



**Lawrence Douglas County
Planning Office**

1 Riverfront Plaza, Ste 320 | P.O. Box 708
Lawrence, KS 66044
(785) 832-7700 Fax (785) 832-3110
<http://www.lawrenceks.org/pds/>

**VARIANCE FROM FLOOD PROTECTION REGULATIONS
BY THE BOARD OF ZONING APPEALS CHECKLIST**

Application materials must be submitted electronically via the [Citizen Self-Service Portal](#). If you are unable to provide the materials online, please contact the Planning Office at 785-832-7700.

This checklist has been provided to assist you, the applicant, as you prepare your application. Submission of less information than necessary to adequately review and process your application will delay the review process.

The applicant shall meet with Planning Staff at least seven (7) working days prior to submittal of the application.

Planning Staff will determine the completeness, accuracy, and sufficiency of the application within five (5) working days of submission. The applicant will be notified if an application is determined to be incomplete.

Pre-Application Meeting

- Pre-Application Meeting. The applicant shall meet with Planning Staff at least seven (7) business days prior to submittal of the application.

General Submittal Requirements

- 1. A complete application submitted via the Citizen Self-Service Portal.
- 2. Payment of application fee. (Make check payable to the City of Lawrence.)
- 3. Owner Authorization form if Applicant is not the legal owner of the property.

Requirements for Public Notification of the Public Hearing

- 1. Legal description of the property. (Microsoft Word)
- 2. A list, certified by the County Clerk, of all property owners within the notification area of the subject property.
- 3. Ownership List Certification form.

Other Requirements

- 1. Plot plan illustrating the requested variances and proposed development. (PDF)
- 2. Additional plans may be requested prior to completion. (PDF)



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FLOOD PROTECTION REGULATIONS VARIANCE CRITERIA

The Board of Zoning Appeals is required consider the following criteria in reviewing and making decisions on proposed variances. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please submit responses as an attachment to this application. (If possible, this section should be completed with the assistance of an engineer.)

Criteria Applying to Variances from the Flood Protection Regulations of Article 12, Floodplain Management Regulations

1. The Board of Zoning Appeals may approve a variance from the flood protection regulations of Article 12 only after finding that the requested variance meets all of the following criteria:
 - (a) a determination by the Board of Zoning Appeals that the variance is the minimum necessary, considering the flood hazard to afford relief;
 - (b) a showing of good and sufficient cause;
 - (c) a determination by the Board of Zoning Appeals that failure to grant the variance would result in an unnecessary hardship to the applicant; and
 - (d) a determination by the Board of Zoning Appeals that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or in victimization of the public, or conflict with existing local laws or ordinances.
2. The Board of Zoning Appeals may approve a zoning variance from the flood protection regulations of Article 12 only after considering all technical evaluations, relevant factors, and standards specified in Article 12 and meeting the terms of K.S.A. 12-734. In addition, the following factors shall be considered:
 - (a) the danger of injury from materials swept onto other lands;
 - (b) the danger of life and property due to flooding or erosion damage;
 - (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner or occupant;
 - (d) the importance of the services provided by the proposed facility to the community;
 - (e) the necessity to the facility of a waterfront location, where applicable;
 - (f) the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) the compatibility of the proposed use with existing and anticipated development;
 - (h) the relationship of the proposed use to the Comprehensive Plan and Floodplain Management program for that area;
 - (i) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (k) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.



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3. Generally, variances from flood protection standards may be issued for a *Significant Development Project* to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the regulatory flood level, providing items 2(a) through 2(j) have been fully considered. as the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

SIGNATURE

I/We, the undersigned am/are the **(owner(s)), (duly authorized agent), (Circle One)** of the aforementioned property. By execution of my/our signature, I/we do hereby officially apply for variances as indicated above.

Signature(s): _____ Date _____

_____ Date _____

_____ Date _____



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OWNER AUTHORIZATION

I/WE _____, hereby referred to as the "Undersigned", being of lawful age, do hereby on this _____ day of _____, 200____, make the following statements to wit:

1. I/We the Undersigned, on the date first above written, am/are the lawful owner(s) in fee simple absolute of the following described real property:

See "Exhibit A, Legal Description" attached hereto and incorporated herein by reference.

2. I/We the undersigned, have previously authorized and hereby authorize _____ (Herein referred to as "Applicant"), to act on my/our behalf for the purpose of making application with the Planning Office of Lawrence/Douglas County, Kansas, regarding _____ (common address), the subject property, or portion thereof. Such authorization includes, but is not limited to, all acts or things whatsoever necessarily required of Applicant in the application process.

3. It is understood that in the event the Undersigned is a corporation or partnership then the individual whose signature appears below for and on behalf of the corporation or partnership has in fact the authority to so bind the corporation or partnership to the terms and statements contained within this instrument.

IN WITNESS THEREOF, I, the Undersigned, have set my hand and seal below.

Owner (printed name and position in corporation
if signing for a corporation)

Owner (printed name and position in corporation
if signing for a corporation)

STATE OF KANSAS
COUNTY OF DOUGLAS

The foregoing instrument was acknowledged before me on this _____ day of _____, 20 __,

by _____.

My Commission Expires:

Notary Public



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PROPERTY OWNERSHIP LIST CERTIFICATION

As required by Article 13, Section 20-1301(q) of the Development Code, the applicant is responsible for providing certified Ownership information (including names and mailing addresses) of all real property owners within a defined radius from the subject property. The Planning Department is required by the Development Code to use the submitted Ownership list to mail notice of the public hearing to surrounding property owners regarding this Application.

Ownership Information

The applicant is responsible for providing certified Ownership information. Current Ownership information shall be obtained from the Douglas County Clerk. Ownership information will be considered current if it is **no more than 30 days old** at the time an application is submitted to the Planning Department.

Radius of Notification

The Ownership list shall include the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

A map of the "Radius of Notification" can be obtained **at the Applicant's request** at the Planning Office. The map indicates ownership of each property and can be used to check the accuracy and completeness of the Ownership List. The map will be supplied **at the Applicant's expense. Allow 10 business days** to receive the map.

THE FOLLOWING IS TO BE COMPLETED AND SUBMITTED BY THE APPLICANT.

I certify that I have read and understood the above information and that the submitted Ownership list:

1. was a) obtained from and b) certified by the Douglas County Clerk,
2. is current (**no more than 30 days old**), and
3. includes all property owners within the required notification radius of the subject property.

Signature

Date

Printed Name



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RESOURCES AVAILABLE TO THE APPLICANT

1. Planning Staff
2. Calendars:
 - Board of Zoning Appeals Submittal Deadlines and Meeting Dates
 - Planning Commission Submittal Deadlines and Meeting Dates
 - Historic Resources Commission Submittal Deadlines and Meeting Dates
3. Fee Schedule
4. City of Lawrence Development Code
 - The following articles of the Development Code are applicable to variance applications:
 - Article 6: Density and Dimensional Standards
 - Article 13, Section 20-1309: Zoning Variances

PLANNING DEPARTMENT PROCEDURES

Public Hearing: Planning Staff will schedule a hearing before the Board of Zoning Appeals, which is responsible for hearing the request.

Newspaper Publication: Planning Staff will publish the notice of the public hearing twenty (20) days prior to the date of the public hearing.

Mailed Notice: Planning Staff will mail notices of the public hearing to all property owners within the required notification area at least twenty (20) days prior to the public hearing. Planning Staff will also mail notice to any Registered Neighborhood Associations whose boundaries include or are contiguous to the subject property.