



LAWRENCE BOARD OF ZONING APPEALS
AGENDA FOR **AUGUST 2, 2018**
1ST FLOOR OF CITY HALL, 6 E. 6TH STREET, CITY COMMISSION MEETING ROOM
6:30 PM

TAKE A ROLL CALL TO DETERMINE IF THERE IS A QUORUM OF MEMBERS PRESENT

ITEM NO. 1 COMMUNICATIONS

- A. Acknowledge communications to the come before the Board.
- B. Disclosure of ex-parte communications and/or abstentions for specific agenda items.
- C. Announce any agenda items that will be deferred.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the June 7, 2018 and July 5, 2018 meetings of the Board.

BEGIN PUBLIC HEARING:

ITEM NO. 3 VARIANCES FROM THE REAR YARD BUILDING SETBACK FOR A RESIDENTIAL STRUCTURE; 1524 RHODE ISLAND STREET

B-18-00335: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The first request is for a variance from the 20 foot rear setback standard required by Section 20-601(a) of the City Code for the RS5 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 16 feet to allow for the construction of an addition to the existing residence. The second variance request is to reduce the rear setback of the existing residence to 1 foot. The property is located at 1524 Rhode Island Street. Submitted by Curtis Morton, property owner of record.

ITEM NO. 4 VARIANCE FROM THE INTERIOR SIDE YARD BUILDING SETBACK FOR A RESIDENTIAL STRUCTURE; 2112 OHIO STREET

B-18-00340: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from the 5 foot interior side setback standard required by Section 20-601(a) of the City Code for the RS5 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the interior side setback to a minimum of 1 foot to allow for the construction of an attached carport. The property is located at 2112 Ohio Street. Submitted by Gregory B. Gardner, property owner of record.

ITEM NO. 5 MISCELLANEOUS

- A. Consider any other business to come before the Board.



City of Lawrence
Douglas County
PLANNING & DEVELOPMENT SERVICES

Lawrence Douglas County
Metropolitan Planning Office
6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
<http://www.lawrenceks.org/pds/>

**APPLICATION FOR
VARIANCE FROM UNNECESSARY HARDSHIP**

RECEIVED

JUL 05 2018

City County Planning Office
Lawrence, Kansas

OWNER INFORMATION

Name(s) Curtis Morton
Contact _____
Address 1524 Rhode Island Street
City Lawrence State Kansas ZIP 66044
Phone (816) 888-9658 Fax (____) _____
E-mail curtismorton@gmail.com Mobile/Pager (816) 888-9658

APPLICANT/AGENT INFORMATION

Contact Curtis Morton
Company _____
Address 1524 Rhode Island Street
City Lawrence State Kansas ZIP 66044
Phone (816) 888-9658 Fax (____) _____
E-mail _____ Mobile/Pager (816) 888-9658
Pre-Application Meeting Date _____ Planner _____

PROPERTY INFORMATION

Present Zoning District RS-5 Present Land Use one single family home
Proposed Land Use Enlarge current house
Legal Description (may be attached) GEORGE C. SMITH'S ADD W 1/2 LT6 & W 1/2 LT 7 LESS S 15 FT
Address of Property 1524 Rhode Island Street, Lawrence, Kansas, 66044
Total Site Area 7405 sq ft
Number and Description of Existing Improvements or Structures one single family home

B-18-00335



Description of variance requested:

a) Request variance to 16 feet from rear edge of property line, (15 feet from back edge of current structure) to build an addition. (See drawing).

The current house which has been in place since 1951 is very close to rear property line (1 foot).

The location of the current structure is acceptable to adjacent neighbors, and causes no problems with the neighborhood. Granting the variance would allow for improvement to the current house, enlarging it for more living space and increased value.

b) Also request permanent variance to current structure in case of necessary future repairs.



UNNECESSARY HARDSHIP CRITERIA

The Board of Zoning Appeals may approve a zoning variance if it finds that all of the following criteria have been met. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to each criterion to the best of your knowledge. (Attach additional sheets if needed.)

1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant:

a) The house built in 1951 on George C. Smith Add 6 & 7 less 15 foot (1524 Rhode Island Street) is right at the back of the lot, 1 foot from the property line, see plot drawing. An addition to the building is desirable to make the home more livable and increase value. The new building is designed to overlap the old by 17 feet. The interface design between the new and old buildings supports a good living activity flow through the final structure. Decreasing the interface to 13 feet makes the final structure very awkward to live and to move around in.

b) Permanent variance requested to allow repairs or replacement to the old structure in case of damage.

2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:

a), b) The current structure was built in 1951 and does not adversely affect adjacent property owners. The addition will be 16 feet from the property line (15 feet from the back edge of the current structure).



3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:

a) Strict application of the 20 distance to the rear property line would only allow a 13 foot overlap of the old and new buildings. The inside design of the old structure is awkward to consolidate with the new. Human movement between the two structures would be limited to what is now the master bedroom, instead of the central room. This requires 17 feet overlap. The extra 4 feet overlap allows access the bathroom, and the other areas, which will become bedrooms. See drawing.

b) Permanent variance for the current structure would allow repair or replacement in case of damage.

4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:

a), b) The current building was built in and has existed 1 foot from the rear property line since 1951. The variance requested would improve the house for single family occupation as well as increased property values.



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<http://www.lawrenceks.org/pds/>

5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code:

a) Granting the desired variance would improve the property value and make the current address suitable and more comfortable for family's residence.

b) Permanent variance would allow for the home to be repaired or replaced in its current location in case of future damage.

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 July 5, 2018

Date _____

Date _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



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 200 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.

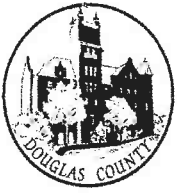
Signature

July 5, 2018
Date

Curtis Morton

Printed Name

GEORGE C. SMITH'S ADD W 1/2 LT6 & W 1/2 LT 7 LESS S 15 FT



JAMIE SHEW
DOUGLAS COUNTY CLERK
1100 Massachusetts
Lawrence, KS 66044

Marni Penrod-Chief Deputy Clerk
Heather Dill-Deputy Clerk Elections

June 28, 2018

A CERTIFIED PROPERTY OWNERSHIP LIST WITHIN 400 FT OF 1524 RHODE ISLAND ST (U04222). 06/28/2018. REQUESTED BY CURTIS MORTON.

JOHN R. NICHOLS
DOUGLAS COUNTY CLERK'S OFFICE
1100 MASSACHUSETTS ST
LAWRENCE, KS 66044

785-832-5147

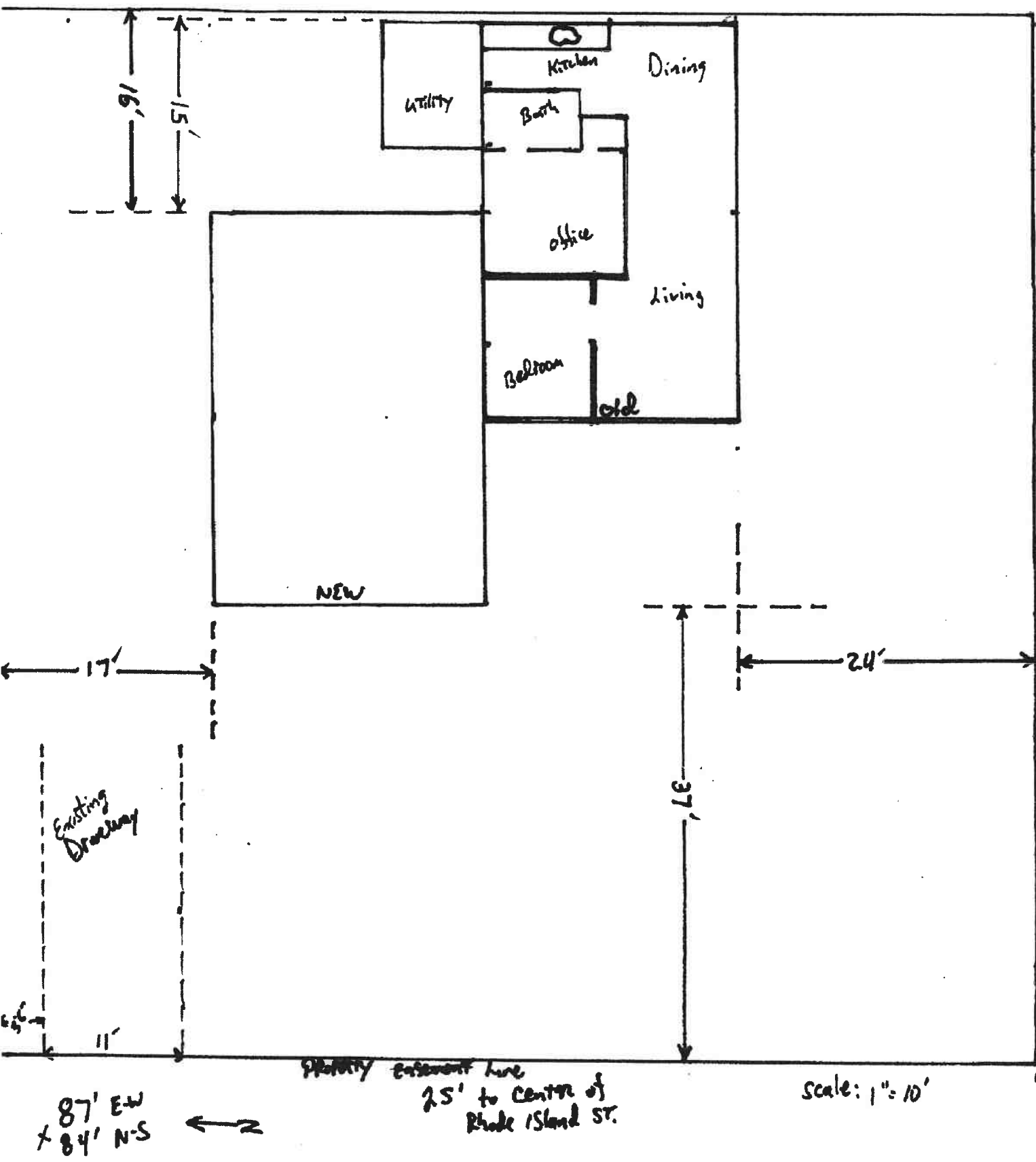
jnichols@douglascountyks.org

Douglas County Real Estate Division
County Clerk's Office. I do hereby certify
the Property Ownership listed hereto, to be
true and accurate.

