

AFFIDAVIT AND NOTICE OF WESTBORO SUBDIVISION
NEIGHBORHOOD CONSERVATION DISTRICT


COMES NOW, Lawrence A. Dimmitt, President of the Westboro Homeowners' Association, who hereby files this NOTICE of public record that the Westboro Subdivision is subject to certain rules, regulations, restrictions and/or requirements regarding the use, construction, zoning, setbacks and improvements found on land located within the Westboro Subdivision, Topeka, Shawnee County, Kansas, and as set out in Plat Book #9, Page 33B and any subsequent replats.

The Westboro Neighborhood Conservation District was approved by the Governing Body of the City of Topeka on the 11th day of February, 2014, by City ORDINANCE No. 19887 which was duly passed by the City Council and approved by the Mayor with Notice thereof being published in *The Topeka Metro News* on February 17, 2014. A copy of the ordinance is attached as EXHIBIT A. Also attached (as EXHIBIT B) is a complete copy of the Westboro Neighborhood Conservation District Application dated December 16, 2013. This NOTICE shall also serve as adequate notice of any subsequently filed amendments or modifications to the Westboro Neighborhood Conservation District.

The Westboro Neighborhood Conservation District encompasses all real property within the area bounded on the north by southwest Huntoon Street, on the east by southwest Oakley Avenue, on the south by 17th Street and on the west by Gage Boulevard. However, the Neighborhood Conservation District does not include the commercial properties located on the corner of Huntoon Street and Oakley Avenue.

WESTBORO HOMEOWNERS' ASSOCIATION

By:

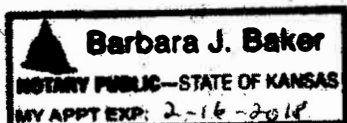

Lawrence A. Dimmitt, President

2015R15344

SHAWNEE COUNTY, KANSAS
REGISTER OF DEEDS
REBECCA J. NIOCE
DATE RECORDED:
08/13/2015 3:18:37 PM
DEBT: 0

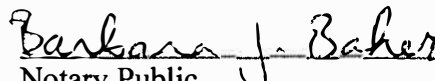
STATE OF KANSAS)
) ss:
COUNTY OF SHAWNEE)

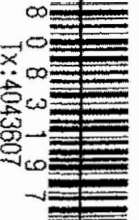
Subscribed and sworn to before me this 13th day of August, 2015.



My Appointment Expires:

2-16-2018


Notary Public



(Published in the Topeka Metro News February 17, 2014)

ORDINANCE NO. 19887

AN ORDINANCE introduced by Jim Colson, City Manager amending the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), by amending the district zoning classification to add a neighborhood conservation district zoning overlay pursuant to Section 18.270.020 TMC.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF TOPEKA, KANSAS:

Section 1. That the "District Map" referred to and made a part of the Zoning Ordinances by Section 18.50.050 of the Topeka Municipal Code (TMC), be and the same is hereby amended, by reclassifying the following property from "R-1" Single Family Dwelling to "R-1/NCD" Single Family Dwelling/Westboro Conservation District (District):

All properties within the area bounded on the north by southwest Huntoon Street, on the east by southwest Oakley Avenue, on the south by 17th Street and on the west by Gage Boulevard, excluding all commercial properties located on the corner of Huntoon and Oakley.

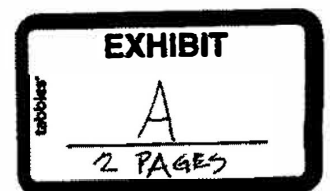
Section 2. Pursuant to TMC 18.270.020, the individual purposes and design standards for the District are attached herein and incorporated by reference.

Section 3. This Ordinance Number shall be fixed upon the "District Map".

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This Ordinance shall take effect and be in force from and after its passage, approval and publication in the official city newspaper.

EXHIBIT 6 (1 of 2)



PASSED AND APPROVED by the Governing Body of the City of Topeka, February 11,
2014.

Larry E. Wolgast, Mayor

ATTEST:

Brenda Younger, City Clerk

To Be Codified
Not To Be Codified

X

EXHIBIT 6 (2 of 2)



