

<https://global.gotomeeting.com/join/724142093>

**You can also dial in using your phone.** (If using a landline there may be long distance charges)

United States: [+1 \(408\) 650-3123](tel:+14086503123)

**Access Code:** 724-142-093

New to GoToMeeting? Get the app now and be ready when your first meeting starts: <https://global.gotomeeting.com/install/724142093>

---

**I. Call To Order:**

Casey Mussatto \_\_\_\_\_ Loren DeBaun \_\_\_\_\_ Teresa Nell \_\_\_\_\_

Gail Lohmeyer \_\_\_\_\_ Maurice Koch \_\_\_\_\_ Colton Jenkins \_\_\_\_\_

**II. Consent Agenda**

- 1. Approval of November 20, 2024 Regular Meeting Minutes**

**III. Regular Business**

1. Public Hearing for a Conditional Use Permit for 1028 California Street—  
Quintin and Michelle Robert
2. Recommend to the City Council the approval of the conditional use permit for  
an Air BNB at 1028 California—Quintin and Michelle Robert, Owners
3. Variance application for 822 Romine Ridge--Tim Gogolski, Property Owner

**IV. Adjournment**

# CITY OF OSAGE CITY

## REQUEST FOR CITY PLANNING & ZONING ACTION

DATE  
12/18/2024

TIME  
7:00 P.M.

AGENDA SECTION NO: III	ORIGINATING DEPARTMENT:  Administration	APPROVED FOR AGENDA:
ITEM NO. 1 & 2	BY: Katie Hodge, City Manager	BY: KH

### **ITEM:**

1028 California

### **BACKGROUND:**

Quintin and Michelle Robert are looking to use their existing barn for an Air BNB to provide additional options for those visiting Osage City. This property is in zone R-1.

Please note that the City has allowed other Air BNB's located in R-1 zones with a conditional use permit.

---

### **FISCAL NOTE:**

### **PLANNING & ZONING ACTION:**

- 1) To recommend approval of the conditional use permit to the City Council
- 2) To reject the conditional use permit
- 3) Table the discussion until a later planning and zoning meeting

### **STAFF RECOMMENDATION:**

Recommend approval of the conditional use permit to the City Council

## **CONDITIONAL USE PERMIT APPLICATION PROCESS** **STEP-BY-STEP DIRECTIONS**

STEP 1. Submit application to the Zoning Administrator at City Hall, 201 South 5th.

### **PART I: Background Information**

1. Please type or clearly print the address of the property requesting a conditional use permit.
2. The property owner must authorize submittal of the conditional use permit application.
3. Please describe as specifically as possible the present use of the property.
4. Please describe as specifically as possible how the property would be used with the approval of a conditional use permit.
5. List all of the existing and proposed structures on the property and their heights.
6. It is important that the property owner(s) sign the application. The process cannot begin without this signature.

### **PART II: Conditional Use Permit**

Please answer all questions as completely as possible. If you need help, the Zoning Administrator would be glad to assist you in completing this form. The phone number is 785 528-3714.

### **PART III: Document Checklist**

The application cannot be processed without each of the listed documents.

STEP 2. The Zoning Administrator sets a date for a study session and public hearing before the Planning Commission. The public hearing must be held within 60 days after the acceptance of the application. All property owners within 200 feet are notified by mail of the hearing. They, as well as members of the general public, are invited to comment.

STEP 3. The Planning Commission submits a recommendation to the City Council. The Planning Commission may recommend granting the permit, denying the permit, or granting the permit with conditions.

STEP 4. The City Council considers the application at its next regularly scheduled meeting. (The Council normally meets at 7:00 PM on the 2nd and 4th Tuesday of each month.) The City Council may only override the Planning Commission's recommendation with a 2/3 majority vote.

UNDER NORMAL CIRCUMSTANCES, A MINIMUM OF 60 DAYS IS REQUIRED FROM SUBMISSION OF COMPLETED APPLICATION TO FINAL DECISION.

**PLEASE NOTE: The applicant MUST be present at the public hearing and City Council meeting in order for this application to be considered. The application may be tabled if the applicant is not present.**

Date Received \_\_\_\_\_

Fee Received \_\_\_\_\_

Mailing Cost \_\_\_\_\_

Publication Cost \_\_\_\_\_

**CITY OF OSAGE CITY  
APPLICATION FOR CONDITIONAL USE PERMIT**

**PART I: BACKGROUND INFORMATION**

**The property to which this application applies is located at:**

Address 1028 California Street

Legal Description: S25, T16, R14E, ACRES 2.72, TR BEG 710'E & 400'N OF SWCOR NW1/4 TH N110, W50, N50, E50, N166.9, E508, S167, W283.6, S1 S160, W224 TO POB Deed Book/Page N 11/934 N 10/544

**Property Owner Information**

Name: Quintin J. and Michelle R. Robert

Address 1028 California Street

Phone 785-220-1720

E-Mail quintin@QRCBusinessconsulting.com

**Applicant Information (If different from property owner)**

Name \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_

E-Mail \_\_\_\_\_

The property is currently being used for the following purposes:

Barn

If the conditional use permit is approved, the property will be used for the following purposes:

Airbnb

List all existing and proposed structures and their heights:

The barn is 40' x 70' and was built 20 years ago. This Airbnb would be a small portion of overall barn

I do hereby certify that I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I hereby authorize the submission of this application and associated documents and declare that all the information contained therein is true and correct.

\_\_\_\_\_  
Signatures of Property Owners

## PART II: CONDITIONAL USE PERMIT STATEMENT

Applicants for conditional use permits are encouraged to submit a statement. This statement will become part of the application. This is an opportunity to justify approval of a conditional use permit. The information requested pertains to factors the Planning Commission and City Council consider in reaching a decision on applications.

If the space provided on this form is not adequate, the applicant may attach additional pages. The applicant is also encouraged to submit any other pertinent information, such as photographs, drawings, maps, statistics, legal documents, and letters of support.

A. The proposed development will be in keeping with the character of the neighborhood because:

We own a large parcel of ground that that includes approx. 23 acres. The barn that will house the Airbnb is located in the corner of our property and there are no homes that are within 500 feet of the Airbnb location other than our own home. There is an unmet demand for overnight accommodations in Osage City that we hope to help fill. We anticipate very little impact to our neighborhood due largely to our remote location.

