

LAWRENCE BOARD OF ZONING APPEALS

AGENDA

AUGUST 4, 2016 – 6:30 P.M., CITY COMMISSION MEETING ROOM, FIRST FLOOR OF CITY HALL AT SIXTH AND MASSACHUSETTS STREET, LAWRENCE, KANSAS

CALL THE MEETING TO ORDER

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

ITEM NO. 1 COMMUNICATIONS

Acknowledge communications to come before the Board.

Board member disclosure of any ex parte contacts and/or abstentions from the discussion and vote on any agenda item under consideration.

Announce any agenda items that will be deferred.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the April 7th and May 5, 2016 meetings of the Board.

BEGIN PUBLIC HEARING:

ITEM NO. 3 FRONT AND EXTERIOR SIDE YARD SETBACK VARIANCES FOR AN ADDITION TO EXISTING RESIDENTIAL DWELLING; 316 N 8TH STREET [DRG]

B-16-00279: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to reduce the 25 feet minimum front setback requirement listed in Section 20-601(a) of the City Code to a minimum of 13 feet for an existing porch and 20.37 feet for a proposed house addition. The second request is for a variance to reduce the 25 feet minimum exterior side setback requirement listed in Section 20-601(a) of the City Code to a minimum of 16 feet for the north building line of the existing carport and garage and 19 feet for the existing home. The property is located at 316 N. 8th Street. Submitted by James and Holly Balch, the property owners of record.

ITEM NO. 4 ST JOHN'S CATHOLIC CHURCH AND SCHOOL BUILDING ADDITIONS; 1208 KENTUCKY STREET [JSC]

B-16-00281: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is to reduce the front and rear building setbacks for two separate building additions being planned for the St. John the Evangelist Catholic Church and School campus. Section 20-601(a) of the City Code requires a minimum front and rear yard building setback of 25 feet. The applicant is requesting a 0 feet setback along the property's Kentucky Street frontage (front setback) and a 10.9 feet setback along Vermont Street (double frontage lot rear setback). The property is located at 1208 Kentucky Street. Submitted by Dan Sabatini, Sabatini Architects, for Roman Catholic Archdiocese of Kansas City, the property owner of record.

ITEM NO. 5 MISCELLANEOUS

a) Consider any other business to come before the Board.

DRAFT LAWRENCE BOARD OF ZONING APPEALS
Meeting Minutes of April 7, 2016 – 6:30 p.m.

Members present: Fertig, Gascon, Holley, Kimzey, Wilbur
Staff present: Cargill, Crick, Guntert

ITEM NO. 1 COMMUNICATIONS

All communications were included in the online packet.

Wilbur abstained from Item 3.

Kimzey said he discussed Item 3 with Mr. Paul Werner.

No agenda items were deferred.

ITEM NO. 2 MINUTES

Consider approval of the minutes from the February 24, 2016 meeting of the Board, which was rescheduled from the original meeting date of February 4th.

ACTION TAKEN

Motioned by Holley, seconded by Kimzey, to approve the minutes from the February 24th, 2016 meeting of the Board.

Motion carried 3-0-3.

BEGIN PUBLIC HEARING:

**ITEM NO. 3 BUILDING OR SETBACK LINES ON MAJOR STREETS OR HIGHWAYS
VARIANCE FOR A NEW DENTAL OFFICE DEVELOPMENT; 4111 WEST
6TH STREET [DRG]**

B-16-00081: A request for a variance as provided in Sections 20-814(c) and 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is a variance from the required 50 feet building and parking setback line established along certain major streets or highways, which are found in Section 20-814(a)(2), "Building or Setback Lines on Major Streets or Highways" in the Development Code. The applicant is seeking a variance to reduce the 50 feet setback line to a minimum of 31 feet for parking only; a proposed new building structure will comply with the minimum 50 feet setback. The property is located at 4111 West 6th Street. Submitted by Joy Rhea with Paul Werner Architects, for Freestate Dental Building, LLC, the property owner of record.

STAFF PRESENTATION

Guntert presented the item.

Fertig asked if the properties not outlined in cyan pre-date the code that established the setbacks.

Guntert said yes.

Fertig asked if they are currently allowed as a non-conforming use.

Guntert said they would be in non-compliance, and some of those properties are not platted.

Fertig asked if any of the properties outlined in cyan have ever requested a variance for the 50 ft setback.

Guntert said they have never had a variance application in more than 20 years for those properties.

Kimzey asked what the setback was reduced to on Folks Road and Wakarusa Drive.

Guntert said he could pull up the development plan but he believes it's around 15 feet on the buildings currently under construction

Kimzey asked if it applies to the both sides of the road.

Guntert said it only applies to the north side- the development on the south side is in compliance.

Fertig asked for clarification on the variance request, most notably the sixth condition.

Guntert said her understanding is correct, and the sixth condition should be the primary condition for evaluation. He said staff evaluated the request to give a big picture of all the factors, but this is a variance from the subdivision regulations, so the sixth condition is most relevant.

Fertig said then that section 28-14c controls.

Guntert said he believes so.

APPLICANT PRESENTATION

Ms. Joy Rhea, Paul Werner Architects, said they made a rezoning request for the property to RMO, which was approved and allows 50% building coverage on the sites in question. They are only requesting 15% building coverage. She showed an aerial view of the area and indicated the location of the RMO zoning and compared their site to others in the area. She said the property is one of the last to develop in the area, and she explained the challenges they are facing.

Fertig asked if she could expand on the complete deprivation criteria.

Rhea said they wouldn't be able to fit their desired parking and they don't meet the green space setback. She said they're facing the elimination of the buffer yard between the property and the single family homes.

Fertig asked if the developer will scrap the project if the variance is not granted.

Rhea said she believes they would sell the property to the neighbors next door for apartment construction.

Fertig asked if that is solely due to their need to eliminate the green space buffer on the south side of the property and the burden of having to request a variance for parking and interior landscaping.

Rhea said that is correct. She continued her presentation.

Holley asked how storm water drainage is addressed in their proposed plan.

Rhea explained their plan.

Holley asked if they considered grass pavers to alleviate parking needs that also allows for fire access.

Rhea said they had not, but she's not sure if that would work.

Holley clarified his suggestion.

Rhea said they had not explored that option.

Kimzey asked the applicant to clarify their proposed options as it relates the south side.

Rhea said if the variance is granted the south buffer would most likely be a fence and maybe a few shrubs. She said buffer yards typically require many plants and are a minimum of 10 ft.

Mahoney asked why it's necessary for the office building to be the proposed size.

Rhea said they would feel penalized since neighboring properties have greater building coverage, and a smaller footprint would require them to build vertically.

Mahoney asked if the proposed footprint is necessary or if that's just a preference.

Rhea said many other dentist offices share space with other tenants for income.

PUBLIC COMMENT

Mr. Nate Clark made a comparison between parking vs a driveway in the setback. He believes parking in the setback breaks the intent of setbacks. He argued that cars may sit for hours in those parking spaces, while cars in a driveway are there for only seconds at a time.

Ms. Kim Bergman, 601 Prescott Dr, said the proposed building is way too close to the residential property line, and she feels a smaller building would alleviate parking concerns.

ACTION TAKEN

Motioned by Holley, seconded by Mahoney, to close public comment for the item.

Unanimously approved 6-0.

BOARD DISCUSSION

Mahoney said he has a hard time meeting any of the conditions for this request, and is not in favor of granting the variance.

Fertig said they are bound by the subdivision code, and she doesn't see how this is a complete deprivation of property, particularly because they have proposed several options.

Gascon asked if the deprivation of use requirement will be implemented in all other variances or if it applies to this one only due to the subdivision regulations.

Fertig said it applies only due to the subdivision regulations.

Guntert said that's correct.

Gascon clarified that the south setback is 20 ft.

Holley said he echoes some of Mahoney's concerns, and ultimately feels the request does not meet the conditions.

Kimzey said he has a hard time with the sixth condition.

ACTION TAKEN

Motioned by Fertig, seconded by Holley, to deny the variance based on the fact that it does not meet the sixth condition.

Motion carried 5-0-1.

ITEM NO. 4 MISCELLANEOUS

a) There was no other business to come before the Board.

ADJOURN 7:23 PM



LAWRENCE BOARD OF ZONING APPEALS
Meeting Minutes of May 5, 2016 – 6:30 p.m.

Members present: Fertig, Gardner, Gascon, Holley, Mahoney, Wilbur
Staff present: Ewert, Guntert

ITEM NO. 1 COMMUNICATIONS

Mr. Guntert said communications were received from the applicants for items 3 and 5 withdrawing their items.

No board members had ex parte contacts to disclose.

Items 3 and 5 were withdrawn prior to the meeting.