CERTIFIED POL WITHIN 400 FT OF 1524 RHODE ISLAND
ST (U04222)



JOINTH	SYNICALABIES	owner1	owner2	owner3	address	city	state	zip	plate	PID	Quickrefid	status
079-31-0-30-33-001.00-0	4.34617121	UNIFIED SCHOOL DIST #497			110 McDONALD DR	LAWRENCE	KS	66044	U03639A	023-079-31-0-30-33-001.00-0	R16957	1400 MASSACHUSETTS ST
079-31-0-30-33-002.00-0	2.80279191	UNIFIED SCHOOL DIST #497			110 McDONALD DR	LAWRENCE	KS	66044	U03650A	023-079-31-0-30-33-002.00-0	R16958	1400 MASSACHUSETTS ST
079-31-0-40-26-007.00-0	0.32990959	SEARS DAVIDA M			1428 CONNECTICUT ST	LAWRENCE	KS	66044	U03647	023-079-31-0-40-26-007.00-0	R17043	1428 CONNECTICUT ST
103-06-0-10-05-001.00-0	2.92636427	SUNRISE GREEN LLC			BALDWIN CITY	LAWRENCE	KS	66006	U10952	023-103-06-0-10-05-001.00-0	R21381	1501 LEARNARD AVE
103-06-0-10-05-002.00-0	0.13337186	TUNGE JON A	JONES KELLY A		414 E 15TH ST	LAWRENCE	KS	66044	U10951	023-103-06-0-10-05-002.00-0	R21382	414 E 15TH ST
103-06-0-20-01-001.00-0	0.34432326	COLE JASON S	COLE JASMINE A		1901 BARKER AVE	LAWRENCE	KS	66044	U10939	023-103-06-0-20-01-001.00-0	R21383	1901 BARKER AVE
103-06-0-20-01-002.00-0	0.16516347	DERNING SEAN E			808 CONNECTICUT ST	LAWRENCE	KS	66044	U04212-02	023-103-06-0-20-01-002.00-0	R21387	1501 BARKER AVE
103-06-0-20-02-001.00-0	0.11329921	ROEDIGER DAVID B			1501 RHODE ISLAND ST	LAWRENCE	KS	66044	U04212-02	023-103-06-0-20-02-001.00-0	R21388	1501 RHODE ISLAND ST
103-06-0-20-02-002.00-0	0.13417538	MONTGOMERY SCOTT N	MONTGOMERY JANAL		1500 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U04310	023-103-06-0-20-02-002.00-0	R21389	1500 NEW HAMPSHIRE ST
103-06-0-20-02-003.00-0	0.11569513	WILLIAMS HEGAN E			1506 RHODE ISLAND ST	LAWRENCE	KS	66044	U04215	023-103-06-0-20-02-003.00-0	R21389	1506 RHODE ISLAND ST
103-06-0-20-02-004.00-0	0.13394633	WADEPHAMST SARAH A			1506 RHODE ISLAND ST	LAWRENCE	KS	66044	U04329	023-103-06-0-20-02-004.00-0	R21389	1506 RHODE ISLAND ST
103-06-0-20-02-005.00-0	0.26857032	MUSSEY NOAH C	MUSSEY VIRGINIA M		1506 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U04311A	023-103-06-0-20-02-005.00-0	R21389	1506 NEW HAMPSHIRE ST
103-06-0-20-01-015.00-0	0.59959728	WILEY DAVID M	WILEY LORA R		1520 BARKER AVE	LAWRENCE	KS	66044	U10940	023-103-06-0-20-01-015.00-0	R21384	1520 BARKER AVE
103-06-0-20-01-016.00-0	0.14917126	MULLIGAN PATRICK J			1511 BARKER AVE	LAWRENCE	KS	66044	U04214A	023-103-06-0-20-01-016.00-0	R21385	1511 BARKER AVE
103-06-0-20-01-004.00-0	0.149086923	BURDETT AMES A			1514 RHODE ISLAND ST	LAWRENCE	KS	66044	U04215A	023-103-06-0-20-01-004.00-0	R21385	1514 RHODE ISLAND ST
103-06-0-20-02-007.00-0	0.13339519	SWIG-WEST NANCY E	WINDER RICHARD W		1515 RHODE ISLAND ST	LAWRENCE	KS	66044	U04330	023-103-06-0-20-02-007.00-0	R21387	1515 RHODE ISLAND ST
103-06-0-20-02-008.00-0	0.13416472	WINTER KATHERINE K	KLEIN MATTHEW H		1517 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U04313	023-103-06-0-20-02-008.00-0	R21387	1517 NEW HAMPSHIRE ST
103-06-0-20-01-014.00-0	0.21159027	BALL BARBARA L			1519 BARKER AVE	LAWRENCE	KS	66044	U04217	023-103-06-0-20-01-014.00-0	R21385	1519 BARKER AVE
103-06-0-20-01-005.00-0	0.14954838	PELSMA MATTHEW S			1516 RHODE ISLAND ST	LAWRENCE	KS	66044	U04217-02A	023-103-06-0-20-01-005.00-0	R21381	1516 RHODE ISLAND ST
103-06-0-20-02-020.00-0	0.13387068	REES NICHOLAS B	REES MICHELLE A		1517 RHODE ISLAND ST	LAWRENCE	KS	66044	U04332	023-103-06-0-20-02-020.00-0	R21381	1517 RHODE ISLAND ST
103-06-0-20-02-005.00-0	0.13418616	BAKER MARY A			1516 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U04314	023-103-06-0-20-02-005.00-0	R21386	1516 NEW HAMPSHIRE ST
103-06-0-10-05-005.00-0	0.461418	MALETSKY LORIN P	MALETSKY REBECCA A		1524 BARKER AVE	LAWRENCE	KS	66044	U10941	023-103-06-0-10-05-005.00-0	R21385	1524 BARKER AVE
103-06-0-20-01-006.00-0	0.17004323	MORTON CURTIS			1524 RHODE ISLAND ST	LAWRENCE	KS	66044	U04222	023-103-06-0-20-01-006.00-0	R21382	1524 RHODE ISLAND ST
103-06-0-20-02-019.00-0	0.13384533	ARKENBERG LOGAN			1521 RHODE ISLAND ST	LAWRENCE	KS	66044	U04333	023-103-06-0-20-02-019.00-0	R21402	1521 RHODE ISLAND ST
103-06-0-20-02-006.00-0	0.13418339	THOMAS DAMON G			1520 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U04315	023-103-06-0-20-02-006.00-0	R21387	1520 NEW HAMPSHIRE ST
103-06-0-20-01-013.00-0	0.13422056	BALL BARBARA L	WIGGINS BARBARA L		1519 BARKER AVE	LAWRENCE	KS	66044	U04320	023-103-06-0-20-01-013.00-0	R21387	1519 BARKER AVE
103-06-0-20-02-018.00-0	0.13382085	SCHULTZ FRED V			1525 RHODE ISLAND ST	LAWRENCE	KS	66044	U04334	023-103-06-0-20-02-018.00-0	R21389	1525 RHODE ISLAND ST
103-06-0-20-02-007.00-0	0.13418532	HILMAR S TRUSTEE	MCMASTER M ROSALIE TRUSTEE		PO BOX 1581	LAWRENCE	KS	66044	U04316	023-103-06-0-20-02-007.00-0	R21388	1524 NEW HAMPSHIRE ST
103-06-0-10-05-006.00-0	0.46142361	HAUPTLI JAN B TRUSTEE	KROLL HAUPTLI CYNTHIA D TRUSTE		1530 BARKER AVE	LAWRENCE	KS	66044	U10942	023-103-06-0-10-05-006.00-0	R21386	1530 BARKER AVE
103-06-0-20-01-007.00-0	0.18053448	PIERSON JESSICA E	HUMPHREY JENNIFER L		974 E 850 RD	LAWRENCE	KS	66047	U04224A01	023-103-06-0-20-01-007.00-0	R21443	1530 RHODE ISLAND ST
103-06-0-20-01-012.00-0	0.1507558	MATSON PAMELA J			1533 BARKER AVE	LAWRENCE	KS	66044	U04226	023-103-06-0-20-01-012.00-0	R21448	1533 BARKER AVE
103-06-0-20-02-017.00-0	0.13379595	HARRIS MARLINE A			1529 RHODE ISLAND ST	LAWRENCE	KS	66044	U04335	023-103-06-0-20-02-017.00-0	R21468	1529 RHODE ISLAND ST
103-06-0-20-02-008.00-0	0.13418629	JEWERS CAROLINE A			1528 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U04317	023-103-06-0-20-02-008.00-0	R21389	1528 NEW HAMPSHIRE ST
103-06-0-20-02-016.00-0	0.13377014	HERRANDEZ LORIE S			PO BOX 665	LAWRENCE	KS	66044	U04336	023-103-06-0-20-02-016.00-0	R21387	1533 RHODE ISLAND ST
103-06-0-20-02-009.00-0	0.13418487	BOOE JOHN	BOOE CLAUDIA J		1622 E 1100 RD	LAWRENCE	KS	66044	U04318	023-103-06-0-20-02-009.00-0	R21386	1530 NEW HAMPSHIRE ST
103-06-0-10-05-007.00-0	0.1628919	DIKON J SCOTT			302 E 15TH PL	LAWRENCE	KS	66044	U109550	023-103-06-0-10-05-007.00-0	R21607	302 E 15TH PL
103-06-0-10-05-026.00-0	0.24867996	MCWIFFET JEFFREY	GUENTHER SUSAN M		1537 BARKER AVE	LAWRENCE	KS	66044	U109550	023-103-06-0-10-05-026.00-0	R21606	302 E 15TH PL
103-06-0-20-01-011.00-0	0.15172631	GUENTHER HAROLD L	BOHLING KELLY		1536 BARKER AVE	LAWRENCE	KS	66044	U10943A	023-103-06-0-20-01-011.00-0	R21387	1537 BARKER AVE
103-06-0-10-05-007.00-0	0.32853772	BOHLING CHRISTOPHER P			1534 RHODE ISLAND ST	LAWRENCE	KS	66044	U04227A	023-103-06-0-10-05-007.00-0	R21844	1534 RHODE ISLAND ST
103-06-0-20-02-008.00-0	0.1512873	SIKES BENA A	SIKES APRIL L		1535 RHODE ISLAND ST	LAWRENCE	KS	66044	U04337	023-103-06-0-20-02-008.00-0	R21866	1535 RHODE ISLAND ST
103-06-0-20-02-015.00-0	0.13374614	WHARFF MARY	BLOOMER MICHAEL A		1536 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U04319	023-103-06-0-20-02-015.00-0	R21861	1536 NEW HAMPSHIRE ST
103-06-0-20-02-010.00-0	0.13418488	JAROMOWICZ DAVID P	TETREAU ALLISON S		1545 BARKER AVE	LAWRENCE	KS	66044	U04238-01A	023-103-06-0-20-02-010.00-0	R21844	1545 BARKER AVE
103-06-0-20-01-010.00-0	0.18697171	LORENZ KATHA R			1546 RHODE ISLAND ST	LAWRENCE	KS	66044	U04238A	023-103-06-0-20-01-010.00-0	R21845	1546 RHODE ISLAND ST
103-06-0-20-01-009.00-0	0.25401641	LORENZ THOMAS D	LORENZ MARILYN S		1537 RHODE ISLAND ST	LAWRENCE	KS	66044	U04338	023-103-06-0-20-01-009.00-0	R21845	1537 RHODE ISLAND ST
103-06-0-20-02-014.00-0	0.1337206	ZUERCHER ANDREA			281 W WINTHROP RD	KANSAS CITY	MO	64113	U043320	023-103-06-0-20-02-014.00-0	R21863	1540 NEW HAMPSHIRE ST
103-06-0-20-02-011.00-0	0.13418525	HARRIS LISA M			1540 BARKER AVE	LAWRENCE	KS	66044	U10945A	023-103-06-0-20-02-011.00-0	R21863	1540 BARKER AVE
103-06-0-10-05-008.00-0	0.37701211	WIEGGER JAMES B	DESMOND JILLIAN		1545 RHODE ISLAND ST	LAWRENCE	KS	66044	U04339	023-103-06-0-10-05-008.00-0	R21868	1545 RHODE ISLAND ST
103-06-0-20-02-013.00-0	0.1602549	KELBY SALLY G	KURTZ DOROTHY I		1546 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U04321	023-103-06-0-20-02-013.00-0	R21863	1546 NEW HAMPSHIRE ST
103-06-0-20-02-011.00-0	0.16083458	KURTZ MARK W			301 E 15TH PL	LAWRENCE	KS	66044	U10955F	023-103-06-0-20-02-011.00-0	R21605	301 E 15TH PL
103-06-0-10-05-025.00-0	0.30359562	DAVIS PAUL A			1602 BARKER AVE	LAWRENCE	KS	66044	U10948	023-103-06-0-10-05-025.00-0	R21889	1602 BARKER AVE
103-06-0-10-05-009.00-0	0.4910986	GREENE CHRISTOPHER			1601 RHODE ISLAND ST	LAWRENCE	KS	66044	U04239-01	023-103-06-0-10-05-009.00-0	R22048	1601 RHODE ISLAND ST
103-06-0-20-14-001.00-0	0.13308467	COFFEY THANE R	BINTON JOHN E		956 JANA DR	LAWRENCE	KS	66044	U04330A	023-103-06-0-20-14-001.00-0	R22049	1601 RHODE ISLAND ST
103-06-0-20-14-002.00-0	0.17019904	BINTON JACQUELENE G	STROUD BRUSH JANCY		2547 ARKANSAS ST	LAWRENCE	KS	66044	U04340	023-103-06-0-20-14-002.00-0	R22050	1601 RHODE ISLAND ST
103-06-0-20-13-001.00-0	0.13426857	BRUSH MATTHEW B			1609 RHODE ISLAND ST	LAWRENCE	KS	66044	U04341	023-103-06-0-20-13-001.00-0	R22051	1609 RHODE ISLAND ST
103-06-0-20-13-002.00-0	0.12017523	FORNELLI JONI U			1609 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U04341	023-103-06-0-20-13-002.00-0	R22051	1609 NEW HAMPSHIRE ST
103-06-0-20-13-019.00-0	0.13432321	VOYTER GREGORY S			1609 BARKER AVE	LAWRENCE	KS	66044	U04323A	023-103-06-0-20-13-019.00-0	R22051	1609 BARKER AVE
103-06-0-20-13-003.00-0	0.1198328	IBHANA KASTOOR TRUSTEE	IBHANA SURENDRA TRUSTEE		1608 RHODE ISLAND ST	LAWRENCE	KS	66044	U04323A	023-103-06-0-20-13-003.00-0	R22051	1608 RHODE ISLAND ST
103-06-0-20-14-012.00-0	0.15208686	KIMBALL GREGORY L			PO BOX 1396	LAWRENCE	KS	66044	U04308	023-103-06-0-20-14-012.00-0	R22046	1609 RHODE ISLAND ST
103-06-0-20-14-003.00-0	0.20460979	BAKER ROBERT F	MCWULLEN DEBORAH A		1501 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03997	023-103-06-0-20-14-003.00-0	R21875	1501 NEW HAMPSHIRE ST
103-06-0-20-13-016.00-0	0.13334907	FALEY BRIAN M			1501 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03996	023-103-06-0-20-13-016.00-0	R21875	1501 NEW HAMPSHIRE ST
103-06-0-20-03-001.00-0	0.21522096	VINTAGE CHURCH OF LAWRENCE			1515 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03984	023-103-06-0-20-03-001.00-0	R21893	1515 NEW HAMPSHIRE ST
103-06-0-20-03-020.00-0	0.21922118	HUNTER RACHEL			1517 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03982A	023-103-06-0-20-03-020.00-0	R21893	1517 NEW HAMPSHIRE ST
103-06-0-20-03-019.00-0	0.14324585	ALBERDING DEBORAH S	DOUGLAS KATHLEEN		1521 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03982A	023-103-06-0-20-03-019.00-0	R21891	1521 NEW HAMPSHIRE ST
103-06-0-20-03-018.00-0	0.14347895	DOUGLAS MARK A			1525 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03990	023-103-06-0-20-03-018.00-0	R21891	1525 NEW HAMPSHIRE ST
103-06-0-20-03-017.00-0	0.1437176	TIPPIN ASHLEY R	HAWKES-ENS DAWN		1529 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03984	023-103-06-0-20-03-017.00-0	R21889	1529 NEW HAMPSHIRE ST
103-06-0-20-03-016.00-0	0.14327629	HAWKES-ENS BERT			1535 NEW HAMPSHIRE ST	LAWRENCE	KS	66044	U03984	023-103-06-0-20-03-016.00-0	R21888	1535 NEW HAMPSHIRE ST
103-06-0-20-03-015.00-0	0.1435242	SUNDIST JOHN CHRISTINE J	BESSON DAVID		3708 STETSON DR	LAWRENCE	KS	66049	U03986	023-103-06-0-20-03-015.00-0	R21886	1541 NEW HAMPSHIRE ST
103-06-0-20-03-014.00-0	0.14347460	BESSON ERIN				LAWRENCE	KS	66044	U03984A	023-103-06-0-20-03-014.00-0	R21886	1541 NEW HAMPSHIRE ST
103-06-0-20-03-013.00-0	0.14347578	SCHNEIDER LOS R				LAWRENCE	KS	66044	U03984A	023-103-06-0-20-03-013.00-0	R21886	1541 NEW HAMPSHIRE ST
103-06-0-20-03-012.00-0	0.11477532											