Neighborhood Conservation Districts

WESTBORO

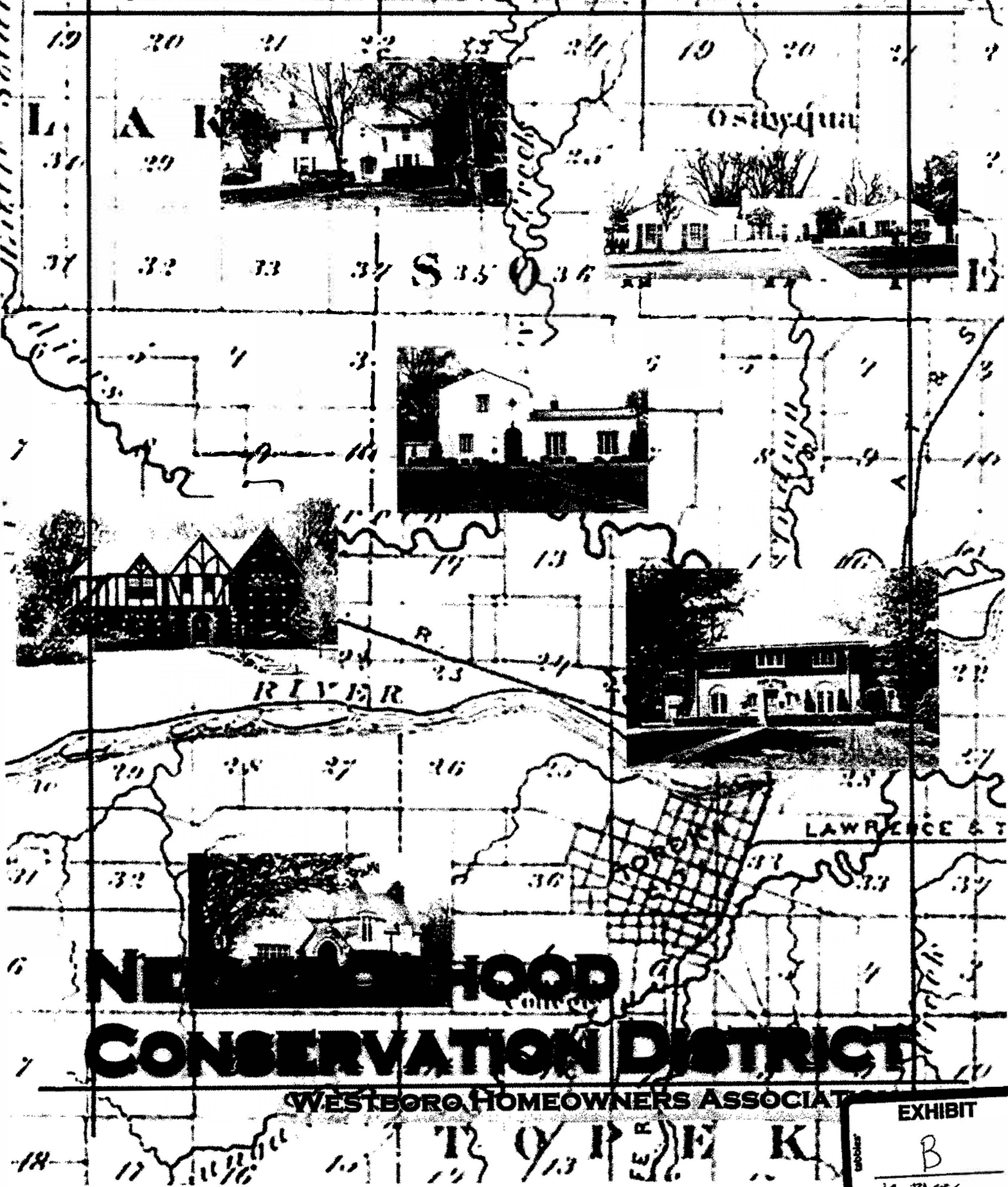


EXHIBIT	
B	
18 PAGES	

Neighborhood Conservation District Application

WESTBORO HOMEOWNERS ASSOCIATION

WESTBORO HOMEOWNERS ASSOCIATION

P.O. Box 3829

TOPEKA, KS 66604

EMAIL: WESTBORONEWS@GMAIL.COM

2013 BOARD MEMBERS

TONI BECK, PRESIDENT

JULIE FRIEDSTROM, VICE-PRESIDENT

RON FARRELL, TREASURER

KIM GILMORE, SECRETARY

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LARRY DIMMITT

KATIE FLOTT

NANCY PERRY

MICHELLE BUTLER

LD NICOLAY

BRAD WALKER

ELAINE BRYAN

Neighborhood Conservation District Application

MISSION STATEMENT

The purpose of the Westboro Home Owners Association is to maintain a community designed to create a safe and healthy quality of life and harmonious beauty that was envisioned by the neighborhood's initial conception in 1926. With the preservation of its historic character in mind, homeowners are encouraged to continue to upgrade and modernize their homes for long-term marketability, thus ensuring that the Westboro neighborhood remains desirable for future generations. Balance between historic preservation and continued home improvements will ensure stable property values as promoted by the Westboro Homeowner's Association for the betterment of the neighborhood. Achieving this balance is the aim of the Westboro Neighborhood Conservation document.

NEIGHBORHOOD GOALS

- Protect the established character and property values of the Westboro neighborhood
- Ensure that any new development enhances the traditional feel of Westboro
- Maintain a standard of uniformity that extends to accessory buildings and outbuildings
- Utilize the historic architecture and layout of Westboro to create a "sense of place"
- Balance preservation and home improvements

WHY OUR NEIGHBORHOOD SHOULD BE A NEIGHBORHOOD CONSERVATION DISTRICT

The Westboro Neighborhood was established in 1926 and features a variety of housing styles. Predominant styles include classics such as English Tudor, French Eclectic, English Cottage, and American and Georgian Colonial Revival to name a few. The tie to English architecture is reinforced through the street names throughout Westboro—Canterbury Lane, Pembroke Lane, York Way, and Avalon Lane for example.

Our neighborhood wants to protect these traditional themes that are still present throughout and preserve the character of Westboro. Many of the homes were constructed in the 1920's and 1930's and have been attentively maintained by their owners. The architecturally detailed houses, combined with the street space defined by the house placement on the lots and the meandering street lanes, create an inviting and interesting environment for pedestrians and visitors. Our streets are lined with mature trees arching overhead, creating a beautiful corridor to walk or drive through. Not many neighborhoods in Topeka that were originally developed during this timeframe are still present or still have the integrity found in traditional elements still visible today in Westboro.

HOW AN NCD DESIGNATION AND OUR DESIGN GUIDELINES WILL IMPROVE OUR NEIGHBORHOOD

A Neighborhood Conservation Designation will protect the historic character and atmosphere in our neighborhood. While many of the existing houses reflect the architectural styles that complement the other residences, we want to make sure that any new or reconstructed structures also reflect these styles. Additionally, accessory buildings can complement or disrupt the harmony of the neighborhood. By identifying traits to protect and preserve our neighborhood, we will continue to be a showcase of traditional neighborhoods and architectural styles.

Neighborhood Conservation District Application

These design guidelines will help preserve our neighborhood and our property values by defining what we want to conserve and what needs to be done to do so. Rather than being an exhaustive list, these design guidelines highlight what we feel is essential to preserving the character of Westboro. These address key items and illustrate what we are trying to achieve. This will provide stability and continuity to the neighborhood and encourage new owners to invest in their new homes here.