ITEM NO. 2 MINUTES

Minutes from the April 7, 2016 Board of Zoning Appeals were not available for approval.

BEGIN PUBLIC HEARING:

**ITEM NO. 3 NUMBER OF PARKING SPACES, INTERIOR PARKING LOT
LANDSCAPING, AND PERIMETER BUFFERYARD SETBACK VARIANCES
FOR A NEW DENTAL OFFICE DEVELOPMENT; 4111 WEST 6TH STREET
[DRG]**

B-16-00130: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to reduce the code required number of off-street parking spaces for a new dental health care office from 30 stalls required in Section 20-902 of the City Code to a minimum of 27 stalls. The second variance seeks to reduce the amount of interior parking lot landscaping required in Section 20-1003(c)(1) of the City Code from 1,080 square feet (based on the code standard 40 square feet of landscaping per parking space) to a minimum of 360 square feet. The third variance involves a reduction in the 10 feet minimum width of a Type 1 Bufferyard required in Section 20-1005(c) of the City Code, to a minimum of 4.6 feet along the 60 feet width of the parking area adjacent to the south property boundary. The property is located at 4111 West 6th Street. Submitted by Joy Rhea with Paul Werner Architects, for Freestate Dental Building, LLC, the property owner of record.

Item 3 was withdrawn by the applicant prior to the meeting.

ITEM NO. 4 CITY OF LAWRENCE WATER STORAGE TANKS – SITE AREA AND STRUCTURE SETBACKS FROM ALL PROPERTY LINES; 1220 OREAD AVENUE [JSC]

B-16-00132: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to reduce the 5 acre minimum site area requirement listed in Section 20-601(b) of the City Code to a minimum of 0.78 acres. The second request is for a variance to reduce the 40 foot minimum front setback requirement listed in Section 20-601(b) of the City Code to a minimum of 27 feet. The third request is for a variance to reduce the 40 foot minimum interior side setback requirement listed in Section 20-601(b) of the City Code to a minimum of 20 feet from the north property line, and 15 feet from the southern property line. The fourth request is for a variance to reduce the 40 foot minimum rear setback requirement listed in Section 20-601(b) of the City Code to a minimum of 27 feet. The property is located at 1220 Oread Avenue. Submitted by Philip Ciesielski with City of Lawrence Department of Utilities, for the City of Lawrence, Kansas, the property owner of record.

STAFF PRESENTATION

Mr. David Guntert presented the item.

Fertig asked what the likelihood was that the City would approve the rezoning.

Mr. Guntert said the staff recommendation would be in support of the rezoning.

Gardner inquired about the setback on the north side being larger.

Mr. Guntert said the tank diameter would be slightly smaller than the existing tank.

Wilbur asked if the plan included making the tank taller.

Mr. Guntert said it was his understanding the tank height would remain the same as the existing.

Gardner said the picture of the tanks looked like the smaller tank was peeking out from the larger tank.

Mr. Guntert said the aerial photo was askew.

Holley said the request seemed fairly straight forward.

APPLICANT PRESENTATION

Mr. Philip Ciesielski, Assistant Director of City of Lawrence Utilities Department, said the two tanks were constructed in 1931 and 1954. He said this project would replace both tanks. He was working with the Historic Resources Administrator for a color scheme to use on the tanks. He said they anticipated bidding the project in August. He stated the tanks would be phased in. He was working with KU for some additional property to use as a construction staging area. He believed all of the landscaping would be preserved along Oread Avenue. He said the cost of the project was around five million dollars.

COMMISSION DISCUSSION

Gardner inquired about fencing.

Mr. Ciesielski said the tanks would not be fenced. He said they would have anti climb devices.

Gardner inquired about automatic lighting.

Mr. Ciesielski said one motion controlled light would be over the door to the pump station. He said there were no provisions at this time for co-locations of cellular tower equipment. He said the tanks were short and he did not believe there was a demand to put antennas on them because there were taller structures nearby.

Gardner asked if the small difference between heights required one tank to use the pump station.

Mr. Ciesielski said both tanks would be tied into the pump station.

PUBLIC COMMENT

No public comment.

ACTION TAKEN

Motioned by Gardner, seconded by Gascon, to approve the requested variances to reduce the 5 acre minimum site area requirement to a minimum of 0.78 acres, to reduce the 40 foot minimum front setback requirement to a minimum of 27 feet, to reduce the 40 foot minimum interior side setback to a minimum of 20 feet from the north property line, and 15 feet from the southern property line, and to reduce the 40 foot minimum rear setback requirement to a minimum of 27 feet; subject to the approval of the property's rezoning to GPI District by the Lawrence City Commission.

Unanimously approved 6-0.

ITEM NO. 5 VARIANCE FROM THE MINIMUM NUMBER OF PARKING SPACES REQUIRED FOR A MIXED USE COMMERCIAL AND RESIDENTIAL DEVELOP; 512 EAST 9TH STREET [DRG]

B-16-00131: A request for a variance as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is for a reduction in the required number of off-street parking spaces needed for a mixed use commercial and residential development per Sections 20-902, 20-903 and 20-904 of the City Code. The applicant wants to create an additional 1,636 square feet of private workspace/studios on the second level of the north building, which is occupied by Lawrence Creates Makerspace. Expanding the building area requires additional off-street parking spaces, which they are unable to provide. The property is located at 512 E. 9th Street. Submitted by Eric Kirkendall, with Lawrence Creates, Inc., with the permission of the property owner of record, Hill Family Investments.

Item 5 was withdrawn by the applicant prior to the meeting.

ITEM NO. 6 MISCELLANEOUS

- a) Consider any other business to come before the Board.

Adjourn 6:51pm

**ITEM NO. 3 FRONT AND EXTERIOR SIDE YARD SETBACK VARIANCES FOR AN
ADDITION TO EXISTING RESIDENTIAL DWELLING; 316 N 8TH STREET
[DRG]**

B-16-00279: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The first request is for a variance to reduce the 25 feet minimum front setback requirement listed in Section 20-601(a) of the City Code to a minimum of 13 feet for an existing porch and 20.37 feet for a proposed house addition. The second request is for a variance to reduce the 25 feet minimum exterior side setback requirement listed in Section 20-601(a) of the City Code to a minimum of 16 feet for the north building line of the existing carport and garage and 19 feet for the existing home. The property is located at 316 N. 8th Street. Submitted by James and Holly Balch, the property owners of record. **The legal description for each application is found in the respective project case file which is available in the Planning Office for review during regular office hours, 8-5 Monday - Friday.**

B. REASON FOR REQUEST

Applicant's Request – *"Front and exterior side setback for existing residence to clean up existing conditions as well as proceed with new additions."*

C. ZONING AND LAND USE

Current Zoning & Land Use: RS7 (Single-Dwelling Residential) District; residential dwelling

Surrounding Zoning and Land Use: RS7 District in all directions; single-dwelling residential homes to the north, south, east and west.

D. ZONING ORDINANCE REQUIREMENTS

Section 20-601(a), "DENSITY AND DIMENSIONAL STANDARDS; OCCUPANCY LIMITS, Residential Districts," provides the minimum building setbacks, density, coverage and building height standards for each residential zoning district. The code required minimum building setbacks for structures in the RS7 (Single-Dwelling Residential) District and what is being requested by the applicant follow:

North lot line (Front lot line) – 25' required; 16' existing and proposed
South lot line (Rear lot line) – 30' required; 70' existing and 60' proposed
East lot line (Interior side lot line) - 5' required; 9.5' existing and proposed
West lot line (Exterior side lot line) – 25' required; 13' existing and proposed

E. SPECIFIC ANALYSIS

Section 20-1309(g)(1) in the 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: *"Age: The house was built in the early 1900's, before current zoning laws were in place. In addition, there appears to have been some variations in the property pin locations since the house was built. Please see the attached Lot Split document."*

Building Setbacks:

The subject property has been residentially developed since approximately 1900 according to information found on the Douglas County Appraiser's property record card. The City of Lawrence first adopted zoning regulations in 1927. A detached garage and a connecting carport on the east side of the residence were more recently added to the original residential dwelling. All existing building improvements occurred before the current zoning codes, which became effective in July 2006. The applicants purchased the property the way it is currently developed.

The proposed house addition continues the existing west building line established by the principal dwelling (not including the existing porch). The setback of the principal dwelling is approximately 20.37 feet from the property line along N. 8th Street.

Finding – The property was developed around 1900, which is prior to the City's adoption of the first zoning ordinance in 1927. The residential dwelling placement on the lot is noncompliant with regard to current zoning setbacks. The owner is asking for variances to validate the existing front and exterior side yard building setbacks for the existing improvements and a small addition they want to build on the southwest side of the home.

