

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** Planning Commission

**FROM:** Mary Miller, Planner II

**Date:** September 13, 2016

**RE:** Item 1: MINOR SUBDIVISION VARIANCE FOR 407 FLORIDA & 1503 W 4<sup>TH</sup> (MKM)

Attachments: A—Location Map, B—Aerial of nearby area

#### Background

A Minor Subdivision, MS-16-00318, a Replat of Lot 7, and Lot 8 of a Plat for the Subdivision of a Portion of Block 31, West Lawrence, was submitted to the Planning Office to reconfigure the property line between two lots: Lot 7 at 1503 W 4<sup>th</sup> Street and Lot 8 at 407 Florida Street. A portion of the residence on 1503 W 4<sup>th</sup> Street / Lot 7 was built over the property line. The reconfiguration will move the property line to contain the structure on one lot; therefore, each lot can be sold separately.

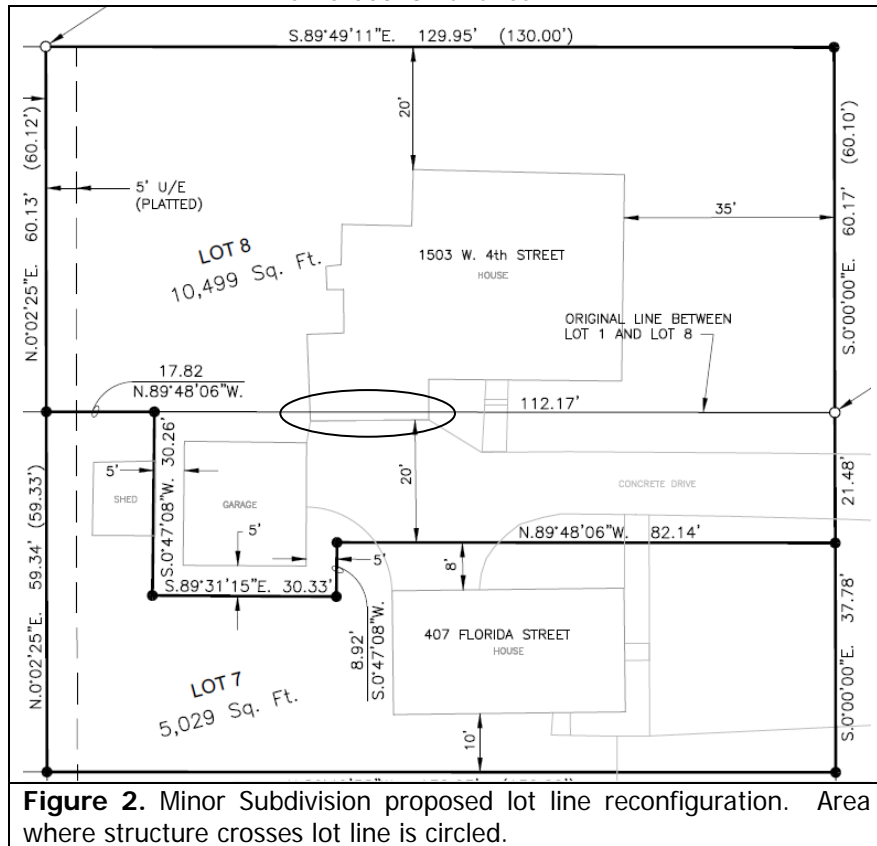
The property to the north, 1503 W 4<sup>th</sup> Street has an access drive on 4<sup>th</sup> Street but has also historically used the garage and driveway located to the south with an access on Florida. The property to the south, 407 Florida Street, shares a drive with the adjacent property to the south. The reconfiguration would place the garage and drive on the property that uses them, 1503 W 4<sup>th</sup> Street. Figure 1 shows an aerial photo of the two properties with the current configuration and the proposed reconfiguration. The Minor Subdivision plat is shown in Figure 2.



**Figure 1a.** Current lot layout.



**Figure 1b.** Proposed lot lines(approximate).



While reflecting the historical use of the property, this reconfiguration will reduce the lot area and frontage of the lot at 407 Florida Street, proposed Lot 2, below that required in the RM24 Zoning District. The following table reviews the proposed lots with the dimensional standards of the RM24 District. The dimensions which are noncompliant are highlighted.

RM24 Dimensional Standards	Requirement	Lot 1	Lot 2
Minimum Lot Area	6,000 sq ft	10,499 sq ft	<b>5,029 sq ft</b>
Maximum Dwelling Units/Acre	24=1,815 sq ft/du	10,499 sq ft/du	5,029 sq ft/du
Minimum Lot Width / Frontage	50 ft	60.17 ft	<b>37.78 ft</b>
<i>Minimum Setback/ Front</i>	25 ft	35 ft	35 ft
<i>Minimum Setback Side/Exterior</i>	10 ft	20 ft	n/a
<i>Minimum Setback Side/Interior</i>	5 ft	20 ft	8 ft and 10 ft
<i>Minimum Setback /Rear</i>	20 ft	44 ft	56 ft

## Variance

A variance has been requested from Section 20-810(a)(2)(i) of the Subdivision Regulations which requires that lots comply with all applicable zoning district regulations. As noted previously, the reconfiguration of the properties to match the historical use of the garage and drive located between the two properties would result in the creation of a lot that does not meet the minimum lot area and minimum lot width/frontage requirements for the RM24 District. Per Section 20-813 of the Subdivision Regulations, The Planning Commission may grant a variance from design standards in the Subdivision Regulations in cases where there is a hardship in carrying out the literal provisions of the regulations. The following is a review of the variance request with the criteria noted in Section 20-813(g):

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

The variance is requested to allow the lots to be reconfigured so the structure on Lot 7 is located wholly on its own lot and to match the lot lines to the historical use of the properties. The reconfiguration will not alter the development pattern or use of the property, but will create lots which conform to the historical use of the property.

