

Memorandum

City of Lawrence

Planning and Development Services

TO: Planning Commission

FROM: Planning Staff

CC: Scott McCullough, Planning and Development Services Director

Date: June 13, 2014

RE: **Miscellaneous Item No. 1:** MS-14-00231 – Variances associated with Minor Subdivision for Else Addition, located at 708 & 712 Rhode Island Street, Lawrence, KS.
Variances requested:

- Create lots with less than 6,000 square feet
- Create lots narrower than 50 feet wide in an RM24-zoned district.

Attachment A: Minor Subdivision MS-14-00231 (preliminary submission)

Minor Subdivisions are processed administratively but Planning Commission approval is required for variances from the Subdivision Design Standards. The Minor Subdivision (MS-14-00231) is still undergoing staff review. However, a copy of the proposed Minor Subdivision is included with this memo for context; no action is required for Minor Subdivision approval.

The Subdivision Regulations state that an applicant may request a variance from the Design Standards in the Regulations in accordance with the variance procedures outlined in Section 20-813(g). This section lists the criteria that must be met in order for a variance to be approved. The requested variances are evaluated for compliance with the approval criteria below.

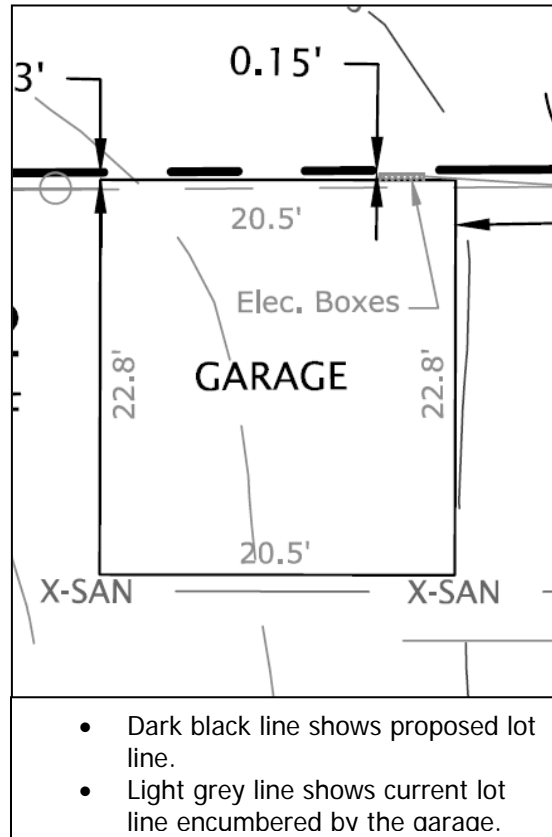
VARIANCE NO. 1: Reduction in the minimum lot size requirement for 6,000 square feet as identified in Section 601(a) for lots in the RM24 District. Section 20-810(2)(a) states lots shall be designed to comply with all applicable zoning district regulations.

VARIANCE NO. 2: Reduction in the minimum lot width requirement for 50 feet as identified in Section 601(a) for lots in the RM24 District. Section 20-810(2)(a) states lots shall be designed to comply with all applicable zoning district regulations.

Criteria 1: Strict application of these regulations will create an unnecessary hardship upon the subdivider.

Applicant Response:

The property was originally platted in 1863. The lots on Rhode Island Street were platted as 50' x 117' lots. Since initial planning, numerous lots have been divided into narrower and wider lots by metes and bounds descriptions and deeds. Some lots are less than the required 6000 square feet minimum area and some exceed the minimum. These properties are the subject of a minor subdivision request to accommodate a lot line adjustment to correct a circumstance where an accessory structure was built over the property line. Sufficient right-of-way and easements exist to accommodate the Minor Subdivision of this property and correct the issue of a structure over a property line.



Strict application of the regulations would limit the owner's ability to correct the situation of a structure over the property line which would cause deed/title problems in the future.

Criteria 2: The proposed variance is in harmony with the intended purpose of these regulations.

Applicant Response:

As defined above, there are numerous lots that have been divided, by deed, in a similar manner within the original townsite plat so division of this property would be in harmony with the neighborhood and the intended purpose of these regulations.

Criteria 3: The public health, safety, and welfare will be protected.

Applicant Response:

The public health, safety, and welfare will be protected in as much as they are under the presently configured Plat. As all public utilities are available for the proposed lots, the reduced size will not diminish the public health, safety and welfare.



STAFF FINDING: Variance No. 1

The subject properties are located at 708 & 712 Rhode Island Street. Both lots are currently nonconforming in their current lot sizes. The lot at 708 Rhode Island is currently 5,890 sq. ft. (approximately) while the lot at 712 Rhode Island is 3,754 sq. ft. (approximately) in lot area. The proposed lot line adjustment changes the lot sizes to 5,690 sq. ft. and 3,930 sq. ft. The Else Addition proposes to move a lot line which is currently encumbered by an accessory structure, built over the lot line and increases the lot size of the smallest lot (Lot 2). Granting this requested variance from the minimum lot size is not opposed to the purpose and intent of the regulations.

STAFF FINDING: Variance No. 2

Moving the lot line reduces the nonconforming status of the lot at 712 Rhode Island Street by increasing the lot width from 32' to 33', while making the lot at 708 Rhode Island 49' wide

from its current width at 50', making it nonconforming. Although the lot line change makes another lot nonconforming, staff finds this lot line adjustment is necessary to eliminate the garage encroachment. Granting this requested variance from the minimum lot width is not opposed to the purpose and intent of the regulations.

STAFF RECOMMENDATION

1. Approve the variance requested from Section 20-801(a)(2) to allow the creation of lots that do not meet the minimum lot size requirement of 6,000 square feet for lots in the RM24 District as identified in Section 20-601(a).
2. Approve the variance requested from Section 20-801(a)(2) to allow the creation of lots that do not meet the minimum lot width requirement of 50 feet for lots in the RM24 District as identified in Section 20-601(a).