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

Applicant response: *"The addition will be aligned with the current structure and will not go past the current setback of the house."*

Building Setbacks:

In staff's opinion, granting the requested building setbacks, which have existed for many decades, will not have any adverse effect upon the rights of adjacent property owners or residents. The applicant's request addresses the current building setbacks for the residential dwelling. A proposed house addition on the south side (rear orientation) matches the existing building line along the west side. No further reduction in the setback will occur.

Finding -- Granting the setback variances for the existing building footprint and proposed house addition will not have any adverse effect upon the rights of adjacent property owners or residents. The applicant's request matches the existing site conditions, which have been present on this property for a very long time.

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: *"Strict application of the provisions would require tearing down all structures and starting completely over."*

Building Setbacks:

In staff's opinion, strict adherence to the code required building setbacks is an unnecessary hardship for the property owner. As previously described, the existing front and exterior side yard setback conditions are noncompliant with the RS7 zoning code standards. In recent years, it has become more difficult for home owners to secure financing from lending institutions on property that is not compliant with city zoning codes. Validating the existing building setbacks by means of a city approved variance will help clear up any potential questions a lending institution may have about the legality of the property improvements.

Finding -- Strict adherence to the code required front and exterior side yard building setbacks is an unnecessary hardship for the property owner.

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

Applicant response: *"The addition will be aligned with the current structure and will not go past the current setback of the house."*

Building Setbacks:

In staff's opinion, granting the requested variances for the front and exterior side yard building setbacks will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Both variances reflect site conditions that have existed on this property for a very long time. No further reduction of the existing setbacks will take place as a result of this request.

Finding -- Granting variances for the front and exterior side yard building setbacks will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. These noncompliant setback conditions currently exist and they have existed this way for a very long time without any apparent adverse effects.

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

Applicant response: *"Maintaining the current setbacks will still allow us to have ample yard area and will not encroach on the neighbors."*

Building Setbacks:

In staff's opinion, the building setback variances are not opposed to the general spirit and intent of the development code. The small house addition will match the existing exterior side yard setback, which is approximately 20 feet from the west property line. The requested variances also recognize the front yard and exterior side yard setbacks for the existing building footprint, which has characterized this property since before the city adopted zoning regulations.

Finding -- The building setback variances are not opposed to the general spirit and intent of the code. They recognize the existing site development pattern of this property, which existed before the city had zoning regulations.

Conclusions:

Building Setbacks:

Staff's analysis concludes the variance requests meet the five conditions set forth in Section 20-1309(g)(1) of the Development Code which the Board must find present to grant a variance for the building setbacks.

Recommendation:

Staff recommends approval of the front and exterior side yard building setback variances based upon the findings in the staff report that conclude the request meets the 5 conditions outlined in Section 20-1309(g)(1) needed for variance approval, subject to the following condition:

- 1) The variances shall only apply to the existing building footprint and the new house addition. Any future buildings, additions or the redevelopment of the property shall comply with the code required building setbacks of the zoning district in effect at that time.



B-16-00279: Variances from the Front Yard and Exterior Side Yard Building Setbacks
for an Addition to an Existing Residential Dwelling; 316 N. 8th Street

Lawrence Planning & Development Services Dept
July 14, 2016



Subject Property

Scale: 1 Inch = 80 Feet



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

OWNER INFORMATION

Name(s) James and Holly Balch
Contact James and Holly Balch
Address 316 N 8th St
City Lawrence State KS ZIP 66044
Phone (785) 842-8928 Fax ()
E-mail jamesbalch@juno.com Mobile/Pager (785) 691-8622 (James)
785 331-8804 (Holly)

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 RS7 Present Land Use Residential- Single Dwelling
Proposed Land Use Residential- Single Dwelling
Legal Description (*may be attached*) See attached Lot Split and Plot Plan
Address of Property 316 N 8th St
Total Site Area 14,030 square feet
Number and Description of Existing Improvements or Structures House, carport, garage, shed



**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/>

Description of variance requested:

Front and exterior side set back for existing residence to clean up existing conditions as well proceed with new additions.



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:**

Age: The house was built in the early 1900's, before current zoning laws were in place.

In addition, there appears to have been some variations in the property pin locations since the house was built. Please see the attached Lot Split document.

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

The addition will be aligned with the current structure and will not go past the current set back of the house.



**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/>

- 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:**

Strict application of the provisions would require tearing down all structures and starting completely over.

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

The addition will be aligned with the current structure and will not go past the current set back of the house.



**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:

Maintaining the current set backs will still allow us to have ample yard area and will not encroach on the neighbors.

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): James Peter Bahl Date 7-5-16

John D. Bahl Date 7-5-16

Date _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____

LOT SPLIT

of Lot 1 of a Replat of the North Half of Lot 11 and Lot 12, Addition No. 11, in that part of the City of Lawrence, known as NORTH LAWRENCE, and the North 50 feet of the South Half of Lot 11, North Lawrence Addition, Douglas County, Kansas.

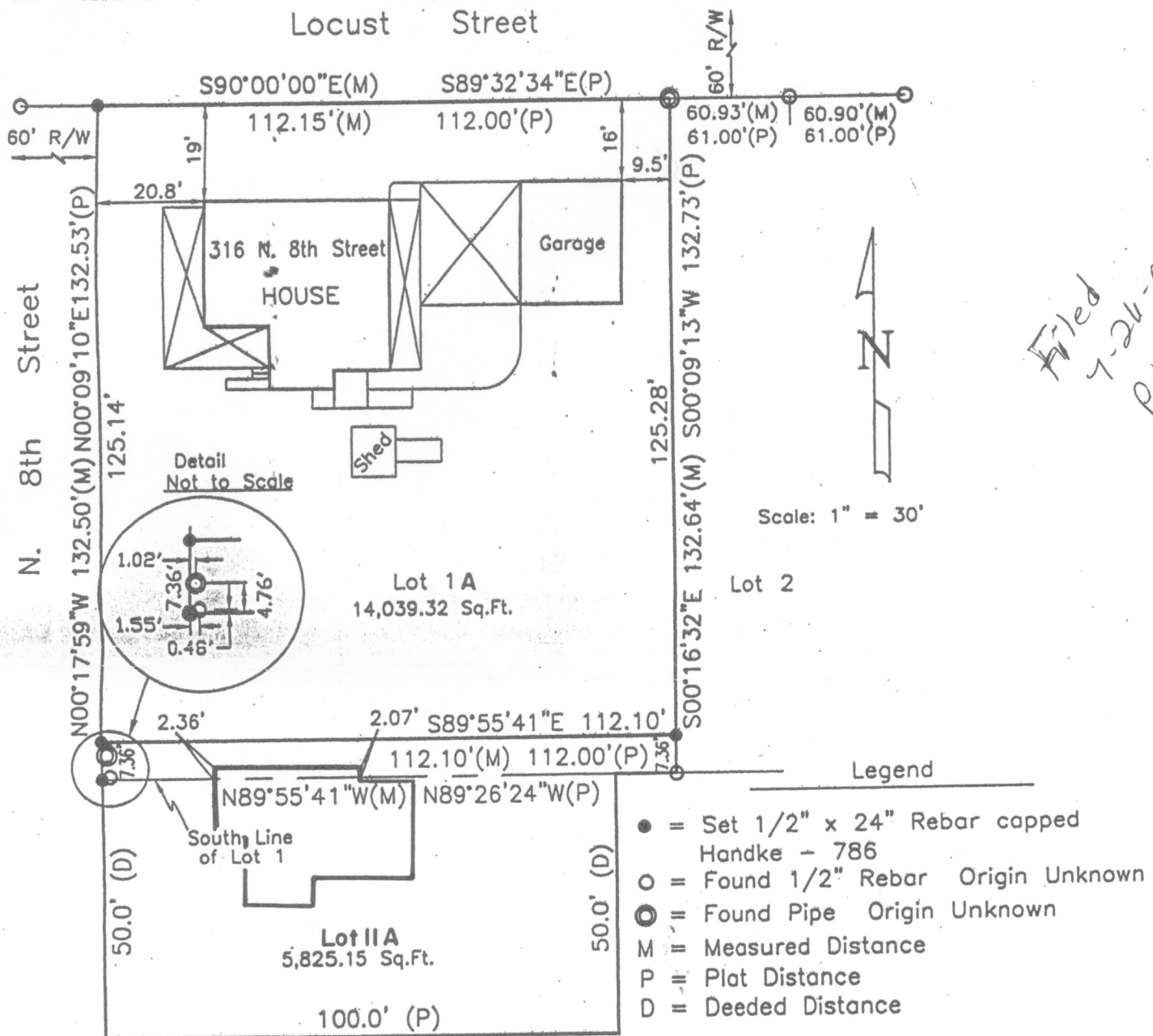
316 N. 8th Street Lot 1A

Lot 1, of a Replat of the North Half of Lot 11 and Lot 12, Addition No. 11, in that part of the City of Lawrence, known as NORTH LAWRENCE, Douglas County, Kansas. Except the South 7.36 feet of said Lot 1

308 N. 8th Street Lot 11A

The North 50 feet of the South Half of Lot 11, North Lawrence Addition and the South 7.36 feet of Lot 1, of a Replat of the North Half of Lot 11 and Lot 12, Addition No. 11, in that part of the City of Lawrence, known as North Lawrence, Douglas County, Kansas

NOTE: South 90 degrees 00 minutes 00 seconds East on the North line of Lot 11 is assumed.