EXAMPLES OF OUR UNIQUE CHARACTERISTICS

Originally platted in 1926, the homes within the Westboro Neighborhood have been built in a variety of distinct and representative architectural styles, using equally distinct materials, spatial relationships, and craftsmanship. The following are a collective sample of the styles of home built within the Westboro Neighborhood through the last 80 years.



Style: Italian Renaissance Revival

Time Period of Significance:
1890s to 1930s

Neighborhood Significance:
Employed as one of the specified styles of European architecture allowed under the original neighborhood covenants.

Architectural Description:
Italian Renaissance Revival features grouped or singular series of arches, a green or red tile roof, decorative crests on each façade, Palladian windows and door openings, and is usually constructed of a light colored brick. The roof typically employs a shallow, hipped character, with deep eaves, and is built of red clay tile.



Style: French Eclectic

Time Period of Significance:
1915 to 1945

Neighborhood Significance:
Employed as one of the specified styles of European architecture allowed under the original neighborhood covenants.

Architectural Description:
The French Eclectic style of architecture resembles Tudor Revival, except that its form is taller, with steeply pitched roofs, flared eaves, and often contains a round, prominently featured tower. Its exterior is typically constructed of brick, or a faded, or a washed painted brick.

Neighborhood Conservation District Application



Style: Prairie Style

Time Period of Significance:
1900 to the 1930s

Neighborhood Significance:
Exemplifies a uniquely American character, representing a major advancement in American architecture from the 19th to the 20th Centuries.

Architectural Description: This style features a low, spread-out appearance with wide, overhanging eaves, wide, horizontal bands of windows, and a shallow, hipped roof. Exterior construction material is usually a natural material, either wood or brick, occasionally combined with stucco to distinguish between lower and upper levels.



Style: English Tudor

Time Period of Significance:
1900 to 1935

Neighborhood Significance:
Employed as one of the specified styles of European architecture allowed under the original neighborhood covenants.

Architectural Description: English Tudor features combinations of half-timbered accents on its facades, casement windows, steep gables, prominent chimneys, often with decorative chimney pots, Tudor arched doorways, and is constructed of a combination of materials, consisting of brick, stone, wood, and stucco.

Neighborhood Conservation District Application



Style: English Tudor Cottage

Time Period of Significance:
1915 to 1940

Neighborhood Significance:
Employed as one of the specified styles of European architecture allowed under the original neighborhood covenants.

Architectural Description: Tudor Cottage is nearly identical in appearance to English Tudor Revival, only on a smaller, more refined scale.



Style: Georgian Colonial Revival

Time Period of Significance:
1910 to 1935

Neighborhood Significance:
One of the specified styles of Early American architecture allowed under the original neighborhood covenants.

Architectural Description: Georgian Colonial homes in America date to the mid to late 1700s, reflecting the prominent styles of homes built in England during the reigns of King George I and King George III. The Colonial interpretation of this style is more modest than its British origin, and is typified by a square, symmetrical shape, with a paneled front door at the center of the front façade. The entrance is also built with a decorative crown, and flattened or structural columns on each side. The second floor features a row of five windows across the front, and features paired chimneys, a medium pitched roof, with minimal roof overhang.

Neighborhood Conservation District Application



Style: Spanish Colonial Revival

Time Period of Significance:
1915 to 1940

Neighborhood Significance:
Employed as one of the specified styles of European architecture allowed under the original neighborhood covenants.

Architectural Description:
Similar to Italian Renaissance Revival, Spanish Colonial Revival also is typified by red tile roofs and arched doorways and entrances. However, this style differs with its primary use of light-colored stucco exterior, rustic wood, and wrought-iron window grilles.



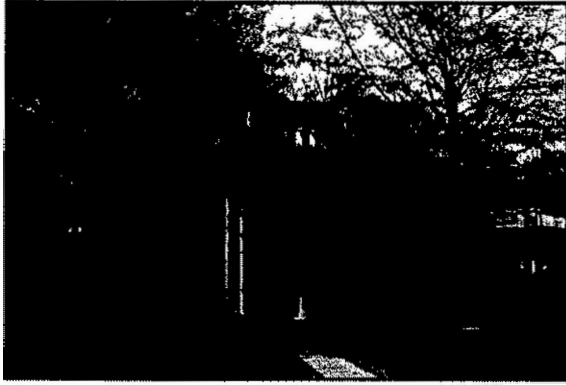
Style: Ranch

Time Period of Significance:
1945 to present

Neighborhood Significance:
Represents a uniquely American character, highlighting a major era in residential development during the mid-20th Century.

Architectural Description:
This style of architecture is typified by single story, or split-level construction, a low pitched gable roof, deep-set eaves, horizontal orientation and low to the ground, rectangular, L-shaped, or U-shaped design, large double-hung and/or sliding windows, sliding glass doors leading out to patio, attached garage and built of either wood or brick exterior. Ranch style architecture also demonstrates a lack of detailing, aside from decorative shutters.

Neighborhood Conservation District Application

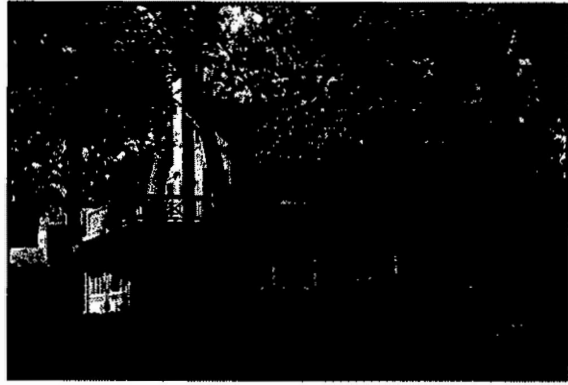


Style: American Federal Revival

Time Period of Significance:
Late 1780 to mid-20th Century

Neighborhood Significance:
One of the specified styles of Early American architecture allowed under the original neighborhood covenants.