B. The proposed use will be consistent with the zoning and uses on nearby parcels because:

Most of our property is taxed as agricultural use. The property to our North is A Nursing Home. Three sides of this location are in Ag production. This use should have no negative impact on the area.

C. The parcel is suitable for the proposed use because:

The parcel is suitable for the proposed use as an Airbnb as the contemplated usage has no environmental, or other impacts on the area.

D. The proposed use will have the following detrimental effects on nearby parcels:

As mentioned above, the proposed location is surrounded by agricultural use on three sides and almost 500' form the closest neighborhood to the west.

E. Prior to submitting this application, the property has been vacant for:

The property has not been vacant but has not been used for this proposed usage.

F. If the application is denied, the property owner(s) will face the following hardships:

Loss of income from proposed usage and restriction placed on owned property.

G. The proposed development implements the Comprehensive Plan in the following ways:

The proposed project supports the comprehensive plan by increasing housing options in a restricted market with limited means to meet the current temporary housing needs.

H. Public facilities and utilities are adequate to serve the proposed use as follows:

The property is already in use for personal usage and connected to all required city utilities. No additional services are required to support this project.

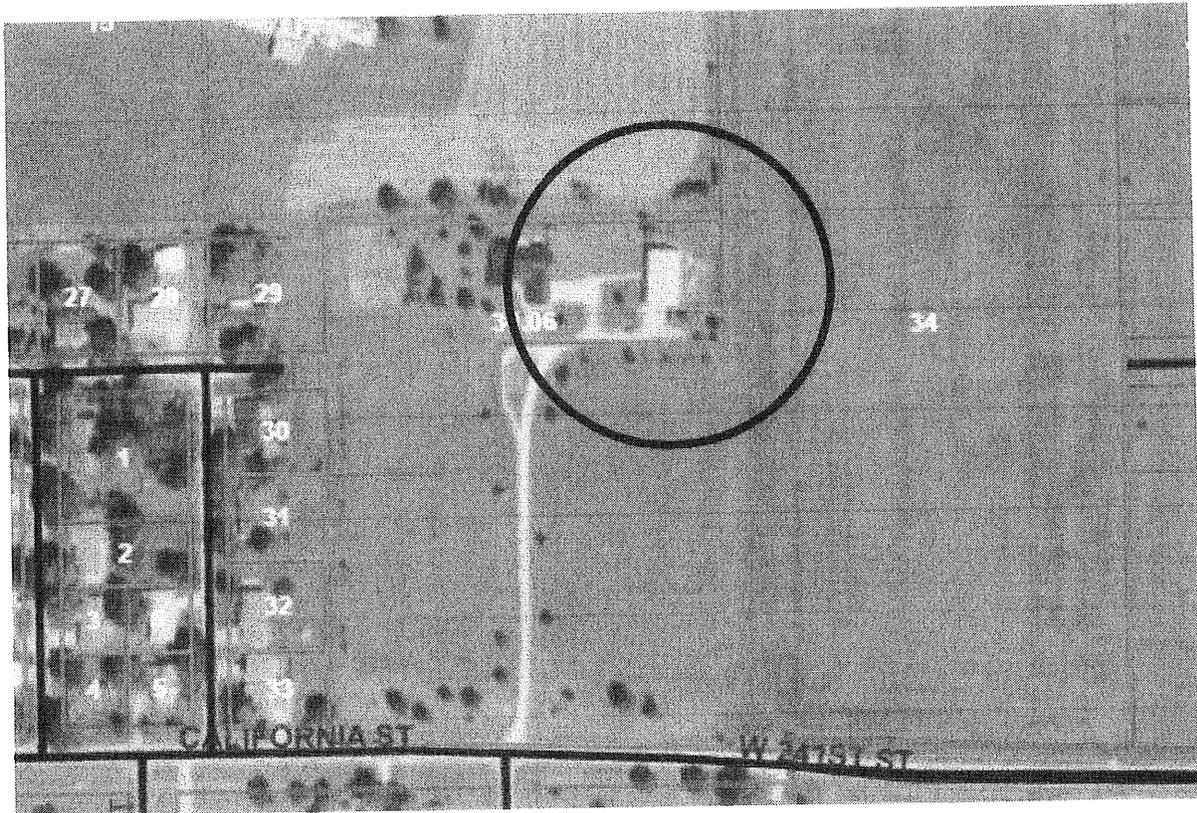
I. Specific aspects of the proposed use which will help minimize the impact on the neighborhood; nearby properties; public health, safety and welfare; and public facilities and utilities (Examples may include landscaping, exterior building materials, sidewalks, hours of operation, buffering, and screening).

There are no homes within 500' feet of this Airbnb and the building that it is housed in has existed for more than 20 years.

### PART III: ASSOCIATED DOCUMENT CHECKLIST

This application cannot be processed until each of the following items has been submitted.

- Written and signed certifications from the Osage County Treasurer's office that all property taxes for the parcel have been paid. *1028 CALIFORNIA ST OSAGE CITY*
- Copy of deed (available from the Osage County Register of Deeds).
- Names and mailing addresses of the owners of record of real property within 200 feet of the boundaries of the parcel and the legal descriptions of each property within 200 feet of the boundaries of the parcel. (If the parcel is adjacent to the city limits, the above lists must also include all the properties outside the city but within 1,000 feet of the city limits.) Please present this information in print-out form from the Osage County Appraiser.
- A site plan drawn to scale showing the location and exterior dimensions of all existing and proposed structures, landscaping, driveways, off-street parking areas, signs, sidewalks, drainage facilities, and lighting fixtures in relation to parcel boundaries and adjacent rights-of-way.