ITEM NO. 3 **VARIANCE FROM THE REQUIRED REAR YARD BUILDING SETBACK FOR A RESIDENTIAL STRUCTURE; 1524 RHODE ISLAND STREET [LRM]**

B-18-00335: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The first request is for a variance from the 20 foot rear setback standard required by Section 20-601(a) of the City Code for the RS5 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the rear setback to a minimum of 16 feet to allow for the construction of an addition to the existing residence. The second variance request is to reduce the rear setback of the existing residence to 1 foot. The property is located at 1524 Rhode Island Street. Submitted by Curtis Morton, property owner of record.

B. REASON FOR REQUEST

Applicant's Request – *"Request variance to 16 feet from rear edge of property line, (15 feet from back edge of current structure) to build an addition. (See drawing). The current house which has been in place since 1951 is very close to the rear property line (1 foot). The location of the current structure is acceptable to adjacent neighbors, and cause no problems with the neighborhood. Granting the variance would allow for improvement to the current house, enlarging it for more living space and increased value".*

"Also request permanent variance to current structure in case of necessary future repairs."

C. ZONING AND LAND USE

Current Zoning & Land Use: RS5 (Single-Dwelling Residential) District; *Detached dwelling residential use.*

Surrounding Zoning and Land Use: RS5 (Single-Dwelling Residential) District to the east, west, north and south; *Detached Dwelling Residential use.*

D. ZONING ORDINANCE REQUIREMENTS

Section 20-601(a), "DENSITY AND DIMENSIONAL STANDARDS; OCCUPANCY LIMITS, Residential Districts," provides the minimum building setbacks for each residential district. The code required minimum building setbacks in the RS5 (Single-Dwelling Residential) District and what is being requested by the applicant follow:

East setback (rear setback) – 20 feet required; 16 feet proposed for new addition.

East setback (rear setback) – 20 feet required; 1 foot proposed for existing residence.



Figure 1: Subject Property outlined in Teal. Subject Property is located within and surrounded by the RS5 (Single-Dwelling Residential) District.

E. SPECIFIC ANALYSIS

Section 20-1309(g)(1) in the Land Development Code lists the five requisite conditions that have to be met for a variance to be approved.

1. The variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.

Applicant response: a) *"The house built in 1951 on George C. Smith Add 6 & 7 less 15 foot (1524 Rhode Island Street) is right at the back of the lot, 1 foot from the property line, see plot drawing. An addition to the building is desirable to make the home more livable and increase value. The new building is designed to overlap the old by 17 feet. The interface design between the new and old buildings supports a good living activity flow through the final structure. Decreasing the interface to 13 feet makes the final structure very awkward to live and to move around in"*

b) *"Permanent variance requested to allow repairs or replacement to the old structure in case of damage."*

The subject property was originally platted and recorded in 1910 as Lots 6 and 7, part of George C. Smith's Addition. There was no adopted zoning code at the time of platting. The 1927 Lawrence Zoning Code, adopted with [Ordinance No. 2227](#), was the first code to address required building setbacks. The 1927 Code required rear yards of at least twenty-five percent of the depth of the lot. Rear yards were not required to be greater than 30 feet. 1524 Rhode Island was subject to rear yard requirements of District A: First Dwelling house District which required a rear setback of at least 21 feet as 1524 Rhode Island Street has a depth of 87 feet.