ACKNOWLEDGEMENT

STATE OF KANSAS)
COUNTY OF DOUGLAS)

Deana C. Chenoude
NOTARY PUBLIC
STATE OF KANSAS
MY APPT EXPIRES 8/4/01

BE IT REMEMBERED, THAT ON THIS 3 DAY OF July, 2001, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE AFORESAID, CAME James P. Balch, Carolyn C. Everett & Grover W. Everett WHO ARE PERSONALLY KNOWN TO ME TO BE THE SAME PERSONS, WHO EXECUTED THE FORGOING INSTRUMENT OF WRITING; AND DULY ACKNOWLEDGE THE EXECUTION OF THE SAME.

IN TESTIMONY WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY NOTARIAL SEAL ON THE DAY AND YEAR LAST WRITTEN ABOVE.

Deana C. Chenoude
Notary

July 3, 2001
Date

James P. Balch
James P. Balch

Carolyn C. Everett
Carolyn C. Everett

Grover W. Everett
Grover W. Everett

Reviewed By: Michael D. Kelly July 19, 2001
Michael D. Kelly, L.S. # 869 Date
Douglas County Surveyor

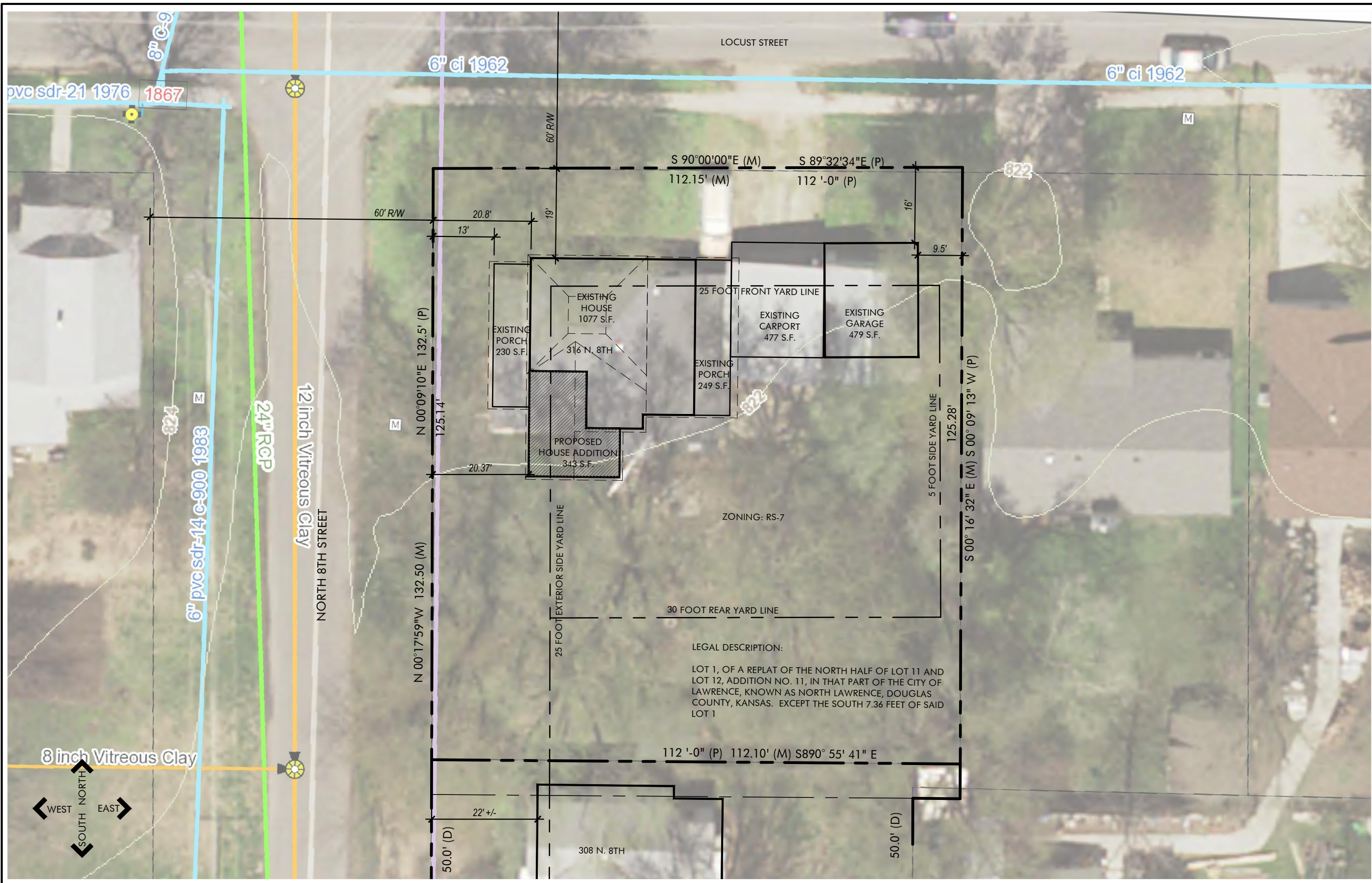
Approved By: Linda M. Finger 7.25.01
Linda M. Finger, Director Date
City/County Planning, City of Lawrence

CERTIFICATION:

I HEREBY CERTIFY THAT THE ABOVE IS THE FINDINGS OF A SURVEY PERFORMED UNDER MY DIRECTION. THE SURVEY DOES NOT CERTIFY OWNERSHIP OF EASEMENTS, NOR SHALL IT BE CONSTRUCTED TO CERTIFY THAT GOVERNING SETBACK REQUIREMENTS, BUILDING CODES, SUBDIVISION REGULATIONS OR ZONING ORDINANCES WILL BE MET HEREON AT ANY TIME HENCEFORTH, ON JANUARY 7, 2000.

Dennis L. Handke July 13, 2001
Dennis L. Handke, L.S. # 785 Date

ILC of TOPEKA and LAWRENCE, L.L.C. P.O. Box 970, Lawrence, Kansas 66044 - 785-842-8447