Architectural Description:
This architectural style features a low-pitched roof, or a flat roof with balustrade, windows with shutters arranged symmetrically across the front façade, a center doorway flanked with narrow side windows and a semicircular fanlight positioned above, a decorative crown or roof over the front door, and tooth-like dentil moldings in the cornice. American Federal architecture homes are usually constructed of red brick, but can also use either rough or smooth cut native stone.



Style: Dutch Colonial Revival

Time Period of Significance:
1920 - 1940

Neighborhood Significance:
One of the specified styles of Early American architecture allowed under the original neighborhood covenants.

Architectural Description:
Dutch Colonial Revival homes are usually 1 ½ to 2 stories in height, with a distinguished shed, hipped, or gambrel roof, sometimes seen with flared eaves. Siding may be wood clapboard, shingle, brick, or stone. Its façade may be symmetrical, but it's common to see side entries and balanced asymmetry, often offset with a gable-end chimney. A porch may be present under the overhanging eaves, occasionally running the full width of the house. The entry may have a decorative hood with brackets or portico with classically-styled columns supporting the porch. Windows are multi-light such as six-over-one, six-over-six, or eight-over-eight.

Neighborhood Conservation District Application

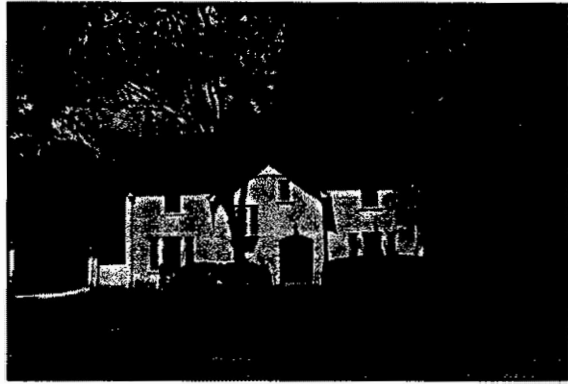


Style: Colonial Revival

Time Period of Significance:
1870s to the mid-1950s

Neighborhood Significance:
One of the specified styles of Early American architecture allowed under the original neighborhood covenants.

Architectural Description:
Colonial Revival homes are very similar in appearance to Georgian Colonial Revival, duplicating the symmetrical façade, horizontal and rectangular footprint, the incorporation of fireplaces, 2 to 3 stories in height, and are also constructed using brick or wood siding. Colonial Revival homes often incorporate a steeper-pitched roof, pillars or columns alongside the front entrance, multi-pane, double-hung windows with shutters, and dormers built in to the top level. The front entrance is typically a paneled door with sidelights and topped with rectangular transoms or fanlights, leading to a central entry-hall floor plan with living areas on the first floor and bedrooms on the upper floors.



Style: Eclectic

Time Period of Significance:
1920s through the 1940s

Neighborhood Significance:
One of the specified styles of Early American architecture allowed under the original neighborhood covenants.

Architectural Description:
Eclectic architecture gained its name due to its inclusion of several other distinct architectural styles. It frequently displays a formal presence in its mass, front-pitched roof, and almost-centered, though asymmetrical entry. Other architectural features may include design elements from English Tudor Cottage, Colonial Revival, or Spanish Colonial Revival. The external façade can be constructed of stucco, brick, or wood, clapboard siding.

Neighborhood Conservation District Application



Style: Cape Cod

Time Period of Significance:
Mid-20th-Century

Neighborhood Significance:
Represents a uniquely American character, highlighting a major era in residential development during the mid-20th Century.