The existing residence was built in 1952, per Douglas County Appraiser's records, under the then applicable 1949 Zoning Code. The rear yard requirements remained the same as those established in the 1927 Zoning Code. Staff is unable to determine why the existing residence was built within the required rear yard near the property line.

Survey No. 882, filed in 1943, split the platted lots in half. From the time of platting (1910) to Survey No. 882 (1943) the subject property was comprised of two double frontage lots. Both original Lots 6 and 7 maintained 50 feet of frontage along Rhode Island Street and Barker Avenue (called Haskell Road at time of platting). In March 1953, Survey No. 1870 combined portions of original Lots 6 and 7 that front Rhode Island Street to create the current parcel. Records indicate the existing structure was built in 1952. This survey may be a result of the existing structure's construction as it encumbers portions of both original Lots 6 and 7.

Staff is unable to determine if the existing residence was originally constructed as a detached dwelling or as another type of structure or if it complied with the zoning regulations at the time.

The subject property is unique in that the existing structure appears to have been located within a required rear yard setback since its construction. The subject property would have been considered nonconforming under the 1949 Zoning Code and each subsequent zoning code.

The applicant is not looking to enlarge the structure along the rear property line; rather, he is looking to memorialize the current setback and footprint for the existing structure. The proposed addition will be located further from the rear property line but still within the required 20 foot rear setback.

Due to the interior layout of the existing residence and its placement adjacent to the rear property line, the applicant has requested the proposed addition be placed 4 feet within the required 20 foot rear yard setback. The proposed placement will integrate the addition into the existing residence without interfering with required side and front setbacks.

The lot split and combination of the original Lots 6 and 7 achieved by Survey No. 882, and the placement of the existing structure within the required rear setback in 1952, is unique and not a result of an action or actions taken by the current property owner. The original Lots 6 and 7 had not had double frontage for nine years when the existing structure was built. Had the lots retained double frontage, the structure would have been well outside of required setbacks. Instead it was placed near the newly established lot line (surveyed in 1943) within the rear yard required by the 1949 Zoning Code. The reason for this placement remains unclear to staff.

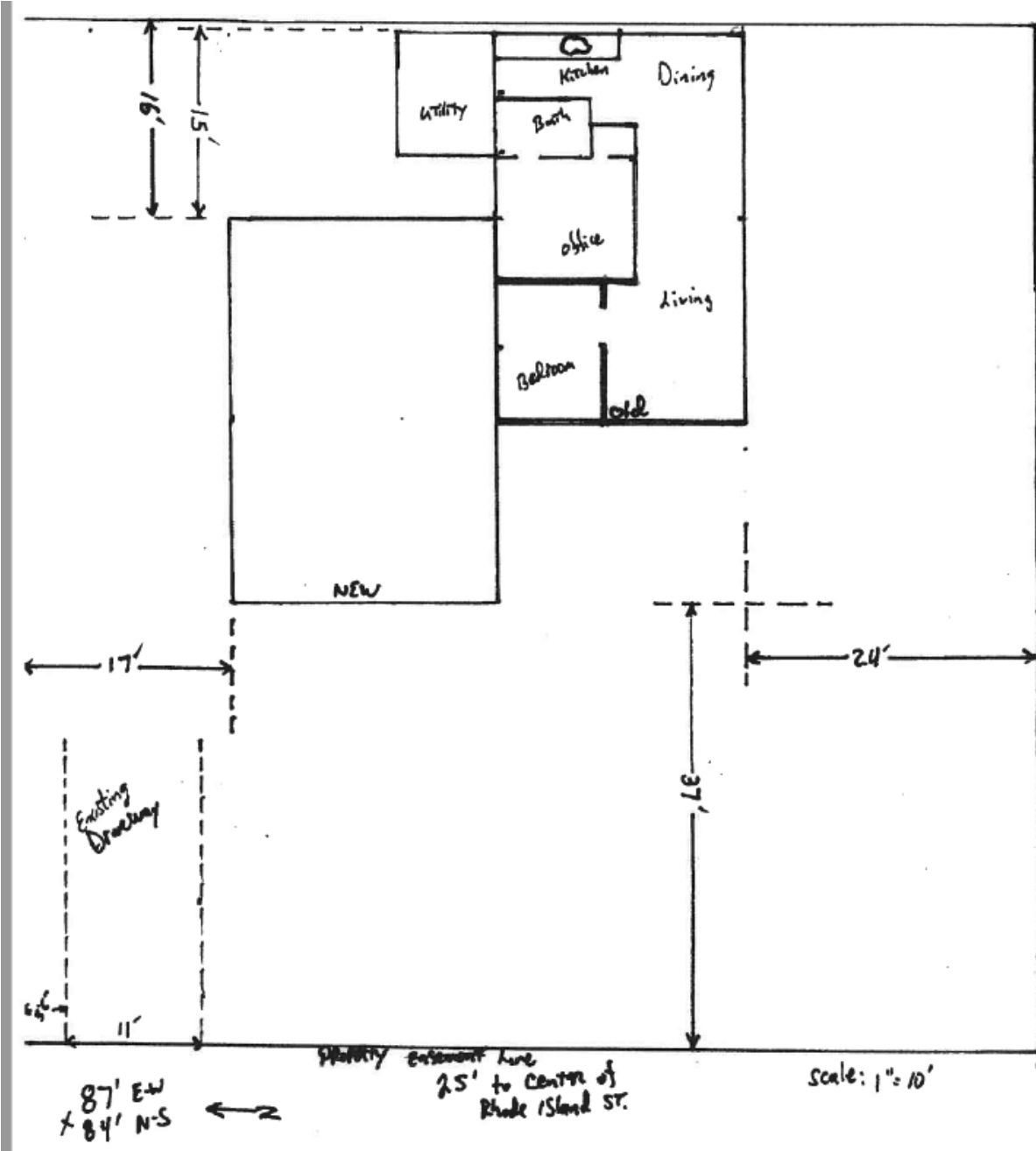


Figure 2: Applicant's Drawing of Proposed Addition.

2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

Applicant response: a), b) "The current structure was built in 1951 and does not adversely affect adjacent property owners. The addition will be 16 feet from the property line (15 feet from the back edge of the current structure."

In staff's opinion, the requested variance would not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within 400 feet of the subject property informing them of the application filed by the property owner. As of the time this report was written, staff has received one in-person visit regarding the proposed variance. The owner of 1533 Rhode Island Street inquired about the proposed variance but did not voice any questions or concerns.

3. That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Applicant response: a) "Strict application of the 20 distance to the rear property line would only allow a 13 foot overlap of the old and new buildings. The inside design of the old structure is awkward to consolidate with the new. Human movement between the two structures would be limited to what is now the master bedroom, instead of the central room. This requires 17 feet overlap. The extra 4 feet overlap allows access the bathroom, and other areas, which will become bedrooms. See drawing."

b) "Permanent variance for the current structure would allow repair or replacement in case of damage."

In staff's opinion, strict adherence to the code required building setbacks may constitute an unnecessary hardship. The applicant is not proposing the addition be placed adjacent to the rear property line as the existing structure is located. The variance request regarding the existing structure is contained within the parcel owned by the applicant, and would memorialize the existing footprint of the building which has existed since 1952.

The applicant has placed the proposed addition in a manner that attempts to balance the required rear yard setback with the functionality of the existing structure. Both the interior of the existing structure and proposed addition would need to be revised if the proposed addition began at 20 feet from the rear property line instead of the requested 16 feet.

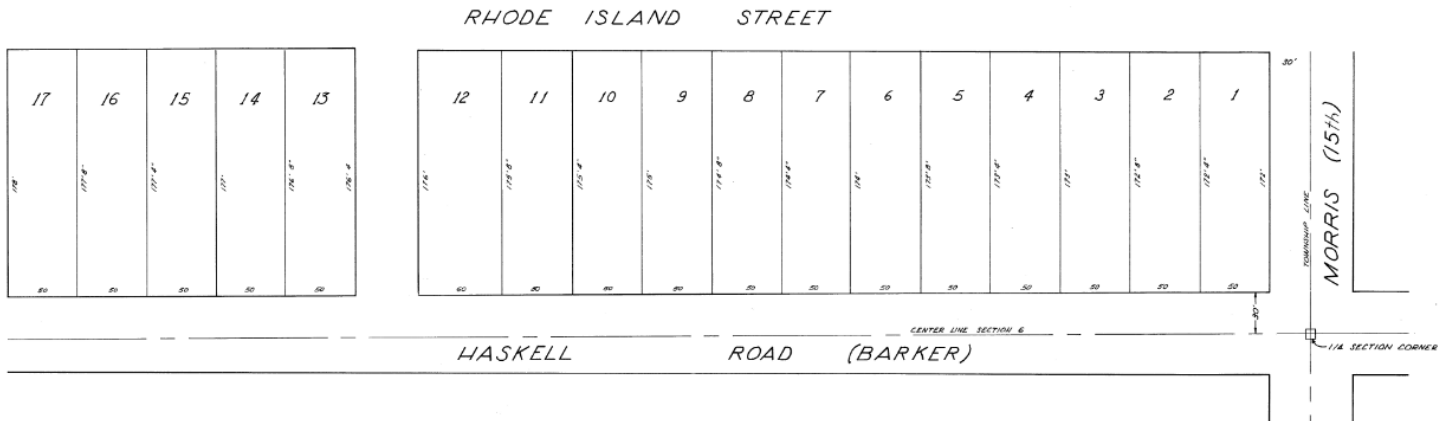


Figure 3: A plat of the George C. Smith's Addition. Subject property is Lot 1, Block 2. Note: Subject property is platted Lot 6 and part of platted Lot 7.