BALCH RESIDENCE ADDITION

316 NORTH 8TH
LAWRENCE, KANSAS

Hernly
ASSOCIATES

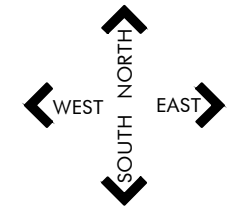
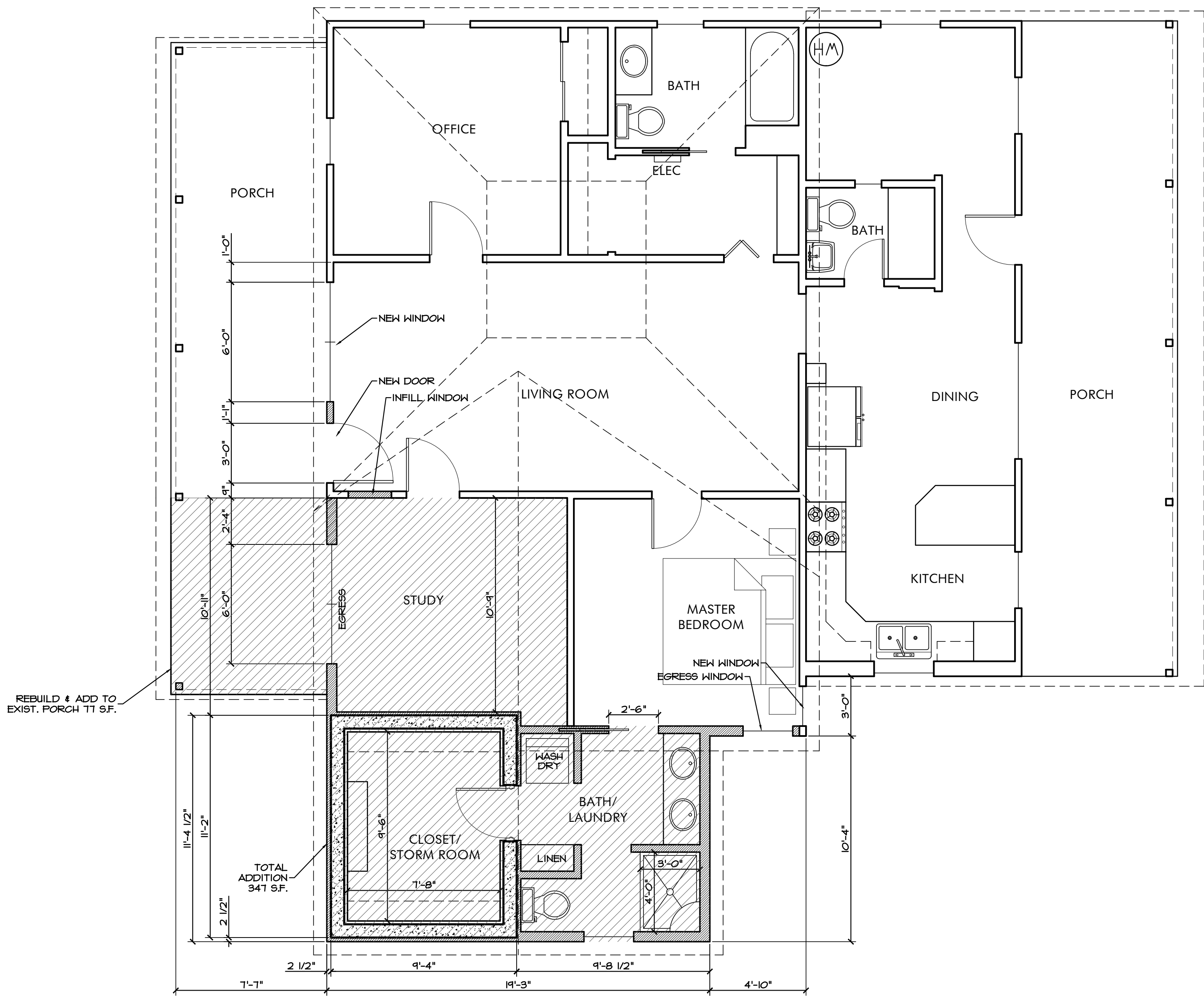
1100 Rhode Island
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

PLOT PLAN

Date: 2016.06.17
Drawn by: M.MYERS
Checked by:
Revisions:

1 PLOT PLAN
1" = 20'-0"

C1.0



1 FLOOR PLAN
1/4" = 1'-0"

BALCH RESIDENCE
316 NORTH EIGHTH STREET
LAWRENCE, KS

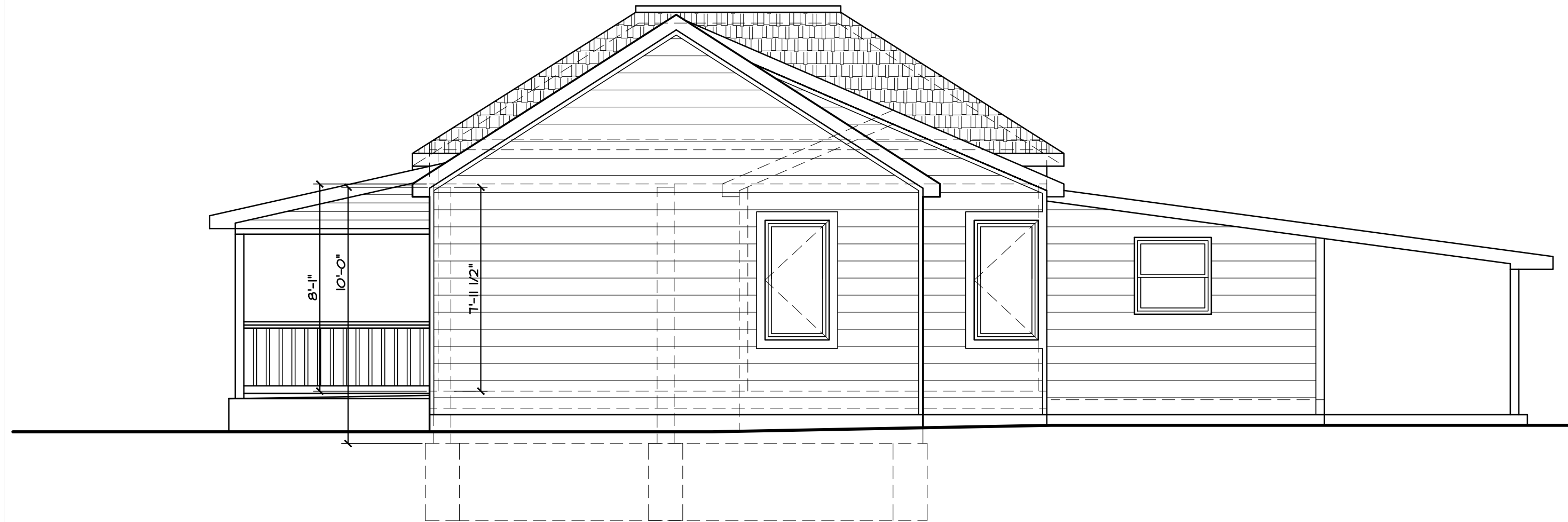
Hernly ASSOCIATES

920 Massachusetts
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

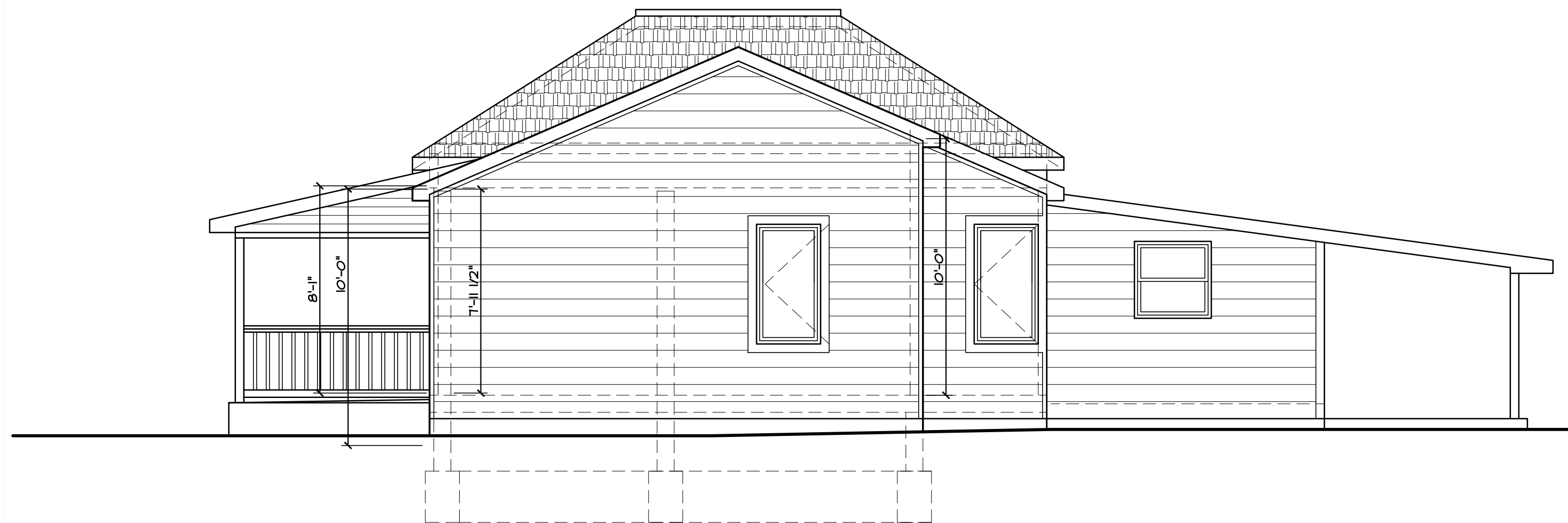
FIRST FLOOR
SECOND FLOOR

Date: 2016/01/29
Drawn by: MMYERS
Checked by:
Revisions:

A1.0



1 PROPOSED SOUTH ELEVATION - OPTION 1
1/4" = 1'-0"



2 PROPOSED SOUTH ELEVATION - OPTION 2
1/4" = 1'-0"

BALCH RESIDENCE
316 NORTH EIGHTH STREET
LAWRENCE, KS

Hernly
ASSOCIATES

920 Massachusetts
Lawrence, Kansas
66044
785 - 749 - 5806
FAX 785 - 749 - 1515

ELEVATIONS

Date: 2016/01/29
Drawn by: MYERS
Checked by:
Revisions:

A2.0

ITEM NO. 4 FRONT AND REAR SETBACK VARIANCES; 1208 KENTUCKY STREET [JSC]

B-16-00281: A request for variances as provided in Section 20-1309 of the Land Development Code of the City of Lawrence, Kansas, 2015 edition. The request is to reduce the front and rear building setbacks for two separate building additions being planned for the St. John the Evangelist Catholic Church and School campus. Section 20-601(a) of the City Code requires a minimum front and rear yard building setback of 25 feet. The applicant is requesting a 0 foot setback along the property's Kentucky Street frontage (front setback) and a 10.9 foot setback along Vermont Street (double frontage lot rear setback). The property is located at 1208 Kentucky Street. Submitted by Dan Sabatini, Sabatini Architects, for Roman Catholic Archdiocese of Kansas City, the property owner of record.