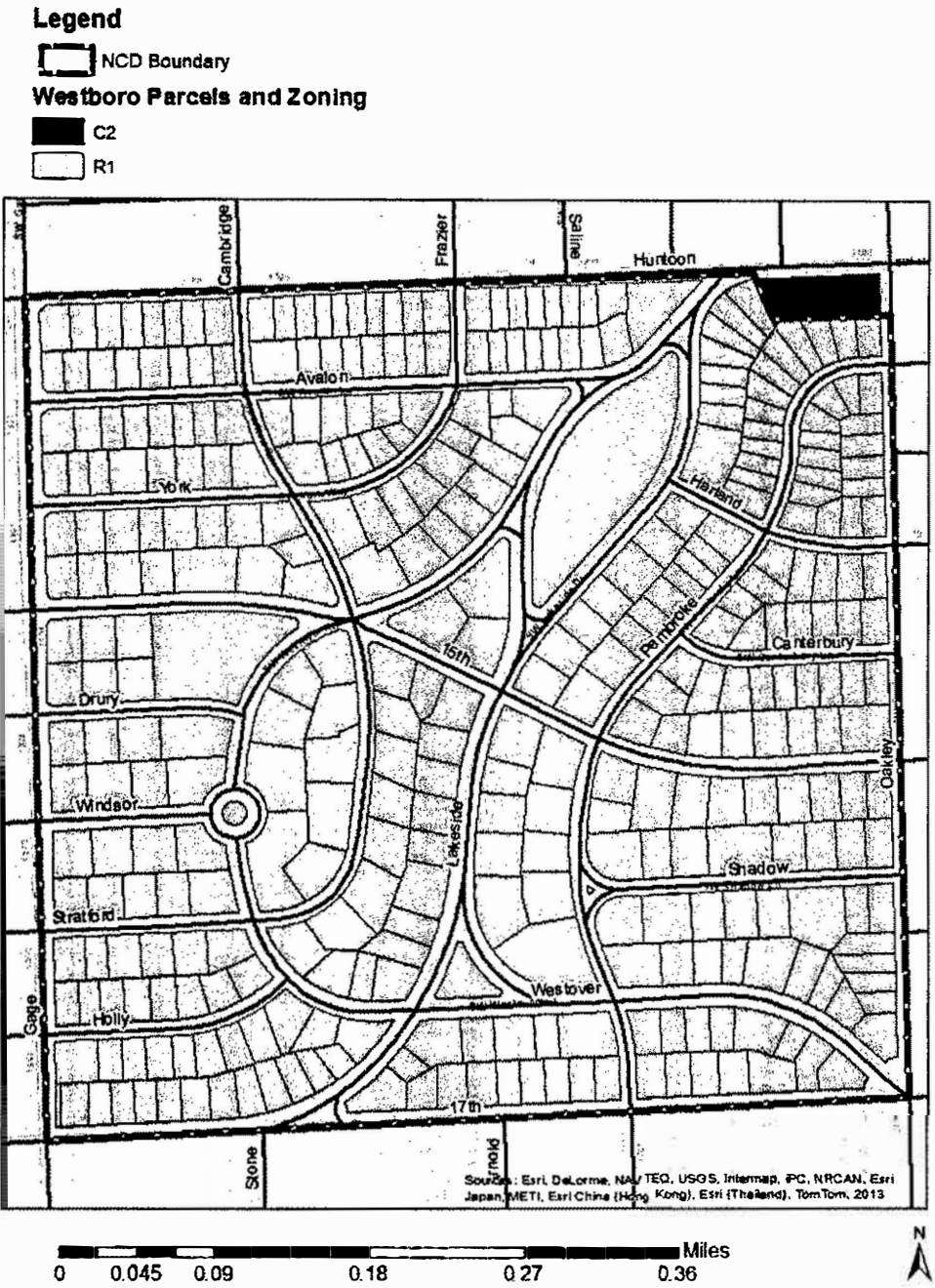
Architectural Description:
Cape Code homes are small and very efficient, built with a steep pitched roof with side gables, a narrow roof overhang, are typically limited to 1 or 1½ stories in height, and are typically sided in wood, shingle, or stucco. Cape Cod homes are also generally rectangular shape. The front door is typically placed at the center or, in some cases, at the side of the front façade. Use of this style during the middle of 1950s and 1960s added the feature of one, or two dormers to the upper floor, to allow for more functional upper living space.

Neighborhood Conservation District Application

MAP AND DESCRIPTION OF BOUNDARIES

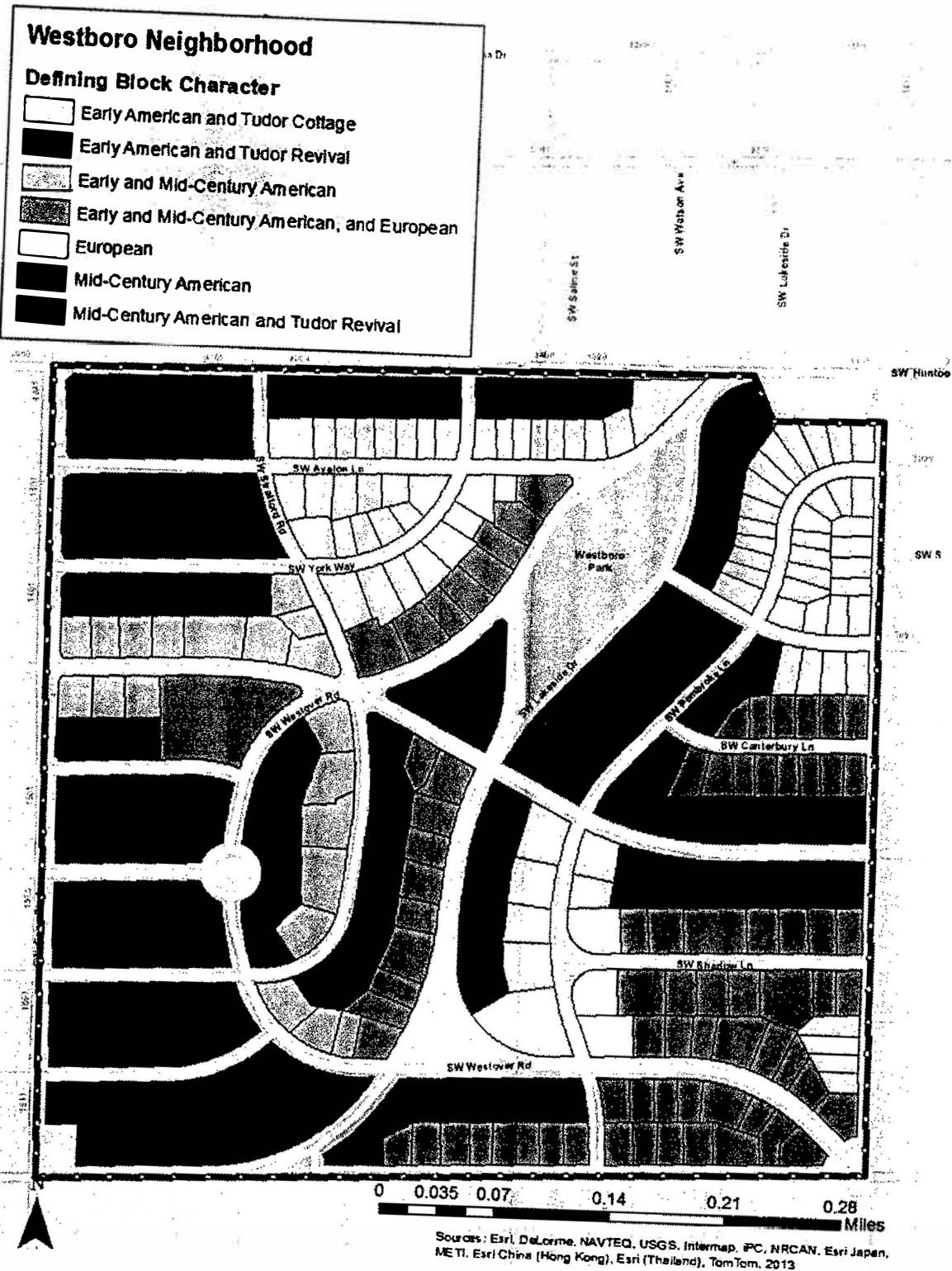
The Westboro Neighborhood Conservation District encompasses all properties within the area bounded on the North by Southwest Huntoon Street, on the East by Southwest Oakley Avenue, on the South by 17th Street and on the West by Gage Boulevard. However, it does exclude the commercial properties located on the corner of Huntoon and Oakley.