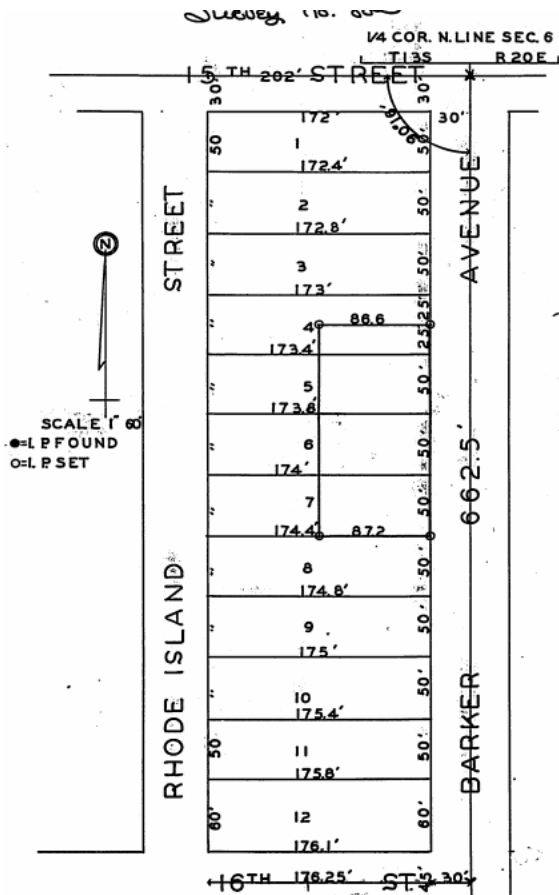


Figure 4: Survey No. 882 split the original Lots 6 and 7 in 1943. Subject property now fronts only Rhode Island Street.

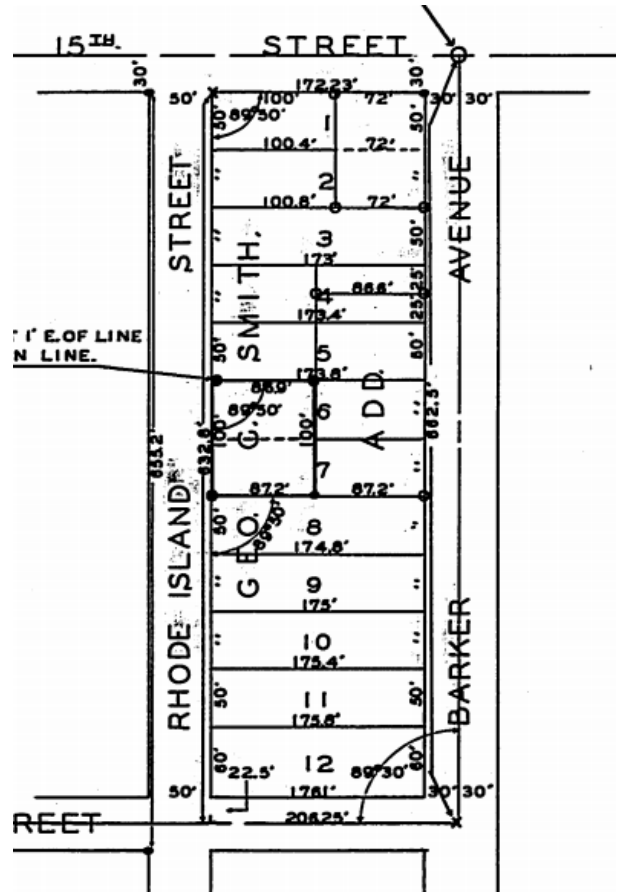


Figure 5: Survey No. 1870 combined the portions of original Lots 6 and 7 in 1953. Existing structure sits on both original Lots 6 and 7.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Applicant response: "a), b) *"The current building was built in and has existed 1 foot from the rear property line since 1951. The variance requested would improve the house for single family occupation as well as increased property values."*

In staff's opinion, granting the requested variances will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The requests in question are contained within the parcel owned by the applicant. The existing structure and proposed addition would not create any spill-over noxious effects to the surrounding area. The applicant has situated the proposed addition such that it will not interfere with any front or side setbacks. The proposed addition will be oriented towards the interior of the site rather than site near the property line like the existing structure.

5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.

Applicant response:

a) *"Granting the desired variance would improve the property value and make the current address suitable and more comfortable for family's residence."*

b) *"Permanent variance would allow for the home to be repaired or replaced in its current location in case of future damage."*

In staff's opinion, granting the setback variances would not be opposed to the general spirit and intent of the Land Development Code. Granting the requested variances is consistent with the previous findings of the Board, and also consistent with the spirit of Land Development Code. Granting of these requested variance would permit the construction of the proposed addition and the memorialization of the existing residence while ensuring that the needs and protections of the public interest are maintained.

Conclusions:

Staff's analysis of this variance application finds the request meets all five conditions set forth in Section 20-1309(g)(1) of the Land Development Code that the Board must find existing to grant a variance.

Recommendation:

Staff recommends approval of the rear yard setback variance based upon the findings in the staff report concluding that the request meets the five conditions outlined in Section 20-1309(g)(1). Staff recommends the Board grant the variance to reduce the required rear yard setbacks from 20 feet to 1 foot for the existing structure and from 20 feet to 16 feet for the proposed addition at 1524 Rhode Island Street.



**APPLICATION FOR
VARIANCE FROM UNNECESSARY HARDSHIP**

JUL 03 2018

City County Planning Office
Lawrence, Kansas

OWNER INFORMATION

Name(s) Gregory B. Gardner

Contact _____

Address 1516 Alvamar Drive

City Lawrence State KS ZIP 66047

Phone (785) 830-9899 Fax (____) _____

E-mail GGardner@Sunflower.com Mobile/Pager (____) 785-550-6945

APPLICANT/AGENT INFORMATION

Contact _____

Company _____

Address _____

City _____ State _____ ZIP _____

Phone (____) _____ Fax (____) _____

E-mail _____ Mobile/Pager (____) _____

Pre-Application Meeting Date _____ Planner _____

PROPERTY INFORMATION

Present Zoning District RS-5 Present Land Use Single Family Residence

Proposed Land Use Single Family Residence

Legal Description (*may be attached*) Lot #69, Fairgrounds Addition, Lawrence, Douglas County KS

Address of Property 2112 Ohio Street, Lawrence KS 66046

Total Site Area 6625 Sq Ft

Number and Description of Existing Improvements or Structures _____

Single Family Residence with attached carport

B-18-00340



Description of variance requested:

Request a variance from a 5' to 1' side yard setback on the south side of 2112 Ohio St (Lot #69 Fairgrounds Addition in Lawrence, Douglas County, KS) to accommodate building an attached 13' wide carport to replace a ramshackle detached garage that is a safety hazard and neighborhood eyesore. The garage is very old, was poorly constructed on cinderblock footings, the roof is bowed, is about to collapse and is unusable for my daughters vehicle.

To replace the garage I plan to build an attached carport the depth of the south side of the house (to accommodate a large pickup) with shed in the back (for secure storage) and a covered patio allowing my daughter to access the carport from the home's back door while being protected from the weather. The lot is long and narrow which leaves only one place to build an attached carport an even then requires a variance to do so.

The owner plans to construct the structure in accordance with the building codes (e.g., deep footings, etc) required to someday (if/when financial conditions allow) enclose the carport into a garage and/or enclose the porch/storage shed to become a screened porch, sunroom, family room. etc.



UNNECESSARY HARDSHIP CRITERIA

The Board of Zoning Appeals may approve a zoning variance if it finds that all of the following criteria have been met. The Development Code places the burden on the applicant to show that an application complies with such criteria. Please respond to each criterion to the best of your knowledge. (Attach additional sheets if needed.)

1. That the variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zoning or district and are not created by action(s) of the property owner or applicant:

The property at 2112 Ohio Street is on lot number 69 of the Fairgrounds Addition plat filed on 21 Sep 1909. No zoning codes existed in 1909 and our zoning codes have changed a multiple times since 1950, when the house was built. All the lots are long and narrow. This one is 132.5' long and 50' wide. Like most of the homes back then this one was built across the narrow width facing the street. This home is setback 56' facing west to Ohio Street. It is a little off square in the lot and off centered to the north between 5' (NW front corner of house) and 4'7" (NE corner) from the north property line. The SW front corner is 14' from the south property line and the SE back corner is 14' 5" from the south property line. Therefore, to build a 13' wide attached carport to accommodate a large pickup with room to open the doors carefully (wider would even be better) requires a variance from 5' to 1' side yard setback on the south side. The structure would extend the depth of the house plus 12 feet for a shed for secure storage and covered porch allowing my daughter access to the carport while staying out of the weather. The progressive changes in zoning codes combined with the long/ narrow lot created a unique situation that only allows a single location for an attached carport and even this location requires a variance from the current side yard setback.

2. That granting the variance would not adversely affect the rights of adjacent property owners or residents:

A 102' dilapidated concrete driveway leads to an existing ramshackle detached garage in the back of the lot that are both neighborhood eyesores and safety hazards. The driveway was poorly constructed without rebar or wire mesh, was cracked and uneven creating a tripping hazard. The garage is very old, was poorly constructed on foundation of loose cinderblocks (no footings), causing it to sink unevenly, the roof is bowing in, is about to collapse, and is totally unusable as garage for my daughter's vehicle. The plan is to demolish both the old driveway and garage and build a 44' shorter concrete driveway to an attached carport both constructed within current engineering specifications. These actions will improve safety, plus the quality/ appearance of the new construction will visually enhance neighborhood environment. Shortening the driveway reduces the property's impervious surface. We have also removed a wire fence ingrown with poison ivy, weeds, weed trees that was again an eyesore devaluing the neighboring properties. Bottom-line, these all represent improvements that do not adversely affect the rights of adjacent property owners or residents. In fact all immediate neighbors including Barbara Grandstaff (North), Madeline Lockhart (East) and most importantly Randy McWhirter (South) where the variance is located support the request for variance.



3. That strict application of the provisions of this chapter for which the variance is requested would constitute unnecessary hardship upon the property owner represented in the application:

As outlined in question #1, the property was platted in 1909 before zoning codes existed and the house was built in 1950 after which zoning codes have changed multiple times. The shape of the lot and the orientation and location of the house on the lot allow only a single location to build an attached carport. The combination of these factors and the strict application of the zoning code for which the variance is requested create an unnecessary hardship upon the property owner. The property owner is making a significant financial investment to improve this property and the neighborhood respectively but is not claiming the financial investment as a hardship.

4. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare:

On the contrary, the planned improvements of the property outlined earlier will improve public safety, prosperity and general welfare. Replacing the dilapidated driveway and ramshackle garage removes multiple safety hazards. Shortening the driveway reduces impervious surfaces on the property. New construction improves property values in the neighborhood and thus the prosperity and general welfare.



**City of Lawrence
Douglas County**

PLANNING & DEVELOPMENT SERVICES

**Lawrence Douglas County
Metropolitan Planning Office**

6 East 6th Street, P.O. Box 708, Lawrence, KS 66044
(785) 832-3150 Fax (785) 832-3160
<http://www.lawrenceks.org/pds/>

5. That granting the variance desired would not be opposed to the general spirit and intent of the Development Code:

The property owner is working hard within the confines of the lot size/shape and location/orientation the home on the lot to improve the property and does not believe the requested variance would be opposed to the general spirit and intent of the development code.