B. REASON FOR REQUEST

Applicant's Request – *"The variance requested is from the front yard setback on two structures. One structure is a new gymnasium for the school. The second structure is the parish office expansion which includes the relocation of an existing structure."*

C. ZONING AND LAND USE

Current Zoning & Land Use: RM32 (Multi-Dwelling Residential District – 32 Dwelling Units per acre) District; Religious Assembly: Campus or Community Religious Institution. St. John School / Saint John the Evangelist Catholic Church.

Surrounding Zoning and Land Use: RM32 (Multi-Dwelling Residential District – 32 Dwelling Units per acre) District to the north, west, and south; Single and Multi-Dwelling Residential.

OS (Open Space) District to the east; South Park.

RMO (Multi-Dwelling Residential – Office District) District to the east; Single Dwelling residential structures, and office uses.

D. ZONING ORDINANCE REQUIREMENTS

Section 20-601(a), "Density and Dimensional Standards; Occupancy Limits – Residential Districts," has standards defining the minimum building setbacks for structures based upon each zoning district. In the RM32 District, the minimum front side building setback is listed to be 25 feet, and the minimum rear setback is listed to be 25 feet.



Figure 1: Existing Site Image from 2015.

E. SPECIFIC ANALYSIS

Section 20-1309(g)(1) in the 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 existing property has been used for a church and school for numerous years. The property is bound on all sides by street right-of-ways so increasing the size of the property is not an option. St. John School has strived to provide quality comprehensive education, and that requires modernization of their facilities from time to time. Providing a gymnasium facility is an essential part of modernizing the quality of existing facilities providing space for audience seating, an accessible entry near the gym and standard sized sport courts to support competition basketball and volleyball sporting events. The property has limited space for the proposed facilities. While the variance request is in part created by the actions of the owner, it is critical to their ongoing ability to provide quality facilities and educational experiences for students. Vacating the existing gym will provide much needed additional space for theater and music classes and performances."*

The RM32 zoning district does permit the present uses on this property; however, the setbacks of this particular zoning category were not principally drafted with non-residential structures in mind. In looking at the site demands, and the intent to meet the various requirements of the Land Development Code, there are some spatial constraints placed on the site by the code standards. While the statement is accurate that the hardship is induced by the applicant's desire to expand the existing school facility, it is also accurate that the property is constrained by public rights-of-way on all four sides. The applicant also makes a concerted effort to accommodate a sizeable portion of the required parking on-site.

The applicant's request to reduce the required 25 foot setbacks to a 0 foot setback along the property's Kentucky Street frontage (front setback) and a 10.9 foot setback along Vermont Street (double frontage lot rear setback) stems from the site's historic and current use, versus setback standards that are crafted to fit a more typical building use and pattern seen elsewhere in the district. The stated primary purpose of the RM Zoning Districts, "is to accommodate multi-dwelling housing. The Districts are intended to create, maintain and promote higher Density housing opportunities in areas with good transportation access." (§ 20-204(a)(1)) Concurrently, the code permits Religious Assembly uses in the RM32 district, while prescribing the same setback anticipated for a residential use. Given these types of uses, and the site constraints within the original Lawrence town site plat, and the historic use of this location, the application of today's Land Development Code standards could be a hardship not ordinarily found in the same district since most of the district is developed and used for residences. The RM32 designation of this property was not created by an action of the applicant.

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

Applicant response: *"Granting of this variance would not affect the rights of adjacent property owners as the entire property abuts street right-of-way on all sides. Encroachment would not affect the views to adjacent properties with the existing wide right-of-ways. For the gymnasium encroachment, the next closest homes to the north of 12th St. and east of Kentucky encroach on the front yard setback by approximately 15'. For the relocated convent, the property directly across the street is South Park with no structures near. Placement of the convent follows the residential pattern established along the west and south edges of South Park, and encroachment on the setback along the east property line was established with a previous Classroom Addition."*

In staff's opinion, the requested variances will not adversely affect the rights of adjacent property owners or residents. Notice was provided to property owners within a 200 foot distance of the subject property to inform them of the application filed by the property owner. As of the time this report was written, staff has not been contacted by any property owner expressing concerns or objections to the applicant's request.

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: *"Strict adherence to the front yard setback requirement would not allow for the existing convent house to be relocated and reused, nor would construction of the gymnasium building be possible. Redevelopment of the site would not be possible without the requested variance. The compact nature of the property creates hardship for the construction of the proposed facility."*

In staff's opinion, strict adherence to the Land Development Code could be an unnecessary hardship to this property given the range of permissible uses allowed in the Land Development Code, and given the stated purpose of the RM32 district to be principally accommodating to multi-dwelling housing development.

The setbacks as prescribed in Section 20-601(a) are more fitting for Household Living use in a newer residential context than an existing Religious Assembly use. Given the type of use, the site constraints, and the consistent and historic use of this location, the application of today's Land Development Code standards could be considered a hardship for this particular property. The application of the RM32 zoning to this property was not an action undertaken by the applicant.

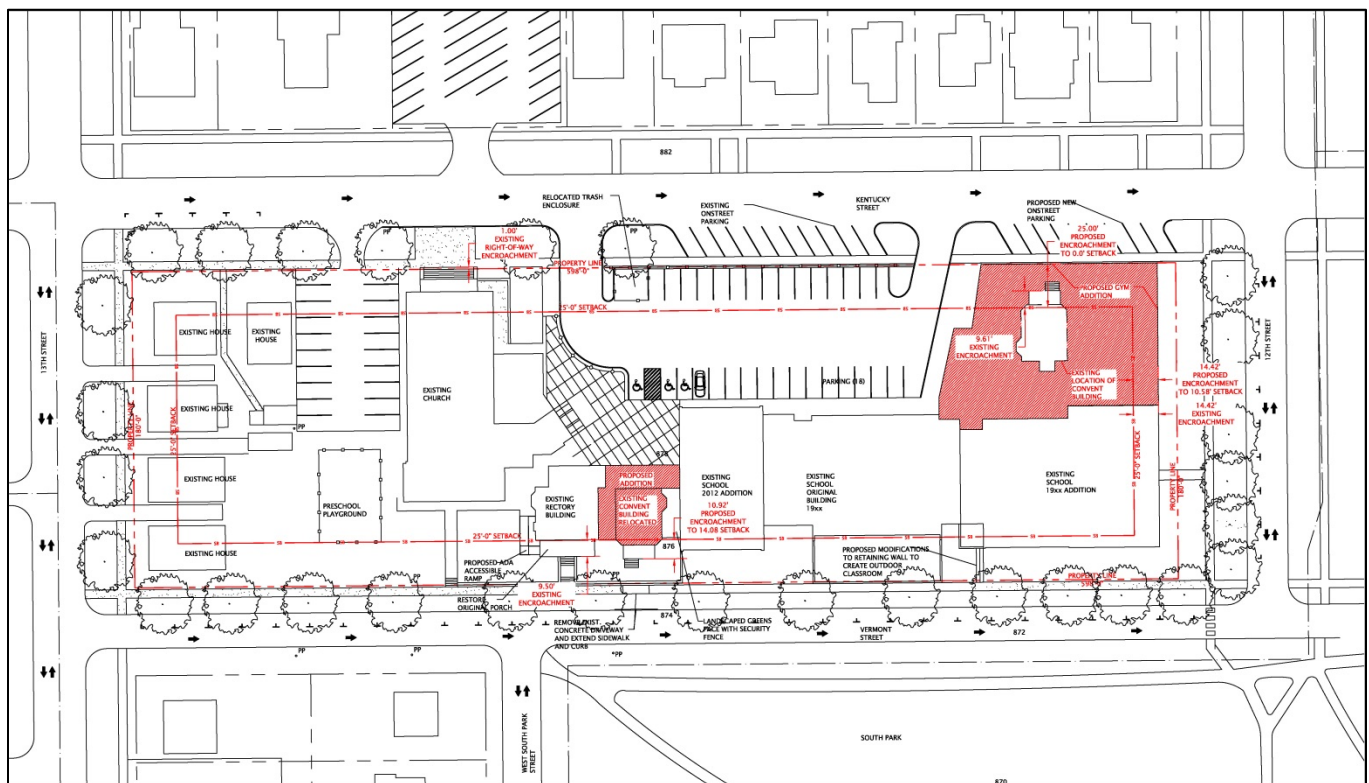


Figure 2: Proposed Additions (Highlighted in Red)

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

Applicant response: *"The owner believes that granting the reduction in front yard setback would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Pedestrian and vehicular access is provided around the site and to the adjacent streets and residential neighborhoods. The owner believes that granting the reduction in front yard setback would not affect the safety of the traveling public nor obscure the view of nearby residents."*

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, and will be consistent with the current site layout and use. This would not create any spill-over noxious effects to the surrounding area.