Circle on drawing above is 200' from Airbnb

Property Owners within 200' of property boundary below:

Property #29 WILSON, EDWARD & BONNIE  
PO BOX 958 HOLCOMB, KS 67851

Property #28 BILLINGS, STEVAN & SUSAN  
17 Martinwood Dr. Osage City, KS 66523

Property #30 GINZEL, JOSEPH R & MARY D  
22 MARTINWOOD DR OSAGE CITY, KS 66523

Property #31 LINDA K. GETSINGER ETAL.  
24 MARTINWOOD DR OSAGE CITY, KS 66523

Property #32 NORTON, DANIEL  
26 MARTINWOOD DR OSAGE CITY, KS 66523

Property #1: ROSETTA, HUMBERT E & D R  
8 MARTINWOOD DR OSAGE CITY, KS 66523

Manor Property to North: OSAGE NURSING LLC  
214 N SCOTT SIKESTON, MO 63801

Property #34: Owned by Applicant

Entered in Transfer Record in my office this 22 day of September 2000



ORIGINAL COMPARED WITH RECORD STATE OF KANSAS } ss  
County of Osage

This instrument Filed for Record this 22nd day of Sept A.D. 2000 at 8:00 o'clock        A. M., and duly recorded in Vol. M 91 Page 435 Linda L. Massey Reg. of Deeds  
Linda L. Massey  
Shirley K. Sayles  
**Shirley K. Sayles, Deputy**

Rhonda Barts  
County Clerk

# KANSAS WARRANTY DEED

(Statutory)  
(Joint Tenancy)

Harold Maguire  
By Deputy County Clerk

THE GRANTOR, Gerald D. Huffman, a single person, of the County of Osage, State of Kansas,

hereby CONVEYS AND WARRANTS to

Quintin J. Robert and Michelle R. Robert, husband and wife, as Joint Tenants with full rights of survivorship and not as tenants in common, of the County of Osage, State of Kansas,

the following described real estate, situated in the County of Osage, State of Kansas, to-wit:

All of Block 2, Jennings Addition to Osage City, according to the recorded Plat thereof, in Osage County, Kansas, and

Two tracts of land in the Northwest ¼ of the Northwest ¼ of Section 25, Township 16 South, Range 14 East of the 6<sup>th</sup> P.M. described as follows:

Tract I  
Beginning at the Southwest corner of Block 2, Jennings Addition to Osage City; thence East 80 feet along the North line of Market Street extended; thence North parallel to the East line of said Jennings Addition to a point 535 feet South of the North line of the Northwest Quarter of the Northwest Quarter; thence West 80 feet; thence South to the place of beginning in Osage County, Kansas, AND

Tract II  
Beginning 102.00 feet West of the Southeast corner of said Northwest ¼ Northwest ¼; thence North to a point lying 200.00 feet North and 102.00 feet West of the Southeast corner of the Northwest ¼ Northwest ¼ of said Section 25; thence Westerly to a point 480.00 feet East of the center line of Tenth Street and 200.00 feet North of the center line of Main Street extended; thence South 200.00 feet parallel to the center line of Tenth Street; thence due East to the Point of beginning in Osage County, Kansas.

Except and Subject to: the easements for public streets and alleys and public utilities and, if any there be, other easements of record in the Office of the Register of Deeds of Osage County, Kansas,

for the sum of One Dollar (\$1.00) and other valuable consideration.

Dated this 21<sup>st</sup> day of September, 2000.

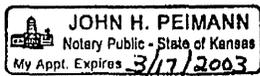
Gerald D. Huffman  
Gerald D. Huffman

### ACKNOWLEDGMENT

STATE OF Kansas, COUNTY OF Osage, ss

BE IT REMEMBERED, that on this 21<sup>st</sup> day of September, 2000, before me, the undersigned, a Notary Public in and for the County and State aforesaid, personally appeared Gerald D. Huffman, a single person, to me personally known to be the same person who executed the above and foregoing instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have subscribed my hand and Notarial Seal on the day and year last above written.



John H. Peimann  
Notary Public

My Commission Expires on \_\_\_\_\_.

Peimann Title & Escrow, Inc.  
621 Topeka Avenue  
P. O. Box 641  
Lyndon, KS 66451  
(785)828-3736

228567 \$6.00 pd PTE

**RECEIPTS**

Osage County TREASURER

Date - Time:

10/28/2024 - 4:04:15PM

Tax Unit ID: 6

Tax Unit: 22 420 OSAGE CITY

Value: 61,810

Parcel #: 01695.6

CAMA #: 147 25 0 20 02 034 06 0 01

Sec: 25

Twon: 16

Rgn: 14

Property Address/Legal: 1028 CALIFORNIA ST - Osage City, KS 66523

QUIN00016

QUINTIN J & MICHELLE R ROBERT

1028 CALIFORNIA ST

OSAGE CITY, KS 66523

Owner: QUINTIN J & MICHELLE R ROBERT

Legal: S25, T16, R14E, ACRES 2.72, TR BEG 710'E & 400'N OF SWCOR NW1/4 TH N110, W50, N50, E50, N166.9, E508, S167, W283.6, S1 S160, W224 TO POB

Tax Year	Type	Statement #	General Taxes	1st Half	2nd Half	Total
2023	RL	3339		4,956.89	4,956.89	9,913.78
			Special	0.00	0.00	0.00

Receipt #	Entry Date	Penalty Date	Code	1st Half	2nd Half	Interest / Fees	Total	Comment
Check Paid	Cash Paid	Card Paid	AAE/Rev. Paid	Change	Operator			
5000-1	01/22/2024	12/20/2023	1	4,956.89	0.00	0.00	4,956.89	
4,956.89	0.00	0.00	0.00	0.00	Michele Smith - Ti			
Check #/Name/Amnt: 4596 QUINTIN J & MICHELLE R ROBERT mai 4956.89 /								
9405-1	06/11/2024	05/13/2024	2	0.00	4,956.89	4.48	4,961.37	
4,956.89	0.00	0.00	0.00	-4.48	Kolene Mansdoer			
Check #/Name/Amnt: 4546 QUINTIN J ROBERT 4956.89 /								
<b>Grand Totals</b>				<b>4,956.89</b>	<b>4,956.89</b>	<b>4.48</b>	<b>9,918.26</b>	
<b>9,913.78</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>-4.48</b>				

Paid in full 

Remaining 1st Half	Remaining 2nd Half	Remaining Total
0.00	0.00	0.00

# Reply Form

Date Received in Planning & Zoning Committee

12/12/2024

LB

Property Address: 1028 California Street

Members of the public are always encouraged to attend Public Hearings and make their opinions known. The basic purpose of this form is to make it easy for people who will not be able to attend the Public Hearing to express their opinions.