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 7/6/2018

_____ Date _____

_____ Date _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



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

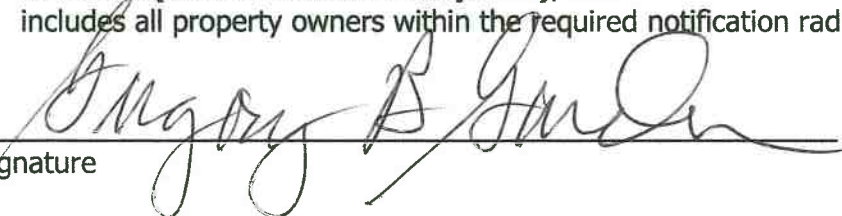
The Ownership list shall include the record Owner of the subject property and all Owners of property located within 400 feet of the subject property. If the subject property is adjacent to the City limits the area of notification shall be extended to at least 1,000 feet into the unincorporated area.

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

7/6/2018

Date

Gregory B. Gardner

Printed Name

Exhibit A,
 FAIRGROUNDS ADDITION
 legal Description: 2112 Ohio Street is
 Lot #69, Fairgrounds Addition, Lawrence
 Douglas County, KS

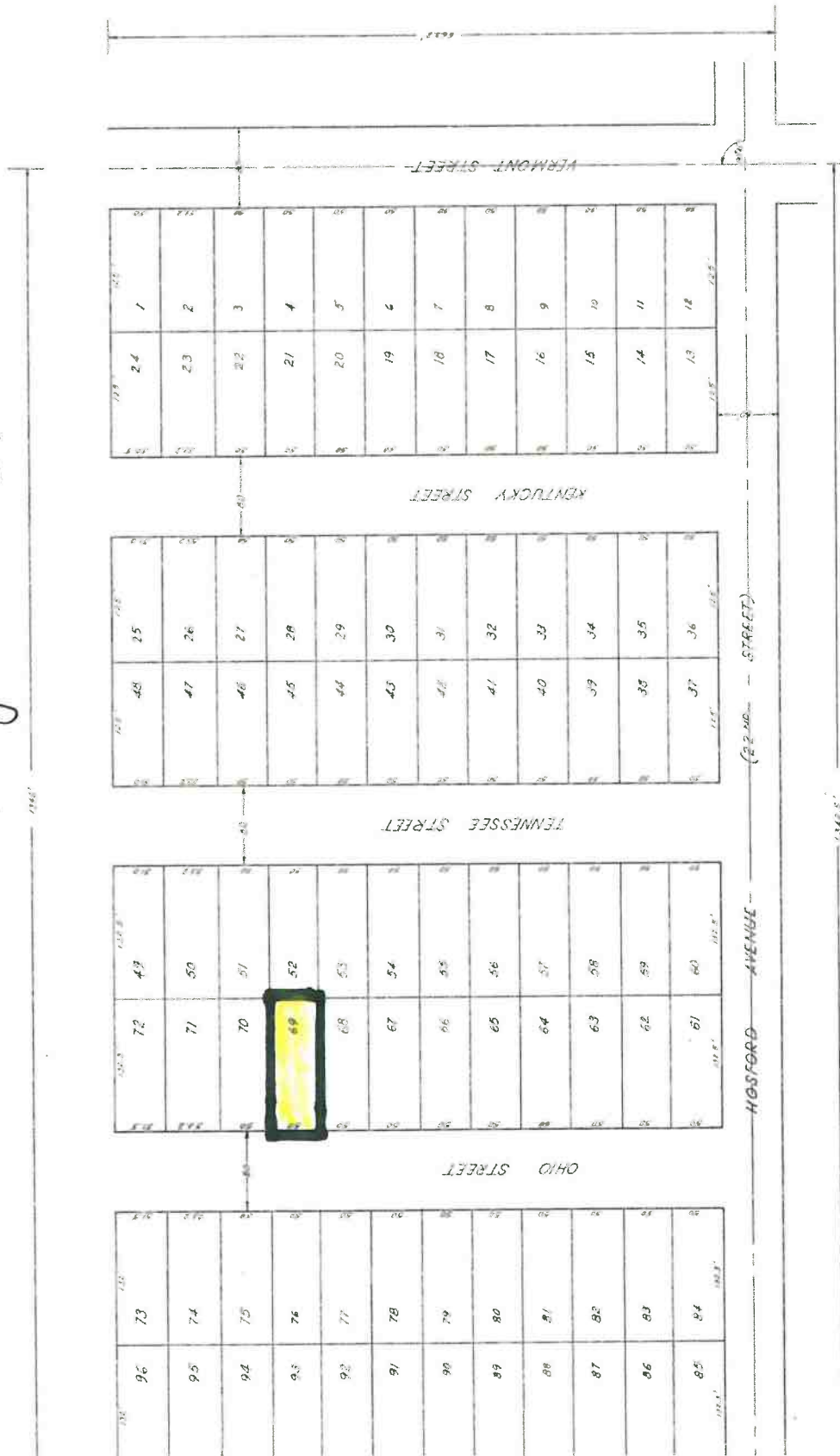


Exhibit A

Scale 1"=60'

FILED

Exhibit B

Ramshackle Detached Garage is a neighborhood eyesore and safety hazard. It was constructed on loose cinderblocks (no footing). It is sinking unevenly thus the roof is bowing and could collapse at any time. It is totally unusable for my daughter's vehicle.