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

Applicant response: *"Granting of the variance would not be opposed to the general spirit and intent of the development code. There are numerous reductions in front yard setback within the surrounding properties and the code addresses compatibility with adjacent properties."*

The requested setbacks along both Kentucky and Vermont Streets are both consistent in pattern and setback with the other existing structures on this property to those respective streets.

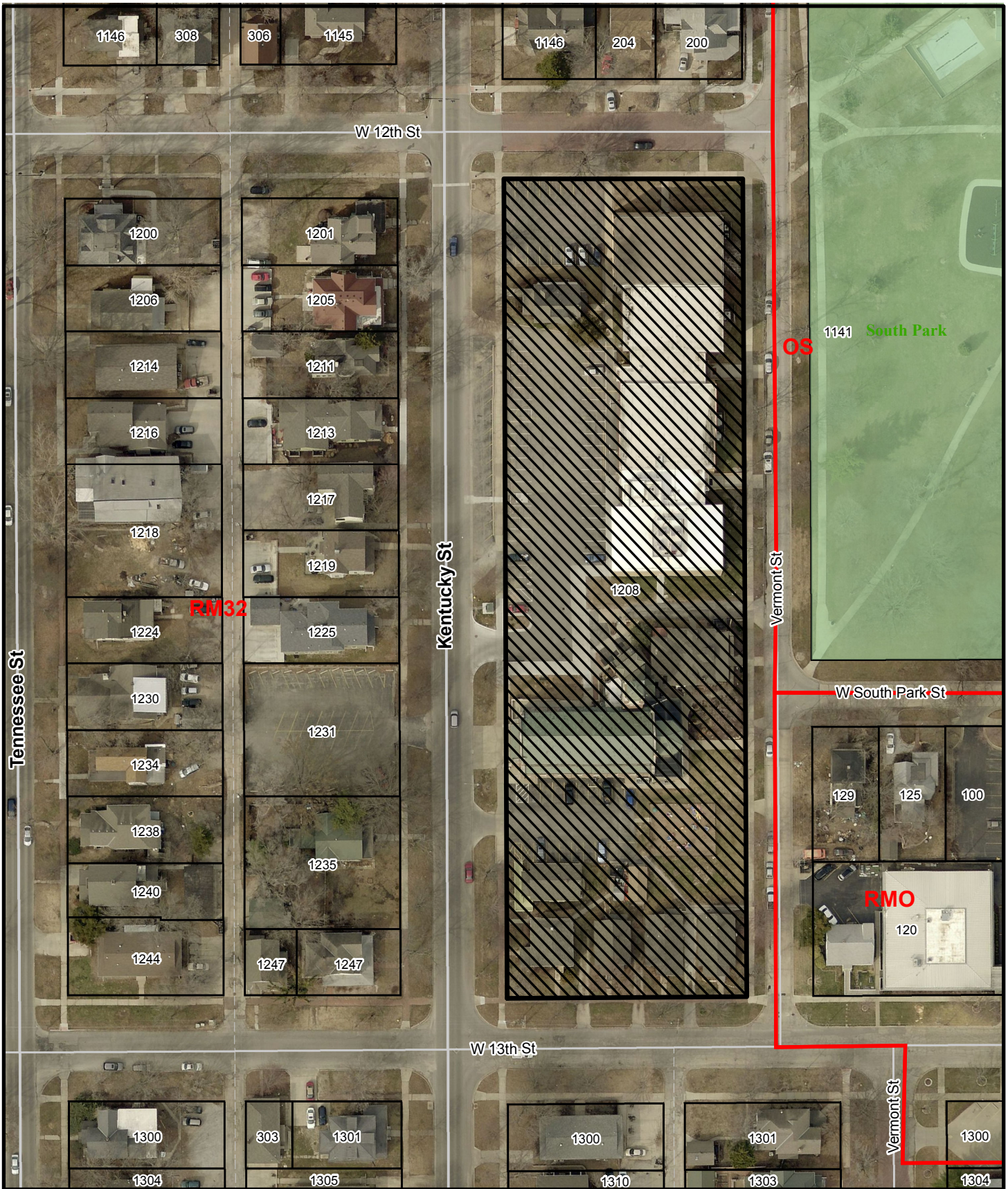
The reductions noted for surrounding properties are not a product of the Land Development Code or variances; instead it is derived from historic development patterns. Many of the houses in this area were constructed before Lawrence's first zoning code was adopted in 1927. Therefore, many of the structures which were and still are residential, were constructed with a slight setback that was not code driven. Similarly, St. John the Evangelist Catholic Church was constructed at effectively a zero foot setback to Kentucky Street, which was the common building practice for a religious institution at that time.

With the adoption of the Land Development Code in 2006, Section 20-602(e)(i) provided an average setback standard, which was intended to acknowledge this pre-zoning, historic development pattern. This standard allows for a reduction of the front setback requirement, "In any District where 35% or more of the Frontage on one side of a Street between two intersecting Streets is improved with Buildings whose Front Setbacks do not vary more than 15 feet from the required Front Setbacks of the Base District, any new Building erected may comply with the average Front Setback of the existing Buildings." While applying this method as prescribed would grant some reduction from the setbacks, it would not permit a zero lot-line setback as being requested, nor resolve the Vermont Street setback.

In staff's opinion, approvals of these variances are consistent with the general spirit and intent of the Land Development Code. While the RM32 base zoning is principally intended to create and maintain higher density housing opportunities within this portion of Lawrence, it also lists "Religion Assembly: Campus or Community Institutions" as a permitted use within this zoning district. When evaluated in the spatial and development context of this site, the requested variances are consistent with the Land Development Code.

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 requested variances to reduce the 25 foot minimum front setback requirement to a minimum of zero feet along Kentucky Street and a minimum 10.9 feet setback along Vermont Street.



B-16-00281: Variances from the Front Yard and Rear Yard Building Setbacks for Building Additions to St. John's Catholic Church and School; 1208 Kentucky Street

Lawrence Planning & Development Services Dept
July 14, 2016



Subject Property

Scale: 1 Inch = 100 Feet

VARIANCE FROM UNNECESSARY HARDSHIP BY THE BOARD OF ZONING APPEALS

Application Requirements

Please note, the application and application materials must be submitted in print and electronic format, on disc. If you are unable to provide the application materials in electronic format, please contact the Planning Office at 785-832-3150.

This checklist has been provided to assist you as you prepare your application. Submission of less information than necessary to adequately review and process your application may delay the review process. Planning Staff will determine the completeness, accuracy, and sufficiency of the application within five (5) business days of submission. Incomplete applications will be returned to the applicant.

Pre-Application Meeting

- ☐ 1. 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 form.
- ☐ 2. Payment of review fee. (\$30, residential; \$60, other) (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 in print and electronic (Microsoft Word) formats.
- ☐ 2. A list certified by the County Clerk of all property owners within the notification area (200 feet) of the subject property.
- ☐ 3. Ownership List Certification form.

Other Requirements

- ☐ 1. Plot plan illustrating the requested variances and proposed development.
- a. Submit 2 paper copies and 1 copy in electronic format (TIF or PDF).
 - b. If larger than 8.5 " x 11", fold all plans with the image side out.
 - c. Additional plans and an 11" x 17" reduction (if larger than 8.5 " x 11") may be requested prior to completion.



APPLICATION FOR VARIANCE FROM UNNECESSARY HARDSHIP

OWNER INFORMATION

Name(s) Roman Catholic Archdiocese of Kansas City
Contact Leon Roberts
Address 12615 Parallel Parkway
City Kansas City State KS ZIP 66901
Phone (913) 721-1570 Fax (913) 721-1577
E-mail lroberts@archkck.org Mobile/Pager ()

APPLICANT/AGENT INFORMATION

Contact Dan Sabatini
Company Sabatini Architects
Address 730 New Hampshire Street, Suite 233
City Lawrence State KS ZIP 66044
Phone (785) 331-3399 Fax (785) 331-0846
E-mail dsabatini@sabatiniarchitects.com Mobile/Pager (785) 550-6564
Pre-Application Meeting Date July 2, 2015 Planner Sheila Stogsdill

PROPERTY INFORMATION

Present Zoning District RM32 Present Land Use Church, School and Offices
Proposed Land Use Church, School and Offices
Legal Description (*may be attached*) Lot 1, Block 1, Saint John Catholic Church
Address of Property 1208 Kentucky
Total Site Area 2.55 Acres
Number and Description of Existing Improvements or Structures 1 church, 1 school, and
6 offices, accessory structures



Description of variance requested:

The variance requested is from the front yard setback on two structures. One structure is a new gymnasium for the school. The second structure is the parish office expansion which includes the relocation of an existing structure.