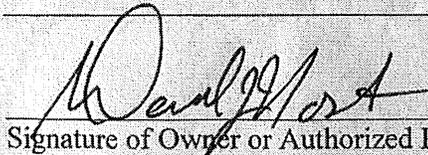
Please follow these instructions:

1. Mark the box which best expresses your opinion about this request.
2. Add comments that will explain your position. Attach additional pages or a letter if necessary.
3. Sign and date the form at the bottom.
4. Return by date listed below. Mail back to: PO Box 250, Osage City, KS 66523, or Fax your response to the Planning & Zoning Committee at 785-528-3022 by the date below.

IN FAVOR     OPPOSED     UNSURE

Reasons and/or Comments:

As long as the peace in the neighborhood is maintained.

  
 Signature of Owner or Authorized Representative

12-12-24  
 Date

To have your comments included in the meeting, please return this form to City Hall by:

**December 13, 2024**

If you have any questions, please contact the Osage City Planning & Zoning Commission at 785-528-3714.

Date Received in Planning & Zoning Committee 12/10/2024 (LB)

Property Address: 1028 California Street

Members of the public are always encouraged to attend Public Hearings and make their opinions known. The basic purpose of this form is to make it easy for people who will not be able to attend the Public Hearing to express their opinions.

Please follow these instructions:

1. Mark the box which best expresses your opinion about this request.
2. Add comments that will explain your position. Attach additional pages or a letter if necessary.
3. Sign and date the form at the bottom.
4. Return by date listed below. Mail back to: PO Box 250, Osage City, KS 66523, or  
Fax your response to the Planning & Zoning Committee at 785-528-3022 by the date below.

IN FAVOR     OPPOSED     UNSURE

Reasons and/or Comments:

*Our house is located in a nice, quiet neighborhood. Therefore, we oppose any change that would disrupt this environment.*

*Eddie & Bonnie Nelson*  
 Signature of Owner or Authorized Representative

*Dec 9<sup>th</sup>, 2024*  
 Date

To have your comments included in the meeting, please return this form to City Hall by:

**December 13, 2024**

*If you have any questions, please contact the Osage City Planning & Zoning Commission at 785-528-3714.*

Date Received in Planning & Zoning Committee \_\_\_\_\_

Property Address: 1028 California Street

Members of the public are always encouraged to attend Public Hearings and make their opinions known. The basic purpose of this form is to make it easy for people who will not be able to attend the Public Hearing to express their opinions.

Please follow these instructions:

1. Mark the box which best expresses your opinion about this request.
2. Add comments that will explain your position. Attach additional pages or a letter if necessary.
3. Sign and date the form at the bottom.
4. Return by date listed below. Mail back to: PO Box 250, Osage City, KS 66523, or Fax your response to the Planning & Zoning Committee at 785-528-3022 by the date below.

<input type="checkbox"/> IN FAVOR	<input checked="" type="checkbox"/> OPPOSED	<input type="checkbox"/> UNSURE
-----------------------------------	---	---------------------------------

Reasons and/or Comments:

*A public accomodation facility for this residential area would certainly ruin the way of a country living atmosphere, nice and quiet and nice like it this way. At this time we are <sup>DEFINITELY</sup> ~~definitely~~ appased of this proposal!!*

*M. Dorothy Ginzul*  
 \_\_\_\_\_  
 Signature of Owner or Authorized Representative  
*J. R. Ginzul*

*11-6-24*  
 \_\_\_\_\_  
 Date

To have your comments included in the meeting, please return this form to City Hall by:

**December 13, 2024**

If you have any questions, please contact the Osage City Planning & Zoning Commission at 785-528-3714.

# CITY OF OSAGE CITY

## REQUEST FOR CITY PLANNING & ZONING ACTION

DATE  
12/18/2024

TIME  
7:00 P.M.

AGENDA SECTION NO: III	ORIGINATING DEPARTMENT:  Administration	APPROVED FOR AGENDA:
ITEM NO. 3	BY: Katie Hodge, City Manager	BY: KH

**ITEM:**

822 Romine Ridge

**BACKGROUND:**

Variance application for 822 Romine Ridge to construct an accessory structure (garage/shop) at the side and/or rear yard. The structure would be extend about 25 ft in front of the existing residence.

---

**FISCAL NOTE:**

**PLANNING & ZONING ACTION:**

- 1) To set a public hearing for the variance application
- 2) To reject the variance application
- 3) Table the discussion until a later planning and zoning meeting

**STAFF RECOMMENDATION:**

# ZONING VARIANCE APPLICATION

## CITY OF OSAGE CITY

201 South 5<sup>th</sup>, Osage City, KS 66523  
(785) 528-3714 Fax: (785) 528-4951

Case Number: \_\_\_\_\_ Date Received: 11/22/24 Application Fee: \_\_\_\_\_

**The applicant requests a variance from the following section of the Osage City Zoning Regulations:**

Section 6-701. All accessory uses or structures shall be located  
in the side and/or rear yard only.

Describe the purpose of this variance.

To allow for the building of part of part of the shop in front of the primary  
residence. Approximately 25 feet of shop would be in front of residence with 15 feet being a  
concrete porch overhang.

**The property to which this application applies is located:**

Address 822 Romine Ridge Road, Osage City, Kansas 66523  
Legal Description Lot 4, Romine Ridge Addition, Unit One an Addition of  
Osage City, Osage County, Kansas

**Property Owner Information**

Name Timothy B gogolski Phone 785-249-5544  
Address 822 Romine Ridge Road, Osage City, Kansas 66523  
E-Mail Address Timgogolski@gmail.com

**Applicant Information** (If different from property owner)

Name Same Phone \_\_\_\_\_  
Address \_\_\_\_\_  
E-Mail \_\_\_\_\_

I do hereby certify that I am the legal owner of record of the land specified in this application or am authorized and empowered to act as an agent on behalf of the owner of record on all matters relating to this application. I hereby authorize the submission of this application and associated documents and declare that all the information contained therein is true and correct.

  
\_\_\_\_\_  
Signatures of Property Owners

November 22, 2024

The following factors are considered by the Board of Zoning Appeals when making a determination. Please answer these five questions in regard to the proposed project.

1. The proposed development would not be contrary to the public health, safety, and public interest because The construction of the garage/shop would allow for the trailers and other items in the yard to be stored inside improving the aesthetics of the community.

2. The literal enforcement of zoning regulations would result in the following unnecessary hardships: Removal of several trees that provide shade to the home. Add addition problems connecting to utilities. Make it difficult to access the garage/shop.