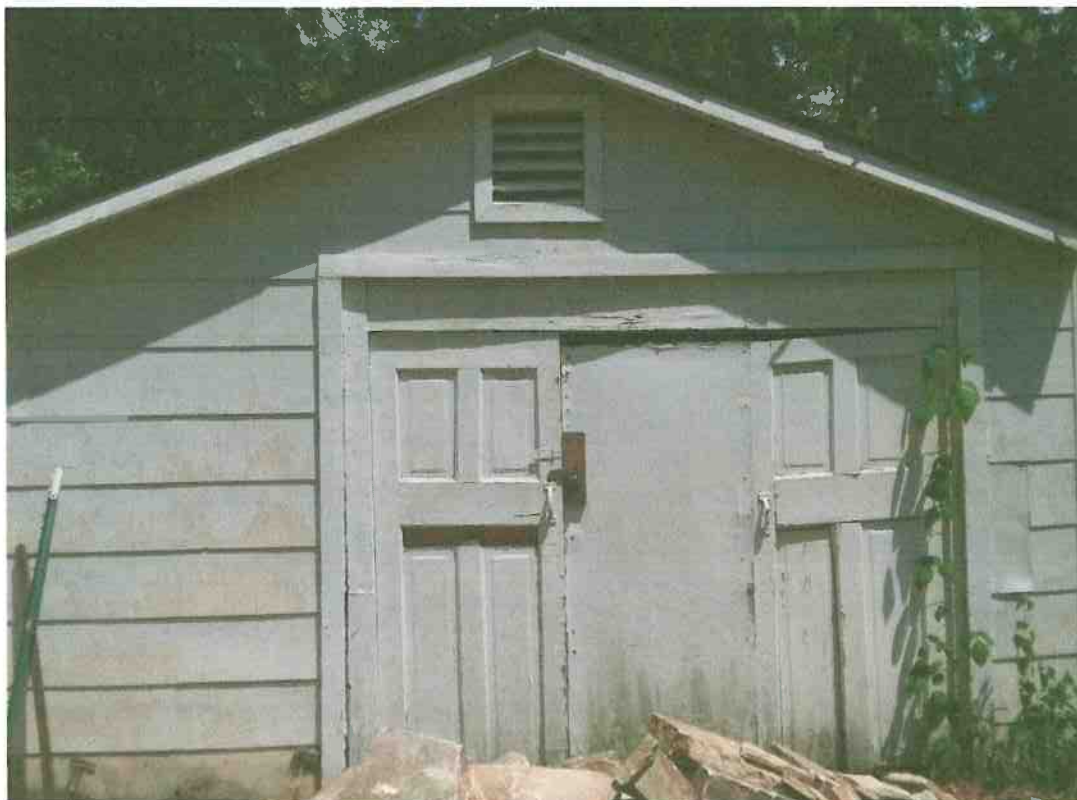


Exhibit C

2112 Ohio St, Lawrence KS 66046

Request Variance to reduce 5' to 1' Side Setback

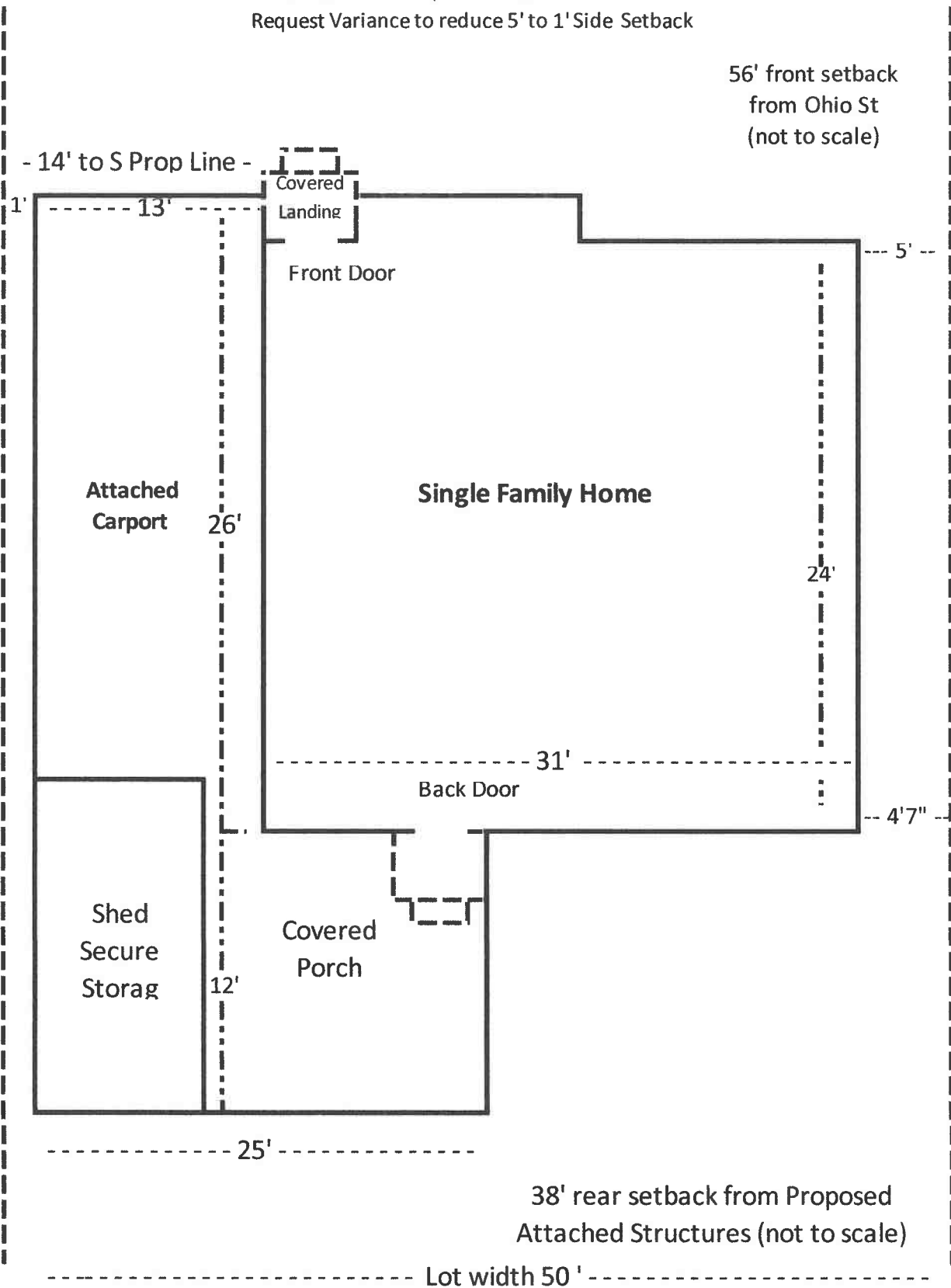
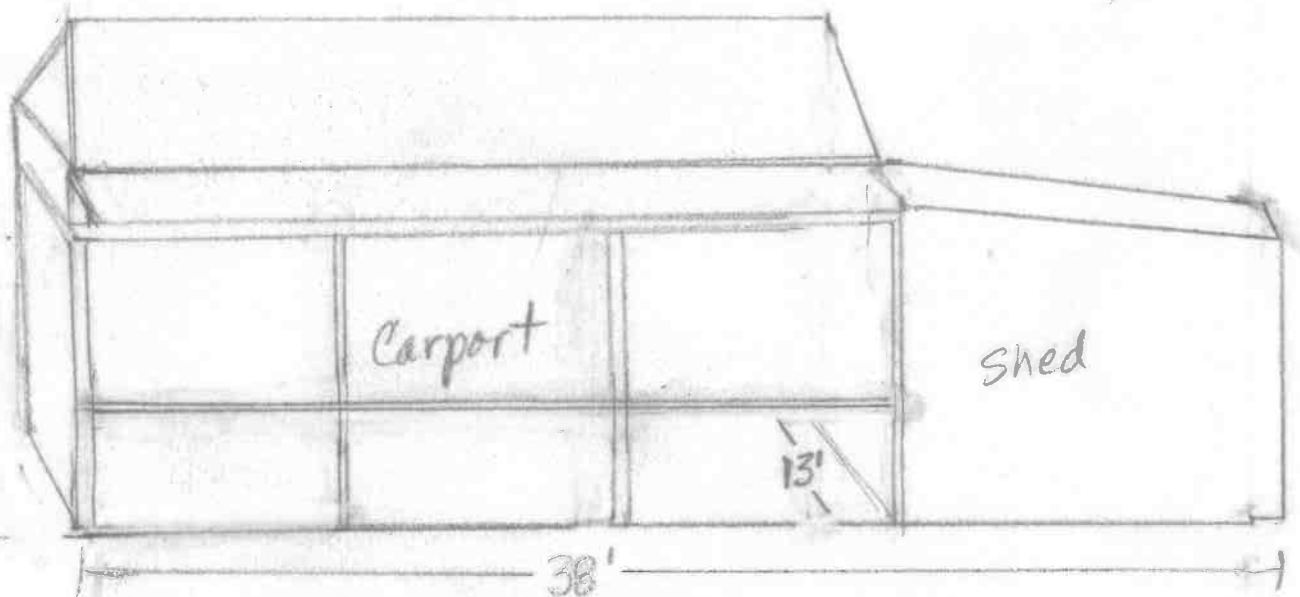


EXHIBIT D
VIEW FRONT



VIEW FROM
SOUTH SIDE

**ITEM NO. 4 VARIANCE FROM THE EXTERIOR SIDE YARD BUILDING SETBACK FOR A
RESIDENTIAL STRUCTURE; 2112 OHIO STREET [LRM]**

B-18-00340: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2018 edition. The request is for a variance from the 5 foot interior side setback standard required by Section 20-601(a) of the City Code for the RS5 (Single-Dwelling Residential) District. The applicant is seeking a variance from this code standard reducing the interior side setback to a minimum of 1 foot from the southern property line. The property is located at 2112 Ohio Street. Submitted by Gregory B. Gardner, property owner of record.

B. REASON FOR REQUEST

Applicant's Request – "Request a variance from a 5' to 1' side yard setback on the south side of 2112 Ohio St (Lot #69 Fairgrounds Addition in Lawrence, Douglas County, KS) to accommodate building an attached 13' wide carport to replace a ramshackle detached garage that is a safety hazard and neighborhood eyesore. The garage is very old, was poorly constructed on cinderblock footings, the roof is bowed, is about to collapse and is unusable for my daughters vehicle.

To replace the garage I plan to build an attached carport the depth of the south side of the house (to accommodate a large pickup) with shed in the back (for secure storage) and a covered patio allowing my daughter to access the carport from the home's back door while being protected from the weather. The lot is long and narrow which leaves only one place to build an attached carport an even then requires a variance to do so.

The owner plans to construct the structure in accordance with the building codes (e.g., deep footings, ect) required to someday (if/when financial conditions allow) enclose the carport into a garage and/or enclose the porch/storage shed to become a screened porch, sunroom, family room. Etc."

C. ZONING AND LAND USE

Current Zoning & Land Use: RS5 (Single-Dwelling Residential) District; *Detached Dwelling Residential* use.

Surrounding Zoning and Land Use: RS5 (Single-Dwelling Residential) District to the east, west, north and south; *Detached Dwelling Residential* use.

D. ZONING ORDINANCE REQUIREMENTS

Section 20-601(a), "DENSITY AND DIMENSIONAL STANDARDS; OCCUPANCY LIMITS, Residential Districts," provides the minimum building setbacks for each residential district. The code required minimum building setbacks in the RS5 (Single-Dwelling Residential) District and what is being requested by the applicant follow:

South setback (Interior side setback) – 5 feet required; 1 foot proposed

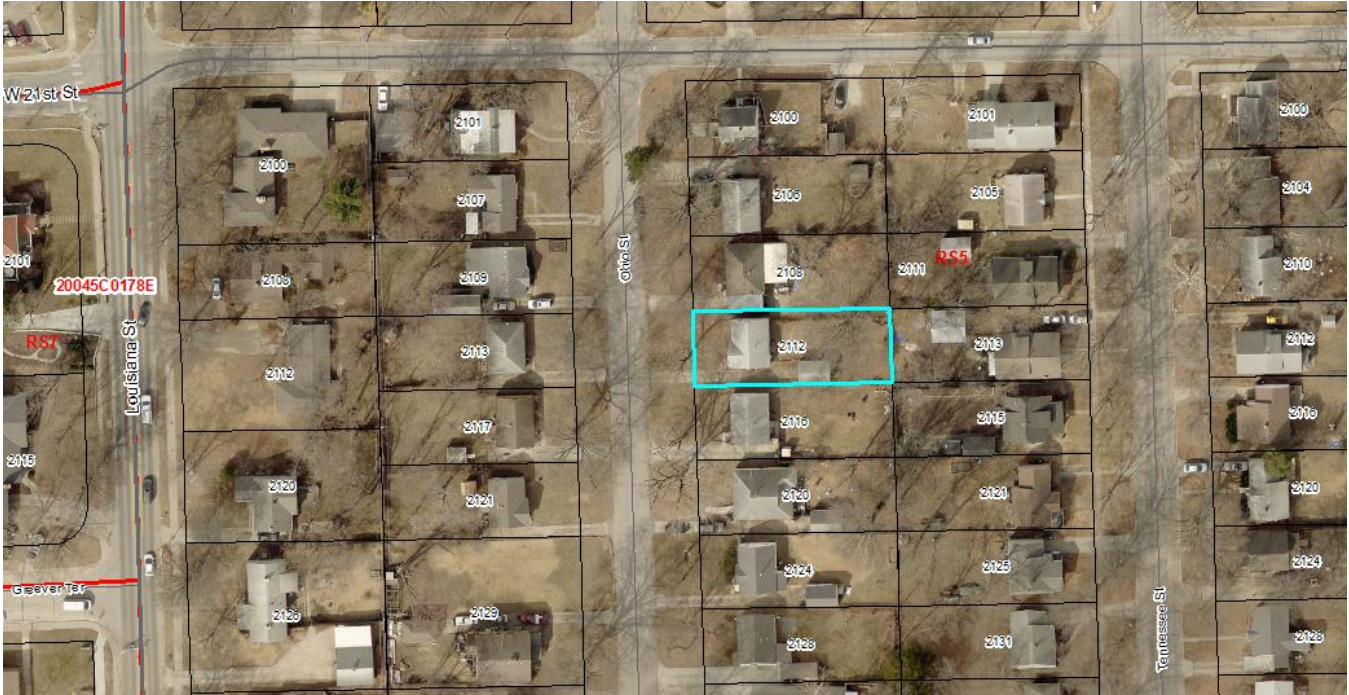


Figure 1: Subject Property outlined in Teal. Subject Property is located within and surrounded by the RS5 (Single-Dwelling Residential) District.

E. SPECIFIC ANALYSIS

Section 20-1309(g)(1) in the Land Development Code lists the five requisite conditions that have to be met for a variance to be approved.

1. The variance request arises from such conditions which are unique to the property in question and not ordinarily found in the same zone or district; and are not created by an action or actions of the property owner or applicant.