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 existing property has been used for a church and school for numerous years. The property is bound on all sides by street right-of-ways so increasing the size of the property is not an option.

St. John School has strived to provide quality comprehensive education, and that requires modernization of their facilities from time to time. Providing a gymnasium facility is an essential part of modernizing the quality of existing facilities providing space for audience seating, an accessible entry near the gym and standard sized sport courts to support competition basketball and volleyball sporting events. The property has limited space for the proposed facilities. While the variance request is in part created by the actions of the owner, it is critical to their ongoing ability to provide quality facilities and educational experiences for students. Vacating the existing gym will provide much needed additional space for theater and music classes and performances.

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

Granting of this variance would not affect the rights of adjacent property owners as the entire property abuts street right-of-way on all sides. Encroachment would not effect the views to adjacent properties with the existing wide right-of-ways. For the gymnasium encroachment, the next closest homes to the north of 12th St. and east of Kentucky encroach on the front yard setback by approximately 15'. For the relocated convent, the property directly across the street is South Park with no structures near. Placement of the convent follows the residential pattern established along the west and south edges of South Park, and encroachment on the setback along the east property line was established with a previous Classroom Addition.



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:

Strict adherence to the front yard setback requirement would not allow for the existing convent house to be relocated and reused, nor would construction of the gymnasium building be possible.

Redevelopment of the site would not be possible without the requested variance. The compact nature of the property creates hardship for the construction of the proposed facility.

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

The owner believes that granting the reduction in front yard setback would not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare. Pedestrian and vehicular access is provided around the site and to the adjacent streets and residential neighborhoods. The owner believes that granting the reduction in front yard setback would not effect the safety of the traveling public nor obscure the view of nearby residents.



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

Granting of the variance would not be opposed to the general spirit and intent of the development code. There are numerous reductions in front yard setback within the surrounding properties and the code addresses compatibility with adjacent properties.

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 _____

STAFF USE ONLY

Application No. _____

Date Received _____

BZA Date _____

Fee \$ _____

Date Fee Paid _____



OWNER AUTHORIZATION

I/WE _____, hereby referred to as the "Undersigned", being of lawful age, do hereby on this _____ day of _____, 20 __, 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

Owner

STATE OF KANSAS
COUNTY OF DOUGLAS

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

by _____.

My Commission Expires:

Notary Public



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

7-8-16

Date

J. Dean Grob

Printed Name



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/>

Note to Applicant:

Replace this page with "Exhibit A, Legal Description".

Lot 1, Block 1, Saint John Catholic Church



VARIANCE
Unnecessary Hardship or Flood Protection Regulations

DETERMINATION OF COMPLETENESS, ACCURACY, AND SUFFICIENCY
(Completed by Staff)

The following items apply to variance applications. Submission of less information than necessary to adequately review and process your application may delay the review process. The following submittal requirements will be deemed: (P)provided or (NP)not provided. (Circled items have not been reviewed due to time constraints.)

Pre-Application Meeting

P NP

- ☐ ☐ 1. 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

- ☐ ☐ 2. A complete application form.
- ☐ ☐ 3. Payment of review fee.
- ☐ ☐ 4. Owner Authorization form if applicant is not the legal owner of the property.

Requirements for Public Notification of the Public Hearing

- ☐ ☐ 5. Legal description of the property in print and electronic (Microsoft Word) formats.
- ☐ ☐ 6. A list certified by the County Clerk of all property owners within the notification area of the subject property.
- ☐ ☐ 7. Ownership List Certification form.

Other Requirements

- ☐ ☐ 8. Plot plan illustrating the requested variances and proposed development.
 - a. Submit 2 copies (in print form) and an electronic copy of the entire application.
 - b. If larger than 8.5 " x 11", fold all plans with the image side out.
 - c. Additional plans and an 11" x 17" reduction (if larger than 8.5 " x 11") may be requested prior to completion.



Determination of Completeness, Accuracy, and Sufficiency

I have reviewed the variance application submitted by:

Name: _____ Date: _____

Application No. _____

Based upon the submitted information, I find the application to be:

- ☐ Complete (based upon the items reviewed)
- ☐ Incomplete, inaccurate, or insufficient (circle) for the following reasons:
 - ☐ The application or plan contains one or more significant inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards.
 - ☐ The application contains multiple minor inaccuracies or omissions that hinder timely or competent evaluation of the plan's/application's compliance with Development Code standards.
 - ☐ Other

Planner

Date

- (1) Resubmit by _____ to be placed on the agenda for the Board of Zoning Appeals meeting on _____. (All resubmitted materials must be deemed to be complete, accurate, and sufficient.)



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 20-1308: 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.



**APPROVAL AND EXTENSION TIME PERIOD
LAND DEVELOPMENT CODE
ARTICLE 13**

No action by the City shall be necessary to cause the approval to expire. Its expiration shall be considered a condition of the original approval.

SITE PLANS:

[Section 20-1305(o)(1)]

Approval time period -- Building permit must be obtained within **24 months** of final approval of the site plan or the approval shall expire.

Extension -- Extension of **up to 24 months** may be approved by City Commission for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.

SPECIAL USE PERMITS:

[Section 20-1306(k)]

Approval time period -- Building permit must be obtained within **24 months** of the effective date of the decision on the Special Use or the approval shall expire.

Extension -- Extension of **up to 24 months** may be approved by City Commission for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.

PRELIMINARY DEVELOPMENT PLAN:

[Section 20-1304(d)(12)]

Approval time period -- Application for a final development plan must be submitted within **24 months** after final approval of the preliminary development plan or within 6 months after the date shown on an approved development schedule or the approval shall expire.

Extension -- Extension of **up to 24 months** or the proposed phasing schedule may be modified to extend all dates by a period up to **one-half the original period allowed for development of that phase** may be approved by City Commission for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.

FINAL DEVELOPMENT PLAN

[Section 20-1304(e)(2)(vii)]

Approval time period -- A building permit must be obtained within **24 months** after the final approval of the Final Development Plan or the approval shall expire.

Extension -- Extension of **up to 24 months** or the proposed phasing schedule may be modified to extend all dates by a period up to **one-half the original period allowed for development of that phase** may be approved by City Commission for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.



INSTITUTIONAL DEVELOPMENT PLAN

[Section 20-1308(g)]

Approval time period -- A building permit must be obtained within **24 months** after the final approval of the Institutional Development Plan or the approval shall expire.

Extension -- Extension of **up to 24 months** may be approved by the City Commission for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.

ZONING VARIANCES

[Section 20-1309(k)]

Approval time period -- A building permit must be obtained within **24 months** after the variance has been granted or the variance will expire. The variance will also expire upon expiration of a building permit.

Extension -- Extension of up to **24 months** may be approved by the Board of Zoning Appeals for good cause shown if written request is made by letter to the Planning Director before the expiration date. Additional extensions may be requested, if necessary.

APPROVAL AND EXTENSION TIME PERIOD SUBDIVISION REGULATIONS

PRELIMINARY PLAT*

[Section 20-809(j)]

Approval time period -- A final plat must be submitted within **18 months** of the date approval of the preliminary plat was granted or by any application due date as shown on an approved phasing schedule or the approval of the preliminary plat shall expire.

Extension -- An extension of **up to one additional year** may be granted by the Planning Commission if the cause of failure to submit a final plat is beyond the subdivider's control.

- * Per Section 20-1304(10) of the Development Code, approval of a Preliminary Development Plan constitutes approval of a preliminary plat. In the case of properties that were platted with a Preliminary Development Plan, the approval and extension dates of the Preliminary Development Plan shall apply. In other words, a final plat must be submitted within **24 months** after the approval of a Preliminary Development Plan, for properties that were platted with a Preliminary Development Plan. The City Commission may approve an extension for **up to 24 months**, for good cause shown if a written request is provided to the Planning Director prior to the expiration date. Additional extensions may be requested, if necessary.

FINAL PLAT

[Section 20-809(n)(5)]

Approval of a Final Plat shall be effective for no more than 18 months from the date of approval unless all conditions of approval have been completed.