3. The following conditions which were not created by the owner's actions are unique to this parcel and are not commonly found on parcels used in similar ways: Very steep drop to the back of property.

4. The proposed development would not adversely affect the rights of adjacent property owners because The garage/shop would be behind the fronts of the the property to the north and south. The property to the north has a detached garage that is in front of their house. The proposed garage/shop would still be farther back from the street then theirs.

5. The proposed development would not be contrary to the general spirit and intent of the Osage City Zoning Regulations because it would not be closer to the road than the structures on the properties to north and south of this property. The garage/shop will be costructed by a contract and add value to the exiting property and neighborhood.

If the space provided on this form is not sufficient, the applicant may attach additional pages. The applicant also may submit any other pertinent information including site plans, photographs, drawings, building elevations, maps, statistics, legal documents, and letters of support.

For questions please call the Zoning Administrator; 785 528-3714.

**All rulings of the Board of Zoning Appeals shall be final and binding on all parties. Any decision of the Board of Zoning Appeals may be appealed according to district court within 30 days of a final decision.**

**This application cannot be processed until each of the following items has been submitted.**

- Written and signed certifications from the Osage County Treasurer's office that all property taxes for the parcel have been paid.
- Copy of deed (available from the Osage County Register of Deeds. (See Record of Owners – Attached))
- Names and mailing addresses of the owners of record of real property within 200 feet of the boundaries of the parcel and the legal descriptions of each property within 200 feet of the boundaries of the parcel. Please present this information in print-out form from the Osage County Appraiser.
- Supporting documentation, such as a site plan, building elevations, landscape plan, and detailed studies, may be required. Please confer with the Zoning Administrator prior to submitting this application.

**PLEASE NOTE:**

**The applicant MUST be present at the public hearing in order for this application to be considered. The application may be tabled if the applicant is not present.**



# TRUSTEE'S DEED

THIS DEED is executed on this 8<sup>th</sup> day of Jan., 1997, by DONALD L. ROMINE, Trustee of the DONALD L. ROMINE REVOCABLE TRUST dated June 6, 1996, as Grantor to Timothy B. Gogolski and Karen K. Gogolski, husband and wife, as joint tenants with full rights of survivorship and not as tenants in common, Grantees.

Grantor, for himself, his successors and assigns, does hereby covenant with Grantees that he is the duly qualified and acting Trustee of the DONALD L. ROMINE REVOCABLE TRUST dated June 6, 1996; has full power and authority under the terms of such Trust Agreement and under the Uniform Trustees' Powers Act as enacted by the State of Kansas to convey the real estate described herein; and such Trust Agreement is in full force and has not been revoked as of the date of the execution of this instrument.

NOW THEREFORE, Grantor, for the sum of \$1.00 and other valuable consideration, does hereby grant, sell and convey to Grantees all right, title and interest in and to the following described real estate in the County of Osage, in the State of Kansas, to-wit:

**Lot 4, of the Final Plat of Romine Ridge Addition, Unit One, an Addition to Osage City, Osage County, Kansas, according to the recorded Plat thereof.**

to have and to hold the same, together with all and singular tenements, hereditaments, and appurtenances thereto belonging and in anywise appertaining, forever, subject to easements, restrictions and assessments of record, and all taxes and assessments that may be levied, imposed or become payable hereafter.

IN WITNESS WHEREOF, DONALD L. ROMINE, Trustee of the DONALD L. ROMINE REVOCABLE TRUST dated June 6, 1996, as Grantor, has hereunto executed this instrument on the day and year first above written.

DONALD L. ROMINE REVOCABLE TRUST

By: Donald L. Romine  
DONALD L. ROMINE, Trustee of the DONALD L. ROMINE REVOCABLE TRUST dated June 6, 1996

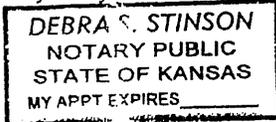
STATE OF KANSAS

SS:

COUNTY OF OSAGE

BE IT REMEMBERED, that on this 8<sup>th</sup> day of Jan., 1997, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came DONALD L. ROMINE, Trustee of the DONALD L. ROMINE REVOCABLE TRUST dated June 6, 1996, who is personally known to me to be the same person who executed the within instrument entitled TRUSTEES' DEED, and such person duly acknowledged the execution of the same as trustee on behalf of the trust.

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



Debra S. Stinson  
Notary Public

My Appointment Expires:

01-16-2001

ORIGINAL COMPARED WITH RECORD

STATE OF KANSAS } SS  
County of Osage

This instrument Filed for Record this  
6<sup>th</sup> day of April, A.D. 1998  
at 8:47 o'clock A. M., and duly  
recorded in Vol. M 82 Page 710  
Linda L. Massey Reg. of Deeds  
Linda L. Massey

Entered in Transfer Record in my  
office this 6<sup>th</sup> day of April  
A.D. 1998

Kathryn S. Jewey  
County Clerk  
By Deputy County Clerk

\$6.00 paid PTE

1 2 3 4 5 6 7



**Parcel Summary (For [Full Report click here](#))**

[View Multi-Parcel Report](#)

Parcel ID : 0701473500000001050  
Owner Name : GOGOLSKI, TIMOTHY & KAREN  
Location : 822 ROMINE RIDGE, Osage City, KS 66523.  
Boundary Desc : ROMINE RIDGE ADD UNIT 1, Lot 4, ACRES 1.56, SECTION 35 TOWNSHIP 16 RANGE 14E.

**Owner Information**

Owner : GOGOLSKI, TIMOTHY & KAREN  
Mailing Address : 822 ROMINE RIDGE OSAGE CITY, KS 66523

**Property Details**

Property Type : Residential  
Property Status : Active  
Taxing Unit : 006  
Neighborhood Code : 200.6

Parcel ID : 0701473500000001060  
Owner Name : BREWER, KARL E & REBECCA A  
Location : 826 ROMINE RIDGE, Osage City, KS 66523.  
Boundary Desc : ROMINE RIDGE ADD UNIT 1, Lot 3, ACRES 1.52, SECTION 35 TOWNSHIP 16 RANGE 14E.