Applicant response: *"The property at 2112 Ohio Street is on lot number 69 of the Fairgrounds Addition plat filed on 21 Sep 1909. No zoning codes existed in 1909 and our zoning codes have changed multiple times since 1950, when the house was built. All the lots are long and narrow. The one is 132.5' long and 50' wide. Like most of the homes back then this one was built across the narrow width facing the street. This home is setback 56' facing west to Ohio Street. It is a little off square in the lot and off centered to the north between 5' (NW front corner of house) and 4'7" (NE Corner) from the north property line. The SW front corner is 14' from the south property line and the SE back corner is 14' 5" from the south property line. Therefore, to build a 13' wide attached carport to accommodate a large pickup with room to open doors carefully (wider would be even better) requires a variance from 5' to 1' side yard setback on the south side. The structure would extend the depth of the house plus 12 feet for a shed for secure storage and covered porch allowing my daughter access to the carport while staying out of the weather. The progressive changes in zoning codes combined with the long/narrow lot created a unique situation that only allows a single location for an attached carport and even this location requires a variance from current side yard setback."*

The subject property was originally platted and recorded in 1909 as Lot 69, part of the Fairgrounds Addition. There was no adopted zoning code at the time of platting. The 1927 zoning code, adopted with [Ordinance No. 2227](#), was the first code to address required building setbacks. The 1927 Code required

interior side yards of not more than 10% of the lot's width. Side yards could not be smaller than three feet or larger than five feet. 1625 Haskell was subject to the side yard requirements of District A: First Dwelling House District which required 5 foot side yards as 2112 Ohio Street is 50 feet in width. The requirement for a five foot interior side yard setback has remained with the adoption of new zoning codes in 1966 and 2006.

The existing residence was built in 1950 under the 1949 Zoning Code. The side yard requirements remained the same as those laid out in the 1927 Zoning Code. GIS aerial measurements indicate the existing residence current meets the required side yard setback requirements.

A 50 foot (width) lot is not uncommon for older portions of Lawrence. There are 50 foot lots in the Old West Lawrence, East Lawrence, Barker and Pinckney neighborhoods. Generally, residential structures built on 50 foot lots are oriented such that their longest planes are built parallel to the deepest lot lines. This allows for side yards that are larger than what is required by the Land Development Code. 50 foot lots throughout Lawrence often take vehicular access from a rear alley. This eliminates the need for a driveway or parking area within the side yard. The Land Development Code does permit driveways within required setbacks. A driveway must be two feet from the property line. The subject property does not have an alley and must take vehicular access from Ohio Street. This results in a uniquely oriented structure and proposed covered parking area needing to fit within a forty foot wide building envelope.

2112 Ohio Street was built with its widest plane perpendicular to the site's deepest lot lines. Today the side yards are reduced to little more than what is required by the Land Development Code. Fifty foot (width) lots are not unique, but this residence's placement on the lot and orientation towards the street is.

During the 41 years between the subdivision's platting and the residence's construction (1909-1950), architectural styles and building methods changed. Other ranchette and residences of a similar age and architectural style tend to be built on wider lots allowing for attached garages or attached car ports to be constructed outside the required side yard setback. This condition is a result of the structure's placement on a previously platted lot in 1950 and is not a direct result of an action or actions taken by the property owner.

2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.

Applicant response: "A 102' dilapidated concrete driveway leads to an existing ramshackle detached garage in the back of the lot that are both neighborhood eyesores and safety hazards. The driveway was poorly constructed without rebar or wire mesh, was cracked and uneven creating a tripping hazard. The garage is very old, was poorly constructed on foundation of loose cinderblocks (no footings), causing it to sink unevenly, the roof is bowing in, is about to collapse, and is totally unusable as garage for my daughter's vehicle. The plan is to demolish both the old driveway and garage and build a 44' shorter concrete driveway to an attached carport both constructed within current engineering specifications. These actions will improve safety, plus the quality/appearance of the new construction will visually enhance neighborhood environment. Shortening the driveway reduces the property's impervious surface. We have also removed a wire fence ingrown with poison ivy, weeds, weed trees that was again an eyesore devaluing the neighboring properties. Bottom-line, these all represent improvements that do not adversely affect the rights of adjacent property owners or residents. In fact all immediate neighbors including (Barbara Grandstaff (north), Madeline Lockhart (East) and most importantly Randy McWhirter (South) where the variance is located support the request for variance. "

In staff's opinion, the requested variance would not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within 400 feet of the subject property informing them of the application filed by the property owner. As of the time this report was written, staff has not received any communications regarding the proposed variance. The applicant indicated he had secured neighbors' support for the proposed variance. This included support from the owner of 2116 Ohio Street, Randy McWhirter. The proposed car port will not be placed in any other required setbacks. The applicant plans to remove the unusable and unsafe accessory structure (garage) located to the rear of the existing residence.

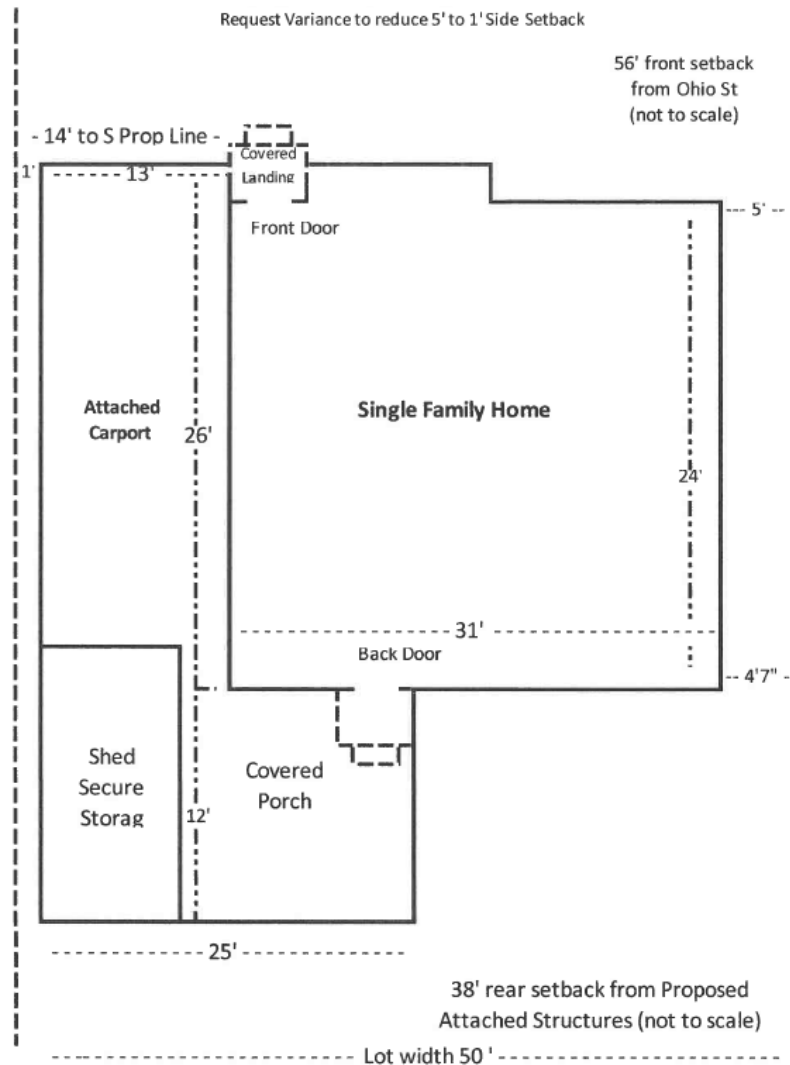


Figure 2: Applicant's Drawing of Proposed Attached Carport Location

3. That the strict application of the provisions of this chapter for which variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

Applicant response: "As outlined in question #1, the property was platted in 1909 before zoning codes existed and the house was built in 1950 after which zoning codes have changed multiple times. The shape of the lot and the orientation and location of the house on the lot allow only a single location to build an attached carport. The combination of these factors and the strict application of the zoning code for which the variance is requested create an unnecessary hardship upon the property owner. The property owner is making a significant financial investment to improve this property and the neighborhood respectively but is not claiming the financial investment as a hardship. "

In staff's opinion, strict adherence to the code required building setbacks could constitute an unnecessary hardship. GIS aerial images indicate the residence to be around 32 feet in width. The width of the structure combined with 5 feet of required interior side yard setback on the north and south property lines leave around eight feet of buildable space within the building envelope. A traditional parking space is at least 8.5 feet in width. A variance from the required side yard setbacks is required to create a covered parking space adjacent to both the structure and the street right-of-way.

2112 Ohio Street was regulated by the 1949 Zoning Code and was subject to the five foot side yard setback. The required five foot side yard setback remained in subsequent zoning codes adopted in 1966 and 2006.



Figure 3: A plat of the Fairgrounds Addition subdivision. Subject property is Lot 69. Note: Subject property outlined in green.

4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.

Applicant response: *"on the contrary, the planned improvements of the property outlined earlier will improve public safety, prosperity and general welfare. Replacing the dilapidated driveway and ramshackle garage removes multiple safety hazards. Shortening the driveway reduces impervious surfaces on the property. New construction improves property values in the neighborhood and thus the prosperity and general welfare."*

In staff's opinion, granting the requested variance will not create an adverse effect upon the public health, safety, morals, order, convenience, prosperity or general welfare. The request in question is contained within the parcel owned by the applicant. This structure would not create any spill-over noxious effects to the surrounding area. The applicant has situated the proposed structure such that it will not be placed within the required 20 foot front setback along Ohio Street. The applicant is not altering the existing residence as part of this variance request.

5. That granting the variance desired will not be opposed to the general spirit and intent of this chapter.

Applicant response: *"The property owner is working hard within the confines of the lot size/shape and location/orientation the home on the lot to improve the property and does not believe the requested variance would be opposed to the general spirit and intent of the development code."*

In staff's opinion, granting the setback variance would not be opposed to the general spirit and intent of the Land Development Code. Granting the requested variance is consistent with the previous findings of the Board, and also consistent with the spirit of Land Development Code. Granting of these requested variance would permit the construction of the attached covered structure, while ensuring that the needs and protections of the public interest are maintained.

Conclusions:

Staff's analysis of this variance application finds the request meets all five conditions set forth in Section 20-1309(g)(1) of the Land Development Code that the Board must find existing to grant a variance.

Recommendation:

Staff recommends approval of the interior side setback variance based upon the findings in the staff report concluding that the request meets the five conditions outlined in Section 20-1309(g)(1). Staff recommends the Board grant the variance to reduce the required interior side yard setbacks from 5 feet to 1 foot for 2112 Ohio Street.