



PLANNING
ENGINEERING
IMPLEMENTATION

Date: March 31, 2026
To: City of Olathe, Kansas
From: Doug Ubben, Jr., P.E., Phelps Engineering, Inc.
Re: Request for Waiver – Corner Yard Setback
PEI #250799

Requirement:

UDO Section 18.20.090 – R3, Site Column 2
Corner side yard (minimum) – 20 ft

Proposal:

To reduce the minimum corner side yard setback to 15 feet for the above-referenced project. Site topography limits the buildable area for the project. The 15-foot corner side setback matches the provided front setback, maintaining consistent spacing across both street-facing yards.

The approving authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan:

(a) An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.

RESPONSE: The developable space on the site is constrained by the steep conditions slopes over a large portion of the site. The reduced corner yard setback allows the development to stay confined within the developable area. The 5 foot reduction in setback on the corner side yards will not have any negative impacts to neighboring properties as the locations of the reduced setbacks are all internal to the site.

(b) Development restrictions imposed on the property to ensure low impact land uses, low scale buildings and a site design arrangement in which adjoining residential properties will not be negatively impacted by any change in the applicable regulations.

RESPONSE: The developable space on the site is constrained by the steep conditions slopes over a large portion of the site. The reduced corner yard setback allows the development to stay confined within the developable area. The 5 foot reduction in setback on the corner side yards will not have any negative impacts to neighboring properties as the locations of the reduced setbacks are all internal to the site.

PHELPS ENGINEERING, INC.

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(c) Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.

RESPONSE: There is a large tree canopy between this development and the existing subdivision.

(d) Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by a change in the applicable regulations.

RESPONSE: There is a large tree canopy between this development and the existing subdivision.

(e) The regulation impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design, building design and building arrangements are not possible. In such instances, findings shall be prepared that:

(i) No private rights will be injured or endangered by the waiver.

(ii) The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

RESPONSE: The developable space on the site is constrained by the steep conditions slopes over a large portion of the site, which is unique. The setback requirement causes an unnecessary hardship due to these conditions. There will be no loss or inconvenience to neighboring properties with this waiver.

Sincerely,

Phelps Engineering, Inc.

A handwritten signature in black ink, appearing to read "Doug E. Ubben". The signature is written in a cursive, flowing style.

Doug Ubben, Jr., P.E.