**Owner Information**

Owner : BREWER, KARL E & REBECCA A  
Mailing Address : 826 ROMINE RIDGE OSAGE CITY, KS 66523

**Property Details**

Property Type : Residential  
Property Status : Active  
Taxing Unit : 006  
Neighborhood Code : 200.6

Parcel ID : 0701473500000001040  
Owner Name : SCHWIEGER, DALE J & KAREN  
Location : 818 ROMINE RIDGE, Osage City, KS 66523.  
Boundary Desc : ROMINE RIDGE ADD UNIT 1, Lot 5, ACRES 1.62, SECTION 35 TOWNSHIP  
16 RANGE 14E.

**Owner Information**

Owner : SCHWIEGER, DALE J & KAREN  
Mailing Address : 818 ROMINE RIDGE OSAGE CITY, KS 66523

**Property Details**

Property Type : Residential  
Property Status : Active  
Taxing Unit : 006  
Neighborhood Code : 200.6

Parcel ID : 0701473500000001190  
Owner Name : SILVER, CLINTON & LINDSAY  
Location : 821 ROMINE RIDGE, Osage City, KS 66523.  
Boundary Desc : ROMINE RIDGE ADD UNIT 2, ACRES 2.11, LTS 3, 11 & 1/2 VAC ST.

**Owner Information**

Owner : SILVER, CLINTON & LINDSAY  
Mailing Address : 821 ROMINE RIDGE OSAGE CITY, KS 66523

**Property Details**

Property Type : Residential  
Property Status : Active  
Taxing Unit : 006  
Neighborhood Code : 200.6

Parcel ID : 0701473500000001180  
Owner Name : WURDEMAN, GABRIEL & HEATHER  
Location : 825 ROMINE RIDGE, Osage City, KS 66523.  
Boundary Desc : ROMINE RIDGE ADD UNIT 2, ACRES 2.12, LOTS 4 & 9 AND VAC STREET.

**Owner Information**

Owner : WURDEMAN, GABRIEL & HEATHER  
Mailing Address : 825 ROMINE RIDGE OSAGE CITY, KS 66523

**Property Details**

Property Type : Residential  
Property Status : Active  
Taxing Unit : 006  
Neighborhood Code : 200.6

Parcel ID : 0701473500000001170  
Owner Name : GIESY, BRIAN D  
Location : 829 ROMINE RIDGE, Osage City, KS 66523.  
Boundary Desc : ROMINE RIDGE ADD UNIT 2, Lot 5, ACRES 1.05.

**Owner Information**

Owner : GIESY, BRIAN D  
Mailing Address : 829 ROMINE RIDGE OSAGE CITY, KS 66523

**Property Details**

Property Type : Residential  
Property Status : Active  
Taxing Unit : 006  
Neighborhood Code : 200.6

Parcel ID : 0701473500000001200  
Owner Name : GINZEL, JOSEPH R & LISA M  
Location : 817 ROMINE RIDGE, Osage City, KS 66523.  
Boundary Desc : ROMINE RIDGE ADD UNIT 2, Lot 2, ACRES 0.99.

**Owner Information**

Owner : GINZEL, JOSEPH R & LISA M  
Mailing Address : 817 ROMINE RIDGE OSAGE CITY, KS 66523

**Property Details**

Property Type : Residential  
Property Status : Active  
Taxing Unit : 006  
Neighborhood Code : 200.6



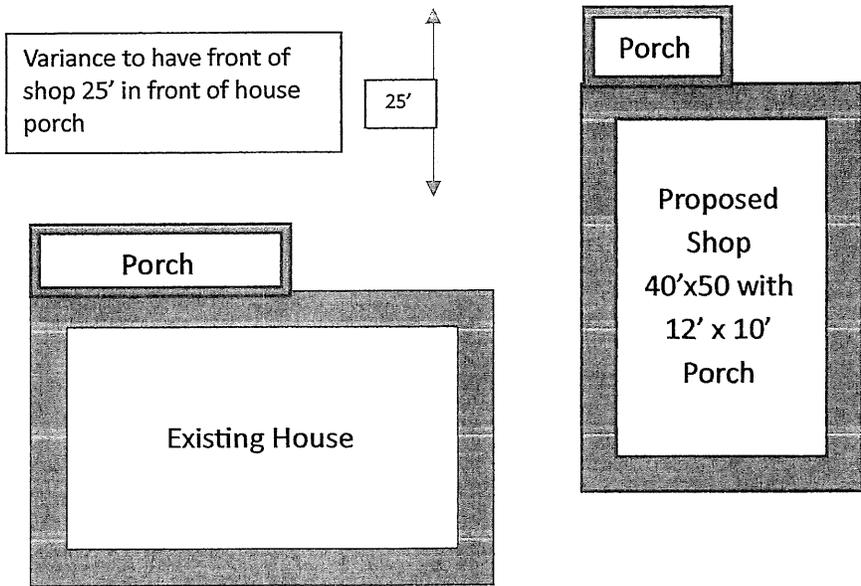
Gogolski  
822 Romine Ridge Road  
Osage City, Kansas