Map 1: Parcels and Zoning



Neighborhood Conservation District Application

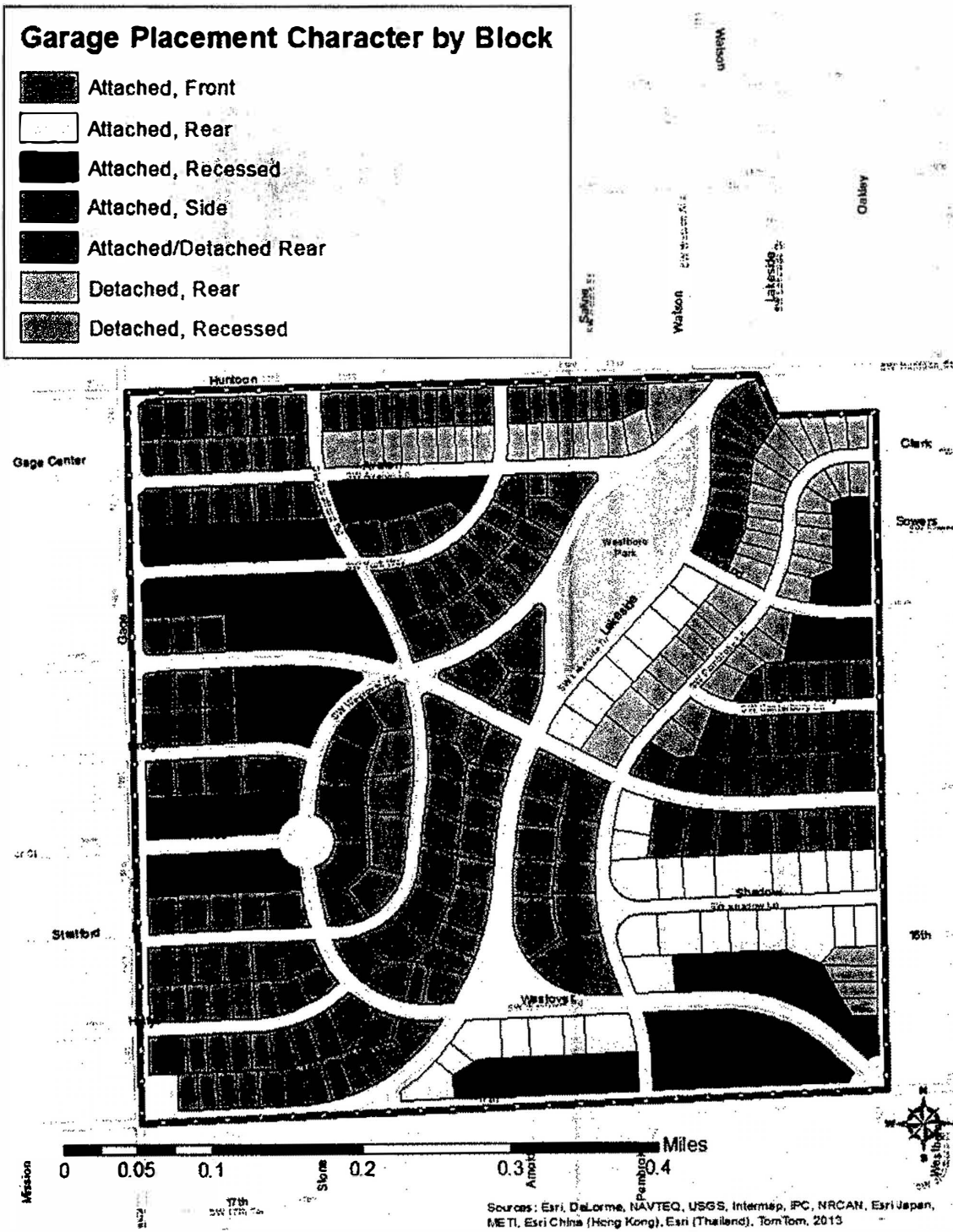
Map 2: Distinguishing Block Character



Neighborhood Conservation District Application

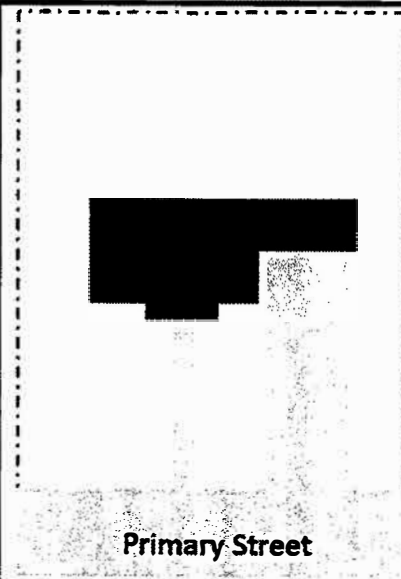

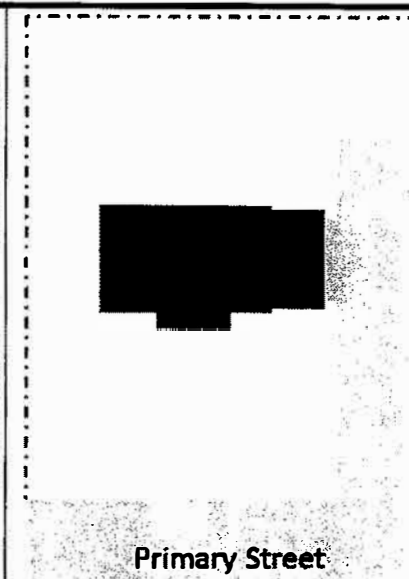
Map 3: Garage Placement Character by Block

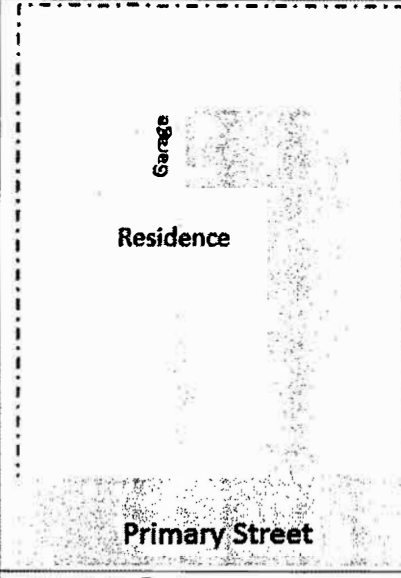
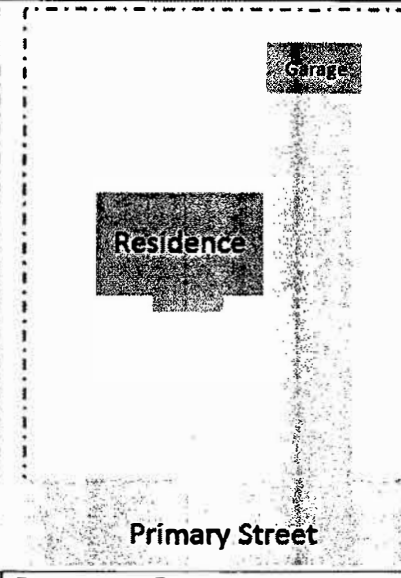
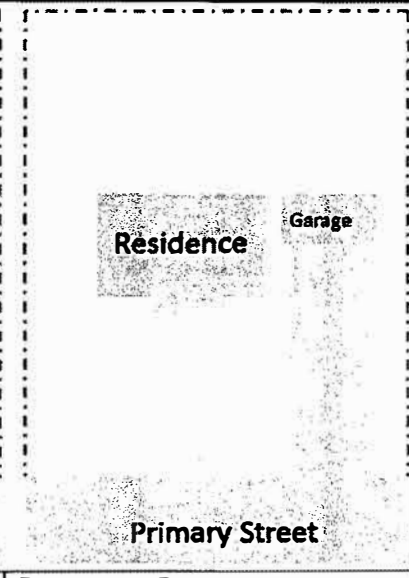
Garage Placement Character refers to the overall location of the majority of garages within the block. Examples of each of these can be found in Table 1 on the following page.



Neighborhood Conservation District Application

Table 1: Garage Styles and Locations

 Primary Street	 Primary Street	 Primary Street
Attached, Recessed	Attached, Front	Attached, Side

 Primary Street	 Primary Street	 Primary Street
Attached, Rear	Detached, Rear	Detached, Recessed

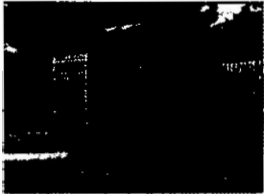
The relationship between the residence and the garage can define the character of a block. Based on the character of Westboro, garages not visible in the front of the house are preferred. Therefore, blocks with rear or side garage placement character should be considered interchangeable for meeting the NCD Design Standards.

Neighborhood Conservation District Application


- These design standards shall be applied to residential properties only. They shall address both new construction and substantial additions to existing residential properties. Substantial Additions shall mean any project visible from the public right-of-way whose square footage equals or exceeds 10% of the primary structure's square footage.
- All lawfully existing structures and improvements made non-conforming by the City of Topeka's adoption of this document shall be considered legal non-conforming (grandfathered).

RESIDENTIAL DESIGN STANDARDS


CHARACTERISTICS AND FEATURES	THE SCOPE OF THE RESIDENTIAL DESIGN STANDARDS	CURRENT ZONING CODE REQUIREMENTS *
PRIMARY BUILDINGS	<ul style="list-style-type: none">• Only single-family residential housing shall be allowed.• No secondary dwelling units shall be permitted.	<ul style="list-style-type: none">• Primary permitted use is single family residential. However, other uses may be allowed with Provisional Use or Conditional Use permits.