The strict application of the standards would not allow the reconfiguration necessary to allow the structure on Lot 7 to be located wholly on that lot with the required 5 ft side setback. It would be necessary to remove that portion of the structure that extends over the lot line.

The proposed reconfiguration would reduce the lot frontage for Lot 8 to 54.26 which would not comply with the dimensional standards of the RM24 District. Including the driveway and garage in the lot reconfiguration further increases the noncompliance (Lot 8 frontage is reduced to 37.78 ft) but results in two lots that each contain the features associated with them. Given that the properties are developed and the proposed reconfiguration will not alter the land use or development pattern of the area, strict application of these regulations would create an unnecessary hardship on the applicant.

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

Section 20-801(a) of the Subdivision Regulations note the intended purposes of the regulations as:

- 1) Provide for the harmonious and orderly development of land by making provisions for adequate open space, continuity of the transportation network, recreation areas, drainage, utilities and related easements, light and air, and other public needs;
- 2) Contribute to conditions conducive to health, safety, aesthetics, convenience, prosperity, and efficiency; and
- 3) Provide for the conservation and protection of human and natural resources.

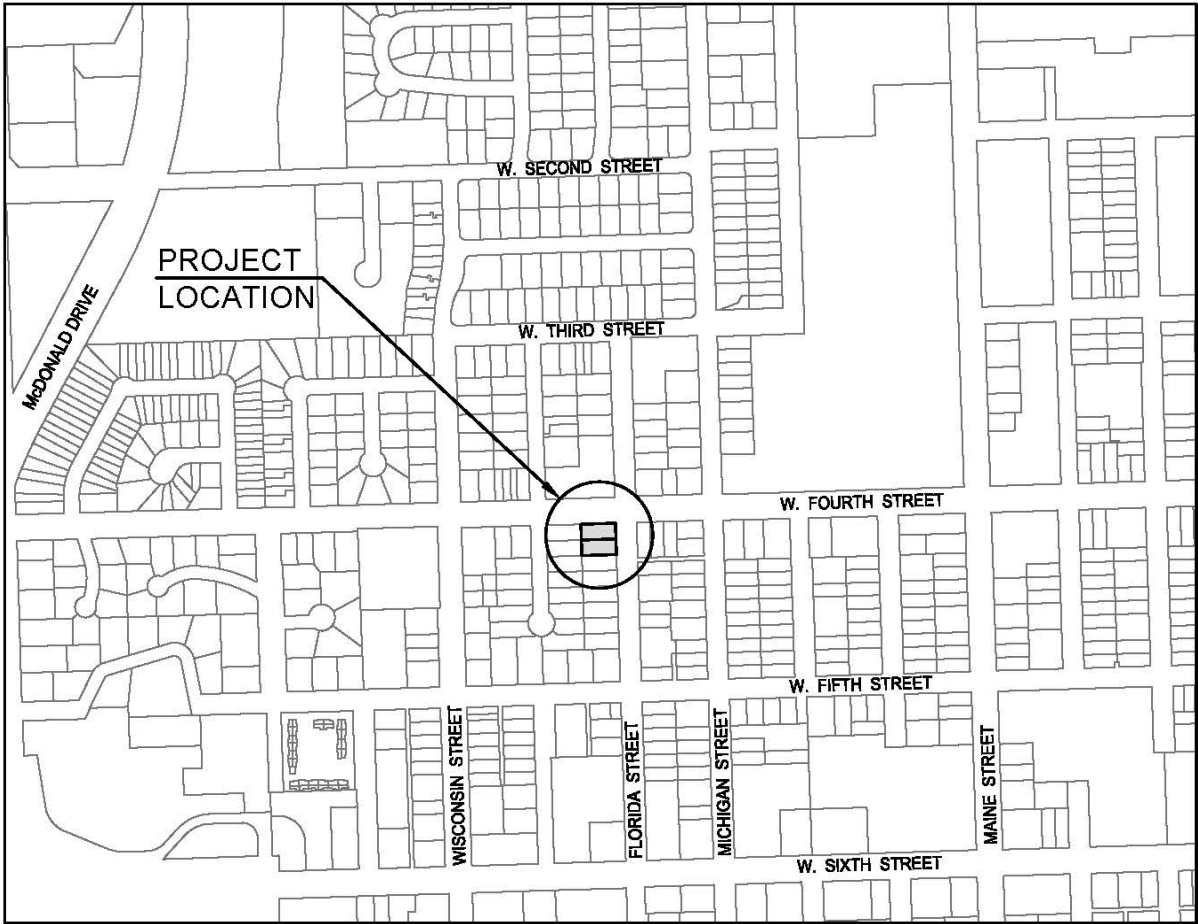
The requested variance will allow a deviation in the lot dimensions in an established area to match the historical use of the property. No changes to the development pattern will occur as a result of this variance. The variance is in harmony with the intended purpose of the Subdivision Regulations.

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

The variance will not result in any change in the development pattern or use of the area and should have no impact on the public health, safety, or welfare.

**Staff Recommendation**

Staff recommends that the variance requested from Section 20-810(a)(2)(i) of the Subdivision Regulations be approved to allow the creation of a lot that does not comply with the required frontage/width or area requirements of the RM24 Zoning District to accommodate the lot reconfiguration to remove the building encroachment on the adjacent lot and to reflect the historic use of the properties.



LOCATION MAP





Aerial Photo