Variance Request  
Attachment 3

---

**Romine Ridge Road**

---



# IMPROVEMENT LOCATION CERTIFICATE

NO. 980655

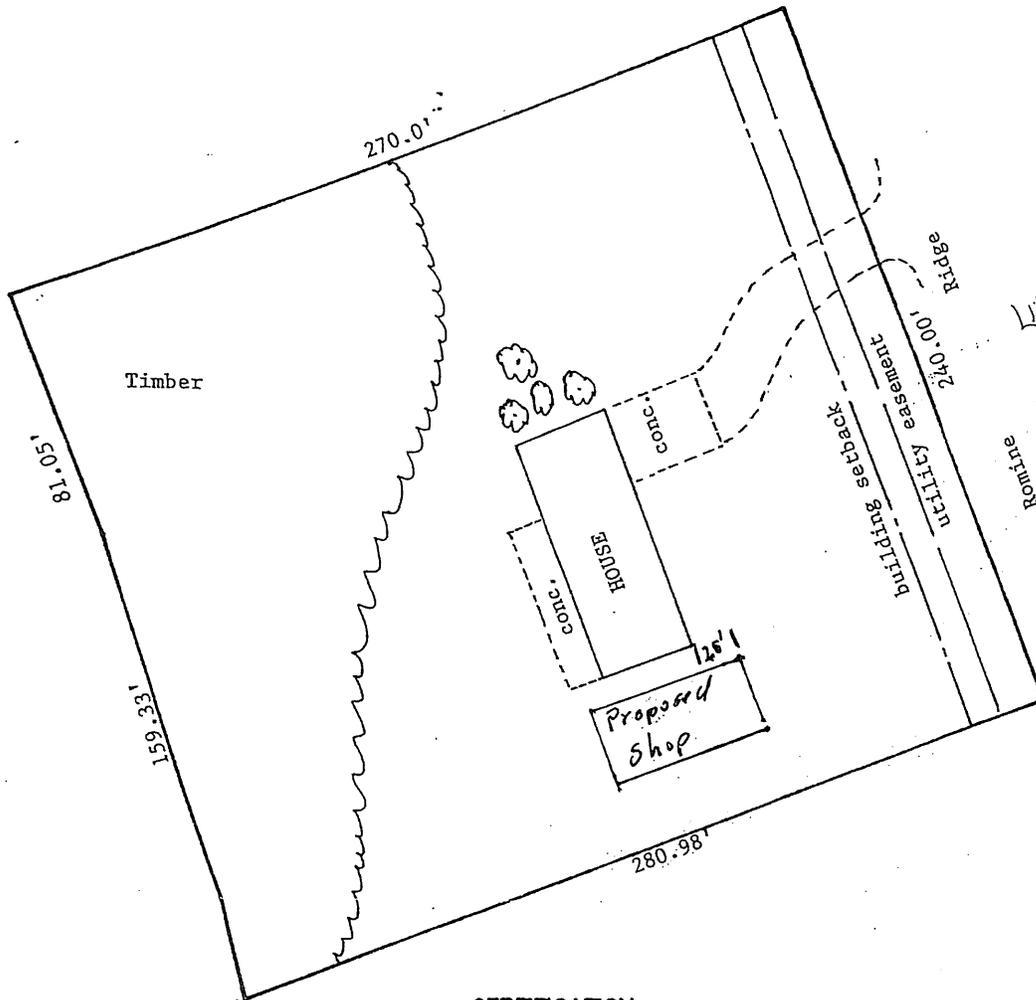
ORDERED BY: Cendant Mortgage Corp.

SURVEY MADE 11-29-98

CREW Kanak

FIELD NOTES same

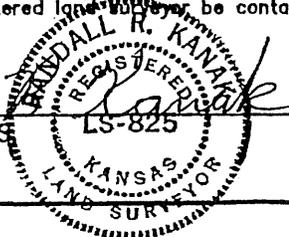
Lot 4, Romine Ridge Addition, Unit One, an addition in the city of Osage  
City, Osage County, Kansas.



### CERTIFICATION

I hereby certify that on the 29th day of November, 1998, this Improvement location certificate was prepared ONLY for the use of the mortgage lender and of the title insurance company, and that the Improvements shown here on are within the described parcel of which legal description was furnished by the client, that there were no encroachments upon the described premises except as indicated, that there is no evidence or sign of any easement crossing or burdening any part of said parcel except as noted. No monuments were set at corners of said parcel. Improvement location certificate is based on evidence found and the location and dimensions of all building improvements, easements, or rights-of-way in evidence are known to me and encroachments by or on the premises are shown in relation to boundary evidence found. It is suggested that a registered land surveyor be contacted prior to construction of any improvements.

Randall R. Kanak  
RANDALL R. KANAK, R.L.S.  
KANSAS B25



11-29-98  
DATE

## **SECTION 20-7 ACCESSORY USES**

**20-701.** Accessory uses are permitted in any zoning district in connection with any permitted principal use, consistent with the provisions of this section and section 20-8.

a. **Definitions.** An accessory use is a structure or use which:

1. Is subordinate to and serves a principal building and principal use.
2. Is subordinate in area, extent or purpose to the principal building or buildings served.
3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served.
4. Is located on the same tract as the principal building or principal use served.

b. **Permitted accessory uses.** Any structure or use that complies with the terms of subsection a. of this article may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following:

1. Private garages and carports, whether detached or attached, as further regulated by section 20-8.
2. A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed one hundred forty-four (144) square feet in gross floor area.
3. A children's playhouse.
4. A private swimming pool and bathhouse.
5. A guest house or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units or permanent occupancy as house-keeping units.
6. Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, hedges and radio and television antennas.

regulations, a new or enlarged structure may be set in line with the structure closest to the street.

- (b) Where there is no recorded front building setback line established by platting and fifty (50) percent or more of the structures on one side of a block are setback less than required by the district regulations a new or enlarged structure may be set in line with the average of the existing structure or structures adjacent to the new or enlarged structure. However, no new or enlarged structure may be set closer to the front property line than ten (10) feet in a residential, commercial or industrial zone.

2. ***Accessory buildings and structures.***

- (a) Except as otherwise provided in Section 20-8 for residential districts, detached accessory buildings or structures must be located behind the front building line and may be located no closer than five (5) feet from the principal building, side or rear lot line, except if the structure has a vehicular entrance directly from an alley such accessory building or structure shall be set no less than twenty (20) feet from the property line adjacent to the alley.
- (b) Existing accessory buildings or structures which do not meet the minimum setbacks may be rebuilt, reconstructed or enlarged, providing they do not further decrease the existing setbacks.
- (c) Except as otherwise permitted or further restricted by the regulations in this Article, the total area of all detached accessory buildings or structures shall not exceed the provisions of section 20-7.

3. ***Structural projections.*** Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings or structures, and except for:

- (a) Eave projections, sills, cornices and other ornamental features may project a maximum of twelve (12) inches into a required yard or setback.
- (b) Open fire escapes, balconies opening onto a fire escape, chimneys and fireplaces may project no more

## **SECTION 20-8      ACCESSORY USES; ADDITIONAL REQUIREMENTS IN RESIDENTIAL DISTRICTS**

**20-801.** No detached accessory building shall occupy a required front yard or be located within ten (10) feet of any dwelling existing or under construction on the building site.

**20-802.** No single accessory building in a residential district (R-1, R-2, R-3, MHP, MHS, MU, CS) shall occupy more than 30%, nor shall all such buildings collectively occupy more than 40% of the required yard spaces in the rear half of the lot. No accessory building shall be located closer than five (5) feet to any lot line. In the case of a corner lot no accessory building shall project closer to the street side yard than the front yard abutting.