CHARACTERISTICS AND FEATURES	NCD DESIGN STANDARD	CURRENT ZONING REQUIREMENTS* (R1)	CODE	ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE
ACCESSORY BUILDINGS	<ul style="list-style-type: none">• Rear attached or detached garages shall be preferred. If either of these styles is not chosen, the location and placement of the garage must fit the character of the block as defined in Map 3.• Detached garages and other accessory buildings visible from the public right-of-way shall be constructed in a complimentary architectural style as the residence.<ul style="list-style-type: none">◦ Buildings that must deviate from this standard in order to accomplish their intended purpose (e.g., greenhouses, pools) shall be screened from the right-of-way.	<ul style="list-style-type: none">• Cumulative footprint of all accessory buildings shall not total more than 90% of the building coverage of the principal structure.• Accessory structure height: No greater than 15' when the principle building is one-story or 20' when the principle building is two-stories or more.• Detached accessory buildings rear yard setback 5'• Detached accessory buildings side yard setback 3'• Accessory structures shall not be located within a required front yard.		<p>Figure 2: Appropriate</p> 



Neighborhood Conservation District Application

CHARACTERISTICS AND FEATURES	NCD DESIGN STANDARD	CURRENT ZONING REQUIREMENTS* (R1)	CODE	ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE
ACCESSORY BUILDINGS, CONT.	<ul style="list-style-type: none">• Accessory buildings not visible from the public right-of-way shall be stick-built or constructed with non-glaring or non-reflective materials.<ul style="list-style-type: none">◦ Buildings that must deviate from this standard in order to accomplish their intended purpose (e.g., greenhouses) shall not exceed 12' in height.			<p>Figure 1: Appropriate</p> 
BUILDING HEIGHT	<ul style="list-style-type: none">• n/a	<ul style="list-style-type: none">• Primary structure: 42' maximum• Accessory structure: 20' maximum		
BUILDING SIZE/MASSING	<ul style="list-style-type: none">• New residences shall be of a similar size to the other houses on the block. The Floor-to-Area Ratio of a new residence shall fall between the smallest and the largest Floor-to-Area Ratio on the block, ± 10%.	<ul style="list-style-type: none">• n/a		
BUILDING ARCHITECTURAL STYLE AND DETAILS	<ul style="list-style-type: none">• New residences shall be constructed in one of the architectural styles identified in the "Representative Sample."• Architectural features that define the overall character of the existing residence such as walls, brackets, railings, cornices, windows, door pediments, steps, columns, finishes, and color shall be utilized for substantial additions• Siding and roofing materials shall be consistent with materials and style used in the original construction.	<ul style="list-style-type: none">• n/a		

Neighborhood Conservation District Application

CHARACTERISTICS AND FEATURES	NCD DESIGN STANDARD	CURRENT ZONING REQUIREMENTS* (R1)	CODE	ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE
BUILDING SETBACKS	<ul style="list-style-type: none">New residences shall be built to the front setback line that is $\pm 10\%$ of the average front setback on the block.	<ul style="list-style-type: none">Front yard setback: 30'Side yard setback: 7'Rear yard setback: 30'Unenclosed porch, deck or stoop may encroach not more than 10' into the front or rear yard.		
BUILDING ORIENTATION AND SITE PLANNING	<ul style="list-style-type: none">New residences shall be oriented towards the street on which they are addressed.	<ul style="list-style-type: none">n/a		
LOT SIZE	<ul style="list-style-type: none">Existing lots shall not be subdivided.	<ul style="list-style-type: none">Minimum 6,500 square feet		
LOT COVERAGE	<ul style="list-style-type: none">n/a	<ul style="list-style-type: none">Buildable envelope is subject to setback limits.		
OFF-STREET PARKING REQUIREMENTS	<ul style="list-style-type: none">n/a	<ul style="list-style-type: none">2 spaces per dwelling unit having more than 950 square feet of floor area.		
ROOF LINE AND PITCH	<ul style="list-style-type: none">n/a	<ul style="list-style-type: none">n/a		
PAVING, IMPERVIOUS, OR HARDSCAPE COVERAGE	<ul style="list-style-type: none">Front yards shall be consistent with the character of the neighborhood. No more than 10% of the front yard, excluding the driveway, may be covered with gravel, concrete, asphalt, or other like materials.	<ul style="list-style-type: none">n/a		
WINDOW OPENINGS	<ul style="list-style-type: none">Window openings on the front façade shall be consistent with the architectural style of the home in appearance, size, design, or proportion.Shutters or awnings shall match the architectural style of the residence.	<ul style="list-style-type: none">n/a		

Neighborhood Conservation District Application

CHARACTERISTICS AND FEATURES	NCD DESIGN STANDARD	CURRENT ZONING REQUIREMENTS* (R1)	CODE	ILLUSTRATIVE EXAMPLES APPROPRIATE/INAPPROPRIATE
FENCES AND WALLS	<ul style="list-style-type: none">Fences shall not be allowed in front of the front face of the residence.	<ul style="list-style-type: none">Shall be less than 8' in heightShall not extend into public right-of-way or closer than 1' to a public sidewalk.Fences in front of the front face of the primary structure shall not exceed 4' in height.		Figure 3: Inappropriate 
DRIVEWAYS, CURB CUTS, ALLEYS, AND SIDEWALKS	<ul style="list-style-type: none">Driveways shall be hard surface and constructed of concrete, asphalt, in-laid stone, brick, decorative pavers, or porous hard paving material.Driveways shall not be constructed of gravel.Driveway width shall not occupy more than 25% of the lot width between the street and the front building line, except in properties with circular driveways.	<ul style="list-style-type: none">n/a		Figure 4: Appropriate 
TREE PRESERVATION	<ul style="list-style-type: none">n/a	<ul style="list-style-type: none">n/a		
PRIVATE AND PUBLIC UTILITY STRUCTURES	<ul style="list-style-type: none">Satellite receiving devices, antennas, and transmitters shall not be located on the front face of the residence.	<ul style="list-style-type: none">Satellite receiving devices, shall not be located in the front yard or the required side yards.		
PUBLIC ART	<ul style="list-style-type: none">n/a	<ul style="list-style-type: none">n/a		

* These are generalized code requirements from the Topeka Municipal Code. For specific zoning regulations, please see Chapter 18 of the Topeka Municipal Code or contact the Topeka Planning Department.