**20-803.** Garages shall not be constructed upon lots in residential-zoned districts upon which no principle dwelling is located.

## **SECTION 20-9 FENCES**

**20-901.** Except as otherwise specifically provided elsewhere in these regulations or other codes and regulations of the City the following restrictions shall apply to the construction of all fences or improvements, replacements or extensions of existing fences.

- a. No fence shall be constructed without first obtaining a fence permit from the Zoning Administrator.
- b. No fence shall be constructed closer to the street than the front setback line established for the district in which such fence is to be erected; provided however, that a fence not exceeding four (4) feet in height may be constructed within a required front yard setback if the Zoning Administrator determines that such a fence otherwise complies with the regulations of this section.
- c. No fence shall be constructed in the sight distance area or any other location by which it would constitute a traffic hazard.
- d. A property owner may install a fence within a dedicated easement at his or her own risk of having to remove or repair such fence due to the lawful activities of persons or entities under the easement.
- e. No fence shall be constructed in such a manner or be of such design as to be hazardous or dangerous to persons or animals.

board, and the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the board and shall be public record.

**25-203.** The secretary of the Osage City Planning Commission shall serve as the secretary of the Board of Zoning Appeals.

**25-204.** The Board of Zoning Appeals shall meet as needed to consider the business before it. The board shall select one of its members as chair and one as vice-chair, who shall serve one year and until their successors have been selected. Special meetings may be called at any time by the chair or in the absence of the chair, by the vice-chair.

### **SECTION 25-3 APPEALS**

**25-301.** The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations.

- a. Appeals to the board may be taken by the person aggrieved, or by any officer, department or bureau of the government affected by any decision of the Zoning Administrator. Such appeal shall be filed with the Zoning Administrator within sixty (60) days after a ruling has been made by the Zoning Administrator. The Zoning Administrator shall transmit to the secretary of the board all papers constituting the record upon which the action appealed from is taken.
- b. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the board, after the notice of appeal has been filed, that a stay would, in the opinion of the Zoning Administrator, cause imminent peril to life or property.

### **SECTION 25-4 VARIANCES**

**25-401.** The board shall have the power to authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance shall not permit any use not permitted by the zoning regulations in such district.

- a. The applicant must show that his or her property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property which existed at the time of the effective date of the district zoning regulations, or where by reason of exceptional topographical conditions or other extraordinary or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the use of the property in the manner similar to that of other property in the zoning district where it is located.
- b. Variances from these regulations may be granted only in the following instances:
  1. To vary from the applicable lot area and width, height and yard regulations.
  2. To vary from the applicable off-street parking and loading requirements.
- c. In accordance with Section 25-10 a request for a variance may be granted by the Zoning Administrator for variances of 15% or less of the requirement. Requests for variances of greater than 15% of the requirement of the regulation may be granted, upon a finding of the board that all of the following conditions have been met. The board shall make a determination on each condition, and the finding shall be entered in the record:
  1. The variance requested arises from a 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 action of the property owner or applicant.
  2. The granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.
  3. The strict application of the provisions of the zoning regulations of which the variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
  4. The variance desired 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 regulations.
- d. In granting a variance, the board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.
- e. Whenever the board grants a variance the results of such action will be recorded with the Register of Deeds of Osage County by the secretary, after the passage of the thirty (30) day appeal period.

### **SECTION 25-5 EXCEPTIONS**

**25-501.** The board shall have the power to grant exceptions to the provisions of these zoning regulations, when expressly authorized to do so by these regulations in a particular zoning district or districts.

- a. In no event shall exceptions to the provisions of the zoning regulations be granted where the exception contemplated is not specifically listed in the zoning regulations. The board shall not grant an exception when the conditions established by this section are not found to be present.
- b. The board shall not grant an exception unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:
  1. The proposed exception complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.
  2. The proposed exception at the specified location will contribute to and promote the welfare or convenience of the public.
  3. The proposed exception will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
  4. The location and size of the exception, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the exception will not dominate the immediate

neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the exception will so dominate the immediate neighborhood, consideration shall be given to:

- (a) The location, nature and height of buildings, structures, walls and fences on the site, and
  - (b) The nature and extent of landscaping and screening on the site;
- 5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect;
  - 6. Adequate utility, drainage and other such necessary facilities have been or will be provided; and
  - 7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

**25-502. Exceptions Allowed.** The following exceptions are expressly allowed to be granted by the board when such is consistent with Section 25-501:

- a. Where a use district boundary line crosses a lot, a use of either classification on the whole lot within one hundred (100) feet of said district boundary line.
- b. An off-street parking area in a residential district where such facility would relieve traffic congestion on the streets and where said parking lot conforms to the following specification:
  - 1. The land devoted to parking to be located adjacent to, and within 200 feet of a business or industrial district.
  - 2. Walls, fences, or planting shall be provided in a manner to afford protection for and be in harmony with surrounding residential property.

3. The same front yard depth restrictions shall be required as are required in the zoning district in which the parking area is located.
  4. All driveways and the area used for the parking of vehicles shall be surfaced with a hard, durable, rustproof material, and be properly drained.
  5. The area shall be used exclusively for parking of motor vehicles belonging to invitees of the owner or lessee of said lot.
  6. The approval of all plans and specifications for the improvement, surfacing, drainage, entrances, and exits, or lights for said parking area shall be obtained from the City Engineer.
  7. The area shall conform to such other requirements as the board, in the exercise of sound discretion, may require for protection of surrounding property, persons, and neighborhood values.
- c. Off-street parking areas, adjacent to or at a reasonable distance from the premises on which parking areas are required by the parking regulations of these regulations where practical difficulties, including the acquisition of property, or undue hardships are encountered in locating such parking areas on the premises and where the purpose of these regulations to relieve
- d. Special Yard and Height Exceptions: The following yard exceptions, limited as to location and especially in locations described below may be approved by the board.
1. An exception in the yard regulations on a lot where, on the adjacent lot there is a front, side, or rear yard that does not conform with such yard regulations.
  2. A yard exception on a corner lot, or lots opposite or adjoining permanent open spaces, including parks and playgrounds.
  3. An exception in the depth of rear yard on a lot in a block where there are nonconforming rear yard conditions.
  4. An exception where there are irregularities in depths of existing front yards on a street frontage on the side of a street between two intersecting streets, so that any one of the existing depths